

Q. You had been in the finance department one week? A. Yes, sir; a week and four days.

By Senator Pound:

Q. What brought you here this morning? A. Just simply to—I never had a chance to see the committee here assembled, and just came in here this morning by chance; I have nothing else to do.

By Chairman Lexow:

Q. What position under any head of the city department here did you occupy previous to your engagement in the financial department? A. New York postoffice, under Postmaster Van Cott.

Q. And how long were you there? A. I was there twice; I resigned once, and went back again.

Q. I mean in point of time; how many months, or how many years, or how long? A. Over a year; about a year and a half.

Q. You were not discharged there by reason of incompetency? A. No, sir.

Q. What office there did you fill? A. As senior clerk, second division of the New York post-office.

Q. Were the duties there more difficult than the duties assigned to you in the finance department? A. I do not think there is anything hard; I had harder work in the post-office than in the finance department; in the finance department I had only to make out bills all day long; and I think a boy of 10 or 12 years is capable of doing that; and I do not see how they claimed I was incapable of filling the office.

Q. What leads you to suppose a connection between your dismissal from the finance department and your giving this evidence, or testimony, or giving your testimony to Pfeffer? A. Because I was appointed there through politics, and discharged by politics.

Q. You are not employed by the city at the presnet time? A. No, sir.

Q. What did you mean when you said a few minutes ago that if you gave testimony before this committee you would be discharged? A. I made a mistake; I meant to say that I had something in view of getting, and that by making a statement, I would hurt myself; that is what I meant to say.

By Senator Pound:

Q. Then you said — you went on to say you might as well send in a resignation? A. I did not say I would have to send in a resignation.

Q. Yes, you said that; what did you have in your mind when you said that? A. I simply meant when I gave this testimony that I have something in view, and I meant to say that by giving the testimony here this morning, I might as well take myself out of mind of getting it at all; that is what I meant to say.

Q. Didn't you intend this committee should believe you were now in the position in the finance department, and the giving of this testimony would be tantamount to dismissal; didn't you intend the committee to understand that, and believe it? A. No, sir; I believe not; you took me so by surprise, if any error I have made I wish you will overlook.

Q. We want you to tell the truth, and if the unfortunate condition you have implied actually exists in this city, the sooner we understand it the better; but we want it by truthful testimony? A. So far as I have testified I have been employed in the finance department, I have told the truth.

Q. You were employed in the finance department a week and four days? A. Yes, sir.

Q. And some three weeks ago — how long ago did you receive this letter from Fitch? A. A week ago yesterday.

Q. A week ago yesterday, you received a notification that your services were not any longer wanted, on account of your not being able to fill the position? A. No, sir.

Q. You are under no dread of discharge in giving the testimony you have given? A. No; the only dread I was in was I expected something in the city department, and am afraid through giving this testimony I won't get it.

Q. Who caused your discharge? A. That I don't know.

By Chairman Lexow:

Q. You can not connect your discharge in any way, according to your own knowledge — you can not connect your discharge in any way with the information you gave to Pfeffer, can you? A. No, sir.

Q. Have you no knowledge? A. No, sir; I don't know.

Q. It is entirely inferential on your part? A. Yes, sir.

By Senator Pound:

Q. You cherish no feeling of animosity to anybody for having been discharged; are you trying to get even with anybody for

causing your discharge from the finance department? A. I do not know him.

Q. Well, anybody? A. I have no opinion who caused my discharge.

Q. You feel bad about your discharge, don't you? A. I do I have parents to support, and have nothing to do at present.

Q. And you would like to get even with somebody by reason of your discharge? A. I don't know with whom to get even.

Q. With somebody? A. I don't know who the party is.

Q. With anybody, shooting in the air indiscriminately to get even with anybody for having you discharged? A. I did not come here with that purpose.

By Mr. Moss:

Q. The fact is this man's name is not on our list at all; he chanced to come in court; I will ask one further question: Have you made application for employment in any other department? A. I have, sir.

Q. In another department in this city? A. I have, sir.

Q. And it is that application that you feel to be jeopardized by your testimony here? A. Yes, sir.

Q. And in saying that you might as well send in your resignation, you meant you might as well withdraw your application? A. Yes; that is what I meant exactly.

By Chairman Lexow:

Q. Were you ever employed by the city before except by the finance department, as you have testified? A. I was employed by the New York post-office.

Q. By the city? A. By the city, never before.

By Mr. Goff:

Q. Are you acquainted with the condition of feeling around Essex Market police court, touching persons who testify before this committee? A. No, sir.

Q. Do you live in that neighborhood? A. I live in Canal street.

Q. East or west of Broadway? A. East of Broadway.

Q. East of the Bowery? A. East of the Bowery.

Q. Then that is in the neighborhood of Essex Market police court? A. Well, not far from it.

Q. Well, now, I ask you, have you heard anything said about that neighborhood, about witnesses before the Lexow committee? A. I have heard a great deal and read a great deal.

Q. I mean have you heard it spoken about in the saloons and other places—witnesses coming before this committee and testifying? A. I don't frequent saloons.

Q. At any places where men gather? A. The only place I go to is the club-room.

Q. What club? A. The Humane American Men's Association.

Q. Is that the only society to which you belong? A. I belong to a great many others, but I can not afford it now.

Q. Do you belong to any political club? A. I do not, sir.

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

Direct examination by Mr. Goff:

Q. Are you a clerk in the Court of Common Pleas in this city? A. Yes, sir.

Q. What are your particular duties? A. In the naturalization department, filling out affidavits, etc.

Q. In the naturalization department? A. Yes, sir.

Q. There are periods of the year, I assume, that you have not much to do in the department? A. Not lately, there has not been, Mr. Goff.

Q. Kept pretty busy all the time? A. Kept pretty busy all the time; the work we do in the fall keeps us pretty well up in the spring to straighten that out, index, etc.; in fact, in the last several years, owing to the increase of immigration, we have a great deal, and it has been almost an impossibility to keep the work up.

Q. That is to keep the work up in regard to the arrangement of your record? A. Yes, sir; filing the affidavits, etc.

Q. Now, there is a season of the year when you have a rush of applicants greater than another season? A. Yes, sir.

Q. What is that season? A. That is the fall season, coming on; well, when I first went in the office it would start in the middle or latter part of September, and last up to within 10 days of election; now, for the last several years there has been such an immigration we generally start in about the middle of

June or 1st of July; the tide seems to set in earlier now, owing a great deal to a law having been passed by the Legislature requiring persons holding positions in the department, or contractors employing help, it is required they shall be citizens; and that gave us a great rush of applicants during the summer months; and labor unions require their people to be citizens of the United States, and that has been a great cause; we take a great many declarations besides the final naturalization.

Q. Declarations of citizenship? A. Yes, sir.

Q. Declarations of intention? A. Yes, sir; we take as many, I suppose, as 10,000 a year.

Senator Bradley.—That law has only been passed this year?

Chairman Lexow.—Oh, no.

Senator Bradley.—About requiring citizens.

The Witness.—Yes, I spoke about the men on the public works; but I say labor organizations require their people to be citizens, or file their declarations; and that has made us busy for the last five or six years.

By Mr. Goff:

Q. We notice here in the hallways of the courts quite a crowd of men outside of your door? A. Yes, sir.

Q. Isn't it correct to assume that they are applicants for naturalization papers? A. That is right, sir.

Q. So that really your great rush commenced about 30 days preceding election in each year? A. The extreme rush about that time.

Q. Have you got to have any additional force of clerks? A. No, sir; there is only two of us that does the whole thing; well, the clerks are employed in the other branches, and they can not spare them.

Q. Can you tell us how many persons were naturalized in that court yesterday? A. I think there were 63.

Q. Sixty-three? A. Yes, sir.

Q. And could you specify the number the day before? A. Sixty-two.

Q. Sixty-two? A. Yes, sir.

Q. Is that a statement of the average? A. That has been the average this year.

Q. About 60? A. About 60; we did one day, that was the Hebrew holiday, the Hebrew New Years, a week ago Monday,

we naturalized 104; and yesterday, the reason we had such an influx of applicants for citizenship was that it was the Jewish Day of Atonement, and there are a great many Hebrews who are not orthodox, who take that day to go down to be naturalized.

Q. Now, all these applicants are brought before the judge at chambers? A. Yes, sir; before the judge at chambers.

Q. They apply first to your bureau? A. They apply first to our bureau.

Q. Now, what has the office established in the rate of charge for the furnishing of certificates? A. Fifty cents is the fee.

Q. Fifty cents? A. Yes, sir; 20 cents for a declaration.

Q. Is that provide for by law? A. By statute.

Q. By special statute covering that cost of 50 cents? A. Yes, sir.

Q. Well, you have more ornamental certificates of citizenship for which you charge more? A. No, sir; we used to have, but we have done away with them, to a certain extent.

Q. Now, the certificates of citizenship are of uniform charge? A. Yes, sir.

Q. Are there or not political organizations here who contract with you for the payment of all fees? A. There are political organizations that send in the fore part of the season a check to cover the first naturalization fees of the parties they send there during that period; they deposit with the clerk a check, and when that is used up they send another check, and if there is a balance over, it is returned to the organization; we had checks deposited by the Tammany, by the Republicans, and by the German Reform Union.

Q. The German-American Union? A. Yes, sir; German-American Union.

Q. Has that been the custom? A. That has always been the custom; yes, sir; ever since I have been connected with the bureau.

Q. The rule is that these political organizations send checks, and your department keeps a record of the number of certificates issued and charge the fees for each certificate up against the checks? A. Yes, sir; each organization sends its ticket, and we file that as a voucher.

Q. You check off? A. Yes, sir.

Q. That is a charge against the deposit? A. Against the organization.

Q. What I mean is against the deposit made by that organization? A. Yes, sir.

Q. Now, as long as we are on that subject, could you give us the amount of the check sent by the German American Union, for instance? A. I could not tell you that; Mr. Luhrs, the assistant, my fellow clerk, he knows; but I think they deposited a check for \$100.

Q. Can you tell us the amount sent by the Republican organization? A. I could not; I do not recollect anything about that.

Q. Can you tell us the amount of the check sent by the Tammany organization? A. Fifty dollars.

Q. Could you tell us the amount of the tickets received by you from the respective organizations? A. Well, I think, yesterday, out of a total of naturalizations of 64, I think it was, I think there were some 31 tickets received.

Q. Thirty-one? A. Yes, sir; that represented the three different organizations.

Q. I mean in the aggregate? A. Yes; about 31 tickets out of the total naturalization.

Q. Well, in cases where the organizations sent their tickets, is not the applicant for naturalization accompanied by some person representing the organization? A. He may be outside; but he is not accompanied inside.

Q. He may be put on the line? A. I believe the custom is, when they get a number of applicants together sufficient to send a runner, or a clerk employed by them, that person brings them over to court and places them in the line; his function ceases there; then he deposits with another clerk, or attache of the bureau the tickets for these particular persons; after the person has been naturalized, he goes to this party and gets his ticket, and then when he comes in to get the certificate he gives his ticket up; I have a great many applications that I have refused during this time on file; cases where they appeared before me, and the evidence was not sufficient; and I have those applications with me.

Q. Do you put a certain formula of questions to each applicant? A. Yes, sir; we get as near as possible the prevailing question; we ask them about who makes the law of the United States; whether they are familiar with the form of government of the United States, and the State; the chief executive officer of the United States, and of the State; and as to their residence, and their intention; and how long it has been their intention to

be citizens of the United States; that we invariably ask every applicant. }

Q. That is the formula? A. Yes, sir.

Q. So, that being the formula and being known as such, it is quite possible and easy of accomplishment for an applicant to become possessed in advance of the proper answers to give to those questions? A. Yes, sir; the applicant before applying for naturalization could go in the court room, and go down and see the judge interrogate the applicants for citizenship; he gets those questions there; they know just as well as I do the questions they have got to answer, by sitting in the court room and listening to the questions which the judge propounds to each applicant.

Q. Have you ever tried mixing or changing the formula? A. Yes, sir; but you can not trip them up.

Q. They are all prepared upon that? A. They have got it down; in the case of a person who applies for citizenship under the baby act, that has arrived before they are 18 years old; a great many know if they come in the country before they are 18 years old that is sufficient; I had a case of a party I knew of applying for his naturalization; I asked him his age; 17 years; how long have you been in the country; 17 years; how old are you now; 17 years; it was so prominent in his mind, the 17 years, that he could not answer anything else; I ascertained afterward he was only 23 years old, but he looked nearer 48 years.

Q. He stuck on the word 17 years? A. They know the law provides that an applicant coming here before he is 18, that if they say 17 years that they come under that application of a minor; our interpreters and ourselves get along pretty well; I have a clerk there who talks German very fluently; I have a slight knowledge of that myself; get off a little Italian once in a while, and we manage to get through very nicely; I do not know how they used to get along in the olden days; but they never had in previous years such a mixed lot of people as we have now; it used to be, in my earliest knowledge, they were principally German and Englishmen; now we have Huns and Austrians and Russians and Italians.

Q. How about the Irish in those days? A. I say, they were the British; the English-speaking people; we are naturalizing very few Irish now; I guess they are all naturalized.

Q. In a case, such as the one you have spoken of, where it was apparent to you, from the appearance of the man, and he made such answers to you as you have described, that he was

17 years in the country, and he was 17 years of age, etc., was there any — so far as your cognizance went, your duty — was there any duty devolving upon you to interrogate that man further? A. Well, I only cite that, Mr. Goff, because it happened; it happened 10 or 12 years ago; it only shows you that at that time the judges who asked them were not so particular as they are now; the judges are very particular now and as soon as a man said he was 17 years old, and had been five years in the country, and answered the other questions the court put to them, they were naturalized; at that time I know that the applicant was refused; I know we refused a great many applicants every day; and we have them insult us; I had one fellow tell me to kiss his arse one day last week; and I got the officer to remove him; we have to stand a great deal of abuse from people whom we refuse, a great deal of abuse; they think we have nothing else to do but make out their papers and ask no questions; and if we refuse — a man was going to bring me before the Lexow committee because I refused his application; if that is all the committee wants me for. I —

Q. Well, you regard your duties as purely ministerial? A. Certainly.

Q. Clerical, rather? A. Yes; clerical.

By Chairman Lexow:

Q. You try to get out a system of questions, do you not, that will elucidate the points, whether or not the citizen who presents himself for naturalization is competent to undertake the functions of a citizen of this country? A. We do; yes, sir.

Q. And do you carry that through intelligently with each man as he presents himself? A. Every man; every man is asked the same question.

Q. Do you mean to say you follow the exact curriculum in those instances? A. In different forms; one man we will ask who makes the laws of the United States; the next man, the first question we ask is, what form of government have we here, and how long has it been your intention to be a citizen of the United States, and in fact we ask him more questions than the law requires, as the law is very vague.

Q. When you asked them those questions, do you require they shall stand alone, unaided by anybody else, or anybody else in the immediate vicinity? A. We do, and when we capture persons coaching them, we refuse the application.

Q. Isn't it a fact, known to you, and within your experience, of the last few days, that there are coaches at work coaching these individuals that want to be naturalized? A. No, sir; there is not.

Q. Haven't you observed that there are gangs of individuals now seeking naturalization apparently under discipline with men at their heads who take them and put them through the form? A. No, sir; we take no cognizance of any organization; we do not know when an applicant comes before us whether he is a Democrat, or Republican, or a German Reform Union, or anything else; and consequently we take each applicant as they appear; our quarters are such that we are compelled to work under great disadvantages; our room is very small, and the people crowded in there.

Q. Haven't you observed in the last week or 10 days gangs of these individuals who desire naturalization, apparently marshalled by leaders? A. No more so than any other year.

Q. I admit that proposition; don't you think there has been any gang; haven't you seen politicians in charge of those who came to you for naturalization? A. No, sir.

Q. Are you prepared to swear that is the case? A. I am prepared to swear to that; yes, sir; on my oath.

Q. And those who come for naturalization, are not conducted by well-known politicians of this city to your office? A. They may be outside, but not to my office.

Q. Haven't you remarked that they have been outside? A. No, sir.

Q. Keeping them in line, and marching them in the line that goes into your office? A. I have been asked by parties outside to pass them inside; and I told them the officer had charge of the line, and they must do as the officer wished; and the officer is very particular, and, in fact, he is very rigid, and gives a great deal of offense to some of these people, and he puts them in the line and keeps them in the line outside.

Q. Isn't it a fact that some get in ahead of others? A. That is the case where an applicant has lost his declaration of intention, and we require him to come inside and there get a copy and sign the book.

Q. Isn't it the fact that active political workers are now and have been for eight or ten days past securing the prior admission to those they have there to your office? A. No, sir.

Q. Are you prepared to say that? A. I am prepared to say so, to the best of my knowledge — inside of the office.

Q. And you say you do not allow anybody to stand next to the applicant? A. We can not help that.

Q. Or suggest anything to him? A. If they do, we reject him.

Q. Does it prevent your having a second man with you at the time you put these questions in reference to his intelligence? A. There is nothing.

Q. It would only take a little more time? A. Yes, sir.

Q. Don't you think that would be time well spent? A. To take these applicants inside?

Q. To take these applicants apart, so nobody can suggest to them answers to those questions? A. If we had facilities we could do so, but our office is small; we have papers lying around there, and it would not be right to have those people going in there; our papers are all around; and we have such small quarters, we have to exclude the people outside of that, and we have only one officer on the outside, and it is impossible to keep these people back; and sometimes they make a break, and we can not do anything at all.

Q. And you mean to state here that nobody gains prior entrance or receives his naturalization in point of time before another, because of any influence that he exercises through a district leader, or otherwise, in this city? A. Not to my knowledge.

Q. Can you swear positively that that did not occur? A. I can swear almost positively that it did not occur; sometimes parties are brought down, where the judge or somebody upstairs, they want a party naturalized, and they bring him down, some attache of the court, but I do not know of any people getting any preference.

Q. We are not referring to the judiciary part; we refer to the action that precedes investigation by the court; isn't it a fact that, through the interest of district leaders or otherwise, there are some who gain prior admission to others, and are naturalized in advance of others, who otherwise would be compelled to remain in their line in turn? A. That has been done in former years, but this year that has been the exception; the officer got his instructions from the chief clerk of the court, Mr. Wagstaff, and he has enforced his orders very thoroughly; there may be a case; there may be an individual case, but, as a general thing, it is not so, sir.

Q. I am not implying that the clerk, or that you, or anybody connected with the office, lends himself to any such proceedings as that; I am simply asking whether or not through the influence of those on the outside people do secure admittance there in advance of others, and do not remain upon the line? A. I can not recall any cases of that kind.

Q. But you are not prepared to say that is not the case? A. Well, I would not want to swear positively; I do not know.

By Mr. Goff:

Q. I want to ask you one question; you exercise as much care and caution as you possibly can? A. Yes, sir.

Q. In making out these certificates, and in putting your inquiries to the applicant—A. Mr. Goff, I want to explain one thing; we are not required—the clerks are not required—to ask the questions we ask; we do that to facilitate the business of the court; and all we need is to ask the applicant how long he has been in the country, and how long the witness has known him, and find out whether he has been a man of moral character; the court puts the other interrogatories, but we do that to help the court, so as to exclude as far as possible the wheat from the chaff; I have applications down there now that I have refused, and I keep the applications I refuse; but the court asks these questions, and we facilitate it by asking them.

Q. In these cases, where you in the exercise of your discretion refused the application, the applicant can not go further than the clerk's office? A. Where I refused the applications?

Q. Yes; for reasons that are satisfactory to you, and you decline to issue the papers, and decline to grant the application, so far as you are concerned, that ends it? A. Yes, sir.

Q. So far as that application is concerned? A. Yes; they may go over to the other court, and may be slide through there.

Q. I know, but so far as your court is concerned? A. Yes, sir.

Q. So we have it now that the clerk, not vested with any judicial authority or any ministerial powers, but simply the clerical power, may in the exercise of what he considers a discretion prevent an applicant from obtaining naturalization papers in your court? A. Yes, sir.

Mr. Goff.—It is a very important thing, Mr. Chairman and Senators.

Chairman Lexow.—He takes judicial functions.

By Senator Pound:

Q. As matter of fact, of course there is nothing in the law which requires any question to be put with regard to the knowledge of the applicant of our institutions? A. No, sir.

Q. A man, no matter how ignorant or unfamiliar they are with our laws, if he answers the other qualifications of having been a sufficient time in the country, and can prove his good moral character by two witnesses, he is entitled to naturalization, so far as the law goes? A. Yes, sir.

Q. But the judges can and do discriminate about introducing new qualifications, and passing upon them and rejecting applications for naturalization? A. Yes, sir.

