

The conclusion then arrived at is the same conclusion you now announce, and in pursuance of that, I addressed a letter to the gentleman, Mr. Wellman, counsel for the police commissioners, which for some reason that I do not understand, and do not care, has been withheld from publication. That letter was very short in form, but in substance it was that I had consulted with you, and that the committee had no opinion to express as to the continuance or discontinuance of the trials or charges before the police commissioners. That letter was dated on September 4th, and was mailed.

The stenographer of the committee was then directed by Chairman Lexow to furnish a copy of the above statements to be forwarded to the board of police commissioners.

William H. Hoschke, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your name? A. William H. Hoschke.

Q. What is your business? A. I am manager for N. J. Piat & Co., manufacturers of musical boxes.

Q. Your store is where? A. No. 680 Broadway.

Q. Piat & Co.? A. Yes, sir.

Q. I believe you are the largest manufacturers of musical boxes in the city, are you not? A. I suppose so, they say so.

Q. Have you had occasion, where your music boxes have been stolen, and you have had to resort to the police force to recover them? A. Yes, sir.

Q. How many of such cases? A. Four, within my recollection.

Q. Sir? A. Four, I believe.

Q. Do you remember one particularly where you had placed goods in the hands of a man to have them repaired? A. Yes, sir.

Q. When was that? A. Early in 1893.

Q. What was the name of the man? A. Kassal.

Q. Where was his place? A. On Sixth avenue, somewhere near Eighth street, I believe.

Q. What was it you had put in his hands to repair? A. There were some nine or 10 musical boxes, and seven or eight clocks.

Q. What happened to those boxes and clocks? A. One day it was reported to me that Kassal had left town, and I found

on looking up records, that he had those goods there, and I went there, and found him gone, and on searching his shop I found a large amount of pawn tickets, two handful.

Q. You heard he had fled, you went to his shop personally to investigate, you found him gone and the goods were not there?
A. They were not there.

Q. And in investigating you found the fragments of pawn tickets where? A. Behind a work-bench.

Q. What did you do with those fragments? A. I took them to our store, and spent nearly two days in putting them together.

Q. And when you had got them together, what did they represent? A. Some musical boxes and clocks belonging to us, and a lot of watches and jewelry belonging to Kassel, on Fourteenth street.

Q. Casper's goods were lost, too? A. Yes.

Q. Did you learn from those pawn tickets you pasted together; did you learn where those goods were? A. Yes; all but one or two.

Q. Where were they? A. In different pawn shops around the city.

Q. Do you remember any of those pawn shops; can you state them? A. Not — only two, for the reason that one Blan, on Sixth avenue, made a great deal of trouble before he would show the goods at all, and another was Simpson, on the Bowery; I remember him, because in redeeming one of the boxes afterward, one of our clerks had some trouble, because they thought he was a thief.

Q. You say Simpson thought your clerk was a thief? A. Yes; when he went to redeem the goods afterward.

Q. When you had all the tickets together, what did you do with them? A. I sent them to police headquarters.

Q. Do you know who received them there? A. As far as I remember the sergeant in charge, but I don't know his name.

Q. Did any detectives come to see you? A. Yes; two men came.

Q. Do you know who they were? A. I do not.

Q. Did you ever hear their names? A. No, sir; not to my recollection.

Q. Have you seen any of them in court this afternoon? A. No — that is — I can not say.

Q. Would you know them if you saw them? A. I think not.

Q. What did the detectives say to you or either of them? A. At first, we supposed we would recover the goods without paying the sums that were gotten on them, but they said that could not be done unless the thief was caught and convicted; but finally they said we might sue before a civil judge, but that the chances of our winning such a suit would be very slight.

Q. Is that what they said to you? A. That is what they said to me.

Q. What happened then? A. They offered to go around with one of our men to have those goods "stopped," as they called it, and that was done, and we finally paid the principal and interest to these various shops; some of them we did not redeem, because the sums that had been advanced were rather large as compared with the value of the goods.

Q. In how many cases did that happen? A. I think four.

Q. The advance was almost the value of the goods? A. Considering that the goods were not new, the sums were too large for us to redeem them.

Q. How many did you redeem? A. It was either five or six of the music boxes, and I think all of the clocks.

Q. How much did you pay altogether, for redeeming those goods? A. For the music boxes, as far as I can remember now, we paid close on to \$200, and the clocks, I suppose, \$100; one of those clocks was my own property, and that amounted to \$15 — yes, it must be close on to a hundred dollars.

Q. Did the detectives go with you or your representative to the pawn-shops? A. Yes, sir.

Q. Were the payments to the pawnbroker's made in the presence of the detectives, do you know? A. I think not.

Q. Now, will you please to tell us about the other occasions when you had the same experience; when was the first? A. That was the first.

Q. When was the next? A. There was one instance where the music boxes had been obtained on a false check and we reported that to headquarters, but by the time it got under way, it was found that the same party had been already apprehended and sent to jail, and the case was not followed up, and we did not get out goods; I never heard anything further about it.

Q. Did you have relations with the police department in getting that? A. We referred the case there and got a report

that the party had been arrested and convicted, and we did not hear anything of that clock.

Q. Did you get the clock? A. No, we did not.

Q. What was the next case? A. Then there was a small singing bird in a snuff box.

Q. The bird jumps up when you touch a spring? A. Yes, that was stolen from our store last fall, and it was reported at headquarters, and beyond the suggestion that we would be called on for the payment of some postal cards we never heard anything of that; no one ever made any move in the matter.

Q. Did you ever pay for any postal cards? A. No, we did not, we were not afterward called upon.

Q. All you did was to report the case to headquarters? A. Yes, sir

Q. Nothing has been done about that case? A. Nothing whatever.

Q. When was that? A. I think in November last.

Q. Who did you report to? A. I only know it was reported to headquarters; I don't remember any particular names.

Q. What was the next case? A. That was rather a breach of trust; a salesman of ours had some goods that he was at liberty to sell, and instead of selling them he had pawned them; there we had not appealed to the police, though stopping the goods.

Q. Did you get the goods? A. We got the goods by paying for them.

Q. You had to pay the advances? A. Yes, sir; but as I understand it, as that was not a case of theft, we were not entitled to them according to law.

Q. I believe that is so, where the things are sold conditionally? A. In that case, I was advised, it being a simple breach of trust, we had no protection.

By Chairman Lexow:

Q. It was in the case of sale on the installment plan? A. Yes, sir.

By Mr. Moss:

Q. In your conversation with the detectives, and your intercourse with them, did you give them any money for any purpose whatever? A. No, sir.

Q. Were any moneys given to them for expenses, or drinks, or cigars, or anything like that? A. Not officially; I know such

expenses were handed in to me afterward, but they did not amount to but a few dollars, and were not authorized.

Q. In what case? A. In the case of Kassel, a small amount, a few dollars; they took them into some saloon I suppose and invited them to drink, and then paid for it.

Q. They drank on the way to the pawn shop? A. I suppose so.

Q. And it was charged up to you? A. Charged up to me.

By Chairman Lexow:

Q. In redeeming this property were you charged with usurious interest as well as with the amount of the original loan upon the property? A. If you refer to the usual pawnbrokers' rates, yes, sir.

Q. You had to pay full rates? A. Yes, sir.

Q. Interest accrued up to that time? A. Yes, sir.

Mr. Moss.— That is all, sir.

Arnold B. Ehrlich, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Your full name, sir? A. Arnold B. Ehrlich.

Q. And your address? A. My business address, 128 Second avenue.

Q. You are an interpreter for the United Hebrew Charities? A. I am.

Q. Did you lose a watch the other day? A. I did, some time ago.

Q. What month? A. I don't recollect exactly; it must have been either the 1st of August, or the 31st of July; something like that.

Q. Where was the watch taken from you? A. On Grand street.

Q. What did you do? A. I went first to the Eldridge street station — a moment — it was on Sunday night about 8 o'clock — I went there and reported the loss, and asked them what I could do, whether it would be of any use to go there myself in the neighborhood among the pawnbrokers and ask them; they did not give me much hope there; they told me to call the next day, when I would find the detective.

Q. What did you do then? A. Then I went to headquarters on Monday, and there they referred me to somebody — some officer in a room; he told me that the first thing I would have to do would be to pay \$3.50 to have cards printed and sent out to pawnbrokers, which I did pay.

Q. Did you see one of the cards? A. Well, while I was paying the money I noticed one similar card of the last victim upon that gentleman's table, and they also sent me one of the cards.

Q. It had on the back of it that the owner would pay the advances? A. That was it; it was printed on the other side and this was the card, and the formula was printed right and left.

Q. And you afterward saw your own cards, and they were similar? A. Yes; and they sent me a card.

Q. Did you from that card get any information? A. Well, about a week later an officer came to me and said he thought my watch could be recovered.

Q. He thought so? A. Yes, sir.

Q. What else did he say? A. He told me to go with him and see the watch; I had not noticed the number of my watch, and I thought I might have difficulty in recovering it; in fact I almost left the pawnbroker's shop without recovering it, because the thief in stealing it from me had dropped this ring here, and instead of that put in a brass ring; that brass ring made the watch appear to me so strange I thought it was not mine.

Q. Is that the watch? A. This is the watch (producing watch).

Q. And this is the brass ring that was in here when you saw it in the pawn shop noticeable? A. It was; I noticed it; the pawnbroker afterward tried it and tested it, and showed it was gold.

Q. What I want to get at is this; was the appearance of the ring on the watch such that it should have called the pawnbroker's attention to the case? A. It did so; it appeared to me so strange that I first thought it was not my watch.

Q. Did it indicate it might have been stolen — a false ring put in afterward? A. Anybody could see.

Q. There were suspicious circumstances about it? A. Exactly.

Q. Suspicious circumstances to you? A. Exactly.

Q. Did you have to pay to redeem that watch? A. I did.

Q. How much? A. Thirty dollars.

Q. Where did the detective stand when you paid the \$30?
A. He was there present.

Q. Did he have anything to say about your paying it? A. He remarked to the man that it was rather much, to the pawnbroker, that he had advanced too much on that watch; and the pawnbroker said that the thief had asked \$50, knowing it was a Howard movement; that it was a valuable watch; that is how he justified the large amount.

By Chairman Lexow:

Q. In redeeming the watch you paid not only the amount originally loaned by the pawnbroker, but also the interest up to the time? A. No; I did not; no; he did not charge me any interest; he held it out to me though, as a great boon.

By Senator Bradley:

Q. Doing you a great favor? A. Yes.

Q. He was a conscientious pawnbroker? (No answer.)

Abraham Heyman, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Jerome:

Q. Did you ever work for a man of the name of McLaughlin?
A. Yes, sir.

Q. And before you worked for McLaughlin, where were you working? A. For Dan. Scribner.

Q. The green goods man? A. Yes, sir; the green goods man; I was not in the green goods business myself, though.

Q. Where did he keep? A. He kept on Broadway, near Thirty-fifth street, a free and easy joint.

Q. What did they call the name of the place? A. The Pickwick.

Q. When you got out of employment you went to work for McLaughlin? A. Yes, sir.

Q. When was that? A. In the early part of 1891.

Q. Whereabouts? A. Two hundred and ninety-two Eighth avenue, between Twenty-fourth and Twenty-fifth streets, over Herman's Garden.

Q. Who was captain of the precinct at the time? A. Captain Grant.

Q. How long did Grant stay there after you were employed?

A. Stayed there a while, and while he was there we were closed; McLaughlin kept a faro bank and roulette, only one at a time.

Q. You did not open up until Captain Schultz came? A. No, sir.

Q. Then did you open up? A. Yes, sir.

Q. How long did you run? A. We ran easy until Parkhurst came out, and we got orders to be very strict, and we had to put bells on the door.

Q. How much of the house did McLaughlin keep? A. One floor.

Q. And how long was it before he increased his holding there? A. A few months.

Q. Then how much did he occupy? A. The whole house.

Q. Could anybody get in and out? A. No, sir.

Q. Had to be known? A. Had to be known.

Q. How long was it, do you think, before Dr. Parkhurst's crusade commenced? A. What do you mean?

Q. How long were you running before you ran quiet, on account of Dr. Parkhurst? A. Schultz came there in September, I think.

Q. When did you first see Captain Schultz when he came? A. I see him when he was taken around and introduced.

Q. Taken around where? A. Taken around in different places; by I guess the wardman, or the old sergeant there.

Q. What was his name? A. I don't know his name.

Q. Did he bring him around to 292 Eighth Avenue? A. Brought him around, but he was not up stairs.

Q. Did he come in after you there and take you out introduce you? A. No, sir.

Q. Where did you first meet Captain Schultz? A. On the corner.

Q. Who introduced you? A. Nobody introduced me.

Q. How long had you known him then? A. A couple of months.

Q. Where you had first met him; who introduced you to him? A. We were all standing in the saloon, and he was in the saloon, and was sociable, and asked everybody to drink.

Q. You used to see him in the beer garden? A. Yes, and drinking with everybody.

Q. How long was it you were running with McLaughlin there before Parkhurst's crusade made you run quiet? A. February, 1892.

Q. For how long; a year, or six months, or three months, or two? A. From September, 1891, to February, 1892.

Q. And who gave you the word about this crusade, as you call it? A. It was given to McLaughlin that Parkhurst was out, and to be very careful.

Q. How do you know it was given out? A. Because he told me he got the orders, and asked my suggestion.

Q. What did you suggest? A. To have three knobs made on the door with fancy work, and I should stand on the outside with my back toward them, and anybody I didn't know, not let them in; they could not open the door to save their life; and have the bells on the outside, and with my back toward them this way (indicating), I would give a signal.

Q. And you ran that way quietly for some time? A. Yes, sir.

Q. How long before you closed up finally? A. We closed up when Captain Schultz went on his vacation to San Francisco and also California.

Q. Before Captain Schultz went, did he have any talk with you? A. Not with me.

Q. How did you come to close up? A. The sergeant, Coffey, came up to the place, and I had charge of it.

Q. Was he in command of the precinct, do you know, in the absence of Schultz? A. He was acting captain.

Q. Did he come up to 290? A. Yes.

Q. Was the layout there? A. Yes; all the two wheels and faro bank, a brace game.

Q. Is that a brace game? A. Yes, sir.

Q. Was it in the daytime Sergeant Coffey came? A. Yes, sir.

Q. Did he go in and see all these things? A. Yes, sir.

Q. What did he say about it? A. He said, "Take them down right away, or I will take them all away and pull you."

Q. Did you take them down? A. I should say we did.

Q. What did you do with them? A. Put them in storage at 34 Eighth avenue.

Q. How long did you keep them there? A. Until Captain Schultz came back.

Q. What did you do? A. Put them back and stored them.

Q. Did you have any talk with the captain about this? A. We had to close once in a while; and the captain said to me

once, "You had better tell McLaughlin to close up; there has been a complaint at headquarters."

Q. Captain Schultz said that to you personally? A. Yes; he met me on the corner of Thirty-fifth street; he said, "You had better tell Mack to close up; there is a complaint down town, and I think it is Al. Adams."

Q. Who is Al. Adams? A. He is a gambler and real estate man.

Q. What did Schultz say about Al. Adams? A. He said, "A man like that, with all the money he has got, won't let the poor man make a living."

Q. Who did he say made a complaint? A. He said he thought Al. Adams; he said McAvoy spoke to him about it.

Q. He said McAvoy told him of it? A. He said he was to be at McLaughlin's on Eighth avenue; and he said he is the man from the highest.

Q. Did you go and tell McLaughlin this? A. I think I told him the next day himself, and all the apparatus was taken down and moved next door at 292.

Q. And you ran 292? A. Yes, sir.

Q. While 290 was closed did McAvoy examine that? A. This is a little further back in 1893.

Q. How long did you continue to run in 292? A. We ran until we got tired, and we ran on the sly, and had to work on the percentage.

Q. When did you go back to 290? A. We did not go back to 290 after that.

Q. Not at all? A. No.

Q. When did you go back to 225 West Twenty-fifth street? A. They made application for a charter to run as a club in November.

Q. Who made the application; do you know? A. Well, Alderman Parks is the one that made the application, and Alderman Parks organized the Stanwix club in connection with headquarters.

Q. Had a house there? A. Yes.

Q. And fixed it all up? A. Yes.

Q. What did they play there? A. They played everything; sure card, roulette, and faro bank; and everything.

Q. Was that faro bank a brace game, too? A. Nothing else.

Q. How long did they run there? A. They only run about a week there.

Q. What did they close up for? A. Because—well, let me see what that was; I will have to study a little about what that was; the captain gave orders for them to close up and be very quiet.

Q. How do you know the captain sent orders? A. Because Mac told us; whenever everything that happened like that Mac told us.

Q. Was Schultz McLaughlin's friend? A. Yes; bosom friends.

Q. How do you know? A. Because they were together.

Q. Did you frequently carry messages from Schultz to McLaughlin's? A. Once in a while.

Q. To what effect? A. Be careful, that the people were around.

Q. Who were the people? A. The Parkhurst people.

Q. Were you employed at 225 West Twenty-fifth street? A. I was employed at both places.

Q. When was it Inspector McAvoy came there? A. That was in the first part of 1893.

Q. And at the time McAvoy came there, was 225 being run as a gambling-house? A. Both of them were wide open, and we were running sweat boards on the first floor.

Q. The first floor of what? A. At 290 we had the sweat boards, and we had nothing but the sweat boards; we had put the roulette away in storage.

Q. Why? A. Because we got orders from Schultz.

Q. By whom did he send the orders? A. He went direct to Mac himself, I guess.

Q. Did he say anything to you about it? A. Didn't say a word to me; no, sir.

Q. What were you running at 225? A. We were just open for trade, not to lose them, to play pool and billiards and cards.

Q. Did you get any word from McAvoy at that time? A. I did not.

Q. Was any given out at McLaughlin's place? A. Given out to Mac, because Mac gave us the orders.

Q. What orders did he give you? A. We had got to close up.

Q. Was anything said about McAvoy at that time? A. Nothing was said about McAvoy at that time.

Q. When was it something was said about McAvoy? A. Nothing was said about McAvoy; McAvoy was coming to make inspection.

Q. Who told you he was going to make an inspection? A. Mac told me; I stood on the front doorstep.

Q. Did McLaughlin, your employer, inform you that McAvoy was going to inspect the premises? A. Yes, sir; and be careful.

Q. Did you stand outside watching? A. I did, sir.

Q. Did Mr. McAvoy, the inspector, come? A. Yes, sir.

Q. What did he do? A. He went to the head of the stairs and walked down.

Q. Before he went upstairs what did you do? A. I touched the button.

Q. What was there there? A. Nothing, but a lot of people playing cards.

Q. What did McAvoy say? A. Nothing of that kind.

Q. Then what did he do? A. Went to 225, and I ran around ahead of him, and said, "Get out, the inspector is coming."

Q. And when the inspector came, what did he find? A. He didn't find anything, but took a drink and a cigar.

Q. How many times did this Inspector McAvoy repeat this performance? A. About two weeks, every night, regularly, about 10 o'clock.

Q. Didn't he always come before 11? A. Always before 11.

Q. As soon as he went out, did you play it? A. We opened up again.

Q. Now what Assembly district is that in up there? A. Thirteenth Assembly district.

Q. That is the Thirteenth Assembly district, you say? A. Yes.

Q. And is there an institution there known as the Pequod club? A. Yes, sir.

Q. Is Mr. McLaughlin a member of that? A. Yes, sir.

Q. Was Captain Schultz a member of it? A. At the time he was there all the time; I should think that he was a member of it.

Q. Was any endeavor made to obtain as members of this association, the employes of Mr. McLaughlin and Alderman Parks? A. Yes, sir; Mr. McLaughlin came to me one night and said, "You had better join the club;" and I said, "What for, I can't afford it."

Q. Did you ever ask McLaughlin to give you any money? A. I did.

Q. And do you remember something he said on that occasion? A. Yes, sir; he said, "What do you want; do you want everything; I have got to pay \$255 to-night for rent and protection."

Q. Did he say how much for protection? A. He did not.

Q. Do you know Louis Munzinger? A. I do.

Q. What is his business? A. Lieutenant and right-hand man of the Pequod club.

Q. He is not connected with the police, is he? A. Not as I know of.

Q. He is one of the two Tammany Hall leaders there, isn't he? A. Yes; he is.

Q. He is in the mineral water business? A. Yes, sir.

Q. Is there a leader in the Thirteenth Assembly district that takes anybody's but Louis Munzinger's waters? A. I can't say.

Q. Do you know anything of their taking his mineral waters there? A. I know I have been in many places and drank nothing but his mineral waters.

Q. Have you seen any others sold in that district? A. Not to my knowledge.

Q. Do you know anything about a place up there called "The Abbey"? A. I know the Abbey; yes, sir.

Q. What kind of a place is it? A. I don't know; I have only been there but once, and then they had a poolroom in it.

Q. That is Mr. Reilly's place? A. Mr. Reilly's.

Q. Eugene Reilly's? A. Yes, sir.

Q. One of the court officers of this court? A. No, sir; he is not a court officer; I am sure he is not a court officer; John Reilly is the court officer.

Q. Does John Reilly rent it with him? A. You have got something else there; I would like to tell about the captain and McLaughlin and 341, about Twenty-first street.

Q. Well, after you came back from Saratoga, you left McLaughlin? A. I was in Saratoga; yes, sir; and McLaughlin told me if he needed me he would send for me; that was in July, 1893; and he says, "If I need you I will send for you;" while I was up there — I went up with the intention of getting work — one of the players told me they were open on the top floor and going through the basement, and I felt anxious, and said I would go home; I went home and I went in and see McLaughlin, who treated me very coolly and I said, I heard you had opened Mac, and he said, "No, sir; it is a lie; I walked out, but afterward Captain Schultz came up to me and used foul language and told me to get off the avenue, and told me if he caught me on the avenue again he would lock me up; about a month after that I came on the avenue to get a position for election, which I generally got, to work in the district; one of the captains in the district promised

me a position of \$5 to get my overcoat out of pawn; I went to go to work; he said, "I can not give you the work;" I said, "Why; he said, "Simply because I was refused;" I met the captain after that, and he got word of me and wanted to lock me up.

Q. You never had any quarrel with Schultz? A. Never in my life.

Q. This was after you were with McLaughlin? A. With McLaughlin and Parks.

Q. What did they run in Twenty-first street? A. They ran a roulette wheel and bank on the sly.

Q. How did they get their customers there? A. From 225 in the carriage, in a roundabout way; in a carriage it is so dark, and you can not see anything; when Captain Donovan came there he would not allow anything there; I know he would not allow it, and people went to him and tried to open up, and he would not allow it; McLaughlin went to him for one, and he could not get open.

By Chairman Lexow:

Q. Have you got any hard feelings against Captain Schultz? A. None whatsoever.

Q. What you have said here is not prompted by motives of revenge or malice? A. It has been prompted through McLaughlin and Parks, to go to work and prevent me from making a living.

Q. So far as Captain Schultz is concerned, you have no feeling of revenge? A. Not outside of that.

Q. Have you at all? A. No, sir; I have not.

By Mr. Jerome:

Q. Do you know 335 West Thirty-first street? A. I have heard of the house.

Q. That is one of those establishments? A. He knows the houses.

Q. That was a gambling house? A. Yes.

By Senator Bradley:

Q. That is in Captain Price's precinct? A. Yes, sir.

Q. Did you ever see any gambling going on there? A. I never went there myself, but I sent somebody else and he got in.

By Chairman Lexow:

Q. Who did you send there? A. Mr. Sullivan, this gentleman sitting at the table right there.

Josephine Hirsch, called as a witness on behalf of the State:

Adam Boumont was sworn as an interpreter and interpreted the oath to Josephine Hirsch:

Direct examination by Mr. Moss:

Q. State your full name? A. Mrs. Josephine Hirsch.

Q. Where do you live? A. In Houston street.

Q. What number? A. Two hundred and ninety-one Houston street.

Q. Is this your husband here? A. Yes, sir.

Q. When did you come to New York? A. In October, the 17th of October last.

Q. Had you a little money at that time, you and your husband? A. Yes.

Q. And did you want to go into some business? A. Yes.

Q. And was your attention attracted to a place at 276 East Houston street? A. Yes, sir; we bought a place, 276 East Houston street.

Q. Who owned that place you bought? A. My man.

Q. No; before? A. Max Gombossey.

Q. Now, you made some negotiations — you had some dealings with Gombossey about buying that place, didn't you? A. Yes; we bought a place from Mr. Gombossey.

Q. Did you know it was a bad place? A. No, sir; we did not know nothing about it.

Q. Did you know there had been gambling there? A. I heard it; yes; I heard it just now that it was a gambling place before; I did not know it when I bought it.

Q. Did you pay Mr. Gombossey for it? A. Yes; \$1,500 cash, and \$600 on mortgage.

Q. Did you run a gambling place while you had it? A. I ran a respectable place.

Q. How long did you run it?

Chairman Lexow.— (To the interpreter.) Give her answer as she gave it. She said "Certainly."

By Mr. Moss:

Q. Did you have a visit from the wardman of that precinct after you began the business? A. Yes; some more wardmen came from the precinct.

Chairman Lexow.—A number of wardmen came.

The Interpreter.—A number of wardmen.

By Mr. Moss:

Q. What did they do? A. The wardman came in the place there and looked around if any gambling went on in the place.

Q. He asked — A. He looked at first around to see, and then after he asked for some money.

Chairman Lexow.—“He said he must have some money for protection.”

Mr. Moss.—Is that all she said?

Chairman Lexow.—No; she went on.

The Interpreter.—Then he went upstairs in the room to look around to see if there was any gambling going on, and he didn't find anything there.

Chairman Lexow.—You have not told all she said. The witness said that she had said to her husband she did not see any reason why she should have to pay protection, and refused to pay it, whereupon the wardman went away, and in a few days he came back again and examined the house from the cellar to the top of the house — to the attic.

By Mr. Moss:

Q. Did he demand any particular sum? A. He asked for \$25.

Chairman Lexow.—A month.

The Interpreter.—Twenty-five dollars a month.

Q. Did you pay him anything at all? A. No; I did not pay nothing.

Q. Did you have any gambling upon the premises? A. No; we did not pay it, because there was no gambling.

Q. Did he say he wanted the money for gambling? A. No; he says all the coffee-houses are paying protection.

Q. That is what the wardman said? A. Yes, sir.

Q. How soon after you refused to pay the money did you see the police again? A. Then he came upstairs in the rooms after that.

Q. You were raided shortly after that, weren't you? A. About eight days later I was pulled.

Q. Who pulled you; what men? A. The police; I do not know him.

Q. Do you know the wardman's name? A. I don't know the name; he has a red face.

Q. Did you see the captain? A. I seen him when I was pulled; he was there when I was arrested.

Q. What was the captain's name? A. Captain Cross.

Q. And when you went to the court was Captain Cross there? A. Yes, sir; he was there.

Q. Were you tried in court, you and your husband? A. My husband; yes, sir.

Q. Did Captain Cross testify? A. Yes.

Q. Was your husband convicted upon that testimony? A. Yes.

Q. Your husband was convicted? A. Yes.

Q. What was his sentence? A. Three months in the penitentiary.

Q. What was the charge against him, if you know? A. I don't know; I do not understand the English language, and don't know what for we were arrested; I could not speak nothing; and he was found guilty and arrested; Captain Cross got up and said a few words, and they were convicted.

Q. Don't you understand now what your husband was charged with? A. No; I don't know what for he was arrested.

Q. What was it? A. He was sued for gambling, and there was some fellow went up to Captain Cross and gave in they were gambling there.

By Chairman Lexow:

Q. Ask whether there was any other charge made by them? A. No.

Q. Except gambling? A. Only gambling.

By Mr. Moss:

Q. Was your husband tried at the Tombs? A. Yes; it was tried in the Tombs.

Q. Did he have a lawyer? A. Yes.

Q. What is his name? A. Lowe.

Q. When your husband got out on bail, did he go back to Houston street to Gombossey's place? A. No; he did not go back, because Captain Cross took the furniture along with him.

Q. Who took possession of the store? A. Gombossey.

Q. Gombossey took the store again? A. Yes.

Q. After you had paid your money to him? A. Yes; after we paid the money for the store Gombossey took the store back again.

Q. Let me ask the interpreter whether he did not say a moment ago that her lawyer had gotten up and pleaded guilty for her.

The Interpreter.—Yes.

Chairman Lexow.—You must translate just what she says.

By Senator Saxton:

Q. Ask whether the lawyer pleaded guilty? A. Yes.

Q. Without your consent? A. Yes; the lawyer pleaded guilty for me when I did not understand what was going on.

By Mr. Moss:

Q. Did you or your husband know that the lawyer was pleading guilty? A. No.

Q. And you say that Mr. Gombossey took possession of the store again when your husband was taken away; is that right?

A. We went to the headquarters and took the furniture back again and opened the store again.

Q. Did she say that Captain Cross took the furniture out; what kind of furniture was it Captain Cross took? A. He took it all away.

Q. Was there any gambling implements, or tables, or gambling tools? A. No; there was nothing there; there was a poker table in there when I bought the place, and as soon as I bought it we took it out.

By Senator Saxton:

Q. What kind of a place did you keep? A. Coffee and cakes.

Q. Was there any card playing there? A. There was sometimes; played some pinocle.

Q. Some friendly games? A. Friendly game.

Q. Do you mean to say that Gombossey got the same furniture and put it back in the store? A. Yes; he had the same furniture and put it back in the store.

Q. Is he running the same place with that same furniture? A. He turned it over to his brother.

Q. Turned it over to his brother? A. Yes.

Q. Had your husband brought a suit against Mr. Gombossey to recover damages? A. Yes; because somebody told us to bring a suit against Gombossey, and we brought a suit against him.

Q. There is a suit pending against him? A. Yes.

By Chairman Lexow:

Q. You never had any poker games in that house, or any games of cards for money? A. No.

By Senator Bradley:

Q. Ask her where did Captain Cross take the furniture to when he took it out of her house? A. In the station-house.

By Chairman Lexow:

Q. Just ask her whether she means all the household furniture she had paid \$1,500 for was taken to the police station, and then, without an order from her, handed over to Gombossey, after he was convicted? A. He came to the penitentiary and asked her husband to sign the paper and he did not sign it; Gombossey told him if he would not sign the paper he would keep him in jail longer.

Q. So that so far as she knows she has lost her property, and she has never transferred it to Gombossey, and he has got it; is that a fact? A. Yes, sir.

Q. And the property was in the possession of the police before it was turned over to Gombossey, and turned over by the police directly to Gombossey? A. Yes; it was taken up to the station-house, and from the station-house Gombossey took it back again.

By Senator Saxton:

Q. Ask her if she understands Gombossey claimed it under that chattel mortgage? A. He didn't come to her; and did not ask her for it; to settle for it; he did not demand any payment.

Chairman Lexow.—Mr. Goff, does the law, as it stands, permit anything but gambling implements to be taken by the police out of a house of that kind?

Mr. Goff.—Certainly not, sir.

Chairman Lexow.—Why isn't it a larceny on the part of the police authorities?

Mr. Goff.—There is no question about it. Cases have occurred here in connection with the coffee saloons kept mostly by Hungarian people; and police captains, notably Captain Cross, made a raid just before this committee commenced its sessions there in the spring; and he took tables and chairs and hat racks and

everything movable in the saloon; and the only gambling instruments in the saloon were a few soiled packs of cards. It was a matter of public record. The furniture was completely taken out; and that is a matter of common occurrence, gentlemen, in this city.

Ceala Urchittel, called as a witness on behalf of the State, was duly sworn and examined through the interpreter:

Direct examination by Mr. Moss:

Q. Stand up; you understand English? A. No.

Q. You speak English? A. No.

Q. What are you? A. German.

Chairman Lexow.—I will interpret it, and you may correct me. (Speaking to the interpreter.)

Q. What is your full name? A. Ceala Urchittel.

Q. Where do you live? A. One hundred and seven Orchard street.

Q. Where were you born? A. In Russia.

Q. When did you come to this city? A. Three years ago.

Q. Were you assisted by the Hebrew Charities Association?
A. My husband died in Hamburg, and I came here with four children; then I was helped by the Hebrew Charities.

Q. They loaned you some money and set you up in a little business, didn't they? A. Yes, sir.

Q. And you saved a little money? A. I had saved \$600; they sent me 35 emigrant boarders; we had seven rooms.

Q. After you had saved the \$600 you went away from New York and tried to do some business, which was not very successful? A. I was sent over to Brooklyn.

Q. You went into business which was not very successful?
A. Yes, sir.

Q. Then you came to New York and opened a little cigar store? A. Yes, sir.

Q. How many children did you have at that time? A. Three.

Q. What were their ages? A. Six and 13 and 17.

Q. That is their present age? A. Yes.

Q. After you had been running that cigar store a little while did you have a visit from a police detective? A. Yes.

Q. What did he say to you? A. A detective of the name of Borgelinae came to me; he took a package of chewing tobacco

and went away; and then in two days the same man came again and took a package of chewing tobacco again; and she said she could not trust.

Q. When he asked her for some money; get at that point?
A. He took out a dollar and handed it to her to pay for the chewing tobacco.

Q. Get at the time when he demanded money of her? A. The man came in and asked me for money; if I would not give any money, and he was going to have her arrested.

Q. How much money? A. Fifty dollars.

Q. What happened after that?

By Senator Saxton:

Q. Did he say what he wanted it for? A. He said I made \$600 in bad business, and on account of that I want \$50; he said she was working in bad business and made the money for herself, \$600.

Q. You are a respectable woman, are you not? A. Yes.

Q. And you were then a respectable woman at that time?
A. Always respectable.

Q. And were living there with your three little children?
A. Yes; I was living with three children.

Q. Just making a living selling cigars? A. I had been only eight days in the store.

Q. Did you pay any money at all to that man? A. I gave him \$25.

Q. He had asked for \$50; what about the rest of it? A. I said, "I haven't any more money," and had \$25 to pay my rent.

Q. Did he come to arrest you? A. Yes, sir; he took me around to the station-house, at 3 o'clock, on the street, and had me arrested.

By Senator Cantor:

Q. Who took you around? A. The same man that I gave \$25 took me around 3 o'clock at night.

Q. Ask her if they walked her around the street until 3 o'clock at night? A. Yes; they took me around the street; he took down her stocking and was looking for money; he took down her stocking, and said, "You made \$600 and I want the money."

Q. Let us have this clearly; I think you said he walked you around the street until 3 o'clock in the morning? A. No; in the night; he took me around until 3 o'clock.

Q. Where did he take you? A. He took me up to the station-house, and left me there a couple of minutes, and then let me go home from the station-house.

Q. Where was the station-house? A. In Essex court.

By Chairman Lexow:

Q. Ask her whether she was taken before a judge? A. He took her in a dark room there, and then took her out again and let her go.

Q. Did she pay any money to a man named Hockstein in the presence of that detective? A. The one that took the money divided with Hockstein.

Q. Is that Mack Hochstein? A. I don't know his first name.

Senator Cantor.— Can't you get the name of the officer who made the arrest?

By Mr. Moss:

Q. And was that the same officer that got the money that arrested you? A. Vorvel or Vorgelinae.

Q. Do you know where the station-house was that he belonged to? A. In Attorney street.

Q. Where was your store? A. Corner Ridge and Broome.

Q. Was the policeman in uniform when he arrested you? A. If I see him I would know him.

Q. Was he in uniform; did he have a badge? A. Yes; he was in uniform and came in with the captain and the policeman.

Q. Please describe him; give his personal appearance? A. A tall man with black mustache.

Q. Full beard? A. Full beard; black beard.

Q. Did I understand you to say that the \$25 you paid was divided between this officer and Mr. Hochstein? A. Yes; divided.

Q. You saw that? A. Yes; I seen them go by the window and divide it.

Q. Did you try to raise the other money? A. He told her the next morning she should get the next \$25; \$50 next morning.

Q. And then she was allowed to go? A. Yes; then she was allowed to go.

Q. Did you try to raise the other \$25? A. Fifty dollars the man was trying to sell her store, the same man, and she should give him the \$50; he took her by the hand, and took her in the place, and tried to sell the store and get \$50 more; it was the same man who got \$25; he took her by the hand to sell the store, and to give him \$50; "I gave the same man \$50 again."

Chairman Lexow.—I do not understand her to have said that at all.

Q. Did you sell the store and give the man \$50 afterward? A. That same man wanted to sell the store for me and I gave him \$25.

Q. Did you do it? A. I sold the store and did not give him the \$50.

Q. Could you pay him all the money that he asked you; did you pay him? A. I gave him \$25.

Q. Did you pay him all he wanted? A. I did not have to; I paid him \$25, and no more.

Q. When she was not able to pay him all he asked, was she again arrested? A. When I did not pay him the \$50 he had me arrested for four days.

Q. Did he tell her her children would be taken away from her if she did not pay it; yes or no? A. Yes.

Q. Were you taken out to court and tried; yes or no? A. I was in court and put on \$500 bail.

Q. Were you tried and convicted? A. Yes.

Q. Did she understand what happened in court; did you understand what was said? A. I didn't know anything; I understood everything, but could not speak anything.

Q. Did you have witnesses in court? A. I had 50 witnesses, but they did not put a witness on the stand.

Q. Did they testify? A. None of them were asked questions.

Q. Was she sent to the Island? A. I paid \$50 fine.

By Chairman Lexow:

Q. What was the charge against you? A. The complaint was the man had paid me 50 cents, and had slept with me.

Q. Was that complaint true? A. No.

Q. What became of your children? A. They are in the orphan asylum.

Q. Have you tried to get those children? A. I laid six months in the hospital; I tried to get the children back, but they would not let the children out.

Q. Have you tried to get the children? A. Yes.

Q. And you have not been able? A. No; I could not get them.

Q. And the detective told you if you did not pay all the money that they asked, your children would be taken away from you; didn't he; yes or no? A. Yes.

Q. And they had been taken away? A. Yes, sir.

Q. When was it they were taken? A. The next day after I was arrested, they took the children away.

Q. When were they taken; give the date? A. One year and five months.

Q. One year and five months ago? A. Yes.

Q. You have not seen them since, have you? A. Yes, sir; I saw them since that time.

Q. When did you see them? A. Over two months.

Senator Cantor.—I see they are in the Hebrew Orphan Asylum.

Mr. Moss.—She only discovered it a short time ago. I shall not ask the witness any more questions. We knew it would take some trouble, and it would take some time, but after inquiries of the Hebrew society that befriended her in the beginning, I became convinced that she was honorable and suffered great wrong. Here is a case of a poor Russian coming to the country and preyed upon by these police detectives, and threatened if she did not give up her money, and walked around until 3 o'clock and finally railroaded through the courts, and unable to defend herself, and here is the mother anxious to care for her children, and they have been taken away by process of law, which she could not understand, and there they are as a result of that system.

Senator Cantor.—I suppose if a proper application was made to the society they would be released.

Mr. Moss.—There have been applications made, but it is very difficult.

Senator Bradley.—Have you looked for this man that got the \$25

Mr. Moss.—Not satisfactorily. Of course here we are not suing individuals, so far as the committee is concerned, but I should like to locate the individual and probably can.

Senator Bradley.—I think it is the most important man so far on the list, and it should be found out where he is.

Mr. Moss.—This case is one of many, but it takes such a long time and it is so difficult to exploit them, that this is an

embarrassment. This is a sample of a great many that come to our notice.

Senator Bradley.—The station-house blotter would show who made the arrest.

Mr. Moss.—We will investigate it further.

Chairman Lexow.—She says she could identify the man if she went to the station-house. It seems that would be the easiest way outside of the records, if you can not find it on the record.

Mr. Moss.—We will investigate it further.

Chairman Lexow.—And while the committee is not here to remedy a personal wrong, your society is, and I should think your society would take hold of it and see the matter through.

Mr. Goff.—Mr. Chairman, I am constrained from the necessity of the business of the committee to ask an adjournment and move for one; and from conversations with the committee, as well as from knowledge derived from public sources, I apprehend that the members of the committee are desirous of attending a State convention of the parties to which the majority belongs; and in view of that fact, I move, Mr. Chairman, that the committee adjourn until next Monday week. That will enable us to resume our sessions uninterruptedly.

Chairman Lexow.—The 24th.

Senator Bradley.—What about the Democratic convention?

Senator Cantor.—I was going to suggest that there is an important convention on the 25th, perhaps the most important convention of the two; and I would suggest to my colleagues of the less important convention that we take a recess until about the 1st of October. That will give the minority members of the committee an opportunity to attend to the very important work they have before them at Saratoga.

Mr. Goff.—On the statement of Senator Cantor, and in view of the fact that this committee started in this investigation with the avowed purpose and declaration that its purposes and objects were absolutely for the remedy of the abuses in the police department in the city of New York, without regard to political party or otherwise, I think it would be a gracious act on the part of the majority of this committee to recognize equal rights on the party of the minority, so far as affording them an opportunity to attend a State convention of the party to which they belong; and I would, therefore, ask you to accept a motion from me, amended to say we stand adjourned until

Monday, October 1st. I believe that will include the time. I would mention further, Mr. Senators and Chairman, that I think you will recognize that for an unbroken solid line of testimony, the committee has done more work for the past three days than it has done for any six days during its sessions heretofore held. There has been more testimony taken, and less interruptions during the three days than have characterized any six days of our previous sitting; and by adjourning until that date, Mr. Chairman, we can commence our work on the 1st of October, and proceed uninterruptedly.

Chairman Lexow.—I think it is only proper for the committee also — and I think I speak in the unanimous judgment of the committee — to compliment you on the very excellent work you have done in the last few days.

Mr. Goff.—Thank you, sir.

Senator Saxton.—I suppose we could come on the Thursday before and sit three days.

Chairman Lexow.—So far as your work is concerned, it would be as well for your work to commence on the 1st of October, as to adjourn over a week.

Mr. Goff.—Better.

Chairman Lexow.—Better? Well, that ought to settle the question. Then the committee will stand adjourned until Monday, October 1st, at half-past 10 o'clock.

Proceedings of the thirty-ninth session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the former General Sessions building, in the city of New York, Monday, October 1, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, George W. Robertson, Daniel Bradley, and Cuthbert W. Pound; John W. Goff, Frank Moss and W. Travers Jerome, for the committee.

Chairman Lexow.—The meeting will come to order.

Mr. Goff.—Mr. Chairman, I wish to call the attention of the committee, before proceeding to take any testimony, to the fact that a second assault has been committed on the men employed in the service of this committee, for the purpose of serving subpoenas, and for doing other matters in connection with the work. One of these assaults is the subject now of judicial investigation. I mean that in relation to Appo. On that ques-

tion I do not wish to express any opinion, as it would not be proper at the present time. The matter has been adjourned, and as Mr. Jerome informs me, that Appo is held on a charge of attempted suicide, while Riordan is held on a charge made by Appo of felonious assault, and while it is pending for judicial investigation, I do not wish to say anything about the matter. I do wish to say, however, that, before Appo was assaulted, others on two different occasions, once down here at the post-office and once beaten in a certain neighborhood, which I do not wish to mention. Two other men employed by us for the service of subpoenas have also been assaulted in different parts of this city. One was assaulted in company with Appo. I wish to say, gentlemen, that if the gang of thugs and cutthroats in New York, whose depredations have been laid bare before this committee, think that, by the commission of this assault upon subpoena servers, or other persons employed by this committee, that the work of exposure will cease, they are greatly mistaken. It comes to be a question now in New York, whether or no these gangs of desperadoes, in various parts of this city, can, in a city policed by the "finest in the world," go on and commit these assaults with impunity. I take occasion to say further, Mr. Chairman, that I sincerely trust and I request, as a matter of public policy, that yourself and your colleagues, while in the Senate, under the appointment of any other investigating committee, or upon the continuance of this committee, should it be deemed wise, by the forthcoming Legislature, that the powers of the officers of this State shall be conferred upon any person employed on investigating committee. They should have all the powers that a peace officer of this State now possesses, for the purpose of serving criminal process, making arrests, etc. I have thought the matter over very carefully, and we have not said anything in public about the innumerable obstacles we have had to contend with in the service of our subpoenas, and the shadowing to which our men have been subjected, and the abuse, pointing of scorn, etc., wherever they would come in the neighborhood; that if the Legislature of this State wishes to be sovereign in its power, within its jurisdiction, it must confer proper authority and protection upon its employes; and I trust, Mr. Chairman, that this committee will bear this matter in mind. I have spoken to you privately about this before, and I now say publicly that, in my opinion, for a committee engaged in the dangerous work this committee has been engaged in, it

must fight fire with fire, and if the whole power of the State be necessary, to be enlisted in support of this committee, that power must be enlisted and invoked, and in no other way can we proceed with safety and with anything like success in our work.

Chairman Lexow.—Is it plain, Mr. Goff, that the police has assaulted any subpoena server of the committee?

Mr. Goff.—No, sir; I do not claim that they have. I wish to be perfectly fair with the police. I have not strained one point outside of the points in evidence, and I wish to say, so far as the rank and file of the department is concerned, I have no word of criticism on them as a body; there are many good, efficient officers there. It is the system which we have been contending against, and it is the system that we are trying to reform, if not to root out, root and branch. I do not charge that the policemen have been in any part, or in any way, compromised in these assaults; but in one instance I do say that the police were very negligent; and they could have made an arrest, when they did not make an arrest.

Chairman Lexow.—It is understood by the people that the police have been negligent in the last two or three weeks in arrests on application for crimes on the public highway. The question is whether this has anything to do with those charges.

Mr. Goff.—No. I simply direct my remarks to the committee in our own particular work. So far as the work of the police is concerned, touching the checking of crime, and touching their failure to prevent the commission of great crimes on the highways of our city, within the last two or three weeks, that is a matter about which we will have something to say later. At the present time I confine myself to the subject in connection with this committee and their employes, and the men in their service.

Chairman Lexow.—There is nothing you suggest now for the committee to do, to extend any further protection to the servers of subpoenas.

Mr. Goff.—Nothing specific. I shall inform you privately, Mr. Chairman and members of the committee, of matters which are essential touching our men, and I simply take this opportunity for calling the public attention to a fact.

Senator O'Connor.—Are your employes residents of the city?

Mr. Goff.—Yes.

Senator O'Connor.—Why not have them made deputy sheriffs?

Mr. Goff.—We tried to have that done, Senator O'Connor, at the commencement of this session. I tried to have that done, because I recognized the difficulty we would have to fight against, and the sheriff, at first, sent me word that he thought it could be done. Finally, he determined it was a risk he did not wish to assume.

Chairman Lexow.—Can they be deputized by the sergeant-at-arms?

Mr. Goff.—Not always. It is not always possible to have them deputized by the sergeant-at-arms.

Chairman Lexow.—Haven't they the power to deputize special officers—the sergeant-at-arms.

Mr. Goff.—Not for the purpose of making arrests. The reason that the sheriff objected to appointing them was, that he being personally responsible for the acts of his deputies, he did not wish to assume responsibility of appointing men not under his control.

Chairman Lexow.—Could there be any way in which the sheriff would be entitled to act for the State?

Mr. Goff.—No. It will have to be done by private workers. It will have to be done by one of the private officers. It is not uncommon to find in places of amusement in this city, men who are not under the control of the sheriff, wearing deputy sheriff's badges. I suppose if we had one of those places operating that we would not have much difficulty in having our men appointed deputy sheriffs.

Chairman Lexow.—It would not be any crime to make the request.

Mr. Goff.—We will make the request again.

Chairman Lexow.—The stenographer will take down that the committee has decided to authorize the chairman to make a request on behalf of the committee that the subpoena servers of the committee be deputized by the sheriff. Mr. Goff, haven't the police commissioners the right to appoint individuals for the purpose of serving subpoenas?

Mr. Goff.—They have, sir, for that special service, to serve subpoenas for this committee.

Chairman Lexow.—Would not that remove any objection of the kind if the police commissioners did grant them authority to make arrests?

Mr. Goff.—In justice to Captain O'Connor, in whose precinct the Appo affair took place, I am informed that Captain O'Connor

instructed our men that whenever they wanted to serve subpoenas in his precinct again to report to him, and he would send a man in plain clothes. We have not taken advantage of that captain's very generous offer, nor do I think we will.

William H. Kipp, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Have you got the subpoena duces tecum served upon you?

A. Yes, sir.

Q. Will you please let me look at it? A. Yes, sir. (Witness produces subpoena.)

Q. Do you hold an official position in the police department of this city? A. I do.

Q. What is that position? A. Chief clerk of the department.

Q. How long have you been chief clerk?

Chairman Lexow.—We have had all that, Mr. Goff; Mr. Kipp was examined before in the election cases.

Q. I was not aware of that; you have been served with a subpoena duces tecum to present certain documents here in your custody as clerk of the police board? A. Yes, sir.

Q. You have produced those documents? A. I have.

Q. I will take them in order; the first requisition made upon you was for all the complaints, charges and specifications made and conferred and preferred against members of the police department since the 28th day of June, 1894, together with the proceedings and findings of the commissioners upon such charges and specifications; I hand you a paper, and ask you if that paper that I hand you is the official record of the complaints, charges and specifications made against such men since June 28, 1894? A. It is.

Mr. Goff.—I should state here, gentlemen of the committee, that I requested the chief clerk to confine himself to the production of the complaints, charges and specifications growing out of the testimony before this committee, and on such complaints and charges made in the ordinary routine work of the department for breaches of the rules of the department; I will have the paper marked in evidence. (Paper marked "Exhibit 1, October 1, 1894, L. W. H.") "All complaints, charges and specifications, made and preferred against members of the police department, since the 28th day of June, 1894, together with

the proceedings and findings of the commissioners upon such charges and specifications, also all complaints, charges and specifications made against members of the police department since said date, which are yet pending and undisposed of"—no; this schedule only includes those complaints that have come out of the exposures before the Lexow committee. Patrolman Jerome S. Levy. The charge against him is pending since July 19, 1894. Does this show what the charge was?

The Witness.—I have the papers here.

Q. Have you? A. Yes, sir.

Q. Would you be kind enough to produce them? A. Yes; Mr. Peterson will get them there. (Indicating.)

Mr. Goff.—The charge against Jerome S. Levy reads as follows: "I hereby charge the said Jerome S. Levy, such patrolman of the police, and member of the force aforesaid, with the legal offense of neglect of duty and conduct injurious to the public peace and welfare of the force, as a common officer." The specification is very long, but in substance it says that in the 11th precinct he did take and accept and receive from one Augusta Thuro the sum of \$150 in money, lawful money of the United States of America; that in consideration of said sum of money accepted by him, the said Augusta Thuro should and would be suffered and permitted to open and keep and maintain a house of ill-fame and prostitution at and in the premises there stated known as No. 87 Allen street, with the full knowledge of the police. That is the substance of the specification. I do not think there is any necessity of putting it all on the record; I will read the whole of it, if you wish it, and have it placed on the record.

Chairman Lexow.—No; it is not necessary.

Mr. Goff.—Now, the next of Captain Dogherty. "Second grade captain, name, Michael Dogherty, finding, dismissal, date July 26, 1894." The specification is by the superintendent of police, which charges Michael Dogherty with a legal offense and neglect of duty and conduct injurious to the public peace and welfare and conduct unbecoming an officer, in that the said Michael Dogherty on the 6th day of January, 1893, in the Fourteenth precinct of this city, did in said precinct take and accept and receive money from one Augusta Thuro, who then and there kept and maintained, at the premises there stated, at 23 Second avenue, a certain house of ill-fame and prostitution,

as he the said Michael Doherty then and there well knew, the sum of \$25, lawful money of the United States of America, by an understanding therein made and entered into by and between the said Captain Doherty and the said Augusta Thuro, that for and in consideration of the said sum of money so by him thereby taken and said August Thuro, then and there, for the space of one month, to keep and maintain the said house of ill-fame and prostitution in said precinct, with the full knowledge of him, the said Michael Dogherty, and without any interference on his part as said captain of police, or any endeavor on his part as such captain of police, to interfere with the same or to enforce the laws of the State in relation thereto. The finding upon that charge was dismissed on July 26th. Patrolman John Hock. Charge against Patrolman John Hock, dated July 19, 1894; preferred by the superintendent of police, reads, "I hereby charge the said John Hock, such patrolman and member of the force aforesaid, with a legal offense and neglect of duty, and conduct injurious to the public peace and welfare, on the conduct of a public officer, in that the said John Hock, on the 1st day of March, 1893, in the city and county of New York, did accept and receive from one Augusta Thuro, who then and there kept and maintained the premises known as 23 Second avenue, in the precinct aforesaid, a certain house of ill-fame and prostitution, as he, the said John Hock, then and there well knew, the sum of \$25 in lawful money of the United States, upon an agreement and understanding that the said Augusta Thuro, for and in consideration of the said sum of money then and there, take and accept and receive as aforesaid, he, the said John Hock, as said patrolman of the police, should and would knowingly suffer and permit the said Augusta Thuro, then and there for a space of time, to wit: the space of one month then next ensuing, to keep and maintain the said house of prostitution and ill-fame in said precinct with the full knowledge of him, the said John Hock, and without any interference on his part, as such patrolman of police, and without any endeavor on his part, to suppress the same or to enforce the laws of this State in relation thereto." The sentence or finding in the case of John Hock was "Dismissal, on July 26, 1894." Bernard Meehan, Emanuel Meyer, and David J. Mallon, patrolmen. I find these charges

against Bernard Meehan, Emanuel Meyer, and David J. Mallon: As to Bernard Meehan, "That he did receive from Augusta Thuro, \$25, in lawful money of the United States, in an agreement that he, Bernard Meehan, as such police officer, and in consideration of such money, should and would knowingly suffer and permit the said Augusta Thuro then and there, for a space of time, to wit: the space of one week next ensuing, to keep and maintain the said house of ill-fame and prostitution in said precinct, with the full knowledge of him, the said Bernard Meehan, etc. The finding in the case of Bernard Meehan, patrolman, was "Dismissal from the police force, on July 26, 1894."

