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REPORT OF THE TRIAL

OF

JOHN VAN DANIKER,

ON A

CHARGE OF EMBEZZLEMENT,

IN HIS CAPACITY AS CONDUCTOR ON THE

Philadelphia & Erie Rail Road,

(PENNSYLVANIA R. R. CO., Lessee.)

BEFORE HIS HONOR JOHN P. VINCENT,

President Judge of Court of Quarter Sessions, of Erie County, Penna.

MAY SESSION, 1867.

PHILADELPHIA:

H. G. LEISENRING'S STEAM PRINTING HOUSE,

Jayne's Building, Nos. 237 and 239 Dock Street.

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PINKERTON'S
National Police Agency.

ALLAN PINKERTON, *Principal.* GEO. H. BANGS, *Gen'l Sup't.*

CLARENCE A. SEWARD, *Counsel and Attorney,*
29 Nassau St., New York.

OFFICES:

NEW YORK, 66 Exchange Place.....T. E. LONERGAN, *Sup't.*
CHICAGO, 92 and 94 Washington Street.....G. H. THIEL, *Sup't.*
PHILADELPHIA, 45 South Third Street.....H. E. THAYER, *Sup't.*

This Agency does not operate for Rewards, is independent of Government or Municipal control, and amply prepared to do all legitimate Detective business entrusted to it.

INTRODUCTION.

John Van Daniker, of whose prosecution for embezzlement this pamphlet is a report, had been a conductor upon a passenger train on the Philadelphia and Erie Railroad. The expensive habits of some of the conductors of this road having led to the belief that they were living very much beyond their legitimate means, Allan Pinkerton, Esq., Principal of the National Police Agency, was engaged by the Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, to test, or investigate into, the honesty of the conductors upon the latter. These investigations proved the surmises of the officers of the Company to be correct, and demonstrated that some of the conductors were stealing to a large extent. Detailed written reports of each test were made by Mr. Pinkerton to A. L. Tyler, Esq., General Superintendent P. & E. R. R., which were submitted by him to the officers of the Pennsylvania Railroad Company, and, as soon as such could be safely done, all who were found to be dishonest were discharged. Several of these acknowledged their guilt; but others denied it, and defied the officers of the Company to prove the truth of the charges; and, for the future protection of the interests of the road, it was deemed necessary by the Board of Directors to resort to a criminal prosecution.

This prosecution is the third in the United States that has been made of railroad conductors, for embezzlements of this kind. The first was that of Oscar T. Caldwell, a conductor on the Chicago, Burlington and Quincy Railroad Line, and tried at Chicago in 1855. The second, that of Frederick P. Hill, of the Philadelphia and Reading Railroad, and tried at Harrisburg, Pennsylvania, in 1863. Both were convicted.

The investigations, which led to the arrest and trial of these men, were conducted by Mr. Pinkerton, and the evidence was of the same character and not more favorable for the prosecution than that here reported, in the case of John Van Daniker, who was acquitted.

In presenting this pamphlet, it is desired to call the special attention of railroad officers to the character of the testimony—both of the prosecution and defense: and especially the charge to the jury by Judge John P. Vincent, and finally, the legal review and opinion of several prominent members of the Bar, relative to the same. The importance of this charge to Railroad Companies is too plain to require comment. Without refutation, it is equivalent to a legal endorsement—that a conductor can carry on a wholesale system of embezzlement of the funds collected by him, and, when called

to account, defy his employers and justice. Upon all railroad agents, who have the receiving or disbursing of moneys, checks can be placed; but upon the conductor there can be none sufficient to ensure his honesty, excepting by the use of Detectives.

Mr. Pinkerton is the Principal of the National Police Agency, having offices at Chicago, New York and Philadelphia. The Agency was established by him in 1853, at Chicago, having been called into existence mainly through the necessities of the railroad interests in the West at that time, owing to the large extent of thefts that were then being committed upon them in passenger fares and freights, as also the very numerous depredations upon their tracks. Mr. Pinkerton had, for a number of years previous, been engaged in the Detective business, with an eminent success, which has followed him since; and from a small and local institution then, the Agency has now extended its operations to every State of the Union.

The objects of the Agency are the detection of crime, and the discovery and conviction of the criminal; and no business will be accepted by it, when the object of those desiring its services is a compromise with the thief, which Mr. Pinkerton regards as not only wrong in principle, but to the public, in putting a premium upon crime; as also bad policy to heavy carriers and large corporations, such as Railroad, Transportation and Express Companies.

Although Mr. Pinkerton accepts and transacts all legitimate business in his line, yet he has continued to give very special attention to the railroad interests, and to the detection of the various thefts and depredations committed upon them; and, more particularly that of the detection of embezzlements by railroad conductors, which, from extensive combinations, frequently require great secrecy and system.

From the inception of the Detective business by Mr. Pinkerton, his theory has differed materially from the practice of the various Detective establishments and Detectives to be found in almost every part of the country, in the systems of contingent rewards, and of "set a thief to catch a thief." These he not only regards as pernicious to society and the ends of justice, but as mistaken policy. The subject of rewards or payments for services contingent upon convictions, requires no embellishments to intelligent minds, to exhibit its dangerous influences. As regards the material to be employed in the detection, the honest mind, guided by an upright purpose, is both more safe and just, and such can always be found, which is so far the counterpart of that of the party who may be unrestrained by the dictates of conscience, and weakened by the existence of criminality, that when the two are brought in contact, the one, guided by the consciousness of right, will gain the mastery of the other. This is not alone a theory, but has been demonstrated to be a matter of fact.

Acting upon these principles, Mr. Pinkerton makes it an invariable rule to accept no business upon any contingent pecuniary interest in its final result; and the employees of the Agency are required, by agreement, to relinquish in full and forever, to the parties offering the same, any reward, bonus or gratuity, which may be offered in connection with any business entrusted to the Agency. Mr. Pinkerton charges a stated sum per diem for each of his Detectives, where his services are retained, and pays them a regular salary. He also carefully and positively excludes from his force all such as do not sustain and maintain a reputation for strict honesty and integrity.

The successful result of this theory, as applied in practice, is amply shown in what has been accomplished by the Agency. Mr. Pinkerton guarantees to those who desire his services, that not one of his employees, when placed upon the witness-stand, can be impeached by any rule of law.

The National Police Agency is an individual enterprise, uncontrolled or influenced by governmental, state or municipal authority: it claims the detection of crime to be a highly honorable and legitimate employment, and a prerogative to be legally exercised by all good citizens who are desirous of and adapted to furthering the ends of justice; and Mr. Pinkerton denies that the proper qualifications for a Detective can be galvanized into life by any statutory enactment, or created by the appointment of a municipal policeman, or election of a sheriff or constable. Nature, intelligence and education denote the persons best adapted for a Detective. Crime has become a science, and can only be successfully met by intelligent, experienced, honest and upright minds. The honest, intelligent Detectives must ever stand as the great barrier, protecting a peaceable, orderly, law-abiding society against those villains, who, of every grade, seek to prey upon property, and outrage and violate the laws.

PROSECUTION OF JOHN VAN DANIKER.

ARREST AND EXAMINATION.

John Van Daniker was arrested at Erie, Pennsylvania, in December, 1866, upon the complaint of Alfred L. Tyler, Esq., General Superintendent of the Philadelphia and Erie Railroad, and examined before Justice Bennett, on a charge of feloniously embezzling the funds of the Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, in his capacity as conductor of the latter road. He was held to bail to answer to any indictment which might be found by the Grand Jury of Erie County.

INDICTMENT AND CONTINUANCE.

At the February Sessions, 1867, a True Bill of Indictment was found against Van Daniker, by the Grand Jury, and, by application of the defendant, the case was continued until the May Sessions, 1867. The following is a certified copy of the Indictment:—

COMMONWEALTH }
vs.
JOHN VAN DANIKER. }

No. 14, FEBRUARY SESSIONS, 1867.

FELONIOUS EMBEZZLEMENT.

In the Grand Inquest of the Commonwealth, now inquiring in and for the County of Erie, upon their oaths and affirmations, respectively do present, that John Van Daniker, late of said County, Yeoman, on the twenty-first day of May, in the year of our Lord one thousand eight hundred and sixty-six, at the County aforesaid, and within the jurisdiction of this Court, with force and arms, &c., twenty-five hundred dollars of current funds, composed partly of promissory notes, for the payment of money, commonly called bank bills, and United States Treasury notes, of the denomination of one dollar, two dollars and five dollars, still due and unpaid, and of the value of twenty-five hundred dollars of the goods and chattels, money and property of the Pennsylvania Railroad Company, Lessee Philadelphia and Erie Railroad, then and there being found, then and there feloniously did steal, take and carry away, contrary to the Act of Assembly in such case made and provided, and against the peace and dignity of the Commonwealth of Pennsylvania; and the Grand Inquest aforesaid, upon their oaths and affirmations aforesaid, do further present, that the said John Van Daniker afterwards, to wit, on the day and year aforesaid, at the County aforesaid, and within the jurisdiction of this Court, with force and arms, &c., the goods and chattels, money and property aforesaid, by some ill-disposed persons, (to the sums aforesaid unknown) then lately before feloniously stolen, taken and carried away unlawfully, unjustly, and for sake of wicked gain, feloniously did receive and

have, (the said John Van Daniker, then and there well knowing the goods and chattels, money and properties last mentioned, to have been feloniously stolen, taken and carried away,) contrary to the form of the Act of Assembly in such case made and provided, and against the peace and dignity of the Commonwealth of Pennsylvania.

And the jurors aforesaid, upon their oaths and affirmations aforesaid, respectively do present, that John Van Daniker, late of said County, Yeoman, on the twenty-first day of May, A. D. 1866, at the County aforesaid, and within the jurisdiction of this Court, being then and there employed in the capacity of conductor to the Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, did, by virtue of his said employment, then and there, whilst he was so employed as aforesaid, receive and take into his possession certain money to a large amount, to wit, the amount of one hundred dollars, for and in the name of, and account of, the said Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, and the said money then and there fraudulently and feloniously did embezzle; and so the jurors aforesaid do say, that the said John Van Daniker, on the day and year last aforesaid, at the County aforesaid, and within the jurisdiction of this Court, then and there, in manner and form aforesaid, the said money, the property of the said Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, his employers, from the said Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, feloniously did steal, take and carry away, contrary to the Act of Assembly in such case made and provided, and against the peace and dignity of the Commonwealth of Pennsylvania. And the jurors aforesaid do further present, that the said John Van Daniker, late of said County, Yeoman, on the twenty-seventh day of June, A. D. 1866, at the County aforesaid, and within the jurisdiction of this Court, afterwards, and within six months from the time of the committing of the said offense, in the last preceding Count of this Indictment, charged and stated to wit, the 27th day of June, A. D. 1866, at the County aforesaid, being then and there employed as the conductor to the Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, did, by virtue of such last employment, then and there, whilst so employed as last aforesaid, receive and take into his possession certain other money to a large amount, to wit, to the amount of one hundred dollars, for and in the name of, and on account of, the Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, and the said last-mentioned money then and there, within the said six months, fraudulently and feloniously did embezzle.

And the jurors do further present, that the said John Van Daniker, late of said County, Yeoman, on the tenth day of August, A. D. 1866, at the County aforesaid, and within the jurisdiction of this Court, afterwards, and within six months from the time of committing of the said offense, in the last preceding Count of this Indictment, charged and stated, to wit, on the tenth day of August, A. D. 1866, at the County aforesaid, being then and there employed as the conductor to the Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, and by virtue of such last-mentioned employment, then and there whilst so employed as last aforesaid, receive and take into his possession certain other money to a large amount, to wit, the amount of one hundred dollars, for and in the name of, and on account of, the said Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, and the said last-mentioned money then and there, within the said six months fraudulently and feloniously did embezzle.

And the jurors aforesaid do further present, that the said John Van Daniker, late of said County, Yeoman, on the nineteenth day of November, A. D. 1866, at the County aforesaid, and within the jurisdiction of this Court, afterwards, and within six months from the time of committing of the said offense, in the last preceding Count of this Indictment, stated, to wit, on the nineteenth day of November, A. D. 1866, aforesaid, at the County aforesaid, being then and there employed as the conductor to the Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, did, by virtue of such last-mentioned employment, then and there, whilst so employed as last aforesaid, receive and take into his possession certain other

money to a large amount, to wit, to the amount of five hundred dollars, for and in the name of, and on account of, the Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, and the said last-mentioned money then and there, within the said six months, fraudulently and feloniously embezzled, contrary to the Act of Assembly in such case made and provided, and against the peace and dignity of the Commonwealth of Pennsylvania; and so the said jurors aforesaid, upon their oaths and affirmations aforesaid, do say that the said John Van Daniker, at the County aforesaid, and within the jurisdiction of this Court, then and there being in manner and form aforesaid, the said money, the property of the aforesaid Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, from the said Pennsylvania Railroad, Lessee as aforesaid, feloniously did steal, take, and carry away, contrary to the Act of Assembly in such case made and provided, and against the peace and dignity of the Commonwealth of Pennsylvania.

Witnesses:

WM. A. BALDWIN,
FRANK H. REEVE,
ORSON R. WILLARD,
HIRAM HARNED.

CHARLES M. LYNCH,
District Attorney.

ERIE COUNTY:

I, H. Butterfield, Clerk of the Court of Quarter Sessions of the Peace, &c., in and for the County of Erie, do hereby certify that the above and foregoing is a correct copy of the Indictment in the case of the *Commonwealth vs. John Van Daniker*, No. 14, February Sessions, 1867.

{ Seal of the Courts of Oyer and Terminer }
{ and Quarter Sessions of the Peace. }

Witness my hand and the seal of the said Court at Erie,
this 30th day of May, A. D. 1867.

H. BUTTERFIELD,
Clerk.

THE TRIAL.

FIRST DAY—FORENOON.

TUESDAY, May 28th, 1867.

At the opening of the Court, His Honor, JOHN P. VINCENT, President Judge upon the bench, the case of the *Commonwealth* vs. *John Van Daniker*, was called. Counsel for the Commonwealth, Col. C. M. Lynch, District Attorney, and J. Ross Thompson, Esq., Solicitor Pennsylvania Railroad Company, at Erie, Pa.; and for the defense, Messrs. John H. Walker and George W. DeCamp.

The defendant having plead *Not Guilty*, the following jury was empanelled:—

JURORS' NAMES.

PELEG CRANDALL,
HARRY PORTER,
C. N. BARNEY,
WASHINGTON BONNELL,
JOHN DODGE,
JOHN CLEMENS,

JAMES COBURN,
O. W. ANDERSON,
CHAS. SWEET,
J. J. RINDERNECHT,
SAM'L Z. SMITH,
E. O. PINNEY.

OPENING FOR THE COMMONWEALTH.

Col. C. M. LYNCH, Prosecuting Attorney, addressed the jury as follows:—

Gentlemen of the Jury:—This is a case of unusual importance, and, as it will undoubtedly be somewhat tedious, we shall have to rely upon your exercising considerable patience.

The defendant in this case was an employee of the Philadelphia and Erie Railroad Company, as conductor of a passenger train, and is charged with embezzling the funds of the Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, while in the capacity of conductor of this passenger train. The indictment is laid in the 107th Section of the Act of March 31st, 1860, Criminal Code of Pennsylvania, explanatory of which is the 108th Section of the same law. The Court will instruct you, gentlemen, as to the law.

EVIDENCE FOR THE COMMONWEALTH.

The Acts of Incorporation of the Pennsylvania and Philadelphia and Erie Railroad Companies, and the Contract between these two Companies, whereby the former Company became the lessee of the latter road, were admitted by the defense; as also, that the Pennsylvania Railroad Company was the legal owner of the funds charged to be embezzled by the defendant in the indictments, should the charge be sustained.

WILLIAM A. BALDWIN, *sworn*.

Mr. THOMPSON.—State to the Court and jury your occupation. Ans.—I am Superintendent of the Western Division of the Philadelphia and Erie Railroad.

Q.—By whom appointed? A.—My appointment was confirmed by the Board.

Q.—Which Board? A.—The Board of the Pennsylvania Railroad, the Lessee of the Philadelphia and Erie Railroad.

Q.—State if you know the defendant, John Van Daniker. A.—I do.

Q.—State if he was in the employ of the Pennsylvania Railroad Company, and if so, in what capacity. A.—He was employed as a conductor.

Q.—By whom appointed? A.—He was appointed by myself.

Q.—State whether he was acting in that capacity in May, 1866. A.—He was.

Q.—State your orders to conductors in accounting for money. A.—The orders in that respect do not come through me, but through the General Agent. They are issued in circular or pamphlet form.

Q.—Have you one of those orders with you? A.—I believe I have. [The witness exhibits the pamphlet.] The orders required them to make the deposits at the end of each trip, accounting for the money received on the east and west trip.

Q.—Were they required to make out reports, and if so, how many? A.—They were required to make out reports and send in with their tickets, and also duplicates, which reports were for cash collections.

Q.—State where those duplicate reports were sent to. A.—They were sent to the General Superintendent.

Q.—Both or one? A.—The originals were sent to Philadelphia.

Q. I wish you to look at this book, and state if this is a correct statement of the numbers of stations, tariff charges, rules, &c. A.—These are the books which we have issued to conductors as their guide to the numbers of stations and tariff rates. They number from Erie to Sunbury. 1 is Erie and 90 is Sunbury.

Q.—State whether all conductors are furnished with these books and rates of tariffs. A.—They have been.

Q.—Were they in May, 1866? A.—They were.

[A tariff book was here offered in evidence by Mr. Thompson, and accepted.]

FARES—LEAVING ERIE.

JAMES MOONEY, *sworn*.

Mr. THOMPSON.—State if you have seen the defendant, John Van Daniker, before. A.—I have.

Q.—When? A.—On the 21st of May.

Q.—What year? A.—1866.

Q.—Where did you see him? A.—I saw him on the mail train of the Philadelphia and Erie Road—on the 10.30 or 10.35 train.

Q.—Going which way? A.—Going to Sunbury.

Q.—From where? A.—From Erie.

Q.—What was he doing on that train? A.—He acted as conductor.

Q.—Taking up tickets and fares? A.—Taking up tickets and fares.

Q.—You were a passenger, then, on that train? A.—I was.

Q.—State where you sat in that train. A.—I sat in the first car, sixth seat, left side.

Q.—How many passenger cars were there on that train leaving Erie? A.—Two.

Q.—You say you sat in the first car? A.—Yes.

Q.—What seat? A.—Sixth seat, left side.

Q.—From which end did you number? A.—From the forward end.

Q.—Did you pay fare? A.—I did.

Q.—You say you paid fare? A.—Yes.

Q.—Paid Mr. Van Daniker? A.—Paid Mr. Van Daniker.

Q.—Where did you pay fare to? A.—To Sunbury.

Q.—From Erie to Sunbury? A.—Yes.

Q.—Do you recollect how much fare you paid? A.—I do.

Q.—How much? A.—\$11 50.

Q.—State to the Court and jury whether you went to Sunbury. A.—I did.

[Mr. Thompson called the attention of the Court to the plan he should pursue, of making a note of each fare, as proved by the witnesses, and furnished the Court with one of the books of tariff of fares on the Philadelphia and Erie Railroad, and a table for the purpose of noting the fares proven.]

CROSS-EXAMINED.

Mr. WALKER.—Where was this fare paid? A.—It was paid on leaving Erie.

Q.—How far out? A.—Perhaps five or six miles.

Q. How long had you been in Erie before you got on the car? A.—I was some four or five days in Erie.

Q.—What was your reason for not getting a ticket before you got on? A.—I got my instructions to pay fare on the cars.

Q.—Who did you get instructions from? A.—Mr. Bangs.

Who is Mr. Bangs—a railroad man? A.—No; he is General Superintendent of the National Police Agency.

Q.—Was this policeman—this General Superintendent of the National Police Agency—here at that time? A.—He was.

Q. He gave you instructions to go on? A.—He did.

Q.—Where did he find you? A.—He was here, in Erie.

Q.—How did you come here? A.—I came by railroad, from Chicago.

Q.—You had lived in Chicago before? A.—Yes.

Q.—How long? A.—Five or six weeks altogether.

Q.—Have you been in the employ of this policeman up there? A.—I have.

Q.—How long have you been in the employ of this police? A.—About 13 months.

Q.—Where did this policeman first find you? A.—In New York city.

Q.—What were you engaged at in New York city? A.—A bar-tender.

Q.—Who for? A.—Mr. Flood.

What did you call this man's—this policeman's—name? A.—Mr. Bangs.

Q.—Did he come from Chicago here with you? A.—I believe he came from Chicago.

Q.—Did he come here with you? A.—No.

Q.—At Chicago he told you to come here? A.—No; Mr. Lonergan did.

Q.—Who is Mr. Lonergan? A.—Superintendent of the National Police Agency.

Q.—Where did you see him? A.—I saw him at Chicago.

Q.—Immediately before you started to come here? A.—The night before.

Q.—You say you had been here some four or five days before you got on the train, and then you say Mr. Bangs directed you what to do, and in pursuance of that you got on? A.—Yes.

Q.—You had been how long engaged in this business? A.—Some thirteen or fourteen months.

Q.—Where were you engaged in it? A.—In the city of New York.

Q.—On railroad business?

[Mr. Thompson objected on the ground of irrelevancy. Objection sustained.]

Q.—Did you enter, in any place, the month and day of the month; did you make any entry of the time? A.—What time?

Q.—The time you were on the car. A.—I did.

Q.—Where did you make the entry? A.—I made a report in Erie, after returning.

Q.—You went to Sunbury? A.—Yes.

Q.—You came back in the next train? A.—I came back the next day.

Q.—Who did you come back with? A.—I believe it was conductor Bailey.

Q.—You paid your fare on the cars then? A.—No; I believe I bought a ticket.

Q.—Do you know whether you did or not? A.—If I had my notes I could state.

Q.—Can you, from recollection, state whether you paid your fare to the conductor, coming back, or not? A.—Well, I bought a ticket, I think.

Q.—You came back to Erie the next day. Did you remain here any length of time? A.—Yes; I remained here two or three days.

Q.—Did you go out on the train then? A.—Yes.

Q.—The Philadelphia and Erie Railroad? A.—Yes.

Q.—What day? A.—I cannot tell.

Q.—Did you make any entry of it. A.—Yes.

Q.—When did you make it? A.—I cannot tell.

Q.—Why can't you tell that? A.—I don't remember the date.

Q.—Have you looked at the entry you made on the other trips you speak of, recently? A.—No.

Q.—On this trip? A.—Yes.

Q.—You went for the same purpose the other time? A.—Yes.

Q.—Did you go with the defendant here? A.—I went with him several times afterwards; I forget the exact dates.

Q.—Did you pay fare to him? A.—I think I did; I disremember now.

Q.—You disremember whether you paid fare to him? A.—Yes.

Q.—What did you go for; had you business at Sunbury? A.—No; I went for the purpose of taking notes of all fares paid to the conductor in my car.

Q.—As well others as your own? A.—Yes.

Mr. DECAMP.—Were there any others of your Company on the same business, on the same train with you? A.—Yes.

Q.—At the same time, May 21st? A.—Yes.

Q.—I didn't understand you. How long had you been from New York, at the time you went to Chicago?

[The Court here said that the examination must be conducted by one counsel, of the same witness; saying that whoever began a cross-examination must finish it.]

Q.—How long, prior to your coming here, had you left New York? A.—About six weeks, I presume—five or six weeks.

Q.—You were acquainted with Mr. Bangs or Mr. Lonergan, prior to your meeting him, in New York, before you came here? A.—No.

Q.—You were a bar-tender, I understood you? A.—Yes.

Q.—Where did you come from, prior to coming to New York? A.—I came from Ireland.

Q.—How long from Ireland? A.—About four years.

Q.—What other business have you been in? A.—The dry goods business.

Q.—Then you went into saloon business, and then into police business, I understand you? A.—Yes.

Q.—Who furnished you money to pay this fare with? A.—Mr. Bangs.

Mr. THOMPSON.—You made a memorandum of this run, on the 21st of May? A.—Yes.

Q.—Have you that memorandum with you? A.—I have.

Q.—Please refer to it, to fix the date. [Witness refers to his memorandum.]

Q.—Is that your memorandum? A.—Yes; a memorandum made at the time.

Q.—Referring to your memorandum, what is the entry there?

Q.—You say that after you returned, you made a report. Is that your report in your hands? A.—This is my report.

Q.—The other entry was made at the time, on the train? A.—Yes.

Mr. DeCAMP.—You got change for a bill? A.—Yes; \$3.50.

PATRICK GRAY, *sworn*.

Mr. THOMPSON.—State if you have seen the defendant, John Van Daniker, before, and if so, when and where? A.—Yes; I saw him on the 21st of May, 1866, on the through passenger train, going from here to Sunbury.

Q.—Were you a passenger on that train? A.—I was.

Q.—What was Mr. Van Daniker doing on that train? A.—Acting in the capacity of conductor.

Q.—State where you sat on that train? A.—I sat in the first car, on the twelfth seat, left side.

Q.—State if you saw any persons in that car, paying fare to the conductor, Mr. Van Daniker, on leaving Erie? A.—Yes.

Q.—How many? A.—Two.

Q.—You say you saw two. Where did the person sit who paid the first fare? A.—Mr. Mooney paid the first fare; sixth seat, left side.

Q.—Who was the person who paid the second fare? A.—A man by Mr. Van Daniker, who was then standing with his back against the saloon, in the rear of the car.

Q.—Where did the man come from? A.—From the baggage car. There was another man talking with Van Daniker, and he asked the man from the baggage car, why he did not buy a ticket.

Q.—What did he reply? A.—I could not hear more than that he was afraid some person was going to get left, and he waited for them. Who the person was, I did not understand him to say.

Q.—Where do you say this party stood? A.—The three were standing against the saloon, at the rear door, and Van Daniker had his back against the saloon.

Q.—How far were you from them? A.—In the twelfth seat, a short distance from them; about as far as from me to that gentleman, (pointing about three or four feet). I heard

this conversation, and then I turned around and saw Mr. Van Daniker fold money and put it in his pocket.

Q.—Where did this man go to from Erie? A.—He went to Williamsport; at least, that is where I last saw him.

CROSS-EXAMINED.

Mr. DeCAMP.—What was your business on the train that morning? A.—To observe fares paid the conductor.

Q.—Who employed you for that purpose? A.—I was acting under instructions of Mr. Bangs.

Q.—Where did you come from to Erie? A.—From Chicago.

Q.—With whom did you come in company? A.—Mr. Bangs and a few others were on the same train.

Q.—On the same business? A.—I suppose so.

Q.—Many on the train? A.—Yes.

Q.—How long had you been in Chicago, prior to that. A.—I lived in Chicago nearly eleven years.

Q.—What was your business there during the eleven years? A.—Part of the time at work as a day laborer, and part of the time working for Mr. Pinkerton.

Q.—At whose instance did you come here? A.—I received instructions from Mr. Bangs.

Q.—Did you talk with any one else about coming here? A.—No; I don't recollect any.

Q.—What did you come here for? A.—I did not know particularly, what I came for, until I got here.

Q.—You say that you were employed by Mr. Pinkerton before. What were you employed in? What were you doing for him? A.—General detective business.

Q.—You were a laborer in Chicago? A.—I was.

Q.—How long did you serve as a detective? A.—I have been in business for him since the latter part of April, or 1st of May, 1861.

Q.—Have you done any labor since then? A.—Sometimes.

Q.—Who furnished you the money to come here, if anybody? A.—Mr. Bangs.

Q.—Did you pay any fare or buy a ticket? A.—I bought a ticket.

Q.—How many of you were in company on the same business? A.—I was alone on the same seat.

Q.—Had you a consultation with Mooney before you left? A.—I had not.

Q.—Had you with Bangs? A.—Yes; I had my instructions from Bangs.

Q.—Did Bangs come on the train too? A.—Not that I know of.

Q.—Would you not know? A.—I didn't see him.

Q.—Do you know whether you know or not? A.—I didn't see him.

Q.—Do you know whether he was on the train or not? A.—I don't.

Q.—Was he on the cars? A.—I don't know whether he was or not.

Q.—Were you introduced to Mooney before you started? A.—I saw him in the same house.

