

ACCUSER OF SKENE CALLED A PERJURER

**Jerome Seeks Warrant for Charles
H. O'Neil, Chief Witness for
the Prosecution.**

CHECK FOR \$7,000 INVOLVED

**O'Neil Says It Was Cashed for Lewis,
a Contractor—Latter Says It
Was Given to O'Neil.**

ALBANY, Sept. 5.—A dramatic climax came to-day in the trial of former State Engineer Frederick Skene on charges of grand larceny in connection with the award of good road contracts, when William T. Jerome, chief counsel for the defense, asked Justice Coman for a warrant for the arrest of Charles H. O'Neil for perjury. Mr. Jerome said he had in court, ready to testify, witnesses who, he believed, would sustain his contention of perjury, and that it would be dangerous to permit O'Neil, whose testimony had been concluded, an opportunity to leave the jurisdiction of the court.

Justice Coman declined to act, on the ground that he was presiding at an extraordinary term invoked for a particular purpose. He said, however, in response to Mr. Jerome's inquiry, that he would not consider it a discourtesy if another Judge or a Magistrate was applied to for the warrant. Mr. Jerome said that such steps would be taken immediately.

O'Neil was confidential assistant to Skene, having obtained his appointment, according to his statement on the witness stand, through the backing of Charles F. Murphy and other prominent Tammany leaders. He is considered the chief witness for the State, not only in the proceeding now being tried, but in sixteen others upon which indictments have been found. It is supposed that he will occupy the same relation to similar proceedings before the Special Grand Jury, which will resume its deliberations to-morrow.

Mr. Jerome's application was made in connection with O'Neil's testimony regarding the cashing of a \$6,960.32 State check, drawn to the order of the Clinton Beckwith Engineering and Contracting Company at the Hotel Albany in New York City on March 16, 1908. O'Neil testified that the check was cashed to enable Frederick N. Lewis, a member of the firm, to pay for a \$100 midnight supper in which he participated. Although he said a number of others were at the supper he could not name a single person besides Lewis, who was present in court.

Lewis informed Mr. Jerome that he was ready to testify that he had never been in the Hotel Albany in his life and that the check had been turned over to O'Neil personally in Albany on Jan. 6, the date on which it was drawn. The defense claims it has evidence to corroborate that of Lewis and can show that the check was actually cashed for O'Neil on the indorsement of Robert P. Murphy, proprietor of the Hotel Albany and formerly proprietor of the Kenmore Hotel in this city, at the Herald Square branch of the Greenwich Bank.

"If the testimony of O'Neil is true," said Mr. Jerome to the court, "it will have great weight against my client. If, on the other hand, he has perjured himself, he is criminally guilty, and I therefore ask that the court sit as a committing Magistrate, as I am prepared to produce testimony that Lewis was never in the Hotel Albany and that he delivered the check to O'Neil in Albany and never had any connection with it or its proceeds thereafter. Such perjury, if committed, should not be permitted to pass without summary justice."

Mr. Jerome's application was made after the jury had been excused for the day. As it related to a collateral matter he cannot introduce this evidence at the present trial. At Mr. Jerome's request the court instructed O'Neil, Murphy, and Lewis to be in court to-morrow. O'Neil told Mr. Jerome that immunity from prosecution had not been offered to them for testifying for the State. He denied that Mr. Skene had questioned him about "shaking down the contractors."

John J. Allen of Troy, who was employed in the State Engineer's office continuously from 1899, was the next witness. He was suspended by Skene two months before the latter retired from office. He testified that the original bid of the Russell Contracting firm for a good roads contract in Nassau County was \$61,357, and that a substitute bid for the same work, ordered filed by Mr. Skene, totaled \$70,357.