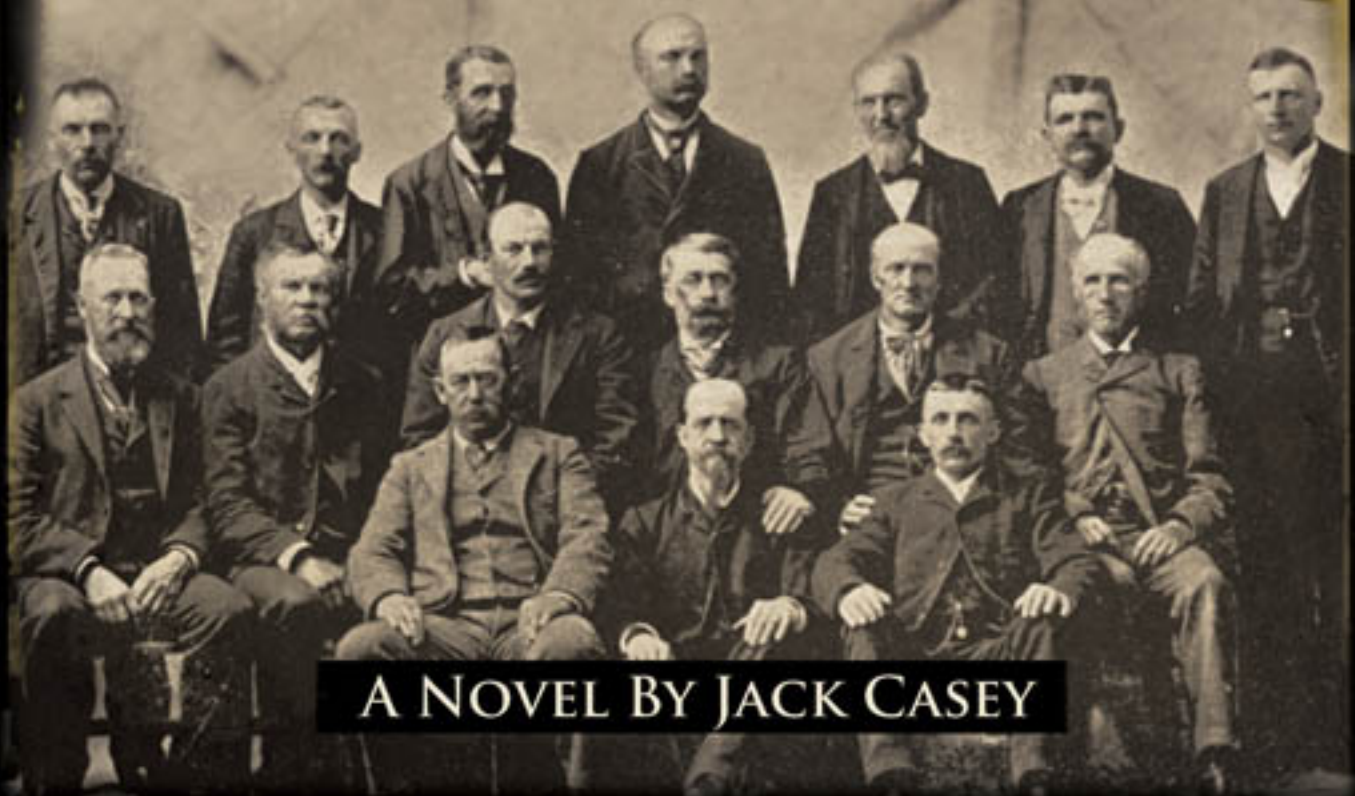




# THE TRIAL OF BAT SHEA



A NOVEL BY JACK CASEY

T H E T R I A L O F

BAT  
SHEA

A N O V E L B Y J A C K C A S E Y

Published by  
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A hardcover edition of this book was published in 1994 through the efforts of Frances Johansson, Mike Klein, Larry Roberts, Robert T. Farley, Charlotte Foster.

For theatrical adaptations, music and more, visit: <http://BatShea.com>.

Questions, Comments?  
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With a father's love this story is dedicated to my children — may it inspire  
MOLLY in her pursuit of justice, and JOHN in his quest for poetic truth.