Q.—Had no conversation with him? A.—Nothing except commonplace conversation.

Q.—Nothing in relation to the business employed upon? A.—No.

Q.—Will you state what you were doing? A.—I was observing fares paid to the conductor, and kept a note of it, and reported to Mr. Bangs.

Q.—He furnished you with money? A.—Yes.

Q.—Was Mooney present when you got your instructions? A.—He was in the same house; I could not say whether he was present.

Q.—You were not instructed to act in concert with Mooney? A.—No.

Q.—How many persons can you enumerate were with you on the same business? A.—I could not account for any, except who were in the same car with me.

Q.—Who were in the same car on the same business that you were? A.—There was Mooney, and Knipe, and myself, and M'Donald, that I recollect; there may have been more.

Q.—Were they all gentlemen—men? A.—They were all men.

Q.—Will you state now to the Court and jury that you did not know what you were coming here upon when you left Chicago? A.—No; I did not know positively what I was coming for from Chicago until I got here.

Q.—You didn't know what particular business you were to be on? A.—No; I did not know what business I was to be on.

Q.—Where did you go to when you came here? A.—I went to Brown's Hotel, and stayed that night and part of the next day, when I left on the train.

Q.—When did you see Mr. Van Daniker next, after the 21st of May, if you did see him afterwards? A.—I don't recollect as I saw him after that, except in the city, passing around; I may have seen him at Williamsport or Sunbury.

Q.—You don't know how much money he received when he put the money in his pocket? A.—No; except that I saw the outside bill was a \$5 bill—National Bank bill.

Q.—You don't know how far the man paid to? A.—No; the man who was in company with Van Daniker asked him why he didn't buy a ticket, and he said he was waiting for a man and was afraid he would be left.

Q.—What conductor did you come back with? A.—I think it was Mr. Bailey.

Q.—Did you remain at Williamsport? A.—I did not.

Q.—Did you come back on the next train? A.—No; I next went to Sunbury.

Q.—Did you remain at Sunbury until the next evening, the 22d, and then come back to Erie? A.—Yes.

Q.—Where did you then go to? A.—I went to the house; I believe the names of the streets are Fourth and German.

Q.—How long did you remain at that place? A.—I remained there in all about two months.

Q.—Did you ride in that train again? A.—I rode in other trains from Erie.

Q.—State if you were introduced to this man, Van Daniker, prior to going; had you got his name before going on his train? A.—No; I got my instructions the evening before I went, or the morning of the same day, with the name of John Van Daniker on them.

Q.—Was there any other name on the instructions? A.—No.

Mr. THOMPSON.—You say you received your instructions from Mr. Bangs; state whether these instructions were in writing. A.—They were in writing.

Q.—You were in the employ of Mr. Pinkerton? A.—Yes.

Q.—You are paid a regular salary? A.—Yes.

J. F. BRECHBILL, sworn.

Mr. THOMPSON.—State if you were a passenger on the mail train east from Erie on the 21st of May, 1866. A.—I was.

Q.—Who was the conductor? A.—John Van Daniker.

Q.—The defendant sitting here? A.—Yes.

Q.—Where did you sit in that train? A.—Fourth seat, right side.

THE COURT.—Which car? A.—Second car.

Mr. THOMPSON.—State, Mr. Brechbill, if you observed any fares in that car paid to the conductor leaving Erie. A.—I did.

Q.—How many fares did you observe being paid? A.—Two.

Q.—What was the first person that you saw paying fare leaving Erie? A.—The first one I saw giving money to the conductor sat in second seat, left side.

Q.—Where did that person get off? A.—At Corry.

Q.—The second fare you observed pay? A.—A man sitting in the third seat, right-hand side; he got on at Erie.

Q.—Where did he get off? A.—He left the car at Corry.

Q.—Did you observe any other fares paid? A.—I saw the conductor return money to a

lady sitting in the forward end seat of the car.

Q.—State if she had any children with her.
A.—She had seven.

Q.—What were their ages, as near as you can tell? A.—The oldest, I should think, was about eleven; then nine, seven, six, five and three, and two small babies, about three months old.

Q.—Where did this lady and family go to?
A.—Got off at Ridgway.

Q.—Were these all the fares you observed leaving Erie? A.—Yes.

CROSS-EXAMINED.

Mr. DeCAMP.—Where do you reside? A.—Chicago.

Q.—What was your business on that train?
A.—Detective, to test the conductor.

Q.—The conductor who left on that train, whoever he was? A.—Yes.

Q.—Was the name given to you before you started? A.—I think the name was written on the instructions.

Q.—When did you come to Erie, prior to the 21st of May, on this business? A.—I arrived here on the 16th of May.

Q.—Who was it instructed you to come here? A.—Mr. Bangs.

Q.—Did he furnish you with money? A.—Yes.

Q.—Did you pay fare to the conductor on the cars on the 21st of May? A.—I bought a ticket.

Q.—To where? A.—Harrisburg.

Q.—Go to Harrisburg on that train? A.—I did not.

Q.—Where did you go? A.—I left the train at Trevorton Junction.

Mr. THOMPSON.—Where is that? A.—On the Northern Central Railroad.

Mr. DeCAMP.—Did you go in company with any others connected with this business to detect conductors? A.—Several.

Q.—Did you know for what purpose you were coming when you came to Erie? A.—No; not certain.

Q.—Any intimations given? A.—Not any.

Q.—What was your business in Chicago prior to coming here? A.—Detective business.

Q.—How long had you been in the employ of Bangs and Pinkerton? A.—Six years.

Q.—Are you an independent body, or do you belong to Chicago police? A.—As far as I know, we are an independent body.

Q.—Operated under Mr. Pinkerton? A.—Yes.

Q.—Was this your only business for six years past? A.—This is all I have followed.

Q.—Were you in the habit of making such

excursions? [Objected to, and question withdrawn.]

Q.—How many were there of you coming to Erie for that purpose? A.—Eighteen.

Q.—Did you all come together on the same cars? A.—I did not see them all.

Q.—Did you learn there were eighteen coming about the same time? A.—About the same time.

Q.—Were there any ladies? A.—There were two ladies.

Q.—Were they all white, or partly colored? A.—The ladies I had reference to?

Q.—I don't speak of the ladies. Were there any colored persons? A.—No; not when I came.

Q.—Were there any afterwards? [The Court objected to these questions as irrelevant.]

Q.—Where did you stay in this city? A.—At the hotel two days.

Q.—Did you rent a house together? A.—I did not.

Q.—Was there one rented or occupied on that business here? A.—Yes; a lady kept boarding-house here.

Q.—One that came with you? A.—Yes.

Q.—Did she get on the train with you at Williamsport? A.—I did not see her on the train.

Q.—Was she one of the detective force? A.—Not that I know of.

Q.—And these two ladies and sixteen men made eighteen? A.—Eighteen.

Q.—Did you meet together before you left Chicago? A.—No.

Q.—Did either of these parties come with you—Bangs or Pinkerton? A.—Mr. Bangs came on the same train.

Q.—Did he stay at the boarding-house? A.—Not at the time of arrival.

Q.—Did he afterwards? A.—Yes.

Q.—Where was this boarding-house? A.—Corner of German and Fourth streets.

Q.—How long did you keep that house? A.—Until sometime about the 6th or 7th day of July.

Q.—With whom did you communicate here, except Bangs or Pinkerton, in relation to this matter? A.—These are the only persons.

Q.—Did you have any communication with the Railroad Company's agent? A.—No.

Q.—When you left here on the 21st of May, you said you went to Trevorton Junction? A.—Yes.

Q.—Where did you go then? A.—To a hotel.

Q.—How long did you remain there? A.—Until next day at 11 o'clock.

Q.—Where did you go to then? A.—Went to Millersburg.

Q.—Where then? A.—Remained there

until about 4 o'clock; then took the train and went to Erie.

Q.—Where did you go then? A.—Went to the boarding-house.

Q.—Did you remain there? A.—Yes.

Q.—When did you start next? A.—Sometime in the latter end of the week.

Q.—Who ran the train? A.—I don't recollect.

Q.—Was it the defendant? A.—No.

Q.—Did you go again on the train. A.—Yes.

Q.—When? A.—About the 1st of June.

Q.—With whom? A.—I don't recollect.

Q.—It was not the defendant? A.—I did travel with him afterwards.

Q.—When did you next travel with him? A.—The latter end of June.

Q.—Where to and from? A.—Erie to Northumberland.

Q.—When again did you travel with him? A.—I did not go with him again.

Q.—How many trips did you make altogether over the road on this business? [Objected to.]

Q.—Did you have any conversation on the train with the defendant, in the presence of a person by the name of Blair, relative to watching him (the defendant?) A.—I was asked one day by him how the boys were getting along watching.

Q.—Did you state to Mr. Blair that you were there for the purpose of watching? A.—No.

Q.—Did the conductor say to you, in the presence of the gentleman I have named at that time, that you were watching? A.—He said he did not care how much we watched him.

Q.—If you only told the truth he did not care? A.—I don't know as he said anything of the sort.

Q.—Did the conductor say to you, in the presence of the gentleman I have named, that you were watching? A.—He said he did not care how much we watched him.

Q.—Was that the first trip you made with him? A.—No.

Q.—When was the first? A.—The first from Erie was the 21st of May.

Q.—When was the next one? A.—I think it was in the latter end of June.

Q.—Was it on that trip that he spoke to you? A.—Yes.

Q.—Where was it? A.—I think it was somewhere near Westport.

Q.—Didn't he come along and point your force out, and say, in the presence of a gentleman, "That is one, and that, and that," and come along and sit down by you, and ask you how you were getting along watching,

and say to you he didn't care what you did, so you told the truth? A.—No.

Q.—In substance? A.—He came and sat down beside of me, and told me there were four or five in the first car and two or three in this car.

Q.—Did he say to you that you must buy your tickets, and not attempt any of these games upon the cars against the conductors? A.—No.

Q.—Do you know Thomas Green, one of the conductors? A.—Yes.

Q.—Now, sir, do you not know, that in the presence of Thomas Green and the gentleman I have named, he, on the 21st of May, pointed you out, and told you who you were? A.—No.

Q.—You don't remember? A.—I do not think he did.

Q.—Don't you know that he did, either to yourself or one of those with whom you were going at that time, who communicated to you so that you all knew it? A.—Not to my recollection.

Q.—You made a report of your observations? A.—Yes.

Q.—And that report embodied others than the conductor named? A.—No.

Q.—And only him alone? A.—Yes.

Q.—At any other time? A.—I made out a separate report for each and every run, for each and every conductor.

Q.—For this 21st of May did you make out any reports for any other conductors? [The Court: What if he did?] A.—No.

Q.—Prior to your going into this business, six years ago, where did you reside? A.—At Chicago.

Q.—Is that your native place? A.—No.

Q.—Where did you go there from? A.—From this State.

Mr. THOMPSON.—You kept a memorandum of all you observed? A.—Yes.

Q.—You entered these fares in that memorandum? A.—Yes.

Q.—Mr. Pinkerton has a branch office in New York and one in Philadelphia? A.—Yes.

Q.—You say that all these parties did not come from Chicago that were here? A.—I do not recollect whether they all came from Chicago or not; my impression is they did not.

[Mr. Thompson called the attention of the Court to the fact, that the fare from Erie to Ridgway is \$4.75, and that the fares of children, or persons under twelve years of age, passed at half rates.]

Mr. DeCAMP.—On what train did you leave on the 21st of May? A.—On the mail train.

Q.—Do you remember the hour? A.—10.25 or 10.30.

Q.—How many passengers were there got

on at Erie? A.—I don't know; I did not count the passengers; the cars were not very crowded.

Q.—On the 21st of May, 1866? A.—Yes.

Q.—The cars were not very full that morning? A.—No; not the car I was in.

Q.—How many cars were there? A.—Two passenger cars.

Mr. THOMPSON.—Your instructions were to observe only those who paid fare? A.—Yes.

JAMES P. LLOYD, *sworn*.

Mr. THOMPSON.—Were you a passenger on this train, on the 21st of May, 1866? A.—Yes.

Q.—Where did you get on? A.—Erie.

Q.—In which car? A.—Second.

Q.—What seat? A.—Eighth seat, right-hand side.

Q.—Was Mr. Van Daniker, the defendant here, conductor on that train? A.—Yes.

Q.—Did you observe any fares paid by passengers on leaving Erie? A.—Yes, I did.

Q.—State how many. A.—I saw one passenger pay fare.

Q.—Where did that passenger sit? A.—Third seat, right side.

Q.—Where did that passenger go to? A.—Corry.

Q.—State if you observed any other fares. A.—I saw a fare paid in the second seat, left-hand side.

Q.—Where did that passenger go to? A.—There were two persons in that seat; I am not sure whether both paid; I only saw one fare out of that seat—a man or a woman.

Q.—Did they both get on at Erie? A.—They both got on at Erie.

Q.—Both leaving at Corry? A.—The man got off at Mill Mills.

Q.—Where did the woman get off? A.—Got off at Corry.

Q.—You say you observed the man paying fare? A.—No; I saw a fare paid out of that seat; I could not say which.

Q.—Did you observe any other fares? A.—I saw Mr. Van Daniker, when he returned through the car, after collecting fares, hand some fractional currency to a woman having a lot of children sitting in the forward end.

Q.—How many children had that woman? A.—Seven.

Q.—About how old? A.—Probably the oldest was about ten years of age.

Q.—The next? A.—Six years.

Q.—Seven children? A.—Yes.

Q.—Where did that lady go to with her family? A.—Ridgway.

Q.—Did you observe any other fares paid in the car leaving Erie? A.—No.

CROSS-EXAMINED.

Mr. DeCAMP.—What were you doing in the car? A.—I was put there to observe fares paid to Van Daniker.

Q.—Were you one of the eighteen that came down from Chicago? A.—I belonged to Mr. Pinkerton's Agency.

Q.—How long have you been in the employ of Mr. Pinkerton? A.—This last time since the 14th of February, this year.

Q.—In whose employment were you on the 21st of May, 1866? A.—Mr. Pinkerton's.

Q.—Have you been in his employ since? A.—I left his employ.

Q.—When? A.—I left it about the 23d or 24th of November, 1866.

Q.—What has been your business since? A.—I was in the advertising business with my brother.

Q.—Where do you reside? A.—At the present time in New York city.

Q.—In 1866 where did you reside? A.—I resided here sometime.

Q.—Where did you come from when you came here in May? A.—From Chicago.

Q.—How long had you been in Chicago? A.—I don't think I had been there more than three weeks.

Q.—Where did you come from when you came to Chicago? A.—New York city.

Q.—On what business? A.—Mr. Pinkerton's.

Q.—Connected with this transaction? A.—No.

Q.—What business? A.—No particular business; came to report to Mr. Pinkerton, at his Agency in Chicago.

Q.—Were you in his employ in New York? A.—I was.

Q.—How long had you been in his service at New York? A.—About five or six days.

Q.—Were you acquainted with Mr. Pinkerton? A.—No.

Q.—How did you get acquainted with him, and how did you get into his employ, before you went to Chicago? A.—Mr. Warner employed me.

Q.—Who is Mr. Warner? A.—He was at that time managing the New York Office.

Q.—How did you get acquainted with Mr. Warner? A.—I saw an advertisement in the paper, and answered it.

Q.—For detectives? A.—No; it did not say for what business. It wanted persons of all occupations and ages.

Q.—Who furnished you with money to go to Chicago? A.—Mr. Warner.

Q.—Who furnished you with money to come here? A.—I forget now whether I got it from Mr. Lonerhan; but I think it most likely.

Q.—Had you seen Bangs previously? A.—Yes.

Q.—Had you seen Pinkerton? A.—Yes.

Q.—Before you went into Pinkerton's business, what was your business? A.—Immediately before that I was doing nothing.

Q.—Prior to that? A.—I was engaged in leather-cutting.

Q.—Quit that and went into detective business? A.—I quit that on account of illness; then business was dull, and I could not get employment; I saw this advertisement and answered it.

Q.—How long did you reside in Erie? A.—Probably about six weeks; I cannot say.

Q.—Were you in this boarding-house? A.—I was.

Q.—How many altogether? A.—Fifteen or sixteen of us—might have been twenty; there were some servants; I don't know exactly how many there were.

Q.—How long were you in Erie before you went out on the 21st of May? A.—It might have been five or six days.

Q.—Had you any instructions before you went on the train? A.—Yes.

Q.—Did you agree with each other? A.—No, certainly not; the agreement I had was the instructions from Mr. Bangs, to notice all the fares paid in my car.

Q.—How many trips did you make in all? A.—Perhaps two or three and twenty.

Q.—On the Philadelphia and Erie Road? A.—Perhaps that amount.

Q.—How many trips on this conductor? A.—I think three.

Q.—Have you seen him since you quit running on the train with him until now? A.—Yes; I saw him yesterday.

Q.—In the meantime, after you quit running, up till you came here this time, had you seen him? A.—I could not say; I might have seen him in the train; I saw him when I was here last time (in February).

Q.—Where did you go to? A.—Northumberland.

Q.—Then where did you go to? A.—Came back here.

Q.—Buy a ticket both ways? A.—No; I bought a ticket going down.

Q.—Did you buy a ticket coming up? A.—I could not say positively unless I referred to my notes; but my impression is, I did not.

Q.—When did you make the next trip? A.—On the 23d.

Q.—When next? A.—I do not remember.

Q.—When you quit the boarding-house, where did you go to then? A.—I received instructions to go upon other business for the Agency.

Q.—Where did you go to then?

THE COURT.—No matter where he went to.

Mr. THOMPSON.—You made a memorandum on the 21st? A.—Yes.

Q.—Have you that memorandum now? A.—Yes.

Q.—Then refer to it, and see what the date of it is. A.—[Referring to memorandum.] May 21st, 1866.

Mr. WALKER.—Is that memorandum in ink or pencil? A.—Pencil.

Mr. DECAMP.—Let me see them.

[Mr. Thompson objected, and was sustained by the Court.]

Mr. DECAMP.—Pencil marks made this morning?

[Mr. Thompson called the attention of the Court to the remark, which was calculated to prejudice the minds of the jury, saying that all he wanted was a fair trial of the case.]

[The defense claimed that, as they had not been allowed to see the notes, they had a right to make their own inferences.]

[The Court said that this was a question for argument; but that such remarks would do more hurt than good to the defense.]

LEAVING UNION.

F. H. REEVES, *sworn*.

Mr. THOMPSON.—Mr. Reeves, state, if you please, if you were on the mail train on the Philadelphia and Erie Railroad, May 21st, 1866. A.—Yes; I got on at Union.

Q.—In which car did you sit? A.—First car, fourth seat, right side.

Q.—Where did you go from Union? A.—Milton.

Q.—Did you pay your fare on the car? A.—I did.

Q.—To whom? A.—Mr. Van Daniker.

Q.—The conductor? A.—Yes.

Q.—How much fare did you pay to him? A.—\$9.95.

Q.—From Union to Milton? A.—From Union to Milton.

CROSS-EXAMINED.

Mr. DECAMP.—Did you come from Chicago? A.—Yes.

Q.—How many of you came together? A.—I could not say; there might have been two, or four, or six, for aught I know.

Q.—What was your business on the 21st of May on the train? A.—My instructions told me to take account of all the fares that were paid—that is, fares in front of me; and I had nothing to do with those behind me.

Q.—When did you leave for Erie, prior to the 21st of May? A.—I am not certain whether it was the 17th or 18th of May, 1866.

Q.—Where did you come from? A.—Chicago.

Q.—At whose instance? A.—Mr. Lonergan gave me instructions to come.

Q.—What was your business before you came? A.—I was in the employ of Mr. Pinkerton.

Q.—How long have you been in his employ? A.—About three months.

Q.—Prior to coming? A.—Before I came here I was about a week or eight days in his employ.

Q.—What had been your business prior to that time? A.—I tended bar.

Q.—Where? A.—No. 5 Broad street, New York.

Q.—When did you leave New York to go to Chicago? A.—I left sometime in the month of April; I cannot tell the date.

Q.—At whose instance did you leave New York? A.—I don't remember the man's name that sent me—I being a stranger to him; I heard his name mentioned, but don't remember it now.

Mr. THOMPSON.—Mr. Warner? A.—That's it.

Mr. DECAMP.—Did he pay your fare? A.—He gave me money to pay my fare part of the way, and part of the way I had a ticket.

Q.—Who paid your fare here from Chicago? A.—Mr. Lonergan gave me the money to pay it.

Q.—Were you acquainted with Mr. Pinkerton prior to going to Chicago? A.—No; I had never seen the gentleman.

Q.—Had you been in the detective business prior to going to Chicago? A.—I was about two days in it.

Q.—In New York? A.—Yes.

Q.—During the time you were tending bar? A.—No; I could not very well do two things at once.

Q.—In two days after he employed you, you went to Chicago? A.—Yes; I left for Chicago.

Q.—When did you get there? A.—About thirty-six hours after I left.

Q.—What did you do in Chicago before you came here? A.—I refuse to answer that question.

[Objection was made by Mr. Thompson to this form of question, on the ground, that it was not proper to ask the witness, owing to the nature of the business in which he was engaged.]

[The defense explained that it was only intended to be asked if the witness was in the detective or some other business. The Court decided that the answer of the witness was correct, as he understood the question.]

Q.—How long did you remain in Mr. Pinkerton's employ after you came upon this road? A.—I suppose about ten or twelve weeks.

Q.—Where did you go then? A.—Home to New York.

Q.—Have you been there since? A.—No; in Brooklyn.

Q.—What business were you last in? A.—I was keeping hotel in Brooklyn.

Q.—You tended bar at No. 5 Broad street, New York? A.—Yes.

Q.—Is there a bar at No. 5 Broad street, New York? A.—Yes.

Q.—On what side of the street? A.—According to which way you are going; if up, it is on the right-hand side, and if you are going down, it is on the left-hand side.

[Mr. DeCamp claimed that there was no saloon kept there, and that No. 5 Broad street was a broker's office.]

[The witness explained that the saloon was in the basement.]

Mr. THOMPSON.—You say you left Mr. Pinkerton's employ shortly after you went through here? A.—Yes.

Q.—You then went to Brooklyn? A.—Yes; that has been my residing place for the last seven or eight years.

HENRY F. KNIPE, *sworn*.

Mr. THOMPSON.—Were you a passenger on the mail train on the Philadelphia and Erie Railroad, on the 21st of May, 1866? A.—I was.

Q.—Where did you get on? A.—Erie.

Q.—In which car did you sit? A.—First car, tenth seat, right side.

Q.—Where did you go to from Erie? A.—Went to Sunbury.

Q.—Who was the conductor on that train? A.—Mr. Van Daniker.

Q.—State if you observed any fares paid to the conductor on the train leaving Union. A.—I did.

Q.—State the first fare. A.—I will have to refer to my memorandum.

Q.—Was the memorandum made at the time? A.—Shortly after.

Q.—How long after? A.—I think I made them in the saloon of the car.

THE COURT.—Do you mean on the same day? A.—Yes.

Mr. THOMPSON.—What was the first fare you observed leaving Union? A.—[Referring to memorandum.] A gentleman, Mr. Waldron, on the third seat, left side.

Q.—Where did he go? A.—Milton.

Q.—Do you know how much he paid? A.—I did not see.

Q.—State if you observed any other fares leaving Union. A.—I did; a man in the fifth seat, right side, who went to Corry.

Q.—Did you observe any other fares? A.—Yes; a man in the fifth seat, left side, who went to Corry.

Q.—Was he sitting next to the window, or aisle? A.—Next to the aisle.

Q.—Did you observe any other fares paid leaving Union? A.—Yes; there were two in the fifth seat, left side; one next the aisle, and one next the window.

Q.—Where did the men go to? A.—Both to Corry.

THE COURT.—These are all from Union? A.—Yes.

MR. THOMPSON.—Did you observe any others? A.—No.

Q.—Were these fares paid to the conductor? A.—Yes.

Q.—Van Daniker? A.—Yes.

CROSS-EXAMINED.

MR. DECAMP.—For what purpose were you on that train? A.—To observe all fares paid to the conductor.

Q.—You reported to whom? A.—Mr. Bangs.

Q.—Where did you go from to Erie? A.—Philadelphia.

Q.—From there direct here? A.—Yes.

Q.—At whose instance did you leave? A.—I received a letter from Mr. Pinkerton, telling me to go to Erie.

Q.—Were you an employee of his? A.—Yes.

Q.—Since when? A.—1861.

Q.—Was this your exclusive business? A.—Yes.

Q.—In Philadelphia? A.—No; everywhere I went.

Q.—What age were you when you entered his employ? A.—I was about twenty-four years of age.

Q.—What had been your business prior to that? A.—A gentleman's bootmaker.

Q.—Where? A.—Philadelphia.

Q.—What time did you arrive at Erie? A.—I think it was about the 16th or 17th—in the middle of May.

Q.—What road did you go on to Erie? A.—Philadelphia and Erie Railroad.

Q.—With whom did you come in company? A.—I came by myself.

Q.—Who was the conductor? A.—I think it was Mr. Bonner.

Q.—Where did you stop when you came here? A.—In the boarding-house.

Q.—You remained there until you went on the train? A.—No; I went to Brown's Hotel first, and went to the boarding-house the next day.

Q.—And then went to boarding-house? A.—Yes.

Q.—Had you any arrangements with them, as to the particular part you were to play in this transaction? A.—I had my instructions—that was all.

Q.—From whom did you get them? A.—Mr. Bangs.

Q.—Were the others present when you got your instructions? A.—Some of them might have been.

Q.—Did Mr. Bangs stay at the boarding-house? A.—Yes; I saw him there.

Q.—How many persons were there in the boarding-house? A.—All.

Q.—Were they all detectives that were there? A.—Yes.

Q.—All of them? A.—Except the cooks.

Q.—Where did the cooks come from? A.—I don't know where.

THE COURT.—This is perfect trifling. I cannot permit it any longer; they were not connected with the detective department at all.

MR. DECAMP.—How many were on the train, on the morning of the 21st of May, besides yourself? A.—I could not tell you.

Q.—Where did you go from Erie? A.—I went to Sunbury.

Q.—Where did you go to then? A.—I went to Northumberland, and in the morning returned to Erie.

Q.—What did you do then? A.—Went to the house.

Q.—Did you make any further trips on this road? A.—Yes—several.

Q.—With whom did you travel after that? A.—I traveled with all the conductors on the road.

Q.—With Van Daniker again? A.—Yes.

Q.—How many times? A.—I cannot tell you; once more I am positive.

Q.—How long did you remain in Erie at the boarding-house? A.—I think I remained till the 2d or 3d of July.

Q.—Did you leave Philadelphia immediately on receiving the notice from Mr. Pinkerton? A.—A couple of days afterwards.

Q.—You immediately returned to Philadelphia, then, about the 3d of July? A.—Yes.

Q.—What has been your business since? A.—In the employ of Mr. Pinkerton.

Q.—Did you pay your fare? A.—No; I had a ticket.

Q.—Who purchased your ticket? A.—I bought it at the depot.

Q.—Who furnished the money? A.—Mr. Bangs.

Q.—He paid all bills and expenses? A.—Yes.

Q.—Were you not indicted for felony?

[This question was not allowed by the Court, on the ground, that the witness should answer no question which might tend to degrade him. Mr. Thompson, however, stated that there was no objection to the question, or to all questions of the kind, being asked any of the witnesses for the Commonwealth.]

MR. THOMPSON.—You say you received your instructions from whom? A.—Mr. Bangs.

Q.—State whether these instructions were

in writing. A.—They were written instructions.

Q.—State whether you acted solely upon these instructions, without consulting anybody. A.—Solely upon these instructions; I took my guidance from them altogether.

Q.—You did not compare notes with anybody else? A.—No; not at all.

R. H. ACKERMAN, *sworn*.

Mr. THOMPSON.—State if you were on the mail train on the Philadelphia and Erie Railroad, on the 21st of May, 1866? A.—I was.

Q.—Which car did you sit in? A.—First car.

Q.—What seat? A.—Seventh seat, left side.

Q.—Who was the conductor? A.—John Van Daniker.

Q.—Did you make notes of fares paid to the conductor leaving Union? A.—I did.

Q.—State the first fare. A.—Mr. Reeves.

