

street. I ran there, but no one knew of my children. Finally, after five weeks, I received a postal card of my child, that the children are at One Hundred and Fifty-first street and Eleventh avenue, and when I got there and begged to give me back my children, none would hear me: Grieved at the depths of my heart, seeing me bereaved of my dear children, I fell sick, and was laying six months in the Sixty-sixth street hospital, and had to undergo a great operation by Professor Mundy. After I left the hospital, I had the good chance to find a place in 558 Broadway, where I fixed up a stand by which I am enabled to make a nice living, to support and to educate my children. I went again to the Twenty-third street, begging to release my children, and that was denied again. My heart craves to have my children with me. I have nothing else in the world only them. I want to live and to die for them. I lay my supplication before you Honorable Sir, father of family, whose heart beats for your children, and feels what children are to a faithful mother. Help me to get my children. Let me be mother to them. Grant me my holy wish, and I will always pray for your happiness, and will never forget your kind and benevolent act toward me. Your very humble and faithful servant.

(Signed) CAELA URCHITTEL.

Mrs. Urchittel further examined.

Q. Mrs. Urchittel, are you certain that the man who took you around until 3 o'clock in the morning is Officer Hussey, who testified on the stand? A. That is this man (indicating); that is the man.

Q. Is that the man? A. That is the man that took the children away from me; that is the man that took me away with Hochstein; that is the man that took the children, and Mr. Hochstein together; he and Mr. Hochstein together took the \$25; he took me two blocks from the house, together with Mr. Hochstein and Mr. Hochstein told me I made \$600 with my business, and I should pay that too.

Q. Have you met Officer Hussey on the street since you testified before? A. Yes; I met him.

Q. What did he say to you, and what did you say to him; tell her not to say anything more than just that? A. She told him, 'He is the man that took the money;' he said, 'No; I did not take the money, another man took the money;' she says he took it.

Q. Mrs. Urchittel, has anybody offered you any money about this case? A. Two men came to her and told her if she—

Q. Speak slowly and loudly, Mr. Interpreter? A. Two men came to her at the time and told her if she will commence with Mr. Hochstein she will get in trouble for two years' imprisonment.

Q. Who were the two men? A. Two thick men.

Q. When was it? A. It was the second day after she was presented here.

Q. In giving your answer, say, "it was the second day I was presented;" give it in her language.

The Interpreter.—Yes; that is what she told me.

Q. Where was that said to her; where did they say that to her? A. In the street.

Q. Whereabouts in the street; what street? A. In Delancey street.

Mr. Moss.—I think that is all, Senators; you both step down.

Senator Bradley.—Mr. Moss, has she got her children back?

Mr. Moss.—No.

Senator Bradley.—Are those not her children in court.

Mr. Moss.—No, sir.

Senator Bradley.—Have you made any effort to procure the children for her?

Mr. Moss.—We have, in the getting of this statement. We have been at great pains to get all the groundwork—this record—and to locate the officer. All of the preliminary work was done so the application could be made.

Senator Bradley.—Try and see that she gets her children.

Mr. Moss.—Of course, your honors understand when a police magistrate has committed a child under the present act, it is very difficult to change the commitment; there is no appeal from it.

Mr. Goff.—It is a serious question, right here, Senators, which I do not think it improper to call your attention to, that the condition of the law to-day in New York city is such that upon the ipse dixit of one man in the city of New York, children can be taken from their natural protectors, fathers and mothers, and secreted away in some institution and there is no power vested in any court or in any official to compel him to reveal where those children are, or to restore them. I

do not mean to say by that, that the object of the legislation has not been humane and good in its purpose; but I do mean to say that it is worthy the serious consideration of the lawmaking power of this State, whether or not great abuses may not arise by the vesting of such absolute power in the hands of any society, or of any individual in this State. To break the family ties, natural ties that bind the child to the parents, and the parents to the child, and take the child and put it away secretly and keep it secretly and defy all attempts to get possession of that child, even though it may have been shown that mistakes or errors were committed in the commitment of that child to those institutions.

Senator O'Connor.— Don't the law provide for that? I remember all those laws. Mr. Gerry generally gets what he asks for in Albany. He fought very earnestly for this work. My recollection is there is such a provision in that, so that when they want to get the name of a child they can apply to a justice of the Supreme Court and have an order of that kind, and they obtain it.

Mr. Goff.— I am calling your attention to the workings, and want to say here, there is not a case in this city yet on record, where a justice of the Supreme Court has felt he is justified in interfering with the commitment of the magistrate not a case; and here is just an illustration of it. The justices' of the Supreme Court consider they are bound. The law is so hide-bound and so imperative in its terms, that they are bound by it; and I think it is a proper occasion, Senators, to call your attention to this. While I say the objects of the gentleman and his purpose are humane and wise, and philanthropic, possibly, yet, I do say it is a serious question for the lawmakers of this State, to consider the wisdom of vesting so much power in any society that has no responsibility to the people, and that is under no responsibility to the people of this State. There is no provision even. The old common law provision, where the lawmaking power had the right of investigating a private corporation, does not exist. The right of visitation does not exist, and they are, practically speaking, independent of the people of this State. The public officers — the public officials — take oaths of fealty to the laws of the State; they have to give an account of their doings in the administration of their office, to the people of the State; and the people of the State can pass their verdict upon their

acts; but there are no means by which the people of the State can pronounce upon the justice or the injustice of the acts of an irresponsible agent. That is the situation we have here to-day, and this case is just precisely an illustration of that. I may take occasion to say here, if you will pardon me, Senator, that I know the gentleman whose name has been mentioned has done a great deal of good, and we may agree with him in his purpose to ameliorate the condition of the poor little children; but it is not at all amiss that we should stop and pause to see how far we, as a people, are going in that direction.

Senator O'Connor.—You understand how difficult it is to prepare laws for a good purpose, and so frame them that they may not be used for oppression.

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

Direct examination by Mr. Moss:

Q. What is your name? A. Isaac Lafkowitz.

Q. You will have to talk louder; just throw your voice over to me so I can hear you; where do you live? A. One Hundred and Fifty-four Delancey street.

Q. What is your business? A. Syrup, manufacturer of syrup and soda water.

Q. Do you know Mrs. Urchittel, who has just been on the stand? A. Yes, sir.

Q. Did you supply her with syrups? A. Yes, sir.

Q. What is Mrs. Urchittel's character, if you know? A. So much I know, I heard she is carrying on —

Q. Her personal character, is she a good or a bad woman? A. She is a good woman.

Q. Did some one come to your store in Mrs. Urchittel's behalf?

Chairman O'Connor.—I do not understand that this woman's character is now impeached. All these officers seem to run away from their previous charge that she kept a disorderly house. I do not see that there is anything against the character of the woman.

Mr. Moss.—I simply put that in in the way of getting it while we are about something else.

Q. Was an offer made to sell Mrs. Urchittel's store to you at one time? A. No, sir.

Q. Did someone come to you and ask you to buy her store?

A. Yes, sir.

Q. Who came? A. That lady came herself with another man, and she wants to borrow money of a man, Mr. Frank.

Q. Mr. Frank was in your store? A. Yes, sir.

Q. She wanted \$50? A. Yes; wanted \$50; she has got to pay some fine, or something like that.

Q. Can you remember exactly what it was she said? A. It was something like fine; I don't remember exactly.

Q. You don't remember exactly? A. No, sir.

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

Q. Your name is Elias Mandel? A. Yes.

Q. Where do you live? A. I live 350 West Twenty-sixth street.

Q. What is your business? A. Tinsmith.

Q. Did you keep a restaurant at No. 141 Delancey street? A. Yes.

Q. In what year? A. That was in 1883 — in 1883, I think.

Q. In 1893? A. In 1893.

Q. Have you seen Officer Hussey upon the stand here? A. Yes.

By Senator Bradley:

Q. This is the agreement when you bought the store? A. Yes, sir; this is the agreement when I bought the store.

By Mr. Moss:

Q. You bought that restaurant on the 7th of November, 1892, as appears by the bill of sale? A. Yes, sir; I kept it up until March, 1893.

Q. Not March of this year? A. No, sir.

Q. I ask you if you knew Officer Hussey who testified a little while ago? A. No; I didn't know him at that time.

Q. Do you know him now? A. I do know him now.

Q. Where and when did you first see Officer Hussey? A. The first I see Hussey, he came in my store; he came in —

Q. Speak slowly and loudly? A. He came in my store; I was not in the house; I was at work, and he asked my wife, "Where is your husband?" She says, "Well, he is away; you can see him at the night-time," but in the night-time when I came of

my work he was come in, and asked me if I wanted to be protected; I said, "What do you mean?" he says, "Come, you got game going on, and other things;" so I said, "To tell you the truth, I don't want that business going on; I am a working-man, and my wife just attending to the restaurant, and I don't think I will attend it longer."

Q. You mean, you did not want to have any gambling business? A. Yes; because I said, "I am making my honest living in work; and he says, when he went out, he said, "Don't you pay anything to anybody, and he went away."

Q. Then you came in contact with a young man named Herman Block, didn't you? A. Yes.

Q. Where did Mr. Block hang out? A. Mr. Block used to come in eating.

Q. No; perhaps my remark is not intelligible; where does Mr. Block stay evenings now? A. In Hochstein's saloon.

Q. That is the same Hochstein we talked about in the Eleventh and Twelfth precincts? A. Yes, sir.

Q. And you mean to say, Mr. Block spends a good deal of time in Hochstein's saloon? A. A great deal of the time.

Q. Did Block come in your place? A. He used to come in to eat, and other fellows; I did not know them people at that time; he came in to eat, and my wife — I had three rooms yet in the back side, and my wife she asked the other fellows may be they would hire rooms, and she wanted to let it out, and that fellow said, "Why didn't you say that to me?" and she says, "You can hear it," and he says, "I wanted to come in before."

Q. You mean to say he proposed to hire your rooms? A. Yes, sir.

Q. Did you let it to him? A. I let it to him; he was staying there for a couple of weeks, and eating and drinking, and he paid me just nicely, and then he always said, he was a real estate agent.

Q. Never mind about that; after Mr. Block had been there with you a little while, did Mr. Hochstein call on you? A. Mr. Hochstein was in, eating.

Q. What did Hochstein say? A. At the time I moved from the restaurant —

Q. I want the conversation about Mr. Block? A. He was staying and eating with me.

Q. What did Hochstein say about Block? A. Oh, the time when they took the money away, or before.

Q. The first time he spoke to you about Block? A. I did not speak anything to Hochstein about Block; no.

Q. What did Hochstein say, in your place, about Block? A. He did not talk about Block in the place at all; you got that wrong, if you please.

Q. Tell me about the hundred dollars? A. That is it; the time I sold the place he owed me \$12, Block did; so I went over to live at 110 Suffolk — it was at 112 in the papers — I went to 110 Suffolk street, and he heard I was going to save money — I am mistaken; the time I moved in, it was April, and March I sold it, and I moved in 110 Suffolk, and it was before the holidays; and he said to my wife, “Mrs. Mandel, will you take in my wife?” she says, “Have you got a wife?” he says, “Yes; that is my wife;” he has a certificate of marriage ticket.

Q. We don't care anything about the wife or marriage certificate; I want you to tell us about the hundred dollars that was mentioned? A. Well, I will come to the point of the hundred dollars; well, that broke me up.

Q. Tell us about the hundred dollars? A. When the time I was saving I had a hundred dollars in the bank, so next morning, they were fighting in the bedroom; my wife happened to see it, and said, “You had better go out,” because she heard bad words going around between them, and she said, “We are going to move up town; you had better go out;” the next day Block says, “Why don't you give us the money — the hundred dollars.”

Q. What did he demand the money — a hundred dollars for? A. She says, “What do you mean; the hard money that my man saved? I am going to give you no money; what money?” that fellow went away and didn't say anything; I bought at Hochstein's a pint of beer after work; and so, one Wednesday evening, I go to Hochstein's place, and Hochstein said, “Why don't you give that man money,” the hundred dollars you took off his wife?” I began to laugh; he said, “You had better return that money;” he said, “If not, you will be locked up;” I began to laugh, and I went out.

Q. Did he tell you you could be locked up without a warrant? A. Yes, sir; that is what he said; he said, “you can be locked up, if you don't return the money.”

Q. Without a warrant? A. No, sir; he said that afterward; the next day Hussey; I came from work; that was Thursday night.

Q. Hussey, Spitz and another man came in? A. Yes; I come to that; I came from work, Thursday night; saw Hussey and two other fellows; their names are Spitz and Meyer, and Block and his wife came in the house, and Hussey came over and said, "Why don't you give Block that money?" I asked him, "What!" he said, "The hundred dollars you took off him;" so he called me back in the bedroom, my bedroom, and my wife she followed me, and he says, "Well, if you give me any money, I will let you go."

Q. What did you say to that? A. I said to that, "I would not give anybody money; I haven't got any money;" he says, "If you have got jewelry, pawn it."

Q. What did you say to that? A. I would not pawn it for nobody; I would not give it, and I am not in it; I am not afraid of anybody; he said, "You got to come along;" I said, "Have you any warrant for me?" he says, "I do not need any warrant."

Q. Did he arrest you? A. Yes; he took me down to Attorney street station.

Q. How long did he keep you there? A. He kept me from quarter to 7 up to half-past 9, right in the room where the police was sitting.

Q. Did the sergeant lock you up? A. The sergeant was speaking to Hussey all the time, and the fellow came up and called the name of Shelvey, and Shelvey came in and began to talk to the sergeant, and I could not hear, and yet he gave him a wink and said, "Well, I will take that man on his responsibility."

Q. Is that the same Shelvey that is here and stood up? A. Well, I did not see him.

Q. Stand up, Mr. Shelvey, a moment (Mr. Shelvey stands up)? A. Yes, sir; that is the man; he was in private clothes.

Q. Shelvey came in and said he would have you locked up on his responsibility? A. Yes, sir.

Q. Did the sergeant object to locking you up before that? A. Yes; before that.

Q. Why? A. I do not know, because I did not hear it.

Q. When Shelvey said that, did they lock you up? A. Yes; then Hussey came in and examined my pockets; I had a gold watch and chain the same as I have now.



Q. Were you taken down to a cell? A. Yes; then they asked me, "Do you want any bondsman?" I said, "I don't want any bondsman of you; I can get myself bondsmen; I am not afraid of anybody."

Q. The policeman asked you if you wanted a bondsman? A. Yes; the policeman, Mr. Hussey; he asked me, "If you want any bondsman?" I said, "I don't want any bondsman of you; I have myself bondsmen;" I said to my wife, "You should go to the man named Fegermann; and whoever tried to get my bail, they stopped my bail and kept me five days in Essex Market court; I was sick and tired; I was getting gray."

Mr. Moss.—It will appear before we get through the testimony on this line, which may be adduced to-day and other days, that the condition of things around the Essex Market court is just as this witness is testifying. There are one, two or more men who are autocrats there, who control the whole bail business, if they want to; and if they take charge of a case, as they took charge of this case, nobody else can go bail there. There is some mysterious influence that stops the bail, and this man was required to pay whatever the sharks require for giving bail, or stay in jail. We intend to prove that, before we get through this investigation.

Q. You say your bail was stopped? A. My bail was stopped all over; the first time my wife went over to a man of the name of Bornstein; she said, "My husband is locked up;" and he rushed out, and he went in and left my wife standing outside in the street, and he came out and said, I will spend anything, but I won't interfere with them.

Q. How did he interfere about that? A. Mr. Hochstein and the rest of them.

Q. Who was the rest of them? A. I suppose Shelvey and Hussey.

Q. Hochstein, Shelvey and Hussey? A. Yes, sir.

Q. Anybody else? A. No; no more than that, I understood.

By Senator Bradley:

Q. These men you offered as bondsmen were they all real estate owners; did they own property? A. Yes, that man Mr. Bornstein, I don't know whether he has property; I know he run and got it; I know he is a rich man.

Q. Did any of the men that you offered as bondsman own his house? A. Yes; one is keeping down in —

By Mr. Moss:

Q. Did you finally get bail? A. Yes, I did.

Q. Who went you bail? A. A man of the name of Sedensky; he keeps in Ludlow street, a crockery place.

Q. Was he a friend of yours? A. No; I tell you; a man named Mr. Pfeffer, he always favored us; if anybody was locked up, he tried to get them out, and I heard that my wife was down to see him after five days in the Tombs; so I tell her, will you please, there is only one help for me to go down to a man named Pfeffer.

Q. This Mr. Pfeffer is the man, if I understand, you refer to, has been opposing Mr. Shelvey and Mr. Hochstein in their conduct in that precinct? A. Yes; because I heard he had many of those fellows after my case too.

Q. Do you know whether Mr. Pfeffer had any trouble in getting that bail? A. Yes; he had a licking.

Q. He got a licking A. Yes; he got a good licking.

Q. Who licked him? A. I couldn't tell; I heard one of Hochstein's gang.

Q. Is there a gang of such people hanging around Hochstein's saloon? A. I found it afterward.

Q. What was the charge upon which you were committed? A. I was charged with stealing a hundred dollars.

Q. That Mr. Block said you had kept? A. Yes, sir.

Q. Were you not sent down to the Tombs from the station-house within five days? A. After the five days.

Q. After the five days? A. After the five days; the time when I was the first on Friday arrested, I see a lawyer of the name of Martin Gold.

Q. When you were arraigned in the police court? A. No; I will give you another point; when Mr. Hussey took me from the station up to Essex Market court, he walked with me to Mr. Hochstein's place, and we had a drink together, me and Hussey.

Q. Who paid for it? A. I did.

Q. That was the officer that was arresting you? A. Yes; this was the man Hussey.

Q. Was that in Hochstein's saloon? A. Yes, sir.

Q. I understand you treated Mr. Hussey in Hochstein's saloon while you were on the way to court? A. Yes, sir; it was 8 o'clock in the morning; so we see Block sitting down there.

Q. Tell us very quickly what happened in the court? A. What happened in the court: I saw the man named Martin Gold, the lawyer; so he said, if you want any counsel, because I see Hussey gave him the wink, I should come over to him.

Q. You say Hussey directed this man to you? A. Yes; and so I said — he said, “Do you want any counsel,” and I said, “I do not want any counsel; I am not in it; I don’t know anything about it; I can talk myself;” and he went outside, and came back again, and said, “Your wife sent me in;” I said, “Let my wife have you; I don’t want you;” as soon as the judge called to the case, I jumped for the bar, and I said, “Your honor, I want that counsel stopped talking,” and he pleaded me all the time in the case, because the next day my wife gave him a \$20 note.

Q. Did you receive, or did your wife receive a letter or postal card requesting you to give any money to Hochstein? A. My wife received a postal card, but I did not write anything, because he could not —

Q. What did that postal card ask for? A. Well, I think she will tell you more than I can do it.

Q. Well, I will ask her then; do you remember what this lawyer Gold said about your pleading? A. Yes, sir; he said I pleaded guilty to the second degree, and that is what he said; I think that man is in it.

Q. Did he say anything about your being willing to return the money? A. Yes; he did say it; he says, I think Mrs. Mandel is willing to return the money back; but she never said that.

Q. You were guilty, but you were willing to return the money? A. Yes, sir.

Q. Did you authorize him to say that? A. The last time she had Mr. Steckler for her lawyer.

Q. Did you ever authorize him to say that? A. No; never told him to say that.

Q. You never acknowledged it? A. No, sir.

Q. You was held for trial, wasn’t you? A. Oh, I had enough that day, and held for trial.

Q. And then you got out of Mr. Gold’s hands, didn’t you? A. Yes.

Q. Who took your case? A. Mr. Steckler.

Q. Were you tried? A. I was — no, they sent me down after, because he couldn’t do nothing; and Charlie Smith and he

looked at the judge, and Hochstein was there, and they couldn't get it, and they said there is nothing to do but send him down to the Tombs, and they sent me down to the Tombs on \$1,000 bail.

Q. Were you indicted by the grand jury? A. No; they called me once down at the time I was bailed; they called me down to plead; well, I said, I am not guilty; I am not guilty because I never did anything, and sent me home at the time Mr. Steckler had me.

Q. There was no indictment made against you? A. No.

By Senator Bradley:

Q. The grand jury sent you home? A. No; the district attorney, I suppose; he said, go home.

Q. You had a bank account, and you testified they discovered you had deposited some money, and demanded the hundred dollars? A. Yes, sir.

Q. Was the bank willing to pay you? A. Yes; it was willing to pay me, and they stopped him.

By Mr. Moss:

Q. Do you know Martin Engel? A. Yes, I do.

Q. Is one of the gang, as you call it? A. I heard he was a fine man; at the time I did not know him then.

Q. What did Martin Engel say to you about your money in the bank? A. He said, well, we will go and have that hundred dollars; they will get all the money; so Hochstein said to me one day, if you give me \$50 to sign it, you can have the other \$50; I said no, I wouldn't do it, and I told Mr. Martin Engel that; he said, "No, don't you give him any money;" well, he said, we go on and fight the case, and send down to the first district civil court, and fight that case, when Mr. Block was over there for witness, you see he swore down there.

Q. You mean to say, Mr. Block appeared as a witness for you in the case? A. The same who was a witness for himself, and then he was a witness for me; his wife ran away from him, and she never gave any money to me.

Q. How much of the hundred dollars did you get after Mr. Block turned around? A. I only got \$50 out of it, and Mr. Engel says, "That is for Hochstein and the rest of the gang."

Q. The other \$50 was for Hochstein and the rest of the gang?

Q. So your experience with the gang was imprisonment and being kept from your family, and finally the loss of \$50 that you had deposited in the bank? A. Yes, sir; I suppose so.

Q. And you have no hesitation in identifying Officer Hussey as the man you have mentioned in your testimony? A. What do you mean?

Q. You have no hesitation about Officer Hussey; he is the man? A. Yes, sir; I am sure that is Hussey that took the case on his own responsibility.

Q. What bank was that, Mr. Mandel? A. The German Savings Bank, Fourteenth street.

Mr. Moss.—That will do, unless the committee desire to ask some questions.

By Senator Bradley:

Q. While you were confined in the Essex Market prison, how did they treat you there? A. Well, I got worse than a dog, I think.

Q. Did you buy anything there, or any refreshment? A. I could not eat; my wife sent me in the best meal, and I could not eat it, and gave it away.

Q. Did anyone approach you there and ask you for any money? A. Yes; they came in and talked with my wife; she could not give anything; Mr. Bornstein came in that night with her; with Mr. Simpson, and said, "Well, I could not help you, my boy; try to get the best;" I said, "Mr. Simpson, I know you are a fine man;" "Well," he said, "My poor boy, I can not do nothing for you; you are in a bad gang; that is all."

Q. This is the question I asked you: "Did anyone in prison, connected with the prison, or any official ask you for any money in order to grant you some favor? A. No; nobody didn't ask me for any money that time.

Q. When you were in prison? A. When I was in prison nobody didn't ask me.

Mrs. Caddie Mandel, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. Are you the wife of the previous witness? A. Mr. Mandel; yes, sir.

Q. Do you know Officer Hussey? A. I didn't know him until he came in to my place to arrest my husband.

Q. You know who he was? A. I did not know him before.

Q. Now, you know him? A. Yes.

Q. Have you seen him in court? A. Yes; I saw him in court; at the time he was arrested, he said, "I have nothing in it;" and I said, "Wait until I fix you," and he said, "I have nothing in it," and that is the time somebody showed me that was Detective Hussey; and his face was familiar with me from the night my husband was arrested.

Q. What did Mr. Hussey say to you about money at the time he arrested your husband? A. Why he came in to arrest my husband; he called my husband to the bedroom, and I went after him, and he said to Mandel, if you give me a few dollars, I will leave you here; my husband said, "Where is a few dollars?" I said, "Where shall I take it from?" Hussey said, "Haven't you anything to pawn?" My husband said, "I have nothing; I have no money at all; nothing to pawn," and then he took him away; I told him to wait a little while, and let him finish his supper, and he waited a little while, until he finished his supper, and took him away, and I stayed in my house, and after a while, I went to the Attorney street station-house, and we stood a little while, and they sent one man away, and then another man came; of course, I don't know the man.

Mr. Goff.— Will you step down one side?

Ambrose Hussey, recalled as a witness, testified as follows:

Direct examination by Mr. Goff:

Q. Now, Hussey, you have threatened to shoot a man here in this courtroom? A. I done nothing of the kind; I said a man is not fit to live; that is all; and neither he is; that man is not fit to live; it is political business on top of me.

Q. You are an officer of the police? A. Yes.

Q. And you are here, and your conduct is being investigated; you understand that, don't you? A. Yes, sir.

Q. Are you in uniform here? A. Yes.

Q. And you wear the shield of a police officer in this city? A. Yes, sir; and I am respectable at all times.

Q. You have said, upon your own admission in this court, in the presence of this Senate committee, that a man that you suspected of being interested in this proceeding, or investigation,

was not fit to live, according to your own statement? A. I do say that now; because he is not fit to be in this courtroom.

Q. He is not fit to be in this courtroom? A. Yes.

Q. Didn't you say to him if he did not stop these proceedings you would put a bullet in his head? A. No, sir; I did not.

Q. Give us your exact words? A. I said you are not fit to live; you caused all this trouble with Vandaleer; you caused this trouble.

Q. Didn't you say something else? A. No, I did not.

Q. Didn't you call him a foul name? A. No, sir; I did not; I said, "You are not fit to live."

Q. Do you think you came here to intimidate persons interested? A. I don't, Mr. Goff.

Q. What did you mean by telling persons interested in these proceedings that he was not fit to live, in this courtroom? A. If you knew his character, you would say so too.

Q. What do you mean by telling a witness — that may be a witness, or interested in witnesses here — to tell him he is not fit to live; what do you mean by that — in this courtroom? A. I do not mean anything, but he is low, that is all.

Q. And you, an officer in uniform, you start in to intimidate a person that you think is interested in the producing of testimony here? A. I did not know that was intimidation.

Q. What do you call it, when you tell a man he is not fit to live? A. A man that has gone against an innocent man has no right to do that.

Q. He has no right to live? A. I wish you were in that neighborhood, and had to do duty there.

Q. I am asking you about the transaction in court; what did you mean when you told him he had no right to live, you, an officer, in uniform? A. Well, he is low, that is all.

Q. Have you got a revolver with you? A. No, sir; I have not; I very seldom carry one.

Q. Now, this man whom you told had no right to live, has not been a witness here in these proceedings at all? A. They have been threatening, and asked to apologize, both to him and Ike Vandaleer, and they would not bring me before this committee.

Q. Who asked you to do that? A. A messenger was sent to me.

Q. Who was the messenger? A. This man Block.

Q. This man that you brought over here? A. Yes; he had a fight with Pfeffer.

Q. And brought over from Jersey? A. Yes, I want to state to the committee that this is two different Blocks.

Q. This is your friend, Block, is it? A. This Block came to me and said he had a fight with Pfeffer; and came to their store; and they would keep me from going before the committee.

Q. We are not interested in the fights and quarrels between these men; what we are interested in is, that an officer, in police uniform, in this courtroom, should make use of the language that you made use of? A. I didn't mean that as a threat.

Q. What do you mean? A. I think a man ought to be square in this world.

Q. Will you swear you did not tell him if he did not stop this thing you would put a bullet in his head? A. I swear I did not.

Q. You swear you did not? A. I solemnly swear I did not.

Q. Or in other words to that effect? A. No, sir; I did not.

Q. In substance or form? A. No, sir; I did not; I said you are not fit to live.

Q. That is all? That is all the words you said to him? A. That is all.

Q. In order to get this matter on record we will possibly inquire further about this thing, officer; will you swear now that you did not say to Pfeffer that if this thing—or any other person in this courtroom—that if this thing did not stop that you would put a bullet in his head or through his head, or words to that effect? A. I didn't say anything about a bullet or kill him or anything else.

Q. Did you say those words? A. No, sir.

Q. Or words in substance? A. No, sir.

Q. Or meaning the same thing? A. No, sir; I said to this man, "You are a dirty loafer," and this is Ike Vandaleer's work; I told that to Mr. Moss in his office.

Q. Never mind what you told him? A. They wanted to run a gambling-house and I wouldn't let them do it.

Q. We are interested in what took place in this courtroom and I want you to be very careful; have you any qualifications to make as to your testimony here as to any language you used to this man Pfeffer? A. All I said is, I said to him, "You are a dirty loafer, you are not fit to live."



Q. You swear you did not use any other words? A. I might have been excited; I didn't say anything about a bullet or anything like that.

Q. Now then you addressed Pfeffer before he spoke to you? A. I did, I said it was his work.

Q. Pfeffer hadn't spoken to you in this courtroom? A. No, sir.

Q. And while in this courtroom, and while this investigation was going on, you addressed a citizen by calling him a dirty loafer, and that he was not fit to live, isn't that the truth? A. Yes, sir.

Q. And Pfeffer had not addressed a single word to you, is that true? A. That is right.

Q. Did Pfeffer say anything to you in reply? A. No, he did not.

Q. Did you follow it up by saying anything to him? A. No, sir; I got out of the seat and walked away from him.

Mr. Goff.—Now we will just excuse you a moment, just step down. We will see if the city of New York is going to tolerate such work as this.

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

By Senator Bradley:

Q. Have you any scruples about taking an oath on this book? A. I swear on the Old Testament.

Senator Bradley.—This is the Old Testament.



Direct examination by Mr. Goff:

Q. Now, Pfeffer, give us your full name, tell your first name? A. Norberth.

Q. Now your second name? A. Pfeffer.

Q. You are familiar with certain workings around Essex Market police court? A. Yes, sir.

Q. And you have been in communication with Mr. Jerome and Mr. Moss and myself, in reference to these matters? A. Yes.

Q. And you have been directed by us to prosecute inquiries on behalf of this committee in relation to the workings of the Essex Market police court? A. Yes, sir.

Q. And you have been engaged in that matter for some weeks?  
A. Yes, sir.

Q. And you have been informed by us that it is very probable, and almost certain, that you were to be called as a witness before this committee? A. Yes, sir.

Q. And there are matters which you have to testify in relation to that court and its surroundings before this committee? A. Yes, sir.

Q. Now, Mr. Pfeffer, I do not wish to ask you of those matters now; we will reach those in the proper order of procedure; I want to ask you to state accurately every word that was uttered to you by Officer Hussey, this morning, in this courtroom; now take your time and give us every word? A. He says to me, "You stinken son-of-a-bitch of a loafer, I will blow your brains out, I will kill you and will shoot you down like a dog; you are the one that caused all the trouble, you and Ike Vandaleer;" that is the exact words he told me, and he repeated them several times, and there were gentlemen there, and I didn't care to go on the stand for notoriety's sake —

Q. That will do; did you say anything in reply? A. No, sir; not a word.

Martin D. Bradley, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Mr. Bradley, you are an attendant upon this committee — the Senate committee? A. Yes, sir.

Q. And have been, as such attendant, engaged in the courtroom since the sessions of the committee — throughout the sessions of the committee, largely? A. Yes, sir.

Q. Were you at your post here at the rail to-day? A. Yes, sir.

Q. Did you see Officer Hussey? A. I did.

Q. Now, Hussey, will you stand up (the officer stands up); now I wish you to look upon that officer; did you see that officer address the witness, Pfeffer, here before you, that witness who has just left the stand? A. I did not know at first who he was talking to; I heard some.

Q. Do you recognize the man now that has left the witness stand? A. Yes.

Q. (Mr. Pfeffer pointed out to the witness.) Will you state to this committee what you heard Officer Hussey, whom you have identified here, say to Mr. Pfeffer, who has just stepped from the witness chair; give us the exact words, to the best of your belief? A. All I heard him say, I heard, I think, "blow your brains out;" before that I heard some talking, so I looked over that way, and heard him say, "I will blow your brains out."

Q. You heard Officer Hussey say to this Pfeffer, "I will blow your brains out?" A. Yes, sir.

Q. Those other words you did not hear? A. I did not catch what they were.

Q. You are positive that those words were, "I will blow your brains out?" A. Yes; "I will blow your brains out."

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

Direct examination by Mr. Goff.

Q. What is your occupation? A. Clerk in Mr. Moss's office.

Q. You are a law clerk? A. Yes, sir.

Q. Were you in the courtroom this morning? A. Yes, sir.

Q. Up to the present time? A. Yes, sir.

Q. Do you recognize Officer Hussey here in court? A. Yes, sir.

Q. Officer, please stand up (the officer stands up). What is your Christian name, officer?

The Officer.—Ambrose W. Hussey.

Q. You recognize Ambrose W. Hussey? A. Yes.

Q. You have seen him on the stand here? A. Yes, sir.

Q. And you have seen him now in court? A. Yes, sir.

Q. Do you recognize Mr. Pfeffer, this gentleman here in front, who has been on the witness stand? A. Yes, sir.

Q. Did you see Officer Hussey address Pfeffer here in the courtroom? A. When the witness Mandel mentioned Pfeffer's name he got very wild and commenced talking to him; I did not hear the first part of the conversation.

Q. When the witness Mandel mentioned Pfeffer's name? A. He got very wild.

Q. Who got very wild? A. Hussey did; he commenced to talk with him, and gesticulated toward him, and the first part

of the conversation I did not hear, but I heard him say he would put a bullet or blow out his brains, something to that effect; I heard the words "brains," I am sure of that.

Q. Did you hear the word "bullet"? A. Yes, sir.

Q. You are positive? A. Yes, sir.

Q. Are you clear about those words, Mr. Marcus? A. I am Mr. Goff.—That will do Mr. Marcus.

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

Direct examination by Mr. Goff:

Q. What is your name, sir? A. H. H. Alexander.

Q. Your address, Mr. Alexander? A. Eleven Pine street.

Q. And your occupation? A. Stenographer.

Q. Are you in any way connected with this investigation?

A. In no way whatever, sir.

Q. You were simply an onlooker here in court? A. That is all, sir, the first time I have been to court.

Q. Well, we are pleased to make your acquaintance, Mr. Alexander; now Mr. Alexander, while sitting in court this morning did you notice this officer who was on the stand address any person? A. Well I was listening to the witness Mandel on the stand, and I heard some loud talk down there which attracted my attention from the witness and I looked down and I heard the officer turn around to some man back there and say very fiercely, "I will kill you"; I was afraid it would happen there and I commenced to edge away a little bit, and an officer then went in front of him and restrained him and passed him behind the bar; another officer had his hand on his shoulder and that restrained him and he walked away on the other side of the room.

Q. Would you recognize the man to whom he said "I will kill you"? A. Yes; I would.

Q. Is that Mr. Pfeffer, the man? (Mr. Pfeffer stands up.) A. That is the man.

Q. Officer Shelby, is that the officer that put his hand on Hussey's shoulder? A. No, sir.

Q. Do you recognize the officers in the court-room that put their hands on him? A. There is the officer there standing; that is the officer; the other man I did not see.

Mr. Goff—What is your name, officer?

The Officer.— Bernard A. Dunn.

The Witness.—The other man had a few stripes on him; I do not know how it was.

Q. Is there any other officer in the courtroom I have not called upon; let us see, Mr Alexander, do I understand you correctly to say that you heard the officer utter the words, "I will kill you"? A. Yes, sir, I did hear.

Q. "I will kill you"? Yes, sir.

Q. And those words were directed by this Officer Hussey to this Mr. Pfeffer? A. Yes, sir.

Mr. Goff.—That will do, Mr. Alexander. Very much obliged to you, and when you honor us again with your presence we shall not call you. We will let you in whenever you come.

Bernard A. Dunn, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Officer Dunn, your full name? A. Bernard A. Dunn.

Q. What precinct? A. Eighth precinct.

Q. Officer, you are here under a subpoena in regard to another matter, are you not? A. Yes, sir.

Q. And you will be examined on that in its proper order; you heard the testimony of Mr Alexander? A. I did not quite understand it, sir.

Q. Well, let us see; did you see your brother officer, Hussey, in an excited manner talking to Mr. Pfeffer? A. I did not see him talking to Mr. Pfeffer; I heard the gentleman make some remarks which I could not catch or understand, and I touched him on the shoulder and told him to be patient and not get excited; that is all the remarks I passed.

Q. Then he was excited? A. Well, according to my judgment, I think he was.

Q. Or you would not have used the words "he was excited"? A. No, sir.

Q. What was he doing; was he talking loudly or rapidly, or gesticulating? A. No; there was loud talking; I could not exactly say what it was.

Q. You did not hear any words, of course not? A. No, sir.

Mr. Goff.—You remain, officer; we will ask you about the other matter that you have been subpoenaed for.

By Senator Bradley:

Q. How near was you to the officer when you heard the loud talking? A. About three chairs from him.

Q. Near enough to reach over? A. Yes, sir.

Q. And touch him on the shoulder and put your hand on his shoulder? A. Yes, sir.

By Senator O'Connor:

Q. He was talking so loud he attracted your attention? A. He attracted my attention.

Q. Still you say you could not hear what he said? A. No, sir; I was not paying any attention.

By Mr Goff:

Q. Your hearing is defective, a little? A. Not at all, sir.

Mr. Goff.—That will do, officer, for the present. Now one word. Officer Hussey.

Ambrose W. Hussey, recalled, testified as follows:

Direct examination by Mr. Goff:

The Witness.—I am sick and under the doctor's care and came down to oblige you, sir.

Mr. Goff.—I am sorry for you, sir, and will let you breathe the free air of heaven as quick as possible.

Q. You have heard the testimony of Pfeffer? A. Yes, sir.

Q. Of Mr. Marcus? A. Yes, sir.

Q. Of Mr. Alexander? A. Yes, sir.

Q. And of Mr. Bradley? A. Yes.

Q. They have testified that you used the words: "I will put a bullet in you; I will blow your brains out; I will kill you?"

A. I never made —

Q. Listen to me, please; now these four gentlemen have all testified that you used those words to the witness, Pfeffer; what have you to say for yourself; what have you to say? A. I am under the doctor's care; I said he was not fit to live.

By Senator O'Connor:

Q. What do you say now, officer, after having heard all these witnesses here testify? A. I may have said a little more, but I said nothing about a bullet; I said nothing about killing; I said, I think, "You ain't fit to live."

By Mr. Goff:

Q. Are you prepared to swear that each one of the four gentlemen who have testified on the witness stand has sworn to a lie? A. The four men do not corroborate one another.

Q. Never mind that, sir; never mind about corroboration? A. I did not say that, that is all; they are gentlemen; I do not care what they say.

Q. Answer my question; they must be either lying, or you must be lying; one or the other? A. I did not say —

Q. I ask you now on your oath? A. On my oath, I did not say I would put a bullet in his brain.

Q. On your oath, are you prepared to swear that each one of the four gentlemen who have testified here, and the whole four together, have sworn to a falsehood; now answer that question? A. That question is not proper, Mr. Goff.

Q. Will you answer that question? A. I say I did not say anything about a bullet; putting a bullet in his head.

Q. Will you answer that question; the sooner you answer that question, the sooner you will get away? A. Then if they say that, they swear to a falsehood.

Q. They have sworn to that, and you heard them? A. Yes, sir.

Q. And have they sworn to a falsehood, in swearing to that; have they sworn to a falsehood in their testimony here? A. When they swore that I said I would put a bullet in him —

Q. We will be patient about this; the sooner we can get through with this, the better; have they sworn to a falsehood in their testimony here to-day? A. Only in that instance.

Q. Have they sworn to a falsehood in their testimony, to-day, in regard to the language you used to Pfeffer? A. In that one instance.

Q. Answer the question; have they or not sworn the truth? A. Yes; sworn; we had a conversation, we had a conversation; I did have a conversation with Pfeffer; I accused him he was not fit to live.

By Senator O'Connor:

Q. The question is: You heard these four witnesses testify; each testified to parts of the same conversation; each one using a different expression, but Pfeffer using all of these expressions

as is testified to by each of the four witnesses; do you say they testified to the truth or an untruth? A. They testified about the argument, truly, but not about the testimony of putting a bullet through his brain; I did not testify that; if I did, I was crazy.

Q. You must not be excited? A. When a man is accused by his wife and family —

By Mr. Goff:

Q. We do not want to make this any worse than it is, officer, but we have a serious duty to perform here, though it must be enforced, and we must insist upon an answer to this question; we do not propose to let it go over; I ask you again if, when those four witnesses testified that they heard you use the words — A. I have not —

Q. Now, will you please listen to me?

Senator O'Connor.—Listen to the question, and then answer the question put, nothing else.

Q. When those four witnesses testified that you used the words, “I will put a bullet in you,” or “I will blow your brains out,” or “I will kill you,” did either one of the four witnesses, or all of the four witnesses, swear to a falsehood? A. Well, I have no recollection of saying such.

Q. Did they or did they not? A. I say what they said about the bullet in,—

Q. Did they swear to the truth? A. A falsehood when they said I would put a bullet in him.

Q. When the witnesses swore you said you would blow their brains out, did they swear what was true or false? A. That was false.

Q. And when the other witness swore to the words, “I will kill you” — you heard Bradley swear, “I heard the words, I will kill you;” does Mr. Bradley swear what was false or true? A. Mr. Bradley did not swear what was true; I did not say that at all.

Q. Did he swear to what was false or true? A. He must have sworn false.

Q. Did he swear what was false or true? A. I have no recollection of saying such.

Q. Did he swear to what was false or true; now, you will have to answer that question, officer; you can not get away from



it; did he swear what was false or true? A. I have no recollection—

Q. Did he swear to what was false or what was true; you are only making it worse for yourself? A. I was excited; I don't know what—

Q. Never mind, that is a question of afterward; did he swear to what was false or true? A. Mr. Bradley?

Q. Yes? A. If he says I said, "I would kill him," he swore false; I have no recollection of it.

Q. You say you were a good deal excited? A. Yes.

By Senator O'Connor:

Q. You lost— A. I did not lose my head; this is all crooked work to me.

Q. Do you lose your head when you are excited? A. I never was in such a predicament in my life; it is my family I care for, not for myself.

Mr. Goff.—That is all right, officer, you may go.

Mrs. Caddie Mandel recalled, testified as follows:

Direct examination by Mr. Goff:

Chairman O'Connor.—I want to direct all the witnesses who have been subpoenaed here to be here promptly at quarter after 3.

Mr. Moss.—And further, Mr. Chairman, may I say that no witness must speak to anybody, and no one in this courtroom must speak to any witness concerning any testimony or anything that is to be done here this afternoon. There are people here whose business it is to intimidate those poor people from the east side.

Chairman O'Connor.—If we find any such person for certainty, we will show what it is to intimidate a witness.

Mr. Moss.—The statement I wish to make in justice to Charles A. Place is, I want to say we called him here, not with any conviction or belief, or any shadow of a belief that he was the guilty party in the case of Mrs. Urchittel. We believe it was a foul effort to shoulder this terrible accusation upon him. We called him for the purpose of explanation; and we want to say that so it won't be charged against Mr. Place by any of his friends or associates or enemies that he has been in any way compromised by this evidence.

Chairman O'Connor.—That is fair.

Mr. Goff.—I wish to supplement Mr. Moss's remark in reference to Officer Place. It is but in the line of our conduct, and in conformity with our settled purpose that we will not permit a police officer of any grade to remain for one moment under an unjust stigma of suspicion of having committed an offense.

Chairman O'Connor.—The committee wishes to exonerate all accused who are not guilty. We take no pleasure in smudging officers, and we are very much grieved if he is found to be guilty.

Q. What happened in court? A. This gentleman came in and said well we have him locked up, and he had him locked up, and he called me over and said, "Caddie, go get me a bondsman;" so I asked where was I to go and he said you go to Bornstein and he will do that for me; I went to his place and he went with me and went as far as Second street, and he went in and said this man can not do anything of this kind at all; I can not interfere with anything, Hockstein is in it; that is what Bornstein said to me; I said to him, "My God," what will I do with the children, and he said I don't want to interfere at all, and he left me and went away, and then I went there to him again, and he said it is best to go somewhere else, and then I went home; that was in the morning I came there to the court; that was Friday, and was called before the court; my husband and I did not know what to do; I did not know where to go, and I went to court and staid there and a man called me out and asked "Would you like to engage a lawyer," and I said I don't know if I need any one, and they showed me Max Alter.

Q. Isn't that Mark Alter? A. I don't know; I did not see him.

Q. Is that the man your husband spoke of? A. Yes; I gave him \$20, and he said to me—oh, yes, they went in Mr. Smith's, in the saloon, and in that little room I gave him the money.

Q. That is Silver Dollar Smith? A. Yes; there is a little room there, and I called him and gave him the money, and I said, please I don't want to be in it, and Mr. Buck said that to me, and I gave \$20, and he went to the police court and talked up the judge.

Q. And Smith's saloon is across the street from the court? A. Yes; just across the way; and I say my husband scolded me for taking the counsel, and he did not want him to speak at all, but he didn't listen and went and spoke for him and said, I plead the man guilty for second degree; I thought he meant he was free.

Q. You did not tell him to plead guilty, did you? A. I did not; I told him how it was; but he said I did not understand him what he meant, and I went off and the policeman held by lantern.

Q. Did he say your husband would return the money? A. He said I wanted to return it, but I never said anything at all.

Q. But there was a plea of guilty in the second degree, and the prisoner would return the money, or you would return the money? A. I thought he would be free.

Q. You thought the lawyer was doing what was right? A. At first I did not understand him well, and I supposed he was doing what was right, and my husband was locked up, and I was chased out.

Q. Who was you chased out by? A. The officer standing there told me to get out; they didn't want to see me crying, and they told me to get out.

Q. Did they put their hands on you? A. No, sir; they said, "Get out," in a good way; so I went out, and I was in the afternoon to go and see my husband, and they did not allow me to come in; in the evening, I went up to Johnny Simpson's, and I cried very bitterly, and he left his team standing, and went with me; and then he went up there and left me in prison talking with my husband; and he said, "Do what you can," and they did not give me much time to talk, and I went away; and my husband told me, "You go to Pfeffer, and he will try the best what he can for you;" and I went with him, and went the same night to his house, and did not meet him; and I went the next morning at half-past 8, and waked him up, and he got up; he said, "I would not like to interfere; I had once a licking, and would not like to get another one."

Q. And Pfeffer anticipated a licking? A. Yes; that is what he told; I took my children along, and he took pity on me, and said he would see what he could do.

Q. Was that the same Mr. Pfeffer on the stand? A. Yes, sir; he took pity on me, and I never saw the man before; and he went with me all over, and where he got a bondsman they stopped him; and I went in Mr. Willett's place, or Mr. Greenfield, and he got property too, and he said, Mrs. Mandel, I do anything for you, but I won't go anything on those people, and wouldn't interfere with those people; he came in a few minutes later in the saloon when I was sitting there.

Q. The charge against your husband was that he had \$100 of Mr. Block's money, wasn't it? A. Yes, sir; the charge was he took of Mr. Block \$100, and he gave it on his name, in the bank.

Q. Deposited it in his own name? A. Yes, sir.

Q. Did Mr. Hussey say Mr. Hochstein asked for the money, at any time when you heard it? A. The very same night when my husband was arrested, I begged Mr. Bornstein, the first bondsman, to go and call out Mr. Hochstein, so I should see him myself, as I did not know the man, and he came out; he came out to me on the corner of Suffolk and Delancey streets, and then another man came out too with Mr. Hochstein, and he said, if you want to have that settled, if you give \$100 I will have it settled for you.

Q. Who said that to you? A. Mr. Hochstein.

Q. Is that Mr. Hochstein who has just been elected a delegate to a convention? A. I don't know that.

Q. He is a prominent man in that part of the city? A. Yes, sir; he said to me, "Well, if you don't give me the money to settle it, I will send away your husband for five years;" and I started to cry; he said, "What are you crying about; you must get used to be away from him;" and the other man came there to me and said, "Yes, your husband will be sent away;" and talked to me so in mean words, I stretched my hand to give him a slap; the name of the other man was Mr. Spitz; I never saw him before, and I did not see him until I saw him in court.

Q. Did either you or your husband take \$100 from Mr. Block? A. No; she only gave me \$43 for board for him and her.

Q. You mean to say that the charge of having taken \$100 is false; do you mean to say that? A. Certainly it is false; I told what I took.

Q. Neither you or your husband has ever been brought to trial down town? A. No, sir; there was no trial at all; no, sir; we were never called to trial; I went with George Steckler to Essex Market; and George Steckler would not at first go, and I cried and Pfeffer begged him and he went and said he did not want to have that case fought here, and would have him to the Tombs, and they took my husband down the next morning to the Tombs; I am afraid my husband will get sick; what will I do with my children if they take him away.

Mr. Moss.—We will take care of you.

The Witness.—I would have had them reported long ago, but I was afraid if I would come to the city with my three children

to help him; but I was afraid of them; there is rough people there.

Q. Do you know of any other people in that part of the city that had been hurt? A. I do not know; I heard Pfeffer was licked a couple of times; a good many people was licked, but I never went among them; I stayed in the house and attended to my place, and did not want to find out other people's business.

Q. You are afraid you and your husband will be sent to prison? A. I do not fear myself, but I am afraid my husband will be licked; that is how I am afraid; they might catch hold of him there and kill him, and do something to him and I not know nothing about it, and what will I do with my children.

Mr. Moss.—I think you and your husband are safer than before. If anybody attempts to strike him let him strike back.

The Witness.—I was nine days in the station-house, and my little boy was lying in front of the station-house five nights; he would not go away from the station-house, and said, "My father is here and I won't go away."

By a Reporter:

Q. How old is that child? A. He is going on six years; the first of April he is 6 years.

Adjourned until 2:45.

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### AFTERNOON SESSION.

October 3, 1894.

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

By Mr. Moss:

Q. Did you keep a place at No. 3 Eldridge street? A. Yes, sir.

Q. What is your business there? A. Manufacturer of cloaks.

Q. Did you have some property stolen from your store? A. Yes, sir.

Q. When? A. Last year.

Q. What time last year? A. I can not recollect the month; but I know it was on the 4th.

Q. On the 4th of some month? A. Some month.

Q. In the summer time or in the fall? A. No; after Christmas.

Q. After Christmas? A. Yes, sir.

Q. Did your wife discover one of the stolen cloaks? A. Yes, sir.

Q. Where did she find it? A. In Broome street; a man carried it around to sell it.

Q. You say that it was found in Broome street? A. Broome street.

Q. When your wife discovered one of the stolen cloaks, what did you do? A. She sent for me.

Q. What did you do? A. She identified the cloak and sent for me, and I identified the jacket.

Q. Was this identified in a store? A. No; outside; that man went to sell that cloak, and my wife happened to be there in the same place where he wanted to sell that cloak; she identified it; she started to buy it, and she sent for me and an officer was standing right outside; and I kept there and identified the cloak, and they arrested that man.

Q. Who was the officer? A. Officer Hebbard.

Q. You identified the man that he was arresting? A. He was arrested.

Q. What was the next move? A. They took him to the station-house, and they tried to ask him where he got that coat; so he said he made a moving job in 3 Eldridge street to 200 Delancey street; and he delivered them goods over there.

Q. Did he say who he delivered them to? A. Yes; Charles Weisman.

Q. This man said he was employed to move some cloaks? A. He was an expressman; he was a workman by an expressman, that same fellow.

Q. And he was engaged as an expressman to move some cloaks from your place to Weisman's? A. To Weisman's, 200 Delancey street.

Q. By that means you located Mr. Weisman, didn't you? A. Yes, sir.

Q. What did you do then? A. Then the sergeant appointed two detectives, Thomas Shelvey and Hussey, and they went up with the man that had the jacket to search the place.

Q. Shelvey and Hussey were detailed by the sergeant? A. Yes.

Q. And went with you? A. Not with me; with the man that had the jacket, to 200 Delancey street.

Q. Did you go there to? A. No; I was not there that time; the first time I was not there; they went up themselves; I wanted to go along, so the detectives said I didn't need to go along; they would come for me if they found anything.

Q. Who said you need not go along? A. The two detectives; the sergeant told me, too, I should stay in the station-house; if they need me they will send for me.

Q. You wanted to go along and identify your goods, but these two officers and the sergeant told you to remain in that station-house, and if anything was found they would send for you? A. Send for me.