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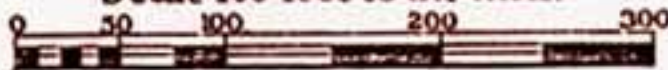
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# PART OF CITY OF TROY, N.Y.

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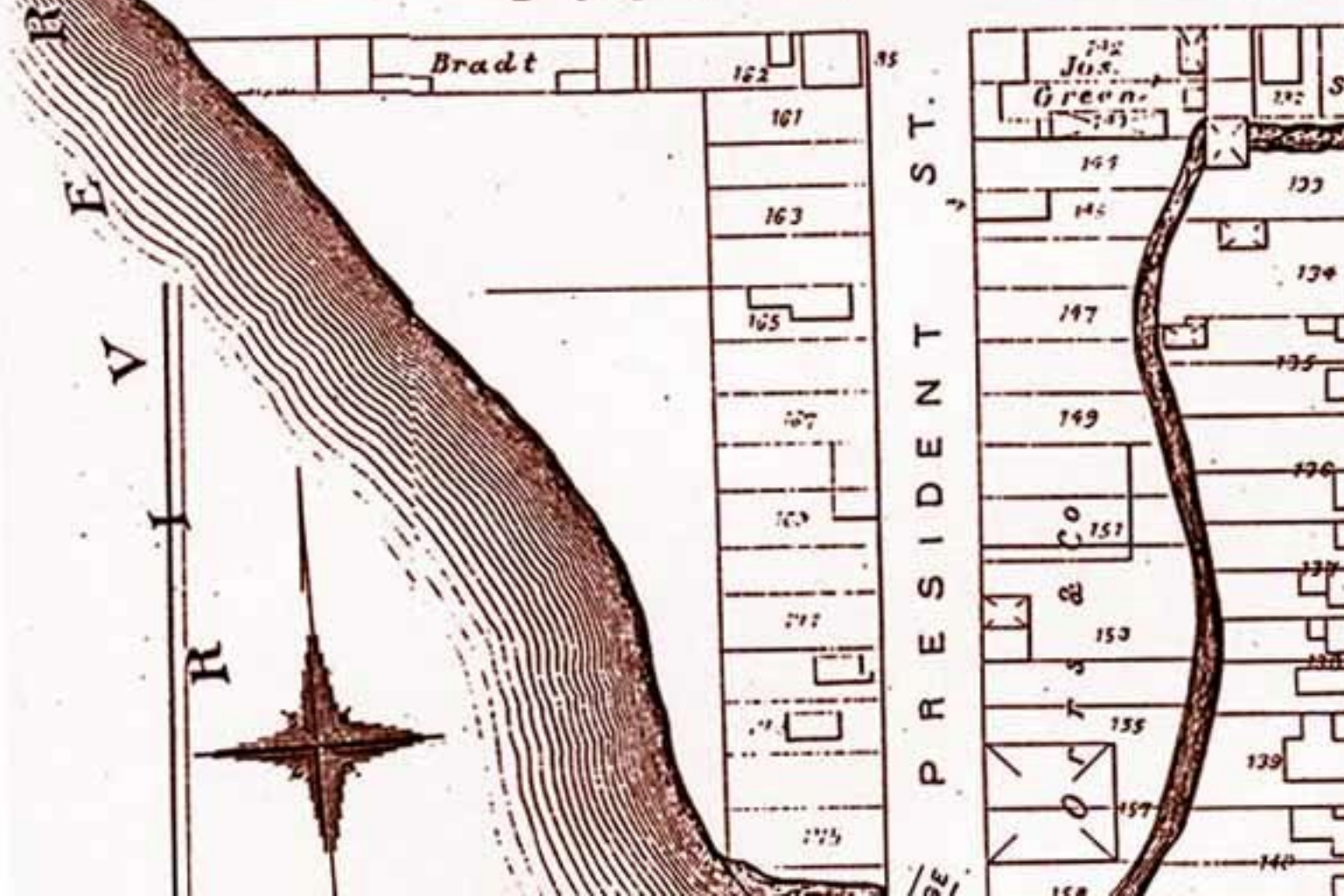
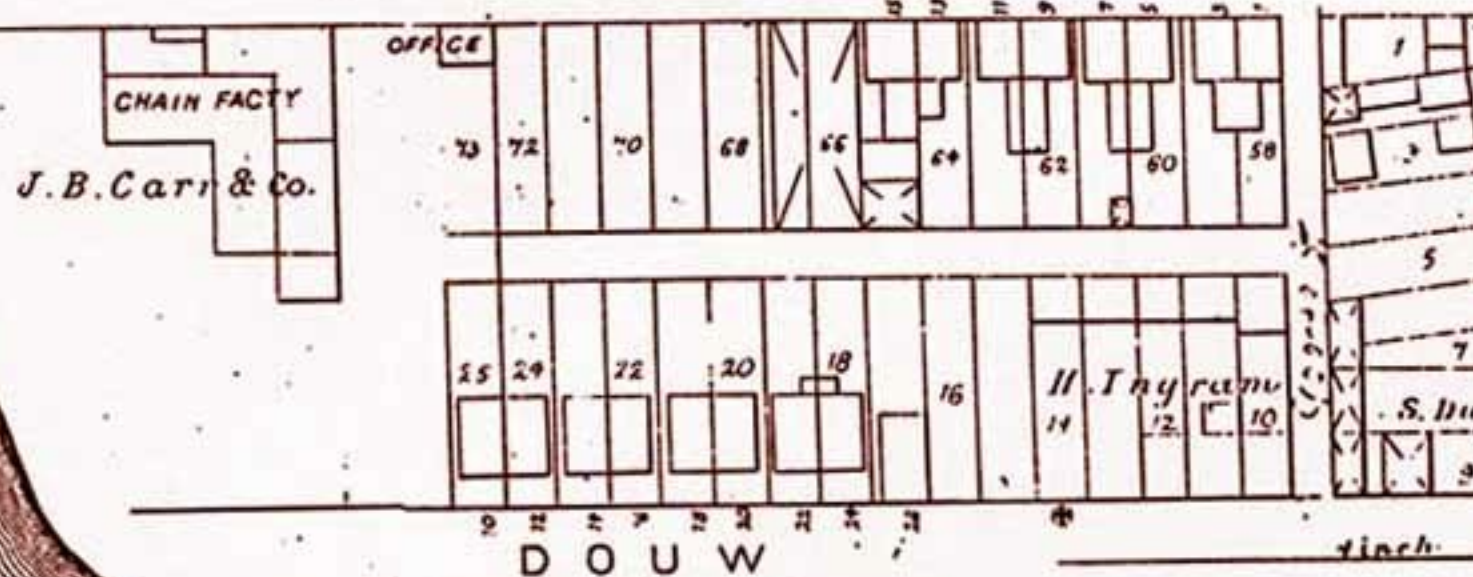
Scale 100 feet to the inch.



