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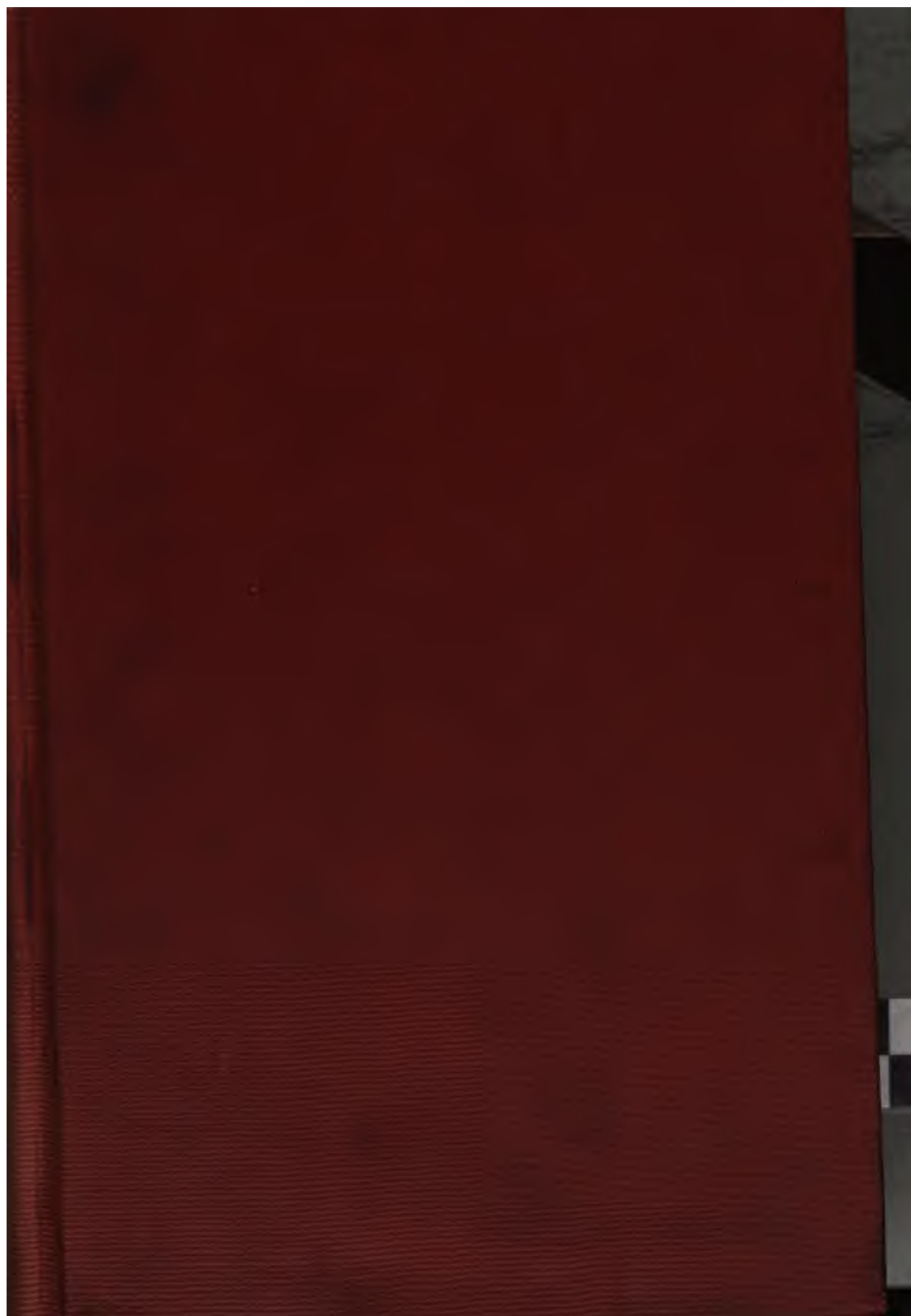
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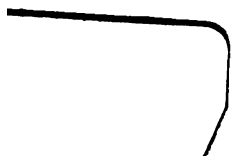
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SENATOR FROM ILLINOIS

PROCEEDINGS

BEFORE A

COMMITTEE OF THE UNITED STATES SENATE

COMPOSED OF

SENATORS DILLINGHAM (CHAIRMAN), GAMBLE, JONES,
KENYON, JOHNSTON, FLETCHER, KERN, AND LEA

DIRECTED, UNDER A RESOLUTION OF THE SENATE OF
JUNE 7, 1911, TO INVESTIGATE WHETHER COR-
RUPT METHODS AND PRACTICES WERE EM-
PLOYED IN THE ELECTION OF WILLIAM
LORIMER AS A SENATOR OF THE
UNITED STATES FROM THE
STATE OF ILLINOIS

PART IV

WASHINGTON
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SENATOR FROM ILLINOIS.

THURSDAY, JULY 13, 1911.

SENATE OFFICE BUILDING,
WASHINGTON, D. C.

The committee met at 11 o'clock a. m.

Present: Senators Dillingham (chairman), Gamble, Jones, Kenyon, Johnston, Fletcher, and Kern. Also, Mr. John H. Marble, and Mr. John J. Healy, Mr. William J. Hynes, Mr. Elbridge Hanecy, and Mr. Edgar Farrar.

Mr. HEALY. Shall we proceed, Mr. Chairman?

The CHAIRMAN. You may proceed.

TESTIMONY OF CHARLES SAMUEL DENEEN.

CHARLES SAMUEL DENEEN being duly sworn, was examined and testified as follows:

Mr. HEALY. Will you give the committee you full name, please?

Mr. DENEEN. Charles Samuel Deneen.

Mr. HEALY. Where do you reside?

Mr. DENEEN. Springfield, Ill.

Mr. HEALY. How long has that been your home?

Mr. DENEEN. Seven years, I think—six years and a half.

Mr. HEALY. And you occupy at the present time the position of governor of the State of Illinois?

Mr. DENEEN. Yes, sir.

Mr. HEALY. How long have you filled that position?

Mr. DENEEN. About six years and six months.

Mr. HEALY. You are now in your second term?

Mr. DENEEN. In my second term; yes, sir.

Mr. HEALY. Will you state to the committee briefly, Governor, your political history—the public positions, if any, that you have occupied?

Mr. DENEEN. I was State's attorney in Cook County, Ill., for two terms, from 1896 to 1904, and was once attorney for the sanitary district of Chicago a short time, and once a member of the house of representatives or general assembly.

Mr. HEALY. When did you occupy the position of member of the house of representatives?

Mr. DENEEN. I was elected in 1892 and served one term, in 1893.

Mr. HEALY. You attended, then, for one session?

Mr. DENEEN. For one session only.

Mr. HEALY. And when were you elected governor?

Mr. DENEEN. In 1904.

Mr. HEALY. Calling your attention to that contest, Governor, were there other candidates before the people of the State?

Mr. DENEEN. Several—five or six or seven.

Mr. HEALY. Who were the other candidates?

Mr. DENEEN. Gov. Yates, Col. Lowden, Gen. Hamlin, Gov. Sherman, Congressman Warner, and Mr. Pierce. I think those were all.

Mr. HEALY. Gov. Yates had filled the position of governor prior to that time?

Mr. DENEEN. One term. He was then governor.

Mr. HEALY. He was then a candidate to succeed himself?

Mr. DENEEN. Yes.

Mr. HEALY. The convention in which you were nominated was one which occupied some considerable time, was it not?

Mr. DENEEN. Several weeks.

Mr. HEALY. The different candidates had their respective followings, and none, for a considerable time, secured a majority of the delegates in the convention?

Mr. DENEEN. They were in session over three weeks, and, I think, possibly four.

Mr. HEALY. Will you tell the committee briefly, Governor, how it was that you were nominated at that time?

Mr. DENEEN. You mean the elements that supported me?

Mr. HEALY. Yes.

Mr. DENEEN. The element which supported Gov. Yates, a large part of it, and that which supported Gen. Hamlin, and that which supported Gov. Sherman united in nominating me.

Mr. HEALY. How was that brought about?

Mr. DENEEN. We met and discussed the matter on the morning of the nomination.

Mr. HEALY. Who were present at that discussion?

Mr. DENEEN. Gov. Yates and Gen. Hamlin and Gen. Sherman and Mr. Peirce and Mr. James Reddick. There were several others, but I do not recall them.

Mr. HEALY. How was that meeting arranged?

Mr. DENEEN. By Gov. Yates.

Mr. HEALY. And what was the general discussion at that conference or meeting?

Mr. DENEEN. In reference to nominating a ticket; the candidates to be nominated were discussed.

Mr. HEALY. What induced Gov. Yates to abandon his candidacy and to aid yours, if you know?

Mr. DENEEN. That is a matter of opinion. I was informed that on the night preceding he had been notified by Senator Hopkins and some others that they would no longer support him, and it was plain that his forces were disintegrating, and he then discussed the matter with me.

Mr. HEALY. And was it at that meeting that he agreed to support your candidacy?

Mr. DENEEN. He and I talked the matter over early in the morning, about 2 o'clock, I think.

Mr. HEALY. Did you send for him or did he send for you?

Mr. DENEEN. He sent for me.

Mr. HEALY. What was the discussion that you and he had?

Mr. DENEEN. In reference to the possibility of holding his forces together, and also the condition of our forces.

Mr. HEALY. What, generally, was said?

Mr. DENEEN. He informed me that he felt that he could not go another day without having his forces disintegrate.

Mr. HEALY. Did you make any sort of an arrangement, a political arrangement of any kind, or an alliance as a result of the support which Gov. Yates gave you at that time?

Mr. DENEEN. I can tell you, in substance, the general run of the conversation, if you wish it.

Mr. HEALY. Tell us the story.

Mr. DENEEN. Gov. Yates discussed his matter and I discussed mine, and it led up to this position: He stated that he had, or had had, about 500 delegates who were elected to support him, and who were supporting him. I think I had 382. There was a question whether or not the two forces could get together and organize the convention into a definite result, and later whether we could nominate the ticket.

Mr. HEALY. Was any other arrangement made?

Mr. DENEEN. No.

Mr. HEALY. Did you have any understanding or agreement with reference to your future political action?

Mr. DENEEN. Nothing except a general discussion regarding relations that would exist thereafter.

Mr. HEALY. What was that discussion?

Mr. DENEEN. The discussion was whether or not the forces which had supported me should cooperate with the forces which had supported him in working together in harmony thereafter.

Mr. HEALY. What was said about that?

Mr. DENEEN. A great deal was said. I suggested that we call in a number of the active leaders who were supporting me, and that he call in a number of the active leaders who had espoused his cause, and see whether we in fact could agree upon a program.

Mr. HEALY. What induced you to make that suggestion?

Mr. DENEEN. To get results, and finish the convention, and if possible by nominating myself.

Mr. HEALY. Was anything said at that time, Governor, with reference to the candidacy of Gov. Yates for the position of United States Senator?

Mr. DENEEN. I do not think it was mentioned; not to my recollection.

Mr. HEALY. Was it mentioned later?

Mr. DENEEN. Do you mean before the nomination?

Mr. HEALY. Yes.

Mr. DENEEN. I do not think it was mentioned until sometime later.

Mr. HEALY. About how long after your nomination for governor?

Mr. DENEEN. I can not tell. We had a general running discussion about the matter. The matter under discussion was whether or not the two forces could cooperate in working not only for the nomination but for the election also and in harmony thereafter; and the discussion ranged along the lines of the possibility of getting together elements which had been contesting against each other.

Mr. HEALY. Was the suggestion which you made to Gov. Yates, to call in some of your friends and he to call in some of his friends, acted upon in any way?

Mr. DENEEN. It was acted upon in this way, that the chairman of the Republican county committee of Cook County was invited by him, through me, to attend a caucus on the following day.

Mr. HEALY. Was there any agreement made between your forces and his which was to govern the future political action of your adherents and his?

Mr. DENEEN. You mean between the forces that I referred to?

Mr. HEALY. Yes.

Mr. DENEEN. They did not meet. My suggestion was not acted upon.

Mr. HEALY. What agreement, if any, did you and Gov. Yates make in that respect?

Mr. DENEEN. The discussion ran along the line of my inviting the leaders who had supported me and he those who had supported him, to get them to work in harmony thereafter as a political organization.

Mr. HEALY. Were those discussions had on the respective sides, so far as you know?

Mr. DENEEN. He and I had the discussion, and I discussed it with a few of those who had been active in my support. I do not know what he did, but it resulted in his requesting me to have the chairman of the county committee attend the conference.

Mr. HEALY. Did you ever suggest to Gov. Yates that he should call in 20 men and you should call in 20 men to act as witnesses to a political compact of some sort which had been entered into?

Mr. DENEEN. No; I do not recall any. I suggested calling in the active, responsible leaders of the party who had supported me. I do not recall that any number was mentioned. I think that was rather a large number.

Mr. HEALY. Were you in a position at that time to deliver to those leaders that future political alliance?

Mr. DENEEN. No; not at all; except whatever force my advice might have.

Mr. HEALY. Did you attempt to do that?

Mr. DENEEN. Do you mean later?

Mr. HEALY. Then or later.

Mr. DENEEN. I discussed the matter at that time, I think—we two men—if I recollect.

Mr. HEALY. Was the action of Gov. Yates in lending or giving his support to your gubernatorial candidacy conditioned in any way upon your future position, so far as his ambition to go to the United States Senate was concerned?

Mr. DENEEN. Not at all, in so far as any statements were made by me.

Mr. HEALY. Was anything of that sort said in your presence by anybody else?

Mr. DENEEN. Not at all.

Mr. HEALY. Was any argument of that kind made?

Mr. DENEEN. None was made.

Mr. HEALY. Was such an arrangement made later?

Mr. DENEEN. No. We supported Gov. Yates thereafter, and those who were directly connected with me did. Some who supported me did not.

Mr. HEALY. Was the support which you gave Gov. Yates later induced in any way by his action in that State convention which nominated you?

Mr. DENEEN. Well, I felt friendly to him because of the support he had given me.

Mr. HEALY. You subsequently supported his candidacy?

Mr. DENEEN. For Senator.

Mr. HEALY. Generally, throughout the State?

Mr. DENEEN. My friends did; yes.

Mr. HEALY. During that candidacy, or at any time thereafter, did any political feeling arise between you and Gov. Yates?

Mr. DENEEN. You mean during his candidacy?

Mr. HEALY. For United States Senator.

Mr. DENEEN. Well, I do not know about that. I have read his testimony, and he seemed to have had some considerable feeling, but it was not manifest at that time.

Mr. HEALY. When, for the first time, did you ascertain that he possessed any feeling, so far as you were concerned?

Mr. DENEEN. I could not tell the time; in some interviews or speeches that he made. I could not tell the time.

Mr. HEALY. Interviews in the public press?

Mr. DENEEN. In the public press.

Mr. HEALY. Did he have any interviews or talks with you in which he indicated his feelings?

Mr. DENEEN. We had a number of conferences together during the campaign. There was no feeling indicated to me, no indication of ill feeling by him. There was discussion in reference to the methods of conducting his campaign.

Mr. HEALY. Advising with each other as to how his campaign should be conducted?

Mr. DENEEN. As to how his campaign should be conducted.

Mr. HEALY. Did you have any interviews or conferences with him subsequently, in which he indicated any ill feeling toward you or your friends?

Mr. DENEEN. Not at all.

Mr. HEALY. Did he ever come to your office in the city of Springfield, the governor's office, and there inform you that you had not dealt fairly with him; that you had deceived him?

Mr. DENEEN. No, sir; not at all. He never made such a statement to me.

Mr. HEALY. Did he ever question your veracity in any way?

Mr. DENEEN. Never in the world; not to me. I do not know about others.

Mr. HEALY. You have never seen a copy of the letter which he sent to Senator Lorimer?

Mr. DENEEN. No, sir.

Mr. HEALY. Did he elsewhere, other than at the office, ever tell you that you had deceived him?

Mr. DENEEN. Never. Our relations have been pleasant so far as I know. When we have been together there has never been any indication of ill will. There have been plenty of indications outside of personal relations.

Mr. HEALY. Gov. Yates did not succeed in his Senatorial ambition at that time?

Mr. DENEEN. No, sir.

Mr. HEALY. Coming down to the election of November, 1908, you were a candidate to succeed yourself in that election?

Mr. DENEEN. I was.

Mr. HEALY. And you were elected?

Mr. DENEEN. Yes.

Mr. HEALY. That election was preceded by a warm primary fight, was it not?

Mr. DENEEN. It was.

Mr. HEALY. In which more or less bitterness existed?

Mr. DENEEN. Rather a long primary contest.

Mr. HEALY. After the election of November, 1908, what, if anything, did you do toward the organization of the house and senate of Illinois?

Mr. DENEEN. I advised those who had supported me, and who were termed platform Republicans, to get together and agree among themselves in reference to a candidate for speaker of the lower house.

Mr. HEALY. Did you indicate in any way whom their choice should be?

Mr. DENEEN. No; there were about 10, I think, friendly to me, who were candidates.

Mr. HEALY. In that suggestion were you opposed to the candidacy of any man who was then a candidate for speaker?

Mr. DENEEN. Do you mean who was a candidate among the 10, or otherwise?

Mr. HEALY. Otherwise.

Mr. DENEEN. I was opposed to Mr. Shurtleff, who was a candidate.

Mr. HEALY. When was Mr. Shurtleff's candidacy for the speakership announced?

Mr. DENEEN. I do not recall the time. I think it was understood when he was a candidate for election that he would be a candidate for speaker in the event that he was elected. It was understood that if elected he would be a candidate.

Mr. HEALY. When did you understand or learn that he was an active candidate for that position, after the election of November, 1908?

Mr. DENEEN. I could not state the time. When he announced his candidacy for member of the house of representatives, it was plain he would be a candidate for speaker. I think that was assumed by everybody.

Mr. HEALY. Did you or your friends do anything at that time to effect the election of a particular candidate to that position?

Mr. DENEEN. No. I advised the members who were friendly to me to get together in a conference and agree among themselves as to their choice.

Mr. HEALY. Was such a conference held?

Mr. DENEEN. I think they had several.

Mr. HEALY. Do you know how many of the Republican members of the Illinois House participated in that conference?

Mr. DENEEN. My recollection is that there were 6, and then later, in the caucus, 54 or 56 attended, but I am not sure that I remember it accurately.

Mr. HEALY. Do you recall the number of Republican members in the Illinois House at that time?

Mr. DENEEN. I think there were 89.

Mr. HEALY. Did a considerable number of those members meet in caucus on the speakership question?

Mr. DENEEN. I think there were 54 or 56 who met. I do not recall accurately. The matter can be verified easily enough.

Mr. HEALY. What was the result of that caucus?

Mr. DENEEN. The caucus met in the supreme court room, balloted in secret, and agreed upon Mr. Edward King as their choice for speaker.

Mr. HEALY. You did not attend that conference?

Mr. DENEEN. No.

Mr. HEALY. Was it attended by any others than members of the House?

Mr. DENEEN. I think not. That was the general statement, that it was not. I think there was nobody but members present.

Mr. HEALY. From what part of the State did Mr. King come?

Mr. DENEEN. Galesburg.

Mr. HEALY. After the caucus which decided upon the selection of Mr. King, what, if anything, developed in the speakership fight?

Mr. DENEEN. The next day the speaker was elected. Mr. Shurtleff was elected speaker.

Mr. HEALY. Was he a candidate, so far as you know, before the caucus?

Mr. DENEEN. I have been informed that he did not attend the caucus.

Mr. HEALY. Do you know whether any of the men who attended the caucus which decided upon the selection of Mr. King supported the candidacy of Mr. Shurtleff for the position of speaker of the house?

Mr. DENEEN. I think not.

Mr. HEALY. Do you recollect how many Republican members of the house voted for Mr. Shurtleff on that occasion?

Mr. DENEEN. Twenty-five.

Mr. HEALY. And the others voted for whom?

Mr. DENEEN. For Mr. King, I think, largely; and I think Mr. Troyer received 5 votes, and probably Mr. Kleman 1. I do not recall. He was a candidate, I think.

Mr. HEALY. Mr. Troyer received 5 votes?

Mr. DENEEN. That is my recollection.

Mr. HEALY. And Mr. Kleman 1?

Mr. DENEEN. I am not sure of that, but I think he received 1.

Mr. HEALY. And Mr. King received the caucus vote?

Mr. DENEEN. The caucus vote.

Mr. HEALY. Who besides the 25 Republican members of the house aided or voted for Shurtleff for speaker?

Mr. DENEEN. The 60 Democrats out of the 64 in the house voted for him.

Mr. HEALY. Do you know how that was arranged or brought about?

Mr. DENEEN. No; I could not tell you. I was not consulted about it; I do not know.

Mr. HEALY. You say you opposed the candidacy of Mr. Shurtleff?

Mr. DENEEN. Yes.

Mr. HEALY. Why?

Mr. DENEEN. I felt that he and his friends were banded together to prevent our putting into the statutes the policies that had been advocated in our platform, and also because he was very strongly opposed to me and my administration.

Mr. HEALY. Had he been your political supporter prior to that time.

Mr. DENEEN. You mean in our political contests?

Mr. HEALY. Yes.

Mr. DENEEN. No; I think not. In fact, I did not know Mr. Shurtleff when I had my first contest. I do not think we had ever met. We may have met, but it would be casually if we did.

Mr. HEALY. Had he occupied the position of speaker prior to 1909?

Mr. DENEEN. He was speaker in 1905 and again in 1907.

Mr. HEALY. Had you aided his candidacy on either of those occasions?

Mr. DENEEN. I was friendly to his candidacy; yes, sir.

Mr. HEALY. Was there any opposition to his candidacy in 1905 and 1907?

Mr. DENEEN. There was in 1905, and I do not recall the opposition in 1907. If there was opposition in 1907, I think it was in the caucus.

Mr. HEALY. When did the political opposition of Mr. Shurtleff to you and your friends develop?

Mr. DENEEN. In the session of 1907.

Mr. HEALY. Do you know what brought that about? So far as you know has he ever indicated in any public way why he was opposed to you or your friends?

Mr. DENEEN. No, sir; he never indicated to me, nor have I heard why he was opposed to me. I have made inquiry in that regard and never elicited any information.

Senator KERN. What were the measures of your administration that he opposed in 1907?

Mr. DENEEN. In 1907 I made the race on a primary law and a civil-service law for the State charitable and penal institutions, and opposition to collecting a percentage of the salaries to form a fund to conduct political campaigns. I think he was more opposed to the primary law than to the others. He and I disagreed in reference to primary legislation, although he supported in the first session the bill that we had; but he did that more out of consideration for me than, I think, from his judgment in reference to the merits of the bill—I so gathered from his talk.

Mr. HEALY. Prior to the time you were elected governor, was there any general primary law on the statute books of Illinois?

Mr. DENEEN. Not a general one.

Mr. HEALY. Was there any law on that subject?

Mr. DENEEN. There was a law that affected Cook County, and I think one or two others. It was an optional law.

Mr. HEALY. How was the balance of the State governed so far as the conduct of political primaries was concerned?

Mr. DENEEN. By the rules adopted by the various county committees.

Mr. HEALY. No obligation or law on the subject?

Mr. DENEEN. No—usage and the judgment of the majority.

Mr. HEALY. Now, do you recall when it was that Mr. Shurtleff was elected speaker?

Mr. DENEEN. He was elected in January, 1905; January, 1907; and on January 6, 1909. The last time was on the 6th of January.

Mr. HEALY. And that was at the legislative session which subsequently elected Senator Lorimer?

Mr. DENEEN. It was; yes.

Mr. HEALY. Now, coming to the senatorial contest which was waged before that legislative session, what position did you and your friends occupy with reference to the candidacy of any of the men who were before the Illinois Legislature seeking the position?

Mr. DENEEN. Our friends had been in control, I think, or we were in the majority, of the State convention that indorsed the result of the primary vote in the platform and favored Senator Hopkins.

Mr. HEALY. Did you personally favor his candidacy?

Mr. DENEEN. I favored it; yes, sir.

Mr. HEALY. What, in a general way, did you do to promote it?

Mr. DENEEN. I advised the holding of a caucus immediately after the convening of the general assembly in reference to settling the party matters.

Mr. HEALY. How was that brought about—the caucus of which you just spoke?

Mr. DENEEN. I advised, of course, holding a caucus in the first instance for speaker. There was a feeling among a certain number of men that they should have a conference, and others that they should have none. It resulted in a caucus, and I have told you about that and its being in favor of Mr. King. Then, after Mr. Shurtleff was elected I requested the State committee to have a meeting at Springfield and adopt a resolution setting forth the views of the State committee in reference to the means which the Republicans should adopt, to be followed, to carry out their platform, and to control, because they were in the majority. Then I advised the holding of a caucus in reference to the senatorial matter itself.

Mr. HEALY. What did you advise in that respect?

Mr. DENEEN. That a caucus be held and the differences be adjusted there. There was a large number of men who felt that because they had been instructed for Mr. Foss by the people in their various senatorial districts, therefore they were bound to follow the instructions of the district rather than the instructions of the State, and others felt that the instructions by the Republicans of the State at large should be followed. I advised holding a caucus and letting those who felt they should follow their districts vote in the caucus for Mr. Foss, and then, having voted, to unite thereafter by following the majority.

Mr. HEALY. Where was it that you advocated the holding of such a caucus?

Mr. DENEEN. At Springfield.

Mr. HEALY. Before what assembly or body or meeting?

Mr. DENEEN. Oh, the matter of a general Republican caucus was discussed in a State committee meeting, I think it was, on the 12 of January, 1909.

Mr. HEALY. And who comprised the membership of that meeting?

Mr. DENEEN. One committeeman from each congressional district in the State—25.

Mr. HEALY. What was the result of the action of that meeting?

Mr. DENEEN. A resolution was finally adopted.

Mr. HEALY. Have you a copy of that resolution?

Mr. DENEEN. I have it here.

Mr. HEALY. Was that a resolution presented by you?

Mr. DENEEN. I prepared it; yes.

Mr. HEALY. Did you personally present it?

Mr. DENEEN. Yes; I presented it. I attended the meeting.

Mr. HEALY. Is that a long resolution?

Mr. DENEEN. It is a short one.

Mr. HEALY. Will you read it, please?

Mr. DENEEN. This resolution was introduced by me at a meeting of the State committee on January 12, and is as follows:

Whereas after the general election of November 3, 1908, there were in the general assembly 38 Republican senators out of a total of 51 members of the senate, and 89 Republican representatives of the 153 members of the house of representatives, giving the Republican Party a majority in each branch of the general assembly; and

Whereas the Republican Party was charged by reason of these majorities with the responsibility of legislation in our State for the ensuing two years; and

Whereas the Republican Party can meet these responsibilities only through the joint action of each member; and

Whereas legislation regarding matters to which the party is committed and for which it is responsible can be accomplished only through the appointment and control of the committees in the house and senate, on which the Republican Party should have a majority representation; and

Whereas a Republican caucus was called by the chairman of this committee to meet in the old supreme court room at the statehouse on Tuesday, the 5th day of January, 1909, a notice of which was sent to each Republican member of the house of representatives, and 31 members of the house of representatives refused to enter or refrained from entering such caucus, and refused to abide by the action of the caucus: Therefore be it

Resolved, That we, the State central committee of the Republican Party of Illinois, recognizing this committee as the organized agent of the party, through which only it can act, request all Republican members of the general assembly to meet in caucus for the purpose of reconciling party differences, framing a program regarding party matters, and determining upon the course of the party in such matters by a majority vote, and to abide by the same.

Mr. HEALY. And that resolution, you say, was adopted?

Mr. DENEEN. Finally adopted; yes.

Mr. HEALY. Was there any opposition to it?

Mr. DENEEN. Yes; a very considerable.

Mr. HEALY. Who opposed it?

Mr. DENEEN. The matter was under discussion, I think, from 10 o'clock in the morning until 5 or 6 o'clock in the afternoon. It was a long session. Do you wish me to give you the names of those who opposed it?

Mr. HEALY. Yes.

Mr. DENEEN. Well, it was discussed by the former mayor of Chicago, Mr. Busse; the postmaster of Chicago, Mr. Campbell.

Mr. HEALY. And what was their position?

Mr. DENEEN. They were either State committeemen or held proxies of State committeemen—Col. Frank Smith, of Livingston County, Ill.; Mr. Crowley, from the Freeport district; Mr. Reeves, the former Congressman; and a number of others besides myself.

Mr. HEALY. What attitude did those men occupy with reference to the resolution? Were they friendly to it or opposed to it?

Mr. DENEEN. Most of them were opposed to the resolution. They felt that the committee should not act—should take no action at all.

Mr. HEALY. Had the men whom you have named taken any position on the senatorial question?

Mr. DENEEN. Well, I assume they had.

Mr. HEALY. Whose senatorial candidacy were they aiding at that time?

Mr. DENEEN. All of them, I think, were aiding Senator Hopkins.

Mr. HEALY. All of the men whom you have named?

Mr. DENEEN. I think so—all of them.

Mr. HEALY. Then I assume from that that Senator Hopkins and his friends were opposed to the adoption of that resolution?

Mr. DENEEN. I would not say that was so, but those who were there were opposed to it.

Mr. HEALY. Upon what grounds did they base their opposition?

Mr. DENEEN. The argument that the State committee should not interfere and should allow matters to take their course there in the general assembly without advice from the State committee.

Mr. HEALY. And the result of the adoption of that resolution by the State committee was an attempt made subsequently to hold such a caucus as was indicated by the document you have just read?

Mr. DENEEN. No, sir; the committeemen were requested to notify the members of the house in their several districts; that is, the Republican members, and to ascertain whether any of those members would enter such a caucus and report back that evening at 8 o'clock. A number of us gathered at the place where they were to report, but they did not report, and there was no meeting held.

Mr. HEALY. And such a caucus was never held?

Mr. DENEEN. No, sir.

Mr. HEALY. Coming back for a moment to the caucus which declared itself in favor of the candidacy of Mr. King, were all of the Republican members of the house invited to participate in that caucus?

Mr. DENEEN. So I understand.

Mr. HEALY. Not only those who attended, but those who refrained from attending?

Mr. DENEEN. Yes, all; I am quite sure that was the fact.

Mr. HEALY. After this meeting of January 12, 1909, what, if anything, did you do with reference to the senatorial contest then being waged in the State?

Mr. DENEEN. Well, the matter ran on until Senator Lorimer was elected. The matter was discussed every day.

Mr. HEALY. What did you do in the interim, if anything?

Mr. DENEEN. Well, I do not quite catch the meaning of the question.

Mr. HEALY. Were you in the contest aiding or opposing the candidacy of any man?

Mr. DENEEN. I supported Mr. Hopkins.

Mr. HEALY. What were you doing in support of his candidacy?

Mr. DENEEN. I had very many discussions with a great many men. If you will direct my attention to any specific matter, I think it will help. It was generally talked. It would require going through the whole matter.

Mr. HEALY. I want you to give the committee a general idea of what you did in aid of Mr. Hopkins's candidacy?

Mr. DENEEN. There were two matters running along together in our legislature that excited a great deal of controversy and difference. One was the unseating of myself as governor, a contest waged upon me, which continued until March 17, and the other was this matter of the senatorship. They ran along together and were discussed together.

Mr. HEALY. When was the contest against you filed?

Mr. DENEEN. It was filed on the 12th or 13th of January.

Mr. HEALY. Filed by your Democratic opponents in the election?

Mr. DENEEN. By Gen. Adlai Stevenson; yes.

Mr. HEALY. What were the grounds of that contest?

Mr. DENEEN. There were three. First, that men who were not naturalized citizens of the United States or of the State of Illinois voted for me in every county in the State; second, that men who were not citizens of the State of Illinois voted for me in every county of our State; and, third, that votes that were cast for Gen. Stevenson were counted for me in every county of the State and every precinct. It was a general charge that involved each precinct in the State.

Mr. HEALY. By whom were those charges presented?

Mr. DENEEN. The petition was presented by Mr. Browne.

Mr. HEALY. Mr. Lee O'Neil Browne?

Mr. DENEEN. Yes.

Mr. HEALY. He was then a member of the house?

Mr. DENEEN. Yes.

Mr. HEALY. A Democratic member?

Mr. DENEEN. Yes.

Mr. HEALY. What was done with those charges?

Mr. DENEEN. I do not recall exactly the stages of the development, but a committee was appointed finally. In fact, the contest arose before the petition was filed. The senate refused to meet the house for some time to canvass the vote for the governor and the State officers. Shall I go on?

Mr. HEALY. Yes; go on and state the matter briefly.

Mr. DENEEN. A number of my friends expected that Gen. Stevenson would be declared to be governor and place upon me the burden of making a contest. The presiding officer of the senate ruled that by reason of the provision of the constitution of our State the canvassing board is comprised of the two houses, not acting in joint session, but sitting in the same room, each a separate body. They had some difficulty there in determining whether or not they would dare meet, fearing that the speaker would declare it a joint session, where a contest could be filed only. An agreement was reached, finally, by which the ruling of the presiding officer of the senate was agreed upon—agreed to be followed; and the house and senate finally met and canvassed the returns. Then, later, I think the following day, the contest was filed, after the returns were canvassed.

Senator KERN. About what date was that, Governor?

Mr. DENEEN. I think the contest was filed on the 13th of January; and these meetings had occurred along on the 6th, 7th, 8th, or 9th, several days beforehand. I have memoranda here on that subject.

Senator KERN. The vote was finally canvassed about the 12th?

Mr. DENEEN. The 12th or 13th. I think it was the 12th or 13th, but I am not sure about that. I have memoranda from which I can *make it definite*.

Senator FLETCHER. Who was then the presiding officer of the senate?

Mr. DENEEN. The presiding officer was Gov. Sherman. Mr. Shurtleff was the presiding officer in the house.

Senator FLETCHER. The contest was finally settled when—in March?

Mr. DENEEN. The 17th or 18th of March, I think.

Mr. HEALY. How was it settled, Governor.

Mr. DENEEN. The committee ruled that the contestant would be required to file specifications and charges. They were not filed, and the contest was dismissed.

Mr. HEALY. What, if anything, did you do with reference to the contest?

Mr. DENEEN. I employed an attorney, and he attended to the case.

Mr. HEALY. Was there any suggestion by you or by your counsel with reference to counting the ballots for the purpose of ascertaining what the fact was?

Mr. DENEEN. Yes; I offered publicly to have the ballots counted if they could arrange to count them in time—if they had a sufficient number of men to count them within a reasonable time. I think we tendered that.

Mr. HEALY. You were in constant attendance, or substantially in constant attendance, during the senatorial deadlock in 1909 at Springfield, were you not?

Mr. DENEEN. I was there, I think, on practically all the legislative days.

Mr. HEALY. During that contest, did you meet Senator Lorimer at any time?

Mr. DENEEN. Quite often; yes, sir.

Mr. HEALY. When did you first meet him?

Mr. DENEEN. I met the Senator on the 13th of January.

Mr. HEALY. 1909?

Mr. DENEEN. 1909.

Mr. HEALY. When with reference to this meeting of the State central committee?

Mr. DENEEN. The day following.

Mr. HEALY. How was that meeting arranged?

Mr. DENEEN. I do not know exactly, except by hearsay, by information. Mr. West arranged it.

Mr. HEALY. What is your information with reference to how the meeting was arranged?

Mr. DENEEN. The matter was discussed between the Senator and Mr. West.

Senator KERN. What West? Roy West?

Mr. DENEEN. Mr. Roy O. West, the chairman of the State committee.

Mr. HEALY. What did Mr. West inform you with reference to how the meeting was arranged, who suggested it, or what was done along that line?

Mr. DENEEN. Mr. West asked me whether or not Mr. Lorimer's visit would be agreeable—whether it would be received favorably. I said it would; that he would be received agreeably; and he called. I have understood that the matter had been discussed for some considerable time before that between the two and others, such as Sena-

tor Curtis, Mr. Small, the Congressman, and other Senators—several others, I assume, but I do not recall; I only know it by the statements that have been made.

Mr. HEALY. Prior to that time your political relations with Senator Lorimer were unfriendly, I assume?

Mr. DENEEN. We had not been working together. Our personal relations—

Mr. HEALY. For how many years?

Mr. HANEY. Will you not finish your answer about the personal relations?

Mr. DENEEN. The personal relations were not unfriendly. We never quarreled.

Mr. HEALY. For about how many years?

Mr. DENEEN. I think the Senator opposed my renomination, and he opposed my first nomination. I think five or six years had elapsed when we had not been in conferences, as I recollect.

Mr. HEALY. Five or six years prior to this meeting of January, 1909?

Mr. DENEEN. Yes. Oh, we had met occasionally, but never except when we were thrown together with a number of people. I may be mistaken about that, but that is the best of my recollection.

Mr. HEALY. Before that time, Governor, what had been your political relations with Senator Lorimer?

Mr. DENEEN. We had been friendly.

Mr. HEALY. How long had those friendly relations continued?

Mr. DENEEN. I had a speaking acquaintance with the Senator, I think, as far back as 1891 or 1892; and our relations became friendly in 1894 or just preceding that—in 1894, I think, before he was nominated for Congress.

Mr. HEALY. And continued until when?

Mr. DENEEN. Until some time before I became a candidate for governor; I think two or three years, or two years.

Senator KERN. Did he support you in your contest for prosecuting attorney?

Mr. DENEEN. Yes; he did.

Senator KERN. Did you support him in his candidacy for Congress?

Mr. DENEEN. For Congress? Yes. I was the State committeeman in his district, congressional committeeman, and he was the Congressman; and our relations were very close.

Mr. HEALY. Did Senator Lorimer support your candidacy for State's attorney of Cook County for both terms?

Mr. DENEEN. In 1896 and 1900; yes.

Mr. HEALY. Coming down to this meeting of January 13, 1909: Where did that occur?

Mr. DENEEN. It occurred in my office in the capitol building.

Mr. HEALY. About what time of the day or night did you meet the Senator?

Mr. DENEEN. Late in the afternoon; I think it was just at the close of office hours; I think about 5 o'clock.

Mr. HEALY. Was any person other than you and he present at that talk or conference?

Mr. DENEEN. No.

Mr. HEALY. Did that have to do with the senatorial question then before the legislature?

Mr. DENEEN. No; it was a general discussion of political conditions.

Mr. HEALY. I wish you would tell the committee what the discussion was—the substance of what you said and what the Senator said.

Mr. DENEEN. It continued, I think, about five hours. I know it ran up until time for the evening meal, and then we went over to the mansion and discussed it there. I think the political discussion occurred before I went over to dinner. The general discussion ran along the lines of getting accurate knowledge of the conditions in the general assembly.

Mr. HEALY. What kind of matters were talked of?

Mr. DENEEN. Chiefly, to begin with, about myself.

Mr. HEALY. Tell us what you said?

Mr. DENEEN. The matter that was discussed, I think, at greatest length, was the conduct of the State committee, and the situation in reference to myself and the administration.

Senator KERN. That is, your contest?

Mr. DENEEN. It bore on the contest somewhat, but that was not specifically talked of. The point of discussion which we were trying to elicit information about was in reference to the attitude of men who had theretofore supported me and who were supposed to be friendly to the administration—as to what they would do, and how far they would go, and whether or not they were giving me the support that I should expect in a contest of that kind.

Senator KERN. Had Shurtleff been elected at the time of this conference?

Mr. DENEEN. Yes; he had been elected. He was elected on the 6th of January. The Republican meeting occurred on the 12th of January, and this meeting between the Senator and myself occurred the following day, the 13th.

Senator KERN. Was the election of Shurtleff discussed by you and Senator Lorimer?

Mr. DENEEN. I do not recollect the details, but I suppose it was.

Senator KERN. You had been opposed to Shurtleff's election?

Mr. DENEEN. I had been opposed to it.

Senator KERN. And he had favored Shurtleff's election, as I understand?

Mr. DENEEN. He had favored it.

Senator KERN. Was there any discussion between you as to the reasons?

Mr. DENEEN. The discussion was regarding the elements of strength that I had relied upon, and had not felt that I was supported as well as I had hoped and expected; and he was pointing out the weaknesses of my position, and we were discussing it. It ran along, and was a frank talk about conditions. I think my contest was discussed then only in a general way—no details at all. I discussed with him what would be the outcome of this coalition as it affected me, and particularly as to whether I would be ousted from office. That, I think, was mentioned at that time.

Senator KERN. Did he indicate to you that he would be opposed to your being ousted?

Mr. DENEEN. No; he did not give me his views on that subject, nor did I ask him his views. The point was to expedite the hearing and bring it to an end, and, if I was to be ousted, to have it occur at once and get rid of it, and not have it drag along indefinitely and to nobody's advantage.

Senator KERN. In the course of that five hours' conversation, did he indicate any feeling on his part as to whether he wanted you to be governor of Illinois, or wanted to have Stevenson governor?

Mr. DENEEN. No; I did not ask him about that. His conversation was friendly, but we did not discuss that more than that. We did not go into the details. Then we went on to another matter that was of importance to us, that I will state.

Senator KENYON. Before you leave that subject, did you consider Mr. Lorimer a party who would be influential in determining whether or not you would be ousted from office?

Mr. DENEEN. I assumed that he and Mr. Shurtleff would finally settle it.

Senator KENYON. You assumed that they would finally settle it?

Mr. DENEEN. I should suppose so; yes.

Senator KENYON. Did they have power to settle whether or not you should be governor of Illinois after you had been chosen by the people?

Mr. DENEEN. I had heard that they had discussed whether or not Mr. Shurtleff would have the power in the canvassing board to declare Gen. Stevenson elected regardless of the returns, and place upon me the burden of making the contest. I think Senator Lorimer thought that he had that power. There was no indication to me as to whether or not he thought he would use it.

Senator KENYON. Was there any power that you understood would control Speaker Shurtleff?

Mr. DENEEN. I assumed that the Senator and the speaker were in harmony and would work together.

Senator KENYON. So that, in the long run, you considered that Senator Lorimer would determine whether or not you should be governor of Illinois?

Mr. DENEEN. Oh, I assumed that he would direct the course of matters finally; yes.

Senator KENYON. Even though you had been elected by how much majority?

Mr. DENEEN. That was contested. I had 23,000 on the face of the returns. We did not go into the merits of the controversy at all.

Senator KENYON. Is your system of politics such in Illinois that one man can oust a person who has been chosen governor by the people?

Mr. DENEEN. Oh, no.

Senator KENYON. Was it at that time?

Mr. DENEEN. It would take the votes of the majority to oust him. It could not be reviewed by the courts. They had 85 who had voted for Mr. Shurtleff and about 7 others who were willing to do it and a number of men who were voting for us, but really doing it under pressure at home. They had plenty if they cared to do it by the mere force of numbers.

Senator KENYON. The number who voted for Shurtleff could have ousted you as governor?

Mr. DENEEN. With those in the Senate—I think so. That was my judgment at the time, and it is so now.

Senator GAMBLE. You stated, Governor, that Senator Lorimer favored the election of Speaker Shurtleff. What do you know as to what Senator Lorimer had to do with the election of Mr. Shurtleff as speaker?

Mr. DENEEN. I do not know anything directly about the matter, because I was not in conference about it—not consulted about it. But from the course of events since and the course of events which preceded the matter I had assumed that he was the directing power.

Senator GAMBLE. Had he been in Springfield any of the time preceding the campaign for speaker?

Mr. DENEEN. I do not know about that; I had not met him; but I rather think not. Those matters were arranged in conferences at Chicago. I will give you the basis of my judgment; it will be brief.

After the contest was over—we had a very bitter contest in both our primaries and the election—it was plain that the majority of the Republicans were adverse to Mr. Shurtleff. Mr. Shurtleff's candidacy was announced or, rather, mentioned in the papers repeatedly, right along, notwithstanding there were from 54 to 59 of the 89 members who were against him. Yet he was a candidate, so I assumed that there must be an understanding that he was to get votes outside of his own party. It required 77 votes to elect him.

Senator GAMBLE. This caucus, as it was called, of the Republican members of the house to agree upon a candidate for speaker, you say was regularly and properly called?

Mr. DENEEN. It was regularly and properly called at the usual time, by the usual person, the chairman of the State committee, and at the usual place, which is the old supreme court room.

Senator GAMBLE. And a certain number of the Republican membership declined to attend?

Mr. DENEEN. Thirty-one did not attend.

Senator KENYON. Was Mr. Lee O'Neil Browne influential in the election of Mr. Shurtleff?

Mr. DENEEN. Yes. Sixty of the 64 Democrats voted for Mr. Shurtleff as speaker.

Senator KENYON. And he was among them?

Mr. DENEEN. He was among them.

Senator KENYON. Was he active in that work?

Mr. DENEEN. From such information as came to me as hearsay I believe he was active—very active. He was the minority leader.

Senator GAMBLE. There was another leader, I believe?

Mr. DENEEN. Mr. Thomas Tippitt.

Senator GAMBLE. What position did he take toward the election of the speaker?

Mr. DENEEN. There were two factions of the Democratic Party—one led by Mr. Browne and one by Mr. Tippitt. They united in supporting Mr. Shurtleff.

Senator GAMBLE. So that both factions supported him?

Mr. DENEEN. I think Mr. Tippitt introduced a resolution at the meeting of the Democrats—at their caucus—supporting Mr. Shurtleff for speaker, and then it was withdrawn at the request of Mr. Shurtleff, I understood.

This conference with Senator Lorimer occurred early. That was about one week before the first

caucus for Senator occurred the 19th, and the 20th. It was about a week before.

Was there reference in this conference you had

was talked of in a very general way as I recall it. about it a good deal, but the main matter that we another matter which led up to it.

Was there any indication of Lorimer's becoming

did not know what would happen. I had not been with the Senator for a long time, and I did not

Did he express that purpose?

I do not think so, at that time.

thereupon took a recess until 2 o'clock p. m.)

AFTER RECESS.

ation of the recess the committee resumed its session.

TESTIMONY OF CHARLES S. DENEEN—Continued.

Just before the noon adjournment, Governor, we were the occasion of the first visit of Senator Lorimer to you in 1909, and you said at that time that the important matter discussing you had not yet detailed to the committee. Will what it was that you and Senator Lorimer were talking at that time?

DENEEN. The matter that we considered most important was of an anticipated decision by the supreme court of our the primary law and the results that would follow from it.

HEALY. Which of the primary laws of Illinois was then before the supreme court for its consideration?

DENEEN. I think it was the third primary law, which had enacted during my administration.

HEALY. The two primary laws had been declared unconstitutional?

Mr. DENEEN. Yes.

Mr. HEALY. And the third law was then being tested for its constitutionality?

Mr. DENEEN. In the supreme court of the States; yes.

Mr. HEALY. What information, if any, did you have with reference to the prospective action of the supreme court on that particular case?

Mr. DENEEN. The rumor had been circulated throughout the State that the supreme court would annul that law also. It was generally known.

Mr. HEALY. Was it a matter that was generally discussed?

Mr. DENEEN. It was common knowledge, I think.

Mr. HEALY. It was published in the newspapers?

Mr. DENEEN. Well, information had been given out to the newspapers by the reporters; but I think the men in public life understood that that law would also be declared unconstitutional.

Mr. HEALY. Was it subsequently so declared?

Mr. DENEEN. It was; on the 16th of June following, or the 12th, after the election. I think it was the 12th of June.

Mr. HEALY. Was a new law subsequently passed?

Mr. DENEEN. Another was passed.

Mr. HEALY. That law is now upon the statute books?

Mr. DENEEN. That law is now upon the statute books.

Mr. HEALY. Has that been assailed in any way?

Mr. DENEEN. It was.

Mr. HEALY. Was it submitted to the supreme court?

Mr. DENEEN. It was.

Mr. HEALY. What was the action of the court on the last or fourth law?

Mr. DENEEN. Well, they decided, 4 to 3, on two or three different points.

Mr. HEALY. The majority opinion was in favor of the constitutionality of the act, was it not?

Mr. DENEEN. It was not declared unconstitutional. I am not quite sure what was the decision.

Mr. HEALY. But, upon the precise question then submitted to the court, the constitutionality of the act was sustained?

Mr. DENEEN. The last one?

Mr. HEALY. Yes.

Mr. DENEEN. It was not declared unconstitutional. There is a difference of opinion regarding the decision of the court. I think they had three or four separate opinions by the court, and—well, I think each decided on a different point. There is a question about whether it was unanimous.

Mr. HEALY. The fact is, that in Illinois we are operating under that last law at this time, is it not?

Mr. DENEEN. Yes. That is the law now.

Mr. HEALY. What were your discussions with Senator Lorimer with reference to the primary law?

Mr. DENEEN. The discussion affected the results that would follow from declaring the primary law unconstitutional. The third primary law specifically repealed all others. It was a question where the supreme court would state that while this law was declared unconstitutional, still it might have the effect of repealing the others. That was mooted about, and the lawyers took various positions on that. Laymen were agreed that it would. Then there was a discussion about the points that had arisen. One of the principal points was as to whether or not the law would be declared unconstitutional as claimed by the contestants there in reference to forbidding or preventing a person who had become of age just before the primary from voting; and if that were upheld by the supreme court, it would annul all the preceding laws, because they were all based on that theory, and leave us without any primary laws at all in the State.

Mr. HEALY. What did you and what did Senator Lorimer say about that matter, if anything?

Mr. DENEEN. We discussed the results that would happen in Chicago and Cook County and elsewhere in reference to the control of

the party, should such a condition arise, at very considerable length, I think.

Mr. HEALY. What did you say about that?

Mr. DENEEN. The Senator suggested, or it was suggested there—I think by him—that with no primary law whatever, the power would likely be lodged in the mayor of Chicago, by reason of his vast patronage and the conditions which he could influence in party matters.

Mr. HEALY. Did the Senator indicate to what conditions he referred?

Mr. DENEEN. The patronage and the influence of officials and the police force.

Mr. HEALY. Anything else?

Mr. DENEEN. The police force and those that the police could control.

Mr. HEALY. What else did you say, if anything?

Mr. DENEEN. We discussed, I think, then, the attitude of the committeemen.

Senator JONES. Before leaving that, I wish to ask whether Senator Lorimer was in favor of or unfavorable to the primary law?

Mr. DENEEN. He was not in favor of a direct primary law, so far as I understand, but he was in favor of a primary law and desired a primary law of some kind. I think he preferred the one that had been in operation before I was nominated, called the Crawford law.

Mr. HEALY. That was the law which affected Cook County alone?

Mr. DENEEN. It was an optional law, adopted by referendum, but had been adopted only, at that time, by Cook County, I think. And three other counties adopted it at the time I ran for governor.

Senator JONES. His attitude on that question, as I understand, was in favor of such a law throughout the State?

Mr. DENEEN. I gathered it so; at least for Chicago.

Senator JONES. Without any direct features?

Mr. DENEEN. So I understood it.

The CHAIRMAN. What did you call that law?

Mr. DENEEN. The Crawford law. It was not the Crawford law, but Senator Crawford had caused to be passed, or the law had been passed, that bore his name, and it was subsequently amended a number of times; and popularly, I think, it was known as the Crawford law.

Senator KERN. Under that law, under whose control was the machinery of the primary?

Mr. DENEEN. The law fixed the control, and they divided the district into delegates' districts, and no district could be larger than, or could contain more than, 800 votes of a party; and the county court created the election machinery. In Cook County there were two election commissioners.

Mr. HEALY. After you and Senator Lorimer had discussed the possible action of the supreme court with reference to that law, did you agree upon any line of political action?

Mr. DENEEN. We discussed the attitude of the committee in Chicago and Cook County, what its attitude would be in the event that the supreme court annulled the primary law, and our attitude in reference thereto.

Mr. HEALY. What, if anything, did you agree to do in the event of such a position being announced by the supreme court?

Mr. DENEEN. The suggestion was made that we interview those who were considered friends in reference to their attitude should such a condition arise, in creating rules by the committee that would govern the primaries until some sort of a primary law could be enacted again.

Mr. HEALY. What did you decide to do with reference to that?

Mr. DENEEN. I decided to see those who were friendly to me.

Mr. HEALY. What was Senator Lorimer to do in the matter?

Mr. DENEEN. I presume he was to do likewise.

Mr. HEALY. Do you recall anything else that was said at that first talk?

Mr. DENEEN. We talked about five hours. Those are the principal matters, I think, except that we discussed at considerable length the attitude of different men toward him and toward me in the contest that we had waged, and we compared our views in reference to certain men.

Mr. HEALY. Did you talk about the senatorial situation at that time?

Mr. DENEEN. I think we discussed it at that time; more particularly the attitude of a number of friends of Senator Hopkins in reference to the action of the State committee and the resolution that I had produced.

Mr. HEALY. What was said in regard to that?

Mr. DENEEN. Attention was called to the fact that those men had voted against it, and certain men who were reputed to be very closely connected with them and under their influence had also voted for Mr. Shurtleff for speaker, and matters relating to both.

Mr. HEALY. Was this the first talk which you had?

Senator GAMBLE. Pardon me a moment. That is, the friends of Senator Hopkins had voted for Shurtleff?

Mr. DENEEN. Yes; a number of friends in Chicago. For instance, in the territory in which the mayor of the city, Mayor Busse, lived, the three representatives there had voted for Mr. Shurtleff. They had two years before that conducted an investigation of the charitable institutions against me that excited a good deal of attention out there and was meant, I thought, for the purpose of creating material to use against me in the campaign, and so on; and we discussed the attitude of certain Republican members in the northwestern portion of the city, who, while they did not support Mr. Shurtleff, supported a side candidate who had no chance whatever of winning, but simply to enable men to conceal their votes; and also certain country politicians whose friends had taken the same attitude both in that investigation and in this matter, and they were close friends of the Senator and were managing his campaign at Springfield and were on his committee.

Senator JONES. How many of Senator Hopkins's friends who voted for him for Senator voted for Shurtleff and his election to the position of speaker, if you know?

Mr. DENEEN. I do not recall the number. It could be checked up. Senator JONES. There were a certain number?

Mr. DENEEN. Yes.

Senator KERN. At this first conference, in which you say you discussed the senatorial situation to some extent, did you indicate to Senator Lorimer that you desired the election of Senator Hopkins?

Mr. DENEEN. I told him that we were supporting Hopkins, and he was criticizing the attitude of some of Hopkins's friends toward me. That was simply a general talk.

Senator KERN. Did he indicate in that conversation that he was opposed to Hopkins's election?

Mr. DENEEN. I do not recall whether it occurred at that conversation or not. Later he told me that his friends would not vote for Senator Hopkins.

Senator KERN. Did you discuss with him, on that occasion, the part he had taken in the election of Shurtleff?

Mr. DENEEN. I was talking to him as a representative of the opposition. I just assumed that he was the man to talk to.

Senator KERN. As a representative of the Shurtleff crowd?

Mr. DENEEN. The Shurtleff opposition; yes.

Senator FLETCHER. At the time the Crawford law was in force, was the county judge of Cook County elected by popular vote or appointed?

Mr. DENEEN. Elected; and he appointed three election commissioners, bipartisan—one of the minority party and two of the majority.

Senator KERN. And the elections of both parties were held at the same time and under the same machinery?

Mr. DENEEN. I do not think they were at that time. No; I think each party selected its own time at that time. We have had so many primary laws that it is hard to keep track of them. As I recall, each party designated by its committee when the primaries would be held, and then they were conducted under the machinery.

Senator KERN. The judge of the county court appointed the officers of the election for both parties?

Mr. DENEEN. The judge of the county court appointed three election commissioners, and the commissioners appointed the judges and clerks.

Senator KERN. For the respective primaries of the respective parties?

Mr. DENEEN. Yes; and on the recommendation, usually, of the committee; although that was a matter of courtesy.

Mr. HANEY. The law requires them to have two Democrats in one precinct and two Republicans in the other?

Mr. DENEEN. Alternate precincts.

Mr. HANEY. Yes. The law required that. It was not optional with the judge or election commissioners.

Mr. DENEEN. It was optional as to the choice of the particular persons. They had more judges than they were required to select.

Mr. HANEY. The only reason I interrupted was that I thought it might straighten the matter out in the minds of the Senators, and possibly yours.

Mr. DENEEN. I understand.

Mr. HANEY. The law required that there should be one election commissioner of the minority party, and if there was a Republican county judge, he was compelled to appoint one Democrat and two Republicans, and if there was a Democratic county judge he could appoint two Democrats, but he must appoint one Republican.

Mr. DENEEN. No; pardon me, I think your recollection is not accurate on that. I am not sure that I am right, but I think there will be no dispute on the matter. The law required that alternate——

Mr. HANEY. I am talking about the election commissioners.

Mr. DENEEN. Yes; you are right on that.

Mr. HANEY. That is right?

Mr. DENEEN. Yes.

Mr. HANEY. There must be an equal number of judges and clerks. There must be one Democratic and one Republican clerk in each precinct. In all of the even-numbered precincts there must be two Democrats and one Republican, and in all the odd-numbered precincts two Democrats and one Republican judges, under the law. The law requires that.

Mr. HEALY. As a matter of fact, Governor, the law with reference to that required the election commissioners to appoint three judges and two clerks of election in every election precinct?

Mr. DENEEN. Yes; about 1,200 precincts.

Mr. HEALY. And in each alternate precinct, the Republicans would have a majority of those five men; that is, they would have three members, and the Democrats two; and in the next precincts the Democrats would have three and the Republicans two?

Mr. DENEEN. Yes.

Mr. HEALY. That was fixed by law?

Mr. DENEEN. Yes; by law.

Mr. HEALY. Was this first meeting that you had with Senator Lorimer a secret meeting?

Mr. DENEEN. It was in my office. He and I alone were there.

Mr. HEALY. In your office in the State capitol?

Mr. DENEEN. In the State capitol; yes. It began there.

Mr. HEALY. Was it a meeting that was published in any way in the columns of the press?

Mr. DENEEN. I do not recall whether any notice had been given of it in the press or not; but it was known, and the reporters were all outside, in the adjoining room.

Mr. HEALY. What I want to find out is: The Senator did not come there secretly?

Mr. DENEEN. Oh, no.

Mr. HEALY. There was no attempt to avoid publicity, or anything of that kind?

Mr. DENEEN. Not at all. One of his friends notified me that he was coming at 5 o'clock.

Mr. HEALY. That was true with reference to all the subsequent meetings with Senator Lorimer?

Mr. DENEEN. In this way: A number of them occurred at the governor's mansion. They all occurred there or at the capitol in the office, to my recollection.

Mr. HEALY. Do you recall anything else that was said by you and Senator Lorimer on the occasion of his first visit to you?

Mr. DENEEN. We had a very long conversation, covering a multitude of things. We had not met to talk over personal matters for several years, and we were careful to avoid things about which there had been much difference, except the matters where we would come together.

Mr. HEALY. As a result of that meeting or talk, did you reach any concrete or definite conclusion?

Mr. DENEEN. I think not.

Mr. HEALY. With reference to your political activity in the future?

Mr. DENEEN. No. When he went away, if I recall it correctly. I told him that I would make inquiries of certain leaders in reference to their attitude in framing rules for the conduct of a primary and standing together in reference to creating methods by which the primaries could be conducted. Whether that occurred at that time or shortly thereafter, I do not know; but it led up to that.

Mr. HEALY. Did you have a number of meetings with Senator Lorimer subsequent to that time?

Mr. DENEEN. Oh, yes; quite a number.

Mr. HEALY. About how many?

Mr. DENEEN. I do not recall. Sometimes he would call once a week and sometimes twice a week, and then weeks would elapse. I think, in which he did not call.

Mr. HEALY. During the senatorial deadlock?

Mr. DENEEN. Up until near its close.

Mr. HEALY. When was the last time, as you recall it, that you talked with him?

Mr. DENEEN. I have no definite recollection.

Mr. HEALY. When, with reference to the senatorial election of May 26, 1909?

Mr. DENEEN. I have no definite recollection. I had a secretary of mine go through the files of the papers to note the accounts—the news items—of our visits, and the last one I have ascertained was the 14th of May. I am not sure that that is accurate.

Mr. HEALY. Have you any recollection of having met him after the 14th of May?

Mr. DENEEN. My recollection does not fix the day accurately.

Mr. HEALY. Do you have any impression on your mind with reference to the length of time which intervened between the last visit and the senatorial election?

Mr. DENEEN. No. I can not fix the time.

Mr. HEALY. Can you say whether it was a day or several days?

Mr. DENEEN. It is my impression that it was a number of days. I am not sure about that. I think it was about 10 days. I may be mistaken entirely.

Mr. HEALY. When did you and Senator Lorimer talk again after this meeting of January 13, 1909?

Mr. DENEEN. I do not recollect the day. It was likely the following week, but I have no direct recollection on the matter. That was Wednesday. At that time the general assembly would adjourn Wednesday morning early and get the noon trains, and most of them would go home. Everybody connected with politics left at that time except the State officers.

Mr. HEALY. Was Senator Lorimer in attendance upon the general assembly during this senatorial deadlock?

Mr. DENEEN. To a great extent.

Mr. HEALY. Pretty constantly?

Mr. DENEEN. Well, he was there quite frequently.

Mr. HEALY. Do you recall what was said on the occasion of your second talk with him?

Senator GAMBLE. In the election in the house, how many Republican votes did Mr. Shurtleff receive for speaker and how many Democratic votes?

Mr. DENEEN. He received 25 Republican votes and 60 Democratic votes, making 85 in all.

Senator GAMBLE. And how many did the Republican candidate receive?

Mr. DENEEN. I do not know. It is there. I think it was fifty something. As I recall it, it was 54, but I am not sure. It is a matter that you can get accurately. It required 77 to elect. He received 85. A man named Mr. Trover was a candidate, and it was understood, of course, that his vote was really a Shurtleff vote. Most of them were friendly.

Senator KENYON. Was Mr. Lorimer at Springfield when Shurtleff was elected?

Mr. DENEEN. I do not know. I only have such information as I have gathered from the press. I think not, from that information.

Senator KENYON. How soon after that did he come there?

Mr. DENEEN. He was there the 12th and 13th, I think. I do not know whether he was there before or not.

Senator KENYON. Did you have any talk with Mr. Lee O'Neil Browne yourself?

Mr. DENEEN. No.

Senator KENYON. Do you know of any consultations between Mr. Lee O'Neil Browne and any other parties about the election of Shurtleff or about your being ousted?

Mr. DENEEN. No.

Senator KENYON. Are you acquainted with Mr. Browne?

Mr. DENEEN. I am, but not well.

Senator GAMBLE. The Republican members of the house that did not vote for Mr. Shurtleff were supposed to be friends of yours?

Mr. DENEEN. Yes; they were called the administration faction. They were called the "Band of Hope," in derision.

Senator KENYON. They were your hope?

Mr. DENEEN. They were called the "Band of Hope."

Senator GAMBLE. That was about 54, was it?

Mr. DENEEN. Between 54 and 59. The other men were called the "Holy Alliance" by Mr. Hinman, of the Inter-Ocean. They were termed that in derision. Later, to escape the implication of abnormal virtue, they were called the "Black Hand."

Senator KERN. It was a case of "hope deferred," was it, Governor?

Mr. DENEEN. Yes.

Mr. HANEY. It was a case of religion winning over hope.

Senator JONES. Did any of your friends support Mr. Shurtleff?

Mr. DENEEN. I do not think so; not one of them. They could not have been friendly to me if they did.

Senator JONES. Did any who had been your personal friends, and who had professed to be your friends, in fact vote for Mr. Shurtleff?

Mr. DENEEN. I could look over the list and tell you; but I think none of my friends voted for him—not one.

Senator JONES. It has since developed that they were not friendly, I believe?

Mr. DENEEN. I do not think they did at that time.

Senator FLETCHER. This conference with Senator Lorimer occurred on the 13th of January. That was about one week before the first ballot for Senator?

Mr. DENEEN. The caucus for Senator occurred the 19th, and the first ballot was on the 20th. It was about a week before.

Senator FLETCHER. Was there reference in this conference you had to the senatorial situation?

Mr. DENEEN. It was talked of in a very general way as I recall it. I know we talked about it a good deal, but the main matter that we talked about was another matter which led up to it.

Senator FLETCHER. Was there any indication of Lorimer's becoming a candidate?

Mr. DENEEN. I did not know what would happen. I had not been on familiar terms with the Senator for a long time, and I did not know his plans.

Senator FLETCHER. Did he express that purpose?

Mr. DENEEN. I do not think so, at that time.

(The committee thereupon took a recess until 2 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess the committee resumed its session.

TESTIMONY OF CHARLES S. DENEEN—Continued.

Mr. HEALY. Just before the noon adjournment, Governor, we were discussing the occasion of the first visit of Senator Lorimer to you in January, 1909, and you said at that time that the important matter you were discussing you had not yet detailed to the committee. Will you tell us what it was that you and Senator Lorimer were talking about at that time?

Mr. DENEEN. The matter that we considered most important was the effect of an anticipated decision by the supreme court of our State on the primary law and the results that would follow from it.

Mr. HEALY. Which of the primary laws of Illinois was then before the supreme court for its consideration?

Mr. DENEEN. I think it was the third primary law, which had been enacted during my administration.

Mr. HEALY. The two primary laws had been declared unconstitutional?

Mr. DENEEN. Yes.

Mr. HEALY. And the third law was then being tested for its constitutionality?

Mr. DENEEN. In the supreme court of the States; yes.

Mr. HEALY. What information, if any, did you have with reference to the prospective action of the supreme court on that particular case?

Mr. DENEEN. The rumor had been circulated throughout the State that the supreme court would annul that law also. It was generally known.

Mr. HEALY. Was it a matter that was generally discussed?

Mr. DENEEN. It was common knowledge, I think.

Mr. HEALY. It was published in the newspapers?

Mr. DENEEN. Well, information had been given out to the newspapers by the reporters; but I think the men in public life understood that that law would also be declared unconstitutional.

Mr. HEALY. Was it subsequently so declared?

Mr. DENEEN. It was; on the 16th of June following, or the 12th, after the election. I think it was the 12th of June.

Mr. HEALY. Was a new law subsequently passed?

Mr. DENEEN. Another was passed.

Mr. HEALY. That law is now upon the statute books?

Mr. DENEEN. That law is now upon the statute books.

Mr. HEALY. Has that been assailed in any way?

Mr. DENEEN. It was.

Mr. HEALY. Was it submitted to the supreme court?

Mr. DENEEN. It was.

Mr. HEALY. What was the action of the court on the last or fourth law?

Mr. DENEEN. Well, they decided, 4 to 3, on two or three different points.

Mr. HEALY. The majority opinion was in favor of the constitutionality of the act, was it not?

Mr. DENEEN. It was not declared unconstitutional. I am not quite sure what was the decision.

Mr. HEALY. But, upon the precise question then submitted to the court, the constitutionality of the act was sustained?

Mr. DENEEN. The last one?

Mr. HEALY. Yes.

Mr. DENEEN. It was not declared unconstitutional. There is a difference of opinion regarding the decision of the court. I think they had three or four separate opinions by the court, and—well, I think each decided on a different point. There is a question about whether it was unanimous.

Mr. HEALY. The fact is, that in Illinois we are operating under that last law at this time, is it not?

Mr. DENEEN. Yes. That is the law now.

Mr. HEALY. What were your discussions with Senator Lorimer with reference to the primary law?

Mr. DENEEN. The discussion affected the results that would follow from declaring the primary law unconstitutional. The third primary law specifically repealed all others. It was a question where the supreme court would state that while this law was declared unconstitutional, still it might have the effect of repealing the others. That was mooted about, and the lawyers took various positions on that. Laymen were agreed that it would. Then there was a discussion about the points that had arisen. One of the principal points was as to whether or not the law would be declared unconstitutional as claimed by the contestants there in reference to forbidding or preventing a person who had become of age just before the primary from voting; and if that were upheld by the supreme court, it would annul all the preceding laws, because they were all based on that theory, and leave us without any primary laws at all in the State.

Mr. HEALY. What did you and what did Senator Lorimer say about that matter, if anything?

Mr. DENEEN. We discussed the results that would happen in Chicago and Cook County and elsewhere in reference to the control of

the party, should such a condition arise, at very considerable length, I think.

Mr. HEALY. What did you say about that?

Mr. DENEEN. The Senator suggested, or it was suggested there—I think by him—that with no primary law whatever, the power would likely be lodged in the mayor of Chicago, by reason of his vast patronage and the conditions which he could influence in party matters.

Mr. HEALY. Did the Senator indicate to what conditions he referred?

Mr. DENEEN. The patronage and the influence of officials and the police force.

Mr. HEALY. Anything else?

Mr. DENEEN. The police force and those that the police could control.

Mr. HEALY. What else did you say, if anything?

Mr. DENEEN. We discussed, I think, then, the attitude of the committeemen.

Senator JONES. Before leaving that, I wish to ask whether Senator Lorimer was in favor of or unfavorable to the primary law?

Mr. DENEEN. He was not in favor of a direct primary law, so far as I understand, but he was in favor of a primary law and desired a primary law of some kind. I think he preferred the one that had been in operation before I was nominated, called the Crawford law.

Mr. HEALY. That was the law which affected Cook County alone?

Mr. DENEEN. It was an optional law, adopted by referendum, but had been adopted only, at that time, by Cook County, I think. And three other counties adopted it at the time I ran for governor.

Senator JONES. His attitude on that question, as I understand, was in favor of such a law throughout the State?

Mr. DENEEN. I gathered it so; at least for Chicago.

Senator JONES. Without any direct features?

Mr. DENEEN. So I understood it.

The CHAIRMAN. What did you call that law?

Mr. DENEEN. The Crawford law. It was not the Crawford law, but Senator Crawford had caused to be passed, or the law had been passed, that bore his name, and it was subsequently amended a number of times; and popularly, I think, it was known as the Crawford law.

Senator KERN. Under that law, under whose control was the machinery of the primary?

Mr. DENEEN. The law fixed the control, and they divided the district into delegates' districts, and no district could be larger than, or could contain more than, 800 votes of a party; and the county court created the election machinery. In Cook County there were two election commissioners.

Mr. HEALY. After you and Senator Lorimer had discussed the possible action of the supreme court with reference to that law, did you agree upon any line of political action?

Mr. DENEEN. We discussed the attitude of the committee in Chicago and Cook County, what its attitude would be in the event that the supreme court annulled the primary law, and our attitude in reference thereto.

Mr. HEALY. What, if anything, did you agree to do in the event of such a position being announced by the supreme court?

Mr. DENEEN. The suggestion was made that we interview those who were considered friends in reference to their attitude should such a condition arise, in creating rules by the committee that would govern the primaries until some sort of a primary law could be enacted again.

Mr. HEALY. What did you decide to do with reference to that?

Mr. DENEEN. I decided to see those who were friendly to me.

Mr. HEALY. What was Senator Lorimer to do in the matter?

Mr. DENEEN. I presume he was to do likewise.

Mr. HEALY. Do you recall anything else that was said at that first talk?

Mr. DENEEN. We talked about five hours. Those are the principal matters, I think, except that we discussed at considerable length the attitude of different men toward him and toward me in the contest that we had waged, and we compared our views in reference to certain men.

Mr. HEALY. Did you talk about the senatorial situation at that time?

Mr. DENEEN. I think we discussed it at that time; more particularly the attitude of a number of friends of Senator Hopkins in reference to the action of the State committee and the resolution that I had produced.

Mr. HEALY. What was said in regard to that?

Mr. DENEEN. Attention was called to the fact that those men had voted against it, and certain men who were reputed to be very closely connected with them and under their influence had also voted for Mr. Shurtleff for speaker, and matters relating to both.

Mr. HEALY. Was this the first talk which you had?

Senator GAMBLE. Pardon me a moment. That is, the friends of Senator Hopkins had voted for Shurtleff?

Mr. DENEEN. Yes; a number of friends in Chicago. For instance, in the territory in which the mayor of the city, Mayor Busse, lived, the three representatives there had voted for Mr. Shurtleff. They had two years before that conducted an investigation of the charitable institutions against me that excited a good deal of attention out there and was meant, I thought, for the purpose of creating material to use against me in the campaign, and so on; and we discussed the attitude of certain Republican members in the northwestern portion of the city, who, while they did not support Mr. Shurtleff, supported a side candidate who had no chance whatever of winning, but simply to enable men to conceal their votes; and also certain country politicians whose friends had taken the same attitude both in that investigation and in this matter, and they were close friends of the Senator and were managing his campaign at Springfield and were on his committee.

Senator JONES. How many of Senator Hopkins's friends who voted for him for Senator voted for Shurtleff and his election to the position of speaker, if you know?

Mr. DENEEN. I do not recall the number. It could be checked up. Senator JONES. There were a certain number?

Mr. DENEEN. Yes.

Senator KERN. At this first conference, in which you say you discussed the senatorial situation to some extent, did you indicate to Senator Lorimer that you desired the election of Senator Hopkins?

Mr. DENEEN. I told him that we were supporting Hopkins, and he was criticizing the attitude of some of Hopkins's friends toward me. That was simply a general talk.

Senator KERN. Did he indicate in that conversation that he was opposed to Hopkins's election?

Mr. DENEEN. I do not recall whether it occurred at that conversation or not. Later he told me that his friends would not vote for Senator Hopkins.

Senator KERN. Did you discuss with him, on that occasion, the part he had taken in the election of Shurtleff?

Mr. DENEEN. I was talking to him as a representative of the opposition. I just assumed that he was the man to talk to.

Senator KERN. As a representative of the Shurtleff crowd?

Mr. DENEEN. The Shurtleff opposition; yes.

Senator FLETCHER. At the time the Crawford law was in force, was the county judge of Cook County elected by popular vote or appointed?

Mr. DENEEN. Elected; and he appointed three election commissioners, bipartisan—one of the minority party and two of the majority.

Senator KERN. And the elections of both parties were held at the same time and under the same machinery?

Mr. DENEEN. I do not think they were at that time. No; I think each party selected its own time at that time. We have had so many primary laws that it is hard to keep track of them. As I recall, each party designated by its committee when the primaries would be held, and then they were conducted under the machinery.

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Mr. HANEY. The law requires them to have two Democrats in one precinct and two Republicans in the other?

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Mr. HANEY. Yes. The law required that. It was not optional with the judge or election commissioners.

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Mr. HANEY. The law required that there should be one election commissioner of the minority party, and if there was a Republican county judge, he was compelled to appoint one Democrat and two Republicans, and if there was a Democratic county judge he could appoint two Democrats, but he must appoint one Republican.

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Mr. DENEEN. Yes; you are right on that.

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Mr. HANEY. There must be an equal number of judges and clerks. There must be one Democratic and one Republican clerk in each precinct. In all of the even-numbered precincts there must be two Democrats and one Republican, and in all the odd-numbered precincts two Democrats and one Republican judges, under the law. The law requires that.

Mr. HEALY. As a matter of fact, Governor, the law with reference to that required the election commissioners to appoint three judges and two clerks of election in every election precinct?

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Mr. HEALY. And in each alternate precinct, the Republicans would have a majority of those five men; that is, they would have three members, and the Democrats two; and in the next precincts the Democrats would have three and the Republicans two?

Mr. DENEEN. Yes.

Mr. HEALY. That was fixed by law?

Mr. DENEEN. Yes; by law.

Mr. HEALY. Was this first meeting that you had with Senator Lorimer a secret meeting?

Mr. DENEEN. It was in my office. He and I alone were there.

Mr. HEALY. In your office in the State capitol?

Mr. DENEEN. In the State capitol; yes. It began there.

Mr. HEALY. Was it a meeting that was published in any way in the columns of the press?

Mr. DENEEN. I do not recall whether any notice had been given of it in the press or not; but it was known, and the reporters were all outside, in the adjoining room.

Mr. HEALY. What I want to find out is: The Senator did not come there secretly?

Mr. DENEEN. Oh, no.

Mr. HEALY. There was no attempt to avoid publicity, or anything of that kind?

Mr. DENEEN. Not at all. One of his friends notified me that he was coming at 5 o'clock.

Mr. HEALY. That was true with reference to all the subsequent meetings with Senator Lorimer?

Mr. DENEEN. In this way: A number of them occurred at the governor's mansion. They all occurred there or at the capitol in the office, to my recollection.

Mr. HEALY. Do you recall anything else that was said by you and Senator Lorimer on the occasion of his first visit to you?

Mr. DENEEN. We had a very long conversation, covering a multitude of things. We had not met to talk over personal matters for several years, and we were careful to avoid things about which there had been much difference, except the matters where we would come together.

Mr. HEALY. As a result of that meeting or talk, did you reach any concrete or definite conclusion?

Mr. DENEEN. I think not.

Mr. HEALY. With reference to your political activity in the future?

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Mr. HEALY. Did you have a number of meetings with Senator Lorimer subsequent to that time?

Mr. DENEEN. Oh, yes; quite a number.

Mr. HEALY. About how many?

Mr. DENEEN. I do not recall. Sometimes he would call once a week and sometimes twice a week, and then weeks would elapse. I think, in which he did not call.

Mr. HEALY. During the senatorial deadlock?

Mr. DENEEN. Up until near its close.

Mr. HEALY. When was the last time, as you recall it, that you talked with him?

Mr. DENEEN. I have no definite recollection.

Mr. HEALY. When, with reference to the senatorial election of May 26, 1909?

Mr. DENEEN. I have no definite recollection. I had a secretary of mine go through the files of the papers to note the accounts—the news items—of our visits, and the last one I have ascertained was the 14th of May. I am not sure that that is accurate.

Mr. HEALY. Have you any recollection of having met him after the 14th of May?

Mr. DENEEN. My recollection does not fix the day accurately.

Mr. HEALY. Do you have any impression on your mind with reference to the length of time which intervened between the last visit and the senatorial election?

Mr. DENEEN. No. I can not fix the time.

Mr. HEALY. Can you say whether it was a day or several days?

Mr. DENEEN. It is my impression that it was a number of days. I am not sure about that. I think it was about 10 days. I may be mistaken entirely.

Mr. HEALY. When did you and Senator Lorimer talk again after this meeting of January 13, 1909?

Mr. DENEEN. I do not recollect the day. It was likely the following week, but I have no direct recollection on the matter. That was Wednesday. At that time the general assembly would adjourn Wednesday morning early and get the noon trains, and most of them would go home. Everybody connected with politics left at that time except the State officers.

Mr. HEALY. Was Senator Lorimer in attendance upon the general assembly during this senatorial deadlock?

Mr. DENEEN. To a great extent.

Mr. HEALY. Pretty constantly?

Mr. DENEEN. Well, he was there quite frequently.

Mr. HEALY. Do you recall what was said on the occasion of your second talk with him?

Mr. DENEEN. No. I recall more the subject matter discussed. I have no distinct recollection as to when the conversation occurred. There must have been 15 or 20 conversations; maybe more than that. There were quite a number of conversations.

Mr. HEALY. It is your recollection that they occurred between the middle of January, 1909, and some time in May, 1909?

Mr. DENEEN. He called on me, usually, once a week, and sometimes twice a week; occasionally twice; and I think he was at Washington and did not call, and sometimes he was there and did not call; but I have no way of fixing it.

Mr. HEALY. What is your recollection with reference to the number of talks which you and he had?

Mr. DENEEN. It is purely a guess. It is somewhere near 20, I should think. It may have been more or less. As I say, the only method that I pursued to ascertain was to find the files of papers and examine them. I note there that there were fewer—about 10—but I think that all of them are not noted.

Mr. HEALY. Will you tell the committee, now, Governor, what you recall having been said by Senator Lorimer or yourself at any of these talks, beginning—if your recollection will permit—at the first talk, and following them up through the successive conversations which you had with him?

Mr. DENEEN. On which matters?

Mr. HEALY. On any and every subject.

Mr. DENEEN. Well, it would be impossible for me, gentlemen, to give anything but just a few matters that we discussed. I had not expected at the time the conversations occurred to be called upon to repeat them. No stenographers were there, and there was no occasion for remembering the talks until this matter arose, and no account was kept of them.

We discussed the matters of politics relating to the general assembly. We discussed the waterway. We discussed the organization of the house. We discussed the United States Senatorship—that is, the election—and we discussed the primaries, as I stated, and the attitude of various Republican leaders in the State in reference to the future conduct of the party and their probable alliances. We may have discussed a thousand other things, but those were the ones that related to the political situation.

Mr. HEALY. With reference to the speakership, can you tell what was said about that matter?

Mr. DENEEN. Mr. Shurtleff had been elected speaker a week before—

Mr. HEALY. I appreciate that; but you say you and Senator Lorimer talked about the speakership. What did you say about that?

Mr. DENEEN. We discussed the votes by which the speaker was elected; those votes that were connected, in our judgment, with certain leaders who were supporting Senator Hopkins.

Mr. HEALY. What did you say about it?

Mr. DENEEN. I do not recall the matter of the discussion. I remember the impression, or the general result to which the conversation led, or that the conversation was carried on for the purpose of reaching, and that was that certain leaders who were supporting Senator Hopkins very strongly were very strongly against me; and my contest was going on at that time. That was the impression left with me

Senator JONES. Did the Senator take a position favorable to your issues before the legislature?

Mr. DENEEN. No.

Senator JONES. Did he seem to desire to cooperate with you?

Mr. DENEEN. We discussed for a considerable time the waterway legislation, and tried to get some definite conclusion upon that matter.

Senator JONES. That is, you tried to harmonize the different views there were between you?

Mr. DENEEN. His views and mine on that matter, or rather the views of the different engineers. That matter was discussed to some considerable extent.

Senator JONES. You had a legislative program that you desired to put through?

Mr. DENEEN. A legislative program.

Senator JONES. Did you discuss that with the Senator?

Mr. DENEEN. Well, certain features of the matter were discussed; I think the primary law to some extent. That had not been acted upon by the courts.

Senator JONES. Did he seem inclined to want to favor your program?

Mr. DENEEN. I do not recall the matters upon which we tried to reach an agreement, except the waterway. There may have been some other matters. I think there was one other. We discussed the fire marshal law to some extent, but I do not recall any of the others.

Mr. HEALY. In connection with the election of Mr. Shurtleff as speaker of the house, was anything said by Senator Lorimer or by you with reference to his activity in that matter?

Mr. DENEEN. I made inquiry as to what the result would be in reference to the contest that was then waging on me, and I wanted to bring it to a conclusion, because they had the power to dislodge me. Their action was not reviewable, and they had the votes. We discussed that matter, and discussed, I think, the attitude of certain men in Chicago, and Senator Hopkins's friends generally. The purport of the conversation was directed to that all the time.

Senator GAMBLE. What position did Senator Lorimer take in regard to that contest upon you as governor?

Mr. DENEEN. We did not discuss that until we had had a number of meetings, if I recall that correctly, and then ultimately he made light of the contest. At first he did not express his views.

Senator GAMBLE. Did you regard him as taking an adverse position to you in the matter?

Mr. DENEEN. I did not know what his attitude would be.

Senator JONES. Did you ask him?

Mr. DENEEN. I asked him to have the matter expedited. In fact, if I recall correctly, I stated that I assumed they were going to put me out, and if so I wanted them to do it, and not be bothered by a long contest, that would interfere with all the legislation.

Senator GAMBLE. What position did he take, if any?

Mr. DENEEN. He did not take any. We did not discuss it. It was not a matter that we could discuss, as to what his attitude would be, until finally—

Mr. HEALY. Can you recall what he said, or what you said in reference to that contest?

Mr. DENEEN. I can only repeat what I have stated. The matter did not take a very long time; that part of it. I simply said, as I recall it—I think it occurred the first time after we got acquainted; that is, we had not met for a long time—I simply said, “Well, we are whipped; we are captured by the enemy and we will have to take the consequences, and I want them to hurry up and end it all”; and we discussed what could be done at that time, and then it was diverted to the votes, and I thought the impression it was intended to create was that our own forces were very weak in certain lines. I was really very greatly disappointed in the lack of support I had received.

Senator JONES. From those you expected to have support from?

Mr. DENEEN. Yes.

Senator GAMBLE. Did you feel that the election of Shurtleff as speaker and the cooperation of the parties in his election endangered your position as to your being your own successor?

Mr. DENEEN. I felt that either I would be dislodged, or else none of our policies could be made effective, and that it would be simply counting time the rest of the session, and that it would be a waste of time and nothing could be accomplished. That was what I thought.

Mr. HEALY. Did you tell Senator Lorimer how you felt in that respect?

Mr. DENEEN. I told him frankly and briefly my views on that.

Mr. HEALY. What did he say?

Mr. DENEEN. I do not recall exactly his conversation. I think he listened to me, to get my views. I do not recall that he expressed his opinion upon it at that time.

Mr. HEALY. What, if anything, did he say he was going to do or his friends were going to do with reference to your contest?

Mr. DENEEN. I did not ask him at all. I did not ask his views.

Mr. HEALY. Did he express himself?

Mr. DENEEN. I did not ask him his plan. I wanted mine made clear, so that they could make up their plans accordingly.

Mr. HEALY. Did you at any of those conversations talk with him, or did he talk with you, about his participation in the election of Speaker Shurtleff?

Mr. DENEEN. I do not think we went into it at that time, or at any time. I think it was just assumed that I knew the situation. I do not recall that we discussed it at that time.

Mr. HEALY. Did you indicate by anything you said to him that you had reached such a conclusion in your own mind?

Mr. DENEEN. I acted on that theory. The whole conversation was based on the theory that he had been able to get together men from both parties who had practically put it out of my power to do anything there at all.

Senator KENYON. Whom did you mean by “he”?

Mr. DENEEN. Senator Lorimer; that he had succeeded and I had lost, and that I was willing to take the results of the war.

Senator KENYON. So you talked with him about his getting men of both parties?

Mr. DENEEN. We talked about the attitude specifically of the mayor of Chicago, directed toward me primarily; the fact that he had not supported me with his forces there under his control; about

the postmaster, and about Col. Frank Smith, and Dwight, the internal-revenue collector, and a number of other Federal officers.

Senator KENYON. Is the postmaster at Chicago under the control of the mayor?

Mr. DENEEN. No, sir; but they were very intimate friends.

Senator JONES. They had always been good friends of yours?

Mr. DENEEN. Well, we had worked together.

Senator JONES. And you thought you ought to have had their support?

Mr. DENEEN. Politically we had been associated for some time.

Senator KENYON. Did you discuss with Mr. Lorimer the question of the election, and the falling off in your vote, and what had brought that about?

Mr. DENEEN. We discussed the elements that fought me, and the different candidates who fought me, and he discussed those who rendered him the most effective service, and some whom he had expected service from, that he did not feel satisfied with their efforts, and we exchanged views in reference to it.

Senator KENYON. Did you discuss the question of the apparent Republican and Democratic alliance against you in Chicago?

Mr. DENEEN. I think we ran over the situation in a very general way. We talked about leader after leader and discussed his attitude in the primary against Governor Yates, and the result, and discussed Senator Hopkins.

Senator KENYON. Did you discuss Judge Roger Sullivan?

Mr. DENEEN. I do not think we did at that time.

Senator KENYON. Was he working with Mr. Lorimer against you?

Mr. DENEEN. At the primary?

Senator KENYON. Yes.

Mr. DENEEN. I think so.

Senator KENYON. And at the general election?

Mr. DENEEN. Very strongly; both.

Senator KENYON. Were they working together in the matter?

Mr. DENEEN. That was the impression—the public impression.

Senator KENYON. You had a pretty good impression?

Mr. DENEEN. There was no doubt of it in my mind.

Senator KENYON. No doubt of it?

Mr. DENEEN. Not at all.

Senator JONES. Do you mean by that that they were working in accordance with an agreement?

Mr. DENEEN. I do not know what agreement they had.

Senator JONES. Of course Mr. Sullivan would oppose you, because he was a Democrat?

Mr. DENEEN. They did not make that distinction.

Senator JONES. You do not have such distinctions as that up in Illinois?

Mr. DENEEN. Well, not altogether.

Senator KENYON. In other words, governor, there was a general bipartisan alliance at the election, and following that in the legislature.

Mr. DENEEN. Preceding the election, at the primary, at the election, and in the organization of the house.

Senator KENYON. And in the election of United States Senator?

Mr. DENEEN. And in the election of United States Senator.

Senator KENYON. It followed all the way through?

Mr. DENEEN. All the way through. It had been in force along that line for two or three years.

Senator GAMBLE. That is, you say, prior to the election of Shurtleff as speaker?

Mr. DENEEN. The last time?

Senator GAMBLE. I mean the last time—such a bipartisan understanding had been had?

Mr. DENEEN. In my judgment.

Senator GAMBLE. And had been in effect throughout the politics of the State, or do you mean particularly in Chicago?

Mr. DENEEN. Oh, in the State. It was state wide. It arose in the session of 1907 which, if I remember right, was a session that continued for 17 months. They would take a recess. They would not adjourn, but just kept hanging on indefinitely; and finally a plan was set on foot to investigate the charitable institutions of the State. A committee was appointed by Speaker Shurtleff and an investigation was made that covered a number of months; and that was exploited in the press and otherwise, and that was the foundation for the attack upon me. It was understood at that time that that was the purpose of it. It was one of the principal issues in the campaign against me. That was conducted by a committee that worked together during that session and after that session, and still working together.

Senator GAMBLE. And its point of attack was largely upon you, to injure you for the renomination?

Mr. DENEEN. To defeat me for the renomination.

Senator KENYON. And the election, too?

Mr. DENEEN. And it was the general understanding, I think—at least my friends understood it that way—that the Democrats were to support former Gov. Yates, defeating me for the nomination, and if that failed the Republicans were to support the Democratic nominee for the election, and if that failed then they were to join hands to organize the house.

Senator KENYON. How did some of those Democratic wards in Chicago vote at the primaries?

Mr. DENEEN. I think I received very few votes.

Senator KERN. At the primaries?

Mr. DENEEN. Either at the primaries or at the election.

Senator KENYON. Did Gov. Yates receive many votes in those Democratic wards?

Mr. DENEEN. Compared with mine?

Senator KENYON. Did the regular Democrat receive many votes?

Mr. DENEEN. That is all a matter of record. My judgment is that the Democratic primaries were very light and the Republican primaries very heavy in the Democratic wards.

Senator KENYON. Are those wards that are termed Lorimer wards?

Mr. DENEEN. Certain of them are. The wards south of Madison Street and west of the river were generally termed Lorimer wards by the newspaper reporters and others.

Senator KENYON. Does what you say as to the vote at the primary apply to the vote at the primary in those wards?

Mr. DENEEN. In those wards.

Senator KENYON. And in those wards alone?

Mr. DENEEN. No; a number of other Democratic wards, quite a number.

Senator KERN. Did Senator Lorimer support you in your candidacy for governor?

Mr. DENEEN. This last time?

Senator KERN. Yes.

Mr. DENEEN. I do not know how he voted, but all of his friends were against me, and we understood he was against me very strongly.

Senator KERN. That was for the primary and the general election both?

Mr. DENEEN. Both.

Senator KERN. Did you talk that matter over with him when you were having these conferences with him?

Mr. DENEEN. I discussed at great length with him the fight on me at the primaries, but I did not go extensively into the matter of the election. That was a matter that I did not care to discuss, and it was not brought up, I think.

Senator KERN. Did he make any claim to you that he had supported you, either in the primary or in the general election?

Mr. DENEEN. No; no claim of that kind was made.

Senator KERN. Did he say anything to you on that subject?

Mr. DENEEN. We discussed how he tried to beat me and how he nearly did it, and we talked of the wards and the forces that he had with him, and why he failed, and other matters. It was all discussed.

Senator KERN. Did you discuss with him any alliance with the Democrats up there in those wards?

Mr. DENEEN. No; I do not think we discussed that.

Senator KERN. You did not descend into particulars?

Mr. DENEEN. Not unpleasant particulars; no, sir.

Senator KERN. What were those forces that he had with him? What did he say about it?

Mr. DENEEN. The forces that fought me were first the liquor interests and a large number of Federal officeholders. I understood that they raised \$400,000 to conduct the campaign in the primaries, and I think some of it was used.

Senator GAMBLE. Upon whose recommendation were those Federal appointees appointed who so persistently fought you?

Mr. DENEEN. The Senators, I assume. None of them on my recommendation. Some of them were friendly and others hostile.

Senator KERN. Who was it that raised \$400,000 for the primary?

Mr. DENEEN. I only have the general information that floats around in a campaign. I know by rumor only. I have nothing to prove it. Different amounts were referred to, but I do not know anything about it.

Senator GAMBLE. Was that to beat you for the nomination?

Mr. DENEEN. For the nomination.

Senator GAMBLE. At the primaries?

Mr. DENEEN. I understood this was the situation when they started out: The campaign was conducted on the theory that all the forces that were organized were to be used against me at the election; so instead of proceeding along ordinary political lines they gathered together carefully all the forces; they had clubs, and names, and card indexes, and all that, and after I was nominated the whole

matter, I had been told, was transferred to the Democratic Party. At least all the men began receiving letters and somebody had the information as to their attitude. The campaign was conducted on that theory of inflaming the prejudices and exciting the feeling anew which had been aroused by our primary battle.

Senator KENYON. What gas company was this?

Mr. DENEEN. I do not know its name, but it is the Chicago Gas Co.

Senator KENYON. The Sullivan Gas Co.?

Mr. DENEEN. His is the Ogden. This was the principal company.

Senator KENYON. Did his company fight you?

Mr. DENEEN. I understood so. That is, he was fighting me. I do not know about his company, but the gas company was against me, so I had understood. I had instituted a suit against it once to annul its organization when I was State's attorney.

Senator GAMBLE. You say Sullivan's fighting you was what you expected?

Mr. DENEEN. Yes; I expected it.

Senator KENYON. Was he fighting you at the primaries?

Mr. DENEEN. I understood he was fighting me.

Senator KENYON. What would he have to do with the Republican primaries?

Mr. DENEEN. He and I did not have any kind of discussion about that. I do not know. He was against me.

Senator KERN. The Democratic primary did not amount to anything, and he wanted to have a primary.

Mr. HEALY. In these several talks which you had with Mr. Lorimer, did you talk about the senatorial deadlock?

Mr. DENEEN. In some of those talks, in a number of the talks, we did.

Mr. HEALY. I wish you would recall, if you can, governor, what was the first thing that was said about that; the first line of discussion with reference to the senatorial situation?

Mr. DENEEN. I do not recall the matter in its chronological order.

The CHAIRMAN. Would it not be well enough to have the witness state the whole thing in its order?

Mr. DENEEN. I do not recall the matter chronologically. I only recall it as it made an impression on my mind, the vital matters, and either at the first visit or some subsequent visit when we were discussing matters, it appeared that the Senator was against Senator Hopkins, and, so far as I know, that was my first information that he was against him, and I then asked him about what they intended to do with Senator Hopkins, and I understood that his friends, that Shurtleff's friends, would not vote for him, and that he could not be elected. Now, when that occurred I do not know. It is impossible to state when it occurred, but that was the first matter of importance that related to Senator Hopkins, and it arose in that way in the conversation.

Senator GAMBLE. And about what was the date of this?

Mr. DENEEN. I do not recall just the date. It is impossible to recall it.

The CHAIRMAN. Can you not go right along and tell everything along that line, so as to save time? You have stated now how it began. Can you not go along and state all of your conversations with Senator Lorimer about that subject?

Mr. DENEEN. I can state the matter as it is organized in my mind. The CHAIRMAN. Well, we do not ask anything else.

Mr. DENEEN. And at the places where you are interested, I suppose you can inquire more particularly. The Senator informed me his friends would not support Senator Hopkins, and that he could not be elected. The matter ran on for some time, and then they began discussing who could be elected, and what could be done to break the deadlock, and the votes were canvassed. That is, we ran down the list, or rather we discussed them, because we knew most of them, district by district—as to the attitude of certain representatives, chiefly, and of some senators in reference to the senatorial deadlock—what they would finally do. Then a number of men appeared at Springfield as candidates, or had their representatives there. I do not recall just when they began to arrive. Mr. Corwin, who was formerly connected with the Chicago Tribune, came to represent Col. Lowden, and then Mr. Wier came looking over the ground for Mr. McKinley, the Congressman. Then a gentleman named A. C. Bartlett, a prominent citizen in Chicago in the business world, became a candidate, and Mr. Frost came down to represent him. Later there were several candidates who either appeared in person or by representatives, and came to sound the general assembly in reference to their candidacy, and test the strength that the one whom they were to represent could expect to receive. That matter went on for some time, and got into the papers and it seemed they were not developing any strength, at least they were not making much headway. Finally, it led up to a discussion in reference to myself. Several senators asked me to run. Some of them were friendly to the Senator politically, and friendly to me—

Senator KERN. You say friendly to the "Senator." Whom do you mean?

Mr. DENEEN. Senator Lorimer. I refer to him all of the time. They tried to induce me to run, and afterwards a movement was created to that end, and I think it was led chiefly by Senator Curtis, from Kankakee. After that had been discussed for some time and had gotten into the newspapers by them, Senator Lorimer discussed it with me, and I refused to run, and the matter was discussed as to whether or not I was making a mistake.

Senator KERN. Did Senator Lorimer request you to become a candidate?

Mr. DENEEN. Senator Lorimer told me they would support me and wanted me to run—to take the position—and we discussed this. The principal points in that matter are these: Senator Curtis—and I assume, Mr. Chairman, you want me to run right along and tell it instead of waiting for the questions—Senator Curtis when I refused to take the position said he thought the reason why I refused so high an honor was that I did not feel justified in allowing the lieutenant governor to become governor, because the lieutenant governor was not very friendly, and it would reverse the order of things politically. I told him that was not the case, but he insisted it was, and stated they could induce him to resign his office. Then, he said, if necessary, they could induce the president of the senate, who would succeed in the event the lieutenant governor ceased to be an officer, to resign his office, and they would permit me to designate the president pro tempore of the senate, who would become governor

in the event that I resigned and the lieutenant governor resigned. That was discussed at some length.

Senator KENYON. Who said that?

Mr. DENEEN. Mr. Curtis.

Senator KENYON. Did he say he could have the lieutenant governor resign?

Mr. DENEEN. Mr. Curtis said that. I discussed the matter with Senator Lorimer, or rather he with me, and stated that the matter could be arranged so as to have Mr. Ogilvie.

Senator JONES. That is, to have him president pro tempore?

Mr. DENEEN. President pro tempore, ex officio.

Senator JONES. So that he would succeed you?

Mr. DENEEN. He would be governor in case I resigned or was elected to the Senate.

Mr. HANEY. Mr. Chairman, I do not understand just what the result of that was—whether the governor said he discussed that with Senator Curtis or with Senator Lorimer.

Mr. DENEEN. Mr. Curtis presented the matter to me first and discussed it. Oh, we discussed it on several occasions. He came down and urged me to take it, stating it would bring harmony in the party and would reconcile the factions, and that the disturbances that had taken place there for a number of years would cease; that I would be elevated to the Senatorship, and by the time the term of office had expired matters would be in such position that the party would be in harmonious relations. Then the Senator took it up and discussed it at considerable length.

Senator GAMBLE. What attitude did Senator Lorimer take?

Mr. DENEEN. The Senator urged me very strongly to take it, and urged it upon me, and stated it was a position where while I must expect some criticism, yet that that would be the only opportunity that I would ever have to go to the Senate, because if I did not, the party would be organized on other theories and it would be impossible to overcome the difficulty. It was a case of doing that or foregoing it forever.

Senator GAMBLE. About what time was this?

Mr. DENEEN. I have no positive means of knowing, except that it culminated in March. I had the newspaper files examined to get the date, so that I could get these matters organized in my mind.

Senator KENYON. Was it suggested that you could get Democratic votes?

Mr. DENEEN. It was; yes, sir.

Senator KENYON. How many Democratic votes?

Mr. DENEEN. I never inquired how many, but I was told so. It was said that I would get all but about 15 Republicans and most of the Democrats.

Senator KENYON. Who told you you could get the Democratic votes?

Mr. DENEEN. Senator Lorimer.

Senator KENYON. What did he say about it?

Mr. DENEEN. He urged me strongly; and I was presenting arguments against the matter and said, among other things, that our men could not afford to take such a position; that I could not, because I had been responsible for the primary law; that we had indorsed it in the convention; and, notwithstanding the feeling we had in refer-

ence to the attitude of the managing committee of Senator Hopkins, that I could not afford to allow them to induce me to be the means of breaking down the law itself—and it rose in that way. Then I raised the point about the so-called Band of Hope; that they were men who could not afford to be put in that position, and that they would not support me; and then the statement was made in reference to Democratic support for me.

Senator KENYON. Were there any Democrats named who would support you, or who would be induced to support you?

Mr. DENEEN. No; I think not. I think that was not discussed. I did not go into it at all.

Senator KERN. It was understood?

Mr. DENEEN. I gathered from it all that the same support that was received by Speaker Shurtleff would come to me. That was my understanding.

Senator JONES. That was practically all of the Democratic vote?

Mr. DENEEN. That was what I understood.

Senator KERN. You have been fighting the Democrats out there for a good many years?

Mr. DENEEN. We have had some very bitter contests, but never any personal contests.

Senator KERN. You had been an earnest Republican and a very earnest supporter of Republican principles?

Mr. DENEEN. Yes. The Democrats were not under the slightest obligation to me.

Senator KERN. I say you had been a very earnest supporter of Republican principles?

Mr. DENEEN. Active; yes. I had been a partisan.

Senator KERN. There was no reason that you know of why any Democrats should support you?

Mr. DENEEN. No, sir.

Senator KERN. You knew that the tariff bill was under discussion here at Washington at that time?

Mr. DENEEN. Yes.

Senator KERN. And that the lines were very sharply divided?

Mr. DENEEN. Yes, sir.

Senator KERN. And that the political parties of the country were aroused on that question?

Mr. DENEEN. Yes.

Senator KERN. So you could not understand why a Democrat should support you in that event?

Mr. DENEEN. No; unless some of them wanted to change their views.

Senator KENYON. Did you think so many of them would change their views all at once?

Mr. DENEEN. I did not at that time think they would. Of course, I have no gift of foresight.

Senator KENYON. Did you believe that you could secure this Democratic support?

Mr. DENEEN. I did not think anything about it; I did not intend to take it.

Senator KENYON. You did not consider it?

Mr. DENEEN. No, sir; not at all. We discussed it at some length—I heard the stories that were presented to me, and inquiries were made

about different men, so that I would get their attitude. This was going on at the time I was under investigation, or rather, under a contest which was going on. I did not know who was going to be Senator or who would be governor.

Senator GAMBLE. I do not recall the date that you gave when the matter of the contest for governorship was disposed of.

Mr. DENEEN. The 17th or the 18th of March, I am not sure which.

Senator GAMBLE. And this suggestion for your candidacy for the Senatorship was prior to that time?

Mr. DENEEN. Yes; it was a considerable time prior to that time. I do not know how long.

Senator KENYON. Was any suggestion made as to what you should do for the people who might make you Senator?

Mr. DENEEN. No, sir.

Senator KENYON. In the way of patronage?

Mr. DENEEN. Nothing at all.

Senator KENYON. Senator Lorimer had fought you through the primary and through the campaign?

Mr. DENEEN. For two primaries; he fought me both times for governor.

Senator KENYON. Did not you think it rather remarkable that he wanted you to be Senator?

Mr. DENEEN. Well, I can give you my views. I do not know that I meant to say that the Senator alone, but the men he represented I thought were willing to get rid of me, and they determined whether or not they could afford to put me out. We discussed that, the Senator and I. I said to him, "If you are going to put me out, Congressman, I hope you will end it." I said, "I am not a man to ask terms of men with whom I have fought, and where I failed, and I want to have it ended, and I will go back and practice law." He said, "You are a rather cheerful martyr, are you not?" I smiled and said, "This is not a polite invitation to ask for mercy at all, but I want to get rid of it." He said, "You think you would be stronger by being put out than by being kept in?" I said, "I would. If I am kept in, I can accomplish nothing by reason of this combination, and if I am put out, I think I will be a leader of the party, and I am a very big cheerful sacrifice." I said, "Don't you waste any time on me, but I will go, if you will just go through the motions, and we will fight it out as hard as we can, but it is plain that we have not the majority vote, and if they intend to put me out, the sooner the better for all concerned."

Senator KENYON. You had received how many votes for governor?

Mr. DENEEN. I do not recall. The majority was about 23,000.

Senator KENYON. You had received 400,000 or 500,000 votes?

Mr. DENEEN. I have it here, five hundred and some odd thousand. I received 75,000 votes fewer than the President.

Senator KENYON. You received some 500,000 votes for governor?

Mr. DENEEN. Yes.

Senator KENYON. And you thought one man could put you out?

Mr. DENEEN. No; I said the organization of men with whom he was associated could put me out.

Senator KENYON. Were they controlled by him?

Mr. DENEEN. Well, I was not at their caucus, but they looked upon him as their leader. I think he was regarded as the strongest of the men who were against me. I so regarded him.

Senator KENYON. So that the will of 500,000 people could be overruled by one man?

Mr. DENEEN. I would not put it that strong. It could be overruled by the men who elected Mr. Shurtleff speaker.

Senator GAMBLE. It could be overruled by a vote of the legislature?

Mr. DENEEN. There would be no review of the vote. If they voted to put me out, that would end it. They could put me out for any reason, no matter how frivolous—because I did not wear a beard if they wanted to, and the vote could not be reviewed.

Senator FLETCHER. Did any Democrats come to you and ask you to run for Senator?

Mr. DENEEN. I do not recall that a Democrat came to me, and I think no Democrat did.

Senator FLETCHER. Was there any chance for the Democratic Party to elect a Senator at that legislature?

Mr. DENEEN. If he could get the Republican votes.

Senator FLETCHER. Was it not really a situation where the Democrats either had cause to create a deadlock, or vote for some Republican?

Mr. DENEEN. I had assumed that no Democrat would be elected. I did not suppose that any of the Republicans who were against me could afford to put in a Democrat.

Senator FLETCHER. Did you conceive that situation to be that the Democrats would rather vote for you than for Senator Hopkins?

Mr. DENEEN. Well, I never tested that out, and I never heard any expression of opinion on the matter.

Senator FLETCHER. Could you state whether or not under the political conditions there the feeling among the Democrats toward Senator Hopkins was rather severe?

Mr. DENEEN. None of them so expressed himself. I think a number of Democrats would have voted for me before they would have voted for Senator Hopkins, because in voting for me they would have had more influence with the next governor, and they would have had power to organize affairs and have more power in the State—I mean in the legislature at that time.

Senator KERN. Do you know of any better reason why 53 Democrats should go over and vote for a stalwart Republican than that 53 Republicans should go over and vote for a Democrat?

Mr. DENEEN. No; I did not.

Senator FLETCHER. Did you think that a majority party in control would be likely to be split up for a minority candidate?

Mr. DENEEN. I do not quite catch your question.

Senator FLETCHER. Is there not more reason for a minority of 77 to go over to the majority than there would be for a majority to go over to the minority?

Mr. DENEEN. It does not occur to me so. I think a minority party should stand by its principles, and if they hope in any way to achieve results, they could not do it after an active campaign by abandoning all of their principles and voting for a man whom they had opposed or principles they had opposed.

Senator KERN. Is it not true that a minority party that has stood together for years, withstanding all opposition and receiving that kind of quasi persecution that a minority receives, generally stands as close together as a majority?

Mr. DENEEN. A little closer. They are not worried by troubles that arise out of putting things into execution.

Senator JONES. The minority in Illinois did not seem so very steadfast to their principles.

Mr. DENEEN. Not on this occasion.

Senator JONES. Not very steadfast even in the primaries.

Mr. DENEEN. No, sir.

Senator FLETCHER. That was pretty much so with the majority, was it not?

Mr. DENEEN. We were divided about even.

The CHAIRMAN. Governor, you have come down to a certain point in your narrative. Can you proceed with it now?

Mr. DENEEN. Well, we went on until it culminated in March. A gentleman who had come from a territory that was friendly to me, and had been friendly, I think, apparently changed his view, and he called a meeting in a room at the principal hotel there in Springfield of a number of Republicans for the purpose of electing me. His name was Sollitt. They had a meeting one night, and they intended to arrange for an organization to elect me Senator the next day. I heard of it at 11 o'clock that night, and we sent out and got 43 of them in the next morning at the office, and put an end to it, and that ended it, and I told them that I would not only never do that, but if I happened to be elected I would not accept it, because it was the understanding they were going to elect me and let me resign, and have a sort of bipartisan affair on me, and then elect another man; and I told them I would not accept the position in that way or be used in that way.

Senator GAMBLE. Was this a proposition to elect you by Republicans and Democrats?

Mr. DENEEN. This was a Republican meeting. The general understanding was that the Democrats were under better leadership and would follow.

Senator KENYON. What was that leadership?

Mr. DENEEN. Mr. Brown and Mr. Tippitt. There were two factions; one had 31 votes and another 35.

Senator KENYON. This occurred at that conference?

Mr. DENEEN. I was not in that conference. This occurred at the hotel.

Senator KENYON. There was a conference?

Mr. DENEEN. Mr. Sollitt called a conference.

Senator GAMBLE. A Republican conference?

Mr. DENEEN. A conference by a number of Republicans. He was a member of the so-called Band of Hope, and he wanted to bring an end to the deadlock, and he thought it could be ended by voting for me, so he stated, and he called a little conference, or a caucus, and it created some excitement in the hotel, the principal hotel that was there at that time, and the news came to me about 11 o'clock, and I sent a friend over and stopped it.

Senator GAMBLE. About what time was this?

Mr. DENEEN. This was about in the latter part of March, the 22d or the 24th; I have forgotten the date. The next morning I called the men, the Band of Hope—there were 43 of them—

Senator GAMBLE. Was this a Republican conference entirely?

Mr. DENEEN. Republican entirely, organized by Mr. Sollitt.

Senator GAMBLE. Were there any Democrats in the conference?

Mr. DENEEN. No, sir; not as far as I understand.

Senator GAMBLE. In order to elect you, it was necessary for you to receive Democratic votes?

Mr. DENEEN. Yes.

Senator JONES. They were supposed to be your friends?

Mr. DENEEN. This gentleman had been friendly to me, and because of his relation to me he sought to organize my friends and others already organized were to join together. That was my understanding.

Senator GAMBLE. They thought they could get enough Democratic strength to elect you?

Mr. DENEEN. I had understood so. I did not make any inquiry. We stopped it, anyway, and we called them together, the 43 of them.

Senator KERN. You thought there were some interests greatly interested in getting rid of you as governor of Illinois?

Mr. DENEEN. Getting rid of me either by a contest or by electing me Senator.

Senator KENYON. Why?

Mr. DENEEN. Those interests had waged a very strong fight against me in the primaries and at the election. For instance, I had signed a local-option law out there, that made the township a unit, the town and the municipality, and the liquor interests were arrayed against me. Then electric-light companies were organized on the Desplaines River and the Illinois River and there was trouble in reference to the water rates. Then I had had a contest with a gas company there under a consolidation act that had been passed back in 1897.

That company had been steadfastly against me. We instituted a suit against the Illinois Central for an accounting, in which we charged at that time that the road had not paid over to the State at least \$15,000,000 that was due the State, running back indefinitely, beyond the seventies. That was the charge. They pay there 7 per cent of their gross earnings to the State, and the governor is a director of the road, ex officio, and he is expected to audit the accounts. We had been auditing them, and the results had led to a suit that I had instituted as governor against the Illinois Central Railroad for an accounting, in which we charged that they had withheld \$15,000,000 from the State. That road was against me.

Senator KERN. Governor, did you believe that these great interests that were interested in getting rid of you as governor of Illinois were in some way behind this movement to make you United States Senator?

Mr. DENEEN. It was understood that Mr. Browne represented the liquor interests, and the fight in the Democratic Party was between Mr. Tippitt and Mr. Browne—Browne representing the liquor interests and Tippitt representing the views of the Democrats in the southern part of our State, who for the most part stood for a local-option law. The contest was framed largely on the temperance issue—not altogether, but the backbone of it, I think, was on the temperance issue in the Democratic Party.

Senator KERN. Did you understand that these great interests that have been referred to were really back of the movement to get you out of the governor's office and send you to the Senate?

Mr. DENEEN. They wanted to get rid of me. I do not know that they wanted to send me to the Senate, but I felt sure that they wanted to get rid of me.

Senator KERN. And they were willing to pay that price to get rid of you?

Mr. DENEEN. They were willing to kick me upstairs or kick me downstairs, I think.

Senator JONES. Do you think they were promoting this conference that you referred to?

Mr. DENEEN. That would be purely a matter of inference. I would not want to say as to that. I have no evidence on the matter.

Senator JONES. The leaders of it were those who professed to be your friends, anyway?

Mr. DENEEN. There were leaders there who were very friendly to those interests who were very friendly to putting me out of office, or making me Senator. I do not know the relation between them and the men back of them.

Senator KENYON. Governor, was there any relationship between the interests that were trying to get rid of you and the "jack pot" we have heard about?

Mr. DENEEN. I thought so.

Senator KENYON. You did?

Mr. DENEEN. Yes, sir.

Senator KENYON. At the time of the passage of the local-option measure—

Mr. DENEEN. I do not mean to imply now that I am speaking of Senator Lorimer in this matter.

Senator KENYON. No. At the time of the passage of the local-option measure were the liquor interests very active in Illinois?

Mr. DENEEN. Very.

Senator KENYON. That was while you were governor?

Mr. DENEEN. While I was governor.

Senator KENYON. Was the "jack pot" in evidence at that time?

Mr. DENEEN. I think so. The general impression is that it was.

Senator KENYON. How long has this jack pot existed, to your knowledge?

Mr. DENEEN. Nobody knows exactly except those who participated in it; but the general understanding is that it began in 1897 with some "constructive legislation" with reference to the so-called Allen bill, the Humphrey bill, the gas-consolidation bill, the warehouse bill, and some "constructive legislation" that was passed at that session.

Senator KENYON. Did you regard these same interests that were trying to secure your election to the Senate, or were suggesting your election to the Senate, as contributors to the jack pot?

Mr. DENEEN. I do not know as to that. I could not tell.

Senator KENYON. Of course, you do not know because you did not see it.

Mr. DENEEN. No.

Senator KENYON. But you had a pretty general understanding of the situation there, apparently.

Mr. DENEEN. My information was that they contributed pretty heavily to the funds to defeat me. Whether they gave any to the legislature thereafter I do not know. Whether they expected men to vote from a sense of obligation for large donations at the primaries

or elections or whether more substantial inducements were brought to bear I do not know.

Senator KENYON. You say Mr. Lee O'Neil Browne was understood to represent the liquor interests?

Mr. DENEEN. The liquor interests.

Senator KENYON. Was that the general understanding?

Mr. DENEEN. I think it was known everywhere. It was charged in the papers and mentioned during the contest.

Senator KENYON. Was it ever denied by him?

Mr. DENEEN. I never saw any denial. I do not know whether he denied it or not. I think it was generally understood.

The CHAIRMAN. What do you know about the jack pot in 1897, at the time the various bills you have spoken of were pending?

Mr. DENEEN. I was not a member of the legislature in 1897. I had been in the legislature four years before that, and only have such information as is public information as the matter has been charged.

The CHAIRMAN. Give us what you know about it.

Mr. DENEEN. The charge was made at that time that large amounts of money were distributed in the legislature to pass the so-called Allen bill, which would give the city councils in the State power to grant franchises for 50 years to certain public-utility companies.

The CHAIRMAN. By whom was the Allen bill supported?

Mr. DENEEN. I have not the list of legislators here, and I do not recall them all. There were a large number.

The CHAIRMAN. By what outside influences?

Mr. DENEEN. I think the Senator was friendly to the Allen bill.

The CHAIRMAN. How was the press of the State?

Mr. DENEEN. The press was against it. When I say "the press was against it," I should say that they were divided. I think the Inter-Ocean was for it, and that the Tribune, Record-Herald, and other papers in Chicago, including the old Record, were against it. It was generally conceded that the papers that favored the large corporations were for it, and those that were not under the influence of public utility companies were against it. I think the popular sentiment was against it very strongly.

The CHAIRMAN. I do not know whether I interrupted you when you were stating what you knew about the common report as to contributions to the fund of that year.

Mr. DENEEN. What fund? Do you mean 1897?

The CHAIRMAN. Yes.

Mr. DENEEN. I do not know at that time. I mentioned the funds against me in 1908, when I ran.

About the "jack pot," if you care to know, this is the general situation that obtained in our legislature for a number of sessions: The legislature meets in January and adjourns when it chooses. It can remain in session two years, if it chooses. It has been the custom for several legislatures to defer the appointment of committees until the session has far advanced. Sometimes, I think, they have deferred it for eight weeks. The constitutions of some States limit the session to eight weeks, but in our State they hardly get organized for eight weeks. Then the bills are introduced, and they range in number from 800 to, I should think, 1,300 bills. They have about 60 committees. The minority agree upon a leader, and the majority elect a speaker, and the minority leader and the speaker arrange for the

appointment of these committees and their chairmen. Then the committees meet and begin their work; and the bills that are introduced to regulate corporations—they are all regulated out there—are introduced and receive about the same consideration. They get through one house and get up to the second reading in the second house—the lower house usually, because they are more numerous in number—and the struggle then begins to get those bills to action and to prevent action. At that time the date of adjournment is fixed by joint resolution, and they pass most of the legislation.

For instance, in one of the legislatures that has been in session since I have been governor they passed about 235 or 240 bills. About 20 or 25 of those were passed the second day preceding the adjournment, and all the rest of them were passed in the last two days. When it gets up to the second day preceding adjournment, with a congested calendar, the speaker rules that a bill can not be heard unless it is on special order, and the special order requires a two-thirds vote. The constitutional provision is a majority vote. So that to get a bill up requires 102 votes, and to pass it requires 77 votes; and to prevent a bill getting advancement there are the men who are against it per se, and then all the men who fear that their bills will be ignored when other bills get up that will consume three or four hours. So it is impossible to advance anything without the speaker. Then those bills that are advanced, these "regulators," usually meet their fate on those two days, and as they meet time after time, are introduced, and are referred to the same class of committees, the general suspicion is that they could not bear the test of an exhaustive coroner's inquest. That is the suspicion. Then the general understanding in our State is that the money is paid, and that it accumulates in the hands of several men and is distributed according to the judgment of the men who control.

Senator FLETCHER. Is the "jack pot" opened at that critical moment, or later?

Mr. DENEEN. The general impression, the gossip, is that it is opened a considerable time later.

Senator KERN. It is done cautiously.

The CHAIRMAN. On what principle is it distributed, Governor?

Mr. DENEEN. I do not know.

The CHAIRMAN. Who has the determining power?

Mr. DENEEN. The men who create the fund, who gather the fund, I assume.

The CHAIRMAN. The men who gather the fund—certain leaders?

Mr. DENEEN. That is the general impression—certain leaders; yes.

Senator KENYON. How much of a fund is that supposed to be at a session?

Mr. DENEEN. I never have heard, definitely.

Senator KENYON. You have heard rumors?

Mr. DENEEN. I have heard rumors and other matters, but I have never heard definitely. I do not know.

Senator JONES. Have you heard of those who contributed to the "jack pot" fund?

Mr. DENEEN. Only the general suspicion.

Senator JONES. You have heard the general suspicion?

Mr. DENEEN. Oh, yes; I have heard that.

Senator JONES. Who was it?

Mr. DENEEN. I have heard that the railroads have contributed for years to protect themselves against legislation; that the gas companies or gas company of Chicago, and the electric light company, and the liquor interests, and the stockyards companies, and the elevator companies, I think, and the Pullman Co., and the street car companies, have contributed.

Senator JONES. Has it been charged that those interests have pretty generally contributed to the legislature?

Mr. DENEEN. I would not say as to that. I do not know specifically enough. I know only the general running rumor. I do not know that it is based on facts at all.

The CHAIRMAN. Has the matter ever been investigated by the Legislature of Illinois?

Mr. DENEEN. There was an investigation made during the term of my predecessor, Gov. Yates, about the passage of the so-called Mueller bill that he referred to the other day, affecting Chicago; and the charge was made by Mr. Hinman, of the Inter-Ocean, that the street railway companies were contributing money to promote that bill. They had an investigation of the matter at that time, and I think it was referred to the other day by the governor. I read his testimony.

Senator KENYON. Governor, have you ever made an investigation of these conditions yourself?

Mr. DENEEN. No; I have no power to make an investigation, and no facilities.

The CHAIRMAN. Governor, coming back again to the main subject: Have you finished your narrative about your interview with Senator Lorimer?

Mr. DENEEN. I have discussed the matter here as I ran along. I have read some of this testimony and the Senator's speeches. I made the statement regarding his discussion about his own candidacy. I had not organized it in my mind. Among other matters we discussed his candidacy. I do not know just when it started, but we discussed it a number of times. I think it was after they tried to elect me, but I am not sure about that. It may have been a great deal earlier. In any event, I thought it was earlier until I read the record here, and the speeches that were made. It occurred to me that it was; but in any event, whenever it was made, it arose in this way: When the Senator Hopkins matter was discussed, and when it was made plain that he could not be elected by Republicans—and I then assumed that that meant that he could not be elected at all—I asked him who he intended or expect to elect Senator. He suggested Mr. Shurtleff, and I discussed that with him. The point of the thing was this: The discussion was of considerable length. I stated to him that I thought it would be a great misfortune for him, from his standpoint or that of his organization, to elect Mr. Shurtleff, because Mr. Shurtleff did not represent any forces in his organization. He was a man of very considerable ability and experience, and individually was a very strong man, but he had not any large force back of him. I said he had not any great influence back of him, and that he would not add to it, and it would be a misfortune, I thought, to elect him from his standpoint. He urged it, and said that he thought he could be elected; that he had the strength that came from organization there; the Democrats had voted for him there, and they could

afford to vote for him as Senator, because they had voted for him for speaker; and he argued the matter. I then said to him: "Well, if you have the power to elect Mr. Shurtleff, why do you not elect yourself? You are a power, and he is not a power, in Illinois politics, except as an individual factor, a man of ability." He stated that he could not afford to take it, because he had advanced in the house to such a position that he thought he had considerable influence in reference to the waterway legislation, and it would take some time to acquire that influence in the senate, and that the question was ripe for action, and he could do more service in the house than in the senate, as I recall it; and he dismissed it, and the subject went to other matters.

Later the matter was discussed again, and I repeated the argument, and it was repeated again, and still another time, until I conceived the idea that the Senator would like to have me make objections to Shurtleff's candidacy; at least it appealed to me so, and I began to believe that he would like to have it himself. Later it was discussed and he discussed his own candidacy, and the support he would get. That was discussed by him.

The CHAIRMAN. You may proceed, Governor.

Mr. DENEEN. That went on—I do not know just how long. I discussed with him the candidacy of Mr. West—Mr. Royal West, the chairman of the committee. I had suggested two men. Mr. Curtis was the man that talked to me most, I think, besides Mr. Lorimer, and I suggested that they have a caucus of the Republicans in which all would join, and there determine the man that could be nominated, and then support him; and the Senator objected to that, and Senator Curtis, who had talked with me frequently, stated that he himself would favor and advise a caucus, providing Senator Hopkins would be eliminated, and wanted us to agree to that. We told him we would not; that we would agree to a caucus in which the Republicans would meet and determine by a majority vote the man that the whole party would support, and that that would have to include anyone whose name would be presented to the caucus. That was not agreed to by Senator Curtis and was not agreed to by Senator Lorimer.

The matter proceeded along, until these men were discussed. Congressman McKinley's name was discussed, and Congressman Lowden's, and Mr. Bartlett's, and Mr. West's, and others whose names were mentioned—Congressman Rodenberg, and it was discussed as to whether or not the party could agree upon them, and it ended in that—in discussion.

Senator JONES. Did Senator Lorimer, or Congressman Lorimer, as he was then, express a willingness for his friends to go into caucus if Senator Hopkins were eliminated?

Mr. DENEEN. I do not think we talked about that. Senator Curtis, who came to me very often when we were speaking about this matter, presented it very often. I do not recall that the Senator presented it. I had understood that they were working in harmony, although I doubt whether Senator Curtis would represent his specific views. They were working to the same end, but I think he was taking his own initiative.

The CHAIRMAN. You may proceed with the story, Governor.

Mr. DENEEN. That is about all the story there is, unless there is something you care to suggest.

The CHAIRMAN. Unless you wish to say when you first knew of Senator Lorimer's candidacy.

Mr. DENEEN. They began mentioning it—I have just refreshed my recollection by the materials covered here—previous to the 14th of May. I notice that from the notes I have collected here, from a number of papers.

Senator KERN. When was the election?

Mr. DENEEN. The 26th. The papers were mentioning it.

Senator GAMBLE. You spoke, Governor, of certain large influences or interests in the State whose interests might induce them to see that you were not elected to the United States Senate. Do you feel that those influences or interests operated upon this conference of which you speak and induced the 43 members of the legislature who were friendly to you to come out actively in your favor?

Mr. DENEEN. Those interests fought me for nomination and for election very bitterly. After that I did not keep in touch with them. I kept in touch with the men who were there on the spot, and who had the votes. I do not recall that the matter was discussed at all. I kept in mind the men who had the votes there, and their views. What affected them I do not know. There had grown up a very strong division in our party—

Senator GAMBLE. You regarded the "Band of Hope" as your friends?

Mr. DENEEN. They were friendly.

Senator GAMBLE. As your friends in good faith?

Mr. DENEEN. Yes.

Senator GAMBLE. As your friends in good faith, interested in your political preferment and the carrying out of your administrative policy?

Mr. DENEEN. They were friendly politically. In the case of some of them I think there was no strong personal friendship, but they represented the views of men in their districts that were friendly. We were fighting for the same things. They were called, in derision, the "Band of Hope," that was all. They did not take the name themselves.

Senator FLETCHER. You do not mean to say that these 43 men who conferred with reference to your candidacy were influenced or moved by those interests of which you spoke?

Mr. DENEEN. There were no 43 gathered at Mr. Sollitt's room. Mr. Sollitt was one of the so-called Band of Hope. He called a number of friends together at his room, so I understand. Whether they met in conference, or whether he began sending out for men and talking with them and reaching a plan, I do not know. I rather think there was no meeting there. It was just a gathering of men from the corridors and talking with them and planning. He was the man. Whether he had anybody with him I do not know. My judgment is it was vastly overstated. My judgment was then and is now that the Band of Hope under no circumstances would have gone in and voted for me for Senator if I had cared to run.

Senator FLETCHER. You spoke about some 43 men being in a conference at which you announced you would not be a candidate.

Mr. DENEEN. I called the next day a meeting of my friends in my office; I think 43—I have a list here. These men came to me in my office; they came in 5 and 10 together, and we held an open session in

the office from 9 to 10 o'clock. We sent out couriers and brought them in. Some of them would stay one minute and some of them two minutes, and so on, and some during the entire time. There was no meeting at all. It was just a running talk.

Senator GAMBLE. Senator Curtis was your friend?

Mr. DENEEN. I think he was my friend personally. He was a strong friend of Mr. West, the chairman of the committee. His political friends had fought me strongly at the primaries and again at the election, but in the organization of the senate he voted with our friends; but his friends fought me very enthusiastically at the primaries and at the election, I think.

The CHAIRMAN. You said the papers made some mention of Senator Lorimer's candidacy as early as the 14th of May.

Mr. DENEEN. Yes.

The CHAIRMAN. What occurred after that?

Mr. DENEEN. I do not recall whether Senator Lorimer and I met after that or not. I have looked through the papers carefully, and there is no notice of the matter at all. It was soon known, however, that he was a candidate; and the rumors were around that he was a candidate, but they were not generally believed. It was not generally believed that he would be an active candidate, or that he could get the support that would be necessary from the Democratic Party. I did not believe it until the morning of the election. I did not think he would get it. I was told then, about an hour and a half before he was elected, that he had the votes and would be elected.

Senator KENYON. You have been governor of Illinois for how long—seven years?

Mr. DENEEN. Six years and six months.

Senator KENYON. You made your first campaign against the system of levying on employees of State institutions?

Mr. DENEEN. I did.

Senator KENYON. For a percentage of their salary?

Mr. DENEEN. I did. That was one of the planks.

Senator KENYON. That was the issue in which the people of Illinois were interested?

Mr. DENEEN. The primary law was another.

Senator KENYON. There had been a system of levying upon a certain percentage of the salaries of all the employees for political campaigns?

Mr. DENEEN. Five per cent.

Senator KENYON. And it had become a sort of a State scandal?

Mr. DENEEN. There had grown up opposition to it.

Senator KENYON. You denounced that in your campaign?

Mr. DENEEN. I made speeches against it.

Senator KENYON. For six years you have been in Springfield at the meeting of the legislature?

Mr. DENEEN. For six years and six months; yes.

Senator KENYON. And you have been there while the legislature was in session?

Mr. DENEEN. When we have not had regular sessions we had special sessions, and I have been there nearly all the time.

Senator KENYON. And you know all the members of the various legislatures?

Mr. DENEEN. No; I know the Republican members who are friendly to me, and most of those who are unfriendly. I am not acquainted with all the Democratic members by sight.

Senator KENYON. You know, in a general way, the different members?

Mr. DENEEN. I know who they are.

Senator KENYON. And you know their antecedents, and nearly all about them?

Mr. DENEEN. Their alliances, rather than their antecedents.

Senator KENYON. For these six years there has been constant talk of a jack pot in the Illinois Legislature?

Mr. DENEEN. Well, there has been a talk in a joking way or a suspicion.

Senator KENYON. Has it been joking?

Mr. DENEEN. It has been referred to in a jocular way, and sometimes there was a badgering of the men at the hotel and on the trains and general talk of it. I think there is a suspicion that there has been a jack pot for a number of years.

Senator KENYON. Has the talk of a jack pot been anything else than a suspicion or a joke in Illinois?

Mr. DENEEN. I could not say as to that. Most men think it is not a joke.

Senator KENYON. You were opposed to it, of course?

Mr. DENEEN. Yes.

Senator KENYON. Just as you were opposed to taking a percentage of the salaries for campaign purposes?

Mr. DENEEN. Just as I was opposed to that; yes.

Senator KENYON. Have you not called in members of the legislature and denounced this policy and tried to get at the bottom of it?

Mr. DENEEN. I made a campaign against it.

Senator KENYON. You made a campaign against the jack pot?

Mr. DENEEN. I made a campaign against the organization in the senate and it was reorganized. I made a campaign against that sort of an organization in the house and failed.

Senator KENYON. Did you make the jack pot a part of the issue of the campaign?

Mr. DENEEN. A part of the issue, and made a speech in the speaker's home against him.

Senator KENYON. Who was speaker at that time?

Mr. DENEEN. Shurtleff.

Senator KENYON. Did you denounce him as being in the jack-pot arrangement?

Mr. DENEEN. That he was responsible.

Senator KENYON. That he was responsible for the jack pot?

Mr. DENEEN. Yes.

Senator GAMBLE. When was the speech made?

Mr. DENEEN. I made a speech at Taylorville.

Senator GAMBLE. In 1910 was it?

Mr. DENEEN. Yes; preceding the election of November. I made my first speech at Taylorville in the summer time, and that was published in the papers and circulated extensively in our State against it.

Senator KENYON. You have made, then, an active campaign against the jack pot?

Mr. DENEEN. I have a speech in my pocket on the subject.

Senator KENYON. You have a speech here?

Mr. DENEEN. I have it in my pocket; yes. Part of it relates to that. I do not suppose you would be interested in the speech.

Senator KENYON. I think we would like to see it.

Mr. DENEEN. You might be interested in the jack-pot part. If you would care to see it, I have it here.

Senator KENYON. Is this the speech that you delivered at Mr. Shurtleff's home?

Mr. DENEEN. Practically the same thing. This is a little abbreviated, so that it could be published.

Senator KENYON. This speech was made while you were governor of the State of Illinois?

Mr. DENEEN. It was made at Taylorville last summer, I think in August. I assume that you will only want to see the jack-pot part of it. I will get at that and shorten it. I do not know how much you gentlemen want of this. I do not want to bore you with the speech.

Senator KENYON. Speaking for myself, I would like to hear the jack-pot part of it.

Mr. DENEEN. I think I could read it in five minutes, or ten. I do not care to read it all.

Senator GAMBLE. Have you any facts—

Mr. DENEEN. I will read what I have here in this speech, and then you may ask me questions about it if you wish:

"These are the factors which make the present unusual political situation in this State. I shall discuss, first, the jack pot, or common corruption fund, because of the important relation which, in my judgment, it bears to the other unusual features of our present political situation.

"The jack pot is a common corruption fund gathered from various sources during a legislative session, to be distributed afterwards among those who have earned the right to participate in it by selling their votes upon legislative measures for a cash consideration. Who it was that furnished the cash for this particular jack pot to bribe Illinois legislators and purchase legislation has not yet been disclosed, but we know, at least, some of those who distributed it and some of those to whom it was paid.

"It is plain, however, that those who have been exposed are not the only ones implicated in this jack-pot business. To make a jack pot effective requires the participation of a considerable number of such as can be held together by the cohesive power of public plunder, and an organization which must be able to control, to some degree, the course of legislation in the general assembly. These conditions are necessary in order to establish a channel between the illicit interests on the outside who purchase legislation and the dishonorable public servants who sell it.

"This would not be accomplished without the exercise of the power to appoint committees and determine their character; to decide to which committees particular measures should be referred and control their course therein; to afford or deny to such measures an opportunity for discussion or a vote in the committees or on the floor of the house; to determine what bills should be called on the calendar, and, generally, to manipulate the progress of legislation in such a way as would best serve the particular measures in which the 'men higher up' were interested.

"This, then, is the jack pot."

Now, I go into the record of some matters here.

Senator FLETCHER. What particular jack pot did you have reference to there?

Mr. DENEEN. The general jack pot.

Senator FLETCHER. But you, in the earlier part of the speech, said something about "this particular jack pot" which you are referring to. Do you know the men who participated in it or got the money out of it?

Senator GAMBLE. I presume you had reference there to the disclosures that had been made——

Mr. DENEEN. Oh, yes. You refer to this part: "It is plain, however, that those who have been exposed are not the only ones implicated in this jack-pot business."

I had this particular matter in mind, that a jack pot could not be created to influence four men—the four men who had confessed; that they had not votes enough, and that no one would be foolish enough to buy four men, when it required 77 votes in one house and 26 in another; and that the fact that four had confessed to receiving money for votes would indicate pretty positively that there were others, and a number of others.

Senator JONES. Did you have any other facts upon which you based that argument as to the existence of a jack pot? Did you have any facts other than these rumors to which you referred a moment ago and the instance of these four men who had confessed?

Mr. DENEEN. This is developed at a greater length than you would care to hear, probably. If you would care to have the speech, I can leave it.

Senator JONES. What I want to get at is, as nearly as possible, what are the facts upon which you base your knowledge of the existence of the jack pot?

Mr. DENEEN. I have no facts, except of the general character that I expressed at greater length in this speech.

Senator KENYON. You are willing to stake your reputation as governor of the State of Illinois on the fact that a jack pot did exist in Illinois?

Mr. DENEEN. I think a man could safely do that; yes.

Senator JONES. Have you any more facts that you can give us to warrant conviction?

Mr. DENEEN. Four men have confessed to it.

Senator JONES. Aside from the fact that those four men have confessed?

Mr. DENEEN. Only the general rumors and the general talk and talking with men.

Senator JONES. You were a member of the legislature at one time?

Mr. DENEEN. In 1893; yes.

Senator JONES. Were there any rumors of a jack pot at that time?

Mr. DENEEN. There was talk about corrupt men. I went in in 1893 as a minority man. I was elected at the time Altgeld was elected governor, and I was there one term. I was, of course, a young man, not connected with any prominent committees at all. I simply attended the session of the legislature and was not a candidate for re-election.

Senator JONES. Did you see any evidence of the jack pot formed at that time?

Mr. DENEEN. No. I heard the rumors that were discussed.

Senator KENYON. Have you not made a campaign for an antipass bill in Illinois for a number of years?

Mr. DENEEN. Yes; for one.

Senator KENYON. Have you ever succeeded with that?

Mr. DENEEN. No.

Senator JONES. Has the opposition to it been manifested in such a way as to lead you to believe that money was used in defeating it?

Mr. DENEEN. Well, I would not say so.

Senator JOHNSTON. You say that officeholders had been assessed 5 per cent for campaign purposes, and you were against that system?

Mr. DENEEN. Yes.

Senator JOHNSTON. Had you been assessed when you were holding office?

Mr. DENEEN. I never held but one appointive office—or rather that was an elective office. The sanitary district trustees chose me as their attorney. No; I was never assessed. This related to the conduct of the State affairs and not those of the county. I do not think that practice was observed in Cook County.

Senator JOHNSTON. Do you know anyone who was assessed?

Mr. DENEEN. I have heard stories from those who said they were assessed and that money was collected from them. I do not think it is disputed. The extent of it is disputed, but the fact the practice prevailed in certain institutions I do not think is disputed.

Senator JONES. Do these interests that you have heard connected with the jack-pot fund have representatives down at Springfield during the session of the legislature—I mean outside of the members of the legislature?

Mr. DENEEN. How long does that cover?

Senator JONES. The forty-sixth general assembly, when the senatorial election occurred.

Mr. DENEEN. I do not know. I assume there were, but none of them came to me. I only met those who came to the office. I think I was at the hotel only one night during the session.

Senator JONES. Take the liquor interests, for instance. Do they generally have some person down at the legislature during the session?

Mr. DENEEN. My understanding is that that is managed by one of the legislators.

Senator JONES. By some of the members of the legislature?

Mr. DENEEN. I think that is it.

Senator KENYON. What are the names?

Mr. DENEEN. I had assumed that Mr. Browne, having championed their interests, would be the particular man that would look after their interests there.

Senator JONES. Is that the general impression?

Mr. DENEEN. It is the impression of myself and my friends. I do not mean to say that he was paying money, but that he made his fight on that issue, as to whether or not legislation should be had on temperance matters.

Senator JONES. Now, in regard to the gas companies. Did they have agents there, outside of the members of the legislature?

Mr. DENEEN. No; I think not.

Senator JONES. Who represents them there when they are opposed to legislation?

Mr. DENEEN. I do not recall as to the gas companies. I rather think they would not have representatives at Springfield. It would be more in Chicago. I am not sure who their lobbyist is.

Senator JONES. That would be true of the electric lines, too?

Mr. DENEEN. Yes.

Senator JONES. And of the railroads?

Mr. DENEEN. The railroads are represented by John J. Drennan, of the Illinois Central Railroad.

Senator JONES. Did he spend most of his time at the legislature?

Mr. DENEEN. Formerly more than in the later days.

Senator JONES. In the forty-sixth general assembly was he there much?

Mr. DENEEN. Which is the last one?

Senator JONES. The forty-sixth was the assembly at which the senatorial election was held.

Mr. DENEEN. Years ago he was their representative, and I understand he is their representative now.

Senator JONES. Was there any particular legislation in the forty-sixth general assembly affecting these various interests that you recall?

Mr. DENEEN. In the forty-sixth general assembly there was a bill affecting employers' liability; a bill affecting compensation for injuries; and the "full crew" bill; and some other legislation.

Senator JONES. Was there active opposition to these measures by the corporations?

Mr. DENEEN. I am perfectly willing, gentlemen, to answer your questions, but I do not want to volunteer information just of a gossip kind. If you want to inquire I will tell you.

Senator JONES. If I did not want to inquire I would not ask the question.

Mr. DENEEN. I want the Senate committee to take the responsibility. I do not feel that it is hardly just for me to come here and give a lot of suspicions against men that may be well founded and may not be.

Senator JONES. What we are trying to get at is whether the suspicions are founded on facts.

Mr. DENEEN. In the forty-sixth assembly the railroad presidents asked me to come to Chicago and to meet them, and said that there were some men presenting bills there that went to such an extent that they were going to confiscate their property; and that, under the Federal laws, their books were examined to such an extent that they could not do what they were going to be asked to do, even if they wanted to. They were against such practices, except in self-defense, where the men held them at the point of a gun, as they expressed it. They said that their property would be confiscated, and they wanted to talk with me with reference to such bills. I told them that the only way to do would be to call in the leading men and have them go down to Springfield in such numbers that they would overcome the influence of these other men. They said that they intended to make a stand against the matter, and that they would cease to be held up by them; and so they did. I think the papers said at one time that they had sent a thousand men down there. They were greatly excited about the matter, and they appealed to me, as I have stated.

Senator GAMBLE. Did they represent that previous to that they had been held up?

Mr. DENEEN. They did not so state, but the implication was that they had been.

Senator JONES. They took that method to defeat that legislation instead of contributing to a jack pot?

Mr. DENEEN. Yes; that was the implication.

The CHAIRMAN. How recently was that?

Mr. DENEEN. The forty-sixth general assembly. The one preceding this one.

Senator FLETCHER. 1909 or 1910?

Mr. DENEEN. 1909; the legislature elected in 1908, which met in January, 1909.

Senator JONES. Who were those railroad presidents?

Mr. DENEEN. The president of the Illinois Central was there—Mr. Harahan. Mr. Erling was there, Mr. Miller was there, and the president of the Northwestern.

Mr. HANEY. Marvin Hughitt.

Mr. DENEEN. Marvin Hughitt was there. The president of the Burlington was there, and a number of others.

The CHAIRMAN. Who was he?

Mr. DENEEN. Mr. Winchell was there, I think, or some representative.

Senator JONES. Was there any legislation proposed in that general assembly affecting the liquor interests that they would be opposed to?

Mr. DENEEN. There was a bill there at that time for county option, a bill to repeal the township option law.

Senator JONES. Was that pressed pretty hard?

Mr. DENEEN. Yes.

Senator JONES. You do not know whether they had any other representatives there besides members of the legislature or not opposing that legislation?

Mr. DENEEN. I do not know as to whether they had or not of my own knowledge.

Senator JONES. Were there any other special interests that were affected by proposed legislation at that session?

Mr. DENEEN. I do not think so. I do not know just when the bill was passed to give the municipalities power to fix the price of gas and electric light, whether that was in the forty-sixth general assembly or the forty-fifth. It has been passed during my administration, but I have forgotten now in which term it was.

Mr. HANEY. The forty-sixth.

Mr. DENEEN. Power was lodged in the municipalities and the general assembly to fix the price of gas and electricity. There was quite a controversy on that.

Senator JONES. Did those interests have any representatives there?

Mr. DENEEN. They had representatives.

Senator JONES. Who represented them?

Mr. DENEEN. I think Mr. Ingersoll was there.

Senator JONES. Who is he?

Mr. DENEEN. The president of the company.

Senator JONES. Of Chicago?

Mr. DENEEN. Of Chicago. Mr. Beall was there, I think, one of the officers of the company. I do not know the others. I think that

may have been the forty-fifth; either the forty-fifth or the forty-sixth general assembly.

Senator JONES. Were there any rumors that those companies had contributed to a jack-pot fund?

Mr. DENEEN. No; I have no recollection of that. The bill was passed.

Senator FLETCHER. You spoke of the liquor interests being represented by Lee O'Neil Browne. Would they be likely, in a Republican legislature, to have a Republican representative?

Mr. DENEEN. Oh, I think so.

Senator FLETCHER. Who else?

Mr. DENEEN. Mr. Shurtleff, I think favored them. I do not mean to say that he represented them at all. I have not expressed myself clearly on that. Mr. Shurtleff controlled on the Republican and Mr. Browne on the Democratic side, and I assumed that they were acting in harmony, although I do not know; but my judgment is—I think I will recall that as to Mr. Shurtleff. I do not know.

Senator FLETCHER. Anybody in the Senate?

Mr. DENEEN. I do not know that there ever was a man.

Mr. HEALY. Shall we proceed now?

The CHAIRMAN. Counsel may have a voice in the examination.

Mr. HEALY. Governor, you say you had a talk with Senator Lorimer about the possible resignation of Lieut. Ogilvie?

Mr. DENEEN. That was discussed.

Mr. HEALY. And the presiding officer of the Senate—the other presiding officer?

Mr. DENEEN. I do not know whether I discussed that with him or not. The statement was made that the matter could be arranged with Mr. Ogilvie. First it was discussed as to what the attitude of Mr. Ogilvie would be in reference to the political situation there in Illinois in the event he became governor.

Mr. HEALY. What else was said about it?

Mr. DENEEN. Then the fact that if that was an obstacle in the way of my getting out, it could be removed.

Mr. HEALY. Did he say how it could be removed?

Mr. DENEEN. I would not state. Senator Curtis I know told me his views, as to what could be done. I gathered—the Senator intimated—or stated—that he either would be given a Federal position, an office, or could be induced to get out; but not in a corrupt way, understand, at all—

Senator FLETCHER. By moral suasion?

Mr. DENEEN. Well, promoted. I never knew exactly how it was to be effected. I did not go into it, whether he was to go into business, or whether he was to be elected. I would not want to insinuate that it was a corrupt means by which he was to be gotten rid of. I did not go into that.

Mr. HEALY. In addition to these corporate interests which you say were opposed to your candidacy, and opposed to you as governor of Illinois, were there any considerable number of men who were active in the political life of Illinois, who were opposed to you?

Mr. DENEEN. Quite a large number of them.

Mr. HEALY. What particular political faction?

Mr. DENEEN. The faction then headed or led by Senator Lorimer were against me. He represented large interests, I mean large politi-

cal interests, a large number. He was the leader. Then there was former Gov. Yates.

Mr. HEALY. And that was the political faction?

Mr. DENEEN. Senator Hopkins at that time, I think, was against me, opposed my nomination both times, and fought it with Federal patronage.

Mr. HEALY. Did Senator Hopkins participate in any way in this desire or attempt to elect you to the United States Senate?

Mr. DENEEN. No.

Mr. HEALY. Did you talk with anybody other than Senator Lorimer and Mr. Curtis in reference to the possibility of your being elected to the office?

Mr. DENEEN. Oh, it was discussed by a number of men. It was in the papers.

Senator KERN. Did you talk with Senator Hopkins about it?

Mr. DENEEN. Yes; I discussed the matter with Senator Hopkins several times.

Mr. HEALY. What did you say to him and what did he say to you?

Mr. DENEEN. I told him the situation—that they were trying to induce me to go into the campaign.

Mr. HEALY. Were you at any time during that senatorial deadlock receptively or otherwise a candidate for the United States Senatorship?

Mr. DENEEN. Not at all at any time.

Mr. HEALY. Did you ever agree or suggest to any of the gentlemen who talked with you about the matter that you, under certain conditions or circumstances, would become a candidate?

Mr. DENEEN. Never at all. I discussed some of the obstacles in the way, in a polite way at first, and it ran along, and they kept pressing the argument how they could be removed, and the thing was ended.

Mr. HEALY. Did you ever talk with any of the editors or managers of the Chicago newspapers in reference to the matter?

Mr. DENEEN. No; that was not discussed by any of them with me or with anyone else, so far as I know.

Mr. HEALY. Did any of those managers or editors or anybody connected with the newspapers of Chicago indicate their opposition to your election to that position?

Mr. DENEEN. None of them to me nor, so far as I know, to my friends.

Mr. HEALY. Did you at any time during the senatorial deadlock aid the candidacy of Mr. Lorimer?

Mr. DENEEN. No, sir.

Mr. HEALY. In any way?

Mr. DENEEN. I discussed the matter with him a great deal, occasionally, as it came up. We discussed the men as to their attitude on various men, but never with a view of inducing them to vote for him.

Mr. HEALY. Did you ever suggest to any man, any member of the Illinois Legislature or anyone else, that he or they should aid the candidacy of Mr. Lorimer?

Mr. DENEEN. Not at all, except this: I stated that we could go into the Republican caucus, and that the man who would get the vote there, no matter who he was, could get the entire vote of the

Republicans. That was discussed with him and others, too, but that was very brief, because it was dismissed.

Mr. HEALY. In these various talks which you had with Mr. Lorimer, did he understand your position in that respect?

Mr. DENEEN. I think he did.

Mr. HEALY. There was no controversy about it?

Mr. DENEEN. None with me.

Mr. HEALY. Did you oppose his candidacy?

Mr. DENEEN. I did what I could to prevent any man voting for him, or rather I spoke to them about it. We had a conference at our office the night before he was chosen; and before that for a number of weeks we discussed matters as things arose. After his name was mentioned earnestly for the place, it was discussed with the men.

Mr. HEALY. At this caucus which you had the night before the election, who attended?

Mr. DENEEN. Mr. West was there; Col. John R. Thompson, then county treasurer of Cook County; Col. Chauncey Dewey, Mr. Thomas J. Healy, the sanitary district trustee of Chicago. I think Mr. Vail, the clerk of the Superior Court of Cook County, was there. I do not recall others. I was there.

Mr. HEALY. And what did you talk about?

Mr. DENEEN. We were discussing with Col. Thompson and Col. Dewey their attitude in reference to the senatorial contest.

Mr. HEALY. What did you say and what did they say?

Mr. DENEEN. The effort was made to induce them to change, or rather to induce Col. Thompson to bring his influence to bear on Mr. Sollitt and Mr. Ap Madoc, to vote against Congressman Lorimer. Col. Dewey—I have forgotten just who was represented by him, that had intended to vote for him; but Senator Ettleson and Senator Billings were understood to be leaning toward Senator Lorimer, and that matter was discussed.

Mr. HEALY. What effort were you making in the premises?

Mr. DENEEN. I was to induce them to abide by the result of the caucus.

Mr. HEALY. That is, the senatorial caucus, which was held in January?

Mr. DENEEN. The caucus which was held in January.

Mr. HEALY. Which we have not referred to yet, which we have skipped over.

Mr. DENEEN. Yes.

Mr. HEALY. How long did that conference last?

Mr. DENEEN. I do not know, but I think an hour or two.

Mr. HEALY. Had you ever suggested to Mr. Thompson or to Mr. Dewey prior to that time that they should by their influence support the candidacy of Mr. Lorimer?

Mr. DENEEN. No. Some considerable time previous to that, when the Senator and I were discussing relations that would be likely to exist between the former mayor of Chicago and his allies in reference to the primary contest which would occur at Chicago should the supreme court annul our primary law, I had called in, one after another, the leaders who were presumed to be friendly to me, and discussed with them the possibility of working in harmony with committeemen who bore friendly relations to Senator Lorimer, in the way of getting up a standard of rules for our contests, and in defensive action against the mayor of the city.

Mr. HEALY. Was anything suggested in those discussions or conferences by you to indicate to these men that it would meet with your approval if they supported Mr. Lorimer's candidacy for United States Senator?

Mr. DENEEN. The thing was discussed at considerable length in this way—

Mr. HEALY. I do not think you heard my question.

Mr. DENEEN. I heard your question, and I am going to answer it. Col. Dewey and Col. Thompson stated that they had understood that Senator Lorimer and I were to work in harmony in Cook County, and they assumed that we were to work in harmony in all matters relating to legislation, and I was disputing the foundation of that understanding, opposing it, and insisting that they could not have had that understanding, because it was limited to the matter of the contest, to the primaries in Cook County; and we had a pretty warm session in that matter that night. It continued, I should think, an hour and a half.

Mr. HEALY. Did those men subsequently support Mr. Lorimer's candidacy?

Mr. DENEEN. Senator Billings and Senator Ettleson voted for the Senator after he was elected, changed their votes. Mr. Sollitt and Mr. Ap Madoc, who was then representative, I am sure voted for him before he was elected, helped elect him.

Mr. HEALY. Was it generally understood that Mr. Dewey controlled, or was in a position to advise the actions of Senator Billings and Senator Ettleson in the matter?

Mr. DENEEN. Well, they were very friendly, and they had worked in harmony in politics for some time.

Mr. HEALY. And that was true with reference to Mr. Thompson and Mr. Sollitt and Mr. Ap Madoc? Is that correct?

Mr. DENEEN. That is correct.

Mr. HEALY. Did you do anything else to oppose the election of Mr. Lorimer?

Mr. DENEEN. A number of men were called in, a few, I think. I discussed the matter with the leaders of Senator Hopkins, Mr. Hitch, and Congressman Chapman, and I think with Representative Logan and Representative Derby. If you will read the names of the men there I can tell you.

Mr. HEALY. What did you say generally to these men?

Mr. DENEEN. Urging them to stand by the caucus and to vote for Senator Hopkins.

Mr. HEALY. Did that effort on your part continue right up to the senatorial election?

Mr. DENEEN. It continued; yes, until the election. I think the contest was ended the night before the election.

The CHAIRMAN. I understood you to say a while ago that you did not understand that Mr. Lorimer was a candidate until the morning of the election?

Mr. DENEEN. No; I said I did not believe he could be elected until that morning; that the papers had mentioned it; I think they mentioned it for two weeks. You asked me when I first knew it. I stated that I did not fix the date, but that I had had the newspapers examined since I was notified to be here, to get the dates fixed; and the excerpts from the newspapers show that he was an active candi-

date on the 14th of May, and my recollection is based entirely on the dates of those papers and the articles.

Mr. HEALY. What, if anything, did you do on the morning of the 26th of May, 1909, to oppose the election of Mr. Lorimer?

Mr. DENEEN. There was a conference. We received callers who came in, talked with those who came in. I think we sent for one or two, but I am not sure; discussed the matter with Mr. Hitch and with Mr. Chapman.

Mr. HEALY. Mr. Hitch and Mr. Chapman were supporters of Senator Hopkins?

Mr. DENEEN. They were; yes. Mr. Hitch was his manager.

Mr. HEALY. What generally was your discussion?

Mr. DENEEN. Well, it was more a complaint regarding the results which I understood had happened within a few hours.

Mr. HEALY. Was it generally understood among you gentlemen at that time that Senator Lorimer would succeed in his ambition to be elected?

Mr. DENEEN. I became convinced he would after I talked with Congressman Chapman.

Mr. HEALY. Did you send for any house member or any senate member or any other person that morning?

Mr. DENEEN. I do not recall definitely that a man was sent for that morning, but I think Mr. Durfee and I talked together.

Mr. HEALY. He was a house member?

Mr. DENEEN. Yes; a house member.

Mr. HEALY. Did you send for Col. Dewey that morning?

Mr. DENEEN. No, sir.

Mr. HEALY. You did not have any talk with him after he left you that night?

Mr. DENEEN. About midnight.

Mr. HEALY. Now, there was a senatorial caucus held?

Mr. DENEEN. A senatorial caucus was held on the 19th of January.

Mr. HEALY. Where was that caucus held?

Mr. DENEEN. I think it was held in the old supreme court room. I am not sure of that.

Mr. HEALY. How was it called?

Mr. DENEEN. I do not know that. I do not know how it was called, but my recollection is Mr. Hull issued the call on the part of the members of the house. I do not recall who issued it in behalf of the senate, but it was issued by the chairman of the senate caucus.

Mr. HEALY. And were all of the Republican members of the house and the senate invited to participate in that caucus?

Mr. DENEEN. I do not know about that.

Mr. HEALY. Was it a secret caucus?

Mr. DENEEN. It was an open caucus.

Mr. HEALY. The fact that such a caucus was to be held was a matter of public information, was it not?

Mr. DENEEN. It was public information; yes.

Mr. HEALY. Did all of the Republican house and senate members attend that caucus?

Mr. DENEEN. No; a considerable number refused or refrained from attending it.

Mr. HEALY. Do you know about how many refrained from attending the caucus?

Mr. DENEEN. I do not know. I made inquiries yesterday. I wired my office, and I have a list that you have there in your hands which I handed to you.

Mr. HEALY. Just look at this list, if you will, and see whether that agrees with your recollection of the men who refrained from participating in the caucus at that time?

Mr. DENEEN. My best judgment is that this is an accurate list.

Mr. HEALY. How many of the men who failed to participate in that senatorial caucus subsequently voted for Senator Lorimer?

The CHAIRMAN. Do you not think we had better have the list?

Mr. HEALY. Yes; I am going to have it, but I wanted to develop the information surrounding it.

Mr. DENEEN. Of those who remained away in the house, 31 of them finally voted for Senator Lorimer and 7 of them voted for Senator Hopkins, and of the senate, of those who refrained from attending the caucus 5 voted for Senator Lorimer and 3 for Senator Hopkins.

Mr. HEALY. Now, will you read the list of the senate members who did not participate in that caucus and who subsequently voted for Senator Lorimer, and by subsequently I mean who voted for him on the 26th of May, 1909, the day that he was elected to the Senate?

Mr. DENEEN. The senators who refrained from attending the caucus were Senator Ball—

Mr. HEALY. That is Barr, is it not?

Mr. DENEEN. Senator Ball, who voted for Senator Lorimer; Senator Briedl, who voted for Senator Lorimer; Senator Clark, who voted for Senator Lorimer; Senator Curtis, who voted for Senator Lorimer; Senator Hay, who voted for Senator Hopkins; Senator Henson, who voted for Senator Lorimer; Senator Olson, who voted for Senator Hopkins; and Senator Pemberton, who voted for Senator Hopkins. It appears that Senator Schmidt did not enter the caucus, and did not vote on the Senatorship at all. He was not recorded.

Mr. HANEY. Is that Senator Schmidt?

Mr. DENEEN. Yes; he has since died.

Mr. HEALY. Of the senators whose names you have just read, which of them, if any, were your political allies?

Mr. DENEEN. Senator Hay was considered friendly to me, and is.

Mr. HEALY. Do you know why he stayed out of the caucus?

Mr. DENEEN. No, sir; I do not know definitely.

Mr. HEALY. Did you try to get him in?

Mr. DENEEN. He was talked to about going in. My understanding was that he felt that he was instructed by his district, and that the caucus could not change the instructions of his constituents. I think he made a statement of that kind in his campaign, a written statement.

Mr. HEALY. Who carried his district in the senatorial primary—Sangamon County?

Mr. DENEEN. I think Senator Hopkins did—no, I guess it was Congressman Foss. You have the memorandum there.

Mr. HEALY. Which other of those gentlemen was friendly to you?

Mr. DENEEN. Mr. Olson.

Mr. HEALY. Why did he stay out of the caucus?

Mr. DENEEN. Congressman Foss carried his district.

Mr. HEALY. For the same reason that Mr. Hay remained away?

Mr. DENEEN. I assume so.

Mr. HEALY. Which other of the members were friendly to you?

Mr. DENEEN. Mr. Pemberton, who refrained from going to the caucus and voted for Senator Hopkins—

Mr. HEALY. Was he friendly to you politically?

Mr. DENEEN. Unfriendly.

Mr. HEALY. I am asking you now about the friendly members of the senate—

Mr. DENEEN. Oh, those were the only two.

Mr. HEALY. Who refrained from participating in the caucus. How about Senator Schmidt?

Mr. DENEEN. He was friendly, but he did not go to the caucus.

Mr. HEALY. Do you know why?

Mr. DENEEN. I do not know why.

Mr. HEALY. Now, will you read from the list which you have there the house members who refrained from participating in the caucus, and who voted subsequently, on the 26th of May, 1909, for Senator Lorimer?

Mr. DENEEN. I think it would expedite matters for me to read the entire list, and then to read those who voted for Senator Hopkins. They were Representatives Madoc, Bardell, Beck, Behrens, Brady, Brownback, Bush, Butts, Carter, Chipfield, Church, Crawford, Curran, Dudgeon, Erickson, Fieldstack, Flagg, Glade, Logan, Kittleman, Kleeman, Kowalski, Lane, Lederer, MacLane, McNichols, Mills, Parker, Price, Reynolds, Schumacher, Shanahan, Shurtleff, Smejkal, Sollett, Sterns, Ton, Troyer, Zipf. They refrained from going to the caucus. I think there were 39. All of those voted for Senator Lorimer except Representative Bardell, Brady, Carter, Flagg, Mills, Reynolds, and Ton. Seven voted for Senator Hopkins and 31 voted for Senator Lorimer. I see some mistake here in this telegram. They put in 39 and my figures make it 38. As I check it up, there were 31 who voted for Senator Lorimer and 7 for Senator Hopkins.

Mr. HEALY. That was on the final vote?

Mr. DENEEN. Yes.

Mr. HEALY. Now, of the seven members of the house who did not participate in the caucus and who voted for Senator Hopkins on the final vote, which of those seven were your political associates or friends?

Mr. DENEEN. Well, when you make a statement of that kind I, of course, mean to convey the impression that they were not associated with us in the caucus. Not that I had particular influence with him—Representative Bardell was the first who was friendly.

Mr. HEALY. Do you know why he stayed out of the caucus?

Mr. DENEEN. I do not know?

Mr. HEALY. How about Mr. Brady?

Mr. DENEEN. Mr. Brady—I do not know why he stayed out of the caucus. I discussed it with him; that is, about voting for Senator Hopkins.

Mr. HEALY. Do you remember who induced Brady and Bardell to enter the caucus?

Mr. DENEEN. I spoke to Mr. Bardell. I do not recall that he needed urging, but Senator Brady and I discussed it. The next is Mr. Carter, the representative. He refrained from going to the caucus, and voted for Senator Hopkins. I had no influence whatever with him.

Mr. HEALY. How about Mr. Flagg?

Mr. DENEEN. The next was Mr. Flagg. We were on friendly relations, and he was considered one of the Band of Hope, as was Mr. Bardell.

Mr. HEALY. Why should he refrain from entering the caucus?

Mr. DENEEN. I do not know.

Mr. HEALY. How about Mr. Mills?

Mr. DENEEN. He was friendly.

Mr. HEALY. Do you know why he stayed out?

Mr. DENEEN. I do not recall why. Congressman Foss resides in his ward, or I think at least he is in the congressional district.

Mr. HEALY. Congressman Foss carried that part of the city, did he not?

Mr. DENEEN. Yes; I think so.

Mr. HEALY. How about Mr. Reynolds?

Mr. DENEEN. He is from Rockford. He is friendly, but did not attend the session often. He had been one of the candidates for speaker, and when he saw the results he went back to the practice of law and occasionally attended. He finally came to the roll call and voted for Senator Hopkins. I think I wired him to come; urged him strongly.

Mr. HEALY. How about Mr. Ton?

Mr. DENEEN. Well, Mr. Ton belonged to the so-called Band of Hope, but our relations were not so friendly.

Senator KERN. To whom do you say that you wired?

Mr. DENEEN. I think for Mr. Reynolds, of Rockford. I urged him by telephone a number of times to come down. He was practicing law, and felt his time was wasted, as he could not accomplish anything.

Senator KERN. Was it in response to your wire that he came the last time?

Mr. DENEEN. I would not say so, but I think it was. I urged him strongly to come, but whether I wired him, I have no definite recollection; but I talked to him a number of times on the telephone.

Mr. HEALY. Now, with the exception of the members whose names you have just read from the list, the other Republican members of the senate and house attended the senatorial caucus?

Mr. DENEEN. They did; yes, sir.

Mr. HEALY. Do you know what the result of their action was?

Mr. DENEEN. In the caucus?

Mr. HEALY. Yes.

Mr. DENEEN. In the caucus Mr. Hopkins received 25 votes of the senators and Representative Foss 3, and former Senator Mason 1. In the house Senator Hopkins received 45 votes and Representative Foss 3.

Mr. HEALY. And the total Hopkins vote in the caucus of January 19, 1909, was 70 votes?

Mr. DENEEN. Well, it states here that 9 senators remained out and 39 members of the house. That would be 48 who refrained from going to the caucus.

Mr. HEALY. I want to get the total Hopkins vote in the caucus. Was it approximately 70?

Mr. DENEEN. Seventy; yes.

Mr. HEALY. Was he declared the caucus nominee?

Mr. DENEEN. I think he was. I did not attend the caucus, but I know that was the fact; yes.

Mr. HEALY. That was the general information?

Mr. DENEEN. Oh, yes.

Mr. HEALY. What had been the political custom in Illinois prior to this time in reference to holding caucuses on the question of organizing the house and the senate and the selection of United States Senators?

Mr. DENEEN. It had been the custom to have caucuses, I think, for both as far as I know. That is my best recollection.

Mr. HEALY. What is your recollection as to the action which the legislature finally took, based upon the caucus action?

Mr. DENEEN. In which case?

Mr. HEALY. In any and every case bearing on these questions prior to this time?

Mr. DENEEN. I think it was followed, with the exception of the election of Mr. Shurtleff and the election of Senator Hopkins. I do not recall any other exceptions.

Mr. HEALY. Is it true that at any time during the senatorial deadlock you retarded or attempted to retard in any way the election of Senator Hopkins?

Mr. DENEEN. My friends and I postponed the election of Senator Hopkins, or some of them did, rather, until my matter was settled in reference to the contest on March 17 or 18. A number of my friends felt that Senator Hopkins's friends intended to join and put me out of office, not with his approval, and I think against his judgment, and it would have been against his advice if consulted. They felt he would have no influence with those men, and that they intended to join and put me out. Some of them were nervous about it. We tried to get them to come into the caucus. Two of them from Hyde Park, Senators Jones and Hull, refused to come into the senatorial caucus, because they believed that would be the result. I telephoned to those men, and after considerable effort induced them to come into the caucus, and to abide by it, and there were others and they abided by it, I understand. In any event, they went into the caucus and voted finally for Senator Hopkins. I think Senator Jones changed his vote a number of times and voted for Mr. Foss, but some of the more active men felt that the senatorial matter should not be settled until the gubernatorial matter was settled. They were interested in a lot of legislation, and they felt the matters should be settled together, and I think some of them remained out for that reason.

Senator GAMBLE. So, had it not been for the conditions in regard to your election, had that element not entered into it, then Senator Hopkins, in cooperation with your friends—friends that you could control—could have been elected?

Mr. DENEEN. I think not. This list shows very clearly that he could not be elected by Republican votes.

Senator GAMBLE. I rather misunderstood you, that you and your friends felt like deferring until after your matter was settled?

Mr. DENEEN. Yes, they did; and some of the friends who assisted me insisted on voting for Mr. Foss, and were willing at all times to vote for him, when he could be elected without making a sacrifice by changing the entire politics of the State, by putting me out and substituting a Democratic governor. Some of them were unduly alarmed. As I stated this morning, they refused even to have the

senate go with the house and canvass the vote for seven days; refused to go, notwithstanding the constitution required them to go, and when they did go they went on the understanding that they were to occupy the same place, but not be in joint session; and with that understanding they went in, and later the speaker allowed a man to file a contest—one of the Democrats—and the entire senatorial body walked out, on the theory that they were occupying the same room—that the two bodies were in session at the same time—and some of those men felt that the senatorial matter should not be settled until my matter was settled. They were suspicious about the outcome.

Senator GAMBLE. So that the suspension of the election of Senator, if that be true, was independent of any influence or suggestion from you?

Mr. DENEEN. The men who were friendly to me went into the caucus and were voting for Senator Hopkins, because of the fact that he had received a plurality at the primaries. We had not been of the same faction at all. In fact, Senator Hopkins had opposed me in all matters, but it was a political difference and not a personal difference. They were voting for him because of the fact that they expected the primary law to be declared to be unconstitutional, and they wanted to get another law. Most of those men were for the primary law very strong and were acting accordingly. They did not want to sacrifice everything in this matter, in view of the fact that several men, I think seven or eight, who were Republicans and who were supposed to be under the influence of very strong leaders in politics, were opposing me.

Mr. HEALY. What was your mental attitude with reference to deferring the election of United States Senator until after the gubernatorial contest?

Mr. DENEEN. I was in favor of taking prompt action at first. I thought I would be put out, and then when it became apparent that I would likely not be they let the matter drift along until this was ended.

Mr. HEALY. Did you attempt in any way to influence the action of any of the house or senate members along that line?

Mr. DENEEN. Not to defer it. They came to me and talked, and we let them talk, and discussed the matter.

Mr. HEALY. Did you attempt to dissuade those gentlemen from their purpose of delaying?

Mr. DENEEN. We discussed it, and I discussed the matter with Senator Hopkins myself, and with his leaders in conference, and the matter was discussed pro and con along those lines. We expected each week to have an end to my contest. We felt that if we could force the issue upon the contestants to specify, that would end the contest, because we were perfectly willing to have the votes counted, and we felt that the case would fall to pieces if a requirement was had to specify the complaint, and it so happened. There were no specific complaints made.

Mr. HEALY. During these various conferences which you had with Senator Lorimer in the early part of 1909, was Senator Hopkins apprised in any way of the subject matter of your various discussions?

Mr. DENEEN. I discussed the matter with him, the subject matter that we were discussing.

Mr. HEALY. Did he know that you were meeting Mr. Lorimer from time to time?

Mr. DENEEN. I think he did. It was a public matter, and it was discussed in the papers every day.

Mr. HEALY. Did you personally discuss the matter?

Mr. DENEEN. He discussed the matter.

Mr. HEALY. Did you discuss with him the suggestion which was made by these other gentlemen with reference to your becoming a candidate for United States Senator?

Mr. DENEEN. That was discussed, also.

Mr. HEALY. What did you tell Senator Hopkins?

Mr. DENEEN. I told him that I would not be a candidate.

Mr. HEALY. Did you see Senator Lorimer on the 28th of May, 1909?

Mr. DENEEN. I met him after he was elected.

Mr. HEALY. Did you meet him in the forenoon of that day?

Mr. DENEEN. I did not.

Mr. HEALY. Or prior to his election?

Mr. DENEEN. I did not meet him that day. I do not recall just the time I met him preceding that day.

Mr. HEALY. Confining yourself to that particular day, did you see or communicate in any way with Senator Lorimer prior to his election?

Mr. DENEEN. Not that day; no, sir.

Mr. HEALY. You did not call him up on the telephone?

Mr. DENEEN. No communication at all.

Mr. HEALY. Or he called you up, or any exchange of notes or letters, or anything of that sort?

Mr. DENEEN. None whatever.

Mr. HEALY. You say you saw him after his election?

Mr. DENEEN. In the afternoon; yes.

Mr. HEALY. What time of day did you see him?

Mr. DENEEN. He was elected, I assume, about 1 o'clock. The roll was called about 12. Assuming that to be the case, I think I met him about 2.

Mr. HEALY. Where did you meet him?

Mr. DENEEN. I met him at the governor's residence—the mansion.

Mr. HEALY. What was said when you and he met on that occasion?

Mr. DENEEN. The Senator and his son called upon me at the mansion, and Mr. Thomas J. Healy, of the sanitary district of the State, was there. Mr. Lorimer spoke to me and discussed his election for a moment or two. I congratulated him on his election, and Senator Lorimer spoke about his election—the fact that he had achieved the highest office he could achieve, because he was born in another country; that he had reached the acme of power in so far as office confers power; and that he wanted to “wipe the slate,” and asked me not to give out any interviews or make any statements that might be embarrassing thereafter in the event that we could work along and try to reconcile our party differences in Illinois. He stated that he intended to talk with Mr. Hinman, the publisher of the Inter-Ocean; with Representative Chipfield, I think, Mr. Shurtleff, Mr. Shanahan, and some others when he had time to talk with them, in the

course of several weeks, and see if the fight that had been going on for so long in Illinois could not be stopped.

Mr. HEALY. Did he express at that time any gratitude for any action or any position which you might have taken in the senatorial matter?

Mr. DENEEN. At that time he said that if I had gotten out and fought him hard it would have been more difficult for him to have won.

Mr. HEALY. Was anything else said along that line?

Mr. DENEEN. I assume something else was said, but those were the points discussed. He was there about 20 minutes, I think, or probably less; not longer.

Mr. HEALY. Do you remember anything else that he or you said?

Mr. DENEEN. No; that is the substance of the matter, I think.

Mr. HEALY. When did you meet him again the next time?

Mr. DENEEN. The next time I met him was in December following, here in Washington.

Mr. HEALY. December, 1909?

Mr. DENEEN. It would be 1910, I think. No; let me see. Yes; it would be December, 1909. That was it; yes.

Mr. HEALY. What was the occasion of your meeting him?

Mr. DENEEN. I was here attending the rivers and harbors convention.

Mr. HEALY. He was here interested in the waterway matter?

Mr. DENEEN. He was here in the Senate.

Mr. HEALY. Did you discuss anything about the waterway at that time?

Mr. DENEEN. Yes; we discussed the waterway chiefly—I think nearly entirely.

Mr. HEALY. Anything else?

Mr. DENEEN. I do not recall anything except just the passing talk of the day.

Mr. HEALY. Have you seen him since that time?

Mr. DENEEN. I saw Mr. Lorimer, I think, the next time at St. Louis at the waterway convention, if I remember correctly, last year.

Mr. HEALY. You were on opposing sides of the waterway question at that time, as you always have been, I assume?

Mr. DENEEN. Yes; we were on opposing sides.

Mr. HEALY. Have you seen him since that time?

Mr. DENEEN. I think not, to talk with him. Let me see—yes; I have seen him. I met the Senator at the time the President came out to Chicago, a year ago the 17th of last March, I think. I do not recall definitely how many times I have met him, but I think those are all.

Mr. HEALY. At any of these conversations or meetings which you had after the 26th of May, 1909, did you and he discuss in any way his election to the United States Senate?

Mr. DENEEN. I think not. I know we did not in March a year ago. I do not think we discussed it here at Washington. I have no recollection of it at all.

Mr. HEALY. Did you discuss anything else of a political nature?

Mr. DENEEN. Nothing of importance but the attitude of the Federal Government and his attitude in reference to our waterway matters and some bills that would be before the general assembly.

Mr. HEALY. In these conferences which you had with Mr. Lorimer in the year 1909, during the senatorial deadlock, had your arrangements proceeded to such an extent that you were discussing candidates or political policies to be inaugurated by an alliance between you and him?

Mr. DENEEN. No; the matter was purely a defensive matter. It was not even to eliminate the men that we feared might dislodge us and all those associated with us. No candidate was discussed for any office in the future.

Mr. HEALY. These meetings which you held with him were always held at Springfield?

Mr. DENEEN. My recollection is that all of them occurred there.

Mr. HEALY. Either at the State capitol, in your office, or the executive mansion?

Mr. DENEEN. I think we met nowhere else. I am sure we did not.

Mr. HEALY. About how long did those meetings last, Governor?

Mr. DENEEN. Oh, quite a long time. The first time the Senator came I think our meeting lasted about five hours.

Mr. HEALY. Give us the length of any other meetings. How far did they run into the night or morning?

Mr. DENEEN. The Senator came over there at 5 o'clock, and we discussed matters until dinner time, and then went to dinner, and afterwards he went home to his hotel. At others he sometimes called at 11 o'clock, and I think once or twice after 12 at night at the mansion.

Mr. HEALY. How long would those conferences last?

Mr. DENEEN. Some of them lasted an hour or two; sometimes he would call later. It is my habit to remain at the office until 11 o'clock at night, and the conferences we had were mostly after that, although occasionally he called at the office.

Mr. HEALY. Was there any reason for arranging the conferences after you had finished your work or business at the office?

Mr. DENEEN. Not at all; except the interruptions that constantly occurred in the office. There was no secrecy about it.

Mr. HEALY. What interruptions, briefly, do you refer to?

Mr. DENEEN. The current business—men calling. It is a busy office.

Mr. HEALY. You know Mr. Brady, who is now a member of the Illinois senate, do you not?

Mr. DENEEN. I know him.

Mr. HEALY. And you knew him in 1909?

Mr. DENEEN. Yes.

Mr. HEALY. Did you have any talk with him with reference to his vote for Mr. Shurtleff for speaker of the Illinois house?

Mr. DENEEN. I did; yes.

Mr. HEALY. Did you, in that conversation or in any conversation which you had with him, say to him that if he voted for Mr. Shurtleff you would take from him any State patronage which had theretofore been bestowed upon him by you?

Mr. DENEEN. I did not.

Mr. HEALY. Did you ever make a suggestion or intimation of that sort?

Mr. DENEEN. No words were used that could possibly convey such a suggestion or intimation.

Mr. HEALY. Did you make any such threat or statement to any other member of the house or senate?

Mr. DENEEN. No threat or insinuation. I think the only time matters in that line were discussed, as I recall, since you ask the question, was this: A gentleman who was formerly a commissioner of the Illinois & Michigan Canal—a Mr. Snively—who had been commissioner for years, was a very warm friend and associate of Mr. Chipfield; and Mr. Chipfield had been candidate for speaker, and wanted me and our friends to support him. I urged him to go into caucus and take his chances in the caucus. I called up Mr. Snively and asked him to urge Mr. Chipfield to go into the caucus. Mr. Snively became very much excited, and tried to lead me to state that I would dismiss him. He was apparently very angry, and said that my calling him up was tantamount to telling him he would have to support Mr. Chipfield or lose certain patronage. I told him that that had not been the purpose, and that it was plain what he intended to do, and that he was trying to get a pretext for doing what he had already made up his mind to do; that I was calling upon him to have him urge his friend to go into a caucus where the whole administration's life depended upon his action; and that I thought, in view of the length of time he had been associated with me, that he ought to do that and he ought to do it as a Republican; and there was some talk over the telephone. That is the only conversation that I had anywhere where patronage was mentioned, to the best of my recollection.

Mr. HEALY. Do you remember a telephone conversation, Governor, which you had on the morning of May 26, 1909, with Mr. Edward Hines, of the Edward Hines Lumber Co.?

Mr. DENEEN. I remember a talk I had on that day.

Mr. HEALY. Where were you when you received that telephone communication?

Mr. DENEEN. I was in my office at the capitol.

Mr. HEALY. In Springfield?

Mr. DENEEN. In Springfield; yes, sir.

Mr. HEALY. Did you know Mr. Edward Hines?

Mr. DENEEN. I knew him; yes. I had met him.

Mr. HEALY. At that time?

Mr. DENEEN. Yes.

Mr. HEALY. How long had you known him?

Mr. DENEEN. I was introduced to Mr. Hines, I think, for the first time at Memphis, at the Country Club, at the time President Roosevelt went to Memphis. I went with a party of governors. I know I was introduced to him at that time, and that is the first distinct recollection I have of our acquaintance.

Mr. HEALY. When was that with reference to May 26, 1909?

Mr. HEALY. I do not recall whether it was four years ago or three; but it can easily be fixed. Let me see; I think that was three years ago, or four—three or four.

Mr. HEALY. After the meeting with Mr. Hines in Memphis, had you ever seen or talked with him again up to the 26th of May, 1909?

Mr. DENEEN. I do not recall having talked with him after that.

Mr. HEALY. Have you any recollection of having seen him on any other occasion except that one?

Mr. DENEEN. No distinct recollection. I may have met him at the Union League Club. He is there, and I go there occasionally, or go there regularly. But I do not recall any talk—nothing more than happening to meet him and passing the time.

Mr. HEALY. What time in the morning did this telephone talk take place?

Mr. DENEEN. I do not know definitely; but it was after I had finished my mail, and I can fix it best by saying it was after 10 o'clock. I think it must have been at that time, because the mail usually required, with interruptions, about an hour or an hour and a half.

Mr. HEALY. Will you tell the committee what was said at that time by Mr. Hines and by yourself?

Mr. DENEEN. Mr. Hines called me up and asked me whether I had received a message from the President—President Taft—in reference to Senator Lorimer. He stated that President Taft had sent a message to me to support Senator Lorimer, and asked me if I had received the message. I told him so. He said: "Well, President Taft has sent the message, and I intended to come down myself. I have just arrived, this morning, in Chicago"; and my best recollection is that he stated that his train was late, had a five minutes' connection, and the Pennsylvania train had missed connections. But, in any event, he said that he had intended to come, and did not come, could not come; and he said President Taft had sent that message to me, and I would get it. I said: "Did President Taft send that message to me? Did he tell you?" He said, "No." I said, "That is a rather remarkable message to send." He said, "Well, he is to send it through Senator Aldrich." He said, "Of course the President would not send a message to you on such a matter where it would become a public matter; but Senator Aldrich is to convey the message to you." I said, "Through whom?" He said, "Mr. George Reynolds, of the Continental-Commercial Bank, will call up and deliver the message." I said, "Very well." The telephone was hung up, and that ended it.

Mr. HEALY. Did Mr. Reynolds subsequently talk with you about the matter?

Mr. DENEEN. He never did, no. No message came.

Mr. HEALY. Was anybody present in your office in the State capitol at the time this telephone message was received?

Mr. DENEEN. I think Mr. Hitch was there, and Mr. Chapman, and Mr. Fred Potter, who is the superintendent of the insurance department of the capitol; and there were other men there. The office is usually full. But I do not recall them. I know I was talking with those men.

Mr. HEALY. What were you talking with them about?

Mr. DENEEN. I was discussing with them, Mr. Hitch and Mr. Chapman, the senatorial election.

Mr. HEALY. And discussing the candidacy of Mr. Hopkins?

Mr. DENEEN. Discussing the fact that they thought, at that time, Mr. Lorimer would win. That day it was the general impression that he would win.

Mr. HEALY. Did you tell Mr. Hines on that occasion that you would assist Mr. Lorimer?

Mr. DENEEN. I did not.

Mr. HEALY. Did you tell him that you would see Mr. Lorimer within a few minutes, or within 10 minutes?

Mr. DENEEN. I did not, nor was it mentioned.

Mr. HEALY. Did Mr. Lorimer see you that morning, or communicate with you in any way?

Mr. DENEEN. He did not. He saw me first, as I stated, about 2 o'clock.

Mr. HEALY. Did you recognize Mr. Hines's voice on the telephone that morning?

Mr. DENEEN. No. I did not recognize his voice. I had not sufficient acquaintance with him to know his voice.

Mr. HEALY. Was there any question or discussion between you and him with reference to the identity of the person who was talking with you?

Mr. DENEEN. I do not recall any such at all. I do not think any such occurred. That is my best judgment.

Mr. HEALY. Do you recall that you said to him, "I do not recognize your voice. How am I to know you are Mr. Hines?"

Mr. DENEEN. Not at all.

Mr. HEALY. And that he replied, in substance, "I am talking from the Continental Bank, and I will call Mr. Reynolds, whom you know, and have him identify me?"

Mr. DENEEN. I have no recollection whatever of such a statement.

Mr. HEALY. And then did you say, in substance, "That is not necessary now, Mr. Hines; I now recognize your voice?"

Mr. DENEEN. Not at all. That would not refresh my recollection of a man's voice—to refer to another man. It does not occur to me that it would. I have no recollection whatever of any such matter at all. The message that was delivered was an answer to that. I doubted, personally, whether Mr. Hines was telephoning. I received all sorts of communications and advice from different men on the telephone; and I just accepted it as one of those statements that came in, like anonymous letters.

Mr. HEALY. You had no communication prior to that time, at that time, or afterwards, with Senator Aldrich?

Mr. DENEEN. To my best recollection, I never saw Senator Aldrich. I have no recollection whatever of ever having met him.

Mr. HEALY. Do you know him now?

Mr. DENEEN. I do not know him at all.

Senator KENYON. Did you ever hear from him?

Mr. DENEEN. I never heard from him so far as I know. To my best recollection I never had any communication with him of any character. It is possible that in the matter of gathering information from committees it may have come in with the mails—we get a large mail; but I have no recollection of ever having received any communication from him, and on the contrary, I think I never did.

Mr. HEALY. Did you ever hear from President Taft on the subject?

Mr. DENEEN. Not on this subject; no—not at that time.

Mr. HEALY. Was anything said in that conversation about Mr. Hines coming down to Springfield and bringing with him all the money that was necessary to bring about the election of Mr. Lorimer?

Mr. DENEEN. No reference whatever was made to money matters by the gentleman that talked with me.

Mr. HEALY. Or any suggestion about "go ahead now and elect Mr. Lorimer, and leave no stone unturned?"

Mr. DENEEN. Nothing at all.

Mr. HEALY. You are familiar with the testimony given by Mr. Cook at Springfield and here, are you not, in a general way?

Mr. DENEEN. No. I read it in a general way; I intended reading it before coming over here, but I could not get to it last night. I just read the headlines.

Senator KERN. You said just now that you had not heard from Mr. Taft about that subject at that time. Did you hear from Mr. Taft on that subject at any other time?

Mr. DENEEN. I do not care to repeat the conversation I had with the President unless he is to appear here.

Senator KERN. I just asked you whether you had a conversation with him.

Mr. DENEEN. I should prefer to be excused from that for obvious reasons, Senator. If he is to appear as a witness, I would just as soon make a statement, but I do not want to be the means of forcing him to testify or testify for him.

Senator KERN. No; I do not ask you what was said.

Mr. DENEEN. It was mentioned afterwards; yes.

Senator KERN. That is what I want.

Mr. DENEEN. It was discussed.

Senator KERN. That is the only thing I ask you; not what was said.

Mr. DENEEN. I was very careful to avoid implicating him in this matter.

Senator KERN. There was nothing before that time?

Mr. DENEEN. Nothing whatever; no.

Senator KERN. You have talked with the President about it since?

Mr. DENEEN. It might have been discussed twice.

Senator JONES. Governor, I do not know whether I understood you or not. I understood you to say that Mr. Hines said the message would come to you through Senator Aldrich.

Mr. DENEEN. My recollection is that the message was to come from the President; that he had given the message to Senator Aldrich, and that Senator Aldrich was authorized to communicate it to me, and that the message would be delivered to me by Mr. Reynolds, of the Continental-Commercial National Bank.

Senator JONES. That was what I wanted to know.

Mr. DENEEN. That is my recollection.

Senator KENYON. The message was to go from Senator Aldrich to Mr. Reynolds?

Mr. DENEEN. To Mr. Reynolds.

Senator KENYON. And then to be telephoned to you?

Mr. DENEEN. To me.

Senator JONES. Did he say when you could expect that message?

Mr. DENEEN. He did not say; no.

Senator KENYON. Had Mr. Hines been active in Illinois politics?

Mr. DENEEN. Not in the way of attending conventions. I think he is very friendly to Senator Lorimer, but I do not know how active he has been in local politics. I think he had considerable influence as a man of standing.

Senator KENYON. Did this strike you as a peculiar message at the time?

Mr. DENEEN. It did; it seemed very peculiar to me. I thought it was a very peculiar message.

Senator JONES. Did you refer to it to these gentlemen that were in your office at the time?

Mr. DENEEN. I do not recall. I discussed the matter with one of them since—Mr. Potter, I think—a few days ago. He thought I did, but I do not recall the matter. It was just in a hurry; the office was full of people all the time, and everything moving along lively, and we did not sit down most of the time. We were working right through. The matter was not such a matter as needed to be discussed. The facts are an answer to it.

Senator KENYON. At that time you were satisfied that Mr. Lorimer was going to be elected Senator?

Mr. DENEEN. Oh, yes.

Senator KENYON. Before that?

Mr. DENEEN. Yes.

Senator KENYON. Did Mr. Hines say in this message that the President wanted Mr. Lorimer elected?

Mr. DENEEN. If I recollect it correctly, the President was to authorize Senator Aldrich to convey a message to me through Mr. Reynolds, stating that the President desired Mr. Lorimer elected.

Senator KENYON. When did you come to the conclusion that Mr. Lorimer would be elected?

Mr. DENEEN. Senator Chapman told me that. We canvassed the votes of certain Democrats that I thought would not vote for him and certain Republicans that I thought would not vote for the Senator, and without those he could not win; and he stated that they did intend voting for him, and that they had so told him.

Senator KENYON. When did he tell you that?

Mr. DENEEN. He told me that that morning. I think one of them was Mr. Tippitt, who lived in his district, but who belonged to the opposite party. I am not sure, but I think Mr. Tippitt was the man who told Senator Chapman: "A very large number of Democrats are going to vote for Senator Lorimer, and he has enough to elect him, and we are going to vote to-day."

Senator KENYON. Was there any talk of any corruption at that time?

Mr. DENEEN. I do not know that we went into that. He said: "It is all over, and we are going to vote, and he is going to be elected."

Senator KENYON. Was there not surprise expressed?

Mr. DENEEN. Very great surprise that so many Democrats would vote for him.

Senator KENYON. Was there no talk about the reason for their voting?

Mr. DENEEN. I do not think we went into the matter. I think we were pretty cautious about it. We did not go into it at all. It was the end of a nasty conflict. It was not discussed to a very great extent.

Senator KENYON. Did you talk afterwards with different members of the legislature about the election?

Mr. DENEEN. When?

Senator KENYON. After the election.

Mr. DENEEN. After the 26th?

Senator KENYON. Yes, sir.

Mr. DENEEN. It has been the subject matter of discussion, but I do not recall any particular time when it was spoken of. If you want to refresh my memory——

Senator KENYON. Have you talked with any of them who told you as to their knowledge of the use of any improper influences?

Mr. DENEEN. I talked with Mr. Beckemeyer, who came to me in reference to resigning, and he discussed the matter very briefly as to whether he should resign.

Senator KENYON. Was that before or after his confession?

Mr. DENEEN. I think that was after his confession. I know it was after his confession. He came to me to ask me whether he should resign.

Senator KENYON. Did he resign?

Mr. DENEEN. No; he did not resign.

The CHAIRMAN. That was the year afterwards?

Mr. DENEEN. Yes.

Senator KENYON. Did any other members of the legislature convey to you any information as to corruption?

Mr. DENEEN. No definite information; no; as I recall it now. I do not recall any definite information. It does not occur to me now.

Senator FLETCHER. Were there rumors of corruption at that time?

Mr. DENEEN. The matter was discussed.

Senator FLETCHER. Was it general, widespread, or otherwise? Some people have intimated that the whole air was full of rumors of corruption at that time. Was that the situation?

Mr. DENEEN. That is my impression of the situation.

Senator FLETCHER. Was that so at the time the election took place?

Mr. DENEEN. Right afterwards. The thing that aroused the discussion was the fact that so large a number of Democrats should go over, and especially two factions at once, and vote for a Republican Senator.

Senator FLETCHER. When did you issue the certificate of election?

Mr. DENEEN. I do not recall, but it was prepared by the secretary of state and brought to me, I think, shortly thereafter. I think he brought it in very shortly thereafter, but I am not sure.

Senator FLETCHER. Did the fact of all these rumors of corruption have any weight with you at all in connection with signing the certificate of election?

Mr. DENEEN. I could not prevent signing it. It was a ministerial act.

Senator KENYON. I do not understand that you were the judge of his election?

Mr. DENEEN. Oh, no. I could not judge as to it. It was purely a ministerial act.

Senator JONES. Had you heard of the use of any money before the election, or of any money that was available for use in connection with the senatorial election?

Mr. DENEEN. No; no. Oh, you mean in reference to Mr. Lorimer, do you, or do you mean generally?

Senator JONES. Yes.

Mr. DENEEN. I heard the rumor that was circulated around about Senator Hopkins, about the \$30,000 that was brought on to buy some Democratic votes for him; that was talked about.

Senator GAMBLE. When was that?

Mr. DENEEN. I do not recall just when that was. I tried to refresh my recollection by looking back into the newspapers. I think it was published, but I could not find it. I had not time to get it myself. That was published at the time and it was circulated around among those who had information.

Senator JONES. Did you hear of any talk of any other fund that was available for the senatorial election?

Mr. DENEEN. I think that was the only one that I heard discussed at the time. I never heard of any in connection with the Senator.

The CHAIRMAN. Governor, you referred to a conversation you had with Mr. Lorimer when he told you that he thought that Mr. Shurtleff would be elected?

Mr. DENEEN. Yes.

The CHAIRMAN. And that the Democrats would be for him?

Mr. DENEEN. Yes.

The CHAIRMAN. And your reply was, in substance, "Why don't you take the election? You are a power?"

At that time, was there any talk about corruption, or of Democrats having been bought?

Mr. DENEEN. I do not think so. I am not sure whether that rumor regarding the money that was brought down to Senator Hopkins had been made public or not. I had no means of fixing the date of those matters.

The CHAIRMAN. If there was any reason for talk about corruption, why was there not as much reason at that time, when it was said the Democrats were all going to vote for Shurtleff, as there was afterwards when they voted for Lorimer?

Mr. DENEEN. You mean for Senator?

The CHAIRMAN. Yes.

Mr. DENEEN. Nothing was discussed about that. I had my own judgment as to that.

The CHAIRMAN. Why should you assume, if that was the case, that Lorimer would be more easily elected, because he was more of a power, while Shurtleff was not?

Mr. DENEEN. I thought that he was the power and that he was the controlling force in the organization.

The CHAIRMAN. You say there was no talk at that time of the Democrats being purchased?

Mr. DENEEN. No; not about having money for Shurtleff.

The CHAIRMAN. Was there not just as much reason for it then as afterwards, when they voted for Senator Lorimer?

Mr. DENEEN. The reasons for voting for Shurtleff I assumed to be these: He had entire control of the organization of the House. It was a bipartisan affair. He had the facilities for transacting business, and had a great many of them under obligation to him. Whether or not he was a bona fide candidate or not I do not know. I could not see on what possible theory they would support him, except for the fact that they appreciated the power conferred by him upon them as members of the house; although it may have been a personal matter.

The CHAIRMAN. You did conceive that Mr. Lorimer was a man of great power?

Mr. DENEEN. Far greater power than Speaker Shurtleff, I thought.

The CHAIRMAN. And that the votes would more naturally go to him?

Mr. DENEEN. Yes. I thought with Shurtleff's power back of him he could be elected; that if he could elect Shurtleff, he could elect himself.

Senator JONES. Did you think that Senator Lorimer had acquired his power and influence by the use of money?

Mr. DENEEN. No; not in the legislature, no; or elsewhere, as far as I know.

Senator GAMBLE. When the suggestions were made to you that you be a candidate at that time, you did not believe that your friends, the Band of Hope, would vote for you, did you?

Mr. DENEEN. No; I do not think they would have voted for me.

Senator KERN. Why?

Mr. DENEEN. Because I would not have advised them to vote for me. They could not afford to vote for me, and I could not accept it.

Senator KERN. They knew these interests wanted to get rid of you?

Mr. DENEEN. Of course.

Senator GAMBLE. When the suggestion was made that there was a certain element of the Republicans that would vote for you, and Democrats, that was the proposition, was it not, or the suggestion?

Mr. DENEEN. When the matter was put to me I made no inquiry of the specific men as to what they would do. The talk that was had with me, I think, was confined largely to Senator Lorimer and Senator Curtis. I think there were others who spoke to me, but I do not recall just who they were.

Senator GAMBLE. If you could have been elected, you would necessarily have had to secure the votes of the Republicans who voted for Shurtleff as speaker, would you not?

Mr. DENEEN. I would; yes.

Senator GAMBLE. And, in addition to that, Democratic votes?

Mr. DENEEN. Yes. If the Band of Hope, so termed, refused to vote for me, it would have been necessary to have had a large number of Democratic votes.

Senator GAMBLE. But you did not expect the Band of Hope to vote for you?

Mr. DENEEN. Oh, no. In fact, I was opposed to their voting for me. So far as I know, no member of that faction discussed the matter until Mr. Sollitt called this conference, although I may have been mistaken.

Senator GAMBLE. You were assured of the fact by certain parties that you could be elected by a combination of the Republicans who voted for and elected Shurtleff in addition to these Democratic votes?

Mr. DENEEN. It was discussed before me, by men who would be coming in, and we would run over the matter—the remarkable situation where it was exceedingly doubtful whether I could be governor, and yet very likely that I could be Senator. That looked rather odd. That was discussed.

Senator GAMBLE. That preceded about the 18th of March?

Mr. DENEEN. That preceded that time, some of it, and went on a little later. In fact, it was a matter of public notice, and I have

copies of editorials from the Tribune of Chicago here, that they were trying to frighten me by this contest regarding my seat as governor, to force me to take the other office. It was a matter of public comment in the Tribune.

Mr. HEALY. Your position was also reported in the Chicago Inter-Ocean at that time?

Mr. DENEEN. I had seen it in the Chicago Inter-Ocean, yes; the same, practically. I have copies here from the Inter-Ocean.

Mr. HEALY. It was there clearly indicated that you were not a candidate for Senator?

Mr. DENEEN. It was clearly indicated; yes.

Mr. HEALY. When did you first hear that any member of the Illinois House was going to expose any corrupt methods in the matter of the election of a United States Senator?

Mr. DENEEN. I heard it, I think, in September or August of 1910.

Mr. HEALY. Do you mean 1910 or 1909?

Mr. DENEEN. I think it was 1910. I am not sure of that.

Mr. HEALY. Assuming, Governor, that the White confession was published on the 30th of April, 1910, what do you say with reference to the date? Was it before the confession or after?

Mr. DENEEN. It was before the confession. The first intimation that I had that a man intended to confess, who was a member of the legislature, came to me from Edwin R. Wright, chairman of the Federation of Labor of Illinois. He talked with me about it in my office.

Mr. HEALY. Was that an appointive position?

Mr. DENEEN. No; he is elected by the delegates.

Mr. HEALY. He is not connected with the State administration in any way?

Mr. DENEEN. He was a commissioner appointed by me to prepare the workmen's compensation law. They had an equal number of employees and employers, and we let the labor men select theirs and the employers select theirs. I consulted with him as to the men to be selected. He was on that commission.

Mr. HEALY. And the labor men indicated Mr. Wright?

Mr. DENEEN. Yes; he was chairman of the Federation of Labor.

Mr. HEALY. What did Mr. Wright say in regard to that matter?

Mr. DENEEN. Mr. Wright said that a member of the house intended to make a confession about the jack pot, and that he was preparing an article—he was not sure whether it would be in the form of a book or an article for one of the magazines—in reference to the exposures of the jack pot, and that he intended to tell everything he knew about the corruption of the legislature, involving everything and everybody.

Senator KENYON. How large a book was that to be?

Mr. DENEEN. It was not discussed. It was just a passing matter. He did not discuss how large a book it was, and did not mention the man's name.

Mr. HEALY. What did you say, Governor?

Mr. DENEEN. I asked him whether the man intended to tell everything he knew, or whether it was purely a blackmailing scheme.

Mr. HEALY. Was there anything else said?

Mr. DENEEN. No.

Mr. HEALY. The identity of this man was not disclosed at that time?

Mr. DENEEN. It was not disclosed at all.

Mr. HEALY. When was the next time you talked with anybody about that matter?

Mr. DENEEN. The next time was the night before President Taft was in Chicago for the St. Patrick's Day celebration; the 16th of March following.

Mr. HEALY. This was on the 16th of March, 1910? With whom did you talk?

Mr. DENEEN. I talked with Mr. Keeley, the managing editor of the Chicago Tribune.

Mr. HEALY. What was said by him and by you?

Mr. DENEEN. Mr. Keeley called me on the phone and asked for an appointment. He was very anxious to meet me; asked me if I would not come up and give him an opportunity to present some matters of very great importance. I went up to Chicago on the afternoon train and met him that evening.

Mr. HEALY. Where did you meet him?

Mr. DENEEN. At the La Salle Hotel.

Mr. HEALY. What did you talk about?

Mr. DENEEN. We talked about an article that had been submitted to him in reference to the exposures of corruption in the general assembly of our State.

Mr. HEALY. Tell us just exactly what Mr. Keeley said and what you said, as you recall it.

Mr. DENEEN. Mr. Keeley stated that a member of the house of representatives who was a labor agitator, I think he termed it, a man who represented the labor interests, had made a confession and signed a statement; and if I recollect correctly, that the story had been submitted to the Tribune, and that the Tribune had submitted it to the state's attorney of Cook County, Mr. Weyman, for examination, and that Mr. Weyman was examining it, and that they intended to publish it later, after Mr. Weyman had had an opportunity to investigate it and pass upon its criminal features; that he wanted to give him an opportunity to connect up with his evidence before it was exposed and before opportunity could be given to destroy the chances to get testimony in reference to it.

Mr. HEALY. Did he tell you on that occasion the nature of the exposé?

Mr. DENEEN. He said that it involved the jack pot and the senatorship, and everything else.

Mr. HEALY. Did he go into details?

Mr. DENEEN. No; except he went into the details in a general way. He said that the man had gone around Michigan, and traveled over Michigan with some of the active leaders of the legislature, and that they had had a rather unusual trip through Michigan, and had been going over the State spending the money, and he knew the whole story. He told me some of the incidents and laughed at what an article it would make; and he said the whole thing was to be exposed, and that the matter was in the hands of Mr. Weyman, if I recollect it correctly, at that time.

Mr. HEALY. Did he indicate to you at that time the identity of the persons who were involved in the matter?

Mr. DENEEN. I asked him who the man was, and he said it was a confidential matter; that he was a labor man.

Mr. HEALY. Had you ever heard the name mentioned in connection with the matter before that time?

Mr. DENEEN. No; the name was never mentioned.

Mr. HEALY. Do you know Charles A. White?

Mr. DENEEN. I have no recollection of ever having met him; but he states that two years before he was a member of the legislature, he called on me with a body of men at one time, and I presume he did, but I have no recollection of ever having met him, and do not know him by sight.

Mr. HEALY. When did you first learn that Mr. White was the man who was making this confession?

Mr. DENEEN. The first knowledge I had that Mr. White was the man who had confessed was the morning of the publication in the Chicago Tribune.

Mr. HEALY. What time of the morning did you receive that information?

Mr. DENEEN. Shortly after midnight.

Mr. HEALY. From whom did you receive it?

Mr. DENEEN. From Mr. Keeley, of the Tribune.

Mr. HEALY. Where?

Mr. DENEEN. In his office.

Mr. HEALY. How did you happen to go there?

Mr. DENEEN. Well, I had returned to the Union League shortly before 12, and there was a reporter there from the Chicago Tribune asking me to wait for an interview from the managing editor or the city editor, he did not know which, of the Tribune, about a matter of great importance. I called up Mr. Baker on the phone, and he said he was not the man; that Mr. Keeley was the man who wanted to talk to me. I called Mr. Keeley, and he was at luncheon—a midnight luncheon. I went over to his office, about three blocks away, and met him.

Mr. HEALY. What developed there?

Mr. DENEEN. He asked me for an interview regarding the story, and said that he would outline it. He had outlined the general features of it before, building a supposititious case and asking me different things, as to what I thought was the law, that now he had the actual facts and the story, and that White was the man; and he asked me for an interview.

Mr. HEALY. Did you give him the interview?

Mr. DENEEN. I read the article and then gave the interview, a very brief one.

Mr. HEALY. Where was the article when you read it?

Mr. DENEEN. In Mr. Keely's office—the Tribune office.

Mr. HEALY. In what shape was it? Was it set up in type?

Mr. DENEEN. It was in type for the first time; had only just come off the press.

Mr. HEALY. In newspaper form?

Mr. DENEEN. In newspaper form.

Mr. HEALY. Had you ever seen the story prior to that time?

Mr. DENEEN. I never had seen it.

Mr. HEALY. Had you ever known, prior to that time, any of the persons who were participating in the confession?

Mr. DENEEN. No. All I knew was the information that came to me from Mr. Edwin R. Wright and from Mr. Keeley.

Mr. HEALY. Had you anything to do in any way, directly or indirectly, with the formulating of the White story?

Mr. DENEEN. Nothing whatever.

Mr. HEALY. Were you interested in any way in procuring the confession?

Mr. DENEEN. Not at all.

Mr. HEALY. Did you have any knowledge or information with reference to it?

Mr. DENEEN. I had no knowledge whatever about it.

Mr. HEALY. In the White confession, Governor, the statement was made by Mr. White with reference to the passage of a bill before that general assembly which you vetoed, and which he said robbed the jack pot of some \$35,000. Have you any information about that?

Mr. DENEEN. No; I have only my judgment on that.

Mr. HEALY. Do you know which bill it was that he referred to?

Mr. DENEEN. I looked over the bills, and I suspected it to be a corporation bill, giving power to corporations to own stock in other corporations. I assume that that was the bill. I do not know.

Mr. HEALY. What was it?

Mr. DENEEN. A corporation bill—No. 35, I think—wherein a provision was made that authorized corporations to own and sell and barter stock in other corporations. It was vetoed on that account.

Mr. HEALY. Are you familiar with house bill 777?

Mr. DENEEN. In which legislature?

Mr. HEALY. The Indiana Railway consolidating measure.

Mr. DENEEN. The Monon bill or the Western Indiana; yes.

Mr. HEALY. You are familiar with that?

Mr. DENEEN. I signed it.

Mr. HEALY. About when was that passed?

Mr. DENEEN. I do not recall whether three years ago or five years ago. It was three years ago, was it not?

Mr. HEALY. I think so.

Mr. DENEEN. I think that is the case.

Mr. HEALY. Had you ever heard that money was used in connection with the passage of that bill?

Mr. DENEEN. Not until a considerable time after that. It was published in the papers.

Mr. HEALY. You approved that measure?

Mr. DENEEN. I approved of it.

Mr. HEALY. What, briefly, was it?

Mr. DENEEN. It was a bill to validate bonds that had been issued by the railroad. Our laws permitted the consolidation of two railroads. It seemed that this particular consolidation about 30 years ago was made between three railroads, rather than two, and when they began to meet the first bonds that matured some attorney who examined the bonds called attention to the defect in the original organization of the corporation that issued the bonds, and the men who owned them and the banks became uneasy about it, and they wanted to validate those securities, and so they introduced a bill for that purpose, to validate about \$30,000,000 bonds, as I recall.

Mr. HANECY. May I suggest here, Mr. Chairman, that the governor has made a mistake as to the railroad? He said the Monon. Was it not the Western Indiana?

Mr. DENEEN. It was the Western Indiana.

Senator KENYON. The road that Mr. Henley was connected with.

Mr. DENEEN. The road that Judge Henley was connected with.

Mr. HEALY. Now, Mr. Chairman, I want to go with the governor to some extent into the jack-pot question, and I want to develop along that line, if it meets with the approval of the committee, the question of the appointment of different chairmen of committees, with respect to their votes on the senatorial and speakership questions. I have a table of those appointments and those votes prepared. It occurred to me that if we might submit that to the gentlemen upon the other side we might agree upon the list, and let the list go in evidence, rather than to interrogate the governor at very great length on the question.

Mr. HANEY. We will agree with you to the truth.

The CHAIRMAN. Would you like an opportunity to confer?

Mr. HEALY. I suggest that we adjourn at this time, and we will take it up with the gentlemen.

The CHAIRMAN. We will adjourn until 10 o'clock to-morrow morning.

(Accordingly, at 5 o'clock and 12 minutes p. m., the committee adjourned until to-morrow, Friday, July 14, 1911, at 10 o'clock a. m.)

FRIDAY, JULY 14, 1911.

SENATE OFFICE BUILDING,
WASHINGTON, D. C.

The committee met at 10 o'clock a. m., pursuant to adjournment.

Present: Senators Dillingham (chairman), Gamble, Jones, Kenyon, Johnston, Fletcher, and Kern; also Mr. John H. Marble, Mr. John J. Healy, Mr. William J. Hynes, Mr. Elbridge Haney, and Mr. Edgar Farrar.

TESTIMONY OF CHARLES SAMUEL DENEEN—Resumed.

Mr. HEALY. Governor, have you prepared or caused to be prepared a list of the members of the lower Illinois house in the forty-sixth general assembly, showing their votes for speaker, for Senator on the ninety-fifth or last senatorial ballot, and the committee chairmanships to which those members were appointed?

Mr. DENEEN. I caused such a list to be prepared.

Mr. HEALY. You have looked the list over?

Mr. DENEEN. Yes.

Mr. HEALY. Does that list agree with your recollection of the votes of those members and the committee chairmanships to which they were appointed?

Mr. DENEEN. It does.

Mr. HEALY. And have you also caused to be prepared a list of the senatorial candidates and the ballots and when they were voted?

Mr. DENEEN. Yes.

The CHAIRMAN. Mr. Healy, I do not understand what your question means—the ballots, and when they were voted?

Mr. HEALY. The ballots as they were voted, the number of the ballot upon which the candidates received a vote for United States Senator.

Mr. DENEEN. I think that was prepared, also.

Mr. HEALY. And does this list, which I also show you, contain a list of the committee chairmen and the standing committees?

Mr. DENEEN. Yes.

Mr. HEALY. And the number of the legislative measures introduced at that session?

Mr. DENEEN. It does.

Mr. HEALY. That were referred to the different committees and the final disposition of those measures?

Mr. DENEEN. Yes.

Mr. HEALY. This list which I hand you is a copy of that, is it not?

Mr. DENEEN. I handed you a list, and this which you hand me now is a printed copy.

Mr. HEALY. It is printed by the Government officials from the list which you gave to me, and I am going to ask that that list go in, subject to the right of the gentlemen on the other side of the table to make such corrections as we may discover from an examination of the official Illinois records ought to be made, and that may be done at any time within the next two weeks.

Mr. HANEY. Mr. Chairman, I should prefer that Mr. Healy offer it for identification, and have it identified, and then give us an opportunity to look it over before it is put into the record.

The CHAIRMAN. I presume that is entirely agreeable?

Mr. HEALY. Yes.

The CHAIRMAN. Then, unless objection is made it will be marked for identification, but not written into the record at the present time.

Mr. DENEEN. I think this is a copy.

(The copy which was referred to was then marked "Exhibit Deneen 1.")

Mr. HEALY. Do you remember how soon after the convening of the forty-sixth assembly it was before the committee chairmanships were announced?

Mr. DENEEN. No, sir: I had that prepared, but I do not recall the date.

Mr. HEALY. About how long?

Mr. DENEEN. I think after the 20th of January, but I am not sure about that.

Mr. HEALY. Now, who is it in the Illinois house who names the committee chairmen?

Mr. DENEEN. The speaker of the house.

Mr. HEALY. And he is selected by the membership of the house?

Mr. DENEEN. By the membership; yes, sir.

Mr. HEALY. Is his action in naming chairmen of these various committees subject to review in any way by the membership of the house?

Mr. DENEEN. It depends upon the rules.

Mr. HEALY. Was that the fact in the forty-sixth assembly?

Mr. DENEEN. Not reviewed by the house. The rules conferred upon him the authority to appoint the committees, as I recall it. The rules are here, and they can easily be ascertained.

Senator JONES. When he announced the committees, the house could reject his appointments if it saw fit?

Mr. DENEEN. Yes.

Mr. HANEY. There were no rules at that time?

Mr. DENEEN. I think the rules were adopted at the first meeting, always.

Mr. HANEY. Temporarily?

Mr. DENEEN. Temporarily. I rather think the rules were adopted, but I am not sure.

Mr. HEALY. How was the membership of these various committees determined?

Mr. DENEEN. The speaker and his friends selected the majority members, and the minority leader suggests the minority members.

Mr. HEALY. And by whom is that membership finally appointed?

Mr. DENEEN. By the speaker.

Senator GAMBLE. What was the date when you say the appointment was made?

Mr. DENEEN. I do not recall the date, but you have it there, Mr. Healy. I will ask Mr. Whittaker, who is with me, if he has a memorandum there as to the dates when the committees were appointed, and I can tell in a moment whether I have it.

Senator GAMBLE. Was it later during the forty-sixth assembly that these appointments were made, or was it about the same time, the ordinary time, that they were made in other legislative assemblies?

Mr. DENEEN. I do not recall that.

Senator GAMBLE. Was there anything unusual about the forty-sixth general assembly?

Mr. DENEEN. I do not recall exactly. We have it here.

Senator GAMBLE. Oh, do not take the time to look it up.

Mr. DENEEN. I do not recall it.

Senator JONES. You do not remember whether there was any unusual delay?

Mr. DENEEN. No; I think there was not an unusual delay, but I do not recall. The speaker had been elected for the third time, and was familiar with the members. Mr. Brown also was a man who had been there for a number of sessions and he had an acquaintance with the members.

Mr. HEALY. Mr. Brown was the minority leader?

Mr. DENEEN. Yes.

Mr. HEALY. When a measure is introduced into the Illinois House, it is then referred to one of the standing committees.

Mr. DENEEN. Usually so.

Mr. HEALY. And by whom is the order of reference made?

Mr. DENEEN. By the speaker.

Mr. HEALY. Is that subject to review or reversal in any way by the house membership?

Mr. DENEEN. I think the house could do so.

Senator KERN. As a matter of practice it does not do so.

Mr. DENEEN. It does not do so, I think.

Mr. HEALY. And when a measure goes to a committee, how is it reported back to the house for action?

Mr. DENEEN. By the chairman of the committee to which it is referred.

Mr. HEALY. Suppose the chairman of a committee of the Illinois House was opposed to final action or to any decisive action upon a measure pending before his committee, could he in any way prevent that measure from being reported back to the house for its action?

Mr. DENEEN. As a matter of practice, I think he could.

Mr. HEALY. How?

Mr. DENEEN. He could fail to call his committee until late in the session. If he were forced to call the committee he could call it at a time when the members of the committee would be attending other committees. He could absent himself because of illness in his family or of business in his district, and as a matter of courtesy it would be deferred and it would go along so far that nothing would be accomplished.

The CHAIRMAN. Does that practice vary any from the practice of other legislative bodies?

Mr. DENEEN. I think not. I do not know the practice of other legislative bodies, and I would not say that is a general practice at all in our State, but such charges have been made.

Senator JONES. I would like to ask whether it is expected to show that there is any different practice obtaining in the legislative body of Illinois from that which obtains in other legislative bodies under the rules?

The CHAIRMAN. Yes; we all know what the legislative procedure is.

Senator GAMBLE. Especially if no different practice prevails in the forty-sixth general assembly from that of other assemblies.

Mr. HEALY. I do not expect to show that.

Mr. HANEY. It will be conceded that the practice was the same in the forty-sixth assembly that it had been in previous and has been in subsequent sessions.

Mr. HEALY. I do not know what the fact is with reference to that, so I could not concede it.

Mr. HANEY. I think the governor knows.

Senator KENYON. What is the point you are trying to show—the power of committees to kill off legislation?

Mr. HEALY. Yes.

Senator KENYON. Oh, we can take notice of that.

Mr. HEALY. If the committee will take judicial notice of that, it will serve the purpose of my inquiry.

The CHAIRMAN. You do not propose to show that the legislature had not the power to compel the committee to act?

Mr. HEALY. I was going to develop that to show what the fact was with reference to that, what the practice had been in the Illinois House.

Senator JONES. Are you trying to show it is as bad as it is in Congress?

Senator KENYON. Oh, he can not do that.

Mr. HEALY. I do not want to draw any invidious comparisons.

The CHAIRMAN. Proceed.

Mr. HEALY. In the absence of the chairman of the committee, could the membership of the committee report out a measure?

Mr. DENEEN. I do not know. I assume as a matter of power, if the chairman happened to be absent, they could elect another man, supposing the speaker would recognize him.

Mr. HEALY. Has that been done to your knowledge?

Mr. DENEEN. Not to my knowledge.

Mr. HEALY. I think that is all that I want to ask the governor, Mr. Chairman.

Senator KERN. Governor, did you receive any letter from any person on the subject of the senatorial election on the 26th, referring to the President's attitude or to the attitude of Senator Aldrich?

Mr. DENEEN. No, sir.

The CHAIRMAN. You can take the witness for cross-examination, Mr. Hanecy.

Mr. HANEKY. Governor, were you born in Illinois?

Mr. DENEEN. Yes.

Mr. HANEKY. When?

Mr. DENEEN. On the 4th of May, 1863, at Edwardsville, Madison County.

Mr. HANEKY. You and Senator Lorimer are nearly the same age?

Mr. DENEEN. I think we are; yes, sir.

Mr. HANEKY. And you entered politics actively at nearly the same time?

Mr. DENEEN. I do not know when Senator Lorimer became interested in politics, except through the sketches in the newspapers. I think he entered earlier than I did, but I do not know.

Mr. HANEKY. I mean actively. You know that Senator Lorimer and Dr. T. N. Jamieson and Henry Hertz and James Pease came together, they and their friends, in 1889.

Mr. DENEEN. That may be. I became connected with politics actively in 1894, I think, or 1893.

Mr. HANEKY. Yes; but you became active in politics when you became a candidate for the house of the Illinois Legislature in the spring of 1892.

Mr. DENEEN. In 1892; yes, sir.

Mr. HANEKY. The city of Chicago is composed of five entire townships, namely, Southtown, Northtown, Westtown, Hyde Park, Lake, Lake View, and Jefferson?

Mr. DENEEN. Yes.

Mr. HANEKY. And then parts of other townships?

Mr. DENEEN. Yes.

Mr. HANEKY. The Chicago River, running in from the lake, divides the north and south towns into two parts, and then the river branches off to the north and to the south and leaves the west side, west of the two branches and the main river. That is a fact?

Mr. DENEEN. That is a fact; yes, sir.

Mr. HANEKY. So that the Westtown of Chicago covers nearly the same territory, north and south, that the Southtown, practically—a little more than the territory covered by the South and the North towns?

Mr. DENEEN. In a general way, I think so. I know more about the population than I do about the area.

Mr. HANEKY. I am simply giving the general situation.

Mr. DENEEN. That is substantially so, I think.

Mr. HANEKY. And at the time that we speak of in 1889 or 1892 the Westtown, or the west side of Chicago, was about as large in population and in political delegates at conventions as the Southtown and the Northtown together. That is, back in 1889 or 1892.

Mr. DENEEN. I do not recall. I suppose that is so.

Mr. HANEY. When you became active in politics first, you lived in the town of Lake?

Mr. DENEEN. In the town of Lake, at Englewood.

Mr. HANEY. And at that time was the city of Lake a part of the city of Chicago?

Mr. DENEEN. It was not.

Mr. HANEY. Was the town of Hyde Park?

Mr. DENEEN. It was not.

Mr. HANEY. Was the town of Lake View?

Mr. DENEEN. No; I think not.

Mr. HANEY. Or Jefferson?

Mr. DENEEN. I think not, in each case.

Mr. HANEY. Subsequently those towns were annexed to the city of Chicago and became a part of it?

Mr. DENEEN. They were.

Mr. HEALY. Mr. Haney, I do not think it makes any difference, but Lake View was in the city at that time. It went into the city in 1888, although that does not make any difference.

Mr. HANEY. Senator Lorimer at the time he became active in politics lived on the west side.

Mr. DENEEN. On the west side; yes, sir.

Mr. HANEY. Henry Hertz lived on the northwest side?

Mr. DENEEN. Yes.

Mr. HANEY. And James Pease lived in Lake View?

Mr. DENEEN. Yes.

Mr. HANEY. North of the Northtown of Chicago?

Mr. DENEEN. Yes.

Mr. HANEY. And Fred Busse lived in the Northtown of Chicago?

Mr. DENEEN. Yes.

Mr. HANEY. Dr. T. N. Jamieson lived in Hyde Park?

Mr. DENEEN. Yes.

Mr. HANEY. So that the political organization, or the leaders in the political organization at that time, covered the northwest, the southwest side, the north side, and the south side?

Mr. DENEEN. Yes.

Mr. HANEY. And Dr. T. N. Jamieson was a strong adherent and friend of Senator Lorimer then, and has been ever since?

Mr. DENEEN. He was when I knew him; yes, sir.

Mr. HANEY. He has a son, Stillman B. Jamieson, a lawyer?

Mr. DENEEN. Yes.

Mr. HANEY. He has been active as a Lorimer adherent and friend, has he not?

Mr. DENEEN. I think so; yes, sir.

Mr. HANEY. Do you know Robert S. Illes?

Mr. DENEEN. I know him; yes, sir.

Mr. HANEY. He was a partner of Stillman Jamieson?

Mr. DENEEN. They were associated together and I assumed they were partners.

Mr. HANEY. Robert S. Illes was county attorney?

Mr. DENEEN. Yes; at one time.

Mr. HANEY. And he was appointed, not elected, was he not?

Mr. DENEEN. He was elected by the county commissioners.

Mr. HANEY. He was appointed by the county commissioners, not elected by the people?

Mr. DENEEN. Oh, no; not elected by the people.

Mr. HANEY. And he was appointed through the influence of Senator Lorimer and Dr. Jamieson?

Mr. DENEEN. I do not know; I just assume he was appointed in that way.

Mr. HANEY. Everybody conceded that, did they not, at that time?

Mr. DENEEN. I think so. I was not on familiar terms with Mr. Illes at that time.

Mr. HANEY. Robert S. Illes was an adherent of Dr. Jamieson and Senator Lorimer?

Mr. DENEEN. Yes.

Mr. HANEY. And was always recognized as such, and was a candidate supported by those people for judge on one or two occasions?

Mr. DENEEN. He has been a candidate for judge.

Mr. HANEY. He was recognized as an adherent of those gentlemen?

Mr. DENEEN. Yes; he was friendly to Dr. Jamieson and, I assume, to the Senator.

Mr. HANEY. He was generally recognized as a Lorimer and Jamieson friend and adherent?

Mr. DENEEN. I rather thought more directly with Dr. Jamieson, but I do not know.

Mr. HANEY. Dr. Jamieson and his friends were always friendly to Senator Lorimer?

Mr. DENEEN. Most of them, yes; as a class.

Mr. HANEY. When did you move to Chicago, Governor?

Mr. DENEEN. I moved to Chicago in September, 1885, and remained there until December, 1885. Then I went to St. Paul, Minn., and was there until September of 1886, when I returned to Chicago, and lived there until I moved to Springfield.

Mr. HANEY. That was in 1904?

Mr. DENEEN. 1905. I was elected in 1904.

Mr. HANEY. Yes. When were you admitted to the bar, Governor?

Mr. DENEEN. In 1886.

Mr. HANEY. The same year you returned to Illinois?

Mr. DENEEN. The same year I returned to Illinois. I was admitted in Minnesota and left within a week, I think, and came back to Illinois.

Mr. HANEY. When were you appointed attorney for the sanitary district?

Mr. DENEEN. In December or November of 1905, according to the best of my recollection.

Mr. HANEY. You mean 1895?

Mr. DENEEN. 1895; yes.

Mr. HANEY. Who was the chairman or president of the board at that time?

Mr. DENEEN. I think Mr. Mallett was. I am not sure, but I think he was.

Mr. HANEY. Do you remember the membership of the board? It consisted of five members, did it not?

Mr. DENEEN. Five, I think.

Mr. HANEY. Do you remember who they were?

Mr. DENEEN. If you have a list of them I could tell in a moment, if you would refresh my recollection.

Mr. HANEY. I have not. Mr. Carter was one of them?

Mr. DENEEN. Yes; Mr. Carter was one.

Mr. HANEY. And Mr. Boldenweck—Billy Boldenweck?

Mr. DENEEN. I do not recall; there was a gentleman from the sixth ward.

Mr. HANEY. Joe Brady?

Mr. DENEEN. Yes; Brady.

Mr. HANEY. And do you remember that Boldenweck was the other?

Mr. DENEEN. I do not recall, but I think he was. I was there just four months and I resigned.

Mr. HANEY. What was the salary of that office?

Mr. DENEEN. Five thousand dollars a year.

Mr. HANEY. You were appointed to that place by the sanitary district through the efforts and influence of Senator Lorimer and his friends, were you not?

Mr. DENEEN. And the entire Republican organization, I had understood.

Mr. HANEY. He and his friends controlled the whole Republican organization?

Mr. DENEEN. I understood so—they controlled the organization.

Mr. HANEY. Was that the first appointive office that you held, Governor?

Mr. DENEEN. That was the first and only one.

Mr. HANEY. You were elected to the lower house of the Legislature of Illinois in November, 1892?

Mr. DENEEN. 1892; yes, sir.

Mr. HANEY. And served one term?

Mr. DENEEN. One term.

Mr. HANEY. And you were elected State's attorney of Cook County in 1896?

Mr. DENEEN. 1896; yes, sir.

Mr. HANEY. And you were reelected in 1900?

Mr. DENEEN. 1900.

Mr. HANEY. The term was four years?

Mr. DENEEN. Four years; yes, sir.

Mr. HANEY. And the election of State's attorney came at the same time that the presidential electors were elected?

Mr. DENEEN. Yes.

Mr. HANEY. The salary of State's attorney was \$7,000 a year?

Mr. DENEEN. \$7,000 and fees.

Mr. HANEY. \$7,000 and fees?

Mr. DENEEN. Yes, sir.

Mr. HANEY. So that your regular salary, drawn monthly, amounted during the eight years to \$56,000?

Mr. DENEEN. Yes.

Mr. HANEY. How much were the fees, Governor?

Mr. DENEEN. The fees in the aggregate, I think, were \$240,000 in eight years.

Mr. HANEY. You reported two hundred and forty-three thousand and some hundred dollars, did you not?

Mr. DENEEN. I do not recall just what it was; but the figures are there.

Mr. HANEY. You kept all of those fees?

Mr. DENEEN. Yes, sir.

Mr. HANEY. In addition to your salary?

Mr. DENEEN. In addition to the salary; yes, sir.

Mr. HANEY. So that you got, out of the eight-year term as State's attorney, about \$300,000?

Mr. DENEEN. About; a little more, I think, or a little less. It was about \$300,000. It was the salary plus the fees.

Mr. HANEY. You reported to the school fund committee, or the school fund, the amount of fees that you collected?

Mr. DENEEN. The law required that I file a report with the county clerk, and then that notice be given, and the matter tried before the county judge of the county. I followed the law, and reported, and tried the matter, and judgment was entered in each case.

Mr. HANEY. And any fees that were collected in your office of State's attorney that you did not take as compensation would go to the school fund for the benefit of the school children of the county of Cook?

Mr. DENEEN. Yes, sir; they would go to the school fund.

Mr. HANEY. You never did report any fees that did go to that fund during your eight years of occupancy of that office, did you?

Mr. DENEEN. No. The fees were paid to me for the work done; but I was required, under the law, to collect them out of the judgments and fines imposed and collected. At first they were very small, but at the last they accumulated to quite a large amount. The office was the largest office of its kind in the world in the number of cases tried at that time.

Mr. HANEY. The way you collected the fees was that the statute allowed to the office of the State's attorney a \$10 fee for each conviction of a misdemeanor?

Mr. DENEEN. Five dollars, I think.

Mr. HANEY. Will you give the scale of fees for the others?

Mr. DENEEN. Ten dollars in case of trial for insanity; \$10, if I recall, in bastardy cases; and \$20 in felony cases, as I recall.

Mr. HANEY. Where there were 50 or more counts in an indictment for any of those offenses, you charged \$10 for each count in the same indictment, did you not?

Mr. DENEEN. No, sir.

Senator JONES. Mr. Chairman, I do not see why we should go into all this matter. Even if the governor did not comply with the law, it is not our business to investigate that matter.

Mr. HANEY. I was not going to extend that inquiry very far, but I will stop right here, Senator, if that is the wish of the committee.

Senator JONES. I am simply expressing my views about it.

Mr. DENEEN. That was investigated out there when I ran for office the first time. They brought me in from the country campaign, and I went in, and I think it is fair to me to state this: They charged that I had collected more than the law permitted, and after they put their accountants there they found that I had not collected within \$10,000 of what I was entitled to, and I collected it and paid the expenses of the investigation in that way.

Mr. HANEY. I was just coming to this question, Governor, which I will ask, if you do not object—whether Fred M. Blount was one of the men who objected to your fees?

Mr. DENEEN. Very seriously. Yes; he was one of them. There was an investigation of the matter that lasted longer than this.

Senator FLETCHER. Was there not some suit brought, Governor, that involved this question?

Mr. DENEEN. There was later, when Mr. Healy was State's attorney. I was the real party in interest.

Senator FLETCHER. What was the title of that case?

Mr. DENEEN. I guess it was "The People *v.* Healy," was it not?

Mr. HEALY. The first suit was "The County of Cook *v.* Healy," and very recently, in the Supreme Court of Illinois, only a month or two ago, another decision was handed down. The title of that case was "Healy *v.* Galpin."

Senator FLETCHER. Did the other case go to the supreme court?

Mr. HEALY. Both of them did.

Senator FLETCHER. The decision of the supreme court decided it?

Mr. DENEEN. The first one was the one that decided the point.

Mr. HANEY. And Mr. Healy did pay over all of the fees above his salary, did he not?

Mr. DENEEN. I will answer that by saying that I assume so: I think so. I want to explain this: During the latter part of my term, or the second term, a statute was passed in our State limiting the compensation of the State's attorney to a salary, and there was some question about its constitutionality. So the candidates who were before the people at that time stated, before the election, that in the event that they were elected they would comply with the law as it was on the statute books and not test its constitutionality. Mr. Healy followed that course, and I understand he paid over all the fees to the county and retained only his salary.

Mr. HANEY. It was claimed, was it not, Governor, by a great many people, that you made the same promise when you were elected?

Mr. DENEEN. No; it was not. Exactly the contrary was the case. You refer to the matter of Mr. Lawson, do you not, of the News?

Mr. HANEY. What is that?

Mr. DENEEN. You refer to the statement that was published in the papers that I said that if I were elected in 1896 I would offer as an inducement to the people to elect me that I would not take the compensation provided by law for State's attorney? I said, No; that if I were elected I would take the compensation provided in the way of fees and salary, and no more. The question was whether or not any more beyond that should be taken. That was the question in the campaign.

Mr. HANEY. The Mr. Lawson that you speak of is Victor F. Lawson?

Mr. DENEEN. Yes.

Mr. HANEY. The owner of the Chicago Daily News and the Record-Herald?

Mr. DENEEN. Yes.

Mr. HANEY. And he claimed in his papers that you did make that pledge, did he not?

Mr. DENEEN. I think not.

Mr. HANEY. It was so published, was it not?

Mr. DENEEN. I think not. It was charged later, after I became a candidate for governor; but not by the Daily News or Record-Herald, but by others.

Mr. HANEY. The same Fred M. Blount that you said had to do with one of these cases against you, was associated with Senator Hopkins, was he not?

Mr. DENEEN. Later; yes. He was president of a surety company.

Mr. HANEY. And also associated with Senator Hopkins in his campaign for Senator?

Mr. DENEEN. Yes.

Mr. HANEY. For reelection?

Mr. DENEEN. Yes.

Mr. HANEY. He managed his campaign, did he not?

Mr. DENEEN. He helped to manage it. He was one of the active men.

Mr. HANEY. He was in Springfield practically all the time, was he not?

Mr. DENEEN. He called on me quite often. I assume he was there all the time.

Mr. HANEY. And you and Fred M. Blount were supporting Senator Hopkins for reelection, were you?

Mr. DENEEN. Yes.

Mr. HANEY. Do you remember the campaign for your nomination in 1896?

Mr. DENEEN. Yes; in 1896.

Mr. HANEY. There were four candidates for that office at that time, were there not?

Mr. DENEEN. Four or five, I think.

Mr. HANEY. There were you from the southwest side, Mr. Garrison from the northwest side—Henry Hertz's district—

Mr. DENEEN. No; Mr. Scanlon. Mr. Kickham Scanlon, the judge, I think was a candidate at that time.

Mr. HANEY. Was it not Garrison?

Mr. DENEEN. I do not recall.

Mr. HANEY. It is not material. Henry Hertz had a candidate from his part of the city?

Mr. DENEEN. Mr. Scanlon was a candidate.

Mr. HANEY. And James Pease had a candidate in Mr. John J. Healy, the attorney for the Helm committee, and one of the attorneys for this committee?

Mr. DENEEN. Mr. Healy was a candidate.

Mr. HANEY. He was from James Pease's district?

Mr. DENEEN. From the Lakeview district; yes, sir.

Mr. HANEY. And Mr. Glennon was the candidate for State's attorney from Dr. Jamieson's district?

Mr. DENEEN. He was a candidate for State's attorney from the third ward of Chicago.

Mr. HANEY. That was Martin B. Madden's district—now Congressman Madden's district?

Mr. DENEEN. They both lived there.

Senator KERN. What do you mean by "his district"?

Mr. HANEY. The district he lived in. That is one of the reasons, if the committee will permit me to say so, why I asked for the political divisions of the city—the south side, the north side, the

northwest, and the southwest. There was one of the principal leaders from each of those divisions.

Senator KERN. And he was the "boss" of that district, was he?

Mr. HANEY. I do not say that. He was as long as the people there would support him. There was quite a hot campaign for the nomination for State's attorney at that time, was there not, Governor?

Mr. DENEEN. About the usual campaign, I think.

Mr. HANEY. Senator Lorimer was backing your candidacy, was he not?

Mr. DENEEN. Yes, sir; he was in favor of it.

Mr. HANEY. Henry Hertz was backing either Garrison or Scanlan?

Mr. DENEEN. I do not recall Mr. Garrison at all. I think you are mistaken in his name. Mr. Underwood was a candidate, and some others also. I do not recall Mr. Garrison at all. I think you are mistaken.

Mr. HANEY. I say it is either one or the other.

Mr. DENEEN. Mr. Hertz, I think, favored the candidacy of Judge Kickham Scanlan.

Mr. HANEY. I say, Mr. Scanlan or the other man. And Mr. Pease was supporting the candidacy of Mr. John J. Healy?

Mr. DENEEN. Yes.

Mr. HANEY. And Martin B Madden and Dr. Jamieson were supporting the candidacy of Edward T. Glennon?

Mr. DENEEN. Yes.

Mr. HANEY. Were you in the conference or caucus the night before the convention met?

Mr. DENEEN. No.

Mr. HANEY. You knew that there was a caucus that night?

Mr. DENEEN. Yes.

Mr. HANEY. And you knew that those four leaders were asked by the representatives of all of the delegates in the convention that had been elected that day, and who would meet in convention the next day, to go out into a side room and see if they could harmonize their differences and agree upon somebody for State's attorney.

Mr. DENEEN. I was not there.

Mr. HANEY. You knew that, however?

Mr. DENEEN. I think the county committee met and accepted the candidates; but I am not sure about that.

Mr. HANEY. You knew that to be a fact, did you not, generally?

Mr. DENEEN. No; I did not know that.

Mr. HANEY. Do you not know that the conference of those four leaders lasted until about 6 o'clock in the morning, before Senator Lorimer succeeded in convincing the others that you should be nominated?

Mr. DENEEN. No; I do not remember anything of the kind. I assume it was a night conference that began after the returns were in, at midnight.

Mr. HANEY. After the delegates had been elected?

Mr. DENEEN. After the delegates had been elected and congregated down in the hotel, in the central part of the town.

Mr. HANEY. You were nominated at that convention for State's attorney, were you not?

Mr. DENEEN. Yes.

Mr. HANEY. And you were nominated by Senator Lorimer and his friends?

Mr. DENEEN. Yes; they were all friendly to me.

Mr. HANEY. You were then renominated by Senator Lorimer and his friends in 1900, were you not?

Mr. DENEEN. I was renominated in 1900; yes.

Mr. HANEY. Were you not renominated by Senator Lorimer and his friends?

Mr. DENEEN. If you care to have me state the facts, I will state them. I could not answer that "yes" or "no." I think the Senator favored me. The Senator told me beforehand that his friends were against my candidacy. I participated, I think, in that caucus, and there was a good deal of feeling against Mr. Simonds, who was county recorder, and Mr. Upham, who was a member of the board of review, and myself, who was State's attorney; and the question was whether any of us should be renominated. We had a caucus, and I think all of us participated in it; at least, Mr. Simonds and I did. There was considerable discussion about the matter, and finally it led to the nomination of the three. I think I nominated Mr. Simonds and Mr. Upham myself.

Mr. HANEY. Are you quite sure you nominated Mr. Upham?

Mr. DENEEN. I think so. Mr. Healy will know. I think it occurred over at the headquarters of the county committee on Fifth Avenue, if I recollect it correctly.

Mr. HANEY. Let me refresh your recollection, Governor. The county convention met just before the State convention met at Peoria, did it not?

Mr. DENEEN. I assume so. It had to select the delegates to the State convention.

Mr. HANEY. And the county convention took a recess and did not make any nominations until after the State convention had that meeting at Peoria, and had concluded its work?

Mr. DENEEN. I had forgotten that; but I assume, now, that that is so. If you have the dates there they may refresh my recollection.

Mr. HANEY. You remember the events, do you not?

Mr. DENEEN. I think that is so. It has not been called to my attention for so long that I have forgotten.

Mr. HANEY. There were factions in Cook County politics at that time, were there not?

Mr. DENEEN. Yes; I think so.

Mr. HANEY. Henry Hertz and some of the others had broken away from the old organization and separated into factions. That is the fact, is it not?

Mr. DENEEN. They were not working together, I think, in 1900.

Mr. HANEY. And the Hertz faction held a caucus or a conference at the Brevoort House at the same time that Senator Lorimer and his friends were holding a caucus at another place?

Mr. DENEEN. I do not know. I did not attend any conference there at the Brevoort Hotel.

Mr. HANEY. Did you not attend the conference or caucus of Henry Hertz's friends at the Brevoort House?

Mr. DENEEN. No, sir.

Mr. HANEY. And did you not go from there, after it had been ascertained that they did not have a majority of the delegates in the

convention and could not nominate—after that fact was ascertained did you not go out between 2 and 3 o'clock in the morning over to the caucus of Senator Lorimer and his friends?

Mr. DENEEN. No, sir.

Mr. HANEY. And did you not see Christopher Mamer, until recently clerk of the Supreme Court of Illinois, at the Hertz caucus?

Mr. DENEEN. No, sir.

Mr. HANEY. That is not the fact?

Mr. DENEEN. No, sir; it is not the fact.

Mr. HANEY. Did you go into the conference or caucus of Senator Lorimer and his friends?

Mr. DENEEN. I think not. My recollection is not. I am quite sure not—if we are not confused in the caucuses to which you refer. I think that Senator Lorimer and his friends had a caucus in another part of the town, and then a caucus of all the committeemen, at which Mr. Hertz and Mr. Pease and others were present, was held, and I attended that caucus. If you call that the caucus of Senator Lorimer, I was there; but, as I recollect it, that was at the headquarters, and it was there that the discussion arose in reference to Mr. Simonds and, I think, Mr. Upham and myself. That is my recollection.

Mr. HANEY. That was after the separate caucuses of the Hertz people and the Lorimer people?

Mr. DENEEN. I did not attend their caucuses. I know that was charged, but it was a mistake.

Mr. HANEY. When did you first attend a caucus of the Lorimer people?

Mr. DENEEN. My best recollection is that the caucus I attended was at headquarters, where the general caucus of the leaders, the committeemen, was held.

Mr. HANEY. When? Do you remember?

Mr. DENEEN. I have no notion, except the fact that it occurred. I remember the discussion that arose and some of the arguments that were made. I have a pretty clear recollection as to some of the arguments.

Mr. HANEY. Do you remember that that caucus of Senator Lorimer and his friends was held in the Adams Express Building?

Mr. DENEEN. I had understood it was held there. I do not believe that I attended it. My recollection is that I did not.

Mr. HANEY. That you did not attend the caucus of Senator Lorimer and his friends?

Mr. DENEEN. I say that is my best recollection.

Mr. HANEY. It turned out after the election of the delegates to that convention that Senator Lorimer and his friends had a majority of the delegates and a clear working force in the convention, did it not?

Mr. DENEEN. I do not think the matter was tested at all. Your question does not throw any light on the matter. It depends upon who were the Senator's friends, what classification you make. If you classify the entire 34 wards, it would be so. It would be impossible to answer a question so general as that, Judge.

Mr. HANEY. Well, they did have separate caucuses, did they not—the Hertz people in one place and Lorimer's in another?

Mr. DENEEN. As I stated, I did not attend either. That is my best recollection, and I do not know. It occurred at night, I understood—the day before the convention, or sometime before.

Mr. HANEY. You do not know the fact at all?

Mr. DENEEN. I do not recollect it; no. If there is any point you are driving at, if you will ask me, I will give you my recollection.

Mr. HANEY. I am asking for your recollection.

Mr. DENEEN. I have not charged my mind with all those matters. I have been pretty active in politics.

Mr. HANEY. You say that a number of Senator Lorimer's friends were opposed to you?

Mr. DENEEN. To me.

Mr. HANEY (continuing). And Bob Simonds and Fred Upham?

Mr. DENEEN. Very strongly.

Mr. HANEY. But Senator Lorimer was your strong friend all the time, and overcame the objections of his friends to your nomination, did he not?

Mr. DENEEN. I think he did. I think he did what he could in that matter.

Mr. HANEY. You have no doubt about that, have you, Governor?

Mr. DENEEN. This is rather an embarrassing matter, because I have to speak about myself. If you care for my full impression, I will state the matter.

Mr. HANEY. We often have to talk of ourselves, Governor.

Mr. DENEEN. Well, I say the difference arose between Mr. Pease and Mr. Hertz and the Senator in 1898, at which time the question at issue in our convention was whether or not the Republican convention would condemn the passage of the Allen bill, the Humphrey bills, and the gas-consolidation bills, and the warehouse bills in the general assembly, that immediately preceded it; and a vote was had on it, and I was one of the leaders in the town of Lake, comprising four large wards, as large as a congressional district. We had 101 delegates of the 1,000 delegates in the convention, and every one of them voted with Mr. Pease and Mr. Hertz to condemn the bills. That created quite a lot of feeling against me on the part of some local leaders, and as to whether or not I was to be nominated I did not know.

Now, if our town of Lake people were classified as Lorimer wards, that would add at least that many votes to his force. We were friendly to the Congressman. I was the congressional committeeman, the State committeeman in his district, and a very active participant in managing his campaign. He was then the Congressman from our district. The same feeling that arose against Pease and Hertz was also against me, which arose out of the discussion in the county convention regarding those matters.

Mr. HANEY. Mr. Hertz and Mr. Pease both supported the Allen bill and the Humphrey bills, did they not?

Mr. DENEEN. I do not recall so. I think they did not.

Mr. HANEY. Do you not know that they did?

Mr. DENEEN. I do not know; but I think not.

Mr. HANEY. You would not testify to the fact?

Mr. DENEEN. No; I do not know. I was State's attorney, and had a busy office and could not keep track of all those matters. The records will show.

Mr. HANEY. The gas-consolidation bill was held to be valid by the Supreme Court afterwards?

Mr. DENEEN. Yes; on a case that I instituted against it. I lost the case.

Mr. HANEY. Well, the Supreme Court held——

Mr. DENEEN. (interrupting). Oh, yes; it held it to be constitutional; yes.

Mr. HANEY. What was the occasion of the break between Senator Lorimer and his friends on one side, and Henry Hertz and his friends on the other.

Mr. DENEEN. I do not know. The general impression was that it arose out of the contest in the convention of 1898, and the years preceding my nomination.

Mr. HANEY. That is, you say the breach came with Henry Hertz in 1898?

Mr. DENEEN. At the convention of 1898.

Mr. HANEY. You told us, Governor, that the leaders were Senator Lorimer, Henry Hertz, James Pease, and Dr. Jamieson. When did that leadership change?

Mr. DENEEN. I do not recall the exact time.

Mr. HANEY. I will leave that for the present. James Pease was elected sheriff?

Mr. DENEEN. Yes.

Mr. HANEY. In 1894?

Mr. DENEEN. I think so; yes.

Mr. HANEY. And was sheriff for four years?

Mr. DENEEN. Four years.

Mr. HANEY. That is the largest executive office in the county?

Mr. DENEEN. I think so. Well, it is a large office. I do not know whether it is larger than the treasurer's office or not.

Mr. HANEY. It is the head of the county ticket, generally?

Mr. DENEEN. Yes.

Mr. HANEY. Dr. Jamieson was elected clerk of the appellate court, was he not?

Mr. DENEEN. In 1894?

Mr. HANEY. No. Back about that time. It is not material.

Mr. DENEEN. He was elected—I do not recall when. I think it was 1896.

Mr. HANEY. And then he was reelected?

Mr. DENEEN. Yes.

Mr. HANEY. That was a very important office, was it not?

Mr. DENEEN. He was clerk of the court. It is an important branch of the appellate court.

Mr. HANEY. Roy O. West was a close friend of yours, and is now?

Mr. DENEEN. Yes.

Mr. HANEY. And that friendship, personal and political, originated when, Governor?

Mr. DENEEN. I think it began in 1891 or 1892.

Mr. HANEY. That is when you first became active?

Mr. DENEEN. No; I became active, I think, in 1888.

Mr. HANEY. 1888?

Mr. DENEEN. I think it was. That is, I took part in the campaign.

Mr. HANEY. That is, you and Mr. West and your friends and his became active in the town of Lake politics in 1888?

Mr. DENEEN. No. Mr. West was not a resident of the town at that time. He was not a resident of the town of Lake. If I recall it, I think he came to the city after that. I think I met him in 1892, but I am not sure. It may have been 1891.

Mr. HANEY. You and Mr. West were living in Senator Lorimer's congressional district when Senator Lorimer was first elected to Congress?

Mr. DENEEN. Yes.

Mr. HANEY. And you and Mr. West were for Senator Lorimer at that time?

Mr. DENEEN. Very actively for him.

Mr. HANEY. And afterwards Senator Lorimer and his friends helped to nominate you both times?

Mr. DENEEN. Both Mr. West and myself.

Mr. HANEY. Roy O. West was nominated and elected city attorney of Chicago in the spring of 1895, was he not?

Mr. DENEEN. I do not recall the exact year. I think that was so; about 1895.

Mr. HANEY. It was the time that George P. Swift was elected mayor?

Mr. DENEEN. Yes; he ran with Mayor Swift.

Mr. HANEY. That was in 1895?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And the election was in April of that year?

Mr. DENEEN. Yes.

Mr. HANEY. Was he reelected city attorney?

Mr. DENEEN. No.

Mr. HANEY. That ran for two years?

Mr. DENEEN. Two years; yes.

Mr. HANEY. And then Mr. West was nominated and elected through the efforts of Senator Lorimer and his friends?

Mr. DENEEN. Elected a member of the board of review, you mean?

Mr. HANEY. No; I mean city attorney.

Mr. DENEEN. I think so; yes.

Mr. HANEY. Mr. West had not been prominent in city politics outside of his ward or senatorial district prior to that?

Mr. DENEEN. He was prominent in the four wards of the town of Lake only, I think, at that time.

Mr. HANEY. Mr. Roy O. West was nominated for the position of member of the board of review of Chicago in 1898, was he not?

Mr. DENEEN. I do not recall the year. I think it was about that time.

Mr. HANEY. And he was elected?

Mr. DENEEN. He was elected.

Mr. HANEY. That year?

Mr. DENEEN. Yes.

Mr. HANEY. He was nominated through the efforts of Senator Lorimer and his friends?

Mr. DENEEN. Yes; he was nominated, I think, by acclamation. As I recall it, he was nominated by acclamation. Mr. Lorimer was very strongly for him.

Mr. HANEY. And the term of that office is six years?

Mr. DENEEN. Six years; yes.

Mr. HANEY. But his first term, commencing in 1898, was divided; that is, there were three members of the board of review of Chicago!

Mr. DENEEN. Yes.

Mr. HANEY. It is now the board of review of Cook County?

Mr. DENEEN. I thought it was then. Chicago is the principal part.

Mr. HANEY. Very well. And at the first election the three members of the board drew lots to see which would have the two-year term, which the four-year term, and which the six-year term?

Mr. DENEEN. I presume so. The law required it.

Mr. HANEY. Mr. West drew the four-year term?

Mr. DENEEN. I think that was his term.

Mr. HANEY. And Mr. West was renominated in 1902 for the board of review, was he not?

Mr. DENEEN. He was nominated to succeed himself. I think it was in 1902.

Mr. HANEY. And that was for a six-year term?

Mr. DENEEN. Yes.

Mr. HANEY. And he was renominated for that office through the efforts of Senator Lorimer and his friends?

Mr. DENEEN. They all favored him, I think. Again by acclamation.

Mr. HANEY. Then Mr. West was elected that year, too, was he not?

Mr. DENEEN. Yes.

Mr. HANEY. And he was renominated for the same place in 1908, was he not?

Mr. DENEEN. Yes.

Mr. HANEY. And reelected?

Mr. DENEEN. Yes.

Mr. HANEY. And is now a member of the board of review?

Mr. DENEEN. Yes; he is now a member of the board of review.

Mr. HANEY. Mr. West is chairman of the Republican State central committee?

Mr. DENEEN. He is; yes.

Mr. HANEY. And he has been ever since you were nominated for governor in 1904?

Mr. DENEEN. Well, he was chosen, I think, by the committee immediately after I was nominated.

Mr. HANEY. Yes. The governor generally designates the chairman of the Republican State central committee.

Mr. DENEEN. I do not know the practice. For a long time he was, and I think Gov. Yates designated his chairman. I do not know, beyond that.

Mr. HANEY. You have, ever since you have been governor, recommended or designated a man that you would like to have chairman of the Republican State central committee?

Mr. DENEEN. I do not think it is necessary to do that, because he had been the chairman of my campaign committee. I think it was taken as a matter of course, and that there was no occasion for a request.

Mr. HANEY. And everybody in Illinois knew that you and Roy West—

Mr. DENEEN (interrupting). We were very friendly.

Mr. HANEY (continuing). Were close enough to each other, politically and otherwise, so that you would want him?

Mr. DENEEN. Oh, I think so; yes.

Mr. HANEY. In 1900 there was a break by Mr. Hertz and Mr. Pease away from the so-called Lorimer organization, was there not?

Mr. DENEEN. Well, the break occurred, as I said, in 1898. I was not on such familiar terms with them as to know just when their differences occurred.

Mr. HANEY. Did not the break occur in the convention at Peoria when Mr. Hertz and Mr. Pease supported Mr. Walter Reeves?

Mr. DENEEN. It did; but I say I do not know when the break occurred preceding that. I know that they did not favor the same candidates at Peoria.

Mr. HANEY. They separated at that time—in 1900—anyway, if they had not before?

Mr. DENEEN. Senator Lorimer's friends favored you, and they favored Judge Carter, of the supreme court, who is now chief justice.

Mr. HANEY. They did that for awhile; and then they tried to go to Reeves, did they not?

Mr. DENEEN. I do not know how many of them tried. Mr. Hertz did.

Mr. HANEY. That is what I mean; the leader did?

Mr. DENEEN. Yes. I think Mr. Pease followed; but it was a matter in which there was much excitement.

Mr. HANEY. The result was that Senator Lorimer and his friends nominated Richard Yates for Governor?

Mr. DENEEN. Yes. We voted for Governor Yates in our town.

Mr. HANEY. And so did you?

Mr. DENEEN. I did. Our delegation did, rather. I think I was a member of the delegation.

Mr. HANEY. When I say "you," I mean your delegation.

Mr. DENEEN. I think I was a member of the delegation, and it was a unanimous vote.

Mr. HANEY. You were chairman of your delegation?

Mr. DENEEN. Yes; and gave him the largest vote of any political unit in the State; I think so; certainly in Chicago.

Mr. HANEY. In 1900 a new political organization was created in Chicago, was it not, consisting of Fred A. Busse, James Pease, Henry Hertz, John Hanberg, and James Reddick?

Mr. DENEEN. I can not answer that question definitely. Do you mean to say that they got together and created an organization?

Mr. HANEY. What I mean is that in the northwest side, where Henry Hertz had been influential, James Reddick took his place.

Mr. DENEEN. He was regarded as the most influential Republican in that section of the city; yes.

Mr. HANEY. Yes. Mr. Hertz went out of the leadership in that part of the city, and out of the leadership generally, and James Reddick took his place, did he not?

Mr. DENEEN. I think Reddick was considered the most influential man at that time.

Mr. HANEY. Yes. And he became leader in place of Henry Hertz, did he not?

Mr. DENEEN. He was considered so.

Mr. HANEY. And John Hanberg became the leader in Hyde Park, did he not, in place of Dr. Jamieson?

Mr. DENEEN. I do not know as to that. There were some differences of opinion as to whether he had a majority or not. I do not know; but I think he was regarded as the leader of men who were working together there. Whether he had a majority of the vote or not, I do not know.

Mr. HANEY. Hanberg and Jamieson had been close friends?

Mr. DENEEN. Yes.

Mr. HANEY. And Jamieson had supported Hanberg for chairman of the county board, and had him nominated and elected?

Mr. DENEEN. They had supported each other on various occasions.

Mr. HANEY. Fred A. Busse, about 1900, became an important political factor in the north town of Chicago, did he not?

Mr. DENEEN. I do not know just the time, but he was a very important and influential Republican there, and has been for years.

Mr. HANEY. And James Pease was in the northeast—in Lake View?

Mr. DENEEN. In Lake View; yes.

Mr. HANEY. And did not Busse, Pease, Hertz, Hanberg, Reddick, and the newspapers form a new organization politically at that time?

Mr. DENEEN. I do not think so. I do not know of any organization formed by the newspapers and those men that you refer to.

Mr. HANEY. Did not the newspapers support the ticket and the policies and plans of those men?

Mr. DENEEN. I think, as a general rule, they did.

Mr. HANEY. Yes.

Mr. DENEEN. They supported certain men on the ticket. They nominated the ticket. The men who came from the groups of territories where these gentlemen resided, and where they were influential, I think nominated the ticket.

Mr. HANEY. And that commenced in 1900, right after the Peoria convention, did it not?

Mr. DENEEN. Well, I do not recall exactly. You stated a minute ago that Senator Lorimer was in control in 1902 of the convention.

Mr. HANEY. Yes.

Mr. DENEEN. And you say this organization was formed in 1900?

Mr. HANEY. Yes; I did not say they were controlling.

Mr. DENEEN. Oh; I do not know. I could not answer definitely on that.

Mr. HANEY. But they commenced to break away from the old organization and started, or attempted to form, a new organization right after 1900?

Mr. DENEEN. They differed as to their policies from 1898 on. Some differences arose.

Mr. HANEY. And the newspapers supported the men and candidates of Busse, Pease, West, Hanberg, and Reddick at that time?

Mr. DENEEN. My best recollection is that the newspapers have supported candidates of both factions that have been on the ticket.

I think most tickets have been made up of men friendly to both organizations.

Mr. HANEY. When did you and Fred Busse, James Pease, James Reddick, John Hanberg, and Mr. Weber, from the country towns, organize?

Mr. DENEEN. I do not recall that we ever organized.

Mr. HANEY. When did you come together, informally or otherwise?

Mr. DENEEN. I have met with those gentlemen since I became a member of the committee of the county, and preceding that time when I was a member of the city committee of Chicago.

Mr. HANEY. What did you say?

Mr. DENEEN. Preceding that time, when I was a member of the city committee of Chicago, I served on both committees at different times.

Mr. HANEY. When you became a candidate for governor, which I think you told me was in 1903—

Mr. DENEEN. I think I announced my candidacy in October, 1903, if I remember correctly. It was the October or September preceding the primaries. It was in the fall.

Mr. HANEY. And at that time Frank Noyes was the managing editor of the Chicago Record-Herald was he?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And Victor Lawson of the News?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And Bob Patterson of the Tribune?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And those three papers worked together politically?

Mr. DENEEN. I would not say so. They favored my candidacy. As to passing on what they did on all other matters, I could not state.

Mr. HANEY. And Busse, Pease, Reddick, Hanberg, and Weber favored your candidacy, did they not?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And in the State convention that met in the spring of 1904, those men last named were supporting you, and the newspapers named, the Tribune, the Record-Herald, and the Daily News, were supporting you?

Mr. DENEEN. Yes, sir.

Mr. HANEY. Busse, Pease, Reddick, Hanberg, and Weber had been in the so-called Lorimer organization prior to that time, had they not?

Mr. DENEEN. They had worked together, and had worked separately. Your question I think conveys an erroneous meaning. There was no organized corporation.

Mr. HANEY. I did not say they were incorporated.

Mr. DENEEN. They worked together, and they worked against each other, as their interests required. They represented their constituents and their interests.

Mr. HANEY. Can you tell now any single instance where those men worked against the newspapers, or the newspapers against them?

Mr. DENEEN. I do not understand that there was any issue against the newspapers there.

Mr. HANEY. Did the newspapers work against them, or they against each other?

Mr. DENEEN. I would have to refresh my recollection by running through the list of candidates, and could give my judgment then.

Mr. HANEY. Nothing comes to your mind now?

Mr. DENEEN. Oh, no. I think at various times the newspapers have criticized every one of them and favored every one of them. That has been my experience.

Mr. HANEY. And they criticized you at times?

Mr. DENEEN. Very bitterly.

Mr. HANEY. But they have not done that since 1904, have they?

Mr. DENEEN. Since 1906, I think. Some of them have. The Chronicle, the Journal, and the Inter-Ocean have kept up a continuous performance, I think. There was scarcely a day but my name appeared in the Inter-Ocean.

Mr. HANEY. I am asking about the Tribune, the News, and the Record-Herald.

Mr. DENEEN. I did not catch your question.

Mr. HANEY. They have not opposed you since 1904, have they?

Mr. DENEEN. They have criticized me occasionally, but I do not think they have opposed me; I think they have favored my candidacies from the time I was nominated for the general assembly, in 1892—the old Record and the succeeding Record-Herald.

Mr. HANEY. Mr. Noyes was not on the Record-Herald then?

Mr. DENEEN. No.

Mr. HANEY. And Robert M. Patterson was not in control of the Tribune?

Mr. DENEEN. The Tribune favored my candidacy for representative in 1892 very strongly.

Mr. HANEY. In 1892?

Mr. DENEEN. And they favored the candidacy of Mr. McMurdy, and we were both elected, notwithstanding the district went Democratic. That happened under our peculiar minority representation system. They favored us both very strongly, and have favored us since.

Mr. HANEY. Do you say the district went Democratic?

Mr. DENEEN. It did. It elected a Democratic State senator.

Mr. HANEY. Only as to the State senator, was it not?

Mr. DENEEN. I think it went Democratic. It was the landslide of 1892. President Cleveland was elected at that time, and Gov. Altgeld was elected at that time. Mr. West's brother-in-law was elected State's attorney at that time, and the Democrats, Mr. McInerney and Mr. McKenney, who were the candidates against Mr. McMurdy and myself, got more votes than we did, but our vote was 200 apart in a vote of 40,000, while they ran apart nearly 10,000.

Mr. HANEY. That was because of the cumulative system of voting?

Mr. DENEEN. Because of the cumulative system of voting. The Tribune supported candidates of both parties to avoid that, because for two preceding elections the Republicans had carried the district by a very large vote; but, notwithstanding that fact, because of differences between the politicians in Hyde Park and the town of Lake, the Republicans had a minority and the Democrats a majority.

Mr. HANEY. Was Mr. Leroy West's brother-in-law elected State's attorney?

Mr. DENEEN. State senator.

Mr. HANEY. You said State's attorney, but you meant State senator?

Mr. DENEEN. I meant State senator.

Mr. HANEY. That was C. Porter Johnson?

Mr. DENEEN. Yes, sir.

Mr. HANEY. He was on the Democratic ticket?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And he ran at the same time with you and McMurdy?

Mr. DENEEN. Yes, sir.

Mr. HANEY. After 1904, Governor, there were other combinations of political leaders in Chicago, consisting of yourself, Fred Busse, and Daniel Campbell, the present postmaster, James Pease, Mr. Weber from the country towns, and Mr. Hanberg from Hyde Park. That is right, is it not?

Mr. DENEEN. They were still committeemen, active in the work.

Mr. HANEY. They were still leaders?

Mr. DENEEN. In their several wards and country districts.

Mr. HANEY. And you and they, with the assistance of the newspapers, had acquired a control in the conventions that met after that time, had you not?

Mr. DENEEN. I think after that time we had a primary law. Although we have had three of them declared unconstitutional, they have each of them been in force when the primaries were held.

Mr. HANEY. We know that it was after that; but it was not immediately after that, was it?

Mr. DENEEN. I think so. I think we enacted a primary law at the first term of the general assembly that met after I was elected.

Mr. HANEY. What is that?

Mr. DENEEN. The first primary law, according to my recollection, was enacted at the first legislature which succeeded my inauguration; and that was operative at the next contest.

Mr. HANEY. That was the first direct primary law?

Mr. DENEEN. In our State; yes, sir.

Mr. HANEY. Was that a compulsory primary law, or merely advisory?

Mr. DENEEN. Advisory on United States Senator, as I recall it, and compulsory otherwise.

Mr. HANEY. Was it not a delegate primary law?

Mr. DENEEN. Delegate and direct both. I think the provision was that if a man received a majority of the votes, he was nominated. I can get the law here, and, as I recall it now, there was a delegate district law, with a provision that the delegates were instructed by a plurality vote to vote by one ballot for the one who had the plurality, and after that it was left to the convention. The law can be produced here. There are so many laws, it is pretty hard to keep their provisions apart.

Mr. HANEY. What was the first convention that was held after that primary law went into effect?

Mr. DENEEN. The first State convention, you mean?

Mr. HANEY. Or county.

Mr. DENEEN. The first county and State convention both would be in 1906, two years later.

Mr. HANEY. And wherever there was a primary law passed by the legislature and signed by the governor, the political parties worked under that primary law, conceding its validity and working under it, and nominating candidates under it until the supreme court held it unconstitutional?

Mr. DENEEN. Until the Supreme Court held it unconstitutional, it was the law.

Mr. HANEY. So that all of the conventions and all of the nominations for the different State, county, and city offices were held and nominated under the different primary laws?

Mr. DENEEN. Yes.

Mr. HANEY. That is, after 1904?

Mr. DENEEN. Beginning with 1905, I think; yes, after 1904.

Mr. HANEY. Do you remember the time when Judge Rinaker was nominated?

Mr. DENEEN. I do.

Mr. HANEY. For county judge?

Mr. DENEEN. Yes, sir.

Mr. HANEY. His term was for four years?

Mr. DENEEN. For four years.

Mr. HANEY. And do you remember the time that Joe Haas was nominated at the primaries for county clerk?

Mr. DENEEN. I do.

Mr. HANEY. And do you remember the candidates who ran against them?

Mr. DENEEN. The candidate against Mr. Haas was Mr. Joseph J. Badenoch.

Mr. HANEY. And the candidate against Judge Rinaker?

Mr. DENEEN. The candidate against him was Judge Charles Alling.

Mr. HANEY. And they submitted their names, with others, as candidates at the primaries preceding that election?

Mr. DENEEN. Yes, sir.

Mr. HANEY. What year was that, Governor?

Mr. DENEEN. I think that was in 1906.

Mr. HANEY. You and your friends controlled the political organization of the State and in the county of Cook at that time, did you not, Governor?

Mr. DENEEN. Oh, whether we controlled it or not, I do not know.

Mr. HANEY. Do you not know?

Mr. DENEEN. No. A good many men favored certain men and measures that were carried through; but as to whether two or three men controlled them or not I think is hardly probable.

Mr. HANEY. Did not you and Fred A. Busse and James Pease and Mr. Weber and John Hanberg—he was alive at that time, was he not?

Mr. DENEEN. Yes.

Mr. HANEY. Did you not meet together and arrange a slate of candidates to be voted for at the primaries?

Mr. DENEEN. I think a conference was held at Republican headquarters, and the committee—not officially, but members of the committee, a majority of the members—favored certain men and tried

to divide the officers that were to be nominated among the different geographical areas of the city, and tried to meet the requirements of the elements in our party, geographical, nationalistic, and others, to get up a ticket that would unite the different forces that we hoped would finally elect a Republican ticket.

Mr. HANEY. And it also arranged for the nomination of the friends of the different leaders in the different geographical subdivisions, did it not?

Mr. DENEEN. I think those men were chosen by each district.

Mr. HANEY. The primary law was enacted for the purpose of preventing that sort of meeting and organization, was it not?

Mr. DENEEN. Not in the least; on the contrary, to favor it; to give an opportunity for the various elements to have the facilities for expressing their views.

Mr. HANEY. Was Senator Lorimer, or were any of his friends, invited into that conference to name their slate to be voted for at that primary?

Mr. DENEEN. I do not recall whether he was invited or not. I think he was not there, but I think that the committeemen were invited, as they checked up the different forces and gave an opportunity for all to come. That has been the custom.

Mr. HANEY. Is it not a fact, Governor, that Senator Lorimer was invited, with friends of his, into that conference, by you and your friends, and did not Senator Lorimer send back word that he had been opposed to that direct-primary law because it did not permit representation of the different subdivisions, geographically, or by the different nationalities, but that it was the law, and he was going to obey the law and was not going to enter into any conference or combination to name a slate of candidates to be voted for by the people at that primary?

Mr. DENEEN. To the first part of your question, I feel sure he was invited. As to the second part, I do not know what he stated, because I was not one of those who conveyed the invitation.

Mr. HANEY. You were the leader at that time, were you not?

Mr. DENEEN. Oh, I think not. I was not the leader; no.

Mr. HANEY. Who was the leader?

Mr. DENEEN. There was not any leader. They had a number of men who were active in the party, and they met and agreed upon a general policy, but there was no man who has been a leader, and there never has been in our county who has had entire leadership any more than in any large legislative body.

Mr. HANEY. In 1906 there was a slate prepared, then, by you and your friends, whom I have named here, and submitted to the voters at the primaries, and it was published generally by the newspapers as the slate that the organization—

Mr. DENEEN. Recommended to the voters.

Mr. HANEY. Recommended to the voters.

Mr. DENEEN. Yes, sir; it was done openly.

Mr. HANEY. And the organization men throughout the county were requested to support that slate?

Mr. DENEEN. They were, and the Republicans.

Mr. HANEY. Others filed petitions under the law and submitted their names to be voted for—others than those who had been selected by the organization of leaders?

Mr. DENEEN. Quite a large number, I think.

Mr. HANEY. And two of those were Charles Alling, for the office of county judge, and Joseph Badenoch, for the office of county clerk?

Mr. DENEEN. Yes.

Mr. HANEY. Charles Alling got a majority of the votes cast, or a plurality of all the votes cast at that primary, did he not?

Mr. DENEEN. I think he received a plurality rather than a majority of the votes cast, and Judge Rinaker received the instructions of a large majority of the delegates, which, under the law, required them to vote for him.

Mr. HANEY. Instructions from whom?

Mr. DENEEN. From the people—the Republicans who voted at the primary.

Mr. HANEY. Do you mean that Judge Rinaker got more votes in the direct primary than Charles Alling did?

Mr. DENEEN. He had more delegates. As I said, the law provided that the candidates' names should go on the ballot. The elector had an opportunity to indicate his choice. The law required, or directed, that the delegates should vote in his first ballot for the man who had received the plurality on the delegate ticket, and Mr. Rinaker had received a plurality in the various precincts; enough to make his delegates, I think, about two-thirds, was it not—a very large number.

Mr. HANEY. Were you asking that question of Mr. Healy or of the reporter?

Mr. DENEEN. I looked to Mr. Healy, because I knew he would be familiar with it, because Mr. Rinaker came from his district.

Mr. HANEY. But you did not know?

Mr. DENEEN. Oh, no; I looked to him.

Mr. HANEY. Joseph Badenoch received a majority of all the votes cast at that election, did he not?

Mr. DENEEN. I do not recall so, but I think he received a plurality of the votes cast, but Mr. Haas received the instructions, under the law, for a large majority of the delegates to be cast on one ballot, and as he had a very large majority there was no occasion for a second ballot.

Mr. HANEY. Is it not a fact that there were only two candidates at that primary for the office of county judge, and that Charles Alling—or there may have been three—received a majority of the votes?

Mr. DENEEN. I do not recall that. I do not think so. The records would show. I know Judge Rinaker received a very large majority of the instructed delegates for him.

Mr. HANEY. But the direct vote of the people was largely in favor of Charles Alling.

Mr. DENEEN. I do not know how largely.

Mr. HANEY. Was it not more than 10,000?

Mr. DENEEN. I do not recall the number.

Mr. HANEY. And there were but two candidates at that primary for the office of county clerk—Joe Haas and Joseph Badenoch?

Mr. DENEEN. They were the prominent ones. I do not recall whether anyone else ran or not.

Mr. HEALY. If that is material, we can agree upon that. There can be no question about the facts.

Mr. HANEY. Is it not a fact that Joseph Badenoch received more than 700 majority at that primary?

Mr. DENEEN. I do not recall that he received a majority of the delegates instructed under the law.

Mr. HANEY. Then, your remembrance of the law is that the law provided that the people might vote directly for the candidates they preferred—

Mr. DENEEN. Yes.

Mr. HANEY. For the different offices?

Mr. DENEEN. Yes.

Mr. HANEY. But that delegates were also elected in the different subdivisions of the different political leaders?

Mr. DENEEN. On the same ticket with the candidates; the delegates were named on the same ticket.

Mr. HANEY. And that those delegates met in the convention after the vote had been taken?

Mr. DENEEN. Yes.

Mr. HANEY. And what was the result as to Charles Alling?

Mr. DENEEN. He was defeated. Judge Rinaker was nominated on the first ballot.

Mr. HANEY. That is, the delegates from the different subdivisions named by the different leaders in the different subdivisions set aside the direct vote of the people and nominated the men who got the minority vote?

Mr. DENEEN. Not at all, but exactly the reverse. The delegates were elected by the people. They were elected under the law that required them to vote the first time as directed by the people, and they did so vote, and nominated in one instance Judge Rinaker, and in the other instance Mr. Haas. The law was carried out exactly in the letter and the spirit.

Mr. HANEY. The delegates in that convention did not nominate for county clerk the man who received the highest number of votes of the people at that primary.

Mr. DENEEN. No, sir.

Mr. HANEY. And they did not nominate Charles Alling?

Mr. DENEEN. No, sir.

Mr. HANEY. He received the highest number of votes for the office of county judge at that primary?

Mr. DENEEN. And the reason—

Mr. HANEY. Will you answer that question?

Mr. DENEEN. I say no. I say the reason therefor was this: In a large number of precincts—over a thousand in the city of Chicago, 1,200—where there was no contest, very few people came out, and, for instance, 25 votes might be cast, while there might be another case where there was a contest and 400 votes would be cast and the majority would be but 1. I think Judge Haney's question would hardly give the committee a clear impression of the situation.

Senator JONES. The law requires the delegates elected from the separate precincts to vote in accordance with the vote of that precinct on the first ballot?

Mr. DENEEN. Yes, sir.

Senator JONES. Notwithstanding a man in the whole county might have secured an aggregate majority?

Mr. DENEEN. That is all there was to it.

Senator JONES. That was the law?

Mr. DENEEN. That was made the issue, a sort of balloon issue for awhile, but the people understood the law.

Senator KERN. Mr. Haas was nominated?

Mr. DENEEN. Mr. Haas was nominated for clerk and Judge Rinker for judge.

Senator KERN. I am more interested in Mr. Haas and Mr. Badenoch.

Mr. DENEEN. Mr. Haas was nominated; yes.

Mr. HANEY. Senator Jones asked you if the law required the voters to instruct the delegates how they should vote in that convention?

Senator JONES. Oh, no. I asked him if the law did not require the delegates to vote in accordance with the vote of his precinct.

Mr. HANEY. The law did not require or suggest the instruction of the delegates, how they should vote in the convention, except by their direct vote.

Mr. DENEEN. The law gave the opportunity to the voter to indicate his choice. It was not mandatory that he vote or that he indicate his choice, but when the choice was indicated by a plurality, then it was mandatory on the delegates to show that choice on the first ballot.

Mr. HANEY. Is that one of the laws that you favored before the legislature and had passed?

Mr. DENEEN. That was a law that was a compromise law that grew out of the contest—the best law that we could get out of that general assembly.

Mr. HANEY. And that law was held unconstitutional?

Mr. DENEEN. It was.

Mr. HANEY. And you and your friends controlled in that convention, did they not?

Mr. DENEEN. We voted with the majority.

Mr. HANEY. I say you were the majority?

Mr. DENEEN. I was not, no sir. There were about 1,500 in the State convention—about 1,200—

Mr. HANEY. When I say "you" I mean you and your friends.

Mr. DENEEN. I do not want to claim any undue influence. We voted with the majority, I think our friends—well, we were the majority, if you say they were all our friends. I feel complimented and accept it in that way.

Mr. HANEY. You and Fred A. Busse and James Pease, and James Reddick, and John Hamberg and their friends were in the majority of that convention?

Mr. DENEEN. You have named four in a majority of 1,500.

Mr. HANEY. And Mr. Webber.

Mr. DENEEN. That is five. They were not the majority.

Mr. HANEY. I say they and their friends were in the majority. You do not misunderstand me?

Mr. DENEEN. I do not misunderstand you, but I do not want to testify to that, where it will be printed to-morrow, that four or five men were in the majority, where 1,500 were. I do not intend to be captious in the matter, but I do not care to have a specific answer given to such a vague or rather such a general question.

Mr. HANEY. I will ask the reporter to repeat the question.

(The reporter read the question as follows:)

You and Fred A. Busse and James Pease and James Reddick and John Hanberg and their friends were in the majority in that convention?

Mr. HANEY. Were you not?

Mr. DENEEN. We voted with the majority.

Mr. HANEY. And you and those gentlemen and their friends were in the majority in that convention, were they not?

Mr. DENEEN. Why, the fact is, that I do not think I was a delegate.

Mr. HANEY. I did not say that you were.

Mr. DENEEN. I am quite sure I did not attend the convention.

Mr. HANEY. I say you and those other gentlemen and your friends were in the majority in that convention, were you not?

Mr. DENEEN. Well, I do not know who the delegates were. The majority nominated the ticket that we favored beforehand; yes. I do not want to escape a responsibility, but I do not care to pose here as being a majority of 1,500.

Mr. HANEY. The next law that was passed by the legislature for a direct primary did not permit a delegate convention, did it?

Mr. DENEEN. I am not sure, but I think not.

Mr. HANEY. None of the others after that did permit the delegate convention as well as a direct vote?

Mr. DENEEN. Yes. I am mistaken on that. The present law has a convention, and I think that there is in reference to the nomination of delegates to the national convention, in reference to the nomination of delegates to the State convention that nominates the trustees of the University of Illinois, and some others, but most of the candidates are nominated directly.

Mr. HANEY. The present law, and none of the others after the one we have just been talking about, permitted the election of delegates, and the nominating by them of State officers, city officers, or county officers throughout the State, except the trustees.

Mr. DENEEN. The trustees of the University of Illinois.

Mr. HANEY. And the delegates to the national convention?

Mr. DENEEN. Yes.

Mr. HANEY. The three laws that were passed under your administration—

Mr. DENEEN. Four, for a direct primary.

Mr. HANEY. I say three of the laws that were passed under your administration for a direct primary were held to be unconstitutional by the supreme court?

Mr. DENEEN. By the supreme court; yes, sir.

Mr. HANEY. And the fourth one has not been directly tested?

Mr. DENEEN. It was tested, and it is a question whether or not it was directly tested. The supreme court has passed upon it.

Mr. HANEY. Passed on some phases of it.

Mr. DENEEN. Yes; on some phases of it.

Mr. HANEY. But never on a square test as to the constitutionality of the law as the other three laws were tested?

Mr. DENEEN. Well, I would not say as to that. There is a difference of opinion about that.

Mr. HANEY. Did you take any part in the campaign for the amendment to the constitution of the State of Illinois for the voting of \$20,000,000 of bonds by the people for a deep waterway?

Mr. DENEEN. I favored it; yes, sir.

Mr. HANEY. Did you go out through the State and make speeches?

Mr. DENEEN. I made speeches for it.

Mr. HANEY. Where?

Mr. DENEEN. Well, I do not recall just where, but I think I spoke in all the counties but two in our State in that campaign, and I visited all of the 102 counties.

Mr. HANEY. Did you make speeches in all of the 102 counties for the deep waterway?

Mr. DENEEN. Oh, no; I made speeches and went along.

Mr. HANEY. I am asking you about speeches for that, on that question alone.

Mr. DENEEN. No; I am sure I did not.

Mr. HANEY. Did you in any county in the State?

Mr. DENEEN. Oh, I did; yes, sir.

Mr. HANEY. In what?

Mr. DENEEN. I do not recall particular speeches. It was not an issue between the parties. I think all favored it, and I made speeches for it, and the charter and the primary, and the civil service applied to charitable and penal institutions—generally, for the platform.

Mr. HANEY. Did you ever make any speeches for the deep-waterway question other than to say in substance that if the litigation against the Economy Light & Power Co. ended in favor of the State the people ought to vote for the deep-waterway law, and if not, they should vote against it?

Mr. DENEEN. Well, I think the legislation regarding the Economy Light & Power Co. was subsequent to the passage of the constitutional amendment. I do not understand your question.

Mr. HANEY. Is not that the only speech you made in relation to the deep waterways?

Mr. DENEEN. Oh, no; I think not. I favored it, and I think the party favored it, if I recall.

Mr. HANEY. Let me leave that for a moment, Governor, and go back to the primaries. Is it not a fact that you and Mr. Busse and Mr. Pease and Mr. Hanberg and Mr. Webber, in 1908, met again and framed a slate of candidates for the people to vote for at the primaries?

Mr. DENEEN. Just suggest some of the candidates, and it will refresh my recollection.

Mr. HANEY. I said those gentlemen did meet—

Mr. DENEEN. I know; but some of the candidates who were nominated—

Mr. HANEY. Didn't you meet? That is the question.

Mr. DENEEN. Your question is not specific enough for me to give you an answer to it. It was in 1908 when I was a candidate. I met with those gentlemen a number of times. Candidates were discussed and considered. I think we did not meet as you indicated here, but I am not sure. There was a meeting once held and they called it a conference rather than a caucus, and certain men were nominated by that so-called conference rather than caucus. I think I was one of those at that time favored by the Republicans. Later a caucus was held in which I was eliminated, and we fought out our battle on the primary law.

Mr. HANEY. You were eliminated as what?

Mr. DENEEN. I was not as I understand. There were some very fine distinctions drawn on words at that time, as to whether I was nominated in a conference or a caucus.

Mr. HANEY. There was a conference or a caucus or a meeting of the men whom I have named there, with you, in which a slate or a list of candidates to be voted for for the different offices was recommended by those men in the conference.

Mr. DENEEN. I do not think I attended a meeting such as you refer to.

Mr. HANEY. Are you quite sure that you did not?

Mr. DENEEN. I do not think so. I attended a meeting, or rather I talked to these gentlemen regarding my own candidacy. As I recollect it a conference was had in reference to that, and later a conference was had in which Senator Lorimer's friends participated, in which a number of his friends were placed on the ticket, with a number of the friends of the men that you have named, and that was supported by the organization, but I was not.

Mr. HANEY. Who were the friends of Senator Lorimer who were in that conference?

Mr. DENEEN. I do not recall. If you will name the ticket, I think I can tell.

Mr. HANEY. I mean who were named in the conference?

Mr. DENEEN. I say I did not attend it.

Mr. HANEY. Is not that one of the conferences that Mr. Lorimer refused to go to or to take part in?

Mr. DENEEN. He never refused, to me.

Mr. HANEY. Did you never meet with these leaders that I have named a short time ago, Mr. Busse, Mr. Pease, Mr. Hanberg, Mr. Weber, Mr. West, and Mr. Campbell, since 1908?

Mr. DENEEN. Oh, yes.

Mr. HANEY. To form a slate?

Mr. DENEEN. We have met since that time to discuss nominations, I think several times, I do not recall just when. If you have any point in view, name it, and I will give you my best recollection.

Mr. HANEY. And did not you or they, at that conference, name a list of candidates to be voted for at the direct primary for the different offices—candidates that you and your associates recommended?

Mr. DENEEN. My best recollection is that I did not at that time—that year, I say.

Mr. HANEY. I say now, any time after 1908?

Mr. DENEEN. I would not say as to that. Conventions occurred in 1910, since then, and judicial conventions have occurred where nobody would be nominated but the judges. I assume we met. I do not recollect it. The committee meets, and I was a committeeman, and am yet. I just assume that I was there. I have not been very active in attending the meetings of the committee; in fact, my attendance has been nominal since I have been governor. I think I attended once or twice.

Mr. HANEY. Did not you and the others that I have named meet at James Pease's house and form a slate of candidates to be voted for by the people at the direct primaries?

Mr. DENEEN. That was in 1910, I think.

Mr. HANEY. My question is, at any time after 1908?

Mr. DENEEN. Yes; I think we met there, yes; at that time, 1910.

Mr. HANEY. What time?

Mr. DENEEN. I can not state just the specific time. We met two or three times—several times.

Mr. HANEY. And at those meetings you agreed upon a slate of candidates for the different officers to be voted for at the primaries?

Mr. DENEEN. Usually it was done in this way. The number of candidates—

Mr. HANEY. Won't you be kind enough to answer the question?

(The question was repeated as follows:)

And at those meetings you agreed upon a slate of candidates for the different officers to be voted for at the primaries?

Mr. DENEEN. Not as you express it. This is what was done. The leaders met and discussed the number of candidates to be nominated, then tried to apportion the number of candidates in the several geographical divisions of the city of Chicago, and then each leader would go back and discuss the matter with those whom he represented in those various subdivisions, and come back, and it occurred then, as it occurred often, for instance in my own case, that I think I have never known all of the men who have been nominated on the county tickets since I have been in politics, there are so many of them, and we have to follow the judgments of other men.

Mr. HANEY. Is it not a fact that, as a result of the goings and comings of men in that conference or gathering, a list of candidates to be voted for by the people at the direct primary was agreed upon and sent out to the different workers in the different wards and districts of the county?

Mr. DENEEN. My recollection of it is this: We discussed—

Mr. HANEY. Will you not be kind enough to answer that?

Mr. DENEEN. My recollection is this—

Mr. HANEY. Mr. Chairman, I submit I ought to have an answer; but if the committee is against me on that, and simply wants a long talk and not an answer, I will have to repeat my question until I get an answer. If the governor will answer the question, I have no objection to his telling anything he wants to after that, but I submit I ought to have an answer to my question.

The CHAIRMAN. Read the question, Mr. Reporter.

(The reporter read the question, as follows:)

Is it not a fact that, as a result of the goings and comings of the men in that conference or gathering, a list of candidates to be voted for by the people at the direct primary was agreed upon and sent out to the different workers in the different wards and districts of the county?

The CHAIRMAN. I think Mr. Haney is entitled to an answer to that.

Mr. DENEEN. That involves so much that you can not answer it "yes" or "no" and give any definite idea of what occurred; but if the committee rules that I shall answer it, I shall do so and then make the explanation.

The CHAIRMAN. I think he is entitled to that.

Mr. DENEEN. No; not as you express it, Judge Haney. This was done: The men met and discussed the matter—those names—and then, after they discussed the matter from the standpoint of what they conceded to be the best interests of the party, they went to the county committee or the executive committee of the Republican Party,

and there it was determined, and then it was sent out; and they were men, I think, whose advice was followed by the committee; and, in the end, they gathered the opinion and the sentiment of the party, and it was presented to the county committee or the executive committee, and the statements were sent out—or recommendations—from the committee itself, and not from those four or five men, as I understand it.

Mr. HANEY. As a result of the meeting of those leaders that I have spoken of, and after they had met as many times as you or anybody else wanted to have them meet, and they had selected a list of men to be voted for at the primaries, they submitted it, you say, to the executive committee?

Mr. DENEEN. As I recall it.

Mr. HANEY. And then the list was sent out to the voters?

Mr. DENEEN. I think so.

Mr. HANEY. You know so, do you not?

Mr. DENEEN. I did not attend the meeting of the county convention.

Mr. HANEY. No; but do you not know it was sent out?

Mr. DENEEN. As a matter of common information, I know so; but I had nothing to do with it and did not attend the county committee meeting.

Mr. HANEY. How many members of the county executive committee were there at that time?

Mr. DENEEN. There were 41 committeemen.

Mr. HANEY. I said the "executive committee."

Mr. DENEEN. I think the number of the executive committeemen varies from 15 to 17. I do not recall the number.

Mr. HANEY. Do you not know, Governor, that there were never more than 15, and that the constitution provides for only 15?

Mr. DENEEN. I do not recollect that. It may be so—about 15.

Mr. HANEY. And do you not know that the primary law entirely obliterates or wipes out committeemen in the different wards?

Mr. DENEEN. I do not think so.

Mr. HANEY. It does not?

Mr. DENEEN. It has not done so.

Mr. HANEY. Does the primary law of Illinois in any way recognize a committeeman from each ward or each commissioner's district in the county, or a county central committee, or an executive committee of a county central committee?

Mr. DENEEN. The primary law provides for a committeeman.

Mr. HANEY. Will you not answer that question yes or no? Then you may make any explanation you wish.

(By request, the stenographer read the question.)

Mr. DENEEN. The primary law does not provide for an executive committee.

Mr. HANEY. Or a county central committee?

Mr. DENEEN. The committeemen from each precinct are the county central committee. It provides for the county central committee, and in our county that would be about 1,400; and they act through an executive committee.

Mr. HANEY. And that is the only committee that the primary law of Illinois provides for—a committee composed of one member from each primary district?

Mr. DENEEN. No.

Mr. HANEY. I mean, each precinct?

Mr. DENEEN. No. There is a congressional committee comprising the chairmen of the counties.

Mr. HANEY. I am speaking of the county ticket.

Mr. DENEEN. You spoke about committees.

Mr. HANEY. I do not mean the congressional or the senatorial committees.

Mr. DENEEN. I say those committees are created by the law, as I understand it.

Mr. HANEY. The county committee?

Mr. DENEEN. The precinct committeemen. There are about 1,400, if I recall it correctly; and they act through an executive committee.

Mr. HANEY. How do they name the executive committee?

Senator JONES. Mr. Chairman, if the terms of the primary law are material, why does not the counsel put in the record what he wants from the law itself, without depending upon the recollection of the witness?

Mr. HANEY. Mr. Chairman, I will stop now if Senator Jones or any other member of the committee desires to have me do so; but my purpose was this: I wanted to get that in connection with the governor's testimony here, because he has, in his direct examination, said that certain others who were not with him were against certain laws that he favored. The primary law was the principal one that he named, and he took to himself credit for passing those laws and enforcing them as reform laws. If that is so, then it seems to me that we ought to have here—if that was important—the real facts as to how the men who passed that law, the leaders who had it passed and claimed credit for passing it, operated under the law, or whether there was any change in the actual method of nominating and electing people after that law was passed. I submit that the testimony here shows that there has been no change at all; that the caucus has been in existence ever since.

The CHAIRMAN. The committee feels, Judge Haney, that while it wants everything that Senator Lorimer deems to be material to his interests growing out of the direct examination here, it should be made as brief as possible. The volume of the testimony is growing so rapidly that we shall have extreme difficulty in examining it when the time comes for that work; and if you will accomplish this purpose as briefly as possible we shall be glad.

Mr. HANEY. I appreciate that very much. Mr. Chairman and gentlemen, and I submit that I have taken very little of the time or space of the great volume of testimony in this record so far.

The CHAIRMAN. That is not offered as a criticism, but by way of suggestion.

Mr. HANEY. I appreciate that, Mr. Chairman. I shall be just as brief as possible. Was my last question answered?

(By request, the stenographer read aloud the pending question, as follows:)

Mr. HANEY. How do they name the executive committee?

Mr. DENEEN. Shall I answer that?

Mr. HANEY. Yes.

Mr. DENEEN. I understand that the different precinct committeemen vote upon the executive committee. They are named by vote.

Mr. HANEY. There is not anything in the primary law, is there, Governor, for the selection of a committee of any kind—a managing committee or other committee?

Mr. DENEEN. There is a provision in the primary law to select a county committee in that county, comprising about 1,400 persons. The committee is authorized and directed, I think, to elect a chairman. The law stops there. There is nothing to prevent the choosing of an executive committee.

Mr. HANEY. There is not anything in the law that permits any committee to select or recommend a list of candidates to be voted for at the primaries, is there?

Mr. DENEEN. There is nothing said about it in the law, so far as I recollect.

Mr. HANEY. That is what I mean.

Mr. DENEEN. It is not considered a conspiracy under the law for two or more men to recommend to others how they should vote. That is not in the criminal code, and it is not the purpose of the law.

Mr. HANEY. The law does provide for the filing of petitions by anybody who wants to file them under the provisions of the law and become a candidate in that way?

Mr. DENEEN. If he complies with the terms of the law.

Mr. HANEY. The ticket that was recommended to the people by this gathering that we have been speaking of was nominated at the primaries and was defeated at the election in the fall of 1910, was it not?

Mr. DENEEN. The ticket was defeated in 1910—the county ticket.

Mr. HANEY. Every candidate on the Republican county ticket was defeated except Charles S. Cutting for judge of the probate court?

Mr. DENEEN. And Judge Newcomer, I think.

Mr. HANEY. I say, on the county ticket.

Mr. DENEEN. On the county ticket, I think that is so.

Mr. HANEY. And every candidate on the city ticket that was voted for at the same election—I mean, the Republican ticket—was defeated, except Judge John R. Newcomer, candidate for the municipal bench?

Mr. DENEEN. I think that is right.

Mr. HANEY. Judge Newcomer was a Lorimer man, was he not?

Mr. DENEEN. I think he came from that territory, and was friendly to the Senator.

Mr. HANEY. And Charles S. Cutting came from Senator Lorimer's congressional district, did he not?

Mr. DENEEN. Yes; I think so.

Mr. HANEY. And was supported by Senator Lorimer for his first nomination for that office?

Mr. DENEEN. I do not recall that, but I assume so.

Mr. HANEY. He was supported by you and Senator Lorimer?

Mr. DENEEN. Oh, all of us supported him, and Senator Lorimer's friends. I think he came from his district at that time—I think so; I take it for granted. It is just a question in my mind about the change of the district after the apportionment was made.

Mr. HANEY. The county ticket that was recommended by this gathering of which you were one, Governor—the one that nominated

the ticket in 1910—was defeated in Cook County by a majority ranging from 19,000 to over 50,000, was it not?

Mr. DENEEN. I think it was from eight or ten or twelve thousand up to 50,000.

Mr. HANEY. Yes; and the candidates on the Republican ticket for city offices were defeated by majorities ranging from eight or nine thousand up to between forty and fifty thousand?

Mr. DENEEN. I do not recall the figures. They were defeated.

Mr. HANEY. In round numbers?

Mr. DENEEN. They were defeated by enough, so that there was not any advantage in looking into the returns.

Mr. HANEY. There was not any doubt about their defeat?

Mr. DENEEN. Oh, they were defeated; yes. They accepted it.

Mr. HANEY. Governor, did you take an active part in the last national campaign for the election of presidential electors?

Mr. DENEEN. Yes.

Mr. HANEY. You were frequently at the Western headquarters in Chicago?

Mr. DENEEN. You mean the national headquarters?

Mr. HANEY. Yes.

Mr. DENEEN. No.

Mr. HANEY. Do you know where they were held?

Mr. DENEEN. I think I was not there once. I think they were either at the Congress Hotel or the Harvester Building.

Mr. HANEY. They occupied two or three floors of the International Harvester Co. Building at Michigan Avenue and Congress Street, did they not?

Mr. DENEEN. I assume so, but I do not think I was there once. I was out in the country making a campaign myself.

Mr. HANEY. I should say Michigan and Harrison Streets instead of Congress Street.

Mr. DENEEN. Yes.

Mr. HANEY. Congress is the next street north. The International Harvester Co. occupy all the upper floors of that building, do they not?

Mr. DENEEN. I do not know about that. I assume they do. It is their building. It is a building devoted chiefly to the purposes of the company, I think.

Mr. HANEY. Governor, when you were elected the first time you ran at the same time that the presidential electors ran that elected Theodore Roosevelt, did you not?

Mr. DENEEN. Yes.

Mr. HANEY. And at that election you got more votes in Chicago and in Cook County than the Roosevelt presidential electors?

Mr. DENEEN. In 1904; yes.

Mr. HANEY. In 1904?

Mr. DENEEN. Yes.

Mr. HANEY. And the next time that you ran was in 1908?

Mr. DENEEN. 1908—for governor, you mean?

Mr. HANEY. Yes; for governor.

Mr. DENEEN. Yes.

Mr. HANEY. At that time the presidential electors were the Taft electors?

Mr. DENEEN. Yes; for William H. Taft.

Mr. HANEY. And at that election——

Mr. DENEEN. At that election I received about 75,000 fewer votes than President Taft.

Mr. HANEY. President Taft received 155,598 plurality?

Mr. DENEEN. About that.

Mr. HANEY. And you received twenty-three thousand some?

Mr. DENEEN. Twenty-three thousand.

Mr. HANEY. I mean in the State.

Mr. DENEEN. Those are about the figures.

Mr. HANEY. I asked you before about the vote in the city and the State in the Roosevelt campaign.

Mr. DENEEN. Yes; four years before.

Mr. HANEY. You got more votes than President Roosevelt's electors, did you not?

Mr. DENEEN. Yes.

Mr. HANEY. And in your next election——

Mr. DENEEN. About 75,000 fewer.

Mr. HANEY. In your next election you got 155,598 less plurality than President Taft?

Mr. DENEEN. Yes, if you speak of plurality; but you can see the exact figures of the vote in the Daily News Almanac.

Mr. HEALY. You do not mean that, Judge, do you, according to your own figures? If you will have that question read, I think you will see that you have misstated it.

Mr. DENEEN. You have the figures there in the Daily News Almanac, the exact figures.

Mr. HANEY. President Taft had a plurality of 179,122, I think—I have it here somewhere—and you had a plurality of 23,000?

Mr. DENEEN. Twenty-three thousand; yes.

Mr. HANEY. And the difference between the two is 155,598?

Mr. DENEEN. Yes; and he had about 75,000 more votes than I had, and that accounts for the plurality, by ordinary processes of computation.

Mr. HANEY. Governor, in your first term as governor you were inaugurated in January, 1905, were you not?

Mr. DENEEN. Yes.

Mr. HANEY. And a new legislature was elected and was organized in the same month?

Mr. DENEEN. Most of the members. Half of the senators were hold overs. The others were all elected.

Mr. HANEY. I mean all of the members of the house and half of the members of the senate.

Mr. DENEEN. Yes; all of the members of the house and half of the members of the senate.

Mr. HANEY. And it was a new legislature?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And that legislature was organized in the same month that you were inaugurated?

Mr. DENEEN. Yes; it was organized, I think, before I was inaugurated. The legislature had organized a week before the governor's inauguration.

Mr. HANEY. The same month, I say?

Mr. DENEEN. The same month; yes, sir.

Mr. HANEY. Who was the first speaker?

Mr. DENEEN. Mr. Shurtleff.

Mr. HANEY. Were you for him?

Mr. DENEEN. I favored his candidacy; yes.

Mr. HANEY. You favored his candidacy, and gave all your aid and support for his election?

Mr. DENEEN. I favored his candidacy. Shall I tell the story of it? It is very brief.

Mr. HANEY. You can tell any story you want. You have told all that I care about.

Mr. DENEEN. Very well.

Mr. HANEY. If there is anything else you want to tell I shall make no objection.

Mr. DENEEN. Oh, no; nothing at all.

Mr. HANEY. You recommended to Speaker Shurtleff the organization of the different committees of the house, did you not?

Mr. DENEEN. No. I think I discussed with him but one. I asked him about the chairman of the appropriations committee, I think.

Mr. HANEY. Did you suggest somebody for that chairmanship?

Mr. DENEEN. I opposed the selection of Mr. Shanahan.

Mr. HANEY. David E. Shanahan?

Mr. DENEEN. Yes, sir.

Mr. HANEY. As chairman of the appropriations committee?

Mr. DENEEN. Of the appropriations committee.

Mr. HANEY. Was he appointed?

Mr. DENEEN. He was.

Mr. HANEY. By Mr. Shurtleff?

Mr. DENEEN. Yes.

Mr. HANEY. Did you talk with Mr. Shurtleff about any other chairmanships?

Mr. DENEEN. I do not recall any other. I do not think so. I talked with him about Mr. Shanahan, and he said that he favored Mr. Shanahan's selection as chairman; and I objected to him because of the fact that he had been so active against me for nomination, and I thought he would be an embarrassment. He stated that he thought he was the best equipped man, and that the administration would be treated fairly, and I withdrew my objections, and he appointed him; and he appointed the others. I do not recall any other person. If you have any person in mind and will call my attention to him, I will give my recollection.

Mr. HANEY. You knew David E. Shanahan very well?

Mr. DENEEN. Oh, I knew him.

Mr. HANEY. He was then and is now the oldest member of the legislature?

Mr. DENEEN. He has been there a long time. I do not know that he has been there longer than others.

Mr. HANEY. And he has been the floor leader in the legislature for a good many years?

Mr. DENEEN. He has been there a number of years; I think about twenty.

Mr. HANEY. He has been chairman of the appropriations committee—

The CHAIRMAN. Is it necessary to go into all those things, Judge? The committee suggested that it wanted to avoid all details that are not material. The witness has stated that he opposed him because

he had opposed him in the election. I suppose that is what you want to bring out, is it not?

Mr. HANEY. I want to show, Mr. Chairman, that Senator Lorimer did not organize that legislature, or any other legislature since that time, but that Gov. Deneen did organize that legislature.

The CHAIRMAN. Yes; but I think you are going into a discussion of Mr. Shanahan, the length of his service, and so forth.

Mr. HANEY. I am through with that part of it, and who Shanahan was.

(By request of the chairman, the stenographer read the last two questions asked by Mr. Hanecy.)

The CHAIRMAN. I do not desire to interrupt anything you want to ask, but we want to condense this record as far as we can conveniently do so.

Mr. HANEY. I shall be just as brief as possible, Mr. Chairman, if you will be patient with me.

Mr. Shanahan has been chairman of the appropriations committee of every house since that time, has he not?

Mr. DENEEN. Yes.

Mr. HANEY. And he is still, and he has been for some time before?

Mr. DENEEN. I do not know about that.

Mr. HANEY. Mr. Shanahan, as chairman of the appropriations committee, and that committee did treat you and all the State institutions—your administration and all the State institutions—fairly and to your general satisfaction, did they not?

Mr. DENEEN. I would have to run through all the matters to give an opinion on that. I do not recall any instance now. We differed about some matters. The fact is that we did not consult each other very much.

Mr. HANEY. Mr. Shanahan consulted with you about the appropriations to every State institution and everything that your administration was interested in, did he not?

Mr. DENEEN. No.

Mr. HANEY. They were all to your satisfaction, anyway?

Mr. DENEEN. I could not answer on that, reaching over six years, with appropriations aggregating nearly \$90,000,000 at different times. He and I did not consult, except in general matters, as to how much should be raised in reference to the tax rate. We discussed that, I think, until this general assembly, each time, and as to the details, we did not go into details. I think once I came down after they had made them up and went over them. I do not recall any others. It may be that he did frequently, but I have no recollection of the matter.

Mr. HANEY. Did you not discuss the chairmanship of every committee in the house with Mr. Shurtleff under that administration?

Mr. DENEEN. No, sir.

Mr. HANEY. When Mr. Shurtleff was elected to the next legislature in 1907, he was again elected speaker, was he not?

Mr. DENEEN. Yes.

Mr. HANEY. And were you for him at that time?

Mr. DENEEN. Our friends favored his candidacy, and there was no opponent, if I recall. I think he was favored generally, and there was no opposition. I took no part in that, I think. I think there was no discussion about that.

Mr. HANEY. That was the forty-fifth general assembly?

Mr. DENEEN. It was the one before this last session.

Mr. HANEY. No; not the one before the last, because the forty-sixth was the one that met in 1909. The one in 1907 was the forty-fifth.

Mr. DENEEN. Yes.

Mr. HANEY. The forty-sixth was in 1909?

Mr. DENEEN. Yes.

Mr. HANEY. Then, in 1909, Mr. Shurtleff was elected to the house again, was he not?

Mr. DENEEN. Yes.

Mr. HANEY. And it was understood generally, when he was a candidate for nomination and election in his senatorial district, that if elected he would be a candidate for speaker?

Mr. DENEEN. I think so.

Mr. HANEY. And he was a candidate for speaker, was he not?

Mr. DENEEN. Yes.

Mr. HANEY. You did not favor his candidacy for speaker at that time, did you?

Mr. DENEEN. No, sir.

Mr. HANEY. There were 10 or 11 other candidates for speaker at that session, were there not?

Mr. DENEEN. A considerable number. I think 9 or 10 were mentioned.

Mr. HANEY. You said yesterday that there were 10.

Mr. DENEEN. I gave that just as an estimate.

Mr. HANEY. And those 10 candidates came from different portions of the State, did they not?

Mr. DENEEN. Yes.

Mr. HANEY. There were no 2 of those 10 candidates from the same senatorial district, were there?

Mr. DENEEN. I think so.

Mr. HANEY. What two?

Mr. DENEEN. Mr. King and Mr. Chipperfield.

Mr. HANEY. B. M. Chipperfield?

Mr. DENEEN. Yes.

Mr. HANEY. Where is Mr. King from?

Mr. DENEEN. Galesburg.

Mr. HANEY. And Mr. Chipperfield is from Canton?

Mr. DENEEN. Yes.

Mr. HANEY. That is away south?

Mr. DENEEN. Away north of Springfield.

Mr. HANEY. North of Galesburg?

Mr. DENEEN. Northwest of Springfield.

Mr. HANEY. I mean of Galesburg?

Mr. DENEEN. I think it is west. I do not recall it. I think Fulton County is west of Knox. That is my recollection.

Mr. HANEY. B. M. Chipperfield was on your staff as a colonel, was he not?

Mr. DENEEN. Yes.

Mr. HANEY. Appointed by you?

Mr. DENEEN. No. I think the law relating to the National Guard permits me to appoint four colonels, and the others are detailed. He was on Gen. Young's staff, and on mine, on detail.

Mr. HANEY. Did you ask B. M. Chipperfield to become a candidate for speaker?

Mr. DENEEN. No, sir.

Mr. HANEY. Did you suggest that he should?

Mr. DENEEN. No, sir.

Mr. HANEY. Did you talk with him about being a candidate for speaker?

Mr. DENEEN. I did.

Mr. HANEY. What talk did you have with him about becoming a candidate?

Mr. DENEEN. He called at the mansion with Mr. Snively, and wanted to be a candidate, and asked for my support, and I suggested that he go into the Republican caucus and submit his claims to the caucus, and he was unwilling to do so unless I agreed to go and support him specifically; and I would not agree to it, and he did not go into the caucus as a candidate.

Mr. HANEY. Mr. Snively was an appointee of yours on the canal board, was he not?

Mr. DENEEN. He was a hold over. He was appointed by Gov. Yates, and he was there.

Mr. HANEY. He would not stay there a minute if you did not want him to, of course?

Mr. DENEEN. I do not know about that.

Mr. HANEY. You could remove him any time you wanted to?

Mr. DENEEN. For cause; yes.

Mr. HANEY. Did Mr. Chipperfield tell you at that interview when he and Mr. Snively went to see you, that he would be a candidate if you supported him?

Mr. DENEEN. That is my recollection, that he wanted me to support him, and talked there, and followed me down—that is, I came to Washington to attend the Rivers and Harbors Committee, and they telegraphed to me, and tried to telephone me, to get me to agree to support him.

Mr. HANEY. Did you tell Mr. Chipperfield at that time to see the Shurtleff people and see if he could get their support, and then you would support him?

Mr. DENEEN. No. He told me he could get the Shurtleff support, and came to me as a compromise candidate; just as he did this last time, too.

Mr. HANEY. Did Mr. Chipperfield go away from you at that time, and then come back later and say that he had seen Mr. Shurtleff and his friends, and that they were willing to support him for speaker?

Mr. DENEEN. I do not recall the course of the conversation and the meetings. I think it was stated the first time that Mr. Shurtleff would support him as a candidate.

Mr. HANEY. And did you not then, when Mr. Chipperfield told you that the Shurtleff people would support him for the speakership, say that you did not want to agree to anything, but to have him submit his name to the caucus?

Mr. DENEEN. No; that was said the first time, Judge.

Mr. HANEY. Then did not Mr. Chipperfield say "No"; that he would not be a candidate at all under those conditions unless he could get the support of the factions and the party united?

Mr. DENEEN. No.

Mr. HANEY. You did not have any such talk?

Mr. DENEEN. I do not recall any such talk.

Mr. HANEY. You would not say that it did not take place?

Mr. DENEEN. I am sure that it did not take place, to the best of my recollection.

Mr. HANEY. Mr. Chipperfield did not become a candidate for speaker, did he?

Mr. DENEEN. I think he was a candidate at the last minute. I do not know. His name, I think, was not presented at the caucus.

Mr. HANEY. Did not Mr. Chipperfield resign from your staff as a colonel at that time or shortly after that?

Mr. DENEEN. He tendered his resignation as a colonel during the early part of the legislature. I think it was in January. I am not sure.

Mr. HANEY. There was a conference, then, of members of the legislature for the purpose of selecting a speaker and other officers?

Mr. DENEEN. Yes.

Mr. HANEY. And at that conference the Band of Hope were present, were they not?

Mr. DENEEN. I assumed so. I do not know.

Mr. HANEY. And at that meeting they not only agreed upon a candidate for speaker, but they agreed upon every official and employee of the house, did they not?

Mr. DENEEN. I do not think so, but I do not know about that.

Mr. HANEY. Do you not know that they did?

Mr. DENEEN. They did in the caucus.

Mr. HANEY. That is what I mean.

Mr. DENEEN. Oh! at the caucus, yes. That is the purpose of a caucus.

Mr. HANEY. I do not care whether you call it a caucus or not.

Mr. DENEEN. I think they did. That is the usual course.

Mr. HANEY. They came together and they agreed upon all of the different officials and employees of the house?

Mr. DENEEN. That has been the course since 1893.

Mr. HANEY. And at that first meeting there were none of Mr. Shurtleff's friends, were there?

Mr. DENEEN. Well, the Shurtleff following was not there. I assume he had some friends there.

The CHAIRMAN. What is that?

Mr. DENEEN. I say the Shurtleff following, as classified politically, was not there. I assume some of his friends were there.

The CHAIRMAN. Which occasion are you referring to now, Judge?

Mr. HANEY. The last one—1909.

Mr. DENEEN. I do not know whether any of the Band of Hope were friendly to him or not. I think they had friendly relations, but were not followers in a political way. The question had a double meaning there; and I want to make the fact clear that there was no hostile personal feeling.

Mr. HANEY. There were no members of the legislature at that conference, except the members of the Band of Hope were there?

Mr. DENEEN. They were called the Band of Hope by the Shurtleff following.

Mr. HANEY. I am not asking about that, Governor, but there was nobody present at that first meeting except those who were called the members of the Band of Hope?

Mr. DENEEN. They were afterwards called the Band of Hope. They were the regular Republicans.

Mr. HANEY. There was nobody there, I say, except those men who were called members of the Band of Hope?

Mr. DENEEN. I told you yesterday that nobody was there except the members of the legislature, so I was informed. I was not there.

Mr. HANEY. You did not tell me that yesterday at all.

Mr. DENEEN. I testified here to that effect.

Mr. HANEY. That is a fact, is it not?

Mr. DENEEN. That is my understanding. I was not there.

Mr. HANEY. And neither Mr. Shurtleff nor any of the Shurtleff men were invited to that first meeting, were they?

Mr. DENEEN. They were invited; all of them.

Mr. HANEY. At the first meeting?

Mr. DENEEN. They were invited to the first meeting by Mr. West, I understand, the chairman of the Republican committee, whose duty it is to call the caucus, and notify each person——

Mr. HANEY. I am not talking about the caucus.

Mr. DENEEN. I am sure he was invited, because I think the telegrams were sent from my office.

Mr. HANEY. I am not talking about the caucus, but about the first meeting at which there were none except members of the Band of Hope.

Mr. DENEEN. I think that was the caucus.

Mr. HANEY. You said yesterday that there was first a meeting—a conference—and then afterwards a caucus was called and all of the members were invited into the caucus.

Mr. DENEEN. I do not think they had a conference before, but they may have had the night before. I am quite sure, if they did, that it was not composed of all——

Mr. HANEY. The first conference?

Mr. DENEEN. Yes.

Mr. HANEY. There was nobody present at the first conference except members of the Band of Hope?

Mr. DENEEN. I assume that a few of them got together and conferred; but I think the course has been to have the caucus on Monday—or Tuesday, rather. The legislature convenes on Wednesday at noon, and the members come down on Tuesday morning. Quite a number gathered in on the day before, and I assume they had conferences.

Mr. HANEY. Did they not at that first meeting vote on the men that they would have for speaker and for the different offices in the legislature?

Mr. DENEEN. My judgment is that they did not; but I do not know.

Mr. HANEY. You do not know anything about that?

Mr. DENEEN. No; I do not know; but my recollection is that there was no such meeting. I do not know.

Mr. HANEY. Subsequent to that there was a caucus, was there not?

Mr. DENEEN. A caucus was held at the usual time.

Mr. HANEY. You say that Mr. Shurtleff and his friends were invited to that caucus?

Mr. DENEEN. That is the best of my recollection. I am sure they were.

Mr. HANEY. Did not Mr. Shurtleff and his friends say: "This is not a caucus. It is simply a ratification of something that was done without any consultation or conference with us"?

Mr. DENEEN. He did not say it to me.

Mr. HANEY. Did you not know that, and was not that the common report in Springfield?

Mr. DENEEN. Later, in the campaign which followed it, a year and a half later, they stated that they had had some conferences, and that the slate had been made up and they had agreed to support King, and that they had not been invited to those conferences. They had been invited to the usual caucus, but they objected to men conferring together against them to get to a common mind before the caucus. That was the offense that was committed.

Mr. HANEY. The legislature met on the 6th day of January, 1909, did it not?

Mr. DENEEN. I do not know the date. I assume that was the date.

Mr. HANEY. And Mr. King was a candidate for speaker?

Mr. DENEEN. Yes; he was one of them.

Mr. HANEY. Mr. Shurtleff was a candidate for speaker?

Mr. DENEEN. Yes.

Mr. HANEY. And there were some candidates on the Democratic side?

Mr. DENEEN. Not in that caucus.

Mr. HANEY. I say in the legislature?

Mr. DENEEN. Oh, yes.

Mr. HANEY. I am speaking, now, of the legislature.

Mr. DENEEN. Yes. I misunderstood you.

Mr. HANEY. On the 6th of January, when the legislature met and was called together by the secretary of state, there were different men nominated for speaker, and those nominated were: E. J. King, Edward Shurtleff, Mr. Troyer, from Postmaster Dan Campbell's district; Mr. Kleeman from Hanberg's district, and others on the Democratic side?

Mr. DENEEN. I know that by common report only. I did not attend. I think those are the facts.

Mr. HANEY. Mr. Shurtleff, you said yesterday, had been speaker of the house for two terms, and had become very strong and powerful with the members of the legislature during those two terms?

Mr. DENEEN. I think he had acquired a good deal of power.

Mr. HANEY. And he was very popular with everybody in the legislature, Democrats and Republicans, was he not?

Mr. DENEEN. Well, politically, not. Personally I think they respected him.

Mr. HANEY. That is what I mean—personally.

Mr. DENEEN. I think so. I do not know.

Mr. HANEY. There was not any chance for a Democrat to be elected speaker in that house, was there?

Mr. DENEEN. If he could get the votes.

Mr. HANEY. But you knew there was not Democratic votes enough to elect any speaker?

Mr. DENEEN. They did not have the constitutional majority.

Mr. HANEY. It required 77 votes to make a majority?

Mr. DENEEN. Seventy-seven.

Mr. HANEY. And the Democrats had but 64 when all were alive and present?

Mr. DENEEN. Yes.

Mr. HANEY. And it was generally understood that the Democrats had no possible chance of electing a speaker of the house where there were 89 Republicans alive and present?

Mr. DENEEN. Not if the Republicans voted for the Republicans, of course.

Mr. HANEY. Mr. Shurtleff was elected by 85 votes?

Mr. DENEEN. Yes.

Mr. HANEY. On the first day of the convention, was he not?

Mr. DENEEN. That is my recollection.

Mr. HANEY. And every Democrat in the House voted for Mr. Shurtleff except two?

Mr. DENEEN. Except four.

Mr. HANEY. I say, every one of the house present?

Mr. DENEEN. Oh, I do not know about that.

Senator KENYON. What were the elements of Mr. Shurtleff's strength, Governor?

Mr. DENEEN. The fact that he could meet the views of the leading Democrats, Mr. Browne and Mr. Tippet, and those who were associated with him.

Senator KENYON. Was he a close friend of Mr. Browne?

Mr. DENEEN. I do not know their personal relations, but politically I think they have been very friendly.

Senator KENYON. What was it that made him so popular? He seems to have been very popular.

Mr. DENEEN. Well, the fact that he satisfied the Democratic leaders, satisfied Mr. Browne, in this preceding matter. I think the real reason they supported him was that in the session preceding they had agreed to an investigation of my administration in reference to the charitable institutions, and they had cooperated and worked in harmony, and had furnished material for a campaign against me. They had worked as a unit on that matter, and he had satisfied them in other ways, and they were friendly, I think.

Mr. HANEY. Mr. Shurtleff gave every man, Democrat or Republican, or other, in the house a roll call on every question when it was demanded, did he not?

Mr. DENEEN. Well, I was not there, but I should say not, from my general experience.

Mr. HANEY. Is it not a fact, and was it not very well known to everybody in the legislature, in both branches of it, and to Democrats and Republicans generally, that Mr. Shurtleff was the fairest man to the Democrats, as well as to the Republicans, that had sat in that chair for a great many years?

Mr. DENEEN. I would not say so. I do not care to make any invidious comparisons. My friends were very bitterly opposed to his conduct as speaker, and that is why they were against him.

Mr. HANEY. Did you ever hear a single man say, your friends or anybody else, on either side of the house politically, that Mr. Shurtleff had treated anybody unfairly in refusing them a roll call when one was demanded?

Mr. DENEEN. I do not recall specific instances now, but there was complaint about the way he organized the legislature and the committees appointed and the conduct of the committees and such. I have no specific matter, however, that could be pointed to. You may speak to the legislators about that.

Mr. HANEY. You never knew a house to be organized or the appointment of committees by the speaker that there was not dissatisfaction afterwards on the part of some members, did you—

Mr. DENEEN. Oh, yes.

Mr. HANEY (continuing). Because they did not get the chairmanships or the places on committees that they thought they ought to have?

Mr. DENEEN. I assume that that is so.

Mr. HANEY. And there was no other objection or criticism of Mr. Shurtleff other than that, was there?

Mr. DENEEN. Well, there were general criticisms about his attitude.

Mr. HANEY. About his attitude on what?

Mr. DENEEN. In one of the sessions of the general assembly—I think it was the second—the men who favored temperance legislation were very bitterly opposed to him and were preparing a round robin, because he had prevented a roll call upon the township option law; and it went so far that the men who represented that movement had circulated, as I understood, a round robin, and had enough members on it to prevent his election, because he would not give a roll call, the constitution providing that five could demand a roll call.

Mr. Shurtleff went to those men and agreed to give a roll call before his name was submitted to the caucus on that issue, and then they withdrew the opposition to him; and there was a very considerable number I know, at that time against him, from talks that they had with me.

Mr. HANEY. Can you tell, now, or will you ascertain hereafter and send to this committee the record that shows, that Speaker Shurtleff ever refused a roll call on any local-option bill at any time before the forty-sixth assembly?

Mr. DENEEN. The complaint was, I think, that he did not give them a chance to have a roll call, but kept the matter in committees, so that they could not get it out. That was the charge, I think, Mr. Shields was managing at that time, and he could give the committee all the information desired on that point.

Mr. HANEY. It is a fact, then, Governor, is it not, that there never was an opportunity for a roll call at any time in the legislature until the time when Speaker Shurtleff gave a roll call on a local-option measure?

Mr. DENEEN. I do not know about that, but the complaint was made that he would not permit it to come to a roll call, although they claimed to have nearly a constitutional majority, if not an entire majority.

Mr. HANEY. If you can find any instance, or any of your administration can for you, will you be kind enough to send it to this committee, that Speaker Shurtleff refused a roll call, or would not permit a roll call on a local-option measure before the legislature when he was speaker, either before the forty-sixth general assembly or since that time?

Mr. DENEEN. As I stated——

Mr. HANEY (interrupting). I am asking you now to send it here if there is any such record.

Mr. DENEEN. If the committee desires me to go out and hunt up those matters I can do it; but I hate to take that burden upon myself unless the committee desires it to be done. I have a great many things to do.

Senator JONES. I understood the governor to say, anyhow, that the bill was not reported from the committee, and that they accused Mr. Shurtleff of not having it reported.

Mr. DENEEN. That he appointed a committee to prevent having a roll call. That was the complaint. Whether it was justified or not I do not know. That petition was circulated among members of the general assembly and signed, to the effect that they would not vote for Shurtleff; and a great many of them were pledged, as I understood, against him, because of that; but no one was suggested.

Senator JONES. There was no such contention as that five members of the house had asked for a roll call and been refused——

Mr. DENEEN. I do not recall——

Senator JONES (continuing). In the formal way in which that is done?

Mr. DENEEN. I do not know, but I know the complaint was made, because I discussed it with Mr. Shurtleff afterwards, so that he could be speaker, and he promised to give roll calls.

Mr. HANEY. And there was a roll call on the local option bill, and there was a roll call on every local option bill in the legislature while Mr. Shurtleff was speaker, was there not?

Mr. DENEEN. I do not know, but I would rather suppose not, there were so many introduced. I take it for granted that there was not.

Mr. HANEY. If you would like to have this committee understand that there was not, I would like to have you send a record of the legislature that would show that fact.

The CHAIRMAN. We will take a recess at this point until 2 o'clock.

(Whereupon, at 12.35 o'clock p. m. a recess was taken until 2 o'clock p. m.)

AFTER RECESS.

The committee resumed its session at 2 o'clock p. m.

TESTIMONY OF CHARLES SAMUEL DENEEN—Continued.

Mr. HANEY. Governor, when the recess was taken we were talking about the local-option bills in the legislature and roll calls on them.

Mr. DENEEN. And other bills.

Mr. HANEY. Do you know of any local-option bill before the legislature at any time during Mr. Shurtleff's speakership on which there was a roll call?

Mr. DENEEN. The complaint was made to me——

Mr. HANEY. Will you be kind enough to answer my question? Then you may argue as much as you want to about any other questions.

Mr. DENEEN. I have no personal knowledge.

Mr. HANEY. That is what I am asking about. As lawyers, we understand each other, then. There was a local-option bill, or there were several or a number of them before every legislature that you know anything about for a great many years back, were there not?

Mr. DENEEN. I have no personal knowledge about that, but I suppose there were.

Mr. HANEY. That had been a live question in the sense that there were bills for and against county, township, ward, precinct, and other local-option measures for quite a number of years?

Mr. DENEEN. A number of years; yes, sir.

Mr. HANEY. I think you said, Governor, that you were opposed to Mr. Shurtleff for speaker in 1909, in January, because he had appointed a committee to investigate the State institutions. Is that a fact?

Mr. DENEEN. That was one of the reasons.

Mr. HANEY. Who were the members of that committee?

Mr. DENEEN. I have the list here; I can give it accurately. I assume you have it. Mr. Hill was one, I think.

Mr. HANEY. Will you refer to it, if you have it accurately there, and if you would rather do it than rely on memory.

Mr. DENEEN. Yes. I think I have it here. If you have it, you might expedite matters, and I might remember it, if you would call my attention to it. Mr. John W. Hill, Mr. Edward Hope, Mr. H. T. Ireland, Mr. John P. McGoorty, who resigned and did not serve, Mr. Walter I. Manny, and Mr. John J. McLaughlin.

Mr. HANEY. Mr. Hill, Mr. Hope, and Mr. Ireland were Republicans?

Mr. DENEEN. They were the Republicans.

Mr. HANEY. And Mr. McGoorty, Mr. Manny, and Mr. McLaughlin were Democrats?

Mr. DENEEN. Mr. McGoorty resigned, and Mr. McLaughlin, I think, was substituted in his place, or Mr. Manny.

Mr. HANEY. Mr. Hill was a member of the house from Cook County?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And from James Pease's district, was he not?

Mr. DENEEN. I do not know. He came from the ward where Corporation Counsel Brundidge resided.

Mr. HANEY. Mr. Pease and Mr. Brundidge were in that district?

Mr. DENEEN. That twenty-fifth ward is in at least two districts or perhaps three. I do not know. He was in the north side.

Mr. HEALY. He was in the twenty-fourth ward?

Mr. HANEY. There were two, the twenty-fourth and part of the twenty-fifth wards in one senatorial district, and he was in that district.

Mr. HEALY. Mr. Pease did not reside in that district.

Mr. HANEY. No; but it was in what was called Pease's territory, and that is all it means. Mr. Hope lived where or came from where?

Mr. DENEEN. On the north side also.

Mr. HANEY. From Mr. Busse's district?

Mr. DENEEN. I think from the same senatorial district.

Mr. HANEY. And Mr. Ireland was from where?

Mr. DENEEN. He is in the Livingston County district, or Marshall County, I think. He resided in a town which is in two counties, and

I do not know which county he resided in, whether Whitford or Marshall.

Mr. HANEY. And the Democrats, Mr. McLaughlin and Mr. McGoorty, were from Cook County?

Mr. DENEEN. No; Manny resided in Brown County, 200 miles away, and Mr. McLaughlin resided in the west side of Chicago.

Mr. HANEY. Mr. McGoorty lived on the south side, in Hyde Park?

Mr. DENEEN. On the south side.

Mr. HANEY. There was no member of that committee who was a Lorimer man, was there?

Mr. DENEEN. They belonged to the so-called Lorimer-Shurtleff following.

Mr. HANEY. You know what I mean. None of those men were known as Lorimer men, were they?

Mr. DENEEN. I am not so much interested in what you mean, as to convey the correct impression to the committee, which is that they were associated with the Speaker Shurtleff and Senator Lorimer following in the conduct of legislative affairs. That is what I wanted to convey.

Mr. HANEY. I assume that you and I will agree that the committee will not know what we mean except by what we say.

Mr. DENEEN. I do not want to be discourteous to you.

Mr. HANEY. If I have not made my questions plain, I will be glad to do so, if you will show me wherein they are not understood by you.

Mr. DENEEN. I have made the answer, Judge.

Mr. HANEY. Now, will you be kind enough to answer my question, whether any member of that committee—

Mr. DENEEN. Mr.—

Mr. HANEY. No; wait until I finish my question. Will you be kind enough to answer whether any member of that committee was considered a Lorimer man?

Mr. DENEEN. I think so.

Mr. HANEY. I am not asking of Mr. Lorimer in connection with anybody else, but a Lorimer man.

Mr. DENEEN. I think so. Mr. Hill and Mr. Hope and Mr. Ireland and Mr. McLaughlin were considered as those who were following Senator Lorimer and Speaker Shurtleff in that same following which existed in that legislature and the succeeding. I am not sure about Mr. Manny—I think not.

Mr. HANEY. I am speaking now of the legislature that was convened, the second one in which Speaker Shurtleff was elected speaker.

Mr. DENEEN. They belonged to what is known as the bipartisan organization—Mr. Shurtleff's following—and I associated the Senator's name with it because it had been popularly referred to in that way.

Mr. HANEY. Governor, do you mean to testify here that there was a bipartisan combination, or arrangement of any kind in that legislature, that Mr. Lorimer had anything to do with?

Mr. DENEEN. I do not know his connection with it.

Mr. HANEY. That is the question I would like to have answered—in that legislature?

Mr. DENEEN. I say I do not know what connection he had with it. Those men were friendly to him.

Mr. HANEY. What you mean is that since that time some of these men have been friendly to him; that is, since that session of the legislature?

Mr. DENEEN. No; I mean that a number of prominent men who were very intimately associated with him, I thought were back of that investigation, helped to conduct it. That was my impression. I have no direct information.

Senator JONES. Are you referring to the forty-fifth general assembly?

Mr. HANEY. Yes.

Mr. DENEEN. The second one.

Senator JONES. The one preceding the election of Senator Lorimer as Senator?

Mr. HANEY. Yes.

Mr. DENEEN. Yes.

Mr. HANEY. Senator Lorimer was not before that legislature at all, was he?

Mr. DENEEN. I do not recall whether he was or not.

Mr. HANEY. So far as you know, he was not?

Mr. DENEEN. I do not know anything about it. I do not know that he was. I do not know a thing about it.

Mr. HANEY. You were there as governor during all the time. You would be likely to know.

Mr. DENEEN. Well, he was not there very conspicuously if he was there. I do not recall it.

Mr. HANEY. John P. McGoorty was in no way, at any time before or after, ever connected with Senator Lorimer or his friends, was he?

Mr. DENEEN. I do not know Mr. McGoorty's relations. I never heard that he was.

Mr. HANEY. Do you not know that John W. Hill never was a friend of Senator Lorimer?

Mr. DENEEN. I think just the opposite.

Mr. HANEY. Do you know anything about it?

Mr. DENEEN. I do not know the relation they bore. I have never been present when they were discussing their relations.

Mr. HANEY. Do you not know that Edward Hope, from Busse's and Brundidge's territory, was never a friend of Senator Lorimer?

Mr. DENEEN. I supposed otherwise. I do not know their relations. I would not know Mr. Hope if he should come into the room.

Mr. HANEY. He was in the forty-sixth general assembly, was he not?

Mr. DENEEN. The second assembly—I think it was the forty-sixth.

Mr. HANEY. The second one of Speaker Shurtleff's speakership was the forty-fifth.

Mr. DENEEN. I say I do not know.

Mr. HANEY. Hope was a member of the forty-sixth general assembly, the one in which Senator Lorimer was elected.

Mr. DENEEN. I had forgotten that. The record will show.

Mr. HANEY. You know that Hope was a member of that one?

Mr. DENEEN. I really had forgotten it, but you have it there, if the record shows it.

Mr. HANEY. Do you not know that Hope never did vote for Senator Lorimer for Senator?

Mr. DENEEN. I really do not know about that. I assume if he was in the legislature, that he did not, because those in Mr. Busse's neighborhood voted against the Senator, except one man, I think.

Mr. HANEY. And your best knowledge now is that Hope never did vote for Senator Lorimer, or follow him in anything?

Mr. DENEEN. I think he followed him.

Mr. HANEY. In what?

Mr. DENEEN. Mr. Hope, if he were there—there were three men—if you will give me the list of members, I will soon tell. This covered four years—

Mr. HANEY. You seem to have a pretty good arsenal of ammunition there.

Mr. DENEEN. I have. I heard, Judge, that you had prepared a long, exhaustive examination, and because of my acquaintance with you I could guess about what you want, and I prepared for it.

Mr. HANEY. I am delighted to know that anybody honored me by thinking I would prepare such an examination.

Mr. DENEEN. You are very good on cross-examination, I think. Do you recall the number of the districts, either of you gentlemen?

Mr. HANEY. That is John Healy's district.

Mr. HEALY. I do not live in that district and I do not know. I have made two guesses here and both guesses were wrong. That is the twenty-ninth district.

Mr. DENEEN. The twenty-ninth. The members were Edward Hope, Charles A. Nelson, and Patrick J. Sullivan.

Mr. HANEY. Now, I will ask the reporter to read my last question.

(The reporter read as follows:)

Mr. HANEY. And your best knowledge now is that Mr. Hope never did vote for Senator Lorimer or follow him in anything?

Mr. DENEEN. I think he followed him.

Mr. HANEY. In what?

Mr. DENEEN. He followed him into the bipartisan organization which elected Shurtleff speaker on the 5th of January, 1909, as did Mr. Nelson.

Mr. HANEY. Do you want to be understood as testifying, Governor, that Senator Lorimer was in Springfield at any time, or in Chicago at any time, or in the State of Illinois at any time, or at any other place on earth at any time that had anything to do with anybody who was organizing or about to organize the forty-sixth general assembly?

Mr. DENEEN. I think he was at some place that you name wherein they agreed to organize the general assembly in behalf of Mr. Shurtleff. Now, I was not there, but that is my impression.

Mr. HANEY. Would you be kind enough to state to this honorable committee where you think Mr. Lorimer was, in doing that kind of service or work?

Mr. DENEEN. I have not had any detective following him, and I do not know where he was; but it has been undisputed, I think—I do not think it has ever been disputed—that he was largely influential in making this organization that resulted in Mr. Shurtleff

being elected to the speakership in 1909. I have never heard it disputed.

The CHAIRMAN. If you have any knowledge on that, will you state it?

Mr. DENEEN. I have no knowledge whatever on that. Mr. Lorimer and I had not met, except just on the street, for five or six years previous to that.

Mr. HANEY. I want to know whether you have any knowledge on the answers that you are projecting here.

Mr. DENEEN. No; I was not present, and had no particle of personal knowledge, did not hear any of the conversation in any caucus of Mr. Shurtleff or any of his friends, nor did I help arrange the bipartisan organization.