Q. No matter whether they are of good moral character? A. They inquire after that, and all they can get is the evidence of the witness on his oath; if the witness swears to good moral character, they cannot go back of that.

Q. Do you think that when the statutes were enacted to prescribe the qualifications of citizenship the lawmakers had any educational test in view? A. That I would not like to answer; I don't know what their intention was.

By Mr. Goff:

Q. You have stated the clerks voluntarily, without any duty having been imposed upon them, put these questions for the purpose of aiding the judges in their work? A. Yes, sir.

Q. In these cases where the clerks have put the questions, the judges determined to a great extent upon your examination? A. Not always; no, sir.

Q. As a general thing? A. They reject them, even if they have passed the ordeal; the trouble with a good many of these people when they come before us they will swear to anything; they will swear the legs off an iron pot; but when they go before the judge many of them will weaken, and the judge will find discrepancies, as to the statements they gave us and the statements of the court; under a rule adopted by the court, we place at the head of the affidavit the time of the arrival of the applicant in the country, and the time the witness became acquainted with him; that is put on the paper, and that is before the judge, and the judge will ask those questions, and sometimes they will tell a different story entirely; in the case

of a minor the person is put on the affidavit, the time of arrival in the United States, and the time of the arrival of the witness with the applicant, and that is put on each affidavit, and that is before the judge when he questions the applicant.

Q. But since this clerk puts those questions to aid the judge in his work, that custom must have been intimated by your superiors? A. The judge—Judge Daly started that in the first place.

Q. The old chief justice? A. No; the young chief justice.

Q. The present chief justice? A. Yes, sir; he stated a man who was not intelligent enough to know about the institutions of the country and the law-making powers, etc., was not the right person to make a citizen, because he could not exercise his authorities intelligently after his admittance to citizenship; and he rejects a great many cases on those grounds.

Q. What I have reference to was as to the custom of clerks putting these questions, and these questions acting as an aid to the judge; the point we seek to inquire in that relation is, does it facilitate the judge and enable him to pass upon the application, relying upon the force of your application? A. No, sir; the judge knows nothing about it.

Q. No record goes to the judge of the question you have asked? A. No, sir; the judge does not know we ask those questions.

Q. So that the judge acts independently of you? A. Yes.

Q. As if no such questions were asked? A. Yes, sir.

Q. So that, as a matter of course your putting those questions enables you to sift it out, as it were, the disqualified from the qualified? A. As near as we possibly can.

Q. And when you classify an applicant as disqualified that ends him as far as that application is concerned? A. That ends it, at that time; he may slip in the line again and come before us.

Q. And if they slip in the line again they come to you a second time, and you put the same questions, in the ordinary course of human events, they could not acquire sufficient knowledge in that space of time to answer what they were unable to answer before? A. Well, I don't know; they may go out and ask some Italian bootblack and get all those facts.

Q. They might go out and be coached by somebody putting them in line? A. Yes, sir; the questions really have nothing to do with the law.

Q. What we are interested in now is the condition of affairs that enables the clerk to determine in advance of the judge whether or no the papers of the applicant for citizenship shall go before the judge; that is the condition? A. That is it; I have been there a good many years, and through my own knowledge, I know pretty well.

By Chairman Lexow:

Q. That is for the purpose of preventing fraud, is it not, Mr. Clerk? A. Yes, sir.

Q. Now, do you think that as many as eight people can be naturalized in one day, with a due regard to the ascertaining of the truth of the facts they swear to? A. Yes, sir; that is a very small number.

Q. You do not think it is an excessive number? A. No, sir; that is not; that is, 90 applicants; a judge can take five or 10 minutes on that.

By Mr. Goff:

Q. But the judge at chambers attends to his ordinary chamber business? A. Yes, sir.

Q. At the same time as the naturalization business? A. Yes, sir.

Q. There is not a special judge assigned to the naturalization? A. No, sir; that is chamber work.

Q. And so he has to attend to that and to the hearing of ordinary motions that come up every day, etc? A. Well, sometimes we do not get out there now until pretty near 7 o'clock at night; and it takes us from 9 o'clock in the morning to that time to wind up the last cases; the judge sometimes stays there till 5, and sometimes after 5.

Q. And he stays there only during this rush of business of the applications? A. Yes, sir.

Q. The usual court hour ends at 4 o'clock? A. Yes, sir; after having done his other court business, he takes up the applicants for naturalization.

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

Direct examination by Mr. Goff:

Q. General, when are you going to give us one of the larger court rooms? A. I don't know; we have done the best we could up to date.

Q. Well, we thank you; we thank you for getting us back here and saving our lives from the old building? A. That is fair enough, I presume, from the city.

Q. How many years have you been clerk of the Superior Court? A. About 24.

Q. What clerk has got charge of the naturalization business? A. Myself.

Q. Yourself? A. Yes.

Q. You look after that? A. I do.

Q. Can you tell us how many were naturalized yesterday? A. No; I did not look; probably about 350.

Q. Three hundred and fifty? A. I should judge so; but I can get the figures if I want them.

Q. That is an approximation; and the day previous? A. Day before yesterday?

Q. Yes? A. It was about 250.

Q. And could you tell us on Monday? A. No; but I can in two minutes; there was a good many; they have run very high this year.

Q. So that the high water mark has not yet been reached? A. I can not tell exactly; presumably not.

Q. As compared with last year? A. Yes.

Q. What was the highest record last year? A. About 4,000 during the whole year; probably as it is running now — this is an estimate — it will be 7,000 or 8,000 for the year.

Q. For this one court? A. Yes; of course.

Q. What was the highest point reached in any one day last week; do you remember? A. No; I can tell in two minutes; I can get the papers.

Q. We would be obliged; we would like to get the figures?

Chairman Lexow.— Suppose we take it after recess.

Mr. Goff.— After recess; well, if you please.

Chairman Lexow.— All witnesses under subpoena will attend here again at quarter after 2. The committee stands adjourned until that time.

AFTERNOON SESSION.

October 11, 1894.

Present.—The Senators as before, and also Senator Jacob A. Cantor.

Thomas Boese, recalled, and further examined by Mr. Goff:

The Witness.—Mr. Goff, may I correct about the naturalization of yesterday? I understood you for the last two days. It was two days instead of one day.

Q. That is, the 300 odd? A. Yes, sir; it was two days instead of one.

Q. Will you give us now from the records the number that were naturalized yesterday? A. I will give you — perhaps you would like to have it from the first of the month; perhaps you would like to have it?

Q. Yes; do, please? A. October 1st, 133; October 2d, 125; 3d, 70; 4th, 80; 5th, 110; 6th, 38; 8th, 124; 9th, 133; 10th, 170; that is yesterday; on inquiry, I find that they reported about 75 yesterday, and stopped before the line was ended, and that is why I made the error; I left early in the day; now, you wanted to know last year as compared to it.

Q. If you please? A. The first of last year was Sunday; October 2, 1893, 37; 3d, 39; 4th, 20; 5th, 22; 6th, 24; 8th, 14; 9th, 49; 10th, 76; September of this year — or July of this year, 291; August, 375; September, 571; the number naturalized from the 1st of July until yesterday, this year, 2,220; now, you may like to look at that (indicating book)?

Q. Not at all? A. This is the full record of 20 odd years.

Q. Your tabulation is perfectly satisfactory; General, you attend to this naturalization business yourself? A. Yes; I have it in my own office, instead of having it in a separate room; I am there every day.

Q. Do you catechise the applicant? A. Somestimes; not always; of course, that is impossible.

Q. About the matter of the fees; how is that arranged? A. Well, the majority pay for themselves, especially so this year; and the reason for that — may I go on and state?

Q. Certainly? A. There was a law passed by the Legislature last year prohibiting any person being employed in any public work whatsoever, whether State or municipal, unless he is

a citizen; and consequently these people who want to work come in pretty well to the front this year for that reason.

Q. In relation to the organizations who send checks or tickets with these applicants; do they pay the fees? A. The system has been for a long time for the parties, and I will explain hereafter, for them to send checks in advance, and the clerks of the two Courts of Common Pleas and this do not issue certificates unless the money is there to meet it; and the clerks of both parts consider it a wrong thing sometimes.

Q. And after you make out the papers, or cause them to be made out, the applicants pass on into chambers? A. Yes, sir.

Q. To appear before the court? A. Yes, sir.

Q. And your function ceases? A. To the extent of it going before the judge, of course; I might state, Mr. Goff, one thing about making out papers, if I may be pardoned by the Senators; to commence with, the law does not require any papers to be made out; originally, it was done by petition; lawyers usually presented them in my early career, 40 years ago, and a little over, in the Common Pleas; then the political parties made out papers, and Daniel P. Ingraham, the father of the present judge, insisted upon having some system by which the papers themselves should show what the party swore to instead of having it ordinarily in open court as a witness; and those papers contained what the statutes of the United States require—literally require; then along about 17 or 18 years ago, I suggested to the court that they would not allow any papers to be made out by any political organization, but would require them to be made out in the office so the court would have some control over the subject; and the papers then were made out by the clerks, and sent to the court, and came back; since then, they have made a great many improvements in regard to the papers themselves; for instance, the present system—I have the paper in my pocket, if you would like to see it—that the party who is sworn, must be sworn, as to where they were born, and when they were born, etc.; and there certainly has been a great change for the better in that regard; and the very form made in this office which I now have has been adopted by the United States Courts.

Q. Have any cases arisen in connection with the naturalization business in your court that required you to take measures against the perpetration of fraud? A. In what sense do you mean?

Q. In issuing fraudulent papers, for instance? A. No, we try not to issue a fraudulent paper, to commence with.

Q. Have you the matter so arranged, that fraudulent papers cannot be issued? A. I won't say altogether; but it is a pretty difficult matter for them to do so, because in the court, as I told you just now, there were over 70, as my assistants can tell, were rejected yesterday; the young man meant right, Mr. Brown of the Common Pleas, in regard to the action of the clerk's decision being final; if an appeal is made to me, and the papers are refused, I tell them to go to the court; I might say that the papers themselves, what is contained in them, do not bind the court at all, the papers do not; it must be done by the court; the judges, if they feel like it, go way beyond that.

Q. That does not limit the judge in his inquiries? A. Not at all.

Q. He may make such oral inquiries as he may think proper? A. Certainly; and you are perfectly aware that sometimes a person will say things before a clerk that they won't say before the judge.

Q. If I do not mistake, I think it was in the Superior Court a man was refused naturalization a few years ago because he was an Anarchist, and announced himself so? A. It was not exactly that; Herr Most came before me to declare his intentions; and the night before he had made a speech, I had forgotten exactly what he said, but substantially that he had no regard for the Constitution of the United States, and that if he became a citizen he would do all he could to destroy the system of government we had, and that came to my ears; you know very well I am a ministerial officer, and I told my clerks to be on the alert to see when he came; he did come, and he insisted on his rights; well, I put it on the narrow ground that I would not administer an oath to a man if I knew he was swearing falsely; and told him to go to the court, and he never went.

Q. I understood he went to the court? A. No, he did not.

Q. There were no further steps taken? A. Nothing further was done on that.

Q. And you took that ground, which is an absolutely correct ground, that even a clerk whose duties are partly ministerial, should not administer an oath while he believes the man deliberately intends to swear falsely? A. Undoubtedly I did.

Q. It is a tremendous mistake for a ministerial officer to take the ground that he must administer the oath even if he knows

the oath is to be taken falsely; we have done with General Boese; he has given us the figures of naturalization yesterday, and also the corresponding month of last year.

By Chairman Lexow:

Q. I know the strain upon you under these circumstances must have been very considerable; in your judgment, however, is sufficient time given to ascertain those facts that go to make up citizenship in an applicant for naturalization? A. No; I think one of the worst things about naturalization has been the system of political parties substantially announcing that they will pay for the naturalization of parties when they come; and they put it off until October, I am sorry to say that, for the saving of 50 cents; and the political parties, without reference to any party, about October, send out their agents to the slums of New York, to get the worst kind of men for citizens; of course, there are many excellent men naturalized in October; I think that is the curse of this city; not only this city, but the majority of them.

By Mr. Goff:

Q. Don't you think, with your views as now expressed, that if you should refuse to accept these checks from the political organizations, as payment in advance of the fees, and compel each applicant to pay the fee required by law — would it operate as any check upon that abuse? A. I think it would, to a great extent; but the system, as I have stated before, of all political parties has been to deposit that amount of money; and I have quarreled with some of them about it; not only this year, but previous years, and told them, also, that they were a set of fools to pay 50 cents apiece for naturalizing the men who, if they, paid the 50 cents for it, they would have to pay them on the election.

By Chairman Lexow:

Q. You have noticed, haven't you, in the long line of applicants for naturalization here, that there seems to be a sort of military system there; they are under heads, and come in like so many sheep? A. Ordinarily, but—

Q. Has anything been done to prevent the marshalling of those candidates for citizenship by political leaders, and have you, as clerk, attempted to interfere with them? A. Oh, yes; and they know I have, too; but I tell you this year, as I say with a great deal of pleasure, too, that the class of men is better than we had previously, and we have no commander; we used to have the padrone; but this year, we are to a great extent, free of it; my own opinion of it, as stated very candidly, is that the majority of men who are naturalized this year come here distinct from politics; and it is a question of employment which controls them more than the few dollars that they get to vote.

By Senator Cantor:

Q. You mean the new State Act A. Yes, sir; and if you observe yourself, you can not but notice it is a better class of men; they are mostly young men; three-fourths of them are men who have come here under age, and they are certainly a great improvement on what we have had.

By Chairman Lexow:

Q. From what I notice of the men, I saw men apparently in charge of a dozen or even more, apparently marshalling them up along the line there, and bringing them to the place where they would be naturalized? A. I have no doubt.

Q. You have noticed that too; haven't you? A. I have no doubt you are correct, but they do not get inside.

Q. When you see a number of men, apparently under the leadership of some political district leader, do you put them through any other examination than the examination testified to by the clerk of the Court of Common Pleas? A. No; but I will tell you one thing about it, the district leaders are shrewd enough not to be there; they have their agents; you know all the parties have men stationed with tickets to look out, right outside the door.

Q. You never put to them such a question as this, do you, as to whether or not they have been paid money for the purpose of naturalization; do you put that question to them? A. No; I do not think I have a right to do that.

Q. You don't ask them whether they expect any pecuniary reward for doing that? A. No; we can not.

Q. You even go beyond the law in putting the questions you do put? A. Yes, it would be an insult to ask a man that question, sometimes.

By Senator Bradley:

Q. That system is done away with to a great extent? A. Yes; almost entirely; and it is fair to say, and we all know it, who are familiar with it, that there was a time when —

Q. Five or six men did all the witnessing? A. There was a time when not to naturalize a man caused the clerks a great deal of trouble; but I think now a great many of our citizens— I am speaking particularly now of naturalized citizens, who have been here some time — think there are enough foreigners here, because it interferes with them; I might almost say they are becoming Know Nothings.

J. Lawrence Carney, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. How long have you been in New York? A. About five years this time; I was here about—before that I was here about 10 years ago; I was here three years when I was younger.

Q. During the five years that you have been in New York what business have you been engaged in? A. The last two years I have been engaged in transacting business for some policy men in this city.

Q. In what capacity? A. Almost every capacity; writer—

Q. Give us the designations of the various positions? A. Oh, well, I have done writing for them.

Q. Writing? A. Yes; I have been to court with some of the men to help bail people out, and all such things as that; some confidential work.

Q. Well, have you been what is called a backer? A. No, sir.

Q. You are not fortunate enough? A. No, sir; never got that high.

By Chairman Lexow:

Q. Never had the bank-roll? A. No, sir.

By Mr. Goff:

Q. Now, we have heard something about policy here, and yet I think it would be interesting to the committee to hear and to have placed upon the record how the policy business is conducted as between the writers or the backers of the game, and the persons who play policy? A. Well, you want a description of how the game is run?

Q. I do? A. Well, in the first place these drawings are supposed to be drawn in Covington and Frankfort.

Q. Two lotteries? A. Yes; it is legalized there; two lotteries, one in Covington and one in Frankfort; this is supposed to come by cipher, by the Western Union Telegraph Company; that is the cipher it comes in; that is supposed to be 26 numbers at night, and 24 in the morning; that is 13 words (indicating paper); I do not understand them, and they do not, and only one man knows them, E. J. Conlon, in Jersey City, is the man.

Q. What is his right name? A. That is not his right name; nobody knows; I do not know that he does himself.

Q. Is he a distinguished man in the society? A. He is the secret man; there are three other secret men; they sell these drawings to the backers in New York, and these three men control the business only; this Conlon does all of their private confidential work; probably they do not know his name.

Q. Do you know the names of those three men? A. No, sir; I do not; and nobody else, I guess, but themselves; none of these people go under their right name; one of the names I think he went by, I think is by the name of Hughes, one of them.

Q. Hughes? A. Hughes.

Q. Now, you say that two messages come over the Western Union wires every day? A. One at one o'clock in the afternoon and one at six in the evening.

Q. And each letter represents a certain number? A. They probably represent more than one; there are two lotteries, and each one of them contains 12 figures, and there is 13 words there; I cannot tell you what that meant, I can not decipher them, or anybody else, and even the backers can not do it, in New York city; this Conlon is the only one can do it.

Q. This telegram is dated Cincinnati, Ohio? A. Yes, sir.

Q. "To P. J. Conlon, Jersey City; Window Dear, Harvest, Lattice, Buggy, Signal, Emptiness, Welcome, Fortune, Legacy, Consent; Bank, Post?" A. No signature.

Q. No signature? A. No signature, never; Cincinnati is right opposite Covington, and across the river, and they are carried across and sent by telegram.

Q. Now, there are different words used upon each telegram? A. Every day the words are different; in case the drawings should be detained—now, say, there is a common running slip there; in case they shall draw the same numbers next week, those words would be different.

Q. They are, generally every day? A. Every day.

Q. You hand me what is called a running slip? A. Yes, sir; there are lots of them there; there are some plays in that too.

Q. What are those letters in those different columns? A. Those are the figures; those are the numbers that are drawn.

Q. Now, let us understand, when this telegraph message is received in Jersey City from Kentucky, then the cipher is transcribed, and the numbers given out by this Conlon, is that it?

A. Yes, sir; and sent over the telephone to all the main backers; that is, over the telephone to Jersey City, and they send it all over the telephone to the policy shops in the city; and the policy shop have prints and stamps, and they print it; that is not official; if you are hit you are not satisfied to pay off on that; there is an official print.

Q. This is an official print? A. That is what they pay off by.

Q. How are those official prints gotten up in a short time? A. They have a place they can do what they want to.

Q. A printing office? A. Yes, their own private printing offices.

Q. And these printed slips are the official ones? A. They are official to protect the writers, each one gets one of them, that is all.

Q. You said, Mr. Carney, that but one man, this Conlon, in Jersey City, that he has got the power, and the means of giving out the numbers for the successful or winning policies? A. Yes, sir; he has got full power.

Q. And all the drawings of policies in this city or in Brooklyn and the neighborhood are dependent upon the numbers that this one man gives out? A. Yes, sir; he has charge of all the surrounding country until you reach Albany; there is another man

in Albany; there is two of these cipher messages come, one to Conlon and one to this man in Albany; he has charge of Syracuse and Troy and all that part of the district.

Q. The man in Albany? A. Yes, sir.

Q. There must be considerable telephoning and telegraphic work? A. Each one of these backers have a long distance telephone in their office, in their private headquarters, a long distance telephone; they have their names in the telephone book, but there is also a fictitious name—a real estate office, may be, or something of that kind.

Q. Now, could you tell us how many of those backers are in the city of New York? A. I can name them off for you.

Q. Name them, if you can? A. Al Adams, Jake Shipsey —

Q. Why do you put Al Adams first? A. Al has the most number of sheets, and he is the biggest man, and has the most money, and has the biggest pile.

Q. He is called the king of the policy dealers, isn't he? A. Yes; and there is Jake Shipsey; he is another big man; Cornelius P. Parker, and Billy Meyers, and Ed. Hogan, and Charlie Lindauer, Dick Gammon; how many is that; (the stenographer states the number); Morton — Billy Morton, Murray — if I seen the names I could tell you.

Q. If they occur to you again, all right? A. Yes; all right.

Q. Now, can you state of these 14 or 15 policybackers in this city, if they have the city divided up into districts? A. Oh, yes; they, some of them, join together; now, they all work rather together, except Parker; he, as Parker says, he has to buck against the whole lot of them.

Q. You are acquainted with all of those men? A. Oh, yes; Parker, he has to buck against the whole lot of them; Al Adams, Billy Meyer, and Shipsey, and Morton, and all those fellows work together.