Q. Did they send for you? A. Mr. Shelvey came around, and found some goods up there; they didn't know what it was; I should come there.

Q. Where did they say the goods were? A. In the rooms.

Q. Are you clear that they said the goods were in the rooms? A. Yes, sir.

Q. Who said they were in the rooms? A. Mr. Shelvey; I went up there and I said "Them goods don't belong to me," and I was starting to leave the place, and I didn't find no goods at all; afterward the people from the same building were hollering; the lines were torn down in the yard; somebody knocked down two bags with goods through the window; so I and Detective Shelvey went down in the yard and found all the goods there, but I am short for \$250 more goods.

Q. The second time there was an attempt made to investigate you were called in, went up to the rooms, found nothing, and the tenants below were talking about their lines having been broken.

Q. Pulley lines? A. All the lines were tron down.

Q. And bags had been thrown down? A. Yes.

Q. Then you went down in the yard and found two bags there with the goods? A. Yes; with goods.

Q. What was the condition of the bags; were they whole or torn? A. No; they were wrapped up together.

Q. Were the goods scattered? A. I didn't find all the goods; the goods were put out in the yard; afterward my partner went out himself and found two pieces of satin laying in the yard too, and he brought it to the station-house

Q. Did Officers Hussey or Shelvey, or either of them, tell you how these goods came to be in the yard? A. No; they said they didn't find them up there; I was not there at the time.

Q. Then I suppose somebody was taken to court? A. I don't know.

Q. Weren't you in court? A. I was in court; and the receiver was locked up.

Q. That is, Mr. Weisman? A. Yes; and the expressman was locked up; and the workman I caught with the jacket was locked up; and the workman was discharged right away and the expressman too; and the receiver was held in \$250 bail; and the trial was held in the General Sessions and he got discharged.

Q. What was the defense the receiver made, Mr. Weisman? A. I don't know.

Q. Did Mr. Weisman say that the goods were not found upon his premises? A. When I came up there I was hollering where is my goods; Mr. Weisman's wife said "Don't holler, your goods is here;" I said "Where is my goods;" she says "I just knocked it down through the window;" Mrs. Weisman told me that.

Q. Did Officers Shelvey and Hussey subpoena Mrs. Weisman to court? A. No; only myself.

Q. Did they subpoena any of the tenants in court whose lines were broken down? A. No, sir.

Q. Did they testify that they didn't find the goods in the rooms? A. They testified to the judge that they didn't find the goods in his premises, and he got discharged right away.

Q. But they said they found them in the yard? A. Yes, sir; and he got discharged.

Q. Discharged on the officer's testimony? A. On the testimony that they said they didn't find the goods in his premises; I got the jacket laying in headquarters, too.

Q. Did the expressman tell you where he had taken the goods, too? A. That man I caught with the jacket told me that he had took the goods from 3 Eldridge street; he made a moving job at 4 o'clock at night from 3 Eldridge street to 200 Delancey street.

Q. Did he tell you where he brought them? A. Yes; he brought detectives there; they knew where the goods were.

Q. Did the expressman say he took the goods up stairs? A. Up stairs; he brought them to the room.



Q. Was that expressman examined as a witness against the receiver? A. They did not examine nothing; they discharged the receiver right away, because the officer said they didn't find the goods in his premises.

Senator Bradley.—What court was that in.

Mr. Moss.—Essex Market.

Q. Who was the presiding judge? A. I don't know his name; an old man.

Q. Was it Judge Koch or Judge Hogan, or who? A. I don't know.

Q. Describe his personal appearance? A. He was an old man, a grey man, grey hair; it must be Judge Koch.

Q. What month was that, if you can tell now? A. I don't remember the month, but I know it was on the 4th after Christmas.

Q. Was it the winter time after Christmas? A. No; it was starting, the winter was; it was starting Christmas.

Q. Do you mean to say it was before Christmas? A. No; before or after, I can not remember.

Q. In the neighborhood of Christmas? A. Yes; in that time.

By Senator Bradley:

Q. Did I understand that one of the jackets was at police headquarters? A. Yes.

Q. Why can't you get it? A. I don't know.

Q. Did you make a requisition for it? A. I told the district attorney; the district attorney told me I should sue the clerk, and he didn't want to give me the jacket, because he has been discharged.

By Mr. Moss:

Q. Everybody has been discharged? A. Yes.

Q. And your jacket is at headquarters? A. Yes; and besides that I am short \$250 more; I was robbed of \$600.

By Senator O'Connor:

Q. Was this yard right back of Weisman's premises, this yard into which the goods were thrown? A. Certainly; it belongs to Weisman's house.

By senator Bradley:

Q. Did you ever find out, or did any of the neighbors tell you whether the goods were thrown out the window while the policemen were there or after they were there? A. It was after the policemen were there.

Q. Was that after the policemen went there or before? A. While we were up there.

Q. While you were up there? A. When we came up.

Q. And the policemen were there? A. Yes; the two officers were there.

Q. So they must have known that the goods were thrown out the window? A. I don't know whether they knew it or not.

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

Direct examination by Mr. Moss:

Q. Are you the wife of the previous witness? A. Yes, sir.

Q. You have heard your husband's testimony, have you? A. Yes, sir.

Q. Did you identify a jacket that had been stolen from your place? A. Yes, sir.

Q. When did you identify it? A. The same evening that the goods were stolen.

Q. Can't you tell me what month it was in? A. I think it was in November.

Q. In November of last year? A. Yes, sir.

Q. November, 1893? A. Eighteen hundred and ninety-three.

Q. Please tell me all you know about it? A. My husband went to the store in the morning about 6 o'clock, to open the store; he left the house about 10 minutes to 6; he came back about five minutes after 6 and said he was robbed; the place was broken in the back, the bars were cut, the iron bars were broken and all the goods were taken out; the same day I went to my sister's, who lives at the corner of Broome and Clinton streets; as I was at the door a man came there and asked us if we wanted to buy a jacket; as soon as I saw the jacket, I identified it, because I knew the jacket was made for a particular customer; while I was trying to buy that jacket, I sent for my husband, and when he came he said it was his jacket, and the policeman was at the door, and we called him and this man was arrested.

Q. Tell just what happened? A. He was taken to the station-house; he wouldn't tell who this man was where he got the jacket; so the sergeant or the captain says that if he don't tell where he took the goods to—he asked him where he got that jacket from, and he said he got it from 3 Eldridge street; he moved some goods from there to 200 Delancey street, and he said he got that jacket.

Q. That was his pay? A. His pay.

Q. Where did he say he had taken the goods to in 200 Delancey street? A. He wouldn't tell the name; he says he knows where the place was.

Q. Did he say what floor it was? A. He said the second floor, 200 Delancey street.

Q. After that was said, what happened? A. Shelvey and Hussey went there with this man, and in about 10 or 15 minutes I went up with my husband but couldn't find any of the goods in the house; then the people of the house come up; they saw the detective coming up and went up, and they said, "There are two bags of goods in the yard."

Q. Did they say how they came to be in the yard? A. They said they were thrown down.

Q. How many people told you that? A. The halls and the streets were crowded with people; they went down in the yard and found the goods, and the goods were taken to the station-house.

Q. Did you afterwards learn that the apartments where the goods had been were the apartments of Mr. Weisman? A. Yes, sir.

Q. Did you appear in court afterwards? A. Yes, sir.

Q. Were any of the tenants of the house called as witnesses? A. No, sir.

Q. Did any one testify in the case except Officers Hussey and Shelvey? A. No, sir.

Q. Was Mr. Weisman held for trial or was he discharged? A. He was arrested, and in the morning he was discharged.

Q. Do you know what judge was sitting at the court? A. I don't know; I think it was Koch; I don't know exactly.

Q. Have you seen Officers Hussey and Shelvey in the court to-day? A. Yes, sir.

Q. Officer Hussey who testified? A. Yes, sir.

Q. And Officer Shelvey who stood up in the back of the room? A. Yes, sir.

Q. Do you identify them as the officers of whom you have testified? A. Yes, sir.

By Senator Bradley:

Q. You can not be mistaken in the officers? A. No, sir.

Q. Were you examined as a witness in court; were you sworn? A. Yes, sir; but not against the receiver.

Q. What were you sworn for? A. Against this man who had the jacket; the man that said he got this jacket for his pay.

By Mr. Moss:

Q. Against the expressman? A. The expressman, workman.

By Senator Bradley:

Q. You testified in court the same as you have testified here to-day? A. Yes, sir.

By Mr. Moss:

Q. All except the expressman? A. The expressman.

Norberth Pfeefefer, was duly sworn as an interpreter.

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

Direct examination by Mr. Goff:

Q. Where do you live? A. (Interpreted.) In Brooklyn.

Q. Have you been keeping a newsstand in New York? A. Yes, sir.

Q. Where did you have your newsstand? A. (Interpreted.) Corner of Rutgers street and East Broadway.

Q. New York? A. New York; yes, sir.

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

Q. And your husband is in court here? A. Yes, sir.

Q. How long have you been keeping that newsstand? A. I guess it was near three months.

Q. Tell us where the newsstand was on the sidewalk? A. Right by the lamppost; it was in the middle of the lamppost.

Q. Where was the newsstand on the sidewalk? A. (Interpreted.) Corner of Rutgers street and East Broadway.

Q. Was it out on the sidewalk near the curbstone? A. (Interpreted.) No, sir.

Q. How was the stand; what was it; a table; if so, where was the table placed? A. (Interpreted.) It was a small kitchen table.

Q. Was it placed up against the store window, against the store door? A. (Interpreted.) It was on the corner, near the window.

Q. Was the store occupied? A. (Interpreted.) The store was closed.

Q. That is, there was no tenant in it? A. (Interpreted.) No.

Q. Who owned the building? A. (Interpreted.) I don't know, but my husband knows; he is here.

Q. Do you know if the woman who owns the building gave you permission to put you little table there? A. (Interpreted.) Yes.

Q. Did you keep your table there all day, or did you keep it merely while you sold the morning papers? A. Only from 6 to 10 o'clock.

Q. From 6 in the morning until 10 o'clock in the morning? A. Yes, sir

Q. That is while you sold the morning papers? A. Yes, sir.

Q. Did you ever see that officer (pointing to Officer Lynch)? A. Yes, sir.

Q. Was he an officer on the beat where you had your little newsstand? A. (Interpreted.) He always passed my stand.

Q. Did he ever say anything to you about paying for the stand? A. (Interpreted.) He told me several times, and also this morning, that I should take the table away.

Q. Did he ever ask you for any money? A. (Interpreted.) He asked me whether I paid rent; I says no; so he says, "Then I want you to give me \$5."

Q. What did you say when he asked you to give him \$5? A. (Interpreted.) "I haven't got any money."

Q. When did he ask you to give him \$5? A. (Interpreted.) This morning, and then immediately after I told him that I hadn't got any money he locked me up.

Q. And this was this morning? A. (Interpreted.) Yes, sir.

Q. And because you hadn't the \$5 this morning to give him he locked you up to-day? A. (Interpreted.) Yes, sir.

Q. And he brought you to the Police Court, did he? A. (Interpreted.) Yes, sir; in the Essex Market.

Q. You were discharged in Essex Market? A. (Interpreted.) Yes, sir.

Q. You were discharged by the justice? A. (Interpreted.) Yes, sir.

Mr. Goff.—This is a most remarkable case. Notwithstanding the fearful revelations that have been made before this committee, of the bribery, corruption and impositions practiced by the police officers touching these poor people, it is right before us again in the instance of this poor woman with her little kitchen table, selling the morning papers, who is arrested because she didn't give this officer \$5.

Q. Is that the man that asked you for \$5 and who arrested you to-day, because you hadn't it to give him (pointing to Officer Lynch)? A. (Interpreted.) Yes, sir.

By Senator Bradley:

Q. Did any other officer ask you for any money before? A. (Interpreted.) No other officer or no one else ever asked me for any money.

Q. Have you got any family? A. Yes, sir; I have four children.

Q. And that is the only visible means you have of support? A. Yes, sir.

Q. Is your husband working? A. He ain't got no work.

Q. How long has he been out of work? A. Couple of months.

Q. This is the only way you have of supporting yourself and your children? A. Yes, sir.

Q. Selling the morning papers? A. Yes, sir.

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

Direct examination by Mr. Goff:

Q. Are you the husband of the last witness that left the stand? A. Yes, sir.

Q. She has testified that she had a little news-stand or table on which she sold papers? A. Yes, sir; but excuse me; can't I explain how that is, the newspaper stand; I got the newspaper stand, but this morning I got to attend to the road and my wife attended to it this time, and I intended to supply the people with the newspapers.

Q. Do you carry around the newspapers? A. Yes, sir; and my wife stays at the little stand.

Q. This was a kitchen table? A. It was a little table nearly three feet long by 20 inches wide.

Q. Did you see the owner of the store where you had your little table in front of? A. As soon as I started my newspaper stand, I went to the Landlord Mr. Tobying; the store was empty this time; I asked for permission if I can put up a little stand; he said if a man wants to try to make a living all right, I will let you; you can put up your table; "if Mr. Dillon takes this for a drug store, he gave me permission; he says you can stay here;" that is all.

Q. Did your wife tell you anything about the policeman asking her any money for rent? A. That is two months ago; my wife told me — I came from the road; my wife said, "The policeman was here;" he asked if I paid rent here; "She said she didn't pay nothing;" then he said I have got to see the ward detective; "All right," I said, "I will go and see him;" I went down to the station-house; that was near 6 o'clock; I saw Sergeant McSweeney going out; of course I know him; he lived in the same house where I kept the newspaper stand; he came sometimes to take a paper from me; I told him that there was a policeman by my wife, and told her that I had to see the ward detective; he said, "No; it ain't necessary to see anybody; if he came again, tell him that the sergeant gave you permission."

Q. That is if the policeman that told you you would have to see the ward detective came, to tell him that the sergeant had given you permission? A. Yes, sir.

Q. What occurred to-day? A. Well, after he come once again, he asked my wife why don't she move away with the table; she said, "Well, I got permission;" well, to-day I came; I don't see nobody by the stand; I went in the drug store, I asked, where is my wife, where is the papers; they say, "The papers are here, but your wife is arrested;" I went right away to the Essex Market court; I met the policeman in Essex street with my wife.

Q. This officer here (indicating)? A. This officer; I said "Officer, I am the owner of the stand; take me and leave my wife go;" well, he told me he could not do this; he got to take my wife; after I was in the Essex Market court; I can not listen to nothing what it was; the officer what kept the door put me on the last bench; I wanted to speak to my wife.

Q. You wanted to speak to your wife? A. Yes.

Q. And you were put on the last bench? A. He put me on the last bench; as soon as we went out the policeman told me

that I never can keep a newspaper stand in this neighborhood at all; you see, I tell you, there are five newspaper stands in this neighborhood; one is on the corner from Jefferson street and East Broadway; one is between Jefferson in Canal street, right on the square; one is on the corner of Canal and Division; one is on the corner of East Broadway and Rutgers street, across the way from me; one is on the corner of Essex street, near Canal; you see everybody got up his stand, but he locked up my wife; after if he locked up my wife other people take away the stand; but he didn't say to nobody else but my wife to put away the stand.

Q. Your wife was the only one that was arrested? A. Yes.

Q. He didn't compel the other people to take away the stand?

A. No.

Q. Did you hear anything about \$5? A. That is what I hear, what my wife told me.

Q. She told you that to-day? A. Yes; after she was out, I asked her what is the trouble; "What was the trouble with you;" she told me, "Well, he asked me for \$5, but I couldn't give it to him, because I haven't got it; then he arrested me for it;" after the officer told me where I lived, I told him I lived in Brooklyn; he told me plain, "You have no business to have business in New York; if you live in Brooklyn, go to Brooklyn."

By Senator Bradley:

Q. Was your wife or yourself ever asked for any money by any officer, or any other one, prior to to-day? A. No, sir; there is a lot of officers in this neighborhood; nobody asked me nothing.

Q. You say the sergeant takes the paper from you every morning? A. Not every morning, but sometimes he took a paper.

Q. Does he pay for it when he gets it? A. Yes, sir.

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

By Mr. Moss:

Q. Where do you live? A. Six hundred East Eighty-third street.

Q. Did you buy a saloon at No. 1613 Avenue B.? A. Yes, sir.

Q. When? A. February 27th.

Q. Of this year? A. Yes, sir.



Q. Who did you buy it from? A. Francis Kuhn.

Q. For how much? A. One thousand dollars cash and \$1,700 mortgage.

Q. Was the mortgage on when you bought the saloon? A. Yes, sir.

Q. You bought it subject to the mortgage? A. Yes; \$2,700 whole amount.

Q. At that time was the license renewed? A. No; they transferred the license over to me.

Q. When did it run out? A. The 6th of June.

Q. Do you know what became of the mortgage of \$1,700? A. They foreclosed the mortgage on me.

Q. Who bought the property in? A. Louis J. Gurkin.

Q. For how much? A. Fifteen hundred dollars.

Q. Did you sign any paper by which the license and the lease should be security for the mortgage as purchased by the new man, by Mr. Gurken? A. No, sir; I didn't.

Q. Who did you sign the paper for? A. I signed the paper for Ruppert?

Q. For Ruppert, the brewer? A. Yes, sir.

Q. Between February 10, 1894, and September 10, 1894, did you see any police officer in relation to your business? A. I saw the ward detective.

Q. What is his name? A. Jacob Brunner.

Q. Of what precinct? A. The Twenty-seventh.

Q. Where is the station-house? A. Eighty-eighth street.

Q. What did you say to Mr. Brunner, or what did he say to you? A. He said I had to do like the rest of them.

Q. What was that? A. I got to pay \$5 every month.

Q. For what? A. For protection.

Q. What kind of protection; protection for what? A. That they don't pull me Sundays.

Q. Did you pay Mr. Brunner? A. Yes, sir.

Q. What did you pay Mr. Brunner? A. Three times, \$5.

Q. Three different months? A. Yes, sir.

Q. Where did you pay him? A. In my saloon.

Q. In what day of the month? A. I only remember one; the 19th day of May I paid the last.

Q. The 19th day of May was the last payment? A. Yes, sir.

Q. And then in each of the preceding two months? A. No, that was before; two months before.

Q. In April and in March? A. Yes, sir.

Q. That made \$15? A. Yes, sir.

Q. Was any one present when you paid the money? A. Yes, sir.

Q. Who? A. A fellow by the named of Joe Schmidt.

Q. Where does he live? A. In Newark, New Jersey.

Q. Whereabouts in Newark? A. I can not tell you now; I haven't got his address.

Q. Have you his address at home? A. No, I haven't.

Q. Do you see him sometimes? A. I might see him this week some time yet.

Q. Will you let us know his address if you see him? A. Yes, sir.

Q. Did you pay any money to any other man in relation to your saloon for protection? A. Not for protection, but I paid some money to a license inspector.

Q. You paid some money to an excise inspector? A. Yes, sir.

Q. Who was that? A. Matt Murphy.

Q. When did you pay him? A. When I bought the store I had to give him \$10.

Q. What for? A. He said he wouldn't transfer the license unless I did; I offered him \$5 and he wouldn't accept it; he said, "If you can not pay \$10 we will fix you for it."

Q. How much did you pay him? A. Ten dollars.

By Senator Bradley:

Q. While you were keeping a saloon did you have any visits from officers in uniform in your place? A. They came often and had drinks there.

Q. Did they pay for them? A. No, sir.

Q. Never paid for them? A. No, sir.

Q. All deadheads? A. Yes, sir.

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

Direct examination by Mr. Moss:

Q. What is your business? A. Pharmacist.

Q. Where do you keep your store? A. One hundred and seventy six Delancey street.

Q. Do you know a man named Max Hochstim? A. No, sir; I heard of him, but know him personally.

Q. Do you know him when you see him? A. Certainly.

Q. How frequently do you see him? A. I didn't see him lately, but I used to see him pass months ago.

Q. How long was that? A. About three months ago or two months ago; I couldn't state exactly.

Q. Up to the time when you haven't seen him so frequently, how frequently would you see him? A. I mostly attended to my business in my store, but I used to see him passing by the store; I don't know where he went to; may be to the station-house next door.

Q. Don't you know that he went into the station-house? A. I don't know; I couldn't say that, because I always attended to my own business strictly.

Q. Your store is very close to the station-house, isn't it? A. Yes, sir.

Q. Who has talked to you since you have been spoken to about your evidence? A. Nobody.

Q. Nobody? A. No, sir.

Q. Mr. Hochstim is a rather powerful man in your neighborhood? A. He may be over somebody else, but not over me.

Q. How is it that you have told some one that you have seen Mr. Hochstim going into the station-house so frequently and yet you don't say it here? A. I don't know to whom I ever made the remark at all.

Q. Do you say you never made the remark? A. I don't think so, because I never looked at that man; I heard his reputation, but I mind my own business.

Q. What is his reputation? A. Not a good one; I have lived in that neighborhood for six years, but I never interfered with him.

Q. Did you hear of him in connection with police matters? A. I heard of him, but not exactly what; I couldn't state of him only I heard he interfered in everybody's business.

Q. Have you not said very recently that you have seen Mr. Hochstim going into that station-house several times a day? A. I don't remember; may be I said so, but I couldn't say exactly.

Q. If you said so it was true, wasn't it? A. If I said so, no doubt it was true, but I don't remember if I have said so; but if I did say so, may be it is true.

Q. If you said so, it is true? A. Yes, sir.

Q. Therefore, if you should say it now, it would be true? A. I can not say directly that I have seen him, but I may have made that remark; but, in fact, I never attended to anybody's business but my own.

Q. Don't you know that Mr. Hochstim went into the station-house frequently? A. I don't know it; I don't know that.

Q. Then why did you say to any one or why should you say to any one that he went in several times a day? A. I don't think I said so.

Q. But you won't say you didn't? A. Positively I couldn't negatively.

Q. Why can't you say no to that? A. I don't say no; I said I might have said so.

Q. Why don't you say you didn't say it to anybody? A. Because I swore, I must tell the truth.

Q. If you can not say you didn't say it then you may have said it and admit that? A. I may have said it certainly.

Q. And if you may have said it, why then the fact may be that Mr. Hochstim did go into the station-house to your knowledge? A. It may be very much.

Q. Now, I understand that it may be that you know that Mr. Hochstim has gone into the station-house very frequently; it may be so? A. It may be so.

Q. It may be that you know that? A. What I seen passing by; I thought he goes there, but not lately.

By Mr. Bradley:

Q. Did you ever see him go into the station-house? A. Not directly.

Q. Did you ever see him going into the door while you were washing your windows? A. I don't wash my windows.

By Senator O'Connor:

Q. What did you mean by "Not directly;" in answer to a question you said "Not directly;" what do you mean? A. I didn't watch him go there, or anything; I didn't take no notice; may be he went there, but I never tried to take no notice of him; I didn't pay no attention to it.

By Senator Bradley:

Q. He might be going to church? A. That is not my business; he can go wherever he wants to.

Q. You don't know whether he went to church or to the station-house? A. No, sir.

Mr. Moss.—I read from the blotter of the Twelfth precinct: January 4, 1894, 8:55 p. m. Adolph Essenberg, age, 22; color, white; nation, Russian; calling, express; single; can not read and write; 176 Broome street; complaint, burglary; name of complainant, Morris Mash; residence, 3 Eldridge street; officer, Henry Ebert; was found in Broome street trying to sell a ladies' cloth sack, value \$5, which had been stolen from Eldridge street by burglars last night; property of complainant.

9:40 p. m.—Samuel Weisman; 32 years of age; white; Austrian; tailor; married; can not read or write; residence, 200 Delancey street; receiving stolen goods; complainant, Morris Mash, 3 Eldridge street; officers, Shelvey and Hussey; discharged by Judge Koch; prisoner was found at 200 Delancey street; some stolen property of above case in his possession.

Remarks.—Cash, \$6.10, and four pawn tickets.

Opposite, the name of Eissenberg. Opposite the same name, discharged, General Sessions, Judge Cowing, January 18, 1894.

At the same hour.—Property recovered; detectives, Edward Shelvey and Ambrose W. Hussey brought over a large lot of beaver and cloth and trimmings; value, \$400; the proceeds of a burglary at 3 Eldridge street at about 9 p. m.; property was found in the possession of the prisoner, Samuel Weisman, at his premises, 200 Delancey street.

The blotter shows that the property was found in the possession of the prisoner.

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

Direct examination by Mr. Moss:

Q. Do you know Officer Hussey? A. Yes, sir.

Q. Where do you live? A. No 266 East Houston street.

Q. Did you keep a coffee saloon on Clinton street? A. Yes, sir.

Q. What number? A. No. 123.

Q. Did you have a conversation with Officer Hussey in that saloon? A. I didn't have nothing; only I got pulled from him.

Q. What did Officer Hussey say to you the first time you saw him? A. I saw him the first time he come around and told me that I got arrested; he locked me up.

Q. What did he say he would lock you up for? A. Two people were playing pool; he said no people could play pool Sundays.

Q. Did he say you would be locked up for having gambling in your place? A. No, sir; because there was not gambling there.

Q. Is that all the conversation you had with Mr. Hussey? A. That is all.

Q. You were raided, were you, for having a pool-table running on Sundays? A. Yes, sir; and four people were playing pinochle for pleasure.

Q. Weren't you charged with gambling? A. No, sir.

Q. What was the charge? A. For playing pool and cards on Sunday.

Q. That is no charge; that is no crime; what was the charge against you; was it gambling? A. No, sir; for playing cards and pool on Sunday.

Q. That is not a crime, unless it was gambling? A. No gambling at all, because he did not find gambling there.

Q. If Officer Hussey did not find any gambling, and if a few friends playing cards on Sunday is no crime, why did Officer Hussey arrest you? A. He said he would get me arrested; he was there and couple of officers with him; I can bring you 20 people and they can tell you nobody was gambling.

Q. You are positive there was no gambling, but you are positive you were arrested because you had some friends playing cards? A. That is all.

Q. You know that is no crime? A. I was in the court, and the court —

Q. Answer the question; you know that is no crime, don't you? A. I know that.

Q. Aren't you angry at Officer Hussey for having arrested you for no crime? A. No, sir.

Q. Weren't it wrong for Officer Hussey to arrest you without crime? A. Well, he claims —

Q. Never mind what he claims; wasn't it wrong; didn't he do you an injustice in arresting you when you committed no crime? A. I didn't say nothing.

Q. I ask you now, didn't he do you an injustice? A. I don't understand.

Q. Do you think he was right in arresting you? A. No, sir.

Q. Now, tell us, why did he arrest you; you know why he arrested you; we know too? A. Well, that is for what he got me arrested.

Q. What was it for? A. For playing cards and pool on Sunday.

By Senator Bradley:

Q. Come right down to the fact? A. That is the same what I say in the court and the same what I say in the General Sessions, and I got fined \$10; I got in Essex market 11 people as witnesses, and the judge held me in \$300 bail.

By Mr. Moss:

Q. Haven't you told somebody very recently a cause for Hussey's arresting you different from what you state now?

By Senator Bradley:

Q. Didn't you tell some of your friends the reason why Hussey arrested you? A. Yes; I told them.

Q. What was the reason that he arrested you? A. I was saying to the people that I got arrested for this and for this.

Q. Now, that will do; what was the cause of his arresting you; that is the question Mr. Moss is asking you when you were not violating the law, why did he arrest you? A. Well, I don't know more than that; he said it was against the law to play pool and cards on Sunday.

By Mr. Moss:

Q. Has Officer Hussey spoken to you to-day? A. No, sir.

Q. Has anyone asked you what you were going to testify to-day? A. No, sir.

Q. You have told some persons what you were arrested for? A. Oh, yes.

Q. You have told some persons what Officer Hussey said to you, haven't you? A. No; I don't think that I told to somebody; only I know —

Q. Haven't you; yes or no? A. I told the people the same.

Q. Haven't you; yes or no? A. I told the people the same. to you; yes or no? A. I don't know what you mean — he told me.

Q. Haven't you told some persons what Officer Hussey said to you? A. Well, I can not say that, because I didn't say to nobody more than that.

Q. Haven't you told some persons; you have, haven't you? A. Well, I said to people, what for?

Q. Now, haven't you told some persons that Officer Hussey came to see you and told you you would have to pay for protection? A. No, sir; he didn't —

Q. Haven't you told somebody that? A. To somebody?

Q. Haven't you told somebody that Hussey told you you would have to pay for protection? A. No, sir.

Q. You never have told that to a soul? A. No; to nobody.

Q. Have you told anybody that Hussey told you that you would have to go to see Hochstim? A. No; a man in there told me, "You go around to Hochstim and get a help;" I was out to the market; I asked, "Where is Hochstim;" he said he had a saloon corner of Delancey and Forsyth street; I went there and told him the whole business what I got.

Q. Was that after your arrest? A. After my arrest.

Q. Didn't someone tell you to go and see Mr. Hochstim before you were arrested? A. After my arrest.

Q. Didn't someone tell you to go and see Mr. Hochstim before you were arrested? A. No, sir.

Q. Didn't you ever hear of Mr. Hochstim before you were arrested? A. I heard of him, but I had nothing to do with him; only after the arrest.

Q. Did you see Officer Hussey in court during arrest? A. I didn't see him here

Q. Did you see him in the hall? A. Yes.

Q. Did he look at you? A. No, sir; I seen him when he was standing at the wall and I was going down.

Q. Are you afraid of Officer Hussey? A. No, sir; what for?

Q. Of course, you are not afraid if you don't tell anything against him; are you afraid to testify against him? A. Well, I tell the truth what I know.

Q. Are you afraid to testify against Officer Hussey? A. I am not afraid at all.

By Senator Bradley:

Q. Did you hear the testimony where he said he would blow a man's brains out; he didn't say to-day he would blow your brains out, did he? A. No, sir.



By Mr. Moss:

Q. Did Hochstim tell you in court that you must put up some money? A. He told me in his house that I should give \$10.

Q. What for? A. He said he would give me help if I would give him \$10.

Q. Did you give it to him? A. Yes, sir.

Q. What help did he give you? A. Well, I don't know, because I never seen nobody any more in my place; I kept the place two months more, and after the next month he sent around and said, "Here, Mr. Forst, you know you got to put up your money."

Q. Were you discharged in the court? A. No; I paid \$10 fine.

Q. That was in addition to what you paid Mr. Hochstim? A. I was fined, and after that I gave Hochstim \$10.

Q. You paid Hochstim \$10 and you paid the court \$10.

Senator Bradley.—Mr. Moss, did you hear that this man came and told him he would have to put up again.

Q. Is that the second \$10 you paid Hochstim? A. No; he sent to me and said the time is more, and I would have to give him another \$10; I said, "Business is low, and I can not pay any more;" and the next time he did the same, and I never paid any more, because I sold out the place.

Q. How many times did you pay Hochstim protection money? A. Two times.

Q. What did he say that money was for? A. That I would never get into trouble any more.

Q. And you gave him the money? A. Yes, sir.

Q. Did he say what he was going to do with the money? A. No, sir.

Q. You have a wife and family, have you? A. A wife.

Q. And you are a poor man, I suppose? A. Yes, sir.

Q. Do you remember on one occasion when you didn't pay the money to Hochstim that he came around to see you about it? A. Yes, sir.

Q. What did he tell you then? A. He told me that he wants \$10, and I told him that I hadn't got it.

Q. You told him that you were broke, didn't you? A. Yes, sir.

Q. Then what did he say? A. He said that he wants it; he didn't care for anything; he wants the money.

Q. What did he tell you to go and do to get the money; I am examining you from a statement which you have made; portions of it you do not carry out, but a good deal of what you have

just said now, is on that statement; so you see I have got a correct statement of what you have told your friends.

By Senator O'Connor:

Q. Did you tell the truth when you gave the statement before?

A. Yes, sir

Senator O'Connor.—Read him the statement, Mr. Moss.

Mr. Moss.—I haven't taken the statement personally.

By Mr. Moss:

Q. Had he called your attention to this fact; I ask you to give me the words, as near as you can remember, that Hochstim used to you? A. Yes.

Q. Be careful? A. This time he came around, and I said I haven't got any money to pay him; he said he didn't care; "You can put your wife in hock to pay the money"

Q. What did he mean by that? A. I don't know.

Q. You were not willing to do that, were you? A. Certainly not.

Q. And you broke up your business, didn't you? A. Yes.

Q. That was the end of it? A. Yes.

Q. You couldn't stand up against Max Hochstim? A. I sold the business this time.

Q. Now, tell me what Officer Hussey said to you the first time you saw him? A. I never saw him before.

Q. Didn't someone tell you that you must give some money to Hussey? A. No, sir.

Q. Didn't Hussey tell you that you must give him some money? A. No; he never told me that.

Regina Forst, a witness called by the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. You are the wife of the previous witness? A. I can not talk English.

(Witness examined through Interpreter Pfeffer.)

Q. You heard the testimony of your husband who said that he broke up his business rather than to put you out of his possession, didn't you? A. Yes.

Q. Did you ever see Officer Hussey? A. I have seen him; he came in and walked out.

Q. That is while you had the coffee saloon in Clinton street?

A. Yes, sir.

Q. What did Hussey say when he came in, did you hear? A. He said that he passed there some nights and he heard people playing pool, and he said he heard they were playing cards inside, and he said he would catch me; my husband told him, "Do what you can."

Q. Do you mean to say that Officer Hussey went to warn you that he knew you were breaking the law? A. These are the very words.

Q. What did he come in to tell you that for? A. I don't know.

Q. Didn't he ask for something? A. He said nothing, but after we were pulled a lot of people told us to go to Hochstim and Hochstim would give us protection; he protects a great many others.

Q. Did Mr. Hussey mention Mr Hochstim's name? A. No, sir; different people.

Q. How soon after Hussey told you that you were having gambling there were you asked to see Hochstim? A. After I was pulled.

Q. How long after? A. Perhaps a week after.

Q. How long? A. We wanted to be sure of the place; we were afraid, and when the trial was we paid \$25 fine.

Q. Where did you pay that? A. My husband carried the money over to Hochstim, the fee, \$25.

Q. Is that what you mean when you say you paid the fine? A. No; that is no fine; it was protection.

Q. Twenty-five dollars? A. Yes; and every month \$10. after.

Q. Did you have any talk with Mr. Hochstim about this protection money? A. No, sir.

Q. Do you remember the time when Mr Hochstim came in and wanted the money to be raised? A. Yes, sir.

Q. What did he say? A. He didn't come in but he called my husband out.

Q. He had decency enough to say that out of your presence? A. Yes, sir.

Louis Schuss, 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. No 210 Delancey street.

Q. Do you know Officer Hussey? A. Yes, sir.

Q. Did you have a conversation with him about protection on one occasion? A. No, sir.

Q. Did you have a conversation with him about Mr. Hochstim? A. No, sir.

Q. Never? A. I kept the barber shop.

Q. What did Mr. Hussey say to you in the barber shop? A. One day he passed by; he seen a couple of customers of mine sitting at a table; he said, "I want you to stop the game; if not I will get a warrant for you."

Q. You had a barber shop? A. Yes; friends sat down to play for fun.

Q. Did you have gambling? A. No, sir.

Q. You say Mr. Hussey threatened to get a warrant against you for gambling? A. Yes, sir.

Q. What else did he say? A. That is all; he went off.

Q. Didn't he mention Hochstim's name? A. After he came back I was frightened; I never kept a gambling-house; I asked him what was to be done; "Well," he said, "you want to see Max Hochstim about it;" that is all he told me.

Q. Did you see Max Hochstim? A. No, sir; I never seen the man in my life.

Q. You had no game, and you didn't care? A. No, sir.

Aaron Alstadt, 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. No. 210 Delancey street.

Q. You are a barber too, are you not? A. No; I am a watch-maker.

Q. Don't you have a little shop or bench or something in a barber's store? A. No; I have a window.

Q. Did Officer Hussey come in there and see you one day? A. No.

Q. Did you ever see Officer Hussey? A. No.

Q. Never saw him? A. Well, I know Hussey, but he was never by me.

Q. Were you ever arrested? A. No.

Q. Were your partners arrested? A. No.

Q. Was anyone arrested? A. I have got no partner.

Q. Was anyone arrested? A. Well, that was in another place; that was in 232 Delancey street; that was another barber shop

where I lived before; for that place there were two partners, playing cards, and then come Hussey and he arrested one partner.

Q. One partner was arrested? A. One partner.

Q. What for? A. Well, he says that he was gambling in cards.

Q. Hussey charged him with gambling and arrested him? A. Yes, sir.

Q. What happened then? A. Well, I can not speak English.

(The remainder of the witness' testimony was translated through Interpreter Pfeffer.)

A. Hussey came in and said, "Here is a gambling-house;"—in the barber shop; I told him, "This can not be a gambling-house because no one plays cards in here;" he said to the two barbers, "I just discovered what I wanted; I just got you where I want you;" I asked him, "What did you find;" there is no one in here;" Hussey said he would have a warrant issued against the man that was going to play cards; then he came away and said, "Have you got a few dollars?"

Q. Who did he say that too? A. Hussey said that to Abe Spielman; he said, "I have 15 cents that I made in a shave; I just shaved a man;" he said, "Then I can not do nothing for you; go and see my friend Birnbaum;" he has got a saloon; next day Birnbaum said he can settle it with Hussey, but for nothing less than \$50; the two men were very poor and can not give \$50, but if he would wait a few days he would try to get the money so as not to be locked up; he waited a couple of days, and he expected the money to be brought to Birnbaum; then when he saw the money was not to be paid he took out a warrant and arrested us.

Q. How long did he wait before he arrested the man? A. About two or three days.

Q. After the man was arrested, was any money demanded? A. That was said to a second man.

Q. Who was the second man? A. Mr. Heller.

Q. Who was the money demanded for? A. If he wouldn't get \$50 he would have a warrant issued against him for gambling and it would cost him over \$200.

Q. Did he pay any money in court to anybody to stop the proceedings? A. I told him not to give no money to no one, because you don't keep no gambling-house and you don't need to be afraid of anyone; you will be discharged; I didn't allow him to give any money.

Q. Was he discharged? A. The judge was mad at me because I told Hussey he was a liar in court.

Q. What judge was that? A. The judge said, "I believe my officers in preference to a 1,000 other witnesses."

Q. What judge was that? A. I don't know; three judges were in the court.

Q. That was at Special Sessions? A. Special Sessions; yes.

Q. What was the result of the trial? A. In Essex Market police court, Hussey testified that he found 15 cents on the table, and when he came to the court at General Sessions he forgot what he testified to in the Essex Market police court and said he found 25 cents on the table; the judge asked him, "How is it you testified in the Essex Market court one thing, and here another?" he answered, "I made a mistake; I found 15 cents on the table and 10 cents on the floor."

Q. Were these people discharged? A. No; they could not be discharged because the judge wouldn't believe what I said.

Q. Well, were they convicted? A. Yes; they were convicted.

Q. How much were they fined? A. Fifty dollars; it cost \$100 when they played a game called 66; you can not call this place a gambling-house, because I am a jewelry man and I have my window

Q. You didn't pay the money that was demanded and the people were convicted? A. Sure.

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

Direct examination by Mr. Goff:

Q. You were a sergeant of police, were you not? A. A roundsman, acting sergeant at the time.

Q. What are you now, private citizen? A. Yes, sir.

Q. How long ago is it since you were a roundsman? A. August 13, 1889.

Q. Were you broken? A. Yes, sir.

Q. How did you come to leave the police force? A. I was forced to resign; to sign my resignation.

Q. To what precinct were you attached? A. To the Fourth.

Q. That is here in Oak street? A. Yes.

Q. I wish you would give the committee just brief as possible an account of how you were forced to resign? A. On the 13th

of August, 1889, I was on sick leave, and I was ordered to report to the doctor at 1 o'clock that day; I got a buggy and took my wife with me; she was in a delicate condition at the time; I stopped at the doctor's, and he asked me if I felt able to report; I told him, "No, sir; that I would rather stay off a couple of more days;" I had a dog down in Pearl street, near the station-house; I told my wife that we might as well drive down there and get the dog; I was afraid we might lose it; I started down Pearl street and got the dog, and in turning around the corner of Oak and Pearl my buggy was upset; my wife was thrown on the street and I fell on top of her; she was seriously injured, and I thought the best place to bring her would be the station-house; the station-house that I was attached to in Pearl street; so I asked two or three men there to bring her around there, which they did; I shortly after went into the station-house and I wanted to attend to my wife, and this Sergeant Magan, he held me back and accused me of being drunk.

Q. He was the sergeant at the desk at the time? A. Yes, sir; he accused me of being drunk; I told him he was mistaken, and he ordered me locked up; so he called out several of the men and they refused to do it; by and by he told one of them that if he didn't lock me up he would put him out of the business; so I was locked up; shortly after this he came to the cell, and he said, "If you sign your resignation I will let you go;" I said, "No; I won't sign it; why should I sign it; what right have you to make me resign?" "Well," he said, "If you don't you will stay there until morning and I will send you to court;" the court was open and in session at that time; it was along in the afternoon; so, anyhow, I was brought out to the desk, and I did sign it; signed it "John W. Goodwin;" just as I was signing, "Under duress," I got the word "under" and "duress" partly down, when he snatched the paper from me.

Q. Was this in a book you were signing or a paper? A. No, sir; it was a regular form; a resignation form.

Q. Was it already filled out? A. Yes, sir; it was filled out; I signed my name and put "Under duress;" just as I had it down he snatched it away; I stood right at the corner of the desk; he grabbed the resignation from, and he let me go; shortly after that he erased that "Under duress" and wrote "Roundsmen" over it, which can be seen through that form; he erased the words "Under duress," or the portion of "duress" that I had written.

Q. And wrote the word "Roundsmān" in his own handwriting? A. Yes, sir; in the trial before Judge O'Brien.

Q. It has been several times in court as an exhibit? A. Yes, sir.

Q. That has been proven in court? A. Yes, sir.

Q. That there was an erasure there? A. Yes, sir.

Q. And that the word "Roundsmān" was written over it? A. Yes, sir.

Q. In his handwriting? A. Yes, sir.

Q. That is in the record of the case? A. Yes, sir.

Q. What next took place? A. Then I went home; my wife and I started home together; I had to get a carriage to bring her home in; she laid at the point of death for seven weeks after; then Detective Mullen came up to my house; I had my shield and fire-key; he came up there and forced my wife to give up that shield and fire-key; I happened to be out one day and he came in; he said I would be arrested; that Inspector Williams ordered him to go up there and ordered him to get a warrant for my arrest; that if that shield was not produced he would have me locked up and brought to court; so he forced my wife to give up the shield in my absence.

Q. You have stated that your wife was in a delicate condition of health; was your wife down in the station-house while you were locked up in the cell? A. Yes, sir.

Q. How long were you kept there all together? A. I think it must have been a half an hour or more may be.

Q. You took proceedings for your reinstatement, did you not? A. Yes, sir.

Q. There have been several trials or proceedings in court over your matter? A. Yes, sir.

Q. And the commissioners have been ordered to rehear your case? A. Yes, sir.

Q. Was there a trial of this case before the commissioners? A. Yes, sir; there has been by order of the court.

Q. What was the result of that trial? A. They refused to reinstate me.

Q. In what position is the case now? A. It is now pending.

Q. Why did you sign that paper? A. To get home with my wife, who I thought was going to die.

Q. In the station-house? A. Yes, sir.

Q. You have been examined about this case in headquarters; I want to ask you if there had not been some difficulty between



yourself and Sergeant Magan before that? A. Well, there may have been.

Q. Now, you are under oath here and you are bound to tell the truth; I will ask you this question and put you on your oath to deny it if you can; is it not a fact that it was a practice in the Oak street station-house for certain police officials to take dissolute women in there? A. I have seen women go in there.

Q. Dissolute women? A. Well, yes, sir; they were not any too good, I guess; of course, I don't know anything about —

Q. You have seen them go in there not under arrest? A. I have seen them go in there.

Q. What I mean is, you have seen them go in while not under arrest? A. Yes, sir.

Q. Isn't it a fact that you and Sergeant Magan had a quarrel over the fact that these women were being used by certain police officials in the station-house, and was not that the cause of Sergeant Magan compelling you to sign that resignation? A. There was only one particular man, and that was Magan; yes, sir; he was the only one that I knew anything at all about.

Q. That indulged in those practices? A. Yes, sir

Q. And you protested against that, did you? A. I just merely said it was not right; it was not my business; he was my superior officer.

Q. You said it was not right that the station-house should be used for such a purpose? A. Yes, sir.

Q. Or such women brought in there? A. Yes, sir; Magan is the only one that I ever see do anything like that in the Oak street station or any other station-house.

Mr. Goff — The courts compelled the commissioners to go back and hear this case. The commissioners refused to hear him on the ground that his resignation was final when he tried to show that it was a forced resignation under duress.

Q. Is Magan on the force yet? A. Yes, sir; he is in the Sixth precinct; Captain Carpenter is on the retired list.

Q. The records show that it was proven at police headquarters on the trial of this case that Magan forged the word "Roundsmen?" A. Yes, sir; he said so himself, right up to the central office.

Q. Has there ever, so far as you know, been a charge preferred against Magan for that perjury? A. Not that I know.

Q. You have never been called as a witness? A. No, sir.

Q. You don't know of any proceedings having been had against him in that matter? A. No, sir.

Mr. Goff.—Mr. Chairman, I do not wish to enter in upon any lengthy examination now. It is after 4 o'clock. There has been a great amount of testimony taken to-day, and I would request that before you announce adjournment that you notify the witnesses on subpoena to attend to-morrow morning.

Chairman O'Connor.—All witnesses that are now under subpoena are to be here to-morrow morning at half-past 10 o'clock without further notice. This committee stands adjourned until half-past 10 o'clock to-morrow morning.

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Proceedings of the forty-third 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 Superior court-rooms, part III, in the city of New York, Tuesday, October 9, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, Cuthbert W. Pound and George W. Robertson; John W. Goff, Frank Moss, for the committee.

Chairman Lexow.—Before proceeding with the examination of the witnesses, the chair desires to call the attention of the committee to the following communications, and the stenographer will take it down upon the minutes of these proceedings. The letter is addressed to me as chairman of the committee, and reads:

“In compliance with the accompanying resolution of the honorable board of police commissioners of this city, I would respectfully ask what procedure will be necessary for me to take to obtain such information as may have been imparted to your committee, concerning alleged misconduct on the part of Detectives Dalton and Morris of this force, and oblige, yours very respectfully, Benjamin Murphy, Chief of Police of Jersey City.”

The resolution reads: “Resolved, That in consequence of charges being brought before the Lexow committee in New York city against Detectives Dalton and Morris, the same be referred to the chief for investigation, and report to this board.”

Senator Pound.—Mr. Chairman, I understand that this testimony is that of this woman that was called on the stand at our last session.

Chairman Lexow—And of Applegate.

Senator Pound.—And of Applegate. I move that the stenographer be authorized to furnish a transcript of his minutes to the Jersey City authorities at their expense.

Senator Bradley.—I second the motion.

Chairman Lexow (the chairman put the motion).—That is carried unanimously.

James W. Ledwith, recalled as a witness on behalf of the State, testified as follows:

Direct examination by Mr. Goff:

Q. You have been examined here before? A. Yes, sir.

Q. I would like you to define your official station in the board of charities and commissions here? A. Charities and corrections.

Q. Yes; charities and correction? A. My station is "Warden of district prisons;" I have charge of the second, third, fourth, fifth and sixth district prison; situated, the second at Jefferson Market, the third at Essex Market, between Essex place and Broome street; the fourth at Fifty-seventh street, near Lexington avenue; and the fifth at One Hundred and Fifty-eighth street and North Third avenue.

Q. Have you the power of appointment and removal? A. I have not.

Q. Who has? A. The commissioners of charities and corrections.

Q. They have the absolute power? They have the absolute power

Q. Have you supervising power over the persons under you? A. Yes, sir; I am held for the good conduct and discipline and safety of the prisoners.

Q. When you were here the other evening, if you remember that said to you by testimony before this committee that what is vulgarly called the "growler" is worked in the prisons after 9 o'clock at night, and you expressed surprise at that; do you remember? A. I do, sir.

Q. After you left here, did you act upon the suggestion? A. I did; immediately.

Q. What did you do? A. That night after the night watch went on; personally I went to the prison and investigated both men who were on night duty; I labored under the idea that neither of the men drank a sup of liquor for over a year; they

both denied the charges made; I then visited several liquor stores, and I found in one store that they told me that there was a pint of beer nightly sent for from Jefferson Market prison; the next day when I taxed that keeper of it, he acknowledged it and said he had it with his lunch; I immediately wrote out a letter to the board and asked for his dismissal; the board immediately acted upon it, and discharged him from the department; he is now dismissed.

Q Who is dismissed? A. The keeper.

Q. What is his name? A. Patrick O'Toole.

Q. Did your investigations continue any further on the line of the suggestions of my questions? A. Yes, sir; I investigated, and they claimed there was no counsel ever allowed in that prison after night; I would say this; that I have the power to allow counsel to visit the jails, and anyone in the night, in my own presence; because there is no law against it; you, as counsel, know that.

By Chairman Lexow:

Q. Do you exercise that power? A. I do once in a while in a case of great necessity; I have lawyers come to my house, in one or two instances, who ask me to let them go in, when it was necessary to go in; I have power to admit a counsel or officer, which I did, in my own person, on any day of the hour or night.

By Mr. Goff:

Q. The point of my inquiry was directed to abuses, Mr. Ledwith, that while it is perfectly true you have the right to admit the counsel of a prisoner, yet the abuses that we complain of, as was suggested by my questions, was that certain keepers were in league with certain lawyers, or that they would send out after certain lawyers after closing hours of the prison, and get them in surreptitiously in order to procure employment for them from prisoners; you understand, that was the line of my inquiry? A. I understand that.

Q. Did you commence any inquiries in that line? A. I did; the only inquiry I could cause was among the employes; I knew they would not tell upon themselves; the great trouble is there are some lawyers in New York that will take advantages of that kind, and prey upon the man's stupidity.

Q. It was further contained in my question by suggestion, or inquiry directly, that a division was made by these lawyers with the keepers? A. That is a natural inference; I have no actual knowledge of that; but that is the natural inference.

Q. That follows; have there been charges preferred against any of your keepers growing out of your inquiries, other than the one you dismissed? A. No, sir; that is the only one I have obtained proof of.

Q. Is there not another keeper under charges before the commissioners? A. No, sir; my attention was called to one keeper, and I went and tried to get evidence, but I could not; the great trouble is if your client is included with the lawyer he won't make a charge; they will refuse point blank to interfere in the case; the commissioners are just as anxious as I am, or anyone else, to punish those men; but the trouble is to get the truth; the commissioners are only too anxious to punish the men violating the rules.

By Chairman Lexow:

Q. Don't you think it would have been a better way to get proof by watching these man than to ask them questions that would put them on their guard? A. You would have had to stay up night and day.

Q. Couldn't you take them one night and watch the prison? A. I have; I have been outside of the prisons night after night; of course, not every night.

Q. I mean, acting upon the suggestion of Mr. Goff's questions to you the other day, you went directly to one of the prisons and asked these men if they had committed a felony? A. I did not ask them at all about the lawyers, not a word that would put them on guard; I knew the other thing had to be acted upon right there and then.

Q. Did you imagine these men would answer that they committed a misdemeanor? A. I first charged it and then proved it; I did prove it.

Q. That will do, Mr. Ledwith.

By Senator Pound:

Q. Who composed the board of charities and corrections? A. Henry H. Porter, Charles Fitzsimmons and Edward C. Sheehy.

Q. How are they appointed? A. By the mayor.

By Mr. Goff:

Q. And the term? A. Six years each.

Q. They have control of all the prisons and correctional and charitable institutions under the control of the city of New York? A. Yes.

By Chairman Lexow:

Q. Has any effort ever been made by you to ascertain the truth of the criticisms passed upon you, except the one you have complained of? A. I have visited different places and people in the neighborhood, and asked all the different people I could.