Q. I find, Mr. Kipp, the names of Patrolmen Bernard Meyer and David J. Mallon, "Charges made and not served"? A. Yes, sir.

Q. Can you tell the committee, either from your personal knowledge or from that derived from the knowledge coming to you as secretary of the board, in your official position, from documents or other information, why the charges were not served upon these two patrolmen? A. I understood that Mr. Wellman was not ready to go on with those cases of Meyer and Meehan.

Q. The charges were made? A. Yes, sir.

Q. Are the charges here? A. They are not certified yet.

Q. Have you got the charges here? A. I don't think those papers are here.

Q. You don't think so? A. No, sir.

Q. Can you state — A. I don't think they are formulated yet, sir; that is the reason.

Q. Could you, from your knowledge, Mr. Kipp, going to an understanding of what the charges were — the proposed charges were against these two police officers? A. They were wardmen and would be something of the nature of Meehan.

Mr. Goff.— Now, Sergeant Hugh Clark —

Chairman Lexow.— You have not stated the conviction of the other two. They are all in that one document.

Mr. Goff.— I have stated the conviction of Dogherty and Hock and Meehan; but Meyer and Mallon are the two officers who have not been served with the charges for the reason stated by the clerk.

Q. Have you got the papers of Sergeant Clark? A. Yes. (Producing papers.)

Mr. Goff.—Charges preferred against Hugh Clark, sergeant, on August 14, 1894. Specification presented by the superintendent is that the said Hugh Clark on or about the 2d of October, 1893, in the city of New York, being such sergeant of police, aforesaid, and then there being assigned and detailed in that portion of the city of New York, known as the Fourteenth precinct, and being then and there a public officer and member of said force, to-wit, the said sergeant in the place aforesaid, did ask, receive, and agree to receive a certain fee and compensation for his official purposes, and did share in, for his own benefit, a certain fee, to-wit, the sum of \$5 in money, where no fees or compensation are allowed to him by the statute, and which said sum of money was additional to his regular salary, pay and compensation, in that the said Hugh Clark, on that day, being such public officer and such member of the said police force, did ask, and receive and agree to receive, and did share for his own benefit in the said sum of money from said Augusta Thuro for taking bail for the appearance of one Hattie Hendricks the next morning, the 2d of October, the said Hattie Hendricks having been arrested for a misdemeanor on the 2d day of October, and a magistrate competent to take bail not having been found within an hour of said arrest, and no fee or compensation being allowed to said Hugh Clark, a public officer, as aforesaid, for said taking of bail, and the said sum of money being additional to his regular salary and compensation. The second charge and third specifications embraced the same thing

Senator O'Connor.—What are the charges for; for taking improper bail?

Mr. Goff.—Yes. I will see what that is. The second charge in the specification is that on the day and year aforesaid in the city and county of New York aforesaid, the said Hugh Clark did allow Augusta Thuro to justify as such bail aforesaid, and did accept such Augusta Thuro, as sufficient bail aforesaid, and did allow the said bail, he, the said Hugh Clark, being there the said public officer aforesaid, and knowing that the said Augusta Thuro was keeping and maintaining a disorderly house and house of ill-fame or prostitution in said precinct, with full knowledge of the said Hugh Clark, and without any interference of the said Clark to suppress the same, or in any manner, to enforce the laws of this State, in relation thereto. Another charge and specification is for doing the same

act in relation to one Minnie Ryan, with a full specification, which follows, with charges and specification for doing the same act in relation to one Rosa Meyer. The eighth charge is for doing the same acts in connection with the arrest of one Delia Brown. In the ninth charge the specification is for doing the same acts in connection with one Jennie Reilly. The disposition of the charges against Sergeant Hugh Clark, dated August 15th, says, "Retired."

Chairman Lexow.—Was he adjudged to retire from the force?

The Witness.—Yes, sir; on his own application.

Q. Were the charges found sustained? A. There was no judgment taken upon that.

Q. Did the commissioners enter any decision or verdict of guilty or not guilty? A. No, sir.

By Mr. Goff: •

Q. Since the chairman has inquired upon that subject, I will ask some questions in relation to it, that I intended waiting for some time; it was after the trial that Sergeant Hugh Clark was allowed to retire from the force? A. Yes, sir.

Q. And after the commissioners had retired to deliberate upon the judgment they would deliver? A. Yes, sir.

Q. I find from your record here that Sergeant James W. Jordan, Charles A. Parkerson, George C. Liebers, were dismissed; it is a matter of record; the records are here, Mr. Kipp, that Sergeant McKinney, Sergeant Jordan, and Sergeant Parkerson and Sergeant Liebers, were charged with the same offenses that Sergeant Hugh Clark was charged with? A. Yes, sir; all sergeants in the same precinct.

Q. That is, five altogether? A. Yes.

Q. Can you state to this committee what reason there was for the commissioners to act differently in the case of Sergeant Clark, from the way in which they decided in the cases of the other four sergeants? A. Sergeant Clark had performed services, I think, of nearly 30 years, and he had made his application for retirement under the statute, which would allow him to do so after 20 years of service; the others had not made such an application, and they dismissed the others, and allowing him to be retired on his own application the same day.

Q. But the application was made after the evidence was put in? A. I think after the charge was made, not after the evidence was taken.

Q. And is it not a rule of the department that no member of the department is allowed to retire while charges are pending against him? A. Not a rule; it is a custom.

Q. It is a custom? A. And a custom that has been almost invariably adhered to.

Q. What will you say there was in Sergeant Clark's case that induced the commissioners to make an exception in this case?

A. I could not say.

Q. But the fact remains that this sergeant was allowed to retire on his own application after the charges were preferred against him? A. Yes, sir.

Q. And the charges were identical with those charges preferred against the other four sergeants who were dismissed?

A. They were.

By Chairman Lexow:

Q. Do you know, as a matter of your own knowledge, that he had previously had an excellent record on the force, and that there were mitigating circumstances in his case that did not apply to the other four sergeants? A. I know he had been for some years quite ill, and that his record was excellent, and so testified to by the superintendent and other superior officers; but whether that had the effect upon the judgment of the commissioners or not, I can not say, sir; I presume it did.

By Mr. Goff:

Q. On the question of the record being testified to, is it not a fact that nearly every officer that was put up for trial had the highest commendations from his superior officers upon the witness stand? A. I believe they did.

Q. Was it not common rumor at police headquarters that it was a sense of magnanimity that the commissioners acted towards Sergeant Clark in allowing him to retire by reason of his long service? A. I could not say that, sir.

By Chairman Lexow:

Q. And not because the evidence against him was any weaker than the evidence against the other four sergeants? A. No, sir.

Q. Don't you know, as a matter of fact, that was taken into consideration by the commissioners; that while they held him guilty, they treated him more leniently because of his old

service, and his age, and for the excellent reputation he had borne in the force up to that time? A. That does not appear anywhere that I could testify to.

Q. You don't know? A. No, sir; I could not say it was so.

Q. Do you know whether the evidence against him was substantially the same evidence as against the others? A. I think it was, sir.

Q. The same cause complained of? A. Yes; the same precinct.

Q. And his case only differed from the others in that he was of longer service, and had a good reputation? A. I could not say that that is so.

Mr. Goff.— We shall read the charges against Sergeant McKinney and George C. Liebers, in order to place that matter on record.

Mr. Moss read as follows: Charges against Sergeant McKinney, that on or about the 29th day of October, 1893, he being a sergeant of the police force received a certain present, the gift of \$5 in money, where no compensation is allowed to him by statute, additional to his regular salary, that he received from Augusta Thuro, for taking bail for the appearance of one Martha Winter, before a magistrate, the said Martha Winter having been arrested on a misdemeanor in the afternoon of the 29th of October, the magistrate not having been found within an hour after such arrest, no fee or compensation being allowed to said McKinney for said services; and the second charge against McKinney is that on the same day he did accept Augusta Thuro as sufficient bail for the said Winter, and did allow the said Thuro, he being a public officer at the time and well knowing that the said Augusta Thuro was then and there keeping an indecent and disorderly house in the said precinct, with his full knowledge, and without any interference on his part, as such sergeant to suppress the same, or in any way to enforce the law. The third specification is, on or about the 11th day of November, 1893, he being such sergeant, did ask and receive a certain fee and compensation for his official services, to-wit, \$5, for taking bail, and receive said fee from Augusta Thuro, for taking bail for Jennie Reilly, who had been arrested for a misdemeanor. Fourth specification is similar to the second, that he accepted Augusta Thuro as bail. The fifth specification is similar to the first, the person bailed being Sadie Reid. The sixth specification is similar to the second, Augusta Thuro, a proprietor of a house of ill-fame, having been accepted as bail.

Mr. Goff.—The sentence in the case of Sergeant McKenna was “Dismissal from the force, August 15, 1894.” Now in the case of Sergeant James W. Jordan, charges of the same date, August 14, 1894.

Mr. Moss reads: The first charge against James W. Jordan is that on or about the 12th day of October, 1893, he being an officer in the Fourteenth precinct, asked and received the sum of \$5 from Augusta Thuro for taking bail for the appearance of Sadie Schrader. The second charge recites that he took such bail from Augusta Thuro, known to him to be the proprietor of a house of ill fame. The first charge is similar to the first, the person bailed being Rachel Davis. The fourth charge is similar to the second. That is all.

Mr. Goff.—The sentence in the case of Sergeant James Jordan, was “Dismissed from the force, August 15th.” Now the charges against Charles A. Parkerson.

Mr. Moss reads: The first charge is that on or about the 31st day of July, 1893, he received from Augusta Thuro the sum of \$5 as a gift or emolument for bailing Lottie Raynor, who had been arrested for a misdemeanor. The second charges him with accepting Augusta Thuro, the keeper of a house of ill-fame, as bail. The third charge is similar to the first, name being Rachel Marks. The fourth charge is similar to the second. The fifth charge is similar to the first; the person bailed being Lottie Raynor again. The sixth charge is similar to the second.

Mr. Goff.—The sentence in the case of Charles A. Parkerson was, “Dismissed from the force, August 15.” The charge against George C. Liebers of the same date.

Mr. Moss.—The first charge against George C. Liebers is, on or about the 5th day of August, 1893, he received from Augusta Thuro, in the form of a gratuity, five dollars for accepting the bail for Miss Sanders, who had been arrested on the charge of misdemeanor. The second specification is that he accepted for such bail Augusta Thuro, then known to him to be the keeper of a disorderly house. The third charge is similar to the first, the person being Annie Lewis. The fourth charge is similar to the second. The fifth charge is similar to the first, the person bailed being Rachel Marks. The sixth charge is similar to the second. The seventh charge is similar to the first, and the person bailed being Sarah Schneider. The eighth charge is similar to the second. The ninth charge is similar to the first, the person bailed being Rachel Davis; and the tenth charge is simi-

lar to the second. The eleventh charge is similar to the first, the person bailed being May Brower; and the twelfth charge is similar to the second; the thirteenth charge being similar to the first, the person bailed being Frank Moore. The fourteenth charge is similar to the second charge.

Mr. Goff.—The sentence of the finding of the commissioners in the case of Sergeant George C. Liebers is, "Dismissed from the force, August 15th." The charge against Captain William S. Devery, made August 15th.

Mr. Moss.—Charges against Captain William S. Devery. The first specification against William S. Devery is, that on or about the 28th day of February, 1893, he and Edward Glennon, a patrolman, received and accepted from Henry Hoffman, who kept a disorderly house at 180 Allen street, the sum of \$500, in lawful money, upon the understanding and agreement that they would suffer him for the space of one year, to keep and maintain the said house of ill-fame; and that he, Henry Hoffman, so paid to the said William S. Devery and Edward Glennon, the sum of \$100, each month, as long as the said William S. Devery so remained captain of the police precinct; and that said Hoffman should be protected from police interference in keeping said house during said space of time. The second specification is that the said William S. Devery, received from the said Henry Hoffman, the sum of \$50, for the protection of said house for one month. The third charge is similar to the second. The fourth is the same. The fifth is the same. The sixth is the same. The seventh is similar. The eighth is to the same effect. The ninth, tenth and the eleventh are similar. These specification being charged to the effect that the sum of \$50 had been taken for one month's protection on said house. The twelfth charge is that said William S. Devery, captain, did take from Charles Prien, who maintained a house of ill-fame, 28 Bayard street, the sum of \$25, under substantially the same circumstances as charged in the case of Hoffman; and that he agreed to protect the said house for \$50 a month. And the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twenty, twenty-first, and twenty-second specification charges that the said Devery and the said Edward Glennon, did receive in each of these charges, the sum of \$50 for three months' protection on that house. The twenty-third charge is that William S. Devery and Edward Glennon received from Katie Schubert the sum of \$500, and made

an agreement for the payment or receipt of \$50 for each month, in consideration that she should be permitted to maintain a disorderly house 144 Chrystie street. And specifications twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, each of those specifications charged that upon the months therein mentioned, the sum of \$50 was received by said officers for the protection of that house. The thirty-fourth charge is to the effect that William S. Devery and Edward Glennon did receive from Karl Werner, the sum of \$500, upon the understanding that the disorderly house No. 6 Delancey street, might be maintained without police interference; and that \$50 a month should be paid thereafter for the maintenance of that house. The thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth and fortieth—

Chairman Lexow.—Isn't that piling on the agony, Mr. Moss?

Mr. Moss.—Not so far as I am concerned.

Mr. Goff.—It is not for the mere purpose of getting valuable testimony here; it is for the purpose of completing the record before the Legislature, after the committee ceases its work.

Chairman Lexow.—Are you desirous of having each one of the specifications noted?

Mr. Goff.—I think it is wise for us to proceed as closely as possible to the official records. I know it will make it tiresome when you have been in the habit of listening to entertaining testimony heretofore. This will be in contrast, but I consider it very necessary.

Chairman Lexow.—Do you mean to go on down with the dismissal of these various officers of the force? Would not one of the specifications be sufficient?

Mr. Goff.—We will curtail as much as possible.

Mr. Moss.—Forty-first, forty-second and forty-third specifications are those I mentioned before, charge that the said officers received \$50 per month for protection of said houses; and the forty-fifth charge is that William S. Devery and Edward Glennon received from Rhoda Sandford, the sum of \$500 for the protection of the disorderly house, No. 24 Bayard street, with an agreement for the payment of \$50 a month thereafter for the same purpose; and the specifications from the forty-sixth to the fifty-fourth are to the effect that in each specification the sum of \$50 had been taken for the protection of the house for

one month. The fifty-sixth specification is that the disorderly house, 180 1-2 Allen street, was allowed to be operated as a disorderly house without police interference by the said Captain, William S. Devery.

Mr. Goff.—The sentence in the case of Mr. William S. Devery is “Dismissal from the force, August 21, 1894.” The charges against Edward S. Glennon, patrolman?

Mr. Moss.—I have read them as I have read Captain Devery.

Mr. Goff.—The sentence is “Dismissal, August 24th.” Charges against Patrolman James Burns.

The Witness.—I gave you those the other day, in Captain Cross' specifications. Captain Cross, Burns and Smith.

Mr. Goff.—They are in the same nature. That is not in my bag. “Edward S. Glennon; dismissed, August 31, 1894; Captain Adam A. Cross; dismissed, August 31, 1894; Patrolman George Smith; dismissed August 31, 1894. Captain John Stephenson. Have you not his papers?”

The Witness.—Yes.

Mr. Moss.—The charges against Captain Adrian A. Cross, Patrolman George Smith, and Patrolman James Burns. The first specification charges Captain Cross that on the 20th day of April, 1892, he demanded and received from Katie Schubert, the sum of \$500 to permit her to maintain a disorderly house, 144 Chrystie street; that George Smith participated in the agreement, and that it was further agreed that she would pay the sum of \$50 per month to be permitted to maintain the said house. The second specification to the twelfth specification are charges connected with said house and said precinct. The thirteenth charge accuses Captain Cross and Patrolman Smith of entering into an agreement with Charles Perrine, whereby they received from him \$500 to permit him to maintain a disorderly house at No. 28 Bayard street; and made an agreement for his payment to them of \$50 a month for permission to run the said house. The fourteenth specification to the twenty-fourth specification are as to the same house and same precinct. The twenty-fifth charge alleges that Captain Cross, on or about the 20th day of April, 1892, made an agreement with Carl Werner, whereby the said Carl Werner should be permitted to continue to keep the disorderly house No. 6 Delancey street, upon the payment of \$50 a month, and that the said money was paid and said Werner was allowed to keep said house. The specifications numbers 26 to 36 have reference to the said house.

The thirty-seventh charge alleges that Captain Cross made an agreement with Rhoda Sanford, on or about October 31, 1892, whereby she was to be permitted to maintain the disorderly house No. 24 Bayard street upon the payment of \$500 and \$50 a month, and that the said sums were paid. The thirty-eighth to the forty-fifth charges have reference to the said Rhoda Sanford and the said house No. 24 Bayard street. In each of the preceding specifications it is charged that the officers therein mentioned did receive the said sums of money for the protection of the said houses. The forty-sixth charge alleges that Captain Cross was made acquainted with the fact that a policeman named John Kelly had received a bribe from one Charles S. Hendrickson for the sum of \$25, to permit him to violate a city ordinance, and that he failed to report or take action in the case of the said John Kelly. The forty-seventh charge alleges that Policeman James Burns, accepted a bribe of \$50 from Katie Schubert before mentioned, in consideration that he would permit her to maintain the disorderly house 144 Chrystie street, and that he did so permit her. Specifications from forty-eight to sixty-eight make similar allegations against Patrolman James Burns. The sixty-ninth charge alleges that James Burns on or about the 25th day of February, 1890, did offer and attempt to take from Edward Kirkpatrick the sum of \$250 in consideration that he would permit the said Edward Kirkpatrick to erect a bridge upon the sidewalk in front of the building which the said Edward Kirkpatrick was building, the said James Burns at the time being a patrolman attached to the police precinct commanded by Captain William McLaughlin.

Mr. Moss.—The charge against Captain John a Stephenson is in the first specification, that being in command of the Fifth precinct and obliged to execute the ordinances of the city, did on the 26th day of February, 1891, willfully and corruptly ask and receive from Thomas P. Wallace, of No. 187 Reade street, a bribe of \$25, on the agreement and understanding that the said Stephenson would be influenced thereby and would neglect and violate his official duty, and would permit Wallace for the space of one year to place goods, wares and merchandise and other articles upon the public highway and sidewalk, and that he did so permit the said Wallace. The second charge is similar and refers to the same Thomas P. Wallace. The third charge is similar, referring to Enos C. Palmer, of 166 Reade street, city. The fourth charge is similar. It refers to Charles

W. Maxfield, No. 182 Reade street. The fifth charge is similar and refers to Leroy M. Lyon, of No. 279 Washington street. The sixth charge is similar and refers to the said Lyon at same place. The seventh charge is similar and refers to Robert P. Shimer, of 336 Washington street. The eighth charge is similar and refers to Martin N. Edwards, and alleges that he received certain bribes and gifts from the said Edwards to the end that he should not enforce the ordinances of the city. The ninth charge is similar, and refers to George Allison, of 298 Washington street; he was protected in the violation of the corporation ordinances. The tenth charge is similar and refers to Lewis S. Bernholts, of 355 Greenwich street. The eleventh charge is that the said John P. Stephenson received from John P. Wallace the sum of \$25, and on the 5th day of October the sum of \$25 from the same man, and on the 18th day of October, from Enos C. Palmer, the same sum; the 10th of October, 1891, from Charles W. Maxfeld, the same sum, and Leroy M. Lyon, on the 1st day of July, 1891, the same sum; from Leroy M. Lyon, on the 1st of January, 1892, the sum of \$30, and from Robert B. Schimer, on the 10th day of May, 1891, the sum of \$25, and on the 12th day of September, the year not given, from Martin N. Edwards the sum of \$50, and on the 25th of October, 1891, from George Alexander, the sum of \$50; each payment being made in consideration of allowing said persons to violate the ordinances of the city of New York.

Mr. Goff.—We have charges against Mallon and Meyer. Those were charges that were not served.

Senator Bradley.—Won't you announce the verdict in the Stephenson case.

Mr. Goff.—Yes; the verdict in that case was "Dismissal from the force." So as to be sure that the record will have it straight, Patrolmen Edward G. Glennon, James Burns, Adam A. Cross, George Smith and John T. Stephenson, dismissed from the force. Stephenson dismissed on September 6, 1894.

Mr. Moss.—Charge against David Mahlon is that between the 1st of April, 1893, and the 1st of December, 1893, he being a police officer, did allow Augusta Thuro to keep and maintain a disorderly house No. 23 Second avenue, without any interference on his part. The charge against Emanuel Meyer is that between the 1st day of October, 1892, and the 1st day of January, 1893, he being a policeman attached to the Fourteenth precinct, did permit the premises 23 Second avenue to be kept and maintained by Augusta Thuro as a house of prostitution.

By Mr. Goff:

Q. Those charges you say have not been served? A. No, sir.

Q. By reason of Mr. Wellman not being ready to proceed; I called for the records or orders of suspension of members of the police department since the 28th of June, 1894. (Papers produced by the witness.) I hand you such record and ask you if that is the record of such orders? A. That is correct, except since that was made the board have relieved Jeremiah S. Levy and David J. Mahlon and Emanuel Meyer from suspension and restored them to duty.

Q. And in all things else it is correct? A. It is correct.

Q. What was the suspension against Patrick Fitzgibbons for; do you remember? A. I do not think that came under your charges.

Q. No it did not occur to me? A. No it did not, sir.

(Paper marked "Exhibit Q, October 1, 1894, L. W. H.")

Q. This record of suspension sets forth the suspension of the names of those who have been dismissed, with the modification stated by the clerk, of the restoration of Jerome S. Levy, David J. Mahlon and Emanuel Meyer? A. They were suspended pending trial.

By Chairman Lexow:

Q. They have not been tried and restored to duty? A. Those three, they have not been tried, but they have been restored to duty.

By Mr. Goff:

Q. I ask you for the record of the retirement since the date of June 28, 1894; all the names upon this list which I hand you, I think are not referred to in the testimony before this committee? A. No, sir.

Q. Only one? A. Only one.

Q. That is Sergeant Hugh Clark to whom we before referred? A. Yes, sir.

Q. We do not want to put that in evidence; I hand you a record of resignations since the 28th of June, 1894, and ask if that is the record of resignations from the department? A. Yes, sir.

Paper marked in evidence "Exhibit 3, October 1, 1894, L. W. H."

Q. I read from this record of resignation, "Record of all resignations of the police department from June 28, 1894, to July 16, 1894. Name, John McClave; position, commissioner;" that was the commissioner who had been examined before this committee in the early part of its session? A. Yes, sir.

Q. On July 18th, name, S. Wood McClave, deputy treasurer; do you know if he was in the department controlled by Commissioner John McClave? A. He was appointed by him.

Q. He was appointed as a deputy treasurer? A. Yes, sir.

Q. And, as a matter of common knowledge, his son? A. Oh, yes, sir.

Q. On July 18, 1894, Charles A. Grant, clerk; what particular position did Mr. Grant occupy there? A. Clerk to Commissioner McClave.

By Senator Bradley:

Q. Private secretary? A. Yes, sir.

By Mr. Goff:

Q. Did I hear "Private Secretary"? A. Yes, sir; confidential clerk.

Q. Do you know where Mr. Grant is now? A. I do not; no, sir.

Q. Do you know anything about him? A. No, sir.

Q. Is he entitled to a pension from the department? A. No, sir.

Q. These dates are correct of the resignation of Commissioner John McClave on July 16th, and the resignation of S. Wood, McClave and Charles J. Grant on July 18th? A. Yes, sir.

Q. This other resignation has no reference to the committee? A. I think not; it occurred during that time.

Q. I ask you for the report of the resolution adopted by the police board in reference to the position of the men known as wardmen; please identify it; is that the resolution? A. Yes, sir. (Paper marked "Exhibit 4, Oct. 1 1894, L. W. H.")

Mr. Goff.—I read "Police Department of the city of New York, 300 Mulberry street, N. Y., Sept. 16, 1894. Resolution adopted. Resolved: That position of precinct detective, commonly known as wardman, be and the same is hereby abolished, and that police officers now filling the position of precinct detective or doing duty as such be remanded to post and be assigned

to patrol duty, and signed to other precincts by the superintendent. A true copy. William H. Kipp, chief clerk." Of course, this has reference, gentlemen, to the great volume of testimony adduced before you in reference to the practice of wardmen, and after that testimony had been adduced the police board abolished the office. I asked you to produce a record of any charges or complaints made against police officers of immoral practices; I hand you the copy.

A. That is the record, sir.

(Paper marked in evidence "Exhibit 5, Oct. 1, 1894, L. W. H.")

Q. This I see is from the year 1883? A. Yes, sir; 12 years, think you asked.

Q. Eighteen hundred and eighty-three to 1891; that is up to date though? A. Yes.

Mr. Goff.—The last date is 1891 from 1883. In relation to this matter, I read Rule 17 of the department: "It shall be the duty of the chief clerk in all cases where sergeants report members of the force affected with (two unmentionable diseases) to make charges against the members so affected, and if proven that such member has (the diseases, mentioning two) shall be ground of dismissal from the department." I find in 1893 Abraham Brunner, now in the Twenty-third precinct, under "disease" (unmentionable)—that is, it would be unmentionable, that is my word. "Duration of sickness, April 2d to April 10th, Surgeon Cook. Complaint made—yes. Disposition of complaint rpd." What does that mean? A. Reprimanded.

Mr. Goff.—I have the charge here.

The Witness.—I may say these complaints are made under Rule 124. Rule 17 has not been in operation since my connection with the department. I do not know why it has been reprinted there. Rule 124 has been always used for the purpose of these complaints, having the surgeon make them to the superintendent—124 and 179 I think.

Mr. Goff.—Rule 124. "Each surgeon shall make charges in writing, to the superintendent, against any member of the force who shall seek to evade duty on the pretense of sickness, or whose sickness or disability is caused by improper conduct, intemperance, or immoral or vicious habits or practises. When a member of the force who has charges pending against him, and has been notified of the day of trial on such charges, reports sick, the surgeon in whose district he is shall be notified of the

nature of the complaint and the day of trial, at the same time he is notified that the officer has reported sick."

The Witness.—One hundred and seventy-nine is where the charge is made under.

Q. That has relation to preliminary examinations for appointments on the force of those reported favorably to the sergeants; that has relation to preliminary examinations? A. That has been renumbered since the charge was made.

Q. I will take the case of Abraham Brunner; charge made against Abraham Brunner, April 25, 1883, before Commissioner Mason; charge read; Police Surgeon S. G. Cook sworn.

"Q. Are the charge and specifications correct? A. Yes.

"Defendant sworn.

"Q. What do you say to the charge, Officer Brunner? A. I am a single man.

"Q. Are you guilty or not guilty? A. I am guilty.

"Q. You are guilty? A. It was accidental.

"Surgeon Cook.—He admits he was suffering from this disease.

"The Defendant.—It was accidental.

"Q. Eight days on the sick-list; you admitted all to be true.

"Surgeon Cook.—He was eight days on the sick-list, from the 8th to the 10th.

"The Defendant.—It was accidental.

"Q. You reported sick, did you? A. I did not know what it was; I never had anything of the kind before.

"Q. No question about this, doctor?

"Surgeon Cook.—No, sir.

"Q. Is he cured now? A. He was able to go to work on the 10th, since.

"Commissioner.—I will refer this to the board. The specification is conduct unbecoming an officer, in this, that the said Officer Abraham Brunner, of the Eighth precinct, was on the sick-list from the the 6th of April, 1893, to six p. m. April 10th, the cause of said charge is sickness of an unmentionable disease; signed by Surgeon Cook."

Q. Where is the official reprimand there? A. On the papers; on the envelope.

Q. "Judgment reprimanded, and he is to relinquish all pay during his alleged illness;" now, Mr. Kipp, you say that this rule 17 has not been enforced since you have been in the department? A. No, sir.

Q. How many years have you been in the department? A. Twenty or 23 years.

Q. These rules were printed in 1894? A. They have been reprinted, sir; in 1894.

Q. And this is the manual that is now in operation? A. Yes, sir.

Q. For the government of the police department? A. Yes, sir.

Q. And this rule 17 on page eight, as you see it there, according to your testimony, that is only a dead letter? A. It is, sir; because rule 124 is used for that purpose.

By Chairman Lexow:

Q. Has it been repealed or put into the book of rules by mistake? A. Really, when the rules were reprinted that rule 17 should have been left out, because 124—

Q. Would it have been left out unless there was a repeal of the rule? A. The rules have been amended from time to time.

Q. Was any motion there made to repeal that by the commissioners? A. No, sir.

By Mr. Goff:—

Q. And the rules have been printed several times in different editions of the rules? A. Yes, sir; it was determined that the surgeon should make the report; if they made the report to the superintendent it would be better than to have the charges made by the chief clerk.

Q. You see, this rule 17 provides for the dismissal from the force? A. If they choose, it would be ground for dismissal.

Q. But rule 129 does not make such provisions? A. Well, but for violation of the rules there would be ground of dismissal. Mr. Goff, under another rule here.

Q. It is not specified in rule 125? A. No, sir.

Q. But in rule 17 it is specified; I do not wish to read out any more names of these officers, but I will read out officer number two; "Nature of disease, unmentionable; surgeon's names, McCloy and Dexter. No complaint made;" in 1884, against another officer: "Nature of disease, unmentionable; surgeon's name Dexter. No complaint;" in 1884, against another officer: "Nature of disease unmentionable; surgeon's name, Matthews. No complaint made;" in 1884, again another officer, now a

detective sergeant: "Another disease, unmentionable; surgeon's name, Lyon. Complaint made, yes. Disposition, no decision;" have you got the papers there? A. We haven't the papers, and it would be difficult to say who had them; probably a commissioner who tried the case, and we have never been able to discover them; Mr. Peterson has not.

Q. Is that thing possible in the working of the department; that a complaint made against a police officer, that the papers should not be in your possession, and that they should disappear? A. Yes, sir; they might be in the hands of either of the commissioners.

Q. But it is very probable; this was in 1884; it is very probable that the commissioner that tried that case is not now in office? A. It might be so.

Q. And is it possible, under the rules and workings of the department, that the commissioners during their terms of office may hear the complaints, and take the complaints, and go out of office with them in their possession? A. Not usually; it might occur.

Q. And this is an instance of one case in which it has occurred? A. Very few papers are missing from these records and that is one of them.

Q. I ask you to look at that name; I do not wish you to make it public, and state if that official is connected with headquarters? A. Yes, sir; he is, sir.

Q. In 1886; the name I do not wish to call here, because he is dead; I will pass that by; there was no complaint made in his case, however? A. I think he died with that illness.

Q. Of this unmentionable disease specified here? A. Yes, sir.

Q. In 1891, Officer _____, nature of disease, unmentionable; complaint made, and complaint dismissed; have you got the complaint here? (Witness produces complaint.)

Q. Here is a "complaint made by Doctor Charles E. Namack, being sworn, testified:

"Q. Is that charge true? A. Yes, sir.

"Defendant testifies: How do you plead to the charge? A. Duty."

Q. Where is the dismissal of this; on the judgment on this plea of guilty I find the letters D. C.; what does that mean? A. Complaint dismissed.

Q. So that the record says here that in this case, under rule 17, is case for dismissal from department, where the charge

has been preferred by a police surgeon, and the charge admitted by the defendant, the complaint is dismissed? A. Yes.

By Chairman Lexow:

Q. These police surgeons are part of the force, are they not?
A. They are.

By Mr. Goff:

Q. Now, those are all the requisitions covering the period of time I called for? A. Yes, sir; that is all.

Q. During the existence of the present municipal police department those are all you find in relation to this specification matter? A. Yes; since 1883; back of 1883 we can not find.

Q. There is no record before 1883 of any charges having been made? A. No, sir.

Q. From 1883 to the present time you have supplied here all the charges that have been made? A. Yes, sir.

Q. So that in the history of this department, having a force of how much average—three to four thousand men? A. Thirty-five hundred.

Q. Averaging 3,500; with a force of 3,500 men, during a period of how many years in the municipal police? A. Since 1873.

Q. There has not been one case of dismissal for the cause mentioned in Rule 17? A. I don't know of any, sir.

Q. And all of the cases that are on record you have given us here number 1, 2, 3, 4, 5, 6, 7 cases.

Q. In one of which there was a reprimand, four of which there was no decision, one of which the defendant died, and the remaining one complaint dismissed, though the defendant pleaded guilty? A. Yes, sir.

Q. There is not much field for the abolition of that social evil in that department; I have asked you to produce a list of the case of members of the police department where the courts have reversed the findings and judgments of the commissioners for reinstatement on the force or restoration of rank, covering a period of the past twenty years. I ask you if this is the list of such reversals by the court? A. It is; yes, sir.

(Paper marked "Exhibit 6, Oct. 1, 1893, L. W. H.")

Q. I find in this list these cases, including two captains and the balance patrolmen, of officers against whom charges were made? A. Yes, sir.

Q. And these charges were considered by the police commissioners, and after the findings of dismissal in each case; I presume you can state whether or not they were appealed? A. Yes.

Q. And on appeal the courts reversed the findings of the commissioners? A. Yes.

Q. And they were reinstated? A. Yes.

Q. Now, I ask you—you have had a great deal of experience in the police department, its operations and laws and the effect upon discipline; what in your opinion is the effect upon the discipline of the police department of the reversals by the courts of law of the findings of the commissioners in the cases? A. I don't think that I could answer that, Mr. Goff.

Q. You don't think you could? A. No, sir.

Senator O'Connor.—Mr. Goff, have you brought out the fact whether the reversals were on technical grounds or on the question of injustice?

Mr. Goff.—No, sir; because we have not the record in each case.

Q. Have you any knowledge of the causes in the prevailing number of cases of the reversal by the courts? A. Well, I could select some of those cases, Mr. Goff, from the papers I have in the office, and give you that information later.

Q. But at the present time you can not? A. I can not; I would not like to give it; I have the papers in my office.

By Chairman Lexow:

Q. The writs? A. Yes, sir; I have the judgments of the Court of Appeals, where they have reversed them.

By Senator O'Connor:

Q. Do you think it would add to the efficiency of the force if the Legislature would make the decision of the board on the dismissal of an officer final? A. I do not think I can say that.

By Chairman Lexow:

Q. You can not form any opinion one way or the other on that point? A. No, sir.

Q. Do you think that the fact that the surgeons are part of the force has anything to do with the few complaints that are

made under that subdivision 137 of your rules? A. No, sir; I think the complaints were not made because they had no cause for them.

By Mr. Goff:—

Q. What is your opinion, since you have given us your thought, why there were not more complaints made; what is your opinion of the causes that led to the dismissal of the complaint in that case where the officer pleaded guilty? A. Mr. Goff, I have no doubt that there are many complaints of that kind, that the surgeons have no means of knowing; they can only make complaint where it is brought to their notice.

By Senator O'Connor:

Q. After a man has pleaded guilty to that rule, why should they dismiss the complaint? A. I don't know what the complaint was.

By Chairman Lexow:

Q. Is it not a fact that if a man has pleaded guilty and the complaint is dismissed, it has the effect of discontinuing all complaints by you and the surgeons? A. No, sir; the person might plead guilty in such a manner as not to cause his conviction.

Q. If it was done by accident, or in other ways that he got it?—

By Mr. Goff:

Q. Well, during your many years of connection with the police department, have you ever heard a rumor or a word that the police surgeon called in by the police officers suffering from these bad diseases, have been in the habit of charging a private fee to the officer? A. No, sir; I have never heard of it.

Q. Never heard of it before? A. I never heard of it.

Q. And, of course, you are a good, careful official, and you close your ears to anything except what concerns your own duty in your department? A. No, sir; If I heard of it I should know it; and would testify to it here.

By Chairman Lexow:

Q. Don't you think if a police surgeon sees a history like this, of a number of charges made, and in some cases admissions of

guilt; and in some cases suspension of judgment of decision; and in other cases an absolute acquittal; don't you think that would have the effect of discontinuing of making of charges under that rule? A. No, sir; I do not.

By Senator O'Connor:

Q. Would not the effect of that disposition of the case be likely to make the force think it was immaterial to consider that rule? A. It would seem so.

Mr. Goff.—I think that will do for the present. I have a line of testimony, gentlemen, on this question, which I consider very essential to the thorough work that has been done, and will be done by this committee; but I will have to break in, because we have a witness that desires to get away; and we will soon get at it again. Is Mr. Carpenter in court.

George W. Carpenter, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Now, Mr. Carpenter, what is your full name? A. George W. Carpenter.

Q. And where is your residence? A. At Port Chester.

Q. Port Chester, New York State? A. Yes, sir.

Q. Where is your place of business? A. At the present time Fort Lee, New Jersey.

Q. What is your business? A. Contracting; contractor in stone.

Q. The work you are engaged in at the present time is quarrying at the Palisades? A. Yes, sir.

Q. Quarrying for trap-rock pavement? A. Macadam principally.

Q. Have you been engaged in doing work for railroad corporations in the annexed district? A. Yes, sir.

Q. When? A. From 1889, I believe, to 1892, or 1891.

Q. What was the nature of that work? A. Blasting, quarrying and breaking of the stones.

Q. For what railroad corporation? A. The New York Central.

Q. Just give us the immediate locality? A. The quarry was located at Fordham on the Harlem railroad, and we did the work for the depression, and on the Spuyten Duyvil, and on the Hudson River division.

Q. Along by the Harlem river there? A. Yes, sir.

Q. Well, did you have any business relations with Higginbottom? A. I could not say positively that I had.

Q. Did you have any relations at all? A. With him?

Q. Yes? A. I had relations with the policemen, but I could not say positively whether that was the name or not.

Q. What were the relations you had with the policemen; tell us the whole transaction; you have gone over it before, I suppose? A. Yes, sir.

Q. Frequently enough, so please tell us the whole transaction, without questioning on my part; tell us the commencing, and tell us the ending? A. We were located at Fordham there blasting; we had some pretty heavy work and a pretty large gang of men; we were working night and day and had 300 men on, and among the men were some rather tough characters; we had occasion frequently to call on the police, and I remember our first—I think our first connection with the police in any way was one evening; we had about \$3,000 or \$4,000 in the pay-roll; we had a little wooden shanty on the hill, and the men were rather quarrelsome; we sent down to Tremont for some officers; Captain Stephenson and two men, I think, two or three, came up, and we stated the object of our sending; we stated we thought we needed protection; he said he thought we did; he remained there a while, and as he went away my brother offered him a \$10 bill; he refused to take it; he said that any time we needed any protection or any assistance to send word and he would give us all he could; then after that we were blasting considerable in the quarry, and there was an officer came in the quarry one day; our foreman spoke to me, I think, and asked if we ever did anything for the police; I told him no; he said he thought it would be best to do it; that it was customary to give them something; on the strength of that I put up about \$20, I think, in an envelope, and left it with the book-keeper for them to have every month.

Q. What did you give the \$20 for? A. Well, where we were it was an isolated place, and a pretty hard place; we had very hard characters working for us—the Hungarians and Poles from Pennsylvania—and, in fact, there was probably 2,000 men at that time working on the depression, and it was the headquarters of a great many tough characters, and we thought we needed the protection; one officer would command more respect than a half a dozen foremen.

Q. Now, Mr. Carpenter, you have made some affidavits in this case, haven't you? A. Yes, sir.

Q. You have sworn to some affidavits in this case, haven't you? A. I believe I have.

Q. You know whether you have or not, don't you? A. I do not; I do not remember whether I have or not.

Q. Do you remember being before the grand jury? A. Yes; I was.

Q. And don't you know you swore to an affidavit before the district attorney? A. I presume I did; but I don't recall now.

Q. Never mind the presumption; you know; you are a business man; do you mean to say you can not remember whether you took an oath or not? A. I remember taking an oath.

Q. And you signed your name to a paper? A. I believe I did.

Q. Didn't you state in that paper that one of your foremen had been arrested for making a blast in a way not permitted by law? A. I think I stated that I thought that my impression was that a man named Reilly was arrested; I have asked Reilly since, and he says he was not arrested.

Q. It was after the fact of Reilly's arrest, or at least your impression of Reilly's arrest that you put this \$20 in this envelope for an officer, wasn't it? A. I could not say as to that; I think not; I could not say

By Chairman Lexow:

Q. Was it about the same time? A. If I made that statement I think I could correct it by saying that I question whether any man was ever arrested there; I had the impression they were arrested.

Q. Did you have the impression that he was arrested at the time you put the \$20 in the envelope? A. Oh, no.

By Mr. Goff:

Q. Why did you put the \$20 bill in your envelope. Your quarry was in Fordham; that is within the limit of the city of New York? A. Yes, sir.

Q. Why did you put the \$20 bill in the envelope? I wish to say one word, that you have taken an oath and signed that paper before the district attorney of this county or one of his assistants? A. Yes, sir.

Q. You have also testified before the grand jury of this county? A. Yes.

Q. So there are two records of testimony in this case; now, you are making a third record here; and I speak for the committee when I say to you that false swearing before this committee is perjury, for which a person guilty of false swearing may be convicted and sent to the State prison? A. Yes, sir.

Q. I merely wish to refresh your recollection as to that fact.

By Chairman Lexow:

Q. You understand this oath is binding on your conscience? A. Why, certainly.

By Mr. Goff:

Q. Tell us why you put this \$20 in an envelope? A. We did it for the protection of the police; to have the police protection.

Q. For police protection? A. Yes, sir.

Q. Well, police protection, in what direction? A. Well, we had dynamite stored there; I remember particularly one day we received a telegram from Clark & Wisbeck to be very careful to have men watch the dynamite; it was the time of the great strike on the Central road when the trains were not running—it said to have the dynamite watched and be extra careful; we had men stationed there, and also asked for police protection; they came there and remained there perhaps for three or four days or a week, and it went for that, that was protection; we felt grateful in one sense to have that protection, and we paid for it.

By Chairman Lexow:

Q. You know there is an ordinance against the storage of dynamite inside the city limits, don't you? A. Well, we complied with that; we are allowed to store a certain amount.

Q. And also an ordinance in reference to blasting? A. Yes.

Q. And was it for the purpose of having the police close their eyes in reference to your breaking this ordinance that you gave this amount? A. No, sir; we gave \$10,000 bonds to the city to protect it.

By Mr. Goff:

Q. Didn't you swear in an affidavit that one of your foreman was arrested for violating the ordinance, and that this

Officer Higginbottom then informed you that there would be no more interference provided the right thing was done; did you swear to that in your affidavit? A. I think I did; my impression was —

Q. Now, never mind; you did; was that true or false? A. As far as the —

Q. Was it true or false, please; answer my question? A. It was partially true.

Q. And partially false? A. No; I don't think there was anything false about it.

Q. Then it was true? A. Well, I think —

Q. Don't think, please; I want the fact; at the time you swore to that in your affidavit, was that statement true or false? A. That was true; but I would like to qualify that to a certain extent.

Q. No, no; it was either true or false, was it not? A. Yes, sir.

Q. And you say it was true? A. There is no occasion —

Q. You say it is true? A. Yes.

Q. Do you deny it was not true? A. No; it was true, but I made that statement —

Chairman Lexow.—Just answer Mr. Goff first, and you can make an explanation afterward.

A. Yes, sir; that was true; now would I be allowed to make the explanation.

Chairman Lexow.—You can make the explanation afterward.

By Mr. Goff:

Q. When that officer said, provided the right thing was done; what did he mean by the "right thing;" or what did you understand that he meant by the "right thing;" now what did you understand that he meant by the right thing? A. That he, I suppose, wanted money.

Q. That is it; well, now wasn't there an agreement then as to the amount of money he wanted? A. There was not.

Q. Well, how was the sum of \$20 fixed? A. That I think was suggested by one of the foremen in the quarry.

Q. Your books, which were examined, contained an entry to "Capt. S., \$20;" what does that entry mean? A. That entry went to show that it went to the police department.

Q. But who did "Capt. S." refer to, what individual? A. I presume that referred to Captain Stephenson at the time.

Q. He was in command of the precinct at the time? A. Yes, sir.

Q. Then there was another entry to "The old man."

By Chairman Lexow:

Q. Who made these entries, Mr. Carpenter? A. I made them, sometimes.

By Mr. Goff:

Q. Did you make that entry, "The old man"? A. It is possible I did.

Q. Don't you recollect whether or not you used that expression? A. I know we refer to "The old man," or to the captain, frequently; that is taken out of my petty cash.

By Chairman Lexow:

Q. Where did you get the expression "Old man" from; is that the way of speaking of the captain in your district? A. I don't know how that specially came to be used.

By Senator Bradley:

Q. Did you have an agreement with his man up there? A. Not that I know of.

By Mr. Goff:

Q. Now, as a matter of fact, was not this money paid to the police so that you would not be interfered with in your blasting; now isn't that the truth. A. Not fully, sir.

Q. Well, partially? A. There was something.

Q. That was an element in the case? A. That was an element, yes, sir.

Q. That is one element; what is the next element? A. For their good will; that was the main element.

Q. Now there are the two elements; what was the next element that existed? A. I don't know that there is any other element.

Q. We have the two elements that money was paid to the police that they would not interfere with your blasting; and second, you got their good will; one element included the other element; their not interfering with you in your blasting would

show good will, wouldn't it? A. What I mean by good will, is that they were there to protect us; we had a commissary on the premises that was robbed two or three times, and our magazine was broken open.

Q. Are you not aware that the citizens of New York pay about \$5,000,000 annually to the police to protect the citizens?

A. The outlying districts get very little of it.

Q. Unless you pay especially for it; is that it? A. I don't say that; but we—

Q. You had to pay specially, and you got it; isn't that the fact? A. That is pretty near it.

Q. How frequently did you see this officer? A. I think he received that monthly about .

Q. And did he ever say anything to you in the act of receiving the money? A. I don't remember, sir; I do not know that I ever gave it more than once or twice to any of them.

Q. Well, then, it was not the same one that called for it all the time, was it? A. No, sir.

Q. Different men? A. Different men.

Q. How many different men altogether? A. I could not tell you, sir; perhaps two or three or four different ones that I have seen there.

Q. Getting this money for that purpose? A. Yes, sir.

Q. Were they in uniform or in civilian's clothes? A. I think usually in uniform; that is my impression; I would not say; I am quite certain it was; but I would not say positive.

Q. You are unable to identify one or more of those men to whom the money was paid, are you not? A. I don't know that I could, sir.

Q. How did you single out the name of Higginbottom? A. I did not single out the name; I do not know the man's name; and I don't know that I ever heard it before Mr. Wellman told me the man's name.

Q. Did you see the officer that was accused? A. I did, sir.

Q. Where did you first see him? A. I have seen him at Fordham at our quarry.

Q. After you saw him at your quarry, where did you first see him after this matter was commenced—after the investigation commenced? A. At the hotel, I think.

Q. The Hotel Waldorf, wasn't it? A. Hotel Waldorf; yes, sir.

Q. Wasn't that before you made the affidavit? A. No; I think not; no, sir; it was after.

Q. Was that the first interview you had with the district attorney, Mr. Wellman or Mr. Osborn? A. Oh, no; I had seen Mr. Wellman previous to that.

Q. And you had told him the story? A. Yes, sir.

Q. Did you tell him the name of the officer? A. Yes, sir.

Q. Can you tell this committee how it was the district attorney after his interview with you could get Higginbottom to go to the Hotel Waldorf to meet you? A. I could not tell you how he did it.

Q. Isn't it strange that if the district attorney did not get some information from you as to the identity of the officer to whom you paid this money, how could the district attorney have had this officer to confront you at the Waldorf? A. In that book there is entries to the wardman, to special officer, and I presume that is how he got the name of Mr. Higginbottom; that is, he found out who the wardman or special officer of that district was; I do not know the man's name; and I think you will find his name in the book once.

Q. You met this man at the Waldorf? A. Yes, sir.

Q. Who was present? A. There were a number of gentlemen.

Q. Tell me who they were? A. The only ones I know was Mr. Wellman and Mr. Osborn, and this Mr. Higginbottom; those were the only three that I —

Q. Let me see, there were two others? A. I think there were three or four.

Q. Two of them were officers of the detective bureau from headquarters; do you remember that, sir? A. I remember seeing a strange gentleman there; I don't know who he was.

By Chairman Lexow:

Q. Did you recognize Higginbottom? A. I recognized him as a man I had seen at the quarry.

By Mr. Goff:

Q. Was Higginbottom in uniform at the Hotel Waldorf? A. I think not.

Q. You identified him as the man you saw at the quarry? A. Yes.

Q. And didn't you identify him as the man whom you gave the money to? A. I said that that was the man.

Q. Didn't you say in these words to Mr. Wellman in the hearing of the four or five persons; now, I ask you to be cautious for your own sake; didn't you say that you would know that man anywhere you saw him? A. Yes; I would know that man.

Q. And didn't you say that that was the man to whom the money was given at the quarry? A. I said I thought that was the man.

Q. Will you swear you said you thought? A. I will; yes, sir.

Q. You thought that was the man? A. I thought that was the man, and I told him—

Q. Weren't you asked by the district attorney, Mr. Wellman or Mr. Osborn, to be sure? A. Yes, sir.

Q. In your identification of that man? A. Yes, sir.

Q. Didn't the gentlemen tell you if you were sure in your identification of this man that they would present the matter to the grand jury? A. Yes, sir.

Q. And after being told that and warned to be sure this was the man, you told them you thought this was the man, and you would know the man? A. I told them I thought that was the man.

Q. Didn't you say this is the man and I would know him anywhere? A. Yes, sir.

Q. And Higginbottom stood right there in front of you in the room in the Hotel Waldorf? A. Yes, sir.

By Mr. Goff:

Q. If he was such a man that you would know him anywhere, how did you have to question your identification by your thought? A. I say in reference to that, I think I know the man, and I think that is the man that took the money, that received the money.

Q. He was such a man, some peculiarity about him, that you would know him anywhere; if that is true, why did you qualify your identification at all? A. Well, I had not seen the man before I had seen him at Fordham.

Q. Didn't you say in the Hotel Waldorf that you could not make a mistake, because you had good reason to know him; didn't you use those words, "I have good reason to know him?" A. I think I did.

Q. Will you swear you did not say those words? A. I think I did.

By Chairman Lexow:

Q. Don't you know you did? A. What?

Q. That you used those words? A. Yes, sir; I used those words, "I think that is the man."

By Mr. Goff:

Q. After your interview at the Waldorf, with Mr. Wellman and Osborne, and after your identification of Higginbottom you were examined before the grand jury? A. Yes, sir.

Q. You knew Mr. Wellman had applied for a bench warrant for this officer's arrest after your identification? A. Yes, sir.

Q. And a bench warrant was issued for his arrest on the charge of bribery; you were so informed, were you not? A. Yes, sir.

Q. Now, you were also informed that he was held to bail, were you not? A. Yes, sir.

Q. And you were then informed and notified to appear before the grand jury of this county upstairs? A. Yes, sir.

Q. Do you remember that? A. Yes, sir.

Q. And you went before the grand jury? A. I did.

Q. And in the face of your sworn testimony now, and in the face of your declaration at the Hotel Waldorf, and in the face of your affidavits that you made you failed to identify him before the grand jury, didn't you? A. Yes, sir; I did fail to identify that man positively; I think it is the man, but I would not swear positively.

Q. Do you mean to say you said before the grand jury, "I think this is the man;" your evidence was taken before the grand jury; do you mean to say you said that? A. That or something very similar to it.

Q. Didn't you say before the grand jury, "I paid money to an officer, but I am not able to identify the particular officer, or his name, I paid it to;" didn't you say that before the grand jury? A. I think it is about that.

Q. Don't you know you did; your testimony was taken down? A. I could tell if I saw the statement; that is about what I said.

By Senator O'Connor:

Q. Why had you changed it; between your interview at the Waldorf and your being before the grand jury, what occurred to change your opinion? A. I don't know.

By Mr. Goff:

Q. Why is it if you identified this man at the Waldorf, you made an affidavit in the presence of five witnesses, and you said, "This is the man; I have reason to know him, and would know him anywhere;" and when you went before the grand jury you said you could not identify him; can you explain that now to this committee? A. I think when I was at the Waldorf I said, "I think that is the man, that I have reason to know him;" when I went before the grand jury I was not asked positively, and I said I could not — I thought it was the man, but I would not swear positively that was the man.

Q. But you have sworn positively?

By Chairman Lexow:

Q. What occurred between the time of the grand jury and now that you are positive now that he was the man? A. I don't know that anything special occurred, sir; I had given it more thought previous to that; I have not given it a great deal of thought.