Q. On a sort of combine? A. Yes; Jake Shipsey takes all the "put-off play" that these backers are afraid to back; a gig, for \$1,000 for one of these backers, he may be afraid to take it, and he puts it on for Jake Shipsey; Shipsey takes most of the "put-off play;" that is, the big play; he has got plenty of money, Jake has.

Q. What class of people mostly indulge in this policy business? A. It differs; sometimes the prosperous people; down town, it is the poor class, the Jewish people, and up town, it

is the negroes, and go up town in Little Italy, they are Italians, and some places of business men; on the other side are lots of brokers around in places.

Q. What amounts are generally risked upon these plays?

A. That depends upon the people, you know; go down around Eldridge and Stanton streets, they play penny and two-cent gigs; you go up town and they play from 15 to 25-cents, and sometimes \$1, and you go to Little Italy, and they play all sorts; and you come down where the brokers play, they put down \$100 or \$50, and they play according to their means; just the same as any other men do in their gambling.

By Senator Bradley:

Q. They would go as low as two cents? A. Oh, a penny; come in and beg you to trust a penny.

Q. Are there not many women who play? A. Lots of them, and come in with children on their arms, and babies on their arms.

Q. Do children play? A. Lots of them; school children come in with books on their arms.

Q. Is there any attempt at concealment? A. Some places; there is places there where they call the safe ward, Captain Seibert's precinct, in Madison street; there used to be a place over a blacksmith's shop, and they used to go in from school after 12 o'clock with their mother's play with books on their arms and the copper used to watch at the door for us.

By Chairman Lexow:

Q. Who, a policeman? A. Yes; sure; with a big beard.

By Senator Bradley:

Q. So that the children would not get hurt? A. So that we would not get hurt, I guess.

By Chairman Lexow:

Q. They were not protecting the children, were they? A. No, sir, we do not think so.

By Mr. Goff:

Q. You have written in a good many shops in this city? A. Lots of them, all over this city.

Q. So you are thoroughly familiar with the game and all its workings.

Q. Now, I ask you about whether or no these backers divided up certain portions of the city, and you have not answered my question yet upon that point, as I would like you to? A. Well, to a certain extent; now, Gammon, he has mostly down about South and Broad streets; they come up a little further; and Lindauer has a new place; he is a small fry backer; you come up, and Billy Meyers is a backer on the east side, around the Hebrew district, and up about as far as Sixth street; and you get up above that, then Morton and Murray have a good many places, and Hogan; and up above Fourteenth street Parker's places up to Harlem, Ninety-eighth street and One Hundredth street, and along around there.

Q. That is the east side? A. Yes; Al Adams has from Fourteenth street up on the west side mostly; nobody else can go in there, it is impossible; and down below that Hogan, and Murray and Meyers, and all the rest of them have them on the west side.

By Mr. Goff:

Q. By what means do those backers divide up the city between them; for instance, Al Adams has the territory from Fourteenth street to Harlem river; how can he have that territory for himself? A. I don't know; if you wanted to do the same thing, I suppose, and went over there and fixed the captain not to let any other place run, he would not let anyone else there.

Q. Is that the means by which these backers obtain exclusive business in a certain district? A. So far as I or anybody else is concerned, it is.

Q. You know the business thoroughly from top to bottom? A. Yes, sir.

By Chairman Lexow:

Q. When you said, as you did a moment ago, did you state an inference that you would draw from your observation, or did you state a fact within your knowledge? A. No observation.

Q. You stated a fact within your knowledge? A. Yes; I can give you an instance.

By Mr. Goff:

Q. Let us have an instance? A. Billy Meyers' man was going to open a place for him in Twenty-first street; he says, "Carney, we will have to go and see the captain;" I said there is a place across the street, but he is doing no business; I think we can run him out; "We will have to see the captain;" the captain said we could not open there; he said, it was too near; "You must not take the living out of that man's mouth;" that is the Twenty-first precinct, Captain Martens; and he said he seen Captain Martens, and he said he could not open there, it was too close to the other place, and could not open in that precinct; he wanted me to open in Seventeenth street, Meyers wanted me to; he wanted me to open the place in Seventeenth street; and I don't remember the captain over there now, what precinct it is in; anyhow it was between Seventh and Eight avenue; a friend of mine opened the house there and wanted to rent me a floor in it to open, and I told these people and they said, "Well, we will see the captain," and he seen the captain; he said, I could open whenever I got ready; I said, "How is that, Dick;" that is the head man's name; "that you can open there at all;" I said, "I thought Al Adams had that;" "Al Adams and I are good friends;" he said, "And we went down and he saw the captain for me."

Q. Do you know Al Adams? A. Not personally.

Q. In these two conversations you have given, did you personally have any conversation with any of the captains? A. No, sir; we would not be allowed to do that.

Q. The backer is the only one to do that? A. The backer or his head men, or his manager.

Q. Did you in any of these cases see the backer go to the precinct station-house? A. I went over to the west side one night with the backer to see this captain; whether he went over I don't know; I left him at the place I was going to open; he said he would go around and see the captain; I did not see him any more that night; I could not swear he went into the station-house.

Q. Do you know from your knowledge of the business whether or no these backers paid money to the police? A. Why, certainly; they can not help themselves.

Q. They can not help themselves? A. They could not open if they did not; they would not be open 12 hours in a ward without having the coppers on them if they did not pay them.

Q. Do you know of any cases where the policy shops were open where they refused to pay, or had forgotten to pay? A. Oh, no; they know better.

Q. Is it a recognized system and rule among the policy dealers in this city to go to the police and arrange for the paying of the police before it can be opened? A. Certainly.

Q. Is there a specific sum agreed upon for each place? A. Well, I suppose some districts, they may pay more; now up in the Twenty-first precinct, Captain Marten's precinct, there is a middle-man there named Richard Dore, and when this Parkhurst crusade was around last winter, if you remember, which they closed up so many places, or in the spring or winter, the captain told him to close; he could not open; and he refused to pay his money — that month's money; and so they bothered him; I was working for him at that time, and they bothered him very much, and chased him around, and chase you out on the street and out of the place; and consequently, he says to me one day or he says, in my presence to a friend in there. I heard him — he says, there is no wonder they are bothering me; they are bothering me to the devil: I haven't paid my \$35 this month, and I do not propose to until I open; he says, I am \$70 in on this month, and he owned two places, and they wouldn't let him open.

Q. Now, is there any arrangement entered into between the backers and the policy writers, as to their proportionate share of this payment to the police? A. No, sir.

Q. How is that arranged? A. All the backers pay everything; the backers pay everything.

Q. Well, it depends on how you are writing your book; if you are writing your book on interest and commission, you get 12 1-2 per cent. commission of the gross proceeds, and 25 per cent. of the earnings at the end of the month; if you are simply writing on commission, you only get 12 1-2 per cent.; but if you are writing on commission and earnings, 25 per cent. at the end of the month, the money that is paid out for all expenses is deducted, then you get your 25 per cent. of the earnings that is left.

Q. Notice here upon this printed slip — this is what they call the cashier slip? A. Yes, sir.

Q. "Beware of counterfeits" ? A. Yes, sir.

Q. Is there a reason why that should be done? A. Oh, yes.

Q. What is the reason? A. Many a thousand dollars have been beat out of it.

Q. Of the backers? A. Oh, yes; somebody would bring in a copy of that — the runners do — stand in with the gang, and fix it up, and paint it up, and send it in a slip of a play on the book, and get their money; and when that is in, and they get the money, you can not sue on it, because it is not legal, and they dare not say a word.

Q. Take a policy shop in Harlem, what would be the average of your daily receipts? A. Well, now, not much; in good times, up to within a year, since these hard times and depressions came — before that a good book would run from \$60 to \$100 a day; some of them \$150.

Q. In these poor districts? A. They are best districts; the very best.

Q. Better than the districts occupied by the well-to-do people? A. Yes; they do not play such big amounts, but the quantity more than covers that.

Q. The districts occupied by the poorer class of people are the best districts? A. Yes, and have the most policy shops.

Q. Well, I asked you about whether the policy writer had any arrangement with the backer as to his proportionate share of the payment of the police? A. I think I answered that, but I will tell you again.

Q. I did not get it? A. It depends on the kind of book you are writing; if I have an interest in the book, I get 12 1-2 per cent.; that is the commission, and at the end of the month 25 per cent. by earnings, and if the book was a loser, I get no per cent. of the earnings; in case I was writing that kind of book at the end of the month, all expenses are taken out — rent, coal, gas, protection: everything is taken out and what is left we get 25 per cent. of that for your earnings; if there is nothing left, if the book is loser without the expenses, the backer pays it; you do not have to pay it; you are not supposed to pay it.

By Senator Cantor:

Q. You get 12 1-2 per cent. of the receipts? A. Yes; as commission; if you have an interest book that is supposed to pay your writer 12 1-2, and a 12 1-2 per cent. for every month is

supposed to be your earnings; in some places in the city, they have writers simply on salary.

By Mr. Goff:

Q. Where they have a writer on salary, he does not pay any proportion for protection? A. He gets nothing but his salary.

By Chairman Lexow:

Q. When you pay protection; what do you mean by that? A. They deduct that with expenses, coal, fuel, gas, and everything.

Q. Do they give you an account of it? A. Oh, no; just simply say so much out for expenses, leaving so much, and your percentage is so much.

Q. How do you know they have deducted any special amount for protection? A. How do I know they do?

Q. Yes? A. They know that the rent, and coal and light don't come to such amounts.

Q. Does the backer, or whoever represented him, tell you how much he deducted from your particular share for protection? A. He did not say how much he deducted, but, of course, it was understood, and it was told us so much had to be taken out for protection, and fixing things with the captain and wardman and police, etc.

Q. Was any specific amount mentioned? A. No.

Q. Then you took as the total expense, whatever figures they gave you? A. That is it.

Q. And was satisfied with the balance? A. Yes; we had to do it; of course, we turned all the money into them every day, and if at the end of the month you did not trust to them to give you the money you would not get it; that was all.

Q. Now, in the arrangement of the business throughout the city, can you state if the police have knowledge of all the policy shops in the city? A. Why, they can not help having; if a place — there are policy shops in New York city, have been running 25 years, simply four or five cigar boxes in the window, and they have been there 25 years, and the police play themselves; there is a policeman over here owes me \$17.25.

Q. How did he come to owe you? A. I had to trust him.

Q. For his pay? A. Yes.

By Senator Bradley:

Q. Is he still on the force? A. I suppose so.

Q. Give me his bill, and I will collect it? A. I will give you half.

By Mr. Goff:

Q. You say the police play themselves? A. Yes, sir.

Q. To any extent? A. Some policemen are good players, and some very good players, but they are not always good pay.

Q. Then many of them play on credit; is that it? A. Well, we don't call it credit, we have to call it "give;" I don't know what you would call it; a man comes in and says, "Give it to me," what are you going to do; if you don't give it to him, what are you going to do; you are gone up, ain't you; you can't refuse him.

By Senator Bradley:

Q. You say the police as a general thing are good players? A. Yes, as a general thing.

Q. Most of the gigs they play, aren't they taken from dreams? A. Yes; they have regular books, and interpret all the dreams.

Q. Would you suppose the policeman dreams while on his post? A. He might do it.

Mr. Goff.— We have testimony, Senators, in the early part of your sessions, before the summer recess, where a man swore to a policeman playing five times with him, and not paying him any money, and he refused to let him play the sixth time, his place was demolished, and he himself arrested.

By Senator Cantor:

Q. What is the special skill required to play the game? A. You have got to know if you want to play; anybody can play; just put three numbers, and if the numbers come out you get \$10, and if not, you don't get anything; I mean a man that pays good money, big money, is a good player; I mean a man that comes and says two cents, or a penny for a gig is not.

Q. The good play consists of the amount of money he puts on? A. Yes.

By Senator Bradley:

Q. And the frequency of the play? A. Yes, and how often.

By Mr. Goff:

Q. How are the various plays characterized? A. The first is a "saddle," that is two numbers.

Q. A saddle? A. Yes.

Q. That is composed of two numbers? A. Two numbers, that pays \$1 for six cents; now, suppose you played 7 and 20 in a saddle.

Q. Who selects the numbers; it is entirely at the option of the player? A. The numbers run from 1 to 78; there are 78 numbers put in the wheel; you can select any number from 1 to 78 on two numbers, and if those two numbers come out, in those 12, and you put six cents on it, you get a dollar; if you play three numbers—if you played, 7, 13, 20, that is the police gig.

Q. Why is it called the police gig? A. Well, I don't know; there is lots of them.

Q. Lots of police gigs? A. Yes; there is half a dozen police gigs; they play them in different parts of the city, different gigs.

Q. Is it because they are generally played by a policeman? A. Whenever there is anything happens to a policeman everybody plays a police gig—any policeman is discharged or drunk, somebody goes in and plays a police gig.

Q. You mean to say if a policeman ran up against the Broadway cable car and got the worst of the collision, you mean to say the people would run in and play the police gig? A. They would take the police gig, take the number of the car and run the combination.

Q. Well, does the play of policy, the selecting of numbers, largely depends upon such accidental circumstances as the one I have mentioned? A. Yes; I will tell you, Mr. Goff, there is dream books, "Common Sally," and the "Three Witches," and "Wheel of Fortune;" now, those books have every word in the dictionary, I guess, and they will have the lucky number opposite; if a fellow dreams he has seen a horse, if he is riding horseback, he will pick up the book and if he finds it 49 first, he will take out that.

By Senator Cantor:

Q. That is a saddle; now, a gig is a combination of three numbers; how does that pay? A. A hundred to one if you play it in both lotteries; that is, if it comes out on either side it pays, and that gives you \$1 for a cent.

Q. If it don't come out? A. You gets nothing for your money.

Q. Does it ever come out? A. Yes; they win.

By Senator Pound:

Q. Is this the order here (indicating slip); "46-44-75" of the winners? A. Yes sir; those are 12 numbers that win; the top letter that you have got there is called the State, and the bottom is called the Kentucky; if you play 46-44-75, you get \$2 for a cent.

Q. If you have any of these three numbers you win? A. If you have three of any of those numbers.

Q. No matter what way they are on that slip? A. No matter what way they are there.

By Mr. Goff:

Q. Are there any other combinations or designations? A. Yes, sir; four numbers you make four gigs, and it costs you four cents to play those four numbers for \$1; if you put four cents on that you make a \$1 gig; three numbers — one gig; the same as the combination of a safe; if the whole numbers come out you get four gigs, and that makes \$4; you can turn the four numbers around and around and make combinations of three numbers each; five numbers make 10 gigs, and you put 10 cents on that for a \$1 gig; or you can put as much on that as you want; if three numbers come out there is a \$2 gig; if four numbers come out that is four gigs, and that is \$8; and if the whole five come out that is 10 gigs, and that is \$20; and so on up, and five numbers make \$30; 12 numbers make 220 gigs.

Q. So it requires some technical knowledge on the part of the writer to be able to look out for his place? A. Yes, you have got to be very careful; and if you make a mistake, if you are hit and it is not on the book the backer won't pay it, and you have to pay it if it is not down on the book.

Q. The moneys you receive, do you pay the winnings out of the money, or do you send the moneys to headquarters? A. Well, you pay if you win, and I have a runner; if I am a man who has a runner and make a book up town, I have a man take the book; if my receipts of this morning are \$60, of course, naturally I would keep that money until the winning numbers came in, and

if I was hit I would pay it; if I was hit \$40 I would pay that out; and I would send that money down, less the commissions.

Q. What is the general custom? A. Well, the general custom is after your book runs a few days you usually can send the money down by the runner every morning; the runner comes up to get your book to be sent down to headquarters because you have got so much money there; and if there are a good many people, you may have an "over-hit."

Q. In case of any accidental number coming out in connection with any public happening or circumstance, that is seized upon by many players? A. Oh, yes; when the first run of the cars came on I had that number of the first car on the book and nothing else; I had the car that night on my book; everybody played that first.

By Senator Bradley:

Q. They all won, didn't they? A. It didn't go.

By Mr. Goff:

Q. For instance, the other day, we had an officer here whose name we did not know, but we simply called him out as No. 35, on his broken club that we had; would such a number as that be used? A. Oh, yes; if I had been playing policy then I should have played 35 first.

Q. That would have been a good omen? A. A good one.

Q. Have you ever been interfered with or arrested in New York by policemen? A. No, sir.

Q. Do you know of any policy players who have in New York? A. Lots of them—not players, no, not players.

Q. The writers? A. Yes; the writers; they never arrest the players.

Q. Why is it the writers were arrested if protection had been paid in the manner you have described? A. It is very seldom they are arrested by the wardman or the policeman, hardly ever; it is like this: Now if there is anything like the Parkhurst crusade, or anything like that coming around, or the newspapers having a big shout, the wardman will say look out for the newspaper men and Central men; if those Central men are sent out to get you they will get you if you are doing business.

Q. And the wardmen notify you? A. Yes; they come right to you, and if news is coming to the captain, to see how you are taking care of your business, he will put an officer we do not know, in civilian's clothes, and send him around, and say if that officer can get him on that line a Parkhurst man can, and a newspaper man can, and if that man can get in anybody can.

Q. He sends him around to test you? A. If he can get in on you he will arrest you.

Q. I see that number 35 has been made use of? A. Haven't you a policy slip?

Q. Of yesterday? A. Well, well.

Q. Look there and see if 35 has not been made use of and hasn't come out? A. "Second;" that stands for the second piece of the club.

Q. Is that what that stands for; which lottery is that in? A. That is in Kentucky.

Q. In the Kentucky? A. Yes, sir; that is the evening slip.

Q. Of yesterday? A. Yes, sir; 10th.

Q. When we had that officer on the stand? Day before yesterday.

Mr. Moss.—Yes; day before yesterday.

The Witness.—I should follow it up for four drawings; that would be the fourth drawing.

By Senator Bradley:

Q. Talking about numbers; about the month of February, did you have any run on number seven at all? A. Seven ran pretty steady sometime last spring.

Q. About the time the Lexow committee was appointed, wasn't it? A. We ran pretty steady then.

Q. Didn't you have a gig called the Lexow gig, or the Lexow number--number seven? A. No; I don't remember the Lexow gig; we had McKane's gig, though.

By Mr. Goff:

Q. What was the number of McKane's gig? A. It was his age, and his cell, and the tier; I think it was 9-18, something, if I am not mistaken; it was his age, and the tier, and his cell; that was the gig.

By Chairman Lexow:

Q. Have you had a pantata gig yet? A. This is a police gig; we have lots of them.

By Mr. Goff:

Q. Do you remember if that McKane gig was successful? A. It came out a few days after he was locked up.

Q. Pay pretty well? A. Lots of people had it up town; I don't know about down town; the papers had the numbers of his cell, and age, right close together, and everybody took that for the gig, and it was called the McKane gig.

Q. Was there any other gigs of famous origin that occur to you now? A. Well, there is lots of fancy gigs; there is a Reilly gig; that is a famous gig.

Q. What is the origin of that gig? A. That goes several years back; at this time the backers used to take sealed plays; you could put your numbers on a piece of paper and put in the amount of money you wanted in that envelope, and seal it up, and they would not open it; and after your slip came in, you could open and look in their presence; if your numbers won, they would pay you; but they got hit so heavy that they discontinued it; this man Reilly was the saloon-keeper in Brooklyn; it was 16-20-28, and Reilly played it for \$16,000, and his wife for \$10,000, and after the drawings came in both came in with a slip, and one thought the other did not have it, and vice versa, and come to find out one was for \$10,000 and the other \$15,000; since that, it has been called the Reilly gig, and since that they have refused to take any more sealed play.

Q. Did they get the money? A. Oh, yes.

By Senator Bradley:

Q. So much for Brooklyn? A. So much for Brooklyn.

By Mr. Goff:

Q. Now, speaking about the Parkhurst raid, as you have described them, and also of the Lexow committee, has either of those institutions affected the policy business in this city? A. Oh, yes; yes, sir.

Q. What have they done; increased it? A. No, sir; between the two, and the newspapers, they have drove about, I should suppose they have decreased the number of policy shops in

the city about 50 per cent., every bit of it; they have decreased it for the time being, but as soon as it is over, up they will spring again.

Q. So the policy business flourished uninterrupted, and undisturbed, by the police of this city? A. Except for an occasional rest, or little flurry; if somebody makes a complaint, why, of course, they have got to go and look about it, and probably may make an arrest.

Q. How about that system they have of having someone in the place to be arrested, who don't write it up? A. They did that sometimes, and discharged them; it is not necessary in most of the courts to arrest him; you may arrest a man and take all the testimony you want, and he is discharged.

