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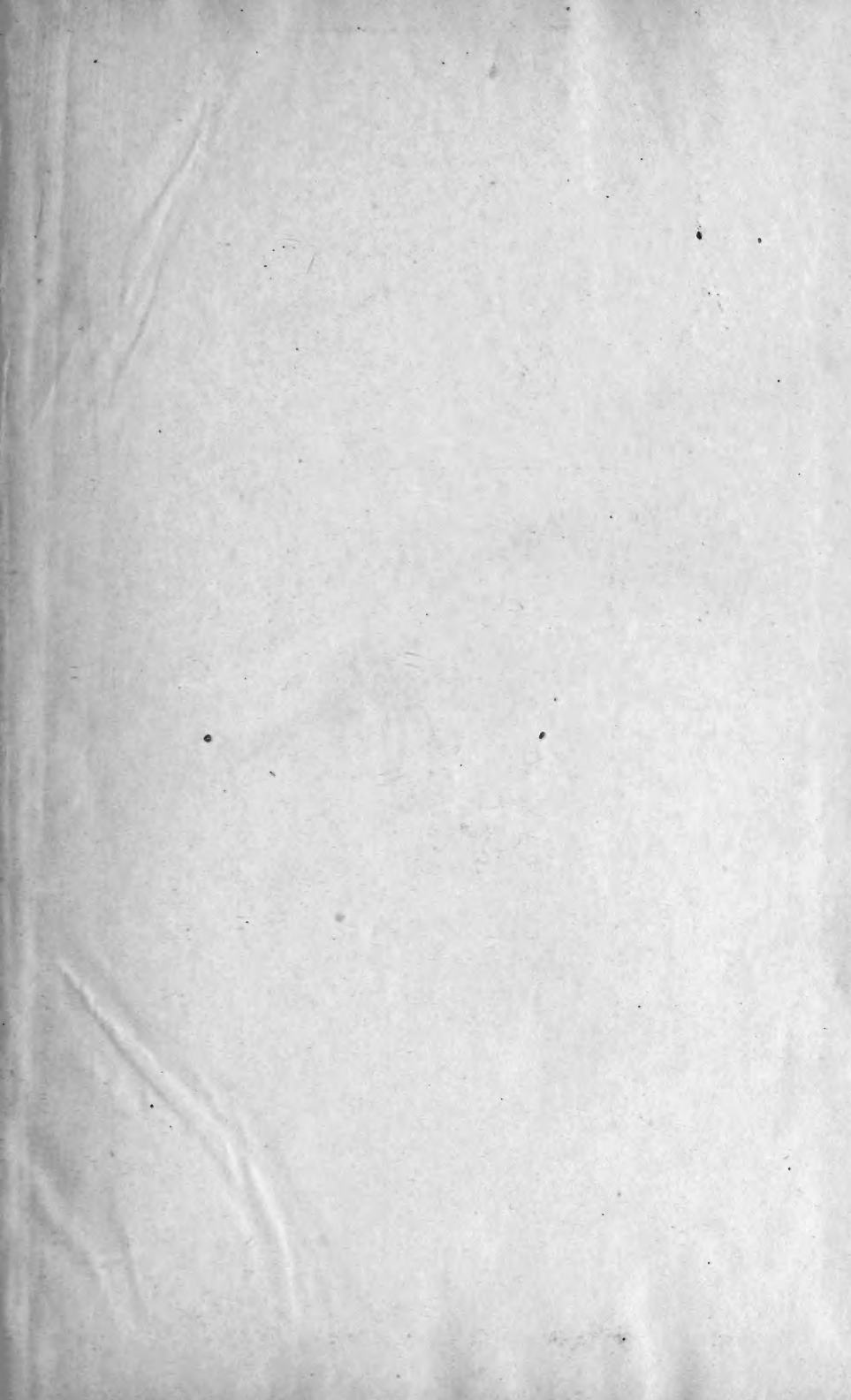
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REPORT OF

Missouri. SPECIAL JOINT COMMITTEE

TO

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INVESTIGATE THE

Fish and Game Commissioner

TO THE

FORTY-SIXTH GENERAL ASSEMBLY

1911



THE HUGH STEPHENS PRINTING COMPANY,  
JEFFERSON CITY, MO.



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Jefferson City, Mo., March 17, 1911.

Mr. Stephens:

This will inform you that the House has this day ordered 2,500 copies of the attached report printed.

Respectfully,

J. KELLY POOL, Chief Clerk.

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## REPORT

OF

# Special Joint Committee to Investigate the Fish and Game Department.

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Mr. Speaker :

We, the Joint Committee, composed of Senators White, Buford, Dunwoody and Representatives McCarty, Orr and Mitchell, appointed respectively by the Senate and the House of Representatives, pursuant to a joint and concurrent resolution, to investigate certain charges made against Jesse A. Tolerton, State Game and Fish Commissioner of the State of Missouri, beg leave to make the following report :

Pursuant to the resolution containing said charges, and instructions contained therein and the appointment of the Joint Committee thereunder, said Joint Committee met and organized by electing Senator B. L. White, chairman, and Representative E. C. Orr, secretary ; the Joint Committee then proceeded to take the testimony of various witnesses subpoenaed before it, including the State Game and Fish Commissioner, Jesse A. Tolerton, and a number of his deputies from over the State, and to examine the various reports of said deputies made to the said State Game and Fish Commissioner, and filed in the office of the State Game and Fish Commissioner, and after examination of all the evidence and the testimony, the Committee finds the following facts to be true :

That the said Game and Fish Commissioner has expended and permitted to be expended large sums of money without warrant of law ;

that the said Game and Fish Commissioner has paid out and permitted to be paid out great sums of money aggregating thousands of dollars, but the exact amount this Committee has been unable to ascertain; that he has received from his deputies, reports, reciting that they have gone at will over their districts and over the State, incurring great expenses for railroad fare, hotel bills, bus fare and labor account, without special or direct orders from the said Commissioner and the said Commissioner has verified and approved said accounts and had warrants drawn in favor of the said deputies for the payment of said expenses, all without warrant or authority of law; that by the reports of said deputies, it is shown that there were many days in which said deputies were not engaged in the discharge of their official duties, and in spite of that showing in said reports, the said Game and Fish Commissioner has certified that they have been engaged all the time and every day in the year, and has verified the accounts of a great number, to-wit, twenty of the said deputies, and had said accounts paid by the State Auditor for each and every day in the year when the said Jesse A. Tolerton well knew from the reports certified to him by said deputies, that said deputies had not been engaged for the full time, but, on the contrary, knew from said reports that there were many and numerous days in which they were not engaged in the discharge of their official duties.

That the said Tolerton has shipped and caused to be shipped, certain pheasants, the property of this State, into the State of Arkansas, and prepaid the express therefor, to the amount of four dollars and eighty-eight cents (\$4.88); that said birds were shipped and the expense of said shipment was made and paid without warrant or authority of law.

That by the weekly reports of the said deputies, made to the said Tolerton, it is shown that some of the deputies were engaged in work for their party on political matters, and that they reported as having been engaged entire days as judges and workers at election booths, and

getting out votes for political purposes, and made report of the same as a part of their official duties to the State Game and Fish Commissioner, that the said Commissioner verified these accounts, certified them to the State Auditor as being correct, and that said deputies were engaged in their official duties, and has caused said deputies to be paid for full time as such deputies, though he well knew from their reports that they were not discharging official duties, but on the contrary, were engaged in working for the Republican party.

That the investigation shows that in one instance that the said Game and Fish Commissioner, Jesse A. Tolerton, wrote a letter to the chairman of the Republican County Committee of Ripley county, in which he uses the following language, in relation to one Thompson, the deputy game warden for that particular section:

“While I don't believe in giving offices to new recruits and neglecting the old war horses, the time is ripe in Missouri, for Republicans to try to strengthen their party where they can, with recruits from the opposition, in place of driving men away who have been voting a part of our ticket and are disposed to work with us. I want to assure you that if Mr. Thompson goes down there, taking a hand in supporting the Democratic candidates, that he will not stay in my department, on the other hand, I have reason to believe that he will give you and other Republicans, there, such assistance as he can. He certainly can be of some help to you in his travels over the county, and help bring out the Republican vote, and if you will indicate to me the candidates that you have the best opportunity of electing on your county ticket, or any other way that Mr. Thompson can be of assistance to you, I will see that he does it.”

That the said deputies of the State Game and Fish Commissioner have thus spent large sums of money in a pretended attempt to enforce the fish and game law, yet, the results of their efforts have been the discovery of many violations of law, according to reports on file, but very

few prosecutions; that in a majority of the prosecutions, there were no convictions; that the persons charged and arrested were held in custody, and in duress, under threats of prosecution, until they were compelled to pay one dollar (\$1.00) for a license fee.

That in many instances, the whole aim and purpose of the deputies have been to collect hunter's license, rather than to enforce the law, and prosecute the violators, thereof.

The investigation shows that Jesse A. Tolerton, has disregarded operation of the statute, providing for fees in certain cases which were to be paid to deputies, and in lieu of such fees, paid a per diem, all of which was without warrant or authority, in law.

That the investigation shows that Jesse A. Tolerton verified, under oath and approved the accounts of his deputies, certified that they had given full time to the discharge of their duties, when he well knew from the reports that they were either not engaged in the discharge of their official duties, and were at home, doing nothing, or engaged in their private affairs, or were engaged at work for partisan purposes, all of which was without warrant of law.

That said Tolerton allowed his deputies per diem for Sundays, when their reports show them to have been at home and doing nothing in the discharge of their official duties; that he allowed the traveling expenses of deputies, amounting to thousands of dollars, who were not traveling under his direct or special orders, as required by law, and verified said accounts, and approved them for payment.

The investigation shows the said Tolerton to have allowed per diem to deputies, when not acting under special orders of the game warden, but on their own volition, and certified the same for payment, all of which was without warrant of law.

The investigation shows that non-resident hunters, i. e., hunters from other states, were arrested for violations of the law and were discharged after taking out and paying for non-resident licenses, of twenty-five (\$25.00) dollars.

The investigation shows that certain deputies, rendered accounts of money paid for expenses, when, as a matter of fact, such expense accounts were not incurred by such deputies; the investigation shows that in one instance, said Tolerton approved the account for board bill of the wife of an employee at the game farm, and certified to the State Auditor for payment, all of which was without warrant of law; that he rendered an expense account for dynamiting certain waters, which act of dynamiting was, of itself, a violation of law, and which account was not allowed by the Auditor.

The investigation shows that large sums were authorized to be paid out by the said Tolerton, for salaries and expenses, when he knew the deputies were not acting under his special direction, and instructions, as required by law, and that their services were not even reports of official duties, and for time not given to the State.

That the said deputies were at the call of persons in the various districts, without authority or direction of the game warden, and charged the expenses thereof, to the State, which said expense was certified to as being correct by the State Game Warden, and certified to for payment, all of which was contrary to law.

The Joint Committee find that there has been gross carelessness, negligence and inefficiency, in the conduct of this department, and in the enforcement of the law; that there has been waste and extravagance in the expenditure of money; that the law has not been adequately enforced; that violators have been "winked at" and the violations overlooked, and prosecutions neglected.

That twenty-seven thousand (\$27,000.00) dollars were spent last year more than was taken in; that thirty-six thousand (\$36,000) dollars were spent for deputy hire, and over nineteen thousand, (\$19,000.00) dollars, for expenses of deputies.

That in many instances, old men, from sixty to seventy-two years of age have been selected, who, naturally, from their ages, have been

unable to render services which could have been secured from young and energetic men.

In support of the above findings, we herewith file the accompanying testimony and exhibits, as a part of this report.

Respectfully submitted,

BENJ. L. WHITE,  
C. M. BUFORD,  
STERLING H. McCARTY,  
EDWIN C. ORR.

## THE TESTIMONY.

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In the matter of the investigation of the Game and Fish Department of the State of Missouri:

The Joint Committee of the Senate and House of Representatives, consisting of Senators Dunwoody, Buford and White, and Representatives Mitchell, McCarty and Orr, being in session for the purpose of making the investigation ordered by the Senate and House of the State Game and Fish Department of its conduct, expenditures and whatever else they may deem expedient to investigate, connected with said Department, being in session, and Mr. Jesse A. Tolerton being present and being first duly sworn, upon his oath deposes and saith:

(By Mr. White.) Q. Mr. Tolerton, what official position do you occupy?

A. State Game and Fish Commissioner of Missouri.

Q. When and by whom were you appointed?

A. I was first appointed June 16, 1909, for a term of two months under the game law of 1907; I was re-commissioned on August 16, 1909, for a term of four years. I believe that covers that question fully.

Q. As State Game and Fish Commissioner, what are your duties as you understand them, under the statutes.

A. Under the present law it is my duty to enforce the game and fish laws of the State; certain sections provide for the propagation, buying and shipping of game; certain other sections provide that I shall appoint one or more deputies from each Congressional district to assist in the enforcement of said laws.

Q. What is your understanding and what has been the practice of your Department with respect to the payment of the expenses of the conduct of your commission and for the services of your deputies?

A. The law states, as I understand it, that he shall have the power to appoint one or more deputies to assist in the enforcement of the law, and that they shall be paid three dollars per day while under the direct order of me as Game and Fish Commissioner. Do you want me to go ahead?

Q. Yes, go ahead and make any statement you want to.

A. The law also provides that the deputies, when a prosecution

is had, that they make the arrest, they being in power to do so, and that they may retain, in addition to the regular salary, the same fees as the sheriffs or constables would be entitled to, though it has been my policy not to permit the deputies to collect these fees.

Q. You say that these deputies are entitled to a per diem of three dollars per day while acting under your direct orders?

A. Yes, sir.

Q. What do you understand by direct orders?

A. I understand that if I deem it advisable or necessary to employ a man who is to give his entire services whenever I give him orders or demand that he make an investigation of anything and when he holds himself subject to my orders, that I would have a right to pay him for whatever days that I might see fit. In this connection I might state that I have tried the experiment of issuing a man a commission and calling on him when I wanted him, paying him for such time as he actually was at work; in some instances I have been able to do this. In order to secure the services of what I was led to believe was high-class men—men of good judgment and experience, I haven't been able to do it; notwithstanding the fact that these men could not hold themselves in readiness, me giving them a few days a week or fifteen days a month, as the case might be, and they having to neglect other business, and in this way I have lost the services of some of the best men I have appointed.

Q. Well, now, I don't believe you hardly caught my question. I believe I asked you what you understood by direct orders?

A. I answered that, that these men hold themselves in readiness to act on my orders at any and all times.

Q. You state that you tried the experiment of requiring them to hold themselves subject to your orders and to act when you directly ordered them to act, but that practice had not been found satisfactory?

A. Not with the district men—men that I could rely upon at all times. I have men commissioned in the State that I handle and pay when I have special work for them to do.

Q. Why do you make that request, that they hold themselves in readiness to act under your instructions; is that your understanding of the statute?

A. Because I had a right to appoint these men, and under the law I think I have a right to say when they should be paid their per diem.

Q. What I am trying to get at is why you requested these deputies simply to hold themselves in readiness to act upon your orders and hold themselves in readiness to act under your instructions; was that



the language of the statute that they should be paid while acting under your direct orders?

A. Yes, sir.

Q. That was the construction you placed upon the statute?

A. Yes, sir; and I think it would be impossible to get the services of men that are competent to fill this position without actually paying them three dollars per day.

Q. Although you believe that is what the statute contemplated?

A. Hardly, it does say that they must actually be employed.

Q. It does say while acting under your direct orders?

A. That is the language of the statute.

Q. Do you believe that the language of the statute—while acting under your direct orders, sufficiently broad to justify your department in paying your deputies three dollars per day for every day in the month while acting under your direct orders or not?

A. I think it is.

Q. Has that been the practice of your department?

A. It has.

Q. Has it been the practice of your department to allow your deputies three dollars per day for every day in the month?

A. If I had issued them a commission stating that I wanted them to help me for the next month or two, I paid them solid time.

Q. Did you issue them written commissions?

A. Yes, sir.

Q. Do all of those commissions read alike?

A. Yes, sir.

Q. Are they general or special?

A. They are a general commission, stating the fact that "I hereby appoint you deputy game and fish commissioner for the State of Missouri, \_\_\_\_\_."

Q. Does that commission recite anything in regard to the number of days in the month that they should work?

A. It does not.

Q. Will you furnish this committee with a blank copy of this commission?

A. Yes, sir.

Q. How many deputies have you appointed since the 16th day of August, 1909?

A. I could not give you exactly—but within two or three of it—I would say something like sixty-five.

Q. Something like sixty-five deputies?

A. Yes, sir.

Q. And what is the greatest number you have had at any one time?

A. Well, I would say thirty-two or three, somewhere along there.

Q. Thirty-two or three?

A. Yes, sir.

Q. Now, Mr. Tolerton, what are the duties that you require of those deputies; what are your instructions to them?

A. Well, for instance, take Emmitt C. Higgins of Salem, Dent county; I pay him solid time; he is an experienced man, having served two years under the Wahnsley law. When I get a letter from him that he has nothing particular to do, I assign him, for instance, to start at some point at the head waters of current rivers. If a boat and paraphernalia can be rented, I instruct him to rent it; if not, to buy one, take another deputy with him if one is available, and float down the river to its mouth, destroying all illegal devices he may find in the stream.

Q. Who was that?

A. Emmitt C. Higgins. This is just one instance. I have a man on \_\_\_\_\_, Pettis county, blowing out fish dams.

Q. My question was, what is the duties of your deputies, and what your instructions with respect to their duties are?

A. My instructions to my deputies are to consult with the prosecuting attorney in the counties where they work, upon questions upon which there is a difference of opinion, that they are to follow the advice of the prosecuting attorney in the counties where they work.

Q. Now, Mr. Tolerton, it is their duty to cause arrests of any violation of the game law?

A. Yes, sir.

Q. How many arrests and convictions have been made for any violation of the game law, roughly estimated, since the 16th day of August, up to the present date, throughout the State?

A. If I was to estimate it, I would say from three to five hundred.

Q. Would you say that many convictions?

A. No, I have a—(interrupted.)

Q. How many convictions have been made, roughly estimated—or have you a record of the convictions?

A. The law requires that the justice of the peace make reports, and I have furnished blanks, but it is next to impossible to get them to make reports.

Q. The number of convictions?

A. I could not say.

Q. Do you think you have had as many as one hundred convictions?

A. I think so.

Q. Do you think you have had one hundred twenty-five; would you be willing to swear you have had one hundred convictions?

A. I would hardly say.

Q. Do you think you can say you have had as many as one hundred?

A. Yes, sir; I think so.

Q. Tell us, Mr. Tolerton, what proportion of the arrests leading up to those convictions were made by your deputies, at the instance of the prosecuting attorney.

A. This one hundred is based upon the investigation of my deputies.

Q. Are you personally aware of that?

A. Well, it is just an off hand estimate.

Q. We have it then, that your deputies throughout the State have secured the convictions in the one hundred cases, roughly estimated?

A. Yes, sir.

Q. And your further judgment is that in a majority of those cases the arrests were brought about at the instance of your deputies?

A. I issued a letter to each and every one of my deputies when they were first appointed in 1909, stating in effect that this was a new law, and that I thought a better understanding and a better enforcement could be brought about by moving cautiously, and I considered it was as much their duties to bring about the enforcement of the law for the first few months as it was the prosecuting attorneys, and I did not want to go at it with hammer and tongs.

Q. In connection with these arrests that have been brought about, do you know of any other service that your deputies have rendered the State, in the way of protecting and propagating the game?

A. I certainly think I do. I have had the patrolling of the rivers that my force would permit and I have had them constantly moving among the people advocating obedience to the law. I hold a deposition of James Rice and others, against express companies, that my deputies in St. Louis alone have confiscated thousands of dollars hunting the duck which would have been delivered to the charitable institutions of St. Louis and I call your attention to pages, 20, 29 and 30, as to the answer made by Mr. Cregan, the General Superintendent of the Pacific Express Company, St. Louis. I mention this to show you what the deputies in St. Louis are doing.

Q. Now, how many deputies have you in the First Congressional District?

A. I have one special deputy.

Q. Have you a regular deputy in the First district?

A. I have.

Q. How long have you had the regular deputy there?

A. Nearly all the time I have been at the head of the department.

Q. How many arrests has he secured?

A. I could not say.

Q. Do you know that he has secured any?

A. I do not.

Q. Do you know whether there has been a single conviction in the first district since you have been in office?

A. No; in Schuyler county one man was sent to jail and a petition was sent here to have the Governor parole him.

Q. Then there has been one conviction in the First district?

A. I could not tell you off hand.

Q. Have there been as many as half a dozen convictions?

A. Yes, I think so.

Q. In the Second Congressional district, how many?

A. I now have two—Harry James of Carrollton and Jerry Bailey of Brookfield.

Q. How many convictions have been made in the Second district since you have been in office?

A. Well, one of the most important that I can think of at this time is the Clark case, for illegal taking of fish in the Chariton or Grand river, in which he was fined fifty dollars each in three cases.

Q. Were there any more cases in that district?

A. Really, I could not tell without reference to letters.

Q. Do you think there were as many as a half dozen convictions in the Second district?

A. I think so.

Q. Mr. Tolerton, your deputies make weekly reports to you, do they not?

A. Yes, sir.

Q. These reports contain the matters and things that they have done in connection with their duties as deputies?

A. In part only.

Q. Why not in full?

A. It is impossible to get it on the weekly report.

Q. Does the law require them to make a weekly report?

A. No.

Q. Does the law require them to make a monthly report?

A. No; I don't think the law requires them to make a monthly report.

Q. How do you know what your deputies are doing?

A. That is the reason I prepared a report and told them if the space on the report was not sufficient to take it up with me by letter.

Q. Have you reports in your office that you can determine the number of convictions made since you came into office?

A. Taking their reports and letters and the reports of the justice courts, I could make an intelligent estimate.

Q. You must have predicated your information upon something when you said there was one hundred convictions in the State. What was it you said a while ago about having in each district a general or special deputy?

A. I inaugurated a plan that I would have some one in charge in each district.

Q. When did you put that in force?

A. It was not completed until four months ago. Take for instance George W. Bailey of Brookfield; I have instructed him to organize Sullivan, Linn and all of the adjoining counties he could possibly cover, even outside of the Congressional district, to write letters to every constable and to tell them of any special cases that the local officials did not handle, and that he would either respond in person to see that the law was enforced or another deputy would be sent.

Q. What is your other deputy doing?

A. He has been —— I have been led to believe he was too easy, and not giving the proper attention to the Northern end of the district.

Q. Do any of your deputies throughout the State have any business, and do they attend to any business other than the duties of their deputyships?

A. Well, with the exception of two or three men, I don't think I have.

Q. Who are the men?

A. Bailey may have a little law business on the side, and Mr. A. T. Gretter, my chief deputy in St. Louis, and was an appointee of Mr. Rhodes during his administration, writes some articles for the papers on the fish and game law. I believe Mr. Osterhaut, at Hannibal, has a real estate office; the deputy in St. Joseph has none, and as to my knowledge now, none of the others have a business.

Q. With the exception of Bailey, Gretter and Osterhaut, you have

no deputies now engaged in any other line of business except their deputyship?

A. Not that I can recall.

Q. Since the 16th day of August, 1909, have your deputies engaged in any other business, with these exceptions?

A. I think not.

Q. Will you swear that your deputies have given their time each day in the week to their duties?

A. I think so.

Q. Do you permit them to engage in other business?

A. Not in any line that would interfere with their duties when I desire them to act for me.

Q. These deputies that have other lines of business, do you know whether they give time some days in the month to their own business?

A. Mr. Grether tells me it takes four or five hours in the week to prepare his articles for the paper.

Q. These men that have other business than their duties as deputies, have their reports disclosed that they have not charged for every day in each month?

A. I don't recall that they have.

Q. In other words, it is your impression that they have charged for every day in the month since they have been appointed? Notwithstanding the fact that they have a business of their own and have attended to it?

A. I don't think that I have any report that shows that they have neglected their work with me.

Q. I am not asking that question; isn't it a fact that these deputies have charged per diem for each day in the month since their appointment?

A. Well, I don't know about that.

Q. Do you know of any instance in which they have not charged it?

A. Really, I could not say; because they are minor things and unless a man wrote me that he was not on duty he has been allowed his per diem.

Q. I am speaking about these three?

A. So far as my recollection goes, those fellows have had their per diem during the year 1910.

Q. Do you allow your deputies per diem on Sunday?

A. I do.

Q. Do they work on Sunday?

A. Yes, sir.

Q. Have you any reports of your deputies showing what they have done on any Sunday?

A. Well, I haven't paid particular attention to that, but Sunday after Sunday they have been on trips that they could not get home.

Q. So far as you know you have not a single report from any deputy specifying any work on Sunday?

A. This man Higgins tells me that he has been gone from home three weeks at a time.

Q. Before you allow his account do you ascertain whether he was away from home on duty or not?

A. No, I don't necessarily do that.

Q. If they send in a report for thirty or thirty-one days in the month, you allow it without any question?

A. Yes, sir; I would not be so exacting as to refuse to allow it.

Q. As to their traveling expenses, you don't allow their traveling expenses unless you have asked them to make a trip?

A. Yes, sir; I allow them traveling expenses. The statute provides that they must be under my direct orders and be allowed salary and expenses as such deputies.

Q. You don't think it is necessary to have traveled under your special order.

A. Certainly not. If a man in St. Joseph or Springfield hears of some work that should be done I don't consider that he should call me up and ask me if he should go; I have given him orders to take care of the territory.

Q. Suppose the statute had provided that a deputy should not be entitled to receive traveling expenses except when traveling under your special orders. Now, if a deputy were not traveling under your special orders and should present his account for traveling expenses to you, would you be justified in allowing him those expenses?

A. No, as I interpret the law, I would not.

(By Senator Dunwoody.) Q. Under the general instructions to your deputies, would not the lesser question of special instructions have carried with it under said circumstances the specific order that they were to act without direct orders from you?

A. Yes, sir.

(By Representative McCarty.) Q. To whom did you go for the construction of the law?

A. I have gone to the Attorney-General in a great many in-

stances, and the most of the interpretations I have placed on it myself.

Q. Are you a lawyer, Mr. Tolerton?

Q. Have you ever gone to the Attorney-General to see if you should pay these men whether they worked or not?

A. I have not.

(By Senator White.) Q. Mr. Tolerton, I will get you to state if it is not a fact that the statute expressly provides that your deputies shall be entitled to traveling expenses only when traveling under your special orders?

A. That is not my understanding of the statute.

Q. Well, referring you to section No. 6558, of the Revised Statutes of 1909, commencing at the 3rd sentence in said section, isn't this the language of the third sentence: "Such statements shall include office rent, salary of one clerk at the rate of two and one-half dollars per day while said clerk is employed, salaries and expenses of deputies while traveling under special orders, as hereinafter provided, all necessary traveling expenses, postage, stationery, fuel and such incidental expenses as may be required. The State Auditor shall draw his warrant for such amount, which shall be paid monthly out of the game fund." Isn't that the language of the law?

A. That is the language of the section, but I take in connection with that section No. 49, "Deputies approved of."

Q. Now, Mr. Tolerton, isn't it a fact that under the State Game and Fish law, your deputies are not entitled to receive per diem unless acting under your direct orders?

A. They have an order to take care of their Congressional district.

Q. Answer the question?

A. No, I don't understand that that is the law.

Q. Does not the statute—is this not the language of the statute—"Such deputies shall each receive a per diem of three dollars for each day while under the direct orders of the State Game and Fish Commissioner to perform services in the enforcement of the fish, game and bird laws, and their actual necessary expenses incurred while working under the direction of the State Game and Fish Commissioner, which expenses shall be paid monthly upon vouchers verified under oath and approved by the State Game and Fish Commissioner out of the game protection fund? Isn't that the language of the statute?"

A. Yes, sir; it also states that they have the same power and authority.



Q. But they must act under state supervision?

A. Yes, sir.

Q. And the statute requires them to act under your supervision?

A. Yes, sir.

Q. Now, Mr. Tolerton, do you construe this language of the statute here to increase their rights rather than to restrict their rights to receive a per diem only when acting under your direct orders?

A. I consider the statute to mean if I assign a man to a county for thirty days, he can pursue any course he thinks necessary, for he is given the same power I am. The statute provides that he shall not receive per diem unless acting under my orders.

Q. And the statute also provides that he shall not be entitled to traveling expenses unless acting under your special orders?

A. In connection with those two sections it is possible that I have placed too liberal a construction upon it, but the deputy service in the State would be of no value whatever if each and every man every time he heard of a violation should call me up?

Q. You feel that you have derived such authority as you and your deputies possess, from the State game and fish laws?

A. I most certainly do.

(By Senator Buford.) Q. Mr. Tolerton, you stated in your answer a minute ago that if your deputies took time to report to you any violations that they heard of before they went to investigate, that the deputy service would be worthless; why do you make that statement?

A. I make the statement for this reason, and the best way to make it is to recite an instance—no longer than a week ago some one in ——— telephoned to Kennett that there was some illegal shipment of duck on the depot platform and one of my deputies went there and caught a man with two barrels of duck. That is one special case; I have had five hundred cases over the State. A man has been stopped at each incoming railroad from the state of Kansas into Missouri during the month of October and November, when the hunting season is on, and it is nothing uncommon to catch some fellow from Kansas hunting without a license over in Missouri.

Q. How many convictions have been made of these fellows caught?

A. In most cases the deputies have allowed them to take out a license, they paying the State \$25.00.

(By Senator White.) Q. Now, Mr. Tolerton, I believe your last

answer was that you derived such authority that you and your deputies possess from the State game and fish law?

A. Yes, sir.

Q. You admit that that law restricts the per diem to which your deputies are entitled to the time when they are acting under your direct orders, and you further admit that your deputies are not entitled to receive their traveling expenses except for such time that they were traveling under your special orders?

A. I don't understand that that is the law, taking the two sections together. I contend—

Q. I am not asking your construction, I am asking if that is not the statute?

A. I don't think it is.

Q. I call your attention to section 49 (being section 6566 of R. S.), the law governing the State game and fish commission, and ask you if this is not the language of the statute—"But such deputies shall be subject to the supervision and control of the game and fish commissioner and subject to removal by him. Such deputies shall each receive a per diem of three dollars for each day while under the direct orders of the State Game and Fish Commissioner to perform services in the enforcement of the fish, game and bird laws, and their actual necessary expenses incurred while working under the direction of the State Game and Fish Commissioner, which expenses shall be paid monthly upon vouchers verified under oath and approved by the State Game and Fish Commissioner out of the game protection fund."

A. Well, now if I assign a man to work—

Q. Is that not the exact language of the statute?

A. Yes, sir.

Q. Now, isn't this the exact language also of the statute, further—section 6558 of the R. S. of 1909—"Such statement shall include office rent, salary of one clerk at the rate of two and one-half dollars per day, while said clerk is employed, salaries and expenses of deputies while traveling under special orders, as hereinafter provided, all necessary traveling expenses, postage, stationery, fuel and such incidental expenses as may be required. The State Auditor shall draw his warrant for such amount, which shall be paid monthly out of the game fund."

A. Yes, sir; that is the statute.

Q. That being the exact language of the statute, and you admitting that you derive such authority as you and your deputies possess from this statute, where do you get your authority to allow your deputies their per diem when they are not acting under your direct

orders, or their traveling expenses when they are not traveling under your special orders?

A. Well, that is a difference of opinion of the term "direct" and "special."

Q. Do you construe direct orders to mean general orders?

A. In this instance I do not.

Q. Do you construe special orders to mean general orders?

A. If I had assigned a man to a special case—(interrupted)

Q. What could have been the purpose then, of the legislature when they said that these deputies should only charge their per diem when acting under your direct orders? Don't you believe if the legislature had meant for your deputies to have their traveling expenses while acting under general orders, they would have said general orders instead of special orders?

A. I don't think so.

Q. How many instances of direct orders to your deputies can you recall?

A. Well, there have been hundreds of them. Just as fast as I get letters telling of violations, I tell him to go.

Q. Do you believe that you have given direct orders each day in the month to all of your deputies?

A. I have.

Q. Do you believe you have given direct orders as much as fifteen days in the month?

A. I doubt that.

Q. Do you believe that you have given direct orders to all of your deputies in the State as much as ten days in the month?

A. I expect I have.

Q. How many instances can you recall where you have given special orders to your deputies to make a trip, traveling under your special orders?

A. That would take half a day.

Q. Do you believe that you have given your deputies special orders as to traveling under your direct orders throughout the State as much as ten days—fifteen days?

A. I would say ten or fifteen days. I will tell you about a direct order. I would say to my deputy—I want you for the next ten days to see that no advantage is had by people who pay no attention to close and open season, in order that those who don't want to violate the law may have an equal chance of getting their portion of the birds in the State with people hunting in advance of the season. Case after case has been reported to me where two-thirds of their counties are

hunting without a license. There are dozens and dozens of instances where these special orders are placed in blanket form?

Q. Do you think you can give these orders in blanket form?

A. Yes, sir.

(By Representative McCarty.) Q. I believe we have an Attorney-General in this State to whom you can go for an opinion on the construction of this statute until the court decides?

A. Yes, sir; we have. I advised with him on some things.

Q. It is his duties to give his opinion free of charge to all State officers or heads of departments such as you are?

A. I don't know what his construction is, but others have held that it was not a part of his duties to advise the State Game and Fish Commissioner.

Q. What other attorney-general did that?

A. Mr. Rhodes' reports say—

Q. I believe you said you did advise with the Attorney-General on certain points?

A. Yes, sir.

Q. Then this present Attorney-General never objected to giving you his opinion?

A. No, but his office has given two or three different opinions on certain sections.

Q. Do you mean to say that the Attorney-General—

A. I mean to say that he and his office force has offered different opinions on the game and fish law.

Q. You know which is the head of that department?

A. Yes, sir.

Q. But you have never asked him to construe these sections about it?

A. No, I haven't because my right to pay them full time was never questioned by the Auditor.

(By Senator White.) Q. Do you believe that if your deputies or any of them traveled on railroad passes, that the State would be justified in paying their traveling expenses?

A. No, if I found one I would discharge him.

Q. Do you know of any of your deputies that are traveling on railroad passes?

A. No, sir; I never had any such intimation; if I knew it I would discharge him immediately.

Q. Then, if any of your deputies have been traveling on passes you were not aware of it?

A. Any deputy that could charge the State traveling expenses—railroad fare—and ride on a pass would not stay with me twenty minutes.

Q. Have you ever looked into that question?

A. I never had occasion to, never thought of it—I never thought of such a thing.

Q. They might be riding on passes without your knowledge?

A. Yes, sir; with thirty or forty men it is impossible to know of those things.

Q. Mr. Tolerton, what has been the approximate total expenses for the last year for the conduct of your department?

A. Last year, or since I have been in office, \$110,545.34.

Q. Now, Mr. Tolerton, one other line of questions and I am through. During the campaign of 1908 you made some trips—some journeys throughout the State in company with Governor Hadley?

A. I did.

Q. Can you give us the itinerary that you made with Governor Hadley?

A. Let me see—I think I can. I think it was on the 7th, 8th and 9th—maybe the 8th, 9th and 10th of October. I made a trip with him to Southwest Missouri, covering a part of Jasper, McDonald, Newton and Barry counties.

Q. You were with him all the time while he was in that section?

A. Yes, all the time while in that section.

Q. Were you with him in any other section of the State?

A. I was with him several different times during the campaign but not on political business.

Q. Whereabouts?

A. Well, on the morning of the 12th of October I left St. Louis with him. I having an exhibit of game birds at Mt. Grove that week in Wright county and where I was on the program to make a talk of which I was advised was to be on the line of game protection and not political.

Q. Where did you speak?

A. Mt. Grove, the only public utterance I made the entire week. As I started to say, we left St. Louis on the 12th.

Q. You were with Governor Hadley on that trip?

A. Only on part of the trip.

Q. Leaving St. Louis on the 12th, where was the first place Governor Hadley spoke?

A. His itinerary for the week, as I remember it, covered Crawford, Phelps, Wright and Green, St. Clair and another county or two up

there. I was on my way as I stated to the Mt. Grove stock show. I charged up my railroad fare and expenses between St. Louis to Springfield, thence to Mt. Grove and return to Springfield, thence back to St. Louis.

Q. Now, were you with Governor Hadley all this time?

A. For about three days.

Q. You were in the party?

A. Yes, sir.

Q. During this trip Governor Hadley at various points made political speeches?

A. He made some not political—especially at Mt. Grove.

Q. What was that?

A. He spoke to a crowd of school children.

Q. Governor Hadley was campaigning for his party?

A. Yes, sir.

Q. You met him in St. Louis?

A. Yes, sir.

Q. And leaving St. Louis on the 12th of October, you went with him until you landed in Mt. Grove?

A. Yes, sir; there I returned to St. Louis.

Q. And the trip from St. Louis to Mt. Grove consumed how many days?

A. Two days.

Q. He made some addresses on that trip?

A. Yes, sir.

Q. You were present at that time?

A. I was.

Q. You charged the expense of that trip up to the State?

A. Part of it. I charged my expenses from St. Louis to Springfield, thence to Mt. Grove, thence back to St. Louis, but I made a side trip with him from Cuba to Steelville and return and paid my own expenses, for I considered it had nothing to do with my official business.

Q. But you were present with Governor Hadley on his trip which was a political mission?

A. Yes, sir; and paid my own expenses.

Q. But you did charge the State from St. Louis to Mt. Grove and back?

A. Yes, sir; I was attending to official duties.

Q. What official duties were you attending to from St. Louis to Mt. Grove?

A. Between St. Louis and Mt. Grove I was not doing anything, but I had to be in Mt. Grove.

(By Senator Dunwoody.) Q. You say you were in St. Louis on the 12th of October?

A. I left there on the 12th of October at 9 o'clock.

Q. Where were you on the previous—the Saturday previous to that?

A. In your county—Jasper.

Q. How many days were you there on that trip?

A. ——— days.

Q. Did you charge up your expenses for the last three days of that week?

A. My recollection is that was the second week in October; my impression is that I went with Governor Hadley to Neosho and then to Sarcoxie and to Carthage.

Q. Did you charge the State with the last three days?

A. I did not.

(By Senator White.) Q. If I understand it then on the 12th day of October, you left St. Louis in company with Governor Hadley who was upon a political mission for his party?

A. That is correct.

Q. You accompanied Governor Hadley from St. Louis on his trip as far as Mt. Grove?

A. Yes, sir.

Q. During this trip Governor Hadley made a number of political addresses at which you were present and in company with him?

A. Yes, sir.

Q. And you charged your expense of that trip from St. Louis to Springfield and then from Springfield to Mt. Grove, and from Mt. Grove to Springfield and then back to St. Louis, and all this time you were in company with Governor Hadley, whose mission was that of making a campaign in the interest of his party?

A. Not all the time. I practically left him at Mt. Grove; he had a political itinery in another part of the State.

Q. Then you were with him from St. Louis to Springfield and from Springfield to Mt. Grove and possibly from Mt. Grove back to Springfield?

A. He stayed in Springfield and I went back to St. Louis.

Q. And you charged the expense from St. Louis to Mt. Grove and return to the State?

A. Yes, sir; because I was on official business, having been in-

vited there by the stock show; I had been invited and accepted an invitation to come to this stock show and have on exhibition certain game birds and was there on official duties and did not make a single political speech.

Q. Now, Mr. Tolerton, I will ask you another question. Do you know Mr. Orchard?

A. Yes; I know Senator Orchard.

Q. During the campaign of 1910, I will ask you if you saw Senator Orchard?

A. Yes, sir; I think I saw Senator Orchard.

Q. Where did you see him?

A. At West Plains.

Q. Did you see him anywhere else?

A. Well, I can't say that I did.

Q. Did you have any conversation with him?

A. Not that I remember of.

Q. To refresh your memory, Mr. Tolerton, I will ask you if you did not go down to see Senator Orchard, and if you did not see him, and if you did not tell him that it was your information that he was handling the wet money down there in the interest of his party, and that you told him that you were going to make a thorough investigation, and going into various parts of the State and ascertain, and if you did not charge the expenses of that trip up to the State?

A. There is not a word of truth in it. The week following the week I was attending to my official duties this matter came up.

Q. What matter?

A. The distribution of the wet money. I was told in the office of E. C. Crow, by Charles A. Lemp and Gus Busch that Mr. Crow was handling the brewery money to defeat State-wide prohibition. I had a letter in my pocket from the postmaster and other reputable people in Poplar Bluff that Mr. George Orchard—not the Orchard that I first thought you referred to—Jim Orchard, was handling that money in Poplar Bluff in the interest of the Democratic ticket. Mr. Busch and Mr. Lemp stated if such was the case it was without their knowledge or consent, and they instructed Mr. Crow that if I would go to Poplar Bluff that they would have Mr. Orchard meet me and discuss this matter with me and try to come to an understanding that the money should not be used in the interest of any political party.

Q. Now, Mr. Tolerton, make the matter brief. You deny that upon that trip, the one on which you saw Mr. Orchard, that you charged any of your expenses up to the State?

A. Absolutely, there is not a word of truth in it.



(By Senator Buford.) Q. Now, on this trip that you made to see Mr. Orchard concerning this wet money, you drew your salary as a State official, did you not?

A. I did.

Q. And during that time you were not giving your time or attention to the official duties?

A. None.

Q. They went unlooked after?

A. Yes, sir.

(By Representative McCarty.) Q. You say that you only know of three or four of your deputies that are engaged in other business?

A. All that I pay full time.

Q. How about Mr. Kirby of Poplar Bluff? And how about J. B. Thompson?

A. He works all the time; I think more of him than any other man on the force.

Q. T. H. McCaney, of Poplar Bluff?

A. He has orders that he don't put in a single day only for days he is actually employed?

Q. How about Hampton and Kem?

A. They don't put in days only when they are actually working.

Q. Don't you know that these men have other business?

A. Neither Kirby or Thompson have any other business.

Q. You never investigate your deputies to see if they have any other work?

A. I haven't any reason for that.

Q. Can you get your deputies here?

A. I will be glad to.

Q. How many men at the game farm now?

A. Three besides Mr. Broadbend.

Q. How many last fall?

A. Sometimes as high as five or six while the young birds were being sent out.

Q. What is the man's name?

A. Mr. Broadbend.

Q. What do you pay him?

A. Three dollars per day; he works every day.

Q. Do you pay his traveling expenses?

A. When he leaves town.

Q. Did you ever make the statement that you only paid him sixty dollars a month?

A. Never did; he said he had been offered a position and expected to leave the first of April.

Q. Now, about arrests, Mr. Tolerton, isn't it a fact that a considerable amount of these arrests are made by the constable and sheriff?

A. I have instructed them to let the local officials take charge of it.

Q. You have never investigated what proportion of your deputies had other work?

A. No.

Q. How many deputies did you have on your pay roll last year?

A. From first to last, I had sixty-two or three, but not on full time.

Q. How many on full time, 365 days in the year?

A. Possibly twenty-two or three, the statement you have will show.

Q. Have you filed your report for the year 1910 yet, with the Governor?

A. Not yet.

Q. The law requires that to be filed during January?

A. The law requires that I shall issue an annual report to the Governor in January of each year, but I have delayed it in order that I could give the game law up to date.

Q. What is this paper? (Indicating.)

A. The advance sheet of the financial department of 1910.

Q. Of your department?

A. Yes, sir.

Q. That was compiled by you?

A. I gave instructions to the stenographers and clerks as to how I wanted it compiled.

Q. That statement is correct?

A. As far as I know.

Q. According to this statement, your department spent \$110,-545.34 last year?

A. Yes, sir.

Q. In rough figures that was about \$27,000.00 more than the department took in?

A. I had not figured that.

Q. Look at the paper and see if it is true?

Q. Didn't your department spend about \$27,000.00 more for the year 1910 than was taken in by the department?

A. Yes, sir; that is correct.

Q. Now, you state that you pay a large number of these deputies full time, do you examine their reports when sent to you to see whether or not they were actually working for the State?

A. I make an examination of their weekly reports and compare it with their monthly letters.

Q. Do you ever find that according to their reports that they were not working for the State, and if so, do you cut those days' pay off?

A. I surely do.

Q. Have you a report in your department, from one of your deputies wherein he says specifically that on primary election day he worked all day in the election?

A. I believe I have.

Q. Did you pay him for that day?

A. Yes, sir; I noticed when his weekly report came in that he stated he did not go out of his home town on the day of the primary, but had stayed there presumably to vote and would perhaps not work that day.

Q. Didn't his report say he worked in the election?

A. I don't know what the report said, but I would not have been that exacting to cut it out.

Q. Didn't he also say that he was circulating a petition that had no connection with your department?

A. Yes, sir.

Q. And did you pay him for that day?

A. I did.

Q. Who was this deputy?

A. J. B. V. Martin, of Independence.

Q. How many other deputies by their reports to you, show that they were not working for the game department, and had you paid them for that day?

A. I don't recall the number that would suggest anything of that kind, but if all of them had stated that they did not work on election day or the day of the primary I would not have been exacting enough to cut down their salary.

Q. Even if they had been actually engaged in the election?

A. They had no instructions from me.

Q. If he does work not relating to your department, will your department pay him?

A. If he does not leave his home to go out and do some special service, I don't think it would be necessary to go that far.

Q. These deputies are mostly Republicans?

A. Had several Democrats on the force and they did not work.

Q. You had a very small proportion of Democrats, didn't you?

A. I have five or six.

Q. They are usually men on short time?

A. Three hundred and sixty-five days in the year.

Q. Do you know of any of your deputies that were actually engaged in politics during the last election?

A. They did not have any specific orders from me to get busy and I would not deny them the right.

Q. Had you paid them full time?

A. If I had heard that they were neglecting their duties I would not have paid them, but I had no information of that kind.

Q. A. D. Ranking, what district did you appoint him for?

A. I appointed him some time in October or September, and kept him until December.

(By Representative Mitchell.) Q. Have you expended any money belonging to the game and fish fund for yourself or in any other manner?

A. No, sir; I have not.

Q. Have you in any instance over-charged the State for traveling expenses?

A. I have not.

Q. Have you ever charged the State for services not rendered, outside of your salary?

A. No, sir.

Q. Have you ever converted to your own use any of the pheasants, partridges—or any other of the State's property?

A. I have not.

Q. State if at any time, you have charged the State any board at Jefferson City in the absence of your family or otherwise?

A. No, sir.

Q. How many birds have you purchased?

A. The expense shows about \$25,000.00.

Q. From whom did you purchase the same?

A. Most of them from Wenz-Mackerson, from Pennsylvania.

Q. State how many Republicans and how many Democratic deputies you have appointed?

A. Without running the list, I could not say, but during the campaign there was no discrimination as far as discharging the Democratic deputies or refusing them to take part in the campaign any more than the Republicans.

Q. What salary do you pay the men at the farm?

A. With the exception of one month during the busy season when they insisted that they were working overtime at night and getting up early in the morning—they boarded themselves, I paid them \$50.00, for that month I paid them \$60.00; if I would be technical, I would have to pay them \$3.00 per day.

(By Representative Orr.) Q. Mr. Tolerton, the weekly reports made to you, you state was for your information for the work done by your various deputies?

A. Yes, sir; it was a policy of my own.

Q. And the only information that you have for work that is done is through these reports or other reports made supplemental?

A. Yes, sir; by letters or telephone. A full report can not always be made on the limited space on these blanks, but where they can not get it on the blanks, they make other reports, but when there is room the entire report is made on these blanks. For instance I assign a deputy to a certain line of work, tell him to go there and stay a week, he goes there and puts in a whole week waiting for a dynamiter or otherwise, and at the end of the week he writes me a letter and no notations are made on the weekly.

Q. The results of his investigation are not made on these weekly reports?

A. Not necessarily.

Q. Why are these sent at all if the result of his work is not included in them?

A. They are sent for the purpose of getting their expense account on one side and showing where they were and what they were doing on the other. That is what the blank was prepared for.

Q. Now, these blanks are for report of work done for week ending blank?

A. Yes, sir.

Q. And then the report sent in by these various deputies was the official report?

A. In part.

Q. Why were not more of them included in these blanks where there was room for them?

A. The work done and the explanations that they had to make was carried on by letter on account of the limited space.

Q. They frequently say here—made a trip on Missouri river on account of seining—no violation found. That is a complete report.

A. Yes, sir.

Q. Now, on Wednesday, a report of a milliner in Kansas City.

A. I have a letter from Mr. Wright saying he had confiscated certain plumage from certain stores.

Q. Have you such reports in your office?

A. By letter only.

Q. Will you get them?

A. Yes, sir.

Q. Did you make an inspection of these reports each week you received them?

A. Yes, sir.

Q. You go over them yourself, do you?

A. Yes, sir.

Q. On Sunday, no report of anything done. Did you make a report of nothing done that day?

A. Sure, I did.

Q. Had he his whole pay for 365 days?

A. Mr. Wright is designated for plumage expert—

Q. Is he still with you?

A. No, he is purchasing agent for Mr. Brown.

Q. He was not discharged by you?

A. No, he resigned.

Q. Did you tell Dr. Holcomb that it was because he was incompetent.

A. No, I told him that of Mr. Martin.

Q. When was he discharged?

A. The first of the year.

Q. When did you discover his incompetency?

A. I gave my office deputies instructions that whenever there was anything in particular, to call my attention to it.

Q. You have to certify to these things under oath; that is, you have to swear that the report is correct?

A. Yes, sir.

Q. Well, the only means you have for getting the information is from the weekly report?

A. Yes, sir; some sort of a report.

Q. And in the report there were many days they had not worked at all?

A. I think they audited the account. The auditor had never questioned one of these accounts.

Q. Why did the Auditor allow these accounts if you did not swear that they were correct?

A. I don't know why.

Q. You did verify the account of every man before it went to the Auditor?

A. Yes, sir.

Q. Mr. Martin in one of his petitions, states that he was circulating a petition for the purpose of getting signers for redistricting the State?

A. I did not see that.

Q. Does he not say he spent all day at the polls?

A. I don't know.

Q. If he did say that you would have verified and approved it.

A. I approved his account for the month.

Q. Mr. Wright states in one of his reports that he spent June 22nd going to Washington, D. C., did he go there at your request?

A. Yes, sir.

Q. What for?

A. He went there at my direction.

Q. I see he was at the city hall in Kansas City to see Mr. Brown become mayor; was that under your direction?

A. Not that I remember of.

Q. Did you direct it to be done?

A. No, I don't remember that I did.

Q. If it was there then, you approved the account and verified it?

A. Yes, sir.

Q. Do you remember whether or not he said he was in "my precinct on account of the election?"

A. I do not remember.

Q. Now, February 23rd, if it states—worked in my district in order to get a good man for mayor, if that was there it was verified by you, and paid by the State?

A. Yes, but I don't remember that.

Q. Now, February 24th, if he was delegate to the Republican convention, that was verified by you and paid by the State?

A. Yes, sir.

Q. If these statements are true then, there are five days in which he was working for the Republican party and you verified and approved these statements and they were sworn to as being correct?

