# SEWER WORK BLAME PUT UP TO CONNOLLY

Caused Rice to Be Named in 1914 by Misleading Civil Service Commission, Higgins Shows:

TOOK RESPONSIBILITY THEN

Engineer Forced to Say He Had Little Experience - Also Admits He Was Coached.

**ALBANY INQUIRY SUGGESTED** 

George K. Morris Believes the Legislature Would Consider Such a Proposal.

Commissioner of Accounts James A. Higgins, in the first of his public hearings yesterday afternoon on charges of waste and graft in the \$16,000,000 Jamaica sewer system, fixed directly upon Borough President Maurice E. Connolly responsi bility for the conduct of sewer and highway construction in Queens in the last thirteen years. Mr. Higgins showed that Mr. Con-

nolly persuaded the Municipal Civil Service Commission to waive its regulations in 1914 so that he could appoint James Rice to his present post of engineer in charge of engineering construction, sewers and highways in the Borough President's office. He also brought out that President Connolly had misled the commission as to Rice's qualifications and forced Rice to admit on the witness stand that he had had very little experience in either sewer or highway design and construction before 1914.

Henry H. Klein, attorney for Jamaica taxpayers protesting their sewer assessments, also had Rice for a witness before the Board of Assessments as the several services of the Board of Assessments as the services of the Board of Assessments as the services of the Board of Assessments as the services of sesors yesterday morning and compelled the enginer to admit that Con-nolly had coached him as to the testimony he should give at yester-day's hearing. Rice admitted that a statement he read to the board vesterday "correcting certain ambigui-tles in my former testimony" was prepared by Conno'ly and others as well as himself. Rival adherents of Mr. Connolly and Mr. Klein kept the Assessor's meeting in an almost con-tinuous turmoil with exchanges of yells, shouts, catcalls, hoots and de-

#### Talks of Legislative Action. Chairman Georg. K. Morris of the

Republican State Committee declared that he believed the Legislature at Albany, which s Republican, would seriously consider a proposal for a legislative investigation of the Queens situation if the local authorities did

antiztion it the local authorities the not clean it up.

After a conference with Chairman Morris, Alderman-elect George U Harvey of Flushing, who denied on Tuesday that he was a party to any partisan effort to embarrass Governor Smith on the Queens case, charged that the Walker Administration was trying to "whitewash" the tion was trying to "whitewash borough officials, and demanded a legislative investigation if the Governor fails to take action looking tovard the renicial of Connollin from

Mr. Harvey at the same time expressed confidence in the Governor's sincerity, and reiterated his intention sincerity, and retierated in memory to file formal charges against Mr. Connolly so that the Governor can take action. He blamed Mr. Convolly for the delay in filing charges asserting that the Borough President had refused to let a Queens stenograther graphy. Harvey with the transparence of the state of pher supply Harvey with the transcript of last Thursday's meeting before the Board of Assessors, on which Mr. Harvey depended to sup-

port his charges.
Former Mayor John F. Hylan joined the criticism of the Walker Administration by sending a letter to Magistrate David Hirshfield, who was his Commissioner of Accounts declaring there was no excuse for the Mayor's delay until Tuesday in ordering Commissioner Higgins to investigate the alleged fraud and collusion in the sewer contracts.

## Higgins's Formal Statement.

Commissioner Higgins held his hearing in his offices on the twelfth about 100 persons present, including Queens taxpayers and borough en-gineers, reporters and photographers. Before calling witnesses, he read the following statement defining the cope of his inquiry:

The Commissioner of Accounts has been directed by the Mayor, under the provisions of Section 119 of the Greater New York Charter. to make an examination of the methods of the respective Bureaus of Sewers in the five boroughs. Accordingly, on his own initiative the Commissioner of Accounts will inquire into the organization and functions of the said Sewer Bu-reaus, and into the preparation of specifications for sewers, the making of preliminary studies and such other matters that may be an index to the efficiency of the said buleaus or the competency of their

Incidentally, the Commissioner of Accounts intends to inquire into specific sewer contracts to ascertain if there is foundation in fact for criticism of the methods of the Sewer Bureau in any borough or

boroughs.

The Commissioner of Accounts will endeavor to ascertain whether or not the methods of the Sewer Bureau in the Borough of Queens is responsible for an excessive cost of sewer construction in recent

The Commissioner of Accounts will consider any charges submitted to him, in writing, that have to do with the methods of the Sewer Bureau in any borough, the competency of its personnel, or the alleged excessive cost of any sewer by reason of inefficiency, incom-petency, fraud or collusion. Any cyidence of criminal act of any character that may be uncovered in this investigation by the Com-

missioner of Accounts will be speedily presented by him to the proper authorities. Commissioner Higgins added that privacy if he so desired, but that he had decided to make it public. No-body but himself, he went on, would be allowed to question or to decide who should testify, and no witness would be allowed to be represented by counsel. He asserted that he

would not permit anybody except the official stenographer of his office to take minutes of the hearings. Civil Service Official Called. Commissioner Higgins called as his

first witness Martin A. Healy, Secre-

tary and executive officer of the Municipal Civil Service Commission, and asked Mr. Healy to produce all papers in his files dealing with Rice's appointment.