Q. Discharged by the police magistrate? A. Yes, sir; it don't matter how much evidence you have got, there is hundreds of cases dismissed, and won't allow you to show the evidence.

Q. How is it; do the backers or policy writers have an understanding that they will not be held in a police court in case of arrest? A. If you are held, that is the last of it; if you are held in bail, you never hear of it again.

Q. You say they are very infrequently held in bail? A. Very infrequently.

Q. Is there an understanding among the policy writers that they are pretty well looked after in the police court? A. It is understood that the policy writers — that the backers will bear all expenses, and will do all they can to keep them out of trouble; the only time I knew of anybody being fined was when Mr. Comstock done some raiding; one got two months; the understanding was he was to plead guilty and he plead not guilty, and Recorder Smyth railroaded him.

Q. For his own fault? A. It was his own fault; he has got a place up here now; he runs an envelope game up in Twenty-third street.

Q. The same fellow? A. The same fellow; a man about your age. I should judge.

Q. Do you know his name? A. Yes, sir; Michael Ryan.

Q. That is not the green goods man, is it; Michael Ryan, the green goods man? A. I don't know as he ever done any green goods business; he has a regular policy game, and an envelope game at night, at least he did until the newspapers and the Parkhurst people; and he also had a sweat board in there, and the captain made him take it out, and I think he made

him discontinue the envelope game; I have not seen him within some time.

Q. What captain? A. Captain Gallagher, I think, just off Third avenue, on Twenty-third street; there used to be a pool-room in there; I think it is No. 154, if I am not mistaken; go through a long hall, and when you get there, there is a door, and knocks three times, and the man looks through a wicket in the door, and if you are all right, the door is opened and go to another door, and you are allowed to go in.

Q. Those three knocks are an open sesame? A. Yes; you can not always tell about that; they have a man at the door all the time.

Q. Speaking about the effects of the newspaper publications upon the policy business, have you noticed lists, for instance, of the policy shops published in the newspapers? A. Yes, sir.

Q. From your knowledge of the policy shops in this city, were those lists accurate? A. No, sir.

Q. Have the policy writers anything to do, or the policy anything to do about those lists or the publication of them?

A. I should say the police had; I should say the reporters got all the information from the police; if they knew how reliable that is, as I do, about policy business, they would shake the police altogether.

Q. What is the purport of having inaccurate reports given of the location of certain policy shops? A. They give it to the reporters to go there to find out, and they go there and do not find out anything.

Q. Where certain houses have been published in the newspapers, and have policy shops that are doing business? A. Well, that is—that is rumor that these places are doing business; that is rumored by the police; that is started for the benefit of the reporters.

Q. By the police? A. Yes; by the police; and the reporter may go to the captain and may say so; I don't think the captain ever told the reporters a policy shop in his district; he might have told them it was rumored so; I don't believe he ever told them there was such a place doing business.

Q. Alleged policy shops? A. Yes.

Q. You have heard that word "alleged," before? A. Oh, lots of times.

Q. With regard to the payment of money to the police officers, have you ever had personal knowledge or an experience

in payments being made? A. Well, I never paid any in this city; no.

Q. Did you ever see any paid? A. No; I never seen any money given to them.

Q. Well, how is the business now; during the sitting of this Senate investigating committee? A. Very bad.

Q. Is it stoped? A. Very bad; they are chased out now; what I mean by that, if they are doing business on the sly, and they are locked up, and blinds pulled down, and if you don't know how to get in, you can not play; there are 300 or 400 books in the city had to close up because they can not make expenses; those that make enough money to live, they are doing business.

Q. Do you say that from personal knowledge? A. I certainly do.

Q. And personal examination? A. I certainly do; the Senator has the list there that are doing business.

Q. Have you made the examination? A. Every one of the places on that list; there is about 600 of them there.

Q. Now, this list that you have prepared; look at it; can you swear to the correctness of that list? A. Well, I swear that every one of them was doing business when I got that list, up till about two days ago.

Q. Up to two days ago? A. From the 6th of last month, all of them; some of them I did not — some I only visited the last few days; and some of them a couple of weeks ago.

Q. Within that period of time? A. Within that period of time there was business being done in them; it won't be done to-morrow after this is out, you know; they will all be closed up to-morrow after they see the papers; you could not get a play in them for love or money to-morrow.

Q. You made this examination under my direction, didn't you? A. I did, sir.

Q. And you made the examination by police precincts? A. I did sir.

Q. Now, I find here the first precinct that you have returned is the Fourth precinct, under Captain Slevin? A. The First precinct is there, Mr. Goff; the First, ex-Captain Devery, wasn't it?

Q. Oh, yes, the First precinct, Captain Devery; have you computed the number of places? A. There is very near 600.

Q. No, in the First precinct? A. In the First precinct, I think, there is about 20; there is now; there were more than that, but there is some of them closed; there was about 40 there, but they closed half of them.

Q. Seventeen places returned in the First precinct? A. Yes; 17 places.

Q. You have got the names of the backers of each policy place? A. Very nearly all of them.

Q. I find the names here of the backers in the First precinct are Gammon, Murray, De Witt, Shipsey, Brown, Parker, were the names of the backers? A. Yes, sir; that man Brown, he has had the place in Maiden lane, I guess, 20 years.

Q. That is 102 Maiden lane? A. Yes; that is it; over a glazing shop; there is a glass door there, and glazing store, and it is one flight up.

Q. I find you have located them at 57 Pearl street, 73 Nassau street, 22 Stone street, 100 Broad street, 105 Broad street, 132 Broad street, 37 Front street, 127 Pearl street, 68 South street, 44 Gold street, 102 Maiden lane, 74 Maiden lane, 127 Cedar street, 26 Stone street, 138 Stone street, 88 South street and 167 Maiden lane; now I find in the Second precinct here, in Captain O'Connor's precinct, that you have returned—? A. Captain O'Connor's precinct; there has been lots of them closed since the Lexow committee commenced to sit the last time.

Q. Eighteen places in Captain O'Connor's precinct? A. That is about right.

Q. And the backers there are given as Adams and Shipsey; they are the two principal backers in that precinct? A. Yes, sir.

Q. I find in the Fourth precinct, Captain Slevin, there are 23? A. That is a good neighborhood; Slevin is a very good man for the policy business.

Q. He is a good man for the policy business? A. Yes; one of the best.

Q. One of the best captains? A. Yes, sir.

By Chairman Lexow:

Q. When you make those statements, you mean that in that particular branch of industry that captain is considered by common rumor to be one of the best? A. Not Slevin; I do not; I will tell you after awhile some circumstances that makes me know the best from him.

By Mr. Goff:

Q. We would like to have any personal knowledge you have rather than statements of general rumor? A. Do you remember reading in the paper a couple of months ago, and in the Evening World, when Captain Slevin said — he made the report to one of the police commissioners — that somebody had sent him a letter, signed "Mother," complaining that there was a policy shop at 102, 107 and 200 South street, and 203 Front street; in answer to the commissioners, he sent his officers there in citizens' clothes, and visited there himself, and he found no policy shops running; and he said right, but all the time I was running, and I ran after his man visited, and he made that report to the police commissioners, and it was published in the Evening World.

Q. It was right? A. It is right; his men visited, and he visited, and visited me; all he said to me, "Go in a story higher, Carney, or go in a small, dark room."

Q. Who said that? A. Why, wardman, one of them; Wardman Townsner, and Slevin came around, and I was gone to dinner, and he told the wardman to tell Carney to go up a story higher.

Q. And hence it is you can say Slevin is one of the best men for the policy business? A. I will tell you another thing; he came around one day; I was a little tired chasing around the Long Island Hotel, 203 Front street.

Q. Chasing around for what? A. From room to room, you know, through the hotel, writing; I had to jump around and carry my little table around into each room; so one day I took two men up in a room, an upper one; I was sitting there, and I locked the door tight up; I did not think about the transom being unlocked, so I sitting there writing, and there was a big electric wire, a thick one, hanging down from the side of the building, and someone came to the door, and knocked hard; it did not sound like a right kind of knock to me; I did not give any answer; I said, "If you want to get in here, go downstairs and see the doorman, and if you are all right he will let you in;" and pretty soon I saw the transom opening, and Wardman Callahan was looking in, and I writing; and when I see the transom, I grabbed the electric-light wire and started down, to get out; he says, "Hold on Carney; that is all right; I want to see you;" I said, "It is you, is it;"

he said, "Don't I tell you the old man says to get out of here; how are you obeying me; what are you doing; do you want to have me broke; do you want to have the old man broke;" he would have arrested me if he could, but the captain would not allow him to arrest me; Callahan would have pulled me all right, but that was his orders to see how I was doing; at this point, that was the only two I had taken in the hotel; the man downstairs had taken the play from the people and brought it up to me; this day it happened; he said, "I would not have known where you was, only when I was coming along these two men were talking in the room;" and Callahan says, "Now, I want you to get out of the building, and take your play on the street, and go upstairs in the garret, on the roof, and write your play when it is time;" I said, "All right, Callahan, I will do it;" he went out and I went downstairs every day and collected my pay, and took my table up in the room in the top of the hotel, and wrote it out and sent it to the office; and I have reason to understand that Callahan and Slevin are pretty good men to me.

Q. Now, I see in the Fifth precinct, the one that Captain Dougherty commanded —

By Chairman Lexow:

Q. I would like to understand this a little better, Mr. Goff; how is it if you were paying protection, and had a large amount of money paid for protection each month, how was it you permitted these wardmen to chase you from one room to another, and one house to another? A. Of course you know the captain has got to protect himself, and when a complaint goes into Superintendent Byrnes and the police commissioners it has certainly got to be investigated; and if the report goes to the police commissioner personally he has certainly got to make a report to him.

Q. Did you say to Callahan, "Now I am paying out of my little income, I am paying a certain amount monthly to you people for protection; why don't you protect me, why do you disturb me?" A. That is what he was doing; he came to warn me to go into the top of the building so the Central men would not get me.

Q. Callahan warned you to go from one room into another to protect you from a raid from the Central office? A. Yes, sir; Byrnes would send his men on account of these complaints.

Q. They were afraid you would be raided from the Central office on account of no word being sent to the police station?

A. Yes, sir; they said if they come around and catch you we are in trouble.

By Mr. Goff:

Q. I find you report here 12 places in operation in the Fifth precinct, lately commanded by Captain Doherty? A. Yes, sir.

Q. And the principal backers there that you give are Adams, Shipsey and Morton? A. Yes, sir.

Q. I find in the Sixth precinct, commanded by Captain Berghold?

By Chairman Lexow:

Q. One moment; we had some testimony here yesterday showing that when a letter calling the superintendent of police's attention to the presence or existence of some of the games in a certain precinct had been received by the superintendent of police, that it apparently then had found its way to the station-house in the precinct in which the lotteries were situated? A. Yes, sir.

Q. Did any such occurrence ever happen while you were in the business? A. Oh, if there is a complaint sent in about them shops to Superintendent Byrnes of course the captain would send around his wardman and tell you to lay low. When these complaints, signed "Mother," of those three places came, Captain Slevin published them in the World — his answer to it to the police commissioner; it was in the Evening World, and you can find it there in looking over the index, a small item in the Evening World; these complaints have been sent to the police commissioners, and they referred it to Captain Slevin, I suppose, or he would not have known anything about it; of course he knew we were there, and were doing business, but he would not have come around and said, "Lay low, and look out for Central people."

Q. Were you ever directly warned, from your personal knowledge, by Callahan, or any other wardman in that district, that you might expect a raid from the Central office through Inspector Byrnes? A. I was directly warned to look out for Inspector Byrnes' men from the Central office.

Q. Just state the conversation, as far as you can? A. Callahan came around, and said, "Carney, you have got to get out

of here;" I said, "Why;" "Well, there has been a complaint sent in;" I said, "How is this," "Somebody complained about you, Jose, and Dix, 103 and 107 South street; somebody complained and signed "Mother," and the old man sent me to tell you to go up into the top of the building or get out for a few days;" I said, "All right, Callahan, I will do it;" he said, "Don't fail, for the Central men will be around here;" and they were, a big fellow with a light moustache, and a small slim man.

Q. Was that the letter you referred to before signed "Mother?" A. Yes, sir; I think it had been sent to the police commissioners; and this big fellow with the light moustache, he was all right; he was straight to us people; he would not pinch me; for every time he came up, and he would come up and say "Sneak" when the tall, slim fellow was coming up; but the tall, slim fellow would come up and look all around; I suppose it was fixed up for one to come up, and then make a big bluff; and go to the house and search for me; the big fellow would come up and say, "Sneak," and the other man loiter behind.

Q. He was connected with the Central office? A. He said so; Callahan said so; "I know those fellows; look out for them," those are his very words; this Towsner was a special officer, and they sent a man down from headquarters to write for me, a man named Joe; I gave my warning, but Towsner comes up and gets Joe, and walks in; he didn't arrest me; but he was in there, and Joe talked with him, and I guess he done something else; I guess he gave him some money; I don't know.

By Senator Cantor:

Q. You were not present? A. No, sir; anyway, Towsner did not arrest him, but said, "We will call it square this time, but after this time keep your door locked," and pulled out his shield and chucked it on the desk; he is a special officer, and not a wardman; he goes around in civilian's clothes; and says, "Now, my boy, I have got you;" and Joe talked to him a little while and from what he told me the next day he paid him something; but I don't know what.

By Mr. Goff:

Q. Never mind about that; now, you have made, you say, a careful examination of all these places in the city of New York? A. Yes, sir.

Q. You have made a return here of the policy shops in every precinct in this city? A. There is one or two precincts away up town; I did not have time to go there.

Q. That is across the river? A. Yes; Captain Ryan's is one.

Q. Kingsbridge? A. Yes, sir; I did not go out there; every precinct south of Harlem river and up around Morrisania, and Mott Haven, etc.

Q. But, with the exception of that Kingsbridge precinct, covering Riverdale and up there? A. Yes; I did not go there.

Q. Will you swear there are policy shops running and have been running during the month of September in every precinct in the city of New York? A. I do, sir.

Q. I see here running on the average — running some places from 6 and 7 to 30 and 40? A. Yes, sir; I have a list of about 350 that I would not put in that list, because I would not swear they were not running; I knew there were policy shops there one time, but I could not say they are now.

Q. The list you give us here is a list you can swear represents the policy shops that are actually running? A. They were running when I got that list.

Q. And amounts to about 600? A. Yes, sir.

Q. Six hundred policy shops running to-day in the city of New York; and do you say, from your knowledge of the policy business, would it be possible for those policy shops to run and be in operation without the knowledge of the police? A. No, sir; it would not; of course not; they could not; it would be impossible.

By Senator Bradley:

Q. How long do you suppose a policy shop could run in the precinct without the detective or captain knowing knowing it? A. He would not run 12 hours.

By Chairman Lexow:

Q. As I understand you, you say nobody dares to open a policy shop, unless he has ascertained beforehand that he is going to be protected by the police? A. I never knew any one to open one unless he saw the captain first; I never heard of them trying to open one without getting his protection of the police.

By Senator Pound:

Q. What is your present occupation? A. Nothing now.

Q. When did you go out of the policy business? A. A couple of months ago.

Q. Why? A. On account of my wife and family; they wanted me to give up the business, that is all.

By Mr. Goff:

Q. Do you remember one day when there was an arrest made in your place you received a message that you had better go to the court, and a runner from the court approached you? A. Oh, yes; yes, a fellow by the name of Jim O'Toole.

Q. Who is Jim O'Toole? A. He does the court and confidential business of William Marr's manager, that is, Richard Phalen; he goes by the name of William Bedell, but his proper name is Richard Phalen; I was talking to Mr. Bedell at the time that Jim O'Toole came in, and I think he had been to the Jefferson Market or Essex Market Court, I am not sure; somebody had just been arrested, and this is the words he used to Mr. Phalen; he says, "Ryan says, send over another hundred dollar bill," and Phalen says, I wonder where in hell he thinks we get them, on the docks," and Jimmy says, "I don't know, but Ryan says, we are not doing right and Parker is doing the square thing, and if we don't do it, he is going to turn it down;" I don't know what Ryan it was; he said, "We opened a couple of bottles, and he told me this;" he says, "You musn't return any more money to this clerk;" this Ryan says to him, "Don't pay this clerk any more money; if you have got any more money to pay, pay it to me."

Q. What is the name of the speaker? A. James O'Toole.

By Senator Bradley:

Q. What position does he hold? A. Confidential man, and he does all the court work for this man Meyers, for this backer.

Q. For the different police courts? A. All through the city; O'Toole was a rather, short, stout man with light moustache.

Mr. Goff.— We offer this last sworn to in evidence; he swears to it to-day; it has not been sworn to in the shape of an affidavit; he swears to it now. I notice here that it is not in numerical order, so I shall put it in numerical order afterward. If you please, mark it in evidence.

(List marked Exhibit 1, October 11, 1894, L. W. H.)

Q. How many days did it take you to get up that list? A. I suppose — I did not work steady on it — I suppose I was about two weeks and a half off and on.

Q. Do you mean to be understood that you went to each one of these places, and saw that they were in operation? A. I did, sir.

Q. To everyone of them? A. I seen some evidence in them, or got some evidence in them, that shows that they are running as policy shops.

Q. That they were doing business there? A. Doing business, and selling lotteries.

Q. Does that statement of yours include any individual place mentioned on that list? A. Yes.

Q. Your instructions from me were not to report any place unless you could swear to it as a fact that the policy business was being conducted there at that time? A. Yes, sir; those were my instructions.

Q. Have you followed those instructions? A. Yes, sir.

Q. And you swear this report you made is accurate and correct? A. Yes, sir; it was; of course, it is probably —

Q. For the time you have stated, within the days you have stated? A. Yes, sir; I have got lots of slips, and lots of plays I got in many of those places.

Q. In many of those places you have reported here you have played in them? A. Yes, sir; here is some places, and here is a lot more here.

By Senator Pound:

Q. How many places a day did you visit? A. When I had a ward I picked up 50 or 60 places very easy; I got a play in them, or got a slip from them.

By Mr. Goff:

Q. What is this? A. That is "a book."

Q. This is "a book?" A. Yes, sir.

Q. This is what you call "writing it up?" A. That is a policy book; that is the regular gig all written down; that is the book you send to headquarters.

Q. That is one there? A. No; one drawing; that is only one of the books; that is just a copy; there are three of those sheets; the same ones at headquarters, and one to Jersey City, and keep one; that is for one drawing; that is all.

Q. And you say you sent one to headquarters, one to Jersey, and you kept one? A. Yes, sir.

Q. To whom did you send it to Jersey City? A. Well, they sent it to this Conlon's office; of course, there is a runner takes them over; I don't know where his office is; you could not find it very well.

Q. I notice here, for instance, on the first column, several numbers, and a small column then with the figures 10 in it? A. Yes.

Q. What does that mean? A. That is the way some people make their books; that is to add up their column easy; that is 10 cents that play costs.

By Chairman Lexow:

Q. In how many of these 600 places could you actually buy slips and plays? A. How many did I buy?

Q. Yes; in how many of them did you buy a play? A. I should judge in about 100 of them; the rest of them, I got slips from them, or something from them, and talked a while.

Q. You are known to most of them? A. Most of them I am known in.

Q. When you say you got slips, what do you mean by a slip? A. Where is that running slip?

Q. A running slip? A. There is one.

Q. And from how many of them did you get running slips? A. Most all of them.

Q. In other words, in over 500, or about 500, you got running slips? A. Yes, sir.

Q. And how many of those places did you visit where you did not get any at all? A. I don't suppose more than 50 of them, and then I would go in and talk, and see people buying; that is plain enough.

Q. How many of those 50 would be included in that statement? A. I seen a book or a slip, or seen them writing policy in every one of them.

Q. You swear to that? A. Yes, sir.

Q. In other words, you saw evidence there that if a policeman had seen, then it would have justified an arrest of the writer? A. Yes; well, the policeman might not have understood — well, he could not help it either; I understand how the game is run, you know; a policeman might see a man writing on a book, and he might not say it was a policy book, you know.

By Mr. Goff:

Q. But policy playing was indulged in in every one of those places that you have reported in your return? A. Yes, sir.

Q. We asked you a question or two about — A. I did not tell you about Captain Mertins.

Q. You omitted to tell us about that? A. Captain Mertins came — well, I don't remember now — it was just this last spring or winter when there was such a scurry around anyhow — Captain Mertins came around where I was, at 1464 Third avenue, and came there twice personally and came into Mr. Dore's house to tell us to close up and get out for a few days until everything blowed over; that was Captain Mertins.