Q.—Where did Mr. Reeves go to? A.—I last saw him at Williamsport.

Q.—The second fare you observed? A.—Mr. Waldron.

Q.—Where did Mr. Waldron go? A.—I last saw him at Williamsport.

Q.—Where was Mr. Waldron sitting? A.—Third seat, left side.

Q.—Did you hear the conversation between Van Daniker and Waldron? A.—I did not.

Q.—The other fare that you observed? A.—Man in fifth seat, right side.

Q.—Where did this man go to? A.—Corry.

Q.—The next fare that you observed? A.—Man in fifth seat, left side.

Q.—Where did he go to? A.—To Corry.

Q.—Next fare—the fifth? A.—Man in fifth seat, left side, next to window.

Q.—The other man sat where? A.—Next the aisle.

Q.—Two in the same seat? A.—Yes.

Q.—Where did this passenger go to? A.—To Corry.

Q.—Did you observe any other fare? A.—No.

Q.—Did you keep a memorandum? A.—Yes.

Q.—Make them at the time? A.—I did.

CROSS-EXAMINED.

Mr. DECAMP.—Where did you come from prior to the 21st of May? A.—Chicago.

Q.—With whom did you come? A.—Alone.

Q.—What was your business prior to coming here? A.—I was employed by Mr. Pinkerton.

Q.—How long had you been in his employ? A.—Since April, 1866.

Q.—Then you were employed immediately before you came here? A.—Yes.

Q.—What had been your business prior to

that time? A.—I was brakeman on the Illinois Central Railroad.

Q.—You quit that and went into detective business? A.—Yes.

Q.—What have you been doing since? A.—Employed as a general detective.

Q.—In any other position? A.—No.

Q.—Where do you reside? A.—At the present, in Philadelphia.

Q.—Where? A.—Philadelphia.

Q.—Been there since? A.—Yes.

Q.—Who is Mr. Waldron? A.—He was employed by Mr. Pinkerton at that time.

Q.—He was one of the men you saw pay fare? A.—Yes.

Q.—Who was Mr. Reeves? A.—An employee of Mr. Pinkerton, at that time.

Q.—Were you acquainted with Waldron and Reeves? A.—I was.

Q.—How long were you acquainted with these men? A.—I could not say exactly; I think about two or three weeks.

Q.—Where did Waldron get on the cars? A.—At Union.

Q.—Where did he go to next, prior to that time? A.—I don't know.

Q.—Did you meet there by concert, or accident? A.—I don't know.

Q.—Did you recognize each other? A.—No.

Q.—Where did you previously meet Waldron, prior to the 21st of May, before you got on at Union? A.—At Chicago.

Q.—How long before? A.—In April.

Q.—Did you see Waldron in Erie, prior to seeing him at Union? A.—Yes.

Q.—On what day? A.—Day before.

Q.—Then did you know he was on the train with you? A.—No.

Q.—When did you see Reeves before? A.—I think I saw him the day before, although I am not certain.

Q.—Do you know how many of your company got on the train on the 21st of May? A.—I do not.

Q.—There were some besides yourself? A.—Yes.

Q.—You made several trips over the road? A.—Yes.

Q.—With defendant here? A.—Yes.

Q.—How long did you remain in Erie? A.—I think I remained there until the last of July.

Q.—Were you at the boarding-house? A.—Yes.

Q.—Do you remember how many were there? A.—I don't remember exactly; I think there must have been some eighteen or twenty.

Q.—Your business kept you to yourselves? A.—Yes.

Q.—These were your instructions? A.—Yes.

Q.—You traveled on the road how long?
A.—I think until July.

Q.—Did you have any conversation with Van Daniker on the cars? A.—I did not.

Q.—Did he ever point you out as being one of the detectives? A.—Not to my knowledge.

Q.—Don't you know that he had you and others pointed out? A.—No.

Q.—Have you no recollection of his going through the cars with a gentleman, and pointing to the one in the seat next you, saying, that is one of them; that's one, and there are three in the other car? A.—Not that I remember.

Q.—Don't you know that he did so, from others that were acting in concert with you? A.—I do not.

Q.—Did you have any conversation with your confederates about this? [Objected to, and objection sustained.]

Q.—Were there any others acting in concert with you? A.—There were.

Q.—And for the purpose of detecting conductors generally on that road? A.—Yes.

Q.—Did you detect others?

[The Court disallowed the question, saying: It is outrageous to talk about men that are not on trial for any offense. I am satisfied you have no right to bring in the other conductors on the train, directly or indirectly. It is an imputation at once upon them, which you have no right to make, and which has no effect upon the guilt or innocence of this man—none whatever. I will not hear any argument upon this matter. If they choose to come forward and testify in regard to matters, that is another thing; but I am clear in my mind, that you have no right to ask this witness any question, as to what he observed in reference to anybody else on that train.]

LEAVING CORRY.

O. R. WILLARD, *sworn*.

Mr. THOMPSON.—State if you were a passenger on the mail train on the Philadelphia and Erie Railroad, on the 21st of May. A.—I was.

Q.—Which car did you sit in? A.—First passenger car.

Q.—How many passengers were on that train? A.—Two.

Q.—Which seat did you occupy? A.—Fourth seat, left side.

THE COURT.—From Corry? A.—Yes.

Mr. THOMPSON.—State the first fare you observed. A.—The first fare was a man—a stranger, in first seat, right side.

Q.—Where did he go to? A.—Youngsville.

Q.—The next fare in order? A.—Two men in third seat, right side.

Q.—Where did they go to? A.—I last saw them at Williamsport.

Q.—That was the second fare? A.—Second and third fares.

Q.—Then there was another fare in the same seat, was there? A.—Yes; one of these men paid for himself and the other.

THE COURT.—Paid two fares? A.—Yes.

Mr. THOMPSON.—Did you see both of these passengers at Williamsport? A.—Yes.

Q.—Did you observe any other fares paid? A.—Yes.

Q.—Where? A.—I paid myself.

Q.—Where did you pay to? A.—Northumberland.

Q.—How much did you pay? A.—Nine dollars and ninety-five cents.

Q.—These four fares were all you observed? A.—Yes.

CROSS-EXAMINED.

Mr. DECAMP.—Where did you come from prior to the 21st of May? A.—Chicago.

Q.—For what purpose did you come here? A.—I did not know at the time.

Q.—In whose employ? A.—Mr. Pinkerton's.

Q.—How long have you been in his employ? A.—Since 1866.

Q.—What was your business prior to that? A.—United States Tax Commissioner.

Q.—What before that? A.—Before that I was in the army.

Q.—The first time you were in the detective business was in 1866? A.—Yes.

Q.—Were you employed for the purpose of coming here? A.—I do not know; I think I was.

Q.—How long did you remain at Erie? A.—Five or six weeks.

Q.—You went out on the 21st of May? A.—Yes.

Q.—With how many others? A.—I cannot remember.

Q.—For the purpose of detecting conductors generally, was it not? A.—Yes.

Q.—You knew the name of this gentleman prior to your going? A.—I knew it at the time when I received my instructions.

Q.—Was his name alone, or others mentioned? A.—His name alone.

Q.—How long before you went out on the 21st of May? A.—I do not remember whether it was that day or the evening previous.

Q.—Had you seen the conductor prior to your having been given his name? A.—No.

Q.—Did you make any other trips on the road with him? A.—Yes.

Q.—How many? A.—Three or four.

Q.—Where did you stop when you were here? A.—In the house, on the corner of Fourth and German streets.

Q.—Were persons living there when you went there, or did you rent the house and go into it together? A.—No persons were living there.

Q.—When did you leave finally, after you came down here? A.—Sometime in July.

Q.—Where did you go to then? A.—Philadelphia.

Q.—What has been your business since? A.—The detection of crime generally.

Q.—In Mr. Pinkerton's employ? A.—Yes.

Q.—That is your business now? A.—Yes.

Q.—And has been since you were here in May? A.—Yes.

Mr. THOMPSON.—When you left Chicago, you had instructions to come to Erie? A.—Yes.

Q.—After you came to Erie, you received your instructions to go on the train? A.—Yes.

Q.—Were these instructions written? A.—Yes.

Mr. DECAMP.—Was Bangs here? A.—Yes.

Mr. THOMPSON.—Did you keep a memorandum? A.—Yes.

Q.—Did you compare your memorandum with any one else? A.—No.

Q.—What were your instructions upon that point? A.—Not to do so.

Mr. DECAMP.—Did you compare the number of seats? A.—No.

Q.—Did you compare the number of seats, that you respectively sat in, with Bangs? A.—Yes; when Mr. Bangs made the general comparison.

Q.—Of all the positions? A.—Yes.

Q.—When did that take place? A.—Some two or three days after the run.

Q.—Where? A.—At the house.

Q.—Before you finally left for Philadelphia, in July? A.—Yes.

Q.—With the other detectives that were on the train, and Bangs? A.—Yes.

Q.—Arranging the comparison? A.—Yes.

Q.—When next did you compare? A.—I did not compare at all after that.

Q.—Have you not compared within twenty-four hours—all of you? A.—No; not cars or seats.

Q.—What did you compare? A.—Compared nothing; we were questioned separately.

Q.—In relation to this? A.—Yes.

Q.—With a diagram? A.—No.

Mr. THOMPSON.—By whom? A.—Mr. Bangs.

Q.—Was anybody else present? A.—Mr. Thompson and Mr. Pinkerton.

Q.—Was your seat assigned you by Mr. Bangs, in the written order? A.—Yes.

Q.—When you returned you only compared as to the seats—nothing else? A.—That is all.

Mr. DECAMP.—Did he assign seats to you before you started? A.—Yes.

Q.—What were you to do in case it was occupied by others? A.—To take a seat nearest to that which we could get.

Q.—Bangs got on the train with you? A.—We left him here.

Q.—Were you on this road with Bangs at any time, running between Erie and Williamsport? A.—No.

HIRAM HARNED, *sworn*.

Mr. THOMPSON.—State if you were a passenger on the Philadelphia and Erie mail train, on the Philadelphia and Erie Railroad, on the 21st of May, 1866. A.—Yes.

Q.—In what car were you? A.—First passenger.

Q.—What seat did you occupy? A.—Second seat, right side.

Q.—Who was the conductor? A.—John Van Daniker.

Q.—State if you noticed any fares paid to him on leaving Corry. A.—Yes.

Q.—State the first fare. A.—[Referring to his notes.] Two men in the third seat, right side; the one next the aisle paid for both, pointing towards the one next the window.

Q.—Where did they go to? A.—I last saw them at Williamsport.

Q.—The third fare? A.—A man in the first seat, right side, next the window, who went to Youngsville.

Q.—The next fare you observed? A.—That is all—leaving Corry.

Q.—Did you observe Mr. Waldron pay fare? A.—Yes; or rather I did not see any money handed, but I saw him make motions as though paying.

CROSS-EXAMINED.

Mr. DECAMP.—Where did you come from? A.—Chicago.

Q.—When did you come to Erie? A.—About the 19th of May, 1866.

Q.—Did you come with others from Chicago? A.—I came alone.

Q.—What was your former business? A.—Commission business.

Q.—Quit that and went into detective business? A.—Yes.

Q.—Were you not in detective business before? A.—No.

Q.—In whose employ were you here? A.—Mr. Pinkerton's.

Q.—How long had you been in his employ before you came here? A.—Some two or three weeks.

Q.—How long had you been acquainted with Pinkerton before this? A.—I never was acquainted with him until I went into his employ.

Q.—How did you come to be in his employ?

A.—I saw a notice for men wanted, and I answered it.

Q.—You were employed by Mr. Pinkerton?

A.—No; Mr. Bangs did.

Q.—What has been your business since?

A.—I still remain in this business.

Q.—As detective? A.—Yes.

Q.—And are now? A.—Yes.

Q.—How long did you remain in Erie—as long as the others? A.—Yes.

Q.—Where did you reside? A.—At the boarding-house kept by Mr. Bangs.

Q.—Did you pay your fare to Erie? A.—Yes.

Q.—Who furnished you the money? A.—Mr. Loneragan furnished me with money.

Q.—Who furnished you with money to pay your fare on the Philadelphia and Erie Road? A.—Mr. Bangs.

Q.—At this city? A.—Yes.

Q.—He paid all expenses? A.—Yes; furnished me with money to pay all expenses.

Q.—How many trips did you make over the road? A.—I don't remember.

Q.—How many on the defendant? A.—Two or three, I believe.

Q.—What were you to do? A.—I was to take note of all fares I saw paid in the car to the conductor.

Q.—Who was present with you when you received your instructions? A.—Others of the company.

Q.—How many of you altogether? A.—I think there were sixteen or eighteen.

Q.—All inhabitants of the same house? A.—Yes.

Q.—From the 21st of May to what time? A.—I forget; something like the 8th or 10th of July.

Q.—Broke up keeping house all at once? A.—No; not all at once, but during a short time.

Q.—How many times did I understand you, that you went on the road with Van Daniker? A.—I think two or three; I am not certain.

Q.—Did he point you out, or were you or your company pointed out as detectives?

A.—Not to my knowledge.

Q.—Did you get acquainted with him on the road? A.—No; I never spoke to him.

Q.—Can you give the dates of the several trips, from memory? A.—No.

Q.—Were there many passengers on the train on the 21st of May? A.—No; not many until we got to Warren; from Warren to Lock Haven the cars were considerably crowded.

Q.—Many get on at stations between Erie and Warren? A.—No; not many; there were some.

Q.—Don't you remember? A.—No.

Q.—Had you a ticket? A.—Yes.

Q.—Who purchased it? A.—I purchased it myself with money furnished me by Mr. Bangs.

Q.—Come back on the train? A.—Yes.

Q.—Do you remember with whom you came back? A.—I think it was Mr. Bailey.

Q.—You arrived when? A.—The next day.

Q.—How far did you go? A.—To Georgetown.

Q.—Where do you reside? A.—Chicago.

Q.—How long have you resided there altogether? A.—Some six years.

Q.—Where did you come from there? A.—Missouri.

Mr. THOMPSON.—Mr. Bangs is General Superintendent for Mr. Pinkerton? A.—Yes.

Q.—The instructions were given you in the morning or evening before leaving, in writing? A.—Yes.

Mr. DECAMP.—He remained in the house during the time you were away? A.—Yes.

Q.—Five or six weeks, was it? A.—I don't think that it was that long.

Q.—From the 21st of May until you broke up? A.—Yes.

Mr. WALKER.—You say you came from Georgetown? A.—Yes.

Q.—Where is that? A.—It is between Sunbury and Harrisburg.

Q.—How far from Sunbury? A.—I suppose some thirty miles.

Mr. THOMPSON.—You went to Georgetown, going down, and returned from there here? A.—Yes.

T. H. BECKETT, sworn.

Mr. THOMPSON.—State if you were a passenger on the train, on the 21st of May. A.—Yes.

Q.—In which car did you sit? A.—First passenger car.

Q.—What seat did you occupy? A.—Tenth seat, left side.

Q.—Who was the conductor? A.—John Van Daniker.

Q.—State if you observed any fares paid to the conductor, John Van Daniker, on the cars on leaving Corry. A.—I did.

Q.—The first fare that you observed? A.—The first fare was Mr. Willard, sitting in the fourth seat, left side.

Q.—The next fare that you observed? A.—The second was myself.

Q.—Where did you pay to? A.—To Sunbury.

Q.—How much did you pay? A.—Ten dollars.

Q.—Did you get any change? A.—I got nothing but a check.

Q.—State if you observed any other fares paid leaving Corry. A.—No.

CROSS-EXAMINED.

Mr. DECAMP.—Where did you come from before May 21st, 1866? A.—Chicago.

Q.—How long had you been in Chicago? A.—Two or three weeks.

Q.—Where did you come from when you went to Chicago? A.—New York.

Q.—At whose instance? A.—Mr. Warner's.

Q.—For what purpose? A.—To go to Mr. Pinkerton's Agency.

Q.—Did you know for what purpose you were going there? A.—General detective business.

Q.—What was your business in New York? A.—I did not do anything.

Q.—Where did you come from to New York? A.—The old country.

Q.—How long prior to that? A.—December, 1865.

Q.—Were you in business prior to going into detective business? A.—Not in New York.

Q.—How did you first make Mr. Pinkerton's acquaintance? A.—From an advertisement in the *New York Herald*, of men wanted, but it did not say for what business.

Q.—Ever been in the detective business before? A.—No.

Q.—Who gave you the money to go to Chicago? A.—It was Mr. Davies.

Q.—Who is he? A.—He was at the time chief clerk.

THE COURT.—I cannot permit that class of questions.

Mr. DECAMP.—Who furnished you money to come here from Chicago? A.—Mr. Longergan.

Q.—Did you know the purpose for which you came here? A.—No.

Mr. WALKER.—You knew you were coming here to detect? A.—I did not know what I was coming here to work out.

Mr. DECAMP.—How long did you remain here? A.—About eight or nine weeks.

Q.—At this common boarding-house? A.—Yes; Fourth and German streets.

Q.—How many trips did you make with the defendant? A.—I made three trips with him.

Q.—How many trips over the road? A.—About twenty-four.

Q.—Can you give the dates? A.—No.

Q.—Who paid your fare? A.—I bought a ticket.

Q.—Who furnished you the money? A.—Mr. Bangs.

Q.—Did you make reports of the whole twenty-four trips to Mr. Bangs? A.—Yes; I made them out and then delivered them to Mr. Bangs for comparison.

Q.—Who was present with you when you made your reports, except Mr. Bangs? A.—All the other men were present.

THE COURT.—Were they made verbally or in writing? A.—In writing.

Mr. DECAMP.—Who wrote them, you or Mr. Bangs? A.—Myself.

Q.—At the house? A.—At the house.

THE COURT.—Did you make a verbal comparison, or was it from your written report? A.—It was made from my written report.

Mr. DECAMP.—It was made at this house—none but detectives present? A.—Yes.

Mr. THOMPSON.—When you made your reports, there was then no consultation or comparison? A.—No.

Mr. DECAMP.—Did you make each report separate? A.—Yes; after I got back to Erie I made two reports—one for the run out and one for the run back.

Mr. THOMPSON.—You made your reports from memorandum you made at the time? A.—Yes.

Mr. DECAMP.—What has been your business since? A.—Acting as general detective.

Q.—In the employ of Mr. Pinkerton? A.—Yes.

Q.—Did all the rest make separate reports? A.—As to them, I don't know; I was not always in the house when they made their reports.

Q.—Were there always some present? A.—Yes.

Mr. THOMPSON.—What were your instructions? A.—The car I was to take?

Q.—In making out your reports, what were your instructions? A.—To put down all the fares which had been collected by the conductor.

Q.—To your own personal knowledge? A.—Yes.

Q.—Without comparison with anybody else? A.—Without any comparison at all.

Mr. DECAMP.—What seat did you occupy? A.—Tenth seat, left side.

Q.—Was that seat designated to you? A.—No; I was ordered to take the seventh seat, left, and the tenth was the nearest I could get.

Q.—Did you observe many or few passengers? A.—The car was pretty full when we left Corry.

Q.—When you left Erie? A.—I did not get on at Erie.

Q.—Did you get on at Corry? A.—I got on at Corry.

Q.—Did you follow the conductor through the car? A.—No; I kept my seat.

LEAVING GARLAND.

J. P. LLOYD, recalled.

Mr. THOMPSON.—Did you observe any fares

paid to the conductor leaving Garland? A.—Yes, I did.

Q.—State the fares. A.—[Referring to notes.] The first fare paid was a man, eleventh seat, left side.

Q.—Which car was this in? A.—Second car.

Q.—Your seat in that car? A.—At that time, in the seventh or eighth seat, right side.

Q.—You were at that time occupying two double seats? A.—Yes.

Q.—How situated? A.—The seventh and eighth seats were turned facing each other; my back was to the windows.

Q.—You could see forward or back? A.—Yes.

Q.—Where did this man go to? A.—To Warren.

Q.—Now, sir, the second fare? A.—A man in the twelfth seat, same side.

Q.—Where did he go to? A.—Warren.

Q.—Did you observe any fares leaving Corry? A.—I did not.

CROSS-EXAMINED.

Mr. DECAMP.—Did not you before say that you stated all the fares you saw paid? A.—No; only leaving Erie.

Q.—Was your seat pointed out to you? A.—It was.

Q.—You got on at Erie? A.—I got on at Erie.

Q.—You were instructed what seat to take? A.—I was instructed to take the seventh seat.

Q.—How long did you enter the cars before starting? A.—Not long.

Q.—Do you know the names of the men that paid the money? A.—No.

Q.—Do you know whether they received a ticket back? A.—[Referring to his notes.] A man on the twelfth seat; I could not see whether he did or not; I was not able to see.

Q.—See the amount of money paid? A.—No.

Q.—The change received? A.—He received some fractional currency in change; he gave a bill.

Q.—Did you observe him get off? A.—He got off the train; the last time I saw him was at Warren.

Q.—How far was he from you when he paid? A.—I was sitting in the seventh seat, and one man was in the eleventh, and one in the twelfth.

Q.—Do you not know how much he paid? A.—No.

Q.—How many got on and off there? A.—I don't know.

Q.—Were you in Erie the first of November last? A.—No.

Q.—You don't know the names of those two men that paid fare? A.—No.

Q.—Do you know the name of the station on the other side of Garland? A.—I cannot now say.

Q.—The next one? A.—I could not now tell.

Q.—The one this side? A.—I cannot say now exactly how the stations run.

Q.—The station on the other side of Warren? A.—I cannot tell.

Q.—Don't recollect? A.—No.

Q.—Did you make these notes at the time in the cars? A.—No.

Q.—When did you make them? A.—Some portion of them in the saloon.

Q.—What saloon? A.—The water-closet.

Mr. THOMPSON.—You made the entries the same day? A.—Yes, the same evening before I went to bed.

Mr. DECAMP.—Are those copies or originals? A.—Originals.

Mr. THOMPSON.—Your reports were made from your memoranda? A.—Yes.

LEAVING YOUNGSVILLE.

PATRICK GRAY, *recalled*.

Mr. THOMPSON.—You were on this train leaving Youngsville, in the same seat as when leaving? A.—Yes.

Q.—Did you observe any fares paid the conductor on leaving Youngsville? A.—[Referring to his notes.] I saw Mr. Clark get on at Youngsville, but his fare was not collected until after leaving Warren.

Q.—Where did Mr. Clark go to? A.—Northumberland; or, at least, that was the last place I saw him—on the platform at Northumberland.

Q.—What seat did he occupy? A.—Ninth seat, right.

Q.—Did you observe any other fares paid leaving Youngsville? A.—I did not.

CROSS-EXAMINED.

Mr. WALKER.—What car was it? A.—First passenger.

Mr. THOMPSON.—This last fare, your Honor, although the party got on at Youngsville, was not paid until after leaving Warren.

W. J. CLARK, *sworn*.

Mr. THOMPSON.—Which seat did you occupy? A.—Ninth seat, right side, in second car.

Q.—State if you were a passenger on the mail train, east, on the 21st of May, 1866. A.—Yes.

Q.—Where did you get on? A.—At Youngsville.

Q.—Where did you go to? A.—Northumberland.

Q.—Did you pay fare? A.—Yes.
 Q.—To whom? A.—To Mr. Van Daniker.
 Q.—How much? A.—\$8.80.
 Q.—State where you paid that fare. A.—
 After the train had left Warren.

CROSS-EXAMINED.

Mr. DeCAMP.—What were you doing there?
 A.—I was there for the purpose of noting fares paid to the conductor.

Q.—Where did you come from prior to this?
 A.—Chicago.

Q.—What was your business in Chicago?
 A.—I was employed by Mr. Pinkerton.

Q.—How long were you in his employ?
 A.—Since the 19th of April.

Q.—Where did you first get acquainted with Mr. Pinkerton? A.—I saw him in Chicago.

Q.—How long prior to your being employed?
 A.—Not until I was employed by his agents in New York.

Q.—Were you formerly in New York? A.—I came from New York to Chicago.

Q.—When? A.—Directly after the 19th of April, 1866.

Mr. WALKER.—Who employed you in New York? A.—Mr. Warner, the Superintendent.

Q.—What had been your business prior, in New York? A.—I was an agent for the Troy Linen Collar Company.

Q.—How did you get into the employment of Mr. Warner? A.—I saw an advertisement in the paper, wanting men, and I answered it.

Q.—Have you been in the employ of Pinkerton since? A.—Yes.

Q.—And are now? A.—Yes.

Q.—Where is your headquarters? A.—Do you mean where do I stop at the present time?

Q.—Yes. A.—Philadelphia.

Q.—How long have you been there? A.—Ever since soon after the 4th of July, 1866. That is my headquarters.

Q.—How long did you remain here? A.—Until that time, soon after the 4th of July.

Q.—Did you go back? A.—Yes.

Q.—You have remained in Philadelphia from then until now? A.—Yes; not all the time—but that has been my headquarters.

Q.—In any other business except as detective? A.—No.

Q.—How many trips did you make with Van Daniker? A.—I think two; I don't recollect only two at present.

Q.—Did he point you out on the cars as a detective? A.—On the second trip, about the 30th of June, he came through the car; I was in the second car at the time; I had changed from the first to the second. He came through the cars, and when he came through from the

rear, I saw him, as I stood near the front of the car, look at me rather sharp. He went out and spoke to the brakeman on the platform of the car, and the brakeman looked through the window and shook his head.

Q.—Don't you know he recognized you as a detective? A.—No.

Q.—Were you not satisfied of it at the time?
 A.—I don't know anything further than that.

Q.—That was the second trip you made?
 A.—I think it was.

Q.—How many were there, then, in your company? A.—I don't recollect.

Q.—Do you remember how many were on the train the first time? A.—No; I think there were nearly all the detectives we had here.

Q.—That would be eighteen or twenty?
 A.—Yes.

Q.—Do you remember the exact number?
 A.—I think there were sixteen gentlemen and two ladies.

Q.—Did they come out on the train—the ladies? A.—Yes.

Q.—Did they pay their fare? A.—I don't know.

Q.—Were they part of the force? A.—They were.

Q.—They were at the house? A.—Yes.

Q.—Were there any colored ladies amongst them on the train? A.—Not to my knowledge.

Q.—Were there afterwards? A.—I think there was a colored man afterwards rode on the train, the same as we did.

Q.—As a detective? A.—No; I don't know as he was.

Mr. THOMPSON.—When you made your report to Mr. Bangs, did you relate the circumstances of Mr. Van Daniker's conduct in pointing you out? A.—I think I did.

Mr. WALKER.—You got on at Youngsville? A.—Yes.

Q.—When did you go from Erie to Youngsville? A.—On the seven o'clock train, in the morning.

Mr. DeCAMP.—What was the purpose of going there and getting on—was it to avoid detection by the conductors? A.—No.

[The Court here adjourned until 2 P. M., having charged the jury as follows:—]

[*Gentlemen*:—This is a very important case, and will occupy some time, and excite some comment; and, therefore, it is the more important that you should yourselves refrain from any discussion of it until you hear more of the testimony, and permit no person to discuss it in your presence. If you hear any persons talking about it, go away from them, if you can; if you cannot, tell them that they must not talk about it in your

presence. If they persist in so talking after that, report it to the Court, and the Court will see that they are properly punished. It is an offense against the law, to directly or indirectly interfere with the impartial deliberations of the jurors.]

FIRST DAY—AFTERNOON.

TUESDAY, May 28th, 1867.

LEAVING YOUNGSVILLE.

THEODORE QUACKENBUSH, *sworn*.

Mr. THOMPSON.—State if you were on the Erie mail train, on the 21st day of May, 1866, leaving Erie. A.—Yes.

Q.—Where did you get on? A.—At Youngsville.

Q.—Where did you sit? A.—Second car, tenth seat, left side.

Q.—State if you observed any fares paid to the conductor leaving Youngsville. A.—I did.

Q.—How many? A.—One.

Q.—Where did that party pay to? A.—Sunbury.

Q.—Who was it? A.—Myself.

Q.—How much did you pay? A.—\$9.20.

Q.—Did you go to Sunbury? A.—I did.

Q.—You say you were in the second car? A.—Second car.

Q.—Observe any other fares from that point? A.—No.