Q. That evening? A. That evening and since; certainly there is very little done now, because they are all on guard, and know I am extra alert.

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

Direct examination by Mr. Goff:

Q. What is your occupation? A. Agent of the French line, steamship line.

Q. And how long have you filled that position? A. Six years.

Q. Six years? A. Six years.

Q. Does that represent the time that you have been in the city of New York? A. Yes, sir.

Q. And so far as that company of steamships is concerned, you manage all of its affairs in this country? A. I do, sir.

Q. Will you tell us the location of the piers; the piers where your ships stop? A. Pier 42, new number, North river.

Q. At the foot of what street? A. Morton street.

Q. Necessarily you have had something to do with the police? A. Yes, sir.

Q. In relation to looking after the dock used by the steamship? A. Yes, sir.

Q. Do you know the captains of the police who are assigned to duty there, the various captains? A. Yes; I knew, except the last one; I do not know the last one; I knew the first, which was Captain Smith, and then Captain Schmittberger, and the present one, I do not know his name; I never have seen him.

Q. The present one —? A. I do not know.

Q Now to your knowledge has your company had to pay to the police for special services rendered to your company? A. No; I gave the right to the superintendent of the line, Mr. West, whenever he thought necessary a tribute to the policeman for looking after the interests of the company and the interests of the passengers.

By Chairman Lexow:

Q. To compensate, you mean? A. As a tribute; not to compensate.

By Mr. Goff:

Q. Are you aware that Mr. West did make such contribution or tribute? A. Yes, sir.

Q. Are you aware of the amount? A. No; I left it to him; but I believe it was about \$10 a week.

Q. Do you know of any other sum than \$10 a week having been paid to the police? A. No; I don't remember.

Q. I beg pardon? A. I don't remember any other sum.

By Senator Pound:

Q. What do you know about the \$10 a week having been paid? A. Because Mr. West told me so, that he paid it out of the funds; I left it in his care.

Q. You have only the information from West? A. Yes.

Q. You had nothing to do with it yourself? A. No, sir.

By Chairman Lexow:

Q. It was charged up on your account, was it? A. On account of the French line; yes, sir.

Q. And you paid the money to Mr. West? A. I gave him a certain amount he can dispose of; yes.

By Mr. Goff:

Q. Do you know of any sum in gross being paid for police protection or service? A. No, sir; I do not remember any other.

Q. I hand you a book, which has come from your line, and ask if you can identify that book, and tell us what it is? A. Yes, sir.

Q. You can give it to us in the English language, so the record will show it? A. This is a copy of the accounts that I sent to the French firm in Paris the other week.

Q. The other week? A. Yes, sir.

Q. These are letter-press copies, are they? A. Yes; letter-press copies.

Q. You send accounts to the company at Paris every week? A. Every week; yes, sir.

Q. And this copy is made under your direction? A. Yes, sir.

Q. So that all disbursements made by you or under your direction are contained in these accounts; isn't that the case? A. Yes, sir.

Q. And this is the regular copy kept by you here? A. Yes, sir; that is it.

Q. Of those accounts? A. Yes, sir.

Q. This book is labeled "From 11th November, 1891, till 31st of January, 1892;" is that correct? A. That is right; that is quite right; yes, sir.

Q. From the 11th of November, 1891, to the 31st of January, 1892? A. Yes.

Q. I call your attention to page 417 and to the date 31st of December; that would be in the year 1891, would it not? A. Yes, sir.

Q. Thirty-first of December, 1891? A. Yes, sir.

Q. I call your attention to the fourth item of \$500, written in the French language, and ask you to read that, and give us the English translation of it? A. Shall I read it in French first?

Q. Read it in French first to satisfy yourself, please, and then give us the English translation? (Witness reads the entry in French.)

Q. And the amount? A. Five hundred dollars.

Q. Now, give us the French translation of that? A. Subscription and allocation, presents, service on wharf, etc., for the year 1891, paid to whom is due by Mr. A. Forget, agent general, \$500.

A Reporter.—That is not a good translation.

The Witness.—I am not a very good scholar.

By Mr. Goff:

Q. Give it to us again? A. "Subscription and allocations"—

Q. Well, we will stop there, Mr. Forget, for instance; would you say grant or allowance? A. No; it may be presents—a present—a Christmas present.

Q. But it includes the same sum? A. It includes everything.



Q. The same as donation? A. No; not donation, "allocation."

Q. Please give us the translation again loudly, so these gentlemen will hear you? A. "For special services on wharf, etc., for the year 1890-91, paid to whom is due."

Q. "Paid to whom is due" by Mr. Forget? A. By Mr. Forget, \$500.

By Chairman Lexow:

Q. "Paid to whom it may be due?" A. "To whom it may be due;" yes, sir.

By Mr Goff:

Q. Is not "equeere du droit"—wouldn't that be "to the right party?" A. No; this is simply an idiom, whether I was there; you can not translate it in English.

Q. That is an idiomatic phrase? A. That is it.

By Chairman Lexow:

Q. To whosoever is entitled to it; that is what it means? A. That is what it means.

By Mr Goff:

Q. Now, can you tell us to whom that \$500 was paid? A. To several people; they are Christmas presents and New Years.

Q. Name us one person to whom that was paid? A. I do not remember a single one.

Q. You remember the item of \$500? A. No; I sometimes pay \$500 or \$1,000, but I can not remember whom I paid it to.

Q. Here is a special item; through whose hands was that money dispensed? A. I don't know.

By Chairman Lexow:

Q. The proper translation is, "Subscriptions and donations;" that is the proper translation; donations made during the year 1891.

By Senator Pound:

Q. Is that your balance sheet for the year? A. No; that is the daily copies of my cash-book.

Q. Daily copies? A. Daily copies.

By Chairman Lexow:

Q. Do you mean to say this item of \$500 includes various subscriptions and donations made to whomsoever was entitled to it, during the year 1891? A. Yes

Q. That it is a lump sum covering these various amounts? A. It is so.

Q. That is the fact? A. That is the fact.

By Mr. Goff:

Q. That does not refer to the \$10 a week that you have testified about? A. No, sir

Q. That is exclusive? A. Exclusive.

Q. Now, can you not give the committee an idea of the persons to whom that \$500 was paid? A. I do not remember, Mr. Goff.

By Chairman Lexow:

Q. Have you any information? A. No, sir

Q. Do you mean to say that you did make a charge against your company, for this against your company of \$500, without any explanation of the items? A. The company was my company; my company must have been satisfied since three years it is gone.

Q. You charged or credited yourself with the payment of those amounts; now, inasmuch as you credited yourself with the payment of those accounts, you must have know to whom they were paid? A. I do not remember; these are not my accounts; these are the French line's account; I am simply the agent.

Q. And that statement upon the face of it shows you credited yourself as a person with the payment of these subscriptions and donations? A. That is it; you are right

Q. Inasmuch as you give yourself that credit, you must know through what channels that money went? A. No; I do not remember.

By Mr. Goff:

Q. But you say it had been paid every year, or several years? A. No; not this amount; some amounts.

Q. Some amounts had been paid? A. Yes

Q. Can not you give us some idea of the persons who received this money that was paid for several years? A. I wish I could; but I don't remember.

Q. Have you a memorandum of the pass or character of the presents? A. No; I do not remember.

Q. Suppose we talk about the postman that delivered letters there? A. He gets some

Q. You think he got some of this \$500? A. I don't remember; he may.

Q. Anyone else besides the postmen? A. Well, the janitor may get some; and all the telegraph boys, and all these.

Q. Who had the disbursing of this money; did you give it out to these people yourself? A. The cashier gave it.

Q. What is the cashier's name? A. Every time it was Meissner.

Q. Your son? A. No; Meissner.

Q. Is Mr. Meissner there now? A. No; he ran away; he robbed me of \$7,000.

Q. Do you mean to say that your memory fails you absolutely as to the application of this \$500? A. Yes, sir; absolutely.

Q. Well, you say the postman got some of it; what had the postman to do with the surveillance of the dock? A. That does not say for the dock alone.

Q. That says for the wharf? A. That is what the chairman says now; it is a donation.

Q. It says for the special watching for the dock in 1891, payable to the right parties, or to the person entitled? A. Mr. Goff, there is "etc." too after these; look on the book.

Q. That "etc." says —? A. It says "etc."

Q. It says "Wharf, etc.," but that means surveillance, or watching of the wharf? A. No.

Q. You can not deny but that is the translation? A. It may be the translation, but that is not what it means.

Q. In whose handwriting is this? A. The man is dead.

Q. What is his name? A. His name was De Martray.

Q. But De Martray was in your employ? A. Yes, sir.

Q. And for whom did he get this item? A. From the cashier.

Q. And from whom did the cashier get it? A. He got the authorization from me.

Q. Very well, the authorization having gone from you, to the person who made the inquiry, it must have gone there for the special watching of this dock; those are the words used? A. No; it does not follow.

Q. Do you mean to say that your cashier, or this De Martray your bookkeeper, would use those words without some authority? A. It may be I gave him authority myself.

Q. That is very probable, isn't it? A. Yes.

Q. You having given those words yourself, in what consists the special watching of the dock? A. I do not remember — the special watching of a dock.

Q. That is what it says here? A. A man being there, and looking after the passengers, and that there is no robbery committed on the dock.

Q. Was it to a man in your employ? A. What man?

Q. A man that watched to see there was no robbery? A. No; it was a regular policeman.

Q. But you say the \$500 was exclusive of the \$10 a week? A. I do not say the policeman there at all.

Q. You do not wish to testify to anything that would place you at a disadvantage with the police; isn't that a fact? A. I don't say that.

Q. Isn't it? A. I don't think so, sir

Q. Will you swear it is not so? A. I haven't to swear about these things.

Q. Don't you know, and can you deny it, that you wish to remain on friendly terms with the police? A. I have always been on friendly terms.

Q. And you wish to remain on friendly terms? A. I wish to remain on friendly terms with every one.

Q. Don't you wish to remain on friendly terms with the police? A. Yes; certainly.

Q. And you do not wish to break off that friendly relationship by telling on them? A. I wish to tell the truth.

Q. Do you wish to break of those friendly relations with the police? A. I don't care whether I am on friendly terms or not.

Q. Don't you know the police may interfere with your business and cause you trouble? A. I don't think so.

Q. If you don't think so; why have you paid them \$10 a week? A. Because the men sometimes come over time.

Q. Then he was in your employ? A. No; I do not think so.

Q. Then what did you pay him for? A. Because this man was busy sometimes in the evening.

Q. Didn't you pay him as a policeman? A. No; not as a policeman; no.

Q. What did you pay him for? A. Because this man came overtime.

Q. Hadn't you enough employes of your own? A. No.

Q. Why didn't you employ somebody? A. You know very well a policeman in uniform for thieves is a great deal better.

Q. Precisely; you paid him because he was a policeman in uniform? A. Yes; sometimes in uniform and sometimes not.

Q. And if he had not been in uniform, you would not have paid? A. I don't know about this.

Q. Now, let me call your attention to the case of a policeman on your dock, who understood and could speak the English language; do you remember that policeman? A. Yes, sir.

Q. Do you remember that policeman was removed? A. Yes

Q. Was there trouble about his removal? A. Not that I know of.

Q. Didn't you protest against his removal? A. No, sir.

Q. Was there anything whatever said about his removal? A. No sir; not to me.

Q. Do you say to anyone? A. No, sir.

Q. Do you know if anyone connected with your company made a request for his restoration to the dock? A. Yes; I think so; Mr. West did.

Q. And on what grounds? A. Because he spoke French.

Q. Did you hear on what grounds he was removed? A. No.

Q. Never heard on what grounds he was removed? A. No.

Q. You are absolutely certain about that? A. No.

Q. I ask you if you are absolutely certain about that? A. I don't remember, sir.

Q. I wish any of my question you do not thoroughly understand; I wish you would tell me so, and I will try to make myself intelligible to you, because there are some words in our language, that you may not thoroughly understand, and if that is the case, I wish you would tell me; will you swear you never heard what was the cause of that officer's removal? A. Well, I heard it from Mr. West; but I did not —

Q. That is the point; you did hear? A. Well, he was removed; yes, sir

Q. Did you hear the cause why he was removed? A. No.

Q. Didn't Mr. West tell you? A. Mr. West told me he was removed because the captain did not like him; that the captain wanted to change him; that is all.

Q. Well, we will see; wasn't there something said at that time, that he was removed, because he refused to divide the money that he received from the company? A. This I do not remember.

Q. Will you swear—? A. Yes; I swear I do not remember this.

Q. Wait a while; you are a little too ready with that Mr. Forget; will you swear that such language was not used, or the substance of language that the reason why the officer was removed, was that he refused to divide with the wardman, or the captain, the money that he received from your company; now, think, please, before you answer that question? A. I don't remember.

Q. Will you swear; that is not my question? A. I swear.

Q. That is not my question? A. I don't remember.

Q. I am not asking you that; I am not asking you, sir, as to your memory; that is a different thing; will you swear that such language was not used to you, and that you were not told that fact—the reason of the officer's removal—was that he would not divide the money, he received from the company; were you told that fact? A. By whom?

Q. By any person? A. Well, I was told by one person.

Q. Well, now we have it; you were told? A. But that was you, Mr. Goff.

Q. Were you ever told it by any person, but by me? A. No.

Chairman Lexow.—You want to be careful, Mr. Forget. You understand anybody subpoenaed before this committee, and taking the oath makes himself amenable to the law in case he misrepresents the facts or misstates the facts? A. I do not misstate the facts.

By Mr. Goff:

Q. If you don't remember, say so?

Senator Pound.—And don't quibble with counsel.

The Witness.—No; I won't try to quibble.

By Mr. Goff:

Q. I had the pleasure of a short conversation with you? A. Yes, Mr. Goff.

Q. And I have not referred in my question in any way, directly or indirectly, to that conversation? A. Yes.

Q. I would not consider it professional conduct to do so, and I have not done so; and so when I have referred to anything in relation to this or any other transaction, I have not referred to anything whatever that passed between yourself in the

presence of counsel, and myself, you understand, please. I put my question again. Before you saw me, will you swear that you did not hear that the reason why that officer was discharged was that he refused to divide with the wardman or with the captain? A. Well, I positively swear I do not remember anyone telling me so.

Q. You do not remember? A. No; I do not.

Q. Have you had any consultation with any person that told you to say, "I do not remember?" A. No, sir; no.

Q. You are a gentleman of culture; did you ever read the famous trial of Queen Caroline? A. No.

Q. Where the Italian witness answered every question — the Italian valet — that "I do not remember;" did you ever hear of that? A. No.

Q. Did you ever hear that was a safe answer for a witness to give when he was puzzled? A. No.

Q. Now, do you remember that officer's name? A. Yes; I believe so.

Q. What was his name? A. De Gann, I believe.

Mr. Goff, to a messenger.— Step out and bring Officer De Gann who is in the court-room over there in the clerk's office. I want to have that officer identified.

(Senator Pound takes the chair.)

(Officer De Gann comes in and stands up before the witness.)

Q. Is that the officer? A. Yes; that is the officer.

Q. That is the officer? A. Yes.

Q. And that is the officer that spoke French? A. Yes.

Q. And was very useful to the company? A. Yes.

Q. And a good officer? A. A very good officer.

Q. And he was removed against your protest; wasn't he? A. No; I did not protest, sir.

Q. Well, against your objection? A. Not against mine; I did not make any with that; I did not protest against that.

Q. Don't you know someone representing you did? A. It is mostly likely.

Q. Justly so too, and properly so, if he was useful to the company? A. I don't know; he was very useful.

Q. He was a good officer? A. He was a very good officer.

Q. Don't you recollect in reference to that officer that he was removed, because he refused — A. Now, I don't remember it.

Senator Pound.—Wait until you have heard the question, witness.

Q. Didn't you hear from some person at about that time that the reason why Officer De Gann was removed was because he refused to divide the money he received with some of his superior officers? A. I certainly don't remember this part.

Q. What? A. I don't remember this part.

Q. Will you swear you did not hear so? A. No; I won't swear it.

Q. Then you may have been told it, and you have forgotten it; is that the situation? A. That is it; I may.

Q. Now, how is your memory; pretty good? A. Sometimes.

Q. You are a man of large affairs, and have to carry a great many things, haven't you? A. Yes, sir.

Q. And it is the situation now that you have been told that and have forgotten it? A. It may.

Q. Now, after the removal of Officer DeGann, from duty there, do you remember when Captain Schmittberger came in command of the steamboat squad? A. I do not, sir.

Q. Well, you remember about the time? A. No.

Q. Do you remember that Captain Schmittberger was in command of the steamboat squad? A. Yes; I do.

Q. Do you remember the year he was in command of the steamboat squad? A. In 1894.

Q. Therefore, he came there in some part of 1891, didn't he? A. Yes, sir.

Q. Do you remember that it was after Captain Schmittberger came there, that Officer De Gann was removed? A. Yes, sir.

Q. Do you remember the captain's wardman visiting the office of the company? A. No, sir.

Q. Wardman Glennon; did you ever hear that name? A. Yes.

Q. Did you ever see him? A. I am not sure, but, I believe, if he is a tall man, about six feet high, that he may be the man; but I am not sure.

Q. You saw a wardman there anyway? A. Yes, sir.

Q. That was a representative of the captain? A. Yes, sir.

Q. What was the business of the wardman there? A. I don't remember.

Q. Does your memory fail you again? A. I beg your pardon.

Q. Does your memory fail you again? A. Yes, sir.

Q. Fails you again? A. Yes, sir.

Q. And your memory fails you in regard to this \$500 item too; does it? A. Yes.



Q. You mean to say as a trusted officer of your company here, in a foreign country, that you have put down an item of \$500, and credited yourself with that \$500, without being able to tell the officers of your company what that \$500 was applied for; is that a fact? A. As I told you —

Q. No; answer my question, please? A. Will you kindly put your question again?

Q. Certainly; is it not a fact that you, the trusted agent of this steamship company, in a foreign country, have appropriated or used for some purpose \$500, and you have credited yourself with that \$500, and you are not able to answer the officers of that company or the directors of that company, the particulars of what that \$500 was applied for?

Mr. Jones.—If the committee please —

Mr. Goff.—I object to Mr. Jones or anybody else addressing this committee.

Senator Pound.—Yes; the examination of the witness will continue.

Mr. Goff.—This gentleman is the private counsel of the witness, and I object to his being heard here at all.

Senator Pound.—Your objection is sustained; a witness can not be represented by counsel.

Mr. Goff.—I make this offer here that if Mr. Jones desires to say anything to this committee, that the uniform rule relating to persons addressing the committee shall be enforced, and Mr. Jones can take the witness stand, and I shall be delighted to have him there.

Senator Pound.—That is the rule the committee has followed from the start, Mr. Jones, and the witness is on the stand.

Mr. Jones.—The committee will not allow me to say a word one way or the other.

Senator Pound.—No.

Mr. Jones.—Does the committee take the statement of the counsel on the other side as to my character. It is stated here I am the private counsel of the witness. I deny that statement.

Senator Pound.—It makes no difference what you are or what you represent. The examination of this witness is the only thing before the committee, and our uniform rule is not to have outsiders appear on behalf of witnesses unless they take the stand as witnesses and are sworn, and submit to cross-examination.

Mr. Jones.—As the committee pleases. I do not appear in any other capacity.

Chairman Pound.—Then you will be kind enough to allow Mr. Goff to go on.

Mr. Jones.—Will the committee allow me to say in what capacity I appear?

Chairman Pound.—No, sir.

Q. (Question repeated.) Is it a fact that you, the trusted agent of this steamship company in a foreign country, have appropriated, or used for some purpose, \$500; and you have credited yourself with that \$500; and you are not able to answer the officers of that company, or the directors of that company, the particulars of what that \$500 was applied to? A. The directors or administrators of our company did not ask me to give them the details of that \$500; there is something in your question that seems to me illogical; you make my directors of my company; they are not here.

Chairman Pound.—I think that is a fair criticism, and they are not calling him to account here.

By Mr. Goff:

Q. I understand your observation very well, but a higher power than your directors ask you the question now; the State of New York ask you the question, and it has a right to ask you you the question, Mr. Forget? A. I do not doubt it, sir.

Q. And when I asked you about the directors of your company, I did not imply anything whatever improper as to the relations between yourself and the directors, because you are a trusted agent here, and deservedly so, properly so; my question was simply, if your company asked that, whether you could answer us? A. I don't remember.

Q. So that if the directors of your company should ask you the particulars of that item of \$500, would you, or would you not, be able to give them satisfactory replies or answers? A. I would not at this moment.

Q. You would not at this moment? A. No.

Q. Well, are you subject to any sudden fits of lapse of memory? A. Not yet; no.

Q. Have you ever thought of that item since? A. No; never.

Q. Has the reading of it brought it to your attention? A. Yes, sir; I called for my books when I came back.

Q. Had you forgotten that item? A. Entirely.

Q. Now, having seen the entry in the books, it refreshed your memory? A. So far as the book is concerned, yes.

Q. It refreshes your memory; now, having spoken about it now considerably on the witness stand, is not the subject matter of this \$500 refreshed in your memory as to the items or particular presents or bribes to which that \$500 was applied? A. No, sir; not in the least.

Q. Do you remember in what shape the \$500 was paid out; whether in money, or by check? A. I do not remember.

Q. Do you remember when the matter was first called to your attention? A. When I came back.

Q. Do you remember when the matter of paying out this \$500 at the time was first called to your attention? A. No, sir; I do not remember.

Q. Do you remember the person that first told you that \$500 would be necessary? A. No, sir.

Q. How did you come to fix upon the sum of \$500? A. Well, because I might have given a \$1,000.

Q. Then why did you not give \$1,000? A. Well, because there was no need for it.

Q. Will you tell us the need of \$500, instead of \$1,000? A. I don't remember.

Q. Why didn't you give a \$100? A. Because it did not suit me.

Q. Wasn't it enough? A. I don't know.

Q. Why didn't it suit you? A. Because it suited me to give \$500.

Q. Why did it suit you to give the particular sum of \$500? A. Because it was \$500.

Q. Why did you select \$500, as the sum you would give? A. I might have selected \$100, or a \$1,000.

Q. Why didn't you select \$100? A. Because I did not choose to do so.

Q. Was your selection of \$500 merely arbitrary on your part? A. Certainly.

Q. And you struck on that sum by accident? A. Most likely so.

Q. Is it a fact? A. I don't remember; I remember I took \$500 and spent it.

Q. How did you take it; tell us the shape in which you took it? A. I don't remember.

Q. When you say you spent it, how did you spent it? A. I gave it away.

Q. To whom? A. I don't remember; to several people.

Q. Do you think that is a proper answer for a man in a trust capacity, that you took \$500 of the money of your company and gave it away, and not to be able to tell who you gave it to? A. I don't remember.

Q. You think that is a proper answer? A. I don't know.

Q. Have you any ideas upon it? A. No.

Q. That \$500 did not belong to you? A. No.

Q. Do you think it proper that a man in your position should take \$500 belonging to his employer, or principal, and dispose of it without being able to tell how he disposed of it? A. Mr. Goff, I tell you as near as I can, I spent it several years ago to the French line, and the French line were satisfied with my spending for it, and got my reasons and vouchers for it.

Q. I do not question your act in the matter at all; there is no question here about that, as between yourself and your directors, if the French line has been in the habit of paying \$500 every year; isn't that the fact? A. No; not \$500 exactly; sometimes more, and sometimes less.

Q. And always for watching the wharf, etc.? A. No; for several reasons.

Q. You say you had vouchers? A. Yes, sir.

Q. Is this a voucher? A. I call it a voucher.

Q. That is your voucher? A. Yes.

Q. Did you get any vouchers for the expenditures of money made by you? A. No.

Q. Did you ever ask for any? A. No.

Q. Will you swear that any vouchers were ever asked for by any person receiving this \$500? A. I swear it; I swear that positively.

Chairman Pound.—All you state is under oath, witness.

Q. That no receipt was ever asked for? A. Never.

Q. Was there ever anything said in your company about that, that the person who received this \$500, should give it? A. I do not remember; no.

Q. Your memory fails you again? A. Just so.

Q. Do you remember when the wardman went there in relation to this \$500? A. I don't say of \$500; I don't remember this at all.

Q. Do you remember when he went there in relation to this \$500? A. I don't remember he came for \$500 at all.

Q. What did he come for? A. I don't remember.

Q. Made you a social call? A. No; most likely on business.

Q. What business? A. For the policemen on the wharf.

Q. To the policemen on the wharf? A. It may be so.

Q. You are not sure about that? A. No.

Q. Did you ever talk with the wardman? A. Yes, sir; I must have talked with him.

Q. You don't remember? A. No; my memory fails me.

Mr. Goff.—Now we will excuse you for the present. Do not leave the court-room, please. We may call you again and ask you a few questions. Officer De Gann.

Louis De Gann, called as a witness on behalf of the State, being duly sworn, testified as follows;

Direct examination by Mr. Goff:

Mr. Goff.—I would like, Mr. Chairman, that you would apprise the officer of the rule of law, and also of the resolution of the Senate committee in relation of the testimony that may be given by any witness before this committee.

Chairman Pound.—Witness, you cannot be prosecuted by reason of any testimony that you may give before this committee concerning the giving or receiving a bribe by you; that is to say, you can not be prosecuted for bribery; but on the contrary your giving testimony before this committee would be a defense against any charge that might be brought on that ground.

Mr. Goff.—And also of the resolution of the committee, Mr. Senator, that it is against public policy, and the interest of the public that any prosecution should be had.

Chairman Pound.—Yes, that is true. In other words you may speak freely without fear of the consequence; you are protected by the laws of the State, by the policy adopted by the authorities in regard to this line of testimony here.

Q. Now officer, how long have you been on the force? A. I was on 21 years ago yesterday.

Q. Twenty-one years ago? A. Yes, sir; yesterday.

Q. And you remain a high private yet? A. Yes, sir.

Q. Have you ever applied for promotion? A. Never.

Q. You are a man of family, I presume? A. Yes, sir, I am married; I have no children, but my wife.

Q. You are entitled to a pension now if you retire, are you not? A. Yes, sir.

Q. You are on duty on the French line pier for quite awhile, wasn't you? A. I was there 11 years, within a few months; if I had remained there three months, I would have been there 11 years.

Q. You understand and speak the French language? A. Some, enough to get along.

Q. During those 11 years time from your knowledge of the French language, you were enabled to be of great service to the company as a police officer? A. They considered it so.

Q. That is your talking to the passengers and arranging with them, and you were very agreeable to give whatever service and aid you could to the company? A. I tried to do so; yes, sir.

Q. You served overtime and went there after your hours of duty? A. Oh, yes; a great deal.

Q. And in the place of early sailings you went there before you were called by your hours of duty? A. Yes, sir.

Q. That is in the early hours of the morning? A. Yes, sir; and a great many nights all night.

Q. Now, for that very considerable service that you rendered the company, did you receive a small compensation from the company? A. Yes, sir.

Q. And what was the amount of the compensation you received, officer? A. Well, I was assigned to that pier on April 9, 1880, and after I had been there about a month I think Mr. West came on the dock, and as I spoke French, and that he considered that I was a very valuable man, and that I was willing to come there nights and so on, as I did some two or three times, that the company would give me \$5 a week; then after I was there some little time, I don't know — it may be a year — they got new ships, and by changing their sailings, and there being new ships, and making faster time, they would arrive on Sunday mornings; at that time I would be on duty one Sunday of three; Mr. West called me in the office and asked me if on my Sundays off I would come down to the dock and assist there, that they would double the compensation; and I told them I would.

Q. That would make it \$10? A. Ten dollars a week, yes, sir.

Q. And you continued to do that work for the company? A. Yes, sir.

Q. And received that compensation? A. Yes, sir.

Q. Under what captain did you serve? A. Under Captain Gastlin and Acting Captain Taylor, and Captain Schmittberger.

Q. When did Captain Schmittberger take command of the steamboat squad? A. I think it was in November, 1890.

Q. November, 1890; and how long after Captain Schmittberger had taken command of the squad were you removed from that post? A. Well, it was on the 8th of January following his appointment as captain.

Q. That would be the 8th of January, 1891? A. Yes, sir.; I think that was the day or the year; I am not positive of the day, but I think that is the year; I think it was three years ago on the 8th of last January.

Q. You appear to be here as a police officer with a long record of service, and your services testified to by this company—by the officers; you are here under oath, and we are all of the opinion that you are a man that regards the obligation of your oath upon your conscience; and I ask you if you will tell this committee why you were removed from that post? A. Well, I think it was in December after Captain Schmittberger was appointed captain his wardman, Vail, came to me and said that Captain Schmittberger wanted what I got at the line.

Q. What you got from the line? A. From the line extra; and I told him I did not think that was fair; "well, he said he wants it and you will have to give it up; and I said, "I won't give it up, and won't be a slave or serf for no man;" I said, Captain Schmittberger can not kill me, but I am willing to go out of the business;" he said, "You can do just as you please;" and I told him I would not do it; and he met me the following day and asked me again, and I told him I would not give it up; I was giving him half and would not give him any more.

Q. You were giving him half? A. And I would not give him any more.

Q. So up to the time that Wardman Vail came to you, you had been giving up half of what you received? A. Yes, sir.

Q. That is, \$5 a week? A. Yes, sir.

Q. Twenty dollars a month; and it was your understanding when you gave up that money to whom it went? A. Well, I

don't know as to whether I can tell you about that; of course we all understood it went to the captain.

Q. All the officers? A. Yes.

Q. And that was the rule in the whole steamboat squad? A. Yes, sir.

Q. That one-half of the money that they received from the steamboat company should go to the captain? A. Yes, sir.

Q. And the wardman was the collector for that purpose? A. Yes, sir.

Q. He met you the next day, officer, you say? A. And he insisted on it again; and I told him I would not do it; I said, "I am no slave, and I do not propose to give up more than half; I think I am doing what is square; I said, "What guarantee have I got that he wont want some of my salary if I refuse;" he said, "You can do just as you please;" he said. I think it is better for you; this man can make himself very disagreeable to you;" I went to Mr. West and told him the circumstances; and he told me, "If I know you were doing that I would not have given it at all; I gave it for the services which you rendered, and I would not have given it all if I supposed any of it was going to anybody but you; I paid you because you done the work; that was in November, and on the 8th of January I was ordered to go down to pier A, and I went there and Captain Schmittberger asked me if I was told where my post was to be; I said, "No;" he said, "Post 2, over on the East river on the canal boats; that will be a good place for you;" and I went there and remained two or three days, and he changed me on the Mallory's line, and then he sent me to the Fulton Fish Market.

Q. This pier A was the station-house of that squad? A. The station-house.

Q. You were shifted around in a way you have described for no other reason, except the one you have assigned? A. No other reason that I knew; that is the only reason; I believe Captain Schmittberger told Commissioner Voorhis, that he had changed me because I had been smuggling; I was not tried and could not get a chance to be tried.

Q. Were there any formal charges presented against you? A. Never in the world.

Q. Merely an accusation against you? A. I don't know; it was only an intimation I got that such a thing had been told Commissioner Voorhis; it was intimated to me that was it; I was told by somebody; I do not know who now.



Q. You never received any information that charges had been made against you? A. No, sir; I went to headquarters and asked Mr. Kipp, if it was possible for a charge against me and I do not know it; and he asked me if I knew the rules of the department, and I told him, "No; I suppose the charge had to be entered on the blotter within 24 hours and the person notified;" and he said, "Yes; and that rule is followed;" I never had any charges and never was tried.

Q. Did you ever hear anything further about the situation, officer? A. Captain Schmittberger sent for me sometime after that; I think it might have been two months after; I was sent for, and he took me in his room and said he was going to make some arrangement on the North river, and he understood my friends were going to have me promoted to roundsman; and I told him that if my friends made any move to have me promoted to roundsman, I never applied for it, and he gave me a list of posts and requested me to make a selection, and I refused to make a selection, and I said, "You are captain, and I will try to do my duty;" he said, "What post do you prefer?" and I said, "Send me back where you took me from;" he said, "I can not do that;" I said, "When you came here you were a bright and intelligent man," and I said, "You done one of the most foolish things you could have done;" I refused to take my choice of one of those positions.

By Senator Pound:

Q. When was that? A. That was two months after he changed me on the post; it was three years ago, I think, last February or March.

By Mr. Goff:

Q. Before Captain Schmittberger went there had you been giving up half the money you received to whatever captain was in the squad? A. Yes, sir.

Q. And that was the recognized rule and custom? A. Yes, sir.

Q. Among all the officers? A. Yes, sir.

Q. And was Captain Schmittberger the first captain that insisted upon giving up the whole of what you received? A. Yes, sir; of course I can not swear, Captain Schmittberger never

said anything to me about giving up the whole; it was his wardman he recognized as his collector.

Q. And to that wardman, the representative of the captain, you had been paying one-half of what you had received? A. Yes, sir.

Q. Now, officer, did you learn in your position as a police officer, having knowledge of this transaction — did you learn about any transaction that the company had with the police after you left the company? A. No, sir.

Q. That — A. I think I have not been there but two or three times since I have been transferred from there; I may have been there half a dozen times to make a social call on Mr. West, but I did not know anything else aside from that; I never inquired, because it is not my business; that is I do not remember, Mr. Goff, if I ever made any; if I did I would tell you.

Mr. Goff.—I believe you would. I do not hesitate to say that it is extremely refreshing, Mr. Chairman and Senators, that during this long course of investigation when we have had so many persons on the stand that had impressed the hearers here that they were not telling the truth that we should meet to-day here a police officer in uniform who has the courage and the honesty to state the truth; and it but illustrates what has been publicly said heretofore not only upon the platform in this city, but before this Senate committee time and time again, that there are decent men on the police force and so far as those men are concerned this committee has been, and is acting, and will act as their friends; that it is the system that this committee directs its forces against; and that there is no doubt whatever that there are men on the police force to-day in large numbers who occupy precisely the same position as Officer DeGann; and I think the community can very well appreciate this officer's sacrifice and his courage, and his honesty in coming before this committee and testifying in the manner he has testified.

By Senator Pound:

Q. Witness, you have said you had been in the habit of giving up before Captain Schmittberger came there to the various captains; was your business always done with the wardman? A. Always with the wardman.

Q. You had no direct transaction with the captain? A. No.

Q. But the wardman were regarded as the representatives of other captains? A. Yes, sir.

The Chairman.—Anything more from this witness, Mr. Goff?

Mr. Goff.—Nothing.

(Chairman Lexow resumed the chair.)

Charles G. West, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your occupation? A. I am superintendent of the pier of the French line.

Q. And how long have you occupied that position? A. About 17 years.

Q. As distinguished from Mr. Forget, what are your duties? A. My duties are only such as require my presence at the pier; the superintending of the discharging, loading and coaling of the ships, and the employment of help.

Q. Now, touching the question of watching at the pier, or special service required by the police officer assigned there, have you had any direct connection with that part of the business? A. Yes, sir.

Q. What has been your connection? A. My connection, to explain it, would be to go back to the time and the testimony as given by Arthur De Gann.

Q. I wish you would, please A. I don't remember just how Officer De Gann came to the squad; that is, the steamboat squad, but at the time that Captain Gastlin was captain of the steamboat squad we had upon the wharf an officer by the name of McCaffrey, he is since dead; this officer became dissatisfied with the pier, and was transferred at his own request to the Desbrosses street ferry; Captain Gastlin asked me if I had any preference for another to replace him; I told him that I had heard that there was an officer on the squad that spoke French, or rather an officer in the department that spoke French; if I could secure his services I should be pleased; within, I think, two months after, Officer De Gann came to the pier; that was the first time I had ever seen him; I found him to be a very intelligent officer and very accurate; a man that was evidently conscientious in his duty, and as we had sailings of our steamers that are early in the morning, and the arrivals sometimes being in the evening, and the passengers leaving the wharf made at night, I felt that he would be of value to us; I made the sug-

gestion to him that if he would come to the pier and give us the benefit of his experience as an officer in citizen's clothes, I would be pleased to pay him for it; I did so; I paid him as he has stated; also our business increased; we had new steamers which arrived early on Sundays, and our sailings were proportionately early on Saturdays, requiring someone to be on the wharf on Friday nights; and as we had had considerable trouble with these confidence men who were robbing indiscriminately our steerage passengers; I told De Gann if he would assist, since he would be there all day Friday and could see what passengers came, and what people hung around the pier, if he would come in the evening I would increase his compensation to \$10 a week; this I did.

Q. Well, Mr. West, proceed A. After Officer De Gann was transferred I gave nothing further to the officer that took his place because the conditions were not the same.

Q. Well, how did it come to pass, so far as you know, that Officer De Gann was transferred? A. Well, I heard from him that he had had trouble with his captain, that was all.

Q. What was the trouble, did you hear? A. His — the Wardman Vail had applied to the officer, for, as he said, I think the entire amount.

By Senator Pound:

Q. That is the officer you mentioned, Officer De Gann? A. Yes, sir.

By Mr. Goff:

Q. The officer testified that you, on that occasion, said to him that if you had known he was giving up even half of the money he received you would not have given it to him; that you gave it to him for services, and not to them, meaning the captain and wardmen, is that so? A. I might have said so.

Q. Did you make any objection, to any person from your company so far as you know, to the removal of Officer De Gann? A. I did; yes, sir.

Q. To whom did you object? A. To everybody that I knew that had any influence.

Q. To any police official? A. Yes, sir.

Q. Will you name me a police official, please? A. Captain Schmittberger.

Q. Will you tell us the conversation you had with Captain Schmittberger? A. I could not give you the exact conversation; no, sir.

Q. Well, the substance to the best of your recollection? A. Well, I asked why the officer was removed; and he told me for insubordination.

Q. Well, go on and give us the substance as near as you can recollect it of all the conversation that took place between yourself and Captain Schmittberger? A. I think he charged the officer with having — with being in league with the immigrant boarding-house runners, in permitting them to solicit passengers on the pier.

Q. And did you make any observations on the accusation being made against the officer? A. I did; yes, sir.

Q. What was it? A. That was untrue, positively untrue, because with the aid of this officer and myself, I brought a number of houses before Commissioner Ridgeway, at that time the Commissioner of Immigration of the State of New York, and broke a number of those houses; I arrested several of the runners and together with the officer we did what we could to prevent anything of that nature.

Q. So that the officer rendered you efficient service in trying to break up the immigrant boarding-house runners? A. Very efficient service, yes, sir.

Q. Was that the first time you ever heard of any accusations being made against the officer on that score? A. Yes, sir.

Q. And you stated to the captain that was untrue? A. I did; yes, sir.

Q. What did the captain say further? A. Well, I think we closed our seance that day in a quarrel; I do not remember; we both got excited; and I can not recall what followed.

Q. Was anything said at that interview in relation to the demand that was made on the officer to give up? A. No, sir.

Q. Were you aware of it at that time? A. Yes, sir.

Q. Did you have any further conversation with Captain Schmittberger in reference to that matter? A. I never spoke to him afterward.

Q. Never spoke to him afterward? A. No, sir.

Q. What officer was sent to the dock in place of Officer De Gann? A. Well, I can not recall his name.

By Senator Pound:

Q. Is the same officer on duty there now? A. No, sir.

Q. Did Captain Schmittberger say anything to you about these alleged charges against De Gann, in connection with smuggling? A. No, sir.

By Mr. Goff:

Q. After the officer that succeeded Degnan, or De Gann, was there, to your knowledge, was there any trouble with the police officials in reference to the payment of money to them for their services on the dock? A. I never heard a word about it.

Q. Do you know if the same system was on? A. I would know, because I always paid myself, and I never paid anything after De Gann left until very recently.

Q. Do you know whether or not the company paid any money in any form or shape for services after De Gann left? A. I have no knowledge; no, sir.

Q. Did you ever hear? A. Oh, I have heard rumors, but I have nothing of my own knowledge, sir.

Q. Where did you hear the rumors? A. Oh, it was generally talked of all over; everybody talked of it; speaking of all of the companies, not the French line in preference to any others.

Q. The French line was not an exception? A. No, sir.

Q. All the other companies were in the same category? A. It was so talked.

Q. Did you ever hear it spoken of around the docks among the officers that instead of paying so much a week to the officers, a lump sum had been demanded of the company? A. No, sir.

Q. Now, I show you an entry here; do you understand French; don't you? A. A trifle; yes.

Q. I show you an entry, which Mr. Forget has testified to under the date of 21st of December, and ask you if you had knowledge whatever of that \$150 paid for watching or surveillance of the dock? A. No, sir; I have no knowledge of it.

Senator Lexow.—I understand Mr. Forget testified this money passed through this gentleman's hands.

Mr. Goff.—Yes, sir; I am coming to that.

Q. Mr. Forget has testified he did not pay out the money; my recollection is that he testified the money went through your hands; have you any recollection of having paid out \$500? A. No, sir.

By Chairman Lexow:

Q. In the lump or in the smaller sums? A. No, sir.

Q. Will you swear you never did? A. I swear I never paid in the year 1891, \$500.

By Senator Pound:

Q. Ten dollars a week passed through your hands; didn't it? A. To Officer De Gann; yes, sir.

Mr. Goff.—He has testified already, Senators, that after De Gann left the money did not go to his hands; that is, he did not himself pay any money for police services on the docks after Officer De Gann left.

By Mr. Goff:

Q. Let me ask you, if the officer that succeeded De Gann continued to render some services to the company in a way like what Officer De Gann rendered? A. Absolutely none but police service.

Q. Absolutely none, but police services? A. Yes, sir.

Q. Do you know of any reason, or any cause by which the stoppage of the payment was made, except the removal of Officer De Gann; was there any other cause? A. Well, since Mr. Forget left those payments entirely to me, at the time that Officer De Gann was with us, his services were of value; the officer that succeeded him was absolutely no value, and I did not employ him.

Q. Did you ever see Captain Schmittberger on the dock there? A. Very often; yes, sir.

Q. Did you ever hear of this \$500 having been paid for any particular purpose in connection with the police? A. Nothing more than I have testified to of rumors I had heard, nothing.

By Chairman Lexow:

Q. Did you hear rumors with reference to this \$500? A. No, sir; not in reference to that; I heard a rumor there was a purse made up by the steamship companies, but nothing further than that.

By Mr. Goff:

Q. Do you recollect anything to the effect that instead of paying the sum per week, that a lump sum was paid by the company? A. Not from any official connected with the company; no sir.

Q. Or any one connected with the police? A. No; I think not with the police; as have testified it was a general rumor, that is all; nothing that would connect itself in any way.

Q. Did you ever hear that the wardman representing the captain went to the company or its representative and insisted that the money should be paid in a lump sum? A. No, sir.

Q. Did you ever hear anything about a receipt having been demanded for this money? A. Well, I demanded a receipt once myself.

Q. From whom? A. From a man named Gannon.

Q. That was a wardman? A. Yes, sir.

Q. Did you pay Gannon money? A. No, sir.

Q. Did he ask for money? A. No, sir.

Q. Was that after officer DeGann left? A. No, sir.

Q. While Officer DeGann was there? A. Yes.

Q. And this wardman demanded money for himself, or for the captain, and what did he say? A. He asked me for the amount I paid Officer DeGann, that I was accustomed to pay Officer DeGann.

Q. What did you say? A. I told him if he was entitled to it when he could satisfy me that he represented anybody that was, or would give me a receipt in the name of the party who claimed to be entitled, I would pay the money.

Q. What did he say to that demand? A. He laughed.

By Chairman Lexow:

Q. Didn't he say anything in that conversation that gave you to understand to whom the money was to be paid? A. Yes, sir; he did.

Q. What did he say? A. It was for the captain.

Q. Well, in the ordinary course of business there to whose hands would go the payment of any moneys as gratuities for services rendered to the company, or supposed services? A. Gratuities are always paid by the agents themselves.

Q. By the agent himself? A. Yes, sir; not through a superintendent.



Q. Not through a superintendent? A. Not to my knowledge; by his authority.

Chairman Lexow.—Is there any evidence, Mr. Goff, of this association among all the steamship companies of the city doing a foreign business?

Mr. Goff.—It is evidence that all the steamship companies were subjected to the same toll or payment to the various officers assigned to the various docks, and the testimony of the officer given in your absence was that that was a well recognized and understood thing among all the officers of the steamboat squad, that they had to receive the money and give up one-half to the captain.

By Chairman Lexow:

Q. Was that your understanding among the agencies of the steamboat companies? A. I am not an agent; Mr. Forget is.

Q. Or as superintendent? A. There is no such understanding among the superintendents.

By Mr. Goff:

Q. Your duties confine you to your —? A. To my own department, sir.

Q. These gratuities so far as we know, has this company been in the habit of giving gratuities at Christmas? A. I could not tell you, sir.

Q. You could not say? A. No, sir.

Q. Do you know of any gratuities having been given, for instance to the letter carriers? A. I have always given the letter carriers myself.

By Chairman Lexow:

Q. What was the date of this conversation between you and Mr. Gannon? A. I could not tell you, Senator.

Q. About? A. It was just before De Gann was transferred, but I could not give you the date.

Q. Who was the captain of the precinct then? A. Schmittberger.

By Mr. Goff:

Q. Now, this item here says that for watching the dock, now, was that not part of your business to look after the safety of the

dock and freight, and everything else on that dock? A. Yes, sir.

Q. That is principally within your department? A. Yes, sir.

Q. And so that for the payment of the tribute to any person engaged in watching that dock you would in the ordinary course of business have knowledge of that? A. Yes, sir.

Q. You had to do with the employment of men, and you were responsible for the safety of all that was on the dock? A. Yes, sir.

Q. Now when this item here says that this money was paid as a special subscription for watching the wharf, for the surveillance, as they called it, would that come in the ordinary course of business within your province as superintendent of that dock? A. I should think so, yes.

Q. Have you any knowledge of this item or the payment of the sum of money mentioned here? A. No, sir.

Q. Do you remember this item here — I would say, Mr. West, it is on the 31st of December, 1894, do you remember when Captain Schmittberger left the squad? A. I think it was in January, 1892.

Q. Do you know if Gannon applied to any other official of the company for payment besides yourself? A. I do not, sir.

Q. Did any official of the company speak to you about it? A. No, sir.

Q. Or any employe of the company? A. No, sir.

Mr. Goff.—Is Alderman Schott in court?

Alderman Schott.—Yes, sir.

Q. You have spoken about the immigrant-house runners, did you have, as a representative of your company, any trouble with a man by the name of Ryan for blockading the sidewalk, and streets, and approaches to your company's docks? A. Yes, sir.

Q. Will you tell the committee the extent of your trouble in relation to the obstruction by Ryan of his packing boxes? A. It was during the administration of Mayor Hewitt I received a letter from some passengers, complaining that it was impossible to drive their carriages to the pier through Morton street, and asking if the French line could not offer the same facilities as the White Star and Cunard line, and other lines adjacent; I had had many complaints from my employes, stating that they had their clothing torn, that they had been assaulted in passing from the pier to their homes through Morton street from West to Washington; I had complained many times to the

police to have these obstructions removed, but without any success; and having read of the interest that Mayor Hewitt took in such affairs, I inclosed a letter, and the various complaints I had received, and accompanied by one from myself to Mr. Hewitt; within three days I had a reply that it would receive his personal attention; within two days there was not a box on the street; it was entirely clear; I also received from the chief of the bureau of incumbrances, from the superintendent of police, letters stating that the matter had been referred to them and would receive attention, and it did; but after a while things reverted to their own conditions; and within the last two years I made another effort, and the City Club, I think it was, gave me material assistance; and we measured off the street, and found that from the house line to the curbstone there was allowed by Mr. Ryan but two feet for passengers, both sides; on the stoop-line of the sidewalk was filled with boxes, and was 60 feet high from the two feet open space, and then from there across the middle of the street was about 40 feet high with boxes from Washington street right through to West; I then wrote to the chief of every department, of the city government, that I thought would be interested; I wrote also to the mayor; I wrote to the underwriters, the fire commissioners, the fire marshal, to the board of health, stating exactly the situation; Mr. Ryan was required to cut down for a while, and, in fact, he cleared the street, excepting to the stoop line, but he still continues to monopolize the street, and the remedy that we had was only temporary; and it is in the summer-time a very dangerous place; and I would state that at the very time that Mr. Ryan was giving his testimony before the committee a man was found dead in one of his boxes stripped of clothing, and had been dead for about three weeks; and the lodgers, as we called them, those who occupy those boxes — tramps and such like, to sleep out nights, complained of the odor, and then they found the man.

Q. It was not until their delicate sense of smell was offended by the odor of the three-weeks corpse that the corpse was discovered? A. Yes; we called that the Walled Off Flats.

Q. Well, it is pleasant to know that we can have a record that even tramps can not stand the smell of a dead body; that is what is called the Walled Off Flats? A. Yes.

Q. I will ask you if you heard a rumor around the docks either among the employes or among other persons that shortly

before the removal of Captain Schmittberger from that command that he received \$500 in cash at the office of the company from the company or its representatives? A. I heard such rumors, but not from any person connected with the company.

Q. It was rumored about the docks? A. Yes.

By Chairman Lexow:

Q. Was it a matter of general notoriety around there that that had been the case; a matter of rumor? A. Yes, sir; the same as with the Cunard and other companies.

By Mr. Goff:

Q. That is what you have reference to about the steamboat companies making up a purse for the captain? A. Yes, sir.

Q. And it was about two or three weeks before he left the squad, before he was removed? A. I did not hear it then; no, sir.

Q. Immediately after? A. It was a long while afterward, perhaps may be a year; but not at the time, I did not hear it.

Mr. Goff.—Unless the Senator has some questions to ask, Mr. West, that will do; unless you have some questions, Mr. Chairman.

By Chairman Lexow:

Q. Have you ever traced that rumor to its official starting point? A. No, sir; I had no reason to.

Q. Did it come to you in any way that carried conviction? A. No.

Q. So that you believed it? A. Well, I could not say that; no, sir.

Q. Do you mean to say that you disbelieve it now? A. Well, I—I can not say that I believe it, or disbelieve it; I never have given it any particular attention.

By Senator Bradley:

Q. From the party you heard it from, would you rely upon him? A. No, sir; I would not; it was just general rumor; I could not tell who I heard it from.

By Senator Pound:

Q. Was it a rumor that a purse had been made up by contributions from all the companies? A. It did not say all the

companies, a number of companies; in our neighborhood there are only three or four prominent companies.

By Chairman Lexow:

Q. And these three or four companies made up the purse?

A. That was the rumor.

Q. Each contributing \$500? A. No price stated; there had been a purse made up.

Chairman Lexow.— That is all.

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

Direct examination by Mr. Goff:

Q. What is your occupation? A. Passenger agent.

Q. Of what company? A. The French line.

Q. Where is your office? A. No. 3 Bowling Green.

Q. You are frequently brought to the French pier, are you not, by business? A. Yes, sir.

Q. You have been an alderman of this city? A. Yes, sir.

Q. Is that the only office you ever held? A. That is the only office — political office.

Q. Do you know anything about the company paying money for police services? A. No, sir.

Q. Did you ever hear of it? A. I have.

Q. It was an understood thing among the gentlemen connected with the company? A. Yes, sir.

Q. That such money was paid; did you ever hear about the sum of \$500 having been paid at one time? A. No, sir.

Q. Is this the first time you ever heard of it? A. No; it is not the first time I heard of that.

Q. You have heard of it before? A. I did; the same as Mr. West claims — rumors.

Q. Of the employes of the company or persons connected with the company? A. Persons connected with the company.

Q. Now, I ask you about this item here on page 417, the item before referred to on 31st of December, this item of a payment of \$500 for special watching or surveillance on the pier, etc.; do you know anything about that? A. No, sir; I do not.

Q. Did you ever see it before? A. No; I saw that before; yes, sir.

Q. Where did you see it? A. At our office.

Q. How did you come to see it? A. Well, it was pointed out to me by one of the bookkeepers who came back, who brought the books back after I permitted him to bring the books up to Mr. Wellman.