Q. Speaking about Dore, was he a backer? A. No; he is a middle man.

Q. A middleman? A. Yes, sir; he opens books; he fits up a place, and opens a book, and gets a man to back it and gets so much of the earnings.

Q. You spoke of children going into these places; have there ever been any arrests made so far as your knowledge goes of children, or of policy players, for letting children into those places for playing policy? A. So far as my knowledge goes about four years ago, there was two Gerry men came around to this man Dore, and they were going to arrest him for giving a slip to a little boy — my little brother-in-law.

Q. Is this the little fellow in court? A. That is him; he was only about 10 years old then; and some lady down the street had given him a paper and money, and told him to go to Dore's, and she gave him a penny, so as to bring it back; the boy did not know what the paper was for, and Dick gave it to him, and it appears somebody complained on Dick for doing this; I don't know who it was, but two Gerry men came over and went to the boy's house and to his mother, and told her about it, and of course she knew nothing about it, and when the boy came home she corrected it and stopped it; Dick came very soon after, and he says, "Well,"—I won't mention the name—"Well, Mrs. — he says, it just cost me \$50 for giving those papers to little Johnnie; just \$50," he said, "I have to pay those Gerry men \$50 to get out of it;" I says, "Don't let Johnnie go around there again;" she had been slightly acquainted with this Dore, and she had lived there for years, and he said, "Never let your boy come around again; I had to pay this man \$50."

Q. Did you try to subpoena Dore? A. Yes, sir; and a man went up there, and they told that Dore had gone to Kansas six weeks ago; I had tried to find him the last two or three nights, and my opinion is he is laying low somewhere.

By Senator Bradley:

Q. He is behind the door? A. Well, he is out of sight.

By Mr. Goff:

Q. Is your wife, who is now in court — was she present? A. She was present when the two Gerry men went to her mother, and they had gotten the boy's name, and she was present when the Gerry men came up; I don't know whether she was present when Mr. Dore said to my mother-in-law that he paid the Gerry men; but my mother-in-law told me personally, and told me the whole circumstances that this man Dore had said it cost him \$50.

Q. Was there ever any arrest or prosecution made against Dore for selling this little boy this slip? A. No, sir; not at that time.

Q. Or at any other time since? A. Not by the Gerry men; he has been arrested half a dozen times by the police.

Q. I mean for selling this little boy the slip? A. No, sir.

Q. The Gerry men went there? A. Yes, sir.

Q. Did they take the little boy with them? A. No, sir; I think they did not see the boy; the boy was out at the time they came to the house; they had good evidence that this man Dore had sold to the boy to give to this lady down the street.

Chairman Lexow.—That is all.

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

Direct examination by Mr. Goff:

Q. What is your business? A. Carriage and wagon-making.

Q. Where? A. West Farms.

Q. In this city? A. Yes, sir.

Q. Is West Farms in this city? A. West Farms is in the city; yes; about One Hundred and Seventy-second street.

Q. You have had the polling-place in your shop? A. Yes, sir.

Q. For many years? A. The first time in 1891.

Q. The first time in 1891; well, what rent did the city pay you for the use of your shop? A. It was about \$50.

Q. Had you to pay any portion of that \$50 to any person? A. So my partner told me; I had a partner at that time; he made the arrangements.

Q. With whom? A. According to the book, the book says to the sergeant.

Q. Let me see the book? (Witness produces book.)

Q. Now, this book you show me, was this a book used in your business? A. That is a day-book.

Q. In whose handwriting are the entries? A. In mine.

Q. And did you make the entry here on September 28, 1891? A. Yes, sir.

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

Q. It says, "September 28th," this is money paid out? A. By Mr. Hamilton.

Q. Hamilton paid; that is, he gave you a statement of moneys paid out? A. Yes.

Q. And you entered that in the book? A. Yes, sir.

Q. "Line, 15 cents, sergeant, for election, shop, \$15;" you say that for the privilege of holding elections in your place? A. That was supposed to be.

Q. You got the money from the city? A. As I understand it, it was a bonus.

Q. A bonus to the police captain? A. I don't know; Mr. Hamilton attended to all the outside business, and, as I understood, to get the privilege of having the election there, there must be a bonus paid.

Q. To the captain of the precinct? A. As to that, I don't know.

Q. To the police? A. Yes; to the police.

Q. Now, in order to get the place of election approved of, it is necessary to have the approval or report of the police captain in each precinct, is it not? A. I believe that is the understanding.

Q. And for that, you say it is generally understood that a bonus shall be paid to the police out of the money received from the city? A. Yes, sir.

Q. And this \$15 represents the bonus that you paid and your partner for that out of the \$50 which you received from the city? A. Yes, sir.

Q. Did you have elections in your place afterward? A. Yes, sir.

Q. Did you pay the next year? A. We lost it next year; we did not have it.

Q. Eighteen hundred and ninety-two? A. Eighteen hundred and ninety-two, we lost.

Q. Eighteen hundred and ninety-two, you lost? A. Yes, sir.

Q. That is, somebody else got the place in your election district? A. That was it.

Q. In 1893, did you have it? A. Yes, sir.

Q. Did you have to pay in 1892? A. At that time I was alone; I got rid of my partner, and that time I was alone; having lost it the year previous, I agreed to pay the same bonus; that I did myself.

Q. To whom did you agree to pay the same bonus? A. I suppose, to the ward detective.

Q. And did you pay the same bonus? A. Yes, sir.

Q. Fifteen dollars? A. Yes, sir.

Q. Have you conversed with — A. I would like to say as well, I have the polling-place this year there, but no bonus paid.

Q. You have not been asked this year for bonus? A. No, sir; thanks to Mr. Lexow and this committee.

Q. Did you ever see Captain Mertins about the matter? A. I don't know him; I don't know the precinct captain either; you see West Farms is as far from Tremont as Harlem bridge is, that is, the length of time to go there; there is no cars running across, and the only way to get across is to walk.

Q. Well, did you see the sergeant? A. When, this year, do you mean?

Q. In 1891? A. I might, but as I say, Mr. Hamilton, he was twice my age, and he attended to all the outside business, and especially this matter.

Q. Last year, 1893, did you pay the money in advance, before you got the money from the city? A. That was the understanding when the lease was given.

Q. When the lease was given to you, that you would pay the money then? A. Yes.

Q. Fifteen dollars; have you spoken with other persons who have elections take place in their shops or houses? A. No, sir.

Q. You have not? A. Not on that matter; I have spoken with them; I know one party; but I never asked him if he paid; I understood they did.

Q. You understood? A. Yes, sir; it is only a matter of here-say evidence.

Mr. Goff.—While I do not wish to put it into his evidence, the number of communications I have received on the same point all around would indicate that there is a uniform custom in this city that every polling-place has to pay.

Senator Pound.—Who gets the money?

Mr. Goff.—The police. . There are over 1,100 election districts in this city.

By Chairman Lexow:

Q. You testified that it was common rumor that payments of that kind had to be made; what have you to sustain that inference of yours that it is common rumor? A. General talk of people to me.

Q. Do you mean to say you have spoken to others who have made the same payments? A. Well, I mean that among my friends and acquaintances, that it is understood; the same as I meet an acquaintance and happen to speak about elections, etc., and ask him where the polling-place is in his district, and he says so and so; and possibly he paid more than another man and got it.

Q. And that the payments are made to the wardman in the particular district? A. I don't know whether it is done in all cases.

Q. I mean is that the general impression? A. It is paid to the police department, men they designate, whoever is around; I do not know whether it is always the ward detective, or whether it is the sergeant; I understand it is the sergeant of police.

By Senator Bradley:

Q. Were you well acquainted with the man that got the polling-place in 1892? A. Yes, sir; I know him.

Q. Did you ever have any conversation with him about getting the polling-place in the previous year? A. No; I did not.

By Chairman Lexow:

Q. You don't know whether he paid or not? A. I could not say no more than I heard he had; I never asked him.

Q. He never said anything to you about it? A. He never did.

Mr. Moss.—I desire to read from the blotter of the Nineteenth precinct in connection with the testimony of Seth B. Robinson. He was not able to get the name of the police surgeon who examined Officer Callahan, "September 12, 1894. Seth B. Robinson, a lawyer, of 49 Liberty street, residence, 719 Madison avenue, called Roundsman John H. O'Neill's attention to an officer, John J. Callahan, of the Fifth precinct, at Twenty-third street and Sixth avenue, whom Robinson said was under the influence of liquor, and had fallen down stairs of the L station at Twenty-third street and Sixth avenue. He had also seen him stagger in the elevated train before arriving at Twenty-third street, and when the roundsman found him, he was down stairs in the trunk store, northwest corner of Sixth avenue and Twenty-third street. He walked to the station-house, with the roundsman and Mr. Robinson, and Dr. Cook was sent for, and examined him, and the following is the report to the superintendent, Thomas Byrnes. In accordance with rule 527, I examined Policeman John J. Callahan, of the Fifth precinct, at 10:15 a. m., this day, as to whether he was intoxicated or not. I found he could walk without deviating from a straight line, could stand still, and erect with closed eyes, on both feet, and on one foot had no muscular tremor. He could comprehend and answer my questions put to him understandingly and correctly. The only evidence of intoxication I could find on him was a faint smell of liquor on his breath. I am of the opinion that he is capable of doing police duty. Very respectfully, S. G. Cook, M. D., Surgeon of Police. Papers sent to Central office with Officer Marvin, obtained at 11:25 a. m." This is the same officer of whom we will prove he went into a restaurant yesterday, and committed various acts while intoxicated.

Senator Bradley.—There is no evidence there about his giving another man his coat and hat.

Mr. Moss.—No; not on the blotter. They would not put such a thing as that on the blotter.

Senator Bradley.—Isn't that a serious charge to give another man his coat and hat?

Mr. Moss.—He induced another man to commit the offense of impersonating an officer; and that would be very serious.

Chairman Lexow.—If there is no further testimony, do you want to say anything more?

Mr. Goff.—The report has just been handed to me in an evening newspaper, the Evening World, of another dead body

having been discovered in the "Walled-off Flats" testified to by Mr. West — Ryan's boxes. I have another case of extraordinary brutality, and a record of beastly language, but I think the record we have is sufficient, and I will not ask the committee to sit any longer this evening, and with your permission, I ask, Mr. Chairman, that we adjourn until Tuesday morning.

Chairman Lexow.— All witnesses subpoenaed for to-day, or in attendance to-day will attend again on Tuesday of next week at half-past 10 o'clock in the morning. The committee will stand adjourned until that time.

Proceedings of the forty-sixth 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 3, in the city of New York, Tuesday, October 16, 1894, at 10:30 a. m.

Present.— Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, Cuthbert W. Pound, and Jacob A. Cantor; John W. Goff, and Frank Moss, of counsel for the committee.

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

Direct examination by Mr. Moss:

Q. Your name is James Smith? A. Yes, sir.

Q. You keep a restaurant, do you not? A. Yes, sir.

Q. Whereabouts? A. Eight Greenwich avenue.

Mr. Moss.— Is Officer Callahan here? (No response.) I have had occasion to write to the captain having the precinct where Officer Callahan is stationed, calling his attention to the persistent failure of this officer to respond promptly to subpoenas; he was subpoenaed the last day, appeared here, walked out, was called twice, and managed to get into the rooms between the courts. This is the same Officer Callahan that was testified about by Seth D. Robinson.

Q. I think you saw Mr. Callahan in court the other day, didn't you? A. No, sir.

Chairman Lexow.— Is this corroborative testimony of the same facts.

Mr. Moss.— No; other facts.

Q. Please tell what Officer Callahan did in your restaurant recently; what was the date? A. Yesterday, a week.

Q. Just a week ago? A. Yes; yesterday, just a week ago yesterday, he came in about 4 o'clock with two live chickens in his hands, about 4 o'clock, and put the chickens on my table; I said to him, "What are you going to do with those chickens;" and he said, "Have you got a knife;" I looked at him and saw he was drunk; and he said, "Give me a knife;" and he put his hand to his pocket (illustrating, by placing his hand at his hip pocket), and said, "I will shoot you if you don't give me a knife;" I saw he had a pistol in his pocket; I never saw him before; I ran out for a policeman, and couldn't find none, and when I returned my waiter put him out; about 15 minutes afterward he came in without a collar, or tie, and without an overcoat, and I was standing outside the door, and he said, "Get inside;" and he pushed me inside, and had a pistol in his hand, and he ran at the waiter in the kitchen, and the waiter ran through into the barber shop, and he broke a looking glass in the kitchen, and he handcuffed me and brought me to the station-house, and dragged me to the station-house, and said I robbed a man of \$150.

Q. He did not charge you with that in your restaurant, did he? A. No, sir; but he made a charge against me in the station-house that I robbed a man of \$150, and then made a charge against me of assault, and selling liquor without a license.

Q. Three charges? A. Yes, sir; and the captain discharged me and kept him there.

By Senator Bradley:

Q. Did he have his coat on then; did he put his coat on before he arrested you; without an overcoat, you said? A. Yes; without an overcoat; he had citizen's clothes.

Q. He had no overcoat on? A. He had no overcoat the one time.

By Mr. Moss:

Q. You were not held by anyone on either of those charges? A. No, sir.

Q. Did you report this to any judge or official? A. No, sir; I made a charge at Mulberry street.

Q. That charge is now pending? A. Not yet.

Q. You have not been called on? A. No sir.

Q. Who did you see there? A. I saw Inspector McAvoy.

By Chairman Lexow:

Q. How long ago did you make the charge? A. Last Tuesday; the next day.

Q. Last Tuesday? A. Yes, sir.

Q. A week to-day, exactly? A. Yes, sir.

By Mr. Moss:

Q. Have you seen the officer since? A. No, sir; I have not.

Q. Had any communication from him? A. No, sir.

Q. Anybody call about the matter? A. Yes, sir.

Q. Who called? A. A man named Farley.

Q. What did he say to you? A. He told me to let it go, etc.; and I told him I would not; I would tell the truth; that is all.

Q. Who is Mr. Farley? A. He is collector for Raslin & Reed, ale-brewers on Eight avenue.

Q. Did he tell you what would happen to you if you did not let it go? A. No, sir.

By Chairman Lexow:

Q. You did not see any police commissioner? A. No, sir.

Q. You only saw Inspector McAvoy? A. Yes, sir.

Q. Did he take it down in writing? A. Yes.

Q. So far as you know the matter of your complaint has not been brought to the knowledge of the police commissioners themselves? A. No, sir.

Chairman Lexow.—Don't you think that these individual cases —

By Senator Bradley:

Q. How long have you been in the restaurant business? A. Four years.

Q. Have you ever had any trouble with the police whatever? A. No, sir; never.

Q. You have never been approached by any of the police for blackmail? A. No, sir.

Q. Never asked for a dollar? A. No, sir; never in a station-house in my life.

Q. You were never approached by an officer or policeman for blackmail money? A. No, sir.

By Chairman Lexow:

Q. You were brought before a police justice weren't you?
A. No.

Q. How were the charges against you dismissed — by the sergeant at the desk? A. Yes; by the sergeant at the desk.

Q. He simply released you? A. Yes, sir.

Chairman Lexow.—Don't you think these individual cases, Mr. Moss, of usurpation of power by individual police are really traceable to the general system?

Mr. Moss.—Yes; that is our contention, and that is why we bring them out.

Chairman Lexow.—And that there is almost enough evidence before the committee now to show that a system of that kind exists, and the point has been reached where we ought to really go higher.

Mr. Moss.—So far as that is concerned, your committee will take notice that a short time ago we produced a large number of cases of this kind, and brought a great many of them to a focus on one day, so that it might well be said that the intention of the police department has been called in the most strong manner possible to this condition of affairs. Now, these cases are cases which have arisen since that day; these occurrences have happened since that time, and they happen nearly every day. Now, the point that I make proof of in this case is that this officer has been in this court in uniform; and we are not able to show now, this morning, that he has been suspended, but he has been here in uniform, so it is patent to us that, notwithstanding what has happened, that officer has not been suspended and is still on the force.

Chairman Lexow.—It seems to me the counsel having formed such a foundation as they have, and absolutely impregnable foundation for testimony against those in higher authority, that it would be proper to summon the police commissioners, and put them on the stand, and ask why they permit this to be tolerated.

Mr. Moss.—We do not think the time has come yet on that line. The continuing failure to act while this committee is in session, and while these cases are being unfolded, is

making up an indictment for which we shall call the commissioners to answer in a little while.

Chairman Lexow.—It looks to me that the indictment is very close to absolute proof at this time.

Senator Bradley.—You want to prove that these things exist under the reform administration?

Mr. Moss.—Certainly, under the present administration.

Senator Bradley.—With two reform commissioners?

Mr. Moss.—Yes.

Chairman Lexow.—I do not believe the Senator wishes to criticise the commissioners on this last case. Inspector McAvoy is the only man who is informed of the complaint.

Mr. Moss.—But the point is that the police board, as reformed, without regard to personalities, but as reformed, in some measure, is not able to or does not succeed, for some reason, in putting a new spirit into the police court.

Senator Bradley.—Has it not been proved that this same individual fell down the Elevated railroad steps?

Mr. Moss.—That is the point I wanted to bring out.

Senator Bradley.—And that he went into a basement or cellar and took his uniform off, and some person took his uniform off, and let it to another man to impersonate him to deceive the lawyer that was here, that he was the individual, and he was lying drunk in the basement; hasn't that been proved?

Mr. Moss.—That has been proved.

Senator Bradley.—The police commissioners should have taken notice of that.

Chairman Lexow.—No, I disagree with the Senator. We have placed ourselves on record here, requesting the police commissioners not to move. We can not take the inconsistent position that after that testimony is adduced on the stand here that, in defiance of our repeated requests they should try that man for his offense, unless it was shown that that matter had been brought before the police commissioners previous to the witness coming on the witness-stand.

Mr. Moss.—It appears from the blotter it has. The blotter shows that the papers had been transmitted to headquarters.

Chairman Lexow.—Do you remember the date of that?

Mr. Moss.—Sixth of September, last month.

Senator Bradley.—There is no charge of blackmail or fraud against this man, and this is a breach of discipline which the commissioners are bound to take notice of immediately. It is different from any other case entirely that we have requested the police commissioners to keep their hands off.

Chairman Lexow.—I believe that under the Penal Code the aiding and abetting another to personate an officer is an indictable offense and crime; and, therefore, it is not only a breach of police discipline, but an absolute crime.

Mr. Moss.—The reason for calling this witness to-day is, that it shows most vividly the manner in which brutality is encouraged, if not created, by the present system of administration of the police force. This Officer Callahan was found drunk a month ago by Lawyer Robinson. Lawyer Robinson as a public-spirited man clung to him. He did not propose that that man should go off on a rampage and do what other policeman have done. He found his superior officer. He insisted that the officer should go down and get his subordinate and take care of him. The officer would not do it until he was compelled by the persistence of Mr. Robinson, and Mr. Robinson entered the place as detective to find the drunken officer. Mr. Robinson still stuck to him and got him to the station-house. The sergeant endeavored to exonerate him. The police doctor was called in, and the police doctor with a peculiar certificate decided the man was able to do police duty, and he was sent out to do duty. The facts as appear by the blotter were sent down to police headquarters. The man remained on duty. There were no charges preferred against him. He was not suspended an hour. He goes on, and he develops, and he goes in the restaurant of this man with two live chickens and wants to cut their heads off in his restaurant, and because he is not allowed to do it, he produces a pistol and threatens to blow his brains out.

Senator O'Connor.—Mr. Moss, of course this committee can not make the policemen do their duty. Our function is to take the evidence and report to the Legislature. Now so far we have been making it quite warm for the rank and file of the police. There seems to be a great deal of disorganization of the force. Now what we want to know is whether the parties higher up are responsible for this condition of affairs; and we would like to have the satisfaction of having them come on

the stand and tell their story; we want to see whether the men who are charged with the conservation of this police force, to see they do their duty, how far they are derelict in their duty. We want the fountain head.

Chairman Lexow.—It seems to me Mr. Moss that we have indictments here by the wholesale of the police commissioners, if the testimony adduced before this committee is true. You produce upon the stand here for an entire day, if not two days, men who have usually maltreated citizens of this city, and who still were wearing the uniform of the force. Why can not you have the police commissioners here to answer why they permit those men to still wear that uniform and use that club. It seems to me that we ought to go as high as we can go, and just as soon as we can go there; and I think this committee is prepared to put a few questions to those police commissioners as soon as you subpoena them.

Mr. Moss.—Your honors have had confidence thus far in the judgment of the counsel.

Chairman Lexow.—We do not say that as intimating any lack of confidence.