Q. Newspaper reporters have been interviewing you, haven't they? A. In their mind they have, sir; a great many of them.

Q. Haven't you been visited by newspaper reporters? A. I saw but one.

Q. Haven't you talked with a newspaper reporter? A. No, sir; not.

Q. The matter came up to you, didn't it? A. He wanted to interview me, but I told him I had nothing to say on the subject.

Q. You are in the position of the man who wants to take back an interview by denying it? A. There was no interview at that time.

Q. The matter was brought to your attention by the newspaper reporter, wasn't it? A. Yes, sir.

Q. You had time to think of it again? A. Yes, sir.

Q. The matter was again brought to your attention when you made the affidavit? A. Yes, sir.

Q. The matter was again brought to your attention when you were meeting at the Hotel Waldorf and present with Higginbottom? A. Yes.

Q. Covering a period of about 10 days? A. Yes, sir.

Q. And during those 10 days you had ample time to think of the matter, and yet when you went before the grand jury you

immediately commenced to take a different stand, did you not?
A. That is about it.

By Chairman Lexow:

Q. That is about it, do you say? A. Yes, sir.

By Mr. Goff:

Q. Now, Mr. Carpenter, tell us the nature of the business you are engaged in more particularly; you are blasting at the Palisades, aren't you? A. Yes, sir.

Q. For whom? A. For different parties.

Q. Give us the names of the parties? A. The city of Yonkers; Perrill & O'Hearn.

Q. Who are they? A. Contractors at Yonkers; Brown & Fleming.

Q. Who are they? A. Contractors in New York.

Q. What work do they do? A. They are the largest scowmen in New York; they are heavy contractors; they furnish materials on scows of all kinds.

Q. Scows for whom? A. For anyone that wants them.

Q. Where is this macadam used? A. It is used all over, Long Island principally.

Q. Brown & Fleming — who else? A. Romey & Eldrit of Long Island.

Q. Where on Long Island? A. I think their office is in Jamaica.

Q. Who else? A. We furnish Staten Island; we furnish to Willis Point, and probably 20 different ones; anyone that buys.

Q. How is it, do you quarry over there, on paying the owners of the land of the quarry, or do you do it on space, or contract, or measurement, or how, at Fort Lee? A. We lease the land.

Q. From the owners there? A. Yes, sir.

Q. And you get out this macadam? A. Yes, sir.

Q. Some of your macadam has been used in the department of public works in this city, hasn't it? A. Yes, sir.

Q. Who are the contractors? A. I don't know, sir.

Q. It has also been used in the department of public works in the city hasn't it? A. I presume it has.

Q. Who are the contractors? A. I don't know, sir.

Q. How do you know it was used? A. I know we furnish to Brown & Fleming, and Brown & Fleming furnished to the contractors.

Q. And of course that forms a large part of your business?

A. New York city work.

Q. New York city and Yonkers? A. No, sir.

Q. And Yonkers? A. Oh, no.

Q. You are in the habit of furnishing to those contractors now, aren't you? A. Which one, sir?

Q. The ones that supply the public departments of this city?

A. Yes, sir; I presume we are; I don't know where Brown & Fleming sends the stone.

Q. Isn't it a fact that after you positively identified this policeman, that you were asked not to make the identification positive before the grand jury? A. No, sir.

Q. Don't shake your head, please? A. I will answer, I was not.

Q. Did any person approach you in any manner, shape or form from the time that you visited the district attorney at the Waldorf until you went to the grand jury in relation to the matter under consideration? A. I don't think any person approached me on that subject.

Q. Will you swear that no person talked to you about that matter, from the time you were at the Hotel Waldorf until you went to the grand jury; will you swear you were not approached and talked to by persons in relation to this matter, in the meantime? A. I do not think I was by any person; in fact —

Q. Will you swear you were not? A. I would not swear, because it is possible that they have — now, some of the men at the quarry, or at the mills, or Mr. Anderson, have spoken in reference to it; but others —

Q. Will you swear you were not spoken to by a person after you had been to the Hotel Waldorf, and after it had appeared in the public press; were you not spoken to by a certain person, and were you not told that it would injure you in your business, if you identified that policeman, and he was indicted? A. I will swear positively that I don't remember any man ever saying such a word to me; I will swear positively.

By Chairman Lexow:

Q. Will you swear nobody ever did? A. I will not, that is, positively; but I don't think there did.

Q. After your identification at the Waldorf hotel, you talked with one of your employes, not the foreman? A. No, sir; and it is something I never talked about.

Q. Did anybody ever tell you after that, that you had the wrong man? A. No; I don't think they did.

Q. Why were you not positive before the grand jury that it was Higginbottom? A. Now, I will tell you; at the Waldorf there were several district attorneys and others there that seemed to be determined to have this Higginbottom convicted, and wanted, and was very anxious to put words in my mouth, so to speak, wanted me to make a complaint against him.

By Mr. Goff:

Q. Do you mean to say that Mr. Wellman and an assistant district attorney of this county, and Mr. Osborne, another gentleman, under their oaths of office, wanted to put words into your mouth for the purpose of making complaint against Higginbottom; do you mean to swear to that? A. No; they did not put words in my mouth, but they were very eager.

Q. How did they manifest their eagerness? A. By the same manner you do now, sir.

Q. It was by gesticulation? A. No, sir; it was by their earnestness.

Q. They being earnest, their earnestness was directed to getting you to tell all the facts; wasn't it? A. Yes.

Q. To tell the truth? A. Yes.

Q. What I am vainly trying to do now, Mr. Carpenter. A. I think you are mistaken, sir.

By Chairman Lexow:

Q. The fact was, Higginbottom was present, and you in his presence and hearing identified him, didn't you; is that so? A. Identified him as the man I had seen at the quarry.

Q. And when he was not present, you refused to identify him as the man? A. I would not swear positively he was the man.

By Mr. Goff:

Q. You said in answer to the Senator that you would not swear that you were not spoken to by a man, and that you were not told by that man that you could not afford to fight the

police department, and if you pressed your charge it would be worse for you in your business; will you swear you were not spoken to in that way? A. I don't remember anybody saying a word to me about it.

Q. Do you think if anyone had said that you, under the circumstances, you being subpoenaed to go before the grand jury, that you would have forgotten it now? A. No; I don't think I would have forgotten it.

Q. Will you swear it is a failure of your memory? A. No; I will not.

Q. Will you swear you were not spoken to? A. No; I will not.

Q. Who was it you spoke to? A. I don't think anyone did, sir.

By Chairman Lexow:

Q. You must have somebody in mind, or some circumstance in mind, when you refused to swear positively that **nobody** approached you; now, what have you in your mind that **makes** you unsettled on that subject? A. I know a Mr. Anderson, a superintendent over the quarry, after he saw it in the paper, he made some remarks about it.

By Mr. Goff:

Q. What did he say? A. Well, he wanted to know if that was the man, or something of that kind; I don't remember what he said.

By Chairman Lexow:

Q. In answer to the counsel's question, you said you never said anything about those things to anybody? A. I never talked to the man at all.

Q. Why did you bring in his name? A. I can not say positively anybody spoke to me about it, because Anderson did speak to me on that subject; but three words did not pass between us.

By Mr. Goff:

Q. Will you swear he did not say those words? A. I would not swear he did.

Q. You mean to say the words were never uttered to you, that it would injure you in your contracting business in the city of New York, and other work you might have in the city of New York, if you pressed this charge against the police; will you swear you were not spoken to in that way? A. A man might have spoken to me that way; I could not swear; I don't think he ever did, though.

Q. Who was it that spoke to you about it? A. I don't think anyone spoke to me; it is possible someone did; no one that I know of.

Q. But you say that someone might possibly speak to you? A. Yes; it is possible.

Q. Why do you say that? A. They might have done it.

Q. Who? A. Ten thousand could have done it; but I will say positively, that no man to my knowledge ever suggested one word of that kind to me, since I was before the grand jury.

Q. No; before you went to the grand jury? A. Oh, before? or before; I mean since I was at the Waldorf.

Q. You say to your knowledge? A. Yes, sir.

Q. They have done it without your knowledge? A. Yes, sir; a man might speak to me.

Q. I think we will give you an opportunity to refresh your memory, Mr. Carpenter, for the present.

By Chairman Lexow:

Q. I want to ask him one or two questions; have you given us the whole of the conversation that occurred between you and Higginbottom, or the first policeman who spoke to you with reference to money? A. Have I given you the whole conversation?

Q. Yes; have you given the whole conversation; do you remember anything else that was said beyond what was put in the question of Mr. Goff? A. I don't remember any conversation now; it happened four or five or six years ago.

Q. Did he say anything about the captain of the precinct? A. I don't think that he did.

Q. Will you swear he did not? A. I won't swear he did not; I don't think he did.

Q. You don't think he did? A. I don't think he did.

Q. How long after that conversation was it that that affidavit was made? A. I don't know.

Q. Was there any conversation with the wardman in which the captain was mentioned? A. That I could not say.

Q. You understood, in your conversation with the wardman, that the money you paid was to go to the captain? A. I could not remember now where it was to go; I could not say; I knew it went in the police department.

Q. The fact that you entered these amounts on the books as payable to the captain, does that refresh your recollection as to whether his name was used in the conversation at all? A. No, sir; that was done the same as the others; it was a question where that money went.

Q. Why didn't you designate the wardman instead of the captain? A. I think wardman is used.

Q. You said wardman, as representing the captain? A. Sometimes, "The old man;" sometimes, "The special officer;" I suppose this went to the police department.

By Senator O'Connor:

Q. What department? A. The police department.

Q. For what? (The witness makes a motion and does not answer.)

By Senator Bradley:

Q. Why did you put down "Captain"? A. It was to designate where the money went.

Q. And you put down "Old man" for the same? A. Yes.

By Chairman Lexow:

Q. You had conversations; you say three or four other different men came to collect these moneys; did you have any conversation with the three or four men after this conversation in reference to money? A. I had very little to say.

Q. You knew all about it; you knew the amount they were to receive; they knew the amount they were to receive? A. I do not know whether they did or not.

Q. Was the envelope addressed? A. No, sir; "Officer," usually; the envelope was addressed "Officer," and put in a drawer for the bookkeeper to give when the officer came; I was not there much of the time; and at that time we were working at different stations.

Q. And different officers came at different times and took this money, apparently knowing what they were to get? A. Yes, sir.

By Senator Bradley:

Q. What was the space of time that elapsed between your identifying this officer in the hotel and until you appeared before the grand jury; how long? A. A week or 10 days; it may be longer.

Q. Do you wear glasses? A. Yes, sir.

Q. Had you changed your glasses? A. No; I think not.

Q. You think your sight was as good before the grand jury as in the hotel? A. I think it was pretty nearly the same.

Adjourned until half-past 2 p. m.

William H. Clark, called as a witness on behalf of the committee, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your official position in this city? A. Counsel for a corporation.

Q. How long have you occupied that position? A. Something over five years.

Q. Does not that position as counsel to the corporation of this city devolve the duty upon you as being the counsel for the police board? A. It does.

Q. Have you designated one of the assistants of your office to look after all matters in which the police board is interested? A. Not generally; I designated different ones at different times, according to the nature of the proceeding that was to be handled.

Q. At one time it was the rule to have a special counsel for the police board — that was before your official time, I think? A. My recollection is that there was an act which authorized the appointing of a counsel for the police board, but I think that was repealed; I think Mr. Morrison was the counsel to the police board under that act.

Q. In the conduct of the police trials up there, you have designated one of your assistants to aid and counsel the police commissioners? A. I did, up to the beginning of the trials of the captains; I designated at one time Mr. Delaney, and on another occasion I designated Mr. Blandy.

Q. He represented you in the trial of Captain Slevin, for instance? A. Yes; I think he did.

Q. The committee would like to know how it came to pass that you were superseded in your official position as counsel to the police board? A. I was not superseded, in the strict sense of the word; the circumstances that led up to the selection of Mr. Wellman, to prosecute the different captains charged with violations of law and the rules of the department were these: Commissioner Martin called on me at about the time that specifications were being prepared for the trial of Captain Doherty; I think it was the trial of Captain Doherty, and talked about the selecting of somebody to represent the law department in that proceeding, then to be begun; we discussed different men in the office, and I do not know whether he suggested or whether I suggested that possibly Mr. Wellman, in the district attorney's office, would be a better man to prosecute those cases, because of the success that he had had in the district attorney's office, and because of the fact that the district attorney was supposed to have facilities of getting the sort of evidence that was required in those cases; subsequently, I saw Colonel Fellows, and discussed the matter with him, and he was quite willing that Mr. Wellman should undertake them, if Mr. Wellman was willing, and I saw Mr. Wellman at my office and formally designated him to look after the trial of those cases.

Q. Then he has been designated as assistant corporation counsel for the trial of those cases for the police commissioners? A. As assistant corporation counsel or as special counsel for that purpose.

Q. Special counsel employed by the department — by you? A. Yes.

Q. Then you are able to state that Mr. Wellman did not prosecute those cases as a district attorney of this county? A. He did not — that is my understanding of it, that he did not.

Q. May I ask you if your designation was in writing? A. My designation was in writing; my recollection of the designation was about like this: "I designate you to conduct the proceeding about to be begun by the police board in the trial of certain captains."

Q. Was there any mention there touching his associate Mr. Osborne? A. There was not at that time.

Q. Has there been since? A. Not so far as I am concerned; the selection of Mr. Osborne, so far as the record goes, is a selection by Mr. Wellman.

Q. What provision has been made for the compensation of the special counsel? A. What general provision?

Q. General or special? A. No provision has been made for the payment of the special counsel; I have paid Mr. Wellman on account of the services already rendered, \$2,500; but I understand he claimed a larger sum, but I have no appropriation out of which it can be paid, and the board of estimate will have to deal with that subject, when it comes to make up the final budget.

Q. Of course, I direct my questions, not at all to the quantity of money given to Mr. Wellman, or as to the value of his services, I am not here to do that at all; that is a matter that I will not question you about; we are simply interested in the legal status? A. No general provision has been made for the payment; I imagine that covers your question; if it does not, I will try and give it more in detail.

Q. You have a special fund in your office for the purpose of employing counsel in special cases, have you not? A. Yes, sir; and it was out of that fund that I made this payment that I have spoken of.

Q. Has it occurred to you that Mr. Wellman, being a county officer, could legally receive such payment? A. I think he could; my impression of the law is that an assistant district attorney is a county officer; that he is not a city employe in any sense of the word; that there is nothing that would prohibit him from taking city employment; I think there is a very clear line drawn, I imagine there is, between the county officer and a municipal officer.

Q. Has there not been a decision rendered that no officer employed in this State, by either county or municipal authority, can draw double pay? A. I only have in mind the McDonald case.

By Chairman Lexow:

Q. How is this pertinent? A. The McDonald case was a case where Collin McDonald was a visiting physician in the charities and correction, and was employed in some other matter and sued

the city for his pay; I am stating the thing as I recollect it, I am not pretending to be accurate — and that as a judgment, the court held that his employment was not a city employment.

Q. In your professional capacity, of course, you have become acquainted with the various certiorari proceedings, if not in detail, in general? A. I have seen a great deal of them.

Q. And during your term of office a great number of them have been taken? A. Yes, sir.

Q. By officers who have been dismissed? A. Yes, sir.

Q. I presume you have given that subject some attention, as affecting the discipline of the police force? A. Well, in a general way.

Q. Could you give us an approximate amount of the number of cases that your department has argued and attended to, arising from appeals from the decision of the commissioners? A. I should say 15 or 20, or probably more; may be 25 a year.

Q. And each of those cases in charge have devolved a good deal of labor on your part for the department? A. Yes; and in the preparation of the cases and in the returns and the preparations of the briefs, and the argument of the cases before the General Term and sometimes before the Court of Appeals.

Q. In those cases, where reinstatement, for instance, have been ordered, the expenses have fallen upon the city, the public treasury, have they not? A. Not only the expenses, but the city is compelled to pay the officer the back pay, that is, he is paid from the time he was broken, in the police language, down to the time he was reinstated, although he was not actually on the force during that time.

Q. Have you had any opportunity to observe the effect of that system upon the police department; the effect of the system as to the discipline and efficiency? A. No; I can not say that I have; I have an idea that it does not tend to make the discipline any better — any more effective.

Chairman Lexow.—Do you not think it impairs it? A. I should think it did; I should think the fact that an officer has a right after he has been tried and dismissed to bring proceedings by certiorari to one of our courts here, and from there to the Court of Appeals, particularly if the member was reinstated — well, it would not tend to improve the discipline of the force.

By Senator O'Connor:

Q. Where the court interfered in the cases of the police board, except in the case where there was substantial injustice done, what about that? A. I do not know that I would want to go so far as to say that the police board should have power of summary removal.

By Mr. Goff:

Q. After a trial; after such a trial as the statute now provides, where the accused can have counsel and have a fair and full opportunity to be heard on the merits of the case? A. That could be there easily obtained by a very slight amendment.

Q. Do you not think that would be advisable; do you not think it would have a tendency to improve the discipline of the department, the question not being any criticism of the Supreme Court, but whether or not the right of review that the policemen now have, tends to impair the efficiency and discipline of the force as against the police commissioner? A. I would not want to go as far as that; I will say this, that the statute under which trials are now conducted ought to be amended.

Q. And to what extent? A. I think it ought to be limited; I would not care about going to the extent of saying that a man should have no right to appeal, or a right of review; I imagine that there might be certain contingencies where the right of review should be had, for instance, where there were a divided opinion among the commissioners.

Q. He can not be dismissed then, if there is a division? A. Assuming that there was a minority, three against one; it might provide that where there was a concurrent vote of all the commissioners that that should be final.

By Senator O'Connor:

Q. Are reversals had on mere technical admissions of evidence; on objection to testimony before the commissioners? A.

The authorities governing those certiorari proceedings are pretty badly mixed; as I remember the law now, the Court of Appeals have held that if the evidence is such that the finding of a jury would be set aside, then that the courts will review it; if there is not such a preponderance of evidence, that the court would set aside a verdict of a jury, then the finding

should stand, but then the appellate courts determine whether that evidence is sufficient or not.

Q. Do they reverse for the failure to observe some technical rule? A. I do not call to mind such a case now.

By Mr. Goff:

Q. Are you acquainted with the case of *The People, on the relation of John F. Mitchell against James J. Martin and others?*

A. I recollect the decision in a general way; the decision of the General Term of the Supreme Court, that was a very extraordinary case.

Mr. Goff.—This line of inquiry is in no sense intended to be a criticism upon the courts; it is in reference to a recommendation of courts. The judges render the law; they pronounce the law as it is, and the only question is whether or not the law should be changed.

Chairman Lexow.—There is not a criticism of the courts. They have to dispense the law as they find it.

Mr. Goff.—Exactly.

Q. I wish to call the attention of the committee to this case, that Mr. Clark pronounced as an extraordinary case and I think correctly; if you wish to refresh your memory, Mr. Clark, there is the decision, look at that and give the committee a resume of the case. A. As I recollect the case in a general way, it was this: A police officer was absent without leave for I don't know how long, a week or two weeks beyond the time fixed by the rule of the police board and they dismissed him, it being a rule that absence without leave for five days vacated his place; subsequently certiorari proceedings were brought and the General Term reinstated the man on the ground that it was the duty of the police board to send the police surgeon to examine him.

Q. Further I would suggest from the decision, that the defendant claimed that he was absent through mental aberration?

A. Yes, that is so, I think.

Chairman Lexow.—And was that held to be a good excuse?

Mr. Goff.—The General Term held that the commissioners should have taken that into consideration.

Senator O'Connor.—Was the nature of his mental aberration stated?

Mr. Goff.—It was contended on the part of the police board that it was from intoxication.

Senator O'Connor.—In other words he had a prolonged spree?

Mr. Goff.—Yes.

The Chairman.—Was the application first made to the police commissioners for reinstatement?

Mr. Goff.—They generally apply for a writ of certiorari in the first instance from the judgment of the police commissioners.

Senator O'Connor.—In this case had the police commissioners given him an opportunity to be heard.

Mr. Goff.—He was tried and represented by counsel and witnesses examined on his behalf.

The witness.—I recollect the case now, that is the law of the General Term. I do not think the case had been carried up.

By Chairman Lexow:

Q. The writ of certiorari has been applied for in every case of every policemen, captain, sergeant and wardman, who was dismissed from the force, in proceedings taken upon the evidence produced by this committee there not? A. I think that is so.

Q. And you represent the city on those proceedings? A. I represent the city, and I have suggested that Mr. Wellman, in as much as he tried those cases, had better sustain them.

Q. Have any writs of certiorari been issued for technical reasons, for the admission or rejection of testimony, or because of errors in the admission of testimony by the police commissioners? A. I could not answer that question, but I imagine the writs of certiorari brings up the whole proceedings; I have not the writs before me; I have not them here; I can get them all for you.

Chairman Lexow.—You had better have those, Mr. Goff, to show the grounds on which they have been applied for.

By Senator O'Connor:

Q. As a practical lawyer, what do you think of the advisability of constituting the police commissioners as a court for the trial of these things of the officers, having the same power that any court of record has? A. No doubt they ought to have that power.

Q. In order to effectually administer the law? A. Yes; and in order to preserve order and decorum.

By Chairman Lexow:

Q. And in reference to the issuing of subpoenas? A. They have that power now, I think.

Q. They have no power to commit for contempt? A. No; but they have power to issue subpoenas, but they have no power to punish.

By Senator ———:

Q. They have no control over the attorneys appearing before them? A. Nor for the witnesses.

Q. They can act as disorderly as they please.

Louis J. Grant, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your profession? A. Lawyer.

Q. Practicing at our bar here? A. Yes, sir.

Q. For how many years? A. Twenty.

Q. In the course of your practice, have you had any cases before the police board? A. Yes, sir.

Q. Many? A. Considerable number; yes, sir.

Q. Can you give us an approximate number? A. Do you mean cases that I—

Q. Trials? A. I presume in the last 18 years, I have, probably, defended possibly 500 or over, members of the force, on charges.

Q. On various charges brought against them? A. Yes, sir.

Q. Have you appealed many cases from the decision of the commissioners? A. Yes, sir; I have appealed a considerable number.

Q. Can you give us an approximate number? A. At present I think I have got 40 appeals pending at the present time, and I presume I have appealed prior to these 40, probably 100 or more.

Q. Through your efforts as counsel have there been a number of men restored to the force? A. There have been some; yes, sir.

Q. By order of the courts? A. Yes, sir.

Q. Can you state; of course, we do not expect you to detract from the force of your exceptions and from the success of your appeals before the appellate courts, but can you state to the committee what was the general ground or grounds on which your appeals were made? A. I think in nearly every case in which I have been fortunate enough to have been successful on appeal, the reverses have been upon substantial grounds.

Q. From your observation? A. I mean by that, for instance, the courts have held, in a great many of the cases, that the evidence did not justify the commissioners in acting as they did.

Q. Can you state, if in your various cases before the board and in your long experience, have other matters entered into the decision of the commissioners than those matters adduced by sworn testimony? A. I think I have heard of such things, and, of course, I can only judge as far as being counsel in the cases, that in cases that appeared to me, in a great many instances where dismissal would have been justifiable, dismissals have not taken place and in cases where I thought that the officer clearly proved his defense and that on the evidence he was not guilty, the officers have been dismissed; I have a particular case in mind this minute.

Q. Can you cite the case to us? A. It is the case of Roundsman John W. Goodman, who was dismissed from the force — at least he was compelled by the sergeant and the captain to send a resignation, in under duress, and he put the words “under duress” under his signature, and that matter was after the Supreme Court had taken action, in the case, sent back before the commissioners and the captain and the sergeant were examined, and under my cross-examination, they admitted that they had forged — scratched those words out which Roundsman Goodman had written the words “under duress,” and the sergeant admitted that under the direction of the captain, he had written over the place scratched, the word “Roundsman” and in spite of that, the commissioners refused to rescind the acceptance of the so-called resignation, and kept the sergeant and the captain on the force and subsequently retired the captain on a pension, and the sergeant is to-day on the force, drawing his pay.

Q. Has that case been concluded? A. It has been three times before the Supreme Court; in the last, opinion was writ-

ten by Judge Patterson, a very strong opinion against the board, but on technical grounds the General Term held that until the commissioners should again refuse to act and put him back, they would not interfere and the question now is before the General Term, and I am expecting a decision every day.

By Senator O'Connor:

Q. You have not got down to the question of the reason, why they wanted this man dismissed? A. Yes; that was all ventilated before the board at the examination, which was refused by the commissioners until the General Term ordered the commissioners to give Roundsman Goodman a hearing, and in that investigation, the witnesses were examined, including the captain and the sergeant and the original resignation was produced, which showed that it had been ordered and they admitted that they did it.

Q. Did you ever take any proceeding against the men who changed the paper? A. No, sir.

By Mr. Goff:

Q. What is the captain's name? A. Captain Carpenter.

Q. What precinct? A. He was at the time this matter took place acting sergeant in the Oak Street station, and McGan was the sergeant at that station.

Q. Mr. Goodman is in the city? A. Yes, sir.

Mr. Goff.—We propose to introduce Roundsman Goodman to this committee.

Q. Can you state to this committee from your experience as a counsel for a large number of this class of cases before the board of police commissioners, and from your acquaintance with the police department, you say that you have defended about 500, what is the feeling of the force, or their impression, as you may put it, regarding the trial which they may undergo before the police commissioners? A. That is a little hard for me to answer.

Q. As nearly as you can, being a lawyer, you are qualified to give an opinion? A. You mean by that, what they consider their chances are when they come up for trial?

Q. Precisely, or to be more specific, is it the conviction among the members of the force that their cases are decided upon the evidence in each case or from other causes or other occult

forces? A. Some of the members of the force that I have come in contact with imagine that they are not decided always according to the evidence.

Q. Can you state that that is the general prevailing opinion among the men that you have come in contact with? A. Whether it is the general opinion, I know there is a good deal of that opinion among the members of the force.

Q. Has it ever occurred to you, without breaking a professional secret — has it ever occurred that the question was suggested to you, of obtaining influence for your client outside of the evidence in their behalf? A. I have never undertaken anything of the kind.

Q. No; I do not say you did; I am asking you if the members of the force, ever from their fear that they would not get a fair trial, suggest the necessity of obtaining influence in their behalf? A. Such suggestions have been made; yes, sir.

Q. Is it not the prevailing opinion among the members of the force with whom you have come in contact during your experience, that their cases may be decided adversely or favorably, according to the amount of "pull" they may have with the commissioners? A. You mean has that been suggested to me?

Q. Yes; spoken of? A. I have often heard such rumors.

Q. Among the policemen? A. Yes, sir.

Q. You have had many cases before you since the introduction of Commissioners Murray and Kerwin? A. Yes; I have had some since that time.

Q. The intent of my question was directed to a period anterior to that, so you would be placed in a proper position and the present board would be placed in a proper position, the intent of my previous question was that way? A. Yes, sir.

Q. Does that suggestion to you strengthen or modify all your previous answers touching this question of pull or influence? A. As Commissioners Murray and Kerwin, if I remember right, have only been members of the board since this year, since that time most of their time and the time of the board had been taken up with the so-called trials that they had this summer.

Q. I mean anterior to that in my question touching your knowledge derived from information given to you by the police board and from your experience in their trials, can you state that it is the general impression among the policemen who are accused of offences, that they depend more upon the pull which

they have or may get with the police commissioners, than they do upon the strength of the evidence in their behalf? A. I do not know that I can say that, it having come to my information that they depend more upon what they would designate as a pull, or both together; I have always tried, in every case where I have appeared for an officer, to make the defense, the record, so strong that if the board did not act as I thought legally in the matter, that we might have an opportunity to reverse them on appeal; of course, in addition to that I have heard suggestions made to members of the force, that they might make things doubly sure by bringing some influence to bear, whether they ever did it, that to bring such matters to the attention of the commissioners, of course, I don't know.

Q. Of course, you as a lawyer would not be supposed to know?
A. No.

By Chairman Lexow:

Q. I do not understand in making your statement that you have referred to the general prevailing impression in reference to the board as at present constituted? A. No, sir; I have not made my remarks in reference to the present board; they have not applicable to any particular board, but only what I have heard by suggestions made by members of the force.

Q. I understand you to exclude the present board from your remarks? A. The present board I have not had any experience with — the trials of the present board were during the summer when some captains and sergeants were put on trial; I have my opinion of their action in regard to that, of course, but it is only limited; there was something said awhile ago to Mr. Clark about making the decision of the board final.

Q. What do you say about that? A. I would be opposed to that for this reason; I should say from the experience that I have had that I think it would be a very bad idea to do anything of the kind because I think if that was the case, that a commissioner whether he thought it was right or wrong if he saw fit, he could dismiss a man without giving any reason; he could simply say, "I think he is guilty," whether the evidence was conclusive or overwhelming, to show his innocence; a man would have no remedy and I think it would demoralize the force.

Q. Do you not think the present situation demoralizes it more; when the commissioners are enabled to adjudicate upon ques-

tions? A. I do not know that they are unable to do it; it does not follow that they are unable to do it; if they decide a case — suppose the case for the charge is made against an officer and he defends himself and proves conclusively his innocence; if there was no chance to review their actions, the commissioners might say we find him guilty anyway and there would be some good officers in that way prejudiced.

By Senator O'Connor:

Q. Assuming that the commissioners were fair and honest men, desiring to do justice? A. Decide cases on the evidence exclusive of any other consideration; well, I do not think it would do any harm at any time to have the courts review the action of the board.

Q. I suppose all lawyers are opposed to limiting matters of appeal? A. The appeals are virtually limited now by the decision of the Court of Appeals; you can not go to the Court of Appeals, for the General Term have alone the power to determine the facts, and if the General Term, on reviewing the action of the board, determines that the evidence is overwhelming in favor of the officer, or if they affirm the decision there is no appeal to the Court of Appeals.

Q. Can you not go to the Court of Appeals on the question of law? A. Yes; but they are also very well settled in all these cases, that there is no question to be determined; the only question on which an appeal will lie at all, is upon the preponderance of evidence; if the evidence is conclusive that the findings of the board is against the evidence, and after that is determined, that really ends the appeal; the Court of Appeals have held that they would dismiss any appeal that comes up, unless there is some question of law and there is really no question of law that can arise in these cases.

By Senator Bradley:

Q. What do you think about conferring on the police board the same power as the court of records? A. To enable them to punish for contempt? I came — at least they told me I was very much in contempt, and they thought I was — that was this summer, in the trial of Captain Doherty, and, of course, they were not responsible for a good many things they did this summer; I have the highest respect for the board as long as they keep within the law themselves, but when they undertake

to override the right of others, then I do not have much respect for them.

Q. What do you think of having the police board vested with the power to try offenses and to punish, whether or not there should not be some lawyers on the board? A. There are two on the board now.

Q. Who? A. Commissioners Murray and Sheehan; Commissioner Sheehan is a partner of ex-Judge Brown; Brown and Sheehan is the firm name.

By Chairman Lexow:

Q. To permit rights of certiorari only in cases of divided opinion by the commissioners; what do you think of that; otherwise, when there is a concurrent act of all four commissioners, to allow no certiorari issued? A. Personally, from the experience I have had, I think it would be a dangerous thing to so limit the rights of an officer that he would be absolutely shut off from reviewing his case, at least to the General Term; it is simply a matter of one appeal and that ends it, and it might lead to a great deal of abuse if the men were changed every four years, some coming in without very much previous knowledge of the police department, and probably some of them never sitting upon a trial before, not lawyers; of course, if the board were composed of lawyers, or of men accustomed to hear trials, and know something of the rules of evidence, that probably might be a very good idea, but men who are appointed to the board, without any previous knowledge of the rules of evidence, or the hearing of trials, they must be guided a good deal by others, and possibly a new member of the board might take the advice of someone who was on before, and not use his own judgment; I think, one appeal, at least, would be allowed and, I think, another thing that the board ought to have power to compel the attendance of witnesses, because we find a great deal of trouble; if a witness is subpoenaed and does not attend, we can not get them to attend, except by application to the Supreme Court.

Charles F. MacLain, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your profession? A. Lawyer.

Q. A member of our bar for many years? A. The Supreme Court bar.

Q. When I said our bar, I mean the Supreme Court bar; have you had any official relation with the police department of this city? A. I have been police commissioner.

Q. Did you hold any other relation, official or professional? A. What kind?

Q. I understood one time you were counsel to the board? A. I was formerly counsel to the board.

Q. Take the time that you have been commissioner and the time that you have been counsel to the board, what period of years have you been connected with the police department of this city? A. Ten years, I think.

Q. Not consecutively? A. No, sir.

Q. The committee has been inquiring touching the effect upon the department of the action of the courts under the law as it is now, with regard to reinstatement, and the committee have heard some testimony as to the effect produced upon the force as to its discipline and efficiency; what in your opinion is the effect upon the department of the power exercised by the court now under the law, to reinstate them for error of procedure or in law, committed by the commissioners? A. I can not answer that in that shape; if you will divide it into a question of about the law and the exercise of the discretion committed to the courts, I can answer it.

Q. We will take the law at your suggestion, and the law as at present, empowers courts to review the decisions of the commissioners; what, in your opinion, is the effect produced upon the department, its discipline and its efficiency? A. Injurious

Q. Will you please state to the committee in your own way, or point in your own way out specifically, how, in your opinion, it operates injuriously? A. I do not know that I can answer that very well without the statute book, but before the amendment of the code, before the code was amended so as to stand as it now stands, the action of the board of police, could only be reviewed by what might be called a common law certiorari; that was that errors of form could be reviewed, that is, speaking generally, that anything prejudicial to the police official, could be taken into consideration, but that the police board was the sole judge of the fact; that is now changed, the section, I can not recall it, but it is somewhere toward the latter part of the code, that is now changed so as to give the

court, practically, more power in the reversal of the judgment of the board of police, than the reversal of the findings by juries; that, I think, is very prejudicial, as I remember it, in the revision of the code submitted by the Throop commission, the scope of the common law writ of certiorari was somewhat narrow, but, as I apprehend, parties interested, have had that enlarged so that the civil courts, the general term of any of the courts of record of this city, and any of the courts having equity powers and the Court of Appeals, sit in review of the commissioners as to questions of fact and that, I think, is very injurious; may I add another thing to that; one reason, I think, that that is injurious, is because the judges of the court, especially the judges of the Court of Appeals, have very little appreciation, to my thinking, of the sort of evidence presented before the board of police commissioners.

By Senator O'Connor:

Q. Do you think the evidence might look well printed in a book and the court could see no reason why it should not be believed and the commissioners could see why it should be disregarded?

A. No, I do not think that exactly; if you will get me a copy of the code, I will explain what I mean; as it is now, the judges of the Supreme Court or the Superior Courts or whatever court issues a writ of certiorari and passes upon it, and the Court of Appeals sit in judgment upon the fact and review the decision upon the act, it is not worded exactly in that way, but that is practically it.

Senator O'Connor.—Mr. Clark testified that the General Term has no right to reverse on questions of fact except in certain cases.

Chairman Lexow.—And further more that the Court of Appeals do not reverse upon the questions of fact upon appeals coming before them.

Mr. Goff.—That was Mr. Grant's testimony. A. I do not care to be sprung into a controversy of this kind without being a little differently equipped for it, but there is a very recent case, the case of a man who was dismissed from the department of the police for fighting in the street at the corner of Seventh Avenue and One Hundred and Twenty-fifth street, where the General Term upheld the action of the commissioners and where the Court of Appeals set aside the action. Judge Earl, if my

recollection serves me, wrote the opinion and where there was some evidence he sustained the finding of the commissioners; that was on a question of fact.

By Senator O'Connor:

Q. What is your opinion upon the condition wherein the commissioners would be the final judges and no right of appeal accorded to members of the police department? A. You do not mean right of appeal, you mean mean right of review?

Q. I include that? A. I should also be opposed to that; I think that would be injurious; I think that the office of a certiorari to bring or take the course of action of any inferior tribunal or persons acting as a quasi tribunal formerly vested in the Supreme Court, should be preserved; my motion is, whenever a person is brought up before a tribunal acting as a quasi tribunal, that their action should be capable of investigation by judges of the courts of record.

Q. But you as a superior officer of that department, having before you an officer accused of an offense, being able to judge of his manner and the manner of his witnesses in giving their testimony, being able to form your opinion of the value to be given to that testimony, particularly on the part of the accused officer, do you think it would be beneficial to the force, if you, as a commissioner, either by yourself or acting as part of the board, would be vested with the exercise of final and absolute power to judge of that officer's testimony and the value to be attached to it? A. I am quite in favor of that, but I am also in favor of the court having the power of inquiring, to determine whether any testimony applicable to the charges made, was adduced.

Senator O'Connor.—The witness means that the action of the board should be final, when there is given evidence to sustain it.

The Witness.—Yes, sir; the finality of the question of a decision, upon the question of fact, I think is proper, but as to whether there is any truth adduced or not, that is a question of law, which, I think the courts should have the power to look into.

By Mr. Goff:

Q. From your experience and operation of a four-headed commission, for instance, of the police department of this city, as

contrasted with what a one-headed commission might be, what is your opinion, if you have any, upon the benefits or injury to the police force from such a change? A. It might be, if there is to be a one-headed commission; you say "if;" if we had such an administration of the department, as they had in Chicago, or as they had in Brooklyn.

Q. You think that would be beneficial? A. Indeed, I do not; I think if we are to have the management of the police of the city of New York committed to one head, and if it got into such a degraded state as it is in Chicago, it would be very injurious.

Q. Well, we are bad enough in New York; we do not need to go to Chicago for headlight, and for conduct, but I ask you if there was, under the law, a capable and efficient commissioner in charge of the police department of this city, would it be, in your opinion, for the benefit or for the evil of the police department, to change from the present system? A. As to head of the department being four commissioners?

Q. Yes. A. I do not believe the force is likely to be improved in the long run, by having a single commissioner.

Q. With regard to the power of appointment, exercised by the commissioners of police, is it not a fact, that in reality each commissioner exercises an almost absolute power of appointment? A. Within certain limits.

Q. Will you please define the limits? A. If a person — there being four commissioners — if a person comes up whose appointment is such as to call for outside criticism before the other commissioners, they are, more or less likely to say they would not vote for such a person.

Q. But as a general thing, has not the appointments been apportioned between the commissioners? A. They have.

Q. And the selection of each commissioner is approved by his brother commissioners, as a matter of course? A. I believe in a certain line of cases; there always have to be three other commissioners besides myself to get a man appointed.

Q. What particular line? A. For example, I never voted for the appointment of a man who was 30 years of age or over, and there were some other things, but it was very well-known that I would not vote for a man 30 years of age, or a person who had ever been convicted of however small a misdemeanor; I would not vote for him; so there had to be three other commissioners to appoint such a person.

Q. Has the same rule held good, with regard to the promotions in the various grades, up to the highest? A. In a measure, I never had an opportunity to vote for the appointment of an inspector, and, I believe, the inspectors and superintendent have been taken out of the category, and also the police surgeons taken out of the category.

Q. What do you mean by that category? A. The division of appointments.

By Senator O'Connor:

Q. Do you mean, as a matter of courtesy, when a commissioner wishes to appoint a member on the force, the others consent, if the person is an unfit one? A. I can not answer that question; each one would have to state that himself; the other three commissioners can be asked as to what they would do.

By Chairman Lexow:

Q. But you refused? A. I am not answering what another man would do if a man were unfit.

Q. What has been your experience, whether under that rule the other commissioners have consented to appointments of men named by one commissioner when they were presented and they believed that the man was unfit? A. That question, I do not think, I will answer.

Q. You do not want to pass judgment upon the other commissioners' acts? A. No.

By Mr. Goff:

Q. Assume a case where there were four captains to be appointed, was it not the rule to apportion to each commissioner the appointment of one captain? A. Yes, sir.

Q. Do you know of any case where the election of that captain has been interfered with by the other commissioners? A. Only the question as to whether it was his turn or not.

Q. Only as to the question as to whether it was his turn? A. Yes, sir.

Q. But not as to the question of whether he was qualified and fit for the promotion? A. No, sir.

Q. But only on the question of rotation? A. Yes, sir; a person might refrain from voting, but that was all.

Q. That question arose then really between the commissioners as to which had the right to appoint? A. Generally.

By Senator O'Connor:

Q. Did you have any rules in the department where a man was promoted for a length of service, or do they select them arbitrarily, regardless of length of service? A. Promotion is nominally determined within a very narrow limit by the so-called civil service examinations.

By Mr. Goff:

Q. Actually you say that the promotion is nominally determined by the civil service rule? A. The civil service returns a certain number of persons; they make up a list from which list the promotions are to be made, and that is all under the law and regulations, binding upon the commissioners.

Q. But is it not the fact that the police authorities first give promotions to the police officials to enter into a class of competition for that place? A. That is true, but every person applying for it, unless there is something decidedly against them, always, to my knowledge, received permission to make it.

Q. But as matter of fact, it is within the power of the superintendent to withhold that permission? A. No; I think not; the person applies to the board to present himself, and unless there is something very bad in a man's record, is always granted that permission.

Q. Is the operation of the civil service law improving the police force? A. In my opinion it is not.

Q. Would you point out for the information of this committee wherein it has fallen short of the professions as a law? A. I think the persons returned by the civil service, so far as I have known about them, have not been the most competent persons presented to the board; a large number of persons appointed as patrolmen are sent in by the commissioners, I do not remember the proportion, but a large number are sent before the doctors by the commissioners and then they afterward go before the examiners of the civil service; I have often been of the opinion that some of the persons sent before the doctors to go before the civil service commissioners, who were never returned by the civil service commissioners, were more

capable persons than those who were returned; where the difficulty rests, I can not say, but I should suppose it was very largely in the incompetency of the examiners; whether there is any corrupt side to it or not, I can not say.

Q. Does it devolve upon the commissioners or upon the superintendent of police, the responsibility of enforcing the law in the first place? A. Under the statute, upon the superintendent of police, and every member of the force.

Q. The commissioners are not members of the force? A. No, sir.

Q. Do you remember that resolution that was adopted by the police board, touching policemen in uniform, trying to get evidence in excise cases? A. I was abroad when it was adopted, but I remember the resolution.

Q. You were not a participant in the resolution? A. No, sir.

Q. Is it your opinion, that even though the commissioners adopted a rule or resolution which in any way hampered or impeded the efforts of the superintendent to enforce the law, that it is his duty to disregard that resolution or rule, if it is given in contravention of the law, or done to contravene the law? A. Not wholly to disregard it; I do not think any resolution absolves him from his duty under the oath he takes; on the other hand, that resolution, undoubtedly, might be, and probably was a very great embarrassment.

Q. That is the adoption of the resolution? A. The adoption of that resolution in this, that if an officer was complained of for neglect of duty for not enforcing the law, in a way that might have required a disregarding of that resolution, I doubt if he could have been punished by the board of police for that neglect of duty.

Q. So far as you know, you are familiar with the statute covering the police board, and in excise question, is there any law to-day, prohibiting a police officer going into a saloon in civilian clothes to obtain evidence in violation of the excise law? A. Not that I know of.

Q. Is there anything, so far as you know, except this resolution of this board, that has been adopted, prohibiting policemen from going in in civilians' clothes? A. Only the limitation of the general power of a man going into any other person's premises.

Q. Assuming that, so far as the statute or legislative power?

A. So far as I know, the offense against the excise law, so far

as the statute is concerned, stands upon the same basis as other offenses.

By Senator O'Connor:

Q. Assuming that a policeman had a right to go into a saloon or any place where liquor was sold, ought he to be permitted to induce others to buy or ought he to be sustained in treating some persons, knowing that the giving of that drink would be a violation of the law? A. That is a question of morals and not of law.

Q. That is a question of opinion; the law is based on morals; what I want to get at is the opinion of experienced men, how far the law ought to permit a thing to be done? A. Most detective work is done upon that principle, if principle it can be called; I do not see why one offense can be treated one way and another another.

Q. Do you think that if a detective undertook to capture a burglar, that it would be necessary to induce him to commit a burglary? A. That is very often done; all I intend to say about that is this, that so far as the offense is a statutory offense, you can not have the police exercising one rule in reference to one set of offenses, and another rule in reference to another set of offenses.

Q. What do you say about the policemen doing that, rendering himself amenable to committing the offense himself? A. I do not say anything about that; the constable can not very well enjoy the respectability which is necessary for him to be an efficient constable unless he enforces the laws as they stand, and as long as a police magistrate assists the policeman in that endeavor, you cannot have one set of laws which the policeman enforces, and another set which he does not enforce, and leave the constable with the respectability which is necessary for him to aid him in the discharge of his duty.

By Mr. Goff:

Q. During your connection with the police department, were you aware in any case of an appointment to the police force having been paid for by the applicant? A. So far as to get evidence of it, no.

Q. Were you aware of it to such an extent that it produced a moral impression upon you as to the truth of the statement? A. Do you refer now to any specific statement made to me or to a general impression?

Q. A general impression ? A. There was a very general impression, which I won't say that I did not share, that appointments and promotions were paid for.

Q. Did you ever make a personal attempt so far as you could, to obtain evidence of such payment for either appointment or promotion? A. Repeatedly for appointment.

Q. Were you led to make such investigation and inquiry from rumors touching alleged payment for appointment? A. Rumors and statements.

Q. In each case ? A. Yes, sir.

Q. Did you ever succeed in obtaining legal evidence? A. Never.

Q. Can you say if that is the general impression in the department that men have to pay for appointment on the force? A. That I could not say, I could not say as to whether it was a general impression but a good many persons connected with the department spoke of it to indicate that there was an impression; how general that was I can not say.

By Chairman Lexow:

Q. Did the commissioners, as a body, as a board, ever investigate that question, or seek to get at the bottom fact in reference to the payment of money for appointment? A. Yes, particularly in one or two cases; the names I can not recall just now, but there was specially, one set of cases where a member of the clerical force was discharged from the department, and upon which investigation was conducted principally by the superintendent.

Mr. Goff.—That case we have already have had evidence of, the Jacobs matter.

Q. But no examinations of the facts were had by the board, as a board of police commissioners? A. Yes, sir; this instance it was specially brought up before the board and the board gave the superintendent all the latitude that could be given, and it was in that case that the man was dropped out of the department.

By Mr. Goff:

Q. Did the rumors cease then? A. I do not know that they have ceased yet.

Q. So that so far as the rumors were concerned, or whatever impressions, whether general or special, existed, dropping out one man did not materially interfere with it? A. No.

Q. With regard to the purchase of appointments, captaincies, for instance, was it not talked about in the department that men preferred to the position of captain, had to pay for their promotions in several cases? A. It was.

Q. Was that matter ever brought before the board as a board? A. Not to my remembrance; it was supposed to be an individual matter rather than a matter of the board.

Q. That is an individual matter for each commissioner? A. It seemed to be, if it existed at all.

Q. These rumors touching the purchase of the promoted places or places of promotion, affected the particular commissioner making that particular promotion? A. In a way.

Q. The other members of the board did not feel that it affected them particularly? A. I never felt that it did myself; I can not answer for anyone else.

Q. I speak for yourself; in case of rumors touching the payment of money by men who were made captains for that payment by particular commissioners, as long as the rumors did not affect you personally, you not having the appointing power of that captain, you took no steps whatever? A. I did not; if I had had information sufficient to encourage me in the fact that I would have got it out, I would have taken steps, but I never had any such evidence as that to help me.

Q. But the committee. I am certain, are interested in the question whether or not there has ever been any decided open case; whether there has been any formal action taken by the police commissioners, as a board, touching rumors of appointments having been purchased, or promotions having been purchased? A. I do not recall any at present; I do not recall any save this one, where a formal action of the board and investigation made.

Q. That was by the superintendent? A. Yes, sir; and the board had hearings.

By Senator Bradley:

Q. I inferred from your answer to Mr. Goff, in regard to the civil service, perhaps I did not understand you, but did you mean to say there was a better class of officers appointed under the old law than under the civil service law? A. Decidedly; may I state why partly.

Q. Yes. A. The class of persons who were brought forward under the old law were generally persons who were appointed

because they had attracted attention in the district where they lived and were persons who attracted attention by their parts or energy of some kind, while the persons who are returned by the civil service board, are returned or said to be returned, upon comparison of the answers given in writing; their physique is examined by the surgeon, to be sure, and the physique should be about the same as it was under the old law, but that also seems to have degenerated a little; I think rather poor timber is presented now; the next thing is, the persons are presented on an alleged comparison of this statement made by a man in writing and I think it takes very much more mental capacity and education than has been possessed by the examiner to determine whether they would be a proper person or not; the next thing is, I do not see how fitness for such employment can be determined by a written examination anyway.

Q. You think it would be better to make appointment by the board upon the record of the officer? A. I don't know how you are going to examine that either.

Q. Then how is it done under the old law? A. It was done practically by the individual commissioner; a person was presented and he looked at the man and satisfied himself if he wanted to as to his fitness and desirability and then the same examination is made as is made now, through the police department, as to the man's character and qualifications.

Q. You mean physical examination? A. The examination is now the same as before but the character and the appearance of the men are entirely different and it would seem almost as if the present system allowed very much more opportunity to persons seeking the appointment than the old ones.

By Chairman Lexow:

Q. Why, I do not see why, there could be a larger latitude for the power of purchasing the place? A. I am not familiar enough with the Civil Service Commission to tell you that, but there must be something very curious about the Civil Service Commission, to turn in the persons that they have turned in.

By Senator O'Connor:

Q. And the department is limited to persons turned in by the Civil Service Commission? A. Yes, sir; the civil service certify the result of the competitive examination.

Q. You think it would be a better force, if it did not have a competitive examination at all? A. I do.

Q. So far as the Civil Service Laws is applied to the police service, you think it would be better without? A. I think it would be right to have an examination as to the fitness and the mental equipment, but as to determining it by the mental examination, is very injurious, I think; the Prussian system and the French system is much better.

Mr. Bradley.—There are a great number of men on the Broadway squad that could never pass the civil service examination under the present law, do you think? A. I do not know anything about that.

Q. The mental examination, I mean? A. I have seen very few persons who are grown up who could not pass the civil service examination.

Benjamin B. Van Buren, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You reside in Jersey City? A. Yes, sir.

Q. Were you chief mail clerk in the office at Jersey City? A. I was.

Q. Were you discharged from that position? A. I was.

Q. When? A. February 9, 1893.

Q. How long had you been in the post-office? A. From 12 to 14 years.

Q. Did you ever know anything about the green goods business in that post-office? A. Yes, sir.

Q. When was your attention first called to the green goods business? A. Some eight years ago.

Q. What did you observe at that time? A. My first observation of the green goods business was that the men had hired a number of boxes in our office; from 25 to 30 boxes.

Q. Do you know who those men were? A. I knew none of them; they were all strangers to me; I only knew them by sight; by their coming there to the office.

Q. How long did they hold those boxes? A. I should judge they held the boxes two or three months.

Q. And then was that business discontinued? A. Yes, sir.

Q. When next did you know of any green goods business there? A. In 1893.

Q. Do you know what month? A. No; I could not say exactly.

Q. How was your attention first attracted to it? A. My attention was first attracted to it from noticing in the paper that a large lot of mail matter had been stopped outside of the New York post-office, and then, this matter was being mailed in Jersey City; I mean this way, that between 400 and 600 pieces of mail matter was brought in by two letter carriers without return requests on the envelope, and it led me to suspect that that was green goods matter of some kind.

Q. Your attention had been attracted to green goods by reading something that had occurred in New York? A. Yes, sir.

Q. And then you observed the two letter carriers brought in large parcels of letters without any return stamps on the envelopes? A. Yes, sir.

Q. And you suspected that they were green goods? A. They were all in one handwriting; yes, sir.

Q. What did you do? A. I immediately acquainted the postmaster of my suspicions.

Q. Who was he? A. S. B. Dickinson.

Q. Is he the present postmaster? A. No, sir.

Q. Tell what happened? A. I told Mr. Dickinson that I suspected that this was green goods matter, and I thought the green goods men had come to Jersey City after being frightened out of New York.

Q. What did he say? A. He told me to keep a strict watch on it, and if I found any that was opened, or partially opened, to bring it into him, but to let the whole matter be mailed at that time; I afterward found one which was opened the next night, and that was about the same number, 500; and I took them into the postmaster the next morning and he gave them to the assistant postmaster to take them to Inspector James at the New York office.

Q. Do you say you found an open envelope? A. Yes, sir.

Q. Did you look in it? A. Yes, sir.

Q. What did you find in it? A. A regular green goods circular.

Q. With a newspaper clipping? A. Yes, sir.

Q. What happened when the matter was taken to New York? A. It was brought back to the postmaster, and the postmaster gave me instructions that this mail should be sent out as fast as received.

Q. You mean that Mr. Dickinson gave you those instructions?

A. Yes, sir.

Q. Do you know whether Mr. Dickinson had received instructions from anyone else? A. Yes, sir; he got those instructions from Inspector James.

Q. Do you know whether that matter was discussed by any other post-office authorities than in New York? A. They were, later on.

Q. With whom? A. Mr. Edgerton, of Philadelphia; Jersey City comes under the Philadelphia office.

Q. I understand then that after the talk with Inspector James the 500 or more circulars were taken back to the Jersey City office and went out? A. Yes, sir.

Q. Was there any statement then given, any rule announced to govern the Jersey City post-office in the matter of green goods letters? A. Nothing more than as soon as this matter was received, to dispatch it as soon as possible.