Q. You say it was pointed out to you by one of the bookkeepers? A. Yes, sir.

Q. After you had permitted the books to be taken by Mr. Wellman; is that correct? A. Yes, sir.

Q. Was Mr. Forget in Europe at that time? A. He was.

Q. Who took his place here while in Europe? A. It was delegated to two persons, myself and another gentleman who represented the freight department.

Q. Who was the other gentleman? A. Mr. Cushbaugh.

Q. Did you institute any inquiry concerning this item when it was called to your attention? A. No, sir.

Q. How did the bookkeeper come to call it to your attention? A. That I don't know.

Q. Did he tell you it was a matter of inquiry? A. He heard a rumor, I suppose, it was on account of the rumor he heard.

Q. Was it any part of your duty to inquire about this item when your attention was called to it? A. No, sir.

Q. Would any of this money, this \$500, in the ordinary course of business go through your hands for gratuities to any persons? A. No, sir; no money passed through my hands.

Q. You simply looked after the passenger department? A. That is all.

Q. And arrange for the state-rooms and took in the money? A. That is all.

Q. You had nothing to do with the watching of the dock? A. No, sir.

Q. Have you any personal knowledge whatever of this transaction recorded in this book? A. I have not.

Q. In any manner, shape or form? A. No, sir.

Q. Do you swear the first time you ever heard of it was when the bookkeeper called your attention to it at the time you have stated? A. No, sir; I can not say that.

Q. Then you heard of it before? A. I heard of it by rumor.

Q. When the bookkeeper called your attention to this item you recognized the identity of the item with the rumor you had heard? A. That is exactly it.

Q. And did you hear anything at that time, that all the steamship companies had united in a purse or presentation? A. Yes; by rumor.

Q. Yes; I mean to say by the same source? A. Yes; by the same source of information.

By Chairman Lexow:

Q. Do you know from whom you heard that statement, that the steamship companies were making up a purse? A. No; it was general.

Q. Did you ever try to trace stories of that kind to the bottom? A. No, sir.

Chairman Lexow.—Is that all.

Mr. Goff.—Yes, sir.

Chairman Lexow.—That is all. This seems to be a convenient point to take a recess, unless there is some reason why another witness should be called.

Mr. Goff.—I would just like to ask Mr. West—we had adopted a sort of rule or custom of prolonging our investigation a little further than 1 o'clock. I would like to ask Mr. Forget a few more questions.

Augustin Forget, recalled, testified as follows.

Direct examination by Mr. Goff:

Q. I presume that you have paid close attention to the testimony of the various witnesses that you have heard? A. Yes, sir.

Q. Since you had been on the witness stand? A. Yes, sir.

Q. Has your memory been at all refreshed by that testimony? A. No.

Q. Are you in the same condition that you do not remember, that you were when you left the stand? A. Exactly the same.

Q. Your memory is in the same uncertain frail condition? A. Exactly, sir.

Q. As when you first went on the stand? A. Yes, sir.

Q. Do you know anything that would refresh your memory into activity? A. No, sir.

By Chairman Lexow:

Q. Do you want to try to remember, or don't you? A. I wish I could remember.

Q. You are making an honest effort, are you, to remember?

A. Yes, sir.

By Mr. Goff:

Q. Well, have you resolved, Mr. Forget that your memory shall remain weak? A. Oh no, sir.

Q. Were you ever before attacked with failure of memory?

A. No.

Q. Have you ever been on the witness stand before in any court of justice, or before any investigating committee? A. Yes; once.

Q. Where? A. Ask my counsel.

Q. Was it in this country? A. No; but it was a committee from Washington.

Q. Before the committee of Commerce and Irrigation? A. Yes, sir.

Q. Was your memory pretty good before that committee? A. Yes.

Q. And you were able to answer all their questions? A. Not quite.

Q. Did your memory fail you? A. No.

Q. You were not asked about paying police protection, were you, before that committee in Washington? A. No, sir.

Q. And has the fact that you are not asked about paying police protection, has that affected your memory anything? A. Not a bit.

Q. It still remains weak? A. Yes, sir.

Q. Now, Mr. Forget, I wish to be perfectly fair with you and appreciating the fact that you may not understand the full import of all the words I use, I want to be as frank with you as possible; and I ask you again on your oath — I remind you again that you are under oath — if you can give any better answer than you have given relative to the payment of this item of \$500? A. I can not.

Q. Your memory yet remains weak? A. Weak; I don't remember.

Q. And you don't want to remember? A. I don't say so.

Q. Do you swear you don't want to remember? A. I don't swear; no, I won't.

Q. You won't deny, Mr. Forget, that you have made up your mind to forget; isn't that the truth? A. I don't —



Q. You don't understand me? A. Not quite, sir:

Q. Haven't you determined in going on this stand not to give any testimony relating to this \$500 A. No, sir.

Q. Has anyone spoken to you about it? A. No, sir.

Q. Have you ever been spoken to about this \$500 by any person? A. No; I spoke with my counsel.

Q. You have advised with your counsel about it? A. Yes, sir.

Q. And your counsel, as we all well know of him, is a careful, prudent man? A. Yes.

Q. You recognize him as such? A. Yes.

Q. And you rely upon his advice? A. Entirely.

Q. Your counsel has advised you that it would be imprudent for you to come in conflict with the police, hasn't he? A. No.

Q. What — is there anything the matter, Mr. Forget; are you nervous in any way, that you are looking down at your hands and feet? A. No.

Q. Will you tell me the names of the persons who accosted you down at Quarantine on board of the La Touraine? A. It was an officer with a subpoena.

Q. With a subpoena from this committee? A. Of this committee for the following Monday.

Q. For the Monday afterward; yes; and by reason of the pressure of business on that Monday, we excused you until a later date? A. Yes.

Q. As we are always willing to accommodate, if we can; I ask you the names of the other persons who accosted you on board the steamer down at Quarantine that morning? A. There are so many people, I can not tell you.

Q. Well, when you received this subpoena, did you not know that you were asked to —? A. No, the officer told me it referred to some doctor's business; the officer who gave me the subpoena, said it referred to some doctor, to an inquiry about the doctors of the Quarantine.

Q. Then it came from the doctors of the Quarantine? A. Yes; that it came from a committee who had to inquire of a doctor's doings.

Q. Do you not remember that the person who served you with the subpoena told you that you were to allow no person to talk with you about going with the Senate committee? A. He never said so.

Q. When you arrived at the dock at Morton street a great many people met you? A. Yes.

Q. There were three gentlemen that went on the dock there particularly, and talked with you; do you know who they were? A. No.

Q. Well, you introduced one of them to your wife, for instance, do you remember that gentlemen? A. No; I may have; I don't know it.

Q. You went away in a cab with your family, did you not? A. Yes, sir.

Q. Didn't you see the captain of the precinct in uniform on the dock; didn't you see a captain of police in full uniform on the dock? A. No, I don't remember; I may have seen him; I don't remember; I don't know him, even; he may have been there, but I don't remember the captain.

Q. Did you hear about the police trials while you were in France? A. No, sir.

Q. When did you first learn that your book had been inquired into? A. On the steamer when I arrived.

Q. Who told you? A. Mr. Schott.

Q. Were you told that before you were served with the subpoena? A. No; afterward.

Q. You were served with a subpoena as soon as you reached Quarantine, weren't you? A. Yes.

Q. Early in the morning? A. Early in the morning.

Q. What did Mr. Schott tell you? A. He told me that the court had asked for my books, and that he had given my book.

Q. Did he tell you about this item of \$500? A. No.

Q. Alderman Schott said that his attention had been called to this item of \$500; did he call your attention to the item? A. Not that day, but the day after; on Monday — that is the day after.

Q. Didn't he tell you that that was going to be a subject of inquiry about that \$500? A. No; he did not mention that \$500; he mentioned about the books; the books had been taken away from my office during my absence.

Q. When did you learn about this item in your books of \$500, being the subject of inquiry; when did you first hear that the committee was going to inquire about this item of \$500? A. I was not told the committee was going to inquire about this \$500; the \$500 was not mentioned.

Q. Not mentioned? A. Not between me and Mr. Schott, or on Quarantine; not about this \$500 at all.

Q. Had you forgotten about this item of \$500? A. Entirely.

Q. Now, after hearing Mr. West's testimony that no part of this \$500 went through his hands, and you having testified that this money, or part of it, went through his hands for the purpose of paying tribute or gratuities, what have you to say? A. I have to say I am sole manager of the line, and if I don't like to give money to the head of the department I don't do it; I have all control of the money.

By Chairman Lexow:

Q. You mean to say you paid out this money yourself? A. Certainly; or the cashier paid it.

Q. To whom did you pay it? A. I don't remember.

Q. Are there any other items of \$500 of your accounts in that company that you can explain as poorly as you make the explanation in regard to this? A. No; I could not.

Q. Is there any other item of \$500 on the books that you can not explain? A. There might be some; but I don't know, Counsel, there is any.

Q. Do you think there is? A. No.

Q. Are you willing to have the explanation of that item go on record, in view of the testimony of Mr. Schott and Mr. West, as you have made it? A. Certainly.

Q. Are you willing, sitting there as a witness under oath, to have it go on record in that form? A. In what form?

Q. That you absolutely decline? A. I do not decline; I say I do not remember; that is all; but I do not decline.

By Senator Bradley:

Q. You mean to give the committee to understand that if you paid me \$100 or \$500 for doing a certain act, that you would not remember inside of two years? A. That is nearly three years.

Q. Well, nearly three years? A. I may not.

Q. You are an intelligent man, and must have a good memory, and pay \$300 or \$500 is a pretty good item.

By Chairman Lexow:

Q. Is there an only charge of \$500? A. The only one.

By Senator Bradley:

Q. You would not remember if you paid me \$200? A. I do not think so, sir.

By Mr. Goff:

Q. I call your attention to the item, the one preceding the one in question, for \$900, made up of two items, one of four and one of five; please tell us what that item is in the English language? A. Ten boats, at \$40 a boat, this date, to Mr. Mason; that is an agent of the sugar factory of San Domingo.

Q. Five hundred dollars to that agent? A. Yes; but these are invoices.

Q. You remember about those items? A. Yes.

Q. And a payment of those items was recorded immediately preceding the payment of this item of \$500? A. I am bound to remember, because it is written 10 boats, at \$40.

Q. So it is written here here in this special item, that \$500 had been paid for a special watching of the wharf; why are not you bound to remember that? A. It is indefinite there.

Q. But you say this is the only item, where your name is mentioned, as having paid the money? A. Yes.

Q. I hand you this book, and ask you if you can show me an item here where the money is specially charged as going through your hands; can you show me one? A. No.

Q. As matter of fact, that is the only one in the book? A. I don't say so.

Q. Do you know? A. I can not look at the book just now.

Q. Do you know of any other item of \$500 that has passed through your hands? A. There is one above.

Q. But that is clearly set forth; but what we want to get is the special item of \$500; but it is not set forth clearly? A. I do not remember; I am very sorry, and I would tell you at once.

Q. You are a gentleman of position here and a gentleman of character; you assume a position of great responsibility — the agent of a great steamship company — do you mean to go before this community to-day resting upon that answer, that you can not give us any information as to who that \$500 went that passed through your hands on the 31st of December, 1891? A. I am sorry I can not.

Q. You wish to have yourself on record in every newspaper in this country, and possibly France, that you failed to remember to whom you paid \$500 for watching your wharf; is that

a fact; do you wish to go down as that? A. I do not mind it; I do not remember.

Q. Is your conscience so dull that you do not care in what light you stand before the community? A. My conscience is different from memory.

Q. Your conscience is alive? A. Yes.

Q. And your memory is dead? A. A good deal like it.

Q. You are satisfied to go on record in that condition? A. I don't mind; I don't remember the fact.

Q. Will you swear that that \$500 was not paid to Captain Schmittberger? A. No; I do not swear.

Q. Will you deny it? A. No.

Q. Will you dare deny it? A. No; I don't remember.

Q. Will you dare deny that that \$500 was paid to Captain Schmittberger? A. I do not know it.

Q. You do not deny it? A. I do not remember; that is what I say; I don't remember the case.

Q. Haven't you been appealed to not to testify against Captain Schmittberger (the witness hesitates sometime); is your memory resurrecting? A. I may.

Q. Yes; now, Mr. Forget, isn't it a fact that persons have been to you, begging you not to testify against Captain Schmittberger; give me that paper there. (Witness does not answer)?

Chairman Lexow.—Tell the truth, Mr. Forget. A. The truth is I do not remember.

Q. Don't you remember whether people within a recent period of time, have been to you, and asked you not to testify against the captain; can't you remember that? A. I see what Mr. Goff means.

Q. Do you remember it or not? A. No; I do not remember that; it has a general talk about all the police, not about Captain Schmittberger, more than anyone.

Q. Will you swear you have not been asked by several persons in this city not to testify against Captain Schmittberger of this precinct? A. No; I wasn't.

Q. You have been asked? A. Yes; not to testify.

Q. Yes; I know it? A. Well, I tell you when I remember, I tell you the truth.

Q. Give us the names of the persons who asked you? A. That I do not know.

Q. Was it a man that asked you, or a woman? A. It must have been men.

Q. Were they strangers to you? A. One was a stranger.

Q. Who was the other? A. I do not know—I do not remember the other.

Q. Your memory fails you? A. I have been asked a number of times.

By Chairman Lexow:

Q. You have been asked a number of times? A. Yes, by two or three people.

Q. On different occasions? A. Yes, sir.

By Mr. Goff:

Q. Haven't you been asked, since you arrived home; haven't you been told that if you testified against Schmittberger you would ruin him; haven't you been told that? A. Yes, sir.

Q. Haven't you been told that on account of his wife and large family that you should have mercy on him, and not testify against him? A. Yes.

Q. And didn't you promise that you would not testify against him? A. No; I did not.

Q. What did you say? A. Nothing.

Q. Said nothing? A. I said nothing; said I shall answer the questions put to me.

Q. Didn't you say that you would answer that you don't remember didn't you use those words? A. No, sir; never.

Q. Didn't you say to a certain person about Captain Schmittberger that you could answer on the witness stand that you did not remember? A. No, sir; I did not say so, sir.

Q. Will you swear you did not? A. I positively swear I did not.

Q. Your memory does not fail you? A. Not so far that I don't remember.

Q. Weren't you told by a certain person that the best way to get out of it was to say you did not remember; will you swear you were not so told? A. I don't think so.

Q. Will you swear you were not; look at me; will you swear, Mr. Forget, that you were not told the best way to get out of it, was to say you did not remember? A. No; I can not swear to that.

Q. You won't swear that; then it is a fact that you were told that the best way to get out of it was to say you don't remember? A. No.

Q. Can't you swear you were not so told? A. I can not remember.

Q. You don't remember again? A. I won't swear.

Q. How soon after your arrival, or your return from France, were you approached by any person in relation to this Schmittberger matter? A. It may be a day or two days.

Q. It may be a day; and weren't you told by the man who served you with the subpoena at Quarantine, that you should not talk with any person about it? A. No, sir; certainly not.

Q. Weren't you asked by that man, who served you with the subpoena, in the hearing of a third person, that you were to report to me if anyone should approach you on the subject? A. No; never mentioned it.

Q. Never mentioned it? A. No; call the officer here; he never mentioned it.

Q. Now, you say, that if the officer that served you with the subpoena was to swear that he did tell you that you were under subpoena, and that if anyone approached you you should immediately notify the committee or Mr. Goff about it, would he tell the truth? A. No, sir.

Q. He would not? A. This man gave me the subpoena, and said, "Are you Mr. Forget?" and I said, "Yes;" I looked at it, and that was all, and I went my way.

Q. He sailed up with you, on the boat, didn't he; on the deck of the steamship? A. He did not talk with me afterward.

Q. And came with you to the dock of the steamship? A. Most likely so; he may have followed me.

Q. Who was the man that called you aside when the ship arrived at the slip at Morton street; who was the man that called you aside and conversed with you? A. I don't remember.

Q. Your memory fails you again? A. Yes; on that point; yes; there are so many people coming to talk with me when I came down.

Q. I ask you about this particular subject; I am not asking you about the steamship business at all? A. I don't remember about this.

Q. You don't remember anything? A. I don't about this case.

Q. I will come to the person that talked with you; you say one was a stranger; where did that stranger talk with you about

the Schmittberger case? A. I spoke of the officer that gave me the subpoena.

Q. That is not what you stated a moment ago; you said a person talked with you about the Schmittberger case, and one was a stranger, and one you knew? A. I don't remember; somebody spoke to me about Schmittberger and the captains in general.

Q. Who was it spoke to you? A. I don't remember.

Q. You said somebody spoke to you that you knew? A. Somebody; but I don't remember the person; I know somebody spoke to me about it; I don't remember who that person was; I don't remember now.

Q. Did you remember before you went on the stand? A. No, sir.

Q. Will you remember after you leave it? A. No — I may.

Q. You have made up your mind not to remember anything while on the witness stand? A. I beg your pardon; you make a mistake.

Q. I told you I wish to treat you fairly; do you think we are justified in allowing you to go on your simple answer that you do not remember? A. I leave it to you.

Q. Do you leave it to me to say what my opinion is? A. Just as you please.

Q. I do not want to express my opinion; I wish to let the record speak for itself; now, have you any corrections to make in your testimony? A. No, sir.

Q. Did your company ever pay any money to the police for services rendered? A. Yes; \$10 a week, Mr. West told you.

Q. Yes, we have that; Mr. West's memory is accurate on that subject; now, Mr. West testified that after Officer DeGann was removed from there, that so far as he knows no money went through his hands; do you know anything about it? A. I don't remember.

Q. You don't remember again? A. No, sir.

Q. Will you swear the company paid any money for police service after Officer DeGann left? A. Mr. West told you he paid a little, I believe; lately he gave \$10 again, I think; I don't know, I think so.

Q. Will you swear any money ever went through your hands or by direct orders for police service, on that dock? A. I don't remember.



Q. Will you swear money did not go for that purpose? A. I will not swear; for one thing, I do not remember.

Q. You do not remember? A. No, sir.

Q. Could it have gone through your hands without your remembering it? A. Yes.

Q. You mean to say that money would go through your hands and you could not remember it? A. It may be.

Q. Have you any ideas at all upon the subject? A. Upon what subject?

Q. Upon the subject of money going through your hands without your being able to remember it? A. No, sir.

Q. Have you any ideas upon that or any other subject in connection with the police at all? A. No, sir.

By Chairman Lexow:

Q. Do you deny now that this \$500 was paid by you to Captain Schmittberger? A. No; I do not deny it; I can not remember where I paid the \$500.

Q. Will you swear that the sum of \$500 did not go to the policeman? A. I say —

Q. Didn't you say a moment ago, you would not deny it? A. I said I did not remember what I did with this \$500.

Q. Didn't you answer to my question that you would not deny it that that money had gone to Captain Schmittberger; didn't you say that a moment ago on record here? A. I am trying — you must excuse me; I went on the stand an hour and a half ago.

Q. Didn't you swear a moment ago in answer to my question that you would not deny that that \$500 went to Captain Schmittberger; do you deny that you made that statement? A. No; I do not deny it.

By Mr. Goff:

Q. And if you made that statement, was it not correct; was it not true? A. The statement is that I don't remember.

Q. When you made that statement, and swore to it, was that true or false? A. Mr. Goff, I am very tired just now, and it is the first time I appeared as a witness, and if you would let me rest a few minutes, I will be much obliged.

Mr. Goff.—Certainly, with the greatest of pleasure.

Chairman Lexow.—I think Mr. Forget. has made a mistake, and if he considers the matter between now and the time we

adjourn to, that he will be prepared to make a square, honest, manly statement, on this subject. That is what you ought to make. We represent the citizens of New York here, and you are one of the citizens, and should be as much interested as anyone else for an honest government of this city.

Mr. Goff.—Before the adjournment is announced, will you please notify all witnesses who are under subpoena to be here promptly at the time of the assembling.

Chairman Lexow.—All witnesses under subpoena will re-assemble here at half-past 2 o'clock sharp. We will stand adjourned until that time. Mr. Forget, you understand that you are a witness under examination, and that you must not speak with anybody with reference to the testimony in this matter; you must not speak with anybody.

The Witness.—Not even with my counsel?

Chairman Lexow.—No, sir; with anybody. You are under examination now.

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#### AFTERNOON SESSION.

October 9, 1894.

Present.—The committee as before, and also Senator Cantor. Augustin Forget resumed the stand:

Direct examination by Mr. Goff:

Q. During recess have you given further reflection to your testimony? A. Yes, sir.

Q. Have you anything further to say in relation to it? A. No, sir.

Q. You still fail to remember? A. Yes, sir.

Q. You said that you had been approached, Mr. Forget, not to testify against Captain Schmittberger and other captains; what other captains were you asked not to testify against? A. I say all captains; not one captain; Captain Schmittberger and the captains, the captains of the force.

Q. Why were you asked not to testify against the captains of the force? A. Because the subpoena refers to the corruption of the police.

Q. You were asked to not testify? A. Oh, no.

Q. But that is what you just testified to; you said that you had been approached by persons not to testify against

Schmittberger and other captains? A. Mr. Goff, I am not very well acquainted with English, speaking English; and at the end of the examination before recess I got confused and tired, and under the circumstances I would ask you to give me a French interpreter.

Q. Well, I think we can get along Mr. Forget, and I do not propose that you should be misled in the slightest degree? A. No, not by you, I know it.

Q. I shall try to do the best I can, because the questions I want to ask you are comparatively few in number; now, Mr. Forget, can you state to the committee the name of any person who spoke to you about testifying against Captain Schmittberger or the police in general? A. No.

Q. Well, that must be within a month that you were subpoenaed? A. Within a fortnight.

Q. Has your memory failed you so soon, within a fortnight, that you can not tell us the name of a person who spoke to you? A. I would rather not, Mr. Goff.

Q. It is a matter of great importance, Mr. Forget, that we should know all about this transaction, and personally I would like to excuse you; but the committee is irrevocable in its determination to insist upon all proper questions being answered; we consider that a proper question; give us the name of the person who made this request of you? A. Well, I think it was a Mr. Wolf.

Q. What is he? A. I don't know.

Q. Do you know his business? A. No; I don't.

Q. Did you know him before he approached you? A. Yes; by sight.

Q. Where did you see him? A. In the town.

Q. Sir? A. In town.

Q. In the city here? A. In the city here; yes.

Q. How had you come in contact with him; in what relation? A. In business relation.

Q. What is his business? A. Well, he may be a passenger on my line.

Q. He may be a passenger? A. A passenger; yes.

Q. Do you know where he resides? A. Not exactly; I know he lives in this city, the city of New York.

Q. This city is a considerably large town? A. Well, I couldn't tell you where he resides; not exactly.

Q. Where was it that he spoke to you about this matter? A. Well, he spoke to me at the hotel.

Q. At the hotel? A. Yes.

Q. What hotel? A. Hotel Martin.

Q. University place? A. Yes, sir.

The Chairman.— Get at his first name, Mr. Goff.

Mr. Goff.— Yes, Senator.

Q. Do you stop at the hotel? A. For a few days.

Q. What is Mr. Wolf's first name? A. I don't know, sir; Wolf is the name.

Q. Can you give us any further particulars concerning him? A. No.

Q. Who opened the conversation? A. He did.

Q. What did he say? A. He asked me if I had been subpoenaed to appear before the Lexow committee, and if I knew what about, if it was about Captain Schmittberger.

Q. What did you say? A. I said, "No;" this is a subpoena that does not give any name."

Q. Then what did he say? A. Well, he said, "If it is for Captain Schmittberger, you know that he is a respectable man; you know that he has never done anything wrong."

Q. Yes; what further? A. That is all I remember.

Q. What did you say? A. Well, I said that I would appear here and tell the truth.

Q. That you would come here and tell the truth? A. Yes, sir.

Q. Is there any other person than Wolf who spoke to you? A. Not that I remember.

Q. Is that all? A. No; there is another person, but I don't know.

Q. Who is the other person? A. I don't know; I can not tell you.

Q. Where did the other person speak to you? A. In the Hotel Martin, too.

Q. Was he with Wolf? A. No.

Q. Was it before Wolf had spoken to you, or after? A. After.

Q. What did this unknown person say to you? A. Well, he asked me also to speak about the truth, to tell the truth.

Q. To tell the truth? A. To tell the truth; yes.

Q. Wasn't it a very strange thing for a stranger to come to you and ask you to speak the truth? A. Well, the truth about Captain Schmittberger.

Q. How did you know you were subpoenaed in relation to

Captain Schmittberger? A. Because Mr. Wolf told me to, that I might be subpoenaed in his case.

Q. But you received the subpoena on board ship? A. Yes.

Q. How did Mr. Wolf know that you were going to be questioned by Captain Schmittberger? A. Most likely Captain Schmittberger told him.

Q. What occasion had Captain Schmittberger to interfere; do you know? A. Well, as for Captain Schmittberger himself.

Q. That is true; how many days had you been in New York after your arrival, when Wolf spoke to you? A. It may be the same day or the day after.

Q. The same day; well, you arrived here on Saturday morning? A. Yes, sir.

Q. Do you think it was on that day that he spoke to you? A. May be.

Q. Or Sunday? A. Maybe Saturday.

Q. Maybe Sunday? A. Saturday.

Q. Did you ever see Wolf before? A. Yes; I have seen him.

Q. Did you ever see him since? A. Yes; once more.

Q. Did he talk with you again on the subject? A. Yes, sir.

Q. What did he say to you the second time? A. The same thing.

Q. Give us what he said to you the second time? A. Well, the second time he asked me to — what did he say; I don't remember exactly what he said, but it was about the same subject, that the captain had been a very good officer for the French line; he had done his duty to us, and, in fact, I remember a case where some passenger had been robbed on our steamers and he took a great deal of care, and if I have testified, to remind the public and yourself, the gentlemen here, that he had done his duty.

Q. You stated before recess that some person had appealed to you on account of Captain Schmittberger's wife and large family? A. No; Mr. Goff, you told me so.

Q. Was there no mention made of his family? A. Well, you mentioned so.

Q. I am speaking about those people who spoke to you? A. About his wife and family?

Q. Yes? A. No; you mentioned it, but you were right.

Q. I was right? A. Yes.

Q. To what extent was I right? A. That he has a wife and eight children.

Q. How do you know that? A. You told me so.

Q. Do you know outside of what I told you? A. No.

Q. Then how do you know I was right? A. Because I answered you; you said so, and you were right.

Q. Well, I don't want to misunderstand your English; do I understand you to say that no person ever spoke to you about Captain Schmittberger's family? A. Yes; someone spoke to me about it.

Q. Who was it that spoke to you about his family? A. I think it was Mr. Wolf.

Q. What did Mr. Wolf say to you about his family? A. That he had a very large family with eight children.

Q. Did he not say to you that if you testified against him that it would be a great injury to that family? A. No; he didn't say to testify against him; he said if I gave him a bad character as a police officer on the pier that might injure him and his family too; he might be deprived of his posts.

Q. You say you don't know where Mr. Wolf resides, except that he resides in the city? A. Yes, sir.

Q. Was he a guest at the hotel? A. No.

Q. How do you know? A. Because I saw by the book.

Q. What? A. By the hotel book.

Q. You say by the hotel book you saw it? A. His name is not on the list.

Q. Did you look for it? A. Yes, sir.

Q. Where did you look for it? A. Because I wanted to know who he was.

Q. But you knew his name? A. No; he sent his card to me.

Q. Before he sent his card to you did you look on the hotel register? A. No; afterward.

Q. And you didn't find any record of his name on the hotel register? A. No, sir.

Q. You say you met him before; in what relation did you meet him before? A. As a passenger or a merchant of the line; you know, Mr. Goff, I have about 12,000 or 20,000 coming to my office.

Q. Have you got that card that he sent you? A. No, sir.

Q. You say he sent to you twice? A. Twice; yes, sir.

Q. Did he address you on each occasion at the Hotel Martin? A. No; I am not sure about the first time; I am sure about the second time.

Q. That it was at the Hotel Martin? A. Yes, sir; the second time.

Q. Now, you have told us about two persons, one of whom you know by the name of Wolf, and the other whose name you don't know; did a third person talk to you about Captain Schmitberger? A. I don't remember, no, I don't think so.

Q. You don't think so? A. I don't remember.

Q. Was there anything said by Wolf or this unknown man about the \$500 item in the book? A. No, sir.

Q. Why did you hesitate to answer me, Mr. Forget? A. I don't hesitate, but you know I don't remember.

Q. You are trying to think evidently; you are trying to remember? A. Well, I may be the cause of losing the position of a good man; I must think twice before I answer; in English it is hard work for me; I have to translate every word I speak to you; it is hard work for me.

Q. Yes, it is; did anyone speak to you from the time you arrived in New York on the last occasion, did anyone speak to you about this item of \$500 in the book? A. Yes, Mr. Short and all my clerks, and I asked them about it.

Q. How did you come to ask them about it? A. I didn't ask them; they told me I was to be subpoenaed before the Lexow committee in relation to the police, and they had told me that you had asked for my books; I said, "What books;" they said, "We gave six or seven books, and they have kept only one," and that is the book that you have here.

Q. You said that there was some mention made of the item of \$500 by some one to you? A. We looked all over and they referred to this.

Q. Repeat that, please? A. We looked all over the books for the items and we referred to this one; they asked me what it was, what it meant.

Q. Who asked you that? A. It may be one of the clerks; I don't know; I can not tell you.

Q. Who was it that spoke to you; can't you remember who it was that spoke to you?

Witness.— (Addressing Mr. Short), did you speak to me about this, Mr. Short?

Mr. Short.— Yes.

Q. Well, it is Mr. Short; what did Mr. Short say to you? A. They said you are making an investigation and looking all over my books; I want to know what for.

Q. About this item of \$500, what did he say? A. He asked me what it meant.

Q. What did you tell him? A. That it was no business of his.

Q. Did you regard his inquiry as impertinent? A. No; he is too good a servant for that.

Q. Why did you refuse to tell him since he asked you in a friendly way? A. The head man has not to give any reason to his subordinates.

Q. But this was an exceptional circumstance, where this subordinate told you that you were likely to be examined before the investigating committee concerning it, and it was kind of him to mention this subject to you, was it not? A. Well, I took it kindly then.

Q. It being a kindly office on his part, why did you dismiss him so summarily? A. Because I don't like to give explanations to my subordinates.

Q. So far as other matters are concerned it is quite proper for a subordinate to go to you and ask you about certain matters? A. No, sir; not out of their department.

Q. Within what department was this item? A. It was my own, myself alone; it was a present, a gift.

Q. It was a present? A. A present that I have a right to give.

Q. A present? A. Not a present; presents.

Q. Presents that you had a right to give; will you say that there were five presents in that \$500? A. No, sir; several.

Q. Will you say 10? A. No, sir.

Q. Will you say there were 20 people got portion of the \$500? A. No, sir; I can not tell you because I don't remember.

Q. Will you say there were 100 people that got a portion of the \$500? A. No, sir.

Q. Will you limit it to 10? A. No.

Q. Will you limit it to five? A. Not even one; I can not remember.

Q. You won't say anything at all about it? A. Yes; if you please I would rather not.

Q. That is not the point; we must pursue this line of inquiry; will you say there was more than one person participated in that \$500 present? A. Yes; I swear to it.

Q. What? A. I swear to it that there were more than one.

Q. Will you swear that there were more than two? A. Yes; I swear there were more than two.

Q. Will you swear there were more than three? A. I swear it.



Q. Will you swear there were more than four? A. I swear there were several.

Q. Now we have got to four? A. I swear to four.

Q. Will you swear there were no more than four? A. I swear there were more than four.

Q. Will you swear to more than five? A. I swear to more than five.

Q. Will you swear there were no more than six? A. I swear to more than six.

Q. Will you swear to more than seven? A. That I can not do.

Q. Will you stop at seven? A. No; I don't stop; you push me pretty hard; I can not swear to more than seven; I can swear to seven.

Q. Tell us who the first person was of the seven? A. I don't remember.

Q. Tell us who the second person was? A. I don't know; I told the cashier to distribute it.

Q. You swear that you are absolutely positive to seven persons? A. No.

Q. Can't you give us the name of one of those seven persons? A. No; I don't remember.

Q. Can't you give us the occupation of one of those seven persons? A. No.

Q. Can't you tell us whether anyone of those seven persons was a man or a woman? A. Oh, they were all men.

Q. Now, we have got to that question; were they white or colored men? A. That I don't know.

Q. You can't say? A. No; I can not.

Q. Were there any colored men among the seven men to whom you gave these presents? A. There might be.

Q. What was he then, if there was a colored man among them? A. I didn't see him.

Q. What? A. I didn't see him.

Q. Then you don't know? A. No; because I intrusted someone to give it.

Q. But you have sworn there were other persons? A. Well, I say seven or more.

Q. You say you intrusted some one to give it; who was it you intrusted? A. My cashier.

Q. Where is he? A. I wish I knew; he run away with my cash.

Q. Was he the only one that you intrusted the money with? A. Yes sir.

Q. The only one? A. The only one to whom I gave orders to distribute that money.

Q. How do you know but he put that in his pocket? A. Well, he may.

Q. You can not swear that there were seven persons got the present? A. No; I intended it for the seven or more persons when I gave him the order.

Q. But you don't know that it reached them? A. No.

Q. Since you intended it for seven persons, can't you give us the name of one of the persons to whom you intended the present to go? A. I don't remember.

Q. You say they were men and they were white men? A. Because I have no dealings with ladies.

Q. If you gave it to him you gave it to him with instructions to give that money to certain persons, did you not? A. Yes; I did.

Q. You didn't give him \$500 and say to him, to your cashier "Go out and distribute those \$500 among whomever you please," did you? A. No.

Q. You gave him \$500 to be distributed among certain persons that had rendered the company service, isn't that it? A. Yes, sir.

Q. Now, give us the name of one person of the seven who had rendered the company service? A. Mr. Goff, it is so long ago that I don't remember.

Q. It is only three years ago? A. It is a long time.

Q. Your memory is clear about your giving the \$500 to the cashier? A. Because it is in the book.

Q. There is no mention of the cashier in the book? A. Well, that is not the real cash-book.

Q. Have you another book? A. Another, not here.

Q. Why did you put your hand in your pocket? A. Because I took a memorandum from the office to refresh my memory.

Q. Let us see that memorandum? A. I guess I haven't got it; I am afraid I haven't got it; but it is an exact copy of this.

Q. When did you last see it? A. An hour ago; just now.

Q. Just now? A. An hour ago.

Q. Before recess? A. Yes; I went to see if I could remember it.

Q. Where did you get it? A. In my office.

Q. What was it, a loose slip of paper? A. A bit of paper, yes.

Q. In whose handwriting? A. In one of the clerks; a copy of my own cash-book.

Q. A copy of your own cash-book? A. Yes, sir.

Q. Then you have a cash-book that shows the payment of a \$500, have you? A. Yes, sir.

Q. Who had charge of that cash-book? A. Well, you can get it on my private desk.

Q. Is there any one here with you that you can send down with one of your officers to your company? A. Any one you please.

Q. Will you please to write on a slip of paper your order? (Mr. Schatz was instructed to get the cash-book.)

Q. You say this cash-book shows the payment of the \$500, the item and to whom it was paid? A. No, sir.

Q. What does it show? A. Exactly what you have seen there.

Q. Is it only a copy of this? A. No; it is a copy of the other.

Q. Is there anything different in the other from what there is in this, if it is a copy? A. No.

Q. Then why did you go to it as a memorandum to refresh your memory? A. Because that was an old cash-book done away with for three years; and I told him to see what was in it.

Q. Did you take a memorandum or a copy from your cash-book? A. Yes; I took a copy, and I thought I put it in my pocket.

Q. Is that copy the same as in this book here? A. Exactly the same.

Q. So that it could not aid your memory any more than this book aids you? A. No, but I wanted to see if there was anything that would put me right with you.

Q. There is no mention of the party to whom the money was paid? A. No, sir.

Q. Or any other purpose than that expressed in this copy? A. No.

Q. Have you got it? A. No, or I would give it to you.

By the Chairman:

Q. Or the several sums that were paid out; it didn't specifically state the various sums that were paid out going to make

up this total of \$500? A. No, sir; when I give presents I don't take any receipts, and I don't want my people to know to whom I give money.

By Mr. Goff:

Q. Your cashier knew to whom you wanted it to be given?

A. Yes, sir.

Q. You remember telling him; you remember seven persons were named? A. I remember I told him to give so much to some people.

Q. Did you tell him divide it up in a particular manner, so much to this one and so much to that one? A. I must have done so at the time.

Q. Since your memory serves you that you can identify the number as seven, and that you can not say that certain amounts were mentioned, doesn't your memory serve you as to the names of those persons? A. No, sir.

Q. Your memory fails you right at that point? A. At that point.

Q. Do you think that you are impressing the Senate committee with the truth of your testimony on that point? A. Well, I will leave it to the gentlemen.

Q. And leave it without any further comment on your part? A. Not at all, sir.

Q. You are willing to go on record as simply forgetting everything when it comes to the point of the persons to whom it was paid? A. Yes, sir.

Q. And you maintain that position and you will maintain it? A. I maintain it.

Q. You insist on it? A. So far as to-day.

Q. Do you think your mind would alter? A. It might one day, if I can remember.

Q. Do you know of any circumstances that would refresh your memory? A. Not just now.

Q. Do you know of any that could help you to refresh your memory? A. Not one.

Q. When you say not just now, do you mean that you so arranged your mind that you will not think of any one just now? A. No, I don't say so; if I could think I would say so at once.

Q. Is that your intent? A. If I can remember the people I will give you the list.

Q. You are a gentleman of education; you know the power of the will over the memory, do you not? A. Well, Mr. Goff, when a man has been three hours on the stand his memory is pretty short.

Q. But I have been trying to help your memory all these hours? A. You must think that there is no illwill in my mind about this; I fully appreciate the grand object you are pushing now, and I assure you that I would help you as far as I could: but now it is not by bad will that I don't give you all the points you want.

Q. The only thing remarkable about it is that a man of your intelligence, and of your position should fail in his memory on a most important transaction? A. Well, Mr. Goff, I will write to my people; when I spend money to some one I give an account of it; I will write to my people to send me back the expenses, making up that \$500, because I am amenable to the directors, and when I get the letter I will give it to you.

Q. I take it that in addition to sending your company these statements from which the copies are taken, that you also send them a letter of advice as to the particular purpose of the money? A. Yes, sir.

Q. Now, did you not take a copy of that letter of advice that you sent? A. No, sir; those are private letters; the copies may be found.

Q. I am speaking of the letter of advice accompanying this statement? A. No, sir; that is private letters.

Q. You remember sending them a letter of the expenses? A. I don't know what I did in this case, but I believe I must have written about it.

Q. Of course, it is not usual that you would use \$500 of the company's money in giving presents; that is not the usual transaction? A. We give presents all the year around.

Q. It is not as usual as the shipping and invoices, etc.? A. There is more than \$1,000 spent in charities.

Q. You say this book does not show any entry different to the one in question of \$500, having been given for gratuities or presents, as you call it; now, this book covers from November, 1891, to January, 1892; November, December, January; that is three months; now, during those three months there is not an entry in this book of a single expenditure on your behalf, by you of \$500; therefore, it must have been exceptional for three

months at least? A. This was given on the 31st of December; it is customary, in France, to give presents on New Year's eve; so you will not find it again.

Q. That generally occurs once a year? A. Yes, sir.

Q. Therefore, you sent a letter to your people in France, giving to them the particulars of why you disbursed those \$500? A. I am not quite sure, but, most likely, I would have done so, and I am going to write them again to send me a copy, because I couldn't find a copy of that letter.

Q. Haven't you a private letter-book in which you make copies of all communications you addressed to your directors? A. No, sir.

Q. Have you a general letter-book? A. There are some general letter-books; yes.

Q. If you should have sent such a private letter, who would have written it? A. Myself.

Q. Do you not keep copies of communications between yourself and your directors? A. Sometimes I keep it in a memorandum.

Q. Do you know that you made any memoranda concerning the communication that you sent or may have sent to your directors touching this expenditure? A. I can not tell you now, sir.

Q. Do you keep your memoranda in a book or in a paper, or how? A. Sometimes I keep them for a while and I destroy them afterward.

Q. Will you be good enough to write immediately? A. I will do so.

Q. Will you send me a copy of the letter that you write? A. I will do so.

Q. Let me know, as soon as possible, when you receive an answer? A. The answer can not come before three weeks, four weeks from to-day, about; from yesterday, four weeks.

By Chairman Lexow:

Q. Why can not you cable it? A. Oh, the expenses are too much; I can not explain in the cable.

Q. I think the committee may be able to help you to a cablegram; do you know the date of the letter? A. No; I do not, sir.

Q. Did you pay the entire \$500 over to your cashier, in one sum? A. My cashier took it out of the cash; yes.

Q. The whole \$500? A. Yes, sir.

Q. You then told him in what way to distribute it? A. Yes, sir.

Q. And your present recollection is that you told him to distribute it among seven precincts? A. Seven or more.

Q. When you told him that, did you name to him the persons to whom the money was to be given? A. Yes, sir; I must have given him the names.

Q. And your recollection is that you gave him seven names or more? A. Seven or more.

Q. Was that a conversation, or did you hand him a memorandum containing the names to whom the money was to be distributed? A. I must have given him a list, or he must have taken a list under my dictation.

Q. Do you remember when you made this list? A. It was on the same day.

Q. Who made to you the suggestions according to which you put those names on the list? A. Well, this is the custom of the French line to give presents —

Q. What occurred on that day that induced you to write, or to give seven, at least, distinct names to your cashier? A. Well, the occasion, the time.

Q. You remembered, did you, on that day, the names of seven persons to whom you proposed to pay gratuities out of the \$500? A. No, sir; I remember giving him a list of names, but I don't remember the names.

Q. Do you remember when you got up the list? A. It must be on the same day.

Q. Now, therefore, on that day you had impressed upon your mind the names of at least seven people to whom you were going to give gratuities out of that \$500? A. Yes.

Q. Can't you remember a single one of these seven names now? A. No, sir; I can not.

Q. Who made to you the suggestion? A. It is the custom —

Q. That caused you to put those seven names down on that list; who made that suggestion? A. It is the custom of the French line to give presents.

Q. But what was the difference in the circumstances that surrounded you then, and that surround you to-day, that enabled you to then remember seven names and put them on a list, and to-day, forget every one of them? A. Mr. Chairman, it is not seven; it may be seven or more.

Q. Well, more makes it worse? A. I don't remember the names.

Q. Did anybody suggest a name to you? A. No; no one suggested a name.

Q. Then all those seven names were your own individual action, without suggestion? A. That is it.

Q. It was? A. I think so.

Q. Do you mean to say that you without a suggestion from anybody on that day, remembered seven different names to whom you wished to give presents, and to-day you can not remember one? A. No; when I make a present somebody asked me for it in most cases.

Q. Do you remember seeing anyone of those seven people on that day? A. Not just now; no.

Q. Do you remember whether anyone of those seven people were on your wharf on that day? A. No; I can not tell you that.

Q. Do you remember speaking with anyone of those seven people? A. Oh, I must have spoken to them.

Q. On that day? A. On that day I must have spoken to them.

Q. Therefore, you came in contact with all those seven people on that day? A. No; I don't say so.

By Mr. Goff:

Q. How did the cashier get the money? A. Oh, we have plenty of cash always; passage money is always paid in ready cash.

Q. You bank every day, do you not? A. Yes, sir.

Q. Your cashier will have to show on his daily returns the amount of money he received and the amount of money he banked, will he not? A. Oh; yes, sir.

Q. On that day, on the 31st of December, he had a book that would show how much money was received, did he not? A. Yes.

Q. You have that book now? A. Yes.

Q. He had a book that would show how much money was expended? A. Same book.

Q. And the same book would show how much money was deposited in bank? A. Yes, sir.

Q. Have you ever looked at that book? A. Yes.

Q. Is that the book you speak of? A. Yes.

Q. That is the exact copy of this? A. No; this is the copy of the other.

Q. A copy of a book? A. Yes.



By the Chairman:

Q. The other book is the book of original entries? A. Yes, sir.

By Mr. Goff:

Q. Did you take no precaution whatever to inquire whether or no your cashier paid out this money as requested? A. No; I trusted him.

Q. Now, to follow up the Chairman's inquiry, you must have had seven or more persons in mind when you told him to distribute these \$500? A. Certainly.

Q. Did you direct him to divide it in equal parts among all the persons of whom you gave a list to him? A. That I don't remember, Mr. Goff.

Q. Did you tell him to give anyone of the seven or more, more than another? A. Oh, yes, sir.

Q. Which one did you tell him to give more than another? A. That I don't remember now.

Q. Who was he that you told him to give more than another? A. Well, I gave him a list of names.

Q. But what was the man; what business was he in, to whom you told him to give more money than to the other? A. That I don't remember, the man.

Q. Was he connected with the company? A. No.

Q. How is it that you remember that you told him to give this one man more than the other? A. Because I gave him a list of names.

Q. When you marked off the list did you mark off opposite each name the sum of money that he should give to each man? A. Yes, sir.

Q. Was that in your handwriting? A. I don't know; I may have dictated it.

Q. You dictated it, and it was written out according to your orders? A. Yes, sir; on a slip of paper.

Q. Can't you tell us the man, or his business, that was to get the largest amount? A. No; I can not remember.

Q. Can't you tell us the amount that was to be given to him as the largest amount? A. No; I can not remember that either.

Q. Do you know who it was that was to get the smallest amount? A. No.

Q. Was he a coal heaver? A. No.

Q. Was he a car driver? A. I don't remember.

Q. Can't you give us any indication at all? A. No.

Q. Was he an immigrant-house runner? A. No.

Q. You are sure it was not an immigrant-house runner?

A. No; I don't do business with them.

Q. Who had been doing any watching upon your wharf during the year 1891? A. I beg your pardon?

Q. Who had been doing and watching or surveillance? A. I don't know; I left it to Mr. West; I didn't come in contact with people on the wharf.

Q. Mr. West says that no presents went through his hands for distribution among the men who were watching; now, then, how is it, if you leave everything to Mr. West, that you interfered in his department to give money to men in his department? A. Well, I am the manager.

Q. But you said just now that you never interfered in his department? A. I interfere so far as I give him directions to follow; but when it suits the interests of the company, or my convenience, I don't consult Mr. West, or the other head men in the departments.

Q. Do you think you were likely to go over Mr. West's head in his department for the purpose of distributing a small sum of money among a number of men; was that of sufficient importance to cause you to go over his head and cause you to do what you thought proper? A. Certainly.

Q. Of sufficient importance? A. No; I decided that I should do so and I would do so.

Q. From whom did you get those names that you gave to your cashier? A. I don't know; it might be some private application for all I know.

Q. Some private application? A. Some private application from some people.

Q. What people? A. I don't know; I don't remember.

By Senator Bradley:

Q. What business was Mr. Wolf in; what was on his card?

A. Nothing only his name.

Q. You don't remember his Christian name? A. No; Wolf, that is all.

By Mr. Goff:

Q. Will you be good enough to sit down here and write a cable dispatch, and will you send it to your people; just make

yourself comfortable; write a cable dispatch to your people in Paris or in Havre, and we will attend to the forwarding of it.

Chairman Lexow.—Asking them to send by next steamer the letters informing them of the nature of the disbursements made by you. Don't spare the money. We will pay for the cablegram.

Q What cable do you generally use, the Commercial or Atlantic? A. It does not matter to me; it is the French cable; Mr. Goff, I can not send it; I will tell you why?

Q. Why? A. Because this cable is opened in the general way of opening letters and cables by some clerks, and as this is a private matter, if I have written, I must have written to some one on the private letter; and, of course, I don't want the regular clerks who open generally the letters and cables to know all about this.

Chairman Lexow.—Mr. Forget, everybody in your business will know of the transactions that have occurred before this committee to-day, and nothing that you can inform them by cable is going to open their eyes any wider than they are already opened.

Witness.— Well, Mr. Chairman, they will know all about it—

Chairman Lexow.—Your testimony will be an open book to them to-morrow morning through the papers.

Witness.—Mr. Goff, I have promised to show you the letter I will write by the next mail, and I promise to give you the answer.

Chairman Lexow.—They will know it from the newspaper reports of these proceedings that you have been requested to send that cable. They will know it to-morrow morning.

Witness.— I can not do it, because we have a private cable between ourselves.

By Mr. Goff:

Q. Have you a cipher? A. Yes; you know me; you can judge by me that I am not a pettifogging man.

Q. Even in writing that letter your memory might fail to put in the exact request? A. No; not when I write.

Q. And you think your memory will sustain you? A. When I put it in black and white.

Q. Is there any other objection you have for sending this cablegram? A. I will tell you why I can not send it.

Q. Is there any objection you have to sending this cable other than that you have stated? A. No, sir; not in the least.

Q. That is, that you do not wish a clerk or a subordinate in the main office to see this private letter? A. That is it.

Q. But the clerks will read this private matter to-morrow morning? A. No, he won't.

Q. Why? A. Oh, this in the paper; I don't mind what he will read.

Q. You don't mind what he will read in the newspaper? A. No.

Q. But he will read that you have been asked to send this cable? A. I have offered to write a letter and give you a copy of my letter, and also to give you the answer from the French line.

Q. Will you give us your solemn sworn assurance that you will not write any letter or send any cable but the one of which you will me a copy? A. I give you my word.

Q. Under your oath? A. Under my oath.

By Chairman Lexow:

Q. Or send any cable in cipher or otherwise descriptive of the conditions here? A. Just so, I swear to it.

By Mr. Goff:

Q. Is there not a petty cash book? A. No, there is a cash book for Mr. West for the small expenses, but that does not exceed \$50 in cash; the other is the general cash, the money collected during the day and sent to the bank the day after.

Q. When this man Wolf went to you at the Hotel Martin and asked you to give a good character to Captain Schmittberger how did you know then that you were expected to give a good character to Captain Schmittberger? A. Because I would be subpoenaed.

Q. But the subpoena was silent on that subject? A. It mentions in the paragraph the police of New York.

Q. But Captain Schmittberger's name is not mentioned in the subpoena? A. No.

Q. Then why did you let this man Wolf talk about Captain Schmittberger since there was no mention of his name on the subject? A. Because Captain Schmittberger felt guilty; I don't know.

Q. He felt guilty? A. I don't know; if he sends a friend to recall his good work as on my pier, he must have something on his conscience.

Q. Have you any suspicion of what he had on his conscience?

A. No, sir.

Q. Then why do you make the insinuation that Captain Schmittberger had something on his conscience? A. Because he sent a man to speak on his behalf.

Q. Then you know that as a circumstance that Captain Schmittberger knew you had in your possession some knowledge that would show guilt on his part? A. No, he may have sent to all the witnesses; that much I know.

Q. Have you reason to believe that he had sent to all the witnesses? A. No.

Q. Why would he send to all the companies? A. I don't know that he did.

Q. Was he guilty in connection with all the companies? A. Mr. Goff, Mr. West and Mr. Short told you that all the companies were in the habit of giving \$10 a week to all the police, and the sergeant told you that he had to divide according to what I heard; therefore, this is bad enough for a captain, or it may be on his conscience that he didn't want this to be known.

Q. You have stated that you didn't pay this money? A. No.

Q. Then how did Captain Schmittberger consider you as a dangerous element to him? A. Because I am a head man.

Q. Was there no other reason whatever except the payment of this \$10 a week in your opinion? A. Not what I know of.

Q. Did Mr. Wolf talk about that \$10 a week? A. No, simply to give him a good character, to recollect that he did me some good service about some robbery that occurred on one of our steamers.

Q. That he did you some good service in relation to some robbery? A. Yes, sir.

Q. When was that robbery? A. Sometime during his time a passenger went on board, and one of the pickpockets took his satchel, and we reported to Captain Schmittberger, and he came to me and got all the particulars and he thought he would catch the thief; I saw the captain, and really for several days he did good work.

Q. And you expressed to him your gratitude for the good work? A. Yes, sir.

Q. Didn't you think that for that good work, etc., that he did for the company, that he desired a little tribute or gratuity? A. No, sir.