A. The days mentioned he was paid for, for he was attending to his official duties also.

Q. If he reported that he put in part of the time, do you take any means to determine what he did do?

A. No.

Q. You accepted his statement and paid for it?

A. Yes, sir; I don't remember seeing his report.

(Here Mr. Orr desires to offer in evidence all of the official reports of the deputy game wardens, so much of them that will tend to prove or disprove any of the charges in this deposition to be read into the record at such times as the committee shall see fit to do so.)

(The Chairman, Senator White, rules that this is proper.)

Q. I show you a report for the week ending February 26th, 1910, and ask you if on Friday, the 25th of February, 1910, the report does not show the following: "I was delegate to the Republican convention?"

A. The report shows it.

Q. And you allowed him \$3.00 for that day's work, approved the account and verified it?

A. Yes, sir.

Q. I notice the accounts here, he says, visited hotels and restaurants; Tuesday made the rounds of milliner dealers, Thursday, made the rounds of fish markets, Friday called on milliner dealers in St. Louis; have you any other report for the work done other than the work shown on the blank?

A. His correspondence will show.

Q. If there is any supplementary report, you have it at the office?

A. Yes, sir.

Q. Did you send Mr. Martin the petition to circulate for the petitioners for the redistricting of the State?

A. I do not remember, I sent out some.

Q. Then they were working at your directions when they were circulating the petition?

A. No, I told them to hand them out.

Q. Why did you send them to them?

A. I happened to know them.

Q. You did not ask them to circulate the petitions?

A. No general instructions.

Q. Now after Mr. Martin had circulated the petition did you take any note whether he did or did not circulate the petition?

A. I don't remember whether I sent it to him or not—I

Q. Now, do you consider the paying of \$3.00 per day to a number of men over the State a small matter, whether they work or not? You simply allowed it on the presumption that he did the work and paid the money that way?

A. Yes, sir; it was too small a matter to consider.



Q. He states he made a trip to Chillicothe, was it under your direction?

A. He had instructions to take care of the millinery business in the State.

Q. If he made other reports it was supplemental, then unless you have something to supplement this report, then this is the result of his efforts?

A. Yes, sir.

Q. I will show you a report for the month ending April 23rd, 1910, and ask you whether or not on Monday of the week ending that day, he does not report that he was at the hall attending the inauguration of Mayor Brown?

A. Yes, sir; he also says he is at Lake —; he evidently means he went on his official duties.

Q. You have no other evidence that he was on official business, no other than he was at the hall?

A. No, sir.

Q. You did not object to him being there?

A. No, sir.

Q. Whether any body else did, is a different proposition.

Q. I show you a report ending February 26th, 1910, and ask you if on Wednesday of that day, he did not say he spent in the precinct trying to get the Republican voters out to a good man for mayor?

A. Yes, sir.

Q. You approved that account and it was verified and paid by the Auditor out of the funds?

A. Yes, sir.

Q. You suppressed the provisions of the statute which provided they should have fees for convictions and assumed to pay them a per diem to make up for it?

A. Hardly that broad, but that was practically the effect.

Q. Then you did allow them a per diem in lieu of the fees that they did not claim?

A. I thought it would make up for what they did not get.

Q. Then the deputies which secured no convictions or one or two conviction were away ahead by the deal?

A. I really don't know.

Q. Now, is a commission given to a deputy for a specified time or subject to your suspension?

A. Subject to my suspension.

Q. When a man gets a commission how does he know he is not to work on full time?

A. Well, he simply knows that he gets no pay until further notice by me.

Q. You stated you had two deputies moving among the people advocating the observance of the law?

A. Yes, sir.

Q. Do they observe it most because \_\_\_\_\_, or because it is the law?

A. Well, I think we get better results that way than with the hammer and tongs.

Q. You stated this morning that there are many things done by these deputies you don't know of.

A. These deputies I appoint go around and men that never write me take matters up with these deputies.

Q. Are you personally acquainted with your deputy, Mr. S. G. Nibber?

A. Well, I am not so very well acquainted with him, I have known him a year or two.

Q. What is his business at home, do you know?

A. I don't think he has any unless he is a lawyer.

Q. I will show you a report of July 9, 1910, and ask you if the report of work done does not show that he is at his office the entire week?

A. It does.

Q. And have you any other report showing what he did in the office that week?

A. I possibly haven't a report showing, but he has instructions from me what to do.

Q. What instructions did you give him that week?

A. I gave him instructions to inform himself of the habits of every bird of Missouri; I gave him instructions to post up on such things.

Q. Do you know, Mr. Tolerton, whether or not that week he reports that he is in his office, that he was doing the work instructed by you?

A. No.

Q. I will show you a report of September 10th, and ask you if it does not show that he worked in his office every day except Saturday?

A. Yes, sir.

Q. You can't tell whether that week he was doing the work instructed by you or not?

A. No, sir.

Q. If you have any other information that will enlighten the committee you will bring it?

A. Yes, sir.

Q. You can't tell whether he was paid for that week or not?

A. I suppose it was, being done under my direction.

Q. And it is upon this that you verified the account and approved it?

A. Yes, sir.

Q. Have you a deputy named Hooker?

A. Did have one.

Q. Where did he operate?

A. In the 15th Congressional district?

Q. He is not working now?

A. No, sir.

Q. Why?

A. I discharged him.

Q. Why?

A. I had a report from the sheriff of Barton county I think, on the 18th of June, 1910, that he had visited that county and had with him some lady supposed to be his wife, and upon investigation over the telephone, his wife was at home and he was arrested and plead guilty and paid a fine.

Q. Did he send in an account after that arrest and prosecution?

A. When I discharged him he sent in an account for \$85.00.

Q. And that was allowed?

A. No, not a cent.

Q. Now, did you have a man named Higgins, which I think you said had the distinction of being a Democrat.

A. Yes, sir.

Q. Did you have a report that this man Higgins was lying around the saloons at Rolla, is that his home?

A. No, Salem.

Q. Did you have reports that he was spending his time lying around the saloons drunk; that he was obnoxious and offensive to the citizens, and that he had had a man arrested and had a suit on hands for malicious prosecution?

A. I never had a report that he had handled himself any way but as a gentleman. I did have a complaint that he had come down and arrested a saloon man for killing a turkey; later the case was dismissed and the party lodged a suit against him for libel.

Q. You were in Knob View with Hadley.

A. No, I was in Mt. Grove.

Q. Did you visit a saloon man there by the name of—an Italian, and whose name is unpronounceable, and advise him not to vote for Judge Holmes?

A. No, sir.

Q. Did you at any time while you were out as game warden?

A. No, I was out on one trip where I was paying my expenses from Rolla to St. Louis, and had a talk with an Italian.

Q. Why did you give him a card with Jesse Tolerton's name on it as State Game and Fish Warden?

A. I was not in a saloon; I was on the train between Rolla and St. Louis when I saw him.

Q. Were you in Cuba last year?

A. Yes, sir.

Q. Making a campaign speech there?

A. No, on one occasion I was there on my own expense.

Q. You said you never had seen Mr. Bailey? At whose instance did you appoint Mr. Bailey?

A. Absolutely on my own accord.

Q. He solicited the appointment?

A. Never did.

Q. When he received the commission I presume it was as much of a surprise to him as it would be to you. I never met with him in my life.

Q. Now, Mr. Tolerton, isn't it a fact that the deputies have made reports of various violations of the law and they have not been prosecuted because the violators has paid one dollar for a license and gone on?

A. In some instances it was done at my order.

Q. Your deputy, A. C. Wright, reports finding many aigretts in the various milliner stores of the State?

A. Yes, sir.

Q. Have you any independent recollection, outside of the report he made, that there was a single prosecution of any violation he found?

A. I think there was a prosecution at St. Joe; to my knowledge, there has not been a single conviction.

Q. Mr. Tolerton, an account which Mr. James filed for allowance with you for the month of May, and which was verified by you to the Auditor for allowance, he refused to pay it—the Auditor did, did he not?

A. I have no account of it.

Q. Mr. James made affidavit that it was correct, did he not?

A. Yes, sir.

Q. And Mr. Gordon refused to pay the account as sworn to; he afterwards corrected it and made another affidavit, reducing his claim several dollars?

A. I think his account off hand, was \$75.00, and that it has all been paid with the exception of \$10.00. Ten dollars still remains unpaid.

Q. Both of these accounts were sworn to, were they not, by the deputy?

A. Yes, sir.

Q. Can you explain to the committee the discrepancy? The State Auditor has no discretion in the per diem?

A. No, sir; when he called my attention to the fact that he had reason to believe that Harry James' expense account was not correct, I went over there and I told him if he would show me where it was not correct I would turn it down and cut out nine days of his salary, and he cut out \$11.50 railroad fare and I said if you can prove that Harry James was not out of town we will never pay him; we went over the matter and he turned around and paid him the \$11.50 and I allowed him the nine days salary.

Q. Now, did Mr. Gordon make a report to you about the examination of Mr. James' accounts—about hotel accounts in St. James and various counties?

A. My opinion was that he had put in one corner items that he had paid.

(By Senator Buford.) Q. Do your deputies come to Jefferson City at your request or do they come to consult with you when they feel like there is something they should see you about?

A. As a rule I don't permit them to come unless I order them; perhaps in one or two instances one has dropped in without my orders.

Q. Do you know that Mr. S. C. Nibber was the chairman of the Congressional Committee of the Thirteenth district in 1910.

A. I did not know it in 1910, I thought he was in 1908.

Q. Did you ever discuss political matters during 1910 with Mr. Nibber?

A. Yes, sir.

Q. You never found out he was the chairman of the 15th Congressional Committee?

A. I would not hesitate to have appointed him if he had been

Q. But you ordered Mr. Nibber to come to Jefferson City some time in the fall of 1910?

A. Yes, sir.

Q. Did he and you discuss political matters while he visited your office at that time, or while he visited Jefferson City?

A. Probably we did; he was here to take up the line of work to inform himself on game and birds in order that he could make intelligent speeches throughout the State. I don't remember the date.

Q. You recall talking to him while he was in Jefferson City?

A. Yes, sir; I think he was here a part of two days.

Q. Did he and you have any talk about the organization of the Republican county committee in Reynolds county while he was here?

A. I don't remember having any conversation about that while he was here; possibly we did, I can not recall.

Q. His report for September states that he left Jefferson City on Thursday, came home from Jefferson City on Thursday, went to Salisbury on his way to Centerville in Reynolds county on Friday, and on Saturday went to Sabula from Centerville to see the prosecuting attorney. Do you recall talking with Mr. Nibber about this Centerville trip?

A. I don't think he went there on my orders.

Q. And he had no directions from you to make this trip?

A. I don't recall it.

Q. He sent in an expense account for this and was paid without having any directions to make this trip by you.

A. He did have a right to go anywhere in the district he wanted to.

Q. You don't recall that when he was here on Thursday that the Republican Central Committee or a general mass meeting would be held there on Saturday for the purpose of election of township committeemen?

A. I don't recall it.

Q. He did not report to you that he had visited Centerville after leaving Jefferson City on Thursday, where he attended a mass meeting?

A. Not unless it is in his report.

Q. It is not in the report?

A. I had no information.

Q. Do you know that Mr. Nibber during the last days of October and the first days of November, traveled over Washington county and St. Francois county, making political speeches in behalf of Mr. Eldon, Republican candidate for Congress.

A. No, I don't know anything about that.

Q. After you and Governor Hadley visited Rolla about the 12th of October, were you back at that town later?

A. Yes, sir.

Q. How many trips did you make after that date—that was 1910?

A. I think I was in Rolla about October, well possibly two weeks later, from the time Hadley and I were there.

Q. Do you remember having a conversation with Mr. Stroback or some other Republican gentleman?

A. Yes, sir.

Q. And after having left those gentlemen, you boarded a train for St. Louis, on a train on which was Mr. Mat Piazza?

A. Yes, sir.

Q. Did you give him your card and tell him he should vote against Judge Holmes?

A. No, I gave him my card and discussed politics, but I was not with him ten minutes; it was on the train between St. James and where I got off.

Q. You did not instruct him then, to vote against Judge Holmes?

A. I told him if he was a Republican to stay with his ticket.

Q. You did not tell him that Judge Holmes was a dry man?

A. I don't know that he is a dry man.

Q. If Mr. Piazza made a statement in which he says you handed him your card and talked with him and insisted upon him voting against Judge Holmes for the reason that he was a dry man, and for other reasons, he is mistaken?

A. Absolutely false. That was the week I was attending to political matters and nothing charged to the State except my salary.

Q. Did you send \$100.00 check to the chairman of some Republican committee in the south part of the State some time ago?

A. Yes, sir.

Q. To whom did you send that check?

A. I sent several; I don't know which one you have reference to.

Q. Did you send a check to the Republican committeeman of Ripley county in this last campaign?

A. Yes, sir.

Q. What became of that check?

A. It was returned to me.

Q. Why was it returned?

A. Suppose it could not be used to advantage.

Q. You say you sent out several of these checks?

A. Yes, sir.

Q. During 1910—during the time that you were sending out these checks were you using stenographers that were being paid by the State?

A. No, most of them were sent out by me.

Q. Then, it necessarily took up a lot of time?

A. Well, two or three weeks, I suppose.

(By Representative Mitchell.) Q. In these weekly reports that these deputies send in, you have them to state where they will be next week?

A. I try to get them to, but it is impossible for them to tell every time.

Q. Do they, in this weekly report, state what they have been doing during the week?

A. They are supposed to, but sometimes the information is such that they have to write me a two or three page letter, they can't get it on the report.

(By Representative McCarty.) Q. Did you have any of your deputies to state or write you that they did not think they were entitled to the full 365 days in the year whether they were working or not?

A. No, I have had no such statements.

Q. How did they come to claim the 365 days whether they were working or not?

A. Well, the St. Louis deputies are there every day looking after confiscations, and if they did not work every day and put in full time I would not be so exacting as to compel them to put in every day in the week. When a man makes application for a deputyship, I state to them that they must hold themselves in readiness for my directions.

Q. Isn't it a fact that Mr. Osterhaut runs a real estate business in connection with his game warden business and does not put in all his time?

A. He may be in the real estate business, but he has never declined to make a trip.

(By Senator White.) Q. I am handing you this paper now, and ask you if that is a blank commission, such as you issue to your appointees?

A. Yes, sir.

Q. Mr. Tolerton, I will ask you to tell me what this card is?

A. It is what I call a card of introduction. I put the seal on this and it takes the place of his commission when he travels.



(By Representative Mitchell.) Q. These men that you appoint by the year, are there no number of hours that they work a day?

A. Well, the St. Louis men have to work day and night, but as a rule I put certain men in charge of certain counties and by letter they inform me when they get into a fight; there are two-thirds of their work carried on between them and their constituents that never reach me.

(By Senator White.) Q. You say some of them work day and night? Do you pay them extra for night work?

A. No, they work on the same salary.

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And further deponent saith not.

J. V. B. MARTIN, first being duly sworn, according to law, and upon examination by the committee, makes the following statement:

(By Mr. Orr.) Q. Mr. Martin, you are deputy game warden?

A. Yes, sir.

Q. Where do you live?

A. At Independence, Missouri.

Q. Where is the territory assigned to you for your official conduct?

A. Jackson county, I guess.

Q. Are you in the employ of the game department now?

A. Well, I am still looking after it.

Q. You are still deputy game warden?

A. Yes, sir.

Q. And have been since when?

A. September, a year ago.

Q. Did you have a commission from Mr. Tolerton?

A. Yes, sir.

Q. And have you that commission with you?

A. I think not.

Q. When you were given your commission, what instructions were given you in regard to the work?

A. Well, my instructions were to look after the fishing and hunting and to use my best judgment in regard to those things, making arrests or prosecutions or anything of that kind; that is about the words he used.

Q. Now, did Mr. Tolerton tell you to go ahead and work until further notice?

A. At the time I was appointed he gave me my commission and star, and told me to go ahead and go to work.

Q. Did you put in all of your time as deputy game and fish warden?

A. Yes, sir; I made my weekly report showing what I done.

Q. And the days that were not on your report were the days you did not work?

A. Yes, sir.

Q. There were a good many days that you did not work, and that shows on your report?

A. Well, I did work the most of my time.

Q. Well, there are some days you did not work, and that is shown on your report?

A. Well, if there are any.

Q. There are Sundays that you were at home?

A. Well, not many, I got telephone calls during the warm weather when fishing and hunting was going on; I got telephone calls nearly every Sunday, I will say nearly two-thirds of the Sundays.

Q. The reports will show?

A. Yes, sir.

Q. And when you had calls to come into the country, it will show?

A. Yes, sir.

Q. And when you did not have calls it is shown?

A. Yes, sir.

Q. Now, in these weekly reports that you made to Mr. Tolerton, for instance, on Monday, you would report going into the country, if you did or if you did not, it is shown by these weekly reports?

A. Yes, sir.

Q. And no other reports were made?

A. No, sir.

Q. And you say you made no other reports?

A. No, sir.

Q. The report that sent in each week is the report of the work accomplished ?

A. Yes, sir.

Q. Now, was it your duty to make arrests?

A. Yes, sir; I have authority to make arrests.

Q. Tell the committee how many arrests and convictions you secured during the life of your commission?

A. Well, I don't know as far as the convictions are concerned, I did not prosecute anybody to the end of it. I made a good many arrests.

Q. But secured no convictions?

A. No; but I did find young fellows, negroes, foreigners and a lot of fellows that I could not understand a word they said; I made a good many arrests, but we did not prosecute them, for there would have been an expense of keeping them in jail, but I made each one come to town and pay \$1.00 for a license.

Q. You tried to get everybody to take out a license?

A. Yes, sir; that was the main thing; I worked faithfully and I tried to see that everybody took out a license and obeyed the law.

Q. And if he took out a license the case was dismissed?

A. Well, I never arrested anybody that I thought I could collect a fine off of.

Q. Well, what was done with those fellows whom you thought could not pay for a license?

A. I arrested them and brought them to town.

Q. And that was the means you had of compelling them to buy a license?

A. I used to catch them and take their gun away from them; if they could not pay for a license, I told them when they could they could have their gun.

Q. In looking over your report—glancing over it—I notice you were called to Excelsior Springs?

A. Well, my commission says anywhere in the State; the law reads Jackson county, and all counties adjoining.

Q. Now, I notice in your report that you were called to Excelsior Springs occasionally to investigate the illegal killing of squirrels? Who made these reports?

A. I got a letter from Mr. Tolerton, saying that they were killing game over there out of season. Mr. Tolerton wrote me to go over there and investigate it. We had had a letter from Mr. Clevenger, and I took his letter with me and went over there and he met me at Excelsior Springs. I hired a rig, and he said I can just find you plenty of them; he said I will show you six men who have been killing squirrels.

Q. But you did not find anything?

A. No, sir; he said he was satisfied they were killing squirrels, but we never found anybody.

Q. I notice in one of your reports you state you were in the country, and that you were busy circulating petitions for signers to redistrict the State?

A. I don't think that you will find on my report that I went to the country to get signers.

Q. But if the petition shows that, it is true?

A. Yes, sir; as far as that report is concerned, Thomas S. Dickey sent me the petitions; I did not have that petition in my possession three hours.

Q. But you did circulate it?

A. Yes, sir; a little around in town.

Q. Was that at the direction of Mr. Tolerton?

A. No, sir.

Q. But you were paid for your full day's work?

A. Yes, sir.

Q. I notice another time you state that you were at Independence at the polls on the day of the election?

A. Yes, sir.

Q. Was that at the direction of Mr. Tolerton?

A. No, sir.

Q. Did anybody give you any directions there?

A. No, sir; I am a pretty faithful worker; I tried to do a little work; if you see me on the street on a day of that kind, I am talking and working among the people I meet; there are just a lot of people that want to talk to me about my work.

Q. You are kind of a center of attraction?

A. Well—

Q. That was a part of your official report?

A. Yes, sir.

Q. Why did you make that report as an officer if you were not instructed to do that work?

A. Well, I put it on there just the way it was done; I did not want anything in my report that was not as I did it.

Q. You were making your report as an official—as the report of an officer?

A. Yes, sir.

Q. You were working at the polls for your ticket that day?

A. Well, some; they kept me talking game law so much, I did not have time to work much.

Q. They were coming to you telling you of the violations of the law?

A. Well, they wanted to know about it.

(By Senator White.) Q. Did you tell them you were too busy to look after the matter. You did not leave the polls that day to go out and investigate these fractures of the law, did you?

A. No, sir.

(By Representative Orr.) Q. And you were paid for your full day's work?

A. Yes, I guess I was.

Q. In your investigations along the rivers and through the creeks, did you ever talk politics?

A. Not very much.

Q. Some; well, you know just as well as I do, that there is no use to try to get around that, for a man will do that if he has any political ideas about him at all.

(By Senator White.) Q. Your report shows that you came to Jefferson City a time or two?

A. No, I came once.

Q. At whose directions did you come, you came of your own volition?

A. No, we came down here—Judge Prewett, Mr. Burksnider and myself.

Q. What did you come for, Mr. Martin?

A. Well, I have forgotten what I did come for almost; but my expenses were paid at the other end of the road.

Q. Your expenses coming here and back were not paid by the State?

A. No.

Q. Did you get your per diem.

A. Yes, I think I did.

Q. Did you come down here relative to your official duties as game warden?

A. No, I don't know that I did.

Q. You did not?

A. No.

Q. How long were you here?

A. I came down in the morning and went back that night.

Q. That was on private business?

A. Yes, sir.

Q. But you were paid for your day's work?

A. I guess I was; I sent in my report for that day.

Q. As working for the State that day, did you?

A. Well, I think my report will show that I went to Jefferson City.

Q. You came on private business; if you came on private business why did you make an official report as game warden?

A. Well, I don't just know what we came for.

Q. Who is that Judge Prewitt?

A. He is ex-mayor and has been justice of the peace.

Q. Who is this other man—this third man?

A. He is a young man; well, I call him a young man, he has been in the postoffice for several years; he is in the bank now.

Q. You men got together and came down here for some purpose; did you talk over why you were coming?

A. No, I don't think we did; I think we came down here in regard to—well, I think we wanted to see Governor Hadley.

Q. It was something about the campaign was it not, Mr. Martin?

A. Well, it might have been something along that line.

Q. Those men are both Republicans?

A. No, Prewitt is a rank Democrat.

Q. You don't know what you came for, but you do know it was nothing pertaining to the duties as game warden?

A. No, sir.

(By Representative McCarty.) Q. About how many days during the year, 1910, did you actually work at your special duties?

A. Well, I don't know, some pretty nearly all the time; if I did not work all the time I worked part of the day; unless it was Sunday.

Q. Well, you know there are fifty-two Sundays in the year?

A. Well, my report covers most of them, where I was and what I done. Many Sundays I was called by telephone.

(By Senator White.) Q. When Mr. Tolerton appointed you he issued you a commission?

A. Yes, sir.

Q. Do you remember when you were appointed?

A. Some time in September a year ago, I don't remember the date.

Q. And are you still a deputy?

A. Yes, sir; I have never been discharged.

Q. You still hold the same commission?

A. Yes, sir.

Q. And in the discharge of your duties as a deputy, you charge up your per diem and your traveling expenses and turn the account in to Mr. Tolerton?

A. Yes, sir.

Q. And under this commission that you hold from Mr. Tolerton, your instructions are simply general, to look out and—just simply general, and refer you that you have such authority known as the fish and game law?

A. Yes, sir.

Q. And under that you felt that you were authorized to act and not await direct orders from Mr. Tolerton?

A. Yes, sir, working; there was a time or two I did not act without direct orders from him.

Q. Whenever you thought the occasion demanded it?

A. Yes, sir.

Q. In regard to traveling expenses, in charging up those expenses, you would charge for such trips as you had made in the discharge of your duties?

A. Yes, sir.

Q. And you did that whether Mr. Tolerton had ordered you to make the trip or not?

A. Yes, sir.

Q. Mr. Tolerton did not direct you to specially make any trips?

A. Yes, sir.

Q. When you felt that it was your duty to do so, you simply made these various trips and charged up these expenses without any special direction from Mr. Tolerton, at all?

A. Yes, sir.

Q. Mr. Martin—Martin is your name, isn't it?

A. Yes, sir.

Q. Mr. Martin, of course you can't recall now, how many Sundays you worked in the year?

A. Oh, no.

Q. But you think you did work a few?

A. Yes, a good many of them.

Q. Possibly as much as one-fourth of the Sundays in the year?

A. More than that.

Q. Do you think you worked as much as one-third?

A. Almost half. My reports will show that.

Q. What is your business, Mr. Martin?

A. Well, it is nothing excepting to look after this game business since I was appointed to that; I have not tried to do anything else.

Q. What was your business at that time?

A. I was deputy county marshal, and before that I had been in the butcher business for twenty-five years.

Q. Are you the owner of a butcher shop now?

A. No, my son is.

Q. You live in Independence?

A. Yes, sir.

Q. Mr. Martin, will you say that since you have been appointed deputy game warden that you have put in as much as one-half of the time in looking after that office?

A. I have put all of it in, I think.

Q. Did you say that you have put in over one-half of it?

A. Yes, sir.

Q. As much as two-thirds?

A. And then some.

Q. As much as three-fourths?

A. Nearly all of the time, I tell you.

Q. Your duties consisted in hunting violators of the fish and game law?

A. Yes, sir.

Q. You say you have put in nearly all the time since you were appointed, and you were appointed September, 1910?

A. Yes, I think I have.

Q. And you say most of your time has been spent in looking out for persons who have violated the fish and game law?

A. Yes, sir; and seeing that they take out a license.

Q. Is it any part of your duty to solicit people to take out a license?

A. I think so.

Q. Did you have instructions to do that?

A. Well, I don't know.

Q. You think it is a part of your duty to require people to take out a hunting license?

A. That has been my impression.

Q. And much of this time has been spent in soliciting people to take out these licenses?

A. Yes, and warning them if they did not take it out it would cost them a good deal of trouble.

Q. Now, Mr. Martin, you stated a moment ago, that much of your time had been spent in looking for parties who might be violating the law?

A. Yes, of course.

Q. You have been acting since September, 1909; how many persons have you found violating the law?

A. I could not say.

Q. Roughly estimating, have you found as many as a dozen?

A. I have found that many in one day.

Q. Would you say you found a dozen a day for all that time?

A. No.



Q. Would you say you found one a day for all that time on an average; or would you say that you found one a week for all that time?

A. Yes, more than one a week, I guess, but I don't know that it would be one a day.

Q. Would you say that you found one person a week that violated the law?

A. I think that would come pretty near it.

Q. Now, when you would find that person, you would place him under arrest, what would you then tell him?

A. Well, I would tell him that he was under arrest and I guessed I would have to take him to town and prosecute him and fine him.

Q. And did you take them to town and fine them?

A. I took some of them to town and some of them I did not; if I found out they did not have anything to pay a fine with, then my idea was to get \$1.00 out of them for a license.

Q. Did you take a license then for the future or past?

A. Future.

Q. What did you do with them for having violated the law?

A. I could not do anything with them.

Q. Isn't that your duty under the law?

A. Yes, sir.

Q. You did not do it?

A. No.

Q. Did you turn them loose?

A. Yes, sir.

Q. Did you have any authority under the law to do that?

A. I took the stand that I had better get \$1.00 than to make the State pay for keeping them.

Q. As soon as you could get them to take a license you let them loose?

A. Yes, sir.

Q. Were all of these people paupers that violated the law and unable to pay?

A. Some of them were foreigners, and negroes and Swedes.

Q. Did you ever see a Swede in that country that could not raise a few dollars?

A. I saw a lot of them that could not raise a dollar.

Q. Isn't it a fact that Swedes are very thrifty people?

A. You take the kind of people that are around the cement factories and they are people that haven't anything.

Q. You never prosecuted them for violating the law?

A. No.

Q. You simply told them that they would have to take out a license?

A. Yes, sir.

Q. Did you keep them arrested until they took out a license?

A. Yes, sir.

Q. Why did you arrest them before they took out a license?

A. I wanted to know that I had that dollar first.

Q. You kept them arrested so they would pay the dollar?

A. Yes, sir; and a good many I kept their guns and put it in my buggy until they would buy the license.

Q. Did you tell them that they would not get their gun back until they would take out a license?

A. Yes, sir.

Q. How many of these persons who you caused to be arrested or arrested, were prosecuted?

A. None.

Q. Then you never had a trial; you have had arrests for violations of the game law?

A. No.

Q. Then the sum total is, that you have spent your time looking for violations and catching about one a week and holding him until he took out a license? Isn't that the services you have rendered as deputy game warden? Isn't that your own statement?

A. Yes, sir; that is the statement I made about arresting them and holding them until they paid \$1.00.

Q. That is the service you have rendered the State as deputy game warden since you have been appointed?

A. Well, I don't know.

Q. Do you think of any other service you have rendered?

A. I have rendered a good deal of service up and down our streams.

Q. Is that the service the State has paid you \$3.00 a day for 365 days in the year? Isn't that true?

A. I guess it is.

Q. And it has also paid you your traveling expense also? Isn't that true?

A. I guess it is.

(By Representative Orr.) You said you had a call about two weeks ago?

A. Yes, sir.

Q. Did you go out and look after it?

A. Yes, sir; but when I got there the party was gone.

Q. Did you make a report for the month of January, 1911, did you?

A. No, sir.

Q. Did you make a report of your trip you made out in the country?

A. No, sir.

(By Representative McCarty.) Q. Mr. Martin, you live at Independence?

A. Yes, sir.

Q. What proportion of your time do you spend in Independence?

A. Only a day once and awhile, I am either gone in the country some place to look after the game law or Kansas City to look after the fish and game market there around the fish markets; I went some place nearly all the time.

Q. How old a man are you, Mr. Martin?

A. Seventy-two years old.

Q. You have lived in Jackson county all your life?

A. About forty-two years.

(By Senator White.) Q. Mr. Martin, did you travel on transportation or not?

A. No, sir.

Q. Have you had it any time since you held this office?

A. No, sir; I pay my own transportation wherever I go, and I pay my street car fare only when I can't beat the conductor out of it.

Q. Do you know any deputies who are traveling upon transportation?

A. No, never heard of one.

(By Dr. Mitchell.) Q. Mr. Martin, isn't it a fact that these arrests that you have made have kept others from violating the law?

A. I was called to Lees' Summit and I took our constable with me and went down on the train and we were asked to come to catch some foreigners that were violating the law there on Sunday—we went down and captured two of them.

Q. And made them pay a dollar a piece?

A. Did before we left them; I could not understand a word they said. We took them to the depot and they jabbered around.

Q. Then you believe if you were not there there would be a great many more violations of the law than there is now?

A. Yes, sir; two to one.

Q. Do you think that during the 365 days in the year that you have put in as much as eight hours a day?

A. I think I have; most of the time I got out I put in 12 or 14 hours.

Q. It makes an average of eight hours a day?

A. Yes, my work ever since I have been appointed will average eight hours a day.

Q. The day you were in Independence at the election, did any of the parties notify you that you were wanted out of town?

A. Well, I was talking game law while I was there?

Q. You were explaining the law?

A. Yes, sir.

(By Senator White.) Q. The election law?

A. No, the game law; I would like to have put in the whole day, but they did not give me a chance.

Q. You not only worked for the Republican law, but the game and fish law?

A. Yes, sir.

(By Representative Orr.) Q. Did you vote more than once that day?

A. No.

(By Senator White.) Q. In answer to Representative Mitchell, you said you thought that your presence and activity there deterred the violation of the law, do you think the community around there considers it a very great terror?

A. Yes, some of them.

Q. There never has been a conviction or even a prosecution?

A. No.

Q. They simply pay a dollar and take out a license and that ends it; do you think that is terror to the people?

A. For a great many of them.

Q. Don't you think on the contrary that is the impression, that if they do get caught they won't be prosecuted?

A. Well, they haven't been prosecuted.

(Cross-examination by Mr. Tolerton.) Q. Mr. Martin, isn't it a fact that I wrote you a letter some time last February asking you if you were putting in full time, and if it was necessary for you to still stay on the pay roll continually?

A. I do not recollect when it was; I recollect a letter from you in regard to it.

Q. What was your reply?

A. My reply was that my presence was needed, and I was on the go looking after it.

Q. Then sometime in June, I wrote you another letter and asked you if you thought it was necessary for you to stay on and asked you if you did not think it necessary for you to lay off?

A. I think I wrote you that Big \_\_\_\_\_, Little and all the others needed looking after, and my presence was needed.

(By Senator White.) Q. I believe you said Mr. Tolerton appointed you in September, 1909?

A. I think it was September.

Q. You still hold a commission as one of the deputy wardens?

A. Yes, sir.

Q. And have held it ever since you were appointed?

A. Yes, sir.

Q. How long since you were put off the pay roll?

A. I think two months the first of January?

Q. You have not been on the pay roll since then?

A. No, but I have done some work; I have spent as much as \$10.00 of my own money.

(By Dr. Mitchell.) Q. During that time you have spent \$10.00 of your own money?

A. Yes, sir.

(By Representative McCarty.) Q. How did you happen to do that?

A. They wanted me to go out and look after it; I knew I could never charge up a cent for it.

Q. You still have full authority.

A. Yes, sir.

(By Senator Buford.) Q. Now, Mr. Martin, I notice on your report blanks, and also on quite a number of the other deputies, that they put in certain days at certain places, trying to explain the game law and insisting on people taking out a license?

A. Yes, sir.

Q. Have you done that?

A. Yes, sir; lots of it.

Q. You have put in lots of time that way?

A. Yes, sir.

Q. You never lost an opportunity to insist upon a fellow, when he was hunting or not hunting, that they should take out a license?

A. Yes, I wanted them to take out a license.

Q. Then it was a fact, Mr. Martin, that you were hunting dollars

for the benefit of the game fund a great deal of the time that you should have been hunting violations?

A. It did not hinder me from hunting violations.

(By Mr. Tolerton.) Q. Mr. Martin, do you mean to tell me that you have ever approached a man that you did not catch in the act of hunting and ask him to take out a license?

A. No, not unless he was hunting.

Q. Then you never requested any man to take out a license unless you found him hunting.

A. Well, I have been standing talking, and I might say to him that the best thing he could do is to take out a license, for if I catch you hunting without a license I will arrest you. When they talked to me in regard to the game law, I always told them—if they haven't got your license and go hunting it will cost you something.

The Joint Committee appointed by the Senate and House pursuant to the resolution adopted, composed of Senators White, Dunwoody, Buford and Representatives McCarty, Mitchell and Orr, met with all present except Senator Buford.

JOHN P. GORDON, first being duly sworn on his oath, testified as follows:

(By Representative Orr.) Q. You are the State Auditor, Mr. Gordon?

A. Yes, sir.

Q. It is a part of your official duties to audit the account of the fish and game warden of the State, and to approve them on presentation?

A. Yes, sir.

Q. What do you require of him before you audit his accounts, Mr. Gordon; I mean by that question, what do you require him to do with the account in the way of verifying or approving it before you audit it?

A. The accounts, under the law, are all to be O. K'd. by the warden, and signed by the Governor. Shortly after I had been in office I thought that there ought to be some plan of making out expense accounts of all employes of all departments, and I prepared an expense account and delivered them to all departments. Mr. Tolerton came to my office and said that he required his deputies to file a weekly statements with him showing their itinerary and the purposes for which they visited each place, and showed me a weekly expense account and

I said I could not very well use them in connection with the account I had prepared, and told him that that would be all right as long as he kept these weekly expense accounts on file in his office so I could see them, which he agreed to do, and we both agreed upon that plan. Then he did make out a monthly expense account which he had prepared himself, and his deputies were required to make affidavit to the correctness of that account, and that was filed in my office and I think, signed by the governor.

Q. Did you ever have occasion to disapprove any of the accounts filed by the warden and his deputies?

A. I objected to several of them.

Q. Did you question the account of H. L. James, a deputy?

A. Yes, sir.

Q. Tell the committee in your own way, the particulars of that?

A. I called Mr. Tolerton's attention to similar matters on several occasions, and he always agreed with me. I thought that the account of some of his deputies were exhorbitant and gave him my reasons. I called his attention to Mr. James' account; told him I did not think James' accounts were correct. I had information that he was putting in expense accounts for time he was not giving to the State. Mr. Tolerton said: go after him and catch him; and I said all right I will catch him. I think that was in the month of April, May or June, 1910. Mr. James lived in Carrollton; I wrote to a friend at Carrollton or called him up over the 'phone; Mr. James had an expense account for every day in the month, and I had been informed that he spent a lot of these days at home. I called up or wrote this party and asked him to notice during the next month and see how many days he did spend in Carrollton and let me know on the last day of the following month. so I could compare it with the expense account he would send in. This party did notify me on the first day of the following month and claimed that Mr. James had been in Carrollton for thirteen days that month.

Q. Now, did Mr. James have an expense account for that month for every day of the month?

A. Yes, sir; with the possible exception of Sunday; he had his per diem and expense account. I called Mr. Tolerton on the 'phone as well as I remember, to come to the office which he did, and I told him about this information that I had received, and told Mr. Tolerton that I did not think that he ought to be paid his expenses for these thirteen days, or to take the Sundays out, it would be nine days. He agreed with me. I told him that I did not believe that he should be

paid his per diem for those nine days, but that I would not have any right under the law to cut it out.

Q. You construe the statute to mean that upon the verification and order of the game warden, and the approval of the game warden, of these accounts, that you have no discretion?

A. Under the law, I have no discretion. Mr. Tolerton agreed with me and told me to cut it out, and at Mr. Tolerton's request I did cut out the per diem and at my own volition I cut out railroad fare, hotel bills, etc., for those days, which altogether amounted to about \$58.00, that I cut out of his expense account and salary account for that month. I made some investigation of this and kept Mr. Tolerton fully advised as to what I discovered.

Q. What was the result of your investigation?

A. He claimed to have paid a hotel bill at Keytesville of four dollars; I discovered instead of him paying four dollars he was there only one day, and paid two dollars; at Brunswick he claimed to have paid two dollars; I investigated and instead of him paying two dollars he only paid fifty cents; he put in a hotel bill at Bowdry Cut, and I knew there was no hotel at Bowdry Cut, and I cut that out on general principles; I knew there was no hotel there, just an ice house; he claimed a hotel bill of two dollars at Bosworth, he was only there for dinner and claimed two dollars. He claimed to have been at the H——, at Chillicothe, and I wrote there to find out just how much time he was there and this party wrote that he was there some certain date for dinner and supper, checked out after supper and paid his hotel bill of \$1.00. He claimed to have been at the Kupper Hotel, in Kansas City, I think, claimed he paid four dollars; I found out instead of paying four dollars it was but one dollar. I showed Mr. Tolerton all these matters and he thoroughly agreed with me that I had done the right thing. He then sent for Mr. James. This account, Mr. James had sent in, he had sworn to before the county clerk as being a correct statement. Mr. Tolerton sent for Mr. James and he came to my office and I showed him what evidence I had, that the account was incorrect and he said he wanted awhile to straighten it up. I in the meantime had allowed the account less these amounts. He made the second statement, and he claimed in the second statement that instead of paying two dollars a day for hotel bill at Bowdry Cut, that he only paid fifty cents and had bought his dinner at a grocery store, and \$1.50 was for labor that he had performed that day. He claimed the same at Bosworth, instead of being two dollars for hotel bill, it was \$1.50 for labor. He made two accounts, he had sworn to both of them; the first one was for \$86.00 expenses, and I cut \$56.15 out of it,



and another account that did not agree with the first one—he swore to both of them, and I finally told him I would not allow the account for he had made two sworn statements for different items, and for different accounts. Tolerton came to me a short time after that and said that James' account was all right and that he would ask me to pay him the balance of the per diem, which I did, as I had no discretion under the law. Part of the other matters I did finally pay, part of them I never have paid.

Q. Did James ever explain the discrepancy in the two accounts he submitted?

A. No, he could not explain them.

Q. Did he offer any explanation?

A. He tried; he got an affidavit from Bowdry Cut that he had employed some labor, but he had it in the account that it was for hotel bill; he had two different statements at variance.

Q. You stated, I think, Mr. Gordon, that the first affidavit submitted by Mr. James was for hotel bills, that is, these items that you investigated was for hotel bills, the two affidavits submitted were the same, but the hotel bills were charged and other things inserted in their stead?

A. Mr. Tolerton agreed with me that the ones he could not explain, should be cut out.

Q. Now, Mr. Gordon, was there any other matter in connection with this matter that you want to state in relation to this transaction?

A. No.

Q. There was various statements in the — you had a controversy with Mr. Tolerton about an account which he filed about dynamite being used in the Meramec river?

A. The account came into the office for \$186.00 for dynamiting the Meramec river; I looked up the law, and instead of it being one that the State should pay, I thought that the law had been violated, for there is a law in this State not to use dynamite or explosives in the rivers or streams, and I did not pay it.

Q. Has it ever been paid?

A. No, sir.

Q. Did Mr. Tolerton say that he has authorized it at his own instance?

A. Yes, sir.

Q. Do you know who did it?

A. No, the account is at the office. There are a great many accounts, and it is hard to keep track of them; at one time there was a bill sent in for Mr. Broadbend for a hotel bill for his wife.

Q. It had been approved by Mr. Tolerton?

A. Yes, sir.

Q. How much was that?

A. I think ten dollars. I investigated it to find out who had stopped at the Central hotel, and discovered that it was Mr. Broadbend's wife, and I did not think the State ought to pay board for this party, and I called Mr. Tolerton's attention to it, and he agreed that it should be cut out.

(By Representative McCarty.) Q. If Mr. Tolerton made the statement that you did not object to them he is wrong?

A. I told Mr. Tolerton about this fellow in the Fifteenth Congressional district.

(By Senator Dunwoody.) Q. What fellow was that?

A. That fellow that was arrested at Lamar? Hickle was his name.

(By Senator McCarty.) Q. I believe you stated, Mr. Gordon, that while there were a great many of these accounts that you disapproved of, and thought they were exorbitant, yet under the law, when the game warden verified them, you could do nothing but pay them?

A. I doubt if I could cut them down.

Q. If the game warden had approved them?

A. Yes, sir.

Q. If they had been left to you you would have reduced them?

A. I have made several thousands of reductions.

(By Representative Mitchell.) Q. Would you not do that with a great many, did you not do that with the clerical force?

A. I would try to; I did it with the Attorney-General's office.

Q. You frequently call these different departments down on that?

A. Yes, it is an every day occurrence.

(Senator Buford appeared during Mr. Gordon's examination.)

W. A. KINSEY, being produced, sworn and examined on his oath, makes the following statement:

(By Representative Orr.) Q. You are a clerk in the Auditor's office at Jefferson City, are you not?

A. Yes, sir.

Q. Now, Mr. Kinsey, do you know anything about a controversy which the Auditor had in the accounts of Harry L. James, a deputy game and fish warden of the State?

A. Yes, of course, I am the warrant clerk and I see those bills as they come in. After this controversy came up I was called in some time after it came up—before it was settled. Mr. Tolerton, James and Gordon were in the front office and called me in there and asked me about it. I don't remember all of it.

Q. Did you do anything towards investigating the correctness of the accounts?

A. Yes, sir; in a way. I did not do very much; I asked a party up there to find out the number of days—I think it was in May; I think this account is the May account, that is the account I have reference to; he charged per diem for thirteen days when he was in Carrollton thirteen days.

Q. Tell the committee if he charged his expense account.

A. I could not say, I think the expense account, but would not say positively, but I know the per diem was there.

Q. You made an investigation of the per diem and found that of the time claimed, thirteen days of it he was in Carrollton?

A. Yes, sir; he was not out of Carrollton.

Q. Was there any other item in the account that you investigated?

A. I saw the accounts as they came in. I lived in Carrollton all my life and there was one item that was amusing to me. He charged two dollars a day for Bowdry Cut, for hotel bill; I knew there was no hotel there, only an ice house. I saw an account afterwards which stated that fifty cents was for dinner and \$1.50 for labor. And at Bosworth, he claimed that he spent two dollars and then in the second affidavit he swore fifty cents was for dinner and \$1.50 was for labor. At the Kupper Hotel, Kansas City, his first affidavit said he paid four dollars at the Kupper, but the manager telephoned us he stayed one day. There is an account at Brunswick, I could not say the amounts. I think he charged two dollars at the Florence; Mrs. Sassy wrote that he had only paid fifty cents there for dinner or supper.

Q. The second affidavit was made after you made your investigation?

A. Yes, sir; he was trying to straighten it up.

(By Representative Mitchell.) Q. What place was it he spent thirteen days?

A. Carrollton.

Q. You say you made an investigation of that?

A. Well, I asked some parties about it.

Q. Who were those parties?

A. I don't like to say.

Q. If they have made these charges they ought to appear.

A. I can get them if you want them.

(By Representative McCarty.) Q. You had parties secure this information upon whom you could rely?

A. Yes, sir.

(By Representative Orr.) Q. Mr. Kinsey, this investigation that was made, in which Mr. James was not paid all he swore to in the first affidavit, was he able to give proof that he was entitled to it?

A. No, it still remains unpaid—some of them; I think they finally paid him that per diem; Tolerton insisted upon it.

(By Representative Orr.) Q. Did Tolerton insist upon him being paid this per diem when your department said it should not be paid?

A. Tolerton insisted upon it being paid and we had no discretion.

Q. When he knew this man did not do the work?

A. Yes, sir.

(By Representative Mitchell.) Q. Tolerton recommended this when he knew the man had not done the work?

A. I know he had been told that we refused to pay it, because we said he had not rendered the service. He could know it because we refused to pay it.

(By Senator White.) Q. Your office had told Mr. Tolerton?

A. At first we refused to pay it because he had not rendered the services.

Q. You told Mr. Tolerton that he had not rendered the services?

A. Exactly.

Q. Mr. Tolerton afterwards insisted upon the claim being paid.

A. I could not tell exactly what took place between he and Mr. Gordon.

Q. You do know whether Mr. Tolerton knew or believed that he had not rendered the services?

A. I don't know what Tolerton believed.

Q. What information Tolerton received you don't know?

A. Our information was that he had not rendered the service; what Mr. Tolerton's was, I am unable to say.

FRANK FARRIS, being produced, sworn and examined on his oath, testified as follows:

(By Senator White.) Q. Now, Mr. Farris, you are the Representative in the Legislature from what county?

A. Crawford.

Q. You were a candidate for the office at the last election?

A. Yes, sir.

Q. I will ask you if at any time Mr. Tolerton was in your county, and if so, what was his mission?

A. On the 12th day of October, 1910, it had been advertised that Governor Hadley would speak at Cuba and Steelville, two of the largest places in my county. I was at that time engaged in my own canvass and on the night of the 11th was some twelve miles north of Cuba. I came into Cuba that morning especially to attend the meeting to be held by the Governor there at noon that day. The train from St. Louis arrived, I think, something like 11:30; I met that train and met Governor Hadley and Mr. Tolerton, the State game and fish warden; shook hands with both of them; spoke to both of them. They registered at the McClay House, a hotel just across the street from the railroad depot at which I ate my dinner on that day. The train to Steelville, which is on a branch line, left Cuba something like one o'clock or a little after, and between the hours—or during the time of the arrival of the St. Louis train and the departure of the Steelville train, Governor Hadley addressed a crowd on the platform erected near the depot platform. Mr. Tolerton was with him and I think a representative of some St. Louis paper—I think the Globe, and one other man whom I am sure I did not know. They left on the Steelville train and a meeting was held that afternoon at Steelville at our college hall which was also addressed by Governor Hadley; the only train on which they could return from Steelville that afternoon left about a quarter after four, it made connection with the west bound train at Cuba at five o'clock, and the next point was at Rolla.

Q. Was Tolerton with the Governor at Steelville?

A. Yes, sir; I only knew they went to Rolla from what others had said. Here is a leaf of the hotel register which I cut out of the hotel register since the legislature met and after I understood Mr. Tolerton denied being there.

Q. State what hotel register this is from?

A. We call it the Old McClay House, it is run by a man named Kee at Cuba. You notice on October 12th, my name first appears and

Clinton's after mine; Clinton was there running for collector and I signed my name under his. Down on the same page is the name of H. S. Hadley and Jesse Tolerton.

Q. Hadley first and Tolerton second?

A. Yes, sir.

Q. This was for Wednesday, October 12th?

A. Yes, sir; the Governor took occasion in that address to say things of me that were not pleasing to me and the game warden being in company with him, I thought I would ascertain whether he was on his own expense or on the expense of the State. I went to the Auditor's office and examined and found on October 12th, he had charged up his account and drawn a voucher for railroad fare for \$2.40, that is exactly the railroad fare from St. Louis to Steelville; I know for I have paid it every week for the last two or three years.

Q. That was on October 12th?

A. Yes, sir; that is charged \$2.40, the exact fare from St. Louis to Steelville; I found he had charged three dollars for hotel bill. I paid fifty cents for my dinner and fifty cents for Mr. Clinton's, being a dollar for two.

Q. Do you know of any service Mr. Tolerton rendered on that trip for the game and fish department?

A. Never heard of it. The time as far as services were concerned, would have been limited; he did not leave the hotel and the place adjacent before he took the train for Steelville, then went to the college hall to deliver the address.

Q. During all this time was he in company with Governor Hadley?

A. He was when I saw him.

Q. Have you any objection to the committee retaining this leaf from the register?

A. That is what I brought it for.

Q. Did you make the statement that Mr. Tolerton afterwards denied being at Steelville?

A. I understood—in fact I think I saw it in the paper that he was on his way to Mt. Grove, and that this \$2.40 was the fare from Springfield to Mt. Grove. I have been informed that that was not the fare, and that is why I brought this register.

Q. Do you know what the fare is from Springfield to Mt. Grove?

A. Mr. Wightman told me it was not that amount.

(By Senator Buford.) Q. Was Mr. Tolerton out any hotel expense at Steelville, or had they been provided for?

A. There was no hotel expense there? They left Cuba at one

o'clock and went to Steelville and went to the hall and had their meeting and came back to Cuba, making connection with the west bound train. I was advertised to speak there, and I was to be there on the 12 o'clock train and I understood the Governor was coming there to attack me and I wanted to be there to hear what he had to say.

(By Mr. Orr.) Q. Mr. Tolerton was mixing in the crowd?

A. Yes, sir.

(By Representative Mitchell.) Q. Mr. Farris, do you know whether it is a fact or not that Mr. Tolerton stayed in St. Louis on the night of the 11th and left on the morning of the 12th?

A. He said he stayed at the Jefferson Hotel on the night of the 11th, and he claimed that the three dollars was his hotel bill.

Q. You don't know whether it was a fact or not?

A. No.

Q. You don't know that he was on his way to Mt. Grove?

A. If he was he was taking plenty of time.

Q. You don't know that he was invited to Mt. Grove and stopped at Rolla and then went to Springfield and then to Mt. Grove?

A. If he went to Mt. Grove, he got to Cuba between 11 and 12, and left for Steelville after one o'clock and came back to Steelville after 4 and made connections which took him to Rolla and could not have gotten there before midnight.