Q. You mean future matter? A. Yes, sir; future matter, anything else that came in.

Q. Then the rule was that no matter what came into the office you were to forward it? A. Yes, sir; properly sealed and stamped.

Q. It was to be forwarded regardless of its character? A. Yes, sir; regardless of its character.

Q. Is this a statement or copy of the regulations that were cited at the time? A. No; that regulation is in regard to the green goods matter that was in the boxes at that time.

Q. Where did you get this? A. I copied that from the postal laws and regulations of 1887; that was under the rule that we worked at that time.

Mr. Moss.—I will read this: "Section 574, postal laws and regulations, 1887: Whenever a postmaster has reason to believe that a street or number, designated place, box, or address in care of another is being used by anyone for conducting, under a fictitious address, correspondence, forbidden circulation in the mails, he should promptly report the fact and the reason for his belief to the First Assistant Postmaster-General, and await his instructions, giving notice at the same time at the place where such letters and packages have been received that, pending instructions from the department, the claimant of such matter must call at the general delivery to have it placed, and to deliver it to the person calling for it, upon establishing his identity."

Q. You say that all that was done concerning those letters was the inquiry made of Inspector James and Mr. Edgerton?

A. I beg your pardon, that relates to the green goods eight years ago when they had our post-office boxes, and under that section we stopped delivering them to the green goods men.

Q. At the time you had this conversation with the postmaster you were chief mail clerk? A. Yes, sir.

Q. Tell us how much of this green goods matter came into the Jersey City post-office after that? A. From 5,000 to 40,000 pieces a day.

Q. Where was it received; in what part of the building? A. After the postmaster gave the order that this matter could not be stopped, the green goods men began to bring it in large quantities.

Q. Did they bring it themselves? A. Yes, sir; in such large bundles that it was impossible to put it through the general delivery window, and the clerk at the window told them to take it around to the back door where the mail in large quantities was received; where the Lorillards and the Dixon Crucible Company, and companies like that took their mail, and they began to bring their mail in at the back door, and as many as 10 and 12 men would come in pairs.

Q. Was there any effort made to apprehend the men who brought in those goods? A. No, sir.

Q. How long did that continue? A. About six or seven weeks.

Q. Did you observe how the stamps were obtained for sending out that matter? A. I have seen them buy stamps at the post-office.

Q. In what quantity? A. I could not say the quantity only from the size of the bundles that I have seen them carry out.

Q. Could you, from your experience in the post-office, tell approximately how much? A. I should judge it was quite some.

Q. Approximately how many stamps were taken at a time? A. I know that many (indicating) would be 50,000 stamps in sheets.

Q. Have you seen as many as 50,000 stamps? A. No; I could not say that, for they had them rolled up; I should judge they bought \$500 or \$600 at a time.

Q. How often did they do that? A. I have seen them different times myself; I don't know how often they came in for stamps; they were sold by the assistant postmaster.

By Chairman Lexow:

Q. Did they buy as much as \$500 or \$600 worth a day? A. They must have; yes, sir.

By Mr. Moss:

Q. You say this custom continued for about six weeks; what brought it to an end, if you know; how did it end? A. It ended very abruptly; it stopped; it wound itself up; Anthony Comstock came to Jersey City, and in some way they must have known that he was there, because that ended it.

Q. Was an investigation had in the post-office? A. No; no investigation.

Q. Was there an inquiry made in the post-office? A. The inspectors came there, but I never was present at any inquiry.

Q. Did you see Mr. Comstock there? A. Yes, sir.

Q. Did he speak to you? A. Yes, sir.

Q. Were any persons employed in that post-office discharged? A. None but myself.

Q. Only yourself? A. Only myself.

Q. Not the postmaster? A. No, sir.

Q. Nor the stamp clerk? A. No, sir.

Q. In the handling of such large quantity of matter was the working force in the office disorganized in any way? A. Yes, sir; very much; the mail clerk was very much dissatisfied; they knew it was illegal matter, and they did not think it was right that they should give too much time.

Q. How late did they stay nights? A. Their tour of duty should have been done at 10 o'clock, and they had to work as late as 1 or 2 in the morning.

Q. Did any of them complain to Mr. Comstock? A. Two of them; that is how Mr. Comstock was notified in regard to this matter.

Q. Did you ever have an opportunity to be heard in your own defense? A. No, sir.

Q. Or to state that you had received your instructions from Mr. Dickinson, the postmaster? A. No, sir.

Q. Have you a recommendation for employment signed by Mr. Dickinson? A. I have.

Mr. Moss.—I have it here and I will read it.—

“Jersey City, December 11, 1893.

“To whom it may concern:

“Mr. Van Buren having been in the service in the post-office during a large part of my term, is well known to be an honest industrious and capable gentleman, and I take great pleasure in recommending him to anyone who may be in need of efficient help, as a young man who will be a most valuable employe to any firm or corporation that may be able to secure his services.”

“S. D. Dickinson, Post-master.”

By the Chairman:

Q. That was after your dismissal? A. Yes, sir.

By Mr. Moss:

Q. Did you make an application to the authorities at Washington for leave to present your defense? A. I did.

Q. Have you ever received such leave, or has your application been denied? A. It has been denied and the department refuses to reopen the case.

Q. I hold in my hand your application for a hearing; will you state what indorsements there are upon the application? A. It is indorsed by Benjamin Edg.

Q. Who is he? A. A very prominent citizen of Jersey City; one of high standing.

Q. Is Senator McPherson's name—Mr. Reckord's name is there.

Q. P. F. Wanser? A. He is the mayor and Benjamin Murphy is the chief of police.

Mr. Moss.— These documents represent the gentleman as being a man of good character.

Q. Did you see William H. Applegate upon the stand the other day when he testified? A. I did; yes, sir.

Q. Did you recognize him? A. His face was familiar to me, but that is all I could say.

Q. You can not say you saw him in Jersey City or in New York? A. No, sir.

Q. All you say is that his face was familiar? A. Yes, sir; and that I saw him before somewhere.

By Chairman Lexow:

Q. Did you recognize him as one of the men who came to the post-office in Jersey City and bought stamps, or bought green goods matter? A. No, sir; I would not say that, because the men who brought the envelopes there were full-sized, good-sized men, while Mr. Applegate is not.

By Mr. Moss:

Q. Do you remember Mr. Morris, a detective employed in the railroad company? A. I don't know him at all.

David Kronman, called as a witness, being duly sworn, testified as follows.

Examined through an intrepeter:

By Mr. Moss:

Q. Is your name David Kronman? A. Yes, sir.

Q. Do you keep a cafe at No. 179 Houston street? A. No, sir.

Q. Where did you keep it? A. No. 130 Houston.

Q. Do you know Wardman Levy? A. Yes, sir.

Mr. Moss.—Is Wardman Levy in court-room?

(No response.)

Q. Did you ever see Wardman Levy in any cafe that you kept? A. Yes, sir.

Q. Where? A. No. 179 Houston street.

Q. When was that? A. I think in December last year.

Q. What did he say and do when he came into that cafe? A. He said I want to have something to drink, liquor or wine.

Q. Did you have a conversation with a neighbor, Shockinger, about that time? A. Yes, sir.

Q. What about it? A. the stool pigeon; he used to bother me and I went and inquired of Shockinger why they did not bother him.

Q. What did Shockinger tell you? A. He said that if I pay as he pays then they would not bother me either.

Q. In pursuance of that conversation did you meet Wardman Levy? A. No; I did not; Shockinger took me to Mr. Arnstein.

Q. Is Mr. Arnstein in this court-room? A. Yes; there he is.

Q. What do you mean by stool pigeon? A. A man comes in and asks for a drink, and I says I have not got any, and he says you must give it to me because I know you have got it; they always bothered me, and I could not do any business, for when a customer came in he always went away when these men came.

Q. Do you know who sent the stool pigeon there? A. Yes, sir; Wardman Levy.

Q. When you went to Mr. Arnstein's place, who did you meet there? A. Mr. Arnstein.

Q. Didn't you see Levy in Arnstein's place? A. No, sir.

Q. Did you have any conversation with Arnstein about paying money to Mr. Levy? A. Yes, sir.

Q. What was it? A. I should come the next day and he would give me an answer, that he had first to speak to him.

Q. Did you go the next day? A. Yes, sir.

Q. What did Arnstein say then? A. It is all right.

Q. Was any sum of money mentioned? A. Yes, sir.

Q. How much? A. Twenty-five dollars.

Q. How often? A. Every month.

Q. Did you see Wardman Levy then? A. I didn't have the money then; I told him to come Saturday night.

Q. Did you see him on Saturday night? A. No.

Q. When did you see Levy about the money? A. I lived uptown, and I didn't have the money, and I told my wife that if Arnstein and Levy called they should leave the address and I would bring the money to the house.

Q. Did you take the money? A. No, sir; they were there and my wife told them that, and in the morning I had the money, because I was working as a tailor and I didn't have the money at that time.

Q. When did you give money to Levy the first time? A. I slept at the back and my wife told me that Arnstein and Levy came, and then my wife said leave the address, and they said all right, "I will call again Monday night."

Q. When did you first pay money to Levy? A. Sunday morning.

Q. Where did you give it to him? A. In Arnstein's place.

Q. How much did you give him? A. Twenty-five dollars.

Q. How many times did you give Levy the \$25? A. Four times.

Q. What was said; what was the money for? A. In case there was any trouble they will understand about it as the money goes into some society.

Q. That is what Levy said? A. Yes, sir.

Q. Was Levy a policeman? A. A ward detective.

Q. Did you have an excise license at the cafe? A. No, sir.

Q. Was it understood that you were to sell liquor if you wanted to? A. That is what I paid protection for.

Q. Have you any girls? A. Two.

Q. Did you have a sofa in the back room? A. No.

Mr. Moss.—Will the chairman instruct this witness, please, that he has nothing to fear. I am told he is in fear; that he has exhibited it, and spoken of it.

Chairman Lexow.—About what?

Mr. Moss.—For fear that he shall come to grief.

Chairman Lexow.—Mr. Interpreter, tell the witness that if anything happens to him to report at once to Mr. Goff, and that every effort will be made to protect him, and we will be able to protect him.

Q. You had some difficulty in making the fourth or fifth payment, did you not? A. No, I never had any trouble about paying him.

Q. Did not Captain Cortwright come into your place? A. That was the first time.

Q. Why did he come to your place, if you know? A. He was very strict about that kind of business.

Q. Don't you remember that you were not able to make the fourth payment; that there was a delay in it, and that Mr. Arnstein told you the captain would not have any fooling? A. That was not the fourth payment; that was the first time.

Q. You did fail to make a payment, and Mr. Arnstein told you that the captain would not stand any fooling, is that not right? A. He did not speak of the captain; he spoke of Levy.

Q. When Captain Cortwright came to your place, what did you say? A. He drove out the guests and the girls, and he assaulted me; and then I told him to look around and see that I had no liquors or anything, and he didn't let me do anything; he pulled the curtains down and struck me.

Q. Did he have any officers with him? A. Six or seven.

Q. Did he have a warrant? A. I don't know.

Q. Did he show you any warrant? A. No.

Q. In what condition was your wife at that time? A. She was heavy in the family way.

Q. Was she assaulted too? A. He pushed her once.

Q. What did you say to Captain Cortwright about that assault? A. What could I say; I was frightened, and all the guests were turned out and he went away, and said the next

time I come around I will break everything if you are not gone from here.

Q. Did he break anything at that time? A. He pushed two cider bottles off.

Chairman Lexow.—What is the object of this. You are proving that Captain Cortwright did not do it.

Mr. Moss.—That is not the fact. I have this man's statement here.

Q. Did Captain Cortwright arrest you? A. No, sir; never.

Q. He struck you and drove your guests out, and pushed your wife, and then went out? A. Yes, sir; he didn't find anything to arrest me; they only drank coffee.

Q. After the captain had gone, did you pay Levy any money again? A. I went right away to Arnstein when the captain went away, and I said, "Mr. Arnstein, what is the trouble; the captain is so strict that he turned everything upside down;" and he said, "You should pay Levy, and then you would not have had that trouble."

Chairman Lexow.—Was this before the first payment?

Mr. Moss.—This was before the first payment. It had been demanded but not paid, and the captain came in and made the assault in person, and Mr. Arnstein told him he must pay and he would not have this trouble, and now he is coming to what happened.

Q. After the captain had gone did you pay money to Levy? A. I did; yes, sir.

Q. When did you pay to Levy? A. The next morning, Sunday morning; that was Saturday night, and Sunday morning I paid the money.

Q. How many times after that did you pay Levy? A. Four times; the fourth time he returned it to me.

Q. Then you continued to run your cafe, sell liquor and have your girls there, after the captain assaulted you, did you? A. Yes, sir.

Q. Did the captain ever come into your place and assault you again? A. Never.

Q. Did he ever arrest you? A. No.

Q. Do you remember a complaint being made against you by somebody? A. Yes, sir.

Q. Did you see Captain Cortwright about the complaint? A. Yes, sir; the captain had me called.

Q. Where did you see the captain? A. In his office at the station-house.

Q. What did the captain say to you? A. He showed me the complaint that went to headquarters to Superintendent Byrnes, and said that I must go away from this place.

Q. What else did he say? A. I said, "I have got a family and I am poor and that he should try to help me;" and he gave me eight days.

Q. Was there any money talked about? A. Nothing.

Q. Did not the captain ask you for \$50? A. No, sir.

Q. The paper that he showed you, had no signature on it? A. No.

Q. But it came to the captain from Superintendent Byrnes? A. That is what he told me.

Q. Did not Levy talk to you about money just then? A. Yes, sir.

Q. What did Levy say? A. I told him that he would take the protection money every month, and you said you would help me, and after that he returned me the last protection money.

Q. Did not Levy tell you that he could fix it for \$100? A. I told him that I was poor and that he should try and help me, that I had only to be a few days and then go out of the business.

Q. Did you not offer to pay \$50? A. Yes, sir.

Q. And did he not tell you that as the case was in the superintendent's hands that it would take \$100, and that he could not take \$50? A. No, sir; the complaint is not to the captain; the complaint is to the superintendent, and that didn't come so easy to fix.

Q. How much did he say it would cost to fix it? A. One hundred dollars.

Q. Did he say he could not fix the big people for \$50? A. Yes, sir; I have got to spend it on the big people, and I can not fix it for \$50.

Q. Did you remind him that you had just given him \$25? A. Yes, sir; and then he returned it to me.

Q. What did he say to you about that; did he say he had given you protection for selling liquor? A. He told me that when I demanded all my money back.

Q. Didn't you make an effort to raise the money to pay? A. Yes, sir; I did get it.

Q. How much money did you borrow? A. Fifty dollars or \$75.

Q. You borrowed that from the Union Loan Company? A. Yes, sir.

Q. And gave a chattel mortgage? A. Yes, sir.

Mr. Moss.—That chattel mortgage will be produced.

Q. What did you borrow that money from the Union Loan Company for? A. To give him \$50.

Q. Did you then go to see the captain? A. No.

Q. Did you go to the station-house? A. No.

Q. Did you see Levy with the \$50? A. Yes, sir; I watched for him outside the station-house.

Q. When a captain gave you eight days' notice he told you that he could not let you stay there; what else did he say to you; where did he say you could go? A. He called again by Detective Wilson at the end of eight days, and that I would have to leave; that he could not help me.

Q. Did he not tell you that you could look for another store in his precinct? A. Levy told me that.

Q. Said to you that you could get a store somewhere else in the precinct; is that what you said? A. Yes, sir; not the captain.

Q. What did you do with the \$50? A. I gave it to Levy.

Q. Where did you give it to him? A. In front of the station-house on the street.

Q. Did you not lay that \$50 down on a table in the station-house? A. No, sir.

Q. In what denominations were the bills? A. Five \$10 bills.

Q. Did you not lay those five \$10 bills down on a table somewhere, and was there not other money on the table when you laid it down? A. No.

Q. Did you not offer the \$50 to Captain Cortwright and did he not tell you to put it down on the table? A. I told the captain, and Levy was there, that I would spend something and he should help me; and he raised his hand and didn't want to see it.

Q. Is that the time you paid the \$50 to Levy? A. Yes, sir.

Q. How close was the captain to you when you paid the \$50 to Levy? A. The captain did not see me.

Q. How close was he? A. The captain was in the office and I was in the street.

Q. Were you right in front of the station-house when you paid the \$50 to Levy? A. One house further down.

Q. Did you open a place in the same precinct? A. Yes, sir.

Q. Where did you open it? A. Corner of Clinton and Stanton streets.

Q. Did you sell liquors there for some time? A. I didn't sell because I could not get any more protection.

Q. Did you have girls there? A. Yes, sir.

Q. Were you arrested from the new place? A. No.

Q. Have you not said, in the presence of Mr. Jacobs and myself and Mr. Webb, that you paid \$50 to Wardman Levy in the station-house, in the presence of Mr. Cartwright? A. I wanted to give it and the captain said "get out, get out."

Q. Did you not testify that you paid the \$50 down upon the table in the station-house in front of the captain? A. I put it down, but he only waved his hand and said get out, get out.

Q. Did you put it down on the table? A. I put it down and Mr. Levy saw it, and he winked to me and said take it off.

Q. Do you mean to say now that you took it off? A. I took it off myself.

Q. Why did you not say that to me in the presence of Messrs. Jacobs and Webb when your statement was made? A. I told it to you that way, but the interpreter put it different; he interpreted different every word.

Q. Did you not offer \$50 to the man who served you with a subpoena to take it back?

Chairman Lexow.—Mr. Interpreter, instruct the witness before he answers counsel, that if he states anything on the stand that is false or untrue, that he is liable to imprisonment just as much as if he were testifying before a court and jury.

A. No, sir; I told him that I was a poor man; that I would sooner lose \$50 than to go before the Lexow committee just now, because I will have a lot of trouble with the police.

Q. Are you afraid that you will have trouble with the police?

A. I will have to sell my business, as I can not run it.

Q. Are you in fear now in giving your testimony? A. Yes, because I have always had trouble with them since you came around.

Q. What do you mean by "you"? A. He means me (that is the interpreter); when I come into his place the people think I am from the Lexow committee, and they bother him so.

Q. Is not your fear of the police a reason why you have not testified to-day that you put down \$50, and left it there on the table in the station-house; is not that the reason? A. No, sir; I will not say anything here that is not true.

Q. Has Captain Siebert sent for you lately? A. That was when I was in another precinct.

Q. How long ago was that? A. Six weeks ago.

Q. Did you see Captain Siebert? A. Yes, sir.

Q. Did you talk about the Lexow committee? A. No, sir.

Q. What did you talk about? A. He said I would have to get out of his precinct; he said he heard that I had girls and a parlor in the back, and he did not want me there.

Q. Were you violating the law in Captain Siebert's precinct?

A. No, sir; I told him that I am not doing anything and invited him to investigate.

Q. Is Captain Cortwright in the room? A. Yes, sir.

Q. Do you see him? A. Yes, sir.

Q. Is that the same man you have testified about? A. Yes, sir.

Q. You have seen him through the day, have you not? A. Yes, sir.

Q. Are you afraid of Captain Cortwright? A. He is in my precinct.

Q. Are you afraid of Captain Cortwright? A. No.

Q. Are you not afraid to say in front of Captain Cortwright that you paid \$50; is that not the reason? A. No.

By Chairman Lexow:

Q. Did you speak when Captain Cortwright and Wardman Levy were there, about the \$25 a month that you had been paying for protection up to that time? A. I complained when he told me to move, that he did not understand me.

Q. How do you know he did not understand you? A. Because I know he only waved his hand and told me to get out.

Q. When the captain waved this \$50 away that you proposed to pay at the time of Superintendent Byrnes' order, did you say anything about the \$25 that you had been paying to Wardman Levy up to that time? A. The captain did not advise me about the \$50; I said I paid Levy every month for protection, and now I have got to move.

Q. Did you say at the time how much protection you had paid? A. No; he didn't let me talk; he waved me away.

Q. When you said you paid protection to Levy every month, did you say that direct to the captain? A. Yes, sir.

Q. Did the captain put to you any questions in reference to the amount of protection paid, or the manner in which you had paid it? A. No; all he said was get out, get out.

By Mr. Moss:

Q. Do you know who sent the complaint to Superintendent Byrnes? A. I think my landlady, because she wanted to open a place herself.

Q. Did not the same woman send the complaint to the captain before that? A. There was a complaint before; I think so.

Q. Did not the captain call you to the station and inquire about your first complaint? A. No; the detective told me that.

Q. Have you not said before the same person I mentioned a moment ago, that you had a conversation with the captain himself about the first complaint? A. I could not speak to the captain, because I did not understand English.

Q. Did you not have it interpreted for you? A. No.

Q. Did not Captain Cortwright tell you there himself, or through an interpreter, that you must be careful when you got the first complaint? A. No; Mr. Levy told me that.

Q. Did not the captain tell you at the time of the second complaint that he has got to take notice of that complaint because it came from headquarters? A. Yes, sir; he told me to move because it came from headquarters.

Q. The captain told you to move because the second complaint came from headquarters? A. Yes, sir.

Q. Did he not tell you that the first complaint was all right because it was not out of the precinct; but the second complaint was different because it came from headquarters? A. No; he didn't say that; Levy said that.

Q. Have you not said to Mr. Jacobs and the rest of us that the captain said that? A. He said this is the second complaint and I can't help you because it is from headquarters and you must move.

By Chairman Lexow:

Q. What did Wardman Levy say when you said in the presence of the captain, that you had been paying protection to him? A. He didn't understand what I told him.

Q. Who did not? A. The captain, Cortwright.

Q. How do you know? A. Because I don't speak good.

Q. Is that the only reason? A. I don't know; I told him that Levy took the money off of me for protection, and now I have got to move.

Q. What did Levy say when you made that statement to the captain — was not Levy present when you made that statement to the captain? A. No.

By Mr. Moss:

Q. What did you say to the captain for if you thought he could not understand it? A. I wanted to get my money back so that I would not move; that he should do something with Levy.

Q. Did you not think he understood it when you told him? A. He didn't let me speak; he only motioned for me to get out.

Q. How long was the conversation with Captain Cortwright? A. About 15 minutes.

Q. What else did you say to Captain Cortwright — state as nearly as you can recollect the words that you used and the manner in which you made that statement to the captain — say it in English? A. I said, "Captain, please, I have got eight children and I must get out and I lose the whole sum of money, and there is but little time that I can make my money back, and I must get out; I paid Levy every month \$25;" and he said, "It is the second complaint and you must get out; get out."

Q. And you complained that the captain could not understand that statement of yours? A. He didn't help me.

Q. And your reason for stating that he did not understand it, was because he did not give you any substantial assistance, is that so? A. That is the reason; I begged of him that he should help me; I told him that because I had eight children, and my place was all right.

Morris Jacobs, called as a witness on behalf of the State, being duly sworn, testifies as follows:

By Mr. Moss:

Q. Did you hear the statement made by the previous witness in the matter that has been testified by him, and did you translate that statement? A. I translated some of it, and some of it he said in English.

Q. The statement written down by Mr. Webb? A. Yes, sir.

Q. At the dictation of yourself and myself? A. Yes, sir; at my dictation and your dictation.

Q. Did Kronman say to us at that time that \$50 had been paid in the station-house by himself and laid down upon a table in front of Captain Cortwright? A. Yes, sir; and he even went further and said that Captain Cortwright was putting some money in some envelopes, and he thought he was going to pay the men with.

Q. Did he state that there was any conversation with Captain Cortwright concerning his moving or about his staying or going? A. He did.

Q. What was the conversation, the substance of it? A. That he could not fix it for \$50; that it would cost \$100, because these big people below wanted more money.

Q. And that statement was put in the mouth of Captain Cortwright by this witness? A. Yes, sir; by the witness.

Q. Was it not also stated by the witness that the first complaint, which had gone directly to the captain, could be fixed because it was in the precinct, and had been so fixed, but as the second complaint had come from headquarters Mr. Kronman would have to move? A. Yes; that is what he told him; and he said he could move right in the same precinct as long as he moved in another store.

By Chairman Lexow:

Q. Is there any doubt about your having properly understood what he said and translated what he said correctly? A. No; because Mr. Kronman when he was in the tailor business worked for me, and he understood English and German both, and we understand each other; I simply interpreted one or two words where he could not make himself understood and all the rest he said in English; and Mr. Webb and Mr. Moss understood him as well as I do.

Mr. Moss.—My recollection is just as Mr. Jacobs has stated. The witness certainly said that the money was paid to Captain Cortwright, and that Captain Cortwright's first raid was made for the purpose of influencing him to pay the assessment where he was dilatory about it.

The Witness.—He reads the English newspapers and converses in English, and one or two words that he could not make him understand, I interpreted.

The Chairman Lexow.—Is there any further testimony to-day?

Mr. Moss.—That is all.

Adjourned to Tuesday, October 2d at 10:30 a. m.

Proceedings of the fortieth session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the former General Sessions building, in the city of New York, Tuesday, October 2, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, George W. Robertson, Daniel Bradley and Cuthbert W. Pound; John W. Goff, Frank Moss and W. Travers Jerome, for the committee.

Chairman Lexow.—Are you ready to proceed, Mr. Goff?

Mr. Goff.—Yes, sir. Mr. Chairman and Gentlemen, counsel proposed to-day to introduce some testimony before you, which we deem of the greatest importance to this investigation, as well as to the citizens of the city of New York. It is on a line of testimony that is the result of a great deal of labor — months and months of labor and examination; and it comes right to the gist of the relation between the police department and the citizens of New York. This testimony will cover three points, three main principles, in fact. The first, the attitude of policemen to the citizens as disturbers and breakers of the peace, and as danger not only to the liberty but to the safety of the citizens. We propose to show the number of accusations and trials had before the police commissioners, of the assaults committed by police officials in this city upon citizens, and the number of convictions for assaults committed upon citizens. In three years there have been but four convictions — four dismissals — there have been convictions for smaller offenses; but there have been only four dismissals from the police department of this city for the perpetration of assaults; and the most remarkable thing is that notwithstanding the numerous cases reported in the daily papers day after day, of citizens having been assaulted, but one of those dismissals was for an assault upon citizens, and the other three dismissals for assault upon police officials themselves. This brings up the second point that we will ask you to consider and listen to; and it behooves you, gentlemen of this Senate committee, and also the people of this State, to give it full weight and significance; and that is, we will show by evidence here, and the records of the police department, embracing a number of years back, that the police force of this city is to all intents and purposes and in practice, exempted from and above the operation of the law of the land; that the members of the police force of this city commit offenses of the grade of felony and misdemeanor, and that they have

gone for years unpunished and unwhipped for those offenses, which, if committed by citizens, would have resulted in fact in a great degree in this city in sentence to State's prison, and to the penitentiary. In other words, the operation of the law of this State so far as it applies to the citizens of New York, and to all persons as it should, stops short of the police force in effect; that a member of the police force may commit an offense, which is of the grade of felony, and all the punishment he may ever expect to undergo for that felony, and all the trial he may expect to undergo for that felony is a charge before the police commissioners, with the chances of dismissal and reprimand, or a small fine. For instance, we will show you in numerous cases where felonious assaults have been committed upon citizens by policemen, which if committed by a civilian would result possibly in four or five years' sentence in Sing Sing, and all the policemen need apprehend is, a charge against him, with a possible conviction finding him guilty of assault, and a fine, for instance, of ten days' pay, which goes to show that a police officer of this city can brain a citizen with a club, and he may reasonably expect that all the penalty he will have to pay for that is about the sum of \$30, while an ordinary citizen, if he commits that offense, is almost certain to go to State's prison. The other point that we wish to call your attention to, is that in the trials of police officers, before the police board in this city, the perjury committed in those trials on the part of the police officials and other witnesses is simply unmeasurable and unparalleled. As we will show you by the expression of a police commissioner, it is, that the air of the trial room at police headquarters is blue with perjury. These three points we deem necessary to establish; and not at all less important to any testimony that has been adduced before your honors, or any testimony that may hereafter be adduced, because it goes home to the very question of the rights, the liberties, and the safety of the citizens of New York. I will state here, Mr. Chairman and gentlemen, that inasmuch as most of this testimony must necessarily be of this record, that we shall ask not only your patience, but your attention to it, even though it may be testimony appearing from the records, it is, nevertheless, in my opinion, of the gravest importance to this committee in their investigation.

Chairman Lexow.—I think we all agree with you in that, Mr. Goff, that that touches the citizens more closely than any other phase of this investigation.

Frank Moss, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Mr. Goff.—I shall examine Mr. Moss, gentlemen, first, as to his experience on matters of fact brought to his knowledge and attention before the police board, and apart from his knowledge acquired through his connection with this committee. There are specific cases in reference to the trials of certain police captains, which, in our opinion, are very important to spread upon the record.

Q. Mr. Moss, you are one of the counsel' associated in the service of this committee? A. Yes, sir.

Q. And have been from the start? A. From the start of this branch of the investigation.

Q. Before you were associated as such counsel for this committee, did you, as an attorney-at-law, occupy a position with any society or body of citizens in this city? A. For some time I have been a member of the executive committee of the Society for the Prevention of Crime, and have acted during that time as counsel for that society, and occupied the position of counsel to that society prior to my entering into this board of directors; I was also counsel for a society called the Owners and Business Men's Association, which existed in West Twenty-seventh street in 1885, and for about two years.

Q. In 1885? A. In 1885.

Q. Now, as such counsel for the Business Men's Association, what was the object of that association? A. The association was an organization of property owners and residents of that neighborhood, whose object was to purify their own street, to get houses of ill-fame out of that street.

Q. Did the society so organized take any definite steps toward attaining the object of that society? A. Yes, sir; demands were made upon the captains of the precinct; it was the Nineteenth precinct, and Alexander S. Williams was the captain; requests and demands were made upon him that he attend to his duty of ridding that section of the city of houses of ill-fame and other annoyances, and those demands proving useless, the society

had recourse to various means; some detectives were employed, evidence was got, newspapers were interested, the situation of things was shown to the public, and in such ways as could be devised, efforts were made to get rid of the nuisance that existed there.

Q. Did you give us any specific instances of places of disorder, of bad repute, which were called to the notice and attention of the police officials? A. In West Twenty-seventh street, between Sixth and Seventh avenues, there were at least 10 houses which were reputed as houses of ill-fame; some of them I might mention; there was Madame Engle's, 119 West Twenty-seventh street; there was Madame Brooks', at 123 West Twenty-seventh street; there was No. 120 West Twenty-seventh street; 138 West Twenty-seventh street; Madame St. Clair's there was also the Coe flats, so-called, which occupied the site of the old Cremoine, I think it was a concert hall that was burned.

Q. The Buckingham? A. Oh, yes, the Buckingham; and were occupied by very many dissolute people; there were several gangs of tough people in the street, gangs of criminals and convicts; the street was full of disorderly people of both sexes; it was dangerous to life at times to go through the street; we had weekly meetings in the store of Mr. Murray, a member of the society—public meetings at which the facts which came to our notice were discussed and presented to the people, which were freely attended by the representatives of the newspapers, and in which we were frequently annoyed by the interruption of outsiders, persons interested in breaking up our movement; we never had any police protection; I know on one occasion that an officer of the Nineteenth precinct came to me, a man whose name I will not now mention, and said to me that he would advise me to get out of that movement; that the captain would come around pretty soon and put us out; I told him that I understood him very well; that he came from the captain to give me that message; and my response to him would be that he could not bring his club in any too thick; that when his club struck in our premises, it would hit a can of dynamite which would spread him into four or five counties adjacent to New York; when we got evidence sufficient to obtain warrants we started to get them outside of the Nineteenth precinct; that is, we did not get the services of the police of that precinct, but

had raids made by the court squad at Fifty-seventh street; it took, I think, something—

Q. That was the famous Tenderloin precinct? A. That was the Tenderloin; it took some eight or 10 months to make an impression on the bad people of the street, and in about a year it was reasonably clean, but there was no effort before, that we could see, nothing that I could observe by the local police, nothing except occasional abuse, and such threats as I have testified to.

Q. Well, do you remember a house kept by Emil Platell? A. The house was not at that time kept by Platell; the house had been kept by him 102 and 104 West Twenty-seventh street; it was known by reputation as the "Captain's House."

Q. Where is Platell now, do you know? A. Platell, according to my information, is in Italy.

Q. Did the proceedings of this committee result in any charges being preferred against the captain of that precinct? A. Yes, sir; the advice came to the members of the society that the real cause of the non-enforcement of the law was the criminal negligence of the captains; and steps were taken to investigate the administration of the police department throughout the precinct; that led us naturally to Thirty-first and Thirty-second street between Sixth and Seventh avenues, which were filled with rows of houses of ill-fame, and I knew that to be such, because I frequently passed and repassed them, and I went frequently into that district and was solicited there frequently; we consulted with Dr. Crosby, who was then the president of the Society for the Prevention of Crime, and in connection with him, and by his advice, a complaint was laid before the mayor of the city of New York, Mayor Hewitt; we had a conversation with him, stated what we believed to be the cause of the bad position of things there, and asked what we might expect in support from him, if we should undertake to bring Captain Williams to trial; Mayor Hewitt told us—I should say, before referring to the mayor's remarks, that I stated to Mayor Hewitt that we could not expect to get more than two votes in our favor in the board; if we proved our case we would get two votes, and no more; I gave that, as an expression of my opinion; I told him we might get the vote of Commissioner Voorhees, and we thought we might get the vote of Commissioner Porter, provided our evidence was good; but we did not expect, in any event, to get the vote of Commissioner French or Commis-

sioner McClave, and that would leave us if we succeeded with a tie vote which would result in nothing; the mayor told us to go ahead notwithstanding, and if the evidence adduced brought out a tie vote he would take it and examine it, and call the commissioners to task afterward for it; the mayor transmitted the charge, which we gave him, to the board of police with a letter, a letter which was published in the newspapers at the time, and a copy of which I have; his letter to the commissioners was short, and is as follows:

“I inclose herewith a copy of the complaint of T. Murray, Jules Chatelan and Howard Crosby, charging Captain Alexander S. Williams with inefficiency and neglect of duty. Mr. Chatelan and his attorney, Mr. Frank Moss, of 93 Nassau street, have called upon me in person and informed me that they are prepared to furnish the evidence of the truth of the charges. The complainants are reputable citizens, whose statements are entitled to attention. I, therefore, request that you will take immediate steps to investigate the charges, and that you give an opportunity to the complainants to lay before you such evidence as they may be prepared to furnish. As you are aware, I have transmitted to you many complaints in regard to evil resorts in the Nineteenth precinct. As a rule, the reports returned to me have been unsatisfactory, and yet it is notorious that the law is openly violated in that precinct to such an extent as to make a common scandal. I have refrained heretofore from any positive action in regard to the complaint submitted to me, because I felt sure that the time would come, when the personal observation of the commissioners of police, and the facts known to them, would lead to a radical reform of the evils complained of in this precinct. This opportunity is now afforded, and I urge upon the commissioners that the investigation shall be thorough, and the purification of the precinct be made as complete as circumstances will allow.

“Yours respectfully.

“ABRAM S. HEWITT,

“Mayor.”

Specifications were prepared upon the papers, offered and served upon Captain Williams by the superintendent, Mr. Murray then; and Captain Williams was brought to trial in July, 1887; they occupied a day in the trial, and produced the evidence of some 35 persons.

Q. Including what classes? A. They were ministers, householders, business men, two or three ladies who lived in the neighborhood, and some four detectives, who had been in certain of the houses.

Q. Did all these witnesses testify to the condition of the street? A. They did; Mr. James P. Smith, an undertaker now in business in that section of the city, testified that he lives west of Seventh avenue, right in that neighborhood somewhere, and that his family were obliged to make a detour of several blocks when they wanted to cross town, in order to avoid the sights and sounds, which they would have to meet if they went to Thirty-first and Thirty-second street; there was a minister, Rev. Cornelius Britlorne, who had a charge in Thirty-first street, near Seventh avenue, and he testified he was frequently annoyed, by women in the windows and doors, who knowing his profession addressed him with sometimes hardly any raiment upon them, and annoyed the young girls and members of the congregation; he testified he had made personal complaint to Captain Williams, and Captain Williams had endeavored to make him get the evidence; that upon his consent, the captain had secured some warrants against houses in Thirty-first street, himself making the affidavits that they were houses of ill-fame, and then when the trial or hearing came on, fell upon the Rev. Britlorne, to furnish the evidence, and on its being furnished, the cases were dismissed; all this time Captain Williams was reporting these houses to headquarters as alleged houses of ill-fame; his reports were put in evidence, and it appeared by the admissions of the captain upon the cross-examination, that in the space of a year and some months, he had made only two raids upon houses in that section; one of those being the one complained of, a girl whose trunk had been detained, and the other being made in some manner that he could not recollect; I submitted a brief of the evidence, having appeared as counsel for the prosecution, and the brief was reviewed in the opinion of Commissioner Fitz John Porter; he was the only commissioner who rendered an opinion; in his opinion he stated that the conclusions of the brief were justified by the evidence as he had read it, and I have here the opinion and briefs, or copies of them.

Mr. Goff.—Let me have that, please. We ask to have that marked in evidence.

(Paper marked Exhibit 1, October 2, 1894, L. W. H.)

Mr. Moss.—The board did not vote on that case for several weeks. My recollection is it was about six weeks. A vote was reached sometime in August. The records have been furnished by Major Kipp, and are before you, Mr. Goff. The vote was substantially a tie vote.

Q. Is this record here (indicating)? A. Yes, sir; right there.

Mr. Goff.—I read from the official minutes of trial No. 15, police department of the city of New York, produced here by the chief clerk of that department. "In the matter of the charges against Captain Alexander S. Williams, Nineteenth precinct. On motion of Commissioner Voorhees, it was resolved that the specifications be taken up seriatim, and voted upon. Commissioner Voorhees moved he be declared guilty of the first charge of the first specification. Lost. Commissioners Porter and Voorhees voting aye, and Commissioners French and McClave voting no. Commissioner Voorhees moved that the second specification be declared not proven. Carried, all voting aye. Commissioner Voorhees moved he be declared guilty on the third specification. Lost. Commissioners Voorhees and Porter voting aye; Commissioners French and McClave no. Commissioner Voorhees moved he be declared guilty on the fourth specification, notwithstanding the complaint made to him in the month of March, 1887, by Alfred S. Dowd, to which he, the said captain, admitted he knew the character of said house, promising to attend to the matter. Commissioners Voorhees and Porter voting aye, and Commissioners French and McClave voting no, and as to the whole specification, Commissioner Voorhees moved he be declared guilty of the fifth specification. Lost. Commissioners Voorhees and Porter voting aye; Commissioners French and McClave voting no. Sixth specification withdrawn. Commissioner Voorhees moved he be declared guilty on the seventh specification. Commissioners Voorhees and Porter voting aye; Commissioner French and McClave voting no. Commissioner Voorhees moved he be declared guilty on the eighth specification. Lost. Commissioners Voorhees and Porter voting aye; Commissioners French and McClave voting no. Commissioner Voorhees moved that he be declared guilty on the ninth specification, but declared not proven. Carried. All voting aye."

The Witness.—At that same session of the board, Captain Williams was promoted to the inspectorship, notwithstanding the tie vote. You will find that on the previous page, Mr. Goff.

Mr. Goff.—On the promotion of Captain Williams. In lead pencil memorandum on the margin, “Enter after judgment. On motion of Commissioner McClave, it is resolved that Captain Alexander S. Williams, of the Nineteenth precinct, be and he is hereby promoted to the rank of inspector of police. Commissioners French, McClave and Voorhees voting aye; Commissioner French voting no.” That is under the date of August 9th, and in these specifications it appears that Commissioner Voorhees, on the same day, voted that he should be convicted of seven of the specifications of the nine? A. Yes, sir.

Q. And it appears by the record of the same commissioners, who voted him guilty on the seven specifications out of nine, voted to make him an inspector of police, at the same meeting? A. Yes, sir; this is the record of the trial of Captain Williams; but it is rather too bulky to put in evidence.

By Chairman Lexow:

Q. The same commissioner? A. The same commissioner — Voorhees; that is, it appears by the record here that there were nine specifications, and that Commissioner Voorhees voted that Alexander S. Williams be declared guilty on seven of those specifications; and he and Commissioner Porter voted aye on each motion, it being lost by a tie vote.

Chairman Lexow.—Guilty of conduct unbecoming an officer?

Mr. Goff.—Yes, sir; and at the same meeting this same commissioner voted to make this same man whom he moved but a few moments before to declare guilty, to make him an inspector of police, and he voted with the other commissioners.

The Witness.—I have here, Mr. Goff, the official record of Inspector Williams, from the time he entered the department, and I brought this record with the book, the original record at the office of the police department; and I find that this case is entirely omitted from the record; I have looked in the cases of other policemen, where there were tie votes, and have always found that the case was mentioned as a complaint, with no result; but in the case of Mr. Williams, there is no reference whatever to it.

Chairman Lexow.—I have the opinion of Commissioner Porter here.

By Mr. Goff:

Q. You say you find this record; it is not from the regular record in the department? A. I find there is no record upon it,

upon the record of the officer, there is a book at police headquarters, which contains the record of each officer, showing how many times complaints have been made against him, when made and what for, and what disposition; but there is no record in that book of this complaint against Captain Williams.

Q. I see? A. So that upon the record he is clear of this tie vote—upon the apparent record—it does not appear against him.

Q. This record you give us here is the official record you have obtained from the police department? A. It was furnished to me by the clerks at police headquarters.

Q. And this official record is no mention of these charges having been made? A. None whatever; I had occasion to cross-examine Captain Williams subsequent to that in the trial of two other police captains, and I asked him if he knew what was the result of that trial; he said he did not know; he said he supposed he was not guilty, because he was made inspector.

Mr. Goff.—We shall ask to put this record and make it in evidence for the present.

Chairman Lexow.— Mark it for identification.

(Record marked Exhibit 2 for identification, October 2, 1894, L. W. H.)

The Witness.—It was shortly after that trial that I became counsel for the Society for the Prevention of Crime.

Q, Now, have you had knowledge, Mr. Moss, of any other trial of a police official at headquarters? A. Yes, sir; about two years after that charges were laid by the Society for the Prevention of Crime against Captain McLaughlin and Captian Carpenter, charges of conduct unbecoming an officer, on specifications that they had willfully neglected to proceed against gambling-houses; in the case of Captain McLaughlin the house was 86 Fulton street; and in the case of Carpenter it was, I think, No. 15 Ann street; it was one house on Ann street; those were both notorious houses and appear upon the reports of those captains to headquarters as alleged houses used for gambling purposes; the facts briefly stated were that while these houses were in existence, untouched by any police effort, some private individual obtained evidence against them, secured warrants, had them raided, had the cases tried, convicted the proprietors and had the gambling apparatus destroyed without any co-operation whatever of the local police or these captains in particular;

the evidence having been obtained originally and the warrants executed without the knowledge of those captains, or of any of the police of this precinct, raids having been made, I think, from headquarters; our charge was substantially that these were well known houses; that they had been reported by the police captains themselves; that private citizens had been able to obtain the evidence and conviction, and that it was manifest that the captains were derelict, willfully derelict in their duty; we tried those cases in August, 1889; the vote upon those cases was, for conviction, Commissioners Voorhees and McLean; for acquittal, Commissioners McClave and Martin.

Q. Those are in Captain McLaughlin's precinct? A. It was in Captain McLaughlin's and Captain Martin's.

Q. Read those commissioners again? A. Voorhees and McLean for conviction, McClave and Martin for acquittal.

By Chairman Lexow:

Q. There was a Democrat and Republican on both sides?

Mr. Goff.—Yes; it was politically divided, the same as before.

The Witness.—Not apparently so. It was not a great while after that Mr. McLaughlin was made an inspector. I could not give the exact date. He got there.

Q. And while that charge was undisposed of? A. While this charge was undisposed of; while a tie vote was left there.

Q. And two commissioners, and he was made an inspector? A. Yes, sir.

Q. And is an inspector and chief of the detective bureau to-day? A. So I believe; that is my proof in the case; Commissioner Voorhees, I believe, stated, at the meeting of the commissioners, that he found that brief sustained by the evidence, the evidence being referred to Commissioner Voorhees for examination; Commissioner Voorhees reported after examination after the evidence that the officers should be convicted.

Q. Will you state from the examination of any record what commissioners voted to promote McLaughlin to inspectorship? A. I can not do that, sir.

By Chairman Lexow:

Q. You do not know whether the commissioners voted different again? A. No; I think not, but I am not sure.

By Mr. Goff:

Q. But it follows, of course, that a majority had to do so or he would not have been made inspector? A. Yes, sir.

Q. How about Captain Carpenter's case? A. Captain Carpenter has been retired.

Q. While the charges were holding against him? A. His charges were in the same condition that they stand there to-day; he retired on a pension; neither of these three captains have ever been declared acquitted of these charges.

Q. So that as the matter stands now, Mr. Moss, we have on the police force to-day two inspectors, one inspector — Inspector McLaughlin, chief of the inspector bureau of the city, and Inspector Alexander S. Williams, both of whom are under charges which have never been disposed of? A. Yes, sir; both of whom have failed to secure acquittal of serious charges; there is one other captain who got a tie vote, Captain Killalea; I was not present on the trial, but I noticed it from my interest in the matters; these were the only captains' trials where to the recent flurries, and they all resulted in tie votes; and that is all, since 1885, that I know of.

Mr. Goff.— Will you please step aside, Mr. Witness; I want to ask a few questions as a matter of interest.

Thomas Coleman, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Who did you first tell, officer, that Appo confessed to you he had attempted to commit suicide; now don't laugh and don't shake your hat; put your helmet down, please; answer my question? A. I don't know as I have told anybody.

Q. Do you know anything about it? A. No; nothing more than what you asked me.

Q. Who did you first tell that he confessed to you that he attempted to commit suicide; that is my question, sir? A. I told Detective Sergeant Vallely.

Q. A moment ago you said you did not tell anybody? A. Not before this morning.

Q. When did you take him from the hospital? A. I never took him from the hospital.

Q. When did he tell you that? A. Between 6 and 8 o'clock the following morning at Chambers Street hospital.

Q. You said a moment ago you did not take him from the hospital? A. I was watching him in the hospital.

Q. He was raving all night long wasn't he? A. He was raving till about 10 o'clock — from 9 to 10 o'clock on Friday night.

Q. You have just testified in the police court, haven't you? A. Yes.

Q. That Appo wanted to make a charge of perjury there? A. Yes, he said so.

Q. That you had perjured yourself when you said he told you he attempted to commit suicide? A. He did not say to commit suicide.

Q. Wasn't that the fact, that he made the charge for that? A. I could not say that.

Q. What did he charge you with perjury for? A. He only said perjury.

Q. What did you testify to? A. I testified that Detective Sergeant Vallely and Sergeant Burns brought me in Friday night, and they asked Appo if Riordan was not the man that cut him, and Appo said, no, Riordan was not the man that cut him, but that Riordan was a pretty good fellow.

Q. Was that all you testified to? A. That is all; and he told me the following morning he wished he was dead and cut his own throat.

Q. And Appo immediately wanted to make a charge of perjury on your testimony? A. Yes, sir.

Q. Now, let us see, officer, how many persons have talked with you about this Appo case since the occurrence the other night down by Baer's hotel? A. I wasn't in Baer's hotel at all.

Q. I did not ask you that, sir? A. How many people talked with me?

Q. Yes? A. About three or four, perhaps.

Q. Who are the three or four that talked with you? A. They weren't anybody in particular that talked with me.

Q. Had you anything to do with being on the premises then, around the North River hotel? A. No, sir; I was not on duty at all then.

Q. When did you have any connection whatever with Appo? A. When I came to work at 6 o'clock Friday night, the sergeant told me to go to the Chambers Street hospital to attend to a man who had attempted to commit suicide.

Q. So before you saw this man at all you were told by the sergeant to go and take care of a man that had attempted to commit suicide? A. Yes, sir.

Q. Your mind was possessed with the idea that you were worth watching this attempted suicide? A. Yes, sir.

Q. And your mind was prepared on that theory, wasn't it A. Yes, sir; I don't know—

Q. Yes; answer my question; what sergeant told you that? A. Sergeant Burns.

Q. At the Church street station-house? A. Yes, sir.

Q. Did he give you any particulars how the man attempted to commit suicide? A. No, sir; he told me nothing; only to go to the hospital.

Q. Did you hear nothing about it? A. No, sir.

Q. Did you not see the extra evening papers, or hear about it? A. No, sir.

Q. You mean to say you went to the Chambers street hospital and did not know Appo was the one who attempted suicide? A. No, sir; never knew until I got to the hospital.

Q. When you got to the hospital, did you see the man that attempted to commit suicide? A. Yes, sir.

Q. Did you know him? A. No, sir; never saw him before.

Q. When did you first learn that he was George Appo? A. I noticed in the paper, and the police officer I relieved told me.

Q. In the hospital from the police officer you relieved? A. Yes, sir; Officer Brunner.

Q. What did Officer Brunner tell you? A. He told me to watch him and be careful; and he gave me his pedigree.

Q. Why did you try to get it? A. Because he was to be transferred to Bellevue; it was written on a piece of paper; his age and nationality.

Q. What was his age? A. I think 28 years of age, it was down.

Q. And what was his nationality? A. United States; color, white; and charged drunk and disorderly and attempted suicide.

Q. Is it not a fact that you were told by this officer, Brunner, that Appo was frothing at the mouth when he was brought to the hospital? A. He did not tell me anything of the kind.

Q. Didn't he tell you he was raving down at the police station? A. He told me it took two or three men to take him down, and he was raving at the hospital.

Q. You mean to tell me you got this pedigree about a man that was raving, and it took two or three men to take him to the hospital? A. Yes, sir.

Q. Did he tell you he got the pedigree from the man himself? A. He did not tell me, and I did not ask him.

Q. Did he give you his name? A. Appo's name?

Q. Yes? A. It was written down in the paper he gave me.

Q. In whose handwriting was it? A. I can not tell; probably the sergeant's handwriting.

Q. Did you recognize Appo as the man that testified before this committee? A. I recognized the name.

Q. And was there anything said about suicide then between yourself and the officer? A. No, sir; the officer left immediately.

Q. I am not asking you when he left; was there anything said about the suicide? A. No, sir.

Q. Didn't he tell you the man was dangerous? A. He didn't tell me anything about the man.

Q. Didn't he tell you he was insensible? A. No, sir.

Q. Wasn't he sensible then? A. He was raving like a man that was crazy drunk and raving.

Q. Did you attempt to talk with him? A. Well, no; not for a couple of hours after I went in there.

Q. Weren't you told by the doctors of the hospital that no one should talk to him that night? A. No, sir; no doctor told me anything of the kind.

Q. Don't you know that was the rule of the hospital? A. No, sir.

Q. Were you ever there before? A. No, sir.

Q. Did you see a physician that came there before the hospital doctors? A. No, sir.

Q. Did you ever see any physician dress his wound? A. No physician dressed his wound after I was there; I was there from 6 to 12 o'clock Friday night and from 6 to 8 Saturday morning.

Q. That was the dog watch, from 6 to 8? A. Yes, sir.

Q. When did he recover consciousness? A. He was all right Saturday morning.

Q. When did he recover consciousness from Friday night? A. He was recovering from 8 o'clock; I would not say he was sober when I left.

Q. When did he recover consciousness? A. About 8 o'clock.

Q. Did you speak to him? A. Yes.

Q. What did you say to him? A. He wanted to urinate.

Q. What else? A. He asked the nurse to bring him a drink — he asked me to give him a drink, and I told him I had no authority.

Q. He was tied down? A. Yes, sir.

Q. Did he say anything about how this thing occurred? A. I asked him what did occur, and he said he did not know exactly.

Q. And he could not give you any different answer? A. No, sir.

Q. Did you drop it then? A. I dropped it then.

Q. Did you renew the subject again? A. No, sir.

Q. You did not speak at all then? A. No; no more than I had to ask the nurse a couple of times to help him urinate.

Q. Did you repeat the subject again to him at all about the accident? A. No, sir.

Q. And at 10 o'clock you left? A. At 12 o'clock I left.

Q. And he had been recovering consciousness from 8 o'clock until 12, four hours, and you could get nothing out of him respecting what had occurred? A. I did not ask him.

Q. Why did you not ask him? A. Because he asked me for a drink of water and called me over to him.

Q. Was the asking for a drink of water an invitation for you to ask him how this thing occurred? A. Sir; well, I simply asked him out of curiosity.

Q. You were told by your sergeant it was an attempted suicide? A. Yes, sir.

Q. You thought you would follow it up by your own curiosity? A. Yes, sir.

Q. Did you report what he told you at the station-house when you went back? A. I did not.

Q. Why? A. I did not think it was necessary.

Q. Wasn't it your duty? A. No; I did not think it was; he was charged with attempted suicide, and I was sent to watch him.

Q. You know as a police officer if a criminal made an admission it was your duty to report it? A. He did not tell me that night.

Q. He told you Friday night he did not know where it occurred? A. He said he did not remember how it happened or where it happened.

Q. Why didn't you report that to the station-house? A. I did not think it was necessary for me.

Q. What other officer took charge at 12 o'clock? A. Officer Burns.

Q. Did you say anything to Officer Burns as to what Appo said to you? A. No, sir; I did not.

Q. Did you tell him that you had talked with him? A. I told him that he was very ugly and cross, and to look out for him and not to untie him as he might get away.