Q. Why? A. I didn't think so at the time.

Q. You have stated that the French company was in the habit of making tributes of gratitude to those that rendered services?

A. That is, only \$10 to a policeman, but we can not afford \$10 to a captain.

Q. That is too small to a captain? A. I would never dare to give \$10 to a captain, but when we came to the sum of \$500, that would be a respectable sum; I don't remember about that; I think that is too much.

Q. You think it would be too much? A. I think so.

By Chairman Lexow:

Q. Is that the reason why it was divided among seven? A. No, sir; I don't speak about seven policemen or seven captains.

By Mr. Goff:

Q. Will you swear that none of the seven persons whose names you gave to the cashier to distribute this money among, was a policeman? A. I don't remember.

Q. Will you swear that none of them was a policeman? A. I won't swear; I don't remember.

Q. Then they may have been policemen? A. I don't know.

Q. Have you made up your mind to stop right there, that the moment it comes to the identity of the person or persons who received that \$500, or any part of it, you stop right there and say you don't remember; have you made up your mind to that? A. No.

Q. You have been examined quite at length to-day, and I regret very much that we should feel it necessary to place a gentleman in your position, under such a lengthy examination on this point of your memory touching the identity of the person or persons who received this money; now, I ask you finally, after all that has passed here on this witness stand under oath, if you can, on your conscience, recognizing the obligations of an oath, upon that conscience and recognizing a God above you, as I believe you do, will you swear that you don't know to whom that \$500 was given? A. Mr. Goff —

Q. Answer my question, please; will you swear? A. No, I won't swear; Mr. Goff, am I —

Q. That is all; I will excuse you for to-day, Mr. Forget; we will request you to come here to-morrow morning, after you have had a night's rest? A. All right, sir.

By Chairman Lexow:

Q. You understand that you are still under the subpoena of this committee? A. Yes, sir.

Q. And that you must not speak with anybody in reference to the testimony that you give here? A. Yes, sir.

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

Direct examination by Mr. Goff:

Q. What is your business? A. I am in the mercantile business; banker and in the mercantile importing line.

Q. Are you connected in business with the firm of the late Governor Edward D. Morgan? A. I am.

Q. And the place is in Broad street? A. Well, the office is in Exchange Place.

Q. I wish you would relate, as briefly as you can, to the committee, an experience that you had on your way home three weeks ago last Thursday night? A. Well, I left the office with the intention of taking the 8:30 train; opposite the Stock Exchange I caught up with a sort of chowder party, or procession of some kind; I didn't pay any particular attention; accompanied by a band of music; I stepped to one side, and as I did so to allow the crowd to go by, I was surrounded by a lot of hoodlums, one of which snatched my chain, and I supposed that my chain and watch was gone; the chain, I thought, it dropped alongside of me; afterward I found it inside of my vest when I got to my home; the watch fell to the ground, and the party that grabbed the watch went into the crowd out of sight; he was a boy, I should judge, not over 15 years of age; judging, of course, it was so quickly done; well, I thought the boy had my watch, and I reached for him, but instead of that it dropped at my side; and as I turned to rush in the crowd, I saw a hand come out and take up something which, I supposed at the time, was my chain; but, as I remarked before, when I got home I

found my chain; so, of course, I knew it was my watch; I had two or three packages in my hand, one of which I dropped, and one of these young men took the package and started off with it; but I secured the package again; I went back to the office and stayed there a few moments; I took my train; I knew that nothing could be done in the way of advertising that night; after I got home I found that the force of the movement on this party's part had swung my chain along inside of my vest and it lodged on the top of my waistcoat; since that time I have heard nothing.

Q. Were any police in sight? A. Well, I couldn't tell; it was dark; it was quarter-past 8, and, of course, that thing came on me so suddenly that I was not looking for policemen; for the moment I was completely staggered; I was nonplussed; used up; and my only idea at the moment was, after I had had this experience, to go away from there; they were running around me like so many mad ants, in and out; a preconcerted arrangement.

By Chairman Lexow:

Q. What was there about it that indicated to you that it was a preconcerted plan? A. I don't know; the watch was gone; and this fellow picked it up; and then my bundle; and after reading the papers, and having this sad experience of my own, the papers told me how these things had happened afterward; and I thought from that that they must have acted in harmony.

Q. Was this gang in front of the procession? A. No; they were on the sidewalk; following along with it; they took up the entire sidewalk.

By Senator Bradley:

Q. How did you recover the bundle? A. Why, I knocked the fellow head over heels and picked the bundle up; the fellow had it in his hands; and I couldn't grab him, and I hit him as hard as I could; he dropped the bundle and I picked it up.

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

Direct examination by Mr. Goff:

Q. What is your height? A. Six feet one and one-half inches.



Q. What is your weight? A. Two hundred and thirty-five pounds.

Q. Where is the rest of that club (club shown witness)?  
A. I have got it home.

Q. How did your club come to be broken? A. I was arresting a prisoner who is here now.

Q. This is your club; there is No. 35 on it? A. Yes, sir; that is my club.

Q. How did it come to be broken? A. I will tell you; I was arresting a man Saturday night, Peter Quinn; he lives in Thirty-fifth street, 322; he had given me considerable trouble on the way up; when he got opposite his own house he stopped in front of the railing, stopped in front of the door, and he called for his brother to come down and release him, calling me vile and abusive names and calling for his brother; he grabbed the railing and I wanted to give him a scare or a bluff, and I hauled out the club and hit the railing alongside of where he was and smashed the club in two.

Q. That is the only time you used the club? A. That is the only time I used the club that night.

Q. At the time you took out your club in order to give him a bluff, you struck the railing and broke the club? A. No; I carried the club from the corner of Thirty-fifth street and First avenue.

Q. You say in order to give him a bluff you struck the railing? A. He held the railing opposite the door, along the stoop line, calling for the brother to come down and "release me from this dirty big son-of-a-bitch."

Q. Did the brother come down? A. The brother came down afterward.

Q. After you had broken the club? A. Yes, sir.

Q. So that at the time you broke the club you had no one to deal with but this prisoner? A. No, sir.

Q. He was your prisoner? A. Yes, sir.

Q. Under your protection? A. Yes, sir.

Q. As a police officer? A. Yes, sir.

Q. How many police officers were there there? A. None but me at the time.

Q. How soon after were you assisted by your brother officers?  
A. Well, I blowed my whistle; it was a long time; it seemed to me to be five or six minutes, or probably more.

Q. Why did you blow your whistle? A. For assistance.

Q. Why did you need assistance? A. There were a crowd of probably 500 people around there, who were using threats to let the prisoner go up to his house, and more were hollering "take him away from here."

Q. Where was this? A. Three hundred and twenty-two East Thirty-fifth street.

Q. You mean to say that a crowd of people gathered in the streets of New York? A. Yes, sir.

Q. And without any cause at all called upon you to let the prisoner go? A. Yes, sir.

Q. You had done nothing at that time, had you? A. What do you mean? I had a prisoner under arrest at the time.

Q. You had done nothing to the prisoner? A. No, sir; I was taking him to the station-house.

Q. Merely because you had this prisoner under arrest and were taking him to the station-house a mob of about 500 gathered around you, and told you to let him go? A. There might be more and may be less.

Q. Is it a fact that you had used this bluff of yours in breaking the club over the iron railing and that that attracted a crowd? A. The hollering of the prisoner helped to attract.

Q. What did he holler for? A. For assistance.

Q. What for? A. To up into his own house.

Q. His own house? A. Yes; where he lived.

Q. You mean to say that this man hollered for assistance? A. Yes, sir; he was abusive from the time I placed him under arrest.

Q. How many officers came to your assistance? A. Afterward two.

Q. Were there not four altogether, besides yourself? A. I guess there may be four before I got to the station-house.

Q. Officer, step down here, please; stand alongside of this man. (The witness so did, and stood alongside of Peter Edward Quinn.) This is the man that you arrested? A. Yes, sir.

Q. Look at his face? A. Yes, sir.

Q. Look at his clothing? A. Yes, sir.

Q. Do you know the cause of the condition of that man's face and his clothing? A. Not his face, but I do his clothing.

Q. You know how he came by those bruises on his face; cuts? A. No, sir; I didn't give them to him.

Q. Did your club? A. No, sir; I never struck the man with a club in my life.

Q. Did you ever strike any man with a club? A. Not to hurt him.

Q. Are you not known as the "man killer" around that neighborhood? A. No, sir.

Q. Did you ever hear yourself called as the man killer? A. No, sir.

Q. This is the first time? A. Yes, sir; the first time I was known as the man killer.

Q. The first time you were ever called the man killer? A. Yes, sir.

Q. That is just as true as everything else you have stated about this clothing? A. Yes, sir; on my solemn oath, I will say that.

Q. Have you ever been tried for clubbing? A. Never been before the commissioners in my life for any cause, except on three complaints.

Q. Only three complaints? A. Not for clubbing, though.

Q. What were your three complaints? A. My first complaint was for not reporting a dead cat; my second complaint was, being caught in second-handed store, and the third complaint was being caught sitting on a coal box during my last tour.

Q. What was done? A. I was fined half a day's pay on each.

Q. You took the stand in your own defense each time? A. Yes, sir.

Q. You swore that you did report the dead cat? A. No, sir.

Q. You denied that you failed to report the dead cat? A. I denied that I saw it.

Q. You denied that you sat on the coal box? A. I said I was fixing my suspender.

Q. What was the other complaint? A. The other complaint was caught inside a second-hand store.

Q. Did you admit that? A. Yes, sir.

Q. There was no dispute about that at all? A. No, sir.

Q. Didn't you break that club over that man's face? A. On my solemn oath, I didn't.

Q. You never struck him? A. I never struck the man with a club in my life.

Q. Can you account for this man's condition? A. No, sir; I didn't strike him to make him bleed.

Q. Did he come by those wounds while in your custody? A. No, sir.

Q. Had he these wounds when you arrested him? A. He might have had some of them.

Q. Did you notice them? A. He was in a funny predicament, anyhow.

Q. Was he covered with blood when you arrested him? A. No, sir; not that I seen; it was the night time, at 12 o'clock; he was full and covered with dirt.

Q. When you brought him to the station-house was he bleeding? A. I didn't notice.

Q. Could he have been bleeding from wounds and you not notice him at the station-house when you arraigned him at the desk? A. I didn't notice none of them; nor on Sunday morning.

Q. I ask you, when you arraigned him before the sergeant at the desk, on Saturday night, did you notice whether he was covered with blood or not? A. There was blood around his mouth.

Q. What caused the blood to flow from around his mouth? A. I don't know.

Q. Of course, you were innocent of anything? A. I was innocent of striking him.

Q. You handled him gently? A. Well, I couldn't handle a drunken man very gently that was pulling me around.

Q. Of course, a giant like this, taking hold of such a delicate little fellow as you, you had a little difficulty? A. Well, to tell the truth, that is about as strong a small man as I got hold of since I have been on the police.

Q. He is a small man? A. Yes; but he is strong; has a powerful muscle.

Peter Edward Quinn, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Quinn, stand up; how high are you? A. I must be around five feet; four feet nine, or something like that.

Q. Have you ever had yourself measured? A. Yes, sir.

Q. What was the measurement? A. I have forgot it, it is so long since I was measured.

Q. Do you know how heavy you are? A. I guess I must be around 115 or 120 pounds.

Q. And about five feet, or so, is that it? A. Yes, sir.

Q. Under five feet and about 115 pounds weight? A. Yes.

Q. I show you this remnant; do you know what it is? A. Yes, sir.

Q. Have you made acquaintance with the other end of this?

A. I couldn't say.

Q. Have you felt the weight of the other end of this? A. Well, I believe I have.

Q. What became of the other end of this? A. I couldn't say.

Q. What caused the break? A. As far as I understand, when I came to my own door I asked the officer to let me see my brother before I went up to the station-house, so that he would know where I was.

Q. You are under arrest now? A. Yes, sir.

Q. Don't be afraid, tell the truth here? A. So I would have a chance to get out on bail if I could; I was never arrested only once, and I was fined \$5; seems the officer refused me; and I got my hand on the railing, as far as I can understand, and he must have either hit my hand or hit the railing, I couldn't say which; but there is a mark there on the knuckle.

Q. How did you get the wounds on your face? A. Well, I got punched on the face in the station-house.

Q. Who punched you? A. The same man.

Q. In the station-house? A. In the station-house.

Q. How many officers took you to the station house? A. I couldn't say.

Q. More than one? A. I couldn't say, sir; I don't know, I am sure.

Q. Were you drunk? A. Yes, sir; I was drunk.

Q. Do you remember when you were punched? A. Yes; I just remember when I was punched.

Q. When the officer arrested you did you have any of the wounds that you now have on your face? A. No; not as I know of.

Q. Where in the station-house were you beaten? A. Well, I was beaten at the desk.

Q. Did more than one officer beat you? A. No; not as I know of.

Q. Only the one that arrested you? A. Only the one officer.

Q. What did he beat you for? A. When he was making the charge I said something to him, and he said, "Shut up," and he punched me in the face; all this row of teeth on this side is loose.

Q. Your teeth are loose there? A. Yes, sir.

Q. Did he strike you after that? A. No, I don't believe he did.

Q. Did he strike you more than once? A. No, only the once that I know.

Q. You have wounds upon your nose and wounds upon your lip and wounds upon your cheek, and you say your teeth are loosened? A. Yes, sir.

Q. Were you beaten in any other place except the station-house? A. No, sir; I was not.

Q. And beaten by a policeman? A. Yes, sir.

Q. And that policeman on the stand? A. Yes, I believe I was hit in Thirty-fourth street by another policeman that sent me home, and I was on my way coming home when this Mr. Corcoran got hold of me.

James Joseph Clifford, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Where do you reside? A. Three hundred and forty-one East Three Hundred and Fifty-fifth street.

Q. What is your business? A. Sawyer.

Q. Do you work every day at your trade? A. I work every day, and if I don't work I am around the place where I am working.

Q. Were you ever arrested? A. Never until I was arrested Saturday night.

Q. Never charged with any crime? A. Never charged with any crime; never went into the station-house with any crime, except about two weeks ago there was a party stole some mats and I saw the mats missing out of the hallway and I saw the party going along the avenue with the mats, and I told the agent, and I went up with a policeman to the station-house.

Q. Who do you work for? A. L. K. Irving.

Q. Were you arrested last Saturday night? A. Yes, sir.

Q. How did you come to be arrested? A. I was standing opposite 319 East Thirty-fifth street and I heard hollering outside, and they were opposite a boys' lodging house when I went over, and there were four policemen at this young man.

Q. This witness who just left the stand? A. Yes, sir.

Q. Quinn? A. Quinn; and I went over and I said, "It is a shame."

Q. What were they doing? A. They were pulling him and punching him all the way up to the station-house, pulling him, dragging him, and his sister and I was talking to, and she hollered for God's sake to let him alone.

Q His sister did? A. His sister-in-law; so I went over and I said, "It is a shame to be hitting him like that"; they said, "Go away or we will hit you;" I said, "No you wont," and he walked away and he came back and he punched him, and I stood there; this officer hit me, and it didn't make my face so bad then.

Q. Was it the same officer struck you? A. No, another officer; I gave the number 480; he came back and he punched me and he went away; then this Peter Quinn's brother came over to me and a friend of mine and he said, "Do you know if I could get anybody to go his bonds"? I said, "You go up and see the sergeant and see what the charge is"; we went up and saw the sergeant, and the policeman came along after putting him in a cell and clouted me.

Q. Struck you again? A. Yes, sir; and had my face so that I couldn't eat anything; when I was going up to the station-house, there were two policemen with this other man, and they were in front of me and I was behind them, and they turned around and kicked me; so when I got up to the station-house before the sergeant, I looked at this officer's number; Haver-meyer, I believe, his name is; I said, "I will see you about this;" two roundsmen behind the desk said, "There is plenty of room there to give them more;" but I didn't get hit; then we were going down into the cell and another policeman standing there said, "Don't hit them;" so we didn't get hit going into the cell.

Q. Was anyone trying to hit you when the man standing at the cell said, "Don't hit him?" A. There was a man ahead of me; it was the voice I heard; no one was trying to hit me going into the cell, unless they were trying to hit the man that was ahead.

Q. What charge did they make against you at the station-house? A. They made the charge of being drunk and trying to rescue a prisoner.

By Senator Bradley:

Q. Had you been drinking anything? A. No, sir.

Q. Had you drank anything that night? A. I had a couple glasses of beer in me, but I was not drunk.

By Mr. Goff:

Q. Were you in any way under the influence of liquor? A. No, sir; I was not.

Mr. Goff.— This is the entry: “James Clifford, 23, white; residence, 341 East Thirty-fifth street; intoxication and disorderly conduct; officer, Thomas Crayon; acting in a disorderly manner, causing a crowd to collect and trying to fight with the officer.”

Q. Did you cause a crowd to collect and try to fight with the officer? A. No, sir; if I caused a crowd to collect when I started in first, why didn't this officer, when he hit me, first make a prisoner of me then; when I got up in the middle of the block he then came down and punched me and had my jaw like that (indicating), and made a prisoner of me.

Q. You were on the way to the station-house? A. I was on the way to the station-house to see what the charge was, and then going across the way to get a man to go his bail.

By Chairman Lexow:

Q. Did you know this man Quinn? A. Yes, sir; I know him from working with him.

Q. Are you a friend of his? A. Yes, sir; me and him worked in the same place.

By Mr. Goff:

Q. Was your clothing torn? A. Yes; but not very much.

Q. I see you were discharged next morning by the police magistrate? A. I was discharged before Judge McMahan.

Q. Did you ever hear this man Corcoran called by any name in the neighborhood? A. The only name I heard him called was “The Lily.”

Mr. Goff.— Mr. Chairman and gentlemen, the lily is a specimen flower that is bred in the garden of New York, at a great expense to the taxpayers, and if the horticulture be not changed, I think the lily will turn into a dragon lily before we get through with it.

Chairman Lexow.— It may be a tiger lily.

By Chairman Lexow:

Q. Did you see this man Quinn struggling or fighting with the officer at the time? A. Yes, sir; that is why I went over.

Q. Did you see Quinn fighting the officer at the time? A. See Quinn fighting?



Q. Yes; was Quinn fighting? A. No, sir; he was not able to fight him; there were too many around to fight him.

Q. Was he trying to fight him? A. No, sir; when they called for assistance he was right opposite his door, and he called for his brother Jimmy; that was the young man that followed him.

By Senator Bradley:

Q. Did you see that club used at all? A. No, sir; I didn't see the club used; I didn't see the club break, but I seen him getting clubbed, drawing up, and I got clubbed myself.

By Chairman Lexow:

Q. Did you see the club used on Quinn; did you see the officer using his club on Quinn? A. Yes, sir; I see the officer using his club on Quinn.

Q. What was Quinn doing? A. All he could do was to be dragged right up.

Q. He was not struggling or attempting to defend himself, or anything of that kind? A. No, sir.

By Senator Bradley:

Q. The officers had hold of him on each side? A. Yes, sir.

By Chairman Lexow:

Q. Do you mean to say that it took four officers, the biggest one being six foot two, to take him to the station-house? A. It took them all to take him to the station-house, and when they came down they went for me, and they kicked me; there is a big lump there.

Q. Were any of you trying to pull Quinn away from the officer? A. No, sir; I went to the officer and said, don't hit him and he will go quitely.

Mr. Goff.—Mr. Chairman, I will present to you a remnant of this club as a memento, so that when you go up to Albany, you can exhibit it as an object lesson. I trust you will take it with the compliments of "The Lily."

Senator Bradley.—Wouldn't it be well to have it put in a glass case. Mr. Goff.

Mr. Goff.—We will see when we get to Albany, although I think it is transparent enough and will not need any case.

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

Direct examination by Mr. Goff:

Q. Where do you reside? A. At Van Courtland.

Q. That is in the annexed district? A. Yes, sir.

Q. What is your business? A. I have been in the liquor business; now I am not; I am teaming.

Q. You are aware, of course, that while under oath you are compelled to answer all proper questions that may be put to you? A. Yes, sir.

Q. And that, so far as any testimony that may be given here concerning the transaction complained of in the resolutions appointing this committee, you are protected from prosecution, you understand that? A. I understand that.

Q. Now, I want to ask you about a little incident that took place up in Riverdale a little while ago, a little dog-fight that took place there; do you remember that dog-fight that took place at Mrs. McDonalds? A. I do.

Q. You had a little money on one of the pups? A. I didn't see it.

Q. But you had some money on one of the pups? A. On one side I did.

Q. How did you come out? A. It didn't come off.

Q. The fight didn't come off? A. No, sir.

Q. Why? A. It was interfered with by the police.

Q. Who interfered; what policeman? A. Well, there were different policemen.

Q. In other words, there was a raid made there? A. There was a raid; 19 arrested.

Q. Had you any knowledge about that fight before it came off; before it was to come off? A. I didn't; no, sir.

Q. Did you know anything at all about it? A. No, sir; not the first thing.

Q. Did you have any relations or any transactions with any of the policemen? A. I didn't.

Q. Concerning that fight? A. No, sir.

Q. Didn't you have some talk with Roundsman Weise regarding it? A. I didn't.

Q. Did you say anything to him at all about it? A. No, sir.

Q. Did you make any charge against Policeman Weise? A. I did.

Q. What was the charge? A. Of accepting money to allow the fight to go on.

Q. Did he get the money from you? A. Well, it was so dark, I suppose he got it; I don't know.

Q. Explain to us the transaction; how did it become dark? A. Well, it was at night time; it was in the neighborhood of about 9 o'clock, I should think; I was keeping a place at that time, and the people were all there to fight the dogs, of course; and this Mr. Weise was a stranger to me at that time.

Q. Roundsman? A. Roundsman; I didn't know who the man was.

Q. Was he in citizen's clothes? A. No, sir; he was in uniform; when the policemen were looking around for these people, why the man — he is dead as the present time, Mr. Martin — instructed me to give this policeman a bribe of \$5, to see if he could get everything right and have the fight off, and not be followed to where they were going; and I went out and I suppose I gave that money to Mr. Weise; I didn't know his name at that time.

Q. Did you give the money to the man? A. He was on horseback and I handed it up.

Q. The bill left your hand? A. I let go the bill, anyhow.

Q. And something caught hold of the bill on the other side? A. It disappeared from me; of course; I let it go as soon as I handed it, and went away.

Q. There were no ghosts around there (Riverdale) were there? A. It was very dark; I couldn't say.

Q. You don't think that any spirits came around and took away that \$5 bill from you? A. I don't know; I was in too big a hurry; I couldn't tell.

Q. At any rate, you addressed the policeman on horseback and the \$5 bill disappeared? A. I didn't address him; I merely went out; I had no conversation; one way or the other.

Q. Did you say anything about the dog-fight to him? A. I never mentioned it.

Q. When you went to the station-house afterward, what did you say; did you make a charge against him? A. To the station-house?

Q. Yes? A. I didn't go to the station-house.

Q. Where did you make the charge against him? A. I went to police headquarters.

Q. Who brought you to police headquarters? A. I went there myself.

Q. You told about this transaction? A. I did; yes, sir.

Q. Whom did you tell there? A. I couldn't say the man's name.

Q. Do you remember Inspector Steers? A. I have seen that gentleman once, I think.

Q. He was on duty once, was he not? A. I think he was; I couldn't say, I am sure.

Q. What became of the charge you made? A. I withdrew the charge; I didn't have anything to do with it; it was other people who were doing the work, and I thought I was only making a fool of myself to do it; I was not sure he was the man, anyhow; after I found out that I had made a charge against a man named Weise, I didn't know whether it was Weise or any other name; there were three at that time.

Q. You do know that you parted with \$5? A. I know that I parted with \$5.

By the Chairman:

Q. You didn't get it back either? A. I haven't started to collect it yet.

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

Direct examination by Mr. Goff:

Q. What was the occasion when you threatened to commit suicide in presence of Captain Westervelt when charges were made against you? A. I never—

Q. Did you ever threaten to commit suicide when a charge was made against you? A. No, sir; not that I know of.

Q. Do you think you could have made such a threat and you not know it? A. I should think so.

Q. Do you remember that Captain Westervelt had you in a room for three hours for a certain transaction? A. No, sir.

Q. Do you remember while you were in uniform and on duty being caught in a house on Madison avenue? A. No, sir.

Q. What drove you out of Westervelt's precinct? A. I was transferred to the Thirty-fifth.

Q. What caused you to be transferred? A. I don't know.

Q. Don't you know that you were caught in a respectable man's house in an improper condition, there in relation to one of the females of his house? A. No, sir.

Q. Will you swear that you were not, and that it was not brought to Captain Westervelt's attention; will you swear that you were not charged by Captain Westervelt with being found in a respectable citizen's house in improper relations with one of the females of his household? A. I couldn't swear to that.

Q. Will you swear that you were not so caught? A. I swear to that.

Q. Will you swear that you were not charged before Captain Westervelt with that offense? A. Well, I don't know what I was charged with.

Q. Don't you know that you were charged with that offense? A. I was charged with being in there, but I was not in there.

Q. Didn't you threaten to commit suicide in Captain Westervelt's hearing and presence if the charge was pressed against you? A. No, sir.

Q. Will you swear you didn't? A. Yes, sir; I can relate the very words I mentioned.

Q. Let us have the very words? A. He accused me and I said, before I will have anything of that kind I would sooner blow my head off, or words to that effect.

Q. Then didn't he tell you to get to a hot place out of the precinct? A. No, sir.

Q. Wasn't it what drove you out of the precinct? A. No, sir; not as I know of.

Q. There never was a charge made against you for that? A. No, sir; there was not a charge; I haven't done anything.

Q. There never was a charge made against you for taking a \$5 bill from Mr. Hughes? A. Well, I haven't taken any.

Q. Mr. Hughes says you were on horseback when he handed it to you? A. No, sir; I didn't know Mr. Hughes at the time; I don't know as I ever seen him before; I don't know that Mr. Hughes knew me.

Mr. Goff.—You may go for the present, officer; I want to see you in the morning.

Chairman Lexow.—Mr. Goff, shall any announcement be made with reference to witnesses.

Mr Goff.—Yes, sir.

Chairman Lexow.—To attend in the morning at half-past 10 o'clock.

Mr. Goff.—Yes, sir.

Chairman Lexow.—All witnesses subpoenaed for to-day will be here to-morrow morning at half-past 10 o'clock, without further subpoena.

Mr. Goff.—One moment, please. I have a witness here that we have to examine.

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

Direct examination by Mr. Goff:

(The witness was examined through Martin Van Ryn, as interpreter.)

Q. What did you pay \$350 for to Silver Dollar Smith? A. I wanted to pay him \$350, but he wouldn't accept it.

Q. What did you want to pay him the \$350 for? A. I wanted to open a house.

Q. What kind of a house? A. A coffee-house.

Q. With lady boarders? A. Yes, sir.

Q. Why did you want to pay Silver Dollar Smith \$350 to open a coffee-house for? A. I wanted protection.

Q. How could Silver Dollar Smith give you protection? A. A girl told me to go to Silver Dollar Smith and he could protect me.

Q. Did you pay money to anyone? A. No, sir.

Q. Do you know a man by the name of Ullman? A. No, sir.

Q. How long did you keep your coffee-room there? A. Three months.

Q. And your girl? A. Only a servant girl.

Q. And you didn't pay any money? A. No; I wanted to pay, but he didn't want it; he showed me the door.

Mr. Goff.—I think, Mr. Chairman, that we ought to adjourn right here, because it is a most surprising thing that Silver Dollar Smith should be offered \$350, to protect a coffee saloon for three months, and yet not accept it. I think we had better adjourn right away.

The committee adjourned to Wednesday, October 10, 1894, 10:30 o'clock, a. m.

Proceedings of the forty-fourth session of the committee, Wednesday, October 10, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, George W. Robertson and Cuthbert W. Pound. John W. Goff, Frank Moss, and W. Travers Jerome.

Samuel Kaufman, called as a witness on behalf of the State, being duly affirmed, testified as follows:

Direct examination by Mr. Moss:

Q. What is your business? A. Salesman.

Q. Your name is Samuel Kaufman? A. Yes, sir.

Q. Where do you live? A. No. 437 One Hundred and Nineteenth street.

Q. Were you in court yesterday? A. Yes, sir; I was.

Q. Did you hear the examination of Officer Corcoran? A. Yes, sir.

Q. Did you go out of court with Officer Corcoran, or where you could see him? A. About one minute after.

Q. And how far did you go with the officer? A. I met him on the City Hall station.

Q. Did you go on the car with him? A. Yes, sir.

Q. Who else was with him? A. No one else besides myself.

Q. Was there another officer with Corcoran? A. Yes, sir.

Q. Did you hear Corcoran talk? A. Yes, sir.

Q. Did you hear him talk about anything that happened here? A. Yes, sir.

Q. What did he say? A. He says, "I will make those two witnesses dead as a door nail; I will lay for them some night."

Q. What two witnesses? A. The witnesses that testified against him.

Q. The two witnesses that testified against Corcoran, you heard him say he would make them dead as door nails, and would lay for them some night? A. Yes.

Q. Did he say when? A. He did not say when, and the other officer said, you had better wait until the Lexow gets done.

Q. Did you hear anything else? A. The other officer said, "A little lower."

Q. Says what? A. Says, "Not so loud," and then they commenced to joke on the way up; that is about all they stated, and commenced to joke with one another.

Q. You have had some experience with the police yourself, haven't you? A. Some.

Q. You have had occasion to hold public meetings at times, haven't you? A. Yes.

Q. Tell us about some public meetings you have arranged for, and held, where you came in contact with the police?

A. About eight months ago at New Irving Hall we had a meeting, and I seen a number of men standing on the sidewalk and collecting money; I asked them what they were doing that for; they said that is for the officer; I said, "What for, he is getting paid;" and they went up to hand it to the officer, and it was either \$2 or \$3; and the officer said, "What do you think I am, a small potato to take \$2 or \$3;" I said to the parties, "You don't want to give them anything," and as I went across the street the officer said, "I will get square on you," and then I went away.

Q. Do you know the officer? A. I do not.

Q. Was that the officer at that meeting held at the time you mentioned? A. He was down stairs, and after meeting he came up.

Q. What date was the meeting? A. It was on Friday night; I don't know the exact date.

Q. About eight months ago? A. About eight months ago.

By Senator Bradley:

Q. What meeting was it? A. The meeting of the tailors' union.

By Chairman Lexow:

Q. What did you want to give that \$3 for? A. I did not want to give it to him; and they were collecting it; and they said for watching down stairs.

By Mr. Moss:

Q. The men that were collecting were members of the tailors' union, weren't they? A. I believe so.

Q. They were members of the meeting? A. I think so.

Q. Do you know who asked them to collect for the officer?

Q. There were three or four of them—five of them; there was money changing hands, and I don't know who was to hand it to him.



Q. Did you have any other exchange? A. No, sir; I do not.

Q. You do not know of any other meeting where officers have been paid for watching at the door? A. That is about the only one.

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

Direct examination by Mr. Moss:

Q. What is your full name? A. Meyer Schoenfeld.

Q. Where do you live? A. I live in 42 Clinton, but the offices of the union is in 40 Attorney street.

Q. You live in 42 Clinton street? A. Yes, sir.

Q. What is your business? A. My business is at present organizer of the tailors' union.

Q. Have you had any experience in holding public meetings of the union? A. Yes, sir.

Q. Has that experience brought you in contact with the police? A. Part of it.

Q. Do you know anything about money having to be paid to policemen for protection to those meetings? A. All that I know is I was invited to speak to a mass-meeting about seven or eight months ago in Irving Hall, and when I was done I saw a man, Samuel Kaufman, and Harry White, standing with the officer in the hall; I asked them what they were doing there, and they told me the officer was asking for some money, and they had got to make some collection for it; that is about all I know.

Q. Did you see the collection made? A. Yes, sir.

Q. Did you see any money paid to the officer? A. No.

Q. But the request was made in his presence? A. Yes, sir.

Q. Or the thing was talked about in his presence? A. Yes, sir.

Q. Do you know what his name was? A. No.

Q. Do you know his number? A. No; I am sorry for it; I think the rest of them know it; but I don't know it.

Q. Where was the meeting held? A. At Irving Hall; it was Friday night; about eight months ago; it could be found out by the organization.

Q. Do you know anything about the collection of money by peddling? A. I don't know; I did not take interest in it; but I know that the peddlers are making some deals with the officers

in Hester street; if they were not, the blocks would not be so crowded as they are.

Q. Do you know about an assessment of a certain amount a week? A. I don't know about the assessments; I don't know what they are paying; but I know that the streets on the east side are blocked.

Q.. On what streets? A. Hester street, Essex street, Norfolk street and Ridge street.

Q. Do they stay more than 10 minutes at a time? A. Some of them; and some of them are not allowed to stay; and some of them do not move for some three or four hours.

Q. Have you been present on some occasions when some peddlers were made to move by the policemen, and others allowed to stay? A. Certainly.

Q. How many times have you seen that? A. A few times.

Q. You know of any money having been paid by peddlers to officers? A. No.

Q. Do you know the name of any man who has been engaged in collecting money from peddlers? A. No.

By Senator Bradley:

Q. I will ask you one question; you say that the policeman makes the peddlers move on Essex street? A. Some of them.

Q. Did you see Essex street Sunday afternoon? A. No.

Q. Don't you know that it is a fact that Essex street, from one end to the other, is lined with peddlers' wagons, and even with horses and wagons, and every store on Essex street, with the exception of liquor stores, is wide open, and men doing business, and selling cigars and sewing boots and shoes? A. Not only in Essex street, but in Norfolk street, also.

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

Direct examination by Mr. Moss:

Q. Your name is Patrick Kelly? A. Yes, sir.

Q. Where do you live? A. No. 1677 Third avenue.

Q. Did you have any experience with the policemen recently? A. Yes, sir.

Q. When was it? A. Last Monday night, two weeks; from last Sunday night two weeks was the first.

Q. Tell us all about it? A. Well, the first time I came to sit out on the stoop, I was up all night; there was a tin wedding in

the house, but I did not go to the wedding; I stopped up all night; I could not sleep; and the next day I slept nearly all day; and I went down the next evening to take a little air on the stoop, and I sat down; and it was a little late, and I fell asleep; and this man came along.

Q. What man? A. The policeman.

Q. What name? A. Thrurow, or something like that.

Q. What station does he belong to? A. Fifty-eighth street; so I was asleep, and he woke me up with his hands in my pocket, and took a 50-cent piece out of it; I did not put my hand in my pocket right away; I asked him, "What are you doing;" he said, "What are you doing here;" and he said for me to get out of here, and I told him I wouldn't, I belonged to it; and he went down Second avenue; I found my pocket ripped open, and a piece of paper it was wrapped in open on the stoop, and I see it dropped, too, and did not take notice of what it was until I put my hand in my pocket, until he was gone.

Q. You had a fifty cent piece wrapped in a piece of paper in your pants pocket? A. Yes, sir.

Q. You were aroused upon the stoop by feeling a hand in your pocket? A. Yes, sir.

Q. You opened your eyes and looked and saw the officer drawing out his hand from your pocket? A. Yes, sir.

Q. And as he drew out his hand, you saw the paper fall? A. Yes, sir.

Q. And you put your hand in the pocket and found the money was gone? A. Yes, sir.

Q. And then took up the paper and recognized it, and nobody's hand had been in your pocket but the officer's? A. Never but him; I caught him right there, as I was sitting there; as I was sitting down the pocket was tight.

Q. You say when his hand was in your pocket you was wide awake so you know that fact positively? A. I know that positively; the pocket was tight, and when I straightened up it was easier for him to get his hand out.

Q. Did you have a talk with the officer about it? A. Yes, I called him on Second avenue and told him about it, and I told him he ought to give me that 50 cents back; and he said, "Do you say I took that 50 cents of you," and I said, "Yes"; he said, "if you say that I will break your nut," and he said, "Do you say I took it again;" I said, "I know you know all about it;" I was afraid he would hit me with the stick, and I walked to the stoop,

and considered what I should do, and then I reported him to the station-house at Eighty-eighth street; the sergeant told me to call the next evening at 5 or half-past 5; and that morning I went to Brooklyn to look for a job, and I could not get back in time, I had to walk back, and when I see I could not get back in time, I dropped the story, and I said I will not bother with it any more, and it went on until the next Monday evening.

Q. What happened Monday evening? A. The next Monday evening I went down to my house to leave my uncle home, when I came back and sat down on the stoop, and was tired, looking all day for work, and these two policemen, Thrurow, and a man named Barry—that is what I understood was his name—and the two of them rushed up to me on the stoop and thought I was asleep on the stoop again, and I jumped up and asked what is the matter with them, and they asked what I was doing here, and I said, “What do you see me doing;” and they said, “Get out of here,” and I said, “No, I belong here;” and Barry turned around and said, “What did you report this man for, for taking 50 cents out of your pockets;” and I said, “It isn’t any of your business to ask me that;” and I said, “The man is there now, and he did take it, and that is why I reported him too; and I waked up and saw him take his hand out of my pocket,” and then the two hit me, and then they walked over the other side of the street between Third and Lexington avenues, and stood with their backs under the moving van to see where I would go, and I walked down to Ninety-fifth street to ask these two fellows’ numbers; and this Officer Barry followed me down, and they talked to me there with the fellow I spoke for the numbers; and this Thrurow, at the Ninety-fourth street corner, asked me about it; and this man said to me, “Do you mean to say still that I took 50 cents;” I said, “Yes, you did; I know you did; and if you didn’t know it, I wouldn’t say so;” and with that the fellow I asked the number of pulled off, and hit me in the neck; this was the third man; he was alone when I went down to ask for the numbers; he hit me on the neck, and walked away again; and I was going to report the third, and the third got to pounding me between Ninety-third and Ninety-fourth streets and Third avenue; and this man Thrurow insisted on not arresting me; and the other two fellows insisted on his doing so, or else he would get into trouble.

Q. Were you arrested? A. Yes, sir; and the next morning, when I went to the station, he made me walk up to the court

from the station, he made me walk up First avenue, and he asked me again, did I still say he got that 50 cents, and he got mad over it again, and I said, "I don't care what you got mad for," and he said, "I want to get a living, and I won't try to hurt anybody, and I don't want you to hurt me," and he went up and swore —

Q. He did not arrest you until you still continued your insistence that he took money; he did not arrest you until you had insisted again that he took the money? A. No, sir; he asked me before the fellow on the corner of Ninety-third street, did you hit him.

Q. He arrested you that morning, but not until he asked you if you meant to insist upon the charge that he stole the money?

A. Yes; he let me go after this fellow hit me up on the corner; he asked me, did I say still he took the 50 cents, and I said yes.

Q. And then he arrested you? A. No; it was not right away he arrested me, and the fellow I asked the numbers drew off and hit me there, and I walked off, and they let me go when I was going for the door, and I wheeled back, and was going to the station-house, and they three arrested me between Ninety-third and Ninety-fourth street.

Q. What was the charge against you? A. Intoxication and disorderly conduct.

Q. Were you arraigned before a judge? A. Yes, sir.

Q. What happened there? A. And I will tell you another part before I tell you; the sergeant, the night I was arrested, the Monday night I went down to the station, he told me if it was not for me not attending to the report I made, he would not have kept me on that night, and let me go, but he had to do so because I had not made the report; I understood by that I was only kept in to see the captain the next day to report this to the captain the same as I did to the sergeant; instead of that I was brought up for intoxication and disorderly conduct.

Q. What did the judge do with you? A. Five dollars or five days, and the next time, he said, he caught me there he would give me three months.

Q. What was the name of the judge? A. I think it was Burke.

Q. These three officers testified against you? A. Yes; the three of them were there.

Q. Your word only against them? A. Yes; and I told the man was taking 50 cents out of my pocket, and then I was

charged \$5, and the judge said, the next time I catch you here, I will give you three months.

Q. Judge Burke had three officers against your testimony? A. Yes.

Q. And he took the preponderance of evidence, of course? A. Yes.

Q. Have you had any trouble with those officers since? A. No; I have not seen them since, only at Saturday night.

Q. Have you been requested to appear at headquarters to make charges against the officer? A. Yes; there was an officer at the house Saturday. I was not there.

Q. Did you ever have any trouble with the police before? A. No, sir.

Q. Were you ever arrested before? A. Only once, seven years ago; there was a person got me arrested, and they had to let me go.

By Chairman Lexow:

Q. What was the charge? A. That I called a woman names.

Q. There was no charge of larceny? A. No charge of larceny at all; it is about seven years ago.

By Mr. Moss:

Q. Haven't you had a message from the captain recently? A. Yes; this evening when this officer came up he told a sister of mine that the captain wanted me, and he was after asking my sister did I be working that day, and she said, "No, he ain't working;" he said, "tell him the captain wants him; I guess the captain has a job for him."

Q. Who is the captain; what is the captain's name? A. I forget the name now.

Q. It is the Eighty-eight station-house? A. Yes, sir.

Q. The captain of that station? A. Yes; I could not tell you the name.

Q. An officer told you the captain had a job for you? A. Yes, sir; he told my sister, I had to go down that evening at half past 5, or any other evening of the week, and said, "I guess he has a job for him."

By Chairman Lexow:

Q. Was that the occasion you speak of when you were requested to make charges before the commissioners? A.

No, sir; when I made the charge before the commissioners was for taking 50 cents off me.

Q. Who told you to make those charges before the board of commissioners? A. I was going down to make charges before the board of commissioners.

Q. Did this officer who came and spoke to you about the captain, did he come to you for the purpose of having you make charges before the commissioners? A. No, sir; he did not come for that.

Q. Did he say so? A. Not that I heard.

By Senator Bradley:

Q. You did not go to see the captain? A. No, sir; I have not spoken to one of the men since—no policeman.

Q. No official asked you to make a charge? A. No, sir.

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

Direct examination by Mr. Goff:

Q. What is your occupation? A. Agent of the Cunard Steamship Company.

Q. How many years have you been agent of that company? A. Some 14 or 15.

Q. And so far as your company is concerned, you are its direct and chief representative in New York? A. Yes, sir.

Q. Now, I desire to keep you but a few minutes, as I know you are very busy to-day; I will ask you a direct question, if the company has paid the police for any services rendered by the police to the company? A. Are you through with your question?

Q. Yes? A. The only payment that has ever been made is \$10 a week to the officer in charge of our dock, which I have been in the habit of paying for a good many years.

Q. And you have made entry of that payment on your books—on the books of the company? A. Well, it has been charged to our regular labor account; there is no special entry made of it.

Q. That is, the entry does not show it was paid to the police? A. No, sir.

Q. But charged to the labor account? A. No, sir; it was paid in the shape of a gratuity to the officer.

Q. Now, so far as you know, being familiar with the steamship business at this port, can you state whether or not that has been the custom of all the foreign steamship companies centering at this port to pay the police officers on the dock? A. I think it has been the general custom, so far as the passenger traffic is concerned; in regard to the freight lines I have no knowledge.

Q. That is, \$10 a week to the officer assigned to duty? A. Well, it may not possibly be \$10 a week by all; but I think it has been customary on most of the passenger lines to pay gratuity to the officer of so much a week, or so much a month, as the case may be; but whether they have all paid an equal amount, I have no means of knowing; I am only giving you my impression; I think it has been generally paid.

Q. And the payment, so far as the Cunard company have been concerned, represents all that the Cunard company has paid? A. Absolutely, in any way, shape or form, subscription or otherwise.

By Senator Bradley:

Q. How many years have you paid, to the best of your knowledge, that \$10 a week? A. Well, I think it was—I am not sure whether it was always paid since I have been agent of the line, with the exception of a few months, and that was the time Captain Schmittberger took charge of the precinct, and he came and requested me to stop payment, which I did at the time.

By Chairman Lexow:

Q. When was that? A. Well, I should think it was in 1890 or 1891; I am not sure.

Q. How long after Captain Schmittberger took charge of that precinct? A. My impression is it was about the time he took charge of it.

Q. Did he come to you and make that request? A. I met him at the dock, and he came to me and asked if I was in the habit of paying the police officer anything, and I said, "Yes; \$10 a week, or an equivalent to that," and he said, "Well, I must ask you to stop it."

Q. Was a change of officers made about that time? A. No, sir; I believe not.



Q. Did the same officer remain on your wharf all the time during the year 1891, or during Captain Schmittberger's command? A. I can not answer definitely about that; but to the best of my recollection, we have never had but three officers on the dock while I have been there; the first one was retired, I think, on account of his age; I think he was pensioned off — I think the term is; and my recollection is we had but two officers since that.

Q. Is your recollection such that you can state that there was no change made at about that time? A. I am sure there was none.

Q. You are positive? A. Yes, sir.

Q. Is your dock near that of the French line? A. Yes; it is; I think two docks away.

Q. What was the name of the officer then on the wharf? A. I could not tell you; I could easily ascertain, but I do not remember the name.

Q. Do you remember a purse being made in the year 1891 of \$500 from each one of these transatlantic steamship companies? A. Do I remember it?

Q. Yes. A. I say, positively, there never was any such purse made up.

Q. That is, if there was a purse of that kind made up, your company did not join it? A. Did not join it; and I would have been sure to have heard of it, if there had been.

Q. Three witnesses stated upon the stand here, yesterday, that it was a matter of rumor, was well understood by those engaged in your business, that at that time a purse of \$500 per steamship company was being made up for the purpose of presenting it to the police, or the captain, for protection; are you prepared to say, from your knowledge of the business, that that was false? A. I think it is very improbable; yes, sir.

Q. Are you prepared to say it was false? A. I can not swear to it; I have no disposition to say it was false; but to the best of my judgment it was very improbable.

Q. Are you active in that line in a way that would bring intelligence or information of that kind particularly to you? A. Well, I generally call myself alive to all that is going on.

Q. I mean, would you be apt to know of a rumor that would pervade your business circles of that kind? A. I might not hear of the rumor; but if anything of the kind was attempted to be carried into force, I think I would be very likely to hear it.

By Senator Bradley:

Q. You have never been asked by any ward officer or detective to subscribe? A. I do not know a ward officer in New York, and never have had one pointed out to me, or never had a call from any.

Q. Since the removal of Captain Schmittberger, have you continued to pay the \$10 a week? A. I have; I think there was an interval of three or four months when he spoke to me, and I found on inquiry from my associates that they were still paying the gratuity, and I did not see any reason to discontinue it.

Q. You continued to pay the \$10 gratuity? A. Yes.

By Chairman Lexow:

Q. While Captain Schmittberger was in the precinct? A. I think before he went I resumed it.

Q. Are you certain about that? A. Yes, sir; I am positive about that.

Q. After the captain of the precinct had notified you that he considered it improper for the steamship companies to pay his subordinates money, you continued paying? A. I did not state that, sir; excuse me.

Q. He requested you not to do it? A. He requested me not to do it; but did not say it was improper, or anything of the kind.

Q. Didn't you have on your mind that he considered it was improper for the discipline of the force that it should be paid? A. That may have been probable.

Q. What did Captain Schmittberger say to you when he requested you not to pay? A. Simply, when I answered in the affirmative, he requested it should not be paid; I do not remember any other conversation.

Q. Did you ever see him again? A. Occasionally.

Q. I mean in connection with that subject? A. No, sir; no word on the subject.

Q. You never had any further conversation after the renewal of the payment? A. No, sir; never.

By Senator Bradley:

Q. What is the officer's name doing duty on the pier now? A. I don't remember.

Q. You don't know his name? A. I do not; I do not know as I ever heard it.

Mr. Goff.—I would state, Mr. Chairman, that my intention was to continue the examination of Mr. Forget this afternoon, and also another witness, whose name I got last night in relation to the matter; but I received a communication from Mr. Forget this morning, requesting me most urgently to excuse him until to-morrow morning for very many reasons. I have complied with the urgent request, and we expect his here to-morrow morning, so our line of examination has consequently been a little disrupted.

John H. Lemon, 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. I live 182 East One Hundred and Twenty-third street.

Q. Did you go to the French ball on the 5th of February of this year? A. Yes, sir; I did not know the date, that was the reason I hesitated.

By Chairman Lexow:

Q. What is that; a memorandum you made? A. Yes, sir.

By Mr. Goff:

Q. That was a memorandum made on the same day, or the day after? A. The day after; the morning after.

Q. You had some friends with you, didn't you? A. Yes, sir.

Q. And you saw some persons there that you recognized? A. Yes, sir.

Q. Where was the ball held? A. Madison Square Garden.

Q. So that the record may have it straight, that is an exhibition room occupying a whole block, is it not? A. Yes, sir.

Q. How many people were there, about? A. Oh, I should —

By Senator Bradley:

Q. As near as you can state or estimate? A. I have it here. Chairman Lexow.—Approximately?

By Mr. Moss:

Q. Was the garden filled? A. Yes, sir.

Q. Five or 6,000 people? A. I should say about 6,000.

Q. Have you lived in New York city a number of years? A. Yes, sir.

Q. You know whether this French ball, so-called, is an annual occurrence? A. It is.

Q. And what is the general rumor concerning the character and conduct of the French ball? A. It is bad.

Q. What was the general estimate by the newspapers on the following morning, and by people as they talked of it, of this ball, as compared with previous balls? A. The general report of it, was better of this ball than it was previous.

Q. The general report was that it was not quite up to the standard of business? A. Yes; that is what I read.

Q. What time did you go there? A. Between 8 and 9 o'clock in the evening.

Q. Did it give any indications of badness at that time? A. No; everything was conducted very well for an affair of that kind, up to later in the evening.

Q. When did you begin to observe anything that was not proper? A. Well, along about 11 or 12 o'clock.

Q. Were there any police officers present? A. Yes, sir; lots of them.

Q. How many? A. Oh, there were, I should say, 20 or more.

Q. Did you see anyone whose name you knew — policemen? A. I saw Mr. Schmittberger.

Q. The captain? A. Captain Schmittberger.

Q. Who else? A. McAvoy.

Q. Inspector McAvoy? A. Yes, sir; and Inspector Byrnes, and a number of others that I did not know, but I took their numbers; I got their numbers.

Q. When did Mr. McAvoy come in? A. I think I saw him about 11 o'clock.

Q. How long did he stay? A. He was there during the entire ball.

Q. Through the entire ball? A. Yes.

Q. Captain Schmittberger; was he there all night? A. Yes.

Q. How long did Superintendent Byrnes stay? A. I saw Superintendent Byrnes in the gallery, I think, about 2 o'clock, or perhaps later.

Q. How long did he remain? A. Well, I don't know how long he had been there, before I saw him, and I only saw him a little while, when he disappeared, and I did not see him any more; that was back in the wine-room.

Q. He disappeared back in the wine-room? A. He was up in the gallery, and the gallery was — there was a wine-room partitioned off by a large curtain; the wine-room was down below, and for several minutes or half an hour I saw him.

Q. You mean to say Mr. Byrnes was looking into the wine-room? A. Yes, sir.

Q. In the gallery where it was partitioned? A. Yes.

Q. And standing in the gallery, you could look over into the wine-room? A. Yes, sir.

Q. And you say you saw him looking into the wine-room? A. Yes, sir.

Q. Will you tell us briefly as you can, without too much of detail, that might be unnecessary, what you saw? A. Well, the women there were dressed, part of them, in short skirts and low necks, and some in tights, and high kicking; their breasts was exposed very much, and on several occasions, I saw the men take and loosen the straps, or throw down the straps of the girls' waists that held their waists up, and their breasts would fall right out and be exposed to everybody that wished to look at them.

Q. Was that in public? A. Yes, sir; anybody could see them.

Q. In how many cases was that? A. A number of cases.

Q. That was common? A. That was very common.

Q. Did you observe any indecent exposures? A. Yes, sir.

Q. How frequently? A. As many as three or four times.

Q. Three or four times? A. Yes, sir; in the back of the wine-room, another gentleman and myself were walking around, and there was one girl there especially —

Chairman Lexow.—I think the general statement of indecent exposure will cover this charge.