Mr. HANEY. Governor, if you knew that Senator Lorimer, during his entire campaign, during the entire campaign for his reelection in the fall of 1908, when he was elected to Congress for the last time, was sick, and never made a speech or attended a meeting in his congressional district or at any other place, and never met any of the politicians there except for an hour a day for a few days, two or three days just before the election in November, 1908, and that immediately after the election he left Illinois and went to the Pacific coast and was there until December of that year; and that while there he was taken sick with blood poisoning and operated on, and was so sick that the surgeon who operated on him came almost to Chicago from the Pacific coast with him on his return home, and that immediately upon his return to Chicago he left for Washington, and that he was in the House, in his place, on the 7th day of January, and answered a roll call, and made a motion on the 8th of January, 1909, in the House in Washington, and never left Washington until about the 10th or 11th of January, would you still say, or want to be understood as saying, that Senator Lorimer had to do, in any way, with the organization of the house of the forty-sixth general assembly?

Mr. DENEEN. Is that a supposititious question?

Mr. HANEY. I am asking you, if you knew those things to be facts that I have recited to you; would you still say that Senator Lorimer had to do with the organization of the lower house of the forty-sixth general assembly?

Mr. DENEEN. I would still say so; yes.

Mr. HANEY. You would still say that?

Mr. DENEEN. I think the organization was arranged before the primary, and was simply consummated on the 5th of January.

Mr. HANEY. That is, you think he saw, away ahead, that you and your friends were going to have 10 different candidates for speaker, and that you and your friends were going to oppose Speaker Shurtleff the following January, if Shurtleff was elected to the house, and that Senator Lorimer was going to organize a bipartisan movement in that house?

Mr. DENEEN. As I said yesterday—.

Mr. HANEY. Now, will you answer that without reference to what you said yesterday?

Mr. DENEEN. I had intended to repeat the answer; but the understanding was and the belief was that there was a bipartisan organi-

zation to fight me at the primaries, and in the event that I was successful, in return for Democratic support at the Republican primaries the Republicans were to support the Democrats at the election, and that in the event that I was elected the Democrats were to support Mr. Shurtleff for the speakership.

Mr. HANEY. When did you learn that, or hear of it?

Mr. DENEEN. I think that was discussed in the primaries—rumors to that effect.

Mr. HANEY. What persons did you ever hear discuss that at the primaries?

Mr. DENEEN. I would not say the particular persons; but I think the matter was discussed with friends in conference. I know immediately after the election Mr. Shurtleff's name was mentioned at once as the speaker. It was plain that he could not be speaker by Republican vote, and from that time on the news was that Mr. Shurtleff would be a candidate, and he pursued the usual course adopted by candidates and went on, when it was manifest that he could not be successful by Republican vote.

Mr. HANEY. You know, and so testified yesterday, that Mr. Shurtleff was a candidate for speaker at the primaries before he was either elected or nominated, didn't you?

Mr. DENEEN. I had assumed that he would not contest for the position unless he hoped to be speaker again. That is what I assumed.

Mr. HANEY. Did Mr. Shurtleff know at that time, before the primaries that nominated him for a member of the forty-sixth general assembly, that you were going to oppose him the following January?

Mr. DENEEN. I do not know.

Mr. HANEY. Do you want to be understood as testifying here that that was the fact?

Mr. DENEEN. What, that he knew—

Mr. HANEY. That he knew you were going to oppose his election as speaker of the forty-sixth general assembly in January, 1909?

Mr. DENEEN. You have asked me to testify to what he knew. I do not know what he knew.

Mr. HANEY. Did you know before the primaries that nominated Mr. Shurtleff for the forty-sixth general assembly, that you were going to oppose Mr. Shurtleff for speaker, and defeat him in any way that you could?

Mr. DENEEN. I felt that if the relations continued as they were I should oppose him, and advise my friends to vote against him.

Mr. HANEY. And you were arranging your program as early as that, were you, in opposition to Mr. Shurtleff?

Mr. DENEEN. No, sir; my time was fully occupied in making my campaign, up to the election.

Mr. HANEY. Do you not know that Mr. Hill was always the friend of Mr. James Pease and Fred Busse?

Mr. DENEEN. I do not know. I think I met Mr. Hill for the first time in the general assembly.

Mr. HANEY. Was Mr. Hill a member of the forty-sixth general assembly?

Mr. DENEEN. Is that the third or the second?

Mr. HANEY. The third; that is the one that elected Senator Lorimer.

Mr. DENEEN. No, I think not.

Mr. HANEY. Mr. Ireland was a friend of Frank Smith, was he not?

Mr. DENEEN. He was.

Mr. HANEY. And Frank Smith was the most vigorous and bitter, if I may use that term in that connection, opponent of Senator Lorimer at the forty-sixth general assembly?

Mr. DENEEN. The session of 1909?

Mr. HANEY. Yes.

Mr. DENEEN. I do not know whether he was the most bitter or not. He was for Senator Hopkins for the Senate.

Mr. HANEY. And was he the most active and vigorous and virulent of any of Senator Hopkins's friends against Senator Lorimer and those who opposed Senator Hopkins's election?

Mr. DENEEN. I do not know about that. I know that he was as active in unseating me. He and I did not meet.

Mr. HANEY. I did not know whether you would care to be coupled with the Senator—

Mr. DENEEN. Oh, yes.

Mr. HANEY. In that connection or not.

Mr. DENEEN. He was against us both, I think.

Mr. HANEY. So that he could not well be considered a follower of either you or Senator Lorimer?

Mr. DENEEN. Mr. Smith was not a member of the legislature. Mr. Ireland was, and he was associated with the following of which I speak.

Mr. HANEY. Did Mr. Ireland vote for Senator Lorimer?

Mr. DENEEN. No, sir; he voted for the bipartisan organization.

Mr. HANEY. Of the house, you mean?

Mr. DENEEN. Of the house.

Mr. HANEY. That is when you and Senator Hopkins were working together, was it not?

Mr. DENEEN. When our friends were supporting Senator Hopkins.

Mr. HANEY. Now, Mr. Ireland voted for Senator Hopkins on the ninety-fifth or last ballot, when they elected Senator Lorimer?

Mr. DENEEN. I think he did. Mr. Smith was the United States internal-revenue collector there, and Mr. Ireland was from his district, and they were friends.

Mr. HANEY. Frank Smith was the strongest leader and most potent factor in that senatorial district at that time, was he not?

Mr. DENEEN. He was considered one of the leaders; I think the chief leader.

Mr. HANEY. Was there anybody else that was as conspicuous as he?

Mr. DENEEN. He and I had no relations, and I did not participate in any of the councils there. I assumed that he was the leader.

Mr. HANEY. I am asking you as to your knowledge.

Mr. DENEEN. From general knowledge I should say that he was the leader.

Mr. HANEY. Mr. Manny was a Democrat?

Mr. DENEEN. He was.

Mr. HANEY. To which faction did he belong?

Mr. DENEEN. I do not know anything about his relations in his own party.

Mr. HANEY. Did he belong to either faction or to any faction in the house?

Mr. DENEEN. I do not recall that. He is now a senator. I do not recall his relations there.

Mr. HANEY. Did he vote for Senator Lorimer?

Mr. DENEEN. I do not think he did.

Mr. HANEY. You know he didn't, don't you?

Mr. DENEEN. I say I do not think he did.

Mr. HANEY. If you know he did not, would it not be as easy to say no as "I think not"?

Mr. DENEEN. Well, I was not there. The list is here, and I could take it and read it and be accurate, but there were 201 men voted, or something like that.

Mr. HANEY. Mr. John J. McLaughlin is one of your friends in the legislature now, is he not?

Mr. DENEEN. In the last legislature he supported several bills that I was interested in.

Mr. HANEY. And he has worked with you and your friends all through the forty-seventh general assembly and all of the extra sessions of that assembly that were called by you, has he not?

Mr. DENEEN. I think not. He supported the civil-service bill and the waterways bill, and I think that is all.

Mr. HANEY. John J. McLaughlin is sometimes called Roger Sullivan's chief leader in the legislature, is he not?

Mr. DENEEN. Yes; he is associated with Mr. Sullivan.

Mr. HANEY. And is as close to Roger D. Sullivan as anybody in the legislature or in Springfield, is he not?

Mr. DENEEN. He is friendly to him. I can not pass as an expert on his relations.

Mr. HANEY. No; but I am asking you about what is common report.

Mr. DENEEN. He is considered friendly, and I think one of his active supporters, but I do not know his preference.

Mr. HANEY. You know he is associated in business with Roger D. Sullivan, do you not?

Mr. DENEEN. No; I do not know that.

Mr. HANEY. And he and Roger D. Sullivan and their friends have acted with you all through the forty-seventh general assembly and the extra sessions of that general assembly?

Mr. DENEEN. No, sir.

Mr. HANEY. Do you say they did not?

Mr. DENEEN. I do not understand so. On two or three important bills, they did.

Mr. HANEY. When you say that Mr. McLaughlin supported the waterway bill, you mean your waterway bill, do you not?

Mr. DENEEN. The Johnson bill; yes, sir.

Mr. HANEY. That is the one you favored?

Mr. DENEEN. Yes; the one I favored.

Mr. HANEY. And you called two extra sessions of the forty-seventh general assembly for the purpose of passing that waterway bill, did you not?

Mr. DENEEN. The forty-seventh? I called two sessions. It was known as the Smith bill then.

Mr. HANEY. Yes, sir.

Mr. DENEEN. The bill of the internal-revenue commission, drafted by Mr. John P. Wilson, and handed to Senator Smith and then to Senator Johnson?

Mr. HANEY. That is not the deep-waterway bill, but the so-called power bill.

Mr. DENEEN. It is the same bill that was introduced right after the constitutional amendment was adopted.

Mr. HANEY. I know; and that is the one that you and Senator Lorimer disagreed about?

Mr. DENEEN. Yes.

Mr. HANEY. He wanted a deep waterway, a 14-foot waterway, and you favored a 9 or a 12 foot waterway?

Mr. DENEEN. I favored the development of the water power and the conserving of it, and the holding of it within the power of the State, and the negotiations with the Federal Government agreeing on the depth of channel, and not to wait until the Federal Government came around and put a depth of 14 feet, and then lose the power to take advantage of the water power. I wanted to get that first.

Mr. HANEY. You and your friends wanted the legislature to enact into law such legislation as would require the immediate expenditure of the \$20,000,000 that were voted by the people for a deep waterway?

Mr. DENEEN. For the deep waterway, to build it.

Mr. HANEY. And Senator Lorimer and his friends opposed the expenditure of any of that \$20,000,000 for a deep waterway until the Federal Government joined with the State of Illinois to make the deep waterway with a depth of 14 feet from Lockport to the Mississippi, did he not?

Mr. DENEEN. Well, that is partly a statement of part of it.

Mr. HANEY. Well, so far as it goes, it is right, is it not?

Mr. DENEEN. Not so far as it relates to my position.

Mr. HANEY. I am asking you about Senator Lorimer and his friends. I will ask the reporter to repeat the question.

(The reporter read the question as follows:)

And Senator Lorimer and his friends opposed the expenditure of any of that \$20,000,000 for a deep waterway until the Federal Government joined with the State of Illinois to make the deep waterway with a depth of 14 feet from Lockport to the Mississippi, did he not?

Mr. DENEEN. I am not passing upon his views. He wanted Federal cooperation: and I have his speech here, or one of the excerpts of a speech that he delivered, and I feel that it is hardly fair for me to pass upon his views in that matter. I am perfectly willing to give mine, but I do not want to appear as an expert witness on his views about a waterway.

Mr. HANEY. Did not you and Senator Lorimer meet in the executive office at Springfield during January and subsequent months and talk about the waterway and other things?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And did not Senator Lorimer tell you that he favored that bill in the legislature which provided for a 14-foot waterway, and that none of the \$20,000,000 voted by the people of Illinois should be expended until the Federal Government joined with the State of Illinois in an appropriation and a method of making that deep waterway 14 feet from Lockport to the Mississippi River?

Mr. DENEEN. There are so many matters in your question that I can not answer it by yes or no. The bill itself will show. In our bill, for instance, no depth was mentioned.

Mr. HANEY. I am asking you about your talk with Senator Lorimer?

Mr. DENEEN. There are so many matters referred to that I could not say "yes" or "no" to that question. We discussed it fully as to whether or not the matter of depth, as mentioned in the so-called Smejkal bill—I do not know; I know it is not in ours, and I think it is not in his, but I am not sure. I know that he favored a 14-foot depth, and also cooperation of the Federal Government, and also delay until the Federal Government should first act in the matter. That is, I think he favored those matters.

Mr. HANEY. Senator Lorimer had made a campaign through the States of Illinois during nearly two years prior to the adoption of that amendment to the constitution of Illinois which permitted the voting of \$20,000,000 for a deep waterway, and he went into every county in the State, did he not, making speeches for that deep waterway?

Mr. DENEEN. I do not know about that. I know he made an extensive campaign.

Mr. HANEY. And it was a nonpartisan campaign, was it not?

Mr. DENEEN. We considered it a bipartisan campaign. He and Mr. Rainey went out, and I understood in several places they organized the waterway, and also disorganized me at the same time. That is my understanding of the matter.

Mr. HANEY. Then, it may have been that both were beneficial to the State.

Mr. DENEEN. Yes; but it is one of those speculative things that did not happen.

Mr. HANEY. I am only asking you about the depth of the waterway.

Mr. DENEEN. I can not answer a question that involves so many things, and say "yes" or "no." If it involved only me, I would try to do it, but I do not like to appear as an expert on the Senator's views, because he can say so himself.

Mr. HANEY. I am asking if you as the governor of the State, and having general knowledge of the different parts of the State and the large measures that are going on that are affecting or might affect the State—if you did not know, and do not now know that Senator Lorimer did make that kind of a campaign, and that he made the campaign in Democratic as well as in Republican counties and districts and that the meetings were arranged by the Democratic voters of the precincts as well as by the Republican voters?

Mr. DENEEN. I think that they made a general campaign, and it was organized by all parties, I assume—at least Republicans and Democrats were there.

Mr. HANEY. Do not you know that in no speech that Senator Lorimer made during that two years' campaign for the deep waterway did he ever discuss politics at all?

Mr. DENEEN. I was not present. I understood that discussions had been had after it was over, and floating rumors came to us. Men came and talked to us as they do in campaigns, and we just gathered the trend of things from reports that came to us. I do not know how

extensive it was. It was talked in the hotel lobbies and elsewhere. I know that the campaign finished, as I recollect, just before—or it was conducted up to the election of 1908, at which I was a candidate, and if I recollect the matter—and my recollection is very clear, although I may be wrong—Senator Lorimer and Congressman Rainey held those waterway meetings in the Congressman's district, when you say he was ill, and they discussed the waterways rather than Democratic and Republican politics, and Democrats and Republicans were both on the platform.

Mr. HANEY. Do you know of a meeting that Senator Lorimer attended, in his district or any other place, after that summer of 1908?

Mr. DENEEN. I had thought so until I read his speech. I am not distinct in my recollection. My recollection differs from his. I would not want to state he was there. That is my clear recollection, that Representative Rainey and others, and I know that he was present and made a speech there in his district. I remember the cards and bill posters, and such, indicating his making a waterway speech in the campaign of 1908, posted all over the city.

Mr. HANEY. Can you name any meetings throughout the State of Illinois where Senator Lorimer talked politics, either Republican or Democratic, when he was making that campaign, running through two years, for the deep waterway?

Mr. DENEEN. Of course, I was not present, and I do not recall the specific statement. I remember once, at Carlinville, some gentlemen came to me immediately after he had gone and stated in the hotels after it was over they discussed my candidacy and me, and gave their views; and I think at several other places, but I am not clear. I think I could refresh my recollection by talking with some gentlemen.

Mr. HANEY. I did not ask you of the talks that took place in the hotels after the meetings. My question was whether you could name a single meeting at which Senator Lorimer talked politics at the meeting—either Democratic or Republican politics.

Mr. DENEEN. No, sir; I do not know of any such meetings; I did not attend any of them.

Mr. HANEY. And you never heard of any meeting at which Senator Lorimer talked politics when he was making that deep waterway campaign, did you?

Mr. DENEEN. No, sir; not at the meeting nor on the platform.

Mr. HANEY. And at all of those meetings throughout the State in different places that were held during the two years preceding the voting of the \$20,000,000 by the people of Illinois for a deep waterway, Senator Lorimer had spoken and pledged, so far as he could, that neither he nor his friends would ask for the expenditure of a dollar of the \$20,000,000 that they were asking of the people for a deep waterway until the Federal Government joined with the State in a deep-waterway scheme.

Mr. DENEEN. I do not know what he said. I did not attend any of the meetings.

Mr. HANEY. You heard that that was so, and it was common talk everywhere—in the newspapers and elsewhere, was it not?

Mr. DENEEN. I do not think it was common talk, and I do not think it appeared in the newspapers, because we searched them to

find those speeches in our various controversies. Mr. Cooley, I had understood, was with him, and Mr. Cooley has signed a pamphlet—of which there were 575,000 copies distributed by our commission—opposite to that theory.

Mr. HANEY. Do you know of a single meeting that Mr. Cooley attended—and when you refer to Mr. Cooley you mean the engineer?

Mr. DENEEN. Mr. Lyman E. Cooley.

Mr. HANEY. Do you know of a single meeting that Mr. Cooley attended and made a speech at which Senator Lorimer spoke on the deep-waterway question?

Mr. DENEEN. I did not attend any of their meetings; but he was very friendly and was consulted, I think, by the Senator. I consulted Mr. Randolph.

Mr. HANEY. As an engineer?

Mr. DENEEN. As a hydraulic engineer. I think he had a high respect for his opinion and judgment, and was very friendly.

Mr. HANEY. Judge Cicero J. Lindley went around to many places with Senator Lorimer in that campaign for a deep waterway, did he not?

Mr. DENEEN. It was so reported in the papers.

Mr. HANEY. And Judge Lindley also pledged, so far as he could, himself and his friends that no money should be spent of the \$20,000,000 until the Federal Government joined with the State in the deep-waterway scheme?

Mr. DENEEN. Of course I do not know anything about that directly. As I said, we searched the files of the papers when the controversy was raging. I do not recall any such statement appearing in the papers. It may have appeared, but we did not find it.

Mr. HANEY. You heard it, did you not?

Mr. DENEEN. No.

Mr. HANEY. You never did?

Mr. DENEEN. No; I did not. I understood he was the one who talked about running up battleships from New Orleans and insisted on having the deep waterway so deep that we could get ships up from the Gulf of Mexico to fight Canada. I think that was the idea.

Mr. HANEY. Did you think that was undesirable?

Mr. DENEEN. Why, I am for peace—international peace and arbitration.

Mr. HANEY. You get enough war?

Mr. DENEEN. I have longed for peace for a long time and would like to try it.

Mr. HANEY. Do you know of a single meeting that Congressman Rainey attended at which he talked Republican or Democratic politics, for or against either, while he and Senator Lorimer were making that deep waterway campaign?

Mr. DENEEN. No: the same answer as to the others. I did not hear them, and they were not reported.

Mr. HANEY. Do you know, or did you ever hear, of any man who spoke on the platform with Senator Lorimer, or at the meetings that he attended while he was making that deep waterway campaign, who talked politics, Democratic or Republican, for or against either?

Mr. DENEEN. I do not know about that matter. As I said, we did not follow it out.

Mr. HANEY. I am asking you whether you know?

Mr. DENEEN. I did not attend one of them, Judge.

Mr. HANEY. That might be, and still you might know. My question is, do you know of any?

Mr. DENEEN. No.

Mr. HANEY. That is an answer?

Mr. DENEEN. I say, I do not know anything about it.

Mr. HANEY. During the long conferences that you and Senator Lorimer had, commencing on the 13th of January, 1909, and which conferences you say numbered at least 20—

Mr. DENEEN. I do not know how many; I say there may have been 20 or more.

Mr. HANEY. Will you not be kind enough to wait until I ask the question?

Mr. DENEEN. You assume so much in your question that I would like to get it correct, so that I can answer it.

Mr. HANEY. At those different conferences, which you said yesterday amounted to about 20, or at least 20—

Mr. DENEEN. Yes.

Mr. HANEY (continuing). Did you and Senator Lorimer talk about that deep waterway—a waterway as deep as his scheme was and as yours was?

Mr. DENEEN. We discussed the deep waterway bill several times—a number of times.

Mr. HANEY. You opposed the bill that he and his friends favored in the legislature, did you not?

Mr. DENEEN. I did; yes, sir.

Mr. HANEY. And your friends opposed it?

Mr. DENEEN. All that we could induce to oppose it.

Mr. HANEY. And you and your friends had a bill before that legislature, and at subsequent ones, in which you desired the necessary legislation to permit the expenditure of the \$20,000,000 that were voted by the people for a deep waterway, without waiting for the Federal Government to join in any way in that matter?

Mr. DENEEN. No; you do not state our position correctly, nor do you state the bill correctly.

Mr. HANEY. Will you state it correctly?

Mr. DENEEN. A constitutional amendment was enacted which authorized our general assembly to issue bonds to the amount of \$20,000,000 for the purpose of digging a deep waterway and developing the water power. The Federal Government is not mentioned in it. Mr. John P. Wilson, likely the most distinguished constitutional lawyer in our State, who drafted that and who also drafted the sanitary district bill, stated that we could not make our bill conditional upon action by the Federal Government, and the bill was drawn in exact harmony with the constitutional amendment. Illinois could receive money from the Federal Government, but we could not make it conditional upon such receipt of money—so he advised us. Furthermore, a provision was incorporated in the bill, as one of the sections, that none of this money could be expended, except for the purpose of organizing and having maps and surveys made, until a commission, to be created under it, could state that the whole project could be completed with the \$20,000,000, or with such money as would come to our State from others. I believe the latter provision was not

incorporated in the bill, but, of course, it would follow. We followed his views on the law. They could not draft a bill in harmony with the views of the Senator and Mr. Cooley, and we left it to Mr. Wilson. Nobody objected to the Federal Government contributing any amount of money. Our engineers, however, from their estimates, stated that the whole thing could be done for \$20,000,000; and later three sets of Federal engineers O. K'd the plans and estimates made by our engineers. But, as those matters are not definite and can not be definite, in order to make assurance doubly sure we tried also in the bill to get the Federal Government to pass some legislation, so that if the engineers misjudged the facts the channel could be built, and the State would develop the water power. It was purely a difference between engineers and lawyers. I followed the views of Mr. Isham Randolph. I did not pretend to initiate the policy at all; we simply followed the views initiated by him and Mr. Wilson.

Senator KENYON. What did the difference in the views of the lawyers as to the waterway proposition of Illinois have to do with the election of Mr. Lorimer?

Mr. DENEEN. I could not say about that; I do not know what it had to do with it.

Mr. HANEY. That was one of the very active questions between you and Senator Lorimer, on which you and your friends on the one side and Senator Lorimer and his friends on the other side differed, was it not?

Mr. DENEEN. No; we had our differences and troubles before the constitutional amendment was enacted.

Mr. HANEY. I asked you if that was not one of the things. Please be kind enough to tell me if I do not make my question plain, and then be kind enough to answer my question.

Mr. DENEEN. It was not one of the things that caused differences between us. Later it was a thing about which we differed. We did not quarrel; we simply presented opposite views. We never had any quarrel about the matter. We supported the general features of the project in all of these conventions everywhere, notwithstanding the fact that in our political arrangements at home we were not working in harmony or for the same policies or candidates.

Mr. HANEY. You and all of your friends in the legislature opposed the bill that Senator Lorimer favored for the waterway, did you not?

Mr. DENEEN. Yes, sir; we did, because it had certain unconstitutional features in it.

Mr. HANEY. And you wanted your bill adopted, or the one that you and your friends favored, without waiting for the Federal Government to take any action, did you not?

Mr. DENEEN. No; we wanted a bill enacted which would enable the work to be done within the \$20,000,000, and, if we could not, to induce the Federal Government to assist us. I presented the matter to the President, and he wrote a letter to that effect, and it became public property, and is incorporated in my message; and the views are set out there.

Mr. HANEY. That is just what I say.

Mr. DENEEN. Of course all these matters are matters of record. You could introduce our messages and bills, and they would speak for themselves.

Senator KENYON. Judge Hanecy, will you not state, briefly, your understanding of the difference on this waterway proposition between Senator Lorimer and Gov. Deneen? I am not clear about it.

Mr. HANEY. Senator Lorimer went through the State of Illinois making a campaign and asking the voters to vote an amendment to the constitution, without which the \$20,000,000 could not have been expended by the State under any circumstances; and he pledged himself and his friends that if that constitutional amendment was adopted by the people of the State, voting all over the State on that question specially, not a dollar of that money should be expended for a deep waterway or for any other purpose until the Federal Government joined with the State in an appropriation and in a scheme of the engineers and of others—other Federal officials that might be necessary—to make a deep waterway from Lockport, the end of the present sanitary district, to the Mississippi River, and make a depth of water of 14 feet.

Senator KENYON. How did that differ from the governor's position?

Mr. HANEY. An effort was made by Senator Lorimer and his friends to have Congress take action and make an appropriation to act in concert with the State of Illinois in the expenditure of its \$20,000,000 in the scheme of a deep waterway; and the Congress of the United States did adopt a measure voting an appropriation of \$1,000,000 on condition that certain reports should be obtained by or from the engineers of the Federal Government on the feasibility of that scheme.

Mr. DENEEN. May I correct you there, Judge?

Mr. HANEY. I am answering Senator Kenyon. If he wants me to stop and wants you to talk, I shall be glad to do that.

Mr. DENEEN. You have made a mistake.

Senator KENYON. I want to get the difference between the two.

Mr. HANEY. I have stated, briefly, Senator Lorimer's position. When that constitutional amendment was adopted by the people of Illinois, at the very next legislature that met, being the forty-sixth general assembly, organized on the 6th of January, 1909, at least two bills, and possibly more, were offered dealing with this subject. One of them favored Senator Lorimer's scheme, and provided that no money should be voted by the legislature and none could be used of the \$20,000,000 without an act of the legislature—no bonds could be issued, and no money expended. Gov. Deneen and his friends—if he will permit me to say that he was the leader on that side; and, if not, he may name the man who was the leader—favored immediate legislation by the forty-sixth general assembly that would allow the expenditure of that \$20,000,000 at once, without waiting for the Federal Government to take any action whatever in connection with the waterway scheme. They favored a waterway that would be practically a power plant only, or a scheme from which could be erected power plants for electric light and power schemes, but that would not be available as a waterway for shipping purposes for any craft that could be profitably run on that waterway; because \$20,000,000 would not build a waterway from Lockport to the Mississippi that any ship that would carry ordinary freight could travel over.

Senator KENYON. I think you have answered my question. I think the simple line of demarkation was that Senator Lorimer favored State and Federal cooperation, while Gov. Deneen favored the State going ahead without waiting for the National Government.

Mr. HANEY. More than that, Senator. Senator Lorimer and his friends felt that they were pledged to the people who voted that \$20,000,000 that none of that money should be expended until the Federal Government did take action. In other words, the State of Illinois could not embark in a speculation in the way of building up a power plant or any other scheme to rent the power or sell the power to any electric light or other power plant; and they felt that their honor was at stake with the people, and that if that money was used before the Federal Government took action, it would be exhausted, and then the Federal Government might never take any action in furtherance of that scheme. Senator Lorimer opposed that legislation at that legislature and at every one since. The governor stated a few moments ago that he called two special sessions of the forty-seventh general assembly. It was before the forty-seventh general assembly, and then there were two special sessions of the general assembly called to pass that legislation. Under the constitution of Illinois a special session of the legislature can not enact or deal with any legislation of any kind except the matter specifically provided for in the call by the governor. It is not like the Federal Constitution. In the last call, and I think in the prior one—if I am wrong the governor will correct me—there was nothing called for for that legislature or that special session to deal with except the deep waterway. The forty-seventh general assembly defeated the scheme that Gov. Deneen and his friends favored, and the first special session defeated it, and the second special session defeated it.

That is the position, briefly; and that was one of the questions that—

Senator KENYON. I think you have answered it, Judge, briefly.

Mr. DENEEN. I take exception to the statement of my views by the judge. He did not accurately express my views, though I do not know that you are interested in them.

Mr. HANEY. I beg your pardon, Governor; I did not intend to commit you to any views, or state that you held any views.

Mr. DENEEN. No; but I do not want to let your statement stand in regard to my views without stating that it does not represent my views.

Mr. HANEY. I did not hear what you said.

Mr. DENEEN. I simply said that I wanted to take exception to your statement of my views. I would not care so much about the committee, but these matters are being published back in our State; and I did not want to have it appear that you had accurately stated my views, or anywhere near accurately, on those matters. If the committee is interested in them, I will state them, if they are pertinent here.

Senator JONES. All the committee is interested in is knowing that there was a very decided difference.

Mr. DENEEN. There was a difference. It was not a political difference nor a personal difference; it was an argument, and that was

all. Our relations on those waterway matters were friendly during all this controversy. We never had any quarrel at all.

Senator JONES. I care nothing whatever about the details of those differences.

Mr. DENEEN. There was no personal quarrel, so far as I know, and no expression of opinion, save once, I think, in public by either one of us as to the other.

Mr. HANEY. You and Senator Lorimer were always personally friendly?

Mr. DENEEN. Very friendly.

Mr. HANEY. And you are now?

Mr. DENEEN. Why, yes. There is no trouble at all between us.

Mr. HANEY. Senator Lorimer never deceived you, or tried to deceive you, on anything, did he?

Mr. DENEEN. We differed about a good many matters, and in the heat of controversy we may have felt aggrieved; but I think we are friendly. Our relations were not disturbed, except that we did not meet. Several years elapsed sometimes.

Mr. HANEY. You were good enough to say to practically every friend of yours or other person that you talked with that Senator Lorimer was very slow to make a promise, but that when he did make one he kept it scrupulously?

Mr. DENEEN. I have always spoken well of him when I have spoken of him.

Mr. HANEY. And that has always been your experience with him?

Mr. DENEEN. You gentlemen will get an inaccurate idea about conditions in our State from some of this testimony. Our personal relations have been such that we have met socially and discussed matters. I was very greatly surprised at some of the testimony I have listened to about personal relations out there. For fear you might get an inaccurate idea of the matter I will state that they do not wear armor plate out there when they meet each other. They discuss matters as other men do.

Mr. HANEY. It is hardly necessary for me to say, Governor, that none of this honorable committee vote in Illinois.

Mr. DENEEN. I wanted to give them a correct impression, so that they would not have an inaccurate idea of our conditions.

Mr. HANEY. Governor, during the conferences that you and Senator Lorimer had during January and subsequent to that, Senator Lorimer told you that he would agree that if his bill was adopted by the legislature neither he nor any of his friends wanted to name any member of the commission that would be appointed for the expenditure or the control of that \$20,000,000, and that you might name the commission yourself, uninfluenced by Senator Lorimer or any of his friends, did he not?

Mr. DENEEN. I do not recall that conversation. The only conversation I recall was when he and Mr. Sullivan and I talked about the commission. He then said it should be a bipartisan one. He had promised the Democrats who had supported him on this measure that it should be a bipartisan commission. They expected to have two names, and then there would be three Republicans.

Mr. HANEY. Three Republicans and two Democrats?

Mr. DENEEN. Three Republicans and two Democrats if it were five altogether, and four and three if it were seven altogether. I gathered

that they would expect recognition. The conversation did not get that far, because I stated that I could not afford to be responsible for the expenditure of the \$20,000,000 unless I had absolute confidence in the members of the commission, and that if they recommended to me commissioners in whom I had such confidence they would be appointed, but that I would reserve the right to make the appointments.

Senator JONES. What Sullivan do you refer to?

Mr. DENEEN. Mr. Roger Sullivan. They were together; and the bill failed about a week after that, as I recall it.

Mr. HANEY. The law provided, did it not, Governor, that you were to appoint the commission?

Mr. DENEEN. The bill did.

Mr. HANEY. That is, Senator Lorimer's plan?

Mr. DENEEN. I think so.

Mr. HANEY. Yes; and it provided for the majority of Republicans and the minority of Democrats?

Mr. DENEEN. Yes; as I recall it.

Mr. HANEY. And the Republicans were to have the odd man, whatever the membership was?

Mr. DENEEN. The majority.

Mr. HANEY. That is a common feature of much legislation in Illinois, is it not?

Mr. DENEEN. In the last few years.

Mr. HANEY. Yes. Roger Sullivan was present at that conference?

Mr. DENEEN. He was.

Mr. HANEY. As the leader of the Democratic element?

Mr. DENEEN. He is the national Democratic committeeman, and he was there in that capacity.

Mr. HANEY. At a prior conference between you and Senator Lorimer did not Senator Lorimer tell you that you could appoint anybody that you wanted to on the commission; that he did not care to have anything to do with it; and that as you were responsible, he would be entirely satisfied with any commissioners that you would appoint?

Mr. DENEEN. I do not think that matter was discussed to a great extent, as to the personnel of the commission.

Mr. HANEY. Did he not make that statement, Governor?

Mr. DENEEN. I do not recall it. I do not think we ever discussed the commissioners at all—he and I.

Mr. HANEY. No, not the commission, but the way that it should be appointed, and that you might appoint it?

Mr. DENEEN. I would not say that we did not discuss it, but I have no recollection of the matter. The matter was discussed on the theories, the differing views, of the two engineers. Mr. Cooley was friendly to Senator Lorimer's plan; and I followed Mr. Randolph's judgment on those matters.

Mr. HANEY. The only thing that Senator Lorimer insisted upon was that there should be Federal cooperation in the deep-waterway scheme before any of the \$20,000,000 was expended, was it not?

Mr. DENEEN. That was one matter.

Mr. HANEY. What was the other?

Mr. DENEEN. We did not get to specific details. I never have yet been able to ascertain his views as to the amount of money the Federal Government would be required to add to the \$20,000,000 provided for by the State, nor of the views of Mr. Cooley in that regard.

The contest was not as to whether it should be 14 feet or 9 feet or 24 feet, so far as it related to my connection with it. The contest was to take such steps as can only be taken by having a law prepared under that constitutional amendment which would enable the State to purchase the water-power site so that it could hold its position while the negotiations were going on between the Federal Government and the State, if negotiations were required, and we could not wait for indefinite action on the part of the Federal Government and then preserve the water-power site. The constitutional amendment was passed on the theory that, the water power developed, the rental of it would pay for the waterway. And nobody, so far as I know, voted on the theory that our State was to make a contribution of \$20,000,000 to the Federal Government. It was not to be expended at once. It was to be expended in order, and the order was named in the bill: First, \$5,000,000—first one dam, and then a second, and then a third; and the first dam was to be in operation before the others were started. Your recollection is inaccurate on that bill. The bill would show. I think I have it down here.

Mr. HANEY. What is the depth of the waterway under your plan?

Mr. DENEEN. None is provided for. It is left to the commission.

Mr. HANEY. The commission appointed now?

Mr. DENEEN. By the governor.

Mr. HANEY. Senator Lorimer could not designate or determine or control how much would be necessary from the Federal Government, could he?

Mr. DENEEN. No; I think not. I have never given any expression on that. The action of the Federal Government would depend on the cost of the matter. We could not get in a position to negotiate with the Federal Government until we enacted a law under that constitutional amendment, as I was informed and believed. We had to pass some law to get into that position. The Federal Government authorized \$1,000,000 to be appropriated, not for this waterway which the State has under consideration between Lockport and Utica, but below Utica, and the engineers recommended to Congress that none of that should be expended until after Illinois shall have first acted. I think you will find that in the report.

Mr. HANEY. Governor, the first conference that you had with Senator Lorimer at Springfield, in 1909, was, I think you say, the 13th of January, was it not?

Mr. DENEEN. Yes; the 13th of January.

Mr. HANEY. And the meeting of the Republican State central committee was called for, and it did meet on, the 12th?

Mr. DENEEN. On the 12th.

Mr. HANEY. And that was called at your request?

Mr. DENEEN. At my request.

Mr. HANEY. And the request that you made that the State central committee be called was made to Roy O. West, the chairman of the committee, was it not?

Mr. DENEEN. Yes; I conferred with him about it.

Mr. HANEY. And the purpose you had in view was to have the resolution which you drafted and presented to the committee adopted by the committee?

Mr. DENEEN. I do not think it had been drafted at that time; but to get something in that line. We had in mind the matter. I think it was framed later.

Mr. HANEY. And that committee sent for Speaker Shurtleff, did it not?

Mr. DENEEN. It requested him to appear before it.

Mr. HANEY. And he did appear, did he not?

Mr. DENEEN. He did.

Mr. HANEY. And Mr. Shurtleff was then speaker of the house?

Mr. DENEEN. He was.

Mr. HANEY. And Mr. Shurtleff was asked by the Republican State central committee to pledge himself as speaker of the house that certain measures of your administration, or supported by your administration, should be favored by him as speaker?

Mr. DENEEN. He was not.

Mr. HANEY. Was he asked anything except to favor the adoption of the resolution that you drew and presented?

Mr. DENEEN. He was asked to express his views regarding the condition in which our party was at that time and to make suggestions as to what should be done to reconcile the factions and enable the parties to vote as a unit and accomplish the purpose of party organization.

Mr. HANEY. Who did the talking for the committee when Mr. Shurtleff got there?

Mr. DENEEN. I do not recall.

Mr. HANEY. You were there as a member of the Republican State central committee, were you not?

Mr. DENEEN. I think I held a proxy. I was there, sitting as a member.

Mr. HANEY. And you drafted and presented the resolution which you read here yesterday?

Mr. DENEEN. Yes; both.

Mr. HANEY. Do you not remember who talked for the committee when Mr. Shurtleff got there?

Mr. DENEEN. My recollection is that Mr. Thomas J. Healy was presiding when he came. I think he came in the afternoon, and I know Mr. West left at noon. He was the chairman and Mr. Healy presided in the afternoon. I rather think that Mr. Healy was acting as chairman when he came, but I think he came in the afternoon.

Mr. HANEY. Mr. Healy is a member of the sanitary board?

Mr. DENEEN. Yes.

Mr. HANEY. And one of your close personal and political friends, and has been for years?

Mr. DENEEN. For years.

Mr. HANEY. He lives in your congressional district, does he not?

Mr. DENEEN. No. He lives in our town.

Mr. HANEY. Not in your congressional district?

Mr. DENEEN. Not in my present congressional district.

Mr. HANEY. Well, it was the old congressional district?

Mr. DENEEN. The old district from which Senator Lorimer was a Representative years ago.

Mr. HANEY. He did live in your congressional district?

Mr. DENEEN. Years ago; yes.

Mr. HANEY. And he lives in the town of Lake, the town that you lived in then and that you live in now when you are in Chicago?

Mr. DENEEN. Yes.

Mr. HANEY. Was it Thomas Healy who did the questioning of Mr. Shurtleff when he got there?

Mr. DENEEN. As I recall it, the chairman of the committee simply made a statement to Mr. Shurtleff and asked him to express his views. I do not think he was questioned. I think he made a statement and withdrew.

Mr. HANEY. Mr. Shurtleff's views were requested on what?

Mr. DENEEN. On the condition that the party was in in the house.

Mr. HANEY. That was pretty well known without any expressions by Mr. Shurtleff, was it not?

Mr. DENEEN. That was the occasion for calling the State committee together, and the State committee wanted him to justify his conduct, I assumed, and asked him politely to state his views.

Mr. HANEY. His views on what?

Mr. DENEEN. On the factional strife in our general assembly.

Mr. HANEY. Mr. Shurtleff had not done anything in relation to factional strife, had he?

Mr. DENEEN. Mr. Shurtleff had been elected by 25 Republicans and 60 Democrats, and we wanted to know the policy he would pursue in reference to the general assembly in regard to party policies.

Mr. HANEY. Did any members of the Republican State central committee have any legislation that they favored or opposed before that legislature?

Mr. DENEEN. None was discussed at the meeting.

Mr. HANEY. And none that you knew of?

Mr. DENEEN. None that I knew of; no.

Mr. HANEY. You had certain policies that you wanted enacted into law by that legislature?

Mr. DENEEN. Only those that were in my messages and in the platform of the party.

Mr. HANEY. You did have some? That is what I ask.

Mr. DENEEN. Oh, yes.

Mr. HANEY. That is what the Republican State central committee was called together for—to get an expression from Mr. Shurtleff as to what he and his friends would do in relation to your policies before that legislature?

Mr. DENEEN. And to learn—

Mr. HANEY (interrupting). That is right, is it?

Mr. DENEEN. And to learn—

Mr. HANEY. Will you answer that question, first? And then you may add anything else that you want.

Mr. DENEEN. I do not think it was called together to get his views on the situation alone. It was to try and induce the Republicans to stand together as a body on party matters.

Mr. HANEY. I will ask the stenographer to repeat my former question, which you have not yet answered.

(The stenographer read the question referred to as follows:)

Mr. HANEY. That is what the Republican State central committee was called together for—to get an expression from Mr. Shurtleff as to what he and his friends would do in relation to your policies before that legislature?

Mr. DENEEN. I think not. I do not think it was discussed at that time that Mr. Shurtleff would be invited to appear before the committee. When it was called it arose out of the discussion there.

Mr. HANEY. What do you mean by when it was called—it was not known what Mr. Shurtleff's views were?

Mr. DENEEN. I say, when it was called it was not known then or planned to invite him before the committee. He was not considered in that regard, or an expression of his opinion. Your question, as I understood it, was as to whether we called the committee to have him express his views.

Mr. HANEY. What did you have the committee called for?

Mr. DENEEN. The resolution states, that I read. I will read it again, if you wish.

Mr. HANEY. The adoption of that resolution?

Mr. DENEEN. It resulted in that, and that represented its purposes.

Mr. HANEY. Yes; and that resolution, if adopted by the State central committee and agreed to by Mr. Shurtleff, would commit him and his friends in the legislature to your policies before that legislature?

Mr. DENEEN. I think not.

Mr. HANEY. You think not?

Mr. DENEEN. No.

Mr. HANEY. What would it commit them to?

Mr. DENEEN. To the party policies expressed in the platform and in the traditions of the party.

Mr. HANEY. Were they different from your policies?

Mr. DENEEN. I favored most of them.

Mr. HANEY. Then that is what I say.

Mr. DENEEN. I did not assume to speak for the whole party. You wanted to say that they were my policies. The party adopted them in the conventions.

Mr. HANEY. Were they not yours, afterwards?

Mr. DENEEN. They were the policies of every Republican who had accepted election by the Republican Party on the platform.

Mr. HANEY. Were you one of that class?

Mr. DENEEN. I was.

Mr. HANEY. Then they were your policies?

Mr. DENEEN. Not exclusively.

Mr. HANEY. I did not say exclusively.

Mr. DENEEN. I favored them.

Mr. HANEY. Was there any other purpose in calling that committee together?

Mr. DENEEN. None, except the purpose outlined in the resolution, in so far as I had any purpose in it. I do not know what others had.

Mr. HANEY. There was nothing else presented to that committee except that resolution and a request from Mr. Healy, as temporary chairman, to Mr. Shurtleff to express his (Shurtleff's) views.

Mr. DENEEN. As I recall it, no other business was transacted at the meeting. There may have been.

Mr. HANEY. Mr. Shurtleff said to you and to the committee that he had been elected speaker of the house of all parties?

Mr. DENEEN. Yes.

Mr. HANEY. And that he could not act as a partisan for the Republicans or the Democrats or against either, did he not? But would have to act fairly as to all?

Mr. DENEEN. As I recall it, he said he had been elected by the votes of both parties, and that he would have to follow his own judgment on that matter, and that he proposed to act fairly. I think he added that.

Mr. HANEY. Was Mr. Fred Busse at that meeting?

Mr. DENEEN. He was.

Mr. HANEY. And James Pease?

Mr. DENEEN. I do not recall whether Mr. Pease was there or not. I think he was not.

Mr. HANEY. Who represented him?

Mr. DENEEN. I do not recall.

Mr. HANEY. Was it John J. Healy?

Mr. DENEEN. I do not think so.

Mr. HANEY. Who else was there?

Mr. DENEEN. Mr. Campbell was there.

Mr. HANEY. Daniel A. Campbell, now postmaster at Chicago?

Mr. DENEEN. Yes. Mr. Reeves was there.

Mr. HANEY. The late Walter Reeves, former Congressman?

Mr. DENEEN. Yes. Mr. Cowley was there.

Mr. HANEY. Mr. Cowley is from Freeport?

Mr. DENEEN. From Freeport. I do not recall the names of the committeemen. I think I have them here, and I might refresh my recollection as to who was there. I think Mr. Dollarhide was there. I do not recall whether he was a member of the committee or not. There were 25 of them.

Mr. HANEY. One from each congressional district in the State?

Mr. DENEEN. Yes.

Mr. HANEY. Fred Smith or Frank Smith was one of them?

Mr. DENEEN. He was there?

Mr. HANEY. And Roy O. West was there?

Mr. DENEEN. He was there until the noon train, when he left for Chicago.

Mr. HANEY. And Mr. Healy?

Mr. DENEEN. Mr. Thomas Healy was there.

Mr. HANEY. And you?

Mr. DENEEN. Yes.

Mr. HANEY. Mr. Busse, Mr. Campbell, Mr. Frank Smith, and the late Walter Reeves and Mr. Cowley were all friends of Senator Hopkins, were they not?

Mr. DENEEN. Yes.

Mr. HANEY. And they opposed the calling of the committee together, did they not?

Mr. DENEEN. I do not know that they opposed it. I do not think that they were consulted about it.

Mr. HANEY. Did they not give expression to their views when they got there?

Mr. DENEEN. I think they did, after it was called.

Mr. HANEY. And they were very vigorous in opposition to calling the State central committee together for the purpose of coercing, or attempting to coerce, the speaker of the house of representatives, were they not?

Mr. DENEEN. The resolution was discussed by them, but I think amendments were offered and objections made, and some opposition to having the committee called; but that was not expressed so much by talk as by conduct.

Mr. HANEY. Was it generally discussed, and was there not very strong and vigorous expression of opinion by those men and others in opposition to the calling of the committee and the purpose for which it was called?

Mr. DENEEN. I think some of them opposed it.

Mr. HANEY. Did not those gentlemen oppose it?

Mr. DENEEN. They opposed the resolution. Now, as to the character of their speeches, I would say—if you will allow me to break in at this point, I now have the list of names that I mentioned a moment ago.

Mr. HANEY. Very well.

Mr. DENEEN. I think Mr. Perry Ellis was there. Mr. Garrett Kinney was there, I think.

Mr. HANEY. Mr. Ellis is from Quincy and Mr. Kinney from Peoria?

Mr. DENEEN. Yes. And Len Small, I think, was there. I am not sure.

Mr. HANEY. He is from Kankakee?

Mr. DENEEN. Yes; my recollection is not clear. Mr. H. H. Bancroft was there. He came from the Jacksonville district. I think Mr. L. L. Emerson was there. Mr. Fred W. Potter was there.

Mr. HANEY. Mr. Emerson is from Logan County?

Mr. DENEEN. No; Jefferson County.

Mr. HANEY. Is he not now from Logan County?

Mr. DENEEN. No.

Mr. HANEY. Oh; that is the one from——

Mr. DENEEN (interrupting). From Mount Vernon. I think Mr. Mitchell was there.

Mr. HANEY. Mr. Ed Mitchell?

Mr. DENEEN. The State treasurer; yes. I think Mr. Blount was there.

Mr. HANEY. Fred M.?

Mr. DENEEN. Yes. I think Mr. Vail was there. I am not sure of that.

Mr. HANEY. That is your friend from your home ward, or the adjoining ward?

Mr. DENEEN. Yes; that is my best recollection. There were others there, of course.

Mr. HANEY. There were Mr. Reeves and Mr. Busse, Mr. Cowley, Mr. Campbell, and Mr. Smith?

Mr. DENEEN. Yes. This is not a complete list. I do not recall them all.

Mr. HANEY. Was that resolution adopted?

Mr. DENEEN. It was adopted finally, after discussion that lasted, I think, at least six hours.

Mr. HANEY. And practically all of Senator Hopkins's friends opposed it, did they not?

Mr. DENEEN. I think so.

Mr. HANEY. Senator Lorimer did not take any part in that, did he?

Mr. DENEEN. He was not there.

Mr. HANEY. None of his friends were there, were they?

Mr. DENEEN. I do not think so. Looking over the names I think Mr. Biddle was not there, and others.

Mr. HANEY. He took no part in opposition to that procedure or the resolutions prepared and presented by you?

Mr. DENEEN. I do not think his district was represented that day.

Mr. HANEY. Was the State committee called together again for any action of the legislature or its speaker?

Mr. DENEEN. We adjourned, or rather took a recess, between 4 and 6 o'clock, and agreed to have another meeting at 8. The resolution was passed. In the meantime various committeemen were instructed to interview their legislators and ascertain from them the policy they would favor in reference to reconciling differences in getting the party so that they could act as a unit; and we were to report. I think much fewer than a majority of the committee came back, and because of that it was not again convened and the matter amounted to nothing. While the resolution was passed, it was purely a paper resolution, and it resulted in nothing.

Mr. HANEY. You requested the members of the State central committee to go out and talk with the members of the legislature who were present at Springfield, and come back again at 8 o'clock, or whenever the meeting took a recess to?

Mr. DENEEN. I urged them very strongly to do so.

Mr. HANEY. But a majority of the committee did not come back, but went home?

Mr. DENEEN. I think we had fewer than a quorum. It was learned that they could not do anything.

Mr. HANEY. And the opposition was so strong and strenuous that the action of the committee resulted in nothing but a paper resolution?

Mr. DENEEN. And the hope was so futile of accomplishing things, after talking with the members of the house.

Mr. HANEY. Yes. The next day after the adjournment of that committee, Governor, you and Senator Lorimer met at the governor's office in the State capitol?

Mr. DENEEN. Yes.

Mr. HANEY. And that meeting commenced late in the afternoon?

Mr. DENEEN. After 4 o'clock sometime; at 5 o'clock, I think it was.

Mr. HANEY. And that conference between you and Senator Lorimer continued for five hours?

Mr. DENEEN. We remained there until about 20 minutes after 8, and then we went over to the mansion and had dinner together.

Mr. HANEY. You and Senator Lorimer went over to the executive mansion—

Mr. DENEEN. And had dinner.

Mr. HANEY. You invited Senator Lorimer to take dinner with you at the executive mansion?

Mr. DENEEN. Yes; I invited him. We took dinner alone, too. We had been telephoning, and we could not get outside. The reporters

were outside, and finally I invited him to go to the mansion, and we went over.

Mr. HANEY. You did not invite the reporters to go over with you?

Mr. DENEEN. No.

Mr. HANEY. After dinner that night you and Senator Lorimer continued the conference how long?

Mr. DENEEN. I do not recall. We visited and I think most of the conference ended there. That is, we discussed politics. I do not recall. Anyhow, we were there quite a long time together.

Mr. HANEY. You were there until nearly midnight, were you not?

Mr. DENEEN. I noticed the paper said five hours. If we were there that length of time, it was 10 o'clock. I have no independent recollection of when he left.

Mr. HANEY. That interview was brought about by Roy O. West talking with Senator Lorimer and inviting him to meet you?

Mr. DENEEN. I understood it was so; yes.

Mr. HANEY. So that Senator Lorimer did not break in?

Mr. DENEEN. Oh, not at all. Mr. West was talking with Senator Lorimer and former Senator Small and Senator Curtis. He did not break in at all. Mr. West was the man that brought it about.

Mr. HANEY. He was received cordially by you?

Mr. DENEEN. I think so.

Mr. HANEY. And you treated each other in a gentlemanly manner?

Mr. DENEEN. I think so.

Mr. HANEY. During the whole conference?

Mr. DENEEN. Tried to.

Mr. HANEY. And you discussed politics and waterway?

Mr. DENEEN. We discussed our fights, how we had fought each other, and where we had succeeded and where we had failed, and laughed about it, and discussed the men that we thought were—well, discussed the situation.

Mr. HANEY. The man whom you thought was responsible for much of the trouble—that was what you intended to say, was it not?

Mr. DENEEN. Well, we discussed about everybody that was prominent in politics. It was not an unpleasant talk. Any matters that would create a difference we avoided. We had a pleasant talk about former days and of the leaders, and the misfortunes we had suffered.

Mr. HANEY. And the man you had in mind, to whose name you did not give expression, was a high official in the northern part of the State, was he not?

Mr. DENEEN. I do not catch the significance of your question.

Mr. HANEY. You had somebody in your mind, and you were about to give expression to the name of a man. What was his name? If you care to conceal it, I have not—

Mr. DENEEN. Oh, not at all. I do not care to volunteer it, and I do not care to conceal it. I do not care to repeat gossip here. It occurred at a time when each man was talking freely and not expecting to be repeating it; but I am under oath, and I am prepared to answer any question you want to ask. I only want to say this, that I do not care to volunteer matters that were stated at a time

when it was not expected that they would be repeated. But if you want to ask me as an attorney——

Mr. HANEY. That man's name was very prominent then and afterwards?

Mr. DENEEN. We discussed chiefly, I think, the attitude or the conduct of certain State committeemen the day before and that was the real occasion of the call and my disappointment in reference to their conduct. I thought they ought to support me. We were talking and exchanging views about the conduct of the campaign, and exchanged views on a good many things.

Mr. HANEY. You criticized the men in the State central committee who met the day before and refused to support you and your resolution?

Mr. DENEEN. I did; yes.

Mr. HANEY. And they were Fred Busse——

Mr. DENEEN. He was one.

Mr. HANEY. And Frank Smith?

Mr. DENEEN. Yes.

Mr. HANEY. Mr. Cowley and Mr. Reeves?

Mr. DENEEN. I think Mr. Cowley voted with us, but made speeches against us all the time. On the roll call, I think, he voted with us each time.

Mr. HANEY. And Daniel A. Campbell and others?

Mr. DENEEN. Yes. I do not mean to say that in an offensive way. The roll call would not indicate their views. The resolution was passed.

Mr. HANEY. Did you discuss Senator Hopkins and his candidacy?

Mr. DENEEN. I do not recall to what extent we discussed it. I have thought it over a number of times. I am not clear. Of course he was mentioned, but whether at that time or at another time he was discussed at length I do not know. We were some time getting acquainted. We had to talk some time.

Mr. HANEY. You do not mean that it took some time to get acquainted, but that it took some time to renew the old acquaintance?

Mr. DENEEN. To renew the old talk, so that we could talk freely with each other. He avoided things that would be offensive to me, and I did, too, and we discussed matters in that way, and passed along.

Mr. HANEY. Senator Lorimer never to your knowledge, or upon any occasion that you know of, ever said anything unpleasant to or about you?

Mr. DENEEN. Well, I have seen some things in the papers.

Mr. HANEY. You did not believe them?

Mr. DENEEN. I thought, if he had said it, it was in the heat of passion, and compared with other things that had been said, I thought it was rather mild.

Mr. HANEY. Said by others?

Mr. DENEEN. Yes; it was not so bitter.

Mr. HANEY. Do you remember anything that he said, of the slightest disparagement, that the newspapers said he said about you personally?

Mr. DENEEN. Oh, I would not care to repeat that. I read some matters at that time, but I did not think he really had been quoted correctly when I read it.

Mr. HANEY. That is what I mean.

Senator JONES. You do not believe everything you see in the papers or everything you hear in a political campaign?

Mr. DENEEN. No.

Mr. HANEY. That is what I expected you to say, and you have said it in answer to Senator Jones.

Mr. DENEEN. Yes. Our relations have not been bitter. We have had some hard fights, but they have consisted of blows rather than talk.

Mr. HANEY. You had harder fights together than you had in opposition to each other, did you not?

Mr. DENEEN. Yes; we had some hard fights together, too.

Mr. HANEY. When you were both on the same side?

Mr. DENEEN. Yes; for many years.

Mr. HANEY. When was your next conference after the 13th?

Mr. DENEEN. Do you recall when the 17th was? What day of the week—whether Wednesday or Thursday?

Mr. HANEY. No; I do not, but I can ascertain.

Mr. DENEEN. I think it was the next week, but I am not sure.

Mr. HANEY. The next week?

Mr. DENEEN. I think so. I am not sure, but they occurred right along after that.

Mr. HANEY. And that next one and all subsequent ones were either by appointment or agreement or suggestions between you and Senator Lorimer?

Mr. DENEEN. Yes.

Mr. HANEY. And they were all friendly conferences?

Mr. DENEEN. All of them.

Mr. HANEY. You were considerably annoyed, after the meeting of the State central committee on the 12th, at Senator Hopkins and his friends, for the position they took in that meeting toward you and your measures, were you not?

Mr. DENEEN. Considerably disappointed.

Mr. HANEY. You were more than that, were you not?

Mr. DENEEN. Well, I was disappointed very much. I do not know about being annoyed about it.

Mr. HANEY. And did you discuss with Senator Lorimer at the meeting the next day, the 13th, the next day and evening, the probabilities or the possibilities of Senator Hopkins's reelection?

Mr. DENEEN. I do not think it was discussed at that time. I am not sure; but shortly after that he gave me the information that I stated yesterday.

Mr. HANEY. Who gave you the information?

Mr. DENEEN. Senator Lorimer.

Mr. HANEY. What was that?

Mr. DENEEN. That his friends would not vote for Senator Hopkins; and, of course, that would prevent his election if all of his friends refused to vote for Senator Hopkins.

Mr. HANEY. Senator Lorimer did not tell you that his friends would not vote for Senator Hopkins until after the voting had commenced for Senator, did he?

Mr. DENEEN. I say I do not recall just when that conversation was had, but it was had at one time. I think the voting began for Senator on the 20th of January.



Mr. HANEY. The first ballot, in the separate houses, was on the 19th?

Mr. DENEEN. Well, about that time.

Mr. HANEY. And the joint ballot, in the joint session, was on the 20th?

Mr. DENEEN. That is the one I recall, on the 20th, when they got together. That was really the first genuine battle.

Mr. HANEY. Senator Lorimer's friends from his congressional district in the legislature were Kittleman and Schumacher in the house, and Ball and Cruickshank in the senate, were they not?

Mr. DENEEN. From his congressional district?

Mr. HANEY. Those two senatorial districts?

Mr. DENEEN. I think so.

Mr. HANEY. There are two senatorial districts generally in one congressional district in Illinois?

Mr. DENEEN. Yes. I assume that is the case. I do not know exactly. I just assume it. I know Mr. Kittleman is; and the others, I should say so.

Mr. HANEY. I omitted Mr. McNichols.

Mr. DENEEN. I do not understand that he was in that district. I am not familiar with the lines outside of my own neighborhood; that is, the exact lines. I know the localities and alliances and connections better than I do the geographical lines.

Mr. HANEY. Kittleman, Schumacher, Ball, Cruickshank, and McNichols all voted for Senator Hopkins on the first day's separate voting, in the separate houses, and also on the first joint ballot in the joint session, did they not?

Mr. DENEEN. I understand so. That is my recollection, but they all then refused to go into the senatorial caucus on the 19th.

Mr. HANEY. You wanted, when the caucus was held on Senator, and you insisted that if there was a caucus on Senator, it should also include a support of the measures of your administration, did you not?

Mr. DENEEN. No; not that caucus. That was held at the State committee, and when that was abandoned, then we stood for the caucus on Senator. Some of our friends were very much opposed to going into the caucus on Senator after the disappointment in the State committee. I urged them to go in, and I think I induced at least two to go in, and I think more.

Senator FLETCHER. That was held when?

Mr. DENEEN. I think it was the 19th, if I recollect it, the first senatorial caucus, the first day that they voted. The caucus was held the same day.

Mr. HANEY. The first vote in the separate houses was held on the 19th?

Mr. DENEEN. We have the telegram here that I introduced yesterday.

Mr. HEALY. That is the date of the telegram?

Mr. DENEEN. Yes; that is the date of the telegram—the 19th.

Mr. HANEY. The members of the legislature from your congressional district were Church, Fulton, Lundberg, and Kowalski, were they not?

Mr. DENEEN. No; Kowalski represented the congressional district north of us.

Mr. HANEY. Was he not in the senatorial district that lapped over into your congressional district?

Mr. DENEEN. The senatorial district was in both congressional districts.

Mr. HANEY. Yes; that is what I say. They were from your congressional district. I did not say senatorial district.

Mr. DENEEN. Yes; our congressional district runs to Fifty-first Street; the senatorial from Fifty-fifth Street to Thirty-ninth.

Mr. HANEY. Church, Lundberg, Fulton, and Kowalski were the members of the legislature from your congressional district, were they not?

Mr. DENEEN. As I said, Mr. Kowalski is not in our congressional district. He is from the town of Lake. Those districts have been associated together, and formerly a good deal of that was in Senator Lorimer's congressional district.

Mr. HANEY. Who were the members from your congressional district?

Mr. DENEEN. Senator Lundberg was one, and Representative Fulton and Representative Church were the representatives at that time.

Mr. HANEY. Were there any other members of the legislature from your congressional district?

Mr. DENEEN. No; I think not.

Mr. HANEY. Kowalski was one of the Band of Hope, was he not?

Mr. DENEEN. I think he went into the speakership caucus and refused to go into the senatorial caucus.

Mr. HANEY. I asked about the Band of Hope.

Mr. DENEEN. I would not say that he belonged to that body of men who were called the Band of Hope.

Mr. HANEY. He was a friend of yours, was he not?

Mr. DENEEN. Not an intimate friend. He was associated with some of my friends. I did not know Mr. Kowalski well; scarcely knew him.

Mr. HANEY. Was he not one of the 54 who were called the Band of Hope?

Mr. DENEEN. Yes; he went into the first caucus. He came from the district where Mr. Healy was, the man looked to for advice and information.

Mr. HANEY. Thomas J. Healy?

Mr. DENEEN. Yes.

Mr. HANEY. And Church, Fulton, and Lundberg, and Kowalski were members of the Band of Hope, and part of the 54?

Mr. DENEEN. I think Church refused to go into the senatorial caucus.

Mr. HANEY. He was one of the Band of Hope, was he not?

Mr. DENEEN. No; he was one of those opposed to me.

Mr. HANEY. Was he not one of the 54?

Mr. DENEEN. I think he went into the first caucus and not into the second caucus, and was uniformly against our policies at that time.

Mr. HANEY. He lived in your senatorial district?

Mr. DENEEN. Yes. He was engaged as assistant corporation counsel in Mr. Brundidge's office at that time, and Mr. Brundidge was one of those who conducted the fight against me, and Church, I think, too. He was not considered friendly to me.

- Mr. HANEY. Church voted for King for speaker, did he not?
- Mr. DENEEN. I think so.
- Mr. HANEY. You know so, do you not?
- Mr. DENEEN. I could look and see, or have you it there?
- Mr. HANEY. Church, Fulton, and Kowalski all voted for King for speaker.
- Mr. DENEEN. I think all of them did.
- Mr. HANEY. Lundberg is a senator?
- Mr. DENEEN. State senator.
- Mr. HANEY. And he is from your senatorial district?
- Mr. DENEEN. Yes.
- Mr. HANEY. Church is from your own ward, is he not?
- Mr. DENEEN. No.
- Mr. HANEY. The adjoining one?
- Mr. DENEEN. The adjoining one.
- Mr. HANEY. Fulton is in your ward?
- Mr. DENEEN. No; out where I live.
- Mr. HANEY. Neither Mr. Church, Mr. Fulton, nor Mr. Lundberg voted for Senator Hopkins on the first day in the vote in the separate houses, did they?
- Mr. DENEEN. I think they voted according to instructions, and for Mr. Foss.
- Mr. HANEY. Won't you answer the question? I will ask the reporter to repeat the question.
- (The reporter repeated the question as follows:)
- Neither Mr. Church, Mr. Fulton, nor Mr. Lundberg voted for Senator Hopkins on the first day in the vote in the separate houses, did they?
- Mr. DENEEN. I will ask now that the answer be read.
- (The reporter read the answer as follows:)
- I think they voted according to instructions, and for Mr. Foss.
- Mr. HANEY. They did not vote for Senator Hopkins?
- Mr. DENEEN. No; they did not, according to my recollection.
- Mr. HANEY. Mr. Kowalski did vote for Senator Hopkins on the first ballot, did he not?
- Mr. DENEEN. I do not recollect that.
- Mr. HANEY. He never did vote for Mr. Hopkins after that, did he?
- Mr. DENEEN. I do not recall that. I think I saw him but once, and not more than twice during the entire session: scarcely knew him.
- Mr. HANEY. Mr. Fulton and Mr. Lundberg voted for Senator Hopkins on the last ballot, didn't they?
- Mr. DENEEN. Yes, sir.
- Mr. HANEY. Do you know Mr. Abbey?
- Mr. DENEEN. Representative Abbey?
- Mr. HANEY. Yes.
- Mr. DENEEN. Yes; I know him.
- Mr. HANEY. He was a member of the Band of Hope?
- Mr. DENEEN. Yes.
- Mr. HANEY. And Ap Madoc?
- Mr. DENEEN. Yes; he went into the caucus.
- Mr. HANEY. And Mr. Butts?
- Mr. DENEEN. Yes.

Mr. HANEY. And Mr. Church?

Mr. DENEEN. Yes. I think he was a member of that caucus for speaker, but not for the Senator.

Mr. HANEY. Mr. Fulton?

Mr. DENEEN. Yes.

Mr. HANEY. Mr. Hagan?

Mr. DENEEN. Yes.

Mr. HANEY. And Mr. Hull?

Mr. DENEEN. Yes.

Mr. HANEY. And Mr. MacLean?

Mr. DENEEN. He did not go into the senatorial caucus. He went into the first caucus.

Mr. HANEY. He was one of the Band of Hope?

Mr. DENEEN. I say there is no exact definition about that. The real Band of Hope were caucus men, the regular Republicans, who stood for caucus action; and as they did not go in on the Senator I would not so regard them.

Mr. HANEY. He voted for Mr. King for speaker?

Mr. DENEEN. Yes; I think so.

Mr. HANEY. And Mr. Pierson?

Mr. DENEEN. He voted for Mr. King.

Mr. HANEY. And Mr. Price?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And Mr. Reynolds?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And Mr. Sollitt?

Mr. DENEEN. Yes, sir.

Mr. HANEY. All of those voted for Mr. King for speaker?

Mr. DENEEN. I think so.

Mr. HANEY. And Mr. Campbell?

Mr. DENEEN. Yes.

Mr. HANEY. And Mr. Scanlon?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And Mr. Ton?

Mr. DENEEN. I think Mr. Ton did. He did not attend the senatorial caucus.

Mr. HANEY. All of those, 15 in number, voted for Mr. King for speaker, didn't they?

Mr. DENEEN. I think they favored him. The record will show.

Mr. HANEY. All of those, 15 in number, voted for Mr. King for speaker, did they not?

Mr. DENEEN. I think so. Mr. Ton was away a great deal of the time on account of illness in his family; but I think so. They were classified as the so-called Band of Hope and understood to be for Mr. King.

Mr. HANEY. My question is not whether they favored him or not, but didn't they vote for him?

Mr. DENEEN. To the best of my judgment, yes, sir. I can not keep accurate recollection of all of these details, and I do not want to testify at random on these matters and then have to look up the record afterwards and correct it.

Mr. HANEY. Mr. Abbey, Ap Madoc, Butts, Church, Fulton, Hagan, Hull, MacLean, Pierson, Price, Reynolds, did not, nor did any one of them, vote for Senator Hopkins on the first day of balloting, did they?

Mr. DENEEN. I do not know about that.

Mr. HANEY. Well, you have the record, and you can find out.

Mr. DENEEN. I can look it up if you wish me to. I think you have it, and you can read it, and I will take your word for it.

Mr. HANEY. They did not.

Mr. DENEEN. Very well, I will accept that.

Mr. HANEY. If that is not so, you may change it.

Mr. DENEEN. I accept it.

Mr. HANEY. Mr. Campbell, Mr. Scanlon, and Mr. Ton, did not vote for Senator Hopkins on the first day's ballot, did they?

Mr. DENEEN. I accept your statement.

Mr. HANEY. That is the fact.

Mr. DENEEN. I assume that is so.

Mr. HANEY. All of those 15 men were alive and in Springfield on the first day's balloting and the second.

Mr. DENEEN. They were alive; but whether they were there at Springfield, I could not say.

Mr. HANEY. And they were all Republicans?

Mr. DENEEN. All Republicans.

Mr. HANEY. And all voted for Mr. King for speaker?

Mr. DENEEN. I think so.

Mr. HANEY. And all belonged to the Band of Hope?

Mr. DENEEN. I would not say so. I regarded those who held together on the caucus only properly termed the Band of Hope. They were the regular Republicans, and some of these other gentlemen did not go into the senatorial caucus; and I don't know whether they would be termed regular Republicans or not. Everything was so mixed up there; it is pretty hard to classify them.

Mr. HANEY. Senator Hopkins had a majority in the senate on the first day's balloting, in the separate houses, didn't he?

Mr. DENEEN. That is just a general impression; but I assume so.

Mr. HANEY. There is no doubt of it?

Mr. DENEEN. I have no doubt in the world about that.

Mr. HANEY. And if the 15 men that I have just named had voted for Senator Hopkins on the first day's balloting, in the separate houses, Senator Hopkins would have been elected by the vote of the two houses meeting in their separate houses on the first day, would he not, and he would have a majority of two in the house?

Mr. DENEEN. No, sir; providing a number of men who voted for Mr. Hopkins did not change their votes and vote against him, and that is what they would have done.

Mr. HANEY. Of course; but if all the men who did vote for Senator Hopkins on the first day's balloting in the house voted for him as they did, numbering 61, and those 15 had voted for him, it would have made 76, or 2 more than the 74 necessary for a choice in the house on that day, would it not?

Mr. DENEEN. If those men who voted for Senator Hopkins all allowed their votes to stand for him, and then 15 others had voted for him, I assume that your computation would be correct.

Mr. HANEY. If the 15 that I have named there, Abbey, Ap Madoc, Butts, Church, Fulton, Hagan, Hull, MacLean, Pierson, Price, Reynolds, Sollitt, Campbell, Scanlon and Ton, had voted for Hopkins on the first day's voting in the separate houses, it would have made 76 voted for Hopkins, or two more than necessary to have him named in the house on that first day.

Mr. DENEEN. Your addition is correct, but I think your information is not. I do not think the others would have voted for him and allowed their votes to stand, from my understanding and their conduct afterwards.

Mr. HANEY. That may be. It may be somebody had influence enough with them to make them change their votes, if it would necessarily elect Mr. Hopkins, but I say that with the 61 votes that Mr. Hopkins received, if the 15 that you have named also voted for him on that ballot in the separate houses, he would have been elected the next day by a majority of 2, and having a majority in the senate, as you say he had, he would have been elected on the first day's balloting, and it would only require a simple meeting and ratification at the joint session on the next day.

Mr. DENEEN. Fifteen and sixty-one make seventy-six. That is correct so far. I think that is as far as it is correct.

Mr. HANEY. Governor, on the first ballot in the joint session of the legislature for the election of United States Senator, that met on the 25th of January, 1909, Senator Hopkins received 89 votes, did he not?

Mr. DENEEN. I will take your statement on that. I understood he received about 90 votes.

Mr. HANEY. Eighty-nine is what he received.

Mr. DENEEN. Very well; I will accept your statement.

Mr. HANEY. There was a total number of 199 at that time present, were there not, and voting?

Mr. DENEEN. I do not recall that. I will take your statement on that also.

Mr. HANEY. And 100 was the number necessary to elect on that first day's ballot in joint session, was it not?

Mr. DENEEN. No. There was a question whether a majority of all had to vote, or whether a majority of those present. I never took the pains to look it up to see what it was.

Mr. HANEY. We will assume, now, that a majority of a quorum could elect, and there were 199 present, which you say you concede?

Mr. DENEEN. Yes.

Mr. HANEY. And a majority of that would be 100.

Mr. DENEEN. It would.

Mr. HANEY. And Senator Hopkins received 89 votes on that day.

Senator FLETCHER. Eighty-six, is it not?

Mr. HANEY. That is in the separate houses. He received 89 in the joint session. He had 86 later.

Senator FLETCHER. Sixty-one in the house and twenty-six in the senate. That is 87.

Mr. HANEY. On the joint ballot he had 89 when they met in the joint session. Senators Hay, Olson, and Schmidt were friends of yours, Governor, were they not?

Mr. DENEEN. Yes.

Mr. HANEY. Now, Ap Madoc, Butts, Church, Hagan, Kowalski, MacLean, Price, Reynolds, Sollitt, and Ton were members of the Band of Hope?

Mr. DENEEN. Well, I have explained my view on that a number of times. I do not know whether they were called so or not. Some of them did not attend the senatorial caucus.

Mr. HANEY. But they did vote for Mr. King?

Mr. DENEEN. Yes.

Mr. HANEY. And were counted members of the Band of Hope. There were 10 in the house and 3 in the senate, making 13 altogether. None of those 13 voted for Senator Hopkins in the first day's balloting in the joint session on January 20, did they?

Mr. DENEEN. I have no independent recollection of that matter. The record will show. You have it here.

Mr. HANEY. Don't you know subsequently that they did not vote for him on that day?

Mr. DENEEN. I really did not examine those ballots. I read the last one.

Mr. HANEY. And if those 13 had voted for Senator Hopkins on the first ballot in joint session on the 20th of January, 1909, that number added to 89 would make 102, would it not?

Mr. DENEEN. Eighty-nine and thirteen, I think, make one hundred and two. I do not mean to be impertinent, but that has no relation at all to the facts that existed there, in my judgment.

Mr. HANEY. It had relation to the fact that if those 13 had been added to the number that Senator Hopkins did get he would have had 102 and would have been elected on joint ballot on the first ballot on the 20th of January, 1909.

Mr. DENEEN. Taking it for granted that all of your assumptions are true, I suppose the result is true.

Mr. HANEY. He would have had two more than necessary for choice.

Mr. DENEEN. If he had received 102 votes and 100 were necessary for a choice, he would.

Mr. HANEY. Governor, you were asked yesterday this question, and I will read back a little:

Mr. HEALY. What is your recollection as to the action which the legislature finally took, based upon the caucus action?

Mr. DENEEN. In which case?

Mr. HEALY. In any and every case bearing on these questions prior to this time?

Mr. DENEEN. I think it was followed, with the exception of the election of Mr. Shurtleff and the election of Senator Hopkins. I do not recall any other exceptions.

Mr. HEALY. Is it true that at any time during the senatorial deadlock you retarded or attempted to retard in any way the election of Senator Hopkins?

Mr. DENEEN. My friends and I postponed the election of Senator Hopkins, or some of them did, rather, until my matter was settled in reference to the contest on March 17 or 18. A number of my friends felt that Senator Hopkins's friends intended to join and put me out of office, not with his approval and, I think, against his judgment, and it would have been against his advice, if consulted. They felt he would have no influence with those men and that they intended to join and put me out. Some of them were nervous about it. We tried to get them to come into the caucus. Two of them from Hyde Park, Senators Jones and Hull, refused to come into the senatorial caucus, because they believed that would be the result. I telephoned to those men and, after considerable effort, induced them to come into the caucus and to abide by it, and there were others and they abided by it, I understand. In any event, they went into the caucus and voted finally for Senator Hopkins. I think Senator Jones changed his vote a number of times and voted for Mr. Foss, but some of the more active men felt that the senatorial matter should not be settled until the gubernatorial matter was settled. They were interested in a lot of legislation and they felt the matters should be settled together, and I think some of them remained out for that reason.

You remember that answer, do you?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And were those men, those 15, to whom I have called your attention, who were members of the Band of Hope, and who had voted for Mr. King for speaker, the friends that you had in mind when you said yesterday as follows:

My friends and I postponed the election of Senator Hopkins.

Mr. DENEEN. I had in mind principally Senator Jones, who at that time conducted the parliamentary battle in the contest in the senate in my behalf.

I had in mind also Mr. Hull, with whom I talked, and Representative Brady. Mr. Brady did not go into the senatorial caucus, I believe, at first, and I talked with him a number of times, and whether or not I induced him finally to vote for Senator Hopkins I do not know, but I did what I could to induce him to do so, and he voted for him.

Mr. HANEY. Senator Jones and Mr. Brady of the house could not have postponed the election of Senator Hopkins alone, could they?

Mr. DENEEN. No, sir. There were a number of men. Mr. Hull and Mr. Mills and a number of others, and if I would run over the list I would have the men who were very much interested in what was termed the reform program, the progressive program, and a number of them were against Senator Hopkins, and, I think, had voted against him, but they felt that the instructions should bind, and for a time they voted according to the judgments of their districts as expressed, and later voted for Senator Hopkins. To make my answer complete I will say there had been a very bitter contest in certain parts of the town between certain Federal officials and these men, and these Federal officials had opposed very bitterly their nomination, and some of them thought they carried it into the election, and there was considerable heat and bad feeling against Senator Hopkins, because of the men who were holding Federal offices at that time. That was particularly true in Hyde Park, but it was overcome and they went out into the caucus. They did not care about going in at first, and I discussed the matter at considerable length over the long-distance telephone with both of them, and they finally went into it. I am referring now to Senators Jones and Hull.

Senator FLETCHER. Governor, why do you say that if those 13 men that have been mentioned had voted for Senator Hopkins on the 20th, there would have been others who would have left him?

Mr. DENEEN. My judgment is from all I knew at that time and all that has transpired since, that those men who refused to go into that caucus, who were friendly to Senator Lorimer and friendly to Mr. Shurtleff, did not intend to vote for him at all, and voted for him simply so that they could follow out the instructions of their people for a ballot or more, in harmony with the policy of the party as outlined in our first primary law. What they intended to do I do not know; but that was my judgment, and I think it has been followed out. The basis of that is that they all refused on the 19th of January to go into a caucus where the majority would bind the entire party on the

Senatorship; and if they were for Mr. Hopkins, it was plain that he had an overwhelming majority, and he would have been nominated.

Senator FLETCHER. Do you remember how many of the 25 Republicans who voted for Mr. Shurtleff voted for Senator Hopkins on the first ballot?

Mr. DENEEN. Yes; I think so.

Senator FLETCHER. How many?

Mr. DENEEN. If you have the list here, we can tell in a moment.

Mr. HEALY. That is all on this list that was presented this morning, Senator.

Mr. DENEEN. There are several of them, are there not? Could you name them? I think you have them there. I think there are quite a number.

Senator FLETCHER. Your idea, Governor, is that some of those men would have left Hopkins if he had been receiving enough to elect?

Mr. DENEEN. I think so.

Mr. HANEY. What makes you think that, Governor?

Mr. DENEEN. If you will give me the list of those 25, I will tell you.

Mr. HEALY. This list does not show the first vote on the senatorial matter.

Mr. DENEEN. It does not? I would have to look at the list.

Mr. HEALY. We will have that table here to-morrow, showing every single vote, and how each member voted.

The CHAIRMAN. On each ballot?

Mr. HEALY. On each ballot.

Mr. HANEY. Let me ask you, Governor, to see whether you recognize these names as those of the men who voted for Shurtleff. Behrens, Bush—

Mr. DENEEN. Bush, I understand, was very much against Senator Hopkins. Did he vote for him at all?

Mr. HANEY. No; the question is about the men who voted for Shurtleff. These are the 25 who voted for Shurtleff.

Mr. DENEEN. No; pardon me. I may misunderstand you; but I understood you to say that if 13 men had voted for Senator Hopkins who did not vote for him, then he would have had a certain vote which would have elected him. Now we want to get the list of those who voted for him on the first ballot that I thought would have changed their votes. Of course it is just my judgment of the matter.

Mr. HANEY. Pardon me, Governor, if I make use of an old expression and say that you are "getting your babies mixed."

Mr. DENEEN. No; I think not.

Mr. HANEY. I was asking you about the 13. Senator Fletcher asked you about the men who voted for Shurtleff for speaker—the 25—and how many of those men voted for Hopkins.

Mr. DENEEN. Oh; pardon me. I may be mistaken.

Mr. HANEY. That was the question that you were asked to answer, and not in relation to the 13.

Mr. DENEEN. I should have to look at the list to see.

Mr. HANEY. Now, I will ask you to listen to these names and see if you do not recognize the 25 men who voted for Shurtleff: Behrens, Bush, Chipfield, Crawford, Curran, Dudgeon, Erby, Gillespie, Glade, Hope, Ireland, Kittleman, Lane, Lederer, McNichols, Nel-

son, Parker, Schumacher, Shanahan, Smejkal, Stearns, Zaabel, Zinger, and Zipf. Do you recognize those men as being the 25 who voted for Shurtleff?

Mr. HEALY. Judge, was not Zaabel dead at that time? That is what this list indicates.

Mr. HANEY. Zaabel died on the 13th of January; but he was alive on the 6th, and went from a sick bed to Springfield and voted for Shurtleff on that day, and went home from there and died seven days later.

What do you say, Governor?

Mr. DENEEN. I recognize, in a general way, those names. I should have to examine the document there to know.

Mr. HANEY. Is it not a fact that 17 of those men voted for Hopkins, as follows: Behrens, Bush, Chipfield, Crawford, Curran, Dudgeon, Erby, Gillespie, Glade, Hope, Ireland, Kittleman, Lane, McNichols, Nelson, Parker Schumacher, and Zinger?

Mr. DENEEN. The most of those men, in my judgment, would have voted according to the advice of Senator Lorimer.

Mr. HANEY. That is not what I ask you, Governor. You may add that to your answer to my question.

Mr. DENEEN. You have asked for my judgement. I had not completed it. In view of the fact that he was not for Senator Hopkins, I think they would have followed his advice and voted against him. In view of what has transpired since, I do not think Mr. Curran and Mr. McNichols and Mr. Glade and Mr. Zipf, and a number of others whose names you have mentioned—I do not recall them—would have allowed their votes to have remained for Senator Hopkins.

Mr. HANEY. My question is this, Governor, if you will be kind enough to answer it: Is it not a fact that these men—I beg your pardon; I want to take Curran out of that number—is it not a fact that all of the others voted for Hopkins? Is not that the fact, Governor?

Mr. DENEEN. I assume so. You have the record there. I can not carry it in my mind and follow it.

Mr. HANEY. So that 17 of the 25 who voted for Shurtleff for speaker voted for Hopkins for Senator, did they not?

Mr. DENEEN. I do not know; I accept your statement in regard to it. You have the record. I do not recollect it.

Mr. HANEY. And some of those 17 voted for Senator Hopkins all the way through, right up to the last ballot, or including the last ballot?

Mr. DENEEN. I think there were 5, were there not, or about 5?

Mr. HANEY. There were 5 or more who voted for him on the last ballot.

Mr. DENEEN. Yes; 5 or 7 out of the 31 who remained out of the caucus. I think, finally voted for Senator Hopkins.

Mr. HANEY. When did you and your friends, Governor, decide to postpone the election of Senator Hopkins?

Mr. DENEEN. I do not think I can recall any definite time. The matter was discussed. He had not enough votes to elect him. A number of men who had been instructed for Congressman Foss, who was, I think, on the ground at that time or shortly afterwards—at any rate they were in communication with him—did not want to leave

Mr. Foss until they had satisfied their constituents that they had done what they could for him. In fact, they did not want to vote for Senator Hopkins, but intended to on the vital ballot, when it would count, and had gone in the caucus on that theory. They did not expedite matters. There was talk all the time and feverish excitement as to what the outcome of the contest would be on me. It was not so much, I assume, personal feeling as on account of its effect upon the administration. If they elected a Democrat instead of a Republican, it would change everything.

Mr. HANEY. When did you and your friends first discuss the question of postponing the election of Senator Hopkins?

Mr. DENEEN. I do not recall that. It was some considerable time after the vote was started, I think, but I do not know. I did not keep account of it.

Mr. HANEY. When was it with reference to the meeting of the State central committee on the 12th of January?

Mr. DENEEN. I think it was some considerable time after that. I do not know, but I think it was some considerable time after that.

Mr. HANEY. Do you know why the members of the Band of Hope that I have read to you—the 15 who did not vote for Senator Hopkins on the first day's balloting in the separate houses, or on the second day's balloting in joint session—did not vote for him on those days?

Mr. DENEEN. I do not know; no. I do not recall the 15 as you ask the question. It is impossible to keep all those men's names in mind.

Mr. HANEY. Do you want me to read them to you again?

Mr. DENEEN. No. If you choose you may. If you care to read them. I say I can not follow those. Then it is very unsatisfactory, too, to guess at what another man thought. I will give you my impression from his course of conduct.

Mr. HANEY. Approximately, when was it that you and your friends first discussed the question of postponing the election of Senator Hopkins until after your contest was disposed of?

Mr. DENEEN. I do not recall just when. I remember discussing the matter with Senator Hopkins myself and, I think, with his committee and stating that the situation was such that a number of these men who were refusing to vote for him, who had been instructed for Congressman Foss, were doing so because they felt that his friends would at that time abandon me and abandon the contest, and I stated that that was one reason. He was insisting on their changing for him.

Mr. HANEY. My question, Governor, is——

Mr. DENEEN. As to the time?

Mr. HANEY. As to approximately when it was.

Mr. DENEEN. Oh, I can not tell when it was, Judge.

Mr. HANEY. Can you tell what month it was in?

Mr. DENEEN. I could not tell that now; no. It is impossible. It occurred between January and March, or during those months.

Mr. HANEY. Between what time in January and March?

Mr. DENEEN. I can not tell; it would be purely a guess.

Mr. HANEY. Some time in January after the 6th, when the legislature organized?

Mr. DENEEN. I should say a considerable time after the 6th.

Mr. HANEY. But you do not know even approximately when it was?

Mr. DENEEN. No.

Mr. HANEY. With how many of your friends did you discuss the question of postponing the election of Senator Hopkins until your contest was disposed of?

Mr. DENEEN. I do not remember the number. I discussed it with Senator Hopkins. I think it was talked about in the presence of Senator Hopkins and his committee in my office. I could assume with whom I would naturally discuss it, but I do not know that I discussed it with them.

Mr. HANEY. When was that discussion?

Mr. DENEEN. I can not fix the date of that.

Mr. HANEY. Can you fix it approximately?

Mr. DENEEN. I think it was in February, but I do not know. It is purely a guess.

Mr. HANEY. The early part of February?

Mr. DENEEN. I do not know.

Mr. HANEY. What was the discussion between you on the one side and Senator Hopkins and his friends on the other?

Mr. DENEEN. I have just stated it.

Mr. HANEY. What?

Mr. DENEEN. That a number of my friends felt that the two contests should be settled at once, because they feared the attitude, the vote, of a number of men who were supporting him.

Mr. HANEY. You knew that there was a contest on your election as governor on the 6th day of January, 1909, if you did not know it before that, did you not, Governor?

Mr. DENEEN. I think I received notice of it in December. I should have received it, under the law, and I assume I received it, or they could not have filed the contest. Then the actual contest was filed on the 12th or 13th of January.

Mr. HANEY. You know that it was before the 6th of January, the day that the house was organized?

Mr. DENEEN. I expected to have a contest.

Mr. HANEY. You knew that it might be necessary for you and your friends to hold Senator Hopkins and his friends in line for you in your contest before the legislature convened, did you not?

Mr. DENEEN. I knew it would be an advantage.

Mr. HANEY. Yes.

Mr. DENEEN. I can make my answer a little fuller on that point, if you wish.

Mr. HANEY. I have no wish in regard to it, Governor; but if you have any desire to talk, I have no objection.

Mr. DENEEN. During our contest I came to Washington on one of these river and harbor conventions. After I had been here a day I was interviewed by a gentleman who represented the Globe-Democrat, Mr. Keyser, who said that Senator Hopkins had written a letter to Gen. Rinaker, of Carlinville, to the effect that he would not permit me to influence his conduct in reference to the speakership or any of the local matters out in Illinois, and that he would resent it, and I ought not to interfere. He wrote a rather testy letter on the matter. The letter was brought to me for an interview. I had not expected to see Senator Hopkins at all and had not intended to

interview him, but after I got the letter I went to him—he was at the same hotel where I was stopping—and told him that I had not come down here for that purpose, but that I assumed, and all I did assume was, that his friends would go in a caucus and be bound by the caucus; that we did not intend to have him embarrassed by taking sides in a contest in the legislature that did not affect his matter, but we felt that he should go into the caucus and abide by it—that is all. I also told him that I would have assumed he would do that without speaking to him if it had not been for that letter, but that I hoped that he would make it clear to the Republicans of Illinois that I had not come down to intercede with him to help me out in the speakership contest, and he said that he would do so.

Mr. HANEY. You mean in your own contest?

Mr. DENEEN. In the speakership contest. It was then the speakership.

Mr. HANEY. What was the date of Senator Hopkins's letter that you refer to?

Mr. DENEEN. It was published in the Globe-Democrat. My general recollection is that it was about the middle of December. I was here to make a speech at the rivers and harbors convention. It was published, I think, while I was here.

Mr. HANEY. In December, 1908?

Mr. DENEEN. Yes; that would be 1908. It was a letter to Gen. Rinaker.

Mr. HANEY. Did you discuss with Senator Hopkins at that time his position, or that of his friends, on your contest?

Mr. DENEEN. No; I did not. I told him that while we would like to have his help, if he cared to interfere, if it helped him in his fight in the speakership matter we would not object, because we had a majority. We had then, I think, 59 out of the 85 that we depended on, and all we asked was to abide by the will of the majority. If we failed to get the majority, we would not embarrass him in the least. That was the extent of the talk on that subject.

Mr. HANEY. Do you want to be understood as testifying, Governor, that you did not do anything nor did any of your friends do anything to postpone the election of Senator Hopkins until February, 1909?

Mr. DENEEN. That matter was discussed, as I stated yesterday and have stated now, by a number of our friends as to the advantage of having both contests settled—having mine settled and out of the way. It was also known at that time by me—that is, I believed it to be the fact—that Senator Hopkins could not be elected without Democratic votes, after talking with Senator Lorimer. I wanted the matter of having our friends go and vote for him postponed until the two contests were settled—until mine was settled.

Mr. HANEY. On what date did you learn from Senator Lorimer that his friends would not vote for Senator Hopkins?

Mr. DENEEN. I have stated that a number of times. That I can not tell now. I do not think it occurred the first time we talked, and I do not know how soon after that, but shortly afterwards.

Mr. HANEY. Was it the second time you talked?

Mr. DENEEN. Oh, I can not tell that. We talked a number of times, but I can not state that. It would be purely the wildest guess.

Mr. HANEY. Was it the third time you talked?

Mr. DENEEN. The same answer about the third as about the second.

Mr. HANEY. Was it before the 19th or the 20th of January?

Mr. DENEEN. I did not keep a stop clock, nor did I keep a diary, nor did I have a phonograph. I do not know a thing about it. I can not remember. I do not want to be quick in my answers, but it is impossible to remember such matters.

Mr. HANEY. You did have a mind and a memory, Governor; and it is that that I am asking you to deal with in this matter—not a stop clock or a watch. Have you any memory about it?

Mr. DENEEN. I have no definite recollection whatever about it, except my recollection of the conversation.

Mr. HANEY. Have you a general recollection about it?

Mr. DENEEN. I would not want to fix the dates.

Mr. HANEY. Can you fix the dates?

Mr. DENEEN. No; I can not.

Mr. HANEY. Can you fix the dates approximately?

Mr. DENEEN. No.

Mr. HANEY. You can not even fix the month?

Mr. DENEEN. It occurred between January and the settlement of the contest, the 18th of March. When it occurred I do not know. It would be just making a wild guess at such matters; and I do not intend to be driven into making that sort of a guess. I tell you now that I can not fix it in my mind, and therefore I can not answer.

Mr. HANEY. What action or means did you or your friends take to postpone the election of Senator Hopkins until your contest was disposed of?

Mr. DENEEN. I think no action, except they voted for Mr. Foss. That was all the action necessary, and all they did.

Mr. HANEY. Do you mean that it was a mere mental operation that you and your friends had decided to postpone the election of Senator Hopkins until your contest was disposed of?

Mr. DENEEN. What I meant to convey was this: We discussed the matter with men who believed in caucuses and believed in majority rule, but who were voting for Representative Foss, and tried to induce these men to come jointly to Senator Hopkins and then to stay with him. That was finally consummated, and so they did; but it was with great difficulty that we did it. Conferences were had on that repeatedly. They were very reluctant, in my judgment, to vote for Senator Hopkins—very reluctant. It was not a personal matter; it was purely a party matter. They finally voted.

Mr. HANEY. Who were?

Mr. DENEEN. I think there were 10 of them, but I do not recall exactly. It was discussed pro and con. I can only give my general recollection of those matters.

Mr. HANEY. What men, what members of the legislature, were very reluctant to vote for Senator Hopkins?

Mr. DENEEN. I would not want to pass upon that matter. You can bring them down here.

Mr. HANEY. Senators Hay, Holstlaw, and Schmidt were very close to you, politically?

Mr. DENEEN. They were friendly to me.

Mr. HANEY. Did you discuss with any of them the question of delaying or postponing the election of Senator Hopkins until your contest was disposed of?

Mr. DENEEN. I can not say as to the particular ones. I discussed matters with all of them. I discussed matters with Senator Hay, I know, a good deal; but as to what particular conversation I had with him on this phase of the matter I do not know.

Mr. HANEY. Senator Hay is a member of the Helm committee?

Mr. DENEEN. He is.

Mr. HANEY. And he is very close to you politically, is he not?

Mr. DENEEN. Well, we are friendly.

Mr. HANEY. Very friendly?

Mr. DENEEN. I feel very friendly to him and I think he does to me.

Mr. HANEY. And he does to you?

Mr. DENEEN. I think so. I hope so.

Mr. HANEY. Did you discuss with Roy O. West the question of the postponement of the election of Senator Hopkins until your contest was decided?

Mr. DENEEN. I think I did. I take it for granted that I would.

Mr. HANEY. When did you discuss that with him? In December, January, or when?

Mr. DENEEN. I could not say about that. Certainly not in December. But the date I could not say.

Mr. HANEY. You and Roy O. West knew in December when notice was served upon you that a contest would be made on you, that it would be quite important to have Senator Hopkins and his friends, or somebody else and their friends, who had enough votes, with what you and your friends controlled, to decide your election, did you not?

Mr. DENEEN. You are mistaken about that. We did not regard the contest seriously until Mr. Shurtleff was elected speaker, because they felt that they could not specify anything; and we assumed that the majority would rule, as it had theretofore in our party; and if the Republicans organized the house and also organized the senate, with the majority they had, it did not seem to me that the contest would amount to anything, because, so far as I knew, there were no grounds for the contest. So that it was not discussed as a serious matter until Mr. Shurtleff was elected. Then it became a serious matter, and when we found that they had 85 men or 91 men that were prepared to take such unusual ground, then all sorts of rumors were circulated, and men began to get nervous about the situation.

Mr. HANEY. You had notice served on you in December?

Mr. DENEEN. I assume I had, because the law provides for it. I assume that he laid the foundation.

Mr. HANEY. You and Roy O. West did know, then, on the 6th of January, 1909, that there was a serious question before you in the contest that was made on you, and that it would be necessary to have more votes than you then were able to control in order to decide your contest in your favor, did you not?

Mr. DENEEN. Not serious at all, if the Republicans organized the house.

Mr. HANEY. No; but I say on the 6th, after Mr. Shurtleff was elected, you and Roy West did know that it was serious, did you not?

Mr. DENEEN. I did. I do not know what he did. I did.

Mr. HANEY. Roy West was in Springfield at that time, was he not, and in consultation and conference with you?

Mr. DENEEN. I think that he was not there on the 6th. I think he left the night of the 5th, when the King caucus was called, and he went home.

Mr. HANEY. He went back immediately, did he not, after the organization of the house?

Mr. DENEEN. After the caucus. I do not think he waited for the——

Mr. HANEY. I mean, he went back to Springfield again immediately after Shurtleff was elected?

Mr. DENEEN. I assume he was elected on Wednesday. He could not likely go back until the following week, as everybody went home on that night or the next morning. I can not place it. I just answer from my general knowledge of the way things were conducted. They usually met on Wednesday and organized, and most of them got out that night. My testimony on that is just from custom.

Mr. HANEY. Did you go to Chicago between the 6th and the 12th?

Mr. DENEEN. I do not know.

Mr. HANEY. Roy West was in Springfield on the 12th of January, was he not?

Mr. DENEEN. He was there until noon.

Mr. HANEY. And he was there some days before the 12th, was he not?

Mr. DENEEN. I think he came down in the morning.

Mr. HANEY. On the morning of the 12th?

Mr. DENEEN. That is my general recollection.

Mr. HANEY. And you and he discussed the seriousness of the contest that was being made on your election?

Mr. DENEEN. We were discussing the matter of organizing——

Mr. HANEY. I did not ask you what else you discussed.

Mr. DENEEN. I assume we discussed it. I do not recall any features of it.

Mr. HANEY. Yes. You did discuss with Roy West on several occasions after that and before the 19th of January, the contest that was made on you, did you not?

Mr. DENEEN. I assume so.

Mr. HANEY. And you employed an attorney, did you not, to represent you?

Mr. DENEEN. Yes.

Mr. HANEY. That was Orville P. Berry, was it not?

Mr. DENEEN. Orville F. Berry.

Mr. HANEY. He is now one of the railroad and warehouse commissioners by your appointment, is he not?

Mr. DENEEN. He is; yes.

Mr. HANEY. He was appointed shortly after that by you?

Mr. DENEEN. Some time after that.

Mr. HANEY. You and Mr. Berry and Mr. West had numerous conferences and consultations, did you not, after the 12th?

Mr. DENEEN. I do not think that Mr. Berry and Mr. West and I had any conferences. Mr. Berry and I had several.

Mr. HANEY. Do you remember whether Mr. Roy O. West went and talked with other members of the legislature before the 19th or the 20th of January about the seriousness of your contest and what might happen if Senator Hopkins was elected Senator before your contest was disposed of?

Mr. DENEEN. No; I do not know.

Mr. HANEY. You do not know anything about that?

Mr. DENEEN. I do not know; no. I could not say.

Mr. HANEY. What is that?

Mr. DENEEN. I say I do not know anything about that, as to what he did.

Mr. HANEY. What did you or your friends do to postpone the election of Senator Hopkins until your contest was decided?

Mr. DENEEN. The 10 men—I think there were 10, or some number about that—who afterwards voted for Senator Hopkins, I think, continued to vote for Mr. Foss. I would have to refresh my recollection as to whether there were that many. I could not name them. I have been thinking while you have been asking questions, and I can not enumerate 10 of them. But whatever was done, that was all that could be done, of course.

Mr. HANEY. That is, 10 of your friends voted for Mr. Foss?

Mr. DENEEN. Now, you have assumed the matter that I have stated I did not know. There was some number about like that.

Mr. HANEY. Did you not mention 10?

Mr. DENEEN. Some number like that. I could not enumerate them. I can not recall three. I would have to examine the matter and think it over.

Mr. HANEY. Those 10 continued to vote for somebody other than Mr. Hopkins up to the last ballot, did they not, not including the last?

Mr. DENEEN. I do not think that is so.

Mr. HANEY. Who were those 10?

Mr. DENEEN. I say I do not remember them; but I think after a number of ballots had been taken, 30 or 40, they went to Senator Hopkins—I have a vague recollection—and then went back. I think they went for him on one or two occasions, and they drifted back to Foss; but all the time it was known by Senator Hopkins, and, I think, published, that they would ultimately go with him on the test vote, and went with him. I think there were about 10, but I am not certain on that matter. There may have been more.

Mr. HANEY. Do you know any other thing that was done by you or your friends to postpone the election of Senator Hopkins?

Mr. DENEEN. Nothing. No, sir. I do not recall it.

Mr. HANEY. Those 10 men did vote for Senator Hopkins on the last ballot, the one on which Senator Lorimer was elected, did they not?

Mr. DENEEN. Whatever the number was; yes. I think so.

Mr. HANEY. Was not the number 13 or 15, Governor?

Mr. DENEEN. I do not recall. By examining the matter and the votes I assume it would refresh my recollection, but I have no distinct recollection of that. I have been engaged in other business besides looking at those records.

Mr. HANEY. Were Hay, Olsen, and Schmidt any of those 10?

Mr. DENEEN. I noticed in getting up material here that Senator Schmidt did not vote. At least, he did not appear to vote. I do not know why.

Mr. HANEY. He did not vote at all?

Mr. DENEEN. He did not vote. I do not know why. I have no recollection as to whether he was ill or engaged in court. He died afterwards.

Mr. HANEY. He did not die until long after that?

Mr. DENEEN. A year elapsed, I think. I do not know why he was not there.

Mr. HANEY. Were Hay, Olsen, and Schmidt any of the 10 men that you have in mind?

Mr. DENEEN. I have more in mind the matter of Senator Jones and his friends. He was doing all of the organizing of those men.

Mr. HANEY. I know. You have answered something that I did not ask you, and you did not answer what I did ask you, Governor.

Mr. DENEEN. I was trying to convey what I had in mind.

Mr. HANEY. I would like to have you talk about the same thing that I am talking about, and we will get along more quickly. Otherwise we have to come back to my question again.

I will ask the stenographer to read my former question.

(The stenographer thereupon read the question, as follows:)

Mr. HANEY. Were Hay, Olsen, and Schmidt any of the 10 that you had in mind?

Mr. DENEEN. I had in mind Mr. Jones and his friends. I think that is a definite answer.

Mr. HANEY. But you have not told me whether they were, either or any of them, any of the 10.

Mr. DENEEN. I can not say whether or not I had those men in mind. Mr. Jones was the man who was directing the matter. He is the man I have in mind. We depend on him for those men.

Mr. HANEY. Oh! Mr. Jones was the leader, then, and you depended on him, and he went out and arranged with others, did he?

Mr. DENEEN. No; I would not say that; but I gathered my impression from him. I was not so actively engaged in this matter as your questions would seem to indicate. I was the recipient of a great deal of advice and information, but I was not out lobbying. I did not go to the hotels, I think, but once, in the entire session, and I think that was in the extra session. I did not meet these men, except as they called upon me, and I was not around the lobbies. I was in neither house. I was not in the committee, and I did not stay in the hall and talk to them, but only met the men who came to me, and gathered information such as drifted into the office.

Mr. HANEY. You depended on Senator Jones or Roy West, or some other friend—

Mr. DENEEN. Senator Jones—

Mr. HANEY (continuing). To do the things that you thought should be done?

Mr. DENEEN. I depended on him for the information coming from those with whom he was directly associated. Mr. Hull, who was chairman of the Republican caucus, as I remember, furnished information from those in the so-called Band of Hope. He was the chairman of the caucus. Mr. King was the nominee for speaker. Mr. Hull was there very often, and he called and gave his views, and gave information.

Mr. HANEY. Were Mr. Reynolds, Mr. MacLean, Mr. King, Mr. Ap Madoc, and Mr. Price, members of the Band of Hope and voting for King?

Mr. DENEEN. I can just repeat the answer that I have given a number of times to that, that those men, when in this caucus, as I understand, voted for King, and then remained out of the caucus on Senator. Whether you would call them members of the Band of Hope, I do not know. You would have to leave that to the members.

Mr. HANEY. They were friends of yours, were they not?

Mr. DENEEN. They were friendly in some matters, and not so friendly on others.

Mr. HANEY. Reynolds, MacLean, King—King was the caucus nominee, was he not?

Mr. DENEEN. He was the caucus nominee.

Mr. HANEY (continuing). And Ap Madoc and Price were two of the Hyde Park members, were they not?

Mr. DENEEN. No. Mr. Price came from Senator Hopkins's own district.

Mr. HANEY. Oh, yes. And Ap Madoc?

Mr. DENEEN. Ap Madoc was from the district in the sixth ward of Chicago, South Thirty-ninth Street.

Mr. HANEY. Reynolds, MacLean, and King, Ap Madoc and Price were five of the nine members of the contest committee that had your contest?

Mr. DENEEN. Who were they?

Mr. HANEY. Reynolds, MacLean, King, Ap Madoc, and Price.

Mr. DENEEN. I think those were the members.

Mr. HANEY. Those were the members appointed by Speaker Shurtleff?

Mr. DENEEN. Yes.

Mr. HANEY. And they were all friendly to you?

Mr. DENEEN. I do not know that they were unfriendly; I considered them friendly.

Mr. HANEY. Donahue, Hruby, Murphy, and Walsh were the Democrats?

Mr. DENEEN. I think so, if I remember right.

Mr. HANEY. And the senate committee was appointed entirely by your friends, was it not?

Mr. DENEEN. I do not know who appointed them. You can read the members.

Mr. HANEY. Breidt, Gardner, Jones, Potter, Erby, McKenzie, Hearn, Ireland, and the famous Holstlaw.

Mr. DENEEN. Yes; I do not know who appointed them; whether they were appointed by resolution or by the presiding officer.

Mr. HANEY. But your friends controlled the senate by a large majority, did they not?

Mr. DENEEN. No; I think they had a majority of the Republicans, but not a majority of the senate. I think they had about 18 or 19 members. I am not sure of that. But I am quite sure that they had a majority in our party.

Mr. HANEY. Five of the nine members of the house that were appointed by Shurtleff to deal with your contest were friends of yours, were they not?

Mr. DENEEN. Well, now, I do not recall just who they were. Will you name them again, please?

Mr. HANEY. Reynolds, MacLean, King, Ap Madoc, and Price?

Mr. DENEEN. Mr. MacLean stayed out of the caucus. Ap Madoc did. Mr. Price I scarcely knew, and I scarcely knew Mr. MacLean. I knew Mr. Ap Madoc, but not well. Mr. Reynolds came from territory that was very friendly, and had been a candidate for speaker, and had failed. I think he had been a candidate. Anyway he was friendly, I think.

Mr. HANEY. They were very friendly to you, were they not, Governor?

Mr. DENEEN. I do not know of their being unfriendly. I do not know what they would have done on matters.

Mr. HANEY. Did you think, or do you think now, that any one of those men would have voted to throw you out of your seat as governor?

Mr. DENEEN. Not on the testimony that could be adduced or the evidence.

Mr. HANEY. You were not afraid?

Mr. DENEEN. No; nor of anybody else.

Mr. HANEY. Or of any of these five Republicans that formed the majority of that committee appointed by the house to deal with your contest, were you?

Mr. DENEEN. That committee was appointed in February, and when it was appointed I thought it was a fair committee.

Mr. HANEY. You think so now, do you not?

Mr. DENEEN. I think so.

Mr. HANEY. They reported in your favor, did they not?

Mr. DENEEN. They reported that they had asked the petitioners to file specific charges, and that they filed nothing but the petition and offered nothing but the petition, and therefore they recommend that it be dismissed. It would be just like a lawsuit where they offered nothing but the declaration. There was nothing else to do.

Mr. HANEY. There was not a Lorimer man on that contest committee, was there, Governor?

Mr. DENEEN. Well, you mean who voted for Shurtleff for speaker? There were several of them.

Mr. HANEY. I mean what I said, Governor.

Mr. DENEEN. It is just a dispute about definitions. I have in mind the Shurtleff bipartisan organization. If you call that Lorimer, I would say yes. If you do not, there is another answer.

Mr. HANEY. I mean what I say, Governor. Will you be kind enough to answer the question?

Mr. DENEEN. I am testifying to what I mean. Who are the Democrats there? Hraby was friendly to Senator Lorimer.

Mr. HANEY. I am asking about Republicans?

Mr. DENEEN. Oh! I think Price was friendly to him, and I think MacLean was.

Mr. HANEY. Was not Price a Hopkins man?

Mr. DENEEN. I think not, but I do not know. He came from Hopkins's district, but I think he was against him. I think he made a canvass against him.

Mr. HANEY. Was he not the close friend of your close friend, Colonel, now Congressman, Copley?

Mr. DENEEN. I think he was friendly to Col. Copley and unfriendly to Senator Hopkins.

Mr. HANEY. Was Reynolds a Lorimer man?

Mr. DENEEN. No.

Mr. HANEY. Was MacLean?

Mr. DENEEN. I think he voted for him, did he not?

Mr. HANEY. Did you consider him a Lorimer man?

Mr. DENEEN. I did not know at that time MacLean's attitude. I understood that Mr. Weber, who was the leader to whom you have referred, had opposed his candidacy. At least, so I understood. And I did not know what attitude he would have toward me on account of that. While I was not directly concerned, sometimes I suffered by reason of those matters. My recollection is that Mr. Weber opposed his candidacy, and that he was elected in that way. I am not sure about that.

Mr. HANEY. Did he not vote for King for speaker?

Mr. DENEEN. I think he did.

Mr. HANEY. You know he did, do you not, Governor?

Mr. DENEEN. Read those who voted for him and I will take your statement.

Mr. HANEY. I will tell you that he did, and you can verify it or contradict it.

Mr. DENEEN. I will accept your statement.

Mr. HANEY. Mr. Reynolds voted for King, did he not?

Mr. DENEEN. I think so.

Mr. HANEY. And King was a candidate himself, was he not?

Mr. DENEEN. Yes.

Mr. HANEY. And Ap Madoc voted for King, did he not?

Mr. DENEEN. Yes.

Mr. HANEY. And Price voted for King?

Mr. DENEEN. Yes.

Mr. HANEY. Were Donahue, Hrubby, Murphy, or Walsh Lorimer men?

Mr. DENEEN. I do not know how many of them voted for the Senator, but some of them did, I am quite sure.

Mr. HANEY. Do you not know that Donahue said that he did not vote for him and would not vote for him and would not vote for any Republican; but if he voted for any Republican he would vote for Lorimer, but he would not vote for Lorimer under any circumstances?

Mr. DENEEN. No; I do not know what he said about that.

Mr. HANEY. Do you not know that he so testified before the former senatorial committee in Chicago?

Mr. DENEEN. No, sir.

Mr. HANEY. You know that he did not vote for Lorimer?

Mr. DENEEN. You read it, and I will take your statement. I know nothing about Mr. Donahue.

Mr. HANEY. Mr. Hrubby did not vote for Lorimer, did he?

Mr. DENEEN. I thought so. I think so.

Mr. HANEY. William Murphy did not?

Mr. DENEEN. One of the Murphys did. I do not know which one.

Mr. HANEY. William did not?

Mr. DENEEN. I do not know.

Mr. HANEY. Mr. Walsh did not, did he?

Mr. DENEEN. I thought so.

Mr. HANEY. Do you know anything about it?

Mr. DENEEN. No. I can not keep it in mind. You have a record there. I thought he did.

Mr. HANEY. The five men appointed by Shurtleff on your contest committee, or the committee that had your contest in charge, and who voted against Shurtleff for speaker, were Reynolds, MacLean, King, Ap Madoc, and Price, and they were a majority of that contest committee in the house, were they not?

Mr. DENEEN. I do not know the committee. What was the number of the committee?

Mr. HANEY. There were nine.

Mr. DENEEN. Then they were the majority. [Laughter.] I did not mean to question the matter. I can not recollect all of those matters.

Mr. HANEY. They were appointed also by Shurtleff, as well as being nine in number?

Mr. DENEEN. Well, I suppose so.

Mr. HANEY. And they did not vote for Shurtleff for speaker, did they—the five Republicans?

Mr. DENEEN. I accept your statement on that, that they did not.

Mr. HANEY. You advised your friends to vote for the candidate for United States Senator who got the most votes in their particular senatorial districts, did you not, Governor?

Mr. DENEEN. No. The first advice was the advice that is incorporated in the Republican State platform, wherein Senator Hopkins was indorsed; and I helped to draw the platform, or outline it. That was the first advice. Then, later, when these men did not vote for him, they of course went on as I have told.

Mr. HANEY. Did you advise any of your friends to vote for the candidate for United States Senator who received the highest vote in their particular senatorial districts?

Mr. DENEEN. I do not recall that. It may have been done after they refused to vote. I asked them to keep on voting until we could get them in a block and vote as a unit and hold out together until the contest. There was some discussion of that matter. I think at that time my friends were very nervous on that matter of the contest. The fact is it had worn along to such an extent that it seemed to me to be futile to go on as governor, and we could not accomplish anything at all, and it drifted along under those conditions.

Mr. HANEY. You and your friends then did advise the members of the legislature who were friendly to you to vote for the candidate for United States Senator who received the highest number of votes in their respective senatorial districts, did you not?

Mr. DENEEN. After the vote had gone on, that was done. There was no advice given until after they had started to vote that way. I advised them to go into a caucus, and abide by the will of the caucus, and vote as a unit, and did all I could to get them into the caucus which occurred after the 19th of January. Afterwards, when it drifted along, and they refused so to do, then the matter was discussed as I have outlined.

Mr. HANEY. And you and your friends advised them to vote for the candidate for Senator who received the highest number of votes in their respective senatorial districts?

Mr. DENEEN. That is my recollection, that that was discussed, and that policy was pursued.

Mr. HANEY. Your contest was decided on March 18?

Mr. DENEEN. March 17 or 18. I think it was the 18th.

Mr. HANEY. You say you discussed with Senator Lorimer, in some of those conferences that you had with him, the contest that was made on you, and you said that Senator Lorimer treated that contest very lightly?

Mr. DENEEN. I said that he treated it lightly at last. First we discussed the matter in a general way, and he did not express his opinion about it. It was discussed in a very general way.

Mr. HANEY. He treated the contest against you very lightly?

Mr. DENEEN. About the time the committee was appointed; yes.

Mr. HANEY. And he did all the way through, did he not?

Mr. DENEEN. I do not think it was discussed until we had gotten pretty well acquainted anew, some time after he called. I could not fix the time, but it must have been about the time the committee was appointed.

Senator GAMBLE. What was the date of the appointment of the committee?

Mr. DENEEN. The 13th of February.

Mr. HANEY. Was it not the 10th?

Mr. DENEEN. Was it not the 13th?

Mr. HANEY. The resolution was adopted by the house on the 10th of February and in the senate on the 11th.

Mr. DENEEN. And when was the committee appointed—the 13th, was it not?

Mr. HANEY. I think it was either the 12th or the 13th.

Mr. DENEEN. Yes; about that time.

Mr. HANEY. You said that there were votes enough in the legislature to oust you as governor?

Mr. DENEEN. I thought so.

Mr. HANEY. And you expected to be ousted, did you?

Mr. DENEEN. I did not know.

Mr. HANEY. You said yesterday that you told Senator Lorimer that he had the power, he and his friends, to oust you as governor.

Mr. DENEEN. That is my recollection.

Mr. HANEY. You felt that way, did you?

Mr. DENEEN. I thought he had the power; yes.

Mr. HANEY. You were not afraid he would exercise that power, were you?

Mr. DENEEN. I did not ask him.

Mr. HANEY. That is, you did not think it serious enough to ask him, although your relations and the Senator's were very friendly?

Mr. DENEEN. No; I did not feel that I was justified, from the relations that I had had with him, to ask him that question.

Mr. HANEY. You say you and he were very friendly?

Mr. DENEEN. The relations became friendly.

Mr. HANEY. They had always been friendly, had they not?

Mr. DENEEN. They had not been unfriendly, personally, but I think we had not associated together in the way of having any conferences alone, where politics was discussed, for five or six years; not since a very considerable time before my first nomination.

Mr. HANEY. You said that your friends were very nervous and very much disturbed about the contest on you?

Mr. DENEEN. So much so that, as I stated, they would not go into a joint session according to the provisions of the constitution, but insisted on going in a canvassing board, and they walked out in a body when they declared it to be a joint session, against the understanding had before. I did not advise that, but that indicated how nervous they were about it.

Mr. HANEY. That is, they violated the constitution of the State and their oaths of office to support it, in order not to take part in the canvass?

Mr. DENEEN. I think your question is beyond the fact—outside of the facts.

Mr. HANEY. They did violate the constitution, did they not?

Mr. DENEEN. I think not, if the construction which they all agreed on was followed, that the canvassing board should be the meeting of two legislative bodies in the same place, acting independently, rather than any joint session, they not only did not violate it, but followed the law, and when it was declared a joint meeting, then some question was raised as to whether the law was violated.

Mr. HANEY. Did you not say yesterday that they were so nervous about the matter that they violated or refused to obey the constitution and go into a joint session with the house to canvass the vote?

Mr. DENEEN. I can give you the exact facts here in a minute. I supposed you would ask that and I just looked it up to see.

Mr. HANEY. You thought there was danger. You and I seem to have agreed on it.

Mr. DENEEN. I did not think there was any danger, but I thought you would ask it. If you will excuse me just a minute, I think I have that. No; I see I have not a note on that. I will find it in a minute.

Mr. HANEY. Well, Governor, they were so nervous about the matter that they refused to go into a joint session with the house, as provided by the constitution of Illinois, to canvass the returns for the election of State officers. That is the fact, is it not?

Mr. DENEEN. They refused to go in to make a canvassing board; that is it.

Mr. HANEY. And they did not go in until when?

Mr. DENEEN. My recollection is that it was some time after the 10th of January—several days afterwards. I had it here accurately.

Mr. HANEY. Was it not considerably later than the 10th?

Mr. DENEEN. I thought it was at first, and I was surprised when I looked at the date to find it was not so. I thought it was several weeks after, and I think it appeared to be several days.

Mr. HANEY. During that time your friends were very nervous about the contest against you?

Mr. DENEEN. After Mr. Shurtleff was elected we did not know what to expect, and we had no facilities for finding out; and, of course, the worst was thought to be the policy that they would pursue. We did not know what it would be, or what would be done.

Mr. HANEY. The policy that you would pursue?

Mr. DENEEN. Mr. Shurtleff and his friends and Mr. Lorimer's.

Mr. HANEY. And in that nervous condition, and the discussion of it between you and your friends, the question that made you nervous was whether or not you and your friends would be able to muster enough votes to win the contest?

Mr. DENEEN. We were looking over the votes that we had there and trying to conserve our strength and to have an opportunity to have the matter heard; and we were discussing the matter. I think, at that time or trying to get an actual count of the votes. I think that was the thing we were trying to pass.

Mr. HANEY. And you were not certain that you had sufficient votes to determine the contest in your favor?

Mr. DENEEN. Mr. Shurtleff had 85 votes, and the Troyer vote was 5—3 who would vote against us, certainly, and 2 who were doubtful. That would make 88. Shurtleff did not vote for himself, and that made 89. They counted up 91 that would be sure to be against us. Add to that the senate vote, and it was plain that we were at the mercy of men who, if they cared to dislodge me, could do so. Whether they intended to do so we did not know.

Mr. HANEY. Then there was power resting in those men, those ninety-odd men, to put you out of the office of governor, and there was no appeal or review of their decision?

Mr. DENEEN. I thought so.

Mr. HANEY. And your friends thought so, too, did they not?

Mr. DENEEN. I think some of them did.

Mr. HANEY. And during that time of nervousness and uncertainty, you and your friends were trying to get all the votes that you could get cinched, to use a slang expression, in favor of your retaining your seat as governor?

Mr. DENEEN. We were trying to get accurate knowledge of the conditions, and that took some time. I met the Senator on the 13th of January, and we just talked in a general way, although for a long time. I did not feel disposed to ask for definite information, and I do not think I acquired it, and we cast about to find out how men would vote, and such conditions, and also to ascertain whether a program had been arranged upon between the 60 Democrats and the 25 Republicans in reference to me and my administration, and with reference to everything else that related to the legislature, and that took considerable time before we came to any definite conclusion; about how long I do not know.

Mr. HANEY. And during that discussion and investigation, and so forth, was there any uncertainty on your part or that of your friends as to how any of Senator Hopkins's friends would vote on your contest?

Mr. DENEEN. Well, I had supposed that those who voted with Speaker Shurtleff would vote against me.

Mr. HANEY. Although they were friends of Senator Hopkins?

Mr. DENEEN. They were voting for Senator Hopkins.

Mr. HANEY. And you wanted to prevent the election? You and your friends wanted to postpone the election of Senator Hopkins until your contest was decided, so as to hold those men in line who favored Hopkins for Senator but might not favor you for governor?

Mr. DENEEN. No: I did what I could to have a Republican caucus held on the 19th of January on the senatorship, wherein the senatorship would be decided by a majority vote and where all would be bound, notwithstanding the vote for Speaker Shurtleff on the 6th of January, and notwithstanding the vote in the State committee on the 12th of January. But afterwards, when we failed to get enough in Republican caucus, when 31 refused to come in, it was then that

they allowed the men to go on and vote after that time for Mr. Foss until they could gather them together. That was the situation.

Mr. HANEY. When you say "they" allowed then to go on and vote for Foss, whom do you mean?

Mr. DENEEN. The leaders in the senate and house.

Mr. HANEY. Your friends?

Mr. DENEEN. They were friends of mine.

Mr. HANEY. You and your friends knew on the 19th, or 20th, at least, of January, that there would not be a caucus that would bind all the Republicans, and that 31 of the Republicans would not go into the caucus, did not you?

Mr. DENEEN. I did not not know it until after it occurred.

Mr. HANEY. I say on the 19th or 20th, after that caucus; after the 31 Republicans refused to go into it?

Mr. DENEEN. When the 31 Republicans refused to go into the caucus, it was plain that Senator Hopkins could not be elected unless some men there changed their minds.

Mr. HANEY. And you knew that on the evening of the 19th, did not you, before the ballot for Senator in the separate houses?

Mr. DENEEN. No; not as to the number.

Mr. HANEY. When was it?

Mr. DENEEN. When it was announced. They had their caucus on the 19th. I assume I had information about it right afterwards. I do not know that. I just assume that an important matter like that would be confided to me. I have no distinct recollection of it.

Mr. HANEY. Do you say only 31 refused to go into the caucus?

Mr. DENEEN. I think 31 in the house and 9 in the senate; or 8, was it not? Thirty-nine refused to go in. That is my recollection.

Mr. HANEY. What does Mr. Healy say about that?

Mr. HEALY. I supposed the governor was referring to the telegram which was handed to the reporter yesterday. I have no knowledge and no recollection about it.

Mr. DENEEN. We have a telegram giving the number and names so there can be no mistake about it.

Mr. HANEY. I do not object to Gov. Deneen appealing to Mr. Healy, only I wanted to know what his answer was, and I was not looking at him.

Mr. HEALY. I have not made any answer, because I have no information about it.

Mr. DENEEN. I nodded to him in order to get the telegram.

Mr. HANEY. There were 39 or 40 Republicans?

Mr. DENEEN. I think there were 39. That is my best recollection.

Mr. HANEY. You say 39 Republicans refused to go into the caucus on the senatorship?

Mr. DENEEN. Yes.

Mr. HANEY. They were not all controlled by Mr. Lorimer, were they?

Mr. DENEEN. No.

Mr. HANEY. By whom were they controlled?

Mr. DENEEN. I could not state that as to all of them.

Senator KENYON. Was everybody in the legislature controlled by somebody?

Mr. DENEEN. No; that is the trouble about answering his questions. I should like to answer more fully, but he assumes so much

in a question. Nobody controls them. They were influenced by certain men, but not to the extent of owning them and labeling them, as they label pure food.

Mr. HANEY. You know what is meant by "controlled," "influenced," or any other milder term that will express the same thing?

Mr. DENEEN. I think I know what you mean, and what is generally meant in the streets in Chicago in the gossip there, but I do not believe the committee or the public have that idea of the meaning of the word that you used.

Senator FLETCHER. Would it not have taken more than 39 to prevent the election of Senator Hopkins?

Mr. DENEEN. I think not.

Senator FLETCHER. There was a Republican majority of 50 in the legislature.

Mr. DENEEN. Did we have 50? I did not recall that. A number of men who went out of the caucus voted for Foss, and I think for Mason, and that statement I think shows that they did.

Mr. HANEY. Oh, yes.

Mr. DENEEN. I do not know the exact number.

Senator FLETCHER. There were 77 Democrats and 127 Republicans.

Mr. DENEEN. Sixty-four. I think, in the House and 13 in the Senate.

Mr. HANEY. Senator Fletcher is right. There were 77 Democrats on the joint ballot.

Senator FLETCHER. And 127 Republicans?

Mr. HANEY. And 127 Republicans.

Mr. DENEEN. I think if the 39 had stood out, they could not have elected him. If you will add 39 and 77, it will make 116. The aggregate number is 204; so they could have prevented his election.

Mr. HANEY. You knew that a majority of a quorum could elect?

Mr. DENEEN. Why, I think they intended to rule there that they had to have a majority of all the votes. I think Senator Lorimer went upon that theory, and everybody, that it would require a majority of all of the votes in both branches.

Mr. HANEY. Well, the constitution of the State does not control, and never did. The election of a United States Senator is controlled absolutely by the act of Congress under the Federal Constitution, is it not?

Mr. DENEEN. Well, there is no occasion for me to speak about the congressional laws. They are here. I do not know what the law is in that regard.

Mr. HANEY. I would not refer to it if you had not injected that into it.

Mr. DENEEN. I know that was a disputed matter in our State, disputed quite a good deal, as to how large a vote was necessary to elect a Senator.

Mr. HANEY. If 103 were a majority of all it would be a quorum, and a majority of that quorum under the Federal Statutes or under the Federal Constitution would elect a Senator, would it not—103 being present and voting?

Mr. DENEEN. Well, I do not know what the law is on that. It is a disputed matter. According to your theory, if 103 were there then 52 would have elected.

Mr. HANEY. Disputed with whom and by whom?

Mr. DENEEN. I say it was a matter of difference of opinion and feeling at that time. I doubt very much whether 52 men in our State could elect a United States Senator, 103 being a quorum and 52 a majority of 103.

Mr. HANEY. If there was a quorum present of all, and the members——

Mr. DENEEN. One hundred and three you say.

Mr. HANEY. If 103 is a majority of the joint session.

Mr. DENEEN. Yes; that would be a majority.

Mr. HANEY. Then, a majority of that quorum could elect——

Mr. DENEEN. Fifty-two votes?

Mr. HANEY. Under the Constitution of the United States and the act of Congress passed in pursuance of it——

Mr. DENEEN. That is not my understanding, and I do not think it is the law. It is purely an impression. I have never heard of such a case, and I know there was a difference of opinion in Springfield, and the consensus of opinion was it would require a majority of all those elected, and the struggle was made to get that number. But what the law is, is in the books.

Mr. HANEY. And lawyers are supposed to know the law in common with other people.

Mr. DENEEN. They are supposed to know it by everybody but lawyers.

Mr. HANEY. That is probably so.

Senator GAMBLE. The wording of the statute of 1866 is:

And the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected.

Mr. DENEEN. It is 103, then.

Mr. HANEY. And the Senate of the United States has passed on that in the McCall case and a number of other cases, and has finally and definitely settled it, not by one but by a number of decisions, that a majority of a quorum controls.

Senator JONES. Why does that question need to come up now?

Mr. HANEY. On the question of what the position of the governor was.

Senator JONES. We do not care about his position.

Mr. DENEEN. Oh, I was speaking of the difference of opinion among people at Springfield.

Senator JONES. We do not care anything about the governor's legal construction of it.

Mr. DENEEN. I am not writing an opinion upon it.

Mr. HANEY. If I may be permitted, I would suggest this: At the former investigation and the contest on Senator Lorimer, it was contended by Senators upon the floor—I do not think by you, but by somebody—that Senator Lorimer was the man who organized the legislature and controlled it and prevented the election of Senator Hopkins.

Senator JONES. I would be willing to hear any facts in reference to that, but as to the legal construction of this witness we do not care to go into it.

Mr. HANEY. One of the Senators from South Dakota made that point specifically. He is not a member of this committee. That *was the specific argument*, and it was quite a plausible one, and that

is why I am going to this question now, because if somebody else other than Senator Lorimer did it, then it wipes out not only that, but a whole lot of other things that came in its trend, both before and after.

Senator JONES. Any fact along that line I am willing to hear, but I do not think we care to spend any time on the legal construction of the effect one vote would have had on a quorum, and all that.

Mr. HANEY. Governor, you said yesterday that at one of the conferences between you and Senator Lorimer, you told Senator Lorimer that he and his friends could unseat you as governor, and if they were going to do it that you wanted them to do it at once or speedily, so that you could go back to the practice of law.

Mr. DENEEN. That is my recollection.

Mr. HANEY. What did Senator Lorimer say about that?

Mr. DENEEN. I think he just smiled and did not give any expression of opinion at that time.

Mr. HANEY. That was one of the times when he treated that fear or expression of fear on your part lightly.

Mr. DENEEN. That was one of the times that he did not express his opinion as to the policy that he would pursue.

Mr. HANEY. You thought his smile and the manner and time in which it was given was not an expression on the subject?

Mr. DENEEN. I did not think he wanted to answer it on that occasion, and I did not expect him to answer it. I simply wanted to indicate to him if the matter was to be voted upon to get rid of it, and I was not asking for quarter. I was willing to take the fortunes of war.

Mr. HANEY. You did not make that statement lightly, but seriously?

Mr. DENEEN. Just as we are discussing now.

Mr. HANEY. I don't know whether you are treating it seriously or not. I want to know now, and I would like to have you tell this committee whether you were serious in that statement.

Mr. DENEEN. I was serious to the extent of desiring to know, to get information about it, so that we could adjust ourselves accordingly. It was not a life and death matter at all.

Mr. HANEY. You would not need for food or clothing or for a place to sleep if you did not stay in the statehouse?

Mr. DENEEN. Well, the almshouses have been improved a good deal in my State during my administration, and I think I could live there if I could not make a living.

Mr. HANEY. I do not catch the drift of that answer.

Mr. DENEEN. Well, it did not amount to anything.

Mr. HANEY. If you think so, I will not trouble you further then. You said yesterday that you were much disappointed on the support that you got in your contest. Was that from Senator Hopkins and his friends or Senator Lorimer and his friends?

Mr. DENEEN. Senator Hopkins and his friends—the friends of Senator Hopkins in the State committee.

Mr. HANEY. You were not at all disappointed in anything that Senator Lorimer did in that respect?

Mr. DENEEN. Not in the least.

Mr. HANEY. What friends of Senator Hopkins were you disappointed in the support of?

Mr. DENEEN. I thought that Mr. Hope and Mr. Nelson and Mr. Hill and Mr. Lane, whom I supposed could be influenced by the mayor of Chicago, Mr. Busse, and by Mr. Ireland, who was an intimate personal friend of Mr. Smith's, who was United States revenue collector, and some others that I do not recall should have voted in the caucus matter and should have gone into a Republican caucus by reason of the prominence of these men whose influence really had nominated them, and had theretofore nominated them, and I felt from what I knew of the situation that they would have followed the views of those men had the views of those men been expressed. That is the way I felt about it.

Mr. HANEY. That is, that the members of the legislature would have followed the views of Mayor Busse and Frank Smith—

Mr. DENEEN. And Mr. Campbell. For instance, there were five in the northwest part of the city who got together and supported a man for speaker. They were called the "small-beer" faction, among other of the names that were given. There were five of them, and they were ridiculed all over the State. It was very plain that they were voting for Mr. Troyer to escape going on record for Mr. King, and that they were for Mr. Shurtleff and had gone to the caucus for that purpose. They were called by some of the papers the "small-beer brigade," and they were called by that name thereafter, and all over the State, and ridiculed, so that it finally broke up their organization.

Mr. HANEY. Does that mean a "shell" or a "schooner"?

Mr. DENEEN. I am not an expert witness upon that.

Senator KENYON. Was the "small-beer crowd" related to the Band of Hope?

Mr. DENEEN. No; they were not. They preyed upon the Band of Hope, and I think the Band of Hope prayed for them.

Mr. HANEY. That is, the Band of Hope's hope was not the small beer.

Mr. DENEEN. Maybe that is the way of it. That was the name given in derision to the five men standing out and pretending to elect a speaker. They were standing out so that they would not go against their party, apparently, and I think they stated as a reason for the organization, that they feared a civil-service law would be passed if they went into a regular caucus. I think that was their statement.

Mr. HANEY. The Troyer men, or the so-called "small-beer" crowd, were from Edwin A. Campbell's district?

Mr. DENEEN. Well, in his territory.

Senator GAMBLE. Is that the postmaster's district?

Mr. DENEEN. Yes.

Senator GAMBLE. That is the north side?

Mr. DENEEN. Yes.

Mr. HANEY. They were from the northwest part of Chicago, and Mr. Campbell had represented them often in the caucus of the party, and it was popularly termed by men in politics as his territory.

Mr. DENEEN. They were men in his district, and he represented that district in the general caucus and on the executive committee.

Mr. HANEY. And he was postmaster at the time?

Mr. DENEEN. He was.

Mr. HANEY. Appointed through the influence of Senator Hopkins, on his recommendation?

Mr. DENEEN. I had understood on the recommendation of Senator Cullom, but he was friendly to both. I am not sure how he was appointed, but I had understood it was through Senator Cullom's influence.

Mr. HANEY. You knew that he was appointed on the recommendation of Senator Hopkins?

Mr. DENEEN. No; I thought not, but I may be mistaken.

Mr. HANEY. Well, Senator Campbell could not have been elected without the support of Senator Hopkins?

Mr. DENEEN. Oh, I think the two Senators agreed upon him; yes; but I understood it was Senator Cullom's appointment.

Mr. HANEY. He was from Senator Hopkins's home town, practically, because that is where Senator Hopkins practiced law.

Mr. DENEEN. Oh, no.

Mr. HANEY. Did not Senator Hopkins practice law in Chicago?

Mr. DENEEN. Oh, from Chicago; yes. I thought you meant Aurora.

Mr. HANEY. He was the postmaster in Senator Hopkins's home town?

Mr. DENEEN. Well, I do not call Chicago a town. I thought you referred to Aurora.

Mr. HANEY. And he practiced law in Chicago?

Mr. DENEEN. Yes; and in Aurora.

Mr. HANEY. And Postmaster Campbell was a strong political and personal friend of Senator Hopkins?

Mr. DENEEN. I think he was.

Mr. HANEY. And continued so right to the end?

Mr. DENEEN. I think so.

Mr. HANEY. On the last ballot, even the one that elected Senator Lorimer?

Mr. DENEEN. I think one or both of his representatives voted against Senator Hopkins on the last ballot. I think Mr. Troyer and Mr. Erickson did—I know he is from his district—and while I am not sure about Mr. Troyer, Mr. Erickson voted against Mr. Hopkins.

Mr. HANEY. That is, on the last ballot?

Mr. DENEEN. On all the ballots, I think, unless it be the first one. I think he was against him all the time.

Mr. HANEY. All of Senator Lorimer's friends in the legislature voted for you on your contest, did they not?

Mr. DENEEN. I do not think there was any division on it. It just fell to pieces; it dissolved. They did not file any evidence against me; they filed a petition. The record will show.

Mr. HANEY. They voted for the committee that was appointed on your contest, did they not?

Mr. DENEEN. That is a matter of record also. I just assumed it fell to pieces. I doubt whether they did vote on it.

Mr. HANEY. They voted to appoint the committee that the speaker named.

Mr. DENEEN. Oh, I thought you meant on my contest. I meant the judgment of the report. I do not know about that. You mean the appointing of the committee to hear the contest?

Mr. HANEY. Yes.

Mr. DENEEN. Oh, I do not know about that. I think they did.

Mr. HANEY. You said that Roger Sullivan opposed you at the primary and at the election and afterwards.

Mr. DENEEN. So I understood. That is my impression.

Mr. HANEY. Now, a Democrat could not vote at a Republican primary under the laws of Illinois, could he?

Mr. DENEEN. He could not as a matter of law, but he could as a matter of fact, and a great many of them did.

Mr. HANEY. Is it not a fact that the law was that no Democrat could vote at a Republican primary, and nobody could vote at a Republican primary who had within two years voted at a Democratic primary?

Mr. DENEEN. Are you asking about the law or the fact?

Mr. HANEY. I am talking about the law.

Mr. DENEEN. The law says they can not.

Mr. HANEY. And when a man comes to vote at the primary, under the laws of Illinois, he has got to declare to the judges and the clerks his politics, and ask for a Democratic ticket, if he says he is a Democrat, or a Republican ticket if he is a Republican?

Mr. DENEEN. I think he asks for the ballot of his party.

Mr. HANEY. And the ballots of the two parties are of different colors?

Mr. DENEEN. Yes, sir.

Mr. HANEY. The Republican is generally white and the Democrat a bright pink—generally.

Mr. DENEEN. Well, I do not recall that.

Mr. HANEY. They are of distinctly different colors?

Mr. DENEEN. I have not compared them. I have asked for the one that I wanted, and I did not look at the other.

Mr. HANEY. They are there on the table.

Mr. DENEEN. I do not know anything about their colors. They have different colors, but I have not kept that in mind.

Mr. HANEY. And the law requires them to be on the table there in different piles, and each ballot to have the initial of one of the judges, and each voter as he comes up must declare whether he is a Democrat or a Republican.

Mr. DENEEN. Generally, I think that is the law. You have it there, have you not?

Mr. HANEY. There is no doubt about its being the law. No Democrat could vote at a Republican primary without violating the primary law, could he?

Mr. DENEEN. He violates the spirit of the law and the letter, but I understood that 70,000 of them did. That is the number they estimated in counting them up—estimated them from the Democratic vote and the Republican vote, and the differences; and we figured it out and came to the conclusion that 70,000 Democrats voted at our primary.

Mr. HANEY. What do you mean when you say "our primary"?

Mr. DENEEN. The Republican.

Mr. HANEY. What primary do you refer to?

Mr. DENEEN. The one at which I was nominated.

Mr. HANEY. I suppose you probably know more about that than I do.

The CHAIRMAN. Judge Hanecy, I would inquire whether you expect to complete the examination of this witness to-night?

Mr. HANECY. I can not.

The CHAIRMAN. Very well, then, we will take a recess until 10 o'clock to-morrow morning.

(Thereupon, at 5.30 o'clock p. m., the committee adjourned until to-morrow, Saturday, July 15, 1911, at 10 o'clock a. m.)

SATURDAY, JULY 15, 1911.

SENATE OFFICE BUILDING,
WASHINGTON, D. C.

The committee met at 10 o'clock a. m.

Present: Senators Dillingham (chairman), Gamble, Jones, Fletcher, and Kern.

Also: Mr. John H. Marble and Mr. John J. Healy, Mr. William J. Hynes, Mr. Elbridge Hanecy, and Mr. Edgar Farrar.

TESTIMONY OF CHARLES S. DENEEN—Resumed.

Mr. HANECY. Shall I proceed, Mr. Chairman?

The CHAIRMAN. Yes: proceed.

Mr. HANECY. Governor, you said yesterday that "we supported Yates for Senator. Some of my friends did not." To whom did you refer in the "friends who did not"?

Mr. DENEEN. I think I referred in a general way to men like Congressman Rodenberg and others who had been against the governor theretofore, but who were friendly to me—that is, were not unfriendly.

Mr. HANECY. Were there included in that list any others?

Mr. DENEEN. I think so. I could look over the list and refresh my recollection.

Mr. HANECY. Were Mr. Busse, Mr. Campbell, Mr. Pease, Mr. Weber, or any of those people included?

Mr. DENEEN. Let me see. I think Mr. Busse, if I recall, was against him; and Senator Campbell was.

Mr. HANECY. Senator Campbell and Mr. Busse were both against Gov. Yates?

Mr. DENEEN. Yes. I am not so sure about Mr. Pease. I could give you general information about the matter.

Mr. HANECY. How about Mr. Weber and Mr. Hanberg?

Mr. DENEEN. Mr. Hanberg supported Gov. Yates. That is my recollection; Mr. Reddick and most of those who were considered friendly to me in the original contest.

Mr. HANECY. You do not mean Mr. Reddick, do you?

Mr. DENEEN. I do.

Mr. HANECY. Was Mr. Reddick alive then?

Mr. DENEEN. He was alive then.

Mr. HANECY. I thought he was dead then.

Mr. DENEEN. No. His ward was carried for Gov. Yates.

Mr. HANECY. Are there any others who occur to you in that list of those you class as your friends who did not support Gov. Yates?

Mr. DENEEN. If you will refresh my recollection, I could tell you. I have not got it right in my mind. I can tell you the forces generally that supported Gov. Yates in Cook County and then in the State.

Mr. HANEY. I am asking for the class that you spoke of, some of your friends who did not; that is the class I am speaking of—not those who did support him, but those who did not.

Mr. DENEEN. I could tell you more about those who did.

Mr. HANEY. That would be on the doctrine of reverse elimination; and that would take too long, probably.

Mr. DENEEN. That is the better way.

Mr. HANEY. Can you give us any others than those, that you think of?

Mr. DENEEN. I do not recall. There are a great number, but I would have to run over the list.

Mr. HANEY. Mr. Busse, Mr. Campbell, Mr. Pease, and Mr. Weber were the most potent factors in Cook County politics there at that time, outside of yourself, were they not?

Mr. DENEEN. I would not say so. They were very active and influential men.

Mr. HANEY. Were there any more active or influential among those who were acting with you? I am not classifying you, now, in this; that is, I am saying except you?

Mr. DENEEN. For instance, to make my meaning clear, in regard to Postmaster Campbell. Mr. Reddick resided in the portion of the city that Mr. Campbell represented, and in my judgment Mr. Reddick had the strength there, and did exert it in behalf of Gov. Yates; and Senator Campbell did not have influence nearly equal to that of Mr. Reddick at that time.

As to Mr. Busse, all the newspapers that supported me supported Gov. Yates, and most of their publishers lived in Mr. Busse's immediate neighborhood; that is, in the north side, or the north town, so called. I think all the newspapers, every one that supported me, supported Gov. Yates. I interceded for him. I think most of those who supported me in Chicago, Cook County, supported Gov. Yates.

Mr. HANEY. You know that Mr. Busse and Mr. Campbell and Mr. Pease did not?

Mr. DENEEN. I am not so sure about Mr. Pease. I know that a great many men in Mr. Pease's ward did support him.

Mr. HANEY. I am speaking of the leaders.

Mr. DENEEN. I know Judge Chytraus, and the Scandinavian element there did. I do not recall how Mr. Pease felt.

Mr. HANEY. You made a speech, Governor, in which you said you dealt with the jack pot, and that you made that speech in Speaker Shurtleff's senatorial district.

Mr. DENEEN. I made it at his home, at Marengo.

Mr. HANEY. The town he lived in?

Mr. DENEEN. Yes, sir.

Mr. HANEY. That is a small town?

Mr. DENEEN. About 2,500, I should think.

Mr. HANEY. When was that speech made, Governor?

Mr. DENEEN. It was made in 1910.

Mr. HANEY. Yes; but there were 365 days in that year.

Mr. DENEEN. I think it was made in the fall. It was made preceding the primaries.

Mr. HANEY. When, as nearly as you can give it?

Mr. DENEEN. I do not recall. You evidently have it.

Mr. HANEY. If I had, I would suggest it to you, and I have no doubt we could agree on it.

Mr. DENEEN. Have you any notes, Mr. Whitaker, as to when I made that speech?

Mr. WHITAKER. No.

Mr. DENEEN. I do not recall the date.

Mr. HANEY. Do you remember when those primaries were out there?

Mr. DENEEN. I think they were the 10th of August, were they not?

Mr. HANEY. The 10th of August?

Mr. DENEEN. The 10th of August, I think it was.

Mr. HANEY. Your purpose in making that speech in his district was to defeat Speaker Shurtleff for the nomination for the lower house?

Mr. DENEEN. Yes.

Mr. HANEY. He was nominated there by a very large majority, was he not?

Mr. DENEEN. He was nominated. I do not recall the figures.

Mr. HANEY. And then he was elected by a larger majority than he ever got before, was he not?

Mr. DENEEN. I do not know. You have the figures.

Mr. HANEY. And you think that speech was some time before the primaries, which you think were held the 10th of August?

Mr. DENEEN. I think so, as I recall it.

Mr. HANEY. About how long, Governor, before the primaries did you deliver the speech in Marengo.

Mr. DENEEN. I should say within two or three weeks.

Mr. HANEY. Chauncey Dewey is a colonel upon your staff, is he not?

Mr. DENEEN. Yes; he is in the National Guard.

Mr. HANEY. And that was by appointment from you?

Mr. DENEEN. Yes.

Mr. HANEY. And he is also, by appointment from you, inspector general, is he not?

Mr. DENEEN. Yes. That is how he gets on the staff.

Mr. HANEY. And he is one of your active leaders?

Mr. DENEEN. He had been friendly and unfriendly—that is, associated with us and against us. In the last two years he was friendly.

Mr. HANEY. When was he ever against you?

Mr. DENEEN. I think Senator Lorimer had understood at one time that he was to go into the organization against me.

Mr. HANEY. You mean when he used his influence to induce his friends to vote for Senator Lorimer?

Mr. DENEEN. And after that it was generally conceded that he was against us, for about six or eight months.

Mr. HANEY. What opportunity was there after that for him to show whether he was with Senator Lorimer or against him, or with you or against you?

Mr. DENEEN. The general discussion.

Mr. HANEY. I say what opportunity was there? Were there any primaries or elections?

Mr. DENEEN. I think there were no elections held.

Mr. HANEY. There were no primaries either, were there?

Mr. DENEEN. I think not.

Mr. HANEY. He is still on your staff, and he is still insepctor general, is he not?

Mr. DENEEN. Oh, yes.

Mr. HANEY. Do you know John R. Thompson?

Mr. DENEEN. Yes.

Mr. HANEY. He was county treasurer of Cook County, Ill.?

Mr. DENEEN. Yes.

Mr. HANEY. And was county treasurer of Cook County at the time Senator Lorimer was elected to the Senate?

Mr. DENEEN. He was.

Mr. HANEY. He was county treasurer at that time?

Mr. DENEEN. He was.

Mr. HANEY. Chauncey Dewey was an influential factor in two senatorial districts in the first congressional district, was he not?

Mr. DENEEN. I think so.

Mr. HANEY. And also influential with Senator Billings, of the first senatorial district of Illinois, and Senator Ettleson, of the other senatorial district in the first congressional district?

Mr. DENEEN. They were very friendly and closely associated, and I assume he had influence with them.

Mr. HANEY. That was the fact in 1908 and 1909, was it not?

Mr. DENEEN. It was; yes.

Mr. HANEY. Senator Ettleson and Senator Billings had been voting for Senator Hopkins all the time up to the last ballot, and on the last ballot?

Mr. DENEEN. I do not know about that, whether they voted for Mr. Foss or not. The records will show.

Mr. HANEY. So far as you know, your understanding is that they did so vote?

Mr. DENEEN. No; I do not know. I never read all the ballots. I have not done it yet.

Mr. HANEY. You are not familiar with it?

Mr. DENEEN. Most of them are unimportant. I have not read them at all.

Mr. HANEY. When did you first talk with Col. Dewey or John R. Thompson about the election of Senator Lorimer?

Mr. DENEEN. I do not recall the time that that was discussed, but I think it was later in the session—toward the latter part.

Mr. HANEY. That is, some time about the middle of May?

Mr. DENEEN. No; I think it was earlier than that.

Mr. HANEY. Before the 14th?

Mr. DENEEN. I could not fix it definitely.

Mr. HANEY. I think you said yesterday. Governor, that you learned that Mr. Lorimer was a candidate for Senator, or would be on the 14th of May?

Mr. DENEEN. No.

Mr. HANEY. Then I misunderstood you. What was that that you said about the 14th of May and Senator Lorimer?

Mr. DENEEN. I said the papers at that time said that Senator Lorimer was an active candidate, so the notes that were prepared for me indicate.

Mr. HANEY. And you saw the papers, and you knew from that that if they told the truth he was a candidate, or would be?

Mr. DENEEN. I read the papers at the time, and I had my secretaries prepare some clippings from the papers, and I read these clippings coming down on the train to Washington; and from that I gather that the papers at that time were mentioning that he had been a candidate. I think we knew in a general way, or suspected, before that, that he would be a candidate. I think it had been discussed; but the papers had it then.

Mr. HANEY. You and Senator Lorimer had discussed the candidacy of Senator Lorimer for the United States Senate before the 17th of March, at the time that he talked with you about electing Shurtleff?

Mr. DENEEN. At the time he talked about electing Shurtleff it was discussed.

Mr. HANEY. And you suggested that Senator Lorimer should be a candidate himself; that he would be elected easier than Mr. Shurtleff would?

Mr. DENEEN. "Better," I said. If he could elect Shurtleff he could elect himself.

Mr. HANEY. I supposed that meant easier. And you suggested to Senator Lorimer that Speaker Shurtleff, if elected Senator, would not add to Senator Lorimer's strength politically?

Mr. DENEEN. I said that Speaker Shurtleff was not an influential factor in the party, in the way of creating influence or directing its course, although he was a man of unusual ability. He was not a leader in the party; and that if Senator Lorimer had the power to elect him, he had better elect himself.

Mr. HANEY. I think the language you used, Governor, was that Mr. Shurtleff would not add anything to Senator Lorimer's strength.

Mr. DENEEN. I do not think that was my language.

Mr. HANEY. Whatever it was, it will show in the record.

Mr. DENEEN. Yes.

Senator FLETCHER. Can you fix the date of that suggestion?

Mr. HANEY. Do you know about when that was, Governor?

Mr. DENEEN. No; I do not recall just when it occurred.

Mr. HANEY. Was that before or after your contest was decided, on the 17th of March or on the 18th of March?

Mr. DENEEN. I have no way of fixing that date. I read up to fix it, because I supposed that it would be asked. I noticed in Senator Lorimer's speech he said it was after the 15th of March. I have no way of fixing it in my mind.

Mr. HANEY. Did that statement in Senator Lorimer's speech in any way refresh your recollection as to whether it was before or after?

Mr. DENEEN. I thought that we discussed it before. I was not clear on that. It occurred to me that we had discussed it before. I notice that he said in his speech that it was the 15th of March.

Mr. HANEY. It was somewhere about that time—before or after?

Mr. DENEEN. I should think so. He would recollect it better than I would.

Senator FLETCHER. It was after the date of the caucus on the 19th of January?

Mr. DENEEN. Oh, long after. I think it was.

Mr. HANEY. And it was either just before or just after your contest?

Mr. DENEEN. I can not fix the time.

Mr. HANEY. Your contest was settled—

Mr. DENEEN (interrupting). On the 18th, I think, of March.

Mr. HANEY. And it would be just before or just after that?

Mr. DENEEN. Your question is too vague—"just before or just after." That is like the question as to how far the east is from the west. It may be an inch or it may a thousand miles.

Mr. HANEY. Well, you may fix it in your own way, Governor.

Mr. DENEEN. I say that I can not fix it definitely. I would be glad to do so if I could. If it is important, I will try to look it up and see.

Mr. HANEY. You knew that Senator Lorimer was stronger with the Democrats and had more strong friendships among the Democrats than Speaker Shurtleff had, did you not?

Mr. DENEEN. I thought so. Speaker Shurtleff had 60 of them, and I thought that indicated a good deal of strength in the House. There were four that did not vote for him.

Mr. HANEY. You knew that Senator Lorimer was regarded very highly by the Democrats in the legislature generally, and through the State after the waterway campaign, if not before?

Mr. DENEEN. I would say that the waterway matter had absolutely nothing to do with the election of Senator Lorimer, in my judgment. The claim was made that those men voted for Senator Lorimer because of the waterway feeling. I noticed in the last contest that, with only one exception, they were all against the waterway. So I suppose on the theory of representing the sentiments of their constituents, that that did not influence them.

Mr. HANEY. They were afterwards against your waterway plan—not against Senator Lorimer's?

Mr. DENEEN. They appeared to be against any.

Mr. HANEY. But there was not any bill before the legislature after the forty-sixth general assembly in which Senator Lorimer was interested, was there?

Mr. DENEEN. I think he was interested against the bill that I had.

Mr. HANEY. I say, there was no bill in the legislature after the forty-sixth general assembly that he was for?

Mr. DENEEN. Oh! You said "interested in." He was not for it; he was against it.

Mr. HANEY. What is that?

Mr. DENEEN. You asked if he was "interested in it." I said, yes, he was interested in it, but he was not for it; he was against it.

Mr. HANEY. I am glad to be corrected by you, Governor, on the use of words.

Mr. DENEEN. No; I am not captious, but I wanted to have it clear in that respect.

Mr. HANEY. There was not any bill before the legislature after the forty-sixth general assembly that Senator Lorimer was for, was there?

Mr. DENEEN. No. He was against it.

Mr. HANEY. And those men who had been for Senator Lorimer and for Senator Lorimer's waterway bill in the forty-sixth general assembly were against your waterway bill after the forty-sixth general assembly, were they not?

Mr. DENEEN. I think the most of those men said they were opposed to spending \$20,000,000 on the part of our State, and most of them wanted the whole constitutional amendment repealed. They claimed there had been an entire change of sentiment on the part of their constituents in that regard. That was the position taken by Mr. Adkins, the present speaker of the house, who also worked in harmony with these gentlemen.

Mr. HANEY. And that was against your waterway measure, was it not?

Mr. DENEEN. Against the measure that I advocated, which was prepared by the internal improvement commission.

Mr. HANEY. Yes. Can you tell us now, Governor, about when it was that you talked with Col. Dewey or John R. Thompson about Senator Lorimer's candidacy to the United States the first time?

Mr. DENEEN. No; I can not.

Mr. HANEY. How long was it before Senator Lorimer was elected?

Mr. DENEEN. I have no means of fixing in my mind when those conversations occurred.

Mr. HANEY. About how long was it?

Mr. DENEEN. I could not say. I should say within two or three weeks—that part of it, but I could not fix it.

Mr. HANEY. How many times did you talk with Col. Dewey and John R. Thompson about Mr. Lorimer's candidacy for the United States Senate before the evening of May 25?

Mr. DENEEN. I do not recall, Judge; I could not say.

Mr. HANEY. Several times?

Mr. DENEEN. I should say not.

Mr. HANEY. Where did you talk with them?

Mr. DENEEN. It must have occurred in the Capitol Building, in my office. I do not recall that it occurred anywhere else.

Mr. HANEY. In Springfield?

Mr. DENEEN. I think so. I think that is where it would occur.

Mr. HANEY. Col. Dewey and John R. Thompson both live in Chicago, and did at that time?

Mr. DENEEN. Yes. I do not know that I talked to them there, but I just assume so. It may have been in Chicago, but I think that would be the place.

Mr. HANEY. They were both friends of yours, personally and politically?

Mr. DENEEN. Yes; they were.

Mr. HANEY. Is John R. Thompson on your staff?

Mr. DENEEN. He is.

Mr. HANEY. And he was at that time?

Mr. DENEEN. Yes.

Mr. HANEY. Were Col. Dewey and John R. Thompson together when you talked with them the first time?

Mr. DENEEN. I can not recall that.

Mr. HANEY. Were they at any time together when you talked with them about the candidacy of Mr. Lorimer for the United States Senate—at any time before the evening of the 25th of May?

Mr. DENEEN. I do not recall that. I know they were there together the evening before it occurred.

Mr. HANEY. That is the evening of the 25th?

Mr. DENEEN. Yes. There was a conference there then.

Mr. HANEY. Do you recollect that they were together at any time before that when you talked with them about Mr. Lorimer's candidacy?

Mr. DENEEN. I do not recall; no.

Mr. HANEY. You said yesterday, or possibly the day before, that Mr. Thompson and Col. Dewey understood you to say that you were for Senator Lorimer, or friendly to his candidacy; but, I think, you said that they misunderstood you. What was that?

Mr. DENEEN. No; I said I talked to Col. Dewey and to Col. Thompson, as I did to all of the leaders who were friendly to me, in reference to the discussion the Senator and I had in regard to forming a defensive alliance in Cook County to prevent the then mayor from absolutely controlling the primaries in the event that the supreme court should declare the then existing primary law unconstitutional. If they did, it was understood at that time that it would wipe out all the primary laws, and we would have nothing but a "soap-box" primary; and that Cook County, which had about two-fifths of all the delegates in the Republican convention, would then be able to vote as a unit and control not only the destiny of Chicago and Cook County, but the destiny of the State. We talked about having the committeemen who were friendly to us agree to a defensive alliance to prevent such a situation, and to enact rules so that each ward could act as a unit—35 of them and 6 commissioners' districts—and then meet and get power in the convention so that they could not be ousted by the committees on credentials.

Mr. HANEY. And that talk with Col. Dewey and Mr. Thompson was, you say, within two or three weeks before the 26th of May, 1909?

Mr. DENEEN. No; that talk was within two or three weeks after the 13th of January, when the Senator and I first met.

Mr. HANEY. And the defensive alliance that you spoke of to Col. Dewey and Mr. Thompson was an alliance between you and Senator Lorimer for the defense of your forces and his in working together against Fred A. Busse, who was then mayor of Chicago, and his forces?

Mr. DENEEN. No; you misstate my meaning. The defensive alliance was that I was to see the committeemen who were friendly to me, and he was to speak for his committeemen, or to see them, and then have the committeemen agree to a rule that would enable the forces to survive. It was not to put Mayor Busse out, but it was to place him in the same position that the Senator and I were in—that we were to formulate rules by which the contest could be waged under fair conditions, and until we could get a primary that we could agree upon. It was a defensive alliance. No man was named for a candidate; no policy was agreed upon. It was an alliance to prevent the use of "soap-box" primaries.

Mr. HANEY. Did you think that Mayor Busse wanted to have that kind of primaries?

Mr. DENEEN. I did not know, and I do not charge that he intended to; but the Senator felt that he intended to make a contest on him, and his friends in the legislature were making a contest on me; and we thought, out of abundant caution, it was wise to have the rules established in advance, before the candidates announced themselves, and before they began to array themselves on different sides of an

issue. That much we agreed on; that was all. We never got any further than that.

Mr. HANEY. What rules do you refer to?

Mr. DENEEN. Having a committee frame the rules for the primaries, as was done before I was elected, in all parts of our State. It was purely a matter of common decency and agreement on rules. The committees fixed the conditions under which the delegates should be elected theretofore.

Mr. HANEY. That is, you wanted Senator Lorimer, or Senator Lorimer and his friends in the political organization of Cook County, to work with you and your friends in the political organization of Cook County to formulate rules and regulations or methods for carrying out a decent primary in Cook County at any time thereafter in case the supreme court of the State held the then existing primary law unconstitutional?

Mr. DENEEN. Yes; and we discussed—

Mr. HANEY. Will you answer that question?

Mr. DENEEN. Yes; I will say "yes," and then I say we discussed the action of the Democratic convention, where two or three hundred delegates had been dislodged at the time when I was nominated, or the same season; and the result of it was such a division in the Democratic ranks that they lost the State by 300,000. That is what it resulted in on the Democratic side, and we did not want that to occur on our side.

Mr. HANEY. Up to that time, Governor, you and Mayor Busse had been working together politically in Cook County?

Mr. DENEEN. Our friends had frequently and nearly uniformly voted for the same candidates. There had not been any close personal friendship, nor had there been any enmity. They simply met in convention.

Mr. HANEY. I am not speaking of personal friendship or enmities. I mean politically.

Mr. DENEEN. It so happened that most of them supported the same candidates and the same policies, I think, but not uniformly.

Mr. HANEY. And you and Mayor Busse and Dan Campbell and West and other leaders, who were the Democratic faction in Cook County politics, had met together in conferences on different occasions and formulated slates, and submitted them to the people at the primaries and at the elections?

Mr. DENEEN (nodding affirmatively). A list of officers was submitted with recommendations.

Mr. HANEY. That is right, is it not? Pardon me, Governor; you nodded your head. You meant to say "yes," but I feared that the stenographer would not get your nod.

Mr. DENEEN. I meant to state that I would use the word "recommendation" rather than "slate." That was what I meant.

Mr. HANEY. I do not care what you term it.

Mr. DENEEN. They were popularly called "slates" that we recommended. It was done openly. They were published.

Mr. HANEY. I did not fear that you or I would misunderstand; but, using your language yesterday, I did not know but that you might fear that some member of this committee might misunderstand our political terms and conditions in Chicago.

Mr. DENEEN. Not at all. I feared that some people out in Illinois who would read this record would afterwards try to inflate it to undue importance and give a wrong construction to it. That was why I was so careful.

Senator FLETCHER. Would you mind explaining a little about what you meant by "soap-box primaries"?

Mr. DENEEN. The "soap-box primary," popularly so-called in our State, is a primary where they charge that the ballots were prepared in advance and put away carefully, and the credentials, and that they went through the form of having a primary and putting the ballots in the box, and that they were afterwards destroyed, and no attention paid to them. For instance, it occurred in several places in our party and in the Democratic Party where they boarded up the windows so that you could not see who were back of them. In Mr. Maymer's ward, which was mentioned yesterday, they boarded up the windows with 4-inch planks; then they dropped the ballots over, and you could not tell what became of them. The judges and clerks were back there. In an instance in my own ward, in the opposite party, for one ward that had about 90,000 inhabitants, they had no polling place, and they dropped the ballots into a little white coffin. That was called the "soap-box primary." It rather degenerated into a humorous affair. It was a joke.

The CHAIRMAN. Before the primary law was adopted?

Mr. DENEEN. Before the primary law was adopted. After that it was just like the election. They were called "soap-box primaries" in derision. They were jokes. The credentials were made out, so it was popularly understood, before the primaries were held; and if by any mistake something happened, the committee on credentials settled it after that. It was a bad condition in some wards. That did not prevail in all, but it did prevail in some wards.

Senator FLETCHER. The primaries of 1908 were not of that character?

Mr. DENEEN. They were under the law in our State. We had a law then. They were under the supervision of the county judge and the election commissioners and held just as the elections were held. Nobody could lobby within 100 feet of the polls, and so on.

Senator FLETCHER. The supreme court held that unconstitutional?

Mr. DENEEN. The supreme court ruled that it was unconstitutional. It was repealed first, and then they ruled that it was unconstitutional, because nobody could vote except a registered voter, and no provision had ever been made for men who might become voters by reason of the lapse of time; no provision was made to give them an opportunity to register, and they declared it unconstitutional because of discrimination. As I say, the boys who had become of age, who had not had the opportunity to register, were prevented from voting, and therefore it was held unconstitutional, as discriminating between citizens and their right to vote.

Mr. HANEY. You and Senator Lorimer met at the time or times you suggested to formulate rules and methods by which to avoid that kind of primaries?

Mr. DENEEN. No; we discussed whether our friends would agree to formulate such rules. No rules were suggested, except, I think, that he suggested the Crawford rule; but nothing was agreed upon. We wanted to get them to say they would agree to fair rules, and *that was as far as it went.*

Mr. HANEY. That is what I mean. That was your purpose in getting together?

Mr. DENEEN. Yes; that was the purpose.

Mr. HANEY. To prevent the kind of primaries which you call "soap-box" primaries?

Mr. DENEEN. We had 7,000 saloons and 7,000 policemen in Chicago, and the mayor had about 20,000 appointees; and while a good many of them were under the civil service, a good many of them were not, and they were very active; and it was considered wise to think of those matters in advance.

Senator JONES. Senator Lorimer agreed with you in that?

Mr. DENEEN. Oh, yes; we agreed. We agreed and discussed the matter—that if they cared to have such primaries, it would not only wipe out everybody in Chicago, but, with the tremendous power Chicago had in voting as a unit, it would control the State—the national delegates to the presidential convention and everything else, and the delegates at large.

Senator GAMBLE. You say Chicago had 7,000 saloons?

Mr. DENEEN. I think so.

Senator GAMBLE. And one policeman for each saloon?

Mr. DENEEN. About 7,000 policemen, I think, and about 7,000 saloons in Chicago. I think that is the number.

Mr. HANEY. And two and a half million people. About a week or 10 days before Senator Lorimer was elected, Col. Dewey was in Springfield advocating the election of Senator Lorimer to the United States Senate; was he not, Governor?

Mr. DENEEN. I do not know.

Mr. HANEY. Senator Lorimer was elected on Wednesday, the 26th of May?

Mr. DENEEN. The 26th of May.

Mr. HANEY. And Col. Dewey went down to Springfield a week from the second Monday evening before the 26th of May, did he not?

Mr. DENEEN. I do not know.

Mr. HANEY. And was he not there all the time while the legislature was in session, and then did he not go back again when the legislature convened—the week of Senator Lorimer's election?

Mr. DENEEN. I do not know that.

Mr. HANEY. Did you meet him at all during the week before or the week that Senator Lorimer was elected, before he was elected?

Mr. DENEEN. I do not recall it.

Mr. HANEY. You did meet him the evening of the 26th of May, did you not?

Mr. DENEEN. Yes; I had a conference with him.

Mr. HANEY. Where?

Mr. DENEEN. In my office.

Mr. HANEY. In the capitol or the executive mansion?

Mr. DENEEN. The office is in the capitol.

Mr. HANEY. You also have an office in the executive mansion, have you not, in the basement?

Mr. DENEEN. I have not been in it three times in a year. I do not use it at all.

Mr. HANEY. I did not know that.

Mr. DENEEN. No; I do not use it at all. It was not used for any conferences in connection with this matter or any other matter.

Mr. HANEY. It was in the governor's office at the capitol?

Mr. DENEEN. At the capitol; yes.

Mr. HANEY. What was the talk there between you and Col. Dewey?

Mr. DENEEN. The talk occurred among——

Mr. HANEY. Pardon me, Governor. Was John R. Thompson there?

Mr. DENEEN. He was there, Mr. Thomas J. Healy was there, Mr. West was there, Mr. Charles W. Vale was there. I do not know about others. I was there. There may have been others there.

Mr. HANEY. Now, will you tell what took place between you and Col. Dewey?

Mr. DENEEN. The conversation was regarding the votes of men from the districts of Col. Dewey and Col. Thompson for Senator Lorimer. The argument was strongly against it on the part of all those there except Col. Dewey and Col. Thompson.

Mr. HANEY. That is, all those present but Col. Dewey and Col. Thompson?

Mr. DENEEN. All of them.

Mr. HANEY. Argued against the members of the legislature from Col. Dewey's and Col. Thompson's districts voting for Senator Lorimer?

Mr. DENEEN. Voting for Senator Lorimer.

Mr. HANEY. What did Col. Dewey say?

Mr. DENEEN. He thought he would be elected.

Mr. HANEY. Thought who would be elected?

Mr. DENEEN. Senator Lorimer.

Mr. HANEY. Is that all he said?

Mr. DENEEN. I do not recall his conversation. It was discussed there for an hour or more, some considerable time.

Mr. HANEY. And as you expressed it yesterday, you had a very warm time?

Mr. DENEEN. There were some hot words; there was a good deal of feeling shown.

Mr. HANEY. The effort on your part and that of all the others present except Col. Dewey and Col. Thompson was to get Col. Dewey and Col. Thompson to induce their friends in the legislature not to vote for Senator Lorimer the next day?

Mr. DENEEN. To prevent their friends from voting for him; yes.

Mr. HANEY. Did Col. Dewey and Col. Thompson resist the arguments of yourself and your friends there, or did they acquiesce in your arguments and your requests?

Mr. DENEEN. They did not come to a conclusion. They discussed it. They were against Senator Hopkins. They thought nobody else could be elected, but they did not state definitely what they intended to do that evening, and we did not know until we heard that they were going on working in the morning. In fact we thought they would not do it, but they did not state so definitely.

Mr. HANEY. Col. Dewey's friends in the legislature had been voting for Senator Hopkins all the time, and voted for him the next day, on the 26th, on the ballot that elected Senator Lorimer?

Mr. DENEEN. Yes; and I had recommended——

Mr. HANEY. That is the fact, is it not?

Mr. DENEEN. Yes; and I understood they would not and did not until Senator Lorimer was nominated, and then they changed their vote and voted for him. I had understood that night that they would not vote——

Mr. HANEY. That they would not vote what?

Mr. DENEEN. That they would not vote for Senator Lorimer; that they would stay for Senator Hopkins.

Mr. HANEY. This is what I am calling your attention to. You just said that Col. Dewey and Col. Thompson were against Senator Hopkins?

Mr. DENEEN. Very strongly.

Mr. HANEY. And their friends in the legislature were voting for Senator Hopkins right along?

Mr. DENEEN. Yes; many men voted for Senator Hopkins who were against him personally, and who disliked the way his friends had treated them. Senator Hopkins's friends, the Federal office-holders, had fought nearly all our friends in the south part of the city.

Mr. HANEY. Can you tell anything that Col. Dewey said other than what you have already told?

Mr. DENEEN. There was a general running argument——

Mr. HANEY. Can you tell anything?

Mr. DENEEN. Oh, no; I could not repeat it verbatim.

Mr. HANEY. Can you tell what Col. Thompson said on that occasion?

Mr. DENEEN. Col. Thompson spoke of Senator Lorimer, that he was the strongest man and could be elected, and nobody else could be elected. He thought he could be elected, and the question arose how—whether by Republican votes or Democratic votes—and we argued that if he could get a majority of Republicans in the caucus, then all of the Republicans ought to vote for him, but that the party could not afford to elect a Senator in whose election the Democrats would have the dominating force, because of the relations that would be established and the precedent in our party connections. That was the force of the argument. It was not personal against the Senator at all. It was the precedent that would be established and its effect upon parties thereafter in our State.

Mr. HANEY. And what did Col. Thompson say to that argument?

Mr. DENEEN. He listened mostly. There was not much answer to that argument, I thought. He did not make any—that is, no satisfactory answer.

Mr. HANEY. Did you know from anything that Col. Thompson said what he thought of the argument?

Mr. DENEEN. We could not tell what he intended to do when he left. We caucused afterwards and tried to determine what they would do, guessing at it. We did not know. We thought Col. Dewey and his friends would vote against Senator Lorimer. I was doubtful about Col. Thompson. There was some ill feeling between Mr. West and Mr. Thompson, and it had manifested itself pretty strongly, and we had had to adjourn the meeting. We did not want any harsh feeling, and it was plain there was a good deal of feeling, and we could not tell just what would be done.

Mr. HANEY. Col. Thompson's friends in the legislature had not voted for Senator Lorimer up to that time, had they?

Mr. DENEEN. I do not think they had. Mr. Sollitt had. Mr. Sollitt was known to be friendly, but I do not think he voted.

Mr. HANEY. Do you not know that Mr. Sollitt voted for Senator Lorimer until the last ballot?

Mr. DENEEN. No; the record will show. I do not know.

Mr. HANEY. There was nobody you knew of among Thompson's friends who voted for Senator Lorimer up to that time of the conference in the governor's office in the capitol, was there?

Mr. DENEEN. No; I think not. I think none of them did; that is, men in his immediate neighborhood.

Mr. HANEY. That is, in the senatorial or congressional district that he was influential in—that is what I am talking about.

Mr. DENEEN. No; not in the congressional district. Mr. Lane had voted, but he is not supposed to be closely connected with Mr. Thompson. I think Lederer voted. He is in the senatorial district.

Mr. HANEY. Mr. Lane did not live in Col. Thompson's senatorial or congressional district.

Mr. DENEEN. I think he lived in his congressional district. I think he does.

Mr. HANEY. His congressional district—that is, the first congressional district—is the one in which Representative Lane lived, and that only goes to Forty-third Street and Hyde Park, and Col. Thompson lives on the corner of Forty-fourth.

Mr. DENEEN. Oh, he does? I know part of his ward is in it, and he is very active in politics.

Mr. HANEY. Now, Governor, Representative Lane did not live in Col. Thompson's senatorial or congressional district, did he?

Mr. DENEEN. He lived in his congressional district—

Mr. HANEY. Will you please say yes or no, and then you can tell anything you want to.

Mr. DENEEN. I say yes and no both. That is the only way to answer your question. He lived in a congressional district in which a large part of Col. Thompson's ward was located, and Col. Thompson was consulted by all the leaders there.

Mr. HANEY. Is it not a fact, Governor, that Col. Dewey was the potent and influential factor in the two senatorial districts in the first congressional district and that it took in all the territory down to Forty-third Street and Hyde Park.

Mr. DENEEN. He was an influential factor—I should not say the most potent.

Mr. HANEY. That is Senator Ettleson's senatorial district, is it not?

Mr. DENEEN. He was influential—

Mr. HANEY. That was Senator Ettleson's senatorial district, was it not, taking in the third ward—Martin B. Madden's ward?

Mr. DENEEN. Yes; to Forty-third Street, if I recall it.

Mr. HANEY. That is Senator Ettleson's senatorial district.

Mr. DENEEN. Yes. The one north is Senator Brady's or Senator Billings's, I think.

Mr. HANEY. The one north of that was Brady's and Billings's district.

Mr. DENEEN. I have not the lines in my mind of all those senatorial districts in Chicago, that is, the streets. I know the factors, but not the exact geography.

Mr. HANEY. As soon as it was suggested to you, you recognized the boundary lines?

Mr. DENEEN. No; I do not know the boundary lines, but I know the men who represented the district.

Mr. HANEY. You know Forty-third Street is the south boundary line of the first congressional district?

Mr. DENEEN. Yes; I think it is.

Mr. HANEY. Did Col. Thompson say or do anything more to indicate what he felt or what he was going to do, that night?

Mr. DENEEN. I do not think he indicated what he intended to do. He argued—

Mr. HANEY. And you have told all that you can remember now, that either Col. Dewey or Col. Thompson said to you or your friends who were arguing with them, that they should not permit any of their friends in the legislature to vote for Senator Lorimer the next day?

Mr. DENEEN. That was the substance of the conversation.

Senator GAMBLE. This conference was on the night of the 25th of May?

Mr. DENEEN. Yes.

Senator GAMBLE. Preceding the election?

Mr. DENEEN. Preceding the election, and it was in my office.

Senator GAMBLE. In the discussion, Governor, were there any suggestions made as to the probable number of Republicans who would vote for Mr. Lorimer the next day?

Mr. DENEEN. No, I think not; I do not think they were taken up.

Senator GAMBLE. Was there any suggestion as to the number of Democrats who were liable to vote, or would vote for him?

Mr. DENEEN. A suggestion to this extent, that he could not be elected without a large majority of the Democrats, and that the party could not afford to get into that position.

Mr. HANEY. Did you know, and did your friends know, at that time, the attitude of the membership known as the Band of Hope toward Senator Lorimer's candidacy?

Mr. DENEEN. The Band of Hope was against it at that time. Two of these members or more were classified as a part of the Band of Hope, and we were trying to keep the Band of Hope together on the proposition.

Senator GAMBLE. Were there any suggestions made in that conference as to the use, or the probable use, of money?

Mr. DENEEN. No.

Senator GAMBLE. Or corrupt influences, looking to the election the next day?

Mr. DENEEN. No; I think not.

Senator GAMBLE. There were no charges of that kind?

Mr. DENEEN. No; we did not discuss that matter.

Mr. HANEY. And you never heard of any such charges, except about the \$30,000 which you heard was sent down for some other purpose?

Mr. DENEEN. At that time I had not heard anything except that remark.

Senator GAMBLE. Now, you have already testified as to your information—that is, in regard to the jack pot—and you do not claim that that is any actual knowledge?

Mr. DENEEN. I have no knowledge except the rumor—the gossip of other persons.

Senator GAMBLE. And the speech you made in Speaker Shurtleff's home was based on the information or suggestion that you had, and you did not claim to have any personal knowledge?

Mr. DENEEN. I did not charge that he specifically——

Senator GAMBLE. I did not mean to infer that.

Mr. DENEEN. No. I simply made the argument along the lines that four men had confessed, and the futility of having a jack pot of four men where it required seven, and that he had created the machinery there, and this was a part of the output, and that it was plain we did not have it all; that the courts and the grand jury were investigating it, and that it could not have occurred without his acquiescence and knowledge. I made the argument along those lines.

Mr. HANEY. That was an argument for the purpose of defeating Mr. Shurtleff in his district if that could be accomplished?

Mr. DENEEN. I made it with that tendency.

The CHAIRMAN. That was so stated earlier this morning.

Mr. HANEY. That speech was not made or prepared with a view of attacking Senator Lorimer or his election, was it?

Mr. DENEEN. Not with the idea of attacking his election; oh, no.

Mr. HANEY. And it did not have any relation to Senator Lorimer's election at all, but had relation to——

Mr. DENEEN. To the bipartisan organization—what it had resulted in. It was an elaboration of a speech which I made at Taylorville, which I have printed—practically the same matter expanded.

Senator GAMBLE. That speech was made after the disclosure on the 30th of April?

Mr. DENEEN. Yes; it was made in the following August or July. It was during warm weather.

Mr. HANEY. Did not Col. Dewey and Col. Thompson at that conference on the evening of the 25th of May, 1909, say to you and your friends that neither they and their friends would lead for Senator Lorimer nor would Col. Dewey and Col. Thompson try to prevent their friends from voting for Senator Lorimer?

Mr. DENEEN. No; I gathered from Col. Dewey's statements that his friends would not vote for him, nor did they until after he was nominated. We were uncertain as to the attitude of Col. Thompson. He did not make a definite statement as to what he would do. We pressed him pretty hard, but he did not state what he would do.

Mr. HANEY. Who were the members of the legislature from Col. Thompson's district?

Mr. DENEEN. Mr. Ap Madoc and Mr. Hull represented the south one of which the ward was part, and Mr. Sollitt and, I think, Mr. Lederer at that time represented the north ward.

Mr. HANEY. Did Mr. Ap Madoc vote for Senator Lorimer on the last ballot?

Mr. DENEEN. I think he did.

Mr. HANEY. He did not before that?

Mr. DENEEN. I do not know. I think not.

Mr. HANEY. You are still very friendly with both Col. Dewey and Col. Thompson?

Mr. DENEEN. Friendly. I do not know how Col. Thompson feels toward me. I have not seen him much since.

Mr. HANEY. He gave a dinner to you and your wife at his residence, did he not, not very long ago?

Mr. DENEEN. That was some time ago.

Mr. HANEY. How long ago?

Mr. DENEEN. About two years ago.

Mr. HANEY. It was since that time?

Mr. DENEEN. Oh, yes. There have been friendly relations since that time.

Mr. HANEY. He has entertained you?

Mr. DENEEN. There was some irritation on his part about the mayoralty contest, in which he was a candidate, in which we were against him, and in which Mr. Lorimer supported him.

Mr. HANEY. That was in the spring of this year?

Mr. DENEEN. Yes. Your question was not specific enough. I feel friendly toward him. He is on my staff. He has not participated in the duties of that position, however, for some time.

Mr. HANEY. What is the first name of Mr. Wright?

Mr. DENEEN. Edwin R. or Edward R.—E. R.

Mr. HANEY. He is an appointee of yours?

Mr. DENEEN. He was on the commission to investigate workmen's compensation. I think the commission is not in force now.

Mr. HANEY. His name is Edwin R., is it?

Mr. DENEEN. I think so. It is E. R. He is chairman of the Federation of Labor of Illinois.

Mr. HANEY. He has been a friend of yours?

Mr. DENEEN. He has been friendly to me; yes.

Mr. HANEY. You said that Mr. Wright first told you of a man who was writing a book about the jack pot. When was it that Wright first told you about that?

Mr. DENEEN. Mr. Wright told me that a man was writing about the jack pot in August or September, as I recall it, preceding this exposure.

Mr. HANEY. That is in August or September, 1909? The White story was published April 30, 1910, and it was the August or September before that?

Mr. DENEEN. I do not just recall. I think it was the August or September preceding this exposure, as I recall it.

Mr. HANEY. You said in your testimony before that it was September or August.

Mr. DENEEN. That is my general recollection. The reason why I fixed it was, I think it came up in connection with the election which was to occur, and he said that a man was writing an article which was an exposure. It was simply mentioned and there was no election in 1909, as I recall. Anyhow, he told me, I know, in the fall, and I think it was some considerable time before the exposure.

Mr. HANEY. It must have been the August or September after the forty-sixth general assembly adjourned.

Mr. DENEEN. Well, I do not know, but I think so. That was not the first information I had, but that was the first time he talked.

Mr. HANEY. What information did you have before that, Governor?

Mr. DENEEN. I think it was the last night after that session in which I had to sign bills, 10 days after the adjournment. Mr. Wheeler, a reporter of the Inter-Ocean, told me that he and Mr. Hard, who was formerly an editorial writer on the Chicago Tribune, but now a magazine writer, intended to write up a story of the corruption in the legislature for a magazine, I think Everybody's Magazine.

Mr. HANEY. That was nothing except that they were going to write a story——

Mr. DENEEN. Of the jack pot, of the corruption in the legislature.

Mr. HANEY. A story that they were to sell to Everybody's Magazine?

Mr. DENEEN. I assume that they were to be compensated for it.

Senator JONES. Did they claim to have any personal knowledge with reference to the jack pot?

Mr. DENEEN. I did not ask him what he knew about it. He told me he was going to tell it. I asked him if he had enough information to make a readable article and he said he had. I did not go into details at all.

Mr. HANEY. How did Mr. Wright come to talk to you about it? Did you go to him or did he come to you?

Mr. DENEEN. He came to me on some other matter. I have forgotten what, but he spoke to me about it.

Mr. HANEY. Was that all the conversation between you and Wright at that time?

Mr. DENEEN. I do not recall just the matter that brought him there. I know it was not that, but it was some matter, I think, in connection with this commission and he spoke about it.

Mr. HANEY. Was that all the conversation?

Mr. DENEEN. Oh, I suppose not just that much. It took about three seconds to state or half a minute. I assume there was something else.

Mr. HANEY. That was all you heard of it?

Mr. DENEEN. That was the substance of it.

Mr. HANEY. Did Wright tell you the name of the man who was going to write the story?

Mr. DENEEN. If I recall it correctly, he said a labor man.

Mr. HANEY. Did he tell you his name?

Mr. DENEEN. No; he did not.

Mr. HANEY. Did you ask him the name of the man who was going to write the story?

Mr. DENEEN. I do not know whether I did or not. I think I did. I know I asked Mr. Keeley about the name. As I say, I do not know about that. I think I did. Under ordinary circumstances I would, but I do not recall.

Mr. HANEY. Did he tell you or indicate to you——

Mr. DENEEN. No.

Mr. HANEY. Anything other than that he was a labor man?

Mr. DENEEN. That is all. In fact, I thought Mr. Fieldstack was the man until the night this was published. I knew him as an active labor man. I thought he was the man all the time until Mr. White came.

Mr. HANEY. Mr. Fieldstack was a friend of yours?

Mr. DENEEN. He was quite an active labor man.

Mr. HANEY. He was a member of the legislature?

Mr. DENEEN. Yes; from the north side. I did not know Mr. White was a labor man. He belonged to the opposite party. So far as I know, I never met him, although, as I say, he claimed that he met me with the delegation of 30. I have never met him since.

Mr. HANEY. Governor, you talked with James Keeley?

Mr. DENEEN. Yes, sir.

Mr. HANEY. He was managing editor of the Chicago Tribune at that time? Now, when was that?

Mr. DENEEN. That was the 16th of March preceding this exposure?

Mr. HANEY. That was the night before President Taft was the guest of the Irish Fellowship. Where did you have that talk with him?

Mr. DENEEN. In the La Salle Hotel.

Mr. HANEY. What time of the evening was it?

Mr. DENEEN. Well, if I recall it, it was about 9 o'clock, but I am not sure about that.

Mr. HANEY. How did you happen to meet Mr. Keeley there?

Mr. DENEEN. He asked me over the telephone to come to Chicago; wanted to talk to me.

Mr. HANEY. Did he call you up on the long-distance?

Mr. DENEEN. As I recall it.

Mr. HANEY. He said he would like to see you in Chicago?

Mr. DENEEN. On an important matter.

Mr. HANEY. Did he ask you where to meet him?

Mr. DENEEN. He did, and I fixed it. I said I was going to the La Salle Hotel; that President Taft was to be entertained there, and I went there.

Mr. HANEY. Did he fix the place, or you?

Mr. DENEEN. I think I did.

Mr. HANEY. The La Salle Hotel is two blocks from the Tribune office?

Mr. DENEEN. Yes.

Mr. HANEY. Was Mr. Keeley there when you got there?

Mr. DENEEN. No.

Mr. HANEY. He came afterwards, did he?

Mr. DENEEN. Yes.

Mr. HANEY. Did you stop there at the hotel?

Mr. DENEEN. I did.

Mr. HANEY. That night?

Mr. DENEEN. Yes.

Mr. HANEY. What was the talk between you and Keeley on that occasion?

Mr. DENEEN. Mr. Keeley, after a preliminary talk, told me that they had a story——

Mr. HANEY. That he had a story?

Mr. DENEEN. A story had been handed to him which had to do with the jack pot and the corruption in the general assembly, and that he had submitted it, as I remember it, to the State's attorney, Mr. Weyman, and I think the State's attorney had had it some time then, but I am not sure. Anyhow, he either had submitted it or was to submit it to the State's attorney. I think the State's attorney had it in his possession then, and we discussed it in a general way.

I asked him what it was, and he told me that it was a general exposure of the jack pot.

Mr. HANEY. Did he tell you the names of the parties?

Mr. DENEEN. No; he told me that it involved the organization, their leaders; and then, later, as it ran along, he said it would involve the Senator, or rather the senatorial election; not the Senator, but the senatorial election.

Mr. HANEY. Did he tell you the name of the man who wrote the story?

Mr. DENEEN. No. I asked him who he was, and he said, "I have it in confidence," and I then said at once, "I do not care to have any confidential information about the matter." The man's name was not mentioned.

Mr. HANEY. And you did not learn anything about the name of the man at that time?

Mr. DENEEN. No; I did not.

Mr. HANEY. Do you know whether Mr. Keeley consulted with anybody else other than you and State's Attorney Weyman, of Cook County, about that White story between the 16th of March, 1909, and the 30th of April, 1909?

Mr. DENEEN. I do not know.

Mr. HANEY. What else was said, except that Keeley told you that he had a story of that kind?

Mr. DENEEN. He outlined in a general way the character of it, that money was put in a jack pot, that men were voting and receiving money for it, that they were voting, that they did not know for which ballot they were receiving money, that the leaders would not tell them, that they voted for bills that they supposed had money in them when there was not, and the reverse. Then I asked him about how he could prove such a story, called his attention to the difficulties of proof, and that he ought to look into those details before he published the story, because all that evidence, or most of it, would be closed up the minute of the publication. Then he recited the facts that these men had got their money, and then had traveled to Michigan, had stopped at hotels, had gone on the boats and got under the influence of liquor, and that they had been out in all sorts of places, and had acted in such a way that they could check up their evidence.

I suggested that they had better get their checking up done first, before the story was published, so that they could corroborate the story; and I asked whether or not the men who had received the money had been associating with the men who had paid it, where anybody could go to hotel registers and all that. I went through the usual form that lawyers take to get evidence. I had been State's attorney, and I directed his attention to the matter of getting up the evidence before the publication.

Mr. HANEY. Do you know why Mr. Keeley sent for you to come to Chicago from Springfield?

Mr. DENEEN. I do not know why. I think he discussed the subject of my calling the legislature together in extra session to investigate it.

Mr. HANEY. You did not do so, did you?

Mr. DENEEN. No; I did not. I discussed it very carefully, and took it up to see what I could do, and wrote a message on it, and I found it was not wise to do it.

Mr. HANEY. You did not take action at the next regular session of the legislature?

Mr. DENEEN. No; we had no definite proof.

Senator GAMBLE. Did you say you wrote a message?

Mr. DENEEN. I outlined a message.

Senator GAMBLE. Prepared a message for calling a special session of the legislature?

Mr. DENEEN. I prepared the outline of a message for a special session on the matter, and I called in Senator Hurbergh, who was the leader, and we checked up the house, to see what we could do regarding the getting of a committee to make an investigation. The power was against us in the house. We were not quite certain what we could do in getting it investigated, and we determined finally that the men against whom the charges were made were the men who would do the investigating. We did not think that would be a wise thing to do. It would have a bad effect.

Senator GAMBLE. About what time was this?

Mr. DENEEN. I could fix it, I think. I believe I have the notes. Pardon me, Mr. Whitaker—were those notes destroyed?

Senator GAMBLE. It is not a matter of any particular importance.

Mr. HANEY. It was between the 16th of March and the 30th of April, 1909, was it not?

Mr. DENEEN. I do not think so. I think it was after the exposure.

Mr. HANEY. I mean 1910.

Mr. DENEEN. It was after the publication, when this matter was gone into.

Mr. HANEY. It was after the publication?

Mr. DENEEN. After the publication. I never saw Mr. White's story. I only know what I know about it from reading it in the Tribune—that portion that was published. I never saw it in manuscript.

Mr. HANEY. Did you write any part of that story, Governor?

Mr. DENEEN. Not a word.

Mr. HANEY. Nor any of the headlines?

Mr. DENEEN. Nor any of the headlines.

Mr. HANEY. Nor anything connected with it?

Mr. DENEEN. Nor anything connected with it.

Mr. HANEY. You were sent for by Mr. Keeley to come to the Tribune office on the evening of the 29th of April or the early morning of the 30th of April, 1910?

Mr. DENEEN. Yes; about midnight.

Mr. HANEY. Where were you then, Governor?

Mr. DENEEN. When the message reached me I was entering the Union League Club in Chicago, as I recall it, about quarter to 12. I met a reporter from the Tribune on the sidewalk. He said he had been there two hours trying to get hold of me.

Mr. HANEY. Did you come up from Springfield for any particular purpose at that time?

Mr. DENEEN. Yes.

The CHAIRMAN. What date did you say that was?

Mr. DENEEN. That was the day before the article was published, about 15 minutes to 12, at midnight. It was published the 30th, was it not? That would be the 29th, then.

Mr. HANEY. It was published the morning of the 30th.

Mr. DENEEN. The morning of the 30th.

Mr. HANEY. Did you go to the Tribune office then?

Mr. DENEEN. When the reporter accosted me he told me that they had a very important message to give me. I asked him what it was. He said he did not know, but it was of the greatest importance and wanted me to call up the city editor of his paper. I went into the Union League Club and called up Mr. Beck, who was then city editor. He told me no; that Mr. Keeley was the one who wanted to talk with me. Later we got Mr. Keeley on the wire. He said he had a matter of very great importance, and, if I remember correctly, he was to come to me. In any event, he said he was eating luncheon. I said: "I will come right over, to save time, and see you, and you will be through by the time I reach your office." I went over to the Tribune office, and I arrived there sometime after midnight.

Mr. HANEY. It was a midnight luncheon?

Mr. DENEEN. A midnight luncheon; yes.

Mr. HANEY. Did you see Mr. Keeley?

Mr. DENEEN. I saw him; yes.

Mr. HANEY. Did he consult with you about the story—the publication?

Mr. DENEEN. He said that he was publishing the story, and that it was on the press. He sent for it, called a man out and sent down and got the paper and showed it to me, and wanted an interview from me.

Mr. HANEY. He showed you a proof of it?

Mr. DENEEN. I think it was the first one of the sheets. It was really the story. The paper was in ordinary form, such as it is now.

Mr. HANEY. And that was between 12 and 1 o'clock in the morning?

Mr. DENEEN. Some time between 12 and 1, as I recall it—midnight.

Mr. HANEY. Did you give him an interview?

Mr. DENEEN. He insisted on a long interview. I told him no, and I read the paper. He was insistent on my being interviewed, and I refused to be interviewed until I could read it. We sat there, and they held the presses, I think; and I finally gave an interview about an inch long, in which I said: "If the facts stated in this article are true, it ought to be investigated and be exposed." That is all. It was about an inch long, I think. Likely you have it there.

Mr. HANEY. You did not give him any interview or express any views on the matter at all until after you read the article?

Mr. DENEEN. Until I read the article.

Mr. HANEY. You read it through?

Mr. DENEEN. I read it through hastily; I just ran through it as fast as I could to see the points that were made.

Mr. HANEY. You knew what it was?

Mr. DENEEN. No, I did not. He had told me a supposititious case.

Mr. HANEY. When you read it through, you knew what it was?

Mr. DENEEN. Oh, I knew in a general way. I glanced at it and saw the features of it.

Mr. HANEY. You knew that it was the same story that Mr. Keeley had told you about the 16th of March previous?

Mr. DENEEN. I understood it was the same story.

Mr. HANEY. And Mr. Keeley wanted you to give the paper a long interview on the matter?

Mr. DENEEN. He wanted a long interview.

Mr. HANEY. And you declined to give it?

Mr. DENEEN. I did.

Mr. HANEY. You indicated with your figures about a stick. I will ask one of the newspaper men whether that is right—about a stick?

Mr. DENEEN. It was a short interview. I think you have it over there.

Mr. MARBLE. That is an obsolete term.

Mr. HANEY. I will not call any other witnesses on the question after you have spoken. We will say, then, it was about an inch or an inch and a half?

Mr. DENEEN. It was a short interview. I do not measure my interviews by the yard stick. I would not say how many inches long it was.

Mr. HANEY. Was the interview published?

Mr. DENEEN. It was.

Mr. HANEY. Were there large headlines to it?

Mr. DENEEN. I think not. I do not think there were any headlines. I think it was just put right in the article at the end of it, but I do not recall. I have no doubt you have the paper.

Mr. HANEY. How long were you there, Governor?

Mr. DENEEN. I do not think I was there longer than 40 or 45 minutes. I know I had been ill all that day and was lying on a lounge until night, when I had gone to a political caucus, and was late in coming home.

Mr. HANEY. Where was that caucus?

Mr. DENEEN. It was at Mr. Pease's home that night.

Mr. HANEY. Was that the time when they had what they called the "kitchen-cabinet conferences"?

Mr. DENEEN. I was on the porch; I was not in the kitchen.

Mr. HANEY. I did not say that. I asked whether that was when they had what they called the "kitchen-cabinet conferences"?

Mr. DENEEN. Afterwards they charged that we had conferences generally in the kitchen of Mr. Pease's home.

Mr. HANEY. That was the time, Governor, was it not?

Mr. DENEEN. I met several times there. That was one of the times.

Mr. HANEY. And that was to select a list of candidates to be put upon a slate or recommended to the voters?

Mr. DENEEN. Not at all; it was not referred to.

Mr. HANEY. What was that conference for?

Mr. DENEEN. That was regarding the proposed apportionment of the city. That was discussed—whether they should pass an apportionment bill.

Mr. HANEY. Who was present at that conference?

Mr. DENEEN. A number of gentlemen.

Mr. HANEY. Can you name them?

Mr. DENEEN. Yes, sir. There was the mayor of the city—

Mr. HANEY. Fred Busse?

Mr. DENEEN. Mayor Busse; Postmaster Campbell; Mr. James Pease; Mr. William Weber, I think; Mr. John J. Healy, who is here; and Mr. Roger Sullivan, and myself.

Mr. HANEY. What was Roger Sullivan doing in a Republican caucus?

Mr. DENEEN. I think he was there at the request of the mayor, to determine whether or not enough votes could be had to have an apportionment bill passed and whether the Democrats and the Republicans could agree upon an apportionment.

Mr. HANEY. So that there were other factions of the Republican Party that dealt with the Democratic Party?

Mr. DENEEN. That is the only time Mr. Sullivan ever attended. They concluded, I think, that an apportionment bill could not be passed; they did not have enough votes.

Mr. HANEY. Have you named all of those present?

Mr. DENEEN. All that were present were there, and they discussed nothing at all but apportionment.

Mr. HANEY. What was William Weber doing in a conference of that kind? He did not live in the city of Chicago.

Mr. DENEEN. I say, I think he was there, but I do not know.

Mr. HANEY. He did not live in the city of Chicago at all?

Mr. DENEEN. Oh, no; but he was a very active man and secretary of the committee. He was interested in seeing that the apportionment was made as favorable as possible to the Republicans.

Mr. HANEY. Was Roy West there?

Mr. DENEEN. No.

Mr. HANEY. Was anybody else there than those you have named?

Mr. DENEEN. I think I have named all of them. I do not recall any others.

Mr. HANEY. How many times did you talk with Mr. Keeley or Mr. Weyman, or anybody else, about the White story between March 16 and April 30, 1910?

Mr. DENEEN. I never have talked with Mr. Weyman about it at any time. As to Mr. Keeley, I do not think I talked with him about that story between that time and the time it was published, although we may have talked over the telephone; but I think not. I do not recall it.

Mr. HANEY. Did you ever talk with Mr. Keeley or Mr. Weyman, or anybody else, about the White story between the time you talked with Wright, in August or September, 1909, and the publication of the story in the Tribune on the 30th of April, 1910?

Mr. DENEEN. So far as I recall, and to the best of my recollection, I never discussed this story with Mr. Weyman at any time. I will say that first. It is my best recollection that I never mentioned it—I am certain of this—or discussed the matter with Mr. Keeley before the 16th of March, the night we met at the La Salle Hotel. That is my best recollection, and I am very confident of it.

Mr. HANEY. My question covers whether you talked with anybody about it up to the 30th of April, 1910?

Mr. DENEEN. I do not recall any person that I ever discussed the matter with. I may have talked about it with some intimate friends, but I do not think so. It was a matter that I did not care about repeating, for obvious reasons. If it was to be published, I did not want to be called as a witness, and did not care to know about it, and did not care to be dragged into the thing as a witness, so I avoided talking to anybody about it.

Mr. HANEY. Did you read your interview in type in the Tribune that morning? I mean in the early morning, when you were at the Tribune office?

Mr. DENEEN. No; I am quite sure I did not. I will answer the question fully. I know that when I finished the interview, Mr. Keeley said to me: "You will have difficulty in getting out of the building to-night. You are going to be searched. Nobody can leave this building who is not searched, because we do not want our competitors to get the story." He said: "You can take it if you will put it under your vest;" and I put it under my vest and walked out of the building, and met an Inter-Ocean reporter at the foot of the stairs.

Senator KERN. I suppose it was the country edition that you saw first?

Mr. DENEEN. It was the first one that was struck off of the matter, I think; but it may be that they held it back for the country edition. I think the country edition had gone to print, however. They had been searching for me all the evening, and did not know where to find me; and I think it did not appear in the country edition. They found me, as I say, about midnight, and I think the country edition was finished at 11 o'clock, or somewhere around there.

Mr. HANEY. Were you searched when you got out of the building?

Mr. DENEEN. Not at all; no—not yet.

Mr. HANEY. What was it that you took on your person that you had to put under your vest?

Mr. DENEEN. I put a paper under my vest, to reread it; and I went back to the Union League Club and read it carefully then. I just glanced at it before.

Mr. HANEY. You mean a copy of the paper with the White story in it?

Mr. DENEEN. With the White story in it. As I walked out, I said to Mr. Keeley: "No information will get out about this through me. I want to read it." He warned me then, as I said. At first he thought I had better not take it.

Senator KERN. But that edition did not have your interview in it?

Mr. DENEEN. Oh, no.

Senator KERN. That appeared in a subsequent edition the same morning?

Mr. DENEEN. I just took the paper and put it in my pocket.

Mr. HANEY. Did not that paper that you had have your interview in it?

Mr. DENEEN. I do not think so.

Mr. HANEY. Did not every issue of the Tribune of that day have your interview in it as well as the White story?

Mr. DENEEN. I do not think so. To my best recollection—and I am very confident of this—I do not think I talked with Mr. Healy before 20 minutes after 12 or half-past 12. I am just estimating it from the time I returned to the Union League Club. When I got there I know he brought the matter up. Whether he stopped the presses and threw away the first edition and started a new one, I do not know. But it was later than the usual country edition, as I am informed. I do not know whether he destroyed it and printed my interview in that edition or not. He can tell you about that. There are files accessible, I suppose.

Mr. HANEY. Who took down your interview?

Mr. DENEEN. A shorthand reporter who came in.

Mr. HANEY. Was it published as you dictated it?

Mr. DENEEN. I do not recall that. I assume so.

Senator JONES. Governor, you say Mr. Keeley wanted you to give a long interview. Did he seem to assume that you had personal knowledge of facts corroborating this statement of Mr. White's?

Mr. DENEEN. No; he wanted me to give an interview on the article and on general conditions.

Senator JONES. That is, he wanted you to give an interview assuming that the facts set out in the article were true?

Mr. DENEEN. Assuming that here was one man who was part of it, who had confessed; and, as he said: "The lid has blown off. It is all coming out now, and the whole thing is going to be exposed." He said: "At last we have got the power to show it up." He said: "Now, I want a strong interview on this matter." I said: "Let me read it first. I hold on official position here, and I do not want to give out an interview that can not be sustained later by the facts." So he was urging me, and said they were holding the presses there; and I just glanced at it, and said: "I can not give such an interview as that. I will have to read your article." He said: "We can't wait to talk about it." So I dictated a little interview, which I have no doubt they have in their valise there.

Mr. HANEY. Did you tell him that you did not have personal knowledge of the facts set out in the article?

Mr. DENEEN. Oh, that was discussed on the 16th of March, as to whether I had any personal knowledge.

Mr. HANEY. Was that discussed at all at this time?

Mr. DENEEN. Oh, no.

Mr. HANEY. When he insisted on your giving a long interview, did you tell him that you did not have personal knowledge of the facts?

Mr. DENEEN. Oh, no; we never discussed it. It was all done in a hurry at that time. He was trying to expedite my interview. He said, "Here it is. It is all in print, and it is about like what I told you. I told you a supposititious case, but here it is. Here is the whole thing."

Mr. HANEY. He did not want you to vouch for it, did he?

Mr. DENEEN. Oh, no; he wanted me to give an interview on conditions and what ought to be done in regard to an investigation of the legislature, where a man had confessed, and wanted me to state what I proposed to do about it and to give out an interview regarding conditions.

Mr. HANEY. Did you tell Mr. Keeley, of the Tribune, on the 16th of March, 1910, that you did or did not have personal knowledge of the White story, or the story that he printed?

Mr. DENEEN. I told him of the conversation I had with Mr. Wright. I told him that Mr. Wright said that they had the story.

Mr. HANEY. But did you tell him that you did or did not have personal knowledge of the story? Did you tell Mr. Keeley—

Mr. DENEEN. Of the story or the facts related in the story?

Mr. HANEY. Did you tell Mr. Keeley on the 10th of March that you had or had not personal knowledge of the White story, or the facts therein stated?

Mr. DENEEN. I did not state anything about the White story, because I did not know that Mr. White was the man. As to the facts, we discussed my knowledge of the conditions in the legislature, and such matters, and what to do in the way of getting proof of facts that were everywhere considered by everybody to exist.

Mr. HANEY. Did you tell Mr. Keeley on that occasion, or on any other occasion, that you had personal knowledge of those facts, or any of them?

Mr. DENEEN. No; I did not—not at all. I had not any personal knowledge.

Mr. HANEY. Governor, I show you a printed copy of senate bill No. 286 in the forty-sixth general assembly; and then I show you a copy of your veto message of senate bill No. 286, on page 21 of Veto Message of the House and Senate of the Forty-sixth General Assembly, filed by Gov. Charles S. Deneen, 1909, in a printed pamphlet; and I ask you whether that is the bill that you referred to as the one that you vetoed when you spoke of it on your direct examination?

Mr. DENEEN (after examining papers). I think that is the one. Let me see: 1909—yes; that is the one, I think.

Mr. HANEY. There were some amendments offered to that bill, were there not, Governor?

Mr. DENEEN. It says so there. I assume so.

Mr. HANEY. I do not care about reading this, Governor; but I should like to have it in the record, and also the veto message on page 21 of the printed pamphlet here. I should also like to get, when I am able to do so, printed copies, properly certified, of the amendments that were offered to the bill.

Senator KERN. What bill is it?

Mr. HANEY. This is the bill that the governor said he vetoed; and he said that some of the people in the house or the legislature claimed that the "jack pot" lost, or he heard a report that somebody claimed that the "jack pot" lost \$30,000 or \$35,000 by his veto. I think it was White.

Mr. HEALY. That is not the testimony of the witness, and we do not want to concede that the witness has testified to that.

Mr. HANEY. I was answering Senator Kern, Mr. Healy.

Mr. HEALY. Yes; but you were assuming to state the testimony of the witness, which I remember to be quite different from your statement of it.

Mr. HANEY. It was Mr. White's story that talked about the \$35,000, was it?

Mr. DENEEN. Yes. He said that one bill had been vetoed wherein \$35,000 had been lost to the jack pot.

Mr. HANEY. That was the corporation bill or the bill that allowed one corporation in Illinois to own the stock of another?

Mr. DENEEN. No; I said I guessed that was the one. I did not know it was the one. I looked over the files to find out to which it referred, and I assumed it referred to that; but I did not know.

Mr. HANEY. Did anybody come to see you about this bill, Governor, between the time of its passage and the time that you vetoed it or before that time?

Mr. DENEEN. They came to me afterwards.

Mr. HANEY. Who came to see you?

Mr. DENEEN. I think a number of men came to see me.

Mr. HANEY. Will you tell the committee the names of some of them?

Mr. DENEEN. I will make a parliamentary statement and then I will answer. I think the bill was prepared by the Chicago Bar Association or the Illinois Bar Association in the first instance.

Mr. HANEY. The Illinois State Bar Association committee?

Mr. DENEEN. The committee. Mr. Bancroft, I think, was one of those who helped prepare it.

Mr. HANEY. You refer to E. A. Bancroft?

Mr. DENEEN. E. A. Bancroft.

Mr. HANEY. The attorney for the International Harvester Co.?

Mr. DENEEN. Yes; and Mr. Millard R. Powers was the most active one, I think. He is a member of the State Bar Association also; and Mr. Shaw, of the firm of—what is the firm name?

Mr. HANEY. Winston, Payne, Strong & Shaw.

Mr. DENEEN. Yes; he was one, and a number of others came.

Mr. HANEY. Any others that you remember?

Mr. DENEEN. Yes; I think Mr. West, too.

Mr. HANEY. Roy O. West?

Mr. DENEEN. Yes. Quite a number of Chicago lawyers came to me, representing the bar association.

Mr. HANEY. Anybody else?

Mr. DENEEN. I do not recall. You might refresh my recollection.

Senator KERN. Do you mean they came to you in the interest of the bill?

Mr. DENEEN. In the interest of the bill. The bill was introduced by the bar association as a measure to revise the corporation law of our State. Then they kept tacking on amendments all the time. When it reached me I submitted it to the attorney general, and he wrote an opinion of about 12 pages. I vetoed the bill, and it came so late at night that I dictated the veto rather than incorporating his opinion, as I usually do, in the message. But we had not time, and I dictated that part of my message from his opinion. He made a very strong presentation against the bill. If you care to have it, I will send you a copy of the opinion.

Senator KERN. It was against the bill as amended?

Mr. DENEEN. As passed; yes—as amended.

Mr. HANEY. That was the attorney general's argument?

Mr. DENEEN. Yes. I submitted it to him for an opinion.

Mr. HANEY. These gentlemen who came to see you—Mr. Bancroft, the attorney for the International Harvester Co., and Mr. Millard R. Powers and Mr. Roy O. West and others—came to see you in the interest of the bill and wanted you to support the bill?

Mr. DENEEN. You asked me about the men who spoke to me about the bill. I do not recall that Mr. Bancroft came to me after it was passed. I do not recall that. There were a large number of lawyers that came to me. I know he was back of the bill once. I had understood that Senator Jones had introduced it, until I saw Mr. Billings's name attached to it. He was favorable to the bill at first, and the leading lawyers were. An effort was made to revise our whole corporation law. Then, when it came to me at the end of the session, about 200 bills came in all at once, and I had to act on them in 10 days. I turned them over to the attorney general

to pass or their constitutionality, and to raise such objections as a lawyer would find; and he brought in his assistants. This bill, on account of its importance, was held back until just two days, I think, or 36 hours before the time would elapse within which I could sign it. Mr. Shaw, of the firm of Winston, Morrill, and so on—

Mr. HANEY. Winston, Payne, Strong & Shaw?

Mr. DENEEN. Whatever it is; it is one of the principal firms in the West, or in our city. Mr. Shaw had asked to be notified, as most men do, in the event that I considered vetoing it, and to have a hearing. It was too late to have a hearing, and I telephoned up that we would have to act on the matter; and I think they sent down a written argument in favor of the bill. We had no hearing. I went over and discussed the matter with Mr. Boyce, a member of the railroad and warehouse commission, and Gen. Stead, his assistant, Mr. Woodward, and his assistant, Mr. Dempsey. We discussed it up to about 12 o'clock, just when the time would elapse; and we hurried back to get it filed. Then they raised the question whether I had gotten it in in time. That question was raised by the gentlemen who favored the bill, and we had a lawsuit about it. There was a great deal of interest in the bill.

Mr. HANEY. You were opposed to the bill, and the attorney general and Mr. Boyce and the others of the State officials were opposed to the bill?

Mr. DENEEN. No; I had not any feeling on the bill until I received the opinion of the attorney general, which was very strongly against it.

Mr. HANEY. That is what I mean.

Mr. DENEEN. Yes. Then I adopted his views.

Mr. HANEY. After you got the attorney general's opinion?

Mr. DENEEN. I had not read it before that time.

Mr. HANEY. You discussed it with him and Mr. Boyce, of the railroad and warehouse commission, and Mr. Dempsey, of the attorney general's office?

Mr. DENEEN. And Mr. Woodward and. I think, Mr. Fitch. I know it was an important bill, and we wanted the law revised. It was supposed that it would produce about a million dollars in revenue to the State, and we wanted to sign it to get the revenue. But when that was pointed out, we had a consultation as to whether we could afford to let that revenue escape which we had all counted on getting to pay the expenses of the State. That was considered very carefully, and I finally vetoed it because of that obnoxious feature.

Mr. HANEY. That feature was a change of the entire policy of the State of Illinois?

Mr. DENEEN. It was so stated in the veto—an entire change of the policy of the State in dealing with corporations and allowing one corporation to organize a barber shop and buy a railroad.

Senator JONES. Was that provision in the original bill, or was it inserted by amendment?

Mr. DENEEN. I think it was inserted.

Mr. HANEY. By amendment?

Mr. DENEEN. I think it was.

Mr. HANEY. Yes; it was.

Mr. DENEEN. That is what I think. It was not in the original bill. It was one of the things that crept in as it progressed. I had favored the bill. I had asked to have a commission appointed to revise the corporation law, and I was exceedingly anxious to do so, so that corporations should organize in Illinois and stay in Illinois, and not organize in New Jersey and then come down and exploit our State. I thought the corporation law should be made more liberal, and gotten on a different basis. Because I had advocated it, I wanted to sign the bill, which had many good features in it, and I was greatly disappointed when I got the opinion. As soon as I saw it, though, I saw it was conclusive.

The CHAIRMAN. In these interruptions, I failed to get just what that obnoxious clause was.

Mr. DENEEN. Allowing a corporation to buy and sell stock in other corporations.

Mr. HANEY. To consolidate, amalgamate, and buy up, so that one corporation, organized for one purpose, with a small capital stock, might buy up any number of other corporations that it wanted to and hold and control them?

Mr. DENEEN. And nobody could tell who was controlling.

Mr. HANEY. Yes.

Mr. DENEEN. Until the time came for the record; and that, of course, could be manipulated.

Mr. FARRAR. That was section 31 of the bill.

Senator GAMBLE. Were these objectionable features in the bill as originally drafted, or were they placed in it by amendment?

Mr. DENEEN. I think they were placed in it by amendment, Senator. They were not in the bill when I knew it at the start. I only knew the general features and purposes of the bill. One was a revenue-producing feature that would very largely increase the income of the State.

Senator JONES. Were there any particular contests over these amendments in the legislature, or discussion of them?

Mr. DENEEN. I do not know. I never attended any of their meetings. I kept away from the legislature. The trouble in our State, as I said before, is that they pass about 240 to 270 bills during the session; they pass a few appropriation bills, emergency bills, and one or two things that are not opposed during the session, and then in the last few days they will pass about 200 or 225. They all come to me, and I have to act on them within 10 days. It is almost a waste of time to keep track of them during the session of the legislature, because they are amended the second day before they adjourn, and it just makes it more confused to try to keep track of them.

Senator JONES. That is a condition that is not entirely confined to the Illinois Legislature.

Mr. DENEEN. I do not know about that; but it is hard on the governor. It puts an undue burden on him.

Mr. HANEY. The law of Illinois requires the governor to sign or veto the acts of the legislature within 10 days after the expiration of the legislative term, does it not, Governor?

Mr. DENEEN. It is so ruled—or to return them without signature.

Mr. HANEY. Or the bills, if not vetoed, become law by operation of law?

Mr. DENEEN. Yes.

Mr. HANEY. You said, Governor, that this bill was held back until two days, or about two days, before your time for signing the bill expired. By whom was it held back, and how?

Mr. DENEEN. When I say "held back," that is another case of the use of words. It was not held back purposely. The attorney general had to pass on the constitutionality of 200 bills in 10 days or less. He had to pass on them earlier than that, so that he could give his opinion to me. He worked very hard during those 10 days. They began about 8 o'clock in the morning and worked until about 12 at night. He was doing his best to get through. I think they would have liked to favor the bill if they could. It was a matter that would have been of great advantage to the State in the way of producing revenue. But it came to me among the last bills, about two days before the time expired. His opinion will give the date.

Mr. HANEY. And you had to act upon it very quickly?

Mr. DENEEN. I had about 36 hours, or something like that.

Senator JONES. Have you any knowledge as to whether or not the passage of the bill in the legislature was purposely held back?

Mr. DENEEN. I can not say as to that. I know it was not passed until the last. It was one of those that came in with a large number of others. I do not know whether that was done purposely or not.

Mr. HANEY. Governor, you know the signature and handwriting of Roy O. West, do you not?

Mr. DENEEN. I think so.

The CHAIRMAN. Before you go into that matter, Mr. Haney, I will suggest that no disposition was made of your offer. It occurred to me that if that bill was to be printed in the record, it ought to be printed as passed; otherwise it would be very misleading.

Mr. HANEY. I have tried very hard, Mr. Chairman and gentlemen, to get a copy of the bill as amended, but up to the present time I have not been able to do so.

The CHAIRMAN. Can it not be held until that can be done?

Mr. HANEY. Yes; I will do that; but I want it to have a place in the record, and I want to save that now.

The CHAIRMAN. It might be well to have it marked for identification and held until you can get a copy of it as passed.

Mr. DENEEN. May I state that the obnoxious section of the bill is quoted in full in my veto? The veto is about a page long, or less.

Senator GAMBLE. Would your veto message be self-explanatory?

Mr. DENEEN. Of that feature, yes. It is about a page long; and I think I quote the entire section, do I not, Judge? I think you will find it so.

The CHAIRMAN. There will be no objection to printing the veto message, if that is the fact, and then letting the bill, when we get it, be printed, either as an appendix or as a part of the text.

Senator KERN. I think the bill as amended ought to be printed in the record. We can get printed copies, can we not, Senator?

Mr. DENEEN. Easily, from the secretary of state.

Mr. HANEY. We will have that done; but I was not able to do it.

Senator KERN. You can mark this for identification if you wish.

Senator GAMBLE. Would it not be well to put in the veto message with the bill as it passed?

The CHAIRMAN. We can print them as an appendix.

Senator KERN. Yes.

The CHAIRMAN. And it can be referred to in the text.

Mr. HANEY. I should like also to put in the attorney general's opinion. I believe the governor generally quotes largely from the opinion of the attorney general, but did not do it in this case, he said, because of the short time.

Mr. DENEEN. I make a policy of referring every bill to the attorney general. Then he writes an opinion on every bill. In this case we were discussing it until after 11 o'clock; and I suspected that on account of its importance we would have to confine ourselves to the exact rule. We could not follow the usual procedure—we had not facilities for it—so I just dictated the message right from the bill, and we threw it right off, and arranged to file it. I think the point, though, is there.

Mr. HANEY. Governor, the opinions of the attorney general are preserved, printed, and bound in book form?

Mr. DENEEN. They were preserved by him in book form, I think, all of them; but I know I have his opinion. We kept them. You will find his printed opinion in his reports.

Mr. HANEY. Where can we get a certified copy of that opinion? From the secretary of state?

Mr. DENEEN. No. The opinion goes to me; it is a personal matter, but you can get it. I think he printed it in his printed reports.

Mr. HANEY. Yes; but what I want to know, Governor, is how I can get an official copy.

Mr. DENEEN. I think you had better have the attorney general do it. I could certify it, but he is the best one to do so. He wrote it.

Senator KERN. Can you not get it from the printed reports of the attorney general?

Mr. HANEY. If that is acceptable, we can get it from the printed reports of the opinions of the attorney general.

I will offer now, and ask to have marked for identification, page 21 of the Veto Messages of Gov. Charles S. Deneen of the Forty-Sixth General Assembly, 1909; and I will offer in evidence the opinion of the attorney general on senate bill No. 286, and a copy of senate bill 286 as amended.

Senator KERN. As passed?

Senator GAMBLE. And as passed?

Mr. HANEY. As passed.

(The stenographer marked the page referred to "P. E. B. for ident.")

Mr. HANEY. I will not read it into the record now, Mr. Chairman.

The CHAIRMAN. No; I think not.

Senator KERN. I think it would be better to let them all go in together.

The CHAIRMAN. Yes.

Mr. HANEY. Governor, I show you a letter dated May 27, 1909, on the letterhead of "West, Eckhart & Taylor, attorneys," and ask you whether that is the handwriting of Mr. Roy O. West?

Senator JONES. Just a moment, before you go into that. It seems to me that we ought to have a copy of this bill as it was originally introduced, also.

Mr. HANEY. I have that here. I will offer that.

Mr. HYNES. That is as amended.

Mr. HANEY. As amended?

Mr. HYNES. Yes; but I do not know whether it is as passed or not.
 Senator GAMBLE. But there ought to be something to indicate the changes in the printed bill.

The CHAIRMAN. Judge Hanecy will see to that.

Mr. HANECY. Then I will offer, in addition to that, the bill as originally offered in the legislature, and then the bill as amended and passed.

Senator JONES. Yes; that is right.

Mr. DENEEN (referring to papers handed to him). I think those are Mr. West's signatures.

Mr. HANECY. Both of them?

Mr. DENEEN. I think so.

Mr. HANECY. Both are in the handwriting of Mr. West, are they not?

Mr. DENEEN. To the best of my knowledge and belief.

Mr. HANECY. I should like to read these into the record, Mr. Chairman.

(The papers referred to were marked, respectively, "Ex. Deneen 1, July 15, 1911," and "Ex. Deneen No. 2, July 15, 1911," and are as follows:)

EX. DENEEN 1, JULY 15, 1911.

WEST, ECKHART & TAYLOR, ATTORNEYS AT LAW, FIRST NATIONAL BANK BUILDING,
 CHICAGO.

Telephones: { Central 646.
 Automatic 5832.

Roy O. West.
 Percy B. Eckhart.
 Clayton R. Taylor.
 William Rothmann.
 Thomas G. Deering.

MAY 27, 1909.

DEAR SENATOR: Congratulations. I wish you a successful term in the most dignified legislative chamber.

Yours, sincerely,

ROY O. WEST.

EX. DENEEN No. 2, JULY 15, 1911.

Officers:

William Lorimer, president.
 William J. Cooke, vice president.
 John I. Hughes, secretary.
 J. Albert Campbell, treasurer.

Telephones:

Harrison 6940.
 Harrison 6941.
 Harrison 6942.
 Automatic 3033.

FEDERAL IMPROVEMENT CO., SHIPPERS OF CINDERS, 949 TO 959 THE ROOKERY,
 CHICAGO.

MAY 27, 1909.

DEAR SENATOR: I just called to see how your pulse is.

ROY O. WEST.

Mr. HANECY. That date—May 27, 1909—was the day after Senator Lorimer's election?

Mr. DENEEN. I assume so; I did not look at the date.

Mr. HANECY. It was May 27.

Mr. DENEEN. The same year? I assumed it was.

Mr. HANECY. May 27, 1909.

Mr. DENEEN. It was the day after, then.

Mr. HANEY. All of the men who went to see you about senate bill No. 286 went there to urge upon you the signing of the bill as amended and passed, did they not, Governor?

Mr. DENEEN. No; I think not. I will answer "No" and then explain. The matter was referred to the attorney general. I know Mr. West stated that these lawyers wanted a hearing upon the matter. He called me up or wrote to me—called me up, I think. I told him I would grant them a hearing; and they called, I think, once or twice, to learn whether I had received the opinion of the attorney general, so that they might know whether or not there would be a hearing.

Mr. HANEY. Will you tell us the names of the lawyers to whom you refer?

Mr. DENEEN. I think, as I say, Mr. West called up and said that Mr. Shaw, of Winston, Payne, Strong & Shaw—wanted to know—

Mr. HANEY. And Mr. M. R. Powers?

Mr. DENEEN. I do not know whether he was included or not—I think not—in what Mr. West said. I told him I would give them an opportunity to be heard.

Mr. HANEY. And Mr. Bancroft?

Mr. DENEEN. I do not recall Mr. Bancroft. I told him I would give them an opportunity to be heard. When his opinion came in I saw it; I think we received it at night, and I read it, made a memorandum of it, and put it in the mail at 12 o'clock and sent it up there and said, "Here is the opinion. We have not time for a hearing. If you have any objections to make, submit them in writing, and then send back the opinion so that I can get it at 4.45 the next day," because I had to act on it then. I sent it, I think, by special delivery. Then I called them up next morning on the telephone. I called Mr. West and said, "It is impossible to give those men a hearing." I said, "The time would not permit." I said we had other bills, too, but that they could dictate a statement of their objections to the attorney general's opinion and put a man on the train at 11.25 and bring it to me and I would give it consideration—or to have a lawyer come. They dictated a legal opinion in support of the bill and sent it to me and sent down a clerk, and he arrived after half past 4, and I took it and went over to the attorney general, and I vetoed the bill after that. I did not think their views were meritorious. I do not think any other lawyers had an opportunity to speak to me about it.

Mr. HANEY. Mr. Bancroft did talk with you previous to that time, did he not?

Mr. DENEEN. I would not say that he talked, but I know he favored it. That is the point you are driving at.

Senator KERN. Do you mean the original bill, or the bill as amended?

Mr. DENEEN. The original bill. I do not know as to whether he favored the amendments or not. While I am a member of the bar association, I have not attended it since I was governor. I have not had time to take part in its proceedings. They had a committee appointed on the bill, and they drafted it, as I understand it.

Mr. HANEY. Governor, is Congressman Chapman related to you?

Mr. DENEEN. Let me see. My uncle married his cousin, or second cousin. That is the relationship.

Mr. HANEY. Do you know Gillespie & Fitzgerald, attorneys, of *Springfield*?

Mr. DENEEN. I know Mr. Gillespie, yes; and Mr. Fitzgerald, too.

Mr. HANEY. What positions did they ever hold as attorneys for any State board or department?

Mr. DENEEN. I do not know about Mr. Fitzgerald, but Mr. Gillespie was the assistant attorney general at Springfield when I was State's attorney in Chicago, and I met him in that way. Then, later, when I went to Springfield as Governor, he was the assistant attorney general under General Stead for a number of years, or for some time. Those are all the official positions he has held within my knowledge. Occasionally he has represented the insurance department, and he may have represented others.

Mr. HANEY. Other departments?

Mr. DENEEN. Other departments; but not as a regular lawyer.

Mr. HANEY. Do you mean Mr. Gillespie, or—

Mr. DENEEN. Mr. Gillespie; yes.

Mr. HANEY. And he is the Gillespie of Gillespie & Fitzgerald?

Mr. DENEEN. He is the one; yes.

Mr. HANEY. He is the one that drew the statement of Mr. Holstlaw, when Mr. Holstlaw was indicted in Springfield, in connection with the furniture contract?

Mr. DENEEN. I do not know. That firm had the case. I do not know who acted.

Mr. HANEY. That is the firm?

Mr. DENEEN. Yes; it is the same firm.

Mr. HANEY. You spoke a short time ago about Judge Chytraus, Governor.

Mr. DENEEN. Yes.

Mr. HANEY. He was formerly your partner, was he not?

Mr. DENEEN. He was formerly my partner.

Mr. HANEY. Before you became State's attorney?

Mr. DENEEN. Yes; I was a member of his firm.

Mr. HANEY. And he is now the partner of Mr. John J. Healy, one of the attorneys for this committee?

Mr. DENEEN. Yes. They are now associated and have been in partnership about six months, I think, or about four—have you not?

Mr. HEALY. Since the 1st of March.

Mr. HANEY. Judge Chytraus was one of the judges of the superior court of Chicago and ex officio a judge of the criminal court of Cook County?

Mr. DENEEN. The appellate court. He was on the appellate bench.

Mr. HANEY. He was assigned to duty on the appellate bench?

Mr. DENEEN. Yes.

Mr. HANEY. The name is spelled C-h-y-t-r-a-u-s?

Mr. DENEEN. Yes.

Mr. HANEY. Judge Chytraus was defeated for reelection, I think, in 1910, was he not? When was it that he left the bench?

Mr. DENEEN. At the last judicial election he was defeated.

Mr. HEALY. In November, 1910?

Mr. HANEY. Yes; November, 1910.

Mr. DENEEN. Yes; that is when he was defeated.

Mr. HANEY. Judge Chytraus was a son-in-law of the late H. A. Haugen, the president of the State Bank of Chicago?

Mr. DENEEN. He was; yes.

Mr. HANEY. And he is a brother-in-law of the present Haugens who are officials and large stockholders in that bank?

Mr. DENEEN. Henry Haugen is vice president of the State Bank of Chicago and Oscar Haugen is the head of the trust department; and the other Mr. Haugen (his uncle) is the head of one of the departments, too.

Mr. HANEY. You are a large stockholder in that bank, are you not?

Mr. DENEEN. I own 150 shares out of about 2,000 or 3,000. I own 150 shares in it.

Mr. HANEY. Is there any other stock in the bank held for you by anyone else?

Mr. DENEEN. I am sorry to say there is not. I have owned this stock since 1897.

Mr. HANEY. Are you a stockholder in the International Harvester Co., Governor?

Mr. DENEEN. No, sir.

Mr. HANEY. Were you ever a stockholder in it?

Mr. DENEEN. I think once, six or eight years ago, I held some stock in it for a while. I owned it for some time. I might say that I do not think my name ever appeared on the books. Mr. Haugen bought the stock—he was directing my affairs—and sold it. I can not tell when it was, but I can find out and let you know. It is not any secret.

Mr. HANEY. Were you and are you a stockholder in any of the subsidiary companies of the International Harvester Co.?

Mr. DENEEN. No.

Mr. HANEY. Have you ever been?

Mr. DENEEN. No.

Mr. HANEY. How much stock did you have in the International Harvester Co.?

Mr. DENEEN. I had 100 shares, I think. Mr. Haugen bought it.

Mr. HANEY. Up to what time did you have that?

Mr. DENEEN. I could not tell that just exactly. It was sold some considerable time ago.

Mr. HANEY. About when?

Mr. DENEEN. I do not know. If it is important, I can find out.

Mr. HANEY. After H. A. Haugen's death?

Mr. DENEEN. I think before.

Mr. HANEY. Mr. H. A. Haugen during his lifetime, and his sons since that time, have been attending to your financial affairs?

Mr. DENEEN. Yes. When I was elected governor I found I could not attend to my personal matters, and I put most of my property in his trust department; and they are administering my estate as though I were dead. They attend to it, collect the interest, invest the money, and everything else. I do not attempt to bother with it. There is not much of it; but whatever there is, they have charge of it. They have administered it, paid the taxes and insurance, and all that.

Mr. HANEY. Governor, who succeeded you as State's attorney of Cook County?

Mr. DENEEN. Mr. John J. Healy.

Mr. HANEY. And he held that office for four years, or until 1908?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And he was a candidate for renomination, was he?

Mr. DENEEN. He was.

Mr. HANEY. Who opposed him as candidate for the nomination?

Mr. DENEEN. Mr. Weyman opposed him as one in our party.

Mr. HANEY. John E. W. Weyman, the present State's attorney of Cook County?

Mr. DENEEN. Yes, sir.

Mr. HANEY. And the contest at the primaries was a very hot one between Mr. Healy and Mr. Weyman?

Mr. DENEEN. I think it was. I was paying attention to a very hot one relating to the governorship at that time, and I did not follow it closely.

Mr. HANEY. Mr. Weyman lived in your senatorial district, did he not, Governor?

Mr. DENEEN. He did.

Mr. HANEY. And in the township that you lived in—I should say, in the town of Lake?

Mr. DENEEN. He was in the same senatorial district.

Mr. HANEY. He lived in the town of Lake, too?

Mr. DENEEN. I think it may be in the town below; but it is of no consequence here. He lived in our senatorial district.

Mr. HANEY. You and John E. W. Weyman were not and are not friendly, politically?

Mr. DENEEN. We have had nothing to do with each other except in the most polite way; but we never favored each other. I favored Mr. Lundberg against him for senator, when he ran for senator, and Mr. Healy for United States attorney.

Mr. HANEY. And you have been opposed politically for a good many years?

Mr. DENEEN. We have not been working together.

Mr. HANEY. Mr. Weyman was nominated for State's attorney at that primary?

Mr. DENEEN. Yes.

Mr. HANEY. What year was it?

Mr. DENEEN. 1908.

Mr. HANEY. Mr. Healy's term as State's attorney expired and he went out of office by law at the end of his term, the first Monday of December, 1908?

Mr. DENEEN. 1908; yes. That is the time fixed by law.

Mr. HANEY. At that time, and for some time before that, Judge Chytraus was a judge of the criminal court of Cook County, was he not?

Mr. DENEEN. I do not know about that—whether he was holding court in the criminal court there or not. They are all ex officio judges of the criminal court.

Mr. HANEY. There are no regular judges of the criminal court of Cook County?

Mr. DENEEN. No.

Mr. HANEY. But by the constitution of the State the judges of the circuit and the superior court are ex officio judges of the criminal court?

Mr. DENEEN. They are all ex officio judges of the criminal court.

Mr. HANEY. And they have to sit there in alternation?

Mr. DENEEN. They arrange it among themselves.

Mr. HANEY. The constitution provides that they shall sit there in alternation, does it not?

Mr. DENEEN. They do not follow it. But that is of no consequence, as I understand.

Mr. HANEY. You know Frank J. Loesch, do you not, Governor?

Mr. DENEEN. Yes; I know him.

Mr. HANEY. He is the attorney in Chicago for the Pennsylvania Railroad Co., is he not?

Mr. DENEEN. He was at one time. I think he is yet.

Mr. HANEY. He has been for a number of years?

Mr. DENEEN. I do not know anything about his business. I assume he is. I was a tenant of his once. He was at that time, and that is all the connection I have ever had with his business.

Mr. HANEY. You have outlived him, probably. The primary contest between Mr. John J. Healy and Mr. John E. W. Weyman for State's attorney in 1908 was a very vigorous and a very vicious and bitter one, was it not?

Mr. DENEEN. My recollection is that Mr. Weyman was exceedingly active, and my recollection is that Mr. Healy was not active at all. We urged him to be active, and he felt that he ought to stand on his record, and I do not think he made a campaign outside of his own ward.

Mr. HANEY. That is not what I mean, Governor. I have not charged that Mr. Healy was or was not active or bitter or vicious.

Mr. DENEEN. Mr. Weyman was active.

Mr. HANEY. I mean, the friends of the two had such a contest that it left great bitterness after the contest was over, did it not?

Mr. DENEEN. I do not know as to that. There were some disappointments.

Mr. HANEY. Did not Mr. Healy, while acting as State's attorney, go before Judge Chytraus in the criminal court and ask him to have a special State's attorney appointed for the purpose of prosecuting men who were charged with violating the primary law at the primary between Mr. John E. W. Weyman and Mr. John J. Healy for State's attorney?

Mr. DENEEN. I do not recollect it clearly enough to state definitely. My impression was that some member of the bar-association committee did it. Possibly Mr. Loesch did it; but I do not recall. It may have been. Mr. Healy will know. He knows all about it.

Mr. HANEY. As a result of that, Judge Chytraus did appoint Mr. Frank G. Loesch a special State's attorney to prosecute certain people active in that primary between Mr. Weyman and Mr. Healy?

Mr. DENEEN. That is my general recollection.

Mr. HANEY. And then the question was raised by Mr. Weyman, after Mr. Weyman went into office, as to whether that special State's attorney had any rights as a prosecuting attorney in those or any other cases after Mr. Weyman had qualified and taken possession of the office?

Mr. DENEEN. I have a general recollection about that. I think it is about as you state; but I am not clear about it.

Mr. HANEY. Yes; one of the judges in Cook County held that Mr. Loesch had a right to hold office after Mr. Weyman came into office; and that Mr. Loesch, and he only, had the right to carry on

the prosecution of those election cases growing out of the primary between Mr. Weyman and Mr. Healy?

Mr. DENEEN. And in which Mr. Weyman was charged with having been nominated fraudulently and elected fraudulently.

Mr. HANEY. Yes.

Mr. DENEEN. I recollect that there was something of that kind.

Mr. HANEY. That is the fact; is it not?

Mr. DENEEN. Whether it is a fact or not—it is easily verified—I say, that is my general impression. I did not follow his contest closely. I had one of my own.

Mr. HANEY. And there was a special grand jury called by Mr. Loesch—the special State's attorney appointed in that way—and a great many indictments were found against different parties in Cook County, growing out of their activities in the primary between Mr. Healy and Mr. Weyman?

Mr. DENEEN. If I recollect correctly, several hundred were indicted.

Mr. HANEY. There were a number of hundred indictments?

Mr. DENEEN. That is a vague recollection, but I think it is correct.

Mr. HANEY. And among those was Abe Harris, the clerk of the criminal court of Cook County?

Mr. DENEEN. I have forgotten. I think he was one of them.

Mr. HANEY. Abe Harris was a very close political friend of Senator Lorimer's, was he not?

Mr. DENEEN. Yes; I think so.

Mr. HANEY. And Mr. Hermann, a nephew of Christopher Manner, former clerk of the supreme court, was also indicted, was he not?

Mr. DENEEN. I am not sure as to that. I take your statement about it.

Mr. HANEY. And every indictment that was found was against some friend of Senator Lorimer's, and somebody who had been actively for Mr. Weyman and against Mr. Healy at that primary, was it not?

Mr. DENEEN. I can not recall but those two men who were indicted. You may know others.

Mr. HANEY. You do not recall any of the several hundred who were indicted who were not opposed to Mr. Healy's nomination at those primaries and were not friends of Senator Lorimer's?

Mr. DENEEN. I do not recall any of their names at all and do not know their affiliations. They came from a section of the town where it was claimed that the election and the primary had been fraudulently conducted.

Mr. HANEY. Yes; and those prosecutions went on very vigorously by Mr. Doesch against the parties indicted, did they not?

Mr. DENEEN. I do not know about that. The cases went to the supreme court. The supreme court declared the law unconstitutional, and they all escaped trial, as I understand it.

Mr. HANEY. The supreme court knocked out the whole proceedings and defeated all—

Mr. DENEEN. No; they declared the primary law unconstitutional, and they were found innocent because the primary law was not constitutional. They had endeavored to violate the law, but it seems that they had not taken advice in proper time and did not know it

was unconstitutional until they were really innocent. Some of them had a different view of it before.

Mr. HANEY. Who had not taken advice?

Mr. DENEEN. That is just a general comment on it. The case was settled purely on the question whether the law was constitutional which they were charged with having violated, as I understand it, and there were no trials had except the first one, which was to test that point.

Mr. HANEY. You were governor at the time and signed that bill?

Mr. DENEEN. Oh, yes; I signed the unconstitutional bill.

Mr. HANEY. Do you mean that you did not take proper advice as to the validity of the bill?

Mr. DENEEN. I took the advice of the official that the statute says is my legal adviser—the attorney general. I thought it was constitutional until the court declared it to be unconstitutional.

Mr. HANEY. There was a very vigorous contest in Cook County before the courts there on the question of the right of that special prosecutor appointed by Judge Chytraus to carry on those prosecutions in any event, without regard to the constitutionality of the law; and after a number of indictments were found and a great many thousands of dollars expended, the proceedings were all stayed until the supreme court could finally decide the matter, were they not?

Mr. DENEEN. I have just a general recollection that they made a test case. They did not care about trying case after case that involved a great length of time and great expense. A case was tried; evidently the issue was adverse to the defendant or the case could not have gotten into the supreme court. It went to the supreme court, and the law was declared unconstitutional and the cases were dropped, and that ended it. As to the decision in the case, I do not know; I have forgotten it. I do not know whether I ever read it or not.

Mr. HANEY. You have always favored direct primaries, have you not, since you have been governor?

Mr. DENEEN. I have been advocating direct primaries; yes.

Mr. HANEY. More vigorously than probably any other man in Illinois?

Mr. DENEEN. I do not know. Before they were passed nobody cared to take the burden of making the campaign; and after they were passed credit was claimed for them until they were declared unconstitutional; and then the odium of it was put on me. I do not know how it has worked out. I have been through all those stages.

Mr. HANEY. You got the credit?

Mr. DENEEN. And the odium, both. I got the credit for the laws when they went on the books, and the odium when they were declared unconstitutional; and it balanced up.

Mr. HANEY. There are certain laws of compensation.

Mr. DENEEN. That was one of them.

Mr. HANEY. You made your campaigns on that as a principal issue, did you not?

Mr. DENEEN. One of them.

Mr. HANEY. But you did not let your principles in favor of the direct primary interfere with your contest for governor before the

legislature, or with you and your friends postponing the election of Senator Hopkins until after your contest was disposed of, did you?

Mr. DENEEN. I have given the information as I recollect it. Your question is purely one asking for a conclusion, and I assume it will be repeated in a speech. The other lawyer can answer you then.

Mr. HANEY. By whom?

Mr. DENEEN. I assume the lawyer will answer it. It is a conclusion from the testimony.

Mr. HANEY. I did not know whether there would be any speech or not, and I thought I might get some information from you on the subject.

Mr. DENEEN. If you care to have me make an address at the proper time, I think I shall be glad to do it.

Mr. HANEY. Governor, do you know J. W. Ford, or J. W. Ford, jr.?

Mr. DENEEN. I do not recall the man to whom you refer. If you will place him, tell me where he lives, I will tell you.

Mr. HANEY. Do you know D. D. Brownback?

Mr. DENEEN. Yes; I know him.

Mr. HANEY. A member of the legislature?

Mr. DENEEN. I know him, yes; and I think I know the Ford to whom you refer. He is a gentleman who lives in Vandalia, I think.

Mr. HANEY. Yes.

Mr. DENEEN. Yes; that is the gentleman you refer to.

Mr. HANEY. Did you talk with Representative Brownback about defeating Speaker Shurtleff for speaker?

Mr. DENEEN. I discussed with Mr. Brownback the question of going in the caucus and determining there the choice of the Republicans and abiding by it and selecting their choice as speaker.

Mr. HANEY. Did you talk with Representative Brownback about that in the presence of J. W. Ford, jr.?

Mr. DENEEN. I think he was present there once, and the matter was called to my attention afterwards, as I recollect it.

Mr. HANEY. Did you tell Representative D. D. Brownback, in the presence of J. W. Ford, jr., that you would defeat Shurtleff even if it were necessary to use all the patronage of your office to do it?

Mr. DENEEN. I did not.

Mr. HANEY. Did you tell him that in substance?

Mr. DENEEN. No, sir.

Mr. HANEY. Or anything like it?

Mr. DENEEN. No, sir. I desire to make an explanation, as I am not likely to come back.

Senator GAMBLE. What was the date of that conversation?

Mr. HANEY. What was the date?

Mr. DENEEN. Oh, I do not remember the date. Those two gentlemen and a Mr. Hayner—

Mr. HANEY. When was it, Governor, with reference to the date of the election of Speaker Shurtleff?

Mr. DENEEN. It must have been before, but I do not recall how long. It must have been succeeding the general election and preceding his election as speaker. I do not know just when it was. I suppose it must have been in December or November.

Mr. HANEY. November or December, 1908?

Mr. DENEEN. It could not have been at any other time; yes.

Mr. HANEY. And the forty-sixth general assembly was organized the 6th of January?

Mr. DENEEN. The 6th of January, 1909.

Mr. HANEY. What explanation did you want to make, Governor?

Mr. DENEEN. This Mr. Ford made that charge, and wanted me to make some appointments in his district. He insisted that that was so, and I insisted that it was not so, in his case or any case. He said that a man named Mr. Hayner corroborated him. I told him to go and see Mr. Hayner, and if he did to come back to me, or those men, with Mr. Hayner. He did not come back. On the contrary, he went to see Mr. Hayner—

Mr. HANEY. Who was it you told that to?

Mr. DENEEN. I told that to him and to Mr. Brownback.

Mr. HANEY. To whom did you tell it—to Ford or to Brownback?

Mr. DENEEN. To Ford. I think they were together.

Mr. HANEY. That is what I want to know.

Mr. DENEEN. I think so; I am not sure.

Mr. HANEY. When was that conversation?

Mr. DENEEN. I do not recall just when it was; but it was there, about that time.

Mr. HANEY. Was it before Shurtleff was elected speaker, or afterwards—this last conversation?

Mr. DENEEN. Let me see. I think it was afterwards. This is the story: This man claimed to me that I promised to appoint Mr. Ford as a commissioner in the event that Mr. Brownback would go in the Republican caucus and abide by it. I disputed and denied any such promise. He claimed that it was made in the presence of Mr. Hayner, who lived in his senatorial district. I told him to go and see Mr. Hayner—that I would not communicate with him—and if Mr. Hayner got any such possible understanding, I would appoint him, although I never had made such a promise; but that I did not want him to be deceived. He went to Mr. Hayner. It was a misunderstanding, or he purposely misrepresented the matter.

Mr. HANEY. When was that, Governor?

Mr. DENEEN. That was after Mr. Shurtloff was elected, but I do not know when.

Mr. HANEY. About how long after?

Mr. DENEEN. Oh, I can not tell.

Mr. HANEY. Approximately?

Mr. DENEEN. If I can not tell, I can not say approximately.

Mr. HANEY. You could not tell the month, could you?

Mr. DENEEN. I do not think so.

Mr. HANEY. Representative D. D. Brownback was a member of the Band of Hope, was he not?

Mr. DENEEN. I think he went into the first caucus and out of the last one. I think so; I am not sure.

Mr. HANEY. He voted for Mr. King for speaker, did he not?

Mr. DENEEN. I think so. He represented Mr. McKinley down there as candidate for Senator.

Mr. HANEY. Did you tell Representative D. D. Brownback, in the presence of J. W. Ford, jr., that if he (Brownback) would help you to defeat Shurtleff you would appoint J. W. Ford, jr., commissioner of the southern penitentiary?

Mr. DENEEN. I did not.

Mr. HANEY. Did you tell him that in substance?

Mr. DENEEN. Not in substance.

Mr. HANEY. Or anything like it?

Mr. DENEEN. Nor anything like it.

Mr. HANEY. Or anything from which that could be fairly inferred?

Mr. DENEEN. Nor anything from which it could be fairly inferred.

Mr. HANEY. Did you tell D. D. Brownback, in the presence of J. W. Ford, jr., that you would defeat Shurtleff even if it was necessary to use all the patronage of your office, or anything from which that could be fairly inferred?

Mr. DENEEN. I did not make any such statement.

Mr. HANEY. Nor any statement from which that could be fairly inferred?

Mr. DENEEN. Fairly inferred, or inferred at all by any man who understood the English language.

Mr. HANEY. You knew Representative Charles Durfee, did you not?

Mr. DENEEN. Yes; I knew him.

Mr. HANEY. Was he a member of the "Band of Hope?"

Mr. DENEEN. Yes; he belonged to that faction.

Mr. HANEY. And he was a member of the forty-sixth general assembly?

Mr. DENEEN. Yes.

Mr. HANEY. He came from Golconda, Ill.?

Mr. DENEEN. Pope County; I think it is Golconda.

Mr. HANEY. Did you tell Representative Charles Durfee that if he voted for Lorimer for Senator it would make no difference in your friendship for him; that you and Lorimer were friends, and Lorimer would eventually be elected; that owing to your efforts in support of the direct primary law you would have to be for Hopkins?

Mr. DENEEN. I do not recall any such conversation whatever.

Mr. HANEY. Did you tell him that, or anything like it, or anything from which that could be fairly inferred?

Mr. DENEEN. I have no recollection of making that statement at all.

Mr. HANEY. Would you say that you did not make that statement?

Mr. DENEEN. I would, to the best of my recollection.

Mr. HANEY. But you would not state positively that you did not have such a conversation?

Mr. DENEEN. I assume that if a man would come to me and make the statement that he was going to vote for Mr. Lorimer or anybody else, and he asked me our relations, I would not insist on having a fight on him. I would likely tell him that he would have to determine that himself; that I would determine my course, and he his. I would not reprimand him and lecture him for it if he had made up his mind. I would treat him courteously. But I do not recollect having talked with Mr. Durfee in that way.

Mr. HANEY. What I want to know, Governor, is, and I should like to have you inform this honorable committee, whether your memory is such now, or the state of your mind is such, that it goes back to that time, or to anything that would enlighten you as to what took place at that time—

Mr. DENEEN. I do not recall that.

Mr. HANEY. Wait a minute—so that you can say now that you did not have such a conversation with Charles Durfee?

Mr. DENEEN. To the best of my recollection, I did not.

Mr. HANEY. What is the state of your mind? Does it go back, or is that simply your answer?

Mr. DENEEN. The state of my mind is this: I conferred with a very large number of men and a number of members of the legislature. If a man would talk with me about the matter I would tell him, of course, that I would not quarrel with him because he differed from me in political opinions. But I do not recall that Mr. Durfee and I discussed that phase of the matter. That is the impression I meant to convey and the force of my testimony. My best judgment is that I did not.

Mr. HANEY. You would not want to say here now that your memory is sufficiently clear or strong upon any part of that conversation so that you would now say that it did not take place in that way?

Mr. DENEEN. My recollection that I did not have a conversation of that kind is due to some other conversations I had with him. That is why I say what I do. Otherwise I would not say. But I had some other conversations with him, and this did not seem to be in harmony with my recollection of our conversations. That is why I stated it.

Mr. HANEY. Representative Charles Durfee had been voting for Senator Hopkins right along, had he not, right down through the session?

Mr. DENEEN. That is my best judgment, although I do not know that he voted for Senator Hopkins every time; but I think he was classed as a man who would vote for him on any vital vote.

Mr. HANEY. Yes; and he was one of the Band of Hope?

Mr. DENEEN. He was one of the Band of Hope and had been one of the candidates for speaker, as I recall it.

Mr. HANEY. He was one of the 10 that you mentioned who went into the caucus and finally voted for King for speaker?

Mr. DENEEN. I think he was one of the candidates.

Mr. HANEY. There is no doubt about that.

Mr. DENEEN. Yes.

Mr. HANEY. Did you read Senator Hopkins's testimony in relation to Charles Durfee?

Mr. DENEEN. No. I began reading it, and only got as far as five or six pages, and then I was interrupted and have not taken it up since. I read Gov. Yates's testimony and started to read Senator Hopkins's testimony, but I have been busy here since.

Mr. HANEY. Did you read that part of Senator Hopkins's testimony which related to Charles Durfee?

Mr. DENEEN. No; I did not read it.

Mr. HANEY. Charles Durfee did vote for Senator Lorimer on the last ballot, did he not?

Mr. DENEEN. Yes.

Mr. HANEY. He never voted for Senator Lorimer before that time, did he?

Mr. DENEEN. I do not think so.

Mr. HANEY. Did you suggest to Representative Charles Durfee that if the legislature adjourned with the deadlock unbroken, Lorimer *could go* before the people and make himself better known in

the State, that you would call an extra session in the fall, and that Lorimer could be elected without the same degree of feeling that might exist if he were elected now?

Mr. DENEEN. Not that conversation. I will say "no" to that, and then explain.

Mr. HANEY. Did you say that at any time?

Mr. DENEEN. I say I will say "no" to it and then explain. I recollect a conversation with Mr. Durfee in regard to this matter that I think occurred shortly before Mr. Lorimer was elected—likely the day before or that morning—in which he said that he would favor Mr. Lorimer's candidacy. I urged him not to do so. He spoke to me about the hopelessness of electing Senator Hopkins, and the hopelessness of reaching a result; that it was time to go home and the legislators ought to act. I suggested then that they refrain from electing a man; that I would likely have to call an extra session on the waterway measure in the fall; in the meantime Senator Hopkins and Senator Lorimer and others who were candidates could make a campaign, and the party could get in a position to settle its difficulties and agree upon a Senator. That I urged him to do, and not to vote for Mr. Lorimer, but to wait until the fall.

I said then that Senator Lorimer could go out, and Senator Hopkins, and McKinley, and others who wanted to go, and make a campaign, and that we would have to arrive at some method by which the party could focus its forces and get results. Some question arose as to whether I should appoint him. I said: "There is a general fear that I will appoint a man if the general assembly adjourns. The law is, as I understand, that if the senatorship becomes vacant during the session, the governor can not appoint." I said "There is nothing in such a contention. I do not want to appoint the Senator, and there is no fear of it if I did; I could not." I spoke of a recess, I think, instead of an adjournment.

Mr. HANEY. Then you did not discuss with Representative Charles Durfee the question of whether or not you would appoint Senator Lorimer as United States Senator if the legislature did not elect?

Mr. DENEEN. No; not at all, Judge. You have interpolated "Senator Lorimer." I said "a Senator"—a United States Senator. I discussed that with him.

Mr. HANEY. Was Senator Lorimer's name mentioned in that talk?

Mr. DENEEN. He was mentioned as one of the candidates who could present his views to the people.

Mr. HANEY. Did Representative Durfee ask you if you would appoint him if there was a vacancy and you had the right?

Mr. DENEEN. I do not recall that Representative Durfee, or anybody else, ever discussed that matter with me.

Mr. HANEY. Would you say that you did not say that to Representative Durfee?

Mr. DENEEN. I would say that I did not.

Mr. HANEY. That you did not say that you would?

Mr. DENEEN. I would say that I did not, sir.

Mr. HANEY. Did you tell Representative Durfee that Mr. Lorimer would be elected United States Senator, and that his election would be satisfactory to you?

Mr. DENEEN. I do not recall any such conversation. As to the latter part, I will say "no." As to the first, if I talked with him the morning of the election, I likely told him he was to be elected—I thought he was. If I talked to him the day preceding, my judgment is that I told him he could not be elected. I made up my mind on the morning of the day he was elected that he would be elected.

Mr. HANEY. You made up your mind on the early morning of the 26th of May, 1909, that Senator Lorimer would be elected United States Senator at that session, after you had talked with Congressman Pleasant Chapman, United States Marshal C. P. Hitch, and a number of others, did you not?

Mr. DENEEN. Yes. Congressman Chapman told me, if I recollect it correctly, that he had talked with either Mr. Tippitt or Mr. Espey, who were prominent Democrats, and the information had been conveyed to him that practically the entire Democratic vote was to be cast for Senator Lorimer. Then he said, "Of course that will end it;" and I assumed it would.

Mr. HANEY. Did you say that Senator Lorimer would be elected on the early morning of the 26th of May after you and Congressman Pleasant Chapman and United States Marshal Hitch and others, possibly, and yourself, had checked up the joint session of the house and senate?

Mr. DENEEN. I think we had not checked up. We heard first about the large Democratic vote that was to go to him. I think I had received information at that time, if I recall it correctly, that Col. Thompson was working for him.

Mr. HANEY. Col. John R. Thompson?

Mr. DENEEN. John R. Thompson; and from my knowledge of the forces, I thought it looked like they had got to an end of it.

Mr. HANEY. You received information, too, that Col. Dewey was working for him, did you not?

Mr. DENEEN. I did not at that time. On the contrary, I thought—my understanding was—that Senator Ettelson and Senator Billings did not intend to vote for the Senator; and, as I said, they did not vote for him until after he was elected. And they have stated since, as I understand, that they did not intend to vote for him unless he had been elected.

Mr. HANEY. They did vote for Senator Hopkins on the first roll call on the ninety-fifth or last ballot, at which Senator Lorimer was elected?

Mr. DENEEN. I think they both voted for Senator Hopkins and then changed to Senator Lorimer. But that is just an impression. I do not know. I can not recall exactly. You have the record.

Mr. HANEY. Is it not a fact, Governor, that you and Congressman Chapman and Marshal Hitch and whoever else was present with you in the early morning of the 26th of May got the list of the membership of the house and the senate, the roll call, and went over it carefully, name by name, and checked up every name on it, and then you came to the conclusion that you say you did—that Senator Lorimer would be elected on that day?

Mr. DENEEN. It may have occurred, but——

Mr. HANEY. Did not it occur?

Mr. DENEEN. I say, it may have occurred, but I do not think so.

Mr. HANEY. I know it may and it may not.

Mr. DENEEN. Judge, I was just stating that it may have occurred, but I do not think so. I will reverse it; I will say I do not think so, although it may have occurred, if that makes it any clearer.

Mr. HANEY. Do you not know that it did occur, and that you and those gentlemen carefully checked up every name?

Mr. DENEEN. I say, I do not recall it, but it may have occurred. I think we were trying to keep track of it. I was trying to keep in touch with the matter to find out the forces.

Mr. HANEY. That is, at that time you were trying to keep in touch with it so as to stop it if you could?

Mr. DENEEN. To try to stop it. The fact was that they kept coming to me. I did not seek out any of them. They just ran to me to manage affairs. Senator Hopkins' friends were after me all the time, but they were not very anxious to help me when my troubles occurred. There had been some considerable ill feeling, but we overlooked that; and they came to me, and I assisted where I could, from the standpoint of the party. I did not want a precedent established. There was no feeling against the Senator. In fact, our old feeling had been restored.

Mr. HANEY. You mean Senator Lorimer as the last Senator you referred to?

Mr. DENEEN. Yes. I did not feel that the party could afford to allow a vote of that kind; that it would come back to us and destroy all party organization, and we would all be held responsible for it. That was all the reason there was for it.

Mr. HANEY. You did think, very early in the session of the forty-sixth general assembly, at the time that you talked with Senator Lorimer about the election of Speaker Shurtleff by Democratic votes, when you suggested to Mr. Lorimer that he, Lorimer, be elected by Democratic votes—you did think, then, that it could be done, and you did not have any qualms or feelings against it, did you?

Mr. DENEEN. Why, yes. I told him that if he had power to do it, he had better take it himself; then he would have all the burden and odium of it, and he represented great forces there—as he did—and Mr. Shurtleff did not.

Mr. HANEY. When you suggested to Senator Lorimer that he, Lorimer, be elected rather than that he, Lorimer, elect Shurtleff by Republican and Democratic votes, did you in that same conversation say to Senator Lorimer that neither you nor he nor the party could afford to have Senator Lorimer elected in that way?

Mr. DENEEN. Oh, I do not think I reprimanded him.

Mr. HANEY. Did you suggest that in any way?

Mr. DENEEN. I say, I do not recall what I did. I simply stated: "If you have power to elect Mr. Shurtleff, you had better take it yourself. I would much prefer to see you senator than the speaker, because you represent more, and can speak with authority;" and the speaker was not considered a leader there.

Mr. HANEY. And you suggested that Mr. Lorimer do that?

Mr. DENEEN. I suggested that he take it himself if he had the power to bestow it upon Speaker Shurtleff.

Mr. HANEY. Yes; and you did that with all seriousness and kindness toward Senator Lorimer?

Mr. DENEEN. Why, it just occurred in a running conversation, and it occurred to me at that time. I did not think it out or reflect upon it. I really did not think the speaker could be elected at that time, but I felt this way: I did not know what they could do; I did not have knowledge of their plans, nor was I asked about them; but I felt that if he had power to do it, and if they were going to do it, I would much prefer to see him Senator than any of the men with whom he was associated.

Mr. HANEY. Governor, did you consult with Frank B. Noyes, the then publisher and editor of the Chicago Record-Herald, in Chicago?

Mr. DENEEN. About what?

Mr. HANEY. About the senatorial election.

Mr. DENEEN. We have talked about the senatorial election and the course of the legislature and the course of the party. I knew him quite well. We talked quite often.

Mr. HANEY. Did you talk with Victor F. Lawson?

Mr. DENEEN. I think not.

Mr. HANEY. The owner of the Chicago Daily News and the Chicago Record-Herald?

Mr. DENEEN. To the best of my knowledge and belief, I had no conversation with Mr. Victor Lawson during the session of the legislature, although I may have met him; but that is my recollection.

Mr. HANEY. Did Mr. Frank B. Noyes say to you that Senator Lorimer was the only Republican who could accept or take or consistently have the election to the office of United States Senator by Democratic and Republican votes.

Mr. DENEEN. Not in that way; no.

Mr. HANEY. Did he say that in substance?

Mr. DENEEN. No; not that in substance.

Mr. HANEY. Did not he say to you that Senator Lorimer had been elected repeatedly in a Democratic congressional district by increasing majorities each time, and that no other Republican could be elected in that district?

Mr. DENEEN. The conversation you are stating is one Senator Lorimer said in his speech that Mr. Shanahan had with Mr. Noyes. I think you are getting it confused.

Mr. HANEY. My question is not to that effect. The question I am asking you is—

Mr. DENEEN. (To the stenographer.) Just read that question, please.

(As requested, the stenographer read aloud the pending question.)

Mr. DENEEN. I do not recall any such conversation.

Mr. HANEY. Did you have that conversation, or that in substance, or anything like it, with Mr. Frank B. Noyes?

Mr. DENEEN. I do not recall the matter as you mention it. I talked with him quite often.

Mr. HANEY. On that subject?

Mr. DENEEN. On the situation at Springfield, both senatorially and otherwise.

Mr. HANEY. And the election of Senator Lorimer by Republican and Democratic votes?

Mr. DENEEN. I do not think I discussed that with him. I do not know. It depends upon when I met him as to whether I discussed *it* with him—that part of it, the latter part.

Mr. HANEY. You met Mr. Frank B. Noyes quite frequently during that session of the legislature and before Senator Lorimer was elected, did you not?

Mr. DENEEN. I do not know how frequently; I suppose I met him probably not more than four or five times. I may have met him oftener, and maybe not that often.

Mr. HANEY. You talked with Frank B. Noyes over the long-distance telephone frequently when you were in Springfield and he was in Chicago in relation to the senatorial question?

Mr. DENEEN. I do not recall that we talked over the long-distance telephone about the senatorial question. We have talked, but very infrequently, over the long-distance telephone, and I do not now recall the measures we talked about.

Mr. HANEY. Frank B. Noyes was very much opposed to the election of Speaker Shurtleff in any manner, by either Republican or Democratic votes, or a combination of both, was he not?

Mr. DENEEN. I think he was opposed to it.

Mr. HANEY. Yes. And Frank B. Noyes told you and others, did he not, during that time, that if an effort was made by Senator Lorimer or his friends, or anyone else, to elect Speaker Shurtleff United States Senator, every vote in the legislature that could be influenced or controlled by the newspapers or their friends would be swung to Senator Hopkins, and Hopkins would be elected?

Mr. DENEEN. I do not recall that conversation.

Mr. HANEY. Did he ever tell you that in substance, or anything like it?

Mr. DENEEN. I do not recall it at all.

Mr. HANEY. Did you ever talk with Frank B. Noyes on that subject?

Mr. DENEEN. About what—if Senator Lorimer threw his votes to Mr. Shurtleff?

Mr. HANEY. Yes; on the effort or attempt or talk by Senator Lorimer or his friends or anybody else to elect Speaker Shurtleff United States Senator?

Mr. DENEEN. I do not recall any such conversation, and from my knowledge of the conditions, my best judgment is that I did not, because we had supposed that the caucus would settle it. At least we hoped it would, but it did not, and he was elected the next day. I was at Springfield, very busy all the time, and I do not see how it is possible that I had any conversation with him on any subject then.

Mr. HANEY. The next day who was elected?

Mr. DENEEN. Speaker Shurtleff.

Mr. HANEY. No; I am speaking about the election of Speaker Shurtleff as Senator.

Mr. DENEEN. Oh, I do not recall—

Mr. HANEY. One moment. Will you not hear my question again and answer it again? I will ask the stenographer to read it to you. (As requested, the stenographer read as follows:)

Mr. HANEY. Did you ever talk with Frank B. Noyes on that subject?

Mr. DENEEN. About what—if Senator Lorimer threw his votes to Mr. Shurtleff?

Mr. HANEY. Yes; on the effort or attempt or talk by Senator Lorimer or his friends or anybody else to elect Speaker Shurtleff United States Senator?

Mr. DENEEN. I do not recall it; I do not recall any such conversation.

Mr. HANEY. Did you ever talk with Frank B. Noyes, or he with you, or he with anybody else in your presence, when that conversation or the substance of it took place—that is, that if Senator Lorimer or his friends or anyone else attempted to elect Mr. Shurtleff United States Senator, every vote in the legislature that could be controlled or influenced by the newspapers or any of their friends would be swung to Mr. Hopkins, and Mr. Hopkins elected Senator in that way?

Mr. DENEEN. I have no recollection of Mr. Noyes having such a conversation with me, nor of his claim that he could control any votes in the general assembly at any time, on any subject.

Mr. HANEY. Did not Frank B. Noyes say to you that because of Mr. Lorimer's deep waterway campaign throughout the State, which was entirely nonpolitical, and made with Democrats as well as Republicans, Mr. Lorimer was the only Republican who could consistently be elected by Democratic and Republican votes?

Mr. DENEEN. I will answer that "no," and state that my recollection is that the only conversation I had about Mr. Lorimer with Mr. Noyes was that after talking with Senator Lorimer I discussed the situation with Mr. Noyes and with the committeemen and a large number of others. We discussed the situation, and what would result in the event that a defensive alliance was formed up there, that I referred to, regarding primary matters.

Mr. HANEY. All alliance with whom?

Mr. DENEEN. With Senator Lorimer. I did not want any connection with it until all of our friends understood it. I do not speak for the party there at all, but for a very small fraction; and I would not presume, in view of all the bitter contests we had had, to go into it until I knew the sentiment of all of our friends regarding that matter—whether or not they would approve of it and favor it and support such a thing.

Mr. HANEY. You refer to an alliance between you and Senator Lorimer?

Mr. DENEEN. A defensive alliance, and to go no further; and that is why we explicitly refrained from going further.

(The committee thereupon took a recess until 2 o'clock p. m.)

AFTER RECESS.

The hearing was resumed at 2 o'clock p. m.

TESTIMONY OF CHARLES S. DENEEN—Resumed.

Mr. HANEY. Governor, you said on your direct examination on the first day that:

Mr. Hines called me up and asked me whether I had received a message from the President—President Taft—in reference to Senator Lorimer. He stated that President Taft had sent a message to me to support Senator Lorimer and asked me if I had received the message, and I told him no. He said, "Well, President Taft has sent the message, and I intended to come down myself," etc.

You remember that part of your testimony?

Mr. DENEEN. Yes.

Mr. HANEY. And you did have such a talk with Mr. Hines about 10 o'clock, I think you said, on the morning of the 26th of May?

Mr. DENEEN. It was after I had disposed of my mail, I should judge about 10 o'clock or after. After that, I should judge.

Mr. HANEY. Do you know C. S. Raymond, of the Chicago Tribune?

Mr. DENEEN. Clifford Raymond?

Mr. HANEY. Yes.

Mr. DENEEN. Yes.

Mr. HANEY. The correspondent of the Chicago Tribune at Springfield?

Mr. DENEEN. Yes; I know him.

Mr. HANEY. And he was there during the sessions of the forty-sixth general assembly?

Mr. DENEEN. He was.

Mr. HANEY. Do you take the Chicago Tribune, and did you during that time, Governor?

Mr. DENEEN. I do.

Mr. HANEY. Regularly?

Mr. DENEEN. I take it; yes, sir.

Mr. HANEY. And you read it regularly or occasionally?

Mr. DENEEN. Well, I take nine daily Chicago papers and three daily St. Louis papers and four Springfield daily papers, and spend about 20 minutes a day in all. That is about the way I read them.

Mr. HANEY. And the rest of the time somebody else reads them for you and gives you the substance of what they contain?

Mr. DENEEN. Yes; they keep them and save them for me, and I never have time to look at them. They are piled up in my office.

Mr. HANEY. Let me call your attention to an article in the Chicago Tribune of Thursday, May 27, 1909, which commences on the fourth column of the front page of that issue. I call your attention to the end of the article, on the fifth column of the front page, just below the center of the column, and I read from that article.

Senator GAMBLE. Is that supposed to come from Springfield?

Mr. HANEY. Yes, Mr. Senator. The article is headed "By C. S. R., Springfield, Ill." That "C. S. R." stands for Shepard Raymond.

Senator GAMBLE. And the date of the communication is the 26th?

Mr. HANEY. May 27, the day after the election of Senator Lorimer as United States Senator.

Senator GAMBLE. That is, the paper is dated the 27th? And is the article dated the same date?

Mr. HANEY. The article is dated May 26.

Senator GAMBLE. Yes.

Mr. HANEY. From Springfield, and "C. S. R." is C. S. Raymond, Governor, is it not?

Mr. DENEEN. I had understood that he signed his articles "C. S. R."

Mr. HANEY. And I read as follows from the fifth column:

In any other man than Lorimer it might have affected his standing in Washington. It even might have affected him, and it may yet, but it is the general opinion that Lorimer will live down his credentials.

The returns in his case may not be scrutinized with the hostility with which those of any other Senator, landed in the United States Senate labeled a Republican, but sent there by Democratic votes, would have been looked at.

ANNOUNCES STAND ON TARIFF.

Lorimer rests easy on this score. He is not ashamed of his "constituency," and told the legislature as much after he had been declared elected. He maintains that he is a Republican. He hopes that the Democrats will find nothing to regret in their action. He trusts that the Republicans who did not find it possible to vote for him nevertheless will consider him as a Republican Senator and will understand that he appreciates the reasons why they were unable to support him.

This, and his intention to support the Republican national platform in regard to tariff revision were announced twice, once in the speech which he made to the joint assembly after his election and again to-night in a formal statement.

The Senator-elect has not decided whether he will qualify immediately in the Senate or whether he will remain in the National House of Representatives.

"I will go where I can do the most good," he said. "If it seems that by remaining in the House I can accomplish more than I can by going to the Senate at this time, I shall remain in the House. That is yet to be decided."

In his formal statement he said that he would be guided in his actions on the tariff by the wishes of President Taft.

MORE ABOUT TAFT TELEGRAM.

Strong recommendations from the national administration are said to have been given to the Senator-elect. Mr. Lorimer refused to discuss them or to admit that he had received them, but it is said that a telegram was sent him by President Taft and that it was supplemented by a telephone message from Washington.

In the telegram Mr. Taft is said to have declared that Lorimer was entirely acceptable if they would just "send him along quickly."

This telegram was sent that it might be used to influence certain Republicans, principally Gov. Deneen, and it was used for that purpose. Although its contents and its origin are not explained by any one in authority to know what was the purpose or the purport of the message, the fact that it was employed to secure Republican votes and Republican support for the congressman is beyond doubt.

You read that or heard of it or knew of it, Governor, did you not?

MR. DENEEN. Just now. I do not recall any other time.

MR. HANEY. And that undoubtedly referred the telegram, and so forth, and the telephone message to the one that Mr. Hines said that he sent, or had sent, from Washington, and the telephone talk that he had with you?

MR. DENEEN. I would say no, because I saw no telegram and never heard that such a telegram was sent; and the telephone message to me was not repeated by me, so that Mr. Raymond could not have known it; so that it could not have referred to any of those matters.

MR. HANEY. Suppose he heard it from the Washington end of the line?

MR. DENEEN. Your question and the quotation said that I saw the telegram. That is why I answered no. I saw no such telegram.

MR. HANEY. That was not within quotation marks.

MR. DENEEN. It was a long affair, and—

MR. HANEY. It is the language of the Chicago Tribune.

MR. DENEEN. What do you want me to reply to? What is the purpose of your question?

MR. HANEY. The purpose is that the language of the telephone message there referred to or mentioned was undoubtedly the telephone talk between you and Mr. Hines?

MR. DENEEN. I do not know to which he referred. Certainly not to a telegram; and if he knew of the telephone message, it must have

been revealed to him by somebody else; and it may have been, so far as I know. I do not know anything about it.

Mr. HANEY. You know Mr. John Callan O'Laughlin, the Washington correspondent of the Chicago Tribune now and then, and First Assistant Secretary of State under the second administration or second term of Theodore Roosevelt, do you not?

Mr. DENEEN. I know him; yes, sir.

Mr. HANEY. And he was in that position—that is, he was Washington correspondent for the Chicago Tribune then and now?

Mr. DENEEN. I think he was then and is now.

Mr. HANEY. And he sometimes sends out from Washington accurate information to his paper? [Laughter.]

Mr. DENEEN. I suppose he does usually. I have no means of testing his information, but I assume he sends it just as he gets it.

Mr. HANEY. I read to you from the Chicago Tribune dated Thursday, May 27, 1909, in the first column, on the fifth page, from an article which is said to be by John Callan O'Laughlin, Washington, D. C., May 26, "special." The larger headlines are:

Pilots of Senate welcome Lorimer. Conservatives believe him one of them, while progressives look askance. Just a Senator to Taft. Harmony with Cullom up to new colleague; statesmen talk cautiously.

I read from down here in the center of the first column on the fifth page:

SENATE LEADERS AIDED LORIMER.

According to talk that appears to be well founded, the Senate leaders showed their resentment of Hopkins's course while here by secretly authorizing a well-known business man to go to Springfield and use his influence to beat the ex-Senator. This man, it is said, left Washington two days ago and arrived at the Illinois capital in time to aid Lorimer if the latter needed it. If this report be correct, and it has the earmarks of truth, the reason for the satisfaction displayed by the Senate conservatives this afternoon will be apparent.

Leaders in the Senate are confident that, astute politician as Lorimer is, he has not tied himself up with the Democrats in any un-Republican way. That is to say, he is not believed to have entered into any bargain respecting patronage.

"WATERWAY" THE GENERAL EXPLANATION.

The explanation generally made is that Lorimer is the exponent of the lakes-to-gulf waterway proposition, and that is the reason he received such a large number of Democratic votes. Moreover, it is pointed out that Lorimer is not the only Republican Senator who was elected by aid of Democratic votes. Matthew Stanley Quay induced the Democrats in the Pennsylvania Legislature to give him sufficient votes to elect, and there was no question as to the validity of his credentials on this score.

Democrats like Culberson, of Texas, leader of the party in the Senate, and Champ Clark, minority leader in the House, are in a quandary as to the view to take of the action of the Democrats at Springfield in electing a Republican United States Senator. Their frame of mind was expressed by Clark, who said to-night:

"I can not judge, because of my lack of familiarity with political conditions in the State. I know both Hopkins and Lorimer. I like Lorimer. If in voting for Lorimer the effect will be to break up the Republican Party in Illinois, then I approve. If it fails to have that tendency, I don't know. It is justifiable always to bust the Republican Party."

Neither Clark nor any other Democrat, however, believes the National Democratic Party has gained anything by the triumph of Lorimer. They know of no instance where he has acted with them, though they record numerous occasions when on the grounds of reciprocity he has been willing to quote their exact words, "to treat them fairly." Everybody is skittish in discuss-

ing Lorimer and what he did in order to gain the victory, because he has won, and has suddenly been projected upon the national stage in a position where his influence may be needed.

PERSONAL TRIUMPH, SAYS CULLOM.

Perhaps this accounts for the applause which certain members of the Illinois delegation give to Lorimer's election and the indisposition of others to talk about it for publication. Senator Cullom, as is well known, gave his support to Hopkins. Whether he really wanted Hopkins is beside the question. The fact that he did what he could is well known. In speaking about the news to-day, Cullom merely said:

"It is a personal triumph for Mr. Lorimer. I think he will be a Republican in the Senate and we will get along harmoniously together. The great State of Illinois is entitled to two votes in the Senate, and for this reason the legislature itself doubtless thought it must agree."

Speaker Cannon, who was in the same boat with Senator Cullom, did not hear the news until his return this afternoon from a short trip in the country. His only comment was:

"Mr. Lorimer is a man of ability. In my opinion he will make a good Senator."

Representative Foss, who was a candidate before the people for Hopkins's seat, seemed to accept the result in an equable way.

"It seems to have been a personal and bipartisan victory," was the way in which he expressed his feelings.

There are eight committee assignments for Lorimer after he shall have taken his oath of office. He will be made chairman of the Committee on Expenditures in the Department of the Navy, and he will be a member of the following committees: Civil Service and Retrenchment, Expenditures in the Department of the Treasury, Manufactures, Pacific Islands and Porto Rico, Transportation to the Seaboard, and Woman's Suffrage.

HIS WORK IN THE HOUSE.

I will not read all of that unless it is desired by somebody, Mr. Chairman, but I want to go on over to the third column on the fifth page of the same issue of that paper and read, under the headlines:

Former newsboy now United States Senator. William Lorimer's skill in handling men manifested when car conductor. Rapid rise in politics. Bland blond boss outgenerals his foes in many a hard-fought campaign.

I read down near the center of that column, as follows:

The election of the "blond boss" to the Senatorship was the crowning feat of the political tactics which always have characterized his interests. It was nothing strange for Lorimer to be elected through the aid of Democratic votes, for he has enjoyed a large Democratic following for many years. Three times he was elected to Congress in the old second district, which was Democratic, and his political sway has been strongest in Democratic territory. To such a marked degree has Democratic support figured in his political achievements that his friends point with pride to the nonpartisan character of his following, while his enemies contemptuously dub him "Bipartisan Billy."

You saw those articles, did you not, Governor?

Mr. DENEEN. I do not recall.

Mr. HANEY. You never heard at any time that ex-First Assistant Secretary of State John Callan O'Laughlin's article, or that of Mr. Raymond that I have read here to you a short time ago, were ever contradicted or repudiated by anybody, did you?

Mr. DENEEN. I never heard them repudiated.

Mr. HANEY. You never heard them contradicted or repudiated?

Mr. DENEEN. No.

Mr. HANEY. And that paper, the Chicago Tribune, has had a fairly good circulation throughout parts of Illinois, has it not?

Mr. DENEEN. Very good, I think.

Mr. HANEY. And if the statements in those articles were not true or were not based upon facts they would probably have been contradicted or have been matter of controversy?

Mr. DENEEN. I do not know anything about that.

Mr. HANEY. Since that time, would they not?

Mr. DENEEN. I do not know anything about that—as to what the readers did or what they thought, or whether they wrote letters to them or not. I was too busy.

Mr. HANEY. You said this morning, Governor, that in your opinion Senator Lorimer's position on the deep waterway had nothing whatever to do with his election as Senator or the fact that Democrats voted for him?

Mr. DENEEN. I said that it had nothing to do with those votes which were classified as waterway votes, because in all of their districts save one, their representatives are against the waterway now, and want the \$20,000,000 provision repealed, and have so given their arguments. I think, for one instance, that Mr. Hearn who voted with the Senator, is against the waterway now, and is still in office, and voted against it.

Mr. HANEY. He is hostile to the bill that your friends had in the legislature?

Mr. DENEEN. I think he is against any bill.

Mr. HANEY. We went all over that this morning, and I have no desire to occupy the time of this committee further in regard to it.

Mr. DENEEN. You have asked me the question, and I am answering you the same way as I did this morning.

Mr. HANEY. You and the Tribune differed as to whether Senator Lorimer's position on the deep waterway brought him votes from the Democrats at that time?

Mr. DENEEN. I do not know the attitude of the Tribune. Those articles purport to represent the views of some gentlemen, reporters, and correspondents.

Mr. HANEY. Do you think that the Tribune permits in its columns articles of that kind that would be unauthorized or against the policy or sentiments of the management of the paper?

Mr. DENEEN. I think if the persons had to write the articles with the information they have had since, they would like to alter them.

Mr. HANEY. That is very likely. There may be many of their acts that they would like to retract, but that is not what I am talking about.

Mr. DENEEN. That is what I am talking about.

Mr. HANEY. I will ask the stenographer to read my question.

(The stenographer read the question as follows:)

Mr. HANEY. Do you think that the Tribune permits in its columns articles of that kind that would be unauthorized or against the policy or sentiments of the management of the paper?

Mr. DENEEN. Now read my answer.

(The stenographer read as follows:)

Mr. DENEEN. I think if the persons had to write the articles with the information they have had since, they would like to alter them.

Mr. DENEEN. I think the policy of the Tribune is to employ capable men and let them gather the information and state it as they gather it.

Mr. HANEY. And not to misstate the facts?

Mr. DENEEN. Not at all; no.

Senator JONES. When the election occurred, did you then think the waterway question had anything to do with the result?

Mr. DENEEN. Not at all. Well, in this way: It enabled him to make the acquaintance of the Democrats, associate with them, and it gave him an opportunity to work with them without being criticised, and gave some of those gentlemen an opportunity to make that excuse; but I do not think it had any vital result. In the first place, it was not a difference between the parties.

Senator JONES. What I am trying to get at is, what was your impression at that time, and not what it is now.

Mr. DENEEN. I did not think so. I thought it was a factional matter, carrying on the original bipartisan agreement by which the fight was made on me at the primaries, at the election, and in the organization of the house. They appreciated the services rendered in that way. I thought that had something to do with it—much more than the waterway. That was my impression. Whether I am right or not I do not know. I am giving my views about it.

Mr. HANEY. You read Mr. Edward Hines's testimony, did you not?

Mr. DENEEN. No; only in the newspapers. I did not read the accurate statement here.

Mr. HANEY. I did not ask you where you read it.

Mr. DENEEN. I read as much as appeared in the newspapers.

Mr. HANEY. I am not as incredulous about some of the newspapers as you seem to be of all of them. I asked you if you read his testimony?

Mr. DENEEN. I read the accounts published of his testimony in certain newspapers.

Mr. HANEY. And you read there that Mr. Hines testified that he was sent from Washington to Springfield with the message to you and other leaders in relation to the election of Senator Lorimer to the United States Senate, did you not?

Mr. DENEEN. Something to that effect; yes.

Mr. HANEY. And that he was stopped at Chicago and did not go any farther than that, but called you on the long-distance telephone, and Senator Lorimer?

Mr. DENEEN. I had understood that from the reading. I say I do not recall it.

Mr. HANEY. That is the substance of it?

Mr. DENEEN. Yes; that is the substance of what was published; yes.

Mr. HANEY. After reading the article by ex-First Assistant Secretary of State under Mr. Roosevelt's administration, John Callan O'Loughlin, from Washington, dated the 26th of May, 1909, did you think that the business man mentioned in that article was Mr. Edward Hines?

Mr. DENEEN. I suppose, after two days and a half service on the witness stand here, that I would be qualified as an expert in guessing who it was. I will guess Mr. Hines. [Laughter.]

Mr. HANEY. Then I guessed right the very first time?

Mr. DENEEN. I think so; yes.

Mr. HANEY. That is all, Governor.

The CHAIRMAN. Are there any further questions?

Mr. HEALY. I have just a few questions to ask you, Governor.

In the Congressional Record of March 1, 1911, page 3902, in the first column of that page, in the speech made by Senator Lorimer, it is claimed that certain of the Democratic members of the Illinois House supported his candidacy because of their mutual interest in the waterway project; and I want to ask you some questions with reference to the individuals there named. The language of the speech in that respect is: "Democratic waterway support." Then follows a list of names, the first name being Senator Hearn. He was a member of the Illinois Senate in the forty-sixth general assembly?

Mr. DENEEN. At that time; yes.

Mr. HEALY. And he voted for Senator Lorimer on the final ballot?

Mr. DENEEN. Yes.

Mr. HEALY. What has been his attitude on the waterway question since that time?

Mr. DENEEN. He has been against the bill since, I think.

Mr. HEALY. Representative Blair was a member of the lower house in the forty-sixth general assembly, was he not?

Mr. DENEEN. Yes.

Mr. HANEY. Do you object to my suggesting, to avoid a recross-examination, that the governor said he was against the bill, and I do not think he means to say the same bill that Senator Lorimer was for, but a subsequent bill. If he will correct that now, I shall not have to cross-examine on that point.

Mr. DENEEN. It was the bill of the internal improvement commission, the so-called Schmidt or Johnson bill. It was called first the Schmidt bill and then the Johnson bill.

Mr. HANEY. The one you favored?

Mr. DENEEN. Yes; the same bill I favored.

Mr. HEALY. I have no objection to your interrupting and cross-examining as I go along.

Mr. HANEY. I will not do it at all, if you object.

Mr. HEALY. I do not object.

Mr. HANEY. I thought it might save time and that we would get an earlier disposition of the matter in that way.

Mr. HEALY. I shall be very glad to expedite matters in that way, if we can.

Representative Blair was a Democratic member of the lower house in that same assembly, was he not, Governor?

Mr. DENEEN. At that time.

Mr. HEALY. He was not returned to the Illinois house, was he?

Mr. DENEEN. No.

Mr. HEALY. And he has been succeeded by some one else?

Mr. DENEEN. Two Democrats now represent that district.

Mr. HEALY. What has been the attitude of his successor on the waterway question?

Mr. DENEEN. Both of them are against the waterway.

Senator JONES. You mean—

Mr. DENEEN (interposing). Against this bill, and, I think, against any bill. That is my understanding.

Senator GAMBLE. There is a difference between the present bill, for which you stand, and the legislation for which Senator Lorimer and his friends stood?

Mr. DENEEN. Yes; they did not introduce any bill at the last legislature.

Senator GAMBLE. So that that measure for which Senator Lorimer stood in the forty-sixth general assembly has not been pending in the present one?

Mr. DENEEN. No. It was not reintroduced.

Mr. HANEY. And it has not been reintroduced at any other session since the forty-sixth?

Mr. DENEEN. They did not introduce any bill. They just found fault with ours and objected to it.

Mr. HEALY. What has been the attitude of these gentlemen whom we have just spoken of, with reference to the repeal of the constitutional amendment?

Mr. DENEEN. I think they have advocated it in the papers. Both members who succeeded Mr. Blair published newspapers, Mr. Rapp and Mr. Duffy.

Mr. HEALY. And those gentlemen have opposed any waterway project of any kind, whether the one favored by you or the one favored by Senator Lorimer?

Mr. DENEEN. That is my understanding.

Mr. HEALY. Representative Espy was a Democratic member of the lower house in that session?

Mr. DENEEN. He was.

Mr. HEALY. Is he a member of the present general assembly?

Mr. DENEEN. No.

Mr. HEALY. Was he succeeded by some one else?

Mr. DENEEN. He was succeeded by a Democrat.

Mr. HEALY. What has been the attitude of his successor?

Mr. DENEEN. He is against waterway legislation.

Mr. HEALY. Of any kind?

Mr. DENEEN. Of any kind. So I understand.

Mr. HEALY. And Representative Gorman?

Mr. DENEEN. He is still——

Mr. HEALY. He is the exception you mentioned?

Mr. DENEEN. Yes. He comes from Peoria, located on the river.

Mr. HEALY. He favored the waterway project?

Mr. DENEEN. Yes.

Mr. HEALY. By the way, Governor, were there two men by the name of Gorman in the forty-sixth general assembly, one in the house and one in the senate?

Mr. DENEEN. Yes; one in the house and one in the senate; one from Chicago and one from Peoria.

Mr. HEALY. Representative Link, of the forty-sixth general assembly, has since died?

Mr. DENEEN. Yes.

Mr. HEALY. And has his place been filled by anyone?

Mr. DENEEN. Yes; a Democrat succeeded him.

Mr. HEALY. What has been the attitude of his successor?

Mr. DENEEN. Against any expenditure of money for the development of the waterway.

Mr. HEALY. Representative Riley was a Democratic member of the forty-sixth general assembly, was he not?

Mr. DENEEN. Yes.

Senator JONES. Has there been any legislation proposed repealing the constitutional amendment?

Mr. DENEEN. It has been proposed in the newspapers. It has not got to the legislature.

Senator JONES. There has been nothing of that kind in the legislature?

Mr. DENEEN. No.

Senator JONES. There have been no votes or expressions of these representatives in an official way upon the question?

Mr. DENEEN. No; I called an extra session of the legislature for the waterway right after the general session adjourned. The legislature remained in session until the 30th of June, and then took a recess until next October—early in October. It is in recess now.

Senator JONES. There is no proposition pending except your proposition?

Mr. DENEEN. That is all. The other side have not introduced any measures. They have found fault with ours.

Mr. HANEY. There never was any proposition pending to repeal the constitutional amendment?

Mr. DENEEN. It has been discussed in the Record-Herald and a number of papers.

Senator JONES. How do you know that these successors of those other representatives are opposed to any waterway legislation?

Mr. DENEEN. From the discussions we have had with men who have been out finding the sentiments of the members of the legislature. I have not talked with these men, except Mr. Duffy, I think, and Mr. Rapp. Mr. Rapp I know quite well.

Senator JONES. You do not know from these men themselves, or from any expression they have made officially, what their opinions are?

Mr. DENEEN. I am simply giving my best judgment as to their views, as I have in regard to all of these matters.

Senator JONES. It does not seem to me that that is entitled to any particular weight with this committee.

Mr. HEALY. There are three other members who are in this same category, and if the committee desires me to desist from further interrogation along this line I shall do so.

The CHAIRMAN. No; finish it, and we will take it for what it is worth.

Mr. HEALY. Representative Riley was a Democratic member of the lower house of the forty-sixth general assembly?

Mr. DENEEN. Yes.

Mr. HEALY. Is he still a member?

Mr. DENEEN. No.

Mr. HEALY. Has he been succeeded by another?

Mr. DENEEN. He has been succeeded by a Democrat.

Mr. HEALY. What has been the attitude of his successor on the waterway question?

Mr. DENEEN. He would not vote for the bill that I referred to. I as not so sure as to whether he would vote for any bill. My judgment is that he would not favor legislation. We could not get him to vote for it or to make any suggestions about amending it to correspond with his views.

Mr. HEALY. Is Representative Staymates a member of the present general assembly?

Mr. DENEEN. No.

Mr. HEALY. He was a Democrat member of the forty-sixth general assembly?

Mr. DENEEN. Yes.

Mr. HEALY. And he has been succeeded by some other person?

Mr. DENEEN. He has been succeeded by a Democrat.

Mr. HEALY. What is the attitude of his successor on the waterway question?

Mr. DENEEN. I have forgotten his name. I am not sure about him. I think he is against it.

Mr. HEALY. Henry S. Shephard was a Democratic member of the Illinois house in the forty-sixth general assembly?

Mr. DENEEN. Yes; he was. Shephard, from Jerseyville; there is one Republican and one Democrat, and this is the one from Jersey County.

Mr. HEALY. He voted for Senator Lorimer?

Mr. DENEEN. He did.

Mr. HEALY. He has been succeeded, you say, by some other person?

Mr. DENEEN. By two Democrats.

Mr. HEALY. What is the attitude of those men on the waterway question?

Mr. DENEEN. So far as I know, they are against it. I know they are against it—one of them, Mr. Kennedy, I think, and Mr. Kelly, I think it is, also.

Mr. HEALY. In your various talks with Senator Lorimer with reference to the organization of the Illinois house in the forty-sixth general assembly, did you suggest to him at any time that he and his friends had induced and brought about the election of Senator Shurtleff?

Mr. DENEEN. After the matter was over, I talked to him on that theory—that he was the force.

Mr. HEALY. Did he ever deny your suggestion in that respect?

Mr. DENEEN. No; I think not. He just accepted my statements.

Mr. HEALY. Did he approve in any way of the statements that you made?

Mr. DENEEN. They were accepted. I discussed the matter with him as if he represented the whole matter.

The CHAIRMAN. I think it is better for the witness to state what was said.

Mr. HEALY. I am trying to shorten the examination a little, that is all, Mr. Chairman.

Do you remember what he said in that respect, Governor?

Mr. DENEEN. No; I could not remember definitely the conversation.

Senator JONES. I understood that you simply talked on that assumption?

Mr. DENEEN. Yes. I did not talk to Mr. Shurtleff two minutes the whole session, I think. He called, as a matter of courtesy, and stated that if I had anything to say to him, or wished to have a conference with him at any time, he would be glad to call. He stayed only a few minutes, and I do not think he took a seat. That is my recollection. He just talked for a few minutes, and then he went away. That is my recollection; although he may have stayed longer.

Mr. HEALY. You were asked by Judge Hanecy about Representative John W. Hill?

Mr. DENEEN. Yes.

Mr. HEALY. And the political territory in which he lived?

Mr. DENEEN. I think so.

Mr. HEALY. Do you remember who was generally or publicly regarded as the political leader of the territory in which he lived?

Mr. DENEEN. Edward J. Brundige, corporation counsel at that time in Chicago.

Mr. HEALY. What was Mr. Brundige's political attitude toward you in the gubernatorial fight?

Mr. DENEEN. He was one of the candidates at first; one of the tentative candidates, and then he withdrew when they all withdrew to give way for Gov. Yates, and supported Gov. Yates and opposed me very strongly.

Mr. HEALY. Did he oppose your candidacy?

Mr. DENEEN. Very strongly.

Mr. HEALY. And he made a number of speeches against you?

Mr. DENEEN. Yes.

Mr. HEALY. That was in 1908, was it not, Governor?

Mr. DENEEN. Yes.

Mr. HEALY. And the political territory in which Mr. Hill lived or the particular ward in which he resided at that time was not in what is generally called the Lake View territory?

Mr. DENEEN. No; it was the north town, I understood, if I recollect correctly.

Mr. HEALY. Just one other question: The first ballot taken in the Illinois assembly on the 19th of January was in the separate houses?

Mr. DENEEN. Yes.

Mr. HEALY. And that was a purely informal ballot, was it not?

Mr. HANECY. Oh, no.

Mr. DENEEN. I think, under the constitution, if you receive a majority in both houses, you can elect.

Mr. HEALY. I had forgotten what the constitution was in that respect.

That is all.

Senator FLETCHER. I wish to ask you one or two questions, Governor, about two matters: First, the conversation with Mr. Hines and then in regard to the jack pot.

Mr. DENEEN. Yes, sir.

Senator FLETCHER. Do you undertake to claim, Governor, that you can repeat accurately, word for word, that conversation?

Mr. DENEEN. Not at all. It is just a general recollection of the substance.

Senator FLETCHER. You are just giving your memory of the impression that was made by the conversation?

Mr. DENEEN. The substance of the conversation rather than the words.

Senator FLETCHER. Could it have been that Mr. Reynolds's name was mentioned in that conversation in connection with the identification of Mr. Hines?

Mr. DENEEN. I do not think it was. I read the statements, and I saw that my recollection was not in harmony with his, and I thought it out carefully. My recollection is that Mr. Hines told me

that he missed the train. The train from Washington arrives at 8.55, and the train for Springfield leaves in the same depot five minutes later over the Chicago & Alton Road. My recollection was that he stated that he had missed the train and that was why he was calling me up. Otherwise I would have received the message from Mr. Reynolds. I received no such message. The whole thing seemed to be a rather unusual matter. Mr. Reynolds could not have identified Mr. Hines's voice very well, because I did not know him any better than I did Mr. Hines. I have met him, and know who he is very well, but we have not talked so that I knew his voice.

Senator FLETCHER. Did you recognize Mr. Hines's voice?

Mr. DENEEN. No; I could not tell. He said he was Mr. Hines.

Senator FLETCHER. Do you have any recollection of having mentioned the fact that you did not recognize his voice?

Mr. DENEEN. No.

Senator FLETCHER. Or that you might not know who was talking?

Mr. DENEEN. I do not think the matter was discussed after that until this case came up.

Senator FLETCHER. You remember his saying: "This is Edward Hines"?

Mr. DENEEN. I assume he said so. He talked with me, began the conversation, and I assume he identified himself.

Senator FLETCHER. He gave you that name?

Mr. DENEEN. Oh, I think so. I just assume so. It made no particular impression upon me.

Senator FLETCHER. You do not recall whether at the time you had any doubt in your mind as to who was talking?

Mr. DENEEN. Well, I thought he was Mr. Hines. He said he was. But when he told the story, or when he began telling the story, I thought it rather unusual that the President of the United States should send a message to me through a man that I had never seen—Senator Aldrich—with whom I had no connection, and the matter delivered over the telephone, and a request made of me in regard to Mr. Lorimer, when the matter was already settled. I thought it was out of harmony with all the facts, and I dismissed it.

Senator FLETCHER. You did not attach much importance to it?

Mr. DENEEN. It could not have been important. If it had been a genuine message it could not have affected anything.

Senator FLETCHER. So far as you know, there are no relations between Senator Aldrich and Mr. Reynolds, and they may not be acquainted with each other?

Mr. DENEEN. I assume they are acquainted, but I do not know. I do not know their relations at all, except from the public press.

Senator FLETCHER. Was there any difficulty in hearing that conversation, as you recall? It was a long-distance message?

Mr. DENEEN. I assume not, or I would have had him receive it, so that I could have heard it. It was a long-distance telephone message from about 200 miles.

Senator FLETCHER. How long did it last?

Mr. DENEEN. I do not recall that. I recall simply the substance. I suppose it lasted a few minutes only.

Senator FLETCHER. Were you at the phone at your desk and were people around you at that time, or what were the circumstances?

Mr. DENEEN. I do not recall them. I have two telephones at my desk, on two different lines of telephones, the Independent and Bell; and we have a booth in the outside room, too. It is usually open, however; the doors are open. We have six or eight long-distance telephone connections.

Senator FLETCHER. You do not recall where you were when you received the message, do you?

Mr. DENEEN. No.

Senator FLETCHER. Whether you were at your desk or in the booth?

Mr. DENEEN. No.

Senator FLETCHER. Do you recall whether there were other people there or about at the time?

Mr. DENEEN. I know Congressman Chapman was there, and I think Mr. Hitch, and I think Fred W. Potter, the insurance superintendent, was there. I do not recollect others, but there must have been others there.

Senator FLETCHER. I understood you to say that it was rather a busy time and that there was more or less excitement?

Mr. DENEEN. I have no doubt there were 25 people in the office. That was usually true. The office was usually filled at that time of day. They are large offices. But they were not in my particular office.

Senator FLETCHER. Only those you have named were in your private office?

Mr. DENEEN. I think they were in the office. I know I was talking to them, or I think I was, when I was interrupted, and we were canvassing the matter.

Senator FLETCHER. Now, with reference to the speech which you delivered at the home of Mr. Shurtleff—you mentioned in that speech the jack pot?

Mr. DENEEN. I did.

Senator FLETCHER. And other matters?

Mr. DENEEN. Yes.

Senator FLETCHER. Did you at that time or prior to that time, or at any time, associate the jack pot with the election of Senator Lorimer?

Mr. DENEEN. At that time; yes. Two or three men had confessed at that time.

Senator FLETCHER. How do you mean confessed?

Mr. DENEEN. They had confessed to receiving money.

Senator FLETCHER. Out of the jack pot?

Mr. DENEEN. Mr. White, I think, had made his confession, and Mr. Holstlaw and Mr. Link; and some of them said they received it out of the jack pot and others said they received the money and did not know where they got it, or for what purpose; and Mr. Beckemeyer was another.

Senator FLETCHER. I understood you to say that since 1897 this jack pot had been supposed to exist in the Illinois Legislature?

Mr. DENEEN. By common report, money has been collected and distributed in that way.

Senator FLETCHER. I said, "supposed to exist."

Mr. DENEEN. Yes.

Senator FLETCHER. And that it had to do with promoting or defeating legislation?

Mr. DENEEN. Yes; both.

Senator FLETCHER. The purpose and thing to be accomplished by the use of the jack pot had relation, ordinarily, to legislation, did it not?

Mr. DENEEN. To legislation pending.

Senator FLETCHER. Did it have any further or more extended work to perform in the forty-sixth general assembly than any previous assemblies?

Mr. DENEEN. I have no personal knowledge of that matter.

Senator JONES. Had you associated the senatorial election with the jack pot prior to these confessions?

Mr. DENEEN. Yes; I had. I had received information.

Senator JONES. How long after the election?

Mr. DENEEN. I think the first information that I received was from Mr. Keeley. I talked with him.

Senator JONES. He referred to the statement that was being prepared for publication.

Mr. DENEEN. Yes; and he referred to his view as to how many had received money.

Senator FLETCHER. Prior to that time, he had not associated the jack pot with the senatorial election?

Mr. DENEEN. Well, I had no definite information about that; nothing that would lead me to have an opinion that I would be justified in stating.

Senator FLETCHER. Had you heard any rumors even before that?

Mr. DENEEN. I had heard rumors and all sorts of explanations made for the 53 votes. The papers commented on it.

Senator FLETCHER. That was after the election?

Mr. DENEEN. Right after the election, of course. They commented on the fact that 53 Democrats would vote for a Republican on one ballot, and all sorts of explanations were made. Among them some men who were inclined to be suspicious thought there were other reasons, and they were stated; but it was just the general rumor that was about.

Senator FLETCHER. There was no talk, however, before the election that there was a jack-pot fund to be used in influencing the senatorial election?

Mr. DENEEN. Only the one I referred to, about the \$30,000.

Mr. HANEY. That was in relation to Senator Hopkins?

Mr. DENEEN. In relation to Senator Hopkins.

The CHAIRMAN. Aside from what you have stated, have you any information to which you could direct the attention of this committee, or any proof on that subject?

Mr. DENEEN. Oh, no; I have not.

Senator GAMBLE. This information you received from Mr. Keeley was in the month of March, 1910?

Mr. DENEEN. March.

Senator GAMBLE. The 16th of March?

Mr. DENEEN. That was the first time, I think, I talked about it. I am quite sure so.

Senator KERN. Governor, is your state of mind such, and your recollection, that you can state definitely as to whether or not in the conversation you had with Mr. Hines on the morning of the 26th he

said, "How soon can you see Congressman Lorimer," to which you replied, "I will see him within 10 minutes"?

Mr. DENEEN. I do not recollect that at all. I am quite sure no such conversation was had.

Senator KERN. Then was the question asked you, or can you state definitely on the question, as whether Mr. Hines said, "Can we rely on your assistance," to which you replied, "Yes"?

Mr. DENEEN. That conversation did not occur according to my recollection.

Senator KERN. Then was the conversation continued, referring to Senator Lorimer, "Will you see him immediately," to which you replied, "I will see him within 10 minutes"?

Mr. DENEEN. That did not occur, to my best recollection.

Mr. HEALY. Governor, are you quite sure that Mr. Weber was at the meeting where you were discussing the apportionment of the wards of the city of Chicago which was held in Mr. Pease's house?

Mr. DENEEN. No. I have discussed the matter with you in the noon hour and have refreshed my recollection. My impression is now that he was not, from your statements, and I had no independent recollection.

Mr. HANEY. Governor, had your attention been called to the conversation that you had with Edward Hines about 10 o'clock on the forenoon of May 26, 1909, between that time and the publication of the testimony of Mr. Hines before the Helm Committee in the last of February or March?

Mr. DENEEN. I think it had been called to my attention, or had been discussed, yes; before that time.

Mr. HANEY. When, and where?

Mr. DENEEN. Oh, some time—I think I talked to the President about it before that time.

Mr. HANEY. When?

Mr. DENEEN. When I was here.

Mr. HANEY. We do not know when that was.

Mr. DENEEN. I can not place it exactly. I can run back and find out when I was here, and then place it.

Mr. HANEY. Tell us as near as you can by the calendar.

Mr. DENEEN. I do not recall that, as to just when it was. I was here in April and I was here last December twice, but I do not recall just when it was. I think I talked with Secretary MacVeagh about it the August after this election.

Mr. HANEY. After what election?

Mr. DENEEN. After Senator Lorimer's election.

Mr. HANEY. How did you come to talk with Secretary MacVeagh about it?

Mr. DENEEN. He sent for me. I was in Chicago and he wanted to see me.

Mr. HANEY. Did he say he wanted to see you about that?

Mr. DENEEN. No; he wanted to make inquiries of me regarding how Senator Lorimer was elected.

Mr. HANEY. What did he have to do with it?

Mr. DENEEN. He said he wanted to gather the information for the President.

Mr. HANEY. What did you tell Mr. MacVeagh?

Mr. DENEEN. I said to him, "Why, ask the President, he is the man who gave directions." in a joking way.

Mr. HANEY. Did Secretary Franklin MacVeagh say to you that President Taft had authorized or directed him to go out and get information for the President on that question?

Mr. DENEEN. I do not recall that he placed it in that way. As I recall it, he wanted to ascertain for the President matters regarding Senator Lorimer's election, and the part that I bore—he said some rumors had been circulated that I had been instrumental in it, and I said to him, "Why, tell the President, he is the man who elected him, not me, he was the one that was suspected, not me." Then we talked on, and if you want me to give the conversation I will tell you.

Mr. HANEY. What did you say to Mr. MacVeagh on this occasion.

Mr. DENEEN. Then the question arose about this telephone. I told him then that Mr. Hines had telephoned to me stating that the President had sent word to me through Senator Aldrich.

Mr. HANEY. Is that all you said to him?

Mr. DENEEN. We talked along in that way. The conversation did not last long, because he expressed such astonishment at it that it ended.

Mr. HANEY. Will you not be kind enough to tell this committee the language as near as you can?

Mr. DENEEN. It is impossible for me to tell you how I expressed myself and how he expressed himself in August two years ago.

Mr. HANEY. Have you told all the conversation that you had with Mr. MacVeagh on that occasion?

Mr. DENEEN. I think, then, he asked me to give my views about the political situation in Illinois, and I stated them briefly, and I think that was all. As I recall it, our talk was in the Federal Building and was very brief.

Mr. HANEY. In Chicago?

Mr. DENEEN. In Chicago.

Mr. HANEY. Did you talk with anybody else about it?

Mr. DENEEN. I think the matter had been discussed, but not much—very little.

Mr. HANEY. With anybody?

Mr. DENEEN. Yes.

Mr. HANEY. Who was the other party?

Mr. DENEEN. I say I do not recall now. I think I discussed it with Col. B. A. Eckart, but I am not sure about that. I suppose I discussed it with Mr. West, but I do not recollect just the time and place; but it was discussed generally.

Mr. HANEY. When did you talk with Barney Eckart about it?

Mr. DENEEN. I could not tell you.

Mr. HANEY. When?

Mr. DENEEN. I could not tell you about that. The only reason why I think I discussed it with him was that we discussed a lot of those matters.

Mr. HANEY. Barney Eckart is one of your staff?

Mr. DENEEN. He is the railroad and warehouse commissioner under me.

Mr. HANEY. Now?

Mr. DENEEN. Yes.

Mr. HANEY. He is one of your staff?

Mr. DENEEN. Yes.

Mr. HANEY. One of your political and personal friends?

Mr. DENEEN. Yes.

Mr. HANEY. You can not tell when you had that talk with him on that subject?

Mr. DENEEN. I have just a vague recollection that I talked with him. I have a recollection because I asked him about Mr. Hines. We discussed Mr. Hines, I know. The reason why I think I talked with him is because of the conversation on that subject.

Mr. HANEY. Did you talk with Secretary MacVeagh on any other occasion than the one you have mentioned about that matter?

Mr. DENEEN. No, sir.

Mr. HANEY. How long did that conversation last?

Mr. DENEEN. Well, I do not recall.

Mr. HANEY. Have you any idea about how long?

Mr. DENEEN. Well, I do not recall. The subject matter was discussed. I saw him about 10 or 15 minutes—it was a short conversation.

Mr. HANEY. And you have told the substance of all you said to him and he to you?

Mr. DENEEN. The substance, the subject matter. I have given you the picture of the conversation, or the meaning of it.

Mr. HANEY. Did you see this statement that was reported to have been given out from the White House on Friday, June 30, 1911?

Mr. DENEEN. No. I think I may have read it, but I do not recall it. You read it, Judge Haney, if you care to, and I will tell you after hearing it.

Mr. HANEY. I read from the tenth page of the Washington Evening Star of Friday, June 30, 1911, from the first column on that page.

Mr. DENEEN. Judge Haney, I do not know what the statement is, but I did not see the Washington Star on that day, and so I could not have known anything about it.

Mr. HANEY. I mean in any newspaper. It was given out from the White House.

Mr. DENEEN. Then I may have read it.

Mr. HANEY. I read the article, which is as follows:

Mr. Hines's testimony yesterday indicating that President Taft had expressed a preference for Mr. Lorimer brought forth the following statement from the White House last night:

"The fact with reference to President Taft's relations to Senator Lorimer's election is this: That during the tariff fight gentlemen came to him and expressed their interest in passing the tariff bill, and said that it had been suggested from Illinois that it would be wise for the President to express an opinion in favor of the election of Mr. Lorimer. He did not know Mr. Lorimer well, although he knew that he was an influential Member of Congress, but he did know Senator Hopkins. He knew very little about Illinois politics, but expressed a desire that there should be two Republican Senators from Illinois. But when asked to put that in the form of a telegram urging the election of Mr. Lorimer he declined to do so. The statement by Mr. Hines that the President was anxious for and was urging the election of Mr. Lorimer is wholly unfounded."

Is that the article you saw in some paper?

Mr. DENEEN. Something to that effect.

Mr. HANEY. And that was about the time you saw it, about the 30th of June?

Mr. DENEEN. It must have been after it occurred. I read it as a matter of news.

Mr. HANEY. The same article appears in the Washington Times of Friday, June 30, on the last column on the tenth page.

Mr. DENEEN. Well, I did not see that.

Mr. HANEY. That is all.

The CHAIRMAN. The committee will here take a recess until Monday morning, July 17, at 10 o'clock.

(Whereupon, at 3 o'clock and 5 minutes p. m., the committee adjourned until Monday, July 17, at 10 o'clock a. m.)

SENATOR FROM ILLINOIS

PROCEEDINGS

BEFORE A

COMMITTEE OF THE UNITED STATES SENATE

COMPOSED OF

SENATORS DILLINGHAM (CHAIRMAN), GAMBLE, JONES,
KENYON, JOHNSTON, FLETCHER, KERN, AND LEA

DIRECTED, UNDER A RESOLUTION OF THE SENATE OF
JUNE 7, 1911, TO INVESTIGATE WHETHER COR-
RUPT METHODS AND PRACTICES WERE EM-
PLOYED IN THE ELECTION OF WILLIAM
LORIMER AS A SENATOR OF THE
UNITED STATES FROM THE
STATE OF ILLINOIS

PART V

WASHINGTON
GOVERNMENT PRINTING OFFICE
1911

SENATOR FROM ILLINOIS.

MONDAY, JULY 17, 1911.

SENATE OFFICE BUILDING,
WASHINGTON, D. C.

The committee met at 10 o'clock a. m.

Present: Senators Dillingham (chairman), Gamble, Jones, Johnston, Fletcher, and Kern.

Present also: Mr. John H. Marble, Mr. John G. Healy, Mr. William J. Hynes, Mr. Elbridge Hanecy, and Mr. Edgar Farrar.

The CHAIRMAN. I should like to have the attention of counsel for a moment. In the examination of Gov. Deneen two letters from Roy O. West were used and were marked as exhibits, but I understand they were not offered as exhibits, but simply used in connection with the examination, and counsel requested the return of them. If there is no objection, they will be returned and will not be treated as exhibits. They were read into the record and used in the examination.

Mr. HANECY. These are the two letters from Roy O. West?

The CHAIRMAN. Yes.

Senator FLETCHER. They were read into the record?

The CHAIRMAN. Yes; they were read into the record, and counsel have requested their return, and under those circumstances they will not be treated as exhibits.

Mr. HANECY. I assumed that the exhibits that the committee wanted were those telegrams, and so forth, that they could not verify except in certain places.

TESTIMONY OF WILLIAM M. BURGESS.

WILLIAM M. BURGESS, being duly sworn, was examined and testified as follows:

Mr. HEALY. What is your full name, Mr. Burgess?

Mr. BURGESS. William M. Burgess.

Mr. HEALY. Where do you live?

Mr. BURGESS. Duluth.

Mr. HEALY. Duluth, Minn.?

Mr. BURGESS. Duluth, Minn.

Mr. HEALY. What is your business?

Mr. BURGESS. Manager for the Burgess Electric Co., electrical contractors.

Mr. HEALY. And where is their place of business located?

Mr. BURGESS. 310 West First Street.

Mr. HEALY. How long have you been a resident of Duluth, Minn.?

Mr. BURGESS. Twenty-eight years.

Mr. HEALY. What is your connection with the Burgess Electrical Co.?

Mr. BURGESS. Manager and treasurer.

Mr. HEALY. That is a corporation, isn't it?

Mr. BURGESS. A partnership.

Mr. HEALY. Who are the other partners in the partnership?

Mr. BURGESS. G. V. Burgess and E. R. Burgess.

Mr. HEALY. What relation are those men to you?

Mr. BURGESS. Brothers.

Mr. HEALY. Are you a married man?

Mr. BURGESS. Yes.

Mr. HEALY. You live with your family in Duluth?

Mr. BURGESS. Yes, sir.

Mr. HEALY. How old are you?

Mr. BURGESS. I will be 56 to-morrow.

Mr. HEALY. Mr. Burgess, do you know Edward Hines?

Mr. BURGESS. I am not acquainted with him.

Mr. HEALY. Do you know Mr. C. F. Wiehe?

Mr. BURGESS. I am not acquainted with him.

Mr. HEALY. Do you know anybody connected with the Hines Lumber Co.?

Mr. BURGESS. I know Mr. Cusson.

Mr. HEALY. Anybody else?

Mr. BURGESS. No; I do not think I do.

Mr. HEALY. Have you had any business relations or associations with the Edward Hines Lumber Co. or any of its officers?

Mr. BURGESS. We had some business relations about a year ago.

Mr. HEALY. What, generally, were those relations?

Mr. BURGESS. We furnished a residence being built by Mr. Cusson with electric supplies, chandeliers, and so forth.

Mr. HEALY. Is that the only business transaction you ever had with them?

Mr. BURGESS. We had a business transaction some 8 or 10 years ago.

Mr. HEALY. In any of those business transactions what were your relations—friendly or otherwise?

Mr. BURGESS. Friendly.

Mr. HEALY. Did any unfriendly relations or unpleasantness develop out of those transactions?

Mr. BURGESS. No, sir.

Mr. HEALY. Have you any feeling of any sort against any of the officers of the Edward Hines Lumber Co.?

Mr. BURGESS. No, sir.

Mr. HEALY. Or any of its employees?

Mr. BURGESS. No, sir.

Mr. HEALY. Were you present in March, 1911, at a conversation wherein was discussed the election of Senator Lorimer?

Mr. BURGESS. On March 8.

Mr. HEALY. What year?

Mr. BURGESS. This year, 1911.

Mr. HEALY. Where did that conversation take place?

Mr. BURGESS. It took place in the smoking room of the Pullman car on the Winnipeg Flyer from Duluth to Virginia.

Mr. HEALY. What time of day?

Mr. BURGESS. From about 8 to 8.30.

Mr. HEALY. What time did you leave Duluth that night?

Mr. BURGESS. 7.10, I think.

Mr. HEALY. And what was your point of destination?

Mr. BURGESS. Virginia.

Mr. HEALY. What was the running time of that train to Virginia?

Mr. BURGESS. I think it is two hours and five minutes, if I mistake not.

Mr. HEALY. When you boarded that train, where did you go? What part of the train did you occupy?

Mr. BURGESS. The smoking room of the sleeping car.

Mr. HEALY. In any particular sleeping car?

Mr. BURGESS. There was only one on the train.

Mr. HEALY. How long did you remain in that smoking compartment?

Mr. BURGESS. Until we arrived at Virginia.

Mr. HEALY. Did you see Mr. C. F. Wiehe in that smoking compartment?

Mr. BURGESS. I did.

Mr. HEALY. Who else was in there, Mr. Burgess?

Mr. BURGESS. There was Mr. Johnson, Mr. Cusson, Mr. Frederick J. Weyerhaeuser, Mr. Harper, of Duluth, and Mr. Rudolph Weyerhaeuser, and a young gentleman from Canada, at various times during the trip.

Mr. HEALY. Do you know the name of the man who you have characterized as a young gentleman from Canada?

Mr. BURGESS. I do not.

Mr. HEALY. Do you know from what part of Canada he came?

Mr. BURGESS. He told me. My impression is that he was from Regina.

Mr. HEALY. How old a man was he?

Mr. BURGESS. I should say he was a young man—from 22 to 24 him, and the gentleman from Canada sat over by the window.

Mr. HEALY. Was anybody else in the smoking compartment during the time you occupied it?

Mr. BURGESS. Not that I know of.

Mr. HEALY. With whom did you have the talk about the election of Senator Lorimer?

Mr. BURGESS. With Mr. Wiehe.

Mr. HEALY. At the time of that conversation who was present in the smoking room besides you and Mr. Wiehe?

Mr. BURGESS. The gentleman from Canada.

Mr. HEALY. Anybody else?

Mr. BURGESS. No, sir.

Mr. HEALY. These other men whom you have mentioned had occupied the smoking compartment prior to that time?

Mr. BURGESS. They had.

Mr. HEALY. Or after the conversation?

Mr. BURGESS. Prior to the conversation.

Mr. HEALY. Where did you sit and where did Mr. Wiehe sit, and in what part of the smoking compartment was this young man from Canada during this conversation?

Mr. BURGESS. Mr. Wiehe sat on the leather seat that runs cross-wise of the car and over in the corner next to the aisle that goes back to the sleeping compartment. I sat in a chair right next to him and the gentleman from Canada sat over by the window.

Mr. HEALY. Were you sitting opposite Mr. Wiehe or alongside of him?

Mr. BURGESS. Well, you would call it cornerwise. He was sitting on the leather seat, and my chair was right next to the leather seat.

Mr. HEALY. And how far from you and Mr. Wiehe was this young man from Canada?

Mr. BURGESS. Oh, 3 or 4 feet.

Mr. HEALY. How long had you been on the train before you had this talk with Mr. Wiehe?

Mr. BURGESS. I should judge about an hour; maybe not that long.

Mr. HEALY. What was said by you or Mr. Wiehe on that occasion?

Mr. BURGESS. Mr. John Weyerhaeuser was sitting on Mr. Wiehe's left, and as Mr. Weyerhaeuser left the smoking compartment I asked Mr. Wiehe if that was not John Weyerhaeuser, and he replied that it was, and that started the conversation. I can not remember how the conversation drifted over onto Lorimer's election. I remember making some remark regarding the election of Mr. Lorimer, and Mr. Wiehe asked me what I knew about Mr. Lorimer's election, and I told him my knowledge consisted of information gained from the Duluth News-Tribune and the Duluth Evening Herald and the Chicago Examiner. And he made the remark that I did not know very damn much about it. And then he started in to enlighten me in regard to Mr. Lorimer's election.

Mr. HEALY. What did he say?

Mr. BURGESS. He said that Mr. Lorimer had not spent any of his own money for his election, but there was, as he called it, a jack pot raised for Mr. Lorimer's election; and he made the remark—this remark he made at the finish of the conversation—he says:

There was a jack pot raised for Mr. Lorimer's election. I know what I am talking about, because I subscribed \$10,000 to it myself.

Mr. HEALY. Do you recall anything else that was said?

Mr. BURGESS. Yes. He asked me, during the conversation, if I had ever heard of the Father Green episode, and I told him I had not.

Mr. HEALY. What did he say in that regard?

Mr. BURGESS. I told him I had not, and he went on to give me the explanation of the Father Green episode. He said that a detective that was employed by a private detective agency, to get evidence against Mr. Lorimer, by one of the Chicago newspapers—I could not say positively whether it was the Chicago Record-Herald or the Chicago Tribune, as he had mentioned both those papers, two or three different times—and this detective had gone to Father Green for a confession.

Mr. HYNES. Who had gone?

Mr. BURGESS. The detective. And during his confession he had confessed to Father Green what he was doing; and Father Green

had listened to the confession, and he refused to give him absolution until he had made a clean breast of the action he was taking in the Lorimer case. The paper that was supposed to have employed this detective agency got hold of the matter, and got hold of one of Father Green's photographs, and was coming out with a full page with Father Green's picture and his interest in the affair; and before they printed it they had called Father Green up and asked him if he would not retract certain things that he had said. Father Green replied that he would not. They told him, then, that they were going to come out with a full-page photograph of him in the paper, with the full facts in the case; and Father Green told them that if they did, and he had enough influence in Chicago, he would cut their circulation down 50 per cent.

Mr. HEALY. That is what Mr. Wiehe told you?

Mr. BURGESS. Yes; he said he had got this story from Father Green himself.

Mr. HEALY. Was anything else said on that occasion?

Mr. BURGESS. I do not know that there was.

Mr. HEALY. Was anything said about the Illinois Legislature?

Mr. BURGESS. Yes.

Mr. HEALY. What was said about that?

Mr. BURGESS. Mr. Wiehe said it was impossible to get anything of merit through the Illinois Legislature without the use of money.

Mr. HEALY. Was anything else said by either of you gentlemen?

Mr. BURGESS. I do not remember now. I do not call to mind.

Mr. HEALY. Did Mr. Wiehe tell you on that occasion to whom he paid the \$10,000?

Mr. BURGESS. No, sir.

Mr. HEALY. Did he tell you how much money had been raised to bring about or secure the election of Mr. Lorimer?

Mr. BURGESS. He said there was a jack pot of a hundred thousand.

Mr. HEALY. A hundred thousand what?

Mr. BURGESS. Dollars.

Mr. HEALY. Had you ever met Mr. Wiehe before?

Mr. BURGESS. Never.

Mr. HEALY. Did you know who he was when you saw him that night?

Mr. BURGESS. I did not.

Mr. HEALY. About how long did that conversation take place, Mr. Burgess?

Mr. BURGESS. Oh, it might have been 20 minutes. I could not say, positively.

Mr. HEALY. After you arrived at Virginia that night, did you see Mr. Wiehe again?

Mr. BURGESS. I did.

Mr. HEALY. Where?

Mr. BURGESS. At the hotel.

Mr. HEALY. Did you have him pointed out to you in any way?

Mr. BURGESS. As I went into the hotel I met W. C. Bailey of Duluth, and I asked Mr. Bailey who the gentleman with the black whiskers was, and he told me that his name was—he called him "Wayhe"—Edward Hines's brother-in-law.

Mr. HEALY. Who is W. C. Bailey?

Mr. BURGESS. He is a lumberman of Virginia, operating in Virginia. He lives in Duluth.

Mr. HEALY. When you testified before the committee at Springfield you identified a picture of Mr. Wiehe, did you not?

Mr. BURGESS. I did.

Mr. HEALY. Did you talk with Mr. Cook that night at the hotel in Virginia?

Mr. BURGESS. No, sir.

Mr. HEALY. Did you see Mr. Edward Hines on the train that evening?

Mr. BURGESS. I saw Mr. Hines as I went back into the sleeper to get my overcoat and grip.

Mr. HEALY. What kind of a country is it through which this train runs from Duluth to Virginia?

Mr. BURGESS. It is a barren country.

Mr. HEALY. Is it wooded or otherwise?

Mr. BURGESS. Partly wooded and partly cut off.

Mr. HEALY. And what kind of a town is Virginia?

Mr. BURGESS. It is a mining town and also a lumber town.

Mr. HEALY. And about how far from Duluth is the town of Virginia?

Mr. BURGESS. My impression is that it is about 73 miles.

Mr. HEALY. You were a witness before the Helm committee at Springfield?

Mr. BURGESS. I was.

Mr. HEALY. To whom did you first call attention to the fact that you had participated in the sort of a conversation which you have just detailed here?

Mr. BURGESS. Mr. Bailey; W. T. Bailey.

Mr. HEALY. Well, who in the city of Chicago, if you know, who might have called it to the attention of that committee?

Mr. BURGESS. I do not know as I understand your question.

Mr. HEALY. Do you know how it was that the members of the Helm committee discovered that you possessed information about this matter?

Mr. BURGESS. No.

Mr. HEALY. Did you write a letter to Mr. Kohlsaatz?

Mr. BURGESS. I did.

Mr. HEALY. Did you not tell Mr. Kohlsaatz something about that conversation in that letter?

Mr. BURGESS. I did.

Mr. HEALY. And about when was that, Mr. Burgess? I mean when with reference to the time that you testified before the Helm committee?

Mr. BURGESS. It might have been 10 days or 14 days, or somewhere along there; I could not say positively.

Mr. HEALY. Are you associated in business in any way with W. H. Cook, of Duluth?

Mr. BURGESS. No, sir.

Mr. HEALY. How well do you know him?

Mr. BURGESS. I have known Mr. Cook for years.

Mr. HEALY. Have you ever talked with him about this matter?

Mr. BURGESS. Yes, sir.

Mr. HEALY. Frequently?

Mr. BURGESS. I talked with him once about it.

Mr. HEALY. When was that?

Mr. BURGESS. That was on Thursday morning, March 10, I think.

Mr. HEALY. Where was that?

Mr. BURGESS. That was on the train coming from Virginia to Duluth.

Mr. HEALY. Coming back?

Mr. BURGESS. Coming back.

Mr. HEALY. Were you interested in that lumber company?

Mr. BURGESS. No, sir.

Mr. HEALY. You were going up to Virginia on other business?

Mr. BURGESS. On other business.

Mr. HEALY. And this conversation which you had with Mr. Cook on the 10th of March, where did that occur?

Mr. BURGESS. That occurred in the smoking car on the Winnipeg Flyer.

Mr. HEALY. Was it in reference to this matter?

Mr. BURGESS. I told Mr. Cook what Mr. Wiehe had told me on the way up there.

Mr. HEALY. Was anybody present at that time besides you and Mr. Cook?

Mr. BURGESS. Yes; there was another gentleman who occupied the seat double, sitting in there with Mr. Cook. I did not know who he was.

Mr. HEALY. Nobody whom you knew?

Mr. BURGESS. No; I did not know him. I had seen him around the hotel at Virginia on Wednesday with Mr. Cook and Mr. O'Brien.

Mr. HEALY. Had you discussed Mr. Wiehe with Mr. Cook at the hotel?

Mr. BURGESS. No.

Mr. HEALY. At any time?

Mr. BURGESS. No.

Senator KERN. Mr. Burgess, did you not regard it as very remarkable that a total stranger to you, in a public place, should make a confession to you of having engaged in a wholesale system of bribery?

Mr. BURGESS. That has always looked peculiar to me. That is the reason that I made inquiry who the gentleman was when I got in Virginia.

Senator FLETCHER. How long was Mr. Wiehe in the smoker?

Mr. BURGESS. I should say Mr. Wiehe left the smoker about half an hour or 20 minutes before we got to Virginia.

Senator FLETCHER. You have not stated when he went in, and you do not answer the question how long he was there.

Mr. BURGESS. He came in the smoking room before the train left Duluth.

Senator FLETCHER. He was there, then, some hour and a half?

Mr. BURGESS. An hour and a half.

Senator FLETCHER. Were you all smoking? Was he smoking, and were the others present smoking?

Mr. BURGESS. He was smoking, and some of the others were, and some of them were not. Some of them got up and got out on account of the smoke being too thick.

Senator GAMBLE. When did you write to Mr. Kohlsaat in regard to this conversation you had with Mr. Wiehe—the substance of the conversation?

Mr. BURGESS. I could not give you the exact date. I should say it was 10 days to two weeks before the Springfield investigation.

Senator GAMBLE. That was before the investigation had been taken up in Springfield?

The CHAIRMAN. He said 10 days before.

Senator GAMBLE. And how did you happen to write these facts to Mr. Kohlsaat?

Mr. BURGESS. I did that upon request.

Senator GAMBLE. Who requested you to write?

Mr. BURGESS. Mr. McManus, of Duluth.

Senator GAMBLE. Who is Mr. McManus?

Mr. BURGESS. He is an attorney there.

Senator GAMBLE. He interviewed you, did he? Did he come to see you?

Mr. BURGESS. I told him about the conversation prior to that time.

Senator GAMBLE. Then he came to see you afterwards?

Mr. BURGESS. Yes.

Senator GAMBLE. And asked you to write to Mr. Kohlsaat?

Mr. BURGESS. Yes.

Senator GAMBLE. And you wrote to Mr. Kohlsaat, substantially as you have testified on the stand?

Mr. BURGESS. Yes.

The CHAIRMAN. You may cross-examine.

Mr. HYNES. Taking the matter right there, Mr. Burgess, whose attorney was Mr. McManus? Was he yours or Mr. Cook's, or had he been engaged in any litigation with the Edward Hines Lumber Co.?

Mr. BURGESS. No, sir.

Mr. HYNES. Whose attorney was he?

Mr. BURGESS. Mr. McManus does some business for us.

Mr. HYNES. You mean——

Mr. BURGESS. For the Burgess Electric Co.

Mr. HYNES. And was he acquainted with Mr. Cook?

Mr. BURGESS. I could not say.

Mr. HYNES. You do not know whether he is or not?

Mr. BURGESS. No.

Mr. HYNES. Do you know of any litigation he has been in, in connection with the Edward Hines Lumber Co.?

Mr. BURGESS. I do not.

Mr. HYNES. When did you tell him this story?

Mr. BURGESS. Oh, I think it was a day or two after I came back from Virginia.

Mr. HYNES. Did you meet him by accident, or go to him to tell him?

Mr. BURGESS. I think I was up in his office.

Mr. HYNES. On business?

Mr. BURGESS. Yes.

Mr. HYNES. Other than to tell this story?

Mr. BURGESS. Yes.

Mr. HYNES. What was the nature of the business, if I may ask?

Mr. BURGESS. I could not tell you that.

Mr. HYNES. Was it professional business?

Mr. BURGESS. I think perhaps it was.

Mr. HYNES. Do you remember any professional business you had which required his services at that time?

Mr. BURGESS. I think at that time he was having a case for us; a suit against a man in Hibbing.

Mr. HYNES. Is Mr. McManus here in Washington?

Mr. BURGESS. No, sir.

Mr. HYNES. When have you seen him last?

Mr. BURGESS. I see Mr. McManus every three or four days, sometimes every day.

Mr. HYNES. Have you talked with him about this matter on those occasions?

Mr. BURGESS. I think we have had two or three conversations; I could not say positively.

Mr. HYNES. Lately?

Mr. BURGESS. No.

Mr. HYNES. How recently was the last?

Mr. BURGESS. I think I saw Mr. McManus a week ago Sunday.

Mr. HYNES. Did you talk with him about it?

Mr. BURGESS. I merely said I was going to Washington.

Mr. HYNES. Did you talk this story over?

Mr. BURGESS. No.

Mr. HYNES. Have you talked this story over with him at any time since you first related it, as you say?

Mr. BURGESS. I could not state positively whether I had or not.

Mr. HYNES. When did you last see Mr. Cook?

Mr. BURGESS. I saw Mr. Cook—I think it was last Monday.

Mr. HYNES. Where?

Mr. BURGESS. In his office.

Mr. HYNES. In Duluth?

Mr. BURGESS. Yes.

Mr. HYNES. Before starting from there for here?

Mr. BURGESS. Yes.

Mr. HYNES. Did you talk this matter over with him then?

Mr. BURGESS. No; I simply told him I was coming down to Washington; had been subpoenaed and was coming down.

Mr. HYNES. You did not go over it any manner with him?

Mr. BURGESS. No.

Mr. HYNES. What did he say when you told him that?

Mr. BURGESS. I think about the only remark he made was that I would have a hot time down here.

Mr. HYNES. Was he talking about the weather?

Mr. BURGESS. I guess that was it.

Mr. HYNES. Did he tell you to make it hotter for them down here?

Mr. BURGESS. No.

Mr. HYNES. Did he use the language, "Give them hell when you get down there?"

Mr. BURGESS. No; he did not.

Mr. HYNES. You told him about this on the way down on Thursday morning, you say?

Mr. BURGESS. March 10.

Mr. HYNES. How do you fix it—by the day of the month?

Mr. BURGESS. By the day of the month; yes.

Mr. HYNES. You are able to fix your coming down by the day of the month?

Mr. BURGESS. Coming down on Thursday morning.

Mr. HYNES. And that was the 10th, you are sure?

Mr. BURGESS. Yes.

Mr. HYNES. In your former testimony before the Helm committee in Springfield you said on the morning of Wednesday.

