

STATE OF NEW YORK

TWENTY-THIRD ANNUAL REPORT

OF THE

NEW YORK STATE TROOPERS

EXECUTIVE DEPARTMENT

DIVISION OF STATE POLICE

For the year 1940



NEW YORK
PUBLISHERS PRINTING CO.

1941

HEADQUARTERS

JOHN A. WARNER, *Superintendent*
GEORGE P. DUTTON, *Deputy Superintendent*

BUREAU OF CRIMINAL INVESTIGATION

ALBERT B. MOORE, *Chief Inspector-Commanding*
GEORGE M. SEARLE, *Deputy Chief Inspector*
JOHN J. MORRISSEY, *Division Inspector, Districts A-B-D*
JOSEPH B. LYNCH, *Division Inspector, Districts C-G-K*

DISTRICT INSPECTORS

Eugene F. Hoyt.....	District A, Batavia
John J. King.....	District B, Malone
Ernest A. Maynard.....	District C, Sidney
John A. Cosart.....	District D, Oneida
Edward O. Hageman.....	District G, Troy
Howard W. Nugent.....	District K, Hawthorne

NOTE.—The Bureau of Criminal Investigation includes the Telegraph Bureau, the Training School and the Pistol Permit Bureau.

SCIENTIFIC LABORATORY—BUREAU OF CRIMINAL INVESTIGATION
128 South Church St., Schenectady
Dr. Bradley H. Kirschberg, *Director*

Trooper William E. Kirwan, Junior Chemist
Joseph N. Cesaro, Junior Chemist
Frederick J. Jetter, Artist-Draftsman
Karl L. Myers, Micro-Photographer
Charles W. Rankin, Junior Physicist
Eleanor C. Bray, Clerk-Stenographer

Division Surgeon-Inspector
Dr. J. Lewi Donhauser

Detail assigned to the Governor of the State of New York
Lieutenant William M. Greene, Commanding

Headquarters Staff

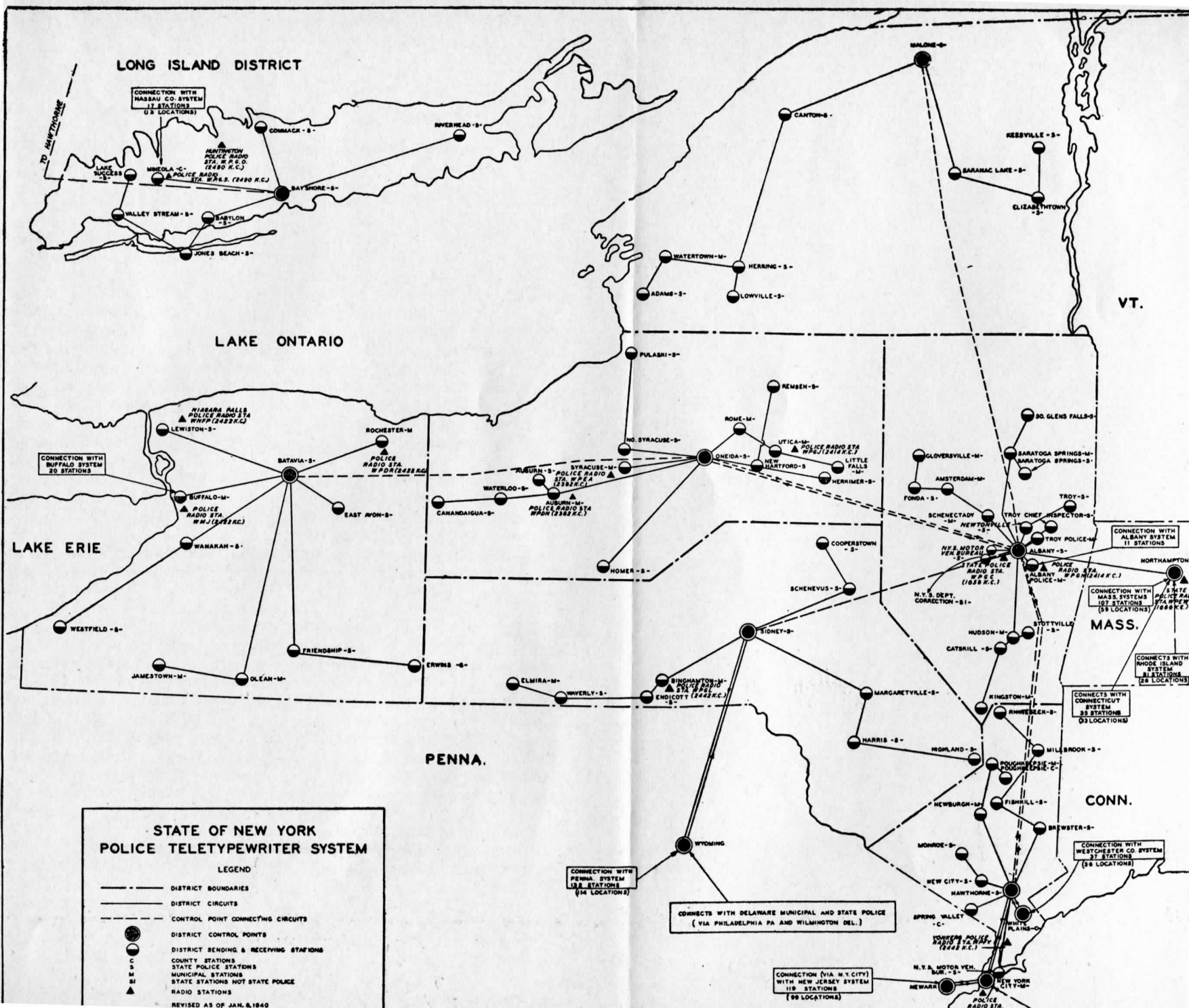
STANLEY C. BEAGLE.....	<i>Executive Officer</i>
THOMAS A. KEMMY.....	<i>Staff-Sergeant</i>
JOHN R. MCCORMICK.....	<i>Staff-Sergeant</i>
JAMES W. WHITE.....	<i>Staff-Sergeant</i>
JOSEPH L. MCGIVERN.....	<i>Staff-Sergeant</i>
RAYMOND B. ADAMS.....	<i>Staff-Sergeant</i>
JOHN D. REARDON.....	<i>Staff-Sergeant</i>
JOSEPH P. SHAW.....	<i>Staff-Sergeant</i>

LONG ISLAND DISTRICT

CONNECTION WITH
NASSAU CO. SYSTEM
17 STATIONS
(3 LOCATIONS)

HARTINGTON
POLICE RADIO
STA. W.P.S. (2490 R.C.)

MINEOLA - C - POLICE RADIO
STA. W.P.S. (2490 R.C.)



LAKE ONTARIO

LAKE ERIE

NIAGARA FALLS
POLICE RADIO STA
W.P.S. (2422 R.C.)

ROCHESTER - M
POLICE RADIO STA
W.P.S. (2422 R.C.)

CONNECTION WITH
BUFFALO SYSTEM
20 STATIONS

BUFFALO - M
POLICE RADIO STA
W.P.S. (2422 R.C.)

STATE OF NEW YORK POLICE TELETYPEWRITER SYSTEM

LEGEND

- DISTRICT BOUNDARIES
- DISTRICT CIRCUITS
- CONTROL POINT CONNECTING CIRCUITS
- DISTRICT CONTROL POINTS
- DISTRICT SENDING & RECEIVING STATIONS
- C COUNTY STATIONS
- S STATE POLICE STATIONS
- M MUNICIPAL STATIONS
- SI STATE STATIONS NOT STATE POLICE
- ▲ RADIO STATIONS

REVISED AS OF JAN. 6, 1940

CONNECTION WITH
PENNA. SYSTEM
134 STATIONS
(14 LOCATIONS)

CONNECTS WITH DELAWARE MUNICIPAL AND STATE POLICE
(VIA PHILADELPHIA PA AND WILMINGTON DEL.)

CONNECTION (VIA N.Y. CITY)
WITH NEW JERSEY SYSTEM
118 STATIONS
(99 LOCATIONS)

CONNECTION WITH
ALBANY SYSTEM
11 STATIONS

CONNECTION WITH
MASS. SYSTEMS
107 STATIONS
(58 LOCATIONS)

CONNECTS WITH
RHODE ISLAND
SYSTEM
81 STATIONS
(26 LOCATIONS)

CONNECTS WITH
CONNECTICUT
SYSTEM
23 STATIONS
(93 LOCATIONS)

CONNECTION WITH
WESTCHESTER CO. SYSTEM
37 STATIONS
(26 LOCATIONS)

Troop Officers—Uniformed Force

Captains:

Winfield W. Robinson, Troop "A".....	Batavia
Francis S. McGarvey, Troop "B".....	Malone
Daniel E. Fox, Troop "C".....	Sidney
Stephen McGrath, Troop "D".....	Oneida
John M. Keeley, Troop "G".....	Troy
John A. Gaffney, Troop "K".....	Hawthorne
James Flynn, Long Island Park Detail.....	Babylon

Lieutenants:

William J. George, Troop "A".....	Batavia
Lawrence G. Nelson, Troop "A".....	Batavia
Gerald D. Vaine, Troop "A".....	Batavia
Harold C. Herrick, Troop "B".....	Malone
Charles B. McCann, Troop "B".....	Malone
Louis G. Fenelon, Troop "B".....	Malone
Daniel Faber, Troop "C".....	Sidney
Charles LaForge, Troop "C".....	Sidney
John J. Warner, Troop "C".....	Sidney
John P. Ronan, Troop "D".....	Oneida
Martin F. Dillon, Troop "D".....	Oneida
Solvay Perry, Troop "D".....	Oneida
Merrit E. Doescher, Troop "G".....	Troy
Garrie A. Sager, Troop "G".....	Troy
Hervey A. Keator, Troop "G".....	Troy
Jacob B. Lockman, Troop "K".....	Hawthorne
Walter F. Reilly, Troop "K".....	Hawthorne
Herschel A. Gay, Troop "K".....	Hawthorne
Charles J. Finnick, Long Island Park Detail.....	Babylon

Training School Staff

Chief Inspector Albert B. Moore, Director
Deputy Chief Inspector George M. Searle, Asst. Director
Sergeant Charles P. Curtin, Executive Officer
Sergeant Anthony M. Stanwix, Firearms Instructor
Dr. Bradley H. Kirschberg, Applied Science and Investigation
Major Allan C. Smith, Physical Training
Captain Frank R. Hoercher, First Aid
Sergeant James W. Russell, Identification
Dr. Schuyler McC. Martin, Medical Officer
Secretaries, Helen L. Daley and Edna Donovan

Telegraph Bureau

Police Teletype System
Radio Station WPGC (1658 Kilocycles)
Corporal J. Fred Johns, Chief Operator
Corporal John J. Smith, Assistant Chief Operator

Pistol Permit Bureau

Trooper William P. Brefka, Chief Clerk
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TWENTY-THIRD ANNUAL REPORT

To His Excellency, the Honorable HERBERT H. LEHMAN,
Governor of the State of New York, Capitol, Albany, N. Y.

It is with a profound realization of the great responsibilities of state police administration that I respectfully transmit this, the twenty-third annual report for the Division for the year 1940.

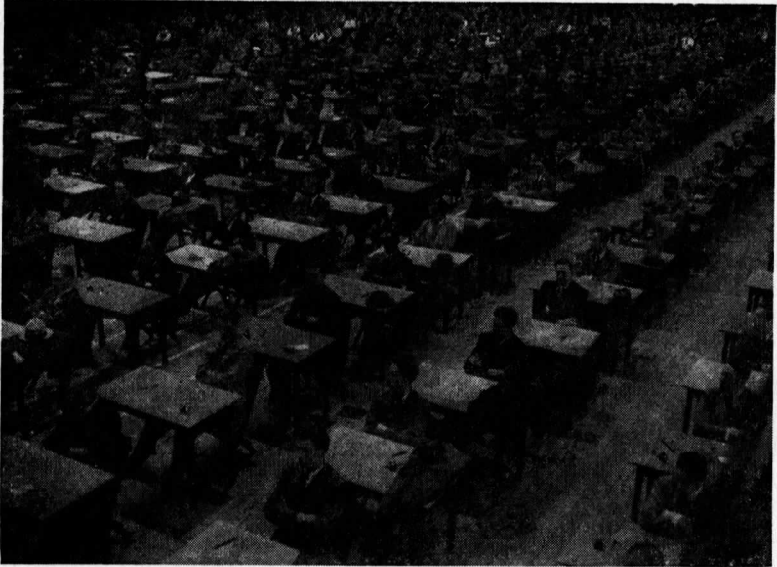
Perhaps at no time in the entire history of police have they occupied a more important place in the structure of democratic government. The statement once uttered by Your Excellency that "police comprise our first line of defense insofar as internal security is concerned" brought realization to every law enforcement officer that his individual part in our national security is today more than ever a vital factor. Each and every member of this Division has, therefore, increased his daily efforts to meet the situation with energetic and loyal devotion to duty. I am sure that all other police officers have responded equally as well particularly in discovery and elimination of conditions which might endanger our position as a democratic nation.

Early in 1940, it was our privilege to assist Your Excellency and the state defense officials in the formulation of a police mobilization plan. That plan makes possible the coordination and rapid mobilization of all regular police personnel and their associated resources and equipment in the event of emergencies designed to interfere with or destroy our domestic tranquility and which are reflected by world unrest.

The plan is thoroughly understood by all police executives and their subordinates. Each of the seven state police troop captains to whom was delegated coordinating responsibility within their respective zones have reported the wholehearted cooperation of each and every unit commander having supervision over either large or small police forces. This plan was timely and necessary when we consider that the 30,000 regularly employed policemen within this state are under 1,600 separate police jurisdictions. Obviously, many of these smaller units would be totally inadequate to cope with extended emergencies, therefore, Your Excellency's wisdom in perfecting such a plan was a most important and essential step in our basic state program for national defense.

On July 1st, we were permitted to add one hundred men to our force. Thirty-five additional men were thereupon assigned to the Bureau of Criminal Investigation. The addition to the uniformed force was indeed helpful, particularly in coping with the problem of increased traffic, much of which comprised the movement of military convoys. The additional investigators were required to conduct the many added cases directly relating to subversive activities, espionage and other related matters by reason of the present international situation.

As an indication of the increased work within the Bureau of



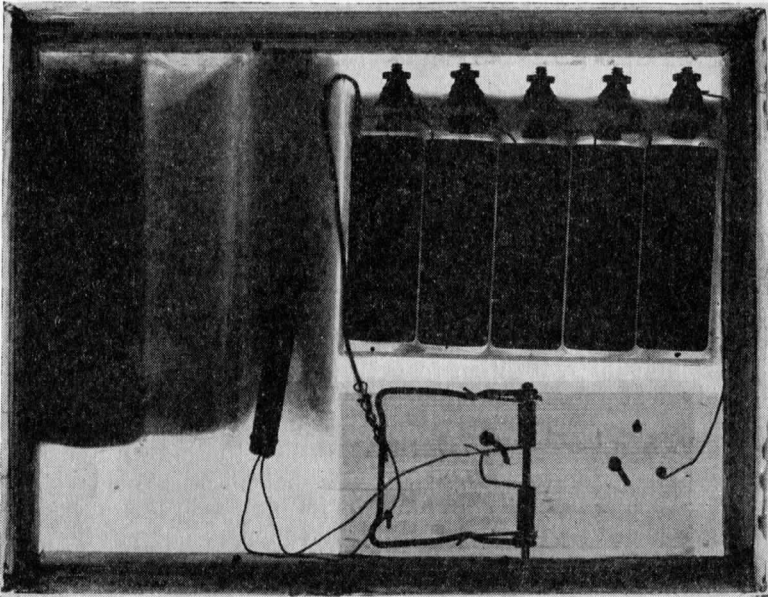
Aspiring to be Troopers

A section of the candidate's examination conducted at White Plains

As a further aid to the national defense program, we offered our services to various public utilities, manufacturing plants, etc., for recruitment and training of their guards, in making surveys of their plants from a protective standpoint, and, in the matter of their local properties, our barracks and sub-stations were supplied with maps indicating vulnerable spots which might at some time be the subject of sabotage. Patrols within their respective districts are familiar with those localities and have been instructed to exercise extreme vigilance in their surveillance during their regular tours of duty. Each of our seven troop captains has made a careful survey of his sector and has designed a plan whereby he may render prompt aid to any particular locality both in man power and equipment in the event that necessity arises therefor.