CROSS-EXAMINED.

Mr. DeCAMP.—Where did you come from? A.—Chicago.

Q.—When did you arrive in Erie? A.—17th of May, 1866.

Q.—You were a part of the detective force that came from Chicago? A.—Yes.

Q.—In whose employ? A.—Mr. Pinkerton's.

Q.—Where did he find you? A.—In Chicago.

Q.—How long have you been in his employ? A.—Ever since the 20th of April, 1863.

Q.—Where were you originally from? A.—I was born in Syracuse, N. Y.; have lived most of the time in Chicago.

Q.—Did you go out on the morning of the 21st of May? A.—I did.

Q.—From this city? A.—From this city.

Q.—What train? A.—7.00 A. M. train.

Q.—Got off at Youngsville? A.—Got off at Youngsville.

Q.—Got on the train leaving Erie at 10.00? A.—Yes.

Q.—Who directed you to go to Youngsville? A.—Mr. Bangs.

Q.—What was your business on the train? A.—To see all the fares paid in the car.

Q.—Including your own? A.—Including my own.

Q.—You were given money for this purpose? A.—I was.

Q.—How far did you ride on the road? A.—As far as Sunbury.

Q.—Paid \$9.20 and got no change? A.—Yes.

Q.—When did you return? A.—I believe the next day.

Q.—When did you leave Syracuse, to go to Chicago? A.—I left there when about three or four years old.

Q.—Did you remain in Illinois up to this time? A.—Yes.

Q.—That is your home? A.—That is my home.

Q.—Were you in the Reform School there for offenses? A.—Yes.

Q.—When were you in the Reform School? A.—I don't know exactly; I went there when about eleven years of age.

Q.—How long did you remain there? A.—About fourteen months.

Q.—What were you sent there for? A.—Running away from school.

Q.—At what age did you enter Mr. Pinkerton's employ? A.—I believe I was seventeen years of age.

Q.—Have you been in his school since—in the detective school? A.—I have.

Q.—Frequently been a witness in cases of this kind? A.—No.

Mr. THOMPSON.—What cases were you a witness in? A.—I was in the Hill trial.

Q.—Was Hill convicted? A.—Yes.

Q.—You say you were sent to the Reform School, when about eleven years of age, for running away from school? A.—Yes.

Q.—That was the only charge against you? A.—Yes.

J. P. LLOYD, *recalled*.

Mr. THOMPSON.—You were sitting in the second car? A.—Yes.

Q.—What seat? A.—Seventh seat, right side.

Q.—Leaving Youngsville, did you observe any fares paid to the conductor? A.—I did.

Q.—How many? A.—I saw one.

Q.—Who paid it? A.—Mr. Quackenbush.

Q.—Where did he go? A.—I saw him last going through the ladies' car, at Williamsport.

Q.—Was that the only fare you noticed leaving Youngsville? A.—Yes.

LEAVING WARREN.

THOMAS M'DONALD, *sworn*.

Mr. THOMPSON.—State if you were on the mail train of the Philadelphia and Erie Railroad, on the 21st of May, 1866. A.—Yes.

Q.—At what point did you get on? A.—At Warren.

Q.—What car sit in? A.—First car.

Q.—What seat did you occupy? A.—Third seat, right side.

Q.—Did you observe any fares paid the conductor leaving Warren? A.—I did.

Q.—What was the first fare? A.—My own.

Q.—Where did you go to? A.—Millersburg.

Q.—How much did you pay the conductor? A.—I paid him \$8.90; I paid fare to Sunbury, but went to Millersburg.

Q.—That was as far as Van Daniker collected? A.—Yes; he told me that was a fare to Sunbury, and I would have to pay my fare from there to Millersburg.

Q.—Where is Millersburg? A.—On the Northern Central Railroad.

Q.—Did you observe any other fares paid? A.—Not on leaving Warren.

CROSS-EXAMINED.

Mr. DeCAMP.—Where did you come from prior to coming here? A.—Chicago.

Q.—Were you one of the force? A.—I was in Mr. Pinkerton's employ.

Q.—How long in his employ? A.—From the 27th of April, 1866, until the 9th of March, 1867.

Q.—Not in his employ now? A.—No.

Q.—What was your occupation before? A.—I was in a commission house in Chicago, No. 199 South Water street.

Q.—How did you become acquainted with Mr. Pinkerton? A.—I made an application, and sent it in to Mr. Bangs, on the recommendation of a friend of mine.

Q.—Ever been in the police business before? A.—No.

Q.—Have you been in Chicago in business since the 21st of May? A.—Yes.

Q.—In the detective business? A.—Yes.

Q.—That was your only business? A.—My only business while in the employ of the Agency; I have been there since, and not in the employ.

Q.—How long were you in the commission house? A.—About ten days.

Q.—Prior to that business? A.—I kept a school in Illinois.

Q.—Prior to that, what? A.—I was going to school myself.

Q.—Ten days in the commission house? A.—About that time.

Q.—That is all the business you have performed, except detective, since you left school? A.—No; I was nearly three years in the army.

Q.—How long did you remain here? A.—I got here on the evening of the 16th of May, I think, and left about the 7th or 8th of July.

Q.—Where did you board? A.—At the house kept by the Agency, on the corner of Fourth and German streets.

Q.—How many trips did you make on the road during the time you were here? A.—I should think I made about ten round trips, though I was over the road oftener than that.

Q.—In this business? A.—Yes; I went out two or three times with the intention of making runs, and did not do it.

Q.—Why not? A.—Something turned up which made it unnecessary; my instructions were, so that under certain circumstances I would not make a run.

Q.—What were those circumstances? A.—The last time I left Erie I took out instructions for four or five runs, but there were two of them I did not make, because there were no other employees of Mr. Pinkerton on those trains at that time; therefore, those runs were of no account, and I did not make any report of them.

Q.—You gave information to Mr. Bangs, of what you did, but did not make any report? A.—No; I did not give any information in reference to these two cases—I didn't return here on the occasion.

Q.—How many trips did you run on Mr. Van Daniker? A.—I think only two; I might have made more.

Q.—Do you recollect that he pointed you out? A.—No; I don't recollect of it.

Q.—Don't you recollect him pointing you out with others, as being in some doubtful business? A.—No.

Q.—Did you know of his pointing out any others on the train? A.—No; I saw him look at Mr. Clark and Mr. Willard in such a way that I thought he would know them if he saw them again.

Q.—He was suspicious of them? A.—I don't know; he looked at them so that I guessed he would know them if he saw them again.

Q.—What time was that? A.—I should think about the last of June.

Q.—Who furnished you the money to pay fares? A.—Mr. Bangs.

Q.—Did he tell you where he got it? A.—No; I never asked him.

Q.—You made no inquiries? A.—No.

Q.—That was in June? A.—I think it was in June; I would not be very sure about it.

Q.—Did you ever meet with Mr. Bangs and the Railroad Company in consultation since?

A.—I met with Mr. Bangs here the other evening, with Mr. Thompson and Mr. Pinkerton.

Mr. THOMPSON.—You received your instructions from Mr. Bangs in writing? A.—Yes.

Q.—You made a memorandum? A.—Yes.

Mr. DeCAMP.—Who employed you Bangs, or Pinkerton? A.—Mr. Bangs.

Q.—Who employs Bangs? A.—I can't say; I suppose Mr. Pinkerton; I made application to Mr. Bangs, and he employed me.

Mr. THOMPSON.—You were paid a regular salary? A.—Yes.

Mr. DeCAMP.—Until March? A.—Until I resigned.

O. R. WILLARD, *recalled*.

Mr. THOMPSON.—You were in the first car on this train? A.—Yes; fourth seat, left side.

Q.—State if you observed any fares paid to the conductor leaving Warren. A.—I did.

Q.—State the first fare. A.—The first fare was Mr. M'Donald.

Q.—The witness who has just testified? A.—Yes.

Q.—The second fare you observed? A.—[After referring to his notes.] One other.

Q.—Where did that passenger get on? A.—At Warren.

Q.—A man or woman? A.—A man.

Q.—Where did he sit? A.—Fourth seat, left side, next to the window, same seat with myself.

Q.—Where did he go to? A.—Renovo.

Q.—Did you notice how much fare he paid? A.—He paid \$1.15.

Q.—Did you observe any other fares leaving Warren? A.—No.

CROSS-EXAMINED.

Mr. WALKER.—You say this second man came into your seat? A.—Yes.

Q.—Got in at Warren? A.—Yes.

Q.—Do you know his name? A.—No.

Q.—How far did you ride with him? A.—[After referring to his notes.] To Cameron.

Q.—What did he pay the conductor? A.—Two United States Treasury notes and eighty-five cents in fractional currency.

Q.—Was there anything said between them as to the amount of the fare? A.—This man had a free pass, which the conductor refused to take, and they had some words about it, and finally the conductor made the man pay his fare, else he would put him off the train. The conductor went to pull the bell rope to stop the train, and the man finally paid him, and after leaving Kane, I think the conductor canceled his pass.

Mr. THOMPSON.—His pass was from Kane to Renovo. He paid, then, from Warren to Kane? A.—Yes, I think so.

Mr. WALKER.—The pass was from Kane to

Renovo? A.—I could not say where the pass was to, as the man held it in such a position that I could not see it. But he paid this amount of money, and after leaving Kane, the conductor canceled this pass and gave it back to him.

H. T. NASH, *sworn*.

Mr. THOMPSON.—State whether you were on the mail train east, on the 21st of May, 1866. A.—Yes.

Q.—Where did you get on? A.—At Erie.

Q.—Which car did you sit in? A.—First passenger car.

Q.—State if you noticed any fares paid to the conductor on leaving Warren. A.—Yes.

Q.—How many? A.—Two.

Q.—The first? A.—Mr. M'Donald.

Q.—The second fare? A.—Was a stranger in the fourth seat, left side.

Q.—Where did he pay to? A.—I don't know where he did pay to, but he presented a ticket, which was refused, and he then paid his fare. After leaving Kane, he presented his ticket again, and it was taken by the conductor.

Q.—The same fare referred to by Mr. Willard? A.—I think it was.

Q.—That is all the fares you observed leaving Warren? A.—Yes.

CROSS-EXAMINED.

Mr. DeCAMP.—Where did you come from? A.—Chicago.

Q.—Are you one of the company who were in the house on Fourth street? A.—Yes.

Q.—In whose employ were you? A.—Mr. Pinkerton's.

Q.—How long were you in his employ? A.—A little over a year, now.

Q.—How long prior to your coming here on the 21st of May? A.—I went into Mr. Pinkerton's employ on the fourth of May, 1866.

Q.—What had been your previous business? A.—Well, I had been in the paper mill business.

Q.—Had that been your business? A.—Not altogether; I worked some as a carpenter.

Q.—Where did you work in February? A.—St. Charles, Illinois.

Q.—How long? A.—About a week.

Q.—Where else? A.—In a paper mill, at Geneva, Illinois.

Q.—How long there? A.—About a year.

Q.—How long before you went into the detective department under Pinkerton? A.—Twelve or thirteen years.

Q.—During that time what was your business? A.—Working in paper mill and other places, most of the time.

Q.—Traveling about? A.—Yes, traveling.

Mr. THOMPSON.—Were you working at the carpenter trade some? A.—Yes.

Mr. DeCAMP.—How long did you work at detective business? A.—About six months.

Q.—Were you ever in detective business before Mr. Pinkerton got you? A.—No.

Q.—How did you get into his employ? A.—Through an advertisement.

Q.—In what paper? A.—The Chicago *Tribune*.

Q.—In Chicago? A.—I was not in Chicago when I got the paper.

Q.—Where? A.—At home, in Courtland, Du Page county.

Q.—So you called on the advertiser and went into the business? A.—Yes.

Q.—When did you first go out on the train? A.—On the 21st of May.

Q.—How long did you remain in Mr. Pinkerton's employ? A.—Since the first of May, 1866.

Q.—Board in his house here? A.—Yes.

Q.—How long had you been in the Fourth street house before the 21st of May? A.—There were some men there before I got there; I did not get there until the 19th of May.

Q.—You went out on the 21st of May, in company with others? A.—I did not know how many; I saw others on the train.

Q.—Have you any other trade besides carpentering and paper mill? A.—Yes; daguerreotypist.

Q.—Where? A.—In this State, at North-east.

Q.—How long did you live at North-east? A.—Twelve years.

Q.—How long was that ago? A.—I lived in North-east in 1851 or 1852.

Q.—Bangs is an employee of Mr. Pinkerton's? A.—He is General Superintendent of the National Police Agency.

Q.—Were you in the army at any time? A.—I was.

Q.—How long? A.—About three years and a half.

Q.—What position? A.—Orderly Sergeant, 52d Illinois.

J. T. BRECHBILL, *recalled*.

Mr. THOMPSON.—You stated you were in the second car on this train? A.—Yes.

Q.—State if you observed any fares paid to the conductor on leaving Warren. A.—Yes.

Q.—How many? A.—Two.

Q.—Please state what fares they were. A.—They were a lady and gentleman.

Q.—Where did they go to? [Referring to his notes.] A.—They went to Kane.

Q.—State the circumstances of this fare; how much was paid? A.—The gentleman handed the conductor a bill, at the same time pointing to the lady sitting on the inside of the seat.

Q.—She did not pay anything? A.—I did not see her pay anything. They got off at

Kane; the last I saw of them they were getting off the cars there.

Q.—What seat did they occupy? A.—They occupied the sixth seat, left side.

CROSS-EXAMINED.

Mr. DECAMP.—Who was the lady? A.—I did not know her.

Q.—Was she one of the ladies of the detective force? A.—No.

Q.—Was the man one of them? A.—No; a stranger to me.

Q.—Might she not have paid something and you not have seen it? A.—Not very likely.

Q.—Was all your force aboard that train? A.—Yes; well, I could not say they were all aboard at that time; they were not all in the car.

Q.—How many do you suppose were on the train, of your force? A.—About sixteen or eighteen.

Q.—Detective ladies aboard? A.—I think there were two.

Q.—Is the name of this concern the same as it bore when you first went into it? A.—It was called the National Police Agency.

Q.—Was it formerly called the North-Western—what was it named? A.—That is the only name I ever heard.

J. P. LLOYD, *recalled*.

Mr. THOMPSON.—Which car were you in? A.—The second car.

Q.—State if you observed any fares in the car paid the conductor from Warren. A.—[Referring to his notes.] I have no fare that I can say was paid from Warren. I have a memorandum, but I cannot certainly say where the fare was paid from.

Q.—Where was the party sitting? A.—A young man and woman were sitting in the sixth seat, left side—the same as referred to by Mr. Brechbill.

Q.—Where did you last see the young man and woman? A.—At Kane.

Q.—Did you notice where they got on? A.—I did not; I am not certain. I know they got on between Youngsville and Sheffield, but cannot be certain which place it was.

Q.—Who paid the fare? A.—The young man.

Q.—Motioning towards the young woman? A.—Yes.

Q.—The young woman paid nothing? A.—No.

CROSS-EXAMINED.

Mr. WALKER.—You state you could not tell whether the man paid anything? A.—I could not tell from what station he paid.

LEAVING SHEFFIELD.

F. H. REEVES, *recalled*.

Mr. THOMPSON.—You say you were in the first car? A.—Yes.

Q.—Did you observe any fares paid to the conductor leaving Sheffield? A.—[Referring to his notes.] Yes; there were two boys.

Q.—Where did they sit? A.—First seat, right side.

Q.—How old were they? A.—One about eight, and the other about thirteen or fourteen years of age.

Q.—Which of the boys paid? A.—The oldest one.

Q.—Did you notice the denomination of the money which he paid? A.—Yes.

Q.—How much was it? A.—A one dollar United States note.

Q.—Did he receive any change back? A.—Yes.

Q.—How much? A.—Ten cents, postage currency.

Q.—Where did they go to? A.—To Wetmore.

T. M'DONALD, *recalled*.

Mr. THOMPSON.—You state that you were in the first car on this train? A.—Yes.

Q.—State if you observed any fares paid leaving Sheffield. A.—I did.

Q.—How many? A.—I saw two boys in the first seat, right side, one of them about ten years and the other about twelve; the oldest boy sat next the window, and gave the conductor a \$1.00 United States treasury note, receiving some fractional currency in change—I could not tell whether it was one piece or more.

Q.—Where did they go to? A.—Went to the next station; I think it was Wetmore, but I am not certain about that.

Q.—Went to the next station? A.—The next station that the train stopped they got off.

J. T. BRECHBILL, *recalled*.

Mr. THOMPSON.—Were you in the second car? A.—Yes.

Q.—State if you observed any fares paid to the conductor on leaving Sheffield. A.—I did.

Q.—How many? A.—One.

Q.—Where did he pay to? A.—I think to Wetmore.

Q.—Where did he get on? A.—He got on at Sheffield.

Q.—What seat did he sit in? A.—He sat on the end seat.

Q.—At which end of the car? A.—The forward end.

Q.—What seat did you occupy? A.—Fourth seat, right hand.

Q.—Did you notice how much money he gave? A.—No.

CROSS-EXAMINED.

Mr. DeCAMP.—Do you swear from memory, or memorandum? A.—Partly from memory and partly from memorandum.

Q.—Is that your memorandum? A.—Yes.

Q.—Is that original? A.—That is original.

Q.—Where has it been since being made? A.—Part of the time in my possession, and part of the time in Mr. Bangs'.

Q.—When did Mr. Bangs give it to you? A.—Some two or three days ago.

Q.—He had it from that time until now? A.—Yes.

Q.—Was it in pencil? A.—Yes.

Q.—When was it made? A.—On the 22d of May, 1866.

Q.—The next day after? A.—Yes.

Q.—Where at? A.—Trenton, alongside of the river.

Q.—Who were with you when you made it? A.—No one.

Q.—Who stopped off with you on the force? A.—No one.

Q.—Did you stop alone? A.—Alone.

Mr. THOMPSON.—You went to the river and made up your memorandum? A.—I went out fishing.

Q.—The memorandum is in your own handwriting? A.—Yes.

Q.—No alterations in it since it was first made? A.—No.

Q.—Precisely as made at the time? A.—Yes.

J. P. LLOYD, *recalled*.

Mr. THOMPSON.—Were you in the second car leaving Sheffield? A.—Yes.

Q.—What seat? A.—Seventh and eighth.

Q.—State if you observed any fares paid to the conductor leaving Sheffield. A.—Yes.

Q.—How many? A.—One—a man sitting on the front end seat.

Q.—Where did he go to? A.—I don't know.

CROSS-EXAMINED.

Mr. DeCAMP.—Was the man behind or before you? A.—In front.

Q.—What seat were you seated in? A.—Part of the time in the seventh and part of the time in the eighth. My notes show that I took the eighth seat, when leaving the city, and at Corry took the seventh, and after that I sometimes sat in the eighth and sometimes in the seventh.

Q.—You remember that? A.—Yes.

Mr. THOMPSON.—The seventh and eighth seats face each other, when the seventh is turned over? A.—Yes.

LEAVING KANE.

HIRAM HARNED, *recalled*.

Q.—You were in the first car on that train?
A.—Yes.

Q.—On leaving Kane, on that train, state if you saw any fares paid to the conductor. A.—I think I did [referring to notes]; a boy about ten years of age seated in the first seat, right side, next the window.

Q.—Where did he go to? A.—Last seen at Ridgway.

Q.—Did you notice the amount of money that he paid the conductor? A.—Yes; forty-five cents in currency.

Q.—Did you observe any other fares paid on leaving Kane? A.—No.

CROSS-EXAMINED.

Mr. DeCAMP.—How long did I understand you to say that you had been in the employ of Pinkerton? A.—Something over a year.

THE COURT.—We will not go over that again. Mr. DeCAMP.—Have you done any business in Chicago since? A.—Yes.

Q.—Did Mr. Pinkerton ever prosecute any man in Chicago? A.—I cannot say; I think he did.

LEAVING KANE AND SERGEANT.

P. GRAY, *recalled*.

Mr. THOMPSON.—Were you sitting in the first car? A.—Yes.

Q.—State if you observed any fares paid to the conductor leaving Kane. A.—I did; I saw a man, sitting in the fourth seat, right side, who got on at Kane, and did not pay until after leaving Sergeant; I don't know whether he had a ticket to Sergeant or not; I saw him first at Kane.

Q.—Where did he go to? A.—Wilcox.

Q.—Did you observe any other fare paid? A.—Yes.

Q.—Well, sir, what was that? A.—A man in the thirteenth seat, left side.

Q.—Where did he pay to? A.—Went to Renovo.

Q.—State the particulars of this fare. A.—He was standing directly behind me, and I heard him say to the conductor that he had lost his pass; then I turned around and saw the man give him a bill, which I took to be a \$5 national bank bill, and the conductor said something about \$4.05, which I took to be the fare.

CROSS-EXAMINED.

Mr. WALKER.—You examined your notes when here? A.—Yes.

Q.—Have you recollection of the payment of those fares without notes? A.—Yes, but not the price.

Q.—Could you recollect whether it was a man or woman, without reference to your notes? A.—No.

Mr. THOMPSON.—You say, Mr. Gray, the man sat in the first car, thirteenth seat, left side, and went to Renovo? A.—Yes.

J. MOONEY, *recalled*.

Mr. THOMPSON.—You were in the first car? A.—Yes.

Q.—State if you observed any fares paid to the conductor on leaving Kane. A.—I did.

Q.—State the first fare. A.—Man in thirteenth seat, left side.

Q.—Where did he go to? A.—I last saw him at St. Mary's.

Q.—Did you hear the conversation between him and the conductor? A.—No.

Q.—Any other fares? A.—An old man, in the fourth or fifth seat, right side.

Q.—Where did he go to? A.—Wilcox; this was paid leaving Sergeant.

CROSS-EXAMINED.

Mr. DeCAMP.—Did you see Gray in the car? A.—Yes.

Q.—Did you make your observations together? A.—No.

Q.—Was it not arranged by Mr. Bangs, that you should sit in the same car, so that you could swear together? A.—No.

Q.—Was it not arranged, and your seat fixed in the same car with him, so that you could swear together? A.—My seat was arranged for me; I don't know what was arranged for him.

Q.—Who saw him? A.—I did.

Q.—Did you see him at the time this fare was paid? A.—I cannot tell that.

Q.—Did Gray sit behind or before you? A.—Behind me.

Q.—Where did the man sit? A.—In front of me.

Q.—Were these three of you on the same side of the car? A.—No; I was on the left side, and the man on the right.

Q.—What seat were you in? A.—Sixth seat, left side.

Q.—What seat was Gray in? A.—I believe he was in the twelfth, as well as I can remember.

Q.—The other man was in the thirteenth? A.—Yes.

Q.—Did you keep on in the car until the man got out? A.—I kept on in the car.

Q.—Did Gray? A.—I don't know certainly.

Q.—How many of your force were in the car? A.—Several others.

Q.—Where did they sit? A.—Several in front and several behind me.

Q.—What were their names? A.—Mr. Ackerman sat behind me; Mr. Willard and Mr. Reeves in front of me; Mr. Waldron and Mr. Harned behind me.

Q.—Didn't you state, in your examination this morning, that you didn't know how many were in the car? A.—Neither I did.

Q.—Now you state there were eight. A.—No; I didn't mention eight.

LEAVING WILMARTH.

Q.—State if you observed any fares paid to the conductor leaving Wilmarth or Johnsonburg. A.—I did.

Q.—Give them in the order you have them on your memoranda. A.—There were six young men.

Q.—Where did they sit? A.—One in the first right, two in the first left, two in the second left, and one on a box, or side seat, in front.

Q.—They got on at Wilmarth or Johnsonburg? A.—Yes.

Q.—Where did they go to? A.—One went to Ridgway, two went to Shawmut, three went to St. Mary's; at least, I last saw them there.

Q.—That was six fares; state if you observed any other fares. A.—I did.

Q.—Where did that passenger sit? A.—In the sixth seat, right side, next the aisle.

Q.—Where did he go to? A.—I last saw him at Emporium.

CROSS-EXAMINED.

Mr. DeCamp.—How much did this man pay? A.—I don't know.

Q.—What was the condition of the car? A.—Part of the time it was very crowded, and part of the time not.

Q.—How was it when this man came in? A.—Very crowded, I believe.

Q.—How many passengers do you suppose were in the car—enough to fill the seats? A.—Yes.

Q.—Some standing up? A.—I think so.

Q.—Did you have anybody with you in the same seat? A.—Yes; I had some man.

Q.—Know who it was? A.—No.

Q.—Did he pay his fare, or have a ticket? A.—I believe he had a ticket—no, I disremember now.

Mr. Thompson.—You made a memorandum of this fare? A.—I made a memorandum of all the fares.

Mr. DeCamp.—Why could you not tell whether the man sitting immediately opposite

you paid fare? A.—If he had paid fare I should have had a memorandum of it.

Q.—What time of day was it this man got in? A.—I believe about two o'clock in the afternoon.

Q.—You didn't look at your watch? A.—No.

Q.—You are not positive as to the time? A.—Not positive.

Q.—Before or after dinner? A.—After dinner.

Q.—Did you go out and take dinner at the station? A.—I did.

Q.—Did all your force? A.—I cannot tell.

Q.—Take the same seat when you came back? A.—I think so.

Q.—Are not positive? A.—No.

Q.—Same man in the seat? A.—I cannot tell.

LEAVING ST. MARY'S.

O. R. WILLARD, *recalled*.

Mr. Thompson.—Were you in the first car? A.—Yes.

Q.—State if you observed any fares paid to the conductor on leaving St. Mary's. A.—I saw two paid.

Q.—Where did you sit in that car? A.—Fourth seat, left side.

Q.—Who paid the first fare? A.—There were two men—one paid for himself and the other.

Q.—Where did they get off? A.—I last saw them at Rathbun.

Q.—The men sitting in the same seat? A.—No; one was sitting in the fourth seat, left side, next the window, and the other sat in the second seat, left side, next the aisle.

CROSS-EXAMINED.

Mr. Walker.—The one paid for both? A.—Yes.

Q.—They went to Rathbun? A.—Yes.

Mr. DeCamp.—Who was in the cars, of your force, then? A.—I cannot tell you.

Q.—State all you can of the names of those detectives. A.—Mr. Harned, Reeves, M'Donald, Mooney and Ackerman—that is all I can remember.

Q.—What car was that? A.—First passenger car.

Q.—Was Gray on that car? A.—I cannot tell you.

Q.—How many cars were there attached to this train? A.—Two passenger cars.

Q.—One was a ladies' car? A.—And one was a gentlemen's; the second car was the ladies'.

Q.—How many of your company were out in all? A.—I could not tell you.

Q.—Have you any knowledge? A.—I think there were fifteen or sixteen on that train, though I am not positive.

Q.—Did you go into the ladies' car? A.—No.

Q.—Was Brechbill in the car with you? A.—I did not see him.

Q.—Would you have known if he was? A.—I don't know.

Q.—Was Willard in the car with you? A.—My name is Willard.

Q.—Was Nash? A.—I cannot say for a certainty.

Q.—Was Lloyd there? A.—I don't think he was, though I might be mistaken.

Q.—Was this on the 21st of May? A.—Yes.

Mr. WALKER.—Do you know what the fare was that was paid? A.—No; only that money passed.

Q.—How many stations were there between St. Mary's and Rathbun? A.—I can tell by referring to my memoranda.

Q.—Could you tell without referring to your memoranda? A.—No.

Q.—Then refer to your memoranda—you keep a minute of the stations? A.—Yes; I had them by numbers.

Q.—They were furnished to you by Mr. Bangs, before you left? A.—Yes.

Q.—And instructions how to keep the minutes? A.—No. [Referring to his notes.] There are two stations between St. Mary's and Rathbun.

Q.—What is the next station to St. Mary's? A.—Hemlock, then Emporium, then Cameron.

H. F. NASH, *recalled*.

Mr. THOMPSON.—State if you observed any fares paid to the conductor on leaving St. Mary's. A.—Yes.

Q.—How many? A.—A man in the second seat, left side.

Q.—Where did he go to? A.—Rathbun.

Q.—Did you observe any other fares leaving St. Mary's? A.—No.

CROSS-EXAMINED.

Mr. DeCAMP.—What car were you in? A.—First passenger car.