Mr. BURGESS. No; I did not.

Mr. HYNES. I did not know but you had refreshed your recollection.

Mr. BURGESS. No.

Mr. HYNES. Was this question put to you by Chairman Helm of the committee, on page 113 of the printed record of the Helm committee:

Chairman HELM. You told Mr. Bailey at the hotel?—A. Yes. And Wednesday morning, going down from Virginia on the same train—the Winnipeg Flyer, which leaves Virginia about 6 o'clock, if I remember right—Mr. Cook was on the train, and Mr. Cook, who is connected with the Virginia & Rainy Lake Lumber Co., and I was telling him about the statement Mr. Wiehe had made.

Now, was that your answer before the Helm committee?

Mr. BURGESS. All except the date.

Mr. HYNES. Did you not make that statement "Wednesday morning," without giving the day of the month?

Mr. BURGESS. I do not think I did.

Mr. HYNES. Have you refreshed your recollection in any manner since?

Mr. BURGESS. I have not.

Mr. HYNES. Have you read your testimony since that time?

Mr. BURGESS. Not that part of it.

Mr. HYNES. Have you not read all of your testimony before the Helm committee?

Mr. BURGESS. I have not.

Mr. HYNES. When did you read any portion of it?

Mr. BURGESS. I think on Thursday afternoon.

Mr. HYNES. Last?

Mr. BURGESS. Yes.

Mr. HYNES. Here?

Mr. BURGESS. Here.

Mr. HYNES. Who gave it to you?

Mr. BURGESS. I think I obtained it of that lady sitting over there [Miss Lawler], if I mistake not; I do not know. I got it from a lady.

Mr. HYNES. Why did you not read it all after you got it from Miss Lawler?

Mr. BURGESS. I did not want to.

Mr. HYNES. Did not want to?

Mr. BURGESS. No.

Mr. HYNES. How were you able to select, without reading it all, what you wanted to read?

Mr. BURGESS. I could not answer that question why I did not. I did not consider it necessary.

Mr. HYNES. Where did you begin to read—where your name appears?

Mr. BURGESS. Yes.

Mr. HYNES. And did you read through to the end?

Mr. BURGESS. I did not.

Mr. HYNES. Where did you stop?

Mr. BURGESS. I stopped where a mistake had been made as to my residence or office place of business in Duluth.

Mr. HYNES. Was that toward the end?

Mr. BURGESS. No; I think it is in the first part of the testimony.

Mr. HYNES. Did you read any portion of your testimony with respect to Mr. Wiehe?

Mr. BURGESS. No.

Mr. HYNES. Why did you not read that? Why did you stop when you got to the address of your place of business?

Mr. BURGESS. Because I saw there was a mistake, and I stopped.

Mr. HYNES. Because they had the place of business erroneously reported?

Mr. BURGESS. Yes.

Mr. HYNES. Did you come to the conclusion then that the testimony that was in this book was wholly unreliable, because there was a mistake as to the number of your residence?

Mr. BURGESS. No.

Mr. HYNES. Do you mean that we should now understand that when you came to that point at the beginning of your testimony, because of an error in the number of your residence or place of business, you stopped reading?

Mr. BURGESS. I stopped reading right there.

Mr. HYNES. Did this lady hand it to you, or did you ask for the book?

Mr. BURGESS. I think I asked Mr. Marble for it. I would not be positive.

Mr. HYNES. Mr. Marble? This gentleman here?

Mr. BURGESS. I think it was he whom I asked for it.

Mr. HYNES. What did you want it for—to see whether the number of your residence was correct or not?

Mr. BURGESS. No.

Mr. HYNES. What did you ask him for it for?

Mr. BURGESS. I could not say—just out of curiosity.

Mr. HYNES. We will give you just a pause to think and see if you can not find out what your motive or reason was for wanting to read it or look at it.

Mr. BURGESS. Because of curiosity, was all, I guess.

Mr. HYNES. You were interested to know what?

Mr. BURGESS. To see the book.

Mr. HYNES. Just to see the volume?

Mr. BURGESS. Yes.

Mr. HYNES. Why did you turn to your own testimony and read as far as your address?

Mr. BURGESS. I could not say why I did it.

Mr. HYNES. Can you tell why you stopped there simply because there was an error in your number?

Mr. BURGESS. No.

Mr. HYNES. Is it not a fact, now, upon reflection, Mr. Burgess, that you read it through?

Mr. BURGESS. No, sir; I did not.

Mr. HYNES. It is not a fact that you did not read it through because of this error of "Wednesday" instead of "Thursday," as you say it is?

Mr. BURGESS. I saw there was an error there and I stopped.

Mr. HYNES. Had you lost confidence in the book?

Mr. BURGESS. No; I do not know that I had.

Mr. HYNES. You did not want to read all your testimony, in order not to mislead you?

Mr. BURGESS. It was not necessary to read it.

Mr. HYNES. It was not necessary to ask for it, either, was it?

Mr. BURGESS. I do not suppose it was.

Mr. HYNES. If you did not intend to read it to refresh your recollection, it was not necessary to ask for it?

Mr. BURGESS. I do not suppose it was.

Mr. HYNES. Why did you think it was not necessary to read it, having asked for it and procured it?

Mr. BURGESS. I had the points memorized; that is, I remembered the conversation in general; did not think it was necessary to read it over; it was so hot in there I was trying to keep cool just then.

Mr. HYNES. And you thought it would make you hot, did you, and fulfill the prophecy of Mr. Cook?

Mr. BURGESS. I did not think anything about that.

Mr. HYNES. If you read it all?

Mr. BURGESS. I did not think anything about that.

Mr. HYNES. Did you memorize it?

Mr. BURGESS. I did not read it.

Mr. HYNES. What did you mean by the word "memorized"?

Mr. BURGESS. I had reference to the conversation on the train.

Mr. HYNES. And where did you memorize that?

Mr. BURGESS. Where did I memorize that?

Mr. HYNES. Yes.

Mr. BURGESS. Why, from the conversation as it took place on the train. It was extraordinary, and it kind of sticks in my memory.

Mr. HYNES. What did you mean by the word "memorized"?

Mr. BURGESS. Kept in mind.

Mr. HYNES. That is what you meant?

Mr. BURGESS. Yes; that is what I meant.

Mr. HYNES. Did you read any account of it in the newspapers?

Mr. BURGESS. Of my testimony?

Mr. HYNES. Of your testimony before the Helm committee?

Mr. BURGESS. No.

Mr. HYNES. Never saw it in the papers?

Mr. BURGESS. No.

Mr. HYNES. Never read it?

Mr. BURGESS. Never read it in the paper at all.

Mr. HYNES. And had no curiosity to see what the paper said about it, or how you were reported?

Mr. BURGESS. No.

Mr. HYNES. Did anybody send your testimony before the Helm committee to you?

Mr. BURGESS. No.

Mr. HYNES. From Springfield?

Mr. BURGESS. No.

Mr. HYNES. From Washington?

Mr. BURGESS. No.

Mr. HYNES. Or from anywhere else?

Mr. BURGESS. No.

Mr. HYNES. And you never saw your testimony in print?

Mr. BURGESS. I never did.

Mr. HYNES. And only saw it in print in this volume as far as your address?

Mr. BURGESS. That is correct.

Mr. HYNES. What did you do with the book after you read as far as your address?

Mr. BURGESS. I gave it back to the lady about five minutes after.

Mr. HYNES. Now, Mr. Burgess, what was your business, going to Virginia on the night of the 8th, did you say?

Mr. BURGESS. Yes.

Mr. HYNES. I should like to have you tell me again before I pass from it, how you fix Thursday as the 10th of March?

Mr. BURGESS. In this manner, that I went up on Tuesday the 8th; I think Tuesday was the 8th of March; stayed in Virginia all day Wednesday and came back Thursday morning and transacted business in Virginia and Eveleth.

Mr. HYNES. Did you see Mr. Cook on the train going up?

Mr. BURGESS. I saw Mr. Cook as I went back in the sleeper to get my overcoat and grip.

Mr. HYNES. He was in the sleeper, was he?

Mr. BURGESS. He was in the sleeper, I think.

Mr. HYNES. You mean that same car in which this smoking compartment was?

Mr. BURGESS. Yes.

Mr. HYNES. Whereabouts in that sleeper was he?

Mr. BURGESS. I could not locate.

Mr. HYNES. On which side, or what end, or in the middle, or whereabouts did you see him?

Mr. BURGESS. I could not say. When I went back in the car to get my overcoat and grip the whistle had blown for Virginia, and they were all of them standing up ready, with their grips in their hands, to go out.

Mr. HYNES. Where did you see Mr. Cook, then?

Mr. BURGESS. I could not say what portion of the car he was in.

Mr. HYNES. In what place were your grip and coat? In what part of the car?

Mr. BURGESS. I should say they were down somewhere toward the rear end of the car. I would not say positively.

Mr. HYNES. What do you mean by the rear end—away from the smoker?

Mr. BURGESS. Away from the smoking compartment.

Mr. HYNES. The smoking compartment was in the forward end of the car as it went north?

Mr. BURGESS. Yes.

Mr. HYNES. Did you speak to Mr. Cook there? Or how much did you speak to him, if at all?

Mr. BURGESS. I could not say whether I spoke to Mr. Cook on the train or not. If I did, it was just merely "How do you do?" or something like that.

Mr. HYNES. Did you go out with him?

Mr. BURGESS. No.

Mr. HYNES. With whom did you walk out?

Mr. BURGESS. Nobody.

Mr. HYNES. Did you go to the hotel alone?

Mr. BURGESS. I did.

Mr. HYNES. Were you in company with anybody?

Mr. BURGESS. I was not.

Mr. HYNES. What was your business in Virginia City?

Mr. BURGESS. I had gone up there to do business with a firm doing business there.

Mr. HYNES. Who were they?

Mr. BURGESS. A gentleman by the name of France.

Mr. HYNES. Where is his place of business?

Mr. BURGESS. I could not give you the street, because I am not acquainted with the names of the streets in Virginia. It is about a block, I think, from the First National Bank, north.

Mr. HYNES. What is his full name?

Mr. BURGESS. Clyde R. France.

Mr. HYNES. What is his business?

Mr. BURGESS. Electric.

Mr. HYNES. And you were selling him supplies?

Mr. BURGESS. Yes.

Mr. HYNES. Did you sell him?

Mr. BURGESS. I did.

Mr. HYNES. You had a transaction on that day?

Mr. BURGESS. On Wednesday.

Mr. HYNES. Did you refresh your recollection by the date of that?

Mr. BURGESS. No, sir.

Mr. HYNES. When you got to the hotel was Mr. Bailey sitting there or had he been on the train?

Mr. BURGESS. No; he was sitting there.

Mr. HYNES. Had he been on the train?

Mr. BURGESS. No, sir.

Mr. HYNES. You are sure of that?

Mr. BURGESS. Positive.

Mr. HYNES. Who, besides Mr. Cook, that you knew did you see in that car?

Mr. BURGESS. I recognized Mr. Hines in the car from pictures I had seen of Mr. Hines.

Mr. HYNES. Anybody else?

Mr. BURGESS. Mr. Rudolph Weyerhaeuser was on the car and Mr. John Weyerhaeuser was on the car, and, I think, it is young Frederick Weyerhaeuser, of St. Paul, who was on the car. And there was a gentleman from Cloquet on the car.

Mr. HYNES. You mean in the open portion of the car?

Mr. BURGESS. Yes.

Mr. HYNES. Who was it?

Mr. BURGESS. I can not think of his name. He is the manager for the Cloquet Lumber Co.

Mr. HYNES. It is not Mr. Cusson?

Mr. BURGESS. No.

Mr. HYNES. Mr. Hornby?

Mr. BURGESS. That is the gentleman.

Mr. HYNES. He was there?

Mr. BURGESS. Yes.

Mr. HYNES. Anybody else?

Mr. BURGESS. There was a gentleman on the train there that I was afterwards told was Mr. William O'Brien. I did not know him at the time.

Mr. HYNES. Where was he, in the same car?

Mr. BURGESS. I think he was on the train. I would not be positive about that.

Mr. HYNES. Was he with Mr. Cook when you saw Mr. Cook?

Mr. BURGESS. I could not say as to that.

Mr. HYNES. Were they sitting together?

Mr. BURGESS. I could not say whether they were or not. We were pulling into Virginia and, as I say, most of them had their overcoats on and their grips in their hands, waiting for the train to stop.

Mr. HYNES. Can you not recall the picture as you saw it there?

Mr. BURGESS. No, sir.

Mr. HYNES. Whether they were sitting or standing up?

Mr. BURGESS. No.

Mr. HYNES. That was the only car that you were in?

Mr. BURGESS. That was the only car that I was in.

Mr. HYNES. Now, at the hotel, when you got there, whom did you see that was in the car?

Mr. BURGESS. The gentleman with the black whiskers.

Mr. HYNES. To whom do you refer?

Mr. BURGESS. Mr. Wiehe.

Mr. HYNES. Anybody else?

Mr. BURGESS. I could not say positively.

Mr. HYNES. Did you see Mr. O'Brien there?

Mr. BURGESS. I saw Mr. O'Brien later in the evening.

Mr. HYNES. Did you talk with him?

Mr. BURGESS. No.

Mr. HYNES. Did you not see Mr. Cook there?

Mr. BURGESS. I think I saw Mr. Cook later in the evening.

Mr. HYNES. Did you talk with him?

Mr. BURGESS. No; not that night.

Mr. HYNES. Mr. Bailey was the only one that you can recall that you spoke with that night in the hotel?

Mr. BURGESS. Mr. Bailey is the only one I spoke to as I went into the hotel. When I got through with the conversation with Mr. Bailey, I went out and went down the street.

Mr. HYNES. Did you not meet any of these gentlemen then?

Mr. BURGESS. No.

Mr. HYNES. Then I say that that night Mr. Bailey is the only gentleman that you talked to?

Mr. BURGESS. Yes; in the hotel.

Mr. HYNES. Or outside of the hotel?

Mr. BURGESS. No; I was down to Mr. France's office.

Mr. HYNES. I mean any of those gentlemen who were on the train.

Mr. BURGESS. No.

Mr. HYNES. Did you talk with Mr. Cook at all that night after he got off the train?

Mr. BURGESS. I do not think I did.

Mr. HYNES. Now, we will go back, if you please. Just tell us exactly where you sat in that smoking car.

Mr. BURGESS. Can I draw a diagram of the smoking compartment, showing just where I sat?

Mr. HYNES. Yes. Here is a piece of paper on which to draw it. (The witness proceeded to draw a diagram.)

Mr. HYNES. Tell us which is the forward end of the smoking compartment.

Mr. BURGESS. This.

Mr. HYNES. Mark an "F" there.

Mr. BURGESS. I will mark it "Forward end."

Mr. HYNES. Now, designate there by words what those marks indicate. It is an entrance, but an entrance from where?

Mr. BURGESS. I will put "Door" there, into the passage going back.

Mr. HYNES. What is this entrance here?

Mr. BURGESS. The toilet.

Mr. HYNES. Write it there so that there will be no dispute about it.

Mr. BURGESS. Very well.

Mr. HYNES. Now, hold it up so that the committee can see it. See if I designate it correctly. This is the leather seat?

The CHAIRMAN. Running crossways of the car?

Mr. BURGESS. Yes.

Mr. HYNES. And at the rear end, toward the rear end of the train.

The CHAIRMAN. The lower end of the smoking compartment?

Mr. BURGESS. Yes.

Mr. HYNES. This is the door entering from this corridor. Is that right?

Mr. BURGESS. Yes; coming in from there.

Mr. HYNES. That is the door coming in from the aisle into the smoking room?

Mr. BURGESS. Yes.

Mr. HANECY. On the forward right hand side?

Mr. HYNES. Yes; the right hand side of the train, and right opposite the smoking room, which is the forward end. He has already testified to that.

Mr. HANECY. Yes; but it does not describe your description where the door is.

Mr. BURGESS. That is marked, "end of corridor."

Mr. HYNES. Now, make an aisle down through there in the middle of the car.

Mr. BURGESS. That is it.

Senator FLETCHER. Have you the window indicated?

Mr. HYNES. Indicate the window.

Mr. BURGESS. I think there were three windows, but I am not positive about the windows.

Mr. HYNES. Put the window near the seat that has been spoken of.

Mr. HANECY. That is on the left-hand side?

Mr. HYNES. Yes. I want him to put it in. Now, if you will hold the diagram like that, I will try and describe it to the committee, as these words can not be read at the distance they are from you. This represents the smoking compartment?

Mr. BURGESS. Yes.

The CHAIRMAN. And what is "this"?

Mr. HYNES. They are simply lines.

The CHAIRMAN. Is it marked there?

Mr. HYNES. It is marked "passage." That is the aisle that passes by the smoking room going from the platform outside into the main portion of the car?

Mr. BURGESS. Yes.

Mr. HYNES. And this marked "door" is the entrance from that passageway into the smoking compartment?

Mr. BURGESS. Correct.

Mr. HYNES. What is marked here "washbowls" are to the right or the rear end of the smoking compartment?

The CHAIRMAN. Not the rear end—the forward end.

Mr. HYNES. Yes; that is right—the forward end—because it is going that way, but to the right as you entered it?

Mr. BURGESS. Yes.

Mr. HYNES. And the leather settee, as you have described it, is at the rear end of that smoking car, and to your left as you enter the smoking compartment?

Mr. BURGESS. Correct.

Mr. HYNES. And what are these two squares?

Mr. BURGESS. Chairs.

The CHAIRMAN. On the right of the smoking room next to the passage?

Mr. HYNES. What are these?

Mr. BURGESS. Chairs; two of them.

Mr. HYNES. What is this other?

Mr. BURGESS. Chairs.

Mr. HANECY. That is on the left-hand side toward the center?

Mr. BURGESS. Yes.

Mr. HYNES. That is on the right-hand side.

Mr. BURGESS. Facing the front end of the train.

Mr. HYNES. Nearly opposite the entrance?

Mr. BURGESS. Yes.

Mr. HYNES. And this is the continuation of the passageway around into the open part of the car?

Mr. BURGESS. Yes.

Mr. HANECY. And that is to the rear of the smoking compartment?

Mr. BURGESS. That is to the rear of the smoking compartment.

The CHAIRMAN. What is marked on that diagram as being the rear of the smoking compartment?

Mr. BURGESS. That is the leather seat.

Mr. HANECY. That is the partition between the two parts?

The CHAIRMAN. I mean the other end.

Mr. BURGESS. That is the leather seat.

The CHAIRMAN. That is the leather seat that crosses the smoking room?

Mr. BURGESS. Yes; the entire width.

The CHAIRMAN. And backs up against the rear partition of the smoking compartment?

Mr. BURGESS. Yes.

Mr. HYNES. Now, will you tell us just where you sat there? Point out where you sat.

Mr. FARRAR. Mark it with your initials.

The CHAIRMAN. And mark where each person sat.

Mr. HYNES. That is marked "Burgess." Now, mark where Mr. Wiehe sat.

Mr. BURGESS. He sat there where I marked "Wiehe."

Mr. HANEY. What are the initials that he put on for himself?

Mr. BURGESS. I marked "Burgess."

Mr. HANEY. What did he put on where Mr. Wiehe sat?

Mr. BURGESS. I marked "Wiehe."

Mr. HYNES. You have got it spelled wrong.

Mr. BURGESS. Oh, that is Weyerhaeuser.

Mr. HYNES. He sat there?

Senator GAMBLE. Does it matter where Weyerhaeuser sat, or any of the other gentlemen, except the three, when this conversation occurred?

Mr. HYNES. It may be important. Now, mark where Mr. Wiehe sat.

Mr. HANEY. What is there to indicate where Mr. Wiehe sat?

Mr. BURGESS. Here is Mr. Wiehe. Mr. Weyerhaeuser sat in the corner and Mr. Wiehe next to him.

Mr. HANEY. And what indicates Mr. Wiehe?

Mr. HYNES. His name. After he has put these down I intend to read them.

Mr. BURGESS. I got a pretty good-sized seat here. This is John Weyerhaeuser's seat; and Frederick Weyerhaeuser sat there and Mr. Wiehe there, and John Weyerhaeuser—

Mr. HYNES. Who sat next to John Weyerhaeuser?

Mr. BURGESS. The man from Canada.

Mr. HYNES. Who sat next to him?

Mr. BURGESS. The four of them filled the seat up.

Mr. HYNES. Then the man from Canada—

Mr. BURGESS. He sat next to the window.

Mr. HYNES. Now, I will read it just as it is here. He has the name "F. Weyerhaeuser" on the end of the seat next to the passage. Next to him and to his left is "Mr. Wiehe," and next to Mr. Wiehe and to Mr. Wiehe's left is "John Weyerhaeuser."

Mr. HANEY. Will you be kind enough to read what indicates Mr. Wiehe?

Mr. HYNES. The names that I am calling. And on the other end of the seat is written "Man from Canada," who sat next to the window. That filled the seat—those four?

Mr. BURGESS. Yes.

The CHAIRMAN. That is the seat in the rear of the room?

Mr. BURGESS. Yes.

Mr. HYNES. Now, who, if anybody, occupied the other two chairs as you have drawn them there?

Mr. BURGESS. Mr. Johnson occupied this chair here [indicating].

Mr. HYNES. That is opposite whom?

Mr. BURGESS. Opposite the man from Canada, and also opposite the door entering the smoking compartment.

Mr. HYNES. That is, facing the door, if not immediately opposite?

Mr. BURGESS. Yes; and Mr. Cusson sat here [indicating].

Mr. HYNES. That was back of you, was it?

Mr. BURGESS. Back of me.

Mr. HYNES. Or forward, as the car was going?

Mr. BURGESS. Forward of me as the train was going.

Mr. HYNES. And behind you from the others?

Mr. BURGESS. He sat between me and the entrance to the smoking room.

Mr. HYNES. Do you remember anybody else that was in that smoking compartment during that evening?

Mr. BURGESS. Yes.

Mr. HYNES. Who else?

Mr. BURGESS. Rudolph Weyerhaeuser came in and stood up, leaning against the washbowls, and also Mr. Harper, of Duluth.

Mr. HYNES. Anybody else?

Mr. BURGESS. Not that I remember.

Mr. HYNES. How long did Mr. Harper remain in there?

Mr. BURGESS. Oh, he might have remained there 10 minutes; I do not think much longer than that.

Mr. HYNES. Did he remain that long? I want to get some estimate.

Mr. BURGESS. I am giving it to you as near as I can remember.

Mr. HYNES. Your best recollection is that he remained there about 10 minutes?

Mr. BURGESS. Yes.

Mr. HYNES. Did he sit down?

Mr. BURGESS. No.

Mr. HYNES. Where did he stand?

Mr. BURGESS. Leaning up against the washbowls.

Mr. HYNES. How many washbowls were there there?

Mr. BURGESS. I think there were two.

Mr. HYNES. And the entrance to the toilet took up the other space, did it?

Mr. BURGESS. It took up the space there.

Mr. HYNES. At the end of the washbowls?

Mr. BURGESS. Yes.

Mr. HYNES. Did you have any occasion to enter the toilet?

Mr. BURGESS. No.

Mr. HYNES. Are you certain, now; just where the toilet was?

Mr. BURGESS. Pretty certain of it.

Mr. HYNES. You remember that distinctly?

Mr. BURGESS. Yes.

Mr. HYNES. Do you remember anybody else that stood up there by the washstand?

Mr. BURGESS. Mr. Rudolph Weyerhaeuser stood up.

Mr. HYNES. You spoke of him?

Mr. BURGESS. Yes.

Mr. HYNES. Which stood nearest to the door—Rudolph Weyerhaeuser or Harper?

Mr. BURGESS. I think Mr. Harper, if I remember right, came in after Mr. Weyerhaeuser went out.

Mr. HYNES. And sat about the same place?

Mr. BURGESS. And stood about the same place.

Mr. HYNES. He did not sit on the washstand there, did he—or do you know?

Mr. BURGESS. He stood leaning up against the washstand.

Mr. HYNES. How long did each of those gentlemen occupy his place in the smoking compartment that evening?

Mr. BURGESS. Whom do you have reference to?

Mr. HYNES. All those gentlemen that you have spoken of as occupying it.

Mr. BURGESS. I should say Mr. Cusson was in there close to three-quarters of an hour to an hour.

Mr. HYNES. Was he there when you entered?

Mr. BURGESS. No; he followed me in.

Mr. HYNES. How soon after?

Mr. BURGESS. Oh, four or five minutes, maybe; somewhere along there.

Mr. HYNES. Did you enter the smoking compartment before the train started from Duluth?

Mr. BURGESS. I entered the smoking compartment about 10 minutes before the train started.

Mr. HYNES. And Mr. Cusson, as you recollect it, entered the smoking compartment about five minutes before it started?

Mr. BURGESS. Somewhere along there; just before the train started—three or four minutes.

Mr. HYNES. And did he take the seat that you have indicated here?

Mr. BURGESS. He did.

Mr. HYNES. Who was on the leather seat? Was Cusson there up to the close of your occupancy of that compartment—the end of your occupancy of that compartment?

Mr. BURGESS. No.

Mr. HYNES. When did he leave?

Mr. BURGESS. He might have been in the smoking compartment from three-quarters of an hour to an hour.

Mr. HYNES. Occupying the same seat?

Mr. BURGESS. The same seat.

Mr. HYNES. And then what did he do?

Mr. BURGESS. He went out. I do not know where he went.

Mr. HYNES. And did he come back?

Mr. BURGESS. No.

Mr. HYNES. What about Mr. Fred Weyerhaeuser? How long did he remain there?

Mr. BURGESS. I think he went out shortly after Mr. Cusson went out, or about the time Mr. Cusson went out.

Mr. HYNES. How long would you say he remained there?

Mr. BURGESS. Oh, from three-quarters of an hour to an hour.

Mr. HYNES. Did he return to the smoking compartment until you got to Virginia?

Mr. BURGESS. He did not.

Mr. HYNES. Did you see him after that?

Mr. BURGESS. I do not think I did.

Mr. HYNES. When did you get the idea that Fred Weyerhaeuser was there?

Mr. BURGESS. Oh, probably 10 or 15 minutes after the train had left Duluth.

Mr. HYNES. In your testimony before the Helm committee did you say that Fred Weyerhaeuser was there?

Mr. BURGESS. I said there was a young Weyerhaeuser there. I did not say—

Mr. HYNES. Did you not say "Carl"?

Mr. BURGESS. I think perhaps I said "Carl."

Mr. HYNES. Why did you say "Carl" then?

Mr. BURGESS. Because I supposed at that time that that was his name. I have learned since that he is called "young Fred."

Mr. HYNES. Did you get any description of Carl?

Mr. BURGESS. Did I get any description of him?

Mr. HYNES. Yes; from anybody.

Mr. BURGESS. No.

Mr. HYNES. Since that time?

Mr. BURGESS. No.

Mr. HYNES. There is a Carl Weyerhaeuser, is there not?

Mr. BURGESS. I do not know whether there is or not.

Mr. HYNES. Would you say now that Carl Weyerhaeuser was there?

Mr. BURGESS. I would say now that there was a young Weyerhaeuser there, whether his name was Carl or Fred; I do not know which it was.

Mr. HYNES. Who changed your mind on that subject, from Carl to Fred?

Mr. BURGESS. I could not say.

Mr. HYNES. Was it Cook?

Mr. BURGESS. No.

Mr. HYNES. Was it McManus?

Mr. BURGESS. No.

Mr. HYNES. What was it that caused you to change your mind, or who was it?

Mr. BURGESS. What caused me to change from Carl to Fred was a conversation that took place on the train that night that I made some inquiries after I was through at the Springfield meeting.

Mr. HYNES. You made inquiries of whom?

Mr. BURGESS. Of a young Weyerhaeuser that was on the train.

Mr. HYNES. Going up from Springfield?

Mr. BURGESS. No; going up from Duluth to Virginia.

Mr. HYNES. I say, when did you change your mind? Was it that night, before you got to Virginia?

Mr. BURGESS. Oh, no.

Mr. HYNES. I do not understand you, Mr. Burgess. When was it that you changed your mind as to Carl, and made it Fred?

Mr. BURGESS. I changed my impression of the two names after I returned from Springfield.

Mr. HYNES. Where? Where were you?

Mr. BURGESS. In Duluth.

Mr. HYNES. With whom were you?

Mr. BURGESS. I can not recall the person that told me that the young man that resided in St. Paul was Fred Weyerhaeuser.

Mr. HYNES. How did you know that the man that sat there resided in St. Paul?

Mr. BURGESS. The conversation came up regarding Mr. Cusson evading the deputy sheriff that afternoon for jury duty.

Mr. HYNES. What afternoon?

Mr. BURGESS. The afternoon of March 8, in Duluth.

Mr. HYNES. Yes.

Mr. BURGESS. The conversation started between Mr. Cusson and Mr. Johnson and this young man, Weyerhaeuser from St. Paul, in regard to jury duty, and it drifted over into damage cases.

Mr. HYNES. On the train going up?

Mr. BURGESS. On the train going up. That was in the early part of the run. Mr. Weyerhaeuser related his experience—I think it was in the January term of the district court in St. Paul.

Mr. HYNES. That was a talk that occurred on the night of the 8th, as you put it?

Mr. BURGESS. Yes.

Mr. HYNES. But how did that change your mind about Carl?

Mr. BURGESS. If you will let me get through, I will tell you.

Mr. HYNES. Make it as brief as you can, because I do not quite see the relation of it.

Mr. BURGESS. Mr. Weyerhaeuser made the statement that he was on the jury panel at the January term of the Ramsey County court, and that the panel was composed of nearly all business men, and that during the term they had rendered the largest verdicts in the history of St. Paul in personal-injury cases.

Mr. HYNES. Yes.

Mr. BURGESS. When I got back from Springfield I inquired which one of the Weyerhaeuser boys lived in St. Paul.

Mr. HYNES. Did you find where Carl lived?

Mr. BURGESS. I did not.

Mr. HYNES. How do you know but that he lived in St. Paul?

Mr. BURGESS. I do not know positively that there is a Carl.

Mr. HYNES. Assuming that there is a Carl, or a Charles?

Mr. BURGESS. I do not know where he lives. There is a Charles Weyerhaeuser. I think he lived at Little Falls, if I remember right. I am not positive.

Mr. HYNES. Can you recall now the person or the place where the conversation occurred that made you change from Carl to Fred?

Mr. BURGESS. No; I can not. It was in Duluth, somewhere. It might have been over at the Elks' Club. I do not know.

Mr. HYNES. Are you sure now whether it was Fred or Carl that was in there?

Mr. BURGESS. I am sure the Weyerhaeuser that was in there was the gentleman that lives in St. Paul. I have understood that his name is young Fred.

Mr. HYNES. You base that upon the talk about his being on the jury there in Ramsey County?

Mr. BURGESS. Yes.

Mr. HYNES. Was John Weyerhaeuser there when you entered?

Mr. BURGESS. He was.

Mr. HYNES. I have forgotten whether I asked you or not whether Fred Weyerhaeuser or Carl Weyerhaeuser—the Weyerhaeuser that you put in the corner there—was in there when you entered?

Mr. BURGESS. I think not. In fact, I think the only gentleman that was in the corner when I entered was Mr. Johnson.

Mr. HYNES. The only gentleman?

Mr. BURGESS. Yes.

Mr. HYNES. When did the young man from Canada enter?

Mr. BURGESS. I will qualify that. It may be that the man from Canada was in there also, but I would not be positive.

Mr. HYNES. When you entered?

Mr. BURGESS. When I entered.

Mr. HYNES. Where was Mr. Johnson sitting when you entered? In that chair that you designated?

Mr. BURGESS. In the same place.

Mr. HYNES. And he remained there all the the time that he was in the smoking compartment?

Mr. BURGESS. He did.

Mr. HYNES. What was Fred Weyerhaeuser doing? Was he talking except about the grand jury business?

Mr. BURGESS. There was a conversation going on between Mr. Cusson and Mr. Johnson and the two Mr. Weyerhaeusers and Mr. Wiehe. I was not paying very much attention to the conversation, because I was not interested.

Mr. HYNES. Whom were you talking to, if anybody, there?

Mr. BURGESS. I was not talking to anybody.

Mr. HYNES. You were simply listening?

Mr. BURGESS. Smoking.

Mr. HYNES. Did John Weyerhaeuser get up and go out?

Mr. BURGESS. John Weyerhaeuser got up. I think he was the last one to go out.

Mr. HYNES. What do you mean by "the last one"?

Mr. BURGESS. I mean that Mr. Weyerhaeuser, when he went out, left myself, the man from Canada, and Mr. Wiehe in the car.

Mr. HYNES. You were the only parties there?

Mr. BURGESS. Yes.

Mr. HYNES. At the time of this conversation that you speak of?

Mr. BURGESS. Yes.

Mr. HYNES. You are sure about that, are you?

Mr. BURGESS. Pretty positive.

Mr. HYNES. How long would you say John Weyerhaeuser was in there?

Mr. BURGESS. I should say close on to one hour.

Mr. HYNES. He went out about the same time that Fred, as you call him, went out?

Mr. BURGESS. He went out later.

Mr. HYNES. Later?

Mr. BURGESS. Later.

Mr. HYNES. What is the description of John Weyerhaeuser? Can you give us a description of him?

Mr. BURGESS. I can not.

Mr. HYNES. Is he older or younger than the man you call Fred?

Mr. BURGESS. He is older.

Mr. HYNES. After the two Weyerhaeusers went out they did not return, did they—either of them?

Mr. BURGESS. No, sir.

Mr. HYNES. When did Johnson go out?

Mr. BURGESS. I can not say positively whether Johnson went out before Fred Weyerhaeuser or Carl Weyerhaeuser—whichever one we call him—went out, or not. He went out before Mr. John Weyerhaeuser went out, and I think he went out after Mr. Cusson went out.

Mr. HYNES. Do you mean that Mr. Johnson went out?

Mr. BURGESS. Yes.

Mr. HYNES. After the two Weyerhaeusers?

Mr. BURGESS. No.

Mr. HYNES. After John, or after Carl, or after Fred—we will call him Fred now?

Mr. BURGESS. Call him Fred—I think he went out after Fred did.

Mr. HYNES. And John Weyerhaeuser followed him out, did he?

Mr. BURGESS. John Weyerhaeuser went out after Mr. Johnson went out.

Mr. HYNES. Did either of them return—any of those gentlemen that you have stated went out—after they had left the compartment?

Mr. BURGESS. No, sir; I do not think they did.

Mr. HYNES. None of them came back?

Mr. BURGESS. No, sir.

Mr. HYNES. How long did Cusson sit there?

Mr. BURGESS. I should say close to three-quarters of an hour.

Mr. HYNES. You have them all there about the same time. Did they all go out together?

Mr. BURGESS. No.

Mr. HYNES. Cusson went out after the others, did he?

Mr. BURGESS. I think Cusson was the first one to leave the smoking compartment.

Mr. HYNES. He left before either of the Weyerhaeusers or Johnson?

Mr. BURGESS. Yes.

Mr. HYNES. That is your recollection, is it?

Mr. BURGESS. That is my recollection.

Mr. HYNES. Did he return to the compartment?

Mr. BURGESS. No.

Mr. HYNES. None of those gentlemen returned to the compartment?

Mr. BURGESS. No.

Mr. HYNES. That left whom in the compartment?

Mr. BURGESS. The man from Canada and Mr. Wiehe and myself.

Mr. HYNES. Those were the only three, after those gentlemen had gone out?

Mr. BURGESS. Yes, sir.

Mr. HYNES. Did anybody else enter that compartment that evening while you were there?

Mr. BURGESS. Not that I remember.

Mr. HYNES. Would you say that they did not?

Mr. BURGESS. I would not.

Mr. HYNES. What time did Mr. Wiehe go out—or did you go out first?

Mr. BURGESS. No; Mr. Wiehe went out first.

Mr. HYNES. And left you and the young Canadian there?

Mr. BURGESS. Yes.

Mr. HYNES. How long after Cusson and the Weyerhaeusers and Johnson left the compartment did Wiehe remain?

Mr. BURGESS. I should say that Mr. Wiehe remained there from 20 to 25 minutes.

Mr. HYNES. After that? How near were you to Virginia when Mr. Wiehe went out?

Mr. BURGESS. I could not say.

Mr. HYNES. And this conversation that you have given us here, you say occurred after all those gentlemen had gone out, and within that 25 minutes?

- Mr. BURGESS. Yes.
- Mr. HYNES. Is that right?
- Mr. BURGESS. That is about right.
- Mr. HYNES. You are certain about that, are you?
- Mr. BURGESS. Yes.
- Mr. HYNES. And you are equally certain that there were present only yourself, Wiehe, and the young Canadian?
- Mr. BURGESS. Yes; I am positive of that.
- Mr. HYNES. You say that you learned the young Canadian's name. Have you been able to recall it?
- Mr. BURGESS. No.
- Mr. HYNES. Have you made any effort to find it?
- Mr. BURGESS. I have not.
- Mr. HYNES. Do you know of anyone having made any effort to find it?
- Mr. BURGESS. I do not.
- Mr. HYNES. You have not heard of anybody trying to find it?
- Mr. BURGESS. No.
- Mr. HYNES. How young was he?
- Mr. BURGESS. I did not ask him his age.
- Mr. HYNES. Quite a young man?
- Mr. BURGESS. Yes.
- Mr. HYNES. Would you know it if you heard it?
- Mr. BURGESS. I would not say whether I would or not.
- Mr. HYNES. Was his name McGowan? Does that refresh your recollection?
- Mr. BURGESS. No; it does not.
- Mr. HYNES. You could not say. He was a beardless young man, was he not—smooth faced?
- Mr. BURGESS. If he had a mustache, it was very light; no whiskers.
- Mr. HYNES. So light that you do not remember it?
- Mr. BURGESS. No.
- Senator FLETCHER. Do you know anything about his business down there, Mr. Burgess?
- Mr. BURGESS. He told me that he was in the land business.
- Senator FLETCHER. In the land business?
- Mr. BURGESS. In Canada.
- Senator FLETCHER. Did he have anything to do with the meeting that was to be held by the lumber people?
- Mr. BURGESS. I do not know. He did not get off there.
- Senator FLETCHER. He did not get off?
- Mr. BURGESS. No; he went right through.
- Mr. HYNES. He went right through to Canada?
- Mr. BURGESS. Yes.
- Senator KERN. Did he say where he was going?
- Mr. BURGESS. Going home.
- Senator KERN. To Canada?
- Mr. BURGESS. To Canada.
- Senator FLETCHER. What place in Canada?
- Mr. BURGESS. I think it was Regina, if I remember the name right.
- Mr. HYNES. Who started the conversation about the Lorimer election?
- Mr. BURGESS. I suppose I did. I can not remember the statement I made or what I said in regard to Mr. Lorimer. I said something or other and then Mr. Wiehe spoke.

Mr. HYNES. Did you write that conversation in the letter that you sent to Mr. Kohlsaat?

Mr. BURGESS. I did.

Mr. HYNES. Have you got a copy of that letter?

Mr. BURGESS. Do you mean with me?

Mr. HYNES. Yes.

Mr. BURGESS. No.

Mr. HYNES. Have you got it anywhere?

Mr. BURGESS. I think I have a copy at Duluth; I am not positive.

Mr. HYNES. In your own possession?

Mr. BURGESS. I think it is.

Mr. HYNES. Have you given a copy of it to anybody else?

Mr. BURGESS. I do not think I have.

Mr. HYNES. Why did you not bring it with you?

Mr. BURGESS. I did not think about it.

Mr. HYNES. How many pages are there in that letter?

Mr. BURGESS. A couple, I think.

Mr. HYNES. Is it note paper or letter size?

Mr. BURGESS. The original was on our letterhead, and the copy was taken off on copy paper.

Mr. HYNES. A letter-press copy or a carbon copy?

Mr. BURGESS. No; a typewritten copy.

Mr. HYNES. Carbon?

Mr. BURGESS. Carbon.

Mr. HYNES. Was that paper letter size, or note size, like that [exhibiting a piece of paper to the witness]?

Mr. BURGESS. It was about the size of this—I think a trifle smaller than that [referring to a sheet of paper used by the stenographer].

Mr. HYNES. Will you hold that up?

Mr. BURGESS. All right [holding up the sheet referred to].

Mr. HYNES. That is what you call letter size?

Mr. BURGESS. Yes.

Mr. HYNES. Did you write in that letter about the Father Green episode?

Mr. BURGESS. I think I did.

Mr. HYNES. Can you recall now what you wrote in the letter? Give us your best recollection of its contents.

Mr. BURGESS. I would not undertake to give it.

Mr. HYNES. Give us your best recollection. You dictated it, did you not?

Mr. BURGESS. I did.

Mr. HYNES. Now, give us your best recollection of its contents.

Mr. BURGESS. Why, I think that letter contained the main points.

Mr. HYNES. But that does not give us the contents.

Mr. BURGESS. All right. I think that letter contains the statement of the Father Green episode.

Mr. HYNES. As well as you can recall, give it to us.

Mr. BURGESS. I would not undertake to give it.

Mr. HYNES. I do not expect you to give it verbatim. Recall the language of it as well as you can, so that we can get the substance of it.

Mr. BURGESS. I could not do it.

Mr. HYNES. Any portion of it?

Mr. BURGESS. No.

Mr. HYNES. Did it say anything about a fund of \$100,000?

Mr. BURGESS. I think it did.

Mr. HYNES. You did not say anything about that at Springfield, did you, in your Helm testimony?

Mr. BURGESS. I do not know whether I did or not.

Mr. HYNES. Why did you not?

Mr. BURGESS. I suppose that I was not asked.

Mr. HYNES. You were asked to tell the whole conversation, and you were asked whether there was anything further, and you were asked many things in detail.

Mr. BURGESS. I was not asked to tell the whole conversation.

Mr. HYNES. Did you withhold any of it that you knew and that you remembered?

Mr. BURGESS. I did not testify to anything more than what I was asked to testify to.

Mr. HYNES. Did you withhold anything that you knew at the time that you had not told?

Mr. BURGESS. I did not withhold anything that I was asked to testify.

Mr. HYNES. That is not my question. Did you, whether asked or not, have anything in your mind about that at the time, and did you remember anything in that conversation about a \$100,000 fund?

Mr. BURGESS. I could not say.

Mr. HYNES. On any point in that letter, repeat, as nearly as you can, the language of it; if not the language, the substance of it.

Mr. BURGESS. I would not undertake to do it.

Mr. HYNES. Why would you not undertake to do it? Are you afraid you could not get it right?

Mr. BURGESS. You are asking me to give a dictation here.

Mr. HYNES. According to your best recollection. I do not expect you to give it verbatim. I want the substance of it, but, as nearly as you can, in the language that you employed. If you can not use the language that you employed, give us the equivalent of that language in stating the substance of what it contained.

Mr. BURGESS. Do you want me to go and repeat over what I wrote in that letter regarding the Father Green episode?

Mr. HYNES. Yes; the Father Green episode, if it was stated in that letter.

Mr. BURGESS. It would be about the same as I——

Mr. HYNES (interrupting). Well, let us have it.

Mr. BURGESS. You want it over again?

Mr. HYNES. Yes.

Mr. BURGESS. All right, sir. I think that letter was something like this, as regards the substance of it——

Mr. HYNES. That is the right way to go about it.

Mr. BURGESS. That a detective from some private detective agency had gone to Father Green for confession, and in that confession he had confessed to the priest that he was employed by a private detective agency to get evidence against Lorimer, and that Father Green had pressed him to make a clean confession of what he was doing.

Mr. HYNES. Did he confess that he had been doing anything wrong?

Mr. BURGESS. That was the substance of what I gleaned from Mr. Wiehe's testimony; that he was to get evidence.

Mr. HYNES. That he was what?

Mr. BURGESS. To get evidence against Lorimer.

Mr. HYNES. Yes; against Lorimer?

Mr. BURGESS. And get it.

Mr. HYNES. Yes.

Mr. BURGESS. And that it was either the Chicago Record-Herald or the Chicago Tribune. Now, Mr. Wiehe mentioned those papers a couple of times, and I would not say positively whether it was the Tribune or the Record-Herald that was employing this private detective agency. The newspaper, whichever one it was, got hold of this confession to Father Green and took it up, and they obtained a photograph of Father Green, and were going to come out with a full-page photograph and the actions of Father Green in the matter, and before printing it they called Father Green up and told him what they were going to do and asked him to retract what he had said. And Father Green told them that he would not retract; that he thought they were doing an injustice to Mr. Lorimer and he was going to stand by what was right.

Senator GAMBLE. Was it stated what the detective had done?

Mr. BURGESS. No.

Senator GAMBLE. That is, that he had been doing something wrong?

Mr. BURGESS. That was my impression of Mr. Wiehe's story of the Father Green episode.

Senator GAMBLE. Were any facts given by Mr. Wiehe in that conversation as to what the detective had been doing?

Mr. BURGESS. There was not.

Senator GAMBLE. Or had done?

Mr. BURGESS. There was not.

Mr. HYNES. Did you think that you needed to advise and inform Mr. Kohlsaat on that subject in Chicago, that it was news to him?

Mr. BURGESS. I wrote the letter to Mr. Kohlsaat just as I recollected the conversation on the train.

Mr. HYNES. But what was your object in sending this piece of news to Chicago and to the paper?

Mr. BURGESS. I did not send it to the paper. I sent it to Mr. Kohlsaat personally.

Mr. HYNES. You knew that he was the editor and publisher of the paper, did you not?

Mr. BURGESS. Yes; I did.

Mr. HYNES. And you were not sure but his paper was the one?

Mr. BURGESS. I say I was not positive about it.

Mr. HYNES. What did you say about the other matters in that letter?

Mr. BURGESS. I think I stated in that letter Mr. Wiehe's declaration to me that there was a fund raised of \$100,000.

Mr. HYNES. Did you put that in the letter—the \$100,000 matter?

Mr. BURGESS. I could not say positively. I am going from recollection.

Mr. HYNES. I ask, because you did not mention it at Springfield.

Mr. BURGESS. He made the statement that he knew what he was talking about, because he had subscribed \$10,000 to the fund himself.

Mr. HYNES. Anything more?

- Mr. BURGESS. I could not say.
- Mr. HYNES. Did you write in that letter anything about the impossibility of getting any meritorious measure through the Illinois Legislature without money?
- Mr. BURGESS. I would not say that I did.
- Mr. HYNES. You do not remember whether you did or not?
- Mr. BURGESS. No, sir.
- Mr. HYNES. Why did you not send that to the Helm committee? They were sitting at the time, were they not? Why did you send it to Mr. Kohlsaat?
- Mr. BURGESS. Because I was requested to send it to Mr. Kohlsaat.
- Mr. HYNES. Why did you not send it to the Helm committee?
- Mr. BURGESS. I never thought about the Helm committee.
- Mr. HYNES. You did not know anything about it at the time?
- Mr. BURGESS. I think I did.
- Mr. HYNES. To whom did you dictate that letter?
- Mr. BURGESS. To a stenographer.
- Mr. HYNES. To your own stenographer?
- Mr. BURGESS. Yes.
- Mr. HYNES. A man or a woman?
- Mr. BURGESS. A lady.
- Mr. HYNES. What is her name?
- Mr. BURGESS. Miss Fleet.
- Mr. HYNES. What is her first name?
- Mr. BURGESS. Elsie.
- Mr. HYNES. Is she still in your employment?
- Mr. BURGESS. She is.
- Mr. HYNES. In Duluth?
- Mr. BURGESS. Yes.
- Mr. HYNES. Was there anybody present when you dictated the letter?
- Mr. BURGESS. You mean that was cognizant of the letter being written? Employees were all around the office there.
- Mr. HYNES. Anybody else? Was there anybody within hearing?
- Mr. BURGESS. They were all within hearing.
- Mr. HYNES. Do you know whether they heard it?
- Mr. BURGESS. I do not.
- Mr. HYNES. You did not care?
- Mr. BURGESS. No.
- Mr. HYNES. Was Mr. McManus present?
- Mr. BURGESS. No.
- Mr. HYNES. Did he give you any suggestions for the letter?
- Mr. BURGESS. No.
- Mr. HYNES. How long after your talk with Mr. McManus did you dictate it?
- Mr. BURGESS. I do not know.
- Mr. HYNES. A day, or a week, or a month?
- Mr. BURGESS. I would not say.
- Mr. HYNES. Oh, give us your best recollection.
- Mr. BURGESS. It may have been 3 days and it may have been 10 days. I would not say.
- Mr. HYNES. Did Mr. McManus give you any reason for making the request?
- Mr. BURGESS. No.

Mr. HYNES. Did he say that he was in correspondence with anybody?

Mr. BURGESS. No.

Mr. HYNES. Do you know of any reason, or can you suggest any reason, for Mr. McManus's request?

Mr. BURGESS. I can not.

Mr. HYNES. Was your letter printed?

Mr. BURGESS. Not that I know of. I did not ever hear it.

Mr. HYNES. Did you ever see any reference to it in the papers after that?

Mr. BURGESS. No, sir.

Mr. HYNES. Not of any kind?

Mr. BURGESS. No.

Mr. HYNES. Did Mr. Kohlsaat acknowledge it?

Mr. BURGESS. I do not think he did.

Mr. HYNES. You never got any reply?

Mr. BURGESS. No.

Mr. HYNES. Do you remember how you addressed it?

Mr. BURGESS. No.

Mr. HYNES. Did you know his address?

Mr. BURGESS. I could not say how I addressed it. H. H. Kohlsaat, Chicago; I think.

Mr. HYNES. Was that the full name?

Mr. BURGESS. H. H., if I remember right. That is just from memory. I do not remember, just.

Mr. HYNES. Who gave you the name or the address?

Mr. BURGESS. I could not say as to that.

Mr. HYNES. Did you speak to anybody after you had sent that letter about having sent it, or about the letter itself?

Mr. BURGESS. I could not say.

Mr. HYNES. You do not know? Did you ever talk with Mr. Cook about it?

Mr. BURGESS. About what? The letter?

Mr. HYNES. About that letter; yes.

Mr. BURGESS. No, sir.

Mr. HYNES. Are you sure

Mr. BURGESS. Sure.

Mr. HYNES. This is the first time, is it, that you have mentioned the sending of a letter to Mr. Kohlsaat?

Mr. BURGESS. I think it is.

Mr. HYNES. Did you tell it to Mr. Healy or Mr. Marble or anybody here connected with the committee?

Mr. BURGESS. There was a gentleman came to Duluth four or five days before I went to Springfield.

Mr. HYNES. Mr. Coan?

Mr. BURGESS. No.

Mr. HYNES. Well, go on.

Mr. BURGESS. I do not know his name.

Mr. HYNES. Was it Mr. Lucius?

Mr. BURGESS. I think that is it.

Mr. HYNES. Well.

Mr. BURGESS. He had the letter I wrote him.

Mr. HYNES. He had the letter that you wrote to Mr. Kohlsaat?

Mr. BURGESS. Yes.

Mr. HYNES. What did he say to you about it and where he got it?

Mr. BURGESS. He came there representing the firm or Mr. Healy here, I think, and somebody else.

Mr. HYNES. Well, go on.

Mr. BURGESS. And wanted to know if I was the gentleman that wrote the letter, and I told him I was.

Mr. HYNES. Yes.

Mr. BURGESS. He wanted to know if I would go to Springfield and testify, and I told him that I did not know whether I would come or not.

Mr. HYNES. What did you do?

Mr. BURGESS. He told me that he could not subpoena me to go to Springfield, but that he could make me give a deposition. I told him to come back in the afternoon at 2 o'clock and that I would let him know what I would do.

Mr. HYNES. Did you consult with anybody in the meantime?

Mr. BURGESS. I did. I consulted with Mr. McManus.

Mr. HYNES. That was your attorney?

Mr. BURGESS. Yes, sir.

Mr. HYNES. And on his advice you went down?

Mr. BURGESS. He told me that they could not subpoena me to go to Springfield, but they could take me before the district court and make me give a deposition.

Mr. HYNES. And you would rather go down to Springfield than do that? Is that right?

Mr. BURGESS. Yes; I went to Springfield.

Mr. HYNES. And that is the same Mr. McManus that you have already told us advised you to write that letter?

Mr. BURGESS. Yes. I also gave a deposition to Mr. Lucius in case I was not able to get away.

Mr. HYNES. You mean a deposition or an affidavit?

Mr. BURGESS. An affidavit; yes.

Mr. HYNES. Who has got that affidavit now? Do you know?

Mr. BURGESS. I do not know.

Mr. HYNES. Was all that you have stated in the letter contained in the affidavit?

Mr. BURGESS. I could not say.

Mr. HYNES. Do you not remember what you said to him in the letter?

Mr. BURGESS. I could not say.

Mr. HYNES. Have you got that, Mr. Healy?

Mr. HEALY. Let the record show that in answer to the inquiry made, I produce an affidavit purporting to be signed by William Burgess on the 17th day of April, 1911, made in the State of Illinois, county of St. Louis.

Mr. HANEY. Was that put into the Helm committee?

Mr. HEALY. No.

Mr. HANEY. It was not presented to them at all?

Mr. HEALY. No. He testified down there on the 20th. The record shows that he testified before the Helm committee three days after this affidavit was made.

Mr. HYNES. Yes.

- Mr. HEALY. So that it was not necessary to produce this affidavit.
- Mr. HYNES. Was that the original letter that you wrote that was presented to you by Mr. Lucius?
- Mr. BURGESS. I think it was.
- Mr. HYNES. Do you know whether it was your letter or not?
- Mr. BURGESS. Yes; it was my letter.
- Mr. HYNES. Do you not know whether it bore your signature?
- Mr. BURGESS. Yes.
- Mr. HYNES. Did he tell you where he got it?
- Mr. BURGESS. I do not remember whether he did or not.
- Mr. HYNES. But that was the letter that you wrote and mailed to Mr. H. H. Kohlsaat?
- Mr. BURGESS. Yes.
- Mr. HYNES. And it was returned to you by Mr. Lucius, who said he represented Mr. Healy's firm?
- Mr. BURGESS. Yes.
- Mr. HYNES. And did he take the letter back with him or did you keep it?
- Mr. BURGESS. He took the letter back with him.
- Mr. HANECY. May we find out here where that letter is, or where it came from, so that we can locate it? We may want to send for it, and we can not do it unless we know where it is and who has it.
- Mr. HEALY. The letter was, as I understand it, sent by the witness to Mr. Kohlsatt.
- Mr. HANECY. To Mr. H. H. Kohlsaat?
- Mr. HEALY. To Mr. H. H. Kohlsaat at Chicago. Mr. Kohlsaat turned the letter over to me.
- Mr. HANECY. When?
- Mr. HEALY. In April; about the time of its receipt—April, 1911. I sent Mr. Lucius, who was an employee of mine, to Duluth, to interview Mr. Burgess. He took the letter with him, and when he came back to Chicago, he brought the letter back and delivered it to me, and, at Mr. Kohlsaat's request, I delivered the letter to Mr. Kohlsaat, in whose possession I presume it now is.
- Mr. HANECY. And you were representing the Helm committee at the time?
- Mr. HEALY. I was representing the Helm committee at the time.
- Mr. HYNES. Did you see Mr. Hines at any time that evening come to the smoking room, or anywhere except in the open car?
- Mr. BURGESS. No; I did not see Mr. Hines anywhere.
- Mr. HYNES. Did you see anybody call Mr. Wiehe out?
- Mr. BURGESS. No.
- Mr. HYNES. Did you see him go out until the time that you speak of, just shortly before you got to Virginia?
- Mr. BURGESS. If he did, it was early in the evening. I will not say that he did not go out, but if he did, it was early in the evening.
- Mr. HYNES. Long before this conversation?
- Mr. BURGESS. Yes.
- Mr. HYNES. Did you see anybody call Mr. Weyerhaeuser out?
- Mr. BURGESS. Which one?
- Mr. HYNES. Either of them.
- Mr. BURGESS. No. They might have called Mr. Rudolph out, as he was standing up by the door. I would not say positively.
- Mr. HYNES. Did anybody call Fred out?

Mr. BURGESS. I think that he did go out.

Mr. HYNES. But I am speaking now about somebody calling him out. You have told us that he went out.

Mr. BURGESS. I could not say as to that.

Mr. HYNES. Whether anybody came to the door and called anybody out?

Mr. BURGESS. No; I do not remember.

Mr. HYNES. You do not remember that?

Mr. BURGESS. I do not remember that.

Mr. HYNES. So that there may be no misunderstanding here, Mr. Burgess, I understand you to say that the two Weyerhaeusers and Johnson and Cusson and all went out before Wiehe went out?

Mr. BURGESS. Yes.

Mr. HYNES. And before any of this conversation which you have undertaken to give us here?

Mr. BURGESS. That is correct.

Mr. HYNES. That is the way I understood you. And you have already said none of them returned. Now you say one of the Weyerhaeusers went out because of the smoking?

Mr. BURGESS. That was Rudolph.

Mr. HYNES. He went out because of the smoking. He remained in there, you say, three-quarters of an hour?

Mr. BURGESS. No; not Rudolph.

Mr. HYNES. How long did he remain?

Mr. BURGESS. He might have remained there 5 or 10 minutes.

Mr. HYNES. He did not sit down?

Mr. BURGESS. No; he was standing up.

Mr. HYNES. That is what you said?

Mr. BURGESS. Yes.

Senator GAMBLE. When this conversation occurred, as I understand it, there were only you, Mr. Wiehe, and the young Canadian present?

Mr. BURGESS. That is all.

Mr. HYNES. All of the others had left the smoker?

Mr. BURGESS. Had left the smoking compartment.

Mr. HYNES. And left before Mr. Wiehe did, and Mr. Wiehe remained there about 25 minutes afterwards? Now, who were smoking besides Mr. Wiehe?

Mr. BURGESS. I would not say.

Mr. HYNES. Your best recollection?

Mr. BURGESS. I think Mr. Fred Weyerhaeuser was smoking.

Mr. HYNES. Do you know what he was smoking—a pipe, or a cigar, or what?

Mr. BURGESS. No; a cigar, if anything, I think; and I think Mr. Johnson was smoking.

Mr. HYNES. A pipe, a cigar, or what?

Mr. BURGESS. A cigar, I think.

Mr. HYNES. Who else was smoking?

Mr. BURGESS. I could not say.

Mr. HYNES. Was the Canadian smoking?

Mr. BURGESS. I do not know.

Mr. HYNES. You do not remember?

Mr. BURGESS. No.

Mr. HYNES. What was Mr. Wiehe smoking—a cigar, or pipe, or what?

Mr. BURGESS. I could not say.

Mr. HYNES. You think you remember him. He was the one that you first picked out as smoking. What was there about his smoking that made you remember it better than you do the others?

Mr. BURGESS. Nothing in particular that I know of. I do not know whether he was smoking a pipe or cigar. I think he was smoking a cigar in the first part of the evening. Whether he lit a second cigar or not I do not know.

Mr. HYNES. Do you remember that first one?

Mr. BURGESS. I would not say positively that he was smoking. That is just my recollection that he was, but I would not want to go on record as saying positively that he was smoking at all.

Mr. HYNES. Why did you volunteer the statement that he was smoking if you did not remember it?

Mr. BURGESS. I do not know, unless it would be in the smoking room, a place to smoke. My impression is that he was smoking.

Mr. HYNES. Did you testify before the Helm committee that he was smoking?

Mr. BURGESS. I might.

Mr. HYNES. You do not remember?

Mr. BURGESS. No.

Mr. HYNES. Have you been able to recall, since you mentioned the fact that there was another gentleman with Mr. Cook when you told him this story, coming down on the morning of the 10th, as you say, from Virginia to Duluth—

Mr. BURGESS. I did not catch the first part of your question.

Mr. HYNES. Can you recall now the name of the gentleman who sat in the seat with Mr. Cook?

Mr. BURGESS. No.

Mr. HYNES. Some friend of his?

Mr. BURGESS. Some friend of Mr. Cook's.

Mr. HYNES. You did not know him, did you?

Mr. BURGESS. I did not know him.

Mr. HYNES. But you told it to him just the same?

Mr. BURGESS. I was addressing my conversation to Mr. Cook.

Mr. HYNES. Did you tell all that you have told here?

Mr. BURGESS. I would not say whether I did or not.

Mr. HYNES. You do not think you told him in such a way that Mr. Cook would entirely forget it, do you?

Mr. BURGESS. No.

Mr. HYNES. And if Mr. Cook should have testified that you did not tell him that story, coming down from Virginia, would you think he was mistaken, or would you think you were mistaken?

Mr. BURGESS. Oh, I should say he was mistaken, for I remember telling him.

Mr. HYNES. You have not undertaken to swear to anything here this morning that you do not remember, have you?

Mr. BURGESS. No.

Mr. HYNES. You are sure about those things?

Mr. BURGESS. Yes; I know I told Mr. Cook.

Mr. HYNES. You are sure about telling Mr. Cook?

Mr. BURGESS. Yes.

Mr. HYNES. You say that all your transactions with the Edward Hines Lumber Co. were amicable and pleasant?

Mr. BURGESS. Yes; what little we have done with them.

Mr. HYNES. The only one that you mentioned, I think, in your direct examination was some transaction you had with Mr. Cusson in putting in some electrical equipments in his house?

Mr. BURGESS. Yes.

Mr. HYNES. In Duluth?

Mr. BURGESS. No; in Virginia.

Mr. HYNES. That was the only one, was it?

Mr. BURGESS. No.

Mr. HYNES. What others did you have with him.

Mr. BURGESS. I testified to another transaction that occurred some 8 or 10 years ago.

Mr. HYNES. What was that about? What was that transaction?

Mr. BURGESS. That was in regard to a water flowage.

Mr. HYNES. What was the nature of that transaction?

Mr. BURGESS. The Edward Hines Lumber Co. had banked a certain quantity of pine logs on the Black River, which is about 10 or 11 miles south of West Superior, and that portion of the Black River was controlled by the Black River Water Power Co., of which I was secretary and treasurer. On the land that we own there are two falls, one of 55 feet and one of 190 feet, and there is a dam at the top of the highest fall. This dam was built there by some company prior to our obtaining the fee of the land. The Edward Hines Lumber Co. were going to use the dam to float those logs out, and our man that looks after the property over there notified us that they were going to use the dam. I notified Mr. Cusson that the using of that dam was worth a certain sum.

Mr. HYNES. How much?

Mr. BURGESS. At the first conversation I told him I did not know what it was worth; that it was something I knew nothing about; that I would notify Mr. Sargeant, who knew more about that business.

Mr. HYNES. What did you do?

Mr. BURGESS. Mr. Sargeant told me to ask him \$150, and to get all I could—not less than \$25.

Mr. HYNES. Not less than \$25? How much did you ask?

Mr. BURGESS. I asked \$150.

Mr. HYNES. Is that all?

Mr. BURGESS. That is all.

Mr. HYNES. Was it not \$250?

Mr. BURGESS. Well, it might have been. It was a long time ago. My recollection is \$150, but it might have been \$250.

Mr. HYNES. To get \$250 if you could get it, and to take \$25 if you could not.

Mr. BURGESS. Yes. I was following Mr. Sargeant's advice, and he knew more about it than I did. I think we got \$75.

Mr. HYNES. That was his advice, to ask that amount and take \$25 if you could not get the other?

Mr. BURGESS. Yes; that was it exactly.

Mr. HYNES. That was his idea of the value of it?

Mr. BURGESS. Yes.

Mr. HYNES. Did you at any time ask him \$1,000? Think before you answer.

Mr. BURGESS. Oh, I do not know.

Mr. HYNES. You do not know whether you did?

Mr. BURGESS. No; I do not know whether I did or not.

Mr. HYNES. Did you at one time talk about \$2,500?

Mr. BURGESS. No; I do not think it was that bad—I do not know.

Mr. HYNES. You do not think it was any worse than a thousand?

Mr. BURGESS. I do not know. I do not remember—that is, I can not remember the details. It is quite a while ago. I should say it was 8 or 10 years ago. I could not give the dates, even.

Mr. HYNES. When you say it was not that bad, in what sense do you use that word "bad"?

Mr. BURGESS. If I had asked \$1,000, that would have been extremely gally, that is all.

Mr. HYNES. That would depend upon the supply of gall on hand, would it not, whether it was extreme or not? What were you finally paid?

Mr. BURGESS. I think it was \$75.

Mr. HYNES. And did the Hines Lumber Co. express themselves at all in condemnation of the demand that was made by you?

Mr. BURGESS. I do not think they did.

Mr. COOK. Do you not?

Mr. BURGESS. I think Mr. Cusson said he did not figure that he would have to pay anything for it.

Mr. HYNES. It did not do you any harm, did it?

Mr. BURGESS. No.

Mr. HYNES. It had been used before that without any—I was going to say hold-up, but I do not mean that—without any demand?

Mr. BURGESS. No; that is a mistake.

Mr. HYNES. It had not been used before that? How long had you had it at that time?

Mr. BURGESS. I should say five or six years.

Mr. HYNES. Had you used that flow of water for anything?

Mr. BURGESS. No; I do not think so.

Mr. HYNES. Do you know of anybody else who charged for that sort of use of the water there?

Mr. BURGESS. Not at the present time; not to my recollection; I do not know.

Mr. HYNES. Did you charge anybody else for the use of that water?

Mr. BURGESS. I do not remember that we did.

Mr. HYNES. Was there not a good deal of feeling engendered by that correspondence and that transaction between you and the Hines Lumber Co.?

Mr. BURGESS. Not to my knowledge. There was absolutely no occasion for it.

Mr. HYNES. How long did you exclude them from the use of that water, and how long were their logs held up there before you consented, for \$75, to let them go through?

Mr. BURGESS. I do not think it was, to my recollection, over a day or two, though I am not positive about it; but that is my recollection.

Mr. HYNES. Did not your correspondence on the subject run from May to July?

Mr. BURGESS. I could not say as to that.

Mr. HYNES. Do you say now that it is your best recollection that they were held up for only a few days?

Mr. BURGESS. That is my best recollection. They were not held up over three or four days, that is my recollection on that.

Mr. HYNES. Before concluding with this witness, I should like to have an opportunity to talk with Mr. Leech.

The CHAIRMAN. He will not be excused. Are there any further questions?

Senator JONES. When did you say you sent that letter to Mr. Kohlsaas?

Mr. BURGESS. I could not remember the date of it; somewhere from 10 days to 2 weeks before Mr. Lucius came into our place. I think I said 10 days or 2 weeks before the Springfield investigation.

Senator JONES. Did Mr. McManus tell you why you should write to Mr. Kohlsaas?

Mr. BURGESS. No.

Senator JONES. Did you tell Mr. Kohlsaas in your letter to him how you came to write to him?

Mr. BURGESS. No; I do not think I did.

Senator JONES. How did you start out that letter?

Mr. BURGESS. I could not tell you from memory.

Senator JONES. Do you not think that you explained to him how you had come to write him?

Mr. BURGESS. I might have.

Senator JONES. What do you think about it?

Mr. BURGESS. I would not say.

Senator JONES. You say you did not mention this \$100,000 before the Helm committee because you were not asked about it. Is that correct?

Mr. BURGESS. Yes; I think that is correct.

Senator JONES. You were asked this question there, "What generally was that conversation?" Referring to the conversation between Mr. Wiehe and you?

Mr. BURGESS. Yes.

Senator JONES. This was a part of that conversation, was it not?

Mr. BURGESS. Yes.

Senator JONES. Why did you not tell the committee about that \$100,000 proposition?

Mr. BURGESS. I could not say why.

Senator JONES. Are you sure that Mr. Wiehe mentioned \$100,000, or is not that something that you had seen in the papers since that time?

Mr. BURGESS. No.

Senator JONES. Is not that something that you have seen in the papers since that time?

Mr. BURGESS. No.

Senator JONES. Have you a distinct recollection that he mentioned that \$100,000 was raised, in that conversation?

Mr. BURGESS (after a pause). I would not state positively that the \$100,000 was, or whether it was put in the form of \$100,000 or a "jack pot."

Senator JONES. So you are not certain now whether the \$100,000 was mentioned in your conversation or not?

Mr. BURGESS. I am not—no.

Senator JONES. You say you saw Mr. Cook on the train that night that you went to Virginia City?

Mr. BURGESS. I think I saw Mr. Cook on the back end of the sleeper.

Senator JONES. Did you see him after you got off the train?

Mr. BURGESS. I think I saw Mr. Cook that day, in the evening, at the hotel.

Senator JONES. Did you have any talk with him at the hotel?

Mr. BURGESS. No.

Senator JONES. You did not have any talk with him at all at the hotel?

Mr. BURGESS. Not that night; no.

Senator JONES. Did he get on the train the next morning when you did?

Mr. BURGESS. No; he got on the train Thursday morning.

Senator JONES. From the hotel there, or was he on the train when you got on?

Mr. BURGESS. He was on the train when I got on the train.

Senator GAMBLE. Did Mr. McManus, when he asked you to write to Mr. Kohlsaat, indicate to you why he wanted you to do so, or that it had been suggested to him by anybody—had he heard from some one, or why did he ask you?

Mr. BURGESS. Mr. McManus and I had been talking about Mr. Kohlsaat and Mr. Funk.

Senator GAMBLE. They had testified before the Helm committee at that time, had they, at the time of this conversation?

Mr. BURGESS. I would not say whether they had or not. Mr. McManus and myself were talking about Mr. Kohlsaat and the prospect of his going to jail.

Senator GAMBLE. Because he refused to give the name of his informant before the Helm committee?

Mr. BURGESS. Yes.

Senator GAMBLE. And it was this, was it, that prompted Mr. McManus to suggest to you to write to Mr. Kohlsaat?

Mr. BURGESS. I think it was at that conversation, or the next day at lunch at the Elks Club he told me I ought to write, asked me to write. I would not say positively whether it was that day or the next day.

Senator GAMBLE. So that you wrote then to Mr. Kohlsaat the facts substantially as you have stated on the witness stand?

Mr. BURGESS. Yes.

Senator JONES. Is there anything else in connection with any of these conversations that you know that you have not been asked about and have not told this committee?

Mr. BURGESS. I do not think there is. I do not think of anything.

Senator JONES. You think we have gotten at about everything of any importance now?

Mr. BURGESS. I think so.

The CHAIRMAN. The committee will take a recess here until 2 o'clock.

(Whereupon at 12 o'clock and 23 minutes p. m. the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

TESTIMONY OF WILLIAM M. BURGESS—Continued.

Mr. HYNES. Mr. Burgess, what did you say was your address in Duluth?

Mr. BURGESS. 310 West First Street.

Mr. HYNES. There are one or two questions here that I desire to read from your examination before the Helm committee, up to the point where you said you stopped reading it on Thursday.

Mr. HEALY. Judge Hynes, can we not agree that that is encompassed within half a page?

Mr. HYNES. Yes; but I want to show just what it covers. It will take only a minute to read the whole of it. It is as follows:

Q. What is your full name?—A. William Burgess.

Q. Where do you live?—A. Duluth, Minn.

Q. How long have you lived at Duluth, Minn.?—A. Twenty-eight years.

Q. What is your business?—A. Electric contracting.

Q. What is the name or style of your firm?—A. Burgess Electrical Co.

Q. Is that a corporation?—A. Partnership.

Q. You are one of the partners?—A. I am.

Q. Who is the other?—A. No; I am not one of the partners.

Q. What is your position?—A. Manager and treasurer.

Q. Who is associated with you in that business?—A. A. G. B. Burgess and A. B. Burgess.

Q. Brothers of yours?—A. Yes.

Q. How long has that been your business, Mr. Burgess?—A. Ever since I have been in Duluth. I am superintendent of the electric-light plant 11 years. Before that I was in the contracting business.

Q. Where is your business located in Duluth; what street?—A. Twelfth Street, 310.

That was as far as you read your testimony?

Mr. BURGESS. I think it was about that, somewhere along there.

Mr. HYNES. What is the error in that statement as to your address?

Mr. BURGESS. I think the names of the parties of the firm, and the location.

Mr. HYNES. My recollection is that you stated this morning that it was an error in your address.

Mr. BURGESS. Yes.

Mr. HYNES. Was that an error, Twelfth Street, 310?

Mr. BURGESS. Yes.

Mr. HYNES. What is the address?

Mr. BURGESS. 310 West First Street.

Mr. HYNES. That is as far as you read?

Mr. BURGESS. Yes.

Mr. HYNES. Do you know R. J. Shields, who dealt with you as a representative of Mr. Hines for a portion of the time during your negotiations for the opening of that dam?

Mr. BURGESS. I do not think I had any conversation with Mr. Shields whatever. I do not remember it.

Mr. HYNES. See if this will remind you. Let me read a letter dated May 10, 1906, addressed to Mr. R. J. Shields, Superior, Wis., from the Edward Hines Lumber Co., which was read by Mr. Shields to you when he was negotiating with you. It is as follows:

“MAY 10, 1906.

“Mr. R. J. SHIELDS, *Superior, Wis.*

“DEAR SIR: We are in receipt of invoice for \$2.50 for the use of the Black River Falls Dam; or, in other words, about 25 cents a thou-

sand on all the logs driven out of Black River. I presume you are aware that the logs were landed below the dam. None of them were sluiced through the day; also that the dam referred to in no way controlled the water. The facts are we could have opened the dam at the Empire headquarters and forced these parties to open their dam or it would be washed away. We could have gotten the water without any assistance from them.

"I am willing to pay \$40 or \$50, but am not willing to pay \$2,500, which is all out of reason. When I instructed you to pay up to \$50, in making this settlement, I thought I was very liberal. In fact, I did not think they would ask us over \$25, considering the fact that all the logs were below the dam and could have been driven out on the high water without the use of the dam.

"I promised Mr. Burgess I would see him early last week, but being unable to do so, I turned the matter over to you and supposed, of course, it was settled long ago. Wish now you would see Mr. Burgess at your earliest convenience, and if you are not able to make a fair settlement, drop the matter.

"Yours, truly,

"EDWARD HINES LUMBER CO.

"S. J. CUSSON, *Manager.*"

(The letter was marked "For identification, Exhibit Burgess 2.")

Do you remember that now?

Mr. BURGESS. Do I remember Shields reading me that letter? Is that what you have reference to?

Mr. HYNES. Yes; and his negotiations.

Mr. BURGESS. I do not remember Mr. Shields ever reading me the letter.

Mr. HYNES. Or handing it to you to be read?

Mr. BURGESS. No, sir.

Mr. HYNES. Was the subject of that letter I have just read stated to you by Mr. Shields?

Mr. BURGESS. I do not think it was. I do not remember it.

Mr. HYNES. You do not remember whether it was or not?

Mr. BURGESS. I do not think it was.

Mr. HYNES. Do you remember whether it was or not?

Mr. BURGESS. I do not think it was.

Mr. HYNES. Will you say that you remember whether it was or not?

Mr. BURGESS. I distinctly say that I do not remember it.

Mr. HYNES. Now, does the early date of this letter, May 10, 1906, refresh your memory at all as to how long those negotiations were pending?

Mr. BURGESS. No.

Mr. HYNES. On May 22 did you receive this letter, which has been marked "For identification, Exhibit Burgess 3"?

"MAY 22, 1906.

"BURGESS ELECTRIC CO.,

"*Duluth, Minn.*

"GENTLEMEN: Replying to your letter of the 19th, our Mr. Cusson is away. The matter has been turned over to our representative at Superior, who we presume has seen you ere this. We feel certain he will be able to make an amicable settlement with you.

"Yours, truly,

"EDWARD HINES LUMBER CO.

"C. H. W."

Mr. BURGESS. No.

Mr. HYNES. Do you remember whether you received that or not?

Mr. BURGESS. I do not remember receiving it. I do not remember reading it.

Mr. HYNES. Is your memory on that the same as it is on the letter just preceding this, that I have read?

Mr. BURGESS. I don't remember receiving any communications by letter regarding the matter.

Mr. HYNES. I mean is your memory in the same condition with respect to that letter that you said it was with respect to the letter that was addressed to Mr. Shields and about which I asked you whether you had read, whether it was read to you or the substance of it stated to you?

Mr. BURGESS. About the same.

Mr. HYNES. That last one was addressed to you. Now, on July 18, 1906, there is another letter which I desire to read, and which has been marked "For identification, Exhibit Burgess 4," and is as follows:

"JULY 18, 1906.

"BURGESS ELECTRIC Co.,
"Duluth, Minn.

"GENTLEMEN: Replying to your letter of the 17th with reference to using the dam at Black River, we note your remarks with reference to some agreement you had with Mr. Bob Shields, whom I deputed to make settlement with you. Your charge was so far from what we considered a fair price for the services rendered that we did not settle the bill.

"Now, then we may as well be frank with you. We were willing at any time to pay about \$50, or up to \$75, say. This is all the service is worth and more too. The facts are you did not control the dam or the water. We had control of the dam above you. The large dam is owned by the Empire Lumber Co., which runs through our lands all the way down to you. Had we opened the gates there, there would have been no possible way for you to hold the water. You would either have been obliged to open your gates or we would have taken the dam out. Any practical man knows that and when you get ready to settle on a fair basis and will send me an invoice for, say, about \$75, we will be pleased to send you check. Any amount greater than this we would not consider for a moment. We are responsible, and if we are obliged to have a law suit, we are ready to have one.

"Yours, truly,

"EDWARD HINES LUMBER Co.
"S. J. CRISSON, *Manager*."

Do you remember that letter?

Mr. BURGESS. No.

Mr. HYNES. Or anything about it?

Mr. BURGESS. No.

Mr. HYNES. You have been conducting matters as manager for the Burgess Electric Co.?

Mr. BURGESS. No; conducting matters for the Black River Falls Co.

Mr. HYNES. You were conducting matters for it?

Mr. BURGESS. Yes. I do remember Mr. Cusson in the Spalding Hotel telling me the substance of those letters regarding the Empire Lumber Co.'s dam, and other things mentioned in the letter. I have no recollection of getting the letter.

Mr. HYNES. Nor of the figures?

Mr. BURGESS. Yes; the figures are all right.

Mr. HYNES. They are all right, as I read them?

Mr. BURGESS. Yes.

Mr. HYNES. Did you receive a letter, or rather was a letter shown to you by this same R. J. Shields, who is referred to, in that last letter I read which was addressed to the Burgess Electric Co., as Bob Shields, reading as follows, and which has been marked "For identification Exhibit Burgess 5":

"JULY 27, 1906.

"Mr. R. J. SHIELDS, *Superior, Wis.*

"DEAR SIR: Inclosed please find two checks for \$75 each; one to cover amount of claim of the Burgess Electric Co. for the use of the Black River Dam, and settlement in full for their claim of \$250; the other in settlement of the claim made by Ernest A. Arnold, of Superior, trespass on section 4-46-13 for 20,000 of timber cut by the Ehlico during the winter of 1905-6. Please acknowledge receipt and oblige.

"Yours, truly,

"EDWARD HINES LUMBER CO.
"S. J. CUSSON, *Manager.*"

Mr. BURGESS. No, sir.

Mr. HYNES. Did you get the checks?

Mr. BURGESS. Yes; I got the check for \$70, I think.

Mr. HYNES. \$70 for you and \$75 for another concern? It was about that time, July 27, 1906, was it not?

Mr. BURGESS. I could not say just when we got the checks.

Mr. HYNES. You would say that it was about the date of that letter?

Mr. BURGESS. Right along there, I should say, to the best of my recollection.

The diagram which the witness made earlier in his testimony was marked "Exhibit Burgess 1."

Mr. HANEY. Mr. Burgess, what is Mr. McManus's name?

Mr. BURGESS. A. E.

Mr. HANEY. That is the same man who swore you to this affidavit?

Mr. BURGESS. Yes.

Mr. HYNES. Is this affidavit marked "Exhibit Burgess 6, 6-A, and 6-B" the affidavit about which you testified this morning, that you gave to Lucius to take in lieu of your testimony, if you happened to be away from Springfield at the time?

Mr. BURGESS. That is my signature.

Mr. HYNES. That is the affidavit, is it not?

Mr. BURGESS. Do you want me to read it over?

Mr. HYNES. I don't care whether you do or not. If it is necessary to read it over to identify it, do so.

Mr. BURGESS. I think that is it.

Mr. HYNES. Well, make sure of it. Let there be no doubt about it.

Mr. HANEY. He says it is his signature.

Mr. BURGESS. That is it.

Mr. HYNES. I will now read into the record the affidavit marked "Exhibit Burgess 6, 6-A, and 6-B," which is as follows:

"STATE OF MINNESOTA, *County of St. Louis*, ss:

"William Burgess, being first duly sworn, on oath deposes and says that he is a resident of the city of Duluth, in the State of Minnesota; that he is engaged in the electrical business in said city; that on the 6th day of March, 1911, he took the Winnipeg Flyer, leaving Duluth at 7 p. m., to go to Virginia, Minn.; that upon entering the smoking compartment of the Winnipeg Flyer there were two gentlemen seated therein, one gentleman whom he afterwards ascertained as a Mr. Johnson, who was a representative of the Northwestern Lumberman, and who may be described as follows: Very large, fleshy man, jet-black hair, full face, and wearing a black mit on one hand, weighing about from 230 to 240 pounds, in stature about 5 feet 10 inches.

"The other gentleman who was sitting in said smoking compartment, whose name is unknown to said affiant, may be described as follows: Short, medium height, smooth face, light hair, weighing about 140 or 150 pounds.

"Said affiant further states that about 10 minutes after he entered said smoking compartment a gentleman, whom this said affiant afterwards ascertained to be Mr. C. F. Wiehe, and who may be described as follows, about 5 feet 10 inches in height, dark hair, broad shoulders, dressed in a gray suit of clothes, and weighing about 180 pounds, entered said compartment.

"Said affiant further states that shortly thereafter Rudolph Weyerhaeuser and his two brothers entered said compartment. Said affiant further states that from the time he entered said compartment a general discussion was entered into between a number of the above described gentlemen; that about half an hour thereafter the said three Weyerhaeuser brothers left said compartment and the conversation drifted into national politics, and soon thereafter the said affiant made some remark, the exact nature of which this affiant does not remember, relative to Mr. Lorimer, United States Senator, and the gentleman in gray clothes, who said affiant afterwards ascertained to be Mr. Wiehe, made objections to the remark made by said affiant. A discussion regarding Mr. Lorimer's election ensued.

"Mr. Wiehe asked said affiant what he knew personally regarding Mr. Lorimer's election. The affiant replied that all he knew regarding Mr. Lorimer's election was by reading the papers. Mr. Wiehe asked said affiant what papers he was in the habit of reading, and whether or not he got his information from the Record-Herald of Chicago. The said affiant replied that his information was obtained from reading the local papers—the Duluth Evening Herald, Duluth News-Tribune (morning edition), and the Sunday Chicago Examiner. Mr. Wiehe made the remark to the affiant that his knowledge regarding the election of Mr. Lorimer was limited, or words to that effect.

"He further stated that the fight on Mr. Lorimer was being done through the efforts of Mr. Kohlsaas, of the Chicago Record-Herald; that Mr. Kohlsaas had gone so far as to employ a detective agency to trump up spurious charges against Mr. Lorimer; that one of the detectives so employed belonged to the Catholic Church; that said

detective had gone to Father Greene for confession, and that he had confessed to Father Greene his actions in the case, and that he had acknowledged to Father Greene that he was employed to get trumped-up charges against Mr. Lorimer for Mr. Kohlsaat's special purposes; that Father Greene told the detective that he would have to stop, and that he would not give the detective absolution until he had made a written confession of his part in the transaction; that the fight was being made against Mr. Lorimer by Mr. Kohlsaat as a personal spite against Mr. Lorimer; that Mr. Lorimer did not spend a dollar of his own money to obtain his election to the United States Senate, but that there was a large jack pot raised for the election of Mr. Lorimer; that he, Mr. Wiehe, knew what he was talking about, as he himself gave \$10,000 to the jack pot. Also, that it was impossible to get any act or measure of benefit through the Illinois Legislature without having to pay for it. The affiant further states that shortly afterwards said Wiehe left said compartment.

"Said affiant further states that upon reaching Virginia said affiant went to the Fay Hotel, where he met Mr. W. T. Bailey, of Duluth; that when he met said Bailey at said Fay Hotel said Wiehe was standing in the lobby of the hotel, and said affiant asked said Bailey the name of said Wiehe, and was told by Mr. Bailey that his name was C. F. Wiehe, and that he was a brother-in-law of Edward Hines; that shortly after Wiehe left said hotel.

"The said affiant states that the above is all conversation that took place upon said 6th day of March, 1911, relative to Mr. Lorimer and his election, and further this said affiant saith not.

"WM. BURGESS.

"Subscribed and sworn to before me this 17th day of April, 1911.

[SEAL.]

"A. E. McMANUS,

"Notary Public, St. Louis County, Minn."

My commission expires November 2, 1917.

(After the reading of the foregoing affidavit the following occurred:)

Mr. HYNES. Mr. Burgess, in your testimony this morning did you forget those words "trumped up"? This morning you said that the detective went and made a confession. You stated that on direct examination, and upon my cross-examination, and I think in answer to a question by one of the Senators, you also repeated that he had made a statement of the work that he had done without using the words "trumped up." Had you forgotten those words that you put in the affidavit at that time?

Mr. BURGESS. I had forgotten that I had used the word "trumped" in the affidavit. I would not say positively that Mr. Wiehe used the word "trumped"; but he conveyed to me that that was the substance of the detective's confession to Father Green.

Mr. HYNES. When you used those words "trumped up," that was your memory at the time, was it not?

Mr. BURGESS. That was my memory.

Mr. HYNES. And you can not give the committee any reason for leaving out those words now, can you?

Mr. BURGESS. No, sir.

Mr. HYNES. In your testimony?

Mr. BURGESS. No; I can not give any reason for it.

Mr. HYNES. Who paid your expenses to Springfield and back from Duluth?

Mr. BURGESS. I got a check. I think, from the firm of Healy——

Mr. HANEY. Chytraus, Healy, and somebody?

Mr. BURGESS. I think that was the name signed to the check.

Mr. HYNES. What was the name—Chytraus, Healy, and somebody else?

Mr. BURGESS. Healy is the only one I remember.

Mr. HEALY. Frost.

Mr. HYNES. In Chicago?

Mr. BURGESS. In Chicago.

Senator KERN. Are you referring now to your expenses for coming here?

Mr. BURGESS. No; the expenses to Springfield.

Mr. HYNES. From Duluth to Springfield.

Mr. HEALY. Judge, I suppose there will be no question but that expense was paid by the State of Illinois?

Mr. HYNES. I do not know; they refused to pay certain other witnesses that went down there.

Mr. HEALY. I do not know anything about that, but that particular expense was paid by the State. Acting under the direction of the chairman, I sent my personal check to this witness before the claim was allowed. It was afterwards paid back to me.

Mr. HANEY. Mr. Chairman, in that connection may we ask that the committee ask Mr. Healy—who is now one of its counsel, and was at that time the counsel for the Helm committee, and the only counsel for the Helm committee—to get the letter which this witness says he wrote to Mr. Kohlsaat? Mr. Healy said he had it. We can not get it unless they agree to produce it. I have no doubt that if the committee asks for it it will be produced to go into the record.

Senator JONES. Mr. Healy said he would write for it.

Mr. HEALY. I shall be very glad to write to Mr. Kohlsaat and ask him to send on that letter.

Mr. HANEY. But we would like to have that asked by the committee—that he shall get that letter; and also that this witness shall send a copy from his stenographer's notes, so that we may have both.

Mr. HYNES. Will you do that, Mr. Burgess?

Mr. BURGESS. I certainly will.

Mr. HYNES. Mr. Burgess, did you read in the Chicago Tribune or hear of a reward offered in the Chicago Tribune of \$5,000 for anybody who would give evidence of the contribution of money to a fund for the election of Senator Lorimer?

Mr. BURGESS. I never saw it.

Mr. HYNES. You never heard of it?

Mr. BURGESS. I never heard of it.

Mr. HYNES. You have not put in any claim for that?

Mr. BURGESS. I have not.

Mr. HYNES. You did not know that you were entitled to any of that \$5,000?

Mr. BURGESS. No, sir. I wish I did.

Mr. HYNES. Did you see it largely blazoned on the front page of the Tribune or hear of its being there?

Mr. BURGESS. You have reference to the advertisement?

Mr. HYNES. No; it was a statement in the front page of the Chicago Tribune, covering the full page, I understand, or nearly the full page, and running for a long time in the paper there, offering \$5,000 reward for evidence showing that money had been contributed to the election of Senator Lorimer.

Mr. BURGESS. I never saw it. I have not read a copy of the Chicago Tribune in years.

Mr. HYNES. Did you hear of that advertisement?

Mr. BURGESS. I did not.

Mr. HYNES. Or of that reward?

Mr. BURGESS. No, sir.

Mr. HYNES. That is all.

Senator GAMBLE. Mr. Hynes, do you expect to follow this by showing that such an advertisement was printed in the Chicago Tribune?

Mr. HYNES. Yes, sir.

Mr. HANEY. For a number of days and weeks, running clear across the front page of the Tribune.

Mr. HYNES. Beginning, I think, on the 29th of May, 1910.

Mr. HEALY. There are just a few questions that I want to ask Mr. Burgess. The affidavit that has been introduced in evidence was prepared where, Mr. Burgess?

Mr. BURGESS. In my office.

Mr. HEALY. By whom was it prepared?

Mr. BURGESS. It was prepared, not in the office, but in what we call our chandelier room.

Mr. HEALY. By whom was it prepared?

Mr. BURGESS. By a young man named Mr. Lucius.

Mr. HEALY. Was Mr. McManus there?

Mr. BURGESS. No, sir.

Mr. HEALY. Did you give Mr. Lucius the information upon which he based the recitals contained in the affidavit?

Mr. BURGESS. I gave him the information, and he dictated it, I think, to the stenographer.

Mr. HEALY. Was that affidavit prepared before or after you testified before the Helm committee?

Mr. BURGESS. It was prepared before.

Mr. HEALY. According to this record, you testified on the 20th day of April, 1911. Is that correct?

Mr. BURGESS. I could not say as to the date.

Mr. FARRAR. I think we can agree upon that.

Mr. HEALY. And then, when you came to Springfield and before you went upon the stand, you talked with me about this conversation between yourself and Mr. Wiehe, did you not?

Mr. BURGESS. Yes.

Mr. HEALY. Did you inform me in that conversation about the statement made by Mr. Wiehe with reference to the detective and Father Green?

Mr. BURGESS. I do not know, Mr. Healy, whether I informed you; but that was brought up between us.

Mr. HEALY. Do you remember that I told you that I had submitted the matter to the committee?

Mr. BURGESS. Yes.

Mr. HEALY. And that I would not interrogate you with reference to that part of the conversation?

- Mr. BURGESS. You did.
- Mr. HEALY. But that if anybody asked you the question you were to tell the truth?
- Mr. BURGESS. Yes, sir; that was it.
- Mr. HANEY. You mean the Helm committee.
- Mr. HEALY. Yes. That is all.
- Mr. HYNES. Mr. Burgess, in your direct examination you said that you gave that affidavit because you did not expect to be able to go down there. What changed your mind and made you go down within three days?
- Mr. BURGESS. Mrs. Burgess had been ill since the 8th of February, and I did not know whether I could get away or not.
- Mr. HYNES. That was the only reason, was it?
- Mr. BURGESS. That was the only reason; yes.
- Mr. HYNES. That is all.

TESTIMONY OF HENRY TURRISH.

HENRY TURRISH, being duly sworn, was examined and testified as follows:

- Mr. MARBLE. What is your name, sir?
- Mr. TURRISH. Henry Turrish.
- Mr. MARBLE. Where do you live?
- Mr. TURRISH. Duluth.
- Mr. MARBLE. What is your business?
- Mr. TURRISH. Lumbering.
- Mr. MARBLE. Lumbering?
- Mr. TURRISH. Yes, sir.
- Mr. MARBLE. Are you an operator of sawmills?
- Mr. TURRISH. On the Pacific coast and western Idaho and Oregon at the present time.
- Mr. MARBLE. Do you know Mr. Wirt H. Cook?
- Mr. TURRISH. Yes, sir.
- Mr. MARBLE. Have you had business relationship with him?
- Mr. TURRISH. A great deal.
- Mr. MARBLE. Is he a partner of yours?
- Mr. TURRISH. We are interested in some deals together at the present time.
- Mr. MARBLE. How long have you been interested with him?
- Mr. TURRISH. More or less for 15 years.
- Mr. MARBLE. Are you personally friendly?
- Mr. TURRISH. Yes, indeed.
- Mr. MARBLE. Intimate?
- Mr. TURRISH. Yes.
- Mr. MARBLE. Do you know Mr. Edward Hines?
- Mr. TURRISH. Yes.
- Mr. MARBLE. How long have you known him?
- Mr. TURRISH. Possibly seven years.
- Mr. MARBLE. Have you had business relations with him?
- Mr. TURRISH. No, sir.
- Mr. MARBLE. Have you had any unpleasantness with him?
- Mr. TURRISH. Never.

Mr. MARBLE. Have you been concerned in the matters in which Mr. Cook has been concerned, and about which he has had trouble with Mr. Hines?

Mr. TURRISH. You mean, have I been interested in those companies?

Mr. MARBLE. Yes; financially interested?

Mr. TURRISH. No, sir.

Mr. MARBLE. You have known about the unpleasantness between Mr. Cook and Mr. Hines as it went along?

Mr. TURRISH. Yes, sir.

Mr. MARBLE. Did you know that from Mr. Cook or from Mr. Hines?

Mr. TURRISH. From Mr. Cook.

Mr. MARBLE. Do you know Senator Lorimer?

Mr. TURRISH. No, sir.

Mr. MARBLE. You have no feeling of prejudice or of friendship for him, either?

Mr. TURRISH. No, sir.

Mr. MARBLE. None at all?

Mr. TURRISH. How is that question?

Mr. MARBLE. Have you any feeling of prejudice against him, or of friendship for him, personally?

Mr. TURRISH. No, sir.

Mr. MARBLE. What are your politics?

Mr. TURRISH. I am a Republican.

Mr. MARBLE. Were you in Chicago in the early part of May, 1909?

Mr. TURRISH. Yes, sir; about that time.

Mr. MARBLE. Was Mr. Cook there?

Mr. TURRISH. Yes, sir.

Mr. MARBLE. Were you together?

Mr. TURRISH. A portion of the time.

Mr. MARBLE. Do you recall a conversation between Mr. Edward Hines, Mr. Cook, and yourself, which took place in Chicago in the early part of May, 1909?

Mr. TURRISH. Yes; I remember such a conversation.

Mr. MARBLE. Where did that take place?

Mr. TURRISH. In the Grand Pacific Hotel.

Mr. MARBLE. At what time of day?

Mr. TURRISH. I am not positive of that. I think along about 10 or 11 o'clock.

Mr. MARBLE. Would you say it was in the forenoon?

Mr. TURRISH. Yes; it was sometime in the forenoon.

Mr. MARBLE. Can you fix the day, the month, and the year?

Mr. TURRISH. No, sir.

Mr. MARBLE. Or can you fix the year? [After a pause.] I want the conversation that took place early in May, 1909. Can you fix that year and that month as the time of the conversation?

Mr. TURRISH. I can fix the year; yes, sir. I did not know what time it was. It was some time in May, as near as I can remember.

Mr. MARBLE. Do you remember where in the Grand Pacific Hotel you were?

Mr. TURRISH. We were in the corridor of the hotel.

Mr. MARBLE. On what floor?

Mr. TURRISH. On the ground floor.

Mr. MARBLE. Who was there first?

Mr. TURRISH. Mr. Cook and I, as I remember it, were sitting there talking.

Mr. MARBLE. And who came?

Mr. TURRISH. Mr. Hines came in the hotel.

Mr. MARBLE. Mr. Edward Hines?

Mr. TURRISH. Yes, sir.

Mr. MARBLE. Which direction was he coming from? Do you remember?

Mr. TURRISH. No, sir.

Mr. MARBLE. Did he join you there?

Mr. TURRISH. Yes, sir. We stood up, and I think we shook hands with Mr. Hines.

Mr. MARBLE. Then you had a conversation?

Mr. TURRISH. Yes; there was a conversation.

Mr. MARBLE. Will you give us that conversation as nearly as you can?

Mr. TURRISH. I would not attempt to repeat every word that was said. I do not remember all that was said. All I know is just the substance of it.

Mr. MARBLE. Give the substance of it as nearly as you can recall. What was the first subject discussed; do you remember?

Mr. TURRISH. Yes. It was with reference to the condition of the southern pine market.

Mr. MARBLE. Who brought up that subject?

Mr. TURRISH. I think I did.

Mr. MARBLE. Was the tariff discussed in connection with that subject?

Mr. TURRISH. Yes, sir.

Mr. MARBLE. All right. Go ahead and give us the conversation, now, as nearly as you can.

Mr. TURRISH. At that time Mr. Hines had been down to Washington.

Mr. MARBLE. Did he tell you in the conversation he had been to Washington?

Mr. TURRISH. Yes; and I knew in a general way he was down here.

Mr. MARBLE. We want the conversation first, Mr. Turrish.

Mr. TURRISH. We discussed the market conditions. He asked me how I found conditions on the Pacific coast with reference to prices and the demand for lumber. Then the demoralized condition of the southern market was talked over, and the conversation drifted on to the tariff on lumber.

Mr. MARBLE. All right. What was said about the tariff?

Mr. TURRISH. I asked him how he was getting along—what progress he was making down here with the tariff—the tariff on lumber.

Mr. MARBLE. What did he say?

Mr. TURRISH. He did not seem to be very hopeful.

Mr. MARBLE. What did he say? Do you recall what he said?

Mr. TURRISH. The substance of his conversation was that human nature asserted itself in different places when it came to the tariff question; that everybody wanted their individual stuff protected, but they wanted their neighbors' on the free list, or words to that effect; and that human nature asserted itself when it came to that. In the course of the conversation I said to Mr. Hines: "Mr. Stephen-

son, being a lumberman, is all right, isn't he?" He said: "No; Stephenson is an uncertain quantity"; that he had done business for him for 20 years or more, and that he really did not know where he stood on the lumber question; he was undecided.

Mr. MARBLE. Was there anything further said about Mr. Stephenson?

Mr. TURRISH. No; nothing. That was the substance of what was said.

Mr. MARBLE. All right; what next?

Mr. TURRISH. Then there was some reference made to a Member of Congress who had made a very good argument, who understood the situation pretty well, by the name of Fordney.

Mr. MARBLE. Who made that reference to Mr. Fordney?

Mr. TURRISH. I do not remember whether I did—whether I spoke to Mr. Hines about Fordney's argument or what I had read in the papers about what he had been saying—or whether Mr. Hines mentioned it.

Mr. MARBLE. Very well. What next?

Mr. TURRISH. That is about all that was said.

Mr. MARBLE. Was there any reference to Congressman Lorimer or Senator Lorimer in that conversation?

Mr. TURRISH. Senator Lorimer's name was mentioned.

Mr. MARBLE. By whom?

Mr. TURRISH. It was mentioned by Mr. Hines; and I do not remember whether he said he was a candidate or whether he would be elected or what. My memory is hazy on what was said about it.

Mr. MARBLE. Did he say a candidate for what?

Mr. TURRISH. For the Senate.

Mr. MARBLE. Is your memory clear that he was mentioned in connection with the Senate?

Mr. TURRISH. His name was mentioned, but I can not just place it in what way. Either that he was a candidate, or, I think he said he would be a candidate.

Mr. MARBLE. You think he said that he would be a candidate?

Mr. TURRISH. Yes.

Mr. MARBLE. Are you clear that he was mentioned in connection with the Senate at all?

Mr. TURRISH. Yes, sir; I think so. I think that I spoke about the Illinois deadlock at that time, and I think that is how it came up.

Mr. MARBLE. Then Mr. Hines told you that?

Mr. TURRISH. Well, in the conversation, as I remember it, Mr. Hines said Mr. Lorimer would be a candidate, or was a candidate, or words to that effect.

Mr. MARBLE. Do you remember any reference to Senator Stephenson as "old Stephenson" in that conversation?

Mr. TURRISH. No, sir.

Mr. MARBLE. Do you remember any reference to the southern Democrats or their attitude toward the lumber schedule?

Mr. TURRISH. No, sir.

Mr. MARBLE. Would you say that there was no reference to the southern Democrats and their attitude toward the lumber schedule?

Mr. TURRISH. I did not hear any.

Mr. MARBLE. You did not hear any?

Mr. TURRISH. No.

Mr. MARBLE. You did not hear Senator Stephenson referred to as "old Stephenson"?

Mr. TURRISH. No, sir.

Mr. MARBLE. You are sure of that?

Mr. TURRISH. I am sure.

Mr. MARBLE. Did you hear any reference to Congressman Boutell, of Illinois?

Mr. TURRISH. It seems to me that Congressman Boutell's name was mentioned, but I can not recall in what particular. I think in the course of the conversation his name was mentioned, but I can not recall in what way.

Mr. MARBLE. Do you recall whether or not it was mentioned in connection with the Illinois Senatorship?

Mr. TURRISH. I could not tell.

Mr. MARBLE. Do you remember Senator Aldrich's name being mentioned?

Mr. TURRISH. No, sir.

Mr. MARBLE. Would you say that it was not mentioned?

Mr. TURRISH. I did not hear it.

Mr. MARBLE. You will say that you did not hear it?

Mr. TURRISH. I did not hear it.

Mr. MARBLE. Did you hear these words, or anything containing the substance of these words, said in that conversation by anybody there present:

We had Boutell fixed for the senatorship. He had promised to work to keep the \$2 duty, the present duty on lumber; but when the lumber schedule came up before the Ways and Means Committee, Boutell was working for free lumber. I immediately took the matter up with Senator Aldrich, and it was decided that I have a talk with Lorimer. I went to see Lorimer. He will stand pat. He will listen to reason. He will do as he agrees to do. I have got it all fixed. Lorimer will be the next Senator from Illinois.

Mr. TURRISH. I do not recall that.

Mr. MARBLE. You would recall it if you had heard it, would you not?

Mr. TURRISH. I think I should.

Mr. MARBLE. Do you recall any portion of it?

Mr. TURRISH. No, sir. Mr. Boutell's name was mentioned in some way, but I can not say in what particular. I remember his name being mentioned during the conversation.

Mr. MARBLE. Have you discussed that conversation since that time with anyone?

Mr. TURRISH. The first time that there was ever any reference to that conversation, the first time it was ever recalled, was about—I think it was some time in December or the first of January. I was going from Madison to Duluth one evening on the late train, and Mr. Cook was in the buffet car, and he asked me if I remembered the conversation. That was the only time that it was ever discussed.

Mr. MARBLE. December of what year?

Mr. TURRISH. This last December.

Mr. MARBLE. December, 1910?

Mr. TURRISH. Yes, sir.

Mr. MARBLE. Were you in Mr. McCordick's office with Mr. Cook at or about that time?

Mr. TURRISH. I have never been in Mr. McCordick's office.

Mr. MARBLE. Did Mr. Cook tell you his memory of the conversation in that talk on the train?

Mr. TURRISH. Mr. Cook that evening repeated a part of the conversation, and wanted to know if I remembered it.

Mr. MARBLE. What did you tell him?

Mr. TURRISH. I told him I had not thought about the matter, and asked him what there was to it, or words to that effect.

Mr. MARBLE. What did you mean by that—what there was to it?

Mr. TURRISH. I did not know why he was recalling the conversation.

Mr. MARBLE. You asked him why he was recalling it. Did he tell you why?

Mr. TURRISH. No; he did not.

Mr. MARBLE. Did he refuse to answer your question?

Mr. TURRISH. Did he refuse?

Mr. MARBLE. Yes; did he refuse to tell you why he was recalling it?

Mr. TURRISH. No; he smiled and said he wanted to see if I remembered it.

Mr. MARBLE. What did you tell him about your memory?

Mr. TURRISH. I did not discuss it very much. We did not go into that thing very far. There were a few words said, and the conversation drifted into another channel.

Mr. MARBLE. Did you tell him that you did not remember it?

Mr. TURRISH. I do not know whether I did tell him I remembered it or did not. I do not believe I said much about it, only I remembered the occasion of our meeting in the hotel.

Mr. MARBLE. Did you tell him that you did remember it?

Mr. TURRISH. I told him that I remembered the occasion of our meeting in the hotel. That was one of the things he wanted to know if I remembered.

Mr. MARBLE. That was all you told him at that time as to the state of your memory?

Mr. TURRISH. Yes.

Mr. MARBLE. Have you talked with anyone else about it since?

Mr. TURRISH. I talked to William O'Brien.

Mr. MARBLE. William O'Brien was not present at the conversation, was he?

Mr. TURRISH. No; that was some time after that; probably it was within the last couple of months.

Mr. MARBLE. What was the occasion of your talking to William O'Brien?

Mr. TURRISH. Mr. O'Brien told me that I was liable to be a witness in this case, and the conversation started from that.

Mr. MARBLE. Where was this conversation with Mr. O'Brien?

Mr. TURRISH. It was in my office.

Mr. MARBLE. And did Mr. O'Brien ask you if you had had such a conversation?

Mr. TURRISH. Mr. O'Brien spoke about Mr. Cook and asked if I had had this conversation.

Mr. MARBLE. What was it that he said to you?

Mr. TURRISH. He asked me just what I remembered about it?

Mr. MARBLE. What did you tell him?

Mr. TURRISH. I told him, practically as I have to-day, just what I remembered. I told him I was not particularly interested, and I

made no note or memoranda of any kind, but I could not repeat everything that was said.

Mr. MARBLE. What did Mr. O'Brien say then? I want to exhaust that conversation as quickly as possible.

Mr. TURRISH. I do not just remember every word that was said. We discussed the thing pro and con and one thing and another—several subjects.

Mr. MARBLE. What was the substance of it?

Mr. TURRISH. There was nothing further than that said with reference to the conversation. He also mentioned his position with reference to a telephone communication, or something, in a room.

Mr. MARBLE. What did he say about that?

Mr. TURRISH. He said that he was not paying any attention.

Mr. MARBLE. He said that he was not paying any attention to what?

Mr. TURRISH. That he did not pay any attention to what was said—the conversation in the room.

Mr. MARBLE. Did he say anything else than that?

Mr. TURRISH. He said that Mr. Cook seemed to remember everything.

Mr. MARBLE. Was he expressing some surprise at the extent of Mr. Cook's memory?

Mr. TURRISH. Did he?

Mr. MARBLE. Yes.

Mr. TURRISH. No; he did not seem to.

Mr. MARBLE. Was there any reflection on Mr. Cook carried in your mind by that remark?

Mr. TURRISH. No; he did not say anything against Mr. Cook.

Mr. MARBLE. That is all that he said about the telephone conversation?

Mr. TURRISH. Yes.

Mr. MARBLE. And that is all that you told him about this conversation at the Grand Pacific Hotel?

Mr. TURRISH. Yes, sir.

Mr. MARBLE. Did you talk to anyone else about that conversation at the Grand Pacific Hotel?

Mr. TURRISH. No; I do not think I did.

Mr. MARBLE. After your name was used at the Helm inquiry, did you talk to anyone then about your memory of that conversation?

Mr. TURRISH. I was on the Pacific coast at that time.

Mr. MARBLE. I know; but did you talk to anyone about your memory of the conversation?

Mr. TURRISH. No, sir; I did not.

Mr. MARBLE. Nobody at all?

Mr. TURRISH. No.

Mr. MARBLE. Did anyone communicate with you regarding it?

Mr. TURRISH. No, sir.

Mr. MARBLE. Did Mr. Cook communicate with you?

Mr. TURRISH. No, sir; he did not.

Mr. MARBLE. Or Mr. Hines?

Mr. TURRISH. No, sir.

Mr. MARBLE. Or anyone acting for either?

Mr. TURRISH. No, sir.

Mr. MARBLE. That is all.

Mr. HYNES. That is all.

The CHAIRMAN. The witness may be excused.

TESTIMONY OF HERMAN H. HETTLER.

HERMAN H. HETTLER, being duly sworn, was examined and testified as follows:

Mr. MARBLE. What is your name, sir?

Mr. HETTLER. Herman H. Hettler.

Mr. MARBLE. Where do you reside?

Mr. HETTLER. 567 Hawthorne Place, Chicago.

Mr. MARBLE. What is your business?

Mr. HETTLER. Lumber business.

Mr. MARBLE. How long have you resided in Chicago?

Mr. HETTLER. About 33 or 34 years.

Mr. MARBLE. How long have you been in the lumber business in Chicago?

Mr. HETTLER. I started at that time as an employee in other companies.

Mr. MARBLE. You are the proprietor of the lumber business with which you are concerned now?

Mr. HETTLER. I am the president.

Mr. MARBLE. It is a corporation?

Mr. HETTLER. Yes.

Mr. MARBLE. What is the name of the corporation?

Mr. HETTLER. The Herman H. Hettler Lumber Co.

Mr. MARBLE. Do you know Mr. Edward Hines?

Mr. HETTLER. Yes, sir.

Mr. MARBLE. How long have you known him?

Mr. HETTLER. Somewhere between 20 and 26 years.

Mr. MARBLE. What have been your relations with Mr. Hines during that time?

Mr. HETTLER. Varied.

Mr. MARBLE. Indicate the limits.

Mr. HETTLER. Well, at times we have had relations which might be considered fairly pleasant, and at other times they were not pleasant.

Mr. MARBLE. What made the unpleasantness when it occurred?

Mr. HETTLER. Generally methods or slight differences.

Mr. MARBLE. Explain just a little more fully.

The CHAIRMAN. Mr. Marble, do you expect to try the question as to the right or wrong of it as between them?

Mr. MARBLE. Not a bit of it. I simply want to show the state of mind of the two gentlemen toward each other.

The CHAIRMAN. Very well. Go ahead.

Mr. MARBLE. In so far as this witness is discredited by any feeling of animosity toward Mr. Hines, I want to develop it right now.

The CHAIRMAN. I was simply wondering how wide you would open the door to cross-examination.

Mr. MARBLE. I shall try to be careful.

Mr. Hettler, you have had business troubles with Mr. Hines?

Mr. HETTLER. Not anything material that I can recollect.

Mr. MARBLE. You have had differences over the matter of the tariff on lumber?

Mr. HETTLER. Slight. If you wish to save time, I can briefly state that.

Mr. HYNES. Well had you not better ask him?

Mr. HETTLER. My differences as applied to Mr. Hines were those of method.

Mr. MARBLE. Method?

Mr. HETTLER. Method. For example, before the Ways and Means Committee he made statements——

Mr. MARBLE. You need not tell us what the statements are.

Mr. HETTLER (continuing). Which I did not consider were based on facts. Therefore, in a conversation with him, I called his attention to that, and I possibly can sum it all up in the approximate words. I remarked that I was familiar with the conditions in the Georgian Bay district, and that I knew, or at least thought, that he was also familiar with those conditions; and therefore, when he made statements that lumber could be produced there from the tree to its finished product cheaper than it could be under similar conditions in the States, that he was not stating the facts. He replied: "You know that and know it; but those fellows down there don't know it." That rather took me back for the moment. And I remarked to Mr. Hines: "Your statements are published in the papers, and every manufacturer that reads them, who is familiar with those conditions, knows that they are not justified."

There was not anything strenuous about the conversation in any way. It was carried on in a conversational manner.

Senator JONES. Is there any personal ill feeling between you and Mr. Hines?

Mr. HETTLER. We have never been very friendly, personally.

Senator JONES. You are not now?

Mr. HETTLER. We are not now.

Senator GAMBLE. How long has that personal feeling existed between you and Mr. Hines?

Mr. HETTLER. I do not know exactly. I could not state.

Senator GAMBLE. Twenty of the 26 years you have known him, or 15 years or 10 years?

Mr. HETTLER. There was not any deep-seated feeling.

Senator GAMBLE. There was feeling?

Mr. HETTLER. Yes.

Senator GAMBLE. How long has that existed?

Mr. HETTLER. Possibly—well, I could best answer it by saying that I do not think we have ever been friends.

Senator GAMBLE. And you are not friendly now?

Mr. HETTLER. No, sir; we are not.

Senator KERN. Was there any ill feeling toward him on your part during all those years, or on his part toward you?

Mr. HETTLER. No, sir.

Senator KERN. That is what we are talking about.

Mr. HETTLER. Or anything of that sort.

Senator KERN. Have you any ill feeling toward him now?

Mr. HETTLER. Well, I—I think possibly a little bit less of him that he should in his testimony bring in the name of my father.

Senator KERN. Previous to that time, did you have ill feeling toward him?

Mr. HETTLER. As far as Mr. Hines is concerned, Senator, or any other man on earth, I never would have a sufficient degree of ill feeling toward anyone that would permit me to bear false witness against him in any way, shape, or manner, or form, or do him an injury.

Senator GAMBLE. And you have no feeling against him now which would control you in your testimony?

Mr. HETTLER. It would not; no, sir; positively.

Senator GAMBLE. Or affect you?

Mr. HETTLER. Nor affect me. If you please, since I have spoken about my father, I should like briefly to correct some inaccuracies there. I can do it in just a few sentences, if you care to have it.

Mr. MARBLE. That is for the committee to say.

The CHAIRMAN. I leave that to counsel.

Mr. MARBLE. I did not feel like giving the witness permission without the consent of the committee. I am willing that he should.

The CHAIRMAN. Proceed.

Mr. HETTLER. My father started with the Pennsylvania Co. possibly 35 to 40 years before his death. When he went to the war he left his job, and when he came back he resumed his work in the car shops, and later worked in the lumber yard, and became a lumber inspector, and later was put in charge of the purchases for the Pennsylvania Lines west, the purchasing department of which is entirely separate and distinct from the Pennsylvania Railroad east, which is the large end of the Pennsylvania system.

Senator KERN. Was your father Capt. Hettler, who formerly lived at Fort Wayne, Ind.?

Mr. HETTLER. Yes, Senator; and if you knew him or if you knew anybody who did so that you could ask about him, I should be very glad.

He had charge of the lumber purchases for the Pennsylvania lines west. Later in life, partially as a recognition of his ability, he was given a slight degree of employment in an advisory capacity in connection with the Pennsylvania Railroad Co.'s eastern lines, whose purchasing agent is located at Pittsburg. His services there were required only when, in the ordinary course of his business, he could conveniently explain to lumberyards, sawmills, etc., the kinds and qualities of lumber which would be satisfactory and proper to ship, or on which they named quotations, when they received inquiries from the Philadelphia purchasing agent.

Thus you will note that he was employed only in the way of an expert. He did not purchase, obtain bids, place orders, or do anything of that kind for the Pennsylvania Railroad's eastern division. He worked steadily and faithfully up to within one week of his death.

Mr. Hines states that certain unpleasantness arose, that applied to 2-inch A and B selects and other references, with the details of which I will say I am entirely unfamiliar. I understood, in a general way, that my father had some trouble with the Edward Hines Lumber Co., but he kept his business to himself, as applying to anything of that kind, so you see, gentlemen, that I could not have any malice concerning a condition of affairs regarding which I was not familiar.

But I will say that his duties increased instead of diminished. This occurred in 1892. One week prior to his death, in 1899, November 6, when he was not in condition to work, he was out attending to his duties, and after he died it was a long time before they were able to get a man to replace him; and he died, having merited the confidence in his ability and the thorough belief in his integrity and honesty of every one of his superior officers to the best of my knowledge and belief.

Mr. MARBLE. Now, all this may be summed up by saying that your attitude toward Mr. Hines was unfriendly, but you would not call it malicious?

Mr. HETTLER. No, sir; I would not.

Mr. MARBLE. And it does not affect your testimony in any way?

Mr. HETTLER. No, sir; not in any way. I think my testimony speaks for itself, if it is read.

Mr. MARBLE. You recall being in the Union League Club at Chicago, Ill., on the afternoon of May 26, 1909?

Mr. HETTLER. Yes, sir.

Mr. MARBLE. The day that Senator Lorimer was elected at Springfield?

Mr. HETTLER. Yes, sir.

Mr. MARBLE. Did you see Mr. Hines there?

Mr. HETTLER. I did.

Mr. MARBLE. Where were you when you first saw him?

Mr. HETTLER. I was standing by the cigar case.

Mr. MARBLE. How near?

Mr. HETTLER. I was about in that attitude [illustrating], leaning on the edge of the case, looking over into the case, and also looking at some cigars which had been placed there for me. I was about to buy a few cigars. I was making a short trip to Toronto.

Mr. MARBLE. Where did you see Mr. Hines?

Mr. HETTLER. As I was standing there, some one touched me on the shoulder, and I turned this way [to the left] and for the first time saw Mr. Hines.

Mr. MARBLE. Which shoulder was toward him?

Mr. HETTLER. This one [indicating the right].

Mr. MARBLE. Why did you turn to the left?

Mr. HETTLER. Because his arms were over like this [illustrating].

Mr. MARBLE. His arm was across your shoulder?

Mr. HETTLER. Yes.

Mr. MARBLE. Very well. You turned. Then did you look into his face?

Mr. HETTLER. Yes; his face was as near as that [illustrating].

Mr. MARBLE. What was said?

Mr. HETTLER. He said, "Do you know the name of your new Senator?"

Mr. MARBLE. What did you say?

Mr. HETTLER. I replied, "No."

Mr. MARBLE. Go on now.

Mr. HETTLER. He said, "It is Lorimer. He has been elected. I just finished talking to him, just left this moment," waving his hand in the direction of the telephone booth.

The CHAIRMAN. Talking with Mr. Lorimer?

Mr. HETTLER. Yes.

Mr. MARBLE. Did he say he had been talking to Mr. Lorimer?

Mr. HETTLER. He said, "I have just been talking to him." He did not say Lorimer. That was the inference, however.

Mr. MARBLE. Very well, go on.

Mr. HETTLER. He said, "I elected him. I did it myself, personally." Do you want me to go on with the whole conversation?

Mr. MARBLE. Yes; go on.

Mr. HETTLER. He continued on, somewhat in the same line of talk, and was going from one side of me to the other; and in the meantime I had turned around a bit, and the conversation for a short period of time was along the same line, that he was greatly pleased over the election of Mr. Lorimer. I was not making any particular progress in buying my cigars, and stepped across to the other side, where there was a little shelf or desk, and partially for the purpose of changing the subject possibly, I asked him regarding the tariff. You will note that I had this previous conversation with Mr. Hines on the subject of the tariff; and he replied to me in effect that he had been having a great time in Washington during the past fall and spring, or winter and spring, and that he had beaten the President, that he had beaten Taft; that Taft was in favor of free lumber, and he had beaten him out.

My reply was that in effect that I thought that was unfortunate; that I did not consider it right; that it was not what the people wanted, and that it was certainly not what the business interests wanted; that I thought the tariff lines should be settled in such a way that they would remain settled. I can go on with some details, but that is in effect what was said.

Mr. MARBLE. What are those details?

Mr. HETTLER. He replied that he viewed the situation somewhat as I had expressed it; that he thought it would be advisable that the tariff should be reduced, and that he personally favored that it be reduced to a dollar and a half. Then the newspapers all over the country would publish, "Great reduction in the lumber tariff, 25 per cent off," and similar remarks. But he said further that the question as to how it would be settled was in the hands of but a very few of them. That remark was made prior to the one regarding which I have just made the statement—in regard to favoring a reduction to a dollar and a half. That is about the nature of the talk. I did not aim to keep the conversation exactly in my mind, but I am positive, you understand, that I have expressed the sense of that conversation.

Mr. MARBLE. You are positive that Mr. Hines said that he had himself elected Mr. Lorimer?

Mr. HETTLER. Yes, sir.

Mr. MARBLE. Did he say how?

Mr. HETTLER. No, sir.

Mr. MARBLE. Did he give you any details at all?

Mr. HETTLER. No, sir; it was the formation of the sentence which impressed itself on my mind and caused me to remember it, because, as I stated before, I considered it quite egotistical.

Mr. MARBLE. Did you ask him in what way he had aided in the election of Senator Lorimer?

Mr. HETTLER. No, sir.

Mr. MARBLE. Did you leave the club with Mr. Hines that day?

Mr. HETTLER. No, sir.

Mr. MARBLE. Who went first?

Mr. HETTLER. I do not remember.

Mr. MARBLE. Did you catch your train?

Mr. HETTLER. Yes, sir.

Mr. MARBLE. What time did your train leave Chicago?

Mr. HETTLER. That train left Chicago at 3.02. Permit me to make the correction in the record of the Helm committee that I have read. It says there that that train left at 2.03. The Grand Trunk train for Toronto has for years left at 3.02.

Mr. MARBLE. Was that your error at Springfield in that matter of time?

Mr. HETTLER. I do not think so. I do not see how I could make that error, because I know that train so well. I make the trip quite often.

Mr. MARBLE. You did catch the Grand Trunk train for Chicago that day?

Mr. HETTLER. Yes, sir.

Mr. MARBLE. How long before the train left was it that you had this conversation?

Mr. HETTLER. I would judge this conversation started about 2.20.

Mr. MARBLE. How did you go from the Union League Club to the train?

Mr. HETTLER. Having allowed myself sufficient time, I expected to go out and get a car at the corner of Dearborn Street and go over to the train in that way, but I was delayed on account of this conversation so that when I got out to the street-car tracks there was not any car in sight, and I had to move very quickly. It was too late to get a cab, and I walked.

Mr. MARBLE. How far?

Mr. HETTLER. To the Dearborn Station, the Grand Trunk.

Mr. MARBLE. When did you first tell about this conversation, Mr. Hettler?

Mr. HETTLER. I am not positive about that. I think it was the following week.

Mr. MARBLE. Whom did you tell?

Mr. HETTLER. It may have been the same day, however; but it occurs to me that it was the following week, because I was in Toronto the 27th and 28th. I was back in Chicago Sunday, and Monday I was at my office, and the following week I was in the Union League Club. I am not positive when it was. I wish to state now that I did not consider the matter of any importance whatsoever. It was not in any way confidential. It was spoken in a loud tone of voice, and, according to my recollection, Mr. Hines came into the club, walking in his usual rapid manner, going past, and there were several lumbermen there with whom I was acquainted, and they made some remark in a partially joking way, and I replied to it, and in just an offhand manner said something to the effect that he claimed the credit for having elected Mr. Lorimer.

Mr. MARBLE. This was the time, a week after the conversation?

Mr. HETTLER. I think so. It was about the following week.

Mr. MARBLE. It was after the conversation?

Mr. HETTLER. Yes, sir.

Mr. MARBLE. And this is the time when you first told about it?

Mr. HETTLER. Yes, sir.

Mr. MARBLE. Did you tell him what he said?

Mr. HETTLER. Yes, sir.

Mr. MARBLE. What brought you to the attention of the Helm committee? Do you know?

Mr. HETTLER. No; I would love to know. I wish the chairman would ask Mr. Healy, and let me hear the answer.

Mr. MARBLE. I will tell you, if you want to know.

Mr. HANEY. Several of us would like to ask Mr. Healy some things.

Mr. HEALY. Mr. Healy is here to answer any proper questions by anyone who desires to ask him.

Mr. HETTLER. It may as well be understood, however, that I did not offer my services, because I did not see, and I do not see yet, where I have anything of value.

Senator GAMBLE. That is, you went to testify before the Helm committee after you had been subpoenaed to go there?

Mr. HETTLER. Yes, sir.

Senator GAMBLE. Your testimony was not volunteered?

Mr. HETTLER. It was not, Senator, and I should love to know why I was subpoenaed.

Mr. MARBLE. You know that you were subpoenaed here because you had been before the Helm committee and given that testimony there. That explains that.

Mr. HETTLER. There was not so much objection to coming here, after what has been said.

Mr. MARBLE. Was anyone else present in the room at the time of this conversation?

Mr. HETTLER. What conversation?

Mr. MARBLE. With Mr. Hines on the day of the election of Senator Lorimer?

Mr. HETTLER. The young man who was serving me with cigars.

Mr. MARBLE. Do you know his name?

Mr. HETTLER. I do not.

Mr. MARBLE. The young man employed by the Union League Club?

Mr. HETTLER. Yes, sir.

Mr. MARBLE. How far was he from you and Mr. Hines when the conversation began?

Mr. HETTLER. The width of the cigar case.

Mr. MARBLE. Showing you cigars?

Mr. HETTLER. Yes.

Mr. MARBLE. Would you say that conversation was in such a tone of voice that he could have heard it?

Mr. HETTLER. Yes.

Mr. MARBLE. Would you have heard it if you had been in his position?

Mr. HETTLER. Very readily—that is, the portion of the conversation which was held before the cigar case. In fact, even if he had endeavored to avoid hearing that conversation I think it would have been difficult. There were other employees in their usual places.

Mr. MARBLE. Would you say that they could have heard it?

Mr. HETTLER. If they would have turned our way or had been paying attention they would have heard it, I think.

Mr. MARBLE. But the cigar boy you are sure could have heard it?

Mr. HETTLER. Yes; the first portion of the conversation.

Mr. MARBLE. When you moved across the room and had the talk about the tariff?

Mr. HETTLER. That was one reason I moved over there—to get the talk a little more quiet.

Mr. MARBLE. Did you feel embarrassed about that talk?

Mr. HETTLER. I had no occasion to feel embarrassed, but it was rather joyful. I did not see anything wrong in the conversation.

Mr. MARBLE. Did you discuss the election of Senator Lorimer after that with Mr. Hines?

Mr. HETTLER. I do not think so; not to my knowledge.

Mr. MARBLE. Did you ever discuss the Illinois Legislature with Mr. Hines?

Mr. HETTLER. No, sir.

Mr. MARBLE. Or the way in which votes were gained there?

Mr. HETTLER. No, sir.

Mr. MARBLE. That is all.

Mr. HYNES. Mr. Hettler, in your testimony before the Helm committee you said something about being in a hurry to make your train?

Mr. HETTLER. Yes.

Mr. HYNES. About it getting close to the time of its departure?

Mr. HETTLER. Yes.

Mr. HYNES. And that that was the reason you moved away, was it not, from the cigar case, in order to break up the group and the conversation, that you wanted to leave and make your train, and did not want to tell him that you were going to Canada, because you were competitors. Do you remember that statement before the Helm committee?

Mr. HETTLER. I do not think I put it quite in that way.

Mr. HYNES. What is your recollection as to the way you did put it?

Mr. HETTLER. Well, all those points were in there—that I was anxious to make the train, but I also wanted to stop the conversation, and I did not care to state to Mr. Hines that I was going to Toronto.

Mr. HYNES. Didn't you want to terminate the conversation because you were in a hurry to make your train?

Mr. HETTLER. Why, Judge, I do not think I put it exactly as terminating the conversation when I moved away from the cigar stand and walked to the desk.

Mr. HYNES. I know; but didn't you move away for that reason—for the purpose of terminating the conversation and getting away and making your train?

Mr. HETTLER. I had in my mind that I wanted to make my train. How do you want me to answer that? I do not see what you are getting at.

Mr. HYNES. Just according to the facts.

Mr. HETTLER. But you have got a sentence that contains three clauses.

Mr. HYNES. Answer each one of them separately, if you like.

Mr. HETTLER. All right; ask them again.

Mr. HYNES. Do you remember what they are?

Mr. HETTLER. Not as well as you could, possibly.

Mr. HYNES. Well, let us see. Did you not say before the Helm committee, "I was not personally very much interested in the election one way or the other, and made some remark to that effect"?

Mr. HETTLER. That is right.

Mr. HYNES. "And he continued the same line of conversation, which was rather detaining me from getting my cigars, because I wanted to take the 2.03 train"?

Mr. HETTLER. The 3.02 train.

Mr. HYNES. Well, I am reading from your testimony there—"which was rather detaining me from getting my cigars, because I wanted to take the 2.03 train, and I did not care about mentioning to him that I was going over there"?

Mr. HETTLER. That is right.

Mr. HYNES. Do you remember making that statement?

Mr. HETTLER. Yes.

Mr. HYNES. "We are competitors in business. So I moved away for a short distance from the cigar stand across to that desk, which was 12 feet on the other side—10 or 12"?

Mr. HETTLER. Yes.

Mr. HYNES. "And he came over." He pursued you, according to that statement. Is that right?

Mr. HETTLER. Yes; in effect.

Mr. HYNES. You did not go over there to change the conversation, but to get away from him, because he was detaining you from getting your cigars and getting your train.

Mr. HETTLER. Yes; but you will understand, in addition to that, that I was also detaining that cigar boy there, and I was doing no business with him.

Mr. HYNES. You moved away 12 feet from him.

Mr. HETTLER. Yes; but he was still waiting to serve me.

Mr. HYNES. You had not received your cigars up to that time?

Mr. HETTLER. Yes.

Mr. HYNES. You are sure about that?

Mr. HETTLER. Quite sure. I only wanted to get a few. I was only going to be gone a few days.

Mr. HYNES. Well, a few or many, you did not come back to the cigar case, did you?

Mr. HETTLER. Well, I think I did; yes, sir.

Mr. HYNES. Are you sure about that?

Mr. HETTLER. I am quite sure about it, because I know I got my cigars before I left.

Mr. HYNES. But did you not get them before you left the cigar case?

Mr. HETTLER. No; I could not.

Mr. HYNES. Well, as soon as you got through with Mr. Hines, or he with you, you started for the station, did you?

Mr. HETTLER. I think probably I went back to the coat room to get my suit case. I do not see how that is material. I think I had my suit case sent down and checked in the check room, and it was either there or over to the Grand Trunk Station, but I had my hat in there—no; I had not.

Mr. HYNES. Did you have your hat on?

Mr. HETTLER. I do not think I did. I do not remember that.

Mr. HYNES. But you do speak here of being detained and trying to get your train.

Mr. HETTLER. Yes.

Mr. HYNES. Did you want to renew a subject that you had discussed with him before—the tariff question?

Mr. HETTLER. I did not renew the subject. I was asking him what were the conditions then.

Mr. HYNES. And then you said you wanted to change the conversation, and so you renewed the subject, did you not?

Mr. HETTLER. Yes; I did.

Mr. HYNES. Are you sure, now, that he made those statements about the attitude of Mr. Taft?

Mr. HETTLER. I am.

Mr. HYNES. Do you also remember whether or not Mr. Taft's attitude in that matter was known at that time, on the 26th of May, 1909?

Mr. HETTLER. I do not. The only information I had at that time, as far as I can recollect, was the statement given to me by Mr. Hines. Later on, I judged from what I read in the newspapers that Mr. Taft was in favor of dollar lumber. I do not know yet what he did favor.

Mr. HYNES. Did you not know at that time that Mr. Taft had refused to be quoted and had refused to express his position on the tariff question until the bill passed the House and the Senate and was submitted to him?

Mr. HETTLER. No, sir.

Mr. HYNES. You did not know that fact?

Mr. HETTLER. No, sir; I did not know it.

Mr. HYNES. Did you ever hear anybody say, either before that talk with Mr. Hines or afterwards, that Mr. Taft was in favor of free lumber?

Mr. HETTLER. I do not think I did.

Mr. HYNES. And yet you tell us that Mr. Hines said that to you then and stated that he already had beaten him on the question?

Mr. HETTLER. Yes.

Mr. HYNES. Had the bill passed at that time?

Mr. HETTLER. The tariff bill?

Mr. HYNES. Yes.

Mr. HETTLER. No, sir; because it was afterwards changed, and it was made \$1.25.

Mr. HYNES. It had not passed at that time, and you did not know what the attitude of the President was?

Mr. HETTLER. I did not.

Mr. HYNES. Did your differences with Mr. Hines on the tariff arise out of the fact that your interests were across the border in Canada, and his interests were chiefly on this side of the border?

Mr. HETTLER. I do not think so.

Mr. HYNES. Well, your interests were across the border?

Mr. HETTLER. A small proportion of them.

Mr. HYNES. What proportion?

Mr. HETTLER. What volume of our business?

Mr. HYNES. No; your ownership of lumber, of timber in the stumpage—is it not all in Canada, and was it not at that time?

Mr. HETTLER. That question can not be answered that way in fairness.

Mr. HYNES. I can not understand why it can not. Answer the question and explain it.

Mr. HETTLER. We are in the lumber business; engaged in the buying and selling of lumber.

Mr. HYNES. Please answer my question. Is not all your stumpage or ownership of standing timber on the other side of the line between the United States and Canada?

Mr. HETTLER. The only stumpage which our company ever owned is located in Canada. That answers your question?

Mr. HYNES. Yes.

Mr. HETTLER. My business, however, is very small in comparison over there to what it is on this side.

Mr. HYNES. How extensive was it over there—well, that is, all you own?

Mr. HETTLER. Yes. I think at that time it consisted of 9 square miles. The entire stumpage was not equal to one-third of the amount of business that we had here.

Mr. HYNES. And you were in favor of free lumber?

Mr. HETTLER. I was neutral on the subject, for this very reason—

Mr. HYNES. Were you in your discussions with Mr. Hines?

Mr. HETTLER. I was.

Mr. HYNES. You never expressed yourself in favor of free lumber to him or in his presence?

Mr. HETTLER. I stated—

Mr. HYNES. Did you, please. Please answer the question.

Mr. HETTLER. Ask it again.

(The reporter repeated the question, as follows:)

You never expressed yourself in favor of free lumber to him or in his presence?

Mr. HETTLER. I expressed myself on a number of occasions that I personally favored free lumber. I would like to answer that, however, by saying that my purchases from manufacturers on this side and my relations with them were such that I never felt that I was sufficiently well qualified in my judgment as to conditions in Maine and on the Pacific coast to warrant taking any active part in endeavoring to have free lumber.

Mr. HYNES. Did you take any part in the meetings of lumbermen?

Mr. HETTLER. No, sir.

Mr. HYNES. In any organizations?

Mr. HETTLER. No. I will answer that question also by saying that to the best of my knowledge and belief that question was never brought up in the lumbermen's association in Chicago.

Mr. HYNES. Or any other lumber association?

Mr. HETTLER. That I know of; that I attended.

Mr. HYNES. Did you make any inquiry in the Union League Club of the man at the cigar case, or about there in the lobby or the office, or whatever you call it, as to whether or not this conversation with you and Mr. Hines was heard by anyone?

Mr. HETTLER. At a later period—I do not know how much later it was—I asked him one day.

Mr. HYNES. Asked who?

Mr. HETTLER. The cigar man. Similar conditions arose again. Mr. Hines happened to pass in the rear, going through to the rear portion of the club, and I saw him as he was moving by, and I made the remark to the cigar man, "Do you know that gentleman?" And he said, "Yes." I said, "Do you recollect a conversation that he had with me some time ago?" and the young man replied, "I do, and I am rather glad"—that is, something to that effect; I paid no particular attention to it—"I am rather glad you spoke about it, because I had no intention of listening, but the abrupt manner of his approach I could not help but overhear." I did not ask him what he heard; I made no further reference to it.

Mr. HYNES. Why did you ask him whether he had heard it?

Mr. HETTLER. Because I was being joked by some lumbermen, and I was wondering how they had heard of these remarks.

Mr. HYNES. Did they hear it from the cigar man?

Mr. HETTLER. I do not think so.

Mr. HYNES. Why did you ask him whether he had heard it? The fact that you had been joked by some lumbermen did not lead up to the cigar man, did it?

Mr. HETTLER. Indirectly. I was rather curious to know whether he recollected such a conversation.

Mr. HYNES. When was that with reference to your testimony?

Mr. HETTLER. I do not remember.

Mr. HYNES. Was it before or after?

Mr. HETTLER. I do not remember.

Mr. HYNES. You do not remember whether it was before you testified?

Mr. HETTLER. I am sorry I do not.

Mr. HYNES. Down before the Helm committee?

Mr. HETTLER. I do not.

Mr. HYNES. Was it a year ago?

Mr. HETTLER. I will not attempt to locate the time, because I do not know.

Mr. HYNES. Was this joking by lumbermen after you had testified or before?

Mr. HETTLER. The first time was before.

Mr. HYNES. How long before?

Mr. HETTLER. I think it was the following week.

Mr. HYNES. Who joked you then?

Mr. HETTLER. Do you want the names of the parties?

Mr. HYNES. Yes; who joked you at that time, who of the lumbermen?

Mr. HETTLER. Am I to answer that, Mr. Chairman?

The CHAIRMAN. I think you can answer it.

Mr. HYNES. Does it embarrass you at all?

Mr. HETTLER. No; not in the least. Any one that got me into this scrape is not popular with me.

Mr. HYNES. Well, perhaps you are not popular with them, so that it may be evened up. Please answer the question.

The CHAIRMAN. If you remember the names.

Mr. HETTLER. Well, I think it was James P. Soper, Gene Pearson, and, I think, Charles W. Hinckley was there.

Mr. HYNES. All at the same time, were they, together?

Mr. HETTLER. I believe they were.

Mr. HYNES. And that was before you went to the Helm committee at Springfield?

Mr. HETTLER. Yes.

Mr. HYNES. Now, give us what you mean by joking? What did they do; what was the joke?

Mr. HETTLER. Oh, I do not remember that.

Mr. HYNES. You say they joked you. You must have a recollection of it which enables you to characterize it in that way.

Mr. HETTLER. Oh, well, that is so long ago really——

Senator GAMBLE. Have not you already testified that you told certain lumbermen the following week of this conversation that you had?

Mr. HETTLER. Yes; those were the ones.

Senator GAMBLE. With Mr. Hines in the Union League Club?

Mr. HETTLER. Yes.

Senator GAMBLE. Was this the time they joked you, after you told them about it?

Mr. HETTLER. Yes.

Senator GAMBLE. So that was long before your testimony before the Helm committee, was it not?

Mr. HETTLER. Yes. I am a little suspicious that that is what brought me here.

Senator GAMBLE. You say you told the lumbermen yourself, so there ought not to be any suspicion about it.

Mr. HETTLER. Oh, it was just nonsense. Some of them would say: "There goes your cousin Edward," or something like that.

Mr. HYNES. When had you told the incident of the conversation, as you call it, to these gentlemen?

Mr. HETTLER. Judge, I told you that several times.

Mr. HYNES. I do not understand that.

Mr. HETTLER. I think it was the following week, when I came back from Toronto.

Mr. HYNES. Was it after you had told it to them that the occasion occurred when they joked you about it?

Mr. HETTLER. I met them a number of times; I could not tell you how many. I go in the club, not very often, but occasionally; but these gentlemen go to the club very often, and if I happen to be in there at a certain time I almost always see them.

Mr. HYNES. Soper and Hinckley are brothers-in-law, are they?

Mr. HETTLER. I do not know.

Mr. HYNES. You do not know their relation?

Mr. HETTLER. No, sir.

Mr. HYNES. Are they in the same lumber firm?

Mr. HETTLER. The Soper Lumber Co.; yes, sir.

Mr. HYNES. And Hinckley, too?

Mr. HETTLER. You asked me if they were in the same concern. Certainly; James B. Soper and Charles W. Hinckley.

Mr. HYNES. They are in the same firm?

Mr. HETTLER. Yes, sir.

Mr. HYNES. They are competitors of Mr. Hines, are they not?

Mr. HETTLER. I presume so. Everybody is a competitor.

Mr. HYNES. Did they seem to be of your views and your feelings toward Mr. Hines?

Mr. HETTLER. I did not ask them.

Mr. HYNES. Did you not know without asking them, and do you not know now?

Mr. HETTLER. Do I not know now?

Mr. HYNES. Yes.

Mr. HETTLER. What?

Mr. HYNES. That they are in the same mental attitude toward Mr. Hines that you are?

Mr. HETTLER. I do not think they are in the same mental attitude.

Mr. HYNES. They are competitors of his?

Mr. HETTLER. Yes.

Mr. HYNES. Do they occupy the same position or entertain the same views on the tariff question that you do?

Mr. HETTLER. I do not know. I never discussed it with them.

Mr. HYNES. Are they not more unfriendly to Hines than you are? Do you not know it, and have you not known it for years?

Mr. HETTLER. I think they are.

Mr. HYNES. You think they are? Why did you say a moment ago that you did not know that they were?

Mr. HETTLER. I did not say that, Judge.

Mr. HYNES. When I asked you——

Mr. HETTLER. You said, "Are they of the same mental attitude toward him as you are?" My mental attitude toward Mr. Hines is as near neutral as it possibly can be.

Mr. HYNES. Neutral?

Mr. HETTLER. When there are people whom I do not like, I like to stay away from them.

Mr. HYNES. And that is what you call "neutral"?

Mr. HETTLER. I would not pursue them maliciously.

Mr. HYNES. But the other gentlemen are much more hostile to Hines than you admit yourself to be?

Mr. HETTLER. I do not know. I am not entirely familiar with their feelings, but in a general way I do not think they are very friendly.

Mr. HYNES. How soon after they joked you was it that you spoke to this cigar man?

Mr. HETTLER. I do not know.

Mr. HYNES. Have you spoken to him more than once on the subject of that conversation?

Mr. HETTLER. Yes, sir.

Mr. HYNES. How many times?

Mr. HETTLER. I am not positive on that point; I think twice, but maybe three times.

Mr. HYNES. When, according to your recollection, was the next time after the first one, whether it was the last or the second time?

Mr. HETTLER. I do not remember whether there was a second time or not.

Mr. HYNES. I say, whether it was the last or the second time, when did you next speak to him on the subject?

Mr. HETTLER. On Saturday: I think it was July 1.

Mr. HYNES. What year?

Mr. HETTLER. Will you give me the date that Mr. Hines testified here? It was June 30, was it not?

Mr. HYNES. We know that, if that was the time.

Mr. HETTLER. The date when his testimony was published in the Chicago papers—it was Saturday, and it also came out the evening before—in the Friday papers.

Mr. HYNES. That is a little over two weeks ago—between two and three weeks ago. You say that while Mr. Hines was talking to you at the cigar stand or near it he would go on one side of you and then on the other. What did you mean by that?

Mr. HETTLER. Just moving about.

Mr. HYNES. While your face was to the cigar stand?

Mr. HETTLER. No; I turned.

Mr. HYNES. You turned?

Mr. HETTLER. I would not be impolite enough to stand with my back toward a man who was addressing me.

Mr. HYNES. I did not know, but I asked, in my ignorance, of what you would be likely to do.

Mr. HETTLER. I am pleased to inform you.

Mr. HYNES. Standing in front of you he would first be at your right side and then at your left while he was talking on that subject? Is that right?

Mr. HETTLER. Yes, sir.

Mr. HYNES. Walking back and forth?

Mr. HETTLER. The first time I saw him he was on my left side—this side.

Mr. HYNES. As you faced the cigar stand?

Mr. HETTLER. As I faced the cigar stand.

Mr. HYNES. And you turned in that direction?

Mr. HETTLER. I turned in that direction.

Mr. HYNES. And then what? Then did he move after you turned and faced him?

Mr. HETTLER. He stepped back a bit; he had to, or we both would have been occupying very nearly the same room.

Mr. HYNES. Did he step to your left again? After you faced out, did he go to your left as you turned around? [After a pause.] Did he?

Mr. HETTLER. He stepped back—do you want me to give you the direction?

Mr. HYNES. Yes.

Mr. HETTLER. Rather southeast, then.

Mr. HYNES. I do not know whether you were facing northeast or southeast.

Mr. HETTLER. I do not know the directions here myself, but in Chicago I do.

Mr. HYNES. I did not mean the cardinal points, but I meant the direction as you were standing. You say he first talked on one side of you and then on the other. You say he was moving about?

Mr. HETTLER. Yes; moving about.

Mr. HYNES. Do you mean that when you turned around to face him he left the position that he occupied when you first turned, and came over to the other side of you?

Mr. HETTLER. He just moved about as one naturally will that is in a sort of a jovial frame of mind, and conversing in a general way.

Mr. HYNES. Facing you all the time, and talking to you?

Mr. HETTLER. Yes; I would be turning, and he would turn.

Mr. HYNES. Did you see anybody with him?

- Mr. HETTLER. There was not anybody with him.
- Mr. HYNES. Nobody with him?
- Mr. HETTLER. Nobody with him.
- Mr. HYNES. Do you know Mr. Wiehe?
- Mr. HETTLER. I know Mr. Wiehe very well.
- Mr. HYNES. Do you know whether he had been taking luncheon with him there?
- Mr. HETTLER. I do not.
- Mr. HYNES. But you know he was not there?
- Mr. HETTLER. I know he was not there, Judge.
- Mr. HYNES. You made up your mind to say that did you?
- Mr. HETTLER. I did not make up my mind to say anything but the truth.
- Mr. HYNES. I have not raised that question.
- Mr. HETTLER. Thank you.
- Mr. HYNES. Did you hear anybody say that Mr. Wiehe was there?
- Mr. HETTLER. I did not.
- Mr. HYNES. Did you read, in Mr. Hines's testimony whether he was there or not?
- Mr. HETTLER. I think I saw a reference to it. I did not read it very closely.
- Mr. HYNES. A reference to his presence?
- Mr. HETTLER. Yes, sir.
- Mr. HYNES. Was that the first time your mind adverted to the question as to whether Mr. Wiehe was there or not?
- Mr. HETTLER. It was—the first time I ever thought of it.
- Mr. HYNES. And your memory went back and became absolutely positive that he was not there?
- Mr. HETTLER. Certainly.
- Mr. HYNES. All the tariff talk was had, as I understood you to say, about 10 or 12 feet away from the cigar case?
- Mr. HETTLER. I think so.
- Mr. HYNES. None of that was over by the cigar case?
- Mr. HETTLER. No; I do not think so.
- Mr. HYNES. Was there anybody there that you discovered that heard that conversation?
- Mr. HETTLER. By the little shelf?
- Mr. HYNES. Where the tariff conversation occurred?
- Mr. HETTLER. No, sir.
- Mr. HYNES. Nobody that you discovered. Did you make any inquiry about that?
- Mr. HETTLER. I do not know.
- Mr. HYNES. Why did you make inquiry of the cigar man, when, in your opinion, there was no significance and no importance whatever to this conversation?
- Mr. HETTLER. Do you mean on July 1?
- Mr. HYNES. No, sir.
- Mr. HETTLER. There were big headlines, about that long [indicating], in the paper. "H. H. Hettler told a lie, says Hines;" and I think you would get rather interested in a subject of that kind.
- Mr. HYNES. I am talking now about the first time that you spoke to him, Mr. Hettler.
- Mr. HETTLER. The first time?
- Mr. HYNES. Yes.

Mr. HETTLER. I do not know why.

Mr. HYNES. You do not know why you talked to him?

Mr. HETTLER. No.

Mr. HYNES. You attached no importance to the conversation?

Mr. HETTLER. I did not.

Mr. HYNES. You did not think it amounted to anything?

Mr. HETTLER. No.

Mr. HYNES. And had no significance?

Mr. HETTLER. No.

Mr. HYNES. And that there was nothing about it constituting any reason why you should be called to give an account of it or tell about it. That was your view of the conversation, was it not?

Mr. HETTLER. That was my opinion of the conversation.

Mr. HYNES. And that is still your opinion, you say?

Mr. HETTLER. That is still my opinion of the conversation.

Mr. HYNES. That being the state of your mind and your opinion about it, can you explain to us why you deemed it necessary to ask the cigar man whether he had heard that conversation or not?

Mr. HETTLER. Why it was necessary? I do not know.

Mr. HYNES. I do not, either; so we are agreed on that. I should like to get your best recollection, Mr. Hettler, of that first talk with the cigar man.

Mr. HETTLER. The first talk with the cigar man?

Mr. HYNES. Yes; after those gentlemen joked you. That was shortly after the conversation in which they joked you.

Mr. HETTLER. What is it you want to know, Judge?

Mr. HYNES. I want to know how soon after you were joked by those gentlemen, shortly after the conversation with Mr. Hines, you asked questions of the cigar man there as to whether he heard the conversation?

Mr. HETTLER. I do not know. The fact of the matter is, Judge, that on that point I really am not clear as to when I spoke to him.

Mr. HYNES. You are not clear as to when you spoke to him?

Mr. HETTLER. No; to the cigar man, as to whether he had overheard this conversation. I would not be absolutely positive but that it may have been after being called by the Helm committee. But I do not remember the time. If I did, Judge, I would tell you in an instant.

Mr. HYNES. Yes; yes; yes. And you could not tell whether it was the month following the conversation, or whether it was a year after or two years after?

Mr. HETTLER. No, sir.

Mr. HYNES. You could not tell?

Mr. HETTLER. I could not tell.

Mr. HYNES. Will you try and tell whether that is really the state of your mind about it now? Think for a moment and then answer.

Mr. HETTLER. That is the state of my mind.

Mr. HYNES. It is? Very well; we will not delay any longer about it. Where were the telephone booths at that time?

Mr. HETTLER. For example, the cigar case is along there [indicating], and then there is—

Mr. HYNES. This, for instance, is the entrance from Jackson Street, where I am.

Mr. HETTLER. Yes.

Mr. HEALY. What has become of that plan?

Mr. HYNES. I have not it.

Mr. FARRAR. I have a receipt for it. It is deposited with the clerk.

Mr. HEALY. I would suggest that you get that. It shows it.

Mr. HYNES. Let me ask some questions while we are waiting for it. Assuming that I am standing at the Jackson Street entrance—although it is farther away—you go right in from the north; Jackson Street runs along the north line of the Union League Club, does it not?

Mr. HETTLER. Yes, sir.

Mr. HYNES. You go right in from Jackson Street and you follow about how far before you get to the cigar stand, going straight south?

Mr. HETTLER. From the top of the steps?

Mr. HYNES. Yes; from Jackson Street, or from the top of the steps.

Mr. HETTLER. I would have to make a guess as to that distance.

Mr. HYNES. Of course I do not expect you to give any accurate measurements.

Mr. HETTLER. Possibly 30 to 35 feet.

Mr. HYNES. From the cigar stand?

Mr. HETTLER. From the entrance. That includes the distance up the steps.

Mr. HYNES. That is from the door at the sidewalk at Jackson Street?

Mr. HETTLER. Yes.

Mr. HYNES. Thirty-five feet. Do you pass the telephone booths in getting to the cigar stand?

Mr. HETTLER. No, sir.

Mr. HYNES. Where are the telephone booths with reference to the cigar stand?

Mr. HETTLER. If we will assume that that is the cigar stand—

Mr. HYNES. Mr. Hettler, if you will pardon me, that sort of illustration of a statement does not get into the record, as we have no photograph of it here; so that if you will state how far we will be obliged—whether they are still farther beyond the cigar stand or not?

Mr. HETTLER. You mean the telephone booths?

Mr. HYNES. Yes.

Mr. HETTLER. They are beyond the cigar stand.

Mr. HYNES. How far?

Mr. HETTLER. South.

Mr. HYNES. South?

Mr. HETTLER. South of the cigar stand.

Mr. HYNES. How far south of the cigar stand?

Mr. HETTLER. There is an entrance way at the end of the glass case and then comes what you might call the south wall of the cigar stand. Then there is this passageway and that continues on south. Then there is another passageway that leads to the east.

Mr. HYNES. Yes.

Mr. HETTLER. And in order to go to the telephone booths you go to the east and turn to the south, and the telephone booths are backed up against the center wall.

Mr. HYNES. What do you mean by the "center wall"?

Mr. HETTLER. The wall that separates the main passageway to the barber shop, etc., and there is a partition there to the east of that passageway and a telephone booth backed up to that wall on the west.

Mr. HYNES. On the west?

Mr. HETTLER. Yes. You go in east, then you turn south, and there is the row of booths.

Mr. HYNES. Yes.

Mr. HETTLER. So to come out from the telephone booths you have to come out facing east, go north; and to go into the club you go through this passageway west and then over to the cigar stand.

Mr. HYNES. How far was your position near the cigar stand from the telephone booths?

Mr. HETTLER. How far away?

Mr. HYNES. How far away; yes.

Mr. HETTLER. It would depend somewhat on which telephone booth you refer to. The first telephone booth, maybe, would be 15 feet away.

Mr. HYNES. And how far was the farthest one?

Mr. HETTLER. I do not remember how many booths there are there; but you know the ordinary size of a telephone booth.

Mr. HYNES. I do not know how many there are of them; but, approximately, how far was the farthest one?

Mr. HETTLER. Just multiply it by the width of as many booths as there are there.

Mr. HYNES. That does not tell us. I wish you would tell us whether it is 10 feet or 20 feet.

Mr. HETTLER. Judge, do you know how many booths there are there?

Mr. HYNES. I have not the privilege of testifying.

Mr. HETTLER. Oh! Excuse me.

The CHAIRMAN. We will have the plan here in a minute.

Mr. FARRAR. It is here. The clerk of the committee has it.

Mr. HYNES. We left it here, Mr. Chairman. In passing from the cigar stand to the telephone booths and going by them would you leave the telephone booths on your left or on your right? Going south and east, as you describe it, and then south again, would you leave the telephone booths on your right or on your left as you passed them?

Mr. HETTLER. I shall have to ask you to repeat that.

Mr. HYNES. Perhaps it is not clear. In going south beyond the cigar stand and then turning to the east, as I understand you to say—is that right?

Mr. HETTLER. Yes.

Mr. HYNES. Please follow me. Having turned east for a certain distance and turning to the south again—is that right?

Mr. HETTLER. Yes.

Mr. HYNES. That leads into the wash room, does it?

Mr. HETTLER. That goes to the telephone booth. You can continue on in that direction. The ordinary course to the wash room is the other side of the partition, away from the telephone booths.

Mr. HYNES. Yes; I know. But in going to the wash room—

Mr. HETTLER. Judge, if you will tell me what you are trying to get at, I will give it to you very quickly.

Mr. HYNES. I want to give you a passage through there, and then ask you whether, going in that direction, you passed the telephone booths on your right or on your left?

Mr. HETTLER. Unless you want to telephone, you would not naturally go into that passageway.

Mr. HYNES. Which passageway—the east passageway, do you mean?

Mr. HETTLER. Unless you wanted to telephone. That is where you go to use the telephone.

Mr. HYNES. Were the telephones east of that passage or west of that passage, going to the wash room?

The CHAIRMAN. We will have the plan here in a moment. That perhaps will help us to get the situation in mind.

Mr. HETTLER. I know the club so well that I can answer it.

Mr. HYNES. In the main passageway to the wash room, going in from the office, from the cigar stand——

Mr. HETTLER. Do you want to ask me whether there are any telephones in there?

Mr. HYNES. No; I want to ask you whether, in going in there, you pass the telephones on your right-hand side or on your left-hand side?

Mr. HETTLER. When you are going in?

Mr. HYNES. Yes.

Mr. HETTLER. You pass the telephones on the left-hand side.

Mr. HYNES. That is what I want to know.

Mr. HETTLER. As you go into this passageway into the wash room.

Mr. HYNES. There were no telephone booths on the right-hand side?

Mr. HETTLER. On the right-hand side of that main passageway, no.

Mr. HYNES. That is right. That is the way it was then?

Mr. HETTLER. Yes, sir.

Mr. HYNES. Did you see Mr. Hines coming from the telephone booth?

Mr. HETTLER. No, sir.

Mr. HYNES. You do not know at what telephone booth he was?

Mr. HETTLER. No, sir.

Mr. HYNES. You say that he did not use the name of Lorimer in saying that he had talked with him or talked with somebody else over the phone?

Mr. HETTLER. I said that he said, "Do you know the name of your new Senator?"

Mr. HYNES. Yes.

Mr. HETTLER. I replied, in effect, "No"; and he said, "It is Lorimer."

Mr. HYNES. Yes; and then what was your next expression?

Mr. HETTLER. I do not recollect that I made any particular remark in there.

Mr. HYNES. Did you make any general remark, or any remark in reply to that?

Mr. HETTLER. I have no definite recollection.

Mr. HYNES. Well, go on.

Mr. HETTLER. Then, you want that sentence again?

Mr. HYNES. No; I do not want that sentence. I want the next from either of you.

Mr. HETTLER. Why, he says, "It is Lorimer."

Mr. HYNES. That you have already given us.

Mr. HETTLER. Yes. "He has been elected." Now, Judge, I do not intend to endeavor to confine myself to the actual words. I am going to give you, to the best of my knowledge and belief and recollection, the actual intent and, as nearly as possible, the words. He said, "I have just been talking to him."

Mr. HYNES. You are sure he said "to him"?

Mr. HETTLER. Yes, sir.

Mr. HYNES. That impressed itself on you at the time?

Mr. HETTLER. It did—"I have just finished."

Mr. HYNES. He had just finished?

Mr. HETTLER. Yes.

Mr. HYNES. Did he say he had been talking in the telephone booth, and that he had just learned while in the booth that he was elected?

Mr. HETTLER. He said he had just been talking to him.

Mr. HYNES. Did he say anything about the Associated Press?

Mr. HETTLER. Not a word.

Mr. HYNES. You are sure about that?

Mr. HETTLER. Positive.

Mr. HYNES. You can exclude that just as positively as you include the other?

Mr. HETTLER. I can. There was no reference made at that time, as far as Mr. Hines's remarks to me were concerned, to the Associated Press.

Mr. HYNES. Did he say he had been talking over the phone to anybody? Did he not simply say, "I have just been talking over the phone and learned that he is elected"?

Mr. HETTLER. He says, "It is Lorimer. I just finished talking to him."

Mr. HYNES. You did not regard the conversation as particularly interesting to you, I see, at that time.

Mr. HETTLER. I was not personally interested to any extent; but, naturally, in a contest that lasted that long, I was interested as an item of news in knowing the outcome and that it had been settled.

Mr. HYNES. At the Helm committee you say that it was not interesting to you, and you wanted to change the subject?

Mr. HETTLER. If you will permit, I will tell you how I felt and what I had in my mind when I made that statement.

Mr. HYNES. Well, what was it?

Mr. HETTLER. I never, personally, was opposed in any way that I know of to Mr. Lorimer. I did not live in his district, and when he went to Congress I favored him in the slight degree that I could, and I was in hopes that he would be elected. I think he was a candidate against Mr. Freistaadt, whom I did not know. We had some kind of an election there in Chicago. I am not up on politics, but we had the opportunity of voting for some candidate, as I understood it, for Senator, and, if I recollect correctly, the candidates were Hopkins, Foss, and Mason. I believe that, on account of Mr. Foss's living in our district, I voted for him; and I read in the paper the next day that Hopkins had received a great many more votes than the others had, and I supposed that settled it. So, all during that time I have no recollection of having any particular discussion with anyone, but, just in my own way, I was inclined to believe that, as long as the newspapers and public opinion generally had been wanting a primary expression, that the people having voted, Hopkins

was entitled to the senatorship. Therefore, when he did not get the position and was outvoted I was not particularly interested.

Mr. HYNES. That is what you meant by saying that you were not interested in the subject, and wanted to change it, although you had been always for Lorimer?

Mr. HETTLER. I did not say that.

Mr. HYNES. Have you not always been for him?

Mr. HETTLER. I do not recollect that I was against him in any place.

Mr. HYNES. And that is your explanation of why you wanted to terminate the subject, is it?

Mr. HETTLER. The explanation was not given in answer to that kind of a question.

Mr. HYNES. You say that when Mr. Hines spoke to you he said: "I just came out of the telephone booth, just a minute [pointing to the booth]. I have just been talking to him." In what direction did he point?

Mr. HETTLER. Just waving his hand, that way [indicating].

Mr. HYNES. Just a wave of the hand?

Mr. HETTLER. Yes; or in that method [indicating]. I can not say exactly which way it was that he did it.

Mr. HYNES. That was what you stated before the Helm committee?

Mr. HETTLER. That was the idea I intended to convey.

Mr. HYNES. That was what you stated, was it not?

Mr. HETTLER. You have the book.

Mr. HYNES. Have you not read it?

Mr. HETTLER. No; I have never read that book as I know of. Let me see it.

Mr. HYNES. Did you read it in the papers?

Mr. HETTLER. Yes; I read it in the paper.

Mr. HYNES. You do not remember whether that was what you read or not, do you?

Mr. HETTLER. I presume that I read that; yes, sir.

Mr. HYNES. But, independently of your reading it, do you remember that was what you said or what he said?

Mr. HETTLER. Yes, sir.

Mr. HYNES. You stated in your testimony before the Helm committee, did you not, that Mr. Hines said, in that tariff talk:

I have beaten the President. I have beaten Taft. He wanted lumber on the free list and I have beat him out on it, so that now the question of whether the duty will remain at \$2 or be reduced remains with but a very few.

Did you make that statement?

Mr. HETTLER. To the best of my recollection?

Mr. HYNES. What was the language, "between a very few of them"?

Mr. HETTLER. "Between a very few of us."

Mr. HYNES. "Of us?"

Mr. HETTLER. Yes.

Mr. HYNES. I understood you to say in your testimony a little while ago—perhaps I misunderstood you—that he said "between a very few of them."

Mr. HETTLER. Well, that is merely a difference in—

Mr. HYNES. That is the same thing? Would you say, now, which it was that he said?

Mr. HETTLER. In one place I was endeavoring to quote the language, and in the other place I was endeavoring to relate an incident.

Mr. HYNES. In which case were you endeavoring to give the language?

Mr. HETTLER. Evidently from what you read there from before the Helm committee.

Mr. HYNES. And here you were not trying to give the language?

Mr. HETTLER. I was trying to give the sense of it.

Mr. HYNES. And the sense of it was that it remained with but a very few of them?

Mr. HETTLER. But a very few of us; or, if I wanted to relate the incident in another way, I would say that he stated that the question whether the duty should be reduced or not remained with but a very few of them.

Mr. HYNES. Do you remember now whether he said "us" or "them"?

Mr. HETTLER. "Remained with but a very few of us," he stated when speaking to me.

Mr. HYNES. You think your recollection is quite clear as to the location of these telephone booths?

Mr. HETTLER. I think so.

Mr. HYNES. You are quite as certain of what you say in regard to that as you are that Mr. Wiehe was not there, and that you had this talk with Mr. Hines? You are quite as certain, are you?

Mr. HETTLER. Let me get your point, Judge.

Mr. HYNES. You are quite as certain as to your location of the telephone booth as you are as to the presence of Mr. Wiehe with Mr. Hines at that time?

Mr. HETTLER. I am certain I know the location of the telephone booths, because I very often use them myself. If I have given you a wrong impression as to the location of those telephone booths, why it is very easily corrected, if that is in anywise material, because they are there where they are at. [Laughter.]

Mr. HYNES. They are there where they were at that time?

Mr. HETTLER. As far as I know.

Mr. HYNES. There has been no change?

Mr. HETTLER. I do not know of any change.

Mr. HYNES. You have been using them right along and would know?

Mr. HETTLER. Yes, sir.

Mr. HYNES. Please look at this chart and state whether the telephone booths are shown there correctly.

Mr. HETTLER. Yes; here they are [indicating].

Mr. HYNES. I want the committee to see.

Mr. HETTLER. There they are [indicating on chart].

Mr. HYNES. I will hold it while you show the members of the committee. Here is the Jackson Street entrance. Now, indicate the location of the booths.

Mr. HETTLER. You come up these stairs [indicating on drawing]—do you mean that you want me to describe how Mr. Hines went in there?

Mr. HYNES. No; I am just asking for the location of permanent things.

Mr. HETTLER. Here are the telephone booths [indicating]. They are right here [indicating on drawing].

The CHAIRMAN. In other words, they are correctly represented on that plan?

Mr. HETTLER. As far as I know. They used to have the booths in back here.

The CHAIRMAN. On the opposite side?

Mr. HETTLER. Yes.

Mr. HANEY. On the right-hand side as you go down the hall?

Mr. HETTLER. Pretty far back. That is where they used to have them.

Mr. HANEY. Back of the cigar stand?

Mr. HETTLER. I think at the time of this conversation they were in this location [indicating on drawing].

The CHAIRMAN. As they are located on this plan?

Mr. HETTLER. That is my recollection.

Mr. HYNES. That is your recollection?

Mr. HETTLER. Yes; although they formerly were in here [indicating].

Mr. HYNES. How many years ago, would you say?

Mr. HETTLER. I do not remember when the change was made.

Mr. HYNES. Confine yourself to the time you were speaking of, when you and Mr. Hines were talking in this lobby.

Mr. HETTLER. They were right there [indicating on plan].

Mr. HYNES. That was the location of the telephone booth at the time you and Mr. Hines were talking in the lobby on the 26th of May, 1909?

Mr. HETTLER. Yes; I think that they were here [indicating].

Mr. HYNES. As they appear here on the drawing?

Mr. HETTLER. That is the best of my recollection, although I would not be as positive in my statement as to the location of the telephone booths as I have been in my other statements. To the best of my recollection, however, the telephone booths were here; but I know they formerly were along over here [indicating on drawing].

Senator KERN. Down the same passageway?

Mr. HETTLER. Yes, sir.

The CHAIRMAN. But on the opposite side?

Mr. HETTLER. Yes; on the opposite side. Here is this partition [indicating on drawing]. You will understand, Judge, regardless of the present location or the former location of the telephone booths, if anyone came out of them they would come from the same general direction, namely, from the south.

Mr. HYNES. Mr. Hettler, do you know F. A. Spry, the lumberman?

Mr. HETTLER. Yes.

Mr. HYNES. Did you tell him to go and speak to Mr. Weyman, the State's attorney of Cook County, and ask him to call Hines before the grand jury, or to his office, to investigate him?

Mr. HETTLER. No, sir.

Mr. HYNES. Did you ever say anything about the matter to S. A. Spry?

Mr. HETTLER. Nothing about anything similar to your questions?

Mr. HYNES. What did you talk to him about in connection with this matter at all?

Mr. HETTLER. I may possibly at some time or other have referred to this conversation.

Mr. HYNES. Did you suggest that he go and report the matter to Mr. Weyman, and have Mr. Hines investigated?

Mr. HETTLER. No, sir.

Mr. HYNES. You knew that Spry was an enemy of Hines, did you not?

Mr. HETTLER. They are not friendly, I think.

Mr. HYNES. I am not asking about Mr. Hines's sentiments toward him. Do you know anything about Hines's sentiments toward him?

Mr. HETTLER. I do not. I assume that they are not friendly, because——

Mr. HYNES. Because what?

Mr. HETTLER. Well, I judge that they are not friendly.

Mr. HYNES. "Because," you said, and stopped there. What was the "because" leading up to?

Mr. HETTLER. I do not think Mr. Hines endeavors to cultivate very many friends in Chicago, in the lumber business, in the way of competitors.

Mr. HYNES. That would apply to a lot of other people. Why did you state that you thought that Mr. Spry was not friendly to him?

Mr. HETTLER. That was the reason.

Mr. HYNES. Why? Because he does not cultivate many friends?

Mr. HETTLER. That is what I thought.

Mr. HYNES. Is that your only reason?

Mr. HETTLER. As far as I know.

Mr. HYNES. You say that deliberately, do you, that that is the only reason you had in mind for saying that you did not think Spry was friendly to him?

Mr. HETTLER. I think that sentence embodies all the reasons I could think of.

Mr. HYNES. Do you not know that Spry has been a foe of his for 20 years or more?

Mr. HETTLER. No, sir.

Mr. HYNES. More or less?

Mr. HETTLER. Are you talking about S. A. now?

Mr. HYNES. Yes.

Mr. HETTLER. Not that I know of.

Mr. HYNES. And John Spry?

Mr. HETTLER. To the best of my recollection, John Spry and Edward Hines and Mr. Wiehe were very thick friends a short while ago in some river and harbor matters.

Mr. HYNES. You mean the Chicago River?

Mr. HETTLER. John C. Spry.

Mr. HYNES. They were on the same side of that question, were they?

Mr. HETTLER. For a time, I believe, only.

Mr. HYNES. For a short time. Did you not know that, outside of that matter in which they happened to concur, that they were foes and enemies, with a good deal of personal feeling against Edward Hines?

Mr. HETTLER. I would not be justified in using the words "foes and enemies."

Mr. HYNES. What word would select to express it?

Mr. HETTLER. I would select the words "that they were not friendly."

Mr. HYNES. The word "unfriendly"?

Mr. HETTLER. Yes, sir.

Mr. HYNES. They were competitors in business?

Mr. HETTLER. For years they were; yes. Now they have retired.

Mr. HYNES. The Sprys have retired?

Mr. HETTLER. They have retired from the yard business.

Mr. HYNES. What is your age, Mr. Hettler?

Mr. HETTLER. Forty-nine the 17th of last month.

Mr. MARBLE. Have you had any trouble with Mr. Hines over the question of terms and discounts?

Mr. HETTLER. No.

Mr. MARBLE. Have you differed with him acutely on that question?

Mr. HETTLER. Do you refer to this subject of the lien law?

Mr. MARBLE. Yes.

Mr. HETTLER. I agreed with him.

Mr. MARBLE. You agreed with him?

Mr. HETTLER. Yes.

(The witness was thereupon excused.)

The CHAIRMAN. We will take a recess until to-morrow morning at 10 o'clock.

(Whereupon, at 4.31 o'clock p. m., the committee adjourned until to-morrow, Tuesday, July 18, 1911, at 10 o'clock a. m.)

TUESDAY, JULY 18, 1911.

SENATE OFFICE BUILDING,
WASHINGTON, D. C.

The committee met at 10 o'clock a. m.

Present: Senators Dillingham (chairman), Gamble, Jones, Johnston, Fletcher, and Kern.

Present also: Mr. John H. Marble and Mr. John J. Healy; Mr. William Hynes, Mr. Elbridge Hanecy, and Mr. Edgar Farrar.

TESTIMONY OF DONALD M. FRAME.

DONALD M. FRAME, being duly sworn, was examined and testified as follows:

Mr. HEALY. What is your full name?

Mr. FRAME. Donald M. Frame.

Mr. HEALY. Where do you live?

Mr. FRAME. Chicago.

Mr. HEALY. What is your business?

Mr. FRAME. Cigar clerk in the Union League Club.

Mr. HEALY. How long have you been in the employ of the Union League Club of Chicago?

Mr. FRAME. Nearly four years.

Mr. HEALY. Were you in its employ in the month of May, 1909?

Mr. FRAME. Yes, sir.

Mr. HEALY. Were you present at a conversation between Mr. Herman H. Hettler and Mr. Edward Hines?

Mr. FRAME. Yes, sir.

Mr. HEALY. Where did that conversation take place?

Mr. FRAME. At the cigar case.

Mr. HEALY. And about when?

Mr. FRAME. It was shortly after our noon rush at the club.

Mr. HEALY. When was it with reference to the election of Senator Lorimer, if you know?

Mr. FRAME. The day of his election, if you will give me that date.

Mr. HEALY. Assuming then that it was on the 26th of May, 1909, that was the date of the conversation you have stated?

Mr. FRAME. Yes, sir.

Mr. HEALY. What time of the day was it?

Mr. FRAME. I could not say the hour, but it was after the lunch rush at the club.

Mr. HEALY. In the afternoon of that day?

Mr. FRAME. Yes, sir.

Mr. HEALY. Will you tell the committee what you heard either Mr. Hines or Mr. Hettler say on that occasion?

Mr. FRAME. I did not get all the conversation, but part of it was that Mr. Hines said, "I have elected Lorimer our next Senator."

Mr. HEALY. What were you doing there at the time?

Mr. FRAME. Mr. Hettler was selecting some cigars.

Mr. HEALY. Where were you standing with reference to Mr. Hines and Mr. Hettler?

Mr. FRAME. Mr. Hettler was right at the cigar case, and I was just across, possibly about 3 or 4 feet.

Mr. HEALY. Where did Mr. Hines stand, approximately?

Mr. FRAME. Right beside Mr. Hettler.

Mr. HEALY. Do you remember anything else either of those gentlemen said on that occasion?

Mr. FRAME. No; I could not say anything else.

Mr. HEALY. Where did they go, if anywhere, after you heard this remark by Mr. Hines?

Mr. FRAME. They walked across to an order desk, about 10 or 12 feet from the cigar case.

Mr. HEALY. Did you hear anything said at that shelf across from the cigar case?

Mr. FRAME. No; I could not hear anything there.

Mr. HEALY. Do you remember whether the telephone booths in the Union League Club had been removed to their present location at that time, or whether they were where they used to be, just south of the cigar stand?

Mr. FRAME. I think they were at their present location.

Mr. HEALY. When, according to your recollection, were they moved from south of the cigar stand to their present location?

Mr. FRAME. Probably six or eight months before, I should judge.

Mr. HEALY. You had subsequent conversations with Mr. Hettler about the matter?

Mr. FRAME. Yes; we spoke about it afterwards.

Mr. HEALY. That is all.

The CHAIRMAN. You may cross-examine.

Mr. HYNES. Mr. Frame, can you remember the exact language that you say you heard from Mr. Hines?

Mr. FRAME. I gave it to you as nearly as I could say.

Mr. HYNES. I say, do you think that is the exact language?

Mr. FRAME. I could not say it was the exact words, but—

Mr. HYNES. That was your understanding of the substance of what you heard?

Mr. FRAME. Yes.

Mr. HYNES. Is that what you mean?

Mr. FRAME. Yes.

Mr. HYNES. Did you pay any special attention to the conversation?

Mr. FRAME. Well, I generally follow those things—I follow those things along with all public men, and at the time of the election I noticed it in particular.

Mr. HYNES. You noticed it in particular, then?

Mr. FRAME. Yes, sir.

Mr. HYNES. Did you hear anybody else make a statement in reference to that election?

Mr. FRAME. We talked about it among ourselves—that is, the clerks at the club talk about those things in a general way.

Mr. HYNES. What do you mean—talk about public matters?

Mr. FRAME. Yes.

Mr. HYNES. Generally?

Mr. FRAME. Yes.

Mr. HYNES. That is what you mean by that?

Mr. FRAME. Yes.

Mr. HYNES. Did you give any particular attention to this conversation, more than you did to other conversations?

Mr. FRAME. Just in a general way. I could not say that it was particular. I had no—

Mr. HYNES. Do you remember any other public matter that was spoken of in your presence, or the subject of a conversation in your hearing about that time?

Mr. FRAME. No, sir.

Mr. HYNES. This is the only thing that you remember?

Mr. FRAME. Yes, sir.

Mr. HYNES. When were you first spoken to about this after its occurrence?

Mr. FRAME. Possibly 8 or 10 days afterwards, by Mr. Hettler.

Mr. HYNES. By Mr. Hettler?

Mr. FRAME. Yes.

Mr. HYNES. What did he say to you then?

Mr. FRAME. He said it was a peculiar remark, and asked me if I had heard it.

Mr. HYNES. If you had heard it?

Mr. FRAME. Yes.

Mr. HYNES. Did he state what the peculiar remark was?

Mr. FRAME. No. We talked it over.

Mr. HYNES. Did he state what the peculiar remark was?

Mr. FRAME. No; he did not say just the exact words.

Mr. HYNES. What did he say to you, if anything, that refreshed your recollection?

Mr. FRAME (after a pause). I can think of nothing that he said in particular.

Mr. HYNES. Well, anything that he said. I do not know what distinction you mean to make by "in particular." What did he say

to you when he spoke to you about it, when he said it was rather a peculiar remark?

Mr. FRAME. I can not repeat any of the words that he said, exactly.

Mr. HYNES. Can you give us the substance of it?

Mr. FRAME. It was just concerning the election. He said——

Mr. HYNES. Give us the substance of what he said concerning the election.

(The witness did not answer.)

Mr. HYNES. Can you not do it?

Mr. FRAME. No; I can not say anything.

Mr. HYNES. Did he say, "Did you hear Mr. Hines say to me here at the cigar stand 10 days ago"—or whatever the time was—"that he had elected Senator Lorimer?" Is that the way he put the question to you?

Mr. FRAME. No; he did not say that.

Mr. HYNES. Tell me how he did put it.

(The witness did not answer.)

Mr. HYNES. Give us your best recollection.

Mr. FRAME. I can not give you——

The CHAIRMAN. You recollect having an interview with him, do you not?

Mr. FRAME. Yes.

The CHAIRMAN. Now, just give your best recollection of it. They do not expect you to use the exact words. Give your best recollection of the interview.

Mr. FRAME (after a pause). I can not give you the talk that we had. I do not remember it.

Mr. HYNES. In what connection did he say it was rather a peculiar remark? Was it in trying to refresh your recollection? Did he not say, "It was rather a peculiar remark. You ought to remember that"? Did he say anything like that to you?

Mr. FRAME. No; not at that time. He said something about it being a peculiar remark shortly after Mr. Hines had said it—after Mr. Hines had left the club.

Mr. HYNES. After he had left the club?

Mr. FRAME. Yes, sir.

Mr. HYNES. He said that?

Mr. FRAME. Yes, sir.

Mr. HYNES. Did he talk with you again after Mr. Hines left?

Mr. FRAME. Yes, sir.

Mr. HYNES. Did he ask you whether you heard it or not?

Mr. FRAME. Yes, sir.

Mr. HYNES. How did he put the question to you when he asked you whether you heard it or not?

Mr. FRAME. He said, "That was a peculiar remark. Did you get it?"

Mr. HYNES. "Did you get it?"

Mr. FRAME. Yes.

Mr. HYNES. And did you repeat it?

Mr. FRAME. No; I did not. I just said I heard it.

Mr. HYNES. Did Mr. Hettler repeat it?

Mr. FRAME. No, sir.

Mr. HYNES. The words were not repeated at that time—any portion of the conversation?

Mr. FRAME. No, sir.

Mr. HYNES. When were they first repeated to you next after that?

Mr. FRAME. I do not believe they were ever repeated again.

Mr. HYNES. By you?

Mr. FRAME. No.

Mr. HYNES. Or by anybody else?

Mr. FRAME. No.

Mr. HYNES. Did you ever talk with anybody else about it?

Mr. FRAME. I might have said a few words to some of our clerks in the office.

Mr. HYNES. Do you remember having said anything to them?

Mr. FRAME. I might possibly have turned and said——

Mr. HYNES. Not what you possibly did, but what you recollect having done.

Mr. FRAME. I could not say anything that I absolutely did at that time.

Mr. HYNES. Can you recollect anybody that you spoke to about it?

Mr. FRAME. No, sir.

Mr. HYNES. Or anybody who spoke to you about it, aside from Mr. Hettler?

Mr. FRAME. No.

Mr. HYNES. You do not? And when were the words first mentioned to you afterwards by anybody since that time?

Mr. FRAME (after a pause). I do not believe I have mentioned the words since that time.

Mr. HYNES. You have not mentioned, nor heard the words mentioned, since that time by anybody?

Mr. FRAME. No, sir.

Mr. HYNES. Did you ever read them in the newspapers or in any book?

Mr. FRAME. Yes, sir.

Mr. HYNES. That was the first that your attention was called to them again, was it?

Mr. FRAME. Yes, sir.

Mr. HYNES. When was that?

Mr. FRAME. I read them when they first appeared.

Mr. HYNES. About when was that?

Mr. FRAME. I can not give the date.

Mr. HYNES. I do not expect you to; but how long ago was it—recently?

Mr. FRAME. No; the first time they appeared in any of the papers.

Mr. HYNES. Did it purport to be a report of what Mr. Hettler said before the senate committee in Springfield, Ill.? Was that the occasion that you speak of?

Mr. FRAME. Yes, sir.

Mr. HYNES. That was it. And did you read it more than once?

Mr. FRAME. Not at that time. I have read it several times since.

Mr. HYNES. What was that for—reading it several times since?

Mr. FRAME. I have been following the case since that, that was all.

Mr. HYNES. No; but why did you read that conversation, what Mr. Hettler said there, several times since?

Mr. FRAME. It has been in the papers several times.

Mr. HYNES. That evidence?

Mr. FRAME. Yes, sir.

Mr. HYNES. A repetition of that—are you not mistaken about that?

Mr. FRAME. Yes.

Mr. HYNES. Do you mean, yes, that you are mistaken? What do you mean by that answer, “Yes”?

Mr. FRAME. I mean that it had appeared several times in different papers since.

Mr. HYNES. On different dates and occasions?

Mr. FRAME. Yes, sir.

Mr. HYNES. Do you remember what papers?

Mr. FRAME. I could not say just what papers.

Mr. HYNES. And each time that you saw it you read it?

Mr. FRAME. Just simply—yes; I read it.

Mr. HYNES. Since it was published in the papers, have you talked with anybody about it, that you can recall?

Mr. FRAME. As little as possible.

Mr. HYNES. No; but do you recall having talked with anybody about it?

Mr. FRAME. Just the clerks in our office.

Mr. HYNES. What clerk did you talk to about it since that time?

Mr. FRAME. Mr. Enright.

Mr. HYNES. What did you say to him?

(The witness did not answer.)

Mr. HYNES. Do you remember?

Mr. FRAME. Just the same conversation that I had heard.

Mr. HYNES. I say, what did you say to him?

Mr. FRAME. I can not give you the exact words.

Mr. HYNES. Give me the substance of what you said to him.

Mr. FRAME. Just that I had heard Mr. Hines say that he had elected Mr. Lorimer.

Mr. HYNES. You said that to Mr. Enright?

Mr. FRAME. Yes, sir.

Mr. HYNES. How long ago was that, Mr. Frame?

Mr. FRAME. Oh, that was sometime after the election.

Mr. HYNES. I thought you said it was after you read this in the paper—which is it, now? How do you want it understood? What is the fact, Mr. Frame?

Mr. FRAME. I have repeated it to him a number of times since then, possibly.

Mr. HYNES. What is that?

Mr. FRAME. I say, I have said it possibly a number of times.

The CHAIRMAN. Since when?

Mr. FRAME. Probably about 10 days after the conversation took place that I heard.

Mr. HYNES. Mr. Enright's position is what?

Mr. FRAME. He is the cashier at the Union League Club.

Mr. HYNES. Did he ask you about it or did you volunteer the statement?

Mr. FRAME. I volunteered it.

Mr. HYNES. After Mr. Hettler had spoken to you?

Mr. FRAME. Yes, sir.

Mr. HYNES. What motive or reason or occasion was there for your telling Mr. Enright?

Mr. FRAME. Well, we simply talked those things over in the office, that is all.

Mr. HYNES. You mean talk a thing like that? What else of that character did you talk over, or what other subject matter did you have up with Mr. Enright that you talked over?

Mr. FRAME. Well, we talk those things generally; I could not say just what.

Mr. HYNES. Can you recall any other subject that you talked with Mr. Enright on?

Mr. FRAME. Every election, or happening.

Mr. HYNES. Do you remember any of them specifically now that you talked upon with Mr. Enright? Can you recall?

The CHAIRMAN. If you can, state it, Mr. Frame, and if you can not, say so.

Mr. FRAME. Well, we talked over, for instance, any accident that happened to a member, or if some public man was in, whom we had noted.

Mr. HYNES. Tell us somebody that you talked about.

Mr. FRAME. Well, for instance, Mr. James Pettit was drowned recently.

Mr. HYNES. Did you talk about him before or after he was drowned?

Mr. FRAME. After.

Mr. HYNES. Well, that was about two weeks ago?

Mr. FRAME. Yes, sir.

Mr. HYNES. Do you remember anything else? Well, I will pass on. Did you read this conversation in a book like this that I show you? [Showing witness copy of Helm committee hearings.]

Mr. FRAME. No, sir.

Mr. HYNES. Only in the newspaper?

Mr. FRAME. Yes, sir.

Mr. HYNES. How well have you known Mr. Hettler?

Mr. FRAME. Mr. Hettler stopped at the cigar case quite often, and I know him just through his purchases.

Mr. HYNES. Every day?

Mr. FRAME. No; not every day; sometimes once a week and sometimes oftener.

Mr. HYNES. Did you ever sell cigars to Mr. Hines?

Mr. FRAME. Very rarely. I might have on one or two occasions.

Mr. HYNES. Do you remember ever having done so?

Mr. FRAME. His checks might have come from some other part of the house, but I could not say that I remember selling him any personally.

Mr. HYNES. And you do not remember whether his checks ever came to you for them, or have you any recollection on that subject?

Mr. FRAME. Yes; I have seen his checks.

Mr. HYNES. You have seen his checks come through for cigars?

Mr. FRAME. Yes.

Mr. HYNES. Do you know Mr. Hines when you see him?

Mr. FRAME. Yes, sir.

Mr. HYNES. How long have you known him?

Mr. FRAME. I know him just when I see him; that is all. Ever since I have been in the club, almost.

Mr. HYNES. That is about how long?

Mr. FRAME. Nearly four years.

Mr. HYNES. Did Mr. Hettler speak with you on this subject at any time since that occasion, which you fixed about 10 days after the occurrence?

Mr. FRAME. Why, when he would come in, maybe, he would speak to me and possibly smile, or ask me how I was, or something of that kind, but he never spoke—

Mr. HYNES. On this subject?

Mr. FRAME. A few words might have passed on the subject.

Mr. HYNES. Well, do you remember any occasion of their passing between you again?

Mr. FRAME. We spoke of it just in a joking sort of way, or something like that.

Mr. HYNES. Not seriously?

Mr. FRAME. Not so seriously; no, sir.

Mr. HYNES. Or trying to recall it, or anything of that kind?

Mr. FRAME. Each time we spoke of it it recalled the matter.

Mr. HYNES. Did you recall it in speaking about it, whether jocularly or otherwise? Was the matter recalled and spoken of—as to what Mr. Hines had said?

Mr. FRAME. No, sir; it was not.

Mr. HYNES. Between you and Mr. Hettler it was not. And were those conversations about it since you saw it in the newspapers, or before?

Mr. FRAME. Well, before and after.

Mr. HYNES. Do you remember the last talk between you and Mr. Hettler on that subject?

Mr. FRAME. I think the last talk we had he asked me if I was going away, and I said I did not know.

Mr. HYNES. How long ago was that?

Mr. FRAME. That was after the session at Springfield.

Mr. HYNES. If that was the last time in that conversation was this language that you have given us recalled—was it mentioned between you?

Mr. FRAME. It was not mentioned.

Mr. HYNES. Did he say what interest he had in your staying or going away?

Mr. FRAME. No, sir.

Mr. HYNES. What did you tell him about your going away?

Mr. FRAME. I told him I did not know.

Mr. HYNES. Was that last spring, or recently?

Mr. FRAME. That was some time after the case at Springfield, I could not say just when.

Mr. HYNES. A week or a month or a few days?

Mr. FRAME. I could not say when it was afterwards.

Mr. HYNES. Did you see Mr. Hines coming toward that case?

Mr. FRAME. Yes, sir.

Mr. HYNES. Where did he come from?

Mr. FRAME. He came from the back part of the house.

The CHAIRMAN. Was that from the direction where the telephone booths are?

Mr. FRAME. The telephone booths are right back that way; yes, sir.

Mr. HYNES. How far was he from you when you saw him coming?

Mr. FRAME. I might have noticed him 10 or 15 feet away.

Mr. HYNES. Were the telephone booths beyond that distance?

Mr. FRAME. Yes.

Mr. HYNES. How long did the conversation last between Mr. Hettler and Mr. Hines?

Mr. FRAME. Why, about three or four minutes, I should judge, at the case, and then they moved across to this order desk, and might have talked five minutes over there.

Mr. HYNES. Did you hear Mr. Hettler say that he was in a hurry to make a train?

Mr. FRAME. Yes.

Mr. HYNES. While they were at the desk?

Mr. FRAME. I could not hear anything they said at the desk. The cigar case is the only place where I heard the conversation.

Mr. HYNES. That is where I had in mind when I asked you. Is the other a desk?

Mr. FRAME. Yes; the other is a high standing desk.

Mr. HYNES. So that the statement of Mr. Hettler that he was in a hurry to make a train was at the cigar case, was it? Can you not answer that?

Mr. FRAME. I am not so sure about that statement. I think he was in a hurry, but I do not believe I could say I heard him make that statement.

Mr. HYNES. You answered it promptly that he made that statement. Do you know why you made that answer?

Mr. FRAME. I gave that a little too quick.

Mr. HYNES. Did you give it from memory?

Mr. FRAME. No; I did not give it from memory.

Mr. HYNES. What made you think he was in a hurry?

Mr. FRAME. Why, from his action at the cigar stand.

Mr. HYNES. What gave you the impression that he was in a hurry?

Mr. FRAME. As soon as he came back to the case he selected the cigars rather quickly and told me to do them up, that he wanted to get away.

Mr. HYNES. He said he wanted to get away?

Mr. FRAME. Yes, sir.

Mr. HYNES. To you? Did he say that to you?

Mr. FRAME. Yes, sir.

Mr. HYNES. Did you see him go away then?

Mr. FRAME. Yes, sir.

Mr. HYNES. Which way did he go?

Mr. FRAME. Out of the front door.

Mr. HYNES. Right from the case there he went out of the front door and left the club?

Mr. FRAME. Yes, sir.

Mr. HYNES. Had Mr. Hines gone at that time, or was he still there?

Mr. FRAME. I think Mr. Hines left before he did.

Mr. HYNES. Now, is it not a fact that within the past two weeks Mr. Hettler has talked with you and you with him on this subject?

Mr. FRAME. Yes; I have talked with him.

Mr. HYNES. On this subject? How recently?

Mr. FRAME. Possibly a week ago.

Mr. HYNES. Where?

Mr. FRAME. At the cigar case.

Mr. HYNES. On this subject?

Mr. FRAME. He said very little. He simply smiled and asked me how I was and——

Mr. HYNES. And what?

Mr. FRAME. There was not very much of a conversation.

Mr. HYNES. Tell us what was said on this subject.

Mr. FRAME. He said I have not much to say.

Mr. HYNES. You had not much to say?

Mr. FRAME. He said I have not much to say.

Mr. HYNES. Speaking for himself or for you?

Mr. FRAME. For me.

The CHAIRMAN. Were you talking about coming to Washington?

Mr. FRAME. No, sir.

The CHAIRMAN. Talking about this case?

Mr. FRAME. Of course he referred to the case.

The CHAIRMAN. Were you talking about giving evidence?

Mr. FRAME. No, sir.

The CHAIRMAN. Why do you not tell the counsel just what was said?

Mr. FRAME. I do not remember anything particularly.

Mr. HYNES. But it was on this subject, on the subject of that talk which you heard, was it? Why do you not answer?

Mr. FRAME. Well, there was not anything particular he said.

Mr. HYNES. Well, leave us to determine; leave this committee to determine whether it was something particular. Tell us what it was he said.

Mr. FRAME. I believe he asked me again if I was going away, and I said I did not know.

Senator KERN. Had you been subpoenaed then to come to Washington?

Mr. FRAME. No; I do not believe I was.

Mr. HYNES. Did anybody tell you that you were going to be subpoenaed?

Mr. FRAME. No, sir.

Mr. HYNES. Go on and finish what he said about this case or about that conversation.

Senator KERN. Do you remember what you talked about?

Mr. FRAME. He said if I was subpoenaed, just to tell the truth.

Mr. HYNES. Did he express any fear that you would not?

Mr. FRAME. No, sir.

Mr. HYNES. Did he tell you what the truth was?

Mr. FRAME. No, sir.

Mr. HYNES. Did you talk to him about it?

Mr. FRAME. Nothing further.

Mr. HYNES. Nothing, only to tell you to tell the truth? Did he ask you what your memory of the facts was, to see whether you knew the truth?

Mr. FRAME. No, sir.

Mr. HYNES. Did you tell him what your memory was of the conversation?

Mr. FRAME. No, sir.

Mr. HYNES. Did you tell anybody else since that time or since you were subpoenaed or expected to be subpoenaed?

Mr. FRAME. Not since.

Mr. HYNES. Not since you were subpoenaed. How long before was anything said to you on that subject by anybody?

Mr. FRAME. I could not just say when.

Mr. HYNES. Was it a day or a week or a month?

Mr. FRAME. Probably a week before.

Mr. HYNES. A week before. By whom was that said?

Mr. FRAME. Just among ourselves in the office.

Mr. HYNES. Well, by whom—this matter that you testified was said to you? You are taking a great deal of time.

Mr. FRAME. Mr. Enright. I will say again.

Mr. HYNES. What did he say to you?

Mr. FRAME. He said the case was still going on, and that was about all.

Mr. HYNES. What was it?

Mr. FRAME. He said, "Well, the case is still going on," or something to that effect.

Mr. HYNES. Did he say what case?

Mr. FRAME. He had this case in mind at the time.

Mr. HYNES. Well, you don't know that. What did he say about the case?

Mr. FRAME. He did not say anything further.

Mr. HYNES. Did he tell you to tell the truth?

Mr. FRAME. No, sir.

The CHAIRMAN. Who first talked with you about coming to Washington?

Mr. FRAME. The man that subpoenaed me first; and after that I told the manager that I would have to go.

The CHAIRMAN. Who, if anybody, talked with you as to what your testimony would be?

Mr. FRAME. Nobody has talked about my testimony.

The CHAIRMAN. Not down to this moment?

Senator KERN. Did Mr. Healy or the attorneys talk to you?

Mr. FRAME. Yes; Mr. Healy spoke to me.

Senator KERN. When? After you were subpoenaed?

Mr. FRAME. No; not—

Senator KERN. We just want the truth. It is all right if he talked to you, and it is all right if he did not.

Mr. FRAME. I was trying to think whether it was after I was subpoenaed or before. It was before I was subpoenaed.

The CHAIRMAN. In Chicago?

Mr. FRAME. Yes, sir.

Mr. HYNES. Where was that?

Mr. FRAME. At the club.

Mr. HYNES. How long before you were subpoenaed? How long ago?

Mr. FRAME. Probably about 10 days ago.

Mr. HYNES. Did he ask you what you had to say?

Mr. FRAME. He asked me what I had heard; that was all.

Mr. HYNES. Did you go on and tell him?

Mr. FRAME. Yes, sir.

Mr. HYNES. Did he talk with you since you came down here on the subject?

Mr. FRAME. He just simply spoke to me.

Mr. HYNES. But did he ask you again to repeat it?

Mr. FRAME. Yes, sir.

Mr. HYNES. When was that?

Mr. FRAME. Just a short time before I came in here.

Mr. HYNES. This morning? Did Mr. Hettler tell you why he was asking you whether you were going away or not?

Mr. FRAME. No, sir.

Mr. HYNES. These several times?

Mr. FRAME. No, sir.

Mr. HYNES. Why did he ask you whether you were going away?

Mr. FRAME. I can not tell.

Mr. HYNES. Do you know of any reason why he should ask you whether you were going away?

Mr. FRAME. No; I have no recollection——

Mr. HYNES. Did you state that you were going away on any of those occasions when he asked you whether you were going away?

Mr. FRAME. No, sir.

Mr. HYNES. Had you had any trip in contemplation? Had you been talking about going away?

Mr. FRAME. No; I do not believe I mentioned it.

Mr. HYNES. Can you remember anybody but Mr. Enright that you spoke to about this matter, or who spoke to you about your coming down here, or about your memory of that occasion?

Mr. FRAME. We have four clerks in our office, four or five, and they saw me get the papers to come down here, and mentioned it at that time.

Mr. HYNES. What did they say?

Mr. FRAME. They just simply said I was going to Washington, or something of that character.

Mr. HYNES. Did they say anything more?

Mr. FRAME. No; nothing.

Mr. HYNES. Who was the man that served the subpoena on you?

Mr. FRAME. Mr. Weber, I believe.

The CHAIRMAN. He is a man that was sent from here. He was a process server from the sergeant at arms' office.

Mr. HYNES. You say he was the first man that talked with you about what your testimony would be?

The CHAIRMAN. No; he did not say so, Judge.

Mr. HYNES. Perhaps I misunderstood him. Mr. Chairman.

The CHAIRMAN. I do not think he said so.

Mr. HYNES. What did he say to you about the testimony?

Mr. FRAME. Mr. Weber?

Mr. HYNES. Yes.

Mr. FRAME. He did not say anything.

Mr. HYNES. I did not believe that the deputy sergeant at arms had talked with the witness about his testimony, but I understood the witness to say that he was the first man that talked with him about it. When were you served with this subpoena?

Senator KERN. Judge, what is the purpose of that?

Mr. HYNES. There is a good deal that he has said, Senator, about the time when he had talks with people—when he had talks with Mr. Hettler, etc.

Mr. FRAME. I believe it was the 11th.

Mr. HYNES. The 11th of July?

Mr. FRAME. The 11th of July; yes, sir.

Mr. HYNES. That is all.

Senator JONES. Mr. Frame, you say you joked about this remark you heard Mr. Hines make?

Mr. FRAME. Yes, sir.

Senator JONES. Why?

Mr. FRAME. Mr. Hettler and I were the only ones that probably smiled about it, or something.

Senator JONES. Why did you joke about it? Why did you smile about it?

Mr. FRAME. After he had testified I smiled at him as he would come into the club, or something of that kind.

Senator JONES. After he testified?

Mr. FRAME. Yes, sir; after the case at Springfield.

Senator JONES. You never treated this as a joke until after the case at Springfield?

Mr. FRAME. Well, possibly before; too.

Senator JONES. Are you sure about that—whether or not you regarded this remark as a joke before the testimony was taken at Springfield?

Mr. FRAME. Yes; I think we did, possibly.

Senator JONES. Did you?

Mr. FRAME. I might probably have smiled.

Senator JONES. I do not want what you might have done, but I want what you did. Did you regard it as a joke before that time? I simply want the truth. You can say you did or you did not.

Mr. FRAME. Why, yes.

Senator JONES. Why? What reason had you to regard it as a joke? Did you know anything about the interest Mr. Hines took in politics? You can say whether you did or not.

Mr. FRAME. No; I did not.

Senator JONES. Did you know whether he had any influence in politics or not?

Mr. FRAME. No; I would not say that I did.

Senator JONES. Did you know whether he in fact had anything to do with the election of Senator Lorimer or not?

Mr. FRAME. Not up until that time.

Senator JONES. Did you know whether he had been at Springfield, assisting in the election of Mr. Lorimer?

Mr. FRAME. No, sir.

Senator JONES. What reason had you for regarding that statement as a joke?

Mr. FRAME. You might have misunderstood me. We spoke about it afterwards.

Senator JONES. Who did?

Mr. FRAME. Mr. Hettler and I, in a joking sort of a way.

Senator JONES. Who spoke of it in a joking sort of a way—you or Mr. Hettler?

Mr. FRAME. Both of us, I guess, regarded it—

Senator JONES. I do not want what you guess; I want what the fact is.

Mr. FRAME. I could not say for sure.

Senator JONES. If you do not know, say so, on any of these matters. The committee does not want you to state anything that is not so simply because the question is asked. We simply want your recollection about it. Mr. Hettler joked with you about it, you say?

Mr. FRAME. Yes, sir.

Senator JONES. And that led you, then, to joke with him about it?

Mr. FRAME. Yes, sir.

Senator JONES. That is the fact about it?

Mr. FRAME. Yes, sir.

Senator JONES. Did Mr. Hettler tell you that Mr. Hines did not have any particular influence in political matters?

Mr. FRAME. No, sir.

Senator JONES. Did he tell you why he joked about it?

Mr. FRAME. No, sir.

Senator JONES. He spoke to you as though he considered the statement that Mr. Hines elected Mr. Lorimer as a joke? He spoke of it in that way, did he?

Mr. FRAME. Yes, sir.

Senator JONES. But he did not tell you anything about why? He did not suggest that Mr. Hines had no political influence, or anything of that sort?

Mr. FRAME. No, sir.

Senator JONES. Did you notice Mr. Hines before he spoke to Mr. Hettler on that day at the club?

Mr. FRAME. Not particularly.

Senator JONES. Did you at all?

Mr. FRAME. No; I did not.

Senator JONES. The first you saw of him was when he was talking with Mr. Hettler?

Mr. FRAME. Yes; or his approach to the case, I should say.

Senator JONES. That is just what I am getting at. Did you see him as he approached Mr. Hettler, before he spoke to him?

Senator KERN. Did you see him coming up?

Mr. FRAME. Yes; I did.

Senator JONES. Mr. Hettler was there at the case buying cigars at that time, was he?

Mr. FRAME. Yes, sir.

Senator JONES. You were talking to him?

Mr. FRAME. Yes, sir.

Senator JONES. Facing him?

Mr. FRAME. Yes, sir.

Senator JONES. And the telephone booths were back of you, were they not?

Mr. FRAME. No. They are more to the side. For instance, I would be facing him behind the case and the telephone booths would be to the right.

Senator JONES. How far back was Mr. Hines when you first saw him? I understood you to say a moment ago, 10 or 12 feet.

Mr. FRAME. Yes.

Senator JONES. Is that correct?

Mr. FRAME. Yes, sir.

Senator JONES. You saw him 10 or 12 feet away while you were talking with Mr. Hettler?

Mr. FRAME. Yes, sir; I think I noticed him.

Senator JONES. Have you a distinct recollection of that?

Mr. FRAME. Yes, sir.

Senator JONES. Did you see Mr. Hines come up and tap Mr. Hettler on the shoulder?

Mr. FRAME. I did not notice him tapping him on the shoulder.

Senator JONES. As he came up, would he be facing Mr. Hettler?

Mr. FRAME. No; he would not.

Senator JONES. He would come to his back, would he?

Mr. FRAME. Yes; or to his side, rather.

Senator JONES. Did you see him put his hand on Mr. Hettler's shoulder and call his attention?

Mr. FRMAN. No, sir.

Senator JONES. You were looking at Mr. Hettler at the time, were you not?

Mr. FRAME. Yes; I was.

Senator JONES. If he had done that you would have seen it, would you not?

Mr. FRAME. I did not notice him do that.

Senator JONES. If he had done it, would you not have seen him?

If he had put his hand on his shoulder, would you not have seen him?

Mr. FRAME. I probably would, but I can not say that I noticed it.

Senator JONES. I did not ask you whether you noticed it or not, now, but whether if he had done it you would have seen it? Do you think probably you would?

Mr. FRAME. I might.

Senator JONES. Did Mr. Hettler tell you that he was in a hurry to catch his train?

Mr. FRAME. I can not say for sure now. I took that for granted more than anything else. He seemed to be in a hurry, and I was making a sale, and I could not say for sure.

Senator JONES. How long had he been there getting the cigars before Mr. Hines came up?

Mr. FRAME. Just a few minutes. I had opened probably five or six boxes of cigars for him to make a selection.

Senator JONES. After Mr. Hines came up, Mr. Hettler and Mr. Hines left and went over 10 or 12 feet before he got his cigars?

Mr. FRAME. Yes, sir.

Senator JONES. You are sure of that?

Mr. FRAME. Yes, sir.

Senator JONES. You have a very distinct recollection of that, have you?

Mr. FRAME. Yes, sir.

Senator JONES. And that he did not get his cigars until after he came back from talking with Mr. Hines?

Mr. FRAME. Yes, sir.

Senator JONES. That is all.

The CHAIRMAN. You are excused.

TESTIMONY OF ISAAC BAKER.

ISAAC BAKER, being duly sworn, was examined and testified as follows:

Mr. HYNES. What is your full name, Mr. Baker?

Mr. BAKER. Isaac Baker.

Mr. HYNES. Where do you live?

Mr. BAKER. Chicago, Ill.

Mr. HYNES. How long have you lived there?

Mr. BAKER. About 31 or 32 years.

Mr. HYNES. What is your age?

Mr. BAKER. If I live until the 12th of August I will be 69 years old.

Mr. HYNES. This next month?

Mr. BAKER. Yes.

Mr. HYNES. How long have you been in the lumber business?

Mr. BAKER. Ever since I was about 15 years old.

Mr. HYNES. What is your present occupation?

Mr. BAKER. I look after the buying for the Edward Hines Lumber Co.

Mr. HYNES. And you have been in that relation to the Edward Hines Lumber Co. how long a time?

Mr. BAKER. Ever since they started in business—a little over 20 years, I should say.

Mr. HYNES. What was your position and occupation before that?

Mr. BAKER. I was a lumber inspector. No; before that, first, after I came to Chicago, I was buyer for Henry Barker & Co., first.

Mr. HYNES. In the lumber business?

Mr. BAKER. Yes, sir.

Mr. HYNES. Go on and tell us what your experience has been.

Mr. BAKER. Then I went with Walker, Fisher & Co.

Mr. HYNES. For how long a time?

Mr. BAKER. I was with them about seven years.

Mr. HYNES. Different lumber concerns in Chicago?

Mr. BAKER. Yes, sir; different lumber concerns in Chicago.

Mr. HYNES. How long have you been in the business of buying lumber for various lumber concerns?

Mr. BAKER. A little over 30 years.

Mr. HYNES. What has been your chief business in connection with the Edward Hines Lumber Co.?

Mr. BAKER. Looking after the buying of the lumber for the yard, and timber, and in fact all the buying.

Mr. HYNES. Buying in large quantities or in small quantities?

Mr. BAKER. Large quantities.

Mr. HYNES. Do you remember being in Washington prior to the date on which Senator Lorimer was elected?

Mr. BAKER. Yes, sir.

Mr. HYNES. Which was the 26th of May, 1909?

Mr. BAKER. Yes, sir.

Mr. HYNES. Were you here in connection with the purchase of lumber for Mr. Hines?

Mr. BAKER. Yes, sir.

Mr. HYNES. From whom?

Mr. BAKER. From Senator Isaac Stephenson.

Mr. HYNES. Was there a large bill under negotiation at that time—a large purchase?

Mr. BAKER. Yes, sir.

Mr. HYNES. To what extent?

Mr. BAKER. The purchase amounted to between seven and eight hundred thousand dollars.

The CHAIRMAN. Where was that located?

Mr. HYNES. That was when he was here in Washington.

Mr. BAKER. The conversation was at the Shoreham Hotel, I think.

Mr. HYNES. But where was the lumber?

Mr. BAKER. At Marinette, Wis., and Ford River, Mich.

Mr. HYNES. Had you been down to Washington to see Senator Stephenson with respect to that before that time?

Mr. BAKER. Yes, sir.

Mr. HYNES. Why did you not conclude the transaction when you first came down?

Mr. BAKER. Mr. Stephenson was not ready to put the price on the lumber when I first came down. He wanted to see his general superintendent, and also Mr. Upman, who was connected with the concern and who lived in Milwaukee.

Mr. HYNES. Then you went back to Chicago?

Mr. BAKER. Yes.

Mr. HYNES. How soon after that did you return to Washington?

Mr. BAKER. Just a few days.

Mr. HYNES. And you were here how long with reference to that transaction?

Mr. BAKER. About six days, the second time.

Mr. HYNES. Did you conclude the transaction?

Mr. BAKER. No, sir.

Mr. HYNES. What was the reason?

Mr. BAKER. He did not want to conclude it. Mr. Upman was to have been here, and he did not come; and he did not want to close up the trade until Mr. Upman got here.

Mr. HYNES. What day did you leave Washington?

Mr. BAKER. May 25.

Mr. HYNES. Where did you go to?

Mr. BAKER. To Chicago.

Mr. HYNES. With whom?

Mr. BAKER. With Mr. Edward Hines.

Mr. HYNES. Did you go all the way to Chicago?

Mr. BAKER. Yes.

Mr. HYNES. When you got to Chicago it was on the morning of the 26th?

Mr. BAKER. Yes.

Mr. HYNES. On what train did you arrive?

Mr. BAKER. On the 8.55; the limited or special.

Mr. HYNES. Was that on time, if you recall?

Mr. BAKER. Yes; if I remember right.

Mr. HYNES. Did anybody meet Mr. Hines at the station?

Mr. BAKER. Yes, sir.

Mr. HYNES. Who?

Mr. BAKER. Mr. Wiehe.

Mr. HYNES. Did you hear any conversation between them?

Mr. BAKER. Yes, sir.

Mr. HYNES. What was it?

Mr. BAKER. Mr. Hines told me on the train that he was going to Springfield that morning on the arrival of the train in Chicago.

Mr. HYNES. Did he say what about?

Mr. BAKER. No.

Mr. HYNES. To Springfield, Ill.?

Mr. BAKER. To Springfield, Ill. And Mr. Wiehe met him at the train and told him not to go to Springfield until after he had talked with Mr. Lorimer. They talked that way, and Mr. Hines said, "I

am going over to the Continental National Bank"; and I left them and went home.

Mr. HYNES. How far is your home from there?

Mr. BAKER. It is about 4 miles, I think.

Mr. HYNES. Did you return from your home anywhere? Did you go from your home anywhere else?

Mr. BAKER. I went to my home, and from there to the office of the Edward Hines Lumber Co.

Mr. HYNES. What time did you go to the office of the Edward Hines Lumber Co.?

Mr. BAKER. I should say it was about half past 10.

Mr. HYNES. What did you do there?

Mr. BAKER. As soon as I came in the office the telephone girl told me that Mr. Cook and Mr. O'Brien were down at the Grand Pacific Hotel and wanted to see me. I told her to call them up and she did so; and they told me they wanted me to come down to the hotel; that they wanted to see men. I asked them what for, and they said, "We can not tell you until you come down." I then called up Mr. Hines at the Continental National Bank and told him that Mr. Cook and Mr. O'Brien were there and wanted me to come down to see them. He told me to go ahead and find out and let him know what they wanted.

Mr. HYNES. Did you go down?

Mr. BAKER. So I immediately left and went down to the Grand Pacific Hotel.

Mr. HYNES. Where did you meet them?

Mr. BAKER. In the rotunda of the Grand Pacific Hotel.

Mr. HYNES. Did you remain there?

Mr. BAKER. No, sir; we went up to one of their rooms. I do not know which room it was, but we went upstairs to a room.

Mr. HYNES. That is, you do not know whether it was the room of Mr. Cook or Mr. O'Brien?

Mr. BAKER. No; I do not know which one it was.

Mr. HYNES. What did you talk about with Mr. Cook and Mr. O'Brien there, or they with you?

Mr. BAKER. They told me that the report came from Cloquet that Mr. Hines had assigned his Virginia and Rainy Lake stock to Rudolph Weyerhaeuser to be voted at the annual meeting, and that they, being minority stockholders, wanted to know where they stood.

Senator JONES. I do not see any use in going into the conversation between him and Cook.

Mr. HYNES. Only to show the occasion that brought them there.

Senator JONES. We do not care what brought them there; unless it is connected with this matter. They were there.

Senator GAMBLE. Suggest it briefly. Just call attention to the fact, and that will expedite it.

Mr. HYNES. I want to show their attitude toward Mr. Hines at that time, just for a moment, if I may.

What was said about that, Mr. Baker? Make it as brief as you can.

Mr. BAKER. That they had understood that Mr. Hines had assigned his stock to Rudolph Weyerhaeuser, and, being minority stockholders, they wanted to know where they stood; and they said also that they would combine with Mr. Hines their stock and that of

their friends, and would control the company. I told them I did not think there was anything in it, and I said: "I will find out. I will call Mr. Hines up on the telephone, and have him come over here."

I then called up the office of the Edward Hines Lumber Co., and they connected me with Mr. Hines at the Continental National Bank, and I told him to come over at once, that they wanted to leave the city, and it was important for him to come over.

Mr. HYNES. Did he come over?

Mr. BAKER. Yes, sir; he came over.

Mr. HYNES. About what time did he get there, according to your recollection?

Mr. BAKER. I should say, maybe 20 minutes after 11; from 15 to 20 minutes after.

Mr. HYNES. What occurred after Mr. Hines came there?

Mr. BAKER. They then told him the same story about what they had heard in regard to his assigning his stock.

Mr. HYNES. Tell me where you were when Mr. Hines came; whether you were upstairs or downstairs, or where you were?

Mr. BAKER. No, sir; after talking to Mr. Hines on the telephone I came downstairs and met Mr. Hines and told him what they wanted. I went down in the rotunda and met Mr. Hines there and told him what they wanted.

Mr. HYNES. Where were they in the meantime?

Mr. BAKER. They were in their room upstairs.

Mr. HYNES. Go on.

Mr. BAKER. So I says: "I will go right on up again, and you come up." And I went right up back to the room, and Mr. Hines followed me in in a few minutes or seconds. Then they told him the same story that they had told me.

Mr. HYNES. You need not repeat it. What did he say?

Mr. BAKER. Mr. Hines said that he had not assigned his stock to anybody, nor would he as long as he lived; that he would vote that stock himself to the best interests of all the stockholders.

Mr. HYNES. Was there anybody else there in that room?

Mr. BAKER. Yes; Mr. Wiehe came in while we were talking.

Mr. HYNES. After Mr. Hines, or before?

Mr. BAKER. After Mr. Hines.

Mr. HYNES. And then what happened?

Mr. BAKER. Then the telephone rang, and Mr. Cook went to the telephone, and he turned around and says, "Mr. Hines, they want you on the telephone." And Mr. Hines went to the telephone and commenced talking.

Mr. HYNES. Go on.

Mr. BAKER. And he says: "Hello! I have talked to the governor, and I will see you." Then there was a pause. "Now, you understand how the administration feels about this, but don't leave any stone unturned to be elected." Then there was another pause, and then Mr. Hines says: "If necessary, I will come down to Springfield to-night on the train."

Mr. HYNES. That was the substance of all you heard?

Mr. BAKER. That was the substance of all the conversation over the telephone.

Mr. HYNES. Where were you seated at the time of this conversation?

Mr. BAKER. I was seated at the table, about 6 or 8 feet from the telephone.

Mr. HYNES. Where were the others seated?

Mr. BAKER. It was a table about the size of this one, I should judge [indicating].

Mr. HYNES. About that shape, was it?

Mr. BAKER. Yes; about that shape. I sat there [indicating], and Mr.——

Mr. HYNES. Do not say "there," but specify according to direction where you were.

Mr. BAKER. I sat at the south end of the table, next to the telephone. Mr. O'Brien sat on the farther end, on the north end; Mr. Cook sat opposite to me; and Mr. Hines sat on the same side of the table with Mr. Cook, near the telephone.

Mr. HYNES. Where was Mr. Wiehe?

Mr. BAKER. He sat between Mr. O'Brien and me.

Mr. HYNES. Did Mr. Cook say, when he called Mr. Hines to the telephone, "Here is Gov. Deneen. Here is the governor"?

Mr. BAKER. No, sir.

Mr. HYNES. Did Mr. Hines, in that telephone conversation, say, "Hello, Gov. Deneen. Is this Gov. Deneen?"

Mr. BAKER. No, sir.

Mr. HYNES. Did he mention the name Deneen at any time in that conversation?

Mr. BAKER. No, sir.

Mr. HYNES. Did he state that he would be down that afternoon or evening with all the money that was necessary?

Mr. BAKER. No, sir.

Mr. HYNES. Was anything said about money in that telephone conversation, that you heard?

Mr. BAKER. No, sir.

Mr. HYNES. So far as Mr. Hines was concerned?

Mr. BAKER. No, sir.

Mr. HYNES. After that where did you go?

Mr. BAKER. Mr. Hines came back to the table and sat down, and one of the gentlemen, I would not say which one, spoke up and said: "Is that in reference to the election of Senator at Springfield?"

Mr. Hines said: "Yes." We sat and talked maybe 10 or 15 minutes about the Virginia & Rainy Lake Co.'s business, and they said they were well satisfied with the way the business was being conducted, and spoke again about how if they would combine this stock that Mr. Hines and Mr. Cook and Mr. O'Brien could control the company.

Mr. HYNES. Mr. Baker, were you with Mr. Hines the following day in the Union League Club?

Mr. BAKER. I was.

Mr. HYNES. On the 27th?

Mr. BAKER. Yes.

Mr. HYNES. What was your business there?

Mr. BAKER. To meet Mr. Carney of the Carney Bros. Co. (Ltd.) in regard to buying their lumber.

Mr. HYNES. You were the buyer?

Mr. BAKER. Yes.

Mr. HYNES. How large a transaction was that?

Mr. BAKER. Oh, somewhere about \$200,000 to \$250,000 I should say.

Mr. HYNES. Had you always participated in the appraisement or settlement of the price that was to be paid for the lumber?

Mr. BAKER. Yes.

Mr. HYNES. In the previous years?

Mr. BAKER. Yes.

Mr. HYNES. Mr. Carney's lumber?

Mr. BAKER. Yes.

Mr. HYNES. Who else was with you on that occasion?

Mr. BAKER. C. L. Hall.

Mr. HYNES. He had been up to see the lumber?

Mr. BAKER. He had been up to look the logs over in the camp in the wintertime.

Mr. HYNES. Had you been up there every year yourself, to examine lumber, previous to that year?

Mr. BAKER. Yes; previous to 1909; yes. Mr. Hall was under me, and I used to take him into the woods with me to get his ideas to compare with mine on the value of the timber. I had been up there, I think, two winters before with him; and this year I did not go.

Mr. HYNES. Was it the custom of Mr. Hines and yourself to jointly pass upon the value and price to be paid for lumber where there was any considerable amount in the transaction?

Mr. BAKER. Yes, sir.

Mr. HYNES. Tell what occurred while you were there.

Mr. BAKER. While we were there talking, there was a gentleman—

Mr. HYNES. Where were you?

Mr. BAKER. We were sitting on the lounge at the left-hand side of the entrance into the court room there; and there was a gentleman approached—

Mr. HYNES. Who was sitting there?

Mr. BAKER. Mr. C. L. Hall, Mr. Edward Hines, Mr. Carney, and myself.

Mr. HYNES. Go on, now.

Mr. BAKER. There was a gentleman came up and said, "How do you do, Mr. Hines," and Mr. Hines got up and shook hands with him; and he made the remark: "I see that Senator Lorimer is elected, and I am glad of it." Mr. Hines replied to him and said, "Yes; I think he will make a good representative." And the gentleman then said, "I have never met the Senator, and I would like to be introduced to him." At that he turned around and they walked off toward the exit where they go out of the clubroom.

Mr. HYNES. The entrance from the outer hall?

Mr. BAKER. That goes out into the hall.

Mr. HYNES. How far was that?

Mr. BAKER. I should judge they were about 10 feet from me at that time, where they stopped.

Mr. HYNES. What occurred there, if you know?

Mr. BAKER. I did not understand that. I could not hear what was said there.

Mr. HYNES. You did not hear what was said there?

Mr. BAKER. No; I could not hear what was said there.

The CHAIRMAN. Toward what point did they move away?

Mr. BAKER. They moved away from the front of the lounge over toward the entrance where they come into the reception room.

Mr. HYNES. What further, if anything, was said, that you heard?

Mr. BAKER. They stood there maybe two minutes, and Mr. Hines returned to us, and he said to Mr. Carney, "That is Mr. Funk, the general superintendent of the International Harvester Co.; a small man for a large position," or some words to that effect. Then we sat down and went to talking over our business again.

Mr. HYNES. When they started away from the position in front of the lounge where you heard this conversation, and after the expression of pleasure at the election of Senator Lorimer, how did they move away?

Mr. BAKER. Mr. Funk—the gentleman that I afterwards learned was Mr. Funk—took Mr. Hines by his left arm, and they walked off. He held his arm about here, I should say [indicating], above his elbow.

Mr. HYNES. Did Mr. Hines and Mr. Funk go and sit down anywhere?

Mr. BAKER. No, sir.

Mr. HYNES. Did they sit down on the lounge that you gentlemen were sitting on?

Mr. BAKER. No, sir.

Mr. HYNES. Or anywhere else?

Mr. BAKER. Nowhere else.

Mr. HYNES. Were Mr. Hines and Mr. Funk in view of you until Mr. Hines returned to you?

Mr. BAKER. Yes, sir.

Mr. HYNES. I think that is all.

Mr. HEALY. Where did you live in May, 1909, Mr. Baker?

Mr. BAKER. I lived on what is now Independence Boulevard, right opposite the Garfield Park Station of the elevated, in what is known as the Melzie Apartments.

Mr. HEALY. Near what cross street?

Mr. BAKER. It was south of Harrison, on the corner of Fauntleroy and Independence Boulevard.

Mr. HEALY. How far was that from the Union Station?

Mr. BAKER. I should say 4 or 5 miles.

Mr. HEALY. Well, which is it, 4 or 5?

Mr. BAKER. Let me see. It is about four and a half, I think, as nearly as I can figure it up.

Mr. HEALY. You went to your home that morning in a street car?

Mr. BAKER. No, sir; I went on the elevated.

Mr. HEALY. Which elevated road did you take?

Mr. BAKER. I took the Garfield Park car.

Mr. HEALY. Where did you catch the elevated train?

Mr. BAKER. On Canal Street, south of the Pennsylvania Depot there.

Mr. HEALY. How far from the Union Station was the elevated railroad station?

Mr. BAKER. I think it is about two blocks.

Mr. HEALY. Did you walk down there?

Mr. BAKER. Yes, sir.

Mr. HEALY. And then you took the elevated railroad to your home?

Mr. BAKER. Yes.

Mr. HEALY. Does that carry you to your home without change of cars?

Mr. BAKER. Yes, sir.

Mr. HEALY. And when you left the elevated train, how far were you then from your home?

Mr. BAKER. Just across the street; right across the street on Independence Boulevard.

Mr. HEALY. When you and Mr. Hines reached the Union Station that morning, as I understand you, Mr. Wiehe was there?

Mr. BAKER. Yes.

Mr. HEALY. You and Mr. Hines and Mr. Wiehe talked for some time?

Mr. BAKER. I did not talk any—Mr. Wiehe did—only Mr. Hines told me that he was going down to the Continental National Bank, as I left.

Mr. HEALY. Did you remain there and participate in the conversation?

Mr. BAKER. No, sir; I left then and went home.

Mr. HEALY. How long were you at the Union Station that morning?

Mr. BAKER. I was there maybe three or four minutes. I did not time myself.

Mr. HEALY. And what was your purpose in going to your home?

Mr. BAKER. I generally go home first. I had not been home for several days. I go home to see my family.

Mr. HEALY. You went to your home that morning and visited with your family?

Mr. BAKER. Yes, sir.

Mr. HEALY. How long did you remain at your home?

Mr. BAKER. Oh, 15 minutes, I should judge.

Mr. HEALY. And changed your linen, I presume?

Mr. BAKER. No, sir; I did not.

Mr. HEALY. Was it 15 minutes or a shorter or a longer time?

Mr. BAKER. I did not time myself there. I should say not over 15 minutes.

Mr. HEALY. After your visit with your family, where did you go?

Mr. BAKER. I went to the office of the Edward Hines Lumber Co.

Mr. HEALY. Where is the office of the Edward Hines Lumber Co., with reference to your home on Independence Boulevard?

Mr. BAKER. It is southeast.

Mr. HEALY. How far from your home?

Mr. BAKER. I should say 4 or 5 miles.

Mr. HEALY. What is the means of transportation from your home to the office of the Edward Hines Lumber Co.?

Mr. BAKER. I take the elevated car at Garfield Station and go to Marshfield, change there and take the Douglas Park car and go to Wood Street. There I get out and walk to the office.

Mr. HEALY. How far do you have to walk?

Mr. BAKER. It takes me about 10 minutes.

Mr. HEALY. That is the way you go to the office every day. I assume?

Mr. BAKER. Yes.

Mr. HEALY. What do you usually allow yourself for time from your home to office?

Mr. BAKER. About 30 minutes.

Mr. HEALY. Did you transact any business at the office that morning?

Mr. BAKER. Only just while they were getting Mr. Cook on the telephone and while I was talking, and then between that and the time they were getting Mr. Hines.

Mr. HEALY. Do you remember how long you remained at the office?

Mr. BAKER. No, sir; I do not.

Mr. HEALY. About how long?

Mr. BAKER. I could not have been there a great while; maybe 15 or 20 minutes—not over that.

Mr. HEALY. Do you remember with whom you talked at the office that morning?

Mr. BAKER. I talked with all the office help. I talked with Mr. Thomas, I think, and asked if there was any mail there for me.

Mr. HEALY. Do you remember speaking to Mr. Thomas and asking him about the mail?

Mr. BAKER. No; but I generally do that.

Mr. HEALY. No; I am asking you for your recollection with reference to what occurred; not what you generally do, but what you did that particular morning?

Mr. BAKER. I could not tell what I did. I went and looked at some of the mail. I know that, because I always do that.

Mr. HEALY. Do you remember any letters that you received that morning?

Mr. BAKER. No, sir; I do not know whether I received any or not.

Mr. HEALY. Do you remember any conversation you had with anybody at the office that morning?

Mr. BAKER. No; I do not.

Mr. HEALY. Can you tell now, approximately, how long you remained at the office?

Mr. BAKER. I say, I think somewhere about 15 minutes.

Mr. HEALY. Would it be a longer or a shorter time?

Mr. BAKER. I could not say.

Mr. HEALY. Do you have any recollection about that, Mr. Baker, or is it your impression that you were at the office that long that morning because of the things which happened?

Mr. BAKER. It is my impression that I was there the time that it would take to call up Mr. Cook, and my conversation with him, which lasted, maybe, a couple of minutes, and then calling up Mr. Hines and my conversation with him. I know that I left right away after talking with Mr. Hines.

Mr. HEALY. How long did it take you to get from the Union Station to your home that morning?

Mr. BAKER. It takes about 20 to 22 minutes on the train—oh, I should say, 25 to 30 minutes.

Mr. HEALY. Twenty-five or thirty minutes?

Mr. BAKER. Yes.

Mr. HEALY. Do you mean that is the running time of the train?

Mr. BAKER. That is the time it takes from the Canal Street Station to the Garfield Station.

Mr. HEALY. How long did it take you to walk from the Union Station to the elevated station?

Mr. BAKER. Not over five minutes.

Mr. HEALY. How long was it before you got an elevated train that morning?

Mr. BAKER. I do not remember. It was but a very few minutes. At that time in the morning they run very often. I think we have a train every two or three minutes.

Mr. HEALY. After you had talked with Mr. Cook and Mr. O'Brien at the Grand Pacific Hotel you called up Mr. Hines?

Mr. BAKER. Yes, sir.

Mr. HEALY. And you had a conversation with him?

Mr. BAKER. Yes, sir.

Mr. HEALY. And then where did you go?

Mr. BAKER. After we left Mr. O'Brien's room after that conversation I went down in the rotunda and met Mr. Hines.

Mr. HEALY. How far is the office of the Edward Hines Lumber Co. from the Grand Pacific Hotel?

Mr. BAKER. I do not know how far. It is 3 or 4 miles.

Mr. HEALY. How did you go—by street car or elevated train?

Mr. BAKER. I went by street car.

Mr. HEALY. Do you know the running time of the cars from the Edward Hines Lumber Co. office to the Grand Pacific Hotel?

Mr. BAKER. I think it was about 25 minutes.

Mr. HEALY. Did you have to change cars at all?

Mr. BAKER. No, sir.

Mr. HEALY. How far do you have to walk from the Edward Hines Lumber Co. to the street car which carries you down to the center of the city?

Mr. BAKER. Oh, it is just a little over a block.

Mr. HEALY. Now, when you arrived at the Grand Pacific Hotel that morning, who was it you first saw?

Mr. BAKER. I saw both Mr. Cook and Mr. O'Brien at the same time.

Mr. HEALY. And you met them in the rotunda of the hotel?

Mr. BAKER. They were sitting in the rotunda of the hotel.

Mr. HEALY. You had a talk with them down there?

Mr. BAKER. No, sir. They said, "We will go upstairs to the room."

Mr. HEALY. You had no conversation with them at all?

Mr. BAKER. Oh, just said, "Good morning," that is all; no conversation about any business.

Mr. HEALY. Had you talked with Mr. Wiehe that morning with reference to the business of Cook and O'Brien in Chicago?

Mr. BAKER. I had not.

Mr. HEALY. Had he told you, at the Union Station, or at any other place, that they were in Chicago?

Mr. BAKER. No, sir; he had not.

Mr. HEALY. The first information you had about their presence was the information which you received at the office of the Edward Hines Lumber Co.?

Mr. BAKER. Yes, sir.

Mr. HEALY. When you reached there, it was about what time in the morning?

Mr. BAKER. I should judge it was somewhere a little after 10 o'clock.

Mr. HEALY. Can you fix the time more definitely than that?

Mr. BAKER. I would not want to fix it to the minute. I did not look at my watch to see.

Mr. HEALY. Who was it that gave you the information about their presence at the hotel?

Mr. BAKER. The young lady at the telephone.

Mr. HEALY. What was her name?

Mr. BAKER. We have two. I would not say which one it was, but I think it was Miss Carroll.

Mr. HEALY. After you received that information, you talked with Mr. Hines?

Mr. BAKER. Yes, sir.

Mr. HEALY. What did you say to Mr. Hines and what did he say to you?

Mr. BAKER. I told him that Messrs. Cook and O'Brien were down at the Grand Pacific Hotel and had telephoned me and wanted him to come down and see them. He told me to go ahead and see what they wanted and let him know.

Mr. HEALY. Then you got on the street car—walked over to the street car and rode down?

Mr. BAKER. Yes, sir.

Mr. HEALY. What is your recollection as to the time you arrived there?

Mr. BAKER. I should say it was a little after 11 o'clock.

Mr. HEALY. In the forenoon?

Mr. BAKER. Yes, sir.

Mr. HEALY. You had no conversation with Mr. Wiehe about the matter at all; you are sure about that, are you?

Mr. BAKER. Yes, sir—well, I do not remember any such conversation. If there was, I do not remember it.

Mr. HEALY. After your talk with Mr. Cook and Mr. O'Brien, with whom did you communicate?

Mr. BAKER. I communicated with the office of the Edward Hines Lumber Co. and told them I wanted to talk to Mr. Hines—to have them call up Mr. Hines, that I wanted to talk with him.

Mr. HEALY. What conversation did you have with Mr. Hines about the matter?

Mr. BAKER. Over the telephone?

Mr. HEALY. Yes.

Mr. BAKER. I told him that Messrs. Cook and O'Brien were there, and they wanted to see him on very important business.

Mr. HEALY. Did you communicate to him the character of the business they wished to discuss with him?

Mr. BAKER. No, sir; not over the telephone.

Mr. HEALY. Do you remember anything else you said to him on the telephone?

Mr. BAKER. I told him that Cook and O'Brien were in a very great hurry; that they wanted to leave that afternoon to go to Toronto; and he said he would come over. I think that was all the conversation.

Mr. HEALY. Where did you go then, Mr. Baker?

Mr. BAKER. I went downstairs, and met Mr. Hines in the rotunda of the hotel when he came over from the bank.

Mr. HEALY. Where did you telephone to Mr. Hines from the Grand Pacific Hotel?

Mr. BAKER. I telephoned to our office, and had them call him up; told them I thought he was at the Continental National Bank, and they connected me with him through our office.

Mr. HEALY. You called up the office, and the office called up the Continental Bank?

Mr. BAKER. Yes.

Mr. HEALY. And got Mr. Hines?

Mr. BAKER. And I held the wire until they got him.

Mr. HEALY. And the message came back to the office of the Edward Hines Lumber Co. through the Grand Pacific Hotel?

Mr. BAKER. Yes.

Mr. HEALY. In what part of the hotel were you when you talked with Mr. Hines that morning?

Mr. BAKER. I was in the room of Messrs. Cook and O'Brien. I do not know which room it was where this conversation took place.

Mr. HEALY. In what part of the hotel was their room?

Mr. BAKER. It was upstairs.

Mr. HEALY. How high up?

Mr. BAKER. I am not sure. We went up in the elevator. I am not sure whether it was on the first floor above the office floor or the second. We went up in the elevator and turned to the right and went down the hall and then turned to the right again.

Mr. BAKER. Who were present when you were talking with Mr. Hines at the Continental Bank?

Mr. BAKER. Mr. Cook and Mr. O'Brien were in the room.

Mr. HEALY. And that was the same room in which this subsequent telephone conversation occurred?

Mr. BAKER. Yes; the same room.

Mr. HEALY. Was Mr. Wiehe there at that time?

Mr. BAKER. Not at that time.

Mr. HEALY. Mr. Cook and Mr. O'Brien heard your conversation with Mr. Hines?

Mr. BAKER. I suppose so. I do not know. They did not say anything about it.

Mr. HEALY. They were both present in the room?

Mr. BAKER. They were both present in the room.

Mr. HEALY. And after that where did you go?

Mr. BAKER. After talking with Mr. Hines in the rotunda?

Mr. HEALY. Yes.

Mr. BAKER. I went back upstairs in Mr. Cook's or Mr. O'Brien's room, whichever it was.

Mr. HEALY. You remained how long?

Mr. BAKER. I should judge we were there three-quarters of an hour. That is only from memory. I do not know. I did not time myself.

Mr. HEALY. Did you accompany Mr. Hines to the Union League Club that day?

Mr. BAKER. I did not.

Mr. HEALY. After you left the room of Cook and O'Brien, or the room of one of those men, where did you go?

Mr. BAKER. I went and got my lunch and went home.

Mr. HEALY. You went back to your home?

Mr. BAKER. Yes; to my house.

Mr. HEALY. You did not go back to the office that day?

Mr. BAKER. No, sir.

Senator KERN. Where did you take your lunch?

Mr. BAKER. I do not remember. I think I got my lunch at a restaurant on Adams Street—there somewhere, but I do not remember.

Senator KERN. Was anybody with you?

Mr. BAKER. No, sir.

Mr. HEALY. When, after this telephone conversation with Springfield, was the matter first called to your attention?

Mr. BAKER. I do not catch the meaning of that exactly.

Mr. HEALY. After Mr. Hines had this telephone talk with Springfield with Mr. Lorimer—

Mr. BAKER. Yes.

Mr. HEALY. When was the matter next called to your attention? When was the next time you thought about it or discussed it with anybody?

Mr. BAKER. Oh, that was after the testimony had been taken before the Helm committee.

Mr. HEALY. That was taken in March or April of this year?

Mr. BAKER. Yes.

Mr. HEALY. It was approximately two years after the telephone conversation occurred?

Mr. BAKER. Yes.

Mr. HEALY. In the meantime did you talk the matter over with Mr. Hines?

Mr. BAKER. Between the time we were there and this testimony?

Mr. HEALY. Yes.

Mr. BAKER. No, sir.

Mr. HEALY. Or with Mr. Wiehe?

Mr. BAKER. No, sir.

Mr. HEALY. Or with anybody else?

Mr. BAKER. No, sir.

Mr. HEALY. Had no discussion of this telephone conversation with anybody in that interim?

Mr. BAKER. Not between the testimony given before the Helm committee and that time, that I remember of.

Mr. HEALY. Had you given the matter in your own mind any special thought or consideration?

Mr. BAKER. In regard to the Cook—

Mr. HEALY. In regard to what was said on the telephone that morning.

Mr. BAKER. Not until after or somewhere about the time of the White conversation before I ever thought of it.

Mr. HEALY. And that was in April, 1910?

Mr. BAKER. I do not know the date.

Mr. HEALY. What was there in the White confession which turned your mind back to this telephone conversation in the Grand Pacific Hotel?

Mr. BAKER. Just from the newspaper talk, that is all.

Mr. HEALY. Was there anything in his confession which linked it up in any way with the telephone conversation which Mr. Hines had that morning with Springfield?

Mr. BAKER. Not particularly; no, sir.

Mr. HEALY. When you read the White confession, what was it that you recalled with reference to the telephone conversation?

Mr. BAKER. It was a general talk by the papers, that there was money raised there, and I think in one of the papers it was published, something about some prominent lumberman going to Springfield with a black bag having money in it.

Mr. HEALY. When did the paper publish that information?

Mr. BAKER. Oh, I don't know the date at all.

Senator KERN. How did that cause you to think of the telephone conversation? There was nothing in the telephone conversation about money, was there?

Mr. BAKER. About that time Mr. Cook had been getting off from the string, and making threats around through the country, telling what he would do, etc.

Senator KERN. What did you hear that he said he would do?

Mr. BAKER. He did not say right out what he would do, but he said he would get even with Mr. Hines, and talked it all over the country that he was going to get even with Mr. Hines in some way or other.

Mr. HEALY. Had he made those threats to you?

Mr. BAKER. Yes; he talked to me, well, about the company and all about it, several times. Mr. Cook and I had always got along very well together.

Mr. HEALY. Had you been present with Mr. Cook when Mr. Hines was present at any other time than this one conversation in May?

Mr. BAKER. At different meetings; yes, sir.

Mr. HEALY. They had had a number of meetings about that time, had they not?

Mr. BAKER. No; not about that time. It was prior to that time.

Mr. HEALY. Along in the month of May, 1909?

Mr. BAKER. No, sir.

Mr. HEALY. Or April, 1909?

Mr. BAKER. No, sir; not in that year.

Mr. HEALY. Were you present at any time during the month of May, 1909, with Mr. Cook and Mr. O'Brien and Mr. Wiehe?

Mr. BAKER. Prior to the—

Mr. HEALY. Prior to or shortly after the telephone conversation that you have testified to?

Mr. BAKER. Not that I remember of.

Mr. HEALY. Did you know that they were in Chicago during that month, quite frequently?

Mr. BAKER. I did not. I was not there a great deal myself.

Mr. HEALY. Most of your time is spent without the city of Chicago?

Mr. BAKER. Yes, sir.

Mr. HEALY. You are interested in the lumber business, pure and simple, are you not?

Mr. BAKER. Yes, sir.

Mr. HEALY. You are not identified in any way with any political movement in Illinois?

Mr. BAKER. Not at all.

Mr. HEALY. And not specially interested in any political faction?

Mr. BAKER. I have always been a Republican.

Mr. HEALY. Are you interested in any of the factional strife in the Republican Party?

Mr. BAKER. No, sir.

Mr. HEALY. You are not actively interested in politics?

Mr. BAKER. No, sir; not at all.

Mr. HEALY. You devote yourself to your lumber business?

Mr. BAKER. I know very little about politics.

Mr. HEALY. I say, your time is concerned and occupied with your lumber business, is it not?

Mr. BAKER. Yes, sir.

Mr. HEALY. Were you interested in any way in the election of Mr. Lorimer?

Mr. BAKER. No, sir.

Mr. HEALY. When your mind recurred to the conversation which occurred in the Grand Pacific Hotel, did you try to fasten in your mind or to refresh your recollection with reference to what was said?

Mr. BAKER. No, sir; I did not, because I recollected it very plainly.

Mr. HEALY. At the time of the publication of the White story, did you have any distinct recollection at that time with reference to what these gentlemen had said that morning in the room of Mr. Cook and Mr. O'Brien?

Mr. BAKER. No, sir.

Mr. HEALY. You did not then, and could not then, recall what they had said?

Mr. BAKER. I did not try to recall what it was.

Mr. HEALY. There was not anything unusual in that telephone conversation?

Mr. BAKER. No, sir.

Mr. HEALY. There was nothing unusual in the fact that you met these gentlemen in the Grand Pacific Hotel that morning, was there?

Mr. BAKER. No, sir.

Mr. HEALY. It was just like very many other incidents which came into your business life every day?

Mr. BAKER. Yes, sir.

Mr. HEALY. And did you have other talks that day, or the day before, with other men in reference to the affairs of the Edward Hines Lumber Co.?

Mr. BAKER. No, sir. The day before——

Mr. HEALY. Well, the day after that.

Mr. BAKER. The day after the 26th?

Mr. HEALY. Yes.

Mr. BAKER. Yes; I had a talk at the Union League Club with Mr. Fred Carney about his lumber.

Mr. HEALY. When was it that you first discussed or talked about that conversation which you had with Mr. Carney and Mr. Hines, after the conversation occurred?

Mr. BAKER. That was along about the 1st of June, this year.

Mr. HEALY. That was about two years after the conversation occurred?

Mr. BAKER. Yes.

Mr. HEALY. And in the meantime you had not talked this over with anybody?

Mr. BAKER. No, sir.

Mr. HEALY. Had not refreshed your recollection with reference to it in any way?

Mr. BAKER. No, sir.

- Mr. HEALY. Had you thought about it—given it any consideration?
- Mr. BAKER. Not until after I saw the testimony of Mr. Funk.
- Mr. HEALY. And that was the first time that the conversation or the incident came back into your mind?
- Mr. BAKER. Yes, sir.
- Mr. HEALY. Prior to that time you had dismissed it from your personal consideration and had not given it any special attention, or any attention?
- Mr. BAKER. No; none at all.
- Mr. HEALY. Is that true?
- Mr. BAKER. That is right.
- Mr. HEALY. There was not anything in the talk of Mr. Funk that morning that was of special importance to your mind?
- Mr. BAKER. No, sir.
- Mr. HEALY. When the White story was published in one of the Chicago newspapers, with whom did you discuss the matter of this telephone conversation at the Grand Pacific Hotel?
- Mr. BAKER. No one.
- Mr. HEALY. When was the first time that you discussed it with anybody?
- Mr. BAKER. After Mr. Funk testified.
- Mr. HEALY. And with whom did you talk about it then?
- Mr. BAKER. Mr. Hines.
- Mr. HEALY. Where did that conversation occur?
- Mr. BAKER. I think at the office of the Edward Hines Lumber Co.
- Senator KERN. How soon after Funk testified?
- Mr. BAKER. It must have been 10 days or more. I was not in Chicago at the time Mr. Funk testified. I was up at the mills. I did not see his testimony until after I got back to Chicago.
- Senator KERN. Who called your attention to it?
- Mr. BAKER. It was talked of generally—talked of around the office there—about how he testified, and by several parties, I think, on the train. I heard some conversation about it, but I did not see the testimony until after I arrived in Chicago.
- Senator KERN. Who showed it to you?
- Mr. BAKER. I could not say that. I found it in the paper. A clipping in the paper, in the office there, of the Edward Hines Lumber Co.
- Senator KERN. An old paper? That is, a paper 10 days old?
- Mr. BAKER. It was a clipping out of the paper; yes, sir. I do not know what the date of the paper was. I did not look.
- Senator KERN. You don't remember who handed it to you, or who called your attention to it?
- Mr. BAKER. No; I do not.
- Senator KERN. Was it Mr. Hines?
- Mr. BAKER. It might have been; I could not say. It might have been some of the other people.
- Mr. HEALY. At that time you had no recollection of the telephone conversation at the Grand Pacific Hotel?
- Mr. BAKER. At this time, when I first saw Mr. Funk's testimony?
- Mr. HEALY. Yes.
- Mr. BAKER. No, sir.
- Mr. HEALY. Did you connect up in any way the telephone conversation at the Grand Pacific Hotel with the meeting of Mr. Funk in the Union League Club the following day?

Mr. BAKER. Not at that time.

Mr. HEALY. What was your talk with Mr. Hines when you came back from the mill?

Mr. BAKER. My talk with Mr. Hines was that I was surprised to see Mr. Funk. In the first place, I said, "Is that the man we met at the Union League Club?" and I was surprised to see the testimony he had given, after he seemed to be so pleased when he met Mr. Hines at the Union League Club, in regard to the election of Senator Lorimer.

Mr. HEALY. What else was said?

Mr. BAKER. And then Mr. Hines wanted to know how we came to be there, and I said we were there on some business, and he wanted to know who was there with us, and I told him I thought one of our managers was there, because we had telegraphed the manager of our mill and met him there.

Senator KERN. Did Mr. Hines say he did not know who was there?

Mr. BAKER. Mr. Hines said he could not remember who was there at that time.

Mr. HEALY. Did you say he could not remember that he had been there?

Mr. BAKER. No; he could not remember who was there with us. I thought it was Mr. Whitten, one of our general managers, and he thought it was another one of them, and found out it was not. I was then going to Buffalo and Cleveland, and I told him it was some lumber deal, and it might have been one of our customers in Cleveland or Buffalo who was there, and he told me to go and see them and find out if they were there about that time, which I did, and they said they were not.

Mr. HEALY. Whom did you go to see?

Mr. BAKER. Mr. George W. Gynn, of Cleveland.

Mr. HEALY. When did you go to see Mr. Gynn?

Mr. BAKER. Well, that must have been along in May sometime.

Mr. HEALY. May of this year?

Mr. BAKER. Yes.

Senator KERN. Who else?

Mr. BAKER. I inquired of Mr. John McLeod, of Buffalo, and I think also of Mr. Silverthorn, of Tonawanda.

Senator KERN. What is Mr. Silverthorn's full name?

Mr. BAKER. They call him Ace—Mr. A. K. Silverthorn.

Senator KERN. Do you remember anybody else?

Mr. BAKER. No, sir.

Senator KERN. And Mr. Whitten was the other name?

Mr. BAKER. Mr. W. H. Whitten.

Mr. HEALY. You asked all of these men that you mention whether or not they were present in the Union League Club in May, 1909?

Mr. BAKER. No; I asked them whether they were in Chicago any time on business with us any time between the 26th and 30th of May.

Mr. HEALY. At that time you had no recollection of the presence of Mr. Carney there?

Mr. BAKER. No; I had forgotten who was there at that time.

Mr. HEALY. You did not remember whether Mr. Hall was there or not?

Mr. BAKER. No, sir.

Mr. HEALY. In fact it was your recollection that it was Mr. Whitten, another one of your sales managers. Is that correct?

Mr. BAKER. Yes, sir.

Mr. HEALY. Did you remember at that time what part of the Union League Club you occupied when you were talking with these men and trying to ascertain whether they had been in Chicago or not about that time?

Mr. BAKER. I was not talking to them in the Union League Club.

Mr. HEALY. No; but at the time you were talking with these men, Mr. Gynn, and Mr. McLeod and Mr. Silverthorn, did you then remember, at that time?

Mr. BAKER. Yes.

Mr. HEALY. Did you then remember what part of the Union League Club you had met Mr. Funk in?

Mr. BAKER. Yes, sir.

Mr. HEALY. Did you remember the arrangement of the men upon the sofa, or the couch?

Mr. BAKER. No; I did not remember the arrangement of how we sat.

Mr. HEALY. Did you remember what time of day it was?

Mr. BAKER. Yes; we got there a little after 1 o'clock.

Mr. HEALY. Now, did you accompany Mr. Hines to the Union League Club that day?

Mr. BAKER. I did.

Mr. HEALY. From where?

Mr. BAKER. From the office of the Edward Hines Lumber Co.

Mr. HEALY. Had you been in the office of the Edward Hines Lumber Co. all that morning, the morning of the 27th of May, 1909?

Mr. BAKER. Yes; after my arrival there.

Mr. HEALY. About what time did you arrive?

Mr. BAKER. Half past 9.

Mr. HEALY. That is your usual time for reaching the office?

Mr. BAKER. Yes, sir.

Mr. HEALY. Was Mr. Hines there?

Mr. BAKER. He was.

Mr. HEALY. Did he remain there all that morning?

Mr. BAKER. Yes, sir.

Mr. HEALY. You saw him from time to time?

Mr. BAKER. From time to time.

Mr. HEALY. And you have a distinct recollection with reference to that?

Mr. BAKER. Yes.

Mr. HEALY. Do you remember anybody else whom you saw in the office of the Edward Hines Lumber Co. that morning?

Mr. BAKER. Mr. C. L. Hall.

Mr. HEALY. Anybody else?

Mr. BAKER. Well, the general help; all of the help, some 40 of them.

Mr. HEALY. You left the office of the Edward Hines Lumber Co. in company with Mr. Hines?

Mr. BAKER. Mr. Hines and Mr. Hall.

Mr. HEALY. And what time did you leave the office of the Edward Hines Lumber Co. on the morning of the 27th of May, 1909?

Mr. BAKER. It was just a little before 1 o'clock, I should say.

Mr. HEALY. How did you go from there?

Mr. BAKER. In an automobile.

Mr. HEALY. Where did you go to?

Mr. BAKER. We went to the Union League Club.

Mr. HEALY. And you reached there at what time?

Mr. BAKER. Somewhere—a few minutes after 1.

Mr. HEALY. How long did you remain there that day?

Mr. BAKER. Well, we might have been there three-quarters of an hour to an hour. I did not take the time we were there. We were there quite a little spell.

Mr. HEALY. Where did you go from there?

Mr. BAKER. I went home from there.

Mr. HEALY. Did you go to your home directly from the Union League Club?

Mr. BAKER. Well, I might have stopped somewhere, but I had no other business down town.

Mr. HEALY. When you left the Union League Club that day did anybody leave with you?

Mr. BAKER. Yes.

Mr. HEALY. Who?

Mr. BAKER. Mr. Hines and Mr. Hall.

Mr. HEALY. Anybody else?

Mr. BAKER. I think Mr. Carney went out just ahead of me.

Mr. HEALY. Mr. Carney went out first?

Mr. BAKER. Yes.

Mr. HEALY. And then you and Mr. Hall and Mr. Hines remained?

Mr. BAKER. We remained there and talked over the situation a little bit about the lumber. We did not agree with Mr. Carney on that day on the price of his lumber.

Mr. HEALY. You three left the Union League Club together?

Mr. BAKER. Yes.

Mr. HEALY. Where did Mr. Hines go, if you know?

Mr. BAKER. I could not tell you.

Mr. HEALY. Did you see him depart from the club?

Mr. BAKER. No. If I remember rightly, Mr. Hines stood in the doorway of the club when I left him and Mr. Hall.

Mr. HEALY. Do you remember his automobile being there?

Mr. BAKER. Well, I do not remember seeing it.

Mr. HEALY. You came down in an automobile?

Mr. BAKER. Yes. It was not standing in front of the club, I think.

Mr. HEALY. Do you not remember it was standing directly across from the club, on the north side of Jackson Boulevard?

Mr. BAKER. No; I do not.

Mr. HEALY. Did you part from Mr. Hines and Mr. Hall in front of the club?

Mr. BAKER. Right from the door of the club.

Mr. HEALY. Did Mr. Hines have his hat on at the time? Was he about to leave the club, as far as you could see?

Mr. BAKER. I would not say about that. I did not notice.

Mr. HEALY. Then you went to your home?

Mr. BAKER. I went home.

Mr. HEALY. Now, after you had had this talk with Mr. Hines about the meeting in the Union League Club with Mr. Carney, you

went, as I understand it, to see these other gentlemen in Buffalo and Cleveland and Tonawanda?

Mr. BAKER. Yes.

Mr. HEALY. Did you have any other business in that section of the country?

Mr. BAKER. Yes.

Mr. HEALY. But incidentally you were trying to ascertain if they were present in Chicago at the time, and if possibly they might not have been present at the time you had this talk with Mr. Carney? Was that your attempt or your effort?

Mr. BAKER. My attempt was to find out who was there with us at the Union League Club at about that time, or who was in Chicago on business?

Senator KERN. How long were you engaged in finding that out?

Mr. BAKER. Oh, I was on a trip. I did not go expressly for that. I had other business at these places when I went there.

Senator KERN. I mean how long was it until you found out it was Mr. Hall who was with you and Mr. Carney?

Mr. BAKER. Oh, I found that out when I came home about the 1st of June, somewhere along about the 1st of June of this year.

Senator KERN. You did not know then until the 1st of June of this year?

Mr. BAKER. No; I did not.

Senator KERN. That Mr. Hall and Mr. Carney were there in the Union League Club with you?

Mr. BAKER. That is correct.

The CHAIRMAN. How did you learn it was Mr. Carney?

Mr. BAKER. Well, I had been away, and I came home and Mr. Hines spoke to me and he said, "Why, Charley Hall was there and Mr. Carney," and it came to my mind then at once about the purchase of this lumber. That is how it was brought to my attention. Mr. Hall seemed to remember it very plainly and that brought it to my mind.

Senator KERN. Did you remember it before or after Mr. Hall remembered it?

Mr. BAKER. After Mr. Hall remembered it.

Senator KERN. Do you remember who remembered it first, whether Mr. Hines before Mr. Hall or Mr. Hall before Mr. Hines?

Mr. BAKER. Oh, I would not say about that, I could not tell.

Senator JONES. Did they tell you how they found out that Mr. Carney was there?

Mr. BAKER. Why, Mr. Hall, as I understand it, said that Mr. Carney was there and Mr. Hines told me; he said, "I will write Mr. Carney and find out." and I supposed he did so.

Senator JONES. They were not sure then whether Mr. Carney was there or not?

Mr. BAKER. Mr. Hall was very sure of it, but Mr. Hines was not so sure of it.

Senator JONES. Even though Mr. Hall was sure of it, you were not sure of it?

Mr. BAKER. Yes; I was very confident in my own mind that he was there.

Senator JONES. And expressed yourself in that way?

Mr. BAKER. Yes.

Senator KERN. As soon as it was mentioned, you remembered. As soon as Mr. Hall mentioned it you remembered it was Mr. Carney?

Mr. BAKER. As soon as he mentioned and told about the conversation being about the lumber, then I remembered it.

Senator KERN. It all came back to you?

Mr. BAKER. Yes.

Senator KERN. But Mr. Hines was not satisfied, and he wanted to write to Mr. Carney about it?

Mr. BAKER. He wrote to find out whether it was so or not.

Senator JONES. Didn't they tell you they had looked up their records and found out Mr. Carney was there about that time?

Mr. BAKER. Not that time.

Senator JONES. Did they afterwards?

Mr. BAKER. Afterwards Mr. Carney came to Chicago.

Senator JONES. And they looked up the records in Chicago and found out he had been there?

Mr. BAKER. No, sir; I did not understand they looked up the records in our office at all.

Mr. HEALY. At the time you and Mr. Hall and Mr. Hines were talking about this matter, did you have any recollection with reference to what was said at the Union League Club conversation at that time?

Mr. BAKER. Do you mean the conversation in the Union League Club?

Mr. HEALY. Yes. Or did you discuss it between yourselves?

Mr. BAKER. In regard to the lumber?

Mr. HEALY. No; in regard to what Mr. Funk had said and what Mr. Hines had said?

Mr. BAKER. It was not discussed after Mr. Funk spoke—after he left there, when he came and sat down; we did not discuss that any further.

Mr. HEALY. You misunderstand me. About the 1st of June of this year, as I understand you, you had a talk with Mr. Hines and Mr. Hall?

Mr. BAKER. Yes.

Mr. HEALY. With reference to this Union League conversation?

Mr. BAKER. Yes.

Mr. HEALY. Now, at that conversation you gentlemen were trying to fix and determine the identity of the persons who were present. Is that right?

Mr. BAKER. Yes.

Mr. HEALY. In that same conversation, did you talk, or Mr. Hall or Mr. Hines, about what had been said in the Union League Club conversation?

Mr. BAKER. Mr. Hines and I did, but Mr. Hall and I did not.

Mr. HEALY. What did you and Mr. Hines say in that regard?

Mr. BAKER. He asked me how I remembered that conversation, and what I remembered about it.

Mr. HEALY. What did you tell him?

Mr. BAKER. I told him, as I remembered, that Mr. Funk seemed very much pleased to think that Mr. Lorimer was elected.

Mr. HEALY. Tell us not what Mr. Funk seemed, but tell us what you said to Mr. Hines, as near as you can remember it?

Mr. BAKER. I said to Mr. Hines that Mr. Funk came over and spoke to him, and said, "I see that Mr. Lorimer is elected, and I am

glad of it," and Mr. Hines said, "Yes; I think he will make a good representative," and he said, "I am not acquainted with the Senator, and I would like to be introduced to him," and at that they walked off, and the further conversation I did not hear.

Mr. HEALY. You told that to Mr. Hines on the 1st of June?

Mr. BAKER. Yes.

Mr. HEALY. You told him that was your recollection of what occurred in front of the couch that day?

Mr. BAKER. Yes.

Mr. HEALY. What did Mr. Hines say in answer to that suggestion on your part?

Mr. BAKER. Well, he wanted to know if I did not hear any more of it, and I told him no, I did not, that was all I heard.

Mr. HEALY. Did he tell you at that time what his recollection of the conversation was?

Mr. BAKER. No; he did not.

Mr. HEALY. What else did he say to you?

Mr. BAKER. He said that we would go down to see the attorney. We went down and saw the attorney.

Mr. HEALY. And what occurred down there?

Mr. BAKER. He asked me the same question about my recollection of both the Cook matter and the Funk matter.

Mr. HEALY. Was Mr. Hines also interrogated at that conversation?

Mr. BAKER. He was; yes, sir.

Mr. HEALY. What did Mr. Hines say with reference to his recollection about the Union League Club conversation with Mr. Funk?

Mr. BAKER. I don't remember that he said anything there.

Mr. HEALY. Did Mr. Hines at any time give you the benefit of his recollection of that conversation?

Mr. BAKER. No, sir.

Mr. HEALY. You have never heard him detail or recite it?

Mr. BAKER. No, sir.

Mr. HEALY. Has he ever told you that his recollection agreed substantially with yours?

Mr. BAKER. No; because there was more of Mr. Hines's conversation than there was of his testimony in the paper; there was more of it, and therefore he did not tell me anything about that. I never knew anything about that until after Mr. Hines had testified.

Mr. HEALY. He never told you that your recollection of that conversation agreed with his memory on the subject?

Mr. BAKER. No; I don't remember it if he did.

Mr. HEALY. Was there any suggestion made along that line by him?

Mr. BAKER. No; I do not think so.

Senator KERN. Did you read his testimony given here?

Mr. BAKER. No; I just read snatches of it in the paper.

Senator KERN. Did you read his testimony as to this conversation in the Union League Club?

Mr. BAKER. No; I never read all of it.

Senator KERN. And you never heard from him what he has testified to, or what he would testify to?

Mr. BAKER. No; I heard from some other parties here, after he testified here, that he had testified that—

Senator KERN. I am just asking you whether or not you ever heard from him or read what he said?

Mr. BAKER. No.

Senator KERN. Then, does it occur to you to be remarkable that you should give that part of the conversation in precisely the same words that Mr. Hines gave it in? Does that occur to you as a remarkable coincidence, you not having heard him talk about it and give his version, and not having read what he testified?

Mr. BAKER. Why, I do not think so; I do not think so.

Mr. HEALY. Had you ever met Mr. Funk prior to this Union League conversation?

Mr. BAKER. No, sir.

Mr. HEALY. You never saw him before that time?

Mr. BAKER. Not to my knowledge.

Mr. HEALY. You never heard of him?

Mr. BAKER. I heard of him.

Mr. HEALY. Have you ever seen him since?

Mr. BAKER. Yes.

Mr. HEALY. Prior to the time when he testified before this committee?

Mr. BAKER. I met him here in the hotel before he testified.

Mr. HEALY. You met him here in Washington?

Mr. BAKER. Yes.

Mr. HEALY. And you never met him after that conversation and prior to the time when he appeared before this committee as a witness?

Mr. BAKER. No, sir.

Mr. HEALY. And you never had any business dealings or anything to do with him?

Mr. BAKER. No, sir.

Mr. HEALY. Now, when was it you first remembered that Mr. Funk took Mr. Hines by the left arm at the elbow, or near the elbow?

Mr. BAKER. Well, at the time, soon after he testified.

Mr. HEALY. Soon after who testified?

Mr. BAKER. Soon after Mr. Funk testified before the Helm committee.

Mr. HEALY. After Mr. Funk's testimony was given before the Helm committee, you remember that he came up and took hold of Mr. Hines's left arm?

Mr. BAKER. That is, he was up there and took hold of it, and they walked off together.

Mr. HEALY. When you talked with Mr. Hines on the 1st of June, did you tell him that?

Mr. BAKER. Yes, sir; I told him that before, too, I think—before the 1st of June.

Senator KERN. Mr. Witness, do you want the committee to understand that your state of mind was such that you did not remember that Hall was there; did not remember that Carney was there—

Mr. BAKER (interrupting). Not until after—

Senator KERN. Wait a minute—and were searching around through the country to find out who were there, and yet you had a distinct recollection of the part of the arm of Mr. Hines that Mr. Funk took hold of? Is that what you want the committee to understand?

Mr. BAKER. Yes, sir. It seemed to me so improbable, what he said there at the Union League Club, compared with the testimony that

he gave in Springfield—there was so much variation about it that it called my memory to it at once.

Senator KERN. The variation was so great that you remembered the arm and the part of the arm that he took hold of?

Mr. BAKER. Yes, sir.

Senator KERN. And yet your memory was of such a character that you could not remember who were present?

Mr. BAKER. At the time, no, sir.

Mr. HEALY. Where was Mr. Funk when you first saw him that day?

Mr. BAKER. He was coming from over toward the elevators.

Mr. HEALY. How far from where you gentlemen sat was he when you first saw him?

Mr. BAKER. Oh, I should say about 6 or 8 feet.

Mr. HEALY. Coming directly toward you?

Mr. BAKER. Coming directly toward us.

Mr. HEALY. What was the expression on his face, if he had any special or unusual expression on that occasion?

Mr. BAKER. I did not notice any unusual expression.

Mr. HEALY. Did you notice that he was smiling when he greeted Mr. Hines?

Mr. BAKER. I did not notice that he was smiling; no.

Mr. HEALY. Do you remember how he was dressed?

Mr. BAKER. No; I do not.

Mr. HEALY. You say he was about 6 or 8 feet from where you sat?

Mr. BAKER. Yes, sir; from where I sat.

Mr. HEALY. How were you gentlemen ranged on that leather couch that day? Just tell us the order in which you sat there.

Mr. BAKER. I think I sat the farthest down on the couch.

Mr. HEALY. What end was that—the north end of the couch?

Mr. BAKER. At the north end of the couch; yes.

Mr. HEALY. Then, who sat next to you?

Mr. BAKER. I think Mr. Carney, and then I won't say whether it was Mr. Hines or Mr. Hall that sat next. I do not remember about that. I think in the first place, when we first sat down there, Mr. Hall sat next to the end of the couch, and Mr. Hines sat next, and Mr. Carney next; and I think when Mr. Hines came back he sat between myself and Mr. Carney, after he came back again. That is my memory.

Mr. HEALY. When Mr. Funk came up and greeted Mr. Hines, how far did Funk and Hines stand from where you sat?

Mr. BAKER. Oh, I should say 3 feet—4 feet, maybe.

Mr. HEALY. Three or four feet?

Mr. BAKER. Not over 4 feet, anyhow.

Mr. HEALY. Did Mr. Hinds extend his hand before he got up, or after he rose to his feet?

Mr. BAKER. I think he rose to his feet before he extended his hand.

Mr. HEALY. What is your recollection about it?

Mr. BAKER. My recollection is that he got up first before he extended his hand.

Mr. HEALY. Did he speak before he rose from the couch?

Mr. BAKER. Did he speak?

Mr. HEALY. Yes.

Mr. BAKER. No, sir; I do not think he did. I think he rose up first.

Mr. HEALY. What is the first word you remember as being said by either of those gentlemen that day?

Mr. BAKER. I think they just passed the ordinary greetings—"How do you do?"

Mr. HEALY. Have you any recollection about it?

Mr. BAKER. Not about the words; no.

Mr. HEALY. You think that that is about what they would do under those circumstances?

Mr. BAKER. Yes; naturally. I do not remember that they did that.

Mr. HEALY. You do not remember whether they said "how do you do," or "good afternoon," or "hello"?

Mr. BAKER. No, sir. The first that I remember was when he spoke and said, "I see that Lorimer is elected."

Mr. HEALY. What tone of voice did Mr. Funk employ on that occasion?

Mr. BAKER. Just as you would and I would in talking.

Mr. HEALY. He spoke loud enough for all of the gentlemen on the couch to hear what he had to say?

Mr. BAKER. Yes, sir; I should say so. At least, I heard it.

Mr. HEALY. Was he the one who first opened up the discussion on the senatorial question?

Mr. BAKER. Yes, sir.

Mr. HEALY. What is the first language you remember his using?

Mr. BAKER. He said, "I see that Senator Lorimer is elected."

Mr. HEALY. Yes. Did he not say, "I see that Mr. Lorimer is elected Senator"?

Mr. BAKER. "I see that Mr. Lorimer is elected Senator."

Mr. HEALY. That is what he said?

Mr. BAKER. Yes, sir.

Mr. HEALY. You are sure about that?

Mr. BAKER. Yes, sir; I am sure. I got the "Senator"—

Mr. HEALY. It was not, "I see that Senator Lorimer has just been elected"?

Mr. BAKER. Oh, no; because he was not Senator.

Mr. HEALY. He had been Senator for a day then, had he not, so that either would have been proper?

Mr. BAKER. Yes.

Mr. HEALY. What was the next thing that was said?

Mr. BAKER. By Mr. Funk?

Mr. HEALY. Or by Mr. Hines.

Mr. BAKER. Mr. Hines said, "Yes; and I think he will make a good representative."

Senator JONES. You are sure he said that, are you?

Mr. BAKER. I am not sure whether he used the word "representative." It was something to that effect.

Senator JONES. Would not that sound rather strange when he had been elected Senator?

Mr. BAKER. That he would make a good representative?

Senator JONES. Yes.

Mr. BAKER. I do not know.

Senator JONES. Would he not naturally say, "I think he will make a good Senator?"

Mr. BAKER. He might naturally; I would not say that he did not say so.

Senator JONES. Have you any recollection of what he did say?

Mr. BAKER. My recollection was he said, "I think he will make a good representative."

Senator JONES. Did he not say that he ought to make a good representative of the State?

Mr. BAKER. I do not remember about that.

Senator JONES. You do not remember what he did say; do you?

Mr. BAKER. Yes, sir; I remember that. I do not remember of hearing that.

Senator JONES. Do you remember that he did not say that?

Mr. BAKER. No, sir; I would not swear that he did not say that, but I do not remember hearing it.

Senator JONES. But you do remember that he said he would make a good representative?

Mr. BAKER. That is as I understood it.

Senator JONES. I do not want what you understood; I want what you remember he said.

Mr. BAKER. I have told you, I say—"I think he will make a good representative."

Mr. HEALY. What was the next thing that he said, Mr. Baker?

Mr. BAKER. Mr. Funk said, "I have never met the Senator, and I would like to be introduced to him."

Mr. HEALY. Yes.

Mr. BAKER. At that they walked off.

Mr. HEALY. Did Mr. Hines say that he would be glad to accommodate Mr. Funk in that respect?

Mr. BAKER. I did not hear Mr. Hines say that, because they walked off at that time.

Mr. HEALY. Was it then that Mr. Funk took hold of Mr. Hines's left arm?

Mr. BAKER. Yes, sir.

Mr. HEALY. And walked him off toward the exit?

Mr. BAKER. Yes.

Mr. HEALY. Did he push or press him gently in that direction?

Mr. BAKER. Why, no; I did not notice whether he did or not.

Mr. HEALY. Could you see from his action that he had any special purpose in view when he took hold of Mr. Hines's left arm near the elbow?

Mr. BAKER. It looked as though he wanted to get where we did not hear him talk.

Mr. HEALY. Yes; he wanted to talk with Mr. Hines in the absence of you other gentlemen?

Mr. BAKER. Yes; but he did not go far. He only went about 10 feet, and I did not pay any attention because I did not know who he was at that time.

Mr. HEALY. You say you did not pay any attention. Do you mean you did not watch them after that?

Mr. BAKER. Not after they left us, not after they walked out there. I did not try to listen to hear what they were talking about.

Mr. HEALY. When they had gone 10 feet, what did they do—stand still?

Mr. BAKER. Yes, sir.

Mr. HEALY. And talked?

Mr. BAKER. Yes, sir.

Mr. HEALY. And you paid no further attention to them?

Mr. BAKER. No, sir; not to their talk.

Senator KERN. Did you gentlemen sitting on the sofa continue the conversation while they were gone?

Mr. BAKER. I suppose I could have heard it.

Senator KERN. No, no, no. Did you gentlemen who were sitting on the sofa continue your conversation? Did you talk with each other while they were out there?

Mr. BAKER. No, sir; we did not talk about business at all while they were there.

Senator KERN. Did you talk about anything?

Mr. BAKER. Oh, we might have been talking.

Senator KERN. But were you?

Mr. BAKER. I would not say that we were; no.

Senator KERN. You gentlemen just sat there and watched those two men, did you?

Mr. BAKER. I do not remember whether we talked any at all while they were gone, because they were only gone a couple of minutes.

Senator KERN. Your memory is vacant as to what occurred?

Mr. BAKER. No, sir; it is not. I am confident we did not talk, because when Mr. Funk came up there we were in the midst of discussing the value of the lumber, and we waited until Mr. Hines came back before we renewed that discussion.

Senator KERN. You remember that now, do you?

Mr. BAKER. Yes, sir; I remember that.

Senator KERN. You remember that you were in the midst of a discussion concerning the value of Carney's lumber?

Mr. BAKER. Yes, sir.

Senator KERN. When Funk came up?

Mr. BAKER. Yes, sir.

Senator KERN. Yet it was a long time before you remembered that Carney was there at all?

Mr. BAKER. Yes, sir; afterwards it passed my mind. I had no reason or anything to remember it for—no reason why I should remember it—until after Mr. Funk's testimony.

Mr. HEALY. Did you watch Mr. Funk and Mr. Hines as they stood some 10 feet from where you sat?

Mr. BAKER. I was looking at them; yes, sir.

Mr. HEALY. All the time they were there?

Mr. BAKER. Yes; I think so. My eyes might have passed around the room; but I saw them stop there, and I saw Mr. Hines when he left to come back.

Mr. HEALY. When they were standing there, which of the two men was nearer you or nearer to the couch?

Mr. BAKER. Mr. Hines.

Mr. HEALY. Was his back turned to you, or the side of his body?

Mr. BAKER. About sidewise—a little sidewise; kind of half back.

Mr. HEALY. Could you see his face?

Mr. BAKER. I could see the side of his face; that is all.

Mr. HEALY. Was his back turned more than his side toward you?

Mr. BAKER. I do not know; I would not say that it was.

Mr. HEALY. In which direction was Mr. Funk facing while they stood there?

Mr. BAKER. He stood besides Mr. Hines, and turned around nearly in front of him, if not quite.

Mr. HEALY. Could you see Mr. Funk's face all the time?

Mr. BAKER. I could, if Mr. Hines had not stood between us.

Mr. HEALY. Mr. Hines's body intervened between you and Mr. Funk?

Mr. BAKER. Yes, sir.

Mr. HEALY. So that you could not see Mr. Funk at any time, or see the expression upon his face, while they were talking?

Mr. BAKER. No, sir.

Mr. HEALY. Is that right?

Mr. BAKER. That is right.

Mr. HEALY. Did they maintain that same attitude during the few minutes that they stood there talking?

Mr. BAKER. Yes, sir.

Mr. HEALY. They never changed it?

Mr. BAKER. They never moved at all, I think.

Mr. HEALY. You are quite sure about that?

Mr. BAKER. They might have; I do not say they stood perfectly still. No; I would not say that.

Mr. HEALY. When they parted, did they part at that place where they had been standing and talking?

Mr. BAKER. Yes, sir.

Mr. HEALY. How did they part?

Mr. BAKER. Mr. Funk went out—outside—and Mr. Hines came back.

Mr. HEALY. Did they shake hands?

Mr. BAKER. No, sir; I do not think they did. At least I did not see them if they did.

Mr. HEALY. Did Mr. Funk have his hat on his head or in his hand during the conversation?

Mr. BAKER. I could not say.

Mr. HEALY. You do not recall that?

Mr. BAKER. No, sir.

Mr. HEALY. You do not remember whether he came out of the coat room from the south end of the club building with his hat in his hand?

Mr. BAKER. I do not know where he came from at all. The first I saw of him he was only about 6 or 8 feet from where I sat.

Mr. HEALY. Then Mr. Hines returned to where you gentlemen were sitting?

Mr. BAKER. Yes, sir.

Mr. HEALY. While he and Mr. Funk were standing there, did you gentlemen discuss the interruption in any way?

Mr. BAKER. No, sir.

Mr. HEALY. Did any of you know who it was that came up and talked with Mr. Hines?

Mr. BAKER. I do not think so.

Mr. HEALY. Then Mr. Hines came back. What part of the couch did he occupy or reoccupy?

Mr. BAKER. If I remember right, he sat between Mr. Carney and myself when he came back.

Mr. HEALY. That is, you changed your relative positions on the couch?

Mr. BAKER. Yes.

Mr. HEALY. Mr. Carney moved up toward the end which Mr. Hall was occupying?

Mr. BAKER. Yes, sir.

Mr. HEALY. And Mr. Hines moved down next to you?

Mr. BAKER. Yes, sir.

Mr. HEALY. So that after that the conversation was carried on with Carney between Hall and Hines?

Mr. BAKER. Yes, sir.

Mr. HEALY. And with you sitting to the left of Mr. Hines?

Mr. BAKER. Yes, sir.

Mr. HEALY. Did Mr. Hines tell you before he sat down on the couch who it was he had been talking with?

Mr. BAKER. Yes, sir.

Mr. HEALY. He stood up in front of you, did he?

Mr. BAKER. When he came up he said before he sat down at all: "That is Mr. Funk, general manager of the International Harvester Co."

Mr. HEALY. Yes; anything else?

Mr. BAKER. And he said: "He seemed pleased with the election of Lorimer," or words to that effect, and that he was "a small man for a large position," or "a large position for a small man"—either one or the other; I do not remember which.

Mr. HEALY. And he said all of that before he reseated himself on the couch?

Mr. BAKER. Before he sat down.

Mr. HEALY. As he stood up in front of you gentlemen?

Mr. BAKER. Yes, sir.

Mr. HEALY. What did any of you men reply to that statement of Mr. Hines?

Mr. BAKER. I made no reply at all.

Mr. HEALY. What did Mr. Hall say?

Mr. BAKER. I do not remember that he said anything.

Mr. HEALY. Can you recall what Mr. Carney said?

Mr. BAKER. No; I do not.

Senator JONES. What did you understand Mr. Hines to mean by his being a "small man"?

Mr. BAKER. It was a large position, and physically Mr. Funk was a small man.

Senator JONES. You thought he referred to his physical stature?

Mr. BAKER. Yes; to his size, he being a smallish man. That is the way I took it.

Mr. HEALY. I shall not be able to finish with this witness before luncheon, Mr. Chairman.

The CHAIRMAN. We will take a recess until 2 o'clock.

(The committee thereupon took a recess until 2 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess the committee resumed its session.

TESTIMONY OF ISAAC BAKER—Continued.

The CHAIRMAN. You may proceed, Mr. Healy.

Mr. HEALY. Mr. Baker, how long did Mr. Hines or Mr. Funk stand before you gentlemen at the Union League Club?

Mr. BAKER. Oh, it was a very short time.

Mr. HEALY. About how long?

Mr. BAKER. I should say maybe two minutes; maybe not that long. It may have been a minute either way.

Mr. HEALY. Then how long did they stand near the doorway of the lounge room of the club?

Mr. BAKER. About the same length of time; about a minute or two minutes.

Mr. HEALY. It would be your recollection, then, that Mr. Funk and Mr. Hines were together that day about four or five minutes?

Mr. BAKER. Yes; I should say somewhere around there.

Mr. HEALY. Not longer than that?

Mr. BAKER. I did not time it. I could not say. I did not have a watch. Time passes quickly.

Mr. HEALY. Would you say it was as much as 10 minutes?

Mr. BAKER. No; I should not say it was. I could not tell.

Mr. HEALY. You have a distinct recollection, then, that it was less than 10 minutes?

Mr. BAKER. I should say it was, to the best of my ability.

Mr. HEALY. To the best of your judgment, it was about five minutes?

Mr. BAKER. About five minutes; yes.

Mr. HEALY. How long had you gentlemen been in the lounging room of the club before Mr. Funk appeared upon the scene?

Mr. BAKER. It may have been half an hour.

Mr. HEALY. Can you fix the time more definitely than that?

Mr. BAKER. I could not fix the time.

Mr. HEALY. How long did you remain thereafter Mr. Hines came back to the couch?

Mr. BAKER. Just a short time; maybe five minutes. It is all guess-work. I did not have my watch out, and did not see how long it was.

Mr. HEALY. You had been talking about the purchase of Mr. Carney's timber just prior to Mr. Funk's coming?

Mr. BAKER. The lumber; yes, from his logs.

Mr. HEALY. And you continued to discuss that after Mr. Funk left?

Mr. BAKER. Yes; we had finished up our conversation that we had had before he came.

Mr. HEALY. Do you remember what your conversation was about that purchase before Mr. Funk came in?

Mr. BAKER. There was a difference in the price of the Norway—

Mr. HEALY. No; do you remember the conversation—not what the difference was, or what you were talking about—but do you remember what was said?

Mr. BAKER. Yes.

Mr. HEALY. By whom?

Mr. BAKER. By myself and Mr. Carney.

Mr. HEALY. Anybody else?

Mr. BAKER. Well, the others stuck in. I done most of the talking about the prices.

Mr. HEALY. You were discussing, generally, the prices?

Mr. BAKER. The prices of the lumber; yes.

Mr. HEALY. But do you remember any specific language that any of you gentlemen used on that occasion?

Mr. BAKER. There was some talk about—Mr. Carney thought he ought to have more for his lumber on account of the tariff. I did not think so.

Mr. HEALY. Was that before or after Mr. Funk came?

Mr. BAKER. That was before.

Senator KERN. Was that before or after the tariff legislation had been passed?

Mr. BAKER. It was May 26 or May 27—May 26, I should say. I do not remember when it was that—

Senator KERN. What was said about the tariff?

Mr. BAKER. He thought that lumber would be worth more, that they would get more for the lumber in Canada, if they would make free lumber.

Senator KERN. It had not been determined, then, as to what the tariff rate on lumber would be?—Is that what you understood?

Mr. BAKER. I do not remember whether that was taken up or not, about the tariff, whether it was passed or not.

Senator KERN. This man Carney was afraid of free lumber, was he?

Mr. BAKER. Yes.

Senator KERN. What did Mr. Hines say to that?

Mr. BAKER. It was not argued at all, about the free lumber or the duty, what it would be.

Senator JONES. Mr. Carney's lumber was in Canada, was it not?

Mr. BAKER. Yes.

Mr. HEALY. Why was he afraid of free lumber?

Mr. BAKER. He would get more for his lumber if the duty on lumber was taken off. If that was made free lumber he would get a better price for his lumber in Canada than he would if it was not off.

Senator JONES. Then he was not afraid of that, was he?

Mr. BAKER. Afraid of the duty?

Senator JONES. Afraid of free lumber?

Mr. BAKER. Oh, no.

Senator JONES. I thought you said he was.

Mr. BAKER. Oh, no. I did not say that Mr. Carney was afraid of free lumber. He was in favor of free lumber.

Senator JONES. I misunderstood you then.

Mr. BAKER. I meant he was in favor of free lumber.

Senator JONES. You do not remember whether the tariff bill had been passed then or not?

Mr. BAKER. No.

Senator JONES. You do not remember whether you were talking about the bill or the likelihood of its passage?

Mr. BAKER. There might have been talk about that. It was something I did not pay much attention to at that time. My mind was on the price of this lumber. I did not pay no attention to the tariff question.

Senator JONES. You remember distinctly the other conversation, but you do not remember that part of it?

Mr. BAKER. I remember distinctly the conversation about the price of the lumber.

Senator JONES. The taking of the tariff off of lumber or leaving it on, you thought, would affect the price?

Mr. BAKER. Naturally it would; yes.

Senator JONES. Do you not remember, then, that part of the conversation where you discussed the effect of the passage of the tariff bill?

Mr. BAKER. No; I discussed what we could afford to pay for that lumber—what it was worth to us, tariff or not. We sell a great deal of that lumber in Canada.

Senator JONES. You did not take into account the tariff, then, whether it was off or not?

Mr. BAKER. No, sir. I never have taken it into account.

Senator JONES. Do you remember in that conversation whether it was said that the tariff did not make any difference one way or the other?

Mr. BAKER. No; I do not.

Senator JONES. Do you remember that it was not said?

Mr. BAKER. No; I do not remember what I said about it. I know that he wanted a dollar a thousand more for the lumber than we paid for it the year before.

Senator KERN. Did he make that demand on account of the tariff?

Mr. BAKER. I do not know why he made the demand.

Senator KERN. Tell us what he said connecting the tariff with the price of the lumber.

Mr. BAKER. He said something about—that with the tariff off the lumber was worth more than it would be if it had the tariff on.

Senator KERN. What did you say to that?

Mr. BAKER. I told him it would make no difference to us much, as we sold the lumber in Canada, and we would not get the benefit of the tariff if it was taken off.

Senator KERN. What did Mr. Hines say?

Mr. BAKER. I do not know as Mr. Hines said anything about it. In fact, I done most of the talking about the price of the lumber.

Senator JONES. You are sure that Mr. Hines said nothing about the effect of the tariff?

Mr. BAKER. He might have said it. I do not remember if he did.

Senator JONES. He was very active in the discussion of the tariff on lumber about that time, was he not?

Mr. BAKER. He was very much interested in the tariff on lumber.

Senator JONES. He would have been very likely to have said something about it; do you not think so?

Mr. BAKER. He might. I do not remember.

Senator JONES. You do not remember whether he did or not?

Mr. BAKER. No; I do not remember whether he said anything or not. He was generally talking about the tariff on lumber when he had a chance. [Laughter.]

Senator JONES. There was a good opportunity then, was there not?

Mr. BAKER. Yes; he might have said something about it. I do not know that he did not.

Mr. HEALY. You say that meeting was on the 26th of May?

Mr. BAKER. The 27th.

Mr. HEALY. In answer to a question put by Senator Kern you said May 26th, did you not?

Mr. BAKER. No; the 27th; the day after Mr. Lorimer's election.

Mr. HEALY. How do you fix the date of the conversation?

Mr. BAKER. From the day after Mr. Lorimer's election.

Mr. HEALY. The thing which interested you that day was this attempt to make a deal with Mr. Carney?

Mr. BAKER. Yes.

Mr. HEALY. That was the thing in which you were specially interested?

Mr. BAKER. Yes.

Mr. HEALY. And it was the matter that you had discussed before Mr. Funk came and after he left?

Mr. BAKER. Both.

Mr. HEALY. And there was some considerable difference between you and Mr. Carney?

Mr. BAKER. On the Norway there was.

Mr. HEALY. That was the matter that engaged your attention and occupied your mind during that conversation, was it not?

Mr. BAKER. Yes, sir; that is what we were there for.

Mr. HEALY. The coming of Mr. Funk did not attract any special attention from you at that time?

Mr. BAKER. Not at that time; no, sir.

Mr. HEALY. It was a casual matter—his coming up and talking with Mr. Hines—was it not?

Mr. BAKER. I considered it so at the time.

Mr. HEALY. Do you remember other gentlemen coming and talking with Mr. Hines that day?

Mr. BAKER. No, sir.

Mr. HEALY. Do you remember anybody else congratulating him upon the fact that Mr. Lorimer had been elected to the United States Senate?

Mr. BAKER. No, sir.

Mr. HEALY. Did anybody else come up to him that day?

Mr. BAKER. No, sir.

Mr. HEALY. Was that the only interruption that that conversation suffered?

Mr. BAKER. That was the only interruption that we had while we were there.

Mr. HEALY. You did not see Mr. Hines talking with any of the other members of the club?

Mr. BAKER. No, sir.

Mr. HEALY. At any time?

Mr. BAKER. No, sir.

Mr. HEALY. You are sure about that?

Mr. BAKER. Yes, sir.

Mr. HEALY. Did you meet anybody there that day whom you knew?

Mr. BAKER. No, sir.

Mr. HEALY. You were not a member of the club?

Mr. BAKER. No, sir.

Senator KERN. A man might have come up and talked to Mr. Hines about Mr. Lorimer's election, and you might have forgotten about it?

Mr. BAKER. No, sir; I think I would have remembered it, because I remember very plainly that there was no other interruption while we were there.

Senator KERN. That is distinct in your memory?

Mr. BAKER. Yes, sir; that is distinct in my memory.

Senator KERN. There could not anybody come up and talk to Mr. Hines without your knowing it while you were sitting there?

Mr. BAKER. No, sir.

Mr. HEALY. What was the last thing that Mr. Funk or Mr. Hines said, just before they walked away?

Mr. BAKER. The last thing Mr. Funk said was "I have never met the Senator, and I would like to be introduced to him," or some words to that effect.

Mr. HEALY. What did Mr. Hines say in answer to that?

Mr. BAKER. They walked off, and I did not hear Mr. Hines reply.

Mr. HEALY. Do you not remember that Mr. Hines said that he would be glad to accommodate him in that respect?

Mr. BAKER. No, sir.

Mr. HEALY. You have no recollection of that having been said?

Mr. BAKER. I have no recollection of hearing Mr. Hines say that.

Mr. HEALY. Where did these men stand with reference to the place occupied by Mr. Hall on the couch?

Mr. BAKER. Well, he would be closer to him. I should say they would not be over 7 or 8 feet.

Mr. HEALY. They stood right in front of Mr. Hall, did they not?

Mr. BAKER. In the first conversation?

Mr. HEALY. Yes.

Mr. BAKER. Yes, sir: a little to Mr. Hall's left, as we was facing them.

Mr. HEALY. And who was it who sat next to Mr. Hall on the left?

Mr. BAKER. Mr. Hines.

Mr. HEALY. And then Mr. Carney?

Mr. BAKER. Yes.

Mr. HEALY. And then yourself?

Mr. BAKER. Yes, sir.

Mr. HEALY. How long a couch was that, Mr. Baker?

Mr. BAKER. It would hold seven or eight people, anyhow. I guess it must have been 10 or 12 feet long. I never measured it.

Mr. HEALY. Do you remember when Mr. Hines addressed Mr. Funk that day that he called him by his name?

Mr. BAKER. That Mr. Hines called him by his name?

Mr. HEALY. Yes.

Mr. BAKER. No, sir.

Mr. HEALY. You do not recall that?

Mr. BAKER. No, sir.

Mr. HEALY. You do not remember his saying, "How do you do, Mr. Funk"?

Mr. BAKER. No, sir.

Mr. HEALY. Do you know whether he did so address him or not?

Mr. BAKER. I do not know. If he did, I did not hear him, and I heard the rest. I would have heard him, very likely, if he had.

Mr. HEALY. Which hand did Mr. Funk take to take hold of Mr. Hines's arm?

Mr. BAKER. Which hand did he take?

Mr. HEALY. Yes: which hand did he use?

Mr. BAKER. He used his right hand.

Mr. HEALY. Will you tell the committee where it was on Mr. Hines's arm that he took hold?

Mr. BAKER. As nearly as I can remember—I did not notice particularly—he just reached right up and took hold of his arm about like this [illustrating], and they walked off.

Mr. HEALY. Was it above or below the elbow?

Mr. BAKER. I think it was above.

Mr. HEALY. You think it was above the elbow?

Mr. BAKER. Yes.

Mr. HEALY. Does that fact stand out in your recollection pretty clearly?

Mr. BAKER. Fairly so. I would not swear positively to it.

Mr. HEALY. Do you remember how Mr. Hines was dressed that day?

Mr. BAKER. No, sir; I do not.

Mr. HEALY. Do you remember what kind of a day it was; what the weather conditions were?

Mr. BAKER. No, sir; I do not.

Mr. HEALY. When did you hear that day, or when did you first learn that Mr. Cook and Mr. O'Brien were in town?

Mr. BAKER. On the morning of the 26th.

Mr. HEALY. And about what time in the morning?

Mr. BAKER. Somewhere in the neighborhood of 20 minutes after to half past 10.

Mr. HEALY. Who was it with whom you talked?

Mr. BAKER. Over the phone?

Mr. HEALY. Yes.

Mr. BAKER. I think it was Mr. Cook.

Mr. HEALY. What did he tell you?

Mr. BAKER. He told me he wanted to know if I would not come down; that they wanted to see me.

Mr. HEALY. Did he tell you about what he wanted to see you?

Mr. BAKER. No, sir.

Mr. HEALY. Did he make any inquiry for Mr. Hines?

Mr. BAKER. No; I do not think he did, at the time, to me.

Mr. HEALY. He said he wanted to talk with you?

Mr. BAKER. Yes; he wanted to talk with me.

Mr. HEALY. Did he ask you whether Mr. Hines was in town?

Mr. BAKER. Not on the telephone.

Mr. HEALY. Nothing was said about Mr. Hines or his whereabouts?

Mr. BAKER. No, sir.

Mr. HEALY. And Mr. Cook did not indicate to you what he wanted to talk with you about?

Mr. BAKER. Not until I got down there.

Mr. HEALY. When you got there what did he tell you?

Mr. BAKER. He told me that they understood that Mr. Hines had assigned his stock to Rudolph Weyerhaeuser, of Cloquet—or that the story came from Cloquet; that he had assigned his stock to Rudolph Weyerhaeuser to vote; and they, being minority stockholders, wanted to know where they stood. I told him I did not think there was anything in it at all, because, if there had been, I would have known it. They spoke up and said: "Now, with our stock and that of our friends and Mr. Hines's, we can control the company." I says: "I do not know anything about this. I will

call Mr. Hines. I know where he is and I will call him up and have him come over here."

Mr. HEALY. And you called him up at the bank?

Mr. BAKER. I called up our office, and they called him up at the bank and connected him with me.

Mr. HEALY. You say you knew where Mr. Hines was at that time?

Mr. BAKER. Yes.

Mr. HEALY. Did you, as a matter of fact?

Mr. BAKER. I knew what he told me—where he would be.

Mr. HEALY. When did he tell you that he would be at the bank?

Mr. BAKER. He told me when I was talking to him at the office, when I called him up and told him that Mr. Cook and Mr. O'Brien were down at the Grand Pacific Hotel and wanted to see me. He told me to go down and see them and see what they wanted and call him up and let him know at the Continental National Bank.

Mr. HEALY. How did you know that Mr. Hines was at the Continental National Bank?

Mr. BAKER. Only from what he told me—that he would be there.

Mr. HEALY. When did he tell you that?

Mr. BAKER. He told me that over the telephone, before I left the office.

Mr. HEALY. No. When you called him up from the office, how did you know where to call him up?

Mr. BAKER. He told me, when I left him in the morning, at the train.

Mr. HEALY. That was about 9 o'clock in the morning?

Mr. BAKER. Yes; about 9 o'clock in the morning.

Mr. HEALY. And this telephone conversation was about an hour and a half or two hours later, was it not?

Mr. BAKER. About an hour and a half.

Mr. HEALY. How did you know he was at the Continental Bank?

Mr. BAKER. I did not know it until I called him up.

Mr. HEALY. You just took a chance on calling him up?

Mr. BAKER. Yes.

Mr. HEALY. Did you tell Mr. Hines, when you called up, that Mr. Cook and Mr. O'Brien wanted to see him?

Mr. BAKER. No, sir; I told him that they wanted to see me.

Mr. HEALY. What was your purpose in calling him up to tell him that?

Mr. BAKER. Because I acquaint him with all business. I knew it was some business matter, and I acquaint Mr. Hines with any of these business matters that come up.

Mr. HEALY. So that you thought it was advisable to call him up and tell him that you were going down to talk with these men about a subject matter of which you had not then been advised?

Mr. BAKER. Yes, sir.

Mr. HEALY. Is that right?

Mr. BAKER. Yes, sir.

Senator KERN. Mr. Baker, you were a buyer of lumber, as I understand?

Mr. BAKER. Yes, sir.

Senator KERN. Your operations were confined to that department?

Mr. BAKER. Oh, no. I sell some lumber, too, by cargoes.

Senator KERN. What is your general business?

Mr. BAKER. My general business is in charge of the buying of lumber.

Senator KERN. Who had charge of the business there about the office when Mr. Hines was absent in Washington?

Mr. BAKER. Mr. Barth did, at that time.

Senator KERN. Did he have general charge of the office?

Mr. BAKER. He had general charge of the office and the sales department. No one at that time, except Mr. Hines and myself, had charge of the buying of large amounts of lumber.

Senator KERN. You knew Mr. Cook well?

Mr. BAKER. Yes, sir.

Senator KERN. Mr. Cook knew your relations to the Hines Co.?

Mr. BAKER. Yes.

Senator KERN. He knew you as a buyer?

Mr. BAKER. Yes.

Senator KERN. This business that Mr. Cook had with Mr. Hines did not relate to the buying of lumber or the selling of lumber at all?

Mr. BAKER. No, sir.

Senator KERN. Did he explain why he called you up, a lumber buyer, to consult you about a matter as to which he knew you had no concern?

Mr. BAKER. Mr. Cook and I have been very good friends all the while, and he consulted me a great many times about things that he would not consult any of the rest of the Edward Hines Lumber Co. about.

Mr. HEALY. Did he inquire for Mr. Hines when he first called you up?

Mr. BAKER. No, sir.

Mr. HEALY. Did he inquire whether he was in the city or not?

Mr. BAKER. No, sir.

Mr. HEALY. Did you tell Mr. Wiehe that you were going up to the hotel to meet Mr. Cook and Mr. O'Brien?

Mr. BAKER. No, sir.

Mr. HEALY. You were not a stockholder or an officer in the Virginia & Rainy Lake Lumber Co. at that time?

Mr. BAKER. No, sir.

Mr. HEALY. You had no stock interests of any sort?

Mr. BAKER. Not personally; no.

Mr. HEALY. You say not personally. What do you mean?

Mr. BAKER. Well, I have some stock in the Edward Hines Lumber Co., a small amount.

Mr. HEALY. But you had none in these other companies?

Mr. BAKER. No, sir.

Mr. HEALY. That fact was known to Mr. Cook and Mr. O'Brien, was it not—the fact that you did not own stock in the Virginia & Rainy Lake Co.?

Mr. BAKER. Certainly; I suppose so. I do not know who all the stockholders are in the Virginia & Rainy Lake Lumber Co.

Mr. HEALY. When you got down to the hotel, you told Mr. Cook and Mr. O'Brien that you did not know anything about it; that you did not know whether the stock interests of Mr. Hines and Mr. Weyerhaeuser had been pooled or not; that you did not think so?

Mr. BAKER. I told him that I was confident it was not so, but I would call up Mr. Hines and find out, and have him come over there.

Mr. HEALY. Your recollection is that that occurred about 11 o'clock in the morning?

Mr. BAKER. That was somewhere a few minutes after 11 o'clock.

Mr. HEALY. Had you been advised that Mr. Cook and Mr. O'Brien were trying to reach somebody connected with the Hines Lumber Co. before they called you up on the telephone?

Mr. BAKER. No, sir.

Mr. HEALY. Did they tell you when they went down there what time they expected to leave the city?

Mr. BAKER. They told me that they were going to Toronto that afternoon.

Mr. HEALY. On what train?

Mr. BAKER. I think the 3.02 train, if I remember right.

Mr. HEALY. That is the train leaving on the Grand Trunk?

Mr. BAKER. The train leaving on the Grand Trunk; yes, sir.

Mr. HEALY. Did they say that they were waiting there in Chicago to find out about this stock deal before they left for Toronto?

Mr. BAKER. I do not think that was particularly talked of; that they were waiting for that. I do not remember of its being talked of, that they were waiting particularly for that particular item.

Mr. HEALY. They did not indicate to you that that was the thing that they were waiting for and that they were very anxious to meet somebody connected with the Edward Hines Lumber Co. who could tell them what the situation was before they left for Toronto?

Mr. BAKER. I took it that way, although I do not think they said so.

Mr. HEALY. Then you called up Mr. Hines where? At the bank?

Mr. BAKER. I called Mr. Hines up from the room. I called up our office and told them to connect me with Mr. Hines, which they done.

Mr. HEALY. What was your talk with Mr. Hines?

Mr. BAKER. I told Mr. Hines that Mr. Cook and Mr. O'Brien was there and wanted to see him. He says: "I am very busy." I says, "This is important. You better come right over." He says, "All right. I will come right over."

Mr. HEALY. Did Mr. Hines tell you what he was busy about?

Mr. BAKER. No, sir.

Mr. HEALY. Did you tell him what they wanted to see him about?

Mr. BAKER. I did, sir, when——

Mr. HEALY. No; I mean on the telephone.

Mr. BAKER. No, sir.

Mr. HEALY. Why did you not make an inquiry then and save Mr. Hines the trip over to the Grand Pacific Hotel?

Mr. BAKER. Because I did not think it was business to talk to him over the telephone if he was busy there. It would take up too much time in the first place and then I thought it was much better for him to come over and see them.

Mr. HEALY. You could have ascertained very easily what the stock situation was by a simple question to Mr. Hines, could you not?

Mr. BAKER. I suppose if I had asked him I could.

Mr. HEALY. And conveyed that information to Mr. Cook?

Mr. BAKER. I might have done so.

Mr. HEALY. But you did not do that?

Mr. BAKER. No, sir.

Mr. HEALY. You thought it was sufficiently important to take Mr. Hines away from his other business and bring him over there?

Mr. BAKER. Yes, sir.

Mr. HEALY. While you were at the Grand Pacific Hotel, did you communicate with Mr. Wiehe in any way?

Mr. BAKER. No, sir.

Mr. HEALY. Or he with you?

Mr. BAKER. No, sir. Not until he came there in the room.

Mr. HEALY. Yes. I mean before he arrived at the hotel.

Mr. BAKER. No, sir.

Mr. HEALY. How long were you in the room, in Mr. Cook's or Mr. O'Brien's room before the telephone conversation occurred?

Mr. BAKER. From my first arrival there, do you mean?

Mr. HEALY. Yes.

Mr. BAKER. It must have been over half an hour.

Senator KERN. How long after Mr. Hines's arrival?

Mr. BAKER. I should say maybe 10 minutes.

Senator KERN. How long after Mr. Wiehe's arrival?

Mr. BAKER. Let me see. No. It was longer than that, because Mr. Hines was about 20 minutes. He came over there somewhere about 20 minutes after 11, if I remember right.

Mr. Wiehe arrived there about half past 11, and Mr. Hines about 20 minutes past 11. After Mr. Wiehe arrived there, it was maybe 10 minutes; I did not time it, but it was some few minutes. We talked quite a little while before the telephone rang.

Mr. HEALY. Who went to the telephone?

Mr. BAKER. Mr. Cook.

Mr. HEALY. You say that Mr. Hines arrived there 20 minutes past 11?

Mr. BAKER. Somewhere about that.

Mr. HEALY. Was it before or after that time?

Mr. BAKER. I could not say. I did not take my watch out to see the exact time.

Mr. HEALY. How do you fix the time so precisely, after the lapse of so much time?

Mr. BAKER. I do not fix it precisely. I say about 20 minutes, in my judgment, from the time I judge we were there.

Mr. HEALY. Might it have been before 11 o'clock?

Mr. BAKER. No, sir; I could not have gotten down there before 11 o'clock.

Mr. HEALY. You are sure it was after 11 o'clock?

Mr. BAKER. Yes, sir.

Mr. HEALY. How is your recollection with reference to whether he came before half past 11 or not?

Mr. BAKER. Because I do not think I had been there any such length of time.

Mr. HEALY. What did Mr. Cook say on the telephone, when he went to the wire?

Mr. BAKER. He turned around—after the telephone rang he went to the telephone.

Mr. HEALY. Do you remember what he said?

Mr. BAKER. He said to Mr. Hines, "They want you on the telephone."

Mr. HEALY. Do you remember anything he said before that?

Mr. BAKER. About the telephone?

Mr. HEALY. Yes.

Mr. BAKER. Not a thing at all.

Mr. HEALY. You did not hear him mention any name?

Mr. BAKER. No, sir.

Mr. HEALY. Tell us what occurred.

Mr. BAKER. And Mr. Hines went to the telephone.

Mr. HEALY. Where was Mr. Hines at the time Mr. Cook called him?

Mr. BAKER. Mr. Hines was sitting at the table along with Mr. Wiehe, Mr. O'Brien, and myself at the time that Mr. Cook was at the telephone.

Mr. HEALY. Where was he sitting with reference to where you sat at the table?

Mr. BAKER. He sat right opposite to me.

Mr. HEALY. Who sat right next to him?

Mr. BAKER. Mr. Cook.

Mr. HEALY. Who sat next to you?

Mr. BAKER. Mr. Wiehe sat next, between Mr. O'Brien and I. Mr. O'Brien sat at the farther end of the table, away from the telephone.

Mr. HEALY. When was it you first remembered the location of these different gentlemen in that room that morning?

Mr. BAKER. I stated this morning that it was after the White affair; but it was after Mr. Cook's testifying at the Helm committee.

Mr. HEALY. About two years later?

Mr. BAKER. Yes.

Mr. HEALY. About two years after the happening of the incident in the Grand Pacific Hotel?

Mr. BAKER. Yes.

Mr. HEALY. You had not tried to fix in your mind prior to that the location of the different men around the table, had you?

Mr. BAKER. No, sir.

Mr. HEALY. And the first time you gave it any thought or consideration was after the testimony given at Springfield?

Mr. BAKER. Yes, sir.

Mr. HEALY. By Mr. Cook?

Mr. BAKER. Yes, sir.

Mr. HEALY. Which was some time in April, 1911?

Mr. BAKER. I think that is correct.

Mr. HEALY. Do you remember the day he testified?

Mr. BAKER. No, sir; I do not remember the date he testified.

Mr. HEALY. Did anybody aid you in fixing the location of you different men around that table?

Mr. BAKER. No, sir.

Mr. HEALY. Did you talk about it with anybody?

Mr. BAKER. We have talked it over; yes.

Mr. HEALY. With whom?

Mr. BAKER. I have talked it over with the attorneys here.

Mr. HEALY. What attorneys?

Mr. BAKER. Mr. Hynes and Judge Farrar and, I think, there was Mr. Herrick, of Chicago.

Mr. HEALY. Did you talk it over with them more than once?

Mr. BAKER. I talked with Mr. Hynes twice, but with the others only once.

Mr. HEALY. When you talked with those gentlemen you gave them your recollection of the manner in which those men were seated around that table; is that correct?

Mr. BAKER. I think so. I would not say for sure whether I gave it to Mr. Hynes first or not.

Mr. HEALY. Do not you remember what you said to him very recently with reference to it?

Mr. BAKER. Very recently?

Mr. HEALY. Yes.

Mr. BAKER. Not since I have been here in Washington.

Mr. HEALY. All these conversations with counsel have occurred since April, 1911, have they not?

Mr. BAKER. Yes. It occurred in the month of June.

Mr. HEALY. In the month of June, 1911?

Mr. BAKER. Yes.

Mr. HEALY. How many times have you talked about it with counsel or with anybody else?

Mr. BAKER. Twice, I think.

Mr. HEALY. And once in Chicago?

Mr. BAKER. No; twice in Chicago.

Mr. HEALY. With whom were those conversations?

Mr. BAKER. The first was with W. J. Hynes.

Mr. HEALY. Who else?

Mr. BAKER. Mr. Edward Hines, Mr. Charles Hall, and C. F. Wiehe.

Mr. HEALY. How long did the first conversation last?

Mr. BAKER. I do not know. Maybe half an hour.

Mr. HEALY. During that conversation, did you give your recollection of what occurred in Mr. Cook's room that morning?

Mr. BAKER. I think I did, sir.

Mr. HEALY. Did the other gentlemen who were present also give their recollection of what occurred?

Mr. BAKER. I do not think Mr. Wiehe—

Mr. HEALY. In your presence?

Mr. BAKER. No, sir; I do not think Mr. Wiehe did.

Mr. HEALY. How about Mr. Hines?

Mr. BAKER. I do not remember that he did.

Mr. HEALY. Then your recollection is that at this conversation in June, 1911, the only person who gave his recollection of what occurred in Mr. Cook's room that morning was yourself?

Mr. BAKER. Yes, sir.

Mr. HEALY. And how about the second conversation?

Mr. BAKER. The second conversation about what?

Mr. HEALY. About what occurred in that room that morning?

Mr. BAKER. I would not say that we discussed how we sat at the table at that time.

Mr. HEALY. Did you discuss anything else with reference to what happened in that room?

Mr. BAKER. Yes; we discussed what was said there in that room.

Mr. HEALY. Did you give your recollection of what the conversation was?

Mr. BAKER. I did, sir.

Mr. HEALY. Did the other gentlemen?

Mr. BAKER. Mr. Wiehe was not there at the second conversation.

Mr. HEALY. Then he did not give his recollection?

Mr. BAKER. Not there.

Mr. HEALY. Was Mr. Hines there on the second occasion?

Mr. BAKER. Yes.

Mr. HEALY. Did Mr. Hines tell you what his recollection of the telephone conversation was?

Mr. BAKER. We have had some talk. I would not say whether he did it there at that time or not.

Mr. HEALY. Do not you remember what he said on that second occasion?

Mr. BAKER. No; I do not remember that Mr. Hines said anything here. I have talked with Mr. Hines several times about this thing.

Mr. HEALY. At any of the conversations which you had with Mr. Hines, has he given or attempted to give you his recollection of the telephone conversation in Mr. Cook's room that morning?

Mr. BAKER. I think he has.

Mr. HEALY. When?

Mr. BAKER. I could not place the date; sometime between the time Mr. Cook testified and the present time.

Mr. HEALY. Where did that occur?

Mr. BAKER. I could not say where that occurred.

Mr. HEALY. In Chicago?

Mr. BAKER. It might have been in Chicago.

Mr. HEALY. In Washington?

Mr. BAKER. He might have done it in Washington, too.

Mr. HEALY. Have you any recollection of the time when Mr. Hines gave his version of what occurred in Mr. Cook's room that morning?

Mr. BAKER. The first time we had the talk with Mr. Hines, it was sometime shortly after Mr. Cook testified.

Mr. HEALY. Did you remember where that was?

Mr. BAKER. I think it was in Chicago, in our office.

Mr. HEALY. Do you remember what Mr. Hines said to you on that occasion?

Mr. BAKER. No, sir.

Mr. HEALY. Can you remember anything that he said to you at that time?

Mr. BAKER. No; I do not remember anything particular that he said about it.

Mr. HEALY. Have you any recollection of Mr. Hines informing you at any time his version of the telephone conversation in the Grand Pacific Hotel on the morning of May 26, 1909?

Mr. BAKER. Yes.

Mr. HEALY. Where?

Mr. BAKER. I think we talked it over once on going out—I remember now; I went out home with him one night in his automobile, to Evanston, and he talked it over with me there.

Mr. HEALY. What did he say on that occasion?

Mr. BAKER. We talked it over. He asked me what I understood the conversation was, and I told him.

Mr. HEALY. Yes.

Mr. BAKER. He did not contradict me, or he did not make any suggestions to me.

Mr. HEALY. Did he tell you that that was his recollection of the conversation?

- Mr. BAKER. No, sir; I do not think he ever used those words.
- Mr. HEALY. Then do I understand you correctly that Mr. Hines never at any time had given you his version of that conversation?
- Mr. BAKER. No, sir; he asked me my version of it.
- Mr. HEALY. But he never told you what he recalled about it?
- Mr. BAKER. No, sir.
- Mr. HEALY. Have you ever talked with Mr. Wiehe about it?
- Mr. BAKER. Yes.
- Mr. HEALY. Has Mr. Wiehe ever given you his version of the conversation?
- Mr. BAKER. He gave me some version about how it came that Mr. Cook called them up the day before we got there.
- Mr. HEALY. Called up whom?
- Mr. BAKER. Called up Mr. Wiehe; wanted to find out where Mr. Hines was and said that he wanted to see him.
- Mr. HEALY. That was on the 25th of May?
- Mr. BAKER. Yes.
- Mr. HEALY. What did Mr. Wiehe tell you about that?
- Mr. BAKER. He told me as he understood the conversation and about the location of the room, and so forth.
- Mr. HEALY. Did he tell you that Mr. Cook and Mr. O'Brien were looking for Mr. Hines on the 25th of May?
- Mr. BAKER. He has told me since that time, but he did not tell me before.
- Mr. HEALY. What was it he told you about that?
- Mr. BAKER. He told me that they called him up and wanted to see Mr. Hines.
- Mr. HEALY. What else did he say?
- Mr. BAKER. And I said, "That is how you came to come down there on the 26th of May?"
- Mr. HEALY. How is that?
- Mr. BAKER. I asked him if that was how he came to come down to the room on the 26th, and he told me it was.
- Mr. HEALY. What else did he say?
- Mr. BAKER. I do not remember any more conversations.
- Mr. HEALY. Did he inform you that he told Cook and O'Brien that Mr. Hines would be back the next day from Washington?
- Mr. BAKER. I do not remember his telling me that.
- Mr. HEALY. You do not recall that.
- Mr. BAKER. No.
- Mr. HEALY. Did Mr. Wiehe at any time tell you what his recollection of that telephone conversation was?
- Mr. BAKER. We have talked some about it; yes.
- Mr. HEALY. When did you talk about it?
- Mr. BAKER. Within the last two or three weeks.
- Mr. HEALY. What was it he told you in regard to it.
- Mr. BAKER. He told me that he understood the conversation about as I had.
- Mr. HEALY. That he understood the conversation about as you had.
- Mr. BAKER. Yes.
- Mr. HEALY. You told him then what your recollection was?
- Mr. BAKER. Yes.
- Mr. HEALY. Is that right?
- Mr. BAKER. Yes.

Mr. HEALY. Have you read Mr. Hines's testimony?

Mr. BAKER. I have not.

Mr. HEALY. Has anybody called your attention to his testimony?

Mr. BAKER. No, sir; not in regard—

Mr. HEALY. Have you talked with Miss Carroll, the telephone operator of the Hines Lumber Co., at any time about the matter?

Mr. BAKER. You mean since she testified?

Mr. HEALY. At any time.

Mr. BAKER. I asked her once about it. She told me she heard the conversation.

Mr. HEALY. When did you ask her about it?

Mr. BAKER. That was here within the last month or six weeks.

Mr. HEALY. In Washington?

Mr. BAKER. Yes.

Mr. HEALY. Did she tell you what she remembered about the conversation?

Mr. BAKER. No; she did not.

Mr. HEALY. Did you tell her your recollection of it?

Mr. BAKER. No.

Mr. HEALY. Have you read her testimony?

Mr. BAKER. I have not.

Mr. HEALY. Then, the only person who has given you his recollection of that telephone conversation is Mr. Wiehe, and he stated in substance that his recollection was substantially the same as yours. Is that correct?

Mr. BAKER. Yes; substantially the same as mine.

Mr. HEALY. I wish you would repeat again, if you will, what was said on the telephone that morning.

Mr. BAKER. After Mr. Hines got to the telephone?

Mr. HEALY. Yes.

Mr. BAKER. He said, "Hello." He said, "I have talked with the governor, and he says he will see you."

Mr. HEALY. Didn't he say, "Hello, Congressman; I have just talked with the governor"?

Mr. BAKER. No, sir; I did not understand him so.

Mr. HEALY. You remember he did not use the word "Congressman"?

Mr. BAKER. I have stated it just as I remember it.

Mr. HEALY. And he said, "I have talked with the governor, and he will see you"?

Mr. BAKER. "And he will see you."

Mr. HEALY. Didn't he say, "Hello, Congressman; I have just talked with the governor, and he said he would see you immediately"?

Mr. BAKER. I do not remember that. It might have been so; but the words were, as I understood it, that he said, "I have talked with the governor, and he will see you."

Mr. HEALY. What was the next thing he said?

Mr. BAKER. And he said, "You understand how the administration feels toward it, and do not leave any stone unturned to be elected."

Mr. HEALY. Did he not say, "Now, Congressman, you know how important it is to the administration"?

Mr. BAKER. I do not remember it that way.

Mr. HEALY. Sir?

Mr. BAKER. I do not remember it that way?

Mr. HEALY. Would you say that he did not use those words?

Mr. BAKER. No, sir; I would not.

Mr. HEALY. Did he mention the President's name?

Mr. BAKER. No, sir; he did not, then.

Mr. HEALY. Do you not remember that Mr. Hines said, "How anxious the President and Senator Aldrich are to have you elected"?

Mr. BAKER. I do not remember.

Mr. HEALY. You do not remember Senator Aldrich's name having been mentioned in the telephone conversation?

Mr. BAKER. Not the President's name.

Mr. HEALY. How about Senator Aldrich?

Mr. BAKER. I do not think he mentioned any name. I think he said "the administration."

Mr. HEALY. What else did he say?

Mr. BAKER. Then the next was, "and, if necessary, I will come down."

Mr. HEALY. How about "Do not leave any stone unturned"? Was that said?

Mr. BAKER. He said, "Do not leave any stone unturned to be elected."

Mr. HYNES. He said that before.

Mr. HEALY. I did not catch that, if you said that. Did you tell us about "not to leave any stone unturned"?

Mr. BAKER. Yes, sir.

Mr. HEALY. What were his exact words, if you recall them?

Mr. BAKER. I would not undertake to say the exact words.

Mr. HEALY. Give us the substance of it.

Mr. BAKER. "Do not leave any stone unturned to be elected."

Mr. HEALY. Did he say, "Do not leave any stone unturned to be elected, if possible to do it"?

Mr. BAKER. I do not remember that last expression.

Mr. HEALY. As a matter of fact, have you not read the testimony of Mr. Hines in this respect?

Mr. BAKER. I have not.

Mr. HEALY. At any time?

Mr. BAKER. At any time.

Mr. HEALY. And it is your recollection—and you are going according to your recollection of the language used by Mr. Hines on that occasion as nearly as you can?

Mr. BAKER. As nearly as I can recollect.

Mr. HEALY. And your recollection has not been refreshed by anything that anybody has told you?

Mr. BAKER. From no testimony nor—

Mr. HEALY. No person since that time has indicated to you his recollection of the language that was used on that occasion?

Mr. BAKER. No, sir; that is my own recollection.

Mr. HEALY. Or the order in which the different statements were made, is that correct?

Mr. BAKER. I did not quite catch that.

Mr. HEALY. Will the reporter read my question?

The reporter read as follows:

Mr. HEALY. Or the order in which the different statements were made, is that correct?

Mr. BAKER. I think that is right, as they came in in order.

Mr. HEALY. And you say you have not talked with Miss Carroll about the matter?

Mr. BAKER. No, sir.

Mr. HEALY. She has not given you her recollection of the conversation?

Mr. BAKER. No, sir.

Senator JONES. Have you read the testimony of any of these witnesses who have testified heretofore in regard to it?

Mr. BAKER. I have not.

Mr. HEALY. None of them at all?

Mr. BAKER. None of them at all, except what I have seen here in the Washington papers.

Senator JONES. The Washington City papers?

Mr. BAKER. Yes, sir.

Senator GAMBLE. Has anyone talked with you who pretended to hear the testimony of Mr. Hines or the others who were there present when this telephone message was given, and related to you what they have testified to here?

Mr. BAKER. No; Miss Carroll, nor Mr. Hall, nor Mr. Carney—nobody has told me one word that they have testified to at all, as I now remember. There might have been at one time some one made some remark. I could not tell what it was—something about Miss Carroll, about some cross-examination that some one gave her on the stand here, but what it was I could not tell now.

Mr. HEALY. After Mr. Hines directed the persons with whom he was talking to leave no stone unturned, what was the next thing said?

Mr. BAKER. "And, if necessary, I will come to Springfield to-night."

Mr. HEALY. Was that all the conversation?

Mr. BAKER. That was all the conversation that I remember.

Mr. HEALY. And then he turned from the wire?

Mr. BAKER. He hung up the wire and came and sat down.

Mr. HEALY. What did he say?

Mr. BAKER. Then they asked—either Mr. Cook or Mr. O'Brien; I would not say which one—asked him if that was in regard to the senatorial election at Springfield, and he said yes.

Mr. HEALY. Did he not say, "I have just been talking to Senator Lorimer"?

Mr. BAKER. No, sir; I do not remember that at all.

Mr. HEALY. You are sure about that, are you?

Mr. BAKER. As far as I can remember; yes. I would not swear positively that he did not. To my memory he did not.

Mr. HEALY. Did not Miss Carroll tell you, on one or more occasions, that she remembered this conversation over the wire substantially as you remember it?

Mr. BAKER. No, sir; nobody in the world.

Mr. HEALY. Has anybody told you that Miss Carroll's recollection agreed with yours?

Mr. BAKER. No, sir.

Mr. HEALY. Has anybody told you that your recollection of the conversation agreed with that given by Mr. Hines and Mr. Wiehe?

Mr. BAKER. No, sir.

Mr. HEALY. Have you read the testimony of those witnesses, whose names I have just mentioned, in the newspaper?

Mr. BAKER. Just what was sketched in the Washington Times, and the Star, I think it is—the evening papers.

Mr. HEALY. Those are the only papers you have read?

Mr. BAKER. Those are the only papers I have read.

Mr. HEALY. You have not read any of the Chicago papers, which purported to give the testimony in detail?

Mr. BAKER. Not in regard to the testimony.

Mr. HEALY. The papers which you have read contained a very brief résumé of the testimony, did they not?

Mr. BAKER. Just brief; yes.

Mr. HEALY. But no questions and answers?

Mr. BAKER. No, sir.

Mr. HEALY. Comparatively short accounts?

Mr. BAKER. Yes, sir.

Mr. HEALY. And those are the only papers which you have read?

Mr. BAKER. In regard to the testimony here before this committee.

Mr. HEALY. Has anybody told you at any time that testimony was given by any of these witnesses in this witness room?

Mr. BAKER. I have heard it generally talked, down at the hotel. I have heard some talk about it.

Mr. HEALY. Have you heard any talk about the precise language which was used on the telephone that morning?

Mr. BAKER. No, sir.

Mr. HEALY. Neither Mr. Edward Hines nor Miss Carroll nor anybody else?

Mr. BAKER. No, sir.

Mr. HEALY. And that is true, too, with reference to your conversation in the Union League Club?

Mr. BAKER. Yes.

Mr. HEALY. And you have not read in any of the newspapers the testimony given by Mr. Hall and Mr. Edward Hines and Mr. Carney in reference to that conversation?

Mr. BAKER. No, sir.

Mr. HEALY. And nobody has discussed it with you at any time?

Mr. BAKER. Not what they swore to; no, sir.

Mr. HEALY. Nobody has told you what they swore to with reference to that Union League conversation?

Mr. BAKER. No, sir.

Mr. HEALY. Nobody, prior to the giving of their testimony, has attempted to refresh your recollection by telling you what their recollection of that conversation was?

Mr. BAKER. We talked about the matter before the attorneys, Mr. Hall and Mr. Carney and I, when we were in Chicago.

Mr. HEALY. Yes; but did anybody in these talks tell you what their recollection of that conversation was?

Mr. BAKER. Yes; I think it was talked over—what their recollection was.

Mr. HEALY. Who?

Mr. BAKER. Mr. Hall.

Mr. HEALY. What did Mr. Hall say?

Mr. BAKER. Well, if I remember it right now, he said that he came down to Chicago and spoke to Mr. Hines about it, something about Mr. Funk. I can not tell just how that was given, something about that it was as he understood—his memory was that this was the same man that talked with Mr. Hines in the Union League.

Mr. HEALY. And that was while you were trying to ascertain who was present in the Union League Club, was it not?

Mr. BAKER. No, sir; that was afterwards.

Mr. HEALY. Was that after you had ascertained who was present?

Mr. BAKER. Yes, sir.

Mr. HEALY. Did Mr. Hall, on that occasion, tell you what he recalled of the conversation between Mr. Funk and Mr. Hines?

Mr. BAKER. Just what he told the attorneys who were questioning him about what he knew about it.

Mr. HEALY. You heard what he said in that regard?

Mr. BAKER. Yes, sir.

Mr. HEALY. Had you already given your recollection of the conversation to the attorneys?

Mr. BAKER. I would not say which one gave it to him first.

Mr. HEALY. And who else was there at that time?

Mr. BAKER. There was Mr. Carney, Mr. Hines, Mr. Hall, Judge Hynes, and Judge Farrar, and Mr. Allen, part of the time, and Mr. Herrick.

Mr. HEALY. How long did that conference last?

Mr. BAKER. I presume we might have been there an hour.

Mr. HEALY. Were you talking about this matter all the time?

Mr. BAKER. Talking about this matter, and different things about this case.

Mr. HEALY. Now, when, after the conversation in the Grand Pacific Hotel, was it that you recalled the persons who were present?

Mr. BAKER. After Mr. Cook had given his testimony.

Mr. HEALY. When Mr. Cook testified at Springfield, did you immediately recall who was in the Grand Pacific Hotel that morning?

Mr. BAKER. Yes, sir; within, I think, a day or two afterward, that I talked to Mr. Hines. I was not at home the day that Mr. Cook testified, but when I came back to Chicago, I then talked to Mr. Hines about it.

Mr. HEALY. What did you and Mr. Hines say on that occasion?

Mr. BAKER. I told him that there was no such conversation there.

Mr. HEALY. Did you gentlemen discuss at that time, you and Mr. Hines, the identity of the persons who were present?

Mr. BAKER. Yes; he wanted to know who was there with me.

Mr. HEALY. What is that?

Mr. BAKER. We talked over who were there.

Mr. HEALY. What did Mr. Hines say to you in that regard?

Mr. BAKER. He asked me who was there, and I told him.

Mr. HEALY. Did you have any controversy about it; any difference of opinion with reference to the persons who were there?

Mr. BAKER. No, sir.

Mr. HEALY. Did he tell you whom he recalled as being present?

Mr. BAKER. In the talk with Mr. Cook?

Mr. HEALY. Yes.

Mr. BAKER. No, sir. I told him who was there.

Mr. HEALY. Did you tell him on that occasion what you remembered about the conversation?

Mr. BAKER. I think I did. I would not say positively whether that was the occasion or not, but I think it was.

Mr. HEALY. And did you remember on that occasion substantially what you testify to here?

Mr. BAKER. Yes.

Mr. HEALY. The thing was clear and fresh in your memory?

Mr. BAKER. Yes.

Mr. HEALY. Although you had not given it any consideration for approximately two years prior to that time?

Mr. BAKER. I can tell you things that happened, the prices of lumber, for the last six years.

Mr. HEALY. Sir.

Mr. BAKER. I can tell you something about that. I can give you the prices that we have paid for lumber for the last five years back; of our large purchases.

Mr. HEALY. Do you remember any telephone conversation that you had with anybody else in the month of May, 1909, after this one in the Grand Pacific Hotel?

Mr. BAKER. Not particularly now.

Mr. HEALY. In June, 1909?

Mr. BAKER. Not particularly now.

Mr. HEALY. Can you remember any telephone conversation you had with anybody during the year 1909, except this one about which you have testified, or these two?

Mr. BAKER. No, sir; and I would not have remembered this, if Mr. Cook had not testified the way he did.

Mr. HEALY. Did you have any long-distance communications with anybody during the year 1909?

Mr. BAKER. Very likely I did; with our office.

Mr. HEALY. Can you recall them?

Mr. BAKER. No; I can not.

Mr. HEALY. Can you recall the name of any person with whom you talked on such occasions?

Mr. BAKER. I talk nearly every day to our office when I am out of Chicago on the long-distance telephone.

Mr. HEALY. Did you ever talk with Mr. Wiehe about the presence of Cook and O'Brien at the Grand Pacific Hotel about a year after this conversation?

Mr. BAKER. I do not remember of it.

Mr. HEALY. Do you recall that he told you on one occasion that he had been down to the Grand Pacific Hotel at midnight to see these men?

Mr. BAKER. Never heard of it.

Mr. HEALY. He never discussed that with you?

Mr. BAKER. No, sir.

Mr. HEALY. Did you ever hear about that?

Mr. BAKER. No, sir.

Mr. HEALY. Did you read Mr. Wiehe's testimony before the committee at Springfield?

Mr. BAKER. No; I heard about that here since I have been here in Washington; Mr. Wiehe talked it over, but I never heard of it before or knew nothing about it.

Mr. HEALY. I think that is all.

Senator KERN. You and Mr. Hall were both lumber buyers?

Mr. BAKER. Yes.

Senator KERN. For the Edward Hines Lumber Co.?

Mr. BAKER. Yes.

Senator KERN. His territory was more particularly in Canada?

Mr. BAKER. Yes.

Senator KERN. You read Mr. Funk's testimony, or read of it, about 10 days after his testimony was given?

Mr. BAKER. I do not understand that—after Mr. Hall's testimony?

Senator KERN. You first knew of Mr. Funk's position about 10 days after he had given his testimony at Springfield?

Mr. BAKER. Yes; sometime about that, 10 or 12 days.

Senator KERN. About that time you talked with Mr. Hines on that subject?

Mr. BAKER. After that time; yes.

Senator KERN. How long after that time?

Mr. BAKER. Well, I should say it was somewhere about 10 or 12 days after he gave the testimony.

Senator KERN. Did you tell Mr. Hines then what you remembered of the conversation?

Mr. BAKER. Yes; we talked it over then.

Senator KERN. You remembered it entirely differently from Mr. Funk?

Mr. BAKER. I will ask you to repeat that.

Senator KERN. Your memory was entirely different from the memory of Mr. Funk?

Mr. BAKER. Yes.

Senator KERN. And you so expressed it to Mr. Hines about 10 or 12 days after Mr. Funk testified?

Mr. BAKER. Yes.

Senator KERN. Mr. Funk testified on the 29th day of March, so you must have told Mr. Hines about it sometime before the middle of April?

Mr. BAKER. Well, somewhere before the middle of April.

Senator KERN. Did Mr. Hines suggest then that you go to Springfield and testify?

Mr. BAKER. He said nothing to me about going to Springfield.

Senator KERN. The committee was then in session?

Mr. BAKER. Yes.

Senator KERN. And remained in session until the 4th of March?

Mr. BAKER. I could not tell you the date.

Senator KERN. Mr. Hines and Mr. Wiehe went down there and testified?

Mr. BAKER. Yes.

Senator KERN. You knew that?

Mr. BAKER. Yes.

Senator KERN. Did anybody suggest that you go along and testify, too?

Mr. BAKER. I was not at home when—

Senator KERN. Oh, you were at home when you told Mr. Hines.

Mr. BAKER. Yes.

Senator KERN. Mr. Hines had testified at the time you talked to him about this matter first?

Mr. BAKER. Mr. Hines testified, if I remember right, before Mr. Funk did and you say he testified on the 29th of March. You told me Mr. Funk testified on the 29th of March.

Senator KERN. Yes.

Mr. BAKER. It was somewhere along from the 12th to the 15th of April that I had the talk with Mr. Hines. I did not see Mr. Funk's testimony until I came home.

Senator KERN. Mr. Wiehe went down and testified about the 20th of April, did he not?

Mr. BAKER. I could not tell you.

Senator KERN. There was no suggestion made to you by anybody that you go and testify?

Mr. BAKER. No, sir.

Senator KERN. Was any suggestion made to you by anybody that you go down and testify?

Mr. BAKER. No, sir.

Senator KERN. Was any explanation given to you as to why Mr. Wiehe should be taken down there and you left out?

Mr. BAKER. No, sir.

Senator KERN. You had been in Washington previous to the 26th of May, I believe?

Mr. BAKER. In 1909?

Senator KERN. Yes.

Mr. BAKER. Yes.

Senator KERN. And how long had you been in Washington?

Mr. BAKER. That trip, I think, I arrived here on the 20th.

Senator KERN. Where did you stop?

Mr. BAKER. At the New Willard Hotel.

Senator KERN. Was Mr. Hines there?

Mr. BAKER. Yes.

Senator KERN. And you were with Mr. Hines from that time on, off and on, up to the time you departed for Chicago?

Mr. BAKER. I saw him every day.

Senator KERN. And you and he started together?

Mr. BAKER. Yes.

Senator KERN. Anybody else in your party?

Mr. BAKER. No, sir.

Senator KERN. Did you travel together?

Mr. BAKER. Mr. Hines and I went to Chicago together, alone.

Senator KERN. Did you talk together?

Mr. BAKER. Yes, sir.

Senator KERN. You and he were companions on the return trip, were you not?

Mr. BAKER. Yes.

Senator KERN. And there was no other companion?

Mr. BAKER. No, sir.

Senator KERN. And you say he did not mention the senatorial affair?

Mr. BAKER. He told me he was going to Springfield, but he did not tell me what for.

Senator KERN. That was the only mention he made of the senatorial election?

Mr. BAKER. That was the only thing we talked about—about the senatorial election. We talked a great deal after the time we left here about the purchase of Senator Stephenson's lumber.

Senator KERN. Did you talk anything about his business here in Washington, about the fight that he was making on the tariff measure?

Mr. BAKER. Oh, it might have been spoken of.

Senator KERN. Have you any recollection of it?

Mr. BAKER. No; I have not.

Senator KERN. Those conversations made no impression on your mind?

Mr. BAKER. No, sir.

Senator KERN. Now, then, you got to Chicago that morning at 8.55 o'clock?

Mr. BAKER. Yes.