**EXPLANATIONS.**

- Brick or Stone building.
- Frame building.
- Brick or St. Stable.
- Frame Stable or Shed.
- Sewer.
- 4" Water Pipe.
- Horse Railway.
- Fire Hydrant & Well.

S M I T H A V E .



# THE TRIAL OF BAT SHEA



THE NAGGING, UNRESOLVED THEME of Jack Casey's moving tale about the Gilded Age of Troy is a question which has troubled moralists since the dawn of history: do the ends ever justify the means.

To Bartholomew Shea, as one of the least promising representatives of Troy's downtrodden working class, the stuffing of a ballot box seemed a small enough price to pay to even the scales of an oppressively hopeless system of economic injustice.

To the self-righteous avengers of the martyred young reformer Robert Ross, the opportunity to railroad the criminal justice system to restore order and civility seemed to be a public obligation all decent citizens should applaud. Each side justified its illegal acts by the noble end to be attained, and each, in turn, produced tragedy.

It is difficult for modern day Americans to comprehend the intensity of class struggle and ethnic rivalry so prevalent in nineteenth century America. The roles which were played out in the brief lives of "Bat" Shea and Robert Ross were cast for them and their contemporaries long before their births and had their roots in the bloody history of Ireland. England's systematic displacement and debasement of Gaelic stock Catholics with loyalist Protestants created an open sore which has not healed to this day.

But the world of the Rosses and the Sheas was not the Old World. An insatiable need for stout hands and strong backs to run the engines, looms and machinery of industry transformed America into a nation of immigrants. In 1894, nowhere was this more true than in the neighborhoods of Troy.