Q. That he was very ugly and cross? A. Yes, sir.

Q. And was there anything said between yourself and Burns about the suicide? A. No, sir.

Q. And you went on duty again at 6 o'clock in the morning? A. Yes, sir.

Q. Did you go back to the station-house at 12 o'clock at night? A. Yes, sir.

Q. What sergeant was on duty? A. I am not positive sure; I think it was Sergeant Kress.

Q. Did you make any report about Appo or his condition? A. No, sir; made no report at all.

Q. Were you not bound by your duty to make a report of his condition? A. No; not that as I know of; it was the first attempted suicide I ever was watching.

Q. And you still believed, because the sergeant had told you, that this was an attempted suicide? A. Yes, sir.

Q. At 12 o'clock; and you had no other information about it except what the sergeant told you? A. That is all.

Q. And that belief you have maintained ever since? A. Yes, sir.

Q. Now, when you went there at 6 o'clock in the morning, did you talk with Appo? A. Yes, sir.

Q. Talk about how this accident occurred? A. No; I was reading a morning paper, the World, and he asked me for it, and he called me over and said he would tell me something.

Q. Do you mean to say that George Appo took you into his confidence? A. In other words he asked me—

Q. He called you over to tell you something? A. Yes, sir.

Q. What did he tell you? A. Well, he said that—

Q. Give us his exact words? A. He said he wished he was dead and out of the world.

Q. He wished he was dead and out of the world; that was the first word he said to you? A. I asked him why—

Q. Was he in bed at the time? A. Yes; tied in bed.

Q. And he had the morning World? A. He did not, sir.

Q. Did you have the morning World? A. I got it from the nurse in the hospital.

Q. I asked you if you had it? A. Yes, sir; I had it.

Q. And you were reading the morning World? A. Yes, sir.

Q. And you mean to say that George Appo called you over and wanted to tell you something? A. Yes, sir.

Q. And this thing he wanted to tell you was he wished he was dead? A. Yes, sir.

Q. You have given his exact words? A. Yes, sir.

Q. No mistake about it? A. No mistake about it.

Q. And what did you say to Appo when he said he wished he was dead? A. I think I told him I thought he would be all right.

Q. You thought he would be all right? A. Yes, sir.

Q. Was anything else said? A. No; I asked him what had happened.

Q. You said nothing and he went on to tell something else? A. He told me he cut his own throat.

Q. When did he tell you that? A. Between 6 and 8 o'clock Saturday morning.

Q. We will come to that by degrees; when you said you thought he would be all right, did he say anything? A. He did not say anything more, only asked me for the morning World.

Q. This man that wished he was dead asked you for the morning World? A. Yes, sir.

Q. And I suppose in giving him the morning World you thought you would accelerate his wish to be dead, did you? A. I did not care whether he was dead or alive.

Q. You did not care? A. No.

Q. This man was tied to the bed at the time you gave him the World? A. Yes.

Q. And his arms had been tied the night before? A. His arms had been tied the night before.

Q. And there was no change in his position, as far as being tied? A. He was loosened a little about the body so he could sit up in bed.

Q. Who loosened him? A. The nurse in the hospital.

Q. Loosened him in order to give him the World? A. Yes; and to get him a drink of water.

Q. After you gave him the World did he read it? A. Yes, sir.

Q. You saw him reading? A. He was reading it for half an hour.

Q. Did he say anything while he was reading? A. He made some remarks himself, but I did not pay any attention to it.

Q. You don't remember what he said, if anything? A. No, sir.

Q. Can't you tell whether it was about the subject he read in the World or not? A. He said something about Baer, and Baer's Hotel, that it was done in.

Q. About Baer's Hotel that it happened in; what did he say about that? A. That Baer was a good friend of his, and that he had been there many a time.

Q. Did he say anything else? A. No; nothing more.

Q. A moment ago, officer, you said you did not know what he did state to you, and did not pay any attention; now, you tell us your memory serves well enough to remember the hotel and all about going there; can't you think of something else? A. No; nothing more.

Q. That is the end of it? A. Yes, sir.

Q. How long did you stay there by him? A. From 6 to 8 o'clock.

Q. When he got through reading the World, what did he say? A. He asked the nurse for a drink of water.

Q. What next occurred? A. Nothing more.

Q. Did any further conversation take place between you? A. No.

Q. Not a word? A. Not a word.

Q. Until 8 o'clock, when you were relieved? A. Yes, sir.

Q. When you were relieved, who relieved you? A. Officer Farrell came first, and he was going to take him to court, and Officer Devery came.

Q. And then you went away? A. I went away.

Q. You have given us all the conversation that took place? A. Yes, sir.

Q. Every word, so far as you remember? A. Yes, sir.

Q. You are clear about it? A. Yes, sir.

Q. Now, think; is there anything else he said than you testified to? A. Not as I remember.

Q. Don't you think, you have been so particular in your memory you could remember anything else? A. I think so.

Q. You can say you have given all the words that George Appo said to you while he was in the hospital, both Friday night and Saturday morning? A. To the best of my memory, I have.

Q. Has your memory changed to-day since you came down from the Police Court? A. No, sir.

Q. You testified to anything different in the Police Court in the Tombs? A. No, sir.

Q. You testified to exactly the same as you testified here? A. Yes, sir.

Q. When you testified in the Police Court that he admitted to you that he attempted suicide, didn't you testify to something that you had not sworn to here? A. No, sir I have not.

Q. Why you have given us all the conversation, and yet you

have not given us a word of what you testified in the Police Court, that Appo said those words? A. Yes, I have, every word.

Q. You swore awhile ago that all he said to you was, I will repeat them, that he wished he was dead; he asked you for the World; he asked the nurse for a drink of water; not another word passed between you until 8 o'clock when you were relieved; that is what you swore to; is that true or false? A. I told you the other—

Q. Was it true or false, what you swore to a moment ago? A. Every word I said here was true.

Q. Did you tell the whole truth? A. The whole truth.

Q. When you say he admitted to you he committed suicide, how do you reconcile that, if you told the whole truth? A. I did not say he committed suicide; he attempted to.

Q. Did he say he attempted suicide? A. Yes, sir; I told you that, and in the Police Court.

Q. When did he tell you that? A. Between 6 and 8 o'clock.

Q. I ask you now to give us the exact conversation that passed between you and him between 6 and 8 o'clock, and you gave it to us? A. Yes.

Q. Why didn't you swear then, if you are telling the truth, what he said about attempting suicide? A. I repeated that before to you.

Q. Why didn't you, when I asked you to give the whole conversation, and every word he said, why didn't you tell us about his attempt to commit suicide? A. Because I told it to you before.

Q. I did not ask you before; you volunteered it; do you remember that; you volunteered it; do you remember? A. Yes.

Q. Are you dumb? A. I am not dumb; I remember I told you all about it.

Q. I did not ask you; you volunteered it? A. I did not think it was necessary to repeat it twice.

Q. You do not think it is necessary to repeat under oath what you are asked? A. I was under oath; all I had to say in this chair.

Q. Of course, we know that; now, officer, how long after was it that he asked for the drink of water that he said to you that he attempted to commit suicide? A. When he called me over to him.

Q. How many times did he call you over? A. He called me over more times—probably 50 times, between night and morning.

Q. I am asking you between 6 and 8 in the morning?
A. About half-past 6.

Q. Did he call you over again after he sat up in bed and read the World? A. Yes; he called me over and said about Baer's hotel, and there was a friend of his.

Q. Was that all he said after calling you over again? A. After reading; no.

Q. What did he say the second time? A. That was the second time.

Q. What did he call you over for for the third time? A. The third time he called me over for a drink of water and I refused to give it; I had no authority.

Q. Did he call to you another time? A. If he did I don't remember.

Q. And yet you told us he told you he attempted to commit suicide, and yet you can not tell us the occasion when he told you? A. I told you it was when he called me over to read the paper.

Q. When was it he called you over? A. The first time.

Q. You did not tell me that before? A. I told you once.

Q. Don't get stubborn; it is very serious matter for you; you swore here before them all he said to you the first time he called you over that he wished he was dead, did you not? A. Yes, sir.

Q. Was that true or false? A. It was true.

Q. When I asked you did he say anything else you said he did not say anything else at that time, was that true or false? A. I did, to the best of my memory.

Q. No you didn't; I asked you positively if he said anything else except those words when he called you over first, and you said no; did you swear to what was true or false? A. I swore to what was true.

Q. Did you swear to what was true or false when you said he did not say anything else to you when he called you over? A. I swore to what was true.

Q. You say now he said in addition that he attempted to commit suicide? A. It was the first thing he told me.

Q. Never mind about the first thing he told you; I ask you did he say to you when he called you over and said he wished

he was dead, say at that time he attempted to commit suicide, did he? A. He told me some time.

Q. Did he say at that time that he attempted to commit suicide? A. Yes, sir; he said it at that time.

Q. When you answered me awhile ago that he did not utter a word except "I wish I was dead," did you swear to a falsehood or to the truth? A. I told you first.

Q. Did you swear to a falsehood or to the truth; answer my question? A. Every word I swore to was the truth.

Q. When you said he did not say a word to you except he wished he was dead, did you swear to a falsehood or the truth? A. I swore to the truth every time.

Q. Do you now say that you now swear to the truth when you say in addition he attempted to commit suicide; do you swear that was true that he said at the first time that he attempted to commit suicide? A. I am not positive whether it was the first time.

Q. There is a doubt in your mind of it? A. It was the first or second time he called me.

Q. The second time you swore he only said he wanted the World? A. I think it was after he said he wished he was dead.

Q. That is the first time? A. Yes.

Q. Now your mind is beginning to wander a little, and you have some doubts about it? A. No; I have no doubts about it.

Q. You have fixed your mind determined on the point of suicide, isn't that so, officer; isn't it? A. It is the truth.

Q. You have fixed your mind definitely upon that point that he said to you that he attempted to commit suicide? A. No; I did not; that is the conversation.

Q. Is that the only thing that you are certain of; isn't that the only thing you can swear certainly? A. Yes; I can swear to every word I testified to.

Q. You say after the testimony you have given here that you are certain about everything else except that? A. I am certain about that, too.

Q. You are doubtful about everything else? A. No, sir; I am not doubtful about anything.

Q. Well, officer, what did he say to you when he said he attempted to commit suicide; just give the exact words? A. He said he wished he was dead and out of the world.

Q. That is the whole of it, isn't it? A. He said he attempted to commit suicide.

Q. Give the exact words he said? A. I asked him how it happened, and he said he did it himself; it was between 6 and 8 o'clock in the morning.

Q. Was it the time he said he wished he was dead? A. The time he wished he was dead.

Q. When you went there to his bed and he called you, that was what he first said; he said, "I wish I was dead?" A. Yes, sir.

Q. And now you add, "I wish I was out of the world;" you add that to it now? A. I don't add nothing; only the words he said.

Q. And you said he said, "I wish I were dead and out of the world;" you add, "Out of the world;" you did not say those words before, did you? A. Yes; I said he told me he had attempted suicide.

Q. I ask you what he said, sir; and what you have sworn to here? A. That is what I said.

Q. "I wish I was dead and out of the world;" that is it? A. Yes, sir.

Q. And you have added "Out of the world" to what you testified to before? A. Probably I did not remember it.

Q. Is there anything else you have forgotten? A. No, sir.

Q. You have given the whole of the conversation? A. Everything that I remember.

Q. "I wish I were dead and out of the world;" is that all the words he uttered at that time? A. Yes, sir; I asked him how it happened, and he said he attempted to commit suicide.

Q. When he said, "I wish I were dead and out of the world," did he continue talking or stop talking? A. He stopped; I asked him what happened.

Q. What did he say? A. He said he done it himself.

Q. He said what? A. He said he done it himself.

Q. Give us his words? A. I asked him how came his neck cut, and he said he done it himself.

Q. Awhile ago you said, "How did it happen;" one time you say how it happened, and another time you say how did he cut his neck? A. I said, "How did it happen?"

Q. Are you certain of it now? A. Yes, sir.

Q. As certain as you can be? A. Yes, sir.

Q. And after you asked him how it happened, what did he say? A. He said he done it himself.

Q. What did you next say? A. Nothing more.

Q. Give us his exact words; he did not say he done it himself; give his exact words? A. I asked him how it happened and he said he done it himself.

By Chairman Lexow:

Q. What is the language he used? A. Those are the words he used.

By Mr. Goff:

Q. No; he did not; do you mean to say that George Appo said "He done it himself?" A. Yes, sir; he said, "I done it myself;" he did not say "He done it himself."

Q. Are you in doubt about anything else? A. No.

Q. Have you any other modification of language, or change; he says, "I done it myself?" A. Yes.

Q. And then you were satisfied? A. It was all the same to me.

Q. You were satisfied? A. Yes.

Q. That settled it; he didn't ask any more questions? A. No.

Q. You didn't ask him how he came to do it himself? A. No, sir.

Q. Or what caused him to do it? A. No.

Q. Or if he was in trouble? A. No.

Q. Or drunk? A. No.

Q. Or sober, or anything else? A. No.

Q. You were satisfied then with what the captain had told you in the station-house? A. The captain didn't tell me anything.

Q. The captain told you to go and watch an attempted suicide? A. No, sir.

Q. Do you deny that? A. Yes, sir.

Q. You deny that the captain told you at the station-house to go up and watch an attempted suicide? A. Yes, sir; I do.

Q. You deny that? A. Yes, sir.

Q. Well, but officer, the very first words that you uttered, were that the sergeant told you at the station-house to go up to the station-house and watch a suicide? A. The sergeant and captain are two different people.

Q. You make the distinction there? A. Yes, sir.

Q. Did you see the captain? A. No, sir.

Q. Did you have a word with him? A. No, sir.

Q. And the only information you had was what the sergeant told you? A. That is all the information.

Q. Now, officer, from the time that George said, "I done it myself," was there any further conversation between himself and yourself, while you remained on duty at the Chambers street hospital? A. He asked me for the morning paper after that, and I gave it to him.

Q. Nothing further about this accident or cut? A. Nothing more, only about the Baer's hotel, I told you before.

Q. That is all he said; are you sure you gave us the whole conversation now? A. Yes, sir.

Q. Who did you first tell he told you he did it himself? A. I don't — I told Vallely this morning at the police court.

Q. Who is Vallely? A. He is detective-sergeant at headquarters.

Q. Didn't you tell anyone at the station-house? A. I don't remember whether I did or not.

Q. Will you swear you did not? A. I told you I told two or three that spoke to me about it; I told two or three officers I spoke to; one was Keough and the other was Bishop.

Q. And what did you tell them? A. I told him I thought he committed suicide.

Q. Was that all you told him, your thoughts? A. Yes.

Q. You were a little sharp a while ago; when you said to the officer that he thought he committed suicide, were you telling the truth? A. I told them the words he told me at the station-house, and that I thought he did it himself.

Q. And was it on the force of your thought you were subpoenaed as a witness at the Tombs police court this morning? A. No, sir.

Q. And you told the officer, "I thought he did it himself"? A. I didn't know nothing about it; the captain knows nothing about it whether he told me this or not; but I was taken to the police court this morning and was a witness there when they brought Riordan in, to see if I thought I could identify him as the man that cut Appo.

Q. When was Riordan brought in? A. Between 8 and 9 o'clock.

Q. When he was raving? A. He was not exactly raving; I said he was recovering from 8 o'clock up.

Q. You said it took him eight hours? A. Yes, sir.

Q. He was not recovered when Riordan was brought in? A. Well, he was recovering.

Q. And all you told the captain or anybody else was about Riordan being brought in? A. The captain never spoke a word about Riordan.

Q. Did you know about Appo being a green goods man? A. Nothing but what I heard in the papers about him.

Q. Do you know anything about the green goods men? A. I have read a good deal about it.

Q. As a police officer have you any knowledge of the green goods men in your district? A. I have not been in the Second precinct only two months.

Q. How long have you been on the force? A. Since 1888.

Q. While you have been in the Second precinct had you heard anything at all of the green goods men in the Second precinct? A. Yes, sir; I have read about them.

Q. There has nothing been said about looking after them? A. What he said from the desk; the captain said to look out and be careful.

Q. Of what? A. Of green goods men and bunco steerers.

Q. And what else?

Chairman Lexow.—What kind of men is that?

Q. Have there been any arrests made in the Second precinct of green goods men and "bunco" steerers since you have been in the precinct? A. I could not tell you.

Q. There is another matter that you will be inquired of, officer, so don't leave the court-room if you please; we will excuse you for the present.

By Senator Bradley:

Q. After you got orders from the sergeants to go to look out for this man in the hospital, did you step into any place, or did you meet anyone and have any conversation with anyone when you went from the station-house until you got to the hospital? A. No, sir; I did not meet anybody I know, or stop into any place.

Q. No liquor store? A. No liquor store.

By Chairman Lexow:

Q. You said you did not care whether he was dead or alive; what do you mean by that? A. It was all the same to me.

Q. Is that the usual feeling you have for people placed in your control or custody? A. I did not notice the man.

Q. You had a perfectly indifferent feeling toward this man, and did not care whether he was dead or alive, is that true? A. I had no ill-feeling against him, and never saw the man before.

Q. Why did you make a distinction between him and others placed in your charge? A. I read a good deal about him in the papers and heard he was a pretty hard case.

Q. And because you considered he was a pretty hard case, you did not care whether he was dead or alive? A. Yes.

Q. And you had been charged clubbing citizens? A. I have.

Q. How many times? (No answer.)

Q. How many times (repeated)? A. I think it is twice.

Q. Ever been convicted? A. Yes.

Q. And fined? A. Yes, sir.

Chairman Lexow.—Well, I won't go into that matter.

Mr. Goff.—I think we might as well end it now, as we have him as an exhibit.

By Chairman Lexow:

Q. You have been convicted twice for clubbing citizens? A. I have about 16 charges against me.

Q. How many times found guilty? A. I don't think I have been found guilty on any charge except one.

Q. And you swore in every one of those cases you have not clubbed citizens? A. Yes, sir.

By Mr. Goff:

Q. And the commissioners did not believe you? A. I don't know whether they did or not.

Q. They found you guilty against your own oath, didn't they? A. Yes, sir.

Q. The commissioners were of the same mind as we are in listening to your testimony here, about Appo? A. I don't know about that.

Q. You say, how many times were you convicted? A. I think about 16; not for clubbing; I did not say for clubbing, only for clubbing twice.

Q. How many times have you been convicted for clubbing citizens? A. I think twice.

Q. Are they such trifling things in a policeman's life that you forget it? A. I told you twice, two times.

Q. And who were the citizens that you clubbed? A. One was named John Casey, and the other man's name was, I think, Henry Ott.

Q. Now you are clear about that? A. Yes, sir; I am clear about that.

Q. And what was the judgment against you in the case of Casey? A. Twenty days' pay.

Q. That amounted to about how much money? A. Seventy-five dollars.

Q. How much? A. I think about \$75.

Q. And what was the judgment in the case of Ott? A. Seven days.

Q. And what did that amount to? A. It was a fine of seven days' pay.

Q. That is about \$21, or \$22 or \$23? A. Around that neighborhood.

Q. Each of those citizens you clubbed with your club? A. No; I didn't have no club, but one time I was in citizen's clothes; I was accused of hitting Ott with a pitcher in the head.

Q. With a pitcher? A. Yes.

Q. You were on duty when you clubbed Casey? A. Yes sir; I was on duty.

Q. And you used your night stick upon him? A. I did not get a chance to use it.

Q. But you mean to say you did not club Casey? A. I mean to say I did not club him, and got fined for it.

Q. And you mean to say the commissioners convicted you wrongfully? A. That is what I mean to say.

Q. And that is what you swear? A. That is what I swear.

Q. And Casey swore that you did club him? A. Yes, sir.

Q. And clubbed him brutally, too? A. One time in Jefferson Market police court he swore I did not hit him and then he swore I did; he swore I only struck him once.

Q. And knocked him down and felled him like an ox? A. He was down.

Q. Oh! That is worse again; so that he swore that when he was down prostrate you clubbed him when he was prostrate?

A. The disposition of the case I will give you if you want it.

Q. But he swore that while he was down you clubbed him as an officer of the law with your night stick? A. Yes, sir; I guess —

Q. And the commissioners believed him? A. Well, I suppose they did.

Q. They believed his oath, and they believed the evidence of his witnesses, did they not? A. Yes, sir.

Q. And they disbelieved you and your witnesses? A. Yes, sir.

Q. And they fined him 20 days' pay? A. Yes, sir.

Q. And in other cases that you have been accused of assaulting citizens you have sworn that you did not assault them? A. Yes, sir.

Q. And in other cases you have been convicted? A. Yes, sir.

Q. By the commissioners? A. Yes, sir; I convicted this man too.

Q. Never mind what you did; I ask you what the commissioners did; and after convicting you of all these assaults they practically convicted you of perjury in every case, didn't they?

A. I don't know whether that is so or not.

Q. You say you were only convicted twice for assault? A. Yes.

Q. Let us see; we have here your record from the official record; "Name, Thomas Coleman," that is yourself? A. Yes, sir.

Q. "Appointed, November 12, 1888;" now the list of complaints against you; "The date of the complaint, September 8, 1889, did not properly patrol; one day's pay for that;" you got into the second grade on November 12, 1889; on November 20th you did not properly patrol; you were fined one day's pay for that; on June 10, 1890, standing in conversation with females; you got half a day's pay for that; you were convicted of that, talking to females? A. Yes.

Q. Just think of it? A. I think there was only one female there; I do not believe there was two.

Q. That is the reason you were fined half a day because there was only one? A. Yes, sir; I don't know —

Q. On July 9th, assaulted a citizen with a pitcher, and on July 29th — A. I don't think that date is right, though.

Q. The record here speaks; on July 9th, the date of the complaint? A. It was the 6th of July, I think.

Q. Oh, that was the 6th that you used the pitcher, but the 9th is the date the complaint was made against you? A. That is right.

Q. And on July 29th you were convicted and fined seven days' pay? A. Yes, sir.

Q. What had you been doing — working the growler with the pitcher? A. I guess so.

Q. Had you been drinking? A. No, sir; I had not been drinking.

Q. What had you been using the pitcher for? A. I went for friends for a pitcher of beer.

Q. Were you at a mixed ale party? A. No, sir; I was not.

Q. On October 1st, there was a complaint against you; "Did not properly patrol;" and on that you were fined two days' pay; you were put to the first grade on May 5, 1891, and on March 30 1891, "Without cause, threatened a citizen and called him a thief;" what citizen was that you threatened and called a thief, too, without cause? A. His name was Gaffney; I don't know his last name.

Q. And you swore that you did not, of course?

Senator Bradley.—He says his name was Gaffney, but he didn't know his last name.

The Witness.—Gaffney was his last name; I don't know the first name.

Q. You swore you did not, on the trial, didn't you? A. Yes.

Q. And the commissioners did not believe you then? A. They fined me five days' pay.

Q. They convicted you? A. Yes, sir.

Q. And fined you five days' pay? A. Yes, sir.

Q. Were you ever prosecuted of that in the civil court? A. No, sir.

Q. By the way, were you ever complained of or prosecuted in the civil courts for assaulting the citizen with a pitcher? A. No, sir.

Q. That is the only thing that has ever been done to you? A. Oh, you have got the whole record there.

Q. That is the only punishment that has ever been inflicted upon you? A. Yes; for that case.

Q. You mashed a pitcher over his head, didn't you? A. He accused me of doing so.

Q. The commissioners found you guilty of it, did they not? A. I did not do it; but they found me guilty of it.

Q. But you have never been prosecuted for that in the criminal court? A. I was arrested that night, but the man refused to make a complaint.

Q. You were not prosecuted in the criminal courts, except the fine of seven days' pay, for that? A. No, sir.

Q. You were fined five days' pay for calling Mr. Gaffney a thief, and threatening him without cause; on May 13th you assaulted a citizen with your club, and were fined 20 days' pay; was that the citizen you have spoken of? A. It was Casey.

Q. From the record we find, "Thomas Coleman, Twentieth precinct, fined 20 days' pay, aggregating, \$65.75; charge, assaulted John Casey, 444 West Twenty-sixth street, on May 31, 1891; complainant Casey was sitting on a piece of granite in front of his residence, when the officer came along and without any cause, struck him several violent blows with his club on the legs and shins; complainant was born there and had lived there all his life for 20 years; he was a bricklayer by trade;" that is the specification against you? A. I don't remember about that.

Q. And on which you were found guilty? A. Yes, sir.

Q. Have you ever had any punishment inflicted upon you except the fine of 20 days' pay, for that? A. No; only he served me with a civil action for \$3,000.

Q. What became of that civil action? A. I never heard of it since.

Q. That is the last of it? A. That is the last of it.

Q. I suppose, officer, even if he got judgment against you in that civil action it would not be worth much? A. I am not worth \$3,000.

Q. You have not been a wardman? A. No; I have never been in citizen's clothes.

Q. On October 18th you did not properly patrol, and you were fined one day's pay for that; on October 21st you were off post standing in a doorway, and you were fined one day's pay for that; do you remember all those things? A. Yes.

Q. On January 13, 1892, while under the influence of liquor you assaulted two persons; do you remember that, sir? A. I was accused of it.

Q. When you swore that you were only convicted for assaulting two citizens, two assaults we have here on the record, and

those two assaults, one with the pitcher and one with a club?
A. I was not convicted of assault in these.

Q. Here you assaulted two persons in addition? A. I was discharged in that case, and I told you I was convicted on two cases.

Q. Let us see, here is the record, if you were discharged, "Thomas Coleman, Twentieth precinct, May 27, 1892, fined 30 days' pay; charge, under the influence of liquor and violently assaulted one Maggie Cox and John Kiely, of 343 East Thirty-first street; complainant, Captain Cross; on January 12, 1892, Captain Cross found this officer at the Twenty-second precinct station-house, under arrest, charged with assault; he was drunk; he had knocked down little Maggie Cox, and she was bleeding from the back of her head; the captain sent her to the hospital?" Do you remember that? A. Yes, sir; I remember it.

Q. And when you swore a while ago that you were only convicted twice, of assault, did you swear what was true or false?
A. Yes, sir; I was not convicted of that charge.

Q. Here is the record, you were fined 30 days' pay? A. For intoxication I was fined.

Q. Then you were fined for being drunk, and not for knocking a little girl down and cutting her? A. I was tried in the Jefferson Market police court, and discharged there.

Q. I ask you now in the trial before the police commissioners, do you mean to say you were fined for drunkenness, and you were not fined for knocking this little girl down and cutting her? A. Those people never made the complaint against me.

Chairman Lexow.—Here is the specification that was proven; he was fined 10 days' pay for assault and 30 days' pay for intoxication, is that the usual way?

Mr. Goff.—That is about the way of it. Why, standing in a doorway, and failing to properly patrol his post, is a greater offense for a police officer to commit than to club a citizen, or to knock down a little girl and cut her.

Chairman Lexow.—It seems so from the verdict.

Mr. Moss.—There is only one dismissal from the force, for assaulting a citizen in three years. Here is the specification, and there is the judgment. Let me read that specification. Here is the specification in this case: "That said patrolman, Thomas Coleman, was so much under the influence of intoxicating liquor at 10 p. m., January 12, 1892, as to be unfit for police

duty, he being at the time on the sick list, under the care of Police Surgeon Charles Phelps.

“Second. That said Patrolman, Thomas Coleman, between the hours of 8 and 9 p. m., January 12, 1892, did strike Miss Maggie Cox, age 15 years, of 346 East Thirty-first street, a severe blow on the mouth with his fist, while she was walking on Broadway, between Forty-eighth street and Forty-ninth street, with her father, knocking her down, causing her to receive a severe scalp wound on the back of her head.

“Third. That Said Patrolman Thomas Coleman, during the hours of 8 and 9 p. m., January 12, 1892, did strike John Kiely, aged 19 years, of 450 West Thirty-third street, a severe blow on the mouth with his fist, breaking one of his (Kiely's) teeth; complainant, Adam A. Cross, captain, Twenty-eighth precinct. Witnesses, Charles Phelps, surgeon of police; John H. Nesbitt, surgeon of police; Andrew J. Thomas, sergeant, Twentieth precinct; Bernard Cahill, sergeant, Twentieth precinct; John Kiely, 450 West Thirty-third street; Maggie Cox, 346 East Thirty-first street; Patrick Cox, 346 East Thirty-first street; John Aiken, patrolman, Twenty-second precinct. Signed Adam A. Cross.” And your signature is there. That is your signature to those specifications to show they were received by you? A. Yes, that is my signature.

Chairman Lexow.—Did the captain of the precinct make the charge himself?

Mr. Goff.—Yes, sir. Now, we will read the judgment: “At a meeting of the board of police department of the city of New York, duly convened and held pursuant to law, and the rules and regulations of the said board, at No. 300 Mulberry street, in said city, May 27, 1892. Present.—James J. Martin, Charles F. MacLean, John McClave, John C. Sheehan, commissioners. In the matter of the charges against Thomas Coleman, patrol of the police force of the police department of the city of New York, attached to the Twentieth precinct. Upon reading and filing certain written charges in this matter, dated January 13, 1892, duly made and preferred in the form and manner prescribed by law, and the rules and regulations of the said board, by Captain A. A. Cross, against the said Thomas Coleman, and a member of the police force of said city, and due proof having been made that a copy of such charges, together with a written notice that the same had been made and preferred

against him, the said Thomas Coleman, requiring him to appear and answer thereto, at a proper time and place named in said notice, had been duly served upon him, the said Thomas Coleman, in the manner required by law and the said rules and regulations; and he, the said Thomas Coleman, having appeared and answered at the time and place mentioned and required by said notice, and the said charges having been duly brought to a hearing, and duly tried, heard, publicly examined, and investigated in the manner required by law and the rules and regulations of the said board, and full opportunity having been afforded to the said Thomas Coleman to be heard in his defense; and the proofs and allegations in relation to said charges having been duly taken and recorded as required by law, and the said rules and regulations, and the deliberation thereon had; now, therefore, it is resolved, declared, ordered and adjudged, that the said charges are true, and that the said Thomas Coleman, be and is hereby fined 30 days' pay, and compensation or salary, is hereby ordered to be forfeited and withheld, amounting to \$98.62. By order of the board of police. William H. Kipp, chief clerk."

Q. What do you say now about you being convicted upon the charge of having knocked down Maggie Cox? A. They never made a complaint against me at police headquarters at all.

By Chairman Lexow:

Q. The record shows they were examined there as witnesses? A. No, sir; the record does not show that.

By Mr. Goff:

Q. Do you mean to say this record is a falsehood? A. I mean to say they never went to police headquarters.

Q. Do you mean to say this record was a falsehood? A. They never appeared against me.

Q. Didn't you terrify them against appearing against you in the Jefferson Market Police Court? A. I did not, sir.

Q. Didn't you and your brother officers go and testify them against interfering against you? A. No; I was under \$1,000 bail; I was examined and discharged.

Q. Because they did not appear against you, and because they were intimidated against that? A. I never did intimidate them.

Q. Your brother officers did? A. I don't know that they did.

Q. You know that is the custom? A. No, sir.

Q. You know when one is charged, all the rest work for you, in an assault against a citizen? A. No, sir.

Q. Now, even if it was true that they did not appear against you at police headquarters, the police surgeon appeared against you and testified to the condition of this little girl, and the boy whose tooth you broke, and your own brother officer appeared against you, and even on their testimony you were convicted? A. Yes, sir; I was convicted, sir.

Q. Now, we will proceed with one question more; when I have read to you now this specification, this will make four assaults, Mr. Officer, and you swore you were convicted of only two assaults, how do you explain that? A. I explain it because those people—I could not be convicted because they did not go to police headquarters against me.

Q. You say this is not a conviction of 30 days for clubbing one Maggie Cox and breaking Kiely's tooth? A. They could not find me.

Q. And you were fined 30 days? A. For intoxication.

Q. Do you mean to say your defense was when you knocked down Maggie Cox and knocked out Kiely's tooth, you were intoxicated? A. My best impression is I did not do it at all.

Q. Let me read you the defense; your offense was, "sickness, grip, medicine, etc., etc.;" you remember putting in that defense; that is the record, there it is; you were sick? A. Yes, I was sick.

Q. You had the grip, had been taking medicine and had been suffering from disease, etc., etc.; that was your defense for knocking down this little girl and breaking this young man's tooth; you are a fine specimen of a police officer.

Mr. Goff.—On October 18th—I will follow on with your interesting record. On October 18th, "Did not properly patrol." You were fined one day's pay for that. On October 21st you were off post, standing in a doorway, you were fined one day's pay for that. On January 13, 1892, you were under the influence of liquor. That is the Maggie Cox matter? A. I think you read that all.

Q. Your memory is pretty short now; you do not want to be guilty of more than you are guilty of? A. I guess I am guilty of enough there.

Q. On February 5, 1893, you did not properly patrol and were fined one day's pay; on February 17th, you did not properly patrol; the charge, I believe, was dismissed? A. Yes.

Q. One dismissal; one bright mark in your record; on August 16th, you failed to go to detailed post as ordered and were fined two days' pay; on November 21st, you did not properly patrol, and were fined one days' pay; on March 18, 1894, you were absent from post in a restaurant and were fined half a day's pay, and on March 22d, you did not properly patrol, and fined one day's pay, altogether 16 charges.

Chairman Lexow.—That is what he testified to.

Mr. Goff.—Sixteen charges, and 15 convictions out of the 16 charges, and four of those brutal assaults upon citizens. I wish merely to read this. There is another interesting episode of your trial. You were asked by the commissioner: "Q. It has been stated here by some of the witnesses who have testified that you were under the influence of liquor on this night; now, will you state to the commissioners whether you had taken a drink of anything that day? A. I have not taken a glass of whisky in 15 years, and I defy any man to say I have."

The Witness.—Fifteen months; I did not say 15 years.

Q. Fifteen months you said; that is a misprint? A. It must be.

Q. Later on, "Q. (By a commissioner.) And you say that you were not under the influence of liquor, and haven't tasted a drop of whiskey in 15 years? A. Yes."

"Q. (By commissioner.) What medicine did you take that day?" And you answered, "A. I have got the medicine here in my pocket; I took five quinine pills, and two capsules, and a glass of hot lemonade."

Q. Did you have all that in your pocket at the time? A. I don't suppose I had that.

Q. And under the influence of these terrible and powerful narcotics and stimulants, you knocked down this little girl on Broadway, and broke—quinine and capsules and lemonade? A. Kiely hasn't a tooth broken to-day.

Q. The commissioners said you had broken it? A. I have not seen his tooth broken.

Q. Have you examined him since? A. Yes; I have seen him since.

Mr. Goff.—Now, I think, Officer Coleman, we will excuse, that you may pursue your brilliant and meritorious career on the force.

The Witness.—Thanks; much obliged to you.

Mr. Moss resumed the stand, and testified as follows:

The paper referred to by Mr. Moss, in regard to the trials of Captain Carpenter and McLaughlin, was here marked in evidence, "Exhibit 3, October 2, 1892, L. W. H."

Mr. Moss.—Continuing the line of testimony upon which Mr. Goff was interrogating me, there were a great many cases of licenses broken, and a great many convictions obtained against houses of ill-fame or the proprietors of houses of ill-fame by the Society for the Prevention of Crime, to which matters I am knowing, and the uniform rule was that the houses continued to do business, regardless of the raids and regardless of the convictions, and that no saloon ever went out of business, though its excise license was broken. Sometimes the ink of the revocation was hardly dry, before a new license was issued to another person, who, of course, swore he had no business connection with the individual whose license had been broken. I never knew a house of ill-fame being closed up through a raid, until the one or two cases that were brought to public attention by Doctor Parkhurst in 1892, Hattie Adams and Mary Andrews. I believe those houses were really broken up. In one case, the case of Lena Demerville, officers of our society procured and had the proprietors and girls arrested three different times, and three different times they were held for trial. On the third occasion, Justice Taintor, before whom the case came, who knew of the previous raids, made a departure and held all the girls, some six girls, as vagrants, and committed them to the island for six months; but those girls never went to the island. They were removed from the Fifty-seventh street prison to the Jefferson Market prison, upon a pretext that the Fifty-seventh street prison was not in order to accommodate them — there were some repairs being made. Another justice was sitting at Jefferson Market. On the following day that justice signed a formal certificate to the Commissioners of Charities and Corrections, requiring them to discharge the girls; that was Judge Grady, and the girls never went to the

island, and were discharged, without Judge Taintor's knowledge. When the matter was brought to his attention, which was some months afterward, it was made a subject of inquiry by the grand jury of this county, who found no indictment, but found a presentment on the subject. It appeared that the Commissioners of Charities and Corrections had violated the law, and made themselves liable for misdemeanor by discharging these girls without a certificate from the committing magistrate; but it further appeared that they supposed that the justice who signed the certificate was the committing magistrate; so while they were legally guilty, they were not morally guilty; and the grand jury did not go to the extreme of indicting anybody. But this checked the practice, which was very prevalent, of discharging vagrants or persons charged with disorderly violations and preventing them serving upon the island. Some time since I began an examination of the record of police trials at police headquarters. A large part of the examination was made by me personally. Portions of it were made by Mr. Gregg, a lawyer associated with me, and by a clerk, but all under my direction. I have prepared a volume which I furnish to the committee now, with an index on the last page, showing, first, the law and practice of the trials; second, the trials of superior officers, then general statistics of trials for 1891, 1892 and 1893. Table of convictions for offenses amounting to crimes, total of misdemeanors and felonies, a few cases of assault in 1890. Table of convictions for abusing citizens, etc., not amounting to crime. Table of complaints against officers for assaults and other crimes, which were not decided May 1, 1894. Table of complaints for assaults and other serious matters, dismissed. Table of dismissals from the force with causes. Table of extremes, fines and causes, and then following that general statement, the particulars of certain interesting cases, which were referred to page by page, tables in the early part of the book. This examination only covers about three years, from January 1, 1891, to May 1, 1894. From this examination it appears, that the majority of the officers of the force have several convictions against them, most of them being for disciplinary offenses. It also appears that the accused officer generally denies a charge on oath and an adjudication of his guilt is necessarily a determination of his perjury. We have not discovered that any official notice is taken of this perjury, many

charges being denied under oath, and the officer going back to duty without any conviction except the conviction for the offense charged. I find that many of the convictions, which would be convictions of misdemeanors and felonies, if rendered in a criminal court, the penalties are these small fines. From May 1, 1891, to May 1, 1894, only four officers were dismissed for assault, and in many outrageous cases the officers were punished by fines of from three to 15 days' pay. Of those four convictions, three were for assault on officers, and one case in the three was a conviction for assaulting a citizen which occurred on the day of the parade of General Sherman's funeral where the assault was committed on the line of march, and witnessed by General Wingate, and Duke Townsend, and other prominent citizens, who appeared as witnesses on the trial. The most of the cases of dismissal, are intoxication and absence without leave. I find on May 1, 1894, there was a large number of assault cases still pending and undecided, and some of them dating back for a couple of years. I find, too, a very large proportion of assault cases dismissed. There appears to be no provision or practice in the department for causing the punishment criminally of an officer who has committed crime. Occasionally it appears they are prosecuted, but always in an accidental way by the appearance of the adjudged person in a police court, or by some reason, some peculiar circumstance that brings it to the attention of the magistrate. A number of officers are convicted by the court each year of criminal assaults and oppression and are fined and returned to duty. There are now on the force 90 officers, who have been convicted since January 1, 1891, for assaulting and abusing citizens, some of the cases showing brutality appalling, in most of the cases the officers have denied the charge under oath. The charges contain definite specifications, and the judgment is always a formal adjudication that the charges are true. There are on the force a number of policemen who had been convicted two or more times for assaulting and abusing citizens. Prior to May 1, 1894, there were very few officers above the grade of patrolman, who had been tried or convicted. The four captains whom I mentioned in my previous testimony, together with Captain Connor, who was charged with assault, and false arrest in 1891, but in whose case there never has been any decision, and the case of Captain Stevenson, who assaulted a citizen,

and was reprimanded for it, December 6, 1890 — those are all the cases against police captains for five years prior to March, 1892, when the grand jury made a presentment against the police department. After the presentment of the grand jury, and prior to the appointment of this investigating committee, there were charges against Inspector Williams and Captain Dogherty of permitting gambling-houses to be run, on which Inspector Williams was acquitted and Captain Dogherty was reprimanded. There was charges against Inspector McAvoy and Captain Westervelt for permitting an opium joint to be run; against McAvoy and Stevenson, for permitting gambling-houses to be run. McAvoy was acquitted and Williams and Stevenson were reprimanded. The first serious punishments; that is punishment by retirement, which occurred to police captains, were subsequent to the appointment of this investigating committee. I find that in 1891 there was 4,059 trials at police headquarters. In 1892, there were 3,421 trials. In 1893, there were 4,209 trials; a total of 11,689 trials in three years. We will offer this volume in evidence, Mr. Chairman, with the schedule.

Chairman Lexow.— A copy of it.

Mr. Moss.— Yes, it is in triplicate, with the schedule which I mention testified to in detail, and we will substantiate the volume, by calling a police officer and other witnesses, as the hearing progresses.

Chairman Lexow.— There are here a number of places that are erased? A. Those came in by mistake; those are not to be considered. I shall have a copy rebound with those out.

The two volumes referred to are marked Exhibit 1, October 2, 1894, L. W. H.

Chairman Lexow.— All witnesses under subpoena, especially the officers, will attend this afternoon at a quarter after 2. We stand adjourned until that time.

AFTERNOON SESSION.

October 2, 1894.

Mr. Moss.— Mr. Chairman, with your permission, I will continue the statement that I was making from the witness chair, and give some facts which did not occur to me then. The total number of cases where officers were convicted upon charges

or testimony that amounted to crimes, from January 1, 1891, to May 1, 1894, which I examined, were 109. Ninety-two of those men are still on the force. The punishment allotted was as follows:

Two days' fines, eight cases; three days' fines, 22 cases; five days' fines, 36 cases; eight days' fines, one case; 10 days' fines, 25 cases; 15 days' fines, five cases; 20 days' fines, eight cases; 30 days' fines, nine cases. Dismissals from force, four cases.

The nature of the crime in each case was the subject of examination, and from the charges and the testimony I have divided them under their appropriate heads.

Criminal neglect of duty, 12 cases; oppression, 28 cases; indecent exposure, one case; assault, third degree, 56 cases; assault, second degree, 45 cases; burglary, one case; crime against nature, one case.

I would say that the specification did not allege that in so many words, but the testimony which was the basis of the conviction, alleged it in specific terms, in detail; and that officer was not dismissed from the force but was allowed to resign some two years, I think, afterward. I will be specific about that case later. Attempted rape, one case.

That appeared upon the evidence; not in the specification.

Number of misdemeanors, 97; number of felonies, 46.

In examining these cases we noticed, after a while, that it was customary for the officer to deny the charge on oath. We did not examine each case for the purpose of putting it in the category of denials, but noticed 66 of the 109 cases where the officer was convicted, notwithstanding his denial on oath of the charge. There were many more than 66.

In addition to the 109 cases where assaults were committed, or other acts amounting to crimes committed, there were 22 cases where officers were convicted of matters of a serious nature, such as abusing citizens but not amounting to assault. For instance, Officer John J. Barnes was convicted of carelessly handling a pistol and accidentally killing a citizen. He was convicted of that charge and fined ten days' pay. On August 27th the officer was examined before a coroner who concluded that the circumstance was accidental, so that he was not held for criminal trial, but before the commissioners was convicted of having carelessly handled his revolver. The fact of the discharge of the pistol and of the death of the citizen was proved,

and he was fined ten days' pay. There are two cases of officers who entered the names of citizens on registry books on the registration days prior to election. It appeared by the testimony which was given, that they took the places of clerks, of registry officers, who were absent, and apparently did not intend to do more than clerical work; but they were found guilty, and one man, William J. Mooney, was fined three days' pay. The other case was Charles A. Place, fined three days' pay, 1891, December 4th.

I found 56 cases of assault and other serious charges which had not been decided on the 1st of May, 1894.

These cases run back as far as the 10th of February, 1891.

Then I found within that period 65 cases in which the complaints were dismissed. We have not attempted to say that in any particular case the dismissal was contrary to the evidence, and we have not estimated the cases where the complaints were dismissed, or where no decision has been rendered, in our presentment of the matters mentioned by Mr. Goff before this committee to-day. We prefer to rest our case upon those points, upon the convictions of officers by their superiors, the police commissioners. That eliminates all questions that could be raised as to the conduct of the police department.

Within that period, 1891 to 1894, we found 61 dismissals, which are mentioned at page 33 of this book. The cause of dismissal is given opposite the name of each man. Only four of those dismissals were for assault, as we have previously stated. The prevailing cause is absence from post, intoxication, not properly patrolling.

I offer in evidence the record of Alexander S. Williams, which was marked for identification. It is not very long, and I will read it with your permission: August 3, 1866, appointed; February 25, 1867, absent from post and in company with his side partner; March 21, 1867, reprimanded.

Chairman Lexow.—Where did you get that record?

Mr. Moss.—This record is furnished by the department. I read from the official copy of the book, showing the record of each officer.

Chairman Lexow.—Does the police record show that phraseology: absent from post with his side partner?

Mr. Moss.—Yes, sir; exactly that.

Chairman Lexow.—What does that mean?

Mr. Moss.—That means that he and his brother patrolman, the officer with whom he was paired, were absent from post.

Chairman Lexow.—Is that the expression of the police department?

Mr. Moss.—It is an expression that is frequently used.

Mr. Moss continued to read from the record of Alexander S. Williams as follows: June 29, 1870, absent from roll-call; fined two days' pay. September 15, 1870, neglected to return to his post, directly from court; complaint dismissed. September 15, 1870, arrested a vendor for cruelty to animals; complaint dismissed. September 27, 1870, absent from post in Revere house; complaint dismissed. promoted to roundsman, July 10, 1871; promoted to sergeant, September 23, 1871; promoted to captain, May 31, 1872. May 28, 1875, assaulted Owen Clark, in front of residence; complaint dismissed. April 10, 1875, used improper language to Thomas Wild; reprimanded by superintendent. March 8, 1876, insulting, menacing and defamatory words to Alex. McGuw; reprimanded by superintendent. March 8, 1876, failed to enforce an ordinance; complaint dismissed. March 19, 1879, assaulted W. V. Blake, at Gilmore's Garden; complaint dismissed. March 19, 1879, neglected and refused to pull gambling-house at request of Michael Dunn, who lost money in said house; complaint dismissed. March 19, 1879, neglect and refusal to pull gambling-house at request of Charles Williams who lost money in said house; complaint dismissed. March 20, 1879, neglected and refused to pull gambling-house at request of Thomas W. Murphy, who lost money in said house; complaint dismissed. March 21, 1879, neglected and refused to pull gambling-house at request of James Kearney, who lost money in said house; Complaint dismissed; abusive language to a clerk of police department, fined 10 days' pay; October 20, 1879, assaulted Charles W. Smith, at Twenty-fourth street and Fifth avenue; complaint dismissed; August 21, 1879, refused to give information to a reporter named John Campbell; complaint dismissed; May 3, 1885, allowed gambling-houses to exist in his precinct; complaint dismissed; January 11, 1893 — that complaint was dismissed; February 27, 1885; March 3, 1885, allowed gambling-houses to exist in his precinct; dismissed complaint; promoted to inspector, August 10, 1887; January 11, 1893, neglected to enforce law against gambling; complaint dismissed. In reading this record we call attention to the serious

nature of the charges and the uniform success of Mr. Williams in securing acquittal. It has been stated in evidence that there is no record of the trial of Captain Williams upon the charges mentioned by the witness last in the chair, and for the purpose of establishing the fact of the trial we produce the papers and minutes of that trial, which we will not offer because they are so bulky. I will merely read the indorsement: Complaint, papers and testimony in case of Captain Williams. Date of complaint, June 28, 1887. Date of trial, July 6, 1887. Complaint by Jules Chatelain. No judgment rendered.

I now read in evidence specification and judgment in the case of Patrick H. Cash of the Thirty-fifth precinct, charged with neglect of duty. Date of complaint, December 2, 1893. Date of judgment, January 2, 1894. Judgment of the commissioners: Fined three days' pay. The specification is: First, that said Patrolman Patrick H. Cash was absent from his post and was leaning on the bar of the Kingsbridge Hotel at Two Hundred and Twenty-fourth street and Kingsbridge road, in the bar-room. I told him he had better go and patrol his post, at 10:05 p. m., December 2, 1893. Second: He went out of the hotel and went about 200 feet south and sat down on the ground with his back leaning against a telegraph pole, from 10:10 until 10:30 p. m. Third: He then went back to the hotel and was in the bar-room leaning against the bar, at 10:35 p. m., during his tour of patrol duty. Complainant, John Pepper.

The judgment of the court was three days' fine.

I will now read in evidence the specification and judgment in the case of Frederick B. Miller. Date of complaint, December 2, 1893. Date of judgment March 27, 1894. Judgment: Dismissed from force.

I read the specification: First. Said patrolman, Frederick B. Miller was absent from his post and was in the bar-room of the Kingsbridge hotel, at Two Hundred and Twenty-fourth street and Kingsbridge road, leaning against the bar. I told him to go and patrol his post, at 10:05 p. m., December 2, 1893. Second. He left the hotel and went about 200 feet south and sat down on the ground with his back leaning against a telegraph pole, from 10:10 to 10:30 p. m. Third. He then went back to the hotel and was in the bar-room leaning against the bar, at 10:35 p. m., during his tour of patrol duty. Complainant, John Pepper, Thirty-fifth precinct.

It does not appear in the testimony attached to either one of these complaints that these officers were together, but the specifications bring them together at the precise moments and at the precise places. One officer was found guilty and fined three days' pay; the other officer was found guilty and dismissed from the force.

The name of William J. Gregory was then announced, but not responded to.

Mr. Moss.—I offer in evidence the judgment in the case of William J. Gregory, of the Seventh precinct. Date of complaint, November 27, 1891. Date of judgment, December 22, 1891. Judgment of the court: three days' fine, \$8.21. I read the specification, which is as follows: Said Patrolman, William J. Gregory, arrested one Samuel Alperwitz, aged 14 years, in the coal office, at 179 Monroe street, at about 1:15 a. m., November 26, 1891, and discharged him on the way to the Seventh precinct station-house, during his tour of patrol. Complainant, John Fitzgerald, sergeant, Seventh precinct. Witness, Samuel Alperwitz, 179 Monroe street.

The case is rested entirely on the testimony of the complainant, Samuel Alperwitz. The officer having been convicted, the testimony must have been taken as true. The testimony in this case, which I hand your honors for your personal investigation, shows the commission of a crime against nature. It appears from the record that William J. Gregory resigned from the force August 19, 1892. The conviction was December 22, 1891. He was permitted to resign more than six months after that conviction. Your Honors will find a transcript of that on page 91 of the volume which you have in your possession.

Bolton Hall, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. Forty-six West Nineteenth street.

Q. Are you a lawyer? A. Yes, sir.

Q. May I ask you if you are related to the Rev. John Hall?

A. Yes, sir; I am his son.

Q. Did you have an experience at the Church street station-house, on or about the 12th of May of this year? A. Yes, sir.

Q. Please tell us about it? A. I was passing home about half-past 5 and I noticed in front of the station a peddler's cart overturned with a lot of bananas underneath it; I went into the station and remonstrated with the man in charge of the desk; he asked me what my business was, and I told him; then he said, "You haven't got much business now, have you?" I said I was very well satisfied; he said, "What business is it of yours anyhow?" I said I was a citizen and meant to see justice done if I could; then he asked me whether I had been drinking mixed ale or beer; I told him he knew very well I had been drinking nothing at all; he said, "Anyway you are interfering with me; officer, put this man out;" so I made sufficient resistance to show that I was unwilling to go; the doorman assured me that if I did not go out I would be locked up; I had merely inquired why the property in his precinct was neglected in front of the station-house, and to whom it belonged; I think that was the whole of the experience.

Q. Were you put out of the station-house? A. I was put out, yes.

Q. By force? A. Sufficient force; I intended to have sued the sergeant, so I made the man use sufficient force to make a legal case.

Q. Did you make any complaint to any police official about that experience? A. Yes; next morning I sent around to find out what the name of the sergeant was, giving the hour; the officer then in charge of the desk said that he didn't know; I then wrote to the police commissioners stating the whole case and calling attention to the fact that it was manifestly untrue that they did not know who was in charge of the desk at that time; then the sergeant called on me, the man who had ordered me put out, and apologized, and someone was sent down from police headquarters or from the commissioners' office — I don't know which — and upon the fullest apology being made and assurances given me that the man's property had in fact subsequently been taken care of, restored to him, I withdraw the complaint.

Q. Then there was no complaint made by this man's superior officers against him? A. I never heard of any.

Q. So far as you know there never was any trial of the officer for his treatment of you? A. I understand there was not, but then I requested that there should not be; as far as I know there was not.

Q. Is that officer still on the force, do you know? A. I couldn't say.

Mr. Moss.—That is all, unless the Senators want to ask something.

The Chairman.—That is all, Mr. Hall.

Thomas Mason Knox, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. Do you reside at 32 East One Hundred and Twenty-ninth street? A. No. 32 West One Hundred and Twenty-ninth street.