Senator KERN. And Mr. Wiehe met you at the station?

Mr. BAKER. At the car, as we got off the car.

Senator KERN. At the train or at the cars or how?

Mr. BAKER. At the train; yes, sir.

Senator KERN. So that you saw him immediately upon getting off the car?

Mr. BAKER. Yes, sir.

Senator KERN. Did you and Mr. Wiehe and Mr. Hines pass out of the station together?

Mr. BAKER. No, sir.

Senator KERN. Where did you separate?

Mr. BAKER. I went out and left them standing there talking.

Senator KERN. Do you know what they were talking about?

Mr. BAKER. Well, I heard Mr. Hines say to Mr. Wiehe not to go to Springfield until after he talked—

Senator KERN. Oh, no; you did not hear Mr. Hines say to Mr. Wiehe—

Mr. BAKER. I heard Mr. Wiehe say to Mr. Hines not to go to Springfield until after he had talked with Senator Lorimer.

Senator KERN. You heard that?

Mr. BAKER. Yes.

Senator KERN. That was at the train?

Mr. BAKER. Yes.

Senator KERN. And you stood by and heard that part of the conversation?

Mr. BAKER. That was just as I got off the car.

Senator KERN. You heard no more?

Mr. BAKER. No more, and I said to Mr. Hines, "I am going home," and he said, "You will get me over at the Continental National Bank."

Senator KERN. Then you did not pass out with him?

Mr. BAKER. No. I went out ahead of him.

Senator KERN. And you do not know how they left the station?

Mr. BAKER. I do not. I saw Mr. Hines's automobile standing in front of the station.

Senator KERN. You recognized that?

Mr. BAKER. Yes.

Senator KERN. And his chauffeur?

Mr. BAKER. His chauffeur—I do not remember, they have changed chauffeurs, but I recognized the machine.

Senator KERN. And then you went home and afterwards you were called up by Cook and O'Brien?

Mr. BAKER. I went from there home, and then from there to the office of the Edward Hines Lumber Co. and at the office I was called up.

Senator KERN. And you arranged for a meeting between Cook and O'Brien and Mr. Hines?

Mr. BAKER. Yes.

Senator KERN. Now, will you tell the committee how it happened that you and Mr. Wiehe both at different times that morning arranged for a meeting between Mr. Hines and Mr. Cook and Mr. O'Brien?

Mr. BAKER. Well, Mr. Wiehe went off with Mr. Hines, and if he arranged any meeting with Mr. Hines I do not know anything about it.

Senator KERN. Did you know or did you learn about Mr. Wiehe having arranged by telephone a meeting between Mr. Hines and Cook and O'Brien?

Mr. BAKER. I did not.

Senator KERN. There was no particular reason why he should do it, because you had made the arrangement, had you not?

Mr. BAKER. Yes; and neither Cook nor O'Brien told me they had made any such arrangement with Mr. Wiehe.

Senator KERN. So that if Mr. Wiehe made an arrangement for this meeting over the telephone with Mr. Hines, and also made an arrangement over the telephone for the same meeting, you have no idea why it was necessary it should be done in that way?

Mr. BAKER. No, sir.

Senator KERN. Now, I understand you to say that you went to the Cook and O'Brien room and talked with them awhile?

Mr. BAKER. Yes.

Senator KERN. And after communicating with Mr. Hines and learning that he was going over there, you went down into the lobby of the hotel and met him, to tell him their business before he came into their room?

Mr. BAKER. Yes.

Senator KERN. Why did you do that?

Mr. BAKER. I did that because it was business. I did not know but what there might have been some of this stock had been assigned. I told him I did not think so, but I did not know, and I thought I would tell Mr. Hines about it before he came up.

Senator KERN. Did you think that would have made any difference as to what he would have told them?

Mr. BAKER. No; I did not think it would.

Senator KERN. You thought it was important that you go and tell him in advance what their business was so that he could frame his conversation accordingly when he went into the room?

Mr. BAKER. I did not have any object in view at all.

Senator KERN. And you and Mr. Hines went back into Cook and O'Brien's room together?

Mr. BAKER. No; I went up immediately ahead of him, about.

Senator KERN. What did you say when you went in?

Mr. BAKER. I said, "I have come back," or something that amounted to that, and just then Mr. Hines came in.

Senator KERN. He followed you in immediately?

Mr. BAKER. He followed me in almost immediately.

Senator KERN. And Mr. Wiehe did not get there until 20 minutes later?

Mr. BAKER. Oh, about 10 minutes later.

Senator KERN. What were you folks doing when Mr. Wiehe got in the room?

Mr. BAKER. We were sitting talking over the arrangements of the Virginia & Rainy Lake Lumber Co.—their business.

Senator KERN. Mr. Wiehe did not meet Mr. Hines downstairs?

Mr. BAKER. Before?

Senator KERN. Yes; before he went up.

Mr. BAKER. Not that I know of.

Senator KERN. You did not see Mr. Wiehe downstairs?

Mr. BAKER. No, sir.

Senator KERN. You did not see Mr. Wiehe at all between the time you left him at the station and the time he came into Cook and O'Brien's room?

Mr. BAKER. No, sir.

Senator KERN. Is it not true that Mr. Wiehe, when he came to the Grand Pacific Hotel that morning, met Cook and O'Brien and you in the rotunda of the hotel?

Mr. BAKER. No; it is not true.

Senator KERN. And is it not true that O'Brien and Cook and Mr. Hines and you all went to Cook's room together that morning?

Mr. BAKER. No; it is not true.

Senator KERN. That is not true?

Mr. BAKER. No, sir.

Senator KERN. Mr. Wiehe was not there at all about the hotel, so far as you know?

Mr. BAKER. So far as I know.

Senator KERN. Until after you had been in the room 10 minutes?

Mr. BAKER. No; not there at all, so far as I know.

Senator KERN. And after this telephone bell rang Mr. Cook went to the telephone, I understand?

Mr. BAKER. Yes.

Senator KERN. And told Mr. Hines that some one wanted to speak to him. Do you remember his exact language?

Mr. BAKER. "Mr. Hines, they want you on the telephone."

Senator KERN. Those were his words?

Mr. BAKER. Those were his words.

Senator KERN. You remember that?

Mr. BAKER. As I remember them; yes, sir.

Senator KERN. "Mr. Hines, you are wanted on the telephone."

Mr. BAKER. "Mr. Hines, they want you on the telephone," as I remember.

Senator KERN. He said nothing different from that?

Mr. BAKER. Not particularly. There may have been different words, but that is what he said—"Mr. Hines, they want you on the telephone." That is the way I remember it.

Senator KERN. Mr. Hines then got up from his chair and went to the telephone, and Mr. Cook returned to his chair at the table?

Mr. BAKER. Yes.

Senator KERN. Did the conversation proceed, or was the conversation suspended while Mr. Hines was talking at the telephone?

Mr. BAKER. It was.

Senator KERN. It was suspended?

Mr. BAKER. Yes.

Senator KERN. There was nothing to prevent anybody and everybody in the room from hearing that conversation, was there?

Mr. BAKER. Not as far as I know.

Senator KERN. Mr. Hines left the telephone and he did not say, as far as you remember, that he had been talking to Senator Lorimer?

Mr. BAKER. No, sir.

Senator KERN. You did not hear that?

Mr. BAKER. I did not hear him say that he had been talking to Senator Lorimer.

Senator KERN. If he had said that, you would have heard it?

Mr. BAKER. I would have heard it.

Senator KERN. You fix the time of the conversation at the Union League Club as the day after the election of Senator Lorimer. How do you fix that time?

Mr. BAKER. As being the next day after Senator Lorimer was elected.

Senator KERN. How do you fix that day?

Mr. BAKER. As being the next day after Senator Lorimer was elected.

Senator KERN. How do you fix it as the next day after he was elected?

Mr. BAKER. Because Mr. Hines had telegraphed to our general managers to be at Chicago; that he was going to Washington.

Senator KERN. Who was your general manager?

Mr. BAKER. Mr. T. S. Whitten.

Senator KERN. How did you know that he had telegraphed?

Mr. BAKER. Because he keeps me posted on those things. When he wants the general managers there, I am there with them.

Senator KERN. I understood you to say that after this came out, after Mr. Funk's testimony, you did not know who was present at the Union League Club besides you and Mr. Hines?

Mr. BAKER. You did not ask me now who was present at the Union League Club.

Senator KERN. You have already told us that Mr. Hall and Mr. Carney were there.

Mr. BAKER. Your question was how I knew that was the next day after Senator Lorimer's election, and I am explaining to you how I know, by having Mr. Hines wiring our general managers to be there, and I was only in Chicago from the 26th to the morning of the 31st.

Senator KERN. But when did you look up those figures to know when you were in Chicago after Mr. Funk's testimony?

Mr. BAKER. I never looked them up to see whether I was in Chicago after Mr. Funk's testimony. I knew I was there.

Senator KERN. Without looking?

Mr. BAKER. What?

Senator KERN. Could you remember in 1911, looking back two years, where you were on the 27th of May?

Mr. BAKER. Yes; I could, where the case of when Senator Lorimer was elected was brought to my attention, and knowing that I left

here on the night of the 25th with Mr. Hines and arrived in Chicago on the morning of the 26th.

Senator KERN. After two years, and after you had had hundreds of conversations with different people?

Mr. BAKER. Yes.

Senator KERN. You could then recall it was on that particular day that Senator Lorimer was elected, that you had that conversation in which Mr. Funk figures?

Mr. BAKER. Yes.

Senator KERN. Without being able to remember what business you were talking about, or who were the persons at the conversation?

Mr. BAKER. I can tell you what business I did every day that week, and I have no memorandum of it here, either.

Senator KERN. If you could tell all the business you did every day that week, how could it have taken you two or three or four weeks to ascertain the men who were present on that occasion, and the kind of business that you were doing?

Mr. BAKER. Because that was a different situation. When Mr. Funk made that speech there was nothing to call anyone's attention to it at all.

Senator KERN. Certainly not.

Mr. BAKER. It was nothing more than a casual talk, as I supposed, as he seemed pleased because Mr. Lorimer was elected; but when it came to giving his testimony, it was so much different that it then fixed my attention to it.

Senator KERN. Then you went to work to find out?

Mr. BAKER. Then I went to work to find out who was with me.

Senator KERN. To find out what business you were talking about, and with whom you were talking.

Mr. BAKER. Yes.

Senator KERN. Where do you say you went in order to ascertain who were there?

Mr. BAKER. We had telegraphed to our general managers to be down at Chicago that week.

Senator KERN. No, no; but where did you go after the Funk testimony to ascertain the names of the parties who were present?

Mr. BAKER. Oh, I went and saw Mr. George Gynn, of Cleveland.

Senator KERN. Did you have a memory that he was there?

Mr. BAKER. No; I did not know but he might be there. I was not sure, because we do lots of business with him, and he is there quite often to see us, and I did not tell him what I wanted. I asked him if he was in Chicago about that time.

Senator KERN. About what time?

Mr. BAKER. About May 27.

Senator KERN. Is that what you said to him, or did you try to ascertain whether he was there between the 26th and the 31st?

Mr. BAKER. I asked him if he was there that week, between May 26 and May 31. That is what I asked him, and he said no.

Senator KERN. You did not fix any particular day with him?

Mr. BAKER. No; and neither did I with the other gentlemen I asked.

Senator KERN. After learning that Mr. Gynn was not in Chicago, where did you go?

Mr. BAKER. When I got to Buffalo I asked John McLeod if he had been there?

Senator KERN. Did you have it in your mind that he was there?

Mr. BAKER. I did not know but it might be him.

Senator KERN. What did you ask him about it?

Mr. BAKER. I asked him if he had been there at that time, and he said he had not.

Senator KERN. Between the 26th and the 31st?

Mr. BAKER. Yes.

Senator KERN. And he said he had not?

Mr. BAKER. He said he had not.

Senator KERN. Then did you go to some place in Pennsylvania?

Mr. BAKER. No, sir; I saw Mr. A. K. Silverthorn at Tonawanda, N. Y., and he said he had not been there.

Senator KERN. You asked him if he had been there?

Mr. BAKER. Yes.

Senator KERN. Did you have it in mind that he might have been one of the party?

Mr. BAKER. I had it in mind that he might have been. I was trying to find out who was the party.

Senator KERN. How do you say you finally found out who was there?

Mr. BAKER. Well, about the 1st of June Mr. Hall came there from Canada.

Senator KERN. Had he not been in Chicago before the 1st of June?

Mr. BAKER. Not to my knowledge.

Senator KERN. During May?

Mr. BAKER. No, sir; not to my knowledge. I do not think he had.

Senator KERN. When Mr. Hall came from Canada, then you talked it over with him?

Mr. BAKER. I did not see Mr. Hall when he came in, but he talked with Mr. Hines, and Mr. Hines told me about what Mr. Hall said, that he remembered it very well, and said that we were there trying to buy the Carney lumber, and then it came to my memory right off.

Senator KERN. Not only that came to your memory, but the whole scene, the whole situation, and all the conversation?

Mr. BAKER. It did not change the situation of the conversation at all.

Senator KERN. You already remembered the conversation?

Mr. BAKER. I remembered the conversation by knowing that after Mr. Funk had testified it was so much different from what the conversation was there that it brought it to my memory.

Senator KERN. What was the last thing that was said by either Mr. Funk or Mr. Hines before they stepped away from the sofa?

Mr. BAKER. Mr. Funk made the last speech, as I remember it—did the last talking I heard.

Senator KERN. What did he say?

Mr. BAKER. He says, "I am not acquainted. I never met the Senator, and I would like to be introduced to him," or "to be made acquainted with him."

Senator KERN. What did Mr. Hines say?

Mr. BAKER. I could not tell you. They walked off and I did not hear them.

Senator KERN. How long have you been employed with Mr. Hines?

Mr. BAKER. Somewhere over 20 years.

Senator KERN. You say you own some of the stock in his company?

Mr. BAKER. Yes; just a few shares.

Senator KERN. Have you accumulated a good deal of property in his employment?

Mr. BAKER. No, sir.

Senator KERN. Then, at the age of 69 years, you are to some extent dependent on Mr. Hines?

Mr. BAKER. No, sir.

Senator KERN. For employment?

Mr. BAKER. No, sir; I think, with the stock I have and what money I have, it will keep me, if I do not live too long.

Senator KERN. You are in no wise dependent upon him?

Mr. BAKER. Just my wife—no children.

Senator KERN. You are in nowise dependent on him for employment, or otherwise?

Mr. BAKER. No, sir.

Senator KERN. That is all.

Mr. HEALY. Did you not fix the date of the Wiehe testimony as April 20?

Senator GAMBLE. March 29; I think it appears in the record.

Mr. HEALY. I refer to the testimony of Mr. Wiehe. I think the correct date is April 25. There are two dates on that same page.

Senator KERN. What is the page?

Mr. HEALY. One hundred and thirty-nine. I think you took the top date, which is merely the date of the session of the day; at which particular session no testimony was taken.

Senator GAMBLE. I think Mr. Funk's testimony was given about April 5, instead of in March. His testimony begins on page 6, and the date of the hearing is on page 65, April 5, 1911.

Senator KERN. I took Mr. Funk's testimony as on page 65 as April 5.

Mr. HEALY. Mr. Wiehe's testimony is on the 25th of April.

Senator KERN. Yes.

Senator JONES. Mr. Baker, what time did you get down to the Hines Lumber Co. after you went home on the morning of the 26th?

Mr. BAKER. Somewhere in the neighborhood of quarter or 20 minutes past 10.

Senator JONES. About 20 minutes after 10?

Mr. BAKER. Yes.

Senator JONES. And from there you called up Mr. Hines at the Continental Bank?

Mr. BAKER. Yes, sir. In the first place I called up Mr. Cook—Cook and O'Brien.

Senator JONES. At the hotel?

Mr. BAKER. Yes, sir.

Senator JONES. And then, after that, you called up Mr. Hines. What did you tell him?

Mr. BAKER. I told him that Mr. Cook and Mr. O'Brien were down at the Grand Pacific, and wanted me to come down there and see them. He asked me what for, and I told him I did not know.

Senator JONES. Then you went from there down to the Grand Pacific?

Mr. BAKER. Yes.

Senator JONES. And saw Mr. Cook; and how long after you were there did you try to get Mr. Hines again on the telephone?

Mr. BAKER. Oh, not over five minutes. I should judge.

Senator JONES. Instead of calling up the Hines Lumber Co., why did you not call up the Continental Bank?

Mr. BAKER. Because I would have to get the number; I did not know the Continental Bank's number in the room; so I called up the office. I very seldom call up Mr. Hines anywhere down town. They always know where he is at the office; and I call up the office, and they connect me with him.

Senator JONES. Did you have any reason to think he had left the Continental Bank?

Mr. BAKER. I did not know.

Senator JONES. He told you when you left him at the depot that he was going over there?

Mr. BAKER. When I talked to him over the telephone I told him I was going down to see Mr. Cook, and he told me that he would be there; so I had no reason to think he had left.

Senator JONES. But, notwithstanding that, you thought best to call up the office and have them connect you with him?

Mr. BAKER. Yes; that is the way I invariably did.

Senator JONES. Did you tell them that he was at the Continental Bank?

Mr. BAKER. I told them I thought they would find him there.

Senator JONES. When he came over there you met him in the rotunda of the hotel?

Mr. BAKER. Yes, sir.

Senator JONES. And you told him what Mr. Cook wanted?

Mr. BAKER. Yes. I told him what they wanted—what they were after.

Senator JONES. Did you tell him where Mr. Cook and Mr. O'Brien were?

Mr. BAKER. I told him what room they were in.

Senator JONES. Why did you go up ahead of him to the room?

Mr. BAKER. I do not know why I did it. I supposed likely they might think that I might be trying to tell him something, maybe, that I didn't want them to know, or something of that kind. I did not make up my mind about why I did that at all.

Senator JONES. Did you tell Mr. Hines that you would go up ahead of him?

Mr. BAKER. Yes, sir. I said, "I will go up, because they will think I came down on purpose to see you before you go up."

Senator KERN. How did he know where to find the room?

Mr. BAKER. I told him where the room was.

Senator KERN. What number did you give him?

Mr. BAKER. I do not remember the number, but I think, if I am correct, it was a letter. It was not a number at all; it was a letter.

Senator KERN. What was it?

Mr. BAKER. I would not say what it was.

Senator KERN. You told him what it was?

Mr. BAKER. If I am not mistaken—no; I can not remember; I would not undertake to say. I can locate the room. I did know at that time, and I told him what the room was that they were in.

Senator KERN. What floor did you tell him they were on?

Mr. BAKER. I do not think I told him what floor they were on.

Senator KERN. Do you remember now what floor they were on?

Mr. BAKER. I went up in the elevator, and it was either on the first floor above the office or the second; I would not say which.

Senator KERN. You told him?

Mr. BAKER. I told him the number of the room.

Senator KERN. You told him where to find them?

Mr. BAKER. Yes.

Senator KERN. Did he have a bell boy with him when he came up?

Mr. BAKER. No, sir; he did not. That is, no bell boy came in the room with him.

Senator JONES. Did you pay special attention to the telephone talk there in the room?

Mr. BAKER. Yes, sir; I did.

Senator JONES. Why?

Mr. BAKER. There was no particular reason, more than that there were three or four gentlemen sitting right here together, and the telephone rang right here, and we carried on no conversation while he was talking, and I naturally listened to it.

Senator JONES. Did they seem to be paying pretty close attention to it?

Mr. BAKER. I did not look. I did not pay much attention to whether they did or not.

Senator JONES. You centered all your attention on the conversation over the telephone?

Mr. BAKER. I did. The fact is that Mr. Wiehe sat right to my right, and I did not look around to see whether they were paying attention or not. I know there was no conversation going on while he was talking.

Senator JONES. Have you done any work down at Springfield with reference to legislation in which the Hines Lumber Co. was interested?

Mr. BAKER. No, sir; I do not know anything at all about politics.

Senator JONES. You do not know anything about those things at all?

Mr. BAKER. I do not know a thing at all about politics.

Senator JONES. You do not know anything about the "jack-pot" fund that is so much talked about?

Mr. BAKER. Not that kind of a jack pot.

Senator JONES. What kind of a jack pot is this—the kind I am referring to?

Mr. BAKER. I do not know—at Springfield? I presume they have them there, too.

Senator JONES. The kind you are familiar with? That is all.

The CHAIRMAN. That is all.

TESTIMONY OF CHARLES M'GOWAN.

CHARLES MCGOWAN, being duly sworn, was examined and testified as follows:

Mr. HYNES. Mr. McGowan, state your name, residence, and age.

Mr. MCGOWAN. My name is Charles McGowan.

Mr. HYNES. And your age?

Mr. MCGOWAN. Twenty-two years last December.

Mr. HYNES. And your residence?

Mr. McGOWAN. Regina, Canada.

Mr. HYNES. In what Province of Canada?

Mr. McGOWAN. Saskatchewan.

Mr. HYNES. What is your business?

Mr. McGOWAN. Contractor.

Mr. HYNES. How long have you been living in Regina?

Mr. McGOWAN. One year and a half.

Mr. HYNES. Are you a married man?

Mr. McGOWAN. No, sir.

Mr. HYNES. Mr. McGowan, do you remember being on a train running from Duluth, Minn., up to Virginia, Minn., on the night of the 7th of March last?

Mr. McGOWAN. I do; yes, sir.

Mr. HYNES. First of all, I will show you, for the purposes of identification to the committee, what I believe is called the declaration in Canada which is made to the authorities by people passing across the border. Is that it that you hold in your hand?

Mr. McGOWAN. Yes, sir; it is.

Mr. HYNES. Is any portion of that in your handwriting?

Mr. McGOWAN. My signature.

Mr. HYNES. Where—on the first line?

Mr. McGOWAN. That one and this one [indicating].

Mr. HYNES. And the one below?

Mr. McGOWAN. Yes, sir; and that one. I wrote the address on there, too.

Mr. HYNES. You wrote that address on there? That address is what?

Mr. McGOWAN. Elora, Ontario.

Mr. HYNES. What did that represent?

Mr. McGOWAN. Where my home is—where my parents live.

Mr. HYNES. Where your parents' home is. Had you been living in Canada before that day or that night?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. And you were going back to Regina?

Mr. McGOWAN. I was.

Mr. HYNES. Is this a form that was generally required by the Canadian law and practice of persons passing across the border from the United States at that time?

Mr. McGOWAN. Yes; I believe it is.

Mr. HYNES. It was required of you, was it, at that time?

Mr. McGOWAN. It was.

Mr. HYNES. And you signed it. When did you next see this after you returned it to the authorities?

Mr. McGOWAN. On the 24th of May.

Mr. HYNES. Last?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. Who presented it to you, or where was it presented to you?

Mr. McGOWAN. At Moosejaw, Saskatchewan, by a man who said his name was Shields.

Mr. HYNES. I notice that attached to that is the stub of a railway ticket which reads: "Issued by Canadian Northern Railway from Duluth to Winnipeg, train No."—what is that, 5 or 6?

Mr. McGOWAN. No. 5, I think.

Mr. HYNES. "No. 5; date, March 7, 1911. Location, L 9." Is that "Lower 9"?

Mr. McGOWAN. I believe so.

Mr. HYNES. Was that the stub of your ticket on that occasion?

Mr. McGOWAN. It looks like it.

Mr. HYNES. Did you produce it? As you held it, did you produce it when this declaration was shown to you?

Mr. McGOWAN. Yes.

Mr. HYNES. Did you still have it at that time?

Mr. McGOWAN. Yes; I did.

(By request, the stenographer marked the papers referred to for identification as follows: The declaration was marked "Exhibit McGowan 1, July 18, 1911," and the ticket was marked "Exhibit McGowan 2, July 18, 1911.")

Mr. HYNES. Did you learn from Mr. Shields at that time that it was by means of that declaration that you were traced?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. Mr. McGowan, what time did you get on that train in Duluth?

Mr. McGOWAN. I think it was 7.30.

Mr. HYNES. Are you positive about that, or are you giving your best recollection?

Mr. McGOWAN. I am giving my best recollection.

Mr. HYNES. At night?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. In March? It was dark, I take it, up there?

Mr. McGOWAN. Yes.

Mr. HYNES. Where did you go in the train?

Mr. McGOWAN. First I went to my berth seat, and left my grip there, and walked to the smoking compartment.

Mr. HYNES. Before you go any further, let me ask you what car it was? Where on the train was that car?

Mr. McGOWAN. The rear car.

Mr. HYNES. And where on the train did you enter that car—at the forward end, where it was coupled to the next car forward?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. Who was in the smoking compartment when you went in?

Mr. McGOWAN. No one.

Mr. HYNES. Where was the smoking compartment with respect to that car—in the forward or the rear end?

Mr. McGOWAN. It was in the forward end.

Mr. HYNES. How long were you in the smoking compartment of the car before anyone else entered?

Mr. McGOWAN. Oh, possibly two or three minutes.

Mr. HYNES. Do you know who came in next?

Mr. McGOWAN. Yes.

Mr. HYNES. Who was it?

Mr. McGOWAN. A man from Duluth, who said his name was——

Mr. HYNES. Who said his name was what?

Mr. McGOWAN. Burgess.

Mr. HYNES. Where did you sit when you went in?

Mr. McGOWAN. I sat on the seat for four, next to the window.

Mr. HYNES. And where did he sit?

Mr. McGOWAN. He sat on a chair by the door—by the entrance.

Mr. HYNES. Did you have any conversation with him while you and he were there before anybody else entered?

Mr. McGOWAN. Yes; I did.

Mr. HYNES. What was it, in a general way?

Mr. McGOWAN. We got in conversation; I do not know just how, but he asked me where I was from, and I told him. I understood from his conversation that he said he was born in Ontario, and I told him my name and where I was going.

Mr. HYNES. And he told you his?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. How long were you there with him before anyone else entered?

Mr. McGOWAN. Oh, possibly 5 or 10 minutes.

Mr. HYNES. Who came in then?

Mr. McGOWAN. A gentleman by the name of Mr. Price.

Mr. HYNES. Where was he from, if you knew then or if you have found out since?

Mr. McGOWAN. I have since found out he is from Seattle.

Mr. HYNES. Seattle, State of Washington?

Mr. McGOWAN. Seattle, Wash.

Mr. HYNES. Who else came in? [After a pause.] Without respect to the order, if you like, tell us who came in without taking time about that.

Mr. McGOWAN. Mr. Wiehe and Mr. Cusson and Mr. Johnson and Mr. Weyerhaeuser. Of course, I did not know these gentlemen's names then. I have since found out who they were.

Mr. HYNES. Do you know how many of the Weyerhaeusers entered the compartment?

Mr. McGOWAN. To my best recollection there was one.

Mr. HYNES. Do you remember anything about any others going in there—I mean, any other Weyerhaeuser?

Mr. McGOWAN. I believe there was one that just came to the door and went back again.

Mr. HYNES. Will you give us your best recollection as to where those people that you have named were either seated or standing in the smoking compartment?

Mr. McGOWAN. As I said, I was sitting in the seat next to the window, facing the engine. Next to me was Mr. Wiehe. Next to him was Mr. Cusson, and next was Mr. Weyerhaeuser. In the seat at the door was Mr. Burge-s, and in the other chair, opposite me, was Mr. Johnson.

Mr. HYNES. And where was Mr. Price?

Mr. McGOWAN. Mr. Price was leaning or half sitting on the washstand which ran across the other end of the compartment.

Mr. HYNES. All the way across or part way?

Mr. McGOWAN. All the way.

Mr. HYNES. Was there any toilet connected with that smoking compartment or any entrance to one?

Mr. McGOWAN. No, sir.

Mr. HYNES. I mean, any entrance from the smoking compartment to the toilet? Where was the toilet there?

Mr. McGOWAN. It was in another part, just ahead of it, between the smoking compartment and the end of the car.

Mr. HYNES. Between that and the platform?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. Do you remember whether any of the gentlemen who had been seated there left that compartment at any time before you got to Virginia?

Mr. McGOWAN. Yes.

Mr. HYNES. Tell us, if you please, the order in which they left, if you know.

Mr. McGOWAN. Mr. Wiehe left first.

Mr. HYNES. How long was he there, should you say?

Mr. McGOWAN. Oh, I should judge he was there half an hour.

Mr. HYNES. Where did he go?

Mr. McGOWAN. I do not know. He went out of the smoking compartment.

Mr. HYNES. Did you see anybody call him or hear anybody call him?

Mr. McGOWAN. Yes; there was a gentleman who came to the door and called him out.

Mr. HYNES. Did you know who it was?

Mr. McGOWAN. I did not know then.

Mr. HYNES. Do you know now?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. Who was it?

Mr. McGOWAN. Mr. Hines.

Mr. HYNES. Mr. Edward Hines?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. After he went out, did you see anything more of him in the smoking compartment?

Mr. McGOWAN. No; I did not.

Mr. HYNES. Did he come back at any time during the evening?

Mr. McGOWAN. No.

Mr. HYNES. Are you sure of that?

Mr. McGOWAN. Yes; positive.

Mr. HYNES. During the time Mr. Wiehe was there, or at any time during the evening, from the time you left Duluth until you got to Virginia, or until it was announced, state whether Mr. Wiehe discussed, or whether you heard anybody discussing in that room, anything about the election of Senator Lorimer?

Mr. McGOWAN. No, sir; I did not.

Mr. HYNES. Did I ask you, or did you state, whether you were in the smoking compartment all the time, from the time you got in at Duluth until you got to Virginia?

Mr. McGOWAN. I was there all the time.

Mr. HYNES. Seated in the same place?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. And all the time that Mr. Wiehe was in there, did he sit opposite you, as you have described?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. During all that time was anything said there about the election of Senator Lorimer?

Mr. McGOWAN. There certainly was not.

Mr. HYNES. Did Mr. Wiehe on that occasion or on that trip say that he knew Senator Lorimer had not put up a dollar of his own money; that there was a jack pot raised, or that there was a fund of \$100,000 raised, for his election; and that he knew what he was talking about, because he had subscribed \$10,000 of that money himself to that fund?

Mr. McGOWAN. No. There was no such statement made in the car.

Mr. HYNES. Was there anything on the subject or anything of that kind, in the language that I have used or any other language, stated there on that trip?

Mr. McGOWAN. No; there was nothing whatever said about Senator Lorimer's election.

Mr. HYNES. Or anything about money being contributed to his election?

Mr. McGOWAN. No; nothing about money there.

Mr. HYNES. Or anything about a jack pot?

Mr. McGOWAN. No.

Mr. HYNES. Or anything about a fund of \$100,000?

Mr. McGOWAN. No, sir.

Mr. HYNES. Or anything about Mr. Wiehe contributing \$10,000 or any other sum toward it?

Mr. McGOWAN. No, sir.

Mr. HYNES. Was anything said on that trip about a detective or a detective agency being employed by some Chicago newspaper, either the Record-Herald or any other, to the effect that the detective had gone to confession to a Father Green?

Mr. McGOWAN. No, sir.

Mr. HYNES. That a detective had gone to Father Green and told him that he had been employed to trump up evidence or get evidence against Senator Lorimer, or anything of that kind?

Mr. McGOWAN. No.

Mr. HYNES. And that he had been refused absolution until he would make reparation to those that he had injured in that respect?

Mr. McGOWAN. No.

Mr. HYNES. Nothing of that kind?

Mr. McGOWAN. No, sir.

Mr. HYNES. Did you hear Father Green's name mentioned?

Mr. McGOWAN. No.

Mr. HYNES. Or anything said about a detective or a detective agency in connection with Senator Lorimer?

Mr. McGOWAN. No, sir.

Mr. HYNES. Or anything about a Catholic priest and a confessional there?

Mr. McGOWAN. No.

Mr. HYNES. Was anything of that kind said?

Mr. McGOWAN. No; there was not.

Mr. HYNES. While you were going up?

Mr. McGOWAN. No.

Mr. HYNES. Mr. McGowan, did you say that Mr. Wiehe did not return after he went out?

Mr. McGOWAN. He did not.

Mr. HYNES. Do you remember who remained in that car after Mr. Wiehe went out, until you got to Virginia, or until it was announced, about the time you were getting into Virginia, when you all got out, if you all did get out?

Mr. McGOWAN. Mr. White was there, and Mr. Burgess and myself and Mr. Cusson.

Mr. HYNES. At the time that you reached Virginia?

Mr. McGOWAN. Yes; until Virginia was announced.

Mr. HYNES. And you all got up, did you, to go and get your things and leave?

Mr. McGOWAN. Yes.

Mr. HYNES. Were you and Mr. Wiehe and Mr. Burgess alone in that compartment at any time during that evening?

Mr. McGOWAN. No.

Mr. HYNES. What time did Mr. Johnson leave the smoking compartment?

Mr. McGOWAN. Some little time after Mr. Wiehe left.

Mr. HYNES. You would not say how long?

Mr. McGOWAN. Oh, possibly 15 or 20 minutes; perhaps more. I can not just recall.

Mr. HYNES. You do not speak of Mr. Weyerhaeuser being there when you got to Virginia. Do you remember what time Mr. Weyerhaeuser went out and whether anybody called him?

Mr. McGOWAN. I do not remember when he went out.

Mr. HYNES. Did he go at some time between the time Mr. Wiehe left and Mr. Johnson left?

Mr. McGOWAN. Yes.

Mr. HYNES. Or between the time when Mr. Wiehe left and your arrival in Virginia?

Mr. McGOWAN. I think he left after Mr. Wiehe left.

Mr. HYNES. You would not say how long after?

Mr. McGOWAN. No; I could not say.

Mr. HYNES. Do you say that the rest of the party that you have named here remained in that smoking compartment until you got to Virginia?

Mr. McGOWAN. They did.

Mr. FLETCHER. Did you leave the train at Virginia?

Mr. McGOWAN. Yes; we had to change cars there.

Senator KERN. Did you get out of the smoking car or was your car transferred?

Mr. McGOWAN. We had to transfer into another car.

Senator FLETCHER. You had to take another train?

Mr. McGOWAN. That car, I believe, was supposed to go right to Winnipeg, but, I do not know what happened; the porter told us to change into the other car.

Senator FLETCHER. You continued your journey? You did not stop?

Mr. McGOWAN. No, sir; I did not.

Senator FLETCHER. Did these other gentlemen go with you beyond Virginia?

Mr. McGOWAN. Mr. Price went to Winnipeg.

Senator FLETCHER. None of the others?

Mr. McGOWAN. No, sir.

Senator FLETCHER. What was your business at that time?

Mr. McGOWAN. Contracting.

Senator FLETCHER. Did you have anything to do with real estate?

Mr. McGOWAN. A little bit.

Senator FLETCHER. What kind of contracting do you mean?

Mr. McGOWAN. Well drilling; contracting water wells.

Senator FLETCHER. Did you tell Mr. Burgess that you were engaged in the real-estate business, or dealing in real estate, or looking after real estate? Did you tell him your business at all?

Mr. McGOWAN. I may have.

Mr. HYNES. Did you know any of these parties until you came down to Washington here?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. Whom did you know? I do not mean by having somebody tell you who they were that night.

Mr. McGOWAN. No; I had never met them before.

Mr. HYNES. Had you ever met them until you came here to Washington?

Mr. McGOWAN. No, sir.

Mr. HYNES. You can tell the committee—they may be interested in knowing—how you were reached; how you were discovered. I have already shown this declaration and your signature. You may tell the committee how you were reached and how you were obtained as a witness.

Mr. McGOWAN. The first intimation that I had was that I received a telegram from Chicago signed by C. F. Wiehe, asking me if I was on the Canadian Northern train out of Duluth March 7, this year, and also asking me if he could meet me at Regina in the next three or four days. I sent a telegram back to him telling him that I was on the Canadian Northern train out of Duluth at that time, and that he could meet me in Regina any time. A couple of days afterwards I received a telephone message from Winnipeg, from a man who said his name was Shields, and he wanted to meet me in Moosejaw. So I went to Moosejaw. I happened to be in the country near Moosejaw at the time, and I went to Moosejaw and met Mr. Shields, and he asked me if I was on the train at that time, and I told him I was. He asked me if I remembered the parties that were on the train, and I told him I did. He asked me, also, if I heard any statement in connection with Mr. Lorimer's election, and I told him no. I also signed an affidavit to that effect.

Mr. HYNES. Did he have this declaration with him?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. When he called on you, showing it to you?

Mr. McGOWAN. Yes; he told me also how I was traced.

Mr. HYNES. How?

Mr. McGOWAN. He said he got this declaration and wired to my father—at least to me—at Elora, Ontario, and he received a wire from my father giving my present address.

Senator KERN. You had never seen any of these men before?

Mr. McGOWAN. Not before that night on the train; no.

Senator KERN. You did not learn the names of any of them on that occasion except that of Mr. Burgess?

Mr. McGOWAN. Not until after they had got off.

Senator KERN. I mean during the course of their conversation?

Mr. McGOWAN. No, sir.

Senator KERN. They were all entire strangers to you?

Mr. McGOWAN. They were.

Senator KERN. You have never seen any of them since?

Mr. McGOWAN. No, sir.

Senator KERN. You have been actively engaged in business during the time that has followed ever since?

Mr. McGOWAN. Yes.

Senator KERN. Did you have any interest in American politics?

Mr. McGOWAN. No, sir.

Senator KERN. Had you ever heard of Mr. Lorimer?

Mr. McGOWAN. Yes; I think I had. I have read his name in the papers.

Senator KERN. Had you heard of his election as Senator?

Mr. McGOWAN. No. I have read of him as Senator Lorimer.

Senator KERN. Had you heard anything of his election as Senator?

Mr. McGOWAN. No, sir.

Senator KERN. You were in no wise interested either in him or in his election?

Mr. McGOWAN. I was not.

Senator KERN. Was there a general conversation going on in the compartment during the trip?

Mr. McGOWAN. Yes; there was.

Senator KERN. Do you remember the subject matter of the conversation?

Mr. McGOWAN. Yes; the reciprocity question was discussed.

Senator KERN. Was there any general conversation? That is, did all the parties present engage in the one conversation, or were there different conversations being carried on by different people in the compartment?

Mr. McGOWAN. They were all engaged in the one conversation.

Senator KERN. All the time?

Mr. McGOWAN. Yes, sir.

Senator KERN. And you heard every word that was said by every member of that party?

Mr. McGOWAN. I certainly did.

Senator KERN. During the 73 miles between Duluth and Virginia?

Mr. McGOWAN. I certainly did.

Senator KERN. Was anything else discussed besides reciprocity?

Mr. McGOWAN. Yes.

Senator KERN. What?

Mr. McGOWAN. The tariff. There was something said about the tariff.

Senator KERN. Anything else? Was there any gossip talk, or any stories told, such as are usually told by passengers in a smoking compartment?

Mr. McGOWAN. I do not recall any stories. There was a discussion, also, on changing the course of some stream up near the Canadian line, I believe.

Senator KERN. Do you remember what Mr. Wiehe said on any subject?

Mr. McGOWAN. No; I do not recall.

Senator KERN. Do you remember what Mr. Burgess said on any subject?

Mr. McGOWAN. No, sir.

Senator KERN. Do you remember what Mr. Price said on any subject?

Mr. McGOWAN. No, sir; I do not.

Senator KERN. Do you remember what Mr. Weyerhaeuser said on any subject?

Mr. McGOWAN. No, sir.

Senator KERN. What was the date of that trip?

Mr. McGOWAN. On the evening of March 7 last.

Senator KERN. March 7?

Mr. McGOWAN. March 7 last.

Senator KERN. 1911?

Mr. McGOWAN. Yes, sir.

Senator KERN. You had bought a ticket from what point to what point?

Mr. McGOWAN. From Toronto to Regina. I was on the return portion of a ticket.

Senator KERN. To what point had you traveled on the ticket?

Mr. McGOWAN. At that time?

Senator KERN. Yes. To Regina?

Mr. McGOWAN. To Duluth. I do not quite understand.

Senator KERN. You were coming back, as I understand?

Mr. McGOWAN. Yes.

Senator KERN. To what point had you gone on the ticket?

Mr. McGOWAN. To Duluth.

Senator KERN. To Duluth?

Mr. McGOWAN. At that time?

Senator KERN. Yes. Then you were returning to what point? Where had you started from when you left Duluth?

Mr. McGOWAN. Toronto.

Senator KERN. And you took a through sleeper from Duluth to Toronto?

Mr. McGOWAN. No, sir. I got on the train at Toronto and took a sleeper to Chicago. I got on another sleeper at Chicago for Duluth.

Senator KERN. I am talking about your return trip.

Mr. McGOWAN. Yes, sir.

Senator KERN. You say you got on this sleeper at Duluth?

Mr. McGOWAN. I did.

Senator KERN. And where were you expecting to leave the sleeper?

Mr. McGOWAN. At Winnipeg.

Senator KERN. You entered the car and had deposited your luggage at the berth?

Mr. McGOWAN. Yes.

Senator KERN. And then you went into the smoking compartment and rode down to Virginia, and there you had to leave that car?

Mr. McGOWAN. Yes.

Senator KERN. And take another sleeper?

Mr. McGOWAN. I did.

Senator KERN. And then went on to your destination?

Mr. McGOWAN. Yes.

Senator KERN. That same evening?

Mr. McGOWAN. That same night.

Senator KERN. Then you had other traveling companions from there on?

Mr. McGOWAN. Mr. Price.

Senator KERN. Anybody else?

Mr. McGOWAN. That was all I knew.

Senator KERN. Did you get into the smoking compartment of the next car that you entered that evening?

Mr. McGOWAN. No; I went right to bed.

Senator KERN. You went immediately to bed?

Mr. McGOWAN. Yes.

Senator KERN. What time did you reach Winnipeg?

Mr. McGOWAN. Sometime the next morning.

Senator KERN. The next forenoon?

Mr. McGOWAN. Yes.

Senator KERN. When was your attention first called to this conversation by Mr. Shields?

Mr. McGOWAN. By Mr. Shields?

Senator KERN. Who was Mr. Shields?

Mr. McGOWAN. I do not know.

Senator KERN. Did he not tell you who he was?

Mr. McGOWAN. He told me where his home was.

Senator KERN. Did he tell you his business?

Mr. McGOWAN. No, sir. I do not know yet.

Senator KERN. He did not say whether he was a lawyer or a detective?

Mr. McGOWAN. No, sir.

Senator KERN. Have you ever seen him since?

Mr. McGOWAN. Yes; I saw him in Chicago.

Senator KERN. When?

Mr. McGOWAN. Just before I came here.

Senator KERN. How did you happen to see him in Chicago? Did you see him by appointment?

Mr. McGOWAN. Yes.

Senator KERN. How was that appointment made?

Mr. McGOWAN. In my telegram that I received to come down here, with instructions to come down here.

Senator KERN. Did you receive that telegram from Mr. Shields?

Mr. McGOWAN. From Mr. Wiehe.

Senator KERN. And in response to that telegram you went to Chicago?

Mr. McGOWAN. Yes, sir.

Senator KERN. Where did you stop in Chicago?

Mr. McGOWAN. In the Morrison Hotel.

Senator KERN. How did you connect up with Mr. Shields?

Mr. McGOWAN. I got a telephone message from Mr. Shields.

Senator KERN. How did Mr. Shields know you were in Chicago?

Mr. McGOWAN. I wired Mr. Wiehe that I would be at the Morrison Hotel.

Senator KERN. And you have seen Mr. Shields and Mr. Wiehe together?

Mr. McGOWAN. No; I did not see Mr. Wiehe until I got here.

Senator KERN. You saw Mr. Shields?

Mr. McGOWAN. Yes.

Senator KERN. Did you see any other party there in Chicago with Mr. Shields?

Mr. McGOWAN. No, sir.

Senator KERN. How long were you with Mr. Shields in Chicago?

Mr. McGOWAN. I was with him three or four hours.

Senator KERN. You came on alone then from Chicago to Washington?

Mr. McGOWAN. Yes.

Senator KERN. There was nothing occurred in the conversation, during the two hours and over, between Duluth and Virginia, to make any particular impression on your mind?

Mr. McGOWAN. Well, I was paying particular attention to all the conversation.

Senator KERN. Why were you paying particular attention to it?

Mr. McGOWAN. It was intelligent and I listened to it.

Senator KERN. They were all strangers to you?

Mr. McGOWAN. Yes.

Senator KERN. So that you are entirely prepared to testify to any and everything that was not said on that occasion?

Mr. McGOWAN. Yes, sir.

Senator KERN. There was nothing said by anybody in that conversation on that trip that you did not hear?

Mr. McGOWAN. No, sir.

Senator KERN. Was the train making any noise?

Mr. McGOWAN. Not any more than usual.

Senator KERN. Making the usual noise of a train?

Mr. McGOWAN. Yes.

Senator KERN. And you took particular notice as to which of those strangers left the compartment, as to the order in which they left, and as to who remained?

Mr. McGOWAN. Yes, sir; I did.

Senator KERN. You did not know any of them?

Mr. McGOWAN. No, sir.

Senator KERN. If you did not know them that night, how do you know as to which left the compartment first, Weyerhaeuser or Wiehe?

Mr. McGOWAN. I found out their names after they had gone out.

Senator KERN. Who told you their names?

Mr. McGOWAN. Price.

Senator KERN. And Price described each man to you and told you who he was, did he?

Mr. McGOWAN. Yes; he did.

Senator KERN. Where did Mr. Price live?

Mr. McGOWAN. At Seattle.

Senator KERN. He was personally acquainted with all those men, was he?

Mr. McGOWAN. I do not know whether he was personally acquainted with them or not. He knew them.

Senator KERN. He knew them well enough to tell you who they were and to tell you that such and such a man, who went out first, was Wiehe, and the next man was Weyerhaeuser, and so on, did he?

Mr. McGOWAN. He did not tell me which went out first, but he described the men.

Senator KERN. And that is all perfectly distinct in your mind?

Mr. McGOWAN. Yes, sir.

Senator KERN. And it is by Price's description of the men that you knew who it was went out first?

Mr. McGOWAN. And what I have recalled since. I have seen all the men since.

Senator KERN. You have seen them in Washington? You did not see any of them except here, did you, before coming to Washington?

Mr. McGOWAN. No.

Senator KERN. When did you next see Mr. Hines or Wiehe--in Washington?

Mr. McGOWAN. Yes.

Senator KERN. You saw Johnson here in Washington?

Mr. McGOWAN. I did.

Senator KERN. And Cusson?

Mr. McGOWAN. No; I have not seen Cusson.

Senator KERN. And Price?

Mr. McGOWAN. Yes.

Senator KERN. You saw Mr. Burgess?

Mr. McGOWAN. No; I did not.

Senator KERN. You did not see Burgess?

Mr. McGOWAN. No.

Senator KERN. You had not seen any of these gentlemen from that night until you saw them here in Washington?

Mr. McGOWAN. No.

Senator KERN. Had you seen Wiehe in the meantime?

Mr. McGOWAN. No, sir.

Senator KERN. Then you had not seen any of them?

Mr. McGOWAN. No, sir.

Senator KERN. From that time until now?

Mr. McGOWAN. I had not.

Mr. HYNES. When did you next see Mr. Price after that trip?

Mr. McGOWAN. I met him on the train coming to Washington from Chicago.

Senator JONES. Who did you say was in the compartment when you got to Virginia?

Mr. McGOWAN. Burgess, Price, Cusson, and myself.

Senator JONES. That is, there were four of you?

Mr. McGOWAN. Yes.

Senator JONES. In the car when you got to Virginia?

Mr. McGOWAN. Yes.

Senator JONES. How did you know that it was Burgess who was there? You have not seen him since, have you?

Mr. McGOWAN. No.

Senator JONES. You got acquainted with him when you got on the car?

Mr. McGOWAN. Yes.

Senator JONES. When did you find out you were going to have to leave that car?

Mr. McGOWAN. When we had about arrived there.

Senator JONES. When you had about arrived at Virginia, they announced that to you before you got there?

Mr. McGOWAN. Yes.

Senator JONES. So that when you reached Virginia, you all got up to leave the compartment?

Mr. McGOWAN. Yes.

Senator JONES. How did Price describe Wiehe to you?

Mr. McGOWAN. The first thing, I think, he said was, a man with a black beard.

Senator JONES. Was he the only man in the party with a black beard?

Mr. McGOWAN. Yes; I think he was.

Senator JONES. Price told you that that was Wiehe?

Mr. McGOWAN Yes.

Senator JONES. When did he tell you that?

Mr. McGOWAN In the other car.

Senator JONES. Is Price a lumberman?

Mr. McGOWAN I do not know what his business is.

Senator JONES. Did he tell you how he came to know all these people?

Mr. McGOWAN. No, sir.

Mr. MARBLE. How old did you say you are?

Mr. McGOWAN Twenty-two.

Mr. MARBLE. Where were you born?

Mr. McGOWAN Ontario.

Mr. MARBLE. What part of Ontario?

Mr. McGOWAN The county of Wellington.

Mr. MARBLE. What town?

Mr. McGOWAN. At Alma.

Mr. MARBLE. How long did you live there?

Mr. McGOWAN. Seventeen years.

Mr. MARBLE. And then where did you live after that?

Mr. McGOWAN. Elora.

Mr. MARBLE. How long did you live there?

Mr. McGOWAN For about three years, I think.

Mr. MARBLE. Then where did you live?

Mr. McGOWAN I moved to western Canada.

Mr. MARBLE. What part of western Canada?

Mr. McGOWAN Regina.

Mr. MARBLE. Did your parents live at Elora?

Mr. McGOWAN. Yes.

Mr. MARBLE. Until you left there?

Mr. McGOWAN. Yes.

Mr. MARBLE. Do they still live there?

Mr. McGOWAN Yes.

Mr. MARBLE. Did you go alone?

Mr. McGOWAN I did.

Mr. MARBLE. To western Canada?

Mr. McGOWAN Yes.

Mr. MARBLE. How old were you when you went there?

Mr. McGOWAN. Twenty-one, I guess—20 or 21—20 years old.

Mr. MARBLE. Do you not remember how old you were when you went to western Canada?

Mr. McGOWAN. I have been there a year and a half, and I am 22 now.

Mr. MARBLE. Were you of age when you went there?

Mr. McGOWAN. Yes; I was 21 years old.

Mr. MARBLE. And you have been there a year and a half?

Mr. McGOWAN. Yes.

Mr. MARBLE. Then, how old are you now?

Mr. McGOWAN. Twenty-two and some months.

Mr. MARBLE. You are past 22, going on 23?

Mr. McGOWAN. Yes.

Mr. MARBLE. Did you go alone?

Mr. McGOWAN. Yes.

Mr. MARBLE. Did you have friends there when you went?

Mr. McGOWAN. No, sir.

Mr. MARBLE. What was your business when you first went to Regina?

Mr. MCGOWAN. I went out with no objective place or business to go to.

Mr. MARBLE. What did you make your first business?

Mr. MCGOWAN. Contracting.

Mr. MARBLE. Contracting what?

Mr. MCGOWAN. Wells, the same business that I am in now.

Mr. MARBLE. What does that consist of? Do you hire the labor and dig the wells?

Mr. MCGOWAN. Yes.

Mr. MARBLE. When did you leave Regina on this trip?

Mr. MCGOWAN. Just now, do you mean?

Mr. MARBLE. On the trip that you had made before this incident on the train to which you have testified?

Mr. MCGOWAN. About the 22d of December.

Mr. MARBLE. Of what year?

Mr. MCGOWAN. 1910.

Mr. MARBLE. And where did you go?

Mr. MCGOWAN. I went to Elora, Ontario.

Mr. MARBLE. Why did you go there—to visit your folks?

Mr. MCGOWAN. Yes, sir.

Mr. MARBLE. Did you have any business there?

Mr. MCGOWAN. No, sir.

Mr. MARBLE. Did you stay there all the time?

Mr. MCGOWAN. Yes, sir.

Mr. MARBLE. Did you go directly there from Regina?

Mr. MCGOWAN. Yes, sir. I was there at Christmas.

Mr. MARBLE. What route did you take from Regina to Elora?

Mr. MCGOWAN. By way of Chicago.

Mr. MARBLE. What railroads did you travel over?

Mr. MCGOWAN. On the Canadian Northern from Regina to Virginia.

Mr. MARBLE. Yes.

Mr. MCGOWAN. On the Duluth, Mesaba & Northern from Virginia to Duluth.

Mr. MARBLE. Yes.

Mr. MCGOWAN. I do not recall the other railroad that I traveled on from Duluth to Chicago.

Mr. MARBLE. Was it the Northwestern?

Mr. MCGOWAN. I do not recall.

Mr. MARBLE. You would not know if I should recall the name to you?

Mr. MCGOWAN. No; I would not.

Mr. MARBLE. Do you know what railroad you took from Chicago?

Mr. MCGOWAN. The Grand Trunk.

Mr. MARBLE. The Grand Trunk to your home?

Mr. MCGOWAN. To Guelph.

Mr. MARBLE. And from there what road?

Mr. MCGOWAN. I drove from Guelph to Elora.

Mr. MARBLE. Your ticket read to Guelph?

Mr. MCGOWAN. My ticket read to Toronto. I just used it to Guelph.

Mr. MARBLE. When you came back, you took the train where—at Guelph?

Mr. MCGOWAN. At Toronto.

Mr. MARBLE. Did you register at any hotel in Duluth or Chicago on your way from Regina to Elora?

Mr. MCGOWAN. No, sir.

Mr. MARBLE. Did you stop over in Chicago?

Mr. MCGOWAN. No, sir.

Mr. MARBLE. What time of day did you go to Chicago?

Mr. MCGOWAN. About half past 8 or 9, I think, and left at 3.30, or sometime after 3 o'clock.

Mr. MARBLE. You arrived in the morning?

Mr. MCGOWAN. Yes, sir.

Mr. MARBLE. Did you stop in Duluth at all?

Mr. MCGOWAN. We were there from sometime in the morning until sometime in the evening.

Mr. MARBLE. And you did not register at any hotel?

Mr. MCGOWAN. No, sir.

Mr. MARBLE. What time did you arrive in Duluth on the return trip?

Mr. MCGOWAN. I do not remember.

Mr. MARBLE. About what time?

Mr. MCGOWAN. That has slipped my memory. I do not know.

The CHAIRMAN. What do you mean by the return trip?

Mr. MARBLE. On the return trip to Regina from his visit to Elora. What time did you arrive in Duluth on that return trip?

Mr. MCGOWAN. I do not recall just now.

Mr. MARBLE. Where did you come from?

Mr. MCGOWAN. From Chicago.

Mr. MARBLE. Did you arrive in the evening?

Mr. MCGOWAN. No; I think I arrived sometime in the morning.

Mr. MARBLE. And your memory does not tell you what time of day you arrived?

Mr. MCGOWAN. Some time in the morning, I think now.

Mr. MARBLE. Do you remember what you did in Duluth while you were there?

Mr. MCGOWAN. Yes, sir.

Mr. MARBLE. What did you do?

Mr. MCGOWAN. Simply walked around.

Mr. MARBLE. How long?

Mr. MCGOWAN. Until the train left.

Mr. MARBLE. I know; but how long a time was that.

Mr. MCGOWAN. Possibly seven or eight hours.

Mr. MARBLE. Did you eat meals in Duluth on your return trip?

Mr. MCGOWAN. Yes, sir.

Mr. MARBLE. How many?

Mr. MCGOWAN. One.

Mr. MARBLE. What time of day did you eat that?

Mr. MCGOWAN. I suppose about noon.

Mr. MARBLE. Did you go to a hotel for that meal, and register?

Mr. MCGOWAN. No, sir; I went to a restaurant.

Mr. MARBLE. Where did you buy your berth for the trip from Duluth to Winnipeg?

Mr. MCGOWAN. At Duluth.

Mr. MARBLE. Did you have a berth on the car that went from Duluth to Virginia?

Mr. MCGOWAN. Yes; in one of the cars.

Mr. MARBLE. You did not occupy it because you were in the smoking room, but there was a berth there for you on that car. Did you so understand?

Mr. MCGOWAN. Yes, sir.

Mr. MARBLE. Do you know why you changed cars at Virginia?

Mr. MCGOWAN. No; I do not know exactly.

Mr. MARBLE. Did anybody tell you?

Mr. MCGOWAN. No, sir.

Mr. MARBLE. Had you ever made that trip before from Duluth to Winnipeg on that road?

Mr. MCGOWAN. No, sir; only going home.

Mr. MARBLE. Did the car go through from Winnipeg to Duluth when you went home?

Mr. MCGOWAN. Yes.

Mr. MARBLE. Without stopping?

Mr. MCGOWAN. Yes.

Mr. MARBLE. Did the train go through without being broken up?

Mr. MCGOWAN. No; I understand it did not.

Mr. MARBLE. Is that train broken up at Virginia, do you know?

Mr. MCGOWAN. I could not tell you for sure.

Mr. MARBLE. Is this the stub of your sleeping-car ticket from Duluth to Winnipeg that you have presented here?

Mr. MCGOWAN. Yes, sir.

Mr. MARBLE. Is this the stub that was given you by the agent at Duluth?

Mr. MCGOWAN. Yes, sir.

Mr. MARBLE. It reads for train No. 5, does it not?

Mr. MCGOWAN. I believe it is.

Mr. MARBLE. Who wrote this declaration here?

Mr. MCGOWAN. That is my handwriting.

Mr. MARBLE. Did you write it all?

Mr. MCGOWAN. No.

Mr. MARBLE. Where was it written?

Mr. MCGOWAN. On the train from Virginia—sometime between Virginia and Winnipeg.

Mr. MARBLE. Was it written on the train?

Mr. MCGOWAN. Yes.

Mr. MARBLE. Was the train going when it was written?

Mr. MCGOWAN. Yes.

Mr. MARBLE. Do you know how it is that the declaration is for train No. 1, and the ticket is for train No. 5?

Mr. MCGOWAN. I do not know.

Mr. MARBLE. Does that train change numbers at Virginia, do you know?

Mr. MCGOWAN. I do not know.

Mr. MARBLE. Or is there another train from Virginia?

Mr. MCGOWAN. I do not know.

Mr. MARBLE. You are sure that these two pieces of paper refer to the same trip, are you?

Mr. MCGOWAN. Yes.

Mr. MARBLE. Was this written before you went to bed, after leaving Virginia?

Mr. MCGOWAN. Yes.

Mr. HYNES. The two have the same date, have they not?

Mr. MARBLE. Did you date the yellow slip?

Mr. MCGOWAN. If you will let me see it, I will tell you.

(Mr. Marble handed paper to witness.)

Mr. MCGOWAN. Do you mean this date?

Mr. MARBLE. Yes.

Mr. MCGOWAN. No, sir.

Mr. MARBLE. So you say you did not put the date upon it. Was the date on there when you wrote the rest of the declaration and signed it?

Mr. MCGOWAN. I do not remember.

Mr. MARBLE. Why did you not fill out all of the slip and give the Government all of the information that was asked for?

Mr. MCGOWAN. The porter told me, because I was going from Canada through the United States to another point in Canada, that it was not necessary?

Mr. MARBLE. Was it Mr. Shields or Mr. Wiehe who came to you first?

Mr. MCGOWAN. Mr. Shields.

Mr. MARBLE. Did Mr. Wiehe come to you in Canada?

Mr. MCGOWAN. No, sir.

Mr. MARBLE. Do you remember just what it was that Mr. Shields said to you when he came to you?

Mr. MCGOWAN. I remember the substance of it.

Mr. MARBLE. Where were you?

Mr. MCGOWAN. In Moosejaw.

Mr. MARBLE. Where in Moosejaw?

Mr. MCGOWAN. At the Cecil Hotel.

Mr. MARBLE. What was it he said to you?

Mr. MCGOWAN. He asked me if I was on the train at that date from Duluth to Virginia.

Mr. MARBLE. What date did he tell you?

Mr. MCGOWAN. March 7.

Mr. MARBLE. All right.

Mr. MCGOWAN. He asked me if I remembered the men who were on there.

Mr. MARBLE. And what did you tell him?

Mr. MCGOWAN. I told him I did.

Mr. MARBLE. And you told him you remembered the men who were on there?

Mr. MCGOWAN. In the smoking compartment.

Mr. MARBLE. Very well.

Mr. MCGOWAN. He asked me what I heard.

Mr. MARBLE. Yes; and what did you tell him?

Mr. MCGOWAN. I told him just what I have told you.

Mr. MARBLE. What did you tell him that you had heard?

Mr. MCGOWAN. I told him that I heard discussions on reciprocity and the tariff, and changing the course of the stream.

Mr. MARBLE. Now, what else was said?

Mr. MCGOWAN. I think that was all.

Mr. MARBLE. Was that all that Mr. Shields said to you?

- Mr. MCGOWAN. Yes.
- Mr. MARBLE. Did he go away then?
- Mr. MCGOWAN. He did.
- Mr. MARBLE. When did you see him next?
- Mr. MCGOWAN. In Chicago.
- Mr. MARBLE. After you had arrived in Chicago?
- Mr. MCGOWAN. Yes.
- Mr. MARBLE. Did you see Mr. Wiehe?
- Mr. MCGOWAN. No, sir.
- Mr. MARBLE. Did anyone else come to you and talk about this incident after Mr. Shields visited you?
- Mr. MCGOWAN. No, sir.
- Mr. MARBLE. Was Mr. Shields the first one to come to you?
- Mr. MCGOWAN. He was.
- Mr. MARBLE. You are sure that you have told us all he said to you on that visit?
- Mr. MCGOWAN. Yes.
- Mr. MARBLE. Absolutely all?
- Mr. MCGOWAN. As nearly as I can recall it.
- Mr. MARBLE. Were you not surprised to receive a telegram from him after that?
- Mr. MCGOWAN. After when?
- Mr. MARBLE. After that visit. Were you not surprised to receive a telegram from Mr. Wiehe or from Mr. Shields, whoever it was that sent it, after that visit?
- Mr. MCGOWAN. Well, no; I was not.
- Mr. MARBLE. Did you know what was wanted of you when the telegram came?
- Mr. MCGOWAN. I presumed it was on this investigation case.
- Mr. MARBLE. Why did you associate it with the investigation?
- Mr. MCGOWAN. Well, now that I recall it, Mr. Shields told me.
- Mr. MARBLE. What was it Mr. Shields told you?
- Mr. MCGOWAN. That they were investigating this, they were holding an investigation.
- Mr. MARBLE. What else?
- Mr. MCGOWAN. And he asked me to sign the affidavit, which I did.
- Mr. MARBLE. Did he ask you to sign an affidavit?
- Mr. MCGOWAN. Yes.
- Mr. MARBLE. Tell us what else he said about your conversation in the smoking room and what you told him.
- Mr. MCGOWAN. I do not recall anything else.
- Mr. MARBLE. You do not recall anything else that you said to him?
- The CHAIRMAN. Mr. Marble, the witness evidently overlooked what he said on direct examination, and I am sure you do not want to mislead him.
- Mr. MARBLE. Was not Senator Lorimer's name mentioned to you by Mr. Shields?
- Mr. MCGOWAN. No, sir; it was not.
- Mr. MARBLE. Senator Lorimer's name was not mentioned to you by Mr. Shields?
- Mr. MCGOWAN. Not directly.
- Mr. MARBLE. Was it indirectly?
- Mr. MCGOWAN. He asked me after I had signed—no; he asked me after I had told him what I knew, if I heard anything in there relating to a certain Senator.

Mr. MARBLE. He said "a certain Senator," and he did not say "Senator Lorimer"?

Mr. MCGOWAN. No; "a certain Senator's election."

Mr. MARBLE. "A certain Senator's election" is the way he spoke to you?

Mr. MCGOWAN. Yes.

Mr. MARBLE. And you do not think Senator Lorimer's name was mentioned in that conversation between you and Mr. Shields?

Mr. MCGOWAN. No; I do not think it was.

Mr. MARBLE. Is that your best memory, that Senator Lorimer's name was not mentioned?

Mr. MCGOWAN. Yes.

Mr. MARBLE. Was Mr. Hines's name mentioned?

Mr. MCGOWAN. Yes.

Mr. MARBLE. What was said about Mr. Hines?

Mr. MCGOWAN. Simply that he was on the train.

Mr. MARBLE. Nothing else?

Mr. MCGOWAN. No, sir.

Mr. MARBLE. No other mention of Mr. Hines?

Mr. MCGOWAN. No, sir.

Mr. MARBLE. Nothing was said about Mr. Hines in connection with Senator Lorimer?

Mr. MCGOWAN. No, sir.

Mr. MARBLE. Nothing about Mr. Hines being under attack in this matter?

Mr. MCGOWAN. No; I think not.

Mr. MARBLE. Was anything said about Mr. Wiehe?

Mr. MCGOWAN. That he was on the train.

Mr. MARBLE. Anything else?

Mr. MCGOWAN. He asked me if this conversation was going on. He asked me if a certain conversation went on about a certain Senator.

Mr. MARBLE. He spoke of it in that way, did he; a certain conversation about a certain Senator?

Mr. MCGOWAN. No; I guess he did not.

Mr. MARBLE. I want to know just how he did speak of it.

The CHAIRMAN. Tell us just what he said.

Mr. MCGOWAN. Well, he asked me if I heard any statement made about a certain Senator's election.

Mr. MARBLE. Did he tell you whether it was an American Senator or a Canadian Senator?

Mr. MCGOWAN. American Senator.

The CHAIRMAN. I wish you would let him state it in his own way.

Mr. MARBLE. I wish he would do that, Mr. Chairman.

Mr. MCGOWAN. And I told him no, that I did not.

The CHAIRMAN. Tell everything that you remember now that was said.

Mr. MCGOWAN. That is all I can recall just now.

The CHAIRMAN. Proceed, Mr. Marble.

Senator KERN. What was said about the affidavit?

Mr. MCGOWAN. He asked me if I would sign that affidavit.

Senator KERN. Did he have the affidavit prepared?

Mr. MCGOWAN. No, sir.

Senator KERN. Where was the affidavit made?

- Mr. McGOWAN. In Moosejaw, I think, somewhere.
- Senator KERN. Who prepared the affidavit?
- Mr. McGOWAN. I do not know.
- Senator KERN. Were you present when the affidavit was written out?
- Mr. McGOWAN. No; I read it afterwards.
- Senator KERN. After you had talked with Mr. Shields, did he go off some place and get the affidavit?
- Mr. McGOWAN. Yes, sir.
- Senator KERN. And he brought it back to you?
- Mr. McGOWAN. Yes, sir.
- Senator KERN. Then did you go somewhere and swear to it?
- Mr. McGOWAN. I did.
- Senator KERN. Where?
- Mr. McGOWAN. To a notary public's office.
- Senator KERN. Were any changes made in the affidavit that he brought back to you?
- Mr. McGOWAN. No; there were not.
- Senator KERN. You signed it just as it was prepared?
- Mr. McGOWAN. I did.
- Senator GAMBLE. What became of that affidavit, if you know?
- Mr. McGOWAN. I presume they have it yet.
- Senator GAMBLE. Were the facts stated in that affidavit the same facts that you had given to this gentleman with whom you had had this interview?
- Mr. McGOWAN. They were.
- Senator GAMBLE. They were correctly stated?
- Mr. McGOWAN. They were.
- The CHAIRMAN. You said something about his reading something to you. What was that—some account or some interview that was given, as I understood you? Did you not say he read you something and asked you if that was correct?
- Mr. McGOWAN. No; we read over the affidavit together.
- The CHAIRMAN. That was all?
- Mr. McGOWAN. That was all.
- Senator KERN. Did he say anything to you about signing the affidavit before he brought the affidavit to you?
- Mr. McGOWAN. Yes.
- Senator KERN. How did it happen that you did not go with him to the person who was to write out the affidavit, so that that person could get from you what you knew about the case?
- Mr. McGOWAN. I did not think it was necessary for me to go.
- Senator KERN. Moosejaw is a little town, is it not?
- Mr. McGOWAN. About 15,000 or 20,000 people.
- Senator KERN. And you remained at the hotel when he went away?
- Mr. McGOWAN. Yes.
- Senator KERN. How far from Moosejaw did you live?
- Mr. McGOWAN. About 45 or 50 miles.
- Senator KERN. You went down there in response to a telegram to meet Mr. Shields?
- Mr. McGOWAN. I was in the country near Moosejaw.
- Senator KERN. A telegram was sent to you at your home?
- Mr. McGOWAN. At Regina; yes, sir.
- Senator KERN. And forwarded to you at Moosejaw?

Mr. McGOWAN. No, sir.

Senator KERN. How did you get hold of that telegram if you were up at Moosejaw?

Mr. McGOWAN. I got the telegram in Regina that I received from Mr. Shields.

Senator KERN. The telegram said for you to meet him in Moosejaw?

Mr. McGOWAN. The telephone message said that.

Senator KERN. Where were you then?

Mr. McGOWAN. I was in the country near Moosejaw.

Senator KERN. When you got the telephone message?

Mr. McGOWAN. Yes.

Senator KERN. How did he know you were in the country near Moosejaw?

Mr. McGOWAN. I left word at my hotel in Regina where I was going.

Senator KERN. So that he knew where to reach you?

Mr. McGOWAN. Yes, sir.

Senator KERN. Did you know the person who wrote this affidavit?

Mr. McGOWAN. No; I do not know him personally.

Senator KERN. As you understood it, did the notary who swore you to the affidavit write the affidavit?

Mr. McGOWAN. I do not know who wrote it. I presume a stenographer wrote it.

Senator GAMBLE. Is Mr. Shields an attorney? Did he pretend to be an attorney? What did he pretend to be, this Mr. Shields who met you there?

Mr. McGOWAN. He did not pretend to be anybody in particular. He did not tell me his business.

Senator GAMBLE. His business or his profession? He was simply desirous of securing this information from you?

Mr. McGOWAN. Yes.

Senator JONES. Did you ask him what he wanted with it?

Mr. McGOWAN. With the affidavit?

Senator JONES. Yes.

Mr. McGOWAN. No; I think he told me that.

Senator GAMBLE. What did he tell you?

Mr. McGOWAN. That he wanted it as evidence in the investigation.

Senator JONES. When he began to ask you about whether you were on that train, and who was on there, did you ask him what business it was of his, or make any inquiries from him as to what he wanted the information for?

Mr. McGOWAN. Yes; I did.

Senator JONES. What did you ask him?

Mr. McGOWAN. I asked him what he wanted it for.

Senator JONES. And what did he say?

Mr. McGOWAN. He told me he wanted to use it in the investigation.

The CHAIRMAN. What did he want to find out? What did he want to know?

Mr. McGOWAN. He wanted to know if I was on that train first, and he also wanted to know what conversation I heard.

Senator GAMBLE. Did he direct your attention to any particular conversation, as to what anybody had said that had been stated there in that smoking compartment?

Mr. McGOWAN. Not until after I had told him what I had heard, and then he asked me if I heard any statement about a certain Senator's election.

Senator GAMBLE. Whether money had been used, or anything of that kind? Did he go into particulars?

Mr. McGOWAN. No; I think he did not.

Senator KERN. He just asked you whether you had heard a conversation there in which the election of a certain Senator was discussed?

Mr. McGOWAN. Yes.

Senator KERN. Was that all he asked you?

Mr. McGOWAN. As near as I can recall, it was.

Senator KERN. And you told him you had not heard any such conversation?

Mr. McGOWAN. Yes; I did.

Senator KERN. And that is all you talked about before you went and had this affidavit prepared?

Mr. McGOWAN. Yes.

Senator KERN. Had you had any further conversation than that before the affidavit was prepared?

Mr. McGOWAN. Nothing, except relating to the Canadian West; nothing relating to this affidavit.

Senator KERN. Then that is all of the information he had when he started out to have the affidavit made, which was, first, the conversation that you remembered to have heard; and, second, that you had not heard any conversation in which the election of a certain Senator was discussed?

Mr. McGOWAN. And I told him that I was in the car all the time between Duluth and Virginia.

Senator GAMBLE. And did you tell who were in the car? Did you have the names at that time?

Mr. McGOWAN. Yes; I did.

Senator GAMBLE. And you remembered the names at that time?

Mr. McGOWAN. Yes, sir.

Senator KERN. Did you tell him about these different gentlemen going out one at a time, and the order in which they went out?

Mr. McGOWAN. No; I did not.

Senator KERN. And who remained in the car up to the time you got to Virginia? Did you tell him that?

Mr. McGOWAN. I think I told him that Mr. Burgess was there.

Senator KERN. What we are trying to get at is all you told him before he went out to have the affidavit prepared. Do you think of anything else? And if you do, let us have it.

Mr. McGOWAN. No; I do not recall anything else.

Senator KERN. Then when he brought the affidavit back and read it to you, you signed it without changing it in any way?

Mr. McGOWAN. I did.

Senator KERN. It expressed what you had told him and nothing more, did it? Was there anything in the affidavit that you had not already told him?

Mr. McGOWAN. I think not.

Senator KERN. Have you any relatives in the United States?

Mr. McGOWAN. No, sir.

Senator KERN. Have you had any?

Mr. McGOWAN. I had an uncle in Chicago.

Senator KERN. What was his full name?

Mr. McGOWAN. The same name as mine—Charles—Charles Hawley.

Senator KERN. Did you have any relatives named McGowan who lived in Indiana?

Mr. McGOWAN. No, sir.

Senator KERN. Charles Hawley was an uncle, I suppose, on your mother's side?

Mr. McGOWAN. Yes.

Senator JONES. Did Mr. Shields tell you anything that Mr. Burgess stated had been said in the car?

Mr. McGOWAN. No; he did not.

Senator JONES. He did not pretend to tell you anything that Mr. Burgess had said?

Mr. McGOWAN. No, sir.

Senator JONES. Did he ask you particularly about Mr. Burgess?

Mr. McGOWAN. He asked me, yes; he asked me if I remembered it.

Senator JONES. He asked you if you remembered Mr. Burgess?

Mr. McGOWAN. Yes.

Senator JONES. He did not ask you about anything else, whether you remembered anybody else?

Mr. McGOWAN. Yes; he asked me if I remembered the other men who were in there.

Senator JONES. He mentioned the names of these other men, too?

Mr. McGOWAN. Yes.

Senator GAMBLE. Did he ask you about the man with the black whiskers?

Mr. McGOWAN. I told him that was Mr. Wiehe.

Mr. MARBLE. Mr. McGowan, have you told the committee all of the conversation that you had with Mr. Shields before you went to make the affidavit, or before the affidavit was brought to you and before you signed it?

Mr. McGOWAN. Yes; I think I have.

Mr. MARBLE. Nothing else occurs to you?

Mr. McGOWAN. No, sir.

Mr. MARBLE. Did you make more affidavits than one?

Mr. McGOWAN. No, sir.

Mr. MARBLE. Only one?

Mr. McGOWAN. That is all.

Mr. MARBLE. Have you made any affidavit in the United States?

Mr. McGOWAN. No, sir.

Mr. MARBLE. And in this entire proceeding you have made only one affidavit?

Mr. McGOWAN. That is all.

Mr. MARBLE. Did you give Mr. Shields any additional information after the affidavit was brought to you?

Mr. McGOWAN. No, sir; I did not.

Mr. MARBLE. Did he tell you anything more after the affidavit was brought to you?

Mr. McGOWAN. No; he did not.

Mr. MARBLE. Did he give you any additional information?

Mr. McGOWAN. No.

Mr. MARBLE. Did he tell you the committee was meeting in Washington?

Mr. MCGOWAN. No; he did not.

Mr. MARBLE. Did he tell you there was a committee of the United States Senate meeting?

Mr. MCGOWAN. No.

Mr. MARBLE. And he did not give you any further information?

Mr. MCGOWAN. No.

Mr. MARBLE. How long were you with him after you signed the affidavit?

Mr. MCGOWAN. From 2 o'clock until 4.

Mr. MARBLE. What time of day did you sign the affidavit?

Mr. MCGOWAN. About 2 o'clock.

Mr. MARBLE. What time did you first meet him?

Mr. MCGOWAN. About 1.

Mr. MARBLE. About 1 o'clock?

Mr. MCGOWAN. Yes, sir.

Senator GAMBLE. What was the date of this? He may possibly have given the date.

Mr. MARBLE. What was the date Mr. Shields called upon you?

Mr. MCGOWAN. The 24th of May.

Senator GAMBLE. The 24th of May of the present year?

Mr. MCGOWAN. Yes, sir.

Mr. MARBLE. He came about 1 o'clock, met you at the hotel, got your information, went away, prepared the affidavit, and brought it back to you, all within an hour? Is that right?

Mr. MCGOWAN. About that, I should judge.

Mr. MARBLE. And after that you were together for two hours?

Mr. MCGOWAN. Yes.

Mr. MARBLE. Then where did he go?

Mr. MCGOWAN. He went to Winnipeg on the train.

Mr. MARBLE. He took the train. Did you continue to discuss the matter after making the affidavit?

Mr. MCGOWAN. No.

Mr. MARBLE. Was it referred to at all after that?

Mr. MCGOWAN. No; I think not.

Mr. MARBLE. When did you next know that you were to be a witness at Washington?

Mr. MCGOWAN. When I received the telegram to come here.

Mr. MARBLE. Was anything said to you before that about being a witness at Washington?

Mr. MCGOWAN. No; I think not.

Mr. MARBLE. Did not Mr. Shields talk to you about being a witness?

Mr. MCGOWAN. No.

Mr. MARBLE. Did he not ask you if you were willing to be a witness?

Mr. MCGOWAN. No.

Mr. MARBLE. Did he not ask you if you were willing to come to Washington?

Mr. MCGOWAN. No; he did not.

Mr. MARBLE. Did he not make any arrangements with you to come?

Mr. MCGOWAN. No; he did not.

Mr. MARBLE. What did the telegram that you received say?

Mr. MCGOWAN. I think it read something like this: "Please come to Washington at once."

Mr. MARBLE. Nothing more than that?

Mr. MCGOWAN. That was all, I think.

Mr. MARBLE. Did you know the man whose name was signed to it?

Mr. MCGOWAN. Yes, sir; I knew who he was.

Mr. MARBLE. You knew who he was? What did you know about him at that time—not what you know now, but what did you know then?

Mr. MCGOWAN. I knew it was C. F. Wiehe.

Mr. MARBLE. Did you know who Mr. Wiehe was?

Mr. MCGOWAN. Yes; a little bit—a little of who he was.

Mr. MARBLE. A little? What did you know?

Mr. MCGOWAN. I know—at least, I had heard—that he was connected with the Hines Lumber Co.

Mr. MARBLE. Who had told you that?

Mr. MCGOWAN. Mr. Price.

Mr. MARBLE. Did you know Mr. Price before you met him on the train?

Mr. MCGOWAN. No.

Mr. MARBLE. Did you see him afterwards, until you came to Washington?

Mr. MCGOWAN. No.

Mr. MARBLE. Was anything said in the telegram about your expenses?

Mr. MCGOWAN. I sent a telegram asking if they would guarantee my expenses.

Mr. MARBLE. To whom did you send that telegram?

Mr. MCGOWAN. C. F. Wiehe.

Mr. MARBLE. Did you get a reply?

Mr. MCGOWAN. Yes.

Mr. MARBLE. What did the reply say?

Mr. MCGOWAN. It said that they would guarantee my expenses.

Mr. MARBLE. Did it say anything else?

Mr. MCGOWAN. That is all.

Mr. MARBLE. Did you make any charge for your time?

Mr. MCGOWAN. No.

Mr. MARBLE. Did you volunteer to come from your business in Canada to Washington without any understanding as to whether or not you were to be compensated for your time?

Mr. MCGOWAN. I certainly did.

Mr. MARBLE. You did?

Mr. MCGOWAN. Yes.

Mr. MARBLE. Are you actively in business?

Mr. MCGOWAN. Not altogether; no.

Mr. MARBLE. What kind of business have you there? What does it amount to?

Mr. MCGOWAN. I have a well-drilling machine.

Mr. MARBLE. How many contracts have you on hand now?

Mr. MCGOWAN. Oh, two or three.

Mr. MARBLE. Have you men in your employ?

Mr. MCGOWAN. Yes.

Mr. MARBLE. Does your business require your attention?

Mr. MCGOWAN. Not particularly.

Mr. MARBLE. It runs itself without your attention?

Mr. MCGOWAN. Yes. My men run it.

Mr. MARBLE. And you say that no arrangements for compensating you for this trip were made until this interchange of telegrams with Mr. Wiehe, and then all the understanding that you had was that your expenses should be paid?

Mr. MCGOWAN. That is just exactly right.

Mr. MARBLE. And you had no understanding whatever regarding any compensation for loss of time?

Mr. MCGOWAN. No, sir; I did not.

Mr. MARBLE. Did you have such an understanding when you got to Chicago?

Mr. MCGOWAN. No.

Mr. MARBLE. With Mr. Shields?

Mr. MCGOWAN. I did not.

Mr. MARBLE. Have you had such an understanding since reaching Washington?

Mr. MCGOWAN. No.

Mr. MARBLE. And you do not know now whether you are to be paid for your time?

Mr. MCGOWAN. I do not; I do not expect to be.

Mr. MARBLE. You do not expect to be?

Mr. MCGOWAN. Except what the Government allows. I did not know what the Government would allow.

Mr. MARBLE. Did you understand when you were in Canada that this committee was subpoenaing you from that point in Canada?

Mr. MCGOWAN. No; I had no reason to believe that.

Mr. MARBLE. When did you first get the idea that the Government would pay you?

Mr. MCGOWAN. When I arrived here.

Mr. MARBLE. When you arrived here. You came all the way, then, without any understanding of any sort that you were to be compensated for your time?

Mr. MCGOWAN. I certainly did.

Senator JONES. Have you been subpoenaed by the Government?

Mr. MCGOWAN. No; I have not received any subpoena apart from that telegram.

Mr. MARBLE. Did you know about the Hines Lumber Co.?

Mr. MCGOWAN. I knew there was such a firm.

Mr. MARBLE. What did you know about it? Did you know anything about its size?

Mr. MCGOWAN. I knew it was a big firm.

Mr. MARBLE. You are quite sure Mr. Shields did not make a fuller explanation to you than you have related here about this entire matter?

Mr. MCGOWAN. Yes.

Mr. MARBLE. You are sure he did not tell you that testimony had been given regarding Mr. Wiehe and Mr. Hines?

Mr. MCGOWAN. He did not.

Mr. MARBLE. Did he tell you that Mr. Burgess had testified?

Mr. MCGOWAN. No.

Mr. MARBLE. He did not tell you that Mr. Burgess had been at Springfield and had testified regarding the trip on the train that evening?

Mr. MCGOWAN. I do not recall his saying so.

Mr. MARBLE. You would recall it if he had, would you not?

Mr. MCGOWAN. I think so.

Mr. MARBLE. Will you say that he did or did not?

Mr. MCGOWAN. I will say that I do not recall his saying it.

Mr. MARBLE. And under the questioning you still do not recall it?

Mr. MCGOWAN. No.

Mr. MARBLE. You do not recall that he mentioned Senator Lorimer's name to you?

Mr. MCGOWAN. No, sir.

Mr. MARBLE. Did he say that it was a Senator from Illinois?

Mr. MCGOWAN. No; he said a certain Senator.

Mr. MARBLE. Is that all he said by way of description of the officer who was under investigation?

Mr. MCGOWAN. Yes; I believe it was.

Mr. MARBLE. I wish you would think, now, and tell us if "a certain Senator" is all the designation he made of the official?

Mr. MCGOWAN. It was; yes.

Mr. MARBLE. How did you know whether or not it was an American Senator? How did you know that it was not a Canadian senator?

Mr. MCGOWAN. I presumed it would be an American Senator.

Mr. MARBLE. Why?

Mr. MCGOWAN. Because he was an American citizen.

Mr. MARBLE. Did he tell you he was an American citizen?

Mr. MCGOWAN. He told me he was from America.

Mr. MARBLE. Did he? What did he tell you in that regard? Where did he tell you he was from?

Mr. MCGOWAN. He said that he was from Duluth.

Mr. MARBLE. And you concluded from that that it was a United States Senator?

Mr. MCGOWAN. Yes, sir.

Senator JONES. Do they have Canadian Senators?

Mr. MCGOWAN. Yes, sir. They are appointed by the Government there.

Senator JONES. Are they called Senators?

Mr. MCGOWAN. Yes, sir.

Mr. MARBLE. You are sure you wrote this yellow declaration that you have here?

Mr. MCGOWAN. Yes, sir; part of it.

Mr. MARBLE. Are you accustomed to preserving the coupons for Pullman berths?

Mr. MCGOWAN. Not for any definite time.

Mr. MARBLE. For any time at all? Do you make a practice of preserving them?

Mr. MCGOWAN. No, sir.

Mr. MARBLE. How did you come to preserve this?

Mr. MCGOWAN. I happened to have it in the wallet that I was carrying.

Mr. MARBLE. Where did you find it when you looked for it?

Mr. MCGOWAN. In my wallet.

Mr. MARBLE. Do you know when it was put in there?

Mr. MCGOWAN. Not particularly; no.

Mr. MARBLE. Had you seen it between the date of the trip and the time Mr. Shields called upon you?

Mr. McGOWAN. No.

Mr. MARBLE. Did you look for it when you received the telegram saying Mr. Shields was going to call on you?

Mr. McGOWAN. Yes; I did.

Mr. MARBLE. And you did not find it then?

Mr. McGOWAN. No; I did not find it until I—well, I guess possibly it was a day or so before Mr. Shields got there.

Mr. MARBLE. How long did you look for it before you found it?

Mr. McGOWAN. I think I looked perhaps once for it.

Mr. MARBLE. You looked once and did not find it?

Mr. McGOWAN. Yes.

Mr. MARBLE. And then the next time you looked you did find it?

Mr. McGOWAN. Yes.

Mr. MARBLE. Did you look in your wallet the first time?

Mr. McGOWAN. No; I think I did not.

Mr. MARBLE. At any time when you were in the smoking room of that sleeper were there more conversations than one going on?

Mr. McGOWAN. No; I think not.

Mr. MARBLE. Only one conversation?

Mr. McGOWAN. Yes, sir.

Mr. MARBLE. You are quite sure there was no case where two gentlemen off to one side had a side conversation—remarks back and forth?

Mr. McGOWAN. Not to my knowledge.

Mr. MARBLE. I am asking you about your observation there—your memory of what you heard and saw. Are you sure there was no time when there were two conversations going on at once?

Mr. McGOWAN. Oh, there may have been.

Mr. MARBLE. But was there?

Mr. McGOWAN. I do not know.

Mr. MARBLE. If there were two conversations going on at once, did you hear both of them?

Mr. McGOWAN. I should have.

Mr. MARBLE. Did you?

Mr. McGOWAN. I should have, if there was.

Mr. MARBLE. Why should you? What obligation was there on you to hear both conversations, if gentlemen were talking in the smoking room of that sleeper?

Mr. McGOWAN. Why, it is only reasonable to expect that I would.

Mr. MARBLE. It is reasonable to expect that you would hear two conversations at once?

Mr. McGOWAN. Yes; some parts of them.

Mr. MARBLE. You were listening that carefully?

Mr. McGOWAN. I was.

Senator KERN. Did you engage in these conversations?

Mr. McGOWAN. No; I did not.

Senator KERN. In none of them?

Mr. McGOWAN. I did until possibly half an hour after the train had started.

Senator KERN. The first half hour you engaged in the talk?

Mr. McGOWAN. Yes, sir.

Senator KERN. What subjects were you discussing?

Mr. McGOWAN. I was talking to Mr. Shields—at least, to Mr. Burgess.

Senator KERN. What subjects did you discuss with Burgess?

Mr. McGOWAN. Just such subjects as I mentioned, about where I was from, and my name.

Senator KERN. That would only take a minute.

Mr. McGOWAN. I was also discussing reciprocity with him a little.

Senator KERN. With Burgess?

Mr. McGOWAN. What I knew—yes, sir.

Senator KERN. Did anybody else engage in that conversation?

Mr. McGOWAN. No; there was not.

Senator KERN. Just you and Burgess talked reciprocity? Did you agree or disagree?

Mr. McGOWAN. I do not recall whether we did or not. Neither of us took any particular side of it.

Senator KERN. You were both neutral?

Mr. McGOWAN. I beg pardon?

Senator KERN. Did you take part in conversation with anybody other than Burgess?

Mr. McGOWAN. No; I did not. I will correct that—I did.

Senator KERN. With whom?

Mr. McGOWAN. I was talking with Mr. Johnson for a little while.

Senator KERN. On what subject?

Mr. McGOWAN. I think the subject I was talking to him on was the Canadian Northern Railway.

Senator KERN. Was anybody else engaged in that conversation between you and Johnson?

Mr. McGOWAN. Yes.

Senator KERN. Who?

Mr. McGOWAN. Price, I think.

Senator KERN. Then, when you were talking with this other man that you named—Johnson—what were the other men doing who were not taking part in the conversation, if there were any?

Mr. McGOWAN. There was no one else there, except Burgess and Price and myself and Mr. Johnson.

Senator KERN. Was that after Wiehe had left?

Mr. McGOWAN. That was before Wiehe came in.

Senator KERN. Before Wiehe came in? After Wiehe came in did he engage in conversation?

Mr. McGOWAN. Very little, I think.

Senator KERN. If he engaged in conversation at all, what conversation did he engage in and with whom?

Mr. McGOWAN. He was talking in general, the same as the rest of the passengers.

Senator KERN. Have you any recollection as to what conversation Mr. Wiehe engaged in?

Mr. McGOWAN. No; I have not.

Senator KERN. Do you remember anything Mr. Wiehe said?

Mr. McGOWAN. No; I do not.

Senator KERN. Do you remember anything Mr. Burgess said after Mr. Wiehe came in?

Mr. McGOWAN. Yes.

Senator KERN. What?

Mr. McGOWAN. He was addressing Cusson. They were talking about some new electric-light bulb.

Senator KERN. With whom was he talking then?

Mr. McGOWAN. Burgess was talking to Cusson.

Senator KERN. Oh! To Cusson?

Mr. McGOWAN. Yes.

Senator KERN. They carried on a conversation on the subject of electric-light bulbs?

Mr. McGOWAN. Yes.

Senator KERN. What were these other men doing at that time—or was there anybody in the compartment?

Mr. McGOWAN. Johnson was there, Price was there, and myself. I think they were just listening, the same as I was.

Senator KERN. Was that before Wiehe came in?

Mr. McGOWAN. Yes.

Senator KERN. After Wiehe came in, did Burgess talk any?

Mr. McGOWAN. I do not recall anything he said.

Senator KERN. Then, after Wiehe came into the compartment, and during the time he remained there, you do not remember anything that Wiehe said, and do not remember anything that Burgess said, during that period?

Mr. McGOWAN. Nothing definitely; no.

Senator JONES. Do you remember Burgess talking with Wiehe at all?

Mr. McGOWAN. No; I do not.

Senator JONES. Do you think he did not?

Mr. McGOWAN. No; not to Wiehe particularly.

Senator JONES. He did not talk particularly to Wiehe at any time that Wiehe was in there?

Mr. McGOWAN. No sir.

Senator KERN. I understood you to say that you do not remember anything that Burgess said after Wiehe came in?

Mr. McGOWAN. No; I can not recall anything that he said.

Senator KERN. Or anything that Wiehe said to anybody?

Mr. McGOWAN. No; I can not.

Senator JONES. Was the conversation free and active after Wiehe came in?

Mr. McGOWAN. Just usually so.

Senator JONES. Did Wiehe take an active part in the conversation?

Mr. McGOWAN. No; he did not.

Senator JONES. He did not?

Mr. McGOWAN. No.

Senator JONES. Did he take any particular part in the conversation after he came in?

Mr. McGOWAN. I believe he did, but just what statements he made—I believe he was discussing, perhaps, the reciprocity question, the same as any other person would.

Senator KERN. What did Wiehe say about the reciprocity question?

Mr. McGOWAN. I do not recall what he said.

Senator KERN. What side of reciprocity did he take?

Mr. McGOWAN. I do not know.

Senator KERN. You heard him, did you not?

Mr. McGOWAN. I heard him; yes.

Senator KERN. You heard everything he said, did you not?

Mr. McGOWAN. Yes.

Senator JONES. Did Burgess talk reciprocity at all?

Mr. McGOWAN. He was talking with me.

Senator JONES. What do you say?

Mr. McGOWAN. Yes.

Senator JONES. After Wiehe came in?

Mr. McGOWAN. Yes; he was.

Senator JONES. What position did he take on it?

Mr. McGOWAN. I do not recall whether he was in favor of it or against it.

Senator GAMBLE. You secured some valuable information, did you, on the subject of reciprocity, from the discussion of Burgess and others?

Mr. McGOWAN. No.

Mr. MARBLE. When you left Regina for Toronto, where your ticket read, did you buy a round-trip ticket?

Mr. McGOWAN. Yes, sir.

Mr. MARBLE. And you were returning on the return portion of a round-trip ticket?

Mr. McGOWAN. Yes, sir.

Mr. MARBLE. You signed that ticket, did you?

Mr. McGOWAN. Yes, sir.

Mr. MARBLE. Your name is signed to it. Did you stay in this smoking room uninterruptedly from the time you left Duluth until you arrived at Virginia?

Mr. McGOWAN. Yes; I did.

Mr. MARBLE. You are sure about that?

Mr. McGOWAN. Yes, sir.

Mr. MARBLE. You are sure you did not go to the toilet or go out to get cigars or anything of the sort?

Mr. McGOWAN. No; I did not.

Mr. MARBLE. Where was Mr. Burgess sitting with relation to the place where you were sitting? First, where were you sitting?

Mr. McGOWAN. I was sitting next to the window on the seat for four.

Mr. MARBLE. Where was Mr. Burgess sitting?

Mr. McGOWAN. He was sitting to my right, in a chair near the entrance.

Mr. MARBLE. How far from you?

Mr. McGOWAN. Oh, 5 or 6 feet.

Mr. MARBLE. Five or six feet. Was he sitting nearer the other end of the couch than to you? Was he nearer the other end than he was to you?

Mr. McGOWAN. Yes, sir.

Mr. MARBLE. Did Mr. Burgess sit in that chair uninterruptedly from the time he left Duluth until he got to Virginia?

Mr. McGOWAN. I think he did.

Mr. MARBLE. Did he go out at all?

Mr. McGOWAN. No; I think not.

Mr. MARBLE. Did he change seats at all?

Mr. McGOWAN. No, sir.

Mr. MARBLE. Did he get up?

Mr. McGOWAN. I do not think so.

Mr. MARBLE. Where was Mr. Wiehe sitting?

- Mr. MCGOWAN. He was sitting next to me.
- Mr. MARBLE. How close?
- Mr. MCGOWAN. As close as he could get—sitting right next to me when there were four on the seat.
- Mr. MARBLE. How far was he from you?
- Mr. MCGOWAN. Almost touching me.
- Mr. MARBLE. When did you first learn that it was Mr. Wiehe who sat next to you?
- Mr. MCGOWAN. After they had gone out.
- Mr. MARBLE. After they had gone out, that night, when Mr. Price told you?
- Mr. MCGOWAN. Yes.
- Mr. MARBLE (to counsel). Have you the affidavit here?
- Mr. HYNES. I do not know whether that is the one or not.
- Mr. MARBLE (to the witness). Did you make more than one affidavit?
- Mr. MCGOWAN. No, sir.
- Mr. MARBLE. Then this one must be the one. Is this the affidavit that you made? [Exhibiting paper to witness.]
- Mr. MCGOWAN. That is my signature.
- Mr. MARBLE. Is that the affidavit that you made?
- Mr. MCGOWAN. Yes, sir.
- (By request the stenographer marked the paper referred to "Exhibit McGowan No. 3, July 18, 1911.")
- Mr. MARBLE. You have said repeatedly that you stayed in the smoking room all the time from Duluth to Virginia?
- Mr. MCGOWAN. Yes, sir.
- Mr. MARBLE. And Mr. Wiehe went out. Did you see him after he went out?
- Mr. MCGOWAN. No, sir.
- Mr. MARBLE. Did you see him when he got off the train?
- Mr. MCGOWAN. No, sir.
- Mr. MARBLE. You also said that you thought a Weyerhaeuser looked in at the door. What makes you think a Weyerhaeuser looked in at the door?
- Mr. MCGOWAN. Mr. Price told me that that was Weyerhaeuser who did.
- Mr. MARBLE. Who looked in at the door. You remembered that someone had looked in?
- Mr. MCGOWAN. Yes, sir.
- Senator KERN. Mr. Hines also looked in at the door, did he not?
- Mr. MCGOWAN. Yes—Mr. Hines.
- Mr. MARBLE. Do you know where Mr. Wiehe went when he left the smoking room?
- Mr. MCGOWAN. I do not.
- Mr. MARBLE. The greater portion of the journey from Duluth to Virginia, he was out of your sight, was he?
- Mr. MCGOWAN. Yes.
- Mr. MARBLE. If the committee please, we will offer this affidavit in evidence, and, with the permission of the committee, I will read it:
- "CANADA, *Province of Saskatchewan, to wit:*
- "In the matter of a statement made by William Burgess, of Duluth, Minn., relative to the election of William Lorimer as United States Senator for the State of Illinois.

"I, Charles McGowan, of the city of Elora, in the Province of Ontario, Canada, now temporarily residing at Regina, in the Province of Saskatchewan, do solemnly declare—

"1. That I was a passenger on the sleeping car Regina which left Duluth, Minn., on Tuesday, the 7th day of March, A. D. 1911, at or about 7.10 o'clock in the afternoon, the railroad being the Duluth, Misabe & Northern Railroad.

"2. That during said trip I was in the open car and was also in the smoking compartment of said car; that I entered the smoking compartment soon after the train left Duluth and was in the smoking compartment continuously until the train reached Virginia, Minn.; that I was in the smoking compartment after Mr. C. F. Wiehe had left the smoking compartment and Mr. Wiehe did not return to the smoking compartment after he had left same and up to the time the train arrived at Virginia, Minn.

"3. That while I was in the smoking compartment I heard no conversation between any of the passengers in the smoking compartment in regard to the election of Hon. William Lorimer to the United States Senate from Illinois, and there was no discussion or mention while I was in the smoking compartment in regard to Mr. Lorimer's election or any matter pertaining thereto.

"4. That to my knowledge Mr. C. F. Wiehe was with a party of eight or nine people and he was continuously with some of these people during the entire trip between Duluth and Virginia, Minn.; that no conversation as indicated was held upon the car in my presence, nor did I hear any of the passengers on said car discuss or mention the matter of Mr. Lorimer's election; that if any such conversation was had between any of the passengers on said car in my proximity I would have heard it.

"And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada evidence act.

"CHARLES MCGOWAN.

"Declared before me at the city of Moosejaw, in the Province of Saskatchewan, this 24th day of May, A. D. 1911.

"[SEAL.]

"FRED. G. MILLAR,

"*A Notary Public in and for the Province of Saskatchewan.*

"My commission expires December 31, 1912."

Now, Mr. McGowan, was Mr. William Lorimer's name mentioned by Mr. Shields?

Mr. MCGOWAN. No; it was not.

Mr. MARBLE. And this affidavit was prepared by him after conversation with you in which that name was not mentioned?

Mr. MCGOWAN. That is right.

Mr. MARBLE. Did you tell Mr. Shields that Mr. Wiehe was continuously with some of the people in his party during the entire trip between Duluth and Virginia?

Mr. MCGOWAN. Yes; I did.

Mr. MARBLE. Why did you tell him that?

Mr. MCGOWAN. Because he asked me.

Mr. MARBLE. Because he asked you? And why did you tell him that?

Mr. MCGOWAN. Because it was the truth.

Mr. MARBLE. How did you know?

Mr. McGOWAN. I did not see him with anybody else.

Mr. MARBLE. How did you know that he was continuously, to your knowledge, with some of the party of eight or nine people during that trip from Duluth to Virginia? Who told you that?

Mr. McGOWAN. No person told me that.

Mr. MARBLE. Did you see it?

Mr. McGOWAN. No.

Mr. MARBLE. Then, why did you say it in this affidavit, and why did you repeat it here? Was this affidavit true?

Mr. McGOWAN. True, to my knowledge.

Mr. MARBLE. Very well, then. Why did you put in this affidavit that statement about Mr. Wiehe?

Mr. McGOWAN. I must have misunderstood it.

Mr. MARBLE. You must have misunderstood who?

Mr. McGOWAN. The affidavit.

Mr. MARBLE. Then, is the affidavit true?

Mr. McGOWAN. If it reads that he was continuously with his party, it is not altogether true.

Mr. MARBLE. Did you read the affidavit before you signed it?

Mr. McGOWAN. Yes, sir.

Mr. MARBLE. Did you read that portion of it?

Mr. McGOWAN. I think I did.

Mr. MARBLE. Why did you not take exception to it?

Mr. McGOWAN. I did not notice it.

Mr. MARBLE. You did not notice it? Did you not notice the statements in this affidavit before you signed it?

Mr. McGOWAN. Yes; I noticed them.

Mr. MARBLE. That is all.

Mr. HYNES. Mr. McGowan, Mr. Wiehe was with his friends, was he not, to your knowledge, while he was in the smoking compartment?

Mr. McGOWAN. When he was in the smoking compartment he was in there with his friends all the time.

Mr. HYNES. And when you saw him go out, did you see that he went out at the request or call of Mr. Hines?

Mr. McGOWAN. Yes, sir.

Mr. HYNES. And he did not come back?

Mr. McGOWAN. No, sir.

Mr. HYNES. Would that lead you to understand that he was with his friends all the time?

Mr. McGOWAN. It naturally would.

Mr. MARBLE. Why did you state in this affidavit that you were on the sleeping car Regina?

Mr. McGOWAN. Because I noticed that was the name on it.

Mr. MARBLE. Where did you notice the name?

Mr. McGOWAN. When I was entering.

Senator JONES. You said in the affidavit, also, Mr. McGowan, that you were in the open car part of the time, did you not? It seems to me it was that way.

Mr. McGOWAN. Yes; I went there with my grip.

Senator JONES. That is what you referred to? You went to your berth and put your grip in the berth?

Mr. McGOWAN. Yes.

Mr. HYNES. And when you got to Virginia, did you go out and get your grip?

Mr. McGOWAN. Yes.

Mr. MARBLE. Did you notice the name of the car that you occupied from Virginia to Winnipeg?

Mr. McGOWAN. No; I did not. The reason I noticed this one was because it was the Regina.

Mr. MARBLE. Did you furnish the name to Mr. Shields of that car?

Mr. McGOWAN. No, sir.

Mr. MARBLE. Or did he furnish it to you?

Mr. McGOWAN. He furnished it—well, I knew it, but he spoke of it as the car Regina.

Mr. MARBLE. Was the name Regina mentioned before he went to prepare the affidavit?

Mr. McGOWAN. Yes.

Mr. MARBLE. You are sure of that?

Mr. McGOWAN. Yes.

Mr. MARBLE. That is one of the things you forgot to tell us, in telling this conversation, before the affidavit was prepared?

Mr. McGOWAN. Yes, sir.

Mr. MARBLE. Does anything else occur to you that you forgot to tell us?

Mr. McGOWAN. No.

Mr. HYNES. You say that you changed to another car, or to another train, or what was it, when you got to Virginia?

Mr. McGOWAN. We changed to another car.

Mr. HYNES. On the same train?

Mr. McGOWAN. I could not say whether it was or not.

Mr. HYNES. You do not know that? Do you know whether the train bore the same number going from Virginia, or at the time this declaration was made, when you got to the border, that it did when you got into it?

Mr. McGOWAN. I do not know.

Mr. HYNES. I notice that the stub of your railroad ticket, or sleeper ticket, bears date "Month, 3; day, 7; year, '11." This declaration bears date "Month, 3; day, 8; year, '11." Now, do you know whether that was made after midnight or before?

Mr. McGOWAN. No; I do not recall.

Mr. HYNES. You do not remember how that was?

Senator GAMBLE. How far is the international boundary line from Virginia?

Mr. McGOWAN. I do not know.

Senator GAMBLE. Do you remember what time you left Virginia?

Mr. McGOWAN. I think about possibly 10 o'clock, or somewhere around there.

Mr. HYNES. Do you know how far you had to go before getting into Canada?

Mr. McGOWAN. No, sir.

Mr. HYNES. Do you remember whether it was that night or the next morning?

Mr. McGOWAN. I do not. It was sometime before I went to bed.

Mr. HYNES. You went to bed soon after you got on the car, did you not?

Mr. McGOWAN. Well, yes.

Mr. HYNES. I want to read the contents of this paper [Exhibit McGowan No. 1], but I do not want to surrender this paper, because I am informed that it is given to us by the authorities there, to be held and returned to them after it has been used here, and I would like the privilege of doing that. We are not permitted to surrender it, I am informed, and it must go back to their files.

The CHAIRMAN. There is no objection to that.

Mr. MARBLE. We should like to have it retained here for a little time, however, for the present.

Hr. HYNES. All right.

The CHAIRMAN. That will be done.

(The paper just referred to by Mr. Hynes is as follows:)

EXHIBIT MCGOWAN 1.—JULY 18, 1911.

Form 915.

May 24, 1910.—Chas. McGowan.

CANADIAN NORTHERN RAILWAY, PASSENGER TRAFFIC DEPARTMENT.—INFORMATION FOR CANADIAN IMMIGRATION AND HEALTH INSPECTION AT FORT FRANCES, ONTARIO.

1. Name, Charles McGowan.
2. Where from (if United States citizen, mention what State)? Elora, Ontario.
3. Is it your intention to remain in Canada?
4. What is your occupation?
5. What is your destination?
6. Have you a family with you on this train? If so, give number of adults, male or female, and children, male or female.
7. Are you and those accompanying you in good health?
8. When and where vaccinated, and if successful?

CHAS. MCGOWAN.

Passengers must be prepared to produce the vaccination mark if the medical officer so desires. If they have not been vaccinated, the law compels that this be done before they are allowed to enter the country.

Berth No. 9; car, Kekehke.

Train No. 1.

Date, March 8, 1911.

R. B. MILLER,
Sleeping Car Conductor.

Mr. HYNES. I will introduce as an exhibit this railroad coupon or stub in connection with the testimony of Mr. McGowan.

(The coupon referred to has heretofore been marked "Exhibit McGowan No. 2.")

Mr. HYNES. You did not make two trips, one on the 7th and the other on the 8th, on that line, did you?

Mr. MCGOWAN. No, sir; one trip.

TESTIMONY OF BOLLING ARTHUR JOHNSON.

B. A. JOHNSON, being duly sworn, was examined, and testified as follows:

Mr. HYNES. Mr. Johnson, state your full name, please.

Mr. JOHNSON. B. A. Johnson.

Mr. HYNES. Where do you reside?

Mr. JOHNSON. Chicago.

Mr. HYNES. What has been your business for some years?

Mr. JOHNSON. I have been the general staff representative of the American Lumberman until July 6.

Mr. HYNES. What is that? A trade paper?

Mr. JOHNSON. A trade lumber newspaper.

Mr. HYNES. What is it? A paper of extensive or of limited circulation?

Mr. JOHNSON. As compared with general mediums, it is of limited circulation. As compared with trade journals, it is of large circulation.

Mr. HYNES. When did your connection with that commence?

Mr. JOHNSON. When the paper began; in 1899.

Mr. HYNES. Mr. JOHNSON, you were mentioned by Mr. Burgess as having been on the train going from Duluth to Virginia City on the evening of March 7 last. Do you recall it?

Mr. JOHNSON. I do.

Mr. HYNES. Were you on that train?

Mr. JOHNSON. I was.

Mr. HYNES. Did you know Mr. Burgess?

Mr. JOHNSON. I had never seen Mr. Burgess before, and did not learn his name until the next day, in Virginia.

Mr. HYNES. Did you see him the next day in Virginia?

Mr. JOHNSON. I did.

Mr. HYNES. What portion of the train did you occupy on that trip?

Mr. JOHNSON. I sat in several of the seats; two or three, probably; in the body of the car and in the smoking room.

Mr. HYNES. Mr. JOHNSON, were you in the smoking room?

Mr. JOHNSON. Yes, sir.

Mr. HYNES. What time did you go into the smoking compartment?

Mr. JOHNSON. Oh, I think a few minutes after we left Duluth. I am not definite as to just what time I went in there.

Mr. HYNES. Do you remember what place in the smoking compartment you occupied?

Mr. JOHNSON. I do.

Mr. HYNES. What was it?

Mr. JOHNSON. I sat in a chair next to the window.

Mr. HYNES. Not on the leather seat that runs transversely to the car?

Mr. JOHNSON. No, sir; in the chair.

Mr. HYNES. Who else do you remember were in that smoking compartment?

Mr. JOHNSON. Mr. F. E. Weyerhaeuser, whom I did not at that time know, but whom I have since met formally; Mr. Cusson, of Virginia; Mr. C. F. Wiehe; a man whom I afterwards learned was Mr. McGowan, of Regina; and I saw briefly, for a moment, in the door of the smoking compartment that day, Mr. John Weyerhaeuser.

Mr. HYNES. Did he sit down?

Mr. JOHNSON. He did not.

Mr. HYNES. And who else, that you recall?

Mr. JOHNSON. I think that is all.

Mr. HYNES. Do you remember whether there were others standing or sitting there that you did not know?

Mr. JOHNSON. Well, two or three people went out, that I took no particular notice of.

Mr. HYNES. Have you seen a Mr. Price?

Mr. JOHNSON. I have seen a gentleman here, since, by the name of Price.

Mr. HYNES. Do you remember whether he was in that compartment?

Mr. JOHNSON. I have no distinct remembrance of Mr. Price. I would not have remembered him had I not had my attention called to him.

Mr. HYNES. Do you remember whether you or Mr. Wiehe entered that smoking compartment first; whether he came in after you or not?

Mr. JOHNSON. I think he came in after I did. I am not very definite about that, but I think he came in after I did.

Mr. HYNES. And that was about how long after the train started?

Mr. JOHNSON. It could not have been very long, because I imagine I was in there only about 25 or 30 minutes, and maybe not that long.

Mr. HYNES. Did Mr. Wiehe remain in there all the time that you were there?

Mr. JOHNSON. He did.

Mr. HYNES. When did he go out?

Mr. JOHNSON. As to the duration of time that he was in there, or what?

Mr. HYNES. I want to know what time, if you know—whether you or he went out of that compartment first.

Mr. JOHNSON. He did.

Mr. HYNES. How long after he left did you remain?

Mr. JOHNSON. I remained but a short time. I practically followed him out.

Mr. HYNES. During the time that you were in there and that Mr. Wiehe was in there, Mr. Johnson, was Mr. Burgess in there, as you recall?

Mr. JOHNSON. He was.

Mr. HYNES. During that time was there anything said in conversation there by Mr. Wiehe with respect to the election of Senator Lorimer?

Mr. JOHNSON. There was not.

Mr. HYNES. Did you hear Mr. Burgess say anything about the election of Senator Lorimer?

Mr. JOHNSON. I did not.

Mr. HYNES. Was the subject of a jack pot mentioned in that conversation?

Mr. JOHNSON. It was not.

Mr. HYNES. When Mr. Wiehe was in there and you were there?

Mr. JOHNSON. No, sir.

Mr. HYNES. Was anything said about a fund of \$100,000 being raised for the election of Senator Lorimer?

Mr. JOHNSON. No, sir.

Mr. HYNES. Or about any other amount of money being raised?

Mr. JOHNSON. No, sir.

Mr. HYNES. Did Mr. Wiehe say that he had made a contribution, and that he knew that such a fund had been raised?

Mr. JOHNSON. No, sir.

Mr. HYNES. Or that a jack pot had been raised?

Mr. JOHNSON. No, sir.

Mr. HYNES. Or had been used in any way or with any connection with the election of Senator Lorimer?

Mr. JOHNSON. He did not.

Mr. HYNES. Did he state that he knew what he was talking about in making a statement like that because he had contributed \$10,000 to it himself?

Mr. JOHNSON. He did not.

Mr. HYNES. Or that he had subscribed \$10,000 or any words to that effect?

Mr. JOHNSON. He did not.

Mr. HYNES. Was anything like that said?

Mr. JOHNSON. No, sir.

Mr. HYNES. Are you satisfied, Mr. Johnson, that if anything of that kind had been said you would have heard it and remembered it?

Mr. JOHNSON. I certainly would.

Mr. HYNES. Was there anything said there about a Father Green?

Mr. JOHNSON. No, sir.

Mr. HYNES. Was there anything said by Mr. Wiehe or anybody else there about a Chicago newspaper having employed a detective agency, and that one of the detectives had gone to confession to Father Green and told him that he had been engaged in getting trumped-up evidence against Senator Lorimer, and that Father Green refused to give absolution to the penitent, to this detective, unless he would make reparation for what he had been doing and disclose all that he had been doing? Was that, or any portion of it said, or anything like that said in that conversation by Mr. Wiehe or by anybody else?

Mr. JOHNSON. No, sir.

Mr. HYNES. Do you remember whether Father Green's name was mentioned in any way?

Mr. JOHNSON. It was not.

Mr. HYNES. Or any other Catholic priest; or the word "priest"—whether it was mentioned?

Mr. JOHNSON. There was no mention made of a priest.

Mr. HYNES. Where did Mr. Wiehe sit? Give us your recollection, Mr. Johnson, of where you all sat, so far as you can remember it.

Mr. JOHNSON. Supposing that the chair that I am sitting in stood in relation to the car as I now bear a relation to this room, with the window upon my right. Mr. Wiehe sat either two or three removes from the man who sat immediately in front. That man, I have since learned, was Mr. McGowan. Mr. Wiehe must have sat next to Mr. McGowan, Mr. Cusson just beyond Mr. Wiehe, and Mr. F. E. Weyerhaeuser in about that direction from myself.

Mr. HYNES. In the other corner?

Mr. JOHNSON. In the other corner.

Mr. HYNES. At the opposite end from Mr. McGowan?

Mr. JOHNSON. I remember that there must have been—there probably might have been another man beyond him.

Mr. HYNES. You do not remember?

Mr. JOHNSON. I am not definite about that. I know that Mr. Weyerhaeuser was in about that angle from myself.

Mr. HYNES. And where did Mr. Burgess sit?

Mr. JOHNSON. By myself here, in another chair.

Mr. HYNES. On your left?

Mr. JOHNSON. On my left.

Mr. HYNES. Opposite the corner in which Mr. McGowan was, or the corner in which Mr. Weyerhaeuser was?

Mr. JOHNSON. If opposite, he was opposite Mr. Weyerhaeuser, diagonally from Mr. McGowan.

Mr. HYNES. Did Mr. John Weyerhaeuser sit down at all?

Mr. JOHNSON. He did not while I was there.

Mr. HYNES. Either on the couch or in a chair, did he?

Mr. JOHNSON. He did not.

Mr. HYNES. How long did he remain, or did he come entirely into the room?

Mr. JOHNSON. My remembrance of Mr. John Weyerhaeuser, in regard to coming to the smoking room, was this, that he put his head into the smoking room and probably spoke generally to the gentlemen whom he knew, all except myself. I had not at that time been introduced to Mr. John Weyerhaeuser either, but I caught the relationship between him and F. E. Weyerhaeuser, because when Mr. John Weyerhaeuser left he said something about the smoke being too thick, backed out, and went away; and Mr. F. E. Weyerhaeuser remarked that he—Mr. F. E. Weyerhaeuser—was the only member of the family who smoked; that John did not smoke. I remember that very distinctly.

Mr. HYNES. Was Mr. Wiehe smoking?

Mr. JOHNSON. Mr. Wiehe was not smoking.

Mr. HYNES. Who were smoking?

Mr. JOHNSON. I do not remember, except Mr. F. E. Weyerhaeuser was smoking, and Mr. McGowan was smoking, and Mr. Burgess, possibly, but I do not know about that.

Mr. HYNES. Did you go back into the smoker after you left it?

Mr. JOHNSON. I did not.

Mr. HYNES. I think that is all.

The CHAIRMAN. You may cross-examine.

Mr. MARBLE. Shall we cross-examine to-night?

The CHAIRMAN. No; I think not. It is nearly half past 5.

(Whereupon, at 5 o'clock and 17 minutes p. m., the committee adjourned until to-morrow, Wednesday, July 19, 1911, at 10 o'clock a. m.)

WEDNESDAY, JULY 19, 1911.

SENATE OFFICE BUILDING,
WASHINGTON, D. C.

The committee met at 10 o'clock a. m.

Present: Senators Dillingham (chairman), Gamble, Jones, Kenyon, Johnson, Fletcher, and Kern.

Also Mr. John H. Marble and Mr. John J. Healy, Mr. William J. Hynes, Mr. Elbridge Haney, and Mr. Edgar Farrar.

TESTIMONY OF BOLLING ARTHUR JOHNSON—Resumed.

Mr. HYNES. Mr. Johnson. I forgot to ask you how your attention was first called to this inquiry after the conversation on the train which occurred going from Duluth to Virginia?

Mr. JOHNSON. In the middle days of April I was in the woods of east Texas for seven or eight days on a quest for my paper, and coming out of the woods at Livingston, Tex., I came into Houston over the Houston East & West Texas, and arrived in Houston on Friday, April 21. The Houston Post of that morning had something concerning the testimony of Mr. Burgess before the Helm committee, in which he had connected with the matter a party by the name of Johnson, of, he said, the Northwestern Lumberman. My friends in Houston are numerous, as I have been going there since 1889. I was immediately connected with the matter, and I had many telephone calls that afternoon and night. I met my friends, Mr. R. M. Johnson, of the Post, and Mr. Marcellus Foster, of the Chronicle, and they each wanted to know what it was all about. There were but a few lines under the Washington date line about the matter.

Mr. HYNES. The Washington date line, or the Springfield date line?

Mr. JOHNSON. I should say the Springfield date line. I knew as little as they did about anything of the occurrence, and was quite interested, of course. I was stopping at the Hotel Bristol for the first time that I had ever stopped at that particular hotel. I did not go back until 2 o'clock on Saturday afternoon, coming from New Orleans the next day, and I then received a telegram from Mr. C. F. Wiehe, in which he recounted something more of what had occurred.

Mr. HYNES. Have you the telegram with you?

Mr. JOHNSON. I have; yes, sir.

Mr. HYNES. Will you please produce it and read it?

Mr. JOHNSON. Very well. It is as follows:

CHICAGO, ILL., April 22, 1911.

BOWLING ARTHUR JOHNSON.

Care Bristol Hotel, Houston, Tex.:

Man named Burgess claims you in smoker going Virginia about time of annual meeting stockholders Virginia & Rainey Lake Co. and that I said in your presence and presence of Burgess I contributed \$10,000 to the Lorimer slush fund. Wire me if you heard any such conversation. Also send me your affidavit. Very important.

C. F. WIEHE.

10.25 a. m.

Mr. HYNES. Did you reply to that?

Mr. JOHNSON. I did reply to it.

Mr. HYNES. Was there a following or hurry-up message?

Mr. JOHNSON. Yes. I was quite concerned about that matter. I notice that it had been dated at 10.25 o'clock in the morning and I failed to get it, and there was delivered to me with this telegram an office telegram of inquiry which said:

Please request reply our date. 56 paid, blue. Bowling Arthur Johnson, Bristol Hotel, sgd. Wiehe. If undelivered, report promptly, please.

CHICAGO, ILL., April 22, 1911—4.23 p. m.

Mr. HYNES. Did you make reply to that?

Mr. JOHNSON. Yes; I sent a day letter immediately.

Mr. HYNES. Have you a copy of that?

Mr. JOHNSON. I have a carbon copy of the original, which was edited by me and which reads:

HOUSTON, April 22, 1911.

To C. F. WIEHE,

Care Edward Hines Lumber Co., Chicago, Ill.:

Answering your day letter of April 22, received here 10.25 a. m., handed me 2.30 p. m., can come directly to Chicago or any other place you desire and give

testimony that I was on train referred to, saw man Burgess mentioned, was introduced to him later in Virginia, and never heard conversation of any nature between yourself and Burgess or heard it alleged you had such conversation. Can send no affidavit from Houston, as am packing for hurried trip to McElroy, La., opening Mill Ascension Red Cypress Lumber Co., where I will be Monday, 24. At Hotel Grunewald, New Orleans, all day Sunday. There again Tuesday.

BOLLING ARTHUR JOHNSON.

Paid. Rush.

I meant to convey to Mr. Wiehe my desire to make an affidavit. In the meantime I received a telegram, which I have not got, from my paper in Chicago. Evidently they had given Mr. Wiehe my address; otherwise he could not have wired me at the Hotel Bristol, because I had never been to that particular hotel before.

Senator JONES. Had you notified your paper that you intended to stop there?

Mr. JOHNSON. Yes.

Senator JONES. When?

Mr. JOHNSON. Oh, previously a week, likely, when I returned to Houston, that I would go to the Bristol.

Senator JONES. What led you to go there when you had not been stopping there theretofore?

Mr. JOHNSON. It was a better hotel. I have stopped for many years at the Rice and I had ceased to like it, and I wanted to go to the Bristol. I figured my newspaper had undoubtedly told Mr. Wiehe this, because there would have been no other way of finding it out.

Mr. HYNES. Did you get another dispatch then from Mr. Wiehe?

Mr. JOHNSON. I did. I received a telegram in New Orleans from Mr. Wiehe on Sunday and which is as follows:

EVANSTON, ILL., April 23, 1911—8.25 p. m.

B. ARTHUR JOHNSON,
Grunewald Hotel, New Orleans, La.:

Meet me Springfield, Ill., next Tuesday, St. Nicholas Hotel; think very important you come there testify before Helm committee. Answer if you will come.

C. F. WIEHE.

Mr. HYNES. You did not send any affidavit?

Mr. JOHNSON. I did not.

Mr. HYNES. Did you go to Springfield?

Mr. JOHNSON. Yes, sir.

The CHAIRMAN. That telegram was from Mr. Wiehe?

Mr. JOHNSON. Yes; dated Evanston, Ill., April 23, 1911.

Senator GAMBLE. Were you acquainted with Mr. Wiehe?

Mr. JOHNSON. I have known him casually for 15 years. I never had any business transactions with him.

The CHAIRMAN. But you knew him?

Mr. JOHNSON. Yes; as a working newspaper man I was bound to.

The CHAIRMAN. You knew who he was?

Mr. JOHNSON. Oh, yes, indeed.

Senator KERN. Your paper is the organ of the Lumbermen's Association?

Mr. JOHNSON. My paper is not the organ of any association.

Senator KERN. What is your paper?

Mr. JOHNSON. The American Lumberman, of Chicago.

Mr. HYNES. Tell us what your experience had been in that line of work.

Mr. JOHNSON. Well, I will recount it to you briefly. I have been a lumber trade newspaper man for 25 years. My first experience was with the then old Lumber Trade Journal, of Chicago. After a short time with that paper I went with J. E. Deffibaugh, then starting the Timberman. I was with him a year or two, and then became connected again with the Lumber Trade Journal, under another management, in 1889. In 1894, while having been all this while with the Lumber Trade Journal, I bought a quarter interest in it, and it was removed to New Orleans, where it yet remains.

In the same year, 1894, I severed my connection with that publication, sold my interest, and returned to Chicago and became a staff representative of the Timberman, Mr. Deffibaugh's paper, and remained with him in the general capacity of all-around newspaper man, covering conventions, writing advertising and doing all manner and sorts of work necessary with a trade publication, until 1895. I was with the Lumber Trade Journal from 1889 to 1894, and then from the early part of 1894 to the beginning of 1895 I was with the Timberman. In 1899 the Timberman, owned by Mr. J. E. Deffibaugh, and the Northwestern Lumberman, owned by W. B. Judson, were consolidated, and from that consolidation was made the American Lumberman. Shortly after the consolidation of the papers I left the publication for other work—the lumber trade work. On the 2d of May, 1902, I returned to the employ of the American Lumberman, where I have remained ever since, under contract, under two different contracts, that were made with me, the last one of which expired July 6, and I was just in the act of making another contract or negotiating for one when I received this summons to come to Washington, and as the matter stands now I am not employed, and will not be until some future time.

Mr. HYNES. That negotiation is pending?

Mr. JOHNSON. Yes; I am supposed to be on a vacation.

Mr. HYNES. You have seen Mr. McGowan here, from Canada?

Mr. JOHNSON. I have.

Mr. HYNES. Is he the young man that you spoke of as the young Canadian who was in that compartment?

Mr. JOHNSON. Yes.

Mr. HYNES. Do you recognize him?

Mr. JOHNSON. I do recognize him. I was very much impressed with him on the train.

Senator KERN. I see by your testimony in the last investigation that you designate him as a young, talkative, Canadian drummer?

Mr. JOHNSON. Yes; I did.

Senator KERN. How did you get the impression that he was talkative?

Mr. JOHNSON. I got the impression that he was a drummer—the impression one may get. He was of good address, and he was a traveled fellow. I did not inquire into his business.

Senator KERN. Was it from anything he said?

Mr. JOHNSON. Yes; I gathered from the amount of travel that he did that he must be associated in some commercial matter.

Senator KERN. Was there anything he said that led you to believe that he was a commercial drummer?

Mr. JOHNSON. Nothing more than his apparently varied travel.

Senator KERN. He was talkative?

Mr. JOHNSON. He was talkative, and interestingly so. I did not mean that in any opprobrious way. He interested me very much, as he was willing to talk a great deal about his country, and naturally I was interested in knowing what I might at first hand. I can not say that I gained any knowledge that I retained any definite length of time, but he interested me at the moment in the smoking-room gossip.

Mr. HYNES. Do you remember what time during your presence in the smoking compartment his conversation about his country occurred?

Mr. JOHNSON. Oh, in a desultory way during the limited time I remained there.

Senator KERN. How long did you say you were in there?

Mr. JOHNSON. I suppose I was in there 25 or 30 minutes. I can not say definitely. It was not a very long time.

Mr. HYNES. That is all.

Mr. HEALY. Mr. Johnson, how long did you talk with Mr. McGowan?

Mr. JOHNSON. I did not talk specifically with anybody. We just talked around about and among each other. I had no private conversation with Mr. McGowan.

Mr. HEALY. What did Mr. McGowan say to you?

Mr. JOHNSON. Oh, he said the usual things that people might say in the smoking room. He talked very interestingly of Canada. He said something about the wheat business, I believe, and I must have asked him something about Regina. He said that he lived there, that that was his headquarters. I got a little information, nothing new, especially.

Mr. HEALY. Did he do most of the talking?

Mr. JOHNSON. I expect I did part of it.

Mr. HEALY. Or did you hold up your end?

Mr. JOHNSON. I think I did.

Mr. HEALY. I imagine you might.

Mr. JOHNSON. Well, I think so.

Mr. HEALY. He was in the smoking compartment when you came in?

Mr. JOHNSON. He was, and when I left.

Mr. HEALY. Now, did he tell you about the countries through which he had traveled?

Mr. JOHNSON. Oh, nothing that I can recount now.

Mr. HEALY. You do not recall anything that he said?

Mr. JOHNSON. I do not recall any specific thing he said; no, sir; not so as to be able to quote it or repeat it.

Mr. HEALY. What impresses on your mind the fact that he had recounted his travels so as to leave the impression in your mind that he was a largely traveled man?

Mr. JOHNSON. The fact that he referred to being in several places. I think he referred to having been recently in Chicago and Duluth, and had traveled up and down in his own country—probably what he said about his country more than what he said specifically about any particular town impressed that in my mind.

Mr. HEALY. Did he tell you about his experience in these different places?

Mr. JOHNSON. No; he did not; not anything in the nature of going into particular details; no, sir.

Mr. HEALY. Did he volunteer all this information or was it induced and brought out by questions which you asked him?

Mr. JOHNSON. I think I must have asked him questions. That is my habit, if I want to find out something.

Mr. HEALY. That is one way to get information.

Mr. JOHNSON. Sometimes.

Mr. HEALY. Did you volunteer any information to him, or did he propound any questions to you?

Mr. JOHNSON. I don't think that I enlightened him much on any subject.

Mr. HEALY. Did he ask any questions?

Mr. JOHNSON. Possibly.

Mr. HEALY. With reference to your travels or anything of that sort?

Mr. JOHNSON. No; I think not. I do not think he at that time had any special interest in the matter.

Mr. HEALY. Who else did you talk with in that smoking compartment?

Mr. JOHNSON. Specifically I do not know that I asked anybody a question or that anybody asked me a question, but I talked generally.

Mr. HEALY. What were you gentlemen discussing in the smoking compartment?

Mr. JOHNSON. Oh, we discussed reciprocity and the tariff.

Mr. HEALY. Did you exhaust that subject?

Mr. JOHNSON. Hardly.

Mr. HEALY. How much time did you spend on reciprocity?

Mr. JOHNSON. I could not tell you.

Mr. HEALY. What else did you talk about?

Mr. JOHNSON. I remember reciprocity and a very keen desire which I had, which was not satisfied, to find out what the Canadians thought of that.

Mr. HEALY. You were trying to discover what his impression was with reference to the question?

Mr. JOHNSON. Yes; naturally.

Mr. HEALY. Did he indicate to you his attitude or the attitude of his countrymen on the subject?

Mr. JOHNSON. I do not think he vouched for his countrymen, but I think he very firmly stated his personal opinion.

Mr. HEALY. Did he express himself at some considerable length with reference to that matter?

Mr. JOHNSON. The conversation added up that he did not believe there would be any such thing as reciprocity between Canada and the United States.

Mr. HEALY. But there was some considerable discussion of the matter?

Mr. JOHNSON. Oh, yes.

Mr. HEALY. Before he summed up his position?

Mr. JOHNSON. No; I think he was right cocksure of the thing.

Mr. HEALY. Most young men of 22 years of age are reasonably sure of their position?

Mr. JOHNSON. Yes; that is very true. I was so impressed.

Mr. HEALY. You say you discussed the tariff?

Mr. JOHNSON. Tariff was mentioned.

Mr. HEALY. Was that discussion between yourself and Mr. McGowan?

Mr. JOHNSON. Not specifically.

Mr. HEALY. Did some of the other gentlemen participate in that?

Mr. JOHNSON. Possibly.

Mr. HEALY. What phase of the tariff did you gentlemen discuss?

Mr. JOHNSON. I could not answer you and throw any light on the subject.

Mr. HEALY. Did it have to do with the duty on lumber?

Mr. JOHNSON. The duty on lumber was not particularly mentioned.

Mr. HEALY. What else did you talk about in there?

Mr. JOHNSON. That is about all that I remember.

Mr. HEALY. Now, who besides you and Mr. McGowan participated in those discussions and talks?

Mr. JOHNSON. There were in the room, to my knowledge, Mr. McGowan, Mr. C. F. Wiehe, Mr. F. C. Weyerhaeuser (whom I knew by reputation and sight, but not personally), this gentleman, Mr. Burgess, who occupied the other chair. I don't know whether I learned his name there that day or learned it the next day in Virginia. I am under the impression that I learned his name and was introduced to him or he introduced himself or that we shook hands the next day in the Fay Hotel at Virginia.

Senator KERN. The room was crowded?

Mr. JOHNSON. Yes; quite full.

Senator KERN. There were not seats for all of you?

Mr. JOHNSON. No, sir.

Mr. HEALY. You say you knew F. E. Weyerhaeuser?

Mr. JOHNSON. By reputation, yes, for many years.

Mr. HEALY. Did you know that he was identified with Mr. Wiehe in the lumber business?

Mr. JOHNSON. Yes; I did.

Mr. HEALY. Wiehe you had known at that time for how long?

Mr. JOHNSON. I should judge about 15 years. I have no specific knowledge of my first acquaintance with Mr. Wiehe. He and I have never been interested in business together in any way.

Senator KERN. You frequently came in contact with Mr. Wiehe and Mr. Hines, did you, in your journalistic work?

Mr. JOHNSON. Yes; but very infrequently; but more so than I can imagine how that occurred with people located in Chicago, as I never had any special charge of the Chicago work.

Senator KERN. You say you did come in contact with them?

Mr. JOHNSON. Oh, I see them naturally at meetings and the like.

Senator KERN. In your journalistic work?

Mr. JOHNSON. Yes.

Senator KERN. They being large lumber dealers?

Mr. JOHNSON. Oh, naturally. I knew of his comings and goings, and all that. Mr. Hines and Mr. Wiehe and myself have never contracted a piece of business until the 8th day of March, and then I transacted a small piece of business with them in Virginia, on the 8th of March, and it seems rather strange to me now it should be the first.

Mr. HEALY. How old a man is Mr. F. E. Weyerhaeuser?

Mr. JOHNSON. I do not know.

Mr. HEALY. About how old?

Mr. JOHNSON. I can not tell you. I judge he is this side of 40; I judge he is not 40 years old.

Mr. HEALY. May I assume that all of the gentlemen who were in that smoking compartment, outside of Mr. McGowan, were middle-aged men—men around 40?

Mr. JOHNSON. I think so, and older.

Mr. HEALY. Mr. McGowan was the youngest man in the party?

Mr. JOHNSON. I think he was, to my knowledge.

Mr. HEALY. And he was at that time about 22 years of age?

Mr. JOHNSON. I do not know his right age at all.

Mr. HEALY. I think he testified yesterday that he was 22 years of age.

Mr. JOHNSON. Well, that seems reasonable.

Mr. HEALY. That would be your guess at his age?

Mr. JOHNSON. Why, yes; if I were guessing at ages.

Mr. HEALY. You had never seen Mr. McGowan prior to that time?

Mr. JOHNSON. No, sir.

Mr. HEALY. Did he inform you of his name on that occasion?

Mr. JOHNSON. He did not.

Mr. HEALY. Now, what business were you transacting in that country at that time?

Mr. JOHNSON. I had made a plan to go to Virginia and I had jumped from Texas to Virginia in order to be there when I could see, possibly, the greatest number of the directors of the Virginia & Rainey Lake Co. together.

Mr. HEALY. Those were the men in whom you were interested at that time?

Mr. JOHNSON. Yes; I was interested in seeing them. I wanted to place a proposition before them.

Mr. HEALY. You had come from what part of Texas? Texas is a pretty big State.

Mr. JOHNSON. Directly from Livingston, Tex.

Mr. HEALY. In what part of the State is Livingston?

Mr. JOHNSON. About 80 miles northeast of Houston, on the Houston, East & West Texas Railroad.

Mr. HEALY. You had gone from that point direct to Duluth?

Mr. JOHNSON. As directly as I could by way of Chicago.

Mr. HEALY. In order to lay before the directors of the Virginia & Rainey Lake Co. this business proposition in which you were interested and in which you hoped to interest them?

Mr. JOHNSON. Yes; exactly.

Mr. HEALY. And all of these men in the smoking compartment that evening, outside of Mr. McGowan, were identified in some way with the Virginia & Rainey Lake Co.?

Mr. JOHNSON. Mr. Weyerhaeuser was and Mr. Cusson and Mr. Wiehe—those three.

Mr. HEALY. Yes; except Mr. McGowan and Mr. Burgess?

Mr. JOHNSON. Yes, sir.

Mr. HEALY. And yourself, of course?

Mr. JOHNSON. Yes, sir.

Mr. HEALY. You do not remember Mr. Price being there; do you, Mr. Johnson?

Mr. JOHNSON. I do not.

Mr. HEALY. You do not recall him at all?

Mr. JOHNSON. I do not. I do not remember to have ever seen him.

Mr. HEALY. You never saw Mr. McGowan after this evening until he appeared in Washington?

Mr. JOHNSON. I did not.

Mr. HEALY. You recognized him as the young man who was in the smoking compartment that night?

Mr. JOHNSON. I did recognize him. I tried to meet him in the rotunda of the hotel and pick him out, but I did not succeed in doing that. Later I wanted to see some one that happened to be in his room and I went to Mr. McGowan's room, and he was there with a man that was introduced to me as Mr. Price and some one else whom I do not just remember—probably Mr. Baker or Mr. Wiehe.

Mr. HEALY. You recognized him as soon as you saw him?

Mr. JOHNSON. I did, the moment I saw him.

Mr. HEALY. Did you also recognize Mr. Price?

Mr. JOHNSON. I did not recognize Mr. Price.

Mr. HEALY. You have no recollection, then, of Mr. Price being in the smoking compartment?

Mr. JOHNSON. None whatever.

Senator KERN. Were these parties rooming together at the hotel?

Mr. JOHNSON. Who?

Senator KERN. Baker and Price and McGowan.

Mr. JOHNSON. No, sir. Mr. Price, I believe, and Mr. McGowan had adjoining rooms.

Senator KERN. What time did you see them?

Mr. JOHNSON. I saw them, I think, the day they arrived—day before yesterday.

Senator KERN. Did they all come together, do you know?

Mr. JOHNSON. I think Mr. Price and Mr. McGowan came together. I am quite sure they did.

Senator KERN. Baker did not come with them?

Mr. JOHNSON. No, sir; Baker came earlier. Baker came on the same train I did, a week ago.

Senator KERN. Did you understand what Baker was doing there?

Mr. JOHNSON. I do not know, I am sure; just visiting likely. I am not certain whether it was Baker. It might have been Mr. Wiehe.

Senator KERN. You have no recollection now as to who the third man was you saw in that room a few days ago here in Washington?

Mr. JOHNSON. No special remembrance of it; no. It was just casual. I was right curious to see the young man, and I hunted him up.

Mr. HEALY. Did you talk with Mr. Wiehe while you were in the smoking compartment that night?

Mr. JOHNSON. No more than with any other party.

Mr. HEALY. Have you any recollection of having any conversation with him?

Mr. JOHNSON. I have not.

Mr. HEALY. Did you know Mr. Cusson?

Mr. JOHNSON. I did.

Mr. HEALY. How long had you known him?

Mr. JOHNSON. I had known Mr. Cusson probably a month. I had been up to Virginia a month before that.

Mr. HEALY. He was in the smoking compartment, was he not?

Mr. JOHNSON. He was; yes, sir.

Mr. HEALY. How far did Mr. F. E. Weyerhaeuser sit from where you sat?

Mr. JOHNSON. Four or five feet.

Mr. HEALY. Were you introduced to him?

Mr. JOHNSON. I was not.

Mr. HEALY. Did you have any talk with him?

Mr. JOHNSON. I did not.

Mr. HEALY. Did he participate in the discussion which you gentlemen had in that compartment?

Mr. JOHNSON. Oh, he did not talk much.

Mr. HEALY. How long had you been in the compartment when Mr. Wiehe came in?

Mr. JOHNSON. I have never been quite clear yet as to whether I went in ahead of Wiehe, or Wiehe went in ahead of me. I can not answer that question specifically.

Mr. HEALY. How long did he remain in there, according to your recollection?

Mr. JOHNSON. Oh, about 20 or 25 minutes; something like that, I think. I could not say.

Senator KERN. Where had you first seen Mr. Wiehe after you came north?

Mr. JOHNSON. I had first seen Mr. Wiehe at that train.

Senator KERN. Where did you greet him? Knowing him, you greeted him at some time—shook hands with him. Where was that?

Mr. JOHNSON. Likely it is possible it was at the station of the Duluth, Missabe & Northern, that evening.

Senator KERN. About the time you entered the train?

Mr. JOHNSON. About the time I got on the train, likely.

Senator KERN. So that there was no greeting between you when he came into the compartment?

Mr. JOHNSON. I do not think so; no.

Mr. HEALY. How long did you remain in the compartment after Mr. Wiehe left?

Mr. JOHNSON. A short time; I can not say exactly. It might have been 2 or 3 minutes; it might have been 5 or 6; it might have been 10. But I got out of there as quick as I conveniently could after that.

Mr. HEALY. You were specially interested in Mr. Wiehe that night, were you not?

Mr. JOHNSON. I was interested in seeing each one of the directors of the Virginia & Rainy Lake Co. that I could. In passing through the train I tried to talk to one or two, but they seemed to be very busy, and I did not bother them; and it occurred to me in the smoking compartment that Mr. Wiehe was just about the one man on the train that I might talk to if I could find him disengaged.

Mr. HEALY. You regarded him as legitimate prey?

Mr. JOHNSON. Absolutely.

Mr. HEALY. And when he left the smoking compartment you practically followed him out?

Mr. JOHNSON. I think so.

Mr. HEALY. Did you catch up with him? Did you see him?

Mr. JOHNSON. I did not.

Mr. HEALY. Did you look for him that evening?

Mr. JOHNSON. I looked for him. I did not go up and down looking for him.

Mr. HEALY. How much did you look for him that night?

Mr. JOHNSON. I looked for him in a disengaged condition.

Mr. HEALY. What do you mean by "a disengaged condition"?

Mr. JOHNSON. I mean, I hoped he might go back into the smoking room. I had a feeling that I might get a chance to talk to him.

Mr. HEALY. Did you see him again that evening?

Mr. JOHNSON. That is a queer thing: I have no remembrance of seeing Mr. Wiehe from that minute, after he went out of there, until I saw him in the office of the Virginia & Rainy Lake Lumber Co. about 7.30 o'clock the next evening, after dinner.

Mr. HEALY. You were looking for him; were you not?

Mr. JOHNSON. Yes.

Mr. HEALY. And watching both ends of the car?

Mr. JOHNSON. As best I could and doing what I conceived to be my other work.

Mr. HEALY. What other work were you transacting that night?

Mr. JOHNSON. I still had this self-appointed assignment to consummate, of seeing all these people.

Mr. HEALY. But you had made up your mind prior to that time that Mr. Wiehe was the particular man whom you could best work upon?

Mr. JOHNSON. He was; yes, sir.

Mr. HEALY. Did you not testify before the Springfield committee that Wiehe was the particular man you were looking for, and that you went out and watched both ends of the car?

Mr. JOHNSON. According to my recollection, I think I did.

Mr. HEALY. To try to locate him?

Mr. JOHNSON. Yes, sir.

Mr. HEALY. And that he did not come into the car again that evening?

Mr. JOHNSON. Not to my knowledge.

Mr. HEALY. You were positive about it at that time; were you not?

Mr. JOHNSON. I think I was.

Mr. HEALY. What is the condition of your mind now with reference to it?

Mr. JOHNSON. The condition of my mind about it is, even to myself, rather peculiar. I must have concluded that what constituted an opportunity of seeing Wiehe was seeing him disengaged, because I certainly must have looked for Wiehe, if I could have seen him on that coach.

Mr. HEALY. What makes you think Mr. Wiehe was on the coach after you came out of the smoking compartment, now, when you were very positive at Springfield that he was not in the coach the rest of that evening?

Mr. JOHNSON. Yes; and I even thought he was in the drawing-room.

Mr. HEALY. Yes. You were very positive about it at that time, were you not?

Mr. JOHNSON. A number of people said that he was there, and they saw him, and they thought it was rather remarkable that I did not see him.

Mr. HEALY. Yes. Mr. Harper testified after you at Springfield, did he not?

Mr. JOHNSON. Yes; I believe so.

Mr. HEALY. Your attention has been called to the fact that after you had positively testified that Mr. Wiehe was not in that coach, Mr. Harper placed Mr. Wiehe in front of you and on one side of you for all the way from three-quarters of an hour to an hour or an hour and a half?

Mr. JOHNSON. No, sir; my attention has not been called to it.

Mr. HEALY. Has your attention been called to the testimony of Mr. Harper, given that same afternoon at Springfield?

Mr. JOHNSON. I have read the testimony of Mr. Harper.

Mr. HEALY. Yes. You and Mr. Harper and Mr. Cusson were volunteered to the Springfield committee by Mr. Wiehe, were you not? That is, your presence was volunteered there?

Mr. JOHNSON. Yes, sir.

Mr. HEALY. When you appeared at Springfield, so far as you know, no one connected with the committee knew of your presence?

Mr. JOHNSON. That is true.

Mr. HEALY. And after Mr. Wiehe had testified, he informed the committee in open session that you gentlemen were there, and that he desired to have you called as witnesses?

Mr. JOHNSON. He did.

Mr. HEALY. And then you and Mr. Cusson and Mr. Harper were excluded from the witness room, or the other two gentlemen were excluded, and you testified first?

Mr. JOHNSON. I believe that is the fact; yes, sir; as I remember it.

Mr. HEALY. At that time, in the month of April, 1911, you were very clear in your mind with reference to Mr. Wiehe's whereabouts after he left the smoking compartment, were you not?

Mr. JOHNSON. No, sir; I was not.

Mr. HEALY. Did you not so testify?

Mr. JOHNSON. I did not. I testified that I did not have any knowledge of seeing him again until I saw him in the office of the Virginia & Rainy Lake Co. Neither have I now.

Mr. HEALY. Let me refresh your recollection by what you testified to there.

Mr. JOHNSON. All right.

Mr. HEALY. I read from page 198, at the bottom of the page. Were these questions asked you, and did you answer, as I read from page 198 of the report of the Helm committee, at the bottom of the page:

Q. About how long after his departure was it that you took yours?—A. About five minutes. I was there to see Mr. Wiehe. I wanted an opportunity and I wanted to see him segregated from the crowd before I got it.

Is that correct?

Mr. JOHNSON. Yes, sir.

Mr. HEALY. Then you did not want to see him in the smoking compartment with these others?

Mr. JOHNSON. Oh, it might be.

Mr. HEALY. You wanted him segregated in some portion of the coach or car, did you not?

Mr. JOHNSON. If that were possible, which it did not seem later to be, I imagine.

Mr. HEALY. Then were you asked this question:

Q. And did he segregate himself?

And did you answer:

A. He did completely so far as I was concerned, because I was not successful in seeing Mr. Wiehe until the next evening at 8 o'clock in Virginia.

Q. After you left the smoking compartment, did you see Mr. Wiehe again that evening?—A. I did not, and I looked for him. He disappeared into the opposite end of the car and I later——

Q. Well, now, we don't want your understanding, we want to know just what you know about it.—A. Will you let me tell you?

Q. You searched the train for him?—A. No; I did not search the train. I did not leave the car.

Q. You looked for him, did you?—A. I said, Mr. Healy, he went out before and he never came back there, to my knowledge, because I tried to find him.

Q. Now, when he left the smoking compartment, you remained in the smoking compartment, did you?—A. A very short time, probably——

Q. Well, 5 minutes?—A. Likely 5 minutes.

Q. Longer or shorter doesn't matter.—A. Yes.

Then we discussed the character of the smoking compartment, which I will not call your attention to at this time. I read from page 199:

Q. Now, when Mr. Wiehe left the smoking compartment he went through this door?—A. He did.

Q. And in which direction did he turn—toward the engine end of the train or the rear end?—A. I don't know. Mr. Edward Hines came in for him.

Q. You don't know to which end of the train he went?—A. I don't just definitely know that; no, sir.

Q. Then you came out into the body of the car 5 or 10 minutes later—about 5 minutes later—and you sat down, and you watched both ends of that particular car in order to see whether Mr. Wiehe had returned?—A. I did, and I was also looking for Mr. Edward Hines, whom I was going to see there.

Q. Did you go back in the smoking compartment?—A. I did not.

Q. Did you look in there to see whether he might have been in there later in the evening?—A. I did not, because I had an idea, very well founded on evidence that was given me by other members of the party, that Mr. Wiehe and Mr. Hines were in some sort of consultation.

Then you go on to discuss the probability of their being in the drawing room. That was your testimony at Springfield, was it not?

Mr. JOHNSON. As I remember it; yes, sir.

Mr. HEALY. In reference to the drawing room you answered:

A. I got it pretty thoroughly fixed in my mind that probably they was in the drawing room of the coach.

You probably said they were in the drawing room of the coach.

Mr. JOHNSON. I think so; I hope I did. I noticed that.

Mr. HEALY. I hope you did. [Reading:]

I never knew definitely whether they was or not.

Mr. JOHNSON. Yes, sir; that is fine editing.

Mr. HEALY (reading):

But that was as far as——

And then you were interrupted. Then you were asked, at the top of page 200:

Q. Now, would it be possible for Mr. Wiehe to come back into that smoking compartment without your knowing about it?—A. Well, I watched them coming and going. I do not think it was my business. I went there to see him.

And you were asked this question:

Q. Yes; but you do not know which end?

Mr. HYNES. No; that is skipping something.

Mr. HEALY. That is skipping the next question. [Reading:]

A. No, sir; I don't. I did not take any chance on that. I sat down as near the middle of the car as I could and played it both ways.

Q. Your seat was in the middle of the car?—A. Well, about; yes, sir.

Q. And I assume you face forward. You faced in the direction in which the train was moving?—A. Well, I don't know whether—that I did or I did not. I couldn't be definite about it. I didn't pay any attention to that matter.

Then you were asked this question:

Q. You testified before the committee, Mr. Johnson, that it would have been impossible for Mr. Wiehe to come into this car without your seeing him that evening.—A. It was the best of my belief, sir.

And were you asked this question:

Q. Well, do you know whether you were or not? Have you any recollection?

And did you answer:

A. I was part of the time, certainly; because I was watching both ends of the car.

What were you watching both ends of the car for, Mr. Johnson?

Mr. JOHNSON. Oh, in a general way, to see, as I figure it now, if Mr. Wiehe would become so disengaged that I might courteously and diplomatically approach him and engage him in conversation.

Mr. HEALY. And you did not see him in the car that evening?

Mr. JOHNSON. I have no remembrance of having seen him again, positively, as I stated. It might have been that he might have slipped down in the seat; he might have been where I could not have seen him if I had tried. He certainly did not sit with me.

Mr. HEALY. You read Mr. Harper's testimony, you say?

Mr. JOHNSON. I did; yes, sir; naturally.

Mr. HEALY. Mr. Harper definitely placed Mr. Wiehe in the same car which you occupied after you left the smoking compartment?

Mr. JOHNSON. He did, as I remember it.

Mr. HEALY. He was one of the witnesses volunteered by Mr. Wiehe who came upon the stand immediately after you, or after Mr. Cusson?

Mr. JOHNSON. I do not know; I guess so.

Mr. HEALY. You remained in the witness room after you testified?

Mr. JOHNSON. Yes.

Mr. HEALY. Do you not recall who it was that followed you on the witness stand?

Mr. JOHNSON. I recall a Mr. Harper that was there.

Mr. HEALY. He was the next witness?

Mr. JOHNSON. Yes.

Mr. HEALY. Did his testimony surprise you?

Mr. JOHNSON. I never saw his testimony—yes; it did.

Mr. HEALY. You heard his testimony?

Mr. JOHNSON. I did not hear his testimony; I beg your pardon. I went out of the room. I did not hear Mr. Harper. I never knew anything about Mr. Harper's testimony until a week ago.

Mr. HEALY. You did not ask for any opportunity to go before the committee and change your testimony?

Mr. JOHNSON. I had no opportunity.

Mr. HEALY. You did not indicate that your mind had been refreshed by Mr. Harper's testimony?

Mr. JOHNSON. It has not been refreshed up to date.

Mr. HEALY. You did not make such a suggestion to the committee?

Mr. JOHNSON. I certainly did not, because I never saw Mr. Harper's testimony until last Wednesday, coming over on the train from Chicago.

Mr. HEALY. Are you sure you did not see Mr. Harper on the witness stand at Springfield?

Mr. JOHNSON. I most positively am, because I realized that I had rather infringed on the committee by being in there, being found in the room. I did not know that I was doing anything out of the way, and, by the way, I had never testified in any court before in my life.

Mr. HEALY. You were not criticized for that, Mr. Johnson.

Mr. JOHNSON. No; I understand that I was not; but when I got through testifying I left the room, Mr. Healy.

Mr. HEALY. You travel a good deal, do you not, Mr. Johnson?

Mr. JOHNSON. Fifty thousand miles a year.

Mr. HEALY. And you have the small vice of smoking?

Mr. JOHNSON. I have.

Mr. HEALY. Do you usually spend your time in the smoking compartments of trains upon which you travel?

Mr. JOHNSON. Not as much as I did when I was younger.

Mr. HEALY. About how many cigars a day were you in the habit of smoking in the month of March, 1911?

Mr. JOHNSON. I have not the slightest idea.

Mr. HEALY. A good many or few?

Mr. JOHNSON. I could not tell you that; I do not know. I do not keep any track of it.

Mr. HEALY. Do you regard yourself as an inordinate smoker?

Mr. JOHNSON. When I am sort of out of a job, as I have been here for the last week, I smoke too much. I am conscious of that. There is nothing else to do.

Mr. HEALY. You came up from Texas on what road to this Duluth or Virginia meeting?

Mr. JOHNSON. I think I came by New Orleans; I naturally would from Houston.

Mr. HEALY. On the Illinois Central?

Mr. JOHNSON. If I came by New Orleans I came by way of the Illinois Central to Chicago.

Mr. HEALY. Did you occupy the smoking compartment during any part of that trip?

Mr. JOHNSON. I am not certain that I came by the Illinois Central to Chicago.

Mr. HEALY. On any road you came from New Orleans to Chicago at that time?

Mr. JOHNSON. I may have, naturally.

Mr. HEALY. Have you any recollection about it?

Mr. JOHNSON. I do not suppose I would occupy a smoking compartment traveling on an Illinois Central train, because you are not permitted to smoke in the compartment of a sleeping car. There is a club car for that purpose.

Mr. HEALY. What I want to find out is whether you have any recollection of your trip from New Orleans to Chicago?

Mr. JOHNSON. No specific recollection.

Mr. HEALY. In March, 1911?

Mr. JOHNSON. I made several trips during the month or six weeks.

Mr. HEALY. Do you remember any other railroad trip which you took during the month of March, 1911?

Mr. JOHNSON. The month of March? Yes, sir.

Mr. HEALY. Where and when?

Mr. JOHNSON. I went from Virginia to Duluth, from Duluth to St. Paul, from St. Paul back to Chicago, from Chicago to St. Louis, from St. Louis to—in fact, nearly as quickly as I could I got back into the same Texas country that I had previously come from.

Mr. HEALY. On any of those subsequent trips—I mean after you had transacted your business with the directors of this lumber company of Virginia—do you remember what part of the train you occupied?

Mr. JOHNSON. I usually put in a good deal of my time in my berth.

Mr. HEALY. Have you any distinct recollection about it?

Mr. JOHNSON. Yes.

Mr. HEALY. For instance, coming down from Duluth to St. Paul on the return trip?

Mr. JOHNSON. I know exactly how I put in my time.

Mr. HEALY. Did you meet anybody on that trip?

Mr. JOHNSON. From Duluth to St. Paul on that trip I traveled with—I remember distinctly a young fellow that was taken off the train with a sudden illness. He was taken off the day train on my coming to St. Paul that time.

Mr. HEALY. That was an unusual incident, was it not?

Mr. JOHNSON. Yes; it was.

Mr. HEALY. That does not happen every day?

Mr. JOHNSON. No.

Mr. HEALY. Do you remember meeting anybody else on that trip?

Mr. JOHNSON. Nobody that I knew.

Mr. HEALY. Did you talk with anybody on that trip?

Mr. JOHNSON. Either upon my return from Virginia to St. Paul or on my previous trip to see Mr. Cusson I met a Mr. C. F. Brackett, an old-time saw manufacturing friend of mine, with whom I had a very interesting conversation.

Mr. HEALY. Was that in the smoking compartment of some train?

Mr. JOHNSON. That was in a sort of club car, I think.

Mr. HEALY. Do you remember who else was in the car on that occasion?

Mr. JOHNSON. No, sir; no one that I knew.

Mr. HEALY. Did you talk with any stranger in that car?

Mr. JOHNSON. No, sir; it is not my habit to talk with strangers.

Mr. HEALY. Or they with you?

Mr. JOHNSON. It is a very unusual thing for me to talk with strangers.

Mr. HEALY. Do you know Senator Lorimer, Mr. Johnson?

Mr. JOHNSON. How do you mean, Mr. Healy?

Mr. HEALY. Do you know him?

Mr. JOHNSON. When I see him; yes, sir. I have no personal acquaintance with Senator Lorimer.

Mr. HEALY. How long have you known him?

Mr. JOHNSON. I have known of Senator Lorimer—the first time I ever saw Senator Lorimer was going up some steps into a—

Mr. HEALY. How long have you known him?

- Mr. JOHNSON. When was the St. Louis Exposition?
- Mr. HEALY. I am not on the witness stand.
- Mr. JOHNSON. I do not know.
- Mr. HEALY. About how long?
- Mr. JOHNSON. During the St. Louis Exposition I saw Senator Lorimer for the first time in my life.
- Mr. HEALY. Have you ever been interested in his campaigns?
- Mr. JOHNSON. I have not.
- Mr. HEALY. Mr. Burgess testified before the Helm committee on the 20th of April, 1911, did he not?
- Mr. JOHNSON. I do not know the date.
- Mr. HEALY. Your telegram from Mr. Wiehe is dated the 22d of April, is it not?
- Mr. JOHNSON. Yes, sir.
- Mr. HEALY. And he informed you in that telegram of Mr. Burgess's testifying before that committee?
- Mr. JOHNSON. Yes; in a general way, as I read, as the telegram indicates.
- Mr. HEALY. Prior to that time; and then you appeared on the 25th of April as a witness?
- Mr. JOHNSON. Twenty-third, twenty-fourth, twenty-fifth; yes, sir.
- Mr. HEALY. Do you remember Mr. Wiehe making the statement before that committee that in addition to the witnesses whom he had volunteered that day, he would produce the attendance of other witnesses?
- Mr. JOHNSON. Yes; he made some remark about his willingness to get other witnesses there if he could—he would use his good offices, and so forth, as I remember it.
- Mr. HEALY. That was after you testified, was it not?
- Mr. JOHNSON. That was before I testified.
- Mr. HEALY. Was that before you testified?
- Mr. JOHNSON. I testified after Mr. Wiehe, I think, because I was in the room, you know.
- Mr. HEALY. You did not return to the room after you testified?
- Mr. JOHNSON. Not to my knowledge; no, sir.
- Mr. HEALY. After you left the smoking compartment that evening, you did not return to it?
- Mr. JOHNSON. I did not. You mean on the Virginia train?
- Mr. HEALY. Yes.
- Mr. JOHNSON. No, sir.
- Mr. HEALY. Your recollection is that you left the smoking compartment sometime before 8 o'clock?
- Mr. JOHNSON. Oh, I would think so.
- Mr. HEALY. The train left Duluth at 7.10 in the evening?
- Mr. JOHNSON. It did, I have since learned.
- Mr. HEALY. Your recollection is that you remained in there 20 or 25 minutes?
- Mr. JOHNSON. I said 25 or 30 minutes, and I have no reason to change that.
- Mr. HEALY. You did not go back into the smoking compartment after that time?
- Mr. JOHNSON. No, sir.
- Mr. HEALY. Who occupied the smoking compartment after you left you do not know?

Mr. JOHNSON. I do not.

Mr. HEALY. Whether Mr. Wiehe went in there again and had a conversation with Mr. Burgess or not, you do not know?

Mr. JOHNSON. I do not.

Senator FLETCHER. Mr. Johnson, you appear to be a man of unusual intelligence—

Mr. JOHNSON. Thank you.

Senator FLETCHER. Of good memory; with a mind trained by education and experience, and a man of excellent character. I say that as a introduction to some questions that I am going to ask which may have the appearance of being rather personal or facetious, but I mean them in all seriousness.

Were you perfectly sober that evening in that compartment from Duluth to Virginia?

Mr. JOHNSON. I was; yes, sir.

Senator FLETCHER. Was Mr. Burgess?

Mr. JOHNSON. I do not know.

Senator FLETCHER. What would be your idea? You talked with him and heard him talk.

Mr. JOHNSON. I have no idea on the subject. He did not appear like a drunken man, I know.

Senator FLETCHER. Was Mr. Wiehe sober?

Mr. JOHNSON. He was.

Senator FLETCHER. Was this young Canadian whom we now suppose to be Mr. McGowan sober?

Mr. JOHNSON. I did not see any drunken men on the train, Senator.

Senator FLETCHER. You do not suffer from any such trouble as lapse of memory or mental aberration, do you?

Mr. JOHNSON. Just as any other man living in public life might do; yes.

Senator FLETCHER. You have no special or particular fault of that kind? Your mind is generally clear?

Mr. JOHNSON. Yes, sir.

Senator FLETCHER. Your memory is good, is it not?

Mr. JOHNSON. Fairly so.

Senator FLETCHER. On the train, Mr. Johnson, from Duluth to Virginia, in the same compartment where you sat in the chair, sitting opposite you, was a man of intelligence, sound mind and memory, and, so far as we know, of good character. That man has testified before this committee that on that trip there came a time when there were only three people in that compartment—himself, Mr. Wiehe, and Mr. McGowan or, as he might say, the young man from Canada—and that while those three only sat in that compartment the question or the subject of the election of Senator Lorimer was raised; that he expressed himself on that subject, and Mr. Wiehe immediately took up the cudgels and wanted to know what he knew about Mr. Lorimer's election; and that Mr. Burgess told Mr. Wiehe the only thing that he knew about Mr. Lorimer's election was what he had read in the papers; that Mr. Wiehe asked him, then, if he got his information from the Chicago Record-Herald or some other paper, and that he told Mr. Wiehe that he got his information from the local papers in Duluth—the Evening Herald, the News, the Tribune—and the Chicago Examiner; that Mr. Wiehe then made the

remark to him that he, Burgess, did not know very damn much about it.

The conversation continued and Mr. Burgess told Mr. Wiehe, so he said, that it was credited about the country that Mr. Lorimer had used a considerable amount of money to secure his election; and Mr. Wiehe said that Mr. Lorimer had not used a dollar of his own money for his election. The conversation kept on, and then Mr. Wiehe started in to tell Mr. Burgess how Mr. Lorimer was elected, and finally made this statement: "There was a jack pot raised to elect Mr. Lorimer. I know what I am talking about, because I subscribed \$10,000 to it myself."

Mr. Burgess has testified before this committee, also, that Mr. Wiehe said something about a fund of \$100,000 having been raised in that connection, and he qualified that later, and is not quite so sure that that was mentioned, now; but they continued, and Mr. Wiehe further said that it was impossible to get anything of merit through the Illinois Legislature without the use of money.

You have testified that you preceded Mr. Wiehe into that compartment?

Mr. JOHNSON. I am in doubt about that, and have not so testified.

Senator FLETCHER. I understood you, yesterday, to express that as your impression or your view or your memory, now?

Mr. JOHNSON. Pardon me, Senator, I said I felt in doubt as to whether I was in just before Mr. Wiehe went in, and I still am.

Senator FLETCHER. In any event, the two things transpired very close together?

Mr. JOHNSON. Very closely together, I think.

Senator FLETCHER. And you have testified that Mr. Wiehe left the compartment before you?

Mr. JOHNSON. He did; that I do know.

Senator FLETCHER. That you practically followed him out?

Mr. JOHNSON. Yes, sir.

Senator FLETCHER. You have testified that you heard the conversation that went on in that compartment and that you heard no such conversation as I have just mentioned as detailed by Mr. Burgess?

Mr. JOHNSON. I certainly have.

Senator FLETCHER. You are positive and clear about that?

Mr. JOHNSON. Most definite; because it would have been a very astonishing thing, and I never would have forgotten it.

Senator FLETCHER. Then, Mr. Johnson, does it not come to this: That if your testimony is true, Mr. Burgess has fabricated this whole statement out of whole cloth?

Mr. JOHNSON. I have never doubted from the beginning—

Senator KENYON. That is not what the Senator asked you.

Mr. JOHNSON. What?

Senator KENYON. Do you say that if your testimony is true, Mr. Burgess has fabricated his testimony? That is the question the Senator asked you.

Mr. JOHNSON. If the story that he relates is true, it never occurred in my presence. That is all I can say.

Senator FLETCHER. The rule is that this committee ought to view the testimony of these witnesses so as to have each one of them speak the truth, if possible.

Senator KENYON: Are you passing on the truth of the story of Mr. Burgess?

Mr. JOHNSON. I would have if I had been allowed to answer the question that the Senator just asked me.

Senator KENYON. That is what Senator Fletcher asked you.

Mr. JOHNSON. Do you ask me whether or not I believe Mr. Burgess's statement?

Senator FLETCHER. If I am allowed to finish the question, I think that would be better, and we would get along more rapidly, more sensibly, and more logically. When I am through, then others may examine. I have to go back, now, and repeat that whole question. I say the rule is that this committee should so view the testimony of the witnesses as to have each one of them speak the truth, if possible. Can you help this committee by suggesting any way we can reconcile your testimony with that of Mr. Burgess in respect to the conversation which he says took place in that compartment?

Mr. JOHNSON. Does Mr. Burgess say that conversation took place while I was in that compartment?

Senator FLETCHER. Mr. Burgess says it took place in that compartment on that very trip, there being present at the time Mr. Wiehe, the young man from Canada, and himself.

Mr. JOHNSON. I do not know how I could help you there, because Mr. Burgess evidently eliminates me.

Senator FLETCHER. You have testified that you were in that compartment practically all the time that Mr. Wiehe was there?

Mr. JOHNSON. Yes, sir; I have.

Senator FLETCHER. Then, if this conversation took place with Mr. Wiehe which Mr. Burgess has testified to, it must have taken place in your hearing?

Mr. JOHNSON. Well, it certainly did not.

Senator FLETCHER. Then I am now asking you how you can reconcile your statement—that it did not take place—with the statement of Mr. Burgess—that it did take place between him and Mr. Wiehe in that compartment on that trip?

Mr. JOHNSON. I do not reconcile it. I do not aim to. I would like to, but I can not do it and tell the truth.

Senator JONES. You do not know whether Mr. Wiehe was in the compartment when you were not there?

Mr. JOHNSON. No; of course not. I did not so testify.

Senator JONES. And you did not see Mr. Wiehe after you left the compartment?

Mr. JOHNSON. I did not.

Senator JONES. You did not go back there to see whether he was there or not?

Mr. JOHNSON. I was not back in the smoking room.

Senator JONES. You do not know whether he came back there or not?

Mr. JOHNSON. No; I can only answer for the time I was in there. I did not try to do anything else.

Senator KENYON. Have you said that this conversation with Mr. Burgess did not take place?

Mr. JOHNSON. I said it did not take place in my presence.

Senator KENYON. In your presence?

Mr. JOHNSON. Yes.

Senator KENYON. Did you say that you were there all the time that Mr. Burgess and Mr. Wiehe were there?

Mr. JOHNSON. No, sir; I did not.

Senator KENYON. Then what have you to reconcile in your statement?

Mr. JOHNSON. Nothing, so far as I can see.

Senator KENYON. There was plenty of time for the conversation to take place when you were not present?

Mr. JOHNSON. Why, certainly. Certainly, if Mr. Wiehe went back, there was.

Senator KENYON. Then, as far as you are concerned, this Burgess conversation may have taken place when you were not there?

Mr. JOHNSON. It certainly would have had to take place when I was not there. It did not occur when I was there.

Senator KENYON. It could have taken place when you were not there?

Mr. JOHNSON. I do not know about that. I am not going to answer that. I do not see how I can.

Senator KENYON. You have been asked by Senator Fletcher how you reconcile your statement with the testimony of Mr. Burgess?

Mr. JOHNSON. I do not reconcile it. I do not attempt or try to.

Senator KENYON. You could reconcile it——

Mr. JOHNSON. How?

Senator KENYON. Wait a moment until I finish my question. You could reconcile it by the fact, if it is a fact—which I do not know—that the conversation took place when you were not present?

Mr. JOHNSON. It might have taken place when I was not present. I do not know anything about that.

Senator KENYON. In other words, are you assuming to pass on the question whether or not any such conversation took place in that car that night?

Mr. JOHNSON. No, sir; I am not. I would not think of doing that.

Senator KENYON. Then, what is there to reconcile as to your statement and as to Mr. Burgess's testimony?

Mr. JOHNSON. I do not know that there is anything especially. I am making the direct assertion, as often as I have been asked, that Mr. Burgess and Mr. Wiehe had no such conversation in my presence. Further than that I can not go.

Senator KENYON. Let me ask you this: Were you present all the time in that smoking compartment when Mr. Burgess and Mr. Wiehe were there?

Mr. JOHNSON. If Mr. Wiehe did not go back into the smoking compartment, yes; I believe so.

Senator KENYON. You believe you were present all the time?

Mr. JOHNSON. Practically so; yes, sir.

Senator KENYON. Well, you say "practically so." Leave out "practically." Were you present all the time?

Mr. JOHNSON. You know I am uncertain about just whether I went in immediately ahead or immediately after Mr. Wiehe. That is the only time I can not account for. I am making no definite statement about that.

Senator KENYON. But after you went in you were present all the time until Mr. Wiehe left?

Mr. JOHNSON. I positively was; yes, sir.

Senator KENYON. How long a period of time was that?

Mr. JOHNSON. Twenty-five or thirty minutes.

Senator KENYON. Did you leave for any purpose whatever?

Mr. JOHNSON. Yes, sir. I left to try to find Mr. Wiehe and talk to him.

Senator KENYON. During that 20 or 30 minutes?

Mr. JOHNSON. No, sir; not during that 20 or 30 minutes. I was in the chair.

Senator KENYON. You did not leave the smoking compartment during that time?

Mr. JOHNSON. No, sir; until I left finally.

Senator KENYON. How many were in the smoking compartment at that time?

Mr. JOHNSON. Shall I name them?

Senator KENYON. No; just the number.

Mr. JOHNSON. Five or six. Two or three people dropped into the door and backed out and left.

Senator KENYON. Were they smoking and talking?

Mr. JOHNSON. Just generally, as people josh about in a smoking compartment.

Senator KENYON. Could a conversation have taken place there that you might not have heard?

Mr. JOHNSON. Not of that startling character.

Senator KENYON. Not of that character?

Mr. JOHNSON. No, sir.

Senator KENYON. It depends, of course, upon the tone of voice whether you would have heard it or not?

Mr. JOHNSON. I do not think anything as emphatically stated as I understood from the Senator's reading of the testimony—which is the first reading I have had of that particular testimony—could have taken place while I was there. My newspaper sense would not have allowed that to pass, because I am just as anxious to find out those things as you are, Senators, or the daily newspaper press.

Senator JONES. You say that Mr. McGowan had positive views on reciprocity?

Mr. JOHNSON. He had that positive view that I have just stated a little while ago.

Senator JONES. And did he express those views unre-servedly?

Mr. JOHNSON. Rather as a finality. He said reciprocity between the United States and Canada would never occur.

Senator JONES. Did he express his personal views upon the merits of the proposition?

Mr. JOHNSON. He might have, Senator; I do not know.

Senator JONES. You do not remember that?

Mr. JOHNSON. No; I do not remember.

Senator JONES. I understood, from your testimony—

Mr. JOHNSON (interrupting). I do not remember. He talked quite interestingly about it.

Senator JONES. Did you hear him and Mr. Burgess talking about it?

Mr. JOHNSON. No; not specifically. All the time there was not a conversation from one to another, but just generally, as it might be in a smoking room.

Senator JONES. He testified in his examination that he and Mr. Burgess took rather neutral views on reciprocity.

Mr. JOHNSON. That might have been. I do not know.

Senator JONES. Did you gather that from his conversation?

Mr. JOHNSON. No; I did not. I was only interested in the Canadian side of the question.

Senator KENYON. What is this American Lumberman that you were connected with?

Mr. JOHNSON. The American Lumberman is a trade or class journal, devoted to lumber news, national and international. It is a weekly paper printed each Thursday in Chicago.

Senator KENYON. You were the staff correspondent?

Mr. JOHNSON. I was the chief staff representative of the paper; the general staff representative, until July 6.

Senator KENYON. Of this year?

Mr. JOHNSON. Of this year.

Senator KENYON. Is a stock company running that paper?

Mr. JOHNSON. The American Lumberman is owned by the American Lumberman Co. I am not quite sure about the corporate title of it, but the American Lumberman is an item in the estate of the late J. E. Deffibaugh.

Senator KENYON. When did he die?

Mr. JOHNSON. The 21st of November, 1909.

Senator KENYON. Who was the Deffibaugh in Washington during the discussion on the lumber tariff here in 1909? Is that the same one?

Mr. JOHNSON. Undoubtedly.

Senator KENYON. He is dead?

Mr. JOHNSON. Yes, sir; he is dead.

Senator KENYON. Who is interested in the American Lumberman?

Mr. JOHNSON. The estate of the late J. E. Deffibaugh only.

Senator KENYON. Anyone else?

Mr. JOHNSON. No person.

Senator KENYON. No person whatever?

Mr. JOHNSON. No person whatever; that is, in a proprietary way, you mean?

Senator KENYON. Yes. You knew of his being in Washington in 1909?

Mr. JOHNSON. Yes, sir.

Senator KENYON. Were you here yourself?

Mr. JOHNSON. I was not.

Senator KENYON. Do you know of any contributions being made to pay the expenses of that committee in Washington?

Mr. JOHNSON. I do not.

Senator KENYON. The Weyerhaeusers had no interest in this matter?

Mr. JOHNSON. None whatever.

Senator KENYON. Or Mr. Hines?

Mr. JOHNSON. None whatever.

Senator KENYON. How long have you known the Weyerhaeusers?

Mr. JOHNSON. I have known the Weyerhaeusers, personally, not at all intimately. I have known Rudolph Weyerhaeuser for seven or eight years; and I met Mr. F. E. Weyerhaeuser at the National Association meeting in May of this year in Chicago; and I met Mr.

John Weyerhaeuser for the first time on this trip from Duluth to Virginia.

Senator KENYON. How long have you known Mr. Edward Hines?

Mr. JOHNSON. I have known Mr. Edward Hines casually from 1887 until within the last two or three years. Mr. Edward Hines and I have never been thrown much together until within the last six or eight weeks.

Senator KENYON. Have you had business connections with him?

Mr. JOHNSON. I never made a business contract with Mr. Hines until the 8th of March, 1911.

Senator KENYON. What was that contract?

Mr. JOHNSON. Simply a contract with the Virginia & Rainy Lake Co. and the American Lumberman for a small display card in our paper.

Senator KENYON. Have you had any business connections with them now?

Mr. JOHNSON. None whatever.

Senator KENYON. You say you are out of employment now?

Mr. JOHNSON. I am, pending reemployment by the American Lumberman.

Senator KENYON. Have you talked with Mr. Hines about your testimony in this case in this hearing?

Mr. JOHNSON. Not specifically. I suppose in a way; yes. Not in any—

Senator KENYON. Is he interested in any enterprises that you are interested in?

Mr. JOHNSON. None whatever, to my knowledge.

Mr. HEALY. I would like to ask one more question. When you left the smoking compartment that night, Mr. Johnson, who remained in it?

Mr. JOHNSON. I have not given that any thought. I think McGowan and Burgess, and I am pretty sure Mr. Cusson remained.

Mr. HEALY. Anybody else?

Mr. JOHNSON. Yes; Mr. Weyerhaeuser.

Mr. HEALY. Anybody else?

Mr. JOHNSON. Not to my knowledge.

Mr. HEALY. You do not remember Mr. Price being in there after you left?

Mr. JOHNSON. I do not remember ever having seen Mr. Price until I met him in Washington.

Mr. HYNES. As you sat there, Mr. Johnson, was your seat practically opposite Mr. Wiehe while he and you were in the smoking compartment?

Mr. JOHNSON. I sat by the window.

Mr. HYNES. But your chair—

Mr. JOHNSON. Was practically opposite Mr. McGowan and Mr. Wiehe.

Mr. HYNES. Opposite McGowan and Wiehe?

Mr. JOHNSON. Yes.

Mr. HYNES. Mr. Healy did not read one question and answer when he was reading from the proceedings before the Helm committee. Let me call your attention to it, to see whether you recall having made this statement.

Mr. HEALY. What page?

Mr. HYNES. Page 200. This is where Mr. Healy stopped, in respect to your observations, and looking for Mr. Wiehe in the open car outside, was this question put to you?

Q. Well about the other part of the time?—A. I was conversing with several gentlemen on the train whom I did—whom I had made myself an appointment to see, and whom I did see, Mr. Rudolph Weyerhaeuser, Mr. J. E. Rhoades, and two others.

Did you make that answer to him in that connection, as to how you were otherwise engaged?

Mr. JOHNSON. I do not know about the text, but those are the facts.

Mr. HYNES. Do you remember the substance of that—of those facts?

Mr. JOHNSON. Oh, yes; that is true.

Senator FLETCHER. Referring again to the statement of Mr. Burgess as to the conversation with Mr. Wiehe; Mr. McGowan has testified that Mr. Wiehe never returned to that compartment after he left it. Now, if that be true, was it possible for this conversation which Mr. Burgess states took place to have taken place in that compartment?

Mr. JOHNSON. Granting that Mr. McGowan was telling the truth, no.

Senator FLETCHER. Mr. Burgess further testified that there was reference made to a Catholic priest and detectives. Did you hear anything of that sort?

Mr. JOHNSON. Not a word, and I knew nothing of that until I saw it in the evening paper here the other day.

Senator FLETCHER. If Mr. Wiehe never returned to the compartment, what would you say as to that conversation having taken place?

Mr. JOHNSON. I would say that it did not occur in the smoking room of that sleeper.

Senator GAMBLE. Were you in a position, in your seat, accessible to Mr. Wiehe and Mr. Burgess, so that any conversation that might have passed between them during the time you were in there with Mr. Wiehe could have been heard by you? Could you have heard it?

Mr. JOHNSON. I could. I could not have helped it.

Senator GAMBLE. And you were there, you state, during all the time that Mr. Wiehe was there, until he went out?

Mr. JOHNSON. From the time I came in; yes.

Senator GAMBLE. And then you, in about five minutes, went out of the smoking compartment?

Mr. JOHNSON. Yes.

Senator GAMBLE. And you did not return afterwards?

Mr. JOHNSON. I did not.

The CHAIRMAN. That is all.

TESTIMONY OF JOHN B. PRICE.

JOHN B. PRICE, being duly sworn, was examined and testified as follows:

Mr. HYNES. Your full name, please?

Mr. PRICE. John Benjamin Price.

Mr. HYNES. Where do you live?

Mr. PRICE. Seattle, Wash.

- Mr. HYNES. What is your business?
- Mr. PRICE. Lumber.
- Mr. HYNES. With what concern?
- Mr. PRICE. The Puget Sound Lumber Agency.
- Mr. HYNES. Are you connected in any manner with the Edward Hines Lumber Co. or with any concern with which he is connected?
- Mr. PRICE. No, sir.
- Mr. HYNES. Or with which that company is connected?
- Mr. PRICE. No, sir.
- Mr. HYNES. How long has you been in the lumber business?
- Mr. PRICE. About 10 years.
- Mr. HYNES. How long have you lived in the State of Washington?
- Mr. PRICE. All my life. I was born there.
- Mr. HYNES. What was your father's name?
- Mr. PRICE. James H. Price.
- Mr. HYNES. Was he in the lumber business?
- Mr. PRICE. No, sir.
- Mr. HYNES. What was his position, if he had any position?
- Mr. PRICE. He was secretary of state for about four years.
- Mr. HYNES. Were you born in Seattle?
- Mr. PRICE. No, sir; I was born in Victoria, British Columbia.
- Mr. HYNES. But you have lived in Washington?
- Mr. PRICE. Yes.
- Mr. HYNES. Did I understand you to say you were born in the State of Washington?
- Mr. PRICE. My father was in the employ of the Government at that time.
- Mr. HYNES. Your family were temporarily absent from Washington when you were born?
- Mr. PRICE. Yes, sir.
- Mr. HYNES. You never were anything else than an American citizen?
- Mr. PRICE. I have always figured that I was born in Washington.
- Mr. HYNES. Were you on a train going from Duluth to Virginia, in the State of Minnesota, on the night or evening of the 7th of March, this year?
- Mr. PRICE. Yes, sir.
- Mr. HYNES. What place in the car were you during that trip?
- Mr. PRICE. In the smoking car most of the time—practically all the time.
- Mr. HYNES. Do you mean the smoking car or the smoking compartment of the sleeper?
- Mr. PRICE. The smoking compartment.
- Mr. HYNES. Was there more than one sleeper on the train going between Duluth and Virginia?
- Mr. PRICE. No, sir; there was not.
- Mr. HYNES. How much of the time, if any of the time, were you in the open portion of the car?
- Mr. PRICE. For a few moments only.
- Mr. HYNES. Did you, when you went in, sit down in the open portion of the car?
- Mr. PRICE. No, sir.
- Mr. HYNES. What did you do there?
- Mr. PRICE. Left my grip there.

Mr. HYNES. And immediately went into the smoking compartment?

Mr. PRICE. Yes, sir.

Mr. HYNES. Where did you sit in the smoking compartment?

Mr. PRICE. When I first went in there I sat in the second seat from the middle, the wall seat.

Mr. HYNES. You mean the leather seat that runs across the car?

Mr. PRICE. Yes, sir.

Mr. HYNES. How long did you sit there?

Mr. PRICE. From 15 to 30 minutes. Then I got up and left the car a moment.

Mr. HYNES. What did you get up and leave for?

Mr. PRICE. To go back and look at my grip again.

Mr. HYNES. How long did you remain out?

Mr. PRICE. Just to go back and look at the seat to see that my grip was all right, and then came back.

Mr. HYNES. A minute or two or three?

Mr. PRICE. Yes.

Mr. HYNES. And when you went back, where did you sit?

Mr. PRICE. I stood up and leaned against the wash basin.

Mr. HYNES. Why did you not sit where you had sat before?

Mr. PRICE. A gentleman had taken my seat.

Mr. HYNES. Who?

Mr. PRICE. Mr. Wiehe.

Mr. HYNES. How long did he sit there?

Mr. PRICE. Well, possibly from 20 to 30 minutes.

Mr. HYNES. And what did he do then?

Mr. PRICE. He was called out.

Mr. HYNES. Do you remember by whom?

Mr. PRICE. Yes.

Mr. HYNES. By whom?

Mr. PRICE. By Mr. Edward Hines.

Mr. HYNES. And did he go out?

Mr. PRICE. Yes.

Mr. HYNES. Were you there—did you continue to occupy a place in the smoking compartment after he went out?

Mr. PRICE. Yes, sir.

Mr. HYNES. How long did you remain there?

Mr. PRICE. Up to possibly 10 or 15 minutes before the train arrived at Virginia.

Mr. HYNES. Up to the time that the approach to Virginia was announced?

Mr. PRICE. Yes, sir.

Mr. HYNES. When Mr. Hines called Mr. Wiehe, did he come into the smoking room?

Mr. PRICE. He just stepped to the door and stuck his head in the door.

Mr. HYNES. From that time, from the time that Mr. Wiehe went out in response to the call of Mr. Hines, did Mr. Wiehe come back into the smoking compartment?

Mr. PRICE. No, sir.

Mr. HYNES. You are sure about that?

Mr. PRICE. Yes, sir.

Mr. HYNES. Mr. Price, did you participate in the conversation at all?

Mr. PRICE. No, sir.

Mr. HYNES. Did you see Mr. McGowan there, whom you have seen here?

Mr. PRICE. Yes, sir.

Mr. HYNES. Do you remember where he sat?

Mr. PRICE. Yes, sir.

Mr. HYNES. Where?

Mr. PRICE. Next to the window.

Mr. HYNES. Do you remember Mr. Burgess there?

Mr. PRICE. Yes; the gentleman who has been mentioned to me as Mr. Burgess.

Mr. HYNES. Do you remember where he sat?

Mr. PRICE. Yes, sir.

Mr. HYNES. Where.

Mr. PRICE. In a chair on the right-hand side of the car, the right-hand side of the smoker.

Mr. HYNES. You have seen Mr. Johnson here?

Mr. PRICE. Yes, sir.

Mr. HYNES. Do you remember where he sat?

Mr. PRICE. In a chair.

Mr. HYNES. Where was the chair?

Mr. PRICE. Facing Mr. McGowan.

Mr. HYNES. Do you remember where anybody else sat in there?

Mr. PRICE. Yes, sir.

Mr. HYNES. Who, and where?

Mr. PRICE. Mr. Weyerhaeuser or Mr. Cusson sat immediately next to me while I was sitting on the seat.

Mr. HYNES. Before you went out and before Mr. Wiehe took it?

Mr. PRICE. Yes, sir.

Mr. HYNES. On that seat?

Mr. PRICE. Yes, sir.

Mr. HYNES. While you were there do you remember what matters were talked about there by the people who were there, anybody and everybody?

Mr. PRICE. Only in a general way.

Mr. HYNES. Give us your best recollection about the topics there.

Mr. PRICE. Reciprocity was discussed and the tariff and the water system above Cloquet, Minn.

Mr. HYNES. Do you remember anything else?

Mr. PRICE. There were several little conversations carried on, but they did not amount to very much.

Mr. HYNES. Do you remember any conversation in which Mr. Cusson or Mr. Weyerhaeuser participated in respect to a jury at St. Paul?

Mr. PRICE. Yes; I remember something about the discussion about a jury.

Mr. HYNES. Do you remember what it was?

Mr. PRICE. I think it was in regard to trying a damage suit with business men for a jury instead of a pick-up jury such as they usually get.

Mr. HYNES. Was there anything said particularly that you recall about that or do you only remember it generally?

Mr. PRICE. No; I do not think so.

Mr. HYNES. Was anything said there about the election of Senator Lorimer?

Mr. PRICE. No, sir.

Mr. HYNES. By anyone in that room during the time that you were there?

Mr. PRICE. No, sir.

Mr. HYNES. Did Mr. Burgess talk about the election of Senator Lorimer and declare that it was believed that money had been used in his election?

Mr. PRICE. No, sir.

Mr. HYNES. Anything of that kind?

Mr. PRICE. No, sir.

Mr. HYNES. Did Mr. Wiehe reply or say anything to the effect that a jack pot had been raised for the election of Senator Lorimer?

Mr. PRICE. No, sir.

Mr. HYNES. Did he say that he knew what he was talking about, because he had subscribed \$10,000 to that jack pot himself?

Mr. PRICE. No, sir.

Mr. HYNES. Was anything of that character or nature said?

Mr. PRICE. No, sir.

Mr. HYNES. By Mr. Wiehe, or by anybody else in that room?

Mr. PRICE. No, sir.

Mr. HYNES. Was anything said there by Mr. Wiehe, either to Mr. Burgess or anybody else, about a newspaper in Chicago having employed a detective agency to round up evidence against Senator Lorimer, and that a detective who had been employed had gone to confession to a Father Green, and that Father Green refused him absolution; that the detective had confessed to the priest that he had been getting trumped-up evidence against Senator Lorimer, and that the priest refused him absolution until he made reparation and restitution for that wrong?

Mr. PRICE. No, sir.

Mr. HYNES. Was anything of that kind said?

Mr. PRICE. No, sir.

Mr. HYNES. Was there anything said about Father Green or a Catholic priest?

Mr. PRICE. No, sir.

Mr. HYNES. Was anything of that nature or character said while you were there?

Mr. PRICE. No, sir.

Mr. HYNES. And with the exception of those two or three minutes that you spoke of, when you went back a short time after the train started to look after your grip, to see whether your grip was all right, you were in the smoking compartment until the approach to Virginia was announced?

Mr. PRICE. Yes, sir.

Mr. HYNES. If any conversation of that kind, or any declaration of that kind, or any expression of that kind, had taken place in your presence there would you have heard it?

Mr. PRICE. Yes, sir.

Mr. HYNES. Do you think you would have remembered it?

Mr. PRICE. Absolutely.

Senator FLETCHER. Was there time for such a conversation to have taken place between the time that you left the smoking compartment to go to your grip and the time when you returned and found Mr. Wiehe in your seat?

Mr. PRICE. No; there was not.

Senator GAMBLE. Was Mr. Wiehe in the smoking compartment when you went out to look for your grip, or did he come in in the meantime before you got back?

Mr. PRICE. I possibly passed him coming out of the same car.

Senator GAMBLE. You do not think he was in the smoking compartment when you left to look after your grip?

Mr. PRICE. No, sir.

Senator JOHNSTON. Was Mr. Johnson in the smoking compartment when you left to look after your grip?

Mr. PRICE. Yes; he was.

Senator GAMBLE. And you were in the smoking compartment all of the time while Mr. Wiehe was there, with the exception of going out into the body of the car and looking at your grip; and did you at once return?

Mr. PRICE. Yes, sir.

Senator GAMBLE. How long were you out of the smoking compartment at that time?

Mr. PRICE. Not more than two minutes.

Mr. HYNES. Did you sit down in the compartment where your grip was?

Mr. PRICE. No, sir.

Mr. HYNES. Did you open it or do anything except to look and see it was there?

Mr. PRICE. Oh, I possibly shoved it over in the seat.

Mr. HYNES. Now, I want to show you this declaration, I believe you call it.

The CHAIRMAN. What exhibit is that?

Mr. HYNES. It is a new one, but is the same in form as the one that was introduced in connection with the testimony of Mr. McGowan.

(The paper referred to was marked "Exhibit Price 1.")

The CHAIRMAN. You may proceed.

Mr. HYNES. Is the writing on that yours?

Mr. PRICE. Yes; all excepting the word Kekeka.

Mr. HYNES. What does that represent?

Mr. PRICE. That is the car that we were transferred to at Virginia City.

Mr. HYNES. I notice that is dated the 3d month and the 8th day and the 11th year. You went up on the night of the 7th. Do you know why it was dated the 8th?

Mr. PRICE. Because we crossed the line on the 8th.

Mr. HYNES. Do you know what hour the train crosses the line into Canada?

Mr. PRICE. I should think about 3 o'clock or 4 o'clock in the morning.

Mr. HYNES. To whom did you deliver that after you filled it out?

Mr. PRICE. The porter.

Mr. HYNES. The porter on which car—the Kekeka?

Mr. PRICE. No; the Regina.

Mr. HYNES. Do you know whose name that is? Do you know whether that is the porter on the Kekeka or the Regina, or who it may be?

Mr. PRICE. I do not know that.

Mr. HYNES. When did you next see this?

Mr. PRICE. In Seattle.

Mr. HYNES. You saw this in Seattle?

Mr. PRICE. Yes.

Mr. HYNES. Who had it when it was shown to you?

Mr. PRICE. Mr. R. J. Shields.

Mr. HYNES. What was said about it, and what was said in connection with it when that was presented to you?

Mr. PRICE. He asked me if I had signed that. I told him I had.

Mr. HYNES. Well, you tell the full connection in your own way briefly, but fully, of how you were found in connection with this, or in any other way, as a party who was on the car that night?

Mr. PRICE. Well, I received a telephone communication at home one evening from some gentleman saying that he had received a wire from some one in Chicago speaking about some timberlands that I had on Vancouver Island. I denied all knowledge of having any timberlands, and he insisted that I did have. I finally mentioned that I was in the lumber business, and he asked me my address and where I was, and I gave it to him, and that was the last I heard of it, until the same gentleman called me up again, possibly two weeks afterwards, and had another conversation in regard to this timberland. Then I received a wire from Mr. R. J. Shields asking me if I would be in Seattle on a certain day, I think on a Wednesday, and I wired back that I would be there, and I do not think Mr. Shields arrived on that day.

He came several days afterwards. He came into the office and said he was on a very peculiar mission, and asked me if I had been on a certain car on the Canadian Northern, or the Duluth & Missabe Northern, I guess it was called then, between Duluth and Virginia, on the 7th day of March, and I told him I had. Then he started to tell me the testimony that had been given at Springfield, and asked me if I recollected any such conversation. I told him I did not. He asked me if I was willing to sign an affidavit to that effect, and I said I was. Possibly two days after that Mr. Shields brought an affidavit up to the office, and I read it over and told him I would sign it, and so we went downstairs to the bank in the same building that we were in, and I signed the affidavit.

Mr. HYNES. Did the affidavit represent the substance of what you had told him?

Mr. PRICE. Yes; of what he had told me.

Mr. HYNES. What you had told in reply to his question?

Mr. PRICE. Yes.

Mr. HYNES. That is your recollection of the subject?

Mr. PRICE. Yes.

Mr. HYNES. Now, Mr. Chairman, shall we pursue the course that we pursued yesterday with reference to the similar exhibit, offered in the testimony of Mr. McGowan, instead of taking the time to read it?

The CHAIRMAN. That will be the better way.

Mr. HYNES. Senator Kenyon was not here yesterday and perhaps did not hear what this exhibit was.

Senator KENYON. I will look it over now.

Mr. HYNES. It is the form of declaration made going into Canada.

Senator JONES. In connection with this declaration I will ask you right now, Mr. Price: I understood that you changed cars at Virginia?

Mr. PRICE. Yes, sir.

Senator JONES. Now, I understood you to say a moment ago that you handed this declaration to the porter of the car Regina?

Mr. PRICE. Well, I think it was presented to him before I went in to the Kekeka.

Senator JONES. Was it presented to you before you changed cars at Virginia?

Mr. PRICE. I would not exactly say as to that.

Senator JONES. Now, you got into the Kekeka car at Virginia?

Mr. PRICE. Yes.

Senator JONES. So that if this was handed to the porter of the car Regina, it must have been handed to him before you left, and before the time you got to Virginia?

Mr. PRICE. Yes.

Senator FLETCHER. Did the same porter accompany on both cars?

Mr. PRICE. I can not remember exactly whether he did or not.

Senator JONES. Why did this change of cars take place there at Virginia?

Mr. PRICE. I heard a conversation in regard to it by the porter. A spring, I think, had been broken on the Regina.

Senator JONES. Did you have the same porter on the Kekeka car that you had on the Regina?

Mr. PRICE. I do not know; I do not remember.

Senator JONES. Did you go to bed right away after you got onto the new car?

Mr. PRICE. Very shortly afterwards.

Senator JONES. Do you remember seeing the porter after you went into that car?

Mr. PRICE. No; I do not think I did.

Senator JONES. You don't remember seeing him?

Mr. PRICE. No, sir.

Senator JONES. Do you remember seeing him when you got up the next morning?

Mr. PRICE. Yes, sir.

Senator JONES. You do not remember whether that was the same porter that was on the Regina car or not?

Mr. PRICE. No, sir.

Senator JONES. Are you sure that you handed this declaration to the Regina car porter?

Mr. PRICE. Yes.

Senator JONES. Was it called for before you got to Virginia?

Mr. PRICE. It was called for at Virginia, I think.

Senator JONES. How long did you stay there?

Mr. PRICE. I should judge 10 minutes.

Senator JONES. How long did you stay in the car Regina after you got to Virginia?

Mr. PRICE. Possibly 5 minutes.

Senator JONES. While you stopped there, did you fill out the declaration?

Mr. PRICE. I think so; yes.

Senator JONES. And handed it to this porter?

Mr. PRICE. Yes, sir.

Mr. HYNES. Have you ever had any business with the Edward Hines Lumber Co.?

Mr. PRICE. No, sir.

Mr. HYNES. Or with Edward Hines personally?

Mr. PRICE. No, sir.

Mr. HYNES. Or with Mr. Wiehe?

Mr. PRICE. No, sir.

Mr. HYNES. Did you know Edward Hines or Mr. Wiehe at all before that trip?

Mr. PRICE. Not personally.

Mr. HYNES. Did you recognize his appearance from the pictures that you had seen?

Mr. PRICE. Yes, sir.

Mr. HYNES. I notice that both of these declarations are signed by the same porter or the same signature, R. B. Miller, the one that was introduced in connection with the testimony of Mr. McGowan and the one that is now offered.

Mr. HEALY. Is not that the signature of the car conductor?

Mr. HYNES. Yes; that is the car conductor; that is right. Mr. Chairman, I will ask the same privilege with respect to this Price Exhibit 1 as was granted to me in respect to the other.

The CHAIRMAN. You mean to return that to the Canadian authorities?

Mr. HYNES. Yes, sir.

The CHAIRMAN. Of course, that will be granted.

(Exhibit Price No. 1 is in words and figures as follows:)

EXHIBIT PRICE NO. 1.

CANADIAN NORTHERN RAILWAY—PASSENGER TRAFFIC DEPARTMENT—INFORMATION
FOR CANADIAN IMMIGRATION AND HEALTH INSPECTION AT FORT FRANCES,
ONTARIO.

(Form 915.)

1. Name. J. Ben Price.
2. Where from (if United States citizen, mention what State). Seattle, Wash.
3. Is it your intention to remain in Canada? No.
4. What is your occupation? Lumber.
5. What is your destination? Winnipeg.
6. Have you a family with you on this train? If so, give number of adults, male or female, and children, male or female. No.
7. Are you and those accompanying you in good health. Yes.
8. When and where vaccinated, and if successful. Fifteen years ago.
(Passengers must be prepared to produce the vaccination mark if the medical officer so desires. If they have not been vaccinated, the law compels that this be done before they are allowed to enter the country.)

Berth No. 6. Car, Kakabeka. Train No. 1. Date, March 8, 1911.

R. B. MILLER.

(Signature of sleeping-car conductor.)

[SEAL.]

J. K. SPARLING.

Notary Public, Winnipeg, Manitoba.

Indorsed across the face at the top of the exhibit the following: ——— v. ———. This is Exhibit 1 referred to in the affidavit of Richard B. Miller, declared before me the 9th day of May, A. D. 1911. W. B. Hull, notary public for Manitoba. ——— r. ———. This is Exhibit 1 referred to in the affidavit of Julius Pitts, declared before me the 9th day of May, A. D. 1911. W. B. Hull, notary public for Manitoba.

Indorsed across the face at the bottom of the exhibit the following: ——— v. ———. This is Exhibit 1 referred to in the declaration of Richard Breckenridge Miller, declared before me the 23d day of May, A. D. 1911. Jno. K. Sparling, a notary public.

Mr. HYNES. Mr. Price, what is your age?

Mr. PRICE. Thirty-three years.

Mr. HYNES. Are you a married man?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Mr. Price, where were you coming from on that trip?

Mr. PRICE. Duluth.

Mr. MARBLE. Duluth was your starting point?

Mr. PRICE. No, sir; I came from the coast. I started from Minneapolis.

Mr. MARBLE. You had come from the coast to Minneapolis, and from Minneapolis you were on your way back home?

Mr. PRICE. Well, I was working quite a territory. On that trip I really started from Minneapolis.

Mr. MARBLE. Selling lumber?

Mr. PRICE. Yes.

Mr. MARBLE. Where did you go?

Mr. PRICE. I went to Winnipeg.

Mr. MARBLE. And from Winnipeg where did you go?

Mr. PRICE. To Grand Forks, N. Dak.

Mr. MARBLE. And then?

Mr. PRICE. From there to Minot, N. Dak.

Mr. MARBLE. And on west?

Mr. PRICE. No; I came down the Soo to Jamestown.

Mr. MARBLE. You were selling lumber?

Mr. PRICE. Yes.

Mr. MARBLE. Are you a manufacturer of lumber?

Mr. PRICE. No, sir.

Mr. MARBLE. For whom were you selling lumber?

Mr. PRICE. The Puget Sound Lumber Agency.

Mr. MARBLE. Are you a stockholder in that concern?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Is the Puget Sound Lumber Agency a manufacturer of lumber, or a selling agency for various manufacturers?

Mr. PRICE. It is a selling agency.

Mr. MARBLE. For more manufacturers than one?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Are you interested in any of the manufacturers who sell that agency?

Mr. PRICE. No, sir.

Mr. MARBLE. Are you yourself the owner of any lumber mills or of any stumpage?

Mr. PRICE. No, sir.

Mr. MARBLE. You are concerned in the lumber business only as a salesman for this agency?

Mr. PRICE. Yes, sir.

Mr. MARBLE. How long have you been selling lumber for that agency?

Mr. PRICE. Since February.

Mr. MARBLE. What was your business before that time?

Mr. PRICE. A sales manager of another company.

Mr. MARBLE. What company?

Mr. PRICE. The Parker-Bell Lumber Co.

Mr. MARBLE. How long were you with the Parker-Bell Lumber Co.?

Mr. PRICE. About five years.

Mr. MARBLE. Always the sales manager?

Mr. PRICE. Yes; I was with them.

Mr. MARBLE. When you got on the train, you went first to your berth, did you, with your baggage?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Or did the porter take it to the car?

Mr. PRICE. No; I took it.

Mr. MARBLE. How long was it before you went to the smoking room of the car?

Mr. PRICE. Immediately.

Mr. MARBLE. Did you go to the smoking room before the train started?

Mr. PRICE. I do not quite recollect whether the train had started or not.

Mr. MARBLE. Would you say it was very close to the starting time?

Mr. PRICE. Yes.

Mr. MARBLE. You did not wait in the train very long before it started?

Mr. PRICE. No, sir.

Mr. MARBLE. How long did you stay there then?

Mr. PRICE. About 15 to 30 moments, I should say.

Mr. MARBLE. Was it nearer 30 than 15, or nearer 15 than 30?

Mr. PRICE. Possibly nearer 15.

Mr. MARBLE. About a quarter of an hour?

Mr. PRICE. Thereabouts; yes, sir.

Mr. MARBLE. Or a little more?

Mr. PRICE. Yes, sir.

Mr. MARBLE. More rather than less?

Mr. PRICE. No, sir.

Mr. MARBLE. Well, you said 15 to 30 moments.

Mr. PRICE. Fifteen to thirty moments.

Mr. MARBLE. Is that the best impression that you can give us of that time?

Mr. PRICE. Yes, sir.

Mr. MARBLE. By a moment, you mean a minute, one-sixtieth of an hour?

Mr. PRICE. That is it.

Mr. MARBLE. Do you remember who was in that smoking room when you first went in?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Who?

Mr. PRICE. Mr. McGowan, Mr. Johnson, and Mr. Burgess.

Mr. MARBLE. When did you first learn that the gentleman whom you call Mr. McGowan was Mr. McGowan? When did you learn his name?

- Mr. PRICE. When we were going to bed.
- Mr. MARBLE. After you had passed Virginia?
- Mr. PRICE. Yes.
- Mr. MARBLE. He told you his name then?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. And his address?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. And when did you first learn Mr. Johnson's name?
- Mr. PRICE. I have known Mr. Johnson's reputation.
- Mr. MARBLE. Did Mr. Johnson's reputation help you to recognize his face?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. Had you known him personally?
- Mr. PRICE. No, sir.
- Mr. MARBLE. How did you recognize him?
- Mr. PRICE. I recognized him from photographs and from words that were said in the car.
- Mr. MARBLE. Photographs of what?
- Mr. PRICE. His name was called in the car.
- Mr. MARBLE. And that reminded you of the photographs which you had seen?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. Do you know where you had seen those photographs?
- Mr. PRICE. No, sir.
- Mr. MARBLE. In the hands of a friend?
- Mr. PRICE. No, sir; in a paper of some kind.
- Mr. MARBLE. Can you recognize a gentleman from a newspaper portrait?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. How many times had you seen his pictures in the papers?
- Mr. PRICE. Possibly two or three.
- Mr. MARBLE. Had they attracted your attention?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. Were you interested in Mr. Johnson?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. Why were you interested in him?
- Mr. PRICE. Because he is the founder of the Concatinated Order of Hoo-Hoos.
- Mr. MARBLE. That is a secret order?
- Mr. PRICE. No; it is a social order.
- Mr. MARBLE. A social order of lumbermen?
- Mr. PRICE. And others.
- Mr. MARBLE. Particularly of lumbermen, is it not?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. Are you a member of that order?
- Mr. PRICE. Yes, sir; I was.
- Mr. MARBLE. And you were interested in Mr. Johnson on that account—was that it?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. Who else did you say was in the car when you went in?
- Mr. PRICE. Mr. McGowan.

Mr. MARBLE. By the way, did you tell Mr. Johnson that you were interested in him?

Mr. PRICE. No, sir.

Mr. MARBLE. Did you hail him as the founder of the order to which you belonged?

Mr. PRICE. No, sir.

Mr. MARBLE. Did you give him any secret signs or passwords?

Mr. PRICE. No, sir.

Mr. MARBLE. Did you manifest your interest in him in any way?

Mr. PRICE. Possibly by looking at him.

Mr. MARBLE. But only in that way?

Mr. PRICE. Yes, sir.

Mr. MARBLE. The third man who was in the car when you went in was whom?

Mr. PRICE. Mr. Burgess.

Mr. MARBLE. When did you learn that that man's name was Burgess?

Mr. PRICE. From Mr. Shields, I think.

Mr. MARBLE. From Mr. Shields? You did not know him before?

Mr. PRICE. He recalled the stranger who was in the car as Mr. Burgess.

Mr. MARBLE. There were a number of strangers to you in the car, were there not?

Mr. PRICE. No, sir.

Mr. MARBLE. You knew all of the gentlemen in the car?

Mr. PRICE. I knew the Hines-Weyerhaeuser party.

Mr. MARBLE. You were acquainted with them before?

Mr. PRICE. Not personally.

Mr. MARBLE. But you did not know Mr. Burgess's name until Mr. Shields suggested it to you?

Mr. PRICE. Yes, sir.

Mr. MARBLE. How did he suggest it to you?

Mr. PRICE. He really mentioned him as the other stranger that was in the car.

Mr. MARBLE. Had you discussed all of the other people in the car before Mr. Burgess was mentioned?

Mr. PRICE. Yes.

Mr. MARBLE. That is the order in which Mr. Shields recalled these men to your mind? He mentioned all of the people in the car except Mr. Burgess before he mentioned him?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Did he not start by discussing Mr. Burgess's testimony?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Did he not mention Mr. Burgess first, then?

Mr. PRICE. But not as being in the car.

Mr. MARBLE. Did he read the testimony to you?

Mr. PRICE. No, sir.

Mr. MARBLE. Did he tell you what the testimony related to?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Did he not tell you the testimony related to a conversation in the car?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Then was not Mr. Burgess's name mentioned first as having been in the car—

Mr. PRICE. Yes, sir.

Mr. MARBLE (continuing). Instead of last?

Mr. PRICE. No, sir. His name was mentioned, but he was not described as being in the car until all the others had been taken care of.

Mr. MARBLE. How was Mr. Johnson taken care of by Mr. Shields?

Mr. PRICE. He asked me if I remembered him.

Mr. MARBLE. Did he call him by name?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Did he describe him to you?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Or was the name enough?

Mr. PRICE. The name was enough.

Mr. MARBLE. Which, or both?

Mr. PRICE. Both.

Mr. MARBLE. Who came into the car next to Mr. Burgess?

Mr. PRICE. Mr. Weyerhaeuser and Mr. Cusson.

Mr. MARBLE. I mean in the smoking compartment?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Did they come in together?

Mr. PRICE. Practically together.

Mr. MARBLE. Which came in first?

Mr. PRICE. Mr. Cusson.

Mr. MARBLE. Are you sure of that?

Mr. PRICE. I should think he, being the shorter, would come in first.

Mr. MARBLE. Are you reasoning, or are you remembering now?

Mr. PRICE. Reasoning.

Mr. MARBLE. Reasoning? Do you remember who came in first?

Mr. PRICE. No, sir.

Mr. MARBLE. Do you remember whether or not they came in together?

Mr. PRICE. Yes, sir; they came in together.

Mr. MARBLE. When did you first learn that this gentleman's name was Cusson?

Mr. PRICE. I had had Mr. Cusson described to me.

Mr. MARBLE. Previous to that?

Mr. PRICE. Yes, sir.

Mr. MARBLE. What was the occasion for that?

Mr. PRICE. By an insurance man. I asked him who the manager of the Virginia & Rainy Lake Co. was, and he described Mr. Cusson.

Mr. MARBLE. Did you have business with the Virginia & Rainy Lake Co.?

Mr. PRICE. No, sir.

Mr. MARBLE. What was your interest in the manager of that company?

Mr. PRICE. Just his mentioning it.

Mr. MARBLE. What insurance man?

Mr. PRICE. An insurance man of Minneapolis; I do not recall the name.

Mr. MARBLE. Were you acquainted with that insurance man?

Mr. PRICE. No, sir.

Mr. MARBLE. Why were you seeking information about Mr. Cusson?

Mr. PRICE. Because he showed me a diagram of the Virginia & Rainy Lake plant.

Mr. MARBLE. Mr. Cusson did?

Mr. PRICE. No; the insurance man.

Mr. MARBLE. Did you ask about any other officers of the Virginia Rainy Lake Co.?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Whom did you ask him about?

Mr. PRICE. Who the board of directors were.

Mr. MARBLE. When do you say you first learned that this gentleman's name was Cusson?

Mr. PRICE. When he was described to me by this insurance man.

Mr. MARBLE. Did the insurance man describe Mr. Cusson to you so well that you recognized Mr. Cusson when he came into that compartment?

Mr. PRICE. Immediately.

Mr. MARBLE. He is very peculiar in his physical appearance, is he?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Did you ever see anyone else who looked at all like him?

Mr. PRICE. It is possible.

Mr. MARBLE. But you knew this was Mr. Cusson?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Very well. When did you first learn Mr. Weyerhaeuser's identity?

Mr. PRICE. When I saw him.

Mr. MARBLE. How did you know that it was Mr. Weyerhaeuser?

Mr. PRICE. I had seen him before.

Mr. MARBLE. You knew Mr. Weyerhaeuser before that, did you?

Mr. PRICE. I had seen him before.

Mr. MARBLE. Had you met him before?

Mr. PRICE. No, sir.

Mr. MARBLE. Had he been pointed out to you as Mr. Weyerhaeuser?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Did you know his first name at that time?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Were you acquainted with all of the Weyerhaeusers by sight?

Mr. PRICE. Three of them.

Mr. MARBLE. Three of them. Had you met any of them personally?

Mr. PRICE. No, sir.

Mr. MARBLE. Does this selling agency, for which you sell lumber, market lumber for the Weyerhaeuser mills?

Mr. PRICE. No, sir.

Mr. MARBLE. Not for any Weyerhaeuser mills?

Mr. PRICE. No, sir.

Mr. MARBLE. You know that, do you?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Very well. Who came into the smoking compartment next after Mr. Weyerhaeuser?

Mr. PRICE. No one that I remember at this time.

Mr. MARBLE. How long before the trip was it that Mr. Cusson had been described to you?

Mr. PRICE. Two days previous.

Mr. MARBLE. But you do not remember the name of the man who described him?

Mr. PRICE. No, sir.

Mr. MARBLE. Who did you say came in next after Mr. Weyerhaeuser?

Mr. PRICE. No one. I think Mr. Cusson preceded him.

Mr. MARBLE. But afterwards, who was the next man to come into that smoking compartment?

Mr. PRICE. Mr. Wiehe.

Mr. MARBLE. When did you learn that it was Mr. Wiehe that came in?

Mr. PRICE. I recognized Mr. Wiehe.

Mr. MARBLE. Did you know him previously?

Mr. PRICE. No, sir.

Mr. MARBLE. How did you recognize him?

Mr. PRICE. I recognized him by, really, a description.

Mr. MARBLE. From reading a description, you say? [After a pause.] Perhaps I misunderstood you.

Mr. PRICE. If you will state the question, I will try to answer it.

Mr. MARBLE. Where did you get the description of Mr. Wiehe which enabled you to recognize him?

Mr. PRICE. I do not remember.

Mr. MARBLE. How long before the trip was it that Mr. Wiehe had been described to you?

Mr. PRICE. Some little time.

Mr. MARBLE. A month?

Mr. PRICE. Some little time.

Mr. MARBLE. A month?

Mr. PRICE. I could not say.

Mr. MARBLE. Two months?

Mr. PRICE. I could not say.

Mr. MARBLE. Three months?

Mr. PRICE. I could not say.

Mr. MARBLE. Four months?

Mr. PRICE. I could not say.

Mr. MARBLE. Five months?

Mr. PRICE. I could not say.

Mr. MARBLE. Six months?

Mr. PRICE. I could not say.

Mr. MARBLE. A year?

Mr. PRICE. I have no recollection whatever.

Mr. MARBLE. Could you say that it was less than a year or more than a year?

Mr. PRICE. No, sir.

Mr. MARBLE. Was it two years?

Mr. PRICE. I can not say.

Mr. MARBLE. You can not say?

Mr. PRICE. No, sir.

Mr. MARBLE. What is your answer—that it was not two years previously?

Mr. PRICE. I can not recollect.

- Mr. MARBLE. Was it three years previously?
- Mr. PRICE. I can not recollect.
- Mr. MARBLE. Could you say that it was less than three years?
- Mr. PRICE. No, sir.
- Mr. MARBLE. Where did you get this description of Mr. Wiehe which was so exact and so vivid that it enabled you to recognize him on a railway train, and yet you can not remember when it was?
- Mr. PRICE. I can not remember that.
- Mr. MARBLE. You do not remember where it was?
- Mr. PRICE. No, sir.
- Mr. MARBLE. It did not make any impression of time or place upon you?
- Mr. PRICE. No, sir.
- Mr. MARBLE. But it impressed Mr. Wiehe's features upon you so that you recognized him when you met him on a train?
- Mr. PRICE. Knowing that the party was the board of directors of the Virginia & Rainy Lake Co.; yes.
- Mr. MARBLE. You knew that Mr. Wiehe was a director of that company, did you?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. Had you been very much interested in that company?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. Why?
- Mr. PRICE. Because it was one of the largest companies in that vicinity.
- Mr. MARBLE. There are other large companies in that vicinity, are there not?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. Would you recognize the directors of the Cloquet Lumber Co., do you think, if you met them?
- Mr. PRICE. Most of them; yes, sir.
- Mr. MARBLE. Do you know them?
- Mr. PRICE. No, sir.
- Mr. MARBLE. Have you met them?
- Mr. PRICE. No, sir.
- Mr. MARBLE. You have acquainted yourself with their physical appearance, however, well enough so that you think you would recognize them if you should meet them on a train?
- Mr. PRICE. Some of them; yes, sir.
- Mr. MARBLE. And still you do not recall where you got the description of Mr. Wiehe which enabled you to recognize him?
- Mr. PRICE. No, sir.
- Mr. MARBLE. Very well. Who came in next after Mr. Wiehe?
- Mr. PRICE. No one that I remember.
- Mr. MARBLE. How was Mr. Wiehe described to you when you got your description?
- Mr. PRICE. As he looks to-day.
- Mr. MARBLE. As he looks to-day?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. How is that? Describe him.
- Mr. PRICE. With a mustache, blue eyes, with a sort of a—something wrong with his nose; a little hump in it.
- Mr. MARBLE. What else? Go on. Give us a description, so that we can recognize him when we see him.

Mr. PRICE. That described him to me.

Mr. MARBLE. Can you give nothing further?

Mr. PRICE. His size.

Mr. MARBLE. All right. Go on; give us the description of Mr. Wiehe just as it was given to you—the vivid description which helped you to recognize him. That is what we want.

Mr. PRICE. That was really the way he was described to me.

Mr. MARBLE. What do you say about his size?

Mr. PRICE. A man about 190 pounds.

Mr. MARBLE. Anything about his complexion?

Mr. PRICE. No, sir.

Mr. MARBLE. Anything about whether he was bald-headed or had hair on his head?

Mr. PRICE. No, sir.

Mr. MARBLE. Anything about the size of his nose?

Mr. PRICE. No, sir.

Mr. MARBLE. Or the size of his mouth?

Mr. PRICE. No.

Mr. MARBLE. Or the size of his chin?

Mr. PRICE. No, sir.

Mr. MARBLE. Or the kind of clothes he was accustomed to wearing?

Mr. PRICE. No.

Mr. MARBLE. Whether he had sandy or black hair?

Mr. PRICE. No, sir.

Mr. MARBLE. No?

Mr. PRICE. No.

Mr. MARBLE. You had not been told whether or not he was sandy-haired or black-haired?

Mr. PRICE. No, sir.

Mr. MARBLE. Had you been told whether or not he had a beard?

Mr. PRICE. Yes, sir.

Mr. MARBLE. What had you been told in that regard?

Mr. PRICE. That he had worn a beard.

Mr. MARBLE. That he had worn a beard? Were you told whether it was red or black?

Mr. PRICE. Yes, sir.

Mr. MARBLE. What had you been told about that?

Mr. PRICE. Black.

Mr. MARBLE. You say you had been told nothing about his hair?

Mr. PRICE. No, sir.

Mr. MARBLE. Anything about the size of his ears?

Mr. PRICE. No, sir.

Mr. MARBLE. Or any other physical characteristic?

Mr. PRICE. No, sir.

Mr. MARBLE. And yet you recognized him from such a description as that?

Mr. PRICE. As being director of the Virginia & Rainy Lake Lumber Co.

Mr. MARBLE. You said a minute ago that he was described as he looks to-day. Do you mean that?

Mr. PRICE. At the time he was on the train, Mr. Wiehe wore a beard.

Mr. MARBLE. He looks very differently to-day, does he not?

Mr. PRICE. Than he did on the train.

Mr. MARBLE. Differently than he did on the train?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Do you know how long he had worn that beard?

Mr. PRICE. No, sir.

Mr. MARBLE. Do you know whether or not he did have a beard at the time he was described to you?

Mr. PRICE. No, sir; he did not have a beard.

Mr. MARBLE. He did not have a beard at the time he was described to you?

Mr. PRICE. No, sir.

Mr. MARBLE. Then, if he did not have a beard, were you told that he had a black beard?

Mr. PRICE. I was not told that he had a black beard.

Mr. MARBLE. Oh, you were not told that he had a black beard?

Mr. PRICE. No, sir.

Mr. MARBLE. Were you told that he had no beard?

Mr. PRICE. Yes, sir.

Mr. MARBLE. And yet when he came in with a black beard you recognized him?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Was the black beard all over his face when you saw him?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Up the sides of his face and on his chin?

Mr. PRICE. Yes, sir.

Mr. MARBLE. And still you recognized him, after being told that he had no beard?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Who came in next after Mr. Wiehe?

Mr. PRICE. No one that I remember.

Mr. MARBLE. Did anyone else come in while you were in there?

Mr. PRICE. Not that I remember.

Mr. MARBLE. Who went out first?

Mr. PRICE. Mr. Wiehe.

Mr. MARBLE. Did Mr. Wiehe come in while you were there?

Mr. PRICE. No, sir. I was back, looking at my grip.

Mr. MARBLE. Was Mr. Wiehe the only man who came into the room while you were looking at your grip?

Mr. PRICE. Yes, sir.

Mr. MARBLE. You are sure of that?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Why did you observe this room so carefully that you can be sure of such a fact as that?

Mr. PRICE. From remembering the people in the car.

Mr. MARBLE. How many people were out in the main body of the car? Do you know?

Mr. PRICE. No, sir.

Mr. MARBLE. Did you pay any attention to them?

Mr. PRICE. No, sir.

Mr. MARBLE. Not any?

Mr. PRICE. No.

Mr. MARBLE. Had the train stopped anywhere when you went back to look at your bags?

Mr. PRICE. No, sir.

Mr. MARBLE. What prompted you to go and look at them?

Mr. PRICE. I usually do.

Mr. MARBLE. How often?

Mr. PRICE. Oh, possibly twice in a trip.

Mr. MARBLE. How many more times did you go and look at them while you were on this trip to Virginia?

Mr. PRICE. That was the only time.

Mr. MARBLE. How long did you stay in the smoking car? First, Mr. Wiehe went out?

Mr. PRICE. Yes, sir.

Mr. MARBLE. And you took the seat which he had vacated?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Is that right?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Who went out next?

Mr. PRICE. Mr. Weyerhaeuser.

Mr. MARBLE. And who next? How long did Mr. Weyerhaeuser stay there?

Mr. PRICE. A few moments after Mr. Wiehe went out.

Mr. MARBLE. A few minutes, do you mean?

Mr. PRICE. A few minutes.

Mr. MARBLE. Ten?

Mr. PRICE. Possibly.

Mr. MARBLE. Fifteen?

Mr. PRICE. Possibly.

Mr. MARBLE. Twenty?

Mr. PRICE. No, sir.

Mr. MARBLE. Not as many as 20; possibly 15?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Very well. Who went out after Mr. Weyerhaeuser?

Mr. PRICE. Mr. Johnson.

Mr. MARBLE. Mr. Johnson went out, and that left who in the car?

Mr. PRICE. Mr. Burgess, Mr. Cusson, Mr. McGowan, and myself.

Mr. MARBLE. And how long after Weyerhaeuser went out did Mr. Johnson go out?

Mr. PRICE. Very shortly afterwards.

Mr. MARBLE. After Mr. Weyerhaeuser went out?

Mr. PRICE. Yes, sir.

Mr. MARBLE. About how long?

Mr. PRICE. I do not recollect.

Mr. MARBLE. Ten minutes?

Mr. PRICE. Possibly.

Mr. MARBLE. Fifteen?

Mr. PRICE. Not more than 15.

Mr. MARBLE. Not more than 15; possibly more than 10?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Do you think it was more than 10?

Mr. PRICE. Possibly.

Mr. MARBLE. How long did Mr. Wiehe stay in the smoking compartment?

Mr. PRICE. From 15 to 25 or 30 minutes.

Mr. MARBLE. You recollect the order in which the gentlemen went out, do you?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Who was the next man that left the car after Mr. Johnson?

Mr. PRICE. I do not remember.

Mr. MARBLE. You do not remember?

Mr. PRICE. Possibly we all left it at once.

Mr. MARBLE. Do you remember any man leaving the car after Mr. Johnson left, before you left?

Mr. PRICE. No, sir.

Mr. HANEY. Do you mean the car?

Mr. MARBLE. I mean the smoking compartment; I beg your pardon. Do you remember any man leaving the smoking compartment after Mr. Johnson left and before you left?

Mr. PRICE. No, sir.

Mr. MARBLE. Do you remember whether they did or not—whether anyone did or not?

Mr. PRICE. No, sir.

Mr. MARBLE. What is the matter? Were you not paying attention then?

Mr. PRICE. I think I was the next one that left.

Mr. MARBLE. What time did Mr. Cusson leave; do you know?

Mr. PRICE. No, sir.

Mr. MARBLE. Did you leave before Mr. Cusson?

Mr. PRICE. I think so; yes, sir.

Mr. MARBLE. Did you leave before Mr. Burgess?

Mr. PRICE. No, sir. Yes, sir; yes, sir; I did.

Mr. MARBLE. You say you left Mr. Cusson in the smoking compartment when you went out?

Mr. PRICE. I think so; yes, sir.

Mr. MARBLE. How long did you stay there after Mr. Johnson left?

Mr. PRICE. I do not remember.

Mr. MARBLE. You have some recollection, have you not?

Mr. PRICE. I left the train 10 minutes before we reached Virginia.

Mr. MARBLE. You left the train, you say?

Mr. PRICE. No; I left the car—left the smoking compartment.

Mr. MARBLE. Do you know what time that car reached Virginia?

Mr. PRICE. Shortly after 9 o'clock.

Mr. MARBLE. Was it on time that night?

Mr. PRICE. I do not remember.

Mr. MARBLE. But it was scheduled to reach Virginia, if I read this table right, at 9.35 in the evening. Do you know whether or not that is right?

Mr. PRICE. I do not.

Mr. MARBLE. You say that you left the smoking compartment 10 minutes before the train reached Virginia?

Mr. PRICE. Just about, I should judge.

Mr. MARBLE. This time-table that I looked at is of a later date. This is March, 1911. I do not know whether the time that I gave you is right or not, and I want your best recollection about it, not taking the time from me.

Mr. PRICE. It arrived, I think, shortly after 9.

Mr. MARBLE. Shortly after 9? Do you know what time you left Duluth?

Mr. PRICE. 7.10.

Mr. MARBLE. 7.10—that is the time shown by this table, so I presume it is the same train. How do you know that it was just 10 minutes before the train reached Virginia that you left the smoking compartment?

Mr. PRICE. That is my recollection.

Mr. MARBLE. That is your recollection; and you left Mr. Cusson in that smoking compartment at a time not more than 10 minutes before the train reached Virginia? Do you say that now?

Mr. PRICE. I think so; yes, sir.

Mr. MARBLE. Are you as sure about that as you are about anything else you have testified to?

Mr. PRICE. I am not as sure of that; no.

Mr. MARBLE. But that is your recollection?

Mr. PRICE. Yes, sir.

Mr. MARBLE. And Mr. Burgess was in there?

Mr. PRICE. Yes, sir.

Mr. MARBLE. And Mr. McGowan?

Mr. PRICE. Yes, sir.

Mr. MARBLE. And nobody else?

Mr. PRICE. And no one else.

Mr. MARBLE. Where was Mr. Cusson sitting when you left the compartment?

Mr. PRICE. Still sitting on the wall seat, I think.

Mr. MARBLE. Was Mr. McGowan still on the wall seat?

Mr. PRICE. Yes, sir.

Mr. MARBLE. And Mr. Burgess in his chair?

Mr. PRICE. Yes, sir.

Mr. MARBLE. You did not leave the smoking room for any purpose during this trip up to the time about 10 minutes before the train reached Virginia, except to look at your baggage at the time you say, did you?

Mr. PRICE. Yes, sir.

Mr. MARBLE. You did leave it more than that?

Mr. PRICE. No, sir.

Mr. MARBLE. Only that?

Mr. PRICE. Yes, sir.

Mr. MARBLE. You had no occasion to go to the toilet?

Mr. PRICE. No, sir.

Mr. MARBLE. Or to go and buy cigars?

Mr. PRICE. No, sir.

Mr. MARBLE. Or anything else?

Mr. PRICE. No, sir.

Mr. MARBLE. And you looked at your baggage only once?

Mr. PRICE. Yes, sir.

Mr. MARBLE. How many times did the train stop between Duluth and Virginia?

Mr. PRICE. I have not the slightest idea.

Mr. MARBLE. You did not pay any attention to that?

Mr. PRICE. No, sir.

Mr. MARBLE. Do you know whether or not it stopped at all that night?

Mr. PRICE. I can not recollect.

Mr. MARBLE. You say you have made an affidavit regarding this matter?

Mr. PRICE. Yes, sir.

Mr. MARBLE. And you have received telegrams regarding it?

Mr. PRICE. Yes.

Mr. MARBLE. And have written telegrams regarding it?

Mr. PRICE. Yes.

Mr. MARBLE. Have you a copy of that affidavit and those telegrams?

Mr. PRICE. I have not; no, sir.

Mr. MARBLE. Or of any of them?

Mr. PRICE. No, sir.

Senator KENYON. Where are they?

Mr. PRICE. I suppose they are home, or destroyed.

Senator KENYON. Did you give an affidavit to Mr. Shields?

Mr. PRICE. Yes, sir.

Senator KENYON. Did you keep a copy of it?

Mr. PRICE. No, sir. He took three copies.

Senator KENYON. He took three copies?

Mr. PRICE. Yes.

Senator KENYON. Did he tell you why he wanted three copies?

Mr. PRICE. No, sir.

Senator KENYON. When did you first meet Mr. Shields?

Mr. PRICE. In Seattle.

Senator KENYON. Where is his home?

Mr. PRICE. I really do not know.

Senator KENYON. Did he tell you where he was from?

Mr. PRICE. No, sir.

Senator KENYON. Do you not know where his home is?

Mr. PRICE. No, sir.

Senator KENYON. Do you not know what State he lives in?

Mr. PRICE. No, sir.

Senator KENYON. Did you not inquire of him by what authority he came to you?

Mr. PRICE. Yes.

Senator KENYON. What did he tell you?

Mr. PRICE. The Edward Hines Lumber Co.

Senator KENYON. He told you that the Edward Hines Lumber Co. sent him to you?

Mr. PRICE. That Mr. Wiehe did, I should say.

Senator KENYON. Did he say he was connected with that company in any way?

Mr. PRICE. I do not know.

Senator KENYON. Do you know where he is now?

Mr. PRICE. No, sir.

Senator KENYON. Have you seen him since you have been here?

Mr. PRICE. No, sir.

Senator KENYON. Did you ever hear of him in connection with any senatorial election in Wisconsin?

Mr. PRICE. No, sir.

Senator KENYON. Do you know whether he lived in Wisconsin?

Mr. PRICE. No, sir.

Senator KENYON. Did he not tell you what his business was?

Mr. PRICE. No, sir.

Senator KENYON. He just came out and asked for these affidavits?

Mr. PRICE. As representing Mr. Wiehe.

Senator KENYON. What did you understand he was representing Mr. Wiehe about?

Mr. PRICE. Getting these affidavits.

Senator KENYON. For what purpose?

Mr. PRICE. Well, I supposed in case of another investigation. He did not tell me.

Senator KENYON. He did not tell you?

Mr. PRICE. No, sir.

Senator GAMBLE. You have already given about the date that Mr. Shields visited you at Seattle. What was the date, as nearly as you can recall?

Mr. PRICE. Some time in May.

Senator GAMBLE. This present year?

Mr. PRICE. Yes, sir.

Senator GAMBLE. On this trip from Duluth up to Virginia, were you aware, or had you any information that there was to be a meeting of the Virginia & Rainy Lake Lumber Co. directors the next day?

Mr. PRICE. It might have been discussed at the hotel before leaving, but I do not remember.

Senator GAMBLE. You knew the Weyerhaeusers by sight?

Mr. PRICE. Yes, sir.

Senator GAMBLE. Did you say that you knew Mr. Hines by sight?

Mr. PRICE. Yes, sir.

Senator GAMBLE. You never had seen Mr. Wiehe before?

Mr. PRICE. No, sir.

Senator GAMBLE. Where did you receive that information that he was a stockholder or a member of the board of directors of the company?

Mr. PRICE. I think he is secretary of the Edward Hines Lumber Co.

Senator GAMBLE. Yes; but did you know that at the time you met him on the train?

Mr. PRICE. I knew he was secretary.

Senator GAMBLE. At the time?

Mr. PRICE. Yes.

Senator GAMBLE. And did you know at the time you were on the train and came in touch with them that they were associated in this Virginia & Rainy Lake Lumber Co.?

Mr. PRICE. Yes, sir.

Senator GAMBLE. And your attention was attracted to them on the car, was it?

Mr. PRICE. Yes.

Senator KENYON. You never had heard of Mr. Burgess until Mr. Shields told you about him, had you?

Mr. PRICE. No, sir.

Senator KENYON. You did not remember Mr. Burgess being in the car at all?

Mr. PRICE. Yes, sir. I remembered a stranger being in there.

Senator KENYON. Could you identify the stranger as Mr. Burgess from what Mr. Shields told you about Mr. Burgess?

Mr. PRICE. I do not think I could identify Mr. Burgess.

Senator KENYON. You had no knowledge that a man named Burgess was there, until Mr. Shields told you?

Mr. PRICE. No, sir; I did not.

Senator KENYON. How long did Mr. Shields talk with you?

Mr. PRICE. Possibly a half an hour.

Senator KENYON. And did he take you to a notary public to sign these affidavits?

Mr. PRICE. No, sir; we went downstairs in the building to sign the affidavit. It had already been prepared.

Senator KENYON. He had prepared it?

Mr. PRICE. Yes.

Senator KENYON. Before he saw you?

Mr. PRICE. Yes.

Senator KENYON. He came to you with the affidavit already prepared?

Mr. PRICE. No, sir; he came to me first, and then about two days afterwards, he came to me again with the affidavit prepared.

Senator KENYON. He came and talked to you first about it?

Mr. PRICE. Yes.

Senator KENYON. And then went away and prepared an affidavit?

Mr. PRICE. Yes.

Senator KENYON. And brought it to you?

Mr. PRICE. Yes.

Senator KENYON. Did you read the affidavit?

Mr. PRICE. Yes, sir.

Senator KENYON. Was it all right?

Mr. PRICE. Yes, sir.

Senator KENYON. It stated the situation just as you had talked to him about it before?

Mr. PRICE. Yes.

Senator KENYON. Did you make any changes in it at all?

Mr. PRICE. No, sir.

Senator KENYON. Did he tell you when he first talked with you that he wanted an affidavit?

Mr. PRICE. Yes, sir.

Senator KENYON. Did he say for what purpose?

Mr. PRICE. No, sir; I do not think he did.

Senator KENYON. Did he not tell you where he was from?

Mr. PRICE. Yes.

Senator KENYON. From where?

Mr. PRICE. Chicago.

Senator KENYON. Did he tell you what his business had been?

Mr. PRICE. No, sir.

Senator KENYON. Or what it was then?

Mr. PRICE. No, sir.

Senator KENYON. What did you think he was?

Mr. PRICE. In the employ of Mr. Edward Hines.

Senator KENYON. Had you heard of the Helm investigation at that time?

Mr. PRICE. I had read of it in the paper.

Senator KENYON. Did you connect his being there in any way with this Helm investigation?

Mr. PRICE. Not at first, because I had not read anything about Mr. Burgess testifying.

Senator KENYON. What kind of a looking man is this man Shields?

Mr. PRICE. Short, rather stout; has a mustache and is rather bald.

Senator KENYON. Have you ever seen him since?

Mr. PRICE. No, sir.

Senator KENYON. Did he explain to you what his business had been in the past?

Mr. PRICE. No, sir.

Senator KENYON. Or why he was the particular party sent to get your affidavit?

Mr. PRICE. No, sir.

Senator KENYON. Did you talk over the Illinois election at all with him?

Mr. PRICE. No, sir.

Senator KENYON. Did you talk over the Wisconsin election of Senator Stephenson with him?

Mr. PRICE. No, sir.

Senator KENYON. Or the election of Senator La Follette at the time, in Wisconsin?

Mr. PRICE. No, sir.

Senator KENYON. Did he tell you anything about whether he had had anything to do with any of those elections?

Mr. PRICE. No, sir.

Senator KENYON. He was an utter stranger to you?

Mr. PRICE. Yes, sir.

Senator KENYON. I suppose you would have given this affidavit to anybody who came along?

Mr. PRICE. He said a statement had been made on this train that I did not hear; and I was willing to sign an affidavit to anyone that I had not heard that conversation.

Senator KENYON. He told you what?

Mr. PRICE. He told me that a statement had been made of this conversation in this smoking car; and I was willing to sign an affidavit that it had not taken place.

Senator KENYON. How did he know that you were in the car? Did he tell you?

Mr. PRICE. By this declaration. He showed me the declaration.

Senator KENYON. He had the declaration?

Mr. PRICE. Yes.

Senator KENYON. He had secured it from somebody?

Mr. PRICE. Yes.

Senator KENYON. Did he tell you where he had got the declaration?

Mr. PRICE. From the custom office, I think, or the immigration office.

Senator KENYON. What was the affidavit that you signed? What was the substance of it?

Mr. PRICE. That I had been in the car the greater portion of the time, and had not heard Mr. Wiehe discuss anything with regard to Senator Lorimer's election, or any other subject pertaining to it.

Senator KENYON. That was about all of it, was it?

Mr. PRICE. Practically all of it; yes, sir.

Senator GAMBLE. You have spoken of Mr. Burgess. Do you recall his personal appearance as you saw him in the car?

Mr. PRICE. No, sir.

Senator GAMBLE. You do not recall his personal appearance?

Mr. PRICE. No, sir.

- Senator GAMBLE. Have you ever seen him since?
- Mr. PRICE. No, sir.
- Senator GAMBLE. You have not seen him here in Washington?
- Mr. PRICE. No, sir.
- Senator JONES. How long have you been here?
- Mr. PRICE. Since Sunday afternoon.
- Senator JONES. Have you been in the witness room here?
- Mr. PRICE. Yesterday and to-day only.
- Senator JONES. You were not there day before yesterday?
- Mr. PRICE. No, sir.
- Senator JONES. Saturday?
- Mr. PRICE. No; I came here Sunday afternoon.
- Senator JONES. You did not see any gentleman in the witness room that you recognized as having been in the smoking compartment on that train?
- Mr. PRICE. Yes, sir.
- Senator JONES. Who?
- Mr. PRICE. Mr. McGowan and Mr. Wiehe and Mr. Johnson.
- Senator JONES. You did not see anyone else that you saw in that smoking compartment, that you had not known?
- Mr. PRICE. No, sir.
- The CHAIRMAN. You say you were not there until yesterday; in the witness room?
- Mr. PRICE. Yesterday was when I went to the witness room.
- Senator FLETCHER. Did the location of this stranger who was referred to as Mr. Burgess, in the chair near the entrance, help you to identify him as the man?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. Do you think you would know Mr. Burgess if you were to meet him now?
- Mr. PRICE. No, sir.
- Mr. MARBLE. How long were you in that smoking compartment?
- Mr. PRICE. I could not state the number of minutes.
- Mr. MARBLE. From the time you left Duluth until 10 minutes of the time that you got to Virginia?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. And yet that observation, your observing everybody in that car as carefully as your testimony indicates, did not make as much of an impression on your mind as this description of Mr. Wiehe made which you heard previous to the trip?
- Mr. PRICE. No.
- Mr. MARBLE. What did you and Mr. McGowan talk about after leaving Virginia?
- Mr. PRICE. We talked about the party.
- Mr. MARBLE. What did you talk about in regard to them?
- Mr. PRICE. I told him who they were; and also Frank Gotch was on the train. We talked about several people on the train.
- Mr. HYNES. Frank Gotch, the wrestler?
- Mr. PRICE. Yes.
- Mr. MARBLE. You told him who each one of the parties was?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. Did you tell him about Mr. Wiehe?
- Mr. PRICE. Yes, sir.
- Mr. MARBLE. Who else in the party did you indicate to him?

Mr. PRICE. Mr. Edward Hines.
Mr. MARBLE. How long had you known Mr. Hines?
Mr. PRICE. I had not known Mr. Hines at that time.
Mr. MARBLE. Had you ever seen Mr. Hines before that trip?
Mr. PRICE. Yes.
Mr. MARBLE. Where?
Mr. PRICE. I think on the coast.
Mr. MARBLE. When?
Mr. PRICE. I can not quite recollect.
Mr. MARBLE. How long before the journey?
Mr. PRICE. I could not recollect that.
Mr. MARBLE. How many times?
Mr. PRICE. Once only.
Mr. MARBLE. For how long?
Mr. PRICE. For a very short time.
Mr. MARBLE. How many minutes?
Mr. PRICE. I have not the least idea.
Mr. MARBLE. What was the occasion?
Mr. PRICE. I do not remember that.
Mr. MARBLE. Were you busy at the time you saw him on the coast?
Mr. PRICE. No, sir.
Mr. MARBLE. Were you occupied in anything?
Mr. PRICE. I do not remember.
Mr. MARBLE. Were you with anyone else?
Mr. PRICE. I do not remember.
Mr. MARBLE. Do you remember anyone else you saw when you saw Mr. Hines?
Mr. PRICE. No.
Mr. MARBLE. How did you know it was Mr. Hines that you saw on the coast?
Mr. PRICE. Because his picture came out in the lumber papers so often.
Mr. MARBLE. You recognized Mr. Hines on the coast from his picture in the paper, and you recognized him on the train because you had seen him on the coast?
Mr. PRICE. Yes.
Mr. MARBLE. Or perhaps you recognized him on the train on account of his pictures?
Mr. PRICE. I did, possibly.
Mr. MARBLE. As you recall your mind on the train, which was it? Because of your having seen Mr. Hines on the coast, or because of your having seen his picture in the papers?
Mr. PRICE. It did not occur to me.
Mr. MARBLE. Neither one?
Mr. PRICE. No.
Mr. MARBLE. You knew it was Mr. Hines?
Mr. PRICE. Yes.
Mr. MARBLE. Did Mr. Hines come into that compartment?
Mr. PRICE. He stuck his head in the door.
Mr. MARBLE. Is that all you saw of him?
Mr. PRICE. No, sir; I saw him as I went back to my seat.
Mr. MARBLE. Where did you see him when you went back to your seat?
Mr. PRICE. He was sitting in his seat.

Mr. MARBLE. Where was that?

Mr. PRICE. About four seats ahead of mine, on the right-hand side of the car.

Mr. MARBLE. Who was with him?

Mr. PRICE. I forget.

Mr. MARBLE. Was anybody with him?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Who?

Mr. PRICE. I do not remember.

Mr. MARBLE. Anyone that you knew?

Mr. PRICE. I do not remember that.

Mr. MARBLE. Anyone that you have seen since?

Mr. PRICE. I do not remember.

Mr. MARBLE. You remember whether it was some one whom you knew or not, do you not?

Mr. PRICE. I do not remember who was with him.

Mr. MARBLE. Did you observe him as you went back to your seat?

Mr. PRICE. Yes.

Mr. MARBLE. You are sure you saw him in that car as you went back to get your baggage?

Mr. PRICE. Yes.

Mr. MARBLE. Did you see him in that car when you went back to look at your valises?

Mr. PRICE. I do not remember.

Senator KENYON. Was Gotch in that smoking compartment?

Mr. PRICE. Yes.

Senator KENYON. During the time you were there?

Mr. PRICE. I do not remember that he was in that car.

Senator KENYON. Was he in the smoking car?

Mr. PRICE. Oh, no; no, sir.

Senator KENYON. Did you see him in the smoking compartment at all?

Mr. PRICE. No, sir.

Mr. MARBLE. Was or was not Mr. Hines in the main body of that car when you went to look at your baggage?

Mr. PRICE. I do not remember.

Mr. MARBLE. What caused him to attract your attention the second time that you went back?

Mr. PRICE. Because I was looking for Mr. Hines.

Mr. MARBLE. And you were not looking for him the first time?

Mr. PRICE. Possibly I was.

Mr. MARBLE. But you did not see him the first time?

Mr. PRICE. I did not say that. I say that I do not remember.

Mr. MARBLE. You do not remember seeing him the first time?

Mr. PRICE. No.

Mr. MARBLE. You remember seeing him put his head in the door?

Mr. PRICE. Yes.

Mr. MARBLE. How long did he keep it in there?

Mr. PRICE. He called Mr. Wiehe.

Mr. MARBLE. How long was his head in the door?

Mr. PRICE. Possibly half a minute.

Mr. MARBLE. Did you talk with Mr. Hines on the Pacific coast when you saw him there?

Mr. PRICE. No, sir.

Mr. MARBLE. Were you in the open air when you saw him on the Pacific coast?

Mr. PRICE. I do not remember.

Mr. MARBLE. Or in a hotel?

Mr. PRICE. I do not remember.

Mr. MARBLE. Do you not remember anything about it?

Mr. PRICE. No.

Mr. MARBLE. Was it one year before the journey to Virginia?

Mr. PRICE. I do not remember.

Mr. MARBLE. Two years?

Mr. PRICE. I do not remember.

Mr. MARBLE. Three years?

Mr. PRICE. I do not remember.

Mr. MARBLE. You recognized him just as soon as he put his head in the door?

Mr. PRICE. Yes.

Mr. MARBLE. How many men were smoking in that room at the time?

Mr. PRICE. I do not remember that.

Mr. MARBLE. Did you see Mr. Harper on that train?

Mr. PRICE. No, sir.

Mr. MARBLE. Do you know Mr. Harper?

Mr. PRICE. I think I would recognize him; yes, sir.

Mr. MARBLE. How would you recognize Mr. Harper?

Mr. PRICE. If he was with the rest of the party I would recognize him.

Mr. MARBLE. How would you know it was Mr. Harper?

Mr. PRICE. I would not swear to it. I do not know.

Mr. MARBLE. Do you know him?

Mr. PRICE. No, sir.

Mr. MARBLE. What do you know about him?

Mr. PRICE. Nothing.

Mr. MARBLE. Why do you think you would recognize him?

Mr. PRICE. If he would have been with the Weyerhaeuser party I would possibly recognize him.

Mr. MARBLE. That would enable you to recognize him?

Mr. PRICE. He is connected with the company.

Mr. MARBLE. Is Mr. Harper connected with the Weyerhaeuser Co.?

Mr. PRICE. I think so.

Mr. MARBLE. In what way?

Mr. PRICE. I do not know.

Mr. MARBLE. But you think you would have recognized him?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Do you think you would recognize anyone else connected with the Weyerhaeuser concern if he had been a member of the party there?

Mr. PRICE. Yes, sir; I know of two or three others that I would have recognized.

Mr. MARBLE. Have you any personal acquaintanceship with Mr. Harper?

Mr. PRICE. No, sir.

Mr. MARBLE. Have you ever seen him?

Mr. PRICE. No, sir.

Mr. MARBLE. Why do you think you would have recognized him?

Mr. PRICE. I would have had to have some name for another member of the party, I suppose.

Mr. MARBLE. You think you would have found Mr. Harper's name?

Mr. PRICE. Yes.

Mr. MARBLE. Did Mr. McGowan talk a good deal in that smoking compartment?

Mr. PRICE. Not very much, I do not think.

Mr. MARBLE. Did he talk at all?

Mr. PRICE. Yes.

Mr. MARBLE. What did he talk about?

Mr. PRICE. I do not remember.

Mr. MARBLE. How long had you been in Duluth?

Mr. PRICE. One day.

Mr. MARBLE. Where did you stop?

Mr. PRICE. At the Spalding.

Mr. MARBLE. Did you register there?

Mr. PRICE. No, sir.

Mr. MARBLE. Were you there overnight?

Mr. PRICE. No, sir.

Mr. MARBLE. You came from Minneapolis?

Mr. PRICE. Yes, sir.

Mr. MARBLE. How long were you in Minneapolis?

Mr. PRICE. On and off for three weeks.

Mr. MARBLE. Where did you stop there?

Mr. PRICE. At the Dyckman Hotel.

Mr. MARBLE. What day did you leave Minneapolis?

Mr. PRICE. On the evening of the 6th, at 11.30.

Mr. MARBLE. You took the night train for Duluth?

Mr. PRICE. Yes.

Mr. MARBLE. And stayed during the day at Duluth?

Mr. PRICE. Yes.

Mr. MARBLE. And then took this train?

Mr. PRICE. Yes.

Mr. MARBLE. Judge Hynes, may we have the affidavit which this gentleman signed?

(The paper requested was handed to Mr. Marble.)

Mr. MARBLE. How many affidavits have you made in this matter?

Mr. PRICE. One.

Mr. MARBLE. How did you know the name of the car from Duluth to Virginia?

Mr. PRICE. I did not know the name of the car until afterwards.

Mr. MARBLE. How did you learn it?

Mr. PRICE. From Mr. Shields.

Mr. MARBLE. Mr. Shields told you the name of the car?

Mr. PRICE. Yes.

Mr. MARBLE. You did not observe the name of the car?

Mr. PRICE. I did not.

Mr. MARBLE. Was that an ordinary sleeping car?

Mr. PRICE. No; it was a Canadian Northern sleeping car. It was not a Pullman.

Mr. HYNES. While counsel is pausing for a moment I will ask a question. Was the toilet connected with that smoking room?

Mr. PRICE. No, sir.

Mr. HYNES. Did you attend the session of the National Lumbermen's Manufacturing Association in Seattle in July, 1910?

Mr. PRICE. I think that was where I saw Mr. Hines; yes.

Mr. HYNES. Do you remember his being elected president of that association there at Seattle?

Mr. PRICE. Yes.

Mr. HYNES. I will also ask, while we are waiting, are you sure whether Mr. Johnson or Mr. Weyerhaeuser left that smoking room first?

Mr. PRICE. Mr. Weyerhaeuser left first.

Mr. HYNES. Are you sure about that?

Mr. PRICE. Being called out by Mr. Hines.

Mr. HYNES. Are you sure it was before Mr. Johnson went out?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Who went out Mr. Wiehe? Anybody?

Mr. PRICE. No, sir.

Mr. MARBLE. Mr. Hines just called Mr. Wiehe, and they went away together?

Mr. PRICE. Yes.

Mr. MARBLE. Do you know where they went?

Mr. PRICE. No, sir; I do not.

Mr. MARBLE. Did you see them together again that night?

Mr. PRICE. I do not think so; no, sir.

Mr. MARBLE. Did you see Mr. Wiehe again that night after he left the compartment?

Mr. PRICE. I do not think so; no, sir.

Mr. MARBLE. You do not know where he was?

Mr. PRICE. No, sir.

Senator FLETCHER. You say that Mr. Weyerhaeuser was called out by Mr. Hines?

Mr. PRICE. Yes, sir.

Senator KENYON. Had you ever thought of this matter at all, Mr. Price, until Mr. Shields came to see you?

Mr. PRICE. No, sir.

Senator KENYON. There was nothing about it that impressed itself on your mind?

Mr. PRICE. No, sir. When he came into the office I was very much surprised, and did not know what it was about.

Senator KENYON. There was just a crowd of men sitting in the smoking compartment of the Pullman sleeper, talking and smoking?

Mr. PRICE. Yes.

Senator KENYON. When Mr. Shields commenced to talk to you your memory became a little clearer?

Mr. PRICE. Yes.

Senator KENYON. If Mr. Shields had not talked to you you would not attempt to tell this committee who went out of that smoking compartment first or second or third, would you?

Mr. PRICE. Possibly not.

Senator KENYON. So that what you are saying here has been refreshed and in a way suggested to you by Mr. Shields?

Mr. PRICE. Not exactly suggested; refreshed.

Senator KENYON. When he came to talk with you at your home, could you remember a single thing about this conversation in the Pullman smoking compartment that night?

Mr. PRICE. I could remember Mr. Hines coming in and calling out these two gentlemen.

Senator KENYON. What other thing could you remember?

Mr. PRICE. The discussion of the water plan up above Cloquet.

Senator KENYON. What else?

Mr. PRICE. That is practically all, except in a general way.

Senator KENYON. So that the balance of your testimony here is testimony that has come to your mind by the suggestions made to you by Mr. Shields?

Mr. PRICE. Yes, sir.

Senator KENYON. Mr. Shields told you where the different people sat in the smoking compartment, did he not?

Mr. PRICE. I would not say as to that.

Senator KENYON. Would you say that he did not?

Mr. PRICE. I do not recollect whether he did or did not.

Senator KENYON. You had not remembered where they sat, had you?

Mr. PRICE. One or two of them; yes.

Senator KENYON. Had you remembered whose place you took in the sleeper?

Mr. PRICE. Yes.

Senator KENYON. You had remembered that?

Mr. PRICE. Yes.

Senator KENYON. Did he suggest to you who went out of the smoking room first?

Mr. PRICE. No, sir; I do not think so.

Senator KENYON. You had not remembered that, had you?

Mr. PRICE. I had remembered Mr. Hines calling out Mr. Wiehe.

Senator KENYON. Yes; but you know now, do you not, just who went out, and the order in which they went out, and who were left when you went out?

Mr. PRICE. Yes, sir.

Senator KENYON. Could you have given this committee a single fact except that Mr. Hines came and called out these two men, if it had not been for the talk that Mr. Shields had with you?

Mr. PRICE. Possibly not.

Senator KENYON. Mr. Shields talked with you how long the first time?

Mr. PRICE. I should judge half an hour.

Senator KENYON. And called your attention to these different matters?

Mr. PRICE. In the first place he asked me if I had heard this conversation.

Senator KENYON. Is that all he talked about the first time?

Mr. PRICE. At the first; yes.

Senator KENYON. That is all he talked about the first talk?

Mr. PRICE. Not altogether. When he first saw me, at that time, that is.

Senator KENYON. What did he talk about the first time he saw you?

Mr. PRICE. He asked me in regard to that conversation, and I told him I had not heard it. Then he asked me if I remembered the gentlemen in the car, and I told him yes, I remembered Mr. Johnson very distinctly, and I remembered Mr. McGowan, and I had remembered Mr. Cusson, and I had remembered Mr. Weyerhaeuser.

Senator KENYON. Did he ask you where they sat?

Mr. PRICE. He asked me where they sat, and there was possibly two or three of them that I could have told exactly where they sat.

Senator KENYON. Did you say anything in your affidavit about where they sat?

Mr. PRICE. No, sir.

Senator KENYON. How long did he talk to you the second time?

Mr. PRICE. Not more than 10 minutes.

Senator KENYON. That is the time he had it prepared as an affidavit?

Mr. PRICE. Yes, sir.

Senator KENYON. Did you object to any parts of that affidavit?

Mr. PRICE. No, sir.

Senator KENYON. Did you tell him it did not state the facts accurately?

Mr. PRICE. No, sir.

Senator KENYON. Did he tell you you would be wanted as a witness?

Mr. PRICE. No, sir.

Senator KENYON. Did he tell you the affidavit was all there was to it?

Mr. PRICE. No, sir.

Senator KENYON. And that you would not be compelled to go before the Helm committee?

Mr. PRICE. I do not think the Helm committee was talked of at all.

Senator KENYON. Do you know whether that was through, or whether it was going on?

Mr. PRICE. I do not remember. I think it was going on.

Senator KENYON. Did he stop at your house?

Mr. PRICE. No, sir.

Senator KENYON. Where did he stop?

Mr. PRICE. At my office.

Senator KENYON. Have you never seen him since that time?

Mr. PRICE. No, sir.

Senator KENYON. Did he tell you that he had seen any other witnesses?

Mr. PRICE. Yes, sir.

Senator KENYON. Did he say he was looking up the evidence?

Mr. PRICE. Yes.

Senator KENYON. Whom did he tell you he had seen?

Mr. PRICE. He was going to see Frank Gotch. He said he had been running all around the country getting these facts. I do not know whether he had been to Mr. McGowan or not.

Senator KENYON. Did he show you any other affidavits?

Mr. PRICE. One.

Senator KENYON. Whose?

Mr. PRICE. I forget whose it was.

Senator KENYON. He had not seen Frank Gotch at that time?

Mr. PRICE. No; I do not think he had.

Senator KENYON. Who did he tell you had employed him to get up this affidavit?

Mr. PRICE. He said he represented Mr. Wiehe, from the Hines Lumber Co.

Senator KENYON. Did you understand that the Hines Lumber Co. was involved in anything that required investigation?

Mr. PRICE. No.

Senator KENYON. Or that required affidavits?

Mr. PRICE. No; the individuals only.

Senator KENYON. Had you heard at that time that Mr. Hines was accused in any way of being involved in the matter?

Mr. PRICE. I think I had read it; yes, sir.

Senator KENYON. You have never seen Mr. Shields since that time?

Mr. PRICE. No, sir.

Senator KENYON. And you do not know where he is?

Mr. PRICE. No, sir.

Senator GAMBLE. Was your recollection of the conversation, or rather that no conversation had been had, in the smoking compartment in regard to the election of Senator Lorimer or the use of money or contributing to the jackpot, your own independent recollection, independent of any suggestion made by this gentleman who interviewed you, Mr. Shields?

Mr. PRICE. I remembered no such conversation.

Senator GAMBLE. Did he make any suggestions to you in connection with it?

Mr. PRICE. No, sir.

Senator GAMBLE. And you stated that upon your own independent recollection of what occurred in the smoking room?

Mr. PRICE. After he had asked if such a conversation had occurred, I told him no.

Senator GAMBLE. How did you know that these men, the Weyerhaeusers, Mr. Wiehe, and Mr. Hines and the others named, were going out to a meeting of that kind?

Mr. PRICE. That I can not quite recall. I must have heard it at the hotel.

Senator GAMBLE. But you did have that information?

Mr. PRICE. Yes, sir; I did.

Senator GAMBLE. And you associated them on the car going up that night with that company and with their business?

Mr. PRICE. Yes, sir; I did.

Senator GAMBLE. And you knew concerning the company, did you, and its stockholders and its directors?

Mr. PRICE. Oh, yes.

Senator JONES. Did you see any of them at the hotel before you left for the train?

Mr. PRICE. I do not remember.

Senator JONES. Do you know whether any of them were at your hotel?

Mr. PRICE. I have since found out some of them were there.

Senator JONES. You have understood since that some of them were there?

Mr. PRICE. Yes; at the Spalding House.

Senator JONES. But you do not remember seeing any of them?

Mr. PRICE. No, sir.

Senator JONES. Did you talk with anybody at the hotel about this Virginia & Rainy Lake Lumber Co.?

Mr. PRICE. Yes, sir.

Senator JONES. Who?

Mr. PRICE. With the man that must have told me that they were going up there. Our Minneapolis man was with me, and we were talking about it.

Senator JONES. Your Minneapolis man? What do you mean by that?

Mr. PRICE. Our representative in Minneapolis.

Senator JONES. You had a representative in Minneapolis, and he was there at Duluth?

Mr. PRICE. Yes.

Senator JONES. You and he were talking about this lumber company?

Mr. PRICE. Yes.

Senator JONES. You think he suggested that these men were going to this meeting?

Mr. PRICE. Yes.

Mr. MARBLE. Just one other question, if you please. Did you tell Mr. Shields what time you went into that smoking compartment?

Mr. PRICE. Yes; I think so.

Mr. MARBLE. Did you tell him the same thing you have told here on the stand?

Mr. PRICE. No; not quite as thoroughly.

Mr. MARBLE. Not quite as thoroughly?

Mr. PRICE. No, sir.

Mr. MARBLE. Did you tell him you went into the smoking compartment about the time the train started?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Did you tell him that you remained there until 10 minutes before the train reached Virginia, except for the short absence you have described?

Mr. PRICE. Yes, sir.

Mr. MARBLE. You did tell him that?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Did you tell him about any other absences from the smoking compartment than the one you have described to us?

Mr. PRICE. No, sir.

Mr. MARBLE. Did he suggest to you the length of time you had been in that smoking room?

Mr. PRICE. No, sir; he did not.

Mr. MARBLE. Not at all?

Mr. PRICE. No, sir.

Mr. MARBLE. All the suggestions were made by you to him before he prepared this affidavit?

Mr. PRICE. Oh, no, sir; he made the suggestions, but there were no suggestions to make. He asked me if I would sign an affidavit to the effect that I had not heard this conversation, and I said I would.

Mr. MARBLE. That is all the suggestion that was made about the contents of this affidavit?

Mr. PRICE. Yes, sir.

Mr. MARBLE. And then, without any further conversation than that, he went away and prepared the affidavit?

Mr. PRICE. Yes, sir.

Mr. MARBLE. And he got the affidavit correct, so that you swore to it?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Without sounding your mind as to the circumstances to be described in the affidavit?

Mr. PRICE. I do not think there were any circumstances described, excepting that I swore I did not hear this conversation.

Mr. MARBLE. That is all you told Mr. Shields before he prepared the affidavit?

Mr. PRICE. Practically all I told him; yes, sir.

Mr. MARBLE. Did you tell him about Mr. Hines calling Mr. Wiehe from the room?

Mr. PRICE. I do not think so; no, sir.

Mr. MARBLE. You do not think you did?

Mr. PRICE. No, sir.

Mr. MARBLE. Did you tell him about Mr. Hines calling Mr. Weyerhaeuser from the room?

Mr. PRICE. No, sir; I do not think so.

Mr. MARBLE. Did Mr. Hines call Mr. Weyerhaeuser from the room?

Mr. PRICE. I think so; yes, sir.

Mr. MARBLE. At the time that you have described, when he left the room?

Mr. PRICE. Yes, sir.

Mr. MARBLE. Did he call anyone else from that room that night?

Mr. PRICE. No, sir.

Mr. MARBLE. If the committee please, I will present the affidavit to the witness. Is this the affidavit that you signed [exhibiting paper to witness]?

Mr. PRICE. Yes, sir; that is my signature.

(By request the stenographer marked the affidavit referred to "Exhibit Price No. 2, July 19, 1911.")

Mr. MARBLE. Does the chairman desire that I read the affidavit now?

The CHAIRMAN. I think you had better get it in now, although we are past our recess time.

(Mr. Marble then read the first part of the affidavit referred to, down to the end of the first paragraph, when the following occurred:)

Mr. MARBLE. I am requested here to refer to this paper.

Mr. HANEY. It is all right. It is in already.

Mr. MARBLE. The paper referred to is marked "Exhibit No. 1, J. Ben. Price," on the bottom.

Mr. FARRAR. And with the signature of a notary public.

Mr. MARBLE. There are a number of signatures of notaries public here.

Senator JONES. I would suggest that you just read the affidavit into the record.

The CHAIRMAN. Proceed.

Mr. MARBLE. Yes; that is better.

(Mr. Marble then finished the reading of the affidavit referred to. Said affidavit is, in full, as follows:)

"EXHIBIT PRICE NO. 2.—JULY 19, 1911.

"STATE OF WASHINGTON, *County of King*, ss:

"J. Ben. Price, being first duly sworn, deposes and says that he is a lumberman, and resides in the city of Seattle, State of Washington.

That he was a passenger on the sleeping car Regina which left Duluth, Minn., on Tuesday, the 7th day of March, A. D. 1911, at about 7.10 o'clock in the evening, the railroad being the Duluth, Missabe & Northern Railroad. That I am the party who filled out the sheet 'Information for Canadian immigration and health inspection' at Fort Frances, Ontario, March 8, 1911, which sheet is now produced and shown to me and marked 'Exhibit 1' to this my affidavit.

"That during said trip from Duluth to Virginia I was in the smoking compartment of the said car Regina the greater portion of the time; that during all of said time the said smoking compartment was full of men; that just before arriving at Virginia, Minn., I left the smoking compartment to prepare for transfer from the car Regina to the car Kakabeka; and that on arrival at Virginia I did transfer from said car Regina to said car Kakabeka and remained in said car Kakabeka until I arrived at Winnepeg.

"That I remember seeing on said car Regina on said trip Mr. Edward Hines, of Chicago, Ill., and several other lumbermen. That I remember a man in the smoking compartment of said car Regina on said trip who is now described to me as Mr. C. F. Wiehe, of Chicago, Ill. That during said trip between Duluth and Virginia, in the smoking compartment of said car Regina or in any other part of said car, I heard no conversation whatever in regard to the election of Mr. William Lorimer to the office of United States Senator from Illinois, or any matter pertaining thereto. That if any such conversation was had in my proximity I would have heard it. That to my knowledge Mr. C. F. Wiehe was with a party of 8 or 10 people and was continuously with some one of the said party during the entire trip between Duluth and Virginia.

"That during said trip between Duluth, Minn., and Virginia, Minn., Mr. Edward Hines came to the door of the smoking compartment of said car Regina and called Mr. C. F. Wiehe and another lumberman from the smoking compartment of said car Regina into the sleeping compartment of said car Regina.

"J. BEN. PRICE.

"Subscribed and sworn to before me this 31st day of May, 1911.

"S. J. RICE,

"Notary public in and for said State, residing at Seattle, Wash."

(During the reading of the acknowledgment of the affidavit, before the notary's name was read, the following occurred:)

Mr. MARBLE. Do you know the name of the notary who signs this?

Mr. PRICE. Rice.

The CHAIRMAN. Does that complete the examination of the witness?

Mr. MARBLE. I would rather not say definitely now. I think so.

The CHAIRMAN. We will take a recess until 2 o'clock.

(The committee thereupon took a recess until 2 o'clock p. m.)

AFTER RECESS.

Mr. MARBLE. We are through with the witness who was on the stand before recess.

Mr. HANEY. I should like to have Mr. George M. Reynolds called.

TESTIMONY OF GEORGE M. REYNOLDS.

GEORGE M. REYNOLDS, being duly sworn, was examined and testified as follows:

Mr. HANEY. Mr. Reynolds, what is your full name?

Mr. REYNOLDS. George M. Reynolds.

Mr. HANEY. What is your business?

Mr. REYNOLDS. I am banking.

Mr. HANEY. How long have you been in the banking business?

Mr. REYNOLDS. Thirty-one years.

Mr. HANEY. With what bank are you now connected, and how?

Mr. REYNOLDS. I am president of the Continental and Commercial National Bank of Chicago, and president of the Continental Trust and Savings Bank, and chairman of the board of directors of the Hibernian Banking Association.

Mr. HANEY. What are the capital and surplus of the Continental and Commercial National Bank?

Mr. REYNOLDS. The capital and surplus are \$34,000,000.

Mr. HANEY. And what are the deposits?

Mr. REYNOLDS. About \$200,000,000, of those two banks.

Mr. HANEY. That is, of the two?

Mr. REYNOLDS. Of the two; yes, sir.

Mr. HANEY. Have you given the capital and surplus of the two?

Mr. REYNOLDS. Yes, sir.

Mr. HANEY. What is the capital of the Hibernian?

Mr. REYNOLDS. A million and a half.

Mr. HANEY. And the deposits?

Mr. REYNOLDS. Between twenty-six and twenty-seven million.

Mr. HANEY. Have you included the surplus and the capital of the Hibernian?

Mr. REYNOLDS. No, sir. The combined capital and surplus of the three institutions, which are under one management, is about \$36,500,000.

Mr. HANEY. And the deposits of all three?

Mr. REYNOLDS. At the moment they are about \$225,000,000.

Mr. HANEY. How long have you been president of the Continental & Commercial National Bank?

Mr. REYNOLDS. I have been president of the Continental National for, I think, seven years. The Commercial National business was merged with ours on the 1st of August last—not quite a year yet.

Mr. HANEY. Do you know Edward Hines?

Mr. REYNOLDS. I do.

Mr. HANEY. How long have you known him?

Mr. REYNOLDS. About 13 years, I guess.

Mr. HANEY. He is one of the directors of your national bank?

Mr. REYNOLDS. Yes, sir.

Mr. HANEY. And has been since you have been connected with it, Has he?

Mr. REYNOLDS. No; not that long. He was originally a director of the National Bank of North America, whose business we took over some seven or eight years ago; I am not just sure as to the exact time.

Mr. HANEY. And did Mr. Hines become a director then?

Mr. REYNOLDS. He became a director of the Continental National Bank at the time the Continental National absorbed the old National Bank of North America, of which he was then a director.

Mr. HANEY. And he continued after the absorption or the consolidation of the Continental and the Commercial?

Mr. REYNOLDS. Yes, sir.

Mr. HANEY. And he is now a director?

Mr. REYNOLDS. Yes, sir.

Mr. HANEY. Do you know Gov. Deneen?

Mr. REYNOLDS. I do.

Mr. HANEY. How long have you known him, Mr. Reynolds?

Mr. REYNOLDS. About the same length of time, I should say—12 or 14 years; something like that; perhaps longer than 13.

Mr. HANEY. Did you meet Mr. Hines on the morning of the 26th of May, 1909, the day William Lorimer was elected United States Senator from Illinois?

Mr. REYNOLDS. I do not recognize the date, but I did meet him on the day on which Mr. Lorimer was elected Senator; yes, sir.

Mr. HANEY. Where had Mr. Hines been prior to your meeting him that morning?

Mr. REYNOLDS. He told me he had been in Washington.

Mr. HANEY. Did he tell you that he had just returned to Chicago from Washington at that time?

Mr. REYNOLDS. Yes, sir; he did.

Mr. HANEY. About what time in the morning did you meet him?

Mr. REYNOLDS. Oh, around 9 o'clock—perhaps a little after; I do not know exactly the hour.

Mr. HANEY. Did you have a talk with him as to what he was in Chicago for?

Mr. REYNOLDS. Yes; he explained to me.

Mr. HANEY. Will you not tell the committee now what your talk with him was in that respect?

Mr. REYNOLDS. I would not undertake to give it word for word; but I can give the sense of it, I think, and I guess that is all you care for.

Mr. HANEY. Give the substance of it.

Mr. REYNOLDS. I will give the substance of it. Mr. Hines came to me that morning, as I think, directly from the train, and said that he was the bearer of a message which would have an important bearing upon the situation in Illinois politics.

Mr. HANEY. Did he say from whom the message was?

Mr. REYNOLDS. Yes; he did. The message came directly, as he stated it to me, from Senator Aldrich. In the conversation, however, he explained that the message in reality was coming from the administration, or from President Taft, through Senator Aldrich, and was to be delivered by him to Gov. Deneen.

Mr. HANEY. What else did he say to you in that respect?

Mr. REYNOLDS. He told me in substance that there had been a conference of some of the leading Senators in Washington upon the question of the election of a Senator in Illinois, there having been one vacancy at that time; and he stated that as a result of that conference he had been commissioned to take this message to Illinois, which, in effect, was that the leaders in the Senate, including the President, had expressed a desire to have a Senator elected before the

adjournment of the legislature in Illinois, and that after a consideration of the situation locally they had come to the conclusion that they could probably unite better upon Senator Lorimer (or, rather, upon Congressman Lorimer at that time) than anyone else; and he stated to me that he had been commissioned to carry this message to Gov. Deneen, to the effect that they would much prefer to see Senator Lorimer elected than to have the legislature adjourn without an election.

Mr. HANEY. Did Mr. Hines say anything to you about how he was to communicate that to Gov. Deneen, or how he wanted to convey that message to Gov. Deneen from the President and the leaders in Washington?

Mr. REYNOLDS. I do not think there was any specific discussion about that. He intimated, or rather indicated, that he had expected to go on to Springfield direct, but for some reason or other had been detained in Chicago, and that it would necessitate the message being sent by telephone. He said he did not know quite what was the best way to do it, and asked my advice. I said to him that he being the only party who could know anything about the details of the message itself, I thought he was the only man who could consistently undertake to do the telephoning. Thereupon he asked me if we had a public telephone there, and I told him there was a telephone in the room adjoining mine that he could use.

Mr. HANEY. You were in the bank of the Continental & Commercial National at that time, and in the office of the president of the bank?

Mr. REYNOLDS. I was.

Mr. HANEY. You were in your office at that time?

Mr. REYNOLDS. Yes, sir.

Mr. HANEY. Did Mr. Hines suggest to you or talk to you about having to convey that message to Gov. Deneen?

Mr. REYNOLDS. No; I do not think he did. He asked my advice, however, as to the best way in which the message could be gotten to him.

Mr. HANEY. And you suggested that he go and telephone it directly?

Mr. REYNOLDS. I suggested that that was the only feasible way, since he was the only man who knew anything about it.

Mr. HANEY. What did Mr. Hines do then, Mr. Reynolds?

Mr. REYNOLDS. My remembrance is that he asked me to call my secretary; and my remembrance is that after that he asked him to get Mr. Lorimer on the telephone, which I think he did.

Mr. HANEY. Mr. Lorimer was then in Springfield?

Mr. REYNOLDS. He was not there, at any rate. I think he was in Springfield.

Mr. HANEY. Did you give the direction to your secretary, or somebody connected with the bank, to get Senator Lorimer on the long-distance telephone?

Mr. REYNOLDS. I think Mr. Hines gave the instruction himself, as I remember it.

Mr. HANEY. In your presence?

Mr. REYNOLDS. Yes, sir.

Mr. HANEY. Was the long-distance telephone resorted to, and was it reported that they had Mr. William Lorimer on the telephone?

Mr. REYNOLDS. Mr. Hines left my office then and went into the adjoining room, where there was a public telephone, and was in the booth for some little time—I do not know how long. In the meantime people had begun to come in to transact their business; and after some time he came back to my office and said that he had talked to Mr. Lorimer, and had also talked to Gov. Deneen.

Mr. HANEY. Did he say upon what subject he had talked with those two gentlemen?

Mr. REYNOLDS. He did not specify at all; but I assumed, of course, it was upon the subject which he had discussed with me prior to going into the booth.

Mr. HANEY. Was there anything said by you or Mr. Hines about the possibility of Gov. Deneen's not recognizing Mr. Hines's voice, either before Mr. Hines got the governor or afterwards?

Mr. REYNOLDS. I think Mr. Hines intimated, before he went into the booth, that in his proposed talk with Gov. Deneen he might not recognize his voice; and he said: "I may have to bother you further, to ask you to step to the phone and identify me."

Mr. HANEY. But he did not call on you?

Mr. REYNOLDS. He did not; no, sir.

Mr. HANEY. Did you have any further conversation with Mr. Hines that morning on that subject, Mr. Reynolds?

Mr. REYNOLDS. No, sir.

Mr. HANEY. Was that substantially all that took place?

Mr. REYNOLDS. Yes, sir.

Mr. HANEY. Did Mr. Hines tell you anything about what the governor said to him in relation to the matter, or what Senator Lorimer had said?

Mr. REYNOLDS. I do not think he did, Mr. Haney.

Mr. HANEY. In the talk which you had with Mr. Hines before Mr. Hines went to the long-distance telephone, was anything said about a meeting in Washington here at midnight, or just prior to midnight, and extending to midnight or beyond?

Mr. REYNOLDS. Mr. Hines, in the delivery of his message, had explained its origination by saying that he had been called to meet, I think he said, Senator Aldrich and Senator Penrose at the Finance Committee room the second evening before, and that they left the committee room, he going to Senator Aldrich's house and Senator Aldrich going to the White House, after which Senator Aldrich returned to his residence, where Mr. Hines had been waiting, and at which time he gave him (as he stated to me) the message that he had been authorized to deliver to Gov. Deneen.

Mr. HANEY. You mean that Senator Aldrich had given to Mr. Hines the message that Mr. Hines gave to you?

Mr. REYNOLDS. Yes, sir; that was his statement of it at that time.

Mr. HANEY. Was anything said by Mr. Hines about where Senator Aldrich went from the Finance Committee room while Mr. Hines waited at Senator Aldrich's residence?

Mr. REYNOLDS. Yes; he told me he had gone to the White House.

Mr. HANEY. Senator Aldrich had gone to the White House?

Mr. REYNOLDS. Yes, sir.

Mr. HANEY. Did he say what time Senator Aldrich had returned to his own residence from the White House that evening—that night?

Mr. REYNOLDS. I think he said some time between midnight and 1 o'clock. I am not positive as to the exact time.

Mr. HANEY. Did Mr. Hines say anything about what he had done after he had received the message from Senator Aldrich after midnight, or about that time, about telephoning or telegraphing to anybody at Springfield or Chicago?

Mr. REYNOLDS. No, sir; he did not say anything to me about it.

Mr. HANEY. That is all.

Mr. MARBLE. Was it before or after he telephoned to Springfield that Mr. Hines told you of the meetings between him and Senator Aldrich?

Mr. REYNOLDS. It was before he telephoned.

Mr. MARBLE. What time did he come to the bank?

Mr. REYNOLDS. Around 9 o'clock; perhaps a little later. I did not pay any attention to the exact time, except that it was early in the morning.

Mr. MARBLE. What time were you accustomed to arrive at the bank?

Mr. REYNOLDS. 8.30, as a rule.

Mr. MARBLE. And your memory would be that it was about 8.30 when you arrived that morning?

Mr. REYNOLDS. Yes; I do not remember anything to the contrary. It was quite early. The bank, in reality, was not open for general business, our opening hour being 10 o'clock. I do not think anybody had been in in the morning before Mr. Hines called.

Mr. MARBLE. Can you tell how long Mr. Hines talked with you before he left you to go to the telephone?

Mr. REYNOLDS. I should say perhaps 20 minutes. That is only an estimate, of course. I paid no particular attention to it.

Mr. MARBLE. After he had telephoned, he made no report to you of the results?

Mr. REYNOLDS. No, sir; nothing definite, except, I think, he did step to my office and say that he had reached the governor and had delivered the message.

Mr. MARBLE. Did he say anything further?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Did he come inside of the room of your office?

Mr. REYNOLDS. No, sir; he simply looked in at the door.

Mr. MARBLE. Did he say that he had reached Senator Lorimer also—Congressman Lorimer?

Mr. REYNOLDS. I do not remember that he did say that; no, sir.

Mr. MARBLE. Did he not tell you that he had reached the governor, and that the governor had promised to assist Mr. Lorimer to be elected United States Senator?

Mr. REYNOLDS. I do not remember that he said that; no, sir.

Mr. MARBLE. You do not remember that he told you anything?

Mr. REYNOLDS. Anything except that he had reached him and delivered the message. That is as nearly as I remember it.

Mr. MARBLE. Did Mr. Hines talk to you about the election of Senator Lorimer, after it occurred at any time?

Mr. REYNOLDS. Nothing definite that I know of, until after these proceedings had all come up.

Mr. MARBLE. You do not remember meeting him in the week or 10 days or 2 weeks after the election?

Mr. REYNOLDS. I do not recall it; no, sir; although I may have. Mr. Hines was a frequent visitor at the bank and a frequent visitor

to my office; and it is barely possible that something may have been mentioned about it at that time. But I dismissed it from my mind at the time.

Mr. MARBLE. Did he ever discuss this telephoning with you afterwards—after the election?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Or the effect of it?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Or the part that he had played in the election of Senator Lorimer?

Mr. REYNOLDS. I think I have heard him say that he thought he was instrumental, probably, in electing Senator Lorimer.

Mr. MARBLE. Do you remember where it was that you heard him say that?

Mr. REYNOLDS. No; I do not recall it, but it would very probably be in my office, because I am not out of it very much of the daytime.

Mr. MARBLE. Do you remember his words?

Mr. REYNOLDS. No; I would not be able to repeat them.

Mr. MARBLE. Did he indicate the extent to which he thought he had been instrumental?

Mr. REYNOLDS. No; I do not think he did.

Mr. MARBLE. Or did he at all indicate to you the service which he had rendered?

Mr. REYNOLDS. I think Mr. Hines's attitude generally, as well as what he may have said at the time, indicated to me that he believed he had been very influential in bringing about what had happened, but I can not quote definitely what he said.

Senator KERN. Did he tell you how? Did he tell you any of the steps he had taken?

Mr. REYNOLDS. No; he did not; further than that he knew that I was conversant with his first statement with reference to this message.

Senator KERN. He did not assume that the message elected Senator Lorimer, did he?

Mr. REYNOLDS. That is as far as I know of his connection with it.

Mr. MARBLE. Are you friendly with Senator Lorimer?

Mr. REYNOLDS. I am not unfriendly with any man. I am not friendly with him in the sense of being friends with him; no.

Mr. MARBLE. I am speaking now about personal friendship.

Mr. REYNOLDS. No; I hardly know Senator Lorimer, more than to say "Good morning" to him.

Mr. MARBLE. Have you been a political supporter of his?

Mr. REYNOLDS. I have not.

Mr. MARBLE. Have you contributed to his campaign funds?

Mr. REYNOLDS. I have not.

Mr. MARBLE. Has anyone ever talked to you about a campaign fund to defray the expenses of his election as Senator?

Mr. REYNOLDS. Nothing except what may have been casual gossip since these matters have been public and have been in the newspapers.

Mr. MARBLE. But before the publication of the Funk testimony, for instance?

Mr. REYNOLDS. Yes; I had one remark made to me at one time. Some months—I do not remember how long—after this episode to which I have just referred, Mr. Medill McCormick, of the Tribune,

came to me and said, "I know that you knew of that message which was sent out there, and I have come to see whether you know anything about money having been used." I said to him that I did not, and that I was amazed to hear that there had been any money used. At that time he said, "I have definite knowledge that somebody took \$128,000," I think he said, "from Washington to Springfield."

Mr. MARBLE. Mr. McCormick said he had definite knowledge that money had been taken?

Mr. REYNOLDS. Yes, sir; but he did not know who had taken it.

Mr. MARBLE. Did he indicate any further to you the nature of his knowledge?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Did he say that the money had been used for the election of Senator Lorimer?

Mr. REYNOLDS. That was the inference.

Mr. MARBLE. It was in that connection?

Mr. REYNOLDS. My understanding was that that was what he meant.

Mr. MARBLE. He gave you to understand that he had some sort of evidence or information that there was such a fund used?

Mr. REYNOLDS. Or at least that he believed that money had been used; yes.

Mr. MARBLE. Can you tell us the certainty with which he expressed himself in that regard?

Mr. REYNOLDS. I think he was quite certain that he had knowledge that the money had gone from Washington, but that he could not locate the party who had carried it.

Mr. MARBLE. He indicated that it had gone from the city of Washington to Springfield?

Mr. REYNOLDS. Yes, sir.

Mr. MARBLE. Did he indicate that it went by way of Chicago?

Mr. REYNOLDS. He did not.

Mr. MARBLE. Or anything about its route?

Mr. REYNOLDS. He did not.

Mr. MARBLE. Did he indicate whether it went before or after the election?

Mr. REYNOLDS. He did not; no, sir.

Mr. MARBLE. Did he at that time indicate to you any knowledge or any belief as to the person who carried it?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Can you fix the time of that conversation?

Mr. REYNOLDS. No; except that I should say it was several months after the election—some little time, however, before this matter was made public in the newspapers.

Mr. MARBLE. You are certain it was Medill McCormick who made that remark?

Mr. REYNOLDS. Yes.

Mr. MARBLE. You are sure it was not some other McCormick?

Mr. REYNOLDS. No; Mr. Medill McCormick, who was then manager of the Chicago Tribune.

Mr. MARBLE. Would you say whether that conversation was before or after the publication of the White confession?

Mr. REYNOLDS. Oh, it was before that; some little time.

Mr. MARBLE. Could you indicate how long before?

Mr. REYNOLDS. No; I could not.

Mr. MARBLE. Would it be a matter of a few days?

Mr. REYNOLDS. Oh, no; it would be some considerable time before.

Mr. MARBLE. More than a month, perhaps?

Mr. REYNOLDS. Oh, yes; it would be more than that—I should say three or four months, perhaps; and I may be wrong in dates as to that, because not long after that Mr. Medill left Chicago on account of his health, and, as I understand, has not been actively connected with the paper since.

Mr. HANEY. You mean Mr. Medill McCormick?

Mr. REYNOLDS. Mr. Medill McCormick; yes. The date of his departure might help you to settle that date. I can not do it.

Mr. MARBLE. Do you know how long it was before his departure?

Mr. REYNOLDS. I do not; no.

Mr. MARBLE. Assuming that the White confession was published on April 30, 1910, would you say that this was in the month of April?

Mr. REYNOLDS. No; I should say two or three months before that.

Mr. MARBLE. Before the month of March?

Mr. REYNOLDS. Yes; I should say so. I am not, however, able to state definitely that is the fact, because I made no memorandum of it and paid no attention to it.

Mr. MARBLE. And you are certain that it was Mr. Medill McCormick?

Mr. REYNOLDS. Yes.

Mr. MARBLE. And that it was \$128,000?

Mr. REYNOLDS. I am speaking from memory, but I think that was the amount.

Mr. MARBLE. And that it was in connection with the senatorial election?

Mr. REYNOLDS. We had a little conversation about it. He said he knew I had knowledge of this message, and he wanted to know if I knew anything of this phase of it, and I told him I did not know anything about it, and was very much surprised that such a phase existed.

Mr. MARBLE. He did not say he knew you had knowledge of the fund?

Mr. REYNOLDS. Oh, no.

Mr. MARBLE. And he did not assert any knowledge of that sort?

Mr. REYNOLDS. Not at all.

Mr. MARBLE. Did you tell him about the message?

Mr. REYNOLDS. I did not tell him at that time. He did not stop to discuss it with me.

Mr. MARBLE. He asked you about it, and when it was, without getting your answer?

Mr. REYNOLDS. He asked me about this question about the money, if I had any knowledge of any money being sent from Washington, and when I said no, he said it was said it had been done, and he was going to find out in some way; and he just asked me about that and left. He did not stay in my office 10 minutes.

Mr. MARBLE. He did not ask you about information about the message?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. He claimed to have that knowledge?

Mr. REYNOLDS. His question indicated that he had that knowledge.

Mr. MARBLE. Did you discuss the matter of a fund for the election of Senator Lorimer with any other person?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Not up to the time of the meeting of the Helm committee at Springfield?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Can you recall any of the occasions on which Mr. Hines led you to believe that he thought himself to be very instrumental in the election of Senator Lorimer?

Mr. REYNOLDS. No; I do not recall any.

Mr. MARBLE. You do not recall the specific conversations?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Nor who was present?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Nor where they were held?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Was there more than one such communication from Mr. Hines?

Mr. REYNOLDS. I do not know that I understand your question.

Mr. MARBLE. Was there more than one utterance from Mr. Hines that led you to that belief that he considered himself very instrumental in that election?

Mr. REYNOLDS. No, sir. I do not recollect, so far as I had any knowledge of it.

Mr. MARBLE. Would you say that it was just one?

Mr. REYNOLDS. I should say just one.

Senator KERN. Was there a person connected with your bank or about your bank named Conrad?

Mr. REYNOLDS. We have a young man named Conrad, or used to have. I presume he is there yet.

Senator KERN. Do you remember his first name?

Mr. REYNOLDS. I do not; no, sir.

Senator KERN. In what capacity was he employed?

Mr. REYNOLDS. I think he was what we call an assistant to the correspondence clerk at that time.

Senator KERN. You think he is still with you?

Mr. REYNOLDS. I am not positive as to that; no, sir. You see, we have about 1,000 men, and I have nothing to do with their employment or their direct supervision or discharge, and I do not carry the names in my mind. If he is not with us, we probably know where he is and can locate him.

Mr. MARBLE. Have you looked up the records of the telephone on that date?

Mr. REYNOLDS. I have not.

Mr. MARBLE. Do you know whether or not they have been searched?

Mr. REYNOLDS. I think they have. Mr. Hines told me at one time they had been searched so far as our office was concerned, but I do not remember exactly what he said about it, except they had found a message referred to had been sent from our office and charged to and paid by us, and that afterwards he had reimbursed us.

Mr. MARBLE. The matter did not pass through your hands?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Mr. Hines could go directly to the person having those records in your office?

Mr. MARBLE. And no one has made any such disclosure to you?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Have you talked with men who were interested in legislation pending before the general assembly?

Mr. REYNOLDS. No; I have not.

Mr. MARBLE. You have not had occasion to discuss franchises or contracts?

Mr. REYNOLDS. No, sir. I am very busy in the conduct of my own business, and I do not have time for outside matters. I am a little old fashioned in my ideas of the conduct of a bank. I am not in any outside matters; I have no directorship in anything outside of a bank; and I decline to go into everything, in stockholding and every other way, believing that so long as I am the custodian of the funds of the public I ought to stick to my task and not go into things that would either divide my responsibilities, my energies, or my thoughts.

Mr. MARBLE. It occurred to me that in the personal friendships and business friendships you would make in the course of that employment, some one might have communicated to you their experience with the legislature.

Mr. REYNOLDS. They have not.

Mr. MARBLE. No one?

Mr. REYNOLDS. No, sir.

Senator FLETCHER. Do you know Senator Aldrich?

Mr. REYNOLDS. I do.

Senator FLETCHER. How long have you known him?

Mr. REYNOLDS. Well, I have known him pretty intimately since the spring of 1908.

Senator FLETCHER. Have you ever had any communication from him with regard to the election of a Senator from Illinois?

Mr. REYNOLDS. No; I never have.

Senator FLETCHER. No communications, written or oral, direct or indirect, with respect to the election of Senator Lorimer?

Mr. REYNOLDS. No, sir. The only information I have that connects his name with it in any way is the conversation with Mr. Hines the morning that he came to my office and told me what I have already stated he did tell.

Mr. MARBLE. This question I have asked you regarding communications to you by business men concerning the use of money improperly in the Illinois Legislature, you would answer in the same way if I were to ask you regarding communications from other bankers?

Mr. REYNOLDS. Yes, sir.

Mr. MARBLE. And no person at all has ever made any such communication to you?

Mr. REYNOLDS. No person whatever.

Mr. MARBLE. Or has made complaint to you regarding legislation in that regard?

Mr. REYNOLDS. No, sir. I am not at all in touch with legislative matters in Illinois.

Mr. MARBLE. And no one has ever claimed to you to have knowledge of the use of any money for any purpose in the Legislature of the State of Illinois?

Mr. REYNOLDS. Well, I think I have heard Mr. Kohlsaat say that he has knowledge, which he has already given to this committee, as I understand.

Mr. MARBLE. When did you hear that thing from Mr. Kohlsaas?

Mr. REYNOLDS. It was some time after—well, it was after he had given his evidence at Springfield before the Helm committee. I do not remember the date.

Mr. MARBLE. Did he seem to have any more knowledge than he had disclosed to the committee?

Mr. REYNOLDS. No. He did not disclose any information then, except that he said he had been informed that money had been used, and he was very secretive about it, and gave nobody's name.

Mr. MARBLE. Now, there is no way in which you can assist us to knowledge regarding the existence of a jack pot or a corruption fund in the Illinois Legislature at any session?

Mr. REYNOLDS. There is not. If I could, I would gladly do it.

Mr. MARBLE. I do not doubt that.

Mr. REYNOLDS. There is none at all.

Mr. MARBLE. I think that is all.

Senator JONES. Mr. Reynolds, do you know how long Mr. Hines was at your bank the morning that he had this conversation?

Mr. REYNOLDS. Well, I should say in his talk with me and in the telephone, both, around an hour. I made no memorandum of it and paid no attention to the time at that time. Naturally, I have thought of these matters since this matter has come up, and as near as I can recall it in my own mind, I should say an hour. It may be a little more or a little less.

Senator JONES. You think he left the bank a little after 10 o'clock?

Mr. REYNOLDS. Probably a little after 10 o'clock. I think he got there a little after 9 o'clock.

Senator JONES. You know that he spent some little time there after he did this telephoning?

Mr. REYNOLDS. I do not know. If he stayed longer than that transacting any other business, I do not know it.

Senator JONES. Now, I would like to know from you just why it is that you think Mr. Hines thought that he was largely instrumental in the election of Senator Lorimer.

Mr. REYNOLDS. Why, upon his theory that in the carrying of this message he had influenced Gov. Deneen to be helpful to him, as I understood the situation.

Senator JONES. Did he express himself that way to you?

Mr. REYNOLDS. He did at one time afterwards, as I have already testified.

Senator JONES. I did not hear that, or else I have forgotten it.

Mr. REYNOLDS. I think in cross-examination I answered that question.

Senator JONES. Can you tell now just what he said?

Mr. REYNOLDS. No; I can not, except the substance of it, that he thought he had been very influential in the election because of the delivery of that message.

Senator JONES. That is the reason you assumed that?

Mr. REYNOLDS. So far as he expressed it to me; yes, sir.

Senator JONES. How did Mr. McCormick know about this message when he came to talk to you, or do you know?

Mr. REYNOLDS. Well, I do not know, except that a representative of his paper talked to me on the day of the Lorimer election, and I told him of the occurrence at that time.

Senator JONES. You told him about it?

Mr. REYNOLDS. I assume that is how he knew it.

Senator JONES. You told him about Mr. Hines telephoning?

Mr. REYNOLDS. Yes, sir.

Mr. MARBLE. Do you know Gov. Deneen?

Mr. REYNOLDS. I do.

Mr. MARBLE. Intimately?

Mr. REYNOLDS. Not intimately. I know him better than I know Mr. Lorimer, however.

Mr. MARBLE. How many times had you met Gov. Deneen before the time of his telephoning?

Mr. REYNOLDS. Oh, perhaps a dozen times, informally, or at different functions. I may have been on a program to make an address, or something of that sort perhaps at times when he would. Our intercourse had not been close, and I do not regard myself as an intimate friend, of the governor's.

Mr. MARBLE. Have you ever ridden on trains with him?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Or visited at his home?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Or had a personal conversation with him for any considerable length of time?

Mr. REYNOLDS. No, sir; not more than such a conversation as I would be able to have in a few minutes, standing with him, at an evening or a function or a dinner of some kind at which we were both present.

Mr. MARBLE. Did you ever talk with him on the telephone?

Mr. REYNOLDS. No, sir.

Mr. MARBLE. Either before or since this conversation with Mr. Hines?

Mr. REYNOLDS. No. I do not think I ever talked with him on the telephone about anything. I do not recall it.

Mr. MARBLE. Did you think that you could identify Mr. Hines to Gov. Deneen that morning?

Mr. REYNOLDS. Mr. Hines stated to me that in the event that he was unable to make Gov. Deneen understand who he was, he might bother me to the extent of having me step to the telephone to identify him. That was the statement made, but I was not wanted.

Mr. MARBLE. Did you reply to that?

Mr. REYNOLDS. I do not think I did.

Mr. MARBLE. Did you say that you would identify him?

Mr. REYNOLDS. Whether I said I would or not, I think Mr. Hines was justified in believing I would.

Mr. MARBLE. Could you have done it? Were you well enough acquainted with the governor to have identified a strange voice to him?

Mr. REYNOLDS. I do not know. He may not have known my voice any more than Mr. Hines's.

Mr. MARBLE. Had you told Mr. Hines that the governor knew your voice?

Mr. REYNOLDS. No.

Mr. MARBLE. Or had you told Mr. Hines of the extent of your acquaintanceship with the governor?

Mr. REYNOLDS. No.

Mr. MARBLE. So far as he knew you were not acquainted with him at all.

Mr. REYNOLDS. I think he assumed I was better acquainted with him than I was in reality.

Mr. MARBLE. I think that is all.

Mr. HANEY. Mr. Reynolds, you are a member of the Monetary Commission, of which Senator Aldrich was and is a member and is chairman?

Mr. REYNOLDS. No, sir.

Mr. HANEY. Were you on any commission that he was a member of?

Mr. REYNOLDS. No; not that I remember of.

Mr. HANEY. What did you have to do with that commission that was sent to Paris or to Europe, if anything?

Mr. REYNOLDS. I was invited by Senator Aldrich to act with the executive committee of the Monetary Commission abroad, to help them in their study of monetary conditions, and banking systems abroad. I happened, however, to be in Europe at the time. He wanted me to come, and they sent a cable to me over there, and I met them, came up from Venice and met them in London, and put in two months in that work afterwards with him.

Senator KENYON. Who were they?

Mr. REYNOLDS. There were nine members of the Monetary Commission. Their records will show who they are.

Senator KENYON. Traveling in Europe?

Mr. REYNOLDS. They called themselves the executive committee of the National Monetary Commission.

Senator KENYON. Who were they?

Mr. REYNOLDS. I do not know whether I can name all of them, but I can name many of them. There was Senator Aldrich and Senator Hale, and Senator Daniel, of Virginia, Congressman Burton, who is now Senator Burton, Mr. Padgett, and Mr. Overton, I think it is, from Indianapolis. He has since died.

Senator JONES. Mr. Overstreet?

Mr. REYNOLDS. Yes; and Mr. Vreeland. I can not remember all of the committee. There were 9 or 10 of them there.

Senator KENYON. Were your expenses paid when you traveled with the committee?

Mr. REYNOLDS. The committee did no traveling there. We were in London in session there, and the committee after that meeting broke up, and a part of it came home, and some of them went to Paris. I think a subcommittee went to Paris, and afterwards I went back to Berlin, where Senator Aldrich afterwards met me and Mr. Davidson, of New York, who was also invited to come in the same capacity that I was. Our expenses while we were there were paid by the National Monetary Commission. The expenses were paid while we were in that work.

Senator KENYON. Were you a member of the commission?

Mr. REYNOLDS. No, sir; no man outside of Congress was a member.

Senator KENYON. What did the commission do in Paris? What did they do on the money question in Paris?

Mr. REYNOLDS. The committee as a whole did not go to Paris, but there was a subcommittee of three or four of them, I think. I do not remember who. Their records would best show that. I went

from London directly to Berlin, and put in some three weeks' time after that in Berlin.

Senator KENYON. You met Mr. Aldrich there?

Mr. REYNOLDS. Mr. Aldrich and Prof. Andrew and Mr. Davidson, and I left them there doing the work and they came back by way of Paris and did some work there.

Mr. MARBLE. I believe you were asked, but I want to be sure, if Senator Aldrich communicated with you regarding the election of Senator Lorimer?

Mr. REYNOLDS. He did not; no, sir; never has.

Mr. HANEY. Mr. Reynolds, the newspapers talked a good deal about you as Secretary of the Treasury at one time, didn't they?

Mr. REYNOLDS. That is a matter I prefer not to discuss. It could not have any bearing on this.

Mr. HANEY. I am not going to go into it, but simply want to make that as a starting point as to the condition or the action of your board of directors in making it an inducement for you to remain where you were at the head of that institution. That is what I want to elicit.

Mr. REYNOLDS. Well, that is all a personal matter and purely irrelevant to this, and I should like not to discuss those matters.

Mr. HANEY. On what date did you tell a representative of the Tribune about this dispatch or message that Mr. Hines said he brought from the administration in Washington on the 26th of May, 1909? What date was it that you told the representative of the Tribune about it?

Mr. REYNOLDS. It was on the date on which it was delivered there.

Mr. HANEY. The same date?

Mr. REYNOLDS. Yes.

Mr. HANEY. It was some time after that that Medill McCormick, the managing editor and publisher of that paper talked with you about it?

Mr. REYNOLDS. Some months after that.

Mr. HANEY. There was some wild talk in the newspapers connecting different men with transactions of that kind, men who never had anything to do with it, was there not?

Mr. REYNOLDS. I assume they had not anything to do with it, of course.

Mr. HANEY. Well, they were men of such standing that even the newspapers stated they did not have anything to do with it, didn't they?

Mr. REYNOLDS. Yes; I think the business men of our city generally believed that.

Mr. HANEY. Well, the newspapers, and the publishers of some of the newspapers said they believed it also?

Mr. REYNOLDS. Yes; I think so.

Mr. HANEY. You saw publications in the Tribune or the Record-Herald, didn't you, one or both of them, criticizing the use of the names of prominent business men in connection with the improper election of Senator Lorimer?

Mr. REYNOLDS. Yes; I saw an editorial in the Record-Herald to that effect.

Mr. HANEY. When was that?

Mr. REYNOLDS. It was some time during the convening of the Helm committee in Springfield. I do not remember the date.

Mr. HANEY. And that was because of the indiscriminate use of the names of prominent business men in Chicago?

Mr. REYNOLDS. Well, at that time discussions of this matter were running so high that the mention of a man's name was often taken by the mass of the people to mean that he might have had some connection with the matter itself, whereas the subpoenaing of a man might have meant only an effort to get at information; and the editorial I refer to cautioned moderation on the part of the public, that they might discriminate properly between the use of a man's name in connection with it and only as a witness.

Mr. HANEY. Nobody else ever asked you about information of a fund to elect Mr. Lorimer the next Senator, except Mr. McCormick?

Mr. REYNOLDS. No, sir.

Mr. HANEY. And you never knew or heard of any such fund, except what you saw in the newspapers?

Mr. REYNOLDS. I certainly did not.

Mr. HANEY. And you never heard of the use of money in the election of William Lorimer to the United States Senate, in any way, at any time or place, except as Medill McCormick told you, and what you saw in the newspapers?

Mr. REYNOLDS. And what may have been common street gossip after this matter had been in the newspapers.

Mr. HANEY. How did you happen to come here now, Mr. Reynolds?

Mr. REYNOLDS. Mr. Hines having testified, both at Springfield and in Washington, using my name in connection with his testimony. I felt that it was probably only proper that I should at least offer myself as a witness, with a view of clearing up any mystery, if there is any, with reference to the use of my name in this connection; and last Tuesday, a week ago yesterday, Mr. Hines was in Chicago in connection with a board of directors' meeting, and I said to him, "I understand Gov. Deneen has been subpoenaed or will be subpoenaed to testify; and assuming, in view of what you testified, to the effect that I could identify you by stepping to the telephone, that he will testify to the same thing, if he does use my name I want to know it, in order that I may present myself as a witness, and I want to come to Washington." As a result of that, Mr. Hines night before last sent me a night message, saying that my name had been used, and if I still felt the same way, he suggested that I had better come on, which I have.

Mr. HANEY. And you came on to submit to examination here by this honorable committee, or anybody else, as to anything that you knew in relation to it?

Mr. REYNOLDS. Yes, sir.

Mr. HANEY. I think that is all.

Senator KENYON. Who are the directors of your bank?

Mr. REYNOLDS. There are 45. I could not name them all offhand.

Senator KENYON. Is Mr. Hines a director?

Mr. REYNOLDS. Mr. Hines is a director; yes, sir.

Senator KENYON. Is Mr. Tilden a director?

Mr. REYNOLDS. No.

Senator KENYON. Mr. Armour?

Mr. REYNOLDS. Yes.

Senator KENYON. Mr. McCormick?

Mr. REYNOLDS. No, sir.

Senator KENYON. Does Mr. Hines carry his personal account at your bank, or any personal account?

Mr. REYNOLDS. I do not think he does. I will recall that by saying that he probably carries it at our trust company. We have two banks. We operate them as distinct institutions, the national bank separate from the trust company; but I think Mr. Hines's personal account is with the trust company. I am not positive, however, about that.

Senator KENYON. You saw him frequently after Senator Lorimer's election, did you not?

Mr. REYNOLDS. Not very frequently; no, sir.

Senator KENYON. Was he present at meetings of the board of directors?

Mr. REYNOLDS. Not often. In fact, I think he has been absent quite a good deal during the last year or two.

Senator KENYON. Has there ever been any talk, in any of your boards of directors meetings where he was present, about the election of Senator Lorimer?

Mr. REYNOLDS. No, sir.

Senator KENYON. Have you any directors of your bank outside of Chicago or do they all live in Chicago?

Mr. REYNOLDS. We have three or four directors outside of Chicago.

Senator KENYON. Who are they?

Mr. REYNOLDS. They are Judge Gary, of New York; Mr. Talbert and Mr. McRoberts, of New York, and Mr. John S. Harris, of New York. Mr. Harris, prior to our consolidation with the Commercial National Bank, was a director in our bank and Mr. McRoberts was a director of our bank. Mr. Talbert was a director of the Commercial National, and after the consolidation we thought it best, to conserve the good will of the institution, to continue for a year or two, at least, all the old directors, even though in so doing it gave us the large number of 45. It is our purpose a little later to eliminate some of that number.

Senator KENYON. We do not care about that.

Mr. REYNOLDS. I have no objection, however, to stating it.

The CHAIRMAN. That is all.

Mr. REYNOLDS. I thank you, gentlemen, for the courtesy of letting me testify.

TESTIMONY OF SAMUEL J. CUSSON.

SAMUEL J. CUSSON, being duly sworn, was examined and testified as follows:

Mr. HYNES. What is your full name. Mr. Cusson?

Mr. CUSSON. Samuel J. Cusson.

Mr. HYNES. Where do you live?

Mr. CUSSON. At Virginia. Minn.

Mr. HYNES. What is your business?

Mr. CUSSON. Lumberman.

Mr. HYNES. You are connected with what company?

Mr. CUSSON. The Virginia & Rainy Lake Co.

Mr. HYNES. Any other?

Mr. CUSSON. No, sir.

Mr. HYNES. Are you interested in the Edward Hines Lumber Co. at all?

Mr. CUSSON. Only as a stockholder.

Mr. HYNES. What is your position in the Virginia & Rainy Lake Co.?

Mr. CUSSON. General manager.

Mr. HYNES. How long have you occupied that position?

Mr. CUSSON. About two and a half years.

Mr. HYNES. Were you connected with it before that?

Mr. CUSSON. No, sir.

Mr. HYNES. How large a concern is that?

Mr. CUSSON. One of the largest.

Mr. HYNES. One of the largest in the country?

Mr. CUSSON. Yes, sir.

Mr. HYNES. Is there anything as large as that in the northwest; any other company?

Mr. CUSSON. Not to my knowledge.

Mr. HYNES. Were you present on a train going from Duluth to Virginia, Minn., on the evening of March 7 last?

Mr. CUSSON. Yes, sir.

Mr. HYNES. Were you in the smoking compartment of the sleeping car?

Mr. CUSSON. I was.

Mr. HYNES. I believe that train was known as the Winnipeg Flyer. Was that the train and the car?

Mr. CUSSON. Yes, sir.

Mr. HYNES. During what period of the evening were you in the smoking compartment?

Mr. CUSSON. About 20 minutes after we left Duluth I entered the smoking compartment.

Mr. HYNES. How long did you remain in it?

Mr. CUSSON. Until the porter announced Virginia.

Mr. HYNES. Until your arrival at Virginia?

Mr. CUSSON. Yes.

Mr. HYNES. Who else were in that car, if you remember—I mean in that smoking compartment?

Mr. CUSSON. When I entered the compartment Mr. Burgess, Mr. Johnson, Mr. F. E. Weyerhaeuser, Mr. Wiehe, and one or two or three strangers.

Mr. HYNES. Where did you sit in the car after you entered it—in the smoker?

Mr. CUSSON. On the leather couch between Mr. Wiehe and Mr. Weyerhaeuser.

Mr. HYNES. Where did Mr. Wiehe sit—on your right or on your left?

Mr. CUSSON. On my left.

Mr. HYNES. Do you remember who was on his left?

Mr. CUSSON. Some stranger.

Mr. HYNES. Have you seen him since?

Mr. CUSSON. Yes.

Mr. HYNES. What is his name? Have you learned his name?

Mr. CUSSON. I would not be certain. I think his name is McGowan.

Mr. HYNES. You have seen him here in connection with this hearing?

Mr. CUSSON. Yes. He is in the other room now.

Mr. HYNES. Have you seen the other stranger that was there?

Mr. CUSSON. One of them.

Mr. HYNES. Have you seen Mr. Price here?

Mr. CUSSON. Yes.

Mr. HYNES. Was he in the room?

Mr. CUSSON. I met him for the first time a few moments ago.

Mr. HYNES. Was he in the room that night?

Mr. CUSSON. Yes, sir.

Mr. HYNES. Where was Mr. Burgess sitting?

Mr. CUSSON. In one of the chairs.

Mr. HYNES. Do you remember which one?

Mr. CUSSON. The one directly to the right.

Mr. HYNES. To your right?

Mr. CUSSON. Of the leather couch.

Mr. HYNES. To your right as you sat there?

Mr. CUSSON. Yes.

Mr. HYNES. Where, if you remember, did Mr. Johnson sit?

Mr. CUSSON. In the opposite chair.

Mr. HYNES. How long did Mr. Wiehe remain in that smoking compartment, or about how long?

Mr. CUSSON. After I entered, possibly 15 minutes.

Mr. HYNES. And then what happened with respect to him?

Mr. CUSSON. Mr. Hines came to the door and called him out.

Mr. HYNES. Did he go?

Mr. CUSSON. Yes.

Mr. HYNES. Did he return to that compartment that night, while you were in it?

Mr. CUSSON. No, sir.

Mr. HYNES. You remained in it continuously until Virginia was announced by the porter?

Mr. CUSSON. Yes.

Mr. HYNES. And until you and the others arose to leave the compartment, or the train?

Mr. CUSSON. Yes, sir.

Mr. HYNES. Is that the fact?

Mr. CUSSON. Yes, sir.

Mr. HYNES. Do you remember any topics of conversation or of discussion while you were in that smoking compartment?

Mr. CUSSON. Several.

Mr. HYNES. State them as you recall them, whatever they were.

Mr. CUSSON. The question of reciprocity was talked, and the tariff. I do not just recall what the talk was.

Mr. HYNES. Was there anything about electric fixtures?

Mr. CUSSON. Yes.

Mr. HYNES. Was that a subject that related to you in any way, or that you were interested in?

Mr. CUSSON. Yes.

Mr. HYNES. With Mr. Burgess?

Mr. CUSSON. Yes.

Mr. HYNES. Had he been doing any work with you?

Mr. CUSSON. Just a small amount.

Mr. HYNES. How long have you known Mr. Burgess?

Mr. CUSSON. About 15 years.

Mr. HYNES. Do you remember any topic that was discussed, or the subject of conversation?

Mr. CUSSON. I talked over general business affairs with Mr. Weyerhaeuser, but I do not think I entered into a discussion with the other parties at all, except for a moment with Mr. Burgess, and in reference to electrical fixtures.

Mr. HYNES. Do you remember whether anything was said about juries in St. Paul?

Mr. CUSSON. Yes; that was discussed between Mr. Weyerhaeuser and myself.

Mr. HYNES. What was the course of the talk on that subject?

Mr. CUSSON. As I recall, Mr. Weyerhaeuser had just recently been on a petit jury in St. Paul. Just prior to that I had been on a grand jury at Duluth, and we discussed the matter for a few moments.

Mr. HYNES. During your presence there and the presence of Mr. Wiehe in that smoking compartment, was there anything said about the election of Senator Lorimer, of Illinois?

Mr. CUSSON. No, sir.

Mr. HYNES. Did Mr. Wiehe say there, in a conversation with Mr. Burgess, or with anyone else participating in it, that Senator Lorimer had not spent a dollar of his own money in his election, but that a jack pot was raised for his election, and that he knew what he was talking about, because he had subscribed \$10,000 to that fund himself?

Mr. CUSSON. No, sir.

Mr. HYNES. Was there anything of that character said?

Mr. CUSSON. No, sir.

Mr. HYNES. Anything on that subject in regard to money or jack pot, or any fund that assisted in the election of Senator Lorimer?

Mr. CUSSON. No, sir.

Mr. HYNES. Were you sitting so that you could have heard any conversation of that kind between Mr. Wiehe and Mr. Burgess?

Mr. CUSSON. I sat right next to Mr. Wiehe, and not to exceed 2 or 3 feet from Mr. Burgess.

Mr. HYNES. So Mr. Burgess was a little to your right and Mr. Wiehe a little to your left, as you sat?

Mr. CUSSON. Yes.

Mr. HYNES. So that any conversation passing between Mr. Burgess and Mr. Wiehe would have to pass you?

Mr. CUSSON. Yes, sir.

Mr. HYNES. Mr. Cusson, was there anything while you were there, and while Mr. Wiehe was there, or at any time during your presence in that smoking compartment, said about a Chicago newspaper having engaged a detective agency, and where a detective of that agency had been engaged in getting trumped-up evidence against Senator Lorimer, the detective having gone to confession to a Father Green, or any other priest, and the priest refusing to give him absolution until he had made reparation by doing justice toward the parties that he had been trumping up evidence against? Do you remember anything of that kind?

Mr. CUSSON. Nothing of that kind was discussed at all. The first time I heard of it was when I saw it in the papers yesterday.

Mr. HYNES. Could any of those things have been said there while you were in that smoking room without having arrested your attention and without your having heard them?

Mr. CUSSON. No, sir.

Mr. HYNES. Especially between Mr. Wiehe and Mr. Burgess from where you sat?

Mr. CUSSON. No, sir.

Mr. HYNES. Do you believe, Mr. Cusson, that such a conversation as that would have immediately attracted your attention and made an impression upon your mind?

Mr. CUSSON. It certainly would.

Mr. HYNES. Was there anything said there by Mr. Wiehe to the effect that no matter of merit could pass through the Legislature of Illinois without the payment of money?

Mr. CUSSON. No, sir.

Mr. HEALY. What part of the car did you occupy before you went into the smoking compartment?

Mr. CUSSON. The first seat next to the smoking compartment.

Mr. HEALY. Did you talk with anybody while you occupied that seat?

Mr. CUSSON. No, sir.

Mr. HEALY. Did you talk with any of the members of your party after you boarded the train and before you went into the smoking compartment?

Mr. CUSSON. No one except Mr. Hines. I arranged some papers for him. He sat right opposite me, and he asked me for some papers that I had in my grip, and I got them out and arranged them.

Mr. HEALY. Is that the only conversation you had with anybody in that car before you entered the smoking compartment?

Mr. CUSSON. I think so.

Mr. HEALY. Did anybody sit with you in the seat before you went in the smoking compartment?

Mr. CUSSON. No, sir.

Mr. HEALY. How long before the train started was it that you boarded it?

Mr. CUSSON. Possibly a minute or two.

Mr. HEALY. How long did you occupy that seat outside of the smoking compartment before you went into that part of the car?

Mr. CUSSON. Possibly 15 or 20 minutes.

Mr. HEALY. What is your recollection?

Mr. CUSSON. Fifteen or twenty minutes.

Mr. HEALY. Is that your best recollection?

Mr. CUSSON. It might have been 30.

Mr. HEALY. Might it have been an hour?

Mr. CUSSON. No.

Mr. HEALY. Might it have been more than 30 minutes?

Mr. CUSSON. I do not think so.

Mr. HEALY. Do you remember on what part of the road you were or what towns you had passed before you entered the smoking compartment?

Mr. CUSSON. No; I do not.

Mr. HEALY. Did anybody accompany you to the smoking compartment that night?

Mr. CUSSON. I went to the smoking compartment twice before I was able to get a seat there. I am quite certain I was in there when we passed Proctor.

Mr. HEALY. And when you went to the smoking compartment on those same two occasions all the seats were occupied. Is that right?

Mr. CUSSON. And men standing.

Mr. HEALY. Do you remember who was in the smoking compartment when you looked in on those first two occasions?

Mr. CUSSON. Those whom I have mentioned.

Mr. HEALY. Will you mention now whom you saw in there the first time you looked in?

Mr. CUSSON. I recall seeing Mr. Johnson and Mr. Wiehe.

Mr. HEALY. Yes; and who else?

Mr. CUSSON. I saw the strangers there.

Mr. HEALY. Did you see Mr. Burgess?

Mr. CUSSON. I did not. He sat right up against the wall. I simply pulled the curtain by and looked in.

Mr. HEALY. Then, the only two persons that you recall on the first occasion are Mr. Wiehe and Mr. Johnson?

Mr. CUSSON. And the strangers.

Mr. HEALY. Do you know how many strangers were there?

Mr. CUSSON. There were either two or three standing up against the wash basin.

Mr. HEALY. The second time you visited the room for the purpose of getting a seat, whom did you see there?

Senator KENYON. Let me ask you. You said there were two or three strangers standing up against the washbasin?

Mr. CUSSON. Yes, sir. The room was full.

Senator KENYON. Did the washbasin run alongside the car?

Mr. CUSSON. All the way across.

Senator KENYON. How many people were in the room?

Mr. CUSSON. At least eight.

Mr. HEALY. Did you recognize Mr. Price as one of those strangers?

Mr. CUSSON. No, sir.

Mr. HEALY. Or Mr. McGowan?

Mr. CUSSON. No, sir.

Mr. HEALY. Were there other strangers there besides Mr. McGowan and Mr. Price when you went into the smoking room the first or second time?

Mr. CUSSON. I paid no attention to them. I do not know.

Mr. HEALY. How many people were standing up?

Mr. CUSSON. Two or three.

Mr. HEALY. All the seats were occupied, is that right?

Mr. CUSSON. Yes, sir.

Mr. HEALY. How many chairs were there in that smoking compartment?

Mr. CUSSON. Two.

Mr. HEALY. Two or three?

Mr. CUSSON. Two.

Mr. HEALY. Who occupied the chairs?

Mr. CUSSON. Mr. Johnson and Mr. Burgess.

Mr. HEALY. And how many people were sitting on the leather couch the first or second time you looked in?

Mr. CUSSON. Mr. Weyerhaeuser and Mr. Wiehe and two strangers.

Mr. HEALY. And when did you notice their presence in the smoking compartment—the first or second time?

Mr. CUSSON. I do not know; I do not recall.

Mr. HEALY. In addition to those whom you have named, there were two or three standing up against the wash basin?

Mr. CUSSON. Yes, sir.

Mr. HEALY. When you went into the smoking compartment on the occasion of your third trip there, whom did you see?

Mr. CUSSON. The same crowd.

Mr. HEALY. Will you name them, please?

Mr. CUSSON. Apparently the same crowd.

Mr. HEALY. The same strangers were standing up against the wash bowl?

Mr. CUSSON. I would not say.

Mr. HEALY. You say "the same crowd"?

Mr. CUSSON. Apparently. I just looked in, and it was full.

Mr. HEALY. I am referring to the time when you went in and secured a place.

Mr. CUSSON. So am I.

Mr. HEALY. Did you get a seat on the occasion of your third visit to the smoking compartment?

Mr. CUSSON. I did.

Mr. HEALY. In what part of the compartment did you secure a seat?

Mr. CUSSON. I sat down between Mr. Wiehe and Mr. Weyerhaeuser.

Senator KERN. Who had vacated the seat that you took?

Mr. CUSSON. I do not know, sir.

Senator KERN. Was it one of the strangers that vacated the seat that you took?

Mr. CUSSON. I think so.

Senator KERN. You do not know which one?

Mr. CUSSON. No; I do not.

Mr. HEALY. Who was sitting next to Mr. Wiehe?

Mr. CUSSON. Mr. Weyerhaeuser.

Mr. HEALY. Did you not say that you sat down between Mr. Wiehe and Mr. Weyerhaeuser?

Mr. CUSSON. Either one of the two. Mr. Wiehe or Mr. Weyerhaeuser, said: "I think we can push along and make room for Cusson." They did so, and I sat down.

Mr. HEALY. Did you sit down between those gentlemen?

Mr. CUSSON. I did.

Mr. HEALY. Who sat next to Mr. Wiehe?

Mr. CUSSON. Some stranger.

Mr. HEALY. Which one of the strangers was it? Do you recall?

Mr. CUSSON. I do not know. Mr. McGowan, I should say.

Mr. HEALY. It was the stranger who sat next to the window? Is that right?

Mr. CUSSON. Yes, sir.

Mr. HEALY. And have you since recognized that stranger as Mr. McGowan, who testified here?

Mr. CUSSON. I did.

Mr. HEALY. These other strangers were standing, leaning against the washbowl; is that right?

Mr. CUSSON. They were.

Mr. HEALY. How many were leaning against the washbowl?

Mr. CUSSON. I could not be certain.

Mr. HEALY. About how many?

Mr. CUSSON. A couple. There may have been two; there might have been three.

Mr. HEALY. After you obtained a seat in the smoking compartment, which one of the party was the first one to leave?

Mr. CUSSON. Mr. Wiehe.

Mr. HEALY. Did he leave before these two or three strangers who were leaning against the washbowl?

Mr. CUSSON. I think he did.

Mr. HEALY. Did one of those strangers immediately possess himself of Mr. Wiehe's seat?

Mr. CUSSON. Yes, sir.

Mr. HEALY. Which one?

Mr. CUSSON. Mr. Price.

Mr. HEALY. What did the other strangers do, if anything?

Mr. CUSSON. They stood there. They may have gone out. I did not pay any particular attention to them.

Mr. HEALY. They were not men you had ever seen before, or men whom you have seen since?

Mr. CUSSON. No, sir; except as I saw them here to-day.

Mr. HEALY. I am talking, now, about the men who stood leaning against the washbowl.

Mr. CUSSON. I know nothing about them.

Mr. HEALY. You have never seen those men since, I say?

Mr. CUSSON. No, sir.

Mr. HEALY. How long did they remain in the smoking compartment?

Mr. CUSSON. I could not answer that. I do not know. I did not pay attention to it.

Mr. HEALY. About how long?

Mr. CUSSON. I do not know.

Mr. HEALY. How long after you entered that compartment was it that Mr. Wiehe left?

Mr. CUSSON. Possibly 20 minutes.

Mr. HEALY. Well, possibly 30, or possibly 40, or possibly 10 minutes. What is your recollection about it?

Mr. CUSSON. About 20 minutes.

Mr. HEALY. About 20 minutes after you entered. Is that right?

Mr. CUSSON. I think so.

Mr. HEALY. How long would you say that was after the train left Duluth?

Mr. CUSSON. Forty to 50 minutes.

Mr. HEALY. Prior to the time when Mr. Wiehe left, had you had this discussion about reciprocity and the tariff?

Mr. CUSSON. Not all of it; no.

Mr. HEALY. Which of these particular subjects did you discuss before Mr. Wiehe left the smoking compartment?

Mr. CUSSON. I could not answer that. I do not recall.

- Mr. HEALY. Did you talk with Mr. McGowan at all?
- Mr. CUSSON. No, sir.
- Mr. HEALY. At any time?
- Mr. CUSSON. No, sir.
- Mr. HEALY. During the entire trip?
- Mr. CUSSON. No, sir.
- Mr. HEALY. Did you hear Mr. McGowan talk to anyone during that trip?
- Mr. CUSSON. I did.
- Mr. HEALY. To whom did he talk?
- Mr. CUSSON. To Mr. Johnson.
- Mr. HEALY. What was the subject matter of their discussion?
- Mr. CUSSON. Oh, I do not recall.
- Mr. HEALY. With whom did you talk while you were in there?
- Mr. CUSSON. Mr. Weyerhaeuser, Mr. Wiehe, and for a moment with Mr. Burgess.
- Mr. HEALY. The Burgess discussion was over some electrical contrivance, was it not?
- Mr. CUSSON. That is all.
- Mr. HEALY. And the talk between you and Mr. Weyerhaeuser and Mr. Wiehe was a business one?
- Mr. CUSSON. Yes, sir.
- Mr. HEALY. Was that spoken in a tone of voice which the other occupants of the compartment might have heard?
- Mr. CUSSON. It might have been, but I do not think it was.
- Mr. HEALY. It was not your purpose to permit those other gentlemen, those strangers, to overhear what you had to say on that business matter, was it?
- Mr. CUSSON. Not at all; on the contrary.
- Mr. HEALY. What was the business matter that you talked about?
- Mr. CUSSON. With whom?
- Mr. HEALY. With Mr. Weyerhaeuser and Mr. Wiehe.
- Mr. CUSSON. Oh, the market, and the mill conditions, etc.
- Mr. HEALY. Anything else?
- Mr. CUSSON. Not that I recall now.
- Mr. HEALY. After Mr. Wiehe left, which of the parties was the next one to leave the compartment?
- Mr. CUSSON. I could not say definitely.
- Mr. HEALY. Have you any recollection about it?
- Mr. CUSSON. Mr. Johnson left shortly after that.
- Mr. HEALY. About how long?
- Mr. CUSSON. Oh, possibly 20 minutes or half an hour.
- Mr. HEALY. What is your recollection, Mr. Cusson?
- Mr. CUSSON. I have not any definite recollection. It seems as though he left shortly after Mr. Wiehe did—possibly 20 minutes; it might have been less.
- Mr. HEALY. And it might have been more?
- Mr. CUSSON. Yes.
- Mr. HEALY. Did Mr. Weyerhaeuser remain in there after Mr. Johnson left?
- Mr. CUSSON. Yes, sir.
- Mr. HEALY. How long did Mr. Weyerhaeuser remain after Mr. Johnson left?
- Mr. CUSSON. Oh, half or three-quarters of an hour.

Mr. HEALY. And then he went out?

Mr. CUSSON. Yes, sir.

Mr. HEALY. Who remained in the compartment at that time?

Mr. CUSSON. Mr. Price, Mr. McGowan, Mr. Burgess—I would not be certain whether there was a stranger in there or not in addition to those I have named—and myself.

Mr. HEALY. Was not that compartment pretty well occupied all of that evening?

Mr. CUSSON. Unusually so.

Mr. HEALY. Did that condition continue all the way up to Virginia?

Mr. CUSSON. No, sir.

Mr. HEALY. When did it begin to thin out?

Mr. CUSSON. After Mr. Johnson and Mr. Wiehe left.

Mr. HEALY. There was a good deal more room after Mr. Johnson left. Is that right?

Mr. CUSSON. Yes; considerably.

Mr. HEALY. After Mr. Weyerhaeuser left, did you have a discussion of any sort with Mr. McGowan and Mr. Price and Mr. Burgess?

Mr. CUSSON. I do not recall any.

Mr. HEALY. Do you remember anything that you talked about?

Mr. CUSSON. I do not think I talked with them; in fact, I know I did not.

Mr. HEALY. Did you see Mr. Wiehe again that evening?

Mr. CUSSON. Yes, sir.

Mr. HEALY. On the train?

Mr. CUSSON. Yes, sir.

Mr. HEALY. Where did you see him?

Mr. CUSSON. Just as we entered Virginia.

Mr. HEALY. Did you see him in the smoking compartment again?

Mr. CUSSON. No, sir.

Mr. HEALY. That evening?

Mr. CUSSON. No, sir.

The CHAIRMAN. Where did you see him?

Mr. CUSSON. I saw him in the body of the car just as we were entering Virginia. In fact, his bag and overcoat were in my seat.

Mr. HEALY. You were one of the witnesses whose presence was volunteered by Mr. Wiehe at Springfield in April last? Is that correct?

Mr. CUSSON. Yes, sir.

Mr. HEALY. And you attended before the committee at Springfield on the same day that Mr. Wiehe testified?

Mr. CUSSON. Yes, sir.

Mr. HEALY. And at his request you were called as a witness?

Mr. CUSSON. I think so.

Mr. HEALY. Do you recall this question being asked you on that occasion, Mr. Cusson, on page 204, just below the center of the page: "Q. Did you see Mr. Wiehe leave the compartment?" And did you answer, "A. I did," referring to the smoking compartment?

Mr. CUSSON. I think I did.

Mr. HEALY. And were you then asked this question: "Q. Did you see him again that evening?" And did you answer: "A. Yes, sir"?

Mr. CUSSON. I did.

Mr. HEALY. And were you then asked: "Where?" And did you answer: "A. In the smoking car or in the parlor car"?

Mr. CUSSON. I corrected myself; I said, "in the smoking car," and then corrected myself and said, "in the parlor car."

Mr. HEALY. Where did you correct yourself?

Senator KERN. In the next question.

Mr. HEALY. The next question is: "Q. Which parlor car?" And your answer was: "A. Well, we call it a parlor car, but it was really a sleeper." Was that the question in which you corrected the statement that you had seen him again that evening in the smoking car?

Mr. HYNES. In the previous answer he said "in the smoking car." and then he corrects it and says "or in the parlor car."

Mr. CUSSON. That is right; I recall it distinctly. I was confused in the question. I saw him in the body of the car.

Mr. HEALY. Did you answer there "in the smoking car, or in the parlor car"?

Mr. CUSSON. No; I do not think I did.

Mr. HEALY. Did you have any doubt in your mind, on the occasion of your testifying at Springfield, with reference to where you saw Mr. Wiehe again that evening?

Mr. CUSSON. Not the slightest.

Mr. HEALY. Your recollection then was very clear, was it?

Mr. CUSSON. Very clear.

Mr. HEALY. Do you recall Mr. Price leaving the smoking compartment that night, Mr. Cusson?

Mr. CUSSON. He may have.

Mr. HEALY. Have you any recollection about it?

Mr. CUSSON. No, sir.

Senator KERN. Excuse me, Mr. Healy; but following that in the testimony did you say you saw him in the main body of the car for about 10 minutes before you got to Virginia?

Mr. CUSSON. It might have been 5 or 10 minutes; yes, sir.

Senator KERN. Just to be fair with you, I will read this:

Q. Which parlor car?—A. Well, we call it a parlor car, but it was really a sleeper.

Q. Well, that was the same sleeper?—A. Same car; yes.

Q. In which the smoking compartment was. How long did you see him in there?—A. Well, until we arrived in Virginia.

Q. Well, about how long?—A. Oh, I should say 10 minutes.

Q. You talked with him?—A. Yes, sir.

That was your testimony?

Mr. CUSSON. That is true, sir.

Senator KERN. So that you talked with him in the main body of the car?

Mr. CUSSON. Only just as he stepped up to the seat to get his coat and grip. I had no conversation.

Senator KERN. When was this 10 minutes during which you had a talk with him?

Mr. CUSSON. While I was getting my grip and overcoat on, and after the porter had announced "Virginia."

Senator KERN. You think that occupied 5 or 10 minutes?

Mr. CUSSON. Why, I should think so; yes. We were right in the city, practically.

Senator KERN. But you had not sat down after you had gotten back in the car?

Mr. CUSSON. I do not think I had. I do not think I did.

Senator FLETCHER. Mr. Wiehe never returned to the smoking compartment after he left it?

Mr. CUSSON. He never entered the smoking compartment after he left it.

Mr. HEALY. Do you recall Mr. Price leaving the smoking compartment that evening at any time?

Mr. CUSSON. No; I do not.

Mr. HEALY. Were you in the smoking compartment when Mr. Wiehe came in?

Mr. CUSSON. No, sir.

Mr. HEALY. You were there when he left?

Mr. CUSSON. I was there when he left. He was there when I came in.

Mr. HEALY. Did you leave the smoking compartment after you entered it the last time—the third time—for any purpose?

Mr. CUSSON. I did not.

Mr. HEALY. Your recollection is clear about that, is it?

Mr. CUSSON. Yes, sir.

Mr. HEALY. What was your business prior to the time when you became general manager of the Virginia & Rainy Lake Lumber Co.?

Mr. CUSSON. For about 11 years I was manager for the Edward Hines Lumber Co. at Ashland and Duluth.

Mr. HEALY. Did you ever have your headquarters in Chicago?

Mr. CUSSON. No, sir.

Mr. HEALY. What branch of their business did you have charge of at Ashland and Duluth?

Mr. CUSSON. Several sawmills, 21 boats, shipping, and manufacturing.

Mr. HEALY. You afterwards surrendered that position to take the general managership of this new lumber company?

Mr. CUSSON. Yes, sir.

Mr. HEALY. Are you a stockholder in the Virginia & Rainey Lake Lumber Co.?

Mr. CUSSON. Yes, sir.

Mr. HEALY. Do you have a substantial stock interest in that company?

Mr. CUSSON. Yes, sir.