With the excellent police communication facilities existing within this state, transmission of mobilization orders is but a matter of seconds. The strategic locations of our barracks as assembly centers assures that an emergency mobilization may be quickly and effectively accomplished.

During December, we conducted a candidate's examination at which approximately 2,500 applicants appeared. Our eligible list was almost completely exhausted. When the rating of these candidates' papers is finished and physical examination concluded, all of which should be finished early in 1941, a new list will be established. This is necessary due to the fact that we anticipate many of our men will be called under the Selective Service Act and during these turbulent times, it is absolutely essential that our force be recruited to its full strength.



Radiograph of a bomb made with three sticks of dynamite and an explosive cap. A mouse trap was the medium of explosion when the package was opened

Criminal Investigation, we need but refer to the comparative figures between the years of 1939 and 1940. In 1939, 4,587 individual cases were investigated, while in 1940, this figure increased to 6,514.

The increase, representing 1,927 cases, consisted of 1,636 relating directly to subversive activities or sabotage, requiring 3,409 separate and individual investigations. The balance of 391 cases were of the regular type of criminal investigations necessary within the rural areas of the state.

There is every indication that there will be further increases in cases during the coming year. Further activities in this Bureau may require additional assignments to it. To have successful results, we must decrease our present per man case load.

As a result of our equipment survey, it was determined that our preparations should extend to needed resources. Three hundred fifty-five 30 caliber Enfield rifles were purchased from the United States government and an adequate stock of ammunition for both rifles and revolvers was procured for each of our seven troops. Several Thompson submachine guns and associated ammunition were added to our ordnance supply. Because many of our gas masks had passed their serviceable stage, they were carefully sorted and such as were found to be in poor condition were replaced with new parts or, in some cases, by new masks and canisters. By reason of the additional men, it was also necessary to add more automobiles and motorcycles in sufficient quantities to assure that our entire force could be transported without delay.

ciated with the course, were most cooperative and the contribution of these gentlemen and the other members of the staff of instructors made possible the highly successful results which were attained.

The Northeastern Traffic Officers' Training School was originated at Rensselaer Polytechnic Institute during September. This school is somewhat of an advanced course in the art of traffic regulation and the associated agencies responsible for the school in addition to Rensselaer Polytechnic Institute were our State Police School and the Northwestern University Traffic Institute of Evanston, Illinois. Sixteen troopers and seventeen representatives of municipal police departments took advantage of this splendid instruction.

Two members of this division, Sergeant Charles P. Curtin of Troop D, Oneida, and Trooper Edward M. Galvin of Troop G, Troy, successfully competed for the Alfred P. Sloan Jr. Fellowship entitling them to one year of study at Northwestern University Traffic Institute. They will complete their studies during June, 1941, and upon return to regular duties, will prove most helpful in the administration of activities relating to traffic control and enforcement endeavors within this division.

COMMUNICATION

Message traffic over the New York State Police teletypewriter system increased in 1940. Messages originating at control points on the system reached a total of 208,342, an increase of 59,183 messages over 1939.

Requests for motor vehicle information to and from the Motor Vehicle Bureaus in Albany and New York City totaled 78,594, making a grand total of 286,936 messages sent over the system. Included in these totals were numerous messages which required special handling, such as information on dog licenses. This had to be obtained by telephone from the Department of Agriculture and Markets. Such requests totaled 293. Reports of hunting accidents, copies of which were mailed to the Conservation Department totaled 138. Requests for vital statistics received by the bureau, obtained from the Department of Health by telephone and later verified by copies of vital statistics form VS-35 totaled 73.

Three hundred ninety-three reports on road conditions were received at the Telegraph Bureau via teletype from district stations and associated systems and were broadcast in consolidated form over the state system. Copies of these were sent by messenger to the Associated Press, United Press, Trans-Radio Press, New York State Automobile Association and the Albany Automobile Association, so that this information could be transmitted to the general public by radio and the press. Many persons contacted the bureau by telephone to obtain information on road and weather conditions throughout the nine states covered by the teletype system.

Messages totaling 730 were transmitted to the Division of Parole. Messages sent from District Inspectors to the Office of the Chief Inspector reporting activities of the Bureau of Criminal Investiga-

In the month of August, this division policed the First Army Maneuvers conducted in St. Lawrence County. Military convoys moving into and out of the area were escorted as necessity required. It was gratifying to note the very low percentage of accidents involving either military or civilian vehicles during that period.

The Lieutenant General, commanding the First Army was highly pleased with the services rendered by our detachment and issued a commendation to the force, which is reproduced herein as part of this document.

The President of the United States and several members of his official family visited the area and made a complete tour of the various sectors. Our plans for the escort of this official party were about as perfect as could possibly be arranged. Throughout the entire seventy-three miles of the Presidential tour, we were able, by use of a block system of traffic regulation controlled by mobile radio units, to eliminate the passage of any other traffic in either direction along the entire route.

Mr. Leonard C. Feathers of Lenox, Massachusetts, placed at our disposal the unlimited use of his five-passenger airplane should any occasion arise whereby air transportation was essential for our operations. One of our officers, who is an experienced pilot was authorized to use this airplane for the good of our service. We are indeed grateful for the splendid contribution made by Mr. Feathers.

The more important items of our activities are treated under separate captions and are respectfully submitted for your kindly consideration and approval.

Respectfully submitted,

JOHN A. WARNER,
Superintendent

STATE POLICE SCHOOL

The basic recruit training course was conducted for four weeks beginning January 8th. This was the Twentieth Session of the school. Fifty-three troopers, six New York City Board of Water Supply patrolmen and eleven representatives from various municipal police departments throughout this state graduated and received their certificates of qualification as authorized by the Board of Regents of the University of the State of New York.

During April, 1940, the Traffic Officers' Training Course was held at Rensselaer Polytechnic Institute. There were seventy troopers and five municipal police who completed this session. The traffic school is primarily designed to promote greater efficiency and effectiveness on the part of enforcement officers whose principal duties are the regulation of traffic and the enforcement of laws associated with it.

Doctor William O. Hotchkiss, President of Rensselaer Polytechnic Institute and Professor H. O. Sharp, who was immediately asso-

between Sidney and Albany and Albany and Massachusetts. The matter of installing an automatic sending and tape cutting machine at the Hawthorne and Albany control points is under consideration. The installation of these machines would insure maximum operating efficiency. Several states who are now using similar equipment report the excellent results from it.

During the year 1940, the system was expanded and improved. On February 17, 1940, a teletype instrument known as a "TWX" machine (teletypewriter exchange service) was installed at the Telegraph Bureau in Albany. This service permits teletype contact with police departments all over the nation having similar machines as well as with the Federal Bureau of Investigation in Washington and the War and Navy Departments. Its value has been demonstrated on numerous occasions.

On March 15, 1940, a teletypewriter instrument was installed in the Sheriff's Office in Onondaga County and on April 1, 1940, one was installed in the office of the Town of Brookhaven Police Department. Also on April 1, 1940, a duplex circuit was installed between the State Police Barracks in Hawthorne and the headquarters of the Connecticut State Police at Hartford. This connection had been under consideration for some time and it has proved itself to be a valuable addition to the system.

On April 2, 1940, a teletype machine was installed in the City of Niagara Falls.

On April 4, 1940, a teletype machine was installed in the State Police Headquarters at Duanesburg at the junction of Routes 7 and 20.

From May 27 to October 27, 1940, a teletypewriter machine was in operation at the State Police exhibit at the World's Fair.

On July 1, 1940, a teletype machine was installed in the State Police Barracks at Port Henry, New York.

Because of the increase of traffic at the Bayshore control point, it became necessary to install an additional sending and receiving instrument on July 3, 1940.

July 5, 1940, a teletype machine was installed in Police Department Headquarters in the village of Catskill, New York.

Teletype machines were also installed in the State Police barracks at Middletown and Port Jervis on July 8, 1940.

The teletype machine at the State Police Barracks in Erwins was moved to the new sub-station and redesignated as Painted Post in August, 1940.

On November 21, 1940, an important improvement was made when the State Police Barracks at Hawthorne was connected by a duplex circuit with the New Jersey State Police at Newark. This made it possible to send messages to the States of New Jersey and Pennsylvania and points south without the necessity of going through the New York City Police Telegraph Bureau. The New York City Police retransmitted this traffic since the beginning of the Interstate System and without their help, the nine-state system, as it is today, would not have been possible. The growing load on



Every member of the force must qualify in first aid

tion totaled 9,452. Twenty-five messages reporting the theft and recovery of dynamite were forwarded to the Bureau of Explosives, State Department of Labor and to the State Police Laboratory at Schenectady.

Fifty-eight messages pertaining to airplane accidents, pilots overdue and other such matters were sent over the system. These messages with their added informations reached a total of slightly more than 300. Copies were forwarded to the Civil Aeronautics Administration, the Army, Navy or the Federal Bureau of Investigation depending on the nature of the message.

Reports on train accidents were telephoned to the Interstate Commerce Commission, the Federal Bureau of Investigation and the State Public Service Commission. Your Excellency's Office was immediately advised of any unusual happenings in the state.

One thousand eight hundred thirty-three messages relating to firearms were turned over to the Pistol Permit Bureau.

The teletype system played an important part in the movement of army convoys throughout New York and neighboring states. Information regarding the location of these convoys and the approximate speed of travel was sent ahead over the system. This made it possible to make the arrangements necessary to minimize traffic congestion.

The increase in traffic over the system indicates that some time in the near future, it will be necessary to install duplex circuits

During the maneuvers of the First Army in August, a temporary telephone switchboard was installed at Canton to cope with additional communication requirements in the area of St. Lawrence County.

During the year, there were 3,028 broadcasts over the State Police radio station WPGC. This was 14 less than in 1939.

Radio notices broadcast during the year, however, show an increase of 1,454, a total of 15,306 being broadcast. Regular half hour tests and special tests were made as a matter of routine. During the year, experimental work was done with two patrol cars equipped with transmitters, one on the State Police frequency of 1658 K.C., and the other using an experimental ultra high frequency. Both of these cars were highly successful and demonstrated great possibilities for two-way communication in certain areas of the state when funds for this type of communication are available.

At the First Army maneuvers State Police transmitter WSYQ was placed in operation and very materially aided in the handling of military and civilian traffic in the maneuver area. At the conclusion of the maneuvers, the transmitter was installed in a trailer. A description of this installation follows:—

W S Y Q

The New York State Police Portable Emergency Transmitter (1658 K.C.)

A completely self-contained radio station on wheels! A mobile command post incorporating all necessary communication and office facilities! A complete State Police sub-station capable of providing shelter, heat, light, food and sleeping accommodations for four men for a considerable period of time while completely isolated! These are but a few of the outstanding features which have been provided in this unit.

The radio and wire communication facilities, office equipment, living quarters and 110 volt alternating current power supply have been built into a twenty-four foot house type trailer. The entire forward half of the trailer has been utilized as living quarters. In this space, there has been installed a trailer type convertible bed couch, which makes up into a double bed. Folding Pullman type tables are attached to both walls in front of the couch. Along the left wall of the trailer is installed a small unit kitchenette, comprising a two burner Coleman gasoline plate, a sink and a small ice chest. Against the opposite wall is installed a kerosene pot-stove with an electric blower attached, which forces the warm air through ducts in the floor to radiators at each end of the coach, assuring warm floors and an adequate and even distribution of heat in the coldest weather. Built in and around this equipment are conventional drawers and cupboards, one of which conceals a 10 gallon water tank, to which it attached a hand pump to deliver the water to the sink.

In the rear section of the trailer is built a complete emergency communications unit, including radio, telephone and teletype. The

that department made it necessary to provide a connection of this kind.

On December 5, 1940, a teletypewriter instrument was installed in the State Police Barracks at South Salem, and on December 15, 1940, new machines were installed in the State Police sub-stations at Gouverneur and Massena.

On December 30, 1940, a new State Police station was opened at Wurtsboro and a teletypewriter instrument installed at that point.

During May and September, the teletype equipment in the Capitol was completely changed over to operate on alternating current. This was done when the electrical equipment in the Capitol building was changed from direct to alternating current.

In June, 1940, arrangements were made with the Civil Aeronautics Administration to report airplane accidents, lost planes, etc., to the C.A.A. headquarters at LaGuardia Field via the Albany Airport and the State Police Telegraph Bureau. This has worked out well and has been of great help to the Civil Aeronautics Administration.

Need for additional operating space at the Hawthorne Barracks made it necessary to move the equipment to a larger room. This work was started in the middle of December, 1940, and should be completed early in 1941.

In June, 1940, an inquiry was received from the Police Department at Burlington, Vermont, requesting information concerning the installation of a teletype machine in that city, but to date this installation has not been completed.

Whenever necessary, telephones have been added and changes made in equipment so that better police service can be furnished to the public.

operating position is built in the form of a short square "U" across the entire width of the rear of the coach. The ends of this console are supported on pedestals of steel drawers and filing units. The pedestal on the left includes both letter and teletypewriter files, and provides support for the teletype printer. The pedestal on the right side is made up of numerous drawers to provide space for the storage of necessary forms and office materials, and acts as a typewriter stand. The main desk, which extends the full width of the coach, carries three desk panel racks, in which are mounted the receivers, monitors, antenna tuning equipment, controls, and telephone equipment.

In a large trunk in the rear of the trailer is installed a gasoline driven motor generator capable of supplying all the equipment and lights in the coach.

The transmitter is mounted over the axles, directly forward of the operating position, and faces the operating console.

This unit is drawn by a heavy duty truck, built with a special van panel body, and equipped with a complete kit of line materials and tools. The truck has been so arranged and equipped as to be extremely useful as a separate emergency repair vehicle after it has performed its primary function in bringing the communications unit to the scene of an emergency. This truck is equipped with tool lockers arranged along the sides of the body, with doors in the side giving access to the tools from the outside of the body. These tool boxes are designed so as to be useful as seats, enabling the truck to transport fifteen men, if the necessity arises. Sufficient engine power is available to enable the truck to haul the trailer up a 4.25% grade at its maximum governed speed of forty miles per hour in direct drive. An overdrive is provided, giving a maximum speed of approximately fifty miles per hour.

A technical description of the equipment follows:

The trailer involved is a Vagabond Model 24-T Coach, with numerous changes in construction. The frame has been suitably strengthened and stiffened to carry the loads imposed. A large trunk, approximately 3 ft. x 3 ft. x 7 ft. is built into the rear to accommodate the gasoline driven motor generator. This motor generator is a D. W. Onan & Sons, Model OTA-2, capable of an output of 37 amperes at 115 volts, 60 cycle, single phase.

The transmitter used is a General Electric Type 4G2A4, capable of an output of 25 Kw., 100% modulated.

One antenna is mounted on the trailer. This is a 35 ft. telescoping Premax antenna, equipped with a top loading device, which increases the apparent electrical length of the structure to 5/16 wave, or approximately 165 ft.

One hundred fifty feet of Wincharger mast to twenty foot sections is carried on the tractor for erection and use where the duration of an emergency would warrant the expenditure of the time and labor involved in its erection. This antenna may be erected in two days by three men. Provision has been made for either series or shunt feed to either antenna.

The microphone pre-amplifier is a Thordarson five channel pre-amplifier and mixer, the output of which may be switched from the transmitter to a fifty watt booster amplifier. The microphone in regular use is a Transducer Corp., dynamic type. A crystal microphone is permanently connected into the pre-amplifier on the high impedance channel, for use in the event of failure of the dynamic microphone. In the event of total failure of the pre-amplifier, operation may be continued by the use of a double button carbon microphone, which may be directly connected into the transmitter without using the pre-amplifier. Fifteen Db of pre-emphasis is employed, all frequencies below 400 cycles being sharply attenuated, and the high frequency response is increased 15 Db, to give the maximum possible use of the carrier in terms of intelligibility. The booster amplifier mentioned feeds two weatherproof Atlas horn projectors, providing a higher powered PA system for use in summoning nearby dismounted patrols.