Mr. Healy first read a letter from Mr. Healy first read a letter from Acting Borough President James A. Dayton of Queens to the commission, dated Jan. 30, 1914, requesting the commission to exempt the position of engineer in charge, engineering construction, sewers and highways, from the competitive class in the civil service. Rice's name as the proposed incumbent of that position was not mentioned in this letter. proposed incumbent of that position was not mentioned in this letter.

The next document read into the record comprised the minutes of a public hearing held by the commission on Feb. 18, 1914, with Chairman Henry Moskowitz presiding and with Borough President Connolly appearing in support of his application. The minutes showed that Mr. Connolly told the commission that "the work before us is of such a tremenwork before us is of such a tremendous, complex nature that we should not be hampered in our selection of a man." He argued that the job re-quired "an exceptional man" and that the work on sewer construction

to be done in Queens was "the biggest job in the country."

Mr. Connolly informed the commission that "a man having peculiar knowledge" of sewer construction was needed for the job. In addition to his technical engineering knowledge, Mr. Connolly went on, the man must have ability as an executive, in handling men and in "organizing pretice".

Explaining Rice's qualifications to the commission, Mr. Connolly said he was a graduate of the Royal Military School, Woolwich, and the Royal Engineers School in Chatham, England; that he had been attached for many years to the British Army as an engineer in India and China that he had been an engineer for the Hartford Fire Insurance Com-pany; that he had had wide sewerage experience throughout the United States on drainage and tunnel work and that he was then employed as a consulting engineer for private parties.

### Connolly Took Responsibility.

"I am really much interested in this," Mr. Connolly told the commission, "because the responsibility is mine, and if there is a mistake it will be placed upon me and I cannot dodge it and say it is someb. 'v else's fault. If I get an engineer that is competent for it I will have to stand under the attack and in a work of this magnitude I think I ought to be

If the commission did not exemp the position, Mr. Connolly continued, he would be satisfied if it should permit the appointment of Rice un-der Rule 12, Paragraph 5, of the Civil Service regulations, providing for the waiving of the regulations in the case of an individual qualified as an expert, but not making the position permanently exempt.

Mr. Connolly also told the commis-

sion that it was impossible to fill the post through competition, because none of the engineers in his office was competent to take the examinations for proposition to the post in tions for promotion to the post in

question.

After reading the minutes Secretary Healy, in reply to a question by Commissioner Higgins, agreed that they showed Mr. Connolly wanted the post exempted so that he could appoint a man of his own choice, regardless of the civil service regulations.

Mr. Healy then read the minutes of a meeting on Feb. 25, 1914, when Mr. Connolly told the commission that Rice had been engaged in the construction of the China Road as an officer of the English Army, and had supervised more than \$100,000,000 worth of construction the previous few years. The minutes also showed that Darwin R. James, a member of the commission, objected to exempt-ing the position, but said the appointment might be made under Rule 12.

## Letter Regarding Rice.

Secretary Healy next read into the record a letter written by Mr. Connolly to the commission on the same day, Feb. 25, 1911, containing the following statement regarding Rice's

That during the past two year he has been engaged in the capacity of a consulting engineer by numerous contractors engaged in highway sewer, water supply, tunnel and other municipal construction work where the contractors were involved in difficulties which their own en-gineers were apparently unable to

overcome."

Before leaving the stand, Mr. Healy also read a letter written by the then Secretary of the Commission to Mr. Connolly on Feb. 25, 1914, denying the exemption from civil service rules, but granting the application for the appointment of Rice at an annual salary of \$5,000 under Rule 12, "it appearing that he is a person of high and recognized attainments in the desired qualities, and that competition is impossible." Rice's salary has since been raised to \$7,250, he testified be-

Rice was then called to the witness stand. He said he had lived in Forest Hills since 1912, and had been employed by the Borough of Queens since Feb. 26, 1914. His position corresponded to that of Chief Engineer in other boroughs.

Commissioner Higgins caused him

fore the Board of Assessors last

to admit that he had actually been employed by the borough before his appointment of Feb. 28, 1914. Rice said that Mr. Connolly prior to that date had put him in charge of snow removal because of complaints about the work done by the regular snow

removers.