Mr. Moss.—There are a great many things we want to ask these commissioners. We do not want to put them on the stand and ask them simply about police clubbing and then let them go, and have another chapter. When we get our commissioners on the stand, we propose to keep them there to answer the whole indictment. Our indictment is not yet completed. This is a very small part of the indictment. This is a minor chapter.

Chairman Lexow.—I only thought it my duty to call the attention of the counsel to the fact that it seemed to be the general feeling among the committee that we have reached the point where now the investigation of the fountain head of the department was rendered necessary, not only for the purpose of our own satisfaction, but because there is a public demand in this city that that should be done, and should be done at once. Now if counsel in their discretion, with a larger view of the objects that they seek to obtain, and possibly individual members of this committee may not think that the time has been reached for that, why of course we bow in deference to their judgment.

Mr. Moss.—I am certain that the committee and learned chairman will feel that when the commissioners are put on the

stand, when the testimony is evoked and their answers to the questions come out, that we will then be justified in their mind as to any lapse of time in putting them on the stand. We shall put them there when the case is ripe.

Chairman Lexow.—Very well, Mr. Moss; will you proceed.

Mr. Moss.—Let me say again in reference to this officer and possibly other cases of the same nature that we may produce, that our point in putting these cases on now is that the commissioners have had a tremendous notification of a great evil that exists; that their officers commit crimes which, if committed by private citizens, would send them to State prison; but these officers, because they are officers, may commit and do commit these very crimes, and are doing them every day while this committee is in session, and they are not even suspended. There is no rule that requires the police commissioners to put these officers on trial in the criminal courts, but they ought to do it now as matter of right for their own protection, and they do not do it.

Chairman Lexow.—I personally do not place very much confidence in the argument that the proceedings before this committee are going to demoralize the police courts of the city. I do not believe that virtue will be demoralized. I do not believe that men who have not violated the law will be demoralized. Only those who can by any possibility be demoralized are those who have used the club and who have violated the law, and who ought to-day not be on the police force of this city; so I do not think this evidence is going to demoralize the force.

Mr. Moss.—Oh, no. And while we are on this point, let me make this further suggestion: There are a great many people in this city who are in terror of the police, who have felt their club, not simply a sentimental feeling that has come from authority, but they felt the authority of the club. These people begin to realize that they can come here and be protected in telling their story; and I say that the freedom we have given to people to tell their grievances have opened up; we have evidence of other kinds which has been very important and very useful. There are in this city two station-houses which are known as the slaughter-houses, because, when people are gotten into those station-houses against whom the officers have grudges, they are beaten and hammered, and put

in jeopardy of their lives. I have a man now whom I hope to get upon the witness chair, who only last month was kicked and ruptured in one of those station-houses.

Senator O'Connor.—By an officer?

Mr. Moss.—By an officer in the station-house, with a full knowledge of the sergeant at the desk. When the unfortunate citizen, who has not sufficient power to stand up and demand and insist upon and get his rights, goes into that station-house, and the doors are closed upon him, he has no chance; he has no witnesses; the officers will stand together and say nothing has been done; and this is the only place where he can seek for redress.

Senator O'Connor.—There is a rule of the police department provided for dismissal of the policeman who uses his club, except in self-defense.

Mr. Moss.—Certainly; but in three years there has only been one dismissal for assaulting a citizen.

Senator O'Connor.—Whose duty is it to complain about it?

Mr. Moss.—They have been tried before the board, and have gotten for that offense running from 3 to 10, 20 or 30 days' pay.

Chairman Lexow.—Your claim merely is that we will go higher by producing this general indictment.

Mr. Moss.—We are going high by a short road; we will get there shortly.

Senator Bradley.—If you would go to Blackwell's island, or to the lunatic asylum on the island, you would find a great many cases of clubs there, men out of their minds, and lunatics from the club.

Mr. Moss.—If some of the doings known to the counsel happened in other countries, there would be a popular uprising.

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

Direct examination by Mr. Moss:

Q. You keep a saloon at No. 17 Hester street? A. I keep a saloon at 17 Hester street at the corner of Suffolk.

Q. How long did you keep that saloon? A. Eleven months.

Q. When did you give it up? A. I gave it up on the 14th of February.

Q. Did you have a call in February from two police officers? A. I had a call on the 12th of February, night; that was on

Monday night; I was called upon by Officer Hussey on a charge of suspicions of robbery, that I held up a man by his throat, and another man has taken out \$10 out of his pocket.

Q. Well, before that time you had known Officer Hussey hadn't you? A. Yes, sir; I had — Mr. Shelvey, a ward detective —

Q. How long had you known him? A. At the Bavarian Star, when I took over the saloon of a gentleman of the name of Silverman; he told me that Mr. Shelvey is a ward detective and to be able to keep the saloon open on Sundays I would have to give him \$5 each month.

Q. That is for Shelvey? A. For Shelvey.

Q. Did you do so? A. So I went to see Mr. Shelvey and he told me he would call around at my place, and so he did, and I gave him \$5 for the first month, and so he has come every month to my place, and I always called him in a private room, and I have given him \$5 for protection.

Q. How many times did you give him \$5? A. Ten times.

By Senator Bradley:

Q. In five months? A. In 10 months; one month I failed.

Q. In your saloon each time? A. In my saloon each time, yes, sir.

By Mr. Moss:

Q. Did you ever have any witnesses to that? A. No, sir; not in my saloon each time; once I gave it to him in the station-house.

Q. What month was that? A. That is something I can not recollect.

Q. Was there any officer present when you gave the \$5 in the station-house? A. No, sir; I asked the sergeant if I could see Mr. Shelvey, and he sent me into the private room in the Delancey street station-house and I handed him \$5.

Q. You say you missed one month? A. It is on the book; if I take the book I can tell when I missed giving it to him.

Q. Was it before you were charged with the robbery? A. Some thing before; four or five month before that; he has not called around and so I did not call for him.

Q. You say he came in on the 12th of February and charged you with taking a man by the throat, and taking \$10 from him; what did you say to him? A. I says, "What do you wish, Mr. Hussey;" he told me I had got to go to the station-house

and just make a statement and I did go; when I came to the station-house, Mr. Hussey appeared before the sergeant and told him; he says, "This man is charged with taking a man by his throat, and the other man has taken out \$10 out of his pocket;" the sergeant said to me, "Well, this is a good rig for a saloon-keeper in this city;" I said, "I beg pardon; I had not done such a thing, and he has not found it out as you claim for it."

Q. Stop there a moment; who was the man you were charged with robbing? A. He was a Polack; I don't know his name; he came in the place and asked for some drinks, and called his friends around.

Q. Do you know where he stays; have you seen him in any particular place? A. He has no home in New York; he generally works on the farms.

Q. Have you ever seen him around any particular saloon? A. Since when?

Q. At any time? A. Yes, sir.

Q. Around what saloon have you seen him? A. He used to come around to Silverman, corner of Clinton street, and corner of Division, on Clinton street also.

Q. Did you ever see him about Mr. Hockstein's and Mr. Smith's place? A. No, sir.

Q. This man came into your saloon with some friends, you say? A. He did not come in the saloon with friends; he has found friends in there.

Q. And he wanted to treat them all? A. Yes, sir; so he did treat them.

Q. How many drinks did he treat to? A. I think I put up about 23 drinks at that time.

Q. And you demanded pay, didn't you? A. Yes, sir.

Q. And what happened? A. And he said he had not got any money to pay them; I asked him several times to pay me; and I see the man was half full, and I did not care to have trouble in there and threw him out.

Q. And when he came back he had Officer Hussey with him? A. That was 8 o'clock in the morning when I done that, and 8 o'clock in the evening I was ready to go home, and Mr. Hussey came in and said you are charged with so and so; and then I was taken to the station-house until the next morning.

By Senator Bradley:

Q. Were you kept in the station-house all night? A. Yes, sir.

Q. You were not arrested with any warrant, were you? A. No, sir; I asked Mr. Hussey that myself; he says that all I have got to go to the station-house and make my statement; that was all.

By Mr. Moss:

Q. They got you there on a plea of making a statement; while you were in the station-house in the cell, did anyone come to see you? A. The next morning Mr. Hussey came down, and he says, "Frankel," he says, "I would not like to be in your boots;" I said, "What do you mean;" he says, "You are in a great trouble; you are charged here with suspicions of robbery; you may go away for about five or six years;" I laughed at him, and my heart was shaking then already, but I could not help it; afterward I said, "You had better go and see Mr. Charley Smith about me;" because I always knew that Charley Smith was doing good for people; I told him I always came around to Mr. Charley Smith's and showed myself as a man, and I told him, "Go and see Mr. Charley Smith."

Q. Didn't he propose first that Smith would be a good man to help you? A. No, sir; he did not.

Q. And didn't he say you would have to see Charley Smith about it? A. That was before, when he took me down the other night; and then I told him in the morning; I said, "Go and see Mr. Charley Smith;" he says, "I think somebody has seen him already for you."

Q. Did he mention his name? A. No; he did not.

Q. Mr. Solomon wasn't it? A. He did not mention his name. afterwards Mr. Solomon came in the station-house and told me that he had seen Charley Smith; I said, "I am glad; I think he will do good for me;" then I was brought before the judge — on that day it was Judge Koch — and I had my lawyer brought, and a friend of mine, Mr. Sternlich, and Sternlich came into court.

Q. You are getting ahead of the story; did Mr. Solomon tell you how much Mr. Smith wanted? A. That was after I was bailed, Mr. Moss.

Q. That was after you was bailed; go ahead? A. Mr. Hussey said, I don't need no lawyer; I says, "A lawyer will be here," he says, "No, you don't need none," he said, "Mr. Nathan S.

Levy, a lawyer in Ludlow street, he is a well acquainted man in court, and he will appear before you and do you better."

Q. This is the officer that arrested you telling you what lawyer to take? A. Yes; this is the officer that arrested me telling me what lawyer I should get; and Nathan S. Levy did not come, and Sternlich I begged to go up and see the case, and he went up and spoke to the judge, and the judge said he can not help nothing until we put him under a \$1,000 bail.

Q. Who was the judge? A. Judge Koch; but before he put me under bail I see Charley Smith going up to the bar and tell something to the judge; whatever he did I don't know.

Q. Did he go behind the rail? A. He went behind the rail and told him something to his ear; then he was said to me —

Q. You mean to say that Charles Smith has the entre to the court, and goes behind the rail and speaks to the judge? A. That is what he did; yes, sir; then he said to me, "See, he is talking to you;" I says, "All right, sir," when I was brought up before the judge he put me under a \$1,000 bail.

Q. What came next? A. And after, I went there to Mr. Smith; I said, "Mr. Smith, you know me; I always come in your place; I wish you should bail me; I have a place on Nassau street and am not going to run away; I wish you would bail me," he said, "I can not afford to bail a man for suspicion of robbery," and he walked out; and they took me down in the Essex Market Court, in the cellar, and people wanted to come in and see me; I did not see nobody; twice I see, one time that was an intended brother-in-law of mine Rosensweig, he came in and tells me he was to pay a dollar to get into court.

Q. That was testified to by Mr. Freidman the other day? A. I says, "You had to pay a dollar for coming in;" he says, "Yes;" "All right," then my brother-in-law came in — then Mr. Friedman. I says, "Why didn't you come before that;" he says, "They would not let me in; I had to go and see Charley Smith to pay a dollar and let me in;" I says, well it is worth a dollar to come and see me if I am arrested."

Q. How about the \$200; come to that? A. Then Solomon came in and he is a man that attends in Suffolk street and lives opposite; he was a friend of Smith's and always brought me around to Smith before that; and Mr. Solomon told me that I should go and square with Charley Smith to bail me out; I said, "Why don't you bail me;" he says, he has no house any more;

he has sold his house; I said go and see him that he should bail me; he says, he wants some money; I says, go to my brother-in-law and get some money to bail me; on the start my brother-in-law would not speak to him, and afterwards he called him into the office and told him if I would put up \$200 he would bail me out.

Q. That is, Smith would bail you out for \$200? A. Yes; and my brother-in-law said, "All I can give you is \$15 or \$20; I am a poor man; I can not afford to give him any money; Mr. Smith says, he wants \$200, either that or nothing;" my brother-in-law came up and told me that; I commenced to cry; I said, "Why should I go to work and put up \$200; I am a poor man, and especially I have not got it where shall I get it;" Solomon came up again and said, "Young man, I am a friend of yours and would not like to see any harm with you; you are likely to go away just like the man in Suffolk street that they put up a job on."

Q. Who was that man? A. I don't recollect his name very well.

Q. Wasn't his name Philip Couvant? A. I don't recollect his name; something like that; he told me like a man in Suffolk street was sent away for six years just for a put up job.

Q. Because he would not pay? A. Because he did not want to, and he says, "It costs him so much money;" I says, "This is a case in which he wants to have bail; the case will go any way;" he said, "If he bail you out the case won't come up in court;" well, I says, "\$200 for bail I won't give; that is only one night I should stay there; I won't give \$200; he came up so much and threatened me, and I could not help it; I was writing a note in English and in my own language to give it to my brother-in-law and my intended brother-in-law with the opinion to do what he can and take me out of there, which was a place I had never been in my life.

Q. These people knew you were engaged to be married to Miss Rosensweig? A. Yes; it was Solomon knew that I was engaged and I had to get \$400.

Q. They knew you were to get \$400 from your prospective father-in-law did they not? A. Yes, sir.

Q. And didn't they suggest you should get some of that money at that time so as to get you out of your difficulty.

By Chairman Lexow:

Q. What did they say? A. Mr. Solomon, says — I told him, "You know I have not got the money," because he was a good

friend of mine, and he was in my place there, and he knew what kind of business I had done there; I only made a living.

Q. What did he say about you going to get the money? A. he says, "If you can not do it you write a note to your father-in-law, and let him put up the money for you."

Q. Your intended father-in-law? A. My intended father-in-law and let him put up the money; what difference does it make to give it to you after or now; it would be a good place to give it to him, to Charley Smith; I was writing a note to my intended father-in-law, and my brother-in-law that they should do the best they can; my intended father-in-law on the start said no he only knows me for the last two months, and he would not put up \$100; for me because my brother-in-law told him he should only put up \$100; and I had a diamond ring and hocked it and my watch and chain and got the money; I told him I would do that to furnish that \$100; they worked so far with him that he went to the bank and has drawn \$100 out of the bank; and my jewelry is pawned for \$85, and \$15 my intended brother-in-law gave to them, and they went into Charley Smith's, and Max Rosenweig went into Charley Smith's place and handed it to his hands.

Q. The \$200 was paid in Mr. Smith's saloon? A. In Mr. Smith's saloon.

By Chairman Lexow:

Q. You did not see it paid? A. No.

By Senator Bradley:

Q. Your brother-in-law paid the \$200? A. Yes, sir.

Chairman Lexow.—That is the same case.

Mr. Moss.—This is the same case. It is Silver Dollar Smith.

The Witness.—Afterward I was waiting in court. I was going to be bailed out, and it was 11 o'clock in the morning.

By Chairman Lexow:

Q. Your understanding was that if you paid that money bail would be given and that no further prosecution of that charge would be had, is that it? A. No; I understood bail would be given, and I would be brought to the big court, and if there was any trouble came he would save me; that is what he said.

By Mr. Moss:

Q. That is what Smith said? A. Yes, sir.

Q. Didn't Mr. Smith say you could not get anyone else but him? A. Yes, sir; when he says he wanted \$200 for bail, my brother-in-law went to see somebody else, and he turned back, and was trying to see what was going on there, and he was standing on the door-step, and Smith said, "You are hunting around like a fool and you may get a man worth \$100,000 and you never will be able to bail him out.

Q. You did not hear that? A. No, sir.

Q. Freidman told you that when it occurred? A. Yes, sir.

Senator Bradley.—He testified to that fact here on the witness-stand.

Q. After the \$200 was paid, what happened; were you brought up out of the cell? A. I was brought up before the judge; the judge asked me—

Q. The same judge? A. The same judge; the judge asked me whether I am guilty; I told him I am innocent; it was a public place; there was so and so many people in court; I can prove by so many witnesses, and I can prove they always know me and I always worked honest and true to make a living, and so on; he says, "What do you know about it, Mr. Hussey; do you know anything about his place;" he says, "His place is, as far as I know, I think it is a respectable place."

Q. What did Mr. Hussey say when he arrested you, when he arraigned you before the judge, the first day? A. The first day before I was put under bail the judge asked, "Do you know anything about the place;" "Well," he says, "I am often around that place, but I don't know what kind of business is going around there; I don't know Mr. Frankel very much."

Q. Then, after you had paid the \$200, what did he say? A. Then, after that, the next day, the judge asked him, "Do you know anything of Mr. Frankel's place; what sort of place is there;" and he says, "I think it is a very respectable place; I have been going around there, and I think Mr. Frankel is an honorable man, so far as I know.

Q. He gave you a good character after that? A. Judge Koch said, "I think you will have to discharge Mr. Frankel with enough honor."

By Senator Bradley:

Q. He discharged you honorably; gave you an honorable discharge? A. Yes, sir; but I will tell you a little more.

By Mr. Moss:

Q. Go ahead? A. Probably it is not enough; the whole case or this job was put up against me by Mr. Hussey; I will tell you; it is probable enough; Mr. Hussey was not taking protection money for me, and it was Mr. Shelvey, and Mr. Hussey wanted to take money and I could not afford it; he comes in my place the day before Christmas, and he says, "Mr. Frankel, what will I get of you for New Year's present," I said, "I will furnish a nice present, Mr. Hussey, talking friendly to him;" he said, "What will you give me? Probably whisky," I said, "I will furnish two fine jars of whisky, and some fine cigars; I am getting presents from my liquor and cigar dealers, and I will give them to you," he said, "I don't care for whisky," he says, taking out a bundle of bills, "See what others are giving me;" I said, "I am very sorry, I can not afford to give any money away."

Q. Go ahead; he showed you a roll of bills? A. He showed me a roll of bills, and said, "See what others are giving me."

Q. What did you say then? A. I said, "I am very sorry I can not afford it; times are too dull; I can not afford to give any money for Christmas presents," and he went away and never shown up again; on two or three days after New Year's I took a fine box of cigars and gave them to Mr. Shelvey and said, "Give that to Mr. Hussey," and he took it, and on the 12th that happened; that was on the 3d of January.

By Chairman Lexow:

Q. You did not see Hussey again until this thing happened? A. No, sir.

By Mr. Moss:

Q. This man came into your place and treated everybody, and ran up a bill, and you put him out, and got into a row with him, and the charge was made? A. Yes, sir.

Mr. Moss.—I will read from the blotter "February 12, 1894, 8:20 p. m. Joseph Frankel arrested as a suspicious person,

name complainant Joseph Lielego, having no home. Officers Shelvey and Hussey. Prisoner is proprietor of liquor store 17 Hester street, and is accused of holding complainant while William Rice robbed him of \$10 dollars in said liquor store at 9 this morning. Money not recovered. Discharged, February 14, 1894. Koch." Your honor will notice there is no statement of bail being given.

Q. No bail was given was there? A. No, sir.

Mr. Moss.— Mr. Friedman testified \$200 was to be paid for bail, but the moment it was paid Mr. Smith went over to the court-house, the prisoner was brought up before the judge and discharged without the formality of bail.

Chairman Lexow.— Is there any testimony as to who was the judge.

Mr. Moss.— Yes; Judge Koch. Is Mr. Rosensweig here? (No response).