Q. Now, as to public appearance, the general knowledge that must have existed of these circumstances; will you describe how some of these women with scanty attire, got in and out of the boxes? A. They got in from the assistance of men lifting them right over; they did not go around and walk up the steps.

Q. But were pushed up from the floor? A. Yes; many times and lifted right up and thrown up head first.

Q. And thrown into boxes? A. Yes, sir.

Q. The police officers standing all about? A. Yes, sir; and I saw one police officer accept a drink of wine from one of the boxes.

Q. What was the character of the conversation; did you observe the conversation? A. Yes, sir; on many occasions it was very bad.

Q. Was it loud? A. Yes; so anybody could hear it.

Q. What did you see in the wine-room? A. I saw men and women sitting there, and drinking wine, and laughing and kissing each other, and one women showed her person right there to a man sitting with her. (By direction of the chairman the remainder of the answer was stricken out as unfit for publication in the minutes.)

Q. Did you see people lying about on the floor of the wine-room? A. Yes.

Q. And in various states of intoxication? A. Yes, sir.

Q. Did that continue all night? A. Yes; after they got intoxicated; they were not intoxicated at first when we went in there; I should say after 12 o'clock they continued right along, until the close of the ball.

Q. How many people did you see lying on the floor at once in the wine-room? A. I did not count them.

Q. About how many? A. Eight or nine.

Q. Eight or more at a time? A. Yes, sir.

Q. Lying on the floor? A. Yes, sir.

Q. Men and women? A. Yes; lying in different parts of the floor.

Q. Did you see any effort by any of the policemen to restrain indecent exhibitions? A. I did not.

Q. You spoke of dancing and high-kicking did you not? A. Yes.

Q. Was that all published? A. Yes, sir.

Q. Did the officers make any effort to restrain that? A. No; sir.

Q. And the indecent exhibitions in the wine-room, which I shall not shock you to detail, was there any effort from the police officers, from Mr. Byrnes down, to restrain that? A. Not at all.

Q. Do you mean to say the superintendent of police saw these indecent exposures, and made no attempt to restrain them? A. Yes; I mean to say you could not help see it, because he was looking over one of the bannisters when these indecent acts were going on.

By Mr. Moss:

Q. And they were all very public? A. All very public.

By Chairman Lexow:

Q. Does that apply also to men lying on the floor — to men and women indiscriminately? A. Yes, sir.

Q. Was it done in such a way that Inspector Byrnes must have seen it? A. He could not help but see it.

By Mr. Moss:

Q. Do you know the character of any or many of the women you saw there? A. I did.

Q. What was their character? A. Their character was bad.

Q. You recognized it? A. I did.

By Chairman Lexow:

Q. Do your same remarks refer to Inspector McAvoy and Captain Schmittberger, and the other policemen you saw on duty there? A. Yes.

Q. That they must have observed these special indecent things you have mentioned? A. Yes, sir.

By Mr. Moss:

Q. You recognize many of these women as inmates of houses of ill-fame, didn't you? A. I did.

Q. Women that you have seen in the work you have done under your employment? A. I have, sir.

By Chairman Lexow:

Q. What is your occupation? A. I am an agent for the Society for the Suppression of Crime.

Q. Have you got any feeling against the police in this city? A. Not at all.

Q. Never had any friction with them? A. Nothing, except when they did not protect us at the time they mobbed us down in the Bowery.

Q. But you have no personal feeling against either individual police, or the police as a whole? A. Not at all.

By Senator Pound:

Q. For what purpose were you present at this ball? A. For the purpose of seeing the conduct of the ball, and how it was carried on, and report the same back to the Society for the Prevention of Crime.

Q. You were acting under their directions? A. Acting under their directions.

Q. Is there an admission fee charged for the admission to this ball? A. Yes.

Q. What is it? A. I think it is \$3; \$3 or thereabouts.

Q. It is an annual affair, its reputation and character well known in the city to everybody, isn't it? A. Yes, sir.

By Chairman Lexow:

Q. How long did these especially indecent things to which you have referred last? A. Until 5 o'clock in the morning.

Q. From what hour? A. Commencing, I should say, from 12 o'clock.

Q. And during all that time, you wish to be understood as stating, that you knew of the presence there of Superintendent Byrnes, and Inspector McAvoy and Schmittberger? A. I did not say all the time of Superintendent Byrnes.

Q. How long was he there? A. I should make it between 12 and 2 o'clock; anyhow, that I had seen him there.

Q. Was the carnival at its height at that time? A. Yes, sir.

Q. And how long was Inspector McAvoy there? A. I saw him, I think, between 10 and 11 o'clock first, and I saw him just before the ball closed.

Q. That was when the bacchanalia was at its very height? A. Yes, sir; I saw him on the floor of the ball-room.

Q. And Captain Schmittberger? A. Yes, sir.

Q. How long was he there? A. The same length of time.

Q. They were in at the start, and came in again at the finish? A. They were there all the time.

Q. And he was there all the time? A. Yes.

By Mr. Moss:

Q. Let me refresh your recollection; you said the price of admission was three dollars; wasn't it six dollars? A. I was going to say I think it is six dollars, instead of three.



Q. Did you read the report of the French ball that was published in the Herald on the 11th of February, written by Dr. Madison C. Peters? A. Yes, sir.

By Senator Pound:

Q. Was the doctor also present? A. I don't know.

Mr. Moss.—Yes, Dr. Peters was present as the representative of the New York Herald, and inasmuch as it is very unpleasant to exploit this matter, and we do not want to go into details, I will put this witness certain questions, covering questions made by Dr. Peters in this report.

By Mr. Moss:

Q. It appeared in this statement by Dr. Peters, "The whole affair is a bacchanalian debauch;" does that accord with your observation of the ball; "The whole affair is a bacchanalian debauch;" what do you say about that? A. I don't hardly know what he means by that.

Senator Bradley.—A jolly drunk; how is that?

Q. "The lower boxes where some of the demi-monde, who fell out of the boxes dead drunk?" A. That is true.

By Chairman Lexow:

Q. Was that characteristic; it is not a question whether one or two episodes of that kind occurred; was it characteristic of the whole ball? A. Yes, sir; around the boxes that was very frequent.

By Senator Pound:

Q. How many women did you see fall out of the boxes dead drunk in the course of the evening? A. I don't say "fall out of the boxes;" but I saw them fall in the boxes, and thrown in the boxes.

Q. Mr. Moss read they fell out of the boxes? A. There were some fell out of the boxes.

Q. How many? A. I don't know; two or three.

By Mr. Moss:

Q. "These women were chiefly and loudly clothed, they were painted and powdered to absolute indecency; they were foul-

mouthed;" what do you say as to that being characteristic of the ball? A. That is certainly true.

Q. "I saw married men, fathers, and scores of them, kissing and hugging the vilest wretches; of course, they were drunk?"

A. I don't know anything about the married men there.

Q. But you did see middle-aged and elderly men going through these performances? A. Yes; I don't know whether they were married or not.

By Senator Bradley:

Q. Did you see any of the police officers participate in any of the festivities there? A. I saw one of the police officers drinking wine there from one of the boxes that was handed over to him by one of the girls.

Q. You did not see any of the inspectors imbibe? A. I did not see any of the inspectors take a drink.

Q. Or at any time, drink? A. No, sir.

By Mr. Moss:

Q. Did you see an officer attempt to force a man into a cab with his protest? A. Yes; and I protested against that.

By Senator Bradley:

Q. Who did you protest to? A. I protested to the man that was pushing him into the cab.

By Mr. Moss:

Q. To the officer, you mean? A. No; the man first; the cabman; the gentleman that was with me also protested, and the officer stepped up by me, and I told him that the man was being put into the cab against his will, and he was drunk, and it was not known where he would be taken to; and he said, "It is not so;" he says, "You see me make the way for this man into the cab;" I said, "You did not do anything of the kind; the man was in the cab before you was here at all;" the officer said, "It is not so; and it is all right," and I was called foul names.

Q. Who called you foul names? A. The cabman.

Q. In the presence of the officer? A. In the presence of the officer; and I took the cabman's number, and afterward

secured the policeman's number, after the policeman went back; this was on the corner, and he went back into the garden, and I went back and got his number.

By Senator Pound:

Q. Did you see any arrests there that night? A. There were no arrests made; there were two people put out.

By Mr. Moss:

Q. Only two that you saw? A. Only two.

By Chairman Lexow:

Q. Did you hear any complaints made? A. No, sir; there were no complaints made.

Q. Did you make any complaint? A. No, sir.

Q. As the agent for the Society for the Prevention of Crime, you was there on ordinary business? A. Yes, sir.

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

Direct examination by Mr. Moss:

Q. What is your name? A.. William Jamouneau.

Q. J-a-m-e-n-o-u-x? A. J-a-m-o-u-n-e-a-u.

Q. Where do you live? A. I am living in Roseville, New Jersey.

Q. What is your business? A. I am president of the Alvin Manufacturing Company.

Q. Did you discover in 1891 that you had been robbed by one of your employes? A. Yes, sir.

Q. You went to police headquarters, and reported, didn't you? A. Well, we received the information through the detective office.

Q. Who was the detective? A. Detective O'Connor.

Q. Is O'Connor, detective, in court; do you see him? A. I do not know; I do not see him.

Q. Is Detective O'Connor present? (No answer.)

Q. You found some pawn tickets, didn't you? A. The detective found some tickets on the person of the person arrested.

Q. Your employe was arrested, and the detective found some pawn tickets? A. Yes, sir.

Q. And through those pawn tickets the property was located?

A. Yes, sir.

Q. What was the value of the property? A. As near as I can tell—I mislaid the inventory we took at the time, but it was in the neighborhood of \$1,000 or \$1,200.

Q. And where was it pawned, in the pawnbrokers? A. It was found at various pawnbrokers throughout New York and Brooklyn.

Q. Did you go with the detective to the pawnbrokers to identify the goods? A. I visited one pawnbroker where the first article was discovered.

By Chairman Lexow:

Q. What was the value of that? A. That was an umbrella, a silvered handled umbrella valued at about \$12 or \$15.

Q. Was anything said to you by the pawnbroker about paying the pawnbrokers the advances? A. Yes; they advised it was the easiest way to pay the advances.

Q. Who said so? A. Detective O'Connor.

Q. Any one else? A. I couldn't say positively whether the other detective said anything on that or not.

Q. Who was the other detective? A. His name was Slauson.

Q. How much were the advances? A. There had been \$170 advances by the pawnbrokers according to a schedule that Detective O'Connor submitted to me of the pawn tickets.

Q. Did you pay the \$170? A. Yes.

Q. Who did you pay it to? A. I paid it to Detective O'Connor.

Q. You did not go to the pawnbrokers yourself? A. No, sir.

Q. You gave the \$170 to O'Connor? A. Yes.

Q. And he went and presumably paid it to the pawnbrokers and brought back your property to you? A. Yes, sir.

Q. After Mr. O'Connor done this for you did you make any proposition to him, personally to himself? A. No, sir.

Q. Any proposition about paying him something for his services? A. No, sir.

Q. What was said between you and O'Connor about giving him something for his trouble? A. Well, it is so long ago it is difficult for me to remember just the exact words; but it was to the effect that he had rendered us some very valuable services in securing these goods; and that if we felt disposed to do anything for him personally it would be very acceptable.

Q. He proposed that? A. Yes.

Q. What sum was mentioned? A. Well, there was no sum mentioned; he said he would leave it to me.

Q. Did you name a sum? A. I did, yes.

Q. How much? A. I suggested giving him \$50.

Q. And was that acceptable to him? A. No.

Q. It was not? A. No, sir.

Q. How much did he want? A. He did not tell me he wanted any particular sum, but he said he did not think that was hardly treating him very liberal in consideration of the time and labor he had expended in recovering so many of these goods.

Q. So he wanted more; did you give him more? A. Yes, sir.

Q. How much did you give him? A. Gave him \$100.

Q. Did that satisfy him? A. Yes; he appeared to be satisfied.

Q. You offered him a check; didn't you? A. No, sir.

Q. Did you give it to him in bills? A. Yes, sir.

Q. At his request? A. I don't know that he requested bills; I do not remember whether he did or not.

By Chairman Lexow:

Q. Didn't you ask him what he was there for? A. No; I don't remember asking him that.

Q. Did he claim that he had done more than his duty as an officer? A. No; I don't believe he did; but he told me that it was customary if we felt disposed to give him anything, it was customary for people to do a little something for the detective personally.

Q. And you considered a \$100 a little something? A. Yes, sir.

By Mr. Moss:

Q. Didn't you draw a check, and wasn't that check cashed in order to get the money for him? A. Yes, sir.

Q. Did you not proffer a check to him first? A. No, sir; I did not.

By Chairman Lexow:

Q. Why didn't you? A. Why the check was drawn over at our factory; our bank account is kept in Newark, New Jersey; and a check was drawn there; I don't know why I did not proffer him the check; but I had the money to advance for the goods that had been recovered.

Q. Was the check larger than the amount that you gave him?

A. Yes, sir.

By Mr. Moss:

Q. Did you make an entry of these matters upon your books?

A. Yes, sir.

Q. And you have the return check haven't you? A. Yes, sir.

By Chairman Lexow:

Q. How much did you pay to get the goods? A. We paid a \$170.

Q. Does that include the \$100 you paid? A. No; I can tell you the amount of the check; I think I have it here.

Mr. Moss.—Just see, please.

Q. Then it cost \$270 to get a \$1,000 back? A. About that; yes.

By Senator Pound:

Q. Was this all one transaction with the detective; this \$170 and the \$100? A. Yes; the money was paid at the same time.

By Mr. Moss:

Q. The detective got all the money; the \$100 and the pawnbrokers' advance too? A. Yes, sir.

By Chairman Lexow:

Q. Just repeat as nearly as you can the words he used when he called your attention to the fact that it would bring your goods more quickly if you paid the pawnbrokers' advance? A. Dective O'Connor explained to me that we were not obliged to pay this money to the pawnbrokers; but he said it was customary to do it, and that a great many of the pawnbrokers were honest men and loaned this money honestly not knowing the goods were stolen, and it was no more than right they should get this money back; but he said, we do not pay it to all of them, we pay it to those that are honest and those we think are crooked we get the goods any way without paying them.

By Chairman Lexow:

Q. Then he declared to you that he could get the goods without paying for them, did he; and it simply depended upon his construction as to whether certain pawnbrokers were honest or dishonest, whether he would pay them or not? A. Yes; he told me he could get the goods from certain pawnbrokers, and they had information from these parties, and could get the goods on the strength of this information; that is the way I understood it.

Q. What was the impression his conversation left in your mind; what was the impression you took from what he said? A. The impression was some of the pawnbrokers were honest men, and some were not, and the police department knew those that were not honest, and they had information against them that could be used to compel them to pay this money if required; and if they did not use this information, they would not pay it.

By Chairman Lexow:

Q. In other words you believed the police department had information in their possession that certain pawnbrokers were criminal? A. Yes; the check was drawn for \$315.

By Mr. Moss:

Q. How can you account for that? A. I have the return check here.

Q. How do you account for the discrepancy here? A. The items from each cash-book showing disbursements of the money.

Q. Can you tell the items now? A. Yes.

Q. Let us have them please? A. There was \$100 on it and recovering goods from pawnshops, \$170; detectives for services, \$100; five dollars my personal expenses, leaving \$40 in cash, which was placed in our cash-box at the factory of the \$315.

The Chairman.—That is all.

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

Direct examination by Mr. Goff:

Q. Where do you reside? A. Three hundred and forty-nine One Hundred and Fourth street.

Q. West or east? A. East.

Q. How long have you resided there? A. I lived there since 1893, the 3d of July.

Q. The 3d of July, 1893? A. Yes, sir.

Q. How long have you resided in New York? A. In New York since 1878 — 1877.

Q. And how many years have you been in this country altogether? A. Since 1876; in the Philadelphia Centennial year.

Q. What has been your business in New York? A. In New York I had a cigar store, and bird store, and I got sometime dog fancier — like that.

Q. Where did you have that bird store? A. The bird store I had it, Thirty-second street and Eighth avenue.

Q. How long were you engaged in the business of dog fancier and bird selling? A. Over a year and a half; in birds about five years altogether; and after that I had only dogs.

Q. After you got through with dogs, and your birds, and your cigars what business did you go into? A. Then I was in a cigar store, last time on the Bowery and Great Jones street.

Q. After you got through with your cigar business what business did you go in? A. I went into the policy business.

Q. I want you to tell the committee how you first got into the policy business; just tell them how you got in, and after who worked for and where you worked? A. Well, first I gradually started in the policy shop; I was in Great Jones street cigar store, and I had a policy shop; the first time I went on Great Jones street in the cigar store the front up-stairs was headquarters, and back was policy shop.

Q. The headquarters of the policy shop? A. Yes.

Q. Let us stop there; when you say the headquarters of policy, what do you mean? A. That is, the backers headquarters of policy.

Q. Had you any connection with the policy business yourself while you had your cigar store? A. I did not have it at present; nothing at the time; only the cigar store.

Q. And you were in the same building? A. Yes; the same building.

Q. Then there was a policy shop behind your store? A. Yes, sir.

Q. And the headquarters of the backers upstairs? A. Yes, sir.

Q. Who was the backer? A. William Morton.



Q. Did William Morton go by any other name? A. No, sir.

Q. Now can you describe the headquarters, how the headquarters are conducted? A. Well, the headquarters is the oldest policy shop in the city; the writers, they bring many times, half-past 12 their books, what they took in, and then they get a return about 2 o'clock or 3 o'clock, and they then get the money paid if anybody got hits.

Q. Anybody got hits? A. They win any money, anybody got the winning numbers.

Q. The writers bring their books there at 12 o'clock? A. Yes; half-past 12 every day.

Q. And they bring the returns of the moneys they have received? A. Yes.

Q. And then at what hour is it known whether hits have been made? A. About 2 o'clock; about five minutes after 2.

Q. The winning numbers are then given out? A. Yes, sir.

Q. From headquarters? A. Yes, sir.

Q. And those slips containing the winning numbers are sent to the various policy shops in the city? A. To all policy shops in the city.

Q. What do you call the men who go with the winning numbers? A. The runners.

Q. Now tell us how you got into the business; just continue your narrative? A. After Mr. Morton I supposed went--asked me to pay the rent of that store, what I got the cigar store; I said, "I do not work for that; I do not think to pay any rent; I have to transact all business going in and out," and so he said, "You better get out;" it did not take me long to take my stock out and went, and four or five weeks from such I didn't do nothing; I said to him, "I didn't do nothing;" he said, "You can start a place and they opened one for me up in 341 East One Hundred and Fourth street; I was working there—

Q. Wait a moment; you say the backer, Morton, opened this store for you? A. Yes, sir.

Q. At 341 East One Hundred and Fourth street? A. Yes, sir.

Q. You said something about you did not know whether you would be let open it or not; what did you mean? A. Well, then to go first to captain and inquire when they can open.

Q. That is, the backers have to go to the captain of the precinct? A. Yes, sir.

Q. And inquire if they can open another policy shop in that precinct; is that it? A. Yes; that it is.

Q. That is what you meant when you said you did not know whether you would be let open or not? A. Yes; that is it.

Q. What did Morton say to you? A. Morton did not speak to me; it was only his manager.

Q. Who was his manager? A. I don't want to name his name.

By Senator Bradley:

Q. You will have to? A. Pete Ward.

By Mr. Goff:

Q. It was with Peter you dealt about the business? A. Yes.

Q. Well this store was opened for you? A. Yes, sir.

Q. At 341? A. Yes, sir.

Q. What was the terms of the business you were engaged on; tell the committee that? A. Well, I shall start it, and after I have made a book they helped me a little to start it; on account of the commission of 12 1-2 per cent. I could not live there.

Q. That is 12 1-2 per cent. on every dollar you took in? A. Yes; so I could not start a business this way, and he says, "We will help you," and then they make me out to bring the books myself at dinner-time and night.

Q. You had to bring them twice a day? A. Yes, sir; and they paid me the car fare, \$1.20 a week, nothing else; and in five months I came to headquarters and I spoke to Morton plain; I say, "Morton," I said, "I can not stand this way; I don't get much, and you ought to lend me something for five months up and down; I did not have a regular dinner, and even supper; he says to me, "God damn, I think that place don't pay enough; I have a notion to close it up;" and it was, I think, on the 28th or 29th of November.

Q. Of what? A. Of November of last year; it was five months over there after I started; I said, "If you don't want it, I don't care; I can get other work;" I said, "Won't you allow me nothing? you can allow me \$20, I am sure;" I said, "I have to leave;" he says, "No; go to hell;" well, I went home; "No," he said, "Go to hell out of here;" well, I went out, and went to Parker.

Q. When they opened this place at 341 East One Hundred and Fourth street, did the police of the precinct know? A. Oh, certainly; they know.

Q. Who was the captain in that precinct? A. Captain Westervelt.

Q. He is there yet, isn't he? A. Oh, yes.

Q. How do you know now that the police knew you opened that policy shop? A. The policy shop can not be opened unless they report first to the captain.

Q. They must report first to the captain? A. First; before they open any shop.

Q. Were they visited by the wardman of that precinct? A. Oh, yes.

Q. Were you visited there shortly after you opened? A. Oh, about, I think about two weeks around; outside of that they did not know, I suppose; he came up.

Q. The wardman? A. No, it was not the wardman; a policeman; I knew him from seeing him; he comes up.

Q. Was he in civilian clothes? A. Yes, citizen's clothes; he came up the first time, and says, you have got a policy shop; he came first and I said, "Give me a gig; give me one play;" I say, "All right; what is it;" he says, "9-19-29" that is a dead gig, so as soon as he said that, then I put it down; now, he said, "I am an officer and have full power to take you in" (witness opening his coat.)

Q. You opened your coat there; are you imitating what the officer did? A. Yes, sir.

Q. He opened his coat? A. Yes, sir.

Q. And what did he show? A. A badge; he says, "I can —."

Q. A badge and shield? A. Yes; he said, "I can take you now;" I say, "You can take me;" you are here; you pass here some time; you know I was fresh man; he did not know I used to see him pass in uniform; I said, "You can not do nothing; go on;" he says, "How can't I do nothing; did you report it in the house that I got a policy shop."

Q. To the station-house? A. Yes; I said to him "You can not do nothing;" he said, "Why, can not you see the badge;" I said, "You are a regular policeman; you are not the wardman;" he said, "Did you report it to the house;" that is, the station-house; I said, "You know very well, we never opened before that;" then he says, "You are a very smart mock;" I say, "Never mind; you mind your business and I mind my business;" he said, "Can not you borrow me five dollars — I should lend him five dollars ; well, I say, "I am too young; I

do not make enough money here to give you anything;" he says, "Well, I let you go this time;" and I laughed.

By Senator Bradley:

Q. You left, or he left? A. I went out and he left; I laughed.

By Mr. Goff:

Q. When he showed you his shield and told you he could take you along with him, did you feel sure he could not, and would not take you along? A. Certainly.

Q. How did you feel sure about it; what made you feel sure; you knew you were violating the law, didn't you; you knew it was against the law? A. I know he is a policeman from the station-house, so I am not scared then.

Q. So you felt perfectly safe? A. Certainly.

Q. That he, being a policeman from the station-house could not do anything? A. No.

By Chairman Lexow:

Q. Why? A. We have got a privilege to open.

Q. You received a license, I suppose? A. That is so much I understand.

Q. As you understand it, you had gotten a license? A. Yes; certain; the backer gets it, not me; we are not scared we are arrested; the backer will get us out in five minutes.

By Mr. Goff:

Q. What is that; you are not scared? A. No; the backer has to come and get us out; in a short time the backer will be there and get us out.

Q. Do all the policy writers of the city understand that when they are allowed to open in a precinct they are protected by the police? A. Yes, sir.

Q. Now, how are they protected; can you tell us; do you pay them anything? A. Oh, no; the backers have to pay.

Q. The backers pay? A. Yes, sir.

Q. At what rate do the backers pay? A. Well, so much, I understood when I was in headquarters, that it is about now \$20 each shop; before it was only \$10.

Q. Twenty dollars a month? A. Yes, sir.

Q. On each shop? A. Yes, sir.

By Chairman Lexow:

Q. And before that it was only \$10? A. That is what I understand.

Q. So they have raised the privilege? A. I understood Captain Devery raised it; that is what I understood from headquarters.

By Mr. Goff:

Q. Captain Devery raised the ante? A. Yes; he raised the ante.

Q. Do you pay the backers anything of that \$20 a month for protection? A. If the writer is on interest in a book they take off for protection, and rent, and everything, and then what is left of the winning, he gets 25 extra of the percentage.

By Chairman Lexow:

Q. Twenty-five per cent? A. Yes.

Q. One quarter? A.. Yes; of the profit

By Mr. Goff:

Q. Do you make entries in the books about protection? A. No; we do not make that; I suppose it is from headquarters we get.

By Chairman Lexow:

Q. You mean in the lottery headquarters? A. Yes.

By Mr. Goff:

Q. I mean that you, as a policy writer, do you pay anything to the backers on account of the backers paying the \$20 a month to the police? A. No; we do not pay extra only for if some work on commission; some work on interest and commission; some work only for entire amount.

Chairman Lexow.—He testified, first, they deducted the protection money, and then rent money, and then the balance that remained there was divided, 25 cents going to the writer.

The Witness.— Yes.

Mr. Goff.— That is it as I understand it.

Mr. Lexow.— So the whole amount of protection money was first deducted from the amount they got of the receipts.

By Mr. Goff:

Q. Now, how long did you remain in 341 East One Hundred and Fourth street? A. Right straight to the first of July of this year.

Q. And how did you come to leave there? A. Well, I left there on account, on the last of November; why I stopped with Morton and went with Parker.

Q. Who is Parker? A. Another party of the policy shop; another backer.

Q. How many backers are there in New York? A. Oh, you can count; may be what I know, 17 or 18.

Q. Seventeen or eighteen backers? A. Yes.

Q. And these backers controlled the whole policy business of the city? A. Every one his own part; every one got his own place.

Q. Is there not a combine in some of them; a big combine? A. No— well, they combine this way about the prints; that is, only one that is out of there is Parker.

Q. He is not in the combine? A. No, he is by himself; he is independent; he has got his own prints; and others combine with the prints.

Q. But Mr. Parker is outside of the combine? A. Yes.

By Chairman Lexow:

Q. Do you mean to say each man has his territorial rights in this city; he has certain districts that belong to him? A. In some places there is; but in some places there is a couple of backers that go together; some captains won't allow more than one man to go with the other.

By Mr. Goff:

Q. In some precincts only one backer of policy shops is allowed to open? A. Yes; that is it.

Q. Do you know any precinct where for instance the backer has a right to open policy alone? A. So much I know Parker does not go on the west side from Fourteenth street so far as Harlem; he does not go on the west side.

Q. Harlem river; let us understand; Parker has no policy shops in the territory from Fourteenth street up to the Harlem river; on the west side; is that so? A. Yes, sir.

Q. Who are the policy backers who have the policy shops there? A. Al Adams is the king there.

Q. Al Adams? A. Yes.

Q. And what is he called? A. The king; they call him king.

Q. King of the policy dealers is it? A. Yes, sir.

Q. And he has got control of that territory? A. That is right; he won't let any one new come in there.

Q. No one new can go in that territory? A. No; no different backer.

By Chairman Lexow:

Q. How does he stop that? A. Well, if outside backer opens it he goes to the captain, and what he do when he put a couple of places around him and freeze him out.

Q. How do you know that; how do you know he goes to the captain and gets the captain to freeze the person out? A. On account I have been in headquarters, and have been in the policy shops, and I know they can not open positively a new place without the privilege of the captain.

Q. You mean that is the general rumor or the general understood custom in that particular branch of the business? A. Yes, sir.

By Mr. Goff:

Q. And you have heard it spoken of? A. Yes, I have heard it spoken.

Q. At headquarters? A. Yes, sir.

Q. Among the policy men? A. Yes; and that piece of paper prove it too; there is a little piece of paper from Parker that says it.

Q. Tell us why you went to work for Parker? A. I went to Parker and said, "You want to take my book?" I explained my business with Morton, and he says all right.

Q. What did you explain your business with Morton? A. That Morton would not pay me, and I have to run with the books down town, and it is too much for me, and if he wish for my books he could have my books, and he said all right; and so I wrote two days and one morning Wardman Smith came up

and said, "What is the matter; who took your book" I said, "Parker."

Q. Wardman Smith came to you? A. Yes.

Q. Was this at the same place, 341 East One Hundred and Fourth street? A. Yes; this was in November.

Q. And after you changed from Morton to Parker, Wardman Smith came to you and asked you who made that book? A. Yes; who took my book; I said Parker.

Q. You said Parker? A. Yes; so he went out, and the next day he came again, and he says, "Morton sent up," and Smith came and said, "Morton wants the book and you shall give them the book;" and I said, "To-day is already the third."

Q. You say that Wardman Smith told you on the second day he visited there that Morton had sent up and said you must write his book? A. Yes; to give that book to him back.

Q. To give the book to Morton? A. Yes.

Q. And not to Parker? A. Yes, sir.

Q. That is the book you wrote for the chances? A. Yes; the policy, that take the chances.

Q. That is, we have it, gentlemen — pardon this witness' language, but see if I interpret it correctly; that a wardman, a police officer of the city of New York, went to this man engaged in an illegal business and said that he would have to transfer his book from one backer of policy to another backer of policy; is that right? A. That is right.

By Senator Bradley:

Q. Wardman Smith? A. Wardman Smith.

By Mr. Goff:

Q. Well, what did you say? A. I said, no; I would not do anything of the kind; after I stopped with one man I would not go back with him; and another thing, he did not send the rent, and I have got the pay for the rent already for that place from Parker; that he went out, and Parker came next day morning; he says, "Majewski, I can not take your book."

Q. Parker came? A. Yes; "I can not take your book and dasn't take it;" I says, "How is that?" he says, "The captain raise hell for me, and if I take it he close my place, and I don't touch your book;" I said, "Never mind the captain; I go to him, and I give him my idea about what he think with



me;" so he says, "I go back;" and I watched him, and he went to the station-house back, and he came back again and he said, "Never mind, I take it now, but don't give me book again; I don't tell anybody I take your book, but afternoon I don't take it, Frenchy."

Q. He called you Frenchy? A. Yes; a nickname.

Q. That is how you are called among the backers? A. Yes.

Q. When he came back from the station-house, what did he say? A. He said, "I don't take more your book, no more, on account of the captain close every shop in his precinct."

Q. The captain would close every shop of Parker's in his precinct, if he took your book? A. Yes; I said, "Never mind; you be quiet; I fetch your books out;" he said, "You are not able;" and I said, "Never mind; I go to the captain myself;" he said, "Do not go to him; he is too wild;" I said, "Never mind."

Q. What was he wild about? A. On account that Morton wants that book, and Morton ran around; and I can prove it.

By Mr. Goff:

Q. Morton then had the privilege, the only policy man that could open in that precinct? A. Oh, no; he had it first; that was his own book first.

Q. And the police did not believe in competition; they believed in your sticking to the men you were with; is that it? A. Yes.

Q. After you told Parker that you would go to the captain and see it was all right; what did you do? A. Well, I went—Smith came after that.

Q. The wardman? A. The wardman, yes; he says, "Well, what you going to do now?" he said, "The best thing, you give this to Morton, may be he settle with you; may be he pay you what you want."

Q. Smith said? A. Yes; I said I would not do anything; if I split with a man again, I won't go to work; he said, "You did not do anything wrong;" I said, "It don't make any difference; I won't go any more;" he said, "What you going to do?" well, I went to the captain.

Q. This was Captain Westervelt? A. Westervelt; well, I would not say nothing wrong; the first thing I said, "Well, Smith has been talking to me so nice, and so I sent my sister with that book to Morton; I sent that book to Morton, and they don't accept that book."

Q. Now let us have that; just tell us what you said to Captain Westervelt again? A. No, not yet; after, yes; so I sent my sister to Morton, and they did not accept my book.

Q. You sent your sister to Morton with the book? A. Yes, and letter to send me the rent.

Q. And asking your rent be sent? A. I wanted the rent and settlement; so they did not accept that book; they did not take it; well, at night the same thing, I sent another with the book that I have before I go to the captain; somebody has witnessed I sent the book; he came back by 6 o'clock; it was a heavy play; I guess I had three dollars, two gigs for \$1,000, and I was scared there was trouble; so I went with my sister with my books the morning, and I said, "Captain there is the books."

Q. Did you go with your sister to the station-house? A. Yes, to the station-house right in.

Q. And you saw Captain Westervelt there? A. And we had been called in his office.

Q. Do you mean to say that after your sister went to see Morton and asked of Morton for the rent and a settlement and he refused it, that then you and your sister went with the books to the station-house? A. Yes, sir.

Q. And you saw Captain Westervelt? A. Yes, sir.

Q. Tell us just what you said to Captain Westervelt, and what he said to you? A. Well, I walked in his little room, and I had those two books, the morning book and the night book; I said, "Here, captain, here is my sister; Morton won't take it and I don't want to stand if there be any hit, and you have to be responsible for trouble."

Q. If there be any hitch? A. Any hit, any winnings; so he says, "Give me that;" he took those two books and he looked at both, and he says, "I tell you what I do with you;" he said, "Did you go yourself to Morton;" I said, "I sent my sister, she is here, and they don't take it, and that is a letter I sent to Morton if he pays the rent;" "I told you once you go yourself; if you don't go to-morrow yourself to Morton I come and lock you up and send you to the Island."

Q. That is, Captain Westervelt said to you? A. Yes; "If you don't go personally to Morton to-morrow I send you to the Island;" I said, "That is time enough;" and he said, "Get out of here;" I said, "Time enough;" I was not scared for him.

Q. And the captain told you to get out of there? A. Yes, sir.

Q. You spoke about a letter you had written to Morton? A. Yes, he looked at everything; he looked at everything.

Q. Have you got the letter here? A. Oh, that letter I sent about the rent, I don't think so; may be it was there; I don't know; it may be there.

Q. Is that the letter you showed to the captain? A. I don't know —

Q. No, that is not the letter you wrote to Morton; is that it? A. No; that letter is not here that I sent.

Q. All right then, we will go on; well, the captain told you to go out, you say? A. Yes; and go to Morton.

Q. Well, did you go out? A. Well, I went home, and then Smith came.

Q. Wardman Smith came again? A. Came again; he says, "I spoke with him;" I say, "Look out there; I don't like to go; I won't go; now what is the trouble; and I guess there is a letter in there; why I say, as a stranger to me, the captain is a stranger to me, that you force me to go back to Morton; I think that letter must be there."

Q. A letter to whom? A. To the captain.

Q. Did you write to the captain after you left the station-house? A. After, yes.

Q. You wrote the letter? A. Yes.

Q. Now is this the letter or a copy of the letter you took at the time? A. Yes; only a copy; I guess that is that.

Q. That is a copy of the letter? A. Yes.

Q. And you made the copy at that time? A. Yes, sir; I kept every time a copy on account if they don't answer.

Q. You kept copies of the letters that you sent? A. Yes.

Mr. Goff reads:—"December 26, 1893. To the captain: It is curious to me that you want to force me to give my books to Morton when he does not pay up or settle with me in any manner or does not send for book. I kept the book to-day till 20 minutes to 1, and no one representing Morton called. If you wish to close this place please let me know so as I may look for my bread some place else, or if Morton comes and squares up he shall have the book."

The Witness.—That is it.

Q. Now you sent the letter of which this is a copy to Captain Westervelt? A. Yes, sir.

By Chairman Lexow:

Q. Do you know he received it? A. Oh, certainly.

Q. How do you know it? A. Well, by mail.

Q. You put a postage stamp on the letter? A. Yes.

Q. And sent it to the police station-house? A. Yes; to the police station-house at police headquarters.

Q. Did you ever hear of that letter again? A. Some different letters; that is when I came to the point, and Smith he came up, and I said to Smith, "Now you got more show with the captain to talk; I don't want that trouble much; I will do something if you bring me loose; I will go where I like it."

Q. You will do something if he brings you influence so you can go where you like with the books? A. Yes; I do not care about 5 or 10.

Q. You did not care about 5 or 10 what? A. Dollars; and Smith came in the morning and said, "I got good news; there was a full crowd there; the fellows were playing policy there still."

Q. Were you playing policy when Wardman Smith came in the next morning? A. Oh, yes.

Q. You were playing policy in that shop when the wardman came in the next morning? A. Yes.

Q. And he saw that playing? A. Yes; oh, that is nothing.

Q. When you came in what did he say? A. He said he had good news for me; he said, "You can go where you like to;" "well," I say, "here, that is good enough, now I go back right to Parker;" I took book, myself and went to Parker and said, "Well, Parker, didn't I tell you I would get even with the captain;" he said "Why;" I said, "You come take the book; he said, "Did you get through;" I explained that I went to the station-house, and told him that he would throw me out to the prison, and I told him it was time enough to get me there, and did not do anything; he shook hands with me and took the book and counted it, and said, "I am glad you got victory of the captain;" I said, "That shows that you haven't enough courage when you pay so much money to Parker; you did not have enough courage."

Q. You said to Parker, "You do not have enough courage when you are paying so much every month?" A. Yes; he said he did not want to have trouble with the captain.

Q. I find a letter of December 27th, two days after you addressed your letter to the captain, and ask you if that is a copy of the letter you sent to Morton? A. That is to Morton; that is the one; that is the copy to Morton, December 27, 1893.

By Senator Bradley:

Q. After Smith brought you the good news that you had gained the victory over the captain, did you give him the \$5 or the \$10? A. I gave him the \$10.

Mr. Goff reads: "Mr. Morton, the captain has ordered me to send my book to you, so send some one to-night for my book and to let me know for how much I am working for.—Frenchy, 341 East One Hundred and Fourth."

The Witness.— Yes; that is to Morton.

By Mr. Goff:

Q. Now, you were to the point when Parker shook hands with you, and told you he did not want to have any trouble with the captain? A. Yes.

Q. What took place next? A. I started right for Parker.

By Chairman Lexow:

Q. You said he opened your book and looked at it? A. Who?

Q. Parker? A. Well, he looked at it, and at the same time there was no hit, no winning; he says, "You can have it for you;" I told him, "How you fix it?" and I told him I gave wardman \$10, and he said that book you can keep for it, and to-night we start anew.

Q. How much was the book that day? A. I guess \$14.50; that was only morning..

By Senator Bradley:

Q. That was the book you took to the captain; there was three gigs that called for a thousand dollars? A. Each for a thousand dollars..

Q. Did you ever play the "Washerwoman's gig much? A. I don't know.

By Mr. Goff:

Q. I call your attention to a letter I have here, of a date before you gave up your book to Parker, a letter that you sent

to Morton. (The witness shrugs his shoulders.) We will have to bring it out.

Chairman Lexow.—You must understand, witness, that we do not know anything about this, and we want to know all about it.

Q. Was that a copy of the letter you sent to Billy Morton; just look at it? A. Yes; that is in my writing there.

Q. That is your own name and writing? A. Yes; but I can not write plain English; but that is my own name that he knew, I said it to him.

Q. That is your own handwriting? A. Yes, sir.

Q. What is the handwriting of this? A. A young fellow; he wrote for me all the time; I could not write plain English, but I signed it, because he know I sent it myself.

Mr. Goff.—We will read this: “December 22, 1893. Billy Morton, I cannot understand what you mean by running to the captain at all times and crying like a kid for this office, because you said a month ago that this place would not even pay the rent, and you had a notion to close it up, and when I asked you to allow me for running for five months your book, you told me to get a hell out of the place. I sent my sister to you to see if she could get the rent, and to tell you to call for the books. You did not. And by letter twice, the same. You seem like a child who would lose a thing and would cry to its mama, “Give me that; give me that.” But what can I expect of a miser if he saw five cents in the hole he would go to get it. Although poor, I can afford to make you a present of the money, which by right, should be mine; you are well aware that my commission was a paltry \$2.70 to \$7 a week. I said nothing, thinking that when I asked you an honest allowance, you would do it like a man, but you care nothing for the poor as long as you get your own throat full. You go to the captain if you like, for I was there last night, and will soon see who is the victor.—Vincent Majewski, 341 East One Hundred and Fourth.”

Q. That was before you went to Captain Westervelt you threatened, to go to him when you wrote this letter? A. Yes.

Q. The second time you went to the captain and that you proved the victor? A. Yes.

Q. Now, while we are on the letter business, I have some notes here; how long did you work for Parker? A. I worked till the 1st of July.

Q. The 1st of July, how many months? A. That is from November to the 1st of July.

Q. Now I hand you these three letters here and ask you from whom you received those letters? A. They are all from Parker; there is his name.

Q. They are all from Parker? A. They are all from Parker; well, it shows here, right here, that is from Parker.

Q. And you received them from him in connection with your business? A. Yes, sir.

Q. These letters are undated, consequently I will have to read them without regard to their order of time; "Frenchy, I do not think it would be good judgment to throw the jig up; I think we ought to wait until this trouble is over."

Q. What trouble do you refer to? A. That was the trouble the time that the journals or newspapers exposed the whole policy shops and worked so hard, and they were running after us, and I came to that point, I gave Parker the place; he had one place there against him; that is why I wrote to Morton; he had against me one party on First avenue, and one on the Parker book and said that place you have to remove, and he said, I will remove it if you give me the book, and he did not do it, so I was kicking about it always.

Q. "This trouble is over; I have always tried to treat you like a man; if you do not want to do business with me I have no objection; if you wish to change your backer, but I hope you will settle up with me and leave me like a man; you are so excitable you do not stop to look at things of the past; hoping you will see things as I do and have patience, I remain, yours entirely, P;" that is Parker? A. Yes, sir.

Q. Now there is another here, "Friend Frenchy: I understand from good authority that you are splitting your book and giving it to another backer. I can not stand that, you know. I got in a good deal of trouble when I took your book. I hardly think it square to treat me so. I also heard that you refused to pay a hit that was not in my book, but the book will hold out. Kindly let me know by mail or know by the runner if what I heard was true. I will not want anyone to know outside of you and I what I have written you about. There

are so many stories going about I am sick of listening to them. Yours truly, C. B. P." That is Parker? A. Yes, that is the last one; the one you have in your own hand was before.

Q. I see; this came before in the order of time; you received this before the one I have just read — the one I am about to read now? A. Yes, sir.

Q. "Frenchy: In answer to your letter, you say I can not afford to allow any interest to anyone at present. There is too much expense attending the running of the business. I will, however, allow you \$25 for the expense of fitting up store, \$10 each month, extra for expenses. You must reduce your dues and keep them down. If you are not satisfied with this proposition, I can not do any better. I must live the same as the writers. My business has lost the last three months over \$3,000." That is from Parker? A. That is from Parker.

Q. While you run there for the period of time that you have stated were you visited by Wardman Smith? A. Yes, Wardman Smith and Wardman Mooney, and another one; he did special duty; I forgot his name — Ward or Wall, or something like that; they used to be on special duty; they used to go and order us to keep clear; it is a hard time with us now, and don't get caught, and so on, this way; they came up to their offices — policy shop.

Q. Was that the time the newspapers were printing about the policy shops? A. Yes, sir.

Q. You say during that time the wardman came to you and all the policy business, and told you to be clear and watchful? A. Yes, sir.

Q. That they had to keep watchful; is that it? A. Yes; that is what the purpose is; that is about the expense.

Q. How was the expense incurred, the increase of expense at that time? A. You know some places they have to put a watchman in front of the door and not let a stranger up, and so on, and be watchful that this man should not catch on, and the man at the door was paid, and that increased the expense.

Q. So when the newspapers got after the policy shops you had to put men in front of the door to watch? A. I never put any before the door.

Q. And the business ran down so that this letter from Parker says he lost \$3,000 in three months? A. Yes, sir.

Q. Did you hear while you were running the book for Parker there, did you hear anything further from Captain Westervelt? A. Well, about what?



Q. About the policy? A. Oh, he — he never referred to the fellow that opened around the corner from my place, another place on Second avenue, and about four places around there; so suppose I took this way that I didn't do his will, and didn't go to Morton, he would freeze me out, and he put all around, and I went up to make a complaint.

Q. You went to the station-house to make a complaint? A. Yes, sir.

Q. Let us see a moment; after Morton? A. That was with Parker.

Q. After you refused to give your book to Morton, you say Morton opened three places around you? A. Yes; Morton opened only one around me, right close away, and the same place stayed there, and the Parker fellow just off from Third avenue, and he came in the second place, and the captain let him come there, and another fellow from Third avenue came on One Hundred and Sixth street, and I was freezed out, and was surrounded, and I was only in an Italian block, and I complained of the people going around; I was always square, and I did not care.

Q. You say you complained to the captain? A. Well, when I went in Smith said, "What do you want?"

Q. You met Smith there at the station-house? A. Yes; I said I wanted to see the "Old man."

Q. Who did you mean? A. Westervelt; he said, "Don't bother him;" he said, "What is the matter;" he said, "You have to stop;" I said, "didn't you say they would be closed up, that they would give me my show; I was the first man in the neighborhood, and now you close me up for spite, and he said, "take a patience, and be all right;" and I took a patience from March to July, and couldn't do any more.

Q. You took the patience that the wardman advised you to from March to July? A. Yes; and Parker said you go and tell Smith you close them up, and make some excuse; and they pulled me around like a fool, and I closed it up myself.

Q. Did you see the captain yourself during this time? A. Before; yes; he had been in my place twice.

Q. The captain had? A. Yes; himself; but the papers exposed so hard, we came up there twice.

Q. After the Journal papers exposed it? A. Yes.

Q. Was your place in the Journal paper? A. Yes; it was there.

Q. And the captain came in after this exposure? A. Yes.

Q. What did he say to you? A. Well, we were all right sitting there, and he said, "What is going here;" well, I said, I didn't say any friend of him; I said nothing; he looked around and looked around in the store, and he winked me out; all the people knew him; most of them knew he was captain, and I went in front of the door; and he said, says he, "Look out; was any reporter here; did you see that in the News;" I said, yes; I said to him, that is nonsense, that is a lie, and was not true; he said, I can stay there; I said, I never had a conversation with a reporter, and he said, a woman came there and talked for fear that wasn't true, as I spoke myself.

Q. The reporter was right, as far as the place was concerned?

A. Yes; and he said, "What he said to you;" he asked me; and I said, "If he wanted a cigar, and if he don't want a cigar he go out; and he says, he didn't say anything; I said, you need not be worried; he did not touch me.

Q. The captain asked you what the reporter said? A. Yes; and I said he asked me, and I told him I don't know, and the reporter asked me if it was a policy shop before, and I said, I understood there was before, but the captain is so tough he closed it up.

Q. Is that what you said to the reporter? A. I said, yes; I said to the reporter so; "You look out."

By Senator Bradley:

Q. The captain said look out? A. Yes; and he went away to the store.

By Mr. Goff:

Q. While the captain was in there were there people in there playing policy? A. They were sitting around; they would not play when he came there.

Q. Now, you had a visit from the captain the second time, didn't you? A. Yes; the second time he came up I was not present; and when I came home, my sister said, "Captain was here."

Q. Your sister told you the captain was there? A. Yes, sir; and she said, "Are you sure of him?" and I said, "I know it; what did he want?" he wanted me to come up; she says, "No; we ought to move out of this house, and not to live so close here; we shall move out;" I did not bother about that.

Q. You did not bother any more about the captain? A. No.

Q. You were not to be frightened at the captain? A. No.

Q. Or of the police in that precinct? A. No.

Q. Why is it you were not frightened of them; why is it you were not afraid of them? A. We were under police protection and writing.

Q. You had a right to? A. Yes; we had a right to protection.

Q. Under their protection? A. Yes, sir.

By Chairman Lexow:

Q. Do you understand that because the police were giving you protection there, that what you were doing was lawful and proper? A. Oh, that is what you mean against the law.

Q. Yes; did you understand that because the police protected you in what you were doing, that the acts you were doing became thereby lawful and proper? A. My opinion, I was only a workingman, and so long as they came in the place to write, and the captain knew it, and the policemen were supposed to do what was right to start it, I thought it was right if he allowed it.

Q. You thought it was right, because you had obtained that privilege? A. Yes, sir; that was an important point; I said, "No matter why they go and make a complaint about policy shops; no matter if you go to Superintendent Byrnes, the policy shop would never be closed up."

By Mr. Goff:

Q. How do you know that? A. On account of two letters I sent to the superintendent; and I was myself 27 years last month in his place, and complained; "Well," he says —

Q. Hold on; let us see; you said you wrote letters to superintendent; when did you write them; was it while you were working for Parker, or after that? A. When I was working for Parker; about that — I have to explain how I came to write; so that young man who was helping me along that time, he wrote my letters.

Q. A young man that wrote your letters? A. Yes, sir; he went with me, and he says, "Why not write to him?" you know when I sent to the captain about them places.

Q. To close up the other places? A. Yes; that they tried to freeze me out; and he says, "If Superintendent Byrnes only knew, he close the whole place up."

Q. That is the young man that is with you? A. I said, "You foolish man;" I said, "I can prove you he won't close it up; I don't care a pinch of snuff; I can prove it to you;" he tried to be the smartest fellow in the city, that young fellow; I guess Mr. Moss knows him; and he says, "Superintendent Byrnes close it;" I said, "You write a letter to Superintendent Byrnes about the policy shop;" and he said, "Yes; I will do it for you;" he says. "Shall I put your name?" I said, "So long as I write, don't put my name or the house;" he wrote about four letters, and I went and mailed two letters, and I said, "I prove to you that he get it."

Q. You proved to this young man that wanted to be the smartest man in New York city? A. Yes; that he would not pull anybody, and he said, "If he get it you find it out."

Q. Did you mail the letters to Superintendent Byrnes? A. Yes, to Superintendent Byrnes.

Q. Where did you direct them to? A. To police headquarters in this city, to Superintendent Thomas Byrnes; I have a copy there.

Q. Did you have copies of them made at the time? A. Yes, every time; first young fellow wrote with the pencil and then with the ink wrote to the captain; that is with a pencil (indicating), and you know some mistake; and I told him if he makes a mistake, that he had to better that, he had to read first to me before I let him write another, and I said, and you find it out whether they be closed up.

Q. Can you say that these two letters handed to you are copies of the letters which you mailed to Superintendent Byrnes? A. Yes, sir.

Q. And they were written first, and then the letters to Superintendent Byrnes taken from these? A. Yes, they were first written and from that letter to Superintendent Byrnes.

Q. These were the drafts, so that we have it, these are the original letters, copies of which we sent to the superintendent? "New York, August, 1894. Dear Sir."

Chairman Lexow.—August of this year?

M. Goff.—That is what the figures say.

By Chairman Lexow:

Q. Is it 1894, this year? A. Yes, sir; this year; that is the last one; that one is first you have there.

By Mr. Goff:

Q. This is the 7th of the fifth month, 1894? A. That is the first one.

Mr. Goff.—Then we will read the first.

By Chairman Lexow:

Q. Seventh of May, 1894? A. Yes, sir.

Mr. Goff reads.—“Seventh May, 1894. Dear Sir.—On the 25th of April, I took the liberty to call your attention to a lot of policy shops in existence in my neighborhood.”

The Witness.—Before that letter, I sent one before, another one, which is lost, the copy is lost.

Q. You had sent a letter to the superintendent before this one?

A. Yes, that is three altogether, I think, to the superintendent.

Q. But that letter is lost? A. Yes the copy of that I lost.

Mr. Goff, reads.—“Policy shops in existence in my neighborhood, located at 2038 First avenue, 2016, 2005 Second avenue, 1980 Second avenue. Thinking that the fearless in which you always performed your duty, would encourage you to attempt to close them up, but up to the present time, they are still in existence, carrying on their low-lived business of robbing poor people of their hard-earned money. The worst of these places is located at 2095 Second avenue, because that man’s wife goes to the people in the houses in the vicinity of his place, encouraging poor men’s wives to play the robbing game. I earnestly hope that I will not have to send copies of these letters to the newspapers, but that the police department, in which I am a firm believer, as long as it remains under the guidance, of fearless and honest men, like yourself, will close these disreputable places, thereby giving to every citizen the protection which the laws of this State, entitles him. Yours truly, Ch. Hardy.” That is the first.