To the laboring classes of Troy, the mill owner, the landlord and the factory manager all meant the same person, the man who could cut wages, raise rents, hire and fire, blacklist and evict. Long days, short wages and child labor were prevalent.

The gentry of Troy were only too aware of the deep suspicions, resentment and hatred felt for their class. The invisible but efficient walls of segregation by housing patterns, churches, schools, fraternal lodges and even secret societies perpetuated the power of "respectable" Trojans.

Two unstoppable forces intensified this class struggle. The first was economic. In 1894, Troy was declining. The great urban industrial giant which had introduced the Bessemer process to America, provided millions of horseshoes for the Union cavalry and had sent its elegant cast iron stoves around the globe was trapped in a losing war with emerging steel giants of industry closer to the Mesabi range out past the Great Lakes. The intense struggles between union labor and desperate management only aggravated and kept alive the old ethnic rivalries which should never have crossed the Atlantic.

The second force was political. The American system, despite all its faults, extended to these armies of new workers not only the protection of citizenship, but the privilege of the ballot. Just as unions were evening the scales of justice for the laboring classes, political parties and the all-pervasive machines provided strength to the powerless. The writing was on the wall. Government by the masses was inevitable.

The pressure of these forces and the violence of confrontation erupted finally in the murder of Robert Ross and the sensational trial of Bartholomew Shea. A hundred years ago, the trial of Bat Shea captured the attention of Victorian America. In the larger picture the principal players became almost pawns in the struggle between anarchy and civilization, oppression and justice. The results were tragic irony.

In his attempt to gain power through the improper use of ballot box stuffing and the bullying of voters at the polls, Bat Shea and his followers compromised the very institution which offered the only possible hope for their struggling class.

The reformers, in their zeal to preserve democracy, corrupted the very thing they were sworn to save. Packing the grand jury with prejudiced jurors and tampering with witnesses to insure a total triumph were no less despicable tactics than the very abuse they preached against.

Jack Casey tells this tale not just as a storyteller but as an attorney whose familiarity and respect for the law, coupled with a labor of love on behalf of his native city, have restored to us the memory of a time and place critical to the development of our democracy. He has also resurrected in Bat Shea a tragic character who emerged from the bottom of society's rankings to achieve in the nobility of his death a dignity denied him in life.

JOHN J. McENENY, 1994  
Member of the New York State Assembly  
And former Albany County Historian

BOOK ONE



THE KILLING

1

# " THE REVOLVER CAUCUS



BALLOT BOX

A COLD WIND'S HOWLING out of the north. The river's frozen, the canals icebound. Factories and brick warehouses line the waterways like walls of a medieval city, and the wild north winds whip snow into high drifts, and drive mill workers indoors to glowing coal fires and steaming tankards of punch. Whistles just blew for the Saturday afternoon shift. Idle church bells hang frosted and silent in belfries. Now and again the luminous winter sun appears like a white communion host behind dark clouds passing.

Republicans convened their caucus in an abandoned storefront this first Saturday in February, and four young men in greatcoats, derbies and wool caps stand in the snow outside, waiting, stamping with cold, passing a flask.

"Yeah, Bat, you'n Jack gone and done it this time!" Jerry Cleary laughed. He was a big, clumsy thug with a blackened tooth. "Jack in there. Chairman of the Republican caucus! George'll be on the ballot as a Republican now. An Irish Catholic Republican! Now there's a freak'a goddamn nature for ya."

"Aye," the leader of them said, swigging from the flask, then passing it, "but that's how we get George in."

"Sure, Bat," Owen Judge cried in happy agreement, "and when George is in, Jerry here'll be a-pestering him for an appointment. Inspector of the Line."

The line was a six-block string of bordellos by Union Station and the city's Central Police Station downtown. Madams paid protection and the police got their weekly take, a share to the party, and everyone was happy with the arrangement.

"Already am, Owney," Cleary thumped his chest with pride. "Already goddamn am," he held up the flask, "official goddamn inspector of the goddamn Line."

"Ah, but there'll be good times then, and we'll all be getting fat when George is in." Owen Judge smacked his lips.

"Enough of that there," Bat Shea cautioned them. "No more said about jobs. We'll not jinx our enterprise." Bat Shea was young, rawboned, lean, and he sneered when he smiled as if the entire human race merited only his contempt. "Step at a time. Today we win the caucus, George is on the ballot. Next month, the election, and in April he's sworn. Only when George is in do we worry who gets what. Now gimme that." And the north wind screamed in the telegraph wires as Shea took the flask from Cleary and tipped it high.