Q. What is your business? A. I am a student in Columbia College, and I am also in real estate.

Q. Did you have an experience with the police quite recently; if so, state the date? A. I imagine you are alluding to the affair we had in Mr. Crimmin's lot; I think it was the 2d of last June.

Q. Will you please to describe that occurrence in your own words, but brief; tell all that there is of it? A. The boys of the sophomore class of the college have a custom of having a cremation at the end of their sophomore year, which entails a torchlight procession through the city; they made an application and received permission to parade in their precinct, but not having received permission to parade up town, they disbanded and went up in groups of five or six to Mr. Crimmin's lot on Sixty-eight street and Avenue A, I think it was, for which they had a permit; there were two policemen there, I believe; we explained our right to go in the lot and told them about a permit, and they said it would be all right; they went in and had their bonfire and were extremely quiet; so much so that the students thought it was quite a slow affair.

Q. It was not up to former years? A. Not by any means.

By Senator Cantor:

Q. Very unsatisfactory then? A. Very unsatisfactory, and I should imagine about quarter past 11, somewhere near 11 o'clock, a squad from the Sixty-seventh street station came down at the end of the lot, and without asking us to disband or saying a word to us; of course the boys didn't move, knowing they had this permit; they charged us with their night clubs'

some of the boys were quite badly hurt; the lot was full of scrap iron and rails, etc., and they fell, and the officers kicked and clubbed them when they were down and when they were up; I was struck by a missile which was thrown by one of them and my hat was knocked off; they were kind enough to allow me to pick it up, but I don't know whether it was in order to get the advantage of me, because I was not quite up by the time I received quite a severe kick from one of the officers; I was clubbed on the shoulders and on the head, but not severely hurt; still sufficiently to be uncomfortable for a day or two; one of the boys fell, and I saw him kicked when he was down and he was unable to get home without assistance.

By Mr. Moss:

Q. Who was that? A. Mr. Valentine.

Q. Where was he hurt? A. On his back and sides; I assisted him part way home, then he took a cab; I spent the rest of the night going around to the newspaper offices, but not immediately; I went down with several of the boys to Sixty-seventh street station; two or three of them were admitted.

By the Chairman:

Q. Admitted to what? A. To the station, Sixty-seventh street station.

By Mr. Moss:

Q. Were the rest barred out? A. Yes, sir; they saw the officer in charge there, and he asked for specific charges for the different men.

Q. That is, he wanted you to name the specific officers or policemen who had hit you? A. The specific policemen who had hit us; it was impossible; it was quite dark; we couldn't see their numbers; there was not time to inquire their numbers; they were very busy all the time making use of their sticks, and, of course, it was impossible to state the special policemen who had struck you.

Q. You mean, struck you; fortunately I have not been struck this far; when it happens I will take care of it? A. I mean, struck the students; they simply said they could do nothing about it; several other men tried to get in; they were not allowed to enter; then the policemen were either ordered, or volunteered, to clear the block, which they did.

Q. You mean to clear the block near the station-house? A. Near the station-house; every man was sent away; then, as I say, I went down to the newspaper offices.

Q. Did you ascertain what policeman had charge of the squad that interrupted your festivities? A. I understood it was a Sergeant Rice.

Q. Have you been present at any proceeding when Mr. Rice admitted that he had charge of the squad? A. No; I have not; several of the boys, a day or two later, I think, went down to police headquarters and lodged a complaint there, and I understand—I was out of town, but I understand the squad were brought down there, the Sixty-seventh street squad, and were questioned; what it amounted to I don't know.

Chairman Lexow.—Strike out what he understood.

Q. How many officers were there in the squad that raided your party? A. I should imagine about 50 or more; I may be making a high estimate on that, but I should think about that.

Q. It appeared to you that there were as many as 50? A. It appeared to me that there were 150.

Q. How many of the boys were there? A. There were about 100, I should think.

Q. Were these all college boys? A. College boys.

Q. Students in Columbia college? A. Yes, and alumni.

Q. Those were the students that the squad of policemen from the Sixty-seventh street office charged with night-sticks? A. Yes, sir.

Q. And kicked? A. Yes, sir.

Q. Has there been any trial at police headquarters, any examination before the commissioners? A. Simply what I said before; it was reported so in the newspapers; I was not present.

Q. You were never examined as a witness? A. I was never examined.

Q. Never asked to appear? A. I was never asked to appear.

Q. Do you know whether Mr. Valentine ever appeared? A. I think so, but I will not swear to it.

Mr. Moss.—Is Mr. Pffer present?

The Chairman.—Is Mr. Pffer present?

(There was no response to the call.)

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By Chairman Lexow:

Q. What occurred just immediate to the charge made upon you with the night-sticks? A. Nothing whatever.

Q. Was there any consultation between you and the police, or between the captain of your force and the police? A. Previous to our going into the lot we spoke to the policemen and they said it would be all right; we had a permit.

Q. Did they charge upon you without a word, without any notice, or warning of any kind? A. Without any notice whatever.

Q. Without any conversation? A. Without any conversation whatever.

By Senator Cantor:

Q. You say this was a very quite gathering of students? A. Yes.

Q. It is a very extraordinary thing among college students to have a quiet and peaceful gathering, isn't it? A. Yes, sir.

Q. You were rather surprised at it? A. Yes, sir.

Q. And the police officers charged upon you because you were so quiet? A. I don't know why they charged on us.

By Mr. Moss:

Q. It is not so quiet when they beat a tattoo on you? A. No, sir.

By Senator Cantor:

Q. There had been a conflict between the Columbia college students and the police in the past, had there not? A. I believe so a week before they were ordered out of the grounds; then they were not so quiet.

Q. They were not so quiet then? A. Not by any means.

Mr. Moss.—Is Officer Bernard Dunn present?

(No response to the call.)

Thomas Lucas, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. Seventy-one King street.

Q. What is your business? A. Truckman and rigger.

Q. Have you recently had any experience with the police?

A. Yes, sir.

Q. What is the matter with your face? A. I was to the doctor twice, to the hospital.

Q. How does your face come into that condition? A. Through policemen's club.

Q. When? A. Sunday night.

Q. Are you a product of an artist with a club; is that the idea? A. Well, it is a club done it.

Q. What officer clubbed you? A. From MacDougal street; I think his name is Mr. Dunn.

Q. When were you arraigned in court? A. Monday morning.

Q. Monday of this week? A. Yes, sir.

Q. What was the charge against you? A. Taking an excise prisoner from a policeman; trying to take an excise prisoner.

Q. The charge was that you interfered with an officer who was arresting a violator of the Excise law? A. Yes, sir.

Q. You have been held for trial on that charge, have you not? A. Yes, sir.

Q. Are you under bail now? A. I expect it up there pretty soon.

Q. Then you are produced by the warden of the Jefferson Market prison? A. Yes, sir.

Q. You are waiting for bail? A. Yes, sir.

Mr. Moss.—I suppose it would hardly be proper to ask this man whether the charge against him is right or wrong.

Chairman Lexow.—Why not?

Mr. Moss.—Very well then, I will ask him about that as a matter of judicial inquiry.

Q. Tell us all about it? A. I came from Grime's picnic about a month ago; I came down with a side-partner of mine; I had some money in my pocket; I was just after changing a five dollar bill; I had four dollars in a vest pocket, and the rest in another pocket; I sat down in a doorstep, me and my friend, and a policeman came and tried to shake me up, corner of Hudson and Watt.

Q. You mean he woke you up? A. Woke me up; he couldn't wake me up, and he left me sleep there; when I did wake up I got over the corner of Canal and Watt, and three of them were laughing; I lost the \$4; I asked the policeman did he find out anything about it, and he said no; he gave me a kind of a funny answer; then I saw this other policeman, the side-partner —

By Senator Bradley:

Q. What was the funny remark; what did the policeman say to you? A. He told me to go away or he would put me away; he said to go home; I had no place there.

Q. That was not very funny? A. I forget what he said; I guess he put a little more in it.

By Mr. Moss:

Q. Only tell what you know? A. Then Sunday night I was going up toward Spring street, and I met this side-partner of a policeman coming up with a fellow; I didn't know exactly he was a prisoner; he didn't have hold of him; I asked him, "Did you find out anything about those \$4 I was robbed of?" with that, he must have got angry, and he came back and hit me in the face.

Q. What did he hit you with? A. I think it was either his fist or his club.

Q. You don't know? A. I don't exactly know; the next blow I got was with a club, and that stunned me, and I fell in the gutter, and he beat me in the gutter unmercifully on the head and on the face; a young man, Mr. McHugh, he asked the policeman to stop; I said, "For God's sake don't kill me altogether;" and when this man heard that he asked the policeman to stop; he didn't seem to stop; just as he was bending over and trying to lift the policeman off me, lift me up, this other policeman in citizen's clothes jumps on him and locks us up; then when I got in the station-house with the blood running down my neck; I had to put one shirt away; here is one of them (exhibiting the shirt); there was one of them inside called me a pretty tough name, and he made for me inside.

By Senator Bradley:

Q. What did he call you? A. He called me a son-of-a-bitch; there the blood was running down by pailfuls out of my head, but the sergeant came and sewed it up.

Q. Do you mean to say that another officer struck you while you were in the station-house? A. He did, and I made a run for the sergeant; he had to come out; only for that I guess they would have killed me altogether.

By Mr. Moss:

Q. Was anybody arrested before you were struck by the policeman; do you understand the question? A. Yes, sir.

Q. Did he arrest anyone before he struck you? A. I don't know that.

Q. You don't know whether he did or not? A. No, sir.

Q. Did you interfere with his arresting anybody? A. I didn't know he had a prisoner.

Q. So this is all news to you that he had a prisoner and that you interfered? A. That is now; I never interfered with any policeman; this is my first offense; I have been working 14 years for the one boss.

Q. Do you think you have committed an offense by running up against a club? A. No; I think if I asked a question he ought to give a civil answer.

Q. Do you think it was an offense to ask a policeman about money that you lost? A. I think I ought to ask if he had any clew to it.

Q. It is an object lesson; how is your head hurt; what is the matter with the top of your head? A. It is all cut up, all marked; it is sewed; the doctor took the stitches out this morning.

By Senator Bradley:

Q. How many stitches did he put in your head? A. I guess he put in eight or nine.

By Mr. Moss:

Q. The statement I have is 27? A. I don't know exactly how many, but I know he took a good many out; the doctor can tell you that.

Q. Was that officer a large man or a small man? A. A large man, clean-faced young fellow.

By Chairman Lexow:

Q. Have you ever been arrested before? A. I was for intoxication, once for doing a little damage with a truck.

By Mr. Moss:

Q. You ran into something, did you? A. Yes, sir.

By Chairman Lexow:

Q. Have you ever been charged with the commission of a crime? A. No, sir; never was behind the bars, any more than the part of a night.

Q. You mean those two offenses you spoke of? A. Yes, sir.

Q. One for being intoxicated and the other for doing damage with a truck? A. Yes, sir.

Q. Did you ever have any altercations or words with this particular officer before who struck you? A. No, sir.

Q. Do you know him? A. Only by sight.

Q. Was that the same person, same officer, that shook you, tried to wake you up? A. No.

Q. Were you employed for 14 years with the same concern? A. Yes, sir; Devlin & Co., 46 Forsyth street.

Q. Have you been engaged in trucking for many years? A. Trucking and rigging and the like of that.

Q. How long have you been a truckman? A. Since I was 12 years old.

Q. And are to-day, or will be when you get out? A. Yes, sir.

Q. And during all that time you only had one complaint or charge made against you with reference to your trucking? A. That is all.

Q. And no other charge except one charge of intoxication? A. That is all; no crime at all.

Q. Are you a family man? A. No, sir; I support a brother and mother.

By Senator Bradley:

Q. How long were you kept in prison from the time you were arrested for being intoxicated? A. I was not in prison at all; I was only in the cell in the station-house until next morning; I was discharged then.

Q. By the judge? A. Discharged by the judge.

Q. I thought the law compelled the judges now to fine at least one dollar? A. I don't know they didn't fine me.

By Mr. Moss:

Q. Do your honors desire to hear this man who was with the witness or shall we take his time for another one?

Chairman Lexow.—It does not seem to be necessary to corroborate that because even if a man is guilty of a crime he

ought not to be punished that way. Unless a man is a brute or a fiend in human shape he ought not to use his club that way.

Mr. Moss.—Is Mr. McNish present? (No response.)

Mr. Moss.—Is Walter H. Richards present? (No response.)

William McLachlan, a witness called by the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Where do you live? A. One hundred and forty-one East Thirteenth street.

Q. You had an experience with the police about the 20th of May, of this year, didn't you? A. I believe I did, sir.

Q. Get right down to it, and tell us of it as quickly as you can? A. I am under indictment for this; I have got to come to trial yet, and I don't wish to hurt myself on the trial unless I am given the protection of this court.

Q. You mean to say that the officer who assaulted you made a charge against you on which there is an indictment pending? A. Yes, sir.

Senator Cantor.—I think you should be entitled to the protection of counsel.

The Witness.—I have no counsel; I lost my position and everything through it, and I haven't worked since.

Mr. Moss.—I am sorry, but, I think, under the circumstances, we should excuse this witness, for there have been witnesses who have been seriously injured by testifying.

The Witness.—If you will read that paper I gave you, you will see that he did the same with another party.

Q. The same officer? A. The same officer.

Q. You mean, made a complaint in connection with a clubbing matter? A. A lady who made a charge against him at police headquarters for another offense.

Mr. Moss.—You may be excused, Mr. Lachlan; we won't allow you to hurt your own case, and I hope it may be noted by all hands interested, that this man declines to testify against this officer.

The Witness.—I do not decline to testify.

Mr. Moss.—I mean so that you may have the benefit of being saved from persecution.

Officer Richard S. Meany, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What precinct are you attached to? A. The Twenty-fifth.

Q. How long have you been on the force? A. Three years.

Q. Whereabouts is the station-house of the Twenty-fifth precinct? A. Sixty-seventh street, between Third and Lexington avenues.

Q. Were you in the party of officers that charged upon the Columbia college students? A. Yes, sir.

Q. You were in that party? A. Yes, sir.

Q. Did you have your night-stick that night? A. No, sir.

Q. What did you have? A. A billy.

Q. Did you club anybody? A. No, sir.

Q. Didn't hurt anyone at all? A. No, sir.

Q. Did you touch anybody? A. No, sir.

Q. Did you see anybody that was touched? A. No, sir; I didn't go into the inclosure at all; I stayed on the sidewalk.

Q. Who has charge of the squad? A. Roundsman Rice.

Q. Can you name any other officers who were in that squad? A. Our whole section was there.

Q. How many? A. Twenty-four, I guess.

Senator Bradley.—Twenty-four officers and 24 sticks?

Q. Except one billy? A. They were all "billys;" we were not allowed to go out with the night-sticks.

Q. It was in the night time, wasn't it? A. Yes, sir.

Q. Don't you always carry night-sticks at night? A. No, sir; never; not now.

Q. Are they entirely abolished? A. Except in case of riot.

Q. How many complaints have you against you? A. I had a good many this year; I have no account of them.

Q. Have you had any since the 3d of April? A. Yes.

Q. How many since the 3d of April? A. I think I have had five; I ain't sure.

Q. Five since the 3d of April? A. I think five; I wouldn't swear to it.

Q. Do you know how many complaints there have been altogether? A. I have no record of them; I have the records of them home; I don't remember.

Q. I have the official record of Officer Meehan before me, which shows 15 complaints up to and including April 3d; from

December 8, 1891; he was appointed November 11, 1891, and the first complaint was December 8, 1891; in these cases he was discharged; complaints were dismissed in two cases only; what has been the nature of the cases since the 3d of April?

A. I have had conversation, at not properly relieving; that is, coming in a half an hour late after roll-call.

Q. Was there any for assaulting citizens? A. No, sir.

Q. Nothing but disciplinary offenses? A. That is all, sir.

Q. What has been your habit upon the trial of your cases; have you always admitted your guilt? A. Always admitted, except in one case, and I was justified in defending it because the charge was wrong; I had two witnesses to verify it.

Q. Which case was that? A. Where I was charged with assaulting a citizen on the Boulevard.

Q. Was that the case of John Strohneidel? A. Yes, sir.

Q. You say you did deny the charge there? A. Yes, sir.

Q. When were you charged with assaulting John Strohneidel? A. It was in February or March.

Q. Do you remember the judgment of the commissioners? A. Three days' pay.

Q. How much was that? A. About \$9 or \$10.

Q. Nine dollars and eighty-six cents appears on the envelope; now, let me read the specifications of the charge against you:

"First. Said Patrolman Richard S. Meaney did, on Wednesday, January 10, 1894, at about 4 o'clock in the afternoon, forcibly enter the private apartments of one John Strohneidel at No. 1424 Avenue A, and without warrant of law and against the protests of said Strohneidel.

"Second, Said Patrolman Richard S. Meaney did, on Wednesday, January 10, 1894, at about 4 o'clock in the afternoon, in the apartments of John Strohneidel, at No. 1424 Avenue A, strike said Strohneidel several blows on the head and face with his fist and made use of vile and indecent language to him."

The judgment of the court is here, which adjudges that the charge is true; do you remember the testimony of the complainant in that case? A. Yes, sir.

Q. Did the complainant testify that you called on him with two men to demand money for some furniture bought by him on the installment plan? A. Yes, sir.

Q. Did he say that the men went in a room and you stayed outside? A. Yes, sir.

Q. Did he testify that those men demanded the furniture and that he refused to deliver it, and that they called you in from the hall? A. Yes, sir.

Q. Then did he say that he protested and tried to close the door, but that you pushed him and knocked out the glass? A. Yes, sir.

Q. Did he testify that you pushed his wife and struck him on the head several times? A. No, sir; I don't remember that.

Q. Did he testify that he went to the window, opened it, and called for assistance? A. Yes, sir.

Q. Did he testify that you followed him through the rooms and struck him? A. Yes, sir.

Q. Did he testify that while he laid out of the window calling for help that you kept punching him in the head? A. Yes, sir.

Q. Did he testify that the men didn't take the furniture after all that? A. Yes, sir.

Q. Did he testify that he asked you what you licked him for? I don't remember that.

Q. Did he testify that you said "I am a policeman; I have a right to kill you if I want to?" A. I don't remember that.

Q. You don't remember whether he testified to that or not? A. No, sir.

Q. Did he testify that you wanted to punch several other people? A. I don't remember whether he said that either; he might have, but I don't remember.

Q. Did he testify that he assaulted him because of a personal insult.

Senator Cantor.—Why would it not be better to put the whole record in?

Chairman Lexow.—This is not testimony.

Mr. Moss.—Not at all. The purpose of this branch of the testimony is this: Whether these officers are guilty or not, not charging against Mr. Meaney, but whether they are guilty or not. The commissioners have said that they are guilty. The commissioners have said that they are guilty upon the testimony which the complainant has adduced. The commissioners, finding that the testimony was true and convicting the officer, fined him three days' pay.

Senator Cantor.—They may find him guilty without the specification. They are not bound by the specification.

Mr. Moss.—Pardon me, Senator. The record is here which in so many words adjudges that the charges are true, and the specification is made a part of the charge.

Senator Cantor.—But do you not recollect the testimony of Mr. McClave, that sometimes the commissioners when they find a verdict of guilty upon the evidence, at the same time do not state exactly upon what charge that judgment is founded. The specification may be of a serious offense, but at the same time, the commissioners may think that the officers are guilty of a minor offense and may award a very much smaller punishment. I suggest, if these officers are going to be tried, if your are going to produce the record it is one thing; but it is hardly fair to put in the evidence against them without putting on record the evidence in their favor. It is not fair. Where you are going to produce the testimony of the complainant it is simply but fair to the witness inasmuch as he has been on trial and the commissioners have determined on the evidence what punishment should be awarded, that the whole record should go in, and that this witness or any other witness should not be misjudged by the questions that are asked.

Mr. Moss.—Let me say this: The commissioner who gave that testimony is the same commissioner who, from the record offered yesterday, adjudged a man not guilty of a certain thing when he confessed that he was guilty.

Senator Cantor.—We had a case in the General Sessions yesterday where the jury could not agree after the prisoner had pleaded guilty to the charge.

Chairman Lexow.—It would seem to me to cover the whole point in this case, if the learned Senator will specify any part of those specifications under which this man was found guilty of a charge that would justify the police commissioners in fining him three days' pay. An assault upon a citizen and almost felonious entry into a citizen's house are the charges that are made; now, if any one of those charges entitle the police commissioners to fine him three days' pay, I think the whole record ought to go in.

Senator Cantor.—I do not know what record is here, but I do protest, in all fairness, and in all justice, that the testimony of the complainant ought not to be admitted alone, and this witness not be given an opportunity of making a defense; if the learned counsel is going to assume that the testimony of the

complainants, on all these trials, is true, that is one thing; but, if he is going to assume that there was a regular trial and that the commissioners acted on the evidence, that is another thing; in other words, if it is for the purpose of persecuting every police officer against whom charges are made, that is one thing; but of you are going to be fair with the police force of New York, that is another thing. I do not know whether this charge is true or not. It may be true, so far as I know, but I am only able to say, in common fairness and justice to these men, that evidence on both sides ought to come in, and then let the people determine whether the police commissioners or not acted properly.

The Chairman.—On the contrary, it is for the Senate committee to determine. The criticisms passed by the Senator are entirely without point, for the reason that, without any objection having been made by the Senator, that this was not to be considered as testimony.

Senator Cantor.—It goes on the record just the same, and it is unfair to a public officer that that should be done, unless his defense goes in with it. There has been a great deal of that going on with the committee.

The Chairman.—The committee have already passed upon that subject. They will permit counsel to introduce the record of the conviction, together with the specifications, as indicating upon the face of the papers what the charge was, and also what the sentence of the court was.

Senator Cantor.—May counsel go on examining what the complaining witness testified to?

Chairman Lexow.—The chairman has already ruled that that is no testimony.

Mr. Moss.—Permit me to read in evidence the first part of the specification: "I hereby charge Patrolman Richard S. Meaney, of the Twenty-fifth precinct with conduct unbecoming an officer; in this, to wit:" Then follow the specifications which I have alleged. The judgment in the case adjudges that the charges are true.

Senator Cantor.—Is that not sufficient without the testimony of this witness?

Mr. Moss.—The purpose of the evidence is to show that when the commissioners have adjudged him guilty of those specifications upon the testimony which is adduced, and which I am

perfectly willing to hand to any Senator who desires to use it, the board of police commissioners, taking the testimony with all that is in it as true, fine him only three days' pay. Now I proceed to ask the officer:

“Q. Were you ever put on trial in a criminal court for this offense? A. No, sir.

“Q. Did you ever do a day's time for this assault? A. No, sir.”

Q. I read from the testimony of the complainant at page 5 as follows —

The Chairman.—The same objection is made to that, Mr. Moss, and it does not seem to me to be quite fair to those who are charged here, to have matters of that kind published without giving them an opportunity to contradict it; we want to be fair to the force just as much as the gentleman who is about to receive a Congressional nomination from one of the districts of this city.

Q. Have any charges for perjury been preferred against you? A. No, sir.

Q. Has anyone questioned you for your testimony upon that trial with regard to its truth or untruth — superior officer, I mean? A. No, sir.

Mr. Moss.—That is all.

Witness.—I would like to make a slight explanation, if I would be allowed.

Chairman Lexow.—That testimony with reference to the complainant's testimony against you is stricken out.

Officer Edwin V. Luman, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your precinct?

Chairman Lexow.—I would suggest putting in the conviction and specification and asking any other questions material, but not going into the testimony.

Mr. Moss.—I, of course, do not wish to address you upon any subject that may have been widely determined upon; but it seems to me that the circumstances which were present in the minds of these commissioners when they rendered this judgment, the circumstances in this testimony which they must

have believed to have rendered the judgment, is a matter which should be considered on the question of the appearance of their judgment as to its right or wrong to the case.

Chairman Lexow.—That is right.

Mr. Moss.—And that is why I think it would be wise occasionally to introduce some portions of the evidence given by the complainants which the commissioners must have taken as true, which gave the coloring that the commissioners had in mind when they rendered their judgment. The specification is a mere legal statement of the offense. The specification will say, for instance, that he used profane language. Now, profane language might be limited to a single deed, or it might be strung out into the usual police oath. A single deed may be forgiven most men, but the expressions which fall from the lips of these officers, as appears upon the record, is a different thing, and the fact that this is continuous, and that it is winked at by the imposition of very small fines, is a circumstance that ought to appeal to this committee. The specification will not go into the detail of language or action. It may say that an officer violently clubbed a citizen, but it won't say that he broke his jaw. I have a case in mind now of a policeman who threw his club at several little boys that were playing on the sidewalk. The club struck one boy on the jaw and broke it. Upon the trial the commissioner asked the boy: What is the matter with your face. The boy replied, "That is where the officer struck me. He threw his club at me." Then the commissioner turned and lectured the officer, saying, "You are a brute. You have no business to be on the force," or words to that effect. The result was only a small fine. That case would not be sufficiently understood by the committee by simply taking the specification that that officer threw his club at the boy.

Chairman Lexow.—But it does not seem to be quite fair to put an officer on the stand here and get him to swear to the testimony of a complainant against him in a case of that kind. You can put the whole record in evidence, or a portion of the record in evidence; or you can put the statement of the commissioner in evidence. But to put simply the story of the complainant in the officer's own mouth seems to be going too far.

Mr. Moss.—I will agree to that most willingly. If I may read from the minutes of the trial I am quite satisfied.

Q. How many convictions are there at police headquarters against you for assaulting citizens? A. I believe there are two.

Q. Are you sure? A. Yes, sir.

Mr. Moss.—I offer in evidence the judgment-roll in the case of Edwin V. Luman. Date of complaint, July 6, 1892. Judgment, September 8, 1893, nearly a year afterwards; fined three days' pay. I will read the specification:

“I hereby charge Patrolman Edwin V. Luman, of the Eighteenth precinct with conduct unbecoming an officer, in this, to wit:

“First. That the said Patrolman Edwin V. Luman did, on Monday, July 3, 1892, at about 8:30 p. m., at the corner of Seventeenth street and First avenue, grab by the collar one Edwin C. Murtha, and began pulling him down Seventeenth street, falsely charging him with having insulted a young woman.

Second. That the said Patrolman, Edwin V. Luman did, at about 8:40 p. m., same date, on Seventeenth street, violently push said Murtha and struck him in the eye with his fist, knock his hat off, kicked and broke it, and used violent threatening language to said Murtha. Complainant, Edwin C. Murtha.

THOMAS BYRNES,

Superintendent.

The judgment adjudges that the charge is true.

Q. Did you arrest the individual mentioned, Edwin C. Murtha? A. No, sir; not at the time.

By Chairman Lexow:

Q. Did you ever arrest him? A. No, sir.

By Mr. Moss:

Q. Did you deny his charge upon oath at police headquarters?

A. I denied having struck him; yes, sir.

Q. And you were convicted, notwithstanding your denial?

A. Yes, sir.

Q. Did any superior officer ever speak to you about having denied the charge under oath after you were convicted? A. No, sir.

Q. Were you ever arraigned in a criminal court for this assault? A. No, sir.

Q. Never received any punishment whatever, outside of this conviction and penalty of three days' fine? A. No, sir.

Q. That was \$8.21? A. I can not exactly say what it was.

Q. It appears on the face of the envelope, \$8.21.

Senator Cantor.—I suppose the judgment was rendered unanimously by the board.

Mr. Moss.—They all appear to be so.

By Chairman Lexow:

Q. Is there a general impression prevailing among the members of the force that if they can assault a citizen, they will only be fined from 10 to 30 days' pay? A. No, sir; I don't believe an officer on the force would assault a citizen unless he had some provocation for it.

Q. That is not the question; is there a general impression prevailing among the members of the force that if they do assault a citizen, all the damage that will come to them will be a fine of from 10 to 30 days' pay? A. I couldn't say as to that.

Q. Is that the opinion you have? A. No, sir; I have no such impression.

Q. Have you got an impression, or have the members of the force, to your knowledge, got an impression, that any act unbecoming an officer would be fined, but not punished in any other way? A. No, sir.

By Mr. Moss:

Q. Were you, on the 29th day of December, 1893, fined 15 days' pay upon a charge that you assaulted John McGlone? A. Yes, sir.

Q. I read the specification:

“I hereby charge Edwin V. Luman, of the Eighteenth precinct, with conduct unbecoming an officer. Specifications: In this, to-wit:

“First. Said Patrolman Edwin V. Luman did, on September 18, 1893, at about 12:30 a. m., strike one John McGlone with his baton on the head and also kicked him, and addressed vile and threatening and indecent language to him.

“Second. Said Patrolman Edwin V. Luman placed one John McGlone under arrest on a false charge and caused him to be confined from September 18 until October 13, 1893.

“Signed by THOMAS BYRNES,

“Superintendent.”

That is the charge upon which you were convicted? A. Yes, sir.

Q. Did you deny that upon oath? A. I denied it; yes, sir.

By Chairman Lexow:

Q. Do you know, officer, whether you were convicted under the first or the second specification? A. I couldn't exactly say.

Q. Were you not told that you were found guilty under the one or the other? A. No, sir; I couldn't exactly say what specification it was.

Mr. Moss.—They are always on the whole charge, the charge and specifications. I have found but one case where an officer was found guilty upon one charge and not upon all. There was one case where an officer was accused of burglary, and there was another issue and he was found guilty, not of the burglary, but the other issue.

By Mr. Moss:

Q. I show you this photograph which I find among the papers; do you identify that? A. Yes, sir.

Q. Is that John McGlone? A. No; that is Edwin V. Luhman.

Q. That was part of your evidence? A. Yes, sir.

By Chairman Lexow:

Q. Did you get an impression from the verdict or the judgment that was rendered by the commissioners that if you made a false charge against a citizen you would only be fined 10 days' pay? A. No, sir; a false charge was made against me.

Q. But after that verdict, that judgment was rendered, did you believe that from that you might falsely charge a citizen, and that all the judgment or punishment that would be rendered against you would be 15 days' pay? A. No, sir; I couldn't say as to that.

Q. Did you think about it? A. Never gave it a thought.

By Mr. Goss:

Q. You said you were convicted only twice for assaulting citizens? A. Yes, sir.

Q. Do you remember being convicted for assaulting Thomas McGowan? A. Yes.

Q. That makes the third case? A. Yes, sir.

Q. You are now on the force — A. I thought that was a joint charge then.

Q. The fact is that you are still on the force although you have been convicted three times of assaulting citizens? A. Yes, sir.

Q. I read the charge in the third case: "I hereby charge Patrolman Edwin V. Luhman, of the Eighteenth precinct, with conduct unbecoming an officer.

" Specifications in this, to wit:

" First. Said Patrolman Edwin V. Luhman, while in full uniform was in the liquor saloon on the northeast corner of Twenty-fifth street and Second avenue, on September 18, 1893 from at about 12:30 a. m.

" Second. Said Patrolman Edwin V. Luhman did, on September 18, 1893, at about 12:30 a. m., in the liquor saloon northeast corner of Twenty-fifth street and Second avenue, address vile, indecent and threatening language to one Thomas McGown, because said McGown refused to treat the said officer.

" Third. Said Patrolman William V. Luhman, on September 18, 1893, at about 12:30 a. m., on the sidewalk in front of liquor saloon northeast corner of Twenty-fifth street and Second avenue, addressed vile and indecent language to one Thomas McGown, struck him on the face with his fist, and with his baton, knocking him to the street, dislocating his shoulder and inflicting other severer injuries.

" Complainant, Thomas McGown. Thomas Byrnes, superintendent."

Q. The judgment was that the charges were true; for that how much was it that you were fined? A. I believe that was also 15 days.

Q. Forty-one dollars and nine cents upon the papers it appears? A. Yes, sir.

Q. Did you, in that case, also testify under oath, that you were not guilty? A. Not guilty; yes, sir.

Q. No one has made any criticism — I mean no superior officer — of your testimony, as to its untruthfulness in those three cases? A. There might have been some.

Q. You never have heard of it? A. Yes, sir; there was some criticism.

Q. Who made it? A. I couldn't exactly say his name.

Q. Any of the commissioners? A. No, sir; some district attorney.

Q. Not a policeman? A. No, sir.

Q. Have you been reprimanded for untruthfulness, or anything like it? A. No, sir.

Q. Do you know of any officer who has testified upon oath, of course, in denial of charges against him, who has been brought to task for it by the police commissioners? A. No, sir.

Q. Is it not a common thing for officers when on trial at police headquarters to deny the charge under oath? A. I don't know about it; no, sir.

Q. You don't know? A. No, sir.

Officer, William McHugh, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your precinct? A. Thirty-fifth.

Q. How many times have you been tried at police headquarters? A. I don't know the exact number of times.

Q. I may state from the record that it was 10 times; does that agree with your recollection? A. Somewheres about eight or nine, I thought, I am not certain.

Q. Twice the complaint has been dismissed? A. I believe so, sir.

Q. Other times you have been found guilty? A. Yes, sir.

Q. Did you at all times deny the charge on oath? A. No, sir.

Q. How often did you deny on oath? A. As often as I thought I was innocent.

Q. How often? A. About seven times; I wouldn't be certain.

Q. Are you the officer who was convicted on August 12, 1891, of subjecting a woman to rough and violent treatment and assaulting her husband with a club? A. Yes, sir.

Mr. Moss.—I will read the charge:

“I hereby charge Patrolman William McHugh, of the Thirty-fifth precinct, with neglect of duty and conduct unbecoming an officer.

“Specifications. In this, to wit:

“First. That the said Patrolman William McHugh did, while on patrol duty on January 25, 1891, at about 9 o'clock p. m., leave his post and enter a dwelling-house at Spuyten Duyvil, near the Hudson River Railroad depot, where he remained until two hours drinking beer.

“Second. That the said Patrolman William McHugh did, at or about 11 o'clock on the evening of January 25, 1891, in a hallway

of said dwelling at Spuyten Duyvil, in a rough and violent manner, take hold of Mary Potchatko; crowded her against the wall and made every effort to overcome her.

“Third. That the said Patrolman William McHugh did, at the time and place above mentioned, when remonstrated with by the husband of said Mary Potchatko, strike him twice with his club. Complainant, Mary Potchatko.

“THOMAS BYRNES,

“Chief Inspector.

“Judgment, August 12, 1891.

“Present, John McClave, John R. Voorhis, James J. Martin, commissioners.

“Now, therefore, resolved, declared and ordered that the said charges are true and that the said William McHugh be and he hereby is fined 15 days' pay — \$49.31.

Q. Where you ever tried in a criminal court upon this charge?
A. No, sir.

Q. Did you deny this charge? A. Yes, sir.

Q. On oath? A. Yes, sir.

Q. How long ago is that? A. That was in 1891, I believe.

Q. And you have been on the force ever since? A. Yes, sir.

Q. Were you ever suspended? A. No, sir.

Q. Weren't you suspended from duty while this complaint was pending? A. No, sir.

By Chairman Lexow:

Q. Is there an impression among the members of the force that they can commit any crime and the punishment will be forfeiture of pay? A. No, sir; I never felt that way.

Q. This was a pretty serious charge, wasn't it? A. Yes, sir; the charge was untrue.

Q. Did you regard it as serious? A. I did; yes, sir; one of the most serious of my life.

Q. Did you consider the 15 days' pay a proper and adequate punishment for the crime which you committed, as charged in the specification? A. I thought it was wrong; I thought it was an injustice.

Q. You had an opportunity to present your side of the case. didn't you? A. I did, sir; partly so; some of my witnesses I couldn't get.

Q. How do you account for a conviction which you think so unjust; haven't you any way in your own mind by which you

can account for it? A. I am not in a position to judge the action of my superiors.

Q. Have you an impression in your mind that judgment was reached by any unfair means? A. No, sir; I have no reason to know or understand in what manner the police commissioners come to any decision.

Q. Has any information come to you which in any way will account for this judgment? A. No, sir.

Q. You don't want, then, to be understood as charging that they were unfair with you; I mean, improperly considering or treating your case? A. I don't understand that question thoroughly.

Q. Do you mean to say that they improperly or unfairly treated your case? A. I don't say that they did, but I feel that there was an injustice done me in fining me.

Q. I wanted to give you an opportunity to say anything which might shed any light you could on the way in which this judgment was obtained; have you heard from brother officers who have been convicted of offenses, and who have felt that their convictions were unjust, anything which indicated unfair or improper treatment of their cases? A. I have never spoken to any officers on that subject.

Mr. Moss.—I offer in evidence a judgment-roll in the case of Henry F. Jacobi. Date of complaint, January 18, 1894. Judgment, April 13, 1894. The specification is this:

“I hereby charge Patrolman Henry F. Jacobi, of the Twentieth precinct, with violation of the rules. Specifications: In this, to-wit:

“First. Said Patrolman Henry F. Jacobi, at about 9 o'clock, p. m., January 4, 1894, during his tour of patrol from 6 p. m. until 12, midnight, applied to a druggist for medicine to be used by himself, such medicine not having been prescribed by a police surgeon in writing; this in violation of rule 516 of the Manual.

“Second. Said Patrolman Henry F. Jacobi, on January 4, 1894, during his tour of patrol from 6 p. m. until 12, midnight, applied to a druggist at 313 Tenth avenue for medicine to be used by himself, such medicine not having been prescribed by a police surgeon in writing; this in violation of rule 516 of the Manual.

“THOMAS BYRNES,

“Superintendent.”

For that offense Mr. Jacobi was fined 30 days' pay, \$98.62.

I read in evidence judgment against Isaac H. Weiner. Date of complaint, November 20, 1893. Date of judgment, December 8, 1893. Judgment one days' pay. He was fined one days' pay, and the specification is:

"I hereby charge Patrolman Isaac H. Weiner, of the Thirteenth precinct, with neglect of duty.

"Specifications. In this, to wit:

"Said Patrolman Isaac H. Weiner failed to report a dead cat in front of No. 376 East Tenth street, during his tour of patrol duty from 1 until 6 p. m., November 19, 1893."

I also read in evidence the judgment in the case of James Conklin. Date of complaint, June 23, 1890. Judgment, July 24, 1891. Dismissed from the force.

The specification is as follows:

"I hereby charge Patrolman James Conklin of the Ninth precinct with neglect of duty.

"Specifications. Is this, to wit:

"Said Patrolman James Conklin was absent from the 6 p. m roll-call, June 22, 1891, and did not report for duty until 8:12 a. m., June 23, 1891, this during his tour of patrol duty."

His absence was from the 6 o'clock roll-call, June 22, 1891, 6 p. m., and he reported at 8:12 the next morning and was dismissed from the force for his absence.

I also read judgment-roll in the case of Henry Rosenthal. Date of complaint, July 25, 1891. Judgment, November 27, 1891. Fine 20 days' pay. The specification is:

"Said Patrolman Henry Rosenthal did, on the 25th day of June, 1891, make the false statement that Patrolman Michael McCallion, of the Eighteenth precinct, had broken his arm while skylarking with him, the said Henry Rosenthal at Long Island City, on June 20, 1891."

I call attention to this: That upon a false statement to a superior officer that an injury to a brother officer had come through some skylarking in Long Island City, the man was fined 20 days' pay. Your honors will remember the testimony of witnesses who have testified upon oath before the police commissioners and whose testimony has been adjudicated to be false over and over again.

Officer William G. Neeley, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your precinct? A. The Eighth.

Q. How many times have you been tried at police headquarters; the record says 20 times? A. I couldn't say for certain.

Q. You don't know that, do you; it appears that on only one of those occasions was the complaint dismissed; was that right? A. I believe so, sir.

Q. Have you usually denied the charge on oath? A. Not in all cases.

Q. Were you ever found fault with for such denials? A. In what way?

Q. By any superior officer? A. Do you mean on post?

Q. Any superior officer; did any superior officer ever find fault with you in any way for your denials on oath in these cases? A. Do you mean in making the complaint against me?

Q. Were you charged with perjury by anybody? A. No, sir.

Q. Were you charged before the commissioners with false swearing? A. No, sir.

Q. Or for false statements? A. No, sir.

Q. You never were fined 20 days' pay for false swearing? A. No, sir.

Q. I read a specification, where judgment was rendered August 12, 1891:

"I hereby charge Patrolman William G. Neeley, of the Twenty-third precinct, with conduct unbecoming an officer.

"Specifications. In this, to-wit:

"First. Said Patrolman William G. Neeley did, at or about 3:15 p. m., March 6, 1891, enter the apartments, No. 947 Ninth avenue, and there make improper proposals to one Mary Jones, and when ordered to leave the room, refused to do so, and acted in a disorderly manner, so much so, that the said Mary Jones was obliged to call in Patrolman Michael L. Kear, of the Twenty-second precinct, for protection.

"Second. Said Patrolman William G. Neeley, at the aforesaid time and place, did resist arrest and use threatening and abusive language to Patrolman Michael L. Kear.

"Third. When brought to the Twenty-second precinct station-house, under arrest, acted in a boisterous and unofficer-like manner."

The judgment of the court was rendered August 12, 1891, and imposed a fine of 20 days' pay, \$65.75. The judgment which I have in my hand adjudges that the charges are true.

Q. Were you ever put on trial in a criminal court upon this charge? A. No, sir.

Q. Did any of your superior officers attempt to put you on trial? A. No, sir.

Mr. Moss.—Is John O'Connor present?

(No response.)

Mr. Moss.—I will read the judgment-roll in the case of John O'Connor, of the Eighteenth precinct. Date of complaint, June 6, 1892. Judgment, July 15, 1892. Fined 10 days' pay, \$32.87. I will read the charge:

"I hereby charge Patrolman John O'Connor, of the Eighteenth precinct with conduct unbecoming an officer.

"Specifications. In this to-wit:

That the said Patrolman John O'Connor, did, on Wednesday, June 1, 1892, at about 3 o'clock a. m., on the northeast corner of Twentieth street and Third avenue, forcibly drag one Sarah Morton about 30 feet; tore the sleeve of her jacket; pinched and turned her arm; struck her several blows on the body and face with his fist, causing the blood to flow, and continued to abuse and beat her until a stranger came along."

He is adjudged guilty of the charge and fined 10 days' pay. The officer is still on the force.

Officer John H. Hurley, a witness called by the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. What is your precinct? A. Twenty-third precinct.

Q. You have twice been convicted of assaulting citizens, have you not? A. I believe so.

Q. There are 13 charges against you upon the record; is that so? A. I don't remember.

Q. Do you say it is not true? A. It might be true.

Q. Is your recollection about 13 cases? A. About 13.

Q. Were you ever acquitted? A. Yes, sir.

Q. I see why my question does not meet your views; there are two new complaints against you since the 13th of April when this record was made up; so it makes 15; is that right? A. Thirteen in all, I believe is right.

Q. Fifteen in all; you have never been acquitted, have you? A. No, sir.

Q. Then you have been convicted of assaulting citizens, and there are two new complaints pending against you of assaulting citizens, is that right? A. Yes, sir.

Q. Are not there any complaints now pending against you for assaulting citizens? A. No, sir.

Q. Wasn't there a complaint made against you on April 12th of this year? A. Yes, sir.

Q. And wasn't there another one made on April 18th? A. No, sir.

Q. Then there is one? A. One.

Q. Have you ever been suspended from duty in connection with any assault case? A. That complaint you have reference to has been withdrawn by the complainant.

Q. Did you ask the complainant to withdraw it? A. No, sir.

Q. Is that the one of April 18th? A. Eighteenth and 12th.

Q. Then there was one of the 18th? A. It is the same one; it was adjourned to the 18th for examination.

Q. The date of the complaint against you to which I have reference is April 28, 1893, and I read the specification:

"I hereby charge Patrolman John H. Hurley, of the Thirty-fifth precinct, with conduct unbecoming an officer: Specifications: In this, to-wit:

"Said Patrolman John H. Hurley did, at 6 p. m., April 28, 1893, in the sitting-room of the Thirty-fifth precinct station-house, assault Patrolman Henry C. Bischoff, of this Thirty-fifth precinct by striking him on the head and face with his fist, without any cause or provocation."

For that, how much were you fined? A. I believe 10 days.

Q. Did Officer Bischoff complain that you hurt him very severely? A. He claimed that it was an accident.

Q. Bischoff claimed that it was an accident? A. Yes, sir.

Q. Did he testify that it was an accident? A. He didn't on the stand.

Q. Was there any evidence offered by a doctor?

Mr. Moss.—I will confine this because of the objection of Senator Cantor.

Senator Cantor.—I recognize, as well as you do, that it is one of the most serious offenses that an officer can be guilty of to feloniously exercise the powers intrusted to him, either by his night-stick, or other force; but I say that where an officer has been tried and a conclusion has been reached by the police commissioners and he is called here as a witness, that it is not fair to him to simply put in the portion of the evidence against him. I think he is entitled to the proof in his favor just as well.

Mr. Moss.— Upon the record here there does not appear to be any serious assault, but it happens to be an assault upon a policeman. I didn't mean to say anything that could be construed into an impropriety.

Officer George Lair, a witness called in behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What precinct? A. Eighth.

Q. There appears upon the records 24 trials against you at police headquarters; is that right? A. I don't know; I didn't keep a record of them.

Q. Do you doubt it? A. No; I don't doubt it.

Q. It appears that in all of those cases, once was the complaint dismissed; have you any other recollection?

Mr. Moss.— I offer the record in the case of George Lair. Date of complaint, May 14, 1891. Date of judgment, November 27, 1891. Judgment, fined 20 days' pay, \$54.79.

Chairman Lexow.— Which was that, the 19th or 20th case?

Mr. Moss.— Twenty-three cases.

Chairman Lexow.— Is this the 24th case you are referring to?

Mr. Moss.— This is the ninth case on the calendar. I will read the specification:

“ I hereby charge Patrolman George Lair, of the Eighth precinct, with conduct unbecoming an officer.

“ Specification. In this to-wit:

“ That the said Patrolman George Lair, did, on Monday, May 11, 1891, between 10 and 11 a. m., in the liquor store on the southwest corner of Thompson and Houston streets, without cause or provocation, take hold of one Rose Smith by the hair; threw her on the floor; put his finger in her mouth and tried to tear her teeth out; took a pistol from his pocket and pointing it at the said Rose Smith, said, ‘ I have a good mind to put a ball in you.’ ”

The judgment is before the full board of commissioners: “ Now, therefore, it is resolved, etc., that the said charges are true, and that the said George Lair be and is hereby fined 20 days' pay, amounting to \$54.79.”

Q. Were you ever put upon trial in a criminal court upon this complaint? A. No, sir.

Q. Or upon any complaint by this woman? A. No, sir;

Q. Did you deny this charge on oath? A. Yes, sir.

Q. You say it is not true? A. It is not true, either.

Q. Did any superior officer make a charge against you for perjury? A. No, sir.

Q. Now, there is another conviction against you for an assault in which the complaint was March 12, 1892; the judgment was April 5, 1892, and the fine was 10 days' pay, amounting to \$27.39. I read the specification:

"I hereby charge Patrolman George Lair, of the Eighth precinct, with conduct unbecoming an officer. Specifications, in this, to-wit:

"That the said Patrolman George Lair did, on Wednesday, March 2, 1892, at or about 1:44 p. m., enter an Avenue C railroad car and refused to pay his fare, and attempted to urinate in the car, and when ordered off the car by Conductor James Cusack, put his hand in his pistol-pocket, and said, "I will blow your brains out."

"(Signed)

WILLIAM MURRAY,

"Superintendent.

"Judgment by the full board of judges, that the charges are true, and imposes a fine of 10 days' pay, amounting to \$27.39."

Q. Were you ever put on trial in a criminal court upon this charge? A. No, sir.

Q. Did any superior officer attempt to do it? A. No, sir.

Q. Were you ever suspended from duty, while this charge was pending? A. No, sir.

Q. There is another complaint against you, in which you were adjudged guilty of failing to discover a burglary. December 1, 1893, you were fined three days' pay for failing to discover a burglary? A. Yes, sir.

By Senator Bradley:

Q. You said you were not guilty? A. Yes, sir.

Q. You were not guilty of that serious charge, for which you were fined 20 days' pay; now, what do you attribute it to; how can you account for the decision of the whole board of commissioners finding you guilty, if you were innocent; what do you attribute it to — any influence or pull? A. No, sir; not at all; that day I was never there at all; it was a case of mistaken

identity; I took an extra prisoner to court, and there would be nothing to fetch me down there, to take an Avenue C car at the time.

Q. I am not talking of that charge; the former charge, for which you were fined 20 days' pay? A. This woman that made the complaint against me was a prostitute, and I could prove that she was, and I had to go to the closet at the time, and I went into this saloon, and during the time I was in the saloon this woman went to the station-house and a roundsman was sent over, and when he came in he said that the captain wanted to see me; I walked over with him as far as the station-house; the captain had sent for a doctor to see whether I was intoxicated; the doctor had come; he said there was nothing the matter with me; I was put on trial.

Q. This testimony was adduced before the commissioners, was it not? A. Yes, sir.

By Chairman Lexow:

Q. You say the woman was a prostitute, and you could prove it? A. Yes, sir.

Q. Do you mean that because she is a woman of that description, that you could pull her by the hair and knock her down? A. I never done it.

Q. You understand that they are entitled to the same amount of protection that anybody else is, so far as their persons are concerned? A. I am well aware of that.

By Senator Bradley:

Q. Then we would infer from what you said, that the police commissioners believed her oath, and didn't believe yours? A. There were four against me, where I was alone.

Q. Were they all of bad character, like her? A. No; what I mean is, between the captain, the roundsman, and the sergeant and this woman.

By Chairman Lexow:

Q. Your superior officers testified against you then? A. Yes, sir; they believed her.

Q. And it was upon the testimony of your superior officers and this woman that you were convicted? A. Yes, sir.

Q. You don't mean to say that the police commissioners discriminate against the members of the force in giving their decisions? A. I don't know what they are likely to do.

Q. Isn't it the general opinion that they discriminate in favor of members of the force, rather than against them; isn't that the general belief? A. Yes, sir; among the political —

Senator Bradley.—If a man has got a pull, he is all right.

Q. My question was, whether you believed that the police commissioners in convicting you, or any other members of the force, discriminate against the members of the force in favor of citizens outside? A. No, sir; I don't think they do.

Q. They rather discriminate in favor of the members of the uniformed force, don't they? A. That is a hard question to answer: I couldn't tell that.

Q. Isn't that the belief among the force? A. I don't know.

Q. Do you consider when you go before the police commissioners that you are going before a friendly tribunal? A. I do not.

Mr. Moss.—I offer in evidence the judgment-roll in the case of Albert J. Dohrman. Date of complaint, February 1, 1894. Judgment, March 27, 1894. Dismissed from the force. The specification is:

“I hereby charge Patrolman Albert J. Dohrman, of the Fourteenth precinct, with neglect of duty.

“Specifications. In this, to-wit:

“Said Patrolman Albert J. Dohrman was absent from his post, and was in a liquor store, number 111 Avenue A, at 10 o'clock, p. m., January 30, 1894, during his tour of patrol duty.”

That is all.

The previous officers who were not only in liquor stores, but were convicted of assaulting citizens, got off with light fines.

Owen Sullivan, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. You were appointed December 17, 1890? A. Yes, sir.

Q. And there are only five cases against you at headquarters; is that right? A. I guess so; I never kept a record of them.

Q. But of those five cases, two were for convictions of assaults on citizens? A. Only one of them for assault; the other was for failure to convey a prisoner to the station-house, but I was put on trial for assault.

Q. One was for assault, and the other was for failure to convey a prisoner to the station-house, you say? A. It was only for failure to convey a prisoner to the station-house.

Q. Was it in the second case that you were only convicted of one specification? A. Yes, sir; I believe that is it.

Mr. Moss.—I offer judgment-roll against Owen Sullivan, of the Seventh precinct. Date of complaint, July 2, 1891. Date of judgment, November 27, 1891. Fined 10 days' pay, \$27.39. The specification is:

“I hereby charge Patrolman Owen Sullivan, of the Seventh precinct, with conduct unbecoming an officer. Specifications. In this, to-wit:

“That the said Patrolman Owen Sullivan, on Saturday, July 18, 1891, at about 10:30 o'clock, p. m., in Water street, between Market and Pike street, struck one Thomas Daily, who was urinating against a truck, several blows with his club on the arm and body; called him a son-of-a-bitch, and continued to beat him with his club until he ran away.”

Q. Did you deny that charge on oath? A. I did deny it.

Q. Were you prosecuted in a criminal court upon the charge by anybody? A. No, sir.

Q. Were you suspended from duty? A. No, sir.

Mr. Moss.—I read from the judgment-roll, on page 2, the testimony of Thomas Daly: “On this evening, the 18th of July. I was between Market and Pike street; I was urinating against the truck; this officer came up and struck me about a dozen blows, blacked my body; I asked him for God's sake not to kill me; I said, if I did anything to lock me up; he said, ‘You son-of-a-bitch.’ He continued to beat me to the end of the post.

Q. Where did the officer strike you? A. All over the body; both sides; on the right arm. Q. Did he speak to you before striking you? A. No. Q. Were you standing facing towards him when he struck you? A. No. Q. Didn't you see the officer when he came up? A. No. Q. Were there many people on the street? A. Not a soul; a friend of the officer and a citizen.”