Q. You don't know that he made a speech at Mt. Grove?

A. No.

(By Senator Buford.) Q. At Cuba and Steelville, when Governor Hadley would apparently score a point against some Democratic candidate, would Mr. Tolerton lend much force to that by cheering?

A. I don't know what he did at Steelville, but I heard all I wanted to at Cuba; there isn't any doubt but what Tolerton was there to assist in the campaign and give as much force and volume to it as possible.

A. Well, I did not hear his speech at Steelville, my wife and children were at Steelville.

Q. At Cuba Mr. Tolerton accompanied the Governor during the time the Governor was making his speech?

A. He occupied the front seat. My recollection is now, that he sat on the platform with him?

(By Representative Orr.) Q. What time did the train get into Cuba?

A. The train left St. Louis at nine o'clock and they run it in about two and one-half hours; got there about 11:30.

Q. And left Cuba when?

A. Well, the train was held; its time is supposed to be 12:30, but it left that day about 1:30, so the Governor had about one-half hour's time at Cuba, maybe a little more than that.

T. J. COPELAND, being produced, sworn and examined on his oath, testified as follows:

(By Representative Orr.) Q. Mr. Copeland, you are an employee of the Auditor's office?

A. Yes, sir; bookkeeper.

Q. How long have you been here?

A. Two years.

Q. Are you familiar with the controversy which the State Auditor had with Harry L. James, the deputy game warden, last May or June, over his accounts?

A. Somewhat; yes, sir.

Q. Will ask you if there was not a controversy as to accuracy of the account which he submitted to the department?

A. Yes, sir; for the month of May.

Q. Did you make an investigation after the accounts which were made and sworn to by him had been filed?

A. I took down the dates of his expense account which were filed for Salisbury, Keytesville and Glasgow. I went to Salisbury and to the hotels at Keytesville; I found he had two days charged up for the hotel and had only been there one, and paid for one; at Salisbury, I found his charge to be correct—one day and he paid for one day; at Glasgow I found that he had not been there at all.

Q. What did he charge for that time?

A. Glasgow, he charged for one day and railroad fare to Salisbury and from Salisbury back to Glasgow; I could not find where he had been stopping, and could not find him registered.

Q. Is there any other statement you desire to make?

A. Well, there is one thing—the matter of Mr. Farris being employed in the capacity that I am at the Auditor's office, I had charge of the expense accounts and vouchers, and when he came in there for this information, I showed it to him.

Q. What did the vouchers show?

A. The vouchers showed railroad fare from St. Louis to Steelville and hotel bill for that day.



Q. Does the voucher show the railroad fare from St. Louis to Steelville?

A. Yes, sir.

Q. Does it say where to?

A. From St. Louis to Steelville.

Q. You are positive?

A. Yes, sir.

Q. Get the voucher and bring it before the committee if you find it different from what you have stated.

A. Yes, sir.

Q. The hotel bill for three dollars, does it say Steelville?

A. No, I think he put in three dollars for that day.

(By Senator Buford.) Q. He does not say where it was spent?

A. No.

Q. Is there any other statement you care to make?

A. This James matter, I was present when Mr. Gordon was discussing this matter with Mr. Tolerton, and he was claiming that James was crooked.

Q. Who made that claim?

A. Mr. Gordon. He said he was crooked and was paying him money he was not entitled to.

Q. What did Mr. Tolerton say?

A. Mr. Tolerton did not have much to say about it.

Q. Do you know of your own knowledge that Mr. James made two affidavits covering these same items of expense?

A. The affidavits were filed.

(By Representative Mitchell.) Q. Do you know of your own knowledge, whether Tolerton stayed in St. Louis on the night of the 11th? You don't know whether that three dollars was for hotel bill in St. Louis or Steelville?

A. I only know that his day is up on a morning at a hotel, and if he stayed in St. Louis that night, that night's expense was charged to the day before.

Q. A man pays his hotel bill at a hotel when he goes or when he leaves?

A. That is with him; if you should go to a hotel and stay until tomorrow morning that would be included in that day's bill.

Q. If I go to the hotel on the 11th and pay my hotel bill on the 12th, what day would that be?

A. It would be on the 11th.

(By Representative Dunwoody.) The ordinary man would hardly make an account that way.

(By Representative Mitchell.) Q. Where would he pay his hotel bill for the next night?

A. On his expense account it should be—he would pay it wherever he was; he should make each day have 24 hours.

Q. Then on the 12th, he went to Steelville, and then went some place else and stayed all night, that ought to go on the 12th?

A. Yes, sir.

Q. Then this account for three dollars, you don't know whether it was for his room at Steelville or some where else?

A. No, sir.

(By Representative Buford.) Q. You are well acquainted with Mr. James, the deputy warden whose accounts have been questioned by the Auditor?

A. No, not very well.

Q. Well, you know him when you see him?

A. Yes, sir.

Q. Do you know if he is in town at present?

A. I haven't seen him for a couple of days.

Q. He has been in Jefferson City since the convening of the Legislature?

A. I don't know whether he has been here continuously, I have seen him a half dozen times.

List of deputies appointed by State Game and Fish Commissioner during the year 1910, number of days employed, salary and expenses of each, and total amount drawn from the State Treasury by each during said year:

Name.	No. Days Employ- ed.	Salary.	Expenses.	Total.
Z. A. Johnson	365	\$1,095.00	\$671.54	\$1,766.54
H. L. James	334	1,002.00	767.81	1,769.81
A. B. Dempsey	109	327.00	122.40	449.40
E. T. Grether	365	1,095.00	737.24	1,832.24
Otto Witt	141	423.00	186.74	609.74
John T. Harper	365	1,095.00	1,000.23	2,095.23
S. G. Nipper	142	426.00	101.30	527.30
W. T. Reed	365	1,095.00	819.21	1,914.21
C. K. Roberts	61	183.00	77.15	260.15
B. P. Wiggs	365	1,095.00	552.18	1,647.18
Oscar Taubold	72	216.00	116.47	332.47
Henry Reynolds	365	1,095.00	424.15	1,519.15
W. W. May	61	183.00	101.24	284.24
F. H. Williams	44	132.00	94.35	226.35
Wm. Klusmeier	32	96.00	7.01	103.01
A. F. Hilker	151	453.00	358.95	811.95
B. W. Dillard	139	417.00	199.21	616.21
H. R. Awbrey	365	1,095.00	80.25	1,175.25
Kirby J. Smith	306	918.00	56.77	974.77
H. R. Melton	365	1,095.00	1,287.10	2,382.10
Geo. W. Bailey	20	60.00	7.36	67.36
J. P. Kearbey	365	1,095.00	400.00	1,495.08
J. P. Hampton	242	726.00	504.65	1,230.65
J. V. B. Martin	365	1,095.00	334.91	1,429.91
D. H. Hatfield	365	1,095.00	688.13	1,783.13
A. E. Estes	31	93.00	83.25	176.25
A. D. Rankin	107	321.00	170.68	491.68
W. S. Gentry	209	627.00	450.99	1,077.99
J. H. Lueckenhoff	31	93.00	21.77	114.77
A. W. Johnson	365	1,095.00	568.26	1,663.26
W. T. Keath	365	1,095.00	407.98	1,502.98
E. C. Higgins	365	1,095.00	913.31	2,008.31
J. B. Thompson	365	1,095.00	578.49	1,673.49
W. R. Harrison	147	441.00	122.20	563.20
R. T. Hutcherson	174	522.00	265.03	787.03
Gus. Romasser	31	93.00	12.83	105.83
John F. Ritter	168	504.00	165.29	669.29
I. M. Robison	365	1,095.00	756.61	1,851.61
P. G. Boehner	365	1,095.00	815.71	1,910.71
R. J. Grover	166	498.00		498.00
T. E. Johnson	271	813.00	617.90	1,430.90
A. C. Wright	365	1,095.00	881.75	1,976.75
Edwing Turner	303	909.00	422.92	1,331.92
Frank Rebesman	120	360.00		360.00
H. G. Spencer	4	12.00		12.00
W. C. Reel	151	453.00	363.00	816.00
Riley Turney	214	642.00	305.98	947.98
S. O. Osterhout	365	1,095.00	466.93	1,561.93
J. H. Myers	241	723.00	279.62	1,002.62
Jno. M. Nast	365	1,095.00	292.94	1,387.94
T. N. McHaney	127	381.00	200.79	581.79
A. J. Hohn	31	93.00	65.28	158.28
Chas Schrier	14	42.00		42.00
Sam W. Warren	18	54.00		54.00
Hartley Broadbent	306	918.00	190.57	1,108.57
J. M. Medley	14	42.00		42.00
D. O. Etcherson	8	24.00		24.00
J. W. Johnson	3	9.00		9.00
Robert Grether	10	30.00		30.00
Henry Englke	25	75.00		75.00
Arthur Parrish	31	93.00		93.00
James Braden	31	93.00		93.00
L. F. Nelson	173	519.00	136.73	655.73

County and State licenses issued in the various counties during the year 1910:

County.	No. County licenses.	No. State licenses.	County.	No. County licenses.	No. State licenses.
Adair.....	561	7	McDonald.....	163	.....
Andrew.....	585	.....	Macon.....	815	5
Atchison.....	409	1	Madison.....	201	2
Audrain.....	960	9	Marion.....	176	.....
Barry.....	458	11	Marion.....	1,207	42
Barton.....	550	11	Mercer.....	292	.....
Bates.....	1,388	16	Miller.....	341	5
Benton.....	657	1	Mississippi.....	1,005	6
Bollinger.....	121	.....	Moniteau.....	305	2
Boone.....	998	29	Monroe.....	288	4
Buchanan.....	2,314	49	Montgomery.....	898	10
Butler.....	1,334	15	Morgan.....	417	5
Caldwell.....	289	1	New Madrid.....	1,166	11
Callaway.....	880	9	Newton.....	599	.....
Camden.....	84	.....	Nodaway.....	1,200	.....
Cape Girardeau.....	964	16	Oregon.....	131	.....
Carroll.....	596	9	Osage.....	664	4
Carter.....	92	9	Ozark.....	27	.....
Cass.....	794	7	Pemiscot.....	695	.....
Cedar.....	263	.....	Perry.....	545	7
Chariton.....	791	3	Pettis.....	1,285	34
Christian.....	425	4	Phelps.....	744	18
Clarke.....	237	.....	Pike.....	914	1
Clay.....	436	26	Platte.....	535	9
Clinton.....	309	2	Polk.....	297	4
Cole.....	743	23	Pulaski.....	170	2
Cooper.....	681	9	Putnam.....	187	5
Crawford.....	311	3	Ralls.....	376	2
Dade.....	293	3	Randolph.....	603	5
Dallas.....	52	.....	Ray.....	547	7
Daviess.....	367	2	Reynolds.....	74	2
DeKalb.....	368	4	Ripley.....	331	8
Dent.....	165	.....	St. Charles.....	1,133	25
Douglas.....	99	.....	St. Clair.....	438	5
Dunklin.....	719	7	St. Francois.....	1,122	14
Franklin.....	1,117	24	Ste. Genevieve.....	295	1
Gasconade.....	495	2	St. Louis.....	2,451	171
Gentry.....	461	7	Saline.....	1,351	4
Greene.....	1,393	100	Schuyler.....	233	2
Grundy.....	492	10	Scotland.....	196	3
Harrison.....	705	4	Scott.....	845	5
Henry.....	1,289	7	Shannon.....	198	5
Hickory.....	102	.....	Shelby.....	514	3
Holt.....	935	4	Stoddard.....	404	.....
Howard.....	563	8	Stone.....	218	.....
Howell.....	313	1	Sullivan.....	226	1
Iron.....	292	2	Taney.....	155	.....
Jackson.....	3,018	534	Texas.....	178	4
Jasper.....	1,911	66	Vernon.....	1,307	29
Jefferson.....	1,416	34	Warren.....	628	6
Johnson.....	992	4	Washington.....	263	12
Knox.....	302	.....	Wayne.....	382	3
Laclede.....	166	.....	Webster.....	198	2
Lafayette.....	1,620	12	Worth.....	197	4
Lawrence.....	649	4	Wright.....	196	4
Lewis.....	496	.....	St. Louis City.....	1,755	2,315
Lincoln.....	943	7			
Linn.....	729	12			
Livingston.....	488	2	Totals.....	73,261	3,948

The following is a recapitulation of the receipts and disbursements in connection with the game and fish department for the year 1910:

To balance in Game Protection Fund, January 1, 1910.....	\$62,773.0¢	
To 73,261 county hunters' licenses issued in 1910 at \$1.00 each.....	73,261.0¢	
To 3,948 State hunters' licenses issued in 1910 at \$5.00 each.....	19,740.0¢	
To 56 non-resident hunters' licenses issued in 1910 at \$25.00 each	1,400.0¢	
To sale of rough or scavenger fish.....	100.00	
To 20 Taxidermist permits at \$1.00 each.....	20.00	
To 12 Ornithologists' permits at \$2.00 each.....	24.00	
To 4 general permits at \$5.00 each.....	20.00	
To amount returned from quail feeding.....	18.95	
To amount received from sale of chickens at game farm.....	299.26	
To amount returned by A. W. Johnson, deputy, over-payment.....	10.00	
To amount received for licenses after county clerks had returned their supplies.....	20.90	\$157,687.17
By amount retained by county clerks for issuing 77,209 licenses at 15 cents each.....	\$11,581.35	
By amount postage and exchange retained by county clerks in 1910....	373.16	\$11,954.51
Total amount on hand and remitted to State Treasurer.....		\$145,732.66
Disbursements.		
By Jesse A. Tolerton, Game & Fish Commissioner, salary for 1910....	\$2,500.00	
By Jesse A. Tolerton, Game & Fish Commissioner, traveling expenses..	870.94	
By amount paid deputies per diem, 12,313 days at \$3.00 per day.....	36,939.00	
By amount paid deputies to cover expense accounts.....	19,253.24	
By amount paid Kirby J. Smith, clerk, 59 days at \$2.50 per day.....	147.50	
By amount paid A. F. Peterson, clerk, 306 days at \$2.50 per day....	765.00	
By amount paid, T. B. Carter, janitor.....	180.00	
By amount for telegraph and telephone.....	312.00	
By amount for freight and express.....	3,334.76	
By amount for postage.....	701.65	
By amount for pheasants, eggs and partridges.....	24,801.83	
By amount rent and fixtures St. Louis Office.....	268.00	
By amount equipping game farm.....	9,792.74	
By amount feed and maintenance of game farm and feeding quail 1909-1910.....	5,641.52	
By amount rental of game farm on year.....	300.00	
By amount printing and stationery.....	3,506.10	
By amount miscellaneous expenses.....	1,230.52	\$110,545.34
Balance in Game Protection Fund at the close of business, 1910.....		\$35,187.32

HARRY L. JAMES, deputy fish and game warden, appeared before the Joint Committee of the House and Senate, composed of Senators White, Buford and Dunwoody, and Representatives McCarty, Mitchell and Orr, with Senator Buford and Representatives McCarty, Mitchell and Orr present, and first being duly sworn according to law, testified as follows:

Question by Mr. Orr: Q. You are one of the deputy game wardens appointed by Mr. Tolerton, the State Game and Fish Commissioner?

A. Yes, sir.

Q. Mr. James, when were you appointed deputy game and fish warden?

A. I think I was appointed the 18th of August, 1908—1908 or 1909.

Q. 1909, I expect it was?

A. Yes, one or the other.

Q. You have been constantly engaged in that business of deputy game and fish warden ever since? A. Yes, sir; I have been ever since that time.

Q. And were given a commission by the Fish Commissioner? A. Yes, sir.

Q. Now at the time you received your commission, did you have any instructions or directions other than that embodied in the commission?

A. No, sir; that was all, just to look after the interest of the game and fish law, and to see they were not violated.

Q. Now since that time, have you ever had any orders from the Game Warden as to your duties?

A. No, sir; only just by the instructions.

Q. And how were these instructions given?

A. Well, there would be parties at certain places would write Mr. Tolerton in regard to certain violations being committed at certain places, and he would write me a letter to investigate the matter and report to him.

Q. You made some trips without instructions from him?

A. O, yes; I was instructed to go—and I had liberty to go over the Second Congressional district as I saw fit.

Q. You had the Second Congressional district to go over and look after conditions in the district?

A. Yes, sir.

Q. And on all these trips you never had any special order or commission in regard to any special trips to make?

A. No, sir; not all of them, except a general run of duties.

Q. Where something extraordinary came up he would call your attention to it and tell you to go and investigate that, would he?

A. Yes, sir; yes, sir.

Q. But a great many times you went without instructions of that kind to investigate any special thing?

A. Yes, sir.

Q. The year 1910, did you put in all your time as deputy game warden at work?

A. Yes, sir; I think every day of the year, 1910—I think there was thirty-one days I didn't work.

Q. Why were you not working at deputy game warden business during these thirty-one days?

A. I think I was off on account of the sickness of my wife—at home, in July.

Q. In the month of July, you didn't work any? A. Well, I didn't put in any claim for that; I did do some work though, I went out one or two days, I made a trip to Moberly, and somewhere else, I think, but I made no claim; it was ten or twelve dollars, and I never put in any claim for it.

Q. Now you worked over the Second Congressional district, how many arrests did you make?

A. Well, let's see, four or five, I think four or five in Chariton county.

Q. Any others?

A. Then we had one up in Grundy county and one in Linn county.

Q. Take the Chariton county cases, five of them; did you prosecute these cases?

A. Yes, sir.

Q. What was the result?

A. It resulted in the conviction of Clark, who maintained a fish dam on the Chariton.

Q. Convicted by a jury?

A. Yes; convicted by a jury of twelve men and they fined him \$50.00 and costs; and then there was other indictments of informations against him, and he plead guilty to those two, and he was fined in each of these cases \$50.00 and costs with a stay of execution on the last two for good behavior. The other was a boy by the name of Rice for fishing in the Chariton; he was tried and acquitted.

Q. The next case?

A. The next case was a fellow by the name of Johnson.

Q. What was done with that case?

A. He was tried before a justice of the peace.

Q. With what result?

A. Acquittal.

Q. Take the Linn county case?

A. These cases—

Q. What was the result of the Linn county case?

A. That was never got into court at all.

Q. And the Grundy county case?

A. That was thrown out of the court.

Q. Then the conviction of Clark was the only one you had in your territory?

A. Yes, in my territory.

Q. Now, Mr. James, I will ask you to examine these reports; they are the reports sent in by you, are they?

A. This is all my hand-write.

Q. You were required to make a weekly report of the work done, to the game warden?

A. Yes, sir.

Q. And these reports were weekly reports that you sent to the warden, were they not?

A. Yes, sir.

Q. For work that you did, that was reported on these blank reports during the week—or during each week?

A. Yes, sir.

Q. And these reports show all the work you accomplished in the Second Congressional district?

A. Yes, sir.

Q. Together with your expense account for the time spent, do they not?

A. Yes, sir.

Q. Now if your records show that you were in Carrollton on Sunday you were not working on these days, were you?

A. No, sir; I was ready for duty, though, if any action came up, sometimes I would be out, sometimes I would not.

Q. But there were sometimes you spent Sunday in Carrollton and did not perform any official duty?

A. Yes, it is true in a sense; but I was ready for any call, so he would know where I was and could place me; sometimes I would go and look after Sunday shooting in our county and not make any report of it.

Q. Now, Mr. James, where is Bowdry Cut?

A. Bowdry Cut is six miles south of Carrollton.

Q. What is it. A. It is a place made there from an overflow in '85; it runs from one hundred to three hundred yards wide, a deep place and a great fishing resort.

Q. Is there a hotel there?

A. Yes, a fellow runs an eating house there, by the name of Phillips.



Q. What does he serve? A. Canned goods, eating place and his wife does the cooking.

Q. Your report shows you paid \$2.00 for board in one day and paid it to this eating house?

A. Yes, I paid that there to Phillips and I have his receipt for these things somewhere, I don't know whether you have them or not.

Q. Now Mr. James, did you have any instructions from the game warden to enforce the collection of licenses in your territory?

A. You mean in a general way?

Q. Well, for instance, you find a man hunting without a license, had you any authority to collect license from him?

A. No, not that way; all I did was to go after them.

Q. Now what other official results did you accomplish, Mr. James, other than the prosecution of these men you have spoken of?

A. I talked to the farmers to take care of the quail, and got them interested and the hunting club fellows agreed to help me out, and we could find them out; we didn't aim to put a fellow in jail if we could help it, if we found a fellow that did—

Q. You did have instructions about getting men to take out licenses?

A. Yes, sir.

Q. And to collect the license?

A. No, sir; I never collected any license.

Q. You had no authority or claim to collect licenses?

A. No, sir; only to send men to the county clerk, and see that they got licenses.

Q. Did you see any violators of law, hunting without license?

A. No, sir.

Q. Did you have any one go and get licenses at your instructions?

A. O, yes.

Q. Were they hunting without license?

A. No; I heard people come and ask whether they should take out license, and I would tell them it was the law, and that they would have to do it. If they didn't it would be reported and they would be picked up sometime or another.

Q. How many took out license at your instructions? A. I have no idea.

Q. But it was your practice to make these trips over your district without special instructions from the game warden to go and make them?

A. Yes, sir.

Q. And you charged up your expense account and per diem for such trips as you would make yourself?

A. Yes; I would be called by different J. P's. over to a certain place?

Q. And you would go at the instruction of the J. P's?

A. Yes.

Q. Can you answer that question about the number of licenses taken out at your instruction or request? A. No, sir; I have no idea. No, sir, not all over the district; I wouldn't have no idea at all.

Examine the witness gentlemen, if you wish.

(Question by Senator Buford.) Q. Doctor Mitchell, do you desire to ask any questions?

Dr. Mitchell. A. No, sir.

That is all. That is all. Witness excused.

MR. HARRY L. JAMES is here recalled for further examination, and testified as follows:

(Question by Mr. Orr.) Q. Now Mr. James, you had some difficulty with the State Auditor, Mr. Gordon, in regard to an expense account of yours?

A. Yes, sir; trip to Brunswick, of two dollars.

Q. Explain the matter?

A. I was down there afterwards, and I got Mr. Sashey, who runs the Florence Hotel at Brunswick, to give me a receipt where \$2.00 was paid him, and Mr. Gordon, the Auditor, has a receipt from somebody for fifty cents; I don't know who took the receipt, it isn't Mrs. Sashey's hand write.

Q. Have you the receipt from Mrs. Sashey?

A. Ben White has it.

Q. Senator White?

A. Yes, sir.

Q. Now, Mr. James, there was also a discrepancy in your per diem of thirteen days, which the Auditor held up for a while?

A. Yes, sir.

Q. Now tell the committee whether or not on these thirteen days you were at work that month? A. Yes, I was at work, because they got a receipt—I think some \$22.00 was taken out for mileage and Mr. Tolerton held up \$27.00 of my pay, and he found out when I got these receipts, showing that everything was all right, and that I had been to all of these places; he sent it back to Mr. Gordon, and Mr. Gordon paid the amount of money held up, and Mr. Tolerton gave me the money per diem—three dollars per day.

Q. There is nothing held up now against you at all for your claim for that time?

A. I think I have a receipt for everything, but three or four dollars; there's some things, I don't know what, probably riding on pull-man, I was out that much any way—bus fare or something.

Q. That's the only amount due you that is being held up?

A. Yes, sir.

Q. Did you explain satisfactorily to the game commissioner and the State Auditor, the discrepancy in your account, for all the items?

A. What is your question?

Q. Did you explain satisfactorily to them the items that were in question in your report?

A. Yes; that \$1.50 at Bowdry Cut, I got a receipt from Mr. Phillips and he explained it in his receipt, and that \$1.50 at Bosworth—

Q. Did you or not, make a statement that at Bowdry Cut, it wasn't two dollars for board, but a dollar and a half of it was for labor?

A. Yes; I put it down all for board.

Q. But a dollar and a half was for labor?

A. Yes, sir.

Q. And fifty cents was for board?

A. Yes, sir.

Q. I understood you to say you paid Mr. Phillips \$2.00 for board?

A. No; I paid him two dollars for the whole thing; he runs the eating house and he runs the boats on the river, and he helped me some down there, that was a hard place to keep fellows from seining.

Q. Who did you pay a dollar and a half to for labor?

A. Mr. Phillips.

Q. Who did you pay the fifty cents to?

A. The same party.

Q. Paid both items to the same man? A

A. Yes, sir.

Q. Did you or did you not, say you had a similar experience at Brunswick?

A. No, sir; that was all board, that was meals.

Q. You didn't make any statement to the contrary? A. No, sir; not down there.

Q. Was there, or was there not a discrepancy in your accounts at Glasgow?

A. Yes, but that was all straightened up.

Q. But at Bosworth, there was a similar discrepancy? A. Yes, a fellow by the name of Calvert, a dollar and a half I paid for labor,

he lived near Grand river, and he helped me there with the boats.

Q. Then fifty cents of that was for board?

A. Yes, sir.

Q. But you charged up in your report, all board?

A. Yes, sir.

Q. How did you happen to charge these things to board when they didn't happen to be for board?

A. Well, there was no place there for "labor," and I just put it down in the hotel account.

Q. There is a space here for miscellaneous items, isn't there?

A. Yes, sir; there is a place there for miscellaneous items.

Q. For instance, for the week ending February 5th, you have item "boat on river, \$1.00?"

A. Yes, sir.

Q. How was it you didn't insert "labor" one dollar and a half?

A. How was that? Question repeated.

A. No answer.

Q. You say "boat on river, one dollar, and in another item in the same report you say "getting birds home one dollar and a half," explain that?

A. That was for getting them birds home for Jim Goodson.

Q. Yes, I understand, but my question is this—

A. Well, I never thought about itemizing that other, I put it down there as "hotel" and Mr. Jest wrote and told me that I must itemize these things.

Q. When did this discrepancy for labor and board take place?

A. In May, I think.

Q. Before this, you were itemizing your account, your reports?

A. Sometimes I did, sometimes I didn't. He told me then that I must itemize everything.

Q. After you had this trouble? A. Yes, he told me before that, I ought to be particular and itemize everything.

Q. When you leave Carrollton for Brunswick, what time do you leave Carrollton?

A. Sometime in the morning.

Q. What time does your train get out of there?

A. Nine forty.

Q. You have breakfast at home?

A. Usually.

Q. You go to Brunswick and charge two dollars for that day?

A. Yes, sir.

Q. If you had breakfast home then you didn't pay fifty cents for your breakfast, then?

A. It probably run over till the next morning, that would make two dollars.

Q. Well, then, for instance you charge for every day in the week \$2.00, the next morning's breakfast would be counted in on the next day's board?

A. It might be.

Q. Then you charge two dollars for the next day's board, also?

A. No answer.

Q. Now you have "from Carrollton to Brunswick for the week ending March 12, Carrollton to Brunswick, \$2.00, on the 7th day of March, and you leave home at nine o'clock in the morning, after breakfast?

A. Yes, sir.

Q. Then you charge hotel bill, \$2.00; railroad fare, 60 cents; bus fare, 10 cents; now where did the two dollar board bill come in for the 7th, Mr. James?

A. There is six days out, and thirteen days—the seventh day I didn't charge anything at all here.

Q. But you charge \$2.00 for the 7th, leaving home after breakfast—how did you get that amount that day?

A. I just put it a dollar and a half, take two dollars and that would make a dollar and a half down here.

Q. Then this report is not correct according to the way you spent the money?

A. Yes, it is.

Q. Then you didn't spend two dollars for board on the 7th, you only spent a dollar and a half if you got your breakfast at home?

A. I don't remember.

Q. You couldn't have spent two dollars for board that day?

A. I might have done it.

Q. In what way, you left home after breakfast, you only had dinner and supper and bed for that day, that would be \$1.50 for that day, would it not?

A. Well, I don't know how that would be, it run down to a dollar and a half there and on one of them days it is \$2.50, I don't think—I don't know how that would be—I paid it out any way.

Q. I am not questioning that, but can you tell the committee how it is you seem to charge \$2.00 a day hotel bill straight through?

A. Yes, sir.

Q. And you really kept no account of the items, simply charged yourself up with \$2.00 a day board or hotel bill, straight through?

A. Yes, when I was out, that's the way I did it.

(Question by Senator Buford.) Q. Mr. James, you didn't keep close track of a good many items on your accounts?

A. No, sir; I did not at that time.

Q. You drew your pay straight for January and February?

A. When was that?

Q. For this year, 1911?

A. No, no.

Mr. Orr, interrupting. Q. Why?

A. There was no fund appropriated for that purpose.

Q. But you have your account in?

A. Yes, sir; I am still on the force, when the appropriation is made I expect pay, of course.

Q. Is it the custom to pay deputies straight time; is that in force this year the same as last year?

A. Those that are working, I suppose it is.

Q. Have you turned your account in for January and February?

A. Yes, sir—no, I haven't for January and February—I have for the January account.

Q. That's for thirty-one days, I suppose?

A. No, the report will show just how many days, I think it is about three weeks I put in.

Q. You have been sitting around the Legislature here, haven't you, the most of the time?

A. Yes, sir; a good deal of the time.

Q. You have been working in behalf of the protection of game during the time you are here, I suppose?

A. Yes, sir.

(Question by Mr. Mitchell.) Q. In putting these little board accounts in, would you sometimes include bus fare and things of that kind?

A. Yes, sir; I think I did.

Q. You didn't itemize it; you put in \$2.00 for board, when some would be for bus hire and other incidental expenses?

A. Yes, sir; that's what I did.

(Question by Mr. McCarty.) Q. I believe you stated in answer to Senator Buford's question that you put in a good share of your time in January around the Legislature here, in Jefferson City, looking

after the interest of the game; state to the committee how you were looking after the interest of the game while here?

A. Well, we were sending out birds; I was working in the office here helping compile records and helping get ready for the first of the year.

Q. Were you actually working in the office or working among the members of the Legislature?

A. Well, nights I was working among the members of the Legislature around town, and trying to be friendly with everybody; I'd like to see this thing go through, it is a matter of bread and butter with me.

Q. In other words, you were kind of lobbying for it?

A. Well, I was just talking with the boys.

(Dr. Mitchell.) Q. You have been giving the game commissioner advice in regard to shipments of birds?

A. Yes, and bringing names down to them.

Q. Finding out those that would take care of them?

A. Yes, sir.

Q. Helping him in this way?

A. Yes, sir.

That is all. That is all. Witness excused.

MR. A. C. WRIGHT, deputy game and fish warden, being first duly sworn according to law, testifies as follows:

(Question by Mr. Orr.) Q. Mr. Wright, you are one of the deputy game and fish wardens, appointed by Mr. Tolerton?

A. I have been up to the 31st of December; I am not connected with the department at the present time.

Q. How did you happen to terminate your term of office?

A. I received an appointment in Kansas City as purchasing agent and I sent in my resignation.

Q. When were you appointed deputy game and fish warden?

A. In November, I think, 1909.

Q. What were your instructions in addition to your commission, when you were appointed?

A. I had a letter telling me about what my duties were, and what was expected of me; I have no copy of it with me.

Q. Do you know whether it is in existence or not? A. No, sir; I do not know, I suppose it is.

Q. Would you have any objection to sending it in to this committee?

A. I would not; I would like for the committee to understand my position, however, I may not be able to find that letter.

Q. For fear you may not, tell this committee as nearly as you can, what your instructions were in that letter?

A. My instructions were to properly familiarize myself with the game laws and discharge my duties of that office.

Q. That was your general instructions?

A. That was about the milk in the cocoanut, as I understood it.

Q. In accordance therewith, you made it your duty to travel where?

A. Well, I was supposed to travel close to Kansas City, in Jackson, Cass, Clay and Ray counties.

Q. Did you confine your operations to these counties?

A. I did until I was made a special deputy in the department, to enforce the plumage section, then I took up the entire State.

Q. When was that done?

A. I think it was in February, 1910. I am getting ahead of my story—in Kansas City, I got in pretty close touch with Mr. Walmsley, and probably you all know that Mr. Walmsley was an enthusiast on this game law to enforce plumage section, that was his hobby, and he gave me considerable instruction on it along the line of this plumage section especially, and in fact, I was made special deputy of the State after doing some work in Kansas City enforcing the plumage section.

Q. In enforcing the plumage section, what were your instructions?

A. I was to visit all the millinery dealers, and suppress the sale and prohibit the display of plumage.

Q. Did you find plumages, which are forbidden by the statutes, on display, in your rounds?

A. Quite a bit.

Q. What did you do with them?

A. On my first trip, I instructed the millinery dealers according to the law on the subject that they could not sell a bit of it, that we were working to enforce the plumage section of our law, that it hadn't been done for some four or five years and that we expected to and wanted to instruct them, that all plumage not disposed of they must return to the wholesale dealers in New York and Chicago, not wishing to work a hardship on our State merchants.

Q. You didn't arrest any of them?

A. No, sir.



Q. Why didn't you?

A. Well, we talked the matter over—

Q. Who, do you mean?

A. I mean talked it over with Mr. Tolerton and also with Mr. Walmsley and several other parties who were in close touch.

Q. Mr. Tolerton advised you not to arrest these men who were transgressing the law?

A. Well, I don't know that he instructed me not to, but it was my own good judgment; I think that the letter will show he wanted me to use my own judgment in this matter.

Q. And according to your judgment, when you found men violating the law, you didn't arrest them?

A. I didn't arrest them for the simple reason that I believed most of them were ignorant of the fact that they were violating the law.

Q. Did you confiscate any of the prohibitive plumages?

A. On my second trip I gathered up a small amount.

Q. Why didn't you then make arrests and prosecutions?

A. I don't believe I went to any dealer on the second trip and found any violations.

Q. I thought you said on your second trip you did?

A. For instance, if I go to St. Louis, it is almost a physical impossibility for me to call on each and every dealer; I did the best I could, especially with the wholesale houses, and tried to get it suppressed from the cities of the State, that we were enforcing the laws, and I think the wholesale millinery dealers will bear me out in this; that we were aiming to instruct them and they were to instruct the retail dealers it was a violation of law to carry certain lines of plumage; now I didn't have any particular row or fuss with anybody in regard to the confiscation of goods; the most I confiscated was goods this merchant would say, "Well I don't want this goods if it is prohibitive, take it out," and I think Mr. Tolerton has some of these goods now.

Q. Now, Mr. Wright, you would go clear across the State to St. Louis?

A. Yes, sir.

Q. And make the rounds of the millinery stores?

A. Yes, sir.

Q. Wasn't it better to write a letter to these men, telling them you were going to enforce the plumage law?

A. We did.

Q. And you incurred the expense of a trip across the State any how?

A. Yes, sir.

Q. Did you write them letters before you went?

A. Yes, I think so.

Q. Why didn't you prosecute the men who had received letters from you before, who were violating the law?

A. I told you I was governed largely by the opinion of others, Doctor T. S. Palmer, chief of the Biological Survey, Washington, D. C., and by others; Mr. Tolerton didn't think it advisable to prosecute if they showed a disposition to comply with the law.

Q. By what right did you receive instructions from Dr. Palmer of Washington?

A. No right—I didn't receive any instructions, Mr. Chairman, it was only a matter of advice, and I thought it better to look to people who had lots of experience along those lines.

Q. You made a weekly report to Mr. Tolerton of your work done each week?

A. Yes, sir; I think so.

Q. I will get you to examine these reports and tell the committee whether or not they are the reports made by you monthly, to the State Game and Fish Warden?

(Witness examines reports.) A. Yes; those are my reports.

Q. Those are the reports you made the game warden each week?

A. Yes, weekly and monthly reports.

Q. And they embody all the work accomplished during the week for which they were made?

A. Yes, sir.

Q. And the work reported in these reports was done at your own, on your own volition, without any instructions from Mr. Tolerton, as to whether you should go or not?

A. With exceptions.

Q. There were exceptions—he required you to do certain things?

A. Yes, sir.

Examine the witness.

(Senator Buford.) Q. None of these wholesale or retail merchants, who were found offering for sale the forbidden plumage were arrested?

A. No, sir.

Q. During your term as deputy game warden, did you arrest any person for hunting without license?

A. No, sir.

Q. Did you find any person hunting without license?

A. I did on one occasion; yes, sir.

That is all.

(Dr. Mitchell.) Q. Why did you let him go?

A. Well, I will go over the whole history with you and tell you why; I went over in Clay county to a little station called Linden about twelve miles from Kansas City; when I got off the car there were two young men got off at the same time with hunting clothes—garments—on, and I asked where they were going; they told me; I asked for their license; one man had his license, the other did not; he said to me that the reason he did not have his license was the fact that it was Monday and he didn't have any idea he was going hunting till Sunday afternoon when his partner asked him to go. He said, "I couldn't go to the court house to get my license yesterday and I couldn't go this morning, because the court house wasn't open at that time of day, the train left at 7:30," which was true, and he showed every disposition to be honest in the matter and told me the truth about it, and he told me if there was any way I could issue a license, he would be more than glad to pay for it, and I thought the man showed the proper spirit and honesty, and I told him I had no way to issue him a license, and I said for you to go to the court house in the morning and get your license; he said, "I may never go hunting again;" and I said, "Regardless of whether you go hunting or not, you go to the court house and get your license in the morning;" and he said he would. I turned and went away and didn't say anything more; of course, I had his name and address, and also the name and address of the party who was with him and had his license, and I thought the law was made for the purpose of getting people to take out licenses, and I thought I had accomplished just as much by his going and getting his license next morning, and afterwards I found out he did, and I thought it would make an enemy of the game law and there would be more accomplished under the method I pursued.

(Question by Mr. Orr.) Q. Mr. Wright, in your report for February, you state under February 23rd, you worked "in my district in an effort to get Republican voters in order to get a good man for mayor," why did you make that as an official report?

A. I don't know why I should; to tell the truth about it, I think it is a foolish report; however, I am guilty.

Q. You made that as part of your official report?

A. I shouldn't have done it; I see that; but I don't blame anybody but myself for that.

Q. You charged that up to the State?

A. Not necessarily.

Q. You were paid for your day's work that day?

A. I was.

Q. And reported it to the Game Warden?

A. Yes, sir.

Q. He approved it and allowed it?

A. I don't want you to hold Mr. Tolerton or anybody else responsible for that.

Q. I just want to get the facts.

A. I say I am here and I did it, and will suffer the penalty; I will have to suffer it. Mr. Tolerton is in nowise responsible for that report or that action of mine on that day; I am the party that should suffer for that.

Q. On Tuesday, April 5th, you state, "I was in our precinct on account of our city election;" you reported that as part of your official conduct to your superior officer?

A. I can explain that in this way; for some time past I have been known as precinct—

Q. Excuse me, I know you are an enthusiastic Republican, but the only thing I am inquiring about is why you made these reports as your official conduct.

A. I say I shouldn't have done it.

Q. But you did do these things and were paid for them by the State?

A. Yes, I guess that is true, but I think—

Q. You state, Monday, April 16th, you were at the city hall to see Mr. Brown become mayor?

A. I think if you will go farther back of that you will find that my work in the forenoon consisted in examining the commission houses.

Q. (Handing witness report.) If you care to look at your report for the month of April?

A. Does it tally with the report?

Q. Well, look and see, examine the entry on Monday, April 18.

(Witness does so.)

Q. It is correctly copied, is it not, Mr. Wright?

A. I won't say for sure.

Q. Well, I will read and you can compare with me. (Comparison is made aloud.)

Q. That is a correct copy, is it not?

Q. Yes, sir; but the only explanation I can make of that is, I think

the forenoon of that day I was around the commission houses; often I made trips around these houses during the duck season; there were reports that ducks were being sold; nevertheless, I will not try to get around the report.

Q. You state on Monday, November 8th, "This date I spent mostly at election booth?"

A. Yes, sir.

Q. That is part of your official report as game warden?

A. I guess I am guilty.

Q. Why did you make that as part of your official report?

A. I don't know why I should make it as an official report; I felt it my place to let the Department know what I was doing that day.

Q. As a Republican or as Game Warden?

A. Well, as a combination, we'll say.

Q. These reports of your doings in the election, of course, were paid for on the O. K. of Mr. Tolerton, his approval on investigation, or do you know that?

A. Well, I want to place myself right with this committee and Mr. Tolerton; I want to say Mr. Tolerton is in nowise responsible for the reports that I made, that is, my actions; I did that of my own free will.

Q. But you got pay for three hundred and sixty-five days' work in 1910?

A. Yes, sir.

Q. On approval and verification of the Game Warden?

A. Yes, sir.

That is all.

(Dr. Mitchell.) Q. During that time did you put in an average of eight or ten hours a day the three hundred and sixty-five days?

A. I wouldn't say I worked every day, but I have at times worked day and night in the neighborhood of Bean Lake and Cedar Lake and sometimes down about Nevada——

(Mr. Orr, interrupting.) Q. There were days you didn't work at all, were there?

A. I don't think there was many days I didn't do something in connection with the Game Department.

Q. There were some days, Sundays, in which you did not do something for the Department?

A. Mighty few.

Q. But some days?

A. I don't know that I can recollect.

Q. Your reports show what you did do on various days?

A. Yes, sir.

That is all.

(Dr. Mitchell.) Q. Why did you resign, you say?

A. I said my reasons for not being connected with the Department—

Objected to by Senator Buford as immaterial.

(Mr. Orr, continuing.) Q. You said you were purchasing agent for Mayor Brown, that was your purpose in resigning?

A. Yes, sir.

That is all. That is all. Witness excused.

MR. S. O. OSTERHOUT, first being duly sworn according to law, testifies as follows:

(Question by Mr. McCarty.. Q. Where do you live?

A. Hannibal, Missouri.

Q. What is your occupation?

A. Well, I have been deputy game warden for the past—I think, let's see, eighth of November, 1909, I think I was appointed.

Q. You were deputy game warden during the year 1910, the entire year?

A. Yes, sir.

Q. You are still deputy game warden?

A. Yes, sir.

Q. What territory do you cover as deputy game warden?

A. Well, I have Marion and Lewis and Shelby and Ralls; let's see; well, I go up into Clark sometimes—I have been up in Clark.

Q. What other business, if any, have you besides deputy game warden?

A. Well, now, I have an office, I have a real estate office; that is, before I was appointed game warden I was in the real estate business, and I have an office in the Hannibal Trust Company, and Mr. Ackerman used to be a partner of mine; he has an office adjoining mine; and when I leave, well, in fact, all the time, the doors are open between the offices and he attends to anything that might come up in my office.

Q. You still conduct on your account, and you have ever since you were appointed deputy game warden, a real estate office in Hannibal?

A. In a way, but I don't believe since I have been appointed that I have sold a piece of property as real estate man; I don't believe I have.

Q. Do you collect rents or other things, incident to that business?

A. No, sir.

Q. You are there trying to sell, are you?

A. Well, as I say, while you may say that I have an office, that's about all there is to it; the office is locked up much of the time, for my real estate business is no good any more.

Q. What portion of your time do you spend in and around this real estate office?

A. Well, I have that as headquarters whenever I am in town. Now, this is the way I have run, or aimed to run, the Game Warden business: I have felt that it wasn't worth while for a man to be out on the road all the time, running up and down the road and nothing doing, but whenever the hunting season was on I tried to be out looking after the fellows up and down the river where there might be hunters, and when in town I have been out around the fellows and down on the river; I have a kind of peculiar territory; during the duck hunting season opposite Quincy and on those bottoms up there, we have non-residents who used to come across there, come across the river a good deal, and I have put in quite a good deal of my time up through this territory to LaGrange, and down through Hannibal territory.

Q. Now, Mr. Osterhout, you drew pay for three hundred and sixty-five days for the last year, during the year 1910?

A. Yes, sir.

Q. Are those your official reports that you sent in here?

A. I suppose they are, I couldn't say (Examining.) Yes, sir.

Q. For the year 1910?

A. Yes, sir.

Q. Did these reports contain the work done each day by you for the year 1910, and the expense itemized, during the same time?

A. Yes, sir; no——

Q. It is a correct and true statement of both your time employed and where you were and also for the amount spent and what for, isn't it?

A. Yes, sir; that's correct.

Q. Did you ever think you were not entitled to full pay when you were doing nothing?

A. Well, now, you know, you take for instance when I was not out on the road—now, I am notary public over there for instance, and the boys, a great many of them, come up to my office and get a license; now, the county seat is Palmyra, and I encourage the fellows to take out

license, and I have never charged the fellows for their applications; they come up and I fill out applications, and I pay postage and send to Palmyra and get their licenses, and I have quite a good deal of correspondence different places, and when I was around the office I did quite a bit of office work along that line.

Q. I don't believe you answered my question. Stenographer, please repeat the question.

(Question repeated as follows): Q. Did you ever think you were not entitled to full pay when you were doing nothing?

A. Well, when I was doing nothing, I don't know as that thought had ever occurred to me; I don't know as I—of course, if there was times I was doing absolutely nothing along the game line or anything of that kind; I don't know as I would be entitled to pay, but I have aimed to put in—did something every day along the game line in some way.

Q. Sundays included?

A. No, I will say that a great many Sundays I didn't go out at all, but there is Sundays I have gone out; before I was Game Warden something I never did do was to go out on Sundays, and I didn't do any work, but on quite a good many Sundays during the hunting season I did go out, and I felt when I was out I had no business being out; I kind of felt guilty; but at the same time I thought it my duty.

Q. Now, in it is a fact, Mr. Osterhout, is it not, that during the year 1910, for which you drew pay for three hundred and sixty-five days, that there were numerous days that you did not do a thing for the Game Warden Department?

A. I think that my report will show that is probably not all the way up, but when I wasn't on the road at all, for instance when I was out traveling; say, for instance, I was patrolling in the vicinity of Hannibal, doing something of that kind, that I didn't put in any expense for anything, but later in the year, I went ahead and said, "Patrolling in the vicinity of Hannibal," but earlier in the year I didn't make any report on it.

Q. But you had to send in these reports each week, did you not?

A. Yes, sir.

Q. While what you had done was fresh in your mind, of course?

A. Yes, sir.

Q. Now, I pick up from your list, it being the top one, your report for the month of May, 1910, and the report which contains five separate weekly reports, for the week ending May 7th, which said week contains seven days on the report, and I will ask you if it isn't a fact



that you only worked one day during that week and which was Friday?

A. I can't remember.

Q. Look at this report and state if that isn't a fact as it appears from your report?

(Witness examines report) A. Yes, that's correct, according to the report.

Q. You only worked one day during that week?

A. According to that report.

Q. These reports are true and correct?

A. Well, as I said, for instance, we have a lot of fishermen on the river and if I go down on the river and get among them fellows, trying to find out whether they were seining or not, I didn't put that on my report, because when I wasn't on the road, or went up the river, I didn't include it in here, in my report at all; I left it blank. Instead of saying "Patrolling in the vicinity of Hannibal" looking after these fellows, I didn't include it in my report at all.

Q. Now, while you made five separate reports for the month of May, four of these are for a full week of seven days each, and the other report is only for the balance of the month, which in that case would be three days, is it not?

A. Yes, sir; where it lapped over a day or two days, there's a separate report for the balance of the month.

Q. For the week ending May 14th, I will ask you if your report doesn't show that there were four days during that week in which you did not do a thing?

A. Yes, sir.

Q. For the week ending May 21st, 1910, I will ask you if your report doesn't show that there were four days in that week that you did not do a thing?

A. Yes, sir.

Q. For the week ending May 28, 1910, I will ask you if the report doesn't show that there were two days in which you did not do a thing in the interest of the Game Department?

A. Yes, sir.

O. In the report which includes the balance of the month, being three days, I will ask you if your report doesn't show that on two of these three days you were not doing a thing for the Department?

A. Yes, sir.

Q. Then in the month of May, 1910, your report shows that out

of the 31 days in the month, there were eighteen of these days in which you were doing nothing for the Department?

A. As I said a while ago, that is according to the report; for instance, if I was in town and got among the fishermen——

Q. Answer my question.

A. Yes, that's correct, but I'd like to qualify the statement that, for instance, if I went down on the river, which I did a great many times during the fishing season, I would go amongst these fishermen down there to see whether I could see any fellows doing any illegal seining or illegal netting; I had fellows there who were watching, and I would hear this one say if you will watch so and so, you will get some nets; while it was right and proper I should have said I was patrolling in the vicinity of Hannibal, but I didn't do that; I left it open.

Q. And so on through all your monthly reports they show a number of days in which you did nothing at all for the Department?

A. Yes, sir.

Q. Through all the monthly reports?

A. Yes, sir.

Q. Now, in those in which you do show to have done something for the Department, don't you show that you were in and around Hannibal a great portion of the time?

A. Yes, but as I say—now, you take my territory in between Quincy and Hannibal on up and along the river there, we have the North river and the South river and the North and South Fabius that all empty in to the Mississippi river about Hannibal, I'd say in about twelve miles, and I did quite a good deal of work up and down the vicinity of Hannibal; in fact, it will keep any man busy to keep these fellows out of there, and do a good job.

Q. Have you ever read the section of the game law in regard to the pay of deputy fish and game wardens?

A. I don't know whether I have or not; I would judge so; I have read the whole thing over.

Q. Do you construe that law to mean that a deputy game warden can receive full pay for every day whether he is working or not?

A. I couldn't say about that, I am no attorney; I don't know.

Q. How many arrests have you made in your territory?

A. Only one.

Q. How many convictions were there?

A. Well, this fellow plead guilty.

Q. What was he arrested for?

A. Hunting without license.

Q. Oh!

A. Well, not myself directly, the fish boat came down from Keokuk and they was patrolling the Mississippi river, and there was four fellows arrested at Canton, two plead guilty, and I went up and got the other two, who plead guilty, and there was two arrested at Canton by those fellows who came down; the constable arrested one of the two in the Moody bottoms, but I didn't get any report on these fellows, but there was only one in my home territory that was arrested, but to show you—now, I think what you want is facts——

Q. Yes, just exactly.

A. Now, I think, in 1907, there was one hundred and seven licenses in our county, in 1908 there was seventy-four, and in 1909 there was something like one thousand; last year we had twelve hundred and two county licenses in forty-five states; now, that would surely cover the majority of the hunters of our county.

Q. Did you insist on men taking out licenses?

A. O, yes; yes, sir. By the way, here is a little petition I want to show you that was gotten up voluntarily by Mr. Hayes and handed to me before I left Hannibal day before yesterday morning.

Objected to by Senator Buford; not relevant to the issues in this case.

(By the Chairman.) Yes, I think that is foreign to the issues in this case.

Q. You say you put in a good deal of time trying to get men to take out licenses?

A. Yes; for instance, I have said to the boys, "why not take out your licenses, I won't charge you a cent, I am a notary public, and it won't cost you a cent, and I wouldn't charge the fellows anything, and I'd take the application and take the acknowledgment and the licenses would come to me and I would deliver them to them and the fellows in our part of the State are in favor of the game law, and they don't take out licenses because somebody is going to arrest them; it is because they believe in the game law and want it; there is but one man in our section opposed to the game law. You can see the endorsement; I can send petitions here with a thousand men on it, if you want it.

Q. Well, that isn't what I asked?

A. Yes; but I want to show you how the fellows feel in my part of the State, and that they are satisfied with my work as deputy game warden.