Mr. HEALY. Do you also have a substantial stock interest in the Edward Hines Lumber Co.?

Mr. CUSSON. Yes, sir.

Mr. HEALY. How long have you been a stockholder of the Edward Hines Lumber Co.?

Mr. CUSSON. Possibly 13 or 14 years.

Mr. HEALY. Were you in its employ prior to the time when you assumed charge of its affairs at Ashland and Duluth?

Mr. CUSSON. No, sir.

Mr. HEALY. Had you ever been connected with Mr. Hines or any of his companies prior to that time?

Mr. CUSSON. No, sir.

Mr. HEALY. I think that is all.

Senator KERN. How long have you been connected with Mr. Hines in any capacity?

Mr. CUSSON. About 15 years.

Senator KERN. Have you been intimately associated with him during that time?

Mr. CUSSON. Yes, sir.

Senator KERN. You saw him frequently when you were in Chicago?

Mr. CUSSON. Yes, sir.

Senator KERN. Were you in Chicago frequently?

Mr. CUSSON. Yes, sir.

Senator KERN. So that your relationship with him has been of an intimate character?

Mr. CUSSON. I should say so.

Senator KERN. Have you ever been a witness in any of his law suits before?

Mr. CUSSON. Yes, sir.

Senator KERN. How frequently?

Mr. CUSSON. I can recall two cases.

Senator KERN. What were those two cases when you were testifying for Mr. Hines?

Mr. CUSSON. They were for the company; not particularly for Mr. Hines.

Senator KERN. I associate Mr. Hines with the company.

Mr. CUSSON. One of them was with Barker & Stewart with reference to some laths at Madison—a question of compensation for the manufacture of them.

Senator KERN. I want the title of the case.

Mr. CUSSON. I do not recall. The other case was with W. E. McCord, at Superior.

Senator KERN. You were never a witness in any trial at Chicago?

Mr. CUSSON. No, sir.

Senator KERN. When did you come to Washington?

Mr. CUSSON. Yesterday morning.

Senator KERN. Did you occupy the smoking compartment of any car as you came from Chicago to Washington?

Mr. CUSSON. I did not.

Senator KERN. When did you last occupy the smoking compartment of a car?

Mr. CUSSON. At what point, sir?

Senator KERN. At any point.

Mr. CUSSON. I may have been in the smoking compartment; but to sit down and smoke I have not—I do not recall being in a smoking compartment for some little time.

Senator KERN. Do you remember the last time?

Mr. CUSSON. Yes; between Chicago and Toronto.

Senator KERN. Were there a good many people on that car. in that compartment?

Mr. CUSSON. No, sir.

Senator KERN. Few?

Mr. CUSSON. Yes, sir.

Senator KERN. How many?

Mr. CUSSON. A couple.

Senator KERN. No more than two people at the same time?

Mr. CUSSON. That is all, sir.

Senator KERN. Can you call to mind any occasion when you were traveling in the smoking compartment of a sleeping car where there were a number of people in the compartment, six or eight?

Mr. CUSSON. Not as compared with the night that we went—

Senator KERN. I am not comparing it with anything; I am just asking you whether you remember being in the smoking compartment of a car at any time when there were six or eight people there?

Mr. CUSSON. Yes, sir; it frequently occurs going north.

Senator KERN. When was the last time you say you were in the smoking compartment of a car that contained six or eight people?

Mr. CUSSON. Not over four weeks ago, or three weeks.

Senator KERN. Where was that?

Mr. CUSSON. On the D., M. & N., going north.

Senator KERN. Between what points?

Mr. CUSSON. Between Duluth and Virginia.

Senator KERN. You knew the people, did you?

Mr. CUSSON. Some of them.

Senator KERN. Can you tell how they were arranged?

Mr. CUSSON. I can; those that I knew.

Senator KERN. Can you tell how they were arranged in the car—those you knew and those you did not know?

Mr. CUSSON. Where I was interested at all I could; yes.

Senator KERN. But whether you were interested or not, where there was a promiscuous crowd, part strangers and part acquaintances, mixed up in the smoking compartment of a sleeping car, could you tell the committee how those people were arranged?

Mr. CUSSON. Why, no.

Senator KERN. You could not, could you?

Mr. CUSSON. No; I could not.

Senator KERN. Nobody could.

Mr. CUSSON. I did not pay any attention to it.

Senator KERN. Do you remember, on the occasion that we are speaking of here, going from Duluth to Virginia, where Mr. Johnson got in the car?

Mr. CUSSON. I do; yes.

Senator KERN. Where did he sit?

Mr. CUSSON. He was sitting on one of the chairs.

Senator KERN. I asked you what part of the car he sat in.

Mr. CUSSON. In the smoking compartment.

Senator KERN. I asked you what part of the smoking compartment he sat in.

Mr. CUSSON. He sat opposite Mr. Wiehe in one of the chairs.

Senator KERN. When you went into the car Mr. Wiehe was already there?

Mr. CUSSON. Yes, sir.

Senator KERN. You had made two previous efforts to get into the compartment and had not succeeded?

Mr. CUSSON. Yes, sir.

Senator KERN. You think, however, you were in that compartment when the car passed Proctor?

Mr. CUSSON. I do.

Senator KERN. How far is Proctor from Duluth?

Mr. CUSSON. I do not know the distance.

Senator KERN. Give the committee an idea.

Mr. CUSSON. Possibly 15 miles, up a very steep grade, so that the running time would be 30 or 40 minutes.

Senator KERN. You do not know how long Mr. Wiehe had been in the compartment when you got in?

Mr. CUSSON. I have not the remotest idea.

Senator KERN. Therefore you have no idea as to what occurred before you went in?

Mr. CUSSON. No, sir.

Senator KERN. You were engaged, during the time of this general talk in the car, on some private matters which were being discussed between yourself and Mr. Weyerhaeuser and Mr. Wiehe?

Mr. CUSSON. Yes, sir.

Senator KERN. While you were talking with Weyerhaeuser and Wiehe, did the other members of the party stop their conversation, or did the general conversation go on?

Mr. CUSSON. I would not be certain.

Senator KERN. Everybody in the car did not stop talking while you were in this private talk with Mr. Weyerhaeuser and Mr. Wiehe, did they?

Mr. CUSSON. No; I do not think they did.

Senator KERN. Did you have any private talk with anybody else there, do you say?

Mr. CUSSON. No, sir.

Senator KERN. Did you have any talk with Mr. Johnson?

Mr. CUSSON. I may have had.

Senator KERN. Did I understand you to say that you had a talk with Mr. Burgess about some electrical matters?

Mr. CUSSON. Yes, sir.

Senator KERN. That was a conversation between you and Mr. Burgess?

Mr. CUSSON. Yes, sir.

Senator KERN. Did the other members of the party stop talking when you and Burgess were talking; or did the general conversation continue?

Mr. CUSSON. I am not certain.

Senator KERN. Of course, when you were engaged in private conversation with any member of the party, you did not pay any attention to the general conversation that was going on at the same time?

Mr. CUSSON. Any general conversation would have been in such a loud tone that I could not help but have heard it.

Senator KERN. Unless it was in such a loud tone?

Mr. CUSSON. I say, any general conversation would have been in such a loud tone that I could not help but have heard it.

Senator KERN. That is to say, if the general conversation, or if the conversation between other members of the party, had been in a loud tone you would have heard it?

Mr. CUSSON. Yes, sir.

Senator KERN. When you were talking with Mr. Weyerhaeuser, did any other members of the party engage in private conversation with each other, or did you observe?

Mr. CUSSON. I do not know; I could not say.

Senator KERN. That is all.

Senator KERNYON. How long did Mr. Wiehe remain in there after you came in?

Mr. CUSSON. Possibly 20 minutes or so.

Senator KERN. When you went back in the car you say you saw Mr. Wiehe?

Mr. CUSSON. I did.

Senator KERN. And you saw Mr. Johnson?

Mr. CUSSON. I did.

Senator KERN. What part of the car was Mr. Johnson in?

Mr. CUSSON. He was in the upper end of the car.

Senator KERN. You mean the Duluth end or the Virginia end?

Mr. CUSSON. Toward the Duluth end.

Senator KERN. That would be the rear of the car?

Mr. CUSSON. Well, anyhow, it was the opposite end from where I was.

Senator KERN. Where was Mr. Wiehe.

Mr. CUSSON. Oh, when I first saw him he was within four or five seats of the—

Senator KERN. You said at the Helm investigation that you did not know where Mr. Johnson was when you came out of the smoking compartment?

Mr. CUSSON. I say when I saw Mr. Johnson he was nearer the upper end of the car, or the lower end; I would not be certain whether you would call it the upper or the lower, as I am confused as to the way that car headed.

Senator KERN. I will ask if this question was not asked you:

Q. How far apart were Mr. Johnson and Mr. Wiehe when you came out of the compartment?—A. Oh, I do not know as I could say just where Mr. Johnson sat.

Is that your answer?

Mr. CUSSON. Yes, sir.

Senator KERN. And then the question was asked you:

Q. Assuming that he, Mr. Johnson, sat in the middle of the car, how far was Mr. Wiehe away from where Mr. Johnson sat?—A. Two or three seats.

Q. Forward or backward?—A. Forward.

Q. In front of him, so that he was in plain view of Mr. Johnson all the time?—A. Yes.

Was that your testimony?

Mr. CUSSON. Yes.

Senator KERN. That was correct?

Mr. CUSSON. Yes.

Senator KERN. Did Mr. Wiehe come in the smoking compartment when you were there?

Mr. CUSSON. He was there when I arrived.

Senator KERN. How soon after you took the train did you come in the smoking compartment?

Mr. CUSSON. Twenty minutes or so. Do you mean to sit down?

Senator KERN. To sit down or to stand up.

Mr. CUSSON. I went to the door a couple of times, but I come in there finally after we had left about 20 minutes or something like that.

Senator KERN. Was that the time you sat down?

Mr. CUSSON. Yes.

Senator KERN. Whose seat did you take?

Mr. CUSSON. Mr. Weyerhaeuser and Mr. Wiehe pushed along and I sat between them.

Senator KERN. So Mr. Wiehe was there when you went in the smoking compartment?

Mr. CUSSON. Yes.

Senator KERN. You say he stayed there about how long after that?

Mr. Cusson. Ten or 20 minutes; 20 minutes, possibly.

Senator KENYON. Do you know how long he had been there before you went in?

Mr. Cusson. I do not.

Senator KENYON. It could not have been 20 minutes?

Mr. Cusson. No.

Senator KENYON. You went in within 20 minutes. Was he sitting on a chair or the couch?

Mr. Cusson. On the couch.

Senator KENYON. On the leather couch?

Mr. Cusson. Yes.

Senator KENYON. Was there anything on that trip that was unusual to your mind?

Mr. Cusson. Why, I make the trip frequently. Nothing very unusual that I know of, except that we were to have our annual meeting the next morning.

Senator KENYON. When did you next make that identical trip?

Mr. Cusson. Three days after that.

Senator KENYON. Who was with you then?

Mr. Cusson. I was alone.

Senator KENYON. Were you in the smoking compartment of the car?

Mr. Cusson. I think I was.

Senator KENYON. Who was in there?

Mr. Cusson. I do not recall.

Senator KENYON. Where did they sit, the people who were there?

Mr. Cusson. Why, I do not know.

Senator KENYON. Don't you recall anybody who was in there?

Mr. Cusson. No; because I came back alone after going to Duluth after the meeting.

Senator KENYON. When did you next make a trip from Duluth to Virginia?

Mr. Cusson. I make them frequently, two or three times a week.

Senator KENYON. Can you recall any other time when you knew anybody who was in the smoking compartment?

Mr. Cusson. Yes.

Senator KENYON. Recall a time.

Mr. Cusson. Well, I usually meet some one on the way up that I know.

Senator KENYON. Pick out some specific time that you have done that.

Mr. Cusson. That seems easy, but I do not—yes, I recall riding up just recently with Capt. Roberts, a mining man.

Senator KENYON. Who else was there?

Mr. Cusson. His son.

Senator KENYON. Did they get on at Duluth?

Mr. Cusson. Yes.

Senator KENYON. Did you go into the smoking compartment before they did?

Mr. Cusson. No, sir.

Senator KENYON. Where did they sit in the smoking compartment?

Mr. Cusson. In the chairs.

Senator KENYON. They did not sit on the couch?

Mr. CUSSON. No, sir.

Senator KENYON. Did they go out before you did?

Mr. CUSSON. We both rode to the junction and go off together.

Senator KENYON. That impression is very distinct in your mind?

Mr. CUSSON. Yes.

Senator KENYON. Was there anything about that trip to impress the matter on your mind?

Mr. CUSSON. No, sir.

Senator KENYON. There was nothing about this trip that you testified to to impress any conversation or any connection in your mind, was there?

Mr. CUSSON. Except that there were some 9 or 12 persons on the car connected with our company.

Senator KENYON. Was that unusual?

Mr. CUSSON. Very.

Senator KENYON. Do you know Robert S. Shields?

Mr. CUSSON. I do.

Senator KENYON. Has he talked this matter over with you?

Mr. CUSSON. No, sir.

Senator KENYON. Never?

Mr. CUSSON. No, sir.

Senator KENYON. Have you ever said anything to him about this conversation in the smoker?

Mr. CUSSON. No, sir.

Senator KENYON. Have you ever seen him since it happened?

Mr. CUSSON. Oh, yes; several times.

Senator KENYON. Where have you seen him?

Mr. CUSSON. I saw him in Chicago last week.

Senator KENYON. Who was with you when you saw him last week in Chicago?

Mr. CUSSON. Mr. Wiehe.

Senator KENYON. Who else?

Mr. CUSSON. Nobody else.

Senator KENYON. Where did you see him in Chicago?

Mr. CUSSON. I met him at the foot of the stairs of the Continental & Commercial Bank. Mr. Wiehe and I came downstairs of the bank.

Senator KENYON. He was waiting there for you?

Mr. CUSSON. I don't know who he was waiting for. He was not waiting for me.

Senator KENYON. Who is Mr. Shields?

Mr. CUSSON. He is an insurance man in Superior.

Senator KENYON. Lives at Superior?

Mr. CUSSON. Yes.

Senator KENYON. Where is your home?

Mr. CUSSON. Virginia.

Senator KENYON. Have you ever been active at all in Wisconsin politics?

Mr. CUSSON. No, sir.

Senator KENYON. Have you worked with Mr. Shields in any line of work, political or business?

Mr. CUSSON. No, sir.

Senator KENYON. How long have you known him?

Mr. CUSSON. About 12 years.

Senator KENYON. Have you had any business connections with him?

Mr. CUSSON. Not except that he wrote insurance for us.

Senator KENYON. Did you ever make any affidavit in this matter and give it to him?

Mr. CUSSON. No, sir; I made an affidavit, but I did not give it to him.

Senator KENYON. Did you make an affidavit?

Mr. CUSSON. Yes.

Senator KENYON. To whom did you give it?

Mr. CUSSON. I think I mailed it to Mr. Hines.

Senator KENYON. Who asked you to do that?

Mr. CUSSON. Mr. Wiehe.

Senator KENYON. Where is the affidavit now?

Mr. CUSSON. I have not the remotest idea.

Senator KENYON. Did you keep any copy of it?

Mr. CUSSON. No, sir.

Senator KENYON. Did Mr. Hines write to you and ask you for an affidavit?

Mr. CUSSON. No, sir.

Senator KENYON. You just volunteered it, did you?

Mr. CUSSON. No, sir.

Senator KENYON. Who asked you to produce it?

Mr. CUSSON. Mr. Wiehe or Mr. Hines, I am not certain which, while I was in Chicago, asked me to make an affidavit.

Senator KENYON. How long was that after this occurrence happened?

Mr. CUSSON. Well, it was just prior—it was after going to Springfield.

Senator KENYON. Was it after you testified before the Helm committee?

Mr. CUSSON. Yes; practically covered the same subjects.

Senator KENYON. Who prepared the affidavit?

Mr. CUSSON. I could not say.

Senator KENYON. Didn't you prepare the affidavit before you testified before the Helm committee?

Mr. CUSSON. I do not think so.

Senator KENYON. Don't you know?

Mr. CUSSON. No; I do not.

Senator KENYON. Did Mr. Shields ever talk with you about that affidavit?

Mr. CUSSON. No, sir.

Senator KENYON. Or about anything connected with this conversation?

Mr. CUSSON. No, sir.

Senator KERN. Who prepared the affidavit?

Mr. CUSSON. If I recall rightly, it was mailed to me at Virginia, and it was executed there.

Senator KERN. Who prepared this affidavit?

Mr. CUSSON. I have stated I do not know.

Senator KENYON. Who mailed it to you?

Mr. CUSSON. I do not know.

Senator KENYON. Did you get it in the United States mail?

Mr. CUSSON. I did.

Senator KENYON. Was there not a letter connected with it?

Mr. CUSSON. I think I stated I talked it over with Mr. Hines or Mr. Wiehe at Chicago prior to the time I was requested to make this affidavit.

The CHAIRMAN. To whom did you give the information that went into the affidavit?

Mr. CUSSON. I did not give it to anybody, except as I testified.

Senator KENYON. Then this affidavit came to you already prepared?

Mr. CUSSON. It did.

Senator KENYON. In an envelope with no letter?

Mr. CUSSON. I think it did, or—I am pretty sure it did.

Senator KENYON. You knew where it came from, though.

Mr. CUSSON. I think so.

Senator KENYON. Where did it come from?

Mr. CUSSON. From Chicago.

Senator KENYON. Postmarked Chicago?

Mr. CUSSON. I do not know; I could not say.

Senator KENYON. Was it not rather unusual to secure an affidavit already prepared, sent to you in the mail with no letter of explanation about it?

Mr. CUSSON. I had already talked it over with Mr. Hines or Mr. Wiehe.

Senator KENYON. Then you assumed that the affidavit came from one of them.

Mr. CUSSON. I did.

Senator KENYON. Whom did you mail it back to?

Mr. CUSSON. The Hines Lumber Co.

Senator KENYON. Did you mark it for Mr. Hines?

Mr. CUSSON. I would not be certain.

Senator KENYON. Did you address it yourself?

Mr. CUSSON. No, sir.

Senator KENYON. Who addressed it?

Mr. CUSSON. One of the stenographers.

Senator KENYON. Before whom did you swear to this affidavit?

Mr. CUSSON. A notary public at Duluth.

Senator KENYON. What was his name?

Mr. CUSSON. Miss Beno.

Senator KENYON. Is she in your office?

Mr. CUSSON. Yes.

Senator KENYON. Do you remember about the date of that affidavit?

Mr. CUSSON. No, sir.

Senator KENYON. Have you ever seen it since?

Mr. CUSSON. No, sir.

Senator KENYON. Have you ever talked with anybody about it since?

Mr. CUSSON. No, sir.

Senator KENYON. When you saw Mr. Shields in Chicago a few days ago, did you talk with him about this matter at all?

Mr. CUSSON. Not at all.

Senator KENYON. How long were you with him?

Mr. CUSSON. Oh, possibly two minutes.

Senator KENYON. Was there anything said about the affidavit of Mr. McGowan?

Mr. CUSSON. No, sir.

Senator KENYON. Or the affidavit of Mr. Price?

Mr. CUSSON. No, sir.

Senator KENYON. You did not see him over two minutes?

Mr. CUSSON. No, sir.

Senator KENYON. Do you know where he is now?

Mr. CUSSON. No, sir.

Senator KENYON. Do you know whether he left Chicago?

Mr. CUSSON. I do not.

Senator KENYON. Is he connected with you in any business matters?

Mr. CUSSON. No.

Senator KENYON. Has he ever been?

Mr. CUSSON. No; except, as I say, he wrote insurance for us at Superior.

Senator KENYON. Has he ever been connected with any of the lumber companies in which Mr. Hines is interested?

Mr. CUSSON. No, sir.

Senator KENYON. You were connected with some of those companies, were you not?

Mr. CUSSON. I was.

Senator KENYON. Are you now?

Mr. CUSSON. Only as a stockholder.

Senator KENYON. Have you ever talked over this matter with Mr. Hines?

Mr. CUSSON. What particular conversation?

Senator KENYON. The conversation you are being asked about in the sleeping car.

Mr. CUSSON. Have I? Yes.

Senator KENYON. How frequently?

Mr. CUSSON. Well, twice that I recall.

Senator KENYON. Have you talked it over with Mr. McGowan and Mr. Price?

Mr. CUSSON. No, sir.

Senator KENYON. Have you ever been in the same room where it was being talked about with them?

Mr. CUSSON. No.

Senator KENYON. The main subject discussed that night was reciprocity and the tariff, was it not?

Mr. CUSSON. And Canadian lands.

Senator KENYON. In its connection with reciprocity?

Mr. CUSSON. No, sir. I do not just recall the conversation, but I know that Canadian lands in Saskatchewan and Alberta, and reciprocity and the tariff question and other questions were discussed.

Senator KENYON. You were in there how long?

Mr. CUSSON. All the way up from Proctor, in that vicinity.

Senator KENYON. Over two hours?

Mr. CUSSON. No; I would not think so.

Senator KENYON. How long do you think?

Mr. CUSSON. Less than two hours.

Senator KENYON. Other people were talking in the room?

Mr. CUSSON. Yes.

Senator KENYON. Was there any noise of the train?

Mr. CUSSON. Certainly.

Senator KENYON. Were the windows open or shut?

Mr. CUSSON. Closed.

Senator KENYON. Do you think you heard everything that was said in that compartment?

Mr. CUSSON. Practically so.

Senator KENYON. You feel certain you did, do you not?

Mr. CUSSON. Yes, sir.

Senator KENYON. Nobody could have said anything there that you could not hear?

Mr. CUSSON. They certainly could.

Senator KENYON. They could?

Mr. CUSSON. Why, certainly.

Senator KENYON. Then how do you know you heard everything that was said there?

Mr. CUSSON. All the general discussion that was talked in a loud tone.

Senator KENYON. You were having your private discussions, were you not, with Mr. Weyerhaeuser?

Mr. CUSSON. Yes.

Senator KENYON. And other people were having their private discussions in there, too, were they not?

Mr. CUSSON. I presume so.

The CHAIRMAN. I understand you to say this was the occasion of the annual meeting of your lumber company?

Mr. CUSSON. Yes, sir.

The CHAIRMAN. How many of the directors were on that train going up?

Mr. CUSSON. All of them.

The CHAIRMAN. Name them, please.

Mr. CUSSON. It was not a directors' meeting. It was a stockholders' meeting.

The CHAIRMAN. How many stockholders were on that train, and who were they?

Mr. CUSSON. Mr. Hines, Mr. Wiehe, Mr. F. E. Weyerhaeuser, Mr. John Weyerhaeuser, Mr. Rudolph Weyerhaeuser, Mr. G. F. Lindsay, Mr. Rhoades, Mr. William O'Brien, Mr. W. H. Cook. These parties were not all on this car. Do you want the names of all the stockholders at the meeting? Is that the idea?

The CHAIRMAN. No; those that were on that train going up.

Senator KERN. Were either of the other Weyerhaeusers in the smoking compartment besides the ones you have named?

Mr. CUSSON. No, sir.

Senator KERN. Was Mr. Hines in or about the smoking compartment?

Mr. CUSSON. Mr. Hines stepped to the door and called Mr. Wiehe out, and a little later called Mr. Weyerhaeuser out.

Senator KERN. Did he make two trips to the door?

Mr. CUSSON. He did.

Senator KERN. When you went into the main body of the car, were Mr. Hines and Mr. Wiehe, or Mr. Hines or Mr. Weyerhaeuser talking, or any two of them?

Mr. CUSSON. No, sir.

Senator JONES. What Weyerhaeuser was it that was in the compartment?

Mr. CUSSON. F. E.

Senator JONES. John Weyerhaeuser was not in there?

Mr. CUSSON. No, sir; I think John Weyerhaeuser came to the door, but allowed there was too much smoke for him, or something of that kind. I just recall seeing him.

Senator JONES. Did he stand up by the washbowl?

Mr. CUSSON. He may have for a minute or so. I do not think he was in the smoking compartment any length of time.

Senator JONES. When you returned that affidavit, did you write a letter with it or send a letter with it?

Mr. CUSSON. I may have.

Senator JONES. Do you remember whether you did or not?

Mr. CUSSON. I do not.

Senator JONES. You do not remember whether you dictated a letter to your stenographer?

Mr. CUSSON. I probably did.

Senator JONES. What is your best recollection now?

Mr. CUSSON. I think I wrote a note.

Senator JONES. To whom?

Mr. CUSSON. Acknowledging the receipt of it—either to Mr. Wiehe or Mr. Hines.

Senator KENYON. That was after you had testified before the Helm committee?

Mr. CUSSON. I think so.

Senator KENYON. What was the need of an affidavit? The testimony was all under oath.

Mr. CUSSON. I think it was to be used here.

Senator JONES. You knew your evidence at Springfield was printed, did you not?

Mr. CUSSON. I supposed it was; yes.

Senator JONES. Why could not that be used here?

Mr. CUSSON. I do not know.

Senator GAMBLE. Was there any printing on the envelope in which you received this affidavit, showing from whom it came?

Mr. CUSSON. I presume there was. The mail was all opened. I do not open it. It probably came on my desk opened.

Senator GAMBLE. You do not remember whether there was a letter? Or did you state whether there was a letter accompanying it or not?

Mr. CUSSON. I do not. I could not tell whether there was or not. I could easily tell at home.

Senator GAMBLE. Did you know from whom it came?

Mr. CUSSON. I think I did; yes, sir.

Senator GAMBLE. Did you swear to it and return the affidavit?

Mr. CUSSON. I recall that I made one change in it. I do not recall now just what it was—ran the pen through it, acknowledged it, and returned it.

Senator GAMBLE. Do you remember about the date of that?

Mr. CUSSON. No; I do not.

Senator KERN. You have a recollection that Mr. Hines came and called Mr. Wiehe out of the smoking compartment, and then he called Mr. Weyerhaeuser out?

Mr. CUSSON. Yes; distinctly.

Senator KERN. And you remember distinctly, as I understand, the relative situation and location of every man in the compartment?

Mr. CUSSON. Those who occupied the seats.

Senator KERN. And chairs?

Mr. CUSSON. And chairs.

Senator KERN. And the strangers who stood against the wash-bowl?

Mr. CUSSON. I just recall seeing them there. I do not have any definite recollection of how they stood, or how many.

Senator KERN. But your memory is very distinct as to all these circumstances to which you have testified, that occurred that night?

Mr. CUSSON. Yes, sir.

Senator KERN. I understand you to say that you can not remember as to who it was requested the affidavit, whether Mr. Wiehe or Mr. Hines?

Mr. CUSSON. No; it was talked over in a general way in Chicago.

Senator KERN. But I understood you to say a while ago that you could not tell who it was that requested the affidavit, Mr. Hines or Mr. Wiehe?

Mr. CUSSON. You did. I said that.

Senator KERN. Your memory fails you on that point?

Mr. CUSSON. Yes, sir.

Senator KERN. I should like Judge Hynes to produce that affidavit.

Mr. HYNES. I have not it in my possession.

The CHAIRMAN. Are there any further questions?

Mr. HYNES. Mr. Cusson, you say you have frequently traveled on that train, going up from Duluth to Virginia. Are there two or three chairs in the smoking compartment?

Mr. CUSSON. Two chairs.

Mr. HYNES. Did you ever see three chairs in the smoking compartment?

Mr. CUSSON. No, sir.

Mr. HYNES. How does the toilet open—into the smoking compartment or out onto the other hallway?

Mr. CUSSON. Into the hallway.

Mr. HYNES. It does not open into the smoking compartment?

Mr. CUSSON. No, sir.

Mr. HYNES. That is all.

Mr. HEALY. Mr. Hines is in the room, and I should like to ask him if he has the affidavit to which the witness has just testified?

Mr. HINES. No; I have not.

Mr. HEALY. Do you know where it is?

Mr. HINES. No; I do not.

Mr. HEALY. Do you recall receiving it from Mr. Cusson?

Mr. HINES. It seems to me I did.

Mr. HEALY. Where will it be—among the files of the Edward Hines Lumber Co.?

Mr. HINES. I think it will be there; yes.

Mr. HEALY. Will you send for it?

Mr. HINES. I will try to produce it.

Senator KENYON. Did not Mr. Shields come to you and get this affidavit?

Mr. CUSSON. No, sir.

Senator KENYON. You know that you mailed it?

Mr. CUSSON. Yes.

Senator KENYON. You swear that you mailed it?

Mr. CUSSON. Yes.

Senator KENYON. Either to Mr. Hines or Mr. Wiehe or the Hines Lumber Co.?

Mr. CUSSON. Mr. Shields had nothing to do with it.

Senator KENYON. Answer my question. You swear that you mailed it either to Mr. Hines, Mr. Wiehe, or the Edward Hines Lumber Co.?

Mr. CUSSON. I do.

Senator KENYON. And this affidavit was one purporting to be what you knew about the conversation and the transactions in the sleeping car between Duluth and Virginia on the night of the 7th of March, 1911.

Mr. CUSSON. Yes, sir.

Senator KENYON. Have you ever seen that affidavit since?

Mr. CUSSON. No, sir.

Senator KENYON. One more question. That was sworn to before whom? Please give us the name in full.

Mr. CUSSON. Miss N. Benoe, a notary public at Duluth.

Senator KENYON. Where does this party live now?

Mr. CUSSON. At Duluth.

Senator KENYON. In your employ?

Mr. CUSSON. Yes.

The CHAIRMAN. That is all.

TESTIMONY OF C. F. WIEHE.

C. F. WIEHE, being duly sworn, was examined and testified as follows:

Mr. FARRAR. What is your full name?

Mr. WIEHE. C. F. Wiehe.

Mr. FARRAR. Where do you reside?

Mr. WIEHE. Chicago, Ill.

Mr. FARRAR. What is your age?

Mr. WIEHE. Forty-nine.

Mr. FARRAR. Mr. Wiehe, have you any connection, family or marriage, with Mr. Edward Hines?

Mr. WIEHE. I did have connection by marriage.

Mr. FARRAR. What was it?

Mr. WIEHE. My wife was his sister.

Mr. FARRAR. Your wife then is no longer alive?

Mr. WIEHE. My wife is dead.

Mr. FARRAR. What connection have you with the Edward Hines Lumber Co.?

Mr. WIEHE. I am secretary of the company.

Mr. FARRAR. How long have you been secretary of the company?

Mr. WIEHE. Since its organization in 1892.

Mr. FARRAR. Are you a stockholder in that company?

Mr. WIEHE. I am.

Mr. FARRAR. What connection have you with the Virginia & Rainy Lake Co.?

Mr. WIEHE. I am a director in the company.

Mr. FARRAR. Do you remember the day that Hon. William Lorimer was elected United States Senator from Illinois?

Mr. WIEHE. I do.

Mr. FARRAR. Do you remember the day of the month?

Mr. WIEHE. Yes.

Mr. FARRAR. What was it?

Mr. WIEHE. May 26, 1909.

Mr. FARRAR. Did you receive from Mr. Lorimer on that day, or on the previous day, any notice or message of any sort?

Mr. WIEHE. I talked with him on the night before that day.

Mr. FARRAR. What kind of a message did you receive—telephone or telegraph?

Mr. WIEHE. A telephone message.

Mr. FARRAR. Where were you when you got that telephonic message?

Mr. WIEHE. I did not get any telephone message. I telephoned him.

Mr. FARRAR. You telephoned him?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Why did you telephone him?

Mr. WIEHE. Mr. Hines asked me to telephone him.

Mr. FARRAR. Where was Mr. Hines when he asked you to telephone Mr. Lorimer?

Mr. WIEHE. In Washington.

Mr. FARRAR. How did you communicate with Mr. Hines?

Mr. WIEHE. By telephone.

Mr. FARRAR. What did Mr. Hines give as his reason for asking you to communicate with Senator Lorimer?

Mr. WIEHE. He asked me to telephone Senator Lorimer to the effect that he was about to leave Washington and would go on direct to Springfield.

Mr. FARRAR. Then that was the message that you delivered to Senator Lorimer?

Mr. WIEHE. In part; yes, sir.

Mr. FARRAR. What instructions or directions did you get from Senator Lorimer?

Mr. WIEHE. He told me to meet Mr. Hines at the train in the morning and stop him from going to Springfield, and to call him up immediately by phone—to call Senator Lorimer up immediately by phone.

Mr. FARRAR. Did you meet Mr. Hines at the train on the following morning?

Mr. WIEHE. I did.

Mr. FARRAR. What train did you meet him at?

Mr. WIEHE. The Pennsylvania train.

Mr. FARRAR. Who was with him?

Mr. WIEHE. Mr. Isaac Baker.

Mr. FARRAR. What time did the train get in?

Mr. WIEHE. 8.55 in the morning.

Mr. FARRAR. Did you deliver to Mr. Hines the message that you had received from Senator Lorimer?

Mr. WIEHE. I did.

Mr. FARRAR. Do you remember whether the train was on time or not?

Mr. WIEHE. It was.

Mr. FARRAR. After you delivered that message to Mr. Hines from Senator Lorimer, what did you and Mr. Hines do?

Mr. WIEHE. I talked a few minutes to Mr. Hines at the depot, and we then left the depot in his automobile, and I went with him to either Adams and Clark or La Salle and Clark—I think it was La Salle and Clark Streets—and got out of his machine there, and took a street car to the Hines Lumber Co. office.

Mr. FARRER. Did you make to Mr. Hines, at the train, when you met him, any statement relative to Cook and O'Brien, and if so, what statement did you make to him?

Mr. WIEHE. I told Mr. Hines that Cook and O'Brien desired to meet him or see him; that they had telephoned me the day before, and I asked him what was the best time or the most convenient time for him to see them, and he told me he thought he could see them about 11 o'clock.

Mr. FARRER. Do you know where Mr. Hines went after he parted from you?

Mr. WIEHE. I understood he went to the Continental Bank.

Mr. FARRAR. You did not go to the bank with him?

Mr. WIEHE. I did not; no, sir.

Mr. FARRAR. What took place with respect to Cook and O'Brien when you got to the office?

Mr. WIEHE. I think it was Mr. Cook called me on the phone, wanted to know if Mr. Hines had arrived in town. I told him he had. He desired to know what time he could meet Mr. Hines. I told him about 11 o'clock, that I would telephone Mr. Hines, if that was agreeable to him, and have him over there at 11 o'clock, at the Grand Pacific Hotel.

Mr. FARRAR. Did you communicate that to Mr. Hines?

Mr. WIEHE. I did.

Mr. FARRAR. Where did you find Mr. Hines at that time?

Mr. WIEHE. At the Continental Bank.

Mr. FARRAR. This communication was how?

Mr. WIEHE. By telephone.

Mr. FARRAR. Did you see Mr. Baker at the office of the Hines Lumber Co. that morning after you had parted at the train?

Mr. WIEHE. I did not.

Mr. FARRAR. When did you next see Mr. Baker after you had seen him that morning on the arrival of the train?

Mr. WIEHE. I think in the room of Mr. Cook at the Grand Pacific Hotel.

Mr. FARRAR. Who was in that room when you arrived there?

Mr. WIEHE. Mr. Hines, Mr. Cook, Mr. O'Brien, and Mr. Baker.

Mr. FARRAR. How did you happen to go to that conference, Mr. Wiehe?

Mr. WIEHE. Mr. Hines asked me to go there.

Mr. FARRAR. Now, will you please state to the committee what was the subject matter that was discussed between the parties in the room of Cook and O'Brien that morning?

Mr. WIEHE. Matters in relation to the Virginia & Rainy Lake Co.

Mr. FARRAR. What matters?

Mr. WIEHE. The particular matter was in reference to the stock holding of Mr. Hines and his voting that stock with the Weyer-

haeuser people. They had some fears that he might consolidate with the Weyerhaeusers and do some injury to their interests. Mr. Hines assured them that there was nothing in that; that he proposed to vote that stock while he controlled the Hines Lumber Co., or something to that effect. We also discussed other matters in relation to the company.

Mr. FARRAR. Was that conversation interrupted in any way by any incident that you remember?

Mr. WIEHE. Yes.

Mr. FARRAR. What was the incident?

Mr. WIEHE. Mr. Hines talking on the telephone?

Mr. FARRAR. Do you remember who went to the telephone when it rang?

Mr. WIEHE. I do not; no. I do not remember just who went there first. I think Mr. Cook went there first, because that was his room. I presume he went there.

Mr. FARRAR. You have no personal memory, though, of who went to the telephone?

Mr. WIEHE. No, sir.

Mr. FARRAR. Did you hear what was said at the Hines end of the telephone?

Mr. WIEHE. I did.

Mr. FARRAR. Can you state your own memory now of what you heard Mr. Hines say over the telephone?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Please state it.

Mr. WIEHE. "I have just talked with the governor, and he will do what you want him to do," and if necessary he offered to go down to Springfield that night or the next day. He said, "You know how the administration feels about your election. Leave no stone unturned to be elected."

Mr. FARRAR. Was there anything said by Mr. Hines to the effect that he would come down to Springfield with all the money necessary?

Mr. WIEHE. No such conversation, or no such thing was said.

Mr. FARRAR. Was there anything said about money at all at the Hines end of the conversation?

Mr. WIEHE. There was not.

Mr. FARRAR. Do you remember whether any comment was made, either by Mr. Hines, or by any member of the party there present, as to the subject matter of that conversation?

Mr. WIEHE. My recollection is that Mr. Hines turned around and said he had just been talking to Mr. Lorimer, the senatorial candidate.

Mr. FARRAR. After that incident was over, what is your memory as to what thereafter took place in that room?

Mr. WIEHE. Well, I think we discussed the Virginia & Rainy Lake matter a little further, and some matters connected with that company; and then Mr. Hines and I left there and went to the Union League Club for luncheon.

Mr. FARRAR. How long did you remain at the club at luncheon and after the luncheon?

Mr. WIEHE. I should think about two hours.

Mr. FARRAR. After you had finished your lunch, do you remember where you and Mr. Hines went?

Mr. WIEHE. We went down in the main lounging room first. A little later Mr. Hines went to the telephone and I went with him.

Mr. FARRAR. Where were the telephones situated in the club at that time? Where they are situated now or in a different place?

Mr. WIEHE. In a different place. They were situated just north of the washroom, on the right-hand side as you went to the washroom.

The CHAIRMAN. Would that be opposite where they now are?

Mr. WIEHE. Sort of cater-cornering from where they now are; yes, sir.

Mr. FARRAR. In other words, as you walked into that club the then location of the telephones would be on your right-hand side?

Mr. WIEHE. As you went toward the washroom.

Mr. FARRAR. As you went toward the washroom?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Now, they are located on the left-hand side of that passage?

Mr. WIEHE. Yes; and a little farther away from the wash room, or a little farther away from the place where they were formerly, and on the opposite side of the passageway.

Mr. FARRAR. There is a diagram here, Mr. Wiehe, of that club. Will you kindly look at that diagram and indicate by a letter of some sort, which you will name, your memory of the then location of the telephones?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Make an "X" or "T" or some other letter that you may select.

The CHAIRMAN. He has done that.

Mr. FARRAR. What letter have you marked as the location of the telephones?

Mr. WIEHE. I have marked a star.

Mr. FARRAR. Is that in one of the rooms that is now marked "office"?

Mr. WIEHE. I started to explain. It is the room just west of what is called here "office"; the room that is marked "office" is not the office. That is the waiting room, and the office is now where I have the star. The telephone room at that time was in the room that is now the office room.

The CHAIRMAN. Which you have marked with a star, with a pencil?

Mr. WIEHE. With a star, with a pencil.

The CHAIRMAN. And that is diagonally across the passageway from the present booths?

Mr. WIEHE. Yes, sir; the booths are right across this passageway, to the left.

The CHAIRMAN. Slightly nearer the wash room than the present booths?

Mr. WIEHE. Yes, sir.

Senator KERN. On the same passageway, but on a different side and a little farther down?

Mr. WIEHE. Yes.

Mr. FARRAR. How many times did Mr. Hines go to the telephone?

Mr. WIEHE. I think he went twice.

Mr. FARRAR. Did you go with him on both occasions?

Mr. WIEHE. I did.

Mr. FARRAR. Do you know with whom he made connection on the telephone or to whom he talked?

Mr. WIEHE. I know he said he talked with the Associated Press.

Mr. FARRAR. You do not know of your own personal knowledge?

Mr. WIEHE. I do not know of my personal knowledge, except what he said when he came out from the phone.

Mr. FARRAR. Let me finish my question. You do not know of your own personal knowledge with whom he talked?

Mr. WIEHE. That is what I said.

Mr. FARRAR. Do you know what was the object which you and Mr. Hines had in going to the telephone and communicating with the Associated Press?

Mr. WIEHE. I do.

Mr. FARRAR. What was the object on those occasions?

Mr. WIEHE. He desired to know how the balloting came out at Springfield in reference to the election of Senator.

Mr. FARRAR. What was the interval between those two visits to the telephone booth?

Mr. WIEHE. I should think 5 or 10 minutes.

Senator KERN. You say you both went to the telephone?

Mr. WIEHE. Yes.

Senator KERN. Did you both go in the booth?

Mr. WIEHE. No; I stood outside of the booth.

Mr. FARRAR. What news did you receive or did Mr. Hines receive on the occasion of his second visit to the telephone?

Mr. WIEHE. He came out and said that Lorimer was elected Senator.

Mr. FARRAR. When Mr. Hines came out of the telephone booth, what did you and he do; in what direction did you go?

Mr. WIEHE. We came out of the telephone booth, and walked north in the passageway leading to the outside entrance of the building; in other words, we started to go out of the club.

Mr. FARRAR. Were you walking together, or were you separated from each other by any distance?

Mr. WIEHE. No, sir; we were walking together.

Mr. FARRAR. Whom did you meet in that passageway?

Mr. WIEHE. Mr. H. H. Hettler.

Mr. FARRAR. Do you remember where you met him?

Mr. WIEHE. I do.

Mr. FARRAR. What was he doing when you met him?

Mr. WIEHE. He was walking toward us.

Mr. FARRAR. What conversation arose, if any, between you and Mr. Hettler, or between Mr. Hines and Mr. Hettler on that occasion?

Mr. WIEHE. I had no conversation with him. He asked Mr. Hines where he came from, and said he looked rather cheerful, and asked him what the cause of it was. And Hines told him that he had just talked with the Associated Press, and that a new Senator had been elected. He wanted to know who it was, and Mr. Hines told him Lorimer; and he said he was glad to hear it; and we passed on and went out of the club. I do not know where he went.

Mr. FARRAR. Did Mr. Hines on that occasion use to Mr. Hettler language of this kind: "I have elected Lorimer. I personally did it"? Or anything of that sort?

Mr. WIEHE. No such conversation took place.

Mr. FARRAR. After the matter with reference to Senator Lorimer's election was finished did Mr. Hines and Mr. Hettler then enter into a discussion of the tariff?

Mr. WIEHE. No, sir.

Mr. FARRAR. You are certain there was no tariff discussion between them at that time?

Mr. WIEHE. Absolutely certain; yes, sir.

Mr. FARRAR. Did Mr. Hines, in that conversation with Mr. Hettler, in respect to Senator Lorimer's election, make to Mr. Hettler the statement that he, Hines, had just been talking—waving his hands toward the telephone—with Senator Lorimer?

Mr. WIEHE. He did not.

Mr. FARRAR. I understand you to say that Mr. Hines stated to Mr. Hettler that he had been talking to the Associated Press?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. That was the statement that he made?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Did you go off and leave Mr. Hines there in conversation with Mr. Hettler or did you and Mr. Hines pass on together and leave Mr. Hettler there?

Mr. WIEHE. We passed on together and went out of the club.

Mr. FARRAR. Do you remember an occasion when you went down late at night to the hotel in Chicago to see Cook and O'Brien?

Mr. WIEHE. I do.

Mr. FARRAR. How did you happen to go down there that night to see those gentlemen?

Mr. WIEHE. I went down there on a telephone communication from Mr. Hines.

Mr. FARRAR. At what time that night did you communicate with Mr. Hines?

Mr. WIEHE. I communicated with him along about half past 11, I should say.

Mr. FARRAR. Where were you when you communicated with him?

Mr. WIEHE. At my house.

Mr. FARRAR. Where had you been prior to the time of this communication with Mr. Hines?

Mr. WIEHE. I was at a theater.

Mr. FARRAR. Did you call up Mr. Hines when you got home that night or did Mr. Hines call you up when you got home from the theater?

Mr. WIEHE. When I got home I called him up.

Mr. FARRAR. Why did you call Mr. Hines up?

Mr. WIEHE. He had been calling me from half past 8 in the evening.

Mr. FARRAR. How did you know that?

Mr. WIEHE. My folks at the house told me; my son, my sister-in-law, and my daughter waited up until I got home that night.

Mr. FARRAR. How long after you got home did you call up Mr. Hines?

Mr. WIEHE. I called him up at once.

Mr. FARRAR. What is your present memory of what Mr. Hines told you he wanted you to do?

Mr. WIEHE. He told me to go down and see Messrs. Cook and O'Brien at the Grand Pacific Hotel. He said somebody had tele-

phoned him something about a subpoena having been issued and the grand jury being in session, and he wanted Cook and O'Brien to keep out of the way until the matter had blown over.

Mr. FARRAR. Did Mr. Hines tell you that he had gotten that telephonic communication from Senator Lorimer?

Mr. WIEHE. He did not.

Mr. FARRAR. Did he tell you from whom he had gotten that telephonic communication?

Mr. WIEHE. I do not recollect that he did. He said that he received the telephonic communication.

Mr. FARRAR. Did he tell you from what place that communication had come to him?

Mr. WIEHE. Yes; he said some one at Duluth had telephoned.

Mr. FARRAR. After you received this request over the telephone from Mr. Hines, what did you do?

Mr. WIEHE. I went down to the Grand Pacific Hotel.

Mr. FARRAR. How did you go down?

Mr. WIEHE. In an automobile.

Mr. FARRAR. Your own, or somebody else's?

Mr. WIEHE. My own.

Mr. FARRAR. How long does it take to go in an auto from your house to the Grand Pacific Hotel?

Mr. WIEHE. About six minutes.

Mr. FARRAR. Had you started to go to bed before you started to the Grand Pacific Hotel?

Mr. WIEHE. I had not.

Mr. FARRAR. Had you taken off your collar and your cravat?

Mr. WIEHE. I had not.

Mr. FARRAR. Had you been to bed in your house before you started to go down there?

Mr. WIEHE. No, sir.

Mr. FARRAR. If I understand, you had come directly from the theater to your house, found that you were wanted by Mr. Hines, telephoned to Mr. Hines, got his message, got in your auto, and went down to the hotel. Is that right?

Mr. WIEHE. That is correct; yes, sir.

Mr. FARRAR. Do you remember whether Mr. Hines said to you in this conversation that he had received from Duluth a telephonic message saying that Cook had been talking indiscriminately around the hotels and on the trains about a conversation from his room, and that he understood that there was a subpoena out for them, and to suggest to them to get out of the way until the matter blew over; or did he suggest that if Cook kept on talking he might be subpoenaed?

Mr. WIEHE. He may have said that. The thing that made the impression on my mind was the grand jury being in session, and for them to keep out of the way until the matter had blown over.

Mr. FARRAR. Your present memory is that you do not know whether Mr. Hines stated that a subpoena had been issued for these men or that a subpoena might be issued for them if Mr. Cook kept on talking?

Mr. WIEHE. I think he said a subpoena might be issued for them.

Mr. FARRAR. That is your present recollection?

Mr. WIEHE. That is my recollection; yes, sir.

Mr. FARRAR. Did you find Cook and O'Brien at the hotel?

Mr. WIEHE. I did.

Mr. FARRAR. Where?

Mr. WIEHE. In the Grand Pacific Hotel.

Mr. FARRAR. What did you say to them?

Mr. WIEHE. I told them that Mr. Hines had telephoned me that this grand jury was in session, and he desired them to keep out of the way until the matter that was then pending had blown over.

Mr. FARRAR. Did you tell those gentlemen, or either of them, on that occasion, that Mr. Lorimer had telephoned to Mr. Hines?

Mr. WIEHE. I did not.

Mr. FARRAR. Do you know whether Mr. Lorimer knew Cook or knew O'Brien.

Mr. WIEHE. I did not.

Mr. FARRAR. Do you know whether Mr. Lorimer knew at that time that there were any two such individuals in existence?

Mr. WIEHE. I could not say as to that. I do not know what Mr. Lorimer knew in that respect.

Mr. FARRAR. Do you know where Mr. Lorimer was at that time?

Mr. WIEHE. No; I do not. I do not know where he was.

Mr. FARRAR. Do you know whether he was in Washington, in Chicago, or in Duluth?

Mr. WIEHE. That I do not know. I do not know where he was.

Senator GAMBLE. This conversation was some time in the early part of May, 1910?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Yes; I am going to bring that out. Do you locate about the date of this conversation, Mr. Wiehe?

Mr. WIEHE. I think it was about the time this White story was published in the papers. That is my best recollection.

Mr. FARRAR. About that time?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Mr. Cook stated that there was some conversation between yourself and himself on that occasion, in which you stated that Hines had given instructions around the office for the employees to say nothing; but that when the newspaper men came around, he (Hines) could give them two columns. Do you remember having any conversation of that sort with Mr. Cook?

Mr. WIEHE. I had no such conversation.

Mr. FARRAR. Do you remember stating to him another thing that Mr. Hines talked too much?

Mr. WIEHE. I do not remember that. I would not say that I did not say that.

Mr. FARRAR. I say, you will not say that you did not say that?

Mr. WIEHE. No, sir.

Mr. FARRAR. You have no memory, have you, of making that statement at that time?

Mr. WIEHE. I do not recollect that I made that statement; no, sir.

Mr. FARRAR. There is another statement of Mr. Cook's connected with that which might give you some clue. He says that you said that some day they would "get Hines."

Mr. WIEHE. I never made any such statement.

Mr. FARRAR. Had Mr. Hines, to your knowledge, done anything for which he could be "gotten?"

Mr. WIEHE. Not to my knowledge; no, sir.

Mr. FARRAR. So that, no matter how much he talked, if he told the truth he could not be "gotten" by anybody for anything?

Mr. WIEHE. Unless they framed up something on him.

Senator KENYON. Why did you want these men to get out of town, when the grand jury was in session there?

Mr. WIEHE. I had no notion about it at all. I was simply carrying the message.

Senator KENYON. You simply carried the message for Mr. Hines, for them to get out of town?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. What was the sentiment, so far as you know, of Mr. Cook toward Mr. Hines at the time you delivered this message?

Mr. WIEHE. It was about as bad as it could be.

Mr. FARRAR. At that time?

Mr. WIEHE. Sir? No; not at that time.

Mr. FARRAR. I am calling your attention to Mr. Cook's position towards Mr. Hines at that time.

Mr. WIEHE. At that time they appeared to be very friendly.

Mr. FARRAR. When did that condition of Mr. Cook's mind and sentiment towards Mr. Hines change?

Mr. WIEHE. Well, I think that started some time in 1910, and it dragged along up to the present time.

Senator KERN. This was in 1910, was it not?

Mr. FARRAR. That conversation was in 1910.

Mr. WIEHE. I say later than that—later in the year.

Mr. FARRAR. Later than the conversation?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Do you know, from contact with Mr. Cook, what the condition of his mind toward Mr. Hines was?

Mr. WIEHE. I do.

Mr. FARRAR. Wait a minute. Let me finish my question, please. Do you know, from contact with Mr. Cook, what the condition of his mind toward Mr. Hines was as of the date of the Virginia & Rainy Lake meeting in March, 1911?

Mr. WIEHE. Yes; I know what his mind was then and before then.

Mr. FARRAR. What was it?

Mr. WIEHE. He would do most anything to injure Mr. Hines that he could do.

Mr. FARRAR. Do you know what threats Cook made, if any, of your own knowledge?

Mr. WIEHE. I do.

Mr. FARRAR. What threats did he make?

Mr. WIEHE. I met him at the La Salle Hotel—

Mr. FARRAR. When?

Mr. WIEHE. I think that was in February.

Mr. FARRAR. Of what year?

Mr. WIEHE. February, 1911. I met him twice there. He called me up on the telephone and said he wanted to meet me there, and I went down to see him, and the first visit he said that Mr. Hines had promised to get some man to buy his stock, and, by God, he wanted Hines to carry out this agreement.

Mr. FARRAR. What stock did he refer to?

Mr. WIEHE. His stock in the Virginia & Rainy Lake Co. I told him I did not know anything about that conversation; that if Hines had agreed to get a man to buy his stock I thought he would carry out his agreement.

Mr. FARRAR. There is no need to go into the details of the conversation, except to state what threats this man made, if any. The other side can bring out the details, if they want to. I simply want you to answer that question as to what threats, if any, he made against Mr. Hines at that time.

Mr. WIEHE. Well, I do not know as he made any threat against Mr. Hines at that time.

Mr. FARRAR. The question I asked—

Mr. WIEHE (interrupting). I am trying to answer you.

Mr. FARRAR. The question that I asked you, if you please, Mr. Wiehe, related to threats made by Cook against Hines.

Mr. WIEHE. He did not make any threats against Mr. Hines at that time.

Mr. FARRAR. Put your memory, now, on the occasion when Mr. Cook did make any threats.

Mr. WIEHE. Some time later than that he wrote a letter in which he threatened to expose Mr. Hines.

Mr. FARRAR. That letter is before the committee. I am asking you about any threats that Cook made prior to the time when he wrote that letter.

Mr. WIEHE. He made no threats against Mr. Hines just then.

Mr. FARRAR. Against whom did he make threats?

Mr. WIEHE. This is what he said—if you want me to tell you what he said.

Mr. FARRAR. Yes.

Mr. WIEHE. He said that he was in Chicago to sell his stock, and, by God, he was going to stay there until he did sell it; and he was going to make somebody buy it; that things were getting pretty hot around Chicago; and the grand jury was in session, and something would happen. I asked him why he did not go before the grand jury and get it out of his system. Then he asked me how I would like to see him sell his stock to a thousand niggers and lewd women, and he used a vulgar term regarding it. I told him that if he thought that was the thing to do to his partners he ought to go and do it.

Mr. FARRAR. About what time was that conversation?

Mr. WIEHE. That was in February.

Mr. FARRAR. Before he wrote this letter to Mr. Weyerhaeuser?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Did he say anything else of a similar tenor to that which you have already told us?

Mr. WIEHE. I do not know what you are getting at.

Mr. FARRAR. Is that all of Cook's statements of the same kind and nature as the one that you have mentioned?

Mr. WIEHE. That is all of that talk; yes, sir.

Mr. FARRAR. Were there other talks in which any similar statements were made?

Mr. WIEHE. No; I did not meet him after that until this meeting of the Virginia & Rainy Lake Co.

Mr. FARRAR. Were any messages brought to you from Mr. Cook after that date, that you remember?

Mr. WIEHE. Yes; I received a letter from him which he asked me to forward to Mr. Hines.

Mr. FARRAR. Leaving out of view, now, his letter to Mr. Weyerhaeuser, and leaving out of view the copy of that letter which Cook sent in the letter to you, were there any messages brought to you from Cook through other persons?

Mr. WIEHE. I heard what he had said; yes.

Mr. FARRAR. You heard that he had been making threats to other persons?

Mr. WIEHE. He made this same statement about selling the stock to another man.

Mr. FARRAR. Who was it?

Mr. WIEHE. Mr. Harper, of Duluth.

Mr. FARRAR. What is Mr. Harper's first name?

Mr. WIEHE. J. H. Harper.

Mr. FARRAR. Was Mr. Harper a stockholder in the Virginia & Rainy Lake Co.?

Mr. WIEHE. He was.

Mr. FARRAR. Did Mr. Harper tell you what Cook had said to him?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. When?

Mr. WIEHE. At the hearing of the Helm committee in Springfield, after I had questioned Mr. Cook.

Senator KERN. After you had done what?

Mr. WIEHE. After I asked Cook a few questions there.

Mr. FARRAR. What did Mr. Harper say to you?

Mr. WIEHE. He told me that same thing about his wanting to sell the stock to niggers, etc.

Mr. FARRAR. Are we to understand from that that he told you that Cook had said the same thing to him that Cook had said to you?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Did you have any conversation with Mr. Cook down at the Helm committee?

Mr. WIEHE. I had no conversation with him excepting the questions I asked him.

Mr. FARRAR. That is a matter of record in the examination before the Helm committee?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Did you go before the Helm committee voluntarily or were you summoned there?

Mr. WIEHE. I was subpoenaed there.

Mr. FARRAR. Did you go there alone?

Mr. WIEHE. I did.

Mr. FARRAR. Did you have any counsel there to represent you at all?

Mr. WIEHE. I did not.

Mr. FARRAR. Were these three gentlemen who appeared there—Mr. Harper, Mr. Cusson, and Mr. Johnson—summoned by the committee or did you ask them to come yourself?

Mr. WIEHE. I asked them to go there.

Mr. FARRAR. I understood you to say that you were one of the directors of the Virginia & Rainy Lake Co.?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Was your stockholders' meeting in that company held this year at its regular time or was it postponed?

Mr. WIEHE. I think it was postponed.

Mr. FARRAR. How many times?

Mr. WIEHE. I think several times.

Mr. FARRAR. Why?

Mr. WIEHE. I think Mr. Hines was away for some reason.

Mr. FARRAR. You think it was because of Mr. Hines's absence?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Where was Mr. Hines?

Mr. WIEHE. I think he was down here in Washington.

Mr. FARRAR. Can you state from your own memory how much of the time during January, February, and March of the present year Mr. Hines spent here in Washington?

Mr. WIEHE. Practically all the time.

Mr. FARRAR. Were you in Chicago the whole period between the 7th of February and the 7th of March?

Mr. WIEHE. I do not know whether I was there that whole time or not. I was there up to the 18th or 19th of February, and possibly the 20th of February.

Mr. FARRAR. Your memory is, however, that Mr. Hines was absent from Chicago and here in Washington most of the time prior to the 4th of March of this year?

Mr. WIEHE. I think he was; yes, sir.

Mr. FARRAR. On what date in this year was the stockholders' meeting of the Virginia & Rainy Lake Co. held?

Mr. WIEHE. March 8.

Mr. FARRAR. Did you attend that meeting?

Mr. WIEHE. I did.

Mr. FARRAR. How did you go up there?

Mr. WIEHE. I went by train.

Mr. FARRAR. When did you leave Chicago?

Mr. WIEHE. I left Chicago on the night of the 6th of March.

Mr. FARRAR. To what point did you go first?

Mr. WIEHE. Duluth, Minn.

Mr. FARRAR. Who went with you on that train?

Mr. WIEHE. Mr. Hines.

Mr. FARRAR. Who else?

Mr. WIEHE. That is all.

Mr. FARRAR. Whom did you meet at Duluth connected with your company?

Mr. WIEHE. With the Virginia & Rainy Lake Co.?

Mr. FARRAR. Yes, sir.

Mr. WIEHE. I met Mr. Lindsay, Mr. Hornby, Mr. Fred Weyerhaeuser, Mr. Rudolph Weyerhaeuser, Mr. John Weyerhaeuser, Mr. J. H. Harper, Mr. Cusson, I think some gentleman from Wausau, Wis.—I can not recollect his name just now—and Mr. Bailey, of Washburn & Bailey.

Mr. FARRAR. At what time did you leave Duluth to go to Virginia, where I understand this corporation had its home?

Mr. WIEHE. I left Duluth at 7.10 in the evening.

Mr. FARRAR. What day?

Mr. WIEHE. On the 7th of March, 1911.

Mr. FARRAR. What car of the train did you enter to take passage to Virginia?

Mr. WIEHE. The last car of the train.

Mr. FARRAR. What kind of a car was it—an ordinary day coach or a sleeping car?

Mr. WIEHE. A sleeping car.

Mr. FARRAR. How many of you in the party went into that sleeper?

Mr. WIEHE. All of our party went into the sleeper. I think there were 12 altogether—11.

Mr. FARRAR. Did you see Cook and O'Brien on that train?

Mr. WIEHE. I did not see them on the train; I saw them get on the train.

Mr. FARRAR. What car did Cook and O'Brien get on?

Mr. WIEHE. They went in the day coach, just ahead of the car we were in.

Mr. FARRAR. Did either Cook or O'Brien, to your knowledge, at any time come back into the sleeper?

Mr. WIEHE. Not to my knowledge; no, sir.

Mr. FARRAR. Or into the smoking room of the sleeper?

Mr. WIEHE. No, sir.

Mr. FARRAR. Did you have occasion to go into the smoking compartment of that sleeper during that trip?

Mr. WIEHE. No; I had no occasion to go in there, but I did go in.

Mr. FARRAR. Are you a smoking man, Mr. Wiehe?

Mr. WIEHE. I am not.

Mr. FARRAR. Do you smoke cigars?

Mr. WIEHE. No, sir.

Mr. FARRAR. Did you at that time?

Mr. WIEHE. I did not.

Mr. FARRAR. What is the extent of your smoking habit, Mr. Wiehe?

Mr. WIEHE. Sometimes, in attending a banquet, I may smoke two or three puffs of a cigarette and throw it away.

Mr. FARRAR. Because it is fashionable to do that at the banquet?

Mr. WIEHE. I do not know that it is for that reason.

Mr. FARRAR. But it is the modern fashion to smoke cigarettes between the courses at banquets, is it not, sir?

Mr. WIEHE. It is done.

Mr. FARRAR. Do you remember how long it was after the car left Duluth before you went into the smoking compartment?

Mr. WIEHE. Oh, I should think 20 or 25 minutes after the train pulled out.

Mr. FARRAR. Of course you do not pretend to give the time with any degree of accuracy, do you?

Mr. WIEHE. I am simply giving you my judgment about it.

Mr. FARRAR. Your present conception of a past lapse of time?

Mr. WIEHE. I am giving you my best recollection and judgment as to the time.

Mr. FARRAR. Whom did you meet in that compartment when you got there? Can you recall the names of the persons who were in the compartment when you reached it?

Mr. WIEHE. There was Mr. Johnson, Mr. F. E. Weyerhaeuser, Mr.—well, there were two or three gentlemen in there that I did not know at that time.

Mr. FARRAR. Have you lately found out who those two or three gentlemen were that were in there that you did not know?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Applying your present knowledge back to your then conception of the fact, can you state now the names of the persons that were in that car whom you did not know?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Who were they?

Mr. WIEHE. Mr. Charles McGowan and Mr. J. B. Price and a man named Burgess.

Mr. FARRAR. Had you ever, prior to that occasion, seen Mr. McGowan or Mr. Burgess or Mr. Price?

Mr. WIEHE. No, sir.

Mr. FARRAR. Those three, then, were utter strangers to you?

Mr. WIEHE. They were.

Mr. FARRAR. What in regard to Mr. Johnson?

Mr. WIEHE. I knew Mr. Johnson before.

Mr. FARRAR. You knew him?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Are you a member of the Concatenated Order of Hoo-hoos?

Mr. WIEHE. I am not.

Mr. FARRAR. Do you remember whether Mr. Cusson was in the car when you went in there, or did he come into the car after you got there?

Mr. WIEHE. My recollection was that he was in there; but he has since told me he was not.

Mr. FARRAR. So your recollection—

Mr. WIEHE. I thought he was there when I went in. That was my recollection of it.

Mr. FARRAR. So your recollection and his on that point disagree?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. What did you do when you went in? Where did you seat yourself, or where did you stand?

Mr. WIEHE. I sat on the sofa or seat of the room.

Mr. FARRAR. Which part or end of that sofa did you sit on—the right-hand side or the left-hand side or the middle?

Mr. WIEHE. I think I sat in the second seat from the window.

Mr. FARRAR. Do you remember who occupied the seat next to the window?

Mr. WIEHE. There was a man named Mr. McGowan—the gentleman that I met here to-day.

Mr. FARRAR. The gentleman whom you now know as Mr. McGowan?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Did you recognize Mr. McGowan when you met him here in Washington?

Mr. WIEHE. I did.

Mr. FARRAR. While you were in that car, what was discussed by the parties who were there? Give us your best memory of the subject matters that were discussed by the parties.

Mr. WIEHE. The tariff, reciprocity, and the turning of the watershed, to my best recollection.

Mr. FARRAR. Did you, while you were in that car, have any detailed and specific conversation with this stranger who is now identified as Mr. Burgess?

Mr. WIEHE. I did not.

Mr. FARRAR. I understood you to say that you did not at that time know Mr. Burgess?

Mr. WIEHE. No, sir; I did not.

Mr. FARRAR. Had you ever seen him before, to your memory?

Mr. WIEHE. I never saw him before; no, sir.

Mr. FARRAR. Had you ever heard that there was any such person in existence as Burgess, according to your memory?

Mr. WIEHE. I did not; no, sir.

Mr. FARRAR. Did Mr. Burgess appear to be acquainted with any of the other persons in that car on that occasion?

Mr. WIEHE. I think he knew Mr. Cusson. He appeared to know him.

Mr. FARRAR. Do you remember any specific conversation that took place between Mr. Burgess and Mr. Cusson?

Mr. WIEHE. Yes; they had some discussion about electric-light fixtures or bulbs, or something of that sort.

Mr. FARRAR. Do you remember where this stranger, now identified as Burgess, sat while you were in that car?

Mr. WIEHE. He sat in a chair.

Mr. FARRAR. To the right, to the left, or in front of you?

Mr. WIEHE. He sat diagonally across from me.

Mr. FARRAR. Diagonally to the right or diagonally to the left?

Mr. WIEHE. I think diagonally to the right, to my best recollection.

Mr. FARRAR. Suppose you had engaged in a specific, detailed conversation with Mr. Burgess of some minutes' duration, or even of a minute's duration, from the position where you were sitting to the position where he was sitting—would it have been possible for the other persons in the car to hear what you and he said?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Could you have talked to Mr. Burgess without leaning over and pulling down his ear and whispering into it—could you have talked in the ordinary tone of voice that two men would talk in with that space between them, without everybody in the car hearing what you said?

Mr. WIEHE. I think everybody in the compartment would have heard what I said.

Mr. FARRAR. Did you have any secret, whispered, under-voiced conversation with Mr. Burgess on that occasion?

Mr. WIEHE. I did not.

Mr. FARRAR. Do you remember having any specific conversation with him whatsoever?

Mr. WIEHE. I would not say that. I may have butted into this tariff and reciprocity talk, but not to any extent. I did very little talking in the car—that is, in that room.

Mr. FARRAR. You are not known as a talkative man, are you?

Mr. WIEHE. Well, I seem to have gotten that reputation since the Lorimer case has been pending.

Mr. FARRAR. Mr. Wiehe, I propose to read to you the substance of what Mr. Burgess has testified to before this committee, and, after

reading the substance of what he has said, I shall ask you a question, so that I ask you now to give your particular attention. He said:

Mr. John Weyerhaeuser was sitting on Mr. Wiehe's left, and as Mr. Weyerhaeuser left the smoking compartment I asked Mr. Wiehe if that was not John Weyerhaeuser, and he replied that it was, and that started the conversation. I can not remember how the conversation drifted over onto Lorimer's election. I remember making some remark regarding the election of Mr. Lorimer and Mr. Wiehe asked me what I knew about Mr. Lorimer's election, and I told him my knowledge consisted of my information gained from the Duluth News-Tribune and the Duluth Evening Herald and the Chicago Examiner, and he made the remark that I did not know very damn much about it. And then he started in to enlighten me in regard to Mr. Lorimer's election.

He said that Mr. Lorimer had not spent any of his own money for his election, but there was, as he called it, a jack pot raised for Mr. Lorimer's election, and he made the remark—this remark he made at the finish of the conversation—he says: "There was a jack pot raised for Mr. Lorimer's election. I know what I am talking about, because I subscribed \$10,000 to it myself."

He asked me during the conversation if I had ever heard of the Father Green episode, and I told him I had not, and he went on to give me the explanation of the Father Green episode. He said that a detective that was employed by a private detective agency to get evidence against Mr. Lorimer by one of the Chicago newspapers—I could not say positively whether it was the Chicago Record-Herald or the Chicago Tribune, as he had mentioned both those papers two or three different times—and this detective had gone to Father Green for a confession; and during his confession he had confessed to Father Green what he was doing, and Father Green had listened to the confession, and he had refused to give him absolution until he had made a clean breast of the action he was taking in the Lorimer case. The paper that was supposed to have employed this detective agency got hold of the matter and got hold of one of Father Green's photographs, and was coming out with a full page, with Father Green's picture and his interest in the affair; and before they printed it they had called Father Green up and asked him if he would not retract certain things that he had said. Father Green replied that he would not. They told him, then, that they were going to come out with a full-page photograph of him in the paper, with the full facts in the case, and Father Green told them that if they did, and he had enough influence in Chicago, he would cut their circulation down 50 per cent.

Mr. Wiehe, did you have any such detailed conversation of that sort with Mr. Burgess in respect to the Lorimer election and in respect to the so-called Father Green episode?

Mr. WIEHE. I did not.

Mr. FARRAR. Did you have any conversation with Mr. Burgess which even maliciously could be distorted into what I have read to you here as this man's testimony?

Mr. WIEHE. I did not. He is an absolute liar when he makes the statement.

Mr. FARRAR. Did you talk about the Lorimer election with this man Burgess at all?

Mr. WIEHE. I did not.

Mr. FARRAR. Did you say anything to him about a jack pot?

Mr. WIEHE. I did not.

Mr. FARRAR. Did you say anything to him about contributing \$10,000 yourself to a jack pot?

Mr. WIEHE. I did not.

Mr. FARRAR. Did you say to him anything about any \$100,000 fund or jack pot or slush fund, or anything of that sort?

Mr. WIEHE. I did not.

Mr. FARRAR. Did you mention Father Green's name?

Mr. WIEHE. I did not.

Mr. FARRAR. Did you tell him any such detailed story as he has given here to this committee?

Mr. WIEHE. I did not.

Mr. FARRAR. Did you before this man testified here ever hear any such tale in respect to Father Green as is set forth in this testimony?

Mr. WIEHE. Not as related there; no.

Senator GAMBLE. Did you make any such statements in his presence to any other party, that he might have heard, as indicated by the testimony as read to you?

Mr. WIEHE. No; I did not.

Senator KERN. You say you never heard the Father Green episode told in that way. How did you hear it told? Did you ever hear it told at all?

Mr. WIEHE. Why, I heard some story told later, sometime in April.

Senator KERN. What was that?

Mr. WIEHE. Why, I heard a story like this—that Mr. Keely, a detective, had been employed by the State's attorney's office, and that he went and saw Father Green and stated that he was tired of doing the crooked work they wanted him to do at the State's attorney's office, and wanted to change his job. Father Green told him that he certainly could not do that until he had repaired some of the things in the crooked work that was going on; that he would have to make it right. One of the things I heard was said—it seemed to be kind of common gossip—a man named Beckemeyer was taken out by Mr. Keely and gotten drunk, and he was taken down in the red light district and put in a room with some women—naked, white women and colored women—and a flash-light picture taken of him; and when he refused to testify, they showed him this picture. Now, that is just gossip I heard, and I do not know whether that is true or not.

Senator KERN. Beckemeyer had nothing to do with the Father Green incident. Then, did you further hear they had threatened Father Green?

Mr. WIEHE. No; I did not know anything about that.

Senator KERN. This Father Green business, you say you had heard of?

Mr. WIEHE. I heard some gossip to that effect; but that was some time after. I did not know Father Green at that time.

Senator KERN. I know you did not; but when did you first hear of that?

Mr. WIEHE. I think some time in April.

Senator KERN. You say you never repeated that story to anybody?

Mr. WIEHE. I did not repeat that story; no, sir.

Senator KERN. Did you repeat what you just told us—this Father Green episode? Do you say you never repeated that to anybody?

Mr. WIEHE. I do not think I repeated it to anybody. I may have talked of it; yes, sir.

Senator KERN. You do not remember to whom you did talk on this subject?

Mr. WIEHE. No; I do not.

Senator FLETCHER. Did you ever talk to Burgess of it?

Mr. WIEHE. No; I did not. I did not know the story then.

Senator KERN. Do you remember whom you did talk to about it?

Mr. WIEHE. No; I do not. I do not remember who I talked to about it.

Mr. FARRAR. Was not this story as you have told it here, along in April of this year, a matter of common gossip in Chicago?

Mr. WIEHE. Yes.

Mr. FARRAR. Were there not hundreds that knew the story as you have told it?

Mr. WIEHE. I do not know that there were hundreds of people. It was gossip and I heard it.

Mr. FARRAR. This man further says in his testimony that you told him that you had gotten this story from Father Green himself?

Mr. WIEHE. I did not know Father Green.

Mr. FARRAR. What is your religion? Are you a Catholic or a Protestant?

Mr. WIEHE. I am a Protestant.

Mr. FARRAR. Do you belong to any organization that the Catholic church does not favor?

Mr. WIEHE. Well, I do not know whether they favor them or not. I am a Mason, if that is what you are driving at.

Mr. FARRAR. Therefore you have no contact and had no contact prior to the 7th of March with Father Green at all, did you?

Mr. WIEHE. I did not.

Mr. FARRAR. Did you know him?

Mr. WIEHE. I did not.

Mr. FARRAR. Had you ever had any conversation with him?

Mr. WIEHE. No, sir.

Mr. FARRAR. Now, the version of the Father Green story that Mr. Burgess has told here, about the detective being employed by the newspaper and about the newspaper demanding a retraction of Father Green and about the newspaper getting a copy of his picture, and about the newspaper threatening him with publication, and about his answer there—did you ever hear that version of that story until you read it in the testimony of Mr. Burgess?

Mr. WIEHE. I did not.

Senator KENYON. Had you known Mr. Burgess ever before this incident?

Mr. WIEHE. I never saw him before that trip.

Senator KENYON. Do you know now where he lives?

Mr. WIEHE. Yes; I do; at Duluth, Minn.

Senator KENYON. Do you know whether he has been in Chicago very much?

Mr. WIEHE. I do not know anything about him at all. I never saw the man before.

Senator KENYON. You say this whole story as read to you by Judge Farrar is untrue?

Mr. WIEHE. An absolute lie.

Senator KENYON. Did you point out John Weyerhaeuser to him at all?

Mr. WIEHE. I did not. John Weyerhaeuser did not sit in the room at all.

Senator KENYON. Have you ever had any trouble with Mr. Burgess?

Mr. WIEHE. I have never had individually; no, sir.

Senator KENYON. Do you know whether Mr. Hines has?

Mr. WIEHE. I think the company has. Mr. Cusson had some difficulty with him, I believe.

Senator GAMBLE. The witness who testified?

Mr. WIEHE. Yes.

Senator KENYON. And this story you say is an absolute creature of the imagination?

Mr. WIEHE. Well, I will not say that it is an absolute creature of the imagination. I think it is a frame-up between Burgess and Cook.

Senator KERN. You say young Weyerhaeuser was not in the smoking compartment that night?

Mr. FARRAR. John Weyerhaeuser.

Mr. WIEHE. Yes; he stuck his head in there, but he thought the smoke was too thick.

Senator KERN. Did you state in your testimony before the Helm committee that there were three Weyerhaeusers in the compartment?

Mr. WIEHE. Yes; but I was mistaken about it. Charlie Weyerhaeuser was in California. He was not there at all.

Senator KERN. When did you find out that you were mistaken?

Mr. WIEHE. Right after I testified.

Senator KERN. Did not you have a clear recollection of what you were testifying to when you testified at Springfield?

Mr. WIEHE. I thought he was there at that time.

Senator KERN. You testified before that committee at Springfield that the whole three Weyerhaeusers were in the smoking compartment of that car.

Mr. WIEHE. I thought he was there at that time. That is my recollection.

Senator KERN. Did you not say all three of them were in the smoking compartment?

Mr. WIEHE. I thought they were, but I was mistaken.

Senator KERN. The fact is, only one of them was in there?

Mr. WIEHE. There was only one sat in there. But there were two in there. John Weyerhaeuser stuck his head in there and he was in there a second.

Senator KERN. He was not in.

Mr. WIEHE. Yes, he was in; he stuck his head in there, but he did not sit down there; no, sir.

Senator KENYON. Your theory is that this is a frame-up by Cook and Burgess?

Mr. WIEHE. That is my opinion of it.

Senator KENYON. And that they carried the frame-up to the point of swearing to it under oath?

Mr. WIEHE. Yes; I think Cook would do anything to get even.

Senator KENYON. You think he would perjure himself?

Mr. WIEHE. Yes; I think he would.

Senator KENYON. Have you ever told him that?

Mr. WIEHE. No.

The CHAIRMAN. You will not finish your direct examination tonight, Mr. FARRAR?

Mr. FARRAR. No; I will not finish.

The CHAIRMAN. We will take a recess at this point.

(Whereupon at 5 o'clock and 30 minutes p. m. the committee adjourned until Thursday, July 20, 1911, at 11 o'clock a. m.)

SENATOR FROM ILLINOIS

PROCEEDINGS

BEFORE A

COMMITTEE OF THE UNITED STATES SENATE

COMPOSED OF

SENATORS DILLINGHAM (CHAIRMAN), GAMBLE, JONES,
KENYON, JOHNSTON, FLETCHER, KERN, AND LEA

DIRECTED, UNDER A RESOLUTION OF THE SENATE OF
JUNE 7, 1911, TO INVESTIGATE WHETHER COR-
RUPT METHODS AND PRACTICES WERE EM-
PLOYED IN THE ELECTION OF WILLIAM
LORIMER AS A SENATOR OF THE
UNITED STATES FROM THE
STATE OF ILLINOIS

PART VI

WASHINGTON
GOVERNMENT PRINTING OFFICE
1911



SENATOR FROM ILLINOIS.

THURSDAY, JULY 20, 1911.

SENATE OFFICE BUILDING,
Washington, D. C.

The committee met at 11 o'clock a. m.

Present: Senators Dillingham (chairman), Gamble, Jones, Kenyon, Johnston, Fletcher, and Kern.

Present, also, Mr. John H. Marble and Mr. John J. Healy, Mr. William Hynes, Mr. Elbridge Hanecy, and Mr. Edgar Farrar.

TESTIMONY OF NELSON W. ALDRICH.

NELSON W. ALDRICH, being duly sworn, was examined, and testified as follows:

Mr. MARBLE. Your name is Nelson W. Aldrich?

Mr. ALDRICH. It is.

Mr. MARBLE. In the year 1909 you were a Member of the United States Senate, and chairman of the Finance Committee?

Mr. ALDRICH. I was.

Mr. MARBLE. And had been a Member of the Senate for many years prior thereto?

Mr. ALDRICH. I had.

Mr. MARBLE. Of course your public life is a matter of judicial knowledge to the committee. Do you know Mr. Edward Hines?

Mr. ALDRICH. I do.

Mr. MARBLE. How long have you known him?

Mr. ALDRICH. I think I first met him in the spring of 1909. I am not certain about the precise time; I should say perhaps in April.

Mr. MARBLE. Do you remember the occasion of meeting him?

Mr. ALDRICH. My general impression is that he brought me a letter of introduction from a friend of mine in Chicago. That is my recollection about it.

Mr. MARBLE. Who was that friend?

Mr. ALDRICH. Mr. George Reynolds—that is my recollection. I was having so many letters at that time and meeting so many people that my memory is not very distinct, but that is my impression.

Mr. MARBLE. What was your business with Mr. Hines at that time?

Mr. ALDRICH. At the time the letter of introduction was presented?

Mr. MARBLE. Yes.

Mr. ALDRICH. None at that time.

Mr. MARBLE. Did you, subsequently to that, become interested in the matter of the election of a Senator from the State of Illinois?

Mr. ALDRICH. I do not quite understand what you mean by "interested." I was interested, of course, as a Republican, and as a man who had more or less responsibility with the Republican organization of the Senate in the election of a Republican Senator in Illinois.

Mr. MARBLE. Did you advise with Mr. Hines regarding that matter?

Mr. ALDRICH. I had three or four conversations with Mr. Hines with reference to the President's attitude more especially.

Mr. MARBLE. At whose initiative were those conversations held?

Mr. ALDRICH. I am not positive about the first conversation; I do not remember whether what you call the initiative was on my part or on his. It was in reference to the general situation in Illinois at the time.

Mr. MARBLE. You recall that conversation now, do you?

Mr. ALDRICH. I do.

Mr. MARBLE. Can you tell us when it was held?

Mr. ALDRICH. I should say probably in the early part of April—in the first part of April, I should think; but I would not be positive about it.

Mr. MARBLE. Reminding you that Senator Lorimer was elected on May 26, 1909, would that help you to fix the date of that first conversation?

Mr. ALDRICH. No: I should still say it was early in April. That would be my general impression.

Mr. MARBLE. Do you recall the substance of that conversation?

Mr. ALDRICH. I do.

Mr. MARBLE. Do you recall the words of it?

Mr. ALDRICH. I would not say about the words, because that is a little difficult for anybody to give.

Mr. MARBLE. Will you give us the conversation as nearly as you can?

Mr. ALDRICH. It started with a talk about the general situation with reference to the election of a United States Senator. Mr. Hines stated that, in his judgment, Mr. Hopkins could not be elected, and he asked me what the attitude of the President was with reference to that matter. I stated to him that the President was desirous that a Republican Senator should be elected in Illinois, and that, while, naturally, he was friendly to Mr. Hopkins, on account of the fact that Mr. Hopkins had received the primary nomination, and perhaps for other reasons, still he did not intend to take any active part in trying to influence the election of a Senator; that his anxiety was that a Republican should be elected, and that he would take no steps in furtherance of Mr. Hopkins's candidacy or any other.

Mr. MARBLE. You told that to Mr. Hines?

Mr. ALDRICH. I told that to Mr. Hines at that time. That was the first conversation. I think, that I had with Mr. Hines with reference to the President's attitude.

Mr. MARBLE. Do you remember, now, whether you sent for Mr. Hines or whether he came to you?

Mr. ALDRICH. I do not remember, as to this first conversation, just how it arose. I remember the fact that the conversation took place.

Mr. MARBLE. Do you recall whether or not the tariff bill was discussed on that occasion, or any of the schedules or paragraphs of the tariff?

Mr. ALDRICH. It was not; they were not. There was no discussion on that subject.

Mr. MARBLE. Would you say that you did not tell Mr. Hines that there were schedules coming up in the Senate as to which it was very important to have every Republican vote possible to assist in their passage?

Mr. ALDRICH. I did not say that to him at any time; and certainly as to this first conversation that I am now talking about I have told you the whole substance of the conversation.

Mr. MARBLE. Was anyone else present on that occasion that you recall?

Mr. ALDRICH. I think not; I am not sure.

Mr. MARBLE. Do you recall the next conversation on the subject with Mr. Hines?

Mr. ALDRICH. In the next conversation that I had with him—I am now talking about conversations with reference to the attitude of the President upon the subject—Mr. Hines stated to me that there was an effort being made to agree upon Mr. Boutell as successor to Mr. Hopkins, and that he was anxious to know what the President's attitude was with reference to his candidacy. He said to me that he was desirous that a man should be elected who was friendly with the administration and a good Republican, and that there was a possibility of agreeing upon Mr. Boutell; and he asked if I would see the President and find out the President's attitude. I reported to him afterwards, in another conversation, that the President would be agreeable to Mr. Boutell's election; that his only anxiety was to have a Republican elected; and that he was satisfied with Mr. Boutell's Republicanism, and would have no objection to his election.

Mr. MARBLE. Was your message at all an urgent one that Mr. Boutell should be elected?

Mr. ALDRICH. Not at all. It was simply a question of the attitude that the President, or the administration, would take toward Mr. Boutell's candidacy.

Mr. MARBLE. Who sought that conversation?

Mr. ALDRICH. Mr. Hines did, if there was any seeking about it. I imagine there was no particular seeking about it. I have no recollection about that.

Mr. MARBLE. Did you send for him?

Mr. ALDRICH. No, sir.

Mr. MARBLE. Do you recall the next conversation along that line?

Mr. ALDRICH. Yes; the next conversation was some time subsequent to that time, and I should say about the 20th of May or the 21st or 22d of May. It was just prior to the senatorial election. Mr. Hines then told me that it was impossible to agree upon Mr. Boutell, and he thought there was a prospect—he said a very good prospect—of agreeing upon Mr. Lorimer; and he was anxious that I should find out the attitude of the President, the administration, toward Mr. Lorimer's election, and tell him what it would be. I saw him subsequently to that, on the same day or the same evening, and I told him that Mr. Lorimer's candidacy would not be objectionable to the President. Then Mr. Hines asked me if I was willing to say that to

anyone that he might suggest to inquire of me upon the subject; and I said that I was—that if I were asked in reference to the matter I should say that Mr. Lorimer's candidacy would not be objectionable to the President.

Mr. MARBLE. Who sought that conversation?

Mr. ALDRICH. Mr. Hines came to me with reference to it.

Mr. MARBLE. You did not send for him?

Mr. ALDRICH. No, sir.

Mr. MARBLE. Do you remember where the conversation was held?

Mr. ALDRICH. The last conversation was at my house on Massachusetts Avenue—the last part of it. I am not sure about the first part, whether it was at the Capitol or at my house. My recollection is not distinct on that subject.

Mr. MARBLE. Did you have any other conversation with him on this subject?

Mr. ALDRICH. Not with reference to the President's attitude.

Mr. MARBLE. Would you say that this conversation to which you have just testified was as late as May 24?

Mr. ALDRICH. I am not certain about that. I know it was prior to the election, and my impression is that Mr. Hines told me that he was to leave for Chicago either that day or the next day, or some time very near that, and it was important that he should know the President's precise attitude with reference to the subject.

Mr. MARBLE. Do you remember Mr. Hines meeting you here—I believe in this building; at any rate at a place where the Finance Committee was holding a night session—and going from here to your house with you in your automobile?

Mr. ALDRICH. No; I do not. I would not say positively that it did not occur, but I have no recollection of it.

Mr. MARBLE. Do you remember his coming to you about this matter pursuant to a request from you?

Mr. ALDRICH. No, sir.

Mr. MARBLE. And a suggestion from you that he go with you to see the President?

Mr. ALDRICH. I have no recollection of any such thing.

Mr. MARBLE. And his demurring to that suggestion?

Mr. ALDRICH. No; I have no recollection of anything of that kind taking place.

Mr. MARBLE. And your then taking him to your house in your automobile and leaving him there while you went to see the President?

Mr. ALDRICH. No; I have no recollection of it. I have a recollection of having those two conversations on this day that I have stated.

Mr. MARBLE. You do not recollect urging him to go with you?

Mr. ALDRICH. No; I do not.

Mr. MARBLE. Did you on any of these occasions suggest Congressman Lorimer's name to Mr. Hines?

Mr. ALDRICH. I did not. He suggested it to me.

Mr. MARBLE. Did you tell him that you were concerned about the deadlock in Illinois?

Mr. ALDRICH. I had said to him in the first conversation that I was greatly interested in the election of a Republican Senator in Illinois. I may have said that to him subsequently, but my recollection is not very clear on the subject. I was desirous, of course, that there should be a Republican elected there.

Mr. MARBLE. Do you remember saying to him, in substance, that the conditions in Illinois indicated that no Senator would be elected, and that the legislature would end in a deadlock, and that it seemed to you that Congressman Lorimer could be elected from that State?

Mr. ALDRICH. The last part of that I certainly could not have said, because I knew nothing about the conditions.

Mr. MARBLE. Did you ask him to talk with or telephone to Congressman Lorimer and urge upon him, if it was a possibility, to become a candidate?

Mr. ALDRICH. No; I did not.

Mr. MARBLE. Or to assist in electing some Republican at the earliest date possible?

Mr. ALDRICH. I did not.

Mr. MARBLE. Did you send any message to Congressman Lorimer through Mr. Hines?

Mr. ALDRICH. No; none whatever.

Mr. MARBLE. None whatever?

Mr. ALDRICH. None whatever.

Mr. MARBLE. Did you, on the occasion of this last conversation, or on the occasion of any of them, say to Mr. Hines that you would like to have him go to a long-distance telephone and call up Congressman Lorimer at Springfield and emphasize the fact that you desired him to become a candidate?

Mr. ALDRICH. No.

Mr. MARBLE. No?

Mr. ALDRICH. No.

Mr. MARBLE. Or that the President desired him to become a candidate?

Mr. ALDRICH. No.

Mr. MARBLE. And did he reply to you, "Supposing the Congressman would like to have that confirmed in a letter or telegram, am I authorized to do that?"

Mr. ALDRICH. No. He did ask me, as I have already stated, whether, in case a question arose as to the President's attitude, I would be killing to state what I have already stated.

Mr. MARBLE. And do you recall replying to him, "You are authorized; and you can further state that if the governor, or any of the leading people at Springfield, question this authority, they can telegraph me or Senator Penrose, and, if necessary, the President"?

Mr. ALDRICH. No; I made no such statement as that. I stated what I have already stated—that the President's attitude was as I had stated to him; and that if he needed any confirmation of that, he could refer anyone to me.

Mr. MARBLE. Did you advise with Mr. Hines regarding political situations in Illinois?

Mr. ALDRICH. Not except as I have stated.

Mr. MARBLE. You were acquainted with public men from Illinois, of course?

Mr. ALDRICH. More or less.

Mr. MARBLE. Did you urge Mr. Hines to go to Springfield and personally see Gov. Deneen?

Mr. ALDRICH. I did not.

Mr. MARBLE. Did you tell him to go immediately and see the governor and impress upon the governor's mind the importance to the

administration of having a Republican elected, and, if Senator Lorimer could be elected, to have him assist in accomplishing it?

Mr. ALDRICH. I did not.

Mr. MARBLE. Did you send any message to Gov. Deneen through Mr. Hines?

Mr. ALDRICH. No.

Mr. MARBLE. Were you well acquainted with Mr. Lorimer at that time?

Mr. ALDRICH. At the time of these conversations?

Mr. MARBLE. Yes.

Mr. ALDRICH. I had a speaking acquaintance with him. I am not sure whether I had ever had any conversation with him or not. I am not sure about that. I knew him as a Member of the House, of course, and as what I thought a very good Republican.

Mr. MARBLE. Did you advise with Mr. Hines regarding the state of the tariff bill in the Senate, with regard to the number of votes that were to be had for the schedules?

Mr. ALDRICH. In connection with the Illinois election, you mean?

Mr. MARBLE. In connection with the Illinois election.

Mr. ALDRICH. Not at all, at any time.

Mr. MARBLE. Was the duty to be imposed upon imports of lumber discussed with him in connection with the election in Illinois?

Mr. ALDRICH. Not at all.

Mr. MARBLE. Did you, in any talk with him regarding the senatorship from Illinois, tell him that the vote was going to be close upon certain schedules?

Mr. ALDRICH. I did not.

Mr. MARBLE. And the vote was needed?

Mr. ALDRICH. I did not.

Mr. MARBLE. As a matter of fact, was the vote needed?

Mr. ALDRICH. It was not. As a matter of fact, so far as the schedules in the tariff bill were concerned, the friends of the bill were better off without an election in Illinois than they were with one.

Senator KENYON. Why?

Mr. ALDRICH. The Senate, with the vacancy in Illinois, consisted of 91 Members, of which 46 was a majority. With the vacancy in Illinois filled, the Senate consisted of 92 Members, and 47 would be necessary for a majority. So that we were better off, I say, because we had a certainty as to the vacancy, and we never could have a certainty about anyone who would be elected. That is a mathematical question; I suppose it will appeal to members of the committee.

Mr. MARBLE. Senator, did you ever attempt to convey to Mr. Hines's mind the impression that you desired the election of any particular Republican from the State of Illinois?

Mr. ALDRICH. No. I tried to convey to him the impression, which was my judgment, that there ought to be an election of a Republican. I was simply desirous that a Republican should be elected who was a Republican and who would be loyal to the President and the administration. I perhaps expressed a preference at one interview with him in favor of Mr. Lowden; and I think that is the only preference I ever expressed to him with reference to the senatorial subject. I was satisfied, of course, with Mr. Lorimer as a Republican, and I believe the President was. I am speaking now about my own judgment and not about any expressions about the attitude of the President.

Mr. MARBLE. Did you, speaking for yourself, urge the election of Congressman Lorimer?

Mr. ALDRICH. I did not. I simply urged the election of some Republican.

Mr. MARBLE. In one of these conversations you told Mr. Hines that the President felt that Senator Hopkins should be reelected?

Mr. ALDRICH. That was the first conversation.

Mr. MARBLE. And the reasons given were what?

Mr. ALDRICH. That he had received the primary nomination; and I thought there were other reasons besides, personal reasons, why the President desired it. He felt friendly to Mr. Hopkins.

Mr. MARBLE. Did you ever try to convey to Mr. Hines the impression that the President was interested in any particular gentleman in Illinois for election to the Senate, except in this conversation about Senator Hopkins?

Mr. ALDRICH. I conveyed the impression to Mr. Hines—at least, I intended to—that the President was interested in having a Republican elected in Illinois; that he did not intend to take any active part in any election; and that he had no special anxiety who the man to be elected was, as long as he was a good Republican.

Mr. MARBLE. And your various answers were, as to these different gentlemen, that there was no objection, rather than that the election of any man was earnestly favored?

Mr. ALDRICH. That certainly was the impression which I intended to convey to Mr. Hines.

Mr. MARBLE. And you are a very precise gentleman. That is all.

Senator KERN. On the occasion of Mr. Hines's visit to your house after you had seen the President, did you say to him that the administration was very anxious to have a Senator elected before the legislature adjourned, and that they felt that Congressman Lorimer might be elected Senator, and they wished to have Hines emphasize to him (Lorimer) the importance, if there was a possibility of it, of his becoming a candidate and doing all he could to be elected at the earliest possible moment? Did you tell him that?

Mr. ALDRICH. I think I answered that question in response to another question. I think I answered that.

Senator KERN. Have you any recollection of that conversation? Did that conversation occur on your part?

Mr. ALDRICH. No; the last part of it did not. I made no statement with reference to the last part of it.

Senator KERN. Did you have any conversation with Mr. Hines at all about Gov. Deneen, or the part Gov. Deneen was to take in the contest?

Mr. ALDRICH. I think at this conversation Gov. Deneen's name was mentioned by Mr. Hines; not by me.

Senator KERN. Did you mention it at all?

Mr. ALDRICH. No; I did not. I do not know Gov. Deneen, and had no special interest in him.

The CHAIRMAN. What did he say about Deneen?

Mr. ALDRICH. My recollection is that Deneen was an important party to this arrangement, or agreement, upon a candidate, and that Deneen's attitude would be more or less influenced by knowing whether it would be agreeable to the President. That was my general impression with regard to that matter.

Senator GAMBLE. Did you get that information, Senator Aldrich, from Mr. Hines in regard to the attitude of Gov. Deneen?

Mr. ALDRICH. I am stating my general impression as to his statement.

Senator GAMBLE. So, although you may not have mentioned Gov. Deneen's name, his name might have been mentioned by Mr. Hines?

Mr. ALDRICH. Oh, I think it was. I think it was mentioned in the connection which I have stated.

Senator GAMBLE. And it may have been mentioned in another conversation?

Mr. ALDRICH. No; I think not in any other conversation.

Senator GAMBLE. But in this last one?

Mr. ALDRICH. In the last one.

The CHAIRMAN. You may cross-examine.

Mr. HANEY. Senator, you do not assume to give the language used by either you or Mr. Hines on these occasions; do you?

Mr. ALDRICH. No; I am only positive about the substance of the conversation.

Mr. HANEY. And you do not want to be understood as saying that you remember all of the conversations that you had with Mr. Hines, or all of any one conversation you had with him?

Mr. ALDRICH. I remember the substance with great accuracy.

Mr. HANEY. That is what I mean.

Mr. ALDRICH. But I have no general recollection about the words which were used, or any part of them.

Mr. HANEY. Mr. Marble has asked you on several occasions if you intended to convey certain things in your statements to Mr. Hines. You did not intend or try to convey to Mr. Hines anything except what your language or words indicated, did you?

Mr. ALDRICH. No, sir.

Mr. HANEY. And they speak for themselves now as well as they did when you talked with Mr. Hines?

Mr. ALDRICH. That is right.

Mr. HANEY. You had no ulterior motives in the matter at all?

Mr. ALDRICH. None whatever.

Mr. HANEY. You had how many conversations with Mr. Hines?

Mr. ALDRICH. I should say, my general recollection is, three or four.

Mr. HANEY. You had many more than that relating to tariff matters and other matters that were pending before the committee of which you were chairman, did you not, Senator?

Mr. ALDRICH. Yes; I think so. Mr. Hines came before the committee of which I was chairman, or came before the Republican members, on several occasions, and he talked with me on several occasions about the duties on lumber.

Mr. HANEY. And your committee was at that time holding hearings on different questions that were pending before that committee and before the Senate relating to the tariff bill?

Mr. ALDRICH. At the time of the first conversations; yes.

Mr. HANEY. That is what I mean.

Mr. ALDRICH. Yes.

Mr. HANEY. The hearings continued along until about when?

Mr. ALDRICH. I could not tell you that.

Mr. HANEY. All through that time, past the 26th of May, did they not, Senator?

Mr. ALDRICH. I think so; but I am not positive. The bill was reported much earlier than that, but I do not really remember about the hearings. We reported the bill and left open certain provisions of certain schedules that we did not report upon at the time of the original report. My impression is that we had more or less hearings, informal hearings—they were all informal hearings—up to quite a late date; but I am not sure of the time. I have no recollection now of the time.

Mr. HANEY. The bill was not finally passed until some time in August of that year? That is, it was passed by the Senate, and the House passed a bill, but the two were not the same, and they went to a conference committee, and there was considerable conferring by the conferees, and the bill was not finally adopted until some time in August, was it?

Mr. ALDRICH. That is my recollection.

Mr. HANEY. And when it finally passed there were some material changes in the bill as adopted by the House and as adopted by the Senate.

Mr. ALDRICH. Of course there were matters that went to the conference committee, and were adjusted as between the two Houses.

Mr. HANEY. And there were material changes that were afterwards inaugurated in the bill as passed?

Mr. ALDRICH. Whether those changes were material or not is a question, which, perhaps, I am not competent to give an opinion about.

Senator KENYON. Who would be then?

Mr. HANEY. They were material to some, were they not, Senator?

Mr. ALDRICH. I suppose they were; yes.

Mr. HANEY. One of the things that was changed during that period was the tariff on lumber, was it not?

Mr. ALDRICH. It was changed as between the Senate and the House; yes.

Mr. HANEY. And between the time that it passed the House and Senate, and the time it was finally passed after the conferees had finished with it?

Mr. ALDRICH. Yes.

Mr. HANEY. You do not remember how many times you talked with Mr. Hines on the different questions that were pending before your committee, do you?

Mr. ALDRICH. I do not.

Mr. HANEY. You could not very well do it, even if you tried, could you, Senator?

Mr. ALDRICH. No, sir; I could not. I am very clear about the number of times I talked with him in reference to the Illinois election, but not with reference to tariff matters.

Mr. HANEY. And you did talk with Mr. Hines about the Illinois situation first, you think, in April?

Mr. ALDRICH. That is my recollection.

Mr. HANEY. About what time in April, Senator?

Mr. ALDRICH. I am not able to fix approximately a date. My general recollection is that it was about the middle of April, or before the middle of April; in the early part of April.

Mr. HANEY. The first part of April?

Mr. ALDRICH. I am very frank to say that I have no way of ascertaining just when it was.

Mr. HANEY. And that first conversation was in relation to the then Congressman Boutell?

Mr. ALDRICH. No.

Mr. HANEY. What was it?

Mr. ALDRICH. First it was with reference to the attitude of the President toward Mr. Hopkins's candidacy.

Mr. HANEY. And Mr. Boutell's name was not mentioned at the time?

Mr. ALDRICH. Not until a subsequent time; no.

Mr. HANEY. You knew, and the President did, that the voting for Senator in Illinois had continued from the 19th of January up to that time without results?

Mr. ALDRICH. I am not expressing any opinion as to the knowledge of the President. I knew it.

Mr. HANEY. You expressed the opinion that he was an intelligent gentleman and occupied the leadership of his party, and that was a matter of general comment in the newspapers and in political circles.

Mr. ALDRICH. I presume the facts are as you state them.

Mr. HANEY. At that time; yes. Were any other names mentioned, Senator, at that first interview, except Senator Hopkins, as a possible United States Senator?

Mr. ALDRICH. No; I think not. Not at that interview.

Mr. HANEY. How did that interview arise? What induced it?

Mr. ALDRICH. I have already stated. I have no recollection as to the way it occurred or who was present when it occurred.

Mr. HANEY. Does this refresh your recollection, that the discussion was, on your part and on that of Mr. Hines, as well as of others in public life at that time, that the conditions were such in Illinois that it did not seem possible that Senator Hopkins could be reelected?

Mr. ALDRICH. That was the impression which Mr. Hines conveyed to me, that he did not think it was possible.

Mr. HANEY. So that that was the general subject of the conversation?

Mr. ALDRICH. Yes. It was in reference to the attitude of the President in connection with the Hopkins candidacy.

Mr. HANEY. And the President did not express any desire or wish to get into that condition in Illinois for the purpose of aiding Senator Hopkins or electing him?

Mr. ALDRICH. I have not undertaken to say what the President's attitude was. I have simply stated my conversation with Mr. Hines, and the statements which I made with reference to the President's position.

Mr. HANEY. Did you talk with the President at that time, or about that time, about the subject of which you talked with Mr. Hines?

Mr. ALDRICH. You may assume that I did not make those statements without having a certain amount of authority for them.

Mr. HANEY. I should be very glad to do that, Senator, and I will do it now, with your permission and that of the committee, because the record will now show it as coming from you.

Mr. ALDRICH. That is what I propose to have it do, to come from me, because I am not undertaking to speak here for the President.

Mr. HANEY. When was the next conversation about the Illinois situation?

Mr. ALDRICH. It is impossible for me to fix the dates except as to the last one, because that I know was a few days prior to the election.

Mr. HANEY. You did have another one between that first one—in the first part of April—and the last one?

Mr. ALDRICH. I had two others, I think.

Mr. HANEY. That is what I was coming to. I am not caring whether you fix the time definitely or approximately, but you did have a second conversation. You do not know whether that was in April or the first part of May?

Mr. ALDRICH. I should say it was the latter part of April, but I have really no way of fixing the date positively.

Mr. HANEY. That is your belief now?

Mr. ALDRICH. Yes.

Mr. HANEY. Where was that conversation, Senator?

Senator ALDRICH. I think it was probably in this building, or in my room at the Senate. I am not sure about it.

Mr. HANEY. You had rooms in this building, and you also had your rooms in the Capitol Building?

Mr. ALDRICH. Yes; that is, the committee had.

Mr. HANEY. I mean you, as the chairman of the Finance Committee?

Mr. ALDRICH. Yes.

Mr. HANEY. And where did the first conversation take place, Senator?

Mr. ALDRICH. I have already stated that I have no recollection about that.

Mr. HANEY. You do not know whether it was in this building or in the other building?

Mr. ALDRICH. No; I do not.

Mr. HANEY. Nobody was present, I believe you said, at the second conversation?

Mr. ALDRICH. I think not. That is my impression.

Mr. HANEY. Except you and Mr. Hines?

Mr. ALDRICH. Yes. I am quite positive there was no one present except Mr. Hines and myself at any conversation on the subject subsequent to the first one. I am not sure about the first one, as to whether there was anyone else present or not.

Mr. HANEY. What was that second conversation, Senator?

Mr. ALDRICH. It was in reference to ascertaining the attitude of the President upon the candidacy of Mr. Boutell.

Mr. HANEY. Had you, before that time, talked with the President about Mr. Boutell or his candidacy?

Mr. ALDRICH. No; I had not.

Mr. HANEY. Did you after that?

Mr. ALDRICH. I did.

Mr. HANEY. How long after, Senator?

Mr. ALDRICH. I think the same day, or the next day, perhaps.

Mr. HANEY. And did you convey to Mr. Hines in any way what you learned as to the President's disposition?

Mr. ALDRICH. I stated on my own responsibility that Mr. Boutell's candidacy would be agreeable to the President as a Republican.

Mr. HANEY. You told him on your own responsibility what you thought the President's attitude was?

Mr. ALDRICH. Yes.

Mr. HANEY. And that was when, Senator?

Mr. ALDRICH. I could not tell you.

Mr. HANEY. Was it shortly after that talk?

Mr. ALDRICH. Yes; that is my recollection.

Mr. HANEY. How did you convey that to him—over the telephone, by letter, or—

Mr. ALDRICH. Oh, no.

Mr. HANEY. You met him personally?

Mr. ALDRICH. Yes.

Mr. HANEY. Did you talk with Mr. Hines again about the Illinois situation or the Senatorship?

Mr. ALDRICH. My recollection is that I had no conversation with him of any kind upon the subject until he came to me to ascertain what the attitude of the President would be in reference to Mr. Lorimer's candidacy.

Mr. HANEY. That was the conversation before the one which you said was held the latter part of May?

Mr. ALDRICH. No; that was the latter part of May.

Mr. HANEY. I thought you said, Senator, that there were two conversations with Mr. Hines between the first one and the last one?

Mr. ALDRICH. The first one was with reference to what the President's attitude was to be.

Mr. HANEY. Yes.

Mr. ALDRICH. And the next was a statement as to my expression of what the President's attitude was.

Mr. HANEY. You counted those two as one?

Mr. ALDRICH. No; I counted those as two.

Mr. HANEY. Did you have another talk, then, with Mr. Hines about Senator Lorimer's candidacy before the final one?

Mr. ALDRICH. Not before the final one. That is my recollection.

Mr. HANEY. Does this refresh your memory: Did Mr. Hines report to you afterwards that he had ascertained from Springfield that Mr. Boutell could not be agreed upon by the factions there?

Mr. ALDRICH. He reported that to me at the time of this conversation that I am alluding to which occurred near the close of the contest.

Mr. HANEY. Then Senator Lorimer was talked about?

Mr. ALDRICH. At that time; yes. That was the purpose of the interview—to find out the attitude of the President toward Senator Lorimer's candidacy.

Mr. HANEY. And did you then assume to speak the views of the President?

Mr. ALDRICH. No; not until afterwards—after an interval of I do not know how many hours. I was requested to ascertain what the President's attitude was.

Mr. HANEY. That is, you met Mr. Hines and he wanted to know what the President's position would be, and yours, as leaders of the party, on Mr. Lorimer's candidacy, and you did not give him an answer at that time?

Mr. ALDRICH. I might have given him an answer as to myself, but I did not as to the President.

Mr. HANEY. You did not give him an answer as to either at that time, did you, Senator?

Mr. ALDRICH. I am not sure about that. I might have said—because that was my position—that Mr. Lorimer's election and candidacy was perfectly agreeable to me; that I thought Lorimer was a good Republican and would be a loyal supporter of the administration. That was my personal judgment about him.

Mr. HANEY. So that, knowing that of Mr. Lorimer, there was not any uncertainty in your mind as to what the situation would be on the tariff question, whether there were 91 members of the Senate or 92?

Mr. ALDRICH. I had no idea at all about what Mr. Lorimer's attitude was upon the tariff. I had never had any conversation with him. I did not know anything about it, and it was absolutely immaterial to me what his attitude was.

Mr. HANEY. You knew he was a good Republican, as you have expressed it?

Mr. ALDRICH. Yes.

Mr. HANEY. And that he always stood with his party?

Mr. ALDRICH. I thought he was a very loyal Republican, but it did not occur to me, at any time, what his attitude was upon the tariff; because I did not know, and it was absolutely immaterial to me what it was.

Senator KENYON. What was your idea of a good Republican?

Mr. ALDRICH. I should say that a man who was a loyal supporter of the President and the administration would be a good Republican.

Senator KENYON. Were there any bad Republicans that you knew of at that time?

Mr. ALDRICH. I take it for granted that you are not seriously going into that question.

Senator KENYON. We may. I wish you would answer the question. What did you mean by bad Republicans as distinguished from good Republicans?

Mr. ALDRICH. I should say a man was a good Republican, as I have already stated, who was a loyal supporter of the Republican administration and the Republican policies; who had the courage to do that, without reference to any local situation.

Senator KENYON. Were there Republicans in the Senate at that time that you considered bad Republicans?

Mr. ALDRICH. I do not feel called upon to express any opinion of my associates.

Senator KENYON. You do not want to pass on the Republicans?

Mr. ALDRICH. I do not. I am not the final arbiter. I was only expressing my own opinion, personally.

Mr. HANEY. May I proceed, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. HANEY. Senator Aldrich, do you remember where the first of the two last talks with Mr. Hines was?

Mr. ALDRICH. I am not sure whether it was here or at my house.

Mr. HANEY. And do you remember what time of day it was?

Mr. ALDRICH. My impression is that it was, say, 6 or 7 o'clock in the evening. That is my recollection. It was late in the day, anyhow, because I know that Mr. Hines at the time stated that it was

important that he should have the information, on account, as I remember it, of the fact that he was to go West that night or the next day, or the near future.

Mr. HANEY. So that you think that conversation took place here in Washington, the day that Mr. Hines left for Chicago or Springfield, or the day before?

Mr. ALDRICH. It could not have been the same day because I saw him quite late that night and I do not know when he left.

Mr. HANEY. I say, that day or the next?

Mr. ALDRICH. It was in that neighborhood; yes.

Mr. HANEY. And the first talk you think might have been late in the day?

Mr. ALDRICH. I think it was. That is my general recollection about it.

Mr. HANEY. Do you know when it was, Senator?

Mr. ALDRICH. No; I have already stated that I do not.

Mr. HANEY. You do not know whether it was in this building, the Senate Office Building, or in the Capitol?

Mr. ALDRICH. No; I do not.

Mr. HANEY. It was in your office, was it, wherever it was?

Mr. ALDRICH. Wherever it was; yes.

Mr. HANEY. And Mr. Hines, I think you said, asked you to ascertain for him the attitude of the President and his administration as to Senator Lorimer's candidacy for the United States Senate?

Mr. ALDRICH. Yes.

Mr. HANEY. And did you say you would get the information or convey it to him?

Mr. ALDRICH. I told him I would give him an answer later on.

Mr. HANEY. What time did you meet him later?

Mr. ALDRICH. My recollection is it was about 11 o'clock or half-past 11 o'clock that night.

Mr. HANEY. Where was that?

Mr. ALDRICH. That was at my house.

Mr. HANEY. Do you know how he got there?

Mr. ALDRICH. I have not the slightest idea.

Mr. HANEY. Do you remember, Senator, whether the committee of which you were the chairman had a meeting that evening?

Mr. ALDRICH. I have no recollection.

Mr. HANEY. Would this refresh your recollection: That your committee might have had a meeting that continued along until 10 o'clock, or in that neighborhood, and that you left the meeting of the committee, of which you were chairman, to ascertain the things that Mr. Hines wanted to know?

Mr. ALDRICH. My impression is that the delay was on account of my inability to see the President.

Mr. HANEY. And you think it was not because of the meeting of your committee?

Mr. ALDRICH. That is my impression.

Mr. HANEY. But that is not clear in your mind?

Mr. ALDRICH. No; it is not.

Mr. HANEY. In any event, you did not see the President until late that night?

Mr. ALDRICH. Yes.

Mr. HANEY. And you think it was about 11 o'clock?

Mr. ALDRICH. I think I made the statement that I made to Mr. Hines at 11 o'clock or half past 11 o'clock. That is my general recollection.

Mr. HANEY. Might it have been 12 o'clock or a little after?

Mr. ALDRICH. It might have been. I am not positive.

Mr. HANEY. You are not clear as to the time?

Mr. ALDRICH. No. It was quite late.

Mr. HANEY. Where did you convey that to Mr. Hines, Senator?

Mr. ALDRICH. At my house on Massachusetts Avenue.

Mr. HANEY. Did Mr. Hines go to your house with you earlier in the night?

Mr. ALDRICH. I have no recollection.

Mr. HANEY. You do not remember about that?

Mr. ALDRICH. No; I should say not; but I am not positive on that subject.

Mr. HANEY. You do not remember how Mr. Hines got there on that occasion?

Mr. ALDRICH. No; I do not.

Mr. HANEY. Do you remember, Senator, whether Mr. Hines was at your house when you returned there at half past 11 or 12 o'clock, or whatever time it was?

Mr. ALDRICH. I am not sure whether he was there at the time or came later. I am not positive, as I have said.

Mr. HANEY. But you did meet him that night?

Mr. ALDRICH. I did.

Mr. HANEY. And did you tell him that Senator Lorimer would be entirely agreeable or satisfactory to the President and his administration and to you, as leaders of the party?

Mr. ALDRICH. I said to him that, so far as the President was concerned, the President had no objections to his candidacy; that the President occupied the same position which he had held; he was anxious to have a Republican elected, but he did not intend to take any part in it himself; but that he was agreeable to the election of any good Republican, and that Mr. Lorimer's Republicanism was satisfactory to him.

Mr. HANEY. Mr. Lorimer's Republicanism was entirely satisfactory to the President, and it was to you?

Mr. ALDRICH. It was to me; yes.

Mr. HANEY. And to the President and his administration, so far as you and the President knew?

Mr. ALDRICH. So far as I knew.

Senator FLETCHER. Senator, you knew that Mr. Hines contemplated going to Chicago?

Mr. ALDRICH. My recollection is that he told me he was going.

Senator FLETCHER. He wanted to have this information before he started?

Mr. ALDRICH. That was my understanding.

Senator FLETCHER. And did you understand that he was to make use of that data in connection with that visit?

Mr. ALDRICH. I understood he was to use the fact that there was no objection on the part of the President to Mr. Lorimer's candidacy.

Senator FLETCHER. That he was authorized to use that fact?

Mr. ALDRICH. I said he was authorized to use it, and if anybody questioned it they could be referred to me.

Mr. HANEY. That is, if anybody questioned his statement that Mr. Lorimer would be satisfactory to you, or to the President, or to the administration, they could be referred to you?

Mr. ALDRICH. I think the language I used, so far as the President was concerned, was that his candidacy would be unobjectionable to the President. As far as I was concerned, Mr. Lorimer's candidacy was satisfactory to me, as I have already stated, because he was a good Republican.

Mr. HANEY. And you told Mr. Hines that if anybody questioned what you had just told him about the position of the administration and yourself, he or anybody questioning the matter could refer to you?

Mr. ALDRICH. I said that; yes.

Mr. HANEY. Did you know that Mr. Hines had telegraphed to Senator Lorimer that night?

Mr. ALDRICH. No; I do not know anything about any telegrams to anybody.

Senator KERN. Did you request him to telegraph?

Mr. ALDRICH. No, sir.

Mr. HANEY. All you said was that if anybody questioned what you told Mr. Hines in relation to that subject matter, that they might—

Mr. ALDRICH. Refer to me.

Mr. HANEY. That they might telegraph or communicate with you?

Mr. ALDRICH. They might refer to me.

Mr. HANEY. And you would confirm it?

Mr. ALDRICH. Yes.

Senator KENYON. Did you intend to convey to Mr. Hines the idea that Mr. Lorimer's candidacy would not be objectionable to the President?

Mr. ALDRICH. Yes.

Senator KENYON. Or the idea that he wanted Mr. Lorimer to be a candidate?

Mr. ALDRICH. The idea which I intended to convey to Mr. Hines was exactly what is included in the first part of your question.

Senator KENYON. That he was not objectionable?

Mr. ALDRICH. Yes, sir.

Senator GAMBLE. That is, that the President did not propose to take any hand in the election of the Senator from Illinois?

Mr. ALDRICH. Yes, sir.

Senator GAMBLE. That he would not take any hand in the election of Senator from Illinois, but that he wanted a Republican elected, and that the candidacy of Mr. Lorimer—

Mr. ALDRICH. Was unobjectionable.

Senator GAMBLE. Was unobjectionable to him?

Mr. ALDRICH. To him.

Mr. HANEY. The President had the same position that you had—that is, to have a Republican Senator?

Mr. ALDRICH. I do not say—

Mr. HANEY. I assume that you assume that I am going to ask you something that I am not. My question is this: The President's po-

sition and your position were the same in the desire to have two Republican Senators from Illinois?

Mr. ALDRICH. Up to that point, yes; unquestionably.

Mr. HANEY. And the individuality of the man was not so very important to either as that two Republicans should be elected, and that they should be good Republicans?

Mr. ALDRICH. Yes, sir.

Senator KERN. To make two Republicans grow where only one had grown before?

Mr. HANEY. I do not know whether the reporter caught your last answer as "yes."

Mr. ALDRICH. I am positive as to myself, but not as to the President.

Mr. HANEY. You are not speaking for the President now?

Mr. ALDRICH. No; I am not speaking for the President.

Mr. HANEY. It was thought, was it not, at that time, that the Legislature of Illinois might adjourn in deadlock, without electing anybody Senator?

Mr. ALDRICH. I think there was a possibility of that, certainly; and I think there were some statements to that effect, that it might.

Mr. HANEY. And it was known that the Legislature of Illinois only met once in two years, and that that vacancy could not be filled until the next legislature met?

Mr. ALDRICH. I think that was a matter of common knowledge.

Senator GAMBLE. And it was also understood that the membership of the Illinois Legislature was largely Republican?

Mr. ALDRICH. Yes.

Mr. HANEY. It was also known to you and to everybody who knew of the course of political events that there was an actual vacancy from Illinois in one of the senatorships?

Mr. ALDRICH. Yes; I understood that.

Mr. HANEY. Senator Hopkins's term expired on the 4th of March that year, and he was no longer a Senator? He did not hold over until a successor was elected?

Mr. ALDRICH. There was a vacancy. In other words, the Senate was then composed of 91 Members.

Mr. HANEY. Senator Kern read to you from page 823 of the printed record in this case, as follows:

He said that the administration was very anxious to have a Senator elected before the legislature adjourned, and that they felt that Congressman Lorimer might be elected Senator, and they wished to have me emphasize to him the importance, if there was a possibility of it, of his becoming a candidate, in doing all he could to be elected at the earliest moment possible.

You answered to that, I believe, that you did not say the latter part of it. That is right?

Mr. ALDRICH. That is right.

Mr. HANEY. But you do not mean to be understood as saying that the part preceding that was not so?

Mr. ALDRICH. I have already stated that I had said to Mr. Hines on several occasions that the President was anxious to have a Republican Senator elected from Illinois. So far as that part of it is concerned, I have already stated that I said that to Mr. Hines.

Mr. HANEY. Did anybody go with you to see the President on that occasion, or any other just preceding that—anybody from Illinois?

Mr. ALDRICH. No.

Mr. HANEY. Did you see the statement published in the Washington papers, and possibly in others throughout the country, that was said to have been given out on the evening of Thursday, June 29, 1911, and published in the Washington Evening Star on Friday, June 30, 1911, as follows—

Mr. ALDRICH. I will answer that question before you begin reading, by saying I have not seen any statement in reference to the matter in any way, in the newspapers or otherwise.

Mr. HANEY. See whether this will refresh your recollection in any degree, Senator, on any of the elements that you have answered in relation to it:

Mr. Hines' testimony yesterday, indicating that President Taft had expressed a preference for Mr. Lorimer, brought forth the following statement from the White House last night.

If I may be permitted, I should like to say to you, as you may not know it, that this honorable committee was sitting at that time here in Washington on this matter.

Mr. ALDRICH. Fortunately, or unfortunately, I am unacquainted with any of these transactions, or any of these complications, or even the sessions of this honorable committee. I have been out of the country for four or five weeks.

Senator GAMBLE. You must be very happy.

Mr. ALDRICH. I have not read anything in connection with the matter.

Mr. HANEY. That is the reason I stated that fact, as one which will be recognized by the members of the committee. Now, quoting from this statement:

The fact, with reference to President Taft's relations to Senator Lorimer's election, is this:

That during the tariff fight gentlemen came to him and expressed their interest in passing the tariff bill, and said that it had been suggested from Illinois that it would be wise for the President to express an opinion in favor of the election of Mr. Lorimer. He did not know Mr. Lorimer well, although he knew that he was an influential Member of Congress, but he did know Senator Hopkins. He knew very little about Illinois politics, but expressed a desire that there should be two Republican Senators from Illinois. But when asked to put that in the form of a telegram urging the election of Mr. Lorimer he declined to do so.

I wanted to call your attention specially to the last part of it—

But when asked to put that in the form of a telegram urging the election of Mr. Lorimer he declined to do so.

Does that in any way refresh your recollection as to whether anybody had asked the President, in your presence or through you, to send a telegram or to permit anybody to telegraph through him?

Mr. ALDRICH. It does not. As a matter of fact, no such incident ever occurred.

Mr. HANEY. And you do not know whether any other gentleman from Illinois had asked the President to do that or not?

Mr. ALDRICH. I do not.

Mr. HANEY. I think you said, Senator, that Mr. Hines did leave, or you understood he left, either the night that he talked with you last about this matter, or the next day, for Chicago or Springfield?

Mr. ALDRICH. I had no knowledge upon the subject, but I assumed, from the fact that he told me he was going, that he did go. I did not know anything about that.

Mr. HANEY. And you knew he was going there to convey the general information that he had obtained?

Mr. ALDRICH. I knew that he was to say to certain people in the legislature or to certain people in Illinois that Mr. Lorimer's election would not be objectionable to the President.

Mr. HANEY. Or to you?

Mr. ALDRICH. Or to me.

Mr. HANEY. Or to the leaders of the party in Washington?

Mr. ALDRICH. I did not undertake to speak for anybody but myself.

Mr. HANEY. You only spoke for yourself and the President?

Mr. ALDRICH. Yes, sir.

Mr. HANEY. There was no restriction upon the use of that information by Mr. Hines, that would exclude him from saying that to Gov. Deneen?

Mr. ALDRICH. Certainly not.

Mr. HANEY. You do not differentiate, do you, Senator Aldrich, between "satisfactory" and "acceptable," when you use those terms in reference to Senator Lorimer's election as Senator?

Mr. ALDRICH. I think the word I used was "unobjectionable." That was the language which I used.

Mr. HANEY. And you understood, then, as you understand now, that that would be equivalent in that connection to "acceptable"?

Mr. ALDRICH. I am not undertaking to differentiate between the words, but I think that "unobjectionable" was the word I used. That was the word I intended to use, so far as concerns speaking for the President. I meant to say that the President was not urging the election of any man, or had no anxiety about the election of any man, but was desirous that a Republican should be elected, and that Mr. Lorimer's candidacy was unobjectionable to him. I tried to state that as plainly as I could.

Mr. HANEY. That is all.

The CHAIRMAN. Are there any other questions?

Senator KENYON. Senator, your first conversation with the President was in relation to Congressman Boutell and his candidacy?

Mr. ALDRICH. I am not speaking about my conversations with the President. I have tried to avoid that. I am only speaking about what I stated about the attitude of the President. I have tried to refrain from stating my conversations with him.

Senator KENYON. I am asking you if the first conversation with the President was in relation to Congressman Boutell?

Mr. ALDRICH. I have made no statement about that at all.

Senator KENYON. Did the President express any anxiety or desire at any time to have Mr. Lorimer elected?

Mr. ALDRICH. I feel as though I ought not to state what were my conversations with the President.

Senator KENYON. I am not asking you for that. I am asking you if he manifested any desire to have Mr. Lorimer elected?

Mr. ALDRICH. My statement to Mr. Hines was what I have already reiterated, and I do not feel authorized to state what were my conversations with the President.

Senator KENYON. Do you decline to answer the question whether the President manifested any anxiety or desire to have Mr. Lorimer elected?

Mr. ALDRICH. I have stated the President's attitude as I understood it, and I think I am stating it authoritatively on this subject. My statement has gone into the record, and I think the record will show exactly what I have said on that subject.

Senator KENYON. It is your understanding, then, that he did not express any anxiety or desire to have Mr. Lorimer elected; he merely wanted a Republican elected?

Mr. ALDRICH. I have already stated that his desire was simply to have a Republican elected; that he did not intend, himself, to take any part in the election; and I think I can say that the statements which I made to Mr. Hines were with the authority of the President.

Senator KENYON. And it was at Mr. Hines's instance that you sought the President, was it not?

Mr. ALDRICH. On those last occasions; yes.

Senator KENYON. The President did not take the matter up with you?

Mr. ALDRICH. No.

Senator KENYON. Is it true that the President was concerned not with the person who might be elected, but with having a Republican elected?

Mr. ALDRICH. I stated that to Mr. Hines, and I have stated it here, that that was the only anxiety that the President had about the matter—that a Republican should be elected, and that the vacancy should be filled by the election of a Republican Senator; that he did not intend—that was as I understood it, and that was the attitude which I expressed to Mr. Hines and everybody else in my talks upon the subject—that the President did not intend to take any part in the election, or to undertake to exercise any active influence in behalf of any candidate.

Senator KENYON. You never intentionally gave Mr. Hines to understand that he should go to Illinois and use the President's name in connection with the election of Senator Lorimer?

Mr. ALDRICH. No; only as I have stated, that his election would be unobjectionable.

Senator GAMBLE. And you expected that to be used?

Mr. ALDRICH. I was willing that it should be used. I am quite willing to say, and I think I am not violating what I understand to be the relations between the President and a Member of Congress in saying, that he never expressed to me, at any time, any preference in reference to the senatorial election in Illinois, except that he thought under the circumstances that Mr. Hopkins ought to be elected, but that he did not intend to take any active part in the election of any man.

Senator KENYON. He thought Senator Hopkins should be elected because he had been indorsed in the primaries?

Mr. ALDRICH. Yes.

Senator KENYON. You thought that too, did you not?

Mr. ALDRICH. I thought, the primary having been held, it ought to be carried out.

Senator KENYON. What was your attitude toward Senator Hopkins—friendly?

Mr. ALDRICH. He was a Member of the Senate when I was. I had no feeling toward him except friendliness.

Senator KENYON. Did you or did you not want him elected Senator from Illinois?

Mr. ALDRICH. Well, I do not feel called upon to answer that question.

Senator KENYON. Why not?

Mr. ALDRICH. Because my personal opinions with reference to the matter are not important.

Senator KENYON. Are you not willing to give us your information and your knowledge in this investigation?

Mr. ALDRICH. Oh, yes; perfectly.

Senator KENYON. Why do you refuse to answer as to your attitude toward Senator Hopkins?

Mr. ALDRICH. I have no attitude toward him at all.

Senator KENYON. Were you friendly with him?

Mr. ALDRICH. Yes.

Senator KENYON. Did you request Vice President Fairbanks not to appoint him on the Monetary Commission?

Mr. ALDRICH. No, sir.

Senator KENYON. Never?

Mr. ALDRICH. I raised the question with Vice President Fairbanks that he had not any authority to appoint him.

Senator KENYON. Under the law?

Mr. ALDRICH. Under the law.

Senator KENYON. Did you have some little friction with Senator Hopkins in regard to that?

Mr. ALDRICH. Not that I know of.

Senator KENYON. No feeling on his part or on your part?

Mr. ALDRICH. None on my part. I do not know anything about his.

Senator KENYON. He was not appointed, was he?

Mr. ALDRICH. I do not know. The record will show that.

Senator KENYON. Don't you know who the members of the Monetary Commission are?

Mr. ALDRICH. Yes; but I don't know whether he was appointed or not. That is a question of legal construction of the statute.

Senator KENYON. Was an attempt made to appoint him?

Mr. ALDRICH. I think that there was an attempt made.

Senator KENYON. And you objected to his appointment?

Mr. ALDRICH. I objected to the appointment of anybody on the commission, because I thought the law did not permit any of the vacancies to be filled.

Senator KENYON. Has he ever acted with that commission since that time?

Mr. ALDRICH. No; he never did act with it.

Senator KENYON. About when was it that you raised that objection to Senator Hopkins?

Mr. ALDRICH. I could not tell you.

Senator KENYON. Was it along during the deadlock in Illinois?

Mr. ALDRICH. I am not sure. I did not raise any objection to Senator Hopkins. I raised an objection to the appointment of any-

one. As I construed the law, vacancies were to remain vacancies; they were not to be filled, and I still think that is the law.

Senator KENYON. Had there ever been any appointments to vacancies?

Mr. ALDRICH. There have been appointments under a decision or an opinion given by the Attorney General, as I understand, which I have never seen; but my own personal opinion was that vacancies were not to be filled.

Senator KENYON. Was Senator Hopkins considered one of your followers in the Senate?

Mr. ALDRICH. Well, I hardly think that you want to press an answer to that question.

Senator KENYON. There was not any question about the leadership of the Senate, was there?

Mr. ALDRICH. I could not tell you—yes, there were a great many people who had questions about it.

Senator KENYON. It has been growing a little. Was Senator Hopkins's attitude satisfactory to you in connection with the tariff?

Mr. ALDRICH. I do not know what his attitude was; never did know.

Senator KENYON. Did you know what his attitude was with reference to the income-tax law?

Mr. ALDRICH. I did not, and never had the slightest interest in what it was.

Senator KENYON. You were taking a good deal of interest in that along about the time of the Illinois deadlock, were you not?

Mr. ALDRICH. Not at all.

Senator KENYON. You took no interest in the income-tax bill?

Mr. ALDRICH. Not at that time. I did subsequently.

Senator KENYON. The Baily-Cummins bill?

Mr. ALDRICH. That was subsequently.

Senator KENYON. Was that subsequent to the settlement of the Illinois senatorial question?

Mr. ALDRICH. Long subsequent, my recollection is.

Senator KENYON. Did you talk with Mr. Lorimer himself about the Illinois senatorial situation previous to his election?

Mr. ALDRICH. Never.

Senator KENYON. Did you talk with members of the Illinois delegation about it?

Mr. ALDRICH. I have talked with Senator Cullom, I think, about the desirability of having the vacancy filled. I talked with Mr. Lowden. I do not know whether it was while he was a Member of the House or not; I can not tell.

Senator KENYON. Did you talk with the Speaker of the House about it?

Mr. ALDRICH. Generally, perhaps; yes, sir.

Senator KENYON. How early during the deadlock did you commence to take an active interest in that Illinois situation?

Mr. ALDRICH. I never took an active interest in it.

Senator KENYON. Well, were not these talks with the President and the talks with Mr. Hines something of an active interest?

Mr. ALDRICH. I had talks with the President at the request of Mr. Hines, who was, as I understood, an Illinoisan, and who was interested—I took it for granted—in the election of a Senator from that State.

Senator KENYON. Did you ask Senator Penrose to bring Mr. Hines to your room to talk the situation over?

Mr. ALDRICH. I did not.

Senator KENYON. Did he ever bring him there?

Mr. ALDRICH. Not to my knowledge. I have no recollection of it.

Senator KENYON. You have no remembrance of Senator Penrose coming to your room along about May 20 with Mr. Hines?

Mr. ALDRICH. I am very sure he did not at that time.

Senator KENYON. Did you send for Mr. Hines along about May 20?

Mr. ALDRICH. I did not.

Senator KENYON. Did you say to him that the conditions in Illinois indicated that no Senator would be elected and the legislature would end in a deadlock?

Mr. ALDRICH. I think I have already answered that question.

Senator KENYON. And did you say that it seemed to you that Congressman Lorimer could be elected from that State?

Mr. ALDRICH. I think I have already answered that question once or twice.

Senator KENYON. Well, would you mind answering it just this time—that you did not say it?

Mr. ALDRICH. No, sir; I did not say it.

Senator KENYON. And did you ask him concerning telephoning Congressman Lorimer and urging upon him to become a candidate, or to assist in electing some Republican at the earliest date possible?

Mr. ALDRICH. I have already answered that twice, I think.

Senator KENYON. You did not say that?

Mr. ALDRICH. No, sir.

Senator KENYON. Do you remember any conversation of that kind at all in your office at any time with Mr. Hines?

Mr. ALDRICH. Oh, I remember conversations, as I have already stated.

Senator KENYON. Did you telephone him to meet you at your house along about May 22 or 23?

Mr. ALDRICH. I have already stated what I know or remember about the conversations that took place, and the reasons for them.

Senator KENYON. I am asking you that in order to fix the date of this conversation that Mr. Hines seems to have testified to here.

Mr. ALDRICH. My general recollection is that the conversation I had with him was just prior to the election—two or three days prior to the election.

Senator KENYON. You do not remember this office conversation two or three days prior to the time he met you at your house?

Mr. ALDRICH. Well, I have already stated that I did not remember whether the conversation which I had at that time was in the office building or the Senate Building, or in my house. I have no recollection on that subject.

Senator KENYON. Why were you interested in the election of Mr. Lorimer to the Senate?

Mr. ALDRICH. Interested in it? How do you mean?

Senator KENYON. Why did you bother yourself to go to the President? Why did you bother yourself to see Mr. Hines?

Mr. ALDRICH. I was a Republican, charged with more or less responsibility with reference to Republican policies and Repub-

lican administrations, and I felt an interest to that extent in the election of a Republican in Illinois—the same kind that I would feel in the election of a Republican from Iowa or from any other State.

Senator KENYON. Have you been as interested in the election of Senators from Iowa as from Illinois?

Mr. ALDRICH. Ordinarily, much more interested. My association for more than 30 years with one of the noblest men who ever lived always made me greatly interested in Iowa elections, especially in Iowa senatorial elections.

Senator KENYON. Did you take a good deal of interest in the senatorial elections in various States?

Mr. ALDRICH. No, sir; no special interest, except that I was always glad when a Republican was elected. I took no other interest whatever.

Senator KENYON. You cared not what his views might be on any public question?

Mr. ALDRICH. No. I was not responsible for that.

Senator KENYON. Had you discussed this Illinois senatorial deadlock and the question of other candidates with members of the Illinois delegation?

Mr. ALDRICH. Only as I have stated. I have no recollection of it.

Senator KENYON. Did you discuss Mr. Boutell's election?

Mr. ALDRICH. I discussed the general situation, I think, with Senator Cullom and the Speaker, and I think that is about all. I do not remember any other conversations.

Senator KENYON. You merely told them your interest was in having a Republican elected?

Mr. ALDRICH. No; I did not tell them that. I asked them what the situation was.

Senator KENYON. How long had you known Mr. Hines?

Mr. ALDRICH. He brought a letter of introduction to me, I think, from George Reynolds, I should say in April, or it might have been in March. I had never known him before that.

Senator KENYON. Had he been active at all in Illinois politics?

Mr. ALDRICH. I have no idea.

Senator KENYON. Or in national politics?

Mr. ALDRICH. I have no idea.

Senator KENYON. Had you seen him around Congress a good deal when the lumber schedules were being discussed?

Mr. ALDRICH. I had never seen him before in my life that I know of.

Senator KENYON. Did you see him a good deal during the time that the Senate was debating and voting on the question of Senator Lormier's right to a seat?

Mr. ALDRICH. No; I did not see him at all. I was not here—had never seen him, never had any conversation with him on the subject.

Senator KENYON. Were you here at the time the vote was taken?

Mr. ALDRICH. No; I was away all through the session. The question came up after I left the Senate, and I have never known anything about it except—

Senator KENYON. Your term had not expired?

Mr. ALDRICH. I was sick and had to go South. I was not present at that session of the Senate.

Senator KENYON. That is all I desire to ask.

The CHAIRMAN. Are there any other questions?

Mr. HANEY. Senator Aldrich, the condition of deadlock existing in the Legislature of Illinois in the latter part of May, when you had this last talk with Mr. Hines, with the result that there had been no election of a United States Senator up to that time, was in no way induced by you or the President, or by anything that either you or the President did in any degree?

Mr. ALDRICH. I understand not—not as far as I am concerned.

Mr. HANEY. Neither you nor the President had taken any action directly or indirectly, that you knew of, which induced the condition of deadlock and prevented the election of Senator Hopkins at that session?

Mr. ALDRICH. Certainly not, so far as I know; and certainly not, so far as I am concerned personally.

Mr. HANEY. And the condition that you had to deal with, so far as you did deal with it, was a condition of deadlock in the legislature and the possibility that no Senator would be elected from Illinois at that session? That is right, is it not?

Mr. ALDRICH. That is right.

Mr. HANEY. And whatever you did was with a view of having some good Republican elected to the United States Senate from Illinois?

Mr. ALDRICH. That is the only interest I had in the matter.

Mr. HANEY. It was not one of opposition to Senator Hopkins?

Mr. ALDRICH. Not in the slightest degree. I had no such opposition.

Mr. HANEY. That is all.

The CHAIRMAN. We will take a recess at this point.

(Whereupon, at 12 o'clock and 25 minutes p. m., the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess the committee resumed its session.

The CHAIRMAN. Whom do you call?

Mr. MARBLE. We have not finished with Mr. Wiehe.

Mr. Wiehe then resumed the witness stand.

Mr. HANEY. Mr. Chairman, before we proceed with this witness I want to call the committee's attention to a publication in the Washington Times dated Wednesday, July 19, which may possibly have and probably will have a very serious effect on witnesses to be called hereafter. I assume that there should be no intimidation and no act done by anybody connected with these proceedings that would in any way induce a witness to tell less than the whole truth, or prevent him from telling the truth, the whole truth, and nothing but the truth; and that that testimony should go in here uninfluenced by anything that takes place here or by any of the surroundings here.

I should like to have the record show what this article is. I am not going to ask the committee to take any action, but leave it to the committee to say whether this should continue and whether witnesses who are called here by the committee and compelled to attend should be subjected to articles of this kind.

"LORIMER PROBES HUNT FOR SHIELDS, ALLEGED 'FIXER'—HIS ACTIVITIES IN GETTING AFFIDAVITS FOR HINES PEOPLE REVEALED—HIS BUSINESS WITH J. B. PRICE SHOWN—ASKED FOR A DENIAL OF BURGESS'S STORY OF JACK-POT TALK IN WESTERN SLEEPING CAR.

[By JUDSON C. WELLIVER.]

"The Lorimer investigators got close to the trail of 'Bob' Shields, boss 'fixer' for the Hines lumber forces, during the session of the committee to-day.

"But where, oh, where, is Shields? The committee wants ever so much to hear him tell how he trailed around the country hunting witnesses for Hines, refreshing their memories, supplying things for them to recollect, and getting them to swear to it. But it can't find him.

"John Benjamin Price, a furtive young man from Seattle, told the committee to-day how Shields 'fixed' him. Price was a good, loyal Hines witness. He didn't intend to give away any of the secrets of the lodge. But under cross-examination he got to telling too much, and pretty soon the cat—it looked as big as a fat tiger—was out of the bag.

"PRICE NERVOUS.

"Price was awfully nervous, and so was Hines, after the lid got pried up and the odors began to escape.

"It happened this way: Burgess, a witness for the prosecution, some days ago told of riding on a train from Duluth to Virginia, Minn., with a party of lumbermen. In the smoking compartment Wiehe, secretary of the Hines company, regaled the assembled lumbermen—just as if it was a common enough and proper enough thing for all the big lumber interests to know about—with the story of how the Hines crowd elected Lorimer and how dreadfully expensive it was; cost \$100,000, in fact.

"That story must be broken down by the defense. Shields went clear to Seattle to find Price and got him to swear that he was in the smoking car throughout the entire trip and never heard a blessed word of any such talk. He was listening all the time, too.

"The story of how Shields found Price with practically no recollection of the smoking-car conversation, talked it over with him, convinced him that he knew all the men who were present and remembered what was and what was not talked about, was rich and edifying. It was a liberal education in the art of 'fixing.'

"COMMITTEE MEMBERS ANGRY.

"Members of the committee were mad all through as the story came out. Hines fidgeted, and poor Price, who was manifestly doing the best he could to stick by the story Shields had convinced him he recollected, sweat and fidgeted and clasped and unclasped his hands and turned a shade redder every few minutes while the torture proceeded.

"The hot stuff came out as a result of questions by Senator Kenyon and Attorney Marble. Kenyon was back on the bench to-day after several days' absence, and he got active without delay.

"Shields is wanted, and he will be a star witness if he is caught. He probably will not be, for members of the committee understand that some time ago, when matters began to warm up, Shields received a telegram at Chicago telling him to get out of the United States as fast as possible. If he didn't get out, he got hidden, for the process servers of the Senate can't find hair or hide of him any place.

"Shields, if found, will be put through the longer catechism—the longest one, in fact. He has been reputed to have handled a lot of the big money that was used in getting Stephenson elected Senator from Wisconsin three years ago. In that campaign Stephenson swore that he spent \$114,000 getting the nomination alone. Beyond that, Shields is well understood in Wisconsin to have handled a big swag in the fight last year to defeat La Follette. He didn't succeed so well in the La Follette fight as he did in the Stephenson one.

"HARD FOR MRS. PRICE.

"The flat contradictions concerning the sleeping-car talk have been so rank that members of the committee were talking to-day of starting perjury proceedings in connection with them. That both Price and Burgess could have been telling the truth, or what they recollected as the truth, was regarded as utterly inconceivable.

"Senator Kenyon, who, several days ago, demanded that a bunch of perjury prosecutions be instituted at once, was especially at the front in developing the inconsistencies in the stories to-day. He was in a bad temper, and business was exceedingly active for young Mr. Price.

"B. A. Johnson, of the American Lumberman, told his recollection of the conversation on the railroad train between Duluth and Virginia, Minn. He was called by the defense to help break down the stories that others had told of that trip, to the effect that there was a long talk about the election of Lorimer, and that Wiehe bragged about the election of Lorimer, and how money was used to bring it about.

"'Were you sober?' demanded Senator Fletcher, with the mollifying explanation that he didn't want to be offensive. Witness didn't seem to mind, being sustained by a consciousness of rectitude which enabled him promptly to reply: 'I was.'

"BURGESS 'DIDN'T LOOK' DRUNK.

"'Do you think Burgess was sober?' pursued the Senator. Burgess had told the committee in detail about the talk that Johnson said never took place.

"'He didn't look drunk; nobody was drunk on that train,' replied Johnson."

I should like to have that appear in the record here, as part of it, without regard to what the committee may do to protect the witnesses that it subpoenas and compels to come here and give testimony in this matter. The uniform practice throughout the Christian world is that when a witness is called by a court having jurisdiction to do so and to compel his attendance and his testimony, the witness shall be protected by all the power of the State or the nation back

of the community that calls him; and that nothing shall be done that will in any way intimidate that witness or any other witness that may follow him thereafter. I assume, this being practically a tribunal lower only than the Senate itself in this matter (and that is the highest in the world in this matter), that it may feel it is its duty to see that its witnesses are not intimidated, not abused, not assaulted in this way by anybody who has the privileges extended to him or them by this committee of coming here and getting the information, and that it will not permit anybody, either an individual or the press, to speak for this committee, as this article assumes to, in condemnation of the witnesses who have appeared here, and who may appear here.

The CHAIRMAN. The committee will take the matter under consideration.

Senator KENYON. Judge Hanecy, do you know of any way in which the committee can prevent newspapers commenting, where witnesses disagree in the testimony as these witnesses do? What can the committee do?

Mr. HANEY. The committee is not called upon, Senator, if I may express it in that way, to control the publication of the testimony itself, or the contradiction between the testimony; but the committee can, in this case, as it can in every other, protect the men whom it calls here and compels to come and testify, from the assaults of the people who are permitted to come here only by the privilege of this committee.

Senator KENYON. But is not the discrepancy in the testimony of Mr. Burgess, for instance, and of Mr. Price and these gentleman, a fair matter to be commented on?

Mr. HANEY. That is not what I read this article for.

Senator KENYON. I want your theory as to how the committee can stop it.

Mr. HANEY. The committee can stop anybody in a summary way, if not in any other; but I do not believe it would be necessary to have any of those summary proceedings. Anybody who is receiving favors from the committee can be prevented from coming here and speaking for this committee or expressing what he or they or it deems the judgment of this committee, condemning the witness or witnesses that this committee brings here; and that is what I am talking about in this matter and that is the question that confronts this committee and the witnesses that it has called and may call hereafter.

The CHAIRMAN. Proceed with the witness. The committee will take the suggestion under consideration.

TESTIMONY OF C. F. WIEHE—Resumed.

Mr. FARRAR. Coming back, Mr. Wiehe, to the subject matter of the testimony of Mr. Burgess, with which we were engaged at the time of the last adjournment, did you make a contribution of \$10,000 to a jack pot having for its object the election of Senator Lorimer?

Mr. WIEHE. I did not.

Mr. FARRAR. Did you contribute any sum whatever to any such jack pot?

Mr. WIEHE. I did not.

Mr. FARRAR. Did you contribute any sum whatever, directly or indirectly, to bring about the election of Mr. Lorimer to the Senate of the United States?

Mr. WIEHE. I did not.

Mr. FARRAR. Did you subscribe to any such fund?

Mr. WIEHE. I did not.

Mr. FARRAR. Did you obligate yourself in any way to make good any fund that might be used for that purpose, put up by others?

Mr. WIEHE. I did not.

Mr. FARRAR. Do you know whether or not any such fund was organized, or built up, or guaranteed, or subscribed by anybody?

Mr. WIEHE. I do not.

Mr. FARRAR. Do you know whether any such fund in fact existed?

Mr. WIEHE. I do not.

Mr. FARRAR. Did you personally ever make any contributions to Senator Lorimer's political campaign fund prior to the time when he was elected Senator?

Mr. WIEHE. I paid no personal contribution; no, sir.

Mr. FARRAR. Did any company, or any organization with which you are connected, make any contribution of any sort or kind, toward the election of Senator Lorimer to Congress, or to any other office; and if so, what was the character of the contribution that you made, and when was it made?

Mr. WIEHE. The Hines Lumber Co. loaned Mr. Lorimer's campaign committee three wagons and horses and teamsters.

Mr. FARRAR. What year was that?

Mr. WIEHE. I think that was in 1906. Just before the election, I believe, they had a night parade on the West Side, and we loaned them these three wagons. They decorated the wagons. We contributed wagons and hired the teamsters and the horses.

Mr. FARRAR. What else did the company do, or did you or Mr. Hines or anybody connected with the company do, in regard to that election?

Mr. WIEHE. I got out a circular in 1906—I think it was in August, 1906—just before the primaries, which circular we paid for the printing of, the addressing of the envelopes of, and delivered the circulars to Mr. Lorimer's campaign committee, and they mailed them and paid the postage on them themselves.

Mr. FARRAR. Did Senator Lorimer or any of his friends or representatives or any of his political committees ever ask you, or solicit you or your company, or any company with which you are connected, to your knowledge, for a contribution for campaign purposes?

Mr. WIEHE. No, sir.

Mr. FARRAR. Have you, Mr. Wiehe, any knowledge in respect to the alleged jack pot which is said or claimed to have existed at Springfield?

Mr. WIEHE. No knowledge, excepting what I learned or gained from the newspapers.

Mr. FARRAR. That is not knowledge. That is hearsay.

Mr. WIEHE. That is information or hearsay, I suppose. I have no personal knowledge; no, sir.

Mr. FARRAR. Do you know anybody, or have you met anybody who ever claimed to have personal knowledge in respect to that alleged jack pot?

Mr. WIEHE. No, sir.

Mr. FARRAR. There were read into the record, while Mr. Hines was on the stand, two telegrams, one dated Washington, D. C., June 4, 1909, and the other one dated June 4, 1909, directed to Edward Hines at the New Willard Hotel, Washington, D. C., and signed E. H. L. Co. I show you the first of those telegrams, dated Washington D. C., June 4, and ask you if you recognize that original telegram?

Mr. WIEHE. I do.

Mr. FARRAR. I show you this other telegram and ask you if you remember sending that telegram?

Mr. WIEHE. I do.

Mr. FARRAR. I will ask the stenographer to mark these telegrams. (The telegrams were marked respectively "Wiehe 1" and "Wiehe 2.")

Mr. FARRAR. You have already seen these, Mr. Healy?

Mr. HYNES. You had better read them, because there is a misprint in the copy which went into the record. The word "lake" is substituted for the word "like." There is a typographical or telegraphic error.

The CHAIRMAN. It is better to have them read.

Mr. HYNES. Read them, and that will correct the misprint. One reads all right, and the other had a misprinted word.

Mr. FARRAR. The telegrams which I have shown you, Mr. Wiehe, and which have been identified by the stenographer and marked "Wiehe 1" and "Wiehe 2," read as follows. The first is on a blank of the Postal Telegraph Co. and is headed Po. Mt. Je. 21. Paid.

WASHINGTON, D. C., June 4, 1909.

E. H. L. Co., *Chgo.*:

Will try, have Funk meet me Chicago Saturday or Sunday Could meet him any time Like leave here today Answer quick.

EDW. HINES.

9.45 a. m.

The other telegram is on a Western Union Telegraph Co. blank, and is headed June 4, 1909:

EDWARD HINES,

New Willard Hotel, Washington, D. C.:

Funk New York to-day. Leaves this afternoon Washington. There tomorrow. You can reach him to-day, George Perkins' office, or Judge Gary, fifty-one Broadway.

E. H. L. Co.

Can you tell the committee to what subject matter those telegrams refer?

Mr. WIEHE. They refer to a message Mr. Hines asked me to convey to Mr. Funk.

Mr. FARRAR. When did Mr. Hines ask you to convey the message to Mr. Funk?

Mr. WIEHE. I think on May 31, 1909.

Mr. FARRAR. Was that the day that Mr. Hines left Chicago for Washington?

Mr. WIEHE. It was.

Mr. FARRAR. What was the message that Mr. Hines asked you to convey to Mr. Funk?

Mr. WIEHE. He told me to see Mr. Funk and say to Mr. Funk that there was nothing in the matter that Mr. Funk had talked to him about.

Mr. FARRAR. Did he give you, at that time, any explanation of that message?

Mr. WIEHE. He did not.

Mr. FARRAR. Did you know what Mr. Hines referred to when he gave you that message?

Mr. WIEHE. I did not.

Mr. FARRAR. Did you go to see Mr. Funk?

Mr. WIEHE. I went to his office; yes, sir.

Mr. FARRAR. Did you find him there?

Mr. WIEHE. No, sir.

Mr. FARRAR. Do you remember what day you went to see Mr. Funk—whether it was Monday or the day after that?

Mr. WIEHE. I think it was on Tuesday.

Mr. FARRAR. Tuesday, the 1st of June?

Mr. WIEHE. June 1.

Mr. FARRAR. The day that you did not find him?

Mr. WIEHE. Yes.

Mr. FARRAR. Did you communicate with Mr. Funk after you failed to find him?

Mr. WIEHE. I telephoned him, I think, the next day.

Mr. FARRAR. You think on the 2d?

Mr. WIEHE. Yes.

Mr. FARRAR. Did you deliver the message to Mr. Funk which Mr. Hines gave you?

Mr. WIEHE. I did.

Mr. FARRAR. What was Mr. Funk's answer to you?

Mr. WIEHE. Mr. Funk said he would like to see Mr. Hines very much; that he expected to go to Washington via New York, and would probably be there Saturday, and would like to see him there.

Mr. FARRAR. Did you convey Mr. Funk's answer to you to Mr. Hines?

Mr. WIEHE. I think I did; yes, sir.

Mr. FARRAR. How?

Mr. WIEHE. By telephone.

Mr. FARRAR. When?

Mr. WIEHE. I think on the 3d of June.

Mr. FARRAR. These messages, then, which passed between you and Mr. Hines, refer to this matter that you have just testified to?

Mr. WIEHE. They do.

Mr. FARRAR. After you got this telegram from Mr. Hines from Washington, what did you do to get the information contained in this telegram as to Mr. Funk's whereabouts?

Mr. WIEHE. I called up the International Harvester Co., for the purpose of talking to Mr. Funk. Some one there advised me that he had gone to New York, and told me where he could be found.

Mr. FARRAR. This information, then, as to Mr. Funk's whereabouts you got from the Harvester Co. by telephone, and put it in this telegram to Mr. Hines?

Mr. WIEHE. Yes.

Mr. FARRAR. Mr. Chairman, we would like to file these two telegrams with the committee as exhibits to the testimony of Mr. Wiehe. They have already been identified.

The CHAIRMAN. Very well.

Mr. FARRAR. When did you find out what the message that Mr. Hines gave you to Mr. Funk referred to?

Mr. WIEHE. I think about 6 weeks ago.

Mr. FARRAR. Did you ever discuss the matter with Mr. Hines in the interval between the sending of these telegrams and 6 weeks ago?

Mr. WIEHE. I did not.

Mr. FARRAR. Are you connected with the Lumbermen's Association of Chicago?

Mr. WIEHE. Not at this time; no, sir.

Mr. FARRAR. Were you ever connected with it?

Mr. WIEHE. Yes.

Mr. FARRAR. What position did you hold on any committees in that association?

Mr. WIEHE. I was chairman of the trade committee of the Lumbermen's Association of Chicago.

Mr. FARRAR. What did that trade committee have to do with the matter of the improvement of the waterways of Chicago?

Mr. WIEHE. That committee took a very active part in endeavoring to improve the waterways through Chicago for the purpose of regaining to Chicago the commerce that we thought we had lost on account of the inadequate facilities.

Mr. FARRAR. Inadequate facilities of the river?

Mr. WIEHE. Of the river; yes, sir.

Mr. FARRAR. Has Chicago any other harbor than the Chicago River and its branches?

Mr. WIEHE. Yes; it has a harbor at Calumet. That whole section is called one harbor. Calumet is a part of the Chicago Harbor.

Mr. FARRAR. But they have no place other than the Chicago River where they can receive and discharge cargo?

Mr. WIEHE. Yes; at Calumet they receive and discharge cargo.

Mr. FARRAR. That is a good many miles away from Chicago?

Mr. WIEHE. Yes; that is at South Chicago.

Mr. FARRAR. I am speaking of the main body of the city.

Mr. WIEHE. Oh, the Chicago River is the only harbor of the main body of the city—the Chicago River and its branches.

Mr. FARRAR. Did your committee or you as chairman of that committee take any part in the matter of the closing of the West Fork of the South Branch of the Chicago River?

Mr. WIEHE. Yes; we endeavored to prevent the closing of it.

Mr. FARRAR. Who was trying to close it?

Mr. WIEHE. The International Harvester Co.

Mr. FARRAR. From what point to what point did they want it closed?

Mr. WIEHE. From the intersection of the drainage canal to beyond Western Avenue.

Mr. FARRAR. Did that take in the drawbridge at Western Avenue?

Mr. WIEHE. Yes.

Mr. FARRAR. Do you know why they wanted that branch of the river unimproved?

Mr. WIEHE. They owned property on one side and leased it on the other, and they desired the river closed so that they could have easy access to their property without using a lighterage in crossing the river.

Mr. FARRAR. The river, then, split their plant in two?

Mr. WIEHE. Split their property in two; yes, sir.

Mr. FARRAR. Who had legal and practical control of the river at that time?

Mr. WIEHE. I think the river was practically under the control of the sanitary board. The Government, of course, had practical control, but the sanitary board was making improvements.

Mr. FARRAR. This Western Avenue Bridge that you speak of was a swing bridge?

Mr. WIEHE. Yes.

Mr. FARRAR. What did the Harvester Co. want to do with that?

Mr. WIEHE. They wanted to remove it, or make a fixed bridge of it.

Mr. FARRAR. Making it a fixed bridge would have destroyed navigation on that branch of the river, would it not?

Mr. WIEHE. Yes.

Mr. FARRAR. Do you know of your own knowledge whether there were dock facilities and property owners entitled to the advantages of commerce on that river beyond that point?

Mr. WIEHE. Yes; our company sent lumber up beyond that point.

Mr. FARRAR. Have you done that recently?

Mr. WIEHE. No; not recently; because our boats are of too large draft. This river is not adequate to permit large-draft boats to go through there.

Mr. FARRAR. As I understand, the river up to this Western Avenue Bridge had been widened and deepened by the efforts of your committee and others?

Mr. WIEHE. Well, I suppose our agitation helped to do something of that sort.

Mr. FARRAR. No improvements, as I understand it, have been made beyond that Western Avenue Bridge—no improvements in the river, I mean?

Mr. WIEHE. No, sir. That is the west fork of the South Branch.

Mr. FARRAR. It was on that west fork of the South Branch that this Harvester Co. property was situated?

Mr. WIEHE. Yes.

Mr. FARRAR. And they desired that bridge to be made a permanent bridge, and navigation from that point on closed?

Mr. WIEHE. Yes.

Mr. FARRAR. Now, this sanitary district, or these trustees of the sanitary district, which you say had legal and practical control of this river, had for president whom?

Mr. WIEHE. Mr. R. R. McCormick.

Mr. FARRAR. How many members were there of that board?

Mr. WIEHE. I do not know; but I think nine.

Mr. FARRAR. Who at that time was the chief engineer of the sanitary board?

Mr. WIEHE. Mr. Isham Randolph.

Mr. FARRAR. What relation is Mr. R. R. McCormick to Medill McCormick, former editor of the Chicago Tribune?

Mr. WIEHE. He is a brother.

Mr. FARRAR. What relation has Mr. R. R. McCormick to the Tribune now?

Mr. WIEHE. I believe he is the secretary of the Tribune.

Mr. FARRAR. Do you know who the owners of the Tribune are now?

Mr. WIEHE. Well, I do not. I do not know absolutely who owns the Tribune.

Mr. FARRAR. Do you not know that it belongs generally, or a greater part of it, to the estate of Mr. Joseph Medill?

Mr. WIEHE. Yes; but I do not know that absolutely.

Mr. FARRAR. And that the estate of Joseph Medill is owned by his two daughters, Mrs. Patterson and Mrs. McCormick?

Mr. WIEHE. Yes.

Mr. FARRAR. What relation are these McCormicks, of the Tribune, to the McCormicks, of the Harvester Co.?

Mr. WIEHE. I think Mr. R. R. McCormick is a cousin of Cyrus McCormick, of the Harvester Co.

Mr. FARRAR. Now, do you know what part this sanitary board took in regard to the closing of the west fork of the South Branch of the Chicago River?

Mr. WIEHE. A public hearing was held at Chicago on March 12, 1906. A notice was sent out by the Government engineer to all parties interested, inviting them to appear at this public hearing. The hearing was had. A number of people appeared. Letters were read advocating the improvement of this river, and the hearing was apparently closed. On March 13, the next day, after this hearing was closed, a letter was sent to the chief engineer by Mr. Isham Randolph recommending the closing of this west fork in the interests of the Harvester Co.

Mr. FARRAR. I have before me here the printed report of the proceedings of the Board of Trustees of the Sanitary District of Chicago. On page 11347 of this volume, under the head of "New business," and under date of March 13, 1906, appears this notice of this matter:

The president presented a letter, written at his suggestion by the chief engineer to the United States Board of Engineers on Rivers and Harbors, in regard to the proposed improvement of the west fork of the South Branch of the Chicago River, as follows:

Then comes this letter, which is signed "For the sanitary district of Chicago, Isham Randolph, chief engineer."

Is that the letter to which you refer?

Mr. WIEHE. Yes.

Senator KENYON. Is that some letter which is already in evidence?

Mr. FARRAR. No; I have a certified copy of it here from the War Department.

Was any other letter that you know of presented to this United States engineer who came out there to hold this public hearing on behalf of the International Harvester Co.?

Mr. WIEHE. Yes. There was another letter written.

Mr. FARRAR. By whom was that letter written?

Mr. WIEHE. Written by Mr. John C. Fetzer.

Mr. FARRAR. Who was he?

Mr. WIEHE. He was the land agent; looked after the real estate of the International Harvester Co.

Mr. FARRAR. Have you a copy of that letter here?

Mr. WIEHE. You have a copy of it there in your hand.

Mr. FARRAR. Mr. Chairman, we have here a certified copy from the War Department of the whole hearing, with all of the letters that were presented to the engineer, including the letter of Mr. Isham Randolph and the letter of Mr. Fetzner, and we would like simply to present the certified copy as an exhibit.

Senator KERN. Can not that be annotated in some way?

The CHAIRMAN. It can be put in the appendix.

Senator GAMBLE. You would not want to have that printed in the regular record of the testimony, but simply as an appendix.

Mr. FARRAR. We are satisfied to have it in the appendix, to which the committee can refer.

(The certified copy was marked "Exhibit Wiehe 3.")

Mr. FARRAR. Did you call the attention of the general public to this letter written by Mr. Randolph?

Mr. WIEHE. I did; in pretty vigorous terms.

Senator KENYON. Is this letter long? Can you not read it to the committee?

Mr. FARRAR. It is not very long. Here are all of the letters.

Senator KENYON. This particular letter I am asking about.

Mr. FARRAR. It appears that the engineer required all of the parties who appeared there to present their claims pro and con about this west fork of the Chicago River in the form of letters, and this is a certified copy of the record which I have exhibited to the committee here, and it contains them all.

Senator KENYON. I understood you to be interrogating about that particular letter.

Mr. FARRAR. Yes; and I will read it with pleasure. It is as follows:

THE SANITARY DISTRICT OF CHICAGO,
SECURITY BUILDING,
Chicago, March, 13, 1906.

To the Board of Engineers on Rivers and Harbors, United States Army, Washington, D. C.

GENTLEMEN: Acting for and on behalf of the sanitary district of Chicago, I submit the following facts in relation to the west fork of the South Branch of the Chicago River and the reason why objection is made on behalf of said district to the improvement of the said west fork as asked for by interested property owners:

The sanitary district, at a cost of \$27,361,286.37, exclusive of interest and administration, excavated a channel across the divide which separates the watershed tributary to Lake Michigan from that tributary to the Desplaines and Illinois Rivers. This channel now has a minimum width at bottom of 110 feet a minimum depth of 22 feet. The purpose of this channel is so well known that no discussion of its uses need be considered herein. The water flowing through this channel is drawn from Lake Michigan through the Chicago River, which river the sanitary district is now engaged in widening to 200 feet and deepening to 26 feet. Obstructive center-pier bridges are being removed and bascule bridges are being substi-

tuted for them. This improvement has involved an expenditure by the district, up to January 1 of the present year of \$7,736,422.11, exclusive of interest and administration. The completion of the official project of the district for river improvement will, so soon as the tunnels have been removed, make of the Chicago River a usable, safe, and commodious waterway for modern lake carriers, which heretofore have been unable to traverse this stream, and thereby opportunity is offered for a reestablishment of that commerce which an inadequate waterway has estranged from Chicago.

The work of the district has created a landlocked harbor, the dock frontage on which is 66 miles long, ample for the needs of a vast commerce.

The artificial channel of the district begins at Robey Street where it diverges from what is known as the west fork of the South Branch of the Chicago River. This west fork of the Chicago River was never in any large or important sense navigable west of Western Avenue. At or nearly at that avenue a rock uplift crosses the channel and for something like a thousand feet formed a barrier to dredging. The reversal of the slope of the Chicago River resulted in a further reduction of depth in the west fork and the property owners demanded that the former depths be restored; their demand was recognized as an equitable one by the district, and this rock has been excavated to a plane of 12 feet below Chicago datum for a width of 80 feet. The map herewith submitted shows the location of the west fork relative to that part of the Sanitary District Canal. The names of abutting owners on the fork are given. As shown, the McCormick Co. (International Harvester Co.) owns everything on both sides of this channel from the entrance to the Sanitary Channel westward to California Avenue, except 415 feet on the south side owned by the Fitzpatrick Soap Factory, and 820 feet on the north side owned by the Kimball Piano Co. The interests of the McCormick Co. call for a closing of this channel or the substitution of fixed for movable bridges. The interests of the sanitary district would also be conserved by the abolition of movable bridges, and for this reason—the channel of the district is crossed by three railroads upon four double-track bridges, parallel and contiguous. These bridges must soon be put in commission and operated as movable structures, and when this takes place the district must not only pay for making them movable structures, but must pay the sum of \$294,000 for maintenance. Now, a practical agreement has been reached whereby the railroads will forego the payment of this sum of \$294,000 if the district will bring about a condition which will admit of their bridges across the west fork being maintained as fixed structures. This concession seems to us a just and reasonable one when the burden of river improvement which this district has borne is recalled. Nor is it the purpose of the district to deprive the Kimball Co. or any other property owner on the west fork who now has or ever has had the benefit of a navigable water front of such advantages as it is thereby entitled to. The district provides access to the west fork of the Chicago River through what is known as its collateral channels, a waterway connecting the west fork with the Sanitary District Channel on a north and south line about 600 feet east of Kedzie Avenue. This channel the district stands ready to dredge to a depth of 14 feet and

a width of 80 feet, and to continue that depth and width eastward through the west fork to the east line of the Kimball property. The west fork is crossed by Kedzie Avenue on a fixed bridge, and there never has been any pretense of a navigable stream west of that avenue. Save as a means of developing and exploiting private real estate holdings there is no valid argument which can be presented to justify the expenditure called for by such improvement of the west fork of the South Branch as you are asked to recommend. Respectfully submitted.

FOR THE SANITARY DISTRICT OF CHICAGO,
By ISHAM RANDOLPH, *Its Chief Engineer.*

In what manner did you call the attention of the Chicago public to this letter of Mr. Randolph's?

Mr. WIEHE. We figured that a man employed by the district—

Mr. FARRAR. You do not understand my question. In what manner did you call the attention of the Chicago public to this letter?

Mr. WIEHE. By circulars and talks before various organizations.

Mr. FARRAR. On what question did you give these talks?

Mr. WIEHE. On the river question—obstructions in the river; and incidentally we referred to this matter.

Mr. FARRAR. I mean, what did you say in those talks in reference to this matter?

Mr. WIEHE. I said that a man employed as a public engineer, and whose salary was paid by the taxpayers of the city of Chicago, and who recommended the taking of a public highway for private interests ought to be put out of office.

Mr. FARRAR. Did you know at that time, as has been testified here by Mr. Funk, that Mr. Isham Randolph had been employed by the International Harvester Co. to look after their interests in this matter?

Mr. WIEHE. No, sir; I did not.

Mr. FARRAR. You did know it when Mr. Funk testified to it?

Mr. WIEHE. When I read his testimony I did; yes, sir.

Mr. FARRAR. But you did not know it at that time?

Mr. WIEHE. I did not; no, sir.

Mr. FARRAR. You had a shrewd suspicion of the matter, did you not?

Mr. WIEHE. That letter indicates that he was working for them.

Mr. FARRAR. You did not know that he had been employed by the International Harvester Co. until it was testified to by Mr. Funk?

Mr. WIEHE. No, sir; I did not.

Senator KERN. Did Mr. Randolph ever find out you were making these speeches?

Mr. WIEHE. Yes; I think he did.

Senator KERN. How?

Mr. WIEHE. He got some of the circulars that we sent out, and he saw the speeches referred to in the talks printed in the papers.

Senator KERN. Did you send them to him?

Mr. WIEHE. No, sir; but I guess he got them. We sent out 25,000 circulars. He tried to answer one of them.

Senator KERN. Where is that answer?

Mr. WIEHE. I have it with me.

Senator KERN. His answer to your circular?

Mr. WIEHE. Yes, sir. I have the original circular with me, too.

Mr. FARRAR. Have you the original circular?

Mr. WIEHE. Yes, sir. That is the circular. [Producing paper.]

Senator KERN. Have you Mr. Randolph's reply there?

Mr. WIEHE. There is a reply. [Producing another paper.]

Mr. FARRAR. This is the circular which your committee issued, Mr. Wiehe?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. And you also handed me another document which purports to be a copy of a minority report of Mr. Henry H. Walker, a member of the sanitary district committee?

Mr. WIEHE. Yes, sir. He was a member of the board. I assisted him in getting out that circular. He is a Chicago real estate man. This is my reply to Mr. Randolph—my reply to his circular.

Mr. FARRAR. So these four documents that you produce—one the circular of the Lumbermen's Association of Chicago—

Mr. WIEHE. That circular that was issued by the Lumbermen's Association was gotten out on the attack made on the Lumbermen's Association and its members by R. R. McCormick.

Mr. HANEY. The president of the board?

Mr. WIEHE. Yes, sir. We first wrote a letter to some of the members of the board asking them for some information regarding the sanitary district. The members replied that if we would write Mr. R. R. McCormick for that information he would be very glad to give it to us. We then addressed a letter to Mr. R. R. McCormick asking him certain questions. He did not reply to that letter, but gave out an interview in the newspapers and said that we were a lot of grafters; that we were waxing rich at the expense of the sanitary board, etc. Then we got out this circular.

Mr. FARRAR. Whom did he call a lot of grafters?

Mr. WIEHE. The people who had written him—the members of the lumber exchange.

Mr. FARRAR. Have you a copy of the letter you sent to Mr. McCormick asking for this information?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Where is it?

(Mr. Wiehe produced a paper.)

Mr. WIEHE. When this interview in the papers was given out, I got out a letter to the business interests of Chicago in reply to his letter, and sent out 25,000 of them, together with a copy of the questions we asked; and I have that here.

Mr. FARRAR. The letters that you refer to are, first, a letter dated Chicago, July 17, 1908, addressed to Mr. R. R. McCormick, president of the sanitary district, and signed "The Lumbermen's Association"?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Next a letter dated Chicago, July 31, 1908, addressed "To the business interests of Chicago," and signed by the Lumbermen's Association and a great many other individual names?

Mr. WIEHE. Yes, sir. Here are the newspaper interviews given by Mr. McCormick [producing other papers].

Mr. HANEY. Mr. Wiehe, will you not put these in the order in which they come, chronologically?

Mr. WIEHE. Yes, sir.

Mr. HANEY. Do that now, please, and have them marked, and there will not be any mistake about them. Just arrange them in chronological order.

Mr. WIEHE. I will add also that some time later than this I got out a newspaper.

Senator KERN. Does that bring it down to date?

Mr. WIEHE. I reckon it does. I might as well give you the newspaper, too; then you will have the whole edition [producing a paper].

Mr. FARRAR. What is that—the Chicago River and Harbor Association River Bulletin?

Mr. WIEHE. Yes, sir.

Senator KERN. Whose picture is that on the last page?

Mr. FARRAR. That is Senator Lorimer's picture. In order that the committee may have all the facts and phases of this controversy, we should like to have these matters put into the record as exhibits to the testimony of Mr. Wiehe, to be printed in the appendix and not in the text.

The CHAIRMAN. We will consider that question.

Mr. FARRAR. One of these papers that you have produced here, Mr. Wiehe, is a pamphlet dated October 26, 1908, signed by Isham Randolph, headed "Further reflections upon the business men of Chicago, suggested by the manifesto of the Lumbermen's Association." Is that the answer which Mr. Randolph made to your attacks in these speeches, or the answer which he made to the manifesto of the Lumbermen's Association?

Mr. WIEHE. It was an answer to this circular that we got out. He attempted to answer some of the questions that we asked the sanitary board, as to why they paid large sums for property and let the people that occupied the property use it free of rental; and we never received any satisfactory answer. Mr. Randolph states in his letter that they held possession of this property through some tactical advantage. I do not know what that means. I had photographs taken, showing the occupancy of the property, and exhibited those photographs on lantern slides; and in fact I had photographs taken of every obstruction in the river from its mouth to the railroad bridge beyond Western Avenue.

Mr. FARRAR. Where did you exhibit those lantern slides?

Mr. WIEHE. Before various organizations in Chicago.

Mr. FARRAR. Then, as I gather from your statement, you delivered lectures on this subject, illustrated with lantern slides, did you?

Mr. WIEHE. I do not know whether they were lectures. I talked on the subject.

Mr. FARRAR. And it was during these talks that you made this attack on the closing of the west fork of the South Branch of the Chicago River?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. An attack on Mr. Randolph for writing this letter?

Mr. WIEHE. That and some other things.

Mr. FARRAR. I mean to say, that was one of the things?

Mr. WIEHE. Yes; that was one of the things.

Mr. FARRAR. And on Mr. McCormick, the president of the board?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. We ask that these documents be identified, subject to the order of the committee to admit them into the record or not.

The CHAIRMAN. Let them be marked for identification.

(The papers referred to were marked by the stenographer, for identification, as follows: "Ex. Wiehe No. 4, July 20, 1911;" "Ex. Wiehe No. 5, July 20, 1911;" "Ex. Wiehe No. 6, July 20, 1911;" "Ex. Wiehe No. 7, July 20, 1911;" "Ex. Wiehe No. 8, July 20, 1911;" "Ex. Wiehe No. 9, July 20, 1911;" "Ex. Wiehe No. 10, July 20, 1911;" "Ex. Wiehe No. 11, July 20, 1911;" and "Ex. Wiehe No. 12, July 20, 1911.")

Senator FLETCHER. How did they obtain the money for this work?

Mr. WIEHE. By taxing the property in the sanitary district. They have spent about \$80,000,000 on about 32 miles of waterway there that are absolutely no good to the city of Chicago, because they can not be reached.

Senator FLETCHER. What in a general way was included in the sanitary district? You say by taxing the property in the sanitary district.

Mr. WIEHE. That took in—I have a little map here that shows that.

Senator FLETCHER. Just tell us in a general way.

Mr. HANEY. It takes in nearly all of the city of Chicago, and some of the outlying territory in the county.

Mr. WIEHE. The thing that I particularly objected to, or one of the things, they talked about digging a channel from Calumet to the Sag, at an expense, they said, of \$20,000,000. The original estimate of the sanitary district was about that, and they have spent about \$80,000,000.

The parent district paid 94 per cent of the taxes. The Calumet annex and the North Shore annex both together paid 6 per cent of the taxes. Here is a map which shows the district.

Senator FLETCHER. I do not care about the map.

Mr. HANEY. My statement is correct, is it not? It takes in nearly all the city of Chicago and part of the outlying towns in the county?

Mr. WIEHE. Yes, sir.

The CHAIRMAN. Down to the present time, what has been the result of that contest? That is, what has been accomplished in the way of results?

Mr. WIEHE. We succeeded in preventing the putting in of abutments in some of the bridges, sticking them out into the river and obstructing it, and we have a number of new bridges which they agreed to build 200 feet.

The CHAIRMAN. Are they fixed bridges?

Mr. WIEHE. No, sir; they are swing bridges.

The CHAIRMAN. Have any fixed bridges been constructed?

Mr. WIEHE. No, sir.

The CHAIRMAN. In accordance with the recommendations of that letter?

Mr. WIEHE. No, sir.

Senator JONES. That is, you have kept the river open?

Mr. WIEHE. Yes. I think if we had not started the agitation they would have attempted to put fixed bridges over the river. I think that was the scheme.

Mr. FARRAR. Your agitation did result in the removal of nearly all the center-pier bridges?

Mr. WIEHE. Not all of them.

Mr. FARRAR. Some of them?

Mr. WIEHE. Yes; it did remove some of them. Several more have been taken out. The city of Chicago has been handicapped by the lack of money, but they expect to remove all that have center piers.

The CHAIRMAN. Is the result of this that that is to be preserved for navigation?

Mr. WIEHE. That is what we agitated for, to preserve it for navigation.

The CHAIRMAN. Is that one of the results of it now? Has that policy been adopted?

Mr. WIEHE. I think so; yes, sir.

Senator KEERN. Is that branch being navigated now?

Mr. WIEHE. The west fork?

Senator KERN. Yes.

Mr. WIEHE. I do not think so. There is a rock ledge in there. I think the result of our agitation induced the harbor commission to file a report there at Chicago, recommending the improvement of this river and widening it to 200 feet.

Senator KERN. Recommending it to whom?

Mr. WIEHE. To the city council of Chicago.

Mr. FARRAR. Is Mr. McCormick now the president of this sanitary board?

Mr. WIEHE. No; he was defeated last year, I believe.

Mr. FARRAR. Defeated last November?

Mr. WIEHE. Yes.

Mr. FARRAR. At a popular election?

Mr. WIEHE. Yes.

Mr. FARRAR. And he is not now a member of the board?

Mr. WIEHE. No, sir.

Mr. FARRAR. Were the members of the board who were on the same ticket with Mr. McCormick elected or defeated?

Mr. WIEHE. I think they were elected.

Mr. FARRAR. I do not know that you understand. What ticket did Mr. McCormick run on?

Mr. WIEHE. He ran on the Republican ticket.

Mr. FARRAR. Was the Republican ticket defeated in Chicago?

Mr. WIEHE. Yes.

Mr. FARRAR. Were there any exceptions to the defeat?

Mr. WIEHE. I do not know about that.

Mr. HANEY. Do you not know that the whole Republican ticket was defeated except Judge Cutting and Judge Newcomer?

Mr. WIEHE. I do not know definitely about that.

Mr. FARRAR. Mr. Wiehe, in the report of the Helm committee, on page 11, the committee say as follows:

Your committee further reports that being desirous of examining the books, papers, and accounts of Edward Hines, the Edward Hines Lumber Co., and C. F. Wiehe, one of its officers, it caused a subpoena duces tecum to issue, requiring the production of such proof; that upon the hearing the said Wiehe attended and declined to produce such proof, but offered to permit the counsel of your committee to attend at the Chicago office and make an examination of the same.

Is the statement contained herein, that you declined to produce this proof, true?

Mr. WIEHE. It is not.

Mr. FARRAR. Did you decline to produce it?

Mr. WIEHE. I did not.

Mr. FARRAR. I turn to page 170 of that report, and to the matter of your examination before that committee:

Q. Mr. Wiehe, you were served with a subpoena in this matter, were you?—
A. Yes.

Q. To attend at this session of the committee to-day?—A. Yes.

Q. And you were requested in any by that subpoena to produce certain information, were you not?—A. Yes.

Q. Certain books, canceled checks, and so forth?—A. Well, as I interpret this subpoena it is asking me to produce books, canceled checks, check stub books, showing all receipts and disbursements made during a certain month, together with telegrams, and so forth, that bear in any way upon the election of a United States Senator. I have no such documents, hence I can not produce them.

Was that the answer that you made?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Have you the subpoena that was served upon you?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Is your statement of that subpoena in this answer correct?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Will you produce that subpoena?

(Witness produces a paper, subsequently marked "Wiehe 13.")

Mr. FARRAR. This is not the original. This is a copy?

Mr. WIEHE. This is the one served on me.

Mr. FARRAR. This is the one served on you?

Mr. WIEHE. Yes.

Mr. FARRAR. And it goes on in the usual form:

All books, canceled checks, and check-stub books showing all receipts and disbursements made by you during the months of May, June, July, and August, 1909, and all letters, telegrams, and other written memoranda bearing in any way upon the election of a United States Senator from Illinois during the years 1909, 1910, and 1911, whether the same were received or sent by you, and in the event of your failure to find the original of said letters and telegrams, then you are hereby required to produce copies thereof.

That was the subpoena which was served on you?

Mr. WIEHE. Yes, sir.

The CHAIRMAN. May I see that?

(The paper referred to was handed to the chairman.)

Mr. FARRAR. Now, I read from page 171 of your examination before the Helm committee, in which, after stating that you kept no accounts, but that you kept your checks and stub-check books, you were asked:

Q. Well, July 12, 1909, did you keep any book or books in which you set down receipts and disbursements?—A. Only as I stated.

Q. Only in the check book?—A. That is all; yes.

Q. And do you have those check books, those stubs?—A. I have them in Chicago; yes.

Q. And do you also have those canceled checks?—A. Yes.

Q. None of those things you have produced, as I understand?—A. No; but I will say right here for your benefit and for the benefit of the committee, if you will appoint a subcommittee of your committee here to come to Chicago, that I will submit for your inspection all of the checks of the Edward Hines Lumber Co., and every subsidiary company that we are interested in, from April 1 to July 30, together with Mr. Hines's personal checks and personal checks that I have.

Q. Have you any objection—A. And I would make that tender to you now so that you can—

Q. By subcommittee what do you mean?—A. Why, any member of your committee—Mr. Ettelson, Mr. Helm, or yourself.

Q. Will you submit that data to me?—A. Yes.

Q. As the legal representative of the committee?—A. I won't submit it to you, but I will permit you to come to our office, or any place in town there that we can get all this data to you, and let you examine it to your heart's content.

Q. And when could that sort of an arrangement be made, Mr. Wiehe?—A. Any time that you desire to make it.

Q. Who besides you would have authority for the carrying out of that arrangement?—A. Who besides me? Why, I, personally, Mr. Hines.

Q. Well, you speak with authority from the other officers of the company?—A. Yes.

Q. And you speak, also, so far as your individual and personal accounts are concerned?—A. Yes.

Q. You speak for yourself?—A. Yes. And I also will add to that that I endeavored to get the checks of the National Wholesale Lumber Association, of which Mr. Hines is president. We tried to get those checks. We can not control that; but I will try to get them.

Q. Do you have any objection to the two banks in which you did business in 1909 exhibiting to me or to some member of the committee a certified statement of your account with those banks?—A. No; I will submit it to you myself.

Q. But you do not have any objection to your bank doing it?—A. No; none at all.

Q. If we should want to get that additional information from them?—A. Not at all.

Q. This subpoena also calls for letters, telegrams, and other written memoranda which bear in any way upon the election of a United States Senator from Illinois. Have you any such?—A. No; I have no such documents.

Now, sir, are you willing to repeat these statements before this committee here?

Mr. WIEHE. You mean to make the same tender?

Mr. FARRAR. Are you willing to make to this committee here, and to its counsel, the same statement which you made to the Helm committee about your bank books, your checks, your personal accounts, your bank accounts, letters, telegrams, and matters of that sort?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. And those of the Edward Hines Lumber Co., of which you are the secretary and treasurer?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. And all such connected or subsidiary companies as you are also connected with in any official capacity?

Mr. WIEHE. Yes, sir.

Mr. HANEY. And Mr. Hines, personally and through his counsel, makes the same tender?

Senator KERN. The question immediately following the last one read by Judge Farrar which is:

Did you ever receive from anyone any letter, telegram, or other written paper bearing in any way upon the election of Mr. Lorimer?—A. I did not.

Do you still stand by that declaration?

Mr. WIEHE. I do not recollect receiving anything that bore on his election, excepting these telegrams that were presented here to-day, and I did not know about them then.

Mr. FARRAR. You did not know that they bore upon his election or his candidacy at that time?

Mr. WIEHE. No, sir; I did not.

Mr. HANEY. Will you let that subpoena be marked by the stenographer?

Mr. WIEHE. Yes, sir.

(The paper referred to is marked Wiehe 13.)

Mr. HANEY. Let it be offered in evidence.

Mr. FARRAR. We offer it in evidence, and we would like to have it printed as an exhibit.

The document referred to is in words and figures as follows:

WIEHE 13.

STATE OF ILLINOIS, *County of Sangamon*, ss:

The people of the State of Illinois to C. F. Wiehe, greeting.

We command you, that all business and excuses being laid aside, you and each of you attend before the senatorial committee of the general assembly appointed under and by virtue of senate resolution No. 17, of which the undersigned is chairman, on the 25th day of April, A. D. 1911, at 2 o'clock in the afternoon, at the appellate-court rooms in the supreme-court building, at the city of Springfield in said county, to testify and give evidence in a certain investigation now pending and undetermined before said committee, which investigation is being conducted under said resolution wherein certain official misconduct on the part of certain members of the Illinois General Assembly is alleged; and that you also diligently and carefully search for, examine, and inquire after, and bring with you and produce at the time and place aforesaid all books, canceled checks, and check-stub books showing all receipts and disbursements made by you during the months of May, June, July, and August, 1909, and all letters, telegrams, and other written memoranda bearing in any way upon the election of a United States Senator from Illinois during the years 1909, 1910, and 1911, whether the same were received or sent by you, and in the event of your failure to find the original of said letters and telegrams, then you are hereby required to produce copies thereof, together with all copies, drafts, and vouchers relating to the said documents, and all other documents, letters, and paper writings whatsoever that can or may afford any information or evidence in said cause; and this you shall in nowise omit under penalty of the law, and have you then and there this writ.

Witness, Douglas W. Helm, chairman of said committee at Springfield, in said county, this 15th day of April, A. D. 1911.

D. W. HELM,
Chairman.

STATE OF ILLINOIS, *County of Cook*, ss.:

_____, being duly sworn, on oath says that he served the within writ by reading the same _____ on the _____ day of _____, 1911.

Sworn to before me this _____ day of _____, 1911.

Notary Public.

Mr. FARRAR. Does the record show the offer made by the counsel of Mr. Edward Hines to this committee relative to inspection and examination of all of his books, papers, accounts, and bank accounts, letters, telegrams, and so forth?

(The reporter read as follows:)

Mr. HANEY. And Mr. Hines, personally and through his counsel, makes the same tender.

Mr. FARRAR. In accordance with this offer which you made there, did Mr. Healy, counsel for the Helm committee, who is also counsel for this committee, make the inspection and examination which you tendered?

Mr. WIEHE. He did.

Mr. FARRAR. Did you furnish all of the books, papers, documents, and so on, that you found for him?

Mr. WIEHE. Yes, sir.

Senator KERN. And that was reported by the committee, was it not?

Mr. WIEHE. I do not think it was until I prodded Mr. Healy up a little.

Senator KERN. I ask you if these words do not appear in the printed report of the committee, which it submitted to the Illinois Legislature:

That in this connection your committee desires to report that the said Hines and the said Wiehe exhibited to its counsel, so far as he could ascertain, all the books, papers, and accounts of said individuals and said Edward Hines Lumber Co., together with the books, papers, and accounts of many subsidiary companies, and gave to your counsel every then present means and opportunity to make any and every investigation which might then occur to him, and produced checks, papers, book accounts, etc., when the same were asked for.

Mr. WIEHE. Yes; that is in there; but Mr. Healy agreed with me that he would immediately report and make public—

Senator KERN. I am asking you whether that was not reported by the committee to the Legislature of Illinois—the words I have read?

Mr. WIEHE. That statement is in that report; yes, sir.

Mr. FARRAR. Did that committee make any report or was it able to find anything that bore upon the election of Senator Lorimer.

Mr. WIEHE. I did not hear of any report.

Senator KERN. Did not that committee report that a preliminary examination of such books, papers, and accounts, by counsel for the committee, developed the fact that the same were so numerous and involved and incomplete that no complete or satisfactory examination thereof could be made except by employing an expert accountant or an auditor, which would require more time than then remained before the adjournment of the present general assembly?

Mr. WIEHE. Yes; that is the report, but Mr. Healy took our cash-book for the five months that he asked for here. I think we threw a month in to him extra. He ran down every item in the cashbook and picked out such items as he desired information on—every disbursement. He asked what this was and what that was and what this was for and what that was for, and we produced whatever he called for immediately. He then examined Mr. Hines's personal checks, and he examined my personal checks and agreed with me that he would make this report to the committee. I watched the newspapers for two weeks to get that report, and no report was given. Then I telegraphed Mr. Healy and he did not reply to that telegram. I wired Mr. Helm, and I sent four or five tracers after those telegrams, and I have got no reply to this day, so I assume that that report was not made to the committee.

Mr. FARRAR. Was anything said about the Hines Lumber Co. offering to employ an expert accountant or any expert that the committee might select?

Mr. WIEHE. Yes.

Mr. FARRAR. To go through all of your books and papers, and make a report to the committee?

Mr. WIEHE. Yes; I suggested that to Mr. Healy.

Mr. FARRAR. Didn't you all agree to pay the costs and expenses of such expert?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. How many days was that offer made before this committee closed its sittings?

Mr. WIEHE. I think a little over two weeks, probably.

Mr. FARRAR. Can you give the exact date when Mr. Healy made this examination? Haven't you got a memorandum of it there?

Mr. WIEHE. Yes; I think it was the 28th of April, 1911.

Mr. FARRAR. Then, that was the date when you offered to pay any expert that they would employ to make an examination of the books?

Mr. WIEHE. Yes.

Mr. FARRAR. This report appears to be dated the 17th day of May, so that it was 19 or 20 days before this report was made that you made that offer?

Mr. WIEHE. Yes; I wired Mr. Healy on May 11, and I wired Mr. Helm on May 13.

Mr. FARRAR. Did Mr. Healy or the committee accept your offer for them to appoint an expert, and for you to pay him, to make an examination of all these books and papers and documents?

Mr. WIEHE. They did not; so far as I know.

Mr. FARRAR. Did they make any reply to your offer to appoint such an expert and to pay him?

Mr. WIEHE. No.

Mr. FARRAR. That is all.

Mr. MARBLE. Mr. Wiehe, you have testified relative to this meeting with Cook and O'Brien at the Grand Pacific Hotel. What matters of business were discussed there during that meeting?

Mr. WIEHE. The voting of the Hines stock with the Weyerhaeuser stock was one matter.

Mr. FARRAR. And what other matter?

Mr. WIEHE. Well, we talked generally about some unsettled interest matters with O'Brien and Cook and some other matters in connection with the Virginia & Rainy Lake Co.

Mr. MARBLE. And what other matters in connection with the Virginia & Rainy Lake Co.?

Mr. WIEHE. I think we had another matter up with McKenzie & Mann at the time that was unsettled.

Mr. MARBLE. What was that matter?

Mr. WIEHE. The question of furnishing rails, and the question of adjusting interest on bonds.

Mr. MARBLE. The question of purchasing rails from McKenzie & Mann?

Mr. WIEHE. No; the question of their furnishing rails to the Virginia & Rainy Lake Co.

Mr. MARBLE. That matter was discussed that morning?

Mr. WIEHE. I think so. That is my recollection.

Mr. MARBLE. You are sure that was not the principal matter that was discussed that morning?

Mr. MARBLE. No; I do not think so. I think the principal matter was this voting of the stock of the Hines Co. with the Weyerhaeusers, amalgamating them.

Mr. MARBLE. When did Cook and O'Brien make arrangements for that meeting—the day before?

Mr. WIEHE. The day before.

Mr. MARBLE. Did they tell you what they wanted to meet about?

Mr. WIEHE. They did not.

Mr. MARBLE. Did you know what the meeting was to be about until you arrived there?

Mr. WIEHE. I did not.

Mr. MARBLE. How did they make arrangements with you to have you call Mr. Hines to them on the day before? What was it they did?

Mr. WIEHE. They called me on the telephone. I think Mr. Cook called me on the telephone and desired to know if Mr. Hines was in town. I told him he was not, but that I expected him in the morning, and he said he would like to arrange a meeting with him.

Mr. MARBLE. And asked you to arrange the meeting?

Mr. WIEHE. Yes.

Mr. MARBLE. Did you communicate with Mr. Hines on that matter?

Mr. WIEHE. I did.

Mr. MARBLE. When?

Mr. WIEHE. On the following morning.

Mr. MARBLE. When you met him at the train?

Mr. WIEHE. Yes.

Mr. MARBLE. About 9 o'clock in the morning?

Mr. WIEHE. About that time; 8.55.

Mr. MARBLE. Before you got into the automobile to start away from the station?

Mr. WIEHE. No, sir. I think I mentioned it to him downstairs. I talked with him a few moments down in the depot.

Mr. MARBLE. And before you got into the automobile to leave the depot?

Mr. WIEHE. Yes.

Mr. MARBLE. You did not tell Mr. Hines what the meeting was for?

Mr. WIEHE. I did not know.

Mr. MARBLE. Was this matter about the rails something of importance?

Mr. WIEHE. Oh, yes.

Mr. MARBLE. Important to Mr. Hines as well as to Cook and O'Brien?

Mr. WIEHE. Well, it would be important to them. They are stockholders in the company.

Mr. MARBLE. He was a stockholder in the company also?

Mr. WIEHE. Yes.

Mr. MARBLE. His interests would be the same as theirs?

Mr. WIEHE. Yes.

Mr. MARBLE. Proportioned to the amount of his stock?

Mr. WIEHE. Yes.

Mr. MARBLE. Do you remember what Mr. Hines said to you when you told him that Cook and O'Brien wanted to see him?

Mr. WIEHE. He said he thought he could meet them about 11 o'clock.

Mr. MARBLE. Did you advise Cook and O'Brien?

Mr. WIEHE. I did.

Mr. MARBLE. That morning?

Mr. WIEHE. The next morning.

Mr. MARBLE. That very morning?

Mr. WIEHE. The morning of the arrival of Mr. Hines; yes, sir.

Mr. MARBLE. How did you advise them?

Mr. WIEHE. By telephone.

Mr. MARBLE. From your office?

Mr. WIEHE. Yes.

Mr. MARBLE. As soon as you got to your office?

Mr. WIEHE. Yes.

Mr. MARBLE. And that was what time?

Mr. WIEHE. Oh, about a quarter to 10, I should think.

Senator KERN. Whom did you call up?

Mr. WIEHE. I called up Mr. Cook at the Grand Pacific Hotel.

Mr. MARBLE. What did you tell Mr. Cook?

Mr. WIEHE. I told Mr. Cook that Mr. Hines had arrived in town and would be able to see him about 11 o'clock.

Mr. MARBLE. And did you tell him where he would see him?

Mr. WIEHE. Yes; at the Grand Pacific Hotel.

Mr. MARBLE. Was that the first thing you did when you got back to the office?

Mr. WIEHE. Well, I do not know. I would not say that was the first thing or the second thing.

Mr. MARBLE. But you did it very soon after your arrival there?

Mr. WIEHE. Yes; I did it soon after my arrival there.

Mr. MARBLE. How far did you say you rode with Mr. Hines that morning?

Mr. WIEHE. I think I went to La Salle and Adams with him, and there I took a car.

Mr. MARBLE. I think your testimony of yesterday was misreported. It seems to indicate the corner of La Salle and Clark. That would not be possible, of course, in Chicago?

Mr. WIEHE. I said on yesterday that I thought it was either Clark and Adams or La Salle and Adams, but I am pretty positive it was La Salle and Adams.

Mr. MARBLE. Then you took a street car to your office?

Mr. WIEHE. Yes.

Mr. MARBLE. Was anything further said in that conversation with Mr. Cook regarding the time or the place of the conference which was to be had?

Mr. WIEHE. As soon as I ascertained from Mr. Hines what hour he could meet them I called up and told him that he would be there about that time.

Mr. MARBLE. Did you tell them he would come to their room or to the hotel?

Mr. WIEHE. To the hotel.

Mr. MARBLE. Did you ask what room they occupied?

Mr. WIEHE. No; I do not think I did.

Mr. MARBLE. You made the appointment for the hotel?

Mr. WIEHE. Yes.

Mr. MARBLE. Do you remember the first time that it was brought to your attention that Mr. Hines was being discussed with regard to the reported furnishing of money to secure the election of Senator Lorimer?

Mr. WIEHE. Yes; I think along in either May or June of 1910. I do not recollect exactly which month. It was along about that time.

Mr. MARBLE. And who brought that to your attention?

Mr. WIEHE. Why, I think it was in the newspapers.

Mr. MARBLE. May or June, 1910?

Mr. WIEHE. I think the first thing I saw was—well, I do not know exactly what I did see, but it was some article in the newspapers.

Mr. MARBLE. Was Mr. Hines's name in the article?

Mr. WIEHE. No. The first thing I noticed, I do not think his name was in the article.

Mr. MARBLE. Something you noticed subsequently to that time?

Mr. WIEHE. Yes.

Mr. MARBLE. Did reporters call upon you in connection with the publication of those articles?

Mr. WIEHE. Not upon me; no, sir.

Mr. MARBLE. Do you know whether reporters called upon Mr. Hines at that time?

Mr. WIEHE. I do not, of my own knowledge.

Mr. MARBLE. Do you know whether or not questions were propounded to you or to Mr. Hines at that time, relative to the matter of the election of Senator Lorimer?

Mr. WIEHE. I believe there were questions presented to Mr. Hines.

Mr. MARBLE. You know there were, do you not?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. By the Chicago Tribune?

Mr. WIEHE. By a representative of the Chicago Tribune; yes, sir.

Mr. MARBLE. Did you have something to do with that matter shortly after?

Mr. WIEHE. I went with Mr. Hines to see Mr. Keeley, and Mr. Hines told Mr. Keeley there was nothing in the matter that those questions referred to.

Mr. MARBLE. And that was at Mr. Keeley's office?

Mr. WIEHE. Yes; in the Tribune Building.

Mr. MARBLE. You parted in a friendly way that night?

Mr. WIEHE. With Mr. Hines?

Mr. MARBLE. With Mr. Keeley.

Mr. WIEHE. Well, we may have parted in a friendly way, but inwardly we were not very friendly to him.

Senator KERN. When was that?

Mr. WIEHE. Oh, that was some time in May.

Senator KERN. After the publication of the White confession?

Mr. WIEHE. That was after the publication of the White story.

Mr. MARBLE. Do you remember it was in the early part of May?

Mr. WIEHE. My recollection is it was some time about the middle of May.

Senator KERN. Had Mr. Hines's name figured in any newspapers up to that time in connection with that?

Mr. WIEHE. I do not recollect whether it had or not, but that matter I know occurred, because I was with him at the Union League Club when the Tribune representative was there.

Senator KERN. I did not quite hear your answer.

Mr. WIEHE. I say that matter occurred, because I was with Mr. Hines at the Union League Club when the Tribune representative presented this list of questions; and my recollection is he said if he had anything further to say about that to see Mr. Keeley.

Senator KERN. What was the nature of the questions, as you remember?

Mr. WIEHE. Well, I think I can get the gist of them.

Senator KERN. That is what I want, Mr. Wiehe.

Mr. WIEHE. The gist of the thing was, if he knew of any syndicate that had put up money for this election, or if he had put up any, or something along that line. I would not be able to repeat exactly what it was. I think that was the gist of it.

Senator FLETCHER. When you called on Mr. Keeley, did he say anything about the Funk conversation, or anything that indicated that he had information similar to that suggested by Mr. Funk?

Mr. WIEHE. He did not.

Senator FLETCHER. What did he say as far as he was concerned?

Mr. WIEHE. Why, he said they were very earnest in this matter, and they proposed to follow the matter up. The interview was very short.

Senator FLETCHER. Did he give you any information at all?

Mr. WIEHE. He did not.

Senator FLETCHER. As to what he knew or what had been told him?

Mr. WIEHE. No, sir.

Mr. MARBLE. Mr. Wiehe, you have answer the Senator, have you, that Mr. Funk's name was not mentioned at that conference?

Mr. WIEHE. Yes.

Mr. MARBLE. Mr. Hines did not say to Mr. Keeley that Mr. Funk had been asked to contribute to a campaign fund, did he?

Mr. WIEHE. No, sir; Mr. Funk's name was not mentioned at all.

Mr. MARBLE. Was the International Harvester Co. mentioned?

Mr. WIEHE. No, sir.

Mr. MARBLE. Did you send Mr. Shields to hunt up the witnesses who were on the car from Duluth to Virginia on the trip which has been testified to here in March of this year?

Mr. WIEHE. I did.

Mr. MARBLE. Where was Mr. Shields when you sent for him?

Mr. WIEHE. I telephoned him at West Superior, Wis.

Mr. MARBLE. What did you tell him?

Mr. WIEHE. I told him to go over to Duluth and see the porters on the trains and see if he could locate and find out who the people were on that car that went into Canada.

Mr. MARBLE. Did you tell him anything further?

Mr. WIEHE. That is all at that time.

Mr. MARBLE. Did he communicate with you soon after that?

Mr. WIEHE. He did.

Mr. MARBLE. What did he tell you?

Mr. WIEHE. He told me he had found the porters and talked with them, and they had advised him that they thought he could get that

information from the immigration agent at the Canadian line, and I told him to go up there and get the information, and when he got it and located the people, to go to them and get the affidavits.

Mr. MARBLE. Did you tell him what affidavits to get?

Mr. WIEHE. Yes.

Mr. MARBLE. What did you tell him?

Mr. WIEHE. I told him to get affidavits from the different people as to what they heard in that sleeping car.

Mr. MARBLE. Was there anything further said in that conversation?

Mr. WIEHE. That is all.

Mr. MARBLE. Did he report to you after that?

Mr. WIEHE. Not for some time.

Mr. MARBLE. How long after that was it that he reported?

Mr. WIEHE. Oh, I should think a week or two, possibly.

Mr. MARBLE. Can you fix the time?

Mr. WIEHE. No; I can not fix the time. He went up to Winnipeg and out to Moose Jaw and over to Seattle and down into Kansas.

Senator KERN. Have you the letters and telegrams that he sent you while he was on that trip?

Mr. WIEHE. No; I have not.

Senator KERN. What did you do with them?

Mr. WIEHE. I do not know what I did do with them. He did not send me any telegrams of any interest, excepting—I think I could get you copies of all the telegrams that he sent.

Senator KERN. Did he write to you when he was at Seattle?

Mr. WIEHE. I would not be sure as to that. Any communications I have from him I will present here.

Senator KERN. I understood you to say a while ago that you did not know what you had done with them.

Mr. WIEHE. I do not just at this minute. I will have to search my letter files.

Senator KENYON. Where is he now?

Mr. WIEHE. I do not know.

Senator KENYON. When did you last see him?

Mr. WIEHE. About a week or 10 days ago.

Senator KENYON. Where?

Mr. WIEHE. In Chicago.

Senator KENYON. Whereabouts in Chicago?

Mr. WIEHE. I think at our office. I may have seen him downtown.

Senator KENYON. Do you not know where he went?

Mr. WIEHE. I do not; no, sir.

Senator KENYON. You have had no correspondence with him since then?

Mr. WIEHE. No, sir.

Senator KENYON. No telegrams?

Mr. WIEHE. No, sir.

Senator KENYON. Is he in your employ?

Mr. WIEHE. He is not.

Senator KENYON. Was he at any time when he was getting these affidavits about the people in the smoker?

Mr. WIEHE. He was not on our pay roll.

Senator KENYON. How could you telephone him and tell him to go and do a certain thing?

Mr. WIEHE. He was close to Duluth, and I called him up and asked him to do it.

Senator KENYON. You told him to go and do it?

Mr. WIEHE. Yes, sir.

Senator KENYON. What right had you to tell him to go and do it if he was not in your employ?

Mr. WIEHE. No more right than I would have to ask you to hand me that fan.

Senator KENYON. It was on the same principle, was it, as if you asked me to hand you that fan?

Mr. WIEHE. Yes. He was under no more obligation to go there. If he had told me he would not go, I could not have forced him to go.

Senator KENYON. How did you happen to ask Mr. Shields to go, instead of asking John Smith or Bill Jones?

Mr. WIEHE. I knew Mr. Shields. He lived there.

Senator KENYON. He had no connection with you or any of the concerns in which you were interested?

Mr. WIEHE. Not any financial connection.

Senator KENYON. You just rang him up because you knew him?

Mr. WIEHE. Yes, sir.

Senator KENYON. Did you send him to Seattle in the same way?

Mr. WIEHE. No; I did not direct him after he got beyond Duluth.

Senator KENYON. Did you not send him to Seattle?

Mr. WIEHE. I suppose I did, indirectly.

Senator KENYON. What do you mean by "indirectly"?

Mr. WIEHE. I have explained that. He went up to the Canadian line and got these declarations, and ascertained where these people lived, and went to their residences. If that is sending him there, I sent him there.

Senator KENYON. Did he do that without any directions from you?

Mr. WIEHE. No directions excepting the first direction I gave him.

Senator KENYON. That was to get affidavits from the people in the Pullman car as to the conversations of that night?

Mr. WIEHE. Yes, sir.

The CHAIRMAN. Are we to understand you to mean that you employed him, or that you did not employ him?

Senator KENYON. That is what I am trying to get at.

Mr. WIEHE. I made no bargain with him to pay him anything.

The CHAIRMAN. Do you intend to pay him?

Mr. WIEHE. If he presents a bill I do; yes, sir.

Senator KENYON. You did just the same with him as if you asked me to give you this fan, about 6 feet across here, did you? That is your testimony?

Mr. WIEHE. That is about it.

Senator KENYON. What do you say?

Mr. WIEHE. At that time; yes.

Senator KENYON. And he went to Seattle in pursuance of that, to get the affidavits?

Mr. WIEHE. Yes, sir.

Senator KENYON. You have not paid him anything?

Mr. WIEHE. I have advanced him some expense money; yes, sir.

Senator KENYON. How much did you advance him?

Mr. WIEHE. I do not accurately know that.

Senator KENYON. Have you not any check to show it?

Mr. WIEHE. I think so; yes.

Senator KENYON. Did you hand it to him, or did you send it to him?

Mr. WIEHE. No; I think he made a draft on us.

Senator KENYON. How much was it?

Mr. WIEHE. I would not be sure as to that. I can get that information for you, though.

Senator KENYON. I want it now—as much as you can give us.

Mr. WIEHE. I can not give it to you now—I do not know.

Senator KENYON. Do you not know how much money you have given Mr. Shields?

Mr. WIEHE. I do not.

Senator KENYON. Is it \$100, or is it \$1,000?

Mr. WIEHE. I can not tell you what it was; I do not know accurately.

Senator KENYON. I am not asking you to tell me accurately. I am asking you anywhere from \$100 to \$1,000.

Mr. WIEHE. There would be no use in my making a statement to you unless I knew, and I do not know now.

Senator KENYON. You do not know?

Mr. WIEHE. But I will get that information for you if you want it.

Senator KENYON. What I am trying to get at is whether you employed Mr. Shields, or whether you merely asked him as a friend to go and do this?

Mr. WIEHE. That is the way I asked him; yes, sir.

Senator KENYON. As a friend?

Mr. WIEHE. Yes, sir.

Senator KENYON. And it was just the same proposition, as I understand your testimony, as if you asked a member of the committee to hand you a fan?

Mr. WIEHE. I do not know what you are driving at.

Senator KENYON. I am driving at your testimony—what you said.

Mr. WIEHE. That is exactly the same way I would ask him.

Senator KENYON. Do you expect to pay him anything for his trip to Seattle?

Mr. WIEHE. I do if he presents a bill for it.

Senator KENYON. Do you expect him to present a bill?

Mr. WIEHE. Why, I presume he will.

Senator KENYON. Has he ever performed services for you in the past?

Mr. WIEHE. Not for me individually.

Senator KENYON. Has he for the Edward Hines Lumber Co.?

Mr. WIEHE. Yes; I believe he has.

Senator KENYON. What has been the nature of the service?

Mr. WIEHE. We had a lawsuit at Superior, Wis., and he looked up the witnesses for us there.

Senator KENYON. Just the same as he looked up the witnesses here?

Mr. WIEHE. I do not know whether it was just the same. He found the witnesses there and located them for us.

Senator KENYON. Did you pay him for that work?

Mr. WIEHE. Yes, sir.

Senator KENYON. Anything besides his expenses?

Mr. WIEHE. No, sir.

Senator KENYON. Just his expenses?

Mr. WIEHE. Yes, sir.

Senator KENYON. Is he in the habit of going out simply for his expenses and doing this work?

Mr. WIEHE. This was right in his own home town, and I do not think he had to spend much time.

Senator KENYON. Is there no tie, Mr. Wiehe, no obligation of any kind upon his part to your company, the Hines Lumber Co., which permits you to call on him to do this kind of service?

Mr. WIEHE. No.

Senator KENYON. None at all?

Mr. WIEHE. None at all. He could decline to do anything we asked him to do, and we could not compel him to do it.

Senator KENYON. Is there anyone else in the country that you use similarly to do work for you?

Mr. WIEHE. No; because in that particular locality up there we are interested. We have men in our employ that do similar work for us, that go where we tell them to.

Senator KENYON. Have you ever sent him to the legislatures of any States to do any work?

Mr. WIEHE. No, sir; I have not.

Senator KENYON. Has the company of which you are a member?

Mr. WIEHE. I do not think they have.

Senator KENYON. Do you know of his going to legislatures and acting as the agent in opposing or advocating the passage of bills affecting lumber interests?

Mr. WIEHE. Affecting lumber interests?

Senator KENYON. Yes.

Mr. WIEHE. No; I do not.

Senator KENYON. Or any other interests?

Mr. WIEHE. I think he did go to Wisconsin, to Madison, for some town division up there at Hayward. Some bill was introduced there, I believe; and I think he, in conjunction with our manager, went down there.

Senator KENYON. Was he not active in Wisconsin in opposition to Senator La Follette's election?

Mr. WIEHE. I do not know of my own knowledge.

Senator KENYON. You do not know anything about that?

Mr. WIEHE. No, sir; not of my own knowledge.

Senator KENYON. When you saw him at Chicago, which, I believe you said, was about 10 days ago—

Mr. WIEHE. I think it was about that.

Senator KENYON (continuing). Where was he going?

Mr. WIEHE. I met him, I think, down town at the Continental Bank. I was going up to see our attorneys there. He ascertained in some way that I was going there and met me there.

Senator KENYON. Was Mr. Price with you when you saw him in Chicago?

Mr. WIEHE. No. I have not seen Mr. Price since the night of that trip to Virginia until I saw him here the other day.

Senator KENYON. Was Mr. Cusson with you when you saw him there?

Mr. WIEHE. I think he was; yes, sir.

Senator KENYON. How long did you talk with Mr. Shields at that time?

Mr. WIEHE. Oh, not very long. I was in a hurry to go upstairs.

Senator KENYON. Did he bring back from Seattle to you the Price affidavit?

Mr. WIEHE. I do not know whether he brought it back or sent it to me.

Senator KENYON. You got it in some way?

Mr. WIEHE. I got it, anyway; yes, sir.

Senator KENYON. As the result of his efforts?

Mr. WIEHE. Yes, sir.

Senator KENYON. You had not known Price up to that time, had you?

Mr. WIEHE. I did not know him at all, no, sir.

Senator KENYON. Did you get an affidavit from Mr. Cusson through the mails?

Mr. WIEHE. I think an affidavit came through the mail; yes, sir.

Senator KENYON. Did you prepare the affidavit that was sent to Mr. Cusson to sign and return to you?

Mr. WIEHE. I think I did; yes, sir.

Senator KENYON. Did you prepare it yourself or have a lawyer prepare it?

Mr. WIEHE. No; I think I prepared it myself.

Senator KENYON. Was that after the Helm investigation?

Mr. WIEHE. It was.

Senator KENYON. Why did you prepare that affidavit?

Mr. WIEHE. The Helm investigation let pretty nearly everything go in there that was offered—all sorts of gossip and hearsay evidence, and so forth—and I thought I would get these affidavits prepared, and bring them down here and present them here and save these people from coming here.

Senator KENYON. Have you that affidavit?

Mr. WIEHE. I have not; no sir.

Senator KENYON. You prepared it to present here?

Mr. WIEHE. Yes, sir.

Senator KENYON. Where is it?

Mr. WIEHE. Our attorney told us that it would be nonsense—that these affidavits would not be worth anything; that we would have to produce the witnesses. So we wasted our efforts and our money.

Senator KENYON. You had prepared the affidavits, thinking they would take the place of witnesses?

Mr. WIEHE. Yes, sir.

Senator KERN. Some of those affidavits are here now. Where is this one? Where is the Cusson affidavit?

Mr. WIEHE. I do not know where it is.

Mr. FARRAR. We will produce them.

Mr. WIEHE. The affidavits that are here are produced here, I think, because the declarations are attached, so as to locate these people. I think that is the reason they were brought here.

Senator KERN. What business is this agent of yours in that you sent to Seattle?

Mr. WIEHE. He is an insurance man. He runs an insurance agency at Superior, Wis., and Duluth, Minn.

Senator KERN. He is in the insurance business?

Mr. WIEHE. Yes, sir.

Senator KERN. Has he an office in one of those towns?

Mr. WIEHE. He has an office in both of those towns. That is, his company has.

Senator KERN. He has considerable business, has he?

Mr. WIEHE. Yes; I think they are about as large an agency as there is at the upper end of the Lakes.

Senator KERN. And he left his business for two or three weeks to go on your business to Seattle?

Mr. WIEHE. He did. He has a partner who does considerable of that business also.

Senator KERN. When you saw him in Chicago, did you not say anything to him about his loss of time—about remunerating him for that loss of time?

Mr. WIEHE. He complained pretty bitterly about the time it took.

Senator KERN. How long did he say it took?

Mr. WIEHE. I think it must have taken a couple of weeks or more.

Senator KERN. Is that what he said?

Mr. WIEHE. I know that was what it took.

Senator KERN. Did he say anything about your paying him for his time?

Mr. WIEHE. No, sir; not then.

Senator KERN. What did he complain about then?

Mr. WIEHE. He said he lost so much time, and had gone on this trip, and so on. He complained about the loss of time he had sustained.

Senator KERN. Did you not suggest to him that you would pay him for it?

Mr. WIEHE. I did not then; no. I expect he will render us a bill.

Senator KERN. Did you at any time?

Mr. WIEHE. No; I expect he will render us a bill before he gets through.

Senator KERN. Is he not through yet?

Mr. WIEHE. So far as these affidavits are concerned; yes, sir.

Senator KERN. Is he doing any work for you now?

Mr. WIEHE. No, sir.

Senator KERN. Has he done any work for you since getting these affidavits?

Mr. WIEHE. No, sir.

Senator KERN. Did he tell you what his business was in Chicago when you saw him there?

Mr. WIEHE. No.

Senator KERN. Did he tell you he had come there to see you?

Mr. WIEHE. He did not.

Senator KERN. Did you talk with him about the testimony in this case?

Mr. WIEHE. About the testimony?

Senator KERN. Yes.

Mr. WIEHE. No, sir.

Senator KERN. And about his interviews with these witnesses?

Mr. WIEHE. Oh, yes; we talked about the different witnesses that he had seen.

Senator KERN. Did he go with you up to the attorneys' office and talk there?

Mr. WIEHE. I think he went up there, but I do not think he talked. I think he sat in the outer office.

Senator KERN. He was the man that you had sent out to get these witnesses, to interview them, to find just what they would testify to?

Mr. WIEHE. Yes.

Senator KERN. And you say he did not make a report, either to you or to the attorneys, as to what he had done?

Mr. WIEHE. I did not say he did not make a report to me.

Senator KERN. When was that report made?

Mr. WIEHE. I told you that he talked with me about these witnesses—

Senator KERN. When you were in Chicago?

Mr. WIEHE. And the affidavits that he got, and so forth.

Senator KERN. But when you were in Chicago, after you learned that the affidavits did not amount to anything, did you not take him up to acquaint your counsel with what he had learned of these witnesses?

Mr. WIEHE. No; because we had the affidavits prior to that.

Senator KERN. He did not come back and report to your counsel at all?

Mr. WIEHE. I do not think he ever saw the counsel.

Senator KERN. Did he report to you fully?

Mr. WIEHE. Yes, sir.

Senator KERN. Where?

Mr. WIEHE. At Chicago.

Senator KERN. On the day that you have named?

Mr. WIEHE. I think so.

Senator KERN. I understood you to say you only saw him for a few minutes at the bank door.

Mr. WIEHE. I did. He went upstairs to the attorneys' offices, and told me in a general way about who he had seen.

Senator KERN. To whom did he make that report?

Mr. WIEHE. To me.

Senator KERN. That took some little time, did it not?

Mr. WIEHE. Not very long.

Senator KERN. He told you about his trip up to Canada and his trip to Kansas?

Mr. WIEHE. Yes.

Senator KERN. Did you say he had gone to Kansas?

Mr. WIEHE. Yes.

Senator KERN. He went to Seattle, Wash.?

Mr. WIEHE. Yes.

Senator KERN. He gave you some of the incidents of his trip?

Mr. WIEHE. Yes.

Senator KERN. And that did not take long?

Mr. WIEHE. Not very long; no.

Senator KERN. Then you dismissed him, and have not seen him since?

Mr. WIEHE. It took 15 or 20 minutes, probably.

Senator KERN. He was complaining about the great loss of time that he had suffered?

Mr. WIEHE. Yes, sir.

Senator KERN. And you did not say a word about paying him?

Mr. WIEHE (continuing). And the hardships of the trip, and so forth.

Senator KERN. Did you pay him as much as \$2,500?

Mr. WIEHE. I do not know.

Senator KERN. Do you want this committee to understand you to mean that you do not know whether you paid him \$2,500 or not?

Mr. WIEHE. I do not think we paid him that amount; but I do not know the amount accurately.

Senator KERN. No, no; I am not asking you to give it accurately. Did you pay him as much as \$2,000, in your judgment?

Mr. WIEHE. I would not think so.

Senator KERN. Did you pay him as much as \$1,500, in your judgment?

Mr. WIEHE. I would not think so.

Senator KERN. Now we are getting down toward it. Did you pay him as much as \$1,000?

Mr. WIEHE. I would not think so.

Senator KERN. Did you pay him as much as \$500?

Mr. WIEHE. Probably along in that neighborhood. I should think the expense of that trip would be about that.

Senator KERN. Without counting anything at all for him time?

Mr. WIEHE. Yes, sir.

Senator KERN. That is all on that subject.

Senator KERN. How does he live?

Mr. WIEHE. How does he live?

Senator KERN. Yes. Does he work just for his expenses?

Mr. WIEHE. He has an insurance business that he derives a living from.

Senator KERN. Are you familiar with his insurance business?

Mr. WIEHE. Only with what the concerns I am interested in give him.

Senator KERN. You insure with him, do you?

Mr. WIEHE. Yes, sir; we insure through his agencies.

Senator KERN. I did not mean to break in on you, Senator Kern.

Senator KERN. Oh, no. I am through on that branch. I have some other questions to ask later.

Senator JONES. Mr. Wiehe, do you want this committee to understand that you can call up Mr. Shields at any time that you want anything of this sort done, and he will go without expecting any pay?

Mr. WIEHE. No; I do not want you to understand that.

Senator JONES. What arrangement have you with him, then?

Mr. WIEHE. I have no arrangement.

Senator JONES. I understood you to say awhile ago that when you asked him to look up these witnesses you had no understanding with him that he should get any pay or anything of the sort.

Mr. WIEHE. That was in his home town, and he knew all these people, and I did not; and he simply got them together for me and got their names. I do not think he spent much time at it.

Senator JONES. Did that lead him to do all this work for you without any expectation of pay—simply because he lived there?

Mr. WIEHE. No; I would not think so. He gets a good deal of business from us, and it is natural that he would—

Senator JONES. What does his business with you amount to?

Mr. WIEHE. At Virginia, I suppose they carry a million and a half or two million dollars' worth of insurance.

Senator JONES. What would that amount to in commissions to him?

Mr. WIEHE. I suppose they get about 10 per cent. That business probably would amount to \$4,000.

Senator JONES. \$4,000 a year?

Mr. WIEHE. I think so.

Senator JONES. When you arranged to take your insurance through him, did you have an understanding with him that if you wanted him to look up various matters for you, he would do it without expense?

Mr. WIEHE. No, sir; I had no arrangement whatever with him.

Senator JONES. But you understand, do you, that if you want anything of that kind looked up, you can call on him, and he will go and do it?

Mr. WIEHE. I do not understand that. I simply asked him if he would do that for me, and he did it.

Senator JONES. And you did that without any understanding as to what you would pay him, either for his time or even for his expenses?

Mr. WIEHE. Yes, sir; I called him on the long-distance telephone.

Senator JONES. How many times have you had him look up matters of that sort for you?

Mr. WIEHE. Not very often. I think this Superior lawsuit and these affidavits are about the only times I have had him do anything for me.

Senator JONES. Do you know whether the company has had him do anything for it?

Mr. WIEHE. I think some of our managers may have had that done. I do not personally know that, except from hearsay.

Senator JONES. Do your managers call on him to look up matters without any understanding that they are going to pay him anything for the time that he spends in doing it?

Mr. WIEHE. No; I do not think so. I think they pay him for everything he does for them.

Senator JONES. But whenever your head office calls on him, you do not expect to pay him unless he sends in a bill? You have no understanding with him as to payment for his time?

Mr. WIEHE. No; I would not say that. In this particular instance I made no arrangement with him about paying him for his time, but I expect he will render me a bill for his service; and if he does, I will pay it.

Senator JONES. If he does not, you will not ask him whether he has any charge for his time or not?

Mr. WIEHE. I guess he will render a bill all right.

Senator JONES. Has he rendered a bill?

Mr. WIEHE. Not yet; no.

Senator JONES. Do you know that?

Mr. WIEHE. Well, no; I do not know that.

Senator JONES. You do not know whether he has rendered a bill or not?

Mr. WIEHE. No; I do not. I have been away from Chicago for a week or more.

Senator JONES. You do not know whether he has been paid or not?

Mr. WIEHE. I do not; no—not of my own knowledge.

Senator JONES. Will whatever bill he sends in be paid without any question?

Mr. WIEHE. I do not think so. It will have to be O. K.'d by me before it is paid.

Senator JONES. What investigation would you make of it?

Mr. WIEHE. I would figure over the time that it took for him to make this trip, and I would not expect him to hold me up.

Senator JONES. How much would you expect to pay him?

Mr. WIEHE. Oh, I should think \$5 or \$10 a day. If he rendered a bill of that kind, I would not object to it.

Senator JONES. If he rendered a bill for \$15 or \$20 a day in addition to his expenses, you would?

Mr. WIEHE. I think I would; yes. I do not think that would be reasonable.

Senator JONES. Did he render any bill for that other service that he rendered?

Mr. WIEHE. No, sir. It did not take a great deal of his time.

Senator JONES. How much of his time did it take?

Mr. WIEHE. Oh, probably two or three hours on three or four days; maybe not that long. I do not know just how much time it took. The people all lived around close to where he lived, or in that vicinity; and he simply got their names. That was a lawsuit up there in reference to a piece of property that a third party tried to hold us up on; and I think he arranged to get a dredge contractor to come over there and testify for us. He may have done that by telephone. I do not know how he did it.

Senator JONES. He made no charge for his time?

Mr. WIEHE. He made no charge; no.

Senator JONES. Did you ever ask him if you should pay him anything for it?

Mr. WIEHE. No; I did not; because I did not think that he ought to charge anything for it. I thought we gave him business enough to have him do that little service for us without rendering a bill for it.

The CHAIRMAN. What business has he besides the insurance business?

Mr. WIEHE. He has no business besides that. I think he is interested in an iron mine up there, and he has some stock in a company I am interested in.

Mr. HANEY. Mr. Hines has authorized me to say that he will furnish to this committee a statement of all the money that has been paid to Mr. Shields in any of these transactions, if the committee desires it, with the dates.

Senator KERN. There is only one transaction beside this, and Mr. Wiehe has offered to furnish the information in regard to that.

Mr. WIEHE. That is all that I know about.

Mr. HANEY. At any time that the committee or any member of it desires we will furnish that information.

Senator KENYON. Have you sent any telegram to Mr. Shields since you have been here?

Mr. WIEHE. No, sir.

Senator KENYON. Or any word of any kind?

Mr. WIEHE. No, sir.

Senator KENYON. Have you sent him any word of any kind since you saw him in Chicago?

Mr. WIEHE. No, sir.

Senator KENYON. How did he happen to come to Chicago? Was it at your instigation?

Mr. WIEHE. I think so.

Senator KENYON. Did you wire him to come?

Mr. WIEHE. I think I did.

Senator KENYON. And you only saw him a few moments in Chicago?

Mr. WIEHE. That is all.

Senator KENYON. Why did you wire him to come to Chicago?

Mr. WIEHE. I wanted to know just what kind a trip he had.

Senator KENYON. What kind of a trip where?

Mr. WIEHE. He made this trip out West.

Senator KENYON. When had he made that trip out West?

Mr. WIEHE. I do not recollect just the exact dates.

Senator KENYON. Had you not seen him since that?

Mr. WIEHE. About 10 days ago is the only time I had seen him.

Senator KENYON. You had not seen him since he took the trip West up to about 10 days ago?

Mr. WIEHE. No, sir.

Senator KENYON. You had had letters from him, however, from the West?

Mr. WIEHE. I think so; yes.

Senator KENYON. And had had affidavits from him?

Mr. WIEHE. Yes.

Senator KENYON. What further did you want to talk with him about?

Mr. WIEHE. I just wanted to talk generally with him about his trip.

Senator KENYON. Why did you not spend more time with him after you got him to Chicago?

Mr. WIEHE. We had the affidavits and we had all the information that he could give us, so far as the affidavits showed.

Senator KENYON. You had had those before you sent for him, had you not?

Mr. WIEHE. Yes.

Senator KENYON. Why did you send for him, if they gave you all the information necessary?

Mr. WIEHE. I simply desired to talk with him.

Senator KENYON. To talk with him about what?

Mr. WIEHE. About the people he had seen.

Senator KENYON. Whom did you talk with him about when you saw him in Chicago?

Mr. WIEHE. I think we talked about Frank Gotch, the wrestler, and his manager; and another man that was connected with Gotch.

Senator KENYON. You talked over Gotch and his wrestling?

Mr. WIEHE. No; I did not say that.

Senator KENYON. Did you talk about McGowan?

Mr. WIEHE. Yes.

Senator KENYON. Had he sent you affidavits from McGowan?

Mr. WIEHE. Yes.

Senator KENYON. Was there anything further you wanted from McGowan except what was contained in the affidavits?

Mr. WIEHE. No; I simply asked him if he had difficulty in finding him up there.

Senator KENYON. Did he talk with you about Price?

Mr. WIEHE. Yes.

Senator KENYON. Did you want any more information than the affidavits showed about Price?

Mr. WIEHE. No.

Senator KENYON. Did you talk with him about Cusson?

Mr. WIEHE. No.

Senator KENYON. Cusson was right there, was he not?

Mr. WIEHE. I did not have to talk with him about Cusson.

Senator KENYON. You did not talk with him about Cusson at all?

Mr. WIEHE. No.

Senator KENYON. Who else did you talk with him about?

Mr. WIEHE. That is all; just those people that made that Canadian trip.

Senator KENYON. And you sent for him to come how far to talk about those things?

Mr. WIEHE. Well, I think he was at Superior.

Senator KENYON. Did you pay his expenses to Chicago?

Mr. WIEHE. I have not yet; no, sir.

Senator KENYON. Did you offer to pay them?

Mr. WIEHE. No, sir.

Senator KENYON. Did he ask you to pay them?

Mr. WIEHE. Not yet; he has not.

Senator KENYON. Do you expect to pay them?

Mr. WIEHE. I do; whenever he presents his bill.

Senator KENYON. You expect him to present a bill, do you?

Mr. WIEHE. I do.

Senator KENYON. Have you a copy of the message that you sent to him asking him to come to Chicago?

Mr. WIEHE. I think so.

Senator KENYON. Have you got it with you?

Mr. WIEHE. No, sir.

Senator KENYON. Will you produce it?

Mr. WIEHE. Yes.

Senator KENYON. How long, altogether, did you talk with him at Chicago?

Mr. WIEHE. About 15 or 20 minutes.

Senator KENYON. And you talked about Gotch, and you talked about the Canadians?

Mr. WIEHE. Yes; Gotch was on the train that night.

Senator KENYON. Was that on the street or in somebody's office?

Mr. WIEHE. I may have talked with him downstairs; and partly upstairs.

Senator KENYON. I am not asking what you may have done; but what did you do?

Mr. WIEHE. I am giving the best of my recollection.

Senator KENYON. Did you talk with him downstairs on the street, or upstairs in some one's office?

Mr. WIEHE. I think I did talk to him for a minute or two down in the rotunda of the Commercial Bank Building.

Senator KENYON. And then you went upstairs with him?

Mr. WIEHE. Yes.

Senator KENYON. To whose office?

Mr. WIEHE. To the office of Herrick, Allen & Martin.

Senator KENYON. How long did you talk with him there?

Mr. WIEHE. Probably 15 or 20 minutes.

Senator KENYON. Did Cusson go up there with you?

Mr. WIEHE. Yes; I think he did.

Senator KENYON. So that you sent for this man to come from Superior to talk with him 15 or 20 minutes?

Mr. WIEHE. I did not know how long I would talk with him when he got there. I talked with him long enough to get all the information I wanted, and got through with him.

Senator KENYON. Did you get any new information from him?

Mr. WIEHE. No, sir.

Senator KENYON. None at all?

Mr. WIEHE. No new information other than what I already had.

Senator KENYON. You did not expect to get any, did you?

Mr. WIEHE. Why, no; there was not anything else I particularly wanted to get, so far as the statements of the parties was concerned.

Senator KENYON. Did he go back home after you talked with him?

Mr. WIEHE. I could not answer that. I do not know.

Senator KENYON. Did you talk with him about where he was going?

Mr. WIEHE. No, sir.

Senator KENYON. Or where he would be if you wanted to see him further?

Mr. WIEHE. No, sir.

Senator KENYON. Do you know whether he went home or not?

Mr. WIEHE. I do not.

Senator KENYON. I believe you said that now you do not know where he is?

Mr. WIEHE. I do not know where he is now; no, sir.

Senator FLETCHER. Have you had any other communication with him since then, Mr. Wiehe?

Mr. WIEHE. No, sir.

Senator KERN. Have you tried to have?

Mr. WIEHE. No, sir. I have been down here a week.

The CHAIRMAN. Do you know whether he is at his home or not?

Mr. WIEHE. I do not know; no, sir.

Mr. MARBLE. How many times did you see Mr. Shields in Chicago on this occasion?

Mr. WIEHE. I think once.

Mr. MARBLE. Where was that?

Mr. WIEHE. At the Commercial National Bank Building.

Mr. MARBLE. The First National Bank?

Mr. WIEHE. At the Commercial National Bank Building.

Mr. MARBLE. Just where were you when you saw him first?

Mr. WIEHE. Down in the rotunda of the bank.

Mr. MARBLE. In the rotunda of the bank?

Mr. WIEHE. Yes.

Mr. MARBLE. Who was with you?

Mr. WIEHE. I think Mr. Cusson was with me. I am not very sure of that. I think he was.

Mr. MARBLE. Where were you going?

Mr. WIEHE. To Herrick, Allen & Martin's office.

Mr. MARBLE. Where did you go?

Mr. WIEHE. To Herrick, Allen & Martin's office.

Mr. MARBLE. Did Mr. Shields go with you?

Mr. WIEHE. He did.

Mr. MARBLE. Did Mr. Cusson go with you?

Mr. WIEHE. I think so; yes, sir.

Mr. MARBLE. Had you made an appointment with Mr. Shields to meet you there?

Mr. WIEHE. I do not think I did. I think he ascertained in some way that I was going there at that hour, and I think he came over there.

Mr. MARBLE. He was searching for you?

Mr. WIEHE. I do not know as he was searching for me.

Mr. MARBLE. What information did you ask him for that was not contained in the affidavits he had sent to you?

Mr. WIEHE. Why, I just stated; I just wanted to talk to him generally about his trip.

Mr. MARBLE. You wanted to ask him if the trains had been on time?

Mr. WIEHE. Not particularly.

Mr. MARBLE. Or if the dining cars were well conducted?

Mr. WIEHE. Not particularly.

Mr. MARBLE. What was it that you wanted to ask him about his trip?

Mr. WIEHE. I just wanted general information in regard to his trip.

Mr. MARBLE. What sort of information?

Mr. WIEHE. Why, what difficulty he had finding these people.

Mr. MARBLE. You knew that he had found them?

Mr. WIEHE. Yes.

Mr. MARBLE. And you wanted to know how much difficulty he had had in finding them?

Mr. WIEHE. I wanted to get the general information about it.

Mr. MARBLE. What general information?

Mr. WIEHE. I have told you three times.

Mr. MARBLE. I have not heard any, Mr. Wiehe. Maybe I am remiss in listening.

Mr. WIEHE. I could not explain it to you any differently.

Mr. MARBLE. What did you ask him about that was not discussed in the affidavits?

Mr. WIEHE. Whether he had difficulty in finding McGowan, for example.

Mr. MARBLE. Yes.

Mr. WIEHE. And how he had found him.

Mr. MARBLE. And how he had found him?

Mr. WIEHE. Yes; and Mr. Price, and how he had found him.

Mr. MARBLE. What else did you ask him about his meeting with McGowan?

Mr. WIEHE. That is all.

Mr. MARBLE. Did you ask him if he had made arrangements for McGowan to come to Washington as a witness?

Mr. WIEHE. He had not made arrangements with him.

Mr. MARBLE. Did you ask him if he had?

Mr. WIEHE. No, sir; I did not. I do not think he had made any arrangements.

Mr. MARBLE. Did you ask him if he had made any arrangements for Price to come?

Mr. WIEHE. No, sir.

Mr. MARBLE. Did you ask him if it was going to be difficult to get Mr. McGowan to come from Canada?

Mr. WIEHE. I do not think I did. I think he said that McGowan would come here if we telegraphed him.

Mr. MARBLE. Then, you did think that he had made some arrangement with Mr. McGowan to come, did you not?

Mr. WIEHE. No; I did not know that he made any arrangement with him.

Mr. MARBLE. What was it that you just said?

Mr. WIEHE. I said he thought that McGowan would come here if we wanted him.

Mr. MARBLE. You thought he had discussed the subject with him, then?

Mr. WIEHE. Yes.

Mr. MARBLE. And that an arrangement could be made for him to come?

Mr. WIEHE. I do not know that he made any arrangement with him, though, to do so. I did not think at that time that we would need McGowan, because we had these affidavits.

Mr. MARBLE. Can you tell the committee, any better than you have, or any more fully, what the items of information were that you inquired for which caused you to bring Shields from Superior to Chicago?

Mr. WIEHE. No; I can not.

Mr. MARBLE. Did you ask him about any matters not discussed in the affidavits?

Mr. WIEHE. Only those matters that I spoke of.

Mr. MARBLE. Where had Mr. Shields been on those trips? He had been to Winnipeg?

Mr. WIEHE. I do not know where he had been.

Mr. MARBLE. Did he not tell you?

Mr. WIEHE. I suppose he went to Moose Jaw.

Mr. MARBLE. Never mind what you suppose, Mr. Wiehe. Did he tell you where he had been?

Mr. WIEHE. Yes.

Mr. MARBLE. Where did he tell you that he had been?

Mr. WIEHE. He told me that he had gone to Winnipeg. First, he told me that he had gone to the Canadian line, then to Winnipeg, and then to Moose Jaw, and then to Seattle. Then he came back and went to Chetopa, Kans., and then up to Humboldt, Iowa.

Mr. MARBLE. Who was he to see in Kansas?

Mr. WIEHE. Frank Gotch's manager.

Mr. MARBLE. Do you know his name?

Mr. WIEHE. I think his name is Asbell.

Mr. MARBLE. What was he to see him about?

Mr. WIEHE. The same reason—to ascertain if he heard any conversation on the car.

Mr. MARBLE. Was that manager in the smoking room on that trip?

Mr. WIEHE. No; he was not.

Mr. MARBLE. How could he have heard the conversation?

Mr. WIEHE. We wanted to know if he did hear any.

Mr. MARBLE. Were you in doubt as to whether or not the conversation was so loud that a man might have heard it if he were not in the smoking room?

Mr. WIEHE. No.

Mr. MARBLE. What was your interest in that man's manager?

Mr. WIEHE. I wanted an affidavit from all these people.

Mr. MARBLE. From everybody on the train?

Mr. WIEHE. That went beyond that——

Mr. MARBLE. You had already had affidavits from Mr. McGowan and Mr. Price?

Mr. WIEHE. Yes.

Mr. MARBLE. And from Mr. Cusson?

Mr. WIEHE. Yes.

Mr. MARBLE. And you knew what Mr. Weyerhaeuser would say?

Mr. WIEHE. Yes.

Mr. MARBLE. You knew what you would say?

Mr. WIEHE. We got his affidavit.

Mr. MARBLE. And you knew what you would say?

Mr. WIEHE. Yes.

Mr. MARBLE. And you knew what Mr. Burgess had said?

Mr. WIEHE. Yes.

Mr. MARBLE. You had located every man in the smoking room of that car, had you not?

Mr. WIEHE. Yes.

Mr. MARBLE. Then why did you go and hunt up a man who had not been in the smoking room?

Mr. WIEHE. And everybody else that was on the car.

Mr. MARBLE. Did you hunt up everybody that was on the train?

Mr. WIEHE. No.

Mr. MARBLE. Were you inquiring of these men whether or not they saw you——

Mr. WIEHE (interrupting). Including the two colored porters that were on the car.

Mr. MARBLE. Were you inquiring whether or not they had seen you in the main body of the car on that trip?

Mr. WIEHE. Did I make that inquiry?

Mr. MARBLE. Was that the inquiry that Mr. Shields was making?

Mr. WIEHE. I presume he made that inquiry.

Mr. MARBLE. Was he sent to make that inquiry?

Mr. WIEHE. I asked him to ascertain if they heard any conversation on that train such as Mr. Burgess related.

Mr. MARBLE. But were they asked if they had seen you?

Mr. WIEHE. I do not know what he asked them.

Mr. MARBLE. Was he told to ask that?

Mr. WIEHE. I told him to get all the information—any information that they had concerning the subject.

Mr. MARBLE. From everybody on the car?

Mr. WIEHE. Yes.

Senator JONES. Did you furnish him a copy of Mr. Burgess's testimony?

Mr. WIEHE. No; but I think I gave him, in substance, what Mr. Burgess testified to.

Senator JONES. You just stated it to him?

Mr. WIEHE. Yes.

Mr. MARBLE. Who did Mr. Shields go to Iowa to see?

Mr. WIEHE. Frank Gotch and Frank Gotch's wife.

Mr. MARBLE. Your interest in him was the same as your interest in his manager?

Mr. WIEHE. Yes.

Mr. MARBLE. Does that cover all the people who were in that car that night?

Mr. WIEHE. Yes.

Mr. MARBLE. Have you any memory whatever of the amount of the draft which Mr. Shields made on you?

Mr. WIEHE. No; I have not. I do not know what the amount was.

Mr. MARBLE. Was it submitted to you before it was paid?

Mr. WIEHE. I do not think so.

Mr. MARBLE. To whom was it submitted?

Mr. WIEHE. I think the draft was made on the Hines Lumber Co.

Mr. MARBLE. Who O. K'd it?

Mr. WIEHE. I do not know.

Mr. MARBLE. It was a service which you had ordered performed?

Mr. WIEHE. Yes.

Mr. MARBLE. Who else would O. K. a draft of that kind?

Mr. WIEHE. Mr. Hines knew about the trip that this man was making.

Mr. MARBLE. Did Mr. Hines suggest to you that you send Shields?

Mr. WIEHE. No; he did not; but I told him that I had sent him.

Mr. MARBLE. Did you tell him before you called on Shields?

Mr. WIEHE. No, sir.

Mr. MARBLE. Did you send Shields before you spoke to Mr. Hines?

Mr. WIEHE. Yes; I talked with Shields before I had spoken to Mr. Hines.

Mr. MARBLE. You talked with Mr. Shields about going to see the Porters before you talked to Mr. Hines?

Mr. WIEHE. Yes.

Mr. MARBLE. Then you talked to Mr. Hines before you got a report from Mr. Shields?

Mr. WIEHE. I presume that is about the way it was.

Mr. MARBLE. And then, after talking with Mr. Hines, you sent Mr. Shields to get the witnesses? Is that right?

Mr. WIEHE. I think that is about right.

Senator KERN. How did it happen that of all the men you knew in Chicago, Duluth, Virginia, and Superior, you chose an insurance agent to make this trip for you?

Mr. WIEHE. I do not know a great many men in Superior and Duluth. I do not suppose I know over five or six people there.

Senator KERN. You know a good many in Virginia, do you not?

Mr. WIEHE. Yes; but that is two or three hours from Duluth, and this is about 30 minutes.

Senator JONES. Did you tell Mr. Shields over the telephone what Mr. Burgess had testified to?

Mr. WIEHE. Yes, sir.

Senator JONES. Did you undertake to tell him practically all Mr. Burgess's testimony?

Mr. WIEHE. In substance.

Senator JONES. You did not write him afterwards more in detail?

Mr. WIEHE. No; I think he had the newspapers and read the testimony.

Senator JONES. Did you ask him whether he had or not?

Mr. WIEHE. No; I did not, but I presume he did.

Senator JONES. Did you send him any newspapers marked?

Mr. WIEHE. No, sir.

The CHAIRMAN. How soon was this after Mr. Burgess testified?

Mr. WIEHE. I do not know, but I should think—what are the dates of those affidavits?

Mr. HYNES. Various dates. The two that went in were the McGowan affidavit, I think, May 24, and the Price affidavit May 31. That is my recollection.

Senator KERN. What year?

Mr. HYNES. 1911.

Mr. WIEHE. I think it was about that time.

Mr. HYNES. I am stating it from recollection, but I think those dates are correct. They are here.

Mr. MARBLE. Did Mr. Shields send you these affidavits one by one as he secured them?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Did he send you a letter of explanation with each one?

Mr. WIEHE. I don't think he did with each one.

Mr. MARBLE. He did send you some letters of explanation?

Mr. WIEHE. I think he did.

Mr. MARBLE. Do you remember what letters he sent you while on that trip?

Mr. WIEHE. I do not remember that. I will get all the letters that he did send and send them to you here.

Mr. MARBLE. Did he send you any letters from Moose Jaw relative to this young man McGowan?

Mr. WIEHE. I would not say whether he did or not.

Mr. MARBLE. Did he send you a letter from Seattle relative to Mr. Price?

Mr. WIEHE. I think he did write me from Seattle to tell me that he was going to Iowa.

Mr. MARBLE. Did he mail you McGowan's affidavit from Moose Jaw?

Mr. WIEHE. I would not be certain as to that.

Mr. MARBLE. Or did he save that and send it from Seattle?

Mr. WIEHE. I would not be certain as to that.

Mr. MARBLE. How many affidavits did he send you from Mr. McGowan?

Mr. WIEHE. One.

Mr. MARBLE. Only one?

Mr. WIEHE. No; two.

Mr. MARBLE. I thought so.

Mr. WIEHE. An original and a duplicate.

Mr. MARBLE. An original and duplicate?

Mr. WIEHE. Well, there may have been two originals. I would not be sure of that.

Mr. MARBLE. Were they exactly alike?

Mr. WIEHE. I presume so.

Mr. MARBLE. Did you compare them?

Mr. WIEHE. No; I did not.

Mr. MARBLE. Did he send them both at the same time?

- Mr. WIEHE. I think so.
- Mr. MARBLE. How many affidavits did he send you from Mr. Price?
- Mr. WIEHE. I think two. Our idea of getting the two affidavits was to keep one and file one here.
- Mr. MARBLE. When you say "two affidavits," do you mean the original and a copy or two originals of the same affidavit?
- Mr. WIEHE. I presume they were two originals.
- Senator KERN. Did you say that was your idea in getting two affidavits, so that you could keep a copy?
- Mr. WIEHE. Yes.
- Senator KERN. Did you direct this agent to get two affidavits?
- Mr. WIEHE. Yes.
- Senator JONES. Does Mr. Shields practice law any?
- Mr. WIEHE. I do not think so; no, sir.
- Senator JONES. You do not understand that he is a lawyer?
- Mr. WIEHE. I do not think he has ever been admitted to the bar, but he has got a good deal more horse sense than half the lawyers.
- Senator JONES. That is the reason why you picked him out?
- Senator KENYON. Is that the reason he works for nothing?
- Mr. WIEHE. The lawyers that we have run up against do not work for nothing, in our experience. I do not want to cast any reflection on counsel, however.
- Mr. MARBLE. Was Mr. Shields employed by you, or by Mr. Hines, or by the lumber company in connection with any other witnesses in this investigation?
- Mr. WIEHE. No, sir.
- Mr. MARBLE. Did he go to Marquette, Mich., for you?
- Mr. WIEHE. Yes; he did go to Marquette, Mich.
- Mr. MARBLE. Then he was employed in connection with other witnesses?
- Mr. WIEHE. He was not employed. I think he went up there with a reporter of the Inter-Ocean.
- Mr. MARBLE. Who secured him to go with that reporter of the Inter-Ocean?
- Mr. WIEHE. I do not know. Maybe Mr. Hines did. I did not.
- Mr. MARBLE. You did not?
- Mr. WIEHE. No, sir.
- Mr. MARBLE. Did he render any bill for that, do you know?
- Mr. WIEHE. I do not know.
- Mr. MARBLE. Did Mr. Hines tell you anything about that transaction?
- Mr. WIEHE. About the going there?
- Mr. MARBLE. Yes.
- Mr. WIEHE. Yes.
- Mr. MARBLE. What did he tell you?
- Mr. WIEHE. He told me that he went up there and found that Coan's statement was an absolute lie.
- Mr. MARBLE. Who told you that; Mr. Hines or Mr. Shields?
- Mr. WIEHE. Mr. Hines.
- Mr. MARBLE. Mr. Hines told you that?
- Mr. WIEHE. Yes; and the Inter-Ocean reporter that went up there told me that, too.
- Mr. MARBLE. Did Mr. Hines tell you that he had sent Mr. Shields there?
- Mr. WIEHE. Yes, sir.

Mr. MARBLE. Did he tell you that he was to be compensated?

Mr. WIEHE. We did not discuss that.

Mr. MARBLE. Did Mr. Shields send in an expense account for that trip?

Mr. WIEHE. He did not to me; no. He had that transaction with Mr. Hines, and he can answer that.

Mr. MARBLE. Did you talk with Mr. Shields about that at any time?

Mr. WIEHE. I think I did.

Mr. MARBLE. When?

Mr. WIEHE. Sometime right about the time that he came back from there.

Mr. MARBLE. Did he come down to Chicago and report the results of that trip?

Mr. WIEHE. I would not be sure of that. I think when he got back I went with him to the Inter-Ocean office, and saw the reporter that went up there.

Mr. MARBLE. Mr. Shields is not an employee of the Inter-Ocean, is he?

Mr. WIEHE. No, sir.

Mr. MARBLE. Does he run a detective agency there?

Mr. WIEHE. Not that I know of.

Mr. MARBLE. Did he go anywhere else?

Mr. WIEHE. That is all I know of. I had forgotten about that Marquette incident.

Mr. MARBLE. Did he go over to Buffalo?

Mr. WIEHE. I do not know. Not that I know of.

Mr. MARBLE. Or to Tonawanda?

Mr. WIEHE. Not that I know of.

Mr. MARBLE. You have not heard of his going there?

Mr. WIEHE. No, sir.

Mr. MARBLE. What is the relationship between you, or Mr. Hines, or the Hines Lumber Co., and Mr. Shields, which led you to call upon him for this sort of work? Is there an old friendship there?

Mr. WIEHE. Yes; I have known him for quite a while.

Mr. MARBLE. Are these services based upon personal friendship?

Mr. WIEHE. Not exactly; partly friendship and partly the business we give him, I suppose.

Mr. MARBLE. Do you pay anything extra on your insurance premium because of the services which you get?

Mr. WIEHE. No, sir.

Mr. MARBLE. Do you get your insurance as cheaply as you can?

Mr. WIEHE. I presume we do. We get everything we buy as cheaply as we can.

Mr. MARBLE. The compensation for these services is not to be found in the payments for insurance, is it?

Mr. WIEHE. No, sir.

Mr. MARBLE. There you pay for your insurance?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. You do not pay Mr. Shields anything there, do you? You pay the company, and the company pays him?

Mr. WIEHE. We pay the premiums that he renders bills for.

Mr. MARBLE. But those are the premiums that the company charges for insurance?

Mr. WIEHE. Yes.

Mr. MARBLE. And you do not know about his dealings with the company, I presume? You are not acquainted with Mr. Shields's relations to the insurance company and the compensation he gets from them?

Mr. WIEHE. No; I do not know what he gets.

Mr. MARBLE. What companies do you insure in which are represented by Mr. Shields?

Mr. WIEHE. I could not tell you.

Mr. MARBLE. A number?

Mr. WIEHE. A lot of them.

Senator KENYON. How much insurance do you say you carry with Mr. Shields?

Mr. WIEHE. I do not know exactly how much we carry.

Senator KENYON. Somewhere near it?

Mr. WIEHE. A couple of million dollars' worth in Virginia, probably \$600,000 or \$800,000 worth at Hayward, probably \$1,000,000 worth at Iron River, and about \$1,000,000 at Mason.

Senator KENYON. That is all carried with Mr. Shields?

Mr. WIEHE. It is not all carried with him; but he gets the bulk of it.

Senator KENYON. How much of it does he get?

Mr. WIEHE. I do not know. I could not tell you that without an examination of the books or the insurance that he writes.

Senator KENYON. What properties does this \$2,000,000 that you speak of cover?

Mr. WIEHE. It cover the sawmill and lumber and other properties of the Virginia & Rainy Lake Co.; the sawmills, lumber, and other property of the North Wisconsin Lumber & Manufacturing Co.; the sawmill and other lumber and personal property of the White River Lumber Co., and the sawmill, lumber, and other personal property of the Iron River Lumber Co.

Senator KENYON. Are those companies contiguous to each other in their operations?

Mr. WIEHE. They are close together, possibly 50 or 60 miles apart, except the Virginia & Rainy Lake Co. That is farther north.

Senator KENYON. Can you give us the amount of policies carried on those companies?

Mr. WIEHE. No; I could not.

Senator KENYON. Is the \$2,000,000 correct?

Mr. WIEHE. I am just giving that approximately. I do not know how much of that he gets without examination.

Senator KENYON. Can you tell us whether he has half of it or not?

Mr. WIEHE. I could not tell; no, sir.

Senator KENYON. Were you not trying to give this committee the impression that he carries it all?

Mr. WIEHE. I did not so state.

Senator KENYON. You did not?

Mr. WIEHE. I did not.

Senator KENYON. Can you state any proportion of that that you know is carried by Mr. Shields?

Mr. WIEHE. No; but I think he gets over 60 per cent of that Virginia & Rainy Lake.

Senator KENYON. Over 60 per cent of that?

Mr. WIEHE. I think so.

Senator KENYON. Pass, then, to Hayward—to the \$600,000. How much of that does he get?

Mr. WIEHE. Practically all of it.

Senator KENYON. What do you mean by that—20 per cent or 80 per cent?

Mr. WIEHE. I should say practically all of it.

Senator KENYON. Practically all of it. The \$1,000,000 at Iron River, how much of that does he get?

Mr. WIEHE. I should think practically all of that.

Mr. HANEY. I suggest, Senator Kenyon, that the witness said about \$800,000 at Hayward. You may have misunderstood him. You said \$600,000.

Senator KENYON. I understood you \$600,000. Did you say \$800,000 or \$600,000?

Mr. WIEHE. I think about \$800,000.

Senator KENYON. And the \$1,000,000 at Mason. Does he carry all that?

Mr. WIEHE. Not all of it, no; but practically so.

Senator KENYON. What do you mean by that? Is that 80 per cent or 90?

Mr. WIEHE. I could not tell you accurately. I would not want to state accurately.

Senator KENYON. Who else carries any of that insurance at Mason?

Mr. WIEHE. I do not think anybody else, excepting a few mutual companies, that I asked them to write direct from Chicago.

Senator KENYON. Is this all the Edward Hines Lumber Co.'s property?

Mr. WIEHE. That is all we have at the present time. We formerly had a plant at Washburn, a plant at Ashland, and a plant at Superior. We got started with him through the plant at Superior, I think.

Senator KENYON. You say his proportion of the premiums amounts to about \$4,000 a year?

Mr. WIEHE. I think it amounts to more than that, on all of that insurance.

Senator KENYON. How much?

Mr. WIEHE. I could not tell you accurately. I do not know that.

Senator KENYON. Do you mean his commissions?

Mr. WIEHE. Yes. I could not tell you without seeing the bills for the premiums. I could not answer.

Senator KENYON. He gets a proportion of the premiums?

Mr. WIEHE. I presume he gets 10 per cent commission. That is what most of the agents get on that class of property.

Senator KENYON. When you write this insurance with him, do you make any arrangement with him that you have the right to call upon him for any particular kind of work?

Mr. WIEHE. No, sir.

Senator KENYON. Looking up witnesses, or anything of that kind?

Mr. WIEHE. No; we have no arrangement with him whatever.

Senator KENYON. Have you ever honored any drafts drawn by him in the past upon the Edward Hines Lumber Co.?

Mr. WIEHE. We may have done so; yes, sir.

Senator KENYON. Do you know whether you have or not?

Mr. WIEHE. I do not, on my own recollection, just now.

Senator KENYON. If he wants to draw on the Edward Hines Lumber Co. for money you honor the drafts, do you not?

Mr. WIEHE. I would not think so.

Senator KENYON. You honored this one?

Mr. WIEHE. I presume we did; yes, sir.

Senator KENYON. Do you not know anything about that draft?

Mr. WIEHE. I do not, personally; no.

Senator KENYON. Who would know about it?

Mr. WIEHE. Mr. Hines.

Senator KENYON. Mr. Hines himself?

Mr. WIEHE. Yes.

Senator KENYON. Was there not an intimate and a close relationship between Mr. Shields and the Edward Hines interests?

Mr. WIEHE. What do you mean by that? He was our insurance agent up there.

Senator KENYON. Is that all?

Mr. WIEHE. If that is what you mean by close and intimate relationship.

Senator KENYON. That is the only relationship he had to you, was it?

Mr. WIEHE. And he was friendly with us; yes.

Senator KENYON. You could call on him to go across the country without any arrangement to pay him?

Mr. WIEHE. No; I should not say we could.

Senator KENYON. Did you not do that?

Mr. WIEHE. No; I do not think so; not generally.

Senator KENYON. Did you arrange, then, to pay him before he went to Seattle?

Mr. WIEHE. You did not say anything about that. You said could I "call on him to go across the country without any pay?"

Senator KENYON. Yes.

Mr. WIEHE. I say to that question, no.

Senator KENYON. That you could not?

Mr. WIEHE. That he would have a right to refuse, if he desired to.

Senator KENYON. He would have a right, but you felt that you could call on him, and that he would do it?

Mr. WIEHE. He is not under obligation to go anywhere or do anything for us.

Senator KENYON. You did call on him.

Mr. WIEHE. He is not under obligation to go anywhere or do anything for us unless he desires to do so.

Senator KENYON. You did call on him to go to Seattle for you, though?

Mr. WIEHE. I did not call on him to go to Seattle at all.

Senator KENYON. Will you please wait now until I finish my question? You did call on him to go to Seattle for you, or the Edward Hines Lumber Co., without arranging to pay him a cent except his expenses.

Mr. WIEHE. I did not call on him to go to Seattle.

Senator KENYON. Who did?

Mr. WIEHE. Nobody.

Senator KENYON. He went voluntarily, did he, without your request?

Mr. WIEHE. I told him to go up and ascertain where the people lived that were on that sleeping car, and he went to those places. Now, if that was telling him to go there, I told him to go there. I did not specifically tell him to go to Seattle.

Senator KENYON. Suppose they had lived at Toronto, did you expect him to go there?

Mr. WIEHE. He probably would have gone.

Senator KENYON. You expected him to go, did you not?

Mr. WIEHE. I would; yes.

Senator KENYON. If they lived in California, you expected him to go there?

Mr. WIEHE. He probably would go and get that information.

Senator KENYON. Did you tell him you would pay him for this?

Mr. WIEHE. I did not; no, sir.

Senator KENYON. Then you did have such a relationship with him that you could ask him to go across the country or anywhere else, without agreeing to pay him a cent, did you not?

Mr. WIEHE. We had no relationship with him in that regard.

Senator KENYON. He went, did he not?

Mr. WIEHE. We had no arrangement with him in that regard.

Senator KENYON. He went, did he not, at your request?

Mr. WIEHE. He certainly did.

Senator KENYON. Who told you about the drafts that he had drawn on the Edward Hines Lumber Co.?

Mr. WIEHE. I think Mr. Hines mentioned it to me.

Senator KENYON. He is the person who mentioned it to you?

Mr. WIEHE. Yes.

Senator KENYON. Did you explain then to Mr. Hines what it was for?

Mr. WIEHE. He knew what it was for, because I had talked with him before about it; about his making this trip.

Senator KENYON. Have you never known of Mr. Shields being in the Legislature of Wisconsin; in senatorial fights there?

Mr. WIEHE. I think he was there.

Senator KENYON. He was there?

Mr. WIEHE. Yes.

Senator KENYON. Do you know in whose interest he was there?

Mr. WIEHE. I presume he was there in the interest of Senator Stephenson.

Senator KENYON. Senator Stephenson?

Mr. WIEHE. I presume so.

Senator KENYON. Do you know whether he was there at the instance of Mr. Hines?

Mr. WIEHE. I do not think he was; no, sir.

Senator KENYON. What makes you think he was there for Senator Stephenson?

Mr. WIEHE. Well, I do not know why I think that, but I presume——

Senator KENYON. You were intimate enough with him to know why he was there, were you not?

Mr. WIEHE. No; I do not know that I knew why he was there, excepting that he was there.

Senator KENYON. You knew that he was against Senator La Follette, did you not?

Mr. WIEHE. I do not know that; no, sir.

Senator KENYON. Was he not active in the campaigns against Senator La Follette?

Mr. WIEHE. I do not know.

Senator JONES. Why do you presume he was for Senator Stephenson?

Mr. WIEHE. He was very active, I think, in the primaries for Mr. Stephenson.

Senator JONES. Do you know that he was?

Mr. WIEHE. I do not know of my own knowledge, no; but I learned that while I was up at Superior one time.

Mr. MARBLE. Where did you go after you left the law office where you had been with Mr. Shields?

Mr. WIEHE. I do not know exactly where I did go. I presume I got my lunch and then went back to the yard. That is what I generally do when I get through with my business.

Mr. MARBLE. Did Mr. Shields go to lunch with you?

Mr. WIEHE. He did not.

Mr. MARBLE. Where did Mr. Shields go; do you know?

Mr. WIEHE. I do not know; no, sir.

Mr. MARBLE. Did Mr. Shields complain about the additional loss of time because he had been brought down from Superior after all this long trip?

Mr. WIEHE. I do not think he did; no. He talked generally about the loss of time and the trip he had.

Mr. MARBLE. Where did you part with Mr. Shields on that day?

Mr. WIEHE. I think I parted with him in the law office. That is my recollection.

Mr. MARBLE. Did you go away and leave him in the law office?

Mr. WIEHE. I went in to consult, I think, with Mr. W. J. Hynes, and when I came out he was gone, after I had got through talking with him.

Mr. MARBLE. Then Mr. Shields went away first?

Mr. WIEHE. I think he did; yes.

Mr. MARBLE. Did Mr. Cusson go in to see Judge Hynes with you?

Mr. WIEHE. I do not recollect whether he did or not. I do not recollect that.

Senator KERN. That was not very long ago, was it?

Mr. WIEHE. No; not very long ago. I do not recollect whether he went in or not. He may have gone in there, but I would not recollect it definitely.

Senator KERN. If he went in, you do not know whether he went in before you or after you?

Mr. WIEHE. If he went in, he went in with me or after me. I think, probably, because I talked with Mr. Shields for 15 or 20 minutes, and he may have waited there, or he may have gone in ahead of me.

Senator KERN. I say, you do not know whether he went in before you, or after you, or with you?

Mr. WIEHE. I do not know definitely; no, sir.

Mr. MARBLE. How long did you talk with Mr. Shields down in the rotunda?

Mr. WIEHE. A few minutes.

Mr. MARBLE. About how many?

Mr. WIEHE. Oh, I do not know. I could not measure the time exactly. I talked with him a few minutes.

Mr. MARBLE. Ten minutes?

Mr. WIEHE. I would not think so; no.

Mr. MARBLE. Five minutes?

Mr. WIEHE. I would not think so; no—two or three minutes.

Mr. MARBLE. Two or three minutes?

Mr. WIEHE. Yes.

Mr. MARBLE. Any longer than long enough to say, "Now we will go upstairs"?

Mr. WIEHE. Not much more than that.

Mr. MARBLE. Then you all went upstairs to the law office?

Mr. WIEHE. Yes.

Mr. MARBLE. You and Mr. Shields and Mr. Cusson?

Mr. WIEHE. Yes.

Mr. MARBLE. Will you tell us again just what it was that Mr. Hines said into the telephone on that day in the Grand Pacific Hotel, when you were in Mr. Cook's room—the day of the election of Senator Lorimer?

Mr. WIEHE. He said, "I have just talked to the governor. He will do"——

Mr. MARBLE. What did he say first? Can you give the words precisely? Can you recall them?

Mr. WIEHE. I would not attempt to do that.

Mr. MARBLE. Just as near as you can.

Mr. WIEHE. I would not attempt to give you the precise words.

Mr. MARBLE. It goes without saying that he said, "Hello."

Mr. WIEHE. I presume he did.

Mr. MARBLE. Now, give us his words as nearly as you can.

Mr. WIEHE. I would not attempt to give you the exact words.

Mr. MARBLE. All right.

Mr. WIEHE. I am giving you now what my recollection is of that conversation.

Mr. MARBLE. That is right.

Mr. WIEHE. He may have added a word or two, more or less.

Mr. MARBLE. That goes without saying, of course.

Mr. WIEHE. He said, "I have just talked to the governor, and he will do what you desire him to do. You know how the administration feels about your being elected. Leave no stone unturned to be elected, and if necessary I will"—he offered to go down—"either to-night or in the morning."

Mr. MARBLE. Did he say why he was coming down there?

Mr. WIEHE. That is all he said.

Mr. MARBLE. Did he say anything about what he could do if he came down?

Mr. WIEHE. That was all of the conversation.

Mr. MARBLE. Did you hear any further reply? Did you hear him say, "All right, I will come," or "All right, I would come," or anything of that sort?

Mr. WIEHE. I do not think he said that. I think I have given you the substance of the conversation.

Mr. MARBLE. Of what was said?

Mr. WIEHE. As near as I can recollect it.

Mr. MARBLE. Then, what was the next thing that Mr. Hines said?

Mr. WIEHE. My recollection is he turned around and said he had just been talking to Mr. Lorimer, the senatorial candidate.

Mr. MARBLE. He said that to all of the people present?

Mr. WIEHE. Yes.

Mr. MARBLE. Did anyone offer any observation?

Mr. WIEHE. I do not think anything was said about it. I do not believe any remarks were made about it.

Mr. MARBLE. What time of the morning do you say that that was?

Mr. WIEHE. I should think that was about half past 11. It may have been later than that. That is my recollection.

Mr. MARBLE. Do you remember how long you had been in the room before telephoning?

Mr. WIEHE. I just came in there a little while before that, probably 10 minutes.

Mr. MARBLE. You had been there 10 minutes?

Mr. WIEHE. I should think so; yes.

Mr. MARBLE. Longer than that?

Mr. WIEHE. Well, I do not think so.

Mr. MARBLE. Had you discussed the matter about the rails in between the time you came there and the time of the telephoning, if you recall?

Mr. WIEHE. No, sir. I think that was discussed after the telephoning. I think they had discussed this situation, and then rediscussed it.

Mr. MARBLE. It is your impression they had quite a discussion before you arrived there?

Mr. WIEHE. I imagine so; yes, sir.

Mr. MARBLE. It seemed so. That was the impression that you got?

Mr. WIEHE. That was our usual experience with Cook and O'Brien.

Mr. MARBLE. But you had the impression when you came that there had been quite a discussion before you arrived?

Mr. WIEHE. I had no impression about it, but that is——

Mr. MARBLE. Did they tell you what they had been talking about?

Mr. WIEHE. No, sir; but I presume they did do that.

Mr. MARBLE. They did not tell you how long they had been there?

Mr. WIEHE. No, sir.

Mr. MARBLE. You are sure of that?

Mr. WIEHE. Yes.

Mr. MARBLE. Did you all part friendly on that day?

Mr. WIEHE. Apparently so.

Mr. MARBLE. Do you consider that you were on friendly terms with Cook and O'Brien on that day?

Mr. WIEHE. Why, I think so; yes. I have no reason to believe otherwise.

Mr. MARBLE. And you took it as an ordinary business consultation between business friends?

Mr. WIEHE. Between business partners.

Mr. MARBLE. And partners who were getting along together?

Mr. WIEHE. Yes.

Mr. MARBLE. Did you and Mr. Hines and Mr. Baker go away, and leave Cook and O'Brien in the room?

Mr. WIEHE. I think we did; yes.

Mr. MARBLE. Or did you all go downstairs together?

Mr. WIEHE. Well, I would not be positive of that, but we left there, Mr. Baker and Mr. Hines and myself left there together.

Mr. MARBLE. Left the hotel together?

Mr. WIEHE. Yes.

Mr. MARBLE. Where did you go?

Mr. WIEHE. Mr. Hines and I went to the Union League Club.

Mr. MARBLE. Where did you leave Mr. Baker?

Mr. WIEHE. Well, we left him there, right there, or at the corner of the street, I do not know exactly where.

Mr. MARBLE. He did not go to the club with you?

Mr. WIEHE. He did not; no, sir.

Mr. MARBLE. Do you know what time you arrived at the club?

Mr. WIEHE. My recollection is, about 1 o'clock.

Mr. MARBLE. You went immediately and had your lunch?

Mr. WIEHE. We went upstairs. I think we went into the wash room first and from there we went upstairs to luncheon.

Mr. MARBLE. Did Mr. Hines discuss the senatorial election with you on the way over to the club?

Mr. WIEHE. I do not know that he did.

Mr. MARBLE. Did he say anything about having met Senator Aldrich?

Mr. WIEHE. It was a matter that was discussed in the newspapers quite a good deal.

Mr. MARBLE. In the newspapers you were reading as you walked over to the club?

Mr. WIEHE. No, sir.

Mr. MARBLE. On that walk over to the club, did you discuss the Senatorship?

Mr. WIEHE. I do not think so.

Mr. MARBLE. You do not recollect?

Mr. WIEHE. I do not recollect it.

Mr. MARBLE. Do you remember discussing it at lunch?

Mr. WIEHE. Yes; I think we discussed it—I think we wanted to know what the outcome of it was.

Mr. MARBLE. You were speculating as to the outcome?

Mr. WIEHE. Yes; talked of that.

Mr. MARBLE. Did you discuss the forces that were at work on that matter?

Mr. WIEHE. No; I do not think so.

Mr. MARBLE. Was Senator Aldrich discussed?

Mr. WIEHE. I do not think so; no, sir.

Mr. MARBLE. Did Mr. Hines tell you of anything he was doing?

Mr. WIEHE. No; I do not think he was doing anything. I think he had done all that——

Mr. MARBLE. Did he tell you what he had been doing?

Mr. WIEHE. Yes.

Mr. MARBLE. What did he tell you?

Mr. WIEHE. He told me he had called up the governor from the bank and had talked with the governor there, and had asked the governor to see the Senator, or to see Mr. Lorimer, rather, for he was not a Senator then, and that the governor promised that he would do that.

Mr. MARBLE. Did he tell you what he had said to the governor from the bank?

Mr. WIEHE. I would not attempt to say that. That is just the substance of what he said.

Mr. MARBLE. Did he tell you what the governor had told him?

Mr. WIEHE. Yes; he said the governor promised to see the Senator immediately.

Mr. MARBLE. Did he say the governor had promised to support the Senator?

Mr. WIEHE. Yes.

Mr. MARBLE. Did you read the Chicago papers that night?

Mr. WIEHE. I presume so. I read them every night.

Mr. MARBLE. Did you read the Chicago papers the next morning?

Mr. WIEHE. I did; yes.

Mr. MARBLE. Did you read an account of the election at Springfield?

Mr. WIEHE. I presume I did; yes, sir.

Mr. MARBLE. Did you discover on reading the paper that the governor had not supported Senator Lorimer?

Mr. WIEHE. No; I do not recall that now.

Mr. MARBLE. Did that escape you, if it was in the papers?

Mr. WIEHE. It might have; yes, sir.

Mr. MARBLE. Well, did it?

Mr. WIEHE. Well, I do not recall the particular incident.

Mr. MARBLE. When did it first come to your attention that the governor had not supported Senator Lorimer?

Mr. WIEHE. Well, I do not know just when that came to my attention. I heard it sometime, that the governor had called in certain senators and asked them to support Senator Lorimer and then later had called them in and did not want them to support him; but just where I heard that or when I could not say.

Mr. MARBLE. Didn't you read in the morning papers the next morning that the governor had done his best on the day of the election to prevent the election of Senator Lorimer?

Mr. WIEHE. I do not recollect reading that.

Mr. MARBLE. Then after you had your luncheon at the club you say you went down to the lounging room?

Mr. WIEHE. Yes.

Mr. MARBLE. How long did you stay there?

Mr. WIEHE. Oh, I do not know just how long we stayed there. We went down there and read the newspapers a little while, and then Mr. Hines went to the telephone, and I went with him.

Mr. MARBLE. Do you remember meeting anyone down there in the lounging room?

Mr. WIEHE. There were a number of people there; yes, sir.

Mr. MARBLE. Do you remember discussing the Senatorship with any of them?

Mr. WIEHE. I do not think I did; no, sir.

Mr. MARBLE. Do you remember whom you met?

Mr. WIEHE. No; I do not distinctly.

Mr. MARBLE. You do not recall?

Mr. WIEHE. I think I know some people who were there, but I don't know as I met them and talked with them.

Mr. MARBLE. Whom do you recall as being there?

Mr. WIEHE. Well, I think I saw Barney Eckart there for one man.

Mr. MARBLE. That is Mr. B. A. Eckert?

Mr. WIEHE. B. A. Eckert; yes. I think I saw him in the club.

Mr. MARBLE. Who else?

Mr. WIEHE. Oh, I would not attempt to state what people I saw there; but I think he was there.

Mr. MARBLE. When Mr. Hines went to the telephone were you at his side while he telephoned?

Mr. WIEHE. I was just outside of the booth.

Mr. MARBLE. Was the door open?

Mr. WIEHE. I think not.

Mr. MARBLE. Did you hear what he was saying?

Mr. WIEHE. I did not.

Mr. MARBLE. You waited outside until he came out and reported to you?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. You are quite sure you went with him?

Mr. WIEHE. Very sure.

Mr. MARBLE. Why did you go with him if you could not hear what he was saying?

Mr. WIEHE. Well, he went to the booth, and I went with him. I do not know why I went with him, but I just went with him.

Mr. MARBLE. How long was he in that telephone booth the first time?

Mr. WIEHE. Oh, I do not think over a minute or two.

Mr. MARBLE. They must have very good telephone service in Chicago.

Mr. WIEHE. Well, we have pretty good service there. I think our telephone company aims to give us the best service that can be had.

Mr. MARBLE. You think he called up and got the party he was calling for and had his talk and came out in a minute or two?

Mr. WIEHE. It may have been three minutes.

Mr. MARBLE. What did he tell you when he came out of the booth the first time?

Mr. WIEHE. I think he said he was unable to get the party he was trying to get.

Mr. MARBLE. Unable to get what party?

Mr. WIEHE. The Associated Press.

Mr. MARBLE. Did he tell you he was unable to get the Associated Press?

Mr. WIEHE. I think so.

Mr. MARBLE. That is your memory?

Mr. WIEHE. Yes; that is my memory about it.

Mr. MARBLE. Did he tell you he tried to call anyone else?

Mr. WIEHE. No, sir.

Mr. MARBLE. Did he tell you why he was trying to get the Associated Press?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. He told you he wanted news of the election?

Mr. WIEHE. Yes.

Mr. MARBLE. Is that it?

Mr. WIEHE. That is what we were interested in at the time.

Mr. MARBLE. How long was it before he went back to the telephone booth the second time?

Mr. WIEHE. Oh, I should think five minutes.

Mr. MARBLE. Did you spend that time out in the lounging room?

Mr. WIEHE. Yes.

Mr. MARBLE. You went with him the second time?

Mr. WIEHE. Yes.

Mr. MARBLE. How long was he in the telephone booth that time?

Mr. WIEHE. Oh, he may have been there two or three or four minutes.

Mr. MARBLE. A short time?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Could you hear what was said on that occasion?

Mr. WIEHE. No, sir.

Mr. MARBLE. When he came out what did he say?

Mr. WIEHE. He said he had just talked with the Associated Press, and that Mr. Lorimer had been elected Senator.

Mr. MARBLE. What was his manner as he told you that?

Mr. WIEHE. He seemed pretty well pleased about it.

Mr. MARBLE. More pleased than he ordinarily is over small matters?

Mr. WIEHE. Yes; I should think so; yes, sir.

Mr. MARBLE. It seemed an important matter and one which pleased him very much?

Mr. WIEHE. I was very much pleased myself; a good deal more than I have been on a good many matters.

Mr. MARBLE. Then where do you say you went? Were you walking along as he told you about this?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Which way were you walking?

Mr. WIEHE. We were walking toward the north.

Mr. MARBLE. Toward the Jackson Street entrance?

Mr. WIEHE. The Jackson Street entrance of the club.

Mr. MARBLE. Just where did you say you met Mr. Hettler?

Mr. WIEHE. About the middle of the cigar stand in the passageway, going out.

Mr. MARBLE. How far from the cigar stand?

Mr. WIEHE. Oh, I should think 3 or 4 feet. It was about the middle of the cigar stand. I do not know exactly how wide that space is there, between the cigar stand and the little shelf on the opposite side.

Mr. MARBLE. You are quite sure you did not get back to the washstand and let Mr. Hines walk out in that direction alone?

Mr. WIEHE. Yes; I am very positive.

Mr. MARBLE. You are very clear in your memory on that?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. That you were with him?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Did Mr. Hettler say anything to you?

Mr. WIEHE. He did not.

Mr. MARBLE. Are you unfriendly with Mr. Hettler?

Mr. WIEHE. Well, I am not very friendly to him; no, sir.

Mr. MARBLE. Were you on speaking terms at that time?

Mr. WIEHE. Oh, yes; we have always been on speaking terms.

Mr. MARBLE. He did not speak to you?

Mr. WIEHE. He may have said, "How do you do?" to me, but I had no conversation with him.

Mr. MARBLE. He did not ask you why you were looking pleased?

Mr. WIEHE. No, sir.

Mr. MARBLE. He did ask Mr. Hines why he was looking pleased?

Mr. WIEHE. Yes.

Mr. MARBLE. Did you say anything to the cigar boy at the time?

Mr. WIEHE. No; I had no occasion to talk to the cigar boy.

Mr. MARBLE. Did Mr. Hines?

Mr. WIEHE. No, sir.

Mr. MARBLE. Did Mr. Hettler while you were there?

Mr. WIEHE. No, sir.

Mr. MARBLE. How long do you say you stood there talking to Mr. Hettler?

Mr. WIEHE. It was not over two or three minutes, just long enough to have this little chat, and then we went on.

Mr. MARBLE. And then where did you go?

Mr. WIEHE. I went back to the lumberyard.

Mr. MARBLE. Where did you and Mr. Hines go as you left Mr. Hettler?

Mr. WIEHE. We went out of the club. I walked east, and he walked with me to Dearborn Street, and I got a car there, and he went on somewhere else. I do not know where he went.

Mr. MARBLE. He did not tell you?

Mr. WIEHE. No, sir.

Mr. MARBLE. Did you see him again that afternoon?

Mr. WIEHE. I do not think I did.

Mr. MARBLE. Did you communicate with him again that afternoon?

Mr. WIEHE. I do not know; I may have. He generally calls up on the telephone a number of times during the day when he is away from the office, and I presume I talked to him.

Mr. MARBLE. You walked east to Dearborn Street?

Mr. WIEHE. Yes.

Mr. MARBLE. Which direction would the car be going that you would take?

Mr. WIEHE. The car would be going north.

Mr. MARBLE. And then you left him on the north side of Dearborn Street?

Mr. WIEHE. No; I left him on the south side of Dearborn Street.

Mr. MARBLE. You do not know where he went from there?

Mr. WIEHE. No, sir.

Mr. MARBLE. Did you see him after you got on the car?

Mr. WIEHE. No, sir.

Mr. MARBLE. Or the way he was going at all?

Mr. WIEHE. No.

Senator JONES. As I understood you, you stood right alongside of Mr. Hines while this conversation occurred with Mr. Hettler?

Mr. WIEHE. I was right by his side.

Senator JONES. All the time?

Mr. WIEHE. Yes.

Mr. MARBLE. Mr. Chairman, I would suggest that we adjourn at this time, as it is 25 minutes after 5.

The CHAIRMAN. Very well.

(Whereupon, at 5 o'clock and 25 minutes p. m., the committee adjourned until to-morrow, Friday, July 21, 1911, at 10 o'clock a. m.)

FRIDAY, JULY 21, 1911.

SENATE OFFICE BUILDING,
WASHINGTON, D. C.

The committee met at 10 o'clock a. m.

Present: Senators Dillingham (chairman), Jones, Kenyon, Johnston, Fletcher, and Kern.

Present, also: Mr. John H. Marble, Mr. John G. Healy, Mr. William J. Hynes, Mr. Elbridge Haney, and Mr. Edgar Farrar.

Mr. MARBLE. Shall I proceed, Mr. Chairman?

The CHAIRMAN. Yes.

TESTIMONY OF C. F. WIEHE—Resumed.

Mr. MARBLE. Mr. Wiehe, you are a very busy man in Chicago?

Mr. WIEHE. I should think so; yes.

Mr. MARBLE. Large affairs are intrusted to your direction?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. About what is the total business per month over which you have supervision?

Mr. WIEHE. Oh, I do not know. We handle about 100,000,000 feet of lumber a year. I should think that involves two or three million dollars, perhaps more than that.

Mr. MARBLE. That means that you pay out perhaps more than \$2,000,000, and receive something in excess of that amount?

Mr. WIEHE. I should think so; yes, sir.

Mr. MARBLE. So that if you were to add your disbursements to your collections you handle from four to six million dollars' worth of lumber a year?

Mr. WIEHE. I should think so; yes.

Mr. MARBLE. And the transactions are many of them large?

Mr. WIEHE. Yes.

Mr. MARBLE. And the competition is somewhat close, so that it requires careful attention on your part?

Mr. WIEHE. I should think so; yes.

Mr. MARBLE. You have assistants, of course, to whom you commit unimportant matters?

Mr. WIEHE. Yes.

Mr. MARBLE. Matters that you would like to attend to yourself, if you had the time?

Mr. WIEHE. Yes.

Mr. MARBLE. Every man has that experience, and it is yours?

Mr. WIEHE. When our business was smaller I did attend to them myself, personally.

Mr. MARBLE. And it is with something of reluctance that you see matters slipping out of your hands because you have not the time to attend to them, and have to intrust them to others?

Mr. WIEHE. Yes.

Mr. MARBLE. How long has that been so?

Mr. WIEHE. I should think the last four or five years.

Mr. MARBLE. It was so in 1908?

Mr. WIEHE. Yes.

Mr. MARBLE. And 1909?

Mr. WIEHE. Yes.

Mr. MARBLE. And 1910?

Mr. WIEHE. Yes.

Mr. MARBLE. On the occasion of this call by you that night at the Grand Pacific Hotel, to see Mr. Cook and Mr. O'Brien, can you recall substantially the words used by Mr. Hines in talking to you?

Mr. WIEHE. I can give you the gist of it.

Mr. MARBLE. As nearly as you can.

Mr. WIEHE. Yes. He told me to go down to see Mr. Cook and Mr. O'Brien, and said the grand jury was in session, and that they were to be subpoenaed, and asked me to tell them to keep out of the way until the matter was over.

Mr. MARBLE. How did you say that you came to get into communication with him that night? You returned from the theater and what was told you then?

Mr. WIEHE. I was told that he wanted to talk to me, and I called him up on the telephone.

Mr. MARBLE. Do you remember who spoke to you about his wanting to telephone to you, and what was said?

Mr. WIEHE. I do not know just who spoke to me. Either my son or my sister-in-law.

Mr. MARBLE. Were you told what time he had called for you?

Mr. WIEHE. Yes; he had been calling for me earlier in the evening.

Mr. MARBLE. He had called several times?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Did they tell you how many times?

Mr. WIEHE. Well, several times.

Mr. MARBLE. Was any portion of his message related to you by anybody else before you called him up?

Mr. WIEHE. No, sir.

Mr. MARBLE. Then you went to the Grand Pacific Hotel?

Mr. WIEHE. Yes.

Mr. MARBLE. Were you told by Mr. Hines that they were at the Grand Pacific Hotel?

Mr. WIEHE. Yes; I think so.

Mr. MARBLE. So that you were not surprised to meet them there?

Mr. WIEHE. No.

Mr. MARBLE. Nor either one of them?

Mr. WIEHE. No.

Mr. MARBLE. Had you known before that that they were in town?

Mr. WIEHE. No.

Mr. MARBLE. That was the first information that you had?

Mr. WIEHE. On that night; yes, sir.

Mr. MARBLE. Do you know, now, how long they had been in town?

Mr. WIEHE. I do not know.

Mr. MARBLE. Were you informed by them that night?

Mr. WIEHE. I do not think so.

Mr. MARBLE. What was the first thing that was said when you met them in the rotunda of the Grand Pacific Hotel?

Mr. WIEHE. I do not know.

Mr. MARBLE. You do not recall?

Mr. WIEHE. No.

Mr. MARBLE. Do you recall who spoke first?

Mr. WIEHE. I do not.

Mr. MARBLE. Your meeting was friendly?

Mr. WIEHE. Yes; they were sitting down, and when they saw me come in they got up and met me.

Mr. MARBLE. And do you remember the manner in which you began your communication to them of the message from Mr. Hines?

Mr. WIEHE. The manner?

Mr. MARBLE. The way in which you opened it. What did you say first, if you remember?

Mr. WIEHE. I do not remember what I said first.

Mr. MARBLE. What did you say to him, substantially, by way of the delivery of that message?

Mr. WIEHE. I told them that Mr. Hines had telephoned me and asked me to come down there and see them, and that he understood that some subpoenas had been issued for them. They said yes; they understood somebody was looking for them.

Mr. MARBLE. State substantially the communication to Mr. Cook and Mr. O'Brien?

Mr. WIEHE. I told them that Mr. Hines had telephoned me that he had got information that they were to be subpoenaed before the grand jury, and that he desired them to keep out of the way until the matter had blown over. This White story had been published, and I think there was some grand-jury investigation of that.

Mr. MARBLE. Was anything said as to what testimony they might give if they were called?

Mr. WIEHE. No, sir.

Mr. MARBLE. Was anything said to you as to why Mr. Hines was averse to having them appear before the grand jury?

Mr. WIEHE. No, sir.

Mr. MARBLE. Was anything said as to Cook's having related the conversation over the telephone?

Mr. WIEHE. Well, I think Cook was a kind of a loose talker——

Mr. MARBLE. But I mean in this communication to them?

Mr. WIEHE. I think he had been doing some talking around.

Mr. MARBLE. I know; but was anything said to Cook and O'Brien that night?

Mr. WIEHE. I do not recollect. I do not know whether there was or not.

Mr. MARBLE. Did you say to Cook that you or Hines had heard that he had been relating that conversation?

Mr. WIEHE. I may have said that. I would not be positive about it.

Mr. MARBLE. Did Mr. Hines tell you over the telephone that Mr. Cook had been relating the conversation?

Mr. WIEHE. He might have said so.

Mr. MARBLE. Do you recall it?

Mr. WIEHE. I do not.

Mr. MARBLE. And you do not recall that you said that to Mr. Cook or to Mr. O'Brien?

Mr. WIEHE. I do not; no.

Mr. MARBLE. Do you recall that the conversation over the telephone was at all discussed that night between you and Mr. Cook and Mr. O'Brien, or either of them?

Mr. WIEHE. Over the telephone?

Mr. MARBLE. The conversation over the telephone in Mr. Cook's room, on the day of the election of Senator?

Mr. WIEHE. I do not think so; no.

Mr. MARBLE. Your impression is that that was not discussed?

Mr. WIEHE. I do not think so.

Mr. MARBLE. Did you know when you went there that night that the conversation over the telephone was the thing that was giving Mr. Hines concern?

Mr. WIEHE. I think so; yes.

Mr. MARBLE. You had it in your mind that it was that?

Mr. WIEHE. Yes.

Mr. MARBLE. Did you take it up with them at all, to see how they remembered the conversation?

Mr. WIEHE. No; I did not.

Mr. MARBLE. Did you tell them that there was nothing in that conversation that any man need be averse to having published?

Mr. WIEHE. I do not think I did. I do not think I discussed it with them at all.

Mr. MARBLE. And you were friendly with them at that time?

Mr. WIEHE. I simply delivered the message that Mr. Hines told me to deliver, and then left them.

Mr. MARBLE. You did discuss some other thing, did you not?

Mr. WIEHE. Not to any extent; no, sir. I was there only a few minutes; just long enough to tell them that and get away.

Mr. MARBLE. Did you mention Senator Lorimer in that conversation?

Mr. WIEHE. I do not think I did.

Mr. MARBLE. In any way?

Mr. WIEHE. I do not think so.

Mr. MARBLE. Did you mention Charles A. White?

Mr. WIEHE. I do not think so.

Mr. MARBLE. You do think you mentioned Mr. Hines in that conversation?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. And that he had telephoned you?

Mr. WIEHE. Yes.

Mr. MARBLE. Did you mention Mr. Harper?

Mr. WIEHE. I do not believe I did.

Mr. MARBLE. Or Mr. Cusson?

Mr. WIEHE. I do not think so.

Mr. MARBLE. Or anybody other than Mr. Hines?

Mr. WIEHE. I do not think so.

Mr. MARBLE. Did you have Mr. Harper or Mr. Cusson in your mind at that time in any way?

Mr. WIEHE. I do not know whether I had them in mind or not.

Mr. MARBLE. Did Mr. Hines telephone you that he had received word from Mr. Harper or Mr. Cusson?

Mr. WIEHE. He said somebody telephoned him from Duluth. I do not recollect, now, who he said.

Mr. MARBLE. You are sure he said from Duluth?

Mr. WIEHE. I think so.

Mr. MARBLE. Are you sure about that?

Mr. WIEHE. That is the best of my recollection.

Mr. MARBLE. That is the best recollection you have?

Mr. WIEHE. Yes.

Mr. MARBLE. You say that you might have said at that time that Mr. Hines talks too much?

Mr. WIEHE. I may have said it.

Mr. MARBLE. Why might you have said so? What leads you to say so?

Mr. WIEHE. I felt this way: That Mr. Hines evidently believed that he had considerable effect in the election of Mr. Lorimer; that if he said that continuously he would get every enemy of Mr. Lorimer after him and they would keep after him. And my idea of that has been right.

Mr. MARBLE. Your idea, then, in saying that was that Mr. Hines had so repeatedly claimed that he had been a large element in electing Senator Lorimer that you feared that he would make the enemies of Senator Lorimer his enemies also?

Mr. WIEHE. I do not know that I thought that he said that repeatedly. I had that in mind.

Mr. MARBLE. You had in mind that he had said that enough times so that it raised that fear in your mind?

Mr. WIEHE. I had in mind that if he had said that repeatedly that might be the result.

Mr. MARBLE. Did you fear that he had said it enough times?

Mr. WIEHE. I had no fears about it.

Mr. MARBLE. Did you think that he had said it?

Mr. WIEHE. I do not know what I thought.

Mr. MARBLE. Did you know that he had said it?

Mr. WIEHE. Yes. I knew that he had thought that his calling up of Gov. Deneen had aided largely in the election of Mr. Lorimer.

Mr. MARBLE. Just what had brought that knowledge to you? How did you gain that knowledge?

Mr. WIEHE. How did I gain it?

Mr. MARBLE. Yes.

Mr. WIEHE. From the talk I had with Mr. Hines.

Mr. MARBLE. How many talks?

Mr. WIEHE. I could not tell you.

Mr. MARBLE. More than one?

Mr. WIEHE. I could not say. We had talked a good many times about it and discussed the matter.

Mr. MARBLE. On one of those occasions tell us what he said—the words, as nearly as you can remember.

Mr. WIEHE. I could not tell you what he said. I would not attempt to do so.

Mr. MARBLE. Did he say anything of that sort on the day that Senator Lorimer was elected?

Mr. WIEHE. I do not recollect that he did. He may have said so. I would not say that he did or did not.

Mr. MARBLE. Did he say anything of that sort when he came out of the telephone booth and announced that Senator Lorimer had been elected?

Mr. WIEHE. No, sir; not then.

Mr. MARBLE. You are sure of that?

Mr. WIEHE. Yes, sir; very positive.

Mr. MARBLE. When did he first speak of it, then?

Mr. WIEHE. I could not say.

Mr. MARBLE. On that same day?

Mr. WIEHE. We have had a good many conversations.

Mr. MARBLE. On that same day?

Mr. WIEHE. I would not say.

Mr. MARBLE. Did he say that after leaving the Union League Club?

Mr. WIEHE. I would not say.

Mr. MARBLE. You are not sure that he did not?

Mr. WIEHE. I do not know. He may have said so or he may not. I could not say. I could not remember.

Mr. MARBLE. Did he say such a thing inside the Union League Club after leaving Mr. Hettler?

Mr. WIEHE. No; I do not think so.

Mr. MARBLE. Are you sure that he did not?

Mr. WIEHE. I am pretty positive that he did not.

Mr. MARBLE. It was out on the street, if he said it at all?

Mr. WIEHE. I do not think he mentioned it after we left the building. I do not think so. He may have said it. He may not. I do not know.

Mr. MARBLE. But you have heard him say that substantially?

Mr. WIEHE. We have had so many talks on that subject that I could not say.

Mr. MARBLE. Can you not recall one of them for us?

Mr. WIEHE. No; I could not. We have had a good many talks on the subject.

Mr. MARBLE. Did they make less impression upon your mind than this talk with Mr. Hettler?

Mr. WIEHE. Less impression?

Mr. MARBLE. Yes.

Mr. WIEHE. Oh, no. We talked about the matter generally.

Mr. MARBLE. You remember that very precisely?

Mr. WIEHE. I certainly do.

Mr. MARBLE. Why can you not remember one of the other talks in which Mr. Hines expressed his belief that he had been influential in helping to elect Senator Lorimer?

Mr. WIEHE. I do not know why I can not remember it. I know that such talks were had, but just what they were I can not say.

Mr. MARBLE. You can not remember the time or the place or the occasion of any of them?

Mr. WIEHE. No; I can not.

Mr. MARBLE. Do you remember whether any one else was present on the occasion of any such talk?

Mr. WIEHE. There may have been. I have discussed it with him a good many times.

Mr. MARBLE. Was he always of the same opinion?

Mr. WIEHE. Yes; I think he is of that opinion now.

Mr. MARBLE. Did it occur to you when you went to the Grand Pacific Hotel to speak to Mr. Cook and Mr. O'Brien and suggest that they keep out of the way of a subpoena that you might be violating the law of the State of Illinois?

Mr. WIEHE. I did not give it any thought at all. Personally, if it had been my affair I would not have called there at all.

Mr. MARBLE. I appreciate that; but did it not occur to you that, if there were a subpoena out for them, that might be a violation of the statute of the State of Illinois?

Mr. WIEHE. I did not give it any thought at all. I was asked to deliver the message, and I did so.

Mr. MARBLE. Did you ever do anything of that sort before?

- Mr. WIEHE. Not to my recollection.
- Mr. MARBLE. Did you ever advise witnesses to keep out of the way of subpoenas before?
- Mr. WIEHE. Not to my recollection; no, sir.
- Mr. MARBLE. That is the first time it has occurred in your life, that you recall?
- Mr. WIEHE. That is the only time that I know of any such event as that.
- Mr. MARBLE. Did you know at that time that it was a criminal offense to advise witnesses to avoid subpoenas?
- Mr. WIEHE. I do not know. I did not give it any thought at all.
- Mr. MARBLE. Did you know it?
- Mr. WIEHE. I was asked to go and deliver the message, and I did so.
- Mr. MARBLE. Did you know that at the time?
- Mr. WIEHE. I did not give it a thought.
- Mr. MARBLE. You did not give it a thought at the time, but had you that knowledge in your mind?
- Mr. WIEHE. I do not know as I thought about it at all.
- Mr. MARBLE. Had you ever been advised that it was not lawful to advise witnesses to avoid subpoenas?
- Mr. WIEHE. I do not think so; no, sir.
- Mr. MARBLE. You do not recall?
- Mr. WIEHE. I never had any occasion to be advised that way.
- Senator KERN. Did you not know, as an independent fact, that after a court issued a subpoena for a witness it was wrong to advise that witness to leave the jurisdiction of the court?
- Mr. WIEHE. I presume that is a fact.
- Senator KERN. You knew it was wrong, did you not?
- Mr. WIEHE. At that time I did not give it a thought.
- Senator KERN. Independently of any law?
- Mr. WIEHE. Yes; I did not give it a thought at the time. I was told to deliver this message, and I did so. It was against my judgment to say anything to them.
- Senator KERN. Do you not have a judgment of your own, independently, that governs your action, or are you controlled by Mr. Hines?
- Mr. WIEHE. When he asked me to do something like that, to go down and deliver a message, as he did then, I did so.
- Senator KERN. Right along?
- Mr. WIEHE. He was living in Evanston. I was simply the messenger.
- Mr. MARBLE. Did you report the results of that visit to Mr. Hines?
- Mr. WIEHE. Did I report it?
- Mr. MARBLE. Yes.
- Mr. WIEHE. I think I did, the next day.
- Mr. MARBLE. Did you call him up that night after you got home?
- Mr. WIEHE. I do not think so.
- Mr. MARBLE. Do you know whether you did or not?
- Mr. WIEHE. I do not think I did.
- Senator KERN. What did you report to him?
- Mr. WIEHE. I simply told him that I had seen them and told them what he told me to tell them.
- Senator KERN. Did you tell him that they had got out?

Mr. WIEHE. No; I did not ask them to get out.

Senator KERN. Did you communicate to Mr. Hines the next day what they had told you?

Mr. WIEHE. I think, generally, yes; the talk we had had.

Senator KERN. What was it you told him they had told you?

Mr. WIEHE. I told him that I had told them what he told me to tell them, and that they kind of laughed about it.

Senator KERN. Did he not ask you then whether they had gone or not or whether they were still in town?

Mr. WIEHE. No; he did not. Because I did not know whether they were or not.

Senator KERN. I know; but did he not ask you?

Mr. WIEHE. No; he did not ask me; because there was no occasion to ask me that.

Senator KERN. He was concerned enough about it to call you up in the night and ask you to go down, at half past 11 o'clock at night, to ask these men to keep out of the way of a subpoena, and then the next day, when you reported to him, he did not inquire of you with reference to that or anything further about it?

Mr. WIEHE. Yes; he talked to me about my visit there, asked me if I had seen them and told them that, and I told him I had.

Senator KERN. And he made no inquiry as to whether they were still in town or whether they were going to avoid subpoena or not?

Mr. WIEHE. I do not know, because they did not tell me what they were going to do, at that hour of the night. That hour of the night just happened to be a circumstance. There has been a good deal of stress laid on that in the Helm committee report, but that is a mere circumstance.

Senator KERN. The fact is, that you went at half past 11 o'clock at night?

Mr. WIEHE. Oh, yes; but if I had been home at 9 o'clock I probably would have gone at 9 o'clock.

Senator KERN. But when you called him up at his home after you returned from the theater he then asked you to go on down there?

Mr. WIEHE. Yes.

Mr. MARBLE. Do you live on the south side?

Mr. WIEHE. I live on the same street that the Grand Pacific Hotel is located on.

Mr. MARBLE. On the west side, then?

Mr. WIEHE. About a mile and a quarter from the hotel.

Mr. MARBLE. About a mile and a quarter?

Mr. WIEHE. Or perhaps a mile and three-quarters west of that.

Mr. MARBLE. About a mile and three-quarters?

Mr. WIEHE. It may be that; I think about that. It may be a mile and a half. I do not know exactly what the distance is.

The CHAIRMAN. Mr. Wiehe—

Mr. MARBLE. How could—pardon me, Mr. Chairman. I did not mean to interrupt.

The CHAIRMAN. And I did not mean to interrupt you. It occurred to me to inquire of Mr. Wiehe, but perhaps counsel can state, whether or not any subpoenas had been issued.

Mr. FARRAR. No; that appears already—that there were not. I think there were no subpoenas out. There were never any issued.

Mr. MARBLE. I do not recall that we have had anyone on the stand who has testified to that. Mr. Cook says no subpoena was served on him.

Mr. HYNES. And they remained there.

Mr. FARRAR. And they never appeared before any grand jury in Cook County or any other in that litigation or those prosecutions.

Senator KERN. Mr. Hines thought that there were subpoenas out for them.

Mr. WIEHE. He said somebody in Duluth advised him to that effect.

Senator KERN. That there were subpoenas out for these men?

Mr. WIEHE. Yes.

Mr. MARBLE. How could anyone at Duluth have had any knowledge regarding the issue of subpoenas in the city of Chicago?

Mr. WIEHE. I do not know.

Mr. MARBLE. How could they have pretended to have had knowledge?

Mr. WIEHE. I could not answer that.

Mr. MARBLE. Did Mr. Hines tell you in that conversation what authority had been quoted to him from Duluth for that statement?

Mr. WIEHE. My recollection is that he simply said somebody at Duluth had telephoned.

Mr. MARBLE. You are quite sure he did not say some employee of the State's attorney's office had told him?

Mr. WIEHE. I do not think he did.

Mr. MARBLE. Are you sure he did not?

Mr. WIEHE. I do not think he did.

Mr. MARBLE. That is the most you can say about that?

Mr. WIEHE. I do not know what else I could say.

Mr. MARBLE. Are you sure he did not say that?

Mr. WIEHE. I do not think he mentioned it.

Mr. MARBLE. You are sure that he did not mention Senator Lorrimer as his informant?

Mr. WIEHE. Yes.

Mr. MARBLE. You are sure of that?

Mr. WIEHE. Yes.

Mr. MARBLE. Where do you live with reference to Ashland Boulevard?

Mr. WIEHE. Eight or ten doors east of Ashland Boulevard.

Mr. MARBLE. Eight or ten doors toward the Grand Pacific Hotel?

Mr. WIEHE. Yes.

Mr. MARBLE. From Ashland Boulevard?

Mr. WIEHE. Yes; on Jackson Boulevard.

Mr. HANEY. The section line is at State Street—

Mr. WIEHE. Yes; State and Halsted is a mile; Halsted and Ashland is a mile, and the Grand Pacific Hotel is at Clark Street.

Mr. MARBLE. So from your house to the Grand Pacific Hotel was 2 miles, less two city blocks and 8 or 10 doors, the distance from your house to Ashland Boulevard?

Mr. WIEHE. Yes; I should think about a mile and three-quarters, or something like that.

Mr. MARBLE. How did you get from your house to the Grand Pacific Hotel that night?

Mr. WIEHE. In an automobile.

Mr. MARBLE. Whose automobile?

Mr. WIEHE. My own.

Mr. MARBLE. One that you owned at that time?

Mr. WIEHE. Yes.

Mr. MARBLE. What make was it?

Mr. WIEHE. A Cadillac.

Mr. MARBLE. Are you quite sure that on the morning of the 26th of May, 1909, you did not go directly to the Grand Pacific Hotel from the Union Station?

Mr. WIEHE. I am very positive of it.

Mr. MARBLE. You remember perfectly, do you, or not?

Mr. WIEHE. Yes.

Mr. MARBLE. And you did get off at the corner of La Salle and Adams or Clark and Adams and left the automobile there?

Mr. WIEHE. My recollection is that I got off at La Salle and Adams.

Mr. MARBLE. You recollect that you did not ride to the bank?

Mr. WIEHE. I think I got off just before we got to the bank.

Mr. MARBLE. The bank is where?

Mr. WIEHE. The bank was at La Salle and Adams at that time. It is now at Clark and Adams.

Mr. MARBLE. If you rode to La Salle and Adams, then you rode to the bank, did you not?

Mr. WIEHE. Not necessarily.

Mr. MARBLE. Across the street?

Mr. WIEHE. I got off at the corner. I did not go to the bank.

Mr. MARBLE. After this conversation with Mr. Hettler, did it make a deep impression on your mind at the time of the conversation: did it make a deep impression on your mind?

Mr. WIEHE. It was not a deep impression; no.

Mr. MARBLE. A casual meeting?

Mr. WIEHE. Yes.

Mr. MARBLE. Did you think about it many times afterwards?

Mr. WIEHE. Never thought about it until he testified at Springfield.

Mr. MARBLE. What recalled it to your mind then?

Mr. WIEHE. His testimony.

Mr. MARBLE. You at once recalled it vividly?

Mr. WIEHE. Yes.

Mr. MARBLE. How long was that after the conversation?

Mr. WIEHE. It must have been a year and 11 months, I think.

Mr. MARBLE. You had not discussed it until that time?

Mr. WIEHE. No.

Mr. MARBLE. With whom did you first discuss it?

Mr. WIEHE. I think with Mr. Hines.

Mr. MARBLE. Who suggested it first?

Mr. WIEHE. I did.

Mr. MARBLE. Do you remember what you said to Mr. Hines about it?

Mr. WIEHE. Yes; I told him I thought Mr. Hettler was mistaken in his statement. I recollect very thoroughly when the tariff talk was had. It was had a week or two before that.

Mr. MARBLE. You do remember the tariff talk with Mr. Hettler?

Mr. WIEHE. Not with Mr. Hettler. That was at the Lumber Exchange.

- Mr. MARBLE. Mr. Hettler was there?
- Mr. WIEHE. Yes.
- Mr. MARBLE. And did he take part in the discussion?
- Mr. WIEHE. Yes.
- Mr. MARBLE. What position did he take?
- Mr. WIEHE. He was very much opposed to Mr. Hines's position.
- Mr. MARBLE. Mr. Hines's position was what, briefly?
- Mr. WIEHE. He desired the tariff retained on lumber.
- Mr. MARBLE. And Mr. Hettler desired it removed?
- Mr. WIEHE. He desired it removed. I was chairman of the trade committee, and he was very fearful that I was going to get a resolution through the lumber exchange indorsing that.
- Mr. MARBLE. Was the question of free logs discussed?
- Mr. WIEHE. I do not recall whether free logs were discussed or not. You can not get free logs here. They do not permit logs to come into the United States at all.
- Mr. MARBLE. Did Mr. Hines express himself at that time as being willing to have lumber on the free list, if logs also were permitted to enter free?
- Mr. WIEHE. He may have done that.
- Mr. MARBLE. That was his position, was it not?
- Mr. WIEHE. I think so.
- Mr. MARBLE. Was that discussed with Mr. Hettler?
- Mr. WIEHE. I think the whole subject was discussed.
- Mr. MARBLE. Then the question of free logs also was discussed?
- Mr. WIEHE. I could not relate to you what was said.
- Mr. MARBLE. Discussion was had. The matter was generally discussed, and Mr. Hettler did take part in that discussion?
- Mr. WIEHE. Yes.
- Mr. MARBLE. And the first suggestion to your mind was that he was remembering the discussion at that meeting, at which you were chairman.
- Mr. WIEHE. Yes. I think he simply got his dates mixed.
- Mr. MARBLE. But as to the position taken and the subject matter, his account of the conversation might have been taken from the discussion?
- Mr. WIEHE. I think so; yes. I think that is where he got that impression.
- Mr. MARBLE. That was a public meeting, was it?
- Mr. WIEHE. Yes; there were quite a few people there. It was not a public meeting. It was a meeting of the exchange.
- Mr. MARBLE. Did you read the Record-Herald editorial of February 15, 1911?
- Mr. WIEHE. No, sir.
- Mr. MARBLE. Have you ever read it?
- Mr. WIEHE. I think I have, since attention was called to it.
- Mr. MARBLE. Did you read it before you read it into the testimony here?
- Mr. WIEHE. Yes; I think I did read it. I do not know whether it was before the testimony here or not. I have read it, though.
- Mr. MARBLE. Do you remember who brought it to your attention?
- Mr. WIEHE. No; I do not.
- Mr. MARBLE. You know the editorial to which I refer, do you not; the one which mentioned \$100,000?

Mr. WIEHE. Yes.

Mr. MARBLE. You do not remember who brought it to your attention?

Mr. WIEHE. No; I do not. I do not know whether I read about the thing in the testimony of Mr. Kohlsaas or Mr. Funk. I do not recollect just how I got it, but I think it was that way.

Mr. MARBLE. You are quite sure you did not read it at the time it was published?

Mr. WIEHE. No. I do not take the Record-Herald excepting on Sundays.

Mr. MARBLE. You are quite sure no one in your office, or at the club among your acquaintances, drew your attention to it at the time?

Mr. WIEHE. No; I never heard of it before.

Mr. MARBLE. And that you did not draw it to Mr. Hines's attention at the time?

Mr. WIEHE. No, sir.

Mr. MARBLE. You are clear as to that?

Mr. WIEHE. Yes.

Mr. MARBLE. You testified yesterday regarding some unpleasantness with Mr. Isham Randolph, the engineer. Did that extend to Senator Lorimer, do you know?

Mr. WIEHE. I do not know as to that. Mr. Lorimer was on the other side of the fence. I never heard Senator Lorimer express himself on it.

Mr. MARBLE. To your knowledge was there any unpleasantness between Mr. Randolph and Senator Lorimer?

Mr. WIEHE. I do not know of any.

Mr. MARBLE. You do not know of any?

Mr. WIEHE. Not of my own knowledge; no, sir.

Mr. MARBLE. The property which the board in charge of the waterways had bought, and then had allowed to remain in possession of the seller, was not property of the International Harvester Co., was it?

Mr. WIEHE. No, sir.

Mr. MARBLE. It was property of the Pennsylvania Co., was it not?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. A railroad company?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Was it near the International Harvester Co. headquarters?

Mr. WIEHE. No, sir; nowhere near it; down in the heart of the city, at Adams Street.

Mr. MARBLE. So far as you know, did any person having to do with any matter discussed in this investigation have anything to do with that property or that transaction, except Mr. Randolph and Mr. McCormick and the sanitary board?

Mr. WIEHE. I do not think so; no.

Mr. MARBLE. You spoke of changes that had been made in that waterway as the result of your activities and those associated with you. Have any changes been made in the West Branch of the South Fork of the river?

Mr. WIEHE. The west fork of the South Branch?

Mr. MARBLE. The west fork of the South Branch. Have any changes been made in that?

Mr. WIEHE. No; the only change that has been made is that collateral channel put in there near Kedzie Island.

Mr. MARBLE. It has not been opened, or dredged, or closed?

Mr. WIEHE. No; it ought to be improved, but we have not been able to get it improved yet.

Mr. MARBLE. When you spoke of the results of your activities, you did not mean that any results had taken place there?

Mr. WIEHE. No; not on the west fork.

Mr. MARBLE. Unless possibly to maintain the status as it was?

Mr. WIEHE. That was all. We advocated the improvement of it.

Mr. MARBLE. How many years have you been in business in Chicago?

Mr. WIEHE. Since 1879. That is, what do you mean—with myself—

Mr. MARBLE. Your business life in Chicago?

Mr. WIEHE. Since 1879.

Mr. MARBLE. And you have met and known a great many prominent business men in that time?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Have you received any communications from anyone who claimed to have any information regarding a jack pot, or corruption fund, in the Forty-sixth Assembly of the Illinois Legislature?

Mr. WIEHE. No, sir.

Mr. MARBLE. No business man has told you that he was approached?

Mr. WIEHE. No, sir.

Mr. MARBLE. Or solicited to pay money for any improper purpose?

Mr. WIEHE. No, sir.

Mr. MARBLE. And I will extend that now to your entire business life in Chicago. Has any business man ever told you, or any man ever told you, that he had knowledge of such a fund?

Mr. WIEHE. No, sir.

Mr. MARBLE. Or told you that he had been solicited to send money into such a fund?

Mr. WIEHE. No, sir.

Mr. MARBLE. Or that he knew of money being paid for such a fund?

Mr. WIEHE. No, sir.

Mr. MARBLE. No such information has come to you?

Mr. WIEHE. No, sir.

Mr. MARBLE. There is nothing you can refer us to that will help us to develop information as to such a fund, if any exists?

Mr. WIEHE. Nothing except the Chicago Tribune. You might get a lot of information out of them.

Mr. MARBLE. We are going to try that later, we will promise you. Now, just what was it Mr. Hines said to you when he asked you to take the message to Mr. Funk?

Mr. WIEHE. He told me to see Mr. Funk and tell him there was nothing in the matter that Mr. Funk talked to him about.

Mr. MARBLE. He told you to see him?

Mr. WIEHE. Yes.

Mr. MARBLE. Did he tell you not to send anyone else?

Mr. WIEHE. No; I do not think he said anything about it.

Mr. MARBLE. Did he tell you not to telephone to him about it?

Mr. WIEHE. No, sir.

Mr. MARBLE. Did he tell you not to write?

Mr. WIEHE. No, sir.

Mr. MARBLE. How far is it from your office to the International Harvester Co. office?

Mr. WIEHE. I should think a couple of miles, maybe 3 miles.

Mr. MARBLE. Three miles?

Mr. WIEHE. Yes.

Mr. MARBLE. Is it not 4 miles.

Mr. WIEHE. It may be. It is easy to reckon it.

Mr. MARBLE. Did you go from your office to his office to see him?

Mr. WIEHE. Not directly; no, sir.

Mr. MARBLE. Not directly. You made it an incident in a downtown trip?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. On the day following that on which Mr. Hines spoke to you?

Mr. WIEHE. Yes.

Mr. MARBLE. You were busy that day, I presume?

Mr. WIEHE. Yes.

Mr. MARBLE. Just what was it that Mr. Hines said that you should say to Mr. Funk?

Mr. WIEHE. He told me to see Mr. Funk and say to him that there was nothing in the matter Mr. Funk talked to him about.

Mr. MARBLE. You are quite sure he did not tell you to see Mr. Funk and tell him there was nothing in the matter he had talked to Mr. Funk about?

Mr. WIEHE. I do not think he said that; no, sir.

Mr. MARBLE. Now, which is your memory?

Mr. WIEHE. The former statement.

Mr. MARBLE. You paid particular attention to the order of the words in that statement?

Mr. WIEHE. Oh, I do not know that I paid particular attention to it. That is the substance of what he said. It may not be his exact words.

Mr. MARBLE. You are sure he did not say to you to tell Mr. Funk there was nothing in that matter "we were talking about"?

Mr. WIEHE. No; he did not say that.

Mr. MARBLE. And he did not say there was nothing in that matter "I was talking to Funk about"?

Mr. WIEHE. No, sir.

Mr. MARBLE. You are sure of that?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. And did he say, "There was nothing in that matter Funk was talking to me about"?

Mr. WIEHE. Yes.

Mr. MARBLE. You are sure of that?

Mr. WIEHE. Yes.

Mr. MARBLE. It made a very precise impression on your mind, so that you can recollect it in that way?

Mr. WIEHE. I do not think it made a very precise impression.

Mr. MARBLE. Did he tell you to be very certain to see him?

Mr. WIEHE. No; he simply gave me the message and told me to see him.

Mr. MARBLE. Why did you go yourself instead of sending some of your subordinates?

Mr. WIEHE. Because he told me to go and see him, and I went and saw him.

Mr. MARBLE. You regarded that as a direction that you should do it yourself?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Instead of delegating it to somebody else?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Did you consider sending anyone else?

Mr. WIEHE. No; I do not think so.

Mr. MARBLE. Did you discuss with Mr. Hines the fact that somebody else might as well do that and relieve you of the work?

Mr. WIEHE. No; I do not think so. He was leaving town and I met him at the depot. I do not think there was much discussion about it.

Senator KERN. You finally did telephone him the message?

Mr. WIEHE. Yes.

Senator KERN. Now, what was it Mr. Funk said to you on that occasion?

Mr. WIEHE. Mr. Funk said he was very sorry; he would like to see Mr. Hines; wanted to know where he could see him.

Senator KERN. Did he say what he was sorry about?

Mr. WIEHE. No; that is all he said.

Senator KERN. What was it you said to Mr. Funk that called forth that utterance from him?

Mr. WIEHE. The statement that I made.

Senator KERN. That "Mr. Hines says there is nothing in the matter that you were talking to him about," is that it?

Mr. WIEHE. Yes, sir.

Senator KERN. What was your reply to Mr. Funk when he said that he would like to see Mr. Hines?

Mr. WIEHE. I told him that Mr. Hines was in Washington, and I would communicate with him and let him know.

Senator KERN. Did he say what he was sorry about?

Mr. WIEHE. No, sir.

Senator KERN. He said he was sorry when you told him that Mr. Hines had told you to tell him there was nothing in the matter? He said he was sorry?

Mr. WIEHE. Sir?

Senator KERN. He said he was sorry?

Mr. WIEHE. Well, he wanted to know where he could meet Mr. Hines. I told him he was in Washington, and he said he was sorry. He said he was sorry he could not see him.

Senator KERN. That was in response to your statement as to what Mr. Hines had told you to tell him?

Mr. WIEHE. No; I think it was probably in response to my statement that Mr. Hines was not in Chicago.

Senator KERN. You told him that Mr. Hines was not present in the city?

Mr. WIEHE. Yes.

Senator KERN. I wish you would just give us that telephone conversation.

Mr. WIEHE. In substance, it is as I have given it.

Senator KERN. Just give it again. Tell us what you told Mr. Funk over the telephone.

Mr. WIEHE. I told Mr. Funk that Mr. Hines had asked me to call him up and say to him that there was nothing in the matter that he had talked with Mr. Hines about, and then he wanted to know where he could see Mr. Hines. I said, "Mr. Hines is out of the city," and he said he was sorry he could not see him.

Senator KERN. Then, his statement that he was sorry was after you had told him Mr. Hines was out of the city?

Mr. WIEHE. Yes.

Senator KERN. And that he wanted to see him?

Mr. WIEHE. Yes.

Mr. MARBLE. Did he tell you what he wanted to see him about?

Mr. WIEHE. No; I do not know what he wanted to see him about.

Mr. MARBLE. Did he ask you to make an appointment with him?

Mr. WIEHE. He asked me where he could see Mr. Hines.

Mr. MARBLE. Did he ask you to make an appointment with him?

Mr. WIEHE. He told me he was going to Washington via New York and would be in Washington on Saturday.

Mr. MARBLE. That was when you were at his office?

Mr. WIEHE. That was when I telephoned him. I did not see him when I was at his office.

Mr. MARBLE. You did not see him at all at his office?

Mr. WIEHE. No, sir.

Mr. MARBLE. Did Mr. Funk tell you where he would be in New York?

Mr. WIEHE. No, sir.

Mr. MARBLE. Where did you get that information, that he could be found at a certain office in New York?

Mr. WIEHE. That was from his office, the office of the International Harvester Co.

Mr. MARBLE. How many times did you telephone to Mr. Funk's office on this matter?

Mr. WIEHE. I telephoned twice.

Mr. MARBLE. You went to the office once?

Mr. WIEHE. Yes.

Mr. MARBLE. And not finding Mr. Funk, you telephoned and got him?

Mr. WIEHE. Yes.

Mr. MARBLE. And he told you he was sorry.

Mr. WIEHE. Yes.

Mr. MARBLE. And asked you to make an appointment for him?

Mr. WIEHE. No; he said he was going to Washington via New York, and would probably see Mr. Hines there.

Mr. MARBLE. He did not ask you to make an appointment for him?

Mr. WIEHE. I do not think so.

Mr. MARBLE. When was it you telephoned to Mr. Hines in Washington?

Mr. WIEHE. I did not telephone him. He was calling up every few days, and I think I talked with him on one of those occasions.

Mr. MARBLE. Do you remember whether or not you called him on the telephone to tell him about Mr. Funk?

Mr. WIEHE. I do not think I did.

Mr. MARBLE. Do you remember that you did not?

Mr. WIEHE. No, sir; I do not think I called him at all in regard to that matter.

Mr. MARBLE. Was it of enough importance for you to call him on the telephone?

Mr. WIEHE. No; I do not think it was. I did not know what it was about.

Mr. MARBLE. Do you remember that you did not call him on the telephone and tell him what Mr. Funk said?

Mr. WIEHE. Why, I remember talking to him but I do not remember that I called him. I think my talk with him was in some conversation that he had with me or at the time that I was talking with him on other matters. About that time he was interested in the tariff matter here.

Mr. MARBLE. Did you write to him?

Mr. WIEHE. I did not.

Mr. MARBLE. On that subject?

Mr. WIEHE. No, sir.

Mr. MARBLE. What did you tell Mr. Hines over the telephone?

Mr. WIEHE. I told Mr. Hines what Mr. Funk said.

Mr. MARBLE. Did you tell him Mr. Funk very much wanted to see him?

Mr. WIEHE. Yes; he said he would like to see him very much.

Mr. MARBLE. Did you tell him he was very anxious to see him?

Mr. WIEHE. I do not know that I told him he was very anxious. I repeated what Mr. Funk said as near as I could.

Mr. MARBLE. And what did Mr. Hines tell you?

Mr. WIEHE. Mr. Hines said he did not know whether he could see Mr. Funk in Washington on Saturday or not; he would let me know. The next morning I received that telegram.

Mr. MARBLE. What other matter was referred to in the telegram which Mr. Hines sent you on the morning of June 4, 1909, in which he spoke of having Funk meet him in Washington? Do you remember?

(The witness did not answer.)

Mr. MARBLE. The telegram reads:

Will try have Funk meet me Chicago Saturday or Sunday. Could meet him any time. Like leave here to-day. Answer quick.

Was any other matter than the Funk matter referred to in that telegram?

Mr. WIEHE. No; I do not think so.

Mr. MARBLE. What do the words, "Will try" mean?

Mr. WIEHE. I suppose "Will try" to wait in Washington for him. I suppose that is what it means.

Mr. MARBLE. The next succeeding words are, "Have Funk meet me Chicago Saturday or Sunday."

Mr. WIEHE. I do not know what was in his mind when he sent the telegram.

Mr. MARBLE. Did you understand the telegram when you received it?

Mr. WIEHE. Yes.

Mr. MARBLE. Do you remember what you understood those words, "Will try," to mean?

Mr. WIEHE. My understanding of it was he would try to meet him in Washington if he could.

Mr. MARBLE. That is negated by the next words in the telegram, is it not?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. You do not remember what impression you got from that?

Mr. WIEHE. Oh, the telegram speaks for itself.

Mr. MARBLE. I am talking about what understanding you got from it. I am coming next to what you did.

Mr. WIEHE. My understanding is what the telegram says.

Mr. MARBLE. Do you remember what you understood the words "Will try" to mean?

Mr. WIEHE. I do not know what I understood about it. The telegram is there, and I acted on it.

Mr. MARBLE. What did you do after receiving the telegram?

Mr. WIEHE. I called up the offices of the International Harvester Co. to ascertain if Mr. Funk would be in Chicago, and they advised me he had gone to New York and told me where he could be found, and I wired that information to Mr. Hines.

Mr. MARBLE. You did not know that he had left town at that time?

Mr. WIEHE. I did not; no sir.

Mr. MARBLE. It was on the morning of June 4, 1909?

Mr. WIEHE. Yes.

Mr. MARBLE. That you did that telephoning?

Mr. WIEHE. Yes.

Mr. MARBLE. Then you sent this message to Mr. Hines:

Funk New York to-day. Leaves this afternoon Washington. There to-morrow. You can reach him to-day George Perkins's office or Judge Gary, 51 Broadway.

Mr. WIEHE. Yes.

Mr. MARBLE. Did that close this incident?

Mr. WIEHE. So far as I was concerned.

Mr. MARBLE. Did Mr. Hines ever speak to you about it again?

Mr. WIEHE. No, sir; I did not see much of Mr. Hines after that. I think I met him just a very few minutes to say good-bye to him.

Mr. MARBLE. Did he write you about Mr. Funk, or telegraph you about him after that?

Mr. WIEHE. No. I do not think I saw Mr. Hines but once after that for some time—three months after that.

Mr. MARBLE. Did any one bring you any message from Mr. Hines about this matter?

Mr. WIEHE. No, sir.

Mr. MARBLE. Did Mr. Funk communicate with you any further?

Mr. WIEHE. No, sir.

Mr. MARBLE. His anxiety to see Mr. Hines did not bring him to you again?

Mr. WIEHE. I had no communication with him at all after that.

Mr. MARBLE. Did Mr. Hines ever tell you that he saw Funk or did not see him?

Mr. WIEHE. No; I never talked with Mr. Hines about Mr. Funk after that time.

Mr. MARBLE. The matter was dropped?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. You are quite sure that Mr. Hines did not tell you that he had spoken to Mr. Funk inadvertently, and that he wanted to tell him there was nothing in the matter?

Mr. WIEHE. I do not think he said that.

Mr. MARBLE. He did not tell you that he had been talking to Mr. Funk about a campaign fund and had found none was needed, and therefore there was nothing in the matter?

Mr. WIEHE. No; he never told me that.

Mr. MARBLE. Nothing of that sort was said?

Mr. WIEHE. No, sir.

Mr. MARBLE. He did not tell you that he had spoken to him inadvertently, and had since found he was unfriendly to Senator Lorimer and he should not have done it.

Mr. WIEHE. Well, he ought to have known that at that time. He would never tell me that.

Mr. MARBLE. He did not say anything of that sort to you?

Mr. WIEHE. No, sir.

Mr. MARBLE. Did you wonder at Mr. Funk's anxiety to meet Mr. Hines and Mr. Hines's willingness to meet him because of this unfriendliness—

Mr. WIEHE. I did not know anything about it. I did not know anything about what his anxiety was.

Mr. MARBLE. The relations between Mr. Hines and Mr. Funk did not surprise you?

Mr. WIEHE. No, sir.

Mr. MARBLE. What do you know about Mr. Funk's unfriendliness to Mr. Lorimer?

Mr. WIEHE. I knew his concern was against him.

Mr. MARBLE. I am talking about Mr. Funk.

Mr. WIEHE. I went down there once and asked him to sign a circular for him and they refused to do it.

Mr. MARBLE. Who refused?

Mr. WIEHE. Either Mr. Funk or somebody in that office—the president's office.

Mr. MARBLE. You do not remember who it was refused?

Mr. WIEHE. I think it was Mr. Funk himself.

Mr. MARBLE. Do you recall the incident clearly?

Mr. WIEHE. I recall the incident of going down there and getting the refusal.

Mr. MARBLE. Do you recall clearly it was Mr. Funk who refused?

Mr. WIEHE. I think it was. I went to the president's office. I think he was either assistant to the president or manager, I do not recollect which.

Mr. MARBLE. Did he consult the President before he refused?

Mr. WIEHE. I do not think so. He may have done that. I would not say.

Mr. MARBLE. When was that?

Mr. WIEHE. That was back in 1906.

Mr. MARBLE. What was the circular?

Mr. WIEHE. I have it here.

Mr. MARBLE. Well, it was a circular in advocacy of the election of Mr. Lorimer to Congress, was it not?

Mr. WIEHE. Well, this is the circular. It speaks for itself [producing circular].

Mr. MARBLE. Was there something in Mr. Funk's manner when he refused to sign this circular which gave you the impression that he was unfriendly to Mr. Lorimer?

Mr. WIEHE. Well, he said they were not favorable to his candidacy.

Mr. MARBLE. He said they were not favorable to his candidacy. Is that what he said?

Mr. WIEHE. Yes.

Mr. MARBLE. Is that all he said?

Mr. WIEHE. That is all.

Mr. MARBLE. Well, gentlemen in Chicago frequently speak far more bitterly than that of other gentlemen they are not going to vote for, do they not?

Mr. WIEHE. I presume they do; some of them. They did about Mr. Merriam at the last election.

Mr. MARBLE. Mr. Merriam was the Republican candidate?

Mr. WIEHE. Yes.

Mr. MARBLE. Where was the office of the International Harvester Co. in 1906?

Mr. WIEHE. Where the University Club is now, I think.

Mr. HANEY. The corner of Monroe and Michigan.

Mr. MARBLE. Farther down Michigan Avenue than the present office?

Mr. WIEHE. Yes; Monroe and Michigan Avenue.

Mr. MARBLE. In the record of yesterday, on page 237, appears this question from me to you:

Mr. Hines did not say to Mr. Keeley that Mr. Funk had been asked to contribute to a campaign fund, did he?

To which your reply is:

No, sir: Mr. Funk's name was not mentioned at all.

This relates to the visit which you and Mr. Hines paid to Mr. Keeley at his office?

Mr. WIEHE. Yes.

Mr. MARBLE. My memory would be that I asked that question in a slightly different form; and, referring to that conversation, I want to ask the question now which I intended to ask—that Mr. Hines did not say to Mr. Keeley that Mr. Funk had asked to contribute to a campaign fund, did he?

Mr. WIEHE. Mr. Funk's name was not mentioned at all.

Mr. MARBLE. Are you quite sure that Cook and O'Brien, when they asked you to arrange the meeting with Mr. Hines at the Grand Pacific Hotel, told you nothing of the subject matter to be discussed?

Mr. WIEHE. Yes.

Mr. MARBLE. Why do you suppose Mr. Cook called Miss Carroll on that morning to ask if Mr. Hines was in town?

Mr. WIEHE. I do not know that he called Miss Carroll. I talked with him.

Mr. MARBLE. You talked with Cook?

Mr. WIEHE. Yes.

Mr. MARBLE. You told him Mr. Hines was in town?

Mr. WIEHE. Yes.

Mr. MARBLE. Why do you suppose he called Baker?

Mr. WIEHE. I have no idea.

Mr. MARBLE. You had made the appointment there?

Mr. WIEHE. Excepting that possibly he and Baker were very friendly.

Mr. MARBLE. You had made the appointment for Mr. Hines to meet these gentlemen?

Mr. WIEHE. Yes. I was somewhat surprised when I saw Baker there. I did not know how he got there.

Mr. MARBLE. Now, it is not possible that Mr. Hines got his first information that Cook and O'Brien were in town from the telephone to him by Miss Carroll, is it?

Mr. WIEHE. Well, I do not know.

Mr. MARBLE. You told Mr. Hines at the station?

Mr. WIEHE. I told him that Cook and O'Brien wanted to meet him. I told him that at the station.

Mr. MARBLE. You made the arrangement with him to meet them?

Mr. WIEHE. Yes; the hour.

Senator KERN. That was at the station?

Mr. WIEHE. Yes.

Mr. MARBLE. The arrangement was made there to meet them at 11 o'clock?

Mr. WIEHE. With Mr. Hines; yes. Later I gave that information to Mr. Cook.

Mr. MARBLE. So that Mr. Hines must have gotten that information at first from you. You were the first person to meet him in the city of Chicago?

Mr. WIEHE. I should think so; yes.

Mr. MARBLE. You met him at the train. Did the telephoning in the room by Mr. Hines to the governor at Springfield make a deep impression on your mind?

Mr. WIEHE. To the governor at Springfield?

Mr. MARBLE. Or to whoever he talked with—to Senator Lorimer. I did not mean to misstate that.

Mr. WIEHE. I do not know that it made a deep impression. I heard the conversation.

Mr. MARBLE. Did you discuss it afterwards with anyone?

Mr. WIEHE. Yes; we discussed it quite a number of times.

Mr. MARBLE. With whom?

Mr. WIEHE. I talked it over with Mr. Hines.

Mr. MARBLE. At the club that day?

Mr. WIEHE. No; not at the club that day; sometime after that, when we heard of Cook talking about it around the country.

Mr. MARBLE. That brought it up, and you discussed it?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. And that refreshed your mind?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Did Mr. Shields tell you that there would be any expense connected with the attendance of any witness at Washington?

Mr. WIEHE. Any expense?

Mr. MARBLE. Yes; expense.

Mr. WIEHE. I did not know that we would have any witnesses in Washington.

Mr. MARBLE. When you saw Mr. Shields in Chicago, was there any discussion of the expense of bringing witnesses to Washington?

Mr. WIEHE. No; I do not think so. I wired these people and asked them if they would come on here.

Mr. MARBLE. I am talking about your communication with Mr. Shields. Was there any discussion of the expense of bringing witnesses to Washington, or who would pay that expense, or how much it would be?

Mr. WIEHE. I do not think so; no.

Mr. MARBLE. With Mr. Shields?

Mr. WIEHE. There is another matter I should like to state here, in reference to Mr. Shields's visit to Chicago at that time. I wanted, or had an idea that I wanted, Mr. Shields to go to Albany; and that was a matter that I took up with him.

Mr. MARBLE. Did you send for him to come to Chicago to discuss it with him?

Mr. WIEHE. I think that in part, and the other general discussion, was what I wanted him for, when I came to think the matter over last night.

Mr. MARBLE. Did you discuss it with him?

Mr. WIEHE. I did.

Mr. MARBLE. It did not occur to you at all yesterday that you had discussed that matter with him?