Testimony by the defendant: “I deny clubbing this man.”

Senator Bradley.—What was the verdict there?

Mr. Moss.—The judgment was a fine of 10 days' pay, \$27.39.

Q. By the way, did you arrest that man? A. I never seen that man after half-past 6 at night, and he claims he was beaten somewheres about 10 o'clock; I didn't see him, and I didn't beat that man.

Q. Then of course, you didn't arrest him? A. I didn't see him.

Q. You didn't arrest him at all at any time? A. No, sir; I didn't.

Mr. Moss.—I offer the case of Owen Sullivan of the Seventh precinct. Date of complaint, August 23, 1894. Judgment, April 27, 1894. Fined five days' pay, \$16.43.

"I hereby charge Patrolman Owen Sullivan, of the Seventh precinct, with conduct unbecoming an officer.

"Specifications. In this, to wit:

"First. That the said Patrolman Owen Sullivan, did on Saturday, July 29, 1893, at about 11:30 p. m., enter the apartments of one Meyer Kaufman, at 191 Madison street, and without warrant of law, placed the said Kaufman under arrest, and neglected and fail to convey him to the station-house.

"Second. That the said Patrolman Owen Sullivan at the time and place above mentioned, did strike Esther Kaufman, the wife of the said Kaufman, many times across the shoulder and arm with his baton."

I might say, as part of the record, that Mr. Kaufman testified that his wife was "Dead all night" as a result of the officer's acts. He meant unconscious.

Witness.—Will you state the defense on that case?

Q. Do you mean the names of the witnesses? A. No, what the defense was that was made in that case.

Mr. Moss.—There were 12 witnesses for the defense and five witnesses for the prosecution. Some question was raised about the form of this judgment; there does not seem to be any judgment in this roll; the envelope simply says, "Judgment. five days."

Q. Were you ever put on trial on that charge in the criminal court? A. No, sir.

Q. You denied the charge under oath both times, didn't you? A. Yes, sir.

Q. What was the first arrest you ever made? A. A man named Noolan, for burglary.

Q. You arrested him for burglary up here on the east side? A. Yes, sir.

Q. After you arrested James Noonan for burglary, he was convicted? A. Yes, sir.

Q. A day or two after you arrested James Noonan, and it was known that he was charged with burglary, didn't another man come forward; wasn't another man arrested; at least, did he

not, after his arrest, confess that he committed the burglary?

A. The day after Noonan was convicted.

Q. But this man was arrested; was he not? A. Yes, sir.

Q. What was his name? A. Meitler.

Q. The question in that case was principally a question of identification, was it not? A. Yes, sir.

Q. There was no doubt that there was a burglary? A. Yes, sir.

Q. There was no doubt that the complainant's place had been entered, but the question was whether James Noonan had entered it? A. Yes, sir.

Q. Now, do you remember that you identified this man, because you saw him run through the street at midnight, and you caught a glimpse of his face under the gaslight? A. I saw him run from the direction of the store over to Division street, and never lost track of him until he ran into Gus Blint's liquor store.

Q. Your testimony in that case was the principal testimony?

A. No, sir.

Q. As to identification? A. I identified him.

Q. You were the only witness that positively identified him?

A. Yes, sir.

Q. You gave your testimony in the General Sessions? A. Yes, sir.

Q. On that testimony he was convicted? A. No, sir; he was convicted on the testimony of the complainant, who identified him as the man who was at her bureau drawers.

Q. You know that Gus Meitler has since made affidavits, don't you? A. Yes, sir.

Q. In which he has stated that he was the man who committed the burglary, and that persons have made affidavits to James Noonan's good character? A. I don't know anything about him; I read it in the paper.

Q. And that James Noonan had endeavored to explain how he happened to be in the saloon from which you took him that night? A. I don't know anything; only what I read in the paper.

Q. Is it not a fact that James Noonan is in Sing Sing to-day on a six years' sentence, for stealing a dollar and some cents in the night-time, and that your testimony was a very important link in the chain of evidence? A. My testimony was what I seen.

Q. Your testimony was positive identification? A. I saw him running from that direction and chased him into Gus Blint's joint, a resort of thieves.

Q. In both of those cases, before the commissioners, to which I have called your attention, you denied the charge on oath?
A. Yes, sir.

Q. And in both of those cases you were convicted, notwithstanding your denial? A. Yes, sir.

William Rohrig, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Your precinct is what? A. Second precinct.

Q. There was a complaint made against you on September 7, 1892, was there not? A. Yes, sir.

Q. And you were fined 30 days' pay on the 29th of November, 1892? A. Yes, sir.

I read the specification against you:

"That the said Patrolman Rohrig, did, on Thursday, September 1, 1892, at about 9:40 o'clock p. m., on Thirty-second street, between Seventh and Eighth avenue, throw his baton at one James Walsh, which struck said Walsh, knocking him to the street and injuring him severely." It appears upon the record that that was a boy who was playing tag with some other boys.

Q. Did the officer come along at the time? A. Yes. Q. Did he say anything to you? A. We sat on the stoop. Q. When the officer came along? A. Yes. Q. Did he say anything to you? A. No, he threw his club at me. Q. While you were sitting down? A. No, I got up and ran. Q. Where did it strike you? A. Right here, and knocked me down senseless. Q. And hit you in the back of the head? A. Yes. Q. What is your head bound up in that way for? A. The doctor did it. Q. What for? A. A fractured jaw, he said, and chin. Q. Caused by this fall? (Referring to the fall occasioned by the the throwing of the club.) A. Yes." The witness states that he went to the hospital.

Q. Were you ever put on trial in a criminal court for this affair? A. No, sir.

Q. Did you testify upon the trial that you didn't do it? A. I said it was an accident.

Q. Then you admit that you did it, but that it was an accident? A. It was while rapping for assistance, that I did it.

Q. I think you testified there that you had to rap for assistance, there were so many of these boys around? A. It was not the boys; it was the growler gang.

Q. I think you testified that you rapped for assistance and the club bounced off the sidewalk, and struck the boy? A. I don't know whether the stick struck the boy; I saw the boy fall, but I didn't see the stick strike the boy.

Senator Bradley.—What was the fine there?

Mr. Moss.—Thirty days' pay.

Officer Michael J Rein, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What precinct are you attached to? A. Nineteenth.

Mr. Moss.—I offer in evidence the record in the case of Michael J. Rein. Date of complaint, October 23, 1890. The specification is as follows:

“The said Patrolman Michael J. Rein, did, on the afternoon of October 13, 1890, at about 2 o'clock, in front of No. 309 West Twenty-first street, without cause or justification, arrest one William Henderson; that he called him a son-of-a-bitch, caught him by the neck, and pushed him up against the wagon, and shoved him along the street to the station-house.”

The complainant testified upon the trial on October 13, 1890: “I was in front of my own door; the officer passed me; I said, ‘Why don't you go and pay old man Armstrong for his paper 15 cents?’ he turned and said, ‘You son-of-a-bitch, if you ever ask me again to pay, I will lock you up;’ I then said, ‘You are no better than a thief, or you would pay that poor man for his papers;’ at this he caught me by the neck, pushed me up against the wagon, and shoved me along the street to the station-house, and made a charge against me; I was taken to court and discharged; he got hold of my shoulder; he tortured me by pressing my arm, that way; I asked him not to do it; he said he would put handcuffs on me; I said, ‘Put them on; don't torture me.’”

Q. You were fined for that offense, of which you were adjudged guilty, three days' pay; is that right? A. That is right.

Q. Nine dollars and eighty-six cents? A. Yes, sir.

Q. Were you ever put on trial in a criminal court? A. No, sir.

Q. Did you deny the charge on oath? A. I did.

Q. Have you had any complaints against you since this time?

A. Yes, sir; not for abusing citizens, though.

Q. Have you ever been suspended from duty? A. No, sir.

By Chairman Lexow:

Q. Upon this or any other charge? A. No, sir.

Q. Do you claim, officer, that the police commisisoners discriminate against members of the force in rendering judgment?

A. I don't think they do.

Q. You think they would discriminate rather in favor of them than against them? A. I think they would.

Q. You don't think that there is any unfairness or impartiality about the trials held by the commissioners? A. No, sir.

Q. Your trial was fair? A. The trial was fair; I wish to state that Commissioner McLean tried the case and claimed that I violated the rules of the manual; he didn't fine me because he believed this citizen.

Q. Do you believe that a citizen ought to be believed on police trials at all? A. Yes; if he is telling the truth; he was a perjurer, though, and it was proven there that he was one.

Lawrence A. Hogan, a witness called on behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. What precinct? A. Eleventh.

Q. There appear to be 14 cases against you at police headquarters; is that right? A. Yes, sir; about that.

Q. You were acquitted upon one case? A. Yes, sir.

Q. And you were convicted of assaulting a citizen on November 11, 1892; is that right? A. Yes, sir.

Mr. Moss.—I offer in evidence the record of the case against Lawrence A. Hogan. Date of complaint, September 22, 1892. Judgment, November 11, 1892. I read the specification:

“That the said Patrolman Lawrence A. Hogan, on the evening of September 19, 1892, at about 9:20 o'clock, in front of 40 Essex street, did make use of vile and indecent language to one Max Moskovitz; followed the said Moskovitz into his restaurant at the above number, and struck him in the face with his hand, and did draw his pistol, and threaten to shoot the said Moskovitz.”

The judgment of the board was that he was guilty, and he was fined three days' pay, \$8.21.

Q. Did you arrest Mr. Moskovitz? A. No, sir.

Q. Did you deny this charge under oath? A. Yes, sir.

Q. Were you tried in any criminal court for your assault or for that assault on Moskovitz? A. No, sir.

Q. Were you suspended from duty? A. No, sir.

Q. You have been on duty ever since that conviction, November 11, 1892? A. Yes, sir.

Officer Martin Hannify, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What precinct are you attached to? A. Twenty-fourth.

Mr. Moss.—I offer in evidence a complaint and papers against Martin Hannify. The complaint was dated November 9, 1893. Judgment, December 19, 1893. I read the specifications:

“First. Said Patrolman Martin Hannify, on Thursday, October 26, 1893, at about 6:25 a. m., on the corner of Sixty-first street and Tenth avenue, did address one George P. Satterwhite in an insulting manner; kicked him and struck him on the head and body several times with his baton.

“Second. Said Patrolman Martin Hannify, on Thursday, October 26, 1893, at about 1 p. m., on the corner of Sixty-second street and Tenth avenue, attempted to strike said Satterwhite with his baton, saying ‘You son-of-a-bitch get off this avenue.’”

Q. Did you arrest Satterwhite? A. No, sir.

Mr. Moss.—The record shows that Officer Hannify was convicted of this offense and fined two days' pay, \$6.57, by the judgment of the full board.

Q. You were never tried in any criminal court for this offense? A. No, sir.

Q. There was never any information lodged against you? A. No, sir.

Q. Were you suspended from duty? A. No, sir.

Q. Did you deny this charge under oath? A. Yes, sir.

Henry Herrlich, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What precinct? A. I was formerly in the Seventh, but I am in the Eighteenth now.

Mr. Moss.—I offer in evidence a judgment-roll in the case of Henry Herrlich. Date of complaint, May 11, 1891. Judgment, December 4, 1891. The specifications are:

“First. Said Patrolman Henry Herrlich, did on the 11th day of May, 1891, between 5 and 6 o'clock, p. m., in Cherry street, without cause or provocation, assault one Thomas Jordan, striking him with his club on the leg and head, knocking him down, and then struck him several blows with his club while down.

“Second. Said Patrolman Henry Herrlich, did, when in the station-house, call the said Thomas Jordan, a son-of-a-bitch, and threatened to drive every tooth down his throat.”

Chairman Lexow.—Who were the witnesses?

Mr. Moss.—There were only two witnesses for the prosecution, Thomas Jordan and John Lenehan, and 12 witnesses for the defense, of whom five were police officers. The judgment by the unanimous board adjudges that the charges are true, and imposes a fine upon Mr. Herrlich of three days' pay, \$9.86.

Q. Were you ever put on trial in a criminal court upon this charge? A. No, sir.

Q. Did you deny it upon oath? A. No, sir; I admitted the clubbing under the circumstances; I admit the clubbing under the circumstances.

Q. What did your witnesses testify? A. The same thing as I did, pretty near.

Q. Did they say it took place? A. Yes, sir; I will explain it to you, if you will allow me; I was on post down in Catherine street, and I took in part of Cherry street, and a man about six feet three inches high sat on a stoop; I went over and said, “Here old man; don't sit here sleeping; go home;” he started, and walked about 50 or 60 feet away and sat down again; he started to go to sleep; I went up and called him up, and he hauled off with his fist and knocked me in the eye from about here over to that railing; when he got me down he commenced kicking me, and I got my club and clubbed him; I didn't deny the clubbing at all.

By Senator Bradley:

Q. Did you give that testimony before the police commissioners? A. I did; I admitted the clubbing.

Mr. Moss.—The specification is, that this officer without cause or provocation assaulted Thomas Jordan, and it is adjudged to be true upon the record.

The Witness.—The first time it was adjourned to give the complainant an opportunity to fetch witnesses.

John McGrath, a witness called on behalf of the State, being duly sworn, testified as follows: :

Direct examination by Mr. Moss:

Q. What precinct are you attached to? A. Twenty-second.

Mr. Moss.—I offer in evidence judgment-roll in the case of John McGrath. Date of complaint, June 1, 1892. Convicted, November 11, 1892. The specifications are:

“First. That the said Patrolman John McGrath did, on the 29th day of May, 1892, at about 1:30 a. m., in front of No. 311 West Forty-third street, thrust in the neck with his open hand, John Keating; placed him under arrest, and falsely charged him with being drunk and disorderly, and interfering with him in the discharge of his duties.

“Second. That the said patrolman John McGrath, while conveying the said John Keating to a cell, did make use of the following language, ‘You son-of-a-bitch, I’ll kill you; you are a cur, and kicked him twice in the testicles.’”

The judgment was: “The officer is guilty,” and he was fined 10 days’ pay, \$32.87. The witness testified in this case that he suffered severely from the kick.

Q. Did you on the trial deny this assault? A. Yes, sir.

Q. Were you suspended from duty? A. No.

Q. Were you put on trial in a criminal charge? A. No.

Q. Never had to answer before any police magistrate at all?
A. No.

Q. Never called by the district attorney before the grand jury? A. No, sir.

Q. How many cases are there against you at headquarters?
A. I didn’t keep a record.

Q. Are there as many as 22? A. Not that I am aware of.

Q. The record shows 22; now, you have been three times acquitted of serious charges; once in 1889, it was charged that you struck a woman without cause; in 1890, that you entered a front yard and used threatening language toward a woman, and also that you assaulted John Orr? A. You have something wrong in the record.

Q. You don’t remember that? A. No, sir.

Q. There is no mistake about your having been convicted and fined 10 days' pay for assaulting John Keating? A. No.

Thomas O'Neil, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What precinct are you connected with? A. Twelfth.

Mr. Moss.—I offer in evidence complaint dated December 20, 1891. Judgment dated February 12, 1892, and I read the specification:

“That the said Patrolman Thomas O'Neil, on the morning of December 26, 1891, at 1 o'clock, call one Albert Karcher, from the restaurant No. 387 Grand street, and made use of vile and indecent language to him; caught him by the throat; pushed him up against the window and along the sidewalk; striking him with his fist in the back of the neck several times.”

The record shows that he was adjudged to be guilty and was fined two days' pay, \$6.57.

Q. Did you ever face a jury in this case? A. No, sir.

Q. Did you deny it upon oath? A. Yes, sir.

Q. Were you ever suspended from duty? A. Never.

Q. You have 15 cases against you at police headquarters, have you not? A. Not 15; I believe 14.

Q. In three of those you have been acquitted? A. I guess four; I was fined three days' pay in that one case that you say two days.

Q. You say three days? A. I was fined three days.

Q. Did you allow three days' pay in this case? A. Yes, sir; I believe that is what I got.

Q. Then you have got to get a day's pay back, because the record says only two days; who did you pay? A. It was stopped out; I am not positive about that; I thought it was three days.

Senator Cantor.—What period of time do those cases cover?

Mr. Moss.—They are within the year of 1891 and May of this year. When I quote the record of the officer I speak of his entire record. But when I speak of these assault cases in particular, why I refer to cases which have occurred since January 1, 1891. There have been at least 90 officers in court, and possibly 100, whom I intended to put on the stand, if the day would last long enough, but I suppose those cases which I have submitted will answer as a sample of the whole. You will find

the names of those officers whom I haven't called in the record which I submitted to-day. We might take an adjournment now, and I think all these officers may be discharged entirely.

Chairman Lexow.—The committee stands adjourned until to-morrow morning at 10:30 o'clock. All those officers under subpoena to-day, and not examined, need not put in an appearance to-morrow morning.

Proceedings of the forty-first session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the former General Sessions building, in the city of New York, Wednesday, October 3, 1894, at 10:30 a. m.

Present.—Senators Edmund O'Connor, George W. Robertson, Daniel Bradley and Cuthbert W. Pound; John W. Goff, Frank Moss and W. Travers Jerome, for the committee.

Chairman O'Connor.—Mr. Moss, are you ready to proceed?

Mr. Moss.—Yes, sir; I offer in evidence a copy of the chattel mortgage, produced by the register of the county of New York, by David Kronmann, to G. Munk, dated March 13, 1893, covering property contained in the premises 1841 Third avenue, for the sum of \$70. This is in support of the testimony of Mr. Kronmann, given the other day.

Paper marked "Exhibit 1, October 3, 1894, L. W. H."

EXHIBIT 1, OCT. 2, 1894, L. W. H.

POLICE DEPARTMENT OF THE CITY OF NEW YORK.

IN THE MATTER

OF

THE CHARGES AGAINST CAPTAIN ALEX-
ANDER S. WILLIAMS OF THE NINE-
TEENTH PRECINCT.

*Case tried before the full board
July 6, 1887.*

THE CHARGES.

June 28, 1887.

*To the Police Board of the Police Department of the City of
New York:*

I hereby charge Captain Alexander S. Williams, of the Nine-
teenth precinct, with conduct unbecoming an officer.

SPECIFICATIONS.

In this, to-wit:

First. That the said Captain Alexander S. Williams has, for a long time past, permitted a large number of houses of ill-fame to exist on Thirty-first street, for about a half a block west of Sixth avenue, viz., Nos. 110, 111, 115 and 119 West Thirty-first street, and in Thirty-second street, between Sixth and Seventh avenues, viz., Nos. 107, 109, 135, 136, 138, 140, 142 and 154 West Thirty-second street, and has allowed such houses to be conducted in an open and shameless manner, so that said thoroughfares have become a public nuisance, and are noted throughout the city as vicious neighborhoods.

Second. That the said Captain Alexander S. Williams was applied to by Mr. Jules Chatelan in or about September, 1885, who informed said captain that Twenty-seventh street, between Sixth and Seventh avenues (notoriously Nos. 112, 119, 120, 121, 123, 124 to 130, 138, 141, 144 and 146 West Twenty-seventh street), was a center for the vice of prostitution, and requested the said captain to suppress them; but that the said captain abused the said Chatelan, calling him a thief, and declined and neglected to act; whereupon said Chatelan and other business men organized the "Owners and Business Men's Association," and proceeded to the work of purifying said locality, without aid, co-operation and encouragement of the said Captain Williams.

Third. That the said Captain Alexander S. Williams was called upon in the early fall of 1886 by Mr. James B. Smith of 353 West Thirty-first street, who urged said captain to suppress the houses of prostitution and assignation in Thirty-first street, between Sixth and Seventh avenues, and that said captain gave Mr. Smith no encouragement and paid no attention to his complaint, and failed and neglected to suppress said houses of prostitution.

Fourth. That the said Captain Alexander S. Williams has permitted, and does still permit, a disorderly house and one of ill-fame to exist at No. 408 Fourth avenue, notwithstanding a complaint made to him in the month of March, 1887, by Mrs. Alfreda E. Dowd, at which time the said captain admitted he knew the character of the house, promising to attend to the matter, but has since neglected and failed to take any measures for the suppression of the vices complained of at said house.

Fifth. That the said Captain Alexander S. Williams is, and for a long time past has been, aware of the existence of many houses of ill-fame in his precinct; but he permits them to carry on their immoral trade, notwithstanding his power under the laws to suppress them, and contents himself by making an occasional raid when proof is furnished by private individuals.

Sixth. (Withdrawn.)

Seventh. That the said Captain Alexander S. Williams knowingly and willfully permits, and has done so for a long time past, a dive of the worst character known as "Clark's," at 502 and 504 Sixth avenue, to carry on a nefarious business, said place being patronized by disreputable woman; is kept open all night; is notable for vile and vicious conversation; is known and used as a place of solicitation for indecent purposes by females; and that said captain is aware of and has suffered and permitted frequent violations of the Excise Law at said place.

Eighth. That the said Captain Alexander S. Williams knowingly and willfully permits, and has done so for a long time past, a dive of extremely bad character known as "Tom Gould's" at 54 West Thirty-first street, to carry on a vile business, said place being a resort of disreputable women, who act and talk indecently and shamelessly, and that said captain has been and is aware of frequent violations of the Excise Law at said place.

Ninth. That the said Captain Alexander S. Williams did, for along time prior to October 25, 1886, knowingly and without hindrance, permit gambling to be carried on at Nos. 25 and

58 West Thirty-first street, and did permit without his knowledge, co-operation, or assistance, said premises to be raided and closed by officers attached to the central office.

(Signed by the superintendent.)

Complainant's Brief.

Before discussing the law and the facts in this case, a few preliminary remarks will be of use.

The principal policy of the defendant was a continued effort to defame the character of Jules Chatelan, one of the original complainants, but not the present complainant, and not a witness in the case.

The attempt to create an irrelevant issue, by putting him also on trial, was very properly prevented by the board, notwithstanding which the accused captain, while not on the witness stand, violated the decorum of the proceedings and the dignity of the court, by loudly applying to him opprobrious epithets. Were Chatelan the incarnation of evil, the dereliction of Captain Williams would be none the less. Let it be remembered that the original complaint and affidavits bore the signatures not only of Chatelan, but also of Dr. Howard Crosby, President of the Society for the Prevention of Crime, whose letter annexed shows that he was detained at Pine Hill by severe sickness, and Mr. James B. Smith, Mrs. A. E. Dowd, Mr. P. Murray and Mr. Frank Moss, the integrity of which persons even the defendant has not questioned, and that although some of complainant's witnesses were excused by the court on account of illness, the defendant was arraigned by the interwoven testimony of thirty-five persons, many of them well-known citizens, which opposed to the testimony of Captain Williams and his eight witnesses, made such a case as calls for a conviction on some, at least, of the specifications.

The continued effort to divert the effect of the prosecution's testimony by a miserable side attack on one man, while allowing the most serious charges to go by default, shows the hollowness of the defense, and is in itself an argument for the guilt of the accused.

(It is only just to Mr. Chatelan, publicly slandered as he was, although without relation to the case, to say here, that he denies every accusation that has been made against him; that he has been at the front fighting lawbreakers for two years, and has so drawn their enmity upon him, that he has never been indicted for any crime, and that he enjoys the confidence and respect of a large circle of friends. The fact that he is a free man, notwithstanding the accusations of Captain Williams, goes a long way to establish his innocence.)

In support of the foregoing charges the complainant submits the following points:

First. Section 282 of the Consolidation Act provides as follows:

“It is hereby made the duty of the police force, at all times of the day or night, and the members of such force are hereby thereunto empowered to especially preserve the public peace, prevent crime, * * * carefully observe and inspect * * * all places of business having excise or other licenses to carry on any business, all houses of ill-fame or prostitution, and houses where common prostitutes resort or reside, * * * gambling houses, * * * and to repress and restrain all unlawful or disorderly practices therein, enforce and prevent the violation of all laws and ordinances in force in said city, and for these purposes, with or without warrant, to arrest all persons guilty of violating any law or ordinance for the suppression of crimes or offenses.”

Other acts declare that the keeping of a house of prostitution and the conducting of its business are crimes.

It is not the prerogative of police officers or of this board to moralize, or to discuss what the effect of the enforcement of law may be; that right belongs to another part of the government. The Legislature considers the effect of and enacts law; the duty of the police is simply to enforce it.

Second. With these specifications before us, let us proceed to a discussion of the particular specifications.

(1.) SPECIFICATIONS I, III AND V.

These specifications are closely related and will be considered together.

No evidence was given by the defendant to rebut their charges, except it be his statement that he did not remember Smith's calling upon him.

These charges in fact stand uncontradicted.

Captain Williams' reports to the superintendent of police, from June, 1885, to the present time, are in evidence, and show a large number of houses of ill-fame in his precinct; of these many are in Thirty-first and Thirty-second streets, between Sixth and Seventh avenues, viz.: Nos. 109, 110, 111, 114, 115, 116, 117, 118, 120, 122, 124 and 126 West Thirty-first street, and Nos. 109, 110, 111, 112, 113, 114, 117, 119, 121, 123, 135, 136 and 137 West Thirty-second street. It was proved by the testimony of a

number of witnesses, including Mr. J. B. Smith, Mr. E. K. Collins, Mr. L. Eggleston, Mr. Ackerman, Mr. Charles Couse, Rev. S. B. Rossiter, Mr. Geo. S. Weeks, Rev. Cornelius Praetori, Mr. A. R. Wagner, Mrs. Catharine Humphreys, Mr. E. Pigott, Mr. Michael O'Malley and Mr. Frank Moss, the reputation of none of whom was attacked, that this locality is given over to prostitution, and is noted as a vicious neighborhood; that it contains many houses of ill-fame whose business is conducted so openly and shamelessly as to have made said thoroughfares a public nuisance, and unfit for travel; that the houses and streets are occupied by many lewd women, who insult passing men, and solicit them for immoral purposes; and that many people residing in the first-class neighborhood west of Eighth avenue are compelled in crossing town to make a detour in order to avoid the indecent and insulting sights and sounds of the localities of which complaint is made.

The fact of the nearness of these disorders to Captain Williams' station-house (situated on the north side of Thirtieth street, between Sixth and Seventh avenues) is worthy of note.

Rev. Cornelius Praetori testified that he is one of the pastors of the large Roman Catholic Church of St. Francis, in Thirty-first street, between Sixth and Seventh avenues; that these immoral houses and lewd women are, and for a long time have been, close to his church; that the women continually insult and solicit him as he passes through the street — priest though he be — and have even done so without clothing upon them; that the effect upon his congregation and parishioners is annoying and demoralizing; and that the young ladies of his church are especially subjected to insult and indignities by the men who come to patronize these houses; that prior to February, 1886, he called upon Captain Williams and urged him to suppress these infamies, and that the captain responded substantially that there was no use in breaking up the houses; that if he did so the proprietors would reopen elsewhere: and that it would be too bad to drive the inmates out in the cold of winter. The priest finally made complaint at the Second district police court, and warrants (for keepers of disorderly houses) being issued, Captain Williams arrested the supposed proprietors of a number of houses. Up to this point his testimony is uncontradicted. The cases were dismissed. It appeared by the testimony of Mr. Steiner and Mr. Hummel, two of the defendant's witnesses, that no testimony was given showing the proprietorship

of the persons arrested, and Captain Williams, on cross-examination, admitted that he had not sent his detectives to these houses and that he did not in any way endeavor to obtain evidence to sustain the prosecution. He simply arrested the defendants, and left the matter of evidence to the priest, a private individual.

If Captain Williams desires to credit himself with these arrests, he must take the credit of making arrests which could not be sustained, because of the lack of most vital proof, i. e., proprietorship, toward the obtaining of which he confessedly made no effort. He can not throw the blame on the court, for it was impossible to hold the prisoners on the case presented. The priest had a right to rely on him for assistance, for he was a private person not used to public matters, and a foreigner, while Williams was a police official with a large force of trained men, expressly employed by the city to put down crime and to protect law-abiding persons.

Shortly after these fruitless arrests, the law was amended, and the task of proving the character of these houses was simplified, but Williams admitted that he let the matter drop, and made no further attack upon them.

Mr. James B. Smith, of 353 West Thirty-first street, testified that he called on Captain Williams and requested him simply to make Thirty-first street fit for him and his family to pass through safely without insult and annoyance, and that the captain gave him no satisfaction, and that no change for the better was perceptible after the request.

Captain Williams did not deny the statement, but said that he did not recollect the interview.

On cross-examination he testified that he did not and does not send his detectives to these or other houses of ill-fame, or make any effort to get evidence against them, and that he has made no personal effort to suppress them and their immoral traffic.

He has thus culpably failed to obey the law first above quoted.

A number of other witnesses, Bennett, Lawn, Jarecki and Quidort, whose testimony was uncontradicted, proved that these houses were easy of access; that they had been in some of them; that in each of them wine and beer was sold; and that the business of prostitution was carried on in them with unblushing boldness.

It was proved that Captain Williams, shortly after the complaint out of which these charges grew was handed to the

mayor, caused a large number of the keepers of houses of ill-fame in Thirty-first street to be arrested and indicted, and, according to the evidence of Mr. Smith and others, since that time no disorder has been apparent on the street. Captain Williams admitted, on cross-examination, that he had made only two raids on houses in this street between February 10, 1886, and June, 1887 (about 16 months), and that as to one of these the complaint was made by an inmate whose clothes had been held, and as to the other, he could not recollect whether or not the complaint was made by a citizen. He admitted that he had made no personal efforts to suppress these disorders.

We have proved, without contradiction, that Captain Williams is aware of the existence of a large number of houses of ill-fame in his precinct (a row of them being on the same block with his station-house); that in Thirty-first and Thirty-second streets the business of these houses is most offensive and outrageous, but that he takes no steps to properly observe and inspect the houses and to suppress the disorders in them, so violating the law above cited, and that he contents himself with an occasional raid when the proofs are furnished by private individuals.

Superintendent Murray, when asked by defendant's counsel whether the presence of houses of prostitution in a precinct are evidence of the captain's neglect of duty, answered "not individual houses;" but here they are in rows and colonies, almost as though legalized.

Either Captain Williams can stop these flagrant disorders and will not, or else he is willing to stop them and can not; whichever proposition be true, his neglect or inefficiency are unbecoming an officer, and show his unfitness for his position.

Will the commissioners, with the obligations of the law above cited upon them, as well as upon Captain Williams, acquit him upon these specifications, and so surrender our streets to the rule of vice and crime? It seems impossible that such a conclusion can be reached by this board of honorable gentlemen, charged as it is with the duties of preserving the peace, order and morality of our city.

(2.)

SPECIFICATION II.

It was proved, without objection, and without contradiction, that for a long time prior to the session of the Roosevelt com-

mittee, Twenty-seventh street, between Sixth and Seventh avenues, was full of disorderly houses, carried on with open solicitation and in a most offensive manner; that Mr. O'Malley, then a resident of the street, complained to Captain Williams without effect, and that after testifying about it before the Roosevelt committee, he went before the grand jury, with a number of neighbors, and laid the matter before it; that thereupon Captain Williams was sent for, and after examining Mr. O'Malley and Captain Williams, a large number of indictments were found, and the warrants given to Williams, who, after an aggravating delay, served them, and that thereupon most of defendants moved away (some of them settling again in other parts of the precinct), but that their places were soon filled by a lower and viler class of people; that Mr. O'Malley continued his complaints to Captain Williams (six specific and detailed letters being in evidence); that nothing apparent was done by the captain; that in September, 1885, the Owners and Business Men's Association was formed, to combat the houses of prostitution which then existed, and to do the work which the local police did not do. The very bad condition of the street was proved by the testimony of Mr. O'Malley, Mr. Moss, Richard Gibbs and Hon. John J. Morris, ex-excise commissioner, who testified that after reports and investigations, and a public trial, the excise board refused to grant licenses in Twenty-seventh street, between Sixth and Seventh avenues, on account of its bad character. It was proved that the main work of the association was accomplished by dealing with the owners of houses directly, most of whom, by persuasion, or threats of prosecution, cleared out their disorderly tenants, but that in several cases complaints were made under direction of the association, warrants obtained and raids made.

Although Captain Williams on one occasion, and some of his men on one or two other occasions were present at the raids, the warrants had been procured by the association and sent to Inspector Steers, and the presence of Williams and his men was simply under orders from headquarters.

In the case of Virginia Bolden, proprietor of 138 West Twenty-seventh street, who was indicted October, 1885, the warrant was granted by a justice at the Fifty-seventh street police court, and by him delivered to Sergeant Fuller of the Twenty-eighth precinct, who executed it. It was proved, and not denied,

that by about February, 1886, the association had substantially cleansed the street without aid from Captain Williams. The only defense that was seriously urged was that he was entitled to the credit of some of the raids. This claim is frivolous. But few raids were made; he does not claim to have made, or caused to be made, a single complaint, and the attendance of Williams or his men at any raid made for the association was only by orders of the inspector. The work of the society was commended by the press, and letters from Theodore Roosevelt, Robert Ray Hamilton, O. B. Potter and W. W. Astor are in evidence.

While it has not been proved that Jules Chatelan made a complaint and was repulsed, it has been proved, without objection and without specific denial, that Mr. O'Malley made complaints without receiving any relief, and the latter part of the specification, "Said Chatelan and other business men organized the Owners and Business Men's Association, and proceeded to the work of purifying said locality without aid, cooperation or encouragement of said Captain Williams," is proved beyond a doubt.

The facts that it became necessary for business men to combine and spend time and money to do the work of the police, and that they, without the means and methods of an organized force, accomplished this commendable work, which Captain Williams did not do, either because he could not or would not, speak most strongly against him.

(3.) SPECIFICATION IV.

It is abundantly proved by the testimony of Mr. Dowd, Mr. Borrman and Officers Cooper and McCord, that the house No. 408 Fourth avenue is a house of ill-fame of the most disorderly kind, making sleep in the adjoining house difficult, and overflowing the neighborhood with its soliciting inmates.

The affidavit of Mrs. Dowd (now absent in Europe), attached to the original specifications, states that she long since notified Captain Williams of the annoying existence of this house, and that he admitted that he knew the house to be disorderly, and said he would attend to it. He denies the truth of this statement, and claims that he should be exonerated because of the fact that on a recent complaint made before a police justice by Mr. Dowd concerning the house, the defendant was discharged;

but it was proved, without contradiction, that upon the hearing the justice stated that he discharged the prisoner because she was not proved to be the lessee of the place.

The evil character of the house, and its great annoyance to the neighborhood, and that it still carries on its vile business, are not contradicted by testimony, and Captain Williams conceded, on cross-examination, that he has not taken any steps whatever (even though these charges have been pending over a month), either to ascertain or to suppress the disorders which have so long annoyed the persons residing near said house.

This is clearly neglect of duty, and a violation of the law first cited.

(4.) SPECIFICATION VII.

It was proved by the evidence of four witnesses, Bennett, Lawn, Jarecki and Quidort that they and others had visited "Clark's" after 1 o'clock at night on various evenings, beginning May 19, 1887, and that on every occasion they had purchased wine, beer or liquor after that hour; that women were about the place who indulged in disorderly conduct, and that on several occasions they were solicited by the women who were there to go upstairs with them for immoral purposes. The defendant introduces five witnesses to prove the good character of the place, but they did not contradict the witnesses for the complainant; none of them had been there after 12 o'clock, and, therefore, could not see violations of the Excise Law, and were not likely to see women acting in a disorderly manner; they were persons who took regular meals at the restaurant, and so were seldom there at late hours. Captain Williams admitted that the place is patronized by disreputable women, and thereby admitted his duty of inspection under the law above quoted, and stands charged with notice of the violations of law there committed. Neither the proprietor or any of his employes was called to the stand.

(5.) SPECIFICATION VIII.

The evil character of "Tom Gould's" place is well known. Captain Williams testified that it existed for many months, and was closed up some time since; but it is in evidence, without contradiction, that since May 18, 1887, the Excise Law has been broken there by the sale of liquor, Gould himself being present,

and that women, who were there drinking and carousing after 1 o'clock at night, were soliciting for immoral purposes (see evidence of Quidort).

Williams said that Gould has been seen there a number of times.

(6.) SPECIFICATION IX.

No evidence was given by the defendant to contradict the statements of this specification, and the only point upon which a defense is made is Superintendent Murray's testimony where, having been asked why he did not prefer charges against Captain Williams on the facts stated, said that he had thought of it, and did not solely from the consideration that his (Murray's) officers only succeeded in getting in the gambling houses by an introduction.

It was proved by the undisputed testimony of five men that gambling had been conducted at 25 West Thirty-first street by many people for a considerable time back of October 25, 1886 (one witness testifying to a period of six months). It was also proved, without contradiction, that prior to that date policemen, under orders from the superintendent, entered this house, and the house 58 West Thirty-first street, and secured evidence of gambling, and that on said date while the superintendent went to and staid at Captain Williams' station-house, under his orders, Inspector Steers and Captain (then sergeant) Warts led parties which raided said houses, and captured prisoners and gambling apparatus; the prisoners being afterward convicted and punished, and the apparatus destroyed.

In the captain's reports for the period covering October, 1886 (produced in evidence by the superintendent), No. 58 West Thirty-first street appears, but 25 West Thirty-first street does not appear.

In this case the houses were close to the station-house, and No. 25 appears to have been well patronized and to have been running for months (under the form of a club, as might well be expected in that locality), and while Superintendent Murray and his men from Mulberry street were sufficiently alert to get into the houses, make a perfect case, and carry out successful raids, Captain Williams, with his station-house almost in sight of them, appears to have remained in perfect ignorance of them.

Here seems to be a clear case of inefficiency.

Third. As to the pretended defense that the condition of the Nineteenth precinct is better than it used to be, we are glad to admit the fact; there was and is much room for improvement. Superintendent Murray testified that the whole city is improving under the present rigorous management of the police department; this precinct simply follows the tendency. We are also glad to see recorded the large numbers of arrests made in Captain Williams' precinct for petty offenses; but in what way are these facts an answer to the specific charges of the complaint?

Such private witnesses as were allowed to testify in this general way concerning the condition of the precinct showed, on cross-examination, that they had no specific knowledge of the Thirty-first and Thirty-second street district.

There can be only one way for the commissioners to exonerate Captain Williams from the charges in the three closely related specifications Nos. I, III and V, uncontradicted as they are; that is, by holding that they do not, if true, constitute "conduct unbecoming an officer." The effect of this course would be to say to each police captain: "You may allow vice to colonize in your precinct, to offend decency, to violate the rights of citizens, to interfere with worship, and even to close thoroughfares to safe and peaceable travel; you may yourself violate the law which was made to control your force, and we will hold you blameless."

Fourth. The complainant respectfully submits this review of the facts and the law, firmly believing that they warrant and demand the conviction of the defendant.

FRANK MOSS,
EDGAR P. HILL,

Counsel for the Prosecution.

BOARD OF POLICE.

WILLIAM MURRAY, SUPT.,	} <i>Tried June, 1887. Commissioners voted August, 1887. Vote tie, defendant being neither acquitted nor convicted.</i>
<i>Complt.,</i>	
<i>against</i>	
ALEXANDER S. WILLIAMS, CAPT.,	}
<i>Deft.</i>	

Charges, complainant's brief and opinion of Fitz John Porter, Commissioner (being the only written opinion rendered).

Counsel present.—

Francis M. Scott, assistant corporation counsel, advising board of police; Frank Moss, counsel for complainant; Elihu Root, counsel for defendant.

The charges were preferred by the superintendent of police on information signed by Howard Crosby, Jules Chatelan and Frank Moss.

Commissioner Porter's opinion in the case of Captain Alexander S. Williams.

I have carefully considered the charge against Captain Alexander S. Williams of the police force, together with the specifications on which it is based. I have also carefully examined the testimony in the case with the view of ascertaining the truth of that testimony and its bearing upon the allegations, and I have studied the laws applicable to this proceeding. I do not forget that our decision may seriously affect the future of an officer of high rank, of long service and of reputed efficiency. But I can not shut my eyes to the demands of justice, nor to the fact that the discipline and usefulness of the force can only be properly preserved by meting out punishment, when deserved, with a firm and impartial hand. Nor can I fail to remember that the community has claims upon us which we must respect and that that community has a right to confidently expect from our board the execution of the law, by our legal agents, in punishing delinquents and in protecting citizens, in all parts of the city, from evils which should be suppressed by the police force. How can we retain the confidence of that community if we, its guardians, neglect the performance of so important a duty as

the preservation of discipline among our subordinates? I, therefore, not only deem it my duty, but that it is eminently proper, that I should state the conclusions of my investigations and give the grounds upon which my vote will be based. I will, however, be willing to modify my conclusions, or even to change them, if it shall appear, at any time during our consideration of the case, pending the final decision, that those conclusions are wrong or based upon improper views.

Captain Williams was arraigned on the charge of "conduct unbecoming an officer." Nine specifications are presented in support of the charge. One specification (the 6th) was withdrawn by the prosecution. Witnesses who were expected to prove some of the facts, alleged in other specifications, failed to appear.

Among other complaints it is alleged, by these specifications, that there had existed, for a long time, in the Nineteenth precinct, and that to the knowledge of Captain Williams, in charge of that precinct, numerous houses of ill-fame or prostitution, resorts for gambling and pool selling, and the practice by abandoned women of soliciting for prostitution to such an extent as to render disreputable certain streets, especially some within a stone's throw of his headquarters; that these practices had become an annoyance to passers-by, and that he had taken no measure to comply with the law and his orders, by suppressing this disreputable and disorderly conduct, though the offenders have often been complained of to him and he has been requested to secure their punishment.

The testimony in the case, if true, shows culpable neglect of duty, a non-compliance with the legal requirements of the police department, and, also, a disregard of the solemn promise, made under oath, and renewed at every promotion, to obey and execute the laws of the city and State of New York and the legal orders of his superiors.

Some of these laws are quoted in the printed regulations of the department, in the possession of every member of the police force, and with which he is required to become familiar. Parts of Rule 414, extracted from the Consolidation Act of the State of New York, are especially applicable to this case.

RULE 414.

Members of the force will particularly notice the following sections of chapter 410, Laws of 1882.

§ 282. It is hereby made the duty of the police force, at all times of day and night, and the members of such force are hereby thereunto empowered, to especially preserve the public peace, prevent crime, detect and arrest offenders, * * * and to repress and restrain all unlawful or disorderly conduct or practices therein, enforce and prevent the violation of all laws and ordinances in force in said city; and for these purposes, with or without warrant, to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes or offenses.

Section 1458 of the same chapter defines one act — that of “disorderly conduct” — applicable to this case.

§ 1458. “Every person in said city and county shall be deemed guilty of ‘disorderly conduct’ that tends to a breach of the peace, who shall, in any thoroughfare or public place in said city and county, commit any of the following offenses, that is to say:

2. Every common prostitute or night-walker, loitering or lingering in any thoroughfare or public place, for the purpose of prostitution or solicitation, to the annoyance of the inhabitants or passers by.”

Section 718 of the Penal Code (referring to houses of prostitution), as amended by chapter 31, Laws of 1886, stands:

The terms “reputed house of prostitution or assignation,” “house of prostitution,” “house of ill-fame or assignation,” “disorderly house,” include all premises which, by common fame or report, are used for purposes of prostitution or assignation.

To enable the superintendent of police to perform the duty prescribed in Rule 25 of the regulations, “to abate all gambling-houses, rooms and premises; and places kept or used for lewd or obscene purpose and amusements, etc.,” it is thus especially provided in —

RULE 64.

Captains shall report, quarterly, to the superintendent of the location of all houses of prostitution, assignation, bedhouses and suspicious places in their respective precincts, and the names of the keepers and owners thereof.

The duty required by the following order can only be properly performed by each captain keeping himself fully informed about the places specified in the laws and rules which I have quoted.

June 20, 1885.

You will report to me in writing, on or before the 25th inst., all houses of prostitution, assignation, gambling-houses, lottery or policy offices, bunco places, opium joints or dens, or places reputed to be such, furnished room houses for prostitution, together with all suspicious persons and places, giving location by street and number, name of proprietor, name of owner or agent. You will also immediately report any changes that may occur in the proprietorship, or the opening or closing of any such places.

WILLIAM MURRAY,
Superintendent.

The quarterly report required by Rule 64 has been regularly furnished from each precinct. If made intelligently, and from information gained in the proper performance of duty, each captain should be possessed of the full information desired, and should be prepared, with the aid of members of his force especially selected by him, with data sufficient to sustain any just charges against houses of ill-repute. The fact that, notwithstanding the reports have been regularly made, no action has been taken by the captain raises a question not only as to his efficiency but also as to his integrity. It became his imperative duty to present before a justice ample evidence for holding the owners or proprietors of these houses for trial. Especially is this the case when he has secured the warrants for the arrest of such offenders on his own affidavit "that the houses were, to his knowledge and belief, used for immoral purposes."

I have been supplied with a copy of the brief of the counsel for the prosecution. I have carefully examined the synopsis of the evidence therein, and find it sustained by the record. I, therefore, accept it as correct. I, however, do not take into consideration any inferences of counsel nor any remarks made by them relating to our duty as a board, and shall govern myself in my performance of that duty by my own conclusions from the evidence.

Very little evidence in rebuttal of the testimony for the prosecution was presented by the defense, the defendant resting that rebuttal almost entirely upon his own statements.

The defense was mainly confined to a few points, to which I now refer:

First. A frequent effort by the accused and his counsel to divert attention from the evidence inculcating the defendant, by an attack upon a man who did not appear in the case as a witness, was a marked indication of weakness, especially as there was no other effort to rebut the evidence in support of the main allegations. That effort, especially after the board had so repeatedly and so strongly denounced it, was insubordinate and disrespectful, and an offense against the dignity of the board, then sitting as a court.

Second. The defense claimed that the numerous arrests of proprietor of houses of ill-fame, gambling-houses, and of other places used for immoral purposes, showed efficiency and watchfulness on the part of the defendant, and insisted that these arrests were made either by his own direct action or by members of his force acting under his orders.

While it is true the raids upon these immoral resorts and the arrests of proprietors were, in many cases, made by Captain Williams' force, it is, nevertheless, also true that in many and important cases they were made from the central office, under the lead of superintendent or inspector, and sometimes of both, without the knowledge of Captain Williams. In fact, in far the greater number of cases the arrests were made on the often repeated complaint of outside parties and by direction and orders from the central office. A marked instance is given in the testimony of the Rev. Cornelius Praetori. This gentleman had made several complaints to the superintendent, which were referred to Captain Williams, who strove to induce Mr. Praetori not to proceed any further. Finally, when compelled to act, he secured warrants of arrest, on his own affidavit, that "the houses were, to his knowledge and belief, used for immoral purposes," and arrested some 13 alleged offenders. Yet, surprising as it may be, he professed to know nothing against the arrested parties, and failed to aid Mr. Praetori in having the accused held for trial, and thus to relieve the vicinity of the reverend gentleman's home and church and the street of disorderly persons, who were annoying his congregation, his friends and the passers-by. Captain Williams took this course, notwithstanding that at least as far back as October, 1885, he had been reporting each one of the arrested proprietors as keepers of "alleged houses of prostitution" or "alleged assignation houses," and each of them was living but a short distance from the station-house, especially the one selected for a test case.

It may also be surprising to learn that since the date of the arrests made at the instigation of the Rev. Cornelius Praetori scarcely any of such arrests or raids have been made on the complaint of Captain Williams, or of any of his force, up to the date in May of the presentation of these charges to the mayor. But between the time these charges became known and the date of trial there have been 10 arrests of proprietors of houses of ill-fame, and there has been obtained by Captain Williams evidence to convict others, which has been professedly laid before the grand jury; all of these were complained of by this clergyman, and, with many others, had been reported by the captain from October, 1885, as keeping such houses, but, **unrestrained** by him, had been permitted to pursue their immoral practices. It is hardly creditable that the fear of these charges or the mere desire to be credited with these arrests, in order to prove his watchfulness and promptitude, was the cause of Captain Williams' spasmodic application of the power of the law. There is an alternative conclusion, and perhaps the only authoritative conclusion, to be reached. Just before these arrests were made and evidence for conviction was secured, Mr. Praetori made reiterated complaints against these houses in Thirty-first street. These complaints, after being presented to the mayor, were promptly forwarded to this board by his honor, and by us to the superintendent of police.

Urgent instructions, pertinent to the case, were at once given to Captain Williams, and the result was as above stated. Under such circumstances can it be claimed that Captain Williams performed this duty under his own sense of what that duty demanded? Is there any other conclusion than that he was forced to do that which he had long neglected, though he knew his obligations and how to fulfill them?

Third. The defense asserts that to interfere with these and other acts of disorderly conduct by occupants of houses of ill-repute would only drive them further uptown or into tenement-houses, and would cause each vacated house to be occupied by several families of colored people. The question as to who shall occupy a house rests with the owner, at least until the occupant proves to be bad. The police have nothing to do with it; their business is to maintain order. This is no answer to the charge, and can not be pleaded as an excuse for the non-punishment of persons who are undoubtedly guilty of breaking the law. Respectable citizens in this investigation, under oath, have portrayed the direputable proceedings in these streets in such a manner that no other conclusion can be reached than that these

violations of the law are protected by the police. The houses from which these lewd women sally at early hours in the evening or exhibit from their windows their disrobed bodies, and thus entice visitors, are in a thickly settled part of the city, where property is valuable. According to the experience of the past, derived from what once was the case in other parts of the city, houses in localities much more disreputable have become reputable and profitably occupied, simply because the police properly performed their duty.

Fourth. The fact that these houses of ill-repute—"houses of assignation," "houses of prostitution," "gambling-houses," "policy and bunco shops"—do exist, and have existed, in various parts of the precinct and that Captain Williams and his force have long known that they existed, and have rarely interfered with them, is sufficient to warrant the conclusion that they are permitted to carry on their nefarious business, if not protected in it. The failure to suppress them, or, at least, to prevent their obnoxious obtrusion upon the eyes of the public, coupled with the fact that when trespassers from them are arrested, the evidence against the offenders is insufficient to hold them for trial, justly leads to the conclusion that the police of the Nineteenth precinct are either ignorant of their duty, or indifferent to its performance, or that, knowing it, they are restrained, from some cause or influence, from executing it, except under the pressure of public complaint and exposure. Let the matter be considered that this failure is either the result of ignorance, willful neglect or willful blindness or silence, there is, in my mind, but one conclusion to be derived from the evidence in this trial, that Captain Williams is, and has been negligent of his duty to the extent as charged of "Conduct unbecoming an officer."

Having come to the above conclusion, from my study of the facts and evidence in the proceedings of this case, I am prepared to give my vote on each specification and upon the charge, and shall do so in accord with this conclusion, unless, as I stated heretofore, my conclusions are changed by the presentation of other reasons and facts convincing me that I have erred.

Police Department,

300 Mulberry street, New York City,

August 2, 1887.

The vote stood—

For conviction — Commissioners Porter, Voorhis.

For acquittal — Commissioners French, McClave.

PRESENTMENT OF GRAND JURY, MAY, 1883.

This presentment was signed by F. B. Thurber, foreman, and charged Captain Williams and another with having been notified by Anthony Comstock of the existence of gambling-houses in their precincts, and that they made no attempt to close the establishments, and recommended their dismissal from the force by the police board.

EXHIBIT 3, OCT. 2, 1894, L. W. H.

BOARD OF POLICE.

WILLIAM MURRAY, SUPT., <i>Complt.,</i>	} <i>Tried August, 1889. Commissioners voted August, 1889. A tie vote, and defendants neither acquitted nor convicted.</i>
<i>against</i>	
EDWARD CARPENTER, CAPT., <i>Deft.</i>	
SAME <i>against</i>	
WILLIAM W. McLAUGHLIN, CAPT., <i>Deft.</i>	

CHARGES, SPECIAL POLICE RULES, BRIEF FOR PROSECUTION.

Frank Moss, for the corporation counsel, counsel for the complainant.

William F. Howe, counsel for defendant.

The charges were preferred by the superintendent, on information signed by Howard Crosby.

NOTICE OF EXAMINATION.

Police Department of the City of New York,
300 Mulberry Street.

New York, August 1, 1889.

To Edward Carpenter:

Sir.—Take notice that charges have been preferred against you to the board of police of the police department of the city of New York, which charges are now on file in the office of the

clerk of the board, at No. 300 Mulberry street, and a copy thereof is hereto annexed. You are hereby notified and required to answer the said charges, in accordance with, and in the manner required by, the rules and regulations for the government of the police force.

You will also take notice that such charges will be publicly examined into by and before a commissioner or commissioners of police, at the court-room of the said board, No. 300 Mulberry street, in the said city, on the 6th of August, A. D. 1889, at 10:30 o'clock, a. m., and will be continued as ordered until it is concluded.

(Signed) WM. H. KIPP,
Chief Clerk.

August 1, 1889.

To the Board of Police of the Police Department of the City of
New York:

I hereby charge Captain Edward Carpenter, of the Fourth precinct, with neglect of duty.

SPECIFICATIONS.

In this, to-wit:

First. That on, and prior to, the 8th day of May, 1889, a gambling-house was kept and maintained in the house and premises known as No. 15 Ann street, in the city of New York, which house and premises were situated within the Fourth police precinct, which was, at all times during said period, under the command and supervision of said Edward Carpenter, as captain assigned to command the police force therein.