That is all.

(By Mr. Mitchell.) I would like to have that petition filed as part of the evidence in this case.

Objected to by Senator Buford, as immaterial.

(Mr. Mitchell.) Q. Do you mind giving that to me, Mr. Osterhout?

(Mr. Osterhout.) No, sir. (Hands petition to Dr. Mitchell.)

Question by Mr. Mitchell: Q. Now you report four days?

A. Yes, sir.

Q. In making these reports, has it been your custom to only make reports for the days when you pay expenses?

A. Yes, sir.

Q. And those days, where there is no expense?

A. For instance, if I went home and eat my dinner, even though I was patrolling in the vicinity of Hannibal, I did not charge any expense to the State.

Q. Is that the reason you have this blank?

A. Well, sometimes I probably would have filled that in more fully if I knew the committee was going to look at it; I would probably have filled in more fully, if I was in the vicinity of Hannibal; sometimes I wouldn't fill out that report at all, because I was not doing any special work for the department; if I was looking after the fishermen, I didn't put in any report of any expense.

Q. Then your report only shows days when you did pay expense?

A. Yes, sir.

Q. I see on the back you have four days, and in here you speak of five days?

A. Yes, sir.

Q. Now there are three days in which you did not make report, and the reason is that you charged the State nothing for these days?

A. No, sir; that's right.

(Question by Mr. McCarty.) Q. Mr. Osterhout, you are required to make report of each day's proceedings when working for the game and fish department, are you not?

A. I suppose I am; yes.

Q. And all these reports for the fifty-two weeks for the year 1910, are true and correct, according to the best of your judgment?

A. Yes, sir.

That is all.

(Question by Senator Buford.) Q. How many convictions have there been in the vicinity of Hannibal?

A. Well, one only, in Hannibal.

Q. I mean in the vicinity?

A. Well, the last one in Ralls county, the prosecuting attorney told me there was a conviction of a foreigner, but I didn't make the arrest, between Hannibal and Quincy; the sheriff told me there was two fellows arrested, and taken before the justice of the peace, but I didn't know the particulars about that case; Mr. Nelson over there, he was the deputy.

Q. I don't care for that.

Mr. McCarty: Just answer the questions as briefly as you can, being consistent with the committee and yourself.

Q. How many persons have you found in the vicinity of Hannibal violating the game law since you have been deputy?

A. This is the only one; I have had reports of certain fellows, but I was never called to locate the parties.

Q. I notice in about three-fourths of your reports you state for your day's work, "patrolling in the vicinity of Hannibal," what do you mean by patrolling? A. Well, for instance, as I said, now I was down there on the river looking after the fisherman, or around the edge of town, or if I was doing some correspondence, answering correspondence or anything of that kind.

(Question by Mr. Mitchell.) Q. Then you did not include these days in your reports?

A. O, no; only this, I aimed to be accurate in my report, I should say, when I was down on the river after these fellows, in a way I was working for the department, of course.

Q. But you didn't include that in your reports?

A. No.

(Senator Buford.) Q. Then the days you have included in your reports amount to something over half, patrolling around Hannibal?

A. I couldn't say as to the number; I don't keep any copy of my weekly reports; after I make the report it is sent in and I keep no copy of it at all.

(Question by Mr. McCarty.) Q. I think you misunderstood Representative Mitchell's question; he asked if it was a fact that you did not include these days that it says "patrolling in the vicinity of Hannibal," in your report, and you said that you did not?

A. No, I understood him to say if I charged up the expense.

Q. To refresh your mind, you did include all these days in your report as work done for the department?

A. Yes, sir; yes sir.

Q. I just wanted to be sure about that, because the report shows that.

A. I thought he meant hotel or livery bills.

(Mr Mitchell.) Q. My question was, in these reports there are days you made no report?

A. Yes, sir.

Q. Were you working for the department for those days and didn't include it in the report because you made no charge for expense?

A. Yes, sir.

Q. On those days now you did not charge anything; you did not include that in your report?

A. No, sir.

Q. But still you were working?

A. Yes; still working.

(Mr. McCarty.) Q. Mr. Osterhout, be sure you are right when you answer these questions; now there is a space on the front of these weekly reports for you to report what you are doing, and where you were each day, isn't there?

A. Yes, sir.

Q. That front page has nothing whatever to do with expense, has it?

A. No, sir.

Q. You didn't put one cent of expense on the front page for any day, did you?

A. No, sir.

Q. But on the back of that is where you have your expense account?

A. Yes, sir.

Q. Then you did not fairly understand Dr. Mitchell's question?

A. No, sir; I misunderstood the question; I didn't understand that.

That is all. That is all. Witness excused.

MR. OSTERHOUT is here recalled for further examination by Senator Buford.

Q. If your reports show that you were engaged at the polls on the eighth of November, is that correct?

A. Yes, sir; that's correct. I was one of the judges of election; I think I was judge or clerk; yes, I was judge.

Q. You drew pay for that day?

A. Yes; I guess I did.

Q. You also drew pay as deputy game warden?

A. Yes, sir.

That is all. That is all. Witness excused.

The reports of Mr. Osterhout are here offered in evidence to become a part of the record herein.

MR. W. T. REED, being first duly sworn according to law, testifies as follows:

(Question by Senator Buford.) Q. Mr. Reed, here are the weekly reports made by you as deputy game warden to Mr. Tolerton?

A. I suppose they are.

Q. Do you identify them as being your reports for the year 1910?

A. Yes; I guess those are all right; I didn't look them all over.

Q. They are the ones Mr. Tolerton gave us?

A. Yes, sir.

Q. It was your duty, Mr. Reed, as deputy game warden, to make a full and complete report at the end of each week for the work you did?

A. Yes, sir.

Q. And these reports contain a full and complete report of the work done by you during each week?

A. Yes; I made them as brief as possible; I didn't go into particulars.

Q. But they briefly contain for each day the work you did during the week?

A. Yes, sir.

Q. And at the end of each week the reports were made, while the work you did was fresh in your memory?

A. Yes; but I keep a memorandum day by day, so I did not take any chances on my memory at all.

Q. What orders were you under from Mr. Tolerton, that is, when you received your commission as deputy warden, what orders did you receive?

A. Well, to travel over the district and see that the law was observed as far as possible, and try to popularize the law and to do nothing indiscreet; to try to prevent people from getting into trouble; in place of getting them into it, keep them out of it.

Q. In other words, it was to persuade people to become reconciled to this law, and take out licenses?

A. Yes, sir.

Q. That was as much your work as it was to look after violations of law?

A. Well yes, whenever I had a number of cases where I could have gotten people into trouble, knowing they ignorantly did it; why I would let them off with a reprimand, and I want to relate one instance, a young fellow up in Osage county at Argyle—

Objected to—it doesn't tend to prove or disprove any matters set forth in this case.

(By Chairman McCarty.) No, I think not.

Q. Did you draw pay for three hundred and sixty-five days during the year 1910?

A. Yes; for every day.

Q. About how many days now, were you not engaged in this work?

A. Well, I was engaged about every day unless it was very stormy—snow storms.

Q. You were engaged according to the reports made by you, which were true?

A. Yes, sir.

Q. Well now, Mr. Reed, I'd like for you to explain why it is that some of these reports contain as much as seven days, with not a thing on earth stated that you did?

A. Was that at the ending of the year—was that January?

(Mr. Mitchell.), interrupting: That is one for November 30.

Q. That report has seven days blank?

A. Well, that certainly is a mistake, in making that I forgot to put that on. What year is that in November?

Q. 1910.

A. This is on the 27th, 28th, 29th and 30th, this is the one you have reference to—four days.

(Senator Buford continuing.) Q. On the back there are seven days which you report “no work to be done?”

A. November 27th—that is a mistake, negligence, November 27th at Jefferson City.

Q. You say it was a mistake?

A. Yes, I will tell you what I think; I keep a copy of all my work; I have a copy of every weekly report besides keeping this



memorandum, but I am not infallible; I handed in that report without it being complete, but my memorandum bears me out.

Q. Now, Mr. Tolerton honored this blank report you sent in and paid you for your time?

A. Yes, sir.

Q. Now, if your report states here that you were engaged in assisting your party at the poles at the August primary, and the November election, is that true?

A. Well, my report doesn't state that; I voted, but I didn't take any active part in it **at** all. I voted at the primary and at the general election, but I am a considerable liberal Republican; the Democrats will tell you so, I have not voted for my party always; I vote for the man—

Objected to.

(Mr. McCarty.) Q. Where do you live?

A. I live south of Versailles in Morgan county, near Gravis Mills.

Q. When were you appointed deputy game warden?

A. On the 16th or 17th of August, 1909, just a few days after the law went into effect, one of the first appointments.

Q. Are you still deputy game and fish commissioner, drawing pay?

A. Yes, sir; but I am not drawing pay, not since January, financially I was in such shape I had to make—

Objected to by Senator Buford.

Q. You will get pay for steady time now?

A. No, I don't get pay at all.

Q. I believe you stated in answer to Senator Buford you got pay for three hundred and sixty-five days in 1910?

A. Yes, sir; but—

Q. Have you engaged in any other duties since you became deputy warden?

A. No, sir.

Q. What was your occupation?

A. Before this job?

Q. Yes.

A. I had been engaged in mining down in Camden county.

Q. Then, during the year 1910, whenever you felt like it or deemed it best you would make trips over the territory?

A. Yes, all the time; only I would go back to my place where I staid once a month, usually.

Q. Would you have any special orders from the deputy warden to make these trips, or did you make them under your own judgment?

A. Occasionally, I would get letters, for instance, a man would report violations in Osage county and write to Mr. Tolerton about it, and I was supposed to look after the Eighth Congressional district and he would 'phone to me or write, and say "look after that when you have time," but generally I would go where I would see fit.

Q. And he would just instruct you now and then, when some one would write him, is that the idea?

A. Yes, sir.

Q. Were there very many of these complaints sent in your district to the headquarters of the game and fish commissioner, to Mr. Tolerton, and by him referred to you, with special instructions to look after it?

A. Quite a number.

Q. Roughly estimate, about as near as you can, how many?

A. I wouldn't like to say, I would want to be positive, pretty near.

Q. You can give us a few?

A. I would say—I couldn't say positively—fifteen or two dozen.

Q. We don't expect you to remember just exactly.

Q. Are you familiar with the game and fish laws in this State?

A. Yes, sir.

Q. Are you familiar with the section regarding the pay of deputies?

A. Yes, sir.

Q. Do you construe that section to mean you should be paid on Sunday when you don't do any work?

A. Well, a great many Sundays we did work.

Q. I say do you construe that section to mean you should be paid Sundays when you don't do any work?

A. Well, I didn't know of course; I am not a lawyer like you gentlemen, and I wouldn't have an opinion on that.

(Mr. Mitchell.) Q. Your understanding was you were to work all the time?

A. Yes.

Q. That you were appointed to put in your whole time?

A. Yes, steady work.

That is all. That is all. Witness excused.

MR. Z. A. JOHNSON, being first duly sworn according to law, testified as follows:

(Question by Mr. McCarty.) Q. Where do you live?

A. I live at Ozark.

Q. In Christian county, Missouri?

A. Yes, sir.

Q. What is your occupation?

A. Well, I am deputy game and fish commissioner.

Q. When were you appointed?

A. I don't know; it was in August,

Q. What year?

A. Of last year.

Q. Of 1909?

A. Yes, 1909.

Q. For what territory were you appointed?

A. Mine was State-wide.

Q. What are your duties, Mr. Johnson?

A. What are my duties?

Q. Yes, sir.

A. Well, my duty is to look after the violators; you know, of course, we have to enforce the law.

Q. Those are your reports to the State Game and Fish Commissioner, Mr. Tolerton, for the year 1910, are they not; weekly reports?

A. Well, I reckon, if my name is to all of them; if it is, they are.

Q. Were you engaged in any other occupation during the year 1910, besides deputy game and fish warden?

A. No, sir.

Q. Did those weekly reports of yours contain a full and complete report at the end of each week for the year 1910, of the work done by you as deputy game warden?

A. No, sir; not altogether.

Q. Aren't you required to make a full and complete report of each day's proceedings? A. Well, yes, in a way, but there is things I did that I did not put in my report, for the reason it was confidential and I didn't care about putting it in my reports; everything was not.

Q. They do state about cases where you would go and look up—trips that you would make?

A. Yes, sir; they do.

Q. Were you acting, in making these trips, under the special orders and directions of the Game Commissioner, or would you act from your general orders and your own judgment and not on his orders?

A. Well, he would want me to go; sometimes I wouldn't because I had other business.

Q. You mean to state to the committee, that sometimes he would make special orders to you, but ordinarily you would act on your own judgment?

A. Yes, sir.

Q. About how many cases if you know, roughly stating, did he send you special orders to make trips?

A. Well, I couldn't tell you as to that; I went two or three trips in—

Q. Make it roughly, if you can?

A. O, probably eight or ten, but I am not certain about that.

Q. During the year 1910?

A. Yes, sir.

Q. Then I understand you to say that during the year 1910, he specially ordered you about eight or ten times, to make trips to look into special matters?

A. Probably a great many more times than that, but I don't know that I went more than that.

Q. Of course, these would be from complaints that were sent in from different parts of the State to the headquarters of the fish and game warden, and he would refer them to you?

A. Yes, sir.

Q. Now then, you drew pay for three hundred and sixty-five days last year, did you?

A. Yes, sir.

Q. And you put in your expense account?

A. Put in my expense account.

Q. Did you put in "full time" work, Mr. Johnson?

A. I put in full time—well, now there was, I don't remember—now let me see—I got crippled—I don't remember that I was even laid up a day, that I didn't go, I know—

Q. Well, my question is, did you work each day in the year of 1910 for the game and fish department?

A. Well, I did just as I told you, well I don't know—let me think a moment; I think a few days I was—and I don't remember just when, but a few times that I was—I believe I had the grippe last winter and during that time I was off a few days that I was sick, you might say that I didn't work.

Q. You worked each Sunday, did you?

A. Every Sunday.

Q. Now when you would send in reports and your reports would

show that you were doing nothing on that day, still, you got pay "full time" for them?

A. Yes; in my reports, a great many times I told, yes; only I didn't show anything for the reason I didn't care to put it in, I didn't know I was required to; for instance; some parties would 'phone me and along about certain times, and from different places, and there was mail I had to look after, and that I wasn't out, but you understand that I was busy all the time.

Q. Now, what proportion of your time, Mr. Johnson, do you think you were "out" as you may put it in the field working for the State game and fish department?

A. I think all the time except what few times I might have been off for a few days for sickness.

(Senator Buford.) Q. During the month of June, Mr. Johnson—I hand you report made to Mr. Tolerton, which shows twelve days treatment under a doctor, nothing here is reported as having been done by you except under the doctor's care?

A. Yes, sir.

Q. You certified this to Mr. Tolerton, and he allowed you pay for being under the doctor's care?

A. Yes, he did; he allowed me "time," I don't devote my time.

Q. You reported to him you were under the doctor's care? A. Yes, sir.

Q. During which time you were not engaged in your official duties in taking care of and enforcing the game and fish law?

A. No, there was times I wasn't under the doctor's care, there was a few days—

Q. Answer my question, please; you have stated to Mr. McCarty that your report made by you at the end of each week is true, is that correct?

A. Yes; as I told him, there was some things I didn't put in there.

Q. Here is a report, shows eleven days "under treatment of the doctor," is that true?

A. Yes; that's true.

Q. During those eleven days, were you in the official discharge of your duties as game warden?

A. No, sir.

Q. Then Mr. Tolerton allowed you salary straight, during those eleven days?

A. Yes, sir.

Q. And you accepted it?

A. If you will just allow me to answer the question—

Q. You certified to him as being under the treatment of the doctor?

A. Yes, sir.

Q. He allowed you pay?

A. Yes, sir.

Q. And you accepted it?

A. Yes.

Q. Without having done one thing—

A. No, sir; I did do some things.

Q. You stated you were not in the official discharge of your duties?

A. No; I don't think I did.

Q. Do you now state that while you were under the care of the doctor you were in the discharge of your official duties?

A. Part of the time, I say.

Q. Now you stated a few moments ago, that during the eleven days or twelve days that you were receiving treatment from the doctor, that you were not in the official discharge of your duty; did you make a mistake when you made that statement?

A. I did. in this way, all the time I was up, there was times I wasn't able to travel and didn't travel.

Q. How old are you?

A. I am sixty years old.

Q. You understand now, that you are paid by the day as deputy game warden for the work that you did while engaged in your official duty?

A. Yes, sir.

Q. That is your clear understanding of this law?

A. Yes, sir.

Q. Then why did you accept, having this understanding of the law, why did you accept pay while you were under the treatment of the doctor, and did nothing in behalf of the enforcement of this law?

A. Well, while I was under the treatment of the doctor, I wasn't confined to my bed; I was out every day.

Q. Then you now state that you did something every day while you were under the treatment of the doctor?

A. Every day that I remember of, yes sir; but I couldn't get out.

Q. Is your last statement correct as to the days that you were sick and not in the official discharge of your duties, or are your first statements correct?

A. Well, I don't understand that that varies from my first statement; if it does, I didn't just understand the question.

Q. All right.

(Mr. Mitchell.) Q. There is a report of October 8th, now does it show anything—did you intend by this report to only show the expense that you charged to the State?

A. Well, I simply omitted that; I just simply omitted putting on where I was, and that is the expense on that week.

(Mr. McCarty.) Q. Then the report ending October 8th, 1910, you don't show you did a thing?

A. No, sir; not a thing.

(Mr. Mitchell.) Q. Now for the week ending October 31st, 1910, it only shows one day's service?

A. Well, I told you, I don't just understand that myself.

Q. You think, then, that you did service, but have neglected to so state?

A. I will tell you I did service all the time, even while I was sick; I was not out, but as I told you there were people that 'phoned me' and they were looking after some things for me, people who lived in the neighborhood where there was seining and netting and such as that was going on, and I would be there in Ozark, probably be there every day in that week, or two or three days whatever it was; I had business there with parties over the James, who would 'phone and I didn't put that in, they would 'phone a party at Nixy, over the rural, asking me to come out. He knew what that meant, then he would call me up, and I don't know now just what he would say, I knew there was parties in there seining, but we couldn't talk intelligently over that rural 'phone, for everybody would catch on; and now that may be one of these weeks that I would stay there, and then I would start out after night, I couldn't leave Orrick till after night, then it was twelve miles out to the James river.

Q. Are we to understand from you that these reports do not show all the work you rendered?

A. O, no.

That is all.

(Question by Mr. McCarty.) Q. You were required to make reports?

A. No sir; I did not understand that; I was to exercise my own judgment.

Q. On those reports where they show blanks for the whole week, the State Fish and Game Commissioner paid you for full time?

A. Yes, sir.

(Question by Senator Buford.) Q. How many prosecutions have there been under your deputyship?

A. From memory, there is about, I think, something about forty; right close to forty.

Q. Did you ever have any of these prosecutions in the city of Springfield?

A. Yes, sir.

Q. Were you a witness in these prosecutions? A. Yes; I was a witness and I caused them myself; and I was a witness.

(Senator Buford.) Q. If any of your reports show you were engaged in assisting your party in August or November, is that true?

A. No, sir.

Q. The days that you reported to Mr. Tolerton—here are a couple of days, say six, that is in November?

A. Yes, sir.

Q. What do you mean by that?

A. I mean I was sick; I wasn't able to drive or to go.

Q. Were you sick when under the treatment of the doctor?

A. Was I?

Q. Yes.

A. Well, I wasn't well.

Q. You were unable to go, then?

A. No, sir; I was not.

Q. Then that makes fourteen days that you accepted pay that you were sick and unable to go?

A. No answer.

(Question by Mr. Mitchell.) Q. Were there any days during all that year you worked more than eight or ten hours?

A. I put in all day and night many of them, and then the next night.

Q. On an average of three hundred and sixty-five days, you put in at least eight hours?

A. Many of them.

(Senator Buford.) Q. Then when you would put in all day and all night, you would send in a blank report like this, would you?

A. I don't know what I sent in.

Q. Here are four days now, that are blank?

A. Yes; this is December—well, I don't know what I put in.

Q. When you were so constantly engaged?

A. O, no, no.

Q. You wouldn't have time to make report?

A. No, sir.



Q. Is that correct?

A. No, sir; that wasn't the case at all.

Q. Then you can't explain why those blank reports appear?

A. I don't remember, no, sir; I don't know what my reports show; I don't know whether I put in any nights or not, you haven't mentioned anything about any of them.

(Senator Buford.) I haven't seen them; no, sir.

A. Well I did; a many a one.

(Question by Mr. McCarty.) Q. Of course, these reports are gotten out, Mr. Johnson, with the idea that a day is twenty-fours in length?

A. Hours?

No answer.

Q. Now in those September months—there are numerous blanks here, do you know about them?

A. No; I can't explain it now; I can't tell you; they said nothing and I can't tell you why. I told you I didn't just understand how these reports were to be made; there is often times I did not care to put it in and left it blank; and when I was sick, I said I was sick.

(Senator Buford.) Q. Did Mr. Tolerton ever write you to supply the data for the blank reports that you had made; supply the information or supply the blank reports that you made with the work that you had done?

A. No answer.

Q. Did he ever request you to give him the information for the days which you had reported, for the days you had failed to report anything at all?

A. No answer.

(Mr. McCarty.) In other words, did he object to paying you for these days that you did not show that you had done anything?

A. No, sir.

(Senator Buford.) Q. He never asked you to furnish the information as to what you did on those days?

A. He asked me to furnish the information—when?

Q. After you made the report?

A. No, sir.

Q. After you made the report he never questioned it?

A. No, sir.

Q. Here are five days, January 1910, which you left blank, can you explain that?

A. I can't tell you.

Q. You don't know whether you were doing any official work then, that you did not want to report or not?

A. I was at work all the time.

(Mr. Mitchell.) Q. He did furnish you a copy of the law?

A. Yes; he did.

That is all. That is all. Witness excused.

MR. W. T. KEATH, first being produced, sworn, deposes and saith:

(Question by Mr. McCarty.) Q. State your name.

A. W. T. Keath.

Q. Where do you live?

A. Mexico, Missouri.

Q. In Audrain county?

A. Yes, sir.

Q. How old are you?

A. Sixty-five years old.

Q. What is your occupation?

A. You mean at the present time?

Q. Yes.

A. Deputy game warden.

Q. When were you appointed to that position, Mr. Keath?

A. October 9th, 1909.

Q. And you have been deputy game warden ever since, up to the present time?

A. Yes, sir.

Q. What territory?

A. Really the Ninth Congressional district except Warren, Gasconade and Franklin, and I take in Boone county out of the Eighth.

Q. You are required to make weekly reports to the State Warden of the work that you do?

A. Yes, sir.

Q. I will ask you to state if these are the reports that you sent in to the State Game Warden each week for the year 1910, of the work performed by you?

A. Yes, sir; these are right.

Q. Now these reports which I have shown you and which you say are your reports for the year 1910, to the State Game and Fish Warden, do they give a true and correct account of the work performed by you for that department during the year 1910?

A. Yes, sir; they do.

Q. Now during the year 1910, you were paid for three hundred and sixty-five days, were you not?

A. Yes, sir.

Q. What are your duties, Mr. Keath, as deputy game and fish warden?

A. My duties, as I understand it, is to look after the interest of the game and fish law.

Q. What are the interests?

A. The duties is to find out whether there are any violations of the law and where it is found out, to correct it.

Q. Now I notice from your reports, that you made various trips; was it your custom to make these trips just as soon as you would hear of them, or would you go at the special direction of the Fish and Game Warden?

A. I used my own judgment.

Q. Did he ever receive reports from your district—or complaints I should say, and refer them to you, especially to look into?

A. Yes, sir.

Q. About how many, roughly estimating, were so referred during the year 1910?

A. Well now, I can't tell just how many, there were several.

Q. Roughly, give us an estimate?

A. I suppose ten.

Q. Now you always went and looked after these, did you?

A. Yes, sir.

Q. Then all these other trips you made, you exercised your own judgment when making them?

A. Yes, sir.

Q. Now how many arrests were there caused by you during the year 1910, for violations of the game and fish law?

A. Well, three, I think.

Q. How many convictions were there?

A. Three.

Q. Convicted each one?

A. Yes, sir.

Q. Did you ever find any parties hunting without license?

A. Yes; many times.

Q. Besides these three?

A. Yes, sir.

Q. What would you do then, Mr. Keath?

A. Well, it would depend on circumstances in this way; if I thought it was a vicious violation I would look after it, of course; I'd

go to the bottom of it, but occasionally you would find some young fellow that really didn't know the law, and I know of several cases, two or three cases, where I found young men, young boys like, that was out with a gun, and I said to them, "you better go home;" I didn't want to prosecute them, for I didn't think they ought to be prosecuted.

Q. You had no advice to do that, but did it on your own judgment?

A. Just on my own judgment, just the same as if it was a business of my own.

Q. Would you try to get people to take out licenses then?

A. Yes; I would tell them I thought it the best and safest thing to do.

Q. In addition to those you caught hunting and did not prosecute, did you advise and counsel with other citizens to take out licenses?

A. Yes, sir.

Q. Now, I notice on your reports which you have identified, that there a number of days, in different reports wherein you have not written a thing, in other words, they are blank; those are the days in which you did nothing for the game and fish department?

A. Those days would occur when I would be at home and many times I would be down in town trying to get information and finding out—our town is a town a good many people come to, and I go there a good deal to get information this way; for instance, I would ask Mr. Johnson, out north, how everything was going out there in regard to the game law, and then would meet somebody else and ask him, and that is the way these things would occur.

Q. Were you engaged in any other business while you were deputy game warden?

A. No, sir.

(Question by Mr. Mitchell.) Q. Here is a report I believe, ending February 28th, on which there appears to be several blank places?

A. Well, those were days when I was at home, just as I said a while ago; I should have said to make that more satisfactory to have said "Mexico, working there."

Q. I see on the back of these, you have an expense account that corresponds with the days work that you did?

A. Yes, sir; that includes the expense for that week, whatever is found here—what is carried out here is the actual expense of that week.

Q. And days then that you did not pay out any expense?

A. There was nothing charged up.

Q. Well, did you state in your weekly report what you were doing for these days?

A. No; I see that I did not.

Q. That was your custom?

A. Yes; I usually would say, I should say, "Mexico and vicinity;" now frequently you will find in my account, while I would be at home there would be no expense, still I would be driving or riding out in the country, yet there was no expense charged, to the State while I was at home.

Q. Many times you left them blank?

A. Yes, sir.

Q. These are the full statement of the amount of your expense?

A. Yes, sir.

Q. But not of the amount of the work you have done?

A. Yes; the amount of work I done every day; they have that there, but I see I didn't put it in there.

Q. But you have done day's work that isn't there?

A. Yes, sir; that's right.

(Senator Buford.) Q. You studied the game law very carefully and closely, have you?

A. Yes; I try to understand the law.

Q. What do you understand about the section of the game law that the deputies appointed shall receive pay for the time they are actually engaged and the actual expense out of it?

A. My understanding of the duty of the game warden is to put his time in; that he is employed regular to put his time in, in the interest of the law.

Q. Your understanding is, unless you are doing something in the official discharge of your duties, that you are not to be paid for it; that you are to get two dollars a day in the discharge of your duties?

A. I would do something every day; I haven't been sick a day, that I didn't work.

Q. And if nothing else, you would discuss the game law and encourage some one to take out license?

A. Yes, sir; and one point was to ask questions and write letters to parties over the territory, to ask how matters were going in their vicinity.

Q. I notice in one of your reports, you say you put in a day at Mr. Johnson's sale?

A. Yes, sir.

Q. What did you do there that day for the benefit of game protection?

A. I expect I talked to a hundred men, for I met men from various counties there, and I think that was probably the day's work I put in—

Q. You talked with men—that in your opinion was discharging your official duties?

A. Yes; I was finding out as much as I could of the law, whether any violations was being made; I think I got as much information at gatherings of that kind, as any work I ever done, and it was worth as much to me.

(Question by Mr. Orr.) Q. In answer to Dr. Mitchell's question, that there was some days you had done work that is not reported here—that is true, isn't it?

A. Yes, sir.

Q. Is it true that there are days when you did not do some work?

A. There were days when I would do a good deal more than I would other days.

Q. Then it is true you didn't work all day a good many days?

A. Yes, sir.

Q. But if you did work days that are not reported here, then this isn't correct statement, is it?

A. No; it is not.

Q. You certify it is; you say "I hereby certify the foregoing is a true statement," etc.?

A. Yes, sir.

Q. Then that isn't true?

A. It should have been written in there.

Q. Why didn't you?

A. It was neglect, I suppose.

Q. I notice your report for August; you write in the word Sunday, why did you write that in?

A. Why I don't know about it.

Q. Did you do that in all of your reports?

A. I suppose so.

Q. Were the days you write "Sunday" in there, were those the days you didn't work any?

A. I worked some, yes; I'd meet parties Sundays the same as any other day.

Q. And you talked game law to them?

A. Yes, sir.

Q. And during all the month of August, you would write "Sunday" in the place of Sunday, what was your reason for that; why didn't you write "Monday?"

A. I could have done that, I didn't do it.

Q. Didn't you write Sunday because you wanted the game warden to know you did nothing because it was Sunday?

A. No; I suppose he should have known that anyhow.

Q. There was no reason for your writing it in there?

A. No, sir.

Q. Are you a church-going man?

A. Yes, sir.

Q. Go to church?

A. Yes, sir.

Q. Talk your business on Sundays?

A. Yes, sir.

Q. Isn't it a fact you never talked it at all except in a social conversation with your friends?

A. Yes, sir; that's about right.

Q. Now, then, I understand that your report for the month of December, in the place of "Sunday" for the week ending December 17th, you say "went to Jacksonville, I found that those three men I went to look after the first of June for killing squirrels took out their licenses and all the rest of the men that hunt any at all in that vicinity;" that is true, isn't it?

A. Yes, sir.

Q. Now the next week in place of Sunday you write "Mexico?"

A. I was at home that day.

Q. Were you working any?

A. Just as I said before.

Q. Just whatever you did in a social conversation with your friends?

A. Yes, sir.

Q. If you had done anything you would have reported it the same as this Sunday?

A. I don't know; I don't think I would.

Q. Why did you report "looking after hunters on one Sunday," and the next Sunday say that you were at Mexico?

A. The reason was there was an expense in there to Jacksonville?

Q. Wasn't there an expense in going to Mexico?

A. Yes, sir.

Q. Why isn't the State entitled to your full services if you are paid \$3.00 for your services?

A. It is.

Q. Then why didn't you report it?

A. I don't know; I didn't.

Q. On Sunday, of the week ending December 10th, you have a similar report, under Sunday "Mexico," that means you were at home?

A. Yes, sir.

Q. And you didn't do anything whatever toward the enforcement of the game law on that date?

A. Not any more than I said a while ago.

Q. Just talking with your friends?

A. Yes, sir.

Q. Now, Mr. Keath, you say the week ending December 10th, on Saturday; "I think from what I can learn from talking to different men over territory, the game law is better liked as they become better acquainted with the law, of course, some politicians have done all they could against the law?"

A. Yes, sir.

Q. Why do you advise the game warden of that fact?

A. Because it was a fact.

Q. What politicians were active against it?

A. Well, it was men against the law; I don't know whether they was much politicians or not.

Q. In your record, ending December 17th, you say "I find that there is a few Democratic politicians here that are doing all they can among the ignorant farmers against the game law; but the better class of our people are in favor of the law?"

A. Yes, sir.

Q. What do you mean by "ignorant farmers?"

A. I mean men not posted in regard to the law.

Q. Do you mean to say that the farmers are an ignorant class?

A. Some of them are; yes, sir.

Q. Now you say "Democratic politicians;" why Democratic politicians active against the law?

A. I think they was trying to work up a feeling against the law.

Q. Why should they do that?

A. I don't know.

Q. Did you make inquiry why they were active against this law?

A. Did I?

Q. Yes.

A. Yes, sir.



Q. What did they say?

A. Some would make one objection, some another.

Q. Was it the opinion that the department was being run by a swarm of politicians—game warden, working for the Republican party?

A. No, sir.

Q. You never heard that?

A. I think probably I have heard that.

Q. Did you have instructions to “plug” around for the Republican party, when you should have been working for Mr. Tolerton?

A. No, sir.

Q. What do you mean by “our people are in favor of the law?”

A. That is; our county people.

Q. You mean by that your “county people?”

A. Yes, sir.

Q. That is Audrain county?

A. Yes, sir; that’s the reason that term was used, probably.

Q. Now I find here that “Mexico and vicinity; nothing doing here in the hunting line; our boys took out their license very well considering their feeling against the administration;” what do you mean by that?

A. I meant, simply, that a good many men were against the Republican administration.

Q. Do you mean the Republican administration or the administration of the law?

A. I mean the Republican administration.

Q. Why was there a feeling against the Republican administration?

A. That’s something I can’t answer.

Q. You say that was your business to collect hunting license?

A. No, sir.

Q. To see they were collected?

A. No, sir.

Q. Did you do anything of that kind?

A. No, sir.

Q. Then in addition to seeing that three men were arrested, and none convicted, what other service did you render for the fish and game department for the year 1910?

A. I kept men out of trouble many times who probably would have violated the law otherwise.

Q. Was it a part of your business to go and tell men not to violate the law?

A. Yes, sir.

Q. We have no men telling others not to violate the law against murder and arson; why did you tell them not to violate the game law?

A. Because I thought it was my duty.

Q. Who gave you that instruction?

A. I assumed that.

Q. You assumed to go where you chose and charge expense up too; did you, to the state?

A. Yes, sir.

Q. And you assumed, when you found men violating the law, to discharge them without trial?

A. Yes, sir.

Q. You found criminals and turned them loose without prosecution?

A. Yes, sir.

Q. Why did you do that?

A. Because it wasn't vicious violation; there were three parties up in Randolph county, and they were farmers, and there was a lady wrote me and told me there was a violation of law there going on—

Objected to by Senator Buford—all these questions can be answered by yes or no, and so many explanations are useless don't tend to prove or disprove any issues in this case—that alleged in this resolution, I think it very unwise, and I think the Senate and House will so think that a lot of foreign matters ought to be injected into this record.

(Mr. McCarty.) The chair will rule that the witness should answer the questions as briefly as possible in justice to the committee and himself.

Q. Did you use your discretion?

A. I felt justified, or I wouldn't have done it.

Q. Did you yourself, decide that?

A. Yes; I assumed the responsibility of not prosecuting them.

Q. Did you have any instructions from the game warden to do that?

A. No, sir; I did not.

Q. Now, besides having three men arrested, who were not convicted, and keeping some men from violating the laws who might otherwise have done so, what other service did you render the game and fish department of the State?

A. In trying to see the game law was obeyed.

Q. In what way?

A. In every way that I could.

I believe that is all.

(Mr. Mitchell.) Q. Now you spoke about ignorant men; do you mean by that, men who were ignorant in regard to the fish and game law?

A. Yes, sir.

Q. You spoke of politicians being opposed to this law, there were some Republican politicians opposed to it as well, were there not?

A. Yes, sir.

Q. And Republican men, just the same as Democrats?

A. Yes, sir.

Q. And some of these men who were ignorant in regard to the law were Republicans, the same as Democrats?

A. I suppose; I never stop to inquire a man's politics.

Q. Now in regard to the enforcement of the law, you thought it was best in enforcing this law, not to be severe on people?

A. Yes, sir.

Q. I'd like to ask you this; we also have a new law, making it necessary for the registration of births and deaths; now isn't that law violated in your section?

A. I have understood that.

Q. Has anybody ever been arrested for the violation of that law? Objected to by Mr. Orr, immaterial.

Mr. Mitchell: My question is just as competent as the one asked the witness by Mr. Orr, in regard to the law against murder.

(Mr. McCarty.) The chair will have to rule that it doesn't come within the prosecution of this case; the chair did not notice at the time Mr. Orr's reference to criminal law, there being no objection made, and the chair will rule that whether or not any objection was offered, this doesn't come into this case; what we are investigating is this game warden case, and that only.

(Mr. Orr, continuing.) Q. You told the doctor that there were Democrat and Republican politicians both opposed to this law?

A. I will tell you right now, I don't know whether they were Democrats or Republicans.

Q. You told the doctor they were both?

A. I told him they probably was.

Q. You told him they were?

A. I told him they probably were.

Q. Why didn't you say "probably" in this then?

A. I correct myself now.

Q. Why did you say in the report, there are a few "Democratic" politicians; then, why did you report "Democratic politicians?"

A. There were some few politicians working against it; I don't know whether you would call them politicians or not, they were men who lived in the county.

Q. Do you call them politicians?

A. I call any man who takes a great interest in politics a politician.

Q. Are you a politician?

A. To a certain extent, I am.

Q. Is every man who votes, a politician?

A. He ought to be.

Q. Why didn't you report that the Democrats and Republicans were active against it?

A. Because I never heard a Democrat say so.

Q. You told the doctor they were?

A. No; I don't think I did.

(By Mr. Orr.) Will the stenographer turn to Dr. Mitchell's question and read the question and answer bearing on this point (stenographer does so.)

(Mr. Orr, continuing.) Q. Now you told Dr. Mitchell there were some Republicans just as well as Democrats?

A. Yes, sir.

Q. Now you say "probably," but you don't know?

A. Yes; I say I don't know.

Q. Why did you tell the Doctor, yes, sir; then?

A. Well, I don't know.

(Senator Buford.) Q. In signing your monthly report you went before some notary public?

A. Yes, sir.

Q. You certified that you had in that and in all your weekly reports, certified that all of them were true reports?

A. Yes; that's what I did.

Q. You say now, that those are not true reports?

A. Well; in that sense; I should rather think it should have been written out.

Q. Can you tell this committee how it happened you were so lenient with your oath at the end of each month, if these reports are not true?

A. What do you mean by lenient?

Q. Well, you took an oath—

A. I made these reports out and made my monthly report out

just as I thought was right, and they were correct, or I wouldn't have made them out.

Q. You state now they are not full reports?

A. What I mean, I would not fill out the report in full.

Q. Now you state there are several days' work you did not put on these reports?

A. Yes, sir.

Q. You find that to be true, don't you?

A. Yes, sir.

Q. Then the statement you made under oath to Mr. Tolerton, for which you received money, was not correct?

A. No, sir; the report I made to Mr. Tolerton was correct.

Q. Well, do you still insist that there are several days work that you did in the year 1910, that was not in this report?

A. Yes; but I done the work just the same.

Q. You have received—that is, you never have made any report to Mr. Tolerton that you haven't received pay for it, have you?

A. Yes, sir; up to the first of the year.

Q. On what did Mr. Tolerton base his calculations for which to pay you for three hundred and sixty-five days in the year, if he had no statements from you?

A. He had a statement.

Q. He had these blank statements from which he calculated?

A. The report was I was to work every day, while it don't show, yet I was to work every day.

Q. But you say this is not complete, and it does contain several blank days?

A. Yes, sir.

Q. And Mr. Tolerton has actually paid you for a great number of days when your report showed that you had done absolutely nothing.

(By the Chairman.) One at a time; there are two of you talking at once.

(If an answer was given it was not audible.)

I believe that is all. That is all. Witness excused.

Mr. Henry Reynolds, being produced and sworn according to law, testifies as follows:

(Question by Mr. McCarty.) State your name? A. Henry Reynolds.

Q. Where do you live?

A. In St. Louis county, Webster Groves, 1007 North and South road.

Q. How old are you?

A. I am forty-six years old, about that.

Q. What is your present occupation?

A. I am deputy game warden under Mr. Tolerton.

Q. How long have you been deputy game warden?

A. I believe about since September, 1909, wasn't it the 15th of September?

Q. Have you been deputy game warden ever since then on up to the present time?

A. Yes, sir.

Q. Where is your territory, Mr. Reynolds?

A. Partly in the city of St. Louis, and in the county of St. Louis; I go out in the county.

Q. How many deputy game wardens are employed in the city of St. Louis?

A. Well, at the present time three, Mr. Grether, myself and Mr. Wiggs.

Q. How many?

A. Three.

Q. You have received pay at the rate of \$3.00 per day and your expenses ever since you have been appointed, have you?

A. Yes, sir.

Q. Up to the present time?

A. Yes; with the exception of three, four, five or six days I was sick.

Q. Were the days you were sick cut off?

A. Yes, sir.

Q. You didn't receive pay for them?

A. I think they were.

Q. Can you be positive about that; because if they were cut off of you, I guess you are about the only one?

A. I don't remember the dates just now, but my reports ought to show.

Q. About what month was it?

A. I think 1909, along in the fall; I think, I am not sure.

Q. Mr. Reynolds, you said you had some day off when you were sick; that that was always taken off?

A. Only that one time; I don't know whether it was sick or when I went home to bury my mother; that was in March.

Q. Are these the reports you made and sent in to the Game Warden, for the year 1910?

A. Yes; those are my reports.

Q. These reports are true and correct statements of the work you did for the Department?

A. Yes, sir.

Q. And all of the work that you did for the Department?

A. Yes, sir.

(Senator Buford.) Q. Mr. Reynolds, if anyone accuses you of having done other work in the official discharge of your duty other than what is mentioned in here, or partially mentioned, that is untrue, is it?

A. I don't know as I was ever guilty of anything only working, that's all.

Q. While the work you did was fresh in your memory, you certified to this?

A. Yes, sir.

Q. And if there are any days you do not certify to anything, that was days you were sick?

A. On the occasion I went home to bury my mother, and one time when I went home because I was sick.

(Mr. McCarty.) Q. When was it your mother died?

A. I think it was in March, 1910; along in there.

Q. Now, for the year 1910, you were paid for three hundred and sixty-five full days, were you not?

A. Well, I couldn't say whether you donate—that time I was sick, what year was that?

Q. That is 1909?

A. Well, the others I got full pay except these two days there.

Q. Well, if the report to the State Game and Fish Warden for the year 1910, a copy of which I hold in my hand, says that you received pay for three hundred and sixty-five days at the rate of three dollars per day, amounting to \$1,095.00, which would be for every day in the year, Sunday included; is that report correct, or is it incorrect?

A. Well, it must be correct; I wouldn't say positive about it.

Q. I hand you this report, and ask you to look at the name of Henry Reynolds, days employed, 365; salary, \$1,095.00; expense, \$424.15; that is correct as it appears on the State Game Warden's report, is it not?

A. Yes, sir.

(By Senator Buford.) Q. How long were you sick during 1909?

A. I believe it was a couple of weeks, I don't know how many days he took off; I forget now.

Q. And you received pay at the rate of \$3.00 per day during your sickness?

A. That's what I think I done, I am not sure, I am not positive about that; I could tell if I had the report or my book here.

Q. Well, the books of the Game Warden show that you did receive pay every day?

A. Then it wasn't deducted, I forgot it.

Q. Then you admit that is correct?

A. Yes, sir.

I believe that is all.

(Mr. Mitchell.) Q. You held yourself in readiness to be called by the commissioner at any time during these three hundred and sixty-five days?

A. Yes.

Q. Now you state that these reports showed the number of days that you had done work?

A. Yes, sir.

Q. Now, there is one for July 30, 1910; that shows three days?

A. Yes, sir.

Q. How do you explain this one then?

A. There might be a mistake there somewhere; let's see July 2nd and July 30th.

Q. Now from this one, here is one, two, three, four, five days?

A. Well, I remember; there was a message came in from Judge Brooks, justice of the peace out there; stating if I remember rightly, that there was some one shooting quail from the county farm; I had never been over the county farm and I think I went in there to see them people and took the accommodation train to St. Louis, then worked the commission houses that evening, but I didn't say anything about it.

Q. How about these dates now?

A. This is the end of this month you know, July 30th, the report ends on Saturday, and Sunday would commence again on the new report, and there is only two days on this report to put on here—this is the winding up of this report; the month ends on Saturday and we commence again for the following week on Sunday.

(Mr. Orr.) Q. Now, Mr. Reynolds, you say you had a message from a justice of the peace to come to some place?

A. I think it was on that occasion.

Q. You went in response to the justice when they called you?

A. Yes.



Q. And you didn't have any special orders from the Game Commissioner?

A. No, sir.

Q. To go on these matters?

A. No, sir.

Q. You simply went on your own volition?

A. Yes, sir.

Q. What instructions did you have in regard to your work when you were first appointed?

A. The instructions were to do everything in our power to enforce the law, and we never have counseled Mr. Tolerton in regard to where or how we should go.

Q. Whom do you mean by "we?"

A. Mr. Grether, myself and Mr. Wiggs. My work consists of the commission houses, that's a portion of my work, and taking care of the contributions that we receive; we go to the Third street market, and the Second street market and the Fourth street markets, and go among the commission houses and see that they are not handling game; we go to the fish markets and the Union market, all of them over town; we go to the Zoolaw market and—

Q. Well, in other words, you went to all of the markets?

A. Yes, sir.

Q. Then what do you do?

A. We take in short fish and game and confiscate it and turn it over to the proper parties.

Q. During the year 1910, how many times have you confiscated short fish?

A. It would be hard to tell.

Q. Take the year 1910?

A. We get lots of short fish every year.

Q. For 1911?

A. They don't handle near as much as they used to.

Q. Just give us an estimate of the number of times you have confiscated?

A. We average three or four or five times during the week.

Q. Maybe a hundred and fifty times a year?

A. Yes, sir.

Q. All you three men?

A. No, sir; my own confiscations.

Q. What else?

A. Well, we visit Valley Park, probably get a letter from some lady; for instance—will write or send a message that there was some

man killing song birds out there, and answering calls over the 'phone.

Q. What else do you do?

A. We work—I leave at 5:40 or 6:10, that puts me into the Union about 6:45, and we work there till eight or nine o'clock looking after the men coming in with their game and we hold them up and see if they have their licenses; the limit on ducks is fifty, and on quail, forty-five I believe—I generally have that work to do every morning, to see if there is anything there shipped illegally, and then I return to the office about nine or ten o'clock, sometimes eleven.

Q. What do you do there?

A. I stay there till after one o'clock unless a call comes in, I am there to answer it.

Q. Do you maintain an office there for three men?

A. Yes; you might call it an office, it only contains a desk and four chairs and a second hand typewriter.

Q. Now, why do you have an office; is it for one man to stay there while the other two men are being relieved?

A. We keep an office so there will be a place where we can answer and can 'phone from every, and to every part of the city or State. We are supposed, somebody, to be there and answer that 'phone sometime during the day, and that is about the extent of the office work.

(Question by Mr. Mitchell.) Q. What are these 'phone messages you get?

A. In regard to shipments of some game and the train coming in, tell us what time they will be here.

Q. Giving you information about what time they would arrive?

A. Yes, sir.

Q. And you keep one man at this station to answer these 'phones?

A. Yes, sir.

Q. You never know when they are coming in?

A. No, sir.

(Question by Mr. Orr.) Q. When you report yourself sick on these days, you did not render any service to the State on these occasions?

A. No, sir.

Q. Did your department there institute any proceedings, prosecute anybody?

A. Yes, sir; but I settled on my own account.

Q. How many convictions were secured?

A. I don't remember; I got two Italians for killing some song birds and they were fined \$25.00 and costs, and I got another party for

killing birds, and I got the American Hotel for \$25.00 for serving quail, they were prosecuted; and I and Mr. Grether got four gentlemen this side of St. Louis, about St. Charles in the bottoms there—

Q. Give an estimate of about how many you convicted?

A. Well, we got four gentlemen, and convicted three out of four.

Q. Your convictions are shown in your reports?

A. They were hunting with borrowed licenses, one of them acknowledged he stole the other party's license, and we of course, had to let that man go, we didn't prosecute him but we got three out of the four that's about all I can think of now. There's thousands of cases where we could have prosecuted fellows for hunting without license, but Mr. Tolerton advised us, and I think it was rather beneficial, for the poor people are unable, lots of times to get licenses, and they need to hunt for something to eat, and we would say to them "you are hunting without license, violating the law, you must not do that and if you will give me your gun and go and get your license, get them in the county or in St. Louis, and come to my office on Seventh street, and show me your license, I will turn you loose, otherwise, that poor man and his family would suffer the consequences of punishment of \$25.00 and costs. Children, boys, have to go through the juvenile court—I have caught one hundred boys in the last two years hunting, "what are you doing, son"—"I am hunting;" "got any license;" "no, sir" "who was your father, what kind of man is he to let you hunt without license;" well, he will go home and tell his folks all about it; now rather than to put that fellow through the juvenile court, I'd say, now give me this gun, I will take it and you go home and tell your father to come and see me and bring your license, and I will release your gun, now that is the best I can do, otherwise I will have to punish you. I do not have the heart to put that boy in the juvenile court, and that is the reason there hasn't been any more prosecutions.

(Senator Buford.) Q. I notice some of the deputy wardens have certified they spent a day at the polls working for certain parties in elections?

A. I don't do that kind of business, I only have one job and I don't mix up in elections at all. I am not a great politician. I have been a Republican in a great many instances where I think it is right to be.

That is all. That is all. Witness excused.

MR. P. G. BOEHRER, being first duly sworn according to law, testifies as follows:

(Question by Mr. Orr.) Q. Where do you live?

A. Warsaw, Benton county.

Q. You are deputy game and fish warden?

A. Yes, sir.

Q. When were you appointed?

A. I was appointed the fifth of October, 1909.

Q. What is your business outside of the game warden business?

A. I have none at all.

Q. What was your business before you became deputy game warden?

A. I was deputy county collector.

Q. When you were commissioned as game warden, what were your instructions as game warden?

A. To look after violations of the game and fish laws.

Q. And tell the committee what you did in carrying out your instructions?

A. I investigated complaints made by citizens of my district in regard to violations, followed out the instructions of Mr. Tolerton to investigate complaints sent to him, direct.

Q. And did you investigate—all these investigations you made were they at his direction or instructions, or did you exercise the right to go where you chose, wherever you chose on complaints coming to you from the outside?

A. I had the right to go and investigate complaints coming to me direct, without first consulting him.

Q. You had no special instructions from him to make the trip you would make and charge up your expense account to the State, did you?

A. Yes sir; a great many times.

Q. All of them you did not?

A. No, sir; not all of them.

Q. You made a great many of these trips on your own volition, to go somewhere in the county, did you not?

A. Yes; in other words, he allows us our own routing.

Q. About how many times did you receive instructions from him to go into different sections through your territory?

A. Different times.

Q. Would you attempt to estimate the number of times?

A. I don't think that I can.

Q. Roughly estimate it?

A. I would judge that more than half of the time I have gone on his instructions.

Q. You mean more than half of three hundred and sixty-five days?

A. Yes, sir.

Q. Then you would say the other half you went on your own volition?

A. Yes; that is I patrolled my territory at my own choosing, where I followed up the complaints of individuals.

Q. You made weekly reports to Mr. Tolerton each week, did you?

A. Yes, sir.

Q. I will show you these reports and ask you if these are the weekly reports you made to Mr. Tolerton?

A. Yes; those are mine.

(Mr. McCarty.) Q. Then you say these are your reports for 1910?