Receivers in use include a Link Bosch 118-X crystal controlled, and fixed tuned to 1658 K.C., the frequency in use by the New York State Police system, and a Hammarlund Super-Pro, Model SPR-220-Sx.

Associated with the transmitter are a Doolittle-Falknor Type FD-8 direct reading frequency deviation meter, a General Radio Type 731-B modulation monitor, and a National Type CRR cathode ray oscilloscope.

Mounted on a panel in the desk rack is the telephone equipment, capable of handling three trunk lines, with pickup and hold on each line, and indicator lamps to show the calling trunk. Battery ringing and a dial have been provided to enable the use of the telephone equipment on any type of system found in New York State. Provision is also made for the connection of a teletypewriter printer, where connection to the basic teletypewriter system is desirable.

All necessary instruments and equipment to service and repair any radio apparatus in use by the Division of State Police has been included. This includes a General Electric Type OFM-1, three inch oscilloscope and frequency modulator, a Hickok micro-volter and signal generator, a Precision 20,000 ohms per volt meter capable of measuring voltages up to 6,000 volts, a soldering iron in a thermostatic control stand, and other allied equipment.

All necessary tools to effect repairs to any of the equipment carried, and to repair and extend power and communication lines are carried on the truck. Also carried on the truck is over 20,000 feet of wire of various kinds, insulators, pike poles, ladders, line tools and other material to permit the extension of wire lines where necessary.

Since the unit is primarily designed for continuous service under conditions of the gravest emergencies, and the operation during these emergencies may require the operation of the unit for considerable periods of time by only two operators, much care was used in the design of the operating position to eliminate all possible waste motion, so the operators involved will be able to work twelve hour

shifts without undue fatigue. The operating position is so designed, that one operator may handle all the traffic that six channels, two radio channels, three telephone lines, and a teletypewriter, will bring to the unit. The transmitter is operated by a foot switch, the lever of which lies under the operator's right foot. All controls, for both the receiver and transmitter, also the PA system, the telephone and teletype units, have been arranged within easy reach from the operating position, without requiring the operator to move from his chair.

PISTOL PERMIT BUREAU

Due to increased activities in the Pistol Permit Bureau during 1940, it became necessary to assign an additional trooper to assist in this important work.

In 1940, the Pistol Permit Bureau received 9,787 pistol permit applications. This represents an increase of 871 applications over those received in 1939.

The names of 87,424 persons are now listed in our files, which represents an increase of 9,830 over the total number of applications indexed at the end of 1939.

The numerical weapon index shows that 93,508 pistols or revolvers have been licensed. This is an increase of 11,230 weapons over those listed on December 31, 1939.

The bureau received 1,833 teletype messages relating to firearms. Of this number, 253 were sent direct to the bureau with the request that information be supplied regarding weapons and serial numbers.

Three hundred forty-two teletype messages were sent out giving pistol permit information to police agencies.

One thousand four hundred seventy-eight firearms were listed as lost, stolen or unlawfully used during 1940. There is now a total of 7,915 weapons listed in the "Lost and Stolen File".

In 1940, the lost and stolen file was responsible for the return of 32 weapons to their rightful owners. It is important that all persons or agencies having information concerning lost or stolen weapons report same promptly to the bureau in order that they can be listed. When the serial number of a missing gun is listed, it often results in the discovery of the rightful owner and the closing of an outstanding case.

Copies of messages reporting the loss or recovery of U. S. Government weapons are mailed to the U. S. Ordnance Department, Second Corps Area, Governors Island, New York.

Another added activity of the Pistol Permit Bureau is to search the files to determine whether or not persons suspected of subversive activities are in possession of firearms. Five hundred sixty-nine searches of this kind were made during the year.

The bureau continues to furnish information as to the proper procedure in the making of pistol permit applications and the issuance of licenses. Numerous persons have contacted the bureau via mail

and dangerous substance. The amount of energy liberated therefor was approximately 4,500,000 foot pound units.

In the immediate vicinity of the explosion, the burned, charred and mutilated bodies of five young men, as well as a dog, were scattered about the terrain. The force of the explosion actually severed many vital organs and, in one case, a human hand was thrown 450 feet from the location of the body while another was 355 feet away.

As a result of our investigation, it was definitely established that the explosion was caused by a projectile from a 22 caliber rifle in possession of one of the deceased young men. The missile penetrated part of the magazine wall, struck the confined dynamite resulting in its detonation. The magazine was completely destroyed and its metallic fragments were scattered over a wide area.

The coroner of Saratoga County repaired to the scene and subsequently conducted an autopsy. Later the Saratoga County Grand Jury made official inquiry resulting in a presentment to the Presiding Justice recommending that the Labor Law, as it relates to explosives, be carefully studied to ascertain whether or not it might be amended to improve the safeguards relating to dynamite magazines in which explosives, detonators, etc., were stored. Based on that presentment, a Resolution was introduced in the Senate, concurred in by the Assembly, directing the Bureau of Criminal Investigation to begin a study to determine the best methods and means to be employed to establish safe construction of explosives magazines and to recommend correction of any apparent evils or defects in existing laws relating to the use and storage of explosives.

Immediately after the passage of that Resolution, our Scientific Laboratory was directed to perform experiments simulating actual storage conditions, penetration possibilities of various types of ammunition and other matters which would be beneficial in reaching practical recommendations. The results of our work in this connection are best indicated by the reports of this Division remitted to the Clerks of the Senate and Assembly during the 1940 Legislative session. These reports are herewith quoted in their entirety.

STATE OF NEW YORK
EXECUTIVE DEPARTMENT
DIVISION OF STATE POLICE
BUREAU OF CRIMINAL INVESTIGATION
CAPITOL
ALBANY, NEW YORK

To the Clerk of the Senate and Clerk of the Assembly, Albany, New York.

Gentlemen:

The Bureau of Criminal Investigation of the Division of State Police (Executive Department) of the State of New York, respectfully files this report with your honorable bodies in compliance with the directions of Senate Resolution No. 74, dated March 26, 1940 (by Mr. Seeyle) and concurred in without amendment by the Assembly on March 29, 1940.

and correspondence has greatly increased, consequently it has been necessary to add three new files to handle this correspondence.

At present, all files are up to date with the exception of the following counties: Onondaga, Erie, Suffolk and Nassau. Applications from these larger counties have been accumulating since 1936, and lack of clerical help has prevented them from being filed. Every effort is being made to complete this work, and it is hoped that this will be accomplished during the coming year.

EXPLOSIVES

The year of 1940 began with a most unusual type of investigation. Although a terrific explosion occurred at the end of 1939, detailed investigation of it did not conclude until 1940.

At about two o'clock in the afternoon of December 26, 1939, an explosion occurred near Barge Canal Lock No. 6 at Waterford, resulting in the death of five young men. Preliminary investigation indicated that approximately 850 pounds of 40% extra gelatine dynamite exploded although it was confined in a magazine.

Our investigators arrived at the scene of the explosion approximately one-half hour after it occurred and immediately began an investigation to ascertain the cause of the explosion and whether or not any degree of negligence was apparent either in the storage or handling of the dynamite. This explosion was one of the most severe which has ever occurred in this section of the state. Eight hundred fifty pounds of dynamite actually contains 26.7% of nitro glycerine or an equivalent of 227 pounds of that highly explosive

The report is based on certain investigations, discussions and deliberations to determine the best methods and means to be employed to establish safe construction of explosives magazines and to recommend corrections of evils and defects in existing laws relating to the use and storage of explosives (more particularly dynamite). In its phases relating to existing laws, consideration was given only to that part of the Labor Law of the State of New York (Article 16—Sections 450-463) relating to blasting explosives.

The highly technical aspects of the subjects to be considered indicated the necessity for an experienced advisory committee. Consequently, in generous response to our invitation, those listed herein willingly consented to act with the official state police staff. The committee included:

Major John A. Warner, Superintendent, New York State Police, Albany, *Chairman.*

Albert B. Moore, Chief Inspector, New York State Police, Troy, *Co-Chairman.*

Thomas P. Brophy, Chief Fire Marshal, City of New York.

Lieut. Colonel Clinton W. Ball, Corps of Engineers, U. S. Army, Albany, New York.

Harry A. Campbell, Assistant Chief Inspector, Bureau of Explosives, Interstate Commerce Commission, New York City.

George C. Daniels, Director, Division of Inspection, State Department of Labor, New York City.

C. H. Fisher, Chairman, Traffic and Storage Conditions Committee, Institute of Makers of Explosives, Wilmington, Delaware.

Edward R. Granniss, Director, Industrial Division, National Conservation Bureau, New York, representing the Association of Casualty and Surety Executives.

Richard Hopkins, representing The Associated General Contractors of Washington, D. C. (Albany, New York).

Dr. Bradley H. Kirschberg, Director, State Police Laboratory, Schenectady, New York.

Aaron Putnam, Bath, New York, representing the New York State Farm Bureau Federation.

Inspector John J. Morrissey, B. C. I., New York State Police, Troy, New York.

L. G. Bamer, State Safety Consultant, W. P. A., Albany, New York.

Gustav Werner, Supervising Inspector, Bureau of Explosives, State Labor Department, Albany, New York.

William J. Picard, Chairman, Board of Standards and Appeals, State Department of Labor, Albany, New York. (Absent from meeting of November 26, 1940, because of illness).

At a meeting of the Committee in New York City on November 26, 1940, it was determined that the following items, with their accompanying recommendations, should be submitted for legislative consideration:

ITEM 1

Section 450, Paragraph 2, Labor Law contains the following exemption:

"This article shall not apply to * * * the *use* of blasting explosives for agricultural purposes by a farmer on his own farm in quantities not exceeding two hundred pounds at any one time."

The exemption raises a question on the application of the word "*use*". As used in this statute, does "*use*" include *storage* in magazines? (Sections 453-454-455-456-457) and if it includes *storage* must the farmer have a *license* for *storage*? (Section 458). Again does "*use*" include *transportation* (Section 459)

and if so are farmer users bound to observe the vehicle specifications provided for *transportation*?

If transportation and storage are considered incidental to and part of "use" as the word is used in the statute, then we are facing a defect in the law which permits serious possibilities of grave danger to life and property. Any quantity of explosives, great or small is obviously a hazard if not properly *transported* and *stored*.

It is the belief of the committee that if the word "use" is interpreted as not to include *storage* and *transportation*, then there are many gross violations of the statute, for obviously the occasional and small quantity user of dynamite for farm purposes would not or could not comply with the present provisions of our statutes relating to *transportation* and *storage* as contained in the sections herein referred to.

The Committee recommends the repeal of the farm use exemption. Explosives for farm use are equally as hazardous as explosives for any other use. Their *transportation* and *storage* should be equally safeguarded. Their possibilities of acquisition for sabotage purposes would seemingly be much less difficult when not stored in an approved magazine.

ITEM 2

The Resolution directing this investigation was undoubtedly prompted by an unfortunate incident causing several deaths by reason of the explosion of a dynamite magazine. This explosion occurred when a 22 caliber rifle bullet penetrated the wall of the magazine. The Resolution stresses "bullet-proofing" of magazines as an important item for consideration.

Historically, there are relatively few instances where explosions of dynamite magazines within this country were attributed to the piercing of the magazine by a rifle bullet. In the particular explosion which we refer to, the penetrating missile was one of the lowest caliber rifle bullets in common use. It is a fact, however, that the caliber of a cartridge may not always determine the velocity or striking power of the bullet when propelled by a firearm.

The Resolution likewise directed study of *fireproofing* and *weatherproofing* of magazines as well.

Our Committee decided that it could not propose any recommendations which would insure the three "proofings" under all conditions and for all localities.

The science of ballistics indicates production of new and higher power types of ammunition from time to time. What constitutes bulletproof specifications today might be obsolete tomorrow. Again, the locus of the magazine and the ammunition in common use in that area of necessity must be considered. It would, therefore, be extremely difficult to define in any law a sufficient specification which would assure "bulletproofing" or, as a matter of fact, "fireproofing" and "weatherproofing" as well.

After careful consideration of sections 454-455 and 456, pertaining respectively to "construction of magazines", "magazine precautions" and "location of magazines", it is suggested that section 454 be amended to read as follows (italic portion is new matter):

"Magazines in which explosives shall be lawfully kept or stored shall be constructed of brick, concrete, iron or wood, *or other suitable material*, covered with iron and shall have no openings except for ventilation and entrance. All magazines except those in mines and tunnels, shall be located above ground. *The interior* of all magazines shall be kept clean and dry at all times. *The Industrial Commissioner shall prescribe specifications for the construction of all magazines and shall establish such rules and regulations as may be practical and necessary to provide as far as possible that magazines shall be fireproof, weatherproof and bulletproof.*"

It has been the experience of many of the committee members that inclusion of specifications within a law prevent the necessary elasticity to meet constant changing conditions. The problems of construction may best be met through

separate locked magazine but it is not necessary to obtain a certificate of compliance."

Also, the words "in quantities of one thousand or over", should be deleted from the first sentence of Section 457.

This recommendation is in line with the Committee's decision that *ALL* magazines for the storage of explosives should be licensed under a certificate of compliance. Blasting caps are very dangerous and when not properly secured in storage, they often fall into the hands of children, subsequently exploding and causing severe injuries and sometimes death. Such accidents are very numerous.

ITEM 6

Section 458 "Licenses for Storage" seems adequate and no amendments thereto are recommended.

ITEM 7

Section 459, governing transportation, seems very adequate. We do repeat here, however, what is included in "ITEM 1" relating to transportation of quantities of two hundred pounds or less for farm use. If "use" includes "transportation", it is extremely doubtful that many farm vehicles would meet the specifications prescribed by this section.

ITEM 8

Section 460, pertains to records of sales or gifts of explosives and the Committee, aware of the ease with which explosives may be obtained and conscious of present unsettled conditions, devoted much time in preparation of the recommendations set forth under this item. We were not certain that the scope of the resolution was extensive to these instances, however, it was believed that your Honorable Bodies should be informed as to the consensus of opinion that Section 460 should be amended to require:

(a) That *no person* be permitted to obtain possession of explosives in any quantities whatsoever unless he shall obtain a permit prior to the purchase or gift.

(b) That such permit be issued by some convenient and appropriate agency such as the county clerks' offices.

(c) That a fee, sufficient to cover the cost of administration, etc., must be paid upon issuance of such permit.

(d) That such permit be issued in triplicate. One copy to be retained by the county clerk, one by the person selling or giving away the explosive and the third to be retained by the purchaser until he has used the explosives specified therein.

(e) That the purchaser, when he has used all of the explosives specified in the permit be required to return the permit to the issuing authority with a certification thereon to that effect.

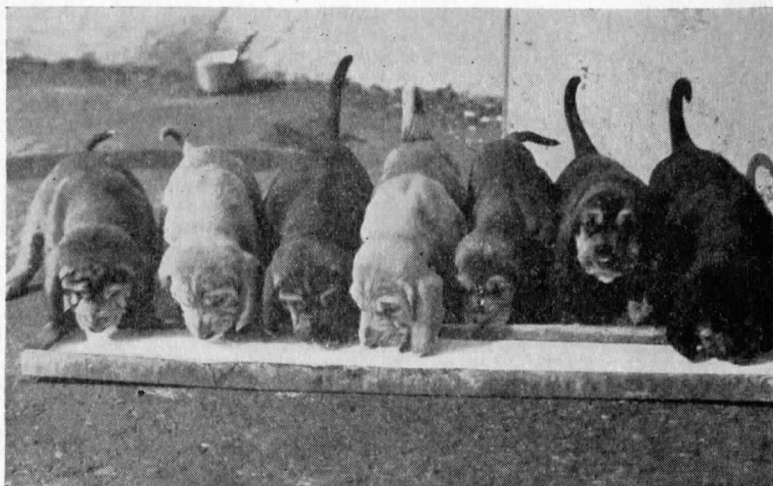
(f) That every person possessing explosives shall retain the permit until they are used and shall exhibit such permit to any peace officer or inspector of the Department of Labor upon demand.