By Chairman Lexow:

Q. Did you dictate that letter? A. Yes.

By Mr. Goff:

Q. Let us read the other letter, first — oh, first, did you have any reply from the first letter you sent? A. I guess I can swear to it, first or second; I could not swear to that only after one letter, but which one — I think that is this one; Smitty came up to me; he says, “Now, Frenchy, they get suspicious on you sent down town the letter;” I said, “What letter; what is the mat-

ter?" he said, "Now, about them places; you know you go a little quiet;" I said, "What you talking; I did not send any letters?" I said, "What kind of letter;" I said, "Is it my name?" he says, "No;" I said, "I don't care for captain or anybody; I I write my own letters;" I would not give that young fellow away; my own opinion was to prove to the young fellow "That the terrible letter the superintendent sent to the old man, a terrible letter," "and they have a suspicion you done it;" and I said, "Let them think it;" that is all my answer.

Q. Who did you mean by the "Old man" ? A. That the captain got suspicious I wrote the letter.

Q. Then the first knowledge you had of the receipt of that letter came through the headquarters of the precinct, through Smith? A. Yes; from Smithy, the wardman; he told the name; I said, "What name?" he said, "You know now, Tom Hardy;" he said, "I know who put in that name?" I said, "No; I do not;" "Well," he said, "They got suspicion on you;" he said, "You wrote in it, the captain to close it up, and the same handwriting you sent to the captain to close you up, and that the same letter to the captain was in the same handwriting.

By Senator Bradley:

Q. This letter was in the same handwriting as the letter you wrote to the captain? A. Yes, sir.

Chairman Lexow.—So the fact was they must have seen the letters themselves?

Mr. Goff.—Oh, yes; and compared it.

By Mr. Goff:

Q. You hadn't much respect for Smith, evidently, for the wardman? A. Well, he bring me the news; he was to protect us; the wardman is the man in the force, in the kind of business, like that of gambling, have to go and tell them to be quiet or shut up.

Q. The wardman was your guardian angel? A. That is always only when the captain must come himself, only when the captain comes himself, and give us the strong information; if it was too hard in the city pulling, the captain come around and say, "It is very hard."

By Chairman Lexow:

Q. The captain makes assurance doubly sure? A. Yes, sir.

By Mr. Goff:

Q. If it is a very hard matter? A. Yes, sir.

Q. "New York, April 1, 1894; Dear sir.—As a hard working man"—you are a hard working man? A. Well, that is the way I gave it to him.

Q. "As a hard working man I am forced to appeal to you for protection for my family against the policy dens that flourish in my neighborhood, and in which my wife spends all the money I can earn these days?" A. I am not married.

Q. "There are four of them in full blast now, in my neighborhood."

By Chairman Lexow:

Q. Were those your four competitors you have spoken of? A. Yes, sir; those are the ones that started in to freeze me out.

By Mr. Goff:

Q. "In my neighborhood to which she persists in going to play in spite of my warnings and pleadings, and I have located four of them, and hereby send you their addresses, knowing that you will fearlessly perform your duty, and drive them out of the business, for which the thanks and prayers of more than one hard-working man and woman will be your reward; they are located at 2038 First avenue, 2012 First avenue, 2016 First avenue, 2005 Second avenue, and 1980 Second avenue; I am not a crank to appeal to Parkhurst, and other societies, but still believe in the efficiency of the police department, and I am willing to put myself, at any time under the protection of it. Yours respectfully, Charles Hardy."

Chairman Lexow.—I think this would be a proper time to adjourn for recess. The committee will stand adjourned until half-past 2. All witnesses subpoenaed to attend this morning, will come back at half-past 2.

## AFTERNOON SESSION.

October 10, 1894.

Present.—Senators as before.

Vincent Majewski resumed the stand, and direct examination continued by Mr. Goff:

Q. Did your young man that was ambitious to be called the smartest man in New York write any more letters to the Superintendent of Police? A. Of anybody else?

Q. About any other policy shops? A. No, you know, I just didn't send any letters around the precinct; I sent only them that freezed me out; there is about 20 or 25 more.

Q. Were those four cases that were complained of in your letters that you had written to the Superintendent of Police, were they closed up? A. No, sir; they are just running the same as they were a year ago.

Q. Running yet? A. Yes, sir; in full blast.

Q. They are backed by Martin, are they not? A. Well, a different party got there, as I stated before.

Q. What? A. Different backers got that.

Q. What became of the policy shop that you operated? A. Well, they were standing empty; there was a place empty, and then one fellow of a Parker's man said he go in the same place and he said he make a book there, and Parker said, he told me in person, the 22d of last March when I went to him about the \$100 hit, that there was no use going in that place; he couldn't make a living; nobody could make a living; but the same fellow started and is running yet.

By Senator Bradley:

Q. Parkhurst's man? A. No; Parker's man; finally I went to the station-house and I said, "I thought you stopped that block all together with the policy shop;" there is a man in my place; the sergeant said, "Where?" I said, "You know very well where;" I said, "37;" he said, "Oh, get out; you don't know nothing there; get out."

By Mr. Goff:

Q. Was this Captain Westervelt who said that? A. No; the sergeant at the desk; I think it was the 27th; I went about the \$100.



Q. When did you win \$100? A. Well, not exactly I, only one party around the neighborhood had been playing in the place 2038 on First avenue; it is a liquor dealer; he hit that \$100; he won \$100.

Q. This liquor dealer? A. Yes, sir; on the 14th of last month in the evening; so some funny things happens; the fellow said he didn't put on the books; something like that; he came up to me; he said, "You know this business too much; can I get it if he didn't put it on the books?" I said, "Did you pay it?" he said, "Yes, I have got the paper;" I said, "Show me the paper;" he showed it; I said, "Anything the writer do, the backer will have to pay; sometimes the writer is able to make a mistake, but the backer will have to stand it; it happened with me sometimes; not sometimes, but only once; so he sent the backer a letter."

Q. Did he take the play with you? A. No; that was last Monday; I didn't pay more.

Q. Where did he play? A. On 2038 on First avenue; Policy-writer Wolf.

Q. Well? A. So he sent to the backer, Parker; Parker says, "That is not on the book;" then the fellow comes to try to get the money, and he sent up; Parker says, "He has got a liquor store; he dare not open his mouth; if he goes to the captain the captain will throw him out."

Q. He said a liquor dealer dare not open his mouth? A. Yes; on account of the police, too; he said, "I don't care for anything; can't you get that money?" he said, "I am willing to give you half and half."

Q. The liquor dealer said to you? A. Yes; I said, "Show me a ticket;" I saw the ticket; it was correct in everything.

Q. You asked him to show you his policy ticket? A. Yes, sir; I got it present in my book, too.

Q. Let me see that policy ticket? A. Here it is right on the bottom, the 14th of September. (Witness produced paper.)

Q. What is this memorandum that you give to me now? A. That is the slip of a policy writer where the man got \$100 there.

Q. That is the slip of the policy writer? A. Yes, sir.

Q. Who took the play? A. Yes, sir.

Q. And the man who won the \$100; the play that won the \$100 is at the bottom here? A. Yes, sir; fifty each.

Q. Read those figures; can you read it? A. Yes, sir.

Q. Read it for us; read it slowly so that we can get it? A. "In both (meaning in both lotteries) 10-16-47, for \$50; that cost 50 cents; in the State; 10-16-47, for \$50; September 14th, p. m.;" the number did come out at night; this here is the slip from the day before (witness produced another paper).

By Senator Bradley:

Q. Are these all gigs? A. Yes, sir.

By Mr. Goff:

Q. Where is the ticket? A. That is the ticket, and that is the slip of the day before.

Q. Is there anything here that shows that this won \$100? A. Yes, sir; on account of the print proves it; I ain't got the print with me; I couldn't get a print, but I have got a running slip; I can show that.

Q. Which showed that this play won \$100? A. Yes, sir.

Q. On the 14th of September? A. Yes, sir.

Q. You have arrived to the point where the liquor dealer told you that he would give you one-half of the \$100 if you could recover it for him? A. Yes, sir.

Q. Now what did you do? A. That was on a—I think the 22d; it was terrible rain, Wednesday; I remember it was Wednesday I went with Parker.

Q. Twenty-second of September? A. Yes, sir; the week after that.

Q. This last September? A. Yes, sir; I went to Parker's headquarters and I met some fellows; they said, "You know very well you didn't play;" I said, "I have got the paper and I am entitled to the money;" he said he didn't have it on his book; I said, "You know very well you have to stand it;" he said, "Well Parker is in the country;" I said, "You didn't want to pay me my wages, and you said he was in the country; it is now the same way; want to see Parker personally;" the same time I waited till near 1 o'clock and Parker came; I caught him on Bleecker and Elizabeth streets.

Q. Where are his headquarters now? A. Well, since I went to Superintendent Byrnes he went to Crosby street somewhere; I don't know where; I said, "Parker, here I made a hit;" I said, "That is a hundred dollars;" he said—I won't repeat it.

By Senator Bradley:

Q. Repeat what he said to you? A. He said, "Go on, fuck yourself, you son-of-a-bitch; I will give you a hundred dollars;" he tried to punch me, and I went out; I said, "I will show how I do;" I just went to Houston street and went to headquarters and reported about my money, if I can get it off Superintendent Byrnes; so his brother came and held me; he said, "Come up to Parker and we will talk about that;" so he talked more things to me; he said, "Here, Frenchy, look at that; I think that you put that money in his pocket and then put it on the back;" I said that didn't make no difference; "You have to be responsible; it was a hit;" so he said, "You go on, talk to that Dutchman; he dare not open his mouth; I will give you \$60;" I said, "No, sir; I want my full amount or nothing;" "Well, I will be here to-morrow and pay you and I want a receipt of both, he said; I said, "All right, we will wait;" one day, next day; who came finally but his runner on Prince street, a negro; he came up and said to the liquor dealer, "Say, you get like a gentleman paid you \$100; that is only \$87.50; you know the backer takes 12 1-2 per cent. off nights;" he said, "We will pay you like a gentleman, but that French bastard, son-of-a-bitch, he can not get a cent out of that," and he said, "I have got nothing to do with it;" I gave to him to collect; he can do what he likes with it; so we waited another day and another day, two I guess—some day after that, and I went to Superintendent Byrnes.

Q. You went to Superintendent Byrnes? A. I went to his headquarters; the sergeant told me to wait until he came; he said, "What is it;" I explained to him.

Q. What did you say; what did he say and what did you say? A. I said, "Mr. Superintendent, I got a hit on so and so policy shop; how is it I couldn't get the money, that Parker don't want to pay;" he said, "What a policy shop; who are they;" I said "Very well, you know;" he said, "What is it;" I said, "One Hundred and Fourth street;" he said, "Who is captain;" I said, "One hundred and Fourth street;" he said, "Keep cool and answer my question; I will try and get your money; I will do what is in my power that you get your money."

Q. Tell us what you said? A. I just told him who the policy shops are; he said, "Where is Parker's headquarters;" I said, "Right across the way in Elizabeth street."

Q. Do you mean that the superintendent of police asked you Parker's headquarters? A. Yes, sir.

Q. What did you tell him? A. In Elizabeth street; I gave him that number, 298, it was in Elizabeth street; so the superintendent called two officers to go with me; and if he got any evidence to bring them up; so I went with the two detectives.

Q. Where did you go with the two detectives? A. To the headquarters.

Q. In Elizabeth street? A. Yes, sir; one detective stood in the hall chinning with another party about 15 minutes; I don't know what happened; when we went up nobody was in the headquarters; everything was cleared out.

Q. Do you remember the names of the two detectives? A. No, I don't know; I never asked.

Q. When the superintendent sent for the two detectives, did the two detectives come into the superintendent's room? A. Yes; he called them right into his room.

Q. And they stood with you? A. Yes, sir.

Q. Did he tell them to go with you to the policy headquarters in Elizabeth street? A. Yes, sir.

Q. And to get evidence? A. Yes, sir.

Q. Did you go out of the headquarters, the whole three of you together? A. We went in the hall, and one of the officers stayed in the hall; in front of the hall, with one man, and talked about 15 minutes before we broke out.

Q. Was this in the hall of headquarters? A. Yes, sir.

Q. Before you left? A. Yes, sir.

Q. So that after you left the superintendent's room you stayed in the hall about 15 minutes? A. Yes, sir; I stayed in this end of the hall, and the officer was talking with some party on the other end of the hall.

Q. You stood on the Mulberry street side of the hall? A. No, sir; I stood on the Mott street side.

Q. And then one of the two officers that the superintendent appointed to go with you went to the other end of the hall and talked to a man? A. Two or three men, I think.

Q. For about how long a time? A. For about 10 or 15 minutes.

Q. Was the other officer standing with you? A. With me, and he called this other one. "Come on, don't stay so long;" well, the same time, that was nothing.

Q. When the officer who had been away from you returned, was there anything said by either of the officers to you? A. No; one officer, he said to me, that fellow what stood with me first, he said, "If you got some way a ticket, you can call any policeman and arrest them;" "it is not necessary for me to get a ticket, where the captain knows every office," I said; I said, "You talked to me like a greenhorn."

Q. How is that? A. He said, I shall get a ticket against a policy office as evidence.

Q. That you should get a ticket for playing policy? A. Yes, sir; and to go to any policeman and have them arrested.

Q. And go to any policeman to arrest them? A. Yes, sir; I said, "That is nonsense; you people know better where they are than I, especially a captain."

Q. Did you say that? A. Yes, sir.

Q. You said to him that that was nonsense? A. Yes, sir; that if I go to them on account of that, they get nothing, and they knew each place.

Q. And that it was nonsense for them to say that to you? A. Yes, sir.

Q. Then what did the officer say?

By Chairman Lexow:

Q. Did he answer that? A. No; he didn't say nothing; then we went there to headquarters, and there was nobody there.

By Mr. Goff:

Q. Did you go straight, directly? A. Yes, sir.

Q. From police headquarters to the policy headquarters in Elizabeth street? A. Yes, sir.

Q. And when you went there you say there was nobody there? A. Then we came up around Bleecker street to Elizabeth; you see, I know fellows stand in hallways in front of a house; he ran across the way quick as lightning.

Q. The fellow that stood in front of the house? A. A kind of stool-pigeon; I said, "That is the fellow, I guess," pointing; so the officer ran and grabbed him, and he said, "Where are you going;" well, the door was closed, and they were locked in; they asked him a question, and finally that fellow said to the officer, whispering—the detectives knew that man very well, because all the conversation was very quiet between themselves; he said, "Everybody is out;" but one room they couldn't open.

Q. You say that this watcher, whom the officers knew very well, said to them quietly, "Everybody is out?" A. "They are out."

Q. Is that so? A. Yes; that it was reported that I had been arrested at the station-house.

Q. That there was a report—? A. That there was a report to the headquarters that I had been arrested the night before.

Q. That there was a report to the policy headquarters that you had been arrested the night before? A. Yes.

Q. What did the officers say to that? A. They had quite a conversation, and we didn't find nothing; the door they couldn't go in; they brought me up back to headquarters.

Q. Was there any furniture in the headquarters there? A. There was a door locked on patent lock.

Q. The door was locked? A. Yes, sir.

Q. So that the officers couldn't get in? A. Yes, sir.

Q. Why didn't they ask this watcher to let them in? A. Well, they asked in the beer saloon down stairs that man to go and get a key; they said, "You must get us a pass-key," but he said, "No, I will go and see that man if I can find him;" I said, "You don't need to look for this man, you know where Parker is better than I."

Q. You said to the watcher? A. Yes, sir; so he went out, and nobody saw anything, and they took me back to headquarters; nothing found.

Q. Did you see the superintendent on your return? A. No, sir; I reported to Inspector Williams.

Q. What was done then? A. I had to wait for some time, and Inspector Williams came in front of me; the detective came and he says, "That is the man for the \$100;" so he says to me, "Well, where have you been playing;" well, I says, "Up town;" he says, "Who is the captain;" well, I say, "Mr. Williams"—I didn't say inspector; I know him too long; I said, "Mr. Williams, you know it is Westervelt."

Q. That is, you knew Williams too long to call him inspector? A. Yes, sir.

Q. How did you know Williams? A. I knew him from the Thirtieth street station-house.

Q. How did you come to know him? A. I know him long enough.

Q. How did you come to make his acquaintance? A. I never spoke personally to him.

Q. How did you know this man was Mr. Williams? A. I know him long enough; I had a bird store, and I had been often in gambling-houses, red and black, policy shops; and when I come to any country in the world I like to see everything.

Q. You like to see all the curiosities of the country? A. All the curiosities; I have been from Siberia over to America.

Q. And you saw all the curiosities in Siberia? A. Not there; that is from 1862, the revolution.

Q. From 1862, the revolution in Poland? A. Yes, sir.

Q. You went to Siberia from Poland? A. Yes, sir.

Q. You were exiled? A. I was sent, but I got discharged.

Q. Then when you came to New York, you made up your mind to see all the curiosities in New York? A. And in Europe; every big State.

Q. When you were looking out for curiosities here, you made up your mind to see Captain Williams? A. Not that, exactly; on account I had a bad experience with the police here in a couple of months in New York.

Q. You had a good experience with the police department in New York in a couple of months? A. On account of clubbing and stealing.

Q. How did that give you an experience with the police department? A. What?

Q. How did that give you an experience with the police department? A. Well, I shall have to tell you the truth; I guess that is 17 years, now; there was an Irish eagle — I don't know what they call it — for some benefit; it was a ball here in New York of the Irish people, and I went to one of them balls.

By Senator Bradley:

Q. To see more curiosities? A. I wanted to see it; I didn't even plain understand.

By Mr. Goff:

Q. What hall was it in? A. Near Twenty-third street, on Third avenue at that time; I went there; it was something new to my country; they had a ball, and everybody was near full, drunk, after they went out I was going home; but before I went out of the place I went into the water-closet to see how much I had spent; when I commenced to count I had a \$2 bill

and some change only in my pocket; there were a couple of men fighting on the sidewalk, and I tried to separate them; a copper came up first thing and grabbed me by the neck; the copper was too drunk, and I don't know the name; that is 16 or 17 years ago; he dragged me by the neck; the policeman says, "What do you do;" he said, "Come on;" he took me to the station-house; I never thought anything happened; I never knew about the robbery; Russians are not so bad as here; he took me to the station-house; and the sergeant had a gold tooth, and the policeman spoke; I didn't understand what he said; they said, "Search him," and they went into my pockets there, and he pulled out some little change; I said, "Where is my \$2;" I looked for the \$2, and when I said \$2, he gave me a rap in the face that the blood spilled over.

Q. When you asked for your \$2, you got a rap in the face and your blood flowed out? A. Yes, sir.

Q. Was that before the sergeant? A. Yes, sir; in the station-house.

Q. Was it the police officer who arrested you that struck you? A. Yes.

Q. That was something different in treatment from what the Russians treated you, even in Siberia? A. Worse; an officer dare not do it there; I looked for that \$2; that word, "Son-of-a-bitch," I remember that; he gave me a couple of kicks in the back and got me in the cell; I came before the judge; I don't remember who it was; he was a judge at that time; the judge says, "Go home; you make a charge;" I had a fellow who spoke for me, and the judge explained I shall make a charge to the superintendent; there was that time Superintendent Walling; I remember him, an old grey man; I came up and made the charge, and took another man and explained, and then I came in headquarters for the court; well, the policeman had witnesses and a lawyer; the lawyer tried to see if I dropped that \$2; it was a kind of funny thing; my shirt was all full of blood and everything since that time; I said, "It is a nice police in New York city;" and since then I knew it; what happened to the policeman I can not tell; the next experience, which comes to Captain Williams, was when he was captain of the Thirtieth street station-house.

By Senator Bradley:

Q. Did you get your \$2 back from him? A. Never; never got that; that has got a Russian bottom; then I was in the dog



fancying business; I had 52 dogs in a yard; I used to send them over the country and all over; a big fellow came up to me about six feet may be and a half, and he claimed one dog, and he tried to take him, and I took a hatchet and said, "Get away;" for that I got arrested and sent to the station-house; the charge against me was attempting to murder him; I was discharged; the police tried to swear; the captain says to me, "You are discharged; I said, "I want the hatchet back;" he said, "You look out for the police; if you interfere with them you will get killed; I said, "That is the worse yet;" since then I know Captain Williams; Mr. Williams said, "Give me the name of the policy shops;" I gave it to him; I said, "Can I get the hundred dollars;" he said, "We will try to get you that money; I get you the money you sit here;" he rang the bell for Westervelt; I said, "Mr. Williams, can I walk out;" he said, "No, you stay here;" he said, "You won't come back;" I said, "You know me too well; my word is a word;" he said, "Since when do I know you;" I said, "Since I got in the station-house, and I told you I done what is right and you didn't have a right to arrest me, and I wanted the hatchet;" he said, "Haven't you been arrested since;" I said, "No, I got discharged; I have never been punished;" he said, "You know me then;" I said, "Yes;" he said, "Did you write policy then;" I said, "Yes, I was helping."

By Mr. Goff:

Q. Inspector Williams asked you if you were writing policy then? A. Yes; I said, yes, I was helping; he said, "All right, you can go out; come back;" it was half-past 4, and I came back up to the top and stayed there, and Westervelt was not there; Inspector Williams rang the bell again for Westervelt; Westervelt came up; the captain looked at me, and they sat down and had a conversation, Westervelt and Williams, and so much as I see Westervelt handed over a cigar to Williams to take a smoke; Williams took a paper and Westervelt called me up; he said, "Here come up Monday morning to my office, and you give me evidence against them policy shops and we will go to the Police Court and you make an affidavit against them;" I said, "What is the use of my going; you know better than I;" I said, "You know them places."

Q. You said that to Captain Westervelt? A. Westervelt; Inspector Williams didn't listen to it; he was reading a paper.

Q. While you were talking to Captain Westervelt and telling Captain Westervelt that he knew those places better than you did, Inspector Williams was reading the newspaper all the time?  
A. Yes, sir.

Q. Kept it before his eyes? A. Yes, sir; looked at it; Westervelt said, "Come Monday to the station-house;" I didn't go; I didn't want to go; I knew the nature of it; may be I would be put in prison if I went there.

Q. You were not going to go into the lion's den? A. No, I would sooner be killed than go in prison; then I know I am dead.

Q. But you were not born in Ireland, were you? A. No; Oh, well, I am sorry I didn't go there too; I would go there yet if I had any money.

Q. You think there are many curiosities for you there to see? A. I don't think it is so bad as here; I didn't go here to the police station, because I thought if I go there they would have those policy shops moved out, and if they moved away, I would be held for perjury; what is the use of my going for them people; I know how they can protect their business well enough; I didn't go the next day; after that I wrote the captain a letter again; Sunday Parker came up town.

Q. Parker? A. Parker; that was Sunday evening; he came up and called for me to One Hundred and Sixth street; and I came from One Hundred and Sixth street corner of Third avenue; he said, "You know for what I come up;" I said, "I hope so;" he said, "I want to settle your money with you, and I will tell you I don't want you to bother more the captain here."

Q. Parker said? A. Parker said, "and I will pay you that, but after I pay you don't you interfere with our business; we will settle, and if you interfere you will go to State prison;" I said, "Parker just pay the money; the rest of it will be all right;" he took me to the corner of One Hundred and Seventh street, a liquor store, and he had that negro runner and a kind of lawyer there: the lawyer fixed up the receipt.

Q. Who was the distinguished lawyer who was there? A. His lawyer was there; I suppose Parker's.

By Senator Bradley:

Q. Do you know the lawyer's name? A. No; a young fellow; he said, "Have a drink," and he went down in the cellar, Parker,

and that fellow, he said, "Frenchy, how much is it; I said "\$87.50; it is a night hit;" he said, oh, I can wait; Parker came out; he said, \$87.50; Parker said, "No, only \$61; won't you take it;" I said, "No," I won't take nothing unless I can get the full amount of my money;" he said to the negro, "Say to-morrow you close every place in Westervelt's precinct, and he can not do nothing; I don't care, I will not pay him nothing now;" and that was the end of it.

Q. You didn't get that money? A. No; I sent a letter; I said, "Mr. Captain, you are a stranger to me;" Parker came up and offered me \$61, and he says he does not care about having any officer in your precinct if I force him to pay that."

By Mr Goff:

Q. You sent a letter to Captain Westervelt? A. Yes; I said, "He don't care; you can close every place and he won't pay me that full amount; I am long enough out of work; I need it; and the place is running to-day the same as before."

By Senator Bradley:

Q. Running to-day the same as before? A. Yes; I sent somebody to play, and it is only on the 2d of this month that that same saloon man got a hit of \$10; and he has got it paid; and on the 6th 10 played, and on the 5th played, and on the 7th 10 played; the places are all open; and the 9th—

Q. What is the 9th? A. No, that is not the 9th; that is a 5, 8 and 10; you see they have a different mark on top, different places.

Q. During all your running of these policy shops, did the police ever come and play a gig with you at all? A. Oh, they play, and they play hard, too.

Q. Did they always pay you for their gigs? A. May be I say to the policeman, for five or 10 cents don't play; it is a hard game for you; I don't want your money; I know different places they go and hang up \$2 or \$3.

Q. You know places where they would hang up \$3 or \$4? A. Oh.

Q. Every place you kept did the policemen come and play in uniform? A. They come up and say, "I would like to draw such and such a thing;" but I see them different places play hard; even a wardman; they know very well where is the place;

they can get it easier than I can get it, especially now, they wouldn't let me in.

By Mr. Goff:

Q. Did you ever hear anything said among the policy men as to where this money paid for protection goes? A. Well, that money—especially the wardman comes, and some places, may be the captain himself; but I know that so much I see only once, and Parker sent to the wardman, or he paid himself the wardman; and some places the captain would collect his own money himself.

Q. You have seen Parker pay, himself? A. Yes.

Q. You have seen him pay to the wardman? A. Yes.

The Chairman.—But he says in some instances, the captain would come along and collect himself.

Q. Have you seen the captain go around and collect himself? A. Only once I saw it.

Q. What captain was that? A. Captain Dogherty.

Q. Did you see him absolutely receive the money? A. Yes; I saw him; I understood of the man it is \$80 for the captain; I see him come up, and he got the money.

Q. You saw the captain come up and get the money in his hand? A. He came regularly every month around there to their headquarters; and I have to call the manager down, because I have all transactions; if anybody had a letter to Martin, or anything, that time I had to receive the letter from the mail; letters I had to receive, and orders I received; Martin would come up; Martin is a judge in Westchester.

Q. He is a judge? A. Yes.

By Chairman Lexow:

Q. Do you mean a justice of the peace? A. Yes, sir.

By Mr. Goff:

Q. In Westchester county? A. Yes, sir.

Q. What part? A. Vernon.

Q. Mount Vernon? A. Yes; and he would come every time about 11 o'clock, and I was in headquarters, and I received all orders; so when Captain Dougherty used to come, the first time I didn't know who he was; he asked for me then; I said, "I

don't know anything about that. I haven't got instructions;" he said, "I want to see Ward."

Q. The captain said he wanted to see Morton? A. No, Ward; so I didn't trust him; I rang the bell, and he came down, and he said, "That is all right;" well, they had a conversation; they went over, and he handed over the boodle.

Q. He handed over the boodle? A. Yes; and he went out.

Q. To the captain? A. Yes, sir.

Q. When you say he handed over the boodle, what do you mean? A. The greenbacks; the protection.

Q. The bills? A. Certainly.

Q. Did you see the money in Ward's hand? A. Yes, sir.

Q. Did you see him hand the money over to Captain Dougherty? A. To the captain; yes, sir.

Q. And you saw the captain's hand take that money? A. Yes, sir.

Q. Where did he put it? A. Well, in his pocket; he didn't throw it away; then I saw him again; why certainly, after that I knew who he was, and I just went out and said, "The old man is here;" he went out with the boodle; I said, "How much do you give;" you know, I was very thick at that time; he said, "\$80 is gone again;" he said, sometimes for a new place that is being opened he has to see the captain first; on the 5th or 6th, Ward went to the police station, and fetched himself the money.

Q. He would go to the police station with the money? A. Yes, sir.

Q. When a new place was opened, there had to be additional money given? A. No; I don't believe that, on account there is too many they give.

Q. Don't they pay so much for every place, every policy shop? A. Every month \$20.

Q. So that if there was a new policy shop opened, that would be an additional \$20? A. Certainly, they have to pay \$20 or they can not run.

Q. That is the regular rent to the police? A. That is the regular rent all over; I can not swear it is \$20; but I understood from Ward it was \$20, now, and before at headquarters it was \$10, and now it is \$20.

Q. You mean the headquarters of the policy? A. Yes, sir.

Q. Do you remember any of the policy men ever having been arrested? A. Some, they get arrested.

Q What was done with them? A. Oh, dismissed, or no evidence.

Q. No evidence? A. No evidence; dismissed case, or such a thing; except I know one who has got it good; that is where Mr. Comstock arrested him; most of them get fined \$50 or \$25 or dismissed.

Q. Is there any understanding or arrangement between the backers and the writers, how they would act in case they were arrested? A. Oh, yes.

Q. What is that arrangement or understanding? A. Now, like last time, the captain has to show that he arrests some places in his precinct, that he pulled them, that he didn't like to have them; that is only for imitation.

By the Chairman:

Q. He has to make a record? A. A record that he arrested; I can prove on the 12th of June of one man; that is, 2038; that is a new writer, a green writer; I guess he started only since November; there Wardman Smith, went to him and he says, "Say, you get arrested."

By Mr. Goff:

Q. He said to the man that he would have to get arrested? A. Yes, the fellow got fooled; he said, "I don't want to get arrested;" the wardman said, "Well, you have to be arrested;" finally they sent from headquarters a different man for half an hour or 15 minutes to sit in the office and write, and after the wardman came up and arrested him.

Q. Do you mean to say that word went from the police headquarters for a man to sit in the office for half an hour or so and be writing so that the detective could go in and arrest him? A. A. Yes, sir.

Q. That is done when the captain wants to make a record? A. Yes, sir.

Q. When there is a public excitement in the newspapers or some place about the policy shops? A. Yes, sir.

By Chairman Lexow:

Q. That is not the real writer? A. No.

Q. Somebody else? A. No.

By Mr. Goff:

Q. Somebody whose services are not so valuable? A. If anybody come with a ticket and say, "I have been playing in this place," they say, "Did this man write you;" he say, "No, I never saw that man before;" case dismissed in police court; that is easy enough.

Q. How do they arrange to arrest the man that doesn't do the writing; how do they fix it? A. Well, the captain sends to headquarters, I suppose how they can do it, and from headquarters policy shop they go and say, "You get arrested; keep very clear to-morrow; you have to stand there until they come for you."

Q. We don't understand yet about the person who brings the ticket, and is asked in the Police Court if the prisoner is the one that did the writing; is it the same one that did the writing for the policy player that gets arrested? A. No, a different man is arrested.

Q. A man that didn't do the writing at all? A. Yes, sir.

By Senator Bradley:

Q. They put a dummy in his place? A. No, he has to be a smart fellow; a dummy would give away everything.

By Mr. Goff:

Q. Then the dummy would be sent there especially to get arrested? A. Yes, sir.

Q. And he would sit in the policy shop until the wardman came in? A. Yes.

Q. Then the wardman would come in and take him away? A. Take him to the station-house; then he would get bailed out, and the next day would go to the court.

Q. And the policy player who makes the complaint is brought before him, and asked if that is the man that did the writing? A. Yes, sir; sometimes.

Q. And the complaint is dismissed? A. Sometimes they don't bring any man against them, except expose them; a runner came up and asked me if I have some old slips from some years back, to give it to Hoffman on account he get to-morrow pinched; I said, "What have I to do with Hoffman;" Well, I noticed that Mooney and Smithy have been standing

on One Hundred and Fourth street, and I suppose they went up and arrested Hoffman right in the policy shop; they brought him to the court; no evidence; dismissed; I knew two days before that he would get arrested.

Q. Hoffman did? A. Yes; he knew; and just the same thing with Wolf; that is what I know.

Q. Are there any other cases of arrest that you call to mind now. any other men that were arrested in that way besides Hoffman and besides Wolf? A. I saw many arrested; I didn't know such names; at that time I didn't write, but I knew persons; at that time I was in it, and they were asking some questions; so I know what I can swear; another place, about three years ago, there was on Houston street one policy shop the same way pinched; a different man was in the place pulled; they came in, pinched the place, and took a different man who never was in the place before, and discharged him in Essex Market, as there was no evidence.

Q. Did you ever understand that arrangements were made to pay the fines in cases that men were fined? A. The backer has to pay; if he don't protect them writers, they will quick squeal on him.

Q. How do they stand about the man that was sent to the prison, to the penitentiary? A. Oh. I can not swear to it, but he was a particular friend of mine; they put him back to work; the backer put him back to work.

Q. As soon as he got out of prison? A. Yes.

Q. How was it that they let him go to prison? A. Comstock caught him that time too much; Comstock himself; I see that; I was in that place; he jumped over the counter and got back, and he threw just the same time the books in his stove; and he said, "Now, I have enough evidence;" and they had the papers; Comstock went himself hard at it.

Q. He got the evidence? A. Certainly; he had it; there was a real arrest; it was not a police arrest.

Q. It was not a police arrest? A. No.

Q. Then you don't call a police arrest a real arrest? A. Oh, it is only a fake.

Q. Did you ever know Joe Kay, a man by the name of Kay? A. I don't know, sir; I don't remember them names so very well; may be I heard it.

Q. Do you know Jim Harris? A. I think I have heard it; they must be somewhere on the west side, I guess; that time I was not much myself; I was only playing.



By Chairman Lexow:

Q. You say substantially, do you not, witness, that the police not only know the backers, and where they live, but that they know the writers, and they know the houses in which the writing is done? A. Certainly.

Q. And that there is an attempt practically of concealment of these houses from the police at all? A. No; on account it is not possible; now, when they heard that I went to the Lexow committee they moved from this house to the next house; the backer is able to pay another rent; they go to the next house and write in a room, but the police know every place; they give protection; if there is no money in them, they fine them; if there is money in them, they don't fine them; they be careful that the police don't get outside.

By Mr. Goff:

Q. Just repeat that, please? A. They get orders from the wardman to be careful that you don't catch them, that such and such a man goes around to get evidence against the policy shop.

Q. The fact is, that unless you did get that protection, you couldn't carry on this policy shop business? A. No.

Q. Unless you were protected by the police? A. No.

Q. Not only do the police fail to make arrests, but they stand in the way of arrests being made? A. Certainly.

Q. To persons engaged in that business? A. Certainly.

Senator Bradley.— He says that when any strangers are going around from these societies, the wardman notifies them to be careful of such and such a one who is going around to get evidence.

Witness.— I was happy never to be arrested.

Senator Bradley.— It would be well to take those slips that he has got.

Witness.— Well, I would like to get that one. I get the money may be back. May be I have a chance to get my money, if I make a case for the court.

Q. You mean this here (referring to slip)? A. Yes.

Q. We will give them back to you; you think if the numbers were published, you wouldn't have a chance of winning? A. No, not that; but that place anyhow will be gone, and they will

laugh at you; they will say, "You are a damn fool; you go before the committee, and we are writing yet; we have got money, and what do you get; you go like a dummy there; and you know nobody stops policy shops; there is too much money."

Q. What I want is those slips that you have in your vest pocket; I want to look at them; those slips that you bought last week or this week? A. I didn't buy them alone, not myself.

Q. You bought them in for others? A. That is a hit on Parker (producing paper); that is on the second night this month; that is a hit on the cross.

Q. This slip that you hand me, have you played that slip? A. I played that for that same liquor dealer, and he won on that; that is on the 2d of this month.

By Senator Bradley:

Q. He made a hit and got paid? A. Yes, sir; somebody went and played for him; they wouldn't let me in; here is one of the 9th of this month, on the night (handing counsel another slip).

Q. "B. N." what does that stand for? A. In both nights; in both lotteries nights.

Q. The 8th of the 10th month? A. Yes, sir.

Q. "22-50, c. s. 20;" what is that; read that? A. Oh, that is "capital saddle."

Q. Oh, a capital saddle? A. Yes, sir.

Q. What does 20 stand for? A. For 10 cents, \$20.

Q. If a player would win? A. Yes, sir.

Q. What are the numbers, 22-50?" A. The capital saddle.

Q. Now, there is another; there are two plays there, capital saddles? A. That is another one.

Q. "22-1-10-F?" A. That is a 22 first.

Q. And \$10 for 10 cents; is that what that means? A. That is 10 shillings for 5 cents.

Q. Now, this on the 9th? A. (Referring to paper.) No; that is before, I guess.

Q. That is the 10th? A. No, I don't think so; 10th, 5th; that is a 5th of the 10th; that is a different writer; one says 1st the month.

Q. They reverse it? A. Yes, sir; that means a different writer.

Q. This means the 5th of the 10th month? A. Yes, sir.

Q. Here are numbers "57-57-73-J-20;" what does that mean?

A. That is a \$20

Q. What sort of a play is that? A. That means, what is in front is dollars; what is back is shillings.

Q. But the number here is a gig? A. Yes.

Q. 22-c; what does that mean? A. That is, "22-50," capital saddle.

Q. Fifty dollars? A. Yes, for a quarter.

Q. And then there is 22-first? A. Twenty-two first.

Mr. Goff.—Mr. Chairman, I don't know that we ought to prosecute this inquiry further, because the particularity in the aptitude shown by Senator Bradley in memorizing these numbers may lead to very serious results. I think, Mr. Senator, we have enough on the record now.

Q. Where were they bought? A. Around my neighborhood.

Q. Give us the place? A. There is in the paper, the place.

Q. No, there is no address here? A. The place in them letters.

Q. One of the places in the letters that you sent to Superintendent Byrnes? A. Yes, sir.

By Senator Bradley:

Q. Four places? A. Yes, sir; them places.

By Mr. Goff.—

Q. They are in full blast yet, you have said? A. Yes, sir; I would like to get the money.

Q. How much will you take cash for those tickets now? A. I wouldn't sell any; I don't want to rob this man.

Q. You want \$100? A. No, sir; \$87.50; he gets half, and I get half if I get it.

Mr. Goff.—I thought it would be proper, Mr. Chairman and gentlemen, to read from the report of the superintendent, dated September 6, 1894, reporting compliance with resolution of commissioners relative to the condition and efficiency of the police force. This is the official report. I merely wish to read that portion of it applicable to policy, which is as follows: "As to policy, it is a species of petty gambling, degrading in itself, and very difficult to entirely eradicate. It is at the present time practically broken up, or confined to itinerant venders of policy slips, and to obscure places, chiefly in tenement-houses, in the back rooms of liquor saloons, cigar stores

and on the street corners, and it is so stealthily, secretly and guardedly conducted that it is well nigh impossible for persons, not well known to policy writers, to obtain slips. And in many cases, even when the player is well known to the vendors, the former is compelled to write out the slip himself, so carefully are the vendors or dealers to protect themselves from arrest and prosecution."

Q. Three hundred and forty-one East One Hundred and Fourth street was your place? A. Yes, sir; there was my place.

Mr. Goff.—I read from the official records of the police department the case of a complaint against Captain Josiah A. Westervelt, of the Twenty-second precinct. Charge, neglect of duty. Complainant, Superintendent Thomas Byrnes. The date of the complaint is March 13, 1894, and the date of Judgment April 3, 1894.

Q. Now, when did you see Byrnes as you testified to-day; what time did you see Superintendent Byrnes about this \$100 transaction? A. On Saturday; I don't know whether it was the 22d or 23d; on the 14th was the hit; that was Friday, and the Saturday after this I went to him.

Q. What month? A. September, last month.

Q. A few weeks ago? A. Yes, sir.

By Senator Bradley:

Q. That would bring it the 22d of September? A. Yes, sir; the 22d of September.

Mr. Goff.—I read from the official complaint, dated March 13, 1894, to the board of police, of the police department of the city of New York. "I hereby charge Captain Josiah A. Westervelt, of the Twenty-second precinct, with neglect of duty. Specifications: In this, to-wit: That the said Captain Josiah A. Westervelt did on or about the 5th day of September, 1894, fail to suppress the following named policy shops, and places where policy or lottery slips were sold, in the city of New York; that is, 156 East Ninety-eighth street."

Witness.—They have moved now.

Q. Gone some place else? A. The next block.

Q. "No. 240 East Ninety-seventh street?" A. Well, he is around there in some private room there.

Q. "No. 333 East Ninety-seventh street?" A. Well, I can not tell sure where he went, but he is around there in some private house.

Q. "No. 2012 First avenue?" A. Well he is writing now in different rooms, and his regular shop is 2016.

Q. "Two thousand and twenty-eight First avenue?" A. Two thousand and thirty-eight.

Q. Two thousand and thirty-eight it should be? A. Yes, that is where the \$100 was hit, and Parker closed him up on account of that.

Q. That is why he closed him up, because there was a \$100 hit? A. Yes, sir.

Q. "No. 322 East One Hundred and Fourth street?" A. There has never been there a shop.

Q. There has never been a shop there? A. No, sir; that is a wrong report.

Q. "No. 333 East One Hundred and Fourth street?" A. A wrong report.

Q. "No. 341 East One Hundred and Fourth street?" A. That was my place.

Q. That was not a wrong report? A. No.

Q. How about these two wrong reports; how wrong reports were made? A. They couldn't find it; I don't know how they got it; I was the first man to know; I was the first man to open a place in Harlem in this neighborhood, so I knew particularly that nobody was there.

Q. "No. 1788 Third avenue?" A. I don't know about that place, I heard it; oh that is near Ninety-eighth street; that is open yet.

Q. Open yet? A. Certainly.

Q. "One Hundred and Sixth street, between Second and Third avenues?" A. That has moved to Second avenue.

Q. "South side of One Hundred and Sixth street, between Second and Third avenues?" A. That fellow has moved now to 2005, around the corner.

Q. "One Hundred and Eighth street between Second and Third avenues?" A. Yes, sir; I guess you have got there a right report about that place; he is now in a barber shop writing on Second avenue.

Q. "North side of One Hundred and Tenth street, between Third and Lexington avenues?" A. I didn't go in his place.

Q. "One Hundred and Fourth street near Second avenue?" A. Wolf's place; he is on Second avenue now.

Mr. Goff.—The witnesses were James W. Slate and William M. Fuller of the New York Herald. It is signed Thomas Burns, Superintendent of Police. Approved, James Martin, President.

The finding on that was guilty with an infliction of punishment of five days' pay.

Q. That was on April 3, 1894, and since then you have been to see the superintendent in relation to the \$100 strike? A. Yes, sir; that was last week only; after that Westervelt was before the committee; after that he came to me to see what the reporter spoke to me.

Q. Who asked you? A. Westervelt.

Q. Repeat what he said? A. He came up and asked me if the reporter had been talking to me.

Q. Where did he go to ask you that? A. To my policy shop; to my place.

Q. Three hundred and forty-one? A. Three hundred and forty-one.

Q. What did you tell him? A. I told him I didn't have much conversation with him on what he had been asking; I said, "You are too hard a man, and don't allow nobody around here to keep policy shops.

Q. Did you say that? A. Yes, what I say.

By Senator Bradley:

Q. You told him the captain was too hard, that he wouldn't allow any policy shops around there? A. Yes, sir.

Q. That was in harmony with those letters you wrote to Byrnes? A. Yes, sir; same kind.

Q. The same kind of taffy? A. I was willing to prove; Byrnes say he do everything, he wants nobody robbed, he will close them up.

By Chairman Lexow:

Q. You said that you saw Captain Dogherty call for the money; do you know Captain Dogherty by sight? A. I have been told that was Captain Dogherty.

Q. Did he have his uniform on? A. No, citizen's clothes.

Q. Describe him? A. Oh, a big tall man, stout; if I see him I would know him well; a big stout fellow.

Q. Red faced or pale? A. Kind of red faced; no, not pale.

Q. A florid complexion.

By Mr. Goff:

Q. What color was his moustache; was it black or gray? A. No, not black; a kind of yellow, kind of sandy moustache; like that gentlemen there I think more.

Q. A dark brown? A. Yes.

Q. A heavy moustache? A. Yes; I know him when I see him.

By Senator Bradley:

Q. How often did you see him at headquarters? A. I saw him three times come around there.

Q. Every time he came he got his \$8, did he? A. Every time; I don't know just how much; I said, "That is a nice pile;" he said, "Well, \$8 gone again."

Chairman Lexow.—Do you want to put any more questions to the witness?

Mr. Goff.—No, sir; we will excuse this witness.

Chairman Lexow.—That is all.

Lieber Friedman, 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. No. 90 Stanton street.

Q. You have told me that you were afraid, haven't you? A. No, not afraid.

Q. You are not afraid now? A. But I want a man to speak German, and I will tell you everything in German, and the man can tell you everything in English language.

Guelf Elbing, was sworn as interpreter:

Q. Have you a brother-in-law named Joseph Frankel? A. A brother-in-law.

Q. Does he keep a saloon? A. He had a saloon in Hester, corner of Suffolk.

Q. Seventeen Hester? A. Seventeen Hester.

Q. Do you know about Frankel getting into trouble? A. I know he had trouble.

Q. About a year ago? A. About the 12th of February, in the evening, he was arrested.

Q. When was that? A. Twelfth of February, 1894.

Q. The 12th of February, 1894? A. Yes, sir.

Q. He was arrested? A. Yes, sir.

Q. In the evening? A. Yes, sir.

Q. Do you know what he was arrested for? A. I don't know what.

Q. Did you hear the charge that was made? A. He was discharged.

Q. Did you hear the charge that was made against him? A. (Interpreted.) I was not there.

Q. You went to court afterward, didn't you? A. (Interpreted.) Somebody else was in court, not me.

Q. Weren't you at court at all? A. (Interpreted.) I was with the judge before the trial came off.

Q. Weren't you in court at all in this case? A. (Interpreted.) No, sir.

Q. Don't know that he was charged with robbery? A. (Interpreted.) No.

Q. Don't you know that it was charged that he had stolen \$10 from a man that went into his saloon? A. (Interpreted.) I don't know any particulars; simply the questions that were put to me afterward.

Q. Do you not know from them that it was charged against you that he had stolen \$10? A. No, sir.

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

Q. Didn't you see him in jail? A. (Interpreted.) The second day.

Q. You went and visited him? A. Yes.

Q. How did you get in? A. (Interpreted.) Through the alderman, Charles Smith, who took \$1 gate money.

Q. You say this Charles Smith took \$1 from you as gate money to let you into the jail? A. For the doorkeeper; he said \$2 the first time for two men that goes in, and he put the money in his pocket, and I didn't see him give the doorkeeper anything; we went in there, and Mr. Charles Smith was out.

Q. How many times did you give Smith money to get into the jail? A. I didn't give him the money, because it was the other man, Rosenzweig; he would not take it from me; and I saw him take the money two or three times.

Q. Who was Mr. Rosenzweig? A. (Interpreted.) He was the brother of the lady to whom I am engaged.

Q. Did you hear any conversation between Mr. Rosenzweig and Mr. Smith about going below? A. (Interpreted.) On the



13th I went to the saloon to look for Mr. Solomon, who lives in the neighborhood; he has his property there, and I came down to see Mr. Solomon to bail Mr. Frankel; I didn't find him there, and I came back to the court at the same time, and I saw Mr. Solomon was waiting for us there; I was together with Mr. Rosenzweig; he was waiting for us; when he came there, he said, "What do you want;" I said, "You are a friend of Mr. Frankel's, and I want you to go bail for Mr. Frankel;" he said he couldn't give no bail to Mr. Frankel, because the property is not in his own name; the property is in the name of his wife; I said to Mr. Solomon, "If you will please send your wife to bail Mr. Frankel;" he answered to me, that his wife couldn't go to-day because she has got swollen feet.

Q. What conversation occurred between Mr. Smith—? A. I am coming to that matter; Mr. Solomon says to me, Mr. Friedman, you go around and look for bailers, you have too much trouble; because sometimes you have complaint of bailers, and they bring you too much trouble; you better go to Mr. Charles Smith, and give him something, and he will bail you; that is what Mr. Solomon said; we went across the way to Charles Smith; Mr. Smith was not there; we waited until 10 o'clock; at 10 o'clock Mr. Charles Smith came in, and Mr. Solomon was speaking first to Mr. Charles Smith; then we went down in the back room; Mr. Charles Smith came in the back room where there was only I and Rosenzweig; Mr. Smith asked the question, how much money I will give him; I asked him how much do you want to have; he didn't ask me what trouble; he didn't ask me nothing, because maybe he had information before; I told him, "I can not give you any more than \$10 or \$15, because we are poor people; we ain't got much money;" he answered me, "That is too common; I won't bother with you; we walked out from the saloon; we walked over to the court, across the way; he came in the court; the trial was open, and there was the court full with prisoners, and Mr. Frankel was right in the end with Detective Hussey; he was there and every prisoner was come before the court and everything before the judge, and Frankel was left until it was too late, until 12 o'clock, and at 12 o'clock the court was closed, and we went away, and Frankel was sent in prison again, the jail; we went out from the court, and were going home looking for a man who would bail Mr. Frankel; we couldn't find one so easy, and we went back

to Charles Smith, and we asked what he wants to have; he said he wants \$200; we walked again away, and at this time, at dinner time, when the court was closed, Mr. Solomon went in the jail and he made Frankel afraid; he said, "Frankel, if you don't settle with Charles Smith to-day you may get 10 or 15 years;" the boy was afraid; it was the first time he was arrested in his life, and he writes a letter to me in jail, through Mr. Solomon, to tell me to settle with Charles Smith; the letter was in the Roumanian language; I received that letter, and I see that Mr. Frankel says to do the best I can to settle with Charles Smith, and to take him out.

Q. That is Solomon you are speaking of? A. Solomon; he says to me, "I was inside, and I paid for going in, too, and I just spent the money out of my own pocket; of course, I will do well for Frankel, because I know him;" that is what Mr. Solomon said to me.

Q. Did you see any money paid? A. He says he paid the doorkeeper to go in.

Q. I mean the \$200? A. I will come to that; then Charles Smith said he didn't want to have less than \$200; I told him I can not do it myself, because I haven't got the money; I want to see Mr. Frankel to speak with him; he says, "It cost money to see him; you have got to pay;" he wouldn't take any money from me, only Mr. Rosenzweig gave him \$2 the first time; Mr. Rosenzweig gave him \$2, and he went over and had the door opened, and we went into Frankel.

Q. This is the Essex Market court? A. Yes; and Frankel says that Solomon was in there, and he makes him afraid that Charles Smith can make against him a case and he can not settle with him; Frankel said to go out and give \$25; I went out from the court again to Charles Smith and offered him \$25, and to \$50 I raised it; he said he didn't want to bother with us, that if we didn't settle to-day, to-morrow it would be dearer.

Q. If you didn't settle to-day, to-morrow it would be more? A. To-morrow it would be dearer; we didn't care so much if he was a plain man, but the alderman, the boss of the Third Assembly district, to say such a thing, we thought very hard.

Q. This is the great Silver Dollar Smith? A. Yes; we offered to have \$100, and he went away, and he said, he didn't want to take a cent less than \$200; we went away to our house; I went down there and then I went back to the saloon to see Mr. Solo-

mon, and to see another man; I went to Michael Rosenthal, he is dead, of 165 East Broadway, to take some information of the man, because I was afraid to trust him \$200; may be he don't get the bail, and afterward he wouldn't give us the money;

Mr. Rosenthal said, "I can not tell you nothing, because Charles Smith is a big swindler;" he said, "I don't know what you can do;" this time we passed Essex street where Charles Smith has got his saloon; Mr. Charles Smith was outside himself; he said, "Say, boys, if you run all day, if a man comes to the court and puts up \$100,000 cash bail, you couldn't get your man out;" that is what Mr. Charles Smith said to us.