A. Yes; all I have looked over are mine.

(Mr. Orr, continuing.) Q. I wish you would look at them and be sure that they are all yours?

A. Yes; they are.

Q. Those are all your reports?

A. Yes; those are all mine.

(Stenographer, please mark these as exhibits at leisure.)

Q. Those are full and complete reports of work accomplished by you?

A. Yes, sir; unless there was an error made in them.

Q. Now, did you work every day in the year?

A. Yes, sir.

Q. Sundays included?

A. Yes, sir.

Q. What did you do on Sunday, in the discharge of your duties?

A. A great many times I was away from home, one Sunday especially, I was at Bolivar on the river, watching parties supposed to be dynamiting fish; a number of Sundays I have been away on several occasions at other places.

Q. You say "Warsaw, watching fishermen along the river, Monday at Warsaw, Tuesday watching hunters and fishermen?"

A. Yes.

Q. What were you doing on the river watching fishermen and hunters?

Q. We had a number of fishermen, two or three who fished for the market, and they were supposed to be using nets and seines.

Q. Were you acquainted with them, and there visiting with them; sitting on the banks with them?

A. No; I laid around out of sight and watched them.

Q. Did they know you were there?

A. No, sir; I suppose not.

Q. Did you catch them?

A. No, sir.

Q. Did you make any arrests during the last year, 1910?

A. Yes, sir.

Q. How many?

A. There was only one in 1910, I think, and there were two in 1909.

Q. Did you prosecute them?

A. Prosecuted every case.

Q. What were the results?

A. Convictions.

Q. In all three cases?

A. Yes; all three cases.

Q. What were they fined?

A. Twenty-five dollars in each case.

Q. What else did you do towards carrying out the game and fish law?

A. I also dynamited some fish dams in the steams.

Q. How many of these did you dynamite?

A. I dynamited two and the water got up and I had to discontinue that work.

Q. Now in addition to the two or three men you prosecuted and the two fish dams you blew out, what other service did you render the State in the discharge of your duties?

A. I had two other cases that I prosecuted, but did not succeed in getting a conviction.

Q. And what else did you do?

A. Examined hunter's licenses; go out to see hunters and examine their licenses—see if they had more game than they were entitled to; see whether they had more than the limited number of game.

Q. Was it your duty to collect licenses?

A. No, sir.

Q. Was it your duty to see that they took out hunter's license?

A. Yes, sir.

Q. Did you make any arrests of men for violation of law and then discharge them on condition that they would take out hunter's license?

A. No, sir.

Q. You did nothing of that kind?

A. No, sir.

Q. Had you ever received instructions from the Fish and Game Warden to do that work?

A. No, sir.

Q. You had no such instructions?

A. No, sir.

Q. And you worked every day in the year 1910?

A. Yes, sir.

Q. You made a report for each week did you not, Mr. Boehmer?

A. Yes, sir.

Q. Your report for November isn't here?

A. November report should be there.

Q. I mean for one week in November?

A. It should be there.

Q. Did you make report for the week ending November 12th?

A. I suppose I did.

Q. That was election week?

A. That report should be there.

Q. What did you do election day, the eight of November?

A. I was at home election day, and went up along the river to watch the fishermen.

Q. Did you spend most of the day in the city?

A. Part of the day.

Q. You voted?

A. Yes, sir; I voted.

Q. Spend any time working at the polls?

A. Not particularly.

Q. You did some, though?

A. No more than any other time talking.

Q. You did about as much as any other time?

A. I spent more time on that account than I would if it was not election day.

Q. You usually take part in elections?

A. The same as any other American citizen would.

Q. And you did on this day?

A. To that extent, that I voted.

Q. Did you solicit voters for any candidate or party?

A. No answer.

(Question by Mr. Mitchell.) Q. You were at Bolivar one Sunday, you say?

A. Yes, sir.

Q. Any other town?

A. Yes; I was at all these towns.

Q. You were at Humansville?

A. Yes, sir.

Q. While there, you cautioned the boys about taking out licenses?

A. Yes, sir.

Q. Instructed them in regard to the law?

A. Yes, sir; I did.

That is all.

(Mr. Orr, continuing.) Q. I note you say you were in Jefferson City and went to Sedalia on one of these reports?

A. That I was here and went to Sedalia?

Q. Was at Jefferson City and went to Sedalia?

A. That may be, possibly I was here working on the game farm last year.

Q. Yes; Sunday of the week ending April 30, at Jefferson City; went to Sedalia at night "what were you doing at Jefferson City?"

A. I was here helping on the game farm.

Q. How many times were you here helping on the game farm?

A. I don't just remember, I think two or three different times.

Q. Do your reports for the time you were working on the game farm show you were working on the game farm?

A. They should; yes, sir.

Q. I notice your report for the week ending March 26, and March 31st, show you were at Jefferson City working on the game farm?

A. Yes, sir.

Q. Went home from Lexington to Warsaw to arrange for work, etc., then on Wednesday, Thursday, Friday, Saturday, Sunday, Monday, Tuesday, Wednesday, Thursday show you were at work on the game farm?

A. Yes, sir.

Q. What were you doing on the game farm?

A. I played painter, post-hole digger, looked after fencing—all these things.

Q. You were getting \$3.00 per day for that?

A. Yes, sir.



Q. Just common laborer?

A. Yes, sir.

Q. And your expenses?

A. Yes, sir.

Q. Three dollars per day and expenses for common labor, were you?

A. Yes, sir.

(Question by Mr. Mitchell.) Q. You also held yourself in readiness to go down into the Seventh district any time you received notice?

A. Certainly; if we had work arranged, we would, and we would go along the river and look for violations here.

(Senator Buford.) Q. How many more deputy wardens were here helping on the game farm at the time you were?

A. I think three others.

Q. They were also getting three dollars per day and expenses?

A. I suppose.

(Question by Mr. Orr.) Q. You charged your expenses up to Jefferson City to go to work for the State?

A. Yes, sir.

Q. And charged your expenses here to the State?

A. Yes, sir.

Q. And three dollars per day as common laborer for your work?

A. Yes, sir.

Q. Unless your reports show you were here working on the game farm that time, you were here on some other business, were you not?

A. Well, I don't know as I had any other business here.

Q. Did you ever come to Jefferson City on any other business than to work on the game farm?

A. Yes, sir.

(Question by Mr. McCarty.) Q. At the same time you were here, did you also charge up your board to the State? -

A. Hotel bills, do you mean?

Q. Yes, sir.

A. Yes, sir.

Q. Where did you stop here?

A. At the Monroe House.

Q. What did it cost you?

A. The rates were \$2.00 per day, but we got meal tickets and we got a reduction; I think the report shows less than two dollars per day part of the time.

Q. Then for the time you were here doing common labor on the game farm, it cost the State your expenses from your town to Jefferson City and back, and three dollars per day, and your hotel bill of about two dollars per day?

A. Understand, at the same time I was ready to do any other work, and did do other work.

Q. Answer my question, that is all I want to know?

A. All expenses were of course, charged up to the State according to law.

Q. And about how many days did you say you were here?

A. I don't remember correctly, I think something like ten or fourteen days.

(Question by Mr. Orr.) Q. Do you remember going to Sedalia?

A. Yes, sir.

Q. Did you go from Jefferson City to Sedalia?

A. When I got through on the game farm I went from here to Sedalia.

Q. I will get you to examine your reports for April, and will ask you if on April, Sunday the 24th, your report doesn't show you were at Jefferson City, and went to Sedalia at night?

A. It says "at Jefferson City."

Q. Yes; but doesn't the report say "at Jefferson City and went to Sedalia at night?"

A. Yes; the same as I am here today, and work here today, and go to Sedalia on the night train.

Q. I will ask you if the report shows you did any work preceding that day—April 24th?

A. All of these show I did work.

Q. I mean at Jefferson City?

A. No, sir; not at Jefferson City.

Q. I will ask you if Saturday, it doesn't show you went from Boonville to Jefferson City?

A. Yes, sir.

Q. Then at that time you were not working on the game farm?

A. No, sir.

Q. Why did you come to Jefferson City?

A. I came to see Mr. Tolerton.

Q. At his request do you know?

A. No, sir.

Q. At your own instance?

A. Yes, sir.

Q. And that was charged up to the State as expense of that trip here?

A. Yes, sir.

(Question by Mr. McCarty.) Q. How far is it from where you live to Jefferson City?

A. I don't know exactly—I can't say the number of miles, it is \$1.89 from here to Sedalia, railroad fare, and \$1.26 from Warsaw to Sedalia, I came here to see Mr. Tolerton in regard to the violation of law in shooting ducks out of row boats at Warsaw, I was told by some lawyers, they didn't think that section constitutional, and I came to confer with him in regard to it.

(Question by Mr. Orr.) Q. Why did you then go on to Sedalia?

A. I went from here there to get to my regular work in my territory.

Q. Which way did you come from?

A. I went from Sedalia to Boonville, and went from Boonville to Lexington—Jefferson City—

Q. And went from Jefferson City to Sedalia?

A. Yes, sir.

Q. Why did you go to Sedalia?

A. To get back into my territory.

That is my territory.

Q. Is Boonville in your territory?

A. It is just across the river from my territory.

Q. Why didn't you write to Mr. Tolerton and get the information you wanted?

A. Well, I thought while I was up here I'd come down and see him, I had written him in regard to it and didn't feel I had satisfactory explanation.

I believe that is all.

(Question by Mr. Mitchell.) Q. While you were in Jefferson City, did you acquire any knowledge in regard to these game birds, pheasants, and so on?

A. Yes, sir.

Q. In addition to the work you were doing?

A. Yes, sir.

Q. You were also acquiring knowledge to teach the people of the Seventh district how to take care of and propagate these birds?

A. Yes; I informed myself as much as I could in regard to their habits, etc.

That is all. That is all. Witness excused.

MR. D. H. HATFIELD, being duly sworn according to law, testifies as follows:

(Question by Mr. Orr.) Where do you live?

A. In St. Joseph.

Q. You are deputy game and fish warden?

A. Yes, sir.

Q. Appointed when?

A. I went to work about the 15th of September, 1909.

Q. What instructions did the game warden give you when you were appointed?

A. Why, in what way do you mean?

Q. In regard to your official duties?

A. Well, my instructions were to look after illegal hunting, and see that people got licenses; look after seiners and netting, etc.

Q. What did you do toward carrying out these instructions, what official duties did you perform, and what results did you accomplish?

A. Well, sir; I have accomplished one good result you might say; I have had 5,047 licenses taken out in my county, since I have been there, and it is due to the fact that I have kept constant watch on them, traced them up, checked them up, and encouraged the taking out of licenses, I never have made but two arrests for hunting without license, while I may have made probably a hundred if I had tried, but our instructions were not to be too harsh or mean with people in the way of enforcing the law, but if we met a party who would give a plausible excuse for not having a license, and who was willing to take one out, present his application next day, go and get a county license and mail them to me—which they have done, I expect in a hundred cases—in place of arresting them and prosecuting them. Of course, I have lived in St. Joe for thirty-nine years and I know everybody in that section of the country, and I can pretty near tell any fellows who would violate the law if they had an opportunity.

Q. Then your main effort was in trying to get people to take out licenses, rather than to prosecute them for violation of the law?

A. Well, enforce the law in every way necessary.

Q. You say you found possibly a hundred men hunting without license who you got to take out licenses?

A. There are probably many more than that that I have caused to take out licenses, because we have 5047 licenses issued.

Q. I mean that all men you found hunting without licenses, was as many as one hundred that you got to take out licenses?

A. I suppose—I have taken them out for them myself.

Q. You found them hunting without license, and you took them out and sent them to them?

A. Yes, I—

Q. Did you prosecute any?

A. Two.

Q. What was the result?

A. They were convicted and fined, that is we only prosecuted two.

Q. In the year 1910?

A. No; that was 1909, those two were hunting without license.

Q. Did you prosecute any in the year 1910?

A. Yes, sir; some seiners.

Q. What result?

A. I got two seiners in Doniphan Lake and fined them \$150 a piece and the trial is still pending, it is set for the 12th I believe—

Q. You mean it hasn't come to trial yet?

A. No, sir; not in the criminal court.

Q. Now you made weekly reports to the Game Warden did you not, of the work done by you?

A. Yes, sir.

Q. I will show you these reports, and will ask you if these are the ones you sent each week to the Game Warden at Jefferson City?

A. Yes; those are the reports that I made.

Q. Well now, those reports are the full and correct reports of the work done by you for each week, are they?

A. Yes, sir.

Q. And those reports show that you went from place to place in your territory; and that you charged the expense of it to the State?

A. Yes, sir.

Q. Now at whose instructions did you make these various trips out over the country?

A. Well, frequently by instructions from Mr. Tolerton, the game and fish warden; he would frequently get letters from parties, who would be complaining on something being done in the community, and he would mail the letter to me with instructions to go and look after it.

A. And frequently you made these trips without special instructions from him, did you?

A. Not any long distance.

Q. Well, you made some trips without special instructions?

A. Well, you see I have a district that covers about—well, you

might say within sixty miles of St. Joseph, both north and south, with, I think, about ten or fifteen lakes.

Q. And you would make these trips over that territory on your own volition?

A. Yes; we are expected to use our own judgment, we are expected to find violators of the law, we are expected to look after it, for instance, I have put in night after night on these lakes, looking after men who were seining on the lakes, that we were to protect under this law, and I believe I have it thoroughly broken up in that part of the country.

Q. And all this resulted in how many prosecutions for illegal fishing with nets and seines?

A. I never prosecuted but these two men for seining, but I kept close tab on them.

Q. All your trips out over the territory were taken at your own instance; because you thought there might be something going on and you went to investigate it, did you not?

A. Yes, yes; that's what our—

Q. I show you report ending October 28, and call your attention to "Tuesday" of that week?

A. Well, Tuesday you say of this week?

Q. Yes, sir.

A. That was October 28, it would—

Q. That would be the week ending October 28th?

A. Well, that's some little distance out from St. Joseph.

Q. But on this side, where you make your report of work done, there; there is nothing shown?

A. It must be an oversight of mine, because it is on this side, and it ought to have appeared on the other side.

Q. The other side is St. Joseph, One Hundred and Two river; what is One Hundred and Two river?

A. About seven miles east of St. Joseph.

Q. St. Joe to One Hundred and Two river; but you report nothing done that day?

A. Well, I neglected to put that on the back, but the report shows I went to St. Joe to One Hundred and Two river.

Q. But it doesn't show you did anything?

A. Well, One Hundred and Two river is my district where there is a great deal of trot fishing.

Q. A man might go down there on private business, do you remember whether you did or not?

A. No, sir; I do not.

Q. Do you remember what you did go for?

A. I went there to look after hunters and transgressors.

Q. And yet you did not put it in the report because it was an oversight of yours, is that right?

A. Yes; an oversight.

Q. You got pay for three hundred and sixty-five days in the year 1910, did you not?

A. Yes, sir.

Q. Did you work three hundred and sixty-five days?

A. I certainly did every day and put in as many as two months at night on the lake; I have been there night after night lying around on these lakes watching for those fellows seining.

(Mr. McCarty.) Q. You understand that each day in that report is considered twenty-four hours?

A. Yes; that is all very true but a man is not supposed to work twenty-four hours.

Q. I show you report ending October 31st, which shows entry on Sunday and Monday of that week, with Tuesday, Wednesday, Thursday and Friday blank, and another entry of something done on Saturday?

A. Thursday, Friday and Saturday you say are blank here?

Q. Here it is, Tuesday, Wednesday, Thursday and Friday?

A. That is part of a week, my week ends in the middle of the week; I made two reports in it.

Q. Then if that is true on this report, is that the end of one week there, and the beginning of another week, you have got—you have Sunday, Monday and Saturday there?

A. Yes; but the week ending before this must have added on those.

Q. Where is the report ahead of this?

(Mr. Orr, continuing.) Q. Here it is, October 28th.

A. There is one missed in that, isn't there?

Q. Yes, sir.

A. Well, that ended on October 28, there being 31 days in this month, would be three more days added to that.

Q. That may be true, but here is Saturday the 28th, in here is Sunday the 30th, Monday the 31st, and Saturday, what?

A. Would Saturday be the 28th?

Q. Saturday is the 28th in this report.

A. How do you know it is the 28th?

Q. Because you say it is the week ending the 28th?

A. Well, all weeks do not end on Saturday.

Q. No, but you say for the week ending October 28th?

A. Yes; but it might not end on Saturday; if you will show me a calendar for that month I will explain it, the week don't always end on Saturday, but if you will show me a calendar I will explain.

(Mr. Orr.) I have no calendar of that year here.

(Mr. McCarty.) Q. In making out these reports, these reports are arranged for the week to begin on Sunday and to end on Saturday, aren't they?

A. Well, suppose a month comes in on Monday or Tuesday?

Q. Well, you should make a piece of report for that?

A. Well, that's where these pieces of reports come in.

Q. You make report for the first seven days of the month, and then finish it out at the final end of the month?

A. If you have a calendar here, we will look this up.

(Mr. Orr, continuing.) Well, we will just leave it to the calendar.

(Question by Mr. Orr.) Q. How old are you?

A. I was fifty-five years old the 12th of last month.

Q. What business have you besides that of deputy game warden?

A. I was formerly in the horse business up in my country.

Q. Buying or raising?

A. Dealing in horses, principally.

Q. In what way?

A. Buying and selling.

Q. Still interested in a barn there?

A. No, I am not interested in any barn at all.

Q. Do you work at your business of horse trading now?

A. No, sir.

Q. On these various trips that you make, do you buy and sell and trade?

A. No, sir; I haven't bought but one horse since I have been in this business—sold one and bought one.

(Question by Mr. Mitchell.) Q. Where did you say you live?

A. St. Joseph, Missouri.

(Senator Buford.) Q. You only drew pay for the time you were actually engaged?

A. Yes; that is all.

Q. And you certified to each day that you were engaged?

A. Yes, sir.

Q. For how many days did you draw money as deputy game warden for the year 1910?

A. I drew for three hundred and sixty-five days; Sunday is one of my busiest days, there is more hunters go hunting on Sunday around



these lakes than during the week, I often think I would like to be with my wife, but I haven't had the opportunity for some time.

(Question by Mr. Mitchell.) Q. You think then, you have earned your money?

A. I do really think I have earned every cent I ever drew from the State, and I am sure I never charged them up with a cent of expense that wasn't actually incurred.

(Senator Buford.) Q. Here is your December account, that you certify to be the 24th of December, and no other accounts?

A. What is your question?

Q. You certify that you worked there up to the 24th of December?

A. Well, sir; worked up to the 24th and we were instructed by Mr. Tolerton to send reports in by the 24th of December in order to get his books straightened up, and we didn't charge any expense after that at all, but worked all the time, after the 24th day of the month we didn't make any expense report at all.

Q. But you got your \$3.00 per day?

A. We were still working; you take it in the city there, no other game warden but me; take it over the city looking after gas and cold storage and express offices, it is a good deal of work for a fellow to do any way. That was the instructions from Mr. Tolerton to get the reports in by the 24th in order to give him opportunity to balance his books and get them straight.

(Mr. McCarty.) Q. You deputy game wardens sent in your reports to Mr. Tolerton of your work or operations from the 24th of December till the first of January?

A. We didn't send any reports at all, no, sir; that was our instructions, not to.

(Question by Mr. Mitchell.) Q. You didn't send in any expense report?

A. No, sir; but it was understood we were to be working around in our neighborhood.

(Question by Mr. McCarty.) Q. You drew pay until the first of the year?

A. Yes, sir; yes sir.

(Senator Buford.) Q. Do you recollect what you were doing on the 8th of November?

A. Last November?

Q. Yes, sir.

A. Well, sir; in the morning, up until about 11:00 o'clock I was looking after some of the cases in the city, and went up to my precinct

and voted and staid there a while and talked around there an hour or so, I guess; if you want to find out anything about my political record you can ask Senator Lysaght, I have known him ever since a boy.

That is all. That is all. Witness excused.

(Mr. Orr.) Let the record show we offer all weekly reports of J. V. B. Martin and A. C. Wright, and all reports of deputies examined the afternoon of March 3rd, 1911.

**REPORT OF GAME WARDEN MARTIN.**

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JANUARY, 1910

- Sunday, January 2.—In Independence.
- Monday, January 3.—To Kansas City, and went to several commission houses and cold storage places.
- Tuesday, January 4.—Got horse and buggy, went to the country.
- Wednesday, January 5.—Stayed in Independence.
- Thursday, January 6.—Went to the country.
- Friday, January 7.—To Kansas City to look after some prairie chickens that I heard of, but found none.
- Saturday, January 8.—In Independence.
- Sunday, January 9.—Stayed in Independence.
- Monday, January 10.—To Kansas City.
- Tuesday, January 11.—Went down the Blue and to Lake City.
- Wednesday, January 12.—To Sheffield.
- Thursday, January 13.—To Kansas City.
- Friday, January 14.—Went to the country.
- Saturday, January 15.—In Independence.
- Sunday, January 16.—Stayed in Independence.
- Monday, January 17.—Went to Kansas City.
- Tuesday, January 18.—To the country.
- Wednesday, January 19.—Went to Excelsior Springs to see after fish traps; found none.
- Thursday, January 20.—In Excelsior Springs.
- Friday, January 21.—To Atherton; gave out copies of the law.
- Saturday, January 22.—In Independence.
- Sunday, January 23.—In Independence.
- Monday, January 24.—To Kansas City.
- Tuesday, January 25.—Got horse and buggy; went to Blue Mills and Sibley.
- Wednesday, January 26.—To Sheffield and down on Blue River.
- Thursday, January 27.—To Blue Springs.
- Friday, January 28.—Went to Lees Summit.
- Saturday, January 29.—Independence.
- Sunday, January 30.—Stayed in Independence.
- Monday, January 31.—To Kansas City in morning and country in afternoon.
- Total expenses, \$48.32.

## FEBRUARY, 1910.

Tuesday, February 1.—Drove east to Little Blue river, on Lexington road, and over to Spring Branch road, back to Independence.

Wednesday, February 2.—Spent the day in Kansas City around commission houses, fish markets and hotels.

Thursday, February 3.—To Sugar Creek, on 'phone report of hunters killing squirrels; located hunters, made them show license, but found no squirrels in their possession.

Friday, February 4.—To Buckner and Sibley, and talked to justice of peace and constable; received one application for license.

Saturday, February 5.—Spent the day in Independence.

Sunday, February 6.—At home in morning, drove to the country in the afternoon.

Monday, February 7.—Spent the day in Kansas City, Sheffield and vicinity; collected two license applications.

Tuesday, February 8.—Most of the day at home, sick with a pretty bad cold.

Wednesday, February 9.—Spent the day in Independence.

Thursday, February 10.—To Oak Grove, and left a few copies of the law and application blanks as requested by parties I am working with there.

Friday, February 11.—Made a trip to Courtney, on river and mouth of Mill Creek; collected one application for license.

Saturday, February 12.—Spent the day in Independence.

Sunday, February 13.—Drove to the country looking for Sunday hunters.

Monday, February 14.—To Kansas City; spent the day around commission houses and fish markets.

Tuesday, February 15.—To Atherton and vicinity; collected one application for hunter's license.

Wednesday, February 16.—Spent the day in Independence.

Thursday, February 17.—Went to Sugar Creek and surrounding territory.

Friday, February 18.—Spent the day in and around Kansas City.

Saturday, February 19.—In Independence.

Sunday, February 20.—Drove to the country near Lake City.

Monday, February 21.—Went to Kansas City; spent the day around markets.

Tuesday, February 22.—In and around Sheffield.

Wednesday, February 23.—Drove out on River Road to Cement City.

Thursday, February 24.—Went to Kansas City and Westport.

Friday, February 25.—Stayed in Independence.

Saturday, February 26.—To the country along the Spring Branch Road.

Sunday, February 27.—Went to Sheffield.

Monday, February 28.—To Kansas City in morning and again in afternoon.

Total expenses, \$17.15.

### MARCH, 1910.

Tuesday, March 1.—Went to Kansas City; spent the day around commission houses and fish markets.

Wednesday, March 2.—Went down on Sugar Creek looking for fish nets; found none.

Thursday, March 3.—Got horse and buggy and drove to Lake City.

Friday, March 4.—To Sheffield and down on the Blue.

Saturday, March 5.—Stayed in Independence.

Sunday, March 6.—Spent the day over in Excelsior Springs.

Monday, March 7.—Went to Kansas City and took in fish markets and commission houses.

Tuesday, March 8.—Went down on Little Blue, looking for fish nets and traps.

Wednesday, March 9.—Took a drive out to Courtney and along Mill Creek.

Thursday, March 10.—Drove out to Raytown; gave out copies of the law.

Friday, March 11.—To Sheffield and gave out several copies of law, then walked down to mouth of Blue.

Saturday, March 12.—Stayed in Independence.

Sunday March 13.—Stayed in Independence all day.

Monday, March 14.—Went to Kansas City, looked through fish markets and commission houses, collected one application for State license.

Tuesday, March 15.—Spent the day looking after fish nets reported on Big Blue; found none in river.

Wednesday, March 16.—Drove to Buckner and Lake City, looking after duck hunters.

Thursday, March 17.—Went east of town to lakes and Little Blue.

Friday, March 18.—Got horse and buggy and drove out to Raytown.

Saturday, March 19.—Spent the day around Independence.

Sunday, March 20.—Stayed in Independence.

Monday, March 21.—Went out to Rock Creek looking for fish nets; did not find any there.

Tuesday, March 22.—Spent the day in and around Independence.

Wednesday, March 23.—Drove out to Lake City looking for hunters.

Thursday, March 24.—Got horse and buggy and drove out to Atherton and down Little Blue; found nothing.

Friday, March 25.—Went to Kansas City and went through fish markets and commission houses.

Saturday, March 26.—Spent the day around town.

Sunday, March 27.—Stayed in Independence all day.

Monday, March 28.—Went to Kansas City in the morning, and in Independence in afternoon.

Tuesday, March 29.—Got horse and buggy and drove to Mill Creek; found no nets in the water.

Wednesday, March 30.—To Kansas City and found 120 pounds of short croppie; gave them to Helping Hand.

Thursday, March 31.—Took constable and went on Big Blue to the Missouri river; found one hoop net in water; took it, but have not found owner.

Total expenses, \$22.12. e

#### APRIL, 1910.

Friday, April 1.—Spent the day in Kansas City and Sheffield.

Saturday, April 2.—Stayed around Independence all day.

Sunday, April 3.—Stayed around town all day.

Monday, April 4.—To Kansas City; looked through fish markets; found nothing wrong.

Tuesday, April 5.—In and around Independence all day.

Wednesday, April 6.—Went to the river on Mill Creek; found no nets.

Thursday, April 7.—Went down on Big Blue looking for seiners.

Friday, April 8.—Got horse and buggy and went to see some fish traps; found none.

Saturday, April 9.—Went down on Big Blue to the river.

Sunday, April 10.—Stayed in Independence.

Monday, April 11.—Went to Kansas City to see Mr. Turner in regard to his telling some men they could sein in Missouri river; did not find him.

Tuesday, April 12.—Went to Atherton and on Little Blue.

Wednesday, April 13.—To Kansas City again to see Mr. Turner; he read me a letter from you in regard to seining in Missouri river.

Thursday, April 14.—Went to Sugar Creek looking for fish nets; found none.

Friday, April 15.—Went to Sheffield and down on Big Blue.

Saturday, April 16.—In Independence all day.

Sunday, April 17.—Stayed in Independence all day.

Monday, April 18.—Went to Kansas City in morning; went through fish markets, and to Sheffield in afternoon on Big Blue.

Tuesday, April 19.—Drove to the Missouri river and to the mouth of Mill Creek; found no nets in the water.

Wednesday, April 20.—Went to the country and stayed all morning, found no hunters.

Thursday, April 21.—Drove to Atherton and down on Little Blue looking for squirrel hunters; found none.

Friday, April 22.—Went up to Kansas City and Centropolis.

Saturday, April 23.—Stayed in Independence and talked with some farmers; heard of some young squirrels being killed.

Sunday, April 24.—Stayed in Independence.

Monday, April 25.—Got a 'phone message from a Mr. Scott at Excelsior Springs, saying some parties were killing squirrels over there; so went over to see about it.

Tuesday, April 26.—At Excelsior Springs; drove out around the country, but did not find any hunters.

Wednesday, April 27.—Drove out to Little Blue Station; went up and down the river; found no nets or seines in the water.

Thursday, April 28.—Got horse and buggy; drove out to Lake City to Buckner looking for hunters; found none; got one application for license.

Friday, April 29.—Went to Kansas City; looked through fish markets.

Saturday, April 30.—Stayed in Independence and talked to several people about the fish and squirrel law.

Total expense, \$18.90.

#### MAY, 1910.

Sunday, May 1.—Drove out to the country in and around Lake City.

Monday, May 2.—Stayed in Independence all day; talked with several farmers about squirrel law.

Tuesday, May 3.—Went to Kansas City, and went through fish markets; found a few small fish.

Wednesday, May 4.—Went down on Sugar Creek looking for hunters, but found none.

Thursday, May 5.—Stayed in Independence in morning, then to Sheffield in afternoon.

Friday, May 6.—In Independence all day.

Saturday, May 7.—Talked with farmers on Saturday and drove out north of town in afternoon.

Sunday, May 8.—Stayed in Independence all day.

Monday, May 9.—Went to Kansas City and looked through fish markets; found no short fish.

Tuesday, May 10.—Received a letter from a John F. Ritter of Wellington, saying squirrels were being killed south of Levasy; drove down there, but could not find any hunters or any one that would say they had.

Wednesday, May 11.—Went to Sheffield and down on Big Blue looking for fish nets.

Thursday, May 12.—Drove down to Sugar Creek and to the Missouri river.

Friday, May 13.—Went to Kansas City and went to the fish markets.

Saturday, May 14.—Went to the country again looking for hunters.

Sunday, May 15.—Stayed in Independence all day.

Monday, May 16.—Went to Kansas City and through fish markets.

Tuesday, May 17.—To Sheffield and down on Blue; found no nets.

Wednesday, May 18.—Drove to Leeds looking for hunters, and back to Centropolis and along Blue.

Thursday, May 19.—Went out in country looking for hunters.

Friday, May 20.—Went down on Little Blue, looking for fish traps; found an old one with no bottom in it.

Saturday, May 21.—Rode out to Sugar Creek looking for hunters and fishermen.

Sunday, May 22.—Stayed in Independence.

Monday, May 23.—Went to Kansas City and went through fish markets.

Tuesday, May 24.—In morning drove to Atherton and down on Blue, in the evening went to Jefferson City.

Wednesday, May 25.—Spent the day in Jefferson City; went out to Mr. Tolerton's pheasant farm.

Thursday, May 26.—Went to Excelsior Springs to see Mr. E. C. Clevenger; got team and drove out to the country; found no one hunting.

Friday, May 27.—Spent day in vicinity of Excelsior Springs.

Saturday, May 28.—Spent day in and around Excelsior Springs.

Sunday, May 29.—Stayed in Independence.



Monday, May 30.—Decoration Day—stayed in and around Independence.

Tuesday, May 31.—Got horse and buggy and drove out to Blue Springs looking for squirrel hunters.

Total expenses, \$34.40.

### JUNE, 1910.

Wednesday, June 1.—Went to Blue Springs and Grain Valley in regard to hunting; found no one willing to testify that they had seen any squirrels killed.

Thursday, June 2.—Drove to Atherton in morning; in evening went to Sheffield and on Blue; found two men fishing with dip nets; arrested them; they said a Mr. Chafin gave them the right to fish; saw Mr. Chafin; he asked me not to prosecute until he wrote to you; very poor people and one a cripple.

Friday, June 3.—Went to Kansas City and through fish markets; found nothing.

Saturday, June 4.—Stayed in Independence; received the eggs and was busy looking after getting them out.

Sunday, June 5.—Got horse and buggy; went to the country looking after hunters; gone several hours, but found no one hunting.

Monday, June 6.—Busy all day getting the pheasant eggs out to the different parties that wanted them.

Tuesday, June 7.—Went to Kansas City, and coming back stopped off at Blue; got boat, went down Blue, found large hoop net, took it home with me; have not found owner so far.

Wednesday, June 8.—Went to the country looking for squirrel hunters, but found no one hunting or fishing.

Thursday, June 9.—Went to Lake City, through timbered country; found people that told me squirrels were being killed, but would not tell who they were.

Friday, June 10.—Went to Courtney looking for game and fish violators, but could not find any.

Saturday, June 11.—To Kansas City, went through fish markets, and went to see Mr. Chaffin, who said he would write to you about parties I had arrested for using dip nets; was not able to find him.

Sunday, June 12.—Spent the morning in Independence; in afternoon went to Blue River, got a boat and rowed to mouth of Missouri river, where there was a great many fishing parties from Kansas City.

Monday, June 13.—Drove to Blue Mills and to the mouth of Mill Creek where it empties into river, looking for fishermen and hunters, but found none.

Tuesday, June 14.—Got horse and buggy, drove to Blue Springs, and from there on to Grain Valley and out in the country; found no one violating the law.

Wednesday, June 15.—Spent most of the day in and around Independence, and in the evening took a trip to the river at Sheffield.

Thursday, June 16.—Spent the day in driving out to Raytown, Leeds and Dodson, looking after reported violators.

Friday, June 17.—Spent the day on Blue River, between 15th street and Leeds; lots of people out for picnics, but no violators.

Saturday, June 18.—Spent morning in Kansas City around fish markets, and the afternoon out in Sheffield.

Sunday, June 19.—Drove out to the country, looked for hunters on my way out and back, but found none.

Monday, June 20.—Received letter from Ray county, asking me to come over to see after some squirrel hunters, so on Monday evening I went over.

Tuesday, June 21.—Got horse and buggy, drove all day, found no one that was willing to swear that they saw any squirrels killed.

Wednesday, June 22.—Came back from Ray county and stopped off at Sheffield, looking for fishermen, but found none.

Thursday, June 23.—Drove out to Blue Springs; spent the whole day looking for hunters, but didn't find any one hunting.

Friday, June 24.—Went to the country with a friend; thought I might be able to find some hunters.

Saturday, June 25.—Went to Kansas City and through fish markets, but found nothing wrong.

Sunday, June 26.—Went for a drive with a friend to the country; found no hunters.

Monday, June 27.—Went to Sheffield and down on Big Blue; found no nets or seines in the water.

Tuesday, June 28.—Got horse and buggy and drove down on Little Blue looking for hunters and fishermen; found none.

Wednesday, June 29.—Drove down on Mill Creek and to Courtney; found two boys, about 12 or 13 years old, were going hunting; had no license; I took names and address; said they would take out license.

Thursday, June 30.—Stayed in Independence talking to the people and circulating a petition for redistricting the State.

Total expenses, \$32.07.

## JULY, 1910.

Friday, July 1.—Drove to Knobtown, Little Blue and Lee's Summit looking for violators of the law; found no one fishing.

Saturday, July 2.—Went to the country with a friend in the morning, and in the afternoon stayed in Independence; talked to the country people about the law.

Sunday, July 3.—Got horse and buggy and went to the country down on Little Blue; found people fishing, but no seines or nets.

Monday, July 4.—Went to the country in morning with a friend in automobile; saw no violators.

Tuesday, July 5.—Went to Kansas City and out to Dodson; spent the day; found nothing wrong.

Wednesday, July 6.—Drove out to Sugar Creek and then down on the river in the afternoon.

Thursday, July 7.—Rode out in the country looking after hunters without license; found no one.

Friday, July 8.—Spent the day in Kansas City and went through the fish markets.

Saturday, July 9.—Stayed in Independence; talked to the people about taking out hunting license.

Sunday, July 10.—Went over to Excelsior Springs in the morning to stay a few days.

Monday, July 11.—Drove out in the country; saw several farmers that I had met before; said my trips over there had been a great help; that the law had been observed a great deal better.

Tuesday, July 12.—Went to the country with a friend; drove about 14 miles; found no one hunting or fishing.

Wednesday, July 13.—Got horse and buggy; went down on fishing river looking after nets and seines; found none in the water.

Thursday, July 14.—Rained all day, so came home from Excelsior Springs in the evening.

Friday, July 15.—Went to Kansas City and went through the fish markets; stopped off at Sheffield.

Saturday, July 16.—Went to Oak Grove to the picnic; talked with a good many farmers in regard to the game law, and distributed copies of the law.

Sunday, July 17.—Went to Sheffield in the morning and down on Blue River; found no one seining.

Monday, July 18.—Went to Kansas City and then down to the mouth of Sugar Creek; found no one fishing, only with a hook.

Tuesday, July 19.—Got horse and buggy; went to Little Blue looking for fishermen; saw few fishing with hooks.

Wednesday, July 20.—Went to Centropolis and Leeds on Big Blue, had been told by Mr. Cassel (a farmer) that parties had been fishing with nets, but I did not find any.

Thursday, July 21.—Stayed in Independence all day; seen a good many people in regard to license.

Friday, July 22.—Spent the day in Kansas City and went through the fish markets and commission houses.

Saturday, July 23.—Went to Horse Shoe Lake picnic; seen people from all over the country; visited and talked the fish and game law to them.

Sunday, July 24.—Spent the day in Kansas City.

Monday, July 25.—Went to Kansas City and through fish markets; stopped off at Sheffield.

Tuesday, July 26.—Drove to Little Blue and then to Lee's Summit and in the country around there.

Wednesday, July 27.—To Dodson and down on Brush Creek, looking after some parties that had been reported violating the law, but found no evidence.

Thursday, July 28.—Went to Blue Springs, talked to good many people about license; found no one violating the law.

Friday, July 29.—Went to Atherton to see after some fishermen heard of down on Little Blue; found them, but found no nets or seines.

Saturday July 30.—Stayed in and around Independence all day, talked with great many farmers.

Total expenses, \$34.53.

#### AUGUST, 1910.

Sunday, July 31.—Went to the country with a friend; thought I might be able to find some violators, but did not.

Monday, August 1.—Got horse and buggy and went down on Sugar Creek and Rock Creek; found no one hunting or fishing.

Tuesday, August 2.—Stayed in Independence all day; worked in the election all day; saw lots of farmers.

Wednesday, August 3.—Went to Kansas City and Sheffield; went through fish markets; found everything all right.

Thursday, August 4.—Heard of some parties fishing with nets down on Little Blue, above Blue Tank; found some nets hanging on the fence, but none in the water.

Friday, August 5.—Went to Kansas City and looked through fish markets; found no short fish.

Saturday, August 6.—Stayed in Independence all day, and talked the law to several parties.

Sunday, August 7.—Drove 16 miles out in the country with a friend; found no one hunting or fishing.

Monday, August 8.—Rained all day; in the evening went to Kansas City; looked through fish markets; found nothing doing.

Tuesday, August 9.—Went to Courtney and down on Mill Creek; stopped at Mr. Davis' to see the pheasants he is raising; getting along fine; they are about all that are being raised out of the eggs I gave out.

Wednesday, August 10.—Went to Raytown and then three miles south; saw the constable and urged him to see after the violators in his territory and to see after the license.

Thursday, August 11.—Went to the country to look after some dove hunters that was 'phoned to me about, but found none.

Friday, August 12.—Went to Leeds and then down Blue to Centropolis; found no nets in the water and no hunters.

Saturday, August 13.—Stayed in Independence all day and talked with the farmers.

Sunday, August 14.—Got horse and buggy and drove to the country looking after dove hunters.

Monday, August 15.—Spent the day in Kansas City; went to the city market and looked around.

Tuesday, August 16.—Went over to Excelsior Springs Tuesday afternoon and stayed all night so as to be there early Wednesday morning.

Wednesday, August 17.—Got horse and buggy and drove out in the country, but did not find any one hunting or fishing, so came home Wednesday evening.

Thursday, August 18.—Drove to Blue Springs and spent the day in and around there.

Friday, August 19.—Went out to Lake City and in the country looking for hunters.

Saturday, August 20.—Stayed in Independence all day; saw a great many farmers.

Sunday, August 21.—Stayed in Independence all day.

Monday, August 22.—Went to Sheffield and down on Blue River looking for nets.

Tuesday, August 23.—Drove to the country with a friend; thought I might find some hunters, but did not.

Wednesday, August 24.—Got horse and buggy; went to Atherton and down on Blue; found no one hunting.

Thursday, August 25.—Went over to Excelsior Springs; saw and talked to a great many people, but found no hunters.

Friday, August 26.—Got telephone from the country in regard to parties out there hunting. Drove out there but failed to find them.

Saturday, August 27.—In Independence all day, saw and talked to great many farmers.

Total expenses, \$27.59.

#### AUGUST-SEPTEMBER, 1910.

Sunday, August 28.—Helped Mr. Boehmer get the pheasants ready for the fair.

Monday, August 29.—Out at the fair grounds and finished getting the birds ready to display.

Tuesday, August 30.—Spent the day at the Independence, Missouri, fair.

Wednesday, August 31.—Spent the day at the Independence, Missouri, fair, assisting in taking care of pheasants.

Thursday, September 1.—Spent the day at Independence, Missouri, fair, assisting in taking care of pheasants.

Friday, September 2.—Spent the day at the Independence, Missouri, fair, assisting in taking care of pheasants.

Saturday, September 3.—Spent the day at the Independence, Missouri, fair, assisting in taking care of pheasants.

Sunday, September 4.—Helped Mr. Boehmer get the pheasants ready for shipping.

Monday, September 5.—Went to Sheffield and walked to Rock Creek looking for fishermen.

Tuesday, September 6.—Drove down to Buekner and talked to the constable and justice, urged them to see after the license.

Wednesday, September 7.—Went over to Lake City and down on Little Blue looking for hunters and fishermen.

Thursday, September 8.—Took a drive down in through the country around Sugar Creek; found no violators.

Friday, September 9.—In the morning went to Kansas City; went through fish market; found one short bass.

Saturday, September 10.—Stayed in Independence all day.

Sunday, September 11.—Spent the day riding through the country around Independence.

Monday, September 12.—Went to Kansas City to meet Mr. Higgins and he had not arrived. He was given my address and 'phone, so as I could meet him the following day.

Tuesday, September 13.—Went to Kansas City, Mo., and met Mr. Higgins; had a talk with him about conditions in this district.

Wednesday, September 14.—Spent the day in Buckner, Mo., and vicinity, looking after hunters.

Thursday, September 15.—Went to Butler, Mo., and met Mr. Boehmer; spent the day at Butler, Mo.

Friday, September 16.—Went to Kansas City and visited the fish market; I found 10 pounds short bass and gave them to the Young Ladies' Home.

Saturday, September 17.—Went to the county farm, which they were dedicating.

Sunday, September 18.—Heard of some nets being taken out to the Blue; so went to see if I could find them, but failed to do so.

Monday, September 19.—To Kansas City, went through fish markets and some commission houses; stopped off at Sheffield coming back.

Tuesday, September 20.—Went to Leeds and Centropolis and up and down Big Blue River.

Name of hotel or restaurant—Leeds Hotel.

Wednesday, September 21.—Went to Buckner and Lake City; got three applications for license.

Name of hotel or restaurant—Buckner Hotel.

Thursday, September 22.—Went to Sugar Creek and around through the country near there.

Friday, September 23.—Drove down to Little Blue, and around the lakes looking for hunters.

Saturday, September 24.—Spent the day in Kansas City around commission houses, stores and fish markets.

Total expenses, \$21.46.

(Last Week in September not with the full report.)

## OCTOBER, 1910.

(First day of October not with the full report.)

Sunday, October 2.—Stayed in Independence all day.

Monday, October 3.—Went to Sedalia to the State Fair.

Tuesday, October 4.—Met Mr. Tolerton and most of the deputies; also heard a fine talk made by Mr. Palmer from New York.

Wednesday, October 5.—Met Mr. Tolerton and the deputies again;

heard the game and fish law discussed, and a short speech by Governor Hadley.

Thursday, October 6.—Went to Kansas City and went through the fish markets and some commission houses.

Friday, October 7.—Spent the day in the country with a friend; saw a number of farmers; talked the game law to them.

Saturday, October 8.—Went to Sheffield, and down on Big Blue; found no nets or seines in the water.

Sunday, October 9.—Stayed in Independence all day.

Monday, October 10.—Went to Kansas City and went through fish markets and some commission houses; found nothing.

Tuesday, October 11.—Went on a call, out to Leeds, and in the country, looking after hunters; found no one hunting. Leeds Hotel.

Wednesday, October 12.—Drove out to Buckner with a friend and out in the country from there.

Thursday, October 13.—Spent the day in Kansas City.

Friday, October 14.—Drove out in the country to look after some hunters.

Saturday, October 15.—Went to Sheffield and upon Big Blue looking after fishermen.

Sunday, October 16.—Took the constable to Lee's Summit, then drove to country to look for hunters; found two foreigners; could not talk our language, so looked up their boss; he said they would take out license, so let them go by paying \$2 for license, which I sent them next day.

Monday, October 17.—Drove to Sugar Creek looking for hunters, but found none.

Tuesday, October 18.—Went to Blue Springs, Grain Valley and Oak Grove, talked to the justices of peace and one constable; found no hunters.

Wednesday, October 19.—Went to the country and to Leeds, and up on Little Blue; found no violators.

Thursday, October 20.—To Kansas City; went through some commission houses and the fish markets; found 19 pounds of short croppie and bass at W. H. Beaty, and 11 pounds at T. H. Biekner; gave them to the Parental Home, 922 Westport Ave.

Friday, October 21.—Drove to Lake City, Buckner and Levasy; found no violators.

Saturday, October 22.—Went to the country and back by way of Centropolis; found no hunters or fishermen.

Sunday, October 23.—Drove to the country; found two Italians with guns; took their guns, also their names, also their boss' name; so he sent



them in and paid for their license; said they would not hunt on Sunday again, and so let them go.

Monday, October 24.—Went to Kansas City and to fish market and some commission houses.

Tuesday, October 25.—Went to Excelsior Springs; got horse and buggy and drove to the country; found no violators.

Wednesday, October 26.—Talked to several people around town in regard to the game law; spent the day around town.

Thursday, October 27.—Drove to Lake City and down on the lakes; found no one hunting.

Friday, October 28.—Went to Raytown and Leeds; on the way home I found two boys with guns; took them and they came in next morning and took out license.

Saturday, October 29.—Stayed in Independence and talked to the people about license and hunting.

Total expenses, \$36.63.

#### OCTOBER AND NOVEMBER, 1910.

Sunday, October 30.—'Phone call from Knobtown about dead fish in Little Blue; went to see about it; found some catfish, looked like they had been dead three or four days; could not find out who did the dynamiting, if any had been done.

Monday, October 31.—Drove out east of town to the country; did not find any violators.

Tuesday, November 1.—Went to Sugar Creek and around the country near there; found no hunters.

Wednesday, November 2.—Drove to Lake City and around the lakes; found no one hunting.

Thursday, November 3.—Stayed in Independence all day, talking to the people.

Friday, November 4.—Went to Kansas City and spent the day around town.

Saturday, November 5.—Busy all day on the streets here in Independence.

Sunday, November 6.—'Phone call to come north of town to see after some hunters; was unable to find any.

Monday, November 7.—Went up to Kansas City and through the fish markets; found nothing wrong.

Tuesday, November 8.—Stayed in Independence all day.

Wednesday, November 9.—Drove to Leeds and out to the country; found no hunters.

Thursday, November 10.—Went to Courtney and then to Atherton, and on to the country; did not find any one hunting.

Friday, November 11.—Went up to Centropolis and Sheffield and up on the Blue.

Saturday, November 12.—Stayed in Independence and talked to the people about hunting and taking out license.

Sunday, November 13.—Stayed in Independence all day.

Monday, November 14.—Went to Lee's Summit to see Mr. Harris about the deer; did not find him at home.

Tuesday, November 15.—To Kansas City in the morning, looked through fish markets and few commission houses; in afternoon drove to Sugar Creek and Atherton.

Wednesday, November 16.—Drove out to Atherton and Blue Mills looking for hunters; did not find any.

Thursday, November 17.—Drove to Lake City and down to the lakes; found no one hunting.

Friday, November 18.—Went to Blue Springs, Grain Valley and Oak Grove; talked with the justice of peace, and aided them to look after the license, then went on to Lone Jack.

Saturday, November 19.—In Lone Jack got four applications for license; went to Cockrel and then on to Lee's Summit, seen Mr. Harris; he had just returned from South Mo.; gave him your letter and one attached from Hermann, Mo.

Sunday, November 20.—Stayed in Independence all day.

Monday, November 21.—Got horse and buggy, drove to Sugar Creek and out in the country looking for hunters.

Tuesday, November 22.—Called to go to Ray county to look after some hunters; did not find any.

Wednesday, November 23.—Went to Kansas City, looked through fish markets and some commission houses.

Thursday, November 24.—Received five applications for license in the morning and in afternoon took four deputy constables to the country with me looking for violators; did not find any.

Friday, November 25.—Went with a friend in auto over to Liberty and out in the country; found no hunters.

Saturday, November 26.—To Sheffield and Kansas City in morning, the rest of day around Independence.

Sunday, November 27.—Drove to the country; took deputy constable along on a 'phone call; failed to find any one.

Monday, November 28.—Went to Lake City, Buckner and Sibley looking for hunters; saw constable and justice of peace.

Tuesday, November 29.—To Kansas City; looked through fish markets and some commission houses; stopped off at Sheffield coming back.

Wednesday, November 30.—Drove to the country with a friend, looking for hunters.

Total expenses, \$32.84.

#### DECEMBER, 1910.

Thursday, December 1.—Drove to the country and stayed nearly all day looking for hunters.

Friday, December 2.—'Phone call to come to Courtney and Eaton to see after some hunters.

Saturday, December 3.—Went up to Kansas City and down through the fish markets.

Sunday, December 4.—Had telephone call to the country; took constable with me, but did not find the hunters.

Monday, December 5.—Spent the day in Lee's Summit, talked with some farmers and the constable; urged constable to look after license.

Tuesday, December 6.—Went to Kansas City and through the fish markets and some commission houses.

Wednesday, December 7.—Drove to Blue Springs and Grain Valley; did not find any hunters.

Thursday, December 8.—Went to Atherton with a friend and out in the country; saw on one hunting.

Friday, December 9.—To Kansas City and went through some cold storage places; found no game.

Saturday, December 10—Stayed in Independence all day.

Sunday, December 11—Had telephone call to the country; took constable and drove out; did not find anyone hunting.

Monday, December 12—Went to Sheffield to watch for hunters going out on train; saw two, but both had license.

Tuesday, December 13—Stayed in Independence all day.

Wednesday, December 14—Went over to Excelsior Springs to see after some hunters.

Thursday, December 15—Drove out to the country looking for hunters; found few, but all had license.

Friday, December 16—Drove all day in country around Excelsior Springs and then came back to Independence in evening.

Saturday, December 17—To Kansas City through fish markets and some commission houses.

Sunday, December 18—Had a 'phone call to the country; took a constable and drove out there, but failed to find the hunters.

Monday, December 19—Drove to Raytown and to Leed's looking for hunters, saw no one hunting.