(g) That all dealers in explosives shall procure an annual license to be issued by the Industrial Commissioner.

(h) That all persons applying for permits and licenses shall state in their applications that they will comply with all laws relating to storage, transportation and use of explosives.

(i) That the Industrial Commissioner be empowered to approve the form of licenses and permits and to make necessary rules and regulations governing such licenses and permits as well as the revocation or suspension thereof.

(j) That the theft of any explosives, irrespective of the value thereof, shall be a felony.



Future aides of the force. Bloodhound puppies at Troop K whose training will some day permit them to replace their older brothers and sisters

establishment of authority to meet them as they arise and to remedy items in such specifications, rules and regulations as may need revision from time to time without encountering the delays through legislative amendment.

The Traffic and Storage Conditions Committee of the Institute of Makers of Explosives are constantly making studies and experiments in the factors relating to all phases of explosives safety. The results of these are published in very intelligent form and may well serve as a guide for the Industrial Commissioner as they have for the promulgation of similar specifications, rules and regulations in many other states and municipalities.

ITEM 3

Section 455 provides that upon each end of a magazine, above the sidewalls thereof, or upon its barricade, there shall at all times be kept conspicuously posted a sign with the words "MAGAZINES—EXPLOSIVES—DANGEROUS" legibly printed thereon in letters not less than six inches high.

The Committee agreed that such signs should not be attached to the magazine itself, but should be displayed around the area of the magazine at a reasonable distance from the magazine on four sides thereof.

Experience indicates that these signs are frequently used as targets by persons suffering from an exaggerated complex of superior marksmanship. The letter "O" in two of the words to them appear as a bullseye, hence their irresistible desire to place a shot within the circle. Of course, one shot placed somewhat low is quite apt to penetrate the magazine wall and cause an explosion.

ITEM 4

Section 456 "Location of Magazines" with its included "quantity and distance table" was approved as sufficient legislation for that phase of the law.

ITEM 5

The Committee recommends the repeal of the following sentence now contained in Section 457:

"Blasting caps, detonating or fulminating caps or detonators, in quantities of less than one thousand shall be kept or stored in a

ITEM 9

The attention of the Committee was directed to House of Representatives Bill No. 10607 (76th Congress-Third Session) by Mr. Smith of West Virginia. This bill, if enacted into law, will provide for federal regulations of the manufacture, distribution, storage, use and possession of explosives as an emergency war measure. Undoubtedly its administration would come under the Bureau of Mines. It would be applicable to interstate phases, but some doubt was expressed that it would be or could be applied to intrastate regulations. In the event that this bill is passed, and if it is deemed desirable for intrastate, then, of course, your Honorable Bodies would be required either to prepare a similar bill or otherwise validate its application.

It was also noted that the State of New Jersey has prepared a bill for introduction during the 1941 session of that legislature which contains many practical features of modern explosives regulations.

In conclusion, may we call to the attention of your Honorable Bodies the fact that all of the members serving on this Committee, other than those of the New York State Police, did so without compensation for their time or expenses. It was indeed gratifying to note the enthusiasm displayed by the members of this Committee in their efforts to recommend practical legislation in connection with the subject of explosives. The thanks and appreciation of the Bureau of Criminal Investigation, New York State, is extended to them.

Respectfully submitted,

(Signed)

JOHN A. WARNER,
Superintendent
New York State Police Chairman

ALBERT B. MOORE
Chief Inspector
New York State Police Co-Chairman
ALBANY, N. Y., January 15, 1941

APPENDIX A

STEUBEN COUNTY FARM BUREAU

BATH, NEW YORK, January 3, 1941

ALBERT B. MOORE, *Chief Inspector New York State Police, Albany, N. Y.*

DEAR MR. MOORE:

With most of the recommendations of the report on explosives I am in accord, but I cannot agree with the recommended procedure in item 8.

The obtaining of a permit, the payment of a fee, the return of the permit to the issuing authority, would involve so much time, expense and travel as to eliminate the use of dynamite in small amounts. That is especially true in the case of the farmer who invariably buys in small amounts for the blasting of stumps and rocks.

And it would be to the disadvantage of innumerable other users . . . an apt illustration, the Utility companies in the use of dynamite in the digging of pole holes. On no given day can they predict that dynamite will be needed.

Dynamite in rural areas is used in small amounts, and if its procurement is to be made complicated and difficult, the result will be the same as to deny the product to that class of consumers.

If it is thought necessary to put such a restriction on the sale of dynamite, I earnestly urge the provision, that all licensed dealers be permitted to service their customers, by transporting and supervising the blowing of dynamite, either by himself or a competent employee, without having to get a permit. The dealer to keep a complete record of all dynamite sold.

This would enable small farm users or contractors to call up and have the whole job done in a practical way without entailing any extra procedure.

In this way it would be legally transported, kept out of the hands of incompetent men, with no dynamite or exploders left over on the job to cause accidents later. And all of the worthy objectives of these recommendations would be attained.

It is important to keep in mind that because of the rearmament program, labor will be more expensive in the next few years than it has in the immediate past, and as for farm labor, there will be an absolute shortage. Labor saving devices, and dynamite is in that class, will therefore be of greater importance to industry, and its procurement and use must not be complicated with unnecessary procedure.

I am delighted to have made your acquaintance, and trust that we may meet again. May I wish you health and happiness in 1941.

Very cordially yours,

AARON PUTNAM

(Signed)

Representing the New York State Farm Bureau Federation.

APPENDIX B

Memorandum to ALBERT B. MOORE, *Chief Inspector, Commanding, Bureau of Criminal Investigation*

Office: *Albany*

Date: *January 6, 1941*

From: WILLIAM J. PICARD, *Chairman, Board of Standards and Appeals*

Subject: Proposed Legislation pertaining to the Storage of Explosives

At the time of the unfortunate tragedy which occurred near Waterford in December, 1939, our Board was much concerned as to the possible means of safeguarding against a recurrence of a similar tragedy. It was recognized at the time that the provisions of Article 16 of the Labor Law were so rigid and specific as to the location, construction and maintenance of magazines as to preclude the adoption by our Board of Industrial Code Rules which would effectively prevent the occurrence of a like catastrophe.

It may be of interest here to observe that the present Article 16 and prior Labor Law legislation relating to explosives are all based upon studies which date back as far as 1915. At that time in recommending appropriate legislation, the Chief Engineer of the Bureau of Fire Hazards and Explosives of the Department of Labor reported:

"During storage, explosives should be protected as far as practical against heat, moisture, fire, lightning, *projectiles* and theft. The buildings should therefore be weatherproof, covered by fireproof and *bullet-proof* material, well ventilated in secluded locations and not exposed to fire risk from burning grass or underbrush."

It will be noted from the above quotation that as far back as 1915 the danger of explosion caused by bullets piercing magazines was apprehended, and it is fair to assume that the specifications found in the existing Article 16 were intended to require that magazines should be fireproof, weatherproof and *bullet-proof*.

The Board of Standards and Appeals was created in July, 1937, at which time it assumed all of the rule-making functions of the Industrial Board. Today it is the sole rule-making body within the Department of Labor. Among the codes pending before the Industrial Board and which were inherited by our Board in 1937 was "Proposed Rules Relating to the Manufacture of Explosives and the Transportation and Storage connected therewith." Public hearings had been held on this proposed code by the Industrial Board in 1935.

Our Board accordingly gave due consideration to the above proposed rules and held conferences with John J. Daly, Chief Inspector of the Division of

Mines, Tunnels and Quarries of the Department of Labor (now deceased) and James L. Geron, Director of the Division of Inspection, Mr. Daly's immediate superior. It was the opinion of Mr. Geron at that time that in view of the extensive amendments to Article 16 of the Labor Law made by Chapter 290 of the Laws of 1937, further Industrial Code Rules were unwarranted and unnecessary. In a memorandum to our Board dated March 22, 1938, Mr. Geron stated the following:

"Relative to Bulletin No. 34 as printed for hearings relating to the manufacture of explosives and the transportation and storage connected therewith, I do not believe this code would be necessary for the reason that there are very few plants manufacturing explosives in New York State. The regulation as to transportation and storage is covered by the law."

"As I view the situation there is no urgent need for the revision or the adoption of this proposed code. * * * I believe that our law relative to the handling and transportation of explosives is sufficient. There is provided in the proposed revision of the building code provision to take care of such explosives as may be found in connection with building construction work."

I exceedingly regret that I am unable to provide you with a copy of the proposed Industrial Code Rules upon which public hearings were held in 1935. Photostats thereof may be made of the sole copy in the Board's files if desired. Examination of these proposed rules, however, discloses but one provision which remotely bears upon the safeguarding against such an accident as that which occurred at Waterford. This rule reads as follows:

"34-6.2 Unauthorized persons shall not be permitted to go near explosives or any explosives magazine."

Even had such a rule as that quoted, been adopted, because of the obvious impracticability of its enforcement, it is morally certain that the tragedy in question would not have been averted.

In view of the statement made above that the Board of Standards and Appeals is under the statute, the only agency within the Department of Labor, empowered by law to promulgate Industrial Code Rules, it would appear that the delegation of power to the Industrial Commissioner as provided in your proposed amendment on Page 6 of your report, to make rules and regulations amplifying the requirements of Article 16, is inconsistent with the entire policy of the Labor Law.

If any amendment is necessary in this direction, it is suggested therefore that the words, "Industrial Commissioner" be stricken from the proposed amendment, and the words "Board of Standards and Appeals" substituted therefor.

There is, however, a question in my mind as to the necessity of such a specific amendment conveying to our Board the power to make rules amplifying the provisions of Article 16 in view of the broad powers conveyed to the Board in Section 28 of the Labor Law.

"28. Rules of the Board of Standards and Appeals may be made for

1. * * *

a. * * *

b. * * *

c. The places where and the methods and operation by which trades and occupations may be conducted and the conduct of employers, employees and other persons.

It being the policy and intent of this chapter that all places to which it applies shall be so constructed, equipped, arranged, operated and conducted in all respects as to provide reasonable and adequate protection to the lives, health and safety of all persons employed therein, and *frequenting the same*, and that the Board shall from time to time make such rules as will effectuate such policy and intent."

Similar sweeping powers are conveyed to the Board under the provisions of Section 200 of the Labor Law. It would appear therefore that sufficient power is already lodged in the Board of Standards and Appeals to promulgate rules amplifying the provisions of Article 16, in the absence of any such specific authorization.

I fully agree with the statement that "inclusion of specifications within a law prevent the necessary elasticity to meet constant changing conditions." It is this principle upon which the rule-making function of the Board of Standards and Appeals is based.

There is, however, a serious question in my mind as to the possibility of defining in a rule a sufficient specification which would assure "bullet-proofing". The statement that "the science of ballistics indicates production of new and higher power types of ammunition from time to time" would spell with equal force the difficulty of adequately defining "bullet-proofing" in a Rule as well as in the statute itself.

As to the remaining recommendations with respect to amending the provisions of Article 16, I have no further comment.

CONCLUSIONS

If it is deemed necessary to delegate rule-making powers to amplify the provisions of Article 16, then such power should properly be delegated to the Board of Standards and Appeals where it rightfully belongs rather than to the Industrial Commissioner as suggested in the report.

Further consideration should be given to the difficulties involved in constructing an adequate definition of the term "bullet-proofing" in a Rule, beyond the specifications already contained in the law.

Respectfully submitted,

WILLIAM J. PICARD

(Signed)

APPENDIX C

INSTITUTE OF MAKERS OF EXPLOSIVES

103 PARK AVENUE
NEW YORK

January 10, 1941

MR. ALBERT B. MOORE, *Chief Inspector, Commanding Bureau of Criminal Investigation, P. O. Drawer 688 Troy, New York*

DEAR MR. MOORE:

Replying to your letter of December 30, to which was attached draft of proposed report to the Clerk of the Assembly, Albany, New York.

I have reviewed the report and make the following suggestions:

Under Item 2, which deals with the revision of Section 454 of the present Explosive Law. It is my opinion that Section 454 should be revised to read as follows:

"The Industrial Commissioner shall prescribe specifications for the construction of all magazines and shall establish such rules and regulations as may be practical and necessary."

The wording of Section 454 is not necessary as it is merely a detail of construction which would be covered in the specifications prepared by the Industrial Commissioner. However, if the wording as shown in your tentative report is used, the location of the added words "all other suitable material" should be changed and the sentence read:

"Magazines in which explosives shall be lawfully kept or stored shall be constructed of brick, concrete, other suitable material, iron or wood covered with iron, etc."

Notices of proposed removal served on State Fund employees:	
Auditors	22
Underwriters	6
State Fund employees removed:	
Auditors	27
Underwriters	3
State Fund employees permitted to resign:	
Auditors	5
Underwriters	3
Assureds arrested	20
Corporations informed against	19
Assureds convicted	22
Corporations convicted	18
Fines paid on convictions	\$20,400.00
Financial restitution made to Fund (1940)	\$340,308.46
Financial restitution made to Fund (Total to date)	\$1,303,646.77
Cases concluded (1940)	689
Active cases under investigation	15
Subpoenas (duces tecum) served	25
Subpoenas (personal) served	36
Investigation of applicants for position of payroll auditor with the State Fund	52

Insofar as this Division is concerned, the activities in connection with the investigation of the State Insurance Fund have now been terminated.

During February of 1940, Your Excellency appointed the Honorable Frederick Evan Crane as Moreland Act Commissioner to investigate certain irregularities in connection with State Printing. Mr. Bernard Botein was appointed as general counsel and requested a detail of men from the Bureau of Criminal Investigation to assist in that inquiry.

The primary consideration of the detail was, of course, close coordination with Counsel Botein in fulfilling all requests for investigations necessary to the successful termination of the inquiry. In order to enumerate the various duties of the detail as clearly and briefly as possible, first mention shall be made of the uniformed guard detail consisting of three troopers during the first four months of the investigation. During the first four months, a twenty-four hour daily guard was maintained at the inquiry offices, basically for the safeguarding of the subpoenaed records at night. After June 10th, the detail was reduced to one uniformed trooper on duty for eight hours daily; no night guard being necessary because of the fact that safes had been obtained for the locking of the records, the majority of which had been returned to the companies under investigation.

The duties of the guard detail not only consisted of safeguarding all records under investigation, the interviewing of all persons who entered the office of the inquiry for any purpose whatsoever, but the maintaining of order and respect among the witnesses as well. A uniformed guard detail was also on duty at all public hearings. The name, address, nature of business, and time of arrival of every person who entered the offices of the inquiry were noted by the guard detail in the blotter maintained for that specific purpose.

The detail performed all necessary police functions subsequent

Under Item 8, which refers to Section 460 of the present law pertaining to records of sales or gifts of explosives, I do not believe that it is necessary to report in detail the findings or thoughts of the Committee on this subject, for fear that some one, in redrafting Section 460, might attempt to use the various subsections shown in your report, as part of the law, which, of course, would cause considerable confusion.

It is my thought that it would be better to merely state that it is the Committee's opinion that provisions should be set up whereby everyone having or possessing explosives, must secure a permit or license and that the method of securing such permits or licenses should be covered by Rules and Regulations issued by the Department of Labor.

If the subject is handled in this manner, the Department of Labor could be instructed to prepare workable rules and regulations and they could later change or adjust their rules and regulations to fit whatever requirements the Federal Government make on the same subject.

I am sorry that my report to you has been delayed but it was due to my absence from the city.

Yours very truly

(Signed)

C. H. FISHER

Chairman-Traffic & Storage Conditions Committee

While minor differences of opinion among the committee members may be apparent, it is obvious that in most of the points considered, they were in general accord. We believe that legislative enactment of the various recommendations would greatly increase the safety factor with relation to explosives so particularly desirable in these times when internal security or national defense might be endangered by defects in regulations pertaining to dynamite, detonators or other associated substances.

BUREAU OF CRIMINAL INVESTIGATION

The increase in the number of cases referred to this Bureau for investigation necessitated added assignments to its personnel, accordingly the strength was increased from 111 to 146 on July 1st.