Mr. WIEHE. No; it did not. It kind of slipped my mind.

Mr. MARBLE. Where were you when you discussed it with him?

Mr. WIEHE. At Herrick, Allen & Martin's office.

Mr. MARBLE. Others were present?

Mr. WIEHE. No; I think not. I think I was talking to him out in the outer office.

Mr. MARBLE. And it did not occur to you at all yesterday?

Mr. WIEHE. No.

Mr. MARBLE. How long did the discussion continue?

Mr. WIEHE. Oh, I talked with him 15 or 20 minutes there—not all the time on this matter.

Mr. MARBLE. How long did you discuss this matter?

Mr. WIEHE. Oh, not very long.

Mr. MARBLE. What has recalled it to your mind?

Mr. WIEHE. I was thinking about it last night. Mr. Hines had telegraphed me to send him the newspapers that showed the subscriptions to the campaign fund made by the McCormick family. I had made some inquiry in Chicago as to whether they had subscribed to any other campaigns, and I was told that they had subscribed to the Taft campaign. I ascertained that that list of subscribers was filed with the secretary of state at Albany; and I had telegraphed down there to see if I could get the list, to show their names on the subscription list. I was advised that the list was destroyed, and that they only retained the list for 15 months. Then, later, I got a telegram saying that they could furnish the list, and I wired to see what would be the expense of getting the list. I had not received a reply; but since I have been here I find that they have advised me that they would furnish this list for \$1,000. In talking it over with our people, they did not think we wanted it that badly.

Mr. MARBLE. What has that to do with Mr. Shields coming down from Superior?

Mr. WIEHE. I had in mind sending him down there to get that list.

Mr. MARBLE. Was it a very difficult matter to handle?

Mr. WIEHE. There were 128 pages of it, and I could not get any definite satisfaction regarding it, excepting that they had found the list.

Senator KERN. One hundred and twenty-eight pages of campaign contributions?

Mr. WIEHE. That is what this telegram said.

Senator KERN. I see now how it happened. [Laughter.]

Mr. MARBLE. That was not the list of Democratic campaign contributions?

Mr. WIEHE. No; that was a list of subscriptions to the Taft campaign.

Mr. MARBLE. Mr. Shields is not a stenographer, is he? You did not expect him to copy it?

Mr. WIEHE. He could have gone down there and arranged for it probably.

Mr. MARBLE. You have a number of capable young men in your office who are able to make a contract for copying 128 pages of type-writing, have you not?

Mr. WIEHE. Yes; but he said he knew somebody there at Albany, and he thought he could get that list for me without very much expense.

Mr. MARBLE. Some one who would copy it for nothing?

Mr. WIEHE. Oh, I do not know as to that. I suppose he would have to pay for copying it.

Mr. MARBLE. You thought the saving that could be made by Mr. Shields in the expense of getting that list would be sufficient to warrant you in sending him from Superior, Wis., to Albany, N. Y.

Mr. WIEHE. No. My inclination, my idea, was that he would go there and get the list. That was what I was interested in.

Mr. MARBLE. Free of cost?

Mr. WIEHE. Oh, no; not free of cost. I wanted that list to show the subscription that Cyrus McCormick made to the Taft campaign fund.

Senator KERN. Was that before or after he testified here the other day that he was a Democrat?

Mr. WIEHE. I do not know anything about that. You know when Taft ran for President.

Senator KERN. I mean this conversation of yours with Shields—was that before or after Mr. McCormick gave testimony here the other day to the effect that he was a Democrat?

Mr. WIEHE. Understand me, now, I do not know that his name is on this list. That is simply gossip. I wanted to get the list to ascertain if it was or not. I wanted to examine it, and so forth.

Mr. MARBLE. It was your understanding, was it not, that that list was filed with an officer of the State of New York?

Mr. WIEHE. Filed with the secretary of state; yes, sir.

Mr. MARBLE. Without prolonging this examination, is there anything else you can tell us or suggest as to why Mr. Shields was sent for to get that list, instead of some gentleman in Albany being asked to get it, or some man being sent from your office in Chicago?

Mr. WIEHE. I do not know why he specially was sent for, but I wanted him to go down there and get it.

Mr. MARBLE. You did not send him there, did you?

Mr. WIEHE. No, sir.

Mr. MARBLE. You concluded that even though he might make a saving you would not send him?

Mr. WIEHE. At that time I had not received the telegram about the \$1,000, and our people here did not think they wanted the thing so badly at the time, and that is the reason we did not send for it. We discussed it.

Mr. MARBLE. Why did you conclude not to send him, then?

Mr. WIEHE. Because they did not think they wanted it so very badly then. Then after that I got this wire, saying that they would furnish it for \$1,000.

Mr. MARBLE. When you sent for Mr. Shields to come from Duluth, you had not been told that this list would cost \$1,000?

Mr. WIEHE. No. I think first I was told that they did not have the list.

Senator KERN. I understood you awhile ago to say that you wanted Shields to go down there because you had heard before that that it would cost \$1,000 and thought he could get it cheaper——

Mr. WIEHE. Oh, no.

Senator KERN (continuing). Because he knew somebody down there.

Mr. WIEHE. No; I said that he knew somebody down there. The counsel asked me some sort of a question there; I do not know just what it was, but that was not it. I did not know at that time that they wanted \$1,000 for it. It was later.

Senator KERN. Who told you or who communicated to you the fact that it would cost \$1,000 to have 128 pages copied from a book of records?

Mr. WIEHE. I do not know who it was. We have the telegram in Chicago. I can send it to you.

Senator JONES. I understood you to say that all you wanted to find out was what Cyrus McCormick had contributed.

Mr. WIEHE. Yes.

Senator JONES. Did you think you had to make a copy of 128 pages to find that out?

Mr. WIEHE. There were other members of his family, and we wanted to see just what was there. I did not know what we wanted. We thought we would get the whole list and get it certified as being the entire campaign contribution.

Senator JONES. Why did you not send down there for some one to examine that list and make a certified copy as to the McCormicks's contribution?

Mr. WIEHE. I suppose we could have done that.

Senator JONES. You never thought about that?

Mr. WIEHE. My intention was to have Shields go down there and see if he could get that complete list. It might be an interesting document sometime.

Senator KERN. I do not quite understand why you should choose Shields who lived away up in Superior.

Mr. WIEHE. I do not say that I selected him specially. He came down to Chicago at my request, and at that interview I took up that matter with him.

Senator JONES. Have you not anybody in your Chicago office that could do work of that kind?

Mr. WIEHE. Oh, yes; we have quite a number of people there.

Senator JONES. People that you would have confidence in—that you could trust with work of that sort?

Mr. WIEHE. Oh, yes; any stenographer could go down there, but he might not be able to get the list if they took that attitude of asking \$1,000 for it.

Senator KENYON. How could Shields get it?

Mr. WIEHE. I do not know, except he might through his acquaintanceship there.

Senator JONES. It was supposed to be a public record, was it not?

Mr. WIEHE. That is what I thought, but when I heard about the \$1,000, I concluded it evidently was not.

Senator JONES. That \$1,000 was what it was supposed to cost to copy it, was it not—not to be permitted to examine it?

Mr. WIEHE. I would not think so, when stenographers are copying stuff at 50 cents a page.

Senator JONES. Did you understand that that \$1,000 was a charge for the privilege of examining this document?

Mr. WIEHE. I do not know. I wired and asked him what it would cost to furnish a certified copy of it, and I got a reply, saying, "a thousand dollars." What that was I do not know. That would be something in the mind of the man who sent the telegram.

Senator JONES. You asked what the cost would be for a certified copy, and they telegraphed back "a thousand dollars"?

Mr. WIEHE. I do not know what he had in mind.

Senator JONES. He would naturally have in mind your inquiry, would he not?

Mr. WIEHE. It might be that he had in mind that that list was worth \$1,000.

Senator JONES. The public official that you telegraphed to?

Mr. WIEHE. Yes, sir. I telegraphed to the secretary of state.

The CHAIRMAN. You say you will furnish those telegrams?

Mr. WIEHE. Yes, sir.

Senator KENYON. Was your reply, wanting \$1,000, from the secretary of state of the State of New York?

Mr. WIEHE. I originally wired the secretary of state, and I think the reply is from the secretary of state.

Senator KENYON. Either from him or some one in his office?

Mr. WIEHE. Yes. The original inquiry was to the secretary of state, and I presume he handled it all the way through.

Mr. MARBLE. It would have been cheaper to have subpoenaed him to come here and bring the list with him and submit it to the committee, would it not?

Mr. WIEHE. I suppose it would have been; but our people did not feel that the list was of as much importance as that.

Mr. MARBLE. Where did you first hear the story in which Father Green's name occurred, which you related yesterday?

Mr. WIEHE. I do not know just where I first heard it. I did not hear all the story from any one person. I heard it in fragments.

Mr. MARBLE. Do you remember the person who first spoke to you about it?

Mr. WIEHE. No; I do not.

Mr. MARBLE. Do you remember when you were first spoken to about it?

Mr. WIEHE. No; I do not. I heard different people talk about it.

Mr. MARBLE. Why are you so sure that you had not heard of it before you took your trip to Virginia?

Mr. WIEHE. Because I did not know anything about it at that time.

Mr. MARBLE. You do remember that it was after the trip to Virginia, do you?

Mr. WIEHE. Some time in March or April, yes, that I first heard the women's end of the story. The other stuff was published in the papers.

Mr. MARBLE. When?

Mr. WIEHE. I think some time in the early part of the year.

Mr. MARBLE. Before the trip to Virginia?

Mr. WIEHE. I think so; yes.

Mr. MARBLE. And you had read it in the papers before the trip to Virginia?

Mr. WIEHE. Not the entire story; no.

Mr. MARBLE. No, not the entire story; but you had read a story in which Father Green's name figured before you took the trip to Virginia?

Mr. WIEHE. No; I did not read any story. I think I read something about the evidence that was given in some case.

Mr. MARBLE. In the Erbstein case?

Mr. WIEHE. I think so; yes. I think that is the case.

Mr. MARBLE. Had you not discussed Father Green with some one before you took the trip to Virginia?

Mr. WIEHE. I do not think so; no, sir.

Mr. MARBLE. Do you recall that you had not?

Mr. WIEHE. I did not know Father Green, or know anything about him—

Mr. MARBLE. You do not know him now, do you?

Mr. WIEHE (continuing). Until I saw the matter in the newspapers at that time.

Mr. MARBLE. You do not know him now, do you?

Mr. WIEHE. Yes; I do.

Mr. MARBLE. You made his acquaintance since?

Mr. WIEHE. Yes.

Mr. MARBLE. But you did not know him at the time you went to Virginia?

Mr. WIEHE. No, sir.

Mr. MARBLE. But you had read something; some part of the story that you have related, in the papers before you went to Virginia? Is that true?

Mr. WIEHE. No; I do not think so, unless it was—

Senator KERN. When did you get acquainted with Father Green?

Mr. WIEHE. Some time during the summer.

Senator KERN. This summer?

Mr. WIEHE. Yes, sir.

Senator KERN. This is July; you can tell us about when it was, can you not?

Mr. WIEHE. Within the last 60 days, probably.

Senator KERN. Did you get acquainted with him at Duluth?

Mr. WIEHE. No; Mr. Hines gave me an introduction to him.

Senator KERN. Where?

Mr. WIEHE. I think down on La Salle Street.

Senator KERN. In Chicago?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Why are you so sure that you did not hear that story in February, instead of in April?

Mr. WIEHE. Because I did not hear it.

Mr. MARBLE. Do you remember where you did hear it?

Mr. WIEHE. I do not; no.

Mr. MARBLE. How do you fix the time?

Mr. WIEHE. Because it was just such a short time ago.

Mr. MARBLE. And that is the only way you fix it?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. It was in April of this year instead of February of this year?

Mr. WIEHE. March or April.

Mr. MARBLE. It might have been in March?

Mr. WIEHE. It may have been; yes.

Mr. MARBLE. Might it have been in February?

Mr. WIEHE. No; I do not think so.

Mr. MARBLE. Have you any basis for that except your impression of time?

Mr. WIEHE. Yes; I know that at the time I went to Virginia I knew nothing about it.

Mr. MARBLE. How do you know that?

Mr. WIEHE. I remember it.

Mr. MARBLE. You remember that you did not know it when you were on the train?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Did you think about not knowing it on the train?

Mr. WIEHE. I did not think anything about it; I did not know anything about it.

Mr. MARBLE. This story in which Mr. Beckemeyer's name figures, which you related the other day, and which we need not repeat, is no part of any Father Green story, is it?

Mr. WIEHE. No; that is a story that is gossip, and such a dirty, nasty story that I tried to get away from it.

Mr. MARBLE. So you repeated it into the record the other day?

Mr. WIEHE. I did not repeat it. You asked me about it, and asked me to tell what it was, and I told it.

Mr. MARBLE. I was not questioning you, as I remember. You were being asked about the Father Green story. The Beckemeyer story is no part of the Father Green story, is it?

Mr. WIEHE. I do not know what the Father Green story is.

Mr. MARBLE. It is no part of any Father Green story that you have ever heard?

Mr. WIEHE. I do not know any Father Green story.

Mr. MARBLE. You related something yesterday in which Father Green's name occurred.

Mr. WIEHE. That is right.

Mr. MARBLE. But you never heard Father Green's name mentioned in connection with the Beckemeyer story at all?

Mr. WIEHE. No.

Mr. MARBLE. That is all I wanted to get.

Mr. WIEHE. Excepting as I related here the other day.

Mr. MARBLE. You did not mean to be understood that Father Green's name was at all or in any way connected with that Beckemeyer story?

Mr. WIEHE. I do not even know whether the story is true or not. I do not know a thing about it.

Mr. MARBLE. Let us leave Father Green out of it entirely, then. You did not mean to be understood that Father Green was in any way connected with that Beckemeyer story, did you?

Mr. WIEHE. No.

Mr. MARBLE. Are you quite sure that you ever read in any paper any portion of the story in which Father Green's name occurred that you related here in your testimony?

Mr. WIEHE. I do not know that I ever read that. I read his testimony, I think, in the Erbstein case, or sketches of it.

Mr. MARBLE. But the story which you repeated you did not read in any paper?

Mr. WIEHE. I do not think so; no, sir.

Mr. MARBLE. Do you not know that it has not been printed, except as it may have grown out of this testimony?

Mr. WIEHE. I never read it.

Mr. MARBLE. And you do not remember where you heard it?

Mr. WIEHE. No; I do not, because I heard it in fragments.

Mr. MARBLE. And you do not remember where you heard any fragment of it?

Mr. WIEHE. No; I do not. It was common gossip.

Mr. MARBLE. Nor who gave you the information?

Mr. WIEHE. No; I do not.

Mr. MARBLE. Do you recall any person with whom you discussed it before you went on the stand?

Mr. WIEHE. Not here; no, sir.

Mr. MARBLE. That happened this year?

Mr. WIEHE. Yes, sir.

(By request, the stenographer read aloud the following answer of the witness:)

Mr. WIEHE. Not here; no, sir.

Mr. MARBLE. What did you mean by that?

Mr. WIEHE. You asked me if I had discussed it with anybody before I went on the stand. I told you, "Not here."

Mr. MARBLE. Did you in Chicago?

Mr. WIEHE. No, sir.

Mr. MARBLE. Or anywhere?

Mr. WIEHE. No, sir.

Mr. MARBLE. So that the complete answer to that question would be "No"?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Can you at all explain why the meeting of Mr. Hettler should have made so precise an impression upon your mind and you can not recall any of these conversations in which Father Green's name figured?

Mr. WIEHE. I do not think Mr. Hettler's story made a very precise impression upon my mind. I simply remember that I met him there.

Mr. MARBLE. You are very sure of your memory of that incident?

Mr. WIEHE. Yes; I think I am, in substance; yes.

Mr. MARBLE. Did you board the train at Duluth any length of time before it started for Virginia?

Mr. WIEHE. Oh, maybe a few minutes. We all went down there together—I do not know about just how long.

Mr. MARBLE. Where did you sit first?

Mr. WIEHE. I think I sat in the seat next to the smoking car first.

Mr. MARBLE. In the main body of the car?

Mr. WIEHE. The main body of the car; yes, sir.

Mr. MARBLE. Facing forward?

Mr. WIEHE. I do not know whether I was facing forward or backward.

Mr. MARBLE. Was some one sitting with you?

Mr. WIEHE. Mr. Hines was sitting with me.

Mr. MARBLE. Mr. Hines was sitting with you?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. In the seat next to the smoking car?

Mr. WIEHE. I think so; yes. That is my recollection.

Mr. MARBLE. The smoking compartment?

Mr. WIEHE. No; in the open body of the car.

Mr. MARBLE. In the open body of the car, next to the smoking compartment?

Mr. WIEHE. Yes.

Mr. MARBLE. And how long did you ride there?

Mr. WIEHE. Well, I should think about 20 minutes—maybe 25 minutes.

Mr. MARBLE. Had the train stopped at any station?

Mr. WIEHE. I do not think so.

Mr. MARBLE. Did you ride with Mr. Hines all that time?

Mr. WIEHE. Yes.

Mr. MARBLE. Did some one else join you?

Mr. WIEHE. Well, people passed through. Some of our party sat close to us.

Mr. MARBLE. Did anyone sit down and talk with you?

Mr. WIEHE. I do not think so, in that seat; no.

Mr. MARBLE. Were you and Mr. Hines talking business?

Mr. WIEHE. Yes.

Mr. MARBLE. Do you remember what subjects you discussed?

Mr. WIEHE. Yes; we discussed our plant at Winton and discussed the prospective meeting at Virginia.

Mr. MARBLE. You knew there was trouble with Cook and O'Brien then, and you discussed them?

Mr. WIEHE. Yes.

Mr. MARBLE. Anything else?

Mr. WIEHE. I do not recollect anything else.

Mr. MARBLE. Did you leave Mr. Hines alone when you went into the smoking compartment?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Why did you go in there?

Mr. WIEHE. I do not know. I went in there. I do not know just why.

Mr. MARBLE. Do you remember clearly who was in there when you went in there?

Mr. WIEHE. Yes.

- Mr. MARBLE. Do you remember how many people were there?
- Mr. WIEHE. Yes.
- Mr. MARBLE. And how they were seated?
- Mr. WIEHE. I do now. I did not when I was at Springfield remember clearly where they were seated, but, since discussing it with some of these people, I kind of located myself.
- Mr. MARBLE. That refreshed your memory?
- Mr. WIEHE. Yes.
- Mr. MARBLE. Has it caused your memory to conform to theirs?
- Mr. WIEHE. Not exactly.
- Mr. MARBLE. Did you change their recollection?
- Mr. WIEHE. No, sir.
- Mr. MARBLE. What made the change? Did they remember it differently from you?
- Mr. WIEHE. No. Seeing these people again rather refreshed my recollection of it.
- Mr. MARBLE. Seeing them, rather than discussing it with them, then?
- Mr. WIEHE. I discussed it with them, too, as to the location of the people.
- Mr. MARBLE. Did they tell you that you were mistaken or any of them?
- Mr. WIEHE. Yes. Mr. Cusson told me I was mistaken.
- Senator KERN. He told you you were mistaken about what?
- Mr. WIEHE. As to who was in the room first. I think he was in the room first, and he thinks I was.
- Mr. MARBLE. Did Mr. Cusson tell you that you were mistaken about anything else?
- Mr. WIEHE. No.
- Mr. MARBLE. Did you remember some people in your testimony at Springfield who were not on the car?
- Mr. WIEHE. Yes.
- Mr. MARBLE. Was it your testimony—
- Mr. WIEHE. I mentioned Charles Weyerhaeuser at Springfield, but he was not on the car at all. He was not in that part of the country.
- Mr. MARBLE. Did Mr. Cusson tell you that you were mistaken about that?
- Mr. WIEHE. No; I did not discuss that with Mr. Cusson.
- Mr. MARBLE. Who told you that you were mistaken about that?
- Mr. WIEHE. I think Mr. Cusson did, after we testified at Springfield.
- Mr. MARBLE. You think Mr. Cusson told you you were mistaken about that?
- Mr. WIEHE. I think he did; yes.
- Mr. MARBLE. Were any other errors in your testimony drawn to your attention by anyone?
- Mr. WIEHE. No.
- Mr. MARBLE. You do not recall any?
- Mr. WIEHE. No, sir.
- Mr. MARBLE. Whom did you sit next to when you sat down?
- Mr. WIEHE. I sat next to Mr. McGowan.
- Mr. MARBLE. And he was next to the window?
- Mr. WIEHE. Yes.
- Mr. MARBLE. And on the other side of you was who?

- Mr. WIEHE. Mr. Cusson.
- Mr. MARBLE. Did you talk to Mr. McGowan on that trip?
- Mr. WIEHE. I do not think I said very much to him. I may have said some few words to him, but I had no conversation with him to any extent.
- Mr. MARBLE. Did you learn who he was?
- Mr. WIEHE. I did not.
- Mr. MARBLE. Did you learn where he was from?
- Mr. WIEHE. No.
- Mr. MARBLE. Did you learn his business?
- Mr. WIEHE. No.
- Mr. MARBLE. Did you learn his views on any public question?
- Mr. WIEHE. No.
- Mr. MARBLE. Did you pay any attention to him?
- Mr. WIEHE. Not very much; no.
- Mr. MARBLE. Might it not have been one of the other strangers who sat next to the window instead of Mr. McGowan?
- Mr. WIEHE. I do not think so.
- Mr. MARBLE. You did observe him enough so that you are sure of his identity now?
- Mr. WIEHE. When I saw the man now, I recollect he was the man.
- Mr. MARBLE. How long did you stay in the smoking compartment?
- Mr. WIEHE. About 30 minutes.
- Mr. MARBLE. Then where did you go?
- Mr. WIEHE. Mr. Hines called me out and I went back to where he sat.
- Mr. MARBLE. You went back to the seat you had come from?
- Mr. WIEHE. Yes.
- Mr. MARBLE. The seat next the smoking compartment in the main body of the car?
- Mr. WIEHE. Yes.
- Mr. MARBLE. Not near the middle of the car?
- Mr. WIEHE. Not at that time; no, sir.
- Mr. MARBLE. How long did you sit in that seat, next to the smoking compartment?
- Mr. WIEHE. I do not know how long; 25 or 30 minutes, maybe.
- Mr. MARBLE. Then where did you go?
- Mr. WIEHE. Then I went across to the middle of the car where Mr. Harper sat.
- Mr. MARBLE. And sat with him?
- Mr. WIEHE. Yes.
- Mr. MARBLE. Did you see Mr. Johnson there?
- Mr. WIEHE. Yes; I think Mr. Johnson was sitting at the other end of the car. That is my recollection.
- Mr. MARBLE. Were you busy with Mr. Harper?
- Mr. WIEHE. Yes.
- Mr. MARBLE. Did Mr. Johnson try to attract your attention?
- Mr. WIEHE. I do not think so; no.
- Mr. MARBLE. Did he see you?
- Mr. WIEHE. I do not know whether he did or not.
- Mr. MARBLE. Did he speak to you in the body of the car that night?
- Mr. WIEHE. No, sir.
- Mr. MARBLE. You are sure of that?
- Mr. WIEHE. Yes.

Mr. MARBLE. He did not speak to you in passing, or anything of that sort?

Mr. WIEHE. Not at that time; no, sir.

Mr. MARBLE. Do you remember what subjects were discussed in the smoking compartment while you were there?

Mr. WIEHE. I think the tariff and reciprocity.

Mr. MARBLE. What else?

Mr. WIEHE. There was some discussion about a change of the watershed up there north of Winton.

Mr. MARBLE. What else?

Mr. WIEHE. Making that flow back down to Duluth.

Mr. MARBLE. Yes. Anything else?

Mr. WIEHE. I think there was some talk on electric-light fixtures.

Mr. MARBLE. Anything else?

Mr. WIEHE. That is about all I can recollect.

Mr. MARBLE. Did all the people in the car take part in these discussions?

Mr. WIEHE. I do not know. My recollection is that Mr. Johnson, Mr. Burgess, and Mr. F. E. Weyerhaeuser were the principal talkers.

Mr. MARBLE. Did you take part in the discussion?

Mr. WIEHE. I did not; no; excepting that I may have put in a word or two here and there.

Mr. MARBLE. Did the party break up into groups, so that there were a number of discussions going on at a time?

Mr. WIEHE. No; they all sat together in the room.

Mr. MARBLE. Did you talk to Mr. Burgess?

Mr. WIEHE. I do not think so; no.

Mr. MARBLE. Did you speak to him at all?

Mr. WIEHE. If I did, it was only in this conversation.

Mr. MARBLE. You did not know him at that time?

Mr. WIEHE. I did not; no, sir. I never saw the man before.

Mr. MARBLE. You were not introduced to him by Mr. Cook at that time?

Mr. WIEHE. No, sir.

Mr. MARBLE. And you have already testified, very explicitly and completely, that the conversation which Mr. Burgess related did not take place?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. You are absolutely certain of that?

Mr. WIEHE. Yes, sir.

Mr. MARBLE. Did you hear the election of Senator Lorimer mentioned at all in that smoking compartment that night?

Mr. WIEHE. I do not think I heard his election mentioned; no, sir.

Mr. MARBLE. Did you hear him mentioned?

Mr. WIEHE. He may have been. I would not say that he was or was not. I would not say that his name was not mentioned.

Mr. MARBLE. You would say that his name was not mentioned?

Mr. WIEHE. I say I would not know whether it was or not.

Mr. MARBLE. Have you any recollection of the contest or the attack upon his right to his seat being mentioned?

Mr. WIEHE. I do not think it was discussed at all.

Mr. MARBLE. Was corruption in legislatures discussed?

Mr. WIEHE. No, sir.

Mr. MARBLE. Were newspapers discussed?

- Mr. WIEHE. I do not think so.
- Mr. MARBLE. Or newspaper attacks upon public men?
- Mr. WIEHE. I do not think so.
- Mr. MARBLE. Did you discuss newspapers that night at all?
- Mr. WIEHE. I did not.
- Mr. MARBLE. Did you hear Father Green's name mentioned that night?
- Mr. WIEHE. I did not.
- Mr. MARBLE. That is all.
- Senator KERN. Mr. Wiehe, I understood you to say in your testimony yesterday that you did not call Mr. Hines up about the 25th of May, 1909, but that Mr. Hines called you up on the telephone?
- Mr. WIEHE. Yes, sir.
- Senator KERN. What did he call you up to say to you?
- Mr. WIEHE. He told me to call up Senator Lorimer at Springfield and say to him that he was leaving Washington on that afternoon or evening and that he would go right on through to Springfield; also to say to the Senator that the administration was with him.
- Senator KERN. Was that all he told you?
- Mr. WIEHE. That is all; yes; on that subject.
- Senator KERN. Did he talk with you on some other subjects?
- Mr. WIEHE. He may have; yes.
- Senator KERN. Do you remember whether he did or not?
- Mr. WIEHE. I do not remember that he did; no, sir. He may have said something else.
- Senator KERN. What time did you get that telephone message on the 25th?
- Mr. WIEHE. I must have gotten it at about noon, I should think.
- Senator KERN. After you received it you called up Mr. Lorimer?
- Mr. WIEHE. No; no.
- Senator KERN. Did you not call up Mr. Lorimer after Mr. Hines had directed you to call him up by telephone?
- Mr. WIEHE. Not then. I did not call him then. I called him later in the evening. I tried to get him from—oh, I should think 9 o'clock to pretty close to 12 o'clock. It was pretty hard to get the wire to Springfield.
- Senator KERN. In your testimony before the Helm committee I think you testified that this telephone message came from Mr. Hines, directing you to call up Senator Lorimer, and then you said: "And I did so."
- Mr. WIEHE. Yes, sir.
- Senator KERN. Do you say now that you could not get Senator Lorimer until later in the day?
- Mr. WIEHE. I did not try to get him until after dinner in the evening.
- Senator KERN. About what time did you get him?
- Mr. WIEHE. Close to 12 o'clock I think it was.
- Senator KERN. That night?
- Mr. WIEHE. Yes.
- Senator KERN. How long had you been making an effort to get him?
- Mr. WIEHE. For several hours.
- Senator KERN. What did you tell him when you finally got him?
- Mr. WIEHE. I told him what Mr. Hines said.

Senator KERN. I am not asking you that. I am asking you to give the words.

Mr. WIEHE. I could not give you the words exactly.

Senator KERN. Of course, you can not give the exact words, but you can give the substance of the conversation. I wish you would tax your memory now.

Mr. WIEHE. I could not give you the exact words. I would not attempt to do it.

Senator KERN. I assume that no man could; but you can give the substance of that message, the same as you give the substance of the telephone message that you heard Mr. Hines send to Senator Lorimer?

Mr. WIEHE. Yes. I told Senator Lorimer that Mr. Hines had telephoned me and would come right on down to Springfield, and that he told me to tell him that the administration was with him.

Senator KERN. Is that all you said to Senator Lorimer?

Mr. WIEHE. Yes.

Senator KERN. What did he say in reply?

Mr. WIEHE. He told me to stop Mr. Hines from going to Springfield; that as soon as I should see him to tell him to go to the telephone and call him up.

Senator KERN. Did he tell you why he wanted Mr. Hines stopped?

Mr. WIEHE. He said he did not think that he could get down there in time before the vote was taken at noon to do any good; that he had better use the long-distance telephone.

Senator KERN. Was there anything else that Senator Lorimer told you?

Mr. WIEHE. No.

Senator KERN. Did you say anything in response to that?

Mr. WIEHE. I said that I would go down to the train in the morning and see Mr. Hines and stop him from going through.

Senator KERN. So that it was in response to the request of Senator Lorimer's that you met Mr. Hines at the station at 8.55 the following morning?

Mr. WIEHE. Yes.

Senator KERN. When you met him, you told him that Mr. Cook and Mr. O'Brien were there, and then you arranged with him there that he was to meet them at the Grand Pacific Hotel at about 11 o'clock?

Mr. WIEHE. Yes.

Senator KERN. And then you went back to the Hines office?

Mr. WIEHE. Yes.

Senator KERN. As soon as you could, and called up Mr. Cook and Mr. O'Brien, and notified them?

Mr. WIEHE. Yes.

Senator KERN (continuing). Of the appointment that you had made for Mr. Hines with them?

Mr. WIEHE. Yes.

Senator KERN. You remained at the office until about what time?

Mr. WIEHE. Oh, I remained there, I should think, until probably half-past 10 or a quarter of 11.

Senator KERN. You had no other communication with Mr. Hines in the meantime?

Mr. WIEHE. No. I do not think I had any further communication excepting that I called him up and told him to come over there; that that would be satisfactory. I may have done that.

Senator KERN. If you called him up at all, that is, if you had any further communication with him, it was simply to complete the arrangement for the meeting for 11 o'clock at the Grand Pacific Hotel?

Mr. WIEHE. That is right.

Senator KERN. Then, after leaving the office of the Hines Lumber Co., you went directly to the Grand Pacific Hotel?

Mr. WIEHE. Yes.

Senator KERN. You had not seen Mr. Baker since you left him at the Union Station?

Mr. WIEHE. No, sir; not until I saw him in the room with Cook and O'Brien.

Senator KERN. That is what I understood you to say yesterday.

Mr. WIEHE. Yes.

Senator KERN. You did not see Mr. Baker again until you saw him in Mr. Cook's room at the Grand Pacific Hotel?

Mr. WIEHE. No.

Senator KERN. Do you know who got to the hotel first, you or Mr. Hines?

Mr. WIEHE. I think Mr. Hines did.

Senator KERN. Have you any distinct recollection on that point?

Mr. WIEHE. No; I have not. I testified before the Helm committee that I met them in the rotunda. That was my recollection, but I do not think that was so.

Senator KERN. Well, you thought it was true when you testified to it at Springfield, did you not?

Mr. WIEHE. Yes; that was my recollection at the time.

Senator KERN. And that time was much nearer the event testified to than the present time?

Mr. WIEHE. No, not very much; two or three months. That was in April and this is in July.

Senator KERN. Your recollection was not so good then, as to the event that occurred in March, 1909, as it is now?

Mr. WIEHE. I do not know as it is any better or worse.

Senator KERN. Did you not testify in the Helm investigation on that subject as follows:

Q. And were you there with Mr. Cook and Mr. O'Brien?

Referring to the Grand Pacific Hotel—

A. Well, I don't know whether I was there first or Mr. Hines was there first, but I was there, and was in the joint meeting with them.

Did you give that testimony?

Mr. WIEHE. Yes, sir.

Senator KERN. Then, a little further along in the testimony before the Helm committee (I am reading from page 174), this question was asked you:

Q. Do you know in what part of the hotel you met those gentlemen?—A. I think I met them in the rotunda of the hotel first.

Did you testify to that?

Mr. WIEHE. I stated so a minute ago.

Senator KERN (continuing reading) :

Q. And did you go from there to any other part of the hotel?—A. Yes; we went to, I think it was, Mr. Cook's room.

Q. Who went to Mr. Cook's room that morning?—A. I think Mr. O'Brien, Mr. Cook, Mr. Isaac Baker, Mr. Hines, and myself.

Was that your testimony?

Mr. WIEHE. Yes.

Senator KERN. You say now that your recollection is that you did not meet them in the rotunda of the hotel?

Mr. WIEHE. I think that is the fact; yes, sir.

Senator KERN. After you got to that room and had been there a while, this telephone conversation occurred, which you have given. I think you have already stated that there was no other conversation going on in the room while the telephone conversation occurred?

Mr. WIEHE. I do not think there was; no.

Senator KERN. That telephone conversation only consumed a minute or two, I suppose?

Mr. WIEHE. Not very long. It was long enough to say those words.

Senator KERN. Do you pretend to give all the telephone conversation?

Mr. WIEHE. I do not.

Senator KERN. Of course you do not know, then, what the remainder of it was about; that is, the part that you do not pretend to give?

Mr. WIEHE. I have given the substance of it. That is all I could give you. To repeat it word for word, I would not pretend to do.

Senator KERN. In your testimony before the Helm committee this question was asked you:

Q. But you do recall, very distinctly, the conversation which Mr. Hines had over the wire?

To which you answered:

Well, I recall that portion of it; yes.

Mr. WIEHE. I meant the substance of it. In my testimony at Springfield I only gave the substance.

Senator KERN. Did you pretend then and do you pretend now to give the whole of the substance of it?

Mr. WIEHE. I am giving you the substance of the conversation. I do not pretend to give it all—everything that was said. I do not know that I could.

Senator KERN. In the Helm investigation testimony—I am simply calling your attention to it in order that you may explain—I will read from page 175 first, and then from page 176, giving your version of the conversation:

I have just talked with the governor on the long-distance telephone, and he assures me he will do what you ask.

On page 176 you testified:

I have just talked with the governor, and he will do what you request him to do.

That is an instance where you are giving the substance and not pretending to follow the words.

Mr. WIEHE. I was just giving the substance of what was said. That was all.

Senator KERN. In an answer on page 175 of this Helm testimony you said, in giving your version of the conversation:

You know what the administration wants.

On page 176 you say:

You know how the administration feels in regard to the matter.

Can you give us any idea as to which of those versions was more nearly correct?

Mr. WIEHE. No; I could not. The sense of the thing was all I was giving there.

Senator KERN. In both conversations you say:

Now, leave no stone unturned to be elected.

In that part of the conversation you are giving the exact words, are you not?

Mr. WIEHE. I presume so; the substance of what was said. I do not know whether it was the exact words.

Senator KERN. You do not know whether he said then "leave no stone unturned to be elected"?

Mr. WIEHE. That was my recollection, or I would not have stated it. I am simply given my recollection of the substance of what was said.

Senator KERN. You have already said that you are not pretending to give the exact words. May he have used other words which were the equivalent of those words?

Mr. WIEHE. No; I think that is the substance of what he said.

Senator KERN. Do you mean to say those are the words that he used?

Mr. WIEHE. No.

Senator KERN. Then, what you mean to say is that the words used were either those words or the equivalent of those words?

Mr. WIEHE. Yes.

Senator KERN. That is, in your judgment?

Mr. WIEHE. To my recollection; yes.

Senator KERN. In the first conversation (p. 75), "I will go down to Springfield if necessary in the morning"; and in the second conversation, "I will come down there if you want me to, either to-night or in the morning."

Mr. WIEHE. I think that is correct.

Senator KERN. What, the latter or the former?

Mr. WIEHE. The latter.

Senator KERN. After you left the Grand Pacific Hotel, which was about noon, you went with Mr. Hines directly to the Union League Club?

Mr. WIEHE. Yes, sir.

Senator KERN. For lunch?

Mr. WIEHE. Yes, sir.

Senator KERN. And you took luncheon with Mr. Hines at that club?

Mr. WIEHE. Yes, sir.

Senator KERN. You were both members of the club?

Mr. WIEHE. Yes, sir.

Senator KERN. The club has a very large membership?

Mr. WIEHE. Yes, sir.

Senator KERN. And it is a very busy place usually, between 12 and 1 o'clock?

Mr. WIEHE. Yes, sir.

Senator KERN. Where the business men of Chicago are in the habit of coming in for their lunch?

Mr. WIEHE. Yes, sir.

Senator KERN. And it was so on that day, I presume?

Mr. WIEHE. I presume so.

Senator KERN. Did you and Mr. Hines take lunch alone?

Mr. WIEHE. Yes, sir.

Senator KERN. There was nobody else sitting at the table?

Mr. WIEHE. No, sir.

Senator KERN. You remained there about two hours?

Mr. WIEHE. I should think so.

Senator KERN. About how long were you occupied with your luncheon?

Mr. WIEHE. I think we got downstairs from luncheon about a quarter after 2 or 10 minutes after 2.

Senator KERN. I mean, how long after you got there before you finished your luncheon?

Mr. WIEHE. I think it was about an hour from the time we ordered until we got through and left the dining room.

Senator KERN. Did any of that large number of people who were there in or about the dining room speak to Mr. Hines in the dining room?

Mr. WIEHE. I do not recollect that. I do not think so.

Senator KERN. You do not remember whether anybody did?

Mr. WIEHE. I do not think so. I think we went right to the table and sat down.

Senator KERN. The room was pretty well filled with men eating?

Mr. WIEHE. Yes.

Senator KERN. There were small tables around with men sitting at them?

Mr. WIEHE. Yes.

Senator KERN. Did anybody come over to Mr. Hines?

Mr. WIEHE. I do not think so.

Senator KERN. He had been away from home quite awhile, had he not?

Mr. WIEHE. Yes, sir.

Senator KERN. He had a very large circle of friends in the Union League Club?

Mr. WIEHE. Yes, sir.

Senator KERN. He had been away practically since the fall before?

Mr. WIEHE. Yes, sir.

Senator KERN. Do you mean to say that he came into the dining room among his friends and that nobody came over where he was to talk with him?

Mr. WIEHE. I do not mean to say anything about it.

Senator KERN. You do not know anything about it?

Mr. WIEHE. I do not recollect that anybody did talk to him.

Senator KERN. You have no recollection at all on the subject?

Mr. WIEHE. No, sir. It did not make any impression on my mind.

Senator KERN. Then you came down stairs into the lobby or the lounging room?

Mr. WIEHE. Yes, sir.

Senator KERN. There were a large number of people passing backward and forward then, were there not?

Mr. WIEHE. Yes, sir.

Senator KERN. And did anybody speak to Mr. Hines?

Mr. WIEHE. Yes; I think a number of people spoke to him.

Senator KERN. You were with him?

Mr. WIEHE. Yes, sir.

Senator KERN. Who spoke to him besides Mr. Hettler?

Mr. WIEHE. I think he talked with Mr. Eckart.

Senator KERN. Who is he?

Mr. WIEHE. He is a business man in Chicago.

Senator KERN. Do you remember the conversation between him and Mr. Eckart?

Mr. WIEHE. No; I do not. I was not close enough to them to hear it.

Senator KERN. Of the number of conversations that he had when you and he were together while you were there, do you not remember any except that with Mr. Hettler?

Mr. WIEHE. I do not think he had any extended conversations with anybody.

Senator KERN. He did not have any extended conversation with Hettler?

Mr. WIEHE. No.

Senator KERN. You say it was only a moment's passing conversation?

Mr. WIEHE. Yes.

Senator KERN. He had some conversations with a number of other people, did he not?

Mr. WIEHE. Yes.

Senator KERN. Can you give us one of them?

Mr. WIEHE. I was not close enough to hear the conversations with other people.

Senator KERN. And yet you were in his company?

Mr. WIEHE. After we came down from the dining room I went over to the table and got a newspaper to read.

Senator KERN. You were not with him downstairs?

Mr. WIEHE. He was around, away from me. A number of people talked with him, but—

Senator KERN. You do not remember who they were, except Eckart?

Mr. WIEHE. I know Eckart talked with him. I am pretty positive he did.

Senator KERN. No such conversation as Hettler detailed there?

Mr. WIEHE. I do not think so; no, sir. I know so.

Senator KERN. And you knew that when you were at Springfield, did you not?

Mr. WIEHE. Yes.

Senator KERN. You were at Springfield as the representative of Mr. Hines, were you not?

Mr. WIEHE. Well, I sent a card in there, to interrogate Cook, on which I put such a statement.

Senator KERN. That was true, was it not?

Mr. WIEHE. I was not representing Mr. Hines there.

Senator KERN. Did you not so state in that note?

Mr. WIEHE. Not through any instructions from him.

Senator KERN. Did you not state in that note, printed on page 192 of the record of the Helm committee, "I am here representing Mr. Hines; C. F. Wiehe"?

Mr. WIEHE. Yes. I was there to represent him, to ask those questions, and I did that on my own motion, without any instructions from Mr. Hines.

Senator KERN. The day on which you went to Springfield was April 25, was it not?

Mr. WIEHE. Yes.

Senator KERN. Mr. Hettler had testified on the 13th of April, 12 days before that?

Mr. WIEHE. Yes.

Senator KERN. And you had read his testimony in the newspapers?

Mr. WIEHE. Yes.

Senator KERN. Notwithstanding the fact that you were there representing Mr. Hines on that occasion, and gave your testimony before the committee, and notwithstanding the fact that you examined witnesses there on that day—

Mr. WIEHE. I did not examine witnesses.

Senator KERN. Did you not ask questions?

Mr. WIEHE. I examined one witness.

Senator KERN. Notwithstanding those facts, you did not, in your testimony, contradict a word that Hettler had said, did you?

Mr. WIEHE. No. There were some other things that I did not say, too.

Senator KERN. But you did not contradict Hettler?

Mr. WIEHE. I had no occasion. I was not asked about it. I was not represented by counsel. I was put up there on the stand and asked questions, and I answered them just as they gave them to me.

Senator KERN. And then you came in there and asked permission to cross-examine Mr. Cook?

Mr. WIEHE. I asked permission to ask Mr. Cook a few questions, which I did.

Senator KERN. As a representative of Hines?

Mr. WIEHE. Yes.

Senator KERN. You stated in your testimony that you went to the Union League Club, did you not?

Mr. WIEHE. Yes.

Senator KERN. Did you testify to anything that occurred there?

Mr. WIEHE. I said I went there to lunch; yes.

Senator KERN. And did it not occur to you in your testimony, connected with that, to say that the statement given by Mr. Hettler was entirely untrue?

Mr. WIEHE. I was not asked the question.

Senator KERN. You did not volunteer anything, did you, in your testimony?

Mr. WIEHE. I answered the questions that were asked.

Senator KERN. Did you not give any testimony before the Helm committee except in response to questions?

Mr. WIEHE. I do not think so.

Senator KERN. Did you not volunteer any statement at all?

Mr. WIEHE. I do not think so. I simply answered the questions that were asked me.

Senator KERN. Mr. Hettler says that Mr. Hines boasted of having elected Lorimer, and you say he did not do anything of the kind.

Mr. WIEHE. He did not on that occasion; no.

Senator KERN. He did frequently, did he not?

Mr. WIEHE. I do not think so—not frequently.

Senator KERN. Did he ever?

Senator KERN. I am coming to that.

Mr. WIEHE. I have heard him say that he thought he did a good deal toward his election.

Senator KERN. Was not this stated in your testimony at Springfield (p. 181, Helm record):

Q. Do you recall any statement made by you that Mr. Hines talked too much?—A. I may have made that statement; yes.

Q. That is true, is it, he does talk a great deal?—A. Well, I would like to explain.

Q. Certainly, any explanation you want to make to us.—A. What I mean by that, Mr. Hines felt that he did elect Lorimer.

Q. Yes?—A. The reason he thought that was that he had requested Gov. Deneen to throw the support to Lorimer, and Deneen said he would do it, and immediately following that Mr. Lorimer was elected, and Mr. Hines supposed that he had assisted in electing him.

Q. Mr. Hines did think, as you understood it, that he had induced Gov. Deneen to aid the candidacy of Mr. Lorimer?—A. Yes.

Q. And that that was the thing that brought about Lorimer's success?—A. Yes. And later, when this talk about money being used in the election of Lorimer, Mr. Hines was charged with having used the money, and the papers have relentlessly kept up that agitation since that.

Q. Now, Mr. Hines's belief in that respect was known to you by what Mr. Hines told you, is it not?—A. Yes; and what I knew about Mr. Hines before.

Q. Yes. Well, in order to know what his belief was, and what his opinion was, you got your information from him direct, did you not?—A. Yes.

Q. And he based his opinion and his belief upon the fact that he induced on the 26th day of May in a long-distance telephone conversation that he had with Gov. Deneen to throw his support to Mr. Lorimer, and that is what brought about the result?—A. And that Gov. Deneen said that he would do so, and I believe that Mr. Hines believed that that accomplished the result.

That was your testimony, was it not?

Mr. WIEHE. Practically so; yes.

Senator KERN. I will ask you if you did not state further:

Q. Can you recall any conversation that you had with Mr. Hines about the election of Mr. Lorimer prior to the midnight jaunt to the Grand Pacific Hotel?—A. I could not recollect any conversation with him, because there were so many conversations that one of them—it would be very hard to recall any particular conversation—

And so forth.

Was that your testimony?

Mr. WIEHE. Yes, sir.

Senator KERN. Then you did frequently hear Mr. Hines say that he had elected Mr. Lorimer?

Mr. WIEHE. No; I do not know that I frequently heard him say that.

Senator KERN. If he did say it to Hettler—

Mr. WIEHE. I have heard Mr. Hines say that he thought his talk with Gov. Deneen did a great deal toward electing Lorimer.

Senator KERN. Did you not hear him say, as you state here, that he thought he had elected him?

Mr. WIEHE. At what time?

Senator KERN. At any time?

Mr. WIEHE. Oh, yes; I have heard Mr. Hines say that.

Senator KERN. You have heard Hines say that he elected Lorimer?

Mr. WIEHE. No.

Senator KERN. That he thought he elected Lorimer?

Mr. WIEHE. No.

Senator KERN. Never heard him say that?

Mr. WIEHE. I never heard him say that he elected Lorimer. I heard him say that he thought he had assisted in the election of Lorimer.

Senator KERN. There was nothing so very remarkable then, after these repeated talks of his, or before these repeated talks, in his having made the statement to Mr. Hettler "I elected Lorimer. I brought about his election."

Mr. WIEHE. There was nothing remarkable about it, but I do not think he would make that statement to Hettler.

Senator KERN. Nothing peculiar, from the number of times you heard him make that statement, such as I have stated. You are only sure that none of these conversations was with Mr. Hettler.

Mr. WIEHE. Not while I was present. He may have had that talk with Mr. Hettler some other time; I do not know about that, but not while I was present.

Senator KERN. And you have a distinct recollection of just what he said to Hettler?

Mr. WIEHE. Not exactly; no. The substance of what he said.

Senator KERN. Mr. Hines telephoned you on the night you refer to, when Cook and O'Brien turned up in Chicago, that somebody at Duluth had told him that Cook had been talking too much, or something to that effect, and that there were some grand-jury subpoenas out for Cook and O'Brien, and for you to go down to the hotel and tell them to avoid the subpoena?

Mr. WIEHE. Tell them to keep out of the way.

Senator KERN. To keep out of the way?

Mr. WIEHE. Until the matter had blown over. I presume my own impression was about the subpoena.

Senator KERN. I wish you would tell the committee just what it was he told you about the party at Duluth.

Mr. WIEHE. He said somebody at Duluth had telephoned him.

Senator KERN. Did he say who?

Mr. WIEHE. I do not think he did; no.

Senator KERN. Did you not testify before the Helm committee in effect that Hines had known that there was a possibility of their being subpoenaed before the grand jury the next morning?

Mr. WIEHE. Well, was not that information?

Senator KERN. You so testified, did you?

Mr. WIEHE. Do you not think the statement I have just made was information?

Senator KERN. I am asking you whether you so testified.

Mr. WIEHE. I think I did; yes.

Senator KERN. He did not tell you that somebody from Duluth had informed him that Cook and O'Brien were to be subpoenaed before the grand jury, did he?

Mr. WIEHE. That is what I said a few minutes ago.

Senator KERN. Did you testify as follows at the Helm investigation (p. 176, Helm record) :

A. Why, Mr. Hines—somebody had informed him that Cook and O'Brien were to be subpoenaed before the grand jury, and at that time Mr. Hines, owing to his relations with the administration, their asking him to act as a messenger and see Gov. Deneen, he did not feel as if he wanted that disclosed at the time, and he asked me to go down and see Mr. Cook and O'Brien and ask them to keep out of the way until this thing was over.

Was that your testimony?

Mr. WIEHE. Yes.

Senator KERN. Did he tell you that over the telephone?

Mr. WIEHE. Did he tell me what?

Senator KERN. What I have just read.

Mr. WIEHE. I would not say that he told me all of it over the telephone.

Senator KERN. Did you testify on the Helm investigation, in response to a request that you tell exactly what Hines said over the telephone, as follows:

He asked me to go down and see Cook and O'Brien, who were at the Grand Pacific Hotel, and ask them to keep out of the way, on account of this grand-jury investigation that he thought was pending."

Did you so testify?

Mr. WIEHE. I suppose so, if the record says that there.

Senator KERN. Will you state whether these questions and answers were propounded and given (p. 177, Helm record) :

Q. Well, do you know why Mr. Hines was interested in keeping witnesses out of the jurisdiction of the grand jury?—A. Well, he thought he was—he would probably be drawn into the matter.

Q. Do you know why he thought he would be drawn into the matter?—A. Well, because a number of people had spoken to him about it I suppose. I don't know why. He never said that to me.

Was that your testimony?

Mr. WIEHE. I think so.

Senator KERN. State whether at the Helm investigation you testified anything about any conversation with a party at Duluth.

Mr. WIEHE. No; I think I said that he had information.

Senator KERN. I understand you to say that you only stayed there a little while at the Grand Pacific Hotel.

Mr. WIEHE. Not very long.

Senator KERN. Were Cook and O'Brien together all that time?

Mr. WIEHE. Yes.

Senator KERN. To refresh your recollection, Mr. O'Brien testified that when you first addressed them you were right near him, but later on "I think that he (that is, you) started to go out, and then he (you) stopped, and Mr. Cook went over to where he was and they stood there and talked for quite a spell and I was sitting back."

Did anything of that kind occur?

Mr. WIEHE. Not talking quite a spell. I do not know what that means. I was there only a very few minutes.

Senator KERN. Did you have a conversation with Mr. Cook, as indicated by Mr. O'Brien, apart from Mr. O'Brien?

Mr. WIEHE. I may have, I would not say that I did not.

Senator KERN. But you do not have a recollection of it?

Mr. WIEHE. No, sir.

Senator KERN. Coming now to the smoking car incident. You have a distinct recollection as to where you sat with reference to the window?

Mr. WIEHE. I have now; yes, sir.

Senator KERN. You have a distinct recollection that the young Canadian, McGowan, sat next to the window?

Mr. WIEHE. I have now.

Senator KERN. You sat next to him?

Mr. WIEHE. Yes.

Senator KERN. Cusson sat next to you. Can you state where anybody else sat?

Mr. WIEHE. Yes; Mr. Weyerhaeuser sat next to me.

Senator KERN. I thought Cusson sat next to you.

Mr. WIEHE. He did on one side, but there were two sides of me, you know.

Senator KERN. I thought you said McGowan sat on one side?

Mr. WIEHE. Oh, yes. Mr. Weyerhaeuser sat next to Cusson, in the corner.

Senator KERN. You did not have three sides?

Mr. WIEHE. No; that is right. I beg your pardon.

Senator KERN. McGowan sat next to the window and you next to McGowan?

Mr. WIEHE. Yes.

Senator KERN. Cusson sat next to you, and then who next?

Mr. WIEHE. And then Mr. Weyerhaeuser sat in the corner.

Senator KERN. Sat in the corner. There were four men on the seat?

Mr. WIEHE. Four men on the seat; yes.

Senator KERN. Then Mr. Johnson and Mr. Burgess occupied chairs?

Mr. WIEHE. Yes.

Senator KERN. And the other gentlemen stood up around in the compartment?

Mr. WIEHE. The man who was here the other day sat on the washstand.

Senator KERN. There was a man named Harper there?

Mr. WIEHE. No; Mr. Harper was not in the smoking room at all.

Senator KERN. The Harper that was a witness before the Helm investigation is a partner in this insurance firm with Shields?

Mr. WIEHE. Yes, sir.

Senator KERN. He is Mr. Shields's partner?

Mr. WIEHE. Yes; and a stockholder in the Virginia & Rainy Lake Co.

Senator KERN. So that you have fixed now in your mind the exact location of all the parties in the car?

Mr. WIEHE. Not all the parties in the car.

Senator KERN. I mean in the smoking compartment.

Mr. WIEHE. Yes.

Senator KERN. I will ask you whether on the Helm investigating committee you were unable to remember whether you occupied a sofa or whether you occupied a chair?

Mr. WIEHE. I so stated here a few moments ago. My recollection was not good then.

Senator KERN. That you were not able to state how anybody was arranged in that compartment?

Mr. WIEHE. My recollection at that time was such that I could not state exactly where I sat; no, sir.

Senator KERN. Your mind was a perfect blank on the subject as to where you sat, whether on a chair or a sofa, and as to how anyone present was located with reference to any other person?

Mr. WIEHE. I knew positively that I did not sit in a chair.

Senator KERN. Did you not testify this way in the Helm investigation (p. 186):

Q. Do you remember whether you occupied a seat or a chair?—A. Well, I could not say as to that. I would not say whether I occupied a seat or a chair.

Mr. WIEHE. Yes, sir.

Senator KERN. You testified to that?

Mr. WIEHE. Yes, sir.

Senator KERN. And further:

Q. Do you know how the different men were arranged about the room?—A. No; I do not.

Q. Have you any recollection of it?—A. No; I have not. I don't think I could say just how they were arranged.

Q. Don't you remember you were sitting on a leather couch along the window?—A. Well, I may have been; I don't remember.

Q. Do you remember how these passengers were sitting—the men whose identity you say you don't know?—A. No; I don't.

Q. Do you remember that one of those men was sitting directly across from you on a chair?—A. Well, he may have been; I would not say that he was or was not.

Was that your testimony?

Mr. WIEHE. Yes.

Senator KERN. Now, if you had no recollection of any of these subjects at that time, when did the recollection come to you?

Mr. WIEHE. Well, right after that.

Senator KERN. How soon after that?

Mr. WIEHE. I discussed that with Mr. Cusson right after I testified.

Senator KERN. Did you ask to be recalled in order that you might correct your testimony?

Mr. WIEHE. No. It was such a minor thing I did not think it was necessary; it had nothing to do with this Lorimer matter, that I know of, whether I was sitting in that chair in any position or in that compartment.

Senator KERN. What was it Mr. Cusson said that called all this back to you?

Mr. WIEHE. Well, he first said that he thought I sat next to the Canadian, and he described the man and told me that I sat on the sofa, and that Mr. Johnson sat in a chair, and Mr. Burgess sat in a chair.

Senator KERN. Well, did you remember as soon as he told you?

Mr. WIEHE. No; I did not.

Senator KERN. When did you begin to remember?

Mr. WIEHE. Why, when Mr. Price and Mr. McGowan came here I talked it over with them again, and Mr. Cusson also, and Mr. Johnson, and when we all got together it kind of came back to me.

Senator KERN. When you all got together, then your memory cleared up?

Mr. WIEHE. Yes; it gave me a better recollection of the situation.

Senator KERN. Is it a fact or is it not a fact that you assumed that they were right in their recollection?

Mr. WIEHE. No; I do not think so.

Senator KERN. Mr. McGowan was a very talkative young man, was he not?

Mr. WIEHE. I do not recollect that he was. He may have done some talking on this reciprocity business.

Senator KERN. Did he not impress you as being a talkative young man?

Mr. WIEHE. No; I would not say that he did.

Senator KERN. You were nearer to him than anybody else in this compartment?

Mr. WIEHE. Yes. My recollection is that he did not do very much talking.

Senator KERN. That is your recollection?

Mr. WIEHE. Yes.

Senator KERN. Do you remember anything he said at all?

Mr. WIEHE. I do not; no, sir.

Senator KERN. Do you know anything Mr. Burgess said?

Mr. WIEHE. No; I do not except in the general talk they had about the tariff and reciprocity.

Senator KERN. Did he take part in the tariff discussion?

Mr. WIEHE. I think he did.

Senator KERN. Which side was he on?

Mr. WIEHE. I do not know which side he was on. I was not paying much attention to it.

Senator KERN. You and Mr. Hines had been talking together, right in the main part of the car?

Mr. WIEHE. Yes.

Senator KERN. And you had, I suppose in order to relax a little, gotten up and moved into the smoking car? You had not any particular business in there?

Mr. WIEHE. I don't know why I went in there.

Senator KERN. Just moving around, you went in there?

Mr. WIEHE. I got in there in some way.

Senator KERN. You had not been there very long until Mr. Hines called you out?

Mr. WIEHE. Yes.

Senator KERN. To continue your talk on business?

Mr. WIEHE. Yes; we had bought out a lumber company at Winton, and we were going over those matters.

Senator FLETCHER. Since refreshing your memory, do you recall whether when Mr. Cusson came in you moved along so as to give him a seat between you and Mr. Weyerhaeuser?

Mr. WIEHE. Well, as I tell you, my recollection is that he was in there when I came in. That is what I think. I do not know how I got that impression, but that is my impression, my recollection.

Senator KENYON. Where was Mr. Hines when he telephoned you to go down and see Cook and O'Brien at the Grand Pacific Hotel?

Mr. WIEHE. Well, I supposed he was at his house in Evanston, Ill.

Senator KENYON. Did you know Cook and O'Brien better than he did, have a closer relationship with them?

Mr. WIEHE. No; I suppose I knew them about as well as he did.

Senator KENYON. Did he ever tell you why he did not telephone directly to them?

Mr. WIEHE. No; he did not. I supposed that he wanted me to go down there because I was right close there.

Senator KENYON. You went solely because Mr. Hines requested you to do so over the telephone?

Mr. WIEHE. That is all. I was simply a messenger.

Senator KENYON. You supposed at that time they had been subpoenaed as witnesses?

Mr. WIEHE. Why, I did not know anything about it.

Senator KENYON. Did he tell you that he understood they had been subpoenaed, or that subpoenas had been issued for them?

Mr. WIEHE. That is as I recollect it. That is the impression that was made on me, that subpoenas had been issued, and that this investigation was going on and to keep out of the way of it until it was over.

Senator KENYON. Why did you understand or why did he tell you that he wanted them to keep out of the way?

Mr. WIEHE. Why did I understand?

Senator KENYON. Yes.

Mr. WIEHE. I do not know, excepting my own opinion of it. This man Cook had done a lot of talking. I did not think that Mr. Hines wanted to have this administration talk and his talk to Deneen come out. If it had been me, I would have let Cook go on and talk and get it out of his system.

Senator KERN. Why did you want O'Brien to leave?

Mr. WIEHE. I did not ask him to leave.

Senator KERN. You asked him to keep out of the way of the grand jury subpoena.

Mr. WIEHE. I was talking jointly to them.

Senator KERN. Why didn't you simply tell Cook to keep out of the way?

Mr. WIEHE. They were both together there and I talked to them.

Senator KENYON. Just what did you say to them?

Mr. WIEHE. I said Mr. Hines had telephoned me that he had got information or had got a telephone communication from Duluth that subpoenas had been issued for them, and to keep out of the way of the matter until the present grand jury investigation was over.

Senator KERN. Did Mr. Hines tell you over the phone to get out of the way as well as Cook?

Mr. WIEHE. Well, I could not say as to that.

Senator KENYON. He used the word "they"?

Mr. WIEHE. Cook and O'Brien meant one to me, because they were partners and they were there together.

Senator KENYON. But whatever you did there you did not on your own initiative, but at the request of Mr. Hines?

Mr. WIEHE. If I had had it to do I would have told them to go ahead and go before the grand jury, and tell everything they knew if they wanted to tell it. That was my own judgment about it.

Senator KENYON. When you saw Mr. Shields in Chicago about 10 days ago, did you see him at the request of Mr. Hines?

Mr. WIEHE. No; I did not.

Senator KENYON. Did you telegraph him to come to Chicago at the request of Mr. Hines?

Mr. WIEHE. No, sir.

Senator KENYON. Did you ever talk with Mr. Hines before you telegraphed him about what Mr. Shields knew or what he had been doing?

Mr. WIEHE. Yes; after I had telephoned Mr. Shields to go over there to Duluth to see the porters of the car, I think I mentioned the matter to Mr. Hines.

Senator KENYON. But prior to that telegram to Mr. Shields to come to Chicago, about 10 days ago, had you talked to Mr. Hines—I mean immediately prior?

Mr. WIEHE. I may have talked with him; yes.

Senator KENYON. And talked with him about Mr. Shields?

Mr. WIEHE. He may have asked me how Shields was getting along.

Senator KENYON. Did he say anything to you about Mr. Shields similar to what he said about Cook and O'Brien?

Mr. WIEHE. I do not catch the drift of your question.

Senator KENYON. About getting away until the storm blew over, or until the matter had blown over?

Mr. WIEHE. He had no occasion to say any such thing.

Senator KENYON. Well, then he did not say it. You say you did not telegraph Mr. Shields to come to Chicago because of anything that Mr. Hines said to you?

Mr. WIEHE. Yes, sir.

Senator KENYON. Mr. Shields, as you stated yesterday, upon the telephone message, went to different points to secure affidavits?

Mr. WIEHE. Well, the thing started gradually. He went over to Duluth to interview these porters, and then he went up to the Canadian line, and then beyond.

Senator KENYON. He did that as a result of your telephone message?

Mr. WIEHE. Yes.

Senator KENYON. And as a result of the telegraph message he came to Chicago?

Mr. WIEHE. Yes.

Senator KENYON. You can telegraph Mr. Shields now, or telephone him to go to some particular place in the country, and he will go?

Mr. WIEHE. I have the physical power to telegraph him, but he might wire me that he would not go. I have no control over him.

Senator KENYON. If you did wire him to come to Washington, you would expect him to come?

Mr. WIEHE. He might come. That is, it is up to him. I have no control over him whatever. I can not control him.

Senator KENYON. If you should telephone him to-day to go and get an affidavit somewhere, would you expect him to go and get it?

Mr. WIEHE. I would, yes, sir, expect him to do it.

Senator KENYON. If you should telephone him to-day to come to Washington and testify, would you expect him to do it?

Mr. WIEHE. I would expect him to come, but I would have no control over him to compel him to come.

Senator KENYON. Where would you telephone him, if you were to telephone him to-day?

Mr. WIEHE. I would call him up at Superior. That is his home town.

Senator KENYON. Do you know he is there?

Mr. WIEHE. I do not.

The CHAIRMAN. Senator, there have been several inquiries in regard to the absence or the whereabouts of Mr. Shields, and they led to inquiries to be made of me as to whether or not he was in hiding. I want simply to say that up to yesterday there had been no question of issuing a subpoena for him. He may be in one place or another, and we do not know.

Senator KENYON. I am simply asking him.

The CHAIRMAN. There were so many questions asked yesterday that some were induced to believe that he was in hiding. I know nothing about it, and so far as the committee is concerned, we know nothing about Mr. Shields.

Senator JONES. The committee has not been attempting to find him.

The CHAIRMAN. No. Until yesterday or the day before the matter was not mentioned.

Mr. HANEY. Mr. Chairman, if the committee say they want Mr. Hines, or Mr. Wiehe, or the counsel of Mr. Hines, or Senator Lorimer to get him or attempt to get him we will do so at once. All that is necessary is to have the request or the intimation made that the committee would like to have us get him and we will do everything we can to get him. We have never had any such intimation up to the present time.

Senator KENYON. I am not intimating anything. I am asking this witness if he knows where Mr. Shields is.

The CHAIRMAN. I do not want to convey a wrong impression; but there were a great many questions asked yesterday, and they prompted my inquiry as to whether Mr. Shields was in hiding. I want simply to say that, so far as the committee is concerned officially, it has no information on the subject whatever.

Senator KENYON. I think he should be a witness.

The CHAIRMAN. I think so myself.

Senator KERN. Mr. Wiehe, one question further as to what occurred that night. I call your testimony before the Helm committee on page 183:

Q. And he [Mr. Hines] believed he assisted as much, if not more, than any other man outside of the Federal Senate. Is that correct?—A. Well, not the Federal Senate.

Q. Well, that was the thing, then, that he had in mind when he called you up on the telephone that night and sent you down to the Grand Pacific Hotel?—A. Sir?

Q. I say, isn't that the thing he had in his mind the night he called you up on the telephone and sent you down to the Grand Pacific Hotel?—A. I think he had some conference with some of the people in Washington.

Now, what made you think that?

Mr. WIEHE. Well, because he told me about it. Mr. Hines told me that he talked with people at Washington, and talked with Gov. Deneen.

Senator KERN. Oh, no, but that night?

Mr. WIEHE. I knew that then.

Senator KERN. Was that the thing that he had in mind when he called you up on the telephone that night and sent you down to the Grand Pacific?

Mr. WIEHE. Yes; I think that is what he had in mind. If it had been me, I would have had it told then.

Senator KERN. You are referring to a conference that he had with some people in Washington before he left Washington?

Mr. WIEHE. Yes.

Senator KERN. The testimony continues:

Q. Did he have a conference with Senator Lorimer that night?—A. What night?

Q. The night he called you up on the telephone, and asked you to go down to the Grand Pacific Hotel.—A. I do not know. I could not answer that.

Was that your testimony?

Mr. WIEHE. Yes; that is my testimony.

The CHAIRMAN. It is now half-past 12, and the time for us to take a recess until 2 o'clock. I would say in answer to the suggestion made by Judge Hanecy, that the committee would require the attendance of Mr. Shields and would be very much obliged to counsel for any information they may have regarding his whereabouts.

Senator KERN. But the committee will not ask these gentlemen or any other gentlemen to get any witnesses for us?

The CHAIRMAN. Oh, not at all; but if they will indicate to us where he is we will be very much obliged.

Mr. FARRAR. This man lives at Superior, Wis.

Mr. HANEY. I did not mean to be understood that way, but I feared somebody might suspect that we did not want him here, because of the expression or the attempt on the part of a newspaper to speak the sentiment of this committee on that question, and I wanted to say that Senator Lorimer and anybody that he can influence, and his counsel also, will do anything that this committee will request or suggest, even in relation to getting that witness or any other. I did not mean to say that we wanted to supersede this committee in any way.

The CHAIRMAN. If you have any information as to where Mr. Shields is, this committee would be very much obliged to you if you will give it to us.

Senator KERN. Judge Hanecy speaks about newspapers expressing the sentiment of this committee. We have no newspaper organ, as I understand it.

Mr. HANEY. The article I read into the record did attempt to speak the sentiment of this committee, as will be apparent to anybody who read the article.

Mr. FARRAR. It purported to.

Mr. HANEY. Yes. It can not be misunderstood by anybody who understands the English language. We did not think that it did have the right to express the sentiment or any sentiment of this committee, but there are many others in Washington and throughout the country who will not know what we do, or may not have the belief that we have, and who may believe that that newspaper did correctly express the sentiment of this committee.

We do not believe that at all, but this committee can understand, as well as we, that an article of that kind going out to the country would be very largely misunderstood by laymen, as to what action the committee took or what the sentiment of the committee is.

The CHAIRMAN. It is needless to remark that no newspaper is authorized to speak for this committee or any member, unless it gives that member's name and quotes him.

Mr. FARRAR. Mr. Chairman, if the committee desires to summon Mr. Shields, and relieve us from the obligation of producing him, we understand that Mr. Shields lives at Superior, Wis.; that he is a member of the firm of Harper, Shields & Co., insurance agents, and that he has an office in Duluth and also an office in Superior. We believe that a man is found either at his domicile or at his place of business. Further than that we do not at this time know where Mr. Shields is.

The CHAIRMAN. We will take a recess at this point.

(Whereupon, at 12.28 o'clock p. m., the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess the committee resumed its session.

TESTIMONY OF C. F. WIEHE—Resumed.

Mr. MARBLE. Mr. Wiehe, you were not wholly without legal advice at the meeting of the Helm committee, were you?

Mr. WIEHE. Without what?

Mr. MARBLE. Legal advice.

Mr. WIEHE. I took no attorney down there. I did not get any advice on it; no, sir.

Mr. MARBLE. Did you not secure some advice from Mr. Dawson?

Mr. WIEHE. No, sir.

Mr. MARBLE. Did you not advise with Mr. Dawson regarding the questions you were to ask?

Mr. WIEHE. No, sir. I asked Mr. Dawson if he thought the committee would permit me to ask those questions. I had them written out in the morning and asked him. I got no advice from him.

Mr. MARBLE. You did not submit them to him for form?

Mr. WIEHE. No.

Mr. MARBLE. He did not suggest any questions, did he?

Mr. WIEHE. No, sir.

Mr. MARBLE. Are you sure you did not submit them to him for form?

Mr. WIEHE. No, sir; I simply asked him if he thought the committee would permit me to ask them.

Mr. MARBLE. When did you first hear that Mr. Funk had asked Mr. Hines to be allowed to contribute, instead of being asked by Mr. Hines to contribute?

Mr. WIEHE. When did I first hear it?

Mr. MARBLE. When did you first hear that?

Mr. WIEHE. The first time I knew anything about it was after Mr. Funk's testimony.

Mr. MARBLE. How soon after Mr. Funk's testimony did you hear it?

Mr. WIEHE. I do not quite get your question.

Mr. MARBLE. How soon after Mr. Funk's testimony were you told that the story was different from that which Mr. Funk had told, and that instead of Mr. Funk being asked to contribute he had himself requested to be allowed to contribute?

Mr. WIEHE. I think about six weeks ago.

- Mr. MARBLE. About the first of June?
- Mr. WIEHE. Somewhere along that time.
- Mr. MARBLE. After you testified at Springfield?
- Mr. WIEHE. Yes, sir.
- Mr. MARBLE. You did not know it when you went there on the 25th day of April?
- Mr. WIEHE. No; I did not know that these matters I testified to to-day had any bearing on the matter.
- Mr. MARBLE. No; I am talking about this: Mr. Funk testified on the 5th day of April, did he not?
- Mr. WIEHE. Yes, sir.
- Mr. MARBLE. Twenty days before you went before the committee?
- Mr. WIEHE. Yes, sir.
- Mr. MARBLE. You volunteered certain witnesses there—Mr. Cusson, Mr. Johnson, and Mr. Harper?
- Mr. WIEHE. Yes, sir.
- Mr. MARBLE. And also offered your services to the committee to secure certain other witnesses—Mr. Culver being one of them?
- Mr. WIEHE. No; I said I would write them and ask them to come there.
- Mr. MARBLE. At the request of the committee, I mean, you said you would do what you could?
- Mr. WIEHE. I could not get them there if they refused.
- Mr. MARBLE. But at the request of the committee you expressed your willingness to try to get them?
- Mr. WIEHE. Yes, sir.
- Mr. MARBLE. And Mr. Jones, also?
- Mr. WIEHE. Yes, sir.
- Mr. MARBLE. At that time you did not know that testimony might be put before that committee which would directly contradict Mr. Funk as to the nature of that conversation?
- Mr. WIEHE. No, sir; I did not.
- Mr. MARBLE. So that you were not in a position to make that offer to the committee at that time?
- Mr. WIEHE. No, sir; I was not.
- Senator KERN. Had you talked with Mr. Hines frequently about Funk's testimony?
- Mr. WIEHE. We had at the time he testified.
- Senator KERN. What is that?
- Mr. WIEHE. We had right after he testified; yes.
- Senator KERN. Right after Funk testified, you and Hines talked frequently about Funk's testimony?
- Mr. WIEHE. Yes, we did; yes, sir.
- Senator KERN. He was denying it all the time? He was denying Funk's testimony?
- Mr. WIEHE. Yes; I think he did.
- Senator KERN. But you did not hear him speak of this other conversation, about Funk having offered to contribute, until about six weeks ago?
- Mr. WIEHE. I did not hear the conversation, you say?
- Senator KERN. When did you first hear Mr. Hines say that Funk had offered to contribute?
- Mr. WIEHE. I will tell you how I first joined up that proposition.
- Senator KERN. No, no.

Mr. WIEHE. We got out all of our telegrams and other matters, and among the telegrams were these two telegrams; and they were submitted down to our attorneys' office. That was the first time I saw those telegrams. Then I remembered my talk with Mr. Funk.

Senator KERN. I know; but when did Mr. Hines first tell you that Funk had offered to contribute to the Lorimer fund instead of being asked to contribute?

Mr. WIEHE. When did he ask me?

Senator KERN. No, no; when did you first hear that Funk had offered to contribute to the Lorimer fund in the Union League Club?

Mr. WIEHE. He never offered to contribute to it, as I understand it.

Senator KERN. When did you first hear that Funk had approached Hines in the Union League Club and offered to contribute to the expense of Mr. Lorimer's election? When did you first hear of that?

Mr. WIEHE. About 11 o'clock on the 31st of May, 1909.

Senator KERN. And where did you hear it?

Mr. WIEHE. At the Union Station, I think, in Chicago.

Senator KERN. What was the occasion?

Mr. WIEHE. Mr. Hines told me to go over and tell Mr. Funk what I testified to here this morning.

Senator KERN. Yes; but you testified here this morning that you did not know what he was talking about.

Mr. WIEHE. I did not.

Senator KERN. Just pay attention to my question: When did you first hear that Mr. Hines claimed that Funk, in the Union League Club, had offered to contribute to the expense of Senator Lorimer's election? When did you first hear that from Hines?

Mr. WIEHE. I think he said that the day that he testified or the the following day.

Senator KERN. The day who testified?

Mr. WIEHE. I do not like to repeat what he did say, but—

Senator KERN. Can you tell me now what month it was that you first heard that?

Mr. WIEHE. Why, I think in April, after Mr. Funk's testimony.

Senator KERN. In April, after his testimony?

Mr. WIEHE. Yes.

Senator KERN. How long after?

Mr. WIEHE. I think the next day, or that same day—I think the next day.

Senator KERN. After Funk had testified?

Mr. WIEHE. Yes, sir.

Senator KERN. What was it Mr. Hines told you?

Mr. WIEHE. He said Funk was a liar; that no such conversation had ever taken place as Funk related.

Senator KERN. Did he tell you what conversation had taken place then?

Mr. WIEHE. I think he did; yes.

Senator KERN. What did he tell you had taken place?

Mr. WIEHE. I think he said it was just the other way—that Funk wanted to put up some money himself.

Senator KERN. Where were you when you had that conversation with Hines?

Mr. WIEHE. In the office of our company in Chicago.

Senator KERN. That was the next day after Funk had testified?

Mr. WIEHE. I think so; yes.

Senator KERN. Then you knew that when you were down in Springfield?

Mr. WIEHE. Sir?

Senator KERN. You knew that when you were down at Springfield later?

Mr. WIEHE. I knew what?

Senator KERN. You knew the true version of the Funk-Hines conversation at the Union League Club?

Mr. WIEHE. I think maybe I did; yes.

Senator KERN. You must have known it.

Mr. WIEHE. That is my recollection of it. I am just giving you my recollection of it. I think that is about the way it was.

Senator KERN. If your recollection is accurate, then when you were down before the Helm committee you must have known of the Hines version of the Funk-Hines conversation in the Union League Club, did you not?

Mr. WIEHE. I think possibly I did; yes.

Mr. MARBLE. Did you not just tell me, Mr. Wiehe, that you first learned of it about six weeks ago?

Mr. WIEHE. No. I first learned of these telegrams then, and they recalled my mind to the mission that Mr. Hines sent me on.

Mr. MARBLE. Did you not tell me, just a minute ago, that when you were at Springfield you were not in a position to volunteer any witnesses on the point of that conversation, because you did not know of this other story?

Mr. WIEHE. No; I think I said I did not offer any information there; I simply answered the questions that I was asked.

Mr. MARBLE. Did you not say that you did not have that contrary story in your mind at that time?

Mr. WIEHE. The contrary story?

Mr. MARBLE. The story as Mr. Hines relates it?

Mr. WIEHE. I had what Mr. Hines said about it, saying Funk did not tell the truth about it.

Mr. MARBLE. You did have that?

Mr. WIEHE. Yes.

Mr. MARBLE. Did you have any more than that—that Hines did not tell the truth about it?

Mr. WIEHE. I knew that at that time.

Mr. HANEY. You do not mean that Hines did not tell the truth?

Mr. MARBLE. Funk, I should say. Did you have any more than that Funk did not tell the truth about it?

Mr. WIEHE. Only as I have just stated here.

Mr. MARBLE. Did you have any more than that statement by Hines that Funk had not told the truth?

Mr. WIEHE. The other statement that he made.

Mr. MARBLE. When you went before the Helm committee on April 25, then, you now say that you did know that witnesses could be produced, or a witness, who would contradict Mr. Funk flatly and would say that Mr. Funk had asked to contribute to a fund, instead of being asked?

Mr. WIEHE. No, no; I will not say that.

Mr. MARBLE. You did not?

Mr. WIEHE. I did not know that witnesses could be produced.

Mr. MARBLE. Did you not know that Mr. Hines could be produced?

Mr. WIEHE. Yes; Mr. Hines himself could deny it. He did deny it in the newspapers.

Senator KERN. Did Hines tell you that Baker was there and heard it?

Mr. WIEHE. No; at that time I do not think they knew who was there.

Senator KERN. They did not even know that Baker was there?

Mr. WIEHE. I do not think so. I think they wrote letters and sent telegrams and tried to ascertain who was there.

Senator KERN. They did not write any letters to Baker, did they?

Mr. WIEHE. No; I did not see Baker there then.

Senator JOHNSTON. You say Mr. Hines denied this story in the papers?

Mr. WIEHE. I think he did.

Senator JOHNSTON. Do you remember when that was?

Mr. WIEHE. No; I do not remember just when. But there was a denial published. I think he gave an interview to the Inter-Ocean denying this story.

Senator KERN. Did he in that interview say anything about Mr. Funk having made a proposition to him to contribute to the expense of Lorimer's election?

Mr. WIEHE. I do not know exactly about that. The denial is printed. I sent a copy of the paper down here to him.

Senator KERN. That is all.

Mr. MARBLE. We have no further questions.

Mr. FARRAR. You were summoned before the Helm committee, were you not, sir?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. By the committee?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. And you answered the questions that were put to you?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. You have produced here and handed to Mr. Marble the circular which you say you asked, or think you asked, Mr. Funk to sign?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Is that circular the one that you spoke of in your testimony as having been gotten up by you and the Hines Co. and paid for by the company during Mr. Lorimer's campaign in 1906?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. If the committee please, we should like to have this circular identified with the testimony of this witness and put in evidence as part of the appendix. It has been referred to several times.

Senator JONES (presiding). That will be admitted, with the understanding that we will determine whether or not it shall be printed in full. It may be identified.

Mr. FARRAR. I now ask you to identify that as the circular in question.

Mr. WIEHE. Yes, sir; that is the circular.

(The paper referred to was marked by the stenographer for identification: "Exhibit Wiehe No. 14, July 21, 1911.")

Senator JONES. Is this a circular recommending the indorsement of Mr. Lorimer in his campaign for Congress?

Mr. WIEHE. Yes, sir; in 1906.

Senator JONES. That is the purpose of this circular?

Mr. WIEHE. Yes, sir.

Mr. HANEY. It is signed by different business men—different business concerns.

Mr. FARRAR. At the time in May, 1910, that you, at the request of Mr. Hines, went down at night to the hotel to deliver Mr. Hines's message to Cook and O'Brien, did you know that Mr. Cook had told this conversation in such a way as to make Mr. Hines say, over that telephone, that he would come down to Springfield with all the money necessary that night or the next morning?

Mr. WIEHE. No; I did not.

Mr. FARRAR. When did you first learn that Mr. Cook had made that addition to the conversation as you had heard it?

Mr. WIEHE. I think at the meeting of the Virginia & Rainy Lake Co., March 8, 1911.

Mr. FARRAR. Do you know of your own knowledge, or from any conversation with Mr. Hines, whether Mr. Hines knew at that time that Mr. Cook had put this money statement into his conversation?

Mr. WIEHE. I do not think he knew it until that same time; at least that is my belief.

Mr. FARRAR. Do you know whether, outside of the Virginia & Rainy Lake party of stockholders, and outside of Mr. Gotch and his wife and his manager, there were other persons on the sleeper on the night of the 7th of March, 1911, on the passage from Duluth to Virginia City and beyond?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. How did you find that out?

Mr. WIEHE. I saw them there.

Mr. FARRAR. Did Mr. Shields get the affidavits not only of Gotch and his manager, but also of those other persons?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. So that Mr. Shields looked up not only Gotch and his manager, Mr. McGowan, and Mr. Price, but also all the other people who were on that car?

Mr. WIEHE. Yes, sir; other than our own people.

Mr. FARRAR. And, as I understand, your idea in getting those affidavits was for the purpose of using them in the case of an investigation?

Mr. WIEHE. I thought we could submit them here, until I was advised that we could not.

Senator KENYON. No investigation had then been ordered by the senate, had it?

Mr. WIEHE. No—yes; I think it had.

Senator KENYON. You think it had been?

Mr. WIEHE. The Helm committee was in session, and the purpose of it was to cause a reinvestigation. This statement had been made, and I thought we would get these facts together and have them so that we could use them.

Mr. FARRAR. In your direct testimony you stated that when you met Mr. Hettler he was about the middle of the cigar stand. What did you mean by that statement?

Mr. WIEHE. I mean he was in the center of that passageway opposite the center of the cigar stand.

Mr. FARRAR. That he was in the passageway opposite the middle of the cigar stand?

Mr. WIEHE. Yes; at the center of it.

Mr. FARRAR. You stated that you were of the opinion that Mr. Hettler had gotten mixed up in his mind in respect to the tariff conversation which he located as taking place between himself and Mr. Hines in the Union League Club on that morning, with a tariff discussion which had taken place in the exchange?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Did Mr. Hines at the tariff conversation or discussion which took place in the exchange make any statement to the effect that he had beaten Mr. Taft, the President?

Mr. WIEHE. No, sir; I do not think he did.

Mr. FARRAR. Did he say anything like that at all?

Mr. WIEHE. No; I do not think he did.

Mr. FARRAR. Did he say anything to the effect that the settlement of the tariff remained with only a few of them at that time?

Mr. WIEHE. No; I do not think he did.

Mr. FARRAR. Your opinion is, then, that Mr. Hettler has brought forward to that time a conversation or discussion which took place at a previous date?

Mr. WIEHE. Yes. I do not think Mr. Hines needed to say that at that time?

Mr. FARRAR. But that is not an answer to my question.

(By request, the stenographer read the question, as follows:)

Mr. FARRAR. Your opinion is, then, that Mr. Hettler has brought forward to that time a conversation or discussion which took place at a previous date?

Mr. WIEHE. I think he got a little confused in that.

Mr. FARRAR. Have you got the bill for the long-distance talk to Springfield which you had with Senator Lorimer on the night of the 25th of May, 1909?

Mr. WIEHE. I have.

Mr. FARRAR. Please produce it.

(The witness produced the paper requested.)

Mr. FARRAR. This is the original telephone bill?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Against whom was this charge made?

Mr. WIEHE. Against T. E. Purcell.

Mr. FARRAR. Who is Mr. Purcell?

Mr. WIEHE. He is my brother-in-law.

Mr. FARRAR. You sent that message to Senator Lorimer, then, from Mr. Purcell's house?

Mr. WIEHE. I did.

Mr. FARRAR. You were, of course, in his house at that time?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. Here is a general bill and a particular bill; the particular bill is the one which contains this Springfield message of May 25?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. One dollar?

Mr. WIEHE. Yes, sir.

Mr. FARRAR. From whom did you get these bills?

Mr. WIEHE. From Mr. Purcell.

Mr. FARRAR. We ask that these two bills, the original bill and the one attached to it, be identified in connection with the testimony of Mr. Wiehe; and we offer them in evidence.

(The telephone bills referred to were thereupon marked "Exhibit Wiehe No. 15, page 1 and page 2.")

Mr. FARRAR. That is all.

Mr. WIEHE. Now am I excused?

Mr. FARRAR. Yes.

Mr. WIEHE. May I leave the city now?

The CHAIRMAN. Yes.

Mr. HEALY. Mr. Chairman, I was requested by Judge Hanecy, I believe, the other day, to send for and obtain, if possible, the Burgess letter written to Mr. Kohlsaat in April. I complied with that request, and this morning in the mail I received from Mr. Kohlsaat what purports to be a letter written to him by Mr. Burgess on the 10th of April, 1911—

Mr. HANECY. Did you get the other letters?

Mr. HEALY (continuing). And, as a matter of fact, I recognize it as the letter which was in my possession about that time.

Mr. HANECY. Did you get the other letters that Mr. Kohlsaat said—

Mr. HEALY. I had nothing to do with the other letters. I was simply asked to request him to send this letter here, and that is all I wrote about. I do not know anything about the other letters. That arrangement was made between Mr. Kohlsaat and the committee.

Mr. HANECY. I would like to ask, Mr. Chairman, whether the other letters have been sent for?

The CHAIRMAN. They have not yet been received. I had a letter from Mr. Kohlsaat saying that, while he has got together a pile of them, he has not succeeding in finding the whole number, but at a later date he will submit them.

Mr. HANECY. May I suggest, Mr. Chairman, that he send down all those that he has found, so that they may be in the record, and we will know what to be prepared for as to those that he does not send.

The CHAIRMAN. The committee will receive the suggestion.

Mr. HANECY. If that is done, it will eliminate those that he does send here from our subsequent consideration.

The CHAIRMAN. You have submitted to counsel this letter from Mr. Burgess to Mr. Kohlsaat?

Mr. HANECY. No; we have never seen it.

(The letter referred to was handed to counsel.)

The CHAIRMAN. Is there any objection to this letter?

Mr. FARRAR. None, sir.

Mr. HANECY. We have no objection to its going in. We want it in.

Mr. FARRAR. Shall I read it into the record?

Mr. HEALY. If you gentlemen want it. I do not care anything about it. I have complied with the request.

Mr. HANECY. We want it in the record as a part of the whole transaction.

The CHAIRMAN. The letter, then, is offered in evidence?

Mr. HANECY. Yes, Mr. Chairman.

The CHAIRMAN. It will be received.

(The letter was marked by the stenographer "F. R. H. No. 1, July 21, 1911.")

Mr. FARRAR. I will read the letter into the record:

[Burgess Electric Co., manufacturers of gas, electric, and combination fixtures. Electrical engineering. Office and factory 310 West First Street. Both phones 465. Agents: Bryan-Marsh lamps. Erie bell automatic engines, Bullock & Wagner electrical apparatus. Electrical supplies a specialty.]

DULUTH, MINN., April 10, 1911.

Mr. H. H. KOHLISAAT,

Care of Chicago Record-Herald, Chicago, Ill.

DEAR SIR: The writer has been following up the various items in the papers regarding the Kohlsaat-McCormick-Lorimer scandal, or, I should have said, the Hines-McCormick-Lorimer scandal. The writer is somewhat interested in this controversy. The writer also notices that Mr. Hines denies the statements made by the representatives of Mr. McCormick's interests and that is what interests the writer. He will explain.

On the night of March 6 a train leaving Duluth at 7 o'clock for Virginia, Minn., contained the writer; Mr. Hines, of Chicago; three gentlemen by the name of Weyerhaeuser; Mr. Hornby, of Cloquet; W. H. Cook; William O'Brien; and others. As the train left Duluth the writer was sitting in the smoking compartment of the Winnipeg sleeper. A gentleman entered the smoking compartment dressed in a gray suit of clothes, black stiff hat, and wore a black beard. Conversation started among the occupants of the smoker. After a while conversation drifted over to politics, and Mr. Lorimer's name was mentioned. The writer made some uncomplimentary remarks regarding Mr. Lorimer and the way his actions were being whitewashed by the Senate, and the gentleman in gray clothes and black whiskers called the writer to account regarding his remarks. The writer stuck to his ground, and the gentleman in gray defended Mr. Lorimer in the strongest kind of language. Now, what I want to get at in as few words as possible is this gentleman made the statement, among other things that were said during the controversy, that Mr. Lorimer did not spend any of his own money to elect himself, but that there was a large jack pot raised to elect Mr. Lorimer, of which he, the man with the black whiskers, subscribed \$10,000 to the fund.

He made the statement that there couldn't any measure, either of merit or not, be gotten through the Illinois Legislature without the use of money, and that in order to elect Lorimer that they had to raise a large jack pot, which he called it, of which the man of the black whiskers subscribed \$10,000, or, in other words, he of the black whiskers gave \$10,000 in cold cash toward the electing of Mr. Lorimer.

The writer afterwards learned that the man of the black whiskers was a Mr. Wiehe, I think, and that he is a brother-in-law of Edward Hines. The train arrived at Virginia that night at 9.10 o'clock, and about 10 o'clock the writer met Mr. W. T. Bailey in the hotel at Virginia and asked who the man in the gray suit and black whiskers was, and Mr. Bailey informed me that he was Mr. Wiehe, a brother-in-law of Mr. Edward Hines; I think that is the way the name is spelled, but I am not positive. The writer then told Mr. Bailey what the conversation had been on the train with the man of the black whiskers.

I think there is more information to be gotten in Duluth regarding the Hines-Lorimer controversy should you desire it. There is a gentleman in Duluth who was in Mr. Hines's office some time ago—that is, during the investigation of the Senate of Mr. Lorimer's election—when a telegram was received from President Taft by Mr. Hines regarding this investigation. The writer has been told that this telegram requested Mr. Hines to get the matter hushed up as quickly as possible. This information regarding the telegram is only hearsay on the writer's part, but I think that the writer can get this information should you desire it.

If this letter is of any use to you and the information contained in this letter of any use to you, kindly let the writer know, but the writer does not care to have it known that he has written you this letter, although he stands ready to make good all statements.

Yours, truly,

WM. BURGESS.

Senator KENYON. There is no copy of that telegram, is there, Judge? [Laughter.]

Mr. FARRAR. No, sir.

Mr. HANEY. Nor is there anything, Senator, about the Father Green story that he said was in that letter.

Senator KENYON. I was not present when Mr. Burgess testified. Is there any evidence in the record as to whether or not Mr. Wiehe wore a beard?

Mr. FARRAR. Yes; he did at that time. That is shown.

TESTIMONY OF EDWARD H. THOMAS.

EDWARD H. THOMAS, being first duly sworn, was examined and testified as follows:

Mr. FARRAR. What is your full name?

Mr. THOMAS. Edward H. Thomas.

Mr. FARRAR. How old are you?

Mr. THOMAS. Forty.

Mr. FARRAR. Where do you live?

Mr. THOMAS. 1813 Millard Avenue, Chicago.

Mr. FARRAR. How long have you lived in Chicago?

Mr. THOMAS. About 20 years.

Mr. FARRAR. Are you an employee of the Edward Hines Lumber Co.?

Mr. THOMAS. Yes.

Mr. FARRAR. How long have you been in their employ?

Mr. THOMAS. Nineteen years in October.

Mr. FARRAR. In whose employ were you before you went into their employ?

Mr. THOMAS. W. J. Carney.

Mr. FARRAR. Where?

Mr. THOMAS. In Chicago.

Mr. FARRAR. What was his business?

Mr. THOMAS. Lumber commission merchant.

Mr. FARRAR. In whose employ were you prior to that time?

Mr. THOMAS. The Chicago Shafting & Pulley Co., on Canal Street. I do not remember the number exactly.

Mr. FARRAR. What was their business?

Mr. THOMAS. Machinery supplies.

Mr. FARRAR. In whose employ were you prior to that time?

Mr. THOMAS. E. G. T. Colles & Co. They were also on Canal Street.

Mr. FARRAR. What was their business?

Mr. THOMAS. Feed water-heater manufacturers.

Mr. FARRAR. In whose employ were you prior to that?

Mr. THOMAS. The Sandwich Enterprise Co., of Sandwich, Ill.

Mr. FARRAR. What was their business?

Mr. THOMAS. Manufacturers of farm implements.

Mr. FARRAR. In whose employ were you prior to that time?

Mr. THOMAS. That was my first employment.

Mr. FARRAR. That was your first entry into business?

Mr. THOMAS. Yes.

Mr. FARRAR. What position did you first hold with the Edward Hines Lumber Co.?

Mr. THOMAS. Stenographer.

Mr. FARRAR. How long did you hold that position?

Mr. THOMAS. About 10 years.

Mr. FARRAR. What position have you held since that? What position succeeded that of stenographer?

Mr. THOMAS. A sort of a general clerkship; private secretary to Mr. Hines, and following that, assistant treasurer of the Edward Hines Co.

Mr. FARRAR. Is there a record kept in Mr. Hines's office of the days when he leaves Chicago and the days when he returns?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. Who has kept that record?

Mr. THOMAS. I have.

Mr. FARRAR. For how many years?

Mr. THOMAS. For about 17 years, since 1894.

Mr. FARRAR. Have you kept that record continuously yourself, or has anybody else assisted you in keeping that record?

Mr. THOMAS. Only during my absence has anyone assisted me.

Mr. FARRAR. How often during that period have you been absent?

Mr. THOMAS. On three different occasions.

Mr. FARRAR. For what length of time?

Mr. THOMAS. Last year, about three months, I think; in 1905, about one month; and, I believe, in 1898, for about a week or 10 days.

Mr. FARRAR. In 1898?

Mr. THOMAS. Yes.

Mr. FARRAR. Then, with the exception of those absences which you have detailed, this record has been kept by yourself?

Mr. THOMAS. Yes; absolutely.

Mr. FARRAR. Will you produce that record, please?

Mr. THOMAS. Yes, sir.

(The witness produced a pasteboard box containing a spindle with a large number of folded slips of paper upon it, and certain typewritten slips fastened together.)

Mr. FARRAR. Please explain to the committee how you kept that record, commencing back with the first entry which appears here, July 8, 1894.

Mr. THOMAS. When Mr. Hines left town I made it a point immediately to make a record on a slip; and should we hear, as we usually do, either by telegraph or telephone, that he had gone to another place than the one for which he originally left, I also made a record of that; and then when he returned to the city that completed my record. I made a record of it then.

Mr. FARRAR. The records here from July 8, 1894, until December 8, 1909, are contained in five small packets, written in typewriting?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. Are these typewriter records the original records, or were they copies?

Mr. THOMAS. They were copied from the others, and the others destroyed.

Mr. FARRAR. This file which you produce here contains the original slips?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. From December, 1909, up to the present time, does it not?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. The first slip on the top of this file reads as follows:
7/12/11. Mr. Hines left for Washington.

What does that refer to?

Mr. THOMAS. That means that on July 12 of this year Mr. Hines left Chicago for Washington.

Mr. FARRAR. Is that record complete?

Mr. THOMAS. No, sir.

Mr. FARRAR. When will it be completed?

Mr. THOMAS. When he returns to Chicago.

Mr. FARRAR. Take this file and go back to the record of the beginning of this year, 1911, and read to the committee from those slips your record of where Mr. Hines was from January 1, 1911, down to the middle of March, 1911.

Mr. THOMAS. On January 3, 1911, Mr. Hines left for St. Paul, Duluth, and Winton, Minn. He returned to Chicago on January 7.

Mr. FARRAR. Is that record in your handwriting?

Mr. THOMAS. That record is in my original handwriting.

Mr. FARRAR. And was made when he started and when he returned?

Mr. THOMAS. Yes; absolutely.

Mr. FARRAR. What is the next slip?

Mr. THOMAS. On January 7 Mr. Hines left for Washington, and returned to Chicago on January 16, 1911.

Mr. FARRAR. Is that record in your handwriting?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. And was made when?

Mr. THOMAS. It was made at the time Mr. Hines was away and returned.

On January 17, 1911, Mr. Hines left for Washington and New York, and returned to Washington, and then returned to Chicago on February 5, 1911.

Mr. FARRAR. Is that entry in your handwriting?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. And was it made at the time?

Mr. THOMAS. Yes.

Mr. FARRAR. What is the next one?

Mr. THOMAS. On February 7, 1911, Mr. Hines left for Washington and New York, and returned to Chicago on March 5, 1911.

Mr. FARRAR. That record is in your handwriting?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. And was made at the time?

Mr. THOMAS. Absolutely.

Mr. FARRAR. What is the next one?

Mr. MARBLE. Mr. Chairman, an arrangement was made among some members of the committee by which Senator Penrose was to come at 3 o'clock to testify. He is here now, ready to testify. If we do not have him this afternoon, we will have to wait until next week, and he would then be out of the order of the testimony in this record. So I suggest that we suspend the examination of Mr. Thomas and receive the testimony of Senator Penrose.

The CHAIRMAN. Very well.

Mr. FARRAR. Mr. Thomas, you may leave the stand and leave your papers right there.

The CHAIRMAN. You had better take them with you.

TESTIMONY OF SENATOR BOIES PENROSE.

BOIES PENROSE, being first duly sworn, was examined and testified as follows:

Mr. HEALY. What is your full name?

Senator PENROSE. Boies Penrose.

Mr. HEALY. You are a Member of the United States Senate?

Senator PENROSE. I am.

Mr. HEALY. And have been such Member for a considerable number of years?

Senator PENROSE. Yes, sir.

Mr. HEALY. Do you know Mr. Edward Hines, of the Edward Hines Lumber Co.?

Senator PENROSE. I do.

Mr. HEALY. How long have you known him?

Mr. PENROSE. I met him during the tariff discussion three years ago on the Payne-Aldrich bill.

Mr. HEALY. About what time in 1909 did you meet him?

Senator PENROSE. In the multitude of persons I saw during that session it would be impossible for me to fix the date. It was quite early, however, I think, during the meetings of the Finance Committee on the measure. The committee met to consider the bill before it was received by the Senate, while it was still pending in the House.

Mr. HEALY. Can you fix the time of the year, approximately, Senator, at which you met Mr. Hines?

Senator PENROSE. I do not know now. I was busy night and day at that time.

Mr. HEALY. Did you have a conversation with Mr. Hines about that time with reference to the election of a Senator from the State of Illinois?

Senator PENROSE. My first conversation with Mr. Hines, and the first occasion for my meeting him, were on account of the schedule on lumber. He brought letters to me from persons in Pennsylvania, and discussed the rate of duty which ought to be on lumber. It was a question I was very much interested in, on account of my own State being a large lumber-producing State. I was very much interested in his views, and saw him off and on quite frequently, as I did hundreds of others, on the different schedules of the tariff bill.

Mr. HEALY. Do you recall any conversation which you had with him at that time with reference to the election of a Senator from the State of Illinois?

Senator PENROSE. I think, to the best of my recollection, as the deadlock in the legislature was prolonged, it naturally became a topic of conversation. It would naturally arise, and as a matter of public interest I probably discussed it with him. That is the way it came about.

Mr. HEALY. Do you have at this time any recollection of what was said on those occasions, or on that occasion?

Senator PENROSE. Only the casual conversation that might occur between a citizen of Pennsylvania and one from Illinois as to the situation.

Mr. HEALY. Was it just simply a matter of political gossip?

Senator PENROSE. At first; yes.

Mr. HEALY. Between you and Mr. Hines?

Senator PENROSE. Yes.

Mr. HEALY. Did the situation develop in any way so that you could discuss it more specifically or more definitely?

Senator PENROSE. As the situation developed, without conferring with anybody, but simply on my own account, I exhibited the natural interest which I imagine anyone in politics, and particularly a Member of the Senate, does in having the seat filled by some one, and I discussed with Mr. Hines on those general lines—the probabilities of the deadlock being broken.

Mr. HEALY. Did you discuss the candidacy of any particular person?

Senator PENROSE. My natural thought in discussing it with him at first was to favor the reelection of Senator Hopkins, whom I had known intimately in the Senate; and having the feeling that is natural in a body of that kind to favor the reelection of a colleague, my first inquiries were addressed to the question whether Mr. Hopkins could be reelected.

Mr. HEALY. Do you recall what was said on that occasion?

Senator PENROSE. I do not remember just exactly what was said. I think a disposition was shown to try to elect Mr. Hopkins if it was possible; but the deadlock had been so prolonged—and those deadlocks are generally disastrous in the ending—and the thought seemed to be that Mr. Hopkins would not be successful.

Mr. HEALY. Do you recall anything else that was said by Mr. Hines or by you at that time?

Senator PENROSE. Of course I saw Mr. Hines, as I did scores of others. Almost every day or so they would be around the Finance Committee room on the different schedules; and I think gradually perhaps the inquiry was repeated as to whether or not the deadlock could be loosened in favor of some one else.

Mr. HEALY. What, if anything, did you say about that?

Senator PENROSE. In the course of repeated conversation, occurring accidentally and without premeditation, the suggestion was made of the name of Mr. Lowden, I think, and of Mr. Boutell. They were the first suggestions that were made. It was all a matter of general conversation.

Mr. HEALY. Were you discussing this matter with others about that time?

Senator PENROSE. No; I do not think I ever discussed it with anybody else. I do not recall talking to anyone else about it.

Mr. HEALY. Do you remember what was said about Mr. Boutell or Mr. Lowden?

Senator PENROSE. I must admit my recollection is not definite about all of the conversation. Mr. Hines seemed to favor Mr. Boutell in the early conversations, as being a man of experience and enterprise, who would make a good Senator, provided Mr. Hopkins could not be elected.

Mr. HEALY. Do you recall anything else that was said at that time?

Senator PENROSE. I think we talked a little about Mr. Boutell, and then perhaps after a week or so I remember Mr. Hines saying to me one day in the marble room, or in my committee room, that it did not appear that a union could be made on Mr. Boutell. I think I talked a little to Mr. Boutell about it himself, and told him while I

would prefer naturally to see Senator Hopkins return to the Senate, yet I had known him (Mr. Boutell) so well as a Member of the House of Representatives that I would be glad to have him as a colleague. I think I mentioned it in that way.

Mr. HEALY. What is the next discussion which you recall with Mr. Hines in that way?

Senator PENROSE. After I had been informed that Mr. Boutell was not available, I think that Mr. Lowden was mentioned in a more general way—not in as definite a way. It quickly developed, I was informed after the lapse of several days, for I was not following it up at all, that Mr. Lowden was not available.

Mr. HEALY. What is the next thing you recall?

Senator PENROSE. Then, within a little while, it was suggested that Congressman Lorimer might be the man on whom the different elements could unite. I did not know Mr. Lorimer, had barely heard of him, had never seen him; and, in fact, never saw him until he entered the Senate. I never had any conversation with him until he entered the Senate, so that it was merely a suggestion to me of a candidate that I had no interest in, except that he was available, and of course I knew his capacity and his ability.

Mr. HEALY. Do you recall anything else that Mr. Hines said on that occasion?

Senator PENROSE. I think perhaps Mr. Hines may have ultimately told me that Mr. Lorimer appeared, after canvassing all of the candidates who had been mentioned, as probably the most available person, but he went on further to say that Mr. Lorimer was so absorbed in his work with the waterways project that it was quite doubtful whether he could be induced to go into the contest; that he certainly did not want to go to the Senate.

Mr. HEALY. Did you indicate to him your view of the matter?

Senator PENROSE. My view was then, as it always was, simply the interest of a Member of the Senate to have all of the seats filled there.

Mr. HEALY. Do you recall anything else that either you or he said at that time?

Senator PENROSE. I probably urged Mr. Hines, as a citizen of Chicago, to use his best efforts to bring about some result.

Mr. HEALY. Did you indicate the kind of result that would be satisfactory to you?

Senator PENROSE. No; I did not know enough about the situation to be able to advise him in any way as to how he should proceed or who ought to be elected. I did say to him, however, as one of those who were active in the tariff work of that session, that, in my opinion, it was desirable to have the senatorial seats filled.

Mr. HEALY. Do you recall any subsequent talk with Mr. Hines on the subject?

Senator PENROSE. I think maybe the next time that I had any talk with Mr. Hines was after the election of Mr. Lorimer.

Mr. HEALY. You do not recall any other talk prior to his election?

Senator PENROSE. No; there was no discussion as to the details of his election.

Mr. HEALY. What was this talk you had with him after Mr. Lorimer's election?

Senator PENROSE. Simply to inform me that they had been able to bring about a union of the political conditions there, and of course I was greatly gratified that a Senator had been elected.

Mr. HEALY. Did Mr. Hines indicate at that time the part which he might have taken in the matter of the selection of Mr. Lorimer?

Senator PENROSE. No; Mr. Hines impressed me simply as being interested in the matter as a business man and a citizen who had the welfare of the Republican Party at heart and of the American Government. I did not look on him as a person who was active in politics or particularly identified with politics.

Mr. HEALY. You have given, now, your recollection of the substance of these various conversations which you had with Mr. Hines?

Senator PENROSE. Yes.

Mr. HEALY. Did you ever in any of those conversations, or at any time, indicate to Mr. Hines that you were interested in the selection of a particular man or men to that position from Illinois?

Senator PENROSE. Of course, after Mr. Hines had informed me that Senator Lorimer was the only available person on whom the different elements could unite, I was in favor of Mr. Lorimer's election. My first choice, of course, was Mr. Hopkins.

Mr. HEALY. Do you recall that early in April you sent for Mr. Hines and asked him to find out whether the Illinois Legislature was liable to adjourn without electing a Senator?

Senator PENROSE. Yes; I think I did send for him; and of course the more I talked about it the more I became interested, as a general political proposition.

Mr. HEALY. Did he report to you the result of any investigation which he made into that condition?

Senator PENROSE. No; I do not recollect what his report was. I might have made the inquiry, as I would at the present time about any other instance or vacancy. I might ask some one about the vacancy in Colorado.

Mr. HEALY. I am directing your mind now to the investigation which Mr. Hines may have made.

Senator PENROSE. Yes.

Mr. HEALY. With reference to the Illinois deadlock, and what he may have said to you as the result of any investigation which he made along that line.

Senator PENROSE. Well, Mr. Hines reported to me continually from time to time, as I met him, on the tariff legislation and as to conditions in Illinois, and his ultimate report was that Mr. Lorimer might be elected.

Mr. HEALY. Do you recall requesting Mr. Hines to accompany you at any times to the room of Senator Aldrich, to there discuss the Illinois senatorial election?

Senator PENROSE. Well, I could not say definitely whether I accompanied him on that matter or not. A good many Senators who were interested in the lumber schedule at that time accompanied Mr. Hines to Senator Aldrich's room, and I may have gone with him, and probably did, when the senatorial matter might have been discussed. I think Senator Aldrich felt very much as I did about the general proposition, that the senatorial vacancies ought to be filled for the good of the Government.

Mr. HEALY. In any of these talks with Mr. Hines at that time, did you discuss the desirability of filling the senatorial vacancy from Illinois because of the closeness of the vote on the schedules in the tariff measure?

Senator PENROSE. No, sir. That, of course, is a question whether that would have made any difference. Mr. Hines may have had the impression that that was a factor in the situation. The real reason in my mind was broader—the desire of having the seat filled, so that there would be a Senator there to bear his share of the very arduous work.

Mr. HEALY. Was any arrangement made with you by Mr. Hines or Senator Aldrich or any other person with reference to any message which you might send to the men in Illinois who were interested in the election of a Senator from that State?

Senator PENROSE. I do not recall that anyone asked me to send any message to Illinois. There might have been, and I might have done it, but I do not recollect it.

Mr. HEALY. Did Mr. Hines say to you at any time that he might call upon you to verify in some way with the citizens, or some citizens, the interest which you and Senator Aldrich and President Taft may have had in this situation?

Senator PENROSE. Yes; I think Mr. Hines did say something of that kind to me, and I told him that if anyone would address an inquiry to me I would very cheerfully urge on them the importance of filling the senatorial seat.

Mr. HEALY. Did you ever indicate to him that you would impress upon any citizen of Illinois the desirability or necessity of selecting a particular candidate for that position?

Senator PENROSE. Of course, after I was informed that Mr. Lorimer was the only available candidate for the election and had no information to the contrary, I would have been willing to indicate a strong wish for Mr. Lorimer's selection. Had the inquiry been addressed to me earlier, I would have been in favor of Mr. Hopkins, until I was persuaded that he had no show to be elected. In other words, I would consistently be for the person who could be elected. My chief apprehension, as I remember it about Mr. Lorimer, was the suggestion that he might not be willing to go into the contest.

Mr. HEALY. Did you know in the month of May, 1909, shortly before the election of Mr. Lorimer, that Mr. Hines was going to Chicago and was there going to indicate to the governor of Illinois and to others, perhaps, that the Federal administration and Senator Aldrich and yourself were anxious and desirous that Mr. Lorimer should be elected for that position?

Senator PENROSE. I think I remember that Mr. Hines went to Chicago with the thought that he could state, certainly so far as I was concerned and represented anything, that it was very desirable to have the vacancy filled.

Mr. HEALY. Was that arrangement between you and Mr. Hines to the effect that you would, if called upon, indorse the candidacy of Mr. Lorimer?

Senator PENROSE. I have already endeavored to explain that my candidates in this transaction changed as the situation developed. As Mr. Lorimer was the final candidate, your question would imply the answer that in the wind-up I was for Mr. Lorimer.

Mr. HEALY. You were for the man who could win?

Senator PENROSE. That is right—Mr. Hopkins first and Mr. Lorimer last, because he appeared to be the available man.

Senator KENYON. Did you have a good many warm political friends in Illinois?

Senator PENROSE. No, sir; I know very few people in Illinois, and knew nothing about the political situation.

Senator KENYON. How had you figured that your indorsement of Mr. Lorimer would assist in the matter, except with your political friends?

Senator PENROSE. Only from the fact that I was a member of the Finance Committee and had been in the Senate of the United States for 15 years and was supposed to be a prominent Republican—just as you would refer a person to anyone else there who was supposed to mean something.

Senator KENYON. I did not know but what you might have some special political friends in Illinois.

Senator PENROSE. No, sir; I know absolutely nothing about the political situation in Illinois.

Senator JONES. You did not send any personal indorsement to anybody in Illinois?

Senator PENROSE. No; I simply stood ready, should anyone in Illinois address an inquiry to me as one active on the scene of operations, to declare the importance of filling the vacant senatorial seat.

Senator KENYON. That was at a special session, was it not?

Senator PENROSE. Yes.

Senator KENYON. What was the importance of filling the seat at a special session?

Senator PENROSE. Because every Senator had enormous burdens thrown upon him at that time in connection with the framing of the Payne-Aldrich tariff bill, and, looking at the situation in a broad way, I felt we would need all the help that we could get; we did not want to be shorthanded. I have always believed in filling every seat in the Senate. I advocated the validity of the appointment of the governor when the legislature failed to elect in the case of my dead colleague, Senator Quay, and I have always been a zealous advocate of having the seats filled. At times during my service in the Senate there have been a number of vacancies.

Senator KENYON. There is one now, is there not?

Senator PENROSE. There is one now, but there have been times where there were three or four or five.

Senator KENYON. Did you take any part in endeavoring to solve the deadlock in Colorado?

Senator PENROSE. No, sir. I have made numerous inquiries as to whether there was any prospect of its being solved, but no one ever came to see me about that. I have not run across anybody from Colorado. Of course, this happened during the tariff discussion, when people were here from all over the United States and things were a little more active than they are now.

Mr. HEALY. Did you have any conference with Mr. Hines at the home of Senator Aldrich about this time?

Senator PENROSE. No, sir. I have been in Senator Aldrich's committee room with Mr. Hines, and we talked over the situation in the Senate in relation to the lumber matters and also on the senatorial matter.

Mr. HEALY. You have no personal knowledge of a visit by Senator Aldrich to the White House for the purpose of obtaining certain information for Mr. Hines relative to the Illinois situation?

Senator PENROSE. To the President?

Mr. HEALY. Yes.

Senator PENROSE. Not to my knowledge; only from what I have heard, and I do not remember exactly what I have heard.

Mr. HEALY. You did not discuss with Senator Aldrich and Mr. Hines any information which Senator Aldrich may have conveyed to Mr. Hines at that time bearing upon the Illinois situation?

Senator PENROSE. I had the impression at that time that Senator Aldrich occupied pretty nearly the same position that I did, that he wanted to see the seat filled as a general proposition.

Mr. HEALY. That is all, Mr. Chairman.

Mr. HANEY. Senator Penrose, you did not originate any candidate in Illinois for the senatorship and did not try to?

Senator PENROSE. No. On the contrary, I was in a most sincere way in favor of Senator Hopkins.

Mr. HANEY. And you knew that the deadlock had been continued from on or about the 19th of January, 1909, until the time you had the talk with Mr. Hines about it?

Senator PENROSE. Yes, sir.

Mr. HANEY. And you also knew that the office of Senator in Senator Hopkins's place was vacant after 12 o'clock on March 4 of that year?

Senator PENROSE. Yes.

Mr. HANEY. And that there was nobody to take his place.

Senator PENROSE. That is true.

Mr. HANEY. And nobody could take it until the legislature elected some one.

Senator PENROSE. Of course it has to be borne in mind—it may not be realized by everybody—that during that period, with hundreds of people in Washington, the burden was much more than any Senator could well bear, and there was a very natural desire to have Senators to bear their share of the work. There would be people coming from Chicago—I remember the lithographers, and people of that kind, with most complicated matters respecting the tariff—and in the absence of a Senator that naturally threw the burden on people from other States, who had all they could do. There was a very real necessity for help. The mere physical labor of the work at that time is something that nobody can realize who was not in it. Of course Senator Cullom was here, but he was tied up in the sessions of the committee.

Mr. HANEY. And it was a well-known fact to you and others here that Senator Cullom was nearly 80 years old?

Senator PENROSE. Yes; he was an old man. He was always attentive and ready with his work, and never missed a meeting of the committee, but, naturally, he had the physical infirmities of his years.

Mr. HANEY. Neither you nor Senator Aldrich nor the President, so far as you knew, took any part in opposing the reelection of Senator Hopkins or any of the other gentlemen who were named?

Senator PENROSE. I would have gladly done all I could, even to the extent of going to Chicago, to bring about Senator Hopkins's reelection. He made a good Senator and would have been particularly useful at that time, on account of his familiarity with the tariff, having been on the Committee on Ways and Means in the House.

Mr. HANEY. When Mr. Hines told you that the factions in Illinois could not agree upon Mr. Boutell and afterwards that they could

not agree on Mr. Lowden, then, for the first time, the name of William Lorimer was used?

Senator PENROSE. Yes. I never had heard of Mr. Lorimer in that connection.

Mr. HANEY. You knew of him as a Member of the House?

Senator PENROSE. I barely knew of him as being an influential political leader in Chicago and an influential Member of the House. I had never seen him.

Mr. HANEY. And when Mr. Hines first talked to you about William Lorimer's candidacy for the Senate he told you or suggested to you that Mr. Lorimer probably would not leave the House because of his interest in the deep waterways?

Senator PENROSE. Mr. Lorimer, as I knew the situation, was Mr. Hines's last resort, and his doubt was whether he could induce Mr. Lorimer to enter the situation and solve it.

Mr. HANEY. And it was pretty well known there that the legislature had gone on to that date and might adjourn without electing anybody?

Senator PENROSE. That is right.

Mr. HANEY. It was also known that the Legislature of Illinois, in joint assembly, had a large Republican majority?

Senator PENROSE. Yes; these people were coming from Chicago and Illinois every day, and they were coming to see me and I did not know them, and I did not know as to the reliability of their statements on the tariff, and I was praying daily for a Senator to hand them over to.

Mr. HANEY. And when it was learned, or when you were satisfied, that the different factions in Illinois could not agree upon anybody for Senator, and that the legislature might adjourn without electing anybody, the name of Mr. Lorimer was mentioned; and when you thought that he could be elected, or that the factions could agree upon him, or he could get votes enough to be elected, you were for him?

Senator PENROSE. I was for any available Republican. Of course I was gratified at the selection of Mr. Lorimer, because I knew he was a man of ability and experience.

Mr. HANEY. And you either said or gave Mr. Hines to understand that if anybody in Illinois wanted to refer to you as to your feeling or disposition as to the election of Mr. Lorimer as Senator, that might be done?

Senator PENROSE. That they could telephone to me, see me, or write to me. I early became impressed with Mr. Hines as a bright, active business man, with a vast experience of conditions all over the country; and I conceived the idea that his interest in the transaction was entirely for the good of the Government and of the general proposition. I never received the impression that he had any candidate, or any political scheme to work out.

Mr. HANEY. There was no secret about your position on any of those questions, or as to Mr. Lorimer's candidacy, or your desire to have him elected?

Senator PENROSE. Not at all. Mr. Hines walked into my committee room in the light of day, and before a hundred other people there on the tariff, waiting in the outer room.

Mr. HANEY. That is all.

Senator KENYON. This session of Congress was a special session, called to revise the tariff?

Senator PENROSE. Called to pass the reciprocity bill.

Senator KENYON. I do not mean this one.

Senator PENROSE. Oh, I beg you pardon; yes.

Senator KENYON. I refer to the one in 1909.

Senator PENROSE. Yes.

Senator KENYON. And there was no other business but the tariff bill before that special session?

Senator PENROSE. No.

Senator KENYON. When did the session commence, Senator, approximately?

Senator PENROSE. I do not remember. My recollection is that it commenced right away after the 4th of March; did it not? I have forgotten.

Senator KENYON. I think it did.

Senator PENROSE. I think so.

Senator KENYON. And ran until some time in August?

Senator PENROSE. Some time in August—the 3d or 4th of August, as I recollect. I do not remember.

Senator KENYON. That may not be just the date, but it is approximately right?

Senator PENROSE. Yes. I do not remember now.

Senator KENYON. During that time the entire work of the session was the tariff bill?

Senator PENROSE. Yes; and that was enough.

Senator KENYON. There were widely divergent views as there are always upon any tariff revision proposition?

Senator PENROSE. Yes.

Senator KENYON. Senator Aldrich was greatly interested in certain schedules of the tariff, was he not?

Senator PENROSE. Yes. I do not know whether he had any particular interest in any schedule. He was interested in the general proposition of passing a tariff bill.

Senator KENYON. Were the interest of Senator Aldrich and your interest about the same? That is, did your minds run in the same channel as to what kind of a tariff bill should be passed?

Senator PENROSE. I take it that they did. We both believed in a revision of the tariff.

Senator KENYON. Upward or downward?

Senator PENROSE. A revision that would afford adequate protection to the industries of the United States on the lines indicated in the platform of the Republican Party.

Senator KENYON. This bill first passed the House, of course?

Senator PENROSE. Yes.

Senator KENYON. There were some lines of divergence in the House on different schedules?

Senator PENROSE. There was a great deal more divergence in the House toward the end, and a general disposition to pass the bill over to the Senate and let the Senate perfect it, or pass it, anyway.

Senator KENYON. And that was done?

Senator PENROSE. I would not want to make any reflection on the House of Representatives; but it would seem as if that was done in a good many cases.

Senator KENYON. And when it got into the Senate there was a great deal of discussion and more or less friction over certain schedules of the tariff?

Senator PENROSE. Over every schedule.

Senator KENYON. And there were lines of demarkation in the Republican Party?

Senator PENROSE. There was always a safe majority in the Senate at that Congress for the bill as it was reported by the Finance Committee.

Senator KENYON. As to every schedule?

Senator PENROSE. As to every schedule. We were in better shape then than we are now.

Senator KENYON. There were only seven then?

Senator PENROSE. There were only seven against the bill. We had a good margin on any kind of a schedule that the committee reported.

Senator KENYON. So that whatever the committee reported went through?

Senator PENROSE. Yes. I do not think the proclivities or views of a Senator from Illinois on the tariff entered into the situation at all. So far as I was concerned, I looked at the thing in the broadest spirit—that this office ought to be filled; that these business men by scores were coming here every day and hounding the life out of me and others, and I wanted some one to help bear the burden.

Senator JONES. When the tariff is under discussion, it naturally throws a heavier burden on the members of the Finance Committee; does it not, Senator?

Senator PENROSE. Yes; they have to bear the brunt, of course.

Senator JONES. And people from the different States naturally go to the members of that committee after they go to their own Senators?

Senator PENROSE. But the Senator from the State can help wonderfully by telling you who is who, and who is reliable and who is not. They were all strangers to most of us. If a lot of people came from the State of Washington, I would naturally want to confer with you as to who they were.

Senator KENYON. Is that the way you became acquainted with Mr. Hines?

Senator PENROSE. Yes; during the tariff discussion. I never heard of the man before.

Senator KENYON. You never heard of him before?

Senator PENROSE. No.

Senator KENYON. You saw him quite frequently during the tariff discussion?

Senator PENROSE. Oh, yes.

Senator KENYON. And as the Illinois matter ran along he commenced to talk to you about filling the vacancy out in Illinois, did he, or to discuss it?

Senator PENROSE. Mr. Hines never impressed me as being in any way a politician. I think the probabilities are that I opened up the subject with him, and asked him whether it was not possible to bring about an election. I rather think I invited his activities in the matter.

Senator KENYON. You started him on it?

Senator PENROSE. I think so; yes—not in any official or formal way, you know; but I think the suggestion probably came from me.

Senator KENYON. And after the suggestion came from you it was a matter of frequent discussion?

Senator PENROSE. As I would see him from day to day.

Senator KENYON. And you talked with Senator Aldrich about it?

Senator PENROSE. Yes.

Senator KENYON. Did you talk about it with members of the Illinois delegation?

Senator PENROSE. Yes. I had several conversations with Mr. Boutell and Mr. McKinley, and quite a number of people in and about the congressional committee. We all agreed it was a good thing to have some one fill the office.

Senator KENYON. You became quite active in wanting it filled?

Senator PENROSE. I can not say that I was quite active. I was interested in having it filled.

Senator KENYON (after a conference with the chairman). Senator, it seems that you are wanted at the Senate.

Senator PENROSE. I will conclude by this statement: In other words, if Mr. Hines had been staying at home and attending to his business in Chicago, and the tariff had not been up, and he had never seen me or a lot of people who were interested in politics night and day, I do not imagine he would ever have gotten interested in the senatorial fight. That is my diagnosis of the situation.

Senator KENYON. Would you have gotten interested in the senatorial fight if no question of the tariff had been involved?

Senator PENROSE. Would I?

Senator KENYON. Yes.

Senator PENROSE. My interest would not have been as acute; because in a session like the present one there is no one in Washington, and the duties of no Senator are very heavy unless he wants to make a long speech during this hot weather.

Senator KENYON. Some seem to want to do that.

Senator PENROSE. It seems to be so.

Senator KENYON. Did you say to Mr. Hines that Senator Aldrich was very much interested in the matter because there were certain schedules in the Payne-Aldrich or Payne tariff bill—

Senator PENROSE. I beg your pardon; will you read that question over again?

Senator KENYON. Did you say to Mr. Hines at any time that Senator Aldrich was very much interested because there were certain schedules in the Payne-Aldrich or Payne tariff bill which it looked very doubtful if they would be able to pass in the Senate, and that you wanted, or that Aldrich wanted, every Republican vote possible, and was very anxious that a Republican should be elected from Illinois?

Senator PENROSE. Mr. Hines might have gotten that impression, because I do not suppose he followed politics very closely; but as a matter of fact I looked on it in a much broader way. Of course, so far as a Senator from Illinois would help on close votes, if the majority was not increased by his presence, he would be an advantage. But there were no votes, as the record shows, that were not carried by an ample margin. I looked on it in as broad a spirit as possible—that some one ought to be here to help on in the work.

Senator KENYON. How did you get your information that Mr. Lorimer was the only available candidate in Illinois?

Senator PENROSE. From Mr. Hines and from others to whom I talked; and I was quickly persuaded of that fact by the results.

Senator KENYON. It started out with other candidates?

Senator PENROSE. Yes.

Senator KENYON. And you say that Mr. Lorimer (to use your language) was "Hines's last resort"?

Senator PENROSE. That was my distinct impression of the thing—his last resort, and that he unwillingly entered the controversy.

Senator KENYON. Mr. Hines was not prominent in politics in Illinois, was he?

Senator PENROSE. I never thought he was. He never impressed me as being.

Senator KENYON. How did you think he would be an agency in bringing about this result?

Senator PENROSE. It was just one of those casual suggestions you make during the course of the week that bear fruit.

Senator KENYON. You form your judgment from the fruit?

Senator PENROSE. I mentioned it casually to him. Mr. Hines appeared to be able to get in touch with conditions out there, and I suppose he represented that leading Senators thought it would be well to fill this seat, and the seat was filled. When I talked to him I had no definite idea, of course, that the legislature would do anything else than adjourn without electing a Senator.

Senator KENYON. How long before the time of the election did you first talk with him about Senator Lorimer—how long before Mr. Lorimer was elected Senator?

Senator PENROSE. Oh, I could not remember that.

Senator KENYON. Could you not say whether it was a matter of days or weeks?

Senator PENROSE. Probably it was a comparatively short time—two or three weeks, perhaps.

Senator KENYON. You were impressed with the thought that Mr. Hines had the interests of the Republican Party deeply at heart?

Senator PENROSE. I was impressed with the thought that Mr. Hines was president of the National Lumbermen's Association, and they were persuaded that the tariff was a matter of enormous importance to them; and incidentally he was interested as a business man and a citizen, as he had a right to be, and as every one else was at that time, in general political conditions.

Senator KENYON. Did you think he had more of an interest in the tariff on lumber than he did in the welfare of the Republican Party?

Senator PENROSE. I will say for Mr. Hines that I think that from the suggestions made to him by me and others he acquired a bona fide and disinterested wish to have this vacancy filled for the good of the Republican Party and of what I consider the good of the Government, because I can not see what difference it made to the lumber situation. The lumber schedule was the strongest schedule in the whole tariff bill in the House and in the Senate. I do not see why Mr. Hines's own business interests would have been any incentive for him to have gone into this contest. I suppose his fighting blood was aroused, and he took an interest in it.

Senator KENYON. I think that is all.

The CHAIRMAN. You are excused, Senator, with the statement that you are wanted in the Senate.

Senator PENROSE. I guess they will get along just as well without me.

TESTIMONY OF EDWARD H. THOMAS—Resumed.

(At the request of Mr. Farrar, the stenographer read aloud the last few questions and answers of Mr. Thomas's testimony, as follows:)

Mr. FARRAR. What is the next one?

Mr. THOMAS. On February 7, 1911, Mr. Hines left for Washington and New York, and returned to Chicago on March 5, 1911.

Mr. FARRAR. That record is in your handwriting?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. And was made at the time?

Mr. THOMAS. Absolutely.

Mr. FARRAR. What is the next record after Mr. Hines returned to Chicago on March 5, 1911?

Mr. THOMAS. March 6 Mr. Hines left for Duluth and Virginia, and returned to Chicago on March 12.

Mr. FARRAR. Is that record in your handwriting?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. Made at the time?

Mr. THOMAS. Made at that particular time.

Mr. FARRAR. Can you go back to this file and to the records prior to January 1, 1900, which are tabulated as shown in those packets, and give this committee the record of Mr. Hines's presence in Chicago or absences from Chicago for any period of time?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. That record, then, is complete?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. Are all those papers which are contained on that spindle and from which you have taken the memoranda as to which I have examined your original entries made at the time?

Mr. THOMAS. Yes, sir.

Senator JONES. When will you transcribe those to that more permanent form, Mr. Thomas?

Mr. THOMAS. I do not suppose I ever will.

Senator JONES. Are you following a new system now?

Mr. THOMAS. No; we are continuing the system as you see it there.

Senator JONES. Why do you not do that?

Mr. THOMAS. It answers the purpose well enough in its present condition.

Senator JONES. You will throw those away, will you?

Mr. THOMAS. No, sir.

Senator JONES. How will you preserve them?

Mr. THOMAS. I have been keeping them in a tin box in a vault.

Senator JONES. You will not just pile them all in loose?

Mr. THOMAS. Oh, no; I will leave them just as they are there.

Senator JONES. On the spindle?

Mr. THOMAS. On the spindle; yes, sir.

Mr. HANEY. And get a new spindle for the future?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. Please turn back on your spindle to the record of 1909, and trace Mr. Hines's presence in Chicago or absence from Chicago, beginning, say, with the 1st of March, 1910.

Mr. HYNES. Keep those others that you have testified about separate from those.

(The witness examined the papers on the spindle.)

Mr. FARRAR. Read from your records straight along consecutively from, say, March 1, 1909, until July 1, 1909.

Mr. THOMAS (reading):

On February 18, 1909, Mr. Hines left for Washington and Palm Beach, returned to Washington on May 18, and arrived in Chicago on March 14, 1909.

On March 30 Mr. Hines left for Washington and returned on April 18.

On April 26 Mr. Hines left Chicago for Duluth, Virginia, Iron River, and Duluth, and returned to Chicago on April 29.

On May 3 Mr. Hines left for Washington; returned to Chicago on May 16.

On May 19 Mr. Hines left for Washington and returned to Chicago on May 26.

On May 31 Mr. Hines left for Washington and returned on June 5.

On June 15 Mr. Hines left for Washington and returned on June 25.

On June 29 Mr. Hines left for Duluth and Winnipeg, returned to Duluth, and then went to Virginia and returned to Duluth, and returned to Chicago on July 3.

On July 6 Mr. Hines left for Washington and returned on July 10.

On July 10 Mr. Hines and Mrs. Hines, Edward, and Ralph left for St. Paul, thence for Seattle and Alaska, and returned on August 3.

Mr. FARRAR. That is enough, Mr. Thomas. So that, by that record, you can trace Mr. Hines's presence in Chicago and his absences from Chicago from the date when that record begins down to the present time?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. And that record begins back in 1894?

Mr. THOMAS. Yes, sir.

Mr. FARRAR. The witness is yours.

Mr. HEALY. Mr. Thomas, from whom do you secure your information on which you base the statements contained in these sheets to which you have referred in your testimony?

Mr. THOMAS. When Mr. Hines leaves the city he invariably tells me where he is going, as a matter of information for the office to reach him; and should anything come up after he has left to change the route that he left with us before he went away, we usually hear from him by telegraph or long-distance telephone.

Mr. HEALY. What entry do you make when he leaves Chicago on these slips or sheets of paper?

Mr. THOMAS. I think it will be as the bottom one that you see there is. I think it is the last one. Those are the originals, you understand.

Mr. HEALY. I understand. Referring to the sheet which reads: "2/7/11 Mr. Hines left for Washington and New York and Washington, returned 3/5/11," what part of that sheet was written at the time that Mr. Hines departed from Chicago?

Mr. THOMAS. Simply: "Mr. Hines left for Washington."

Mr. HEALY. When did you write upon that sheet "and New York?"

Mr. THOMAS. When I received a telegram stating that he had been to New York.

Mr. HEALY. You received a telegram from him?

Mr. THOMAS. Yes, sir.

Mr. HEALY. Indicating that he had left the city of Washington and gone to the city of New York?

Mr. THOMAS. Yes, sir.

Mr. HEALY. Do you have a distinct recollection of having received such a telegram?

Mr. THOMAS. Absolutely.

Mr. HEALY. Have you the telegram with you?

Mr. THOMAS. Yes.

Mr. HEALY. May I see it?

Mr. THOMAS. Yes, sir [handing telegram to counsel].

Mr. HEALY. The witness hands me a telegram dated Washington, February 11, 1911:

E. H. L. Co., Chicago:

Saw Miller New York Saturday. Not necessary telephone him.

EDWARD HINES.

25 a. m.

Mr. FARRAR. 25 a. m.?

Mr. HEALY. Yes. There is an apostrophe, a semicolon, and 25 a. m. It is evidently a mistake.

Mr. HANEY. It is evidently a mistake on the part of the operator.

Mr. HEALY. This telegram indicated to you what?

Mr. THOMAS. That Mr. Hines had been to New York.

Mr. HEALY. Did it indicate to you when he had been to New York?

Mr. THOMAS. No; only what it says.

Mr. HEALY. Or how long he remained in New York?

Mr. THOMAS. No, sir.

Senator FLETCHER. Is it a night message or a day message?

Mr. HEALY. This was a night message.

When you received this telegram did you make any entry or memorandum on this sheet of paper—the one to which I have called your attention?

Mr. THOMAS. Yes, sir; I made it immediately.

Mr. HEALY. It was then that you added "and New York"?

Mr. THOMAS. "And New York"; yes.

Mr. HEALY. Did you receive a further communication from him?

Mr. THOMAS. Oh, yes.

Mr. HEALY. By way of a telegram?

Mr. THOMAS. Afterwards; yes; from Washington.

Mr. HEALY. This came from Washington, did it not?

Mr. THOMAS. Yes.

Mr. HEALY. You have some additional telegrams received from him during this period?

Mr. THOMAS. Yes.

Mr. HEALY. Will you produce them, please, and let me see them?

Mr. THOMAS. Yes [handing telegrams to counsel].

Mr. HEALY. You have handed me a telegram dated February 8, 1911, at Washington, to the Edward Hines Lumber Co. and signed by Mr. Hines, which indicated his presence in Washington on that day?

Mr. THOMAS. Yes, sir.

Mr. HEALY. And a telegram dated from Washington February 9, indicating his presence in Washington on that day?

Mr. THOMAS. Yes, sir.

Mr. HEALY. And a telegram dated Washington, D. C., February 13, 1911, addressed to Isaac Baker and signed Edward Hines, indicating his presence in Washington at that time?

Mr. THOMAS. Yes, sir.

Mr. HEALY. These last three telegrams to which I have called your attention are what—copies of the originals?

Mr. THOMAS. Those are the originals that came into our office.

Mr. HEALY. From the telegraph company?

Mr. THOMAS. From the telegraph company; yes, sir.

Mr. HEALY. They are on blank yellow paper, without the customary or usual printed matter which those telegrams contain?

Mr. THOMAS. Yes. We get a lot of those that way.

Mr. HEALY. And a telegram dated February 14, 1911, at Washington, D. C., indicating Mr. Hines's presence in Washington on that day?

Mr. THOMAS. Yes, sir.

Mr. HEALY. And this is a letter to Mr. Hines from New Orleans. Are we interested in that?

Mr. HANEY. It is addressed to him in Washington, is it not?

Mr. HEALY. It is addressed to him at Washington, yes; dated February 14, at New Orleans, and addressed to him at the New Willard Hotel, Washington.

Mr. HANEY. Yes. That acknowledges the receipt of a telegram that day, does it not?

Mr. HEALY. Yes.

And a letter addressed to Mr. Hines in care of the New Willard Hotel, Washington, dated February 16, 1911, from Thomas F. Toomey.

And a telegram dated at Washington, February 16, 1911, addressed to C. F. Wiehe, Chicago, and signed by Edward Hines.

Mr. THOMAS. Yes.

Mr. HANEY. And addressed to Mr. Wiehe in Chicago?

Mr. HEALY. Yes; and dated at Washington.

Mr. HANEY. Yes.

Mr. HEALY. A similar telegram, dated at Washington, D. C., February 17, 1911, addressed to W. D. Hamilton, Chicago, signed Edward Hines, which reads as follows:

Impossible leave here before last next week.

Who was W. D. Hamilton?

Mr. THOMAS. He was manager of our marine department.

Mr. HYNES. What is the date of that?

Mr. HEALY. February 17.

Then one dated at Washington, February 18, 1911, addressed to Mr. Toomey. Who is Mr. Toomey?

Mr. THOMAS. He is the assistant to the vice president in our office.

Mr. HEALY. And one dated February 18, 1911, addressed to C. F. Wiehe at Chicago.

Mr. HYNES. From Washington?

Mr. HEALY. Yes.

Mr. FARRAR. And signed Edward Hines?

Mr. HEALY. Signed "H.," which, I assume, stands for Hines.

One dated February 20, 1911, to E. H. L. Co., Chicago, signed Edward Hines.

Mr. HYNES. From Washington?

Mr. HEALY. From Washington.

One addressed to Edward Hines, at Washington, dated at Chicago, February 21, 1911, and signed by the Edward Hines Lumber Co.

Mr. THOMAS. Yes.

Mr. HEALY. On this telegram to which I have just called attention is written in lead pencil:

Answered yes, accordance letter. C. R. N.

Who is that?

Mr. THOMAS. Mr. Hines's stenographer.

Mr. HEALY. That was Mr. Hines's stenographer who was in Washington with him at the time?

Mr. THOMAS. Yes, sir.

Mr. HEALY. Do you know why Mr. Hines's stenographer answered that particular telegram?

Mr. THOMAS. No, sir; I do not.

Mr. HEALY. And a telegram dated at Washington, February 21, 1911, sent to three different persons and signed "H." And attached to that is a telegram dated at New Orleans, February 21, 1911, addressed to Edward Hines, at the New Willard, Washington, D. C., signed by F. W. Pettibone.

A telegram dated Washington, February 21, 1911, sent to certain persons in Toronto, Canada, signed Edward Hines.

And the telegram from those same persons, which evidently called out the telegram just referred to.

One dated Washington, February 21, 1911, to the E. H. L. Co., Chicago, signed Edward Hines.

One dated Washington, February 21, 1911, to M. W. T., Chicago, signed Edward Hines.

One dated Washington, February 23, 1911, to the E. H. L. Co., Chicago, signed Edward Hines, and which reads as follows:

Send no more mail here. Expect home Saturday or Sunday.

Mr. HYNES. What is the date of that?

Mr. HEALY. February 23.

Do you know what day the 23d of February of this year fell upon?

Mr. THOMAS. No, sir.

Mr. HEALY. One dated at St. Paul, Minn., February 24, 1911, addressed to Edward Hines and signed J. B. Rhodes.

Mr. HANEY. Addressed to Edward Hines, where?

Mr. HEALY. At the New Willard, Washington, D. C.

Mr. HANEY. Yes.

Mr. HEALY. And a carbon copy of what purports to be a night letter dated February 25, 1911, addressed to the Edward Hines Lumber Co. and signed Edward Hines.

Mr. HANEY. From where?

Mr. HEALY. I do not know. It reads:

Impossible leave here to-night. Send mail here, addressed Nelson. Telephone Evanston.

Mr. HANEY. Nelson is Mr. Hines's secretary.

Mr. THOMAS. That evidently was from Washington.

Mr. HYNES. Do you know where the original of that telegram is?

Mr. THOMAS. No; I do not at the present time.

Mr. HEALY. Where did you obtain this?

Mr. THOMAS. Out of the files.

Mr. HEALY. What purports to be the original has just been handed to me by Mr. Marble, dated Washington, February 25, 1911, to the E. H. L. Co. The address is somewhat different from the carbon copy which you have produced, but the language of the message is the same.

Mr. HANEY. Read that into the record instead of the carbon copy.

Mr. HEALY. The language of the message is precisely the same.

Mr. HANEY. You have called attention to some difference, but you did not say what it was.

Mr. HEALY. In the address only.

The original is addressed "E. H. L. Company."

The carbon which Mr. Thomas produced is addressed "Edward Hines Lumber Co., 2431 South Lincoln Street, Chicago, Ill."

Mr. THOMAS. That is the same thing.

Mr. HEALY. The signature on the carbon is written out in full, and on the original it is abbreviated "Edw. Hines."

Mr. HYNES. That is under date of the 25th?

Mr. HEALY. Yes.

Also a telegram dated Washington, February 25, 1911, addressed to C. F. Wiehe, Chicago, signed Edward Hines, and reading:

Mail registered to-day, sure; Cook correspondence address to Carl.

Who was the Cook to whom that message referred, do you know?

Mr. THOMAS. I think it was Mr. Cook of Cook & O'Brien.

Mr. HEALY. W. H. Cook?

Mr. THOMAS. Yes.

Mr. FARRAR. That referred to the letter which Cook had sent to Mr. Wiehe to be forwarded to Mr. Hines?

Mr. HYNES. It shows that Mr. Hines was here at that time.

Mr. HEALY. Also a telegram dated at Washington, February 26, 1911, addressed to C. F. Wiehe, Chicago, and signed "Loretta."

Mr. HANEY. "Loretta" is Mrs. Hines.

Mr. HEALY (continuing). Bearing evidently upon a personal matter.

Mr. HANEY. "Loretta" is Mrs. Hines, is she not, Mr. Thomas?

Mr. THOMAS. Yes.

Mr. HEALY. A telegram dated Washington, February 28, 1911, to E. H. Thomas, Chicago, signed Edward Hines. You are the Thomas referred to in this message?

Mr. THOMAS. Yes, sir.

Mr. HEALY. One dated Washington, March 3, 1911, to the E. H. L. Co., Chicago, signed Edward Hines. One dated Washington, March 4, 1911, to the E. H. L. Co., Chicago, signed Edward Hines.

Mr. HANEY. What is that?

Mr. HEALY. It reads:

Teufel have Virginia matters ready. Arrive Sunday morning, Penna., 8.55.

EDWARD HINES.

It was from these telegrams which you have produced here that you determined the whereabouts of Mr. Hines during the month of February and the early part of March, 1911?

Mr. THOMAS. Yes, sir.

Mr. HEALY. You have no further information on the subject?

Mr. THOMAS. Only that we sent him a lot of telegrams, and he evidently got them. These are our telegrams here [producing a number of telegrams].

Mr. HEALY. We had better look at those. You have produced here, among other telegrams, one dated February 17, 1911, addressed to Edward Hines, care Waldorf Astoria, New York, which reads as follows:

Call me long distance quick; very important.

C. F. WIEHE.

Do you know what that is?

Mr. THOMAS. No, sir.

Mr. FARRAR. When was that?

Mr. HEALY. February 17. Do you know whether Mr. Hines left New York on or about February 17 and went to Chicago and immediately returned to New York or Washington?

Mr. THOMAS. He did not.

Mr. HEALY. How do you know that?

Mr. THOMAS. Because we would have heard from him if he had.

Mr. HEALY. Might he have done so without your knowledge?

Mr. THOMAS. I do not think so.

Mr. HEALY. Do you know how long Mr. Hines remained in New York in February, 1911?

Mr. THOMAS. No, sir.

Mr. HEALY. The witness has produced here, and I have before me, a number of telegrams dated in February, 1911, addressed to Mr. Hines at Washington and New York.

Mr. FARRAR. Give the dates.

Mr. HEALY. Does the committee want to go through all these?

Mr. FARRAR. We want the dates. We want to show that these telegrams were sent to Mr. Hines from the office on these very dates.

Mr. HEALY. A telegram dated February 8, 1911, addressed to Mr. Hines at Washington and signed by Mr. Edward H. Thomas.

One dated February 8, 1911, addressed to Mr. Hines at Washington, signed W. D. Hamilton.

One dated at Virginia, Minn., February 11, 1911, addressed to Ed Hines, Hotel Willard, Washington, D. C., signed Virginia & Rainy Lake Co., and a reply by Edward Hines, or what purports to be a reply to that message; a carbon copy of a message dated February 8, 1911, addressed J. G. Ketcham, of the Virginia & Rainy Lake Co., signed Edward Hines, but nothing upon this carbon copy to indicate the place from which it was sent.

A telegram addressed to Edward Hines at Washington, D. C., signed Loretta.

The CHAIRMAN. Dated where?

Mr. HEALY. It is not dated at any place. There is nothing to indicate where this message came from. It is evidently a pencil copy of a message, is it not?

Mr. THOMAS. Yes, sir.

Mr. HEALY. Do you know where the original is?

Mr. THOMAS. No, sir.

Mr. FARRAR. "Loretta" is Mrs. Hines.

Mr. HYNES. Any date?

Mr. HEALY. I can not discover any date on it.

One dated February 11, 1911, addressed to Edward Hines, at Washington, D. C., without any name of the sender.

Mr. FARRAR. Will you read this telegram which you say is without date?

Mr. HEALY. Yes.

Mr. FARRAR. I will read it. It reads as follows:

Will leave to-day 5.44. Baltimore & Ohio; arrive 4.50 Saturday.

LORETTA.

Mr. HEALY. Is that all?

Mr. FARRAR. There is something up in the corner as to the time filed. It is evidently a telegram from the office of the Willard Hotel.

Mr. HEALY. A telegram dated New Orleans, February 13, 1911, sent to Edward Hines, care Willard Hotel, Washington, D. C., signed Lynn H. Dinkins. Attached thereto are a number of letters bearing date February 10, February 3, and February 6. I may not have called attention to all of the letters.

Mr. FARRAR. Those are not important.

Mr. HEALY. A letter addressed to Edward Hines, Chicago, dated Virginia, Minn., February 15, 1911, signed S. J. Cusson. Stamped upon this letter, Edward Hines Lumber Co., February 17, 10.07 a. m., 1911, Chicago. Written at the bottom is G. E. L.

Mr. THOMAS. G. E. S.

Mr. HEALY. Who is that?

Mr. THOMAS. G. E. Salmon.

Mr. HEALY. Who is he?

Mr. THOMAS. He is a stenographer in the office.

Mr. HEALY. C. R. N. is the stenographer who was with Mr. Hines in Washington at or about that time?

Mr. THOMAS. Yes, sir.

Mr. HEALY. A telegram dated February 15, 1911, addressed to Edward Hines at Washington, signed by the Edward Hines Lumber Co. Is that the original or a carbon copy?

Mr. THOMAS. That is the original.

Mr. HEALY. A telegram dated New York, February 15, 1911, addressed to the E. H. L. Co., Chicago, signed Robert W. Higbie, and in lead pencil there is written on it, "Edward Hines, care New Willard Hotel, Washington, D. C."

One dated Chicago, February 16, 1911, addressed to Edward Hines, New Willard Hotel, Washington, D. C., signed W. D. Hamilton.

One dated February 13, 1911——

Mr. FARRAR. That is the 18th.

Mr. HEALY. Dated February 18, 1911, addressed to Edward Hines at the New Willard Hotel, Washington, D. C., and signed Edward Hines Lumber Co.

Another dated February 18, 1911, to Mr. Hines at the New Willard Hotel, Washington, D. C., signed C. F. Wiehe.

One dated February 20, 1911, addressed to Mrs. Edward Hines at the New Willard Hotel, Washington, D. C., signed Mrs. Sattler.

One dated February 21, 1911, addressed to Mr. Edward Hines, New Willard Hotel, Washington, D. C., signed C. F. Wiehe.

One dated February 21, 1911, addressed to Edward Hines, New Willard Hotel, Washington, D. C., but without the name of the sender.

What are these papers attached to this particular message, Mr. Thomas? Was there some failure to deliver that to Mr. Hines?

Mr. THOMAS. That is the complete record in trying to deliver that message to Mr. Hines.

Mr. HEALY. There was some difficulty about delivering it.

Mr. THOMAS. It is a reply that they are asking for.

Mr. HEALY. Do you know where Mr. Hines was at that time.

Mr. THOMAS. He is supposed to have been in Washington.

Mr. HEALY. One telegram, dated Duluth, Minn., February 25, addressed to Edward Hines, at the New Willard Hotel, Washington, D. C., signed S. J. Cusson.

One dated February 28, 1911, to Edward Hines, care New Willard Hotel, Washington, D. C., signed Edward H. Thomas.

One dated March 3, 1911, addressed to Edward Hines, New Willard Hotel, Washington, D. C., signed Edward Hines Lumber Co.

One dated March 4, 1911, addressed to Edward Hines, New Willard Hotel, Washington, D. C., signed L. L. Barth.

Are these all the telegrams and messages which you sent to Mr. Hines or received from Mr. Hines during that period?

Mr. THOMAS. Yes, sir.

Mr. HEALY. You did not see Mr. Hines between the 7th of February, 1911, and the 5th of March, 1911?

Mr. THOMAS. No, sir.

Mr. HEALY. And where he was during that period of time you do not know of your own personal knowledge?

Mr. THOMAS. Not other than what we have the records of here.

Mr. HEALY. You do not know how long he was in New York?

Mr. THOMAS. No, sir.

Mr. HEALY. What other cities he may have visited during that period of time you do not know?

Mr. THOMAS. No, sir.

Mr. HEALY. Do you know whether he was in Baltimore during that time or not?

Mr. THOMAS. No, sir.

Mr. HEALY. Do you know whether he was in Philadelphia or not?

Mr. THOMAS. No, sir.

Mr. HEALY. Now, on this strip of paper which you have offered here, dated February 7, 1911, after the word "New York" you have written "and Wash." That means "and Washington"?

Mr. THOMAS. Yes.

Mr. HEALY. Do you know when that was written with reference to the other memorandum?

Mr. THOMAS. After receiving that telegram, showing that he had got back to Washington. You see, when I wrote "New York" I did not know but what he might have returned from New York to Chicago.

Mr. HEALY. Did you make up from these slips that you have offered here this afternoon a tabulated statement of the movements of Mr. Hines during the month of February and the early part of March, 1911?

Mr. THOMAS. I may have.

Mr. HEALY. Well, didn't you, as a matter of fact?

Mr. THOMAS. I made up several of them.

Mr. HEALY. Did he not have that for use here in Washington?

Mr. THOMAS. I don't know whether I covered those dates. I know I made several lists.

Mr. HEALY. When you made up that list, did it contain all the information which you could obtain from the lists which you have offered here to-day?

Mr. THOMAS. I think so.

Mr. HEALY. Did it contain any information which the slips did not contain at that time?

Mr. THOMAS. Why, I do not think so.

Mr. HEALY. Have any entries been made upon these slips since February, 1911?

Mr. THOMAS. No, sir.

Mr. HEALY. I think that is all.

Mr. FARRAR. This telegram here of February 21, which appears to have no signature except that printed signature of the Edward Hines Lumber Co., is accompanied by a telegram showing the delivery of that telegram on the same date to Mr. Hines in Washington, is it not?

Mr. HEALY. I don't know. Those are carbon copies I assume. I don't know whether they were delivered or not.

Mr. FARRAR. This is an answer from the telegraph office to an inquiry, showing that that was delivered that same day, the 21st?

Mr. THOMAS. Yes.

Mr. FARRAR. The telegram read as follows:

Yours to Edward Hines, New Willard Hotel, was delivered O. K. 12.25 p. m., Washington, D. C., February 21, 1911, 4.45 p. m.

Mr. HEALY. Do you know where the original of that particular message is?

Mr. THOMAS. No; I do not.

Mr. FARRAR. This is the original from the telegraph office. That is the original. Now, after refreshing your memory from an examination of these slips and from the reading of these telegrams you have produced, to and from Mr. Hines, and from the fact that you are Mr. Hines's private secretary, can you now state of your own knowledge whether Edward Hines was in Chicago in the interval between February 8 and March 5, 1911?

Mr. THOMAS. I should say that he was not.

Mr. FARRAR. Now, these telegrams having been produced and these slips produced and read, Mr. Healy, do you want the original slips offered in evidence?

Mr. HEALY. Yes; we want some of them. We want the slips for a year back, anyway. I do not care for those early ones, but we ought to have those for the last two years, anyway.

Mr. FARRAR. Then we will deliver into the custody of the committee the whole of those slips as they stand. We can not separate them. They are arranged in their order and date.

Mr. HANEY. Mr. Thomas can separate them.

Mr. HEALY. Why can not Mr. Thomas take that file out into the other room and just pick out the slips for the last two years?

Mr. HANEY. Of course he can, and he will do it.

Mr. FARRAR. You want the slips for the last two years?

Mr. HEALY. Approximately, two years.

Mr. FARRAR. Say, from the 1st of January, 1909?

Mr. HEALY. Yes.

Mr. FARRAR. Then, Mr. Thomas, you will pick out the slips from January 1, 1909, and arrange them in order and deliver them to the clerk of this committee.

Mr. HEALY. Down to what time?

Mr. FARRAR. Down to this time.

Mr. THOMAS. Very well.

Mr. FARRAR. The dates of the telegrams having been read in the record, it appears to us it is not necessary to file the telegrams in the record. However, they can be produced.

Mr. HANEY. They will be subject to the call of the committee at any time.

The CHAIRMAN. With that understanding, they can be returned.

Mr. FARRAR. Mr. Thomas, is there a branch telegraph office in your office in Chicago?

Mr. THOMAS. Yes.

Mr. FARRAR. You have your own operators?

Mr. THOMAS. Yes.

Mr. FARRAR. All the telegrams that come to Chicago addressed to Edward Hines come to that office?

Mr. THOMAS. Yes.

Mr. FARRAR. And all the telegrams sent by your people go out of your own office?

Mr. THOMAS. Yes.

Mr. FARRAR. How long has that been so?

Mr. THOMAS. Oh, five or six years.

Mr. HEALY. When you testified that you have personal knowledge of the absence of Mr. Hines from the city of Chicago from February 7, 1911, to March 5, 1911, upon what do you base that knowledge?

Mr. THOMAS. Upon my acquaintance with Mr. Hines for the last 19 years.

Mr. HEALY. How does that indicate to you that he was not in Chicago during that time?

Mr. THOMAS. He invariably notifies us either by telegraph or telephone when he is going to return.

Mr. HEALY. But, if he did not send you such notice, you would make no entry with reference to his presence in the city at that time?

Mr. THOMAS. No, sir.

Mr. HEALY. So that your entries are based entirely upon the information received from him?

Mr. THOMAS. Yes.

Mr. HEALY. And of your own personal knowledge you don't know whether he was in the city of Chicago during that time or not?

Mr. THOMAS. No, sir.

Mr. FARRAR. Don't you know that he was not in the office of the Edward Hines Lumber Co. between those dates?

Mr. THOMAS. Yes.

Mr. FARRAR. Not in your presence?

Mr. THOMAS. Yes.

Mr. FARRAR. And if he was in Chicago during that period his presence or existence there during that period was concealed from you?

Mr. THOMAS. Yes.

Mr. HEALY. You do not mean necessarily that his presence was concealed from you. It was not made known to you. Is that right?

Mr. THOMAS. Yes, sir; that is right.

TESTIMONY OF EDWARD HINES—Resumed.

Mr. HINES, having been heretofore sworn, was recalled and was examined, and testified as follows:

Mr. MARBLE. Mr. Hines, starting with the conversation with Mr. Hettler, what is your memory of the movements of yourself and Mr. Wiehe?

Mr. HINES. That afternoon?

Mr. MARBLE. That afternoon. I am referring now to the conversation in the Union League Club on the 26th day of May, 1909?

Mr. HINES. After leaving Mr. Hettler, Mr. Wiehe and I went directly out of the club. We parted at the club door. I went over to the Continental & Commercial National Bank, and I went from there to the Atchison, Topeka & Santa Fe Railroad office, and from there I telephoned Mrs. Hines. While there I invited Mr. M. J. Collins, of the Atchison, Topeka & Santa Fe Railroad Co., to go out, and I would take him home that evening, and I stopped on the way home, and I got Mrs. Hines on Washington Boulevard, near California Avenue. I then took Mr. Collins out home to his residence at Oak Park, and then went home and had my supper. After supper I took Mr. Clark of the Lake Shore, and his wife, out driving.

Mr. MARBLE. You spent the evening in that way?

Mr. HINES. Yes; until about, I think, between 10 and 11 o'clock that night, when we got home.

Mr. MARBLE. You did not return to the club?

Mr. HINES. Yes; I did return to the club after coming back from the bank. I came back and telephoned to Milwaukee close to about 4 o'clock.

Mr. MARBLE. Do you know what time you left the club?

Mr. WIEHE. I left the club with Mr. Wiehe, as near as I can recollect, a little before 3 o'clock. How I recollect distinctly about the occurrence is that I think it was the only time in my business experience that I took Mrs. Hines out riding early in the evening.

Mr. MARBLE. Did you discuss the senatorial election at the Atchison, Topeka & Santa Fe offices?

Mr. HINES. I did.

Mr. MARBLE. With whom?

Mr. HINES. Mr. M. J. Collins, because he called my attention to the fact of whether I had learned that he had been a candidate for United States Senator. I told him no. He said he had gotten, I think, twenty-odd votes that day at Springfield. I thought the gentleman was joking me; but he had a telegram there, which he showed to me, from some officer of the Springfield Legislature, in which he had got a complimentary vote of some twenty-odd votes on that day.

Mr. MARBLE. On the day that Senator Lorimer was elected?

Mr. HINES. I think that day or the day before. He showed me the telegram that afternoon.

Mr. MARBLE. It must have been the day before.

Mr. HINES. No. I saw him the day that Senator Lorimer was elected. I was not in Chicago the day before.

Mr. MARBLE. Your understanding was that this gentleman had received the complimentary vote on the day you saw him?

Mr. HINES. He either got it that day or the day before, but he showed me the telegram that afternoon.

Mr. MARBLE. How long did you stay with him?

Mr. HINES. I was in Mr. Collins's office, I should judge, about 20 minutes; and while I was there I called up Mrs. Hines through our office on the telephone, and she urged me, as I had not been home for some little time, to drive out and take her home that night early in place of going to the office as was my custom. That one particular afternoon I called for her, and I took Mr. Collins out home in my automobile.

Mr. MARBLE. You are quite sure you went driving that evening?

Mr. HINES. I am absolutely positive, because in addition to that I have since verified my memory. I have the invitation that Mrs. Hines received, dated that day, for the card party that she attended. That verifies it absolutely in my memory.

Mr. MARBLE. You took her from the card party?

Mr. HINES. I took her from the card party. Mr. Collins and I stopped and got her from the card party that afternoon, and from there drove to Mr. Collins's house in Oak Park, returned to my house and had supper; and after dinner I went out—I invited Mr. Clark and his wife (who live the fourth door from our house) driving.

Mr. MARBLE. What time did you go to your office next morning?

Mr. HINES. My usual time at that period was about 8 o'clock.

Mr. MARBLE. Did you go at your usual time?

Mr. HINES. I think I did.

Mr. MARBLE. Have you any memory of that?

Mr. HINES. If anything unusual occurred I think I would remember it.

Mr. MARBLE. Did you stop on the way?

Mr. HINES. No, sir.

Mr. MARBLE. How did you go?

Mr. HINES. I go right to my office, direct.

Mr. MARBLE. Did you go in your automobile?

Mr. HINES. Yes, sir; I think I did. I might have had the buggy come for me. I did not go in the automobile every morning; but my memory—

Mr. MARBLE. That was the morning that you read the morning papers announcing Senator Lorimer's election. That might refresh your memory.

Mr. HINES. That would not refresh it on account of my going to the office; no, sir.

Mr. MARBLE. You do not recall where you read the papers?

Mr. HINES. I read them at home.

Mr. MARBLE. You did not read them at the office?

Mr. HINES. No, sir; I never read the paper in the office.

Mr. MARBLE. Do you recall discussing the election on the way to the office that morning?

Mr. HINES. No, sir.

Mr. MARBLE. And you do not definitely recall, I judge, the arrival at the office that morning?

Mr. HINES. Yes; I do; because I had telegraphed our different managers all over the country to come to the office that week, and they were arriving—they commenced to come that day and the next day and up to Sunday.

Mr. MARBLE. Do you recall that you arrived at the office about 8 o'clock?

Mr. HINES. I would not say the exact minute.

Mr. MARBLE. No; I would not expect you to.

Mr. HINES. I probably arrived at the office sometime between quarter after 8 and half past 8.

Mr. MARBLE. Have you a memory now of that, or do you mean that is what your movements probably were?

Mr. HINES. I have recalled as much as possible the incidents of that particular week. The fact of having telegraphed our managers to come to Chicago refreshes my memory on certain things I did that week.

Mr. MARBLE. Did you stay at your office all the morning?

Mr. HINES. Let me see. I think I stayed at our office up to after lunch.

Mr. MARBLE. You ate lunch there?

Mr. HINES. Yes; I usually do.

Mr. MARBLE. You went directly from your office to the Union League Club, did you?

Mr. HINES. The next day? I think I did.

Mr. MARBLE. That day—the day after the election of Senator Lorimer.

Mr. HINES. Yes, sir; my memory is that I did.

Mr. MARBLE. You went after lunch?

Mr. HINES. Yes.

Mr. MARBLE. But you went directly?

Mr. HINES. Yes, sir.

Mr. MARBLE. You did not stop on the way?

Mr. HINES. No, sir.

Mr. MARBLE. Do you remember who went with you in the automobile?

Mr. HINES. Why, yes; I do—Mr. Hall and Mr. Baker.

Mr. MARBLE. You remember their being with you?

Mr. HINES. Oh, yes; I remember it distinctly, because we had a discussion before going down town that morning.

Mr. MARBLE. I believe you have testified that you arrived there shortly after 1 o'clock?

Mr. HINES. Shortly after 1; yes.

Mr. MARBLE. And you found Mr. Carney waiting for you?

Mr. HINES. Yes, sir.

Mr. MARBLE. How long did your discussion with Mr. Carney take?

Mr. HINES. I think we were there at the club from half to three quarters of an hour, it seems to me, as I recollect it now.

Mr. MARBLE. And it was during that time that you had the conversation with Mr. Funk?

Mr. HINES. Yes, sir.

Mr. MARBLE. You testified some days ago, and this matter has perhaps been working in your mind. Do you now recall that anyone else came up and spoke to you while you were sitting there on the couch with Mr. Hall, Mr. Baker, and Mr. Carney?

Mr. HINES. I do not recall distinctly who might have come up at that period and casually said, "How do you do?" I would not, possibly, recollect it.

Mr. MARBLE. Do you remember that anyone did?

Mr. HINES. I do not just at this time recollect anybody doing it. They may have.

Mr. MARBLE. If anyone did, you do not recall it?

Mr. HINES. Just at this time I do not.

Mr. MARBLE. Where did you go from the club?

Mr. HINES. That day?

Mr. MARBLE. Yes.

Mr. HINES. Let me see. Just at this time I do not recollect just where I went that afternoon.

Mr. MARBLE. Did you take Mr. Carney away from the club with you?

Mr. HINES. No; I think we parted right at the club.

Mr. MARBLE. Where? Do you remember where you parted?

Mr. HINES. It seems to me that Mr. Carney went out first. I think we remained a few minutes talking.

Mr. MARBLE. You and Mr. Hall and Mr. Baker?

Mr. HINES. Yes; but it is possible we may have gone out together. I do not remember.

Mr. MARBLE. Do you remember talking with anyone else after Mr. Carney went away?

Mr. HINES. Not at this time, distinctly.

Mr. MARBLE. There at the club?

Mr. HINES. No, sir.

Mr. MARBLE. It was merely casual if you did?

Mr. HINES. I met a good many men and shook hands with them when I had been out of town three or four or five days or a week and returned; but I could not say just as to that day or a day or two afterwards.

Mr. MARBLE. Would you say that while you were there with Mr. Hall and Mr. Baker, if you had a consultation with anyone or a conversation with anyone, it was a casual greeting such as you might have with a member of the club on meeting him after such a parting as that?

Mr. HINES. That is what my memory is now.

Mr. MARBLE. Did you go upstairs?

Mr. HINES. Not that day, I think.

Mr. MARBLE. Not that day?

Mr. HINES. No, sir.

Mr. MARBLE. Did you go away in your automobile?

Mr. HINES. I very often leave my automobile in front of the club when I am running around downtown, because it is quicker to run around a block or two than to try to get around on the crowded streets in the car.

Mr. MARBLE. Do you remember what you did on this day?

Mr. HINES. If I had several errands, I would probably leave the car right in front of the club and go over to the bank or over to the offices without taking the car.

Mr. MARBLE. That is what you probably would do. Do you remember what you did?

Mr. HINES. I do not remember distinctly, without referring to some of my records to refresh my memory, what I did that afternoon.

Mr. MARBLE. Do you remember leaving the club?

Mr. HINES. Yes, sir; I remember leaving the club.

Mr. MARBLE. Who went with you when you left the club?

Mr. HINES. To the best of my recollection, we all parted right at the club door. Whether Mr. Carney went away first or not—it seems to me, the more I recollect it, that he did, just a few minutes; but I am not overpositive about it.

Mr. MARBLE. Did you go anywhere with Mr. Hall or Mr. Baker when you left the club?

Mr. HINES. Not that afternoon.

Mr. MARBLE. Did you part from them at the club, too?

Mr. HINES. It seems to me Mr. Carney went away and Mr. Baker did, and I took Mr. Hall out to my house, I think, that night. It seems to me that I met him later on and took him out that evening.

Mr. MARBLE. Do you remember where you met him?

Mr. HINES. I think I met him afterwards. I can not recollect where I met him. I know I took him home that night. Where I met him I do not remember.

Mr. MARBLE. Do you remember going back to the lobby or lounging room of the club after parting from these gentlemen at the door?

Mr. HINES. No; I do not recollect going back.

Mr. MARBLE. Would you say that you did or did not?

Mr. HINES. I said that I think Mr. Carney went out a few minutes before I did.

Mr. MARBLE. Yes.

Mr. HINES. But whether I stayed 2 or 3 minutes or 5 minutes or 10 minutes, I can not recollect.

Mr. MARBLE. I am talking about the time after you parted from Mr. Hall and Mr. Baker.

Mr. HINES. It does not seem to me I parted from Mr. Hall just then. It seems to me Mr. Carney went away and Mr. Baker went away, but I can not tell positively. It has been two years ago. There was nothing specially significant about meeting anybody else. I had no particular business with anybody.

Mr. MARBLE. You did not go upstairs for any more lunch or other refreshments?

Mr. HINES. I was not there for lunch that day.

Mr. MARBLE. Or any other refreshments?

Mr. HINES. No. I do not take any other refreshments.

Mr. MARBLE. Or for any other purpose?

Mr. HINES. No.

Mr. MARBLE. Do you recall that you did not?

Mr. HINES. I recall that I took lunch at the office that day.

Mr. MARBLE. And you do not recall where you went from the club?

Mr. HINES. No; not just at this time. I might be able to get some data bearing on that if I should look it up.

Mr. MARBLE. I am trying to get your memory now. Do you recall whether or not you had conferences at the club that day with some one else besides Mr. Carney?

Mr. HINES. Just at this time it does not come to my memory.

Mr. MARBLE. I think that is all at this time.

Senator FLETCHER. Mr. Hines, do you know who were the members of the national Republican committee in 1909?

Mr. HINES. No, sir; I do not.

Senator FLETCHER. Do you know the members of the national Republican congressional committee in 1909?

Mr. HINES. No, sir; I do not.

Senator FLETCHER. Do you know whether either of those committees had headquarters in Washington?

Mr. HINES. No, sir; I do not know that.

Senator FLETCHER. Some intimation has been made here about some money having been sent out from Washington to Springfield. Have you any information that might throw any light on that in any way?

Mr. HINES. Absolutely no information at all. I never talked with a soul and never had any information about any such occurrence at all. I never talked to anybody in Washington who was represented to be the leader or officer of any Republican organization.

Senator JONES. After Mr. Funk testified before the Helm committee as to this conversation with you, did you ask that committee to be permitted to tell of his conversation with you that you have testified to before this committee?

Mr. HINES. No, sir. The first thing I did when I heard it, I went down to see Judge Hanecy, and I arranged a conference between Judge Hanecy and my own counsel, Mr. John J. Herrick, of Chicago, and asked them if I should go down, and urged upon them the importance of my doing so. They said that in all probability I would be recalled in a day or two and just to wait until I was recalled. They expected I would be recalled.

Senator JONES. Did you tell them of this conference with Mr. Funk?

Mr. HINES. Yes, sir.

Senator JONES. You told them you thought that ought to be stated before the committee?

Mr. HINES. Yes, sir; yes, sir; and I told them I thought I should go down immediately. They told me that I should wait until I was recalled, and no doubt I would be recalled. I had three or four conferences with them during that week.

Senator JONES. But you were not recalled?

Mr. HINES. No, sir; I was not recalled. I was in Chicago at the time, and remained there particularly.

Senator JONES. That is the reason why you did not ask to appear before the committee and give this testimony?

Mr. HINES. Yes, sir. I asked my counsel if I should not send a telegram.

Senator JONES. I understand.

Mr. HINES. And they told me that I would be recalled, and to wait until I was recalled.

Senator JONES. That is all.

Mr. HANECY. Mr. Chairman, may I ask if it will not be agreed that the Helm committee did not sit regularly or continuously? They would only sit an hour or two to-day, and then they would not sit again for a week or 10 days, or possibly two weeks, and then would sit for possibly half an hour or an hour, and then not again for a considerable time.

The CHAIRMAN. I think the book of testimony shows that fact.

Mr. HANECY. If you read it through carefully with that in view you might come to that conclusion. But Mr. Healy was its only counsel; and, if that could be concisely admitted in this record, it might save a good deal of speculation and research.

Mr. HEALY. If it is at all important I will agree with counsel with reference to the time when the sessions were held and the approximate duration of the sessions.

Mr. HANEY. And that it was not sitting continuously day after day?

Mr. HEALY. I think it began its sessions regularly every week. The arrangement, as I recall it, was that they were to meet every Wednesday or Thursday (I have forgotten which day), so as not to interfere with their senatorial duties.

Mr. HANEY. And they did not meet any other day that week except that day?

Mr. HEALY. No; I think there were a number of occasions when there were two or three day sessions.

Senator KERN. I think by taking the book you can make a statement that will go into the record.

Mr. HANEY. The book shows what I want in concise shape, but it might be misunderstood by some one.

Senator KERN. I think we have all read this book, and that it shows that the meetings were semioccasional.

Mr. HANEY. Mr. Chairman, some Senator—I thought it was Senator Kern—asked for the original telegram from the secretary of state of New York. We have it here; but I understand from Senator Kern that it was probably Senator Kenyon who asked for it, and he is not here now. I will reserve that until he is here, or put it in now, just as the committee prefer.

Senator FLETCHER. You had better put it in now.

The CHAIRMAN. I think it had better go in now.

Mr. FARRAR. This is an original. I will read it into the record. It is on a Postal Telegraph blank.

(Mr. Farrar then read aloud the telegram referred to, which was marked by the stenographer: "Ex. Hines recalled No. 1, July 21, 1911." and is as follows:)

[Ex Hines recalled No. 1—July 21, 1911.]

ALBANY, N. Y., July 12, 1911.

EDWARD HINES, Chicago:

Will deliver to you Sheldon's original statement filed in this office November 23, 1908, for \$1,000.

JAMES J. NEVILLE,
Secretary of State Office.

8.10 a. m.

The CHAIRMAN. It says: "Will deliver to you Sheldon's *original* statement?"

Mr. FARRAR. Yes.

Mr. HANEY. I suppose that means the original list.

The CHAIRMAN. Not a copy.

Mr. MARBLE. Have you the previous correspondence on that subject?

Mr. FARRAR. I do not know.

Mr. HANEY. Mr. Wiehe is not here. I do not know whether he has it or not.

Mr. FARRAR. We have agreed to produce the telegrams and papers if he has them. We will produce them if we happen to have them.

Mr. HANEY. Mr. Wiehe found that among his papers, and he gave it to me, and I thought we would put it right in. If there are any *others* that the committee want, we will try to produce them.

The CHAIRMAN. You have not the telegram to which this is a response?

Mr. HANEY. That is the telegram from the secretary of state.

The CHAIRMAN. Yes; but I mean the telegram from the Edward Hines Co. which called this one out. Have you that?

Mr. HANEY. I will find out from Mr. Wiehe whether he has a copy in his papers.

Mr. HINES. I think we have telegraphed for it.

Mr. HANEY. It is not here.

Mr. HINES. We could not find it at noon, and have telegraphed for it.

Mr. HANEY. Then Mr. Wiehe has not found it, because he did find that one, and that is all he did find. But we will send and get that, Mr. Chairman.

The CHAIRMAN. They ought to go in together.

Mr. FARRAR. That is all, Mr. Hines.

(The witness then left the witness stand.)

Senator FLETCHER. Do you offer the telegram, Judge, or do you just want it read into the record?

Mr. FARRAR. We offer the telegram, and then we will put the other in—the one that called that out—as soon as we receive it.

Senator KERN. Let us have all the correspondence, so that it may go in.

Mr. FARRAR. Yes.

Senator JONES. They ought to go into the record together.

Senator FLETCHER. We can arrange that.

Mr. HANEY. I suggested that we might either put it in now or later, or they might leave a space for the other.

Mr. HYNES. It would be better to withhold it, I should think.

The CHAIRMAN. It will not result in very much repetition. We will let it go in again.

TESTIMONY OF C. R. NELSON.

C. R. NELSON, being duly sworn, was examined and testified as follows:

Mr. HANEY. What is your full name?

Mr. NELSON. C. R. Nelson.

Mr. HANEY. What is your business?

Mr. NELSON. I am stenographer for Mr. Hines.

Mr. HANEY. How old are you?

Mr. NELSON. Twenty-six.

Mr. HANEY. How long have you been stenographer for Mr. Hines?

Mr. NELSON. Since a year ago last May.

Mr. HANEY. You have been personal stenographer for him, have you?

Mr. NELSON. Yes, sir.

Mr. HANEY. Have you gone with him to the different places to which he has traveled?

Mr. NELSON. Yes, sir.

Mr. HANEY. Were you in Washington with Mr. Hines in the early part of this year?

Mr. NELSON. I was.

Mr. HANEY. When did you come here with Mr. Hines, commencing sometime in February?

Mr. NELSON. I think it was the 8th—the 7th or 8th.

Mr. HANEY. Of February?

Mr. NELSON. Of February.

Mr. HANEY. Where did you come from to Washington?

Mr. NELSON. Chicago.

Mr. HANEY. With whom did you come?

Mr. NELSON. I came with Mr. Hines.

Mr. HANEY. And where did you go when you came here?

Mr. NELSON. To the New Willard Hotel.

Mr. HANEY. How long did you remain there—here in Washington and at that hotel?

Mr. NELSON. Until the afternoon of March 5 or 4—I do not remember which—Saturday.

Mr. HANEY. It was on a Saturday afternoon, was it?

Mr. NELSON. Yes, sir.

Mr. HANEY. Was that the last day of the session of Congress?

Mr. NELSON. Yes, sir.

Mr. HANEY. You left here on what train that day?

Mr. NELSON. On the Pennsylvania Special, at 3.40.

Mr. HANEY. And you arrived in Chicago when?

Mr. NELSON. On Sunday morning.

Mr. HANEY. At what time?

Mr. NELSON. At about 8.55.

Mr. HANEY. Were you here in Washington all of that time from the time you arrived here on the 7th or 8th of February until the 4th day of March, 1911?

Mr. NELSON. I was; yes, sir.

Mr. HANEY. Where was Mr. Hines during that time?

Mr. NELSON. He was here continuously, with the exception of two days. He made two different trips to New York and spent a day.

Mr. HANEY. When did he go to New York during that period?

Mr. NELSON. The first time he went to New York was on the night of the 10th.

Mr. HANEY. On the night of the 10th of what?

Mr. NELSON. Of February. And he returned on the evening of the 11th.

Mr. HANEY. At what time did he leave Washington for New York on that date?

Mr. NELSON. It was some time after midnight; 12.15 or 12.30.

Mr. HANEY. And he returned to Washington at what time?

Mr. NELSON. He returned to Washington the next evening about 8 o'clock, as I remember.

Mr. HANEY. When was the next time that he left Washington for New York or any other place during that period?

Mr. NELSON. About a week after that; about the 16th or 17th; I do not remember which.

Mr. HANEY. Was it the 16th?

Mr. NELSON. I think it was the 16th.

Mr. HANEY. What time did he leave Washington on that occasion?

Mr. NELSON. He left about the same time as before: about midnight or a little after, probably.

Mr. HANEY. When did he return?

Mr. NELSON. The following evening, about 8 o'clock or a little after.

Mr. HANEY. Did he leave Washington at any other time between the 7th or 8th of February, 1911, and the 4th of March, 1911, except on the two occasions that you have mentioned?

Mr. NELSON. No, sir.

Mr. HANEY. Did you see him here in Washington daily on every day during that time except on the two occasions that you have just mentioned?

Mr. NELSON. I saw him every morning and every evening. I did not see him during the day.

Mr. HANEY. That is what I mean: some time during every day.

Mr. NELSON. Yes.

Mr. HANEY. Did Mr. Hines go to Chicago at any time between the 7th or 8th of February and the 4th of March, 1911, except the time when he left on the afternoon of the 4th of March?

Mr. NELSON. He did not.

Mr. HANEY. Was there anybody else here with Mr. Hines during that time?

Mr. NELSON. Mrs. Hines was here from the morning of the 11th on.

Mr. HANEY. From the 11th of what?

Mr. NELSON. Of February.

Mr. HANEY. Until when?

Mr. NELSON. Until the 4th of March.

Mr. HANEY. Did Mrs. Hines, Mr. Hines, and you leave on the 3.40 train Saturday afternoon, the 4th of March, for Chicago?

Mr. NELSON. We did; yes, sir.

Mr. HANEY. And you arrived there at 8.55 the next morning?

Mr. NELSON. I presume so. It has been a long time.

Mr. HANEY. That is all.

Senator KERN. Do you testify to this from memory?

Mr. NELSON. Partly, and partly from my expense account.

Senator KERN. What part do you testify to from your memory?

Mr. NELSON. The 16th. I think it was just about a week after the first trip. I got that from memory. The first one I have in my expense book.

Senator KERN. Did you go with Mr. Hines to New York?

Mr. NELSON. I did not, but I purchased the ticket or arranged for the purchase of his transportation here, and I made a note of it in my expense account at the time.

Mr. HANEY. All the rest of what you told you remember?

Mr. NELSON. Yes.

The CHAIRMAN. We will take a recess at this point until to-morrow morning at 10 o'clock, with the understanding that we will not have an afternoon session.

(Whereupon, at 5.15 o'clock p. m., a recess was taken until to-morrow, July 22, 1911, at 10 o'clock a. m.)

SATURDAY, JULY 22, 1911.

SENATE OFFICE BUILDING,
WASHINGTON, D. C.

The committee met at 10 o'clock a. m.

Present: Senators Dillingham (chairman), Gamble, Jones, Johnston, Fletcher, and Kern.

Present also: Mr. John H. Marble, Mr. John J. Healy, Mr. William J. Hynes, Mr. Elbridge Hanecy, and Mr. Edgar Farrar.

TESTIMONY OF C. R. NELSON—Resumed.

C. R. NELSON, a witness previously sworn, resumed the witness stand, and, being examined, testified as follows:

Mr. HEALY. Mr. Nelson, what time in February did you arrive in Washington?

Mr. NELSON. I arrived here on the 8th.

Mr. HEALY. How long did you remain here?

Mr. NELSON. I remained here until the 5th of March.

Mr. HEALY. Continuously?

Mr. NELSON. Yes, sir.

Mr. HEALY. You did not leave the city at any time?

Mr. NELSON. I did not; no, sir.

Mr. HEALY. Do you recall now how many times Mr. Hines left the city of Washington during that period?

Mr. NELSON. He left twice.

Mr. HEALY. When did he first leave?

Mr. NELSON. The first time he left was on the evening of the 10th—midnight of the 10th.

Mr. HEALY. March 10?

Mr. NELSON. February 10.

Mr. HEALY. You say you fixed that date by certain entries which you made in your expense account?

Mr. NELSON. Yes.

Mr. HEALY. You have no other recollection about the time of his departure at that time?

Mr. NELSON. I remember I went down to the depot with him in a taxi.

Mr. HEALY. When was the second time that he left Washington?

Mr. NELSON. About a week later.

Mr. HEALY. You say, "About a week later." Would that be the 17th of February?

Mr. NELSON. Yes; the 17th, I should say.

Mr. HEALY. Was it on the 17th?

Mr. NELSON. Probably about that. I have no record of it.

Mr. HEALY. Might it have been on the 16th?

Mr. NELSON. It might have been on the evening of the 16th or the 17th, I do not remember which.

Mr. HEALY. You have no memorandum of any sort which enables you to fix the date of the second departure?

Mr. NELSON. No, sir.

Mr. HEALY. Did you accompany him to the depot on that occasion?

Mr. NELSON. I did; yes, sir.

Mr. HEALY. What time did he leave Washington?

Mr. NELSON. He left some few minutes after 12 o'clock, as I remember it.

Mr. HEALY. You remember that, do you?

Mr. NELSON. Yes, sir.

Senator KERN. About midnight?

Mr. NELSON. About midnight—a little after midnight; yes, sir.

Senator KERN. When did he return?

Mr. NELSON. He returned the following evening.

Senator KERN. How do you fix the date of his return?

Mr. NELSON. I remember that Mrs. Hines and I went down to meet him the following evening.

Mr. HANEY. In a machine?

Mr. NELSON. In a taxi.

Senator KERN. Would that fix the date you went to meet him?

Mr. NELSON. It would not fix the date. I remember that he was only gone one day. The following day we went down to meet him.

Mr. HEALY. Might he not have been gone two or three days at that time?

Mr. NELSON. No, sir.

Mr. HEALY. Do you remember his leaving Washington during that period, at any other time than on these two occasions to which you have testified?

Mr. NELSON. I do not; no, sir.

Mr. HEALY. Do you not remember that he went to Philadelphia?

Mr. NELSON. I do not; no, sir.

Mr. HEALY. You have no recollection about that?

Mr. NELSON. I have no recollection of that.

Mr. HEALY. Do you not recall that he went to Baltimore during that same period of time?

Mr. NELSON. No, sir.

Mr. HEALY. Would you say that he did not?

Mr. NELSON. If he did, he must have gone during the day and come back the same day. I saw him every morning and evening.

Mr. HEALY. And you have no memorandum or entry of any sort which indicates his presence in Philadelphia or Baltimore during that period of time?

Mr. NELSON. No, sir.

Mr. HEALY. When Mr. Hines was in New York, along about the 17th of February, 1911, did you communicate with him in any way by letter or telegram?

Mr. NELSON. I think Mr. Hines called me up in the afternoon on the telephone and asked me if there was anything important or special.

Mr. HEALY. Did you forward any letters or telegrams to him during his absence from Washington?

Mr. NELSON. I do not think I did.

Mr. HEALY. Have you any recollection about it?

Mr. NELSON. No, sir.

Senator KERN. Are you sure he called up on the long-distance telephone from New York?

Mr. NELSON. I think he did.

Senator KERN. I am asking you whether you are sure.

Mr. NELSON. I am not sure of it; no, sir. I have no record of it.

Mr. HEALY. Did you forward any letters or telegrams to him at that time?

Mr. NELSON. No, sir.

Mr. HEALY. Did you receive any telegrams during his absence from the city of Washington?

Mr. NELSON. I may have; yes, sir.

Mr. HEALY. What is your recollection about it?

Mr. NELSON. He received telegrams practically every day. I would not remember any particular day whether a message was received or not.

Mr. HEALY. What did you do with those telegrams?

Mr. NELSON. Unless they were very important I would hold them until he got back.

Mr. HEALY. How do you fix the date of Mr. Hines's second departure from Washington as being on the 17th of February, 1911?

Mr. NELSON. I do not fix it as the 17th; the 16th or 17th, about a week after—

Mr. HEALY. How do you fix those dates so that you are able to testify to the very time in February when he left?

Mr. NELSON. I remember it was just about a week after the first trip, and I spoke to Mrs. Hines about it, that he had been in New York shortly before, about the same time in the week.

Mr. HEALY. Might it have been 10 days or 5 days after his first departure?

Mr. NELSON. It would not have been 10 days. It might have been 5 or 6 days.

Mr. HEALY. So you do not testify that he left Washington on the 16th of February, positively, do you?

Mr. NELSON. I do not; no, sir.

Mr. HEALY. How do you fix the date of his return?

Mr. NELSON. I do not fix that by any memorandum. I remember that distinctly, that he was only gone about 20 hours.

Senator KERN. Twenty hours?

Mr. NELSON. Yes; less than 24.

Senator KERN. What did you do while he was absent?

Mr. NELSON. I was at the hotel with Mrs. Hines.

Senator KERN. All the time?

Mr. NELSON. Yes, sir.

Senator KERN. You did not go any place else, except the hotel?

Mr. NELSON. I did not; no, sir.

Senator KERN. How did you pass away your time.

Mr. NELSON. I always had something to do.

Senator KERN. I ask you how you passed away your time?

Mr. NELSON. There was mail coming in and correspondence to be written and taking care of telephone calls.

Senator KERN. What kind of business did he have here that would occupy you?

Mr. NELSON. He had his mail forwarded here to him every day, because he kept his correspondence up while he was away from Chicago.

Senator KERN. You have been in his employ how long?

Mr. NELSON. I have been in his personal employ since a year ago last May.

Senator KERN. Before that?

Mr. NELSON. Before that I was in the office of the Hines Lumber Co., in the sales department.

Senator KERN. Are you a salesman?

Mr. NELSON. Practically; yes.

Senator KERN. For how long?

Mr. NELSON. I have been in his employ for about 10 years.

Senator KERN. Since you were 16 years old?

Mr. NELSON. Yes, sir.

Senator KERN. You have been with Mr. Hines, then, constantly for 10 years?

Mr. NELSON. I have been in his employ; yes, sir.

Mr. HEALY. How long have you been in Washington on this present trip, Mr. Nelson?

Mr. NELSON. Since the morning of the 13th of July.

Mr. HEALY. Were you here shortly prior to the 13th of July?

Mr. NELSON. Yes.

Mr. HEALY. When did you come?

Mr. NELSON. On June 20 or 21.

Mr. HEALY. How long did you remain?

Mr. NELSON. I remained until the 2d of July.

Mr. HEALY. Was Mr. Hines here at that time?

Mr. NELSON. Yes.

Mr. HEALY. Do you remember Mr. Hines leaving Washington during that period?

Mr. NELSON. He did not.

Mr. HEALY. Do you remember Mr. Hines leaving Washington since you arrived the last time?

Mr. NELSON. He did not.

Mr. HEALY. When were you here prior to June 20 for any considerable length of time?

Mr. NELSON. We were here a few days in May.

Mr. HEALY. A few days?

Mr. NELSON. Yes, sir.

Mr. HEALY. Was this period in 1911 the longest visit which you made to Washington?

Mr. NELSON. We were here in January, from the 7th until the 15th, and we returned to Chicago, and came back here, I think, the day following—the 17th or 18th—and stayed until the 4th of February.

Mr. HEALY. Did Mr. Hines leave Washington on the occasion of those visits?

Mr. NELSON. Yes, sir.

Mr. HEALY. When?

Mr. NELSON. He left Washington for a day or two the latter part of January.

Mr. HEALY. Can you fix the date?

Mr. NELSON. Not exactly; no, sir.

Mr. HEALY. How closely can you fix the date?

Mr. NELSON. It was the last few days of January.

Mr. HEALY. The last two days?

Mr. NELSON. The last few days.

Mr. HEALY. The 29th or 30th?

Mr. NELSON. I think it was two or three days before that, perhaps the 25th or 26th.

Mr. HEALY. That is as nearly as you can fix the date of his departure on that occasion?

Mr. NELSON. Yes, sir.

Mr. HEALY. Do you remember how long he remained away?

Mr. NELSON. Two days.

Senator KERN. Where did he go?

Mr. NELSON. To New York.

Senator KERN. When Mr. Hines left Washington in February, about the 17th of February, as you testified, was there any occasion for you to make any entry in any book or upon any record?

Mr. NELSON. I had no occasion.

Senator KERN. In reference to the time of his departure? And when have you thought about the fact that he left Washington at that time since then?

Mr. NELSON. A couple of weeks ago, I should think.

Senator KERN. About the middle of July?

Mr. NELSON. Yes, sir.

Senator KERN. Then you have not given it any thought since, from February 17 until July 15, or about that time?

Mr. NELSON. I spoke to Mr. Hines when he was in Chicago, but I knew positively he had not been out of town long enough to go to Chicago after the 15th of February.

Senator KERN. When did you have that conversation with Mr. Hines?

Mr. NELSON. I can not remember that.

Senator KERN. Can you fix the month?

Mr. NELSON. I think some time in May, perhaps.

Senator KERN. What did you say to Mr. Hines, and what did he say to you?

Mr. NELSON. I told Mr. Hines that I remembered distinctly that he had not been away from the hotel long enough to have gone to Chicago and returned.

Senator KERN. What did he say to you?

Mr. NELSON. He said he knew he had not.

Senator KERN. Was anything else said?

Mr. NELSON. No, sir.

Senator KERN. Have you ever been a witness before?

Mr. NELSON. No, sir.

Senator KERN. In no case?

Mr. NELSON. No, sir.

Mr. HEALY. I want to introduce at this time this specific telegram, which was handed me by Mr. Thomas yesterday, dated February 17, 1911:

EDWARD HINES

(Care of Waldorf-Astoria), New York.

Call me long distance quick. Very important.

C. F. WIEHE.

I ask to have that marked as an exhibit in the case.

(The telegram referred to was marked "Thomas A.")

Mr. HANEY. Since you have been private secretary for Mr. Hines you have gone with him to the different places that he goes to all the time, or practically all the time, have you not?

Mr. NELSON. All the time, unless he goes away for a night or for 48 hours.

Mr. HANEY. When he leaves Chicago for Washington, New York, Philadelphia, Baltimore, Duluth, or any of those places, you go with him?

Mr. NELSON. Yes, sir.

Mr. HANEY. And where he is going to be gone for any length of time, you take your typewriting machine with you, too, do you not?

Mr. NELSON. Yes, sir.

Mr. HANEY. And you not only take the dictations from him in shorthand, but you put them on the machine? That is, you type-write them?

Mr. NELSON. I do; yes, sir.

Mr. HANEY. You take care of all his correspondence?

Mr. NELSON. Yes, sir.

Mr. HANEY. It keeps you pretty busy, too, does it not?

Mr. NELSON. Yes, sir.

Mr. HANEY. All the time?

Mr. NELSON. All the time.

Mr. HANEY. Mr. Nelson, when you and Mr. Hines were here, from February 7 to March 4, who else was here?

Mr. NELSON. Mrs. Hines.

Mr. HANEY. Anybody else?

Mr. NELSON. Mr. Hinman.

Mr. HANEY. Mr. George W. Hinman, of the Inter-Ocean?

Mr. NELSON. Yes, sir.

Mr. HANEY. Who else?

Mr. NELSON. Senator Lorimer and Judge Hanecy.

Mr. HANEY. All here in Washington?

Mr. NELSON. Yes.

Mr. HANEY. And you saw each one of those persons every day, did you?

Mr. NELSON. Yes.

Senator KERN. When was that?

Mr. HANEY. From the 8th of February until the 4th of March of this year. That was while the discussion was going on in the Senate, and the speeches were being made in the Lorimer case?

Mr. NELSON. Yes, sir.

Mr. HANEY. And we all left together on the same train for Chicago?

Mr. NELSON. Yes, sir.

Mr. HANEY. On the same day?

Mr. NELSON. Yes, sir.

Mr. HANEY. On the 4th of March?

Mr. NELSON. Yes, sir.

TESTIMONY OF EDWARD HINES--Recalled.

EDWARD HINES, a witness previously sworn, being recalled, was examined, and testified as follows:

Mr. HANEY. Mr. Hines, I call your attention to a telegram that was just introduced by Mr. John J. Healy here. Will you take that telegram and explain to this honorable committee what it refers to? Did you receive that telegram?

Mr. HINES. Yes, sir.

Mr. HANEY. To what did it refer?

Mr. HINES. It referred to a transaction with reference to the proposition of purchasing Mr. Cook's stock.

Mr. HANEY. Did you call Mr. Wiehe on the long distance telephone?

Mr. HINES. I did, sir.

Mr. HANEY. Did you talk with him?

Mr. HINES. I did, sir.

Mr. HANEY. When?

Mr. HINES. Either that day or the next day. I am not positive as to the time, but my record will show.

Mr. HANEY. Where were you when you received that telegram?

Mr. HINES. I think I was in New York. I either received it in New York or in Washington the next day following.

Mr. HANEY. If it went to New York, was it forwarded to you in Washington?

Mr. HINES. Yes, sir.

Mr. HANEY. From New York to Washington?

Mr. HINES. Yes, sir.

Senator GAMBLE. Is this telegram which has been introduced here the delivered telegram?

Mr. HINES. No, sir; that is the one that was sent from Chicago.

Senator GAMBLE. That is the one that was sent—that Mr. Thomas produced?

Mr. HINES. The original telegram, sent from Chicago.

Senator GAMBLE. The reason I made the inquiry was, of course, if it was the one received, it would show on its face the transmission from New York here.

Mr. HINES. This is the original, sent from Chicago, from our records in the office, obtained from the telegraph company in Chicago.

Mr. HANEY. What did you do when you received that telegram?

Mr. HINES. I called Mr. Wiehe on the telephone.

Mr. HANEY. Did you talk with him?

Mr. HINES. Yes, sir.

Mr. HANEY. What did he say to you about why he had sent that telegram to you?

Mr. HINES. He said that Mr. Cook was——

Mr. HANEY. What is Mr. Cook's first name?

Mr. HINES. Mr. Wirt D. Cook.

Mr. HANEY. Wirt D. or Wirt H.?

Mr. HINES. I am not certain which.

Mr. HANEY. He is the one who was a witness here?

Mr. HINES. Yes, sir; saying that he was in Chicago, and had seen him with regard to selling his stock in the Virginia & Rainy Lake Co. to the Edward Hines Co. It would take a large amount of money—several hundred thousand dollars—and Mr. Wiehe had gone down to the bank to see about negotiating sufficient paper, in case he purchased the stock, to pay Mr. Cook for the stock.

Mr. HANEY. About how much was that?

Mr. HINES. If I recollect right, it amounted to something between \$200,000 and \$300,000 for the payment to be made immediately.

Mr. HANEY. Did Mr. Wiehe tell you where he went to dispose of the paper?

Mr. HINES. Yes, sir.

Mr. HANEY. That was necessary to raise the money to buy the Cook stock?

Mr. HINES. Yes. He said that A. G. Becker & Co., of Chicago, note brokers, had offered to take our paper in that amount of money if we would make this purchase. Mr. Wiehe seemed to think that it might be advisable to purchase the stock, inasmuch as Mr. Cook was doing everything that he could at the time objectionable to the Virginia & Rainy Lake Co.'s interest.

I told him that I would not purchase Mr. Cook's stock at any price, under any condition. I had shortly before received a letter from Mr. Cook, through our Chicago office, making various, what I class, very strong threats. I figured that the letter was a matter of blackmail and I had made up my mind to refuse to purchase the stock and force Mr. Cook to make the issue he raised in the letter.

Senator FLETCHER. Has that letter been introduced in evidence?

Mr. HINES. Yes. In the letter he threatened that unless I did certain things at certain times, he would make certain exposures. I purposely, therefore, refused to comply with any of the various threats in that letter, purposely postponed the annual meeting of the company, which was occurring shortly, in order to force Mr. Cook's issue. Therefore I refused to be a party to purchasing his stock under such circumstances at that time. And while Mr. Wiehe had made the arrangements financially, as to the price and everything, and strongly advised it in the interest of harmony in the company, I told him we could not afford to be a party to purchasing the stock in the face of that letter and the threats he had made.

Senator KERN. What was the total amount of the purchase price?

Mr. HINES. It amounted to something like \$300,000, I think—between \$300,000 and \$400,000.

Senator KERN. That was Mr. Cook's interest?

Mr. HINES. It was the stock in his name, which was all up at various banks as collateral.

Mr. HANEY. That is, it was hypothecated at different banks?

Mr. HINES. It was all put up in different banks?

Senator KERN. Did you learn that from Mr. Cook?

Mr. HINES. Mr. Wiehe told me so.

Mr. HANEY. Well, did you tell Mr. Wiehe in that telephonic talk what to do about the purchase of that stock?

Mr. HINES. I told him that neither I, personally, nor the company would purchase the stock.

Mr. HANEY. Was that all of that conversation?

Mr. HINES. Why, that was it in substance. Mr. Wiehe thought in the interest of harmony in the company up at Duluth and Virginia that possibly we better buy the stock, but I would not be a party to it.

Mr. HANEY. Was that the reason that he telegraphed you as this telegram indicates, and asked you to call him on the long distance?

Mr. HINES. Yes; Mr. Cook was waiting for an answer in Chicago.

Mr. HANEY. Did you talk with Mr. Wiehe on that occasion over the telephone about any other subject matter than the purchase of the stock of Mr. Cook?

Mr. HINES. No; that was the substance of my conversation.

Mr. HANEY. And that was the only subject matter talked about by you and he?

Mr. HINES. I think I asked him at the same time how our money matters were in Chicago that day. That is the only thing I remember talking of.

Mr. HANEY. Are those all of the things talked about by you and Mr. Wiehe?

Mr. HINES. Yes; at that time. I am giving the substance and practically almost the words I used at the time.

Mr. HANEY. Did Mr. Wiehe tell you anything about any other matters except the purchase of that stock or the contemplated purchase of that stock and the condition of your finances in Chicago at that time?

Mr. HINES. Nothing at that time; no, sir.

Mr. MARBLE. What day did you go to New York?

Mr. HINES. I went either the 16th or the 17th. I can refer to my records and give you the exact date. I am speaking now from memory.

Mr. MARBLE. What records will you refer to—these that Mr. Thomas kept in Chicago?

Mr. HINES. No, sir.

Mr. MARBLE. You have other records showing your whereabouts than those?

Mr. HINES. Yes; when in Washington.

Mr. MARBLE. You kept a record in Washington?

Mr. HINES. Well, I kept a record in this way: I can find out the day I bought my ticket and the fact of giving no dictation on that day, from my secretary's notebooks.

Mr. MARBLE. If you found a day on which you gave no dictation, you would conclude that you were out of town on that day?

Mr. HINES. Not entirely; but it would refresh my memory on other instances.

Mr. MARBLE. How long did you stay in New York?

Mr. HINES. I arrived there in the morning and left the next afternoon, or, rather, the same afternoon of the day I arrived.

Mr. MARBLE. Where did you go?

Mr. HINES. To New York.

Mr. MARBLE. Where did you go from New York?

Mr. HINES. I came back to Washington.

Mr. MARBLE. What time did you arrive in Washington?

Mr. HINES. I think I arrived at eight-something in the evening. I think I left New York at, it seems to me, about 3 o'clock, and I arrived here at eight-something, if I recollect right. That train that particular night was late, either on the 17th or the 11th.

Mr. MARBLE. Either on the 17th or the 11th?

Mr. HINES. The night I arrived it was a little bit late.

Mr. MARBLE. You mean that you arrived in Washington from New York at about 8.30 in the evening of the 11th?

Mr. HINES. It was some time after 8 o'clock.

Mr. MARBLE. On the evening of the 11th of that same month?

Mr. HINES. No; I think it was the 12th. I think I was in New York either the 11th or the 12th. I think I got here the 12th, if I recollect right. I can give you the exact data about that.

Mr. MARBLE. Well, referring to the second visit to New York, where did you go while you were in New York on that day?

Mr. HINES. Well, one thing I did, I saw Mr. Duntley, of Bergen & Co., about some lumber matters.

Mr. MARBLE. Was that your business in New York?

Mr. HINES. Well, I had several matters. I went there particularly on that matter, and I did several things while I was there.

Mr. MARBLE. That was your chief business on that day?

Mr. HINES. I called. I think, on Mr. Perry, secretary of the National Wholesale Dealers' Association Credit Bureau.

Mr. MARBLE. That was a business trip?

Mr. HINES. Yes, sir.

Mr. MARBLE. Entirely?

Mr. HINES. Yes, sir.

Mr. MARBLE. You did not stay overnight that second time?

Mr. HINES. No, sir.

Mr. MARBLE. Can you tell us anyone that you called on?

Mr. HINES. Why, let me see. Well, I dislike to draw in the names of gentlemen where they might be construed as having something to do with this case, and I prefer to tell the chairman if you have no objection.

Mr. MARBLE. You have just said that this was a business trip?

Mr. HINES. Yes.

Mr. MARBLE. You met a great many people on other business than this case during that time?

Mr. HINES. Oh, yes.

Mr. MARBLE. And the mention of your meeting men would not imply at all that they were connected with this case.

Mr. HINES. It might, if they are men of real prominence.

Mr. MARBLE. Did you call on Mr. George Perkins?

Mr. HINES. No, sir.

Mr. MARBLE. Mr. Gary?

Mr. HINES. I have met Mr. Gary in New York, but I do not think at those periods.

Mr. MARBLE. Did you call at Mr. Gary's office?

Mr. HINES. I do not think at those periods. I called at Mr. Gary's office once, but I do not think at that time.

Mr. MARBLE. At what period did you call at Mr. Gary's office?

Mr. HINES. I think I saw him some time in January.

Mr. MARBLE. You think you did not see him on this trip?

Mr. HINES. It might have been. I can not locate it, whether I saw him on that trip or not.

Mr. MARBLE. Did you see him more than once?

Mr. HINES. No, sir.

Mr. MARBLE. You can not tell whether it was in February or January?

Mr. HINES. No; but I think I can locate it positively.

Mr. MARBLE. Did you call at Mr. Perkins's office that day?

Mr. HINES. No, sir.

Mr. MARBLE. Did you call at the office of anyone else who was connected with the International Harvester Co.?

Mr. HINES. No, sir. I think I saw Mr. W. C. Brown, president of the New York Central Railroad.

Mr. MARBLE. You called on him on that day?

Mr. HINES. Yes.

Mr. MARBLE. Now, have you named the men you have in mind whose names you did not want to mention?

Mr. HINES. Yes; one of the men.

Mr. MARBLE. You have still others in your mind whose names you would prefer to give to the chairman?

Mr. HINES. No; I think that is all.

Mr. MARBLE. Which one of those men were you reluctant about naming?

Mr. HINES. I did not want to mention Mr. Brown, the president of the New York Central.

Mr. MARBLE. Why?

Mr. HINES. Well, it has got so that when any name is mentioned the newspapers connect it with this Lorimer affair.

Mr. MARBLE. Were you more reluctant to mention Mr. Brown's name than Mr. Perkins's?

Mr. HINES. I did not see Mr. Perkins, so I had not his name in my mind.

Mr. MARBLE. Were you more reluctant to have Mr. Brown's name mentioned than Mr. Gary's?

Mr. HINES. I would class them both in the same way, Mr. Brown and Mr. Gary. They are both very prominent men, and men of affairs.

Mr. MARBLE. Did you call on anyone else that you think of that day?

Mr. HINES. Not just at this time.

Senator KERN. Did you register in New York that day?

Mr. HINES. Why, I think I registered on the 11th, and I think on the 17th I did not register. I am not positive. I took my lunch down town that day, and I do not think I registered at the hotel.

Mr. MARBLE. Do you remember where you were when you received this telegram from Mr. Wiehe?

Mr. HINES. I am not positive whether I received it in New York or here.

Senator KERN. How is the telegram addressed—New York or Washington?

Mr. HEALY. To the Waldorf-Astoria Hotel.

Mr. HINES. My memory is that I got it at New York; at least, I called up from New York. It may have been that my secretary telephoned the message to me at New York, but my memory is that I got it—

Senator KERN. Does not the telegram show to what point it is addressed?

Mr. HINES. Yes; it is addressed to New York; but I left there early in the afternoon, and my memory is that I got the message at New York—and either got it at New York or Washington.

Mr. MARBLE. Where did you telephone from?

Mr. HINES. I telephoned from the Waldorf-Astoria Hotel.

Senator KERN. On the 17th?

Mr. HINES. On the 17th.

Mr. MARBLE. Did you telegraph or telephone.

Mr. HINES. I telephoned. I think I can give you the telephone bill, a little memorandum of it.

Mr. MARBLE. Did Mr. Wiehe, when you telephoned to him, say that Mr. Cook was with him?

Mr. HINES. No; he said he was in the city.

Senator KERN. You fix the date of that telephoning as the 17th?

Mr. HINES. I could not say, either the 17th or the 18th.

Senator KERN. Could it have been the 18th?

Mr. HINES. Yes; it might have been the 18th.

Senator KERN. Why do you say that?

Mr. HINES. If I did not get the message in New York, I would not get back here until late that evening, and I would not probably telephone him until the next morning.

Mr. MARBLE. Then, did you go to New York immediately?

Mr. HINES. No, sir.

Mr. MARBLE. How could you have telephoned from New York on the 18th?

Mr. HINES. I did not say that.

Mr. MARBLE. You said you telephoned from New York.

Mr. HINES. I said I thought I telephoned from New York, and I thought I received the message from New York, but in case I did not, it would be returned to Washington, and then I would not telephone until the next day.

Mr. MARBLE. Do you remember where you telephoned from?

Mr. HINES. My memory is from New York.

Mr. MARBLE. Do you recall the incident?

Mr. HINES. Oh, yes; very distinctly, because it was a very important matter with me.

Mr. MARBLE. Then you recall where you were?

Mr. HINES. Not positively. My memory is New York, but at this moment I could not swear positively to New York. I know I telephoned several times from the Waldorf-Astoria that day.

Mr. MARBLE. To Chicago?

Mr. HINES. I telephoned once to Chicago and I telephoned once to Washington to Senator Lorimer.

Senator JONES. Why did you telephone to Senator Lorimer?

Mr. HINES. I told him I would be in Washington that night.

Senator JONES. Why did you deem it necessary to send him that word?

Mr. HINES. When I left I did not know how long I would be gone, and I telephoned in the afternoon I was coming back that evening to Washington.

Mr. MARBLE. When you were in New York on the 11th, how long did you remain there?

Mr. HINES. I was there, I think, for just one day, part of a day. I left in the afternoon.

Mr. MARBLE. And arrived in the morning?

Mr. HINES. Yes.

Mr. MARBLE. And stayed overnight?

Mr. HINES. No, sir.

Mr. MARBLE. Did you stay overnight in Philadelphia?

Mr. HINES. No, sir.

Mr. MARBLE. Did you stop in Philadelphia?

Mr. HINES. Not that time.

Mr. MARBLE. Which time was it that you stopped in Philadelphia?

Mr. HINES. I think I stopped in Philadelphia in January.

Mr. MARBLE. You did not intend to testify in your direct examination that you were in Philadelphia during this period in February?

Mr. HINES. I went to Philadelphia one morning and returned the next train; and it seems to me I made that trip once in February—left here, I think, about 10 o'clock, if I recollect, and returned that afternoon.

Mr. MARBLE. Did you register in New York when you were there on the 11th?

Mr. HINES. I am very certain I did.

Mr. MARBLE. Where?

Mr. HINES. At the Waldorf-Astoria.

Mr. MARBLE. What was the occasion for registering, if you did not stay over night?

Mr. HINES. I usually register when I go to a hotel, whether I am going to stay overnight or not.

Mr. MARBLE. Whether you take a room or not?

Mr. HINES. Yes.

Mr. MARBLE. Did you take a room that day?

Mr. HINES. No, sir; I recollect taking my lunch there that day, particularly.

Mr. MARBLE. You did not talk with Mr. Cook that day over the telephone, did you?

Mr. HINES. No.

Mr. MARBLE. Was any other matter than the Cook stock mentioned to you by Mr. Wiehe?

Mr. HINES. Yes; I asked him about the conditions of the finances. He had prepared a statement of our money matters at that time, for the next 10 consecutive days, so as to advise me as to how much money I could figure on in getting in from our own receipts and how much we would have to borrow.

Mr. MARBLE. Was Senator Lorimer discussed?

Mr. HINES. On the telephone?

Mr. MARBLE. Yes.

Mr. HINES. No, sir.

Mr. MARBLE. What was your business with President Brown?

Mr. HINES. Why, I do not feel like disclosing my business with President Brown. I feel that it is not a matter that is competent to discuss here. I feel it is not a subject that ought to be brought in. Mr. Brown was president of a large railway company, and if he wishes to disclose the business I have no objection, but I know the subject will in no way enlighten the committee. I feel it is hardly fair to Mr. Brown to do that. I have no objection if Mr. Brown has none.

Mr. MARBLE. Did it relate to Mr. Cook?

Mr. HINES. No, sir; in no shape, form, or manner.

Mr. MARBLE. To railroad matters?

Mr. HINES. Yes.

Mr. MARBLE. Did it relate to Senator Lorimer?

Mr. HINES. Why, incidentally Mr. Lorimer's name came up in the conversation.

Mr. MARBLE. That was only incidentally?

Mr. HINES. In a direct way Mr. Brown spoke very highly of the Senator, said he had known him for over 20 years.

Mr. MARBLE. Anything else that you care to tell us?

Mr. HINES. No, sir.

Mr. MARBLE. And something else that you do not wish to tell us.

Mr. HINES. I do not want to go into the subject of my conversation with Mr. Brown. I do not feel that it is anything that will enlighten the committee in any way, and it might be information that Mr. Brown would not want to have put out.

Senator KENYON. When was this? I am not clear on that.

Mr. HINES. On February 11, of 1911—this year.

Senator GAMBLE. Had your conversation with Mr. Brown any connection or relation to the raising of any money or the subscription to any fund in connection with the election of Senator Lorimer?

Mr. HINES. Absolutely none in any shape, form, or manner; nothing of that kind at all.

Senator KENYON. Was the contest on in the Senate at that time over the seat of Senator Lorimer?

Mr. HINES. Yes. That was prior to the matter being settled; yes.

Senator KENYON. It was during the discussion of it?

Mr. HINES. Yes.

Senator KENYON. And did you talk with Mr. Brown about that?

Mr. HINES. Yes; we discussed that matter among other things.

Senator KENYON. Who were the Senators from the State of New York at that time?

Mr. HINES. They were Senators Root and Depew.

Senator KENYON. Was Senator Depew connected with the New York Central Railroad?

Mr. HINES. Not that I know of. We did not discuss, in any way, shape, or form, either Senator Root or Senator Depew.

Senator KENYON. How did Senator Depew vote, if you remember, on the question of the retention of Mr. Lorimer?

Mr. HINES. I do not remember.

Senator KENYON. He voted to retain Senator Lorimer, did he not?

Mr. HINES. Yes; I think Senator Root voted one way and Senator Depew the other, if I recollect right.

Senator KENYON. Senator Depew had been connected with the New York Central Railroad, had he not?

Mr. HINES. I had known years ago of his connection with the railroad; yes, sir.

Senator KENYON. As chairman of the board of directors?

Mr. HINES. I would not know that. I thought he was their counsel for a long time. I did not know about his being chairman of the board.

Senator KENYON. Did you know whether he had any connection with the New York Central Railroad while in the Senate?

Mr. HINES. I do not know. I never had any business with him in my life.

Senator KENYON. Did you talk to Mr. Brown at all about Senator Depew's vote?

Mr. HINES. No; in no shape, form, or manner was his name mentioned.

Senator KENYON. Senator Depew's was not?

Mr. HINES. No, sir; nor Senator Root's.

Senator KENYON. Senator Lorimer's name was mentioned?

Mr. HINES. Yes; Mr. Brown spoke in the highest terms of him. He had known him for 20 years in Iowa and Illinois.

Senator KENYON. Did he open the discussion concerning Senator Lorimer, or did you?

Mr. HINES. I don't know just how it was opened. I could not say which one opened it.

Senator KENYON. Was this merely incidental?

Mr. HINES. Yes.

Senator KENYON. It was incidental to your general conversation?

Mr. HINES. Yes.

Senator KENYON. Your business at New York was not to talk with him about the Lorimer matter?

Mr. HINES. No, sir; not directly, but that came up in our talk.

Senator KENYON. Had you that in mind when you went to New York?

Mr. HINES. No, sir; not in mind.

Senator KENYON. Had you intended to talk with him about it?

Mr. HINES. I do not think I had intended to; but when the matter came up, we discussed it for five or six minutes.

Senator GAMBLE. Did you have other independent business with Mr. Brown?

Mr. HINES. Yes, sir.

Senator GAMBLE. And was it upon that business that you went to see him?

Mr. HINES. Yes, sir.

Senator GAMBLE. And did the Lorimer matter simply come up incidentally, or how did it come up?

Mr. HINES. He asked me, I think, how the Senator's matter was getting along at Washington, and I told him as well as I could. Then he volunteered the statement that he had known the Senator for twenty odd years, and spoke in very high terms of all his business transactions and intercourse with the Senator, and hoped he would be seated; and he volunteered to do anything he could to assist in any manner. He just spoke voluntarily about the whole transaction.

Senator JONES. You urged him to use his influence on any Senator with whom he was acquainted to have him vote for Senator Lorimer's retention, did you?

Mr. HINES. I think I told Mr. Brown that if he knew anybody, seeing that he felt so strongly about Mr. Lorimer because of his past record and intercourse, it might be well to advise anybody he knew about Mr. Lorimer, and the character of man he was. He said it would afford him pleasure to do so.

Senator JONES. Did you speak with reference to any particular Senators?

Mr. HINES. No; and I know particularly that the New York Senators never came up in our talk.

Senator JONES. Did he mention the names of any Senators that he thought he might have any influence with?

Mr. HINES. I do not remember now. I do not think he did in that way; no.

Senator JONES. Did he mention any other Senators in that conversation?

Mr. HINES. No, sir; no, sir.

Senator JONES. You say United States Senator Depew's name was not mentioned at all?

Mr. HINES. No, sir; nor Senator Root's.

Senator JONES. Did you ask him whether he knew how the New York Senators were going to vote on the matter?

Mr. HINES. No, sir; I did not.

Senator JONES. Did you ask him to use whatever influence he might have with the New York Senators?

Mr. HINES. No, sir.

Senator JONES. With reference to this matter?

Mr. HINES. No, sir.

Senator JONES. You did urge him, however, to use any influence he might have with any members by reasons of his acquaintanceship and knowledge of Mr. Lorimer?

Mr. HINES. No; I put it this way in our talk. I said: "Mr. Brown, you seem to have known the Senator a great many years, and you are very strong in your recommendation of him. If anybody should speak to you, it might be a good thing to put that out." He volunteered the information, and spoke in high terms of Senator Lorimer. I had no reference to Senators in particular. I had more reference to the people that he would meet in his daily walk of life.

Senator JONES. Do you think the knowledge that Mr. Brown had of Mr. Lorimer should have any influence with Senators contrary to the record that has been made up in this investigation?

Mr. HINES. No; we did not talk about Senators. I had more reference to people he would meet in his daily business walk of life—not the public men so much as men he was meeting in a business way and socially.

Senator JONES. What did you have in mind with reference to them?

Mr. HINES. Simply that Mr. Brown had apparently had many years' experience with Senator Lorimer, and he spoke of a number of instances. I recall one thing in particular that he spoke to me about—some contest for governor in Illinois—in which Mr. Brown was at the Capitol in the interest of Mr. Pierce—I think it was Mr. Pierce—and Mr. Lorimer was in favor of some other candidate, and how he went to him and talked with him and how fair Mr. Lorimer was in presenting his case; and an instance came up there that he said gave him the true insight into Mr. Lorimer's character.

Senator JONES. You thought that if he would express that to Senators it would probably have some influence?

Mr. HINES. No; I did not say "Senators." I spoke particularly of men that he was meeting daily. The papers at that time were saying all kinds of things, and Mr. Brown volunteered the matter. I said, "Well, Mr. Brown, if you meet people, you ought to acquaint them with that, knowing the man so well." He said, "It will afford me pleasure to do so." The reason I know we were not discussing Senators is that if we had discussed anybody we naturally would have discussed Senator Depew or Senator Root; and their names never came up in any shape, form, or manner. So I am particular about that.

Senator KENYON. Do you know whether Senator Depew was connected with the New York Central Railroad at that time?

Mr. HINES. No, sir.

Senator KENYON. You knew he had been for many years?

Mr. HINES. Oh, a number of years before I had understood he was general counsel or something. But I had no business with the Senator and never kept track of the situation.

Senator KENYON. Had you not been visiting Senators about that time and talking with them about the Lorimer case?

Mr. HINES. Yes, sir—some Senators; yes, sir.

Senator KENYON. What Senators did you visit and talk with about the case?

Mr. HINES. Oh, I could not say. I visited a number of Senators. I could not say just who they were. But I knew I never visited either Senator Root or Senator Depew, because I had no acquaintance with those Senators. I only aimed to visit Senators that I had some acquaintance with.

Senator KENYON. What Senators did you visit?

Mr. HINES. I visited a number of them. I know I visited Senator Jones; I know that. I did not have an extended acquaintance with the Senator, but I had an acquaintance with the tariff; and while Senator Jones differed with me on some matters, I felt free to talk with him.

Senator KENYON. You did not have much influence with Senator Jones?

Mr. HINES. No, sir; I did not. But I felt free to talk with him. I visited a number of Senators, but I could not sit down and give you a memorandum of them. There were a number of Senators.

Senator KENYON. Do you not remember any others?

Mr. HINES. I know I visited Senator Piles, from Senator Jones's State, for one. I just happen to remember him on account of Senator Jones being from the same State. I visited a number of Senators, though.

Senator KENYON. Did you send representatives to different Senators?

Mr. HINES. Representatives?

Senator KENYON. Yes, sir; to talk with them about the Lorimer case.

Mr. HINES. Do you mean Congressmen?

Senator KENYON. No, sir; men from your office.

Mr. HINES. Our office?

Senator KENYON. Yes.

Mr. HINES. No, sir; nobody from our office.

Senator KENYON. Did you pick out particular men who knew different Senators and send them to these Senators to discuss the case with them?

Mr. HINES. Do you mean men from outside of town?

Senator KENYON. I do not care whether they were from outside of town or inside of town.

Mr. HINES. Oh, it might have been, if somebody was in Washington that I met here, that I knew very well, and they knew some Senator—it is probable that in talking with them I would say: "If you meet Senator So-and-so, and you feel free to do so, I should be very glad to have you explain to the Senator what you know about Senator Lorimer and do all you can to acquaint him with his good qualities."

Senator KENYON. While the debate was going on in the Senate?

Mr. HINES. Yes, sir.

Senator KENYON. And it was during that very time that you went to New York?

Mr. HINES. Yes, sir.

Senator KENYON. Did you have any other business here in Washington except to watch this debate and do all you could for Senator Lorimer?

Mr. HINES. At that time?

Senator KENYON. Yes, sir.

Mr. HINES. In 1910? No, sir.

- Senator KENYON. 1911?
- Mr. HINES. No; that is the only business I had here.
- Senator KENYON. Did you call out different Senators from the Senate chamber and discuss the matter with them in the Marble Room?
- Mr. HINES. Yes, sir; yes, sir.
- Senator KENYON. How many do you think you called out?
- Mr. HINES. Oh, I could not remember the number; such men as I knew or at least felt I knew enough to discuss the matter with them.
- Senator KENYON. How many were there?
- Mr. HINES. Oh, I can not give the number.
- Senator KENYON. Did you urge them as to how they should vote?
- Mr. HINES. I aimed to acquaint them with any information I had about the matter.
- Senator KENYON. You brought every influence you could to bear on the different Senators to vote?
- Mr. HINES. Every honorable influence I knew of; yes, sir.
- Senator KENYON. Did you use your interests in different parts of the country to do the same thing?
- Mr. HINES. We have no interests, except, as I say, if I met anybody here in Washington from any part of the country that I was acquainted with who knew me enough to rely on what I said, I naturally did so; yes, sir.
- Senator KENYON. At this time when Mr. Marble has asked you as to your trip to New York, you were using every influence in your power to secure votes favorable to Mr. Lorimer, for the retention of his seat in the Senate?
- Mr. HINES. Yes, sir.
- Mr. MARBLE. Is the committee about to adjourn? I should like to ask just one question of Mr. Hines.
- Mr. HANECY. May I suggest in this connection, Mr. Chairman, that Senator Depew was then a member of the Committee on Privileges and Elections, and had signed the report in favor of Senator Lorimer some time in December?
- The CHAIRMAN. That is a matter of knowledge.
- Senator KENYON. I did not know that.
- Mr. HANECY. That is the fact. That is the reason I stated it—I thought some Senators probably did not know it.
- The CHAIRMAN. Mr. Marble, are you going to occupy any considerable time?
- Mr. MARBLE. No; just a minute. I should like to ask one question. You were not writing out into the districts of Senators and trying to bring pressure to bear upon them in this Lorimer matter, were you?
- Mr. HINES. Oh, I did write one or two letters to people that I was very friendly with and who knew me intimately.
- Mr. MARBLE. Asking them to bring pressure to bear upon their Senators?
- Mr. HINES. I would not say "pressure."
- Mr. MARBLE. Or influence?
- Mr. HINES. My name was brought into the matter more or less, and I wrote them to acquaint them with the fact that the facts were not as stated in the newspapers.

Mr. MARBLE. Did you ask them to bring influence to bear upon their Senators?

Mr. HINES. I asked them if they knew about this matter sufficiently—for instance, some lumbermen; the lumber question was so connected with this matter, and some of those lumbermen were here at the time Senator Lorimer was elected and knew positively that those statements were false; and I wrote those men and asked them if they would not write their Senators and acquaint them with the fact that these statements that were made were false.

Senator KENYON. You are going to be here on Monday, are you not, Mr. Hines?

Mr. HINES. Yes, sir; I think so.

The CHAIRMAN. The committee will take a recess until Monday at 10 o'clock.

(The committee thereupon adjourned until Monday, July 24, 1911, at 10 o'clock a. m.)

SENATOR FROM ILLINOIS

PROCEEDINGS

BEFORE A

COMMITTEE OF THE UNITED STATES SENATE

COMPOSED OF

SENATORS DILLINGHAM (CHAIRMAN), GAMBLE, JONES,
KENYON, JOHNSTON, FLETCHER, KERN, AND LEA

DIRECTED, UNDER A RESOLUTION OF THE SENATE OF
JUNE 7, 1911, TO INVESTIGATE WHETHER COR-
RUPT METHODS AND PRACTICES WERE EM-
PLOYED IN THE ELECTION OF WILLIAM
LORIMER AS A SENATOR OF THE
UNITED STATES FROM THE
STATE OF ILLINOIS

PART 7

WASHINGTON
GOVERNMENT PRINTING OFFICE
1911



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(The committee thereupon adjourned until Monday, July 24, 1911, at 10 o'clock a. m.)

MONDAY, JULY 24, 1911.

SENATE OFFICE BUILDING,
WASHINGTON, D. C.

The committee met at 10 o'clock a. m.

Present: Senators Dillingham (chairman), Gamble, Jones, Kenyon, Johnston, Fletcher, and Kern.

Present also: Mr. John H. Marble, Mr. John J. Healy, Mr. William J. Hynes, Mr. Elbridge Hanecy, and Mr. Edgar Farrar.

TESTIMONY OF EDWARD HINES—Resumed.

EDWARD HINES, a witness previously sworn, resumed the witness stand, and, being examined, testified as follows:

Mr. HANECY. Mr. Hines, you testified last Saturday, I think, or in your former testimony, that you were in New York on the 11th, you thought, and the 17th of February?

Mr. HINES. Yes, sir.

Mr. HANECY. Did you see Judge Gary when you were there?

Mr. HINES. Yes, sir.

Mr. HANECY. Why did you go to see Judge Gary?

Mr. HINES. I went to see Judge Gary, in a way, to try to ascertain something about the prospects of the future of the Colorado Fuel & Iron Co., of Colorado.

Mr. HANECY. Do you own any stock in that company?

Mr. HINES. Yes.

Mr. HANECY. How much?

Mr. HINES. I think it is 1,500 shares.

Mr. HANECY. Did you at that time own that?

Mr. HINES. Yes.

Mr. HANECY. About what did you pay for it?

Mr. HINES. It cost me something over \$70 a share.

Mr. HANECY. And how much was the stock quoted at, at that time—that is, the 11th or the 17th of February?

Mr. HINES. Something above \$30 a share.

Mr. HANEY. And you stood to lose how much between the price you paid and the price at which it was quoted at that time?

Senator KERN. Thirty from 70 leaves 40.

Mr. HANEY. About \$60,000?

Mr. HINES. Approximately.

Mr. HANEY. Did you talk with Judge Gary about that stock?

Mr. HINES. Yes.

Mr. HANEY. Did you talk to him specifically, or directly, or tell him what you wanted, or not?

Mr. HINES. No; I did not tell Judge Gary directly the information I wanted, but I discussed the subject in a general way, in order to get what information I could, without in any way trying to discredit or convey any opinion about the stock myself.

Mr. HANEY. Why did you go to Judge Gary about that stock?

Mr. HINES. He was a director in the same bank in which I am a director in Chicago, and I knew he was president of the United States Steel Corporation, and I had an idea he might have information in regard to his competitors.

Mr. HANEY. When you say he was a director in the bank that you were, you mean the Continental & Commercial?

Mr. HINES. Yes, sir.

Mr. HANEY. He was a director in that bank at that time, was he?

Mr. HINES. Yes, sir.

Mr. HANEY. Did you talk with others in New York on different occasions when you were there about that stock?

Mr. HINES. Yes; I called on J. S. Bache & Co.

Mr. HANEY. Who were they?

Mr. HINES. Bankers and brokers on Broadway; I think Broadway and Wall Street.

Mr. HANEY. Was that what took you to New York on one of those two occasions, or possibly both?

Mr. HINES. It was one thing that took me there on one occasion.

The CHAIRMAN. On which occasion?

Mr. HINES. It seems to me on the 17th, but I might be mistaken. It was one of those two instances that I went to New York on that.

Mr. HANEY. The other one was for the purpose of carrying through a large lumber deal, was it?

Mr. HINES. The sale of some lumber for export.

Mr. HANEY. A million feet or more?

Mr. HINES. I think it resulted in selling two and one-half million feet.

Mr. HANEY. Might you have talked with financial men or financiers in New York on those occasions about that stock, other than those whom you have named?

Mr. HINES. Yes, sir.

Mr. HANEY. When you talked with Judge Gary about the Colorado Fuel & Iron Co.'s stock, did you also talk with him about other subjects?

Mr. HINES. Yes, sir.

Mr. HANEY. Did you talk anything about the Lorimer case, or about where you went from, when you went to New York?

Mr. HINES. I think Judge Gary asked me how long I was in the city, or if I had just come from Chicago, or something, and I told him I had just come from Washington.

Mr. HANEY. Did you say anything to him about where you were in Washington, or anything about the Lorimer case?

Mr. HINES. Yes, sir; I told him I had been in Washington off and on for some time.

Mr. HANEY. What was the substance of your conversation with Judge Gary with reference to the Lorimer investigation?

Mr. HINES. In the course of our conversation—I was not in his office very long—he said that Senator Hopkins was an old personal friend of his. I think he said that when Senator Hopkins was Congressman he was a judge in that same circuit, in the same county.

Mr. HANEY. A county judge?

Mr. HINES. I do not know that he said county judge.

Mr. HANEY. He was a county judge in that county?

Mr. HINES. Yes; he said a great deal of him, and had been very much in favor of his election as United States Senator.

Mr. HANEY. Did you say anything to Judge Gary about the attacks or criticisms in the newspapers upon Senator Lorimer and upon you and upon the business that you represented?

Mr. HINES. Yes, sir.

Mr. HANEY. Generally, what was that?

Mr. HINES. I told him that I was in Washington on account of the attacks which the newspapers were making upon me personally and upon the lumber association of which I was president and upon Senator Lorimer, and that they had linked my name and the lumber manufacturers of the country in Senator Lorimer's election.

Mr. HANEY. Was that the general substance of the talk?

Mr. HINES. And I explained that their antagonism seemed to be based upon the fact that they wanted free lumber and free wood pulp, while I personally had been in favor of retaining a tariff on lumber, and had done all I could, both individually and as an officer of our association, to keep a reasonable tariff on lumber.

Mr. HANEY. Did Senator Lorimer, or Congressman Lorimer, when he was in the House, favor a tariff on lumber and the tariff bill generally?

Mr. HINES. He had favored a tariff—a reasonable tariff on everything—as a protectionist Republican.

Mr. HANEY. What was his position on the lumber tariff?

Mr. HINES. In the House?

Mr. HANEY. Yes.

Mr. HINES. He favored a tariff on lumber.

Mr. HANEY. Did he favor the tariff that was actually put into the bill, or a higher or a lower one?

Mr. HINES. If I recollect right, Congressman Lorimer, when he was Congressman, favored the tariff that had been on lumber, but in my talk he said that the public sentiment was so much, was it not possible to make some reduction?

Mr. HANEY. I do not care about going into details. He favored the tariff on lumber as it was then?

Mr. HINES. Yes, sir.

Mr. HANEY. Do you know former Congressman H. S. Boutell?

Mr. HINES. Yes, sir.

Mr. HANEY. How long have you known him?

Mr. HINES. Several years.

Mr. HANEY. Did you know him during the senatorial campaign in Illinois in 1909?

Mr. HINES. Yes, sir.

Mr. HANEY. And before that time?

Mr. HINES. Yes, sir.

Mr. HANEY. Mr. Boutell was then a Member of Congress, I believe, from Chicago, was he not?

Mr. HINES. Yes, sir.

Mr. HANEY. Did you have any talk with Congressman Boutell about the election of the Senator from Illinois? I am not asking you now to go back and discuss his candidacy or your suggestion of his name, but I want you to come down to a later date, after he had got out as a candidate.

Mr. HINES. Yes, sir.

Mr. HANEY. What was the talk that you had with him at that time?

Mr. HINES. We both discussed the candidacy and the necessity of urging Congressman Lorimer to become a candidate for Senator, and he volunteered to go to the President in his behalf.

Mr. HANEY. In whose behalf?

Mr. HINES. In Congressman Lorimer's behalf.

Mr. HANEY. Do you know whether he did or not?

Mr. HINES. He told me he did.

Mr. HANEY. When was that, with reference to the election of Mr. Lorimer?

Mr. HINES. I think about two, or possibly three weeks before Senator Lorimer's election.

Mr. HANEY. Are you familiar with Congressman Boutell's handwriting?

Mr. HINES. I am.

Mr. HANEY. Were you at that time?

Mr. HINES. Why, yes, sir.

Mr. HANEY. You had correspondence with him at different times, had you?

Mr. HINES. Yes, sir.

Mr. HANEY. Did you receive that letter from Congressman Boutell shortly after Senator Lorimer was elected?

Mr. HINES. I did, sir.

Mr. HANEY. Have you that letter?

Mr. HINES. Yes, sir.

Mr. HANEY. Will you produce it?

(Witness produced a paper.)

Mr. HANEY. Is that the letter?

Mr. HINES. Yes, sir.

Mr. HANEY. Is it signed by anybody?

Mr. HINES. No, sir.

Mr. HANEY. Is that paper in the handwriting of Henry S. Boutell, former Congressman from Illinois?

Mr. HINES. Yes, sir.

Mr. HANEY. And when did you receive that from him?

Mr. HINES. I received this letter shortly after coming to Washington, after Senator Lorimer's election. The Congressman had left Washington and gone down to the seashore.

Senator KERN. What Congressman?

Mr. HINES. Congressman Boutell.

Mr. HANEY. That paper is not signed, I believe, by Congressman Boutell?

Mr. HINES. No, sir.

Mr. HANEY. Was that inclosed in a letter that you received from him, that was signed?

Mr. HINES. Yes, sir.

Mr. HANEY. Where is that letter?

Mr. HINES. I presume it is in our files in Chicago.

Mr. HANEY. You have not it with you here?

Mr. HINES. I did not bring it with me.

Mr. HANEY. Will you read that letter from Congressman Boutell?

Mr. HINES. It reads:

I should like to have the Senator know who was the only man in Washington to go to the President in his behalf and bring off the goods.

Mr. HANEY. Is that the end of it?

Mr. HINES. Yes, sir.

Mr. HANEY. Is that all in Congressman Boutell's handwriting?

Mr. HINES. Yes, sir.

Mr. HANEY. What Senator was referred to in that letter?

Mr. HINES. The then Senator Lorimer.

Mr. HANEY. Who had just been elected?

Mr. HINES. Yes, sir.

Mr. HANEY. Did you talk to Mr. Boutell afterwards about the letter and about Congressman Boutell's visit to the President?

Mr. HINES. Yes, sir.

Mr. HANEY. When, with reference to Senator Lorimer's election, and with reference to the receipt of that letter?

Mr. HINES. When I met him in Washington the next time.

Mr. HANEY. About how long was it after that?

Mr. HINES. I can not give the exact date. It was some little time after this.

Mr. HANEY. Did he repeat to you in substance the statement in that letter?

Mr. HINES. Yes, sir.

Mr. HANEY. Verbally?

Mr. HINES. Yes, sir.

Mr. HANEY. Did he tell you that he had seen the President?

Mr. HINES. Yes, sir.

Mr. HANEY. What did he say about having talked with the President? I do not care to have you tell what he said the President said, unless that is called for by some member of the committee.

Mr. HINES. He said that the President, after his explanation of Congressman Lorimer's past and his record in Congress, and his personal knowledge of him, and the possibilities, or strong probabilities, that different factions could unite upon him, was very anxious to have a Republican Senator elected from Illinois, and that Congressman Lorimer would be very acceptable, and he would do all he could to assist in electing a Republican Senator from Illinois.

Mr. HANEY. Did you have further talk with Congressman Boutell?

Senator KERN. The effect of it was that the President said he would be very glad to aid in the election of Mr. Lorimer as Senator?

Mr. HINES. As a Republican Senator from Illinois.

Senator JONES. Did he say "aid in the election of Mr. Lorimer" or "a Republican"?

Mr. HINES. He said both; that he would aid in the election of Senator Lorimer in order to have a Republican Senator from Illinois. That was the substance of what Congressman Boutell said.

Senator KERN. That he would aid in the election of Senator Lorimer, to the end that there might be a Republican Senator from Illinois?

Mr. HINES. Yes, sir.

Senator KERN. That in substance is what he said, as indicated to you by Congressman Boutell?

Mr. HINES. Yes, sir. I am not trying to give the exact words; but that was the substance of the conversation.

Senator KENYON. Can you state the time, with reference to the election of Senator Lorimer?

Mr. HINES. Yes. I had got this letter from Congressman Boutell, and he came back here to serve on the conference committee.

Mr. HANEY. On the tariff question?

Mr. HINES. On the tariff question. He was appointed, if I recollect right, on the conference committee.

Senator JONES. On the tariff?

Mr. HINES. On the tariff. I think he was a conferee. He came back, anyway, it seems to me as a member of the conference committee. I am not positive about that, but that is my memory. At least, I saw him in Washington after getting this letter, when he explained to me about having seen the President.

Senator JONES. If the conference committee was not appointed until July, you would think that was a mistake?

Mr. HINES. No; I got this letter before the conference committee was appointed, and Congressman Boutell was at Washington a short time, and came back again.

Senator JONES. I thought this talk occurred before the election of Senator Lorimer?

Mr. HINES. It occurred both before and after. I got this letter after his election.

Senator JONES. This conversation you referred to a moment ago was before?

Mr. HINES. They occurred both before the election and after.

The CHAIRMAN. The conversation between Mr. Boutell and the President was before the election, was it not?

Mr. HINES. No; I think the conversation was after the election.

Senator JONES. Between Mr. Boutell and the President?

Mr. HINES. No; I mean when he reported to me what the President had said.

Mr. HANEY. They want to know when the conversation was between Mr. Boutell and the President.

Mr. HINES. I have just said that conversation was two or three weeks prior to Congressman Lorimer's election. I met him the day he said he was going to the White House.

Mr. HANEY. And then, after he wrote that letter, you met him in Washington?

Mr. HINES. Yes, sir; and he then, later, reported to me what he said the President had told him.

Senator KERN. And what he meant by his expression in the letter about bringing away the goods?

Mr. HINES. He did not refer to this letter, but he explained to me what had occurred at the interview.

Senator KERN. Putting the conversation and the letter together, that is what the expression meant? The expression "bring away the goods" means that he had got the President to promise to aid in the election of Mr. Lorimer?

Mr. HINES. Yes, sir.

Mr. HANEY. That is, that is what it meant to you?

Mr. HINES. Yes, sir.

Mr. HANEY. Will you have that letter marked?

(The document referred to was marked "Hines A.")

Mr. HANEY. I offer that in evidence, Mr. Chairman.

(The document (Hines A) is in words and figures following:)

I should like to have the Senator know who was the only man in Washington to go to the President in his behalf and bring off the goods.

Mr. HANEY. You did not see Congressman Boutell, then, after Senator Lorimer's election for some little time?

Mr. HINES. It was, I think, a couple of weeks after that I saw him.

Mr. HANEY. And it was then or at a subsequent date that you had the conversation with him which you have related?

Mr. HINES. Yes, sir.

Mr. HANEY. In which he told you what had taken place at the White House?

Mr. HINES. Yes, sir.

Senator KERN. Would it break in if I ask about that letter?

Mr. HANEY. Not at all.

Senator KERN. How long have you had this letter—that is, in your immediate possession?

Mr. HINES. I have had this letter in my possession ever since I got it.

Senator KERN. You do not mean you have actually had it in your pocket ever since?

Mr. HINES. No; I had it in my files in Chicago.

Senator KERN. When did you take this letter, this writing, from your files in Chicago?

Mr. HINES. When I came to Washington.

Senator KERN. When?

Mr. HINES. That was about 10 days ago. I can not give the exact date.

Senator KERN. Since you testified here before?

Mr. HINES. No, sir; it was before I testified.

Senator KERN. You had this writing in your possession at the time you gave your former testimony?

Mr. HINES. Yes, sir.

Senator KERN. Now, when you got this writing from your files, did you find it with the letter in which it was inclosed?

Mr. HINES. It came to me with another letter.

Senator KERN. What do you mean by saying it came to you in another letter—that it came in another letter originally?

Mr. HINES. Yes, sir.

Senator KERN. When you looked in your files for this writing, did you find the letter that it came with?

Mr. HINES. No; I preserved this portion of the letter as a sort of a memento of that occasion.

Senator KERN. Do you know what the other letter was about, the letter with which this writing came?

Mr. HINES. I think the Congressman wrote me that he was leaving—

Senator KERN. I beg your pardon. What did you say?

Mr. HINES. I think the substance that the Congressman wrote me was that he was leaving for a short vacation at the seacoast with his family, and that he would be back in Washington in two or three weeks.

Senator KERN. That was a short letter, then?

Mr. HINES. Yes. I am just speaking now from memory. I think the letter is in our files, and I may be able to produce the original letter.

Senator KERN. Is this dated?

Mr. HINES. No; it is not dated. I have other letters from the Congressman.

Senator KERN. But not in relation to this matter?

Mr. HINES. No.

Senator JONES. Was there any reason from the other letters as to why this should be written separately?

Mr. HINES. No. I rather classified this as a sort of postscript to the other letter.

Senator JONES. There was plenty of space on the other letter to make that postscript?

Mr. HINES. I have not seen the other letter for two years, and I do not know just whether the page was filled or not.

Senator JONES. Didn't you see this when you took this from your files?

Mr. HINES. No; this letter was not in the company's files. It was in my personal files. I kept it as a sort of keepsake. The other letter would be in the company's files.

Senator JONES. Can you tell from your other letters specifically the letter that this came with?

Mr. HINES. I think I could if I had the letter to refresh my memory from.

Senator JONES. Was the other letter written from Washington City?

Mr. HINES. It strikes me not. I think it was written from some other place. I would recollect the place if I heard it. It is on the seacoast.

Senator JONES. Was it written on a hotel letterhead?

Mr. HINES. I do not know about that. It might have been written from Washington. That has gone from my memory. I placed no particular stress on where the letter was written from.

Senator JONES. This [Exhibit Hines A] is just a plain sheet, is it not?

Mr. HINES. I did not examine it carefully.

Senator JONES. Well, there is no letterhead to it; no hotel or anything of that sort?

Mr. HINES. No, sir. There is some watermark on that and it could be traced probably from that.

Senator KERN. Does it occur to you now why you did not mention this as a circumstance attending the election of Senator Lorimer when you were giving your testimony before?

Mr. HINES. No. I mentioned this for the first time last night to Judge Hanecy while we were out riding.

Mr. HANECY. When did you find it, since you have been in Washington? When did you run across it in your papers?

Mr. HINES. Yesterday. But I mentioned it for the first time last night while out riding with you.

Mr. HANECY. Mr. Hines, you testified last week to a telegram that was sent by Mr. Wiehe to you, and that was addressed originally to the Waldorf Astoria Hotel in New York City.

Mr. HINES. Yes, sir.

Mr. HANECY. Have you looked up the data to find out definitely, or more definitely than you told before, where you talked to Mr. Wiehe from in answer to that telegram?

Mr. HINES. Yes.

Mr. HANECY. Well, what did you find?

Mr. HINES. I find I talked from Washington on the 18th.

Mr. HANECY. The 18th of what?

Mr. HINES. The 18th of February.

Mr. HANECY. Do you remember whether you received that dispatch in New York or whether it was forwarded from New York, or whether you got another one from Washington?

Mr. HINES. I don't remember whether that original telegram was forwarded from New York or whether I received a telegram here, but in any event I did not receive it in New York.

Mr. HANECY. Did you talk from Washington to Mr. Wiehe in response to that telegram?

Mr. HINES. I did; yes, sir.

Mr. HANECY. Have you the bill for that telephone call?

Mr. HINES. Yes.

Mr. HANECY. What is the date of it?

Mr. HINES. February 18.

Mr. HANECY. What is the amount of the bill for that conversation?

Mr. HINES. \$10.75

Mr. HANECY. Mr. Chairman, I will offer that telephone bill in evidence if the committee desires it, or not, just as the committee desires.

The CHAIRMAN. I think it ought to be admitted.

Senator KERN. Of course, there is nothing on the bill to indicate what the conversation was about?

Mr. HINES. No, sir.

Senator KERN. You talked with Mr. Wiehe frequently about those days, did you?

Mr. HINES. Yes; generally once or twice a week.

Mr. HANECY. As long a talk as you had on that occasion?

Mr. HINES. No; that was an unusually long talk.

Mr. HANECY. And you have a memorandum, I think you said, in connection with that telephone bill, which is that you did talk with Mr. Wiehe about the purchase by you of the Cook stock?

Mr. HINES. I have a very distinct memory of that particular incident, because I classed it as a very important matter at the time.

Mr. HANEY. I think you said the purchase, if you bought the stock, would amount to two or three hundred thousand dollars?

Mr. HINES. Yes.

Mr. HANEY. Where do you now say you were when you had that conversation by telephone with Mr. Wiehe?

Mr. HINES. I was in Washington, sir—at the Willard Hotel.

Mr. HANEY. Separate that bill from the others.

Mr. HINES. That portion of the bill?

Mr. HANEY. Yes.

Mr. HINES. This is practically a month's bill.

Mr. HANEY. We do not want the others. Take off that sheet that has that talk on it.

Mr. HINES. Very well, here it is.

(The sheet was marked "Exhibit Hines B.")

Senator FLETCHER. Did you have any communication or conference with any of these parties you saw in New York on the 11th or 17th of February, 1911, regarding the senatorial election in Illinois in 1909?

Mr. HINES. Nothing more than I have stated here, sir.

Senator FLETCHER. I say in 1909, did you have any conference or communication with either of those gentlemen regarding the senatorial election?

Mr. HINES. No, sir; I saw none of those gentlemen in 1909.

Mr. HANEY. Did you at any time between the election of Senator Lorimer and the talk you had with those gentlemen—and I am speaking of Judge Gary and Mr. W. C. Brown—which was on the 11th or the 17th, or both of those dates, talk with them with reference to the election of Senator Lorimer?

Mr. HINES. No, sir.

Mr. HANEY. Mr. Chairman, there is one correction that I would like to have made in the testimony as printed in the type-written record. It is in the record as kept by Mr. Thomas. The correction is made a little later. On page 284 of volume 18 of the type-written record, in the testimony of Mr. Thomas, it reads as follows:

Mr. THOMAS. On February 7, 1911, Mr. Hines left for Washington and New York, and return to Chicago on March 5, 1911.

That leaves out the words "and Washington." Now, if you will turn to page 301 it will be found that the question of counsel corrects that mistake, but I think it should be corrected in the proper place.

Mr. HEALY. You refer to page 284?

Mr. HANEY. Yes.

Mr. HEALY. Mr. Chairman, my recollection is that that is the way the witness answered the question. My recollection is that the record is in accordance with the facts.

On February 7, 1911, Mr. Hines left for Washington and New York, and returned to Chicago on March 5, 1911.

That is the statement of the witness as given on that page of the type-written record. Subsequently the witness testifies that after Mr. Hines's departure from Chicago he was advised that Mr. Hines had returned to Washington, and then he made the entry, "and Washington."

Mr. HANEY. No; but he read it from the record. This testimony on page 284 to which we refer is a reading of his record. I read from the type-written transcript:

Mr. FARRAR. What is the next one?

And then Mr. Thomas says:

On February 7, 1911, Mr. Hines left for Washington and New York.

Now, if you will go to page 301, where you asked the question——

Mr. HEALY. I see your point. He is testifying from his record.

Mr. HANEY. And the reporter left out the two words, "and Washington." Mr. Healy says on page 301:

Referring to the sheet which reads: "2/7/11, Mr. Hines left for Washington and New York and Washington. returned 3/5/11," what part of that sheet was written, etc.

Now, those two words here in the question of Mr. Healy are on the record of Mr. Thomas, but are not printed in the typewritten record by the reporter.

Mr. HEALY. Well, I think Mr. Thomas's testimony is as it is reported here.

Mr. HANEY. No; it could not be, because he read his record. You will notice that Judge Farrar asked him——

Mr. HEALY. I do not think it makes much difference one way or the other.

Mr. HANEY. It ought to be corrected in the first place, without compelling anybody to go from page 284 to page 301 to have it corrected, and Mr. Healy in his question does correct that, but it should be corrected here, and the words "and Washington" added after the words "New York."

The CHAIRMAN. Is that memorandum from which he testified in evidence?

Mr. HANEY. Yes; he read the slip. That is what is on the slip, and that is what Mr. Healy read from the slip, as shown on page 301.

Mr. HEALY. I read it correctly.

Mr. HANEY. Yes. There is no doubt about the correctness of it, only that the words "and Washington" are left out in the stenographer's report.

Mr. HEALY. Again on page 233 the witness makes the same mistake, and I think his answers up to the time when I interrogated him left out the words "and Washington."

Mr. HANEY. He could not have made the mistake, because it is in the middle of the sentence.

Mr. HEALY. Here it is on page 233:

Mr. THOMAS. On February 7, 1911, Mr. Hines left for Washington and New York, and returned to Chicago on March 5, 1911.

Mr. HANEY. What you mean is that the reporter made the same mistake, or that the typewriter did?

Mr. HEALY. No; Mr. Thomas did not read the record fully.

Mr. HANEY. He read what preceded it and what followed it, and he could not have very well omitted what was in between. But whatever the fact is as to his reading, the real fact is that the words "and Washington" are there.

The CHAIRMAN. We do not know whether he read the full memorandum or not. It seems to be conceded here that the memorandum contains what you claim, whether he read it or not.

Mr. HANEY. He is asked to read the memorandum. Judge Farrar's question asks him to read the next one, and that is the next one. Of course, if this honorable committee does not want that corrected, there is no way that I can have it done; but it seems to me so plain that there could hardly be any controversy about it.

The CHAIRMAN. I do not understand there is any question of the fact as to what the memorandum contained. As to whether he read it correctly, I do not know, and I do not suppose any member of the committee does. It appears on page 301, you say, as correct?

Mr. HANEY. Mr. Healy reads it correctly.

The CHAIRMAN. Mr. Healy concedes it, so that the fact appears in the record.

Mr. HANEY. Whether it was a mistake of the witness in reading it, or the stenographer in transcribing it, it should be corrected.

Senator KENYON. Is the witness here?

Mr. HANEY. No; he left for home, but the papers are here. Will that be corrected, Mr. Chairman?

The CHAIRMAN. If the committee so orders. I should not be inclined to correct it myself.

Senator KERN. If we undertake to correct the testimony of witnesses, we will have to revise our record.

Mr. HANEY. This is only correcting a paper that can not speak falsely on that question, and it is in the possession of the committee. I am not asking to correct anything that a witness said, but what the paper shows itself. Immediately after that reading Mr. Healy read the paper, and read it correctly on page 301.

The CHAIRMAN. And it so appears in the record. Whether the witness happened to complete that reading or not, I do not know, and I would not like, on my own responsibility, to change the reporter's record of what was said. I do not see that it makes any difference, because the record shows what was in the paper.

Mr. HANEY. Well, there is the place where it is read in and where it should show.

The CHAIRMAN. I will submit it to the committee. We need not take any time in further discussion of it. If any member of the committee thinks the record should be changed, we will change it.

Senator KERN. If you concede that the stenographer has made two mistakes of the same kind in the same testimony, then, of course, it casts a very grave suspicion over the whole of this proceeding.

Senator JONES. I think the record had better stand.

The CHAIRMAN. The record had better stand as it is.

Mr. HANEY. That is all, Mr. Chairman.

Mr. MARBLE. Do you remember telephoning Mr. Wiehe on the 18th?

Mr. HINES. Yes, sir.

Mr. MARBLE. Do you remember the conversation?

Mr. HINES. Yes, sir; in substance.

Mr. MARBLE. The substance of it?

Mr. HINES. Yes, sir.

Mr. MARBLE. Do you remember where you were?

Mr. HINES. Yes, sir.

Mr. MARBLE. Where were you?

Mr. HINES. At the Willard Hotel.

Mr. MARBLE. Your memory is clear as to that?

Mr. HINES. Yes, sir.

Mr. MARBLE. Why was it not clear on Saturday?

Mr. HINES. Since Saturday I got the bill, showing that it was in Washington. I said on Saturday I thought that it was either New York or Washington.

Mr. MARBLE. Does the bill show that you did the telephoning?

Mr. HINES. No; but it recalls to my mind the long conversation I had, and at that particular period that was the important subject I was talking of.

Mr. MARBLE. Does the bill show that Mr. Wiehe was a party to the conversation?

Mr. HINES. No, sir.

Mr. MARBLE. The bill is rendered to your Chicago office, is it not?

Mr. HINES. Yes, sir.

Mr. MARBLE. So far as this item is concerned, it reads:

18, Washington, D. C., \$10.75.

Mr. HINES. Yes, sir.

Mr. MARBLE. And nothing more?

Mr. HINES. No, sir.

Mr. MARBLE. And there is nothing more than that on there to revive your memory, or to refresh your memory?

Mr. HINES. No, sir.

Mr. MARBLE. On Saturday you thought you telephoned from the Waldorf-Astoria, did you not?

Mr. HINES. I think I said I telephoned either from the Waldorf-Astoria or New York.

Mr. HANEY. Or Washington, you mean?

The CHAIRMAN. Or Washington?

Mr. HINES. Washington.

Mr. MARBLE. I asked you first, did I not:

Where did you telephone from?

And you said:

I telephoned from the Waldorf-Astoria Hotel.

Mr. HINES. I think I later said——

Mr. MARBLE. Yes; I am coming to that, but that was your first answer?

Mr. HINES. If the record so states, it must have been.

Mr. MARBLE. That is on page 31 of Saturday's record. Then Senator Kern said:

On the 17th?

And you said:

On the 17th.

Mr. HINES. If the record so states.

Mr. MARBLE. And I asked you:

Did you telegraph or telephone?

And you said:

I telephoned. I think I can give you the telephone bill—a little memorandum of it.

Mr. HINES. Yes, sir. That is the bill you have got now.

Mr. MARBLE. And then later I said to you:

You said you telephoned from New York.

And you replied:

I said I thought I telephoned from New York, and I thought I received the message from New York; but in case I did not, it would be returned to Washington, and then I would not telephone until the next day.

Mr. HINES. Yes, sir.

Mr. MARBLE. And that is what you meant by saying that you corrected it?

Mr. HINES. Yes, sir.

Mr. MARBLE. I asked you:

Do you remember where you telephoned from?

And you said:

My memory is, from New York.

Mr. HINES. Yes, sir.

Mr. MARBLE. And I said:

Do you recall the incident?

And you said:

Oh, yes; very distinctly; because it was a very important matter with me.

Mr. HINES. I meant the subject of the conversation.

Mr. MARBLE. Exactly; and I said:

Then you recall where you were?

And you said:

Not positively. My memory is New York, but at this moment I could not swear positively to New York. I know I telephoned several times from the Waldorf-Astoria that day.

Senator KERN. That day?

Mr. MARBLE. And I said:

To Chicago?

And you said:

I telephoned once to Chicago, and I telephoned once to Washington, to Senator Lorimer.

Mr. HINES. Yes, sir.

Mr. MARBLE. Are you quite sure Mr. Wiehe did not call you on the 18th?

Mr. HINES. I would not be positive whether he called me. We may both have called together and got the party we were calling.

Mr. MARBLE. Do you recall whether you called him or he called you?

Mr. HINES. It seems to me that I called him, but I would not be positive about that. I remember distinctly the conversation, the circumstances, but not positively the detail of whether I called him or he called me at the time.

Mr. MARBLE. Do you remember making the call?

Mr. HINES. I do not remember making it.

Mr. MARBLE. Do you remember receiving the call?

Mr. HINES. I do not remember that particular detail.

Mr. MARBLE. Do you remember talking?

Mr. HINES. Oh, very well indeed.

Mr. MARBLE. And you remembered talking on Saturday?

Mr. HINES. It was the 18th, the next day after I got that telegram.

Mr. MARBLE. Have you any more memory about it now than you had on Saturday?

Mr. HINES. Oh, yes.

Mr. MARBLE. Seeing these words on your Chicago bill has revived your memory of the place where you stood and the building you were in when you talked?

Mr. HINES. It has revived my memory; it brings it back to my memory. It was an extended conversation, and it revives my memory of the details of the conversation, the peculiar circumstance.

Mr. MARBLE. It revives your memory of the details of the conversation?

Mr. HINES. Yes, sir.

Mr. MARBLE. Which portion of the memorandum recalls the details to you?

Mr. HINES. The fact of the size of the bill is one thing.

Mr. MARBLE. You did not remember on Saturday whether or not it was a long conversation?

Mr. HINES. Also the circumstance of the telegram—getting it on the 17th.

Mr. MARBLE. Do you remember receiving the telegram?

Mr. HINES. No, sir. I think I got the telegram in Washington.

Mr. MARBLE. Do you remember where you received it?

Mr. HINES. I think it was in Washington.

Mr. MARBLE. Do you remember?

Mr. HINES. I am trying to give my memory now.

Mr. MARBLE. Did you remember on Saturday?

Mr. HINES. I am trying to give you the best of my memory. No; it was not as clear in my mind on Saturday.

Mr. MARBLE. What has revived your memory of the place where you received the telegram?

Mr. HINES. I have tried to think the matter over very carefully since Saturday. Receiving the bill there, and the amount of the telephone call—

Mr. MARBLE. Have you talked with Mr. Wiehe about it, to see what his memory was?

Mr. HINES. Mr. Wiehe went out of town.

Mr. MARBLE. Have you talked with him?

Mr. HINES. No, sir.

Mr. MARBLE. On the telephone or otherwise?

Mr. HINES. No, sir; I have not talked with him since he left the city.

Mr. MARBLE. If you had called Mr. Wiehe, would the bill have been rendered to your Chicago office?

Mr. HINES. Yes, sir.

Mr. MARBLE. If you had made the call from here?

Mr. HINES. Yes, sir.

Mr. MARBLE. Were all of your telephone calls charged to your Chicago office?

Mr. HINES. We made a practice of doing it.

Mr. MARBLE. Did you follow the practice?

Mr. HINES. I think there might be some cases where the telephone operator had questioned whether it was a reversed charge or not; and in such cases I would not argue the matter, but paid the bill at the end of the month. I aimed to make those conversations reversed, in order to keep track of the expense in Chicago.

Mr. HANEY. That is, to reverse the charge?

Mr. HINES. To reverse the charge.

Mr. MARBLE. Have you brought us all of the telegrams that you sent from Washington during this period in February up to March 6.

Mr. HINES. I do not know. I told our office out in Chicago to collect me the telegrams to verify the fact that I was in Washington during that period. Whether they are all I do not know. I never checked them up to find out. In fact, I did not collect the telegrams myself.

Mr. MARBLE. Did anyone else in Washington have the right to send telegrams with your name signed to them during that time?

Mr. HINES. To sign my name?

Mr. MARBLE. Yes.

Mr. HINES. I do not know. There has been such a thing done in the past.

Mr. MARBLE. Telegrams have been sent from Washington by some one else for you, with your name signed?

Mr. HINES. Oh, I do not know about from Washington; but there have been telegrams dictated by some one else in our office and my name signed to them.

Mr. MARBLE. From Washington such telegrams have been sent also?

Mr. HINES. I would not say from Washington. I have no recollection at the present time.

Mr. MARBLE. Would you say that none have been sent?

Mr. HINES. I would not say either way until I saw the telegram.

Mr. MARBLE. Who made this selection of telegrams?

Mr. HINES. I do not know; it seems to me Mr. Thomas made it. The last time I was in Chicago I told Mr. Thomas to collect the data of telegrams and telephones that went through from February 6 to March 6. I think he got them. I am not positive about that. It may have been our telegraph operator. It may have been several persons.

Mr. MARBLE. Will you have Mr. Thomas, instead of making a selection, send us all of the telegrams?

Mr. HINES. If I am so ordered by the committee, I will.

Mr. MARBLE. I would suggest that as being the way to cover this period thoroughly.

Mr. HINES. I do not see, though, why I should be asked to submit my private correspondence. It would not throw any light upon this subject, and I think it would be very unfair to ask a thing of that kind.

Mr. MARBLE. I do not want to invade your privacy in any way.

Mr. HINES. You would be invading the privacy of my correspondence by asking me to submit all my telegrams during a period which has nothing to do with this case, except to establish my being in Washington. I can establish that by unquestioned testimony, by a dozen or more witnesses.

Mr. MARBLE. This is a matter which arises through the presentation of certain telegrams sent from Washington—the idea being, as I understand, to show Mr. Hines's whereabouts during a certain period. It occurs to me that we should have all of the telegrams sent by Mr. Hines during this period, from whatever place they may have been sent, in order to cover the thing thoroughly, if we are to go into it at all—that is, to cover it as exhaustively as possible.

The CHAIRMAN. How many telegrams have been produced covering this period?

Mr. MARBLE. I should say 15 or 20; perhaps more.

Mr. HEALY. And some letters.

The CHAIRMAN. Covering what length of time?

Mr. HEALY. From February 8, 1911, to March 5, 1911—less than three weeks.

Mr. MARBLE. It is a time considerably subsequent to the election of Senator Lorimer. That, of course, should be stated and borne in mind.

Mr. HINES. It was two years after Senator Lorimer's election.

Mr. HANEY. I think it is not the purpose or desire of this committee to try Mr. Hines, or to compel him to disclose to the newspapers or the public all of his private affairs. He is not the defendant here. So far as Senator Lorimer is concerned, we have not any desire to withhold anything, even though there should be the extraordinary demand—which probably no other court or tribunal would make—of compelling a witness to submit all of his private business transactions to the general public. The extraordinary procedure has been adopted here of compelling this witness to turn over to another party (it is true the agent of this committee, and reliable, but subject to the review and inspection of the general public) all of his correspondence covering certain periods of time—his telegrams, his telephone messages, and the different documents that are offered in evidence. If this committee say that they want all that done and submitted to the general public for the inspection of the newspapers, I shall not attempt to contest it. I should be very glad, so far as Senator Lorimer is concerned, to have everything and anything that this honorable committee may ask submitted here in such a way or in any way that the committee may request. But it seems to me it is an extraordinary thing to require him to submit all of his telegrams and file them here so that he can not take them away.

Let me suggest right here, Mr. Chairman, in regard to the telegrams that were submitted here last week, and which the committee said it did not care to have offered in evidence, but which I said would be subject to the committee at any time, that I asked two of the counsel this morning for permission on the part of Mr. Hines to see them, and I was refused. They are not in evidence; they have never been in evidence. They have been impounded here and kept so that the man to whom they belong can not even look at them. I am not complaining about that; but I want the record to show the extraordinary conditions that are being dealt with here—not by this honorable committee, but the effect is just the same. The papers are taken away from the witness and he is not permitted to see them, even though they were not offered in evidence, and are no part of the record of these proceedings.

Mr. MARBLE. I should like to say, Mr. Chairman, that my memory of this incident is slightly different from Judge Hanecy's. These telegrams were left in the possession of the committee on Saturday because they were being used in cross-examination. Mr. Hines's cross-examination was not concluded on Saturday, and no request was made to me on Saturday regarding them. This morning Judge Hanecy told me he desired to have a copy made of these telegrams, and that it might be done while the witness was testifying. I said: "We will want to use them in the examination;" and I supposed of course it could be done. Of course if Judge Hanecy had wanted these telegrams at any stage in the examination, they were subject to him, and I would have had no power to withhold them from him. They are in the possession of the committee and not in my possession. I am not undertaking to direct the course of any of these papers at any time, except to make very sure that I do not transgress and take them away from Mr. Pease.

Mr. HANECY. Mr. Chairman, I do not think Mr. Marble intended to state less than all. I asked Mr. Healy for the papers, and stated to him that they were not in evidence, and Mr. Hines had a right—

Mr. HEALY. Did I not tell you where they were, Judge?

Mr. HANECY. Yes.

Mr. HEALY. I told you they were in the possession of Miss Lawlor, and to go to her.

Mr. HANECY. Yes; that is right.

Mr. HEALY. I did not control them.

Mr. HANECY. And I asked you to give directions that they should be turned over to Mr. Hines.

Mr. HEALY. And I refused to do that.

Mr. HANECY. Yes; you refused to do it, although they are not in evidence here, and have never been in evidence. Then I asked Mr. Marble to deliver them to Mr. Hines, and Mr. Marble said he could not do that. He said they were in the possession of Mr. Pease or Miss Lawlor. Then I said to him:

Well, Mr. Hines wants those telegrams; he does not know what may happen to them, and he wants copies made of them. He is taking photographs or having photographs taken of papers that have been taken away from him (private correspondence and private papers) and impounded here so that he can not get them.

We have not complained, and I do not want to be understood as complaining here now, Mr. Chairman, that private memoranda of counsel and these affidavits that were obtained for private use as a memorandum to the counsel in cross-examining or examining witnesses have been taken away from them. I do not complain about that, and I understand Mr. Hines does not; but it is an extraordinary procedure that was never followed in a court of justice anywhere.

The CHAIRMAN. Judge Hanecy, under just what circumstances were these telegrams left?

Mr. HANECY. They were taken out of the pocket of Mr. Thomas.

Senator JOHNSTON. Surreptitiously?

Mr. HANECY. No; by him. I hope the Senator did not mean that. They were taken out of his pocket, and it was said that they were not—

The CHAIRMAN. He produced them while he was testifying?

Mr. HANEY. It was said, Mr. Chairman, that they were not needed in evidence, and that they should not go in evidence. The record will show that.

The CHAIRMAN. But they were used by him in his testimony.

Mr. HANEY. No, Mr. Chairman.

Mr. FARRAR. They were read in the record by the counsel on the other side.

Mr. HANEY. Some of them were.

The CHAIRMAN. The dates?

Mr. HANEY. Yes; the dates.

The CHAIRMAN. That is the way I remember it.

Mr. HANEY. Then it was said that they were not needed in the record; and I volunteered the statement that although not in the record, they would be subject to the order of the committee at any time. I did not assume that this committee or its representatives were going to take them bodily from the party to whom they belonged and refuse to permit him to look at them afterwards or have anything to do with them, although they were not in evidence at all. I have been somewhat criticized in this matter by Mr. Hines because they have been taken out of his possession and he is not permitted to see them, although they are not in evidence. I recognize the extraordinary proceeding and the character of it; and that is my only excuse for saying what I have said here in that respect this morning.

Mr. MARBLE. I can only repeat, Mr. Chairman—and I must say, in justice to myself, that I have had a strange lapse of memory regarding the conversation with Judge Hanecy, according to his account of it—that I have at no time in this proceeding withheld any paper. If my memory serves me correctly, the first affidavit which was taken from counsel to read into the record was taken from Mr. Healy by Judge Hynes, I believe. The other affidavits were, of course, called for, as the record will show, and were produced by counsel; and if that is improper, the record will indicate the impropriety.

As to these—and this is a long discourse in the record over a very small matter, it seems to me—I have at no time withheld these papers from Mr. Hines, nor indicated any desire to withhold them or refuse to submit them to him, nor said anything more than that they should not be taken away from here to be copied until his testimony was finished, because we wanted them while he was testifying. Mr. Thomas left them here. It was insisted by counsel that all of the dates should be read into the record, and Mr. Healy laboriously read them. If they are not here for the purpose of cross-examination or for the purpose of questioning, and the committee will so indicate, they will, of course, be dropped at once. They are not my property at any time.

Mr. HANEY. I submit that it is an extraordinary and more than an extraordinary proceeding that the party producing the documents had those documents taken away from him, and——

The CHAIRMAN. May I ask you one question before you go further? When did you make this request for those papers—at what time?

Mr. HANEY. This morning.

The CHAIRMAN. At what time this morning?

Mr. HANEY. Before we met here.

The CHAIRMAN. How long before we met here?

Mr. HANEY. I can not tell. We were all in here.

Mr. MARBLE. Was it not in this room, Judge Hanecy, after the committee convened, and after you came in, after the committee convened?

Mr. HANECY. No; I talked with Mr. Healy in the witness room there.

Mr. HEALY. My conversation with Judge Hanecy was at 10 minutes past 10, when I was arranging with the witness. The committee was in the room at the time, and I was talking with the witness in the witness room, about 10 minutes past 10.

Mr. MARBLE. And your conversation with me was in this room?

Mr. HANECY. Yes; but this is what I mean, Mr. Chairman: The testimony, the papers, the documents that are offered on this side are taken away from us, so that we can not have them.

The CHAIRMAN. The papers offered in evidence and admitted in evidence in this case, in pursuance of the stipulation of counsel, are in the hands of the clerk, and are not to be taken out of the hands of the clerk, but are to be open to the inspection of both sides.

Mr. HANECY. But they are taken away from us and put into the possession of the other side and kept there.

Senator KERN. While the witness is on the stand?

Mr. HANECY. No; all the time, Mr. Senator Kern—all the time.

The CHAIRMAN. They are in the hands of the clerk of the committee. I do not know what you call "the other side." They are in the hands of the clerk of this committee, and every time that there is any question made about the production of them he consults the chairman of the committee.

Mr. HANECY. We never have them. This is what I mean, Mr. Chairman—

The CHAIRMAN. No; and the agreement was that you should not have them. The agreement was that they should be held by the clerk and be open to the inspection of the counsel on either side of the case.

Mr. HANECY. And the counsel on the other side of this case, or counsel for the committee, is with the committee. The one having possession of them is the clerk of the committee; and they are here or will be taken wherever the different employees of the committee may desire, where counsel on the other side, in conference at their hotels or other place outside of this room can not get them for conference or consultation as to their character.

The CHAIRMAN. I do not understand that they have left the possession of the clerk, or have gone to any place except here.

Mr. HANECY. I do not say that they have; but they are in the hands of the employees of this honorable committee.

The CHAIRMAN. They are in the hands of the secretary of the committee, according to the stipulation.

Mr. HANECY. And the counsel on the other side are the counsel employed by the committee.

The CHAIRMAN. And the secretary has gone to such lengths that he has taken the trouble upon himself to allow Mr. Hines to have them photographed in the adjoining room.

Mr. HANECY. That is the only possible way, Mr. Chairman, that counsel on this side can have possession of their own papers for conference or consultation in regard to the conduct of the case.

The CHAIRMAN. After they have gone into the case—after they have been submitted.

Mr. HANEY. Yes; and that is a rule that is never adopted in any court and has never been adopted in any tribunal, probably, before.

The CHAIRMAN. Mr. Farrar, have you something that you desire to read from the record?

Mr. FARRAR. Yes; I wish to read to the committee in regard to these telegrams, from the top of page 356:

Mr. FARRAR. The dates of the telegrams having been read in the record, it appears to us it is not necessary to file the telegrams in the record. However, they can be produced by Mr. Haney, and they will be subject to the call of the committee at any time.

The CHAIRMAN. With that understanding, they can be returned.

The CHAIRMAN. There is no question about that aspect of the case at all.

Mr. HANEY. They never have been returned.

Mr. FARRAR. I gathered up those telegrams and delivered them to Mr. Thomas, and Mr. Thomas informed me that he was instructed by one of the counsel—I do not remember which—to deposit those telegrams with the clerk of the committee; and he delivered them to Miss Lawler.

Mr. HANEY. You mean one of the counsel for the committee?

Mr. FARRAR. Yes.

The CHAIRMAN. Those are in your possession, Mr. Marble?

Mr. MARBLE. They are right here, Mr. Chairman.

The CHAIRMAN. Have you any objection to submitting them to counsel?

Mr. MARBLE. Certainly not; I never have had. Subsequently to Mr. Thomas's testimony they were used in connection with the cross-examination of Mr. Hines for a while.

Mr. FARRAR. Only one of them.

Mr. MARBLE. But we did not conclude, and there was no objection to counsel seeing them. They are not my property. I have no property in any of these things.

The CHAIRMAN. I understand that the request for the papers was not made until, as Mr. Healy said, 10 minutes after 10 this morning, after we had come here; and they were not in his possession. They were in the possession of Miss Lawler.

Mr. MARBLE. I recall no request except that they be kept—

The CHAIRMAN. I do not understand that there is any difference about the right of the counsel for Senator Lorimer to the possession of those telegrams.

Mr. HANEY. We could not get them.

The CHAIRMAN. They have not been offered yet as evidence.

Mr. FARRAR. The committee ordered that they be returned.

The CHAIRMAN. Yes.

Mr. FARRAR. And counsel for the committee instructed Mr. Thomas to deliver them.

Mr. MARBLE. I should prefer to have Mr. Thomas testify as to what was said to him. I recall what was said to him.

Mr. HANEY. In any event, the record shows that they belong to our side, and we should not be compelled to get them by favor, but by right, and we can not get them by either.

Senator FLETCHER. I understand that Mr. Marble is using them in cross-examination. Is there any objection to his using them for that purpose?

Mr. HANEY. No; but they were not being used when we asked for them, and they were refused to us.

The CHAIRMAN. Proceed with the case, gentlemen. Anything that needs consideration will be considered by us at a later time.

Mr. MARBLE. Do you recall where you were when you received the letter from Mr. Boutell, a portion of which you have produced?

Mr. HINES. I think I was in Washington.

Mr. MARBLE. Do you recall where it was written from?

Mr. HINES. I am not positive where it was written from. I may have been in Chicago.

Mr. MARBLE. Do you know when or where it was separated from the balance of the letter?

Mr. HINES. If I recollect right, it was never separated from the balance of the letter. It was not on any attached sheet of paper.

Mr. MARBLE. It was written on a loose sheet, separate from the letter, and the two were separate from one another?

Mr. HINES. It came inclosed in another letter.

Mr. MARBLE. Do you remember where or when it became separated from the other letter?

Mr. HINES. No, sir.

Mr. MARBLE. Do you remember what the main body of the letter referred to?

Mr. HINES. Not at this time. I have had several letters from Congressman Boutell, and I can not just recollect what subject he was writing to me about at that time. There were several matters that I have had up with him.

Mr. MARBLE. Do you remember the date?

Mr. HINES. No, sir.

Mr. MARBLE. Do you remember the month?

Mr. HINES. It was received shortly after Senator Lorimer's election. That is the only way I have of fixing the exact date.

Mr. MARBLE. Did the body of the letter in any way indicate the meaning of this slip of paper or give you a key to its meaning?

Mr. HINES. The letter was written on another subject entirely.

Mr. MARBLE. Did the body of the letter indicate whether or not the Senator referred to was Senator Lorimer?

Mr. HINES. I do not think the body of the letter referred to Senator Lorimer in any shape, form, or manner.

Mr. MARBLE. Does the body of the letter in any way indicate the matter in which the writer went to see the President in his behalf?

Mr. HINES. I do not think it did.

Mr. MARBLE. Or the result that was accomplished?

Mr. HINES. I do not think it did.

Mr. MARBLE. Was there anything at all in the letter to indicate the meaning of this slip of paper?

Mr. HINES. I do not think there was.

Mr. MARBLE. And you do not know when or where this became separated from the body of the letter?

Mr. HINES. No, sir.

Mr. MARBLE. Was there any reason why it should be separated?

Mr. HINES. I do not know of any reason.

Mr. MARBLE. It was not your intention that it should be separated and this brought in and the rest of the letter remain outside?

Mr. HINES. No; my memory is that that was inclosed in a letter on another subject. It was a memorandum.

Mr. MARBLE. Is this the first such communication you received from Mr. Boutell?

Mr. HINES. You mean by letter?

Mr. MARBLE. In any way.

Mr. HINES. You mean on any subject?

Mr. MARBLE. No; such communication; a communication indicating that Congressman Boutell had communicated to you that he had gone to see the President in behalf of some Senator on some matter.

Mr. HINES. He told me, either that day or the day before, that he was going to see the President.

Mr. MARBLE. The day before what?

Mr. HINES. The day before he went there.

Mr. MARBLE. Do you know what day he went?

Mr. HINES. No, sir; I do not remember the date. Prior to Senator Lorimer's election.

Senator KERN. What did he say he was going there for?

Mr. HINES. He said that, from his knowledge of the past record of Congressman Lorimer and his fitness for the position, and his judgment, that he was the logical man upon whom the different factions could unite, and because of his interest in having a Republican Senator elected, he felt warranted in calling upon the President and acquainting the President with those facts, to see if the President could not assist in having Senator Lorimer become a candidate, or be elected, or words to that effect.

Senator KERN. Was he going to tell him what he had told you, that the different factions of the Republican Party could unite on Senator Lorimer?

Mr. HINES. He did not say that he was going to tell the President what he had told me, but, in substance, he was going to tell the President that conversation.

Senator KERN. Was he going to tell the President that Senator Lorimer could be elected with the aid of the majority of the Democratic members of the legislature?

Mr. HINES. I think he simply used the expression, "The different factions." That is my recollection; that he did not say whether Democrats or Republicans.

Senator KERN. Did you and he discuss, in your conversation, the fact that Senator Lorimer might be elected by a minority of Republican members and a majority of the Democratic members?

Mr. HINES. No, sir; we did not; not to my recollection.

Senator KERN. No such arrangement had been made at that time, that you know of, had there?

Mr. HINES. No, sir; I did not know of any such arrangement.

Senator KERN. If you did not know, or you and Mr. Boutell did not understand, that 52 or 53 Democrats were going to vote for Mr. Lorimer, how did you conclude that the factions could be so united as to elect him?

Mr. HINES. I think, at that time, the talk was more of Republican factions uniting on Congressman Lorimer, if I remember right.

There had been a number of candidates talked of, and they did not appear to be able to get together on any one candidate. I know Congressman Boutell had been out to Chicago, and had been looking up his own candidacy, and making some efforts along that line himself; and I supposed he was acquainted with the details.

The CHAIRMAN. Was this after he had been in Chicago for that purpose?

Mr. HINES. Yes, sir.

The CHAIRMAN. I notice that you produced a telegram from him, sent from Chicago, dated May 18, in which he says:

Yesterday afternoon, telegram received. Will arrive Chicago, Pennsylvania special, 8.45 to-morrow morning. Wire me latest news this morning. (Signed) H. S. Boutell.

Mr. HINES. Yes.

The CHAIRMAN. Was it subsequent or previous to the receipt of that telegram?

Mr. HINES. It was after that telegram when he talked to me about Congressman Lorimer. I remember distinctly about that telegram. It referred to a particular incident.

Senator KERN. About how long after that talk was it that you had this conversation with Mr. Boutell in which he said he was going to see the President?

Mr. HINES. Just a day or two after that, I think. I think that illustrated that about that time he became convinced that he could not be elected.

Senator JONES. Did you not say a while ago that the conversation you had with him about his going to see the President was 10 days or two weeks before the election?

Mr. HINES. I said, from memory, it was some little time—10 days or two weeks, I think I said—before he was elected. It may have been a shorter period. I know it was several days before Senator Lorimer was elected.

Senator JONES. This telegram, as I understand, was dated the 18th. He was to come to Chicago, and evidently he had to go to Chicago after the 18th, and then return to Washington.

Mr. HINES. Yes. He was only in Chicago, I think, one day.

Senator JONES. It must have been the 20th or after, then, before you talked with him here in Washington City?

Mr. HINES. It would indicate that; yes, sir.

Senator JONES. You talked with him the day before; so that it must have been only three or four days before the election?

The CHAIRMAN. There may be a misunderstanding. This telegram from Mr. Boutell was sent from Washington to Mr. Hines in Chicago.

Senator JONES. Yes; saying that Mr. Boutell would come on to Chicago?

The CHAIRMAN. Yes.

Senator JONES. So that it must have been probably the 20th, anyhow, before he came back here to Washington.

Mr. HINES. I know it was just a short time before Senator Lorimer was elected.

Senator KERN. No; he was in Washington at the time this telegram was sent. Boutell was in Washington.

The CHAIRMAN. Yes.

Senator KERN. And you were in Chicago?

Mr. HINES. Yes.

Senator KERN. When did you leave Chicago?

Mr. HINES. When did I leave Chicago?

Senator KERN. Yes; after that.

Mr. HINES. In 1909?

Senator KERN. In 1909.

Mr. HINES. I could tell from my records. They are at the hotel. Those records would show exactly. I could not say from memory, but I have the records.

If you will repeat the telegram, Senator, I may be able to give you a little more definite answer.

The CHAIRMAN. The telegram, you have testified, was dated May 18, 1909, from Washington, D. C., to Edward Hines, Chicago, signed by H. S. Boutell, and reads:

Yesterday afternoon's telegram received. Will arrive Chicago, Pennsylvania Special, 8.45 to-morrow morning. Wire me latest news this morning.

That was 9.30 a. m.

Mr. HINES. That telegram might not have referred to the Illinois senatorial situation. There was another matter which Mr. Boutell was interested in, and which he asked me to find out about for him. That word "news" may refer to a piece of real estate that he sold, in which papers were being prepared, and which I assisted him to sell. It may refer to that, and that he came on to sign the papers.

Senator KERN. You were in Washington on May 17, were you not?

Mr. HINES. I could not tell just from memory at this time. If I had my records I could tell.

Mr. FARRAR. The record shows that he was in Chicago on the 17th.

Senator KENYON. Were you interested with Mr. Boutell in this land matter?

Mr. HINES. No, sir; it was in regard to a piece of dock property near our lumber yard. He had been trying to sell it, and he could not sell it. I knew a man who wanted a piece of dock property, and I brought them both together. I had no interest in the matter at all. He simply spoke to me about it.

Mr. HANEY. And the sale was made?

Mr. HINES. And the sale was made, to a large cast-iron concern that was looking for a piece of dock property; and I had been asked by them about a piece of dock property, a short time before. Congressman Boutell, knowing about our dock property and our being in the vicinity, asked me what his property was worth, and what it could be sold for. I referred to that incident, and brought them both together, and the property was sold.

The CHAIRMAN. It appears, Senator, I think, on page 826 that Mr. Hines was in Washington on May 17.

Senator KERN. The telegram seems to be dated that way.

Senator FLETCHER. This telegram was sent by Mr. Hines from Chicago to Hon. H. S. Boutell, The Highlands, Washington, D. C.

The CHAIRMAN. Yes; that is right. The telegram reads:

Be here Wednesday morning; everything ready; close trade. Special matter very unfavorable. Can not bring interests center of State in line. Looks like combination for Chicago man. Wire what train you will arrive on. Will meet you at train.

Mr. HINES. That refreshes the whole thing to my memory.

Senator KERN. That was May 17?

Mr. HINES. Yes. The first part of that message referred to the real estate matter; that the papers were ready to sign and the money to be turned over. The second part of the telegram refers to Congressman Boutell's candidacy being unfavorable; that it looked like Congressman Lorimer could possibly be elected.

Senator KERN. It says:

Looks like combination for Chicago man.

Mr. HINES. That meant Congressman Lorimer.

Senator KERN. You telegraphed him from Chicago to Washington on May 17?

Mr. HINES. Yes.

Senator KERN. He telegraphed you from Washington to Chicago on the 18th?

Mr. HINES. Yes, sir.

Senator KERN. In the meantime you had changed positions—you had gone to Chicago and he had come to Washington?

Mr. HINES. It would appear so from those telegrams. I met him in Chicago that time, I think. I was there just a day, I remember. I know I did. The piece of property referred to there is on the Chicago River, right near our lumber yard.

Senator KERN. Then you met Mr. Boutell in Chicago the 19th?

Mr. HINES. I think it was.

Senator KERN. On the morning of the 19th?

Mr. HINES. I think so.

Senator KERN. How long did you remain in Chicago then?

Mr. HINES. I think I left that afternoon, or the next afternoon; I am not positive. My record would show absolutely about that. It is just simply from memory that I am stating now. It is impossible to memorize back that far.

The CHAIRMAN. You may proceed, now, Mr. Marble.

Mr. MARBLE. Did you fix the date of your call upon Mr. Gary at New York as the 11th?

Mr. HINES. No, sir.

Mr. MARBLE. February 11?

Mr. HINES. No, sir.

Mr. MARBLE. What was the date?

Mr. HINES. I am not positive whether it was the 11th or the 17th. I am not positive about it. It was one of those dates.

Mr. MARBLE. Was it the same day that you called upon Mr. Brown?

Mr. HINES. I do not recollect whether it was the same day or not.

Mr. MARBLE. Did you go from Mr. Brown to Mr. Gary or from Mr. Gary to Mr. Brown?

Mr. HINES. I do not think I saw Mr. Gary the same day that I saw Mr. Brown, but I am not positive about that.

Mr. MARBLE. Did you discuss with either the visit to the other?

Mr. HINES. No; I do not think I did.

Mr. MARBLE. I judge that you have not a separate memory of those two visits to them. They run together in your mind. Is that it?

Mr. HINES. They were within two weeks apart, and I am not positive whether I saw Mr. Brown on the 11th or on the 17th, or Mr. Gary on the 17th or on the 11th. I am pretty positive I did not see

them both the same day, for I had only a few hours there in both cases. I went there for specific things and left hurriedly.

Mr. MARBLE. But except as you reason about the matter, you do not remember the visits separately? They run together in your mind after this time. Is that true?

Mr. HINES. I do not think they were the same day. I do not think they were.

Mr. MARBLE. Answer the question. Your memory of the two visits runs together, so that you do not recall incidents as being on the 11th and other incidents as being on the 17th?

Mr. HINES. No; they do not run together, as I recall it. I think I saw them on separate days, as I recollect.

Mr. MARBLE. Could you say which time you saw Mr. Brown?

Mr. HINES. No; I could not without, probably, looking up some records. It was either the 11th or the 17th. I am not positive which.

Mr. MARBLE. And you would state in the same way as to when you saw Mr. Gary?

Mr. HINES. Yes.

Mr. MARBLE. Whom else did you see in New York on those days?

Mr. HINES. I called on J. S. Bache & Co.

Mr. MARBLE. Whom else?

Mr. HINES. I called on them at the same time that I called on Mr. Gary; it is the same matter I talked about. That is the only business I had with them.

Mr. MARBLE. Whom else?

Mr. HINES. I stated I called on Mr. Duntley, of Bergen & Co.

Mr. MARBLE. Could you tell which time at New York you called on them?

Mr. HINES. I am pretty positive I called on him the same day I called on Mr. Brown.

Mr. MARBLE. Whom else?

Mr. HINES. And I called on a large real-estate man there. I will think of his name in a minute. His office is on Broadway. I called on Mr. Perry, secretary of the National Wholesale Lumber Dealers' Credit Association.

Mr. MARBLE. Whom else?

Mr. HINES. I think that was all I called on.

Mr. MARBLE. Did you call on Mr. Lovett, of the Union Pacific Railroad?

Mr. HINES. Not at that time.

Mr. MARBLE. Not on the occasion of either of those visits?

Mr. HINES. No, sir.

Mr. MARBLE. When was it you called on Mr. Lovett, afterwards or before?

Mr. HINES. I think I saw Mr. Lovett some time in the winter—along in January some time.

Mr. MARBLE. Did your visit to Mr. Lovett have to do with Senator Lorimer?

Mr. HINES. Why, not directly; it did not. I do not recollect now whether his name was mentioned there or not. It may have been.

Mr. MARBLE. Your primary business was other than that?

Mr. HINES. Yes.

Mr. MARBLE. You do not recall, for sure, whether or not you discussed the matter with him?

Mr. HINES. I may have. I am not positive about that. It was very incidental. There was no incident about it so strong in my mind as there was with Judge Gary.

Mr. MARBLE. Did you testify, in response to questions of your counsel, that you had been attacked in the newspapers previous to these visits to New York with reference to the election of Senator Lorimer?

Mr. HINES. I do not know, directly, what my testimony was about. I know that at the time the lumber interests—the National Wholesale Dealers' Association and myself personally—had been by the newspapers sort of connected with Senator Lorimer's election, and there was more or less discussion about it.

Mr. MARBLE. Well, you had been connected with it, had you not?

Mr. HINES. Well, in a way; yes, sir.

Mr. MARBLE. What did this reference mean that it gave you any concern or caused you to stay in Washington?

Mr. HINES. Because the National Wholesale Manufacturers' Association were in no way connected with it, and I was president of that association.

Mr. MARBLE. Some of your telegrams with reference to the matter were charged up to their account, were they not?

Mr. HINES. I do not know about that.

Mr. MARBLE. By you?

Mr. HINES. I do not know about it. I do not think they were. It was a mistake if they were.

Mr. MARBLE. You testified on your direct examination first that they might have been, and it was a mistake if they had been.

Mr. HINES. Yes; simply an error.

Mr. MARBLE. You discussed with various gentlemen the proposed election of Senator Lorimer?

Mr. HINES. The "proposed"?

Mr. MARBLE. Yes; the contemplated election. At the time it seemed as if he might be elected.

Mr. HINES. Yes.

Mr. MARBLE. Was there anything to the discredit of the lumber manufacturers if they were advocating the election of Senator Lorimer?

Mr. HINES. Not if the papers had printed the facts; but they attempted to show there were dishonorable acts with which the national wholesale dealers had been connected, which was a falsehood.

Mr. MARBLE. Were you discussing those acts and charges in Washington?

Mr. HINES. I did, sir.

Mr. MARBLE. And that was the purpose of being here?

Mr. HINES. That was one of the purposes.

Mr. MARBLE. And your presence here was called for by the concern for the other manufacturers, rather than by any concern for yourself?

Mr. HINES. Also myself.

Mr. MARBLE. What was your concern for yourself?

Mr. HINES. Why, I wished to advise anyone whom I could of the facts concerning Senator Lorimer's election, and to falsify a number of statements that were made, to the best of my ability.

Mr. MARBLE. You mean to answer and refute the statements that had been made?

Mr. HINES. Yes, sir.

Mr. MARBLE. You would not falsify any statement, of course?

Mr. HINES. Not intentionally.

Mr. MARBLE. Now, if the committee please, these telegrams and the letters with them which have been referred to here have been put in as I understand it to indicate the whereabouts of Mr. Hines during a certain period. I do not understand that that issue is of very great importance on the present state of the record, but in so far as it is important I would ask that these telegrams and letters be either read into the record, or that they be placed in the possession of the clerk of this committee, to be retained subject to the examination of the committee, and subject to consideration of the committee on my request that they be printed in the appendix, if they be not printed in the record. Also that my request that Mr. Hines produce all other telegrams sent or received by him in Washington for this period for the inspection of the committee be considered and passed upon by the committee.

Senator KERN. Let us see those telegrams.

Senator KENYON. Are there letters, as well as telegrams?

Mr. MARBLE. There are a few.

Senator KERN. I would suggest that we look over these telegrams later.

The CHAIRMAN. This matter will be held for the present and the committee will take up the whole subject in executive session.

Mr. MARBLE. Mr. Hines, do you recall anyone else that you saw in New York on the 11th or the 17th, whom you have not yet named to the committee?

Mr. HINES. No, sir; I do not, just at this time.

Mr. MARBLE. Do you recall the names which you were reluctant to name to the committee on Saturday?

Mr. HINES. What names were those?

Mr. MARBLE. I do not know. You were reluctant on Saturday to answer my question as to whom you saw and talked to.

Mr. HINES. I said I was reluctant about disclosing my business with Judge Gary and Mr. W. C. Brown. That is what I said.

Mr. MARBLE. That is what you were reluctant about disclosing?

Mr. HINES. Yes.

Mr. MARBLE. And any name you were reluctant to disclose has been disclosed now, if you were reluctant to disclose any?

Mr. HINES. I did not make any such statement as that.

Mr. MARBLE. You do not recall that you were reluctant on Saturday to disclose any names?

Mr. HINES. No, sir.

Mr. MARBLE. Do you recall anyone else that you saw in New York on either of those visits and with whom you talked?

Mr. HINES. Not at this time.

Mr. MARBLE. Acquaintances of yours?

Mr. HINES. No, sir.

Mr. MARBLE. On any subject whatever?

Mr. HINES. Well, I do not recall just now. I was at the hotel, and I may have seen a number of people there. I do not recall anybody.

Mr. MARBLE. Do you recall anyone else with whom you discussed Senator Lorimer and whom you asked to write letters?

Mr. HINES. Not at that time. I do not recollect anybody else?

Mr. MARBLE. Anybody other than Mr. Brown?

Mr. HINES. I did not ask Mr. Brown to write letters.

Mr. MARBLE. You asked him to speak to people that came into his office?

Mr. HINES. No, sir; I do not think I put it just in that way. He spoke so strong and so favorably of Senator Lorimer, and the papers were attacking him so at that time, that I said I felt that with men of his prominence it would only be doing justice to the Senator if he would so state to such men as he came in contact with. That is what I said to him.

Mr. MARBLE. You do not recall any such conversation with anyone else in New York on either of those visits?

Mr. HINES. No, sir.

Mr. MARBLE. Would you say that you did not have any such conversation with anyone else?

Mr. HINES. I would not say that I did not. It would be perfectly proper for me to do so if I met somebody.

Mr. MARBLE. I was testing your memory rather than the quality of your actions.

Mr. HINES. No; I would not say at this time, but what I may have met some other people, but I have tried to give you those I recollect.

Mr. MARBLE. It is your present memory, is it, that you were not reluctant to disclose names on Saturday?

Mr. HINES. Names?

Mr. MARBLE. Names.

Mr. HINES. Not as I recollect.

Mr. MARBLE. On page 28 of the type-written record of Saturday I asked you this question:

Can you tell us anyone that you called on?

Mr. HINES. Why, let me see. Well, I dislike to draw in the names of gentlemen where they might be construed as having something to do with this case, and I prefer to tell the chairman, if you have no objections.

Mr. HINES. I recollect making that statement.

Mr. MARBLE. You do remember that you were reluctant on Saturday?

Mr. HINES. Yes.

Mr. MARBLE. And you had forgotten it?

Mr. HINES. Yes. I had more reference to the subject of my conversation with them—my business.

Mr. MARBLE. Then you disclosed the names of all the persons whom you had in mind when you made that reply to me?

Mr. HINES. To the best of my recollection; yes.

Mr. MARBLE. On page 30 I said, "Now, have you named the men you have in mind whose names you did not want to mention?"

And to that you answered: "Yes; one of the men."

Who were the others—Mr. Gary?

Mr. HINES. Why, that is one of the men I had in mind.

Mr. MARBLE. Anyone else?

Mr. HINES. Not that I recollect of now.

Mr. MARBLE. I said, "Which one of those men were you reluctant about naming?"

And you said, "I did not want to mention Mr. Brown, the president of the New York Central."

Mr. HINES. Yes; that is one of them.

Mr. MARBLE. Were there others?

Mr. HINES. I said Mr. Gary, now, as I recollect it.

Mr. MARBLE. Anyone else?

Mr. HINES. Not that I recollect.

Mr. MARBLE. That is all.

Senator KENYON. Did you ask Judge Lovett, when you saw him at any time in New York, to use his influence in the Lorimer matter?

Mr. HINES. His influence? No, sir.

Senator KENYON. Did you ask him about it?

Mr. HINES. What do you mean—"about it"?

Senator KENYON. To write any letters or see any people?

Mr. HINES. No, sir.

Senator KENYON. Did you discuss with him the merits of the controversy that was then being carried on in Congress over the matter?

Mr. HINES. Why, I do not recollect of my discussing it. It might have been that the subject came up, and if it did I would discuss it; if the subject was brought up I would discuss it.

Senator KENYON. Was the subject brought up, or was it not?

Mr. HINES. I do not recall. It might have been, because I probably came from Washington direct.

Senator KENYON. And your only business in Washington at that time was the Lorimer matter?

Mr. HINES. No, sir. I was here also, if I recollect right, in regard to the reciprocity bill. Our association was against that, and we were doing all we could to enlighten the different Senators on our side of the case, and I was here continuously in that regard.

Senator KENYON. To which did you give the most attention, reciprocity or the Lorimer matter?

Mr. HINES. Oh, I gave the reciprocity the most of my time and attention.

Senator KENYON. I was asking you the other day, at the time of adjournment, about your calling on different Senators, and your talking to them about the Lorimer case. You mentioned two Senators. You were here about three months, were you not?

Mr. HINES. I was here off and on during the period of three months. I would make trips back to Chicago, and somewhere else, and back here.

Senator KENYON. Was the discussion in the Senate going on for a period of three months?

Mr. HINES. On what subject?

Senator KENYON. On the question of Senator Lorimer's right to his seat?

Mr. HINES. I do not recollect just how long the period lasted.

Senator GAMBLE. I think the record shows that the report was filed on the 20th or the 21st of December, 1910, and then an adjournment was taken until the 2d or 3d of January. The vote was had, as I recollect it, on the 1st day of March, so that it was under discussion or under consideration two months.

Mr. HANEY. And speeches were going on occasionally for some considerable time after that.

Senator KENYON. Senator Gamble's statement conforms with your recollection?

Mr. HINES. I think in a general way, as I recollect it.

Senator KENYON. What other Senators during that period except those that you mentioned on Saturday did you call upon and talk with concerning what was called the Lorimer case?

Mr. HINES. I just could not say which ones I did call on or did not. I called on a number of them, in regard to both the reciprocity bill and the Senator Lorimer matter, and sometimes on both, and sometimes only on one subject.

Mr. MARBLE. Do you say that you can give the names of no other Senators whom you called on with reference to the Lorimer case except those that you named on Saturday?

Mr. HINES. No; I would not say that.

Senator KENYON. Then I ask you what other Senators you called on and discussed the matter with?

Mr. HINES. I was trying to remember. I remember calling on Senator Borah, of Idaho—just from memory, now.

Mr. MARBLE. Was that a friendly visit?

Mr. HINES. Well, I would not say. I knew Senator Borah in the tariff times, and if you asked me the result, I would say unfriendly. I would not say the visit was unfriendly.

Senator KENYON. Did you request Senator Borah to do anything in the Lorimer case?

Mr. HINES. I talked to him about the merits of it; about the reports in the papers attributing to the Lumbermen's Association aiding in the result and all those things. I discussed it in a general way.

Senator KENYON. Did you threaten any Senator as to what you would do or the interest that you represented would do if he did not vote the way that you wanted him?

Mr. HINES. Oh, absolutely none; no, sir.

Senator KENYON. No Senator at all?

Mr. HINES. No, sir.

Senator KENYON. The result of your visit to Senator Borah resulted in an unfriendly termination?

Mr. HINES. No, sir.

Senator KENYON. In sharp words?

Mr. HINES. No, sir.

Senator KENYON. Then it resulted pleasantly?

Mr. HINES. I meant our conversation was pleasant, but I meant he did not vote for the retention of Senator Lorimer.

Senator KENYON. Is that the extent of the Senators that you called on?

Mr. HINES. No; I do not think so. I know that I talked with more than that. I was trying to remember just whom I did talk to. I know I called on Senator Cullom.

Senator KENYON. Whom else?

Mr. HINES. I remember of calling on—let us see, whom else it was. I have to go through the memory of it to recollect whom I did call on. I just can not recollect now the ones that I called on.

Senator KENYON. You called on a good many, did you not?

Mr. HINES. I called on quite a number of Senators; yes.

Senator KENYON. In other words, you were quite active in having charge of Senator Lorimer's interests in the Senate at that time, were you not?

Mr. HINES. No, sir; I would not so class it.

Senator KENYON. You were very active, were you not, in it?

Mr. HINES. I was here, active in both the reciprocity bill and also Senator Lorimer's matter; and at times we discussed both with Senators, and sometimes I would only discuss one. It would depend on the circumstances.

Senator KENYON. Mr. Hines, you have answered the question that way before. This is a very simple question.

Mr. HINES. Yes.

Senator KENYON. Were you active, or were you not, in looking after Senator Lorimer's interests before the Senate at the time of the hearing in his case?

Mr. HINES. No; I would not answer the question in that way.

Senator KENYON. You were not?

Mr. HINES. I think, if you will let me, I can make an explanation, because I could not answer the question "Yes" or "No" intelligently. I was here, doing all I could to disprove the charges made by the newspapers in regard to the lumbermen in any way being connected with the election of Senator Lorimer—that is, the National Lumber Manufacturers' Association—and to advise such Senators as I was acquainted with of the facts as I understood them.

Senator KENYON. That the Lumbermen's Association had nothing to do with it?

Mr. HINES. Yes, sir.

Senator KENYON. That was the purpose of your mission?

Mr. HINES. That was one of the purposes, and also to advise them of what connection I had with the matter.

Senator KENYON. Had your name been brought into the matter at all at that time?

Mr. HINES. Oh, yes—decidedly.

Senator KERN. Were you trying to get influential people in the different States to influence their Senators, or the Senators with whom they might be acquainted, to vote for the retention of Senator Lorimer in his seat?

Mr. HINES. Anyone that I met, that I was acquainted with, and especially the lumbermen—there were a number of lumbermen here—in discussing the matter, I would advise them thoroughly of all I knew about the matter. Some of the lumbermen were here this last spring who were here two years before. For instance, Mr. Skinner, of San Francisco, one of the committee appointed by the lumbermen to aid in the tariff revision, was here two years ago, and was here again when the question of Senator Lorimer's seat came up. I discussed the matter with him, because he knew personally that the lumbermen had nothing to do with it. He probably discussed that same subject with other Senators.

Senator KERN. I was asking you about the influence you were trying to exert, if any, in getting the votes of Senators in favor of Senator Lorimer in his contest.

Mr. HINES. If you would construe my aiming to disprove the falsehoods that were being circulated, and to state the facts, I presume that would be true.

Senator KERN. Who is Mr. Lynn H. Dinkins?

Mr. HINES. He is a banker at New Orleans.

Senator KERN. I observe among the telegrams a telegram from Lynn H. Dinkins, dated February 13, directed to you, reading as follows:

EDWARD HINES,

New Willard Hotel, Washington, D. C.:

Your letter 10th. Do you desire Mississippi support reciprocity or Illinois matter? Answer.

LYNN H. DINKINS.

What Illinois matter was referred to there?

Mr. HINES. I should think from that telegram, to the best of my recollection, that he imagined it was in regard to Senator Lorimer's election. I presume so.

Senator KERN. What did he mean by "Mississippi support"?

Mr. HINES. At that time we were discussing the reciprocity bill, and sent out a number of letters to friendly interests who might be interested in the subject, to explain their position on the reciprocity bill.

Senator KERN. This says: "Do you desire Mississippi support reciprocity or Illinois matter."

Mr. HINES. I presume my Dinkins probably did not understand the subject I was writing him about.

Senator KERN. He did not?

Mr. HINES. No, sir.

Senator KERN. Mr. Dinkins had been here in Washington, had he not, and you and he had conferred about it?

Mr. HINES. I do not recollect whether he was in Washington at that time or not. He may have been.

Senator KERN. Had not he been in Washington before that?

Mr. HINES. He is here frequently. He may have been at that time. I met him here several times. I met him here during the discussion—

Senator KERN. Were you endeavoring, through Mr. Dinkins, to get the support of the Mississippi Senators?

Mr. HINES. For what subject?

Senator KERN. For Mr. Lorimer.

Mr. HINES. I do not think I was, but I am not positive about what I talked to him about when I was here. But I know Mr. Dinkins discussed the reciprocity bill very fully here with me, and was very much interested.

Senator KERN. Why was he telegraphing you about what you desired in the Illinois matter?

Mr. HINES. I presume when he was here the subject may have come up, and he did not understand my request, possibly, and wired for information. That is the only way I can account for it now.

Senator KERN. Did you get a telegram from him, as follows:

NEW ORLEANS, LA., February 13, 1911.

EDWARD HINES,

New Willard Hotel, Washington, D. C.:

Your letter 10th. Do you desire Mississippi support reciprocity or Illinois matter? Answer.

LYNN H. DINKINS.

Mr. HINES. I think I did.

Senator KERN. In your answer to that telegram did you explain to him that he was mistaken about your attitude in regard to the Illinois matter?

Mr. HINES. I do not recollect from memory, now, what I said. I presume I have a copy of the telegram, but I do not recollect from memory what I did say in it.

The CHAIRMAN. Do you remember whether the Mississippi Senators voted for Senator Lorimer?

Mr. HINES. They both voted against him, if I recollect correctly.

Mr. HANEY. They did, and the record so shows.

Mr. HINES. I do not remember about that.

Senator KERN. Of course they did. I am asking Mr. Hines about his efforts with reference to various Senators.

The CHAIRMAN. I was asking for information. I did not know.

Senator KERN. Oh, yes; they both voted against Mr. Lorimer.

Mr. HINES. I do not remember about that.

Senator KERN. I have no further questions now. Of course, we understand that Mr. Hines will be called to the stand later on for further cross-examination.

The CHAIRMAN. Unless there are further questions you will be excused, Mr. Hines.

Senator KENYON. That is the understanding—that Mr. Hines is to be recalled?

The CHAIRMAN. Yes.

Senator KERN. As I say, of course, he is subject to recall at any time.

Mr. HEALY. Mr. Chairman, I am just in receipt of a letter from the witness Burgess, who testified before the committee last week, in which he incloses to me, as per an arrangement which he said he made on the stand when he was a witness, a copy of a letter sent by him to Mr. Kohlsaat.

The CHAIRMAN. The original letter?

Mr. HEALY. The original letter is in the record. This is the carbon copy. I will submit it to the gentlemen upon the other side. If they find it is an accurate copy of the original, then, with the consent of the committee, I will return it to Mr. Burgess. In looking it over it seems to me to be a correct copy, though I have not compared it with the original.

Mr. HANEY. Which one did you have, Mr. Healy, as attorney for the Helm committee?

Mr. HEALY. The one which is in the record.

Mr. FARRAR (after examining copy). This is it. I remember it.

Mr. HANEY. It was the original that you had as attorney for the Helm committee at Springfield?

Mr. HEALY. Yes.

Mr. HANEY. And you did not use it there?

Mr. HEALY. No.

Mr. HANEY. It was not in evidence or used at all?

Mr. HEALY. No. I did not have it at Springfield, as a matter of fact.

The CHAIRMAN. What is your intention now, Mr. Marble?

Mr. MARBLE. My intention is to call Mr. James Keeley, providing counsel are through. They were calling witnesses last.

Mr. HANEY. Yes; that is all we wish to call just now.

The CHAIRMAN. We will take a recess now until 2 o'clock, and in the meantime the committee will take up this question of the telegrams.

(The committee thereupon took a recess until 2 o'clock p. m.)

AFTER RECESS.

(The committee resumed its session at the expiration of the recess.)

Mr. MARBLE. We will call Mr. Keeley.

The CHAIRMAN. Before proceeding I will say that the telegrams referred to in the discussion before we adjourned will be handed to Judge Hanecy, to be produced at any time the committee would like to examine them further.

(The telegrams referred to were thereupon handed by the chairman to Mr. Hanecy.)

TESTIMONY OF JAMES KEELEY.

JAMES KEELEY, being duly sworn, was examined and testified as follows:

Mr. MARBLE. Your name is James Keeley?

Mr. KEELEY. It is.

Mr. MARBLE. What is your occupation?

Mr. KEELEY. Newspaper man.

Mr. MARBLE. In the city of Chicago?

Mr. KEELEY. In Chicago.

Mr. MARBLE. What is your present employment?

Mr. KEELEY. I am editor of the Chicago Tribune.

Mr. MARBLE. Are you the chief managing editor of that publication?

Mr. KEELEY. I am general manager and editor.

Mr. MARBLE. What is your authority and duty?

Mr. KEELEY. My authority is absolute.

Mr. MARBLE. In all departments?

Mr. KEELEY. In all departments.

Mr. MARBLE. Do you direct the editorial policies?

Mr. KEELEY. Now I do; yes.

Mr. MARBLE. What was your authority in the year 1910?

Mr. KEELEY. The same as now.

Mr. MARBLE. Throughout the year?

Mr. KEELEY. No; not throughout the year. About the latter part of February or the first of March, I should say, I was placed in control of the property.

Mr. MARBLE. Before that what were your duties?

Mr. KEELEY. I was managing editor.

Mr. MARBLE. Without as complete authority as you now possess?

Mr. KEELEY. Oh, absolutely. I was subordinate to the editor.

Mr. MARBLE. Who was at that time?

Mr. KEELEY. Mr. Medill McCormick.

Mr. MARBLE. Can you fix the time of the change?

Mr. KEELEY. Only as I stated it a minute ago—the latter part of February or the first part of March.

Mr. MARBLE. How long have you been with the Chicago Tribune?

Mr. KEELEY. Between 20 and 21 years.

Mr. MARBLE. Tell us, briefly, the various capacities in which you have served in connection with that paper.

Mr. KEELEY. Reporter; assistant city editor; city editor; managing editor, and editor.

Mr. MARBLE. Were you in the newspaper business before entering the employ of the Tribune?

Mr. KEELEY. Yes, sir.

Mr. MARBLE. Who owns the Chicago Tribune?

Mr. KEELEY. A corporation.

Mr. MARBLE. Do you know the stockholders?

Mr. KEELEY. I do.

Mr. MARBLE. Will you tell us their names?

Mr. KEELEY. The Joseph Medill estate, the Cowles estate, the Lloyd estate—that holding has recently been divided.

Mr. HANEY. You mean the Bross estate?

Mr. KEELEY. The Bross estate; yes; the Lloyds own it all.

Mr. MARBLE. The Bross estate and the Lloyd estate are the same?

Mr. KEELEY. No; it is the Bross estate, and the present owners are all named Lloyd. They are grandsons of Bross.

Mr. HANEY. The four Lloyd boys are grandsons of Bross.

Mr. KEELEY. Prof. Colbert is a stockholder; also the Cowles estate; the Lloyds; Mr. R. W. Patterson's daughter, Eleanor Patterson, who married the Count Gizcyski; the estate of Conrad Kahler, who was one of the old-time employees, and Mr. Medill McCormick, I think, is a stockholder, and his brother, R. R. McCormick, also; the Medill estate; George P. Upton, formerly an employee; and Horace White, more recently of the New York Evening Post.

Mr. MARBLE. Who owns the control?

Mr. KEELEY. The Medill estate.

Mr. MARBLE. Who owns the Medill estate?

Mr. KEELEY. Mrs. R. W. Patterson and Mrs. R. S. McCormick, the daughters of Joseph Medill.

Senator JOHNSON. What is it capitalized at?

Mr. KEELEY. There are 2,000 shares, Senator.

Mr. MARBLE. Have they a par value?

Mr. KEELEY. I know of none being sold.

Mr. MARBLE. Yes; but I mean have they a par value stated?

Mr. KEELEY. I think the value was \$200,000 when the company was incorporated.

Mr. MARBLE. That would be 2,000 shares at \$100 per share?

Mr. KEELEY. Yes, sir.

Mr. MARBLE. That would be the stated capitalization?

Mr. KEELEY. Yes.

Mr. MARBLE. What is the value of the property?

Mr. KEELEY. I could not put any real value on it. I do not know.

Mr. MARBLE. A million dollars?

Mr. KEELEY. It is worth more than that. I will say that it has been stated that the property is worth anywhere from \$7,500,000 to \$10,000,000. That is an estimate made by outsiders. What the owners regard as its value I do not know.

Mr. MARBLE. That includes the newspaper, plant, real estate, and good will?

Mr. KEELEY. And buildings.

Mr. HANEY. Between \$7,500,000 and \$10,000,000?

Mr. KEELEY. Yes. That has been the value placed on it by people who have speculated as to its value.

Mr. HANEY. I just wanted to know what you had said.

Mr. MARBLE. You do not know of its stock being traded in?

Mr. KEELEY. The only transfer of stock that I have any knowledge of was the sale of 10 shares by Mr. R. W. Patterson some five or six or seven years ago to Mr. Medill McCormick and Mr. R. R. McCormick.

Mr. MARBLE. Do any of the McCormicks who are concerned with the International Harvester Co. own stock in the Tribune Co., as far as you know?

Mr. KEELEY. No, sir.

Mr. MARBLE. Do you know Mr. Cyrus McCormick?

Mr. KEELEY. I know of him; yes.

Mr. MARBLE. Does he, at all, advise with you regarding the policy of the Tribune?

Mr. KEELEY. He never has.

Mr. MARBLE. Or direct you?

Mr. KEELEY. He never has. I never spoke to him until I met him down here a month ago.

Mr. MARBLE. What was the attitude of the Chicago Tribune toward Senator Lorimer prior to the publication of the White matter—that is, what was the attitude of the paper in the time after his election and up to the time of the publication of the White matter?

Mr. KEELEY. I think there was no expressed attitude one way or the other. I have no recollection of it.

Mr. MARBLE. Has the Tribune a traditional policy of enmity to Senator Lorimer—

Mr. KEELEY. I should think not.

Mr. MARBLE (continuing). Which you inherited from your predecessors?

Mr. KEELEY. I should say not.

Mr. MARBLE. You would know it if there were?

Mr. KEELEY. Well, Mr. Marble, I would phrase that differently, if I may.

Mr. MARBLE. Very well.

Mr. KEELEY. I should say the Tribune has always opposed Senator Lorimer. Until I took control of the paper I had practically nothing whatever to do with formulating the policy of the paper, and at this moment I do not recall anything that came up practically which would serve to bring forward the attitude of the paper toward the Senator. I know the day after his election an editorial was printed which I hardly think could be regarded as distinctly hostile.

Mr. MARBLE. Does the committee desire to have this editorial read? It is about one-third of a column long, printed in the Chicago Daily Tribune Friday, May 28, 1909, two days after the election. I am informed by Mr. Healy that it was in the former record.

Mr. HANEY. That is not what he referred to, is it? He said the next day after the election.

Mr. KEELEY. I meant approximately. It might have been the next day or the day after. That is the editorial. I think there was only one. I would say the editorial that was printed.

The CHAIRMAN. I do not know anything about it.

Mr. MARBLE. I want to develop the attitude of the Chicago Tribune and the reasons for its actions in this matter, so far as I can, from this witness, and it occurs to me that it is fair to him and to the committee to read this editorial at the beginning.

The CHAIRMAN. Very well. Proceed.

Mr. MARBLE. This editorial to which I have reference is in the Chicago Daily Tribune Friday, May 28, 1909, in the second column of the tenth page, the editorial page, headed "The senatorial election," and reading as follows:

"The Illinois senatorial contest is over and the result needs no extended discussion. The Tribune can not approve it, but without regard to the personality of the new Senator elect. It does not think the result is right in view of the expressions of the voters at the primary last August. The Tribune has considered that the primary election ought to be held conclusive. It accepted the result of the primary and thereafter supported the candidate whom it had not originally indorsed. For the outcome some of the more ardent friends of the direct-primary law are largely responsible, and it does not alter the situation that some of the best Republicans in the legislature have voted for the newly elected Senator.

"That he has been elected largely by Democratic votes does not in itself disturb the Tribune. The Tribune will usually welcome the support of Democratic votes for Republican candidates whether voting for a Republican Senator or a Republican President. The discontent of this paper relates to the Republican legislators and Republican leaders who have seen fit to ignore the results of a primary that ought fairly and justly to have been held binding.

"The Forty-sixth General Assembly, it may be remarked in this connection, has been exceptionally fertile in mistakes, and it would be well if its members should devote the two remaining days of this demoralized session to the enactment of some of the meritorious measures that have thus far escaped the legislative wastebasket. This suggestion is especially worthy of the prompt consideration of those leaders who have proved their control of the operations of the assembly so conclusively in the election of Mr. Lorimer.

"Respecting the new Senator elect, the Tribune hardly will be accused of undue favoritism. It has been aggressive and thoroughgoing in its opposition to him at many points of his career. At the same time it recognizes his many merits. No one questions his ability. In many respects he is an able, efficient Congressman. What the Tribune wishes to see him become is more of a statesman and less of a boss politician.

"The opportunity before Mr. Lorimer in his new career is a great one, and the Tribune expresses its hope that he will make use of it to his own credit and to the honor and benefit of the people of the State of Illinois. His election, under the circumstances, may or may not arouse a storm in Illinois Republican politics, but if it does the outcome is likely to depend largely on the future course of the new Senator."

Did you write that editorial?

Mr. KEELEY. I did not.

Mr. MARBLE. Did you direct it?

Mr. KEELEY. My recollection is that I did.

Mr. MARBLE. It speaks of the opposition, thoroughgoing and complete in the past.

Mr. KEELEY. Yes.

Mr. MARBLE. And the Tribune had been opposed to Senator Lorimer for a long time?

Mr. KEELEY. For a long time.

Mr. MARBLE. Practically throughout his entire political career?

Mr. KEELEY. I should say so; yes, sir.

Mr. MARBLE. The White publication was made on the 30th day of April, 1910?

Mr. KEELEY. Yes, sir.

Mr. MARBLE. How long had the manuscript been in your possession before you printed it?

Mr. KEELEY. I think I received that about the first week in March. I can not give you the exact date, but I can give you the approximate date through a document that I have.

Mr. MARBLE. Have you the document with you?

Mr. KEELEY. Yes. Shall I read it?

Mr. MARBLE. Fix the date.

Mr. KEELEY. It is dated March 11, 1910.

Mr. MARBLE. That was the date on which this document came into your possession?

Mr. KEELEY. Oh, no. I said I could fix the date by this date. I can go back and say that it was approximately one week before this.

Mr. MARBLE. Approximately on March 4?

Mr. KEELEY. Yes.

Mr. MARBLE. Now, then, in the questions I am about to ask you, I will refer to the time between March 1 and the date of the publication of the White matter. I mean March and April of the year 1910. During that time were you personally acquainted with Senator Lorimer?

Mr. KEELEY. Why, I do not believe I talked with Senator Lorimer more than three times in my life.

Mr. MARBLE. You had seen him before that time?

Mr. KEELEY. Yes; and during that period. My recollection is that probably my second or third conversation with the Senator occurred during that period.

Mr. MARBLE. You have described the attitude of the Tribune toward him. Had you any personal difficulty with Senator Lorimer?

Mr. KEELEY. None whatever.

Mr. MARBLE. Or any business relations with him?

Mr. KEELEY. None whatever.

Mr. MARBLE. Did you know Edward Hines?

Mr. KEELEY. I think my first interview with Mr. Hines occurred during the discussion of the tariff on lumber. That was some little time prior to this, I think.

Mr. MARBLE. So that you did know Mr. Hines?

Mr. KEELEY. Oh, yes; I did know Mr. Hines. I knew of him and I knew who he was.

Mr. MARBLE. Did you have any unpleasant relationship with him?

Mr. KEELEY. No; I would not regard it as particularly unpleasant. There was one incident, though, that occurred.

Mr. MARBLE. You had better tell us.

Mr. KEELEY. Mr. Hines came up to see me about the duty on lumber.

Mr. MARBLE. When?

Mr. KEELEY. Why, I can not fix that exactly. I will say that it was subsequent to, I believe, the centenary of Abraham Lincoln's birth; and I will tell you how I arrive at that as I tell you the story. We disagreed on the lumber matter, and Mr. Hines said, "Why, we have given you \$600 recently." I said, "What?" He said, "Why, we paid you \$600 for a page ad in this special edition," and my memory now is that was the big paper that we got out on the occasion of the centenary of Abraham Lincoln's birth, or it might have been some other occasion when there was a special edition; and we had some little conversation about that, and Mr. Hines seemed to think that because he had placed this page advertisement in the Tribune and, as he said, given us \$600, that we owed him something. I pointed out the fact that that was not so, and I returned the \$600, he holding to that theory. I sent him back the \$600 and told him we did not want his money; that there was absolutely no connection between the advertising columns of the Tribune and its editorial opinions.

Mr. MARBLE. Is there any connection between that occurrence and the publication of the White confession?

Mr. KEELEY. Oh, no. I did not know Mr. Hines had anything to do with it.

Mr. MARBLE. Or any part that the Tribune had in that publication?

Mr. KEELEY. No, sir.

Mr. MARBLE. Or with regard to any publication of Mr. Hines's name in connection with the election of Senator Lorimer?

Mr. KEELEY. Absolutely none.

Mr. MARBLE. Did you know Mr. Wiehe during that time, March and April, 1910?

Mr. KEELEY. No, sir.

Mr. MARBLE. You had no relationship with him of any sort?

Mr. KEELEY. No, sir.

Mr. MARBLE. And no unpleasantness existed?

Mr. KEELEY. No, sir.

Mr. MARBLE. Did you know C. S. Funk during that time?

Mr. KEELEY. I had known of Mr. Funk and I had met him once or twice probably in the preceding five or six or seven or eight or nine years, but I don't remember when. I would not have known him if he had walked into the office.

Mr. MARBLE. Did you ever talk with him regarding the publication of the White story?

Mr. KEELEY. I did not.

Mr. MARBLE. Or in regard to any of your utterances or acts with relation to the election of Senator Lorimer?

Mr. KEELEY. No, sir.

Mr. MARBLE. Did you know Mr. Bancroft at that time?

Mr. KEELEY. I had known Mr. Bancroft four or five years; yes.

Mr. MARBLE. Closely?

Mr. KEELEY. Well, we belonged to a little club, called the Wayfarers.

Mr. MARBLE. Did you ever advise with him regarding the publication of the White letter?

- Mr. KEELEY. I did not.
- Mr. MARBLE. Or with regard to any utterance of the Tribune regarding this general controversy?
- Mr. KEELEY. No; I did not.
- Mr. MARBLE. Did you know Wirt H. Cook?
- Mr. KEELEY. No, sir; had never seen or talked with him.
- Mr. MARBLE. Never advised with him regarding his testimony or regarding your publication?
- Mr. KEELEY. No, sir.
- Mr. MARBLE. Or any matter?
- Mr. KEELEY. No, sir.
- Mr. MARBLE. Did you know William O'Brien during that time?
- Mr. KEELEY. Never had laid eyes on the gentleman or talked with him.
- Mr. MARBLE. Had you advised with him or conferred with him at all?
- Mr. KEELEY. I had not.
- Mr. MARBLE. Did you help to bring the testimony of Cook and O'Brien to the attention of the Helm committee?
- Mr. KEELEY. I do not think I did. I do not know.
- Mr. MARBLE. Was it brought to your attention before it was given?
- Mr. KEELEY. No; I had nothing to do with that. That is my recollection.
- Mr. MARBLE. What were your personal relations with Senator Hopkins?
- Mr. KEELEY. Friendly.
- Mr. MARBLE. Did you know him well?
- Mr. KEELEY. Oh, I knew him fairly well; yes.
- Mr. MARBLE. What was the Tribune's attitude toward Senator Hopkins?
- Mr. KEELEY. In this contest?
- Mr. MARBLE. In the senatorial primary election, first.
- Mr. KEELEY. We supported him.
- Mr. MARBLE. Did you support him while the legislature was in session?
- Mr. KEELEY. We did, continuously.
- Mr. MARBLE. Did you advise with him regarding the publication of the White story?
- Mr. KEELEY. I did not.
- Mr. MARBLE. Or regarding any of your publications on this general subject?
- Mr. KEELEY. No, sir.
- Mr. MARBLE. What was the Tribune's attitude toward Gov. Deneen during that time?
- Mr. KEELEY. Friendly.
- Mr. MARBLE. You were his supporter?
- Mr. KEELEY. We have supported Gov. Deneen and we have criticized him.
- Mr. MARBLE. Supported him whenever he has run for office, haven't you?
- Mr. KEELEY. That is my recollection.
- Mr. MARBLE. And advised his election?
- Mr. KEELEY. Yes, sir.
- Mr. MARBLE. You are personally friendly with him?

- Mr. KEELEY. Yes, sir.
- Mr. MARBLE. You did advise with Gov. Deneen regarding the White story before it was published?
- Mr. KEELEY. I had two conversations with him, one conversation with him before it was printed.
- Mr. MARBLE. Where was the first conversation had?
- Mr. KEELEY. In the La Salle Hotel.
- Mr. MARBLE. When?
- Mr. KEELEY. On the night of March 16.
- Mr. MARBLE. Did you tell him you had a manuscript from Mr. White?
- Mr. KEELEY. I told him I had a story.
- Mr. MARBLE. From Mr. White?
- Mr. KEELEY. I did not.
- Mr. MARBLE. What did you tell him?
- Mr. KEELEY. I told him I had a story of a legislator who had confessed that he had been bribed to vote for Lorimer, and also that he had received a certain sum of money for his share of the jack pot.
- Mr. MARBLE. Did you tell him it was a Democratic legislator?
- Mr. KEELEY. I do not remember.
- Mr. MARBLE. Did you tell him it was a labor man?
- Mr. KEELEY. I did.
- Mr. MARBLE. What did he say?
- Mr. KEELEY. Well, I went to him and asked him what in his judgment would be the proper step to take to verify the story. He had been State's attorney there for eight years, and he spoke of proof such as hotel registers, bank books, bank records, records of railroad attorneys, and things of that kind as being the necessary proof to sustain the unsupported allegation as I had it at that time of the man who had submitted this story to me.
- Mr. MARBLE. Did you outline the story to him?
- Mr. KEELEY. Briefly, yes; but not specifically in detail.
- Mr. MARBLE. You did not show the manuscript to him then?
- Mr. KEELEY. I did not.
- Mr. MARBLE. Did you have the manuscript with you when you talked to him?
- Mr. KEELEY. I did not.
- Mr. MARBLE. Did he advise you to publish it?
- Mr. KEELEY. I did not ask for his advice. I told him if it was true I was going to print it if I could prove it.
- Mr. MARBLE. Did you know Speaker Shurtleff at that time?
- Mr. KEELEY. I also told him if it was true I was going to submit it to the State's attorney; that I had a duty other than that of a newspaper man.
- Mr. MARBLE. You told that to Gov. Deneen?
- Mr. KEELEY. Yes, sir.
- Mr. MARBLE. Did you know Speaker Shurtleff at that time?
- Mr. KEELEY. I had met the speaker.
- Mr. MARBLE. Did you have any personal unpleasantness toward him?
- Mr. KEELEY. No.
- Mr. MARBLE. What was the Tribune's attitude toward him?
- Mr. KEELEY. Critical at times, and otherwise at others.
- Mr. MARBLE. Have you supported him for election?

Mr. KEELEY. I do not remember. I think the first time—well, I better not say, because I do not remember. The paper is the best evidence as to that.

Mr. MARBLE. Has he ever been to the Tribune office to talk with you?

Mr. KEELEY. During what period?

Mr. MARBLE. At any time.

Mr. KEELEY. Why, I think I have seen Mr. Shuttleff up there once or twice.

Mr. MARBLE. Do you recall what he was there upon?

Mr. KEELEY. I do not think he came to see me.

Mr. MARBLE. When he was there?

Mr. KEELEY. No, sir; just the bare recollection of having seen him there.

Mr. MARBLE. Did you know Mr. Lee O'Neil Browne?

Mr. KEELEY. No, sir.

Mr. MARBLE. What was the Tribune's attitude toward him during these two months?

Mr. KEELEY. Prior to the publication?

Mr. MARBLE. Prior to the publication.

The CHAIRMAN. What period are you covering, Mr. Marble?

Mr. MARBLE. I am covering the immediate time when this manuscript was in the possession of the Tribune.

The CHAIRMAN. How long was that?

Mr. MARBLE. The publication was on April 30, and that would make this March and April, 1910.

Senator GAMBLE. March 4 to April 30, 1910.

Mr. KEELEY. Yes; the first week in March it came into my hands, approximately. I do not remember any attitude one way or the other.

Mr. MARBLE. Had you any personal unpleasantness with Mr. Browne?

Mr. KEELEY. No, sir.

Mr. MARBLE. Do you remember whether or not the Tribune had fought him—criticized him?

Mr. KEELEY. I think he had been criticized, but I would not state for what or when or how.

Mr. MARBLE. Did you know Mr. Beckemeyer, a member of the legislature?

Mr. KEELEY. No, sir.

Mr. MARBLE. Had the Tribune had any attitude toward Mr. Beckemeyer?

Mr. KEELEY. I do not think so. I do not know. I do not remember any.

Mr. MARBLE. Or Mr. Link?

Mr. KEELEY. No; I did not know that he existed.

Mr. MARBLE. Or Mr. Holstlaw?

Mr. KEELEY. No, sir.

Mr. MARBLE. Did you advise with any of these people whom I have mentioned to you regarding the publication of the White story, except Gov. Deneen, in the way that you have stated?

Mr. KEELEY. I did not.

Mr. MARBLE. Did you talk with Gov. Deneen more than once?

Mr. KEELEY. I talked with him after the story was printed.

Mr. MARBLE. When was that?

Mr. KEELEY. I think it was about between 12.30 o'clock and 1 o'clock a. m. on the morning of the date of the publication, or it may have been a little after 1. We will average it and make it 1 a. m.

Mr. MARBLE. What was the occasion of your talk with him then?

Mr. KEELEY. After we had sent the first edition to press we went upstairs to the little clubhouse we have on the roof of the Tribune Building. The managing editor, the night editor, the city editor, the sporting editor, and the foreman composing room go up there, and we have a night lunch, and we generally discuss there what new matter there is for the second edition, and in that conversation that night I think the city editor said that he expected a story from Gov. Deneen that they had, and we had a man at the Union League Club waiting for him, that he was in town on some political mission. I said that I would like to get an interview with him on this story. So the city editor or some one called up the Union League Club, and got hold of our man down there and asked him to ask the governor when he came in to call me up, and shortly after that the governor did call me up, and I said, "Governor. I have a story here that I think will interest you, and I would like to send it down and have you take a look at it." He said, "I will come up to the office." He came to the office and came into my office, and I called a stenographer, and sent him upstairs to get a couple of papers of the first edition. I showed them to the governor and asked him for an interview. He protested that there was a little bit too much there to read in two or three minutes, and said that he could not give a long or an extended interview, or a detailed interview. I then asked him if he would call a special session of the legislature to investigate this matter, and he said that he would not say anything about that, he could not say anything about it. I then called in a stenographer and he dictated the interview that we printed in the second edition that morning—short, nothing much in it; glittering generalities, as a matter of fact.

Mr. MARBLE. Did you at all suggest to the governor some thing—that he did not say?

Mr. KEELEY. No, sir.

Mr. MARBLE. The interview did not come up to your expectations, however, I judge.

Mr. KEELEY. It did not.

Mr. MARBLE. With the permission of the committee. I will read the interview. It is very brief.

Mr. KEELEY. Might I look at it and see if it is the one?

Mr. MARBLE. Surely.

Mr. KEELEY. Yes; that is it. It must be the one, of course, because there was only one.