Inside the dim store, Jack McGough was worried. Nervous by nature and trigger happy, his eyes shifted here and there anticipating trouble. Being an Irish Catholic Democrat in a room of Protestant Republicans, much could go wrong. The room was dim and cold and damp. The hot iron stove did little more than raise a stink of wet wool when the wind blew fine snow through chinks in the wall.

"And last, for alderman, George Dunlop," McGough called, all business. "Show of hands? Thirty-one." He rapped the gavel. "Nominees for alderman are Isaac Lansing and George Dunlop." Loud protests rose:

“What about Eli Hancox?”

“There weren’t thirty-one hands for Dunlop!”

“There weren’t three hands for Dunlop!”

McGough stared down their grumbling. “Like it or no, that’s the slate.” Louder this time he rapped the gavel. “Let the voting begin. Lansing or Dunlop.” Lansing was the weaker of the Republican candidates, a mean spirited old miser who’d entered politics at the age of fifty. Eli Hancox was the favored candidate, Dunlop’s only competition, and McGough had just neatly set him aside.

“I protest the consideration of George Dunlop!” A man in the shadows slowly pulled himself to his full height. The dull glow from the whitewashed showcase window was helped little by smudged kerosene lamps.

“You there, you’re out of order!” McGough squinted. “The rest of you, let the voting begin.”

“But there was no discussion about Dunlop,” the man in the shadows stepped forward. He stood well over six feet, with a strong jaw and high forehead and he sported a dark moustache neatly trimmed. “You simply mentioned his name, counted some imaginary votes and now he’s considered by this body as our candidate for alderman? There were no thirty-one votes.” He turned to his fellow Republicans. “This is an outrage! George Dunlop is a saloon keeper, a policeman dismissed from the force, a union agitator...”

“Vote!” McGough commanded, hammering his gavel.

Noise of protest and grumbling rose again, louder this time, and as dissent, confusion and anger spread, McGough whispered aside to the clerk, “Who’s that one there, the big one?”

“Why that’s Robert Ross, sir.”

McGough hammered his gavel louder. “Mr. Ross! Mr. Ross!” The room quieted some. “Nominations are closed. Voice your opinion with your vote.”

“Why, this is a travesty!” Ross insisted to the others, pointing at McGough. “This man, this Irishman steals in here and seizes control of our caucus! To advance a saloonkeeper as a legitimate Republican candidate...”

Another stood up next to him, touched his arm: “There are far more of us than there are of them. Let us proceed to an orderly vote, and beat this George Dunlop at his own game.”

“But Lansing?” Robert Ross’s eyes flashed with anger. “I don’t like it, Bill. I don’t take to compromise. Eli Hancox was to be our candidate...”

While he was talking, other Republicans scribbled their votes with grease pencils, rose and threaded along the wall to the ballot box, a glass fish bowl in a steel frame. There were mild protests as they deposited paper ballots under McGough’s watchful eye. Suddenly one of them stepped back, crying, “Why,

here's a hand coming in!" A black gloved hand was reaching through a hole in the window sash, depositing paper ballots into the box.

"I demand to see those ballots!" Robert Ross cried out, turning on McGough.

"Now, now, gentlemen," McGough stood, hiked up his trousers, tried to look nonchalant, "these are secret ballots. Once they're in the box..."

"Move the box away from that window!"

"Terminate this whole proceeding!"

A great hubbub went up.

"You're certainly free to vote, Mr. Ross," McGough said.

"And look here!" another cried. "Here comes the hand again with more ballots!" As a dozen paper ballots were dropped into the box, one of the Republicans grabbed the hand and held it. Two others took hold. "Go outside and see who's there," someone ordered.

"This is a locked caucus," McGough called above the rising protest. "No one in, no one out."

Outside, Jerry Cleary was cursing and sputtering, his shoulder against the building, his arm inside. "Bat, Jesus, they got my hand!" Owen Judge and Gene McClure laughed uproariously and grabbed for the flask in Cleary's free hand: "Jesus, Jerry! Let the APAs have your arm, but don't spill the bottle!"