Q.—How many were in that car besides yourself? A.—I cannot say certainly—McDonald, Reeves and Mooney.

LEAVING BEECHWOOD.

P. GRAY, *recalled*.

Mr. THOMPSON.—State if you observed any fares paid to the conductor on leaving Beechwood. A.—Yes.

Q.—How many? A.—Two.

Q.—The first fare? A.—Was a man standing in the aisle near the first seat, left.

Q.—Where did he go to? A.—To West Creek.

Q.—The second? A.—A man in the thirteenth seat, left side.

Q.—Where did he go to? A.—Emporium.

Q.—Did you observe any other fares from this place? A.—No.

CROSS-EXAMINED.

Mr. WALKER.—Do you know how much was paid? A.—No, I don't; I saw money pass between the man and the conductor.

Q.—Do you know the distance? A.—I do not.

Q.—Do you know how many depots or stations intervene? A.—I am not positive, but I think West Creek is the next station to Beechwood; Emporium is next to West Creek.

Q.—Did you notice whether it was bills or currency he gave the man? A.—The man in the aisle handed the conductor a bill; I did not see the bill so as to know its amount; but he would not accept it; but it was a bank bill, and then he gave the conductor postage currency.

Q.—Did you notice the character of the currency given by the man on the thirteenth seat, left side? A.—He gave the conductor a bill; the change I did not see.

H. F. KNIPE, *recalled*.

Mr. THOMPSON.—State if you noticed any fares paid to the conductor on leaving Beechwood. A.—I saw two.

Q.—Where did they sit? A.—One man in the rear aisle; the other thirteenth seat, left side.

Q.—Where did the man, sitting on the thirteenth seat, get off? A.—I don't know; one went to Emporium, and the other to West Creek.

LEAVING WEST CREEK.

J. T. BRECHBILL, *recalled*.

Mr. THOMPSON.—You were in the second car? A.—Yes.

Q.—State if you observed any fares paid to the conductor on leaving West Creek. A.—I saw one.

Q.—Was it a man or a woman? A.—A young lady, about seventeen years of age.

Q.—Where did she sit? A.—Third seat, right-hand side.

Q.—Where did she go to? A.—Went to Emporium.

CROSS-EXAMINED.

Mr. DeCAMP.—Was it one of the detective ladies? A.—No.

Q.—You were in the second car? A.—Yes.

Q.—How many of your force were in this car? A.—Seven.

Q.—What were their names? A.—Messrs. Quackenbush, Lloyd, and two ladies, Miss Wright—

Q.—Give her first name. A.—That I don't know.

Q.—The next one. A.—Mrs. Arnold.

Q.—Where was she from? A.—Chicago.

Q.—Where was Miss Wright from? A.—Chicago, as far as I know.

Q.—Is Mrs. Arnold a married lady? A.—I believe not.

Q.—Is Miss Wright? A.—Not as far as I know.

Q.—Who was the next one? A.—Mr. Wright.

Q.—Was he a brother to the girl? A.—Yes.

Q.—Is he here? A.—I have not seen him.

Q.—Are the ladies? A.—I have not seen them.

Q.—Did you keep in the car during the day? A.—No; I left that car at Williamsport.

Q.—You were in the second passenger car from Erie to Williamsport? A.—I left that car at Williamsport, and took the sleeping car.

Q.—You were in the second passenger car from Erie to Williamsport? A.—Yes.

Q.—Took a sleeping car at Williamsport? A.—I did.

Q.—Left the sleeping car where? A.—At Trevorton Junction.

Q.—Arrived there when? A.—I think it was about a quarter to twelve at night.

Q.—Were others of your company in the sleeping car? A.—I didn't see any of them there.

Q.—Did you go to bed? A.—Yes.

Q.—Before twelve o'clock? A.—I went to bed immediately after leaving Williamsport.

Q.—What hour was that? A.—I think we left about eight o'clock.

Q.—Then you got out on the Northern Central Railroad? A.—Yes.

J. P. LLOYD, *recalled*.

Mr. THOMPSON.—You were in the second car? A.—I was.

Q.—State if you observed any fares paid to the conductor on leaving West Creek. A.—I saw one.

Q.—Was it a man or a woman? A.—A woman.

Q.—Where did she sit? A.—Third seat, left side.

Q.—Where did she go? A.—Emporium.

CROSS-EXAMINED.

Mr. DeCAMP.—You got that information from these memorandums? A.—Yes.

Q.—Are these all you have? A.—All on this run.

Q.—They are in pencil, are they? A.—Yes.

Mr. WALKER.—In your own handwriting? A.—Yes.

LEAVING EMPORIUM.

W. J. CLARK, *recalled*.

Mr. THOMPSON.—Were you in the first car on this train? A.—I was.

Q.—State if you observed any fares paid to the conductor on leaving Emporium. A.—I did.

Q.—How many? A.—There were two persons paid fare.

Q.—Where did the parties sit that paid the first fare? A.—He was standing in the aisle near the ninth seat.

Q.—Where did he go to? A.—Cameron.

Q.—Where was the second? A.—This gentleman, that paid this fare, made motions to another man, standing near him in the aisle at the time, and they both went to Cameron.

Q.—Did the other man pay anything, or give the conductor anything? A.—No, not that I saw.

Q.—The first man made motions towards him? A.—Yes; this man, who did not pay, made motions as if he had no money, to the conductor, and the conductor reached to the bell rope, as if to stop the train; just then a man, who sat in the ninth seat next to me, had a dollar bill in his hand, and motioned to the conductor that he would pay the fare; and he paid for him, I suppose; I saw another man pay.

Q.—Where did that fare sit? A.—This man I saw standing by the aisle, just back of the others; the aisle was crowded at the time.

Q.—Where did he go to? A.—Cameron.

Q.—Did you observe any other fares leaving Emporium? A.—No.

CROSS-EXAMINED.

Mr. DeCAMP.—Do you know the amounts paid for these fares? A.—I do not; the man that paid the first fare had a dollar bill in his hand, and currency; the other man had a twenty-five cent piece in his hand.

Q.—Do you remember that from memory?

A.—I remember that from memory, by refreshing my memory with my notes.

Q.—Were you ever in Bridgeport? A.—Yes; I passed through there.

Q.—How long did you stop there? A.—Over night.

Q.—Is that all? A.—Yes.

H. F. KNIPE, *recalled*.

Mr. THOMPSON.—Were you in the first car? A.—Yes.

Q.—State if you noticed any fares paid to the conductor on leaving Emporium. A.—I saw two.

Q.—Where did they sit? A.—Both of them were standing in the aisle—one by the ninth right, and the other by the ninth left.

Q.—Where did they go to? A.—Cameron.

LEAVING DRIFTWOOD.

R. H. ACKERMAN, *recalled*.

Mr. THOMPSON.—You were on the first car? A.—Yes.

Q.—State if you observed any fares paid to the conductor on leaving Driftwood. A.—Yes, I saw one.

Q.—Was it a man or woman? A.—A man.

Q.—Where did he go to? A.—Grove.

Q.—Did you observe any other fares leaving Driftwood? A.—No, I did not.

Q.—What seat was this man in? A.—He was standing up in the forward aisle, against the stove; he was paid for by another man.

LEAVING GROVE.

Q.—State if you observed any fares paid to the conductor, in this car, leaving Grove. A.—I did—one.

Q.—Was it a man or a woman? A.—A man.

Q.—Where was he sitting? A.—Eighth seat, left side.

Q.—Where did he go to? A.—Newbury.

Mr. WALKER.—Where is Newbury? A.—I think, the first station west of Williamsport.

W. J. CLARK, *recalled*.

Mr. THOMPSON.—Were you in the first car on this train, on leaving Grove? A.—Yes.

Q.—State if you saw any fares paid to the conductor. A.—I saw a fare paid, in the eighth seat, left side.

Q.—Was it a man or woman? A.—A man.

Q.—Where did he go to? A.—I heard him say to the conductor, "Newbury," when he paid his fare; I last saw him at Cook's Run.

LEAVING WISTAR.

P. GRAY, *recalled*.

Mr. THOMPSON.—State if you observed any fares paid from Wistar, on the first car. A.—I saw two men, standing in the forward aisle, near the door, pay fare.

Q.—Where did they get off? A.—I last saw them at Williamsport; I there changed to the second car.

O. R. WILLARD, *recalled*.

Mr. THOMPSON.—State if you observed any fares paid to the conductor, on leaving Wistar, in the first car? A.—I saw two.

Q.—Where did the first person, that paid fare, sit? A.—He sat in the first seat, right side, next the aisle.

Q.—Where did that passenger go to? A.—Renovo.

Q.—What was the next one? A.—A man standing up near the front end of the car; he paid his fare, and afterwards sat in the first seat, left side, next the aisle, and then in the second seat, left.

Q.—Where did this man go to? A.—He paid his fare to Sunbury; I heard him say "Sunbury," when he paid.

Q.—Did you notice the money he paid the conductor? A.—He gave the conductor two State bank bills.

Q.—You mean national bank bills? A.—No; State bank bills—not greenbacks.

Q.—Did you observe any other fare? A.—No.

T. H. M'DONALD, *recalled*.

Mr. THOMPSON.—Were you in the first car? A.—Yes.

Q.—On leaving Wistar, state if you observed any fares paid to the conductor. A.—I saw two fares paid.

Q.—Where was the first man? A.—Sitting on the end seat, left side, and when he paid fare, stood up, and the conductor stood between him and me, so that I could not see exactly what he gave, but heard him mention the word "fare" to the conductor.

Q.—Where did this man go to? A.—I last saw him at Williamsport; I got out of the car there.

Q.—Where was the next one? A.—Sitting on the first seat, left side, next the window; I did not see him give anything to the conductor, but saw him make motions, and when the conductor was going away I saw money in his hand; I got out at Williamsport, and left him in the car, but saw the same man afterwards.

Q.—Where? A.—In the fifth car of the train; saw him pay fare from Williamsport to Sunbury.

CROSS-EXAMINED.

Mr. DeCAMP.—What day of the month was this? A.—The 21st of May.

Q.—What time of day was it? A.—About eight or nine o'clock at night; it was after dark, any way.

Q.—You did not take the sleeping car? A.—No.

LEAVING COOK'S RUN.

J. P. LLOYD, *recalled*.

Mr. THOMPSON.—Were you in the second car leaving Cook's Run? A.—Yes.

Q.—How many fares did you observe leaving that point? A.—Two.

Q.—Well, sir, the first fare? A.—Man in third seat, left-hand side.

Q.—Where did this man go to? A.—Lock Haven.

Q.—The second fare? A.—Man in sixth seat, right side.

Q.—Where did he go to? A.—Went to the same place.

Q.—Did you observe any other fares? A.—Yes; a man in eleventh seat, left side, next the window.

Q.—Where did he go to? A.—Lock Haven.

J. T. BRECHBILL, *recalled*.

Mr. THOMPSON.—You were in the second car leaving Cook's Run? A.—Yes.

Q.—State if you observed any fares paid to the conductor. A.—A man in third seat, left side.

Q.—Did you observe any other fares? A.—No.

Q.—Was that in the night? A.—No; just about dark.

Q.—Went where? A.—To Lock Haven.

W. J. CLARK, *recalled*.

Mr. THOMPSON.—Were you in the second car? A.—I was.

Q.—State if you observed any fares paid to the conductor on leaving Cook's Run. A.—I did.

Q.—Where were the passengers standing or sitting? A.—The passenger was sitting, I think, in the eleventh seat, left side.

Mr. WALKER.—Where did he pay to? A.—Lock Haven.

Mr. THOMPSON.—Did you see the money he gave? A.—He gave a \$1 United States treasury note and some United States postage currency; the conductor said, "It is \$1.55;" and then afterwards took out his tariff list and corrected himself, saying "\$1.45."

Q.—The conductor, then, had one of these books with a tariff in his possession? A.—He had a list; I cannot state as to its being a book; I was under the impression that he had a printed paper.

Q.—Yes, sir, a tally sheet. A.—Yes—a sheet.

LEAVING RENOVO.

H. HARNED, *recalled*.

Mr. THOMPSON.—Were you in the first car? A.—Yes.

Q.—What seat? A.—Second seat.

Q.—State if you observed any fares paid to the conductor leaving Renovo. A.—Yes.

Q.—The first fare? A.—There were three young men; they stood part of the time in the front aisle and part of the time had seats; all of them paid, at least received currency in change, and one paid his fare in currency.

Q.—Where did these three go? A.—I last saw them at Lock Haven.

P. GRAY, *recalled*.

Mr. THOMPSON.—Were you in the first car? A.—Yes.

Q.—State how many fares you observed paid to the conductor leaving Renovo. A.—One.

Q.—Where was this fare that you saw paid? A.—By a man sitting on the eleventh seat, right side.

Q.—A man or woman? A.—A man.

Q.—Where did he go to? A.—Went to Hyner.

J. MOONEY, *recalled*.

Mr. THOMPSON.—Leaving Renovo, state if you observed any fares paid to the conductor in the first car. A.—I did.

Q.—What were they? A.—Two men standing in the aisle; one paid a bill and the other paid postage currency.

Q.—Where did they go to? A.—Lock Haven.

Q.—Did you observe any other fares from Renovo? A.—Yes.

Q.—What next? A.—A man in the eleventh seat, right side.

Q.—Where did he go to? A.—I last saw him at Hyner.

H. F. KNIPE, *recalled*.

Mr. THOMPSON.—Did you see any fares paid to the conductor on leaving Renovo? A.—Yes; one man—eleventh seat, right side.

Q.—Where did he go to? A.—Hyner.

LEAVING FARRANDSVILLE.

W. J. CLARK, *recalled*.

Mr. THOMPSON.—Were you in the second car? A.—Yes.

Q.—State if you observed any fare paid to the conductor leaving Farrandsville. A.—Yes.

Q.—State where the passenger sat. A.—Standing in the aisle, near the third seat, right.

Q.—Where did he go to? A.—I last saw him at Lock Haven.

Q.—Did you observe any other fares? A.—No.

J. P. LLOYD, *recalled*.

Mr. THOMPSON.—State if you saw any fares paid to the conductor leaving Farrandsville. A.—I saw one.

Q.—Where was the passenger? A.—Standing by the third seat, right side.

Q.—Where did he go to? A.—Lock Haven.

LEAVING LOCK HAVEN.

O. R. WILLARD, *recalled*.

Mr. THOMPSON.—You were on the first car? A.—Yes.

Q.—Did you observe any fares paid to the conductor on leaving Lock Haven? A.—I saw one.

Q.—Where was the passenger? A.—Same seat with me, fourth seat, left side, next the window.

Q.—Where did he go to? A.—Williamsport.

Q.—How much did he pay the conductor? A.—He gave the conductor a \$1 bank bill; the conductor made him pay 10 cents more, making his fare \$1.10.

Q.—Did you observe any other fares? A.—No.

T. H. BECKETT, *recalled*.

Mr. THOMPSON.—You were in the first car? A.—Yes.

Q.—State if you observed any fares paid the conductor on leaving Lock Haven. A.—I saw one.

Q.—Where did the man get off? A.—He paid from Lock Haven to Williamsport.

Q.—Did you observe any other fares leaving Williamsport? A.—No.

THEODORE QUACKENBUSH, *recalled*.

Q.—You were on the second car? A.—Yes.

Q.—State if you observed any fares paid to the conductor on leaving Lock Haven, in that car. A.—I saw one.

Q.—Where did the man get off? A.—He paid from Lock Haven to Williamsport.

Q.—Did you observe any other fares leaving Lock Haven? A.—No.

LEAVING WILLIAMSPORT.

O. R. WILLARD, *recalled*.

Q.—Did you change cars at Williamsport? A.—Yes.

Q.—Was there a train remade up at that place? A.—The Elmira train was attached in front.

Q.—Which car did you sit in, leaving Williamsport? A.—I changed to the fourth passenger car.

Q.—Leaving Williamsport, did you observe any fares paid to the conductor? A.—Yes.

Q.—How many? A.—One.

Q.—Where to? A.—To Sunbury; it was the same man who had previously paid his fare from Wistar to Sunbury.

Q.—What occurred in reference to that affair? A.—Soon after leaving Williamsport, the conductor demanded this man's fare; the man said he had paid his fare once to Sunbury; the conductor told him he had not; he appeared in a hurry and left, saying he would attend to his case when he came back; he came back and demanded the man's fare again; the man seemed unwilling to pay, and the conductor pulled the bell rope to stop the train, and took hold of the man and pulled him towards the door; the man then told him that he would pay his fare, and then paid from Williamsport to Sunbury.

Q.—Did you observe any other fares leaving Williamsport? A.—No.

CROSS-EXAMINED.

Mr. WALKER.—You observed this man had paid his fare before? A.—Yes.

Q.—Did you see it? A.—Yes.

Q.—Where? A.—On leaving Wistar.

Q.—Was there a pass or ticket given to him? A.—I don't remember.

Q.—Do you know that it was the same person? A.—Yes.

Q.—Did you ever see him before? A.—No, not before this day.

Q.—Ever seen him since? A.—No.

Q.—How long in the same car with him? A.—From Wistar to Northumberland.

Q.—How long would that be? A.—I don't know certainly.

Q.—You heard the man say that he had paid his fare at that time? A.—Yes.

Q.—Was it this conductor? A.—Yes.

Q.—Wasn't something said about it's being customary to give tickets to parties? A.—No.

W. J. CLARK, *recalled*.

Mr. THOMPSON.—What car did you occupy, leaving Williamsport? A.—I occupied the fourth passenger car.

Q.—State if you observed any fare paid to the conductor leaving Williamsport, and how many. A.—Only one.

Q.—State the circumstances of that fare, if you recollect them. A.—The man was in the first seat, right side; the conductor pulled the bell rope as if to put him off, and made such motions; and then the man seemed to be talking with him, and then paid his fare to the conductor.

Q.—Where did he go to? A.—He went past Northumberland, where I got off the train; he was on the train when it started from Northumberland.

Q.—Sunbury is just across the river? A.—Yes, the next station.

Mr. DECAMP.—Did he pay fare twice? A.—I don't know as to that.

T. M'DONALD, *recalled*.

Q.—What car did you occupy, leaving Williamsport? A.—Fourth passenger car.

Q.—State if you saw any fares paid to the conductor. A.—One.

Q.—State the circumstances of the fare. A.—A man sat in the first seat, right side—the same man that sat in the first car that paid fare from Wistar; I know it was the same man, because I observed him particularly in the first car; he was an Irishman, and did a great deal of talking, and had on a linen coat; when I got into the fourth car, this man was in the first seat, and when the conductor came around he had a dispute with him about the fare; the conductor went on through the car, and I thought he told him if he didn't pay he would put him off; when the conductor came back they had some more conversation; evidently, the man did not want to pay his fare; then the conductor took hold of the bell rope, and the man said he would pay his fare.

Q.—The man went to Sunbury? A.—Yes, he got off at Sunbury.

Mr. DECAMP.—Did the cars stop when the conductor pulled the bell rope? A.—No; but it stopped directly afterwards, when they came to the station.

LEAVING NORTHUMBERLAND.

P. GRAY, *recalled*.

Mr. THOMPSON.—What car were you in, leaving Northumberland? A.—The first car.

Q.—Did you observe any fares paid to the conductor leaving that station? A.—I did.

Q.—How many? A.—Two.

Q.—Please describe these fares. A.—They were paid by men sitting on the thirteenth seat—apparently laboring men; one gave a large bill, paying for both; it was either a twenty, or some figure with an "0" following it; I could not be positive whether it was a ten dollar bill or upwards; the conductor returned it, and the man then gave one piece of postage currency; when the man paid he said "For both."

Q.—Where did these men go to? A.—To Sunbury.

THEODORE STECHER, *sworn*.

Mr. THOMPSON.—State if you are an employee of the Pennsylvania Railroad Company. A.—Yes.

Q.—In what office? A.—In the general ticket office.

Q.—State, Mr. Stecher, if the conductors make daily reports of their runs, east and west, to your office. A.—They do.

Q.—Do they make monthly returns of their runs to your office? A.—They do.

Q.—Please look at this return, and see if you recognize the handwriting. A.—That is the report of Mr. Van Daniker, for the month of May, 1866.

[This report was offered in evidence, and allowed by the Court, and is a report of the aggregate returns of Van Daniker, for each trip during the month of May, 1866, and exhibiting for the 21st of May, \$87.25.]

Q.—Was it the duty of the conductors to make duplicate reports daily, for their trips east and west? A.—It has been.

Q.—What was it in May, 1866? A.—They then made duplicate reports—one to the General Superintendent at Erie, and one to the office in Philadelphia.

Q.—State if you have Mr. Van Daniker's report to your office, for the trip eastward, on the 21st of May, 1866. A.—Yes. [Producing the report. This report was offered in evidence, and allowed by the Court, and is a report of the specific fares returned as collected by the defendant, on May 21st, 1866, in aggregate, \$87.25.]

CROSS-EXAMINED.

Mr. DECAMP.—Where did you get this report? [Defendant's report for the trip eastward, on the 21st of May, 1866.] A.—It was just now handed me by Mr. Thompson.

Q.—You don't know that Van Daniker returned this? A.—No.

Q.—You don't say that these are his figures, or that he ever saw that paper? A.—No.

G. W. WILLIAMSON, *sworn*.

Mr. THOMPSON.—State if you are in the employ of the Pennsylvania Railroad Company. A.—Yes.

Q.—In what capacity? A.—Examining Clerk.

Q.—State your duty in reference to examining—what you do. A.—I examine the returns of conductors sent in.

THE COURT.—Do you examine the reports of conductors? A.—I do.

Mr. THOMPSON.—You have seen reports made by Mr. Van Daniker? A.—Yes.

Q.—Do you know his handwriting? A.—Yes.

Q.—Is that Mr. Van Daniker's signature to his monthly report, for the month of May, 1866? A.—Yes.

CROSS-EXAMINED.

Mr. DeCAMP.—Have you ever seen him write? A.—No; but I have seen his report signed with his signature.

Q.—Who gets them first? A.—We do; they are sent directly to our office.

Q.—From whom? A.—The conductor.

Q.—Don't Mr. Tyler receive the reports? A.—He receives one—a duplicate.

Q.—Do you receive the original, or a duplicate? A.—We get a copy of his card; he takes a memorandum of his trip on a card, and then makes out two reports, and sends one to us, and one to the General Superintendent of the Philadelphia and Erie Railway.

Q.—Who is General Superintendent of the Philadelphia and Erie Road? A.—Mr. Tyler.

Q.—These reports are in relation to the Philadelphia and Erie Road? A.—Yes.

Q.—Mr. Tyler is entitled to them? A.—So is the General Ticket Agent of the Pennsylvania Railroad.

Q.—The Pennsylvania Railroad Company are lessees of the Philadelphia and Erie Road? A.—Yes.

Mr. THOMPSON.—Were the conductors furnished with envelopes to enclose their returns in? A.—They were furnished with envelopes to enclose their returns to Mr. Gwinner.

T. STECHER, recalled.

Mr. THOMPSON.—State if, in May, 1866, the conductors were furnished with blanks to make out their reports, upon which to put down their fares. A.—Yes.

Q.—State whether it was their duty to enter the fare when paid. A.—Yes; that was the first duty of the conductor after he was paid—to make a memorandum of it on the card, and from that card to make out a daily report.

Q.—State where the conductors, running the mail train, and express train, and Warren accommodation, make their deposits. A.—At Erie.

Q.—In whose bank? A.—That I do not know.

A. L. TYLER, sworn.

Mr. THOMPSON.—State whether you are the General Superintendent of the Philadelphia and Erie Railroad. A.—I am.

Q.—The Pennsylvania Railroad Company are lessees? A.—Yes.

Q.—You are appointed by the Pennsylvania Railroad Company? A.—I am.

Q.—State whether the conductors were required, by the rules of the Company, to make reports of their daily collections to your office. A.—Yes.

Q.—Was the defendant, John Van Daniker, so required? A.—He was, with the rest of them.

Q.—State, Mr. Tyler, if that is the report of John Van Daniker, made to your office on the run made by him on the 21st of May. A.—Yes.

Q.—State, Mr. Tyler, whether the conductors were required to make out duplicate reports of runs. A.—They made two returns—one to the General Ticket Agent, at Philadelphia, and one to my office.

Q.—State if all the conductors were furnished with envelopes to forward these returns or reports. A.—I presume they were.

CROSS-EXAMINED.

Mr. DeCAMP.—You are the witness in behalf of the Commonwealth, making the information upon which Mr. Van Daniker was bound over? A.—Yes.

Q.—The only witness? A.—Yes.

Q.—You recollect the time when you first signed this information? A.—Yes.

Q.—Do you know the handwriting of Van Daniker? A.—I do not.

Q.—Do you know that this is his return of that day? A.—I think it is.

Q.—Did you receive this from his hand? A.—I did not receive it from his hand; it was left at our office.

Q.—You do not know anything about the handwriting of Van Daniker? A.—I don't know it to swear to it.

Q.—Did you testify, at that time, before a magistrate, that he was a defaulter? A.—I did.

Q.—Were you examined generally, in order to bind him over? A.—I was.

Q.—State if you testified then, that Van Daniker was a defaulter to the extent of \$5,000. A.—I don't remember whether I stated that he was a defaulter to the extent of \$5,000 or not; if so, it was based upon reports I had then in my possession.

Q.—State, Mr. Tyler, when you first learned that he was a defaulter? A.—It was towards the end of May; the report, I think, was the 21st of May.

Q.—State if you reported that he was a defaulter or not, after the 21st of May, to the President and Directors of the Pennsylvania Railroad Company. A.—I did.

Q.—At what time? A.—I think my reports were made about the 1st of October.

Q.—Had you given any information before that time to your employers, in relation to Mr. Van Daniker's being a defaulter? A.—None but verbal information.

Q.—Did you not testify, before a magistrate, that you had not mentioned it to any one? A.—I am not aware that I did.

Q.—Do you know whether you did or did not? A.—I don't remember ever having stated so.

Q.—State whether you did not say so in the presence of Mr. Tyler, the hotel-keeper, and Mr. Bennett, Colonel Thompson, and others. A.—I have already stated I do not remember the expression.

Q.—Is it a fact, that you did not communicate, until the first of October, with your Company? A.—I made no report of it until about that time.

Q.—How long did you keep him in your employ, or in the employ of the Company, after you allege that you discovered that he was a defaulter? A.—He was discharged, I think, about the 16th or 17th of November.

Q.—At the time you discharged him, did you arrest him? A.—I did not.

Q.—How long afterwards did you arrest him; was it not the 5th of December following? A.—It was.

Q.—State if you had Mr. Van Daniker in the office with your counsel at the time you discharged him. A.—I did.

T. H. GREEN, *sworn*.

MR. THOMPSON.—Were you a conductor on the Philadelphia and Erie Road? A.—Yes.

Q.—Were you a conductor in May, 1866? A.—Yes.

Q.—You ran the train west, on the 23d of May, 1866? A.—I don't recollect.

Q.—Is that report in your handwriting? [Witness is shown a report, purporting to be the collections made by him for Van Daniker, on mail train westward, May 23d, 1866, amounting to \$36.15.] A.—Yes.

Q.—State, Mr. Green, if you did not run that train west for John Van Daniker. A.—Yes, I did.

Q.—State if you deposited the money, \$36.15, with Naylor & Warren, for John Van Daniker. A.—Yes; I deposited all the money that I got.

Q.—Mr. Van Daniker had leave of absence, and did not return on his regular run? A.—I suppose so; I was ordered to take his place.

Q.—State, Mr. Green, if in May, after the

23d, you deposited with Naylor & Warren, any money for Van Daniker. A.—Yes.

Q.—Now, I want to ask you, if that is your return for the trip westward. A.—Yes; that is my report.

Q.—That is the amount of money collected on the westward run? A.—Yes.

Q.—Now, sir, look at that report, and see if you know that. [Witness was here shown the report, purporting to be the collections of Van Daniker, on his, Van Daniker's, run east, on the 21st of May, amounting to \$87.25.] Is that report made in your handwriting? A.—Yes.

Q.—How did you make that report for Mr. Van Daniker—from a slip, or from the fares given you? A.—From the account that he had.