Mr. MARBLE. It is on the second page of the Chicago Tribune of Saturday, April 30, 1910, across the top of the three center columns, and is as follows:

GOV. DENEEN URGES SEARCHING LEGISLATIVE INVESTIGATION.

To the editor of the Tribune:

I have not, of course, read the article in detail, but its subject has been related to me by a representative of the Tribune to-night. It is a startling story, and an exhaustive investigation should be had to ascertain the facts regarding

the charges made therein. Members of the legislature are charged by a fellow member with corruption. It is due to the people and due to the members of the legislature that a searching investigation should be made and all the facts elicited.

C. S. DENEEN, *Governor.*

Senator KENYON. What is the date of that?

Mr. MARBLE. April 30, 1910. The White publication is partly on that page and partly on the reverse page.

Mr. KEELEY. Might I ask if you find a star in the date line?

Mr. MARBLE. A star is in the date line.

Mr. KEELEY. That star identifies it as the second edition. And also on the front page?

Mr. MARBLE. There is a star in the date line of the front page opposite the words "Price, 2 cents."

That is a way of identifying the second editions of the Tribune?

Mr. KEELEY. It was then—three stars now.

Mr. MARBLE. Did you give Gov. Deneen a copy of that paper?

Mr. KEELEY. I did.

Mr. MARBLE. Did he see the proof before the page was made up?

Mr. KEELEY. He did not.

Mr. MARBLE. Or see the manuscript before he saw it in the printed page?

Mr. KEELEY. He did not. There was not any manuscript until 8 o'clock that night of the story that was printed.

Mr. MARBLE. We will come to that in a minute. Was there at that time any unfriendliness between the Tribune and Senator Lorimer growing out of some controversy about a school lot in the city of Chicago?

Mr. KEELEY. Why, I do not know that the Senator had anything to do with that controversy.

Mr. MARBLE. There was a controversy?

Mr. KEELEY. There was a controversy that raged for a number of years; yes, sir.

Mr. MARBLE. The Tribune Building is situated upon a piece of school land?

Mr. KEELEY. Yes.

Mr. MARBLE. And the controversy was as to its leasehold interest in that?

Mr. KEELEY. Yes, sir.

Mr. MARBLE. And that was in the courts?

Mr. KEELEY. It has been settled in the courts. I don't know whether it was in the courts then or not. I assume it was; yes.

Mr. MARBLE. Did you know Senator Lorimer as an opponent of yours in that matter?

Mr. KEELEY. No, sir. I never connected him with that.

Mr. MARBLE. Were you influenced in publishing this story by anything that occurred in that school-lot controversy?

Mr. KEELEY. Absolutely no.

Mr. MARBLE. When did you first meet Charles A. White?

Mr. KEELEY. The first week in March; some day of the first week in March, 1910.

Mr. MARBLE. Under what circumstances did you meet him?

Mr. KEELEY. My secretary, Mr. Hammer, told me in the afternoon that a labor member of the legislature had been in to see me, with a

tale of corruption in the legislature. I was busy that afternoon, and I told Mr. Hammer to tell him to come back again. He came back the next day and I saw him.

Mr. MARBLE. Had you had any previous communication or overtures from Mr. White?

Mr. KEELEY. No, sir.

Mr. MARBLE. Had you been sending for him?

Mr. KEELEY. I had not. I did not know that he existed.

Mr. MARBLE. He came unsolicited by you?

Mr. KEELEY. Absolutely.

Mr. MARBLE. Had he been solicited to come by any member of the Tribune force?

Mr. KEELEY. No, sir; not as far as I know.

Mr. MARBLE. Had he been sent to you by Gov. Deneen?

Mr. KEELEY. He did not say so.

Mr. MARBLE. Do you know who did send him?

Mr. KEELEY. He told me subsequently.

Mr. MARBLE. Has anyone else told you? Has the person who sent him told you that he did send him?

Mr. KEELEY. No, sir.

Mr. MARBLE. You have simply Mr. White's statement as to the person?

Mr. KEELEY. Yes.

Mr. MARBLE. Who did he say sent him to you?

Mr. KEELEY. He said that he had consulted with Mr. Wright and some labor leaders, and that they had gone over the list of the papers in Chicago, and finally decided on the Tribune as the paper to which it should be submitted.

Mr. MARBLE. That is Mr. E. R. Wright, who was the president of the State Federation of Labor?

Mr. KEELEY. I assume it is the same. He said Mr. Wright.

Mr. MARBLE. He did not indicate other than to say Mr. Wright?

Mr. KEELEY. No; but my inference was that it was that Mr. Wright—if his initials are E. R.

Mr. MARBLE. Did Mr. White tell you what his business was when he called that time?

Mr. KEELEY. The first time?

Mr. MARBLE. Yes.

Mr. KEELEY. No; he was pretty mysterious: he did not have his paper, or his book, with him.

Mr. MARBLE. Did he tell you the subject matter of it?

Mr. KEELEY. Only in the most general way. I told him that I was not buying a pig in a poke, or a cat in a bag, and that if he wanted to do any business with me he would have to show what he had.

Mr. MARBLE. Did he tell you that he wanted to sell you something?

Mr. KEELEY. He did; he said he wanted to dispose of it.

Mr. MARBLE. He said that he had a story that he wanted to sell?

Mr. KEELEY. Yes.

Mr. MARBLE. Did he ask you for advice as to what market to seek?

Mr. KEELEY. No; he told me of his failure in other markets.

Mr. MARBLE. What markets did he tell you he had failed in?

Mr. KEELEY. He said he had sent it to two magazines, I believe, in New York. I think he mentioned Everybody's and Doubleday, Page & Co., I think. I am not sure about that.

Mr. MARBLE. Did he tell you that he had submitted it to Lorimer?

Mr. KEELEY. Not at that time.

Mr. MARBLE. Did he tell you that he had submitted it to Mr. L. O. Brown?

Mr. KEELEY. No; he never told me that.

Mr. MARBLE. When did he tell you that he had submitted it to Senator Lorimer?

Mr. HANEY. Do you mean by that to assume that anybody said that it was submitted to Senator Lorimer?

Mr. MARBLE. I was following the inference of the witness's answer. I do not understand that it was submitted to Senator Lorimer.

Mr. KEELEY. No; I was going to explain.

Mr. HANEY. It is assumed in the question that it was done.

Mr. MARBLE. Yes; and the assumption was based upon what I thought was a suggestion in the witness's answer. I was somewhat astonished.

Mr. KEELEY. What did I say?

Mr. MARBLE. Answer the question.

Mr. KEELEY. No. The only knowledge I have of any connection between Mr. White and Senator Lorimer was conveyed in the story, I believe, when he told of writing Senator Lorimer a letter, saying that he had written this story, and he thought it was worth some large sum of money, \$75,000 or something of that sort.

Mr. MARBLE. Did he claim to you that he had had any personal conference with Senator Lorimer at any time?

Mr. KEELEY. No, sir.

Mr. MARBLE. Either before or after the election?

Mr. KEELEY. I have no recollection of that, Mr. Marble.

Mr. MARBLE. Was Mr. Medill McCormick present at this interview?

Mr. KEELEY. He was not.

Mr. MARBLE. Did Mr. Medill McCormick send Mr. White to you, do you know?

Mr. KEELEY. Not as far as I know; and Mr. Medill McCormick was not in Chicago.

Mr. MARBLE. What was Mr. McCormick's relationship to the Tribune at that time?

Mr. KEELEY. He was on a leave of absence.

Mr. MARBLE. How long had he been on leave of absence?

Mr. KEELEY. He went down into Kansas, to Wichita, I believe, and made an address there on Washington's Birthday, or something of that kind, and then went on a horseback trip down in Kentucky or Tennessee; and his leave of absence was extended, and he has never been back.

Senator FLETCHER. Where is he now?

Mr. KEELEY. He returned from Europe about 10 days ago, Senator, or two weeks ago, or something of that kind; quite recently.

Senator JOHNSTON. What position did he have on the Tribune at that time?

Mr. KEELEY. At the time he was editor, Senator.

Mr. MARBLE. Was the White matter submitted to him?

Mr. KEELEY. By me?

Mr. MARBLE. By you or by White, or by anybody?

Mr. KEELEY. It was not submitted by me. I assume it was not submitted by White, because I learned subsequently that when White came to the Tribune office he asked for Mr. McCormick, and found out that he was not there, and was referred to me.

Mr. MARBLE. Did he tell you that he had come to see Mr. McCormick?

Mr. KEELEY. Not at that time, I think. I think we had some subsequent talk as to how he came to the Tribune, and I think in that talk he said he had been advised to come to the Tribune, and had been told to see Mr. McCormick; and not finding Mr. McCormick there, he had been directed to see me.

Mr. MARBLE. Who decided that the publication should be made?

Mr. KEELEY. I did.

Mr. MARBLE. Were you directed by Mr. Medill McCormick in that regard?

Mr. KEELEY. I was not.

Mr. MARBLE. By a communication of any sort?

Mr. KEELEY. No, sir.

Mr. MARBLE. By telegram or telephone or letter?

Mr. KEELEY. No, sir.

Mr. MARBLE. Is it your practice to buy information?

Mr. KEELEY. It is.

Mr. MARBLE. To what extent?

Mr. KEELEY. I will buy any piece of news, if it is true, or I think it is true.

Mr. MARBLE. Is that policy peculiar to the Tribune?

Mr. KEELEY. No, sir. News is merchandise.

Mr. MARBLE. Before publishing this communication did you investigate it?

Mr. KEELEY. We did.

Mr. MARBLE. When did you make arrangements to investigate it? When, with reference to the first call upon you by Mr. White?

Mr. KEELEY. I should say within 10 days or so.

Mr. MARBLE. Did he bring the manuscript to you?

Mr. KEELEY. Yes; he brought the manuscript to me, and made me sign a document that I would not reveal it to anyone. I promised to read it and let him know what I thought of it.

Mr. MARBLE. He left it with you?

Mr. KEELEY. He left it with me.

Mr. MARBLE. Did you read it?

Mr. KEELEY. I did.

Mr. MARBLE. Did Mr. White call after that?

Mr. KEELEY. He did.

Mr. MARBLE. Tell us, then, what you did.

Mr. KEELEY. Then I told him that if he could substantiate the story, or if there was any substantiation possible, we would buy the story, if we could agree with him on the price, and print it; that if he could not substantiate the story, we would not print it; and that if we could not agree with him on the price, we would not print it, and he could take the manuscript and go somewhere else where he might get a better price for it.

Mr. MARBLE. Did he accede to those terms?

Mr. KEELEY. He did.

Mr. MARBLE. Then what did you do?

Mr. KEELEY. Then we investigated it, and made a contract with him, and printed it.

Mr. MARBLE. How did you investigate it?

Mr. KEELEY. By sending reporters out to interrogate the various members of the legislature whose names were given by him in connection with the distribution of the money in the bathroom at St. Louis, in the Southern Hotel; and Mr. Austrian, our counsel in the matter, took charge of that line of investigation, and finally we decided that we had a prima facie case, and we printed it.

Mr. MARBLE. Did you investigate it through anyone other than reporters for the paper?

Mr. KEELEY. Oh, yes; some detectives.

Mr. MARBLE. Who made the arrangements for these detectives?

Mr. KEELEY. I did, or Mr. Austrian; either one or both, perhaps.

Mr. MARBLE. Where did you secure the detectives?

Mr. KEELEY. McGuire & White; and subsequently we employed or Mr. Austrian employed for us a man named Hunter.

Mr. MARBLE. What did the detectives do?

Mr. KEELEY. I want to say this, that I think I am giving a wrong impression, because I turned this document over to the State's attorney about the 1st of April, or somewhere along about that time; I do not know the exact date; and prior to that McGuire had done some work on the case; but as soon as I turned the matter over to the State's attorney Mr. Weyman employed Mr. McGuire, and I had nothing further to do with his activities or with his bills.

Mr. MARBLE. Did you direct or have to do with the trips of White around the State?

Mr. KEELEY. I assume it is fair to say that I did, because it naturally was done by Mr. Austrian, and he was representing the Tribune.

Mr. MARBLE. Were those trips at your expense?

Mr. KEELEY. I have all my papers here. I do not remember. I think they are all here; everything.

Mr. MARBLE. I would suggest that you get them.

Mr. KEELEY. Do you mean all the vouchers covering all the expenses of this?

Mr. MARBLE. So that you can answer as to the expense of this investigation, and as to the portion of it for which you paid, if you paid only a portion.

Mr. KEELEY. I have here a voucher for \$353.55, the expenses of a reporter named Odell, on one of these trips of investigation.

Mr. HANEY. Give the date, please.

Mr. KEELEY. The bill is dated May 23, and it is entitled "Expense on trip of April 24 to May 9, inclusive."

Mr. HANEY. What year?

Mr. KEELEY. 1910.

Mr. MARBLE. Now, with those documents, can you answer?

Mr. KEELEY. Yes; I am going through them.

Mr. MARBLE. Very well. Have you those bills arranged chronologically?

Mr. KEELEY. No; very few of them.

Mr. MARBLE. Perhaps we can make this more orderly, Mr. Keeley. I will ask you what was the total expense to the Tribune for the investigation of this matter?

Mr. KEELEY. About \$20,000.

Mr. MARBLE. And have you the vouchers covering that expenditure?

Mr. KEELEY. I have.

Mr. MARBLE. Can you arrange them chronologically in the order of the rendition of the service?

Mr. KEELEY. Yes; I think I can.

Senator JONES. What is the special object in showing the particulars of these expenses?

Mr. MARBLE. Simply to show the amount that the Tribune spent on this story.

Senator JONES. He says \$20,000.

Mr. KEELEY. \$20,000 including all expenses, legal fees, stenographers' fees, and everything else; less than \$20,000.

Mr. MARBLE. I believe we can pass that, then, without further examination. That is your statement of the amount.

Mr. HANEY. May we have the same privilege that the other side has of examining these vouchers?

Mr. MARBLE. I have not examined these vouchers. I have no objection, however.

Mr. KEELEY. I have no objection, Judge. You may look at them. [Handing papers to Mr. Haney.]

Mr. MARBLE. These vouchers which you have handed to Judge Haney cover what period?

Mr. KEELEY. The entire period since the publication of the story until within a month or so, probably.

Mr. MARBLE. Do they cover any expenditures other than those connected with the publication and investigation of this story?

Mr. KEELEY. There were two bills in there from the firm of Mayer, Meyer, Austrian & Pratt, that cover all the services they performed for the Tribune in a period of 12 months. The bills are for a certain amount, and the specific services are itemized in them. So that the totals of those bills of our lawyers are not the amounts that we paid them exclusively for their services in this matter.

Mr. MARBLE. Otherwise these vouchers refer only to this matter?

Mr. KEELEY. Yes, sir.

Mr. MARBLE. Can you fix the time when you sent the White story to the State's attorney?

Mr. KEELEY. I should say about April 1. I do not remember definitely.

Mr. MARBLE. Before the publication of it?

Mr. KEELEY. Oh, yes; yes.

Mr. MARBLE. Was White sent with the manuscript?

Mr. KEELEY. My recollection is that I told White one night when he came in that I had to submit the story to the State's attorney. I pointed out to him, the second or third time that he came in, that there was one inevitable thing that would happen, and that is that he would go to jail; that it might or might not be possible to corroborate his story to the extent of conviction in other cases, but that he was a self-confessed lawbreaker, and that the doors of Joliet were wide open for him if anybody wanted to push him in that direction. He said that he knew it and that he would go to jail if he had to.

Mr. MARBLE. Did he go to Mr. Weyman willingly?

Mr. KEELEY. I told him finally that this was not a newspaper story alone, but that it was one for the law officers of Cook County to look into, and that I turned his manuscript over to the State's attorney, and he might expect to hear from the State's attorney, I rather imagined.

Senator GAMBLE. That you had turned it over to the State's attorney?

Mr. KEELEY. That I had or would, I do not remember which, Senator.

I know I did. I know I told him of it, and I know that subsequently he was sent for by the State's attorney.

Senator GAMBLE. And it was turned over with his consent to the State's attorney, was it?

Mr. KEELEY. I will not say that I asked his permission. I told him that it was too big a thing, and that it had to go there; that it was my duty to send it there.

Senator FLETCHER. Before its publication?

Mr. KEELEY. Yes, sir.

Mr. MARBLE. Did he express his unwillingness to have it or himself go to the State's attorney?

Mr. KEELEY. No, sir; he did not; not then. In the earlier stages of the negotiations he did not seem to yearn for that particularly. He wanted to make it more of a literary effort than a criminal one.

Mr. MARBLE. How long did it remain in the possession of the State's attorney?

Mr. KEELEY. The document?

Mr. MARBLE. The manuscript; yes.

Mr. KEELEY. Until after the second trial of Lee O'Neil Brown.

Mr. MARBLE. How did you succeed in printing it then?

Mr. KEELEY. I had copies made.

Mr. MARBLE. When did you have copies made?

Mr. KEELEY. Before I sent it to the State's attorney.

Mr. MARBLE. You retained copies of it?

Mr. KEELEY. Three. I believe; yes, sir.

Mr. MARBLE. Did you copy it all?

Mr. KEELEY. The whole thing was copied; yes, sir. It was not all used. Mr. Austrian had copies made; I think he had three copies made.

Senator KENYON. You say it was not all used?

Mr. KEELEY. Oh, no.

Senator KENYON. Was not the entire White confession published?

Mr. KEELEY. The White confession was published, but the entire White narrative was not published.

Senator GAMBLE. You summarized the essential features?

Mr. KEELEY. No, sir; we printed the essential features, but left out his theories and remedies for wrongs, and his conclusions and poetry and things of that kind.

Senator GAMBLE. You printed a summary of the essential features?

Mr. KEELEY. No, not a summary; all his essential features in his own language.

Senator GAMBLE. The extracts were in his own language?

Mr. KEELEY. Yes; except possibly a correction here and there for grammatical or other reasons—professional reasons.

Senator GAMBLE. That is what I mean to say, that you did not re-write it?

Mr. KEELEY. No, sir.

Senator GAMBLE. Or summarize it?

Mr. KEELEY. No, sir.

Senator GAMBLE. The facts that he had stated?

Mr. KEELEY. No, Senator.

Senator GAMBLE. But you simply took extracts in his own words?

Mr. KEELEY. Yes, sir.

Mr. MARBLE. Have you the original manuscript as written by Mr. White?

Mr. KEELEY. Yes, sir: I have.

Mr. MARBLE. Is it here?

Mr. KEELEY. No, sir.

Mr. MARBLE. Where is it?

Mr. KEELEY. It is in a safe in Chicago.

Mr. MARBLE. Will you send for it?

Mr. KEELEY. I will.

Mr. MARBLE. I will ask that you do that.

Mr. KEELEY. I will do it.

Senator FLETCHER. Was it in his own handwriting, or typewritten?

Mr. KEELEY. In his own handwriting, Senator. That is, I assume it is his handwriting?

Senator KENYON. Was it all complete when it came to you?

Mr. KEELEY. Complete, bound; that is, bound in a legislative document wrapper, and tied with a piece of string, and labeled—complete—a bound book.

Mr. MARBLE. When did you determine to print this story?

Mr. KEELEY. The afternoon of April 29.

Mr. MARBLE. What determined you to print it?

Mr. KEELEY. A telephone message that I received.

Mr. MARBLE. From whom?

Mr. KEELEY. From Mr. Austrian.

Mr. MARBLE. What was that message?

Mr. KEELEY. I was out at my farm, at Wheaton, and I was called on the telephone, and he told me that a special grand jury would be called the next day to investigate that western Indiana matter. There were some railroads that charged some of their real estate agents, I believe—

Mr. MARBLE. It was not a legislative matter, was it?

Mr. KEELEY. No, no, no; it was another matter. I think Judge Hendley was indicted at that time. This special grand jury in all probability might take up this matter, and he thought it was the proper time to print it. So I came in, and we printed it that night.

Mr. MARBLE. Did you see Mr. White that day?

Mr. KEELEY. I did.

Mr. MARBLE. Where?

Mr. KEELEY. In my office.

Mr. MARBLE. Did you send for him?

Mr. KEELEY. My recollection is that he had been asked to come to the office before I reached the office or that he was brought in after I got there.

Mr. MARBLE. Was he then in charge of an officer of the State attorney's office?

Mr. KEELEY. At that moment?

Mr. MARBLE. On that day; at that time.

Mr. KEELEY. Not as far as I know.

Mr. MARBLE. Did you make the arrangements with Mr. White to print this story?

Mr. KEELEY. I did.

Mr. MARBLE. Tell us what was said and done there. In the first place, who was present?

Mr. KEELEY. Mr. White, myself, Mr. Austrian, and Mr. McGuire.

Mr. MARBLE. Who carried on the negotiations?

Mr. KEELEY. Mr. Austrian and myself.

Mr. MARBLE. And what were those negotiations?

Mr. KEELEY. Well, at last he wanted \$4,000. He came down to \$4,000 and I stuck at \$3,000.

Mr. MARBLE. Had he named a higher figure theretofore?

Mr. KEELEY. Originally, he had some extensive ideas as to the value of the story; very large.

Senator GAMBLE. How large?

Mr. KEELEY. \$50,000, Senator; something of that kind.

Senator GAMBLE. \$50,000?

Senator KENYON. Had he ever served in a newspaper office?

Mr. KEELEY. He had not. Then he came down to \$3,500, and I told him that we had already spent about \$200 on it, and that I would split the difference and make it \$3,250, and we finally agreed on that. I gave him \$2,000 then, if my memory serves me.

Mr. MARBLE. How much did you pay him then?

Mr. KEELEY. Two thousand dollars cash, I believe, or \$1,250. I do not remember what it was. I think it was \$2,000.

Mr. MARBLE. Why did you not pay it all to him?

Mr. KEELEY. I do not know. Mr. Austrian said—I think the contract tells why.

Mr. MARBLE. Have you a copy of that contract with you?

Mr. KEELEY. No, sir. There were two copies, and I think the State of Illinois took Mr. White's copy and I think the Senate committee in Chicago took mine.

Senator GAMBLE. Is it printed in the record?

Mr. GAMBLE. It is printed in the record.

Mr. KEELEY. Both copies have been taken by due process of law somewhere. I think the Senate committee got mine, and the State got Mr. White's.

Mr. MARBLE. I show you page 104 of the testimony before the former committee?

Mr. KEELEY. That is the contract.

Mr. MARBLE. I should like to offer this in evidence again. It was exhibit 5 in the testimony of Mr. White before the former committee, and appears on page 104 of the old record. Is there any necessity for reading it now?

The CHAIRMAN. We want to get it into this record.

Mr. MARBLE. I suggest that the reporter copy it in, and that it be considered as read.

Senator KENYON. What is the reason there given as to why the money was not all paid?

Mr. KEELEY. I think it was to be paid—I have not looked at this thing for a year.

The CHAIRMAN. I think it had better be read.

Senator GAMBLE. The contract explains that.

Senator JONES. It had better be read, because several of us have not seen it.

Mr. KEELEY. Shall I read it?

The CHAIRMAN. You may read it if you please.

(Mr. Keeley read the contract referred to, as printed on page 104 of the printed proceedings before the Committee on Privileges and Elections, and a subcommittee thereof of the United States Senate, in the matter of the investigation of certain charges against William Lorimer, a Senator from the State of Illinois, presented by Mr. Burrows, December 21, 1910, and ordered to be printed. Washington. Government Printing Office, 1910.

The contract is in words and figures following:)

"THE CHICAGO TRIBUNE, OFFICE OF PUBLISHER,

"Chicago, Ill., April 29, 1910.

"To CHARLES A. WHITE:

"You offered to sell to us for publication a story written by you, which story gives your experience while a member of the house of representatives of Illinois during 1909-10, and giving also certain information as to what transpired by reason of your voting for certain measures, etc., while a member of such house.

"We refused to pay you for that story or to print the same unless such story was verified and corroborated by persons selected by the Tribune.

"For more than four weeks we, with your cooperation, through different agencies have caused your story to be fully investigated.

"For the sole and exclusive right hereby granted by you to the Tribune Co. to publish this story, or a revision thereof, or excerpts therefrom, in the Chicago Tribune and copyright it either in your name or in that of the Tribune Co., but in which shall be at our election, and also in full compensation for the time already spent by you in assisting us in obtaining corroborative evidence of the facts contained in this story and in full payment for all your time which shall be devoted by you to further substantiate this story at any time, which time you hereby agree to devote to that purpose as and when called upon so to do, the Tribune Co. hereby agrees to pay you \$3,250, of which said sum \$1,250 shall be paid upon the printing of the said story or the first installment thereof, \$1,000 thirty days after said first payment, and \$1,000 sixty days thereafter.

"You reserve to yourself all book or other rights to the story other than the exclusive newspaper rights hereinbefore referred to, which belong under the terms hereof to the Tribune Co.

"J. KEELEY,

"Vice President Tribune Co."

"CHICAGO, ILL., April —, 1910.

"To the Chicago Tribune and the Tribune Co.:

"GENTLEMEN: I have read the above and foregoing and agree to the terms thereof, and to accept the sums of money as therein set forth, and I further agree to devote my time and services to substantiate

the story referred to as and when requested by you so to do and in such manner as you may direct.

“CHARLES A. WHITE.”

Mr. KEELEY. It was \$1,250 that was paid.

Mr. MARBLE. Did you pay the remaining \$2,000?

Mr. KEELEY. We did; and we paid it before the terms of the contract.

Mr. MARBLE. How many payments did you make?

Mr. KEELEY. We just made one subsequent payment of \$2,000.

Mr. MARBLE. Did you pay it before or after he acted as a witness?

Mr. KEELEY. My recollection is before. I think the reason for paying him was this: That we did not want him to appear as a witness with money coming to him.

Mr. MARBLE. Was there any bargain with him as to his testimony?

Mr. KEELEY. No, sir; I had nothing whatever to do with his testimony. I was simply printing the story.

Mr. MARBLE. Did you have any understanding with him that he should testify if called upon—

Mr. KEELEY. No, sir.

Mr. MARBLE. In consideration of these payments?

Mr. KEELEY. No, sir.

Mr. MARBLE. I understood you to say a minute ago that there was no manuscript until 8 o'clock that night. Is that correct?

Mr. KEELEY. Yes; in this way, that I had the only copy that we had in the office of this document there. We had typewritten copies made. I should not have said 8 o'clock. It was 7 o'clock; because at 7 o'clock I turned over this copy of the manuscript to Mr. Beck, who was then acting as managing editor, and I indicated the portions of the manuscript that I wanted printed next morning. On the first page of the Tribune of the following morning, with the story, there was what we call a five-column box; that is, some matter just five columns wide, inclosed in some rules, in the center of the first page. I wrote that matter myself, coming in from Wheaton that afternoon, and as I say, when I turned this copy of the White story over to Mr. Beck I indicated the portions that I wanted printed the next morning; and no one in the office, probably, outside of two or three men, had seen the story. So that is what I mean by saying there was no copy in existence.

Mr. MARBLE. Why did you not print all of the White manuscript?

Mr. KEELEY. It would have filled about 15 pages, or 20 or 30 pages, and it was not germane. I would not have printed it anyhow.

Mr. MARBLE. It was not germane to what?

Mr. KEELEY. To this story. It was a lot of tommyrot.

Mr. MARBLE. Were there disclosures that affected others than Senator Lorimer, which you did not print?

Mr. KEELEY. No, sir.

Mr. MARBLE. It was not a case of selecting out the charges against him or his election?

Mr. KEELEY. Oh, no, no, no. The other was a lot of tommyrot.

Mr. MARBLE. I have seen the manuscript, but I want your answer to that question.

Mr. KEELEY. Yes; I say there was none. I printed all the news there was in it in connection with Mr. White's actual experiences.

His theories, his beliefs, his remedies, his quotations from poets, and other documents I did not print. And it was not all printed that day. There were subsequent publications.

Senator KENYON. Did he want you to print it all, if you printed any of it?

Mr. KEELEY. I think he wanted me to at first, but I soon convinced him that I would not.

Senator GAMBLE. The essential parts, I presume, were printed, where he charged, or reflected upon the different members of the legislature.

Mr. KEELEY. Not all that day, but on subsequent days, Senator. My recollection is that for three or four days we printed it as a continued story.

Senator GAMBLE. You followed it as a sort of continuation from day to day?

Mr. KEELEY. Yes, sir.

Senator GAMBLE. I make this inquiry because I did not see it.

Mr. KEELEY. Yes; that is my recollection, Senator.

Mr. MARBLE. Has not Mr. White always been somewhat perturbed because you did not print his entire manuscript?

Mr. KEELEY. I have been told so; yes, sir.

Mr. MARBLE. He told you so, did he not?

Mr. KEELEY. I do not know whether he did or not. He may have done it. He may have said I ought to have printed all of it.

Mr. MARBLE. Was the story that you published written by White?

Mr. KEELEY. He told me he wrote it.

Mr. MARBLE. Was the story that you published taken from the manuscript offered to you by White?

Mr. KEELEY. It was.

Mr. MARBLE. Or was it written in the office by some editor or employee of the Tribune?

Mr. KEELEY. It was not.

Mr. MARBLE. Who directed the make-up of these two pages?

The CHAIRMAN. What two pages?

Mr. MARBLE. I beg your pardon; the first two pages of the Chicago Daily Tribune of Saturday, April 30, 1910.

Mr. KEELEY. I assume I did. I know that I was standing at the forms when the second edition went to press.

Mr. MARBLE. Now, at the bottom of the last column of the second page is a short item referring to the banks of which Senator Lorimer is president. Who directed that to be placed just there?

Mr. KEELEY. I did.

Mr. MARBLE. Why?

Mr. KEELEY. I was standing at the foot of the form. That story is about that long, isn't it? [Indicating.]

Mr. MARBLE. Yes.

Mr. KEELEY. There was a hole there, and I said, "What have you got to fill this hole?" One of the make-up men reached over on the bank and said, "Here is an item that just fits." I said, "What is it?" He looked at the heading in type, and he said, "It is about Lorimer's banks." I said, "Put it in there."

Mr. MARBLE. When you say reached over on the "bank," you do not mean Senator Lorimer's bank?

Mr. KEELEY. Oh, no, sir.

Mr. MARBLE. That is a newspaper term?

Mr. KEELEY. Yes. He reached over and picked up an item that he thought fitted that hole, and brought it over, and I asked him what it was, and he said it was about Senator Lorimer's banks, and I said to put it in there.

Mr. MARBLE. Why did you say to put that in?

Mr. KEELEY. Why; because it fitted.

Mr. HANEY. The theory or the space?

Mr. KEELEY. Mechanically.

Mr. MARBLE. Just below that, in black-faced letters, is "Who is coming back?"

Mr. KEELEY. John McCutcheon was.

Mr. MARBLE. Does that refer to this story?

Mr. KEELEY. No, sir; it referred to John C. McCutcheon, the Tribune cartoonist, who had been shooting lions in Africa.

Mr. MARBLE. I will read into the record this item regarding the banks:

LORIMER TO BE PRESIDENT OF HIS TWO INSTITUTIONS—DIRECTORS OF LA SALLE STREET NATIONAL BANK AND LA SALLE STREET TRUST CO. REACH DECISION.

Senator William Lorimer is to be president of both the La Salle Street National Bank and the La Salle Street Trust Co. They will open their doors to depositors May 9.

Final decision on these points was reached yesterday at a gathering of most of the directors in the bank's quarters in the Rookery Building, but as several of the eastern directors, including President Brown of the New York Central Lines, could not be present, the formal meeting was postponed until Monday afternoon. The staff of employees as tentatively selected will be determined at that meeting, and will be at their desks for the remainder of the week becoming acquainted with their duties.

Senator Lorimer and his family went to his Fox Lake residence in the afternoon to open it for the summer months.

Senator KENYON. Was that put in there to introduce Senator Lorimer's bank?

Mr. KEELEY. No, sir. Here was the foot of the form. I was standing here and the make-up man was standing there; and back of him was the table, approximately at which Mr. Marble is sitting, and that we call the bank. It has galleys of type. There was a hole there, and the make-up man, the printer, reached over and picked up this handful of type and he said, "Here is something that fits."

Senator KENYON. That is just after the White story?

Mr. KEELEY. It is.

Mr. MARBLE. When you say there was a hole there, what do you mean?

Mr. KEELEY. The White story did not fill the seventh column of the second page. That is how that happened.

Mr. MARBLE. I will exhibit this to the committee, if it desires to see the paper.

The CHAIRMAN. Certainly.

Senator FLETCHER. The White story was not complete, as I understand it. You did not publish all of it that you intended to publish?

Mr. KEELEY. Oh, no; there were subsequent publications.

Senator FLETCHER. Could you not have added a little to the White story to build that up?

Mr. KEELEY. Not at 2.20 o'clock in the morning, when you ought to go to press at 2.15. We were late that morning.

Mr. MARBLE. Who prepared the headings for the White publication?

Mr. KEELEY. I wrote that top line across there.

Mr. MARBLE. What is that top line?

Mr. KEELEY. "Democratic legislator confesses that he was bribed to cast vote for Lorimer for United States Senator." I believe Mr. Beck wrote this.

Mr. MARBLE. Mr. White did not write the headings, then?

Mr. KEELEY. No, sir.

Mr. MARBLE. Did he write the subheads to the article?

Mr. KEELEY. No, sir.

Mr. HANEY. When you say "this" will you not explain what you mean?

Mr. KEELEY. The two subordinate headings in column 1 and column 7 of page 1, the hanging heads. The head I wrote is the second column line across the top of the page. My recollection it that Mr. Beck wrote the others.

Senator FLETCHER. Let us hear what they are. We have not that paper in the record.

Mr. KEELEY. Shall I read them?

Senator FLETCHER. Yes.

Mr. KEELEY. The entire head is as follows:

Democratic legislator confesses that he was bribed to cast vote for Lorimer for United States Senator.

Then, in column 1, page 1, is the following:

Charles A. White, member of Illinois Assembly, tells how support was bought.

Gives \$1,000 as price.

Writes details of his experience, alleging Lee O'Neil Browne participated in the deal.

Says he got \$900 in "pot."

In column 7 there is the following:

Minute account of reputed dealings in St. Nicholas Hotel and Briggs House.

Brings others' names.

Pen picture of excitement in joint session last year when "blond" leader wins victory.

Says his purpose was good.

Mr. MARBLE. Were the portions of the White story published in subsequent issues of the Tribune on subsequent days taken from the manuscripts brought to you by Mr. White?

Mr. KEELEY. All those portions detailing his participation in that affair.

Mr. MARBLE. Those that purported to be written by him were taken from manuscripts, were they?

Mr. KEELEY. Absolutely, with the exception, of course, that there were copies of letters which he had, which he also submitted in connection with his story.

Mr. MARBLE. Did he prepare other manuscripts for you?

Mr. KEELEY. No, sir.

Mr. MARBLE. Only the one?

Mr. KEELEY. Only the one; and he did not prepare that for me.

Senator FLETCHER. These other publications followed right along?

Mr. KEELEY. Yes, sir.

Senator FLETCHER. Day after day?

Mr. KEELEY. Yes, sir.

Senator FLETCHER. Until the whole story was published?

Mr. KEELEY. Yes, sir.

Mr. MARBLE. You say he did not prepare that for you. Just what do you mean?

Mr. KEELEY. He told me that he tried to sell it elsewhere; so I was not purchaser No. 1. He prepared it for publication, and he tried to sell it to Everybody's, as I hear; to Doubleday, Page & Co; and he told me he received a letter from one of these firms telling him that it was a magnificent thing—that the man who read it could almost see the scene—but, unfortunately, it was not the kind of a story that they could use, and they were very sorry.

Senator JONES. The usual course of rejected manuscripts?

Mr. KEELEY. The usual form.

Mr. MARBLE. You mean that only very excellent manuscripts are rejected?

Mr. KEELEY. I understand one magazine office is not particularly proud of its rejection of the story.

Mr. HANEY. It may be that some others are not as proud of having used it.

Mr. KEELEY. You can not count me among those, Judge.

Mr. MARBLE. Did you advise the writing of this story?

Mr. KEELEY. I did not.

Mr. MARBLE. Did you consult with Mr. White or any of these labor leaders prior to the time that story was brought to you by Mr. White?

Mr. KEELEY. No; I had never seen Mr. White, to my knowledge; never talked with him or communicated with him in any way.

Mr. MARBLE. Who called on you after the publication of the story in regard to it?

Mr. KEELEY. Why, I suppose I had hundreds of callers.

Mr. MARBLE. Members of the legislature?

Mr. KEELEY. No, sir.

Mr. MARBLE. The governor?

Mr. KEELEY. No, sir.

Mr. MARBLE. The State's attorney?

Mr. KEELEY. Oh, I had one member of the legislature, Henry Werdell. He came in. That was subsequent to the publication, I think.

Senator KENYON. Right below this space that is filled up there is the following:

WHY?

Representative Robert E. Wilson early last evening agreed to call at the Tribune office at 9.30 o'clock.

He did not come.

What do you mean by that?

Mr. KEELEY. That is what I am coming at. I said that Mr. Werdell called, and then I said it was subsequent to the publication, but it was this night. I had telephoned and asked Mr. Werdell to come in, and Mr. Wilson. Mr. Werdell did come in, but Mr. Wilson developed a sick brother.

Mr. MARBLE. Which night was that that you asked Mr. Werdell and Mr. Wilson to come in?

Mr. KEELEY. What is the date of that paper, Senator?

Senator KENYON. April 30.

Mr. KEELEY. It was on the night of April 29, then.

Mr. MARBLE. Before the story had been sent out?

Mr. KEELEY. Yes.

Mr. MARBLE. Did you tell them what you wanted of them?

Mr. KEELEY. They knew.

Senator GAMBLE. How did they know?

Mr. KEELEY. Because during this period of investigation, when the reporters were going down to all these gentlemen in the State and asking them about this, the word speedily came to Chicago, and they knew.

Senator GAMBLE. Through that story?

Mr. KEELEY. Through that source; through our efforts and attempts to verify.

Senator JONES. You mean that they knew that some member of the legislature had made a confession?

Mr. KEELEY. Oh, yes; they knew it 10 days before.

Senator JONES. Did they know who had confessed?

Mr. KEELEY. Why, yes; he was down there talking to them.

Mr. MARBLE. Was Mr. White sent to various members of the legislature, or did he go there?

Mr. KEELEY. I think he saw Mr. Link and Mr. Beckemeyer, and those fellows down there whose names are mentioned in the jack-pot episode in the bathroom in St. Louis.

Mr. MARBLE. You published in the Tribune something about that?

Mr. KEELEY. Why, yes; I think so. I think at one time our two reporters were down there with him. That is my recollection.

Mr. MARBLE. Was the fact that Mr. White was calling on these legislators before the publication of the story mentioned in the paper?

Mr. KEELEY. No, sir.

Mr. MARBLE. Did you tell Mr. Werdell what you wanted of him when he came to the office that night?

Mr. KEELEY. I did.

Mr. MARBLE. What did you tell him?

Mr. KEELEY. I asked him to tell me what he knew about it.

Mr. MARBLE. About what?

Mr. KEELEY. About this thing.

Mr. MARBLE. Did you show him the story?

Mr. KEELEY. No; I did not show him the story, but I told him. The story was not in type. I told him of it. I told him we had this confession, and that he was one of the men under suspicion.

Mr. MARBLE. What did he say?

Mr. KEELEY. He said he was not guilty; he did not know anything about it.

Mr. MARBLE. That is, he denied that he was guilty?

Mr. KEELEY. He denied absolutely that he had any knowledge whatever of it.

Mr. MARBLE. Anything else said to him?

Mr. KEELEY. Why, I think I mentioned the fact that I had sent for him because of the recent disclosure that had been made, about his activities down there, and I thought possibly he might know something about this, he being one of the gentlemen, I believe, who voted for Mr. Lorimer.

Mr. MARBLE. Was there anything further at that conference?

Mr. KEELEY. No; nothing further except I asked him about the charge—well, it was not a charge, for it was shown to be true, that while a member of the legislature voting down there, at the identical moment he was casting his ballot in the house of representatives in Springfield he was on a dump in the city of Chicago inspecting garbage for the city, and drawing pay for it.

Mr. MARBLE. That is something not connected with the election of Senator Lorimer?

Mr. KEELEY. No, sir.

Mr. MARBLE. But it was some charge against Mr. Werdell for receiving two salaries?

Mr. KEELEY. Yes; doing two things at one time; one in the river in Chicago and one in the legislature at Springfield.

Mr. MARBLE. What did you do about securing confessions from other members of the legislature?

Mr. KEELEY. Nothing. I could not get in touch with them.

Mr. MARBLE. What did you have to do with the confession made by Mr. Link?

Mr. KEELEY. Nothing, except to print it.

Mr. MARBLE. And Mr. Beckemeyer?

Mr. KEELEY. Nothing, absolutely.

Mr. MARBLE. Mr. Holstlaw?

Mr. KEELEY. Absolutely nothing.

Mr. MARBLE. Those were not procured by you or by your employees?

Mr. KEELEY. No, sir.

Mr. MARBLE. What steps did you take to have this matter investigated by the United States Senate?

Mr. KEELEY. I asked Mr. Clifford Barnes, president of the Legislative Voters' League, if he would submit an affidavit or a statement to the Senate, and he said that he would; and he did.

Mr. MARBLE. What were your relations with Mr. Barnes at that time?

Mr. KEELEY. Friendly. He and I are good friends.

Mr. MARBLE. Personally?

Mr. KEELEY. Yes, sir.

Mr. MARBLE. Why did you not submit the affidavit yourself?

Mr. KEELEY. Well, because I thought, frankly, that if a newspaper was pushing this thing and was the direct prosecuting witness there would be trouble; and I wish I had done it now, for the effect has been the same.

Mr. MARBLE. But the matter was submitted by Mr. Barnes at your suggestion?

Mr. KEELEY. At my suggestion.

Mr. MARBLE. Did you make any further investigation of the story after the publication?

Mr. KEELEY. Oh, we were busy following it up, of course. As the story developed in Cook County and in Sangamon County we followed it up; but it is the ordinary newspaper follow-up methods of keeping after a story and developing it.

Mr. MARBLE. What did you have to do with the indictment of Lee Browne, and were you responsible for that?

Mr. KEELEY. No, sir.

Mr. MARBLE. Did you arrange for it?

Mr. KEELEY. I did not, sir.

Mr. MARBLE. Or incite it?

Mr. KEELEY. I did not, sir.

Mr. MARBLE. What did you do to secure the cooperation of other newspapers in the publication of this story and in the making of charges against Senator Lorimer?

Mr. KEELEY. Cooperation of other papers?

Mr. MARBLE. Other newspapers than the Tribune.

Mr. KEELEY. Nothing, other than the effort that was made through the columns of the Tribune.

Mr. MARBLE. Did you send men around throughout the country to the publishers of other newspapers and ask their cooperation?

Mr. KEELEY. I did not. They would have been kicked out of the office if they had gone there.

Mr. MARBLE. What do you mean by that?

Mr. KEELEY. It is perfectly preposterous, Mr. Marble, to think that one man could influence the press of the country by personal appeal or request.

Mr. MARBLE. And you say you did not do it?

Mr. KEELEY. I did not.

Mr. MARBLE. Nor try to do it?

Mr. KEELEY. No, sir.

Mr. MARBLE. Did you hire detectives after that?

Mr. KEELEY. Once. After the publication of the story?

Mr. MARBLE. Yes; after the publication of the story.

Mr. KEELEY. Yes; once.

Mr. MARBLE. What was the purpose of that?

Mr. KEELEY. I think it was the occasion of the acquittal of Mr. Lee O'Neil Browne, and I had a theory that there might be a lot of jollification in various spots throughout the State, and that in vino veritas; but nobody talked. I spent a thousand dollars on that and got nothing.

Senator GAMBLE. Did you say that you had a detective, or detectives?

Mr. KEELEY. Detectives. I asked Mr. Austrian to send these men, and he got Mr. Hunter, and Mr. Hunter sent the men out, and all I got was the bill for a thousand dollars.

Mr. MARBLE. Have you used detectives to shadow United States Senators in this matter, who were concerned in the investigations?

Mr. KEELEY. No, sir.

Mr. MARBLE. At all?

Mr. KEELEY. Never.

Mr. MARBLE. What was the attitude of the Tribune toward the first investigation by the Senate?

Mr. KEELEY. The attitude toward the committee?

Mr. MARBLE. Yes.

Mr. KEELEY. We desired a very thorough and complete investigation, naturally.

Mr. MARBLE. You hired Mr. Austrian to present the case, did you?

Mr. KEELEY. I did; yes.

Mr. MARBLE. Did the Tribune pay him?

Mr. KEELEY. It did.

Mr. MARBLE. And printed briefs?

Mr. KEELEY. And printed briefs, and paid stenographers.

Mr. MARBLE. Did you lobby the Senate for votes against Senator Lorimer, having presented the case?

Mr. KEELEY. No, sir.

Mr. MARBLE. At all?

Mr. KEELEY. No, sir. I had some conversation with some Senators.

Mr. MARBLE. What were those conversations?

Mr. KEELEY. They were all along the same line. I saw the chairman of this committee and asked him to read the briefs. The conversation I had with Senator Dillingham was very brief, and typical of those with Senator Root and Senator Bristow. I had a long conversation with Senator Cummins, and he seemed to be very much in doubt as to some legal point. What it was I do not remember. Senator Beveridge was busy with something, and he said he would read it. I also had conversations with Senator Borah and maybe one or two others that I have forgotten. That is the extent of my lobbying.

Mr. MARBLE. How long did you stay in Washington?

Mr. KEELEY. That time, a day or two, or two or three days.

Mr. MARBLE. Did you try to bring pressure to bear upon the Members of the Senate from their States?

Mr. KEELEY. I did not, sir; other than pressure that would come from publications in newspapers which resulted from the publication in the Tribune. If you trace it right back to that, I presume I did; because of what I printed. But other than that I did not.

Mr. MARBLE. Did you pay any money to any other member of the legislature than White, in connection with this matter?

Mr. KEELEY. In one of these vouchers you will see \$50 paid to Mr. Beckemeyer. That was paid by Mr. McGuire for his expenses to Chicago.

Mr. MARBLE. Before his confession?

Mr. KEELEY. Oh, no; subsequent. The date is there. It is one of those bills that Mr. Haney has.

Mr. MARBLE. Was the \$50 at all compensation for the confession?

Mr. KEELEY. No, sir; I did not pay it, and did not know anything about it until I got the bill six months afterwards.

Mr. MARBLE. What was it paid for?

Mr. KEELEY. Expenses.

Mr. MARBLE. The expenses of what?

Mr. KEELEY. Mr. Beckemeyer's journey to Chicago during some period of the investigation. The date is there. That will give it.

Mr. MARBLE. What was the purpose of the journey? Do you know?

Mr. KEELEY. I do not know. Mr. McGuire paid the money. He can testify to that, if he is a witness.

Mr. MARBLE. Did Mr. Medill McCormick ever say to you that he was averse to having Senator Lorimer open a bank in the city of Chicago, or that he would not allow him to do so?

Mr. KEELEY. He did not.

Mr. MARBLE. Or direct you to make it as burdensome as possible for Senator Lorimer to open that bank, or as difficult as possible?

Mr. KEELEY. He did not. I never discussed the matter with him.

Mr. MARBLE. Are you interested in any banks, Mr. Keeley?

Mr. KEELEY. I am.

Mr. MARBLE. What ones?

Mr. KEELEY. The Continental National, Mr. Reynolds's bank.

Mr. MARBLE. Are you a director of that bank?

Mr. KEELEY. No, sir. Just a small stockholder.

Mr. MARBLE. Any other banks?

Mr. KEELEY. No, sir. Oh, yes; in the wreck of the Mutual.

Mr. MARBLE. After the publication of this story did you undertake to find who had contributed money, if any, to the fund used, if any was used?

Mr. KEELEY. I tried to find that out, Mr. Marble; yes.

Mr. MARBLE. How did you try?

Mr. KEELEY. I asked people, offered a reward for information, and—

Mr. MARBLE. Whom did you ask?

Mr. KEELEY. Oh, I do not know. I have asked all sorts of people.

Mr. MARBLE. What did you ask?

Mr. KEELEY. If they had any information or any knowledge of this fund that had been raised to pay for the purchase of Democratic votes for Mr. Lorimer.

Mr. MARBLE. Tell us some of the persons whom you asked.

Mr. KEELEY. I do not believe I can give you any names, Mr. Marble.

Mr. MARBLE. Did you ask Mr. Hines?

Mr. KEELEY. Oh, yes. I asked Mr. Hines. I asked Mr. E. S. Conway.

Senator GAMBLE. When did you made that inquiry?

Mr. KEELEY. Of Mr. Hines?

Senator GAMBLE. Yes.

Mr. KEELEY. On May 9, I believe.

Senator GAMBLE. This present year?

Mr. KEELEY. 1910.

Senator GAMBLE. I meant 1910.

Mr. KEELEY. Yes, sir.

Senator JONES. How do you fix that date?

Mr. KEELEY. Mr. Marble has the document.

Mr. MARBLE. When did you ask Mr. Conway?

Mr. KEELEY. The same day, sir.

Mr. MARBLE. I will ask what the document is.

Mr. KEELEY. My recollection is that on the night of May 8 I dictated to a stenographer a series of questions that I instructed the city editor to put to Mr. E. S. Conway and to Mr. Hines the next day.

Senator GAMBLE. By a letter to them?

Mr. KEELEY. No. I dictated to my stenographer a request to the city editor to put these questions to Mr. E. S. Conway and to Mr. Hines the following day.

Senator GAMBLE. That is, to print them in the paper?

Mr. KEELEY. No, sir. Here are the questions that I sent by reporters to Mr. Conway and Mr. Hines.

Senator GAMBLE. Through a personal interview?

Mr. KEELEY. In a personal interview; yes, sir. Shall I explain that, Mr. Marble?

Mr. MARBLE. Read the questions that you sent to these two gentlemen.

Mr. KEELEY (reading):

Have you any knowledge of a syndicate that underwrote the election of Mr. Lorimer?

Have you any knowledge of this syndicate advancing the money and then, after the election of Senator Lorimer, sending certain members of the syndicate around and assessing corporations and friends of the Senator a certain proportion of the amount used?

Do you know anything about the identity of this syndicate?

How much did you contribute toward any fund for the election of Senator Lorimer?

Did you solicit any funds for the election of Senator Lorimer?

If you have anything further to say on the subject, Mr. Keeley, of the Tribune, will be glad to hear from you to-night.

Those are the questions.

Senator GAMBLE. Give me the date of that.

Mr. KEELEY. May 9, 1910.

Senator GAMBLE. A year ago?

Mr. KEELEY. A year ago.

Mr. MARBLE. Of what does the balance of this document consist?

Mr. KEELEY. Those are the answers that were given by Mr. Conway to the reporter of the Tribune who interviewed him.

Mr. MARBLE. Have you the answers which were made by Mr. Hines?

Mr. KEELEY. I have not.

Mr. MARBLE. Where are they?

Mr. KEELEY. He did not make any.

Mr. MARBLE. Did he decline to answer?

Mr. KEELEY. Mr. Hines came to my office that night with Mr. Wiehe, I should say, about 9 o'clock—half past 8 or 9 o'clock, or somewhere along there. My recollection of the conversation is that, after Mr. Hines had taken his seat, he asked me what these questions were—a joke? I said no; that I was very serious in the matter. Well, he did not like them. He said that he had a reputation in Chicago and that these questions were insulting. I said, yes; I knew that he had a reputation in Chicago; but I felt that I ought to put these questions to him, and asked him if he wanted to answer them, and he said, "No." He repeated the fact that he had a reputation and a standing in the city of Chicago, and that if we printed anything about him that was libelous, he would sue us for libel. I told Mr. Hines that whatever was true I would print about him, and he could sue and be hanged, under these circumstances, pointing out the fact that the Tribune Building was worth a million and a half dollars; and if we printed any lies about him or any libelous statements, that he could get that building, and doubtless he could use it in the lumber business. I then asked him again if he desired to answer the questions, and he said "No"; and I ended the interview right then and there.

Mr. MARBLE. Did you relate that occurrence to anyone?

Mr. KEELEY. Oh, I have spoken of it; yes.

Mr. MARBLE. Did you ever tell Mr. Funk?

Mr. KEELEY. I never talked to Mr. Funk about this case.

Mr. MARBLE. Or Mr. Cyrus McCormick?

Mr. KEELEY. No, sir.

Mr. MARBLE. Or Mr. Bancroft?

Mr. KEELEY. No, sir.

Mr. MARBLE. Did Mr. Wiehe take any part in that conversation?

Mr. KEELEY. Yes; he thought we were treating Mr. Hines very meanly, and kicked particularly about a short item on the editorial page of that morning.

Mr. MARBLE. What was that item?

Mr. KEELEY. In a column there called "The Linotype," Mr. B. L. Taylor, who was running it, was running a selection of "Violets by mossy stones," and that morning he had selected Mr. Hines the "violet by mossy stones"; and Mr. Wiehe did not like it.

Mr. MARBLE. What was the significance of that?

Mr. KEELEY. An obvious one after Mr. Hines's conversation around the town, I should think.

Mr. MARBLE. Are Mayer, Meyer, Austrian & Platt attorneys for the Tribune?

Mr. KEELEY. They were, and are in some cases now.

Mr. MARBLE. Were they in 1910?

Mr. KEELEY. They were.

Mr. MARBLE. And were they your attorneys in the presentation of this matter to the Senate committee?

Mr. KEELEY. Mr. Austrian was our attorney. I had no dealings with anyone else; but the bill came from the firm, as it shows on its face.

Mr. MARBLE. Mr. Austrian was the member of the firm who handled that matter; is that what you mean to say?

Mr. KEELEY. He handled the Tribune business.

Mr. MARBLE. Did he advise with the balance of the firm?

Mr. KEELEY. I do not know.

Mr. MARBLE. Did you ever consult Mr. Levy Mayer about it?

Mr. KEELEY. I did not.

Mr. MARBLE. Did you ever hear of any contributions to the jack pot in any session of the legislature of the State of Illinois?

Mr. KEELEY. I have heard charges that there were jack pots, and that various bills were hold-up bills, and that money had been paid or solicited for their passage or defeat.

Mr. MARBLE. I will pass that matter just for the present.

When did you first learn of Mr. Funk's version of the interview between him and Mr. Hines in the Union League Club, where he says Mr. Hines asked him to contribute to a fund? When and where did you first learn that?

Mr. KEELEY. When and where did I first learn Mr. Funk's version?

Mr. MARBLE. Yes.

Mr. KEELEY. When he testified at Springfield.

Mr. MARBLE. Had not Mr. Kohlsaatt told you of it before that?

Mr. KEELEY. He had told me that a man, unnamed, had told him these things. I did not know it was Mr. Funk.

Mr. MARBLE. When did he tell you that?

Mr. KEELEY. Oh, I do not know how soon after we printed the story.

Mr. MARBLE. Was it soon after?

Mr. KEELEY. I could not be definite about that. It might have been two weeks or three weeks or a month, or something like that.

Mr. MARBLE. Was it before the Senate committee met in Chicago to investigate the matter?

Mr. KEELEY. Yes; I assume it was.

Mr. MARBLE. Why did you not bring it to the attention of the Senate committee?

Mr. KEELEY. I was told by my attorney that Senator Burrows had ruled out all hearsay evidence there; that Mr. Hanecy had objected to it time and time again, and that his objections had been sustained. I have here a synopsis of Mr. Austrian's attempts to introduce hearsay evidence and the rulings by the chairman of the committee absolutely barring them.

Mr. MARBLE. Do you mean that you brought the matter to the attention of Mr. Austrian?

Mr. KEELEY. I did.

Senator GAMBLE. Was there any reason that you could not have called the attention of the Senate committee to the fact as disclosed to you by Mr. Kohlsaat without the disclosure of the name of Mr. Funk?

Mr. KEELEY. I did not know the name.

Senator GAMBLE (continuing). And then let the committee take such action as they felt advised?

Mr. KEELEY. I was advised by my attorney that the committee wanted me to testify to it.

Senator GAMBLE. Would there have been any necessity of your testifying to these facts?

Mr. KEELEY. I do not pass on that, Senator. I was acting under the advice of my attorney in the matter.

Senator GAMBLE. If you had disclosed the matter to Mr. Burrows or to any member of the committee, would it not have been in a position to subpoena Mr. Hines; and then is it not a fact that his testimony would not have been hearsay?

Mr. KEELEY. I acted solely under the advice of my attorney in this matter, Senator Gamble. He told me that the committee would not receive that evidence, and I made no attempt to get it in; and he based it on the rulings of the committee.

Senator JONES. That was Attorney Austrian?

Mr. KEELEY. Attorney Austrian; yes.

Senator KENYON. What is that you have in your hand?

Mr. KEELEY. This is a record of the rulings of the committee on hearsay evidence.

Senator GAMBLE. When did you make that memorandum?

Mr. KEELEY. Recently.

Senator GAMBLE. Was that in your mind at the time you talked with Mr. Austrian?

Mr. KEELEY. This record?

Senator GAMBLE. The memoranda that you have in your hand now?

Mr. KEELEY. No, sir. I made this up after Mr. Kohlsaat testified that he had told me, and there seemed to be some probability that I would be asked why I did not. I knew why I did not; I had acted on the advice of Mr. Austrian.

Senator GAMBLE. Did Mr. Austrian tell you not to disclose the facts to any member of the committee?

Mr. KEELEY. Mr. Austrian did not, because I did not ask him that. I asked him if there was any chance to get this anonymous hearsay evidence before the committee.

Senator GAMBLE. Would it have been anonymous or hearsay evidence to have notified the committee, so that a subpoena could have been issued for Mr. Hines?

Mr. KEELEY. Mr. Austrian told me the committee would not receive the testimony, under the rulings of the chairman.

Senator GAMBLE. Did you urge Mr. Austrian to have Mr. Hines subpoenaed?

Mr. KEELEY. I did not, sir, because he was a lawyer, and I thought he knew his business.

Senator GAMBLE. At that time you did not know the connection of Mr. Funk with it?

Mr. KEELEY. No, sir.

Senator GAMBLE. That is, the person was unnamed?

Mr. KEELEY. Yes; I did not know him.

Senator GAMBLE. I assumed that.

Mr. KEELEY. Yes; I did not know, Senator. I was making every effort to get the name.

Senator GAMBLE. But you knew all the facts that it was supposed had been disclosed by Mr. Hines to this unnamed person?

Mr. KEELEY. Yes.

Senator GAMBLE. Would there be anything in the nature of hearsay testimony if you had disclosed the name of Mr. Hines, or would there have been any breach of confidence toward Mr. Kohlsaat if you had disclosed the name of Mr. Hines to any member of the committee?

Mr. KEELEY. I should so regard it, Senator.

Senator GAMBLE. In what respect?

Mr. KEELEY. I tried to induce Mr. Kohlsaat to release me to tell the story. I tried to find the name.

Senator GAMBLE. What did Mr. Kohlsaat say? What reason did he give?

Mr. KEELEY. He said it was received in confidence. He said that he could not tell the story.

Senator GAMBLE. Did you not know at that time that Mr. Kohlsaat had told different citizens of Chicago, and certain persons outside of Chicago these facts?

Mr. KEELEY. I did not, when he told me that he had told no one else.

Senator GAMBLE. Did you not know, or had you not heard, that Mr. Kohlsaat had stated this story to different persons, or at least in different clubs, without disclosing the name?

Mr. KEELEY. I did not know it at that time, Senator.

Senator GAMBLE. Do you state here to-day that you were anxious to bring this information before the committee, but that you were advised by your attorneys not to attempt it?

Mr. KEELEY. Because it was hearsay evidence, and because the chairman of the committee ruled against the introduction of hearsay evidence.

Senator GAMBLE. You had told all the facts to Mr. Austrian, had you not?

Mr. KEELEY. I assume I told him; yes.

Senator GAMBLE. When did you tell Mr. Austrian all the facts?

Mr. KEELEY. I could not give the date of that, Senator.

Senator GAMBLE. Was it before the meeting of the Senate committee?

Mr. KEELEY. Before, or pending, or during; yes.

The CHAIRMAN. The name of Mr. Hines had been given you by Mr. Kohlsaatt at that time, had it, in conversation?

Mr. KEELEY. I assume so. I do not remember the specific conversation, Senator. I have no recollection of when or where he told me.

The CHAIRMAN. But in telling you that story, he told you that Mr. Hines was the man who had made that statement?

Mr. KEELEY. Yes, sir.

The CHAIRMAN. Now, why did you not have Mr. Hines summoned before that committee? Then there would have been no hearsay story.

Mr. KEELEY. I do not know, Senator. Our attorneys submitted a list of names of witnesses to the committee.

The CHAIRMAN. Why did you not have that name submitted?

Mr. KEELEY. I was not a lawyer. I had to be guided by the legal knowledge of my attorney. I was not competent——

The CHAIRMAN. You informed your attorney that Mr. Hines had made that statement?

Mr. KEELEY. That I had been informed that he made the statement; yes.

The CHAIRMAN. And the only excuse he gave for not summoning him was that it was hearsay?

Mr. KEELEY. No; I will not say that. I do not say I asked him to summon Mr. Hines. He told me that I could not get the story before the committee; that I could not testify.

The CHAIRMAN. Did he tell you that he could not get it from Mr. Hines?

Mr. KEELEY. No.

Senator GAMBLE. Were there any names submitted by Mr. Austrian to the committee to be subpoenaed whom the committee declined to subpoena?

Mr. KEELEY. I am so informed, Senator.

Senator GAMBLE. Can you name them?

Mr. KEELEY. Gov. Deneen, I understand, was the first name on the list of witnesses.

Senator GAMBLE. And the lieutenant governor? Was it not determined by Mr. Austrian afterwards that he did not care to have them called?

Mr. KEELEY. I do not know, Senator.

Senator GAMBLE. That is my understanding.

Mr. KEELEY. These proceedings were in executive session and I was not present. My only recollection is that he said that Gov. Deneen's name was the first name on the list, and he was not called.

Senator GAMBLE. Do you recall any other names that were suggested?

Mr. KEELEY. No, sir; I did not see the list.

Senator GAMBLE. That the committee declined to call?

Mr. KEELEY. No, sir; I have no knowledge or recollection of any one along that line, Senator.

Senator GAMBLE. Was it not given out, as the record will disclose, and were not the attorneys upon both sides inquired of by the chairman of that committee at the close of the hearing in Chicago, as well as the close of the hearings in the city of Washington, if there were

any other witnesses that they had, that they wanted subpoenaed, and that they both replied in the negative?

Mr. KEELEY. I believe that was done. I am sure it was.

Mr. MARBLE. You say you did not have Mr. Funk's name before the meeting of that committee?

Mr. KEELEY. No, sir.

Mr. MARBLE. You had Mr. Hines's name?

Mr. KEELEY. That is my recollection; yes, sir.

Mr. MARBLE. And Mr. Kohlsaat had told you that an unnamed person had had a certain conversation with Mr. Hines?

Mr. KEELEY. Yes, sir.

Mr. MARBLE. You did not have the link between the two? Is that right?

Mr. KEELEY. I did not. If I had, I would have printed it.

Mr. MARBLE. And you are quite certain you told all of this to Mr. Austrian?

Mr. KEELEY. Why, yes; certainly.

Senator GAMBLE. Did you disclose it to anybody else, aside from Mr. Austrian?

Mr. KEELEY. What do you refer to as "it?"

Senator GAMBLE. That is, the statements made to you by Mr. Kohlsaat concerning the Funk interview with Mr. Hines?

Mr. KEELEY. Yes, sir.

Senator GAMBLE. And before the meeting of the Senate committee, or after?

Mr. KEELEY. I think after, Senator. I think it was after.

Senator GAMBLE. Why did you hesitate to disclose it to any of the members of the Senate committee when you were disclosing it subsequently to others?

Mr. KEELEY. There is a difference between conversation and evidence, Senator.

Senator GAMBLE. You might have suggested the names of witnesses?

Mr. KEELEY. I did not, personally.

Senator GAMBLE. Either by yourself or through your attorney?

Mr. KEELEY. Mr. Austrian was our attorney, and I only appeared through him.

Senator GAMBLE. You were present through nearly all the hearings, were you not, with your attorney?

Mr. KEELEY. About 90 per cent of them; yes, sir.

Senator KENYON. Was Mr. Austrian then a member of the firm of Mayer, Meyer, Austrian & Platt?

Mr. KEELEY. Yes, sir.

Senator KENYON. Were the entire firm acting as your attorneys?

Mr. KEELEY. No, sir; as far as I know. I consulted with no one other than Mr. Austrian.

Mr. MARBLE. Were the entire firm acting for you in other matters?

Mr. KEELEY. Their bills are made out—the bills come from the firm, and the check goes to the firm.

Mr. MARBLE. Did you consult with other members of the firm regarding other matters—regarding business matters?

Mr. KEELEY. Yes; Mr. Platt has drawn contracts and I think Mr. Mayer has.

Senator KENYON. Is Mr. Mayer the attorney for Mr. Tilden?

Mr. KEELEY. I think Mr. Levy Mayer is connected with the defense of the National Packing Co., of which Mr. Tilden is president.

Senator KENYON. Do you know whether he is Mr. Tilden's attorney?

Mr. KEELEY. I do not. I know he is associated in the defense of the various men indicted in connection with the packing company.

Senator GAMBLE. What is the firm name?

Mr. KEELEY. Mayer, Meyer, Austrian & Platt.

Senator GAMBLE. Do you know whether that firm are the attorneys or connected with the representatives of brewer and different associations of liquor interests in Illinois?

Mr. KEELEY. They have appeared for the liquor people.

Senator GAMBLE. Do you know whether they appeared for them in 1909?

Mr. KEELEY. If you can give me any information about any cause of action, if I have any recollection I will tell you. I can not say specifically, because I do not know what was doing in 1909.

Senator GAMBLE. There was a session of the legislature in 1909?

Mr. KEELEY. Yes, sir.

Senator GAMBLE. And I think it has already been given in evidence that there were pending before the legislative session of that year matters of legislation looking to local county option?

Mr. KEELEY. Yes, sir.

Senator GAMBLE. Do you know whether they were connected with that matter, directly or indirectly?

Mr. KEELEY. I do not.

Senator GAMBLE. Before the legislature?

Mr. KEELEY. I do not, Senator.

Senator GAMBLE. Do you know whether they represented them in any particular matters during the year 1909 or in the matter referred to?

Mr. KEELEY. I know generally that the firm represents the liquor interests. Whether they represent all matters which you would designate as liquor, I do not know; but generally they do represent the liquor people.

Senator KENYON. The Senate committee were at Chicago last fall, were they not?

Senator GAMBLE. Yes; I think from the 20th of September until the 8th of October.

Senator KENYON. Is that your remembrance of it, Mr. Keeley?

Mr. KEELEY. I do not remember the date. It was in the late summer or early fall.

Senator KENYON. At that time do we understand that you knew the Funk story?

Mr. KEELEY. I knew Hamlet without the ghost. I knew the story without Mr. Funk's name.

Senator KENYON. Without Funk's name you knew the story of sending the money to Tilden?

Mr. KEELEY. Why, my general recollection is that I knew the story. Whether the details were as they were testified to by Mr. Funk in exactitudes, I do not know.

Senator KENYON. Did you know that part of the story with reference to sending money to Tilden?

Mr. KEELEY. I assume I did.

Senator KENYON. And at that time Mr. Mayer was counsel for Mr. Tilden and the packing people, was he not?

Mr. KEELEY. I do not think they were indicted then, were they?

Senator KENYON. They were indicted last fall, in September.

Mr. KEELEY. I do not know as to that. I do not know when he was retained.

Senator KENYON. What I am trying to get at is this: Mr. Mayer was attorney for the very man, Tilden, whom you knew, if this story was true, the money was to be sent to, was he not?

Mr. KEELEY. You are assuming that he is attorney for Mr. Tilden. I do not know that. I think he represents the Morris & Swift interests, or somebody. I do not know what individual he does represent.

Senator KENYON. The defense is all united?

Mr. KEELEY. I understood that the different defendants had different attorneys, and that they pooled their issues, and were acting in concert.

Senator KENYON. And Mr. Austrian, another member of this firm, was acting as your attorney?

Mr. KEELEY. Yes, sir.

Senator FLETCHER. Why did you ask Mr. Conway these questions?

Mr. KEELEY. Because I had heard his name as one of the underwriters.

Senator FLETCHER. Did Mr. Kohlsaat mention his name to you?

Mr. KEELEY. I do not know that I got his name from Mr. Kohlsaat. I got a lot of letters mentioning all sorts of names.

Senator FLETCHER. Did you hear of any other names connected with the underwriting business?

Mr. KEELEY. Yes; two. One man is alive, and one is dead. The man who is alive was Roger Sullivan.

Senator FLETCHER. Did you get his name from Mr. Kohlsaat?

Mr. KEELEY. I do not remember where I got that, Senator. I think I got this story before Mr. Kohlsaat told me, but where I do not know.

Senator FLETCHER. You do not remember when Mr. Kohlsaat told you?

Mr. KEELEY. No, sir; I do not, Senator.

Senator GAMBLE. Were these questions that you read a short time ago submitted to Mr. Roger Sullivan?

Mr. KEELEY. They were not—that is, not those questions; but I sent some questions to him.

Senator GAMBLE. Were they answered?

Mr. KEELEY. They were.

Senator GAMBLE. What answers did Mr. Conway give, if any?

Mr. KEELEY. A most absolute and unqualified denial of everything.

Senator GAMBLE. The answers are appended to the paper that was submitted?

Mr. KEELEY. Yes, sir.

Senator GAMBLE. By the interviewer?

Mr. KEELEY. Yes, sir.

Senator JOHNSTON. You sent these questions to Mr. Hines and to Mr. Conway at the same time, did you?

Mr. KEELEY. Yes; the same day.

Senator JOHNSTON. Did you get the information about the two at the same time?

Mr. KEELEY. I assume I got it the night before. They bear the date of May 9.

Senator FLETCHER. I mean to say you got this information as to Mr. Conway at the same time you got the information as to Mr. Hines?

Mr. KEELEY. I assume so. I have no distinct recollection.

Senator KENYON. The liquor interests of Illinois were supposed to have contributed to this jack pot?

Mr. KEELEY. I have heard that the liquor interests contributed; yes, sir.

Senator KENYON. That was generally talked, was it not?

Mr. KEELEY. It was a general subject of conversation.

Senator KENYON. Did you understand that the firm of Mayer, Meyer, Austrian & Platt were attorneys for the liquor interests in Illinois?

Mr. KEELEY. They had appeared—Mr. Levi Mayer, I think, had been very much mixed up in the national affairs of the whisky company, the Whisky Trust, or whatever you want to call it. They appeared locally in Chicago when Mr. Healy was prosecuting the saloon keepers for violating the law. They defended them. I think Mr. Austrian defended the cases. The association of the firm with the liquor interests was general knowledge. In other words, the liquor people were their clients.

Senator KENYON. In the investigation that you were making, did you try to go into the jack pot at all?

Mr. KEELEY. I did; yes, sir.

Senator KENYON. Did Mr. Austrian try to pursue an investigation into the jack pot?

Mr. KEELEY. He did—we did.

Senator JONES. Did he conduct the examination into the jack pot for you?

Mr. KEELEY. There was no testimony regarding it—do you mean into the examination?

Senator JONES. Yes.

Mr. KEELEY. Oh, yes. He acted as my legal adviser in all this entire matter.

Senator FLETCHER. Who else contributed to the jack pot, according to your information?

Mr. KEELEY. If I knew who contributed I would have printed it. I do not know. I have heard all sorts of stories, involving all sorts of people.

Senator FLETCHER. You spoke of the liquor interests as being a matter of common knowledge?

Mr. KEELEY. Common gossip, Senator; not knowledge.

Senator FLETCHER. Common gossip?

Mr. KEELEY. Yes; not knowledge.

Senator KENYON. If the liquor interests were contributing to the jack pot, do you think the attorneys of the liquor interests would be very good parties to find out about it?

Mr. KEELEY. I had every confidence in the honor and integrity of Mr. Austrian. I am not a lawyer. There are large firms that have diverse interests. There are many partners, and I assume that firms of that kind may have clients—different members of the firm may have clients—whose interests are opposite and antagonistic, but I assumed that Mr. Austrian was an honorable man.

Senator GAMBLE. And you assume that now?

Mr. KEELEY. I most assuredly do.

Senator GAMBLE. You did not know, at the time of the former hearing, that he had any knowledge or information concerning the jack pot at that time?

Mr. KEELEY. No, sir.

Senator GAMBLE. Do you think he has any knowledge of it now?

Mr. KEELEY. I do not know, sir, what he may know or what he may not know.

Senator GAMBLE. Do you have any idea that the other members of his firm had any knowledge concerning any element of the jack pot at the time of the Senate hearing?

Mr. KEELEY. I have no knowledge of any kind that would lead me to insinuate that they had or had not.

Senator GAMBLE. I am simply propounding the question.

Mr. KEELEY. I know nothing, Senator, as to what their knowledge may be.

Senator GAMBLE. How long have you heard this gossip concerning the jack pot in the Illinois Legislature?

Mr. KEELEY. I have been in the newspaper business in Chicago for 20 years, and I have heard it for 20 years.

Senator GAMBLE. It has been a matter of common gossip throughout the State?

Mr. KEELEY. Common gossip, yes, sir; but incapable of proof, apparently.

Senator JONES. Have you ever talked with anyone during all that time who claimed to know himself who had contributed to the fund, of his own knowledge?

Mr. KEELEY. No, sir.

Senator JONES. Everything you have heard during those 20 years has been simply, as you term it, common gossip?

Mr. KEELEY. I have a little information here which goes a little beyond common gossip, on one thing.

Senator JONES. What is that?

Mr. KEELEY. At the last session of the legislature 204 desks and 210 chairs were purchased. For the desks the sum of \$73.50 each was paid.

Senator GAMBLE. You do not mean the forty-sixth general assembly?

Mr. KEELEY. Oh, no, no; because that is still in session. It has adjourned until October. You see it was called in extra session—

Senator GAMBLE. I thought that Holstlaw, Pemberton, and Clark were indicted for purchasing furniture—that is, in connection with the forty-sixth general assembly, and not this last one.

Mr. KEELEY. No; that furniture deal to which I refer—

Senator GAMBLE. It is not the present legislature?

Mr. KEELEY. No, sir.

Senator GAMBLE. I understood you to state that it was the present legislature.

Mr. KEELEY. I made a mistake. There were 204 desks purchased at \$73.50 each, 210 chairs at \$22.50 each, a total of \$19,719. Senator Holstlaw confessed that he received \$1,500 for his share in this purchase.

Senator GAMBLE. That he actually got the money, or that he was promised the money?

Mr. KEELEY. Yes, sir.

Senator GAMBLE. Did he actually get it?

Mr. KEELEY. I do not know, Senator. In his confession he said, "I was to get," or "I am to get," or "I was promised." Now, those desks were of a certain kind, made by a certain firm, the numbers and specifications being given.

When the State capitol at Jefferson City, Mo., burned down, I thought the State of Missouri might need some new desks and chairs, and I got a friend of mine in St. Louis, connected with the Republic, to write a letter to a firm in Chicago asking for bids on a certain number of desks and chairs, identically the same as those purchased by the State of Illinois, but a less number, sending on for the purpose of securing the bids an exact copy of the specifications under which the furniture for Illinois had been purchased. He received a reply, saying:

STATE OF MISSOURI.

JEFFERSON CITY, Mo.

GENTLEMAN: We are pleased to submit herewith bids covering the furniture as per specifications hereto attached: 140 desks, Ford & Johnson, No. 05354, for the house of representatives, at \$52.80.

That was \$52.80 each—the same desk for which the State of Illinois paid \$73.50.

For 174 chairs, the same chair, they bid \$23.70, which was a little higher than the amount paid by the State of Illinois. That bid was by Revell & Co. on the same specifications.

Senator KENYON. Were those the same kind of chairs?

Mr. KEELEY. The same specifications; the specifications on which the Illinois furniture was built were copied and sent to my man in St. Louis, or my friend's man, and he used those as the basis for securing the bids from Revell & Co. for a smaller number of the same chairs and the same desks, and he got a bid that showed a difference of \$3,171.

Senator JONES. Was Revell the same company that sold that to the Illinois Legislature?

Mr. KEELEY. No, sir.

Senator GAMBLE. Pemberton and Clarke and Holtslaw were indicted for this transaction?

Mr. KEELEY. Yes, sir.

Senator FLETCHER. How does that connect it with the jack pot?

Mr. KEELEY. Why, the three of them were indicted. They were indicted in Springfield for this. They went outside of the jack pot and had a little game of their own.

Senator FLETCHER. This was outside of the jack pot, this transaction?

Mr. KEELEY. This was outside of the general jack pot. They stole it on them. I think.

Senator GAMBLE. Those were the "small beers"?

Mr. KEELEY. No, sir.

Senator GAMBLE. Then the case against Holtslaw was dismissed?

Mr. KEELEY. I think they have all been dismissed. Pemberton and Clarke were acquitted.

Senator GAMBLE. So that Pemberton and Clarke were acquitted and the case against Holtslaw was dismissed?

Mr. KEELEY. Yes.

Senator KENYON. Is Clarke dead?

Mr. KEELEY. Clarke died recently, within two weeks.

Mr. HANEY. Holtslaw was never arraigned.

They dismissed it the day or the next day after the indictment was found. He signed that paper that went in on the former record. That is the paper that Senator Gamble, I think, had put in the former record.

Mr. MARBLE. To what extent was R. W. Patterson a candidate for the United States Senate?

Mr. KEELEY. He would not have taken it on a silver platter. They said he was, but he was not a candidate. He said he was too old, he had worked long enough, and hard enough, and he was going to quit work.

Senator JOHNSTON. Some questions were asked of Conway and what was his reply?

Mr. MARBLE. Conway emphatically stated that he had no knowledge and no connection with this thing. I thought I would show it to Conway when he comes.

Senator FLETCHER. How about Sullivan?

Mr. KEELEY. I sent word to Sullivan through Mr. Austrian and the substance of that was this. "You tell Roger Sullivan that I have known him for a long time, and I like him, and I want to say this to him, that his name has been given to me as one of the underwriters in this syndicate, and if he is in it, God help him, he will get it just as bad as anybody else, and he might as well tell the truth now, for I think the roof is going to fall in."

Senator JOHNSTON. Was that about the same time?

Mr. KEELEY. About the same time. It may have been the night before or that day.

Senator FLETCHER. We are not interested so much in your message to him as in his reply.

Mr. KEELEY. His reply to Mr. Austrian as delivered to me was that he did not have anything to do with it, that his skirts were absolutely clean.

Senator GAMBLE. You stated that these questions were propounded to Mr. Conway and to Mr. Hines on the 9th of May 1910?

Mr. KEELEY. Yes, sir.

Senator GAMBLE. They were answered specifically by Mr. Conway?

Mr. KEELEY. Yes, sir.

Senator GAMBLE. They were not answered by Mr. Hines?

Mr. KEELEY. He did not answer them.

Senator GAMBLE. Did Mr. Hines seek you out for an interview and come and see you, or how did that interview between you and Mr. Hines and Mr. Wiehe come about?

Mr. KEELEY. If you will recollect the last question, Senator, it says, "If you have anything further to say on this matter, Mr. Keeley will be glad to hear from you to-night." My recollection is the reporter took it to Mr. Hines, and Mr. Hines said that he would not talk to him, but he would come in and see me, and he did come in. That is my recollection.

Senator JONES. Mr. Hines said to you that he considered the questions insulting?

Mr. KEELEY. First a joke, and then insulting, and then libelous.

Mr. MARBLE. I asked you regarding the candidacy of Mr. R. W. Patterson for the United States Senate, and you replied that there was never any such candidacy?

Mr. KEELEY. There never was any such candidacy, so far as Mr. Patterson was concerned.

Mr. MARBLE. You are quite sure that no aspiration of Mr. Patterson's for the Senatorship caused a coolness or an enmity between the Tribune and Senator Lorimer?

Mr. KEELEY. I am absolutely sure that it did not. He was not a candidate, that is all. There could have been no result when there was not any cause.

Mr. MARBLE. How well did you know Mr. Patterson?

Mr. KEELEY. Very well and intimately. He is one of the best friends that I have ever had and ever expect to have.

Mr. MARBLE. Was Joseph Medill a candidate for the United States Senate?

Mr. KEELEY. Not so far as I know.

Mr. MARBLE. Does any Tribune opposition to Senator Lorimer come from any candidacy of Joseph Medill for the United States Senate?

Mr. KEELEY. Not as far as I know. I think that along about 20 years ago there was some talk of him, 18 or 20 years ago, but I knew nothing about it, except what I saw in the paper. I was only a reporter then.

Mr. MARBLE. What is the attitude of the Tribune upon the waterway proposition?

Mr. KEELEY. Practically with Gov. Deneen.

Mr. MARBLE. Does that mean that you are against Senator Lorimer on that proposition?

Mr. KEELEY. I will say that I had very little to do with the forming of the policy of the Tribune on the waterway matter in the last year, because Mr. McCormick, who was president of the drainage board, practically looks after that.

Mr. MARBLE. Mr. R. R. McCormick?

Mr. KEELEY. Mr. R. R. McCormick; yes, sir.

Mr. MARBLE. Was he connected with the Tribune when he was president of the drainage board?

Mr. KEELEY. He may have been a director. I do not remember.

Mr. MARBLE. What is his present connection with the Tribune?

Mr. KEELEY. He is president and treasurer of the Tribune Co.

Mr. MARBLE. Is he one of the editors?

Mr. KEELEY. No, sir.

Mr. MARBLE. But he does direct the waterway policy?

Mr. KEELEY. Yes; he suggests that, and I adopt his suggestions, because I think he knows what he is talking about. He knows more about it than I do.

Mr. MARBLE. Did the Tribune support his candidacy for reelection as president of the drainage board?

Mr. KEELEY. It did.

Mr. MARBLE. He was defeated?

Mr. KEELEY. He was defeated; yes, sir.

Mr. MARBLE. Did you ever hear a story, or did any person pretending to have knowledge of the facts tell you a story, of certain

members of the legislature having attempted to sell their votes, or having sold their votes, or having at all arranged to sell their votes on the Senatorship to Senator Hopkins?

Mr. KEELEY. I did.

Mr. MARBLE. How long before the election of Senator Lorimer did you hear that story?

Mr. KEELEY. I heard it subsequently to the election.

Mr. MARBLE. Do you know to what period of time the story related?

Mr. KEELEY. No; I do not. It was prior to the election of Senator Lorimer.

Mr. MARBLE. Did the person who told you claim to have any knowledge of the facts?

Mr. KEELEY. I received the information of that story from two sources, and I can tell the story separately or as a whole.

Mr. MARBLE. From what persons?

Mr. KEELEY. Clifford Raymond, one of our editorial writers, and Col. Copley, a Member of Congress from Illinois.

Mr. MARBLE. What did Mr. Raymond tell you?

Mr. KEELEY. Mr. Raymond told me that on a certain night Speaker Shurtleff, Dave Shanahan, and some other men whose names I do not know or recall, met in a certain room in the St. Nicholas Hotel in Springfield; that the cause of this meeting was information received that a certain man had come to Springfield with a certain sum of money to buy a certain number of Democratic votes for Senator Hopkins on the following day; that these gentlemen in this room called in two men whose names were given to me as John C. Werdell and Anton Cermak; that Speaker Shurtleff then said, "Now, we know what you fellows are doing. You bought 15 or 16 Democrats who are going to vote for Hopkins to-morrow. The list is as follows:" And then read off a list of the men and amounts opposite each name. The list was headed by Manny Abrahams, so I am told. I don't know the other names, but his name was given me as a bellwether. Now, said Mr. Shurtleff, "We know what is going on, and you can not put it through. The minute Abrahams votes for Hopkins to-morrow, I will suspend the roll call, and I will announce that you, Werdell, and you, Cermak, bought these votes. I will read the list of men and the amounts they are to get. Now, you try that, and that is what I will do."

Roger Sullivan had been telephoned to come to Springfield. He had been told of this, and he came down there on the train that reaches Springfield approximately at midnight, and he rounded up his fellows, and he told them that he would blow them out of the political waters if they did a trick of that kind. The result was they stopped it. One of the men, Werdell, I am told, got physically ill and went to bed and stayed there for 24 hours after his experience in that room, and after what Roger Sullivan had said to him. That night, so I am informed, Speaker Shurtleff went to Charles Wheeler, of the Inter-Ocean, and requested him to go and see the other newspaper men and say that he had never asked a favor before, but he asked this favor, that they print nothing whatever about this.

Wheeler did come to Raymond and tell him that story and make that request. Present at that interview, so Raymond tells me, was

Evans, of the Record-Herald, and they did not print anything about it.

The CHAIRMAN. Is Mr. Wheeler now living?

Mr. KEELEY. He is on the Inter-Ocean. Mr. Raymond is living and Mr. Evans is living, and Mr. Culver, of the Examiner, also.

The CHAIRMAN. You got this statement of Mr. Raymond?

Mr. KEELEY. Yes. Now, I will give you the other side.

Senator JONES. First, did he tell you who this man was that was bringing the money to Springfield?

Mr. KEELEY. No, he did not; but I have got it here. That is, I have what information there is.

Senator JONES. You are prepared to give that to the committee?

Mr. KEELEY. Yes.

Senator GAMBLE. That is, you pretend to state only what Mr. Raymond told you?

Mr. KEELEY. Yes.

Senator JOHNSTON. What time was this?

Mr. KEELEY. We printed this story last June, 1910, but not with all of this detail.

Senator JOHNSTON. What time did he allege it to have taken place?

Mr. KEELEY. Prior to the election of Senator Lorimer some time. I do not know; I am not clear as to that.

Senator GAMBLE. Was any specific amount of money named that had been brought or was to be brought to Springfield?

Mr. KEELEY. \$28,000, I think; \$28,000 or \$30,000.

Mr. MARBLE. Mr. Clifford Raymond is still employed by the Chicago Tribune?

Mr. KEELEY. Yes.

Mr. MARBLE. What is he doing now?

Mr. KEELEY. He is writing editorials.

Senator GAMBLE. Did Mr. Raymond tell you how he secured this information?

Mr. KEELEY. Yes; the emissary from Speaker Shurtleff came and told him the story and begged that it be not printed, and he did not print it.

The CHAIRMAN. Whom did you say the emissary was?

Mr. KEELEY. Mr. Charles Wheeler, the political man of the Inter-Ocean.

Senator KENYON. That was a pretty good news story?

Mr. KEELEY. We printed it. Oh, they should have printed it. They had not any business on earth suppressing it.

Senator KENYON. You were paying money for stories like that?

Mr. KEELEY. I should say so. I did not like it.

Senator GAMBLE. Sometimes you pay money for stories that you do not get?

Mr. KEELEY. Yes; on the 21st day of September of this year, Col. Copley, a Member of Congress from Illinois, came to my office in company with Mr. John M. Glenn, and we had some conversation. Finally, I got down to this Hopkins business. We talked about politics generally, but finally we got down to the senatorial election. Col. Copley lives in Aurora and so did Senator Hopkins, and they hate each other healthily and viciously. I was saying to Col. Copley that he probably was glad that Hopkins was beaten, and then I asked him

about this story that I had heard. When he left the office I called my stenographer in, and I dictated this memorandum which I have here, as to what he told me that day, and here it is:

Dan Burns, formerly of the Chicago & Northwestern, was the man who tried to put over the deal for the election of Hopkins. The money was taken down to Springfield by a resident of Wheaton. Col. C. interviewed Shurtleff—

Senator GAMBLE. Whom do you mean by "Col. C."?

Mr. KEELEY. Col. Copley. I did not give the name in the memorandum. I used the initial. To continue:

Col. C. interviewed Shurtleff later in the day. He acknowledged Col. C.'s information was correct. Col. C. called up Roger Sullivan and asked him to come to Springfield. Col. C. took dinner with the governor and Roy O. West, and it was agreed that the governor call in about 20 of his Republicans, which he did, and instructed them to switch temporarily from Hopkins if any Democrats voted for Hopkins.

Senator JONES. What did you say there about the man taking the money down—from where?

Mr. KEELEY. From Wheaton, Ill. I have subsequently been told that the man was Fred N. Blount, president of an insurance company.

Senator KENYON. Did you understand that Gov. Deneen at that time was for Hopkins, supporting him?

Mr. KEELEY. Yes. I am just telling you what Col. Copley told me that afternoon, and that is all I know about it.

Mr. HANEY. Col. Copley and Senator Hopkins are both Republicans?

Mr. KEELEY. They are good ones.

Senator GAMBLE. Col. Copley is a member of the house now?

Mr. KEELEY. He is; yes, sir.

The CHAIRMAN. Proceed, Mr. Marble.

Mr. MARBLE. Did anything occur at Springfield, were you informed the next day after, in pursuance of this visit of Roger Sullivan?

Mr. KEELEY. Yes; for the first time in the history of the Illinois Legislature since it was organized, the next day they called the roll of the house first instead of the senate.

Mr. MARBLE. You understood that was the reason?

Mr. KEELEY. That was the reason.

Senator FLETCHER. Do you remember what date that was?

Mr. KEELEY. The memorandum?

Senator FLETCHER. The day of this extraordinary calling of the roll.

Mr. KEELEY. No, sir; that is the way in which it can be fixed.

Mr. MARBLE. Who told you about the calling of the roll?

Mr. KEELEY. Raymond told me that that night. Somebody came to him and said: "Watch out to-morrow. We are going to put over something—a 'stopper,'" or something of that kind; I forget exactly what he said.

The CHAIRMAN. Could you state when this information came to you?

Mr. KEELEY. Subsequent to the election of Senator Lorimer. And then we printed it. But I did not have all the details at that time that I have now. It was also printed in a magazine, but without all the details.

Mr. MARBLE. That is all.

The CHAIRMAN. We will adjourn at this point until to-morrow morning at 10 o'clock, and the cross-examination may proceed at that time.

(Whereupon, at 5 o'clock p. m., the committee adjourned until to-morrow, July 25, 1911, at 10 o'clock a. m.)

TUESDAY, JULY 25, 1911.

SENATE OFFICE BUILDING,
WASHINGTON, D. C.

The committee met at 10 o'clock a. m.

Present: Senators Dillingham (chairman), Gamble, Jones, Kenyon, Johnston, Fletcher, and Kern.

Present also: Mr. John H. Marble, Mr. John J. Healy, Mr. William J. Hynes, Mr. Elbridge Hanecy, and Mr. Edgar Farrar.

TESTIMONY OF JAMES KEELEY—Resumed.

JAMES KEELEY, a witness previously sworn, resumed the witness stand and, being examined, testified as follows:

Mr. KEELEY. Mr. Chairman, there is one answer made on yesterday that I should like to amplify.

On page 277 I was asked this question:

Did you try to bring pressure to bear upon the Members of the Senate from their States?

I replied:

I did not, sir; other than pressure that would come from publications in newspapers which resulted from the publication in the Tribune. If you trace it right back to that, I presume I did, because of what I printed. But other than that, I did not.

I should like to change that answer. I was looking afield, and I had forgotten what took place in our own State; and I want to say, in answer to that question, that I heard that Congressman McKinley and other individuals were going up and down the State securing letters which they were sending to Senator Cullom; and when I heard of that I thought I might just as well play that game as anyone else, and I got some friends to get letters, which were sent to Senator Cullom.

Mr. HANEY. To the same effect as the others, or different?

Mr. KEELEY. I understood that Congressman McKinley was asking friends to write to Senator Cullom, urging him to vote for Mr. Lorimer; that when I heard that, I asked some friends to get individuals to write letters to Senator Cullom, asking him to vote the other way.

Mr. HANEY. What other way?

Mr. KEELEY. Against Senator Lorimer.

Mr. HANEY. "For" and "against" are better and more easily understood words.

The CHAIRMAN. You may proceed with the cross-examination.

Mr. HANEY. Mr. Keeley, how long have you lived in Chicago?

Mr. KEELEY. Between 20 and 21 years.

Mr. HANEY. Where did you live before that? Did you live in Illinois before that?

Mr. KEELEY. No, sir.

Mr. HANEY. Where did you live before that?

Mr. KEELEY. In Louisville, Ky.

Mr. HANEY. Immediately before?

Mr. KEELEY. Yes, sir.

Mr. HANEY. For how long?

Mr. KEELEY. About a year, I should say.

Mr. HANEY. And where before that?

Mr. KEELEY. Memphis, Tenn.

Mr. HANEY. And how long there?

Mr. KEELEY. Over a year.

Mr. HANEY. And where before that?

Mr. KEELEY. Kansas City, Mo.

Mr. HANEY. How long there?

Mr. KEELEY. And Kansas City, Kans., across the line—several years, two or three.

Mr. HANEY. Two or three years?

Mr. KEELEY. Yes.

Mr. HANEY. And before that?

Mr. KEELEY. Leavenworth, Kans.

Mr. HANEY. How long there?

Mr. KEELEY. Two or three years—three years.

Mr. HANEY. And where before that?

Mr. KEELEY. London, England.

Mr. HANEY. Is that where you were born?

Mr. KEELEY. Yes, sir.

Mr. HANEY. How old were you when you left there?

Mr. KEELEY. Fifteen years.

Mr. HANEY. What did you do in the other places that you have named, that you lived in before you came to Chicago?

Mr. KEELEY. I worked on the Commercial in Louisville, on the Commercial in Memphis, on the Journal in Kansas City, Mo., and on the Gazette in Kansas City, Kans.

Mr. HANEY. In other places?

Mr. KEELEY. I did almost everything. I worked in the kitchen, and peddled peanuts on trains, and sold newspapers, and worked in a real estate office.

Mr. HANEY. We want the newspapers you worked for in the other places where you lived.

Mr. KEELEY. I have accounted for all except Leavenworth. I was not on a newspaper in Leavenworth.

Mr. HANEY. What did you do there?

Mr. KEELEY. Everything—odd jobs.

Mr. HANEY. When were you born, Mr. Keeley?

Mr. KEELEY. In 1867.

Mr. HANEY. When did you go to the Tribune—20 or 21 years ago?

Mr. KEELEY. I think it was the fall of 1890 or 1891—1891.

Mr. HANEY. Robert Patterson was the managing editor then?

Mr. KEELEY. No, sir; Mr. Van Benthuyzen was.

Mr. HANEY. After he went to New York, who became managing editor?

Mr. KEELEY. I did.

Mr. HANEY. When did Robert W. Patterson become connected with the Tribune officially? I do not mean by that in any employment, but when did he hold an official position?

Mr. KEELEY. He antedated me. I do not know just when.

Mr. HANEY. What was his position when you went there?

Mr. KEELEY. His official position, I think, was secretary and mechanical superintendent, but he had actual supervision of the paper, with the exception that Mr. Medill, when he was in Chicago, looked after the editorial page.

Mr. HANEY. Mr. Joseph Medill had three daughters. One of them married Robert W. Patterson; another, Robert T. McCormick; and the third died unmarried.

Mr. KEELEY. So I have been told.

Mr. HANEY. You remember that, do you not?

Mr. KEELEY. It was before I came to Chicago, I believe. I know that Miss Josephine Medill did die.

Mr. HANEY. What was Robert Patterson's next position with the Tribune? When did he become managing editor or editor in chief?

Mr. KEELEY. He became editor in chief at the death of Mr. Medill.

Mr. HANEY. When did Mr. Medill die?

Mr. KEELEY. I can not give you the date.

Mr. HANEY. About when?

Mr. KEELEY. Seven or eight or ten years ago; I have forgotten. It is about 10 years ago—no, more than that, I think; about 12 years, I think.

Mr. HANEY. In 1899?

Mr. KEELEY. I would not fix the date.

Mr. HANEY. It was about that?

Mr. KEELEY. I do not remember.

Mr. HANEY. And there was a voting trust left in regard to the newspaper? That is, there were three trustees named under the will?

Mr. KEELEY. Yes, sir.

Mr. HANEY. They were Robert Patterson and Robert McCormick, his sons-in-law, and Mr. Beale, his attorney.

Mr. KEELEY. They were the trustees for the Medill estate; yes, sir.

Mr. HANEY. And they voted a controlling interest in the Chicago Tribune?

Mr. KEELEY. I have never known them to vote a controlling interest in the Chicago Tribune.

Mr. HANEY. Who did?

Mr. KEELEY. I have never heard of its being voted.

Mr. HANEY. Well, the family have the controlling interest in the Tribune?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And who controls that in the meetings of the corporation? Who votes it in the meetings?

Mr. KEELEY. I never attended a meeting of the corporation until within the last year or two.

Mr. HANEY. Do you not know the answer to my question?

Mr. KEELEY. No, sir; I do not know.

Mr. HANEY. Mr. Beale has been active there in conjunction with one or the other or the two other trustees of Mr. Medill's estate?

Mr. KEELEY. I would not say that, Judge, in that way.

Mr. HANEY. How would you say it?

Mr. KEELEY. I would simply state that I never knew of a meeting of the trustees of the Medill estate that had anything to do with the operation of the Tribune. I have no knowledge of any such meeting.

Mr. HANEY. I mean the business end of the paper now, the corporation that owns the paper and controls it.

Mr. KEELEY. My answer goes to that also.

Mr. HANEY. The paper is owned and controlled by the two daughters of the late Joseph Medill, except as that may be modified by trustees, who were given power under his will to control that property?

Mr. KEELEY. Yes; but, Judge, if I may make the statement, Mr. Patterson is, naturally, no longer a trustee and Mr. McCormick is no longer a trustee.

Mr. HANEY. I was just going to ask you, When did Robert Patterson die?

Mr. KEELEY. A little over a year ago.

Mr. HANEY. It is more than that, is it not?

Mr. KEELEY. Not very much more—less than two years.

Mr. HANEY. Where is Robert McCormick?

Mr. KEELEY. He is abroad.

Mr. HANEY. There were proceedings taken, after the sickness or breakdown of Mr. Robert McCormick, for a change in the trusteeship from Robert McCormick to his wife, Mrs. McCormick, daughter of the late Joseph Medill?

Mr. KEELEY. You say there were. I assume there were, because Mrs. McCormick is now the trustee.

Mr. HANEY. You know that? You know that she filed a bill?

Mr. KEELEY. I do not know that she filed a bill, Judge. I knew nothing whatever about it.

Mr. HANEY. You know now that she is a trustee, in place of her husband?

Mr. KEELEY. Yes; so I have been told.

Mr. HANEY. Her husband had a breakdown, physically and mentally?

Mr. KEELEY. I will not say that.

Mr. HANEY. Physically, anyway?

Mr. KEELEY. Physically; yes.

Mr. HANEY. And his wife was appointed trustee of her father's estate in his stead?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Who succeeded the late Robert Patterson as trustee?

Mr. KEELEY. Mrs. R. W. Patterson.

Mr. HANEY. And Mr. Beal is the other trustee?

Mr. KEELEY. Yes, sir.

Mr. HANEY. So that Mrs. Patterson and Mrs. McCormick, the two daughters of the late Joseph Medill, and Mr. Beal, are now the three trustees of the will of the late Joseph Medill?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And they control the property?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Mr. Beal has no stock interest in the corporation, has he?

Mr. KEELEY. No, sir.

Mr. HANEY. The only interest that he has in it is as a trustee and as an attorney?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And that has been so all the time that he has to do with it, since the death of the late Joseph Medill?

Mr. KEELEY. As trustee I assume he has had that jurisdiction.

Mr. HANEY. What proportion of the 2,000 shares of stock of the Chicago Tribune is owned by Mrs. McCormick and Mrs. Patterson?

Mr. KEELEY. A control.

Mr. HANEY. Yes, I know; but that is very indefinite.

Mr. KEELEY. Judge, do you think that I should be——

Mr. HANEY. Generally. You told us yesterday that they had the control.

Mr. KEELEY. The control; yes, sir.

Mr. HANEY. It is not any secret?

Mr. KEELEY. That is over 50 per cent.

Mr. HANEY. It is 51 or more per cent.

Mr. KEELEY. Over 50 per cent; yes, sir.

Mr. HANEY. The Bross family, or now the Lloyd boys, have 20 per cent?

Mr. KEELEY. I did not say so.

Mr. HANEY. That is the fact?

Mr. KEELEY. I do not think I should reveal the holdings of these people in the Tribune company.

Mr. HANEY. Do you not know that the court proceedings in Chicago and the distribution of the late Gov. Bross's estate more than a year ago showed that to be the fact, and that the court distributed that stock to the four grandsons of Gov. Bross, the four Lloyd boys?

Mr. KEELEY. I did not know that.

Mr. HANEY. You knew that Azariah T. Galt was trustee for Gov. Bross's estate, and had been for 19 or 20 years.

Mr. KEELEY. I know that the stock was distributed, but I do not know the distribution—the amount.

Mr. HANEY. I am not asking any secrets.

Mr. KEELEY. I am perfectly willing to tell you everything that I can tell without revealing what I do not think should be told about the private affairs of individuals who have nothing whatever to do with this case.

Mr. HANEY. That has been the feeling of some other witnesses.

Mr. KEELEY. A proper one.

Mr. HANEY. The other large block of stock in the Tribune Co. is owned by the Cowles estate—the children of the late Alfred Cowles—who was during his lifetime business manager of the Tribune?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And the rest of the stock is this small amount that is scattered as you indicated yesterday?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Mrs. Robert S. McCormick, daughter of the late Joseph Medill, has two sons, Medill McCormick, or Joseph Medill McCormick, and Rutherford R. McCormick?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And they are the only children of Mr. and Mrs. McCormick who are living?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Mrs. Patterson has two children, Joseph Medill Patterson, the eldest child, and the Countess Gizycki?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And they are the only children of the late Robert Patterson and Mrs. Patterson?

Mr. KEELEY. That is correct; yes, sir.

Mr. HANEY. Joseph Medill Patterson and Joseph Medill McCormick are men grown, and have been of age for a number of years, have they not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Which is the older—Medill McCormick or Medill Patterson?

Mr. KEELEY. I do not know, Judge.

Mr. HANEY. There is not much difference?

Mr. KEELEY. I think not; no.

Mr. HANEY. Medill McCormick is a little older than Medill Patterson, is he not?

Mr. KEELEY. I do not know.

Mr. HANEY. Medill Patterson held the position of commissioner of public works under Mayor Edward F. Dunne, the mayor of Chicago, did he not?

Mr. KEELEY. For some time; yes.

Mr. HANEY. He held the position? That is what I asked you.

Mr. KEELEY. Yes; but not for Mayor Dunne's entire term.

Mr. HANEY. No. Mayor Dunne was a Democratic mayor of Chicago?

Mr. KEELEY. He was.

Mr. HANEY. At that time Robert Patterson, Medill's father, was alive?

Mr. KEELEY. He was.

Mr. HANEY. And was in the active management of the paper?

Mr. KEELEY. Yes, sir.

Mr. HANEY. In 1904 what position did Medill McCormick and Medill Patterson have on the Tribune, or what was their work?

Mr. KEELEY. I assume you know they were on the Tribune; do you, Judge? I do not.

Mr. HANEY. Why do you not?

Mr. KEELEY. I do not remember whether they were there then. Oh, 1904, you say—seven years ago? I guess they were there.

Mr. HANEY. You know they were; do you not?

Mr. KEELEY. I do not know how long they were there; about eight years. I should say; seven or eight years.

Mr. HANEY. You are right; it was about eight years. It was before 1904 or the early part of 1904.

Mr. KEELEY. At that time I do not know. I think they were both reporters. I do not know, Judge. I will tell you what they did on the Tribune.

Mr. HANEY. Medill McCormick became business manager of the Tribune when?

Mr. KEELEY. That I could not say, Judge.

Mr. HANEY. About when?

Mr. KEELEY. Assuming that he went on the Tribune, taking your statement that he was there eight years—

Mr. HANEY. No; I did not say that. I said that he and young Patterson were in control at that time, but I did not say—

Mr. KEELEY. Oh, no; they were not in control at that time.

Mr. HANEY. We will get to that in a little while. When did Medill McCormick become business manager of the Tribune?

Mr. KEELEY. I could not give you the date.

Mr. HANEY. About when?

Mr. KEELEY. Five or six years ago.

Mr. HANEY. You remember when Mr. Deneen—now Gov. Deneen—was nominated for governor of Illinois the first time, do you not?

Mr. KEELEY. I remember that he was nominated. I do not remember the date.

Mr. HANEY. Suppose your memory were refreshed so that you would say it was in 1904?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Both Medill McCormick and Medill Patterson took a very active interest in his nomination at that time, did they not?

Mr. KEELEY. I remember now.

Mr. HANEY. That is right, is it not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And they were at Springfield, where the State convention was meeting, during the entire time of the sitting of the convention, which was an unusually long one?

Mr. KEELEY. They were down there, I know; I do not know for what period. I remember it now.

Mr. HANEY. What position did they have on the Chicago Tribune at that time?

Mr. KEELEY. My recollection now is that Medill was business manager, and Joe was writing editorials.

Mr. HANEY. Where was Robert Patterson?

Mr. KEELEY. I do not know where he was at that time.

Mr. HANEY. What was his position?

Mr. KEELEY. Editor in chief.

Mr. HANEY. Was there a change in the management of the paper at about that time, or shortly after that, by which Robert Patterson went away and ceased the active management as editor in chief and Medill McCormick and Joseph Patterson took the more active and controlling management?

Mr. KEELEY. Mr. Patterson quite frequently left for long periods.

Mr. HANEY. There are two Pattersons. Will you not be kind enough to state which one you mean?

Mr. KEELEY. R. W. Patterson quite frequently left for long periods, retaining, however, the title and the active headship of the paper, which, of course, he did not exercise when he was away. As the two young men grew up, they grew more into positions of control on the paper. It was gradual, and it ended with Joseph Patterson when he went out and supported Dunne in his candidacy for mayor and became commissioner of public works after his election. He was out of the paper absolutely for several years. Two years or so ago he was reelected a director. At the present time he is secretary of the

Tribune Co. Shall I detail the progress of Mr. Medill McCormick along the same line?

Mr. HANEY. Yes; you may tell that.

Mr. KEELEY. I can tell you briefly just what happened and how he grew up. He started as a reporter. Then he went into the business office. As a matter of fact, I think the two boys chose which side of the paper they would work on. Medill McCormick chose the business side, and Joe Patterson chose the editorial part. I have told you what happened to Joe. Medill then went into the business part of the paper after a short period as a reporter. He was made assistant business manager, finally business manager, then publisher, and then editor.

Mr. HANEY. When did he become business manager?

Mr. KEELEY. Oh, I should say four or five years ago, Judge. I do not remember now. The rise was steady and gradual.

Mr. HANEY. Was he not business manager in 1904, when Gov. Deneen was first nominated?

Mr. KEELEY. He may have been. I can refresh my memory on all these things and give you the absolute dates, but I have not got them in my mind.

Mr. HANEY. Do you remember his predecessor as business manager?

Mr. KEELEY. He had several.

Mr. HANEY. Yes, I know; but I mean the man that preceded him.

Mr. KEELEY. I think I did.

Mr. HANEY. As business manager?

Mr. KEELEY. Yes, sir. For a short period I was in there as general manager and general "stop-gap."

Mr. HANEY. General what?

Mr. KEELEY. General "stop-gap"—doing all the work—and he was my assistant.

Mr. HANEY. He was in there as assistant to young Cowles, too, was he not?

Mr. KEELEY. Alfred Cowles?

Mr. HANEY. Alfred the second.

Mr. KEELEY. I do not remember that. I think Mr. Cowles preceded him considerably.

Mr. HANEY. That is what I say.

Mr. KEELEY. I mean by a considerable period of time. The business manager who immediately preceded Medill, I think, was H. W. Montgomery. That is my recollection.

Mr. HANEY. When did Medill McCormick take charge as managing editor?

Mr. KEELEY. He never was managing editor.

Mr. HANEY. When did he become editor in chief?

Mr. KEELEY. Oh, four or five years ago, Judge. I do not remember those dates. I will get them all for you. I will telegraph for them, if you like, and give them to you in chronological order, giving you the date of every step.

Mr. HANEY. It was about, you think, five years ago?

Mr. KEELEY. Five or six years ago.

Mr. HANEY. Was it at the same time that he became business manager that he became editor in chief?

Mr. KEELEY. No; oh, no.

Mr. HANEY. Before or after?

Mr. KEELEY. What?

Mr. HANEY. Did he become editor in chief before he was business manager or after?

Mr. KEELEY. Afterwards.

Mr. HANEY. How long after, do you know?

Mr. KEELEY. I do not remember, Judge.

Mr. HANEY. When did he become publisher?

Mr. KEELEY. That is a term that is meaningless. The editor is publisher. It is "editor"; it is "general manager"; it is "editor-publisher." One man on one paper calls himself "editor"; another "publisher."

Mr. HANEY. Yes, I know; but when was that term properly used with him?

Mr. KEELEY. When he became editor.

Mr. HANEY. When was that?

Mr. KEELEY. I think he called himself publisher while R. W. Patterson was still alive. That is it.

Mr. HANEY. There is no doubt about that, is there?

Mr. KEELEY. No; that is true.

Mr. HANEY. When was that? When did he become publisher?

Mr. KEELEY. Four or five years ago; and he of course did not become editor in chief until after Mr. Patterson's death.

Mr. HANEY. About the Tribune you call Joseph Medill Patterson "Joe"?

Mr. KEELEY. "Joe"; I so call him; yes.

Mr. HANEY. As distinguished from Medill McCormick?

Mr. KEELEY. Yes.

Mr. HANEY. When did Joe Patterson become attached to Mayor Dunne's administration as commissioner of public works?

Mr. KEELEY. My recollection is right after his election.

Mr. HANEY. That was six years ago last April?

Mr. KEELEY. I do not know.

Mr. HANEY. You know that Mayor Busse served four years?

Mr. KEELEY. Four years; yes.

Mr. HANEY. And he succeeded Mayor Dunne, and Dunne's term was two years?

Mr. KEELEY. I will take your figure for it, Judge.

Mr. HANEY. And Joe Patterson was the first commissioner of public works under Mayor Dunne?

Mr. KEELEY. That is my recollection; yes, sir.

Mr. HANEY. And that is the most important and influential position in the office of mayor of Chicago, and was then?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Joseph Patterson was, up to that time, connected with the Tribune?

Mr. KEELEY. He was up to the time of the campaign, but he left during the campaign.

Mr. HANEY. Yes. That was just before he became commissioner?

Mr. KEELEY. Yes; some two or three months—two months, probably.

Mr. HANEY. At that time his father, Robert Patterson, was still actively connected with the paper?

Mr. KEELEY. Yes, sir.

Mr. HANEY. When did Robert Patterson go away for a considerable period of time—about that time?

Mr. KEELEY. I could not tell you.

Mr. HANEY. Was it before Joe Patterson was appointed commissioner of public works, or afterwards?

Mr. KEELEY. He was not in the city the night that Joe resigned from the Tribune. That I know.

Mr. HANEY. When did he resign from the Tribune?

Mr. KEELEY. One Saturday night—one Saturday afternoon.

Mr. HANEY. Yes; I know; but there are 52 of those days in the year.

Mr. KEELEY. I can not give you the date, Judge.

Mr. HANEY. You can not tell what Saturday that was?

Mr. KEELEY. It was prior to the election, one Saturday afternoon.

Mr. HANEY. That gives it approximately.

Mr. KEELEY. Yes; prior to the election, as I said before. You are asking about Mr. Patterson's whereabouts. I know that he was not in Chicago the day that Joe resigned. I do know that he came back to Chicago and was there before the election.

Mr. HANEY. And then did he go away again?

Mr. KEELEY. That I do not know. I am able to give those two dates because of my recollection of two things that happened of which I have knowledge—two incidents.

Mr. HANEY. Do you want to tell what they are?

Mr. KEELEY. Oh, no, no! I am just trying to answer your question.

Mr. HANEY. I thought I would ask you the question if you did. How soon did he go away then; shortly after?

Mr. KEELEY. I do not know, Judge. I could not tell you anything about the movements of Mr. Patterson chronologically, or in the form of a calendar. I do not know. He was there, and he was away. He came back and went away, and as time passed on he stayed away longer.

Mr. HANEY. Joe Patterson afterwards became editor or publisher of a Socialistic paper—what was that?

Mr. KEELEY. I do not know that he became editor or publisher of a Socialistic paper, and I do not believe he did.

Mr. HANEY. Did you not ever hear that?

Mr. KEELEY. I did not, sir.

Mr. HANEY. Did you hear that he was connected with a Socialistic paper?

Mr. KEELEY. I had heard that he had contributed to a Socialistic paper, but I never heard that he had anything to do with the management of it. It is the Daily Socialist.

Mr. HANEY. He contributed in what way—in a literary way or financially?

Mr. KEELEY. Both.

Mr. HANEY. Both?

Mr. KEELEY. Yes, sir; but I do not vouch for that.

Mr. HANEY. He was one of the owners, was he not? Did you not know, or was it not common report, that he was one of the owners, editors, and publishers of the paper?

Mr. KEELEY. That he was a contributor financially and with his pen.

Mr. HANEY. What was the name of that paper?

- Mr. KEELEY. The Daily Socialist.
- Mr. HANEY. The Daily Socialist?
- Mr. KEELEY. Yes, sir.
- Mr. HANEY. And he continued in that position for how long?
- Mr. KEELEY. I did not say he had a position there.
- Mr. HANEY. As a contributor, then?
- Mr. KEELEY. That I do not know, sir.
- Mr. HANEY. And he still occupies that place, does he?
- Mr. KEELEY. No; he does not.
- Mr. HANEY. Do you know that he is not now contributing to the Socialistic paper?
- Mr. KEELEY. I think I can say that he is not contributing with his pen. Whether he gives them any money or not I do not know.
- Mr. HANEY. Yes; I know you can say that—so could anybody—but what do you know about the fact?
- Mr. KEELEY. I said I thought I could say it, because of some little conversation I have had with him recently about it.
- Mr. HANEY. Do you know anything about the fact except what he told you?
- Mr. KEELEY. I do not.
- Mr. HANEY. What did he tell you about his ownership?
- Mr. KEELEY. He never told me anything about his ownership.
- Mr. HANEY. Or his connection with it?
- Mr. KEELEY. Or his connection with it, except I will tell you what he said recently on which I base that remark. I asked him how the paper was getting along. You know, every week or so or every month or so they say they have got to be saved; they have got to raise a thousand dollars or \$5,000 or there will be no paper the next day.
- Mr. HANEY. No; I did not know that.
- Mr. KEELEY. Oh, yes, Judge; every week or so they issue the "Call to arms," and they have got to have so much money or they will not be out.
- Mr. HANEY. When was that?
- Mr. KEELEY. I asked Joe how they were getting along, and he said he did not know anything about it any more.
- Mr. HANEY. When was that, Mr. Keeley?
- Mr. KEELEY. This "Call to arms"?
- Mr. HANEY. No; when was it that he told you this?
- Mr. KEELEY. Oh, recently; I will say within six months, and be safe.
- Mr. HANEY. Is he actively connected with the Tribune now?
- Mr. KEELEY. Mr. Patterson is secretary of the Tribune and chairman of the board of directors.
- Mr. HANEY. Is not R. R. McCormick secretary?
- Mr. KEELEY. No, sir; president and treasurer.
- Mr. HANEY. He was secretary the preceding term, the preceding election, the one preceding the last, was he not?
- Mr. KEELEY. He or Joe; I forget which.
- Mr. HANEY. He was?
- Mr. KEELEY. Probably.
- Mr. HANEY. When did you go away for a considerable period from the Tribune, Mr. Keeley?
- Mr. KEELEY. You mean the longest period of vacation I had?
- Mr. HANEY. We will try that first.

Mr. KEELEY. I went to Japan in the fall of 1909. I think I left Chicago on September 3, and I sailed from Yokohama November 3 or 4, reaching Chicago 22 or 23 days later.

Mr. HANEY. About the last of November, 1909?

Mr. KEELEY. Say the 25th. I think I got back on a Tuesday night.

Mr. HANEY. Did Robert Patterson die meantime?

Mr. KEELEY. No, sir.

Mr. HANEY. When did he die with reference to your return?

Mr. KEELEY. He died subsequent to my return.

Mr. HANEY. It was very shortly after, was it not?

Mr. KEELEY. Raymond Patterson, his brother, the Washington correspondent of the Tribune, died during that period. He died on the Saturday preceding my return to Chicago.

Mr. HANEY. I have no doubt the other Pattersons died, too; but I am asking you about Robert.

Mr. KEELEY. R. W. Patterson died several months after that.

Mr. HANEY. Yes; a few months after your return?

Mr. KEELEY. A few months after my return; yes.

Mr. HANEY. So that he died either the last of 1909 or the first of 1910?

Mr. KEELEY. He died in 1910.

Mr. HANEY. When did Robert McCormick have his serious illness?

Mr. KEELEY. Several years ago.

Mr. HANEY. When, with reference to your departure for Japan?

Mr. KEELEY. Oh, prior to that.

Mr. HANEY. Before that?

Mr. KEELEY. Yes.

Mr. HANEY. Who took your place while you were away as managing editor?

Mr. KEELEY. Mr. Beck.

Mr. HANEY. Medill McCormick was taken sick, or had a breakdown, at one time. When was that—the first one?

Mr. KEELEY. The only breakdown he ever had came last year.

Mr. HANEY. I will not designate it by that strong term; but when was he taken sick, and when did he have to go away, or when did he go away because of his health?

Mr. KEELEY. Medill's health failed two or three years ago, and he was away—let me see. Right after the last national election I think he was down at Hot Springs, Va., right after the election, and for some considerable period of weeks. Then I believe that prior to my departure for Japan Mr. McCormick went away; and my recollection is that I started for Japan about two or three weeks after his return to Chicago.

Mr. HANEY. Medill McCormick had this severe illness and went away just before or just after the last presidential election?

Mr. KEELEY. He did not have a severe illness then. He was all run down; he had done a lot of work, and he was not well, and went away and took his vacation.

Mr. HANEY. When was that—just before or just after the presidential election?

Mr. KEELEY. I say, he went away—he was on a vacation right after the presidential election. I fix that by this fact—that I know he was at the same place that Mr. Taft was visiting after the election.

Mr. HANEY. Where was that?

Mr. KEELEY. Hot Springs, Va., I think.

Mr. HANEY. When did he return to the paper after that, if he did?

Mr. KEELEY. I could not give you the date, Judge. I will say, roughly, two months, or something of that kind.

Mr. HANEY. How long did he remain actively connected with the paper after that?

Mr. KEELEY. He went away again in 1909.

Mr. HANEY. When? About what time?

Mr. KEELEY. I can not tell you when he went away. I can tell you when he came back.

Mr. HANEY. About when did he go away?

Mr. KEELEY. I do not know, Judge.

Mr. HANEY. Can you not tell approximately?

Mr. KEELEY. No, sir; I can not. I do not know where he was. I do not remember how long he was away. I know that I had two jobs at that time, and was pretty busy; and when he got back I hiked for Japan.

Mr. HANEY. What were the two jobs that you had while he was away?

Mr. KEELEY. I was looking after his work and my own work.

Mr. HANEY. When did he go away again?

Mr. KEELEY. In the latter part of February, 1910.

Mr. HANEY. And where did he go then?

Mr. KEELEY. He went horseback riding. He took a horseback trip down in Kentucky and Tennessee, and then he and his wife went away. I do not remember whether they went to Europe or whether they went out to Oregon.

Mr. HANEY. When did Mr. Medill McCormick go to Switzerland?

Mr. KEELEY. I think he was there before then, Judge. I do not remember exactly.

Mr. HANEY. You know he was, do you not?

Mr. KEELEY. He made two trips there.

Mr. HANEY. When was he there being treated for his health?

Mr. KEELEY. I can not give you the date.

Mr. HANEY. About when was it?

Mr. KEELEY. He came back and then he went back again.

Mr. HANEY. About when did he go there the first time?

Mr. KEELEY. I said a moment ago that he was away and when he came back I went to Japan. I will fix that absence as probably the time he was in Switzerland, as you say.

Mr. HANEY. Will you tell me about the time he first went to Switzerland?

Mr. KEELEY. I fixed his return at about two weeks before.

Mr. HANEY. Will you not fix this independently, by the calendar?

Mr. KEELEY. No, sir; I can not.

Mr. HANEY. Approximately?

Mr. KEELEY. I left for Japan on September 8, I believe, and I believe that he returned to Chicago about two or three weeks before I left.

Mr. HANEY. September, 1910?

Mr. KEELEY. 1909.

Mr. HANEY. 1909?

Mr. KEELEY. Yes. You can figure back from that. I do not know how long he was gone. Two or three months, probably.

Mr. HANEY. I do not want to do the figuring. I want you to tell me the facts, if you know them.

Mr. KEELEY. I am trying to tell you the facts, Judge. If you desire, I will telegraph and get the whole thing chronologically. I do not know.

Mr. HANEY. Do you not know how long he was in Switzerland the first time?

Mr. KEELEY. I do not.

Mr. HANEY. Do you know about how long?

Mr. KEELEY. I should say two or three months. I may be out of the way. I may be accurate. I will get you every date, if you want it. I will make every effort to get the exact information, if you desire it.

Mr. HANEY. I am not bargaining. I am simply asking you for facts. If you know, I wish you would be kind enough to state. I can not make any bargain with you.

Mr. KEELEY. I am giving you the best of my recollection, Judge. I say I will furnish you these dates.

Mr. HANEY. When did Mr. Medill McCormick go to Switzerland the next time?

Mr. KEELEY. I do not know that he went to Switzerland the next time. He went to Europe.

Mr. HANEY. When did he go to Europe the next time after that?

Mr. KEELEY. I think he has been to Europe twice since then. I can not give you the dates.

Mr. HANEY. You left for Japan in September, 1909?

Mr. KEELEY. Yes.

Mr. HANEY. Mr. Medill McCormick had gone to Switzerland how many months before that, as you figure it back, or as you remember it?

Mr. KEELEY. I should say in the summer.

Mr. HANEY. Was it in the summer of 1909?

Mr. KEELEY. It must have been, if he came back two or three weeks before I left on the 3d of September.

Mr. HANEY. Was Mr. Medill McCormick in Chicago during the winter of 1908 and 1909?

Mr. KEELEY. I do not know. I can find out.

Mr. HANEY. Do you not know that he was not?

Mr. KEELEY. No, sir; I do not, Judge.

Mr. HANEY. Were you not doing his work there, as well as your own, on the Tribune?

Mr. KEELEY. Judge, the fact that I did somebody else's work was no novelty and made no impression on me. I may have done it. I was always doing it.

Mr. HANEY. I thought you said a little while ago that it did make a very great impression on you, and that you had to go to Japan.

Mr. KEELEY. Physically; yes.

Mr. HANEY (continuing). Because you had been doing Mr. Medill McCormick's work and your own?

Mr. KEELEY. Physically; yes.

Mr. HANEY. I am not differentiating between——

Mr. KEELEY (interrupting). Well, I am.

Mr. HANEY (continuing). Between the things that would impress themselves upon you; but I want you to tell me as nearly as you can, Mr. Keeley.

Mr. KEELEY. Judge, I say the fact that I was doing another man's work in addition to my own was no novelty.

Mr. HANEY. Do you not know that Mr. Medill McCormick went away from Chicago immediately after the last presidential election and before the inauguration of the President elected at that election, and that he was not in Chicago at any time during the winter of 1908 and 1909?

Mr. KEELEY. I have no recollection, Judge. Your statement may be absolutely true, for all I remember.

Mr. HANEY. Do you know whether Mr. Medill McCormick was in Chicago on the 26th of May, 1909, when Mr. Lorimer was elected Senator?

Mr. KEELEY. I do not think he was.

Mr. HANEY. You know he was not, do you not?

Mr. KEELEY. To the best of my recollection he was not there.

Mr. HANEY. And when did he return after that event?

Mr. KEELEY. I do not know, Judge.

Mr. HANEY. About when?

Mr. KEELEY. In 1909? Why, in August.

Mr. HANEY. He did not come back until a week or two before you left for Japan?

Mr. KEELEY. Two or three weeks, or something of that kind.

Mr. HANEY. It was only about a week before you left for Japan, in September; was it not?

Mr. KEELEY. I do not remember. One or two or three weeks. I know I wanted to get away, and I got away, where I would be a long way off.

Mr. HANEY. Mr. Medill McCormick went away after that and went to Europe for a considerable time, did he not?

Mr. KEELEY. He left, as I say, the latter part of February.

Mr. HANEY. What year?

Mr. KEELEY. 1910, and he has not been back to the Tribune.

Mr. HANEY. Was he in Chicago the last of April, 1910?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Was he there all through April, 1910?

Mr. KEELEY. No, sir.

Mr. HANEY. When did he return to Chicago in April, 1910?

Mr. KEELEY. April 30.

Mr. HANEY. That is the day that you published the so-called White story?

Mr. KEELEY. Yes.

Mr. HANEY. He was in Chicago at that time, was he not?

Mr. KEELEY. He arrived at 9 o'clock on that morning.

Mr. HANEY. And he remained how long on that occasion?

Mr. KEELEY. A day or two, I think. Maybe more than that.

Mr. HANEY. Where had he been just before he returned to Chicago on the morning of the 30th of April, 1910?

Mr. KEELEY. I do not know, sir.

Mr. HANEY. Where did he come from?

Mr. KEELEY. New York or Washington. He arrived on one of the fast trains; I do not know which one.

Mr. HANEY. Where had he been? Had he been across the water or at some place in the East?

Mr. KEELEY. I do not remember, Judge.

Mr. HANEY. Have you no recollection whether he was abroad or at some place in this country?

Mr. KEELEY. No, sir; I have not.

Mr. HANEY. How long did he stay in Chicago after the 30th of April?

Mr. KEELEY. I saw him that day for a few minutes, and my recollection is that he was there a day or two. I do not know. It was a very brief visit. That is my recollection.

Mr. HANEY. What time on the 30th of April did you see him?

Mr. KEELEY. About noon, I think, or 11 o'clock, he came into the office for a moment.

Mr. HANEY. Yesterday you told this honorable committee that Mr. Medill McCormick was not in Chicago at the time of the publication of this story. Do you want to correct that?

Mr. KEELEY. No, sir.

Mr. HANEY. You do not?

Mr. KEELEY. No. Will you permit me to say that both statements are correct and point out why they are? The time of publication, in a newspaper sense, as I used the expression, is the night of the publication—the actual time of printing the story.

Mr. HANEY. Did you think everybody was expert in the technique of a newspaper office?

Mr. KEELEY. I used the trade phraseology, Judge, without any thought as to its naturalness. The time of publication with me and with a newspaper is the night before the date of the paper, the actual time of publication.

Mr. HANEY. You knew that you were telling your story, yesterday, to newspaper laymen, did you not?

Mr. KEELEY. That thought never entered my head.

Mr. HANEY. You talked with Mr. Medill McCormick about the publication of that story, did you not?

Mr. KEELEY. Judge, I talked with him a moment only about the story, after we printed it. He had no knowledge whatever of that story until he read it on the train.

Mr. HANEY. Is it not a fact that you had daily communications, or almost daily communications, with Mr. Medill McCormick prior to his return to Chicago, which you say was on the morning of the 30th?

Mr. KEELEY. I did not. It is not a fact.

Mr. HANEY. What was his position on the paper at that time?

Mr. KEELEY. He was on a leave of absence.

Mr. HANEY. I said on the paper.

Mr. KEELEY. Editor, vice president—first vice president.

Mr. HANEY. He defined the policy of the paper at that time, did he not?

Mr. KEELEY. Not during his absence.

Mr. HANEY. When he was there, and when he chose to do so, he defined the policy of the paper, did he not?

Mr. KEELEY. Yes.

Mr. HANEY. You knew what I meant when I asked the other question, did you not?

Mr. KEELEY. No; I did not. You spoke first of his absence, and asked me if I communicated with him.

Mr. HANEY. You knew that I did not mean that he defined the policy of the paper when he was asleep, did you not?

Mr. KEELEY. That was not mentioned. You asked me if I had received communications from him when I was away, and I said "no."

Mr. HANEY. At that time, and prior to it, he defined the policy of the paper, did he not?

Mr. KEELEY. At what time?

Mr. HANEY. April 30, 1910.

Mr. KEELEY. No, sir.

Mr. HANEY. Who was defining the policy of the paper at that time?

Mr. KEELEY. Prior to April 30, 1910, my recollection is that I was placed in charge of the property.

Mr. HANEY. By whom?

Mr. KEELEY. By the directors of the Tribune Co.

Mr. HANEY. Did Mr. Medill McCormick have anything to do with it?

Mr. KEELEY. He went away on a leave of absence. That leave was extended, and, by a vote of the directors of the Tribune Co., I was placed in charge of the property.

Mr. HANEY. I thought you told us a little while ago that you did not know anything about what took place in the board of directors of the Tribune Co.?

Mr. KEELEY. I did not make that broad general statement. That answer was in reply to some question of yours in regard to the dim and distant history of the Tribune Co. I have been a director of the Tribune Co.—

Mr. HANEY. Recently, you said.

Mr. KEELEY. Recently.

Mr. HANEY. But you said the Tribune corporation did not have anything to do with the management of the paper.

Mr. KEELEY. Oh, no, sir.

Mr. HANEY. Well, did it?

Mr. KEELEY. Why, certainly it did. I was talking of the board of trustees under Mr. Medill's will.

Mr. HANEY. The board of trustees of the late Joseph Medill's will controlled the board of directors of the Chicago Tribune Co., did they not?

Mr. KEELEY. I have never seen the control exercised.

Mr. HANEY. That is not what I asked you. Will you answer the question?

Mr. KEELEY. I have never seen the control exercised, Judge. I have never heard of it.

Mr. HANEY. That might be true, and still you might know the fact that I asked you. If you do, tell me. If you do not, say so.

Mr. KEELEY. I do not. I have never heard of it.

Mr. HANEY. That is an answer.

The trustees of the late Joseph Medill's will controlled all of the property that was owned by Joseph Medill during his lifetime, and that meant 51 per cent or more than 51 per cent of the Tribune's stock?

Mr. KEELEY. Yes.

Mr. HANEY. And that 51 per cent of the stock of the Chicago Tribune would elect anybody a director, and control the officers and the management of the paper, would it not?

Mr. KEELEY. It would not elect all the directors.

Mr. HANEY. It would elect the controlling directors, would it not?

Mr. KEELEY. Yes; the controlling directors.

Mr. HANEY. And control the management of the paper?

Mr. KEELEY. Yes.

Mr. HANEY. And that control has existed in the Medill family through Joseph Medill himself, from the time that he purchased the stock of Mr. White, now of New York, down to the present time, has it not? Through Mr. Medill, during his lifetime, and through his trustees since his death?

Mr. KEELEY. Certainly; the ownership controls.

Mr. HANEY. Do you remember when Mr. Theodore Roosevelt returned from Africa?

Mr. KEELEY. Yes.

Mr. HANEY. When was it?

Mr. KEELEY. I can not give you the date.

Mr. HANEY. Did Mr. Medill McCormick come back with him?

Mr. KEELEY. He came back on the same boat with him; I remember, now.

Mr. HANEY. You do not know what year that was?

Mr. KEELEY. Yes; it was 1910.

Mr. HANEY. What time?

Mr. KEELEY. Or 1909. Which was it? I do not know, Judge. It was within two years.

Mr. HANEY. If that is as near the fact as you can come, the record will show that, and I shall be satisfied.

Mr. KEELEY. All right. He came back, I know.

Mr. HANEY. Who came back?

Mr. KEELEY. Mr. Roosevelt, and Mr. and Mrs. McCormick were on the same boat. I remember it all very distinctly now.

Mr. HANEY. What is your best recollection as to the date, by the calendar, when that occurred, Mr. Keeley?

Mr. KEELEY. That was in 1910, in the spring, was it not? Yes; in the spring of 1910.

Mr. HANEY. I may change places with you afterwards and let you ask me questions, but—

Mr. KEELEY (interrupting). Judge, it was the spring of 1910.

Mr. HANEY. Just now, however, you are the witness.

Mr. KEELEY. Yes; it was the spring of 1910.

Mr. HANEY. How long had Medill McCormick been away before that return?

Mr. KEELEY. Several months, I think.

Mr. HANEY. What do you mean by several months?

Mr. KEELEY. Two or three or four months.

Mr. HANEY. And you do not know which?

Mr. KEELEY. No; I do not.

Mr. HANEY. Had he not been away for nearly a year?

Mr. KEELEY. I do not think so.

Mr. HANEY. You do not know that he was?

Mr. KEELEY. No; I do not, Judge. It may have been more. I do not remember.

Mr. HANEY. More than what?

Mr. KEELEY. Two or three months. It may have been more. I do not remember.

Mr. HANEY. When Mr. Medill McCormick was away, you managed the paper, did you?

Mr. KEELEY. Yes.

Mr. HANEY. You defined its policy?

Mr. KEELEY. I did not do much interfering with the policy. I say I managed the paper. I kept it running. I did not move into the editor's office. I stayed in my own office and managed it.

Mr. HANEY. Now, will you answer my question as to who defined the policy of the paper when Mr. Medill McCormick was away?

Mr. KEELEY. I followed the policy that was established by the editor.

Mr. HANEY. I am not asking you to differentiate as to what policies were established. I asked you who defined the policy?

Mr. KEELEY. The editor.

Mr. HANEY. Who was that individual?

Mr. KEELEY. Mr. McCormick.

Mr. HANEY. When he was away?

Mr. KEELEY. I followed, generally, the policy that he had outlined and had pursued. I did not go into any excursions of my own.

Mr. HANEY. That has been so for how long?

Mr. KEELEY. It was so all the while, until I finally had charge of the property.

Mr. HANEY. That is what I have been trying to get for some time; that Mr. Medill McCormick defined the policy of the paper at all times, whether he was there or away, whenever he chose to do so.

Mr. KEELEY. Shall I state—

Mr. HANEY. That is the fact, is it not?

Mr. KEELEY. The fact is this, that when Mr. Patterson was editor, and he was away, when Mr. McCormick was editor, and he was away, I looked after the paper. I did not create any new policy, I did not go counter to any of their policies; I just let her slide along, and when they came back they took up the reins again.

Mr. HANEY. And that has been the condition since Mr. Medill McCormick took general charge of the paper, and defined its policy, which you say was five or six years ago—did you say?

Mr. KEELEY. It has been that, with what I have done, all the while.

Mr. HANEY. You simply carried out what you knew or understood to be the policies of Medill McCormick?

Mr. KEELEY. Absolutely; when I was acting as a substitute.

Mr. HANEY. And during the last five or six years there has been nobody defining the policy of the Chicago Tribune except you and Medill McCormick?

Mr. KEELEY. And R. W. Patterson.

Mr. HANEY. Well, Mr. Patterson when he was there?

Mr. KEELEY. When he was there; yes, sir.

Mr. HANEY. When he was in Chicago?

Mr. KEELEY. Yes.

Mr. HANEY. Has Medill McCormick lived in Washington recently?

Mr. KEELEY. Lived here?

Mr. HANEY. Yes.

Mr. KEELEY. I think he has been here. Yes, he was here last week.

Mr. HANEY. Well, you know, do you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. When did he take up his residence here?

Mr. KEELEY. I did not know that he had taken up his residence; using that term as acquiring——

Mr. HANEY. Do you not know that he rented a house here last fall and came here and lived here all of last winter?

Mr. KEELEY. Yes; I think here was here, he and Mrs. McCormick——

Mr. HANEY. You know that?

Mr. KEELEY. Why, Judge, I do not. I know he was in Washington, and I know he was elsewhere. I make no calendar on Mr. Medill McCormick's movements, and I do not know.

Mr. HANEY. You have a mind and——

Mr. KEELEY. I have a mind.

Mr. HANEY. And a memory, and that is what I am appealing to, and not a calendar.

Mr. KEELEY. I have a mind, and the ordinary human memory, and that is all.

Mr. HANEY. You were in Washington a good deal last winter, were you not?

Mr. KEELEY. I was here several times; yes, sir.

Mr. HANEY. You saw Mr. Medill McCormick here last winter?

Mr. KEELEY. I saw him once; yes, sir.

Mr. HANEY. You were at his house last winter in Washington?

Mr. KEELEY. I was not.

Mr. HANEY. He was at your rooms in the hotel last winter, was he not?

Mr. KEELEY. He was not.

Mr. HANEY. Where did you and he meet?

Mr. KEELEY. I met him in the Tribune office one day and in the press gallery one day.

Mr. HANEY. Only one day?

Mr. KEELEY. Only one day.

Mr. HANEY. In each place?

Mr. KEELEY. In each place.

Mr. HANEY. How many times were you in Washington last winter?

Mr. KEELEY. Two or three.

Mr. HANEY. Or four or five?

Mr. KEELEY. Why, no, sir, Judge. I do not know—I was here two or three times.

Mr. HANEY. Were you not here more than that?

Mr. KEELEY. No; I do not think I was.

Mr. HANEY. You went over your testimony very carefully last night, did you not, and made several corrections here?

Mr. KEELEY. I read the first part of it, and then I quit before I got to the tail end of it and went to bed.

Mr. HANEY. Were you in a conference last evening?

Mr. KEELEY. No, sir.

Mr. HANEY. Where did you go over your testimony?

Mr. KEELEY. In our office.

Mr. HANEY. In the Tribune office?

Mr. KEELEY. Yes.

Mr. HANEY. At the corner of Fourteenth Street and F?

Mr. KEELEY. In the Western Union Building; yes.

Mr. HANEY. Who was present?

Mr. KEELEY. Mr. O'Laughlin, Mr. Henning, Mr. Phillips, and Mr. Marble came in.

Mr. HANEY. The attorney for this committee?

Mr. KEELEY. Yes, sir.

Mr. HANEY. How long were you there?

Mr. KEELEY. I was in the office from about 9 until about 11.

Mr. HANEY. And all of you gentlemen went over the testimony and over the records and documents and discussed them in this matter, did you not?

Mr. KEELEY. No, sir.

Mr. HANEY. Not at all?

Mr. KEELEY. No, sir.

Mr. HANEY. What were you all there for?

Mr. KEELEY. Mr. O'Laughlin was writing his story, and Mr. Phillips was writing his, and Mr. Henning was writing his, and I was reading the testimony.

Mr. HANEY. What was Mr. Marble doing?

Mr. KEELEY. I telephoned Mr. Marble earlier in the evening that I had some information for him, and he told me not to read it over the phone, that he would be down to the office. He came down to the office and got it and went away.

Mr. HANEY. What was the information?

Mr. KEELEY. That I decline to tell you.

Mr. HANEY. What did you talk about with the attorney for this committee last evening?

Mr. KEELEY. A telegram I received.

Mr. HANEY. I want to know what the talk was.

Mr. KEELEY. The talk was in relation to a telegram I had received.

Mr. HANEY. What was the talk?

The CHAIRMAN. The committee does not think that the information that its counsel was seeking is a matter to be brought out in this way, Judge Haney.

Mr. HANEY. Mr. Chairman, if that is the ruling of the committee, if that is to be a precedent, I am entirely satisfied with it, but our witnesses have been compelled. I think, to answer things that were private affairs. I am not saying that in criticism of the committee at all, or in complaint, but if that is to be the precedent that is to control all along the line. I am entirely satisfied.

The CHAIRMAN. The committee thinks, if its counsel were seeking information under direction of the committee from any source, that it is hardly proper that his action should be brought out before he has had an opportunity to report to the committee or to take action on the information that he had received.

Mr. MARBLE. May I ask, Mr. Chairman, that that ruling of the committee go only to the information received from Mr. Keeley regarding matter not referred to in his testimony, and that Judge Haney be permitted now to interrogate him fully as to anything I said to him regarding his testimony or as to—well, that far.

The CHAIRMAN. The committee will assume that its attorney was acting under its direction and with absolute propriety in seeking out all information from every source and from everybody.

Mr. HANEY. I am not charging any improper conduct on the part of anybody, but where there are two sides of a case the law is uniform—both constitutional, fundamental, and statutory every place; that there must be equality; that there can not exist inequality in any court of justice or in any tribunal where justice is sought by any kind of an investigation where discretion exists on the part of the persons hearing the testimony.

The CHAIRMAN. The committee will give you every chance to apply that principle in this instance, Judge Haney.

Mr. HANEY. That is all I care for, but Mr. Marble is appealing now to this committee, to the chairman, to make a ruling in this case that will be applicable to this matter only, and if that is so, then all our constitutional law and all our jurisprudence are wiped out, and we go back to the dark ages where the individual and the subject matter control and not principles of law or justice.

Mr. MARBLE. Mr. Chairman, perhaps I did not state my request. My request is that Mr. Haney be allowed to question the witness fully as to anything I said to him regarding his testimony, and everything that he said to me and all of my conference regarding his testimony given yesterday or to be given to-day.

The CHAIRMAN. The ruling of the committee went simply to the information that was conveyed to counsel, which the witness says he wished to convey to him, and for which purpose he sent for him to come to his office. Anything else, I think, will be perfectly admissible.

Mr. HANEY. Mr. Keeley, how long were you and Mr. Marble in conference last night?

Mr. KEELEY. I think Mr. Marble was in that office about 10 or 15 minutes.

Mr. HANEY. Not more than that?

Mr. MARBLE. I do not think so.

Mr. HANEY. Do you not know that he was there much longer than that?

Mr. KEELEY. I do not. If so, I would have said it.

Mr. HANEY. What is that?

Mr. KEELEY. If I had known that he was there longer, I would have said so.

Mr. HANEY. Did you discuss with him the testimony here on yesterday?

Mr. KEELEY. I made one statement; yes.

Mr. HANEY. About your testimony yesterday?

Mr. KEELEY. Yes.

Mr. HANEY. What was that?

Mr. KEELEY. That I had made a mistake, which I have corrected this morning.

Mr. HANEY. Did you tell him that you had made any other mistakes?

Mr. KEELEY. I did not, sir.

Mr. HANEY. Is that all that you did say to him?

Mr. KEELEY. I think it is; yes, sir.

Mr. HANEY. Well, you would know; would you not?

Mr. KEELEY. I do, I think. I can not talk without thinking, and I think it is.

Mr. HANEY. I did not know. Now, what is your recollection?

Mr. KEELEY. My recollection is based on my thought that that is all I said to him.

Mr. HANEY. I do not know whether you are thinking while you are talking now or not. I want your memory.

Mr. KEELEY. That is all, Judge. That is all.

Mr. HANEY. Did Mr. Marble confer with others in the office last evening?

Mr. KEELEY. I do not say that Mr. Marble conferred with anyone. He talked with all the gentlemen who were present.

Mr. HANEY. Did you discuss all of your testimony last evening there with Mr. Marble or the others who were in the office?

Mr. KEELEY. No, sir.

Mr. HANEY. Did you go over it all?

Mr. KEELEY. I read most of it, and then I got tired and went to bed.

Mr. HANEY. Where did you stop in your testimony?

Mr. KEELEY. I stopped about two-thirds through.

Mr. HANEY. While you were away in Japan, did Mr. Medill McCormick remain with the Tribune?

Mr. KEELEY. Remain at the Tribune?

Mr. HANEY. On the Tribune; actually there?

Mr. KEELEY. Oh, yes; sir.

Mr. HANEY. And he controlled its policy and defined it?

Mr. KEELEY. Yes, sir.

Mr. HANEY. That continued how long?

Mr. KEELEY. While I was away?

Mr. HANEY. Yes.

Mr. KEELEY. I was away from September 3 until the latter part of November.

Mr. HANEY. Did he still continue there?

Mr. KEELEY. Yes; until he left there the latter part of the following February.

Mr. HANEY. Did Medill McCormick remain in Chicago all the time from April 30, 1910, until you returned from Japan?

Mr. KEELEY. I went to Japan in 1909.

Mr. HANEY. Oh, 1909.

Mr. KEELEY. Yes.

Mr. HANEY. Did he remain in Chicago then until the fall of 1910, from April? You said he returned to Chicago April 30, 1910?

Mr. KEELEY. April 30, 1910; yes, sir.

Mr. HANEY. Well, did he remain there—

Mr. KEELEY. No; he did not.

Mr. HANEY. How long did he remain there?

Mr. KEELEY. My recollection is, and I said a moment ago he was there a day or two, and then I think he went out to Oregon, or somewhere. I do not know. I do not know where he went.

Mr. HANEY. How long was he gone?

Mr. KEELEY. Why, he has not been back to the Tribune.

Mr. HANEY. Has never been back since?

Mr. KEELEY. To the Tribune office; no, sir.

Mr. HANEY. Has he been back in Chicago?

Mr. KEELEY. Intermittently; yes, sir. I think he has visited there.

Mr. HANEY. Has he done any active work on the Tribune?

Mr. KEELEY. No, sir.

Mr. HANEY. Of any kind?

Mr. KEELEY. No, sir.

Mr. HANEY. Do you know whether he talked with George M. Reynolds, the president of the Continental Commercial National Bank, about the Funk story?

Mr. KEELEY. I do not.

Mr. HANEY. If Mr. Reynolds says that Medill McCormick did ask him (Mr. Reynolds) for information in relation to that, saying to Mr. Reynolds that he (Mr. McCormick) knew of the Funk story, would that refresh your recollection any?

Mr. KEELEY. I do not remember that Mr. Reynolds said that Mr. McCormick told him he knew of the Funk story.

Mr. HANEY. Well, will that refresh your recollection any?

Mr. KEELEY. That is not a correct statement of the facts. Mr. Reynolds testified, as I recollect, that Mr. McCormick came to him and said that \$128,000 was used in the election. I do not think there was any mention of Mr. Funk.

Mr. HANEY. Well, did you think there were two funds—one of \$100,000 and one of \$128,000?

Mr. KEELEY. I did not say I thought this was so or anything about it. I do not know. Mr. McCormick never mentioned that story to me, and I never heard anything about it until I read Mr. Reynolds's testimony.

Mr. HANEY. You did not think there were two funds in that connection—one of \$128,000 and one of \$100,000—did you?

Mr. KEELEY. No, sir.

Mr. HANEY. So that when Medill McCormick talked with Mr. Reynolds about it, about the \$128,000, it was the same general fund and the same general subject that Mr. Funk had told his story about, was it not?

Mr. KEELEY. I do not know anything about the conversation. I can not pass on it. I do not know what he knew or what he did not know.

Mr. HANEY. Did you talk with Medill McCormick after he returned, on April 30, 1910, or in August, 1909, about the election of William Lorimer to the United States Senate?

Mr. KEELEY. Won't you split those two questions?

Mr. HANEY. Yes. You can take it in homeopathic doses if you want to.

Mr. KEELEY. I can say yes to one-half of it and no to another.

Mr. HANEY. Well, you know how to talk.

Mr. KEELEY. I talked with Mr. McCormick on April 30 about the story we had printed that morning. I did not talk with him, as far as I remember, in August of the preceding year. I have no recollection of it.

Mr. HANEY. Did not Mr. McCormick tell you in August, 1909, that if he had been in Chicago Mr. Lorimer would not have been elected?

Mr. KEELEY. I have no recollection of it.

Mr. HANEY. Well, you would remember it if it had taken place, would you not?

Mr. KEELEY. I have no recollection of it.

Mr. HANEY. And didn't you hear him give expression to that thought to a number of different parties?

Mr. KEELEY. I have no recollection of it, but I will say that Mr. McCormick did not like the election of Mr. Lorimer.

Mr. HANEY. That was evident from several things?

Mr. KEELEY. From several things, yes, sir; and he might have thought if he had been there he could have prevented the election; I do not know, and he may have said so.

Mr. HANEY. Did you know anything about his thoughts, except as he spoke them?

Mr. KEELEY. Oh, I knew of Mr. McCormick's attitude toward Senator Lorimer, certainly, and his state of mind.

Mr. HANEY. Did you not hear him give expression to those thoughts, that Mr. Lorimer would not have been elected Senator from Illinois if he, Mr. McCormick, had been in Illinois?

Mr. KEELEY. I have no recollection of that.

Mr. HANEY. And you say that you never heard Medill McCormick say that to you or to anybody in your presence?

Mr. KEELEY. I say I have no recollection whatever of Medill McCormick making that statement.

Mr. HANEY. He was quite pronounced in the expression of his opposition to Senator Lorimer, was he not?

Mr. KEELEY. He was, always.

Mr. HANEY. And he was in August, 1909, was he not?

Mr. KEELEY. He always was.

Mr. HANEY. Well, what do you say about it in August?

Mr. KEELEY. Well, "always" covers August and the rest of them.

Mr. HANEY. Have you any recollection about August?

Mr. KEELEY. No. I just say "always" and cover it with a blanket.

Mr. HANEY. You did hear him talking about his opposition to Mr. Lorimer to different parties, did you not?

Mr. KEELEY. I have no specific recollection of any specific conversation that Mr. McCormick had with any one individual.

Mr. HANEY. How did you know of Mr. McCormick's opposition, if you never heard him express that to you or anybody else?

Mr. KEELEY. I did not say that he had never talked to me about it—always covering the general opposition. Surely he talked about it and had editorials written.

Mr. HANEY. What did he say to you about his opposition to Senator Lorimer?

Mr. KEELEY. When?

Mr. HANEY. At any time.

Mr. KEELEY. He said that Mr. Lorimer should be driven out of politics.

Mr. HANEY. When did he first say that?

Mr. KEELEY. I do not remember, sir.

Mr. HANEY. About when?

Mr. KEELEY. As soon as he was in power.

Mr. HANEY. And that was five or six years ago?

Mr. KEELEY. Five or six or seven years ago; yes, sir.

Mr. HANEY. And he repeated that many times afterwards, did he not?

Mr. KEELEY. I did not say he repeated that. That was his attitude—a determined opposition to what he called Lorimerism and to Senator Lorimer. Yes, sir.

Mr. HANEY. And it was his position continuously, persistently, and consistently to drive Senator Lorimer out of politics in Illinois, was it not?

Mr. KEELEY. He fought Senator Lorimer——

Mr. HANEY. Will you not answer my question? Then you may talk as much as you want to.

Mr. KEELEY. Yes and no.

Mr. HANEY. Will you define what you mean by “yes and no”?

(By request of the witness, the stenographer read the pending question.)

Mr. KEELEY. It was his position; it was not consistently his position.

Mr. HANEY. Where was he inconsistent in that?

Mr. KEELEY. I will take that back; I will say “yes” to all of them.

Mr. HANEY. You think he was consistent, then, in that, at least?

Mr. KEELEY. Yes; yes.

Mr. HANEY. Why did you say that he was not consistent?

Mr. KEELEY. Because I made a mistake.

Mr. HANEY. Was that because you did not think, or because you had some thought?

Mr. KEELEY. Because I talked too rapidly.

Mr. HANEY. And every effort that Mr. Medill McCormick could use or influence was used in furtherance of his policy to drive Senator Lorimer out of politics in Chicago and Illinois, was it not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And he gave expressions of that thought everywhere the subject matter was discussed, did he not?

Mr. KEELEY. I do not know that.

Mr. HANEY. Everywhere that you knew of?

Mr. KEELEY. Yes; everywhere I had knowledge of.

Mr. HANEY. And you had not any doubt as to his consistency on that question, had you?

Mr. KEELEY. No. I believe, Judge, that if anybody ever engaged him in conversation, or he ever engaged anyone in conversation, about Mr. Lorimer he probably gave expression to his opinion that Mr. Lorimer had no business in Illinois politics.

Mr. HANEY. One of the things that made Mr. Medill McCormick especially angry at Senator Lorimer was the election of William J. Moxley to Congress from Senator Lorimer's district after Senator Lorimer was elected to the United States Senate, was it not?

Mr. KEELEY. He fought Mr. Moxley, and I assume he did not——

Mr. HANEY. Will you answer my question now?

(By request of the witness the stenographer read the pending question.)

Mr. KEELEY. Yes, sir.

Mr. HANEY. Medill McCormick and the Tribune were as bitterly hostile to the election of William J. Moxley to Congress as they had been previously and as they have been since to Senator Lorimer, were they not?

Mr. KEELEY. I can hardly draw a comparison between the two. We fought Moxley hard; yes.

Mr. HANEY. In every way that he or the Chicago Tribune could fight him?

Mr. KEELEY. He tried to make a good job of it; yes.

Mr. HANEY. And he did make a god job of it by the election of William J. Moxley?

Mr. KEELEY. We lost, yes; the first time, but won the second.

Mr. HANEY. You won the second time by the election of a Democrat?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Do you agree with Mr. Kohlsaat's definition of "Lorimerism"—that it is a combination at times between Republicans and Democrats for office?

Mr. KEELEY. I think that is a fair definition of it; yes.

Mr. HANEY. And would you call Mr. Medill McCormick's position and the Tribune's position in that respect in relation to Mr. Moxley and his defeat in the election for Congress and the election of a Democrat in his place "McCormickism"?

Mr. KEELEY. No; I would not.

Mr. HANEY. You would not? You think that is only applicable to your enemies?

Mr. KEELEY. Oh, no; no, no.

Mr. HANEY. Then you do not agree with Mr. Kohlsaat in his definition of "Lorimerism"?

Mr. KEELEY. I think Mr. Kohlsaat's definition of "Lorimerism" was meant to imply that they were bound together by the cohesive power of public plunder. As far as the support of a Democrat is concerned, on the part of the Tribune, we believed there were a lot of good Democrats better than a lot of Republicans, and tried to support the best man.

Mr. HANEY. And did you object to Senator Lorimer, or Senator Lorimer's friends, thinking the same way?

Mr. KEELEY. In what way, Judge?

Mr. HANEY. That there were good Democrats, and that Senator Lorimer's Democratic friends thought that there were good Republicans?

Mr. KEELEY. I might have no objection to their thinking so. I might have objection to their reasons for thinking so.

Mr. HANEY. Oh, yes—that is, if one of those reasons was the election of William Lorimer to any office?

Mr. KEELEY. Oh, no—a financial one.

Mr. HANEY. The Tribune was not doing business for its health, was it?

Mr. KEELEY. No. It is healthy, though.

Mr. HANEY. That is evident. And you think it did not acquire any of that wealth or healthiness by its policy as to the election of Democrats or non-Republicans?

Mr. KEELEY. Why, Judge, I think we have sixty or seventy thousand Democratic readers.

Mr. HANEY. Yes. Is that all of your answer?

Mr. KEELEY. That is an answer to it; yes.

Mr. HANEY. After the election of William J. Moxley to Congress to succeed Senator Lorimer in his old district, there was a great commotion in Chicago, was there not?

Mr. KEELEY. Of what kind?

Mr. HANEY. There were band wagons and music and processions?

Mr. KEELEY. To be sure.

Mr. HANEY. And things of that kind?

Mr. KEELEY. Yes, sir. They came around and serenaded us.

Mr. HANEY. They especially serenaded Medill McCormick and you and the Chicago Tribune, did they not?

Mr. KEELEY. They did; but I was not there, Judge. I missed it, to my regret. I missed the music.

Mr. HANEY. Is that said, "to your regret," as truthfully as other things?

Mr. KEELEY. Why, yes. There was a lot of fun out there. I should like to have seen that band and the band wagons and the mottoes—to be sure. I can take a licking.

Mr. HANEY. You treated that in a jocular way, did you?

Mr. KEELEY. Treated what, sir? The demonstration?

Mr. HANEY. The defeat of the Tribune and the demonstration which followed?

Mr. KEELEY. Oh, no, no, no! I am talking of the demonstration—surely.

Mr. HANEY. The band wagons and the processions and the bands in the processions stopped in front of the Tribune office and played airs that were considerably annoying to some of the occupants of the Tribune office?

Mr. KEELEY. They played certain airs. No one told me they were annoyed by the music.

Mr. HANEY. Did not Medill McCormick tell you that he was annoyed by it?

Mr. KEELEY. I do not think I ever discussed that with him.

Mr. HANEY. Did you ever read the Tribune?

Mr. KEELEY. Why, sometimes; yes.

Mr. HANEY. Did you believe what you read in it?

Mr. KEELEY. Not always, Judge.

Mr. HANEY. It would not take many more to make it unanimous. You did see the articles in the Tribune, did you not, dictated or published under the control of Medill McCormick almost immediately after the election of William J. Moxley to Congress, saying that the fight was not ended, but had just begun?

Mr. KEELEY. I assume I read everything that was printed, Judge. I have no specific recollection of that.

Mr. HANEY. You do not remember that?

Mr. KEELEY. I will admit that I read everything that was in the Tribune.

Mr. HANEY. And do you remember that the Tribune said at that time that the fight on Lorimer, especially, was not ended, but had just begun?

Mr. KEELEY. I remember that phrase. It was, I think, the last line of an editorial.

Mr. HANEY. And the editorial was very virulent in speaking of Senator Lorimer, was it not.

Mr. KEELEY. I would not say it was virulent. I do not remember the text or contents of that editorial.

Mr. HANEY. What term would you use?

Mr. KEELEY. I would not use the word "virulent," Judge. I should say it was pretty strong.

Mr. HANEY. Yes. You could not define what would be virulent, if that was not, could you?

Mr. KEELEY. Oh, yes! Smallpox is virulent.

Mr. HANEY. Was there not any suppurating about the Tribune at that time?

Mr. KEELEY. I do not think so.

Mr. HANEY. Mr. Medill McCormick has never lessened in his opposition to Senator Lorimer or in his expression of very strong opposition or antagonism to Senator Lorimer, has he?

Mr. KEELEY. I have no knowledge of the state of his mind or his mental attitude since he left the Tribune.

Mr. HANEY. He never told you to change his policy in that respect, did he?

Mr. KEELEY. He did not.

Mr. HANEY. And you have been all the time following the policies that you understood were defined or adopted by Medill McCormick?

Mr. KEELEY. No, sir. I have said two or three times that while I was filling in and acting as a substitute I did, but when I was placed in charge of the paper I adopted my own policy.

Mr. HANEY. There has been no change since in the ownership of the Tribune, or the ownership of the controlling interest in the Tribune stock, has there?

Mr. KEELEY. No, sir; there has not.

Mr. HANEY. And Mr. Medill McCormick is not mentally incapacitated, is he?

Mr. KEELEY. No, sir; he is not.

Mr. HANEY. He is still alive and active and moving around?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And still has the same controlling interest or the same interest in the Tribune that he had?

Mr. KEELEY. He has nothing whatever to do, Judge, with the publication of the Tribune. He is a director. He has not attended any directors' meetings. He owns five shares of stock. Please take my word for this: That since he left the Tribune office he has had nothing whatever to do with the policy of the Tribune.

Mr. HANEY. He never owned any more than five share of stock at any time, did he?

Mr. KEELEY. No, sir.

Mr. HANEY. And he did not own that amount of stock or any other when he was managing editor, editor in chief, and publisher of the paper, did he?

Mr. KEELEY. He never was managing editor. He bought——

Mr. HANEY. I will say, then, when he was in the position that defined the policy of the paper?

Mr. KEELEY. Call him the boss.

Mr. HANEY. I did not know but that bosses were objectionable to you, especially where they were blondes.

Mr. KEELEY. Not in an office.

Mr. HANEY. Not in an office?

Mr. KEELEY. No, sir.

Mr. HANEY. That is, if he is your boss, he is not objectionable?

Mr. KEELEY. If he is my boss, I do what he tells me to do.

Mr. HANEY. Or if you are his boss, it is not objectionable?

Mr. KEELEY. He does what I tell him to do then.

Mr. HANEY. And that is the key to a great many things in the Tribune office—that is, if they are the boss it is all right.

Mr. KEELEY. Judge, I was giving you, or trying to give you, an easy phrase to express the position of Mr. McCormick.

Mr. HANEY. And I am adopting your phrase.

Mr. KEELEY. And ornamenting it.

Mr. HANEY. No; I would not want to do that in this particular, at least. When did you first become acquainted with Mr. Burns—J. P. Burns, is it?

Mr. KEELEY. Who.

Mr. HANEY. Burns—the man you said went to Springfield with some money to help elect Senator Hopkins.

Mr. KEELEY. I did not say he went there. I said I was told that he went there. I have never seen him. I do not know what his initials are, and I do not know how his name is spelled.

Mr. HANEY. When was it that you heard he went to Springfield?

Mr. KEELEY. I was told on the 21st of September of last year. That is the first time his name was mentioned to me.

Mr. HANEY. When was it that you heard that he went to Springfield with the money to help elect Hopkins?

Mr. KEELEY. I was not told that; I did not say that, Judge. My recollection of my memorandum is that Col. Copley told me that Burns put up the deal, and that a resident of Wheaton took the money down there.

Mr. HANEY. A resident of Wheaton?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Did he say who that resident was?

Mr. KEELEY. He did not say who that resident was.

Mr. HANEY. Do you know who it was?

Mr. KEELEY. I was told subsequently that it was Fred Blount.

Mr. HANEY. Fred Blount was the president of the company of which Hopkins was then director, and is now president?

Mr. KEELEY. So I was told, Judge.

Mr. HANEY. And Blount was then one of Hopkins's managers?

Mr. KEELEY. So I was told.

Mr. HANEY. In his senatorial campaign?

Mr. KEELEY. Yes, sir.

Mr. HANEY. When was it, as you understood it or heard it, that Blount or Burns or anybody took that money down or were about to take it down?

Mr. KEELEY. I do not think any specific date was given; but I gave a method yesterday of reaching that date——

Mr. HANEY. About when?

Mr. KEELEY (continuing). By saying it was the day before or the night before, 24 hours before, the roll of the house was called prior to the roll of the senate.

Mr. HANEY. What month was it, Mr. Keeley?

Mr. KEELEY. That I do not know, Judge.

Mr. HANEY. About what month?

Mr. KEELEY. I do not know, Judge. It was during the senatorial contest down there. The date is easily fixed by that reference. I do not know it.

Mr. HANEY. That story was told by several people, was it not?

Mr. KEELEY. The story that I told yesterday?

Mr. HANEY. Yes.

Mr. KEELEY. Yes, sir. It came from two informants, as I stated.

Mr. HANEY. And that story was circulated around generally, around Chicago and in Illinois?

Mr. KEELEY. I do not know how general its circulation was.

Mr. HANEY. Was that the last month of the campaign for Senator, Mr. Keeley?

Mr. KEELEY. What was that?

Mr. HANEY. That this thing took place?

Mr. KEELEY. I do not know, Judge.

Mr. HANEY. Was it about the last month?

Mr. KEELEY. I do not know, Judge.

Mr. HANEY. Or the month before?

Mr. KEELEY. I do not know.

Mr. HANEY. What was it?

Mr. KEELEY. If anybody has a report of the election there, I can fix the date for you by that reference.

Mr. HANEY. The election took place on the 26th of May, 1909.

Mr. KEELEY. Yes, sir.

Mr. HANEY. Everybody concedes that, Mr. Keeley.

Mr. KEELEY. Yes.

Mr. HANEY. When was it with reference to that?

Mr. KEELEY. I do not know.

Mr. HANEY. What was it that you said you wanted that might fix the date by the calendar?

Mr. KEELEY. I said that the day following this attempt, so I was told, the roll of the house was called first instead of the roll of the senate. Fix that date, and then the 24 or 48 hours preceding that is the date of this occurrence, as I was told it.

Mr. HANEY. Who was it that told you that, Mr. Keeley?

Mr. KEELEY. That told me what—about the date?

Mr. HANEY. Yes. You said yesterday, I believe, that that was the first time and the only time.

Mr. KEELEY. Mr. Raymond told me that.

Mr. HANEY. What Raymond?

Mr. KEELEY. Clifford Raymond.

Mr. HANEY. A reporter for the Tribune?

Mr. KEELEY. He was a reporter then. He is an editorial writer now.

Mr. HANEY. Who told you that that was the only time in the history of Illinois when the roll of the house was called first?

Mr. KEELEY. Mr. Raymond.

Mr. HANEY. And you told that yesterday very emphatically and dramatically, did you not?

Mr. KEELEY. I do not know whether I told it dramatically or emphatically. I was simply repeating what Mr. Raymond had told me.

Mr. HANEY. Did you not say yesterday:

"On the 21st day of September of this year, Col. Copley, a Member of Congress from Illinois, came to my office in company with Mr. John M. Glenn, and we had some conversation. Finally I got down to this Hopkins business. We talked about politics generally, but finally we got down to the senatorial election. Col. Copley lives

in Aurora and so did Senator Hopkins, and they hate each other healthily and viciously. I was saying to Col. Copley that he probably was glad that Hopkins was beaten, and then I asked him about this story that I had heard. When he left the office, I called my stenographer in, and I dictated this memorandum which I have here as to what he told me that day, and here it is:

"Dan Burns, formerly of the Chicago & North Western, was the man who tried to put over the deal for the election of Hopkins. The money was taken down to Springfield by a resident of Wheaton. Col. C. interviewed Shurtleff."

"Senator GAMBLE. Whom do you mean by 'Col. C.'?"

"Mr. KEELEY. Col. Copley. I did not give the name in the memorandum. I used the initial. To continue:

"Col. C. interviewed Shurtleff later in the day. He acknowledged Col. C.'s information was correct. Col. C. called up Roger Sullivan and asked him to come to Springfield. Col. C. took dinner with the governor and Roy O. West, and it was agreed that the governor call in about 20 of his Republicans, which he did, and instructed them to switch temporarily from Hopkins if any Democrats voted for Hopkins."

"Senator JONES. What did you say there about the men taking the money down—from where?"

"Mr. KEELEY. From Wheaton, Ill. I have subsequently been told that the man was Fred N. Blount."

It is "Fred N. Blount" here; it should be "Fred M. Blount."

"I have subsequently been told that the man was Fred N. Blount, president of an insurance company."

"Senator KENYON. Did you understand that Gov. Deneen at that time was for Hopkins, supporting him?"

"Mr. KEELEY. Yes. I am just telling you what Col. Copley told me that afternoon, and that is all I know about it."

"Mr. HANEY. Col. Copley and Senator Hopkins are both Republicans?"

"Mr. KEELEY. They are good ones."

"Senator GAMBLE. Col. Copley is a Member of the House now?"

"Mr. KEELEY. He is; yes, sir."

"The CHAIRMAN. Proceed, Mr. Marble."

"Mr. MARBLE. Did anything occur at Springfield, were you informed the next day after, in pursuance of this visit of Roger Sullivan?"

"Mr. KEELEY. Yes; for the first time in the history of the Illinois Legislature since it was organized, the next day they called the roll of the house first instead of the senate."

"Mr. MARBLE. You understood that was the reason?"

"Mr. KEELEY. That was the reason."

Do you not know, Mr. Keeley, that on January 26, on the thirteenth, fourteenth, fifteenth, sixteenth, and seventeenth ballots the house roll was called first, and that that appears in the house journal of Illinois for 1909?

Mr. KEELEY. I did not, and I do not know it now. I accept your statement.

Mr. HANEY. Will you say that it is not a fact that on January 27, on the eighteenth, nineteenth, twentieth, twenty-first, and twenty-second ballots of the house the house roll was called first?

Mr. KEELEY. I will not say it is not a fact. I have no knowledge on the subject, and I am perfectly willing to accept your statements.

Mr. HANEY. And that on the twenty-second, twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth ballots that were taken on January 28, 29, and 30, the senate roll was called first?

Mr. KEELEY. I accept your statement, Judge. I do not know.

Mr. HANEY. And that on the twenty-seventh ballot, held on February 4, the house roll was called first?

Mr. KEELEY. I accept your statement.

Mr. HANEY. And that on the twenty-eighth ballot, held February 5, the senate roll was called first?

Mr. KEELEY. I accept your statement, Judge.

Mr. HANEY. And that on the twenty-ninth ballot, held February 9, the house roll was called first?

Mr. KEELEY. I accept your statement.

Mr. HANEY. And from the thirtieth to the forty-fourth ballots, held from February 10 to March 12, the senate roll was called first?

Mr. KEELEY. I accept your statement.

Mr. HANEY. That on the forty-fifth and forty-sixth joint ballots, held March 17 and 18, the house roll was called first?

Mr. KEELEY. I accept your statements.

Mr. HANEY. And that on the forty-seventh and forty-eighth ballots the senate roll was called first, and that on March 24, 12 ballots were taken, and on 10 of these ballots the senate roll was called first and on 2 of them the house roll was called first?

Mr. KEELEY. I accept your statements, Judge.

Mr. HANEY (continuing). On the same date, and from that date on, on all the ballots the senate was called first?

Mr. KEELEY. I accept your statements, Judge.

Mr. HANEY. And that all of those facts that I have asked you in relation to the roll calls of the joint session for the election of United States Senator in the forty-sixth general assembly are shown by the house journal of that session?

Mr. KEELEY. What is the question, Judge?

Mr. HANEY. Is not that the fact, or do you know anything about it?

Mr. KEELEY. I accept your statement, absolutely.

Mr. HANEY. I just want to get it in the record, so that reference to the house journal will direct anybody looking for it to the fact.

Mr. KEELEY. Yes.

Mr. HANEY. Mr. Keeley, you had a man by the name of Glavis arrested last month or the month before?

Mr. KEELEY. I did; yes.

Mr. HANEY. What for?

Mr. KEELEY. The grand jury have indicted him on three counts.

Mr. HANEY. I know; but you made a complaint against him.

Mr. KEELEY. I testified before the grand jury.

Mr. HANEY. What was your charge against him?

Mr. KEELEY. Before the grand jury?

Mr. HANEY. Yes.

Mr. KEELEY. I told the story.

Mr. HANEY. You were representing the Chicago Tribune at the time, were you not?

Mr. KEELEY. Yes.

Mr. HANEY. What was it you had him arrested for?

Mr. KEELEY. I swore out a warrant for his arrest on the charge of embezzlement.

Mr. HANEY. And what was that?

Mr. KEELEY. The embezzlement?

Mr. HANEY. Yes.

Mr. KEELEY. Of certain books, papers, and records that he said he had purchased for me.

Mr. HANEY. What books, papers, and documents were they?

Mr. KEELEY. I am perfectly willing to tell you, Judge——

Mr. HANEY. Nobody is stopping you, Mr. Keeley.

Mr. KEELEY (continuing). But I do not think I ought to reveal the testimony, should I, that I have given before the grand jury?

Mr. HANEY. You told it before the grand jury, and you made a complaint, did you not?

Mr. KEELEY. Yes.

Mr. HANEY. And it had reference to Senator Lorimer, did it not?

Mr. KEELEY. I did not say so.

Mr. HANEY. But I said so.

Mr. KEELEY. I accept your statement, then.

Mr. HANEY. That is an answer, then, that it did. Now, what was it?

Mr. KEELEY. He said that he had knowledge of the records of a certain firm of lobbyists in this town who had done business with Senator Lorimer, and that they had divided their fees with Senator Lorimer when he was in Congress.

Mr. HANEY. Go on.

Mr. KEELEY. That is what he said.

Mr. HANEY. Is that all he said?

Mr. KEELEY. I told him——

Mr. HANEY. Is that all he said?

Mr. KEELEY. He went into detail.

Mr. HANEY. What did he say?

Mr. KEELEY. He said that in a certain case, involving a magazine called Fire-Proof, in Chicago, this magazine had been denied admission to the mails, or had had some trouble with the postal authorities, and Senator Lorimer had been retained in the case—he was then Congressman Lorimer—and that a fee of \$2,000, I think, was paid this firm of lobbyists, and they gave 25 per cent of it to Congressman Lorimer, and that the books would show it.

Mr. HANEY. What else did he say?

Mr. KEELEY. I told him to buy the books.

Mr. HANEY. Did you tell him to buy the books?

Mr. KEELEY. Yes, sir.

Mr. HANEY. From whom?

Mr. KEELEY. From the people who had them in Washington.

Mr. HANEY. Who were they?

Mr. KEELEY. The individual was an unnamed woman; that is, he did not give me the name; the wife or the widow of the former owner of this business, or rather the present owner of the business, who, according to Glavis, had tuberculosis, and was in the West. He said that about a year prior to this he had thought of buying this business himself; that he had made an examination of the books at that time, and that he had discovered this entry. He also said that

there was another entry involving some liquor case—denatured alcohol or something of that kind—in which Congressman Lorimer was involved. I gave him \$100 to go down to Washington.

Mr. HANEY. Wait a minute. Is that all he said?

Mr. KEELEY. He mentioned another man; yes.

Mr. HANEY. Tell us. I want all that he said.

Mr. KEELEY. I do not think I ought to mention this other man. He is not connected with this inquiry.

Mr. HANEY. I shall insist upon this whole conversation being given, because it took place in relation to Senator Lorimer—

Mr. KEELEY. The other man has nothing whatever to do with this case.

Mr. HANEY. But you did pay him money to go and get that stuff?

Mr. KEELEY. I did.

Mr. MARBLE. Might it not be well to ask the witness if he ever saw the books, and if there were any such books?

Mr. HANEY. I will get to that. I want all that was said, first.

Mr. KEELEY. I am perfectly willing to tell the committee in confidence the name, and if they think it should be made public, all right.

Mr. HANEY. You did not hesitate to tell Senator Lorimer's name.

Mr. KEELEY. You asked me. You mentioned Senator Lorimer's name first, sir.

Mr. HANEY. Because we do not fear anything of that kind.

The CHAIRMAN. The committee thinks you should answer the question, Mr. Keeley.

Mr. KEELEY. Congressman Tawney.

Mr. HANEY. Former Congressman Tawney?

Mr. KEELEY. Former Congressman Tawney; yes.

Mr. HANEY. What was said?

Mr. KEELEY. That he was mixed up in it, too.

Mr. HANEY. What is that?

Mr. KEELEY. That he was in the deal, too.

Mr. HANEY. What deal?

Mr. KEELEY. This post-office deal.

Mr. HANEY. The deal that you said you talked about Senator Lorimer's being concerned in?

Mr. KEELEY. Yes, sir.

Senator GAMBLE. The matter with the Post Office Department?

Mr. KEELEY. Yes; in connection with the magazine called Fire Proof.

Mr. HANEY. What else was said?

Mr. KEELEY. That is about all, Judge.

Mr. HANEY. Is it all?

Mr. KEELEY. Yes, sir.

Mr. HANEY. You said "about all." That might not mean all.

Mr. KEELEY. We had a somewhat extended conversation. I do not remember it all.

Mr. HANEY. I want to know all that you remember, or the substance of all that you remember.

Mr. KEELEY. Let me see. I questioned him specifically as to whether these papers and documents were in existence. He said that they were a year ago and that he thought they were to-day. He suggested that he come down here and see if they were and get them.

I suggested that he first write to Washington, and asked him if he had anyone to whom he could write. He said he had. I asked him to write and find out if the papers were still in existence. He wrote, and then he notified my office, or me—I think I was not there when he notified the office—that his informant in Washington had replied to him that these documents were still in existence.

Mr. HANEY. Did he write that information?

Mr. KEELEY. My recollection, Judge, is that I was in Georgia at that time, and that he came into the office and told my secretary.

Mr. HANEY. You have letters from Mr. Glavis?

Mr. KEELEY. The district attorney here has all my letters, sir, and the documents in the case.

Mr. HANEY. Have you any letters that you did not turn over to the district attorney?

Mr. KEELEY. Absolutely none.

Mr. HANEY. Has the Tribune Co.?

Mr. KEELEY. No, sir.

Mr. HANEY. Or anybody connected with the Tribune Co.?

Mr. KEELEY. No, sir.

Mr. HANEY. Or anybody else that you know of, except the district attorney?

Mr. KEELEY. I wish to say that the district attorney—

Mr. HANEY. My question is what I want answered, and not something else.

Mr. KEELEY. No one else has any documents.

Mr. HANEY. That is what I want.

Mr. KEELEY. Now, may I explain about the district attorney?

Mr. HANEY. Yes.

Mr. KEELEY. I left all my documents with the grand jury. Whether the district attorney has them or whether Mr. Wade H. Ellis, who was retained by the Tribune in this matter, has possession of them at the present time, I do not know. I left them all with the grand jury.

Mr. HANEY. Did you retain Mr. Wade H. Ellis as your attorney to prosecute this man?

Mr. KEELEY. I did; yes, sir.

Mr. HANEY. What is Mr. Glavis's first name?

Mr. KEELEY. George O. Glavis.

Mr. HANEY. You had him arrested here in Washington?

Mr. KEELEY. I swore out the warrant in Washington.

Mr. HANEY. Was he arrested here?

Mr. KEELEY. He was arrested in Chicago.

Mr. HANEY. And brought back?

Mr. KEELEY. Yes.

Mr. HANEY. Did he come back voluntarily?

Mr. KEELEY. He did; yes, sir.

Mr. HANEY. Then you went before the grand jury?

Mr. KEELEY. I did; yes, sir.

Mr. HANEY. Did you give to the district attorney or to the grand jury all of the correspondence that you had at any time with Glavis?

Mr. KEELEY. Oh, yes; everything I had.

Mr. HANEY. Nothing had been destroyed or thrown away?

Mr. KEELEY. No, sir.

Mr. HANEY. What other documents or papers or books were talked about between you and Mr. Glavis?

Mr. KEELEY. No documents, papers, or books of any kind except the documents, papers, and books that he alleged this firm had.

Mr. HANEY. He was to come down to Washington and see whether the books and papers were in existence or not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Did he come?

Mr. KEELEY. He did.

Mr. HANEY. What took place then?

Mr. KEELEY. He telegraphed that they were.

Mr. HANEY. Have you the telegram?

Mr. KEELEY. Not in my personal possession.

Mr. HANEY. Is that with the district attorney?

Mr. KEELEY. Everything I have; yes, sir.

Mr. HANEY. What was the substance of the telegram?

Mr. KEELEY. The first message I got was from Mr. O'Laughlin.

Mr. HANEY. John Callan O'Laughlin, former First Assistant Secretary of State under the late—

Mr. KEELEY. Lamented. [Laughter.]

Mr. HANEY (continuing). Under the last administration of President Roosevelt? That is the man you mean?

Mr. KEELEY. You have identified him, Judge. [Laughter.]

Mr. HANEY. Go on.

Mr. KEELEY. Mr. Glavis came in to see him, and he telegraphed me Mr. Glavis's statement to him.

Mr. HANEY. Who telegraphed?

Mr. KEELEY. Mr. O'Laughlin.

Mr. HANEY. Have you that telegram?

Mr. KEELEY. I have not personal possession of it; no, sir. The district attorney or Mr. Ellis has it.

Mr. HANEY. Which one has it?

Mr. KEELEY. I do not know, sir. I left the documents with the grand jury.

Mr. HANEY. Have you seen them with Mr. Ellis since?

Mr. KEELEY. No, sir.

Mr. HANEY. What took place then?

Mr. KEELEY. Then I sent him \$650 to buy them.

Mr. HANEY. Sent it to him where?

Mr. KEELEY. Here.

Mr. HANEY. In Washington?

Mr. KEELEY. In Washington.

Mr. HANEY. How?

Mr. KEELEY. The money was telegraphed to Mr. O'Laughlin, and Mr. O'Laughlin paid him.

Mr. HANEY. Mr. John Callan O'Laughlin was the man who carried the money?

Mr. KEELEY. He was the man who handed him the money.

Mr. HANEY. How did he get the money?

Mr. KEELEY. I had it telegraphed, Judge.

Mr. HANEY. You sent to the bank?

Mr. KEELEY. I instructed our business manager to send this \$650, and he did it.

Mr. HANEY. How did he send it? That is what I am trying to get at.

Mr. KEELEY. By telegraph, from one bank to another bank.

- Mr. HANEY. What bank here got the telegram?
- Mr. KEELEY. I do not know.
- Mr. HANEY. And what bank here paid the money to John Callan O'Laughlin?
- Mr. KEELEY. That I do not know.
- Mr. HANEY. And do you know how much was paid?
- Mr. KEELEY. \$650 which I sent, or had sent.
- Mr. HANEY. Was any other money paid?
- Mr. KEELEY. None, other than the \$100 I gave him first for expenses.
- Mr. HANEY. That made \$750 that you paid. How did you pay that \$100—in cash?
- Mr. KEELEY. No; I gave him an order on the cashier.
- Mr. HANEY. In Chicago?
- Mr. KEELEY. In Chicago; yes.
- Mr. HANEY. And he went and got the money?
- Mr. KEELEY. Yes.
- Mr. HANEY. When was that?
- Mr. KEELEY. Oh, about two weeks or so before his arrest.
- Mr. HANEY. Tell us by the calendar, so that we will know what you mean.
- Mr. KEELEY. Let me see. It was in June.
- Mr. HANEY. In June, 1911?
- Mr. KEELEY. Yes, sir.
- Mr. HANEY. The first part of June, or the middle of June?
- Mr. KEELEY. The first part of June. That is my recollection.
- Mr. HANEY. When did you send the \$650 to him?
- Mr. KEELEY. I should say about a week after I gave him the \$100; a few days after.
- Mr. HANEY. Did you pay any more money?
- Mr. KEELEY. No, sir.
- Mr. HANEY. Did he pay any of that back to you?
- Mr. KEELEY. He did not; sir.
- Mr. HANEY. Did he offer to pay it back to you?
- Mr. KEELEY. He did.
- Mr. HANEY. When?
- Mr. KEELEY. Just before he was placed under arrest.
- Mr. HANEY. Where?
- Mr. KEELEY. He made the offer in Chicago.
- Mr. HANEY. To whom?
- Mr. KEELEY. No—wait a minute. He sent me a telegram.
- Mr. HANEY. Have you that telegram?
- Mr. KEELEY. It is with the other documents; yes.
- Mr. HANEY. What is the substance of it?
- Mr. KEELEY. "Would like to withdraw from arrangement and refund advances." Something of that kind.
- Mr. HANEY. Is that all of the substance of the telegram?
- Mr. KEELEY. That is almost verbatim, I think, Judge.
- Mr. HANEY. When was that telegram sent to you?
- Mr. KEELEY. The day before he was arrested.
- Mr. HANEY. Will you not tell us by the calendar?
- Mr. KEELEY. It was about the middle of June, Judge; somewhere along in there.
- Mr. HANEY. This year?

Mr. KEELEY. This year; yes.

Mr. HANEY. What did you reply to that?

Mr. KEELEY. I did not reply to that personally or directly.

Mr. HANEY. Did you impersonally or indirectly?

Mr. KEELEY. Yes, sir. I told somebody in Chicago—I forget whether it was Mr. Field, the business manager, or Mr. McCormick—to tell him that we had paid him this money for the purchase of certain documents; that he had reported he had purchased these documents; and that we wanted the documents.

Mr. HANEY. And you insisted that he go and get the documents that connected Senator Lorimer and former Congressman Tawney with what you thought was something that you could publish in the Tribune?

Mr. KEELEY. I insisted on the production of the property that he had purchased for us.

Mr. HANEY. Did you want that property or those books, papers, or documents for any other purpose except for publication in the Tribune?

Mr. KEELEY. Oh, yes.

Mr. HANEY. For what?

Mr. KEELEY. I was going to turn them over to this committee.

Mr. HANEY. And any other purpose you had in it?

Mr. KEELEY. And subsequent publication; yes; and if there was evidence of crime, to the district attorney here.

Mr. HANEY. When was you designated or selected as an assistant to this committee?

Mr. KEELEY. I never was designated as an assistant to this committee.

Mr. HANEY. Was that an assumption upon your part?

Mr. KEELEY. It was an assumption that if I had information, any information, that the committee would be glad to receive it.

Mr. HANEY. Did you think that this honorable committee would be glad to receive testimony that you might purchase in that way or coerce?

Mr. KEELEY. I did not attempt to coerce, sir.

Mr. HANEY. Well, you did have Glavis arrested because he did not produce the books and papers, did you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And did you not think that was coercion?

Mr. KEELEY. Oh, no; I have been approached on the matter subsequently.

Mr. HANEY. You did not have him arrested for the purpose of getting your money back?

Mr. KEELEY. No, sir.

Mr. HANEY. You could have gotten that back without any arrest?

Mr. KEELEY. Why, he said that he would refund advances, but I do not think that he had the money.

Mr. HANEY. Did you doubt that he would?

Mr. KEELEY. Most assuredly I did; yes, sir.

Mr. HANEY. Did you put him to any test by which he might produce it?

Mr. KEELEY. No, sir.

Mr. HANEY. You said at once that you did not want the money, but you wanted the books?

Mr. KEELEY. I said I wanted the books; yes, sir.

Mr. HANEY. Did you think that this honorable committee would want you or anybody else to purchase testimony in that way or coerce its production in this hearing?

Mr. KEELEY. I did not—that thought did not go through my head. I thought if there was any evidence there that was competent I would submit it to this committee.

Mr. HANEY. Without reference to how it was produced?

Mr. KEELEY. Yes.

Mr. HANEY. Or from what source?

Mr. KEELEY. I assumed the production was all right.

Mr. HANEY. That is, you thought that method of getting testimony was all right?

Mr. KEELEY. I thought the testimony, if it affected the case, would be received by the committee.

Mr. HANEY. Unless you thought it did affect the case, you would not pay \$750 in cash for it, would you?

Mr. KEELEY. Oh, yes; that is a small sum to pay for a story.

Mr. HANEY. Especially if it was connected with Senator Lorimer, or with anything that you could publish in relation to it?

Mr. KEELEY. Judge, I would buy news anywhere about anyone.

Mr. HANEY. And without regard to the source of its production or methods of producing it?

Mr. KEELEY. That is true. If I believe the story is true, I will buy a story about anyone, if I think it should be printed.

Senator KENYON. How do you determine whether it is true?

Mr. KEELEY. If I had gotten those books, I would have made a thorough investigation to see if they were genuine and looked up people and everything else before I would have done anything with them.

Senator KENYON. You do not mean that you would buy any story about anybody?

Mr. KEELEY. I will buy any story if it is true. I will not buy a story first without investigation, although I would have bought these books.

Senator KENYON. You did not investigate this to see whether it was true?

Mr. KEELEY. No, sir; but the man was—Oh, he was a beauty, I tell you.

Mr. HANEY. There was a pair in that deal, was there not?

Mr. KEELEY. George O. Glavis.

Mr. HANEY. And James Keeley?

Mr. KEELEY. Well, you can call us a pair if you want to, Judge.

Senator JONES. What was the name of this firm?

Mr. KEELEY. I do not know now. As I have told this story, I think I should be permitted to tell what happened in Washington last week.

Senator JONES. Did you ask Mr. Glavis for the name of the firm?

Mr. KEELEY. I do not think I did at that time.

Senator GAMBLE. The entire conversation with Glavis was a talk by you and Glavis in Chicago?

Mr. KEELEY. Yes; we had two conversations.

Senator GAMBLE. The negotiations were in Chicago?

Mr. KEELEY. Yes, sir.

Senator GAMBLE. And not here at all.

Mr. KEELEY. Not here.

Senator GAMBLE. You do not know the name of the firm?

Mr. KEELEY. No; but I can give you some information, I think, something that—

Mr. HANEY. How much were you to give for the papers. I am coming to that?

Mr. KEELEY. \$650.

Mr. HANEY. What was the \$100 for?

Mr. KEELEY. Expenses down here to see if they were in existence.

Mr. HANEY. So that you were to pay \$750 for the books and papers, etc.

Mr. KEELEY. Yes, sir.

Mr. HANEY. And you did pay the entire amount that you were to pay for them before you had seen them, or before you knew whose books or papers they were?

Mr. KEELEY. Yes; that is practically so.

Mr. HANEY. But you did not investigate, or attempt to investigate, either the ownership or the former owner or alleged owner of such books, or the authenticity of them, or anything in connection with their truth or falsity, before you paid the money?

Mr. KEELEY. I thought—

Mr. HANEY. Oh, no; will you please answer the question?

Mr. KEELEY. I did not, because I will admit very frankly that Mr. Glavis was a "beaut." It was a beautiful piece of work.

Mr. HANEY. There was not anything the matter with you, was there?

Mr. KEELEY. Yes; he was too smart for me.

Mr. HANEY. Didn't you think it was worth that amount to find somebody who was too smart for you, even though you did not get anything else?

Mr. KEELEY. Judge, I think it is a gold brick. I do not know.

Mr. HANEY. What firm or what individual or what corporation did you think had books of that kind that would show any information such as you indicated in relation to Senator Lorimer, or former Congressman Tawney?

Mr. KEELEY. He told me it was a firm of lobbyists.

Mr. HANEY. Well, is that all that you knew about it?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And you were still carrying out the policies of Medill McCormick in relation to Mr. Lorimer?

Mr. KEELEY. No, sir; my own policies.

Mr. HANEY. Then you adopted the same policies that he had in that respect?

Mr. KEELEY. I did not say that I adopted his policies.

Mr. HANEY. No; but you say you adopted the same policies, or similar ones?

Mr. KEELEY. I did not say that I adopted them at all. I said I was carrying out my own policies.

Mr. HANEY. And they were similar to Medill McCormick's?

Mr. KEELEY. There was a similarity between them; yes, sir.

Mr. HANEY. In relation to Senator Lorimer?

Mr. KEELEY. Yes; there was a similarity.

Mr. HANEY. So that you had the same feeling, personally, with reference to Senator Lorimer that Medill McCormick had, and it

was in relation to your feelings with reference to Senator Lorimer that you were acting in that matter and not simply carrying out the former policy of Medill McCormick?

Mr. KEELEY. I was using my own judgment in the matter, without any reference to anything else.

Mr. HANEY. Did you hear any name of an individual or a firm or a corporation as having those papers?

Mr. KEELEY. Mr. Glavis gave the name of the firm as Street & Smith, but that is obviously a fictitious name.

Mr. HANEY. And that did not arouse any suspicion in your subtle brain at that time?

Mr. KEELEY. He did not give it to me at all. I say he gave it to Mr. O'Laughlin when he signed the receipt for the money.

Mr. HANEY. The same John Callan O'Laughlin?

Mr. KEELEY. And so forth; yes, sir.

Mr. HANEY. And did John Callan O'Laughlin telegraph that to you?

Mr. KEELEY. What, to me?

Mr. HANEY. Yes, sir.

Mr. KEELEY. I think not.

Mr. HANEY. Did he write it to you?

Mr. KEELEY. I think not.

Mr. HANEY. How did he convey it to you?

Mr. KEELEY. I saw it on the receipt when I came down here.

Mr. HANEY. That is, when John Callan O'Laughlin paid the \$650 in cash to this man he got in writing from him a paper that said that the books had been owned by Street and Smith?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And he turned that receipt over to you, did he?

Mr. KEELEY. To the grand jury.

Mr. HANEY. To you, first?

Mr. KEELEY. No; he had it in his possession.

Mr. HANEY. Well, you saw it?

Mr. KEELEY. I did.

Mr. HANEY. Did you come down to Washington?

Mr. KEELEY. I did.

Mr. HANEY. And you saw the papers here?

Mr. KEELEY. I did; yes, sir.

Mr. HANEY. Did not John Callan O'Laughlin tell you anything about the name of the firm or individual who had that until you got down here and saw the receipt?

Mr. KEELEY. No; I do not think he did.

Mr. HANEY. So that you did not know anything about the name or the names of the man, or the men, or the firm, or the corporation that it was claimed had those papers or books until after you had paid your money?

Mr. KEELEY. No, sir.

Mr. HANEY. Did Mr. Glavis tell you why he could not get those papers?

Mr. KEELEY. He never has told me. He always insisted that he had them; that he turned them over to his brother; that his brother had taken them down into Virginia, and that he was indexing them, or anything else.

Mr. HANEY. Now, will you please answer the question?

Mr. KEELEY. I have answered it.

Mr. HANEY. I will ask the reporter to repeat it.
(The reporter repeated the question as follows:)

Did Mr. Glavis tell you why he could not get those papers?

Mr. KEELEY. Well, what is my answer?

Mr. HANEY. Well, did he tell you anything except what you said there?

Mr. KEELEY. I said that he never told me he could not get them; that he always said he had them——

Mr. HANEY. That is what I want to know.

Mr. KEELEY. That is what I said.

Mr. HANEY. Did he tell you there were no such papers in existence?

Mr. KEELEY. He did not.

Mr. HANEY. Did he tell you that he thought there were papers of that kind, but he found there were not?

Mr. KEELEY. He did not.

Mr. HANEY. Did he give you any other name in connection with his own as having to do with the getting or the producing of any of those papers?

Mr. KEELEY. No; he said that he turned the papers over to his brother down in West Virginia—Ed Glavis—or down in Virginia. That was the only other name mentioned.

Mr. HANEY. Did you talk with his brother?

Mr. KEELEY. I did.

Mr. HANEY. About those papers?

Mr. KEELEY. Yes.

Mr. HANEY. And about the first Glavis—what is his first name?

Mr. KEELEY. George.

Mr. HANEY. About what George said to you about it?

Mr. KEELEY. Yes, sir.

Mr. HANEY. What talk did you have with Ed Glavis about it?

Mr. KEELEY. I asked him where the papers were, and he said he never had had any.

Mr. HANEY. What else did you say to him?

Mr. KEELEY. I asked him what he knew about the case, and he said he knew nothing.

Mr. HANEY. Is that all?

Mr. KEELEY. I asked him if his brother turned the papers over to him, and he said "No."

Mr. HANEY. Is that all?

Mr. KEELEY. Then he talked to his brother on the long-distance telephone and asked his brother about it—that is, his brother Ed in Washington talked to George in Chicago on the telephone.

Mr. HANEY. Well, tell the rest of it.

Mr. KEELEY. He asked him to tell him all about it, and he said he would, and his brother would not tell him anything about it—said that he would send him a night letter.

Mr. HANEY. What else?

Mr. KEELEY. Well, we went over that whole ground.

Mr. HANEY. I know; but we do not know what you said.

Mr. KEELEY. I am just going to tell you. I asked him if he had the papers; if he knew anything about it; and he denied, repeatedly

denied, and repeated his denials that he knew anything about the papers—said that his brother had not given him any, that he did not know anything about them.

Mr. HANEY. What else was said?

Mr. KEELEY. That is about all—no, no, no.

Mr. HANEY. Is it all?

Mr. KEELEY. He said that his brother said to him on the telephone that if I would not have him arrested that night it might be to my advantage, because it would prevent the other side from getting valuable information.

Mr. HANEY. And by "the other side" whom did he mean?

Mr. KEELEY. That I do not know.

Mr. HANEY. Did you imagine?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Well, whom did you think "the other side" was?

Mr. KEELEY. The Chicago Inter-Ocean.

Mr. HANEY. You thought that the Inter-Ocean was on one side of every question and you were on the other?

Mr. KEELEY. Oh, no, no, no. Mr. Glavis had been talking with Inter-Ocean reporters.

Mr. HANEY. And they were probably trying to get a story, too?

Mr. KEELEY. I do not know. I hope they were not stung as hard as I was.

Mr. HANEY. No; probably nobody else could have been.

Mr. KEELEY. No; I guess not.

Mr. HANEY. Well, is that all that was said between you and either of the Glavises?

Mr. KEELEY. Oh, no, sir. I had a conversation on the long-distance telephone with George.

Mr. HANEY. That is what I want you to tell.

Mr. KEELEY. Yes; I asked him where the papers were, and he said, "Has not my brother got them?" I said, "No; your brother is here and says he has not got them."

Mr. HANEY. Was he there with you?

Mr. KEELEY. He was there.

Mr. HANEY. In the same room?

Mr. KEELEY. In the same room, and standing alongside the telephone.

Mr. HANEY. When was that?

Mr. KEELEY. That was the night of his arrest—in the middle of June. I can get you the dates.

Mr. HANEY. And where were you and he, in Chicago or here?

Mr. KEELEY. I was in the Chicago Tribune office, in the Wyatt Building here, and George Glavis was in the Chicago Tribune office there, I believe.

Mr. HANEY. You were in the Tribune office in Washington?

Mr. KEELEY. Yes.

Mr. HANEY. And George Glavis was in the Tribune office in Chicago?

Mr. KEELEY. Yes.

Mr. HANEY. And who was with you in the office in Washington when you had that talk?

Mr. KEELEY. Ed Glavis, Mr. Ellis, and Mr. O'Laughlin.

Mr. HANEY. The same John Callan?

Mr. KEELEY. The identical.

Mr. HANEY. And who else?

Mr. KEELEY. I think Mr. Henning was in the office.

Mr. HANEY. Anybody else?

Mr. KEELEY. Mr. Ellis's partner was up there during—

Mr. HANEY. What is his name?

Mr. KEELEY. I do not remember.

Mr. HANEY. Guess at it as near as you can.

Mr. KEELEY. Donaldson, or something like that. I forget—Ellis & Donaldson; something like that.

Mr. HANEY. A law partner?

Mr. KEELEY. A law partner; yes.

Mr. HANEY. Anybody else there?

Mr. KEELEY. I have no recollection of it; I do not think so.

Mr. HANEY. Who was at the other end of the wire or in that room in Chicago?

Mr. KEELEY. Mr. R. R. McCormick.

Mr. HANEY. That is a brother of Medill?

Mr. KEELEY. Yes.

Mr. HANEY. Go on.

Mr. KEELEY. George Glavis, Mr. Field—I don't know whether Mr. Field, the business manager, was there or not. No; I do not think he was there. This was at night. I think Mr. McGuire was there.

Mr. HANEY. Mr. McGuire is the detective of the firm of McGuire & White, detective agency?

Mr. KEELEY. Yes, sir.

Mr. HANEY. The same one that you employed to verify the White story and look up evidence against Lee O'Neil Browne and others?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Who else was there?

Mr. KEELEY. I do not know. I know those were there, because I have reports from them of their conversations.

Mr. HANEY. Did you see anybody else there?

Mr. KEELEY. No.

Mr. HANEY. Did you talk with R. R. McCormick about that conversation and who was present?

Mr. KEELEY. Why, I think I talked with him upon the telephone at the same time—that is, either before I talked to Mr. Glavis or afterwards. I think I had a talk with him.

Mr. HANEY. Well, the limit was off on my question as to whether you talked to him over the phone or elsewhere.

Mr. KEELEY. He and Mr. Field and Mr. McGuire sent to me detailed statements of their various conversations with Mr. Glavis, and I think in the statement of Mr. McCormick there was some reference to this telephone conversation.

When I returned to Chicago I think the only conversation I had with Mr. McCormick about this was very brief, and I told him that—

Mr. HANEY. Tell us what it was.

Mr. KEELEY. I am just trying to. I told him that I had gone before the grand jury, that I had testified, that I did not know whether

there would be any indictments, and he asked me if I wanted to buy the Masonic Temple.

Mr. HANEY. Or whether you wanted to see it turn around?

Mr. KEELEY. See it turn around or go down on the Lake front.

Mr. HANEY. And see the whole in the lake?

Mr. KEELEY. Yes, sir.

Mr. HANEY. What else did he tell you?

Mr. KEELEY. That is about all.

Mr. HANEY. What conversation did you have about the persons, or anybody else, at the other end of the wire?

Mr. KEELEY. None whatever, so far as I recollect.

Mr. HANEY. Have you now told the names of all of those that anybody ever told you were present in the room at the other end of the telephone wire?

Mr. KEELEY. I think I have, although I never made a point of inquiring who was in the room.

Mr. HANEY. Well, if there was anybody else there you would be likely to know from the papers that you had, that were sent to you, the statement of those persons, and the conversations you had with those persons, would you not?

Mr. KEELEY. Why, I do not know. I was not there, and it does not follow that a man who was there may have told me everybody who was in the room, and I do not think it was ever discussed specifically.

Mr. HANEY. Was John E. Wayman there?

Mr. KEELEY. Not as far as I know.

Mr. HANEY. You know who he is?

Mr. KEELEY. Yes, sir.

Mr. HANEY. He is the State's attorney of Cook County?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And was then?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Was he present at any of the conversations?

Mr. KEELEY. I never heard that he was.

Mr. HANEY. Well, did you know that he was?

Mr. KEELEY. No, sir. If I never heard that he was, I could not know that he was.

Mr. HANEY. You might know something that nobody told you, but that you saw?

Mr. KEELEY. No; I was not there. I was here in Washington.

Mr. HANEY. Did you ever talk with John E. Wayman about that matter?

Mr. KEELEY. No, sir.

Mr. HANEY. At any time?

Mr. KEELEY. No, sir.

Mr. HANEY. Did you send anybody to see him?

Mr. KEELEY. I did not.

Mr. HANEY. At any time?

Mr. KEELEY. No, sir.

Mr. HANEY. And you have now told everybody that was present, as near as you can remember?

Mr. KEELEY. All the information I have as to the presence of people in the room I have given you.

Mr. HANEY. Have you now told all of the conversation that you had with George Glavis?

Mr. KEELEY. Which conversation?

Mr. HANEY. Any conversation.

Mr. KEELEY. No, sir. I had two conversations with him. I do not pretend to tell all of the conversations. I have given the substance of each conversation to the best of my recollection.

Mr. HANEY. I do not want you to pretend, but I want you to tell, in fact.

Mr. KEELEY. I have told in fact my recollection.

Mr. HANEY. Of all the conversations with George Glavis?

Mr. KEELEY. Of the conversations with George Glavis; yes, sir.

Mr. HANEY. Have you told all the conversations with Ed. Glavis?

Mr. KEELEY. Why, no; we talked about a lot of things.

Mr. HANEY. Tell us the rest of it.

Mr. KEELEY. Well, it is immaterial.

Mr. HANEY. That will be determined by possibly a higher authority than the man who paid to see the Masonic Temple turn around.

Mr. KEELEY. I asked him how many acres of land he had down there, how many children he had, if the land was any good——

Mr. HANEY. Go right on.

Mr. KEELEY. We discussed that. I supported a farm, and he was supporting one, and we compared notes.

Mr. HANEY. We do not care about bouquets that you may throw at yourself, but we want the conversation.

Mr. KEELEY. You asked me the conversation, and I am telling you that.

Mr. HANEY. Tell what was said by you and him, he to you, and you to him?

Mr. KEELEY. And then we discussed his brother's moral character.

Mr. HANEY. Yes.

Mr. KEELEY. Or the lack of it. He insisted that he had a moral character, and I insisted that I did not think he had.

Mr. HANEY. What did you say about his brother?

Mr. KEELEY. I told him I thought his brother was a thief and a falsifier.

Mr. HANEY. Is that all?

Mr. KEELEY. No; I probably elaborated on that a little.

The CHAIRMAN. Have you changed your mind?

Mr. KEELEY. Why, Mr. Chairman, something has happened since I came down here that may make me change my mind on the whole thing. I will tell you what that is.

The CHAIRMAN. Judge Hanecy, I did not mean to interrupt you.

Mr. HANEY. It does not interfere with me at all, Mr. Chairman.

The CHAIRMAN. Proceed, Judge Hanecy.

Mr. HANEY. Have you told all the conversation with Ed Glavis?

Mr. KEELEY. Oh, I do not know. Let me see. We discussed his brother's arrest.

Mr. HANEY. Tell what you said and then we will know whether it was a discussion or not.

Mr. KEELEY. I told Ed Glavis that I was going to have his brother arrested that night unless he turned over the books.

Mr. HANEY. That is it; yes.

Mr. KEELEY. I have said that before, have I not?

Mr. HANEY. Go on and tell the rest of it.

Mr. KEELEY. And he asked me not to. He pleaded with me not to have his brother arrested. I said, "I have fooled with this case long enough, and he has lied long enough and consistently enough," and that I was through and I was tired, and that I wanted those books or some definite statement about them, or that he was going to be arrested; that I was through fooling with him.

Mr. HANEY. Well, go on.

The CHAIRMAN. Mr. Hanecy, it is now adjournment time. How long will it take for you to finish?

Mr. HANEY. Mr. Chairman, it will take some time.

The CHAIRMAN. Then we will take a recess here.

(Whereupon at 12.30 o'clock p. m. the committee took a recess until 2 o'clock p. m.)

AFTER RECESS.

At the expiration of the recess the committee resumed its session.

TESTIMONY OF JAMES KEELEY—Resumed.

Mr. HANEY. Mr. Keeley, will you go on now and tell the balance of that talk between you and the Glavises?

Mr. KEELEY. Perhaps I had better tell the chronological story of it.

Mr. HANEY. Do not go over it again.

Mr. KEELEY. Oh, no; I am not going over the old story, but the story that brings in Ed. Glavis, and how he came to the office. That has a bearing on what I said to him; and I shall have to tell that first to explain some of the conversation that we had.

Mr. HANEY. I have no doubt the committee will give you ample opportunity to talk on that or any other subject you want to; but let us go on where you left off.

Senator GAMBLE. Judge Hanecy, what is the purpose and object of going into such full detail of this conversation, if I may be permitted to make that inquiry?

Mr. HANEY. I have not any objection to telling, Senator Gamble; but it is always a danger for anybody cross-examining a witness to have to explain to him in advance—

Senator GAMBLE. I do not wish to cause any embarrassment at all. I simply make this suggestion; I do not know whether it may be well timed or not. We have gone at very great length into the testimony that has been brought before the committee, sometimes hearsay to a remote degree. The ordinary rules of evidence are pretty safe to follow. I am making no criticism at all of the testimony; but I think from the witness's own statement he discredits this man Glavis, with whom he had this dealing. I think he has stated that he felt that he misrepresented—that he lied.

Mr. KEELEY. Absolutely.

Senator GAMBLE. That he had no confidence in him. Yet that whole conversation is brought in here from a man, whom the witness himself entirely discredits, and the names of people are mentioned, which could only be hearsay. It seems to me we are going to a very great length. I am simply expressing my own individual feeling in

the matter. These matters are mentioned in this way, and there is no defense against them.

Mr. HANEY. There is no doubt about it.

Senator GAMBLE. The names that are mentioned here, of course, go out to the country, whatever may be the connection in which they are mentioned.

Mr. HANEY. I fully agreed with you, Senator Gamble, as to the admissibility of hearsay evidence in the great quantities it has come in here when it was offered on other occasions. I think we agreed then and agree now, as all lawyers, all attorneys, must do. But there was an effort made there to restrict the investigation to those matters that the witness knew about or such hearsay matters as would point to or indicate where other evidence might be found relating to the subject matter under inquiry. That was criticized very greatly on the floor of the Senate; and here everything is going in. But that is not my fault, Senator Gamble.

Senator GAMBLE. This is the first time I have interposed with any suggestion, for the reason that I was a member of the other committee, and I know it was sought by that committee to restrict the testimony to the ordinary rules of evidence. Of course, I appreciate that we are searching; we are seeking to find out facts. I might, perhaps, recall the other testimony of the witness on the stand—and in this I am not criticizing the witness in the least—in regard to the conversations that were had with Col. Copley and others, and with the correspondent of the newspaper at Springfield, in regard to the \$30,000 and the acts or steps taken by the speaker and by Mr. Shanahan. That in itself demonstrates that it was hearsay, and I presume in the second or third or fourth degree. Of course, that evidence would properly come from the men who had knowledge of it. The committee is most anxious, of course, that the attorneys should seek out every avenue possible. The point in my mind is whether that could not be done without detailing so much and making such a cumbersome record that I am afraid it can never be gone through by very many people.

Mr. HANEY. I should be very glad to have that done, but I do not desire to have it done when I am examining. If it works equally and uniformly I have no objection to it, and would not have. But it will probably be remembered by the members of this honorable committee that there has never been any hesitation on the part of most of the witnesses to—

Senator GAMBLE. I am not asking that you shall be restricted at all; but I have taken the liberty of simply interposing my own suggestion, without any conference with the other members of the committee.

Mr. HANEY. There has never been any disposition to restrict or conceal or keep out of the record Senator Lorimer's name. We have not feared that. We do not now. We are not going to. We are not going to ask to have anything that anybody has to say against him kept out of this record. The concealment has only been when the names of persons other than Senator Lorimer (who were probably friends of the witness who was testifying) have been involved, were omitted or attempted to be omitted. But we have not any fears about it; and I do not think any of the gentlemen whose names have been mentioned need fear because of anything that has been

said by any of these creatures who have been sought out or who have been dealt with to besmirch Senator Lorimer, and take from him and his family that which is greater to them than his seat in the Senate—his and their reputations.

Now, will you start where you left off, Mr. Keeley, and continue your story from there on?

Mr. KEELEY. Where did I leave off, Judge? I do not know. What was the last answer?

Mr. HANEY. I think you were telling the conversation with Edward Glavis?

Mr. KEELEY. Yes.

Mr. HANEY. Do you not remember where you stopped?

Mr. KEELEY. I do not remember the last question and the last answer.

Mr. HANEY. You told where you threatened to have him arrested.

Mr. MARBLE. Let the reporter read the last few questions and answers.

(The stenographer who was present said that he had not taken the notes of the examination just before recess, but that they could be sent for.)

Mr. KEELEY. Never mind. Among other things we discussed with Mr. Glavis certain telegrams that he had sent and received from his brother, George O. Glavis, that morning.

Mr. HANEY. Mr. Keeley, will you be kind enough to change the method of a former witness, as to "what was discussed," and tell us the conversation, or the substance of it?

Mr. KEELEY. About 11 o'clock that morning Mr. Henning called up the Tribune office and said that he had reached Mr. Ed Glavis: that Mr. Ed Glavis, to whom I had sent a letter demanding possession of the papers which his brother had told me were in his possession, declined to honor that letter, and said that he could do nothing until he heard from his brother, George O. Glavis.

Mr. HANEY. Have you a copy of that letter?

Mr. KEELEY. It is with the other papers, Judge.

Mr. HANEY. You looked at Mr. John Callan O'Laughlin.

Mr. KEELEY. Pardon me; I did not look at him. I was thinking for a minute where the letter was.

Mr. HANEY. It is not with Mr. O'Laughlin?

Mr. KEELEY. No; it is not, sir, so far as I know.

Mr. HANEY. Go on.

Mr. KEELEY. Ed Glavis said that he would telegraph his brother for information as to what he should do. He did telegraph his brother, so I was informed. His brother sent him a telegram, which read practically as follows—I can not repeat it literally: "Answer only necessary questions: proceed with caution; am writing." He also sent him another telegram to another town, I think. Mr. Ed Glavis lives between two small towns somewhere near here, and he has telegrams delivered from one town and from the other by telephone, I think. When Mr. Ed Glavis received the second telegram he told Mr. Henning that he had received a second telegram, and it read: "Turn over my papers to Mr. Henning, of the Chicago Tribune." Mr. Henning asked him where they were and he said he had none. Then Mr. Henning asked him to come to Washington,

and he did come to Washington that night with Mr. Henning; and he came to the Tribune office, where I saw him with Mr. O'Laughlin and with Mr. Wade Ellis. He denied that he had any papers. Then Mr. Ellis asked us to leave the room, and he had some conversation with him. Then the door was opened and we went in, or I went in. I was suspicious, frankly, that he had something to do with it.

Mr. HANEY. Something to do with what?

Mr. KEELEY. With the secretion of these papers?

Mr. HANEY. With the secretion of what you thought were papers?

Mr. KEELEY. Whichever way you want to phrase it, Judge.

Mr. HANEY. Did you know there were papers actually in existence?

Mr. KEELEY. I had only Mr. Glavis's word for it. We will say "the alleged papers."

Mr. HANEY. Yes. I want you to be as accurate as you can.

Mr. KEELEY. I am trying to be accurate, Judge. He was indignant, and swore that he had never seen any papers. I told him that his brother had told me that he had turned these papers over to him at the Continental Hotel in Washington—I think it was the Continental. He said that he had not seen his brother at the Continental Hotel, and that his brother had not given him any papers. I then asked him about that first telegram—the "proceed with caution" telegram. He said that he could not understand it; he did not know what his brother was driving at. I finally came to the conclusion that Mr. Ed Glavis was telling the truth; that he did not know anything about any papers, and that he had none in his possession. He asked if we could get his brother on the telegraph wire or on the telephone in Chicago. I said that I would make an effort to do so; and we did make that connection. I had been receiving reports that afternoon and evening from Chicago from Mr. McCormick, and they were with Mr. George O. Glavis. According to these reports, he declined to say anything whatever about the papers, as to whether he had them or not. Then, when this telephone connection was made, I talked with him, as I said before, and asked him where the papers were. He said: "Has not my brother got them?" I had had a telephone conversation with him the day before, in which he said that the papers would be turned over that day at 11 o'clock, and that he was astonished that his brother had not turned them over.

Mr. HANEY. That is, George said that?

Mr. KEELEY. George said that; yes. I asked him where his brother could be reached, and he told me that he did not know; that he lived down in Virginia. I asked him if he could be reached by telephone or by telegraph, and he said that he did not know. That night I sent Mr. Henning down there to find the brother. When I was talking with George Glavis that night on the telephone, he said: "Has not my brother got them or turned them over to you?" I said: "No. He says he has not got them." I said: "Where are they?" He said: "I have nothing to say. Do you want me to come down to Washington?" I said: "No, I do not; I want those papers." He said: "I have nothing to say." Then I said: "Well, I will have to have you arrested tonight." He said: "All right"; that is all. Then his brother talked with him, and I heard his brother ask him about the papers, and ask him if he would not tell him the whole story—if he

would not tell him at once. Apparently, judging from what Mr. Ed Glavis said on the telephone, George was not telling him, and was trying to postpone his explanation; because Ed Glavis told him that quick action was necessary, as I was going to have him arrested that night. Then George told his brother (because his brother said so) that he would send him a night letter at the Willard Hotel.

Mr. HANEY. Is that all?

Mr. KEELEY. That is all, Judge, as I remember it. Remember that we were there for three or four hours, and I do not remember everything that was said. I have tried to tell a complete story of what happened that night.

Mr. HANEY. When did you think these papers related to—that is, what period of time by the calendar?

Mr. KEELEY. When did I think what, sir?

Mr. HANEY. When did you think these papers related to—what period of the calendar?

Mr. KEELEY. He told me the last transaction mentioned in the book was a little over two years ago.

Mr. HANEY. Before Senator Lorimer was elected to the Senate?

Mr. KEELEY. Yes, sir; when he was in the House.

Mr. HANEY. When he was a Member of the House?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And the others you thought were earlier than that?

Mr. KEELEY. What others?

Mr. HANEY. The others. There was more than one, was there not?

Mr. KEELEY. He told me only of two.

Mr. HANEY. Two?

Mr. KEELEY. Yes.

Mr. HANEY. Was Congressman Tawney's name mentioned in both?

Mr. KEELEY. I think only in the post office one.

Mr. HANEY. Did you want these papers for any purpose except to deliver to this honorable committee?

Mr. KEELEY. I stated this morning that I wanted to use them wherever they should be used—to be delivered to this committee, to the United States district attorney down here, and for publication in the Tribune, if that was the proper thing to do.

Mr. HANEY. Your primary purpose was, though, to give the information that you thought the papers contained to this honorable committee, was it not?

Mr. KEELEY. I had already informed one of the attorneys of the committee of that fact.

Mr. HANEY. Will you give us his name?

Mr. KEELEY. Mr. Healy.

Mr. HANEY. In Chicago?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Mr. Healy was the attorney for the Helm committee, and was suggested by you and Gov. Deneen for that position, was he not?

Mr. KEELEY. He was not suggested by me; and I have no knowledge of any action on the part of Gov. Deneen.

Mr. HANEY. When did you tell Mr. Healy about that?

Mr. KEELEY. While the affair was pending.

Mr. HANEY. Tell us by the calendar.

Mr. KEELEY. I can not tell you, sir, by the date. It was naturally after I had had this talk with Mr. Glavis, and before the blowup came down here.

Mr. HANEY. Tell us the date as nearly as you can, Mr. Keeley.

Mr. KEELEY. About the middle of June, sir.

Mr. HANEY. Last month?

Mr. KEELEY. Yes; the early part. Oh, do you mean when I told him first?

Mr. HANEY. Yes. When did you first tell Mr. Healy—John J. Healy, the Helm committee attorney?

Mr. KEELEY. I do not know whether it was before I made the arrangement with Mr. Glavis or after; I do not remember.

Mr. HANEY. That is a very broad field; that takes in the universe on time—"before or after."

Mr. KEELEY. Oh, no; no, sir.

Mr. HANEY. It takes in all the time before and all the time since. Give us approximately the time.

Mr. KEELEY. I say before I made the deal with him; after Mr. Glavis came to me.

Mr. HANEY. Give us the date by the calendar as nearly as you can.

Mr. KEELEY. I can not give you the date, Judge.

Mr. HANEY. What month was it?

Mr. KEELEY. It was in May or June, if that is sufficient.

Mr. HANEY. In May or June of this year?

Mr. KEELEY. Yes, sir.

Mr. HANEY. That was the first time you had told Mr. Healy about it?

Mr. KEELEY. That is my recollection; yes, sir.

Mr. HANEY. Did you tell him all about it?

Mr. KEELEY. I told him all I knew at the time, I think; I do not remember.

The CHAIRMAN. Have you given us the date of the deal? I have forgotten.

Mr. KEELEY. The date I made the deal?

The CHAIRMAN. Yes.

Mr. KEELEY. No, sir; I have not. But those dates can all be obtained from the papers that are in the possession of either the district attorney here or—

The CHAIRMAN. You are unable to state it now from recollection?

Mr. KEELEY. The exact date; yes, sir.

Senator GAMBLE. It was in the month of June, was it not?

Mr. KEELEY. That is my recollection, Senator. The dates are all there in the papers.

Mr. HANEY. When did you tell Mr. John J. Healy about that, with reference to the date when you gave the order for the payment of the \$100 to Mr. Glavis?

Mr. KEELEY. I do not know whether I told him before or after that, sir.

Mr. HANEY. That is delightfully indefinite. Can you give us anything nearer than that?

Mr. KEELEY. In the month of May or June, after Glavis had come to me and told me his story. Whether I told Mr. Healy before he came down here or after he came down here, I do not know.

Mr. HANEY. All your negotiations for the purchase of this matter up to the time that you paid the \$100. at least, were carried on in Chicago, were they not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Did you consult Mr. Austrian, your attorney, or any of his firm, about it before that?

Mr. KEELEY. No, sir.

Mr. HANEY. You did not consult with him prior to that at all?

Mr. KEELEY. No, sir.

Mr. HANEY. Did you consult with Mr. Austrian or any of his firm or any of your other attorneys about the character of that evidence, with a view of having it submitted to this honorable committee?

Mr. KEELEY. No, sir.

Mr. HANEY. Why did you not do so?

Mr. KEELEY. Because I had not the evidence. I had only the story that it was in existence.

Mr. HANEY. You had not the Funk story, either; but you said that you did not give that to the former committee in this case because you consulted your attorney before you acted on that, and he advised you not to do it.

Mr. KEELEY. The committee was then in session. There was no committee sitting then on this matter. I did not know whether it was collateral or not.

Mr. HANEY. But you say you bought it with a view of giving it to this committee?

Mr. KEELEY. "If"—"if"; I said "if" each time.

Mr. HANEY. If what?

Mr. KEELEY. If it were pertinent.

Mr. HANEY. Who was to determine that?

Mr. KEELEY. It was to be determined by an examination of the books.

Mr. HANEY. By you?

Mr. KEELEY. I assume so; yes.

Mr. HANEY. You heard the Funk story from Mr. Kohlsaat in full, in all its details, except the name of Funk, did you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And you did not submit that to the subcommittee of the Committee on Privileges and Elections of the Senate that was then sitting in Chicago?

Mr. KEELEY. No, sir.

Mr. HANEY. And you did not do that because you said you consulted your attorney, Mr. Austrian?

Mr. KEELEY. Yes.

Mr. HANEY. And he told you not to do it?

Mr. KEELEY. Yes.

Mr. HANEY. You were present, with Attorney Austrian, before the hearings of that committee every day, were you not?

Mr. KEELEY. Nearly every day, Judge.

Mr. HANEY. And you were there during all of the hearings each day?

Mr. KEELEY. Practically.

Senator GAMBLE. You considered this information you had received in regard to statements concerning Mr. Hines as a matter of importance, did you not?

Mr. KEELEY. Oh, yes.

Senator GAMBLE. You were aware, were you not, that Mr. Austrian submitted a list of names of witnesses to the chairman of the subcommittee at Chicago before the examination or the investigation was opened?

Mr. KEELEY. Yes.

Senator GAMBLE. Why was not Mr. Hines's name submitted with that list?

Mr. KEELEY. I do not know, Senator. I did not prepare the list.

Senator GAMBLE. There was no discussion at that time, or no knowledge as to what view or position the committee would take as to hearsay evidence, was there?

Mr. KEELEY. No, sir.

Senator GAMBLE. Did you suggest to Mr. Austrian to submit the name of Mr. Hines in that original list of witnesses?

Mr. KEELEY. I did not suggest it, Senator, because I had nothing to do with the preparation of the list. I never saw the list and did not know what names were on the list.

Senator GAMBLE. His name was never suggested in any list, was it?

Mr. KEELEY. Not as far as I know. I never saw the list, Senator.

Mr. HANEY. Nor was the name of Edward Tilden ever suggested in any list, was it?

Mr. KEELEY. Not as far as I know, Judge. I did not see the list.

Mr. HANEY. You knew that the committee sitting in that matter at that time had authorized the Chicago Tribune to appear as the prosecutor and appear by its attorney, did you not?

Mr. KEELEY. I do not think it was authorized to appear as prosecutor. We were authorized to be represented by counsel.

Mr. HANEY. Did you not know that Mr. Clifford Barnes, who made the original affidavit making charges that were filed against William Lorimer in the Senate, appeared before that committee and said that he did not have any evidence whatever to sustain the charges which he had made, although he had made the affidavit; and that he said the Chicago Tribune had such information, and asked that the Chicago Tribune be permitted to appear and present the charges and the evidence, in his stead? You knew that, did you not?

Mr. KEELEY. I heard what he stated, and I think that is a correct summary of it.

Mr. HANEY. And you knew that the committee took that under advisement and decided and announced afterwards, in your presence, that the Chicago Tribune would be permitted to appear and present the evidence to sustain the charges, and any other evidence, and to appear by counsel, did you not?

Mr. KEELEY. That is a correct statement.

Mr. HANEY. And you hired and paid Mayer, Meyer, Austrian & Platt for preparing that case and presenting it to that committee, did you not?

Mr. KEELEY. I retained Mr. Austrian of that firm, and the firm rendered a bill.

Mr. HANEY. Will you answer my question?

Mr. KEELEY. I did not retain the firm, Judge. I retained Mr. Austrian.

Mr. HANEY. The head of that firm does most of the business for the Tribune, does he not?

Mr. KEELEY. He does not, sir.

Mr. HANEY. You knew that the firm presented all the bills and you made all the checks payable to the firm, did you not?

Mr. KEELEY. The bills came from the firm, and the checks were made to the firm.

Mr. HANEY. And you knew that Al. Austrian was not practicing separately or distinctly or in any way away from the firm of Mayer, Meyer, Austrian & Platt, did you not?

Mr. KEELEY. He was a partner. I knew that; yes.

Mr. HANEY. And you consulted with Al. Austrian on many, many occasions in the preparation of that case presented before that honorable committee to sustain the charges that Clifford Barnes had originally made and you had adopted?

Mr. KEELEY. Yes, sir.

Mr. HANEY. One of the bills that you paid to that firm was for \$7,000, and another was for \$7,500, and another one was for what?

Mr. KEELEY. You have the bills, Judge. I would like to look at them.

Mr. HANEY. Well, we will get to that in a little while.

You knew that elaborate preparations were made, did you not, for the presentation of that case?

Mr. KEELEY. Yes.

Mr. HANEY. And you consulted regularly and continuously with Mr. Austrian and others in his office about that case, did you not?

Mr. KEELEY. I consulted with Mr. Austrian, but not with others in his office.

Mr. HANEY. Did you not consult with a small gentleman—Rosen-thal—is that his name?

Mr. KEELEY. No, sir; I did not consult with him.

Mr. HANEY. What was the name of the young man?

Mr. KEELEY. I do not know his name.

Mr. HANEY. You know who I mean?

Mr. KEELEY. I know. He was there.

Mr. HANEY. He was there every day at the hearings?

Mr. KEELEY. Yes.

Mr. HANEY. And you saw him and talked with him, and he with you?

Mr. KEELEY. Yes; we conversed.

Senator FLETCHER. You attended the hearings before the subcommittee?

Mr. KEELEY. About 90 per cent or 95 per cent, I should say, Senator.

Senator GAMBLE. It might have been 99 per cent?

Mr. KEELEY. I was away four or five days.

Mr. HANEY. There was not much doing the few days you were away?

Mr. KEELEY. I do not know. I think there was.

Mr. HANEY. You saw the list of witnesses that Mr. Austrian did present, did you not?

Mr. KEELEY. I did not; sir.

Mr. HANEY. You sat right with Mr. Austrian when the hearing was going on, did you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. On a number of occasions during that hearing, when your side ran out of witnesses, and the chairman asked me if I could

not put on some of my testimony while they were waiting for your witnesses to come in, you heard Mr. Austrian say that they did not intend to call Gov. Deneen until the rebuttal, did you not?

Mr. KEELEY. You say I heard him say it; but I have no recollection of having heard him say it.

Mr. HANEY. Will you say to this honorable committee that Mr. Austrian did not say that in your presence on several occasions?

Mr. KEELEY. I say I have no recollection. If he did say it the record will show it.

Mr. HANEY. See if this will not refresh your recollection: When that committee asked me if I would not go on and present some of my witnesses while waiting for the other side, I suggested to the committee that I would prefer to have all of the testimony in support of the charges put in first before I put in any of my evidence, as some of the later evidence in support of the charges might avoid the necessity of my calling witnesses that I might otherwise call; but that if the committee desired it I would go on in any way they desired to have me proceed. You heard that, did you not?

Mr. KEELEY. I have no recollection of it, Judge.

Mr. HANEY. And did I not suggest to Mr. Austrian and to you and those associated with you that Gov. Deneen's name was on the list, and that he had not been called as a witness, and ask why he was not called? And did not Mr. Austrian reply, on two or three occasions, when that took place, in substance that they did not intend to call Gov. Deneen except in rebuttal?

Mr. KEELEY. I have no recollection of that, Judge.

Mr. HANEY. And do you not know that Mr. Austrian afterwards said, during the hearing and at the close, that he did not intend to call Gov. Deneen at all?

Mr. KEELEY. I have no recollection of that, Judge; if it is in the record it is there, but I do not remember.

Mr. HANEY. At the close of all of the evidence did not the chairman of that committee ask Mr. Austrian if he had any other witnesses to call or any other evidence to present, and did not Mr. Austrian say no?

Mr. KEELEY. I remember that.

Mr. HANEY. Yes.

Mr. KEELEY. In Chicago and Washington.

Mr. HANEY. Yes. And the same question was asked by the chairman of the committee of our side?

Mr. KEELEY. Yes.

Mr. HANEY. And we said no?

Mr. KEELEY. Yes.

Mr. HANEY. Did you say that Mr. Joseph Medill was never a candidate for United States Senator from Illinois?

Mr. KEELEY. My answer yesterday, I think, stated that 15 or 18 or 20 years ago there was some talk of his candidacy or alleged candidacy, but I knew nothing about it, as I was simply a reporter then.

Mr. HANEY. Did you not say distinctly and plainly that neither he nor Robert W. Patterson was ever a candidate for Senator from Illinois?

Mr. KEELEY. I said Mr. Patterson was not. He told me that he was not.

Mr. HANEY. Did you say that Joseph Medill never was?

Mr. KEELEY. I have quoted my answer, as I remember it.

Mr. HANEY. What do you say now? Was he ever a candidate?

Mr. KEELEY. As far as I know, he was not. I do not know. He may have been before I got there. I say there was some talk of him as a candidate. I did not say that he was a candidate.

Mr. HANEY. You knew William Penn Nixon, did you not?

Mr. KEELEY. I knew of him; yes.

Mr. HANEY. And you knew that he and Kohlsaas published the Chicago Inter-Ocean until it was purchased by Mr. Hinman, did you not?

Mr. KEELEY. No; I think there was some interim there, was there not, as to the ownership?

Mr. HANEY. Who did own it?

Mr. KEELEY. Did not Mr. Kohlsaas buy the other chap out, or vice versa?

Mr. HANEY. Yes; William Penn Nixon was the publisher at one time, and then Mr. Kohlsaas went in, and then Mr. Kohlsaas bought Mr. Nixon out.

Mr. KEELEY. Yes. And then who bought Mr. Kohlsaas out?

Mr. HANEY. That is the time that Mr. Hinman got control, is it not?

Mr. KEELEY. I think not. Was it not Mr. Kockersperger or somebody who bought it, and then Mr. Yerkes bought it?

Mr. HANEY. You mean Mr. Kockersperger, who was once county treasurer of Cook County and associated with Martin B. Madden, Member of Congress?

Mr. KEELEY. My recollection is not clear, and I may be wrong, but I think there was some ownership between that of Mr. Kohlsaas and Mr. Yerkes.

Mr. HANEY. Does this refresh your memory: That Mr. Kockersperger and Mr. Martin B. Madden and Dr. T. N. Jamieson and some others were advocating the nomination of Mr. Joseph Medill against Senator Shelby M. Cullom?

Mr. KEELEY. No, sir.

Mr. HANEY. And that they invested some money in the Chicago Inter-Ocean?

Mr. KEELEY. No, sir.

Mr. HANEY. Do you not know that in 1895 and for years after that Mr. Kohlsaas and Mr. Nixon together owned the Chicago Inter-Ocean?

Mr. KEELEY. I do not know when their ownership started nor when it ceased.

Mr. HANEY. You do know that George W. Hinman did not own it and did not have anything to do with it in 1895 or 1896, do you not?

Mr. KEELEY. I should say he did not then.

Mr. HANEY. Yes. There is no doubt about it. I read to you from the Daily Inter-Ocean of Monday morning, January 7, 1895, on the second page. The headlines are:

Contest is now on. Springfield thronged with legislators and politicians. Wirepullers at work. Campaign for Senatorship becoming interesting. Chicago nearly solid for John Meyer for speaker. Senator Berry is leading for president.

That should be, Mr. Chairman, if I am allowed to suggest the correction, from the first page of that issue of the Inter-Ocean, and the first column, and is then carried to the second page of the paper; and I read from toward the top of the second page.

You know George Willets?

Mr. KEELEY. George S. Willets?

Mr. HANEY. Yes.

Mr. KEELEY. Yes; I knew him.

Mr. HANEY. He was a candidate for Senator at one time?

Mr. KEELEY. I do not know anything about it.

Mr. HANEY. You know who he is?

Mr. KEELEY. I know who he was. He has been dead 15 years.

Mr. HANEY (reading):

The coming of what is called the "big five" from Chicago has attracted quite a good deal of attention. The big five are Dr. Jamieson, of Cook County, Treasurer Kochersperger, Sheriff Pease, Alderman Madden, and Henry L. Hertz.

Sheriff Pease is James Pease?

Mr. KEELEY. I assume it is the same man.

Mr. HANEY. You know it is, do you not?

Mr. KEELEY. No; I do not know, Judge.

Mr. HANEY. And Alderman Madden is the present Congressman Madden, is he not?

Mr. KEELEY. The present Congressman was alderman of the city of Chicago.

Mr. HANEY. Yes (reading):

Their ostensible object is to boom Mr. Medill for Senator. They have talked for Mr. Medill, but there are no evidences that they have made any impression. The truth of the matter is that Mr. Medill's close friends confess that they do not believe these five gentlemen can do Mr. Medill any service for Senator. The country members boldly say that they do not believe Mr. Medill has any following. The gentlemen who have been talking for Medill have been urging a caucus of the Cook County members to be held Monday night. The general opinion early in the evening was that it would be possible to hold such a caucus. The statement was given out by those interested in this movement that the caucus was in the interest of John Meyer for speaker. It was proposed to call this caucus and then unite the members for Mr. Meyer; but the fact is the members from Cook County are already lined up for Meyer. The report was spread that it was then the intention of the managers of this little plan to call in the Republican State senators and appeal to them to support Mr. Medill.

What do you say about that?

Mr. KEELEY. I have absolutely nothing to say about it, because I have no knowledge of it.

Mr. HANEY. You are not sufficiently familiar with current political events at that time to know anything about it. Is that it?

Mr. KEELEY. That is one reason for it. I know nothing about it.

Mr. HANEY. I call your attention to the issue of the Chicago Inter-Ocean Tuesday morning, January 8, 1895, on the first page. The heading is, on the last column of the first page:

Cullom sure to win. Will get 70 votes outside of Cook County. Only 63 are needed. Meyer practically certain of the speakership. Harmony in the senate. Mr. Berry can have the presidency if he will accept. Senatorial caucus to be held next Tuesday by agreement of all the candidates.

I read from the article a little further down. The dispatch is from Springfield, Ill. [Reading:]

The paper which the "big five" from Chicago reported as ready to circulate among the members for signatures giving pledges that the signers would sup-

port Mr. Medill remains unsigned. There has been nothing tangible in the so-called movement for him. The report that Mr. Medill would not permit his name to be used in connection with the nomination unless he was assured of at least 63 Republican votes was again repeated to-day by Mr. Willits. It was accepted by all who knew Mr. Willits. It will be impossible to get 63 votes, or any considerable number of votes, for Mr. Medill in this legislature. The members from the districts outside of Chicago have read their local papers very carefully during the last month, and there is not known to be a single country member who is for Mr. Medill for Senator. The "big five" have not made any headway whatever for Medill.

Cullom's friends confident.

You did know, Mr. Keeley, that Mr. Medill had attacked the country editors, or the editors of country papers, just before that, and had called them insects and other names of that kind, did you not?

Mr. KEELEY. I remember that Mr. Medill did print an editorial reflecting very seriously on country editors. I do not remember whether he called them insects, but I have one recollection that he spoke of Mr. Berry as "Gooseberry."

Mr. HANEY. He is the present "Gooseberry" who is a member of the State board of railway and warehouse commissioners appointed by Gov. Deneen, as testified to by the governor a few days ago?

Mr. KEELEY. Mr. George Berry, former State senator; yes, sir.

Mr. HANEY. Oh, no; you mean Mr. Orville F. Berry.

Mr. KEELEY. Orville F.; yes, sir.

Mr. HANEY. That is the same man, is it not?

Mr. KEELEY. The same gentleman.

Mr. HANEY. Whether he is the same "Gooseberry" or not.

Mr. KEELEY. He may be sweeter now.

Mr. HANEY. Well, he is sweetened at least to the extent of his job. I read from the issue of Wednesday morning, January 9, of the Chicago Daily Inter-Ocean, first column, front page:

Cullom now has 74. Accretions to his ranks from country members. More are expected. Independent legislators flocking under his banner. Mason still confident. Willits and Adams give welcome to many callers.

With the caucuses out of the way, the field is now clear for the senatorial fight.

I read just below the center of the page of that article:

The gentlemen who are here representing the Medill campaign were not able to influence their own members. The members from the district in which Dr. Jamieson and Alderman Madden live refused to go into a caucus to hear the resolution of the Cook County committee on civil-service reform before the speakership caucus was held. Madden and Jamieson could not budge them on that, and they do not know how these members will vote on Senator. The member from Pease's district is for Mason, while Pease is for Medill. This illustrates how little influence the "big four" have been able to exert for the candidacy of Mr. Medill.

I read now from page 3, just below the center. The subhead is "As to Mr. Medill." It is the same issue, January 9:

The great mystery of the senatorial campaign is represented by the name "Medill" and the presence here of Dr. Jamieson, Henry Hertz, Alderman Madden, and Sheriff Pease. Those four Chicagoans have not the slightest resemblance to the ghosts or mysterious conspirators, but as they march about the hotel corridors as the "big four" that are inseparable, and with their air of unfathomable wisdom, they are regarded with something akin to awe, and everyone whispers, "Here they come; what do they know, and whom will they tell it to?" But there is the mystery. They will not tell. They are labeled "Medill," but where is the ghost and when will they pull the string that lets it loose.

Everybody is watching, but there have been no developments. The mystery of the Medill campaign is as deep and unfathomable now as when the "big four" came down from Chicago Sunday. It begins to be suspected that they are no more dangerous than the pirates of Penzance, and that they are liable at any time to drop their Medill masks and join in the good fellowship of the campaign, which is real flesh and blood. "Doc" Jamieson has already begun to let his old smile chase away his air of mysterious wisdom, and James Pease longs to return to the neighborhood of the Cook County jail, to find something cheering, while Henry Hertz wants to get back to the election commissioner's office and to find some tangible evidence of a campaign.

The "big four" have played a very successful "bad-night" season, but their "great mystery" is suited only for one-night stands, and the parts are so trying on the nervous system that they might all be down with nervous prostration if they try to continue the season at Springfield. It is, therefore, hardly probable that the phantom of the "Medill campaign" will be heard of after to-night.

The subhead, "McVeagh taking it easy"—

Senator JONES. Judge Hanecy, what is the purpose of all this?

Mr. HANECY. Senator, I do not know what the purpose was on the part of counsel in asking Mr. Keeley, or what Mr. Keeley's purpose was in answering that Medill was never a candidate for Senator.

The charge was made——

Senator JONES. What difference does it make whether he was or was not a candidate?

Mr. HANECY. I was just going to follow that up by saying that the charge was made that Medill was viciously hostile to Lorimer because Lorimer was not for Medill for Senator, and that was the origin or about the origin of the enmity of the Medill family, now descended to the McCormick family, and the Chicago Tribune, under the management of the same family, to Senator Lorimer and everything that he stood for and represented and every friend of his; and that was stated by Senator Lorimer in his speech in the Senate, and outside, and has been denied consistently by that side of this case.

Senator JONES. There is not any denial on their part that they have been very strongly and even bitterly opposed to Senator Lorimer?

Mr. HANECY. They have denied as the motive for that the existence of what they claim was the motive, or one of the strong motives inducing that enmity and hostility.

Senator JONES. There is not any question as to their hostility. I did not suppose they even denied that they are very bitterly opposed to him; and is it necessary to go back for the reasons for that opposition?

Mr. HANECY. Well, there was some doubt about it on my part, because Mr. Keeley testified yesterday, not in so many words, that there was no such hostility, but the substance or the effect of what he said was that there was not such hostility, and there was read into the record an editorial from the Tribune, published the next day after Senator Lorimer's election, and Mr. Keeley commented, "That does not show any hostility," or words to that effect.

Senator JONES. Well, I happened not to be here at that particular time. Of course I know that the editorial was read into the record. I did not suppose there was any question about the intense opposition of the Tribune to Senator Lorimer, and that was the reason why it appeared to my mind that it was unnecessary to go back through all of these years, but I will defer saying anything further.

Mr. HANEY. I have no desire to go into that, and will not if that matter is so clear that it is not necessary, but what I fear is—

Senator JONES. Without expressing any judgment of the committee, it is to my mind. I do not know how it is as to the other members of the committee.

Mr. HANEY. This is what I have in mind. You heard, in common with many others, the comments on the floor of the Senate last winter on partial extracts from the record of the other hearing, and it is that that I fear, not that any member of this honorable committee may misunderstand the facts after they have heard all of this testimony and all that will be presented here, but that somebody not reading this voluminous record will single out some part or parts of that and base their judgment, in whole or in part, on that, as Mr. Kohlsaat said here that his statement to Senator Root induced Senator Root to make the speech that he did. That is what I fear.

Senator JONES. You may proceed, Judge, as far as I am concerned.

Mr. HANEY. I shall be very brief, and I have only very little more of this. I read now from January 10, 1895, of the daily Inter-Ocean, fifth column of the front page:

Caucus is called. Illinois Republicans to nominate a Senator next Thursday. Date satisfies all. Steering committee acts after consulting candidates. Many call on Cullom. His headquarters sought by a large number of friends.

Messrs. Mason, Adams, and Willits are making an open and dignified campaign. There are no secret maneuvers by any of them and they are holding aloof from the secret and mysterious movements of the Medill managers. They have no closer affiliations with the "big four" than has Senator Cullom. They have all been in politics long enough to get beyond the "ghost dance."

Cullom meets many friends, etc.

Now, I am going to skip a great deal of that, Mr. Chairman, and come down to January 13, 1895, and read from the last column of the first page of the Inter-Ocean. The headlines are:

Mr. Medill is out. Declines to have his name go before caucus. But few were there. Only 23 Cook County members join the senatorial conclave. They make no choice. Legislators fail to center on a Chicago candidate. Participants dodge a test vote and adjourn to meet in Springfield.

Is there any doubt in your mind now, Mr. Keeley, as to whether the late Joseph Medill was ever a candidate for United States Senator from Illinois.

Mr. KEELEY. I have no personal knowledge of the fact that he was a candidate, and I should say that a certain amount of newspaper stories about a candidacy would not imply that he was a candidate. Somebody might be running him. I do not know.

Mr. HANEY. Do you think that with all his force of character and vigor at that time—in 1895—that could go on without bringing forth expressions from the paper that he edited at that time?

Mr. KEELEY. I do not know that there were no expressions.

Mr. HANEY. Will you look, and if you find any such, send them to the chairman of this committee?

Mr. KEELEY. I will, if you will give me the dates.

Mr. HANEY. Well, you have been listening to the dates.

Mr. KEELEY. I have no memorandum of it.

Mr. HANEY. In January, 1895.

Mr. KEELEY. January?

Mr. HANEY. That is when the legislature generally meets in Illinois.

Mr. KEELEY. January, 1895. All right, sir.

Mr. HANEY. Mr. Keeley, you said that you saw the names of different parties used in relation to the Senatorship, or to the fund that some ghost or other more tangible being said existed for the election of Senator Lorimer, or something in connection with it. Can you remember any of the names that you saw mentioned other than those that you have testified to here?

Mr. KEELEY. I do not think I said that I saw any mention of them.

Mr. HANEY. Well, did you?

Mr. KEELEY. I received a lot of letters—anonymous letters—giving all sorts of information—baskets of them—alleged information.

Mr. HANEY. And you told the names of several men whose names were mentioned to you in that connection?

Mr. KEELEY. Yes. I told the names of Mr. Hines and Mr. Tilden, and Mr. Sullivan.

Mr. HANEY. Mr. Roger Sullivan?

Mr. KEELEY. Mr. Roger Sullivan; yes. And the other man.

Mr. HANEY. Mr. Conway?

Mr. KEELEY. Mr. Conway; yes.

Mr. HANEY. And did you hear any other names?

Mr. KEELEY. In connection with that one story?

Mr. HANEY. Yes; or any fund.

Mr. KEELEY. Oh, I have a lot of letters here—anonymous and otherwise—giving names.

Mr. HANEY. Did you ever hear the name of Mr. John J. Mitchell, the president of the Illinois Trust & Savings Bank, used in that connection?

Mr. KEELEY. I think I read the name of—I did read the name of Mr. John G. Shedd and Mr. Mitchell.

Mr. HANEY. And Mr. Mitchell that you refer to now is—

Mr. KEELEY. John J. Mitchell.

Mr. HANEY. The president of the Illinois Trust & Savings Co. and the largest stockholder.

Mr. KEELEY. He is the president.

Mr. HANEY. John G. Shedd, that you mention, is the president of Marshall Field & Co.?

Mr. KEELEY. Yes. That story was printed in the Evening Journal.

Mr. HANEY. You saw those names?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And you hesitated to tell those, did you?

Mr. KEELEY. Oh, I did not think of them, Judge.

Mr. HANEY. Mr. Shedd is one of the largest advertisers—or the company that he is president of is one of the largest advertisers in the United States?

Mr. KEELEY. He is a large advertiser, but there are other larger ones in Chicago.

Mr. HANEY. Will you name any one?

Mr. KEELEY. Larger advertisers in Chicago?

Mr. HANEY. Yes.

Mr. KEELEY. Parson, Piery, Stott & Co.; Mandell Bros.; Siegel, Cooper & Co.; and the Fair.

Mr. HANEY. Department stores?

Mr. KEELEY. Yes.

Mr. HANEY. Marshall Field & Co. is a large advertiser?

Mr. KEELEY. Yes; it is a large advertiser.

Mr. HANEY. Did that have anything to do with the keeping of Mr. Shedd's name out of the papers in that connection?

Mr. KEELEY. Out of the Tribune?

Mr. HANEY. Any paper.

Mr. KEELEY. We printed it.

Mr. HANEY. You printed it?

Mr. KEELEY. Yes; the day after the Journal printed it.

Mr. HANEY. You knew there was not any truth in the charge or suggestion, did you not?

Mr. KEELEY. We printed an interview——

Mr. HANEY. Answer the question.

Mr. KEELEY. Oh, I assumed there was none.

Mr. HANEY. Then why did you print it?

Mr. KEELEY. Because I was requested by James Simpson, one of the managers of Marshall Field, to print an interview that he gave denying it.

Mr. HANEY. And you only printed it for the purpose of having the denial or exoneration of Mr. Shedd expressed?

Mr. KEELEY. Oh, no, sir.

Mr. HANEY. What other purpose?

Mr. KEELEY. There was a piece of news in the afternoon Journal—that is, there was a story in the afternoon Journal——

Mr. HANEY. Did you print it without the denial of Mr. Simpson?

Mr. KEELEY. I did not. May I explain?

Mr. HANEY. If you desire to.

Mr. KEELEY. There was a story in an afternoon paper, with a big heading and large type, which naturally excited the curiosity and the interest of all of the readers of the Journal. In the ordinary course of business that was followed up, and the city editor, I assume, sent a reporter out to see Mr. Simpson, and the first thing I knew Mr. Simpson was calling me on the telephone and asking me what he ought to do in the matter. I said, "Why deny it, if it is not true." Well, should he deny it or Mr. Shedd deny it? I said that Mr. Shedd should. I believe that Mr. Shedd was in Washington, he said. My judgment was, I said, that as Mr. Shedd was the man who was accused, the denial should come from him. He said that Mr. Shedd was in Washington or in New York, or somewhere down East, and he said that he would get into communication with Mr. Shedd, and would send around a denial that afternoon or that evening, and that is what happened. The story is in the paper, and is the best evidence of what we printed.

Mr. HANEY. Well, what about Mr. Mitchell's name?

Mr. KEELEY. Now, I don't know whether Mr. Mitchell's name was mentioned in that story or not. My recollection is that it was mentioned—that he was pointed at, was he not, as the president of a large bank, or was he mentioned? I do not remember.

Mr. HANEY. He was so designated, either by the name that people knew him by generally or by some other designation, sufficient to have him recognized, was he not?

Mr. KEELEY. I should judge so; yes, sir.

Mr. HANEY. Did you publish that, too?

Mr. KEELEY. I do not remember. See the paper. That is the best evidence as to that.

Mr. HANEY. You did not believe that charge as to John G. Shedd, or John J. Mitchell, did you?

Mr. KEELEY. I did not.

Mr. HANEY. And you thought that the use of their names, or either of them, was entirely unwarranted, did you not?

Mr. KEELEY. I did not believe the story.

Mr. HANEY. Well, what about the rest of the question?

Mr. KEELEY. Why, if I did not believe it, naturally I would assume that the use of the name was unwarranted.

Mr. HANEY. Then it is easy to say yes. Were there any other names of prominent men that you heard in that connection, other than those you named this morning or yesterday, or to-day, I will ask you?

Mr. KEELEY. Information that was brought to me through anonymous letters, and other avenues of that kind.

Mr. HANEY. Any names that were talked of in the papers or gossiped of at the clubs or at other places?

Mr. KEELEY. I do not recollect any other names in the papers. I say I received all sorts of letters accusing all sorts of people and all sorts of corporations.

Mr. HANEY. But you did not believe any of them?

Mr. KEELEY. I did not print any of those; no, sir; because I had what I regarded as no evidence.

Mr. HANEY. You did not print any except the name of Edward Tilden and Edward Hines?

Mr. KEELEY. Nor did I print the name of Edward Tilden.

Mr. HANEY. Well, did you?

Mr. KEELEY. I do not think I did, did I?

Mr. HANEY. That is what I want you to tell.

Mr. KEELEY. I do not remember.

Mr. HANEY. Well, did you print the name of Edward Tilden?

Mr. KEELEY. I do not remember.

Mr. HANEY. Then, if you did not print the name of Edward Tilden in that connection, did you print the name of anybody except Edward Hines?

Mr. KEELEY. I think Mr. Hines's name was mentioned indirectly; but I do not think he was ever charged specifically with it in the Tribune.

Mr. HANEY. What did you ask him the questions for that you referred to yesterday, and assume that he did, if you knew he did not?

Mr. KEELEY. I did not say I knew he did not.

Mr. HANEY. Had you any information in relation to Edward Hines in that respect?

Mr. KEELEY. I had been told that he was connected with it; yes, sir.

Mr. HANEY. Who told you?

Mr. KEELEY. Mr. Kohlsaat told me.

Mr. HANEY. Anybody else?

Mr. KEELEY. I do not remember. I had letters—I have some of them here.

Mr. HANEY. Yes; I suppose you have other things in your pockets, but I am only talking about what people told you.

Mr. KEELEY. I have answered, Judge.

Mr. HANEY. Do you remember any other name?

Mr. KEELEY. Names of informants or names of participants?

Mr. HANEY. Prominent men or wealthy men connected with the raising of a fund?

Mr. KEELEY. As I say, through letters, I was given the name of nearly every big man in the city of Chicago, I should say, that was connected in any way with corporations.

Mr. HANEY. That is, you had anonymous or other letters from different parties which stated to you the name of every man who was connected with a large corporation in Chicago as a contributor to a fund to elect William Lorimer to the United States Senate, or to pay the expenses of the election afterwards? Is that the fact?

Mr. KEELEY. No; that is not what I stated, Judge.

Mr. HANEY. What is it?

Mr. KEELEY. That I heard the names of men connected with these large public-service corporations, and the names of the corporations themselves.

Mr. HANEY. You said, I believe, "every prominent man connected with a corporation."

Mr. KEELEY. Oh, I did not; if I did, I did not mean that.

Mr. HANEY. How many did you hear mentioned?

Mr. KEELEY. I say, the men connected with the public-service corporations, practically speaking.

Mr. HANEY. Any others?

Mr. KEELEY. No; I think not.

Mr. HANEY. What do you class as public-service corporations?

Mr. KEELEY. I should class the stockyards, the street railroads, the steam railroads, and corporations of that kind as public-service corporations.

Mr. HANEY. When you say "the stockyards," do you include all of the packers that do business there?

Mr. KEELEY. "The stockyards" is an all-embracing term. That is the way it was used—"the stockyards."

Mr. HANEY. "The stockyards" is a separate corporation in itself.

Mr. KEELEY. The Union Stockyards Co. is. Then they rent, I believe, to various people.

Mr. HANEY. What I want to know is whether your answer includes not only the Union Stockyards, but the packing companies that do business at the Union Stockyards?

Mr. KEELEY. The names of the stockyards company and the packers were mentioned separately and individually.

Mr. HANEY. Did those names come to you anonymously or otherwise?

Mr. KEELEY. I should say anonymously.

Mr. HANEY. Did you ever publish any of them or use any of them in any of your work as a newspaper man in any of its departments, except the names of Edward Hines, Mr. Conway, and Roger C. Sullivan?

Mr. KEELEY. I did not use Mr. Conway's name, I believe.

Mr. HANEY. You sent a communication to him and asked him to answer certain questions; did you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. That is one of the departments, in some degree, that I had reference to in my question.

Mr. KEELEY. You spoke of publication, sir; did you not?

Mr. HANEY. No; I said in connection with your paper in any way, or in any of its departments.

Mr. KEELEY. I sent a list of questions to Mr. Conway, which he answered.

Mr. HANEY. Anybody else?

Mr. KEELEY. I sent Mr. Austrian to Mr. Sullivan.

Mr. HANEY. You knew that Alfred Austrian was the attorney for Roger Sullivan at that time; did you not?

Mr. KEELEY. In what matter?

Mr. HANEY. You knew that Moran, Mayer & Meyer, the same firm, had been attorneys for the Ogden Gas Co., of which Roger C. Sullivan was president, for years; and that when Judge Moran, the head of that firm, died, Levi Mayer, the other member of the firm, became the head of it, and the style of the firm was changed to Mayer, Meyer, Austrian & Platt; did you not?

Mr. KEELEY. That is the fact, I believe.

Mr. HANEY. And you knew that that firm of Moran, Mayer & Meyer, and Mayer, Meyer, Austrian & Platt, had been attorneys for the Ogden Gas Co. and for Roger C. Sullivan in most of their matters; did you not?

Mr. KEELEY. I had general knowledge of that, but not specifically.

Mr. HANEY. Yes. You did not send the attorney for Edward Hines to interview him on that question; did you?

Mr. KEELEY. I did not know who he was, Judge. I did not.

Mr. HANEY. You did not do it?

Mr. KEELEY. No; I did not; no.

Mr. HANEY. Did you say yesterday that you asked Edward Hines the same questions you asked Conway?

Mr. KEELEY. Yes, sir; the reporter did. I sent these questions. They were typewritten, and duplicates were made; and I told the city editor to send those questions. That is where my actual knowledge stops of what happened.

Mr. HANEY. When was that?

Mr. KEELEY. May 8.

Mr. HANEY. May 8?

Mr. KEELEY. Yes.

Mr. HANEY. Did you publish Mr. Conway's answers?

Mr. KEELEY. I did not, sir.

Mr. HANEY. You did not use them at all?

Mr. KEELEY. No, sir.

Mr. HANEY. Did Mr. Hines answer your questions?

Mr. KEELEY. He did not, sir.

Mr. HANEY. He never did?

Mr. KEELEY. Except to say, in a general way, that the story was not true.

Mr. HANEY. He went to see you, did he not, with Mr. C. F. Wiehe?

Mr. KEELEY. He came; yes, sir.

Mr. HANEY. And he never did answer the questions that you asked him?

Mr. KEELEY. No; I did not see them.

Mr. HANEY. Did he ever answer them at that time or at any other time, or in any other way?

Mr. KEELEY. Not to the best of my recollection.

Mr. HANEY. You are quite sure of that, are you?

Mr. KEELEY. I do not remember, Judge.

Mr. HANEY. You were connected with the Chicago Tribune on the 11th of May, two days after that first publication, were you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And you knew something about the paper that you had the general management of, and whose policy you declared, did you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Let me read to you from the Chicago Tribune of Wednesday, May 11, 1910, the third page, and the first column.

(Mr. Haney then read the article referred to, which is as follows:)

HINES IS ASKED ABOUT "SAWDUST."

TELLS DAILY NEWS HE DOESN'T KNOW SOURCE OF LUMBER FOR LORIMER CHAIR—NO KNOWLEDGE OF IT—ANNOUNCES, HOWEVER, THAT HE IS THE STANCH POLITICAL FRIEND OF THE SENATOR.

Following the inquiry in the Tribune yesterday morning as to the source from which the "sawdust" came that was used in the election of Senator Lorimer, the Chicago Daily News interviewed one of Mr. Lorimer's closest friends, Edward Hines, president of the Edward Hines Lumber Co.

This interview as printed in the Daily News follows:

"Mr. Hines, in his office at South Lincoln and West Twenty-fourth Streets, was shown by a reporter for the Daily News the following statement printed in large letters in the Chicago Tribune to-day:

"Was it sawdust?

"The Tribune repeats its query of last week:

"Who furnished the dust—to use a colloquialism—to bribe the legislators to elect William Lorimer to the United States Senate?

"Also:

"What lumber company built Mr. Lorimer's senatorial chair?"

PREFERS TO TREAT IT AS A JOKE.

"That must be a joke," declared Mr. Hines, after carefully reading the above statement. "At any rate, I can not see how it affects me or is up to me in any way to explain."

"Did you pay any money toward Senator Lorimer's election as Senator of the United States?" queried the reporter.

"Not a cent," replied Mr. Hines. "Neither in his senatorial election nor in any of his congressional elections has my company ever contributed a cent to Senator Lorimer's campaign. We have never been asked to give a dollar; and that is surprising to me; because other candidates for political offices have asked me for contributions at times."

"Did you, personally and aside from your lumber company, give Mr. Lorimer any money to help secure the Senatorship?" persisted the reporter.

"No; neither I nor my company," answered Mr. Hines. "I was not trying to quibble when I spoke of my company not having given any contributions to Senator Lorimer, because any such contributions would be made not by me but my company."

SAYS HE NEVER HEARD OF FUND.

"Did you ever raise any fund for Mr. Lorimer's election as a Member of the United States Senate?" asked the reporter.

"I did not, and I never heard of any such fund being raised," replied Mr. Hines. "Personally I don't believe any such fund was raised, because a big fund of that nature could hardly be raised without news of it leaking out, and, as I have already said, I never heard of any such fund. I want to say, however, and if you are going to print anything about it, print just this, and print it just this way: That I have long been a friend of Senator Lorimer and have aided him in some of his campaigns by speaking for him. I have never contributed any money toward his campaigns, largely because I haven't been asked. I am still a friend of Senator Lorimer and believe in him thoroughly, and I don't believe in these stories that money was paid to secure his election as Senator."

AFFIRMS IT IS CORRECT.

"In the evening Mr. Hines was called up on the telephone at his residence by a reporter for the Tribune.

"Is the interview with you that appears in the Daily News a correct statement of your views?" he was asked.

"I have not read it," said Mr. Hines.

"The interview was read to him, and Mr. Hines said:

"That is correct."

"Have you anything to add to your interview in the Daily News?" he was asked.

"Nothing, except to say that I always am ready to give Mr. Lorimer any assistance he asks for so long as it is honorable," replied Mr. Hines."

Mr. HANEY. What do you say now about your testimony yesterday that Mr. Hines never denied or answered the questions that you said you asked him?

Mr. KEELEY. Why, Judge, that interview is from the Daily News, and we took it out of the Daily News.

Mr. HANEY. Was it not adopted by your reporter, and did not your reporter ask if it was true, and did not Mr. Hines say "Yes"; and then did you not make it your interview?

Mr. KEELEY. You can not say that we made it our interview. We credited the Daily News with it. Those questions were not put to him by a Tribune reporter. They were put to him by a reporter for the News.

Mr. HANEY. That is the way you differentiate when you are testifying under oath, is it?

Mr. KEELEY. Absolutely so.

Mr. HANEY. You knew that your reporter had asked Mr. Hines if the statements that Mr. Hines had made to the Daily News reporter, and which were published in the Daily News the night before, were true, did you not?

Mr. KEELEY. I knew it at that time; yes. I had no recollection of it now until you read it.

Mr. HANEY. You knew it yesterday, did you not?

Mr. KEELEY. Oh, no; no, sir.

Mr. HANEY. Did you testify to things yesterday or to-day that you did not know anything about?

Mr. KEELEY. I testified to the best of my recollection and my knowledge at that time, naturally.

Mr. HANEY. Have you been testifying here and stating here as facts things that you do not know to be facts, or did not know to be facts when you so testified?

Mr. KEELEY. Judge, I took an oath—

Mr. HANEY. Will you answer that question?

Mr. KEELEY. I can not answer that question fairly to myself.

Mr. HANEY. I think probably that is right.

Mr. KEELEY. I took an oath to tell the truth, the whole truth, and nothing but the truth, and I have so testified to the best of my recollection; and that is all I can do.

Mr. HANEY. Do you mean, now, that you want to explain that you did not recollect the fact when you said yesterday that Mr. Hines had never denied that he had contributed, and had never answered the questions that you asked him?

Mr. KEELEY. Will you show me where I said that, Judge?

Mr. HANEY. I am not answering questions now.

Mr. KEELEY. I am not going to answer a supposititious question when you put into my mouth statements that I do not know that I uttered.

Mr. HANEY. Do you say now that you did not say yesterday that Mr. Hines had never answered your questions that you sent to him, and that were manifolded, and copies sent to Conway?

Mr. KEELEY. Yes, sir; I said that.

Mr. HANEY. What do you say now?

Mr. KEELEY. Why, I stick to it; absolutely.

Mr. HANEY. And the reading from your own paper does not convince you that Mr. Hines did answer those questions, and that they were answered to your reporter on the night of May 10, 1910, and were published in your paper on the morning of May 11, 1910?

Mr. KEELEY. Those questions?

Mr. HANEY. I do not know how to differentiate so as to meet your differentiation: but I want the facts and the truth.

Mr. KEELEY. You are getting the truth as I know it, Judge.

Mr. HANEY. Then, when you said yesterday that Mr. Hines never did answer your questions or deny that he had to do with the fund that was alleged to have been raised to compensate somebody for the election of Senator Lorimer, were you telling the truth as you knew it, or telling something that you did not know anything about?

Mr. KEELEY. May I see what I testified to yesterday?

Mr. HANEY. Yes: anything that you care to, that will aid you, or that you think will aid you.

The CHAIRMAN. Do you know on what page of the testimony that inquiry was made?

Mr. HANEY. No: I do not, Mr. Chairman.

The CHAIRMAN. It will save time if that can be stated.

Mr. KEELEY. Yes: if you will tell me—

Senator GAMBLE. I think it was along about page 280—somewhere along there.

Mr. HANEY. Page 280, do you say, Senator?

Mr. MARBLE. Page 279. It begins on page 279, and goes on on pages 280, 281, and 286.

Senator GAMBLE. Page 286; yes. He says there, "Mr. Hines came to my office," etc.

Mr. KEELEY. Yes. The question preceding that was:

Have you the answers which were made by Mr. Hines?

I have not.

Where are they?

He did not make any.

Did he decline to answer?

Then I told what they said there, and I said:

I felt that I ought to put these questions to him, and asked him if he wanted to answer them, and he said no. * * * I then asked him again if he desired to answer the questions, and he said no; and I ended the interview right then and there.

Mr. HANEY. What page are you reading from?

Mr. KEELEY. Page 286, Judge. That is what I said.

Mr. HANEY. The questions that you asked are on pages 280 and 281; and then Mr. Marble asked you:

Of what does the balance of this document consist?

And you answered:

Those are the answers that were given by Mr. Conway to the reporter of the Tribune who interviewed him.

Mr. MARBLE. Have you the answers which were made by Mr. Hines?

Mr. KEELEY. I have not.

Mr. MARBLE. Where are they?

Mr. KEELEY. He did not make any.

Mr. MARBLE. Did he decline to answer?

Mr. KEELEY. Mr. Hines came to my office that night with Mr. Wiebe, I should say about 9 o'clock; half past 8 or 9 o'clock, or somewhere along there. My recollection of the conversation is that, after Mr. Hines had taken his seat, he asked me what these questions were—a joke? I said, no, that I was very serious in the matter. Well, he did not like them. He said that he had a reputation in Chicago and that these questions were insulting. I said yes, I knew that he had a reputation in Chicago, but I felt that I ought to put these questions to him, and asked him if he wanted to answer them, and he said no. He repeated the fact that he had a reputation and a standing in the city of Chicago, and that if we printed anything about him that was libelous he would sue us for libel. I told Mr. Hines that whatever was true I would print about him, and he could sue and be hanged, under those circumstances, pointing out the fact that the Tribune Building was worth a million and a half dollars; and if we printed any lies about him or any libelous statements that he could get that building, and doubtless he could use it in the lumber business. I then asked him again if he desired to answer the questions, and he said no; and I ended the interview right then and there.

Mr. MARBLE. Did you relate that occurrence to anyone?

Mr. KEELEY. Oh, I have spoken of it; yes.

Mr. MARBLE. Did you ever tell Mr. Funk?

Mr. KEELEY. I never talked to Mr. Funk about this case.

When you testified yesterday, did you not know that Mr. Hines had answered those questions, and that you had published them in your issue of the morning of the 11th of May, 1910?

Mr. KEELEY. He did not answer those questions.

Mr. HANEY. Now, will you answer the rest of my question?

(By request, the stenographer read as follows:)

And that you had published them in your issue of the morning of the 11th of May, 1910?

Mr. KEELEY. I did not know that.

Mr. HANEY. You did not know that?

Mr. KEELEY. And I do not assume it to be a fact.

Mr. HANEY. Will you look at this issue of the paper, and say to this honorable committee whether that is the paper?

Mr. KEELEY. That is the paper, I take it, Judge. I take it you have read everything that is in there.

Mr. HANEY. Look at it, please.

Mr. KEELEY. I do; I look at it; and I will say that those are not the questions that I asked.

Mr. HANEY. That is, you mean they are not couched in the same language?

Mr. KEELEY. They are not the questions about which I was testifying yesterday.

Mr. HANEY. And you confined your testimony yesterday, not to the truth in its entirety, but to the form of the questions that you had asked, and which you claimed were not answered because they did not answer specifically the questions in the form you asked them?

Mr. KEELEY. I told the truth yesterday about those questions.

Mr. HANEY. Read the question, Mr. Stenographer.

(The stenographer read as follows:)

And you confined your testimony yesterday, not to the truth in its entirety, but to the form of the questions that you had asked, and which you claimed were not answered because they did not answer specifically the questions in the form you asked them?

Mr. KEELEY. There is an implication of untruth in that which, I think, bars the question from answer.

Mr. HANEY. And I am asking you so that you may clear up the apparent untruth, if you desire to do so.

Mr. KEELEY. I do not admit that there is any apparent untruth in my answer yesterday and the story you just read in the paper.

Mr. HANEY. And you have no desire to explain your answer yesterday in connection with the article in your paper that I have just shown you on the 11th of May, 1910?

Mr. KEELEY. None whatever; because there is nothing to explain. There is no connection between the two things.

Senator GAMBLE. I may not have that clearly in my mind, Mr. Keeley, but do you know whether or not the reporter that was sent to interview Mr. Hines saw him personally, or whether he talked with him over the telephone?

Mr. KEELEY. My indistinct recollection is that he saw him personally and gave him the questions. I do not know.

Senator GAMBLE. As I understand it, what appeared in the News is substantially the same as the interrogatories you had propounded?

Mr. KEELEY. I have not compared them. I do not think so.

Mr. HANEY. And the News article was read to Mr. Hines over the phone?

Mr. KEELEY. Yes.

Senator GAMBLE. And then he made a reply over the phone as to the truthfulness of the reply that he had made to the News correspondent or representative?

Mr. HANEY. Yes; that News article was read to him, and he was asked if it was true, and he said it was true; and the Tribune published it in full on the morning of the 11th of May, 1910.

Senator FLETCHER. Mr. Keeley, Mr. Wiehe testified, at page 1695, that at the interview in your office between Mr. Hines and yourself Mr. Hines said there was nothing in the matter that those questions referred to. Do you remember whether that occurred or not?

Mr. KEELEY. He may have said, in a general way, "I have not any answer to these questions." "I do not want to answer them. There is nothing in them." Or something of that kind. I do not remember, specifically, what was said.

Senator GAMBLE. As I recall your testimony, and according to the notation I made at the time, this interview that occurred between you and Mr. Hines and Mr. Wiehe was on the evening of May 9?

Mr. KEELEY. May 9; yes.

Senator GAMBLE. 1910?

Mr. KEELEY. Yes.

Senator GAMBLE. And that appears to have come out in the Tribune on the 11th?

Mr. KEELEY. Yes.

Mr. HANEY. It was published on the evening of the 10th in the News, the next evening after the interview. Mr. Keeley and Mr. Hines and Mr. Wiehe talked in Mr. Keeley's office, he testifies, on the evening of May 9. On the afternoon and evening of May 10, the next afternoon, the Daily News published this article; and that same evening, the 10th, the day after the interview between Mr. Hines and Mr. Keeley, the Tribune reporter called up Mr. Hines and asked him if the article in the News was true; and Mr. Hines said he had not seen it; and the Tribune article says that the reporter read the News article to him, and then asked him if it was true, and Mr. Hines said yes; and that was published in the Tribune on the morning of the 11th.

Mr. HANEY. Now, Mr. Keeley, how did Mr. Kohlsaat come to tell you the Funk story?

Mr. KEELEY. I do not know, Judge.

Mr. HANEY. You know that he met you some place, somehow, somewhere, and told you something, in talking? Tell us how it started?

Mr. KEELEY. I can not tell you that. I can not fix when he told me.

Mr. HANEY. Where was it?

Mr. KEELEY. I can not fix that.

Mr. HANEY. Can you tell when it was?

Mr. KEELEY. I can not.

Mr. HANEY. Can you tell, approximately?

Mr. KEELEY. I can not. I should judge within a month of the publication of the story; but I have no distinct recollection.

Mr. HANEY. Within a month of the publication of what story?

Mr. KEELEY. The White story.

Mr. HANEY. That is, before or after?

Mr. KEELEY. After.

Mr. HANEY. About a month after the 30th?

Mr. KEELEY. No; I say within a month. I do not know just when it was.

Mr. HANEY. Within a month after the 30th of April, 1910?

Mr. KEELEY. It may have been about that time.

Mr. HANEY. It was not a month before?

Mr. KEELEY. No, sir.

Mr. HANEY. Within a month after?

Mr. KEELEY. Yes. I say it may have been.

Mr. HANEY. Of course, it may have been six months before; but what was it?

Mr. KEELEY. It was not before. It may have been within a month after.

Mr. HANEY. Is that the time that it was, to your best recollection?

Mr. KEELEY. That is about my best recollection.

Mr. HANEY. I know what that means; but I do not know what it means when you say "it may have been"; that is so indefinite.

Did Mr. Kohlsaas tell you all of the Funk story?

Mr. KEELEY. He did not tell me Mr. Funk's name.

Mr. HANEY. Did he tell you all the rest of the story?

Mr. KEELEY. My recollection is that he did; yes.

Mr. HANEY. What did he say about it after he told you the story?

Mr. KEELEY. What did he say about it?

Mr. HANEY. Yes.

Mr. KEELEY. I asked him if he would not tell me who it was.

Mr. HANEY. That is, who the man was who told him?

Mr. KEELEY. Yes.

Mr. HANEY. He did tell you that somebody had told him that Edward Hines had asked this unnamed man to contribute \$10,000 to the campaign for the election of Senator Lorimer after Senator Lorimer was elected, did he?

Mr. KEELEY. That is the substance of the story, Judge.

Mr. HANEY. And did he tell you that Edward Hines had said to this unnamed man that the unnamed man could send the \$10,000 to Edward Tilden?

Mr. KEELEY. That is my recollection; either the first time or at some other time when we discussed it.

Mr. HANEY. Did you talk with Mr. Kohlsaas on numerous occasions about that?

Mr. KEELEY. Oh, I think I had several conversations with him; yes.

Mr. HANEY. About that?

Mr. KEELEY. About that; yes.

Mr. HANEY. Were they close together?

Mr. KEELEY. I think we conversed about it from probably the first time he told me until recently, but not with regularity; once in a while.

Mr. HANEY. Did Mr. Kohlsaas tell you all of the story the first time except Mr. Funk's name?

Mr. KEELEY. I do not remember that, Judge.

Mr. HANEY. Is your best recollection that he did or that he did not?

Mr. KEELEY. I do not remember. I have no definite recollection on that. He told me something about the story the first time. Whether he told me all or whether he did not, I do not remember.

Mr. HANEY. When did he tell you more about it?

Mr. KEELEY. That I do not remember.

Mr. HANEY. About when was it?

Mr. KEELEY. He may have told me all the first time or he may not.

Mr. HANEY. I know that he may or may not, but what was the fact?

Mr. KEELEY. That is my recollection.

Mr. HANEY. That is what I want.

Mr. KEELEY. Yes; that is my best recollection.

Mr. HANEY. Do you remember anything that he said to you the next time?

Mr. KEELEY. I do not place the next time.

Mr. HANEY. Was there any next time?

Mr. KEELEY. I say we have talked about it several times.

Mr. HANEY. You may have talked about it several times at the same general interview. What I want to know is whether or not you had a subsequent interview?

Mr. KEELEY. We had subsequent conversations.

Mr. HANEY. What was the next talk that you had with him, or the next conversation that you had with him, or any other name that you want to give it?

Mr. KEELEY. I do not place it, Judge. I have no chronological memory of these conversations.

Mr. HANEY. Does that indicate to your mind that it did not exist?

Mr. KEELEY. That what did not exist?

Mr. HANEY. That the next interview or a next interview did not exist?

Mr. KEELEY. There must have been a next interview if we had several conversations about it.

Mr. HANEY. That is argumentative. Do you get to that conclusion by deduction from other things, or have you a memory concerning it?

Mr. KEELEY. I have this recollection, that we had several conversations.

Mr. HANEY. That is your memory?

Mr. KEELEY. Yes.

Mr. HANEY. What is your memory as to the next time that you talked with him about it?

Mr. KEELEY. I have no distinct recollection of any specific conversation.

Mr. HANEY. What indistinct recollection have you about it?

Mr. KEELEY. I do not know how I can make myself plain, Judge.

Mr. HANEY. I do not know what you mean except by what you say, Mr. Keeley.

Mr. KEELEY. I will simply say this, if I may, that I talked about this thing a number of times, but I can not say when or where.

Mr. HANEY. Can you tell approximately when the next time was?

Mr. KEELEY. No, sir.

Mr. HANEY. Was it a month or six months after?

Mr. KEELEY. I should probably say it was less than a month after.

Mr. HANEY. I do not want you to "probably" say, but I want you to say. Say when you think it was, from your memory.

Mr. KEELEY. I should say that probably it was less than a month after.

Mr. HANEY. Do you know where that was?

Mr. KEELEY. I do not know, Judge.

Mr. HANEY. What was the substance of that talk?

Mr. KEELEY. I do not remember the specific details of any of these conversations.

Mr. HANEY. What was the general talk?

Mr. KEELEY. I can give you one thing that I heard subsequently that was not in the first story.

Mr. HANEY. We will probably get to that after a while, if you will answer my questions. If not, it may take a great deal longer.

Mr. KEELEY. I am trying to tell you, Judge, to the best of my ability, just exactly what happened.

Mr. HANEY. What was said, generally, at that next interview which you think took place about a month after the first one?

Mr. KEELEY. As I have said, I can not define the next interview; I can not tell you what was said at it.

Mr. HANEY. Can you remember anything that was said or the substance of anything that was said by either you or Mr. Kohlsaas?

Mr. KEELEY. No; I can not. We talked generally about it. I said what a pity it was that he could not give up the name. He said that he could not.

Mr. HANEY. Why did you say that it was a pity that he could not give up the name?

Mr. KEELEY. Because I thought it would shed a lot of light on it.

Mr. HANEY. What light, except the individuality of the man?

Mr. KEELEY. I thought it might lead to something.

Mr. HANEY. That is might lead to something in what way?

Mr. KEELEY. Further disclosures.

Mr. HANEY. You did know about the subject matter, and you did know the man soliciting, and you did know the final termination of the fund, did you not?

Mr. KEELEY. I did not; no.

Mr. HANEY. He told you what he knew, did he not?

Mr. KEELEY. He told me that a man had told him a story.

Mr. HANEY. Did you believe what Mr. Kohlsaas told you?

Mr. KEELEY. I did, yes; because he told me that his informant was a man of absolute integrity and he believed him absolutely.

Mr. HANEY. Then, Mr. Kohlsaas added his own personality to the story that he told and backed it up with his own integrity, did he?

Mr. KEELEY. He gave his judgment of the man; yes.

Mr. HANEY. Yes; and he vouched for the truth of what was said to him?

Mr. KEELEY. He vouched for the standing of his informant.

Mr. HANEY. Did you understand that he vouched for the truth of the story?

Mr. KEELEY. He said he believed the man.

Mr. HANEY. Did you believe that the story you heard from Mr. Kohlsaas was true?

Mr. KEELEY. I had reason to believe that it might be true.

Mr. HANEY. I know. But you might have had other reasons the other way. What was the ultimate belief on your part?

Mr. KEELEY. I had reason to believe the story was true.

Mr. HANEY. Did you believe it?

Mr. KEELEY. I naturally did, having reason for it.

Mr. HANEY. Did you naturally believe it to be true because it connected Senator Lorimer with the matter in a disagreeable position? Is that the reason you naturally believed it?

Mr. KEELEY. No; I was thinking of the 53 Democrats who jumped the traces.

Mr. HANEY. But what had any of the 53 Democrats done in connection with you? Were you a Democrat?

Mr. KEELEY. No, sir; I am a Republican.

Mr. HANEY. Then they did not jump your traces, did they?

Mr. KEELEY. No. They just jumped the party traces.

Mr. HANEY. What had you to do with the management of the traces of the Democratic Party?

Mr. KEELEY. I did not assume any management. I said I was thinking of the 53.

Mr. HANEY. And that was of more importance to you, was it, than to find out the truth of the story that somebody was soliciting a fund of \$100,000 to pay somebody for the purpose of paying the men who helped jump the traces? Is that the fact?

Mr. KEELEY. Is what the fact? I do not understand.

(By request, the stenographer repeated the question.)

Mr. KEELEY. I do not think there is any relation between the two things.

Mr. HANEY. Did you think it was more important to think of the 53 Democrats who voted for Senator Lorimer than it was to think of and ascertain the truth of the story that somebody was raising or trying to raise a fund of \$100,000 to pay those 53 men, or some of them, for jumping the traces?

Mr. KEELEY. I tried to find out the story.

Mr. HANEY. Will you try to answer the question?

Mr. KEELEY. What is the connection between my statement that I thought of the 53 Democrats who jumped the traces and—

Mr. HANEY. I am trying to find out the condition of your mind. If you can not give it, and will say so, I can go to something else.

Mr. KEELEY. My mind does not assimilate that question.

Mr. HANEY. Very well. Is that because of the \$100,000 or because of the 53 Democrats?

Mr. KEELEY. It is because of the question itself, Judge.

Mr. HANEY. Did you think there was or was not any assimilation between the two?

Mr. KEELEY. Between the 53 Democrats and the \$100,000?

Mr. HANEY. Yes.

Mr. KEELEY. Yes; I thought there was assimilation and digestion. [Laughter.]

Mr. HANEY. What did you know about that?

Mr. KEELEY. I did not know anything, legally.

Mr. HANEY. Did you have any information or any conversation whatever that would lead you or anybody else who was searching for the truth to find it?

Mr. KEELEY. I had the statement of Mr. White.

Mr. HANEY. Will you answer my question?

Mr. KEELEY. You ask if I had any information.

Mr. HANEY. And Mr. White's statement would not indicate whether you had or not.

Mr. KEELEY. I had his information.

Mr. HANEY. Is that all that you had?

Mr. KEELEY. At what period?

Mr. HANEY. We are talking now about the time that you were talking with Mr. Kohlsaat.

Mr. KEELEY. The second conversation?

Mr. HANEY. We will bring it down to date, while you sit there in the chair. I will apply my question to you as you sit there this minute.

Mr. KEELEY. All right. What is the question, now?

(By request, the stenographer read the question, as follows:)

Did you have any information or any conversation whatever that would lead you or anybody else who was searching for the truth to find it?

Mr. HANEY. Did you then have, or have you now, any information or anything of any kind, tangible or intangible, that would aid you or anybody who was searching for the truth as to whether anybody, Edward Hines or anyone else, was raising or trying to raise a fund to be deposited with Edward Tilden or anyone else, or any other place, to pay anybody for anything that was done in connection with the election of Senator Lorimer to the United States Senate?

Mr. KEELEY. Only the evidence disclosed in the trials in Cook County.

Mr. HANEY. And in every one of those trials before the courts and juries the parties charged were acquitted, were they not?

Mr. KEELEY. Acquitted.

Mr. HANEY. Every one of them?

Mr. KEELEY. Ultimately.

Mr. HANEY. And in the trial of every person in the State of Illinois, at any place—Chicago, Springfield—or in the trial of anybody else who was indicted or tried for charges growing out of the election of William Lorimer to the United States Senate, that person was acquitted?

Mr. KEELEY. Acquitted or the case was nolle prossed.

Mr. HANEY. With the statement by the State's attorney that he had not any evidence that would justify him in starting the trial?

Mr. KEELEY. I know nothing about that.

Mr. HANEY. Well, did you not?

Mr. KEELEY. I do not. What State's attorney—the Cook County State's attorney or the Sangamon County?

Mr. HANEY. And did you not publish in your paper the statement made by Edmund Burke, the State's attorney of Sangamon County, Springfield, that he had not any evidence against Lee O'Neil Browne, Robert E. Wilson, or the other parties indicted in that case, and that the sentiment of the community—the sentiment of the people of Sangamon County and of Cook County—was against those prosecutions? Did you not read that? Did you not publish it in your paper?

Mr. KEELEY. That interview was published in the Tribune. My recollection is that I was not in Chicago when it was printed, and the paper is the best evidence of what he said.

Mr. HANEY. Did you disbelieve it or doubt it because you were not present in Chicago?

Mr. KEELEY. Why, no. You asked me if I had knowledge about it.

Mr. HANEY. Did you not think that your paper published the truth as to what State's Attorney Burke had said on that occasion when he entered a nolle in that case or in those cases?

Mr. KEELEY. I am willing to believe what State's Attorney Burke said and what the Tribune said—that is, I hope it was right.

Mr. HANEY. Now, not only every person who was indicted and tried for the matters growing out of the election of William Lorimer to the United States Senate, but every other person who was indicted and tried for collateral questions growing out of some of those questions were acquitted, were they not?

Mr. KEELEY. Acquitted or the cases were dismissed; yes, sir.

Mr. HANEY. So that in every case in Cook County, being Chicago, and Sangamon County, being Springfield, the State capital, wherever there were indictments either directly growing out of the Lorimer election or collaterally connected with it, the defendant was acquitted, was he not, or the indictment against him dismissed?

Mr. KEELEY. The slate is clean, Judge, I believe.

Mr. HANEY. Every place except with the Chicago Tribune.

Mr. KEELEY. Well, maybe the slate is not clean there yet.

Mr. HANEY. Well, is that the only unclean thing about it?

Mr. KEELEY. I do not know, Judge; you have been up there.

Mr. HANEY. Well, you do not want my opinion on that, do you? You knew, did you not, that Mr. Kohlsaat had told the Funk story at the Chicago Athletic Club and every other place where he talked with anybody about that, did you not?

Mr. KEELEY. I did not, sir.

Mr. HANEY. Did not Mr. Kohlsaat tell you that he never made any secret of it; that he had talked to everybody who talked with him about it, and that he told the entire story to everybody, except the name of Funk, and that he did not tell that to anyone except Theodore Roosevelt, his wife, and Victor Lawson?

Mr. KEELEY. No, sir.

Mr. HANEY. Well, does that "no" go to the whole question?

Mr. KEELEY. You asked me if I knew all these things and I say no.

Mr. HANEY. Well, did you know any part of them? Did you know he told that story out generally?

Mr. KEELEY. You asked me if I knew he told this story at the club, and to all these other people, his wife, and Roosevelt. I did not know those things.

Mr. HANEY. You may not know all, but you may have known everything except the Roosevelt, Lawson, and Mrs Kohlsaat matter.

Mr. KEELEY. Well, split up the question.

Mr. HANEY. Well, did you know that Mr. Kohlsaat had told the story generally to anyone who talked with him?

Mr. KEELEY. I did not know it generally.

The CHAIRMAN. Will you tell just what he did say about it?

Mr. KEELEY. Yes. I had these conversations with him, and I asked him if he would give me the name and he said no, that he could not. He said he could not do it for several reasons. One was that it had been given to him in confidence, and another reason was that his informant was a young man in charge of a large association and that it would mean ruin to him, and even said that his informant had told that he must not give out his name because at that time one of his directors was down here in the interest of Mr. Lorimer, and I pleaded and urged——

Mr. HANEY. What was the name of his director?

Mr. KEELEY. I did not hear that. I am only telling what I was told.

The CHAIRMAN. What did he tell you about having told it to any other person?

Mr. KEELEY. I have no recollection that he told me that he had told it to any other person.

The CHAIRMAN. That is what Judge Hanecy was asking you.

Mr. KEELEY. I gathered the impression that he told it to other people, because I knew from other sources that he had, because other people came and told me he told them.

The CHAIRMAN. Can you tell the name of anyone to whom you know he told it?

Mr. KEELEY. John McCutcheon came and told me.

Mr. HANEY. He is your cartoonist?

Mr. KEELEY. Yes; and I think Mr. Lessing Rosenthal told me. I think he told me he had heard of this.

Mr. HANEY. Mr. Lessing Rosenthal is an attorney, and the partner of Gov. Deneen's former partner, Charlie Hamill?

Mr. KEELEY. Yes; I think that is the firm.

Mr. HANEY. Whom else?

Mr. KEELEY. I think Mr. Fairbanks told me.

Mr. HANEY. What Mr. Fairbanks?

Mr. KEELEY. The son of——

Mr. HANEY. N. K.?

Mr. KEELEY. N. K.

Mr. HANEY. Is it the one who was connected with the Municipal Voters' League?

Mr. KEELEY. Yes. I am not sure, but I know that I began to hear that Mr. Kohlsaas was telling the story.

Mr. HANEY. Whom else?

Mr. KEELEY. I do not remember anyone else, and I am not certain about these people. I know that information came in to me, and I began to hear it in a sort of backwash that he was telling the story.

The CHAIRMAN. As I understand you, you do not recall that Mr. Kohlsaas mentioned any names of those to whom he had told it, aside from yourself?

Mr. KEELEY. No, sir; that is my recollection.

The CHAIRMAN. Proceed, Judge Haney.

Mr. HANEY. You did hear the same story from a number of different parties whose names you can not mention here?

Mr. KEELEY. Whose names I do not recall.

Mr. HANEY. My question covered that.

Senator FLETCHER. Did Mr. Kohlsaas tell you the whole story in confidence, or just tell you the name in confidence?

Mr. KEELEY. He gave me the whole story in confidence, but he did not tell me Mr. Funk's name. That is what I wanted.

Senator FLETCHER. Did he mention any other names at the time he talked with you, except Mr. Hines's?

Mr. KEELEY. I have not a distinct recollection as to whether he told me simply of Mr. Hines first or Mr. Hines and Mr. Tilden. I do not know when the two names were mentioned. It may have been the first time and it may have been the second and the third.

Senator GAMBLE. Did he mention Mr. Conway's name or Mr. Sullivan's name as contributors?

Mr. KEELEY. I think he did—yes; subsequently.

Senator GAMBLE. That was not in the first conversation?

Mr. KEELEY. I do not think it was, Senator; but somehow those names had come to me from other sources. Now, whether those sources were sources that secured the original information from Mr. Kohlsaas I do not know. I do not remember.

Mr. HANEY. Did you know that the same men that you have mentioned here as men who were asked to contribute were the same men that Mr. Kohlsaas named?

Mr. KEELEY. Why, they are the same men; yes, sir.

Mr. HANEY. And you got it from Mr. Kohlsaas?

Mr. KEELEY. I do not say that I did. I think I did.

Mr. HANEY. What is that?

Mr. KEELEY. I think I may have got it from him, or it may have come from some other source.

Mr. HANEY. If you did not get it from Mr. Kohlsaas from whom did you get it?

Mr. KEELEY. From letters.

Mr. HANEY. Did those letters mention the same names that Mr. Kohlsaas did—Roger C. Sullivan, E. C. Conway, and—

Mr. KEELEY. Mr. Tilden.

Mr. HANEY. Mr. Tilden?

Mr. KEELEY. Some did and some did not.

Mr. HANEY. Some did what?

Mr. KEELEY. Some mentioned some of the names and some did not.

Mr. HANEY. Mr. Kohlsaas mentioned those, didn't he?

Mr. KEELEY. Yes.

Mr. HANEY. To you?

Mr. KEELEY. Yes; that is my recollection.

Mr. HANEY. Did Mr. Kohlsaas tell you that he told the story in confidence and it was not to be disclosed?

Mr. KEELEY. He did.

Mr. HANEY. Did you keep it in confidence?

Mr. KEELEY. I did.

Mr. HANEY. Did not you talk about it with many others?

Mr. KEELEY. Talk about that story?

Mr. HANEY. Yes.

Mr. KEELEY. I talked with some people.

Mr. HANEY. Then, you did not keep it?

Mr. KEELEY. It was a newspaper confidence.

Mr. HANEY. What is a newspaper confidence as distinguished from a gentleman's confidence or the ordinary individual's confidence?

Mr. KEELEY. Publication—not to be used in the paper.

Mr. HANEY. That is, you published the Chicago Tribune, and Mr. Kohlsaas published the Record-Herald—both morning papers—and both were afraid to let the public know through the columns of their papers, is that it?

Mr. KEELEY. I will not accept your phraseology on that.

Mr. HANEY. Well, use some other term for "afraid," if it is easier for you.

Mr. KEELEY. I will say that I would like to have printed it.

Mr. HANEY. Well, is that what you and he seemed to fear—that it would get out to the general public through the columns of your papers?

Mr. KEELEY. We had no discussion on that point.

Mr. HANEY. Well, you did have the discussion that he asked you not to publish it in your paper.

Mr. KEELEY. He told me it was in confidence, and that confidence extended to the nonpublication.

Mr. HANEY. That is what it meant to you?

Mr. KEELEY. Nonpublication; yes, sir.

Mr. HANEY. But did it mean that you could go and tell it to anybody else?

Mr. KEELEY. No, sir; not specifically.

Mr. HANEY. If it did not mean that you could not tell it to anybody else, then the next person that you told it to might have published it in some other newspaper than yours or Mr. Kohlsaats?

Mr. KEELEY. Judge, I do not think I talked extensively about it.

Mr. HANEY. I am asking you for the fact about it.

Mr. KEELEY. I say no to the question, and I will say that I did not talk very extensively about it. I think my entire conversation on the subject was confined to the office.

Mr. HANEY. Well, you did not keep it in secret. That is, you did tell it to different individuals that you talked with after Mr. Kohlsaats had told it to you?

Mr. KEELEY. In the office; yes, sir.

Mr. HANEY. Didn't you tell it out of the office?

Mr. KEELEY. I discussed it with other gentlemen who came to me and told me Mr. Kohlsaats had this information.

Mr. HANEY. And you talked to people at the Chicago Athletic Club, didn't you?

Mr. KEELEY. About that?

Mr. HANEY. Yes.

Mr. KEELEY. I have no recollection. I may have done it.

Mr. HANEY. Don't you know that you did talk to different gentlemen at the Chicago Athletic Club about what Mr. Kohlsaats told you, and didn't you say to them what Mr. Kohlsaats had said to you about it?

Mr. KEELEY. I may have; I do not know.

Mr. HANEY. I know you may have; but what is your memory?

Mr. KEELEY. I may have done it, I say.

Mr. HANEY. Well, what is the fact?

Mr. KEELEY. I do not remember.

Mr. HANEY. Well, don't you?

Mr. KEELEY. I said I did not.

Mr. HANEY. You and certain other gentlemen have a certain room or rooms that you occupy there, to the exclusion of others, except your set, have you not?

Mr. KEELEY. I belong to a little club within a club; yes, sir.

Mr. HANEY. Is that the Wayfarers?

Mr. KEELEY. No, sir.

Mr. HANEY. That is another club?

Mr. KEELEY. Yes, sir.

Mr. HANEY. What do you call this club in the Chicago Athletic Club?

Mr. KEELEY. It is known as the Room Six.

Mr. HANEY. And everything that that implies?

Mr. KEELEY. I do not know what you think it implies.

Mr. HANEY. Well, how many are there who use room 6?

Mr. KEELEY. I think there are about 20.

Mr. HANEY. There is a suite of how many rooms?

Mr. KEELEY. One, two, three—originally four—two small ones knocked into a large one.

Mr. HANEY. And you have your own headquarters there? That is, this little set inside of the clubhouse of the Chicago Athletic Club has?

Mr. KEELEY. Yes. We pay for those rooms.

Mr. HANEY. And didn't you talk about this Funk story to Room Six?

Mr. KEELEY. I may have talked about it up there, Judge.

Mr. HANEY. Don't you know you did?

Mr. KEELEY. I won't say that I did or that I did not.

Mr. HANEY. Didn't you talk to members of Room Six?

Mr. KEELEY. Who, for instance?

Mr. HANEY. About Mr. Hines's name?

Mr. KEELEY. I think Mr. Hines was discussed there; yes, sir.

Mr. HANEY. He was discussed in connection with the Funk story, was he not?

Mr. KEELEY. And others.

Mr. HANEY. And other what?

Mr. KEELEY. Stories.

Mr. HANEY. Related to the Funk story?

Mr. KEELEY. Oh, no, no, no.

Mr. HANEY. How was Mr. Hines discussed with reference to the Funk story in room 6?

Mr. KEELEY. I do not remember. We met up there once or twice a week, and we talked at the club—gentlemen got together, talking and eating.

Mr. HANEY. The members of that little gathering meet there, some of them, every day, do they not?

Mr. KEELEY. They used to eat lunch there, yes; but they do not now.

Mr. HANEY. Now, will you answer the question?

Mr. KEELEY. I think I did.

Mr. HANEY. I asked you if they did not meet there every day, and you said they eat lunch there.

Mr. KEELEY. You said some of them meet there every day, and I said they used to eat their lunch there every day, but they did not now, and therefore I did not think they met there every day.

Mr. HANEY. Don't they meet evenings or nights?

Mr. KEELEY. Every night?

Mr. HANEY. I did not say that. I ask you, don't they meet there nights?

Mr. KEELEY. They do some nights; yes, sir.

Mr. HANEY. Frequently, don't they?

Mr. KEELEY. Once or twice a week; twice a week, and sometimes not for a couple of weeks.

Mr. HANEY. Was not Mr. Hines and the Funk story discussed there?

Mr. KEELEY. It may have been, Judge.

Mr. HANEY. I know it may have been; but was it?

Mr. KEELEY. I don't remember. It probably was. I don't remember. We talked about everything up there.

Mr. HANEY. Was not everything you heard from Mr. Kohlfaat in the story except the name of Funk discussed?

Mr. KEELEY. It may have been.

Mr. HANEY. I know that; but tell me the fact.

Mr. KEELEY. It may have been, I say.

Mr. HANEY. Yes, I know; but was it?

Mr. KEELEY. I don't remember. It probably was. We sat around there, and we talked, and we discussed the affairs of the world frankly, and various people, and the chances are that that story—

Mr. HANEY. And it was not a secret—are you through?

Mr. KEELEY. I am now; yes, sir.

Mr. HANEY. Did you want to address Judge Farrar?

Mr. KEELEY. No; but the Judge evidently thought I was going to say something, and he poked—

Mr. HANEY. That was a very violent assumption. It was not a secret there at all—the Funk story in this room?

Mr. KEELEY. I will say that the whole story was not a secret up there; no, sir.

Mr. HANEY. What part of it was a secret there?

Mr. KEELEY. What part of what?

Mr. HANEY. What part of the story?

Mr. KEELEY. I am talking of the whole Lorimer story.

Mr. HANEY. What part of the Funk story was a secret there, any?

Mr. KEELEY. If it was discussed, as I think it probably was, around the dinner table and around the other table—

Mr. HANEY. What other table?

Mr. KEELEY. What other table? Why, you know—the round table.

Mr. HANEY. Well, if you do not want to tell, you need not.

Mr. KEELEY. The round table.

Mr. HANEY. Well, go on, Mr. Keeley, if that has not embarrassed you.

Mr. KEELEY. Not a bit. I am ahead of the game.

Mr. HANEY. Well, you were telling about what you talked of at that table.

Mr. KEELEY. I said the conversation was very frank and free in that club on all topics.

Mr. HANEY. I am not concerned with the others just now. What were they about this Funk story?

Mr. KEELEY. I should say it was discussed, as it probably was—the conversation probably included the Kohlsaas version of the Funk story.

Mr. HANEY. And all that, except Funk's name?

Mr. KEELEY. Probably.

Mr. HANEY. Now, was not Mr. Funk's name talked there in that gathering around one of the tables, if not both?

Mr. KEELEY. No; not while I was there. They may have known it. I did not.

Mr. HANEY. When did you first hear Mr. Funk's name in connection with that story?

Mr. KEELEY. The night that Mr. Kohlsaas, I believe, came back—no; the day after Mr. Kohlsaas came back from Springfield and declined to reveal the name. Mr. Funk, I believe, called on him that morning and told him the name could be used, and, I think, that evening or the next day Mr. Kohlsaas told me.

Mr. HANEY. He told you that Funk called on him in the evening and told him he might use his name?

Mr. KEELEY. I did not say that; I did not mean to. I said that on that evening Kohlsaas told me that the next evening, or the day fol-

lowing Kohlsaats return from Springfield, Funk called on him and released him, or he communicated with Funk——

Mr. HANEY. How did you know that Funk called on Kohlsaat and released him?

The CHAIRMAN. He has just said that Kohlsaat told him so.

Mr. HANEY. Did he tell you so?

Mr. KEELEY. I said so.

Mr. HANEY. You said Kohlsaat told you Funk's name the night after Kohlsaat had returned from Springfield, and Funk had called on Kohlsaat and told Kohlsaat that he was released?

Mr. KEELEY. I tried to say, that when Mr. Kohlsaat came back from Springfield, the day following his return, Mr. Funk communicated with him——

Mr. HANEY. When did you first hear——

Mr. KEELEY. I am just going to tell you that—and released him, and that he told me that evening, or the next day.

Mr. HANEY. He told you Funk's name and told you that Funk had released him, did he?

Mr. KEELEY. That is my recollection.

Mr. HANEY. Where did you meet Mr. Kohlsaat on that occasion?

Mr. KEELEY. I think I went to his office.

Mr. HANEY. To the Record-Herald office?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Did you talk with him there about it?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And did you publish the story then?

Mr. KEELEY. I did not.

Mr. HANEY. What day of the month was that?

Mr. KEELEY. I do not know.

Mr. HANEY. What month was it?

Mr. KEELEY. The date can be fixed.

Mr. HANEY. Yes; I know it can, but I am asking you about it.

Mr. KEELEY. Well, let me see; April, was it not—April or May.

Mr. HANEY. Of what year?

Mr. KEELEY. This year, of course, when the Helm committee was in session.

Mr. HANEY. And that is the first time you heard Funk's name in connection with the story?

Mr. KEELEY. Absolutely.

Mr. HANEY. Did you hear before that that there was a fund of \$128,000 raised for something in connection with the election of William Lorimer to the United States Senate?

Mr. KEELEY. No, sir.

Mr. HANEY. Did you give that story to the Chicago Examiner or the Chicago American, or anybody connected with them?

Mr. KEELEY. That there was a fund of \$128,000?

Mr. HANEY. Yes.

Mr. KEELEY. I do not know. I have not any recollection of it.

Mr. HANEY. Do you not know?

Mr. KEELEY. No; I do not at this time.

Mr. HANEY. Do you not?

Mr. KEELEY. I do not remember.

Mr. HANEY. Did you not tell somebody connected with the Chicago Examiner, or the Chicago American, that there was a fund

raised of \$128,000 to be used in connection with the election of Senator Lorimer, or to clear up expenses, or something connected with it?

Mr. KEELEY. I have no recollection of it.

Mr. HANEY. If you have told that to anybody, would you not remember it now?

Mr. KEELEY. I think I should; yes, sir. But I have no recollection. That is my best recollection now.

Mr. HANEY. Did you see that story published in the Examiner or the American?

Mr. KEELEY. I do not remember.

Mr. HANEY. Did you tell the story to the Examiner or the American, and tell them that the fund of \$128,000 was given to George W. Hinman, of the Inter-Ocean?

Mr. KEELEY. No.

Mr. HANEY. Did you tell anybody?

Mr. KEELEY. No, sir.

Mr. HANEY. That a fund of \$100,000 or \$128,000, or any other sum near that amount, was raised and paid to George W. Hinman, or the Chicago Inter-Ocean?

Mr. KEELEY. No, sir. Are you referring, Judge—may I ask you a question?

Mr. HANEY. Yes.

Mr. KEELEY. Are you referring to this recent story in the Examiner, within the last two or three months?

Mr. HANEY. Yes; I am asking you now.

Mr. KEELEY. Oh, yes; I know about that story. I remember seeing that; yes, but I had no more to do with that than you did.

Mr. HANEY. You heard of it before it was published, did you not?

Mr. KEELEY. No, sir; I did not.

Mr. HANEY. And did you not tell some reporter, or somebody connected with the story, that there were facts in it, and to have it published?

Mr. KEELEY. I did not.

Mr. HANEY. You never published it, did you?

Mr. KEELEY. I did not.

Mr. HANEY. And you never published anything in connection with it, did you?

Mr. KEELEY. No, sir.

Mr. HANEY. You knew it was not true, did you not?

Mr. KEELEY. I told the reporter for the Examiner that I did not believe it was true when he came down to see me two or three days later and asked me if I knew anything about it.

Mr. HANEY. Then you did talk with a reporter of the American?

Mr. KEELEY. It was the Examiner. I had no idea you had reference to that recent fool story.

Mr. HANEY. It was a fool story, in your opinion?

Mr. KEELEY. Yes, sir; it was.

Mr. HANEY. It was done to discredit, to some degree, Mr. George W. Hinman among those who did not know him, was it not?

Mr. KEELEY. I do not know what the object was, and I did not believe the story. I did not pay any attention to it. When the man came around and asked me if I knew anything about it, I said, no; that I did not believe it.

Mr. HANEY. There never was any correction in the Examiner, or any statement of it in your paper, was there?

Mr. KEELEY. I did not print the story.

Mr. HANEY. I know that.

Mr. KEELEY. No; I did not print anything, and I did not know what was in the Examiner.

Mr. HANEY. You did not tell them that it was a fool story, and that it was not true, or discredit it in any way, did you?

Mr. KEELEY. I did not; no, sir.

Mr. HANEY. You did not tell them you knew it was not true, and that it was a fool story?

Mr. KEELEY. I did not know it was not true. I did not believe it was true, and there was no reason for printing it.

Mr. HANEY. You saw the story printed in the Chicago Evening Journal, connecting the names of John G. Shedd and John J. Mitchell with that fund, and you published a story in connection with that the next morning in your paper, did you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. But when the story connected George W. Hinman, or the Inter-Ocean, you did not publish anything about it?

Mr. KEELEY. I did not, sir.

Mr. HANEY. When the story connected John G. Shedd and John J. Mitchell's names with the fund of \$100,000, you published a story denying the truth of that, did you not?

Mr. KEELEY. I published Mr. Shedd's denial; yes, sir.

Mr. HANEY. You did not talk with Mr. Shedd at all, did you?

Mr. KEELEY. I did not. Mr. Simpson did, I assume.

Mr. HANEY. You had Mr. Simpson called up and asked about it, did you not?

Mr. KEELEY. I assume a reporter was sent to him, and Mr. Simpson called on me.

Mr. HANEY. After your reporter went to him?

Mr. KEELEY. I assume that is true.

Mr. HANEY. Did you send any reporter to George W. Hinman or the Inter-Ocean about that story you saw in the Examiner?

Mr. KEELEY. No, sir.

Mr. HANEY. Why?

Mr. KEELEY. Because I did not think it was worth paying any attention to.

Mr. HANEY. Did you think the other story about Shedd and Mitchell was worth paying attention to?

Mr. KEELEY. It was.

Mr. HANEY. Why?

Mr. KEELEY. It was an afternoon paper story, and then the relations between the Inter-Ocean and the Examiner were not very friendly, and it looked more like a story on a newspaper than anything else. I do not think the Inter-Ocean printed anything about it the next day.

Mr. HANEY. Are the evening papers more credible than the morning papers?

Mr. KEELEY. More credible?

Mr. HANEY. Yes.

Mr. KEELEY. I have not impugned the credibility—

Mr. HANEY. You said you saw it in an evening paper, and that was one of the reasons you gave for publishing your denial of it.

Mr. KEELEY. Why, yes; the specific statements was made there, and they naturally would look to a morning paper for the follow-up of that story.

Mr. HANEY. There never was any connection, at that time or any other time, before or since, between your paper, the Chicago Tribune, and the Chicago Journal, was there?

Mr. KEELEY. No, sir; no connection.

Mr. HANEY. It was the Chicago Journal that published the story about Shedd and Mitchell's connection with the fund, was it not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Who wrote the editorial on the editorial page of the Chicago Tribune on the 2d of May, 1910, headed "Was it sawdust"?

Mr. KEELEY. I did.

Mr. HANEY. You recognize the article?

Mr. KEELEY. Yes, sir.

Mr. HANEY. It is the leading editorial?

Mr. KEELEY. Yes, sir.

Mr. HANEY. In the Tribune of that day?

Mr. KEELEY. Yes, sir.

Mr. HANEY. The 2d of May, 1910?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And the whole editorial consists of one headline "Was it sawdust?" and two lines following, as follows:

Who furnished the dust, to use a colloquialism, to bribe the legislature?

You wrote that, did you?

Mr. KEELEY. I wrote it.

Mr. HANEY. And ordered it published?

Mr. KEELEY. And ordered it published.

Mr. HANEY. And ordered it in the paper as the leading editorial of that issue?

Mr. KEELEY. I did.

Mr. HANEY. Did you have any information then that the legislature had been bribed?

Mr. KEELEY. The information I had from Mr. White.

Mr. HANEY. Did you?

Mr. KEELEY. I had that information from Mr. White.

Mr. HANEY. What is that?

Mr. KEELEY. Mr. White's statement; yes, sir.

Mr. HANEY. Did you have any other information that the legislature was bribed for the election of United States Senator except that of Charles A. White?

Mr. KEELEY. Not at that time.

Mr. HANEY. At the time you wrote and published that editorial as the leading editorial in the Chicago Tribune you knew that Charles A. White's story had been discredited in every court where he had appeared as a witness, and that every man whom he told the story against, who had been tried, directly or indirectly—

Mr. KEELEY. Wrong again, Judge—1909.

Mr. HANEY. White had not been tried then?

Mr. KEELEY. Why, no.

Mr. HANEY. I mean Brown had not been tried.

Mr. KEELEY. No, sir.

Mr. HANEY. White never was indicted, was he?

Mr. KEELEY. No, sir.

Mr. HANEY. And was never put on trial on a complaint or preliminary examination, was he?

Mr. KEELEY. No, sir.

Senator JOHNSTON. What is the date of that editorial?

Mr. HANEY. May 2, 1910.

Mr. KEELEY, I call your attention to the short articles at the end of the editorial column. What do you call them—squibs, or something else?

Mr. KEELEY. May I look at them?

Mr. HANEY. These short articles that generally follow on the editorial page.

Mr. KEELEY. They are technically known as paragraphs.

Mr. HANEY. I want to call your attention to the first one of these short paragraphs, as follows:

The worst thing about the story, Senator, is that the people generally seem quite ready to believe it.

Does that refer to Senator Lorimer?

Mr. KEELEY. I assume so.

Mr. HANEY. And does it also refer to the leading editorial, "Was it sawdust"?

Mr. KEELEY. No, sir.

Mr. HANEY. To what does it refer?

Mr. KEELEY. The White confession, I assume.

Mr. HANEY. You said that you would buy any story of anybody if it was true and if you printed it. Did you know the White story to be true when you bought it and paid for it on the 29th of April, 1910?

Mr. KEELEY. I believed it to be true, and I qualified my statement about the purchase of news stories in that way.

Mr. HANEY. You said that you would make the contract with White until the 29th of April, did you?

Mr. KEELEY. That is the date of the contract, Judge.

Mr. HANEY. And you agreed to pay \$3,250 for the story?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And you did pay \$250 in addition to that, making \$3,500 altogether, did you not?

Mr. KEELEY. Approximately; yes.

Mr. HANEY. That is just it, is it not?

Mr. KEELEY. No; I do not think it is, Judge. You have my bills there.

Mr. HANEY. I will take that back. You paid more than that, did you not?

Mr. KEELEY. I do not think so. You have the bills there.

Mr. HANEY. Do you not know you did?

Mr. KEELEY. No. Oh, it may have been a little more, \$10 or \$15, or something like that.

Mr. HANEY. You did not believe the story well enough to publish it, did you, on the 28th of April, 1910?

Mr. KEELEY. I do not think my mind changed overnight.

Mr. HANEY. Did you believe it?

Mr. KEELEY. I think my belief was the same on the 28th as on the 29th.

Mr. HANEY. You testified here yesterday that you would not publish the story until you got a telephone message from Al. Aus-

trian, your attorney, while you were at your summer home at Wheaton, Ill., and he told you that a special grand jury had been called, and that an indictment would follow the White story?

Mr. KEELEY. I did not testify to anything of the kind.

Mr. HANEY. What did you say about a special grand jury being called?

Mr. KEELEY. I will read you what I said.

The CHAIRMAN. Is it necessary to have that read into the record?

Mr. HANEY. I do not think it is; but I can not control the witness.

Mr. KEELEY. You said that Austrian told me a special grand jury would be called, and White would be indicted; and you put that into a question as to what I said.

Mr. HANEY. No; I did not say White would be indicted. White never was indicted.

Mr. KEELEY. That somebody would be indicted as the result of this special grand jury.

Mr. HANEY. Did you not testify yesterday that Austrian telephoned to you at Wheaton that a special grand jury was called in what you called the western Indiana case?

Mr. KEELEY. Yes, sir—was called or would be called—would be called the next day, I think.

Mr. HANEY. Yes. That is, that it would be called on the 30th?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And you knew that that had reference to the White story, did you not?

Mr. KEELEY. I did not, sir.

Mr. HANEY. Why did he telephone to you at Wheaton that a special grand jury would be called the next day?

Mr. KEELEY. Why did he telephone to me? To give me that information.

Mr. HANEY. And you came to Chicago at once, as soon as he gave you that information, did you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And that same evening, on the evening of the 29th or the day of the 29th, you signed the contract with White, did you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. After you got that message from Austrian?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And there were present at the making and signing of that contract Alfred Austrian, you, Tom McGuire, the detective, Charles A. White, and who else?

Mr. KEELEY. No one else.

Mr. HANEY. And that was in your office?

Mr. KEELEY. In my office.

Mr. HANEY. And you paid White how much money that day?

Mr. KEELEY. \$1,250.

Mr. HANEY. And then you directed the publication of the story in the Chicago Tribune the next morning, did you not?

Mr. KEELEY. I did; yes, sir.

Mr. HANEY. Why did you make the hurried trip from Wheaton to Chicago and close up with White and give orders to publish that story that had been in your possession for weeks before? Why did you do it that particular night?

Mr. KEELEY. Because I thought that with a special grand jury it was the psychological moment to print the story.

Mr. HANEY. You said that the special grand jury was called to deal with a western Indiana case, and Judge Henley was indicted?

Mr. KEELEY. That was my recollection; yes, sir.

Mr. HANEY. Do you not know that Judge Henley was not indicted by that grand jury?

Mr. KEELEY. No; I do not. I thought he was.

Mr. HANEY. Do you not know that he was not indicted for a long time after that?

Mr. KEELEY. My impression was that he was, Judge.

Mr. HANEY. And he has never been tried since that time, has he?

Mr. KEELEY. I do not think he has.

Mr. HANEY. You know he has not, do you not?

Mr. KEELEY. I do not know, sir. I do not know the status of his case.

Mr. HANEY. That special grand jury that Alfred Austrian told you on the 29th of April, 1910, would be called the next day, did take up the White story, and did indict Lee O'Neil Browne; did it not?

Mr. KEELEY. It did.

Mr. HANEY. And Lee O'Neil Browne was tried very shortly after that, was he not?

Mr. KEELEY. Yes; shortly—very speedily.

Mr. HANEY. He was tried during May, was he not? The trial started during May?

Mr. KEELEY. I do not remember that, Judge; but it was a very speedy trial.

Mr. HANEY. Yes.

Senator GAMBLE. What was the date of the indictment of Lee O'Neil Browne?

Mr. HANEY. I have it here somewhere, Senator.

Senator GAMBLE. Never mind.

Mr. HANEY. It was some time, I think, about the 7th or the 9th of May.

Senator GAMBLE. The early part of May?

Mr. HANEY. The early part of May. Were any other indictments found by that special grand jury?

Mr. KEELEY. I do not remember, Judge.

Mr. HANEY. When you bought the story of White on the 29th of May, 1910, and paid him the money for it, did you know it to be true?

Mr. KEELEY. I believed it to be true.

Mr. HANEY. You did advertise in the Chicago Tribune, in an advertisement that covered the whole front page, offering a reward of \$5,000 for evidence, did you not?

Mr. KEELEY. I printed a notice across the top of the front page, about 4 or 5 inches deep, offering a reward for the names of the contributors to the fund.

Senator GAMBLE. How long was that advertisement run in the paper?

Mr. KEELEY. I should say about a week or so, Senator. I do not remember. The paper is there. It will show.

Mr. HANEY. I call your attention to the issue of the Chicago Sunday Tribune of May 29, 1910, and ask you if that is the advertisement that you published at that time, at the top of the front page of the paper, and running clear across how many columns—seven?

Mr. KEELEY. Seven.

Mr. HANEY. Seven columns. That is what you call a box?

Mr. KEELEY. No; oh, no.

Mr. HANEY. What do you call it?

Mr. KEELEY. This is a box [indicating], with a rule around it.

Mr. HANEY. That was wide open, was it?

Mr. KEELEY. Pretty wide, yes—seven columns wide.

Mr. HANEY. Yes. I desire to offer this and read it into the record, Mr. Chairman.

The CHAIRMAN. Proceed.

Mr. HANEY. What size type do you call this, Mr. Keeley?

Mr. KEELEY. I could not give you the size of that.

Mr. HANEY. The large type is an inch and the smaller type three-eighths of an inch, is it not?

Mr. KEELEY. I should say, Judge, if I might—I may be inaccurate about it—I should say that [indicating] is about 36 point and this [indicating] is 8 point.

Mr. HANEY. No; but what is the large one here?

Mr. KEELEY. Oh, that is an initial letter. I do not know what that is.

Mr. HANEY. The size of it is at least an inch, is it not?

Mr. KEELEY. An inch in depth, the initial letter; yes.

Mr. HANEY. And the other type is about half an inch in size?

Mr. KEELEY. About half an inch. I call it about 36 point or 38 point. The body of the type is about 8 point.

Mr. HANEY. Did you prepare this for publication?

Mr. KEELEY. I probably wrote that.

Mr. HANEY. And you directed its publication?

Mr. KEELEY. I did, sir.

Mr. HANEY. I will read it, Mr. Chairman:

The Chicago Tribune offers \$5,000 reward for legal proof of the identity of all the members of the "syndicate" which put up the money for Lorimer's election to the United States Senate.

On the 30th there appears the same advertisement, in the same size type, at the head of the front page.

Senator FLETCHER. What are the dates?

Mr. HANEY. The first one is the 29th of May, Senator. The second one is May 30.

Senator JONES. Does that one run clear across the page?

Mr. HANEY. It runs clear across the page; yes, Senator.

Senator GAMBLE. Is it in the same type as the others?

Mr. KEELEY. Yes; the same type.

Mr. HANEY. Just the same—"The Chicago Tribune offers \$5,000 reward," etc. The same advertisement is in the Chicago Tribune of Tuesday, May 31, of the same size and in the same place; is it not, Mr. Keeley?

Mr. KEELEY. It is.

Mr. HANEY. And on the 1st day of June the same appears at the head of the Tribune, does it not?

Mr. KEELEY. It does.

Mr. HANEY. And on the 2d of June, 1910, the following appears in the second column on the front page:

\$5,000 reward'

Not over half a dozen men, representing various lines of business, "put up" the money that purchased the votes to elect William Lorimer to the United States Senate.

These men, so the Tribune is told, were the "underwriting syndicate."

After Lorimer was elected, members of the "syndicate" called on other business interests and said substantially as follows:

"We (naming the various members of the syndicate) put up the money to elect Lorimer. It had to be done in a hurry, and we advanced the cash. We felt that you would be willing to contribute your share, and we think \$10,000 (or \$5,000) would be the proper amount for you to subscribe."

The Tribune will pay \$5,000 for legal proof of the identity of "the syndicate."

That is right; is it not?

Mr. KEELEY. If you have read it correctly; yes, Judge.

Mr. HANEY. You knew of the Funk story at that time; did you not?

Mr. KEELEY. I should assume I did.

Mr. HANEY. You know you did; do you not?

Mr. KEELEY. That would be very good evidence that I knew of it.

Mr. HANEY. Is there still a doubt in your mind as to whether you knew it?

Mr. KEELEY. As to whether it came direct from Kohlsaat at that time?

Mr. HANEY. I did not ask you that. If you will confine yourself to my question I shall be much obliged.

Mr. KEELEY. I think I must have known it at that time.

Mr. HANEY. You did, did you not?

Mr. KEELEY. Why, I think I did, Judge. I do not remember. I do not connect the incident with the time; but I should think I did.

Mr. HANEY. In the issue of the Chicago Tribune of Friday, June 3, appears the same matter, at the head of the fourth column on the front page, in the same type, and the same language that I read from the previous issue.

Senator GAMBLE. After you had published this, Mr. Keeley, did Mr. Kohlsaat make any complaint to you that you had betrayed his confidence?

Mr. KEELEY. No, sir.

Senator JOHNSTON. That was practically the exact language that he had given you, was it not?

Mr. KEELEY. I think it is the substance of it; yes. I should assume so; yes.

Senator GAMBLE. You received the entire information in newspaper confidence, did you?

Mr. KEELEY. Yes.

Senator GAMBLE. How did you happen to use it?

Mr. KEELEY. I did not use any names.

Senator GAMBLE. But you used the entire facts, did you not?

Mr. KEELEY. Oh! The substance, the facts; yes.

Mr. HANEY. You told us a little while ago, I believe, that you got it in confidence, and that meant that it should not be published.

Mr. KEELEY. The name should not be published; yes.

Mr. HANEY. But do you want to differentiate, now, the name from the substance of the story?

Mr. KEELEY. Most assuredly.

Mr. HANEY. You did not want to differentiate that way when you testified originally, and before your attention was called to this article, did you?

Mr. KEELEY. Why didn't I?

Mr. HANEY. I do not know why you did not.

Mr. KEELEY. Did I?

Senator FLETCHER. You never had the name?

Mr. KEELEY. No.

Mr. HANEY. But you published here everything but the name, did you not—that is, the substance?

Mr. KEELEY. Everything but all the names.

Mr. HANEY. Yes.

The CHAIRMAN. The name of Mr. Hines does not appear there.

Mr. KEELEY. No.

Mr. HANEY. Oh, no; but the substance of the story does.

Mr. FARRAR. The "Sawdust" story was put in.

Mr. HANEY. And Mr. Kohlsaat testified that he told you that story about the 1st or 2d of June. On Saturday, June 4, on the front page of the Chicago Tribune, at the head of the second column, appears the same language that appeared in the previous issue and the one before that. I offer that in evidence, too. On June 5 the same articles appears at the head of the second column on the front page of the Tribune. That is right, is it not, Mr. Keeley?

Mr. KEELEY. I will take your word for it, Judge. I will stand here [indicating a point near Mr. Haney]. Yes; June 5.

Mr. HANEY. And on June 6 the same appears at the head of the second column of the front page? That is right, is it not?

Mr. KEELEY. That is right.

Mr. HANEY. And the same appears at the head of the second column on the front page of the Chicago Tribune of Tuesday, June 7, 1910? That is right, is it not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Did you get any information on that subject, Mr. Keeley?

Mr. KEELEY. I did not. I mean no one claimed the reward or sent in any information in connection with the offer of the reward.

Mr. HANEY. You stood ready to pay that amount, did you not, or the Chicago Tribune did?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And you could not get any evidence?

Mr. KEELEY. I got none.

Mr. HANEY. Is there any other reason why you did not get it, other than that it did not exist?

Mr. KEELEY. I received no information.

Mr. HANEY. You stood ready, on behalf of the Chicago Tribune, to offer \$50,000 if you could get that evidence, did you not?

Mr. KEELEY. Oh, I do not think so.

Mr. HANEY. What was the limit?

Mr. KEELEY. The limit was the public offer of \$5,000.

Mr. HANEY. I know that was the published limit; but what was it in fact, if you could have obtained the evidence?

Mr. KEELEY. You are indulging in speculation that I never indulged in.

Mr. HANEY. You were not willing to pay more than \$5,000 for that information, were you?

Mr. KEELEY. I made that offer, and it was the only offer I made.

Mr. HANEY. Now, will you answer my question?

Mr. KEELEY. That is an absolute answer to it, sir.

Mr. HANEY. You would not have paid any more than \$5,000 if anybody had had the information and offered it to you, would you?

Mr. KEELEY. Why speculate on a thing of that kind, Judge? I did not speculate. Do you want me to say now or then?

Mr. HANEY. Will you answer my question without asking me one?

Mr. KEELEY. Pardon me—was the question directed to then or now?

Mr. HANEY. Either.

Mr. KEELEY. To either?

Mr. HANEY. Yes.

Mr. KEELEY. \$5,000 was the amount of money we would have paid then, and I will pay the same amount to-day.

Mr. HANEY. Yes; I know, but that is not what I asked you. Now, will you answer my question?

Mr. KEELEY. What is the question?

Mr. HANEY. Would you have paid more than \$5,000 if you could have obtained that information?

Mr. KEELEY. I do not know what I would have done, Judge, unless a proposition had been put up to me.

Mr. HANEY. If it had been put up to you, what would you have done?

Mr. KEELEY. Oh, I can not speculate as to what I would have done if a certain thing had happened.

Mr. HANEY. So far as you know now, you would not, then or now, have paid more than \$5,000 for that information if it had been offered to you?

Mr. KEELEY. I do not know what I would have done if other facts or circumstances had arisen. I did not speculate then as to what I would do, and it would be idle to speculate now.

Mr. HANEY. You sent reporters and others all through the State of Illinois after you had heard the White story, and before you signed the contract, trying to get information from different parties in different parts of the State to verify or confirm or corroborate Charlie White's story; did you not?

Mr. KEELEY. They were sent; yes, sir.

Mr. HANEY. And you sent men out and kept them out through the State for weeks and months before the 29th of April, did you not, to get that information?

Mr. KEELEY. No, sir; not for months.

Mr. HANEY. How long did you keep them out?

Mr. KEELEY. I think "weeks" is probably correct; not "months."

Mr. HANEY. And you sent out the best and the brightest and the most energetic reporters that you had to get some information that would corroborate Charlie White's story; did you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. When did you first commence investigating, Mr. Keeley? When I say "you," I mean either you or the Tribune.

When did you or the Tribune first commence investigating to get information that would corroborate White's story?

Mr. KEELEY. Oh, I think along in the latter part of March.

Mr. HANEY. Of what year?

Mr. KEELEY. 1910.

Mr. HANEY. Not before that?

Mr. KEELEY. I do not think so. I do not think we became especially active before that.

Mr. HANEY. You hired the detective agency of White & McGuire, did you not, to help your reporters and you to get evidence that would corroborate Charley White?

Mr. KEELEY. Yes.

Mr. HANEY. And they employed a number of operatives, did they not, to go out through the State?

Mr. KEELEY. They did.

Mr. HANEY. And search for information?

Mr. KEELEY. They did; yes, sir.

Mr. HANEY. One of the men that you sent out was E. O. Phillips, was he not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. He is generally known in the craft as "Ted Phillips?"

Mr. KEELEY. Yes, sir.

Mr. HANEY. I am going to call off to you a number of names, without asking a separate question for each; and if you care to do so, you may come over here and look over them with me, to see that I read them correctly. [The witness stepped down from the stand to examine the list referred to.]

Mr. HANEY. You sent him out to St. Louis, Mo., to Jerseyville, to St. Louis, to Carlyle, again to Carlyle, to St. Louis, to Mitchell, to Chester, to St. Louis, to Vandalia, to St. Louis again, to Carlyle, Carlyle again, St. Louis, to Mt. Vernon, to St. Louis, to Mt. Vernon, to St. Louis, to Centralia, to St. Louis, to Carlinville, to St. Louis, to Benton, to St. Louis, to St. Louis, to St. Louis, to Woodstock, to Marengo, to Twin Lake, to Marengo, to Rockford, to Chicago, to Beardstown, to Canton, to Springfield, to Virginia, to Beardstown, to Rushville, to Rushville, to Plymouth, to Beardstown, to Virginia, to Peoria, to Perkins, to Pekin, to Petersburg, to Peoria, to Peoria, to Canton, to Peoria, to Galesburg, to Monmouth, to Monmouth, to Chicago.

You sent Ted Phillips to all of those places?

Mr. KEELEY. He was sent out and visited those places.

Mr. HANEY. And there was a member of the legislature living in each one of the towns that he went to except St. Louis, was there not?

Mr. KEELEY. I do not know that, Judge.

Mr. HANEY. You know that there was a member at Jerseyville, do you not?

Mr. KEELEY. Yes, sir.

Senator GAMBLE. Were there not two or three, Judge Hanecy, who lived in the country? I think the one who recently died did.

Mr. KEELEY. Clark.

Senator GAMBLE. Near Mitchell?

Mr. KEELEY. Yes.

Mr. HANEY. Yes.

Senator GAMBLE. And Link?

Mr. KEELEY. Link lived at Mitchell.

Mr. HANEY. Clark lived in Vandalia.

Senator GAMBLE. Link, I think, lived near Mitchell.

Mr. KEELEY. Yes; he lived near Mitchell.

Mr. HANEY. Link lived a few miles from Mitchell.

Senator GAMBLE. It may have been Wolf I was thinking of.

Mr. KEELEY. I think he lived at Canton.

Mr. HANEY. You did not send Ted Phillips out on these trips for information except information that would corroborate Charley White's story, did you?

Mr. KEELEY. It was a trip of investigation on his story; yes.

Mr. HANEY. The investigation you were looking for was to corroborate and not to contradict White's story, was it not?

Mr. KEELEY. It was investigation.

Mr. HANEY. For what purpose?

Mr. KEELEY. For corroboration or denial.

Mr. HANEY. Were you trying to find out something that would contradict White's story?

Mr. KEELEY. If I had, I would not have printed it.

Senator JONES. You were trying to find out the truth?

Mr. KEELEY. Yes.

Mr. HANEY. You told us yesterday, Mr. Keeley, that Mr. White would not give you his original manuscript for some time, but did finally give it to you upon your signing an agreement that you would not let anybody else see it?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Where is that agreement?

Mr. KEELEY. I have it here.

Mr. HANEY. Will you let me see it?

Mr. KEELEY. Yes. That is, I have a copy of it [handing paper to counsel].

Mr. HANEY. This is not signed.

Mr. KEELEY. No; I said I had a copy of it. That is a carbon copy that I had made by the stenographer.

Mr. HANEY. Where is the original?

Mr. KEELEY. Mr. White has it, I assume.

Mr. HANEY. Where is the other original?

Mr. KEELEY. What other original?

Mr. HANEY. Of this. Did you not have one signed by him?

Mr. KEELEY. No.

Mr. HANEY. I desire to offer this, Mr. Chairman, and read it into the record.

The CHAIRMAN. Proceed.

Mr. HANEY (reading):

THE CHICAGO TRIBUNE,
OFFICE OF THE MANAGING EDITOR,
Chicago, March 11, 1910.

I hereby acknowledge receipt of the manuscript of The Jackpot, by the Hon. Charles A. White, of Illinois, which is delivered and accepted on the express condition that no part of said manuscript or any of the information, incidents, and facts therein contained are to be used by me in the Chicago Tribune or elsewhere, except by subsequent agreement, such agreement to cancel this writing.

Was that signed by you?

Mr. KEELEY. I signed that; yes, sir.

Mr. HANEY. Who drew the pencil circle around the words "Hon. Charles A. White" on this?

Mr. KEELEY. I think I did.

Mr. HANEY. Was that because you did not think him honorable, or what?

Mr. KEELEY. Oh, no, Judge. Look at it. Look at that. Does it not say "file," and is not that the name under which it should be filed?

Mr. HANEY. Did you mean that Hon. Charles A. White should be filed?

Mr. KEELEY. It was filed with White matter. When I mark a letter "file," I put a ring around the name to indicate to my stenographer under what heading he shall file it.

Mr. HANEY. Where was it filed?

Mr. KEELEY. Under the head of Charles A. White.

Mr. HANEY. Yes; but where?

Mr. KEELEY. In my cabinet there.