"Let go!" Jerry cried. "Let go, goddamnit!"

"They'll take your arm and the rest of you too," Shea said ominously, spitting at the snow, "Protestant bastards!" And the wind roared down River Street, raising clouds of snow. As Cleary put his foot against the wall and struggled to free his hand, Owen Judge and Gene McClure grabbing him by the waist to help in the tug o' war.

"Let it go!" McGough commanded inside, rapping the gavel. The Republicans were shouting and pressing forward in an angry mob.

"Call the police!"

"That won't do no good. They belong to Murphy!"

"See whose hand it is!"

"Probably Dunlop's!"

"Murphy's, no doubt! His hand's in everyting!"

McGough stepped on a chair, pulled a pistol from his belt, raised it above the crowd and fired a shot into the tin ceiling. The muzzle flash and loud report brought silence in the unsettling stink of gunsmoke. Released, the hand slipped like a snake out the window.

"Now, gentlemen," McGough grinned, "that's a sight better. Like it or no, I'm chairman of this here caucus. You get along and vote nice and proper and no one gets hurt. Otherwise..." he looked at his pistol and smiled.

“A revolver?” cried Robert Ross, advancing.

“Vote, you son of a bitch!” McGough leveled his gun at Ross. “I’ve had a bellyful of you today!”

“You go back into the hole you crawled from!” Robert Ross leapt at McGough. McGough cocked back the hammer.

“Don’t shoot a man like that!” John Boland cried and lunged at the pistol, but McGough brought it down on the bridge of Boland’s nose, and Boland bent over screaming in pain. Someone kicked out the chair, and McGough fell into a swarm of fists and boots, down to the floor, where they punched and kicked him. Robert Ross stamped on McGough’s wrist and the pistol fell aside. John Ross bent down and hauled McGough up by the lapels. Boland punched McGough full in the face.

“Bat! Bat!” McGough was screaming. “Come now or they’ll kill me!”

Suddenly the showcase window exploded. A rush of cold wind and wintry light caused all faces to turn upward. A large form filled the window casing in a halo of steam from the escaping heat, a revolver pointed down at them. “Leave Jack go.” Bat Shea’s low, raspy voice achieved its effect. They backed away. McGough brushed himself off, retrieved his pistol and hat from the floor, and edged toward the window. Once in the room, the wind played havoc with blank ballots and they fluttered about as the men stood still.

“Now, gentlemen, you’ve had your vote today. And if there ain’t enough in there for Dunlop, why, we’ll just add a few more. You there, hand me the box.” He pointed his gun at Boland. Boland cursed. “Hand me up that box, you son of a bitch, or I’ll blow your head off.” Jack elbowed past Boland and handed up the box.

“You can’t take that box!” Ross commanded.

“No worry, gentlemen,” Shea said. “We’ll bring it back and guard it till Sergeant Butcher arrives.”

“Yeah, that we will.” Glaring at his assailants, McGough stepped up on the ledge and jumped to the walkway. Cleary, Judge and McClure greeted him warmly. “Gimme a slug, Owney.” Jack grabbed the flask. “That’s damn thirsty work!”

Shea fired two shots at the ceiling, and as the men ducked and covered their ears, he disappeared.

John Ross was the first to the shattered window. The five were running down River Street, holding their hats, Shea with the ballot box under his arm. “They’ve stolen our ballot box!” John Ross cried impotently into the wind: “They’ve stolen the nomination!”

2

# THE BOSS



Senator Edward J. Murphy, Jr.

THE MALTHOUSE OF THE EXCELSIOR Brewery loomed above the railroad tracks across the street from the county jail, seven stories of windowless brick streaked by coal soot and grime. Day and night its smokestacks belched black smoke from the hardwood cooking fires and white steam from the copper malt kettles. Whistles called two twelve hour shifts to work each day from nearby tenements, rough looking men with lunch pails. Water was drawn from a spring gurgling at the base of high clay hills. Rails brought cars of rice up from New York harbor and hops in from the western counties to a siding in back.