Mr. Goff.— Mr. Chairman and gentlemen, on yesterday I addressed a letter to the superintendent of police and also to the commissioners of charities and correction, relative to alleged fraudulent registration in the Sixteenth Assembly district from and about the vagrants and paupers and some time criminals confined in the institutions of the city on Blackwell's Island; I may say here that last winter when the committee of gentlemen of the Bar Association of this city commenced the examination of election frauds; that the matter was then brought to my attention. Owing to the brief space of time at our disposal, and the impossibility to cover everything that came to our attention we decided to make a test case of a number of men who registered from the Tombs prison in this city, many of whom voted. The year previous we knew that they had been marshalled in the Tombs prison, that on the day of voting an address was made by an official of the Tombs prison, and he told them that they would be stood by and backed up in their votes. The mere fact of their being in the Tombs prison did not deprive them of the right of suffrage. We made a test case, and it came up before Mr. Justice Barrett in the Court of Oyer and Terminer; and Mr. Justice Barrett decided that persons in the Tombs prison must necessarily consist of one or two classes, either criminals under sentence or under charges, or employes of the city; and that to acquire a residence in the Tombs prison an employe of the city would have to live there and have a

residence no place else; and that any other person about the Tombs prison, or in the Tombs prison, had no right to register from the prison as a residence; and a conviction followed it of six men. It turned out these men had been undergoing a series of commitments for six months, covering a period of years. As soon as the first commitment would expire, without any form of law or right of law at all, the vagrant or tramp would be taken over to a police magistrate, and he would make out another commitment, without any charge having been made whatever, so that the commitments continued six months, and six months, and so on, and they were able to keep a lot of these hangers on and tramps in the city prison doing chores for the prison officials in the city prison. Of course, coming on to election time, they went through the formality of having them locked in their cells at night; but that of course was too specious a deception, and the learned judge brushed that aside, and the jury promptly convicted every one of those men. The same state of affairs has existed for years on the east side of the city in regard to the people coming from Blackwell's Island; and I took occasion to address the commissioners of charities and corrections yesterday, and also the superintendent of police upon this question, with a number of letters I have been receiving from residents of that district, calling upon the committee. Deeming such communication so important, I deemed it my duty to address those officials. Unfortunately I have been engaged this morning in business connected with the committee work and I could not get down to the opening of the committee, or I would have copies of those letters; but I plainly say in those letters, particularly in the commissioners of charities and corrections that their attention having been called to the violation of law that this committee and this community will hold them responsible for the violations of the law. Already the false registration has commenced up there from these paupers and vagrants in the city prisons or institutions. I have just received a letter from the superintendent of police, which I beg leave to read in connection with this matter: "October 16, 1894. Mr. John W. Goff, Counsel, etc. Dear Sir.—I have the honor to acknowledge the receipt of your favor of yesterday, with reference to complaints that you have received of false registration that will in all probability take place in the Sixteenth Assembly district, etc. In reply, I would inform you,

and through you, the honorable Senate committee, that, as superintendent of police of this city, charged, among other things, with the duty of preserving the integrity of the ballot-box, I have already taken such means as are at my command to effect the arrest of any persons found to have fraudulently registered, and with reference to the matter that you bring to my notice, I shall give it my immediate attention, with the view of arresting, not only the persons who themselves may falsely register, but also any persons who may be found to have aided, abetted or counseled any scheme of false registration or colonization. I would further state that such investigations as this department has been making, with the view of arresting any persons who may commit or attempt to commit frauds on the ballot-box, will be vigorously prosecuted until the close of the polls on election day. I shall be glad to receive any further information you may become possessed of relative to fraudulent registration or voting, and assure you that the same will receive prompt attention at my hands. Very respectfully, Thomas Byrnes, Superintendent of Police."

I may mention, in connection with this matter, gentlemen, that two years ago this subject was the cause of inquiry by a federal grand jury. Owing to certain matters that it is not now necessary to explain, the prosecution was never pressed in the federal courts, but the federal grand jury was charged in relation to the matter by one of the justices of the Circuit Court in this department. I further say, gentlemen —

Chairman Lexow.—Was there some decision rendered last year upon the question as far as it referred to Blackwell's Island.

Mr. Goff.—It referred to that. It referred directly to the Tombs.

Senator Cantor.—I think some time ago there was a decision, some three or four years ago, on the subject of men on the Island who were on the pay-roll. I never heard of the inmates of the institutions that were there under commitment were ever registered; but there was a class of officials over there doing odd sorts of work who were on the rolls as employes, and there was some question about their right; and there was an opinion of one of the judges of the Supreme Court, but I don't remember the opinion.

Mr. Goff.—I remember the opinion.

Senator Pound.—This Tombs case went to the General Term, did it not?

Mr. Goff.—Yes; and the General Term not affirmed by Justice Barrett.

Senator O'Connor.—I will tell you, Mr. Goff, that just prior to election they would take a number of names of men who were committed there, and put them on the pay-rolls, and make them employes, whilst they were really undergoing imprisonment.

Mr. Goff.—I will make a further statement in regard to that matter. It is of so great importance to the community that I can with propriety make it, and it is within the scope of this committee. I have information which I can in the proper time put in the shape of sworn evidence that 1,500 vagrants were within a comparative recent period picked up and sent to the Island, and of those 1,500, 800 vagrants have been released from the Island within a comparatively short period solely upon the recommendation of a clerk in the employ of the commissioners of charities and corrections, with no judicial review. The police justices have made these revocations of their sentences without authority of law, simply by a recommendation of a clerk in the department. Eight hundred discharges have taken place from institutions from Blackwell's Island within a very recent period. I desire also to state in connection with this matter—I think it is also properly within the province of this committee—that we have given our attention to that flagrant abuse against every citizen, irrespective of political party or affiliations in this city. I have reference to the flagrant crime committed by the lodging-house voters in this city. We have, as far as we can, given attention to that subject, that we will bring up before you at the proper time. Now, gentlemen, not having the pleasure of being here this morning, I have been informed by my associates, Mr. Moss, that you referred in some way to this question of going higher up. I would like to say a few words to you upon that question, now that it has been brought up officially.

Chairman Lexow.—We would like to hear you, Mr. Goff.

Mr. Goff.—As you know, gentlemen, the opening sessions of the committee upon our bench of investigation was commenced by striking at the topmost rung of the ladder in this city. We were then confronted by a brazen wall. There was no fissure in it, and with no chance of finding one and our most sanguine

supporters and friends told us that they feared we never would be able to make as much as a dent in this wall of bribery in the city. We commenced at the top, and you will pardon me for saying I think we made a considerable dent in the brazen wall thus far, and the dent has grown into fissures of very large proportions. We felt then that this committee had given evidence and earnest to the public of its sincerity and its determination to push its investigation to the farthest limits it could. We found then that the terrorism which had hitherto manifested itself and intimidated the people of New York was being broken for the first time in our history, and gradually the people were being aroused to the terrible evil that had afflicted them for so many years. Before, we could not get one to come forward, owing to the fear for their business and personal safety. It was not only the safety of their personal business, but it was a question of their lives and their personal safety; and the trouble we had in overcoming those obstacles, and trying to reassure them, will never be known except to ourselves. We decided then, Senators, that, inasmuch as we had made an impression on the public, and inasmuch as the wrongs had been committed upon the public, that it was our duty to you and to the public to present the public side of it, and to let the people speak for themselves; and we considered it then not to be a wise policy to commence at the top, the effects of which would be known only to a comparatively few people in this city, and they mostly of the intelligent and well-to-do classes. Public conscience was not then aroused and when it has been aroused we considered it the best policy and the wisest course to pursue to let the lowest people in this city speak, from the woman that peddles her little newspapers or sells them upon the corner stand upon her little table, to the merchant on Broadway, so we would take in all phases of city life, all avocations and all occupations, good and bad; and that we would show that the evil of corruption and bribery had dominated our life to such an extent that we became as a people absolutely saturated with it in all the grades and phases of our municipal, cosmopolitan life. What, Mr. Senators, we asked ourselves, did the poor people on the east side or along the river front, what did they care about a police commissioner having been convicted or proven to have accepted bribes. They have been under the iron heel of the

pantata or wardman; their whole subsistence has been taken from them; and it is to arouse these people and arouse public confidence that we thought we were doing best in that line.

Chairman Lexow.—We have not taken exceptions to that, Mr. Goff.

Mr. Goff.—No, sir. I wish, now, to show further some particular reasons. Names of witnesses come to us every day, according as the vista opened. The number of witnesses increased, and we found that, as soon as the names of these witnesses got to us, we had to grab them; we could not wait. Some witnesses had been taken from us. Our men have been hunting witnesses in other States and are now in the act. They have been taken from us in the dead of night, where we watched them up to the time of going to bed. We know, and you know, gentlemen, the difficulties we have to deal with in getting hold of this evidence. We know that the officers must remain here or run away. If they run away, it is a confession. If they remain here, we can get them whenever we want them; and we thought it was the wisest policy to pursue to make use of all the material that came to our hand, because we knew when we were out of material we had the officers of the department to call upon. And another view, Mr. Chairman and gentlemen, is this: I am proud to acknowledge, and I know I speak your sentiments, the great debt that the people of this city owe to the newspapers of New York city in this investigation. The way they have, irrespective of political party, held up our hands, inspired public confidence and encouraged the people to come out and assist us is such that the public of this city and of this State and of this nation are under a debt of gratitude to the newspaper press of New York to-day; but in connection with that we must bear in mind that, while they have been so generous in their treatment of this investigation, and so accurate in their reports, and so faithful in showing the committee's good faith; yet we must not forget that we, who have been getting through the facts, are the best judges of all its bearings. The man that stands in the pilot-house can see dangers that the man on the stern of the boat will never recognize or observe; and if we once give away to any demand or suggestion coming from any party, no matter how honest they may be in their suggestion, the moment we lose our own head we lose control of this investigation; and so far as I am concerned, and while I am willing to receive advice and act upon it,

yet we have felt from the commencement that the responsibility rested upon our own conscience and the best of our judgment; and inasmuch as we have pursued that line, and so far I think with encouraging results, we may be pardoned if, for the good of the investigation, for the benefit of the public, for the benefit of the poor people who have been oppressed and burdened by this iniquitous institution, that we may be permitted to pursue our line on our own responsibility, under your advice and under your control, to the end, so that we will have for you a complete and uniform whole to go before the Legislature of this State next January, with a record of crime that is unparalleled in the annals of humanity.

Chairman Lexow.—The committee than understand that this testimony which is being offered now is simply for the purpose of furnishing additional foundation and an additional indictment, if you please, of those who are higher, and that it is the purpose before this examination terminates to have those who are responsible for this system upon the stand before this committee so that they can be examined.

Mr. Goff.—Yes, sir.

John Johnson, called as a witness on behalf of the State, testified as follows:

Examined by Mr. Goff:

Mr. Goff.—Is Keeper Leach here (a man stands up); are you Mr Leach?

Mr. Leach.—Yes, sir.

Mr. Goff.—Is Mr. Gatling here, Counsellor Gatling? (No response.)

Mr. Goff.—I call this witness, Mr Chairman and Senators, for the reason that he may be tried to-day or to-morrow. He is under indictment for an offense which it is not our business to inquire into; but he has been an inmate of the Tombs, and I wish to examine him before anything might happen under his indictment; if convicted he may be taken away, and if acquitted he might go away, and while he is under safe keeping I thought it proper to offer him here. His case was on the calendar yesterday and may be tried any moment at the Court of General Sessions. My purpose in calling this witness while we have him is to show the existence of one of the foulest abuses among the many in New York, and that is, the system in our district prisons by

which the keepers will secure for certain favored lawyers a retaining fee from the prisoners under their control; and as your chairman, Senator Lexow, said, the inevitable inference was that those fees were divided; in other words, that only those lawyers--and for the sake of the profession I am proud to say they are few, but there are enough of them—have and constitute a monopoly of the legal business that can be put into their hands through the instrumentality of the keepers of the prison, and the divy, of course, takes place between the lawyers and the keepers. That has been in the legal profession so notorious a fact for several years in the city that the respectable lawyers have practically speaking got out of the practice of the criminal law in this city, that possibly is the most attractive part of the profession, because they could not practice it owing to these practices, and they could not make a living excepting they agreed to divide their fees with these sharks and keepers in the district prison.

Q Now, Mr. Johnson, you are under indictment awaiting trial in the Tombs prison? A. Yes, sir.

Q. Do you remember when you were arrested? A. August 2d.

Q. Now, I do wish to put a question to you, nor do I wish you to say anything whatever touching the offense under which you are indicted; that is not our point here; what prison were you brought to after you were arrested? A. Jefferson Market.

Q. How long did you remain in Jefferson Market? A. Until the 7th of August.

Q. How long were you there altogether? A. From Friday morning until Tuesday morning.

Q. Now do you remember when you were first taken up to your cell in Jefferson Market? A. Yes, sir.

Q. Mr. Leach, stand up (Mr. Leach stands up); do you recognize that man? A. Yes; Mr. Leach.

Q Who is he? A. Michael Leach, the keeper at Jefferson Market.

Q. Where did Leach meet you? A. At the top of the stairs.

Q. What did he say to you and you say to him? A. "Good morning" I had seen Mr. Leach previous, and knew him; he said, he never expected to see me back there; then after taking my name he took me to my cell; he asked me if I had counsel; I said, yes, I had Mr. Samuel H. Randall represent me; afterward Mr. Leach mentioned about Penticost & Gatling as being good counsel.

Q. Penticost & Gatling? A. Penticost & Gatling; I told him I had counsel retained and did not intend to have anything to do with police court counsel, and did not want them.

Q. Did he say anything to you then if you wanted to see them that he would see you would see Penticost & Gatling? A. He recommended them very strongly and told me I could see them if I wanted to.

Q. After you had told him you already had a lawyer? A. Yes; and during the evening I was out walking with Mr. Hosier, who was arrested with me, when the keeper of Jefferson Market came to us and said Mr. Gatling was in the keepers' room and wanted to see us.

Q. Was he with Mr. Leach? A. Mr. Leach had gone home then, and this was at 9:30 at night.

Q. What was the keepers name? A. He was a blonde, a tall fellow; I don't know his name; but Mr. Leach had gone away at 6 o'clock.

Q. Told you that Penticost & Gatling—? A. That Mr. Gatling was there, and had come to see us.

Q. What did you do or say? A. I told the keeper I did not want to see Mr. Gatling, that I had counsel and would not have him.

Q. Yes? A. And so that ended that interview, and we were locked in our cells that night; the following morning Mr. Leach asked me why I had not seen Mr. Gatling; I told him I did not want him; I had counsel retained, and was not going to have anything to do with counsel recommended by any one else.

Q. Well? A. Well, Mr. Leach said Gatling would be around again and if I would like to see him I could see him.

Q. Did he speak to you in tones that indicated displeasure on his part? A. Yes, rather he swore at me a few.

Q. Swore at you a few oaths, you mean? A. Yes.

By Senator O'Connor:

Q. In connection with Gatling? A. Because I did not retain Gatling, Mr. Leach used strong language.

Senator Bradley.—Give us the language he used.

By Mr. Goff:

Q. Give us the language? A. Well, he asked what the hell I meant by not seeing Gatling, that it would not have done any harm; he said it made him look a complete fool.

Q. He, Leach, looked a complete fool? A. Yes, and asking the man to call and see me, and then he not seeing me; I said I never asked to see Gatling at any time, and never intended to see him.

By Senator Bradley:

Q. What did he say then? A. Well, he grumbled some more, and I walked away, and walked around the corridor, and took no notice of him.

By Mr. Goff:

Q. That was not very profane language he used? A. There was other words, and I am not used to swearing unless I have something to swear at, and I would rather not swear.

Q. That is not swearing to repeat what he said; give us the language he used so we will see the refinement of the prison?

A. I would rather not, if you will excuse me.

Senator Bradley.—We ask for it.

The Chairman.—I would not insist upon it, gentlemen.

Mr. Goff.—I think Senator Bradley will consider the modesty of the witness.

The Witness.—It is not that. I would swear too, if I had something to swear at, but I don't want to swear unless I have a purpose; but I have said please to a man and I have had a refusal, and when I swore at him I got it.

Q. Did you say any further about Gatling, or was there anything further said to you about Gatling? A. Later on Leach asked me if I would see Gatling; I said I could not possibly engage him, and there was no use of seeing him; and that night Mr. Hosier, who was secretary for me in this company in which we are under indictment, we were let out of our cell to go and see Gatling.

Q. Who let you out? A. The night-keeper.

By the Chairman:

Q. Did you ask to be let out to go to see Gatling? A. Oh, no, sir; we paid to be let out; we paid for the privilege for being allowed to walk the corridor after hours.

By Mr. Goff:

Q. How much did you pay? A. Two dollars the first night and \$1.50 the second night.

Q. To whom did you pay the money? A. To the keeper.

Q. From your experience there, from your knowledge derived from your own case or other persons, can you state if that is the recognized custom? A. I have had experience in Jefferson Market and that was the custom on both occasions.

Q. You paid each time to get out? A. Certainly.

Q. You were in Jefferson Market before this last time? A. I was, sir, on a previous charge.

Q. How long ago was that? A. April or March of this year.

Q. How long were you in Jefferson Market at that time? A. Three weeks.

Q. Was anything said to you at that time about retaining special lawyers? A. Yes; but not by Mr. Leach, by the other keeper, the night-keeper who was there.

Q. What is his name? A. Rodgers; he is not at the present time in Jefferson Market.

Q. What names of lawyers did he give to you? A. Well, almost half the directory in New York city seemed to be in Mr. Rodger's list.

Q. Of lawyers? A. Oh, yes; he hadn't any special one; I could have had Barnett & Moran; I could have had Friend & House; I could have had J. Oliver Keane; I could have had almost all the people that frequent the police court there.

Q. He had them down on the list? A. Yes; my experience, Mr. Senators, with lawyers that frequent Jefferson Market has cost me some hundreds of dollars, and I did not want any more recommended by the keeper; that is why I was so bent on not having this man.

Q. Did you accept any of the names submitted to you? A. No, sir.

Q. The first time? A. No, sir; I used a little judgment, and I refused the keepers.

Q. Well, at that time; we will keep to the first time now; you say you had to pay them to get out into the corridor? A. Yes, sir.

Q. How much did you have to pay them? A. About \$7 in all for the two or three days I had in Jefferson Market the first occasion.

Q. And those privileges consisted in your being allowed to walk in the corridor? A. Being allowed to walk in the corridor from 2 to 6 and from 7 to about 10.

Q. Were the other prisoners allowed to walk? A. No, sir.

Q. Only those who paid for the privilege? A. That was all.

Q. Now, this last time you were in Jefferson Market, I will come down to your being let out of your cell to see Mr. Gatling; did you see him? A. I went into the keepers' room along with Mr. Hosier; I told him I had counsel, and could not do anything with him, it was useless to retain him.

Q. When was that? A. That was 9:30 on Saturday night, the 4th of August; Mr. Hosier stood and talked with Mr. Gatling something like an hour; I went back to my cell.

Q. Were you asked any further about Gatling? A. Mr. Leach was not there on Sunday; it was his Sunday off, and the keeper who was there never mentioned anything, and on Monday morning I told Mr. Leach that Hosier had seen Mr. Gatling, and that was all there was to it, there was nothing further transpired.

Q. Did Leach ask you if you had retained Gatling? A. He asked what we had done with Gatling, and I said we had not done anything.

Q. I will read from an affidavit made by you, Mr. Johnson, "That on the next morning the said Leach came to deponent and ask him if he had — ?" A. That was on Saturday morning, Mr. Goff.

Q. I just want to read this: "If he had taken and retained the said Gatling the night before, and when deponent said he had seen the said Gatling but had not retained him the said Leach became very angry, and cursed deponent, and used abusive language towards him?" A. That was Saturday morning.

Q. Is that paragraph from your affidavit true? A. That is true; that is what I testified to on Saturday morning, the 4th of August.

Q. To whom did you pay the first money for getting out into the corridor? A. To Mr. Leach.

Q. How much was that? A. One dollar and fifty cents.

Q. And you knew that that was against the rules of the prison? A. Well, it was a privilege I was obtaining, and so I paid for it.

Q. When you obtained the privilege for which you had paid your money, could you tell whether there were other prisoners in the cell that had not the same privilege? A. I saw other prisoners in the cells.

Q. And they did not get the privilege you got? A. No, sir; and I did not get the privilege unless I had the money to pay it.

Q. What did Leach say to you when you paid the money; tell us how it was you came to give him the \$2; just tell us the conversation as near as you can recollect? A. Mr. Leach asked me if I would like to take a walk, and I said yes, and I felt in my pocket and gave him the money.

Q. Without any further questioning you knew what was expected of you; was that it? A. I knew at once what was expected.

Q. Did Mr. Leach mention any particular sum? A. A dollar; there were two of us.

Q. A dollar each? A. Yes.

Q. Did you occupy the same cells? A. No; adjoining cells, cells 22 and 23.

Q. Did you pay your dollar? A. I got the money from the other fellow to pay for the two.

Q. How did you buy any whisky while in the prison? A. Two bottles, yes, sir.

Q. How did you get to buy the whisky? A. From Mr. Leach.

Q. You did not inquire if he had a license at all did you? A. No; I told him I would like a drink; was shaky; I had a drink the night before and hadn't any chance to get a drink in the morning and would like a bottle, and I got it; I gave him a dollar for each bottle.

Q. You got two bottles? A. Yes, sir.

Q. He went out and got a bottle of whisky each time? A. Yes, sir.

Q. How much for each bottle? A. Half a pint, twenty-five cents worth.

Q. One of those small black flasks? A. Yes, sir.

Q. And you paid a dollar each time? A. Yes, sir.

Q. I suppose Mr. Leach and yourself drank each others health? A. No; I drank it along with my partner that was in at the time.

Q. You did not divide the whisky? A. I did not.

Q. I mean you did not divide it with the prison officials? A. I did not divide it with Mr. Leach, no, sir; I divided it with my companion in trouble.