Q.—Conductors were required to keep the amount paid on the cars on a card? A.—They did it; I don't know as they were required to.

Q.—From that card, handed to you by Mr. Van Daniker, you made that report? A.—Yes.

Q.—State if Mr. Van Daniker paid you the \$87.25, to deposit for him here for the trip east, on the 21st of May, 1866. A.—Yes.

Q.—You made the deposit? A.—Yes; I suppose I did.

CROSS-EXAMINED.

MR. DECAMP.—Mr. Green, you returned, on the 23d of May last, as your run, \$36.15; was that all the money you received as fares? A.—Yes.

Q.—Van Daniker reported to you that he collected \$87.25 on his trip eastward? A.—Yes.

Q.—Did he report that to you in writing, or read it from the slip? A.—He gave me his slip, I think, if I recollect.

Q.—Have you got it? A.—No, I have not.

Q.—Do you know what became of it? A.—No.

Q.—And you made this from it? [Showing witness his report of Van Daniker's run for May 21st.] A.—Yes.

Q.—You made it about what date? A.—I don't recollect.

Q.—Did you make it on the 23d? A.—No, I think not.

Q.—On this trip back, what time did you arrive in Erie, on the 23d? A.—The train arrived about seven o'clock.

Q.—You did not make the deposit until the next morning? A.—The next morning.

Q.—You deposited this amount of money to the credit of John Van Daniker, as conductor—probably on May 24th? A.—Yes.

Q.—Do you remember how that was? A.—I do not recollect that, but we generally did deposit the next day after we came in.

Q.—When did he give you that money?
A.—I do not recollect.

Q.—What day did he give it to you—the 21st, 22d, or 23d? A.—I do not recollect date; but the 22d, I would suppose; but I have no recollection as to the date.

Q.—Now, I wish to distinctly understand from you, how you came to take his place on the road? A.—I was ordered to do so by the Superintendent of this division.

Q.—Who, Tyler? A.—No; I think it was Mr. Hobson told me to go and take Van Daniker's train.

Q.—What was that for? A.—It was to bring his train west.

Q.—Was it at the instance of Van Daniker, to get a leave of absence? A.—I suppose it was; I do not know.

Q.—Had Van Daniker a family? A.—A wife and child.

Q.—Where were they? A.—I think they were in Baltimore.

Q.—Where is he living now? A.—In Sunbury.

Q.—Where was his family in November, and during the summer of 1866? A.—I think in Sunbury.

Q.—Where they now are, as I understand it? A.—Yes.

Q.—Were you a conductor on the road? A.—Yes.

Q.—How long had you been? A.—I commenced to run a passenger train in February, 1863.

Q.—For the Company? A.—Yes.

Q.—Where did you run from? A.—Sunbury to Lock Haven.

Q.—Are you now a conductor on the road? A.—No.

Q.—When were you discharged? A.—In November.

Q.—At the same time that Van Daniker was? A.—Yes.

Q.—The same day? A.—No, not the same day; it was later.

Q.—What were you discharged for? A.—I do not know.

Q.—State what was alleged against you. A.—There was nothing at the time alleged; I was running as extra conductor, and was away at the time, and when I returned to Erie, they did not assign me a train.

Q.—State if you were discharged and were not paid your last month's services by the road. A.—Yes.

Q.—Did you demand it? A.—Yes.

Q.—Was it refused? A.—Yes.

Q.—Was it upon the report of detectives that you were discontinued? A.—I suppose so.

Q.—Then you were discharged and your money detained? A.—My money was de-

tained; I never was discharged from the service of the Company, other than they demanded of me my keys and punch.

Q.—How long before you were discharged? A.—It was some two weeks after I saw them in Erie, before they made this demand of me, and I gave them up.

Q.—State if you know why, or upon what grounds, you were discharged by Mr. Tyler. A.—No, I do not know.

Q.—State where he got his information, if you know. A.—I do not know; I have my own surmises, of course.

Q.—State if you knew of detectives being on the road in connection with Van Daniker. A.—Yes; I was told that there were.

Q.—By Van Daniker? A.—Yes.

Q.—Were they pointed out to you? A.—There were one or two pointed out.

Mr. THOMPSON.—This money was paid you by Van Daniker, before you made the run west? A.—Yes.

Q.—When you were discharged, there was no reason given for your discharge? A.—No.

Mr. DeCAMP.—No subsequent reason given you? A.—No.

Q.—What reason was given for your month's wages not being paid? A.—I do not know; Mr. Tyler said there was a deficiency, and he had orders not to pay any of the conductors any of their last month's salary.

Q.—How many of you were discharged then? A.—Eleven.

Q.—Was it all the conductors on the road? A.—No, not quite; all except one.

Q.—Were you running a freight train? A.—I was running a freight and passenger train, mixed.

Q.—Were not all the regular passenger conductors discharged? A.—Yes.

Q.—Did Mr. Tyler tell you how he learned of this deficiency? A.—No.

W. A. BALDWIN, *recalled.*

Mr. THOMPSON.—State if Thomas Green ran on the train westward, for Van Daniker, on the 23d of May, 1866, and if so, upon whose orders. A.—By an arrangement made by me.

Q.—You ordered Mr. Green to take the train westward? A.—I did.

Q.—Have you ever seen John Van Daniker write? A.—I have seen him write his name.

Q.—Now, Mr. Baldwin, look at that name, endorsed on that monthly return for May, 1866; see if that is his signature. A.—I should think it was, from my knowledge of his signature.

Mr. DeCAMP.—Who is that monthly report to? A.—I think to Mr. Lewis.

Q.—Who is Mr. Lewis? A.—Mr. Samuel D. Lewis, Auditor of the Pennsylvania Road.

Q.—How do the conductors make their reports? A.—They keep card boards, upon which they are expected to keep a record of all fares collected.

Mr. THOMPSON.—Where were passenger conductors required to make their deposits at that time? A.—At Naylor & Warren's.

Q.—Why was Green ordered to take Mr. Van Daniker's train westward, on this occasion? A.—Mr. Van Daniker came to me and asked for a leave of absence, to go some place—I don't recollect where, but I think Baltimore; Mr. Green, who was an extra conductor, was ordered, either by myself or

through my clerk, to take his train westward, by an arrangement made with him personally.

[Mr. Thompson asked the permission of the Court to introduce, to-morrow, the evidence of Mr. Warren, of Naylor & Warren, bankers, at Erie, that he received from Thos. H. Green, on May 24th, 1866, \$123.40, for John Van Daniker, being \$87.15 reported by Van Daniker on the 21st of May, 1866, and \$36.15 reported by Green on the 23d of May, 1866. This being admitted by the defense, and allowed by the Court, the case for the Commonwealth was here rested.]

EVIDENCE FOR THE DEFENSE.

JOHN J. LAWRENCE, *sworn*.

Mr. DeCAMP.—Are you acquainted with John Van Daniker, the defendant? A.—I am.

Q.—How long have you known him? A.—I have known him at least seventeen years.

Q.—Are you acquainted with many of the same people that he is, where he lives? A.—Yes.

Q.—What is his general reputation as an honest man? A.—I have never known anything against him; it was always good.

Q.—Mr. Lawrence, state what your business is. A.—I am Superintendent of the Erie and Pittsburg Railroad.

Q.—How long have you been engaged in railroadng? A.—About seventeen years.

Q.—Were you ever a conductor? A.—I ran trains; although I was never a regular conductor, I was frequently detailed from the office to do that.

Q.—Where did you know Mr. Van Daniker, and in what capacity? A.—I knew him in Harrisburg at first; at that time I was running as conductor.

CROSS-EXAMINED.

Mr. THOMPSON.—You have known Van Daniker for a number of years? A.—Yes.

Q.—Where did Van Daniker reside? A.—In Harrisburg, at the time I knew him first.

Q.—How long did he live in Harrisburg? A.—That I cannot tell you.

Q.—He was running on the Northern Central Road? A.—Yes.

Q.—Did he make his home in Baltimore? A.—Yes.

Q.—Did you know him when he was conductor on the Northern Central? A.—I did not live in Harrisburg at that time.

Q.—Did you know him prior to going on the Northern Central Road? A.—Yes.

Q.—You heard nobody talking about his

character, one way or the other; do you know how long he ran on the Central? A.—I don't know.

Q.—Did you ever hear from any of the Company in reference to it? A.—I have heard Mr. DuBarry, General Superintendent of the road, mention him as being one of the conductors.

Mr. DeCAMP.—Did he speak well of him? A.—I never heard anything bad.

Q.—Did you go to the same school with John? A.—I think I did—I am not positive about that—in the old Bethel Church, in Harrisburg.

T. H. GREEN, *recalled*.

Mr. DeCAMP.—State to the Court and jury if you ever saw any of the men that were sworn here to-day, on the railroad train with Van Daniker. A.—There was one face I recollect, as I saw him at the depot.

Q.—When? A.—I don't recollect; some time in the summer.

Q.—State if you remember anything in relation to Van Daniker pointing out these men, as detectives, to the railroad boys. A.—Yes; he pointed out some four or five, in the morning, at the depot, and I recollect one of their faces.

Q.—Did you get his name? A.—No, I did not; think it was the third man that was examined this morning; he has long whiskers.

Q.—State if he knew, or expressed his knowledge to you, that they were detectives after conductors. A.—He told me that they were Pinkerton's men.

Q.—You returned for him \$87.25, the amount of money that he alleged to you to have been received going down. A.—Yes.

Q.—Did not you receive any orders from Mr. Baldwin, to take his money? A.—Yes.

Q.—State if, from your knowledge of the money received at that time, for cash collec-

tions upon the trains, that was rather a large amount. A.—Yes.

Q.—How long have you had experience as a conductor? A.—Since 1863.

Q.—How long on that road? A.—Ever since that time; that was the only road I was ever conductor on.

Q.—State if the road usually, from day to day, averages about the same amount. A.—Amounts will vary from time to time.

Q.—How much may they vary? A.—In the month they will vary three or four hundred dollars.

Q.—From day to day? A.—I cannot say.

Q.—Would not the collections sometimes be on one day \$36, on another \$100, next, at \$80, next, at \$40, running on in the same way? A.—Yes.

Q.—You say \$87 was above the average collection of a day's running westward, at that time. A.—Yes; a large amount for that time.

Q.—Was it possible to observe perfect accuracy in keeping accounts; don't you frequently lose fares on the road by accident, or by missing passengers, failing to collect their fare, giving too much change, or missing it entirely? A.—Yes.

Q.—Does the Company furnish you money to make change? A.—No.

Q.—How then; do you make change out of your own money? A.—Yes.

Q.—And then deduct from the money you get, that amount? A.—Yes.

Q.—State, Mr. Green, if it is possible or practical to at all times keep a correct account of the fares at the time you receive them? A.—No; where there is a great rush, many passengers paying fare, and the distance short, it is a very hard matter to put down every fare collected.

Q.—Was that the case during that season of the year? A.—It is the case on this road sometimes.

Q.—Was it about that time? A.—I don't know as it was just at that time; that thing will occur any time.

Q.—On the western trip, you say that you returned all the fares that you got, to your best knowledge? A.—I did.

Q.—How long, Mr. Green, have you known John Van Daniker? A.—Ever since I have been a conductor on this road.

Q.—Do you know his reputation for honesty? A.—I have never heard anything against it.

CROSS-EXAMINED.

Mr. THOMPSON.—You say that Mr. Van Daniker pointed out to you several of those men, that were upon the train, sometime in the summer; was it not after the 21st of May? A.—I cannot say, but I suppose it was.

Q.—Do you state that you had orders to get the money from Mr. Van Daniker, when you made the return? A.—No special orders.

Q.—The westward runs were much lighter than the eastward runs, as a general rule? A.—Well, I don't know; they would vary sometimes; sometimes the westward would be lightest, and sometimes the eastward.

Q.—The amount of the monthly and daily accounts can, by comparison, be made to correspond by the conductors running their respective trains. A.—I don't know but they could.

Q.—You, as a conductor, were furnished by the Company with a book, with the rates of the tariff? A.—Yes.

Q.—You were furnished by the Company with a blank card, to report the fares paid you on the train? A.—Yes.

Q.—Did you count your money in the morning, and in the evening when you returned? A.—I generally did do so.

Q.—You then balanced your account, and ascertained what was belonging to the Company? A.—No; I kept that from the fares I received.

Q.—Where do you reside at the present time? A.—Williamsport.

Q.—Where does John Van Daniker reside? A.—In Sunbury.

RE-DIRECT.

Mr. DeCAMP.—Mr. Green, I wish to call your attention to the fact, whether, when Mr. Van Daniker gave you the money, on the 22d or 23d of May, he did not tell you that Pinkerton's men were upon the trains as detectives. A.—I think he did not, but I am not positive.

Q.—Is that your best recollection? A.—Yes.

Q.—Did you, yourself, discover that they were afterwards? A.—No.

Q.—You did not run regularly? A.—No.

Q.—You ran the extra trains? A.—Yes.

Q.—Did not the conductors very frequently run out of blank books, upon which were entered fares, so that they had to make up their fares without them? A.—Yes.

Q.—Did not they divide up the amount and get it into fares, when they did not have time to put down the fares as paid, and divide the stations according to the money received? A.—Yes.

Q.—Was this a common practice? A.—Yes.

Q.—Was not this frequently practiced, so far as you know, on this road? A.—Yes; wherever they had short fares.

Q.—Is it possible to do it otherwise? A.—Sometimes.

RE-CROSS-EXAMINED.

Mr. THOMPSON.—When a conductor runs out of blanks, he is supplied, is he not? A.—Yes.

Q.—It is not a common occurrence for a conductor to run out of blanks, is it? A.—Not often.

Mr. DECAMP.—Have you sent for them, and not got them in time? A.—Yes.

Mr. THOMPSON.—But it is very rare. A.—But it is not often the case.

Q.—You are not positive as to the time that Van Daniker spoke to you about these men? A.—No, I am not.

Q.—Where did Mr. Van Daniker point them out to you? A.—On the platform of the passenger depot, at Erie.

Q.—It was then after the 21st of May? A.—I think it was.

HENRY SWITZER, *sworn*.

Mr. DECAMP.—State what your business is. A.—Railroad superintendent.

Q.—Were you ever a conductor on a railroad? A.—Yes.

Q.—What road? A.—Pennsylvania Railroad and Lake Shore Railroad.

Q.—How many years? A.—Six years.

Q.—Now, in relation to making up accounts of conductors, Mr. Switzer, state if it is practicable to keep an exact account, from station to station, of the fares received on a train. A.—On some roads, where the travel is very heavy, it would be utterly impossible to keep the fares correctly.

Q.—State, from your experience, if conductors do not frequently lose fares. A.—I have no doubt they do, where there is a rush, as there was during this wild speculative oil excitement, a few years ago.

Q.—Was the travel on the Philadelphia and Erie Road, from here to Corry, heavy at that time? A.—I know the travel was heavy.

Q.—State to the Court and jury how, under those circumstances, they make up the balance when the cash overruns. A.—I don't know how they do, but we were allowed to lump it.

CROSS-EXAMINED.

Mr. THOMPSON.—You say you were a conductor on the New York and Erie Railroad? A.—Yes.

Q.—How long ago? A.—About twelve to sixteen years.

Q.—You have been over the Philadelphia and Erie Road? A.—Between here and Corry.

Q.—How long since you have run as conductor? A.—I don't remember exactly; it is about ten or eleven years.

Q.—They have improved very much in the railroad system since then? A.—More systematic.

Q.—In your judgment, would it be a very difficult task for a conductor to tally nine fares in twenty-six miles? A.—It would not.

Q.—Would it be a difficult thing for a conductor to tally fourteen fares in thirty-eight miles? A.—Ordinarily not.

Q.—With two cars in his train? A.—I think not.

Mr. DECAMP.—May not a circumstance arise so that a conductor may forget to collect fares? A.—Yes.

Mr. THOMPSON.—It is twenty-six miles to Union; between Erie and Union are two stations and five fares; would it be a difficult task to tally those fares? A.—In an ordinary light train it would not.

[The Court adjourned at 6 P. M., until 9 A. M., Wednesday.]

SECOND DAY—FORENOON.

WEDNESDAY, May 29th, 1867.

THOMAS H. GREEN, *recalled*.

Mr. DECAMP.—Were you examined yesterday in relation to the money handed over by the defendant, Mr. Van Daniker, on the 21st of May last? A.—Yes.

Q.—State if those are your figures. [Shows Green's return for Van Daniker.] A.—Yes.

Q.—Were you asked by my colleague and myself, yesterday, what your recollection was then of Mr. Van Daniker's accounting for the large amount of money returned—as to what he said as to the amount? A.—I remarked to him that it was a large amount.

Q.—Said he "Yes; I believe that Pinkerton's men are on the train." Do you now recollect that fact? A.—Yes; I recollect the fact that he said he believed that Pinkerton's men were on the train.

CROSS-EXAMINED.

Mr. THOMPSON.—Where did Van Daniker hand you his report of the run? A.—At Sunbury.

Q.—He handed you the card, and you made this return from that card, at Sunbury? A.—I made out the return here; I got the card at Sunbury.

Q.—Did he hand you the money on the 22d, on the morning before the train left? A.—In the evening of the 22d.

Q.—Did not you state yesterday, in your examination, that the first you knew of detectives being on the train, was when they were pointed out to you at Erie, by Mr. Van Daniker? A.—I don't recollect making that statement.

Q.—Was not that the first information you

had of any detectives being on the road? A.—No, it was not; we had supposed this matter early in May.

Q.—Before or after the 21st of May? A.—I do not recollect what time; it was sometime early in the season.

Q.—Mr. Green, you were testifying yesterday? Would it be a difficult matter for the conductor to enter upon his memorandum five fares from Erie to Union, a distance of twenty-six miles? A.—No, it would not.

Q.—Would it be a difficult matter for the conductor to enter five fares from Union to Corry, eleven miles, on two cars? A.—It would not.

Q.—Would it be a difficult matter for a conductor to enter from Garland to Youngsville, distance of seven miles, two fares? A.—It would not.

Q.—Would it be a difficult matter from Youngsville to Warren, a distance of nine miles, to enter one fare? A.—No.

Q.—Would it be impossible for a conductor from Warren to Sheffield, a distance of thirteen miles, to enter five fares? A.—It would not.

A. L. TYLER, *recalled*.

Mr. DECAMP.—You are the prosecutor in this case—you made the information? A.—Yes.

Q.—Do you remember the day of the month on which you discharged Mr. Van Daniker? A.—I think it was the nineteenth of November.

Q.—What time of day—in the evening or morning? A.—In the morning.

Q.—Who was present in the office when you discharged him? A.—Mr. Thompson.

Q.—Who else? A.—No one else.

Q.—Was not Mr. Bangs present, or in the building? A.—Mr. Bangs was in the building.

Q.—In another room? A.—Yes.

Q.—State what other of these men were present in the building. A.—None that I now remember.

Q.—Mr. Bangs was the man that was here in charge of this detective force? A.—He was.

Q.—And one of them? A.—He was.

Q.—When Van Daniker came in, was the door locked? A.—No, it was shut.

Q.—State what you said, if anything, in relation to settling up with the Company.

THE COURT.—Just state what took place. A.—I stated to him, that recent investigations had proved that he was not returning all of his cash collections; that a large deficiency had been discovered on his part, and asked him if he had any explanations to offer.

Q.—State what was said to him, if anything, about a man by the name of Hill being

sent to the penitentiary, and that it was easier for him to settle it now. A.—At that time, I said nothing to him about settlement, excepting to ask him if he had any explanation to make of the matter; Mr. Thompson had some conversation with him, and I went into the other room.

Q.—Then yourself and Mr. Thompson alone were present? A.—Yes.

Q.—State what his answer was. A.—He said that he had not taken any money, and that he had no explanations to make.

Q.—State what he said, if anything, of being subject to investigation. A.—When I came back into the room, I said to Mr. Thompson, that I thought there was no use in examining Mr. Van Daniker further at that time, and to Mr. Van Daniker, that he had better go and think the matter over.

Q.—State what he said, if anything, of the Court House being the proper place to investigate, and not in a private office alone. A.—I don't think he made any remarks of that kind at that time; I remember of none.

Q.—What did you say to him about a pass? A.—He asked me, not at that time, but in the afternoon, for a pass.

Q.—Did he ask you to settle with him? A.—He did.

Q.—Did you decline both? A.—I declined both.

Q.—How much was coming to him? A.—About a month and a half's pay—\$120.00.

Q.—Did you ask him where he resided? A.—I don't remember.

Q.—Did you know then that he was going home? A.—He said he was going.

Q.—Was that on the 19th or 20th of November? A.—About that time.

Q.—Did you appoint to meet him a second time, at one o'clock in the afternoon? A.—I don't remember.

Q.—How did you get Mr. Van Daniker back here from Sunbury? A.—I telegraphed for him.

Q.—Where did you telegraph to? A.—To Sunbury.

Q.—Did he obey that telegram? A.—Yes.

Q.—How long was that after this 19th of November? A.—I think it was about the 1st of December that I telegraphed—possibly a little earlier.

Q.—How long did he remain in Erie, after he returned on the telegram, before you arrested him? A.—I don't remember; he came in, I think, on the morning train.

Q.—Had you not several interviews with him with counsel prior to arresting him? A.—One.

Q.—Did you require him to wait until the next day, when Mr. Thompson, your counsel, would come here? A.—I think I did.

Q.—Did he comply with that, and tell you he was ready for an investigation? A.—Yes; that he placed himself in the hands of counsel.

THE COURT.—I believe you are endeavoring to show that Mr. Van Daniker was ready to meet the charges at all times?

Mr. DeCAMP.—Yes.

THE COURT.—That is clearly shown; we will not waste any more time on that.

CROSS-EXAMINED.

Mr. THOMPSON.—You say that after reports were made to you in reference to these investigations, you reported to Mr. Scott? A.—Reports were made to me, and on the close of the operation, about the middle of August, I sent them to the General Ticket Agent, in Philadelphia; I was then requested to make and forward an official report upon them, which I did about the 29th of October, to Mr. Scott, First Vice President of the Pennsylvania Railroad.

Q.—When did you next hear from the Directors in reference to this matter? A.—The 5th or 6th of November.

Q.—Did you call Mr. Van Daniker into your office, in pursuance of instructions from the Railroad Company? A.—I did.

Q.—Did not you state to him that, by recent investigations, he was charged with having retained a large amount of money? A.—I so stated.

Q.—And that you had called him in to see whether he had any explanations to make? A.—Yes.

Q.—Was not Mr. Van Daniker, when he came in the second time, under the influence of liquor? A.—Apparently so.

Q.—Did not he then ask for a pass to go to Sunbury? A.—He did.

Q.—You then declined to give him a pass? A.—I did.

Q.—Didn't he then demand his pay? A.—He did.

Q.—Did not he then say he had the money for the eastward and westward runs, last made by him, in his pocket, and he would not account for it? A.—He did in substance, but probably not in so many words.

Q.—What did he say? A.—He asked the question, first of me, whether I desired his punch, and tickets, and cash; I said there had been no demand made as yet; he said he would not deliver them up until he was paid.

Q.—Has he made any report to you, as the General Superintendent of the Company, of the money collected on the eastward and westward trips? A.—No.

Q.—He, then, has not accounted for those two runs? A.—He has not.

Q.—Has he returned the tickets he took on that run? A.—I think not.

Q.—Did you hold out any inducements, by way of threats or rewards, for Mr. Van Daniker to settle? A.—None at all, that I am aware of.

Q.—Did you directly ask him to settle the account? A.—I did.

Mr. DeCAMP.—Did not Mr. Van Daniker say to you, "I have no money; I will be obliged to use the money I took on my last trip, to go home with;" and didn't you reply to him, "you must do as you like about that?" A.—I think I did.

Mr. THOMPSON.—On the second occasion, didn't he state that he had put himself in the hands of his counsel, and that he would not settle? A.—Yes.

Mr. DeCAMP.—This report of the defalcation of the 21st of May was made to you how soon after the 21st? A.—Several days after; I don't recollect the exact date.

Q.—Wasn't it made within a week after? A.—I think it is very possible; they generally came in very promptly.

Q.—With whom did you communicate in reference to them? A.—The men who made them.

Q.—Mr. Bangs? A.—Yes.

Q.—Did you see the detectives themselves? A.—No.

Q.—Did he alone report? A.—Yes.

Q.—State to the Court and jury, if you did not testify that he reported \$5,000 at various times against Van Daniker, and get him bound over in that sum, from the testimony of these detectives. A.—The average deficiency.

Q.—Didn't you swear that he made twelve reports to you, upon Van Daniker, that amounted to over \$50 each? A.—I did not.

Q.—State, if you can, what was the reason that Van Daniker wasn't discharged and arrested when Bangs and the detectives were here, instead of being sent away in November, and then telegraphed back for him about the first of December. A.—He was not arrested until I received instructions from the Board of Directors.

Q.—Was any intimation given to him in relation to any charges, up till the time he was discharged? A.—No.

Q.—He ran on as usual? A.—Yes.

W. H. BRECHT, sworn.

Mr. DeCAMP.—Were you conductor on this road at the same time with Mr. Van Daniker? A.—Yes.

Q.—State how long you had been running on this road. A.—Between seven and eight years.

Q.—State when you quit work upon it. A.—Sixteenth day of November.

Q.—Why did you quit working for the road?

A.—I was threatened with prosecution by Tyler, Pinkerton and Thompson.

Q.—State who quit first—you or Van Daniker? A.—I quit first.

Q.—Now state, Mr. Brecht, about that time, if you remember on having examined so as to refresh your memory, what would be about the amount of money for collection on the train, from day to day, on the eastward trip, on the mail train. A.—It would be hard for me to tell exactly.

Q.—State if that would be a large or small average, from your recollection of the travel at that time. [Showing witness the report of Van Daniker's run, on the 21st of May.] A.—Yes; I think it would be very large.

Q.—As large as returned generally on corresponding trains? A.—Yes.

Q.—Did you return all the money you received for fares? A.—*Certainly I did.*

Q.—How long have you been acquainted with John Van Daniker? A.—About a year and a half.

Q.—Are you acquainted with his general reputation previous to the time of this prosecution? A.—Yes.

Q.—Was it good? A.—Yes.

CROSS-EXAMINED.

Mr. THOMPSON.—You have been assisting in procuring evidence for the defense of this case? A.—No.

Q.—You went to Chicago, did you not, with Van Daniker, the defendant, to hunt up testimony? A.—I merely went as company.

Q.—Did you not go to retain counsel? A.—No.

Q.—Didn't you sign a paper, with others, to furnish money to carry on this defense? A.—I did not.

Q.—Didn't you sign a paper, with some others, and go to Mr. Jeffries, conductor, and ask him to sign that paper? A.—No; I never spoke to Mr. Jeffries on the subject.

Q.—Do you recollect having a conversation, at Kane, with Mr. Robert Bailey? A.—No, I have no recollection of it.

Q.—Did you not have a conversation with Robert Bailey, conductor on the Philadelphia and Erie Railroad, and ask him how much he was making? A.—No. [This question objected to—objection sustained.]

Q.—Now, sir, you say you were threatened with criminal prosecution? [Court disallowed the question.]

W. A. DOBBINS, sworn.

Mr. DeCAMP.—I simply want to call Mr. Dobbins' attention to the matter of how accounts are made up on the train.

Q.—Are you a railroad conductor? A.—No, I am not now.

Q.—How long have you run? A.—Twelve or fourteen years.

Q.—Did you run on the Philadelphia and Erie Road? A.—Yes.

Q.—How long? A.—About three years and a half.

Q.—State, Mr. Dobbins, to the Court and jury, *how the accounts are made up by the conductors on the road, in relation to averaging them and lumping them at times; what was the uniform habit, if there was any, on the Philadelphia and Erie Railroad?* A.—I do not remember the instructions—don't know that we had any particular, only that men should make their reports of fares as *nearly correct as possible*; when I ran a train I would take my money and have a certain amount in my pocket for a bank, and when I got through my trip, all I had over belonged to the Company.

Q.—That left over was your own? A.—Yes.

Q.—How, then, did you make your statements? A.—I always tried to make my report as I went along.

Q.—On the road you could not score your fares as you went along—not having time to do it—the stations being too close together, or a rush of passengers?