In addition to the cases listed in the charts which follow, many special investigations were conducted necessitating the assignment of a considerable number of men to conduct inquiries in connection with certain state departments.

Within the City of New York, three major investigations were in progress; one pertained to irregularities in the State Insurance Fund (this was continued from 1939). Another was the State Printing inquiry, and the third a continuation of the investigation of the personnel comprising the inspection staff of the Bureau of Motor Vehicles.

In addition to this, several less important matters were handled upon request of other state departments, all of which required the assignment of men for lengthy periods of time.

A summary of our 1940 activities in connection with the investigation of the State Insurance Fund indicates as follows:

Criminal actions	43
State Fund Auditors arrested	4
State Fund Auditors convicted	2
State Fund Auditors acquitted	2
State Fund Auditors pending	2

a member of the State Police was accompanying the attorneys and auditors, little difficulty was experienced in obtaining the desired statements or records. However, it was found that officials of banks or accounting firms preferred service of subpoena in every instance in which any information was requested, thereby protecting the interests of their firms in the event that any of their clients should adversely criticize the firms for having divulged the information. Moreover, because of the fact that subpoena service entailed the payment of the prescribed legal fees to the witnesses, Counsel Botein discouraged the practice of serving a subpoena in any instance in which the records or witnesses did not require service. In the majority of instances, a subpoena was made out for the witness or records desired, and then not served after the detail found out that service would not be necessary. For these reasons, the final summary of subpoena service is misleading insofar as the actual necessary activity and investigation of the detail are concerned. It must also be stated that no appropriate method has as yet been discerned which might indicate the number of occasions on which the full facilities of the Division of State Police were placed at the disposal of the inquiry.

In conclusion, mention must be made of the fact that complete harmony and coordination existed between the State Police detail and Counsel Botein's staff at all times. Every member of the detail performed his various duties conscientiously and to the best of his ability. That Commissioner Crane and Counsel Botein were thoroughly satisfied with the efforts of the State Police detail is best exemplified by the favorable mention given to the State Police in the report of the results of the State Printing inquiry which was forwarded to the Governor upon termination of the investigation.

The investigation of certain dishonest practices among the inspectors of the Bureau of Motor Vehicles operating in New York City during 1940 entailed a considerable amount of work. It had been a prevailing practice to give sums of money to examining inspectors in behalf of obtaining a driver's license and a considerable number of the so-called "automobile schools" were parties to such practices.

It was a gigantic task to interrogate 5,280 licensees in order to lay the groundwork for procedure against the inspectors engaged in these unethical practices. Certain licensees admitted payment of sums running from two to five dollars to the examining inspector and many of these payments were made by wrapping the money around cigars, placing it in match packages, leaving it on the seat of the car or in the glove compartment of automobiles. It was apparent that this practice became almost an accepted rule among the motor vehicles inspectors prior to this investigation. Twenty-five of these inspectors resigned rather than submit to a hearing and, in other cases, hearings were demanded.

The investigation is still under way and all of the automobile driving schools in the Metropolitan area are being carefully scrutinized to determine just to what extent they participated or acted in collusion with these inspectors.

to the inquiry. No arrests were made, however, for it was the expressed intention of Commissioner Crane and Mr. Botein to refrain from taking any criminal action until the termination of the inquiry, at which time the results would be reported to the Governor for any desired action. In the course of the investigation, the detail assisted the attorneys and auditors in the questioning of witnesses, the examination of records, the transportation of records, the service of subpoenas, and the making of investigations of all miscellaneous complaints which were brought to the attention of Counsel Botein, as well as investigating the reputation and qualifications of all applicants for positions with the inquiry.

The various members of the detail accompanied the auditors, printing experts, and attorneys on all of their inspection trips from the offices of the inquiry, accompanying them on all tours of inspection of printing and paper mills, prison printing facilities, and state departments, both in New York State as well as in the New England States of Massachusetts and Connecticut. The detail was responsible for the obtaining of records, with their subsequent safe return to the owners, the questioning of witnesses from whom the attorneys or auditors were unable to elicit desired information, and, in short, placing the facilities of the Division of State Police at the disposal of the inquiry for any use pertinent to the success of the inquiry.

Individual reports of all investigations were compiled monthly, and an accurate record of all activities and expenses maintained. However, it must be stated, that a perusal of the final summary of the activities does not present a true picture of the accomplishments of the detail, for, although the investigation lasted a few weeks in excess of eight months, the vast majority of the details' activities occurred in the first four months of the inquiry, at which time the numerical strength of the detail was at its highest.

The nature of the investigation entailed a thorough examination of all records and officials of printing firms by the auditors, attorneys and printing experts, and, as a result, there was a decided reduction of State Police activity after all the important records and witnesses had been subpoenaed by the detail during March, April, May and June. In the interest of economy, the detail was drastically reduced as aforesaid on June 10th. Further reductions in the detail were made, consistent with the activity involved.

The following compilation of subpoena service is herewith submitted:

Records transported without service of subpoena.....	123
Service of personal subpoenas.....	108
Service of subpoenas duces tecum.....	135

It must be admitted that examination of the above figures does not present an impressive picture until it is realized that subpoenas were not served in any instances in which the witnesses appeared for interrogation voluntarily.

It must be stated that the majority of the witnesses who were questioned in the course of the investigation, volunteered to appear without service of subpoena. Invariably, after being informed that

CONSOLIDATED REPORT—BUREAU OF CRIMINAL
INVESTIGATION, JANUARY 1—DECEMBER 31, 1940

Crime	Cases reported during 1940	Cleared by arrest	Cleared as unfounded	Cases pending Jan. 1, 1941
Homicide (auto).....	285	42	218	25
Immigration laws.....	4	4	0	0
Indecent exposure.....	1	0	1	0
Insanity.....	1	0	1	0
Intoxicated drivers.....	15	15	0	0
Kidnapping.....	2	1	1	0
Labor Laws, failure to pay wages.....	4	4	0	0
Larceny.....	671	471	102	98
Letters (obscene).....	1	0	1	0
Letters (threatening).....	4	2	2	0
Malicious mischief.....	11	5	5	1
Material witness.....	2	2	0	0
Medicine, unlawful practice.....	1	1	0	0
Narcotics.....	9	5	3	1
Navigation Laws.....	1	1	0	0
Officers (impersonating).....	5	2	2	1
Parole violators.....	84	84	0	0
Perjury.....	6	6	0	0
Persons missing.....	2	0	1	1
Prisoners, escaped.....	13	10	2	1
Railroads (tampering).....	1	0	1	0
Rape.....	244	188	43	13
Robbery.....	101	62	29	10
Sex crimes.....	139	128	9	2
Still (unlicensed).....	1	1	0	0
Stolen property (receiving).....	19	19	0	0
Subversive activities.....	411	0	374	37
U. S. Mail interference.....	1	1	0	0
Vagrancy.....	2	2	0	0
Voting illegally.....	2	0	2	0
Weapons (dangerous).....	1	1	0	0
Totals.....	6,514	3,747	1,753	1,014

Assists to other police agencies—investigations resulting in arrest.....	11
Assists to other police agencies—investigations not resulting in arrest....	47
Special assignments of investigators to state or municipal agencies—total days services.....	5,046

CONSOLIDATED REPORTS, BUREAU OF CRIMINAL INVESTIGATION
JUNE 1, 1936—DEC. 31, 1940

Year	Total cases reported	Cases pending Jan. 1, 1940	Cleared by arrest in 1940	Cleared as unfounded in 1940	Cases pending Dec. 31, 1940
1936 (seven months)...	1,572	158	5	13	140
1937.....	3,489	355	14	45	296
1938.....	3,856	391	30	67	294
1939.....	4,587	624	161	104	359
1940.....	6,514	..	3,747	1,753	1,014
Totals.....	20,018	1,528	3,997	1,982	2,103

During 1940, the license certificates of some thirty automobile schools in the Metropolitan area were suspended or revoked because of such practices. In this investigation, we had the unqualified cooperation of the officials of the State Tax Department and the Motor Vehicle Bureau. It is extremely doubtful that it can be concluded much before the end of 1941.

The Bureau of Criminal Investigation is receiving hundreds of complaints through the medium of the Federal Bureau of Investigation and reports in connection with those inquiries are being mailed to that agency upon their request. We have a specially picked squad of qualified investigators detailed solely for subversive and sabotage investigations and the Federal Bureau of Investigation have many times expressed their appreciation for the promptness and extreme thoroughness exercised by the Bureau in those investigations.

There is presented herewith a complete report of the activities of the Bureau:

CONSOLIDATED REPORT—BUREAU OF CRIMINAL
INVESTIGATION, JANUARY 1—DECEMBER 31, 1940

Crime	Cases reported during 1940	Cleared by arrest	Cleared as unfounded	Cases pending Jan. 1, 1941
Abandonment.....	95	75	8	12
Abduction.....	20	18	2	0
Abortion.....	11	8	3	0
Accepting unlawful fees.....	2	2	0	0
Accident, leaving scene of.....	2	2	0	0
Alcohol tax violation.....	2	2	0	0
Animals, poison.....	25	1	12	12
Arson.....	276	97	123	56
Assault.....	249	137	104	8
Bigamy.....	20	13	5	2
Bribery.....	4	4	0	0
Burglary.....	2,465	1,515	279	671
Burglar's tools.....	1	1	0	0
Children, felonies against.....	13	10	3	0
Children, missing.....	1	0	1	0
Conspiracy.....	22	22	0	0
Counterfeit (passing).....	3	0	3	0
Deserter, U. S. Army.....	1	1	0	0
Disorderly conduct.....	1	1	0	0
Election laws—false registration..	18	18	0	0
Espionage.....	1	0	1	0
Explosives—illegal storage.....	1	1	0	0
Extortion.....	11	6	4	1
Firearms, discharge of.....	1	1	0	0
Firearms, unlawful possession....	51	50	1	0
Forgery.....	632	547	27	58
Fraud.....	61	56	5	0
Fugitive from justice.....	36	36	0	0
Gambling.....	3	3	0	0
Gambling (bookmaking).....	1	1	0	0
Gambler (common).....	1	1	0	0
Hit and run drivers.....	1	1	0	0
Homicide.....	439	62	373	4

Scientific Laboratory—Bureau of Criminal Investigation

During 1940, 103 major cases referred to the laboratory required examination or analysis of 948 separate items of physical evidence. This exceeded our 1939 operations by 281. The staff also performed numerous toxicological examinations for district attorneys and coroners, as well as many directly relating to poisoning of animals. The toxicological section is now fully equipped to participate not only in criminal cases, but in all instances where causes of death are questionable or doubtful. Hospitals and pathologists may, therefore, submit any of their problems to us for analytical purposes and subsequent expression of our conclusions.

The status of national defense with its associated items of sabotage, and inflammatory, threatening or anonymous letters requires careful attention. Accepting the truism of the theory that "new conditions create new situations and new situations, new weapons", the laboratory undertook an exhaustive study in the investigation of scientific sabotage. After careful preparation through field and laboratory experiments, a series of articles dealing with bombs and explosives have been published in the monthly bulletin and the usefulness of such articles becomes more self-evident every day. Not only are they studied and used by various law enforcement officials of our own state, but they have been adopted as a text by many foreign agencies.

In order to minimize the possibility of accidents in the opening of bombs, we obtained a complete x-ray equipment, as well as a fluoroscope. The laboratory is now equipped to provide a well trained detail to assist field investigators in that phase of investigation. In addition to the fluoroscope, a complete set of tools for the handling and dismantling of bombs is available. Examinations are usually conducted outdoors and a radiograph of the bomb is made before it is dismantled. It should be noted that the x-ray and fluoroscopic attachment proves to be very useful in the examination of all other types of suspected packages. In one instance, a package contained a book, the inside of which was cut out to permit the insertion of a revolver in the center of the book.

Many field experiments were conducted with various kinds of explosives and incendiary bombs. The laboratory maintains a complete set of control samples of fuses, wires, blasting caps and, in the most cases, is in a position through these control samples and micro-chemical and spectrographic examinations of the residues in cases of exploded bombs to establish their identity.

Representatives of the arson bureau of the Provincial Government of Quebec visited the laboratory to observe training in arson investigations and in the examinations of incendiary and explosive bombs.

Reinvestigation of the Death of Miss Pearl Spink

One of the most important functions of scientific crime investigation is not the determination of the *modus operandi* of a self-evident homicide, but rather investigation of a case which has apparent indications of being the result of a natural death but proves

that the two bullets were fired from the revolver found on the stairs. It was an old firearm manufactured shortly after 1867. It was also ascertained that the screen was cut with a dull knife. The broken glass from the panel door indicated that it could have been broken with a hammer and the hammer found in the house showed several recent scratches which could have been caused by the glass. A paraffin cast, taken of the right hand of the deceased, showed positive traces of nitrates indicating the possibility that her right hand recently discharged a firearm. In the toilet pipe, one .32 caliber fired shell was discovered, which indicated that it was fired from the revolver found on the stairs and emanated from a cartridge which contained a bullet of the same type with which the dog was killed. In the desk, a jackknife, was found, which showed numerous scratches on the blade, and which indicated that it could have been used to cut the screening in the front door.

Another interesting discovery was the determination that while the ground leading to the front porch was very muddy, the sitting room off the porch was scrupulously clean with no foot marks on the floor. It was also definitely established, by tests and measurements, that the glass in the panel door was not broken from the outside, but from the inside. Further investigations indicated that the deceased was very morbid and that she was actually planning a suicide. She was very attached to her dog and decided to kill the dog before killing herself. She had an accident policy which was practically worthless, but she was under the impression that ten thousand dollars would be paid to her beneficiary providing she met her death in an accidental or violent manner. She knew, however, that the policy contained a suicide clause and consequently she created a condition which would give one an impression that she was attacked and killed. The very lengthy report, which was made to the District Attorney, was made public by that officer, and the "Journal" published in Jamestown, N. Y., under date of May 22, 1940, commented editorially on that report, as follows:

"A CONVINCING REPORT"

While there may well be justification for Coroner Bower's decision to issue no final verdict in the sensational Spinks homicide case nor to hold an inquest, we believe all who read the very thorough convincing report of Dr. Bradley H. Kirschberg, Director of the State Police Laboratory, in the Journal of Tuesday are satisfied that it was a case of suicide and that further active research or awkward suspicions of burglary or love triangle causes for murder are unjustified. Maybe all the questions in this notorious case have not been answered to the satisfaction of everyone and something might later come up to embarrass an official closing of the case at this time, but there is certainly nothing essential left unanswered after this report to leave much if any doubt in the mind of a reasonable person that Miss Pearl Spinks took her own life under circumstances planned and planted to suggest a burglary attack to provide for the payment to heirs of certain insurance money.

to be murder. That phase of investigation is especially important in all cases involving death through a discharge of firearms, for oftentimes a fatal injury which has all the indications of being the result of a suicide later proves to be homicide; while a homicide, after a most careful investigation, may eventually prove to be suicide. Since homicides are subdivided into justifiable, accidental or felonious, the *modus operandi* must be, as a matter of fact, scientifically reconstructed to prove or to disprove the contention of the assailant. One of the outstanding cases of 1940, in which the laboratory staff participated presents all the earmarks of a drama, rare and unusual, even among the old, experienced and seasoned investigators.