Tuesday, December 20—Went to Buckner and then over to Sibley, and in country around there.

Wednesday, December 21—To Sugar Creek on a call to see after some hunters, but they left before I got there.

Thursday, December 22—Received a call from Kansas City about some small fish; got eleven lbs. and gave to the Helping Hand.

Friday, December 23—Went to Blue Springs with a friend; seen no hunters; talked with constable and said very few hunters over there.

Saturday, December 24—To Kansas City, looked through fish markets, but found no more short fish.

Total expenses, \$24.35.

(Last week not with full report.)

Report of deputy game warden, A. C. Wright, deputy; for year 1910.

#### JANUARY, 1910.

Sunday, January 1—Made the rounds of hotets and restaurants.

Monday, January 2—Made a trip to Lee's Summit, Mo.

Tuesday, January 3—I made the rounds of poultry dealers.

Wednesday, January 4—Made the rounds of city fish markets.

Thursday, January 5—Made a trip to Holt, Mo., and I found a few hunters without license, which my letter will explain.

Friday, January 6.—I went through some packages in possession of some of the commission merchants.

Saturday, January 7—I made the rounds of millinery stores.

Sunday, January 8—Made the rounds of hotels and restaurants.

Monday, January 9—Made the rounds of fish markets.

Tuesday, January 10—Made the rounds of commission merchants.

Wednesday, January 11—Made a trip to Lee's Summit.

Thursday, January 12—Made a trip to Leeds & Laytown.

Friday, January 13—Made the rounds of the fish markets. I sent seven lbs. of short croppie to the sisters hospital from Marledge's Fish and Oyster House, 808 Walnut St.

Saturday, January 14—I secured a warrant for the arrest of Roy Burnes of Jackson county, took him before Justice Collins at Raytown. Roy Burnes shot and killed two fox squirrels on the 12th day of January; he was fined \$5.00 by Justice Collins, on Saturday January 15th.

Sunday, January 15—I spent the day with Mr. Tolerton making a

trip to Swope Park in the afternoon, looking at different species of pheasants.

Monday, January 16—I ordered some cages to be sent to Mr. John Harper, of Butler, Mo., Deputy Game Commissioner.

Tuesday, January 17—Made the rounds of commission merchants.

Wednesday, January 18—Made a trip to Holt, Mo.

Thursday, January 19—Made the rounds of hotels and restaurants.

Friday, January 20—Made the rounds of fish markets.

Saturday, January 21—Made the rounds of hotels and restaurants.

Sunday, January 22—I made a trip to hotels and restaurants.

Monday, January 23—Made the rounds of some of the commission merchants.

Tuesday, January 24—I made a trip to Lee's Summit, Mo.

Wednesday, January 25—I visited some of the millinery stores.

Thursday, January 26—Made the rounds of some of the hotels.

Friday, January 27—I made a trip to Belton, Mo.

Saturday, January 28—I made the rounds of millinery stores.

Sunday, January 29—Visiting hotels and restaurants.

Monday, January 30—Made a trip to Lathrop, Mo.

Total expense, \$47.35.

## FEBRUARY, 1910.

Sunday, January 30—Made rounds of hotels and restaurants.

Monday, January 31—Made a trip to Lathrop, Mo., in Clinton county.

Tuesday, February 1—Visited millinery stores.

Wednesday, February 2—Made the rounds of millinery stores.

Thursday, February 3—Made the rounds of commission merchants and fish markets.

Friday, February 4—Made the fish markets.

Saturday, February 5—Made a trip to Lee's Summit.

Sunday, February 6—Visited hotels and restaurants.

Monday, February 7—Visited hotels and restaurants.

Tuesday, February 8—Made the rounds of millinery dealers.

Wednesday, February 9—Made the rounds of millinery dealers.

Thursday, February 10—Made the rounds of fish markets. This night I went from Kansas City to St. Louis, Mo.

Friday, February 11.—I called on a few of the millinery dealers in St. Louis.

Saturday, February 12.—Spent the day calling on millinery dealers in St. Louis.

Sunday, February 13.—In St. Louis.

Monday, February 14.—In the forenoon I visted some of the millinery dealers in St. Louis; I find that a few are handling or carry some of the aigrette feather; found one beautiful bunch in the store of Peeples & Ganz, 518-20, Washington Ave.

Tuesday, February 15.—I made a trip to Blue Springs.

Wednesday, February 16.—Made the rounds of fish markets.

Thursday, February 17.—Made the rounds of commission merchants.

Friday, February 18.—Made a trip to Little Blue.

Saturday, February 19.—Made the rounds of hotels and restaurants.

Sunday, February 20.—Visited a few hotels.

Monday, February 21.—Made the rounds of commission merchants.

Tuesday, February 22.—Made a trip in the south part of Jackson county on the wolf drive; in this round up there was four wolves, three made their way through the lines; one was killed.

Wednesday, February 23.—In the forenoon I made the rounds of the fish markets, in the afternoon I worked in my district in an effort to get Republican voters out to nominate a good man for mayor.

Thursday, February 24.—I called upon a few millinery dealers.

Friday, February 25.—I was a delegate to the Republican convention.

Saturday, February 26.—Made the rounds of commission merchants.

Sunday, February 27.—Made a call on a few hotels and restaurants.

Monday, February 28.—Made a trip to St. Joseph, Mo., to take up the plumage interests with the millinery dealers of St. Joseph, Tuesday.

Total expenses, \$60.50.

### MARCH, 1910.

Tuesday, March 1.—I made the millinery dealers of St. Joseph as a second day in that city, and found a great amount of the aigrette plumage.

Wednesday, March 2.—I made a number of calls on millinery dealers in St. Joe, and called on Mr. Hatfield; also the prosecuting attorney of Buchanan county.

Thursday, March 3.—I made a trip to Rich Hill.

Friday, March 4.—I, in company with Mr. John Harper of Butler, made a visit of the duck shooting lakes in Bates and Vernon counties.

Saturday, March 5.—Mr. Harper and I visited the Nevada Gun Club Lake, known as Stultz Lake, and remained there until Sunday, returning to Kansas City Sunday night.

Sunday, March 6.—I was in Nevada Mo., and left Nevada at 9:40 Sunday night, arriving in Kansas City Monday 6:30 a. m. In the afternoon I called on some of the millinery dealers in Kansas City.

Monday, March 7.—Called on millinery dealers.

Tuesday, March 8.—Called on millinery dealers.

Wednesday, March 9.—Called on millinery dealers.

Thursday, March 10.—Millinery dealers.

Friday, March 11.—I made the fish markets, and in the evenings I made a trip to St. Joseph to finish some work I began in that city on March 1st.

Saturday, March 12.—In St. Joseph, Mo.

Sunday, March 13.—I visited some of the hotels and restaurants.

Monday, March 14.—I called on millinery stores.

Tuesday, March 15.—I visited the fish markets and millinery stores.

Wednesday, March 16.—I visited millinery stores.

Thursday, March 17.—I visited millinery stores.

Friday, March 18.—I visited commission merchants and fish markets.

Saturday, March 19.—I visited millinery stores.

Sunday, March 20.—I made a visit to hotel ice boxes.

Monday, March 21.—Called on millinery dealers.

Tuesday, March 22.—I called on millinery stores and this evening I went to St. Louis.

Wednesday, March 23.—I called on Mr. Grettier in St. Louis, and met some of the men in the department of St. Louis; and I called on the wholesale millinery dealers.

Thursday, March 24.—I visited the department stores in St. Louis; I found that these people are wise to the law, and as far as I could see, were complying to that end.

Friday, March 25.—I called on the smaller dealers on Broadway street; in some of these places I found some aigrettes, but in most places the amount was very small.

Saturday, March 26.—I called on some of the outlying dealers.

Sunday, March 27.—I made the trip from St. Louis to Springfield.

Monday, March 28.—I called on the millinery dealers of Springfield, and found that most of them were displaying and selling or offering for sale, aigrette plumage.

Tuesday, March 29.—I made the trip from Springfield to Kansas City.

Wednesday, March 30.—I called on the millinery dealers in Kansas City.

Thursday, March 31.—I called on millinery dealers.  
Total expenses, \$80.20.

#### APRIL, 1910.

Friday, April 1.—Made the usual visit to millinery dealers.

Saturday, April 2.—Called on millinery dealers.

Sunday, April 3.—I called at hotels and restaurants.

Monday, April 4.—I called at hotels and restaurants and a few millinery stores.

Tuesday, April 5.—I was in my precinct on account of our city election.

Wednesday, April 6.—I made a trip to Chillicothe, Mo.

Thursday, April 7.—I went from Chillicothe to St. Joseph.

Friday, April 8.—I made the rounds of millinery dealers in St. Joe.

Saturday, April 9.—I went from St. Joe to Maryville, Mo., and made a call on millinery dealers.

Sunday, April 10.—I made a trip to the Blue River and Dodson.

Monday, April 11.—I made a trip to Independence.

Tuesday, April 12.—I left Kansas City for Joplin.

Wednesday, April 13.—I made a visit to the millinery dealers of Joplin. I found very little of the aigrette plumage in Joplin.

Thursday, April 14.—I went from Joplin to Carthage. I found a very small amount of aigrette in Carthage; in the afternoon I went from Carthage to Springfield.

Friday, April 15.—I found Springfield in good shape. I left Springfield for Kansas City 11 P. M.

Saturday, April 16.—I called on a few millinery dealers in Kansas City.

Sunday, April 17.—As duck hunters were going out, I went to Lee's Summit Sunday night to meet trains Monday morning.

Monday, April 18.—I was at the city hall to see Mr. Brown become mayor, and in the evening I went to Missouri City and Lake City.

Tuesday, April 19.—I was out to the lake near Lake City; I returned to Kansas City in the evening.

Wednesday, April 20.—I visited millinery stores.



Thursday, April 21.—I made a trip through the fish markets.

Friday, April 22.—I was with Mr. Harper looking for a few Kansas City violators he found in Bates county.

Saturday, April 23.—I visited millinery stores.

Sunday, April 24.—I was looking up evidence in a few of Mr. Harper's cases.

Monday, April 25.—I continued on Mr. Harper's cases.

Tuesday, April 26.—I called on the millinery dealers.

Wednesday, April 27.—I made a trip to Excelsior Springs; in this little city I found a small amount of aigrette plumage, which I took charge of.

Thursday, April 28.—This day I spent in Excelsior Springs.

Friday, April 29.—I made a trip up the Little Blue River.

Saturday, April 30.—I called on the millinery dealers.

Total expenses, \$68.12.

#### MAY, 1910.

Sunday, May 1.—I made a trip to Indian Creek. It had been reported to me that some had been seining there. I found none on this trip.

Monday, May 2.—I called on millinery dealers in Kansas City.

Tuesday, May 3.—I called on millinery dealers.

Wednesday, May 4.—I called on millinery dealers.

Thursday, May 5.—I called on millinery dealers.

Friday, May 6.—I called on millinery dealers; in the evening I made a trip to St. Joseph.

Saturday, May 7.—I called on millinery dealers in St. Joseph. I confiscated a small amount of aigrette plumage.

Report for weeks from May 7th to May 14th not with full report.

Sunday, May 15.—I was trying to get evidence of a party shooting birds, a case reported to Mr. Turner and myself.

Monday, May 16.—I made a trip through some of the millinery stores.

Tuesday, May 17.—Visiting millinery stores.

Wednesday, May 18.—It was reported to me a party here in the city had a mocking bird in captivity. I investigated this case and found he had had this bird over six years.

Thursday, May 19.—Made the usual visit to millinery dealers.

Friday, May 20.—I made a trip through the fish markets in the forenoon. In the afternoon C. E. Brewster of Washington, D. C., called me to meet him at Savoy hotel. We took a round of the millinery stores.

Saturday, May 21.—Mr. Brewster and I made further inspection of plumage matters in Kansas City.

Sunday, May 22.—I, in company with Mr. C. E. Brewster of Washington, D. C., made a trip to the J. H. Harris deer farm near Lee's Summit, Mo.

Monday, May 23.—I made a trip to Sugar Lake. I was up the most part of the night expecting to locate some men seining. I failed to do so.

Tuesday, May 24.—From Sugar Lake to Bean Lake in the evening I expected to find seiners at Bean. I failed to do so.

Wednesday, May 25.—I put in the day at Bean Lake. I heard remarks dropped that leads me to believe that there is seining done in Bean Lake.

Thursday, May 26.—I visited millinery dealers in Kansas City.

Friday, May 27.—I went to Orrick, Ray county.

Saturday, May 28.—Made a trip to Carrollton, Mo. I returned to Kansas City in the evening.

Sunday, May 29.—Made a trip up Blue River.

Monday, May 30.—In the forenoon I visited millinery dealers; most of the stores closed at noon Decoration Day.

Tuesday, May 31.—Called on millinery dealers.

Total expenses, \$41.85.

## JUNE, 1910.

Wednesday, June 1.—Visiting millinery dealers.

Thursday, May 2.—I called on millinery dealers, and was called to the express office in regard to some squirrel. I found them to be for Mr. Horne for shipment; he was to hold them here at the park for a few days.

Friday, June 3.—I made a trip through the fish markets.

Saturday, June 4.—I called on the millinery dealers and I also went to the park to see just what Mr. Horne has there.

Sunday, June 5.—Made a trip to Indian Creek.

Monday, June 6.—Called on millinery stores.

Tuesday, June 7.—I made a trip through the fish markets.

Wednesday, June 8.—I called on the millinery dealers in the afternoon. I made the trip from Kansas City to St. Louis.

Thursday, June 9.—I made a trip through the wholesale millinery houses of St. Louis.

Friday, June 10.—I continued my work in the wholesale houses in St. Louis.

Saturday, June 11.—I continued my work in St. Louis.

Sunday, June 12.—I made a trip from St. Louis to Poplar Bluff.

Monday, June 13.—I called on the millinery dealers in Poplar Bluff. I found no violations.

Tuesday, June 14.—I made a trip from Poplar Bluff to Cape Girardeau. I had about six hours in Cape to call on the trade, and in the afternoon I made the trip to St. Louis.

Wednesday, June 15.—I called on millinery dealers in St. Louis.

Thursday, June 16.—I continued my work with the millinery dealers in St. Louis, and in the evening came from St. Louis to Kansas City.

Friday, June 17.—I called on millinery dealers in Kansas City.

Saturday, June 18.—I called on millinery trade in Kansas City.

Sunday, June 19.—I made a trip up the Blue River; the report comes to me on several occasions that parties do seining in this stream.

Monday, June 20.—I called on the millinery dealers in Kansas City.

Tuesday, June 21.—I called on millinery dealers this day; I found one store, a new place, displaying aigrette on a hat in a show window; after a careful investigation I was convinced this one small plume was all they had.

Wednesday, June 22.—I put in this day preparing to leave for Washington, D. C.

(Balance of month not with report.)

Total expenses, \$55.60.

(All of the month of July is not with this report.)

#### AUGUST, 1910.

Monday, August 1.—Called upon millinery dealers in Kansas City.

Tuesday, August 2.—Made a trip on Missouri River in answer to complaint to seining. No violations found.

Wednesday, August 3.—Called on millinery dealers in Kansas City.

Thursday, August 4.—I made a trip through the fish markets in Kansas City.

Friday, August 5.—I made a trip through the fish markets and called on millinery dealers.

Saturday, August 6.—I called on millinery dealers.

Sunday, August 7.—I called on hotels and restaurants.

Monday, August 8.—Made a trip to St. Joseph; called on millinery dealers.

Tuesday, August 9.—I called on millinery dealers in St. Joseph.

Wednesday, August 10.—I made a trip from St. Joseph to Maryville and return.

Thursday, August 11.—I returned from St. Joseph to Kansas City.

Friday, August 12.—I made the rounds of the fish markets.

Saturday, August 13.—I called on a few millinery dealers.

Sunday, August 14.—Made the rounds of hotels and restaurants.

Monday, August 15.—Made a few millinery inspections.

Tuesday, August 16.—I made a trip down the Missouri River to look after some reports in regard seining.

Wednesday, August 17.—I put in the day along the river east of Kansas City, returning to Kansas City in the evening.

Thursday, August 18.—Made the fish markets.

Friday, August 19.—I made a few millinery inspections.

Saturday, August 20.—I made a trip of the fish markets.

Sunday, August 21.—I called at a few hotels.

Monday, August 22.—I made a trip in Clay county; it had been reported to me that parties from the city were shooting doves. I made the trip in that interest.

Tuesday, August 23.—I spent the day in Clay county.

Wednesday, August 24.—I made a trip in the south part of Jackson county looking after dove shooters.

Thursday, August 25.—I called on millinery trade.

Friday, August 26.—I called on fish dealers in the morning. In the afternoon I called on a few millinery dealers.

Saturday, August 27.—I called on millinery trade.

Sunday, August 28.—I made the usual Sunday hotel visits.

Monday, August 29.—I made another trip to Clay county.

Tuesday, August 30.—I called on millinery dealers.

Wednesday, August 31.—I called on millinery dealers.

Total expenses, \$37.60.

## SEPTEMBER, 1910.

Thursday, September 1.—I made a visit of the fish markets.

Friday, September 2.—I called on millinery trade; I found in Pollock's store, 912 Main street, a part of three turns, which I ordered taken out of their stock, which was done.

Saturday, September 3.—I called on the millinery trade.

Sunday, September 4.—I visited a few hotels.

Monday, September 5.—I made a trip through the fish markets.

Tuesday, September 6.—I called on the millinery trade.

Wednesday, September 7.—I called on the millinery trade.

Thursday, September 8.—I made a trip through the fish markets.

Friday, September 9.—I made a trip through the fish markets and called on millinery trade.

Saturday, September 10.—I called on millinery trade.

Sunday, September 11.—I made a trip out on the Big Blue River near Dodson. It was reported that parties were seining and found no violators.

Monday, September 12.—I called on millinery dealers.

Tuesday, September 13.—I visited the fish markets.

Wednesday, September 14.—I made a trip to Peculiar, Cass county, and drove out to Grand River.

Thursday, September 15.—I put in the day on the Grand River in Cass county.

Friday, September 16.—I made a trip to Big Shoal Creek in Clay county.

Saturday, September 17.—I called on a few of the millinery dealers.

Sunday, September 18.—I made a trip up Indian Creek.

Monday, September 19.—I made a trip to Sugar Lake in Platte county, and in the evening I left Sugar Lake for a trip to Bean Lake.

Tuesday, September 20.—I spent the day at Bean Lake.

Wednesday, September 21.—I called on the millinery trade.

Thursday, September 22.—I made a trip through the fish markets.

Friday, September 23.—I made a trip to Harrisonville, Cass county. Deputy Higgins, of Salem, asked me to be there on this date, as he had a case to be tried and he could not be present.

Saturday, September 24.—I called on millinery dealers.

Sunday, September 25.—I made a trip to Vale on Little Blue.

Monday, September 26.—I made a trip to Hardin, Ray county. I had a report that a number of duck hunters were in that locality.

Tuesday, September 27.—I spent the day in Ray county.

Wednesday, September 28.—I called on millinery trade in Kansas City.

Thursday, September 29.—I made a trip to Platt River in Clay county.

Friday, September 30.—I made a trip through the fish markets in Kansas City.

Total expenses, \$37.85.

#### OCTOBER, 1910.

Saturday, October 1.—I hired a motor boat and made a trip up the Blue river; reports came to me that parties seined in this stream; at time, I failed to find violators.

Sunday, October 2.—Visited a few hotels and restaurants.

Monday, October 3.—I spent the early morning on millinery trade in Kansas City, and made a trip to Sedalia; in Sedalia I found one violation. I had a few aigretts removed from a millinery store.

Tuesday, October 4.—I spent this day in convention in Sedalia.

Wednesday, October 5.—I spent the forenoon in Sedalia; in the afternoon I went to St. Louis.

Thursday, October 6.—In company with Dr. T. S. Palmer of Wash-ton, D. C., I confiscated a number of aigrettes.

Friday, October 7.—I made inspection of millinery stores, confiscated more aigrettes.

Saturday, October 8.—I made inspections of millinery stores, returned to Kansas City in the evening.

Sunday, October 9.—I made a trip to a few hotels and restaurants.

Monday, October 10.—I made a visit of millinery stores.

Tuesday, March 11.—I made inspection of millinery stores.

Wednesday, October 12.—I made inspection of millinery stores.

Thursday, October 13.—I made a visit of the fish markets.

Friday, October 14.—I looked up the party who killed three pelicans on the Missouri river. This man's name is Frank Foreman; I have not been able to see him personally; he is not working at present.

Saturday, October 15.—I have been looking for Frank Foreman.

Sunday, October 16.—I made a trip to St. Louis.

Monday, October 17.—I made an inspection of millinery stores. I confiscated a small amount of aigrettes from the store of Scruggs, Vandervoort & Barney, Hotel American, Seventh and Market.

Tuesday, October 18.—I confiscated aigrette plumage at the Hetzel Millinery Co.

Wednesday, October 19.—I made inspections of some of the department stores; these stores I find in the clear.

Thursday, October 20.—I made inspection of department stores.

Friday, October 21.—I made a trip to the outlying district of St. Louis; I found prohibited plumage at four, which I took possession of.

Saturday, October 22.—I found in the store of Miss A. E. Hickey, 4314 Olive St., a new lot of aigrettes which I took possession of.

Sunday, October 23.—I made an inspection of a few hotels and restaurants.

Monday, October 24.—I made inspection of millinery stores.

Tuesday, October 25.—Made inspection of millinery stores.

Wednesday, October 26.—Made inspection of millinery stores.

Thursday, October 27.—Made a trip through the fish markets.

Friday, October 28.—Made a trip through fish markets, and made inspection of a few millinery stores.

Saturday, October 29.—Made inspection of millinery stores.

Sunday, October 30.—I made a trip to Lee's Summit to meet train, expecting to find hunters, but failed.

Monday, October 31.—I made inspection of millinery stores.

Total expenses, \$81.59.

#### NOVEMBER, 1910.

Tuesday, November 1.—I called on millinery stores.

Wednesday, November 2.—I made a trip down Missouri river.

Thursday, November 3.—I was down the Missouri river at Ather-ton.

Friday, November 4.—I made an inspection of fish markets.

Saturday November 5.—I called on millinery trade.

Sunday, November 6.—I made inspection of hotels and restaurants.

Monday, November 7.—I made inspection of millinery stores.

Tuesday, November 8.—This day I spent most at election booth.

Wednesday, November 9.—I made a trip to Moberly, called on the millinery dealers of Moberly; I find their stock in the clear.

Thursday, November 10.—I made a trip from Moberly to Hannibal; in Hannibal I found some aigrettes, and in my presence the dealer burned them.

• Friday, November 11.—I made a trip from Hannibal to St. Louis; I made inspection of a few stores in the afternoon.

Saturday, November 12.—I made inspection of millinery stores.

Name of hotel or restaurant. American Hotel.

Sunday, November 13.—I was in St. Louis.

Monday, November 14.—I made inspection of millinery stores in the evening I returned to Kansas City.

Tuesday, November 15.—I made inspection of millinery stores in Kansas City.

Wednesday, November 16.—I was requested by Mr. Harper of Butler to help him in his district. I made a trip to Rich Hill, Mo.

Thursday, November 17.—I made a trip in the fields near Rich Hill.

Friday, November 18.—I made a trip to Athal to look after duck hunters. Here I find shooting after sundown; I took one man out of the lake, yet I did not have sufficient evidence to arrest him.

Saturday, November 19.—From Athal to Rich Hill, from Rich Hill to Kansas City.

Sunday, November 20.—I watched express offices and called at restaurants and hotels.

Monday, November 21.—I made inspection of millinery stores.

Tuesday, November 22.—I made a trip down the Missouri river.

Wednesday, November 23.—I made inspection of millinery stores.

Thursday, November 24.—I made a trip to Raytown and Vale, southeast of Kansas City.

Friday, November 25.—With Harper from Butler, Mo., I was looking for parties by name of Michner and Reese. Harper has a warrant for their arrest. We failed to locate them.

Saturday, November 26.—Working on the Michner and Reese case.

Sunday, November 27.—I made a trip from Kansas City to Rich Hill.

Monday, November 28.—I made a drive to Robinson's Lake.

Tuesday, November 29.—I made a drive to Brushy Mound Lake, near Rich Hill, from Rich Hill to Butler.

Wednesday, November 30.—With Harper, made a drive to the country near Butler; from Butler to Kansas City.

Total expenses, \$80.75.

#### DECEMBER, 1910.

Thursday, December 1.—I made inspection of hotels and restaurants, and the fish markets.

Friday, December 2.—In answer to a complaint, I made a trip to Clay county; I found no hunters after driving most of the day.

Saturday, December 3.—I made a drive near Raytown and Little Blue.

Sunday, December 4.—I made inspection of hotels and restaurants; in the evening I made a trip to St Joseph.

Monday, December 5.—I made inspection of millinery stores in St. Joseph; in the evening, returned to Kansas City.

Tuesday, December 6.—I made a trip to Eldorado Springs to meet Harper.

Wednesday, December 7.—I made a drive southeast of Eldorado Springs.

Thursday, December 8.—I made a drive to Cedar Springs.

Friday, December 9.—I took a walk northeast of Eldorado, returning to Kansas City at night.

Saturday, December 10.—I made a visit to a few millinery stores in Kansas City.



Sunday, December 11.—I made a trip from Kansas City to St. Louis.

Monday, December 12.—I made inspection of millinery stores in St. Louis.

Tuesday, December 13.—I made inspection of millinery stores in St. Louis.

Wednesday, December 14.—Made inspection of millinery stores in St. Louis.

Thursday, December 15.—Made inspection of millinery stores in St. Louis; in the evening returned to Kansas City. On these rounds in St. Louis, I found no violations.

Friday, December 16.—I made the rounds of some of the commission houses in Kansas City.

Saturday, December 17.—I made the rounds of express offices in Kansas City.

Sunday, December 18.—Made inspection of hotels and restaurants.

Monday, December 19.—Made inspection of express offices.

Tuesday, December 20.—Made inspection of express offices.

Wednesday, December 21.—Made a trip through some of the millinery stores.

Thursday, December 22.—Made a trip through some of the millinery stores.

Friday, December 23.—Made the rounds of fish markets; in the afternoon I helped with the mayor's Christmas tree.

Saturday, December 24.—I made the rounds of the commission houses.

Report for week from December 24th to December 31st, not included with full report.

Total expenses, \$70.00.

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## REPORT OF DEPUTY GAME WARDEN OSTERHAUT.

JANUARY, 1910.

Sunday, January 2.—Hannibal.

Monday, January 3.—Hannibal.

Tuesday, January 4.—Hannibal.

Wednesday, January 5.—Hannibal to Kahoka, consulted prosecuting attorney, Chas W. Yant, regarding law regulations in Clark county.

Thursday, January 6.—Went from Kahoka to Luray to see Mr. Farmon, justice peace, regarding the letter written your office. Mr.

Yant called me over 'phone to come back to Kahoka; returned and we made arrangements for some parties to feed the quail in Clark county.

Friday, January 7.—Kahoka to Medill—Medill to Baring—Baring drove across to Edina to see Ed. Randolph—consulted Mr. Smith, prosecuting attorney, Knox county, he reported law being respected. Edina to Quincy—Quincy to Hannibal.

Saturday, January 8.—Hannibal.

Sunday, January 9.—Hannibal.

Monday, January 10.—Hannibal.

Tuesday, January 11.—Drove out in Ralls county.

Wednesday, January 12.—Hannibal.

Thursday, January 13.—Hannibal.

Friday, January 14.—Hannibal.

Saturday, January 15.—Hannibal.

Sunday, January 16.—Hannibal.

Monday, January 17.—Bay Mills.

Tuesday, January 18.—Hannibal.

Wednesday, January 19.—Hannibal.

Thursday, January 20.—Bay Island, see about pumping station that is being erected, as to what effect was going to have on the waters of the bay, if pumps dry, there will be thousands of fish; pump will not be running for some time.

Friday, January 21.—Hannibal.

Saturday, January 22.—Hannibal.

Total expenses, \$18.19.

Sunday, January 23.—Hannibal.

Monday, January 24.—Hannibal.

Tuesday, January 25.—Hannibal.

Wednesday, January 26.—Hannibal to Edina, investigate the report of a party killing quail out of season; found case of a farmer passing through neighbor's farm and killed some quail, but the farmer refused to give the name of the party transgressing; still after the same case by letter.

Thursday, January 27.—Edina to LaBell, investigate report of J. B. Dyer regarding illegal fishing; letter forwarded me by your department, La Belle to Quincy, Quincy to Hannibal.

Friday, January 28.—Hannibal; write personal letters to farmers, thanking them for their services co-operating with us, refusing compensation.

Saturday, January 29.—Hannibal; as before, names furnished by interested parties. (Balance of month not with report.)

Total expenses, \$25.95.

## FEBRUARY, 1910.

(No report for first six days.)

Saturday, February 7.—Went to Palmyra to see if licenses are being taken out by the hunters—found there had been 255 counties, and 17 State licenses to date.

Monday, February 9.—Center, to keep the boys reminded that there was still a game warden “nosing” around.

Tuesday, February 10.—Returned from Center.

Friday, February 13.—St. Louis.

Saturday, February 14.—St. Louis.

Monday, February 16.—Went to Quincy see if any ducks were being killed in the Moody bottoms by non-residents as I was informed some Quincy hunters were out.

Tuesday, February 17.—Went to the Heather Bay district to look after illegal hunters and fishermen.

(All dates omitted are not with this report.)

Total expenses, \$9.47.

## MARCH, 1910.

Saturday, March 7.—Spent the above week in the vicinity of Heaton Bay; Bay bottoms, etc., with the duck hunters.

Wednesday, March 11.—Was up in the Moody bottoms—visited two camps.

Thursday, March 12.—Around “Grassy” lake, near the Fabius river.

Friday, March 13.—Up the Fabius and Buttwood lake.

Wednesday, March 18.—Went to Moody and vicinity.

Thursday, March 19.—Got a launch and went down the Fabius and down the Mississippi to Hannibal—the water is backing up in the Fabius and it is a great stream for trammel netting, etc., but no signs of any this spring, yet.

Thursday, March 26.—Went to Dunsford (Moody) hunting for parties fishing illegally.

Friday, March 27.—Up the Fabius.

Saturday, March 28.—Down the Fabius.

Tuesday, March 31.—Bay Island and vicinity.

Wednesday, April 1.—Bay Island, Heather Bay, etc.

(All dates omitted are not with this report.)

Total expenses, \$8.65.

## APRIL, 1910.

Tuesday (first week in April)—Went to Dunsford by appointment with Sheriff Lasley of Palmyra; expected to catch some fishermen, but he failed to come.

Wednesday (same week)—Took a trip up the North Fabius looking for trammel netters.

Friday (same week)—Up to Running Bay, Heather Bay and the canal, where they were netting some last year; understand by the natives no netting yet this year.

Saturday (same week)—Same as above—same district.

The week ending April 16 he was up in the Heather Bay District looking after the fishermen.

April 20.—Trip up the river and vicinity of the canal, etc., in the interest of illegal fishing.

Wednesday (last week in April)—Up in Bay Island territory in quest of fishermen.

Thursday (same week)—Took launch and went up the Mississippi to see if there was any nets in the river that could be detected.

Friday (same week)—Went out to New London; from there to Center, and returned to see if the boys are staying on the right side of the law.

Saturday (same week)—Paid drayman for hauling pheasants out to my house shipped from Kansas City.

(All dates omitted are not with this report.)

Total expenses, \$16.00.

## MAY, 1910.

Friday, May 6.—Went up to the canal and confiscated a trammel net that was stretched from bank to bank; will take it to the court house tomorrow; am trying to find owner; has confiscated tag attached.

Sunday, May 8.—Got telephone someone shooting up on the Bay Island; supposed to be shooting ducks; got Prosecuting Attorney Nelson; drove my own horse and buggy; we expected to make two cases against them, if caught; but they were gone, or hid, when we arrived.

Wednesday, May 11.—Went up the Mississippi with Missouri and Iowa Wardens; had a tip on some hoop nets; think the fishermen must have also had a tip, for they were not to be found with our grab hooks.

Friday, May 13.—Went to Canton, Mo., on request of Game Commissioner and saw parties arrested by Deputy Wiggs; they agreed to

go and plead guilty to the charge, and so notify the Game and Fish Commission.

Monday, May 16.—Was informed there was some hoop nets in the Mississippi above the bridge; got man to go with me; bought a grab hook, and worked the river to the bridge; got hook fastened and broke off under bridge, but failed to find nets.

Friday, May 20.—Met Nelson at Dunsford; took skiff and worked out the Fabius, both sides; then walked to eastern slough, there to North River, up North River to North River station, caught train to Palmyra; have been informed there have some nets in there, but none that day.

Saturday, May 21.—Went down the South River, back to Hannibal.

Monday, May 23.—Went to Paris, Mo., to see Mr. Porter regarding fish trap in Salt River; said he knew the party referred to and see that trap was removed.

Tuesday, May 24.—Went up to the camp of the Heather Bay Fishing and Hunting Club; was informed they are going to pump the water out of the Running Bay and tributaries; if so, thousands of fish will perish; but find if they succeed it will be many weeks from prospects.

Wednesday, May 25.—Same territory.

Friday, May 27.—Went down the river to see some fishermen that I was informed had been fishing with nets in the Mississippi; denied fishing with nets; said they were fishing with trot line and showed me they were then running the line.

Saturday, May 28.—Up the Mississippi to watch to see if any nets were raised, but did not find any one.

Monday, May 30.—Met Mr. W. S. Martz, Game and Fish Commission (deputy); made arrangements to take a trip down the Mississippi and clean up all streams emptying into it in our territory with a launch.

(Dates omitted are not with this report.)

Total expenses, \$19.23.

## JUNE, 1910.

Sunday, June 5.—Investigating the killing of song birds and destroying nests; complaints have been made that some boys have been shooting birds with "cat rifles;" had our local papers here warn the boys. I enclose you clipping showing it is being copied.

Monday, June 6.—Looking after the fishermen to see they are not using their nets on this side of the Mississippi River.

Tuesday, June 7.—Same as Monday. Illinois permits netting since June 1st, and fishermen are inclined to take chances in Missouri.

Wednesday, June 8.—Up the river investigating some trammel netting, but think the law is not being violated along this line.

Thursday, June 9.—Went on a special train out of Hannibal that covered my territory fully; I enclosed you schedule. I made inquiries as to the illegal hunting and fishing, and never had a complaint on the trip; made special inquiries as to the good, if any, we might be doing in keeping the North and South Fabius clear of nets, and all say are getting better fishing than ever before; the boys in Edina say they are catching lots of fine fish.

Saturday, June 10.—Drove my own horse and buggy; went out in Ralls county to see if any hunters are killing squirrels, but hear no complaints, except from the farmers, who state the squirrels are taking their corn up as they never did before.

Sunday, June 11.—Went north of town to see if any squirrel hunters were out hunting, as they go out hunting on Sundays; nothing doing.

Monday, June 12.—Monday on the Mississippi after evidence of illegal fishermen.

Tuesday, June 13.—Drove to South River looking after fishermen and squirrel hunters.

Wednesday, June 14.—Fabius district; after what was reported to be a trammel net, turned out to be a trot line with floaters off of net.

Thursday, June 15.—Took launch and met Deputy Nelson with Deputy Sheriff Johnson at the head of the bay; went up in the Fabius district after illegal fishermen; took nine bait and hoop nets out of the river near mouth of Fabius.

Friday, June 16.—Went up Mississippi on boat "W. W." looking the river over between here and Quincy; counted 17 nets one place, 20 in another; just above here we found the nine; all on bank.

Saturday, June 17.—Met Illinois deputy warden here; city by appointment from him.

Monday, June 20.—Drove up the river, vicinity of the canal, looking after hoop netters.

Tuesday, June 21.—Looking after fishermen on the Mississippi.

Wednesday, June 22.—Had arrangements made to go to Louisiana and up Salt River with Deputy Nelson; he got sick and had to go home; trip postponed.

Thursday, June 23.—Over on the Seelys.

Friday, June 24.—Took launch with Deputy Nelson; went to Salt

River (mouth) looking after the wiring or stopping up of entrance; walked about four miles up the river; found evidence of seining, but found no violators.

Saturday, June 25.—Was not out; about sick from trip Friday; got too warm.

Monday, June 27.—Patrolling Mississippi River.

Tuesday, June 28.—Went to Jefferson City in consultation with Game and Fish Commissioner.

Wednesday, June 29.—Jefferson City.

Thursday, June 30.—Returned to Hannibal.

(All dates omitted not with report.)

Total expenses, \$55.59.

### JULY, 1910.

Monday, July 4.—Went up on Bay Island looking for hunters without license.

Tuesday, July 5.—Answering correspondence, etc.

Wednesday, July 6.—Patrolling Mississippi.

Thursday, July 7.—Patrolling Mississippi River and vicinity.

Friday, July 8.—Went to Canton to see fishermen regarding use of nets, seines, etc., in river.

Saturday, July 9.—Patrolling the vicinity of Hannibal.

Monday, July 11.—Patrolling in vicinity of the Mississippi.

Tuesday, July 12.—Marion county; looking after squirrel hunters without license.

Wednesday, July 13.—Shelbina to meet Mr. Quigley as per your request regarding law violations in Shelby county; back to Monroe City.

Thursday, July 14.—Answering correspondence and looking after some details in my vicinity.

Friday, July 15.—Trying to get some evidence together on a party that was supposed to have been hunting without license.

Saturday, July 16.—Same as above.

Monday, July 18.—Answering correspondence and patrolling Mississippi, vicinity Hannibal.

Tuesday, July 19.—Same as above.

Wednesday, July 20.—Went on train with Hannibal business men, New London, Center, Perry, Frankfort, Bowling Green and Troy and return. Name of hotel or restaurant—dinner with ladies, Christian church, Frankfort, supper, Troy ladies, Baptist church.

Thursday, July 21.—Went to Center; stayed all night with E. W. Kently. Name of hotel or restaurant—E. W. Kently, brother-in-law.

Saturday, July 23.—Took horse and buggy and drove to Spencer Creek near Madisonville; asked a "kid" if there was any seining going on in that neighborhood; he said no; asked him what he would say if a fish warden was to catch him violating the law; said he would tell him to go to the devil; back to Center, stayed with Kently.

Sunday, July 24.—Drove to Perry in an automobile; talked with several regarding the prairie chickens and was informed under this protection they are multiplying very rapidly. Name of hotel or restaurant—My mother.

Monday, July 25.—Got team and drove up on Spencer Creek in the southern part of the county; found nor heard nothing of illegal fishing, if any. Name of hotel or restaurant—Bank of Spencer Creek.

Tuesday, July 26.—Rained all day; intended going to Salt River, near Florida.

Wednesday, July 27.—Drove over south of Center on "Jug Run;" thought might be some hunters hunting without license. Name of hotel or restaurant—a friend, D. L. Leake, Center, Mo.

Thursday, July 28.—Center to Hannibal.

Friday, July 29.—Answering correspondence, etc.

Saturday, July 30.—Rained Friday night; no trains running out of Hannibal.

(All dates omitted not with this report.)

Total expenses, \$20.50.

#### AUGUST, 1910.

Monday, August 1,—Patrolling in the vicinity of Hannibal; there are a few men in this city that have always killed wood duck out of season and I am trying to see they do not do it this year.

Tuesday, August 2.—Patrolling in Marion county.

Wednesday, August 3.—Patrolling vicinity of Hannibal.

Thursday, August 4.—South of New London, Ralls county. Name of hotel or restaurant, took my lunch.

Friday, August 5.—Was informed that the wood duck hunters were down the river; Constable Geo. Munson and myself stayed on the bank of the Mississippi until 12:00 at night, but they did not come in.

Saturday, August 7.—Patrolling vicinity Hannibal and answering correspondence.

Monday, August 8.—Drove up to Bay Island; stayed all night; expected to catch some wood duck hunters; but never heard a gun fired.

Name of hotel or restaurant—Camp.



Tuesday, August 9.—Went up the bay; then drove to Hannibal; took the train to Palmyra at noon; back to Hannibal. Name of hotel or restaurant—Union Depot.

Wednesday, August 10.—Went to Monroe City, Monroe City to Clarence, to have a talk with prosecuting attorney. Name of hotel or restaurant—Hotel in rear of the bank (forgot the name).

Thursday, August 11.—Took team and drove over on Salt River south of Clarence, back to Hannibal.

Friday, August 12.—Patrolling vicinity of Hannibal.

Saturday, August 13.—Patrolling vicinity of Hannibal.

Monday, August 15.—Drove to Helton Station; went to the Heather Bay Hunting and Fishing Club; stayed with them. Name of hotel or restaurant—Heather Bay Hunting and Fishing Club.

Tuesday, August 16.—Went up in the Bay Bottom; there are quite a number of wood ducks in them bottoms and have been trying to protect them. Name of hotel or restaurant—Same as above.

Wednesday, August 17.—Patrolling in the vicinity of Hannibal; several hunters here have told me that certain parties here have always shot wood ducks out of season and would this time, and I have been determined to see they do not.

Friday, August 18.—Down the river to see some fishermen.

Saturday, August 19.—Vicinity of Hannibal.

Monday, August 21.—The hunters here have asked me to watch some suspects here that have been suspected of killing wood ducks out of season for years past, and I have been watching them all the week down on the Mississippi River, where they might get a launch, and have put in the past week in this work, and if I could succeed in landing on them, nothing could please the hunters more; I do not think we have ever had things in better shape; have not had a complaint for some time.

Monday, August 29.—Patrolling in the vicinity of Hannibal.

Tuesday, August 30.—I am keeping an eye on the hunters here who shoot wood ducks and expect to stay right by them until September 15, and see that once they observe that part of the game law.

(Dates omitted are not with report.)

Total expenses, \$16.27.

#### SEPTEMBER, 1910.

Monday, September 4.—Drove up in Ralls county, vicinity of Rensselaer, looking after unlicensed hunters. Name of hotel or restaurant—West End Restaurant.

Tuesday, September 5.—Drove to Helton Station to try to get evidence of some one who was reported had been shooting wood ducks. Name of hotel or restaurant—Windson Cafe.

Wednesday, September 6.—Patrolling vicinity of Hannibal.

Thursday, September 7.—Patrolling vicinity of Hannibal.

Friday, September 8.—Went over to Dennisford, as some parties were up there that might be violating game law. Depot Hotel.

Saturday, September 9.—Patrolling the Mississippi. Name of hotel or restaurant—Windson Cafe, Hannibal, Mo.

Sunday, September 10.—West of Hannibal man reported to be shooting doves without license; found him on his own farm.

Monday, September 11.—Answering correspondence and patrolling in the vicinity of Hannibal.

Tuesday, September 12.—Went to Dunsford near West Quincy to see if there was any duck hunters in bottoms. Name of hotel or restaurant—Union Depot Hotel, Hannibal.

Wednesday, September 13.—Patrolling vicinity of Hannibal.

Thursday, September 14.—Went to Moody Bottoms.

Friday, September 15.—Up the river in Bay Island district.

Monday, September 17.—Patrolling vicinity of Mississippi.

Tuesday, September 18.—Same as above.

Wednesday, September 19.—Went over to Quincy on report that some information would be given regarding non-residents hunting in Missouri without license.

Name of hotel or restaurant—Depot Hotel.

Thursday, September 20.—Patrolling in Moody Bottoms, west of Quincy.

Name of hotel or restaurant—Camp Fabius.

Friday, September 21.—Vicinity of Hannibal answering correspondence.

Saturday, September 22.—Same as above.

Monday, September 24.—Patrolling vicinity Hannibal.

Tuesday, September 25.—Patrolling and answering correspondence.

Wednesday, September 26.—In the vicinity of Helton station.

Name of hotel or restaurant—Heather Bay Fishing and Hunting Club.

Thursday, September 27.—Patrolling in vicinity of Hannibal.

Friday, September 28.—Patrolling in Bay Bottoms.

(All dates omitted are not with report.)

Total expenses, \$14.35.

## OCTOBER, 1910.

Saturday, October 1.—Some one telephoned some parties were shooting up in the Bay Bottoms and might be quail hunters; made investigation, but found no hunters.

October 2, 3, 4, 5.—Attended Deputy Game Commissioners Convention at Sedalia, Mo.

Thursday, October 6.—Returned to Hannibal Wednesday; stayed at Conklin hotel from 1:30 a. m.

Friday, October 7.—Patrolling vicinity of Moody Bottoms.

Name of Hotel or restaurant—Fabius Fishing and Hunting Club.

Saturday, October 8.—Same as above.

Sunday, October 9.—Went up to Riverview Park for drive with my children in the morning; met a negro with a gun; tried to stop him to see his license, and he refused to stop until I hitched my horse and caught him; said his license was at home; took my family home, but have not located him yet; police are trying to find him.

Monday, October 10.—Took machine with some land buyers; went to New London, Center and Perry to see if parties were taking out license; had a list of hunter licenses of Ralls county, and am sending to all papers in county.

Name of hotel or restaurant—Palace Hotel, Perry, Mo.

Tuesday, October 11.—Went to Bottoms, west of Quincy.

Wednesday, October 12.—Patrolling in the vicinity of Moody Bottoms, "Grassy Lake," Bottomwood and Flag Pond.

Name of hotel or restaurant—Fabius F. and H. Club.

Thursday, October 13.—Patrolling in vicinity of Hannibal.

Friday, October 14.—Same as above.

Saturday, October 15.—Drove to Bay Bottoms and returned.

Name of hotel or restaurant—Heather Bay Hunting and Fishing Club, Helton Station.

Sunday, October 16.—Drove up on the river road and west of Hannibal, looking after parties that might be hunting without license.

Monday, October 17.—Patrolling vicinity of Hannibal.

Tuesday, October 18.—Drove up in the Bay Bottom district.

Wednesday, October 19.—Hannibal and vicinity.

Thursday, October 20.—Went to Dunsford—patrolling in Moody Bottoms.

Friday, October 21.—Same as above.

Saturday, October 22.—Same as above.

Sunday, October 23.—Drove northwest of Hannibal—held the hunters up for their licenses; find things in good shape along this line.

Monday, October 24.—Patrolling vicinity of Hannibal.

Name of hotel or restaurant—Windsor Cafe.

Tuesday, October 25.—Patrolling vicinity Hannibal and answering correspondence.

Wednesday, October 26.—Had report some one shooting supposedly at quail in Ralls county; drove out through the county a number of miles; never heard a gun fired.

Thursday, October 27.—Went to Dunsford, patrolling Moody Bottoms.

Name of hotel or restaurant—Fabius Fishing and Hunting Club.

Friday, October 28.—Patrolling in Moody Bottoms.

Name of hotel or restaurant—Fabius Fishing and Hunting Club.

Saturday, October 29.—Got telephone some one shooting near Bear Creek; drove out; found some boys with hounds, with two rabbits and one squirrel; never found a man with a bird dog.

Sunday, October 30.—Drove around northwest of city looking after violators; came home and police telephoned me some one was shooting southwest of town, thought quail; went out but found no one.

Monday, October 31.—Patrolling vicinity of Hannibal.

(All dates omitted not with report.)

Total expenses, \$44.10.

## NOVEMBER, 1910.

Tuesday, November 1.—Went to Hunnewell; drove to near Kendall with a farmer; stayed all night; was all over this section, Shelby county.

Wednesday, November 2.—Drove over near Oakdale with a farmer friend; patrolled over that section of Shelby county.

Thursday, November 3.—Returned to Hannibal.

Friday, November 4.—Patrolling vicinity of Hannibal.

Name of hotel or restaurant—Stein's Restaurant.

Saturday, November 5.—Patrolling in the vicinity of Hannibal.

Sunday, November 6.—Drove northwest of the city looking after non-licensed hunters.

Monday, November 7.—Patrolling vicinity of Hannibal.

Tuesday, November 8.—In the city.

Wednesday, November 9.—Drove with party in automobile to Hydesburg, then to Rensselaer in Ralls county, and back to town.

Name of hotel or restaurant—Finley Hotel, Rensselaer, Mo.

Thursday, November 10.—Patrolling vicinity Hannibal and answering correspondence.

Friday, November 11.—Went with C. A. Wright, plumage expert, from Kansas City to see a party here, Jas. Brinkman; found few old contraband feathers which Mr. B. promptly burned in our presence; then went to Dunsford, Moody Bottoms; back that night.

Name of hotel or restaurant—Fabius Fishing and Hunting Club.

Saturday, November 12.—Patrolling in the city; went to Mark Twain Hotel to see if any game was being served.

Name of hotel or restaurant—Mark Twain, City.

Sunday, November 13.—Patrolling vicinity of Hannibal; have been trying to keep the boys in line by being after them every Sunday.

Monday, November 14.—Went up the river as far as Canton, Mo. (Lewis Co.), and came back on late train; thought perhaps would catch some non-residents that were hunting.

Name of hotel or restaurant—Diner on train.

Tuesday, November 15.—In the vicinity of Ocean Ware (Ralls Co.).

Wednesday, November 16.—Vicinity of Hannibal.

Thursday, November 17.—Drove out in northwest Ralls county, near Hydesburg and Rensselâer.

Name of hotel or restaurant—Mr. Walker (farmer).

Friday, November 18.—Vicinity of Hannibal.

Saturday, November 19.—Drove up to the Heather Bay district, Bay Island, etc.

Sunday, November 20.—Have been driving out around the outskirts of the city each Sunday and incidentally asking the boys to see their license; think it has had its effect.

Monday, November 21.—Answered correspondence; swore out warrant for arrest of Will Brant for hunting without license.

Tuesday, November 22.—Went up into Knox county; drove south of Edina with circuit clerk and deputy sheriff.

Wednesday, November 23.—Patrolling vicinity of Edina; took application for party non-resident license that don't think was looking for me.

Thursday, November 24.—Invited out for dinner.

Friday, November 25.—Patrolling vicinity of Hannibal, Mo.

Saturday, November 26.—Drove up into the Bay Island district.

Sunday, November 27.—Drove around outskirts of the Hannibal.

Monday, November 28.—Patrolling vicinity of the city; went to see the fishermen as to size of fish being sold.

Tuesday, November 29.—Drove up in the Bay Island district.

Wednesday, November 30.—Patrolling in Bay Island district; came home at noon; expected trial of William Brant at 2:00; he had it continued until Monday, December 5.

(All dates omitted not with this report.)

Total expenses, \$26.31.

### DECEMBER, 1910.

Thursday, December 1.—Patrolling vicinity of Hannibal.

Friday, December 2.—Went to Huntington (Ralls Co.); walked over to Ely, back to Hannibal.

Saturday, December 3.—Drove over to Ocean Wave; patrolling in this vicinity.

Monday, December 5.—Drove to Heather Bay; had fishermen seine one of the holes, just above pumping station; began seining, but did not finish.

Tuesday, December 6.—So returned and assisted them; it was about to freeze dry, and all the fish would perish, so gave a fisherman the coarse marketable fish if he would take wagon and team and have balance to running bay—the marketable fish weighed out about 3,200 pounds, and about that many taken to open water.