Q. He told you to stop trying to get bail? A. Yes; well, we went away this time down to Michael Rosenthal, and he gave me such information that he couldn't tell anything about it, because Charles Smith was a big swindler.

Q. He wouldn't go bail? A. No; Mr. Rosenthal I went to for information; if I can trust to Charles Smith \$200; he said to me he could not tell me nothing, because he knew him for a big swindler.

Q. Go ahead? A. We went in again to Frankel, and we told him these words, or Charles Smith said to us that we would not get him out at all; he said, "Go down and settle with him;" if he brings me in big trouble, it will cost me more than that; if he takes his association man for a witness, he can do what he likes, and it will cost us more money; well, we went down to the saloon and settled with Charles Smith for \$200; that was on the 13th, in the afternoon about 3 or 4 o'clock; he didn't bring him into the judge this time all day; he was arrested all day, and the second day, in the morning, the 14th of February, I went to the pawn shop, to Simpson's, corner of Delancey, and put in a diamond ring for \$65 what belonged to Frankel, and I put in a chain which belongs to Frankel for \$20 in my name; Rosenzweig was with me; I got \$85 from there and delivered it to Rosenzweig; the father of Mr. Rosenzweig he drew from the bank \$100; that was \$185, and \$15 Frankel had himself, and we had \$200, and we went in about 10 o'clock to Charles Smith, and Charles Smith has a stage and a skirt-room there; he told Rosenzweig he wouldn't let me in; he told Rosenzweig to give him the money; Rosenzweig delivered him the money; I didn't see it, because he wouldn't let me in at all; this time no man had a right to come near him to see anything about it; well, he had the money, and he went over to the court, Charles Smith and Rosenzweig, and he brought Frankel

before the judge, and he put his claim before the judge, and the judge discharged him.

Q. He discharged him without bail at all? A. Without bail at all.

Q. Your arrangement with Smith was that you thought Smith would bail him? A. Yes, sir.

Q. But Smith did better than that; he brought him right up from the prison and took him before the judge, and had him discharged without going his bail? A. Yes; the detective brought him before the judge.

Q. What detective? A. Hussey; he brought him in before the judge, and put the claim before the judge, and the judge discharged him honorably.

Mr. Moss.—It will be shown that he was charged with the robbery of \$10 from the person of a man in his saloon.

The Witness.—He went home, and that was all. We didn't bother about it, because we didn't hear about the Lexow committee at all. The last three months we heard about the Lexow committee.

Mr. Moss I would say that this evidence comes in out of its place. It has been very difficult to get this case together. Mr. Frankel has been frightened away.

Q. You will have him here to-morrow? A. Yes.

Mr. Moss.—Mr. Frankel has been in court once or twice, but we have been unable to place him on the witness stand, and as we got him tractable to-day, we put him on a little out of the regular order.

Q. What was the judge's name that discharged him? A. I couldn't tell you.

Mr. Moss.—I read a summons and complaint in the City Court of New York, in the case of Max Rosenzweig against Charles Smith. The essential part of it states that, on or about the 14th day of February, 1894, the plaintiff was possessed of \$200, and delivered the same to the defendant upon condition that the defendant should go and become the bail or surety for one Joseph Frankel, upon a certain criminal charge, then pending against said Frankel as aforesaid, under which he was then in prison in the Essex Market Police Court, in the city of New York, and held under \$1,000 bail for examination; such \$200 to be and remain with the defendant as collateral security upon the obligation to be so incurred by him; and upon the discharge

of the said prisoner, the defendant released from such obligation, such sum of \$200 was to be returned and redelivered by the defendant to the plaintiff.

That the defendant did not go or become the bail or surety for the said prisoner, and did not incur any liability or obligation at his request in the matter of the bail as aforesaid, and said Frankel remained so imprisoned in the Essex Market Police Court, in the city of New York, until proceedings were subsequently had in the aforesaid criminal action against the said Joseph Frankel, and that the same came on for examination in due form of law, in the said Essex Market Police Court of the city of New York, and such examination resulted in the acquittal, discharge, and release of such prisoner.

That thereafter, and before the commencement of this action, plaintiff duly demanded from the defendant the return of the said \$200, with which such request defendant has failed and refused to comply, and that he has converted such moneys to his own use.

This complaint is verified by Max Rosenzweig, before a notary public, and the action is brought by Eugene I. Yuells, as plaintiff's attorney. The summons is dated September 18, 1894.

Chairman Lexow.—In the City Court?

Mr. Moss.—In the City Court.

Chairman Lexow.—What is the answer?

Mr. Moss.—There is no answer here. I haven't received it.

Mr. Goff.—Do you wish to adjourn, Mr. Chairman, until to-morrow morning.

Chairman Lexow.—The committee stands adjourned until to-morrow morning at half-past 10 o'clock. All witnesses subpoenaed will attend here to-morrow morning at half-past 10 o'clock.

Proceedings of the Forty-fifth 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 Superior Court room Part III, in the city of New York, Thursday, October 11, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley and Cuthbert W. Pound; John W. Goff and Frank Moss, of counsel for the committee.

The Chairman.—There is a communication addressed to the committee from the American Society for the Prevention of

Cruelty to Animals, as follows: "October 10, 1894. A witness by the name of James Hughes was examined before your committee yesterday, and in his evidence stated that he had given a police officer five dollars to permit a dog-fight to take place at Riverdale. The purpose of this communication is to request that you permit the official stenographer to furnish a typewritten copy of his minutes of the evidence of James Hughes; the cost of which to be paid by this society. Yours very truly, John P. Haines, President."

On motion of Senator Bradley, it was unanimously ordered by the committee that the request be complied with.

Agustin Forget, called as a witness on behalf of the State, for further examination, testified as follows:

Direct examination by Mr. Goff:

Q. Mr. Forget, since you were examined here on Tuesday, have you looked over your books, and memoranda in your office?

A. Yes, sir.

Q. And have you made inquiries concerning this entry to which your attention was called on December 31st? A. Yes, sir.

Q. You have testified that you had a cashier that ran away and embezzled some money? A. Yes, sir.

Q. And his disappearance from the company threw the affairs of the office in confusion to some degree, didn't it? A. Yes, sir.

Q. Now, from the examination that you have made, and the inquiries that you have made of all the persons connected with this matter in your company, have you been able to get any further, or more definite information touching this item?

A. Yes, sir; this money has been paid to Captain Schmittberger.

Q. This money was paid to Captain Schmittberger; well, do you remember now that your attention has been called to the particular circumstance, of how the money came to be paid to Captain Schmittberger? A. Yes, a man came to see me, and he pretended to come from the captain, and he told me that as we had not paid the \$10 a week for the officer for nearly a whole year, he wanted to know if I could not contribute to his payment; that must have been in November or December, the beginning of December.

Q. When this man first came to you? A. First came to me.

Q. Now at that time, the company had discontinued paying the \$10 a week, after De Gann had been removed? A. Yes.

Q. And he was removed, sometime in the early part of January, 1891? A. Yes.

Q. Now, this officer came to you and told you he came from Captain Schmittberger? A. Yes, sir.

Q. What did you say? A. Well, I told him I would consider for a fortnight about, and then Captain Schmittberger and this man came again.

Q. In a fortnight? A. About a fortnight, or three weeks; but he came on that day.

Q. On the day this entry was made, on the 31st of December? A. Yes, sir; oh, he asked me if I had decided to give the usual amount, a year's amount; that is for 52 weeks, less two or three weeks paid to De Gann; I gave him \$500.

Q. That left, after De Gann had received about two weeks pay, that left about 50 weeks? A. Fifty weeks at \$10 a week, \$500.

Q. And making a calculation on that basis, it amounted to about \$500? A. Yes, sir.

Q. Now, was this man that first came to you, this officer who first came to you—he was accompanied by Captain Schmittberger? A. Not the first time.

Q. But the second time? A. The second time; Yes, sir.

Q. Was the captain in plain clothes—civilian's clothes? A. Yes, sir.

Q. Was his man also? A. Yes, sir.

Q. Have you any recollection of his man's name? A. No, sir; but I would know him at once.

Q. You could identify him? A. At once.

Q. Did you have any lengthy conversation with the captain? A. None at all; very few words.

Q. Few words? A. Few words.

Q. You told him, did you, that you decided to give him the \$500? A. Yes, sir.

Q. And in what shape did you give him the money? A. In bills.

Q. In bills; and you handed it to him, and he left? A. To him, or to the man I am not quite sure.

Q. What is your best recollection? A. I think it is to him.

Q. To the captain himself? A. To the captain.

Q. And the money was taken? A. The money was taken, yes, sir.

Q. And that is the last you saw of him on that question? A. That is the last I saw of him on that point.

Q. Now, one more question; your sympathy has been touched to a great extent on account of appeals made to you concerning the captain and his large family? A. Yes, sir.

Q. Your sympathies have been moved? A. Yes, sir.

Q. But Mr. Forget you have come to recognize this as a public duty to come here to the witness stand and tell the whole facts; you recognize it as a public duty? A. Yes, sir.

Q. And you also recognize that in the payment of this money that it was for the interest of your company to be on good terms with the police? A. At the time; yes, sir.

Q. At the time; and of course you recognized here that this Senate committee does not wish to embarrass you or your company, but you have a duty to perform to the public; you recognized that? A. I do.

Q. And in your recognition you have come here this morning to give us the testimony you have given us touching the whole transaction? A. Yes, sir.

Mr. Goff.—That will do, Mr. Forget.

The Witness.—Thank you.

Matthew C. Riley, called as a witness on behalf of the State, being duly sworn, testified as follows:

*Direct examination by Mr. Goff:*

Q. Officer, how long are you on the municipal police force of this city? A. Twenty-six years next month.

Q. Twenty-six years? A. Yes, sir.

Q. And I notice, officer, that you have never received promotion? A. No, sir..

Q. You are a poor man, officer? A. Yes, sir.

Q. You are? A. Yes, sir.

Q. Officer, with regards to promotions, I want to ask you if it is a common understanding and rumor among the policemen of this city, that promotions can only be had on payment of money? A. Well, there are such rumors, but I don't —

Q. I am not asking you now for any specific cases; but when the officers meet in the ward room or the meeting room of the station-house, is not that subject frequently discussed and spoken



of, that promotions in the service, as a general thing, have to be paid for? A. Well, we have not got any rooms, the squad I belong to; we do not have any sitting rooms.

Q. You belong to the steamboat squad? A. Yes.

Q. And yet in meeting with your brother officers, hasn't that subject been frequently spoken of? A. Well, there are times; yes, that the men say such was the rumor.

Q. Now, hasn't it come to this extent that policemen who have been on the force for a great many years, and who have done good and faithful police duty and who have not been promoted, according to their length of service and work as policemen, has that not been made a subject of frequent complaint among the men? A. No; I don't think I could say so.

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

Q. Haven't you heard it frequently said that police officers of short term of service have been put over the heads of older men on the service? A. Oh, we know that; yes.

Q. Has it been openly said among the members of the police force that many of these promotions have been had through political favors? A. Yes, sir.

Q. Through the influence of politicians in their behalf; isn't that so? A. Yes, sir.

Q. And isn't it the cause of general complaint among the men of the police force, that promotions are not made upon merit alone? A. Well, yes.

Q. Now, officer, you have been on the steamboat squad for how many years? A. Fifteen years.

Q. And was there any particular dock that you were assigned to? A. Well, I was on a great many docks.

Q. Well, I will take it, for instance, you were on the Cunard dock? A. Yes, sir.

Q. For how many years were you on the Cunard dock? A. About five.

Q. Outside of your hours of police duty, while you were there on the Cunard dock, you frequently gave to the steamship company the benefit of your experience and your services? A. Yes, sir.

Q. Over your regular police hours? A. Yes, sir.

Q. On night and on Sundays, etc.? A. Yes.

Q. And for that work, officer, the steamship company allowed you \$10 per week? A. Yes, sir.

Q. So Mr. Bernard Brown testified to yesterday; now, had you to give up to any person any part of that \$10 a week you received? A. Yes, sir.

Q. To whom had you to give up? A. Well, I gave it to the wardman.

Q. To the wardman; well, how far back does that custom extend or originate? A. I can not answer that.

Q. You went into it under the custom? A. Yes, sir.

Q. When you went there it was the rule? A. Yes.

Q. What captains were in command of the steamboat squad while you had been doing that work? A. Captain Gastlin, and Captain Schmittberger.

Q. Well, in 1891 Captain Schmittberger went to that command? A. Yes, sir.

Q. But up to that time you had been, you say, giving up one-half of your allowance from the steamship company? A. Yes.

Q. How did you give it; once a month? A. Yes.

Q. And to the wardman, and that was the generally understood custom and rule among the policemen receiving extra pay from the steamship company? A. Yes, sir.

Q. When Captain Schmittberger took command was there any demand made on you by any one on the force for a greater amount than one-half of the money you were receiving? A. Yes, sir.

Q. Who made that demand? A. Officer Vail.

Q. What was he — the wardman? A. The wardman.

Q. Now, what did Officer Vail say to you? A. Well, he told me that Schmittberger wanted everything.

Q. Wanted everything? A. Yes, sir.

Q. And what did you say? A. I said no.

Q. Give us as nearly as you can recollect what he said to you in reply; the whole conversation as nearly as you can recollect? A. Well, that was about all; he walked away with that reply; I told him that was my answer; he wanted an answer and I told him that was it, "No;" that I would not do it for him or any other officer.

Q. That you would not do it for him or anyone else? A. No.

Q. Was there any suggestion or remark made by Vail that trouble could be made for you? A. No.

Q. In case you refused to give up the whole? A. No; but I knew myself what —

Q. You knew yourself that that would follow? A. Yes, sir.

Q. And notwithstanding that knowledge on your part you thought you would stand up for what you considered to be your rights in the matter? A. Yes, sir.

Q. And you thought you were giving up enough when you were giving up one-half of the extra money you received? A. Yes, sir.

Q. Did you hear about it more than once; was there a demand made upon you more than once? A. No; only once.

Q. What next did you hear about it, or what followed? A. Well, I was changed.

Q. You were changed; did the captain send for you? A. He sent for me to change my post, yes; Officer De Gann and I, the same morning.

Q. Officer De Gann and you went down the same morning to the office? A. To the office.

Q. Where you were changed? A. Sent over on the East river.

Q. Were you changed more than once after that? A. Yes; I was sent on the upper end of the river, and was there about a couple of months; after that I was sent to the lower end.

Q. Now, the first change that was made, the dock that you were assigned to, was an open dock? A. Well, it was a district; all open docks.

Q. Now, the Cunard dock is a covered dock? A. Yes, sir.

Q. And of course during stormy weather you had the advantage of being protected from the storms in winter, and snow? A. Yes, sir.

Q. Of course the officers naturally desire such a post, don't they; that is human nature? A. Yes, sir.

Q. None of us want to be exposed to storms if it can be helped; and it is looked upon as a choicer post than the post on the open docks? A. Yes.

Q. When you were sent from this dock with its roof and protection, you were sent to the open docks on the East river? A. Yes, sir.

Q. And finally brought down lower on the East river? A. Yes.

Q. Where are you on duty now? A. I am along on the open docks.

Q. On the open docks yet? A. Yes.

By Senator Pound:

Q. You have been on the force 26 years and never received promotion? A. Twenty-six years.

Q. Do you know how many officers there are on the force, men like yourself, who have served for upwards of 25 years and never received a promotion? A. No, sir.

Q. Do you know of any at all? A. I know some, but could not enumerate them.

By Chairman Lexow:

Q. As compared with the whole number are there few or many? A. There are not many in the business now that are in 25 years.

Q. That is to say all those who have seen 25 years' service or more have been promoted or retired or left the force? A. No, that don't always follow, if they have seen 25 years that they are promoted.

Q. I say they are either promoted or retired; aren't they? A. I do not rightly understand what you are getting at.

By Senator Pound:

Q. How many officers have remained on the force 25 years, and never received promotion, and have not been retired? A. How many there are now?

Q. Yes.

By Senator Bradley:

Q. About how many do you think? A. There might be probably a couple of hundred or more; I am not certain about it: there might be hundreds; I don't think they run more than a couple of hundred if they run that much.

By Chairman Lexow:

Q. There are a number of places on the force are there not that are pleasanter and more agreeable to officers than others? A. Oh, yes.

Q. In some places the duty is hard and in other places the duty is convenient and pleasant, isn't it? A. Yes, sir.

Q. Is it the general understanding on the force that when an officer receives a place that is a particularly agreeable one, or

more available and agreeable place, that he must pay compensation for that to some higher official? A. I don't know, sir.

Q. You don't know about that? A. No, sir.

Q. Isn't that an understanding among the members of the force? A. No, sir; I don't think so.

By Senator Bradley:

Q. For instance, getting detailed to courts, haven't you heard of men having to pay for being detailed to police courts and justices' courts? A. No, sir.

Q. You never heard of it? A. No, sir.

Q. I am not on the force, and I know it; you never was charged with a serious misconduct on the force? A. No, sir.

Q. Your record is clear? A. Pretty clear.

By Chairman Lexow:

Q. You know of any number of men don't you who have been promoted, who have not been on the force as long as you have? A. Yes, sir.

Gus A. Wolfe, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You have been sworn? A. Yes, sir.

Q. What is your business? A. My business is manager of a wholesale confectionery and chocolate factory, 114 to 128 West Twenty-fifth street.

Q. That is Maillard's? A. Yes, sir.

Q. Where do you reside? A. Two hundred and sixty East Seventh street.

Q. How long have you known Mr. Forget? A. Mr. Forget — I have known him pretty near as long as he has been in the company.

Q. You frequently traveled by that line? A. No; I don't travel, but we did a great deal of business by the line in the way of freight.

Q. Who first suggested to you to go to Mr. Forget and speak about Captain Schmittberger? A. The captain himself.

Mr. Goff.—That is good.

Chairman Lexow.—It is refreshing to hear candid statements some times.

Q. Well, the captain has spoken to you before Mr. Forget's arrival? A. Oh, yes; sometime ago.

Q. He expected that he would arrive here on the La Touraine? A. He did not know it at that time.

Q. He knew he was going to arrive on some ship of that line? A. Some ship; yes, sir.

Q. What did he say to you? A. He called at our office, and he asked to see me; I took him into the private office, and he told me that from what he learned there was going to be an investigation as to the affairs of the police, and that in all probability his conduct would be examined into, and he knew that I was a very good friend of the French line, and knew everybody almost in its employ; he asked me as an old friend of his, if I would not do him the favor to find out when Mr. Forget was expected back from Europe; I told him I certainly would, when I went down town again; I would stop in and inquire, which I did; they told me they did not know whether Mr. Forget would come in the next week's steamer or in two weeks; they hadn't any news, which I reported to the captain when he called again; so he told me to try again; I told him that when I came down town again, I would stop again; and I stopped in there the second time, and was told that they expected Mr. Forget on the La Touraine; well, as it happened, my employer notified me from the other side that he was going to sail on the 15th on the La Touraine — Mr. Maillard; I have a letter to that effect here; and the following week I received a cable which I also have here, to meet Mr. Maillard on the steamer, as was the custom of mine to do, whenever he came over, frequently; when Captain Schmittberger called I told him; I said, "Mr. Forget, I understand, is coming back on the La Touraine, and as a strange coincident, Mr. Maillard is on that steamer too, and I am going down to meet Mr. Maillard;" and he asked me, if I would not try and see Mr. Forget on the arrival of the steamer, and tell him he had something very important to see him about, and to grant him an interview; I was at the dock when the steamer arrived; I boarded the steamer immediately after the bridge was lowered, and met Mr. Maillard, and it happened Mr. Maillard was in the circle of friends that surrounded Mr. Forget, and his two assistants from the office, Mr. and Mrs. Schopp, and Mrs. Forget and

several other friends; I shook hands with Mr. Forget and called him aside and told him I wanted to ask him something; Mr. Forget said, "What is it?" I told him Captain Schmittberger had intrusted me with a very important message to see him as soon as he arrived, as soon as he could manage; he said, "Tell the captain he knows where I am, and if he wishes to see me he can find me at any time," which message I telephoned from the dock to our office, to send word to that effect to Captain Schmittberger, because he impressed upon me the importance of seeing me as soon as possible; and my mission ended there.

Mr. Goff.—I must say, Mr. Chairman, if I may be permitted an observation here, that the testimony of Mr. Wolfe corresponds exactly with the information that I received of the matter from our representative.

Q. You were not aware, Mr. Wolfe, that all your actions were being noted in talking to Mr. Forget? A. Not at all; I simply looked at it as a friendly service, as a service to an intimate friend.

Q. Well, you saw Mr. Forget after that at the Hotel Martin, didn't you? A. Yes; I stepped in there one afternoon; I happened to be opposite in 21 University place, which is the northeast corner of Ninth street, and the Hotel Martin is the southeast corner; I think it was the Thursday morning of the 3d of October; I went to collect some rent — Mr. Maillard has some property there, and I have charge of that property — and I then stepped in there to the Hotel Martin and inquired for Mr. Forget; and the gentleman at the desk told me he was still in his room; I told him to tell him Mr. Wolfe is here and here is my card; and he came down, and in the course of the conversation I said, "It looks very bad for Mr. Schmittberger; I have known him for several years, and I regret very much he should have got into this kind of trouble; he has a large family of eight children, and if you can put in a good word for him I would be very glad for his sake and his family's sake; and the conversation ended there.

Q. Is that all the conversation you had with Mr. Forget? A. That is all, sir.

Q. Did you see Captain Schmittberger after that, after you had the second conversation with Mr. Forget in the Hotel Martin; for instance, yesterday? A. Yesterday, no, sir.

Q. Did you see him yesterday? A. No, sir.

Q. Or the day before? A. No, sir.

Q. Any day this week? A. Yesterday was a holiday of mine; I did not leave church all day, from morning till night.

Q. The day before? A. No, sir.

Q. Did you hear this morning that Captain Schmittberger had been into your place of business yesterday? A. Oh, that I heard; yes, sir.

Q. Inquiring for you? A. So I understand.

Q. Now, I ask you if you saw him after you had ~~the~~ conversation with Mr. Forget at the Hotel Martin? A. I don't recollect correctly; I may have seen him once; I may have seen him once after that.

Q. Do you remember the conversation you had with him? A. I did not have no conversation with him at the time; I simply —

Q. You told him the conversation you had had with Mr. Forget; you told the captain how you had spoken to Mr. Forget in his behalf? A. I don't recollect.

Q. Didn't he ask you if you had seen Mr. Forget? A. He might have asked me that; I can not refresh my memory as to that; I may have seen him.

Q. You say you have known Captain Schmittberger for a period of years? A. Yes; I have known him when he was an ordinary detective, so to say, more than 20 years ago.

Q. In what precinct is your factory situated? A. In the Nineteenth where he is at present.

Q. In the place known as Tenderloin? A. Yes, sir.

Q. Well, you, on account of your factory — we will leave Mr. Forget and that incident altogether aside — on account of your factory and business there, you have had some relations with the police, haven't you? A. None whatever; I do not see any reason for it.

Q. If there were any relation had with the police on account of the business of your factory, could such relations exist without your knowledge? A. No, sir.

Q. You would have to know about it? A. Yes, sir.

Q. Are you aware that complaints have ever been made touching the obstructions of sidewalk by your wagons, and goods, and so on? A. A good many years ago; it was the time that the station was in charge of Captain Williams.

Q. Well, you have continued the ordinary course of business these years that you then continued? A. No, sir; that time,



if you will allow me to explain, at that time we had a habit of backing completely under the sidewalk, to the platform, which one of our neighbors objected to, but we have overcome that for a great many years by avoiding that; we don't back up on the sidewalk any more; that was the whole cause of difficulty.

Q. Haven't you found it necessary, in your business, in the shipment of goods, etc., to occupy the sidewalk for some portions of the day? A. No, sir.

Q. None at all? A. We keep nothing on the sidewalk. not a case; not a barrel; we keep absolutely nothing on the sidewalk.

Q. Do you know if ever there has been a demand or request made by any person claiming to represent the police department for a monthly allowance, from your house, on account of sidewalk obstructions? A. Never.

Q. Or on account of any other thing? A. Never.

Q. Did you use skids? A. Not at the present time; we used them only for sugar, when we get sugar, and that we managed to get early in the morning, so it will not interfere, we have a small bridge on the curb-line to the stoop on each side, so if we have to use skids to bring in sugar, then people can use that little platform to pass.

Q. Are you prepared to swear that your concern, or the concern of your employer, Mr. Maillard, has not paid a weekly or a monthly allowance to the police for something, no matter what — pay for something? A. I am prepared to swear that.

Q. Are you prepared to swear that such a thing could not take place without your knowledge? A. I am.

Q. And such a thing has not taken place? A. No, sir; I am 29 years in the employ of the house, and there is nothing going on in that concern, not even Mr. Maillard's private matters, that does not pass through my hands.

Q. And you swear that no money has ever been paid to the police or any member of the department on account of the business connected with Mr. Maillard? A. I am prepared to swear to that.

Q. Or presents given to them? A. Well, presents, I don't know; I can't say presents; if an officer comes, the ordinary officer, if he comes in from the street and asks for a box of candy, we give it to him; if a sergeant sent down for a box of candy, or a pound of chocolate, we give it to him, and we would give it to any other friend; but we do not give it in the spirit of a bribe, or anything like that.

Q. I know, Mr. Wolfe, but if some of the gentlemen around these tables were to send up to your factory for a box of caramels to give to his sweetheart as a present, you would not be likely to give it for nothing? A. Not unless he was a friend of mine.

Q. And yet, if a police official sent down for a box of chocolate or a box of creams, you would give it without hesitation? A. Certainly.

Q. Because he was a police official? A. For that reason alone; certainly.

Q. You recognize that the members of the police department have got sweet tastes and desires? A. Well, a good many of them.

Q. And, I suppose, the rule that has been applied to the officers and to the sergeants, would naturally be applied to the captains? A. Yes, sir; and very often the court officers.

Q. And very often to court officers, and, in fact, men holding public positions, Mr. Maillard? A. Mr. Wolfe!

Q. Mr. Wolfe, I should say; men holding public positions you would be inclined to give them a little present of a box of candy, or something, simply because they hold a public position? A. Exactly.

Q. And of course your memory being now refreshed upon that subject, you know that that concern has sent some ornamental boxes — when I say ornamental boxes I may not use the correct trade terms, but boxes of candy put up in nice, attractive form — to the captain of the precinct? A. No, sir; if they sent anything to a captain he gets an ordinary box like anybody else.

Q. He gets a common box? A. A common regular pasteboard box.

Q. No fixing up or ornamentation about it? A. No, sir.

Q. You have sent such boxes to captains of the precinct, to various captains? A. Not to the precinct; around the holidays, yes, we send as a Christmas present a box of candy.

Q. Do those boxes of candy include all the confections that you have ever sent to heads of the police department? A. How do you mean; an assortment of goods?

Q. Yes? A. Certainly; we never send out a single article; we give them different kinds of goods, bon bons, and caramels and different kinds of fruits — whatever the assortment is composed of.

Q. Were you ever requested by a police officer to give them a particular brand of candies, or particular kind of caramels, snow drops, or things of that kind? A. Not to my knowledge.

Q. Did you ever select a particular kind of candy to send to any particular officer? A. No, sir.

Q. They were mixed, were they? A. Mixed candies.

Q. How about your coffee; you manufacture coffee, don't you?

A. Coffee, we do not manufacture coffee; we manufacture goods flavored with coffee.

Q. Don't you manufacture cakes from which coffee or chocolate is made? A. Cake chocolate; yes, sir.

Q. Did it ever occur to you that your friends of the police department had a taste for chocolate? A. No, sir.

Q. That never occurred to you? A. No, sir.

By Senator Pound:

Q. How much candy would you give up to the police altogether in the course of a year? A. I don't believe it would amount to 15 pounds or 20 pounds; it is very rarely they ask for anything — the captain never; it is mostly the ordinary men that make the demand and ask for a package of candy for their families.

By Senator Bradley:

Q. You never see them put in a piece of candy called "Green-back?" A. No, sir; we don't put them up that way.

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

Direct examination by Mr. Goff:

Q. You are in the liquor business? A. Yes, sir.

Q. And have been in it for some years? A. Yes, sir.

Q. And you have always endeavored to conduct your business in conformity with law, I am informed? A. Yes.

Q. Did you keep a liquor store at No. 202 Ninth avenue? A. That is the number.

Q. And how long ago is it since you kept that liquor store?

A. Since '79 — 1879 — the first of April, a lucky day.

Q. While you kept that liquor store, 202 Ninth avenue, was

any demand made on you by any policeman, or any person belonging to the police department, for money, in consideration for allowing you to remain open on Sundays? A. Well, not directly, of course.

Q. Indirectly? A. Yes, sir.

Q. Well, now, I appreciate your position, Mr. Wolff, very much, and my information of you is, that you are an honest, upright man; I ask you now, without other questions to tell the committee the whole of that transaction? A. Well, I would like to answer all questions, Mr. Goff.

Q. You do not want to volunteer anything? A. I would rather not.

Q. I understand your position; who was the person that ever first suggested to you that you pay some money to the police department? A. Well, that came through a different source, you know; I was persecuted, and, of course, I had to amend some way or to stop carrying on my business.

Q. How were you persecuted? A. By constantly being interrupted in my business by the police.

Q. And arrests made? A. Yes, sir.

Q. While these arrests were made you were not paying any money to the police? A. No, sir.

Q. And, of course, your business was being broken up on account of their continual interference with you? A. So much so, that I wished to sell out my place.

Q. That you were ready to sell out? A. Yes, sir.

Q. And, I suppose, friends suggested to you that if you made it all right for the police your persecution would cease? A. You are right; yes, sir.

Q. Did any police official, any man belonging to the police department, ever have any conversation with you on that subject? A. Yes, sir.

Q. Who was that official; wasn't it Captain Grant? A. It was not him personally, but his men that he had for that purpose.

Q. His wardman? A. I suppose he was a wardman; yes, sir.

Q. Do you rememeb[r] the names of the wardman or the officer? A. Yes, sir.

Q. What was the name? A. One was Mr. Logan, and the other was Mr. Dougherty; I do not know whether I have their names right or not.

By Senator Lexow:

Q. What precinct is that? A. The Sixteenth, located on West Twentieth street.

By Senator Pound:

Q. When was it? A. That was in 1888, I think it was; that was the year of the blizzard; that was it that struck me.

Q. The blizzard; that is the police blizzard struck you? A. Yes, sir.

Senator Lexow.—He seems to have been struck by the blizzard before, and is trying to counteract it now.

By Mr. Goff:

Q. Did you mean by the police blizzard before, that you had been struck before? A. That was my first experience.

Q. That was your first experience in the year of the blizzard? A. Yes, sir.

Q. What demand did these officers make on you; give us your best recollection? A. That if I wished to do business after hours, as all others did, that I would have to pay a certain amount of money.

Q. What was the amount mentioned? A. Rather large, for me.

Q. How much was it? A. I was rather independent at that time, and they made a large assessment.

Q. What was the size of the assessment? A. Do you wish to know the amount?

Q. Yes? A. Twenty dollars.

Q. Twenty dollars a month? A. Yes; that is \$5 a week.

Q. Well, from the necessities of the situation were you compelled to accede to their demands? A. Yes, sir; or I had to close.

Q. Or you would have had to close? A. Or,—well, I could not do business.

Q. You could not do business under the conditions? A. Yes.

Q. It is a fact that other men in your business around your neighborhood who were permitted to keep open after hours, or on Sunday, practically speaking took away your trade? A. I don't know.

Q They prevented you — they interfered with you in your trade; if one man could keep open later than you without being interfered with, he had an advantage over you, hadn't he? A. I don't know what provision they had made with the captain.

Q. I understand; from the relations of the trade? A. Of course, like we all can draw some inference.

Q. They would have some advantage over you wouldn't they, men who were permitted, or who were not interfered with in selling after hours, or in selling on Sunday, they would have an advantage over you in catching the custom of the neighborhood? A. In looking at it in a business view, I suppose so.

Chairman Lexow.— He was actually being arrested from time to time, and that interfered with his business.

Q. And in order to prevent these frequent arrests and this persecution you were compelled from the necessities of the case to pay this monthly sum of \$20? A. For a certain time, and they made it — he made it a strong point to have me personally arrested, no matter where I was located in my place; no matter what it was; there were several arrests made there that I was not guilty of at all.

Q. But every time they made a raid on your saloon, as it were, they arrested you? A. I suppose it was a raid, yes.

Q. I don't mean a raid in an offensive term, I mean an entry into your saloon? A. Yes; forcibly.

Q. And from these continual persecutions you felt that they were particularly down on you? A. Yes, sir.

Q. And made a point to persecute you by these arrests? A. Yes; especially so.

Q. Did you ever talk with the captain; did you ever have any talk with the captain? A. I did at one time.

Q. What was that about? A. That reduced my assessment.

Q. Will you tell us if you please how you came to speak with the captain about the reduction of your assessment? A. It was at the time that Wardman Logan had some sort of difficulty; if you remember, probably they all know in that district, that he was removed from that district on account of some money transactions, and I went to the captain, and I explained to him, and I said, I am paying too much money here for protection; I am trying to do the best I can; I can not afford it.

By Senator Pound:

Q. Was that Captain Grant? A. Captain Grant; Mr. Donald Grant.

Q. Is he still a captain? A. Oh, yes; he is in that precinct where I am located, and that is the only captain I ever had any difficulty with; when I went to the captain I said, "I am paying too much money here, I can not afford it;" and so I handed him an envelope at the time with money containing for that month's due.

Q. Twenty dollars? A. No; I was paying semi-monthly; it made it easy for him, and for the captain too, I suppose; and, well, he says, "All right;" he took it and laid it on the desk.

By Chairman Lexow:

Q. Speak out? A. Well, it was inclosed in an envelope, and not addressed; of course, it was not any real business transaction in it, and I told him it was for Mr. Hogan, which was the gentleman who collected it; and then I told him, says I, "What can you do in that case;" well, he said, "I will send Mr. Dougherty around some day this week or next week," and he did; and then he reduced it to \$10 a month.

By Mr. Goff:

Q. Gave you half rates? A. Yes, sir; I got a full percentage off then; and since then, when Captain Grant left, I had always conformed as close as I could, and closed up properly, and kept the doors closed.

Q. You had no more trouble with the police? A. No more trouble after Mr. Grant left the precinct with any captain at all, because I never paid in a cent since.

By Chairman Lexow:

Q. How long did these contributions made by you to the captain continue? A. Until he was transferred to another precinct.

Q. Do you know who that was? A. That was during that little eruption, when they all were transferred; I should judge a little over three years ago.

Q. Eighteen hundred and ninety-one? A. When they were all transferred.

By Senator Pound:

Q. So you kept up this disbursement for about three years?

A. Yes, sir.

By Mr. Goff:

Q. Mr. Wolff, you belong to the Sixteenth District Liquor Dealers' Association, don't you? A. Yes, I am a member of that.

Q. And has any action been taken in that association touching the payment by the dealers to the police? A. At that time I was not a member of the Liquor Dealers' Association, and as far as that action is concerned, I don't know anything about it; I simply pay the ordinary dues; that is all.

Q. What are your dues? A. I can not say now; let me see; they are about two dollars a month, I think.

Q. Two dollars a month, 50 cents a week; are there not special dues sometimes called for? A. Not since I have been a member.

Q. How long have you been a member? A. Since — well, I have been, and I was a member, and I resigned, and then I joined the organization again, in 1891, I think it was, as near as I can recollect, about three years.

Q. Well, to what purpose are those dues applied — \$2 a month, \$24 a year? A. The general expenses; they have got to pay rents, and then the delegates have expenses of their little disbursements, I suppose; I don't know.

By Senator Pound:

Q. How many members have you of the association? A. I can not say; over a hundred.

Q. Approximately? A. Well, 130 say, probably; I can not say; I am not one of the officers; I can not say how many they are.

By Mr. Goff:

Q. Who is the president of the association? A. Mr. McGarry.

Q. Where does he keep? A. He keeps on Ninth avenue and Twenty-sixth street.

Q. And who is the financial secretary of the association? A. Mr.— I think it is Mr. Richards.



Q. Isn't he the treasurer? A. No; Mr. Petry is the treasurer.

Q. Where does Mr. Petry keep? A. Ninth avenue.

Q. Have you a pass-book, showing the payment of your dues?

A. No, sir; I have not; I haven't it with me.

Q. I mean, there is such a pass-book? A. Yes, sir.

Q. And are there any other payments accounted for or allowed in that pass-book, except a monthly due? A. That is all.

Q. Did you ever hear about special assessments in the association? A. Not to my recollection while I was a member; let me see; I can't advisedly state; I may be in error, but I have forgotten.

Q. That is all right; you are not an officer of the association?

A. No, sir.

Q. I will not pursue that line of inquiry with you; that will do, unless the Senators wish to ask you any questions.

Chairman Lexow.—That is all.

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

Direct examination by Mr. Moss:

Q. You are a lawyer, are you not? A. Yes, sir.

Q. Where is your office? A. Forty-nine Liberty street.

Q. Do you see Policeman Callahan in the court-room? A. I did see him here this morning; I don't —

Q. Where is Officer Callahan (The officer does not respond.)? You have seen him here this morning, haven't you? A. Yes, sir.

Q. When did you first see Officer Callahan? A. On September 12th.

Q. Please tell us all about it in your own way? A. I was going down in the elevated railroad from Fifty-eighth street, and at Twenty-eighth street an officer came in and sat opposite to me, staggered into the car, and was so intoxicated he could not put his paper back into his pocket that he had taken out; at Twenty-third street, I got out, to go to the district court; he got out at the same place; I having noticed him in the car, I noticed him after; he stumbled down the first part of the stairs, and rolled down the latter part of the stairs, head over and over into the gutter; in an instant a man rushed up and assisted him to his feet, and hauled him down into the cellar underneath, Alexander's show store, at the northwest corner of Sixth avenue and Twenty-third street — it is a trunk store; I called the attention

of the roundsman, who was right there on the corner, to the condition in which one of his force was.

Q. Did you learn the name of the roundsman? A. O'Neill, I think it was; and at first he would not interfere or do anything; he came to the store, and those in the store said that there were no such man there, that no policeman had gone down; I insisted that he had, and about that time a policeman came out of there, and Roundsman O'Neill wanted me to believe that was the man; he was perfectly straight.

Q. You mean it was a man in a policeman's uniform? A. An apparent policeman, and finally, after much urging Roundsman O'Neill went down into the store, and after some time came back, and said he could find no such man down there; I still insisted, and my recollection is Roundsman O'Neill went down again and came back again, and reported the same, he could not find him; I told him I was sure he was there, and offered my assistance to find the man; I then went down with Roundsman O'Neill, and found there was no other means of getting out of the place, and in a few minutes I found this officer, Callahan, I believe his name is, with his coat and hat off, tucked away in behind these trunks, lying on his face; then Roundsman O'Neill took him out, and he fell on the floor, so intoxicated that time, and then he called a policeman down into the cellar again; I went up and after much more delay, Roundsman O'Neill arrested this officer, took him to the Thirtieth street station, and then they sent down to the Thirteenth street for a doctor, to see whether he was intoxicated.

Q. You was in the station-house at the time, wasn't you? A. I was; after a further delay, the doctor came.

By Chairman Lexow:

Q. Who was the doctor? A. I don't know.

Q. Was he a police surgeon? A. Yes, sir; a police surgeon.

By Mr. Moss:

Q. Wasn't it Dr. Cook? A. I don't know his name.

Q. Proceed. A. He was very courteous, and went through an examination; he admitted to me that the officer had been drinking, and was not then fit for duty; but I understand that he reported that he was fit for duty.

Q. Was the officer locked up? A. He was discharged.

Q. He was discharged; and went out on the street again, wasn't he? A. Well, that was after I left; he said he would speak to the roundsman and make his report.

Mr. Moss.—I think that is all we want of Mr. Robinson; this Officer Callahan is under subpoena, and has been in the court room to-day; and we shall need him later; there are other developments, concerning the same man; this is Officer Callahan, of the Leonard street station.

Diedrick Gercken, 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. Three hundred East One Hundred and Eighteenth street.

Q. And your business is that of a grocer, isn't it? A. Yes, sir; we have the grocery on the corner.

Q. That is in the precinct of Captain Westervelt, isn't it? A. I believe it is.

Q. He is your captain; did you have a burglary at your store recently? A. Yes, sir; I did, some time ago.

Q. When was that? A. I think it was about a month ago, I believe.

Q. In the month of September? A. I think it is; yes; last month.

Q. What did you lose? A. I lost about \$60 worth of cigars; and they broke the till, and did not get much; they tried the safe, and did not get that open.

Q. You reported that very soon after it occurred to the officer on the beat; didn't you? A. No; that was at midnight, about 2 o'clock; Officer Allen woke me up; we went down in the cellar and we found a man clear up under the stairs, a pretty respectable looking man, and he made believe he was intoxicated, but he was not; but I got a partition down in the cellar, that was all right, and they could not get up in the store, and everything was locked at that time; he brought the man up, and he asked me what to do, and I found everything was all right, and I told him to let the man go, and the next morning the clerk opened up, and the cigars and money was gone.

Q. The officer called your attention to the open door? A. Yes; he saw a light in the cellar.

Q. And you and he went down and found a man? A. Yes.

Q. You did not know at the time any cigars had been taken?

A. No, sir.

Q. The officer asked you what he should do? A. Yes; and I told him to let him go.

Q. And then you discovered you had lost some cigars? A. The next morning.

Q. Did you report that to the captain? A. I did, yes, sir.

Q. How did you do that? A. I sent the clerk up to the station-house and reported it; the captain came down and wanted to know what was gone.

Q. Captain Westervelt came to your store? A. I think it was the captain; we told him everything that was gone.

Q. Did a detective come to your store, too? A. That I don't know; I don't think so.

Q. Do you remember a citizen coming in and making some remarks at the time the policeman was present? A. Yes, sir.

Q. What were those remarks? A. Well, he told me the only thing to do was to grease these things, and get the goods back.

Q. Pay the officers and you would get the goods back? A. Yes, sir.

Q. And the officer was present at the time? A. Yes; the officer was present; that is, the captain, I believe it was.

Q. The captain then observed that a citizen had become acquainted with the matter; he noticed an outsider had come into the matter? A. Yes, sir.

Q. Then did the captain make any statement to you about reporting the case to headquarters? A. No, sir.

Q. Now, think a minute; didn't the captain say to you that the presence of this citizen had given him trouble, and he had been obliged to report the burglary to headquarters? A. No, sir; I do not think he did.

Q. What did he say about reporting the matter to headquarters? A. Well, I did not report the matter to headquarters.

Q. What did the policeman say about reporting the burglary to headquarters? A. He did not say anything.

Q. Didn't you tell Mr. Wood that the police captain said he would not have had to report that burglary to headquarters, excepting Mr. Wood had been present? A. No, sir; I did not.

Q. You did not tell Mr. Wood that; then if Mr. Wood has informed us so, you think he is mistaken? A. I think he is.

Q. Have you had any other troubles of a similar kind there since that time; wasn't the flim-flam game worked on you? A. Yes, sir; it was.

Q. When did that happen? A. About two weeks ago.

Q. How much did they get from you? A. They got the best of me to \$10

Q. Did they get only \$9? A. No; they got the \$10.

Q. Then they were extraordinary flim-flammers; was this man who got the \$10 from you alone, or did he have a gang with him? A. No, he was alone at that time; he was alone in the store and a couple of men standing outside on the street.

Q. You were making change, or putting your money in the safe? A. No, I was counting up at the end of the day.

Q. And this man came in to get you to change a \$10 bill? A. Yes; this gang I noticed had been watching me for a half an hour, and I sent the clerks up stairs about two minutes before when they came in, and I was all alone there, and they had the best of me right there.

Q. When you discovered you had been cheated, you did not dare go out after the man? A. No, I see the others on the corner, and all they had to do was to go back and take the rest on the desk there, so I had to go back and put the money in the safe, and then the man was gone.

Q. Didn't you have some trouble after that? A. No.

Q. Wasn't there an effort to steal something from the clothes line? A. I believe there was.

Q. And didn't you turn that man over to an officer? A. Well, I told you it was my wife seen him.

Q. What? A. My wife seen the three of them hanging out right across the street there, and she was outside, and one of them went in the house, and she went after him, and just as she got on the head of the stairs, he was knocking on the dining-room door and asking the servant girl to let him fix the line and Mrs. Gercken sent him up — my wife — and just as he said that my wife came up, and told the policeman about it down on the sidewalk.

Q. What did the policeman do with the man? A. He just gave him a warning, that is all.

Q. Warned him and sent him off? A. Yes, sir.

Q. And made no arrest? A. No, sir.

Q. That is three occurrences of that kind inside one month?  
 A. And two of them right away as soon as this man got down-stairs, and this one the policeman let him go.

Q. There is three efforts to rob you, two of them successful in one month, in Captain Westervelt's precinct, by persons traveling in gangs; twice at any rate? A. Yes, sir.

Q. What was the name of the officer that sent the last man away? A. That I could not tell you.

Q. Was it not Officer Allen? A. No; it was not Officer Allen.

By Senator Bradley:

Q. You say this citizen told you you had better grease the police? A. No; he thought if I did, they would get it.

Q. He thought if you greased the police you would get the goods back? A. Yes, sir.

Q. Did you offer to grease any one? A. No.

Q. You did not get your goods back, as a natural consequence? A. No.

Leon Buch, 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. One hundred and seventeen Canal street.

Q. Do you know Mr. Hochstein? A. I do, sir.

Q. Did Mr. Hochstein send you to a Mr. Rosen with a chowder ticket? A. He did not.

Q. Did Mr. Rosen send you back to Mr. Hochstein with a chowder ticket? A. He did, sir.

Q. What was the occasion of that? A. Mr. Rosen is an uncle of mine, and he requested me to take this ticket down to Mr. Hochstein, telling him that business being in such circumstances now, that had rendered him impossible to take that ticket from Mr. Hochstein; I did so, and met Mr. Hochstein there in company with a gentleman of the name of Dr. Appel; Mr. Hochstein came over to me, and asked me what I wanted; and I told him that Mr. Rosen asked him kindly to take this ticket back again, as it renders him impossible to accept the ticket, as he is doing no business whatever; before I go any fur-

ther, gentlemen, I do not care to give this testimony, because I know it will only hurt me.

Q. What did Mr. Hochstein say? A. I refuse to give any further information.

Mr. Moss.— You can not do that, sir.

Chairman Lexow.— There is nothing to criminate you.

The Witness.— It will harm me a great deal, and harm my position.

By Chairman Lexow:

Q. What is your position? A. I am at present employed in the finance department.

Q. Of what? A. Of the comptroller's office.

By Senator Pound:

Q. Of this city? A. Yes, sir.

By Mr. Moss:

Q. How will it hurt you in that position?

By Chairman Lexow:

Q. You mean to say the testimony you give before this committee will be taken up by political forces in this city and harm you in your position? A. I do, sir.

Q. Why do you say that? A. Because it was through political influence I got my position.

By Senator Pound:

Q. Who is this Hochstein, that political influence should protect him? A. It is not because I got that through Mr. Hochstein; but I got it through another gentleman, and they are related pretty well.

By Chairman Lexow:

Q. And you mean this committee to understand the present condition in this city is that if you attempted to give testimony against such a man as Hochstein of this city, that your position as employe of the comptroller of this city will be at an end? A. Not only that, but I may openly say in this court that I am not sure of my life in walking through the district I live in.

Q. Don't you think under those conditions, it is time the young men of this city should come to the front and stop that kind of business? A. Yes, I do.

Q. So we shall be put in a position to stop it by legislation?  
 A. I do; but I do not think I myself will be capable to take care of that.

By Mr. Moss:

Q. We will put it on the record that you are an unwilling witness, that you are forced upon the stand, that you are obliged to testify; you have not volunteered any information whatever; we have only learned of this point by the veriest chance, and we have taken advantage of your being in the court-room, without any consultation; now, please tell us what Mr. Hochstein said? A. Well, this Mr. Hochstein asked me what I wanted and I told him that Mr. Rosen has sent this ticket by me to him, that he can not take it, and as soon as business will pick up a little bit, he is willing to pay for two tickets; he says, "I will not take this ticket back from you; if Mr. Rosen wants to return this ticket, let him come down personally and return this ticket; but if he does, I feel sorry for him;" he says, "If he wants to keep that place running, he better keep this ticket or else he will be pulled pretty quick."

By Senator Pound:

Q. What place did Mr. Rosen keep? A. A policy shop; I came back and told this to Mr. Rosen, that Mr. Hochstein said so and so, and Mr. Rosen being alarmed at this did not know what in the world to do; I don't exactly recollect what happened after that now.

By Mr. Moss:

Q. You do not know whether he bought the ticket or not? A. I do not know that, no, sir; I don't think he did, but perhaps he did after that.

Q. What was that association? A. A chowder of the Hochstein Association.

Q. Where does that association meet? A. I don't know; I never come in contract with those people in my life.

Q. Do you know who is the president of the association? A. Yes, sir.

Q. Who is? A. Honorable Timothy D. Sullivan.

Q. You mean to say that you have seen the name of Timothy D. Sullivan upon the pasteboard? A. I saw it on the card; I



do not know he is chairman of the association; I do not know positively.

Q. You don't know positively, whether he is actually chairman or not? A. No, sir; I have seen it on the cards.

Q. Those cards of the Hochstein Association are all around the districts, are they not; you see them frequently in the district, don't you? A. Well, generally when the chowders take place, I see his name.

Q. And upon that announcement of the society there is a list of names generally; isn't there? A. Yes.

Q. Of members of the society? A. Yes, sir.

Q. And a large number of prominent names appear upon that list? A. Yes, sir.

Q. We will produce the list later; but whether those names are put there by authority, we can not say? A. I do not know, sir.

By Senator Bradley:

Q. How much was the ticket? A. I believe four or five dollars; I don't know.

By Chairman Lexow:

Q. Witness, this opinion you advanced a few moments ago with reference to the uncertainty of your tenure of office — Senator Bradley.— And life.

By Chairman Lexow:

Q. — in case you said anything against a district leader of a ward in this city, is that shared by those who are similarly employed as you are by the city departments here? A. Well, sir, I know one thing, that I have been discharged once before through political influence, after being employed in the New York post-office.

Q. That is not an answer to the question; what I ask you is whether clerks similarly employed as you are in the departments of this city, have the same fear of developing against the powers that be, that you seem to have on the witness stand here? A. I think so.

Q. That is the general feeling? A. Yes, sir.

Q. The general feeling that if they do that, if they come here and tell the truth, that they will be discharged from the offices

they hold? A. The general thing is that almost every clerk I have known of, and every federal or city position I have held in the city of New York, was all the time through political influence.

Q. And the withdrawal of that influence, would mean your leaving the place? A. Yes, sir.

Q. And do you understand that all the offices here of a similar kind are filled in just that way? A. As far as my experience went; I do not know about others.

Q. And their tenure depends entirely upon the good will of the politician who put them in the office for the time being? A. Yes, sir; and also I know that after my testimony here, that I might as well say good bye to my position.

Chairman Lexow.—Let us know, if anything of that kind takes place.

By Mr. Goff:

Q. Why do you feel that? A. Well, I have been notified already.

By Chairman Lexow:

Q. By whom? A. By the finance department; that my services were not required any more, after having given my testimony to Mr. Pfeffer.

Q. When was this notification sent you? A. Last Wednesday, a week ago, yesterday.

Q. By whom? A. By Controller Fitch.

Q. Personally? A. Through a letter.

By Mr. Goff:

Q. Have you got the letter; you were talking about a letter? A. Yes, sir; that my services were not required any more.

Q. How long after you gave your information to Mr. Pfeffer that led to your being introduced as a witness here? A. I gave my information to Mr. Pfeffer, I believe, about a month and a half, or two months, ago, if I am not mistaken.

Q. Did you know that Controller Fitch ascertained that fact? A. I do not know; the only reason given to me was I was incapable of filling the office.

Q. How long had you filled it? A. One week.