On the night of April 10, 1940, one Fred Davis left his house in the township of Busti, Chautauqua County at approximately seven o'clock in the evening, taking with him, Owen Burr, a farmhand. The only one who remained in the house was Miss Pearl Spink, age 56, who was employed as housekeeper. Burr returned at approximately 2:00 A.M., April 11th, and as his bedroom was over the kitchen, there was no necessity for him to enter the sitting room. Davis came home some fifteen minutes later and entered the kitchen through the back door leading through the woodshed. He then turned on the light and entered the sitting room when the following scene presented itself. On the mat facing the front door, Miss Spink's dog was lying dead in a pool of blood. The dog was shot; the glass of the panel door was broken, indicating the attempts of someone to insert a hand through the panel in order to open the door from the inside. The second door leading to the porch, which had screen wiring, indicated that someone cut the screen wiring and made a hole sufficiently large to insert a hand in order to unhook the door. The drawers in the desk of the sitting room were ransacked and two checks, one ten dollar bill and three five dollar bills were missing. On the spiral stairs, leading to the second floor, Miss Spink was lying. There was a quantity of blood on the stairs. She was still alive but only partially conscious. She was promptly removed to the hospital but never regained consciousness and died on April 14, 1940. The autopsy, which was performed by Doctors Torrance and Trantum, indicated that her death was caused by a fatal shot, the bullet penetrating her head from the right side. Miss Spink's pocketbook was found opened in her bedroom and it appeared that some money was taken from it. An old revolver was found lying on the steps. Thus, as the picture presented itself, some unknown assailant armed with a revolver broke into the dwelling, killed Miss Spink and the dog, ransacked the desk, stole the money and the checks and disappeared.

At about 10:00 A.M. Thursday, April 11, 1940, investigators from B.C.I. District A, under personal supervision of Inspector Hoyt, took charge of the case. On April 12th, the fatal bullet and the bullet which was removed from the body of the dog—as well as the revolver—were brought to the laboratory and on April 17th, a laboratory detail proceeded to the scene of the tragedy to conduct the scientific examination of the case. It was definitely established

sylvania Motor Police. They were held, questioned and signed partial confessions.

Since a confession must be supported by corroborative evidence, especially in a case of murder, all the evidence bearing upon this case was submitted to the laboratory for microscopic, chemical, serological and anatomical examination and analysis.

It was necessary to establish that the remains were those of human bodies and that they emanated from an elderly male adult, an elderly female adult and a young woman. It was also necessary to prove that the blood and hairs on the hammer, found in the barn, were human blood and human hair; and, that the hair and blood from sixty feet from the house (where Ruth was killed) were of human origin; and, that the pellets and wads came from that type of a shotgun which Teed owned. All of the questions submitted to the laboratory were answered conclusively and the defendant was indicted on the charge of murder, first degree. Shortly before the trial, at the request of the defense, he was examined by psychiatrists retained by the District Attorney's Office. The examination indicated that he was of an unusually low level and that his mental age was $10\frac{1}{2}$ years. Pursuant to Section 342-a of the Code of Criminal Procedure, and with the permission of the court, the District Attorney recommended that a plea of guilty be accepted to a charge of murder second degree; whereupon the defendant was sentenced to ninety-five years imprisonment in state prison.

The interesting and satisfying feature of the report, aside from its conclusions which should pretty well close the case, is the evidence of the very thorough investigation conducted by the State Police. It shows both plan and execution of a most exhaustive study of all possible phases and detailed report to substantiate the conclusions. It will give added public confidence in the work of our law enforcement agencies."

People vs. James Arvid Fink

On Sunday, January 14, 1940, a very well kept farm and household of one Frank Teed, situated on Teed Hill near Masonville, presented the cheerful, wholesome appearance of a typical American farm home. The family, consisting of Frank Teed, his wife, his daughter Ruth and the farmhand, James Fink, had their usual Sunday dinner, after which Mrs. Teed retired to her room. Ruth went upstairs with Mr. Teed and James to play a game of cards. Although no money or stakes were involved, fate had decreed that Teed would be winning and Fink would be losing. Some sarcastic remarks, which Teed passed, ignited a dormant explosion tendency in Fink. When the game ended, both men proceeded to the barn where the cows were to be milked, but just as both men entered the barn, James exploded. He picked up a hammer and, without warning, struck Teed several times on the head. Teed fell unconscious and Fink, assuming that he had killed him, ran to the house, picked up a twelve gauge shotgun and first killed Mrs. Teed, who was resting in her bedroom and then Ruth who endeavored to get away and who was shot when some sixty feet away from the house. Finally Teed, who recovered consciousness and was about to enter the house was also shot. Fink then drove away in Ruth's car, picked up a friend of his, one Aubrey Schrum, and both purchased a large quantity of liquor which they subsequently consumed. Fink then asked Schrum what was to be done with the bodies and Schrum advised him to get a few gallons of gasoline and burn up the farm buildings and the bodies so that there would be no evidence left.

The night of January 14th was a very cold night and the northwestern wind was blowing furiously when the fire broke out at the Teed farm. Many uniformed troopers responded as well as several of the neighbors, but the flames had assumed such terrific proportions that it was impossible to save the house. The investigators first determined the fact that three members of the family and possibly Fink were in the house when the fire broke out and undoubtedly were burned to death.

The following day Inspector Maynard of District C, B.C.I. and Hon. Gleason Speenburgh, District Attorney of Delaware County took personal charge of the investigation. On the floor of the barn, a hammer was found, on the head of which there appeared to be remnants of hairs and dried blood, and within sixty feet of the house on the snow several particles of bones, pellets, hair and wads were found. All the evidence was sent to the laboratory.

It was then definitely established that Fink was seen after the fire. As a result of a teletype alarm, and within several hours Fink and Schrum were picked up in Reading, Pennsylvania, by the Penn-

CHART 1

EVIDENCE SUBMITTED AND EXAMINED, CLASSIFICATION OF CRIMES, COUNTY OF ORIGIN, RESULTS OF LABORATORY FINDINGS AND SOURCE FROM WHICH RECEIVED

Abbreviations: D. A.— District Attorney. P. D.— Police Department
B. C. I.— Bureau of Criminal Investigation,
F. D.— Fire Department.

Scientific Laboratory — Bureau of Criminal Investigation
New York State Police

INVESTIGATION OF	County in which originated	Date evidence received at laboratory	Laboratory number	Laboratory findings	Evidence received from
Animal poisoning.....	Rensselaer.....	2- 2-40.....	5-A-1.....	Positive.....	District G, B. C. I.
Unjustifiable killing of animal.	Chautauqua.....	4-12-40.....	5-A-2.....	Positive.....	District A, B. C. I.
Animal poisoning.....	Onondaga.....	6- 6-40.....	5-A-3.....	Positive.....	District D, B. C. I.
Animal poisoning.....	Albany.....	6- 6-40.....	5-A-4.....	Positive.....	Conservation Department
Animal poisoning.....	Albany.....	6-13-40.....	5-A-5.....	Positive.....	District G, B. C. I.
Animal poisoning.....	Saratoga.....	7- 9-40.....	5-A-6.....	Negative.....	Troop G — State Police
Animal poisoning.....	Rensselaer.....	7-11-40.....	5-A-7.....	Negative.....	District G, B. C. I.
Animal poisoning.....	Warren.....	9- 6-40.....	5-A-8.....	Positive.....	District G, B. C. I.
Animal poisoning.....	Tioga.....	10-16-40.....	5-A-9.....	Negative.....	District C, B. C. I.
Animal poisoning.....	Franklin.....	12-19-40.....	5-A-10.....	Positive.....	District B, B. C. I.
Animal poisoning.....	Franklin.....	12-19-40.....	5-A-11.....	Positive.....	District B, B. C. I.
Arson.....	Saratoga.....	1- 3-40.....	5-B-1.....	Positive.....	D. A.
Arson.....	Sullivan.....	1- 3-40.....	5-B-2.....	Positive.....	District C, B. C. I. and D. A.
Arson.....	Saratoga.....	1- 9-40.....	5-B-3.....	Negative.....	D. A.
Arson.....	Otsego.....	1-31-40.....	5-B-4.....	Positive.....	Oneonta F. D.
Arson.....	Oswego.....	2-29-40.....	5-B-5.....	Negative.....	D. A.
Arson.....	Montgomery.....	4- 5-40.....	5-B-6.....	Positive.....	D. A.
Arson.....	Saratoga.....	4-16-40.....	5-B-7.....	Positive.....	Board of Fire Underwriters
Arson.....	Saratoga.....	4-21-40.....	5-B-8.....	Positive.....	Mechanicville P. D. and D. A.
Arson.....	Albany.....	4-29-40.....	5-B-9.....	Positive.....	D. A.
Arson.....	Wayne.....	10-31-40.....	5-B-10.....	Positive.....	District D, B. C. I.
Assault.....	Saratoga.....	1-20-40.....	5-C-1.....	Positive.....	D. A.
Assault.....	Rensselaer.....	3-26-40.....	5-C-2.....	Positive.....	District G, B. C. I.
Assault.....	Ontario.....	6-14-40.....	5-C-3.....	Positive.....	District D, B. C. I.
Assault.....	Oswego.....	8-13-40.....	5-C-4.....	Positive.....	District D, B. C. I.
Assault.....	Hamilton.....	8-22-40.....	5-C-5.....	Positive.....	District G, B. C. I.
Burglary.....	Saratoga.....	6-26-40.....	5-D-1.....	Positive.....	District G, B. C. I. and D. A.
Burglary.....	Franklin.....	7- 2-40.....	5-D-2.....	Negative.....	District B, B. C. I.
Forgery.....	Ontario.....	4-29-40.....	5-E-1.....	Negative.....	D. A.
Forgery.....	Monroe.....	5-28-40.....	5-E-2.....	Positive.....	Agriculture and Markets Department
Extortion.....	Chautauqua.....	7-25-40.....	5-E-3.....	Positive.....	District A, B. C. I.
Forgery.....	Delaware.....	8-12-40.....	5-E-4.....	Negative.....	District C, B. C. I.
Forgery.....	Delaware.....	8-12-40.....	5-E-5.....	Negative.....	District C, B. C. I.
Forgery.....	Saratoga.....	10-25-40.....	5-E-6.....	Pending.....	District G, B. C. I.
Forgery.....	Fulton.....	12-14-40.....	5-E-7.....	Pending.....	District G, B. C. I.
Homicide.....	Tioga.....	1- 2-40.....	5-F-1.....	Negative.....	Coroner
Homicide.....	Suffolk.....	1- 5-40.....	5-F-2.....	Positive.....	District K, B. C. I.
Homicide.....	Delaware.....	1-15-40.....	5-F-3.....	Positive.....	District C, B. C. I.
Homicide.....	Dutchess.....	2- 2-40.....	5-F-4.....	Negative.....	D. A.
Homicide.....	Erie.....	2-19-40.....	5-F-5.....	Positive.....	D. A.
Homicide.....	Broome.....	3- 4-40.....	5-F-6.....	Positive.....	Johnson City P. D.
Homicide.....	Cayuga.....	3-11-40.....	5-F-7.....	Negative.....	District D, B. C. I. and D. A.
Homicide.....	Broome.....	3-16-40.....	5-F-8.....	Positive.....	District C, B. C. I. and D. A.
Homicide.....	Chautauqua.....	4-12-40.....	5-F-9.....	Negative.....	District A, B. C. I.
Homicide.....	Broome.....	4-29-40.....	5-F-10.....	Positive.....	District C, B. C. I. and D. A.
Homicide.....	Schoharie.....	4-29-40.....	5-F-11.....	Positive.....	District G, B. C. I. and Coroner
Homicide.....	Sullivan.....	5- 6-40.....	5-F-12.....	Negative.....	District C, B. C. I. and D. A.
Homicide.....	Franklin.....	5-22-40.....	5-F-13.....	Positive.....	District B, B. C. I.
Homicide.....	Sullivan.....	6-11-40.....	5-F-14.....	Positive.....	Coroner
Homicide.....	Genesee.....	6-25-40.....	5-F-15.....	Positive.....	District A, B. C. I.
Homicide.....	Oneida.....	7- 5-40.....	5-F-16.....	Positive.....	Utica P. D. and D. A.
Homicide.....	Cattaraugus.....	8- 9-40.....	5-F-17.....	Positive.....	Coroner
Homicide.....	Onondaga.....	8-13-40.....	5-F-18.....	Positive.....	District D, B. C. I.
Homicide.....	Washington.....	9-12-40.....	5-F-19.....	Positive.....	Coroner
Homicide.....	Ontario.....	9-16-40.....	5-F-20.....	Positive.....	D. A.
Homicide.....	Monroe.....	9-30-40.....	5-F-21.....	Positive.....	D. A.
Homicide.....	Rensselaer.....	10- 7-40.....	5-F-22.....	Positive.....	Coroner
Homicide.....	Albany.....	10- 7-40.....	5-F-23.....	Positive.....	District G, B. C. I.
Homicide.....	Orange.....	10- 7-40.....	5-F-24.....	Negative.....	District K, B. C. I.
Homicide.....	Essex.....	11-24-40.....	5-F-25.....	Positive.....	District B, B. C. I.
Homicide.....	Schenectady.....	12-25-40.....	5-F-26.....	Positive.....	District G, B. C. I.
Larceny.....	Albany.....	1-15-40.....	5-H-1.....	Positive.....	Montgomery Ward P. D.
Malicious mischief.....	Schenectady.....	1-31-40.....	5-I-1.....	Negative.....	General Electric P. D.
Malicious mischief.....	Montgomery.....	7-16-40.....	5-I-2.....	Negative.....	St. Johnsville P. D.
Malicious mischief.....	Clinton.....	7-25-40.....	5-I-3.....	Positive.....	Board of Fire Underwriters
Sex crime.....	Wayne.....	1-16-40.....	5-J-1.....	Positive.....	D. A.
Sex crime.....	Franklin.....	7- 6-40.....	5-J-2.....	Positive.....	District B, B. C. I.
Sex crime.....	Chenango.....	11-29-40.....	5-J-3.....	Positive.....	D. A.
Suicide (suspected).....	Chemung.....	7-18-40.....	5-K-1.....	Positive.....	County Hospital
Suicide investigation.....	Warren.....	8- 2-40.....	5-K-2.....	Positive.....	District G, B. C. I.
State violation.....	Hamilton.....	1-16-40.....	5-M-1.....	Positive.....	Conservation Department

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CHART 1—Concluded

INVESTIGATION OF	County in which originated	Date evidence received at laboratory	Laboratory number	Laboratory findings	Evidence received from
Miscellaneous.....	Rockland.....	1- 6-40.....	5-N-1.....	Positive.....	Suffern P. D.
Miscellaneous.....	Oneida.....	3- 8-40.....	5-N-2.....	Negative.....	District D, B. C. I.
Identification of firearm.....	Saratoga.....	4- 1-40.....	5-N-3.....	Negative.....	D. A.
Miscellaneous.....	Schenectady.....	4- -40.....	5-N-4.....	Negative.....	Schenectady P. D.
Miscellaneous.....	Saratoga.....	6- 7-40.....	5-N-5.....	Negative.....	District G, B. C. I.
Miscellaneous.....	Queens.....	6- 8-40.....	5-N-6.....	Positive.....	District G, B. C. I.
Miscellaneous (bomb investigation)	Albany.....	7-11-40.....	5-N-7.....	Positive.....	State Police Headquarters
Miscellaneous (hit and run).....	Madison.....	7-12-40.....	5-N-8.....	Positive.....	District D, B. C. I.
Miscellaneous (disputed documents)	Albany.....	7-29-40.....	5-N-9.....	Positive.....	Conservation Department
Miscellaneous (anonymous letter)	Bronx.....	7-31-40.....	5-N-10.....	Pending.....	District K, B. C. I.
Miscellaneous (bomb investigation)	Suffolk.....	8- 3-40.....	5-N-11.....	Positive.....	District K, B. C. I.
Miscellaneous.....	Saratoga.....	8-14-40.....	5-N-12.....	Negative.....	District G, B. C. I.
Violation Narcotic Law.....	Chemung.....	8-22-40.....	5-N-13.....	Positive.....	Correction Department
Miscellaneous.....	Chenango.....	9- 4-40.....	5-N-14.....	Positive.....	Sheriff's Office
Miscellaneous.....	Saratoga.....	9- 6-40.....	5-N-15.....	Positive.....	District G, B. C. I. and Saratoga P. D.
Miscellaneous.....	Schenectady.....	9-11-40.....	5-N-16.....	Positive.....	General Electric P. D.
Miscellaneous.....	Chemung.....	9-14-40.....	5-N-17.....	Positive.....	Health Department
Determination of alcohol	Tioga.....	9-24-40.....	5-N-18.....	Positive.....	County Hospital
Identification of shell and projectile	Westchester.....	9-25-40.....	5-N-19.....	Negative.....	New Rochelle P. D.
Determination of alcohol	Chemung.....	10- 2-40.....	5-N-20.....	Positive.....	County Hospital
Miscellaneous (suspected drug)	Onondaga.....	10- 8-40.....	5-N-21.....	Positive.....	District D, B. C. I.
Miscellaneous.....	Eric.....	10- 9-40.....	5-N-22.....	Negative.....	District A, B. C. I.
Miscellaneous (hit and run).....	Fulton.....	10-14-40.....	5-N-23.....	Positive.....	Johnstown P. D.
Illegally killing deer.....	Franklin.....	11-12-40.....	5-N-24.....	Positive.....	Conservation Department
Miscellaneous.....	Chemung.....	11-15-40.....	5-N-25.....	Positive.....	County Hospital
Possession of narcotic	Broome.....	12-20-40.....	5-N-26.....	Positive.....	Health Department
Bullet comparison	Westchester.....	12-23-40.....	5-N-27.....	Negative.....	Mamaroneck P. D.
Bullet comparison	Westchester.....	12-30-40.....	5-N-28.....	Negative.....	Mamaroneck P. D.
Pathometer (assault and robbery).....	Schenectady.....	3-25-40.....	5-P- 1.....	Positive.....	Scotia P. D.
Pathometer (homicide).....	Monroe.....	10- 8-40.....	5-P- 2.....	Positive.....	D. A.
Robbery.....	Ontario.....	6-17-40.....	5-R- 1.....	Pending.....	D. A.
Robbery.....	Warren.....	10- 2-40.....	5-R- 2.....	Positive.....	District G, B. C. I.