THE COURT.—*Something might occur to prevent an entry at the moment?* A.—Yes, very often the case.

Q.—How do you make up your account, then—at night when you make your report? A.—*If I did not have enough scored, I put it down to some place that it fit in the report, from some station to some station.*

Q.—*That is, you made an arbitrary station?* A.—Yes.

Q.—State if it is the habit of all conductors to do that on the road, as far as you know. A.—I cannot say; being the only conductor at the time on the road, I run sixty-six miles, and the only train on it from Erie to Warren.

Q.—Did there not frequently occur matters to prevent the conductor from collecting fares and keeping accounts? A.—Yes; he might miss a passenger and pass him by.

Q.—State if you did not frequently return fares to passengers, to poor women and children, that you have not charged? A.—How do you mean that?

THE COURT.—He means to refund. A.—I have done so frequently to those I wished to pass; if a poor woman or child came along, I would not put them off the train.

CROSS-EXAMINED.

Mr. THOMPSON.—*If a poor woman or child paid you, you would not consider that fare yours?* A.—No.

Q.—When did you quit? A.—I think I quit four years ago, in April.

Q.—Who was the General Manager when you were on the road? A.—When I left the road, Mr. Parks was General Manager; Mr. Black had charge here, and Mr. Baldwin had charge of the western division when I left.

Q.—*You don't know what the rules and regulations of the Company were in May, 1866?* A.—*I do not.*

Q.—Would it be a difficult matter for a conductor to enter upon his minutes five fares paid to him in a distance of twenty-six miles? A.—*Ordinarily not.*

Q.—From Erie to Union there are two stations—the distance is twenty-six miles; would it be difficult with two cars, for a conductor to enter five fares? A.—No, it would not.

Q.—From Union to Corry is a distance of eleven miles—there are two stations; would it be difficult for the conductor to enter five fares? A.—*Not ordinarily.*

Q.—Have you run over the middle division of this road? A.—I never ran any except on this western division—from Warren to Erie.

Mr. DECAMP.—How long have you known Mr. Van Daniker? A.—I have known him for eight or nine years; I cannot state the time.

Q.—Mr. Dobbins, what is his general reputation as an honest man? A.—His general reputation was good; he was considered a good, straight railroad man.

Q.—Trustworthy and honest? A.—*Supposed to be.*

Mr. THOMPSON.—Where have you resided the last three or four years? A.—In several places—Cleveland, Akron, Salamanca and Warren.

Q.—Mr. Van Daniker did not reside at any of these places? A.—Not that I know of.

W. E. HEPBURN, *sworn.*

Mr. DECAMP.—Were you conductor on this road? A.—I was.

Q.—Are you now? A.—I am not.

Q.—How long since you quit? A.—Last November.

Q.—What was the cause of your quitting? A.—*The same cause as Mr. Van Daniker's, I suppose.*

Q.—Who was discharged first—you or Mr. Van Daniker? A.—I was.

Q.—In the city of Erie? A.—Yes.

Q.—State, Mr. Hepburn, if you heard anything in relation to Mr. Pinkerton's men being on board of Van Daniker's train.

THE COURT.—State what you know of the defendant being cognizant of their being on board. A.—I knew they were on the train; Mr. Van Daniker pointed them out to me at first on the train.

Q.—Did you see any of the men here yesterday, that he pointed out to you? A.—Yes.

Q.—State, Mr. Hepburn, if that would be a fair average amount of collection for fares paid on the mail train leaving Erie for Sunbury, on the 21st of May—a large or small average? [Shows witness Green's report of Van Daniker's run of May 21st.] A.—A very large one.

Q.—State if you run in connection with him on alternate days. A.—Yes.

Q.—The same kind of train? A.—The same train—the mail train.

Q.—State, from your knowledge of the road, how these trains *did average* from day to day—say, taking them for a month. A.—Well, I cannot say exactly.

Q.—How long have you been acquainted with John Van Daniker? A.—About twelve years.

Q.—Are you acquainted with his general reputation for honesty? A.—I am.

Q.—Is it good or bad? A.—It is good; I never heard anything to the contrary.

Q.—Till this time, *has this damaged it much?* A.—*Not any.*

CROSS-EXAMINED.

Mr. THOMPSON.—You came in from the East, on the train prior to Van Daniker's coming in? A.—Yes.

Q.—When you were discharged from the train referred to? A.—I was in two or three days before he was; I was not running my regular train at the time.

Q.—You say that Van Daniker pointed out the detectives? A.—Yes.

Q.—Now, sir, about when was that? A.—I could not tell the date; *I have forgotten; but it was about the time they first came on.*

Q.—Was it not in Erie, at the depot? A.—It was not.

Q.—You were present at the depot, in Erie, with Mr. Upson, Mr. Van Daniker and Mr. Green, when the detectives were pointed out by Van Daniker, or other persons? A.—I do not remember that.

Q.—You were with Mr. Van Daniker when he pointed them out, after the 21st of May? A.—I cannot tell the day, but I guess it was after that; it was between Williamsport and Sunbury.

Q.—You say you saw the witnesses on the stand here yesterday, that were pointed out by Van Daniker? A.—Yes, some of them.

Q.—Do you know their names? A.—There was one man up here with side whiskers, that traveled with a lady—that was one—J. P. Lloyd, or Floyd, or something like that.

Q.—The others? A.—The man with the heavy beard, and two or three others.

[Mr. Brechbill was requested by Mr. Thompson to rise, if in the Court, and was recognized by the witness.]

Q.—Who else were there? A.—I cannot name them.

[At the request of Mr. Thompson, M'Donald, Mooney and Gray rose, and were recognized by witness.]

Q.—Do you notice any other sitting there? A.—I don't know any.

Q.—Are you satisfied that that is all that were pointed out to you? A.—No.

Q.—Were there any others pointed out to you that day in the car? A.—I suppose there were; I do not know whether there were any of them named or not.

Q.—In all, how many were pointed out to you? A.—In all, there were ten or eleven, counting one woman.

Q.—Where were these parties when they were pointed out to you? A.—They were scattered through the train.

Q.—On whose train? A.—Mr. Van Daniker's.

Q.—Which way was he running? A.—Running east.

Q.—Where were you when Van Daniker pointed out these men to you? A.—I was at Williamsport, going to Sunbury, to take my train out the next morning; went down on his train.

Q.—Then it was not on the 21st of May? A.—I don't remember.

JOHN M'FARLAND, *sworn*.

Mr. DECAMP.—Where do you reside? A.—Northumberland, Pennsylvania.

Q.—What business are you engaged in? A.—Wholesale coal business.

Q.—Are you acquainted with John Van Daniker? A.—I am.

Q.—How long have you known him? A.—About ten years, as near as I can recollect.

Q.—Are you acquainted with his general reputation for honesty, prior to this transaction? A.—I had never heard anything against him, until this transaction.

Q.—Were you acquainted with his general reputation—what people generally said about him? A.—I have had considerable chance to find out; I have been running over the road on business, to Baltimore, since 1865; got acquainted with him shortly; I have been running every once or twice a month; the last I made I met with an accident, and was laid up seven or eight weeks.

ROBERT L. MUENICH, *sworn*.

Mr. DECAMP.—Where do you reside? A.—I live in Harrisburg.

Q.—What is your profession or business? A.—I am attorney there.

Q.—How long have you resided in Harrisburg? A.—Ever since my birth, with the exception of the time I was away to school—college.

Q.—Are you acquainted with the defendant, John Van Daniker? A.—I am.

Q.—How long have you known him? A.—For twenty-two years and upwards.

Q.—Are you acquainted with his general reputation for honesty? A.—I am.

Q.—Is it good or bad? A.—It is very good; I never heard it spoken of until this time; it is not only a negative character for good, but he is positively a good and honest man.

CROSS-EXAMINED.

Mr. THOMPSON.—You are an attorney, practicing law in Harrisburg? A.—I am.

Q.—Are you retained in this case? A.—I have been retained, *but against my wish*.

Q.—You are assisting in the trial of the case? A.—I have been here assisting in this case, as I have deemed it my duty to come and do all I could to aid a man whom I believed an honest man oppressed.

Q.—And you received a retaining fee? A.—I did receive a retaining fee, *which, if necessary, I am willing to give Mr. Van Daniker at any time*.

W. L. TYLER, *sworn*.

Mr. DECAMP.—Where do you reside? A.—In Erie.

Q.—Are you one of the proprietors of Brown's hotel? A.—Yes.

Q.—Are you acquainted with John Van Daniker? A.—Yes.

Q.—How long have you known him? A.—Since May—one year.

Q.—Are you acquainted with his general character since that time, as an honest man, until this charge was made? A.—Yes.

Q.—What was it? A.—He has always borne a good reputation.

O. S. PARKER, *sworn*.

Mr. DECAMP.—Where do you reside? A.—Corry.

Q.—What is your business? A.—That of attorney.

Q.—Are you acquainted with John Van Daniker, the defendant here? A.—I am.

Q.—Do you recollect of Van Daniker's saying to you, that Pinkerton's men were on his train last May? A.—I think it was in June last, that I was going to Philadelphia; I saw Mr. Van Daniker on the train; he told me that he was about to resign his position as a railroad conductor, and showed me a written resignation, directed either to Mr. Baldwin or Mr. Tyler—I forget which; he said there were detectives on the road, and

that he knew it; he said they would make a case against him; I believe these were the words he used.

Mr. THOMPSON.—What was the date of this? A.—June, 1866.

Mr. DECAMP.—What part of June? A.—I think in the first week—probably about the 10th of June.

Q.—What did he say, if anything, at that time, in relation to his knowledge of their being on the road? [Objected to—objection sustained.]

Q.—How long have you known Van Daniker? A.—For about eighteen months—probably two years.

Q.—Are you acquainted with his general reputation for honesty during that time? A.—I am.

Q.—Was it good or bad? A.—It was good during the eighteen months I have known him—particularly with reference to his business in the Wilmoth Shamokin Coal Company, as a partner of one Heth.

CROSS-EXAMINED.

Mr. THOMPSON.—You know this to have been the 15th of June? A.—I am not certain as to the time; my impression is, in the first portion of June.

Q.—From the 10th up to the 15th? A.—It might have been possibly about that time; I did not impress my mind with it very much.

Q.—Was Mr. Van Daniker a conductor on that train running east? A.—He was.

CHARLES HEPBURN, sworn.

Mr. DECAMP.—Where do you reside? A.—In Irvineton—Train Master of the Warren and Franklin Railroad.

Q.—Acquainted with John Van Daniker, the defendant? A.—Yes.

Q.—How long have you known him? A.—Between eight and ten years.

Q.—Are you acquainted with his general reputation for honesty? A.—I think I am; I never heard anything against him.

JOHN MILES, sworn.

Mr. DECAMP.—State what your business has been for some time. A.—Railroading on the Philadelphia and Erie Road.

Q.—In what capacity? A.—In several capacities—brakeman, in the first place, freight agent, baggage master and dispatcher.

Q.—How long in their employ? A.—I think, about four years.

Q.—State if you were present at any time during the interview between Mr. Tyler and Mr. Van Daniker. A.—I was.

Q.—When was it? A.—The 20th of November.

Q.—State, as near as you can recollect, what took place there. A.—I went to the office door—it was locked; I stepped back, the door was opened by Mr. Tyler, who said, come in; I stepped into the office; we passed the time of day; Mr. Van Daniker said to Mr. Tyler, at the appointed hour, four o'clock, I am here; Tyler said, very good; you are at liberty to go where you please.

Q.—Who else was present at the time? A.—Mr. Baldwin and Mr. Thompson.

Q.—Was that all you heard? A.—They had some little conversation in the office—some of it I did not hear.

Q.—Was anything said about going home? A.—Mr. Van Daniker asked him for a pass home.

[The defense rested their case here.]

REBUTTING TESTIMONY.

J. T. BRECHBILL, recalled.

Mr. THOMPSON.—State when you next ran with Mr. Van Daniker, after the 21st of May. A.—I think on the 27th day of June.

Q.—When was the next run made on Van Daniker, after the 21st? A.—I think a run was appointed on the 15th of June.

Q.—Were the witnesses who testified, on that train on the 27th of June? A.—Some of them.

Q.—That was Mr. Van Daniker's train? A.—Yes.

Q.—Did you observe anything on that train, in reference to Mr. Daniker knowing the detectives? A.—I did.

Q.—You saw him on the train on the 15th? A.—I did not—I was not on that run.

Q.—On the 27th? A.—Yes.

CROSS-EXAMINED.

Mr. DECAMP.—You run on other trains on Van Daniker, subsequent to the 21st of May? A.—Once afterwards.

Q.—Did the force run more than once, to your knowledge? A.—Not to my personal knowledge.

P. GRAY, recalled.

Mr. THOMPSON.—State whether you were on the mail train running west, June 15th. A.—Yes.

Q.—Who was on that train? A.—John Van Daniker.

Q.—Was the force on? A.—Yes; I don't know as all of them were, but I know part of them were.

Q.—Was there any pointing out of the men on that train? A.—Not in my car.

Q.—What were your instructions in refer-

ence to that? A.—To report immediately if we saw anything suspicious on the train.

Q.—You watched for that particular purpose? A.—Yes, for that, as well as collecting fares.

Q.—There was nothing, then, suspicious on that train? A.—No.

Q.—You were on his run on the 27th? A.—No.

CROSS-EXAMINED.

Mr. DeCAMP.—Immediately after the 21st, did you know your company was suspected? A.—No.

Q.—When did you first hear of it? A.—After the 27th, after the men returned to Erie.

Q.—Were you dressed as you are now. A.—Sometimes this way, sometimes otherwise.

Q.—Put on different disguises? A.—Not as a disguise; just as we chose we changed our clothes.

Q.—Were you not dressed as laborers—some of you? A.—Not that I know of.

Q.—Were not you? A.—No.

Q.—You did not occupy a car with the ladies? A.—Sometimes.

W. A. BALDWIN, *recalled*.

Mr. THOMPSON.—When did Van Daniker run the next train east, after the 21st of May? A.—On the 30th, I think.

H. F. KNIPE, *recalled*.

Mr. THOMPSON.—State if you were on Van Daniker's run west, on the 15th of June. A.—I was.

Q.—State if there was any spotting or point-

ing out of detectives at that time. A.—None that I saw.

Q.—What were your instructions in reference to that? A.—To see if there were any suspicions upon the part of the conductor.

Q.—There was nothing to indicate this on the 15th? A.—Not the slightest.

Q.—Were you on the 27th? A.—Yes.

Q.—Did you see any spotting then? A.—I did not; I noticed Mr. Van Daniker stopped his train a few minutes over the time to start, apparently for the purpose of talking with conductor Bonner, with whom he appeared to be in very earnest conversation.

Q.—Did you note the circumstances as denoting that the defendant was suspicious? A.—Yes, and reported it.

CROSS-EXAMINED.

Mr. DeCAMP.—Bonner was one of the men you were after, too? A.—Mr. Bonner was a conductor on the road.

Q.—How do you know there was this conversation? A.—I saw them talking together very earnestly.

[The evidence in the case was here closed, and Messrs. Walker and DeCamp addressed the jury in behalf of the defendant, when the Court adjourned till 2 P. M.]

SECOND DAY—AFTERNOON.

WEDNESDAY, May 29th, 1867.

On the opening of the Court, J. Ross Thompson summed up the evidence for the Commonwealth.

RECAPITULATION.

FARES PROVEN BY WITNESSES.

STATION FROM.		STATION TO.		No. OF FARES.	AMOUNT.
NAME.	No.	NAME.	No.		
Erie.....	1	Sunbury.....	90	1	\$11 50*
".....	1	Williamsport.....	78	1	9 95
".....	1	Corry.....	13	2	3 00*
".....	1	Ridgway.....	38	1 ¹³²	9 50
Union.....	9	Milton.....	86	1	9 95*
".....	9	".....	86	1	9 95
".....	9	Corry.....	13	2	90*
".....	9	".....	13	1	45
Corry.....	13	Youngsville.....	19	1	80
".....	13	Williamsport.....	78	2	16 90
".....	13	Northumberland.....	89	1	9 95*
".....	13	Sunbury.....	90	1	10 00*
Garland.....	17	Warren.....	22	2	1 20*
Youngsville.....	19	Sunbury.....	90	1	9 20*
Warren.....	22	Northumberland.....	89	1	8 80*
".....	22	Sunbury.....	90	1	8 90
".....	22	Kane.....	30	2	2 30*
".....	22	".....	30	1	1 15
Sheffield.....	26	Wetmore.....	29	1	45*
".....	26	".....	29	2	90
Kane.....	30	Ridgway.....	38	$\frac{1}{2}$	45
".....	30	Renovo.....	62	1	4 05
Sergeant.....	31	Wilcox.....	33	1	20*
Wilmarth.....	35	Ridgway.....	38	1	30*
".....	35	Shawmut.....	39	2	60
".....	35	St. Mary's.....	41	2	1 30*
".....	35	".....	41	1	65
".....	35	Emporium.....	48	1	1 40
St. Mary's.....	41	Rathbun.....	44	2	70*
Beechwood.....	45	West Creek.....	47	1	20*
".....	45	Emporium.....	48	1	40
West Creek.....	47	".....	48	1	10*
Emporium.....	48	Cameron.....	50	2	50
".....	48	".....	50	1	25*
Carried forward.....				43 $\frac{3}{2}$	\$136 85

FARES PROVEN BY WITNESSES—CONTINUED.

STATION FROM.		STATION TO.		No. OF FARES.	AMOUNT.
NAME.	No.	NAME.	No.		
		Am't brought forw'd....		43 $\frac{3}{4}$	\$136 85
Driftwood	53	Grove.....	55	1	25*
Grove.....	55	Newberry.....	77	1	2 55*
Wistar.....	57	Williamsport.....	78	2	4 90
"	57	Renovo.....	62	1	60*
"	57	Sunbury.....	90	1	3 65
Cook's Run.....	59	Lock Haven.....	70	1	1 30*
"	59	"	70	2	2 60
Renovo.....	62	"	70	3	3 30
"	62	Hyner.....	64	1	30*
Farrandsville.....	68	Lock Haven.....	70	1	25
Lock Haven.....	70	Williamsport.....	78	1	1 10
"	70	Jersey Shore.....	73	1	55*
"	70	Williamsport.....	78	1	1 05*
Williamsport.....	78	Sunbury.....	90	1	1 55
Northumberland.....	89	"	90	1	15*
"	89	"	90	1	15
Total.....				63 $\frac{3}{4}$	\$161 10

Fares marked thus * were corroborated and returned by the defendant; all others were not.

REPORT OF JOHN VAN DANIKER,

Of Fares Collected on Mail Train Eastward, Erie to Sunbury, May 21st, 1866.

STATION FROM.		STATION TO.		No. OF FARES.	AMOUNT.
NAME.	No.	NAME.	No.		
Erie	1	Corry.....	13	2	\$3 00*
"	1	Sunbury.....	90	1	11 50*
Union.....	9	Corry.....	13	2	90*
"	9	Milton	86	1	9 95*
Corry.....	13	Northumberland.....	89	1	9 95*
"	13	Sunbury.. ..	90	1	10 00*
Garland.....	17	Warren.....	22	2	1 20*
Youngsville.....	19	Sunbury.....	90	1	9 20*
Warren.....	22	Kane.....	30	2	2 30*
"	22	Northumberland.....	89	1	8 80*
Sheffield.....	26	Wetmore.....	29	1	45*
"	26	"	29	$\frac{1}{2}$	30
Sergeant.....	31	Wilcox	33	1	20*
Wilmarth.....	35	Ridgway.....	38	1	30*
"	35	"	38	2	60
"	35	St. Mary's.....	41	2	1 30*
"	35	Beechwood.....	45	1	1 05
St. Mary's.....	41	Rathbun.....	44	2	70*
Beechwood.....	45	West Creek.....	47	1	20*
"	45	Lock Haven.....	70	1	2 90
West Creek.....	47	Emporium	48	1	10*
Emporium.....	48	Cameron.....	50	1	25*
Driftwood.....	53	Grove.....	55	1	25*
Grove.....	55	Newberry.....	77	1	2 55*
Round Island.....	56	Wistar.....	57	2	40
Wistar.....	57	Renovo.....	62	1	60*
"	57	"	62	1	60
"	57	Jersey Shore.....	73	1	2 05
Cook's Run.....	59	Renovo.....	62	2	70
"	59	Lock Haven.....	70	1	1 30*
Renovo.....	62	Hyner.....	64	1	30*
Whetham.....	66	Lock Haven.....	70	1	65
Lock Haven.....	70	Jersey Shore.....	73	1	55*
"	70	Williamsport.....	78	1	1 05*
Williamsport.....	78	Northumberland.....	89	1	1 00
Northumberland.....	89	Sunbury.....	90	1	15*
Total.....				44 $\frac{1}{2}$	\$87 25

Fares marked thus * were observed and proven by the witnesses.

SUMMARY.

Proven by witnesses.....	63 $\frac{3}{4}$ fares.....	\$161 10
Returned by defendant.....	44 $\frac{1}{2}$ "	87 25
Deficit of defendant.....	17 $\frac{2}{3}$ "	\$73 85

Of the fares proven, \$78.25 were paid to the defendant by the witnesses, being within \$9 of the whole amount returned by him.

A proof copy of the Charge was furnished to Judge Vincent, and returned by him, with the following note written on the lower margin of the proof copy. The Charge is published as corrected by the Judge:

J. ROSS THOMPSON, Esq.,

DEAR SIR:—Above find corrections of my Charge. They are all such as are required to make sense of the expressions used, and without which I am unwilling it should be published. I might object to some of the italicized words and sentences, but am not disposed to do so, if the publisher thinks them necessary to his purpose; but I must respectfully insist upon being made to speak coherent English.

Yours, very truly,

JOHN P. VINCENT.

CHARGE OF THE COURT.

His Honor, JOHN P. VINCENT, charged the jury as follows:—

Gentlemen of the Jury:—Let me congratulate you, as I do myself, upon the fact that you have so soon reached very nearly the consummation of what promised to be a very tedious case. Considering the number of witnesses, the numerous circumstances which had to be detailed to you, it seems almost wonderful that it has been so clearly and systematically laid before you.

In this case the Commonwealth asks that the defendant be convicted under the 107th Section of the Act March 31st, 1860, which provides that—

“If any clerk, servant, or other person in the employ of another shall, by virtue of such employment, receive and take unto his possession any chattel, money or valuable security, which is or may be made the subject of larceny, for or in the name, or on account of his master or employer, and shall fraudulently embezzle the same or any part thereof, every such offender shall be deemed to have feloniously stolen the same from his master or employer, although such chattel, money, or security was not received into the possession of such master or employer otherwise than by the actual possession of his clerk, servant, or other person in his employ, and shall be punished as is provided in cases of larceny of like property.”

Then it is provided in Section 108 of the same act, in relation to the mode of procedure under Section 107, that—

“If any person, being a bailer of any property, shall fraudulently take or convert the same to his own use, or to the use of any other person, except the owner thereof, although he shall not break bulk or otherwise determine the bailment, he shall be guilty of larceny, and punished as provided in cases of larceny of like property.”

In the three counts in this indictment, the Commonwealth alleges that defendant, being then in the employ of the Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad Company, did embezzle the amount of one hundred dollars of the money received by him as its servant, which ought to have been paid to them; and that is the question which you are now called upon to try. He is, or was at the time of the act charged, in the employ of the Railroad Company. He was its servant in one respect, and most clearly he was in its employment. Although they charge in the indictment more than one, they attempt to set up and maintain before you but one act of embezzlement. It being of a subject matter which might be the subject of larceny under the old or common law, it is clearly a matter which brings it within the Act of the Assembly. You are judges of the law in one sense—just in this sense, that the Court cannot withdraw the case from your consideration. What is the law you must take from the Court, and there is a loose idea upon the subject of the powers of juries in criminal cases, not confined peculiarly to laymen and jurors.

In civil cases the Court has power to take the decision of the case from the jury; and hence they may say that, admitting all that the plaintiff has proved, he cannot sustain his case, and

therefore order a nonsuit; that whatever the defendant has proved in the case, it makes no defense, and therefore order a verdict for the plaintiff. But that the Court never can do in criminal cases. It is for the jury to decide whether, under the evidence, the crime is made out as defined by the Court; and that is what you are to do in this case. The simple question, as I said before, for you to try, is: has the Commonwealth made out its allegations as laid in the third count of this indictment? It is a matter of much consequence both to the public and to the defendant. It therefore requires your careful consideration. It requires you to pass upon it according to your deliberate convictions under the oath that you have taken; and it has been very properly said, that with consequences you have nothing to do. You have a simple duty to perform—that is to say, whether in your opinion, the testimony which has been presented to you is such as to justify you in finding the defendant guilty or not guilty. With your finding in the case we may or may not have anything to do. But whether we do or do not, you are not to take that into consideration. Act honestly, intelligently and conscientiously upon your own convictions of what should be your verdict upon the testimony.

It is proper to say that you are not bound to believe every word that the witnesses swear to because they swear to it, even although no witnesses should be called to contradict them. The credit of a witness depends upon other things and other circumstances than the absolute, positive contradiction of the witness by other witnesses. His antecedent character, the business in which he is engaged, the manner in which he appears before you, the manner in which he testifies, his appearance on the stand, as well as the testimony that he delivers, all become a part of his testimony, and you have a right to take these things into consideration in your deliberations. It therefore becomes necessary for you to examine all the surroundings of this case, as well on the part of the Commonwealth as on the part of the defense.

The Commonwealth seeks to make out this case by the testimony of some fourteen witnesses, I believe, who are called here to prove that at a certain time, under certain circumstances, they placed themselves upon the mail train leaving Erie, on the 21st day of May, at 10.25 in the morning, for the purpose of observing the conduct of the conductor of that train, as to the faithfulness with which he made returns of the money received by him in his capacity as conductor. It is alleged that that was an improper mode of ascertaining whether he was honest or dishonest; and that of necessity, men who would resort to that means, to that kind of life, and be willing to engage in that kind of business, are unworthy of credit. It is alleged, on the other hand, that there is nothing in that business that is not entirely compatible with strict integrity of character and perfect truthfulness on the witness-stand. All this is for your consideration.

As has been observed, and decided in fact, if I may so say, that it is necessary, in furtherance of human justice, that Detectives should be employed. It becomes a part of the machinery of criminal law, without which, according to the criminal history of all ages, but little headway would be made in the conviction of criminals. *But it does not thence follow, that because it is necessary to use such means for the detection of criminals, that the means thus used are perfectly honest, or, on the other hand, necessarily ENTIRELY dishonest; and it is only from investigation and from examination, and ONLY BY INFERENCE from the characteristics of humanity, that we are justified in arriving, IN THE ABSENCE OF POSITIVE TESTIMONY upon the subject, at the character of the men engaged in that business, and as to the probable amount of credibility they are entitled to upon the stand.* Now, this is a question for you.

It was once thought that nobody but a rogue could catch a rogue. That idea is not so fully recognized now, by any means, as it was in times past. It is still acted upon, however, by many who set themselves to the work of detecting crime. Whether it is by this agency it was attempted here, or not, you have no evidence before you to enlighten you. You will, therefore, come back to the appearance of the men, as one of the elements out of which you will make up your mind, the manner in which they testified, the appearance of truthfulness they

had upon the stand, the circumstances under which they found this testimony, the manner in which they were employed to obtain it.

Now, if you believe that these men did not tell the truth; that, necessarily from the business in which they were engaged, they must be men devoid of truth, destitute of veracity, unable under the solemn obligation of an oath to tell the truth, why then the edifice, which the Commonwealth has built up by which to place this young man in the penitentiary, falls to the ground. Then, if you should believe that, if you should have doubts of their credibility, how far, if at all, are they corroborated by other circumstances. You should take that into consideration also. You will recollect, however, as the initial point, that there is never a presumption of guilt. The law presumes that every man is perfectly innocent until the contrary is made good by legal testimony. Whenever a man is placed at the bar, charged with any offense, however mild, however heinous, you have no right to assume that he is guilty. On the contrary, you must assume, in compliance with the principles of the law, that he is innocent; and the Commonwealth must make out and prove to you beyond a reasonable doubt—growing out of the testimony—that he is guilty, before the law will permit you to convict him of the offense with which he is charged.