Founded by William H. Kennedy and Edward J. Murphy, Jr., the Excelsior Brewery was among a dozen breweries in this factory town rolling out countless barrels of strong ale and porter to slake the thirst and dull the monotony and give a bit of cheer to legions of mill workers. The brewery also housed the offices of the Honorable Edward J. Murphy, Jr., United States senator from New York, the New York State Democratic chairman and former Troy mayor. A big, intelligent Irishman, Murphy had a fine head of white hair and kind, sentimental blue eyes that belied the ruthless politician filling out his capacious vest. For twenty years he'd ruled this mill city as absolute dictator. While mayor, he built Troy City Hall, and showed great aptitude at keeping the Protestant manufacturers happy, the starched churchgoers filled with piety and patriotism, and the Irish mollified, sated with beer.

Murphy ran a "wide-open town." Whether you were a rough canaler from Buffalo or a cardsharp from the Rondout, you could find a game, a wench, and a bottle in Troy anytime, day or night. The party took its cut of the bribes to the police, and it was rumored a healthy share found its way back to the boss. It was widely rumored, too, that the boss profited from the franchises of streetcar lines, the gas company, paving contracts and construction of the new municipal sewer system, any contract he could steer to his cronies. In the plans now was a commodious new county courthouse, and the "honest graft," as Boss Tweed termed it a generation earlier, would be most gratifying.

But more important than wealth, Murphy controlled men and events. Murphy decided who filled all municipal offices, from police commissioner down to the street sweepers. Even young women wanting teaching positions in the public schools made their pilgrimage to the brewery where they "voluntarily" donated a portion of their meager salaries to get and keep appointments. Few spoke openly about this tyranny. Those on the inside winked for they were bought off with a share, and those on the outside scowled and shook their heads in disgust. For two decades, Murphy walked a narrow line between the flaring tempers of the Catholic laboring masses and the cynical greed of the small but wealthy enclave of Protestant merchants and industrialists, and he kept them both feeding from his hand.

The Irish admired Murphy for he vindicated their most cherished illusion that every Irishman is a king. Affectionately they called him “Boss.” The Scots Presbyterians and the Anglicans despised but tolerated him for he was useful: he could soothe the laborers when strikes were imminent, and he knew how to “invest” a trunk load of greenbacks in Washington to get a tariff bill through Congress and signed by the president. Yet it galled these teetotaling Protestants, swept up by the temperance movement, that Murphy controlled Troy’s civic life from offices in a brewery. From the brewery, they believed, flowed a constant stream of political corruption and lawlessness, awash in his Excelsior Pale Ale.

Nearly four weeks after the caucus, a thaw loosened the iron fist of winter, and a yellow fog rose from the river. Up Ferry Street snorting teams waited by the curb while their drivers ducked into saloons for a quick nip. A lamplighter and his dog were ambling along Fifth Avenue past the jail, a string of green gas globes lit behind them in the mist.

“Well, Buster, ‘lectric streetcars and ‘lectric lights is here, and they say the gas lamps’ll soon be gone altogether.” He snorted. “Boss Murphy settin’ over there in the brewery, and his Troy Gas Works, why, they’re resistin’ the ‘lectric lights. And we should be obliged to ‘im for keeping us in work. Heh, heh. ‘Lectric lights don’t vote, lamplighters do, heh, heh. That’s what he says, and it’s right as rain, you betcha. Yet stopping progress is like stopping a freight train. Everything’s going ‘lectrified these days. There in jail? Hah! The gallows fer murderers? No more, Buster, no siree. Now they set him in a chair up to state’s prison and run ‘lectricity through ‘em with wires. Heh, heh. Progress.”

Hoofbeats interrupted these ruminations and suddenly a horse and rider galloped past the lamplighter and pulled up before the brewery. The horse reared, slipping on the cobbles, and the rider jumped down and hammered his fist on the heavy oak door.

Dan-o Halloran, an old maltster, open the door a notch. “Yeah?”

“Senator Murphy!”

“Sorry, sir. After hours.” Halloran started to creak the door shut.

“Aside!” the man commanded, brandishing his riding crop, and he pushed into the dark malt house.

On the curb the lamplighter shook his head. “Hah, Buster, look at that feller. Triflin’ with the boss. On’y one place that feller’s hurrying, and that’s a place I’m afeared we’ll all be reaching sooner or later. C’mon, boy.” The lamplighter took an old meerschaum from his pocket, lit it from his taper and ambled to the next lamppost in the fog.

Robert Ross strode through the sweet-sour darkness of the malt house seeking Murphy’s office. The maltster followed him, protesting, “You can’t, sir. Please! It’s my job.” Ross threw open a door, and two clerks peered up from their ledgers.