CHART 2

 CHARACTER OF TESTS PERFORMED
 SCIENTIFIC LABORATORY, BUREAU OF CRIMINAL INVESTIGATION

LABORATORY CASE NUMBER	Number of items of evidence	Itemized evidence	Nature of tests performed
5-A- 1.....	1	Stomach contents of a dog.....	Chemical and Microscopic examination to determine the presence of toxic substance.
5-A- 2.....	1	Bullet from body of a dog.....	Ballistic examination for comparison purposes.
5-A- 3.....	7	Calf's intestines, heart and liver; enamel feed basin, feed-bag; 2 cans containing unknown medicine or chemical.	Chemical tests to determine presence of strychnine.
5-A- 4.....	1	Jar containing washings of the stomach contents of three wild birds.	Chemical tests to determine whether the birds were maliciously poisoned. Spectrographic examination also made.
5-A- 5.....	2	Two pieces of bread.....	Chemical examination to determine the nature of a chemical on the bread.
5-A- 6.....	1	Jar containing sample of vomit from complainant's dog.	Chemical, microscopic and spectrographic examination of evidence to determine presence of poison.
5-A- 7.....	1	Small mayonnaise jar containing portion of meat.	Chemical and spectrographic examination of evidence to determine presence of poison in meat.
5-A- 8.....	1	Glass jar containing samples of grass.	Microscopic, chemical and spectrographic tests to ascertain nature of substance on grass.
5-A- 9.....	5	3 jars containing organs from a horse; 2 bottles containing drinking water.	Chemical and spectrographic examination to ascertain whether any toxic substances were found in organs of the horse.
5-A-10.....	6	Brain, kidneys, liver, heart, stomach and contents and washings of intestines of a dog.	Chemical and micro-chemical analysis of evidence to determine presence of toxic substance.
5-A-11.....	1	Vomit of a dog.....	Chemical examination to determine presence of toxic substance.
5-B- 1.....	1	Approximately 8 oz. of partially burned carpet.	Chemical examination to determine foreign substance.
5-B- 2.....	6	2 jars of unknown liquids; 2 pails of alleged stuffing from mattress; ½ gallon can; 1 dish pan.	Examination of evidence to determine whether fire was of incendiary origin—chemical and iodiform tests.
5-B- 3.....	25	Debris from ruins of fire.—1 ceramic door knob; 4 bolt locks; 14 mortised locks (exterior and interior); 3 safety locks; 1 tumbler; 2 gallon can; valve assembly.	Examination of evidence to determine its connection with the fire.
5-B- 4.....	1	Box containing charred cloth and wood.	Chemical examination to determine presence of inflammable or combustible material.
5-B- 5.....	1	Box containing charred remains of fire.	Micro-chemical and spectrographic examination for the presence of inflammable substance.
5-B- 6.....	6	4 - 1 gallon bottles containing liquid; 1 transformer; aluminum tube with wire.	Examination of evidence to determine connection with fire. Chemical tests to determine presence of inflammable or combustible material.

CHART 2 — (Continued)

LABORATORY CASE NUMBER	Number of items of evidence	Itemized evidence	Nature of tests performed
5-E- 1.....	4	Photostatic copy of check No. 160 for \$10.00; sheet of handwriting sample; marked (2); sheet of handwriting sample, marked (3); hotel registration No. 20, dated Mar. 27, 1940.	Documentary examination for comparison purposes.
5-E- 2.....	1	Receipt for milk payment—\$105.93..	Documentary examination to ascertain whether receipt had originally been made with pencil; also photographic examination.
5-E- 3.....	2	Extortion letter; map of involved territory.	Documentary and photographic examination of evidence to ascertain identity of author of anonymous letter.
5-E- 4.....	11	Five checks; 3 comparison handwritings;	Documentary and photographic examination for comparison purposes.
5-E- 5.....		3 comparison handwritings.	
5-E- 6.....	2	Check for \$60.00; handwriting specimens.	Documentary examination for comparison purposes. Photographs also made.
5-E- 7.....	38	33 checks; 2 statements; 2 letters; samples of suspect's writing.	Documentary and photographic examination for comparison purposes.
5-F- 1.....	4	1 wheel with rubber tire attached; sample of hair from head of deceased; unknown fibers from defendant's car.	Microscopic examination to determine presence of blood— and examination of other evidence.
5-F- 2.....	..	Fragments of headlight lens.....	Examination to identify lens.
5-F- 3.....	14	Cardboard box marked "In Barn", containing white painted wood shavings with red stains, quantity of grass, hay, etc., also tissue; envelope containing quantity of tissue, orange colored liquid, grass soaked with a red substance; hammer found in barn; basket marked "Daughter", containing bones and charred flesh; basket marked "Father", containing bones and charred flesh; can marked "Mother", containing bones and charred flesh; clothing of suspect, watch; wallet; calling card; 1 - .32 Savage automatic; collection of bones.	Chemical, microscopic, micro-chemical, spectrographic and ballistic examination of evidence, also study of bones. Sketches made.
5-F- 4.....	4	1 pair of brown cotton gloves with piece of palm removed from left hand glove; 3 slides containing materials removed from gloves.	Micro-chemical and microscopic examination of evidence.
5-F- 5.....	55	Copy of Medical Examiner's report; 5 photographs—bullet, deceased, and 3 views of store; Colt, officers model, .22 long rifle No. 4474; 1 old holster; 41 - .22 caliber Remington long rifle cartridges in tobacco pouch; fatal .22 bullet removed from body, 1 test bullet fired from revolver No. 4474; deceased's clothing—vest, coat, undershirt and 1 blue shirt.	Ballistic, microscopic, chemical, spectrographic and photographic examination of the evidence and comparisons.
5-F- 6.....	2	Pieces of glass picked up at scene of accident; piece of parking light or directional signal.	Examination of evidence for identification.

CHART 2 — (Continued)

LABORATORY CASE NUMBER	Number of items of evidence	Itemized evidence	Nature of tests performed
5-B- 7.....	..	Debris from scene.....	Examination of evidence to determine whether fire was of incendiary origin.
5-B- 8.....	1	6 ounces of colored liquid in bottle...	Chemical tests to determine type of gasoline.
5-B- 9.....	Examination at scene of fire for evidence of incendiarism.
5-B-10.....	31	Jar containing fluid from 5 gallon container; jar containing paper from cellar of house; motor oil can; paper found in men's room in gas station; rag found stuck through hole in wall between diner gas station and oil room; fluid found in motor oil can; paper found in ladies' room in gas station; pants, shirt and suspenders found under dresser of suspect's house; claw hammer, plaster and screw from pin ball machine; burned cloth and match; piece of newspaper found with pieces of cloth under window; plan drawn on cardboard; piece of cloth saturated with odor of kerosene, found in bathroom; raincoat from back oil room; large piece of cloth found in back oil room; papers and piece of canvas found on shelf in back oil room; sample of kerosene taken from tank in back oil room; sample of motor oil taken from tank in back oil room; front board removed from pin ball machine in station; screw from pin ball machine; sample of plaster from front wall; sample of plaster from wall between oil room and diner part of gas station; piece of linoleum taken from floor behind counter; 2 quart cans of motor oil; piece of rug from living room of the house.	Chemical, microscopic and spectrographic examination of evidence to ascertain whether fire was of incendiary origin.
5-C- 1.....	2	Bullet removed from door jamb; cap, allegedly lost by assailant.	Ballistic examination to identify firearm. Examination of cap to assist in apprehending perpetrator.
5-C- 2.....	7	.45 Colt automatic pistol No. 149076; 5 empty .45 caliber shells; 1 -.45 caliber cartridge.	Ballistic and microscopic examination of evidence for comparison purposes.
5-C- 3.....	2	Hammer; hair sample.....	Chemical, microscopic and photographic examination of evidence to ascertain whether stain on head of hammer was blood.
5-C- 4.....	2	Quart bottle with unknown liquid, originally containing tea; salt shaker with unknown white substance, originally containing salt.	Chemical and spectrographic examination of evidence to ascertain contents of salt shaker and the unknown liquid.
5-C- 5.....	24	Meriden double barrel shotgun No. 62735; 1 shotgun cleaning rod; box containing 20 shotgun shells; envelope containing empty cartridge; copy of report of investigation.	Ballistic examination of evidence to determine whether spent cartridge was fired from evidence shotgun—also perusal of reports.
5-D-1.....	1	Jar containing sample of blood.....	Chemical and micro-chemical tests to determine whether sample of blood is of human origin.
5-D- 2.....	3	Receipt for \$21.65; request handwriting of the suspect; report on the case.	Documentary examination, photographic work and perusal of reports to ascertain whether suspect was at scene of crime.

CHART 2 — (Continued)

LABORATORY CASE NUMBER	Number of items of evidence	Itemized evidence	Nature of tests performed
5-F-15.....	74	Double barrel shotgun, 12 gauge No. 6126; statement; autopsy report; fingernail scrapings from hands of deceased; piece of skull bone showing pellet entrance and exit; 40 pieces of pellet and fragments of pellets removed from brain of deceased—also one wad; one pellet—one shotgun wad removed from wound of deceased; 8 photographs; plan of house of defendant; straw hat of defendant; hat of deceased; coat, sweater and pants of defendant; shirt, suit, tie, black shoes and socks of deceased; towel found at home of defendant; contents of pockets from defendant's clothing; property found in dash compartment of defendant's car; 1 shell from defendant's home—Western Super X-12 gauge; 1 shell removed from right hand pocket of defendant's coat; 2 shells found in dash compartment of defendant's car.	Chemical, microscopic and spectrographic examination of evidence to ascertain whether shotgun was fired recently and whether said shotgun killed deceased.
5-F-16.....	32	2 flasks of blood found at scene; 17 slides containing fingernail scrapings from victim and defendant; pair of defendant's shoes; pair of victim's shoes; 2 pieces of petticoat; dress of deceased worn on day of crime; rag found between legs of victim; undershirt of victim; dress worn by victim; ladies' coat found at scene; pants of defendant; sweater of victim; two buttons found near where body of victim was found.	Chemical, micro-chemical, and microscopic examination of evidence and perusal of reports and statements of witnesses.
5-F-17.....	1	Stomach contents of deceased.....	Chemical and spectrographic examination to determine contents of stomach of deceased.
5-F-18.....	8	Clothing of deceased; broken glass; broken door handle; cowl light rim; hair of deceased.	Microscopic examination to establish identity of car that killed deceased.
5-F-19.....	1	Specimen of blood.....	Chemical test to determine presence of alcohol.
5-F-20.....	25	Rear license plate from car; right front hub cap from suspect's car; right corner of broken front bumper from suspect's car; hub cap of left rear wheel of car; scraping of red paint from car; right front wheel and tire from suspect's car; right rear wheel and tire from suspect's car; right front fender of suspect's car; left rear fender bumper of car; shirt, overall pants, shoes and blanket of deceased; preliminary report of investigating officer; 11 photographs.	Microscopic and spectrographic examination of evidence to determine whether car came into contact with deceased.
5-F-21.....	17	4 bullets; 3 lead fragments; 2 exploded cartridges; 1 badly distorted bullet; 2 particles of fibers found in palm of victim's right hand; samples of head and body hair of victim; scrapings from floor of front seat of deceased's car; hairs from right and left side of deceased's coat; control fibers from suit of deceased.	Microscopic and ballistic examination of evidence to aid in identification of assailant or assailants. Sketch also made.

CHART 2 — (Continued)

LABORATORY CASE NUMBER	Number of items of evidence	Itemized evidence	Nature of tests performed
5-F- 7.....	54	4 reports; 9 copies of statements; copy of measurements taken at scene; copy of measurements of dents, etc., on car; copy of information; autopsy report; sketch of scene; 21 photographs of car, etc. Specimens of scrapings of paint, etc., taken from suspect's car; one pair of gray overalls worn by victim; one brown colored zipper jacket worn by victim; one gray checkered cap worn by victim; pair of black colored mittens worn by victim; pair of light colored trousers worn by victim; gray colored undershirt worn by victim; bluish colored shirt worn by victim; specimens of hair taken from body; specimen of blood taken from the body of deceased.	Spectrographic, micro-chemical and microscopic examination of evidence to ascertain whether same did come in contact with defendant's car. Perusal of reports.
5-F- 8.....	28	1 towel found in kitchen; towel used by Doctor to wash deceased; sign; 2 pillow cases, 1 sheet and counterpane from stand; 12 photographs; hammer found in kitchen cupboard; ash tray and writing pad from stand near bed; 3 envelopes containing hair from hammer, hair of deceased, hair and blood from stove and hair of deceased; clothing of defendant—jacket, suit coat, flannel shirt and pants; autopsy report; reports of troopers showing measurements.	Microscopic examination of evidence to determine whether hammer came in contact with deceased and how assault occurred. Photographs and sketches also made.
5-F- 9.....	21	Smith & Wesson revolver No. 70402; 5 Winchester cartridges and one spent shell in cylinder of gun; bullet taken from body of dog; bullet from bathroom wall, piece of screen from front door; particles of front door screen; lady's handkerchief; portion of skin, taken from entrance of bullet hole, box containing glass from front door; box containing glass, found on living room floor; claw hammer; paraffin casts; wrecking bar; package containing knives; wood board (moulding—front door) shell found in pipe leading from toilet to septic tank; jackknife found in desk.	Ballistic examination for comparison purposes. Microscopic, chemical and spectrographic examination of evidence to determine nature of homicide.
5-F-10.....	2	20 cc's of suspect's blood; 1 ounce of suspect's urine.	Chemical examination to ascertain presence of ethyl-alcohol in blood and urine. Iodoform test also made.
5-F-11.....	1	Stomach contents of deceased.....	Chemical examination to ascertain whether deceased partook of any ethyl-alcohol and whether quantity could be ascertained.
5-F-12.....	4	Floor boards from 1938 Ford V-8 Panel truck, no license number, fibers (3) taken from floor of truck.	Examination of evidence to determine whether there was any material evidence of human blood on floor boards of truck, and to identify fibers.
5-F-13.....	2	Button from coat of deceased; piece of coat lining; photographs of impressions on hood of suspect's car.	Examination of evidence to identify automobile involved in fatal accident.
5-F-14.....	2	Jar containing gastric contents; jar containing stomach contents.	Chemical and toxicological analysis to determine presence of strychnine.