The same rule applies to witnesses. It applies to every man who comes before a court of justice to participate in its proceedings, either as a witness or as a party. There is no presumption of a want of truthfulness in a witness any more than a presumption of guilt in a defendant; and, therefore, in judging of the probability of the truth of what has been alleged to you on the part of the Commonwealth, or on the part of the defense, you cannot assume without evidence, either in the circumstances which surround the case, or in the testimony which has been given to you by the witnesses, that they have not told the truth.

The character of the Detective—and it is simply another word for *spy*—has always been, and always will be, an unpopular one. There is an element in human nature and in the human mind—and it is an element that humanity may be proud of and not ashamed—which looks with suspicion necessarily upon that calling in life and that kind of business, because there is necessarily connected with it more or less deception and deceit. Even if good comes, nevertheless it carries with it more or less culpability and more or less derogation of character. Even a man who, in time of war, for the good of his country, becomes a spy upon the enemy, has to take upon himself a deceptive character, and his treatment, if he falls into the hands of the enemy, is altogether different from a man who is taken in ordinary warfare. It is looked upon, therefore, as an innovation upon the rules of legal, recognized, civilized warfare, and he is treated accordingly. The man who takes upon himself in civil life the detection of crime, however meritorious may be the purpose with which he engages in it, and however beneficial may be the objects which he accomplishes thereby, must expect, in accordance with this element in the human mind, that he will lay himself under severe suspicion, and it cannot but be so. *And therefore it will require, as a matter of course, at the hands of the party using this kind of testimony, stronger corroborative evidence of the truth of what they allege than would be necessary in the case of others.* But you are not to assume that, simply because they are engaged in the Detective business, therefore they have not told you the truth. That would be running into the other extreme, and doing an equal wrong to the principles of the law. It comes out in the evidence, that these men have no interest, *if they have told the truth*, in this conviction. All who were inquired of in relation to that matter, told you that they were paid a salary, neither by the day, nor contingent upon conviction, nor upon their making the discovery that they were seeking. They were, therefore, without that *one* motive to misstate; for, whether they do or do not convict, if they were paid a regular salary—if you believe that to be so—it made no difference in the amount of compensation which they were to receive; and this is one of the matters which you must take into consideration in estimating the probability of their story.

If they have told you the truth, the defendant in this case, on the 21st of May, 1866, received,

by a large amount, more money than the Company received from him for that trip. If they have told you the truth, they paid, themselves, to the conductor, between Erie and Sunbury, the sum of \$78.15, which would leave but a small amount—a little over \$9.00—as received from other passengers, he having returned but \$87.75 as the proceeds of the trip. And it does not matter whether the defalcation was large or small, unless it was so small as to raise the presumption that it was simply a mistake, as to whether the man shall be convicted or not. The law does not take notice of small things. Had the discrepancy between the amount reported by the defendant and that reported by the Detectives been a small amount, it would be very easy to account for it on the ground of a mistake in his figures, or a mistake in making his change, and that would not be a criminal act, because criminal acts consist in the intentions with which they are committed; and we presume the intention from the manner in which the act is done, the magnitude of the act, the circumstances that surround it. If, in the investigation of this case, you find that the discrepancy between the amount received and the amount he returned is so great, that it could not be reasonable at all the result of mistake in making up his account, or in making change with his passengers, then the law presumes that he intended to do what he is charged with doing—to embezzle or steal it, and appropriate it to his own use. But if, upon a thorough consideration of the circumstances and the evidence in this case, it leaves upon your mind any uncertainty as to whether this deficiency may or may not have been the result of an honest mistake or a misapprehension of what he should have done, then he is entitled to the benefit of that doubt; but, if you find the discrepancy between the amount received and the amount returned so large as to preclude any reasonable probability of that, then you must find that he is guilty.

It is offered to be proved in evidence before you, that he knew, on the 21st day of May, that he was being watched by Pinkerton's Detectives; and it is fair to say that Mr. Pinkerton has a somewhat national reputation as a Detective, and that he is not an obscure and unknown man in that business; that his name is known to thousands and tens of thousands of men scattered over the United States, as a man expert in that business, and having a large force organized for that purpose. Now, if you believe the testimony that has been offered here, as to his (Van Daniker's) knowledge upon this subject—and Mr. Green says that when he gave him the money on the evening of the 22d of May, 1866, he told him, in answer to a remark made by him, (Green) that Pinkerton's men were on the train—he knew he was being watched—and now you will recollect, gentlemen, that you are not trying this man for anything that he did prior to the 21st of May, nor for anything he may have done since that time, but you are trying him for what he did on the 21st of May. Did he then, on the 21st of May, know that he was being watched as a conductor on that road?

If you believe that he did, then it becomes an element of considerable significance in this case, because it raises a strong probability that he would not intentionally make a false return. It is not consistent with human nature, even though it be hardened by crime, to suppose that a man in the position that he was, and probably desirous to retain it, would, with his eyes wide open, with due notice and caution upon the subject, commit an offense which he was almost sure to be detected in, the result of which would be to render him infamous and degraded the balance of his life. Consequently, if you believe that it, as I said before, becomes a strong element against the probability of his having willfully or intentionally committed this offense, and would, therefore, if believed by you, result in his acquittal; and it would also be a strong element in the estimation of the probable truth or correctness of the testimony given you by the witnesses for the Commonwealth.

Now, you will recollect that it is not only admitted, but proved, that this man had, up till the time of this transaction, an excellent character for honesty; that it was as good as any man's—above suspicion; and when we have said a man's character for honesty is good and above suspicion, we have said all we can say in its favor. There would not be a presumption then, not the shadow of a shade of presumption, against his innocence, even if the law did not

make, by its own principles, the reverse of the presumption against him. Would a man of good character hitherto, and of ordinary intelligence, voluntarily, willfully, and with a perfect knowledge of the consequences to himself—as he must have had if he knew on the day that he ran that train from Erie to Sunbury, that he was being watched by Pinkerton's Detectives—have made a false return to the Company, as is alleged against him by the Commonwealth?

Then again, on the other hand, is or was not Mr. Green mistaken as to the time when this occurred? Examine it all: it is all for you. Come to no conclusion rashly, but carefully, conscientiously and honestly.

The Detectives themselves say that they saw no evidence of this kind on this train; nor were there any evidences of this until the latter part of June. Mr. Parker says that some time in June the defendant told him that he believed he was under the surveillance of the Detectives; whether it was the 10th or 15th, he don't know.

Mr. Baldwin testifies that the defendant did not run from Erie to Sunbury, after the 21st of May, until the 30th of the same month: so that, if it was not on the 21st, it must have been on the 30th of May, or some time in June, that he first became aware that he was under the inspection of these Detectives. Now, gentlemen, although it would be very strong evidence of the improbability of any guilty intention on his part, if he knew of this on the 21st of May, it would be no evidence whatever if he was not aware of it until after that time; because what he knew afterwards, as a matter of course, could not influence his conduct prior to that time: so that you see, gentlemen, how important to the defendant in this case, and to the consideration and decision of the case, becomes your decision upon that point; and I therefore call your special attention to it, that you may decide it according to your convictions of the evidence,—for probably upon your conviction upon that point may turn this case.

When there is any doubt of guilt, good character steps in and determines the question. When in your mind the balances hang even between guilt and innocence, let good character decide in favor of innocence. The law says it shall, and it ought to be so. Good character would be valueless, were it not worth that much in a court of justice; and the inducement to men to behave themselves, to preserve and maintain a good character, would be weakened, if not destroyed, were this not so.

But when there is no doubt of guilt, then character goes for nothing; because it is a notorious fact, that men keep up the semblance of honor and honesty for a long time after there is nothing of it but the external shell, when within all is rottenness and corruption,—and men are astounded, when this thin shell of honesty and honor is rent, to see to what an extent that which they had looked upon as an example for all men, was simply the dwelling-place of all that was vile and evil in humanity: so that you see, gentlemen, good character merely will not protect a man against the undoubted evidence of crime, whilst it will protect him against the doubtful evidence of it.

You have heard the comments of the counsel upon both sides upon the transactions of this day. As I have figured it up, if you believe the testimony for the Commonwealth, there were about seventy-two fares paid upon that day. You will have before you the return made for the defendant in this case for this particular trip, as also his monthly return. You will compare them with the testimony as given, and see to what extent they correspond. You will carefully scan and consider the testimony; the probability of the truth of what has been alleged on the part of the Commonwealth; the reasonableness of the *tale* they tell, and the extent to which, under the circumstances under which they acted, they are entitled to credibility.

There are many things in a case of this kind that cannot be explained either on the one side or the other; they have to be inferred from the testimony that is given.

First, see if you believe he received the amount of fares testified to by them. They make it double, or about double, the amount he paid over; but making due allowance for all the

deductions occurring out of previous overcharges, the deficiency, if you believe the Commonwealth, would be some forty or fifty dollars. If you believe all the testimony of the Commonwealth, it would be somewhat greater. That would be sufficient, however, to fasten the crime upon this man; unless you can find, as I stated to you before, that it is of such a character as to leave a doubt in your mind whether it did not occur by accident, without any criminal intent upon the part of the defendant. The amount is said to be about fifty per cent. Is it probable that that was the result of an honest mistake? If you believe it was—and I do not intend to usurp your functions in this matter at all—then you must give the defendant the benefit of that doubt. If you do not, from the testimony, believe that it was so, but believe that he received those fares and did not return them, then he is guilty under the third count in this indictment.

If you believe, however, that these men are mistaken,—that they have not testified before you truthfully,—*but from their business they are necessarily of that character that their testimony cannot be relied upon, and that this is simply a convocation for hire or gain to ruin this man to procure his conviction*, then it is your duty to give the defendant the benefit of that.

Again: if you believe all the testimony on the part of the defense, that this man knew on the 21st day of May that he was being watched by these Detectives, that circumstance, as I said before, would raise a considerable doubt of the probability of his having willfully retained this money, and you would be bound to give him the benefit of that doubt; but if you, after a thorough examination in relation to this, are not satisfied that he knew it until some subsequent trip, then it goes for nothing as testimony—that he had made this error by mistake or unintentionally.

Much has been said here that you cannot take into consideration in your deliberations, with propriety, in reference to the railroads and the propriety of their acts, and the propriety of the mode they seek to fasten punishment upon the defendant: whatever we may think of this, the Railroad Company undoubtedly has a right to manage its business as it believes proper, provided it does not violate the law. I MYSELF HAVE A STRONG OPINION UPON THE SUBJECT, but that should have no weight in your deliberations. I BELIEVE IT IS VERY DIFFICULT TO MAKE MEN HONEST, WHILE I THINK IT IS QUITE EASY TO KEEP THEM SO; AND THAT A SYSTEM THAT STARTS OUT WITH THE ASSUMPTION THAT MEN ARE NOT HONEST, IS NOT BEST CALCULATED TO KEEP THEM HONEST. It is necessarily the duty of every man, who takes upon himself such a responsibility as the defendant took upon himself in this case, to behave with strict honesty in the discharge of his duty; and when the law says that if he does not do so he shall incur the penalty, he must bear the consequences of having violated the law and of having violated his duty.

Decide this case according to the testimony. Give the defendant the benefit of every reasonable doubt that naturally arises in your minds from the testimony. Give him the benefit of his good character if you have a doubt, letting it, as the law says you shall, go for nothing if you have no doubt. If there is any doubt of his guilt, it is your duty to acquit; if you have no reasonable doubt of his guilt, it is your duty to convict. As to the consequences, as I said in the outset, you have nothing to do. The only concern you have is to perform your duty according to your conscientious convictions thereof. I beg leave to repeat, if I have said anything that shows my opinion in relation to the case on the one side or the other, I want you to discard it from your minds. *I have had no intention in all I have said to you to give you the slightest intimation as to any opinion I may have*, but to leave to you the entire decision of the facts in this case. If you find the defendant guilty, you should do so upon the third count of this indictment.

VERDICT.

At 4 o'clock, P. M., the jury retired, and remained in deliberation until 6.15 P. M., when they rendered a verdict of *Not Guilty*.

PINKERTON'S NATIONAL POLICE AGENCY.

ALLAN PINKERTON, Principal.

G. H. BANGS, Gen'l Supt.

OFFICES:

PHILADELPHIA, 45 South Third Street, H. E. Thayer, Sup't; CHICAGO, 92 and 94 Washington Street, G. H. Thiel, Sup't;
NEW YORK, 66 Exchange Place, T. E. Lonerhan, Sup't.

CLARENCE A. SEWARD, Esq., Counsel, 29 Nassau Street, New York.

PHILADELPHIA, June 10th, 1867.

CLARENCE A. SEWARD and JAMES T. BRADY, Esqs., New York,

GENTLEMEN:—Herewith I enclose you the stenographer's report of the Charge of Hon. JOHN P. VINCENT, President Judge of the Court of Quarter Sessions of Erie County, Pa., in the case of *The Commonwealth vs. John Van Daniker*, charged with embezzling the moneys of the Pennsylvania Railroad Company, Lessee of the Philadelphia and Erie Railroad, in his capacity as conductor, at the May Sessions, 1867, and desire your opinion upon the same, especially with regard to the instructions Judge Vincent gave the jury, regarding the credibility of the Detectives who were examined as witnesses for the prosecution.

Respectfully, yours,

ALLAN PINKERTON.

NEW YORK, June 29th, 1867.

ALLAN PINKERTON, Esq., *Principal National Police Agency, New York*:—

We have examined the manuscript you submitted to us, purporting to be a correct copy from the stenographer's report, of a Charge delivered by the Honorable John P. Vincent, of Pennsylvania, on the trial, in that State, of John Van Daniker, charged with embezzlement under the Pennsylvania act of March 31st, 1860, section 107.

The defendant was an employee or servant of the Pennsylvania Railroad Company, as the Lessee of the Philadelphia and Erie Railroad, and it was while acting in that capacity that he is alleged to have committed the offense charged.

You have requested us to give an opinion as to whether the instructions which the learned Judge gave to the jury, about the rules for determining the credibility of witnesses were correct, especially as applied to the class of persons called Detectives.

With deference to the learned Judge, we state that, in our opinion, they were not; and while we appreciate the delicacy of giving such an opinion, can find no reason for refusing it when called for by a client.

The learned Judge correctly stated that the jury were not judges of the law, in the sense sometimes suggested, even by lawyers. He said to the jury:—"What is the law you must take from the Court." This rule, of course, applied as well to the credibility of witnesses as to any other subject. And on this subject he gave the following instructions:—

First.—"It is proper to say that you are not to believe every word that the witnesses swear to because they swear to it, even although no witnesses should be called to contradict them. The credit of a witness depends upon other things and other circumstances than the absolute positive contradiction of the witness by other witnesses. His antecedent character, *the business in which he is engaged*, the manner in which he appears before you, the manner in which he testifies, his appearance on the stand, as well as the testimony that he delivers, all become a part of his testimony, and you have a right to take these things into consideration in your deliberations. It therefore becomes necessary for you to examine all the surroundings of the case, as well on the part of the Commonwealth as on the part of the defense."

After stating the arguments for and against the propriety of using detectives in the discovery of crime, and as to the amount of belief such agents deserve, and giving his opinion as the law of the case, that such agency "becomes a part of the machinery of criminal law, without which, according to the criminal history of all ages, but little headway would be made in the convictions of criminals," he says:—

"But it does not thence follow that because it is necessary to use such means for the detection of criminals, *that the means thus used are perfectly honest*, or, on the other hand, *entirely dishonest*, and it is only from investigation, and from examination, and only *by inference from the characteristics of humanity*, that we are justified in arriving, in the *absence of positive testimony* upon the subject, at the *character of the men engaged in that business*, and as to the *probable* amount of credibility they are entitled to upon the stand. Now, this is a question for you."

He next observes that the old saying, "nobody but a rogue could catch a rogue," is not so "*fully* recognized now, by any means, as it was in times past. It is still acted upon, however, by many who set themselves to the work of detecting crime"

He distinctly admits that there was no evidence before the jury whether any such agency was employed in this case—declares that in the absence of such proof they must "come back to the appearance of the men" who testified for the prosecution, "as one of the elements out of which the jury were to make up their minds, their manner of testifying, appearance of truthfulness on the stand, the circumstances under which they found the testimony, and the manner in which they were employed to obtain it."

He then says to the jury:—"Now, if you believe that these men did not tell the truth, that, *necessarily from the business in which they were engaged, they must be men devoid of truth, destitute of veracity, unable under the solemn obligations of an oath to tell the truth, why, then, the edifice which the Commonwealth has built up, by which to place this young man in the Penitentiary, falls to the ground.*"

In our opinion, this instruction is erroneous, for the following reasons:—

First.—As the learned Judge distinctly and correctly stated in his Charge, the presumption of veracity attaches to every witness called to the stand, or, to use his language—"There is no presumption of a want of truthfulness in a witness any more than a presumption of guilt in a defendant; and, therefore, in judging of the probability of the truth of what has been alleged to you on the part of the Commonwealth, or on the part of the defense, you cannot assume, without evidence, either in the circumstances which surround the case, or in the testimony which has been given to you by the witnesses, that they have not told the truth."

Second.—Yet, he had already instructed the jury, as we have seen, that they might absolutely reject the testimony of any witness, if they believed that necessarily, from the business in which he was engaged, he could not tell the truth under oath.

The mere circumstance that the jury, with but one fact to justify them, viz.—the business of the witness—thought he should not be credited, is to warrant them in rejecting his testimony.

There is, we apprehend, no sanction to be found in the law for any such action by a jury.

The witness is presumed to be honest and truthful. If, in the character of his business, there is *proved* to be any feature which renders its prosecution unlawful or immoral, the jury may take *that* into account as one element, or quantity, in determining whether he is to be credited; but there is no foundation whatever for saying that a jury may utterly discredit a witness, because they consider his business such as no one would conduct who was not willing to commit perjury.

In *Newton vs. Pope*, 1st Cowen's N. Y. Reports, 109, the Court say:—

"It is difficult to establish a rule which shall regulate and limit the discretion of the Court or jury in the degree of credit to be given to the testimony of different witnesses. Much must depend on the circumstances of each case. But there is no difficulty in saying that where (as in this case) the witness is unimpeached, the facts sworn to by him uncontradicted, either directly or indirectly by other witnesses, and there is no intrinsic improbability in the relation given by him, neither a Court nor a jury can, in the exercise of a sound discretion, disregard his testimony. It is no less the duty of a Court than of a jury to decide according to the evidence. But it is mockery to talk of evidence, if it is discretionary with the tribunal, to which it is addressed, to disregard it, upon the vague suggestion, unsupported by proof, of the bias of the witness."

These remarks were made in a case where the Justice who had the case had rejected the testimony of two witnesses, on the ground "that *he* was satisfied that they were *biased* in favor of the defendant," just as the jurors might say, under the privilege accorded to them by the law, as expounded in the Charge under review, that *they* were satisfied that men employed to watch and detect railroad conductors, to learn whether they embezzled the moneys of their employers, "must be men devoid of truth, destitute of veracity, unable, under the solemn obligations of an oath, to tell the truth."

Third.—The learned Judge, following up his charge about the business of witnesses, in connection with the case on trial, says:—

"The *character* of the Detective—and it is simply another word for 'spy'—has always been, and always will be, an unpopular one. There is an element in human nature and in the human mind—and it is an element that humanity may be proud of and not ashamed of—which looks with suspicion naturally on that calling in life and that kind of business, because there is necessarily connected with it more or less of suspicion and deceit." He enlarges upon this, and, after some general remarks about spies, says that the man "who takes upon himself in civil life the detection of crime, however meritorious may be the purpose with which he engages in it, and however beneficial may be the objects which he accomplishes thereby, must expect, in accordance with the element of the human mind, that he will lay himself under severe suspicion, and it cannot but be so."

It is not our province, and certainly not our desire, to consider how far such views as these are warranted by fair reasoning, or appropriate to the discharge of judicial duty in a criminal case. We will deal only with the conclusion of law which the learned Judge deduces from these premises, as an instruction to the jury, viz.:—

"And, *therefore*, it will require, as a matter of course, at the hands of the party using this kind of testimony, *stronger corroborative evidence of the truth of what they allege, than would be necessary in the case of others.*"

For this proposition we can find no warrant or authority in the law.

1st. It is not a *legal* principle, that one who engages in the detection of crime is thereby impaired in credibility, or requires corroboration as a witness.

2d. No man is required by law to corroborate a witness because public or private opinion may deprecate his agency in ferreting out crime. The party using the testimony of such a witness may, and for his own protection should, perhaps, from abundant caution, corroborate him, so as to overcome the prejudice of a jury—but he is not bound to do so.

3d. It is well settled, that a man may be convicted on the testimony of an accomplice alone, wholly uncorroborated.—*1st Greenleaf's Evidence, sections 379, 380.*

4th. The Judge may, and in fairness should, after stating this rule, advise the jury to look for corroboration ; but, if he were to say that the law "requires" it, that would be error.

5th. So far from any corroboration being required by law for Detectives engaged in exposing crime, the law regards them as occupied in a high, legal and moral duty to the Government, and for that reason worthy of praise instead of censure.

6th. But, even if corroboration were "required" for Detectives, because public opinion disfavor their "business," there is no rule which would require "*stronger*" corroboration for them than even for accomplices or "others."

Fourth.—After giving the instructions examined under the third division of this opinion, the learned Judge said of the Detectives :—

"But you are not to assume, that *simply because they are engaged in the Detective business, THEREFORE they have not told you the truth.* That would be running into the other extreme, and doing an equal wrong to the principles of the law."

Yet he returns to the subject, and says :—"If you believe, however, that these men are mistaken,—that they have not testified before you truthfully,—*but from their business they are necessarily of that character that their testimony cannot be relied upon,* and that this is simply a convocation for hire or gain to ruin this man to procure his conviction, then it is your duty to give the defendant the benefit of that."

These passages of the Charge, in connection with the others quoted above, put the jury in the position of requiring at something which the law demanded, that a Detective, as a doubtful witness, should be corroborated, and not only corroborated in the ordinary way, but more strongly than other witnesses.

Now, the rules as to impeaching the credibility of witnesses are well settled. None of them suggest that the business of detecting crime impairs it. The necessity for employing Detectives to expose and punish crime is distinctly acknowledged by the learned Judge, and although he thinks the public disfavor Detectives, yet the law does not, and it can never regard with censure one who aids in its enforcement. If any deceit or artifice be employed by the Detective, it is not to injure any one but a guilty man, and serves as well to ascertain innocence as to prove the contrary. In arranging to discover what conductors on a railroad were thieves, the distinction became apparent between them and the others, who acted honestly. That we should employ men to watch those whom we suspect, involves no wrong in us, or the agents employed ; and if there be a public opinion which arrays juries against such agents, *merely* because they use artifice, without which guilt could not be exposed, it is time that the judiciary, in the administration of criminal law, should set their faces against such a fallacy.

C. A. SEWARD,
JAS. T. BRADY.

I concur in the foregoing opinion of Mr. Seward and Mr. Brady.

PHILADELPHIA, February 1st, 1867.

THEO. CUYLER.

AT THE JANUARY TERM OF THE COURT OF OYER AND TERMINER AND QUARTER SESSIONS, 1864, FOR DAUPHIN COUNTY, PA., F. P. HILL, LATE A CONDUCTOR ON THE PHILADELPHIA AND READING RAILROAD, WAS TRIED AND CONVICTED, BEFORE THE HON. JOHN J. PEARSON, PRESIDENT JUDGE, OF EMBEZZLING THE MONIES OF THE PHILADELPHIA AND READING RAILROAD COMPANY. IN THIS CASE THE FOLLOWING IS SUCH PART OF JUDGE PEARSON'S CHARGE AS RELATES TO THE CREDIBILITY OF DETECTIVES AS WITNESSES:—

* * * * * Something has been said in regard to the propriety or impropriety of this mode of proceeding. With that, gentlemen, we have nothing to do. We do not have to settle questions of morals, or questions of ethics, in courts of justice; all we have to do is to settle legal questions and disputed facts. I may think that it is highly proper that the United States Government should have a large police force in their employment at the present time, to watch the various contractors who are buying and furnishing articles for the army or the navy; another person might think it highly improper to have any such force. Unless the facts are very much misstated, such a force was certainly very necessary. If every one followed the internal monitor, with the full knowledge and conviction that he was accountable to the Deity for everything he did, there would be no occasion for this police force. If each one could feel within his own heart, within his own conscience, that he must account for all his actions, and that there is an eye upon him at all times to see and detect his crime, there probably would be no use for a force of this kind. But where men will throw off the restraints of conscience, where they will not regard the admonitions of the Deity, and will not regard the settlement that they have ultimately to make, and will be willing to act in a fraudulent and dishonest way, provided that they can get clear of a present and immediate settlement, then human detectives are very necessary to watch them. Almost all countries have resorted to a secret police for the purpose of detecting crime; it is done in cities constantly; it is necessary even in the country. And men become expert in this business of detection—sometimes from long experience—sometimes from association with criminals—they become expert in various ways; they are employed in consequence of their expertness. Some of these men appear to have been novices, although others seem to have been old police officers. However, the only question in the present case is, do they tell the truth? That is the main question for us. Did they see what they state? Do they state truly what they saw? These men speak of traveling over the road at these three different times. They are confined to these times; they are not permitted to travel away from them; they are not permitted to say what they discovered at any other time. * * * * *

You will bear in mind that this police force was all directed from Philadelphia, where they were to go, even where they were to sit, as far as possible, in the cars; they were to watch what took place before them; they were not to pretend to observe what took place behind them; a part would be put in one car and a part in another. Hence it is, that one cannot tell everything that took place in the cars. He may only see two or three pay—those immediately around him—if sitting in the forward end of the car; one sitting in the back end of the car may see some eight or ten pay; another one may be in another car entirely, and see some pay there. * * * * *

It is said that measures might be taken by these railroads to prevent speculation from them—to prevent persons from pocketing their money—by selling tickets in all cases, and not permitting any person to enter the cars without previously buying a ticket. And those who have traveled recently find that they are obliged generally to exhibit a ticket before getting on the trains. But that, after all, must only be at particular points. A man will get on at a station in the country. The Company cannot be expected to keep a ticket office there. He must pay, then, through to where he is going; and if, in every case of that kind, the conductor were permitted to pocket that money, because the passenger came on without buying a ticket, it would be a heavy loss to the Company, and the conductor would make a great deal more in that way than his wages would amount to. There are a number of stations—a half dozen or more—between here and Reading, where there are no ticket offices—where no such purchases of tickets could be made. Wherever it can be done, it ought to be; and that is perhaps the case now. But that is no reason, whatever, either against the Company for putting on a detective force, or in favor of the conductors pocketing the Company's funds, if they do it.

Then, gentlemen, there is another subject. Suppose that you should have doubts in regard to the truth of the statements of these men—reasonable doubts in regard to the statements of these witnesses—you should give the defendant the benefit of the doubt, not merely the doubt as to the crime, but the doubt as to the truth of the testimony by which that crime is endeavored to be made out. You are to give him the benefit of all doubts of every kind. The defendant, in the present case, has proved as good a character as probably any of us could bring into a court of justice; and although he has been in an employment which often leads men into temptation, and sometimes destroys reputation, yet, so far as we have heard, from those who are best acquainted with him over in New Jersey, and in the bordering counties of Pennsylvania—counties bordering upon New Jersey—and where he has resided, he is a man of good character—as good, probably, as any that could be brought into Court.

In a doubtful case, character is of very great moment. In a case which is proved beyond any doubt, it is no protection. A man might pass through life as a very honest man, not suspected of any crime, and yet if his course of life were closely watched, it might be found that he had deviated very far indeed from the path of rectitude. But, generally speaking, if a man does commit offenses against the law and against society, it will be discovered, and his reputation will be destroyed. Sometimes a person may go on for a good many years without its being discovered. This gentleman, when charged with the offense, most emphatically denied it, and defied the Company to make any proof against him. You will judge as to how far that proof is made. There is certainly no confession or admission on his part. He said at once that they might go on and do their worst—that he would refund nothing—would pay nothing—that he had taken none of their money. That was his allegation.