“Where’s Murphy?”

“You can’t go in there!” one of the clerks glanced at the double door to the great man’s office.

“Aside!” Ross raised his riding crop and threw open the door.

The enormous room, paneled in oak, a Persian rug on the floor, was bathed in soft gaslight. At his polished conference table Senator Murphy was eating his dinner, sent in gratis from a nearby chophouse, across from a pretty young woman with a massive pile of red hair. The senator was pouring wine and, flushed with conviviality, he turned, bottle in hand: “Yes?”

Ross was startled by the opulence, and by interrupting a man at his dinner, by the presence of such a beautiful young woman. He swallowed and walked across the room.

“I am Robert Ross of Oakwood Avenue, Senator.”

“Yes?”

“Ross Valve?”

“I know the firm. I know your father. George Ross.” The senator cleared his throat, impatiently wiped his moustache on his napkin. “Miss O’Leary, would you please excuse us? I should like to save you the offense of Mr Ross’s lack of manners.”

“Of course.” The young woman covered her plate and bowed herself out of the room.

“Now, Mr. Ross,” Murphy’s expression darkened, “what brings you unannounced into my office at this hour?”

Ross cleared his throat: “At a Republican caucus last month in the thirteenth ward, your thugs stole the ballot box, filled it with fraudulent nominating votes and got a saloon keeper onto the Republican ticket.

“My thugs?”

When Murphy got angry, his complexion reddened, and the flush was now rising above his high starched collar.

“Yours. All the saloon brawlers in Troy are answerable to you, and I mean to put an end to this lawlessness. This group polluted the Republican ticket by placing George Dunlop on it. Dunlop, you may recall, was discharged from the police department. Well, we held another caucus and we have our candidate, Eli Hancox, on a third line. I mean to see that the charter election next Tuesday will produce a square and honest vote. Your thugs and repeaters are on notice that my men will be at the polls to ensure an honest vote.” Ross pointed his riding crop across the desk. “I do not take threats against my life lightly.”

Murphy's face was now crimson, and his blue eyes bored into Ross. "I suggest you speak with Police Chief Markham, Mr. Ross. I have not been involved in local politics for years."

"You lie!" Ross slapped the whip on the desk with a loud crack. Two of Murphy's aides tumbled in the door from where they'd been eavesdropping, and the senator rose from his chair, planted his two fists on his desk and faced off.

"Now look here, Ross, I have done nothing but benefit you and your family. When I was mayor, your father came to my bank, the Manufacturers Savings and Loan, and I advanced him credit and he has seen success. I have nothing to do with these people you speak of. I would suggest that before you barge into a man's office, brandishing a whip in his face, accusing him of voter fraud, you get your facts straight and you weigh what such rash behavior will earn you. Now, I'll ask Mr. Fitzsimmons to see you out."

"My father has nothing to do with this," Ross glared at him. "That was business, and it gives you no license to force an election. I am putting you on notice, that my life and the lives of my family were threatened today. I was warned to stay at home next Tuesday or I would be harmed. I am now returning the warning, Senator. I shall have a posse at the polls Tuesday armed with clubs, and any force on your side will be met with force on ours."

Ross slapped the riding crop upon his thigh, turned and strode past the two ledger clerks. Murphy adjusted his collar and cravat. "Fitzsimmons, would you tell Miss O'Leary I shall not need her... her assistance tonight. See her back to her rooming house. I shall send a carriage for her tomorrow. Gavin, call the chief and have him station Officer Ryan up here until election day. Then get Dan-o to take this note up to Dunlop's saloon." He scribbled on a paper, folded it and handed it to Gavin. After issuing orders and taking control, Murphy's charm revived.

"You see that fellow, boys? He has on small misperception, and it could be his undoing." Murphy paused, looked up, his blue eyes twinkling. A brogue crept into his voice. "He thinks I run a goddamned democracy." Then Murphy's expression turned hard, and the clerks laughed politely.

"Anything else, sir?"

"Why yes. Yes, there is." Murphy again flashed his winning smile, "Don't let that fellow past you again. Street him. You must have more skills in you than accounting. If an Irishman can't lick a Scotsman in an alley fight, then he ain't worthy of the designation."