CHART 2 — (Continued)

LABORATORY CASE NUMBER	Number of items of evi- dence	Itemized evidence	Nature of tests performed
5-M-1.....	3	12 Gauge Springfield single barrel shotgun No. 64002; 1-12 gauge Win- chester superspeed empty shell; 1 empty shell found in vicinity of crime.	Ballistic examination for compari- son purposes.
5-N-1.....	1	1 ounce sample of urine.....	Chemical examination of urine for presence of alcohol.
5-N-2.....	4	A quart fruit jar with reddish liquid; a pint fruit jar with reddish liquid; square bottle with reddish liquid; and round bottle with reddish liquid.	Chemical examination to ascertain presence of blood.
5-N-3.....	6	.32 caliber Harrington and Richardson revolver No. 134181; 5 cartridges originally in chamber of gun.	Ballistic examination for compari- son purposes.
5-N-4.....	1	Sample of vomit.....	Chemical analysis and toxicological to determine presence of poison.
5-N-5.....	1	.32 caliber 5 shot Meriden Arms Co. revolver—serial No. 271775.	Ballistic examination for compari- son purposes.
5-N-6.....	4	1 letter written in German; 3 small boxes of unknown substance.	Examination of evidence to deter- mine unknown substance and translation of letter.
5-N-7.....	1	Envelope with cut-out letters, regard- ing bombing of the Capitol.	Photographic and microscopic ex- amination to establish origin of the evidence.
5-N-8.....	7	Pair of injured man's low shoes; pair of socks; pair of pants; shirt; under- shirt; piece of sweater and sus- penders.	Examination of evidence to deter- mine identity of car involved.
5-N-9.....	4	Anonymous letter written with pencil, on yellow paper, a typewritten copy of an anonymous letter; comparison handwriting; anonymous letter.	Documentary and photographic examination of evidence to estab- lish identity of writer of anony- mous letters.
5-N-10.....	1	Anonymous communication sent to the Governor.	Examination of evidence and invest- igation of ink, paper, etc., for identification and to trace the manufacturer.
5-N-11.....	3	Fragments of exploded bomb; unex- ploded bomb; special report re: investigation.	Microscopic, chemical, photograph- ic and spectrographic examina- tion of evidence—also study of bomb at scene.
5-N-12.....	1	Pint glass jar containing unknown substance, wrapped in waxed paper.	Chemical, microscopic and spectro- graphic examination to determine identity of substance.
5-N-13.....	1	Small package containing cigarette.	Microscopic examination to ascer- tain contents of cigarette.
5-N-14.....	1	Bullet.....	Ballistic examination to ascertain types of ammunition and firearm from which projectile was fired. Spectrographic analysis also made.
5-N-15.....	1	Yellow wax substance in form of a candle.	Examination of evidence to ascer- tain composition of wax sub- stance.
5-N-16.....	1	Sample of hair.....	Microscopic and photographic ex- amination to determine charac- teristics of the hair.

CHART 2 — (Continued)

LABORATORY CASE NUMBER	Number of items of evidence	Itemized evidence	Nature of tests performed
5-F-22.....	2	Stomach and part of liver of deceased.	Chemical, microscopic and spectrographic examination to determine cause of death.
5-F-23.....	8	Clothing of deceased; clothing of injured woman; several fragments of headlight lens picked up at scene of accident; fragments of glass for comparison with evidence glass; autopsy report of deceased; 2 broken headlight brackets; several threads removed from front end of suspect's car.	Examination of evidence to assist in identifying car which came in contact with deceased and injured woman—and identification of head-lens.
5-F-24.....	1	.32 caliber bullet removed from body of deceased.	Ballistic examination for comparison purposes.
5-F-25.....	15	Fatal bullet; 1 - 33 caliber Winchester cartridge, dismantled; 3 - 33 caliber cartridges; 6 - 30 caliber cartridges; 2 - 32 caliber cartridges; 1 - 30/30 cartridge; 1 - 30 cartridge.	Ballistic examination of evidence to determine responsibility in the fatal shooting.
5-F-26.....	7	Fragments of headlight lens picked up at scene of accident; clothing of deceased; pair of black shoes; rubber heel found off the road.	Examination of evidence to determine method of contact and to identify head-lens. Spectrographic examination also made.
5-H-1.....	3	Two photographs of a loan ticket No. 41665; photograph taken in Laboratory from alleged application of suspect.	Documentary examination for comparison of signatures.
5-I-1.....	1	1 cartridge, marked FA 10-08, projectile removed.	Ballistic and spectrographic examination to ascertain nature of cartridge and to assist in tracing ownership. Sketch also made.
5-I-2.....	2	Evidence bullet; test bullet from suspect's rifle.	Ballistic examination for comparison purposes.
5-I-3.....	1	Envelope containing substance removed from engine.	Chemical, micro-chemical and spectrographic examination of evidence to ascertain composition of substance found in motor of automobile.
5-J-1.....	2	Trousers and underwear of defendant; underclothing of complainant.	Examination of evidence to determine presence of seminal fluid.
5-J-2.....	15	Clothing of defendant; four handkerchiefs from clothing of defendant; bloomers worn by assaulted child; sample of urine of defendant; floor mat from defendant's car; seat from defendant's car; half pint bottle of liquid found in rear of defendant's car; slide containing smear from assaulted child.	Microscopic examination of evidence.
5-J-3.....	2	Pair of man's trousers; pair of girl's bloomers.	Chemical, microscopic, micro-chemical and spectrographic examination to determine whether same have any material evidence bearing upon the case.
5-K-1.....	5	1 ounce of blood; 4 ounces of urine...	Chemical and micro-chemical analysis to ascertain presence of oil of wintergreen in urine and blood—also presence of alcohol.
5-K-2.....	130	Several letters, documents, etc.; 2 suicide notes.	Documentary examination, translation of letters and perusal of reports.

RESUMÉ OF EVIDENCE EXAMINATIONS, SCIENTIFIC LABORATORY
BUREAU OF CRIMINAL INVESTIGATION

Examinations pertaining to:	Cases referred
Animal law.....	10
Arson.....	10
Assault.....	5
Bullet comparison.....	2
Burglary.....	2
Determination of alcohol.....	2
Extortion.....	1
Forgery.....	6
Homicide.....	24
Identification of firearm.....	1
Identification of shell and projectile.....	1
Illegally killing deer.....	1
Investigation of death.....	1
Larceny.....	1
Malicious mischief.....	3
Manslaughter.....	1
Miscellaneous.....	19
Pathometer (detection of deception).....	2
Possession of narcotic.....	1
Robbery.....	2
Sex crime.....	3
State Law.....	1
Suicide investigation.....	2
Unjustifiable killing of animal.....	1
Violation of Narcotic Law.....	1
Total.....	<u>103</u>

COUNTIES SUBMITTING EVIDENCE FOR EXAMINATION

County	Number of cases submitted
Albany.....	7
Bronx.....	1
Broome.....	4
Cattaraugus.....	1
Cayuga.....	1
Chautauqua.....	3
Chemung.....	5
Chenango.....	2
Clinton.....	1
Delaware.....	3
Dutchess.....	1
Erie.....	2
Essex.....	1
Franklin.....	6
Fulton.....	2
Genesee.....	1
Hamilton.....	2
Madison.....	1
Monroe.....	3
Montgomery.....	2
Oneida.....	2
Onondaga.....	3
Ontario.....	4
Orange.....	1

CHART 2 — (Concluded)

LABORATORY CASE NUMBER	Number of items of evidence	Itemized evidence	Nature of tests performed
5-N-17.....	2	Two samples of weed.....	Microscopic and chemical examination to ascertain whether evidence contained Cannabis Indicae.
5-N-18.....	4	4 test tubes containing blood.....	Chemical tests to determine presence of alcohol.
5-N-19.....	2	Empty .22 caliber shell; lead .22 caliber projectile.	Ballistic examination for comparison purposes.
5-N-20.....	1	Approximately 2 cc's. of blood.	Chemical tests to determine alcoholic content of blood.
5-N-21.....	27	11 large white pills; 16 small white pills and fragments.	Chemical examination of tablets.
5-N-22.....	1	Bag containing ashes, cinders, bones, etc.	Examination of evidence to determine whether charred flesh and bones are human.
5-N-23.....	3	Pair of injured man's pants; paint scrapings from suspect's car; paint scrapings from another car.	Examination of evidence to identify type of car involved. Also spectrographic analysis.
5-N-24.....	11	1 - .32 rifle, No. 159520; deformed bullet from doe No. 1; deformed bullet from doe No. 2; fragments from a projectile removed from doe No. 3; 7 fired shells. .32 super special WS—all found within a radius of 50 feet.	Ballistic examination to ascertain whether projectiles could have been fired from firearm, serial No. 159520.
5-N-25.....	4	Four jars containing blood, brain, kidney and liver.	Chemical tests to determine presence of pantocaine (poison).
5-N-26.....	1	Vial containing suspected chloral hydrate.	Chemical test for chloral hydrate.
5-N-27.....	2	Test bullet and shell fired from Hopkins and Allen, .32 caliber revolver No. 1110.	Ballistic and microscopic examination for comparison purposes.
5-N-28.....	2	.32 test bullet and shell fired in Iver-Johnson revolver No. 19909.	Ballistic and microscopic examination for comparison purposes.
5-P-1.....	Pathometer test.
5-P-2.....	Pathometer test.
5-R-1.....	103	Samples of adhesive tape; samples of seeds and weeds; samples of blood and fibers; clothing; photographs; pillowcase, wash cloth, magazines, sheet; petri dish; pieces of wood, samples of grass; contents of trouser cuffs; scrapings from fingers of complainant; handkerchief of suspect, found in car; samples of thread from clothing; samples of paint; 2 rubber gloves; flashlight; paint brush; samples of powder used in marble.	Chemical, microscopic, spectrographic and photographic examination of evidence to ascertain personality of assailant.
5-R-2.....	1	Man's gold colored ring, minus stone.	Examination of evidence to determine whether same contained any blood or tissue of human origin.

RECORD OF ARRESTS

Crime	Arrests	Convictions	Pending
Abandonment.....	86	49	31
Abduction.....	14	4	7
Abortion.....	6	2	3
Adultery.....	25	8	16
Agricultural Law, violations of.....	116	110	5
Alcoholic Beverage Control Law, violations of	26	24	1
Animals, cruelty to.....	201	185	4
Arson.....	83	17	56
Assault.....	1,113	723	181
Bail jumping.....	2	2	..
Bastardy.....	33	1	32
Bigamy.....	12	6	6
Billiard Room Law, violations of.....	5	5	..
Burglary.....	651	294	317
Burglars' tools, possession of.....	1	..	1
Business and trade.....	33	31	1
Checks, passing worthless.....	336	261	35
Children, abandonment of.....	21	5	14
Children, carnal abuse of.....	25	13	9
Children, endangering life and health of....	4	3	1
Children, endangering morals of.....	36	29	5
Children, failing to provide for.....	60	39	15
Children, improper guardianship of.....	8	1	6
Children, wayward minor.....	63	52	7
Cockfighting.....	123	123	..
Coercion.....	2	..	2
Conservation Law, violations of.....	245	243	2
Conspiracy.....	35	20	15
Contempt of court.....	32	17	12
Crime, attempt to commit.....	9	4	5
Crime, threat to commit.....	5	3	..
Criminal negligence.....	48	3	23
Defrauding innkeepers.....	115	86	18
Deserters, U. S. Army and Navy.....	11	9	1
Disorderly conduct.....	2,821	2,576	92
Disorderly persons.....	208	158	30
Domestic Relations Law, violations of.....	6	4	2
Education Law, violations of.....	39	32	2
Election Law, violations of.....	19	..	18
Escaped inmates.....	153	151	2
Escaped prisoners.....	25	25	..
Extortion.....	4	3	1
Federal violations, assault.....	1	1	..
Federal violations, Immigration Law.....	24	20	4
Federal violations, Liquor Law.....	35	22	13
Federal violations, Motor Vehicle Theft Act	35	26	4
Federal violations, Narcotic Law.....	4	4	..
Firearms, unlawful discharge of.....	1	..	1
Firearms, unlawful possession of.....	8	5	..
Forgery.....	155	72	81
Fraud.....	89	62	11
Fraudulently disposing of mortgaged property	20	11	8
Fraudulently secreting mortgaged property...	20	12	4
Fraudulently secreting personal property....	4	..	3
Fugitive from justice.....	68	61	3
Gambler, common.....	62	46	16
Gambling.....	74	56	8
Gambling devices.....	279	275	..
Gambling houses.....	1	..	1
General Business Law, violations of.....	45	43	1

Oswego	2
Otsego	1
Queens	1
Rensselaer	4
Rockland	1
Saratoga	12
Schenectady	5
Schoharie	1
Suffolk	2
Sullivan	3
Tioga	3
Warren	3
Washington	1
Wayne	2
Westchester	3
Total	<u>103</u>

AGENCIES SUBMITTING EVIDENCE FOR EXAMINATION

Agency	Number of cases submitted
State Police:	
Headquarters	1
Troop G, Troy	1
B. C. I. Districts:	
A—Batavia	5
B—Malone	6
C—Sidney	5
D—Oneida	8
G—Troy	15
K—Hawthorne	4
County coroners	6
County hospitals	4
County sheriff	1
District attorneys	22
Fire underwriters	2
Miscellaneous	3
Municipal police departments	11
Municipal fire department	1
State departments	8
Total	<u>103</u>

NECROLOGY

During the year of 1940, only one member of the force died. Sergeant John W. Brockman, Troop D, Oneida, whose home was in Utica, passed away on August 23, 1940. His death was caused by a cancer after six months illness.

He was appointed to Troop D on June 1, 1924, promoted to corporal on December 1, 1927, and to the rank of sergeant on September 1, 1931.

STATEMENT OF MILES PATROLLED

Mounted patrols.....	39,522
Motorcycle, automobile, etc.....	12,620,138
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Total miles of road patrolled.....	12,659,660
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Investigations without arrests.....	39,843
Automobiles recovered.....	606
Sheep-killing dogs killed.....	198
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Value of property recovered.....	\$383,328 11
Fines collected.....	370,978 45
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Crime	Arrests	Convictions	Pending
Highway Law, violations of	2,784	2,653	24
Incest	13	3	9
Indecency	47	43	3
Insanity law	240	238	2
Intoxication, public	1,723	1,706	9
Juvenile delinquency	560	412	123
Kidnapping	2	1	..
Labor Law, violations of	2,243	2,196	37
Larceny	2,482	2,019	270
Malicious mischief	243	208	23
Manslaughter	23	7	11
Material witness	2	..	2
Mental Deficiency Law	35	35	..
Murder	22	9	10
Navigation Law, violations of	2	2	..
Nonsupport	7	4	2
Nuisances	8	7	1
Obscene literature	4	4	..
Officer, impersonating	4	3	1
Officer, interfering with	2	1	1
Officer, resisting	4	2	..
Officer, threatening	1	1	..
Park and parkway ordinances, violations of	2,097	2,096	..
Parole, violations of	127	120	4
Peddling without license	8	8	..
Perjury, subornation of	5	1	4
Personal Property Law, violations of	1	1	..
Probation, violations of	51	38	12
Prostitution	1	1	..
Public Health Law, violations of	7	5	1
Public Officers' Law, violations of	10	2	8
Public Safety Law, violations of	20	13	4
Public Service Law, violations of	7	6	..
Public Welfare Law, violations of	12	8	..
Rape	195	74	97
Real Property Law	4	4	..
Receiving stolen goods	29	15	14
Riot	4	..	4
Robbery	59	31	25
Sabbath breaking	12	12	..
Seduction	1	..	1
Sodomy	33	12	19
Threatening letters	1	..	1
Town and village ordinances, violations of	75	73	1
Trains, riding on, illegally	9	9	..
Tramps	435	425	3
Trespassing	26	24	..
Unauthorized use of motor vehicle	7	6	1
Unlawful assembly	1	1	..
Unlawful entry	50	36	10
Vagrancy	221	214	4
Vehicle and Traffic Law, violations of	42,248	41,432	289
Weapons, carrying concealed	23	11	12
Weapons, possessing dangerous	39	21	11
Total	64,054	60,290	2,189

		Per cent
Total number of arrests	64,054	100
Total number of convictions	60,290	94
Cases pending	2,189	3
Discharged cases	1,575	3