Wednesday, December 7.—Patrolling vicinity of Hannibal.

Thursday, December 8.—Patrolling vicinity of Hannibal.

Friday, December 9.—Drove out through Ralls county, between Hannibal and New London.

Saturday, December 10.—Day set for trial of Will Brant before T. L. Anderson, J. P., for hunting without license; attended trial; plead guilty.

Name of hotel or restaurant—Stein's Restaurant.

Sunday, December 11.—Drove north of Hannibal; have been keeping pretty close "tab" on the boys as they go out on Sunday.

Monday, December 12.—Patrolling in the city.

Tuesday, December 13.—Patrolling vicinity of Hannibal.

Wednesday, December 14.—Went to La Belle (Lewis Co.).

Thursday, December 15.—Drove south of LaBelle, out through the country with C. F. Wright and Ed. Wilson.

Friday, December 16.—Drove north with C. F. Wright, Ed. Wilson and Dave Wilson; came to Hannibal that night.

Saturday, December 17.—Answering correspondence and looking after things in Hannibal.

Sunday, December 18.—Vicinity of Hannibal.

Monday, December 19.—Went to Center (Ralls Co.).

Tuesday, December 20.—Patrolling in the vicinity of Center.

Wednesday, December 21.—Came back to Hannibal.

Thursday, December 22.—Patrolling vicinity of Hannibal.

Friday, December 23.—Patrolling vicinity of Hannibal.

Saturday, December 24.—Patrolling vicinity of Hannibal.

Monday, December 26.—Drove to Heather Bay; had fishermen seine the fish out of a hole that was only about 10 inches deep, under the ice, expected to save game fish, but the carp had fought them all back under the ice, and they were dead, hundreds of croppie and black bass.

Wednesday, December 28.—Drove out in vicinity of Hydesburg.

Thursday, December 29.—Patrolling vicinity of Hannibal.

Friday, December 30.—Same as above.

Saturday, December 31.—Same as above.

(All dates omitted are not with the report.)

Total expenses, \$29.56.

## REPORT OF DEPUTY GAME WARDEN JOHNSON.

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JANUARY, 1910.

Saturday, January 1.—I returned on Saturday from my trip in the southern part of the county where I went to look after procuring some game for Industrial Congress.

Sunday, January 2.—Stayed in Ozark.

Monday, January 3.—Same.

Tuesday, January 4.—Same.

Wednesday, January 5.—Same.

Thursday, January 6.—Went to Sparta to look after getting wild turkeys for the Industrial Congress.

Friday, January 7.—Remained in and near Sparta all day.

Saturday, January 8.—Went to Chadwick on same business as above. I think I will be able to get turkey, fox, coon, o'possum and quail for exhibit. Will go to Sparta tomorrow to make preparations for exhibit.

Sunday, January 9.—Stayed in Ozarks.

Monday, January 10.—Making arrangement for exhibit.

Tuesday, January 11.—Same as previous day.

Wednesday, January 12.—Went to Chadwick on same mission.

Thursday, January 13.—Went from Chadwick to Sparta, same mission as above.

Friday, January 14.—Went from Sparta to Ozark.

Saturday, January 15.—Engaged same as above.

Sunday, January 16.—In Ozark.

Monday, January 17.—Stayed in Ozark looking after my official duty.

Tuesday, January 18.—Same as preceding day.

Wednesday, January 19.—Same.

Thursday, January 20.—Hired team and buggy, went into the country, found a quail trap; destroyed it and returned to Ozark.

Friday, January 21.—Filed information against Harve Gahan for trapping quail.

Saturday, January 22.—Went to Sparta.

Sunday, January 23.—Sparta, Chadwick and Ozark.

Monday, January 24.—Ozark, looking after my official duty.



Tuesday, January 25.—Same as preceding day. Went to Springfield.

Wednesday, January 26.—Remained in Springfield.

Thursday, January 27.—Same.

Friday, January 28.—Same.

Saturday, January 29.—Returned to Ozark.

Sunday, January 30.—Remained in Ozark.

Monday, January 31.—In Ozark, making weekly and monthly reports.

Total expenses, \$64.85.

## FEBRUARY, 1910.

Tuesday, February 1.—Went to Sparta, hired team and drove in northeast part of county.

Wednesday, February 2.—Spent the day looking up evidence against violators of game and fish law, and think I have evidence to convict, but will investigate further before filing. Returned to Sparta.

Thursday, February 3.—Returned to Ozark.

Friday, February 4.—Stayed in Ozark.

Saturday, February 5.—Same.

Sunday, February 6.—Ozark.

Monday, February 7.—Went to Springfield on way to Monett.

Tuesday, February 8.—Stayed in Springfield, sick.

Wednesday, February 9.—Returned to Ozark, sick.

Thursday, February 10.—Stayed at Ozark.

Friday, February 11.—Went to Sparta on official business; returned on afternoon train.

Saturday, February 12.—Stayed at Ozark.

Sunday, February 13. Stayed at Ozark.

Monday, February 14.—Went to Springfield.

Tuesday, February 15.—Went to Monett; saw Mr. Wightman; Mr. Chapple, the postmaster, and had a long talk with them regarding the conditions there, and they report everything in good shape in that vicinity; in the evening went to Crane, stayed all night there.

Wednesday, February 16.—Stayed in Crane; the weather being so severe was unable to see anyone except the citizens there.

Thursday, February 17.—Went to Galena, met the States Attorney, Circuit Clerk, Jack Short and many Galena citizens, but farmers unable to get to town; didn't have opportunity to see many of them.

Friday, February 18.—Same as preceding day; and from what I could find out, there are no violations of the game and fish law in that

locality. Went back to Crane, called Mr. Neal to the 'phone to make an egnagment with him the next morning at Crane.

Saturday, February 19.—Talked with Mr. Neal concerning the dynamiting of fish reported on Crane Creek; and from his report I don't think there is sufficient evidence to make a case. Went through to Reed Springs, had a talk with banker Swift and son et al., finding nothing for me.

Sunday, February 20.—Came to Ozark from Springfield.

Monday, February 21.—Went to Springfield.

Tuesday, February 22.—Remained in Springfield, owing to inclemency of weather.

Wednesday, February 23.—Same as preceding day.

Thursday.—February 24.—Same.

Friday, February 25.—Went to Rogersville on early morning train, hired livery team, drove to country, investigating some violations reported to me.

Saturday, February 26.—Came to Ozark via Springfield; had prosecuting attorney to file information against Albert Cowan, Will Denney and Luther Denney, charging them with violation of fish law by cutting holes in ice and fishing with grab hooks.

Sunday, February 27.—Remained in Ozark.

Monday, February 28.—In Ozark looking after cases I have in circuit court relating to game and fish law.

Total expenses, \$43.85.

### MARCH, 1910.

Sunday, March 1.—Attending court.

Monday, March 2.—Same.

Tuesday, March 3.—Same.

Wednesday, March 4.—Same.

Thursday, March 5.—Went to country with team looking after fish chutes.

Friday, March 6.—Same.

Saturday, March 7.—Same.

Sunday, March 8.—Went to Springfield (Tuesday, work continued.)

From McDaniel Mill, went up Spring river to next dam owned by Carthage Light & Power Co., find their chute O. K.

Monday, March 9.—Went to Carthage, talked with Mr. Harrington, learned from him that Mr. Phelps was in St. Louis; that he (Mr. P.), and I found that Mr.—had written you, by request, concerning the

fish chutes on Spring river; I will say that Mr. Harrington was very generous in way of offering any assistance in his power rendering information and etc. Had talk with him also, regarding fish chutes in four bays or flume; he heartily endorses it.

Tuesday, March 10.—I drove to Cogill and Hill Mill Draw on Spring river; find they had no fish chute, nor ladder as the law requires; drove thence to McDaniel Mill two and one-half miles up the river, found them same as the other “no chute.” Saw one of the proprietors, talked chute to him. They have a new dam under construction, being about three-fourths completed, the uncompleted part being where the chute should properly be. He assures me that when low water and favorable conditions exist he will put one in; of regulation he will put one in the fore bay *now*.

Wednesday, March 11.—Called on Cogill and Hill at their office, talked fish chute to them. They assured me they will begin construction of chute Monday 14th.” They called up their —— apprising him of the fact.

Thursday, March 12.—Went by street car to Quaker Mill on Spring river found about 30 feet washed out of center of dam. They intend to build in July; construct a regulation fish chute when they erect their dam. Then I went to Neck City, hired livery team and driver, drove to Galesburg, found everything O. K. as the law requires, returned to Neck City, thence to Webb City.

Friday, March 13.—Went back to Carthage, thence to Bower’s Mill at LaRussell on Spring river, found their chute O. K., returned to Carthage.

Saturday, March 14.—Hired team and driver, drove to James Estridge Mill on Center Creek, found chute O. K. there, returned via McDaniel’s Mill on Spring river, found Mr. Morrow, one of the firm with whom I talked on Tuesday at work on his chute in the fore bay.

Sunday, March 15.—Went from Springfield to Ozark.

Monday March 16.—Made my report, went to Springfield.

Tuesday, March 17.—From Springfield to Ozark.

Wednesday, March 18.—Started on my trip to Berry county.

Thursday, March 19.—Arrived at Cassville Thursday night.

Friday, March 20.—Hired conveyance and driver, went to White river, thence up Roaring river, stayed over night, found no one fishing at club house on White river, nor on Roaring river.

Saturday, March 21.—Continued up Roaring river to Spring, thence up the river to near Seligman, thence to Washburn, back to Cassville.

Sunday, March 22.—Stayed in Cassville.

Monday, March 23.—Hired livery rig, drove down Flat Creek, inspected the dam of R. P. Kern, found no chute (fish), put him to work installing one, thence to Neal White dam two miles below, he had no chute, he promised there would be no delay in his installing one; then to Mr. Short's twelve miles down the river; he has a chute, but not in regulation. I told him what to do and he agrees to put in one of our regulation kind. Then back to Cassville.

Tuesday, March 24.—Learning about Blankenship Mill, also one at Jenkins, drove down to Jenkins; I found the dam washed out, "part of it," sufficient for fish to pass up and down. No need of installing fish chute.

Wednesday, March 25.—Started for ———, arriving 12:30 p. m.

Thursday, March 26.—Went to Ozark.

Friday, March 27.—Hired team, went to country, "Bull Creek" to look after turkey hunters.

Saturday, March 28.—Drove to Spokane, back through hills. I saw nor heard of no hunting violations. Returned to Ozark that night.

Sunday, March 29.—Stayed in Ozark.

Monday, March 30.—Went to Springfield on afternoon train.

Tuesday, March 31.—Attended court at Springeld.

Wednesday.—Hired team and buggy drove out to duck pond; heard they had been shooting ducks before sunup and after sundown; found no one at the pond.

Thursday.—Hired team, drove to pond, stayed there until sunrise, found no one, returned to Springfield, took train for Ozark.

Total expenses, \$82.68.

#### APRIL, 1910.

Friday, April 1.—Made my reports.

Saturday, April 2.—Hired horse and buggy and made examination of fish chutes on Finley; find them O. K.

Sunday, April 3.—Stayed in Ozark.

Monday, April 4.—Started for Carthage, Jasper county; arrived there at 12:15 a. m.

Tuesday, April 5.—Hired livery rig; drove to and inspected the Cogill and Hill dam; find he had installed a good fish chute; thence up Spring River to Morrow Mill; find same there.

Wednesday, April 6.—Started for Cassville, Barry county; arrived there at 12:30 p. m.

Thursday, April 7.—Hired rig, drove down Flat Creek to White Mill; stayed there most of the day; he has installed fish chute of the

kind, but not acceptable. I advised him how, and had to stay and show him what I wanted; he seemed to be dull of comprehension; returned to Cassville.

Friday, April 8.—Hired rig, drove to Haley, then to the Blankenship Mill on Flat Creek; find that about 30 feet of his dam had been washed away and had been rebuilt by logs and poles; the 30 feet were left open that fish could pass up; this leaves Flat Creek in good shape for fish passage up and down; returned to Cassville.

Saturday, April 9.—Came back to Springfield.

Sunday, April 10.—Came from Springfield.

Monday, April 10.—Made my weekly report.

Tuesday, April 12.—Stayed in Ozark.

Wednesday, April 13.—Same as preceding day.

Thursday, April 14.—Hired horse and buggy; drove down Finley Creek, thence to Nixa; intended to go to Nelson's Mill on James River, understanding they had been netting fish at the dam, inclement weather prevented.

Friday, April 15.—In forenoon drove back to Ozark; that afternoon drove back to Nixa; on my way again to Nelson's Mill knowing the weather too bad for fishermen, I remained in Nixa.

Saturday, April 16.—Drove from Nixa; saw the constable; made arrangements to patrol James River nightly as soon as weather will permit or when we think fishermen will venture out.

Sunday, April 17.—Drove from Nixa to Ozark.

Monday, April 18.—Made my weekly report.

Tuesday, April 19.—Stayed in Ozark, weather being bad.

Wednesday, April 20.—Hired horse and buggy; drove to Nixa; employed a driver to go with me to Nelson Mill on James River that night; arrived there at 8 p. m.; hid our horse and buggy in the woods; patrolled the river until 11:30 p. m.; found no one; returned to Nixa.

Thursday, April 21.—Drove down to Finley Creek during the day; returned to Nelson Mill that night; stayed until 11:30 p. m.; drove back about 5 miles; stayed all night in the country.

Friday, April 22.—Weather turning bad, I returned to Nixa, not going back to the river.

Saturday, April 23.—Returned to Ozark in the forenoon; caught the evening train; went to Springfield.

Sunday, April 24.—Went to Ozark.

Monday, April 25.—Made monthly report.

Tuesday, April 26.—Stayed in Ozark.

Wednesday, April 27.—Hired horse and buggy, and boy to go as driver, as it is not safe to leave team alone in making an investigation; drove down Finley near the Riverdale Mill after dark, concealed my horse, buggy and driver, and patrolled the stream alone and below the milldam until after midnight and saw no one, and returned to Ozark.

Thursday, April 28.—Same route as above, with horse, buggy and driver, at same place, arriving just after dark; patrolled the creek at and near the dam and saw several fishermen up and down the stream, but found no one fishing illegally; returned to Ozark without anyone knowing I had been there.

Friday, April 29.—Hired horse and buggy and drove down on the James River below the mouth of Finley; stayed all night with Mr. Meyers, constable of North Galloway township. From him I learned of some squirrel hunting during month of April, but will have to have witnesses before grand jury for the protection of my informer; grand jury meets last of August.

Saturday, April 30.—I drove up Finley as far as Riverdale Mill; stayed there an hour or two and drove to Ozark, arriving here about dark.

Total expenses, \$63.35.

#### MAY, 1910.

Sunday, May 1.—Stayed in Ozark.

Monday, May 2.—Hired horse and buggy; drove down Finley Creek.

Tuesday, May 3.—Same as preceding day.

Wednesday, May 4.—Went to Chadwick in forenoon; hired horse and buggy; drove down on Swan Creek near Garrison postoffice to investigate some reports of turkey hunting during March; witnesses I wished to see were away from home; back to Chadwick.

Thursday, May 5.—Hired team; drove back in that neighborhood; saw some of those parties, but could get nothing definite or sufficient to make complaint, so returned to Chadwick, arriving at noon; returned to Ozark on evening train.

Friday, May 6.—Rained all forenoon; afternoon drove down Finley, thence to near James River, stayed all night.

Saturday, May 7.—Forenoon drove to the river; learned of some netting having been done; think I have sufficient arrangements that I can land the parties during the coming week.

Sunday, May 8.—Ozark.

Monday, May 9.—Went down Finley, thence to Nixa.

Tuesday, May 10.—Went from Nixa down on Finley; hired driver, watched the creek until 2:30 a. m.; returned to Nixa that morning.

Wednesday, May 11.—Went over on the James River; found nothing; returned to Nixa that night.

Thursday, May 12.—Went down on Finley Creek, thence to Ozark that night.

Friday, May 13.—Patrolled Finley Creek.

Saturday, May 14.—Same as preceding day.

Sunday, May 15.—Stayed in Ozark.

Monday, May 16.—Went to Springfield.

Tuesday, May 17.—Went to Willow Springs.

Wednesday, May 18.—Went to Mountain View; arrived there at 7:30 a. m.; spent the day in town.

Thursday, May 19.—Hired horse and buggy; drove out northeast from town to Jack Fork Creek.

Friday, May 20.—Hired rig; drove north to Jack Fork Creek.

Saturday, May 21.—Hired two men to assist me in gathering evidence against some parties for dynamiting fish on or about May 6th. I succeeded in finding man, while hunting his cows on the creek, ignite and throw something in the creek and heard the report of an explosion; saw them wade in creek and gather up fish; didn't know parties names, but says he can identify parties if seen.

Sunday, May 22.—Stayed in Mountain View.

Monday, May 23.—Worked in Mountain View.

Tuesday, May 24.—I hired rig; took Mr. Hayes to Summerville to identify the parties who did this dynamiting; failed to find parties; returned to Mountain View.

Wednesday, May 25.—Hired rig; drove to another neighborhood together with Mr. Dyott; on Jack Fork Creek, where dynamiting had been reported, we were unable to get anyone who saw the parties in the creek.

Thursday, May 26.—Hired rig; sent Mr. Dyott and Mr. Hayes, the men who saw this dynamiting, over to Summerville to identify the two parties that did the work, Mr. Dyott being acquainted with the parties, and Mr. Hayes positively identifies Cecil McCaskell and Gurney Richards as being the parties. There are other parties who were out the same night in the same business; I desire to get them before I open up.

Friday, May 27.—Started for and arrived at Springfield.

Saturday, May 28.—Came from Springfield to Ozark in the afternoon; hired rig; drove to James River; arrived there at 8 o'clock p. m.; patrolled the creek to 2 o'clock.

Sunday, May 2.—In country on James River; returned to Ozark that afternoon.

Monday, May 30.—Made my weekly reports.

Tuesday, May 21.—Made weekly and monthly reports.

Total expenses, \$67.10.

## JUNE 1910.

Wednesday, June 1.—Looking up witnesses to appear before the grand jury in reference to the unlawful killing of turkeys down on Swan Creek. Made my reports, signed same before magistrate.

Thursday, June 2.—Spent the day securing evidence for grand jury.

Friday, June 3.—Afternoon went to Springfield, thence to Cabool that night.

Saturday, June 4.—Hired team; drove over to Houston; talked with the state's attorney; advised with him whether or not to file information against Cecil McCaskel and Gurney Richards for dynamiting fish on Jack Fork Creek. He suggests that he would ask for grand jury in his county and bring the evidence before it. The judge was not there, but he said he would let me know just as soon as he saw him. I then returned to Cabool, thence to Willow Springs.

Sunday, June 5.—Went from Willow Springs to Mountain View.

Monday, June 6.—Hired team and buggy; drove to Jack Fork Creek to talk with one Mr. John Brown, he living there and there having been some dynamiting in that neighborhood, and one of their mules got loose and started for Summerville, one of these parties going to his house to telephone to Summerville to come to see about getting or bring the mules back; he didn't know the party's name that used the phone, but said he could identify him if he could see him; I wanted him to go to Summerville, from where these parties came, and try and find him that I might get a line on them.

Tuesday, June 7.—I worked the entire day in Mountain View endeavoring to get a line on some dynamiters who have been working 10 miles above this other bunch. On the south prong of the Jack Fork I succeeded in securing the names of these, also the parties who heard the explosion; they saw the dynamiters, following the explosion, run to the creek and begin gathering in the fish, but they saw these others and run away through the timber.



Wednesday, June 8.—I hired rig and Mr. H. C. Hayes, a man who knows the hills, also the parties I wished to interview, to go with me up there; I found Mr. Jesse Vest, who was there; he, together with one Alec Payne, was at work in the field and heard the explosion of dynamite.

Thursday, June 9.—Stayed in Mountain View, it having rained the entire day.

Friday, June 10.—Stayed for appointment with Mr. Payne; he came in about noon; he thinks Fisher and Haley are the guilty parties, but not positive enough to make oath to it.

Saturday, June 11.—Got rig, drove back to see this man Brown, and he says the creek had been out of its banks—past fording, consequently he could not get to Summerville to look for this party who used his phone as in Monday's report.

Sunday, June 12.—Went from Mountain View to Cabool in the evening.

Monday, June 13.—Hired rig and driver; went to Houston, Texas county, to have prosecuting attorney to file against Cecil McHaskell and Gurney Richard for dynamiting fish in the Jack's Fork Creek, Texas county. He didn't refuse to file, but earnestly asked to wait until after August 2nd, fearing political injury, and, it not being likely the case would be called until November term, I consented to let it stand until after the primary (these fishers are very prominent in politics); returned to Houston; took night train for Springfield.

Tuesday, June 14.—Came to Ozark on morning train (sick).

Wednesday, June 15.—Under the doctor's care.

Thursday, June 16.—Under the doctor's care.

Friday, June 17.—Under the doctor's care.

Saturday, June 18.—Under the doctor's care.

Sunday, June 19.—Stayed in Ozark; sick.

Monday, June 20.—Stayed in Ozark; sick.

Tuesday, June 21.—Stayed in Ozark; sick.

Wednesday, June 22.—Stayed in Ozark; sick.

Thursday, June 23.—Stayed in Ozark; sick.

Friday, June 24.—Stayed in Ozark; sick.

Saturday, June 25.—Stayed in Ozark; sick.

Sunday, June 26.—Stayed in Ozark.

Monday, June 27.—Got team, drive down to Montague to look into some reports of violations of game law; arrested a fellow for killing squirrels; he will appear in Ozark to plead guilty July 6th; he is one James White.

Tuesday, June 28.—Went to Springfield.

Wednesday, June 29.—From Springfield to Hurley, Stone county; there arrested a party for fishing within the limits of fish ladder; swore out information before Justice of the Peace L. A. Springer of Union township, Stone county, for this party, Frank Saunders; he pleaded guilty, was fined \$10 and cost; returned to Springfield that night.

Thursday, June 30.—Stayed in Springfield to look for a Wm. Wilbanks of Shannon county, who I understand was in a crowd of fish netters on the Jack Fork Creek in that county; failed to find him.

Total expenses, \$47.85.

### JULY, 1910.

Friday, July 1.—Went from Springfield to Ozark.

Saturday, July 2.—Got horse and buggy; drove down on James River at mouth of Finley to try and find a fish trap which was reported to me to be located there; it rained hard that afternoon and night.

Sunday, July 3.—Stayed on the river near the mouth of Finley.

Monday, July 4.—Found the river high and very muddy and found it difficult to locate this trap, and came back to Ozark in the afternoon.

Tuesday, July 5.—Filed complaint before C. D. Webber, justice of the peace of Finley township, against J. O. White for shooting squirrel out of season. White pleaded guilty and was fined \$5.00 and cost, which he paid.

Wednesday, July 6.—Hired horse and buggy; drove down on Woods Fork Creek, thence over on the Eaudure Ridge; I got in about 100 yards of two parties hunting squirrel, but they made their get-away down a big brushy hollow.

Thursday, July 7.—Drove over to the mouth of Finley Creek on hunt of fish trap; the stream was low and clear, and I found this trap had been either washed or taken out; then for home, arriving about 10:30 p. m.

Friday, July 8.—Stayed in Ozark to consult the prosecuting attorney regarding these two parties who made their get-away on Wednesday. He says he will file against them immediately after the primary election. The state's attorneys in this district are all wanting to be re-elected and it is difficult to get one to do anything at this stage of the game.

Saturday, July 9.—Made my reports.

Sunday, July 10.—Stayed in Ozark.

Monday, July 11.—Stayed in Ozark; downpour of rain.

Tuesday, July 12.—Went to Sparta to look into some reports of violations.

Wednesday, July 13.—Drove from Sparta up on in Finley in the northeast part of the county to look about some parties reported to have been hunting without license; I found no one; drove from there to Rogersville; took the night train for Springfield.

Thursday, July 14.—Went to Springfield to Ozark.

Friday, July 15.—Stayed in Ozark to meet some parties from the southeast part of the county, who were to furnish me names of witnesses before the grand jury in relation to violations in that territory.

Saturday, July 16.—Stayed in Ozark; made my report.

Sunday, July 17.—Stayed in Ozark.

Monday, July 18.—Made weekly report; went to Springfield that afternoon.

Tuesday, July 19.—Stayed in Springfield; sick; indigestion.

Wednesday, July 20.—Went to Mt. Vernon; arrested W. I. Stewart; filed complaint against him before D. J. Hunt, J. P., of Mt. Vernon township, for killing a blue crane that day; he pleaded guilty to the charge and was fined \$25 and costs, which he paid.

Thursday, July 21.—Went to Greenfield; talked with a member of the Citizens and members of the Fishing Club; I find them very enthusiastic about the enforcement of the game and fish law, and they are of the opinion there are some fish baskets in Sac River, near there; they will investigate and let me know where they can be found.

Friday, July 22.—Went to Richards, Vernon county, via Ft. Scott; better railroad service; arrived 9:30 p. m.

Saturday, July 23.—Had a talk with postmaster et al.; everything reported in good shape there; thence to Joplin on 5:40 p. m. train, arriving Joplin 8:10 p. m.

Sunday, July 24.—Stayed in Joplin.

Monday, July 25.—Went to Carthage first car in a. m.; hired rig; drove over to McDaniels Mill on Spring River; had a talk with Mr. Morrow, the manager, he reports everything in good shape in that neighborhood, as far as he can learn; I made some investigations along the river; found nothing wrong; returned to Carthage via Col. Phelps' place; find him absent and his whereabouts unknown.

Tuesday, July 26.—Drove up Spring River to Forest Mill; spent most of the day in that vicinity; I found a number of fishermen along the river all fishing with hook and line; had a talk with the foreman of the mill; he seems quite active in warning fishermen away from his claim; returned to Carthage at 6 p. m., then via Joplin to Noel, arriving at 10:15 p. m.

Wednesday, July 27.—Spent forenoon with fishermen, “*being one of them*;” they seemed to be a nice bunch, obeying the law strictly; that afternoon talked with business men; they report nothing doing.

Thursday, July 28.—Start for Monett; arrived 4:30 p. m.; talked with Mr. Wightman, the postmaster, et al.; everything O. K. as far as they know, leaving for Exeter at 9:30 p. m.

Friday, July 29.—Went from Exeter to Cassville, early train; drove down Flat Creek to Kerr Mill, thence to White Mill, thence to Shorts Mill, below McDowell; talked with Mill people et al., and heard of no violations in that vicinity, returned to Cassville that evening.

Saturday, July 30.—Started from Cassville to Springfield, arriving at 12:30 p. m.

Sunday, July 31.—Went from Springfield to Ozark.

Total expenses, \$65.30.

#### AUGUST, 1910.

Monday, August 1.—Stayed in Ozark; made weekly and monthly reports.

Tuesday, August 2.—In Ozark—election day.

Wednesday, August 3.—Stayed in Ozark looking after my official duty; telephoned Mr. Tolerton.

Thursday, August 4.—Using my experts to trace some seiners.

Friday, August 5.—Hired carriage and driver, took sheriff with me, drove to Riverdale Mill, on Finley, arriving about 10 o'clock, night time; patrolled the river from dam up stream; found some parties about 12:30 or 1 o'clock a. m. carrying a seine down stream; I followed them to the mill; they got around under the mill or fore bay, and I used every effort to find just what was going on, but being unable to find out exactly, I arrested four of the parties about 2 o'clock a. m.; they were W. B. Wasson, W. A. Wasson, Joe Goddard and John Courad; returned to Ozark, arriving about 6 a. m. Saturday; the prosecuting attorney being out of town, I haven't as yet filed information, but they stand ready to report when I notify them.

Sunday, August 7.—Stayed in Ozark under physician's care.

Monday, August 8.—Stayed in Ozark under physician's care.

Tuesday, August 9.—Stayed in Ozark under physician's care.

Wednesday, August 10.—Stayed in Ozark under physician's care.

Thursday, August 11.—Started for Battlefield on evening train after having driven to the country in the morning looking after some official business.

Friday, August 12.—Went from Springfield to Battlefield and return; made arrangements with a friend to land some unlawful fishermen just as soon as I am physically able.

Saturday, August 13.—Went from Springfield to Ozark.

Sunday, August 13.—Stayed in Ozark.

Monday, August 14.—I remained under doctor's care.

Tuesday, August 15.—I remained under doctor's care.

Wednesday, August 16.—Got rig, drove down to James River, hired a guide; I had a telephone message that a crowd (Mr. Cogwell et al.), were camped there, fully supplied with fish nets, etc.; watched there all night, but they did nothing; returned to Ozark in forenoon.

Thursday, August 17.—Slept.

Friday, August 18.—Hired horse and buggy; went back to Jones River; got this guide and watched these campers all night until after day light; saw every move; I stationed myself just across the river; they did nothing.

Saturday, August 19.—Drove home to Ozark.

Sunday, August 20.—Stayed in Ozark.

Monday, August 21.—Subpoenaed as witness.

Tuesday, August 22.—Went to Springfield to get some information about some fishermen, about Nelson's Mill; failed to see some parties that were to meet me.

Wednesday, August 23.—Returned to Ozark.

Thursday, August 24.—Attended court as witness, the case of State vs. J. J. Weaver, charged with killing wild canary bird, and the case of State vs. Denney et al., charged with killing fish through the ice, were both tried by jury, and in each case the jury failed to agree, and the cases were then reset for February term, 1911.

Friday, August 25.—Wm. Denney came, pleaded guilty, his sons case nolle, he paying the cost, the fine of \$10; William Denney, he paid together with the cost and the cost of his son, the case against Cown going over until February.

Saturday, August 26.—Afternoon drove over west to Nixa on official business.

Sunday, August 27.—Stayed in Ozark.

Monday, August 28.—Got rig, drove down on creek in the forenoon and went to Springfield in the afternoon looking after witnesses for grand jury in Christian County Circuit Court.

Tuesday, August 29.—Returned to Ozark.

Wednesday, August 30.—Hired team, drove to Nelson's Mill on

James river to secure some evidence in that locality; also examined the fish chute there; returned to Ozark about 8 o'clock p. m.

Total expenses, \$33.43.

### SEPTEMBER, 1910.

Thursday, September 1.—Went to Springfield.

Friday, September 2.—Went from Springfield to Battlefield to look after some witnesses for grand jury for some fish seining; returned to Springfield, hired rig there, drove west of Springfield to secure evidence against some bird hunters, but don't think it sufficient to make a case.

Saturday, September 3.—Returned to Ozark.

Sunday, September 4.—Went to Mt. View, saw Mr. Dyott, an attorney employed him to assist in the prosecution of the Texas county dynamiting cases, his fee being \$25.00.

Monday, September 5.—Went to Van Buren; spent the day without detection of my business.

Tuesday, September 6.—Talked with R. T. Hutchinson; I learn that what people know, and all they know, about the turkey hunting of the officers, as reported, was what these officers say themselves; the court and officers seem to have no regard for the game law, connection impossible, came to Springfield 10:30 p. m.

Wednesday, September 7.—Came home at 7:30 p. m.

Thursday, September 8.—Stayed in Ozark.

Friday, September 9.—Stayed in Ozark seeing some parties from all parts; street fair.

Saturday, September 10.—Same; investigating some blasting in Finley Creek.

Sunday, September 11.—Stayed in Ozark part day; drove down on Friday.

Monday, September 12.—Spent the day with grand jury.

Tuesday, September 13.—Same as preceding day.

Wednesday, September 14.—Stayed in grand jury room; that body indicted Will D. Glidewell, Clarence Glidewell and George McClellan for unlawful fishing on James River; John Weatherman, Alf Gardner and Roy Richards for hunting without license; these cases will be called at February term of circuit court.

Thursday, September 15.—Went to Springfield.

Friday, September 16.—Stayed in Springfield to see Mr. H. R. Melton; he was to be there that day.

Saturday, September 17.—Went to Cabool; telephoned to the present attorney at Houston, Texas county.; asked him why he had delayed

filing on our fish dynamiters in his county.; he had promised to file one immediately after the primary; he says he thought there was no immediate hurry; I insisted; he again promised me at once; went then to Willow Springs.

Sunday, September 10.—Stayed in Ozark.

Monday, September 19.—Looked after the blasting in Bronson dam on Finley.

Tuesday, September 20.—Same as preceding day.

Wednesday, September 21.—Went to Springfield.

Thursday, September 22.—Stayed in Springfield.

Friday, September 23.—Went from Springfield to Ozark; went back to Bronson dam.

Saturday, September 24.—Started on investigating trip together with Deputy H. R. Melton.

Sunday, September 25.—Floating to James River via Finley.

Monday, September 26.—Same on James River.

Tuesday, September 27.—Arrived at Galena 12 o'clock noon; found everything from Ozark to Galena law-abiding; left Galena that p. m., arrived in Springfield about 7:30 p. m.

Wednesday, September 28.—Went to Ozark.

Thursday, September 29.—Got horse and buggy, drove out in the country.

Friday, September 30.—Made my reports, weekly and monthly.

Total expenses, \$50.38.

## OCTOBER, 1910.

Saturday, October 1.—Stayed in Ozark.

Sunday, October 2.—Started for Sedalia.

Monday, October 3.—En route for Sedalia.

Tuesday, October 4.—Spent day in Sedalia.

Wednesday, October 5.—Same.

Thursday, October 6.—Went from Sedalia to Springfield.

Friday, October 7.—Springfield to Ozark.

Saturday, October 8.—Got buggy, drove out in the country.

Sunday, October 9.—Stayed in Ozark.

Monday, October 10.—Drove out in country.

Tuesday, October 11.—Went to country, the report having come to me that there were some parties shooting quail.

Wednesday, October 12.—Same.

Thursday, October 13.—Same.

Friday, October 14.—Went to Springfield; met Deputy Dillard; he insists I go with him to Aurora.

Saturday, October 15.—Went to Miller, Lawrence county, hired rig, drove to Phelps postoffice and in the prairie chicken country; did not learn of any violations; returned to Springfield at night.

Sunday, October 16.—Went from Springfield to Ozark in morning.

Monday, October 17.—Went to Pittsburg via Joplin; saw and had a talk with Mr. Doty, the Kansas Warden, made arrangements for him to travel with us for a couple of days.

Tuesday, October 18.—We went in company with the Kansas Warden to Mulberry; we got rig, drove over in Missouri; spent the forenoon just over in Missouri; dined and fed team at Arcadia, Kansas; spent the afternoon along the line to Mulberry, thence to Oplis, along the line south of Pittsburg; found no hunters; returned to Oplis.

Wednesday, October 19.—Started about four o'clock a. m.; went to several ponds between Oplis and Asberry; found no duck hunters; afternoon drove to Asberry visiting several ponds, patrolling these on lookout for duck shooters until after night; there were no ducks, consequently no hunters; returned to Oplis.

Thursday, October 20.—Raining; I went by car line to Joplin with Mr. Dillard to get him a rain coat, then to Asberry that afternoon; drove to some duck ponds near there, remaining until after night, returned to Asberry.

Friday, October 21.—I was about past going—an awful cold; went to Springfield that night.

Saturday, October 22.—Went to Ozark.

Sunday, October 23.—At Ozark.

Monday, October 24.—Drove down on Bull Creek; went to Sparta that night.

Tuesday, October 25.—Drove over on Finley Creek; back to Sparta and to Ozark in the afternoon; arrested fellow for hunting without license; the party arrested is Newt Mapes.

Wednesday, October 26.—Drove over the country patrolling.

Thursday, October 27.—Same as Wednesday.

Friday, October 28.—In Ozark; understand there is a source of information to me to stay in where I can be found.

Saturday, October 29.—Same.

Sunday, October 30.—In Ozark.

Monday, October 31.—Making reports.

Total expenses, \$94.14.



## NOVEMBER, 1910.

Tuesday, November 1.—Drove down to Bull Creek.

Wednesday, November 2.—Stayed in Ozark, thinking Mr. Mapes would plead guilty; when he came in Hays, his attorney, talked with him, and he waived; the prosecuting attorney will file information in circuit court.

Thursday, November 3.—Drove out in the country.

Friday, November 4.—Same as preceding day.

Saturday, November 4.—Same.

Sunday, November 6.—Stayed in Ozark.

Monday, November 7.—Drove to Sparta; thence to Bruner; returning to Ozark in the night.

Tuesday, November 8.—Election; stayed in Ozark.

Wednesday, November 9.—Stayed in Ozark on official business.

Thursday, November 10.—Drove down on Bull Creek, to investigate some reports.

Friday, November 11.—Drove up north of Linden on same business.

Saturday, November 12.—Drove down Friday to investigate some violations reported to me.

Sunday, November 13.—Stayed in Ozark.

Monday, November 14.—Sick.

Tuesday, November 15.—Sick.

Wednesday, November 16.—Went to Springfield.

Thursday, November 17.—To Battlefield, arrested Chas. Mikesill for hunting without license.

Friday, November 18.—Filed complaint against Mikesill; he pleaded guilty, was fined \$25.00 and costs; paid same to me; I paid all costs. turned fine over to county treasurer and took receipt.

Saturday, November 19.—Went to Ozark; drove up in edge of Greene county in evening, failing to see some parties I went to see; I returned to Ozark.

Sunday, November 20.—Stayed in Ozark.

Monday, November 21.—Drove out in country.

Tuesday, November 22.—Same as preceding day.

Wednesday, November 23.—Same.

Thursday, November 24.—Thanksgiving; stayed home.

Friday, November 25.—Went to Springfield on official business.

Saturday, November 26.—Went to Ozark.

Sunday, November 27.—Stayed in Ozark.

Monday, November 28.—Went to Springfield.

Tuesday, November 29.—Drove to Wilson Creek and thereabouts to investigate some reports received; nothing definite; returned to Springfield that night.

Wednesday, November 30.—Followed some parties down on train to Ozark; hunters without license; some one put them wise, and nothing doing.

Total expenses, \$43.03.

#### DECEMBER, 1910.

Thursday, December 1.—Went to Springfield, investigating shipments, etc., contrary to game law.

Friday, December 2.—Same.

Saturday, December 3.—Same.

Sunday, December 4.—Went to Sparta—official business.

Monday, December 5.—Drove out in country in forenoon; the afternoon caught train for Springfield.

Tuesday, December 6.—Worked Springfield.

Wednesday, December 7.—Same.

Thursday, December 8.—Drove out in country in response to same reports.

Friday, December 9.—Went to Ozark.

Saturday, December 10.—Stayed in Ozark.

Sunday, December 11.—Stayed in Ozark.

Monday, December 12.—Drove down near Highlandville investigating some report; found no convicting evidence.

Tuesday, December 13.—Stayed in Ozark.

Wednesday, December 14.—Same.

Thursday, December 15.—Went to Sparta.

Friday, December 16.—Went to Ozark.

Saturday, December 17.—Went to Bradleyville.

Sunday, December 18.—Drove out investigating some reports; I was unable to get enough evidence to convict; returned to Bradleyville the afternoon.

Monday, December 19.—Drove over on Swan on official business; same reports as preceding day.

Tuesday, December 20.—Stayed all day in Bradleyville to find out something they are afraid to tell me, it seems.

Wednesday, December 21.—Went to Chadwick; stayed there trying to find out something.

Thursday, December 22.—Went to Ozark.

Friday, December 23.—Went to Springfield on official business.

Saturday, December 24.—Went to Ozark; afternoon drove out in country; returned after night.

Report of week from December 24th to 31st omitted from report.

Total expenses, \$40.65.

MR. JESSE A. TOLERTON, being recalled for further examination by the Committee, testifies as follows:

(Question by Mr. Orr.) Q. Mr. Tolerton, have you ever made use of any birds from the game farm for your own use?

A. No, sir.

Q. Have you ever given them to any of your friends?

A. I have given some crippled pheasants, some cock birds, that we could not use for any other purpose; we have a surplus that were crippled in transit.

Q. To whom did you give them to?

A. Some of them I gave to Senator Wilson, yes; and two of them to Mr. Gossett; and let's see, I believe there was—I don't remember any now, except to Senator Wilson and to Mr. Fay; Mr. Fay did get some of them.

Q. They gave them for suppers?

A. Yes, because I had no use for them.

Q. At whose instance were they given—did the parties come and ask you for them?

A. They came out there and offered to buy them, and we had these birds in a separate coop; they had what we called scaly legs; sometimes with one leg and sometimes with one wing broken, and we couldn't use them, and they were in a separate coop, and Mr. Broadbent took care of them; he told Mr. Fay and some of the others that they were valueless; that is, they were not any good for service with broken wings and broken and scaly legs, and that we didn't want them for stock birds, for the reason they were culls and we couldn't turn them out.

Q. Did they afterwards come to you and ask for these birds for their suppers?

A. Yes, when they came back to the farm they suggested that they have a few of these birds to see how they tasted.

Q. How many did Senator Wilson get?

A. I think Senator Wilson got six.

Q. And he gave several suppers to his friends in the city?

A. Yes, sir.

Q. And Mr. Gossett gave several suppers to his friends in the city?

A. Yes, sir; I think two.

Q. And Mr. Fay, how many did you give to Mr. Fay?

A. I don't know—from four to six.

Q. He had supper more than once?

A. Not to my knowledge; he had one supper, and that's all I know anything about.

Q. You say now say from four to six——

A. That's my recollection that Mr. Broadbent told me.

Q. That would be about how many, all told?

A. That would be about—perhaps a dozen, all told.

Q. What did these birds cost?

A. The original price of the birds in pairs was \$4.25. I have since got some extra hens that cost from \$3.30, \$3.60 and \$4.00 each.

Q. You say they cost about four dollars apiece?

A. I said \$4.25 a pair, the first ones I purchased.

Q. Now, these given to these men for suppers, what did they cost per pair, four dollars and twenty-five cents?

A. Yes, but I told you they were crippled in transit.

Q. Did you ever suggest to these men that these crippled birds were unfit for their eating?

A. No, I suggested—I didn't know what to do with them; they were unfit for service on the game farm, could propagate——

Q. Then that was about \$25 worth of birds that you presented to these men for suppers?

A. No, not that much; you see in getting or counting pairs you get the male bird cheaper than that, the hens come much higher than the male birds, because of the fact the male will serve four or five hens.

Q. Have you ever shipped any birds out of the state?

A. Well, not to my recollection, I have not.

Q. Did you ever ship any to Arkansas—Hamburg, Arkansas?

A. I believe I did make a shipment there at the request of—I can't remember his name—some man in connection with the Missouri Pacific in St. Louis, I believe.

Q. Who was the man you sent them to?

A. I can't remember the fellow, but the name of the fellow on whose request they were sent was general counsel for the Missouri Pacific.

Q. Raley?

A. Yes, yes; Mr. Raley.

Q. How many did you send down there?

A. O, I don't remember; I expect half a dozen; that's the shipments I usually make.

Q. How many can you get in one coop?

A. Well, the large coops that come from England——

Q. I mean when you send them out?

A. Sometimes we put in half a dozen, sometimes a dozen; I don't know how they were shipped—Mr. Broadbent attends to it from the farm.

Q. Did you send two coops into Arkansas?

A. I don't remember; I remember the circumstance now.

Q. And you prepaid the express charges on these birds?

A. We always do on stuff we ship; we have orders to do that, to prepay all charges.

Q. You sent this complimentary order to Mr. Raley and prepaid the charges?

A. Yes, I sent them to Mr. Raley—my recollection is that he said he noticed an article in some of the papers that pheasants was a destroyed of the boll weevil, and while he didn't have any land in Missouri he had a good place in Arkansas where he raised cotton, and if I wanted to try the experiment, I could send some down there; I refused to send birds outside of the State, when I have had hundreds of opportunities to do so, but, he being a citizen of the State, I thought perhaps I could make that exception.

Q. Did you get any transportation on account of your generosity from the Missouri Pacific people?

A. No, sir; I never rode a mile on the Missouri Pacific except where I paid for it.

Q. You say Mr. Raley is a citizen of Missouri?

A. Yes, sir; he is general counsel for the Missouri Pacific Railway and lives in Missouri. My understanding is he lives in St. Louis.

Q. He has a farm, though, down in Arkansas?

A. Yes, sir.

Q. And these birds were sent to the man on his farm, isn't that true?

A. Yes, that's right.

(Senator White) Q. Did you ever get any results, any report of any results of the experiment, for which you sent these birds?

A. They haven't been gone long enough.

(Mr. Orr, continuing.) O. When did you send them?

A. I guess some time in October or November.

Q. Do you know a man by the name of Smelser?

A. Yes, sir.

Q. Did you have any correspondence with him last summer?

A. I don't remember it if I did.

Q. I will ask you if you recognize this letter? (Witness examines letter.) No answer.

Q. Just look at the signature and see if you recognize that?

A. Yes, I wrote that letter.

(The letter referred to is here offered in evidence, marked exhibits 1 and 1a, made part of the record herein and is in words and figures as follows, to wit:

State of Missouri.

State Game and Fish Department.

City of Jefferson, June 7th, 1910.

(Jesse A. Tolerton, Commissioner.)

“Mr. F. E. Smelser, Doniphan, Missouri.

Dear Sir:—Referring to your letter of recent date with reference to the politics of my deputy, Mr. Thompson of your county, desire to say that at the time I appointed Mr. Thompson, I was told that he had heretofore been a Democrat, but that he voted for Hadley and practically all the ticket in 1908, and if you will call on Mr. Butler who has some letters and endorsements from a party at Neeleyville; also one from Dave Hill. When I was down there with the Hadley party on the float on the Current river, I didn't get to see you, but I had a talk with Mr. Hume and some other leading Republicans there and none of them raised any objection to Thompson's appointment.

To tell the truth about it, I think from the looks of your vote in Ripley county, you were needing some recruits and that Thompson might be of valuable assistance to you in the future. Not having any other applicant from your county and thinking he was a man well versed with reference to fish and game and one who could give valuable service to the Department, I appointed him. I am surprised to see you write me kind of a letter that you did, and, knowing you personally, I had reason to expect better treatment from you. So far as my Republicanism is concerned, I have never had a doubt in my own mind but that I was as good a Republican as you are, and, since I have received your scorching letter, I am inclined to think that I am a better one.

I want to suggest to you that if this letter is an indication of the way you handle politics in your county, that I am not surprised that it is still in the Democratic column. While I don't believe in giving offices to new recruits and neglecting the old war horses, the time is ripe in Missouri for Republicans to try and strengthen their party where

they can with recruits from the opposition, in place of driving men away who have been voting a part of our ticket and are disposed to work with us. I want to assure you that if Mr. Thompson goes down there, taking a hand in supporting the Democratic candidates, that he will not stay in my Department. On the other hand, I have reason to believe that he will give you and other Republicans there such assistance as he can. He certainly can be of some help to you in his travels over the country and help bring out the Republican vote and if you will indicate to me the candidates that you have the best opportunity of electing on your county ticket, or any other way that Thompson can be of assistance to you, I will see that he does it.

At any time that I can be of assistance to the party organization in your county, I will be only too glad to do anything that I can.

Very truly yours,

JESSE A. TOLERTON.

JAT—AFP.

(Witness continuing.) A. My recollection is I had a bitter letter from Mr. Smelser, aimed against the Department in regard to Mr. Thompson, and suggesting that he didn't need any help from him, that he wasn't the kind of Republican that he wanted to transact business with—

Q. In this letter, Mr. Tolerton, you suggested that if Mr. Thompson worked for the Democratic party that you would discharge him?

A. I wanted to let him know that I wasn't trying to do anything to disorganize my party in this county.

Q. But you wanted him to also understand that Mr. Thompson couldn't work for the Democratic party?

A. I wanted him to understand if he was acting against our party, to the extent that he was hurting our own organization would not put up with it.

Q. You wouldn't permit your deputies to work against the Republican party?

A. I didn't expect them to do anything for the opposing party.

Q. You say, "I want to assure you if Mr. Thompson goes down there taking a hand in supporting the Democratic candidates, that he will not stay in my Department," that you would see to that?

A. I never asked Mr. Thompson to work for any man in the campaign.

Q. Yes, but you say, "If you will indicate to me the candidate that you have the best opportunity of electing on your county ticket or

any other way that Mr. Thompson can be of service to you, I will see that he does it''?

A. Yes, but he wouldn't indicate to me what he wanted.

(Senator Buford.) Q. But you was willing to make the risk?

A. I wanted to be fair with him.

Q. You say that "Mr. Thompson can be of help to you in his travels over the county and help bring out the Republican vote," did you think that was fair?

A. I thought that if he was so bitter against Mr. Thompson, from the angry letter that he sent me, there wasn't any other way to settle the matter.

(Senator White, interrupting.) Q. Have you your letter you wrote Mr. Smelser?

A. I don't know whether I have or not.

(Mr. McCarty.) Q. Who is this Mr. Smelser?

A. Mr. Smelser is chairman of the Republican County Committee of Ribley county.

Q. Where does he live?

A. He lives at Doniphan, Missouri. So you see, gentlemen, I not only lost friends in my own party but some in your party by appointing the other fellow. I think Mr. Thompson is one of the best men I have, in spite of the fact that he did not support me for auditor two years ago; he didn't vote for me in 1908.

(Mr. Orr, continuing.) Q. He has been appointed since that time?

A. Yes, he was appointed since the campaign of 1908.

Q. I want to ask you another question. What did you send into Arkansas, quail or pheasants?

A. Pheasants.

Q. And you say there were from six to twelve in each coop?

A. Yes, somewhere along there.

Q. Then if there were two coops, you sent twelve or twenty-four?

A. No, I didn't send over a dozen birds I know.

Q. I know, but if there were two coops, then you either sent twelve or twenty-four?

A. If two coops went, then there were twelve birds in it.

Q. These were the birds that cost \$4.25 a pair?

A. No, those were birds I raised at the farm.

Q. But they were the same kind of bird that you paid \$4.25 a pair for?



A. Yes, the same thing exactly. Now, there is something else I want to tell you, there has never been a bird, a pheasant or partridge or any other bird from that farm consumed at my house for food purposes or anything of that sort.

(Senator White.) Q. Referring to your testimony on regard to the birds you had given away, you said they were crippled, or had rough legs——

A. They have scales on them, like you sometimes see on Plymouth Rock hens, scaly legs.

Q. Couldn't these birds be used in any sense for the Department?

A. We couldn't use them for anything in the world that I know of; there was no demand upon the market for them; they were worthless to me, and there are possibly a couple of dozen there yet.

Q. No sale for food purposes?

A. I didn't know I had a right to sell them for food purposes.

Q. Were you at any of the suppers where they were served?

A. I think out of all of them, I perhaps ate one of the birds myself; I was at one of the suppers.

Q. Which supper were you at?

A. Well, I was—I guess I was at two, and I ate half of one each time.

(Mr. Orr, continuing.) Q. At whose suppers were you?

A. One was Senator Wilson's and I believe I was at one where some members of the House had supper—I forget whose supper it was.

Q. Did you ever make attempt to sell these birds?

A. No; now, the chef at the Madison House telephoned my office one day after they had one of their first suppers, and asked if I wouldn't sell, say a dozen of them, to some traveling man, but I didn't do it.