"I wasn't appointed to any particular position," he said, "but was taken around to show the men in charge of snow removal how to do tell them how many men to pu in their gangs, and so on."

He did not recall whether his or ders from Mr. Connolly on this task were oral or written.

Had Known Connolly a Month. Rice testified that he had known Mr. Connolly "probably not more than a month" before the Borough President asked the Civil Service Commission to waive its regulations for him. He said he was introduced to Mr. Connolly, but did not remember by whom.
At the time he met Mr. Connolly

Rice said, he was in business for himself, as "a free lance" engineer, with offices in West Franklin Street, "What did you do?" Mr. Higgin

"Anything I could get in an engineering way," Rice replied.

He testified that he was a citizen of the United States by birth, having been born in Shelburne, Mass.
"Is it true that you were engaged in the construction of the China Road as an English Army officer?"

"Yes," replied Rice. "Early in the He said he had been an officer in the British Army Engineers Corps and had held the rank of Captain. "Did you have to swear allegiance to the King of England in order to hold that rank?"

"Did you ever take an oath of allegiance to any king or foreign ruler?"
"No."

Rice said it was true that he had been graduated from the Royal Military School, Woolwich, and the Royal Engineers School, Chatham. not had to take any sort of an eath.

"I signed a document," he explained, "to perform my duties in a loyal manner and in accordance with the Queen's regulations."

He said he was 21 years when he "came out" of the schools, having left the United States in 1864 at the age of 4 and having grown up in England. After his graduation, he went on, he was commissioned an officer in the Engineers and served

in Great Britain, Ireland, India and Egypt. "What were your duties?" "Partly to direct men in construc-tion work and partly to go out on punitive expeditions to punish disor-

derly natives."
"Did you construct any sewers?" "Such sewers as connected with the barracks and the like of that." Says He Designed One Sewer. .

Asked if he had ever designed a sewer, he replied that he had done so in one instance. He said this was about five miles long, connecting an army barracks outside of Calcutta India, with salt water. It ranged in diameter from one to four or four and one-half feet, was made of brick and was laid at different levels, from one to fifteen feet below the surface Besides designing this sewer, he went on, he had supervised its construc-

Rice said the other army sewers he had to do with were small.

"When did you quit the British
Army?" the Commissioner asked.

"Quit, did you say?" Rice demanded, showing his only sign of resentment during the examination.

"When did you leave it?"

sentment during the examination.
"When did you leave it?"
There was some misunderstanding as to whether Rice's answer was "1902" or "in the '90s." Commissioner Higgins and the reporters understood him to say "1902," but he insisted later, when the Commissioner returned to the point, that he had said, "in the '90s." said, "in the '90s. After leaving the British Army, he After leaving the British Ardy, he testified, he came directly to this country and was employed by the Hartford Fire Insurance Company until 1906. He said he designed and advised in the erection of power plants, investigated explosions and municipal pumping and drainage works. The only connection he had with sewers was to investigate trouble municipalities were having with sewer systems if his company carried policies on their pumping plants. He admitted that during this period he had never designed or con-structed any sewers, but had merely measured their flow in connection with his work on the "power end." "So up to that time, the only sewer you had ever designed of any consequence was a brick sewer in Calcutta?" Commissioner Higgins

asked.
"Yes," Rice admitted hesitatingly. "I guess that would be so."
"Had you ever laid out a drainage
plan up to 1906?"

"Oh, yes-in the army." Worked For du Pont Company.

After leaving Hartford, he continued, he went to work for the du Pont Powder Company, Wilmington Del., as Chief Engineer, a position he held for seven years, with a sal ary of \$3.600 a year "and bonus." The largest bonus he received in any year, he said, was "probably eight shares of common stock," which went as high as \$163 a share with a \$12 dividend.

Rice said he had 100 engineers un Rice said he had 100 engineers under him in his office and "probably five times that many" elsewhere, that he was responsible for the design and supervision of powder mill machinery, pumps and boilers and had superintended the construction of several black powder mills in different States. ferent States.
"What did you have to do with

"They had many small systems where they housed their employes near the mills, outside of cities."
"What did you have to do with them?"

"Add to the existing systems and see to their maintenance." "Did you ever design a sewer or any part of one?"
"Yes, at Wilmington 1 tried to find a method by which sewage could be treated and delivered at certain

points."
"How did you do it?" "By investigation and engineering skill." "Did you superintend the laying of any sewer there?"
"Only in connection with the

"How much did that sewer cost?"
"It didn't amount to much; only about \$25,000."

