

John Swartwout had offered the plaintiff 2,500 dollars, to procure the passage of a bill of incorporation for him; or, instead of the 2,500 dollars, to give him 25 shares of stock. That the plaintiff was employed lobbying while the bill was going forward, and endeavoured to impress upon the members of the legislature the great value such an incorporation would be to the State. The different members of the legislature were also visited in order to ascertain how many of them were favourable to the bill, and those who were not were divided amongst the lobbyists, in order to be influenced to vote for it. The bill was lost the first time it was brought up from the Lower House, but the plaintiff procured a sufficient number of members to vote for a reconsideration. At the period in question, the legislature entertained great distrust of such bills.

Mr. Van Cleef himself was also employed to facilitate the passage of the bill, and was to be compensated for his services by being appointed secretary at a salary of 500 dollars for the first year. He was likewise to be paid 300 dollars per annum for editing a democratic journal, which the parties who were getting the bill, pledged themselves to establish, and he was also to have the liberty of exercising his profession, which, in addition to the other items, would bring him 1,500 dollars per annum. The witness estimated the plaintiff's personal expenses at 2 dollars per day, and 2 dollars for board.

On the witness' cross-examination, he said that one of the means which the plaintiff used to facilitate the passage of the bill, was by treating the members to champagne and suppers, and that he gave a supper on the 22d February, while the bill was pending. The defendant had promised to pay a tavern-keeper a bill which the plaintiff had incurred for 114 dollars.

The land in question, in relation to which the act of incorporation was passed, was purchased by the company for 160,000 dollars, and divided into 5,000 shares of stock at 100 dollars per share, making 500,000 dollars. The shares were now 40 per cent. below par. Col. Travers, the defendant, is said to be worth 150,000 dollars.

The next evidence for the plaintiff was the deposition of

James C. Zabriskie, of New Brunswick, N. J., who deposed that he was asked by Travers to engage in getting the bill passed, but he refused. Travers said the witness might dictate his own terms, and if he wanted means to operate at Trenton, any reasonable amount would be furnished him.

Q. What would be a reasonable amount to operate with at Trenton, in such a case?

A. I should have required 500 dollars to operate with.

Cross-examined.—Q. When you say you would require 500 dollars to operate with, in such a case, what do you mean by that?

A. I mean I should have applied it in paying for wine and terrapin suppers, as that is about as efficient a mode of operating as I know of.

Q. Do you mean by that answer, wine and terrapin suppers for the members of the legislature?

A. Yes, sir.

Q. What was the general character of Mr. Hillyer's services?

A. He operated amongst the members generally and particularly; Mr. Hillyer was esteemed one of the best lobby agents that ever appeared at Trenton for the last eight years. I do not know what Mr. Hillyer's particular mode of operation was in this case. I know the efficient mode of operation was the same in every case, by calling on the members, and impressing on them favourably in regard to the measure before them. Some