Second. That for a long period prior to said 8th day of May, 1889, the second floor of said premises, 15 Ann street, was commonly reputed to be kept and maintained as a gambling-house, and was, as such, well known to many persons.

Third. That at divers times since the 21st day of May gambling has been carried on upon said premises, 15 Ann street, in the said Fourth precinct, and said premises have been kept and maintained as a gambling-house.

Fourth. That said Edward Carpenter, prior to May 8, 1889, and since said date, has had knowledge of the keeping of said gambling-house on said premises, or has been ignorant thereof

by reason of his neglect to use reasonable vigilance and diligence to ascertain and discover the same.

Fifth. That on, or prior to, May 8, 1889, private citizens and officers from police headquarters, without the aid or co-operation of said Edward Carpenter, obtained evidence that gambling was being conducted on said premises, and caused the said premises to be raided, and its keepers to be arrested, and certain apparatus then and there used for gambling purposes to be seized; and that upon a trial of the said prisoners at the Special Sessions, in the city and county of New York, they were, on or about May 21, 1889, duly convicted upon a charge of keeping a gambling-house

WILLIAM MURRAY,
Superintendent.

Witness: D. J. Whitney.

I admit due personal service on me of copies of the above complaint, charges, specifications and notice of examination.

(Signed) EDWARD CARPENTER.

The charges against Captain McLaughlin were in the same form, but referred to No. 86 Fulton street.

POLICE RULES.

June 10, 1879. Resolved, That the following orders be published for the guidance of the police force.

Ordered: 1st. That hereafter whenever a gambling house or policy shop shall be closed or pulled by an inspector of police, without the aid of the captain of the precinct in which such house is located, the inspector shall immediately make charges against the captain of the said precinct for neglect of duty in not enforcing the law.

2d. That hereafter whenever the superintendent of police shall, in like manner, cause to be closed or pulled a gambling-house or policy shop, without the aid of the inspector of the district or captain of the precinct in which such house is situated, he shall make charges against the inspector and captain for neglect of duty as above.

3d. That hereafter whenever a gambling-house or policy shop shall be closed or pulled within the limits of the city, without the aid of the superintendent of police or the inspector of the district, or captain of the precinct, the chief clerk shall, upon receiving information to that effect, make charges against said inspector of police and such captain of precinct.

BOARD OF POLICE.

<p>IN THE MATTER</p> <p>OF</p> <p>THE CHARGES AGAINST POLICE CAPTAINS WILLIAM W. McLAUGHLIN AND EDWARD CARPENTER.</p>

BRIEF FOR THE PROSECUTION.

First. The principal effort of the defendants was to vilify Mr. Whitney, rather than to explain their failure to abate gambling-houses. This attempt was not made in good faith, for they did not deny or seek to controvert any of his direct testimony. It was a deliberate attempt to turn attention from the charges against the captains by putting Mr. Whitney on trial instead of them (using Mr. Howe's own statement), and was doubtless intended as a warning that citizens must not meddle with officers on the delicate subject of gambling. The employment of counsel who is the recognized champion of New York gamblers was suggestive, and his torrent of abuse, coming from such a source and against one of New York's best citizens, has caused wonder and disgust throughout the city.

The irrelevant and outrageous testimony of Inspector Williams was plainly the outcome of personal spite, and was in no way calculated to affect the result of the case, for Mr. Whitney's reputation for veracity and soberness was entirely immaterial. Your records show that this same Williams was presented to the board of police by the grand jury of May, 1883, as being unfit to remain on the force, by reason of his willful failure to close gambling-houses in the then Twenty-ninth precinct; and will also show that on his trial before the commissioners in July, 1887, on a charge of willfully neglecting to perform his

duty as to many houses of prostitution in the precinct which he then commanded, one-half of the board voted him guilty; and that he never, by any deciding vote, has been relieved from the imputations of either charge. His testimony and conduct on this trial certainly were unbecoming his position on the police force. Williams has a personal interest in these proceedings, for both houses are within his district, and he is equally responsible with the captains.

We think the board should rebuke the captain in whose name, and by whose sanction, these things were done, the inspector who lowered his official dignity to vent his spite on a citizen, and the counsel who, notwithstanding his own vulnerable record, attempted, in methods foreign to any rule of proceeding, to traduce a reputable and upright man, and to smirch the name of an absent woman.

Has it come to this, that a citizen can not take a position against an officer in the way provided by law, without having to run the gauntlet of vituperation and slander? The board can not have the approval of an observing public unless it rebuke and punish those who have so foully offended decency and honorable practice.

Second. Certain facts appear plainly from the evidence:

1. The houses in question were gambling-houses.
2. They were well known as such.
3. The captains knew of them, and reported them regularly to the superintendent.
4. The superintendent and Mr. Whitney both urged the captains to close the houses.
5. Neither captain made any raid or arrest at either of the houses, except that in June, 1888, Captain McLaughlin arrested Miller and Tompkins, proprietors of 86 Fulton street, on warrants which the complainant Weldon had obtained without the captain's help, after an unavailing complaint to him. The men so arrested were held for trial by a police justice. Captain McLaughlin did not make any use of Weldon to get his detectives or others into the house.
6. On May 3, 1889, both houses were raided by central office men, on warrants issued on the evidence of civilians, and gambling paraphernalia was seized and prisoners taken, and on May 20 and 21, 1889, the prisoners were convicted, all the proceedings having been taken without any aid from the captains.

7. Gambling was being carried on at 15 Ann street on June 15, 1889 (after the raid), with full paraphernalia.

Third. A special responsibility as to gambling-houses rests on the police force.

(a) Rule 414, which is a copy of section 282 of the Consolidation Act, makes it the duty of the police, "at all times of the day and night, * * * to prevent crime, detect and arrest offenders, * * * carefully observe and inspect all * * * gambling-houses, * * * and to repress all unlawful or disorderly conduct or practice therein, * * * and for the purposes, with or without warrant, to arrest all persons guilty of violating any law or ordinance for the suppression or punishment of crimes and offenses.

(b) Rule 56 requires captains to be diligent in enforcing the laws relating to gambling.

(c) Rule 82 requires captains to give notice to owners when their property is used for gambling, and if the occupation is continued, to obtain warrants and cause arrest of owners and occupants, and to prosecute them in the police courts and before the grand jury.

With these requirements upon them, how tender the captains seem to feel about the ethics of their calling. They do not scorn to do fine detective work in some branches of their business, but when it comes to gambling-houses, then the artifices necessary to pass the bars are beneath the dignity of their office. The situation is a queer one indeed.

Fourth. The facts being as above stated, there is one other inquiry to be made, viz.: Did the captains take proper means to get evidence against the houses and to abate them? Upon this question we are willing to rest the cases on their own evidence. That the houses were difficult of entrance did not lessen their duty, but enhanced it, and made it necessary to employ means suitable to accomplish the desired end (if, in fact, it ever was desired). What was done? Twenty police officers, more or less, under the direction of able captains, innocently walked to the gambling-houses, knocked for admission or essayed to enter behind others, and were turned away day after day. One officer did this a thousand times. Another hung around in such a way that, as he put it (substantially), the people about the place said to him, "What are you doing, Oates?" and he responded that he was "Trying to make a case;" this same officer

admitted his familiarity with Tompkins and Miller, the proprietors. Not once was any artifice used to get inside the guarded door; never was an intelligent attempt made to become acquainted with frequenters of the game; nor did either captain give any special instruction as to the methods to be employed in endeavoring to gain entrance. How easily might Captain McLaughlin have used Weldon, who had gambled at 86 Fulton street, as a means of getting men into the place, but this he made no attempt to do. On the trial this captain made a fine show of disdaining to employ such a method, and yet he gave a young, innocent civilian a few dollars, ostensibly to use as a means of getting admittance. What a farce! The means which would occur to the meanest tyro in detective work were never employed.

The captains, according to the superintendent, are among the best on the force, and it is not reasonable to suppose them actually incompetent (though they endeavored to excuse their failures by showing their incompetency); their successes in other directions show what they can do when willing. But the evidence does not show that either of them ever made any personal observation, inspection, investigation or effort to obtain the requisite evidence, which they should have done in compliance with the rules, and which was incumbent on them if the houses were as difficult as represented. The difficulty of gaining admission is no help to them, for thereby was imposed upon them personal duties of diligence, detective effort and personal investigation that were never performed. Neither captain complied personally with Rule 414, or gave adequate or sensible instructions to his men. The officers all told the same story of foolish procedure, and all united in saying that they reported their methods to their captains, and did not receive any instructions to do differently.

Fifth. The captains admitted the existence of these gambling-houses, and attempted to show great efforts to obtain evidence against them; and yet they did not show a particle of success, a shred of evidence obtained, nor any attempt at an offensive movement, though the houses had been maintained for a long time. Shall it be conceded that the police force of the city is utterly incompetent to make headway against this form of evil? If not, then the board must take such action in these cases as will inaugurate a new era in the First and Fourth precincts in the matter of dealing with gambling-houses.

Sixth. The records of the police department show many gambling-houses throughout the city reported quarterly by the captains, and others are known to the public, yet raids and arrests are few and far between. This is no wonder if there is manifested toward them generally the same gentle and peaceable disposition that has characterized the conduct of the defendants.

Seventh. The defendants are guilty of neglect of duty, as charged.

Dated August 10, 1889.

FRANK MOSS,

For the Corporation Counsel.

The brief and the evidence were referred by the board to Commissioner Voorhis, who reported that the brief was sustained by the evidence.

The vote stood:

For conviction, Commissioners Voorhis, MacLean.

For acquittal, Commissioners McClave, Martin.

EXHIBIT 1, OCT. 3, 1894, L. W. H.

Laws of 1882, Chapter 384.

§ 571. A person who, having theretofore executed a mortgage of personal property, or any instrument intended to operate as such, sells, assigns, exchanges, secretes or otherwise disposes of any part of the property, upon which the mortgage or other instrument is at the time a lien, with intent thereby to defraud the mortgagee, or a purchaser thereof, is guilty of a misdemeanor.

Know all men by these presents, that I, David Kronmann, of the city of New York, county of New York and State of New York, in consideration of one dollar paid by G. Munk, the receipt whereof is hereby acknowledged, do hereby grant, sell, transfer and deliver unto the said G. Munk the following goods and chattels, namely: 1 large glass case, 1 writing desk and store tables, 1 B. W. looking glass, all goods contained in merchant tailor store 1841 Third avenue, such as remnants of cloth, ready-made clothing, 1 Singer sewing machine No. 10,375,193, 1 bureau, 1 parlor table, 1 lounge, hanging lamp, 4 C. B. chairs, 1 rocker, 3 W. W. bedsteads and springs, 1 icebox, 1 range and all other furniture, carpets, ornaments, fixtures, picture frames, bedding, linen, glassware, kitchen utensils and everything else of any description not mentioned in the foregoing schedule

(Signed) D. KRONMANN.

Now contained in the premises No. 1841 Third avenue, city of New York, county of New York, State of New York.

To have and to hold all and singular the said goods and chattels to the said G. Munk and his executors, administrators and assigns, to their own use and behoof forever.

And I hereby covenant with the grantee that I am the lawful owner of said goods and chattels, that they are free from all incumbrances, that I have good right to sell the same as aforesaid, and that I will warrant and defend the same against the lawful claims and demands of all persons, provided, nevertheless, that if I, or my executors or assigns, shall pay unto the grantee or his executors, administrators or assigns, the sum of seventy (\$70) dollars on demand with legal interest, and, until such payment, shall not waste or destroy the said goods and chattels, nor suffer them, or any part of them, to leave said premises, and shall not, except upon the consent in writing of the grantee or his legal representatives, attempt to sell or to remove from said premises the same, or any part thereof, then this deed, as also a note of even date herewith, signed by me, whereby I promised to pay the grantee or his order the said sum and interest at the times aforesaid, shall be void.

And it is agreed that until default in the performance of the condition of this deed, I and my executors, administrators and assigns, may retain possession of the above mortgaged property and may use and enjoy the same.

In witness whereof, I hereunto set my hand and seal this 13th day of March, 1893.

Signed, sealed and delivered in the presence of

(Seal)

DAVID KRONMANN.

Exhibit 1. October 3, 1894.

Mr. Moss.—Your honors will remember that the Rev. Mr. Willcocks testified some time ago. His testimony is found at page 2167. When he left the stand he was requested to write a statement in amplification of his testimony, which he promised to do.

“At your request I forward you the following, relative to my testimony before the Senate investigating committee. The event testified to occurred upon Tuesday, February 6, 1894, a. m. The parties engaged being bartender John —— and

Officer Fred. Probst, No. 1204, whose post of duty, as I was informed, was and is Washington Market, and the place of the event was at the entrance of the saloon of J. H. and H. Wellbrock, No. 61 Vesey street. The above corrects my testimony upon the witness stand in one or two points, i. e., first, as to date, the time of the narrated incident being a month earlier than I witnessed to; second, the situation of No. 61 Vesey street, it being one block farther west on the street than I testified to. With the hope that this explanation covers the information which both Mr. Goff and yourself desired in connection with my testimony, I remain, very truly yours, William Willcocks, Plattekill, N. Y." This gentleman testified from recollection, but said he had memoranda at home which he would examine. The statement referred to was marked Exhibit 2, October 3, 1894, L. W. H.

John W. Welsh, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Walsh:

Q. What is your name? A. John W. Welsh.

Q. Are you a jeweller? A. I am.

Q. At Greenwich street, near Barclay? A. Near Murray street.

Q. Have you had any relations with a policeman lately? A. Not lately.

Q. When did you have anything to do with a policeman? A. Well, three years ago in September, my tenant, Mr. Buck, the baker, came to me and said, that Officer Hickey, because he did not give him desert and cigar, had said he would report him for a sign I had on my awning — I put up an awning there, and also a wagon; the baker appeared very excited; I went out to the officer and said to Mr. Hickey, "That sign will stay there longer than you have buttons on your coat, you dirty black-mailer you, and don't you forget it;" this was in September; in March, corporation notice came to Mr. Buck, and he being my tenant, I went up there; they were about to fine Mr. Buck; I says, "Your honor," Judge Mitchell was on the bench, "Can I say a word?" he said, "Certainly, Mr. Welsh, whatever you wish to say;" "I say, your honor, because this man could not get his lunch and cigar there for nothing, he made this com-

plaint, and I told this man it would stay there longer than he had buttons on his coat, and I repeat it now in court."

By Senator O'Connor:

Q. Was it a sign in violation of the ordinance? A. No, sir; it is on the awning, and the board of aldermen gave permission to have the awning up, and it is over there, and it has been over there for years and years.

By Mr. Moss:

Q. Was any sum of money mentioned when Mr. Hickey made his demand? A. Not that I heard; it was the baker told me that.

Q. Have you had any other trouble from any city department since that time? A. Yes; I have a man since, in the building department, a man who demanded \$10, and I refused to give it to him.

Q. Have you had any trouble with the corporation in regard to the building spout? A. That was in another department; it was because I did not vote for Judge Maynard; I was told at the polls if I did not vote for Judge Maynard I will get myself in trouble; I did not see fit to do it, and didn't do it.

By Senator Bradley:

Q. Who told you to do that? A. A heeler around Thirty-fifth street; I do not know the man; I allow no man to blackmail me.

Mr. Moss.—That is all. Officer Hussey, will you, please, take the stand?

Ambrose W. Hussey, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What precinct are you attached to, officer? A. Twelfth precinct.

Q. Twelfth precinct now? A. Thirty-first now.

Q. When did you leave the Twelfth precinct? A. I left it on the seventh of last month, of August.

Q. Were you a wardman in the Twelfth precinct? A. Yes, sir.

Q. Were there many disorderly houses in the Twelfth precinct? A. No, sir; very few.

Q. How long were you wardman? A. About two years and two months.

Q. In that time how many complaints did you take into the police court? A. I should judge about 10.

Q. No more than 10, for all cases? A. Oh, no; I could not count them; I could not answer that question without looking over the records.

Q. You say there were about 10 of the disorderly houses; is that what I understand? A. Yes.

Q. Who was your partner, your fellow wardman? A. Edward Shalby.

Q. Where is he now? A. Eighteenth precinct.

Q. How many of the 10 persons whom you arrested for keeping disorderly houses were convicted? A. Three or four.

Q. Do you know a man of the name of Joseph Block? A. Yes, sir.

Q. Where does he live? A. He lives now in a place called Plainfield.

Q. You brought Joseph Block to the office of Mr. Goff and to the office of Mr. Moss recently; didn't you? A. Yes, sir.

Q. Since the case of Mrs. Urchittel was mentioned in the newspapers? A. I did.

Q. Did you arrest Mrs. Urchittel at any time? A. Yes, sir.

Q. Do you remember the date? A. I do.

Mr. Moss.—I read in evidence from the blotter of the Twelfth precinct for May 10, 1893. "Wednesday, May 10, 1893, 10:30 p. m. Annie Rochitel, 36 years, white, Russian, storekeeper, single, can not read or write, 37 Ridge street, name complainant, Joseph Takata, residence 124 Goerick street, Officers Shalby and Hussey, keeping disorderly house. Prisoner was arrested on a warrant issued by Justice Taintor in Essex Market court, charged with keeping a disorderly house in the rear room of candy store, 37 Ridge street, \$500 bail to answer. Painter. To the Eleventh precinct."

Q. That means the prisoner was taken to the Eleventh precinct station-house? A. Yes, sir.

Q. May 17, 1893; fined \$50; Justice Hogan presiding.

Q. Is that the Mrs. Urchittel of whom you spoke? A. Yes, sir.

Q. At the time when you arrested her, 10:30 Wednesday night, did you take her directly to the station-house? A. Not at 10:30; we put her in the station-house, and my partner went around to take care of the children which were around in her store.

Q. The question is, when you arrested her did you take her right to the station-house? A. Direct to the station-house, me and my partner took her and another man.

Q. Did you walk around with her and spend any time after you arrested her? A. No; my partner took her around to the station-house, and not me.

Q. You have read the statement made by Mrs. Urchittel that someone demanded money from her and received \$25; have you read it? A. Yes, sir.

Q. In the newspapers; are you the man? A. No, sir.

Q. You say you are not the man? A. I am not the man.

Q. Did you appear at the Special Sessions upon the trial of Mrs. Urchittel? A. I did.

Q. May I ask you, officer, if you know whether or not Mrs. Urchittel had a demand made on her for money by any policeman? A. Only from hearsay.

Q. What do you mean by hearsay? A. The night I was taking Mrs. Urchittel from the Delancey station-house to Eldridge street, I was walking up Delancey street with her; quite a crowd was following; a young man by the name of Joseph Block crossed the street, and Mrs. Urchittel made a grab at him, and I grabbed for her arm and said, "What is the matter with her," to Block; and she said something in Russian, and I said "What is the matter with her," and he said, she thinks I gave her up; he said he was not the fellow who gave her up, and then she spoke to him on the way up; she then stated she had been arrested, that I was not as good a man as in the other station-house; then I let her go; she told this to Block; I asked Block "What is the matter;" he said he knew her, and she told him she was arrested and let go in the street for \$25; I said it was an outrage, and I immediately took her to the Eldridge station-house; and I came out and went back to my own station-house and got a drink of water, and got home at half-past 11 that night.

Q. Was there anything said at that time about her stocking having been taken down to get money from it? A. No; not at that time.

Q. Have you within a recent period stated yourself the name of any police officer whom you charged with having taken the money from Mrs. Urchittel? A. I did, sir; I will tell you how that came about.

Q. You did; whose name did you mention? A. Well, I was not sure of it until I sent for this Block.

Q. Whose name did you mention? A. I mentioned — I thought it was some officer in the Eleventh precinct.

Q. Whose name did you mention? A. A man by the name of Charles A. Place.

Q. Is he present in court? A. I believe so.

Q. Mr. Place? (Mr. Place stands up). Is that the man you mention? A. Yes, sir.

Q. I ask you again so as to be very careful, haven't you yourself, within a week or so, stated in so many words, that money was taken from Mrs. Urchittel, and that the man who took it was Charles A. Place? A. I do not know; I could not say that; I stated that Block said so.

Q. Then you qualify it by saying that you only know it as the intimation of Mr. Block? A. I could not say that; I don't know anything about the arrest.

By Senator O'Connor.

Q. Did you state within the last week that this man Place took the money? A. I could not state that.

Q. Did you state that to any one? A. No, sir; I did not.

By Mr. Moss:

Q. Didn't you state that in that office, that Mr. Place took the money? A. If I did, I made a mistake; I could not state that; I did not know anything about that arrest that night.

Q. When was it that Mr. Block told you that Mr. Place took the money? A. He told me — I sent a postal card to Plainfield, to Joseph Block; he came to my house Sunday morning; I told him I was in trouble with my wife and sister and felt pretty bad, and asked him to please give me the officer; and he declined to at first, and after a good deal of coaxing; I said, I know it is Foley; and he said, "No, it is not Foley, it is Place."

Q. You said it was Foley? A. Yes.

Q. And he corrected you and said it was Place?

Q. And there was an expression of the fact that some police officer had taken the money from her? A. That is what he said; he was there in company when the job was done.

Q. How long have you known Joseph Block? A. Just about two years, or two years and a couple of months.

Q. What business has he been in since you have known him? A. He has been a shoe clerk.

Q. How intimately have you known him? A. Only he was in my employ.

Q. In what capacity? A. Securing evidence; when I failed to secure evidence in a place, he got it for me.

Q. Was he what is called a stool-pigeon? A. He was, at that time.

Q. You had no friendly relations with him? A. Not at all.

Q. Did you treat him on terms of equality? A. No; I only paid him; the captain allowed me sometimes; he told me if I got any cases that I could put in my bill, and send it over to headquarters, but I never done it, but done it from my own pocket.

Q. You didn't call Block your friend, did you? A. Any man that works for you I consider a friend.

Q. You called Mr. Block your friend? A. Yes; on account of him doing work for me.

Q. The stool-pigeon was your friend, then? A. Yes; he was my friend for doing work for me.

Q. Did he ever come to your house? A. He did, on two occasions when I sent for him.

Q. Did he ever eat with you? A. No, sir; I asked him to eat with me, and he refused.

Q. Do you remember Mr. Block making a statement at my office? A. I do.

Mr. Goff.—Mr. Chairman and gentlemen, owing to the pressure of business on the district attorney—this examination probably will occupy considerable time—I desire to call the attention of the committee to a matter affecting the district attorney; and it is of simple justice to him, and in order to have the matter clearly presented. In the early part of this investigation we were hampered very much with the dread of witnesses to come here, believing that they would be subjected to some kind of persecution or prosecution. Some witnesses against whom charges were pending, trembled at the thought

of coming here, because they thought if they did so the power of the police would be invoked, and that they would be railroaded to the State's prison. Other witnesses who had not been leading lives within the law, who have been guilty of offenses, they felt terrorized that if they came forward and testified, that the power of the police was so omnipotent in this city, that those charges would be resurrected against them, and they would be indicted, and as many of them put it to me, that inasmuch as they had control of the whole criminal authorities of this State, a man was practically in the hands of the men identified with the police, and in their interests, it was worth their life to come here and testify. In this dilemma I saw Colonel Fellows. I told him the situation, and pointed out to him the great difficulties we had and asked him as a public officer, to come here before the committee and state his position upon that question. I submitted to him as to the attitude that he, as prosecuting officer of this county, would assume toward any person who might testify before this committee. Colonel Fellows came, and if you remember, Senators, that he then publicly stated that any person who might come here before this committee, and who would testify, and over whose head any criminal charge was pending, that he would not have that charge prosecuted on account of or by reason of that witness giving such testimony, and that that witness would not be in any way interfered with or hampered. Again, he stated that any witness who had heretofore been guilty of offenses and he had never been brought to justice, if such witness came forward here and testified, that he, as district attorney, would not permit the prosecution of any charges against such witnesses; and again, that in the case of certain witnesses then in prison, that by their coming forward here, he should use his best endeavors, notably in the case of Mrs. Cohen, who was then in prison, that he should use his best endeavors to obtain her discharge from prison by reason of her coming forward here and testifying. All these matters I must say in justice to Col. Fellows, have been carried out strictly and honorably. So far as the district attorney's office is concerned, and has been concerned, in these matters, not one person who has testified here has been in any way subjected to annoyance from that fact. If witnesses have been annoyed in any way, the district attorney's office is not chargeable with that offense. On the other hand,

I would also state that, in the matter of obtaining indictments against persons who have refused to obey subpoenas, etc., Col. Fellows has placed his office at the disposal of this committee, and has done everything in his power to meet and comply with its request. I would, therefore, say, as a matter of justice, because no question of politics or party can enter into this, this is a matter of the administration of the criminal justice in this city, and no matter how I may differ with Col. Fellows on questions of politics, and he may differ with me, yet right is right, and I believe that this committee wish and always have evinced the desire to treat every one right, and not pursue its investigation upon any particular lines for the purpose of prosecuting or interfering in an unjust manner with any official in this city, policeman or otherwise. I deem this a matter of justice to call the attention of the committee to the attitude of Col. Fellows in this matter.

Now there is a further and a very important question. The first time that a request came from the police commissioners as to the propriety of their proceeding with the trials of officers whose names have been exposed here in the evidence, this committee expressed itself by formal letter through the superintendent of police to the commission, I think on the 17th of May, if I mistake not the date, or the 27th, that in the opinion of this committee the conducting or the initiation or prosecution of other proceedings, criminal or departmental, against officials charged before this committee with acts of bribery or corruption, would in their opinion hamper the investigation and produce the result of interfering and intimidating their witnesses; because, as was pointed out at that time, if a witness came here and testified before the investigation, and then that witness should be dragged before the police commissioners to testify again, and the witness should be dragged again before the grand jury to testify, that it would so harass and discourage people from coming here that it would seriously interfere with us in obtaining any evidence whatever; and Col. Fellows then, in response to a request of the committee, and to an expression of the committee of its views on that matter, publicly and openly stated that no prosecution would be had or initiated by him against persons implicated by the evidence here, unless on the consent, consultation and advice of this committee; and upon that understanding the matter has rested since. I deem this

my duty to state to the committee and also as a matter of justice to the public prosecutor of this county.

Col. Fellows.—Will the committee permit me a statement?

Chairman O'Connor.—Certainly.

Col. Fellows.—Mr. Goff has correctly presented the attitude assumed by the district attorney toward this committee at the outset of this proceeding. You will remember I came before the committee on one occasion and stated that it must not be understood that the administration of the criminal law was to be stopped by reason of the proceedings of this committee; that an impression had gone out somehow, I heard it directly from the Tombs, that persons who were therein confined on charges, if they came before this committee and gave testimony, would be relieved of responsibility from those charges; that I wished it understood that the district attorney could not abdicate his office and turn the criminals loose by reason of their testifying here, but that, as Mr. Goff has said, the district attorney's office is not to be used in any way for the purpose of prosecuting or intimidating people who do give their testimony before this committee. I should not have come here to-day but for the fact that recently in the constitution of the October term of the grand jury the statutory charge presented 12 times a year, which requires the grand jury to look into the willful and corrupt conduct of officials in office, was emphasized, very properly, by Judge Cowing, as was also the prevalence of certain crimes upon the street by reason of the fact that these were existing facts as they had not been before; and I have been criticised, I am informed, in some of the papers—I have not read it myself—very severely as having utterly disregarded my duty as district attorney. I only came here this morning to put myself right, and it seemed to me that the proper place should be in the presence of this committee. This committee is the outcome of the highest power in the State—its legislature, or one branch of it. Its proceedings are of a judicial character. The scope and compass of the authority of the committee is that defined. They have a power which must not be interfered with or hindered in any way. I, and all other officials of the State, must recognize it, for it is the voice of the law-making power of the State. I have, therefore, deemed that, although the statutes generally require of the district attorney that he shall constantly bring to the notice of the grand

jury offenses which may take place within the scope of his jurisdiction, yet that has always to be limited and interpreted by the one doing it as will best conduce to the public safety and public interest; and when a court is authorized by a Legislature to investigate certain matters it may well be that a conflict of jurisdiction might hamper very seriously that investigation. Therefore, it was, at the request of this committee and upon full consultation with them, after their statement that in consideration of these charges it was likely to embarrass and hinder their action, that I stated to the committee that no such course would be taken; that I should not go into the work which this committee declared would embarrass and prevent proper consideration of the work assigned to them. It is well now that the community should know that the district attorney has refrained from the presentation of accusations to the grand jury by reason of the fact that this committee have deemed that it would be of serious obstruction to the conduct of their investigation. I shall still recognize that higher paramount authority. I shall not do that which in the judgment of this committee while it is sitting will at all interfere with the proper discharge of their duties. It is eminently proper, I think, that those who are charged with these responsibilities both on the part of your committee and on the part of the prosecuting officer, shall cooperate in such way as shall best serve the public interest. I have deemed it my duty to say that to the committee.

Chairman O'Connor.—Col. Fellows, Mr. Goff has expressed the sentiments of this committee, as they understand the situation. The committee are unanimous in the opinion that not only have they not been embarrassed by the district attorney's office, but have been very efficiently aided. Our understanding is that. That after consultation with our counsel, and that it was at the suggestion of the committee. The gentlemen of the committee do not criticise anything you have done. You are entitled to the credit of the citizens of New York. That is the way we feel about it; and we feel that your department has, probably, paid more attention to our requests than any other department of the city. Mr. Goff very well knows how serious the investigation of this committee can be impeded by hostility from your office. We have not experienced it. On the contrary, we have experienced aid in this investigation, and the committee are very grateful for it.

(Examination of Ambrose W. Hussey resumed by Mr. Goff.)

Q. Mr. Hussey, you brought Mr. Block to my office, didn't you?

A. Yes, sir.

Q. And he there made a statement? A. He did.

Q. And after having a conversation, he called in a stenographer, if you remember? A. Yes, sir.

Q. And the statement was summarized and given to the stenographer in his presence and in your presence? A. Yes, sir.

Q. That you recollect was a full account, was it, of all Mr. Block said, so far as you know? A. Yes, sir.

Q. Let me read you a rough statement? A. If you recognize this as a correct transcript.

"Joseph Block of No. 229 West Twelfth street, residence 137 Liberty street, Plainfield, N. J., says that he remembers Mrs. Urchittel; that he remembers that she lived at 74 Orchard street, and that he had two or three rooms in back of a bologna store and that he has seen men go into the place, and that she had one girl there for business who was not her daughter. She is the same woman who was arrested by Detective Hussey from the cigar store, 37 Ridge street. She had a bad place at 37 Ridge street; I myself had connection with her in Orchard street. She invited me to stay with the girl. I know who it was who got the money from her. It was a policeman named Charles A. Place, now in the Fifth street station. I was acquainted with Mrs. U., and Policeman Place asked me to introduce him so that he might get evidence against her. I did introduce him and I know that he arrested her one Saturday morning and that she was allowed to go again, and Place told me himself that he got \$20 himself, and he gave \$10 to Mr. Goldberg, and Goldberg gave me \$2, which we spent. I was on the street when Detective Hussey arrested her finally, and she spoke to me as they passed by, and asked me if I was a witness, I said, "No," and I told Officer Hussey I will tell all about her. I have seen a man by the name of Meyer Marks, he has a large black moustache. I saw him go into Charles Smith's several times. I asked the woman who he was and she said he is the man who got my children away, and I want him to get them back again." Was that true, officer? A. Yes, sir.

Q. This statement was made by Mr. Block, whom you brought to me for the purpose of making this statement? A. Yes, sir.

Q. Did you have Mr. Block make another statement in the office of Mr. Goff? A. I took him to Mr. Goff; I did not hear the other statement.

Mr. Moss.—Let me read it to you. It is sworn —

The Witness.—I was not sworn and did not see him make that statement.

Q. Let me read it to you and see if it agrees with what Mr. Block and you have talked together.

“City and county of New York, ss.:

“Joseph Block, being duly sworn, says that of his own knowledge and belief, he met Caela Schimel in Brooklyn, where she had a restaurant; he staid with her there, and after she moved to New York he met her again, and at the place where she was living, 74 Orchard street, he had repeated connections with her; he, Block, used to get men to stay with her; Block, through Goldberg, made a date for Charley Place, a special policeman in Eldridge street station, to see Caela Schimel; he, Place, went with Block to Caela Schimel’s place; went into a room with Caela Schimel; after a while she began to yell and cry, and Block went into the room; Place threatened to arrest her, and now before Block he said he would let her go for \$100.”

Q. Did Block tell you that? A. No, sir; not the \$100 part.

Q. “She yelled and cried she had no money; he then started to arrest her and brought her outside; they both came right back, and she then took money from her stocking and gave it to Place in the presence of Block; he then told her to get away from the locality as soon as possible, Goldberg claiming that Place got \$20, of which Place gave him \$5,” instead of \$10 as stated in the other statement; “Goldberg gave Block \$2 of this \$5; Joseph Block, sworn to before me, this 27th day of September, 1894; John H. Cohan, notary public, New York county.” Had Mr. Block told you in conversation that \$100 was named? A. He never told me about the \$100.

Q. Or that this woman cried or lamented in her room? A. No; he told me she was walked about the streets for a while.

Q. When you brought Mr. Block to my office you told him to tell the whole truth? A. Yes, sir; he said when he came out he told all he remembered.

Q. You took him to Mr. Goff’s office to have an affidavit made? A. I took him to Mr. Goff’s office to make an affidavit.

Q. Was this affidavit made after the statement in my office?

A. Yes, sir.

Q. Was the affidavit made while you were in Mr. Goff's office?

A. I was in Mr. Goff's office and left there to go to the General Sessions; I had a case on the calendar.

Q. Did you go back to Mr. Goff's office? A. No, sir.

Q. This is your signature? A. Yes, sir.

Q. Do you remember sending this letter to Mr. Block? A. I sent that letter.

Q. Then I read his letter in evidence:

"September 22, '94. Friend Joe:"

Q. That is your friend, the stool pigeon? A. Yes, sir.

Mr. Moss.—"Can you come up some day next week; if you do you will do me a big favor which I will never forget, if you can come up; will you send me the day and time you will come? Hoping you will oblige, I remain, your friend, Ambrose W. Hussey, 484 Grand street, New York city. P. S.—I will pay expenses."

Q. Have you paid Mr. Block any expenses? A. I have, sir.

Q. How much have you given him? A. I gave him a \$2 bill and a \$1 bill.

Q. Is that all? A. That is all.

Q. Haven't you given Mr. Block as much as \$5? A. This last time?

Q. Since you have been talking about this case? A. No, sir; a \$2 bill and a \$1 bill.

Q. Haven't you given him \$10? A. No, sir; \$2 on the first occasion, and \$1 on the second.

Q. Did he have to pay his car fare out of that? A. Yes; his car fare was \$1 excursion there and back.

Q. Did you take Mr. Block up to the Fifth street station and see Mr. Place? A. No, sir.

Q. Did you go to Mr. Place yourself? A. I did.

Q. Did you ask Mr. Place if he could do you the favor of testifying that Mrs. Urchitell kept a disorderly house? A. I did not; I did not ask him that way.

Q. What did you ask him about? A. I asked Place if he was implicated with the woman that kept a place at 74 Orchard street; he denied and said he was not in that business; he said he would help me out; I told him I didn't want any help; I said if you

haven't got any hand in it whatsoever I don't want none of your assistance; all I want is this woman closed; she is testifying to the committee, and Mr. Moss and everybody else and claiming she is an honorable and decent woman which I know is different; I want you to make a statement if you have any statement about 74 Orchard street; he says I don't; however let me come; I have two men that will help you out; I said I didn't want any help at all.

Q. Who were the two other men? A. Schindler and another man.

Q. Was it Cohen? A. I couldn't tell who was the other man; we had a talk in the hall.

Q. What do you understand it was he had two other men to help you for? A. I do not know what he meant.

Q. You could not offer any supposition? A. I do not know what he meant by it; I did not want his assistance.

Q. You don't want to expect anything wrong of him? A. I did not want to consider it at all; I did not want anything wrong in it at all.

Q. You thought there might be something wrong in the proposition? A. I didn't give it any thought at that time.

By Senator O'Connor:

Answer the question; you are too intelligent a man to answer that way.

The Witness.—The question is this: I did not want to think in my mind whatsoever; I didn't wish any assistance whatsoever.

Q. Your understanding was that he was willing to get a couple of men to swear to anything? A. I could not swear to that; he said, I will give you a hand out; they understood that, didn't they; I said I don't want any help out at all.

By Mr. Moss:

Q. Didn't you ask him to testify Mrs. Urchittel kept a disorderly house? A. No; I only wanted him to testify to the truth.

Q. Of course you wanted him to testify to the truth; but didn't you ask him to testify Mrs. Urchittel kept a disorderly house at 74 Orchard street; didn't you ask him to testify? A. Not that way; I asked him to testify if he had been to 74 Orchard street; I wanted him to let me know, and I said if you

have not been there, stand on your own bottom; I don't want any assistance from you; if you have not been there it is all very good; you keep on your own and I will keep on mine.

Q. Did Mr. Place say she kept a disorderly house? A. He did not deny; he did not have any communication, he said, there and Block said he took the money from her; Mr. Block told me he was threatened when he got the money.

Q. You made a statement here, didn't you? A. Yes, sir;

Q. Listen to this: "Detective Hussey tells me"—that was a statement of the stenographer in your presence—"that the place in the Eleventh precinct from which Mrs. Urchittel was driven was 74 Orchard street; she occupied two or three rooms back of a bologna store; "he says that he first heard that she lived in 74 Orchard street the other day since it was published in the newspapers; that is since she testified? A. Yes, sir.

Q. "And he went there and made inquiries and the man who kept a bologna shop said he remembered such a woman lived in those rooms, and she had men coming to see her, and the bologna man made trouble for her and put her out; I never knew she lived at 74 Orchard street before that; I didn't know of any other place in the Eleventh precinct where she lived." You made that statement? A. I did; that is true.

Q. You never knew of any place in the Eleventh precinct where she lived until you heard a few days ago? A. I did not.

Q. That was subsequent to her testimony here? A. Yes, sir.

Q. You never knew she had any store there? A. No; the only place I know was that night.

Q. Or the saloon? A. No, sir.

Mr. Moss.—Now I offer in evidence the testimony upon the trial of The People against Caela Urchittel before Justices Hogan, Koch and Divver. May 17, 1893. I will offer the whole record because it is short; and I read now the testimony of Officer Hussey.

"Ambrose Hussey was now called on the part of the people and sworn.

"By the Court:

"Q. You are an officer attached to the Twelfth precinct? A. Yes, sir.

"Q. Do you know the premises No. 37 Ridge street, store floor? A. Yes, sir.

“ Q. State what you know about the premises? A. Several complaints were made about this woman picking up men; there is a church and a public school across the way; several complaints were made against this woman stopping men in the streets; I went to the place; I pulled out quite a sum of money and I gave her a dollar; I asked her if I could come around again she said, “when my man goes out;” I only wanted to corroborate the evidence of this young man; I met this first witness selling strops one day, that is the first time I met him.”

Q. You spoke of another young man; he was a stool pigeon?
A. That is the first time I knew him.

Q. There were two other witnesses who were stool pigeons and they testified they had connection with her? A. Yes, sir; the stout fellow did.

Mr. Moss.—“ Q. Have you stated all you know about the case? A. This woman has been chased out of the Eleventh precinct by the detectives; there was a saloon there that she had.”

The Witness.—I did not say that in the testimony in Essex Market. They must have made a mistake.

Q. You say you did not testify to this at Special Sessions?
A. I did not know anything about a saloon.

Q. If you did testify this, it was not true? A. That part about the saloon is not true; it must be the stenographer was mistaken.

Q. If you testified she was chased out of the Eleventh precinct — A. No; I knew she was chased out by Block's statement, when she was arrested; the night I arrested her he told me she was chased out of the Eleventh precinct.

Q. You didn't say that before; you gave the conversation with Mr. Block and you didn't testify Mr. Block said she was chased out of the Eleventh precinct? A. Mr. Block said she was arrested by an officer and she was over in the Eleventh precinct and was driven out of there and came down to Ridge street; I am not trying to hide anything.

Q. Your recollection of this conversation with Mr. Block, which you are now trying to give us, has come entirely since your attention has been called to the conflict between your different statements, haven't it? A. No; it is all the same; it is all the same statement.

Q. Why didn't you give me that when I asked you for the conversation with Mr. Block that night? A. I did; didn't you

read it off a little while ago in the statement there; you read it off there.

Q. But you told me then—let me read your statement again to you: “He says, that he (you) first heard that she lived in 74;” that is the place in the Eleventh precinct; “The other day since it was published in the newspapers, and he went there and made inquiry; I never knew she lived in 74 Orchard street?”

A. Until the other day.

Q. “Before that I do not know of any other place in the Eleventh precinct where she lived?” A. That is correct; but this Block told me she was drove out of the Eleventh precinct.

Q. Is that the best explanation you can make? A. Yes; he told me she was drove out of the Eleventh precinct.

Q. Have you met Mrs. Urchittel? A. Yes, in the street; she hollered after me, her and her brother-in-law.

Q. Did she then and there accuse you of being the man that took the money? A. She did not; I didn't understand the language.

Q. Wasn't it translated to you? A. No, sir.

Q. Have you sent any one to Mrs. Urchittel? A. I have not.

Q. Do you know whether a proposition has been made to Mrs. Urchittel on your behalf? A. I do not know of any; if anybody has done it it was an outrage, and they should be sent to prison for it; I never gave anybody any authority.

Q. In those cases where you made arrests for disorderly houses was not Mr. Hochstein bondsman in those cases? A. No, sir; only in one or two cases.

Q. Did you see Mr. Hochstein in connection with this case? A. I seen him the next morning in court when he produced the woman there.

Q. What relation did this Hochstein have with this case? A. He bailed her out; I said the children were stolen, and Hockstein came up and told me where the children were.

Q. Is your partner, Mr. Shalby, in court? A. Yes, sir.

Q. This is Mr. Shalby (indicating)? A. Yes, sir.

By Senator Bradley:

Q. What do you mean by telling your friends that you had a great deal of trouble with your wife and sister-in-law? A. With my sister.

Q. With your sister? A. They accused me of being dirty enough to go in a hallway and take a woman's clothing down;

that is what bothered me; I would not have that for a million of dollars; I have a family of six children; I didn't do anything wrong.

Mr. Moss.—Mr. Hussey, do not leave the court for we want you again. Step down. Mr. Place?

Charles A. Place, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Are you attached to the Fourteenth precinct? A. I am.

Q. Mrs. Urchittel (Mrs. Urchittel stands up)! You see this woman, Mrs. Urchittel? A. Yes, sir.

Q. Have you ever seen her before? A. Never.

Q. Did you ever see her at No. 74 Orchard street? A. I never did.

Q. You were ward detective in the Twelfth precinct at one time, were you not? A. In the Eleventh precinct.

Q. Just prior to your going to the Fourteenth? A. Yes, sir.

Q. When did you leave the Eleventh precinct? A. I left the Eleventh precinct March 15, 1893.

Q. You were a detective in that precinct? A. Yes, sir.

Q. Did you observe the streets — Orchard street — the neighborhood of 74 Orchard street, while you were such detective? A. I could not say exactly what the place is, but I know where it is.

Q. Did you ever observe any disorderly houses, or any disorderly conduct there? A. I never did, sir.

Q. Did you ever go into 74 Orchard street, and see this woman and demand a hundred dollars from her? A. I never did.

Q. Did you ever see this woman anywhere and make any demand upon her for money? A. I never did; I never saw the woman before.

Q. Did you ever take any money from her? A. No, sir.

Q. Or from anyone for her? A. No, sir.

Q. Did you ever hear of this case until, as the preceding witness testified, he called upon you, so as to pay any attention to it? A. No, sir; I read it in a paper.

Q. As having any personal interest in it? A. No, sir; I never had any personal interest.

Q. Will you please to tell what Mr. Hussey said to you when he called? A. Yes, sir; he came to the station-house and said,

“Place, I want to see you; will you come outside?” I said, “What do you want? you can tell me here what you want me for;” he says, “Come outside;” I says, “I aint going upstairs to dress myself;” I was undressed for the day; I said, “Anything you have to say to me, say to me;” he says, “I have been saving you from a lot of trouble;” I says, “How is that?” “Well,” he says, “I have been withholding your name from the reporters and am getting a roasting myself;” he says, “This Mrs. Urchittel claimed she gave you \$25.”

Q. Now, let us see; did he say Mrs. Urchittel claimed that you, Place, had got her \$25? A. That Mrs. Urchittel gave me \$25.

Q. You, Place? A. Yes, sir.

Q. Go ahead? A. And she said she told him that the night he arrested her, and he had been keeping my name from the papers; well, I says, “That is very funny; these reporters should go to Mrs. Urchittel and find my name out if I was connected with it in any way;” he says, “I have been doing that for you;” he says, “You know that she keeps a disorderly house, or she kept a disorderly house;” I said, “I don’t know anything about it; I never see the woman and don’t know who she is;” he says, “My wife and family is at stake, and you can help me out in this thing;” I said, “I can not help you out; any way legitimately I can help you out, I will;” and then I called a couple of officers, Officer McCarthy and Porter, to listen to the conversation, and as I did, he left the station-house, and flew right out.

Q. As soon as there were witnesses, he went out? A. Yes, sir.

Q. Did you mention Officer Schindler to him? A. I did.

Q. What did you say? A. I called for Officer Schindler and asked him if they ever heard of a woman named Mrs. Urchittel.

Q. Had those officers been in the Eleventh precinct? A. Yes, sir; they got all the evidence against disorderly houses; my business was felony cases.

Q. What did they say about Mrs. Urchittel? A. Never heard of her.

Q. Did they ever hear of the disorderly house 74 Orchard street? A. They said they did not; no.

Q. Did he ask you to testify that she kept a disorderly house? A. He said in this way — he said, “You know she kept a disorderly house;” I said, “I don’t know any such thing.

Q. That is the whole conversation on that subject? A. Yes; and then he gave me that his wife and family was at stake, and all that sort of business.

Q. Did he accuse you of having taken the money from her? A. He said some stool pigeon — Block — told him so.

Q. Did he have Block with him? A. No, sir.

Mrs. Caela Urchittel, recalled, testified as follows; being examined through a sworn interpreter:

Mr. Moss.—I offer in evidence a record of the conviction.

Morris Blumenthal was sworn as an interpreter and also sworn as a witness.

Mr. Moss.—I offer in evidence the record of the conviction of "Keile Urchittel, on the 17th of May, 1893, at Special Sessions by Edward Hogan, Joseph Koch, and Patrick Divver, of keeping and maintaining a house of prostitution at premises store floor of No. 37 Ridge street, adjudging her guilty of misdemeanor, and fining her \$50.

Direct examination by Mr. Moss:

Q. Now, listen, interpreter, listen to my question and then put it to the witness in just my language, and then give her answer in English, in her own words; you have been examined before here? A. Yes.

Q. Since that time, have you made a statement through the interpreter who stands behind you, and has that statement been witnessed? A. Yes, sir.

Q. Is this the statement? A. Yes, sir.

Q. Is this statement which you gave to the interpreter true? A. Yes.

Mr. Moss.—Now, your honors, we had great difficulty in getting the testimony of this woman before, not only through our unfamiliarity with her language, but through her voluble method of stating her case, due undoubtedly to her great mental anxiety. I have had these facts written in the way she has testified. It is much shorter than we could get from her by the usual examination; and with the testimony of this witness that he has transcribed correctly, I will read it.

Morris Blumenthal, the interpreter, on examination by Mr. Moss, then testified as follows:

Q. What is your name? A. Morris Blumenthal.

Q. Where do you live? A. One Hundred and Sixty-one Orchard street.

Q. Do you see this statement which I hand you? A. Yes.

Q. Do you recognize it? A. Yes.

Q. Is that the statement which the witness has just testified to? A. Yes, sir.

Q. Did you correctly translate it? A. I heard it according to her word; every word I put down.

Q. Every word? A. Yes, sir.

Q. You are familiar with her language and the English language? A. Yes, sir.

Mr. Moss.—I read the statement:

“Mr. Frank Moss, Esq., 93 Nassau street. On 1891, I came to New York, a widow with four children; my husband died in Hamburgh. Being without means I applied to the Hebrew Charities on Eighth street for help, and they were kind enough to support me for starting a boarding-house in 166 Division street, and gave me for furniture and other necessaries and besides \$60 and sent immigrants to my boarding-house. My business was increasing daily having 30 to 35 persons every week, and in eight months I saved \$600. I worked hard indeed, but I did it gladly, knowing that this will enable me to support my children, the orphans. The immigration having been stopped, I had to give up the boarding business, and applying again to the Charities, they supported me again, giving me \$150, and sent me to Brownsville, where I bought a restaurant and made a nice living, but having the misfortune to lose of my beloved children, I left Brownsville, after staying there but a little time and came back to New York. I bought a cigar store in 33 Pitt street, corner of Broome, for \$175, and gave the landlord \$40 security and supplied more goods for \$50. On the second day of my taking possession of the store a man came in and bought a package of chew tobacco for five cents. A couple of days after, the same man came in asking me for a package of chew tobacco, to trust him which I refused, excusing myself, being recently the owner of that store; I don't know anybody of that surrounding. I can not do it. He took then out a dollar of his pocket and gave it to me for changing, and having no other small change, only pennies, which he wouldn't take, I sent my one years aged daughter, to get other coin for the dollar and handing the

same to the man I felt a tickling in my hand caused by the quarter of the dollar in the hand of the man, and I said good-bye to him. On the evening of that day another man came in the store, and told me that the man who was before asking for chew tobacco without money is a detective, and that he has a warrant to arrest me, and I can avoid the trouble, by giving the detective \$50, and refusing to do it, I will be locked up, and my children taken away from me till the 21st year. Not knowing to have done anything wrong, I laughed at the man, and told him that I wouldn't give a cent to anybody, and if that man should come in again, I will chase him out with a broom. The other night at 11 o'clock the children being asleep already, the same man who asked me to trust him the chew tobacco, and after which I learned he was a detective, named Hussey, came in with another man who took away my cousin that came to see me in that night, and the detectives remained with me alone in the store; he told me then that he knows that I keep a disorderly house and saved \$600 of that dishonest business. If I want to escape being arrested, he wanted \$50. I opposed to his assertion, and protested against his wanting money of me, saying that I ever made a living by honest business, but he wouldn't listen to me, and in spite of my protesting and the crying of my children, I was forced to leave my store and follow him. As we were two blocks away, we met Mr. Hochstein, and crying, I told him all my trouble and how I don't know anything about the false accusations. It was of no avail, Mr. Hochstein told me that the detective wants \$75, but he will try to settle it with \$50, but without any money nothing can be done for me, and gave me also his advice, to pay \$10 monthly to the detective, I wouldn't be troubled at all, and that I should resume my business unhindered. I repeated again that I don't know anything about dishonest business, but it was no use talking more. I was dragged from corner to corner till 3 o'clock in the morning, insisting that I had money with me, \$600, I kept it in my stockings. Weary and tired out, I sat down at the corner of Essex and Rivington streets at a dry goods store and took off my stockings, showing that I had no money in them. If you don't want give the money, said the detective to me, I can't help it, you must follow me to the station-house. Being convinced that it is impossible that I should escape without giving money, I took out \$25 of my pocket, the only money I had, and handed them over to the detective, standing by a window, which money

was parted between Mr. Hochstein and himself, he taking \$13 and Hochstein \$12. They went with me to Essex street, and sending me in through a gate in the house, where I was kept about two minutes, they sent me home after, with the warning, to prepare \$50. At 7 o'clock in the morning the detective, Hussey, came to my store, asking for the money. I cried again and begged him to let me go, that I am not able to give him any more money, but he didn't want to hear me any more, and I had to follow him. By the signal of a whistle a man came near me, and the detective gave me over to him, with the remark, not to let me go till I gave the \$50. The name of that man is Mr. Meyer. I went with him to Mr. Lefkovitz, manufacturer of syrups, 154 Delancey street, and to Mr. Frank — for selling the store even for the \$50, but they didn't want to buy it, seeing the man after me and fearing trouble. After trying in vain to sell the store, the detectives said to Mr. Meyer, "That bad woman don't want to give the money. Take her to the court," and I had to stay at the trial. Two bad disreputed boys were engaged by the detective, Hussey, for witness." It appears in the record of the trials that the stool pigeons are boys or youths, very young men at least, "The one said that he gave me 50 cents for gratifying his pleasure, and the other said that he would give me 40 cents, and I did not agree, asking 50, and thus I was detained in default of \$500 bail. Having been sitting in the court, the detective, Hussey, came in to me on the same day at 4 o'clock, p. m., and told me that my children are already taken away from my house, and if I can give him the \$50 he can help me even now. Hearing the distress of my poor children, I cried loudly, and a lady took me to a dark room, where I was locked up. Unable to procure bail, I was imprisoned for three days, and sent after to the Tombs, where I had to stand trial. There were about 50 persons to witness that I had always made an honest living, but they were not asked at all, and being wholly unable to understand the English language, I couldn't defend myself. The lawyer, who was sent from the Hebrew Charities, came too late, and had to give only the certificate of the society, testifying that I was supported by them, and led a decent living. It came too late, and I could not talk any more. I was fined \$50. My brother sold my store for \$65, and paid the fine. I ran then crazy for my children, for I didn't know where they were. Meeting the detective he told me that they are in the hands of a society in Twenty-third