"What was its length.""
"It was mainly branches, none of length, leading to the treatment plant." He said all these were made of brick or tile, and none was more than twelve inches in diameter. After leaving the du Pont works he said, he came to New York in 1912

and opened an office. Most of his work, he went on, was the result of applications by contractors to organize their forces for work they wanted to bid on. He mentioned Frank Bagley and La Marsh & Co. among his clients. "Did you do any consultation work for sewer contractors in New York?" "No," Rice admitted, "I don't think I did."

'Or for highway contractors in New York?"
"No, I didn't."

He said he had done work for municipalities during this period, in-cluding St. Louis and Boston, but not for highway contractors.
"Did you design any roads?"

"Did you prepare any specifications for highway construction?" "Did you ever do any work for con-

tractors to bid on highway jobs?" "I can't recall any. Commissioner Higgins then reverted to his du Pont employment, ask-ing what experience he had had in building roads there. "I built roads around the plants,"

Rice said. "How long were they?"
"Some were at least two and onehalf miles.'

"What were they made of?"
"Mostly macadam." "Did you ever construct or design any road outside of a macadam road for anybody up to 1912?"

Returns to Connolly Letter. "Now," said Commissioner Higgins, "let us go back to Mr. Connolly's letter of Fcb. 25, 1914, in which he said that for the past two years you had been engaged in the capacity of consulting engineer by numerous contractors engaged in highway, sewer and other work. Is that correct, in view of what you have just told me?" Rice gulped, hesitated, and finally forced out the words:

I think it is Commissioner Higgins pressed him to explain.
"Why, I did work for contractors who were building large sewers and acqueducts," he said. "But the work you did for them had nothing to do with sewers, had it?"

'No," Rice admitted, after a pause "No," kice admitted, after a pause.
"Nor highways?"
"Well," Rice went on, "they built highways, but of course the work they were engaged in whea they talked with me wasn't highways."
"I see," remarked Commissioner Higgins, in a significant tone. You received your appointment,' Mr. Higgins went on, "under Rule 12, paragraph 5, which provides that

when it is not practicable to fill a

position by competitive examination the provisions of the civil service rules might be waived to permit the appointment of somebody with exceptional qualifications. Do you consider in view of the experience you have recited here in connection

you have recited here in connection with 'sewer and highway construction work that you possess those exceptional qualifications?"

Rice's only answer was that he thought any good engineer competent to do any engineering job.

"You built one sewer for the British Army and several small sewers ish Army and several small sewers for the du Ponts, and the only roads you ever built were macadam roads. When you received this appointment did you think you were better qualified for it than the engineers who had were ded for years in the office. had worked for years in the office of the Borough President of Queens?" Rice did not answer this, He merely said:
"Well, the Borough President thought so."

Says He Did Not Apply for Job. Rice, said he had not applied for the job, but had been introduced to Connolly "as a man competent to do what he wanted to do."

"Did Mr. Connolly ask you what sewers you had designed or constructed?"

"No," Rice replied. "The most important thing we discussed was the Corona tunnel, which was built for drainage after I received the po-"But how much did he inquire into your qualifications for sewer con-struction work and your experi-

ence?"
"I don't remember." "I don't remember."
"Did he ever ask you about your experience on highway construction work?"
"I think his discussion with me

was mainly regarding tunnel con-struction." His experience in this line, he said, was obtained in the British Army, particularly in connection with the Smd-Bishin railway tunnel.

"Did you design it?" he was selected.

asked.

Here Rice made a curious answer, in view of his testimony that he had been an officer in the British Army.

"I did some work on the design," he said, "but it was designed by the officers." He said the tunnel was two miles long, partly through rock, partly

"Did you consider this qualified you to build sewers?" He said he had also supervised construction of an aqueduct tunnel in Massachusetts but had not desirted it. That, he added, was about 1894. It was here that Commissioner

Higgins questioned him about the date of his return to the United States, and Rice insisted that his evious reply had been "in the '90s." He said he had received \$600 a month for five or six months on the Massachusetts job.
"C.n. you give an idea of the cost of all the sewers you designed or supervised the construction of up to 1914?"

"N., I don't think I could."

"What would have been the cost of t'.at one in India, if done under untract?"

"I should say at least \$300,000."

"And the cost of the du Pont sew-

ers was not more than \$25,000 each?"

"That would have been high for the majority, but it required perhaps as much ingenuity to build small as much ingentity to build small sewers as large ones."

"Would you say the total cost of all sewers you designed or built up to 1914 was as much as \$500,000?"

"I should say it would total many

more, including those for which I gave advice."

"Did you ever give an advice?"

"Tes, to the municipality of Boston. for instance."

Further questioning, however, elicited the testimony that his advice to Boston was limited to measuring the flow of sewage and advising on the ability of numes to handle it.

the ability of pumps to handle it.