Q. You say you didn't know you had any right to sell them?

A. I didn't think I had any right to dispose of them to traveling men.

Q. You thought you had a right to give them away, though; why not sell them and put the money into the fund?

A. It is a matter of difference of opinion as to what was the best course to pursue.

That is all.

(Question by Dr. Mitchell.) Q. Have you sent any birds over your own county?

A. Nothing; possibly, perhaps one dozen partridges.

(Mr. Orr, continuing.) Q. What was it you sent as many as sixty birds to some counties and some counties got none? How did it happen that certain counties were so well taken care of?

A. Well, the distribution was expected to be made, taking into consideration the amount of money to be paid into the game fund, and also in accordance with the way the applications came in at the time they were filled. Representatives and others in some counties would write instructing—you take your county, Mr. Orr, Livingston county—I don't recall, but I think I filled every application I have had from up there, and the same is true in Senator White's county.

(Senator Dunwoody, interrupting.) Q. Did you ever send any birds to parties in Jasper county?

A. Not that I know of; the Democrats got them all; neither Senator Buford, nor his representatives, as far as I can recollect, ever asked for any for his county.

(Question by Dr. Mitchell.) Q. Now, your deputy, A. C. Wright, was before the committee; he said that he had received a letter from you giving him a kind of general instruction; I would like to have you look at copy of the letter.

A. This is a copy of the letter sent to each and every deputy that has been appointed and which appears in the Annual Report of 1909.

(Question by Dr. Mitchell.) Q. I'd like for that to go into the record.

Mr. Orr: All right.

Witness: I'd like to say for the benefit of the committee that the report be made a part of the proceedings.

Q. This is a copy of your letter for the Annual Report?

A. Yes, and the comment on it.

(Mr. Orr, continuing.) Q. By the way, you haven't made your annual report as yet?

A. No, if I don't get my printing appropriation, I don't make it. My printing for the last two years has cost something over six thousand dollars and the present appropriation only allows me one thousand dollars for the next two years.

(Mr. Mitchell.) Q. You want to offer this letter in evidence as your instructions to deputies?

A. Yes. (Letter is here marked exhibits 2 and 2a, and is in words and figures as follows):

“Jefferson City, Mo., November 11th, 1909.

Mr. A. C. Wright, Kansas City, Mo.

Sir:—In appointing you deputy game and fish commissioner, upon the recommendation of your friends, I have trusted in your ability and honesty, but in order that I may not become recreant to the duty which I owe the State, not only as to my own conduct, but those employed by me, I have reserved the right of watching over your conduct in the discharge of your duties and to freely and fearlessly criticise you when I believe such criticism to be warranted and for the good of the service.

It will be your duty to see that the game laws of Missouri are strictly enforced and to co-operate with me and with other deputy commissioners and with the criticisms of your State to that end.

### REPORTS.

At the end of each week, you will carefully fill out your weekly report, giving a brief statement as to the work done and if the space left on your weekly reports is not sufficient to give in detail the work done during the day, you will attach an extra slip of paper to your weekly report and continue the report thereon.

The object of this report is to furnish information to the Game and Fish Commissioner as to the character of the work being carried on by the agent in the field, and in order that he may know that the agent is not merely putting in the time and drawing the salary. Therefore you should be careful to give a full account of the work you are doing each day.

Your weekly expense account should be accurately and carefully kept and reported at the end of each week on your weekly report. And also be careful to give the place at which telegrams or mail may reach you, in order that you will at all times be in touch with the office, so that directions may be sent you at any time.

Your monthly account will be made out and forwarded to me on the first day of each month and must correspond in every way and balance with your weekly reports for that month.

Should the month end in the middle of the week, you will take out two separate weekly reports for that week; including in one that part of the week in the old month, and in the other that part of the week in the new month, in order that your monthly statement will correspond with your weekly reports.

You are expected while in the field to use and exercise your best judgment under all circumstances. You should thoroughly familiarize

yourself with the law and with the decisions of courts relating to it. You should consult freely and co-operate with the prosecuting attorneys of the counties in which you operate and should, when in doubt as to how to proceed, or what action to take in any given case, freely consult with me either by telephone or by letter.

As soon as an arrest is made, you should carefully and fully report all facts to me. It is not the purpose of the law to deal with technical or frivolous violations, but it must be viewed in its general scope and object, and every precaution taken without fear or favor from or to any one who violates the law willfully and knowingly. In this respect, you must exercise your own good judgment and remember that it is your duty to keep the law from being violated as much as it is your duty to prosecute where the law has been violated. Section 19 of the Game and Fish law provides that in making arrests you shall be entitled to the same fee as that allowed by law to constables. However, as you are paid a per diem and expenses, I deem it best to instruct you that in all cases where it is possible, that you should cause the constable to make the arrest; but in case you deem it best to make the arrest, I believe you should not charge any fee for so doing, in order that it might not be charged against you that you are making the arrest merely for the fee and not for the vindication of the law.

In making seizures, you should be careful to acquaint yourself with all the facts before taking any action. The right to search and seize has always been obnoxious to the people in general, and when done, it should be with care and caution and with due respect to the rights of others; but without timidity or fear on your part when you have reason to believe that the results will be obtained through such action.

In conclusion, I desire to say that it is not my intention to be exacting with reference to your expense account, but you should be conservative in your expenses, and as they are paid by the State, I do not want the charge made against this Department that its deputies are making a 'spread' at the State's expense, but I would go to hotels of good standing and, in short, do as though you were spending your own money.

Very respectfully,  
State Game and Fish Commissioner."

Mr. Orr, continuing: We also offer in evidence letter, marked exhibit "1" and "1a," written by Mr. Tolerton, dated June 7th, 1910.

(Mr. McCarty.) Q. How do you apportion these birds to the different counties?

A. I haven't any particular method; I am wanting to try the

experiment this year; if I should send a dozen to your county and sixty to Pike county, and the experiment this year shows they will do well in Pemiscot and not in Pike, I will send no more to Pike in the future. I'd attempt to stock the counties with them where the experiment this year shows they will do well.

Q. Wouldn't it be better to send about the same number to each county?

A. Not necessarily; I have covered over eighty counties, so I have got enough in each county to try the experiment, and in the future I would make distribution in accordance where I find that they do well.

Q. And you sent out sixty-two pair to Pike county?

A. I can't tell you how many, but the report at the house will show.

(Question by Dr. Mitchell.) Q. In the testimony of T. J. Cope-land, before this committee, among other things he stated: "Question. Is there any other statement you desire to make? Answer. Well, there is one thing, the matter of Mr. Farris; being employed in the capacity that I am at the Auditor's office, I had charge of the expense accounts and vouchers, and when he came in there for his information, I showed it to him. Question. What did the voucher show? Answer. The voucher showed railroad fare from St. Louis to Steelville and hotel bill for that day. Question. Does the voucher show the railroad fare from St. Louis to Steelville? Answer. Yes, sir." Now, I would like to ask if you ever showed such an expense account?

A. No, sir; my expense account never showed where from nor where to. The expense account shows railroad fare, as I stated then, covering an amount within a few cents for which my fare was from St. Louis and return, but I never purchased any ticket to Steelville, and there is no expense in my account showing expense from St. Louis to Steelville.

"Question. Does the voucher show the railroad fare from St. Louis to Steelville? Answer. Yes, sir. Question. Does it say where to? Answer. From St. Louis to Steelville. Question. You are positive? Answer. Yes, sir." Now, you say—

A. I say the account never showed that; there wasn't any place on the account that showed where from nor where to.

(Question by Senator Buford.) Q. Did you write any other deputy a similar letter, or did you write any other person a similar letter, to the letter that you wrote Mr. Smelser at Doniphan?

A. I think that was the only one I did write; I don't think there

was any occasion to. The Republicans in the county do not kick on them, at least. I want to say that I paid Lewis Nelson, a Democrat, over six hundred dollars last year, and there was no complaint from Democrats or Republicans; therefore, I do not have to write any more such letters.

That is all. That is all. Witness excused.

MR. JAMES P. BOYD, being first duly sworn according to law, testifies as follows:

(Question by Mr. Orr.) Q. Mr. Boyd, you are present Representative in the General Assembly from Monroe county?

A. Yes, sir.

Q. Are you acquainted with one Osterhout, who is deputy game and fish warden?

A. I am acquainted with Mr. O. S. Osterhout, whose residence is in Hannibal, Missouri, and I have been informed that he was, during the year 1910, deputy game and fish warden.

Q. What is Mr. Osterhout's business outside of his deputyship?

A. For the last few years he has been engaged in the real estate business in the city of Hannibal, but until—to the best of my memory, about eighteen months ago—this is only approximation, gentlemen, he and a man by the name of Eggerman, I think that is his name, they were partners in real estate existing under some firm name, but I have forgotten that firm name, but something like eighteen months ago or two years ago that firm dissolved, going into the building of the Hannibal Trust Company, and Mr. Osterhout and this gentleman, Eggerman, have since that time occupied offices adjoining each other, joined by means of doors, I think, opening together, and Mr. Osterhout has more or less engaged in the real estate business.

Q. Do you know whether Mr. Osterhout, during the year 1910, gave any time to his private business?

A. I know that I was in his office a number of times in the year 1910; in fact, each time I was ever in Hannibal I was in Mr. Osterhout's office, and that I never found him out of his office or away from home at any time I was there, and each time he discussed real estate matters with me, and discussed with me his interest in Texas—investments he had in Texas and some that he had in Arkansas, and discussed with me some sales that he had in Hannibal and gave me to understand that he was engaged—by conversation that he was engaged—in the real estate business and transacting the business, but only in the way of casual conversation, because I called for a visit with him.

Q. Did he on any of these occasions, indicate to you how much time he was giving to his duties as deputy game warden?

A. On one occasion, I think it was the 28 or 29th of December, in the holiday week of 1910, anyway, I was in Ralls county at a call session of the circuit court, and as I returned home—I had some two or three hours in Hannibal and while waiting for the train connection—I went to Mr. Osterhout's office and he brought up the subject of the game law in this State, and he and I entered into a discussion of it, and that was the first intimation that I had had that he had been drawing a salary each day in the year of 1910 of three dollars per day as deputy game and fish warden; I questioned his right to do it. I will say to the committee that there was rather a heated discussion between him and I about the matter, and I asked him the question, how many days he had been out of his office in the year 1910, and I give this as my best memory only, because I have since tried to recall exactly what he said, and I am unable to do it, because it didn't impress itself upon me, as I never thought it would be a matter that would ever be investigated, but as my memory serves me, he told me that forty-seven days—that is, he was out of his office and away from his business, in the discharge of his duties as deputy game warden; forty-seven days; then I asked him what right he had to draw salary for three hundred and sixty-five days under the law, and told him that as I remembered the law it requires you—permits you to draw three dollars per day when actually engaged in the actual enforcement of the law, under the direct orders of the Game and Fish Commissioner; he reminded me of the fact that there was a river known as the Mississippi river, as he put it, running by Hannibal, and he had a right to work down among the fish boats and the fishermen, in the manner he wanted to, and see if there was any violation of law down there, and charge up a day's work for it; that was his argument to me; I recollect I asked him if he worked down on the river every morning, Sunday and all, and he said "no," he had been there though, that the remainder of the deputies were doing it, and he had a right to do it. Now, that is approximately and in substance what he said to me. It is impossible for me at this time to detail word for word the conversation as it took place. I wish to say here, that that was the first time that I ever had intimation that the deputy game wardens of this State were charging for every day in the year, and when I came to Jefferson City I went to the Auditor's office, and I obtained only the amount of money Mr. Osterhout had collected. Mr. Osterhout and I are lifelong friends, the truth of the matter is, he is a distant relative of mine —

(Dr. Mitchell, interrupting.) Q. How much, a cousin?

A. Well, his mother and my father are own cousins; in other words,

my grandmother and his grandmother were sisters; you can figure out the relationship yourselves.

(Mr. Orr, continuing.) Q. Now, did you make an examination of records which show a shipment of birds to some point in Arkansas by Mr. Tolerton?

A. Yes, sir.

Q. Just tell the committee in your own way what you discovered in that investigation?

A. I will have to refer to a memorandum; I will say to the committee, to start out with, I don't want, unless the committee forces me, to give the first part of this information because it was given to me in confidence; I don't think you would want me to break confidence with a man, but in confidence I was informed that Mr. Riley, Robert Riley, who is general attorney for the Missouri Pacific Railway Company, I believe it is, had informed this party that the deputy game warden had shipped birds to the state of Arkansas. I first went to the express company to see if I could ascertain there, and there they told me that the statement for each month was on file in the Auditor's office, showing shipments and to whom they were shipped; I went to the Auditor's office, and you will find that upon January 3, 1911, there was a statement filed and paid by the State Auditor by the Pacific Express Company, which shows that on December 1, 1910, there was shipped two boxes of birds to O. Seigel, at Hamburg, Arkansas, the express paid by the State for that shipment was \$4.88. Upon investigation of the railroad maps I found that Hamburg, Arkansas, is 267 miles south of the south line of the State of Missouri, in other words, 268 miles south of Neelyville. It is located on the Louisiana and Gulf railroad; it is about as nearly as I can estimate it, about twenty miles north of the north line of the state of Louisiana. That shipment was made the first day of December, from the Pacific Express Company of two boxes of birds.

Q. You mean by the State Game Warden shipped out of the State of Missouri?

A. Yes; \$4.88 on December 1st, 1910, that can be found in the State Auditor's office; it is there.

(Question by Mr. McCarty.) Q. Did you notice the value put on those birds?

A. Your bill wouldn't show that; you can get that from the Pacific Express Company, but I didn't get it. The agent at the Pacific Express Company told me that the shipment from other customers, and I could get it much more readily at the Auditor's office,

That is all.



(Question by Dr. Mitchell.) Q. You were prosecuting attorney of your county?

A. Yes; six years:

Q. Well, you were holding your office at the time Mr. Osterhout told you all this?

A. No, sir; I was not—

Q. You never informed Mr. Tolerton about his statement?

A. No.

Q. Nor any other officer?

A. No; no other officer.

Q. You knew this was a violation of law?

A. I don't know that it is a criminal offense.

Q. You didn't know that these deputies are required to swear to their weekly reports?

A. I did not know till I became a member of the Legislature that they made daily statements and that they were required to swear to them. I don't think that there is any law on the statute books that requires them to swear to their work; I will say this, I am not a detective, and have not been employed by any detective bureau, I will also say I have not attempted in any way to shield a relative, and as I stated in the House of Representatives, in this State, he was the only person I mentioned, as I wrote him, if he were my brother I would not countenance his acts, and I would not.

That is all. That is all. Witness excused.

MR. JOHN P. GORDON, State Auditor, is recalled for further examination, and testifies as follows:

(Question by Mr. Orr.) Q. Did you advise Mr. Tolerton, at the time you held up the James account, of the information you had as to the incorrectness of it?

A. I did.

Q. And tell the committee whether or not you gave him all the information you had in the matter?

A. I did.

Q. And that information was that the accounts were incorrect and that he had made charges that were not true?

A. I knew there were parts of the account that were incorrect, and explained it to Mr. Tolerton.

(Mr. Mitchell, interrupting.) Q. Now, his expense account—you paid this expense account, did you not, from your department?

A. I paid part of it.

Q. You paid that before Mr. Tolerton recommended the payment of the per diem

A. We agreed, Mr. Tolerton and myself—I told Mr. Tolerton there was a part of the expense account I wouldn't pay, and I told him I thought there was part of the per diem that should not be paid, and he agreed with me it shouldn't be paid, and I didn't pay it.

Q. Then you and Mr. Tolerton agreed upon the expense account, and did you agree upon the per diem?

A. We didn't agree on the expense account; I told him certain parts of the expense account I wouldn't pay, and he said that was all right.

(Senator Dunwoody.) Q. Did you afterwards pay the full amount, the expense account?

(Dr. Mitchell.) 'Q. Some of it has not been paid yet?

A. No, sir.

Q. And Mr. Tolerton has not asked it should be paid?

A. I can't say about that; I am sure part of it he did. He did afterwards come back and insist that I pay part, and I cut it out at his instance, in the first place; I told him I thought it better to be cut out, and he said "go ahead, it will be all right with me; I had no right under the law to cut it out."

Q. After this expense account was filed and paid, did Mr. Tolerton recommend certain amount of payment of the per diem?

A. No; all of it; and there was part of the expense account that Mr. Tolerton said he thought should be paid, that I didn't pay; that is the part that never has been paid; I think I paid all the expense account except ten dollars, and as I remember it, Mr. Tolerton thought it ought to be paid, with the exception of three dollars and a half or four dollars.

(Question by Mr. McCarty.) Q. Mr. Gordon O. K'd this account to be paid in full?

A. Yes, O. K.'d both of them.

Q. And you were the one who called his attention to the fact of the items that should not be paid?

A. I did; I was—

(Question by Dr. Mitchell, interrupting.) Q. That was due to one of your assistants, was it not, being familiar with the place where this deputy had been staying?

A. No, sir; I knew the situation myself, doctor; and I knew that a man wouldn't be away from home all the time when he had a family, and I called Mr. Tolerton's attention to it, not only Mr. James, but other

deputies as well, and he made a remark, "well, catch 'em;" I said "all right, I will catch this one;" I already had him caught.

Q. One of the statements he made was that he had been to some little place called Bowdry Cut?

A. Yes.

Q. And there he had sent in an expense account of \$2.00, was that paid?

A. Yes; for hotel.

Q. And did he afterwards explain to your department that \$1.50 was for labor?

A. Yes; he first sent in—wait a moment and let me get the account (witness takes account out of pocket)—the account, doctor, was finally sent in, and I had a man up there to see what days in the month of May Mr. James spent in Carrollton, and the dates were 2, 6, 7, 8, 12, 14, 15 and 16, 21 and 22, 23, 27 and 29, those were the dates this statement showed that he spent in Carrollton; I then said to Mr. Tolerton, calling his attention to it, told him the information I had and told him I would like to have the weekly statements this man made out, which doesn't come to my department; we had agreed on this, and they made his account in this way, Mr. Tolerton recommending the ones he had made, and he had showed them to me, and I felt that they were much better, and I took up these dates that this man claimed to have been at home and on the first and second, I discovered that Mr. James claimed to have been at Keytesville on the second and on the third. He claimed that he was in Keytesville, and this man claims he was at home on the second; I wrote or telephoned to the hotel man at Keytesville, and asked what day or days during the month of May that Mr. James spent at his hotel, and how much money he paid him; he said he was there the third and paid two dollars, and he claims he was there on the second and third, and paid \$4.00; so the man I had watching him at Carrollton, and the report he made to me, and the story of the Keytesville hotel man, did not correspond exactly.

Q. He afterwards made a statement to you did he, in regard to that account?

A. He still claims that he paid four dollars, and that he paid two dollars at the Florence Hotel at Brunswick, and Mrs. Sashey says he only paid fifty cents—here's a telegram from the Kupper hotel—

(Mr. McCarty, interrupting.) Q. How much does he claim he paid.

A. Two dollars. Yes, here's a letter signed by J. McIntyre; I think he runs the Kupper hotel at Kansas City; anyway, J. A. Taylor at Kansas City, I think it was Mr. Taylor, he is a young lawyer in Kansas City, got

him to go to the Kupper hotel to find out how much money Mr. James had paid on a certain day, and I can give you, by running through these things, where he claims he paid \$4.00. Here is a telegram I got, "Jack James, register, Carrollton, Missouri, room 35, paid \$1.00." Now he says he paid these people \$4.00; now he comes back and says he paid \$1.00 to the Kupper, and some restaurant a dollar, and some other restaurant a dollar; I said I didn't know which one is correct, and I won't pay either one of them.

Q. These accounts never have been paid?

A. Part of them have been paid; I have some other letters. Here is one I wrote to Mr. Watkins, he claims to have paid \$5.00 to the Henrietta hotel at Chillicothe; my information I got from Watkins was on the 28th, dinner and supper, checked off at "S," Republican congressional committee meeting. My letter was dated June 11th.

(Question by Senator Buford.) Q. How much did Mr. James certify to in that trip?

A. Five dollars.

Q. How much did the hotelkeeper state that he had paid?

A. Mr. Watkins claims that he was there only for dinner and supper?

(Dr. Mitchell.) Q. Did Mr. James say he paid this hotel \$5.00, or was it five dollars for that day?

A. He claims to have been in Chillicothe on the 11th.

Q. He claims to have paid that much at that hotel?

A. Yes; and he claims to have been there on the 28th day and the 29th, which would be \$5.00; they say he was only there once, and that was the 28th, for dinner and supper.

Q. But this statement on file, that don't say he staid the whole time at that one hotel?

A. No; but he says so in his statement to Mr. Tolerton.

Q. He just states, makes statement of \$5.00 for hotel, but doesn't state the hotel he paid that to?

A. That's where he always stops; I think he mentions here, in here he stopped there.

Q. He says he did stop there, but only paid—

A. He does say he stopped there in that statement somewhere; I don't remember just where.

(Dr. Mitchell, continuing.) Q. In his explanation to you and Mr. Tolerton, did he say he paid that one hotel five dollars?

A. No; he doesn't claim that now, but he claims he paid it out to restaurants.

Q. He doesn't state in his original account that he paid that much out to one hotel, at that one hotel?

A. I think he does.

Q. You are not positive about that fact?

A. No, sir; I had that information.

That is all. That is all. Witness excused.

Mr. T. J. COPELAND, recalled, testified as follows:

(Question by Dr. Mitchell.) Q I will ask you the question, you stated before this committee that the voucher showed "railroad fare from St. Louis to Steelville and the hotel bill for that day." Question. "Does the voucher show the railroad fare from St. Louis to Steelville?"

A. Yes, sir."

Q. Is that correct?

A. That's the way I remembered it; yes, sir.

Q. Does it say where to? "Answer from St. Louis to Steelville."

Question. "You are positive? Answer. Yes, sir;" now have you that voucher?

A. No, sir.

Q. Did you state each voucher was filed in your department?

A. That's the way I remember it at the time I looked at it.

Q. Is that a blank similar to the ones Mr. Tolerton uses?

(Indicating.) A. Yes, sir.

Q. Did he ever write across this as to where the railroad ticket was bought to and from?

A. He usually put in his expense account mileage.

Q. But you state here this voucher showed that the ticket was bought from St. Louis to Steelville?

A. It didn't show any amount of mileage; it showed railroad fare; he usually filed his expense account by the mileage book—

Q. Did he show on the voucher from St. Louis to Steelville?

A. That's my recollection.

Q. Have you any other copies of his expense account—where is the October one?

A. Destroyed all of them.

Q. You made that statement to that committee when here before, that they were destroyed?

A. No, sir.

(Mr. McCarty.) Q. You may state how they were destroyed?

A. They were destroyed in the fire, February 5.

(Question by Dr. Mitchell.) Q. You feel positive that Mr. Tolerton had written on this that this was railroad ticket from St. Louis to Steelville?

A. Yes, sir; that's the way I remembered it.

Q. Is there anything there, any blanks in which such things could be written?

A. You can write anything you want to on there.

Q. Does any of the other expense accounts filed in your office show that the railroad tickets were bought from one place to another?

A. I don't know; that's the only one I looked at at that time.

Q. Have you any of them at your office now?

A. They were all destroyed.

Q. Have any been filed since that time?

A. The December accounts; yes, they were paid in January.

Q. But you say this was the only one of all of them like this one?

A. I say I couldn't say that others might have been the same way.

Q. But you say this one did have that written across it?

A. Yes; that is my impression.

(Question by Mr. McCarty.) Q. I'd like to ask you, Mr. Copeland, a question, did you have any special reason, or were you especially requested to look at this special voucher in question?

A. Yes, sir; I was.

Q. Were you requested to look up that matter?

A. I was requested by Mr. Farris—Mr. Frank Farris—and he and I looked over it together.

Q. Now you say Mr. Farris was with you and looked over this voucher?

A. Yes, sir.

Q. About what time was that?

A. That was about the latter part of January.

Q. Sometime in January, 1911?

A. Yes, sir.

Q. And you of your own accord wouldn't have been looking this voucher up at that time had you not been requested to do so?

A. No, sir.

Q. You simply acted in the capacity of one of the officers who would show up documents for any citizen or any one who would request it?

A. Yes, sir.

Q. That was all the interest you had in it at that time?

A. Yes, sir.

(Question by Dr. Mitchell.) Q. The expense accounts of these deputies are not burned, are they?

A. Yes, sir.

Q. All burned?

A. Yes; all matter pertaining to the Auditor's office burned, except the matter we had on file.

Q. You have none of the copies of Mr. Tolerton's expense accounts?

A. No, sir; they were the originals.

That is all. That is all. Witness excused.

MR. W. A. KINSIE being recalled for further examination, testifies as follows:

(Question by Mr. McCarty.) Q. Is there any statement that you wish to make, Mr. Kinsie?

A. I don't know; I think somebody told me that there was a statement in this record to the effect that we had telegraphed the Kupper hotel saying that Mr. James spent a day there; I said that Mr. James spent a *dollar* there and not a *day* there—yes, on page 39, near the bottom of the page, where he says he stayed one day at the Kupper hotel, it should be that the manager of the Kupper hotel telegraphed us that he paid one dollar, instead of four dollars.

That is all. That is all. Witness excused.

(By Mr. Orr.) We offer the weekly reports of all deputy game wardens that have identified the reports as the ones which they sent in to Mr. Jesse A. Tolerton, Game and Fish Commissioner, and which have been identified by them, as follows:

MR. H. R. AUBREY, being first duly sworn according to law, testifies as follows:

(Question by Mr. Mitchell.) Q. What is your business now?

A. At the present time I am clerk in the Banking Department.

Q. Where were you employed before that?

A. I was employed in the Game Department; I was in Mr. Tolerton's office, deputy, they term it; that is, my work was in the office.

Q. What was your duty while employed there?

A. My duty consisted in taking care of the books; keep the books of county clerks and the various deputies and checking up their accounts and adding them up and getting them up; we always keep a copy of each one in the office.

Q. Did you file these in your office—do you keep them on file in your office?

A. Yes; I keep a copy of all the monthly reports sent to the Auditor's office, and of the weekly reports, which I suppose you gentlemen have here; we also keep in the Game Department's office.

Q. The monthly reports were filed with the Auditor?

A. Yes, sir.

Q. Who filed these?

A. I usually done that; if they were not busy—I believe a time or two the clerks or stenographers took them over.

Q. As a general thing, you filed them yourself?

A. Yes; that was my duty.

Q. You made out these expense accounts?

A. Yes; most of them.

Q. Have you a duplicate copy of the one that you filed in the Auditor's office for October, 1910?

A. I have of Mr. Tolerton's; the other duplicate copies are not filed in the office; that is, of other deputies.

Q. Have you that with you?

A. Yes, sir.

Q. I'd like to see it? (Witness produces paper.)

(Dr. Mitchell.) I'd like to have that put on record?

(Witness, continuing.) This is a duplicate copy with this exception, if you will notice on the other side the jurat is not filled out; this is a copy I made, and when it was sent to the Auditor's office I just filed the original and didn't copy the jurat, name under the jurat; however, it was sworn to before Sam Haley.

(Question by Mr. McCarty.) Q. When did you copy this one?

A. That was for October—I copied that this morning from the original on file in Mr. Tolerton's office.

Q. Then this is not the original copy?

A. No; the original copy is on file in the office.

Q. I understood you to say this was the original copy?

A. That is a copy of the original copy.

Q. Then you were mistaken a moment ago when you said this was the original copy?

(Witness.) Will the stenographer read my testimony?

(The examination proceeding, stenographer had not time to comply.)

(Question by Mr. White.) Q. Why was it you did not bring the original copy up here?

A. Mr. Tolerton preferred to keep it there on file in his office; he is custodian of all those papers.



(Question by Dr. Mitchell.) Q. We can get the original in a moment.

(Mr. McCarty.) That is what we have been waiting for for two weeks.

(Dr. Mitchell.) If you gentlemen are not satisfied with this we will get the original.

(Senator Buford.) No objection to that.

(Question by Senator White.) Q. Was it your uniform practice not to complete the jurat?

A. Yes, it was; because at the time I made the copy, it is usually before Mr. Tolerton swears to it; of course, he signed and swore to that; that is, the one that is in the Auditor's office; however, this has all the figures and everything except that on it. In taking a copy of the document of the deputies, I always copy the jurat.

Q. Wasn't the jurat on the original expense account filed with the Auditor?

A. Yes, sir.

Q. Then if the jurat was completed on the original expense account, corresponding to the copy of which this is a second copy, the copy down in the office would not be a complete copy of the original account?

A. It is with that exception.

Q. Why should any exception be made on the jurat on a copy of an expense account of the Game Warden himself, when the jurate are appended to the copies of accounts of deputies?

A. The reason why is this, I made up that copy for Mr. Tolerton when he would come in from off the trip; he would go to one like that which he had in his desk and make it up, everything, the expense he had been out, putting in the different days, how much money he would be out, then at the end of the month I would copy that, and Mr. Tolerton would usually take it and be sworn to it, and I would file it in that way, occasionally I would get the jurat on, but for that month I did not, and I know it was sworn to before Sam Haley, but I don't know the exact date, but I know that is a complete copy of the copy as it appears on file in Mr. Tolerton's office, because I made that copy myself.

Q. Where it says, "dinner for hay balers, \$3.00." what do you mean by that?

A. That was some persons who baled hay on the game farm; Mr. Tolerton paid for their dinner, and in order to be reimbursed for it it has to go into the expense account; you will notice that is under the head of miscellaneous, and we insert what it is for.

Q. Mr. Aubrey, this one here, in line twelve, does show that there

was two dollars and forty cents paid for railroad fare, under date of October 12?

A. Yes, sir.

Q. It does not show, however, from and to what points this fare covered?

A. It does not; the original filed in the Auditor's office did not at the time it was filed; I copied it myself, and ought to know.

(By Senator Buford.) Q. But two dollars and forty cents is the railroad fare from St. Louis to Steelville?

A. I am not informed as to that, Senator.

(Question by Mr. Mitchell.) Mr. Tolerton has explained that; that is the fare from Springfield to Mountain Grove.

(Question by Mr. Mitchell.) Q. I understood you to say this is an exact copy of the one on file with the Auditor for October?

A. No answer.

(Senator Buford.) Q. Now, this is an exact copy—

A. This is an exact copy of the front page, of the one filed with the Auditor.

Q. But the instrument you have here is a copy of the copy that was filed in the office?

A. It is.

Q. The original filed with the Auditor?

A. Yes, it is; if you want the original filed in the office, Mr. Tolerton has that.

Q. When did Mr. Tolerton ask you what your memory was in regard to this original—as to what was on it?

A. I can't give the exact date; it was after Mr. Copeland testified; he called me over the telephone and wanted to know—well, he told me to come down to the office, he wanted to see me; I went in and he asked me if I made out the expense account for October; I said I did; the reason I remembered it was because he was sick at the time and I took it out to his house, and he says does that expense account show from or to, any place on it,—

Objected to by Senator Buford as immaterial.

(Question by Mr. McCarty.) Q. Now, this shows that for the month of October, 1910, that Mr. Tolerton's expenses were \$361.88, is that it?

A. No, it showed \$153.00—that is his salary (indicating), now the salary and expense is \$361.88; that's his check; you see his salary amounted to \$208.33, that is my way of checking up to see they approve of his expense account, you see we approve this for \$153.55; now that is the

amount of the check, \$361.88, and his expense would be \$153.55 for the month of October, and his salary was \$208.53 for that month, the two together making his check \$361.88; and as I told you, that is the way we check it up.

Q. How long were you with him in his department?

A. I was with him from August 16, at the time the department commenced, 1909, I believe, and until the middle of January of this year.

Q. January, 1911?

A. Yes, 16th day of January, 1911.

Q. You live here in Jefferson City?

A. I have lived here since that department set up.

Q. Where were you from?

A. I am from Taney county.

Q. How old a man are you?

A. I will be thirty-three years old tomorrow.

Q. You lived in Taney county all your life?

A. Well, most of my life; I was born in Kentucky; it was not my intention to be born in Taney county.

That is all.

(Question by Dr. Mitchell.) Q. What is this item?

A. That's a Western Union telephone bill.

Q. That is miscellaneous expense, and it is all included in this check, dinned for the hay balers and telephone and other things?

A. Yes; there's a little quail feed bill of Mr. Kiedns; he sent his personal check to the Western Union Telephone Company for four dollars and fifteen cents.

(Question by Mr. McCarty.) Q. How many hands were there baling hay?

A. I do not know.

Q. What did he pay for each dinner?

A. I don't know.

Q. You O. K.'d that and didn't know what it was?

A. He is the man who O. K.'d it; it is O. K.'d by him, and also the governor here, you will see.

That is all.

(Question by Senator Buford.) Q. Now, this October account, does that run anything like the other accounts of other months; that is, his expense account, or was the October account a little bit large?

A. Well, let's see; I don't know that I can tell you about that; I don't know that I ever paid any particular attention to it; I'd say, how-

ever, it is an average expense account; it, however, is larger than some—not so large as—probably not as large as some; I don't know.

(Paper writing, which is marked exhibit "A" is here offered in evidence, and is in words and figures, as follows:

That is all. That is all. Witness excused.

Ex. "A."

### MONTHLY EXPENSE ACCOUNT.

To the Honorable State Auditor, Jefferson City, Missouri:

Sir—I respectfully report that my expenditures as State Game and Fish Commissioner for the month of October, 1910, were as follows:

	Hotel.	R.R. Fare.	Bus or Pullman.	Postage.	Team.	Telephone or Telegraph.	Miscl.	Total.
1	\$2.00	\$6.00	\$2.25			\$1.25		\$11.50
2				Ben Rubin	horn	Box	\$5.50	5.50
3	3.00	2.10	.40					5.50
4	3.00			\$3.50	\$2.00			8.50
5	3.00	mil'g 12.50, dray	1.50					17.00
6								
7					W. U. Tel.	Co.	4.15	4.15
8			7.00					7.00
9								
10	1.00			R. A. Kier	ns, feeding	quail		1.00
11	4.00	6.00	2.00			1.00	3.00	16.00
12	3.00	3.40						5.40
13	2.50							2.50
14	3.00	6.00	2.00	5.00				16.00
15	2.00		.50					2.50
16				Dinner for	hay balers		3.00	3.00
17								
18								
19								
20				5.00				5.00
21								
22	3.00	12.50	2.50					18.00
23								
24								
25								
26								
27								
28								
29								
30								
31				25.00				25.00
<b>Total</b>	<b>\$29.00</b>	<b>\$47.50</b>	<b>\$11.15</b>	<b>\$45.50</b>	<b>\$2.00</b>	<b>\$2.25</b>	<b>\$15.65</b>	

Grand total..... \$153.55

(Opposite page of exhibit "A" as follows:

State of Missouri, }  
 County of Cole. }

I, Jesse A. Tolerton, State Game and Fish Commissioner for the State of Missouri, do solemnly swear that the foregoing is a true and correct account of the money expended by me as Game and Fish Commissioner in the discharge of my official duties during the month of October, 1910.

\_\_\_\_\_  
 State Game and Fish Commissioner.

Subscribed and sworn to before me, this \_\_\_\_ day of \_\_\_\_\_, 1910.

(Seal)

\_\_\_\_\_  
 Notary Public.

I, Jesse A. Tolerton, State Game and Fish Commissioner of the State of Missouri, hereby certify that I have examined the foregoing account, compared the same with his weekly reports, and find it correct, and it is hereby approved for payment.

\_\_\_\_\_  
 State Game and Fish Commissioner.

Approved this \_\_\_\_ day of \_\_\_\_\_, 191—.

\_\_\_\_\_  
 Governor.

#### MONTHLY REPORT.

JESSE A. TOLERTON,

State Game and Fish Com.

Approved for....	\$153.55
	208.33
	_____
	\$361.88

MR. JESSE A. TOLERTON being recalled by the committee to make any explanations concerning any testimony previously offered, testifies as follows:

(By Mr. Tolerton.) Referring to Mr. Gordon's and Mr. Kinsey's testimony before the committee, tending to show that the \$56.87 which the Auditor deducted from Mr. James' expense account for the month of May, 1910, in which it was stated that none of this money was ever paid to Mr. James, except at my request, I want to say in reply, that when Mr. Gordon called my attention to the fact that he knew there were nine days outside of four Sundays that Mr. James had spent at his home in Carrollton, and that he had information that he had not covered his itinerary which his weekly reports showed that he had, that I stated to him that I would like to have him hold up nine day's salary, together with \$11.32, which he said was not due Mr. James, owing to the fact that he had not covered the itinerary, together with fifty-five cents bus fare—I desire to also leave a copy of Mr. Gordon's letter a month later, on July 21st, in which he allowed the \$11.32 originally cut out by him when the statement was made that Mr. James did not travel over the territory. My understanding from Mr. Gordon was to the effect that upon a more thorough investigation, that he had found that Mr. James did cover the itinerary, and his letter of July 21st, shows that he sent him a check covering the above amounts, and that I requested him, since he had found that Mr. James was on duty and had covered the itinerary, to include the \$27.00 for nine days, which he had originally held up at my request. The investigation further shows that Mr. James was able to account and produce receipts for all the original account, except \$5.50—I can't recall all the different items—but with reference to the amount which Mr. James and Mr. Gordon had a controversy over about the Kansas City bill, which was supposed to have been paid at the Kupper hotel, the receipts and testimony produced by Dr. James, show that the Kupper house was a hotel run on the European plan, and that Mr. James did pay \$1.00 for a night's lodging; the remainder of the \$4.00 charged on this trip was for meals at the Baltimore hotel and other restaurants in connection with the trip.

Referring to that portion of Mr. Gordon's letter under date of July 21st, in which he says that he is informed that Mr. James only paid fifty cents to Mrs. Sashey, proprietress of the hotel at Brunswick, I want to state that I have a receipt from Mrs. Sashey, which was sent me by Mr. James, and which I turned over to Mr. White some time ago, stating that Mr. James did pay her \$2.00, as charged in his original account; when Mr. Gordon called my attention to the receipt he had from the Sashey

hotel for fifty cents, I called Mrs. Sashey over the telephone, and she told me she knew nothing about the fifty cent receipt, but the two dollar one she gave Mr. James, and signed it herself, and I suggested to Senator White when the investigation was started, if they desired they could subpoena Mrs. Sashey and settle the matter.

The item, \$1.50, referred to in Mr. Gordon's letter, hotel at Bowdry Cut and at Bosworth—I want to say I also turned these receipts over to Mr. White, as they were furnished me by Mr. James. Although the Auditor deducted from the account \$56.77, there is only a balance of \$10.00 unpaid of which Mr. James holds receipt for \$4.50.

(By Senator White.) I think you are entitled to make any statement that you wish, Mr. Tolerton; go ahead.

(Witness, continuing.) I want to call the attention of the committee to a statement of Mr. Copeland's, in which he stated that Mr. James did not visit Glasgow to two letters, one from J. W. Hawkins and one from John Clifford, stating that they saw Mr. James in Glasgow on the date his expense account shows he was there and talked to him.

(Mr. Orr, interrupting.) Q. What is the date of those letters?

A. The Clifford letter is dated June 29th, and the other from Mr. Hawkins is dated same date, June 29th.

Q. On what account did they write you about Mr. James being there on that date?

A. I demanded of him that he must show that he covered the itinerary, or I would remove him.

Q. And the date he was supposed to have been there was when?

A. May fifth, the date Mr. Copeland says his information was he was not in the town.

Q. Do you know these men personally?

A. No, I do not.

(Mr. McCarty, interrupting.) Q. Do you know their signatures?

A. I do not; but as I stated to Senator White at the outset, if there was any question about it I would like to have them call Mrs. Sashey and straighten the thing out.

(At this point Mr. Tolerton offers in evidence copies of letters above referred to from State Auditor, John P. Gordon, same are marked Ex. "B" and B-1, and Ex. "C," same are received and become a part of the record here, and are in words and figures as follows:

“(Seal)

STATE OF MISSOURI,  
OFFICE OF THE STATE AUDITOR,  
Jefferson City, Mo.

JOHN P. GORDON, State Auditor, WILLARD P. KING, Chief Clerk,

July 21st, 1910.

Hon. Jesse A. Tolerton, Jefferson City, Mo.:

Dear Sir—In regard to the James matter, I am enclosing you Treasurer's check as follows:

'For nine days' during the month of May, as per diem, at \$3.00, \$27.00. This, you remember I cut out at your request. I fully realized that I had no right at any time to deduct a per diem under the law except at your request, and now as you request that it be paid, I include that amount in the check.

I also include the \$11.32 and the 55 cents for bus and street car fare, at your request, and because an itemized itinerary showing that said railroad fare and bus fare was paid, and said account being duly sworn to.

Of the \$18.00 hotel bill which I originally cut out, I am refusing to pay \$10.00 of that account for the following reasons: \$5.50 being the amount you and I both agreed that Mr. James could not account for. I refused to allow more than 50 cents at hotel at Brunswick, because I have a statement from that hotel which I have shown you, also shown Mr. James. which says that he only paid 50 cents for hotel on that day. I am allowing 50 cents for the hotel at Bosworth, and am refusing to allow the \$1.50 he claims to have paid for labor there, because in his original statement he swears that he paid \$2.00 for hotel. I am allowing him 50 cents for dinner at Bowdry Cut, and that the noon meal. According to his latter statement, which he has sworn to, he claims to have paid this \$3.00 at Bowdry Cut and Bosworth for labor. In his original statement he claims, in affidavit, that the \$4.00 at these two places was spent for hotels.

As he has made two separate statements and sworn to both of them, it is impossible for me to tell which one is correct, so to be on the safe side and protect the taxpayers from any overcharge, I have adopted this plan, which I think is safe for their protection, and one, which you, as a fair-minded man, will have to approve.

Yours very truly,

JOHN P. GORDON,  
State Auditor.



“Ex. “C.”

Jefferson City, Mo., June 21, 1910.

Hon. Jese A. Tolerton, City.

Dear Sir—Please find enclosed Treasurer’s check for the account of Mr. H. L. James, deputy game warden, for the month of May, for the amount he sent in, less \$56.87, which I deduct for the following reasons:

Nine days from the salary account, at \$3.00 per day, \$27.00, for the reason I am informed that during the month of May, these nine days were spent at his home in Carrollton.

I cut out \$18.00 for hotel bills, for the reason I am informed that on certain days in said month he did not pay at certain hotels which he charged in his account.

I cut out \$11.32 from his railroad fares, which I am informed that he did not use. I also cut out 55 cents from his bus fares, for the same reason.

Yours very truly,

(Signed) JNO. P. GORDON,  
State Auditor.

JPG—J Enc.”

(Witness, continuing.) Now, the testimony of Mr. Gordon, I believe, further indicates that he has, at various times, cut the accounts which I have sent to the Auditor’s office; in this connection I want to say that outside of the one hundred and thirty-six dollar dynamite bill, which is now being held up, that there isn’t thirty dollars accounts unpaid which I have sent to the Auditor’s office since I have been at the head of the department covering an expenditure of one hundred and thirty some odd thousand dollars—I think \$133,000.00—something like that.

Referring to the matter of the letter furnished the committee, under date June 7th, to Mr. Smelsor of Doniphan, Missouri, for the information of the committee, and in order that they may understand something about the circumstances leading up to this correspondence with Mr. Smelser, I hand you herewith the original letter of Mr. Smelser’s to me, complaining of the department of Mr. Thompson, in order that the committee may know why I wrote the letter to Mr. Smelser trying to patch up the differences in our own party, on account of my appointment of Mr. Thompson, whom he says “is a democrat.”

(Letter referred to is here marked exhibit “D,” offered in evidence by Mr. Tolerton, is accepted and becomes a part of the record herein, being in words and figures as follows:

“Ex. D.

Doniphan, Mo., May 31, 1910.

Hon. Jesse A. Tolerton, Jefferson City, Mo.:

Dear Sir—Mr. J. B. Thompson, your Democratic deputy game warden for Ripley county, showed me a letter last Saturday from you, advising him to see me and other Republicans here in regard to our putting a county ticket in the field.

I am surprised that you should write such a letter to as rank a Democrat as Mr. Thompson, for we feel that we are amply able to transact our own business along political lines without the necessity of appointing Democrats to carry instructions to us. Mr. Thompson is now holding a deputyship under you that should have been give to a Republican, and that certainly is enough to satisfy you without delegating him to carry instructions to us regarding our political meetings.

I do not wish to criticise you for any of your actions, but I am writing that you may know how we Ripley county Republicans feel about these things.

Very truly yours,

F. E. SMELSER. (Signed.)”

(Witness continuing.) In my testimony, Mr. Orr, I stated about what I paid on the railroad between St. Louis and Mountain Grove; I have a telegram here from the Springfield 'Frisco agent, and also the St. Louis 'Frisco agent, covering the amount of the fare, and it is \$6.00, and I can show I paid thirty cents more than I have charged up on my account—

(Senator Buford.) We don't doubt your previous statements in regard to that, Mr. Tolerton—

(Mr. McCarty, interrupting.) Q. You say these pheasants are good destroyers of cotton boll weevil; how many have you sent down into the cotton raising country of this State?

A. I don't know that I have had an application from a single person asking for pheasants, stating that they were raising cotton. If I had I would try and take care of them, for that is what I wanted to try. If you will give me the name of any man who has a cotton crop this year, I will send him some.

Q. I can give you a hundred, as far as that is concerned; there is a large territory in Southern Missouri that produces a great many million dollars of cotton. The cotton boll weevil is a great pest in Mississippi, and it would be a good idea to put some of these birds down there and try it; you take the county of Pemiscot, which produces over a million and a half dollars of cotton, take the counties of Dunklin and New Madrid and part of Mississippi county and some parts of Ripley and Butler, and quite a number of others.

A. If you will find some one with five hundred acres of land who raises a cotton crop this year, I will send a dozen down there and try the experiment, the same as my reason was for shipping to Raley.

Q. How many pheasants did you purchase all told?

A. Since I have been in office—I couldn't tell you.

Q. Well, roughly—can you come in three or four hundred of it?

A. No, I couldn't; I have been buying them from time to time; I bought one hundred hens since the first of the year that's not paid for—I expect I have bought a thousand or fifteen hundred.

(Dr. Mitchell, interrupting.) Q. You are going to try to raise some this year—

A. I think I have now about six hundred hen and a sufficient number of males, and I was going to try to raise several thousand this year if I am permitted to go ahead with the work; if I do not go ahead with the work I am going to ship them out on the request of people that have had applications filed there which I couldn't take care of last season.

(Mr. McCarty.) I suggest that you find a number of counties in which this experiment can be tried?

A. I'd like to do it; I got this information from Denver, and I'd like to try it out.

At this point the witness, Mr. Tolerton, stating that he can think of nothing more to offer, he is excused.

Whereupon motion is made by Senator Buford to strike out all that portion of the testimony relating to "suppers given for Mr. Tolerton and his boys, because it is not material to this case.

(By Chairman White.) Yes; strike it out.

(By Mr. McCarty.) I move you that it is the sense of this committee that, owing to the fact that there are so many weekly reports of the different deputy game wardens, and that they are so voluminous, and owing to the fact that they are public property and filed in a public office and can be seen by any one at any time, that it is the sense of this committee that those reports be not printed, or not copied in the testimony.

(By Chairman White.) In other words, be not made a part of the record?

A. Yes; be not copied in full.

This motion being unanimously carried, it is so ordered.

Whereupon, there being no further testimony to offer in the case, motion is made by Mr. Orr to close the testimony, seconded by Senator Buford, and unanimously carried.

This is all the evidence offered in this case.

At a call meeting of the committee to draft report of the investigation, Mr. Orr moves the committee to reconsider the motion by which it was concluded to close the testimony. This motion being seconded by Mr. McCarty, is passed upon by the committee, and the Chair announces the motion stands reconsidered.

Whereupon Mr. Orr offers in evidence and asks that the same be made a part of the record herein, a typewritten opinion of the Attorney-General, Elliott W. Major, in regard to the construction of certain section of the game and fish law. (Same is marked exhibits "Z, Z-1 and Z-2.")

This is an opinion of the Attorney-General of the State, rendered at my request, asking for a construction of certain sections of the statutes, which are referred to in the opinion, relative to the duties of the State Game and Fish Warden and his deputies:

Same is in words and figures as follows:

"March 16th, 1911.

Hon. Edwin C. Orr, Jefferson City, Mo.:

Dear Sir—I am in receipt of your letter conveying the request from your committee for my official opinion upon three questions, the first proposition being as follows:

"1. What authority has the State Game and Fish Commissioner to authorize the payment of funds from the game protection fund to his deputies, provided for in section 6566, R. S., Mo., 1909, when said deputies are not actually employed in the discharge of their duties but are merely holding themselves in readiness to discharge duties provided for in the fish and game law, when said deputies are at home and not actually engaged in the discharge of their duties."

Replying to this would say that there is no authority whatever for the payment of funds under the conditions named.

Your second and third inquiries relate to substantially the same subject, and can be answered together—they being as follows:

"Has the State Game and Fish Commissioner the right, under the law, to pay the annual necessary expenses incurred by said deputies while not working under the special direction of the State Game and Fish Commissioner, but are going at will into whatever parts of the State, or their respective districts, they choose, without special direction or direct orders from the State Game and Fish Commissioner?"

"3. Has the State Game and Fish Commissioner the right and authority, under the law, to authorize the payment of expense accounts incurred by his deputies on their reports to him that they have incurred

certain traveling expenses, hotel bills and livery hire when there are no specific or direct orders given by him prior to the incurring of said expenses to said deputies, directing them to perform the specific work for which said expenses are incurred by them?"

Answering these, would say, that sections 6558 and 6566, R. S., Mo., 1909, make it quite clear that deputies appointed under the provisions of the fish and game act are not legally entitled to any expenses incurred by them, except when they are performing official duties in pursuance of orders and directions given them by the State Game and Fish Commissioner.

In my opinion, the terms "special orders," as used in section 6558, and the terms "direct orders," and "working under the direction of the commissioner," as used in section 6566, exclude the idea that such deputies can, merely by reason of their appointment, or a general, indefinite order from the commissioner, act officially and charge the expense incident thereto to the game fund. They are not authorized to incur expenses at their own will, or in connection with matters which, merely in their judgment, are essential to the enforcement of the game law. No such roving commission is given them, and to be entitled to such expenses and their per diem they must be acting wholly in obedience to direct, special orders given them by the commissioner. When a direct order is given, and it has been complied with, it affords no basis or authority for the further or additional service on the part of the deputy to whom the same is given, but to authorize him to do further and additional work, and to incur expenses in connection therewith, he must receive other appropriate orders.

The extent to which an order from the commissioner is authority to the deputy to act, depends, of course, upon the particular terms, nature and purpose of the order, and each case must be separately and accordingly determined.

Very truly yours,

ELLIOTT W. MAJOR,  
Attorney-General.

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REPORT OF  
SPECIAL JOINT COMMITTEE  
TO  
INVESTIGATE THE  
Fish and Game Commissioner

TO THE  
FORTY-SIXTH GENERAL ASSEMBLY

1911



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