Mr. HANEY. Was there a cabinet of White matter?

Mr. KEELEY. Every letter is filed. When we start a correspondence with a new gentleman a department is created for him.

Mr. HANEY. And did you put this or have this put in the general files?

Mr. KEELEY. I probably put that in my basket and wrote the word "file" on it—I think that is in my handwriting—and put a ring around "Charles A. White," and then let it take its course; yes.

Mr. HANEY. Was it filed in the general-file cabinet?

Mr. KEELEY. It was.

Mr. HANEY. Did you have other matter there?

Mr. KEELEY. Some.

Mr. HANEY. And this was filed common with all the others?

Mr. KEELEY. It was filed in the cabinet under the name of "White."

Mr. HANEY. And on the 11th of March, 1910?

Mr. KEELEY. Yes, sir.

Mr. HANEY. You sent out G. T. Odell to get information to corroborate White's, did you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And you sent him all through the State to see members of the legislature and others who would give any information that would tend to corroborate Mr. White's story?

Mr. KEELEY. I sent him out to investigate.

Mr. HANEY. Well, to investigate and find evidence to corroborate White?

Mr. KEELEY. To corroborate or otherwise.

Mr. HANEY. What you wanted was to corroborate White's story before you purchased it?

Mr. KEELEY. The thing I wanted was knowledge as to its truth or falsity.

Mr. HANEY. You had all this information from Ted Phillips and from Odell, or at least you had all of Ted Phillips's information in by the 15th of May, did you not?

Mr. KEELEY. I do not remember what the dates are.

Senator GAMBLE. Judge, does it give the dates of those trips to those different points?

Mr. KEELEY. I think so.

Mr. HANEY. No, Senator Gamble; it does not. There are a few given.

The CHAIRMAN. Does it give the dates of the various trips?

Mr. HANEY. From April 22, 1910, to May 15, 1910. Those dates are given in the upper left-hand corner.

Senator GAMBLE. But does it indicate the particular dates when the particular trips were made, on its face?

Mr. HANEY. No. In front of the first item is 4/22. That would be April 22, I suppose. There is no other date given on that sheet.

There is another one, 5/9, on the next page; and another one, 5/14.

Senator GAMBLE. You need not be particular about it. I wanted just the general information.

Mr. HANEY. Those are all the dates that are given on the Ted Phillips memoranda, except on the upper left-hand—

The CHAIRMAN. I understand that his service, as reported there, extended from April 22 to May 16.

Mr. KEELEY. From April 22 to May 15, 1910.

The other expense account has no dates on the margin at all, but it was turned in on the 23d of May, 1910.

The CHAIRMAN. Whose expense account was that?

Mr. KEELEY. This is the account of G. T. Odell. He started out April 24, evidently. That is the first time. Yes; it reads "Expense on trip April 24 to May 9, inclusive," in the Odell account.

Senator GAMBLE. Was there any report made by these different detectives to you, Mr. Keeley?

Mr. KEELEY. By these reporters?

Senator GAMBLE. Yes.

Mr. KEELEY. Yes; and printed.

Senator GAMBLE. As to what?

Mr. KEELEY. Where they went, who they saw, and what was said.

Senator GAMBLE. The whole of the facts that they developed?

Mr. KEELEY. It was all in the papers.

Senator GAMBLE. And submitted to you?

Mr. KEELEY. And printed.

Mr. HANEY. What do you mean by printed?

Mr. KEELEY. It is in the Tribune.

Mr. HANEY. It is printed in the Tribune?

Mr. KEELEY. Yes. That is my recollection.

Mr. HANEY. The Ted Phillips account shows that he was in St. Louis a great many times?

Mr. KEELEY. Yes.

Mr. HANEY. He did not go there to see any members of the legislature who live there, did he?

Mr. KEELEY. No members live there, Judge.

Mr. HANEY. It is a fact, is it not, Mr. Keeley, that most of the members of the legislature and others in southern or south-central Illinois, who want to meet people in the northern part of the north-central part of Illinois find it easier or more convenient to go to St. Louis than to any point in the State?

Mr. KEELEY. I have been told that, Judge. I do not know, of my personal knowledge.

Mr. HANEY. You know, as a general thing, that that has been the custom for a great many years, do you not? That when people

in the northern part of the State want to meet those in the southern part of the State, the easiest place to meet is St. Louis?

Mr. KEELEY. I do not know that. I do not know the topography down there. I am pretty ignorant of Egypt and the southern part of Illinois.

Senator GAMBLE. Might it not be possible that the hotel facilities were better at St. Louis, and would it not be supposed that these members of the legislature and these parties that were investigating would ordinarily come to St. Louis?

Mr. HANEY. I think it is generally understood, Senator Gamble, by people down in southern or south-central Illinois, that the railroad facilities are a great deal better, and they can go there easier and more quickly than they can go to any part of northern Illinois.

Senator GAMBLE. I know that was generally accepted in the former hearing.

Mr. HANEY. Yes. And for that reason the St. Louis papers circulate very generally through southern Illinois, and very few of the Chicago papers circulate there, because it takes them so long to get them down there. That is the fact, is it not, Mr. Keeley?

Mr. KEELEY. Yes. Egypt is pretty far out of the sphere of enlightenment.

Mr. HANEY. Do you say that because of the amounts that you paid for enlightenment on subjects on which you desired enlightenment?

Mr. KEELEY. Oh, no; there is no connection with that, Judge.

Senator FLETCHER. Did you have any of these reports in by the 29th of April?

Mr. KEELEY. Yes, sir.

Senator FLETCHER. These people seem to have begun work, one on the 22d of April and the other on the 24th of April?

Mr. KEELEY. Yes.

Senator FLETCHER. And to have concluded on the 9th of May and the 15th of May?

Mr. KEELEY. Yes.

Senator FLETCHER. How soon did they make reports?

Mr. KEELEY. Oh, by telephone, telegraph, and by mail.

Mr. HANEY. This report of Odell shows that he visited many towns that Ted Phillips did not visit. That is, he visited Golconda, Diana, Shawneetown, Carvers Ridge, and Equality. He went to Shawneetown a number of times; also to Edwardsville and Shawmut.

Near the bottom of the second page of Odell's account is this item: "Fare to Mitchell with Murnane."

Who was Murnane?

Mr. KEELEY. I do not know who Murnane was. But there is a detective named Murnane, and I think Detective Murnane was working on the story.

Mr. HANEY. Yes. And Detective Murnane was connected with the State's attorney's office, was he not?

Mr. KEELEY. That is my recollection.

Mr. HANEY. Yes. And he went out with your reporters, did he not, to a number of places?

Mr. KEELEY. I do not know, sir. He did not start with them. That is my recollection. Phillips is here, and you can ask him.

Mr. HANEY. The trip that he made was to Mitchell; that is, Odell and Detective Murnane. That was the place where Mike Link lived?

Mr. KEELEY. He lived near there.

Mr. HANEY. That is where they went. He was the only member of the legislature who lived near Mitchell, was he not?

Mr. KEELEY. I do not know, judge. I accept your statement.

Mr. HANEY. I notice that there were a great many trips made by both Ted Phillips and Odell to Mitchell. Had they any purpose in going there, or anyone else, other than to see Mike Link, a member of the lower house?

Mr. KEELEY. I do not know, sir.

Mr. HANEY. Nobody that you knew did?

Mr. KEELEY. I did not send them to anyone.

Mr. HANEY. You did not know any business that they had there or anybody they went out to see except Mike Link?

Mr. KEELEY. No; I have no knowledge, but the fair assumption is that they were there to see Mr. Link.

Mr. HANEY. Do you know why they made so many trips, both of them together with Officer Murnane, to Mitchell?

Mr. KEELEY. I do not know.

Mr. HANEY. Did you know that Mike Link had been in the insane asylum before he was elected to the forty-sixth general assembly?

Mr. KEELEY. No, sir.

Mr. HANEY. You had heard it, had you not?

Mr. KEELEY. I did not, until you gave it utterance just now.

Mr. HANEY. You never heard that Mike Link was insane or had been in an asylum in Madison County, did you?

Mr. KEELEY. Not at all, until you made that statement just now.

Mr. HANEY. Mitchell is in Madison County, is it not?

Mr. KEELEY. I do not know, sir.

Mr. HANEY. Do you not know where Mitchell is?

Mr. KEELEY. No; I do not.

Mr. HANEY. Do you not know that he was twice insane before he was elected to the forty-sixth general assembly?

Mr. KEELEY. No; I never heard of it.

Mr. HANEY. You said that you had paid out in this Lorimer case something over \$20,000?

Mr. KEELEY. I said about \$20,000 or less.

Mr. HANEY. Well, that did not include the salaries of John Callan O'Laughlin, former assistant secretary of state—

Mr. KEELEY. No, sir.

Mr. HANEY. Nor of Ted Phillips, nor Odell?

Mr. KEELEY. No, sir. They were on the pay roll, anyway.

Mr. HANEY. The former assistant secretary of state is a high-priced man, is he not?

Mr. KEELEY. He is a valuable man, and he is paid for his valuable services.

Mr. HANEY. And he had a bill in here for a large amount of money that he paid out to different parties—\$851.44—did he not?

Mr. KEELEY. You have the bill there.

Mr. HANEY. Well, that is right, is it not?

Mr. KEELEY. I will look at it and see. That is correct; yes, sir.

Senator FLETCHER. Do you find the name of Mr. Coan in that list?

Mr. HANEY. No, Senator.

Mr. KEELEY. It is more than that.

Mr. HANEY. It is \$850 and \$250?

Mr. KEELEY. Yes; \$850 for stenographic work and \$250 for other work.

Mr. HANEY. No, Senator Fletcher; I have not seen the name of Mr. Coan here. That is probably in another file cabinet.

Mr. MARBLE. Does that remark of Mr. Hanecy's go into the record—that it is in another file case?

Mr. KEELEY. If so, I want to make a statement about it.

Mr. HANEY. What would you like to say?

Mr. KEELEY. I would like to say that Mr. Coan's name is not in any file cabinet in the Tribune office.

Mr. HANEY. Mr. M. B. Coan is now a reporter on the Chicago Examiner or the Chicago American?

Mr. KEELEY. He was the last time I heard of him.

Mr. HANEY. And he was a reporter on one of the Hearst newspapers in Chicago at the time he was employed by the Helm committee or its attorney, John J. Healy—I do not know which?

Mr. HEALY. He was employed by the committee, if you want the information, before I came in.

Mr. HANEY. That may exonerate you.

Mr. HEALY. Oh, no; I do not say that for the purpose of disclaiming any association with Mr. Coan or of reflecting upon him in any way, but simply make it as a statement of the fact.

Mr. HANEY. We will accept that. Mr. Coan is the same man who went around gathering what he called information for the Helm committee, is he not?

Mr. KEELEY. The reporter Coan?

Mr. HANEY. Yes. There are not two of them, are there?

Mr. KEELEY. I have never seen two of them.

Mr. HANEY. After the Helm committee closed its proceedings, what did Mr. Coan do?

Mr. KEELEY. I do not know, sir. I think he is back on the Examiner.

Mr. HANEY. He went back on the paper?

Mr. KEELEY. Yes; he is there now.

Mr. HANEY. You never had anything to do with Mr. Coan, did you?

Mr. KEELEY. No, sir.

Mr. HANEY. Did you ever talk with him about what he called the information that he was gathering or trying to gather?

Mr. KEELEY. He came in and told me that he expected to be employed by the Helm committee, and he subsequently was employed by the Helm committee.

Mr. HANEY. Why did he tell you that?

Mr. KEELEY. I do not know, sir.

Mr. HANEY. Did he come and tell you afterwards that he was trying to get employment from this committee?

Mr. KEELEY. He told me that down here; yes, sir.

Mr. HANEY. Did he ask you to join in recommending him?

Mr. KEELEY. He did not, sir.

Mr. HANEY. Did he tell you that he had telegraphed or written or both to every member of this committee asking for employment?

Mr. KEELEY. No, sir.

Mr. HANEY. Did he tell you afterwards that he could not get employment from this committee?

Mr. KEELEY. He told me that he understood it was about 5 to 3 against him, and he thought he was going home that night or the next night. He thought he would go home.

Mr. HANEY. He told you that in Washington?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Did he give expression to what he called his opinion as to a committee that would not avail itself of his valuable services?

Mr. MARBLE. Oh, I do not think such a thing as that, whatever it might be, ought to be put in the record. I do not know what the man has said.

Mr. HANEY. I do not know, Mr. Chairman, but I shall call Mr. Coan and prove by him what he said, and in that way prove the character of men that were employed by the Helm committee in that investigation.

Senator GAMBLE. Do you want to put him in evidence?

Mr. HANEY. No; I would not want to inflict that on the committee.

Senator KENYON. He was not employed by this committee.

Mr. HANEY. No; but he came here to Washington, and he told pretty generally—not Mr. Keeley alone, but generally, without any reservations of confidence—that he was to be appointed, and that he was going to be appointed; and then he talked without reserve about the committee because it did not appoint him or avail itself of his valuable services in getting affidavits.

Senator GAMBLE. Were there any names used?

Mr. HANEY. Well, he talked very generally, and I would not want to use the name of anybody that he used, even though it was in compliment.

Senator FLETCHER. In his testimony before the Helm committee he simply gave his occupation as a newspaper reporter. He does not say what paper he was on.

Mr. HANEY. Many of them conceal that fact, or desire to. Mr. Keeley, who is J. Fred Essary?

Mr. KEELEY. I do not know.

Mr. HANEY. Is he some friend of the former assistant secretary of state?

Mr. KEELEY. I do not know who he is, Judge.

Mr. HANEY. He is one of the men here who is paid money a number of times, or who is said to have received money from the former assistant secretary of state. Do you know anything about him?

Mr. KEELEY. I do not.

Mr. HANEY. Did you check up this account, or did somebody else?

Mr. KEELEY. What do you mean—check it up? Do you mean to O. K. the bills as they come in?

Mr. HANEY. Well, yes; if that is what you call it.

Mr. KEELEY. I am trying to get at your definition of the term "check up."

Mr. HANEY. I want to know who checked up or O. K.'d it.

Mr. KEELEY. The bills come in and go to the managing editor, Mr. Beck, and he O. K.'s them.

Mr. HANEY (reading). "J. Fred Essary, interview on Lorimer, \$5."

Mr. KEELEY. Yes, sir.

Mr. HANEY. Whom did he interview?

Mr. KEELEY. I do not know.

Mr. HANEY. Who is Hal H. Smith?

Mr. KEELEY. I do not know. I might say that I do not know anyone in that expense account of Mr. O'Loughlin's, and have no knowledge whatever of it.

Mr. HANEY. Do you ever O. K. or have to do with checking off or O. K.ing bills of this kind?

Mr. KEELEY. I do sometimes; yes, sir.

Mr. HANEY. Is it your practice whenever any money is expended for information in connection with Senator Lorimer to pass it without investigation?

Mr. KEELEY. I did not pass those bills. I say Mr. Beck O. K.'d them. He was the managing editor.

Mr. HANEY. You do not know a thing about them, although the aggregate was over a thousand dollars?

Mr. KEELEY. Eight hundred dollars was for stenographic fees, was it not?

Mr. HANEY. Well, there are eleven hundred and odd dollars—eleven hundred and nearly thirty-two dollars.

Mr. KEELEY. Covering what period?

Mr. HANEY. June, 1910, to May, 1911.

Mr. KEELEY. Not excessive.

Mr. HANEY. You think the bill is not excessive?

Mr. KEELEY. No, sir.

Mr. HANEY. So you bless it in bulk, as Ben Franklin did the barrel of pork?

Mr. KEELEY. I think that is a very reasonable amount to spend in one year.

Mr. HANEY. Do you know what J. Fred Essary was paid \$10 for on the Lorimer assignments?

Mr. KEELEY. I do not, sir.

Mr. HANEY. Do you know who T. J. Pence is?

Mr. KEELEY. No, sir.

Mr. HANEY. He was assigned on the Lorimer case; or P. C. Patterson?

Mr. KEELEY. I do not know the gentleman.

Mr. HANEY. Mr. Patterson got \$25 by this report.

The CHAIRMAN. I understood the witness to say, Judge Haney, that he did not know any of these names.

Mr. KEELEY. I do not know any of them.

Mr. HANEY. Have you looked these over, so that you can say that of all of these names there is none that you do know?

Mr. KEELEY. That is my general recollection; and if you will let me look it over, if I see a name that I recognize, I will tell it to you. [Taking paper.] I do not know him; I do not know him—

Mr. HANEY. Who is that?

Mr. KEELEY. T. B. Johnson; there was a man named Johnson worked in our office. I do not know his initials. I do not know Mr. Patterson; never heard of him.

Mr. HANEY. Of whom?

Mr. KEELEY. Any of them—I will make it complete. I do not know a single person or firm mentioned in that list.

Mr. HANEY. Do you know what the item of May, 1911, refers to, which is as follows: "W. Clapp, transcript, Senator La Follette on Lorimer matter"?

Mr. KEELEY. I assume that is a transcript of Senator La Follette's speech of that date, if he made a speech on that date.

Mr. HANEY. Well, there is an item right after that. That first item is \$30, and the next item immediately following in the same connection is an item of \$140.

Mr. KEELEY. For what?

Mr. HANEY. Well, I do not know.

Mr. KEELEY. Neither do I.

Mr. HANEY. It says, "May, 1911, W. Clapp, transcript Senator La Follette on Lorimer matter, transcript on Lorimer debate." The first item is \$30 and the next is \$140.

Mr. KEELEY. For transcript of Lorimer debate?

Mr. HANEY. \$30 is opposite the line "Transcript Senator La Follette on Lorimer matter."

Mr. KEELEY. May I look at it.

Mr. HANEY. Certainly.

Mr. KEELEY. And, if possible, make the explanation easier, although I know nothing about it. I do not know anything about it in detail at all, sir.

The CHAIRMAN. Will you finish with this witness to-night, Judge Haney?

Mr. HANEY. Oh, no.

The CHAIRMAN. Then we will take a recess at this point.

(Whereupon, at 5 o'clock and 25 minutes p. m., the committee adjourned until to-morrow, Wednesday, July 26, 1911, at 10 o'clock a. m.)

SENATE OFFICE BUILDING,
Washington, D. C., Wednesday, July 26, 1911.

The committee met at 10 o'clock a. m.

Present: Senators Dillingham (chairman), Gamble, Jones, Kenyon, Johnston, Fletcher, and Kern.

Present also: Mr. John H. Marble and Mr. John J. Healy, Mr. William J. Hynes, Mr. Elbridge Haney, and Mr. Edgar Farrar.

Mr. HANEY. Mr. Chairman, Senator Kern or some other member of this honorable committee asked for certain correspondence with the secretary of state of the State of New York. Mr. Wiehe was asked to produce the full correspondence between himself and the secretary of state of the State of New York. Mr. Wiehe left for Atlantic City, I think, last Saturday, but I received from him last evening, when I went back to my hotel, all of the telegrams and letters except the last one, and that he produced here before.

Senator KERN. Let us look them over.

Mr. HANEY. I suppose they all ought to be presented here anyway.

TESTIMONY OF JAMES KEELEY—Resumed.

JAMES KEELEY, a witness previously sworn, resumed the witness stand, and being examined, testified as follows:

Mr. HANEY. Mr. Keeley, you knew Gov. Altgeld very well?

Mr. KEELEY. No, sir.

Mr. HANEY. You knew him as governor of Illinois?

Mr. KEELEY. I knew of him.

Mr. HANEY. The first Democratic governor, and the only Democratic governor of Illinois for a great many years?

Mr. KEELEY. I knew of him.

Mr. HANEY. You were on the Tribune when he was elected governor?

Mr. KEELEY. Yes, sir.

Mr. HANEY. You know Mr. William H. Hinrichsen, the then secretary of the State of Illinois?

Mr. KEELEY. "Buck" Hinrichsen; yes. I remember him as "Buck" Hinrichsen.

Mr. HANEY. Do you know Louis A. Hilliard, who was in the employ of the Tribune?

Mr. KEELEY. Hilliard?

Mr. HANEY. Yes.

Mr. KEELEY. We had a cashier named Hilliard; yes. I do not remember his first name.

Mr. HANEY. He was indicted and tried and convicted, was he not, and then pardoned by Gov. Altgeld?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Mr. Chairman, I offer the pardon of the governor in that case.

Senator KERN. What is the purpose of that?

Mr. HANEY. He was formerly cashier of the Tribune. I will read this.

(Mr. Haney read the document in question, which is in words and figures as follows:)

PARDON.

STATE OF ILLINOIS, EXECUTIVE OFFICE,
Springfield, April 25, 1895.

Hon. W. H. HINRICHSEN,
Secretary of State.

DEAR SIR: Louis A. Hilliard was employed by the Tribune Co. as cashier, and during a number of years embezzled a large sum of money, losing most of it in stock speculations. He plead guilty in the Criminal Court of Cook County to a charge of embezzlement and was sentenced to four years in the penitentiary. He has not served in that institution what would amount to nearly a two years' sentence. An application is made for his pardon by some very excellent people, who are his friends and who have known him from childhood. They represent that his mother is a widow, and that his family has always been a highly respected one; that the young man's previous conduct has been exemplary; that he had been employed in other positions and had been industrious, sober, and honest. They further represent that he was very young to assume such a responsible position as he held in the Tribune office; that, in fact, he was paid a comparatively small salary, and that the responsibilities of the position were such that a much higher salary should have been paid and an older and more experienced man should have been employed to fill it. It is also shown that about one-half of the embezzled has been repaid, and that the young man is thoroughly repentant and willing to make an effort to, so far as he can, earn the money to pay off the remainder.

It is urged with much stress that the ends of justice have been fully met in this case: that all the good that can be done the State and society by arrest, conviction, and imprisonment has been accomplished, and that any further detention of this young man in the penitentiary will simply have the effect of hardening him; while, if he is now released, his friends pledge themselves to secure him employment and to help him start life over again, and they feel fully convinced that he may yet become a useful citizen and lead an honorable life. The Tribune Co. has filed a protest against his release. I have considered the case very carefully and have weighed all of the matters that are urged on both sides, and am inclined to the opinion that about all the good that the State can do by imprisonment has been done in this case, and if the young man can now be given employment and assisted to get on his feet again and earn an honest living, that it will be not merely better for him, but in the long run will be better for society, and I have therefore concluded to grant this pardon.

There is another point suggested by this case, and that is, how far the integrity and sense of right of young men employed in some large money-making establishment is undermined and weakened by a knowledge of the fact that their employers are gaining large sums of money which, while not always obtained by criminal means, nevertheless, in equity and good conscience, do not belong to them. This young man had charge of the financial department of the Tribune Co. He knew that the Tribune Co. rented ground of the Chicago school fund, and instead of paying a fair cash annual rental on it, had managed to get things so fixed that it pocketed in the neighborhood of \$25,000 a year of money which ought to have gone to the school fund. He also knew that while the Tribune had a cash market value of upward of \$3,000,000 and should have been assessed for purposes of general taxation at not less than \$600,000, the company had managed things so that it was actually assessed at \$18,000, and he saw that it annually pocketed in the neighborhood of \$40,000, which would have gone into the public treasury as taxes if the Tribune Co. had paid the same proportion of taxes on its property that other people paid on theirs. In other words, he saw that the Tribune Co. annually pocketed upward of \$60,000 of money which, in equity and good conscience, should have belonged to the public treasury, and he saw that, notwithstanding this fact, the owners of the Tribune were eminent and highly respected citizens. The natural effect of all this was to weaken the moral force of the young man, as well as his sense of integrity. There is no question but that similar conditions exist in other large offices, and while this can not be any excuse for the commission of crime by employees, it is a fact that is to be deplored, and some remedy should be found.

JOHN P. ALTGELD, *Governor*.

Mr. HANEY. Gov. Altgeld had been a judge of the superior court of Cook County for a number of years before he was elected governor, had he not?

Mr. KEELEY. He was a judge, but I have no knowledge of the length of his tenure of office.

Mr. HANEY. Well, you know the term of a superior court judge is the same as that of a circuit judge—six years?

Mr. KEELEY. Yes; six years.

Mr. HANEY. And he served one term and then was elected governor. You know Paul Perry?

Mr. KEELEY. I do.

Mr. HANEY. Paul Perry was a reporter on the Chicago Tribune, was he not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. When?

Mr. KEELEY. Until quite recently.

Mr. HANEY. Is he now?

Mr. KEELEY. No.

Mr. HANEY. He was in 1909, was he not?

Mr. KEELEY. I do not remember, Judge.

Mr. HANEY. Do you not know that he was a reporter on the Tribune in March, April, and May, 1910?

Mr. KEELEY. I do not know when he came on the Tribune. He was a comparatively new man on the Tribune. He came to us, I think, from the Examiner. I can not give you the date of his employment. You may be right or you may not be right. I do not know, sir.

Mr. HANEY. He is an old newspaper man in Chicago?

Mr. KEELEY. Yes, sir.

Mr. HANEY. You know when the La Salle Street National Bank of Chicago was opened, do you not?

Mr. KEELEY. That was in 1910, in June, or the summer of 1910—May, 1910.

Mr. HANEY. May?

Mr. KEELEY. Whatever the date was.

Mr. HANEY. You know that you published the White story eight or nine days before the bank opened, did you not?

Mr. KEELEY. I do not know that it was nine days. It was in the early summer of 1910. You say nine days, and I accept your statement.

Mr. HANEY. Right after the White story you published a notice in the columns of the Tribune that that bank would open?

Mr. KEELEY. Shortly, did it say?

Mr. HANEY. Yes; do you not recall that it was on the 9th of May?

Mr. KEELEY. I do not remember. If it did, it did. I have no distinct recollection.

Mr. HANEY. You remember distinctly, you say, how you happened to put the notice that the bank was going to open immediately following the White story and in the same square; and you told this honorable committee that you stood there at the form desk, and somebody said that there was a hole in the paper and wanted to know what should go there, and then you said somebody told you that they had a notice of the opening of Lorimer's bank. You knew then, in some way, that the Lorimer bank was to open, and you told them to put that notice of Lorimer's bank in what you called the "hole" which immediately followed the White story.

Mr. KEELEY. I will answer any question regarding a fact; but when you quote me, please read from the record.

Mr. HANEY. You may correct the matter if I have not stated it accurately.

Mr. KEELEY. It is not absolutely correct.

Mr. HANEY. I wanted to state it as correctly as I could remember it, but that was not my purpose, to have you admit those facts as stated by me, but to call your attention to the subject matter.

Mr. KEELEY. I accept the call without adopting your version of my testimony.

Mr. HANEY. You remembered all those facts?

Mr. KEELEY. I remember that incident which I described, yes; that there was an item, but I do not now remember the date at which the bank was to open. If you say it opened on May 9, I accept your statement.

Mr. HANEY. Do you not know that Paul Perry, a reporter on the Chicago Tribune at that time, went to the banking rooms of the La Salle Street National Bank, sometimes called the Lorimer bank, every week day for two or three weeks before the bank opened, to inquire when the bank was going to open?

Mr. KEELEY. No, sir; I do not know it.

Mr. HANEY. And do you not know that he went back from there each day and reported to you, or to somebody who did report to you?

Mr. KEELEY. No, sir; he did not report to me. He may have reported to the city editor. I do not know what 90 per cent of the reporters are doing. I do not come in contact with them.

Mr. HANEY. No; I know you do not, unless you give them special assignments.

Mr. KEELEY. Yes.

Mr. HANEY. Or get reports from them.

Mr. KEELEY. Yes.

Mr. HANEY. What were you doing up in the room where the paper was being made up the night that the White story was published?

Mr. KEELEY. Assisting in the make-up.

Mr. HANEY. And you assisted and directed the place where the notice of the opening of the Lorimer bank should go on that occasion, did you not?

Mr. KEELEY. I did. Shall I repeat what I said before, or shall I say that I testify to what I testified to before?

Mr. HANEY. Yes or no—

Mr. KEELEY. Your statement carries an assumption that is not borne out by my testimony.

Mr. HANEY. "Yes" or "no" would answer my question; but when you select other language, I can not stop you.

Mr. KEELEY. As I say, there was a hole in the form, and a printer right over at the bank said, "Here is something that will fit," and I said, "What is it?" He said, "A story about the Lorimer bank," and I said, "Put it in."

Mr. HANEY. You had at that time the interview with Gov. Deneen on the White story, had you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And that would just about fit that space, would it not?

Mr. KEELEY. It was set three-column measure, was it not; and would not go into that hole.

Mr. HANEY. I do not ask you how you did publish it, but I say that the interview would have just filled that place, and would have

immediately followed that part of the White story which you published on the 30th of April, 1910, would it not?

Mr. KEELEY. No, sir; it would not.

Mr. HANEY. That is, if it had been set one-column measure.

Mr. KEELEY. As the page was made up, remember—have you the paper there?

Mr. HANEY. Will you answer my question?

Mr. KEELEY. Yes; I will.

Mr. HANEY. And then I will go with you where you want me to, if the committee will permit.

Mr. KEELEY. No, no, no; that page 2, at the bottom of column 7, had a vacant space about that deep, but also on page 2 was there not the governor's interview, set three-column measure, in the form at that time? And with the governor's interview in there there was this space left, so if the governor's interview had not been there, there would have been a hole that big [indicating].

Mr. HANEY. If the governor's interview had been set in single-column measure it would have just filled that space, would it not?

Mr. KEELEY. If the governor's interview had not been on that page, in three-column form.

Mr. HANEY. My question is, that the governor's interview, if set in single-column form, would have just fitted that space, would it not?

Mr. KEELEY. It would have been about that length, but the space would have been greater if the governor's interview had not already been in type on that page; so that space could not have existed if the governor's interview had been set one-column measure.

Mr. HANEY. Then you would have had a very much larger space, that would have been too much for the notice of the opening of the Lorimer bank, would it not?

Mr. KEELEY. Other matter would have had to be placed in there to fill it up.

Mr. HANEY. Yes; that is right.

Mr. KEELEY. Yes.

Mr. HANEY. And you would have still placed the notice of the opening of the Lorimer bank at the end of the White story?

Mr. KEELEY. I would not, sir. It was not intentional. As I explained, a printer, who was 6 feet away from me, first put his hand on this item. I had not the remotest idea what it was when he picked it up.

Mr. HANEY. But just as soon as it did come to your knowledge, you directed where it should go?

Mr. KEELEY. When he said it fitted?

Mr. HANEY. What is that?

Mr. KEELEY. When he said it fitted the hole.

Mr. HANEY. It was your direction that put it where it was?

Mr. KEELEY. I will admit I said "Put it in," but after all these preliminaries. I have already said that.

Senator KENYON. It just happened, did it?

Mr. KEELEY. He was as far from me as you are, Senator, practically, or about this distance, and back of him was the bank with the type on it, and I said, "Here is a hole here. What have we got for it?" And he grabbed something, and he said, "I guess that will fit—it does fit," and I said, "What is it?" and he looked at the head and said, "It is a story on Lorimer's bank."

Senator KENYON. He fitted it before he saw what it was?

Mr. KEELEY. Yes.

Mr. HANEY. What were you doing up there that night?

Mr. KEELEY. Assisting in the make-up.

Mr. HANEY. In the make-up of the paper?

Mr. KEELEY. Of the paper; yes, sir.

Senator KERN. Was that unusual?

Mr. KEELEY. Oh, no, sir.

Mr. HANEY. Did you go up there every night?

Mr. KEELEY. No; not every night—yes; I did then, up to that time.

Mr. HANEY. Did you go up there and direct the make-up of the paper or the location which each particular matter should take in the paper?

Mr. KEELEY. When?

Mr. HANEY. Any time?

Mr. KEELEY. Oh, yes; for 15 years.

Mr. HANEY. Did you do that regularly while you were acting as managing editor or editor in chief, as you were at that time?

Mr. KEELEY. Oh, when I was managing editor I was up there every night for quite a period of time.

Mr. HANEY. Yes, I know; but were you there to direct the form or the make-up of the paper?

Mr. KEELEY. I had general supervision of it; yes, sir.

Mr. HANEY. Yes; I know you had general supervision—

Mr. KEELEY. I mean of the make-up. I have made up that paper hundreds of times myself.

Mr. HANEY. What was your position on the paper at that time?

Mr. KEELEY. I was in charge of the paper, practically. I was in charge of the paper.

Mr. HANEY. You were managing editor, editor in chief, and publisher, and everything else?

Mr. KEELEY. Et cetera; yes, sir.

Mr. HANEY. And when you were in that position was it your practice to go up into the room where the form was made up and direct where different items or articles should go into the paper?

Mr. KEELEY. Oh, yes; I do that right along; not as steadily as I used to when I was managing editor and city editor.

Mr. HANEY. You could have given that direction from your office down on the second or the third floor—where was it then?

Mr. KEELEY. On the third floor.

Mr. HANEY. You could have done it from there, could you not?

Mr. KEELEY. I did give the preliminary directions from there.

Mr. HANEY. Did you give directions from there in relation to the location of the notice of the opening of the Lorimer bank?

Mr. KEELEY. No; I did not know it was in existence.

Mr. HANEY. That was not an ad. notice, was it? It was not an advertisement?

Mr. KEELEY. Oh, no, sir.

Mr. HANEY. It was a news item?

Mr. KEELEY. Yes, sir.

Mr. HANEY. That you or somebody connected with the paper had prepared?

Mr. KEELEY. Yes, sir.

Mr. HANEY. You said that you employed the McGuire & White detective agency to get data for you, to verify or corroborate or sustain or strengthen the Charley White story. That is right, is it not?

Mr. KEELEY. No; I never said that I employed them to strengthen the Charley White story.

Mr. HANEY. Well, I used those words as practically synonymous terms.

Mr. KEELEY. I do not accept them as synonyms.

Mr. HANEY. They are not, except in that connection.

Mr. KEELEY. I make no exception.

Mr. HANEY. Will you analyze and parse them and tell us your answer?

Mr. KEELEY. I do not desire to. I simply want to say that I did not employ the McGuire & White Agency to do what you say I did. I employed them to investigate the story.

Mr. HANEY. To investigate what?

Mr. KEELEY. The story.

Mr. HANEY. What for?

Mr. KEELEY. Because I wanted to find out if that were true.

Mr. HANEY. You told Charlie White you would not buy the story unless it was corroborated, did you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And that is what you employed the McGuire & White Agency for?

Mr. KEELEY. No; I employed them to investigate.

Mr. HANEY. And that is what you employed Al. Austrian for, is it not, of the firm of Mayer, Meyer, Austrian & Platt?

Mr. KEELEY. He was our attorney.

Mr. HANEY. Yes. That is not what I asked you. Of course if you employed him that would be so, but if you answered my question it would cover what you answered as well as what I asked you.

Mr. KEELEY. He was our attorney at that time, and I naturally called this matter to his attention.

Mr. HANEY. And you paid the McGuire & White Agency \$635.65, did you not?

Mr. KEELEY. If I may look at that bill I will tell you. [After examining bill.] Yes, here is one bill for \$635.65.

Mr. HANEY. How much more did you pay them?

Mr. KEELEY. Whatever the record shows.

Mr. HANEY. There is not anything else here, that I see, that you turned over to us. That is why I am asking you about this now.

Mr. KEELEY. May I look at that?

Mr. HANEY. Yes. Now you have it all.

Mr. KEELEY. This is the only bill, then, that I paid McGuire & White.

Mr. HANEY. Do you mean that neither you nor the Tribune, nor anybody for the Tribune, paid the McGuire & White Agency, or either of the men named in that firm or company, anything but \$635.65?

Mr. KEELEY. Yes, sir.

Mr. HANEY. That is all you ever paid them, is it?

Mr. KEELEY. Yes, sir.

Mr. HANEY. You are quite sure about that?

Mr. KEELEY. It is all the records I have. It is all the money that I have paid them.

Mr. HANEY. And that was for services rendered by them in the Charlie White matter up to what time?

Mr. KEELEY. The last entry here is November 23, 1910.

Mr. HANEY. Then you turned the matter over to the State's attorney of Cook County, Mr. John E. W. Wayman, did you not?

Mr. KEELEY. About April 1; yes, sir.

Mr. HANEY. You ceased to pay the McGuire & White Agency from the last item of that bill, did you not?

Mr. KEELEY. Oh, no; the last item of this bill was November 23, 1910.

Mr. HANEY. Yes; I know, and you know that, but what I want to know is, did you pay them anything for services in the Charlie White matter after that date?

Mr. KEELEY. I do not think so.

Mr. HANEY. Well, you are quite positive of that?

Mr. KEELEY. I say I brought all my bills. I asked the auditor to furnish me with every bill we had paid, with every voucher.

Mr. HANEY. I am not questioning that, but I am asking you now for your memory independently, or outside of these bills.

Mr. KEELEY. I have no recollection outside of the financial statements of the Tribune Co.

Mr. HANEY. Then do you want to be understood as saying that neither you nor the Tribune paid the McGuire & White Detective Agency anything for services in the Charlie White matter after November, the last item in that bill?

Mr. KEELEY. Yes, sir.

Mr. HANEY. You testified, I believe, that when you turned the Charlie White story over to the State's attorney, that the McGuire & White Agency then became the employees of the State's attorney of Cook County; that he or his office paid them after that time.

Mr. KEELEY. Yes, sir.

Senator GAMBLE. You speak of the 22d of April, 1910—one of your reporters was sent out through the State to make inquiry?

Mr. KEELEY. Yes; two were sent out.

Senator GAMBLE. Did you send out any more than two at any time, or I mean about that time?

Mr. KEELEY. Oh, I suppose there were a number of reporters working in Chicago on the story.

Senator GAMBLE. About how many do you think?

Mr. KEELEY. Oh, I do not know; probably some days half a dozen or more, maybe 10 or 12, maybe 2.

Senator GAMBLE. How many detectives were sent out in Chicago or through the State in connection with the McGuire & White agency? About what was the number?

Mr. KEELEY. Actually, I do not suppose that a single McGuire & White agency detective was sent out prior to the publication of the story by the Tribune. McGuire was called into conference in the case, and he had a number of conferences with White. Whether he had them alone or whether he utilized any of his men in those interviews I do not know. That was all the work the McGuire & White agency did for us prior to the turning of the case over to the State's attorney. Probably 10 days elapsed and interviews were had, talking to him, and examining him, and examining his story.

Senator GAMBLE. You speak with reference to the time prior to the 30th of April, 1910?

Mr. KEELEY. Yes; I speak with reference to the time of the turning over of the story by me to the State's attorney.

Senator GAMBLE. So that when you turned the story over to the State's attorney, you then assumed that the State's attorney followed it up through his office?

Mr. KEELEY. Yes. At the time I turned it over I told him that McGuire had been working on it, and I would be glad to have McGuire continue, and that I would pay the expenses; and Mr. Wayman said "nothing doing"; that if the county of Cook was going into that it was going to pay the bills.

Senator GAMBLE. About what time was it that you turned the story over to Mr. Wayman to prosecute the investigation?

Mr. KEELEY. About April 1, sir.

Senator GAMBLE. Then did McGuire or White, or either of them, make a report to you as to any information they had secured up until the 30th of April, 1910?

Mr. KEELEY. No, sir; I received absolutely no reports from McGuire.

Senator GAMBLE. The reports you received and on which you acted were the reports received from your own reporters?

Mr. KEELEY. Yes, sir.

Mr. HANEY. When was it that you got the White story first? I think you said a number of weeks or months before it was published.

Mr. KEELEY. I fix the date by a memorandum.

Mr. HANEY. About when was it?

Mr. KEELEY. March 11, was it not? It was read into the record.

Mr. HANEY. About a week before, I think you said—about March 4.

Mr. KEELEY. I said he came in a week before that. The date of my memorandum was March 11, if I remember.

Mr. HANEY. You got that story from Charlie White for the purpose of verifying it or getting some corroboration of it before you purchased it, did you?

Mr. KEELEY. Yes; for the purpose of examination.

Mr. HANEY. Did you commence to examine it immediately?

Mr. KEELEY. I do not think I read it the first night I had it.

Mr. HANEY. Did you commence within a day or two. I mean, or when did you commence to get facts, to send people out to investigate and find out whether the story could be corroborated or not?

Mr. KEELEY. Why, I think that—let me see. March 11 was the date I got it. That is, I fix that by the memorandum. I may have had it the day before; I do not know. I gave him that memorandum on that day. Then I read it within two days, I think. Mr. White, I believe, left Chicago and went down to O'Fallon.

Mr. HANEY. O'Fallon was his home town?

Mr. KEELEY. Yes. I think he was gone for three or four days, or for a week.

Mr. HANEY. That is not important unless you want to tell about it.

Mr. KEELEY. Yes. I want to tell. You asked how I started, and I am trying to account for the time.

Mr. HANEY. Very well, go on.

Mr. KEELEY. Then I assumed by that time I had discussed it with Mr. Austrian, and called in McGuire.

Mr. HANEY. About when did you call in McGuire, or the McGuire and White agency?

Mr. KEELEY. I should say about the 20th—I do not know—the 15th or the 12th.

Mr. HANEY. The 15th of what?

Mr. KEELEY. Of March. I may have called him in the day after I read the story. I have no recollection of that.

Mr. HANEY. You may have called him in the day after you read the story, and that would be about the 12th or the 13th?

Mr. KEELEY. The 12th or the 13th; yes, sir; that is my recollection.

Mr. HANEY. You called in the White and McGuire agency for consultation in reference to the White story and to get some corroboration of the story?

Mr. KEELEY. To make an investigation.

Mr. HANEY. That is what you called them in for?

Mr. KEELEY. I did not call them in to get a corroboration. I called them in to make an investigation.

Senator GAMBLE. To see whether it was true or false?

Mr. KEELEY. To see whether it was true or false.

Mr. HANEY. Well, you can put it in any way you want to, but did the McGuire & White Agency continue to act for the Tribune Co. or for you from that time down to the time it was turned over to the State's attorney?

Mr. KEELEY. Yes, sir.

Mr. HANEY. When was that?

Mr. KEELEY. About April 1.

Mr. HANEY. About the 1st of April?

Mr. KEELEY. About that time?

Mr. HANEY. So that the McGuire & White Agency acted for you for more than 15 days?

Mr. KEELEY. Oh, I won't say that they were acting for 15 days. There is the period we discussed it with them, and McGuire had these talks with White in the Palmer House and in my office and elsewhere.

Mr. HANEY. McGuire & White's superintendent was named Turner?

Mr. KEELEY. He is a man named Turner; yes, sir.

Mr. HANEY. Who sometimes went under the alias of Tierney?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Did he have any other aliases that you know of?

Mr. KEELEY. No, sir.

Mr. HANEY. He acted in that matter?

Mr. KEELEY. He acted in that matter—not in that period, as I remember.

Mr. HANEY. Well, didn't he?

Mr. KEELEY. I say I do not remember.

Mr. HANEY. On page 207 of the typewritten copy of volume 20, Monday, July 24, 1911, at the bottom of the page the following appears:

Mr. MARBLE. Did Mr. White call after that?

Mr. KEELEY. He did.

Mr. MARBLE. Tell us, then, what did you do?

Mr. KEELEY. Then I told him that if he could substantiate the story, or if there was any substantiation possible, we would buy the story, if we could agree

with him on the price, and print it; that if he could not substantiate the story, we would not print it; and that if we could not agree with him on the price, we would not print it, and he could take the manuscript and go somewhere else where he might get a better price for it.

You remember that testimony you gave?

• Mr. KEELEY. Yes, sir.

Mr. HANEY. So you were trying to substantiate the story of Charlie White?

Mr. KEELEY. Did I not say that I told him that if he could substantiate it I would purchase it? I would not ask him to disprove his own story, would I?

Mr. HANEY. Did you expect that he would substantiate it by his own statement to you verbally?

Mr. KEELEY. "Help to substantiate it," does it not say?

Mr. HANEY. In what way?

Mr. KEELEY. By putting us in touch with witnesses, circumstances, papers, and documents that would bear out and verify or disprove the story.

Mr. HANEY. Who was to represent you or the Tribune Co. in that process of substantiation?

Mr. KEELEY. I suppose that I was to take part in the process and Mr. Austrian.

Mr. HANEY. And Mr. McGuire.

Mr. KEELEY. And Mr. McGuire.

Mr. HANEY. And any of McGuire's men in the McGuire & White Agency?

Mr. KEELEY. Mr. McGuire represents the agency. I had no business with any individuals.

Mr. HANEY. Where is the bill for McGuire & White's services rendered during that period of time?

Mr. KEELEY. If I have not got it here, there is none in existence.

Mr. HANEY. This bill does not cover any items whatever during that time, does it?

Mr. KEELEY. It does not.

Mr. HANEY. How much did you pay the McGuire & White Agency for services during that time that are not shown in this bill?

Mr. KEELEY. Nothing, as far as I know.

Mr. HANEY. Did you say that you turned over the whole matter to the State's attorney about the 1st of April?

Mr. KEELEY. Yes.

Mr. HANEY. And had nothing to do with it after that?

Mr. KEELEY. I had nothing to do with McGuire after that?

Mr. HANEY. What did the McGuire & White Agency send you a bill for, commencing the first item, September 30, 1910, and running to November 23, 1910, aggregating \$635.65?

Mr. KEELEY. For their services during the investigation of the Senate committee in Chicago.

Mr. HANEY. And for money paid by them to White?

Mr. KEELEY. Yes, sir. It is an itemized bill, and it tells what it is.

Mr. HANEY. That is right. I am trying to get at now where their bill to you is for services that they rendered for you before you turned the matter over to the State's attorney. There is no item in this bill covering that bill, is there?

Mr. KEELEY. No, sir.

Mr. HANEY. And you have not brought any bill that does?

Mr. KEELEY. I have not.

Mr. HANEY. So that you did not turn over the whole matter to the State's attorney after the 1st of April, 1910, did you?

Mr. KEELEY. Why didn't I?

Mr. HANEY. I do not know why.

Mr. KEELEY. I say I did. What has that to do with the senatorial investigation?

Mr. HANEY. That is a part of the investigations of the McGuire & White Agency in the Charlie White matter, is it not?

Mr. KEELEY. It is a collateral part, but the State's attorney had nothing to do with that. Read the bill, Judge, and see what the items are.

Mr. HANEY. Yes. What were they doing in regard to the senatorial investigating committee? They were not watching the members of the committee, were they?

Mr. KEELEY. No, sir. The bill tells what the services were.

Mr. HANEY. Does it? It says here: "W. E. Harrington, \$25; M. R. O'Leary, \$25; J. D. Johnson, \$25; W. G. Bradford, \$25; L. R. Friend, \$25; Charles F. Northrup, \$37.50; E. P. Woodward, \$37.50; E. R. Aldrich, \$37.50; Kirkpatrick, \$62.50; Dennis, \$62.50," making \$362.50 paid to these men. What were they doing?

Mr. KEELEY. I do not know what the details of that bill are, Judge. I was simply told that this money was expended under the direction of Mr. Austrian; that some of these men were witnesses and brought up from East St. Louis, I believe, and who did not appear. Mr. White is here and Mr. McGuire is here, and they can tell you all about it.

Mr. HANEY. I am trying to ascertain from you what money you paid to them prior to the 1st of April, 1910.

Mr. KEELEY. I have said that I have no bill; that I produced no bill; that I assumed that there was no bill; and that is all I can say about it.

Mr. HANEY. Do you mean to be understood here as saying that the McGuire & White agency worked for you or the Tribune in that matter from about the 13th or 14th of March, 1910, until the 1st of April for nothing?

Mr. KEELEY. I have no bill. No bill was rendered, I imagine, or I would have had it.

Mr. HANEY. Will you answer my question?

Mr. KEELEY. I have no bill. I received no bill.

Mr. HANEY. Will you answer the question now?

Mr. Stenographer, read the question.

(The stenographer read the question, as follows:)

Mr. HANEY. Do you mean to be understood here as saying that the McGuire & White agency worked for you or the Tribune in that matter from about the 13th or 14th of March, 1910, until the 1st of April for nothing?

Mr. KEELEY. My understanding is based on the fact that I have no bill.

Mr. HANEY. Will you give me your understanding on the question that I asked you?

Mr. KEELEY. If I had no bill, they made no charge.

Mr. HANEY. I want an answer to my question, and the sooner you answer it the sooner we will get along to something else, because I shall come back to that.

Mr. KEELEY. What do you want me to say, Judge—yes?

Mr. HANEY. I want you to say the truth—

Mr. KEELEY. I am trying to give you the information—

Mr. HANEY (continuing). If that does not surprise you.

Mr. KEELEY. No; it does not.

Mr. HANEY. Will you tell me what the facts are?

Mr. KEELEY. I assume that if we had no bill they worked for nothing.

Mr. HANEY. I want you to tell me the facts, if you know it. If you do not know anything about it, you may say so.

Mr. KEELEY. I do not know anything more than that, Judge.

Mr. HANEY. Why did the McGuire & White Agency pay Charlie White, and charge to your account \$150, between the 24th of October, 1910, and the 19th of December, 1910?

Mr. KEELEY. I think they were paying his expenses during the investigation.

Mr. HANEY. The investigation was not going on in Chicago or any other place between the 24th of October, 1910, and the 19th of December, 1910, except a few days here in Washington, commencing some time in December, was it?

Mr. KEELEY. That money—

Mr. HANEY. That is not what I asked you.

(By request the stenographer repeated the question.)

Mr. HANEY. Change that by saying "except a part of one day, when Wilson's testimony was taken."

Senator GAMBLE. On December 7?

Mr. HANEY. On December 7, 1910. Was it?

Mr. KEELEY. No, sir.

Mr. HANEY. Then what were you paying Charlie White for during that period of time?

Mr. KEELEY. I can simply tell you what I was told by Mr.

Mr. KEELEY. I can simply tell you what I was told by Mr. McGuire, that he had paid this money out for the—I think he used the phrase "upkeep" of White in Chicago during the fall.

Mr. HANEY. Was Charlie White in the custody of the McGuire & White Detective Agency, or one of their operatives, up to the 19th of December, 1910?

Mr. KEELEY. I do not know, sir.

Mr. HANEY. You do know that Charlie White was in the custody of an officer when he appeared before the senatorial committee in Chicago, do you not?

Mr. KEELEY. No, sir; I do not know that he was in the custody of an officer.

Mr. HANEY. You heard Charlie White's testimony in that investigation, did you not?

Mr. KEELEY. No, sir; I was not there. I was there only half a day when White testified. That is when I skipped.

Mr. HANEY. You read his testimony, did you not?

Mr. KEELEY. No; I do not think I did, Judge.

Mr. HANEY. Do you not know that Charlie White testified at that investigation that he was there before that committee in the custody of an officer, and had been continuously from the time that he was taken in custody at the beginning of the Lee O'Neil Browne prosecution until that time?

Mr. KEELEY. I do not remember that, Judge.

Mr. HANEY. You do not remember anything about that?

Mr. KEELEY. No.

Senator GAMBLE. Was not White in the custody of an officer from the State attorney's office in Chicago from the time that he gave his testimony before the grand jury looking to the indictment of Lee O'Neil Browne? At least it was so understood, that he was in the custody of an officer at the time of the senatorial investigation in September and October.

Mr. HANEY. He said so.

Mr. KEELEY. I do not think so.

Mr. HANEY. I asked the question; and I asked him why he was in the custody of an officer, and the record will show it. I asked him if he was then in the custody of an officer, and he said he was.

Senator GAMBLE. That is my understanding.

Mr. HANEY. I asked him why he was in the custody of an officer, and I think he said he did not know. I asked him if he had been in the custody of an officer right along, and he said he had continuously. I asked him if there was any charge against him, and he said he did not know of any.

Senator GAMBLE. When was he released from custody?

Mr. HANEY. Here quite recently, I understand.

Mr. HEALY. The latter part of December, 1910. He tells us that he was in the custody of an officer for about eight months.

Mr. HANEY. We will find out from him on cross-examination probably.

Mr. HEALY. I only state that for the information of the committee.

Senator KENYON. There is no dispute about that, is there?

Senator GAMBLE. I think there is no dispute.

Mr. HANEY. About what?

Senator KENYON. About his being in charge of an officer. Is there any dispute about that?

Mr. HANEY. There is not on our side, but I want this record to show it.

Mr. MARBLE. I suggest if anything of that kind—

Senator KENYON. If this witness does not know, and it is not a matter in dispute, can it not be agreed upon?

Mr. HANEY. I will agree that he was in the custody of an officer, but I wanted to know what the Chicago Tribune or James Keeley had to do with that, or the White Detective Agency. You remember, Senator Kenyon, as probably some of the other Senators will who had to do with the other investigation, that White testified that he was in the custody of an officer, and that the Tribune Co. started the McGuire & White Detective Agency in the investigation, or worked in connection with White's story sometime before it was turned over to Mr. Wayman, the State's attorney, and that the McGuire & White Detective Agency represented the Tribune up to that time, and Mr. Keeley so testified in his direct examination; and that then Mr. Keeley or the Tribune Co. turned the matter over to the State's attorney, and the State's attorney, Mr. Keeley claimed, was then the employer or then employed the McGuire & White Agency in all of the matters after that, and he paid them, and not the Tri-

bune Co. or Mr. Keeley. So that they are so interwoven in the matter, the McGuire & White Detective Agency representing, it is said, the State's attorney during a certain period and the Tribune Co. during the same period, that we do not know which one paid the McGuire & White Agency for a particular thing. They are so interwoven that it is not plain to me, and I doubt whether it is plain to any member of this honorable committee.

Senator KENYON. The only thing that occurred to me, Judge, was that apparently you are spending a good deal of time on something that is not a matter of dispute. As to the Tribune's connection with it, I can see, of course, that that is a matter that there might be dispute about; but the fact that White was in charge of an officer I assume is a matter that can be agreed upon and considerable time can be saved in that way.

Senator GAMBLE. That is why I made the inquiry. It was recognized in the other hearing that White was in charge of an officer. I propounded the question as to whether the Tribune had anything to do with the custody of White during this time, or the payment of the officer who had him in charge, or whether the officer was paid by the county of Cook through the State's attorney's office.

Mr. KEELEY. We had nothing whatever to do with the selection, the naming, or the payment of the officer. I do not know his name. I assume he was paid by the man who hired him, who was the State's attorney, I suppose.

Senator GAMBLE. I assume that the charge which has been read here in regard to \$150, or some item, being paid White was undoubtedly for his keep and his clothing.

Mr. KEELEY. Yes; "chicken feed."

Senator GAMBLE. It was understood that he had nothing, I believe?

Mr. KEELEY. Yes; he was broke.

Mr. HANEY. If he had nothing, what became of the \$3,500 that was paid him? I do not know what the assumption of Senator Gamble was, but Mr. Keeley has testified here that they paid him \$3,500 on the 25th of April.

Senator GAMBLE. I do not think it lasted very long.

Mr. KEELEY. That is my impression.

Senator GAMBLE. Perhaps I have assumed unduly.

Mr. HANEY. I am going to try to get at this here, if I can.

Senator GAMBLE. It seemed to be understood there that he was not particularly "flush" at the time of the senatorial investigation.

Mr. KEELEY. He was broke, and he had been broke.

Senator GAMBLE. I think it was shown from his own testimony that he was borrowing small sums of money.

Mr. KEELEY. Yes.

Mr. HANEY. He claimed that he was borrowing small sums of money at the time that he claimed he had been paid the money by Brown and Wilson. That is the time he made the claim.

Senator GAMBLE. I may be mistaken in the year. Perhaps it was the year before.

Mr. HANEY. I think that is the fact; that he was getting money from Browne and Wilson; that he was borrowing small sums of money from Lee O'Neil Browne and others, and I proved it by the production of his letters and his notes; but there is no evidence in the

record that I recollect that he was borrowing small sums of money during the investigation in Chicago.

Senator GAMBLE. Perhaps I am mistaken in my recollection.

Mr. HANEY. Why were you or the Tribune paying for Charley White's hotel bills and keep, and so forth, during October, November, and December?

Mr. KEELEY. That does not say that it was for hotel bills, does it, Judge?

Mr. HANEY. I did not say that it was.

Mr. KEELEY. You asked me why I was paying for his hotel bills?

Mr. HANEY. I assumed from the question or the statement of Senator Gamble that you agreed with him, as you did not contradict him.

Mr. KEELEY. The Senator intimated that the gentleman was in a chronic state of brokenness; and he was.

Mr. HANEY. Mentally, morally, and financially? Then what was this money paid to Charlie White for?

Mr. KEELEY. It was paid by McGuire; pocket money, I assume.

Mr. HANEY. Do you know anything about it?

Mr. KEELEY. No, sir; he can tell you.

Mr. HANEY. Did you make any inquiry as to why \$150 of the Tribune money was being paid out to Mr. White during October, November, and December?

Mr. KEELEY. No, sir; except that he told me that he had given that money to White—a few dollars at a time.

Mr. HANEY. How did you know that Charlie White was broke, or "broken"?

Mr. KEELEY. Because he tried to get money from me.

Mr. HANEY. He did get \$3,500 from you, did he not?

Mr. KEELEY. Yes; but since then.

Mr. HANEY. And he wanted to follow the precedent, did he?

Mr. KEELEY. Yes.

Mr. HANEY. When did he try to get money from you?

Mr. KEELEY. Oh, quite recently.

Mr. HANEY. When?

Mr. KEELEY. I have here a letter addressed to Mr. Hammer, of the Chicago Tribune, Chicago Ill., Tribune Building, Editorial Department, marked "Important." The envelope is marked "New St. James Hotel, St. Louis." Here is the letter:

CHICAGO.

Mr. HAMMER: I am in an embarrassing position and know of no way to relieve the situation without asking the Tribune to assist me. I am staying at the Warner Hotel, Thirty-third and Cottage Grove Avenue, under the name of Charles Alexander. I have been here one week to-night and must meet my bill, which is about \$10. I owe a small amount besides my hotel bill that I must meet in some manner, and right at present the extent of my financial resources in cash is just 5 cents.

I had expected to get assistance from Otis Yarbrough, but he has been about three weeks learning the system on the Milwaukee Electric Railway, for which time he is not paid.

If you possibly can, I would appreciate the use of \$20 or \$25 for a few days until I can get some money. I am trying to get my book published and this will assist me some. But I must meet my hotel bill, and under the circumstances, with all of the denunciation that has been heaped upon me, I can not seek out former acquaintances in times such as confront me now. I am bearing all such fortitudes patiently, though, until I can be able to present my position clear to the public. Do me this favor to-night, for I want no more public reflection cast upon me while I am in such straits. You can place the

money in an envelope and give it to the bell boy. Address it "Charles Alexander, care of Warner Hotel, room 706."

Thanking you in advance, I remain,
Respectfully, yours,

CHAS. A. WHITE.

APRIL 8, 1911—7.45 P. M.

Kindly pay messenger boy, for it is impossible for me to do so. If you call me over the phone, please call me as Charles Alexander.

Mr. HANEY. Did he want to show you the hole in the lake, too?

Mr. KEELEY. The poor fellow was broke—up against it.

Mr. HANEY. Why had you such sympathy with him?

Mr. KEELEY. Oh, I did not give him \$25.

Mr. HANEY. No; but your tone and words now express sympathy for him.

Mr. KEELEY. I am always sorry for a fellow in that shape, I do not care who he is.

Senator KENYON. You are sorry for a broken politician?

Mr. KEELEY. Yes.

Mr. HANEY. Did you think that White was a politician?

Mr. KEELEY. I did not say that, sir.

Mr. HANEY. You said "Yes" to Senator Kenyon's question.

Mr. KEELEY. I see no connection between White and Senator Kenyon's question.

Mr. HANEY. Senator Kenyon's question was as to whether you felt sorry for a broken politician.

Mr. KEELEY. The difference is not between you and me, Judge, but between you and the Senator.

Mr. HANEY. Thank you. I very much prefer to be in his class than the other. Now, will you tell me why this money was paid to Charlie White, if you know anything further?

Mr. KEELEY. I know nothing other than what I told you, Judge.

Mr. HANEY. Who is H. C. Norcross?

Mr. KEELEY. H. C. Norcross is a newspaper man.

Mr. HANEY. On the Tribune?

Mr. KEELEY. He is a correspondent.

Mr. HANEY. Where?

Mr. KEELEY. In some town down State.

Mr. HANEY. Do you not know?

Mr. KEELEY. Norcross—Norcross. Have you got the name there, Judge?

Mr. HANEY. I have got the name "H. C. Norcross."

Mr. KEELEY. I mean the name of the town.

Mr. HANEY. No.

Mr. KEELEY. I forget.

Mr. HANEY. Is that the reason you forget—because it is not here?

Mr. KEELEY. Oh, no. I thought it was there, and I was going to save that. Norcross lives at—where does Beckemeyer live?

Mr. HANEY. Carlyle.

Mr. KEELEY. Carlyle.

Mr. HANEY. And is that where Norcross was?

Mr. KEELEY. He lives there. That is my recollection; he lives at Carlyle.

Mr. HANEY. Norcross does?

Mr. KEELEY. Norcross; yes.

Mr. HANEY. What is his business there, other than the correspondent of the Tribune?

Mr. KEELEY. He works on a paper there, or publishes a paper, I think.

Mr. HANEY. What paper?

Mr. KEELEY. I do not know.

Mr. HANEY. What did you pay him \$50 for?

Mr. KEELEY. I did not; Mr. McGuire paid him.

Mr. HANEY. What for?

Mr. KEELEY. He was brought up here as a witness, I believe, in this investigation.

Mr. HANEY. He did not testify, did he?

Mr. KEELEY. He did not, sir.

Mr. HANEY. The committee paid the witnesses who were called up by them to testify, did they not?

Mr. KEELEY. I did not say he was called as a witness by the committee. I think Mr. Austrian had him brought up. That is my recollection.

Mr. HANEY. But he did not call him as a witness?

Mr. KEELEY. His intention was to use him as a witness, I imagine.

Mr. HANEY. Now, will you answer my question?

Mr. KEELEY. He called him as a potential witness.

Mr. HANEY. Will you answer my question?

Mr. KEELEY. That is an answer, sir.

Mr. HANEY. No; was he called as a witness?

Mr. KEELEY. As a potential witness.

Mr. HANEY. What do you mean by that?

Mr. KEELEY. A possible witness.

Mr. HANEY. He was not called as a witness, was he, in the hearing?

Mr. KEELEY. No, sir; not officially.

Mr. HANEY. No. That is what you should have said first. Was the senatorial committee sitting in Chicago on the 23d of November, 1910?

Mr. KEELEY. It was not.

Mr. HANEY. This bill says that this amount was paid to Norcross on the 23d of November, 1910.

Mr. KEELEY. It does not follow that the obligation was incurred the day the bill was paid.

Mr. HANEY. What do you know about it?

Mr. KEELEY. I do not know. I understood that he came up there.

Mr. HANEY. He came up there when?

Mr. KEELEY. During the investigation; and the payment probably was made on the date that you give there.

Mr. HANEY. But the investigation closed the 8th or 9th of October, 1910; did it not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. In Chicago?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And the bill would be ordinarily sent either at the time that he came up there or the first of the following month?

Mr. KEELEY. I do not know, Judge.

Mr. HANEY. You do not know anything about that?

Mr. KEELEY. No, sir.

Mr. HANEY. Why was \$50 paid to Beckemeyer?

Mr. KEELEY. He was brought up for some reason or other.

Mr. HANEY. As a witness?

Mr. KEELEY. As a witness, or for some reason or other.

Mr. HANEY. Let us separate the witness before the committee and the "some reason or other."

Mr. KEELEY. I do not know, Judge. I will say I do not know, and Mr. McGuire can tell you all about all those things.

Mr. HANEY. This bill shows that on the 23d of November, 1910, \$50 was paid to Beckemeyer.

Mr. KEELEY. Yes, sir.

Mr. HANEY. The committee paid Beckemeyer his expenses, did they not?

Mr. KEELEY. I assume so; yes, sir.

Mr. HANEY. Was Beckemeyer in the custody of the Tribune, or anybody representing the Tribune, at that time?

Mr. KEELEY. No, sir; not so far as I know.

Mr. HANEY. The Beckemeyer mentioned here is the H. J. C. Beckemeyer who was mentioned in the former investigation?

Mr. KEELEY. I assume so; yes.

Mr. HANEY. You know so, do you not?

Mr. KEELEY. No; I do not, Judge.

Mr. HANEY. Is there any other Beckemeyer that the Tribune had to do with?

Mr. KEELEY. I do not know. I know of no other. I assume it is the same.

Mr. HANEY. The \$362.50 that was paid out to the different men, commencing with Harrington and ending with Dennis, that I have heretofore called your attention to, and the names of which I have read into the record, is said to have been paid for railroad fare and hotel expenses. Do you know who paid them for their services during that time?

Mr. KEELEY. I do not, sir.

Mr. HANEY. The services of those different men are not included in this bill?

Mr. KEELEY. Judge, I do not know anything more about that bill than is shown on the face of it.

Mr. HANEY. You know that it was paid, do you not?

Mr. KEELEY. I paid the money; yes.

Mr. HANEY. Yes; and do you pay out \$635.65 without knowing anything about what it is for?

Mr. KEELEY. That bill came to me through Mr. Austrian. He told me it was O. K.

Mr. HANEY. And you paid any bill that Austrian O. K'd if it was in the Lorimer matter, did you?

Mr. KEELEY. I will say any bill that Mr. Austrian O. K's; yes, sir—in the Lorimer matter or elsewhere.

Mr. HANEY. You continued printing the White story, or the matters that were connected with it, in the issue of the 8th of May, 1910, did you not?

Mr. KEELEY. What is that, Judge?

Mr. HANEY. You continued printing the White and the other stories connected with the Lorimer matter, and had one story in the issue of the Chicago Tribune of May 8, 1910, did you not?

Mr. KEELEY. Yes.

Mr. HANEY. Did you direct the insertion of the article headed: "Lorimer's national bank begins business to-morrow. Allied trust

and savings institution, the Senator says, will be organized formally this week?" Did you insert or direct the insertion of that article on the second page of the Tribune of that day?

Mr. KEELEY. No, sir.

Mr. HANEY. It is right here; shall I turn it around?

Mr. KEELEY. No; I can read backward.

Mr. HANEY. I know that.

Mr. KEELEY (after examining article). No, sir; I did not.

Mr. HANEY. You printed that story on the second page of the Tribune—the article which commences in the issue of the morning of the 8th of May, 1910? It commences in the sixth column of one page, and fills all of that, and all of the seventh column, and then practically six columns (all of the news matter) on the second page of that issue of the Tribune. That is right, is it?

Mr. KEELEY. Yes; I assume so.

Mr. HANEY. And on the second page of that article, in that issue of the paper, covering four columns, are the portraits of Lee O'Neil Browne (covering a double-column space) and Robert E. Wilson (covering a two-column space), both being at the head of the columns; then the portrait or picture of Michael S. Link (covering a two-column space) immediately under Robert E. Wilson's portrait, and W. C. Blair (covering one column) immediately under Lee O'Neil Brown's picture. That is right, is it not?

Mr. KEELEY. Yes, sir; that is correct.

Mr. HANEY. And then, after that, comes——

Mr. KEELEY. And in the six columns there were three items referring to Mr. Link. Mr. Lorimer's bank, and an item from the Chicago Journal headed, "Points to Lorimer's duty."

Mr. HANEY. You can not always read backwards?

Mr. KEELEY. No. That is a Chicago Journal editorial.

Mr. HANEY. And after the subheading "Link, who took a \$1,000 bribe, said to be worth \$50,000; Representatives friends in Granite City tell of his valuable real estate holdings there" (that being the headline of one article), comes the article headed "Lorimer's national bank begins business to-morrow," in large headlines; and then, immediately under that, in headlines, "Points to Lorimer's duty. Chicago Journal editorially urges him to refrain from senatorial prerogatives until after trial."

Why was the notice that Lorimer's national bank would begin business "to-morrow"—that is, the 9th of May—sandwiched in between those stories condemning and criticizing Lee O'Neill Browne, Robert E. Wilson, W. C. Blair, Michael S. Link, etc.

Mr. KEELEY. I had nothing to do with that, and I do not know why it was put there.

Mr. HANEY. Somebody put it there who evidently understood your policy and that of the Tribune, did he not?

Mr. KEELEY. The man who put it there used his own judgment in the matter, in making up the paper.

Mr. HANEY. Did the same man——

Mr. KEELEY. And I will say very frankly, Judge, that it was probably put there because of classification. Stories go out on various slugs; and that may have been marked "Lorimer."

Mr. HANEY. This was a slug, was it?

Mr. KEELEY. Oh, I do not know. I am just telling you what might have happened. It was not a slug in the sense that you mean.

Mr. HANEY. It was in fact a slug, was it not, even of the kind that I mean?

Mr. KEELEY. I say a "slug" is a technical name for a piece of newspaper furniture. They give the names and numbers, and the story is put on a certain slug. All the stories go up to the copy book. If it is a long story they may have two slugs. The copy cutter marks the number of the slug on the sheet of copy, and it goes to the printer. Then, when he sets his "take" it is assembled, and goes down in that way. I am giving you that as one of the possible reasons.

Mr. HANEY. One slug was all that was necessary for the Lorimer bank in that connection, was it not?

Mr. KEELEY. Oh, no! The Lorimer story that day was a long one. They probably had two or three.

Mr. HANEY. Yes. You kept that news notice of the opening of Lorimer's bank in your paper right along, in connection with the charges that were said at that time to reflect upon him and his right to sit in the Senate, did you not?

Mr. KEELEY. I do not say we kept it in the papers a long time, Judge. The paper is the best evidence. Show me.

Mr. HANEY. This article that I have read the headlines of, in relation to the opening of Lorimer's bank, is not an advertisement, is it?

Mr. KEELEY. No, sir.

Mr. HANEY. It is a news item?

Mr. KEELEY. A news item; yes, sir.

Mr. HANEY. Was that article, or that item of news, placed in the place where it appears, on the second page of the issue of May 8, by the same man who asked you where he should put the other notice that appeared in the issue of the Tribune of the 30th of April, 1910?

Mr. KEELEY. Was it placed there by him?

Mr. HANEY. By the same man?

Mr. KEELEY. I do not know. The man who picked up the piece of type the first night was a printer. Mr. Beck, the managing editor, made up the paper.

Mr. HANEY. When?

Mr. KEELEY. I assume—let me see who was night editor then. I think he was making up the paper then.

Mr. HANEY. On the 30th of April?

Mr. KEELEY. No; he was not. Who was? Let me see.

Mr. HANEY. I want the facts—not reasoning or deduction.

Mr. KEELEY. I am trying to think, Judge, who was making up the paper. I can not tell. I think Mr. Beck made up the paper.

Mr. HANEY. Do not try too hard.

Mr. KEELEY. I will not. I think he made up the paper.

Mr. HANEY. On the 30th of April?

Mr. KEELEY. Yes; I think he did.

Mr. HANEY. You referred in your testimony of yesterday to the "form man," or what name did you designate him by—the man who called your attention to what you called the "hole" in the issue of the paper of the 30th of April?

Mr. KEELEY. Who called my attention to it?

Mr. HANEY. Yes. What did you call him—the “form man”?

Mr. KEELEY. No, no, no.

Mr. HANEY. What did you call him?

Mr. KEELEY. I said a make-up man.

Mr. HANEY. A make-up man?

Mr. KEELEY. Yes.

Mr. HANEY. That is the man who makes up the paper?

Mr. KEELEY. Oh, no; he is not.

Mr. HANEY. What is he?

Mr. KEELEY. The make-up man is a compositor who assembles the type in the various pages. The man who makes up the paper is the night editor.

Mr. HANEY. What was the name of the man that called your attention to what you call the “hole” in that issue of the paper?

Mr. KEELEY. I do not remember who it was. It was one of the make-up men. There were six or seven of them there.

Mr. HANEY. Why were they standing around in that one place at that time?

Mr. KEELEY. Because this was the last page, as I recollect, that was going down, and we were pushing it along.

Mr. HANEY. And it was the White story?

Mr. KEELEY. I am referring to page 2 of April 30; yes.

Mr. HANEY. Why did that man call your attention to what you call the “hole” in the paper?

Mr. KEELEY. Because I was standing at the foot of the form there and directing the make-up of the page.

Mr. HANEY. Did he have anything to do with the make-up of that page?

Mr. KEELEY. Yes; the mechanical end of it. I think he and the other fellows were putting the type in.

Mr. HANEY. What were the other five or six men who stood about there doing? What was their connection with the matter?

Mr. KEELEY. They were make-up men; and I think they had already sent in their pages, and they were helping on this last page—helping in justification, putting in leads, pulling out, etc.

Mr. HANEY. You mean they were helping make up the second page of the Tribune?

Mr. KEELEY. They were standing around there; yes, sir.

Mr. HANEY. Not the last page, but the second page?

Mr. KEELEY. The second page, as I recollect, Judge, was the last page in.

Mr. HANEY. That is, you held it until the last?

Mr. KEELEY. No; I did not. It was the last one to go.

Mr. HANEY. It was the last one on that occasion, anyhow?

Mr. KEELEY. Yes; that is my recollection.

Mr. HANEY. And the other men who stood around there, five or six of them, were what you call make-up men—men who made up the different pages of the Tribune on the different dates about that time, were they?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And they were the same men who made up the paper a month or two months after that, were they not?

Mr. KEELEY. They were the same men who performed the mechanical operation of making it up.

Mr. HANEY. So that those men all heard you say to put in the notice of the Lorimer bank opening in what you call the "hole" on the night of the 29th of April, or the morning of the 30th of April, did they?

Mr. KEELEY. The same men; yes.

Mr. HANEY. And they followed out your policy by putting the same kind of a notice in connection with the same kind of matters connected with the senatorial contest of Senator Lorimer on May 8, 1910, did they not?

Mr. KEELEY. They did not.

Mr. HANEY. They did put it in there in connection with that, did they not?

Mr. KEELEY. Those men——

Mr. HANEY. Answer the question.

Mr. KEELEY. Just a minute, Judge, please.

Mr. HANEY. Answer my question, please, then you can talk about anything you want to.

Mr. KEELEY. I did not finish what I should have stated in answer to your other question. I said no, they did not, because they had no volition in the matter. They do what they are told, and they never put any type in the forms until they are instructed to do it by the night editor.

Mr. HANEY. Who was the night editor?

Mr. KEELEY. My recollection is that Mr. Beck was making up the paper.

Mr. HANEY. Teddy Beck was present at the time that you gave directions to fill the "hole" in the issue of the 30th of April, was he not?

Mr. KEELEY. He was.

Mr. HANEY. And he was in the same position in the make-up of the paper on the 8th of May, 1910, was he not?

Mr. KEELEY. Yes; he and Mr. Handy.

Mr. HANEY. And they were both present when you gave directions to fill the "hole" in the issue of the 30th of April?

Mr. KEELEY. That is my recollection; yes.

Mr. HANEY. So they did not need any special direction from you or anybody as to the policy of the paper in placing the notice of the opening of Lorimer's bank in connection with the scandal that you were publishing, did they?

Mr. KEELEY. I would not say that, Judge.

Mr. HANEY. Why would you not say it?

Mr. KEELEY. Oh, you are assuming something that is not based on fact.

Mr. HANEY. If it is not the fact, you have an opportunity to deny it. Why do you not deny it if it is not the truth?

Mr. KEELEY. You are assuming that their minds took a certain course, and I do not know what course their minds took.

Mr. HANEY. I did not ask you about their minds taking any course.

Mr. KEELEY. You are assuming that their action was based on something. Their action was based on the course of their minds—on the mental processes of those gentlemen.

Mr. HANEY. Do they operate in any different way than as their minds direct?

Mr. KEELEY. They do not.

Mr. HANEY. And they did operate so as to put that notice of the opening of the Lorimer bank in the place that it was on the 8th of May, 1910, in connection with the Lorimer scandal, so-called?

Mr. KEELEY. It is in there, and it must have been placed there by some one's direction.

Mr. HANEY. Did you ever have any quarrel with Lee O'Neil Browne?

Mr. KEELEY. No, sir.

Mr. HANEY. You did not know him, did you, until this thing started up?

Mr. KEELEY. No, sir. Oh, I knew who he was.

Mr. HANEY. Yes; but you did not know anything against him?

Mr. KEELEY. I did not know anything about him, definitely.

Mr. HANEY. You did not know anything about him at the time you published the White story or when the indictment was found against Browne?

Mr. KEELEY. Oh, I knew of him. He was a public character; yes.

Mr. HANEY. But did you know him?

Mr. KEELEY. Personally?

Mr. HANEY. Yes.

Mr. KEELEY. No, sir.

Mr. HANEY. Did you know anything about him?

Mr. KEELEY. Personally? No, sir.

Mr. HANEY. You had not any grievance or grudge or grouch or soreness toward him?

Mr. KEELEY. No, sir.

Mr. HANEY. Nor did the policy of the Tribune at that time?

Mr. KEELEY. Not so far as I recollect.

Mr. HANEY. You were not after Browne, were you? You were after Lorimer?

Mr. KEELEY. You have an assumption there that I deny, sir.

Mr. HANEY. Do you mean to be understood as saying that you were not after Senator Lorimer?

Mr. KEELEY. Your phraseology does not express my attitude.

Mr. HANEY. Do you mean it does not express the truth as you understood it?

Mr. KEELEY. My attitude. You spoke of my attitude.

Mr. HANEY. Is the truth different from what you call your attitude?

Mr. KEELEY. What do you assume to be the truth?

Mr. HANEY. I am not assuming anything. I supposed that outside of newspaper offices it had a fixed standard.

Mr. KEELEY. Possibly.

Mr. HANEY. And you are not familiar with any such—is that it? [After a pause.] What do you say, Mr. Keeley?

Mr. KEELEY. Oh, what is the use, Judge?

Mr. HANEY. If you have gotten to the point where that expression covers your whole position—

Mr. KEELEY. No, no; that covers my position on this incident.

Mr. HANEY. I am asking you for the truth?

Mr. KEELEY. I am trying to tell you the truth.

Mr. HANEY. Suppose you stop trying and do it. [After a pause.] What do you say, Mr. Keeley?

Mr. KEELEY. What do I say to what?

(By request the stenographer read aloud as follows:)

Mr. HANEY. I am asking you for the truth.

Mr. KEELEY. I am trying to tell you the truth.

Mr. HANEY. Suppose you stop trying and do it.

Mr. KEELEY. There is no question there.

Mr. HANEY. That is unanswerable. I suppose?

(By request, the stenographer read, at this point, the following question:)

Mr. HANEY. You were not after Browne, were you? You were a Lorimer?

Mr. KEELEY. I answered that.

Mr. HANEY. Now will you answer the question?

Mr. KEELEY. I said I was not after Lorimer in the way you tended it, I think.

Mr. HANEY. In what way were you after him?

Mr. KEELEY. I believed that Mr. Lorimer was not in possession of the United States Senatorship by legal and proper and lawful means.

Mr. HANEY. Did you ever study law?

Mr. KEELEY. I did not, sir; but I have an idea of civic honesty.

Mr. HANEY. Where did you get it?

Mr. KEELEY. Not from association with you, Judge. [Laughter.] Senator FLETCHER (presiding). Gentlemen, we are not going to turn this investigation into a performance like that. We must have order here or we shall clear the room; that is all.

Mr. HANEY. I am exceedingly obliged to you, Mr. Keeley, in exonerating me from that kind of civic honor.

Mr. KEELEY. Do not mention it.

Mr. HANEY. All right. Now, will you answer the question?

Mr. KEELEY. What is the question?

Mr. HANEY. You were after Lorimer, were you not—not Browne or Beckemeyer or Link or Holtslaw or the other men?

Mr. KEELEY. I was after Mr. Lorimer in the way I have indicated.

Mr. HANEY. Because you wanted him unseated from the place which he was elected by the Legislature of Illinois, did you not?

Mr. KEELEY. Because I thought he should be unseated.

Mr. HANEY. Yes; and that was why you were after him, was it not?

Mr. KEELEY. Naturally.

Mr. HANEY. Yes. You had not any grievance against Lee O'Norton, H. J. C. Beckemeyer, D. W. Holtslaw, John Broderick, Robert E. Wilson, had you?

Mr. KEELEY. No, sir.

Mr. HANEY. You did not know any of those men at all, did you?

Mr. KEELEY. I knew of Browne. I did not know Holtslaw. As far as I knew very little about Beckemeyer I do not think I knew him at all. Link I do not think I knew.

Mr. HANEY. You told us yesterday that the policy of the Tribune was, and your policy was, to drive Senator Lorimer out of politics in Chicago, Cook County, and Illinois.

Mr. KEELEY. Will you quote my testimony to that effect, Judge?

Mr. HANEY. Is not that the fact?

Mr. KEELEY. I will answer a question about a fact; but when you quote me, I wish you would read from the record.

Mr. HANEY. I am not quoting you; I am asking you a question. Will you be kind enough to answer it?

Mr. KEELEY. You asked me if I testified to that yesterday, did you not? You asked me that, or made the statement that I did. I ask, if that statement stands, that you will read what I did say.

Mr. HANEY. Is it a fact that the policy of the Tribune was, and your policy was as managing editor, editor in chief, or publisher, or any two or all of them together, to drive William Lorimer out of politics in Chicago and Illinois?

Mr. KEELEY. We thought Mr. Lorimer—

Mr. HANEY. Will you answer that question? Then you can talk all you want to.

Mr. KEELEY. Yes; because we thought Mr. Lorimer was a malign influence in politics.

Mr. HANEY. And your efforts to drive him out of politics led you to buy the White story and pay \$3,500 for it, and led you to pay \$750 in cash to Glavis in the effort to drive William Lorimer out of politics; did they not?

Mr. KEELEY. I should say yes.

Mr. HANEY. And all of the other things that you have done in that connection—publications and otherwise—were in furtherance of that policy and that purpose, were they not?

Mr. KEELEY. Yes; owing to the belief I had that Mr. Lorimer was not legally and properly elected United States Senator.

Mr. HANEY. You published in the Tribune here quite recently, in connection with the prosecutions of some men for assaults in labor matters—the killing of Altman and some of the others—the statement that there was a schedule of prices in certain circles by which men's lives would be taken, or men would be maimed physically for a certain schedule price in dollars and cents, did you not?

Mr. KEELEY. I think such a story was printed; yes.

Mr. HANEY. About what were the schedule prices, or the prices that you referred to, for the maiming of men or the taking of the lives of men?

Mr. KEELEY. Oh, some small sum; I have forgotten, Judge.

Mr. HANEY. About how much, Mr. Keeley?

Mr. KEELEY. About \$25 or \$50—something like that; less than a hundred, we will say.

Mr. HANEY. Less than \$100?

Mr. KEELEY. Yes.

Mr. HANEY. That is, that men could be obtained to maim other men—break their limbs or maim them for life, or even take their lives—for prices ranging from \$25 up to \$100?

Mr. KEELEY. That was somebody's statement; yes.

Mr. HANEY. And you published it?

Mr. KEELEY. As somebody's statement.

Mr. HANEY. And that was published in different newspapers in Chicago, was it not?

Mr. KEELEY. I believe so, Judge.

Mr. HANEY. And you offered \$5,000 for anybody who would furnish evidence that would disclose the identity of the "syndicate" that was supposed to have put up the money to elect William Lorimer to the United States Senate?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And you did not get any such evidence after the exceedingly liberal offer?

Mr. KEELEY. No, sir.

Mr. HANEY. And you knew at the time that it was common reported that men could be obtained in Chicago to take the lives of other men for less than \$100?

Mr. KEELEY. No; I did not.

Mr. HANEY. You knew it was commonly reported there; did you not?

Mr. KEELEY. No; I did not. This story of which you speak and on which you base that statement was printed within the last two or three months, was it not, Judge?

Mr. HANEY. Yes; I know; but are conditions different in Chicago now in that respect from what they were when you published that notice?

Mr. KEELEY. I had never seen the price list before. I had never heard of it until this recent publication.

Mr. HANEY. That is not what I am asking you about. I am asking you about the conditions as they existed in Chicago at the time you published that notice and at the time you published the schedule of prices.

Mr. KEELEY. Labor or political conditions?

Mr. HANEY. Any conditions.

Mr. KEELEY. I should say the labor conditions are infinitely worse.

Mr. HANEY. I mean the conditions as to the ability of anybody who wanted the things done to hire men to take the lives of other men. That is the condition I am referring to.

Mr. KEELEY. I know nothing about that condition.

Mr. HANEY. No; but you knew that it was reported and rumored in Chicago at that time that men could be obtained to take the lives of other men?

Mr. KEELEY. I did not, sir, at that time.

Mr. HANEY. What is the name of the man who was killed in the Tribune office by falling down the elevator shaft?

Mr. KEELEY. Killed?

Mr. HANEY. Yes; he died shortly afterwards, I think.

Mr. KEELEY. We killed a man—a man was killed five or six—

Mr. HANEY. When you say "we," do you mean that you participated?

Mr. KEELEY. Oh, no, Judge.

Mr. HANEY. What do you mean by "we"?

Mr. KEELEY. I was using the word "we" as representing the company. I was going to state that we killed a man, or a man was killed in an elevator shaft, five or six years ago. I think I know what you are driving at now. The man was not killed at all.

Mr. HANEY. What did happen to him?

Mr. KEELEY. He was beaten up, thrown down the elevator shaft and shot at.

Mr. HANEY. From where to where?

Mr. KEELEY. He was on the mailing floor.

Mr. HANEY. Tell us the number of it.

Mr. KEELEY. The first floor below the street level.

Mr. HANEY. No; but where was he thrown from?

Mr. KEELEY. I say, he was on the mailing floor, the first floor below the street level, and he was thrown to the pressroom floor—the second floor below the street level.

Mr. HANEY. How many floors?

Mr. KEELEY. He was thrown down one.

Mr. HANEY. One floor?

Mr. KEELEY. Yes.

Mr. HANEY. And he was beaten up before that happened, was he not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And made unconscious, was he?

Mr. KEELEY. No; I think not.

Mr. HANEY. What happened to him after he was thrown down the elevator shaft to the floor below?

Mr. KEELEY. I was not in Chicago then. Yes; I was. I left Chicago that day.

Mr. HANEY. Not because of that?

Mr. KEELEY. Not because of that, Judge; no.

Mr. HANEY. What happened to the man?

Mr. KEELEY. Then he was thrown down the elevator shaft, and I think the fellow that was after him jumped down on him. No; he did not. Some of the pressmen or stereotypers picked up this man and took him over to a big wash basin there, and started to wash the blood off him; and the fellow who was after him came down after him with a gun and shot at him.

Mr. HANEY. He was prostrate and unconscious, was he not?

Mr. KEELEY. No; he was standing up at this big wash trough, and was being washed and helped by some of the other men.

Mr. HANEY. Did he drive the other men who were trying to relieve the injured man away from him?

Mr. KEELEY. No; they got after the man with the gun.

Mr. HANEY. Who did?

Mr. KEELEY. The men who were helping this injured man.

Mr. HANEY. He shot at the man he had thrown down the elevator shaft first, did he not?

Mr. KEELEY. I think he did, judge; as he came down.

Mr. HANEY. Did the bullet strike the man?

Mr. KEELEY. I do not think it did.

Mr. HANEY. He was never prosecuted, was he?

Mr. KEELEY. He was not.

Mr. HANEY. He was never arrested?

Mr. KEELEY. He was not.

Mr. HANEY. And was never indicted?

Mr. KEELEY. He was not.

Mr. HANEY. And no prosecution of any kind was made against him by complaint, indictment, or otherwise?

Mr. KEELEY. No, sir.

Mr. HANEY. By either the Tribune or any of its officers or employees?

Mr. KEELEY. No, sir.

Mr. HANEY. Was the man who was thrown down the elevator shaft an employee of the Tribune?

Mr. KEELEY. I think he had been until that morning or the day before. My recollection of the circumstance is that he had been

discharged, and that he came in there, and he had a row with other man over the amount of pay that was due him, and that first pulled a gun on this man who assaulted him, and shot at him, I believe.

Mr. HANEY. Do you not know that there were no shots fired on the man who threw the other one down the elevator shaft with a gun down and fired?

Mr. KEELEY. That is right, Judge. They had a fight for the gun and the beat each other up, I think, with the butts of the guns.

Mr. HANEY. Was the man who threw the other one down an employee of the Tribune?

Mr. KEELEY. He was.

Mr. HANEY. In what capacity?

Mr. KEELEY. In the circulation department.

Mr. HANEY. In what is called the "wrecking gang"?

Mr. KEELEY. No, sir.

Mr. HANEY. What is the "wrecking gang," as distinguished from the circulating department?

Mr. KEELEY. We have no "wrecking gang."

Mr. HANEY. The circulating department is the department that circulates the paper in different parts of the city and provides stands or places where it may be sold, is it not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. There are men who go around from the Tribune office to see that nobody else disturbs the people who are selling those papers, and to acquire as many other locations that are desirable as possible?

Mr. KEELEY. Yes, sir.

Mr. HANEY. How many men are in the employ of the Tribune in that position?

Mr. KEELEY. Division superintendents?

Mr. HANEY. The men who are in that position.

Mr. KEELEY. Yes; they call them division men.

Mr. HANEY. I do not care what their names are; I am speaking of the employment.

Mr. KEELEY. I do not know exactly, Judge—six or eight.

Mr. HANEY. Do they have anything else to do than in the circulating department?

Mr. KEELEY. They do not.

Mr. HANEY. There have been a number of cases where men in the circulating department have had fights with other men, and other men have been maimed and even killed; have there not?

Mr. KEELEY. In our department?

Mr. HANEY. I did not know that you were in that department.

Mr. KEELEY. You spoke of the division superintendents—the men who go out.

Mr. HANEY. No; I am speaking of the circulating department.

Mr. KEELEY. I say, do you mean in our circulation department?

Mr. HANEY. I only know what you mean by what you say. You said "in our department."

Mr. KEELEY. In our circulation department?

The CHAIRMAN. As you understand each other, go ahead.

Mr. KEELEY. Yes; I have asked if he means in our circulation department.

Mr. HANEY. How many have been maimed or killed in contests growing out of locations, and so forth?

Mr. KEELEY. None, sir; that I have any knowledge of.

Mr. HANEY. Practically every newspaper in Chicago published the statement that men could be hired in Chicago to take the lives of other men for prices ranging from \$25 to \$100, and with no other motive for taking the lives of other men than the payment of those prices; did they not?

Mr. KEELEY. You say they did, Judge?

Mr. HANEY. What do you say?

Mr. KEELEY. I said that I thought I was out of town when that story was printed.

Mr. HANEY. That might be; but—

Mr. KEELEY. And I will accept your statement that they probably did. I do not know whether they did or not.

Mr. HANEY. You said that you, or the Tribune, spent more than \$20,000, or about \$20,000, not including the salaries of the different employees of the Tribune that were engaged in that work, in attempting to prove the charges against Senator Lorimer, did you not?

Mr. KEELEY. I said our expenditures were about \$20,000.

Senator GAMBLE. Does that \$20,000 include what you paid the attorneys?

Mr. KEELEY. Yes, sir; everything.

Mr. HANEY. It does not include the salaries of the employees?

Mr. KEELEY. No; they would have been on the payroll anyway.

Mr. HANEY. Yes; but you said, in answer to Senator Gamble, that it covered everything. It did not cover the salaries that were paid to the different employees of the Chicago Tribune who were assigned to work in that department, did it?

Mr. KEELEY. No, sir; but their salaries would have been paid just the same if the Lorimer case had not existed.

Mr. HANEY. Yes. And in addition to the \$20,000 that you say you expended, you offered to pay \$5,000 more at any time to anybody who would furnish evidence of the so-called "syndicate" who put up the money, or who are said to have put up the money, to elect Senator Lorimer?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And still you did not get any evidence of that kind other than that you have told here?

Mr. KEELEY. No, sir.

Mr. HANEY. You did get a great many letters, signed and unsigned—communications of different kinds?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Charging or connecting different men with the furnishing or raising or disbursing of a fund for the election of Senator Lorimer, did you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. About how many?

Mr. KEELEY. How many letters?

Mr. HANEY. Yes.

Mr. KEELEY. I could not tell you, Judge.

Mr. HANEY. Oh, approximately.

Mr. KEELEY. Hundreds.

Mr. HANEY. Thousands?

Mr. KEELEY. No.

Mr. HANEY. Hundreds?

Mr. KEELEY. Hundreds; yes.

Mr. HANEY. How many communications of other kinds did you get—other than letters?

Mr. KEELEY. Verbal communications?

Mr. HANEY. Any kind—telephonic, telegraphic, or oral.

Mr. KEELEY. Oh, lots, Judge; lots of them.

Mr. HANEY. I do not know what "lots" means.

Mr. KEELEY. I can not say how many conversations I have had.

Mr. HANEY. Approximately.

Mr. KEELEY. Oh, hundreds.

Mr. HANEY. And you had communications of one kind or another that related to nearly or practically every man of prominence connected with any of the large corporations?

Mr. KEELEY. Public-service.

Mr. HANEY. In or about Chicago?

Mr. KEELEY. Public-service corporations.

Mr. HANEY. And you included in the public-service corporation the stock yards and the packing companies?

Mr. KEELEY. Yes.

Mr. HANEY. The packing companies are not public-service companies, are they?

The CHAIRMAN. Did you not go into that very fully yesterday?

Mr. KEELEY. I think I did.

Mr. HANEY. I am only asking this one question in connection with this other testimony, Mr. Chairman.

Mr. KEELEY. Yes; I said that, with that reservation.

Senator FLETCHER. When did you say you employed McGuire White in this matter?

Mr. KEELEY. Some time after I read the narrative, which was about the 12th of March, or somewhere along in there.

Senator FLETCHER. You employed them for what purpose?

Mr. KEELEY. To help in the investigation as to its truth or inaccuracy.

Senator FLETCHER. You kept them employed in that for how long?

Mr. KEELEY. What employment there was lasted until April 1 but, as I stated this morning, there were no trips of investigation. It was simply an examination by Mr. McGuire of the men and reading the documents.

Senator FLETCHER. Mr. Wayman testified that he employed McGuire & White's agency about the 30th of April, did he not? have here, page 381 of the former record, where Mr. Wayman says:

I don't believe that McGuire & White were hired as early as the 25th of March. My investigation was started at that time. I had the matter myself, I should judge, a week or 10 days before I employed McGuire & White at that time, and I know there had been nothing of any importance done.

Mr. KEELEY. Yes.

Senator FLETCHER. Then he said that before he employed them he insisted that they should be released by you and the Tribune Company.

Mr. KEELEY. Yes, sir.

Senator FLETCHER. I read further, from page 380 of the former record:

What were you told?

A. I was told that there had been no investigation made to any extent at all, because I asked Mr. McGuire what they knew about it, and he said, "We have done nothing toward investigating the manuscript of White at all."

Do you know what they were doing, if they were not investigating that matter?

Mr. KEELEY. I say, Senator, that my recollection is that the manuscript was turned over to McGuire, and he read it, and had several interviews with Mr. White on the matter, and examined him on the matter.

Senator FLETCHER. And yet McGuire tells Mr. Wayman, when Mr. Wayman engages him, this:

Q. What did he tell you?—A. He told me they had made no investigation as to the evidence at all.

Mr. KEELEY. I can not explain that, Senator.

Mr. HANEY. You published the story, anyway, on the 30th of April?

Mr. KEELEY. Yes.

Mr. HANEY. And you learned the night before, that—

Senator GAMBLE. The McGuire & White Agency had been of no particular service to you in determining your judgment as to the truthfulness of the story before the 30th of April, 1910?

Mr. KEELEY. Except in so far as I had Mr. McGuire's judgment as to the truth of the story after he had read it and talked with Mr. White.

Senator GAMBLE. But not from any examination or investigation throughout the State?

Mr. KEELEY. No, sir.

Mr. HANEY. You decided to publish the story on the afternoon or evening of the 29th of April, 1910, after you got a telephonic communication from Alfred Austrian, your attorney, that Mr. Wayman, the State's attorney, was going to call, or had called, a special grand jury to meet the next day?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And you did not decide to publish the White story until the State's attorney notified your attorney that he, the State's attorney, was going to call a special grand jury to investigate the White story?

Mr. KEELEY. I did not say that.

Mr. HANEY. Is that the fact?

Mr. KEELEY. It is not the fact. You assume something of which I had no knowledge.

Mr. HANEY. Wherein is there a difference between your knowledge of the fact and my question?

Mr. KEELEY. You said, I believe, that I decided to publish the story after Mr. Wayman had informed Mr. Austrian that he would call a special grand jury to investigate the White story.

Mr. HANEY. What are the facts?

Mr. KEELEY. And I never made any such statement as that.

Mr. HANEY. What are the facts?

Mr. KEELEY. The facts are as I stated them, that Mr. Austrian told me that there would be a special grand jury, he understood, to investigate this western Indiana matter.

Mr. HANEY. Yes; and other matters?

Mr. KEELEY. My recollection is that he told me this grand jury would be called specifically for that, and said it would be a good time to print this story.

Mr. HANEY. The State's attorney had to file a petition, under the laws of Illinois, asking some judge of the criminal court to enter an order calling a special grand jury, and was required to state in the petition the purpose for which the State's attorney desired, and the court was asked, to call a special grand jury to investigate. That is the fact, is it not?

Mr. KEELEY. I do not know the legal processes, Judge.

Mr. HANEY. You do know that the State's attorney did file a petition asking the judge of the criminal court of Cook County to call a special grand jury for the purpose of investigating what you call the western Indiana matter and other matters, do you not?

Mr. KEELEY. I did not know that, Judge.

Mr. HANEY. You knew when Alfred Austrian, your attorney, told you that over the telephone at your farm in Wheaton, that a special grand jury was to be called, that the White matter would come before that grand jury, did you not?

Mr. KEELEY. I assumed that it would, if I printed the story the next day.

Mr. HANEY. That is why you hurriedly came from your farm in Wheaton to Chicago?

Mr. KEELEY. Yes.

Mr. HANEY. And signed the contract with White, and paid him \$1,250 in cash, and ordered the publication of the White story for the next morning, the 30th of April?

Mr. KEELEY. Yes.

Senator GAMBLE. That is, you were anxious to publish the story before the matter was the subject of investigation before the grand jury, so that your paper might have the advantage of the first publication of the information?

Mr. KEELEY. Surely.

Senator GAMBLE. It was a newspaper proposition?

Mr. KEELEY. There was quite a lot of fussing about that; yes.

Mr. HANEY. Is it not a fact that that was not your purpose, your intention at all, Mr. Keeley, but that you decided to publish the story only when you found that the State's attorney would take action before a grand jury for the indictment of somebody?

Mr. KEELEY. That is not a fact.

Mr. HANEY. Did you not turn the White story over to Mr. Wagoner, the State's attorney for Cook County, for investigation to ascertain whether he, the State's attorney, would present it to the grand jury for indictment against the parties charged, or some of them?

Mr. KEELEY. I did not, sir. I turned it over to him because I thought it was my duty to turn it over to him as the law officer of Cook County, for such use as he should make of it.

Mr. HANEY. Did you not tell Mr. White that that was not a newspaper story alone, but it was one for the criminal court and the criminal officers of Cook County to deal with?

Mr. KEELEY. Yes, sir.

Mr. HANEY. You told Mr. Wayman that when you gave it to him?

Mr. KEELEY. Yes.

Mr. HANEY. You gave it to him with that purpose in view, did you not?

Mr. KEELEY. For Mr. Wayman, who was the law officer, the criminal law officer of Cook County, yes; for his examination and action, if he felt action was required.

Mr. HANEY. And there was not anything that would prevent you from publishing the White story at any time before the 1st of April, 1910, was there?

Mr. KEELEY. Oh, yes; there were several things.

Mr. HANEY. What was there?

Mr. KEELEY. We were in a bad labor snarl there.

Mr. HANEY. When was that settled?

Mr. KEELEY. That was settled the latter part of April, I think.

Mr. HANEY. When?

Mr. KEELEY. I do not remember, exactly.

Mr. HANEY. It was not in existence on the 25th of April, was it?

Mr. KEELEY. One part of it was, and it looked as if it might spread.

Mr. HANEY. Yes; but you published the Tribune right along, did you not, every day?

Mr. KEELEY. Not at its normal size; no, sir.

Mr. HANEY. Is it not a fact that you were waiting for the publication of that story until you found what the State's attorney of Cook County would do with the story that you had turned over to him, and sent White to see him in relation to?

Mr. KEELEY. No, sir.

Mr. HANEY. Do you not know that the State's attorney of Cook County told your attorney, Alfred Austrian, before Mr. Austrian telephoned to you at Wheaton, that he, Wayman, the State's attorney of Cook County, was going to present the White matter to the grand jury and indict some of the parties?

Mr. KEELEY. I do not, sir.

Mr. HANEY. You told this honorable committee yesterday or the day before—I think it was yesterday—that Alfred Austrian, of the firm of Mayer, Meyer, Austrian & Platt, was the attorney for the liquor interests in the prosecutions which were carried on by the then State's attorney, Mr. Healy, against the different saloon keepers in Chicago for keeping their places open on Sunday?

Mr. KEELEY. Yes, sir.

Mr. HANEY. That was a matter of considerable controversy and publicity and so forth, was it not?

Mr. KEELEY. It was, Judge.

Mr. HANEY. And there is an organization in Chicago known as the United Societies for Personal Liberty, or Self Government?

Mr. KEELEY. I do not know the latter part of the title. I know it as the United Societies.

Mr. HANEY. There are other united societies?

Mr. KEELEY. This is known as The United Societies.

Mr. HANEY. The United Societies for Local Self Government?

Mr. KEELEY. That is probably it.

Mr. HANEY. And that society was much interested, and active, in the question of the closing of the saloons on Sunday, is it not?

Mr. KEELEY. It was.

Mr. HANEY. And Alfred Austrian represented the United Societies in those prosecutions, did he not?

Mr. KEELEY. He defended them, yes.

Mr. HANEY. And after the prosecutions and the trials of a great many cases, there was a primary in Cook County, was there not?

Mr. KEELEY. There was.

Mr. HANEY. And in that primary Mr. Healy was a candidate for nomination for State's attorney for the second term, and John E. Wayman was the opposing candidate?

Mr. KEELEY. On the Republican ticket; yes.

Mr. HANEY. They were both on the Republican ticket at that primary?

Mr. KEELEY. Yes.

Mr. HANEY. And the United Societies and Alfred Austrian, the attorney, were very active in support of John E. W. Wayman in that primary campaign, were they not?

Mr. KEELEY. They were. They fought Mr. Healy bitterly—a moment, Judge. I know the United Societies did. I do not know what Mr. Austrian did.

Mr. HANEY. He was attorney for the United Societies, was he not?

Mr. KEELEY. Yes.

Mr. HANEY. And the result was that John E. W. Wayman was nominated at those primaries?

Mr. KEELEY. He was.

Mr. HANEY. And Alfred Austrian sent out a circular letter, did he not, to the different saloon men that he had defended, and others, and to members of the United Societies, advocating the support of John E. W. Wayman at those primaries?

Mr. KEELEY. I do not know that, Judge.

Mr. HANEY. You never heard of that?

Mr. KEELEY. No; I have no recollection of it.

Mr. HANEY. Mr. Wayman was nominated at the primaries?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And then there was a very bitter contest at that election, was there not?

Mr. KEELEY. Yes.

Mr. HANEY. And Mr. Wayman was elected?

Mr. KEELEY. Yes.

Mr. HANEY. And the United Societies and the liquor interests and Mr. Alfred Austrian supported Mr. Wayman?

Mr. KEELEY. I do not know whether Mr. Austrian did. I presume he did. He never told me how he voted or what he did.

Mr. HANEY. The others did?

Mr. KEELEY. Yes. The United Societies did; yes.

Mr. HANEY. And the liquor interests?

Mr. KEELEY. Yes.

Mr. HANEY. You did know that Mr. Austrian was very active in support of Mr. Wayman in that campaign, did you not?

Mr. KEELEY. I think it could justly be said he was active.

Mr. HANEY. The election took place on the Tuesday after the first Monday in November of that year, did it not?

Mr. KEELEY. Yes.

Mr. HANEY. And the men elected did not take office until the first Monday of December following, did they?

Mr. KEELEY. I do not remember the date.

Mr. HANEY. They all took office——

Mr. KEELEY (interrupting). I assume that is correct, Judge.

Mr. HANEY. Between the election and the taking of office by the men elected prosecutions were started against the men, or many of the men, who had supported Mr. Wayman at the primaries, were they not?

Mr. KEELEY. Yes.

Mr. HANEY. And Mr. Healy, under the law there, had to go out of office on the first Monday of the December following?

Mr. KEELEY. Yes.

Mr. HANEY. But before Mr. Healy went out of office he applied to Judge Chytraus, who was then a judge of the criminal court, and had been a partner of Gov. Deneen, and is now a partner of Mr. Healy, for the appointment of a special State's attorney to prosecute those parties who had aided Mr. Wayman in the primaries?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And that State's attorney, specially appointed by Judge Chytraus, held office for the purpose of those prosecutions after Mr. Healy went out of office, did he not?

Mr. KEELEY. That is my recollection; yes.

Senator KENYON. Were those the Sunday closing cases, Judge, that you are now referring to?

Mr. HANEY. No. I am talking now, Senator, of alleged fraud at the primaries.

The men who supported Mr. Wayman at the primaries, and had helped him to success at the primaries, were prosecuted by the then State's attorney, Mr. Healy?

Senator KENYON. Yes.

Mr. HEALY. You do not mean that, Judge?

Mr. HANEY. By your office and by the grand jury.

Mr. HEALY. Nobody was prosecuted for aiding Mr. Wayman. You mean charges were made that men had perpetrated frauds at the primaries, and those men were prosecuted.

Senator KENYON. These cases were separate and distinct from the liquor cases?

Mr. HANEY. Yes.

Senator KENYON. That is all I wanted to ascertain.

Mr. HANEY. Yes, Senator.

Mr. Frank J. Loesch was appointed by Judge Chytraus special State's attorney for the prosecution of those primary cases, was he not?

Mr. KEELEY. He was.

Mr. HANEY. He had a special grand jury called to investigate and indict parties connected with the primaries who had supported Mr. Wayman?

Mr. KEELEY. That is my information, Judge.

Mr. HANEY. And several hundred indictments were found against as many different parties by that special grand jury, for charges growing out of that primary?

Mr. KEELEY. A large number of indictments were found.

Mr. HANEY. And when Mr. Healy went out of office on the Monday in December of that year, and Mr. Wayman, the man who was elected, took office, Mr. Wayman tried to dismiss the indictment that had been procured by Frank J. Loesch, the special State attorney, before the special grand jury called for that purpose, did he not?

Mr. KEELEY. I accept your statement of that, Judge. I do not recollect.

Mr. HANEY. You know, generally, that that is the fact?

Mr. KEELEY. I know there was a fuss; and it went to the supreme court, and it was knocked out.

Mr. HEALY. You do not mean that he tried to dismiss the indictment, Judge? He tried to discharge Loesch—not to dismiss the indictment.

Mr. HANEY. I probably got a little bit ahead of the events.

Mr. HEALY. I do not care anything about it, except that it is only fair to Mr. Wayman to state it correctly.

Mr. HANEY. You are not defending him now, and were not then.

Mr. HEALY. I hold no brief for him or for anybody else.

Mr. HANEY. Mr. Wayman did claim, when he took office, that he was the special State's attorney appointed by Judge Chytraus, Mr. Frank J. Loesch, could no longer appear as prosecuting officer of the court in those cases, did he not?

Mr. KEELEY. I believe he did, Judge.

Mr. HANEY. And the court decided against him on that, did it not?

Mr. KEELEY. I believe so. I do not remember.

Mr. HANEY. And then Mr. Wayman threatened to dismiss the indictments procured by Mr. Frank J. Loesch, special State's attorney, from that grand jury, did he not?

Mr. KEELEY. I do not remember that, Judge. I do not remember the details of this at all.

Mr. HANEY. The supreme court of the State knocked out all the proceedings, and they were held invalid, and dismissed, after great many thousand dollars had been spent in that manner?

Mr. KEELEY. I know one case went up there, and it was decided adversely, and that destroyed everything.

Mr. HANEY. That destroyed the whole proceedings?

Mr. KEELEY. That was the end of it.

Mr. HANEY. Yes. Mr. Austrian was quite active in that litigation, was he not?

Mr. KEELEY. I do not know, sir. I do not remember.

Mr. HANEY. There was a contest on Mr. Wayman's primary election, was there not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. That is, Mr. Healy and his friends made a contest and claimed that Mr. Wayman was not nominated at the primary?

Mr. KEELEY. There was a contest and a claim of fraudulent voting or something of that kind.

Mr. HANEY. And that was taken before Judge Rinaker, then judge of the county court?

Senator KENYON. How does this bear on the question we are investigating, Judge?

Mr. HANEY. It shows, Senator, the conditions that existed there; the bitterness, the virulence and the extreme to which the conditions went at that time; and it shows just what has been proven here in other directions.

Senator KENYON. Is it claimed that Mr. Keeley had anything to do with Mr. Austrian in his defense of these cases arising out of that primary?

Mr. HANEY. It is the fact that Mr. Keeley and the Chicago Tribune were the strongest advocates of Mr. Healy's nomination at the primaries.

Mr. HEALY. You are mistaken about that, Judge, absolutely.

Mr. KEELEY. Oh, no.

Mr. HEALY. You are mistaken about that.

Mr. HANEY. Was the Tribune for Mr. Wayman?

Mr. HEALY. No.

Mr. KEELEY. It made no recommendations, Judge.

Mr. HANEY. It did not make any recommendations, but it did support Mr. Healy, and it did oppose Mr. Wayman. Will you say now that the Tribune did not oppose Mr. Wayman?

Mr. KEELEY. Why, yes.

Mr. HANEY. At the primaries?

Mr. KEELEY. Yes. It did not oppose or support him.

Mr. HANEY. It did not oppose Mr. Wayman at the primaries?

Mr. KEELEY. We printed a list of recommendations, and there was no recommendation on the State attorney's office. That is my recollection.

Mr. HANEY. No; but you did publish articles that did oppose John E. W. Wayman's nomination at that primary?

Mr. KEELEY. Show them to me.

Senator KENYON. Suppose they did?

Mr. KEELEY. Suppose we did. I do not think we did.

Senator KENYON. How does that bear on this situation? I can see that Mr. Austrian's connection with certain matters might bear on it, but I do not see how this does.

Mr. HANEY. It shows this, Senator Kenyon: Not only the conditions there, but the close alliance, between Mr. Austrian, the attorney for the Chicago Tribune, and the man who had recommended and supported and induced the support of the United Societies for Local Self-Government for Mr. Wayman; and that he was in a position, when Mr. Wayman took office as State's attorney, to get the very kind of a telephone message that he telephoned to Mr. Keeley at Wheaton on the 29th of April, that he, Mr. Wayman, was going to call or had ordered or requested an order for a special grand jury; and it was after Mr. Keeley got that telephonic message from Mr. Austrian that he hurriedly left his farm at Wheaton and came to Chicago and signed the contract with White and ordered the publication of the article the next morning; and by that grand jury Lee O'Neil Browne and others were indicted.

Senator KENYON. I think I see your theory now.

Mr. HANEY. That is the connecting link.

Now, Mr. Stenographer, please read the last question.
(The stenographer read the question, as follows:)

Mr. HANEY. It is the fact that Mr. Keeley and the Chicago Tribune were the strongest advocates of Mr. Healy's nomination at the primaries?

Mr. KEELEY. No; we were not the strongest supporters of Mr. Healy.

Mr. HANEY. You were a supporter of Mr. Healy?

Mr. KEELEY. We did not support anyone.

Mr. HANEY. You did not support Mr. Wayman, anyway?

Mr. KEELEY. We did not support Mr. Healy.

Mr. HANEY. All right.

Mr. KEELEY. We were on the fence.

Mr. HANEY. On what fence?

Mr. KEELEY. The "no-action" fence.

Mr. HANEY. You said that a special grand jury was called by Mr. Wayman, and he gave that information to Mr. Austrian, and Mr. Austrian gave it to you, the special grand jury being called for the purpose of investigating some Western Indiana matter?

Mr. KEELEY. That was my recollection; yes.

Mr. HANEY. And you said that Judge Henley was indicted?

Mr. KEELEY. Yes.

Mr. HANEY. Judge Henley had been the attorney for the Western Indiana Railway Co.?

Mr. KEELEY. That is my recollection.

Mr. HANEY. And president of the company?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And the order for the calling of a special grand jury named that matter and other matters, did it not?

Mr. KEELEY. I do not know, sir.

Mr. HANEY. The order will show that.

Mr. KEELEY. That will show. I do not know. I never saw the order.

Mr. HANEY. There was nothing taken up by that special grand jury except the Western Indiana matter, and the Lee O'Neil Browne or the White story matter, was there?

Mr. KEELEY. I do not know, Judge.

Mr. HANEY. Judge Henley was indicted by that special grand jury, was he not?

Mr. KEELEY. I do not know. I know that he was indicted, and my recollection is that he was indicted by that jury.

Mr. HANEY. He has never been tried, has he?

Mr. KEELEY. I do not think he has. I do not know what the status of the case is.

Senator KENYON. At what time was he indicted? When was the indictment returned?

Mr. HEALY. In May, 1910.

Mr. KEELEY. May, 1910.

Mr. HEALY. That is the time that special grand jury was called.

Senator GAMBLE. The grand jury was convened on the 2d of May, 1910.

Senator KENYON. Has he ever been arraigned, or plead?

Mr. KEELEY. He was arraigned. That is my recollection. I do not know what disposition has been made of the case.

Mr. HANEY. We will get to that in a few minutes.

The first indictments by that special grand jury were against Lee O'Neil Browne, and others, connected with the White story, were they not?

Mr. KEELEY. That is my recollection.

Mr. HANEY. And the Browne case was taken up the first day of the meeting of that special grand jury, was it not?

Mr. KEELEY. That is my recollection.

Senator FLETCHER. Mr. Wayman says that grand jury was called the 29th of April.

Mr. HANEY. He got the order the very day that it was telephoned by Alfred Austrian to Mr. Keeley at Wheaton.

Senator GAMBLE. My recollection is that it was called on the 29th, but convened on the 2d of May.

Mr. KEELEY. I have a little independent recollection on that, Senator.

Senator GAMBLE. I may be mistaken in my recollection.

Mr. HANEY. It was called for, I think, a Monday. Monday was the 2d of May. The petition for the special grand jury was filed on the 29th, and the order was obtained for the calling of a special grand jury on the 29th; and that is the day that Alfred Austrian telephoned to Mr. Keeley, at his farm in Wheaton, that a special grand jury would be called, and Mr. Keeley hurried into Chicago and signed his contract with White to pay him \$3,500, and he did pay him \$1,250 that day and \$250 before that time, and ordered the publication of the story for the next morning.

Senator KENYON. How did Mr. Austrian know the grand jury was to be called?

Mr. KEELEY. He did not tell me that; but my recollection is—I may be wrong on this, as it is just an indistinct recollection which was brought up by this conversation—that when I got in from Wheaton that afternoon at 5 o'clock I saw a story in the Evening News about the calling of the grand jury.

Mr. HANEY. That was for Mr. Henley, was it not?

Mr. KEELEY. It did not say what it was for.

Mr. HANEY. Did not the order say?

Mr. KEELEY. I do not know what the order said, Judge.

Mr. HANEY. Did the order for the special grand jury or the petition asking for the order mention the White story or the Browne case, or any other?

Mr. KEELEY. I do not know.

Senator GAMBLE. I observe in Mr. Wayman's testimony in the first hearing, at page 368, this question and answer:

Q. I direct your attention to the date on or about the 4th day of May, 1909. Was there a special grand jury convened in Cook County, Ill.?—A. It was convened on the 2d of May, and was in session at that time.

Mr. HANEY. I think that is right. The order was entered and the application made for the order on the 29th of April, the day the White contract was signed by the Tribune.

The Western Indiana matter that you say Judge Henley was connected with, and which resulted in an indictment against Judge Henley, was a charge that he had received \$46,000, or some other sum of money, belonging to the Western Indiana Co., and that it was paid out by him for some purpose without authority of the Western Indiana Co. or its officers; and Mr. John C. Fetzer, who

had been a real-estate agent for the Western Indiana Railway was said to have received \$46,000, or a large part of that money, which Judge Henley was indicted. That is the substance of it, is it not?

Mr. KEELEY. I accept your statement. Judge, without knowing anything about the details.

Mr. HANEY. And Mayer, Meyer, Austrian & Platt were at news for John C. Fetzer in that matter, were they not?

Mr. KEELEY. I believe they did represent Mr. Fetzer after that, yes.

Mr. HANEY. There was a suit commenced against John C. Fetzer and another party?

Mr. KEELEY. Some fellow up at Evanston, I believe.

Mr. HANEY. Yes. Mr. Thomas, a former president of the Western Indiana Railway Co.?

Mr. KEELEY. Yes.

Mr. HANEY. To compel them to account?

Mr. KEELEY. To make restitution for a lot of money stolen in connection with a real-estate deal.

Mr. HANEY. Yes.

Mr. KEELEY. That is my recollection.

Mr. HANEY. And that proceeding was to compel the officers and others to pay back, or make restitution, was it not?

Mr. KEELEY. Yes. The story was that they had acted as real-estate agents for the railroad, I believe, and had purchased the property first themselves, and then raised the prices and taken the difference out of the railroad; and the president of the road was in with it.

Mr. HANEY. And in that litigation Mayer, Meyer, Austrian & Platt represented John C. Fetzer, did they not?

Mr. KEELEY. Yes.

Mr. HANEY. About that time the special grand jury was called or while the matter was pending a special grand jury was called Mr. Wayman, to investigate the Western Indiana matter, and it resulted in an indictment of Judge Henley, the president of the company, and that indictment was found on the testimony of John C. Fetzer and others, was it not?

Mr. KEELEY. I do not know, Judge.

Mr. HANEY. And was not that indictment found with the view of compelling Mr. Henley to tell all about the facts in that case, or to compel the Western Indiana Railway Co. to dismiss the suit against John C. Fetzer and others?

Mr. KEELEY. I have absolutely no information along that line and no knowledge.

Mr. HANEY. There was nothing done by that grand jury and there were no indictments found and no matter investigated except the Judge Henley matter and the Lee O'Neil Browne indictment or the White story?

Mr. KEELEY. I do not know, sir.

Mr. HANEY. Do you not know there was not?

Mr. KEELEY. No; I do not. I do not know what the records of the grand jury were.

Mr. HANEY. Have you anything in mind, now, that was done by that special grand jury or that was presented to it for consideration except the Judge Henley matter and the White story?

Mr. KEELEY. I know of nothing at all; but I do not know everything that the grand jury did.

Senator FLETCHER. You had some conferences with Mr. Wayman prior to that?

Mr. KEELEY. Prior to what, Senator?

Senator FLETCHER. Prior to that grand jury, called April 29.

Mr. KEELEY. Yes.

Senator FLETCHER. How many?

Mr. KEELEY. I met him first on about April 1, when I turned this document over to him. I think I met him once after that; I think about a week subsequent to that. After that I may have had one or two telephone talks with him, but my recollection is that I had only two or possibly three physical conversations with him—that is, face to face conversations.

Senator FLETCHER. Was the calling of the grand jury discussed by you?

Mr. KEELEY. No, sir.

Senator KENYON. Is it your understanding, Mr. Keeley, that on the matters that Mr. Hanecy has questioned you about, the firm of Mayer, Meyer, Austrian & Platt has a great deal of influence with the State attorney's office?

Mr. KEELEY. It would seem to be the motive that Judge Hanecy is suggesting.

Senator KENYON. Is it your understanding that that firm had great influence with the State attorney's office?

Mr. KEELEY. Why, Mr. Austrian and Mr. Wayman were friends. What influence that friendship exerts I do not know.

Senator KENYON. As to Mr. Mayer, what is your opinion?

Mr. KEELEY. I do not know anything about his association with Mr. Wayman. I simply know that Mr. Wayman and Mr. Austrian are good friends. What influence that friendship has, I do not know. I know that Mr. Austrian is an honorable man, and I assume that Mr. Wayman is.

Senator KENYON. Were you influenced at all in your choice of counsel by the fact of the friendship of Mr. Austrian with the State's attorney?

Mr. KEELEY. Senator, that point has been, in a way, dwelt on here. It was not a choice of counsel. They had been our attorneys.

Senator KENYON. They had been?

Mr. KEELEY. Oh, yes; they had been, and were at the time.

Senator KENYON. They had been for how long?

Mr. KEELEY. For a considerable period of time. I did not go out into the street and select Mr. Austrian. His firm were the attorneys for the Tribune Co., and had been for years.

Senator KENYON. And had been for years, you say?

Mr. KEELEY. Yes.

Senator KENYON. Had you no other attorneys?

Mr. KEELEY. No. Mr. Beall sometimes acted. We had other attorneys in one case, when Mr. Beall and Mr. Morrill acted.

Senator KENYON. Was Mr. Austrian your attorney before the time he became a member of the present firm?

Mr. KEELEY. No, sir.

Senator KENYON. He was not?

Mr. KEELEY. No. He was a member of the firm.

Senator KENYON. You differentiate as to Mr. Austrian. Do you not employ the firm?

Mr. KEELEY. The bills are made out by the firm, Senator, and the checks are sent to the firm. In this matter I had nothing to do with anyone other than Mr. Austrian. I consulted no one else. In other business matters Mr. Levi Mayer and Isaac Meyer and Mr. Platt have acted; but they had absolutely nothing whatever to do with this case, as far as I know; not with me personally.

Mr. HANEY. Do you mean that the Chicago Tribune had no other attorneys at that time except Mayer, Meyer, Austrian & Platt and Mr. Beall?

Mr. KEELEY. And Mr. Morrill.

Mr. HANEY. And Mr. Morrill?

Mr. KEELEY. That is my recollection.

Mr. HANEY. Do you not know that Alfred S. Trude was attorney for the Tribune Co. at that time? And do you not know that Judge Payne was also attorney for the Tribune at that time?

Mr. KEELEY. Mr. Payne was retained in a libel suit years before by some one. Somebody called him in in one case, as I remember it, a case out in Iowa. I do not think Mr. Trude has done anything for the Tribune for a number of years, Judge.

Mr. HANEY. Do you not know that A. S. Trude has now pending on his docket cases in which he is defending the Chicago Tribune? And do you not know that he turned over some of those cases to John Barton Payne, and that John Barton Payne now appears as the attorney for the Tribune in some of those cases?

Mr. KEELEY. Judge, I do not think Mr. Trude has a case on his docket for us. I have not consulted him for years. I do not know that he has tried a case for years. I have knowledge at this moment of only one case that John Barton Payne has tried, and that was the case of a woman out in Iowa, who sued us for libel, because in a Duffy Pure Malt Whisky advertisement her picture was used as that of a trained nurse who had been greatly benefited by this whisky, when, as a matter of fact, she was president of the Woman's Christian Temperance Union in this little Iowa town. [Laughter.]

(Whereupon, at 12.30 o'clock p. m., a recess was taken until 2 o'clock p. m.)

AFTER RECESS.

TESTIMONY OF JAMES KEELEY—Resumed.

Mr. HANEY. Mr. Keeley, when you spoke of the list of prices that the papers in Chicago published as the compensation for the taking of the lives of anybody, do you remember who gave the list of prices or the schedule of prices?

Mr. KEELEY. I do not remember.

Mr. HANEY. Was it Moss Enright?

Mr. KEELEY. I do not remember.

Mr. HANEY. Was it Altman—what was his first name?

Mr. KEELEY. There were two. Vincent and—

Mr. HANEY. Vincent Altman. What was the other name?

Mr. KEELEY. Victor, was it not? Were there not two Altman boys?

Mr. HANEY. Was Altman in the employ of the Tribune at any time?

Mr. KEELEY. I think not, sir.

Mr. HANEY. Do you not know that he was?

Mr. KEELEY. I think not, I say.

Mr. HANEY. Was Moss Enright in the employ of the Tribune?

Mr. KEELEY. I think he was in the employ of the Tribune.

Mr. HANEY. He was in the circulation department, was he not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. How long was he in the employ of the Tribune?

Mr. KEELEY. A few months.

Mr. HANEY. When?

Mr. KEELEY. I should say from the fall of 1910 until some time this spring.

Mr. HANEY. Were either of the Altmans in the employ of the Tribune?

Mr. KEELEY. My recollection is they were not. As a matter of fact, I think Altman was working on the Examiner.

Mr. HANEY. The Chicago Examiner?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Which one of them?

Mr. KEELEY. Vincent. That is my recollection. I do not state it as a fact, but I give you that recollection, so that I may make more plain my statement that I do not think he was working on the Tribune.

Mr. HANEY. What is the name of the man in charge of your circulating department?

Mr. KEELEY. Annenberg.

Mr. HANEY. What is his first name?

Mr. KEELEY. Max.

Mr. HANEY. Where was he employed before he went to the Tribune?

Mr. KEELEY. On the Chicago American?

Mr. HANEY. When did he go to the Tribune from the Chicago American?

Mr. KEELEY. In the summer of last year.

Mr. HANEY. That is in the summer of 1910?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Did he take with him the men who were in his crew or combination or circulating department, or whatever it might be called in different places?

Mr. KEELEY. He brought with him some assistants; yes, sir.

Mr. HANEY. Was one of the men that he took from the Chicago Examiner to the Tribune, Moss Enright?

Mr. KEELEY. I believe he was; yes, sir.

Mr. HANEY. Moss Enright is one of the men who is called an active man in the "wrecking crews"?

Mr. KEELEY. He was, yes, sir; a labor-crew wrecker.

Mr. HANEY. And the work that he was doing on the Tribune was going around to the different stands where the Tribune or other papers were being sold, and looking after the circulation of the Tribune, or the noncirculation of other papers.

Mr. KEELEY. Oh, not the noncirculation of other papers. Yes; he was looking after the circulation of the Tribune in the early hours of the day.

Mr. HANEY. Moss Enright is not a literary fellow, is he?

Mr. KEELEY. No, sir; not as far as I know.

Mr. HANEY. He was a member of the labor-wrecking crew.

Mr. KEELEY. So I learned subsequently.

Mr. HANEY. What does that mean?

Mr. KEELEY. The labor situation in Chicago has been a one—

Mr. HANEY. I just want to know what that term means.

Mr. KEELEY. There have been two "wrecking crews" there; the various unions in one trade have been split, one side has been fighting the other, and as a matter of fact, in the last year they have had gangs of murderers out—

Mr. HANEY. Murderers?

Mr. KEELEY. Yes; murderers; cold-blooded murderers, and they have been killing on both sides. That describes the "wrecking crew."

Mr. HANEY. And they have killed a great many men, have they?

Mr. KEELEY. A number of people have been killed, some of the members of the crews have been killed. They have had their ternal troubles.

Mr. HANEY. And a great many other men have been maimed; suffered severe physical violence from the wrecking crews?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And one of those men you say is Moss Enright?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Is he on the Tribune now?

Mr. KEELEY. He is not.

Mr. HANEY. He was from the fall of 1910 until when?

Mr. KEELEY. Until I found out what he was doing, when I fired him.

Mr. HANEY. What is the date on the calendar?

Mr. KEELEY. Oh, in the spring; I told you before.

Mr. HANEY. The spring of 1911?

Mr. KEELEY. Yes; that is my recollection.

Mr. HANEY. Do you know what month?

Mr. KEELEY. I do not.

Mr. HANEY. Do you know the names of the men who are in the circulating department that you refer to, on the Tribune?

Mr. KEELEY. Max Annenberg has charge of it, and I do not know the name of a single man working under him.

Mr. HANEY. You knew Moss Enright?

Mr. KEELEY. Yes, certainly; when I found out who he was and fired him, I got his name. I can give you the names of three other people that Mr. Annenberg had over there that I got rid of.

Mr. HANEY. Well, who are they?

Mr. KEELEY. Walter Stevens, Jim Reagan, and—well, I can only give you the names of two. There is another one of them. There were four of them.

Mr. HANEY. Gentleman?

Mr. KEELEY. No; I do not think they were Gentleman.

Mr. HANEY. Were they of the Gentleman family? You know I do not mean that as a title, but as a name.

Mr. KEELEY. Yes; I know. I do not think so, Judge. I do not know. I will say that we had Mr. Enright and Walter Stevens and

the other man whom I mentioned, and another man; but what his name was I do not remember. You probably have it there, and it may recall it to my mind.

Mr. HANEY. One of the two men whose name is Gentleman was murdered not long ago in Chicago.

Mr. KEELEY. Yes; a man named Gentleman was killed.

Mr. HANEY. Somebody went right up to him and put a gun to his stomach and fired it and killed him.

Mr. KEELEY. Yes.

Mr. HANEY. And that was done in broad daylight, in a saloon there?

Mr. KEELEY. Yes; on State Street.

Mr. HANEY. Who was it that did the killing?

Mr. KEELEY. There seems to be a diversity of opinion as to that?

Mr. HANEY. Did not somebody confess that he did the killing?

Mr. KEELEY. Yes; I think he confessed, but I do not know whether his confession was really accepted as the truth.

Mr. HANEY. Was it not Moss Enright?

Mr. KEELEY. Moss Enright; yes. He said he killed him in self-defense, and that he, Gentleman, had killed Altman. On the other hand, Enright had been indicted for the murder of Altman. Enright said that he killed in self-defense the man who killed Altman. Enright had been indicted for the murder of Altman.

Mr. HANEY. What is the name of the other man, Gentleman? There are two members of the family called Gentleman, and they go by nicknames—Dutch? One of them was called Dutch?

Mr. KEELEY. No; Dutchy Enright—that is it.

Mr. HANEY. No; one was called Dutch.

Mr. KEELEY. Dutch Gentleman?

Mr. HANEY. Yes.

Mr. KEELEY. Yes; and Moss Enright.

Mr. HANEY. One of the Gentlemen was called Dutch?

Mr. KEELEY. Yes; Dutchy.

Mr. HANEY. Dutch or Dutchy. What is the name of the other?

Mr. KEELEY. I do not remember.

Mr. HANEY. It is the other—not Dutch—that was killed?

Mr. KEELEY. I don't remember which one was killed. I know a Gentleman was killed—a man named Gentleman.

Mr. HEALY. Peter is the name of the other.

Mr. HANEY. Well, Peter just got out of the penitentiary a little while ago?

Mr. KEELEY. I do not remember.

Mr. HANEY. Was not that stated at the time?

Mr. KEELEY. Oh, it might have been stated; yes, sir; but I don't remember those things, all of them.

Mr. HANEY. The Tribune did not report the confession of Mr. Enright that he had killed Gentleman, did it, when it printed the story?

Mr. KEELEY. It did not do what?

Mr. HANEY. It did not give the name of Moss Enright as the man who did the killing or who killed Gentleman?

Mr. KEELEY. I don't know whether we did or whether we did not. The paper will show that.

Mr. HANEY. You knew that Moss Enright made a confession that he killed Gentleman, didn't you?

Mr. KEELEY. I only knew what I read in the paper or was told at the office, and I have no recollection about the details of that story. If you are driving at the fact that I suppressed it, I will say that I did not suppress it.

Mr. HANEY. I did not know whether you or anybody else would.

Mr. KEELEY. No; we would not suppress it. Read what we said editorially about these labor murders.

Mr. HANEY. Did not Moss Enright say at the time that he confessed to murdering Gentleman that he worked for the Chicago Tribune?

Mr. KEELEY. I don't know whether he did or not.

Mr. HANEY. And don't you know that the Tribune did not print that part of his confession?

Mr. KEELEY. I don't know, sir. The paper is the best evidence that. In the first place, I don't know whether he said it. I know that he did work for the Tribune at some period, and I don't know whether he said it or whether we printed it.

Mr. HANEY. Of all the men, Mr. Keeley, who were named by the Tribune as anonymous and the known writers of letters to you, and other men whose names were mentioned to you, orally, over the telephone, telegraph, and otherwise, as having contributed or as being suspected of having contributed to a fund to elect William Lorimer to the United States Senate, you did not attack any of them except Edward Hines, did you?

Mr. KEELEY. Did we attack Mr. Hines?

Mr. HANEY. Now, will you answer my question, and then, maybe I will let you ask me one?

Mr. KEELEY. You asked me if we attacked any other than Mr. Hines, and I say that we did not attack Mr. Hines.

Mr. HANEY. Did you attack any of the other men?

Mr. KEELEY. No, sir.

Mr. HANEY. Did you criticize them in your newspaper in any way?

Mr. KEELEY. By name?

Mr. HANEY. Yes; or by any other term that designated them and made them known to the public?

Mr. KEELEY. I don't know whether we did or not. I do not think we did.

Mr. HANEY. When you published the leading editorial in the Chicago Tribune, which you say you wrote yourself—

Mr. KEELEY. Yes, sir.

Mr. HANEY. On the 2d of May—the one headed, "Who furnish the sawdust"—you meant in that editorial Edward Hines, didn't you?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And you wanted the public to understand that you meant Edward Hines, didn't you?

Mr. KEELEY. They could draw that inference; yes, sir.

Mr. HANEY. You wanted them to draw that inference?

Mr. KEELEY. Why, possibly; yes, sir.

Mr. HANEY. Edward Hines is the only one that your paper mentioned as a lumber man or in connection with sawdust in any of the articles in the Tribune, is he not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Whenever you mentioned anybody as a lumber man or connected with the lumber business or who furnished the sawdust or any similar terms, connecting a prominent citizen with the lumber business, you meant Edward Hines, didn't you?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Was there any other man in any other business or in no business that you criticized as you did, or about whom you published anything similar to that that you published in reference to Edward Hines?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Whom?

Mr. KEELEY. We had another editorial asking if it was "lard," if "lard" also had been used.

Mr. HANEY. What man did you have in mind in that?

Mr. KEELEY. The stockyard interest generally.

Mr. HANEY. I asked you what man?

Mr. KEELEY. No particular man; the stockyard interest generally.

Mr. HANEY. Did you want the general public to understand from that article, or those articles referring to "lard," any particular man?

Mr. KEELEY. No, sir, Judge. The particular reference there was to the stockyards.

Mr. HANEY. Now, I ask you if all those articles relating to sawdust and the lumber business did not refer to Edward Hines, and you said yes.

Mr. KEELEY. Yes, sir.

Mr. HANEY. Now, I want to know if there was any other man in any other business or without any business that you mentioned in any of your articles, or wanted the public to understand by anything you did write or publish in any of your articles, as being connected with a fund to elect Senator Lorimer to the United States Senate?

Mr. KEELEY. No specific man. The stockyard interest was the reference in the "lard" editorial.

Mr. HANEY. So that out of all the names that were mentioned to you in anonymous communications and otherwise, as men who did or might or could or would contribute to a fund for the election of Mr. Lorimer, you did not mention any of them by name or by any other terms that would indicate to the public or anybody else the name of any man, did you?

Mr. KEELEY. No, sir.

Mr. HANEY. And you knew that Edward Hines was very active in the tariff discussions, and that he had appeared before the Finance Committee of the United States Senate when they were hearing evidence from different parties prior to and at the time of the discussion of the Payne-Aldrich tariff bill in the House and in the Senate, and that Mr. Hines was in favor of a duty on lumber of \$2 per thousand, or thereabouts, did you not?

Mr. KEELEY. I did.

Mr. HANEY. And you knew that Mr. Hines's position at that time was against taking off the tariff on lumber or reducing it or allowing wood pulp to come into this country from Canada free, did you not?

Mr. KEELEY. Generally, yes. He told me that he wanted a \$2 tariff, I believe.

Mr. HANEY. And you knew that that was substantially the position of Senator Lorimer, did you not?

Mr. KEELEY. I did not.

Mr. HANEY. You knew that he was for a tariff on lumber, did you not, at about what it had been of \$2 per thousand?

Mr. KEELEY. I did not know that specifically; no, sir.

Mr. HANEY. You knew that he was a protectionist and stood with his party when he was in the House and in the Senate, did you not?

Mr. KEELEY. Why, there seemed to be a division of the party as to that.

Mr. HANEY. Will you answer my question?

Mr. KEELEY. Yes; he was a protectionist, but he could have stood only with one faction of the party.

Mr. HANEY. Did you not print in your paper how Senator Lorimer stood on the tariff, and that he was for a tariff of \$2 per thousand on lumber?

Mr. KEELEY. I do not remember. We might have done it. The paper is the best evidence of that.

Mr. HANEY. You do know, do you not, that Senator Lorimer voted in the Senate and in the House for a tariff of \$2 per thousand upon lumber, do you not?

Mr. KEELEY. I have no definite recollection of it.

Mr. HANEY. Well, you do know it indefinitely, or by whatever term you use to designate your thoughts—

Mr. KEELEY. I will take your word for it.

Mr. HANEY. Well, if you adopt that, it will be truthful, at least.

Mr. KEELEY. I will take your word for it.

Mr. HANEY. You knew that Mr. Lorimer was opposed to free wood pulp coming into this country from Canada, did you not?

Mr. KEELEY. I did not, sir. I had no interest in that.

Mr. HANEY. Do you not know, and did you not know, that Mr. Lorimer was against free white paper that is used for the printing of newspapers coming into this country free from Canada?

Mr. KEELEY. I did not. I had nothing whatever to do with that.

Mr. HANEY. And you say you did not know that?

Mr. KEELEY. I will take your word for it. You say "you did know" and I say that I did not know, but I will take your word for his position on that.

Mr. HANEY. You do know that now, do you not?

Mr. KEELEY. If you tell me, I accept it; yes, sir.

Mr. HANEY. You were the publisher of the Chicago Tribune when the Payne-Aldrich bill was finally passed by Congress, were you not?

Mr. KEELEY. No, sir.

Mr. HANEY. What were you?

Mr. KEELEY. Was not that passed in 1909?

Mr. HANEY. Well, tell us.

Mr. KEELEY. I believe it was passed in 1909. I was not the general manager until the spring of 1910.

Mr. HANEY. What was your position on the paper in August, 1909?

Mr. KEELEY. I was the managing editor.

Mr. HANEY. Where was Mr. McCormick at that time?

Mr. KEELEY. I think he had recently come back from Europe.

Mr. HANEY. Well, had he?

Mr. KEELEY. I think he had; yes. In August; yes. He certainly came back, because I left on September 3.

Mr. HANEY. Do you not know that Medill McCormick did not get back from Europe until the 24th of August?

Mr. KEELEY. I say in August.

Mr. HANEY. Is not that true, what I ask you?

Mr. KEELEY. No; I do not know the date. He came back in August and I left on September 3.

Mr. HANEY. Do you not know that the bill was finally adopted by the House and Senate as it came from the conferees on the 5th of August, 1909?

Mr. KEELEY. I did not know the date.

Mr. HANEY. You were then running the paper?

Mr. KEELEY. I was managing editor and fulfilling the other duties of the office.

Mr. HANEY. If Medill McCormick was then in Europe, or had not returned from Europe, or from wherever he was, until the 24th of August, 1909, you were defining the policy of the paper as well as acting as the managing editor?

Mr. KEELEY. I was not, sir. I told you that when I acted as substitute I simply followed out the policies of the men who were away and for whom I was acting.

Senator FLETCHER. Mr. Keeley, can you give us the names of any individuals you might have in mind now, or might have had when you wrote that editorial regarding the stockyards, as possibly handling any such transactions as you referred to?

Mr. KEELEY. Gentlemen who might be subpoenaed by this committee?

Senator FLETCHER. Yes.

Mr. KEELEY. To be examined as to their knowledge?

Senator FLETCHER. Yes.

Mr. KEELEY. I would summon the representative of Armour & Co. and Swift.

Senator FLETCHER. Do you know who they are?

Mr. KEELEY. Well, I do not know which men.

Senator FLETCHER. That is what I am speaking about now.

Mr. KEELEY. Mr. Urion is the attorney for Armour & Co.

Mr. MARBLE. Mr. Chairman, might I be pardoned for saying that that is a matter that is under consideration?

Mr. KEELEY. Shall I go on?

Senator FLETCHER. Yes.

Mr. KEELEY. Mr. Urion is the general attorney for Armour & Co. Ogden Armour is the president and Arthur Meeker is one of the executive officials. I do not know his exact position. Now, there is Swift & Co. I do not know the names. There are two Swifts—two sons—Edward Swift, and I forget the other one's name. Then there is Mr. Morris, of Nelson Morris & Co. I do not know the names of any other officials connected with Nelson Morris & Co. Then there is the National Packing Co., and then Sulzberger & Schwarzschild, another firm, but, as a matter of fact, I have never heard them mentioned.

Mr. HANEY. You have not mentioned anybody for the National Packing Co.?

Mr. KEELEY. If you get Swift and Morris and Armour, you will get the officers, will you not, of the National Packing Co.?

Senator GAMBLE. Mr. Tilden?

Mr. KEELEY. Yes; Mr. Tilden. Then there is the Stock Yards Co. there is a corporation that runs the Stock Yards Co., of which John H. Spoor is president. Now, I do not know what knowledge any of these gentlemen have, but I am simply giving you the names in answer to a question.

Senator FLETCHER. Did you have any of them in mind at the time you wrote this editorial?

Mr. KEELEY. No, sir; not specifically; but it has been general gossip in Chicago that the stockyards people always contribute to political campaign funds, always.

Senator FLETCHER. Anybody's and everybody's campaign?

Mr. KEELEY. Why, I think they play very few favorites, Senator. The gossip is that they contribute on both sides.

Senator GAMBLE. Now, what information have you that leads you to believe that the corporations or individuals named by you have knowledge concerning the fund suggested, or that they contributed the fund mentioned by Mr. Funk?

Mr. KEELEY. I have no knowledge of any kind except gossip, that is all, and I have had anonymous letters.

Senator GAMBLE. Well, that would be gossip.

Mr. KEELEY. That would be gossip; yes, sir. I have no information; if I had, I should have printed it.

Senator GAMBLE. Have you made diligent inquiry, either by yourself or through your reporters or by private detectives, to search out anything in connection with the raising of this fund with the Stock Yards Co. or with those interests that you have named?

Mr. KEELEY. Why, there is no way that you can get it without going and asking these men personally, and I had no information of any kind on which I could base an inquiry.

Senator GAMBLE. So that what you say here in connection with this is the gossip of the street?

Mr. KEELEY. Absolutely; and I made the statement that I have no knowledge as to whether they have any information or not.

Senator GAMBLE. Or whether they did or did not contribute?

Mr. KEELEY. Or whether they did or did not contribute.

Mr. HANEY. And you have no knowledge or information or suggestion or anything else that you thought worthy of sufficient consideration on your part or that of the Chicago Tribune to even publish a story about the connection of any one of the corporations named by you in answer to Senator Fletcher's question or any of the individuals named by you in answer to the same question, had you?

Mr. KEELEY. No. I printed no story and mentioned no names.

Mr. HANEY. I did not ask you that. I asked you if you had any information or suggestion or anything else that you deemed of sufficient importance or truth or veracity to justify you in publishing a story?

Mr. KEELEY. No, sir.

Senator FLETCHER. Does that apply as well to the alleged \$100,000 slush fund as to the jack pot?

Mr. KEELEY. Why, I should say so. I have no information, or definite information, about their connection with the jack pot.

Senator GAMBLE. You had heard the name of Edward Tilden in connection with the supposed receipt of this \$100,000 fund when you wrote the editorial which has been referred to concerning "lard

Did you have Edward Tilden in mind at that time when you wrote that editorial?

Mr. KEELEY. I do not think so. I think it was the stockyards.

Senator GAMBLE. The stockyards entirely?

Mr. KEELEY. Yes, sir.

Mr. HANEY. You did not think that there was sufficient truth in the Funk story, in which Edward Tilden's name was used as the holder or depository of the alleged fund of \$100,000, to justify you in publishing his name as you had published Edward Hines's name, did you?

Mr. KEELEY. I did not publish Mr. Hines's name——

Mr. HANEY. Now, will you answer the other part of my question?

Mr. KEELEY. Why, Judge, the question is unfair, because there is an assumption in there that is not warranted by the fact.

Mr. HANEY. I am not asking you for an opinion on the question, but for an answer to it.

Mr. KEELEY. You assume a state of mind that I did not possess and base your question upon that.

Mr. HANEY. I will ask the reporter to read the question.

(The reporter read the question, as follows:)

You did not think that there was sufficient truth in the Funk story in which Edward Tilden's name was used as the holder or depository of the alleged fund of \$100,000 to justify you in publishing his name, as you had published Edward Hines's name, did you?

Mr. HANEY. Now, I will ask you to stop that question beginning with the words "as you had," and will you answer the question then?

Mr. KEELEY. Yes; I will answer the question and say that I did not. I did not publish Mr. Tilden's name.

Mr. HANEY. Mr. Edward Hines never held any public office and never ran for any office and his name was never mentioned for any office, elective or appointive, was it?

Mr. KEELEY. I do not think so.

Mr. HANEY. Did you talk with any Senators about the Lorimer case after the investigation commenced—the first investigation?

Mr. KEELEY. After it commenced?

Mr. HANEY. Yes.

Mr. KEELEY. Yes.

Mr. HANEY. Did you before it commenced?

Mr. KEELEY. I do not think so. I have no recollection.

Mr. HANEY. With what Senators did you talk after the investigation commenced—the first one?

Mr. KEELEY. Senator Dillingham, Senator Borah, Senator Beveridge, Senator Root, Senator Bristow, Senator Cummins, and Senator Cullom, I believe. I believe that is all.

Mr. HANEY. Did you talk with Senator Crawford?

Mr. KEELEY. No, sir.

Mr. HANEY. Did you talk with Senator Bourne?

Mr. KEELEY. No, sir.

Mr. HANEY. Did you talk with Senator La Follette?

Mr. KEELEY. Yes; I did.

Mr. HANEY. Any others?

Mr. KEELEY. I do not remember now. If you will read through I will tell you whether I did or not.

Mr. HANEY. Did you talk with Senator Owen?

Mr. KEELEY. No; I do not think I did.

Mr. HANEY. Don't you know what you did?

Mr. KEELEY. I do not think I did.

Mr. HANEY. Did you not send him a lot of material; a lot of data; literature?

Mr. KEELEY. I do not think I did.

Mr. HANEY. Don't you know that you did?

Mr. KEELEY. I do not know that I did.

Mr. HANEY. Did anybody in your office, or the Tribune office

Mr. KEELEY. I do not know, sir.

Mr. HANEY. Did your attorneys send him anything?

Mr. KEELEY. What do you mean—briefs?

Mr. HANEY. I mean any literature of any kind.

Mr. KEELEY. Oh, briefs were sent, I believe, to every Senator

Mr. HANEY. Well, were they?

Mr. KEELEY. I think they were.

Mr. HANEY. Is that all that you or your office or your attorneys sent to Senator Owen?

Mr. KEELEY. I have no recollection of sending anything to Senator Owen at all.

Mr. HANEY. I am asking you about what your office did.

Mr. KEELEY. I do not know what the office did. I can not testify. I know of nothing that was sent to Senator Owen by me or by anybody else.

Mr. HANEY. Are these the only Senators that you talked with

Mr. KEELEY. That is my recollection. If you will call the roll if there are any others I will vote on them.

Mr. HANEY. When did you see these Senators?

Mr. KEELEY. After the hearing in Chicago.

Mr. HANEY. After the hearing was closed in Chicago?

Mr. KEELEY. Yes, sir.

Mr. HANEY. About when?

Mr. KEELEY. Oh, that winter.

Mr. HANEY. That is, the winter of 1910-11?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Where did you see them?

Mr. KEELEY. Most of them in the Senate building—the Capitol

Mr. HANEY. In Washington?

Mr. KEELEY. In Washington.

Mr. HANEY. Did you see any of them any other place?

Mr. KEELEY. I think Senator Cummins was in the office building in this building.

Mr. HANEY. Well, did you see him here?

Mr. KEELEY. I saw him in his office, wherever that may be, if it is in this building.

Mr. HANEY. Did you see him at his home?

Mr. KEELEY. No.

Mr. HANEY. Well, did you see any of the others any other place?

Mr. KEELEY. I saw Senator Borah at his home.

Mr. HANEY. Anyone else?

Mr. KEELEY. And I think I called on Senator Cullom—I know he called on Senator Cullom.

Mr. HANEY. At his house?

- Mr. KEELEY. At his house; yes, sir.
- Mr. HANEY. Any others?
- Mr. KEELEY. That is my best recollection at this time.
- Mr. HANEY. Did you go to Mr. La Follette's house?
- Mr. KEELEY. Later; not in that period.
- Mr. HANEY. Well. I did not put limitations on your answer.
- Mr. KEELEY. Yes; I went to his house in March, I believe.
- Mr. HANEY. March, 1911?
- Mr. KEELEY. 1911; yes.
- Mr. HANEY. What time in March?
- Mr. KEELEY. About the 6th or the 8th; just before the vote was taken on the case in the Senate.
- Mr. HANEY. It was taken on the 1st day of March.
- Mr. KEELEY. I went in the latter part of February, then.
- Mr. HANEY. Then you saw Senator La Follette in February?
- Mr. KEELEY. Yes, sir.
- Mr. HANEY. Where did you see Senator La Follette?
- Mr. KEELEY. In his house.
- Mr. HANEY. In Washington?
- Mr. KEELEY. In Washington.
- Mr. HANEY. How many times did you see Senator La Follette in his house in Washington?
- Mr. KEELEY. Twice, I think.
- Mr. HANEY. Only twice.
- Mr. KEELEY. Only twice, Judge. That is my recollection.
- Mr. HANEY. And when were those occasions?
- Mr. KEELEY. I believe I went there one evening, or called up one evening and saw him the next morning. That is my recollection. Whether I communicated with him on the night before I had the longer interview with him or not I do not remember.
- Mr. HANEY. What was the date when you had that telephonic talk with him?
- Mr. KEELEY. I say the night before the day that I had the interview with him; whether I called him on the telephone or went up there I do not remember.
- Mr. HANEY. I can not fix that time by anything you have told me.
- Mr. KEELEY. The visit to Senator La Follette was 6, 8, or 10 days before the vote was taken.
- Mr. HANEY. Can you tell the day of the month?
- Mr. KEELEY. I can not, sir.
- Mr. HANEY. The first talk you had with Senator La Follette was six or eight days before the 1st of March, was it?
- Mr. KEELEY. That is my recollection, Judge.
- Mr. HANEY. That is the time that you talked over the telephone with him, was it? Was that the first time?
- Mr. KEELEY. No, no; I think I saw him in his cloakroom when I was down here earlier in the winter—in his office room.
- Mr. HANEY. When was that?
- Mr. KEELEY. When I saw all the other Senators.
- Mr. HANEY. Tell me the date.
- Mr. KEELEY. In the winter. I do not remember the exact date.
- Mr. HANEY. What month?
- Mr. KEELEY. I do not remember, Judge. It was in the winter. I can get the exact date, and will.

Mr. HANEY. Do you not know what month it was that you in Washington?

Mr. KEELEY. I do not, sir.

Mr. HANEY. You do not know whether it was in December, January, or February?

Mr. KEELEY. I do not, sir.

Mr. HANEY. There were only three months, or parts of months, and a part of two others—that is, from the first Monday in December until the 4th of March that the Senate was in session in Washington. Was it during that time?

Mr. KEELEY. What is that?

Mr. HANEY. It was between the first Monday of December, 1910, and the 4th of March, 1911, was it not?

Mr. KEELEY. It must have been during that period, I should think.

Mr. HANEY. Can you not tell whether it was the first month of that session of Congress or the second or the third?

Mr. KEELEY. I can not, sir.

Mr. HANEY. You can not approximate?

Mr. KEELEY. I can reach it approximately; yes.

Mr. HANEY. I mean from your memory, now.

Mr. KEELEY. From my recollection of other incidents, it was rather after the briefs were printed in the case.

Mr. HANEY. Whose brief?

Mr. KEELEY. Our brief and your brief.

Mr. HANEY. Your brief was printed, and so was mine, before the Senate met on the first Monday of December, 1910.

Mr. KEELEY. I say it followed the publication of those briefs; I can get those dates if you want me to, Judge, but I do not know the exact date.

Senator GAMBLE. The brief of Mr. Austrian, I think, was printed and distributed in the early part of October.

Mr. HANEY. Yes; in October.

Senator GAMBLE. I think within 20 days from the 8th day of October.

Mr. KEELEY. Was the Senate in session then?

Senator GAMBLE. No. Then the Senate convened on the first Monday in December.

Mr. KEELEY. I was down here after that.

Senator GAMBLE. The report of the Senate committee was filed, I think, on the 21st of December; and I think within a day or two the Congress adjourned for the holiday recess, until, probably, the 3d of January. Then I notice the minority report was filed by Senator Beveridge on the 9th of January.

Mr. KEELEY. I can fix it, then, Senator. It was between the meeting of Congress and the report of the committee.

Mr. HANEY. That is, between the first Monday of December, 1910, and the 20th or 21st of December, 1910?

Mr. KEELEY. That is my recollection.

Senator GAMBLE. Was anything said by you, Mr. Keeley, to any of these different Senators, in these different interviews that you had with them, in regard to the information that had been conveyed to you by Mr. Kohlsaat relative to the statements made by Mr. Fugate?

Mr. KEELEY. Only to Senator La Follette in the latter part of February.

Senator GAMBLE. And to no other?

Mr. KEELEY. And to no other.

Mr. HANEY. Did you tell Senator La Follette, the latter part of February, 1911, the story that Mr. Kohlsaas had told you of the Funk story?

Mr. KEELEY. I did; and I started by saying that I would tell it to him in confidence; and when I got through he said: "I can not receive it in confidence." [Laughter.]

Senator GAMBLE. After you finished the story?

Mr. KEELEY. After I finished the story.

Mr. HANEY. And he did not treat it in confidence then, did he?

Mr. KEELEY. I think he did, did he not?

Mr. HANEY. Did he not tell you that he would not receive it in confidence?

Mr. KEELEY. He told me that he could not receive any information of that kind in confidence.

Mr. HANEY. Did he tell you that he had at that time received the same story from Mr. Kohlsaas himself?

Mr. KEELEY. He had not. He then started after it.

Mr. HANEY. He started after what?

Mr. KEELEY. To get the story from Mr. Kohlsaas.

Mr. HANEY. Then he did not treat it in confidence?

Mr. KEELEY. No; I guess not—if that is a violation of it.

Mr. HANEY. Did you tell Senator La Follette all that H. H. Kohlsaas told you about the Funk story?

Mr. KEELEY. I do not think I told him the names.

Mr. HANEY. Did you not tell him all the names except that of Mr. Funk?

Mr. KEELEY. I may have done so.

Mr. HANEY. You know you did, do you not?

Mr. KEELEY. I do not know whether I did or not. I think the chances are, as I started to tell in confidence, that I did.

Mr. HANEY. And you did tell him Funk's name, too, did you not?

Mr. KEELEY. No.

Mr. HANEY. Are you sure of that?

Mr. KEELEY. I did not know it.

Mr. HANEY. You did not know it the last of February of this year?

Mr. KEELEY. It did not come out until the Helm investigation.

Mr. HANEY. That may be, but you are not "out." I asked you if you did not know it—not whether it had come out.

Mr. KEELEY. Funk's name?

Mr. HANEY. Yes.

Mr. KEELEY. No, sir.

Mr. HANEY. You did tell him the whole story that Funk told Kohlsaas and Kohlsaas told you except, you say, Funk's name?

Mr. KEELEY. I say without Funk's name.

Mr. HANEY. And you say you knew at that time that there would be a vote in the Senate, within a few days, on the question whether Senator Lorimer would retain his seat?

Mr. KEELEY. I did; yes, sir.

Mr. HANEY. And that was the purpose you had in talking to Senator La Follette?

Mr. KEELEY. My purpose was to try to get that story out,

Mr. HANEY. Out where?

Mr. KEELEY. Into the Senate.

Mr. HANEY. Yes; before the Senate?

Mr. KEELEY. Yes, sir; the information that some people had others did not.

Mr. HANEY. And into the minds or memories of all of the Senators that either you or Senator La Follette could reach?

Mr. KEELEY. No; into the minds of all.

Mr. HANEY. You wanted it before the minds of all of them did you?

Mr. KEELEY. My idea was this—

Mr. HANEY. Will you answer my question?

Mr. KEELEY. Yes; I did.

Mr. HANEY. Now, what do you want to say?

Mr. KEELEY. I thought that if Senator La Follette could pry loose from Mr. Kohlisaat, there would be another meeting of the committee.

Senator JONES. Did you think, also, that if the Senate had intimation of that, they would direct the committee to try to get the source of this story?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Did you consult with your attorney, Mr. Austri or any other attorney, before you talked with Senator La Follette about the Funk story?

Mr. KEELEY. I did not.

Mr. HANEY. If you were so anxious to have the Senate know the Funk story and get it before the committee appointed by the Senate to investigate the right of Senator Lorimer to hold his seat, why did you not tell the committee in Chicago when it met there, or in Washington, when it met here in December?

Mr. KEELEY. There might have been a dawning suspicion in my mind that I had made a mistake.

Mr. HANEY. There might have been several things in your mind possibly not at the same time, but what was the fact?

Mr. KEELEY. That is the fact, sir.

Mr. HANEY. What is the fact?

Mr. KEELEY. That about that time I thought that story ought to come out.

Mr. HANEY. Now, Mr. Stenographer, will you read my former question?

(The stenographer read as follows:)

Mr. HANEY. If you were so anxious to have the Senate know the Funk story, and to get it before the committee appointed by the Senate to investigate the right of Senator Lorimer to hold his seat, why did you not tell the committee in Chicago when it met there, or in Washington, when it met here in December?

Mr. KEELEY. Because of the reason I have given before, that my attorney told me that it would not be received.

Senator GAMBLE. When did you come to this conviction that you might possibly have made a mistake, Mr. Keeley, in not having the story made known?

Mr. KEELEY. Just before I came down here.

Senator GAMBLE. Then that would be before the 7th of December. Were you present on the 7th of December, when Wilson gave testimony before the committee?

Mr. KEELEY. Yes; I was present there. It must have been after that, then.

Senator GAMBLE. You remained here, did you?

Mr. KEELEY. No; I went back home.

Senator GAMBLE. Then you came to the conclusion, did you, that possibly you had made a mistake in not disclosing this information to the committee?

Mr. KEELEY. I did; yes.

Senator GAMBLE. About when was it that you came to that conclusion?

Mr. KEELEY. Just before I came down.

Senator GAMBLE. When did you come down?

Mr. KEELEY. I have tried to fix that date. If you will allow me, I will fix it absolutely by some papers in the office in Chicago.

Senator GAMBLE. You think, now, it was some time in December?

Mr. KEELEY. It was when Congress was in session, because I saw the Senators.

Senator GAMBLE. Then it was before the Senate committee had made its report?

Mr. KEELEY. I am at cross-purposes with you, Senator. Before I came down to see Mr. La Follette; and that was about 10 days before the vote was taken, I think.

Senator GAMBLE. Yes.

Mr. KEELEY. That was in the latter part of February.

Senator GAMBLE. That is, it was the latter part of February?

Mr. KEELEY. Yes.

Senator GAMBLE. That you came to the conclusion that a mistake has been made.

Mr. KEELEY. That I might have made a mistake; yes.

Senator GAMBLE. Why did you not, at that time, Mr. Keeley, go to Senator Burrows, the chairman of that committee, and disclose to him what you knew and ask him if he would not favor the reconvening of the committee?

Mr. KEELEY. I did not want to go to him—

Senator GAMBLE (continuing). And tell him that you had substantial and substantive evidence to submit?

Mr. KEELEY. I did not do it. I thought the other way was the better one.

Senator GAMBLE. You never spoke to any member of the committee concerning it, did you?

Mr. KEELEY. I did not, sir.

Senator GAMBLE. That is all.

Senator JONES. Did you have any special reason for not speaking to the members of the committee?

Mr. KEELEY. No, sir.

Senator JONES. Did it not appear to you the natural course to take would be to speak to some of the members of the committee?

Mr. KEELEY. No; it did not. I thought the other method was the best. Whether I was right or wrong is the question.

Senator GAMBLE. That is, it was your idea to have Senator La Follette or some other Senator make a public statement in the Senate concerning it and then have it referred?

Mr. KEELEY. No; I thought he possibly could get the information from Mr. Kohlsaat.

Mr. HANEY. You were in Washington on the 6th day of December 1910, were you not?

Mr. KEELEY. I do not remember, Judge. I was here when Wilson testified, if that is what you mean.

Mr. HANEY. Congress convened on Monday, the 5th day of December, and you got here the day after that, and the day before Wilson testified, did you not?

Mr. KEELEY. I got here, I believe, the day before Wilson testified, yes, sir.

Mr. HANEY. That was the 6th of December?

Mr. KEELEY. Yes.

Mr. HANEY. And you were here on the 7th of December, when Wilson did testify?

Mr. KEELEY. I was present when he testified; yes, sir.

Mr. HANEY. And your attorney Alfred Austrian was present that date?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And the members of that committee were Senators Burrows, Gamble, Heyburn, Bulkeley, Johnston, Paynter, and Frazier, were they not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And they were here in session at that time and heard the testimony of Robert E. Wilson, did they not?

Mr. KEELEY. Not all of them, I think. The committee heard it, yes.

Mr. HANEY. They were all here, were they not?

Mr. KEELEY. I do not know whether they were or not.

Mr. HANEY. And you were present during all the hearing of Wilson's testimony, the day that his testimony was taken, were you not?

Mr. KEELEY. I was; yes, sir.

Mr. HANEY. Why did you not tell Senator Burrows, the chairman of the Committee on Privileges and Elections, and the chairman of that subcommittee that was investigating the Lorimer matter?

Mr. KEELEY. For the reason that I gave earlier.

Mr. HANEY. What?

Mr. KEELEY. That Mr. Austrian told me the committee would not receive it.

Mr. HANEY. Why did you not talk to Senator Gamble, or Senator Heyburn, or Senator Bulkeley, or Senator Paynter, or Senator Frazier about what you say Mr. Kohlsaat told you about the Follette story?

Mr. KEELEY. For the same reason.

Mr. HANEY. You testified a little while ago that Mr. Austrian never did tell you you could go and tell the story to Senator La Follette or anybody else?

Mr. KEELEY. He did not.

Mr. HANEY. Then why did you not tell it, without Mr. Austrian's advice, or without the advice of anybody else, in December when you were present at the hearing, as well as in February, when you went to see Senator La Follette for that purpose?

Mr. KEELEY. Because the committee was in session, then, and I had told me that the committee would not receive hearsay evidence.

Mr. HANEY. And that is the reason why you told Senator La Follette?

Mr. KEELEY. The reason I told Senator La Follette—

Mr. HANEY. Is that it?

Mr. KEELEY. No, sir.

Mr. HANEY. Now you can talk about anything you want to.

Mr. KEELEY. I do not want to talk. I am getting tired talking.

Mr. HANEY. That answers my question, and I suppose that is all you need to talk about.

What was it, especially, that induced you to defer the telling of the Funk story to any Member of the United States Senate until the latter part of February, when you say you came to Washington to tell Senator La Follette the story?

Mr. KEELEY. I had no special reason for it.

Mr. HANEY. Was it not your purpose, at that time, to prevent the Senate of the United States taking a vote on the right of Senator Lorimer to retain his seat during that session of the Senate, and until the new Senate came in that would have a larger number of Democrats, and, as you supposed, men who would naturally oppose the seating of or the retention of his seat by Senator Lorimer?

Mr. KEELEY. That was not my purpose.

Mr. HANEY. You do know that there was a very strong filibuster on in the United States Senate at that time to prevent any vote being taken, and that that filibuster was led by Senator La Follette and his friends, and that it resulted in a session commencing at 12 o'clock one day and running continuously until about 8.35 the next morning?

Mr. KEELEY. There was such a session; yes.

Mr. HANEY. You knew it, did you not?

Mr. KEELEY. Yes; I read about it.

Mr. HANEY. And you knew that if that filibuster had continued and had been successful there would be no vote on the seating of Senator Lorimer or his right to retain his seat in the Senate during the existence of that Senate and until the new Senate came into existence, did you not?

Mr. KEELEY. If the filibuster had continued, there would have been no vote.

Mr. HANEY. The contest would have gone over, to be voted on by the next Senate?

Mr. KEELEY. Yes; that is a fact, I believe.

Mr. HANEY. Your correspondent here in Washington, John Callan O'Laughlin, former First Assistant Secretary of State under the Roosevelt administration, kept you posted daily upon the conditions as they existed in Washington in relation to the Lorimer matter, did he not?

Mr. KEELEY. He sent daily stories; yes.

Mr. HANEY. And sometimes several daily, did he not?

Mr. KEELEY. Oh, we only printed one story a day.

Mr. HANEY. Did you not have direct communication with the former Assistant Secretary of State other than by Mr. O'Laughlin's stories that he wrote to you?

Mr. KEELEY. Why, he sent me telegrams, I assume; yes.

Mr. HANEY. And you talked with him over the telephone, did you not?

Mr. KEELEY. Yes, sir; I think I did. I think we had conversations.

Mr. HANEY. You knew that Mr. O'Laughlin, former assistant secretary of state, had employed a number of other newspaper men to gather data and information for him, did you not?

Mr. KEELEY. I knew that he had employed additional help; yes.

Mr. HANEY. And the names of some of them are in this bill of the Hon. John Callan O'Laughlin, aggregating more than a thousand dollars, are they not?

Mr. KEELEY. Yes, sir. The names of all of them are there, I believe.

Mr. HANEY. Yes. Do you know whether there were other newspaper correspondents or reporters of other newspapers, who were furnishing information to the Hon. John other than those named in this list?

Mr. KEELEY. I do not, sir.

Mr. HANEY. Did you pay, or did the Tribune pay, any reporters or correspondents of other papers, for information that the Hon. John Callan had received from them as to the conditions in Washington here on the Lorimer case, or on the sentiment of Senators the way that any Senator thought on that question other than the named in this list?

Mr. KEELEY. No, sir.

Mr. HANEY. You knew that the Hon. John Callan had employed the reporters and correspondents of other newspapers for the purpose of gathering for him and your paper the sentiments of other Senators on the Lorimer matter, did you not?

Mr. KEELEY. I did not. I knew he had employed additional help in the office, his time being taken up largely with this matter, and there being a necessity for a little more help there.

Mr. HANEY. These gentlemen who represented other newspapers were not employed in the Tribune office, were they, other than this employment indicated?

Mr. KEELEY. Judge, I know nothing about the terms of their employment. All I know is that those accounts were turned in. I do not know any of the gentlemen, and I have no information about any of the services that any of those men rendered.

Mr. HANEY. But you know you paid for them?

Mr. KEELEY. I know that I paid Mr. O'Laughlin's expense account.

Mr. HANEY. What did you tell Senator La Follette about what you knew about the Lorimer case other than the Funk story?

Mr. KEELEY. Nothing, as I recollect it.

Mr. HANEY. If you did tell him anything else, would you recollect it now?

Mr. KEELEY. I recollect nothing other than that.

Mr. HANEY. Will you answer my question now?

(By request, the stenographer read the question, as follows:)

Mr. HANEY. If you did tell him anything else, would you recollect it now?

Mr. KEELEY. To the best of my recollection all the conversation was on this story.

Mr. HANEY. Now, will you answer the question?

Mr. KEELEY. How can I say? I have no recollection of anything else.

Mr. HANEY. I will ask the stenographer to read the question again.

(The stenographer again read the question, as follows:)

Mr. HANEY. If you did tell him anything else, would you recollect it now?

Mr. KEELEY. I do not know.

Mr. HANEY. That is an answer.

Do you know why you do not know whether you would recollect it or not?

Mr. KEELEY. No, sir; I have no recollection.

Mr. HANEY. Did you not discuss with Senator La Follette, on one of the occasions when you saw him or talked with him over the telephone, the advantage that you or he thought might accrue to your side of that controversy in the Lorimer matter if a vote were not taken at that session of the Senate?

Mr. KEELEY. I do not think so. My recollection is that I simply told him this story, pointed out this editorial in the Record-Herald, and he said that he would try to get it. Whether there was any speculation as to the probable effect, I do not remember.

Mr. HANEY. Do you not know that you did discuss that with Senator La Follette?

Mr. KEELEY. I do not remember.

Mr. HANEY. If you did have such a discussion with him on that subject, would you remember it now?

Mr. KEELEY. I do not know whether I would or not. I do not remember it, Judge.

Mr. HANEY. Your memory is reasonably good, is it not?

Mr. KEELEY. It is a finite memory.

Mr. HANEY. What do you mean by that?

Mr. KEELEY. A very ordinary, human memory.

Mr. HANEY. You do remember many things, and the details of them, that occurred long before last February, do you not?

Mr. KEELEY. I remember some things distinctly and some indistinctly.

Mr. HANEY. Did you ever go to Senator La Follette's house on this question more than twice?

Mr. KEELEY. I do not think so, Judge.

Mr. HANEY. How many times did you meet Senator La Follette other than at his house?

Mr. KEELEY. I do not believe more than once.

Mr. HANEY. Where was that?

Mr. KEELEY. In his office. That is my recollection.

Mr. HANEY. Did you tell the Funk story to the other Senators that you say you talked with, Mr. Keeley?

Mr. KEELEY. I did not, sir.

Mr. HANEY. Why did you not tell some of the others?

Mr. KEELEY. I say that the reason I did not tell the others was this, that not until just before I came down to see Senator La Follette did I reach the conclusion that possibly a mistake had been made; and when I saw the other Senators I asked each one of them to please read the brief.

Mr. HANEY. There was not anything in your brief, or any other brief, that referred in the remotest degree to the Funk story, was there?

Mr. KEELEY. No, sir.

Mr. HANEY. Did you talk with any of the other Senators that you have named here, viz: Messrs. Dillingham, Borah, Beveridge, Root, Cummings, Cullom, and La Follette, about the Funk story?

Senator GAMBLE. I think, Judge, that he has already answered that question. Possibly I may have been somewhat responsible, asked that general question. You know I rather protested the other day about going into the individual conversations with different Senators. It does not seem to me the proper thing to do.

Mr. HANEY. I agree with you, Senator Gamble, very fully, and I thought so when that was being done by the other side, and witnesses were asked here what Senators they talked with about this matter, and Mr. Hines was compelled to tell. That is my only excuse here for doing something that, it seems to me, is palpably wrong except this: That in this case there was conveyed to an individual Senator a very material fact or series of facts that should have been known to every Senator on the former committee and every Senator who was called upon to vote on the right of Senator Lorimer to retain his seat; and that information was not conveyed by Mr. Keeley, by Mr. Funk, or by anybody else, except to a few Senators by their names, to the manifest prejudice of Senator Lorimer and the State of Illinois; because neither he nor the State could answer the testimony that was put before certain Senators by Mr. Keeley, by Mr. Funk, and by Mr. Kohlsaat; there being no opportunity, I say, on the part of Senator Lorimer or his friends, or his side, or the State of Illinois, to answer it; all of whom were vitally interested in that question.

Senator GAMBLE. That, of course, is apparent in the record, Judge. I submitted the general inquiry to the witness on the stand as to whether or not he disclosed the Funk story that had been communicated to him by Mr. Kohlsaat; I stopped there. I did not go into any other conversations, but simply made the inquiry as to that fact. As I stated before, I do not think it is the proper thing to go into the different conversations with different Senators.

Mr. HANEY. I do not think so, Senator Gamble, but Mr. Hines was compelled to testify, when he objected to telling. This honorable committee told him he must tell. If it was fair and right for Mr. Hines to be compelled to tell those facts, then it is not unfair or improper to have the same facts gone into by the men who were conveying, surreptitiously, to the judges who were sitting in that case material facts which those judges, or one of them at least said controlled him in not merely his vote, but in the speech that he made on the floor of the Senate attacking the right of Senator Lorimer to stay there—not merely influencing his vote, but adding his personality and the great power of his office to convey his opinion to other Senators who would be influenced not merely by what he said, but by his personality and his great office. That is evident here. And Mr. Kohlsaat said that he conveyed that to Senator La Follette, Senator Root, Senator Cullom, Senator Crane, and, I think, probably some others; and he swore on the witness stand here that Senator Root told him that that information which Mr. Kohlsaat had surreptitiously taken to him while sitting as a judge had influenced him in making his speech attacking the right of Senator Lorimer to retain his seat.

Senator GAMBLE. That is all in the record now, Judge Haney. The question now is whether or not this character of cross-examination

tion should be pursued further as to other matters that are entirely incidental.

Mr. HANEY. I shall very gladly accede to any position the committee takes; but I should like a ruling on it so that I shall not be said to have neglected to sift out and go into every phase of this case that might throw any light upon the general conditions and place them before, not merely this honorable committee but the Senate itself.

Senator GAMBLE. I feel that as far as the witness on the stand is concerned, he has already answered the question by saying that he did not convey that information to any other Senator except Senator La Follette.

Mr. HANEY. Then, Senator Gamble, we are confronted with the proposition that we, as cross-examiners of Mr. Keeley, are compelled to accept his statement as truth without the test of a cross-examination. That is what it means. If we must take his statement on that subject and are not permitted to cross-examine him, then we are not—

Senator GAMBLE. I am only expressing my own individual view.

Mr. HANEY. That is the condition that is presenting itself to this honorable committee and to our side of it. But I shall very gladly accede to the ruling of the committee.

The CHAIRMAN. I do not think there is any question to be ruled upon at the present time; but I should like to make this suggestion to you, Judge Haney, and take your opinion on it: This matter of the conversation with Mr. Funk evidently was kept a secret for a great while, and came out only after the matter had been disposed of by the Senate. Yet, it appears that it was disclosed to a certain Member of the Senate. To me, personally, it seems proper that that should be inquired into very fully. It further seems proper to me that any person testifying here whose interest is questioned should be inquired of—if either side cares to do it—regarding that interest, its extent and character, and whether he did talk to different Members of the Senate, either to speak a good word for Senator Lorimer or otherwise, or in whatever way it was done. That seems to me to be entirely proper. But when it comes to the question of the personal interview between him and the individual Senator, which perhaps would require that Senator—who is to sit hereafter as a judge—to come here and deny the statement made, I very much question the advisability of going into such interviews. I should like to take your opinion upon that matter.

Mr. HANEY. Mr. Chairman, I approached this subject with the reluctance with which every lawyer must always approach it—every lawyer who has the respect that every lawyer should have for the judges before whom he presents his case. This honorable committee, and each member of it, is sitting as a judge. Every member of the Senate of the United States who sat there at the time Senator Lorimer's right to retain his seat was voted on sat there as a judge. Every one of those Senators sat there and heard the arguments of counsel. The former committee heard the evidence presented to them as judges; and they sat there, as practically every Senator who spoke upon the question insisted they sat there, as judges. I approached this question with all the reluctance that every lawyer must approach any question that in any way involves going into the ques-

tion of what that judge or those judges did, or why he or they did. And that is not my purpose here now, Mr. Chairman.

My purpose is not to show what Senator La Follette did or what Senator La Follette thought of what Mr. Keeley or Mr. Kohlsaat told him. My purpose is to show what these gentlemen did—these gentlemen who incited and produced the condition that is presented this honorable committee here to-day, by projecting the Funk story first before the Helm committee and then before this committee, and to show their animus, their virulence, their antagonism to Senator Lorimer, as we have already shown it by the sworn testimony of the witness on the stand that he and the Tribune would do anything that could drive Senator Lorimer out of politics in Chicago, in Cook County, and in the State of Illinois. If part of their scheme was and we insist it was—that they should so approach different judges sitting on Senator Lorimer's case as to prevent a determination of the case by that tribunal until conditions were more favorable to Mr. Keeley and those surrounding and back of him on that side of the case, I say in my opinion it is not only eminently proper to bring out that fact, but it should be insisted upon.

The CHAIRMAN. But that has been done, Judge Hanecy; and you had completed that matter and gone to another question when Senator Gamble interrupted you. So that question is not pending.

Senator GAMBLE. I have no objection to that, Judge Hanecy, because I think testimony of the character you have indicated is not only in every sense competent and proper—to show the animus or the feeling of the witness upon the stand by showing that he might have disclosed this matter after the testimony had been closed. But I did not feel that it was a proper thing to go into the details of the conversation with Senator La Follette and all the other Senators. I simply expressed my own individual view.

Mr. HANEY. While I think and while I am convinced that I have proven the animosity, the virulence, the strenuous effort of Mr. Keeley, the Chicago Tribune, and those on that side of the controversy against Senator Lorimer, it seems to me that I should not be debarred from showing that condition by other facts and circumstances from the lips of the witnesses themselves. I have shown the admission. If I show, in addition to that, what he and those associated with him did, I shall have not only convinced this honorable committee and its individual membership, but probably will convince by this matter other Senators who have the same right to vote upon Senator Lorimer's right to retain his seat, but who did not hear this testimony, who did not look at the witnesses upon the stand and note their manner of testifying and their demeanor and the way they answered the questions. That is why I say that an attorney can properly say that when he has shown a particular fact by some other fact, it is his duty to abandon the proof of other facts that will also prove the essential fact itself. That is what I asked to do now; and I will do it if this honorable committee says I should.

(At this point, by request of the chairman, the stenographer resumed the pending question, as follows:)

Mr. HANEY. Did you talk with any of the other Senators that you have named here, viz. Messrs. Dillingham, Borah, Beveridge, Root, Cummins, Cullom, and La Follette, about the Funk story?

The CHAIRMAN. That has been answered.

Mr. KEELEY. Oh, I answered that half a dozen times.

The CHAIRMAN. It was repeated. It had been answered twice, to my distinct recollection.

Senator KENYON. Judge Hanecy, your theory, as I understand it, is that any secret information conveyed to Senators to affect their conduct as judges sitting as a tribunal to try this matter is competent as bearing on the animus of the witness and the general scheme of conspiracy which I take it you have in your mind. I think that is correct.

Mr. HANEY. I would not go quite as far as your suggestion intimates, Senator Kenyon, because I will presume (as everybody must presume under the law) that every Senator who sat as a judge in that case expressed his judgment honestly by his vote and not as a result of any prejudiced or false or improper method used in approaching him. I have that in mind all the time; and I have not now and never have and never expect to in any way criticize or condemn any Senator who sat as a judge in that case or in this case.

Senator KENYON. Your evidence is not directed against the Senator; its object is merely to show the condition of mind of the witness?

Mr. HANEY. The condition of mind of the witness and the procedure that was followed to punish and unseat Senator Lorimer.

Senator KENYON. But it bears on the interest of the witness?

Mr. HANEY. Not merely that, but it shows the acts of what we call—as you have designated it and as I have felt it to be—the conspiracy and the acts of the conspirators.

Senator KENYON. I have not designated it in that way as my thought.

Mr. HANEY. No; I know that.

Senator KENYON. I was trying to get at your theory about the evidence. I think your theory is correct.

Senator GAMBLE. That is to say, you do not intend or purpose to go into details or into the full conversation as between the witness and the particular Senators with whom he talked, but you desire to draw out from him the position that he took and the statements he made?

Mr. HANEY. That is all, Mr. Senator.

Senator GAMBLE. You do not intend going any further than that?

Mr. HANEY. No, Senator; and I take it that while it is not the uniform law—

Senator FLETCHER. Let me make this suggestion, Mr. Chairman: It seems to me this testimony is relevant in two views. First, it may tend to show that the purpose was to prevent a vote on that question until the Senate was reorganized and they had a new Senate. Second, it may tend to show that the purpose was to bring about a result not based on the merits of the case as disclosed by the record in the case. In either view of the matter, in my judgment, this testimony is relevant, and I move that we proceed with it.

The CHAIRMAN. I do not think there is any objection to proceeding on the part of the committee.

Senator GAMBLE. I should not object upon the line suggested by Judge Hanecy. I think it would be entirely competent. But I do not think it would be competent or proper to go into the general dis-

cussion as between individual Senators and the statements they may have made.

Mr. HANEY. May I add this further, Mr. Chairman—that it is a question of a good deal of doubt in my mind as to the propriety of calling upon any judge as a witness in relation to any matter that was brought before him while he was sitting as a judge. While the authorities are not uniform on the matter—there are very strong authorities both ways—it is my opinion that the practice is not a good one; and in my opinion no man sitting as a Senator and acting as a judge ex officio should necessarily be called upon to take the witness stand and refute or explain anything that any witness said to him, or that he had to do with any witness, unless he himself deemed it necessary to do so.

The CHAIRMAN. If I may interrupt, I will state that it was precisely that thought that I had in mind in making the suggestion I did. I felt very keenly myself, as a Member of the Senate and a member of the committee, the fact that months after the question had been decided I learned that there were Members of the Senate to whom this story had been disclosed, which was not disclosed to the Senate as a whole and which, I thought, ought to have been disclosed to the subcommittee that sat in Chicago. It was simply in accordance with the thought that you have just expressed that I was making the suggestion as to the extent to which the inquiry should go.

Mr. HANEY. I do not think any Senator could be properly criticized or could be properly asked to take the witness stand to explain his action or what anybody said to him. Mr. Kohlsaat was the first one to project that into this case.

The CHAIRMAN. But in making that suggestion now, in justice to Mr. Keeley, I want to state that he has stated precisely what occurred when he came to my office.

Mr. KEELEY. Thank you, sir.

Mr. HANEY. I think every right-thinking man, lawyer and layman, believes that a judge, either upon the judicial seat generally or when sitting as a judge in the Senate, should not be questioned as the Constitution provides he shall not be, at any place outside and I think that is the general sentiment of the community.

The CHAIRMAN. I think we understand each other and we can proceed.

Mr. HANEY. Now will you answer the question, Mr. Keeley?

Senator JONES. I was inclined against this question simply from the fact that I thought it had been substantially answered two or three different times.

The CHAIRMAN. We all thought that.

(At this point, by request, the stenographer again read the pending question, as follows:)

Mr. HANEY. Did you talk with any of the other Senators that you have named here, viz, Messrs. Dillingham, Borah, Beveridge, Root, Cummins, Cullom, and La Follette, about the Funk story?

Mr. KEELEY. None other than Senator La Follette.

Mr. HANEY. Did you tell any of the other Senators that you named that you had told the Funk story or any other story to Senator La Follette or any other Senator?

Mr. KEELEY. No, sir.

Mr. HANEY. Did you talk with any Senator about the Funk story in any way that would indicate to that Senator that some other Senator had some knowledge of the Funk story?

Mr. KEELEY. No, sir.

Mr. HANEY. Do you know whether Senator La Follette told any other Senator the Funk story as you told it to him?

Mr. KEELEY. I can not testify as to what Senator La Follette did or did not do. I have no knowledge of what he did or did not do.

Mr. HANEY. When you communicated the Funk story to Senator La Follette, did you not intend that he should convey it to other Senators sitting in that Senate?

Mr. KEELEY. I gave him the story—

Mr. HANEY. Will you answer my question? Then you can talk as much as you want to.

Mr. KEELEY. Did not I intend that he should convey it?

Mr. HANEY. Read the question, please, Mr. Reporter.

(By request, the stenographer read the pending question.)

Mr. KEELEY. Yes; if he could secure it from Mr. Kohlsaat.

Mr. HANEY. But he had already secured it from you in all its essentials except the name of the man who told it to Kohlsaat?

Mr. KEELEY. Yes; but he was to try and get it from Brother Kohlsaat and he did not.

Mr. HANEY. That was because you did not want him or anybody to know that you were the conduit which conveyed that story to Senator La Follette, and through him to other Senators; but you wanted him to follow the pointer that you had given and try to get the story from them rather than from you?

Mr. KEELEY. Yes. I tried to get it from Mr. Kohlsaat and I could not and I thought possibly he could.

Mr. HANEY. But you had all of the story that it was necessary for anybody to know, except Mr. Funk's name, did you not?

Mr. KEELEY. I had all of the story except Mr. Funk's name.

Mr. HANEY. And that was all that was necessary for an investigation of the facts in or connected with that story, was it not?

Mr. KEELEY. Apparently it was not, in Senator La Follette's opinion.

Mr. HANEY. Senator La Follette did not say that to you, did he?

Mr. KEELEY. He took no action. I say "apparently."

Mr. HANEY. How do you know he did not take any action?

Mr. KEELEY. He did not disclose it to the Senate.

Mr. HANEY. How do you know he did not? I just asked you whether he did or not and you said you did not know what he did on that point.

Mr. KEELEY. You spoke of "Senator," Judge, and I say "the Senate." When I say he did not disclose it to the Senate I mean that he, as a Senator, did not disclose it to the Senate assembled.

Mr. HANEY. Then you differentiate between the fact of his declaring it publicly to all of the Senators and going around and telling it to each of the Senators individually, do you?

Mr. KEELEY. Why, I should, but I do not know that he did.

Mr. HANEY. You do not know whether he did tell all or some of the Senators the story, do you?

Mr. KEELEY. I do not, sir. I have no knowledge whatever on the subject.

Mr. HANEY. But you used the Funk story, and you wanted Senator La Follette to use the Funk story, in any way that it was possible to prevent Senator Lorimer from retaining his seat in the Senate, and to drive him out of politics, did you not?

Mr. KEELEY. No; that is not a correct statement of my position, Judge.

Mr. HANEY. What is a correct statement of your position on this point?

Mr. KEELEY. As I said before, I gave it to Senator La Follette, hoping that he could get the story from Mr. Kohlsaat, and that, getting that information, there would be a further investigation.

Mr. HANEY. And your hope was that that further investigation would do what?

Mr. KEELEY. My theory was that if a further investigation were held and this evidence were brought out, there would be a better chance for the removal of Mr. Lorimer from the United States Senate.

Mr. HANEY. That is just what I said. You thought that by use of that story as you knew it, and as you conveyed it to Senator La Follette, and as you desired to have Senator La Follette use it, you could unseat Senator Lorimer from the Senate of the United States and drive him out of politics?

Mr. KEELEY. My theory was that that, if followed out, might produce a second investigation, and that might result unfavorably to Senator Lorimer; yes, sir.

Mr. HANEY. Yes. You knew, did you not, that, so far as you were concerned, there were many Senators sitting as judges in this case who did not and might not know the Funk story as you told it to Senator La Follette?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Why did you not want all of the Senators to know that story as you told it to Senator La Follette?

Mr. KEELEY. I did; that was my object. I thought that he would make a public disclosure of it and get it from Mr. Kohlsaat and have the investigation continue.

Mr. HANEY. Did you place any limitations upon the use of information that you had given to Senator La Follette, as to how he should convey it to his brother Senators—whether he should convey it publicly in a speech on the floor, or whether he should convey it to them by some other method?

Mr. KEELEY. No, sir; I did not.

Senator GAMBLE. I thought you said that you gave it to him in confidence.

Mr. KEELEY. Yes, sir.

Senator GAMBLE. And that he would not receive it in confidence.

Mr. KEELEY. Yes, sir.

Senator GAMBLE. Did he make that statement after you had disclosed it to him, or before?

Mr. KEELEY. After.

Senator GAMBLE. After?

Mr. KEELEY. Yes.

Senator GAMBLE. Then your intention, in the first instance, was to give it to him in confidence. If your intention was such, how would you expect that he would make use of it?

Mr. KEELEY. I called his attention to the editorial; I said: "Here is a story that I will tell you in confidence. I think, possibly, if you will speak to Mr. Kohlsaatt about this editorial and ask him what his information was on which he based it, you may be able to get this story from him."

Senator FLETCHER. Did you mean newspaper confidence?

Mr. KEELEY. I guess I was outside of all lines of confidence then, Senator.

Mr. HANEY. You did criticize and condemn the Senate of the United States and individual Senators for their votes and their position in the Lorimer case, did you not, in the columns of the Chicago Tribune?

Mr. KEELEY. We did; yes, sir.

Mr. HANEY. You did that both before the hearing in the Senate and after the judgment of the Senate had been solemnly pronounced and entered of record, didn't you?

Mr. KEELEY. I would not say that, sir.

Mr. HANEY. Don't you know that you did?

Mr. KEELEY. I do not know that I did. The volumes of the Tribune are the best evidence on that case. You said "before the investigation, pending, and subsequent?"

Mr. HANEY. Well, when did you condemn the Senators and the Senate for their action?

Mr. KEELEY. I assume after the committee report was made and after the vote was taken, and during the discussion in the Senate.

Mr. HANEY. And didn't you, after the judgment of the Senate was pronounced, on the 1st day of March, 1911?

Mr. KEELEY. Oh, yes. I say subsequently.

Mr. HANEY. That covers all three periods that I named—before, during, and afterwards?

Mr. KEELEY. You said "before the investigation."

Mr. HANEY. Well, didn't you before the investigation?

Mr. KEELEY. I do not think so. Why should we and how should we?

Mr. HANEY. I can not answer why you did anything in the case.

Mr. KEELEY. I say I do not think I did. You can see from the paper.

Mr. HANEY. Mr. Chairman, I would like to come back to that when I get the paper for myself and introduce an editorial that I desire to refer to. I desire now, Mr. Chairman, to have placed in this record—and I will not take up the time of this honorable committee now to read it unless it is so desired—an editorial in the Chicago Tribune of Thursday, March 2, 1911; and I will ask to put it in the appendix or some other part, but not to be included in the record now, though I would like to have it in this record eventually. The principal editorial is headed, "What it Means;" and also an editorial headed, "Senator Cullom."

The CHAIRMAN. What is the date of that?

Mr. HANEY. March 2, the day after the Senate had decided that Senator Lorimer should retain his seat.

Senator GAMBLE. You expect it to be read later on?

Mr. HANEY. I will read it now, if it is desired by anybody.

Senator JOHNSTON. Let it be printed in the appendix.

Mr. HANEY. The editorial headed "Senator Cullom" is on the first column of the editorial page, which is page 12, and the other editorial is what Mr. Keeley calls the leading editorial, being the first editorial of the second column. That is the leading editorial, is it not?

Mr. KEELEY. Yes.

Mr. HANEY. It is at the head of the second column of the editorial page, which is page 12, and the title of the editorial is "What means," and it takes up all of that column and part of the third column.

The CHAIRMAN. I think they had better be marked for identification and printed as suggested.

Mr. HANEY. I have referred to it so that it can not be mistaken. Mr. Chairman, and I have given the date by the month and the day of the week, and the location of the two, so that any copy of the Tribune of that date will show, except possibly the early edition.

Mr. KEELEY. It is all the same, Judge.

(The paper was marked "Exhibit Keeley A.")

Mr. HANEY. Mr. Keeley, I call your attention to the issue of the Chicago Daily Tribune of Friday, June 3, 1910, and to the leading editorial on the editorial page, page 6, to the article which is headed "Don't crowd Mr. Burrows."

Do you say now, Mr. Keeley, that you did not criticize any Senator because of their action in the Lorimer case before the investigation?

Mr. KEELEY. I said I had no recollection of it, Judge.

Mr. HANEY. Oh, and does that always mean that it is not so?

Mr. KEELEY. I said also that the files of the paper were the best evidence. If there were any editorials printed they were in the paper.

Mr. HANEY. What do you say, now, after I call your attention to it?

Mr. KEELEY. Well, won't you read the editorial? I do not know what it contains.

Mr. HANEY. Shall I read it, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. HANEY read the editorial, as follows:)

"DON'T CROWD MR. BURROWS.

"Any display of impatience with the august United States Senate is entirely out of place. It is, as frequently is said, the 'Most dignified legislative body in the world,' and dignity and rapidity of motion are not consonant. This dignity already has suffered at the hands of Mr. Lorimer, and the Senators will not weaken it further by an unseemly haste in instituting an investigation.

"The matter is entirely safe in the hands of Senator Julius Caesar Burrows, of Michigan, chairman of the Committee on Privileges and Elections, to which Mr. Lorimer's request for an investigation has been referred. Mr. Burrows is moving, even if imperceptibly, but finds it necessary to stop and turn around, dignifiedly, every now and then to see if anyone is pushing him. Nothing can be gained by attempting to push Mr. Burrows. He will not tolerate it. All will be done in good time.

"Mr. Burrows is not one to take off his coat and rush away as if he had been sent to the market for 3 pounds of flank steak to meet an emergency caused by the sudden arrival of unexpected guests just at the dinner hour. Things are not done in this fashion in the Senate.

"There are the proprieties to consider, and Mr. Burrows will consider them. They are safe in Mr Burrows's hands.

"It should be remembered that all the Senators know of the charges of corruption in the election of the junior Senator from Illinois is what Mr. Lorimer has told them, and he did not tell them much. What he did tell them he said was untrue, and no doubt many of the elder statesmen feel that a certain violation of senatorial courtesy results from not accepting Mr. Lorimer at his word and regarding the affair as closed.

"As a sop to the prejudices of the people, the Senate will hold an inquiry in its own way and in its own good time. Meanwhile no pushing and no crowding. Stand back, men, and give the Senate air. The entire affair is distasteful and unpleasant, and there can be no justification of any rude or boisterous clamoring at the heels of Julius Caesar Burrows or any other Senator. Mr. Burrows is gathering a nosegay of lilies of the valley. In due time he will be ready and will proceed intrepidly."

Mr. HANEY. Now, what do you say to that?

Mr. KEELEY. I say that editorial is critical.

Mr. HANEY. That is as mild a term as you could use in relation to that screed, is it not?

Mr. KEELEY. You asked me if we criticized the Senate, and I reply that that editorial is critical.

Senator GAMBLE. Was the editorial written by you?

Mr. KEELEY. No; I could not write that.

Mr. HANEY. Let me call your attention to the editorial that I have offered in evidence, published on Thursday, March 2, 1911, and I will read, commencing at the bottom of the first column of that editorial:

The Senate verdict on Lorimer's election is an answer to all that. By order of the powers that rule—Aldrich, Bailey, Penrose, Bulkeley, Hale, Gallinger, Dillingham, Depew, Flint, Carter, Burrows, and the obscure representatives of organized money have challenged the honor and intelligence and self-interest of the people of the United States, challenged it with an insolence which they have never so plainly shown before.

Did you think that was critical, too?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And in the money power which you say was represented by the obscure Members of the Senate, you did not think was included the \$10,000,000 Tribune?

Mr. KEELEY. Oh, no, sir.

Mr. HANEY. You did not think that was a money power?

Mr. KEELEY. No, sir.

Mr. HANEY. Did you know any money power, or do you to-day, that operates with or uses so much insolence in dealing with public men or public questions as the money power of the Chicago Tribune, with its \$10,000,000 of assets?

Mr. KEELEY. I would not say that, Judge.

Mr. HANEY. You would not say what?

Mr. KEELEY. That what you have said is true.

Mr. HANEY. Will you answer what I have asked you?

Mr. KEELEY. Well, that is an answer.

Mr. HANEY. What is that?

Mr. KEELEY. You asked me if I knew of any power other than the Chicago Tribune that was as insolent.

Mr. HANEY. I will ask the reporter to read it.

(The reporter read the question, as follows:)

Did you know any money power, or do you to-day, that operates with such much insolence in dealing with public men or public questions as the money power of the Chicago Tribune, with its \$10,000,000 of assets?

Mr. KEELEY. That is not my opinion of the Chicago Tribune.

Mr. HANEY. Will you answer the question now? Do you know of any other money power?

Mr. KEELEY. You want me to take your assumption as true, and decline to take it as true.

Mr. HANEY. Is that the only answer you care to make to it?

Mr. KEELEY. Yes.

Mr. HANEY. Well, I am willing to let it stand that way.

Now, I call your attention to the issue of the Chicago Daily Tribune of March 3, 1911, and the leading editorial, being the first editorial at the head of what you call the second column of the editorial page, and I will read from it:

“MOLLUSCOUS POLITICS.

“We are not in the least unappreciative of the fact that many honest and estimable citizens are heartily sick and tired of the Lorimer case and are hoping, now the Senate has decided it, that there will be an end to it. The weariness is natural, but in the larger sense there can be no end to it, because the injustice is there sitting complacent in a conspicuous dirty seat, and because of the hypocrisy and subserviency of a few men the monstrous validation of a rotten election is given the form of a national disgrace.

“Therefore, there can be no end to it, because the Senate has perpetuated it. It is not ended.

“If Lorimer were other than a lump of amiable hypocrisies, protected by an armor of self-assurance, his position would be intolerable. If four men had had the honesty to vote according to the convictions he would have been ousted and his seat would be vacant.

What four men did you have reference to?

Mr. KEELEY. No four men, sir, particularly. The change of four votes there would have ousted Lorimer.

Mr. HANEY. Did you think that every man who had voted for Senator Lorimer was dishonest?

Mr. KEELEY. No, sir.

Mr. HANEY. Well, which of the four men who did vote for him whose vote if changed would have ousted him, did you have in mind when you published that editorial?

Mr. KEELEY. No four men at all, Judge.

Mr. HANEY. What did you mean, then, when you said—

Mr. KEELEY. It was a figure of speech—40 and 46; take 4 from 46 and you will have 42; add 4 to 40 and you have 44.

Mr. HANEY. You are a very bright boy.

Senator JONES. Did you have any knowledge or information of any Senator voting dishonestly in that matter?

Mr. KEELEY. No, sir.

Senator JONES. You have not now?

Mr. KEELEY. No, sir.

Senator GAMBLE. Were you the author of this editorial?

Mr. KEELEY. No, sir; I do not write many editorials.

Mr. HANEY. You did write the so-called sawdust editorial?

Mr. KEELEY. A line and a half. That is my limit, practically.

Mr. HANEY. Is that the limit of your ability in that direction?

Mr. KEELEY. Just about.

Senator JONES. Who wrote that editorial?

Mr. KEELEY. I do not know—either one of three men.

Senator JONES. You do not think that either one of those three men had any knowledge of any senator voting dishonestly?

Mr. KEELEY. No, sir. It is an arithmetical figure of speech.

Mr. HANEY. Will you name the three men?

Mr. KEELEY. Tiffany Blake, Clifford Raymond, and Frederick Hall.

Mr. HANEY. Would any one of those men write an editorial of that kind at that time without direction from you?

Mr. KEELEY. Yes, sir.

Mr. HANEY. You were at that time the managing editor, were you not?

Mr. KEELEY. What is the date?

Mr. HANEY. March 3, 1911.

Mr. KEELEY. March, 1911—no; no.

Mr. HANEY. Who was?

Mr. KEELEY. I was the boss.

Mr. HANEY. That meant the publisher and the editor in chief?

Mr. KEELEY. Yes, sir.

Mr. HANEY. The managing editor?

Mr. KEELEY. No, sir. Mr. Beck was the managing editor.

Mr. HANEY. Well, Teddy Beck was your subordinate?

Mr. KEELEY. Yes, sir.

Mr. HANEY. He had been city editor and night editor?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And you placed him in that position as managing editor?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And he did what you told him to do, did he not?

Mr. KEELEY. He always has; yes, sir.

Mr. HANEY. Will you say to this honorable committee that Teddy Beck would direct or permit an editorial of that kind to be published in the Chicago Tribune at that time without your knowledge or direction?

Mr. KEELEY. He has nothing whatever to do with the editorials.

Mr. HANEY. Now, then, nobody there would publish that editorial at that time without your knowledge or consent, would they?

Mr. KEELEY. Without following out a policy that I had outlined.

Mr. HANEY. Now, will you answer the question?

Mr. KEELEY. Knowledge or consent—I may not have had knowledge of it.

Mr. HANEY. I know you may have lucid intervals, but that is not what I am talking about.

Mr. KEELEY. All right, Judge.

Mr. HANEY. Answer the question.

Mr. KEELEY. I may not have knowledge.

Mr. HANEY. If you do not understand it, let the reporter read to you, and when you do understand it, answer it, and if you do not ever understand it, say so.

Mr. KEELEY. All right.

(The reporter read the question, as follows:)

Now, then, nobody there would publish that editorial at that time without your knowledge or consent, would they?

Mr. KEELEY. Yes, sir.

Mr. HANEY. What men would publish that editorial?

Mr. KEELEY. It might be published without my knowledge and might be published without my consent by Mr. Blake or Mr. Raymond.

Mr. HANEY. Was it published without your knowledge?

Mr. KEELEY. I do not remember, sir.

Mr. HANEY. Do you not know that it was not?

Mr. KEELEY. I do not, sir.

Mr. HANEY. Do you not know that you were defining the policy of the paper at that time on that matter?

Mr. KEELEY. Oh, certainly; I defined the policy, but I have no specific recollection of that one editorial—whether I saw it before it was printed.

Senator GAMBLE. Did the sentiments expressed in the editorial meet your approval?

Mr. KEELEY. They were following out the policy that I had outlined; yes.

Senator GAMBLE. Then the editorial itself was following out your policy?

Mr. KEELEY. Following out the general policy; yes.

Mr. HANEY. You knew there was not any man in the Chicago Tribune office or connected with it, from you up or down, who had any knowledge or information whatever that would justify a charge that any Senator in the United States Senate voted corruptly or improperly on that question, did you not?

Mr. KEELEY. I had no knowledge; yes, sir.

Mr. HANEY. I will ask the reporter to read that question.

(The reporter read the question, as follows:)

You knew there was not any man in the Chicago Tribune office or connected with it, from you up or down, who had any knowledge or information whatever that would justify a charge that any Senator in the United States Senate voted corruptly or improperly on that question, did you not?

Mr. KEELEY. I did.

Mr. HANEY. And still you permitted the public to read the charge, backed by the \$10,000,000 Tribune, did you?

Mr. KEELEY. It was printed, yes; and I permitted the public to read it. [Laughter.]

Mr. HANEY. At 1 cent a copy.

Mr. KEELEY. One.

Mr. HANEY. Well, it was cheap in other respects. I desire to offer that whole editorial. I have only read part of it. I desire to have it all put in evidence.

The CHAIRMAN. You desire to have it appear in the record here?

Mr. HANEY. I either want it to appear in the record or in connection with the record, so that it will go in as part of the record of this case, either in the body of the record or in the appendix.

The CHAIRMAN. It will be printed.

Mr. HANEY. It is the leading editorial—that is, it is the first editorial in the second column of page 8, which is the editorial page of the issue of the Chicago Tribune of Friday, March 3, 1911.

(The editorial is as follows:)

“MOLLUSCOUS POLITICS.

“We are not in the least unappreciative of the fact that many honest and estimable citizens are heartily sick and tired of the Lorimer case, and are hoping, now the Senate has decided it, that there will be an end to it. The weariness is natural, but in the larger sense there can be no end to it, because the injustice is there sitting complacently in a conspicuously dirty seat, and because, by the hypocrisy and subserviency of a few men the monstrous validation of a rotten election is given the form of a national disgrace.

“Therefore there can be no end to it, because the Senate has perpetuated it. It is not ended.

“If Lorimer were other than a lump of amiable hypocrisies, protected by an armor belt of self-assurance, his position would be intolerable. If four men had had the honesty to vote according to their convictions, he would have been ousted and his seat would be vacant. A man of sensitive honor would be so humiliated by the circumstances of his retention that resignation would be the only salvation of his self-respect. Persons in doubt as to Mr. Lorimer's character are invited to consider this.

“Honor finds no salve in that vote. The vindication of William Lorimer looks as if it has been in a train wreck. The Weeping Willow is welcome to the remnants. His conscience is like a hoof. He could plant it on the edge of a razor blade and not know it.

“There is, however, a more important matter before us in Illinois than the willingness of the United States Senate to wear a smudge of black on its face. Of what sort of wretched stuff is our politics made out here? As an important State, we have cause for shame. We can not even muster intelligent dishonesty. We might defy safely any State to show such an array of incompetence and mediocrity.

“Aside from Charles S. Deneen and a few others, who could be numbered on the fingers of one hand, we do not produce enough intelligence in politics to govern a South Sea island. Even in its villainies Illinois can not command respect for brains.

“It is not a pleasant task to quarrel with Shelby M. Cullom in his old age, but observe how perfectly he behaves, according to Illinois form, when facing a question requiring courage? If there was a man in the Senate who knew that William Lorimer's election was purchased, that man was Cullom. The statement which he issued in explanation of his vote emphasizes his ‘doubt.’ Mr. Cullom had no doubt. He knew. At this moment he knows. That he made no use of his knowledge to aid Senators who honestly might entertain a

doubt is one thing. That he made no use of it himself is another. Mr. Cullom is a perfect Illinois product. He considered the chair of Shelby M. Cullom's reelection in 1913 and shrewdly decided to antagonize not only Mr. Lorimer but the important members of the Illinois Legislature who will be sitting on his case in two years would be fatal. His decision may be justifiable politically, but Cullom has no cause for complaint if the facts be made clear.

"In Illinois we are in the molluscos stage of political intelligence."

Mr. HANEY. Before I forget it, Mr. Chairman, I desire to have in the record in this case the account of the Hon. J. Callan O'Laughlin for expenses.

Senator GAMBLE. Is that a sufficient identification, Judge?

Mr. HANEY. No. Former Assistant Secretary of State under the former—the last administration of Theodore Roosevelt. [Laughter] Shall I read it? I desire to have this in the body of the record.

The CHAIRMAN. Yes. Proceed.

Mr. HANEY. I will ask the stenographer to mark it.

(The paper referred to was marked by the stenographer "F. R. No. 1, July 26, 1911.")

Mr. HANEY (reading):

J. Callan O'Laughlin's expenses.

Voucher.	Date.	Description.	Reportorial work.	Stenographic work.
4155	June, 1910	J. Fred Essary, interview on Lorimer.....	\$5.00	
12106	Dec., 1910	Hal H. Smith, space and assignment.....	7.00	
1041	Jan., 1911	J. Fred Essary, Lorimer assignments.....	10.00	
1041	do	A. C. Johnson, Lorimer interviews.....	7.50	
1041	do	T. J. Pence, assignments, Lorimer.....	10.00	
1041	do	P. C. Patterson, Lorimer assignments.....	25.00	
1041	do	Stuart, Lee & Mercer, reporting hearing before Senate Committee on Privileges and Elections—Lorimer.....		
1041	do	W. Clapp, 30 pages of Lorimer matter.....		
1694	Jan., 1911	Wells F. Harvey, Lorimer assignments.....		
1604	do	Tom A. Miller, services finding publication in Detroit News.....	2.50	
1604	do	W. Clapp, Senator Davis's speech.....		
1604	do	W. Clapp, Senator Borah's speech.....		
1604	do	W. Clapp, Senator Cummins's speech.....		
1604	do	W. Clapp, Senator Cummins' debate.....		
1604	do	D. J. Waters, transcript on Lorimer matter.....		
1604	do	L. M. Venerable, transcript on Lorimer matter.....		
1604	do	T. J. Pence, salary.....	100.00	
1604	do	Wells F. Harvey, telegrams.....	13.54	
2553	Feb. 1911	W. Clapp, transcript, Senator Beveridge.....		
2553	do	do.....		
2553	do	do.....		
2553	do	Transcript, Senator Gamble.....		
2553	do	Transcript, Senator Burton.....		
2553	do	Transcript, Lorimer matter.....		
2553	do	Transcript, Senator Brown.....		
2553	Feb., 1911	T. J. Pence, salary.....	100.00	
2553	do	Stuart Lee & Mercer, transcript on Senators Bailey and Lorimer speeches.....		
2553	do	Transcript, Senators Root, Hale, and Bradley.....		
2553	do	Transcript, Senators Lorimer, Gamble, and Jones, speeches.....		
4611	Apr., 1911	W. Clapp, copying 10 pages of Senator Heyburn's colloquy with Senator Works.....		
5673	May, 1911	W. Clapp, transcript, Senator La Follette on Lorimer matter.....		
5673	do	Transcript on Lorimer debate.....		
5673	do	Stuart Lee & Mercer, copying testimony on Lorimer case.....		
			280.54	8

Mr. HANEY. I think you said you did not know what the different men named in that list did, or who they were, Mr. Keeley?

Mr. KEELEY. I have no knowledge of it, Judge.

Mr. HANEY. Did you go and talk with C. D. Norton about the Lorimer case, Mr. Keeley?

Mr. KEELEY. I asked C. D. Norton—

Mr. HANEY. Will you answer my question? Then you may explain as much as you want to.

Mr. KEELEY. No, sir.

Mr. HANEY. Did he talk with you about it?

Mr. KEELEY. No, sir; except as I was trying to explain.

Mr. HANEY. Did you never talk with C. D. Norton about it?

Mr. KEELEY. I did.

Mr. HANEY. That is what I mean.

Mr. KEELEY. In a way. May I explain?

Mr. HANEY. Yes; now you may talk about anything you want to.

Mr. KEELEY. All right. I had a copy of the brief and I wanted to present it to the President, and I asked Mr. Norton to arrange for an appointment.

Mr. HANEY. When was that?

Mr. KEELEY. At the same time that I was down here before with the briefs.

Mr. HANEY. Will you not tell us by the calendar?

Mr. KEELEY. At the time I saw all the other Senators.

Mr. HANEY. Still, will you not tell us by the calendar?

Mr. KEELEY. In December. The early part of December.

Mr. HANEY. The early part of December?

Mr. KEELEY. The early part of December of last year.

Mr. HANEY. Is that the time you were down on the Wilson case?

Mr. KEELEY. That is my recollection, Judge.

Mr. HANEY. Then, it was on the 6th or the 7th of December, was it not?

Mr. KEELEY. I did not say that I left here on the 7th. I might have stayed here a day or two more.

Mr. HANEY. I know you might; but you told me you were going to leave that afternoon. I do not know whether that was the truth or not; but what do you say about the fact?

Mr. KEELEY. You may testify as to what I told you. I have no recollection of what I told you, or as to how long I stayed here.

Mr. HANEY. Was it the 6th, 7th, 8th, 9th or some other date in December?

Mr. KEELEY. During that visit, however long the visit may be; I do not know.

Mr. HANEY. Do you know how long you remained here that time?

Mr. KEELEY. I do not.

Mr. HANEY. You do not know whether it was 2 days or 10 days?

Mr. KEELEY. I said two or three or four days, Judge.

Mr. HANEY. That gives it to us, approximately. Did you ever talk with Mr. Franklin MacVeagh, the Secretary of the Treasury, about the Lorimer case?

Mr. KEELEY. No, sir.

Mr. HANEY. Never?

Mr. KEELEY. No, sir.

Mr. HANEY. Did he ever talk with you about it?

Mr. KEELEY. No, sir; not to the best of my recollection.

Mr. HANEY. Did you ever talk to anybody in the presence of the Secretary of the Treasury Franklin MacVeagh about the Lorimer case?

Mr. KEELEY. No, sir.

Mr. HANEY. Nor did he ever talk to anybody in your presence about the case?

Mr. KEELEY. Not as I remember it.

Mr. HANEY. You were a friend of the Busse administration in Chicago, were you not, Mr. Keeley?

Mr. KEELEY. Personally?

Mr. HANEY. Well, the limit is off on my question.

Mr. KEELEY. I knew Fred Busse. I was a friend of his; yes.

Mr. HANEY. The Tribune was, too?

Mr. KEELEY. I will not say that I was a friend of his administration. We supported him and we criticised him.

Mr. HANEY. You, and the paper that you manage, the Chicago Tribune, were friendly to Mr. Busse's administration?

Mr. KEELEY. We were friendly, and we were also critical.

Mr. HANEY. You know that there were some very serious criticisms or attacks on the Busse administration in the early part of the year 1910, do you not?

Mr. KEELEY. Was it not the latter part of the year 1909?

Mr. HANEY. Well, take it back to that, then.

Mr. KEELEY. Yes.

Mr. HANEY. You say commencing the latter part of 1909?

Mr. KEELEY. Yes.

Mr. HANEY. And it continued right along until the summer or later than that, of 1910, did it not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And State's Attorney Wayman was said to be preparing evidence to indict Mr. Busse, the mayor, and others under his administration. That is the fact, is it not?

Mr. KEELEY. It is not the fact as I know it.

Mr. HANEY. Inspector McCann, one of the police inspectors of the city of Chicago, which is the highest office in the police department except the chief, was indicted by Mr. Wayman and the grand jury under him, and tried and convicted, was he not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And that was about that time, was it not?

Mr. KEELEY. He was convicted in September, Judge.

Mr. HANEY. Of 1910?

Mr. KEELEY. 1909.

Mr. HANEY. 1909?

Mr. KEELEY. Yes; that is my recollection.

Mr. HANEY. And there were investigations by State grand juries in Cook County, running through a number of terms after that, were there not?

Mr. KEELEY. There were investigations; yes.

Mr. HANEY. Yes; of the different departments of the city government?

Mr. KEELEY. There were some investigations; yes.

Mr. HANEY. You finally started this White story and published it on the 30th of April, 1910, did you not?

Mr. KEELEY. The story was printed April 30, 1910; yes.

Mr. HANEY. And you commenced investigating the White story a considerable time before that, did you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. You knew that Gov. Deneen and Fred Busse and Jim Pease and William Weber were meeting in conference, politically, about that time, did you not?

Mr. KEELEY. No, sir; I did not know that those men were meeting. I knew that meetings were being held; but I never heard the names until I read them in Gov. Deneen's testimony.

Mr. HANEY. You knew that all of those men acted as leaders in forming slates or tickets to be submitted to the people at the primaries, and so on, did you not?

Mr. KEELEY. Oh, I knew they were the political leaders; yes.

Mr. HANEY. You heard, or read, Gov. Deneen's testimony, did you not, in which he said that he heard the White story along in the summer or fall of 1909?

Mr. KEELEY. I read or heard his testimony that somebody had told him of such a story.

Mr. HANEY. In the summer or early fall of 1909?

Mr. KEELEY. Prior to this White episode with us; yes.

Mr. HANEY. And you heard, or read, in Gov. Deneen's testimony, that the man that he first heard the story from was Edwin R. Wright?

Mr. KEELEY. He did testify to that; yes.

Mr. HANEY. And Edwin R. Wright was the man who took White to your office with the White story, was he not?

Mr. KEELEY. No; I have no knowledge that anyone brought White to our office.

Mr. HANEY. You were present during the investigation of the senatorial committee in Chicago in September and October, 1910, you have said, and you sat there while Edwin R. Wright testified before that committee?

Mr. KEELEY. I do not know whether I was there when he testified. There were some days when I was not there.

Mr. HANEY. Do you not know that you did sit there and that you did hear Edwin R. Wright testify that Charley White first came to him about the story, part of which you published April 30, 1910, and that he, Wright, took Charley White to the Tribune office?

Mr. KEELEY. I do not recollect that, Judge. I do not dispute it, but I do not recollect it.

Mr. HANEY. But you say you did not hear the story?

Mr. KEELEY. I say I do not recollect that I heard it. I do not dispute it.

Mr. HANEY. You heard or read the testimony of Mr. Wright, and you heard or read the testimony of Gov. Deneen here, and you knew, did you not, that Gov. Deneen sent Edwin Wright to the Tribune office with the Charley White story?

Mr. KEELEY. I did not, sir.

Mr. HANEY. You never heard that before?

Mr. KEELEY. No, sir.

Mr. HANEY. You said in your testimony here the other day that you expected a story from Gov. Deneen in connection with the publication of the White story. What did you mean by that?

Mr. KEELEY. I said that the city editor at this luncheon, when were talking over the new stories for the second edition, said that expected a story about Gov. Deneen; that he was in town at so political conference.

Mr. HANEY. What was the story that you expected from G Deneen?

Mr. KEELEY. I did not expect any. The city editor said he expected a story from Gov. Deneen about this political conference.

Mr. HANEY. Was it not a story in connection with the Char White story?

Mr. KEELEY. No, sir.

Mr. HANEY. You are sure about that?

Mr. KEELEY. Most assuredly, Judge.

Mr. HANEY. Did you ever talk with or communicate with W D. Cook, of Duluth, about Mr. Hines or Mr. Lorimer?

Mr. KEELEY. Not to the best of my recollection, Judge.

Mr. HANEY. Did you ever talk with Mr. McCordick about it?

Mr. KEELEY. Who?

Mr. HANEY. Mr. McCordick; an attorney for Wirt D. Cook.

Mr. KEELEY. I never heard the name, Judge.

Mr. HANEY. You did hear the name of Wirt D. Cook?

Mr. KEELEY. I mean of Mr. McCordick. I do not know the gentleman and never talked to him, as far as I know.

Mr. HANEY. Did you not talk with Wirt D. Cook, in the presence of Mr. Healy, about Mr. Hines?

Mr. KEELEY. Mr. Healy?

Mr. HANEY. Yes.

Mr. KEELEY. I have no recollection of it.

Mr. HANEY. If you did you would be likely to remember it, would you not?

Mr. KEELEY. I should think so; yes.

Mr. HANEY. And you say you do not remember anything of that kind?

Mr. KEELEY. I have no recollection of it, Judge.

Mr. HANEY. Did not you and Mr. Kohlsaas see Wirt D. Cook?

Mr. KEELEY. No, sir.

Mr. HANEY. You are sure about that?

Mr. KEELEY. Yes.

Mr. HANEY. Mr. Keeley, why did you stop the publication of the offer of \$5,000 for any evidence telling of subscribers to the alleged fund?

Mr. KEELEY. Because it had produced no results.

Mr. HANEY. Did any business men of Chicago wait on you in that connection and tell you that you and the Tribune were giving the city of Chicago and the State of Illinois a very bad reputation unnecessarily?

Mr. KEELEY. No, sir.

Mr. HANEY. Did any business man talk with you about that?

Mr. KEELEY. I suppose that, in the year or so, one or two may have kicked about the story; but no one ever called and made any such statement as that.

Mr. HANEY. Did not a great many business men call and kick to you about the big display ad on the front page of the Tribune?

Mr. KEELEY. It is that advertisement you are talking about?

Mr. HANEY. Yes.

Mr. KEELEY. No, sir.

Mr. HANEY. Never?

Mr. KEELEY. No, sir.

Mr. HANEY. At any time?

Mr. KEELEY. Not as far as I recollect.

Mr. HANEY. They did kick about your publications in the Lorimer matter, did they not?

Mr. KEELEY. Oh, there have been protests. Some people signed their names, and numbers of them did not.

Mr. HANEY. But a great many of them did protest personally, over the telephone and by letter, did they not?

Mr. KEELEY. No, sir; a great many did not protest personally, over the telephone or by letter.

Mr. HANEY. And you say that after all those publications offering \$5,000 for any evidence you never got any evidence that you thought worthy of even publishing?

Mr. KEELEY. That is correct, Judge.

Mr. HANEY. And when you thought it would be useless to make further publications you discontinued it?

Mr. KEELEY. I quit.

Mr. HANEY. But you did not discontinue your attacks on Senator Lorimer and your charges against him?

Mr. KEELEY. I did not.

Mr. HANEY. You knew, did you not, Mr. Keeley, that Alfred Austrian, your attorney, was attorney for Wayman in the contest at the primaries between himself and John J. Healy?

Mr. KEELEY. I have a recollection of that; yes.

Mr. HANEY. And after Mr. Wayman called the special grand juries and indicted different parties connected with the Lorimer matter, Mr. Wayman became a candidate for governor of Illinois, did he not?

Mr. KEELEY. He is a candidate now; yes.

Mr. HANEY. He became a candidate right after the indictment of Lee O'Neil Browne, did he not?

Mr. KEELEY. Oh, I do not know that, Judge.

Mr. HANEY. Do you not know that he did right after that?

Mr. KEELEY. No; I do not. I do not know when he shied his castor into the ring?

Mr. HANEY. What do you mean by "his castor"?

Mr. KEELEY. I was using an old phrase. In the old days of pugilism, Judge, a hat was known as a "castor"; and when two men got into the ring to fight or one challenged another he "shied his castor into the ring."

Mr. HANEY. You think Wayman threw his old hat into the ring, do you?

Mr. KEELEY. Into the gubernatorial ring; yes, sir.

Mr. HANEY. I desire, Mr. Chairman, to ask permission to take out of the papers on file with the committee, so that they will go in as an appendix to the record, the different editorials about which I have asked this witness, but which I did not formally offer in evidence, in relation to the Lorimer matter. I do not deem it necessary to keep the committee here while they are read, but will submit them afterwards.

The CHAIRMAN. That will be better. I have here the correspondence that was handed us this morning. What do you want with that?

Mr. HANEY. I do not want anything with it, Mr. Chairman. While Mr. Wiehe was on the witness stand I think Senator Kern asked for that correspondence. Mr. Wiehe said he did not have the correspondence with the secretary of State of New York; and I think Senator Kern asked him to get it and send it on, and I think Mr. Wiehe sent it to me. I received it last night at my hotel, and brought it down here and submitted it to Senator Kern. He said to me, I recollect it (I will take his memory on that), that he would look over, or he and the committee would look it over, and if it was deemed necessary by the committee it might be offered in evidence; otherwise he would hand it back again. I have submitted it, in accordance with the request of Senator Kern, either for introduction or for any other purpose that the committee desire.

The CHAIRMAN. The committee will take some action on it.

Mr. HANEY. When you consulted Gov. Deneen about the White story, Mr. Keeley, you said you wanted his advice on the matter because he had been State's attorney of Cook County. You had your own attorneys to consult with at that time, and had consulted with them in relation to the White story, had you not?

Mr. KEELEY. Yes, sir.

Mr. HANEY. What proportion of the White story, as you saw it, you received it from him, did you publish on the 30th of April, 1910?

Mr. KEELEY. What proportion?

Mr. HANEY. Yes.

Mr. KEELEY. Oh, I can not say, Judge.

Mr. HANEY. About what proportion?

Mr. KEELEY. Probably 5 per cent.

Mr. HANEY. About 5 per cent of the whole story?

Mr. KEELEY. Of the whole narrative; yes.

Mr. HANEY. And I think you designated the rest of it in your testimony the other day as "tommyrot."

Mr. KEELEY. No; not the 95 per cent.

Mr. HANEY. What per cent of it was "tommyrot"?

Mr. KEELEY. I think we used altogether about 25 per cent. You see it ran for three or four days—20 per cent of the total amount of the manuscript.

Mr. HANEY. Then one-fifth of all of it was published by you on the 30th, or on that and subsequent dates?

Mr. KEELEY. That is my rough guess as to the amount.

Mr. HANEY. And not more than one-fifth of the whole story was published by you at any time?

Mr. KEELEY. No, sir. That is my rough guess, Judge.

Mr. HANEY. What proportion of all of it did you think was "tommyrot"?

Mr. KEELEY. Oh, a lot of the other stuff was.

Mr. HANEY. I say, what proportion of it? You did not separate it, but you said the rest was "tommyrot."

Mr. KEELEY. It was, largely.

Mr. HANEY. That is, all the rest of it was?

Mr. KEELEY. No; largely—largely—largely.

Mr. HANEY. In view of your testimony here, and that of Gov. Deneen and Mr. Kohlsaas and the others who have testified in relation to the Funk story, and Hines, Tilden, and other individuals connected with it by Funk and Kohlsaas and you and Gov. Deneen, and the fact that you and they testified that you had no knowledge and have none now except what was presented to the Senate at the former investigation and now, do you not think that all of it was "tommyrot"?

Mr. KEELEY. I do not.

Mr. HANEY. You think that the only part of the story that was not "tommyrot" was that part of it which you could use to attack and discredit Senator Lorimer?

Mr. KEELEY. I believed in it, and some other people believed in it.

Mr. HANEY. Now will you answer my question?

Mr. KEELEY. Did I not answer it, Judge?

Mr. HANEY. Listen to it, and then let your mind work.

(By request, the stenographer read aloud the pending question.)

Mr. KEELEY. I do.

Mr. HANEY. I desire to offer in evidence now, Mr. Chairman, a certified copy of a paper certified by Abram J. Harris, clerk of the criminal court of Cook County, Ill., under the seal of the criminal court of Cook County, Ill. The certificate covers two documents calling two special grand juries. I desire now to offer only the one referring to the first special grand jury which was called and which indicted Lee O'Neil Browne. The other one, which I may want to use later, relates to another grand jury that was called by the State's attorney of Cook County, and, I think, only one indictment was found, and that was against Detective Keeley and Gloss. Detective Keeley was connected with Mr. Wayman's office, and Mr. Gloss was a witness in one of the Browne cases, who testified in regard to Yarbrough, who was said by White to have been in his room when Lee O'Neil Browne first spoke to him about Lorimer. That was in Springfield. Gloss took the stand, and so did his wife, and testified that on the 24th—the day Yarbrough was said to have been in Browne's room in Springfield—Yarbrough was in Chicago and took supper at Gloss's house that night. Mrs. Gloss testified that she prepared the supper for him and her husband; he stayed there all night, took breakfast there the next morning, and made a present of a quarter to her boy, the anniversary of whose birthday was the 25th or 26th of that month. He wanted a baseball bat or a baseball glove, and they would not give it to him, and Yarbrough made him a present of 25 cents. They were the only indictments found by that grand jury. Gloss was never tried, but the indictment was dismissed. He was brought into court while the Lee O'Neil Browne jury was sitting, in the custody of an officer, for the purpose of giving bail and for the purpose, as was contended there, of intimidating other witnesses and discrediting his testimony with that jury before which he had testified.

Senator JONES. You say that is the call for the grand jury?

Mr. HANEY. The first one is the call for the grand jury that indicted Gloss and Keeley.

The CHAIRMAN. You are not offering that?

Mr. HANEY. I am not offering that now. I may offer it later. I am offering the other, but one certificate covers both of them.

The CHAIRMAN. Will you indicate to the official reporter what you offer, so that he can copy it into the record.

Mr. HANEY. Yes; I will read it into the record.

The CHAIRMAN. Is it necessary to read the whole of it, as long as the whole of it will appear in the record?

Mr. HANEY. There is only one page, and I should like to read it in connection with his testimony, Mr. Chairman.

The CHAIRMAN. Very well; proceed.

Mr. HANEY. I offer the second page of this certified copy and certificate of the clerk on the third page.

Senator FLETCHER. Gloss and Keeley were indicted by the second grand jury, called during the trial, were they not?

Mr. HANEY. Yes; by the second special grand jury.

Senator FLETCHER. Not by the first?

Mr. HANEY. No.

I offer in evidence now the petition for a special grand jury in the order of the court directing it.

(Mr. Haney then read aloud the petition referred to and the certificate of the clerk, both of which papers are as follows:)

STATE OF ILLINOIS, County of Cook, ss:

In the Criminal Court of Cook County.

To the Hon. GEORGE KERSTEN,

Judge of the Circuit Court and ex officio Judge of the Criminal Court

Now comes John E. W. Wayman, State's attorney of Cook County, Ill., and shows the court that the grand jury regularly drawn for the April term met by operation of law on the night of April 30, 1910, and will therefore have time to take cognizance of matters of great public importance which have just arisen.

He further shows the court that on the 28th day of April, A. D. 1910, a certain bill in chancery was filed in the Superior Court of Cook County against one John C. Fetzer, in which said Fetzer claims that large amounts of money in his possession, the property of the Chicago & Western Indiana Railroad, were used for unlawful purposes of bribing public officials.

It therefore appearing to the State's attorney that public justice requires the empanelling of a special grand jury to make a full and complete investigation of said charges, and such other matters as may be brought before the jury, your petitioner petitions your honor that you enter of record in court an order for the calling of a special grand jury according to law on Monday, the 2d day of May, A. D. 1910.

Respectfully submitted.

JOHN E. W. WAYMAN,
State's Attorney

Let order issue as prayed.

GEORGE KERSTEN, *Judge*

STATE OF ILLINOIS, County of Cook, ss:

I, Abram J. Harris, clerk of the criminal court of Cook County, in said county and State, do hereby certify the above and foregoing to be a true, correct, and complete copy of petition for a special grand jury for the 2d day of May, A. D. 1910; also order for special grand jury for the 30th day of April, A. D. 1910.

Witness Abram J. Harris, clerk of said court, and the seal thereof, at Chicago, in said county, this 28th day of September, A. D. 1910.

[SEAL.]

ABRAM J. HARRIS, *Clerk*

Mr. HANEY. Mr. Keeley, I think I asked you this morning, and probably you answered, if John C. Fetzger, who filed the bill referred to here against the Chicago & Western Indiana Railroad Co., was represented in that litigation by Mayer, Meyer, Austrian & Platt?

Mr. KEELEY. That is my understanding, Judge.

Mr. HANEY. And no other indictments were found by that special grand jury except the indictment against Lee O'Neil Browne, and possibly Robert E. Wilson and Judge Henley?

Mr. KEELEY. I do not know, Judge.

Mr. HANEY. I have here, Mr. Chairman, briefly, in tabulated form, some information that some Senator called for or asked for in relation to the Lee O'Neil Browne trials. It is very brief—only three or four lines. It may be of assistance, and it can be verified later and corrected if necessary.

Mr. HEALY. We expect to have the record, Judge, with reference to all those trials.

Mr. HANEY. Suppose I read this in now, and you can change it if it is necessary.

Mr. HEALY. Why not put it all in at once—the whole record of all those trials, and the outcome, and everything that happened?

Mr. HANEY. The only reason I offer this, Mr. Healy, is that it is in tabulated form. It gives the date of the indictment against Lee O'Neil Browne—May 7, 1910. On June 7 the trial, under that indictment, was commenced. On June 24, 1910, the trial was finished—that is, it was submitted to the jury. On June 30 the jury disagreed and were discharged. The second trial commenced August 2, 1910; the trial ended on September 8; and on September 9 there was a verdict of "Not guilty."

Mr. Keeley, on page 233 of Book 20, on the next page after the copy of the contract between you and Charlie White, this question, was asked you, referring to that contract:

Mr. MARBLE. Was there any bargain with him as to his testimony?

The word "his" referring to Charlie White.

Mr. KEELEY. No, sir; I had nothing whatever to do with his testimony. I was simply printing the story.

Mr. MARBLE. Did you have any understanding with him that he should testify if called upon—

Mr. KEELEY. No, sir.

Mr. MARBLE. In consideration of these payments?

Mr. KEELEY. No, sir.

That is right, is it not, Mr. Keeley? That is your testimony?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Now, I call your attention to page 232 of the type-written copy, or possibly I had better read from the contract itself, from the record, and you may follow in that, if you wish. I call attention to the last clause of the contract, after the signature, "J. Keeley, vice president Tribune Co."

Mr. HEALY. What page is that?

Mr. HANEY. It is 104 of the printed record. It is as follows:

To the CHICAGO TRIBUNE AND THE TRIBUNE CO.:

GENTLEMEN: I have read the above and foregoing, and agree to the terms thereof, and to accept the sums of money as therein set forth, and I further agree to devote my time and services to substantiate the story referred to as and when requested by you so to do, and in such manner as you may direct.

Now, do you mean to say that it was not understood or agreed that Mr. White was to testify to the story that you published on 30th of April, 1910?

Mr. KEELEY. Why, most assuredly I had nothing whatever to do with his testifying.

Mr. HANEY. Who wrote this contract?

Mr. KEELEY. Mr. Austrian.

Mr. HANEY. Your attorney?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And there were present when the contract was signed you and Charley White?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And Mr. Austrian?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And Tom McGuire, the detective?

Mr. KEELEY. Yes, sir.

Mr. HANEY. Anybody else?

Mr. KEELEY. No, sir.

Mr. HANEY. And what did you think this language meant—above Charley White's signature?—

And I further agree to devote my time and services to substantiate the same referred to as and when requested by you so to do, and in such manner as you may direct.

Mr. KEELEY. Why, to give substantiation for publication.

Mr. HANEY. Do you mean to say that the language in that contract does not require Charley White to testify in support of the story, or to substantiate it in such manner as you direct?

Mr. KEELEY. Why, Judge Haney, absolutely no.

Mr. HANEY. And you know the meaning of the English language, don't you?

Mr. KEELEY. I do; yes, sir.

Mr. HANEY. Well, you did call on him, didn't you, to testify in the Browne case?

Mr. KEELEY. I did not call on him to testify in the Browne case.

Mr. HANEY. You did call on him to testify before the Senate Investigating Committee in Chicago, didn't you?

Mr. KEELEY. I did not.

Mr. HANEY. Didn't your attorney?

Mr. KEELEY. I think he was served with a subpoena. I think the name was submitted in the list of witnesses and he was served with a subpoena.

Mr. HANEY. Didn't you and your attorney submit the name Charles A. White to that senatorial investigating committee to be called as a witness by the committee?

Mr. KEELEY. Yes; I assume he did.

Mr. HANEY. And didn't your attorney appear there and examine him?

Mr. KEELEY. He did.

Mr. HANEY. Mr. Chairman, Mr. Keeley was asked to produce, and said that he would produce, before this honorable committee a manuscript of the White story, and that he would send for that and bring it in. I suppose he has not got it here?

Mr. KEELEY. Oh, no; I said I would produce it when I got it. I will get it.

Mr. HANEY. I would like to reserve the right to further cross-examine Mr. Keeley on that or any other matter that may develop; and because of his general frankness and honesty here in testifying, and expressing a wish to get away to-night, I am going to close the examination now, with the privilege of calling him for further cross-examination.

Mr. KEELEY. I thank you, Judge Hanecy.

The CHAIRMAN. Do you wish to reexamine him, Mr. Marble?

Mr. MARBLE. Mr. Keeley, when this contract was signed, did Mr. White have anything to do with preparing the form of it?

Mr. KEELEY. Oh, no; none whatever. He did not like it.

Mr. MARBLE. What do you mean by that?

Mr. KEELEY. Oh, he kicked about it—kicked about some of the phraseology. I do not remember what it was, but there were some words there that he did not like, and he was fussing about it.

Senator GAMBLE. He made those objections known, I think, in his testimony that he gave in the earlier hearing.

Mr. KEELEY. Yes; he fussed about something. I do not remember what it was. As a matter of fact, I was dressing to go to a dinner party, and I would stick my head out of the bath—

Senator GAMBLE. In room 6?

Mr. KEELEY. Oh, no. I would stick my head out of the bathroom and argue with him while I was dressing.

Senator GAMBLE. Who fed and clothed White during this time when he was in the custody of an officer in the State's attorney's office and at the time he appeared before the Senate committee?

Mr. KEELEY. Senator, we gave him—Mr. McGuire gave him \$150. Other than that I have no knowledge as to how he existed.

Senator KENYON. Do you believe the White story?

Mr. KEELEY. I did and do.

Senator KENYON. You did and do?

Mr. KEELEY. I did and do.

Mr. HANEY. May I ask another question, Mr. Chairman?

The CHAIRMAN. Certainly.

Mr. HANEY. I think you said, Mr. Keeley, that you asked Gov. Deneen if he would call a special session of the legislature to investigate and deal with the White story?

Mr. KEELEY. Yes, sir.

Mr. HANEY. And he did not do so, did he?

Mr. KEELEY. He did not.

Mr. HANEY. He never did?

Mr. KEELEY. He never did.

Mr. HANEY. And he never wrote a message to the legislature asking any regular or special session to investigate it?

Mr. KEELEY. He did not.

Mr. HANEY. Or to investigate the jack pot, so called?

Mr. KEELEY. I think not.

Mr. HANEY. Or any other matter connected with the White story or your publication of it?

Mr. KEELEY. No, sir. He made some comments in messages on the situation, but he made no request, as I recollect, for any official investigation on the part of the State.

Mr. MARBLE. There was an investigation by the senate of the State of Illinois?

Mr. KEELEY. Oh, yes. I was referring particularly to the time following the publication of the story.

Mr. MARBLE. That was held in this present calendar year?

Mr. KEELEY. Yes; in this present year.

Senator JONES. When did George Glavis first come to see you?

Mr. KEELEY. George Glavis first came to the Tribune office in the first part of May. He saw Mr. Beck twice, I think, and he finally came in to see me.

Senator JONES. Had you ever met him before that?

Mr. KEELEY. No, sir.

Senator JONES. You did not know anything about him before he came to see you?

Mr. KEELEY. No. He saw Mr. Beck twice before he saw me and told Mr. Beck about the story, and he finally got up to me. Then—

Senator JONES. Well, that is really all I care to ask about that. You said something the other day, and I think were interrupted, that after you came down here something happened to change your mind in regard to this Glavis matter?

Mr. KEELEY. Yes, sir.

Senator JONES. What was that?

Mr. KEELEY. Mr. Green, who is the attorney for Mr. Glavis, came in to see me, and he started his conversation by saying he was not there to compound a felony, but that if I would go to Col. Wilson, the United States district attorney here, and ask him to be easy on Glavis, he would tell me where the book was. The documents had dwindled from a trunk full down to a memorandum book—that the book was still in existence; that it contained names; and that he knew who had it, but he wanted me to go to the United States district attorney and ask him to be easy on Glavis before he would give the information. I said that I would not do anything of the kind; that I could not do it; that the case was in the hands of the Federal attorneys down here, and then I said, “Why don’t you go and see Col. Wilson yourself; why don’t you give him this name; why don’t you go and get the documents?” He said, “I can not get it without search warrant.” “Well,” I said, “go to Col. Wilson and get a search warrant. I can not interfere with that case now. I have been before the grand jury and indictments have been returned and it is up to the authorities, and it is up to you to take whatever action you want to take,” and he said he would communicate with his client and later with me, and I have heard nothing of him since.

Senator JONES. What did you mean by having changed your mind?

Mr. KEELEY. I believed, frankly, when I got through before that there were no documents, and here this man’s attorney comes in and tells me his client had told him there was a book containing the information about a magazine called Fire Proof, and that he knew where the book was; and that he wanted to deal with me, to have me go to Wilson, to have the district attorney let up on Glavis, and then go and get the book.

Senator JONES. That is, before you came down here you had concluded that there were not any of these documents that Glavis referred to, and after you came here you changed your mind in that respect?

Mr. KEELEY. There were two hypotheses. One that there were no documents, and one that he bought them and that I had not got them; and I am simply telling what happened here last week when this attorney called on me.

Senator JONES. All I want to get at is what you meant when you said that you had changed your mind; that something had happened here that made you change your mind.

Mr. KEELEY. My opinion was that I was swindled—buncoed—absolutely.

Senator GAMBLE. Have you changed your mind in that regard?

Mr. KEELEY. I do not know. I rather think that I have been swindled.

Senator KENYON. What is this attorney's full name?

Mr. KEELEY. That I do not know. Mr. O'Laughlin can give it to you, because he called on him first and made some statement, and when he called on me I had a witness in the room.

Mr. HANEY. What O'Laughlin is that?

Mr. KEELEY. The same gentleman, Judge.

Senator FLETCHER. When Mr. Glavis signified his desire to withdraw from the arrangement with you and return the money and advances made, why did you not do that?

Mr. KEELEY. Because I had not any idea in the first place that he had the money, and in the second place I actually at that time and still, if the books are in existence, would like to get them. That is what I bought. I was told that the books had been purchased for me, and I wanted them.

The CHAIRMAN. You may proceed, Mr. Marble.

Mr. MARBLE. I have no further questions at this time.

Mr. KEELEY. May I be excused, then?

The CHAIRMAN. As far as the committee is concerned.

Mr. HANEY. Mr. Chairman, Mr. Keeley has given to me the package of the vouchers, etc., that he said contained the receipts for the moneys paid out by him in the Lorimer case. I gave them back to him, but I would like to have them subject to the call of the committee or to my use later, if we desire it.

Mr. KEELEY. I am perfectly willing to turn them over to the attorneys for the committee right now.

The CHAIRMAN. Do as you please about that.

Mr. KEELEY. Very well.

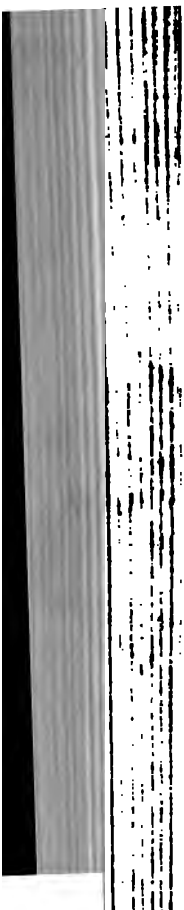
Mr. MARBLE. Then we will leave them with Mr. Pease, the clerk of the committee, where they can be reached by any one who wants them.

Mr. KEELEY. They are official records; and if the auditing company who goes through once a year does not find them, there will be trouble.

Mr. MARBLE. I will turn the documents over to Mr. Pease, and do so now, with the direction that they are to be preserved for examination by the attorneys and that they are not in evidence.

The CHAIRMAN. We will take a recess at this time.

(Whereupon, at 5 o'clock p. m., the committee adjourned until to-morrow, Thursday, July 27, 1911, at 10 a. m.)



SENATOR FROM ILLINOIS

DIGEST

TO

HEARINGS

BEFORE A

SELECT COMMITTEE OF THE UNITED STATES SENATE

SIXTY-SECOND CONGRESS

ON

S. RES. 60

A RESOLUTION DIRECTING A SELECT COMMITTEE OF
THE SENATE TO INVESTIGATE WHETHER CORRUPT
METHODS AND PRACTICES WERE EMPLOYED IN
THE ELECTION OF WILLIAM LORIMER AS A
SENATOR OF THE UNITED STATES FROM
THE STATE OF ILLINOIS

VOLS. 1 AND 2

PARTS I TO VII

Printed for the use of the Select Committee

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1911

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- Third conversation with, in relation to the attitude of the President toward the election of Lorimer..... 1649, 1650, 1658, 1659, 1660, 1661, 1
- Hopkins, neither President, so far as I know, nor myself had taken any action directly or indirectly which induced the condition of deadlock and prevented his election..... 1
- Hopkins, never did know what his attitude was with reference to the tariff or the income-tax bill..... 1
- Hopkins, raised the question with Vice President Fairbanks that he had not any authority to appoint him on the Monetary Commission..... 1
- Hopkins, thought he should be elected because he had been indorsed in the primaries; attitude toward him was friendly..... 1667, 1
- Illinois delegation, discussion of senatorial situation with..... 1668, 1
- Lorimer, did not ask Hines to talk with or telephone to him and urge him, if it was a possibility, to become a candidate..... 1651, 1653, 1662, 1663, 1
- Lorimer, did not send any message to him through Hines..... 1651, 1
- Lorimer, did not talk with him about the Illinois senatorial situation previous to his election..... 1
- Lorimer, had a speaking acquaintance with him at the time of Hines's conversations..... 1
- Lorimer, had no idea at all about what his attitude was upon the tariff; it was absolutely immaterial to me..... 1

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Lorimer, Hines suggested his name to me.....	1650
Lowden, perhaps expressed a preference at one interview with Hines in favor of him.....	1652
Member of the Senate and chairman of the Finance Committee in 1909...	1647
Monetary Commission, objected to the appointment of anybody on, because I thought the law did not permit any of the vacancies to be filled..	1667, 1668
Penrose, Senator, did not ask him to bring Hines to my room to talk the senatorial situation over.....	1669
President, am not undertaking to speak for him here.....	1656, 1663
President never expressed to me, at any time, any preference in reference to the senatorial election in Illinois, except that he thought under the circumstances that Mr. Hopkins ought to be elected, but that he did not intend to take any active part in the election of any man.....	1666
Speaker of the House, talked with him generally about having the senatorial vacancy filled.....	1668
Tariff bill, friends of, were better off without an election in Illinois than they were with one; explained.....	1652
Tariff on lumber, changed in conference between the House and Senate...	1655
Washington Evening Star, June 30, 1911, statement from the White House in reference to President's relations to Senator Lorimer, did not see.....	1664

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Chicago, after arriving in, went home.....	1428, 1432, 1433, 1434, 1435, 1478
Chicago, lived there 31 or 32 years.....	1425
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Cook and O'Brien were present when I was talking with Hines from the Grand Pacific Hotel.....	1437, 1464
Cook, talked it all over the country that he was going to get even with Hines in some way or other.....	1439
Edward Hines Lumber Co., went there from home morning of my arrival in Chicago; telephone girl told me Cook and O'Brien were down at the Grand Pacific Hotel and wanted to see me.....	1428, 1433, 1434, 1435, 1436, 1460, 1483
Funk, had never met him prior to Union League Club conversation.....	1448
Grand Pacific Hotel—	
After leaving room of Cook and O'Brien, got my lunch and went home.....	1437, 1438
Cook went to the telephone, and he turned around and says, "Mr. Hines, they want you on the telephone".....	1429, 1464, 1479
Hines in telephone conversation did not mention name of Deneen....	1430
Hines, met him in the rotunda and told him what Cook and O'Brien wanted; I told him to follow me up to Cook's and O'Brien's room..	1429, 1435, 1436, 1478, 1484, 1485
Met Cook and O'Brien in the rotunda; went up to their rooms; conversation with.....	1428, 1429, 1435, 1478
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Wiehe came into room while Cook, O'Brien, Hines, and I were talking.....	1429, 1479
Hines, Edward—	
And I went to Chicago together; what we talked about.....	1476, 1477
Called him up at the Continental National Bank and told him that Cook and O'Brien were at the Grand Pacific Hotel and wanted me to come down and see them; he told me to go ahead and find out and let him know what they wanted.....	1428, 1436, 1462, 1478, 1483, 1484
Called up the office of the Edward Hines Lumber Co., and they connected me with him at the Continental National Bank; I told him to come over to the Grand Pacific Hotel at once; Cook and O'Brien wanted to leave the city, and it was important for him to come over.	1429, 1435, 1436, 1437, 1461, 1463, 1464
Nowise dependent upon him.....	1483
Read snatches of his testimony here in the newspapers.....	1447, 1469, 1470

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Said nothing to me about going down to Springfield to testify; no suggestion made by anybody.....	1475,
Lorimer, not interested in any way with his election.....	
Lumber business, been in ever since I was a boy 15 years old.....	
Occupation before entering employ of Edward Hines Lumber Co.....	
Politics, not actively interested in.....	1439, 1440,
Telephone conversation, first called to my attention after the testimony taken before the Helm committee; gave it some thought at the time of the White confession.....	1438, 1439, 1440, 1441, 1442, 1
1444, 1445, 1446, 1465, 1466, 1467, 1468, 1469, 1471, 1472, 1473,	
Telephone conversations in May, 1909, other than that in Grand Pacific Hotel; do not remember any, nor in the year 1909.....	
Testimony; read none of it except what I have seen here in the Washington papers.....	1471,
Union League Club--	
Funk came up to Hines while we were talking about Carney lumber; conversation, and what occurred.....	1
1432, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1459, 1460,	
Hines, accompanied him and Mr. Hall to the club, from the office of the Edward Hines Lumber Co.....	1443,
Hines, do not remember other gentlemen talking to him at time of meeting with Carney about price of lumber.....	1458,
Left the club with Hines and Hall; Carney went out ahead of us; Hines stood in the doorway when I left him and Mr. Hall; I then went home.....	
There on the 27th of May, 1909, to meet Mr. Carney, of the Carney Bros. Co. (Ltd.), in regard to buying their lumber.....	1
1431, 1443, 1455, 1456, 1457, 1458, 1480,	
Washington, left there May 25 with Edward Hines for Chicago, arriving morning of the 26th.....	
Washington, there prior to day of election of Senator Lorimer, in connection with purchase of lumber from Senator Isaac Stephenson; did not conclude transaction.....	1426,
Wiehe, had not talked with him with reference to business of Cook and O'Brien in Chicago, morning of my arrival.....	1435, 1436,
Wiehe, if he arranged any meeting with Hines, Cook, and O'Brien, I do not know anything about it.....	
Wiehe met Hines at the station in Chicago; heard conversation between them.....	1427, 1428, 1433,
Wiehe, never discussed with him about his going down to the Grand Pacific Hotel to see Cook and O'Brien about a year after Hines's telephone conversation.....	
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Board of review.....	417, 420
Chicago Record-Herald editorial, never had any conversation with Funk with reference to.....	
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Conversation first had with Funk, substance of.....	386
Cravath, Henderson & De Gersdorff, attorneys for the company in New York.....	
Employers' liability bill, interested in as general counsel for the International Harvester Co.; we opposed it.....	400
Funk communication, how I regarded it.....	
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Funk, first conversation with reference to senatorial election of May, 1909, time of.....	383, 384, 388, 391, 392
Funk, second conversation with, in reference to second visit by Hines in regard to earlier conversation between Hines and Funk, time of.....	384, 385, 397
Funk's office, situation of with reference to mine.....	
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General counsel for.....	
So far as I know, not interested in the election of Senator in 1909.....	
Jack-pot fund.....	

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Legg, Alexander, could give more information about river controversy than any other officer of the company.....	402
Legislative representative of the Harvester Co., have not been either at Springfield or Washington.....	399, 400, 401, 414
Lorimer, do not believe he was engaged in the effort to increase company's taxes.....	419
McCormick, Cyrus, did not consult with reference to confidence of Funk's.....	402
Merriam campaign contribution.....	401, 402, 409, 410
Political contributions of the Harvester Co.....	401, 402, 409, 410
Reasons for Funk giving me information as to his talk with Hines.....	385
Scott, Bancroft & Stephens, member of law firm of.....	383
Swift litigation, not familiar with.....	387, 388
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Affidavit given to Lucius to use in case I was not able to get to Springfield to testify.....	1374, 1375, 1376
Bailey, W. T., called his attention to conversation with Wiehe.....	1338
Burgess Electric Co. is a partnership.....	1334
Chicago Tribune, never saw advertisement in, offering reward of \$5,000 for anybody who would give evidence of the contribution of money to a fund for the election of Senator Lorimer.....	1377, 1378
Cook, saw him on the train going from Duluth to Virginia.....	1345, 1346, 1370
Cook, did not talk to him about Kohlsaat letter.....	1362
Cook, did not talk with him at hotel night I arrived in Virginia.....	1338, 1339, 1347, 1370
Cook, saw him last Monday in his office in Duluth before starting for here; told him I was coming down to Washington.....	1341
Cook, W. H., known him for years; talked with him about Wiehe conversation Thursday, Mar. 10, on the train coming from Virginia to Duluth....	1338, 1339, 1341, 1342, 1345, 1366
Cusson, connected with the Hines Lumber Co., know him.....	1334
Duluth, Minn., resident of, 28 years.....	1334
Edward Hines Lumber Co.:	
Relations with have been friendly; have no feeling against any of the officers or employees.....	1334, 1367
Transaction in regard to a water flowage.....	1367, 1368, 1369, 1371, 1372, 1373, 1374
Father Green episode.....	1336, 1337, 1358, 1359, 1360, 1376
Fleet, Elsie, name of stenographer to whom I dictated letter I sent to Kohlsaat.....	1361
France, Clyde R., went to see him on business night I took train from Duluth to Virginia.....	1346
Helm committee, read part of my testimony before on last Thursday; obtained it here.....	1342, 1343, 1344, 1345, 1371
Hines, Edward, acquainted with him.....	1334
Hines, saw him on train as I went back into the sleeper to get my overcoat and grip.....	1338, 1346, 1364
Jack-pot fund.....	1336, 1337, 1369
Kohlsaat, wrote him a letter telling him something about conversation with Wiehe.....	1338, 1340, 1358, 1359, 1360, 1361, 1362, 1369
Lorimer, conversation with reference to the election of, took place Mar. 8, 1911, in the smoking room of the Pullman car on the Winnipeg Flyer from Duluth to Virginia.....	1334, 1335
Lucius, gave him an affidavit to use in case I was not able to get to Springfield to testify.....	1363, 1364, 1378, 1379

Burgess, William M., testimony of—Continued.

Lucius, had letter I wrote to Kohlsaat; wanted to know if I would go to Springfield and testify; told him I did not know whether I would or not; on advice of Attorney McManus I went.....	1362, 1363, 1
McManus, attorney of Duluth, requested me to write to Kohlsaat about Wiehe conversation.....	1340, 1341, 1361, 1362, 1
Sleeping car, names of those I saw in night of trip from Duluth to Virginia.....	1346, 1
Smoking compartment:	
I entered about 10 minutes before the train started.....	1
Length of time persons stayed in there.....	1339, 1351, 1352, 1355, 1356, 1
Names of those present in.....	1
Occupied it until I reached Virginia.....	1
Virginia is about 73 miles from Duluth.....	1
Wiehe, C. F.:	
Acquainted with him.....	1
Conversation with him about the election of Senator Lorimer in smoking compartment; as to who was present, and where they sat.....	1336, 1337, 1348, 1349, 1350, 1351, 1353, 1354, 1355, 1356, 1357, 1365, 1
Did not see anybody call him out of sleeping compartment.....	1364, 1
Said it was impossible to get anything of merit through the Illinois Legislature without the use of money.....	1
Said, "There was a jack pot raised for Mr. Lorimer's election; I know what I am talking about, because I subscribed \$10,000 to it myself".....	1336, 1337, 1369, 1
Saw him at hotel in Virginia; met W. C. Bailey, of Duluth, and asked him who the gentleman with the black whiskers was.....	1337, 1346, 1

C.

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Baker, who he is.....	1
Carney Lumber Co., stockholder in; Canadian corporation.....	1
Chicago, remained in two days on the occasion to see Hines about price of lumber.....	1049, 1
Edward Hines Lumber Co., have a contract with them for the sale of lumber; they agree to take all we manufacture at Owen Sound, Canada, at prices according to grades; price is fixed each year between ourselves....	1
Hall, who he is.....	1
Hines, asked me to meet him at the Union League Club at 1 o'clock; I went there; as to where I sat.....	1045, 1046, 1
Hines, Edward, known him 10 or 12 years.....	1
Hines, discussed with him June 10, 1911, in Chicago, as to what occurred in Union League Club.....	1051, 1052, 1060, 1
Hines does not hold any stock in the Carney Lumber Co.....	1
Hines reached the Union League Club with two other gentlemen, Baker and Hall.....	1
Hines said Funk had just congratulated him on Lorimer's election.....	1053, 1057, 1
Hines, visited Chicago day Senator Lorimer was elected to see him as to the price of our lumber that year; did not see him that day.....	1
Hines wrote me a letter asking me if I could place my whereabouts latter part of May, 1909.....	1049, 1
Letter from Edward Hines to Fred Carney, jr., June 6, 1911.....	1
Lorimer, acquaintance with.....	1057, 1
Lumber, in favor of free, because all I am interested in is in Canada..	1062, 1
Union League Club, what occurred there while we were discussing the price of lumber.....	10
1048, 1049, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1	
Carroll, Frances, telephone operator of the Edward Hines Lumber Co., testimony of.....	1
Assistant telephone operator, been employed at Hines Lumber Co. since May 28, 1910.....	1
Attention called to telephone messages of May 26, 1909, day Cook testified before Helm committee; read it in the Tribune; had not discussed the matter of these calls with anybody.....	1020, 1021, 1022, 1030, 1032, 1

Carroll, Frances, testimony of—Continued.	Page.
Baker had gone down town; he telephoned me and asked if Hines was still at the bank; I told him I would try to locate him; he said Cook was anxious to see Hines.....	1016, 1017
Book containing record of long-distance telephone calls from Jan. 1 to Dec. 31, 1909, identification of, where found, and date of finding.....	1013, 1015, 1030, 1032, 1033
Chicago Telephone Co.'s bill for May, 1909, identification of.....	1033, 1034
Cook, never met him.....	1028
Cook testimony impressed me as being untrue.....	1035
Employed as telephone operator by the Edward Hines Lumber Co. 10 years.....	1012, 1023
Exchange, size of, operated by me at the Hines Lumber Co.....	1012, 1022
Hines and Gov. Deneen, conversation between, detailed....	1016, 1025, 1031, 1032
Hines and Lorimer, conversation between, detailed.....	1017, 1023, 1024, 1032
Hines called back again and asked me to call up Springfield and get Mr. Lorimer on the phone.....	1016, 1017
Hines called me up about five or six times May 26, 1909.....	1019, 1024
Hines called up office first time around 9 o'clock; did not say at that time where he was.....	1019
Hines, do not remember his requesting me to call up Mr. Tilden the next morning after the Cook testimony was given in Springfield.....	1026
Hines, his custom and habit when he is in Chicago to call me up every 15 or 20 minutes and advise me of his whereabouts.....	1019
Hines in conversation with Gov. Deneen did not say he would come down and bring all the money that was necessary.....	1017, 1030
Hines, no recollection of his having called up Senator Lorimer in the afternoon of May 26, 1909.....	1025
Hines was talking with Gov. Deneen, on May 26, 1909, in the Continental Bank; he had telephoned shortly after he arrived and said that he would go to the bank, and in case of any calls or any messages, or anything of importance, I would be able to reach him there....	1015, 1016, 1019, 1020
Hines, when I called him up at the Grand Pacific Hotel operator answered me first, and I asked to be connected with Mr. Cook; some gentleman answered; it was not Hines.....	1028, 1029, 1030
Lorimer, Senator, acquaintance with family of.....	1027, 1028
May 26, 1909, record of long-distance telephone calls of that date.....	1014, 1015, 1018, 1019, 1022
Reasons for remembering conversation between Hines and Gov. Deneen and Hines and Lorimer.....	1017, 1022, 1027
Record kept of long-distance telephone messages that pass through our office.....	1021
Record of long-distance telephone messages that went through our office during the year 1909, how kept....	1013, 1014, 1015, 1018, 1026, 1029, 1031, 1034
Testimony in this case, read of it in the newspapers; some of it was serious and some rather humorous.....	1023, 1026, 1035
Collier's Weekly, Apr. 22, 1911, article on "Lorimer and lumber".....	893-896
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Conway, E. S., telegram from as to appearance before committee in Washington.....	624
Cook, Wirt H., lumber business, Duluth, Minn., testimony of.	624
Bishop, W. S., chief clerk of the National Bank of the Republic, gave him an option on my stock.....	644
Burgess, conversation with at Fay Hotel, night I came down to Virginia, Minn.....	633, 634
Burgess, William, did not see him on train to Virginia, Minn.....	633, 677
Funk, have not talked to him very much.....	665
Grand Pacific Hotel, long-distance telephone charges.....	677
Helm committee, subpoenaed to appear before; was in Chicago at that time.....	638
Hines, asked him to purchase some of my stock last January....	641, 642, 645, 646
Hines, became unfriendly with him when I found out he was trying to take advantage of the company.....	649, 650
Hines, Edward, known him about 10 years.....	625
Hines, feeling against would not at this time or any other time induce me to testify to any fact or circumstances derogatory to him, which was untrue.....	638

Cook, Wirt H., testimony of—Continued.

- Hines, had talk with him some time in June, 1910, about conversation over telephone from my room in the Grand Pacific Hotel..... 629, 630, 631, 673,
Hines, have always watched him.....
Hines, heard him talking with somebody about the Illinois senatorial election in my room at the Grand Pacific Hotel, about the 25th or 26th of May, 1909..... 627, 628,
Hines, if he wants to buy a piece of timber or any property owned by an individual or a concern he starts out trying to hurt their credit.....
Hines is president of the Virginia & Rainy Lake Co..... 625,
Hines met him in the Grand Pacific Hotel about the 1st of May, 1909: had conversation with him with reference to Illinois senatorial situation.... 626, 627, 659, 660, 668, 669, 670, 671,
Hines, never heard him talk about any friendship with Senator Aldrich..
Hines, trouble with at meeting of stockholders of Virginia & Rainy Lake Co., March 8, 1911..... 636, 637, 651, 652, 653, 654, 655, 656, 678, 680, 681, 684,
Hines was accompanied to the Grand Pacific Hotel by either Wiehe or Isaac Baker..... 627, 647,
Hines's stock, voting of by the Weyerhaeusers..... 646, 647,
McCordic, discussed with him Hines's telephone conversation..... 668, 671, 672,
O'Brien accompanied me to meeting of stockholders of Virginia & Rainy Lake Co.....
O'Brien and I have been connected with the Virginia & Rainy Lake Co. 8 or 10 years.....
O'Brien and I wanted to see Hines about some matters connected with our company: Wiehe said that he was in Washington but would be there the next morning on the Pennsylvania Special; we were in the lobby the next morning waiting for Hines.... 627, 646, 656, 657, 658, 659, 666, 667, 681,
O'Brien, do not know how he got the impression that Hines was in telephone conversation with ex-Gov. Yates..... 682,
O'Brien went with me on second occasion to McCordic's office..... 629,
O'Brien, William, is vice president of the Virginia & Rainy Lake Co.....
Telephone conversation Hines had while in my room, as to who were present and what I heard.. 628, 661, 662, 663, 664, 666, 668, 678, 679, 680, 681, 682,
Turkish, Henry, of Duluth, present at conversation with Hines in Grand Pacific Hotel.....
Virginia & Rainy Lake Co., attended meeting of stockholders 8th of March, at Virginia, Minn.; went from Duluth..... 632, 633, 677, 683,
Virginia & Rainy Lake Co., extent of my interest in..... 639, 640,
Virginia & Rainy Lake Co., stockholder in.....
Virginia & Rainy Lake Co., was a dummy director of once..... 634,
Washburn, Bailey & Mitchell, Duluth attorneys, discussed with them Hines's telephone conversation at Grand Pacific Hotel.....
Wiehe, C. F., arranged through him for meeting with Hines at Grand Pacific Hotel, about May 25 or 26, 1909..... 627,
Wiehe, secretary of the Hines Lumber Co., conversation with at midnight, latter part of May or 1st of June, 1910: said that Hines had just called him up out of bed and told him that Lorimer had just called him up; wanted to get O'Brien and me out of town right away or they would have us before the grand jury the next morning..... 631, 632, 674, 675,
Wiehe, talked with him about purchase of my stock..... 642, 643,
Counsel on the part of the committee, John H. Marble and J. J. Healy.....
Culver, Rush, L'Anse, Mich., testimony of..... 721,
Affidavit made after Coan and Bergmann came to my house to interview me; gave copies to Hines people, Russell, and correspondent of the Chicago Inter-Ocean; it was never published..... 735, 736, 737,
Business, practicing law and have also been interested in lumbering.....
Coan, conversation with a man named; asked me what were the last business relations we had with Hines; told him the sale of hardwood culls; I told him that Hines did not at that time say anything about Senator Lorimer.....
Coan did not request me to appear before the Helm committee.....
Contract dated Nov. 3, 1906, signed Rush Culver, W. F. McKnight, and the Northern Lumber Co., by William F. McKnight, secretary and treasurer..... 738,

Culver, Rush, testimony of—(Continued).

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Hill, William S., communicated with him by telephone to see Jones about story in the newspapers about Lorimer fund.....	727, 728, 734
Hines, did not discuss with him the question of the lumber tariff at Washington.....	733
Hines, did not see him in Marquette in January, 1910.....	904
Hines, do not recall any conversation in Marquette in which Hines said "Of course those elections cost a barrel of money all right enough".....	729
Hines, do not recall conversation with, in the People's Drug Store in which he stated substantially that the lumber business would now improve in view of the fact that Lorimer had been elected.....	728, 729
Hines, Edward, think I became acquainted with him in the fall of 1905; may have been 1906; met him at Birch, Mich.....	723
Hines, have heard him say he was friendly to Lorimer, and would help him to his election; that was entirely with reference to his congressional campaigns of some years ago.....	725, 729
Hines, have no knowledge of his being in Marquette since 1909.....	733, 740
Hines, have no recollection of discussing Senator Lorimer with him.....	725, 728
Hines, have not been interested in business with him except as I have stated.....	730
Hines, have not seen him since Lorimer's election.....	725, 728
Hines, met him in Chicago in the lobby of the Great Northern Hotel, spring of 1908 or 1909, by accident; had a large quantity of hardwood culls I desired to sell; Hines said he would send a man up to look them over.....	723, 724, 725, 732, 741
Hines, next saw him here after meeting at Great Northern Hotel.....	723
Hines, number of meetings with since I first became acquainted with him.....	723
Hines, sold a lot of lumber to during 1906 and 1907; sold nothing to him since sale of hardwood mill culls.....	730, 741
Identification of documents relating to transaction with the Edward Hines Lumber Co.....	903, 904
Jones, Shelley B., my brother-in-law; never interested with him in business in any way.....	722, 723, 728
L'Anse, Mich., been my home for about a year.....	721
McKnight, did not meet him at Fort Wayne by arrangement; is interested with me in some business in the Upper Peninsula, and had been there on that business; said he was coming to Washington; we told him train we were coming on.....	733, 734
McKnight has been quite active in Democratic politics in Michigan for a number of years.....	741
McKnight was present at most of the conversations that occurred between Hines and myself.....	742
McKnight, William F., was interested with me in the lumber business.....	729, 730
Marquette, Mich., a resident of, prior to going to L'Anse, about 15 years....	721
Mayor of Marquette in the spring of 1906 for one year.....	722
Memorandum of an agreement entered into on the 3d day of November, 1906, between the Northern Lumber Co. and the Edward Hines Lumber Co., relating to sale of entire output of mill located at Birch, Mich..	740
Mosher, E. D., do not think I talked to him.....	730
Northern Lumber Co. has book entries which would indicate time when culls were sold to Hines.....	725, 741
Northern Lumber Co., owned stock in; interest in that company ceased in September, 1910; sold out to Horace Packer, Wellsboro, Pa., and Mr. Owlett.....	721, 722
People's Drug Store, do not remember when I was present with Hines there; do not recall talking to Shelley B. Jones prior to last evening with reference to that matter.....	725, 726
Russell, Frank J., called me up over the phone about what I knew about Hines's connection with Lorimer election.....	730, 731
Russell had written me a letter stating that Jones had heard of these conversations between Hines and myself, and wanted to know if they were true; do not know where it is now.....	731
Russell, letter to, in regard to what I knew about Lorimer election.....	730
Subpoenaed to Washington last Saturday; came direct from my home accompanied by McKnight, Jones, and my brother; did not discuss with Jones the question of alleged conversation between me and Hines.....	732, 733

Cusson, Samuel J., general manager of the Virginia & Rainy Lake Co., Virginia, Minn., testimony of.....	1
Affidavit, made one in this matter; mailed it to Mr. Hines.....	1622, 1625, 1626, 1
Burgess, known him about 15 years.....	1
Edward Hines Lumber Co., for about 11 years was manager for, at Ashland and Duluth prior to time I became general manager for the Virginia & Rainy Lake Co.....	1
Edward Hines Lumber Co., interested in, only as a stockholder..	1604, 1614, 1
Father Green, nothing said about, in the smoking compartment.....	1606, 1
Helm committee, appeared as a witness before, at the request of Wiehe...	1
Hines, arranged some papers for him before going to smoking compartment..	1
Hines, intimately associated with him for about 15 years.....	1614, 1
Hines stepped to the door of smoking compartment and called Wiehe out, and a little later called F. E. Weyerhaeuser out.....	1624, 1
Hines, talked with him twice about conversation in sleeping car.....	1
Jack-pot fund.....	1
Johnson left smoking compartment possibly 20 minutes after Wiehe.....	1
Johnson, saw him in body of car.....	1
Lorimer, nothing said about the election of, in smoking compartment...	1606, 1
Price, do not recall his leaving smoking compartment at any time.....	1
Shields, Robert S., known him about 12 years; he has not talked this matter over with me; saw him in Chicago last week; Wiehe was with me...	1622, 1
Smoking compartment:	
As to who were in there when I entered, and where they were.....	1605, 1606, 1609, 1610, 1616, 1
Entered about 20 minutes after we left Duluth.....	1604, 1
Occupied first seat next to, before going in; possibly 15 or 30 minutes..	1
Recollection of whom I have seen in, at other times.....	1619, 1
Remained in until porter announced Virginia.....	1604, 1605, 1614, 1
Topics of conversation in.....	1606, 1610, 1611, 1612, 1617, 1623, 1
Went to, twice before I was able to get a seat there; certain I was in there when we passed Proctor.....	1608, 1
What I recall about being in any.....	1615, 1
Who I saw there on the occasion of my first and second trips to..	1608, 1
Stockholders on train to Virginia.....	1
Train from Duluth to Virginia, Minn., evening of Mar. 7, 1911, was on...	1
Virginia & Rainy Lake Co., stockholder in.....	1
Weyerhaeuser, John, came to door of smoking compartment; allowed there was too much smoke for him.....	1
Weyerhaeuser left smoking compartment half or three-quarters of an hour after Johnson.....	1611, 1
Wiehe did not return to smoking compartment after he left when Hines called him out.....	1635, 1612, 1613, 1
Wiehe, nothing said by him in the smoking compartment to the effect that no matter of merit could pass through the Legislature of Illinois without the payment of money.....	1
Wiehe remained in smoking compartment about 20 minutes after I entered; Hines came to the door and called him out.....	1605, 1610, 1617, 1
Wiehe, saw him in body of train just as we entered Virginia.....	1612, 1

D.

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Admitted to the bar in 1886.....	1
Aldrich, Senator, have no recollection of ever having met him; do not know him at all.....	1
Allen bill, to grant franchises for 50 years to certain public-utility companies.....	1
Antipass bill, made campaign for.....	1
Band of Hope.....	1098, 1115, 1118, 1125, 1140, 1153, 1199, 1200, 1; 1235, 1236, 1237, 1239, 1240, 1243, 1250, 1251, 1262, 1279, 1306, 1307, 1
Beckemeyer came to me after his confession in reference to his resigning..	1
Bill, senate, No. 286, forty-sixth general assembly, permitting one corporation owning stock in another.....	1291, 1292, 1293, 1294, 1295, 1296, 1

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"Black Hand".....	1098
Blount, Fred M., objected to my fees as State's attorney.....	1166, 1167
Blount, managed campaign of Hopkins for Senator.....	1168
Born May 4, 1863, at Edwardsville, Madison County, Ill.....	1162
Brady, member of the Illinois Senate, did not say to him that if he voted for Shurtleff I would take from him any State patronage which had theretofore been bestowed upon him by me.....	1145
Browne, acquainted with, but not very well.....	1098
Browne, Lee O'Neil, presented charges against my election as governor....	1092
Browne, understanding was he represented the liquor interests....	1121, 1130, 1133
Brownback, D. D., discussed with him the question of going in the caucus and determining there the choice of the Republicans and abiding by it and selecting their choice as speaker.....	1305, 1306
Brownback, did not tell him in the presence of J. W. Ford, jr., that I would defeat Shurtleff even if it were necessary to use all the patronage of my office to do it.....	1305
Brownback, did not tell him in the presence of J. W. Ford, jr., that if he would help me to defeat Shurtleff I would appoint Ford commissioner of the southern penitentiary.....	1306, 1307
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Chapman, Senator, told me that Lorimer would be elected Senator.....	1150, 1310
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Chicago Tribune, May 27, 1909, article in, by C. S. Raymond.....	1315, 1316
Chicago Tribune, May 27, 1909, article in, by John Callan O'Laughlin....	1317, 1318, 1320
Chiperfield had been candidate for speaker and wanted me and our friends to support him; I urged him to go into the caucus and take his chances; called up Snively and asked him to urge Chiperfield to go into the caucus; Snively became excited and tried to lead me to state that I would dismiss him.....	1146, 1198, 1199
Chytraus, Judge, formerly my partner.....	1299, 1300, 1301, 1302
Committee to investigate State institutions.....	1205, 1206, 1207
Contest waged upon me to unseat me as governor continued until Mar. 17; filed by Gen. Adlai Stevenson 12th or 13th of January.....	1092, 1093, 1107, 1116, 1119, 1120, 1142, 1244, 1247, 1248, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1261, 1262, 1263
County officers nominated in primaries in 1906.....	1181, 1182, 1183, 1184, 1185
Curtis, Senator, told me they could induce the lieutenant governor to resign his office; said they could induce the president of the senate to resign, and they would permit me to designate the president pro tempore of the senate, who would become governor.....	1113, 1114, 1133
Deep waterway, favored amendment to the constitution of Illinois for the voting of \$20,000,000 of bonds by the people for; made speeches for it....	1186, 1187, 1217, 1218
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Drennan, John J., railroads represented before legislature by.....	1131
Durfee, Charles, did not tell him that if he voted for Lorimer for Senator it would make no difference in my friendship for him, etc.....	1307, 1308
Durfee, urged him not to favor Lorimer's candidacy, and not to vote for him, but to wait until the fall.....	1309, 1310
Eckart, Barney, talked with him about Hines' telephone conversation....	1330, 1331
Gillespie & Fitzgerald, attorneys, of Springfield, know them both.....	1298, 1299
Governor, now in my second term as.....	1081
Haugen, H. A., during his lifetime, and his sons since that time, have been attending to my financial affairs.....	1300

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Hines, Edward—

Did not tell him I would see Lorimer in a few minutes. . . . 1148, 1328,
 Did not tell him in conversation on telephone May 26, 1909, that I
 would assist Lorimer. . . . 1147,

Met him for the first time at Country Club at Memphis, three or four
 years ago. . . .

No reference made to money matters in telephone conversation. . . 1148,
 Telephone conversation with, morning of May 26, 1909. . . . 1

1147, 1148, 1314, 1315, 1325, 1326,

Think he is very friendly to Senator Lorimer, but I do not know how
 active he has been in local politics; think he had considerable
 influence as a man of standing. . . .

Told me that George Reynolds would convey a message to me that had
 been sent by the President through Senator Aldrich in reference to
 Senator Lorimer. . . . 1147, 1149,

"Holy Alliance"—

Hopkins, Senator—

Favored his candidacy for Senatorship. 1089, 1091, 1092, 1124, 1136, 1254,

Friends of his voted for Shurtleff for Speaker. 1102, 1106, 1107, 1241, 1242,

Heard the rumor that was circulated around about the \$30,000 that was
 brought on to buy some Democratic votes for him. . . . 1151, 1152,

Letter written by, to Gen. Kinaker, of Carlinville, in reference to the
 speakership contest. . . . 1244,

My friends and I postponed his election until the governorship contest
 was settled on Mar. 17 or 18. . . . 1141, 1142, 1

1240, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1257,

Number of Democrats would have voted for me before they would have
 voted for him. . . .

Opposed my nomination for governor both times and fought it with
 Federal patronage. . . .

Told him that I would not be a candidate for Senator. . . .

Votes for, in first day's balloting in separate houses and in joint ses-
 sion. . . . 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241,

Illinois Central R. R., instituted as governor a suit against, for an accounting;
 charged that they had withheld \$15,000,000 from the State. . . .

International Harvester Co., had 100 shares in; sold sometime ago; H. A.

Haugen bought it for me. . . .

Jack-pot fund. . . . 1120, 1121, 1122, 1123, 1

1128, 1129, 1130, 1132, 1133, 1280, 1282, 1283, 1284, 1285, 1291, 1327,

Keeley, managing editor of the Chicago Tribune, met him at the La Salle

Hotel in Chicago the 16th of March, 1910; talked with him about an arti-
 cle that had been submitted to him in reference to the exposures of cor-
 ruption in the general assembly. . . . 1155, 1283, 1284,

King, Edward, caucus agreed upon him as their choice for speaker. . . . 1

1091, 1097, 1199, 1200, 1201, 1251,

Legislature, business of, how done. . . . 1121, 1122, 1159, 1160, 1161,

Legislature in 1905, half of the members of the Senate were hold overs. . . .

Legislature, member of, in 1893. . . .

Liquor interests, understood they raised \$400,000 to conduct the governor-
 ship campaign in the primaries, and I think some of it was used. . . . 1111,

List of members of Illinois House, forty-sixth assembly, showing votes for
 speaker, for Senator on the last ballot, and the committee chairmanships
 to which appointed. . . . 1158,

Lorimer, Senator—

Adherents of. . . . 1163, 1164, 1173, 1174, 1175, 1176,

All of his friends were against me in my candidacy for governor the
 last time. . . . 1111,

Attitude of in contest waged upon me as governor. . . . 1

1108, 1133, 1134, 1255,

Desired a primary law of some kind; think he preferred the one that
 had been in operation before I was nominated, called the Crawford
 law. . . . 1101, 1103, 1104, 1274,

Did not aid his candidacy during senatorial deadlock. . . .

Did what I could to prevent any man voting for him for Senator; had a
 conference at our office night before he was chosen. . . . 1

1136, 1137, 1275, 1276, 1277, 1278, 1279, 1280, 1

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Discussed with him the attitude of a number of Senator Hopkins's friends in reference to the action of the State committee and the resolution that I had produced.....	1102, 1103, 1106, 1107, 1230, 1231, 1232
Do not know when he became interested in politics.....	1162, 1163
Do not recall that he was before the forty-fifth general assembly.....	1207
Favored Shurtleff's election as speaker.....	1095, 1097, 1206, 1207
Had a number of meetings with, subsequent to Jan. 13, 1909; matters discussed.....	1105, 1106, 1107, 1108, 1109, 1111, 1113, 1114, 1116, 1123, 1133, 1145, 1217, 1221, 1222
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Met him about 2 o'clock on the 26th of May, 1909, after he was elected; conversation with.....	1143, 1144
Met him in December, 1909, in Washington, while attending the rivers and harbors convention.....	1144
Met him on the 13th of January, 1909, day following meeting of State central committee; Roy O. West, chairman, asked me whether or not Lorimer's visit would be agreeable; I said it would; what was discussed.....	1093, 1095, 1096, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1223, 1229, 1230, 1231, 1257
Met him 17th of March, 1910, time President came out to Chicago....	1144
Met me in my office at Springfield and talked about the waterway....	1213, 1217, 1221, 1222, 1223
Never heard of any fund in connection with him.....	1152
Papers were mentioning his candidacy 14th of May, 1909.....	1125, 1126, 1136, 1268, 1269
Relations with.....	1094, 1221, 1231, 1232, 1255
Saw him at the St. Louis waterway convention.....	1144
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Stated to him I thought it would be a great misfortune for him or his organization to elect Shurtleff Senator.....	1123, 1124, 1152, 1269
Talked with him about the senatorial deadlock.....	1112, 1113, 1123, 1124, 1133, 1134, 1135, 1145, 1269
Thought with Shurtleff's power back of him he could be elected Senator.....	1153, 1269, 1270, 1311
Told me I could get Democratic votes for Senator.....	1114, 1115, 1116, 1117, 1152, 1153
Told me that his friends would not vote for Senator Hopkins.....	1103, 1232, 1245, 1246
Wanted me to run for Senator.....	1113, 1114, 1115, 1116, 1133, 1134, 1153
Was in favor of my candidacy as State's attorney in 1896 and in 1900....	1169, 1170, 1174
Waterway matter had absolutely nothing to do with his election, in my judgment.....	1270, 1271, 1319, 1320, 1321, 1322, 1323, 1324
MacVeagh, Secretary of the Treasury, sent for me in Chicago to make inquiries regarding how Lorimer was elected; said he wanted to gather the information for the President.....	1329, 1330, 1331
McLaughlin, John J., in the last legislature supported several bills that I was interested in; he is friendly to Roger D. Sullivan.....	1212
Never at any time a candidate for United States Senatorship.....	1134, 1135, 1154
Noyes, do not recall that he told me that if an effort was made by Lorimer or his friends to elect Shurtleff United States Senator every vote in the legislature that could be influenced or controlled by the newspapers or their friends would be swung to Hopkins, and Hopkins would be elected....	1313, 1314
Noyes, Frank B., do not recall him saying to me that Senator Lorimer was the only Republican who could accept or take or consistently have the election to the office of United States Senator by Democratic and Republican votes.....	1312
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Railroad presidents asked me to come to Chicago in the forty-sixth assembly and meet them; said that there were men presenting bills that went to such an extent that they were going to confiscate their property..	1131, 1
Senatorship, advised holding a caucus in reference to..	1089, 1124, 1233, 1254, 1
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	1137, 1138, 1139, 1140, 1141, 1233, 1
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	1087, 1088, 1197, 1202, 1205, 1
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Two factions of the Democratic Party united in supporting, for speaker.....	1097, 1
Vote for, as speaker of the house.....	1087, 1097, 1098, 1
Was sent for by State committee at its meeting on January 13, and asked to express his views regarding the conditions in which party was at that time.....	1224, 1225, 1
Was speaker in 1905 and in 1907; friendly to his candidacy then.....	10
	1195, 1
When he announced his candidacy for member of the house it was plain he would be a candidate for speaker.....	1086, 1097, 1197, 1
Soap-box primaries.....	1272, 1273, 1274, 1
Sollitt called a meeting of a number of Republicans in a room at the principal hotel in Springfield for the purpose of electing me Senator.....	11
	1119, 1125, 1
Speakership, candidates for, in 1909.....	1086, 1197, 1
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Springfield, Ill., been my home six years and a half.....	1
Springfield, there on practically all the legislative days during senatorial deadlock in 1909.....	1093, 1
State Bank of Chicago, own 150 shares in.....	1
State committee meeting, Jan. 12, 1909, resolution presented by me was adopted by.....	1089, 1090, 1091, 1224, 1226, 1227, 1228, 1
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West, Roy O., a close friend of mine.....	1173, 1174, 1175, 1
West, Roy O., letters from to Senator Lorimer, dated May 27, 1909.....	1296, 1
Western Indiana Railway consolidating measure, signed it; heard a considerable time after that money was used in connection with its passage..	1

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Wheeler, a reporter of the Inter-Ocean, told me that he and Mr. Hard intended to write up a story of the corruption in the legislature.....	1282
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Healy, talked with him before I was subpoenaed.....	
Hettler asked me if I was going away, and I said I did not know.....	1420,
Hettler, judged he was in a hurry by his actions at the cigar case.....	1419,
Hettler, know of him through his purchases at the cigar case.....	
Hettler, read of his testimony before the Helm committee in the news- papers.....	1415, 1416,
Hettler said if I was subpoenaed just to tell the truth.....	
Hettler spoke to me after Hines left the club day of conversation; he said, "That was a peculiar remark; did you get it?" words have not been mentioned since that time.....	1414,
Hettler, spoke with him several times about his conversation with Hines.....	1413, 1414, 1418, 1419, 1420, 1423,
Hines and Hettler conversation lasted about three or four minutes; then they moved across to order desk, and might have talked five minutes over there; could not hear anything that was said at the desk.....	
Hines and Hettler, present at conversation between, at the cigar case in the Union League Club May 26, 1909; what was said.....	1412,
Hines, known him just when I saw him; almost four years.....	
Hines, saw him coming toward cigar case.....	1418, 1424,
Hines, sold him cigars very rarely; his checks might have come through from some other part of the house.....	
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Union League Club, been in its employ nearly four years.....	
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Hines, Edward, known him three or four years; relations with.....	539, 540, 541, 542, 543, 545, 547, 559, 571, 577, 615, 621, 622
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Hines, first conversation with, time of.....	543, 544, 577, 578, 579, 580
Hines, general impression of.....	543, 549, 577, 594, 595, 614
Hines in conversation with me said, "Hello! You are just the man I was looking for;" or "that I wanted to see; I want to see you a moment; well, we put Lorimer over down at Springfield, but it costs us \$100,000 to do it;" or "about \$100,000; so we put up the money; now we are seeing some of our friends to get the matter fixed up; well, we can only go to a few big people; but if about 10 of us would put up \$10,000 apiece we would clean it up; just send the money to Ed. Tilden".....	544, 545, 546, 580, 583
Hines introduced me to Senator Lorimer.....	533, 547, 559, 576, 577
Hines, second conversation with, time of, and substance of....	557, 558, 599, 600
Hinman, editor of the Chicago Inter-Ocean, estrangement with; did not relate to any matter in which I know Senator Lorimer was interested..	531, 532
Jack-pot fund.....	566, 603, 604, 605
Kohlstaat and I are personal friends.....	552, 553, 554, 623, 624
Kohlstaat, confidence reposed in when I related Hines conversation....	596, 597
Kohlstaat, conversation with at his office when he showed me letter from Senator Root.....	561, 562, 597, 598, 610
Kohlstaat, do not recall that he asked me to release him prior to his being subpoenaed before Helm committee.....	560, 597
Kohlstaat, met him second time and gave him the names of Hines and Til- den; do not recall mentioning any other names.....	552, 554, 555
Kohlstaat, released him from his promise after his first appearance before Helm committee.....	563
Kohlstaat, second conversation with.....	554, 555
Kohlstaat, substance of first conversation with.....	554, 588, 589, 600, 601, 602
Kohlstaat, told him of first conversation with Hines; time of first meeting with.....	551, 552, 553, 587
Legge, think I repeated substance of conversation with Hines to him..	556, 587
Lorimer attitude as to opening of Chicago River.....	538, 569, 570, 574, 583, 584
Lorimer, business dealings of the Harvester Co. with.....	566
Lorimer, do not regard him as antagonistic to the International Harvester Co.....	532, 538, 591, 592, 593, 594
Lorimer, known him probably a year and a half; relations with.....	530, 531, 532, 533, 534, 564, 565, 566, 567, 575
McCormick, Cyrus, discussed matter of releasing Kohlstaat from his promise with him.....	563, 589, 590
McCormick, Cyrus, told him of first conversation with Hines.....	550, 555, 585, 586, 601, 606, 615
McCormick, Cyrus, told him of second conversation with Hines.....	559, 560
McCormick, Robert, first or second cousin to the McCormicks of the Inter- national Harvester Co.; understand he is a brother of Medill McCormick of the Chicago Tribune.....	570, 571
McCormick's attitude toward Senator Lorimer.....	539
Merriam campaign fund.....	568, 569

Funk, Clarence S., testimony of—Continued.

Political activities of the business.....	528, 529, 605, 606
Senatorial election, forty-sixth assembly, did not take part in.....	542
State legislatures, never engaged in work before.....	528
Stock owned by me in the Harvester Co.....	
Sullivan, Roger, name not mentioned in conversation with Hines....	546, 598
Swift, Rodney B., know him; not familiar with the litigation which followed his departure from the Harvester Co.'s employment.....	567
Tariff on lumber, not particularly interested in.....	541
Taxes, increase of, Harvester Co.....	
Tilden, do not know him at all; never met him.....	547
Tilden, Ed., name mentioned in conversation with Hines.....	545
Utley, H. B., manager of the purchasing department of the Harvester Co.; business relations with Hines.....	
Washington, been in, on business relating to Harvester Co.....	571, 572, 573
West, Roy O., has performed services for Harvester Co.....	
Weyerhaeuser, name not mentioned in conversation with Hines....	546, 598
Wiehe, do not recollect receiving telephone message from him about the 1st of June, conveying a message from Hines in relation to my talk with Hines.....	582

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Grand jury, special, petition for, and order of court directing it, which indicted Lee O'Neil Browne	2111,
Grand Pacific Hotel, meetings at. (See testimony of Baker, Carroll, Cook, Hines, O'Brien, Turrish, and Wiehe.)	

H.**Hall, Charles L., lumber buyer of the Edward Hines Lumber Co., Chicago, Ill., testimony of.....**

April, 1911, expense books will show where I was.....	1069,
Carney, where we found him when we reached the Union League Club....	
Chicago, arrived in morning of May 27.....	
Chicago, was there from the 1st of June, 1911, a day or two; then went to Duluth and came back to Chicago, was there on the 8th.....	
Employed by the Edward Hines Lumber Co. about 13 years; prior to that was a lumber expert, employed by Samuel J. Cousins, Duluth, Minn....	
Funk, did not know him at time of Union League Club conversation he had with Hines.....	1065, 1066, 1077,
Funk's testimony, recollection of Union League Club meeting after reading.....	1071, 1074, 1075,
Hines, Carney, Baker, and I left the Union League Club together....	1078,
Hines, discussed Union League Club meeting with, June 1, 1911, after reading Funk's testimony.....	1068, 1069, 1071,
Hines told me to go down and see Attorney Hynes and relate my story to him.....	1071,
Lorimer, recollection is that Hines did not say anything about him. 1067, 1068,	
Lumber business, have worked at, almost all my life	
Marquette, Mich., in, day Lorimer was elected Senator; business	1063,
Territory in charge of.....	
Union League Club, conversation between Hines and Funk.....	1
1065, 1066, 1067, 1068, 1073, 1076, 1077, 1078, 1079,	
Union League Club, went to, with Hines and Baker, for the purpose of meeting Fred Carney to discuss price of lumber for coming year. 1063, 1064, 1073,	
Healy, J. J., and John H. Marble, counsel on the part of the committee.....	
Helm committee, sittings of.....	1819,
Hettler, Herman H., lumber business, Chicago, Ill., testimony of.....	
Chicago, left on 3.02 train afternoon of conversation with Hines in Union League Club; had to move very quickly to get it.....	1391, 1393, 1394,
Chicago, resided in, about 33 or 34 years.....	
Cigar man, asked him if he recollected conversation I had with Hines....	1
1397, 1399, 1400, 1401,	
Cigar man employed by the Union League Club was present during first part of conversation with Hines.....	1392,
Father, inaccuracies about.....	1388,

Hettler, Herman H., testimony of—Continued.	Page.
Free lumber, expressed myself on a number of occasions that I personally favored.....	1396
Helm committee, did not offer my services to testify before; went there after I had been subpoenaed.....	1392
Herman H. Hettler Lumber Co., president of; a corporation.....	1386
Hines, Edward:	
Conversation with, in the Union League Club, afternoon of May 26, 1909, detailed.....	1389, 1390, 1395, 1400, 1401, 1405, 1406, 1407, 1408
Did not have any trouble with him over the question of terms and discounts.....	1411
Did not say a word about the Associated Press in conversation in Union League Club.....	1406
Do not think he endeavors to cultivate many friends in Chicago, in the lumber business, in the way of competitors.....	1410
Feeling against him now would not control in my testimony.....	1388, 1389
Known him between 20 and 26 years; relations with.....	1386, 1387, 1389, 1399
Hines's conversation, first told about it think the following week in the Union League Club; several lumbermen were there with whom I was acquainted, and they made some remark in a partially joking way, and I replied to it.....	1391, 1392, 1397, 1398, 1399
Illinois Legislature, never discussed it with Hines.....	1393
Interest in Hines's conversation as to the election of Lorimer as Senator.....	1406, 1407
Interests across the border in Canada, proportion of.....	1395, 1396
Spry, F. A., did not tell him to go and speak to Weyman, State's attorney of Cook County, and ask him to call Hines before the grand jury, or his office, to investigate him.....	1409, 1410, 1411
Taft, did not know his attitude with reference to the duty on lumber day of conversation with Hines.....	1395
Telephone booths, location of, in the Union League Club at time of conversation with Hines.....	1402, 1403, 1404, 1405, 1408, 1409
Wiehe, know him very well; was not present during conversation with Hines.....	1401, 1408
Hines, Edward, request of W. J. Hynes to appear before committee to represent.	4
Hines, Edward, lumber business, Evanston, Ill., testimony of.	798, 1814, 1829, 1842
Addressed meeting of lumbermen in Buffalo on the question of keeping a duty on the manufactured product of lumber.....	891, 892
Aldrich, Senator—	
Asked me to go to Springfield and see the governor and impress upon his mind the importance to the administration that a Republican be elected and if Senator Lorimer could be elected to have him assist in accomplishing it; think that was May 24 or 25, 1909.....	824, 902
Favored reduction of duty on lumber from \$2 a thousand.....	818
Said he was very much interested in knowing whether a Republican Senator from Illinois would be elected; that the administration was very anxious to have a Republican elected as soon as possible; asked me to see Lorimer.....	816, 817, 934, 937, 940
Said he would like to have Senator Lorimer come to Washington just as soon as possible.....	855, 856
Said "I would like to have you go to a long-distance telephone and call up Congressman Lorimer at Springfield and emphasize the fact;" I said, "Supposing the Congressman would like to have that confirmed in a letter or telegram; am I authorized to do that?" He said, "You are," etc.....	824
Said there were several schedules coming up in the Senate; that it was very important to have every Republican vote possible to assist in the passage of.....	817, 818, 819, 994
Sent for me again about the 18th or 20th of May; said that the conditions in Illinois indicated that no Senator would be elected; said it seemed to him that Lorimer could be elected; wanted me to see him and urge him to become a candidate or assist in electing some Republican at the earliest date possible.....	822, 823
Telephoned me to meet him at his house in the evening; went there by appointment; he left word that he was called suddenly to a night session of the Finance Committee and for me to come down; went down about 9 o'clock; waited until he got through, probably about 10 o'clock.....	822, 823

Hines, Edward, testimony of—Continued.

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Aldrich, Senator—Continued.

- Telephoned the President in my presence; asked me to go to the White House with him; I stated I felt that it would be better if I did not go up with him; finally he said, "All right; you come up to my house and wait until I come back from the White House;" went up to his house in his car..... 823,
- Told me he had sent for me to discuss the Illinois situation; said, "I should like to have you come up to the White House this evening with me and discuss with the President the Illinois situation".....
- Told me some time about 12 o'clock in his house he had a long talk with the President; said the administration was very anxious to have a Senator elected before the legislature adjourned, and that they felt that Congressman Lorimer might be elected; they wished to have me emphasize to him the importance of his becoming a candidate... 901, 941, 984,
- Associations or concerns belonging to..... 890,
- Baker, in my employ since 1892..... 831,
- Baker, Isaac, returned from Washington to Chicago with me..... 831,
- Boutell, Congressman, volunteered to suggest him to Senator Lorimer; he replied the Congressman had very many good traits, and coming from Chicago would be a very favorable proposition, but he said, "I could not say how his name would be received at all"..... 821,
- Boutell, explained to him that I had been informed by Lorimer that the different factions were not favorable to his candidacy.....
- Boutell, never said in any conversation that I had decided to make him Senator.....
- Boutell, said that the President was very anxious to have a Republican Senator elected from Illinois, and that Congressman Lorimer would be very acceptable, and he would do all he could to assist in electing a Republican Senator from Illinois..... 1846, 1
- Boutell, saw him and explained what I had done, and asked him to see what he could do toward interesting others in his candidacy; asked him to see the President in regard to the matter.....
- Boutell stated that there was some particular talk from some of his leaders from Chicago that there were some parties or factions trying to have Congressman Lorimer become a candidate.....
- Boutell, told him what Lorimer had told me in Chicago about middle of May.....
- Boutell, volunteered to go to the President in behalf of Lorimer; told me he did; letter received from shortly after Lorimer's election 1845, 1846, 1847, 1848, 1849, 1850, 1863, 1864, 1865, 1866, 1
- Boutell and Madden, Congressmen, informed me that probably Lorimer could tell me about Illinois Legislature situation..... 813, 814, 938,
- Brown, W. C., president of the New York Central R. R., called on him in New York, Feb. 17, 1911; business with ... 1833, 1838, 1867, 1868, 1870, 1
- Brown, W. C., spoke very highly of Senator Lorimer; said he had known him for over 20 years; conversation with him had nothing to do with the raising of money or the subscription to any fund in connection with the election of Lorimer..... 1836, 1837, 1838, 1839, 1
- Businesses interested in outside of lumber.....
- Campaign funds, have at times contributed to..... 851, 884,
- Canadian banks, had no deposits in first six months in 1909..... 887,
- Carney, Fred, came to see us about selling his entire stock of lumber that year to us.....
- Carney, think he left the Union League Club first on May 27, 1909.... 1817, 1
- Chesapeake & Potomac Telephone Co., letter from, to Edward Hines Lumber Co., June 1, 1909, in regard to telephone message from Washington to Springfield, May 25, 1909.....
- Chicago, not in, Feb. 15, 1911; arrived there Mar. 5, 1911; left Mar. 6 for Virginia, Minn., to attend meeting of stockholders of Virginia & Rainy Lake Co..... 864, 865,
- Chicago, resided in, before moving to Evanston.....
- Chicago River, branches of.....
- Chicago River, closing of..... 807, 808, 809,
- Chicago River, deepening of, contemplated in waterway project.... 807, 964,
- Chicago Tribune, did not make any application to, for any contribution to Senator Lorimer's election.....

Hines, Edward, testimony of—Continued.	Page.
Chicago Tribune, have made no loan to.....	888
Collier's Weekly, Apr. 22, 1911, article in, "Lorimer and Lumber".....	893-896
Collins, M. J., discussed the senatorial election with him at the Atchison, Topeka & Santa Fe offices May 26, 1909.....	1814, 1815
Cook, conversations with, about the sale of his stock in the Virginia & Rainy Lake Co.....	878, 879
Cook, conversation with, in reference to telephone conversation had in his room at the Grand Pacific Hotel.....	877
Cook, denial of parts of his testimony regarding conversation about lat of May near cigar stand in the Grand Pacific Hotel.....	866, 867, 868, 870, 875
Cook, denial of testimony of, relating to conversation had after leaving office of Attorney McCordic.....	876
Cook, threats made by.....	879, 1831
Cook, trouble with, at meeting of stockholders of Virginia & Rainy Lake Co., Mar. 8, 1911.....	880, 881, 974
Cook's testimony before Helm committee, discussion of, with Chicago news- paper reporter.....	957, 958, 959, 960, 961, 1010
Culver, transaction with, about purchase of hardwood culls.....	881, 882
Dawes, Charles, banker, Chicago, spoke favorably of Congressman Bou- tell, but said, in his judgment, it would be impossible to secure consid- eration of his candidacy on account of the attitude of the Chicago Tribune.....	939
Deep waterway—	
Attitude of general shipping interest in Chicago toward.....	806
Attitude of the International Harvester Co. toward.....	807, 808, 809, 810
Deffibaugh, told him about the 18th or 20th of May, 1909, that Senator Aldrich was trying to have Congressman Lorimer become a candidate....	929
Deneen, Gov., acquaintance with.....	854, 855
Deneen, Gov., put him in possession of facts as to whom I telephoned to from Cook's room in the Grand Pacific Hotel.....	962, 963
Deneen, Gov., telephone conversation with him in the Continental Bank, Chicago, May 26, 1909.....	834, 835, 856, 1003, 1006
Dinkins, Lynn H., telegram from, dated Feb. 13, 1911.....	1875, 1876
Editorial in Chicago Record-Herald, Feb. 15, 1911, first heard about when I read it in the Helm committee report a few days ago.....	863, 872
Edward Hines Lumber Co.:	
Banks been doing business with.....	803, 804
Call from the office of, to me in the Continental Bank saying Wil- liam O'Brien and Wirt Cook wanted to see me at the Grand Pacific Hotel.....	834
Extent of business.....	801, 802, 803
Formed in 1892; names of organizers.....	800
Own now about 61 or 62 per cent of stock.....	801
Reached the office of, about 8 o'clock, May 27, 1909; ate lunch three....	1815, 1816, 1818
Funk asked me to introduce him to Senator Lorimer; told him I would be pleased to do so.....	846, 847, 853, 990, 1001
Funk, did not say to him in conversation at Union League Club, "Yes; it cost us \$100,000 to put him over, and I have been trying to see you; we are now trying to raise the money to reimburse those who had to put it up; we had to do it quickly, and we want to go to those who will con- tribute, who can subscribe, say, \$10,000 apiece".....	847, 848, 853, 857
Funk, did not visit his office about the time of the editorial in the Chicago Record-Herald in which mention was made of a \$100,000 fund.....	862, 866, 872
Funk, impression I got at the time he made suggestion about contributing to expenses of Senator Lorimer.....	849, 851, 949, 954, 999
Funk, meeting with, May 27, 1909, in the Union League Club; conversation detailed; Baker and Carney present.....	845, 846, 847, 911, 912, 989, 990, 991, 992, 1008
Funk, met him in the Willard Hotel, Washington, during the deep water- way convention last fall; asked me then if I would not arrange to intro- duce him to Senator Lorimer at that time; did so.....	861, 862
Funk, met him in Washington just before adjournment, Mar. 4, 1909....	860, 864
Funk, relations with.....	853, 861, 864, 865
Funk said, "The Senator must have been put to more or less expense in this contest for the senatorship, and he ought not to stand that; the busi- ness interests ought to take it off his hands; we would like to contribute to that expense." I said I did not know anything about the matter, but "I will see and let you know".....	847, 852, 953, 954, 974

Hines, Edward, testimony of—Continued.

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Gary, Judge, conversation with, in reference to the Lorimer investigation.....	1844, 1867, 1868, 1870, 18
Gary, Judge, went to see him when I was in New York to try to ascertain something about the prospects of the future of the Colorado Fuel & Iron Co., of Colorado; own 1,500 shares in that company.....	1842, 18
Grand Pacific Hotel:	
Conversation with Senator Lorimer on telephone.....	836, 842, 849, 850, 876, 8
Cook, Baker, O'Brien, and Wiehe were present when telephone rang.....	835, 8
Cook, language used by, when telephone rang.....	835, 8
Cook, relations with, at the time of telephone conversation with Lorimer.....	8
Had no reason to go to the telephone operator; Miss Carroll, our operator, told me at the Continental Bank that she would put in the call to Springfield and when she had it she would call up Cook's room and call for me.....	838, 839, 840, 8
Met Baker in the lobby; gave me the number of Cook's room; he said, "I will go up and you follow in a few minutes".....	835, 9
O'Brien and Cook, did not meet them before I went to Cook's room.....	8
Remained in room after telephone conversation 15 or 20 minutes; Wiehe and Baker came downstairs with me; Wiehe and I parted with Baker, and we went to the Union League Club; left O'Brien and Cook in the room.....	844, 845, 9
Subject matter of conversation between Hines, Cook, and O'Brien.....	838, 9
What occurred when telephone rang.....	843, 8
Harper or Cousins, of Duluth, telephoned me that Cook had been doing some talking in Duluth, in the hotel, and also on the train going up to Duluth from Chicago, about having heard a conversation in his room at which I had talked to some public men.....	877, 878, 971, 972, 10
Helm committee:	
As to appearing before after Funk's testimony.....	954, 955, 956, 957, 1008, 18
Eight-tenths of testimony there was based on falsehood, and the men who took it knew it was falsehood.....	9
Examination by representative of books, papers, checks, etc., of the Edward Hines Lumber Co. and subsidiary companies.....	899, 900, 9
Interest taken in testimony before.....	870, 871, 8
Hettler, bitter feeling toward.....	917, 918, 919, 920, 921, 922, 9
Hettler, denial of certain parts of testimony of, regarding conversation in the Union League Club.....	924, 925, 926, 927, 1006, 1007, 10
Hettler, Hermann H., greeted me as I came out of telephone booth in the Union League Club after hearing of election of Lorimer; conversation with.....	916, 923, 947, 9
Hopkins, not favorably disposed toward.....	8
International Harvester Co., attitude toward Senator Lorimer was not friendly.....	854, 963, 964, 965, 966, 967, 9
Inter-Ocean, April 27, 1911, article in "Hines again denies Lorimer charges".....	959, 9
Inter-Ocean, made one loan to.....	8
Jack-pot fund.....	1003, 1004, 1005, 10
Lorimer congressional district, resided in, some eight or nine years.....	8
Lorimer, Senator—	
Asked him whether or not he was a candidate for the position of United States Senator; he said he absolutely was not; conversation was along the last of April.....	821, 930, 938, 9
Asked him who the candidates were that were being balloted on; he mentioned Congressman McKinley, Congressman Lowden, Mr. Calhoun, and Judge Grosscup.....	8
Attitude of, toward closing Chicago River.....	808, 9
Bartlett, A. C., recommended him to Lorimer as United States Senator; telegram and letter, Feb. 1, 1909.....	810, 811, 812, 872, 873, 874, 994, 9
Called him on the telephone in Chicago, May 26, 1909, from the Continental Bank; he said, "I would like to have you immediately call Gov. Deneen on the long-distance telephone and emphasize to him as strong as possible what you had told me from Washington.".....	832, 833, 8

Hines, Edward, testimony of—Continued.

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Lorimer, Senator—Continued.

Called him up over the long-distance telephone at Springfield from Washington; told him what Aldrich had said to me at house	824
Democratic votes, did not talk to anybody about securing, for	902
Did not communicate with him by telephone day I learned of his election	948, 949, 1006
Did not know or hear of anybody who was collecting money to reimburse anybody who had put up money for, or who was soliciting money to meet the expenses of	848
Do not know of anybody or hear of anybody taking any money to Springfield or raising any money or using any money to promote his election in 1909	843
Favored a tariff on lumber when he was in the House	1844
Inquired of him if there was anything new in the senatorial situation; he replied conditions were practically unchanged	816
Known him about 19 years; relations with	805, 806, 985
Never collected any money for any of his campaigns	883, 884
News of his election pleased me	915
Only time we ever contributed anything to any of his elections was in election of 1906, and I am not positive that we contributed then ..	882, 883
Talked to him over the telephone close to half past 1 or 2 o'clock in the morning, about a week before my going to Chicago on May 25, 1909; asked me if I could get a telegram from Senator Aldrich, confirming what I said	984
Telegrams received from	892, 896, 897
Telephoned him from the Willard Hotel, Washington, to Springfield after talk with Senator Aldrich about May 24 or 25, 1909	825
Told me early in April, 1909, situation in Springfield was very indefinite and he could not tell whether a Senator would be elected or not; said he was going to Springfield and would return in about a week and might be able to tell me more fully upon his return ..	813, 814, 938
Told me he did not want to take his seat in the Senate until it was absolutely necessary; that he wanted to remain in the House as long as he could on the deep-waterway bill	852, 853
Told me somewhere about the middle of May in Chicago that the different factions could not unite upon Boutell	822
Voted in both House and Senate on tariff bill	887
Wagons and drivers loaned for Lorimer parade in 1906	883
When I learned of his election	845, 912, 913
Lovett, of the Union Pacific R. R., called on him in New York along in January, 1911; am not positive about discussing Lorimer with him ..	1868,
	1869, 1872
Lowe, Perley, of Chicago, spoke in very favorable terms about Lorimer's election	993
Lumber, ad valorem duty of \$2 a thousand on would be between 8 and 9 per cent.	819
Marquette, last time in, June, 1907; since that time passed through in January, 1910; did not see Culver, Jones, or McKnight then	881
Marquette, never been in any saloons there	910
Marquette, never said there it took a barrel of money to elect Lorimer to Congress	882
National Lumber Manufacturers' Association, expenses of committee in Washington	830, 831, 888, 889, 891, 931, 932, 933, 934, 935, 936, 1008
National Lumber Manufacturers' Association, how composed	930
National Republican committee and national Republican congressional committee in 1909, do not know anything about money being sent from Washington to Springfield by	1818, 1819
New York, went there Feb. 11, 1911, and the 16th or 17th of February, 1911, business there	1832, 1833,
	1834, 1835, 1836, 1843, 1851, 1868, 1869, 1870, 1871, 1872
Newspapers companies interested in	888
Penrose, Senator:	
Early in April sent for me and asked if I could find out for him whether the legislature was liable to adjourn without electing a Senator; told him I would try to find out	813, 814, 815, 938

Hines, Edward, testimony of—(Continued.)

P

Penrose, Senator—(Continued)

Met him a number of times in discussing the lumber tariff; introduced to him by one of our stockholders who had known him a great many years, a banker in Williamsport, Pa., Henry Cochran.....

Reported conversation had with Lorimer early in April, 1909.....

Said that Senator Aldrich wanted to see me; took me up to his room in the Capitol, known as the Finance Committee room; think about the middle or last part of April..... 816, 817,

Personal account kept in the Continental Commercial National Bank... 804,

Personal habits..... 804,

Philadelphia, think I stopped there in January; seems I made trip once in February; left here about 10 o'clock, and returned that afternoon... 1

President Taft had not spoken to him up to the time of Lorimer's election in regard to senatorial election..... 901,

Records of company show where I was on certain dates; been kept for 20 years by Edward Thomas..... 863, 908, 977, 978, 979,

Reynolds, president of the Continental Bank, remembered distinctly my calling up; telephone booth was right next to his room, and that call was charged to the bank.....

Senators, visited and talked with several while debate on Lorimer case was going on in the Senate... 1839, 1840, 1841, 1842, 1872, 1873, 1874, 1875, 1

Spalding, Jesse, who he was..... 800,

Springfield, had not been in for at least five years before I went before the Helm committee..... 813,

Springfield legislature, legislation before, company interested in..... 1

Stephenson, Senator, never heard him discussed in regard to the income tax.....

Stewart, member of legislature from Aurora, talked with him about Lorimer at the request of his uncle, Alexander Stewart, who was living in Washington..... 874,

Tariff on lumber, I was for a compromise of a dollar and a half..... 818,

Tariff on lumber, interest taken in..... 885, 886, 887, 913, 914, 915, 927, 928,

Telegram from "Chicago party" to William Lorimer, May 26, 1909, sent after Hines's talk with Gov. Deneen..... 837,

Telegram from E. H. L. Co. to Edward Hines, June 4, 1909, in regard to Funk leaving New York for Washington.....

Telegram from Edw. Hines to E. H. L. Co., June 4, 1909, regarding meeting with Funk.....

Telegram from Edward Hines to H. S. Boutell, May 17, 1909..... 826, 1

Telegram from Edward Hines to William Lorimer, May 25, 1909, stating Hines leaving for Chicago bringing message confirming conference held with Senator Aldrich previous evening..... 827, 943, 944,

Telegram from Edward Hines to William Lorimer, May 26, 1909.....

Telegram from Edward Hines to Wm. Lorimer May 25, 1909, regarding conversation with Senator Aldrich..... 827, 941, 942, 943,

Telegram from H. S. Boutell to Edward Hines, May 10, 1909, asking about senatorial situation.....

Telegram from H. S. Boutell to Edward Hines, May 18, 1909..... 826, 1865, 1

Telegram, one to Senator Lorimer missing..... 828, 829, 830,

Telegrams from Senator Lorimer, July 5, 1909, Jan. 21, 1910, Feb. 22, 1910 (two), and Feb. 23, 1910..... 896,

Telegrams sent from Washington during period Feb. 6 to Mar. 6, 1911. 1857, 1

Telephone account, how carried on the books of the Hines Lumber Co....

Telephone receipt for message from Hines & Co. (Washington) to William Lorimer (Springfield), May 25, 1909.....

Telephoned to our office Lorimer had been elected United States Senator, soon after talk with Hettler in Union League Club..... 916, 946,

Tilden, after reading the papers in regard to Funk's testimony before Helm committee, called him up on telephone and asked if he knew of any incident that would explain Funk's testimony; did not know of anything, was very much surprised, and thanked me for calling him up..... 1

949, 950, 951, 952, 953, 1

Tilden, did not hear name of connected in any manner with a fund for the election of Senator Lorimer to the Senate.....

Tilden, Edward, name was not used in conversation with Funk.....

Tilden, relations with up to the time of the Funk testimony before Helm committee..... 908, 909,

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Turkish, in Grand Pacific Hotel, asked me how the tariff fight was getting down at Washington; I told him at the time it looked like a reduction on lumber to a dollar and a half.....	868
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Hines introduced me to Lorimer, and told me afterwards that there was a possibility that he might be the next Senator.....	749, 750
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Hines, have no recollection of his going to Philadelphia or Baltimore.....	1825
Hines, have no record of his telegraphing or calling me up on long-distance telephone from New York during his absence.....	1825, 1826
Hines, in Washington with him; came here from Chicago 7th or 8th of February, 1911; remained here until afternoon of Mar. 4, then went to Chicago.....	1822, 1823
Hines left Washington Jan. 25 or 26; went to New York; remained away two days.....	1827, 1828
Hines, made two trips to New York and spent a day, first night of 10th of February, second about the 16th or 17th of February.....	1822, 1823, 1824, 1825, 1826, 1828
Hines, since I have been private secretary for him I have gone with him to the different places that he goes to all the time, unless he goes away for a night or for 48 hours.....	1828, 1829
Hines, told him in Chicago that I remembered distinctly that he had not been away from the hotel long enough in February to have gone to Chicago and returned.....	1828
Hines, when he and I were here from Feb. 7 to Mar. 4, Mrs. Hines, George W. Hinman, Senator Lorimer, and Judge Hancey were with us; all left together on the same train for Chicago on the 4th of March.....	1829
Washington, been here on last trip since 13th of July; also came here on June 20 or 21 and remained until 2d of July; here a few days in May; in January, from the 7th until the 15th; returned to Chicago, and came back here 17th or 18th and stayed until the 4th of February.....	1827
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Wiehe, call from, about midnight by, at the Grand Pacific Hotel, month of May or June, 1910, while Cook and I were in the lobby.....	695, 696, 697, 698, 705
Wiehe told us that Lorimer had called up Hines and had told him that Cook and I were in town and that Hines had sent him down to tell us to leave town.....	695, 696
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Aldrich; think he felt very much as I did, that the senatorial vacancies ought to be filled for the good of the Government.....	1794, 1797
Boutell; suggestion was made of his name; Hines seemed to favor him in the early conversations as being a man of experience and enterprise, who would make a good Senator, provided Hopkins could not be elected.....	1792
Boutell; think I talked to him, and told him while I would prefer naturally to see Hopkins return to the Senate, I would be glad to have him as a colleague.....	1793
Election of a Senator from Illinois; as the deadlock in the legislature was prolonged I probably discussed it with him; that is the way it came about; at first simply a matter of political gossip.....	1791, 1792, 1794, 1795
Hines, Edward—	
First conversation with him was on account of the schedule on lumber; brought letters to me from persons in Pennsylvania.....	1791, 1800
Impressed me simply as being interested in the matter as a business man and a citizen who had the welfare of the Republican Party at heart and of the American Government; did not look upon him as a person who was active in politics or particularly identified with politics.....	1794, 1798, 1800, 1802
Met him during tariff discussion three years ago on the Payne-Aldrich bill.....	1791, 1800

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Probably went with him to Senator Aldrich's room, when the senatorial matter might have been discussed.....	1794
Think I sent for him early in April and asked him to find out whether the Illinois Legislature was liable to adjourn without electing a Senator.....	1794, 1800
Told him that if anyone would address an inquiry to me I would very cheerfully urge on them the importance of filling the senatorial seat.....	1795, 1796
Hopkins; natural thought in discussing the situation with Hines was to favor his reelection.....	1792, 1797
Illinois delegation agreed it was a good thing to have some one fill the office.	1801
Lowden; think he was mentioned in a more general way; quickly developed. I was informed, that he was not available.....	1793
Lorimer; after his election Hines informed me they had been able to bring about a union of the political conditions; I was greatly gratified that a Senator had been elected.....	1793, 1798
Lorimer, as I knew the situation, was Hine's last resort.....	1798, 1802
Lorimer, quite doubtful whether he could be induced to go into the contest, as he was so absorbed in his work with the waterways project.....	1793, 1798
Lorimer, suggested that he might be the man on whom the different elements could unite; I did not know him, had barely heard of him, and never saw him until he entered the Senate; knew his capacity and ability.....	1793, 1798, 1802
Lumber schedule was the strongest in the whole tariff bill in the House and Senate.....	1802
Political situation in Illinois, know absolutely nothing about.....	1796
Revision of the tariff, Aldrich and I believed in one that would afford adequate protection to the industries of the United States on the lines indicated in the platform of the Republican Party.....	1799
Senatorial seat, importance of filling at the special session.....	1796, 1797
Tariff bill, safe majority in the Senate at that Congress for it as it was reported by the Finance Committee.....	1800
Tariff measure, did not discuss with Hines the desirability of filling the vacancy because of the closeness of the vote on the schedules in; question whether that would have made any difference; Hines may have had the impression that that was a factor in the situation.....	1794, 1795, 1801
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Born in Victoria, British Columbia.....	1550
Burgess, Cusson, and McGowan were in smoking compartment when I left.....	1569, 1570
Burgess, learned his name from Shields.....	1561, 1572, 1574, 1575
Cusson, had had him described to me previous to Duluth to Virginia trip.....	1562, 1563, 1564
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Edward Hines Lumber Co., in no way connected with.....	1550
Edward Hines Lumber Co., never had any business with, or with Edward Hines, or Mr. Wiehe.....	1557
Father Green, nothing said about, in smoking compartment.....	1553
Gotch, Frank, talked to him on train.....	1575, 1576
Harper, did not see him on train; if he was with the rest of the party I would have recognized him; do not know him.....	1578, 1579
Hines, had seen him once on the coast before Duluth to Virginia trip.....	1576, 1577, 1578, 1580
Hines, recognized him on train from pictures I had seen.....	1557, 1576
Hines, saw him when I went back to my seat.....	1576, 1577
Jack-pot fund.....	1553
Johnson, interested in him because he is the founder of the Concatinated Order of Hoo-Hoos, a social order particularly of lumbermen.....	1560, 1561

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Johnson, recognized him from photographs and from words that were said in the car.....

Lorimer, nothing said about the election of, in smoking compartment. 1553,

Lumber business, been in, about 10 years.....

McGowan, Johnson, and Burgess were in smoking compartment when I went in.....

McGowan, learned his name when going to bed after passing Virginia.....

Minneapolis, started from in trip to Winnipeg..... 1558,

National Lumbermen's Manufacturing Association, attended session of in Seattle in July, 1910; think that was where I saw Hines.....

Parker-Bell Lumber Co., sales manager for before went to selling lumber for Puget Sound Lumber Agency.....

Puget Sound Lumber Agency, stockholder of; is a selling agency.....

Shields brought me an affidavit to my office; I read it over and told him I would sign it, and I did.....

1570, 1571, 1572, 1573, 1574, 1582, 1583, 1584, 1585,

Shields, R. J., received a wire from him asking me if I would be in Seattle on a certain day; I wired back I would be there; came to my office several days afterwards; as to what took place.....

1561, 1562, 1580, 1581, 1582, 1584,

Smoking compartment, as to where I sat.....

Smoking compartment, as to where people in there sat.....

Smoking compartment, entered very close to the starting time at Duluth, probably 15 to 30 minutes.....

Smoking compartment, left it a minute or two or three to go back and look at seat to see that my grip was all right, then came back.....

1554, 1567, 1568,

Smoking compartment, order in which persons left after Wiehe went out. 1569,

1569,

Smoking compartment, remained there up to possibly time approach to Virginia was announced..... 1551, 1553, 1569, 1570,

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State of Washington, lived there all my life.....

Train from Duluth to Virginia, Minn., night of Mar. 7, 1911, I was on; occupied smoking compartment practically all the time.....

Virginia, changed cars at; heard a conversation in regard to it by the porter; think spring had been broken on the car Regina.....

Virginia & Rainy Lake Lumber Co. stockholders' meeting might have been discussed at the hotel at Duluth..... 1572, 1583,

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Weyerhaeuser was called from the smoking compartment by Hines... 1580,

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Record-Herald editorial, Jan. 7, 1909, "Lorimer considered as successor to Senator Hopkins".....

Record-Herald editorial, Feb. 15, 1911, "Bailey's policy, with applications". 437

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Cook called me on the phone and wanted to know if Hines had arrived in town; I told him he had; he desired to know what time he could meet him; told him about 11 o'clock, that I would telephone to Hines and have him over to the Grand Pacific Hotel.....	1629, 1693, 1694, 17
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Baker, do not know where he went after leaving.....	1724
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Baker, somewhat surprised when I saw him at hotel with Cook, O'Brien, and Hines.....	1749, 1763
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After delivering Lorimer message to him talked with him few minutes at the depot and then left in his automobile and went with him to either Adams and Clark or La Salle and Adams Streets; got out of his machine and took a street car to the Hines Lumber Co. office..	1629, 1694, 1738, 1762, 1763
Asked me to telephone Senator Lorimer to the effect that he was about to leave Washington and would go on direct to Springfield; Hines was in Washington at the time, and I communicated with him by telephone.....	1628, 1761
Called him at the Continental Bank, by telephone.....	1629
Conveyed to him Funk's desire to see him in Washington.....	1677
Denied in the newspapers Funk's story.....	1744, 1745, 1746
Discussed with him quite a number of times his telephone conversation in the Grand Pacific Hotel.....	1783
My wife was his sister.....	1749
First time brought to my attention that he was being discussed with regard to the reported furnishing of money to secure the election of Senator Lorimer, think along in either May or June of 1910.....	1627
Heard him say that he thought his talk with Gov. Deneen did a great deal toward electing Lorimer.....	1695
Message to Funk, found out what it referred to about six weeks ago; did not discuss it with Hines between the interval of sending telegrams and six weeks ago.....	1769, 1770
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Told him I thought Hettler was mistaken in his statement before Helm committee.....	1629, 1693, 1694, 1749
Told him that I had seen Cook and O'Brien at the Grand Pacific Hotel and had told them what he told me to tell them.....	1738
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- Johnson, recollection is he was sitting at other end of car; did not speak to me in body of car that night..... 1
- Keeley, went with Hines to see him about questions presented to Hines in the Chicago Tribune; Hines told him there was nothing in the matter that those questions referred to..... 1695, 1
- Lorimer, did not contribute any sum whatever, directly or indirectly, to bring about his election to the Senate..... 1
- Lorimer, did not have conversation with Burgess in respect to the election of..... 1643, 1
- Lorimer, telephoned him May 25, 1909, on request of Hines... 1628, 1761, 1
- Lorimer, told me to meet Hines at the train in Chicago in the morning and stop him from going to Springfield, and to call Senator Lorimer up immediately by phone..... 1628, 1
- Lorimer campaign fund, paid no personal contribution to..... 1
- Lumbermen's Association, was chairman of the trade committee of; took a very active part in endeavoring to improve the waterways through Chicago for the purpose of regaining to Chicago the commerce that we thought we had lost on account of the inadequate facilities of the river: International Harvester Co. desired the river closed..... 10
- 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1740, 1
- McCormicks of the Tribune to the McCormicks of the Harvester Co., relation of..... 1
- Record-Herald editorial of Feb. 15, 1911, did not read it at time it was published..... 1739, 1
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- Do not know where he is now..... 1709, 1
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- Wanted him to go to Albany to get copy of list of subscribers to Taft campaign fund..... 1750, 1751, 1752, 1
- Smoking compartment, entered 20 or 25 minutes after train pulled out of Duluth..... 1
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- Smoking compartment, subject matters discussed in... 1641, 1642, 1759, 1760, 1
- Smoking compartment, who was in there when I entered, and as to where they were..... 1640, 1641, 1642, 1757, 1758, 1772, 1773, 1
- Telegram from E. H. L. Co. to Edward Hines, June 4, 1909..... 1
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- Telephone bill for long-distance talk to Springfield with Senator Lorimer, night of May 25, 1909..... 1785, 1
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- Union League Club—
- Hines and I left the club together; I walked east and he walked with me to Dearborn Street; I got a car there, and he went on somewhere else; did not see him again that afternoon..... 1
- Hines said he talked with the Associated Press on the telephone; he desired to know how the balloting came out at Springfield in reference to the election of Senator..... 1632, 1633, 1726, 1
- Hines went to the telephone twice; I went with him on both occasions..... 1631, 1632, 1726, 1
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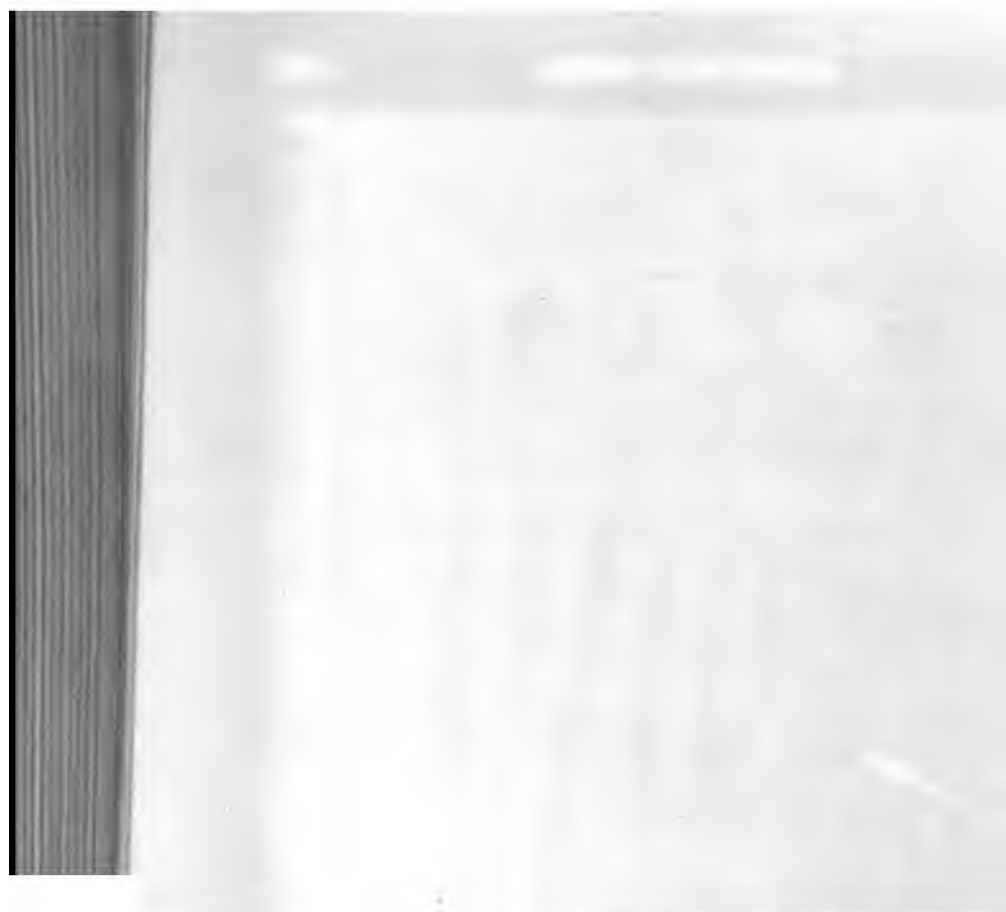
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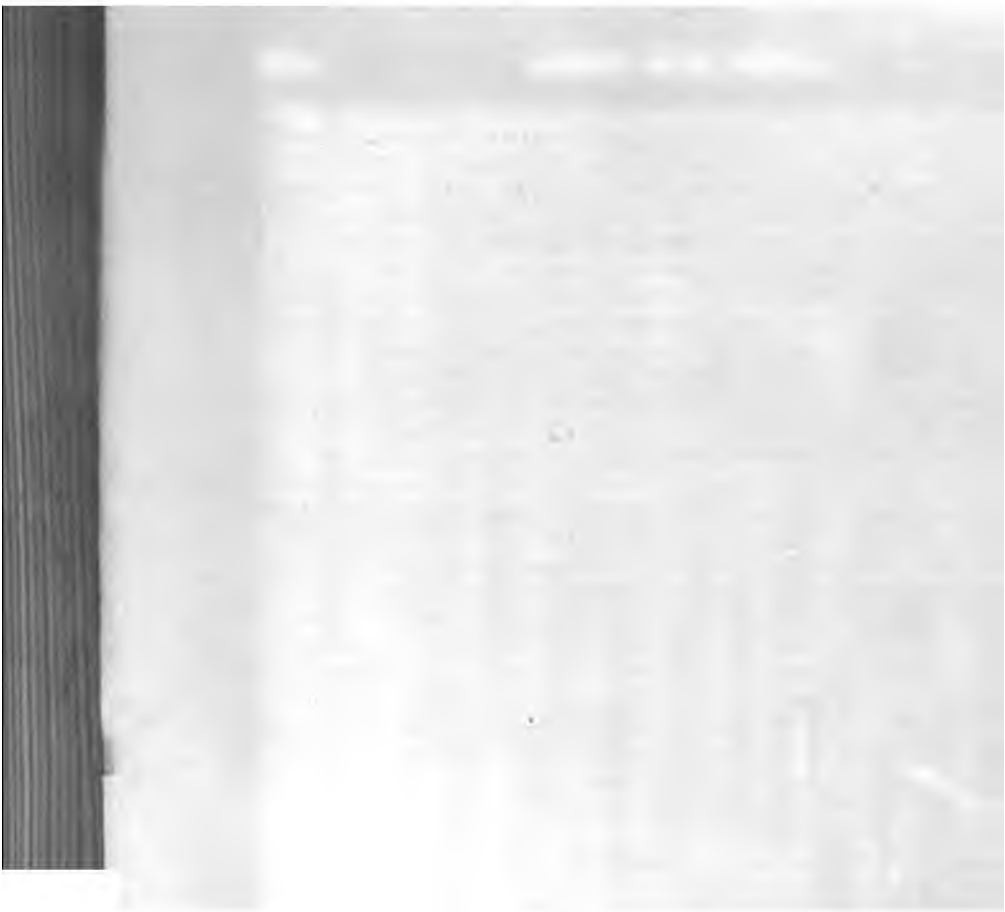
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