#### First Work on Corona Tunnel. Rice then testified that his first

work for the borough was on the Corona tunnel, a combination storm water and sanitary sewer ranging from 8 feet to 12 feet 6 inches in diameter, and costing \$1,300.000 to build. If had already been designed when he took office, and all he had to do was to supervise the engineering part of the construction. H said this consisted of calling in con tractors, finding out what their organization was, making suggestions to improve the results for the bor-ough and suggesting changes in ma-

The witness testified that prior to 1914 his experience had never called on him to give any advice to any one on sewer pipe. Asked if he had ever made a study of sewer pipe, he replied that "during his travels" throughout the country from 1906 to 1912 he had seen much precast pipe (the pipe said to be controlled in Queens County by John M. Philips, alleged head of the sewer ring). He said his observations and inquiries among pipe users had convinced him that the precast pipe was superior to all other kinds of sewer pipe

if properly made.
"Then you entered this job with more or less of a prejudice in favor of precast pipe?" Higgins asked. "No, sir," Rice answered, em-

phatically Rice testified that the precast pipe was not provided for in the specifi-cations for sewer contracts in Queens when he took office in 1914, but that he had "written it in"

Commissioner Higgins asked Rice about the market prices of the precast pipe, also known as Type B.
"We can't get any." said Rice. "We can't get any," said Rice.
"The manufacturers and contractors absolutely refuse to tell us."

He said he had asked them to do so many times, but not lately.

"Over your signature?"
"Only verbally."
Rice declared he could "get anything out of the lock joint people except the price." The Lock Joint Company and companies to which it

Company and companies to which it leases its rights manufacture the lock joint pipe used in Queens to meet Type B specifications. Market prices of every other kind of pipe, he went on, were quoted in The Engineering Journal.

The hearing adjourned at this point and Commissioner Higgins directed Rice to appear for further examination at 2 o'clock this afternoon. tion at 2 o'clock this afternoon.

#### Assessors' Hearing Stormy. Yesterday morning's hearing be-

fore the Board of Assessors consisted chiefly of a series of controversies. At the outset John J. Walsh, a Queens attorney and Connolly adherent, precipitated an uproar by declaring that Mr. Klein was giving Queens "a black eye" by his insinuations and ought to be stopped. This caused a chorus of hoots and catcalls from taxpayers supporting Mr. Klein, until President George F. Byrnes of the Board of Assessors told Mr Walsh to keep quiet.

Another row occurred between Mr. Klein and Joseph L. Pascal, Assistant Corporation Counsel, when Mr. Pascal objected to questions Mr Klein asked Rice about a conference Klein asked Rice about a conference last Sunday with Mr. Connolly and borough engineers. Rice admitted that they had talked about his testimony, but that all Mr. Connolly had told him was to "tell the truth." Somebody demanded why Mr. Pascal, a city official, was practically acting as counsel for Rice, and Mr. Pascal replied that he was there to Pascal replied that he was there to

see that the assessment burden was not improperly shifted from the Queens property holders to the tax-payers of the whole city. This brought another chorus of denun-

ciation from the audience.
Mr. Klein then compelled Rice to admit that he had never estimated the cost on four contracts awarded to the Highway Improvement and Repair Company before they were awarded, and had not sent any one to investigate the amount of water on these sewer routes in connection with the estimated cost of pumping.

The hearing had a comic relief when H. Warren Hubbard, a mem-ber of the board, rebuked Mr. Klein for using a sarcastic tone to

ward Rice.

"Why, Mr. Rice enjoys this," the attorney said.

"Don't you, Mr. Rice?" "I wish to hell I was out of here,"

was the engineer's heartfelt response, which threw the whole room, friend and foe allike, into laughter.
Continued objections by Pascal and
Hubbard to Klein's method of questioning Rice drew a protest from
Jabez Dunningham, a Queens civic Jabez Dunningham, a Queens civic worker; now organizing an anti-Connolly party. This brought Walsh back into the fray with a "Throw him out!" directed at Dunningham The crowd hooted Walsh again. "They're all with you," Klein remarked sarcastically to Rice. "Yes, I'm as popular as a Scotch colonel," he replied.

Mr. Klein tried to get Rice to admit that Richard S. Newcomb', now District Attorney of Queens, was Commissioner of Public Works under Connolly in 1917 when Rice wrote

Connolly in 1917 when Rice wrote the precast pipe into the specifica-tions. Rice said all he could recall was that Dayton was Commissioner in 1914 and that Newcombe was his successor, but he couldn't recall the

#### Speaks for Newcombe.

This brought Assistant District Attorney Charles Froessel into the controversy with a declaration that Mr. Newcombe was making an investigation of his own into the sewer charges, and that if he found any crime had been committed he would prosecute to the limit and punish the guilty, high or low. Mr. Klein replied that it ought to be easy for from the Queens contractors, as he understood Mr. Newcombe's law firm had been counsel for some of them. This brought a bitter attack by Mr. Froessel against Klein's "insinuations."

Another dispute came when Hubbard insisted that Klein should present his evidence before the Commissioner of Accounts instead of taking up so much time of the board. Mr. Klein refused to do so, saying that he had been retained by his clients to get their assessments reduced that he had not received any retainer to appear before the Commissioner of Accounts and could not afford to give all his time to this case. Incidentally, the Cormissioner of Accounts had not invited Klein to appear before him.

The hearing ended with a final row when Klein sought vainly to pre-vent Rice from reading his statement to correct his former "am-biguities." This statement turned out to be a cooperative defense of the Connolly Administration with respect to sewer costs, Rice admitting it was a joint effort. The Assessors will hold another hearing at 11 o'clock this morning.

## Harvey Visits Morris.

Alderman-elect Harvey issued his statement on a legislative investigation yesterday afternoon after visitting Republican State headquarters in East Forty-first Street and talking with Chairman Morris and Colonel Lafayette B. Gleason, Secretary

of the State Committee.
"I came here to demand a legislative investigation into the Queens sewer graft, if other means to let in light on official conduct of certain persons connected with the borough administration should fail," Mr. Hai vev said. "I am shocked at the manifest effort of the Walker Admin-istration to whitewash the Queens Borough officials under fire. I have the utmost confidence that Governor Smith is prepared to go through with this matter. But if he should fail us, I want the Legislature to investigate. This thing must be seen through in the interest of the people of Queens and of houest government."

Chairman Morris was asked if he thought there would be a legislative investigation. "If the local authorities having jurisdiction do not investigate and clean up the sewer scandal to the satisfaction of taxpayers and the attention of the Legislature is called to their failure to do so. I am certain that the proposal for a legislative investigation will receive very serious consideration. Whether the Legislature will order an investiga tion is not for me to say," he de

clared. The Republicans will be in control of both branches of the next Legislature, though their control of the Senate is by a slender working ma-jority of only two votes. A concurrent resolution adopted by the Senate and Assembly providing for an inquiry on Queens sewers would not require the Governor's approval to become effective.

## Mr. Harvey's Explanation.

Mr. Harvey explained his failure to get a transcript of last week's hearing in time to send his charges to the Governor as follows:

"Before the hearing I was approached by William F. Rockstroh, a stenographer in the Queens Suriogate's Court, who asked me if I wanted a quick report of the hearing. I said I did. On Saturday, two days later, I asked him for my copy of the transcript and he taid: 'I'm sorry, but I'm unable to give it to you. I sold all my copies to Mr. Connolly, and as he sent me to the meeting to take the transcript he objected to my selling any copies to any one else."

Former Mayor Hylan's letter criticizing Mayor Walker's action said the Commissioner of Accounts should have been put on the job long ago, so that if any wrong had been done, he "by this time could have presented his findings to the proper authorities."

In addition to the Hirshfield letter Mr. Hylan made a speech last night at a meeting of the Midwood Manor Association in Public School 99, Avenue K and East Tenth Street, Flatbush, in which he charged that the City Administration was under-mined by graft in other boroughs

besides Queens.

"Every time any graft comes to light they try to link me up to it," said Mr. Hylan. "But no one responsible for crooked work is a friend of mine. I szy 'crooked' advisedly, because I know crooked work is being done."

He charged that the Walker administration "doesn't want to straighten things out, in Queens or elsewhere." He also blamed former newspapermen in the Administration, especially Charles F. Kerrigan, Assistant to the Mayor, and Philip D. Hoyt, First Deputy Police Commissioner, for keeping out of the newspapers news detrimental to the Walker régime. Inquirers at the Phillips home in Freeport, L. I., last night were again told that Phillips was "not at home."

Information was refused as to his whereabouts. Lieutenant Brierley of

the Freeport police refused to affirm or deny a report that Phillips had left town early yesterday or late the previous night under police escort.

## · Won't Wait, Says Harvey.

Mr. Harvey appeared at the Culture Forum, Fifteenth Street and Irving Place, last night, and told an audience of 100 persons that he intended to go on with his charges, minutes or no minutes.

"I am not going to wait for a copy of the minutes," he said, "but am going right ahead. If Governor Smith won't give me an investigation, I am going to Albany and the Legislature for it."

Speaking of his troubles during the effection over the missing minutes. afternoon over the missing minutes, Mr. Harvey declared that "from the way things look now Mayor Walker

seems just as anxious as any one else to whitewash the whole matter." "I am in an awkward position as a speaker before you tonight," Mr. Harvey said, "for my charge against the Borough President of Queens is pending. Details must come out in the courts. But I can tell you that conditions in Queens are serious. If something is not done the people there are going to lose their homes. In fact, I know where people are selling their homes for one dollar and getting out, for the assessments are too heavy for them to meet."

Mr. Harvey said he had been called upon to pay \$550 for the fifty-foot length of sewer that runs in front of his home.

"And the man across the street which was taxed the same amount, which makes \$1,100 for that fifty feet," he

## RICE AMPLIFIES TESTIMONY.

Says He Seeks to Clear "Uncertainties" in Replies on Sewers. James Rice, chief engineer for the

Borough of Queens, who testified before the Board of Assessors at a hearing into the costs of sewers in Queens, issued a statement yesterday which he said was to explain "cer tain ambiguities and uncertainties" in his testimony before the board last week. He said he had tried to make it clear that lock-joint pipe had never been specified in the sewer contracts, but that Harry H. Klein, the questioning attorney, "asked me many questions that sought to put in my mouth the statement that lockjoint pipe or a patented pipe had been included in our specifications.' Sewer contractors must "take the fat with the lean," Rice said,, and in some instances, where favorable conditions were found, he is fortunate,

but in others he sustains a loss.
"Mr. Klein endeavored to show that type A sewer was overloaded by unnecessary requirements, but this is not the fact," Rice said. "The requirement that the invert of the sewer be laid in forty-foot sections does not prevent the contractor from laving as more forthefoot sections as laying as many forty-foot sections as he can at the same time." It was not only in the case of the

Jamaica sewers that bids and con-tracts were in excess of engineers' estimates, he said. The Pennsylvania Railroad tunnels and terminals were estimated at \$100,000,000, but actually cost \$160,000,000, and the Holland tunnel was estimated at \$100,000,000 and the Holland tunnel was estimated at \$100,000,000 and the Holland tunnel was estimated at \$100,000 but actually part \$46,000. \$28,000,000, but actually cost \$48,000. 000, he said. He cited other similar instances. Cites Question and Answer.

how he had failed to say what he meant to say: Q .- "Would it surprise you to know that lock-joint was patented when you wrote it into the specifications?

A.-I guess it would astonish me any-

He cited the following question and

answer from a transcript to show

"I should have replied to Mr. Klein directly that we had not written any lock-joint or patented article into the specifications at any time."
"Mr. Klein asked me various other questions," Rice continued. "framed similarly, and unfortunately 1 did not reply to him on each occasion that we had at no time specified lock-joint or a patented sewer pipe

and that we never included it in our specifications.
"The only requirement in the spe cifications with regard to joints is the following, which is Section 133, page 60 of the specifications: "The pipe shall be of the bell and spigot type, the bell not to project beyond the body of the pipe, but to be flush with it. No pipe having a butt joint will be considered. No variation over one-half (12) per cent. from the hereinbefore mentioned di-

mensions will be permitted'.
"In no part of the contract of specifications and on no plan there any other requirement with re gard to the joint except that the joints shall be properly filled with cement grout and mortar. If the lock-joint type was to be specified and required in a contract a pro-vision would have to be included

substantially as follows:
"The reinforcing mesh shall extend into the bell of the pipe and out of the spigot portion of the pipe as shown on the drawings. When two adjacent sections of pipe are placed together the fabric extending out of the spigot shall overlap the fabric extending into the bell and in an in terior recess as shown on the draw

ings.'
"I do not know of any other way
that lock-joint could be specified except by using substantially that language, and no such language has eve appeared in any of our specifica "Mr. Klein showed me a claim for

a patent of a band for the sealing of joints in pre-cast pipe which he claimed amounted to a patent. He also charged that our specifications require the use of this device. Says Device Was Not Specified.

"The truth of the matter is that no such device, whether it be pat ented or not, was ever specified and in addition, this device was never

giners know, in the construction of

any of the sewers in Queens. Any

properly prepared steel band would be sufficient. "Mr. Klein questioned me at con siderable length on the so-called Hempstead Avenue sewer where the estimators in making their estimate, assumed that ground water would exist and added elements for waterproofing, excavation and de-watering. No water having been found in

this section of sewer Mr. Klein seems to infer that the estimator should not have provided for dewatering or for waterproofing.
"No one knows whether at the time of the making of this estimate there was water in the ground in the area of the Hempstead sower or not. Of the total of all the sewers built in the Jamaica area, in 90 per

cent. of the mileage, large volumes of ground water were found as an-ticipated by the engineer and by the contractors and the estimator was no doubt justified in assuming that there would be ground water here "In all probability water did actually exist at the time of this esti-mate and the estimator had a right to assume that it would be found.

There is a great deal of ground water in the earth in the Spring and after

the heavy rains of the Fall, but this

contract was prosecuted not only while pumping was going on in the lower sections, but in the Summer season when the conditions were most favorable. Had he prosecuted the work in the Spring or the Fall he might have encountered water, whether they were pumping in the lower sections or not.

#### Denial on Lock-Joint Pipe. "Mr. Klein sought to show that

because the specifications required

the contractor to trowel recess in the joints in the interior of the pipe, the use of lock-joint pipe was required. This is not so. Troweling was required in the specifications wherever there was an interior recess. If there was no interior recess no troweling, of course, would be required. There is a large number of pre-cast pipes manufactured of different types and many of these contain a recess inside. I know of three now that contain a recess. three now that contain a recess.
idea of waterproofing in the middle
of the concrete. I answered, to keep
it out of the way of the reinforcement, if reinforcement had to be put
in, and out of the way of the piling.
I should have added that the waterproofing under the concrete was
placed at the proper place and it
could not have been placed very could not have been placed very well anywhere else. It could not be placed under the concrete and up the sides in wet ground, whether piling or reinforcement was used or not, as the waterproofing would be broken and rendered useless when the sewer was placed upon it, even if it could be made to adhere to the sides and bottom of the sewer

"He maintained that the require-ment that the portion of the invert first poured be allowed to set seven days before applying the water-proofing was an unnecessary requirement. This is not so, and I should not hold up the contractor Who could be construcing sections of invert as far as his material would

"In none of the cases that I have mentioned has any one claimed, as was claimed in this case and stated in two papers, that the difference between the engineer's estimate and the actual cost was either wasted or grafted, and such a charge is ridiculous to any man of common sense.

#### Calls Criticism Improper. "Our experience with estimating in

Queens has not been by any means a proper subject of criticism. Since March, 1921, to July, 1927, there were 205 contracts let for sewers in the Borough of Queens of Type A and Type B. In 102 cases the bids were below the engineers' estimates, and in 103 cases they were higher. These contracts include the contracts for the Rockaway and the Jamaica sections, the ones under discussion. "The truth of the matter is that the first two contracts let in the Ja-

Hammen contract. The contractors on the lower sections encountered tremendous quantities of ground water and boiling prings. When subsequent contractors and, months later, they observed the disastrous conditions that confranted the artifus and tions that confronted the earlier contractors and they raised their bids accordingly "When the contractors got into the higher sections and were out of water, the bids again dropped until

maica system approximated the en-gined of estimates. These contracts were the Paino contract and the

they he' again approximated the en-gineers' estimates, but while water was encountered the contractors uniformly bid higher than the engineers' estimates because of the great risk they were compelled to take. Unfore-seen conditions were encountered in the sewers as well as in the Holland Tunnel and the other bridges and tunnels I have mentioned."

PROTEST MEETING BROKEN UP.

Civic Leaders Charge Connolly Friends Were Planted at Rally. Bufty or sixty men and women, accused of having been "planted" by supporters of Maurice E. Connolly, Queens Borough President, virtually disrupted a protest meeting of the

Allied Civic Associations of Hollis and Bellaire, Queens, last night. The meeting was held in Public School 109, at 213th Place and Ninety-third Avenue, Bellaire. It had hardly got under way when murmurs of dissent rose from the audience of 700 as James A. Burke, President of the 193th Street Civic Association, began to attack the Borough Presi-dent. There was considerable agrtation, which rose to a climax when an "open forum" was declared as a means of passing the time until George U. Harvey, the Alderman-cleet, who was instrumental in inject.

itiating the sewer inquiries, should arrive to speak.

Ralph Casper, a member of the association, had posted himself at the door to watch the incoming citi-zens. Suddenly he shouted: "This meeting has been 'planted.' There's fifty or sixty Connolly men

and women here. An uproor instantly followed. In the midst of it, officials recognized John J. Walsh of Ridgey oed, known to be a supporter of Mr. Connolly, who rose to his feet "Why don't you listen to the other side of the question." Walsh cried

"What do you want-sewers for nothing""

The ripple of applause that followed this remark was centred in small patches throughout the meeting place. Other men rose to speak and some women, too. Members of the association said they recognized many employes at the Borough Hall. many employes at the Borough Hall, in Long Island City, as well as at the Town Hall in Jamaica.

"They're 'planted,' " Casper shouted, and after ten minutes' confusion half a hundred persons left. If they were planted, leaders of the meeting with they represed in hundring with their representation.

the meeting, for no speaker could get the attention of the audience thereafter, and Mr. Harvey did not

said, they succeeded in breaking up