Q. There wasn't much in the bottle was there? A. Well, there was just enough to let me know it was whisky.

Q. Did you see other prisoners get whisky or beer? A. No, sir.

Q. Or anything of the kind? A. No, sir.

Q. How long have you been in the Tombs? A. I have been in the Tombs 10 weeks to-day.

Q. Have you had to pay for any privileges there? A. No, sir; I never have been asked for it.

Q. Never been asked for it there? A. No, sir.

Q. And you retained your own lawyer? A. I have my own counsel still.

Q. Is there anything further in connection with the prison at Jefferson Market that I have not asked you and you wish to state? A. There is one thing I wish to state to the committee, that is, the conduct of the officer who examined me on Saturday morning when I was at examination.

Q. The police officer? A. The officer at the foot of the stairs, as the prisoners come down from their cells.

Q. Who was the police official? A. He was a prison official at Jefferson Market; I don't know what he was.

Q. Well, tell us? A. On returning from the police court this official was searching me, and I put my hand on his shoulder; he threw me away from him, and told me he would mash my face, and otherwise damage my features; I said you can not do it; if you do you will lose your position; he threatened then to do me up in the worst kind of form, and at the time there was several others there and I said you will lose your job if you strike me; afterward I heard Mr. Leach talk about this matter; he asked me what the fuss was; I said, a man that handles me in such a rough fashion, and I put my hand on his shoulder to steady myself and he threatened to demolish my features in different ways, and if the man was here I would point him out.

Q. Had he any uniform on? A. He had a uniform on as a keeper.

Mr. Goff.—We will find out who that keeper is. Mr. Leach, come here.

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

Direct examination by Mr. Goff:

Q. Your name is spelled L-e-e-c-h? A. No, sir; L-e-a-c-h.

Q. Oh, that is slightly different; and have you borne the name of Leach all your life? A. Yes, sir.

Q. You did not adopt it since you went into the prison, did you? A. Oh, no.

Q. And since you have been in the prison you have tried to carry out in practice what your name indicates by sound? A. I do not know that I have.

Q. How much have you got from the division of the lawyers' fees there? A. I don't know as I ever got anything.

Q. Will you swear that you did not? A. I do, sir.

Q. You do swear? A. Yes, sir.

Q. I have no doubt of your willingness to swear, but do you swear you never received any benefit from lawyers who receive fees from clients you represented? A. I don't know as I did ever receive any.

By Chairman Lexow:

Q. You understand you are under oath? A. Yes, sir.

Q. A false oath is as much perjury before a committee of this kind as before a legal tribunal? A. I understand that.

By Mr. Goff:

Q. Now, I ask you again, tell this committee — you are under your oath; you know the penalty of perjury, do you? A. I do not know as I do.

Q. You do not know as you do, and you have been in this prison how long as an official? A. Seven years last June.

Q. Seven years; do you know what perjury is; you know what perjury is? (Witness shakes his head in the negative.)

Q. Are you dumb? A. No, sir; I am not dumb.

Q. If you are not dumb, answer my question? A. Well, I don't know what perjury is.

Q. You don't know what perjury is?

By Chairman Lexow:

Q. Are you answering intelligently; do you understand what you are answering? A. I don't know what perjury is; what is it?

Q. Have you ever heard of the term perjury? A. Certainly I have.

Q. And you never knew what it meant? A. I don't know what it means; no, sir.

Q. Do you know what the penalty for perjury is; do you know how many years a man is sent to State prison if he commits perjury? (No answer.)

Senator Bradley.—I think he had better change his position and go to police headquarters where the trials are.

By Chairman Lexow:

Q. This is too serious a question to be considered lightly; do you know what false swearing is? A. Well, I have always heard it stated; but I don't know what it means.

Q. What, false swearing; don't you know what that means? A. No; I don't.

Q. Don't you know what a false oath is—a false oath; don't you know what that means? A. Well, I can not explain whether I do or not.

Q. Do you know what will occur to you if you testify to something that is false, knowing it was false, upon the stand here; what would occur to you? A. Well, I don't know what would occur to me.

Q. Don't you know you would be liable to be arrested, indicted, imprisoned, and sent to State prison for it? A. Well, if I speak the truth, is that—that ain't—

Q. Don't you know; can't you answer that question whether you know or not whether you would be sent to State prison if you said something that was false on the stand, knowing it was false? A. I can not say whether I would or not.

By Senator Bradley:

Q. Did you ever go to school? A. Yes; I don't know what you mean by that.

By Mr. Goff:

Q. Let us see, Mr. Leach; how old are you? A. Fifty-four.

Q. And where were you born? A. In the city of New York.

Q. Go to the public school? A. I did, yes, sir.

Q. And what was your business before you got into Jefferson Market? A. Well, where was I; I was working in a steamship company.

Q. What steamship company? A. Wilson Steamship Company.

The line of steamers to Hull; is that so? A. Yes.

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

Q. Don't you know it is in China? A. No, sir; I do not.

Q. Well, do you know — you passed a civil service examination all right didn't you? A. Yes, I did.

Q. Yes; and who were the civil service examiners that had the special examination of you and passed upon your questions? A. I can not tell you who they were; I suppose they were the same as now.

Q. Were they colored men? A. No, sir; they were white men.

Q. Did you ever hear their names? A. I did hear one man's name.

Q. Would you recognize the name if mentioned? A. Yes.

Q. Was it Brown? A. No sir.

Q. Well through whose influence did you get that position, Mr. Leach, through whose influence? A. From Senator Murphy's.

Q. And you belong to the regular political organization of that district; don't you? A. I don't belong to any organization; I vote the way I feel like.

Q. I don't ask you how you vote; I don't want to know that? A. I belong to an organization, yes.

Q. Do you know, Mr. Leach, that the people of New York vote for Emperor of the United States? A. I did not know there was an emperor.

Q. You did not know there was an emperor? A. No, sir

Q. You know there was not an emperor? A. I do, yes; not in the United States.

Q. Not in the United States? A. No.

Q. Do you know who the boss of the United States is? A. The boss; no, I did not know there was any boss.

Q. Did you ever hear the word "boss" before? A. Oh, lots of times.

Q. Do you know who the boss of New York is? A. I have heard of him, yes.

Q. Who is he? A. Well, it used to be Mr. Croker.

Q. And who has succeeded to his place? A. I don't know.

Q. You don't know? A. No, sir; I don't know as there is anybody.

Q. You don't know if anybody has succeeded to his place? A. No, sir.

Q. Did you ever hear of the crime of seduction under promise of marriage; did you ever hear of that? A. "Crime of seduction under promise of marriage;" yes, sir; I have.

Q. Did you ever hear of the crime of burglary? A. Yes; sure.

Q. A good many prisoners have passed through your hands?

A. Yes, sir.

Q. Did you ever hear of the crime of forgery? A. Lots of it; yes, sir.

Q. You know what forgery is, do you? A. I do; yes.

Q. Do you know what burglary is, do you? A. Yes.

Q. And you know what larceny is? A. I do.

Q. And you know who the boss of New York was; you know that, don't you? A. I don't know who was boss; we used to call him that; there is more than one boss.

Q. And having this wonderful fund of information, you do not know what the crime of perjury is? A. No, sir; I do not know; if you will enlighten me in it, I will give in; I don't know what the crime of perjury is.

Q. You have answered the Senator here that you do not know whether a man may be punished for false swearing? A. I know that.

Q. Do you believe in a God? A. I do; yes, sir.

Q. Do you go to any church? A. Not lately; no.

Q. Did you ever hear of the Ten Commandments? A. I did; yes, sir.

Q. Which of the commandments forbids the giving of false testimony? A. I do not remember.

Q. Do you know that there is any commandment that forbids the giving of false testimony? A. There must be one of Ten Commandments.

Q. There must be; but you don't know whether there is or not? A. I can not just now bring it out.

Q. What is false testimony? A. I suppose coming up here and swearing to something that never happened.

Q. Or denying something that is true; isn't that false testimony? A. That must be; yes, sir.

Q. You know what a plain lie is, don't you? A. Well, yes.

Q. Well, if you take that lie under oath, what do you think it is then? A. Well, that must be perjury then.

Q. And if you commit perjury, do you know what will follow? A. Well, I suppose I would be arrested for it if found out.

Q. Arrested, and what would be done with you? A. If I was proven guilty, I suppose I would have to go to State prison, or somewhere else.

Q. What would become of your soul, if you believe in such a thing; do you believe in any future punishment or reward?

A. I do; yes, sir.

Q. Do you believe you would be punished if you took a false oath? A. I believe that; yes.

Q. Do you think you have got your intelligence to such a point that you can understand what taking of a false oath carries with it? A. Well, you have given it to me pretty plainly, I think; I know now what you are talking about.

Q. You think you know what I am talking about now? A. Yes, sir.

Q. That is the first time you have ever heard anything on that point? A. That is the first time I have had it.

Q. How much are you getting a month? A. About \$70 or \$75 a month.

Q. How much do you make from the prisoners generally? A. I do not know that I make any off of the prisoners.

Q. Let me ask you, are you prepared to swear now that you will not swear falsely here — what? A. I don't know.

Q. You don't know; have you made up your mind to swear falsely? A. I can not get into that question at all.

Q. We will withdraw that question; have you made up your mind to deny everything? A. No, sir; I have not; I am telling the truth.

Q. Have you made up your mind to tell the truth under oath? A. Yes, sir.

Q. Absolutely the truth? A. Yes, sir.

Q. How much do you make off the prisoners for letting them out into the corridor? A. That man that was on here never gave me a penny in his life for letting him out in the corridor.

Q. Did you ever let him out in the corridor? A. I let him out one night, in the night time.

Q. That is against the rules of the prison? A. Yes, sir.

Q. Why did you let him out in opposition to the rules of the prison? A. He said he was feeling bad.

Q. What right had you to let the prisoner out? A. I had no right at all.

Q. Did you take an oath of office when you were appointed? A. Not as I know of.

Q. You underwent the civil service examination, and you signed papers, didn't you? A. Yes.

Q. And you pledged yourself to obey all the rules of the institution, didn't you? A. I did; yes, sir.

Q. Why did you violate those rules by letting this man out because he said he felt badly? A. Because he felt bad, and I thought I would let him down for a little time; he was only down about 20 minutes.

Q. Was he the only prisoner you ever let down? A. That is all.

Q. The only one in all your experience? A. I don't know as I ever let anyone down.

Q. Will you swear you did not? A. I can not swear I did not, because I let a man down one time that was crazy.

Q. Outside of the crazy man and this prisoner here, did you let down any other man? A. Not that I know of.

Q. Have you got the whole truth now? A. Yes, sir.

Q. Don't move your head like an automaton; have you given all the cases you let men down into the corridor? A. I have; yes, sir.

Q. And you swear all you state is the truth, and you only let but one man besides the crazy man and Johnson? A. I let Johnson down one morning; he didn't pay me nothing.

Q. I didn't ask you that; your affective ignorance here is not at all conducive to your character, if you have any; I am asking you if you swear now as the truth that the only two men you ever let out of their cells to come in the corridor were that crazy man and the prisoner Johnson? A. I let them out every morning for an hour and a half.

Q. I know, but times at night, when it is against the rules of the prison? A. I don't let out anybody.

Q. Did you let out anybody except those two men you have mentioned?

Chairman Lexow.— You can answer that question.

Q. Will you swear those were the only two men you ever let out in opposition to the prison rules? A. I will not; no, sir.

Q. Isn't it a fact that you know you let out dozens and scores; will you swear now you did not?

Chairman Lexow.— Isn't that the general custom?

By Mr. Goff:

Q. Will you swear you did not let out scores of prisoners there, and that it has not been your practice to let them out on the corridor? A. I can not swear I let anybody out.

Q. Will you swear that you did not let them out, and it has not been your practice to let them out; will you? A. I will not; no, sir.

Q. No; you will not; can't you tell us how much money you have made in each month from giving privileges to prisoners?

A. I, no, sir; I can not.

Q. You will not? A. I can not.

Q. You will not? A. No; I don't say I will not; I can not.

Q. Is it because you never kept an account? A. I don't keep no account.

Q. Is that the reason you can not tell us? A. No, sir.

Q. What reason is it you can not tell us how much money you received every month? A. I don't know as I receive any money.

Q. Will you swear you did not receive any money; now answer my question? A. I will not; no, sir.

Q. It is true you did receive money; now you can not deny it; on your peril you deny it? A. I would not deny it; of course, I have already said I did.

Q. You won't deny that fact? A. No, sir.

Chairman Lexow.— There are cases when he did, he says.

Q. Isn't it the custom among all the keepers there to receive money from the prisoners? A. Not as I know of; I don't know of anybody except what I did myself.

Q. That has been your practice since you have been there in the prison, hasn't it.

Senator O'Connor.— Answer up witness.

Q. That has been your practice hasn't it? A. No, sir; that has not been my practice.

Q. What time did you commence it? A. I don't know as I ever commenced it.

Q. When did you end it? A. I suppose I will end it now.

Q. Yes, I think you will; where did you —

Chairman Lexow.— This witness understands a great deal better then he wants you to believe.

Mr. Goff.— Certainly.

The Chairman.— Now you answer.

Mr. Goff.— He is not the Simon Simpleton he wants you to believe

The Witness.— I did not know what perjury was.

Chairman Lexow.— We will take care of that end of it. Now you answer up, or take the consequences.

By Mr. Goff:

Q. You mean to say you are the worst keeper in that prison?

A. I don't know about the other keepers; all I know is what I done myself.

Q. What interests had you in Penticost & Gatling? A. I had none.

Q. Did you mention their names to the prisoner? A. I never recommended them to that man.

Q. Or to any prisoner? A. No, nor to no prisoner.

Q. You are clear about that, are you? A. Well, certain, I am.

Q. You are certain about it? A. Yes, sir.

Q. You know if that is not true it is perjury; don't you know that? A. That is what you just told me.

Q. We tell you again; if that be not true, and we can prove that it is not true, have you nothing to say now? A. No.

Q. You never recommended the lawyers, Penticost & Gatling, to any prisoner; answer my question?

Senator O'Connor.—Answer up.

Q. Will you dare deny that you did not recommend to various prisoners the law firm of Penticost & Gatling as their lawyers? A. I would not say that I did not.

Q. What interest have you in Penticost & Gatling that you go around recommending them to prisoners as their lawyers? A. I have got no interest in anybody; one lawyer is as good as anybody.

Q. Why did you select those lawyers? A. I did not select them.

Q. You will not swear you did not recommend Penticost & Gatling? A. Certain, I told you I did.

Q. Why did you recommend Penticost & Gatling? A. Well, they came there once in awhile.

Q. Who comes there — Penticost? A. No, sir; I never see Penticost but three times in my life.

Q. His partner, Gatling, comes there once in awhile, you say; go on? A. When he has a prisoner, he comes there.

Q. What else? A. Nothing else that I know of.

Q. Nothing else? A. No, sir.

Q. My question was, what interest had you in the lawyers Penticost & Gatling to recommend them to the prisoners? A. I haven't any interest in them any more than any other lawyers.

Q. Why did you name them? A. If they —

Q. Stop; answer the question; why did you name them particularly to prisoners? A. I did not name them.

Q. Will you swear that you did not name them? A. I have already sworn I haven't named them.

Q. You swore you did? A. I swore I did name them as well as any other lawyer.

Q. What interest had you in them to name them, since you have sworn you did name them; what interest had you in them? A. I don't know as I had any interest.

Q. Why did you name them? A. As I told you before, I have named other lawyers.

Q. What other lawyers have you named? A. Any name came in my head.

Q. Tell us some that came in your head? A. I don't want to name any lawyers.

Q. Did you ever name me as a lawyer? A. No, sir; I never knew you until I—

Q. This is your first acquaintance with me? A. Yes, sir.

Q. And it is not a very pleasant one? A. Well, no.

By Chairman Lexow:

Q. Will you swear that you did not have any interest in naming that firm? A. I will; yes, sir.

Q. That you had absolutely no interest in it at all? A. No; none at all.

Q. And you swear to that positively? A. Certainly.

By Mr. Goff:

Q. Will you swear to that positively, the Senator asked you? A. I told the Senator I would.

Q. Tell us again; the stenographer did not get your answer down? A. I will.

Q. You heard Johnson's testimony? A. I did.

Q. You mean to tell the committee that testimony is not true? A. I mean to tell you that is not true; he never gave me a penny in his life.

Q. Did Johnson mention Gatling or Penticost to you? A. No, sir; he mentioned House & Friend, and I told him they were good men.

Q. Why did he say he had seen Gatling, that you insisted upon his seeing him? A. He did not tell the truth.

By Chairman Lexow:

Q. You mentioned Gatling's name? A. I says to him; I said, "You know Gatling & Penticost are good men;" and he says, "Yes."

By Senator O'Connor:

Q. How did you come to say that to him; he did not ask for any advice? A. Yes, sir; he did; he asked me who would be a good man to get; I told him as long as he had these two men they were the best he could get.

By Mr. Goff:

Q. What two men? A. House & Friend.

Q. How did Gatling's name come in? A. I don't know how it came in.

Q. You mentioned it to him? A. He mentioned it to me.

By Chairman Lexow:

Q. How, after he had said to you that he had House & Friend as his lawyers, did you come to mention Gatling's name to him as a good lawyer? A. I don't know, sir.

Q. You said you did a moment ago? A. When he asked me to get them for him.

Q. He told you before he had Friend & House, didn't he? A. He told me he had House & Friend, and then he says —

Q. What reason impelled you to tell him afterward about Gatling when you knew he had House & Friend? A. Because he asked me about them himself.

Q. He asked you about House & Friend, didn't he? A. He asked me about Gatling & Penticost.

Q. Didn't you say a moment ago that you had suggested Gatling's name to him? A. Not until he asked me to get them for him.

Q. How could he ask you to get Gatling before he knew anything about Gatling? A. He did know all about him; he was there before, and knew all about him.

By Mr. Goff:

Q. If he knew all about them why did he want to know about him from you? A. That is what he said to me; he says, "Does

Gatling come here yet?" and I said, "Yes," I said, "Who have you got?" and he said, "House & Friend;" and I said, "You could not do better;" that is the way that conversation came in.

Q. Did you ever hear of keepers getting a share of the fee that lawyers obtained from cases recommended to them; did you ever hear of it? A. I did hear it.

Q. And that is common rumor around the prison; isn't it? A. Yes.

Q. And all the keepers understand that, don't they? A. I don't know, sir, whether they do or not.

Q. From whom did you hear that certain lawyers divided with the keepers? A. I heard that when I was in the Tombs.

Q. It was the rule there, was it not? A. Well, yes.

Q. It was the rule there; the rule in all the prisons in the city, isn't it; is not that the truth; isn't it the rule in all the city prisons that certain favored lawyers have access to the prisoners in order to get fees from them, and that they then divide the fees with the keepers; isn't that the truth? A. All lawyers have got the same privilege.

Q. I am not asking you that; now, isn't that the truth? A. I can not talk for anybody but myself.

Q. I am asking you the system in the prison?

By Senator O'Connor:

Q. That is the general understanding? A. That is the general understanding.

Q. And you have been in that position for seven years? A. Yes, sir.

Q. And you have understood that all through the seven years that this custom existed?

By Chairman Lexow:

Q. That is a fact; is it not? A. That is a fact.

Mr. Goff.—I think that is all with this witness.

By Senator Bradley:

Q. This witness, Mr. Goff, when you asked him what salary he got he said he did not know whether he got \$70 or \$75 a month; how many houses do you own? A. I don't own many.

Q. How many houses do you own? A. I don't own any.

Q. Haven't got any real estate? A. No, sir.

By Mr. Goff:

Q. How much did you pay for the flask of whisky for which the witness gave you \$1? A. Johnson never gave me \$1 for the whisky.

Senator Bradley.—Perhaps he would not pass it for whisky; was that the idea?

Q. Johnson swore here that he and his friend or companion gave you \$2 at different times, and that you brought in a small black flask of whisky, about a pint, I think he said; will you swear that he swore to an untruth? A. I will; yes, sir.

Q. You swear he perjured himself? A. I will not swear to that; I swear I did not give him any whisky.

Q. If you say he swore to an untruth, why are not you prepared to swear he perjured himself? A. How am I going to swear he perjured himself; I will swear I did not give him any whisky.

Q. And that he told a lie when he said you brought him in whisky? A. Why certainly he has told a lie when he said I brought him in whisky.

Q. Did you know that there was any whisky or beer brought into that prison at night? A. No, sir.

Q. Did you ever hear it? A. Yes, sir; I heard a man got discharged the other day for it.

Q. Was that the first time you heard of it? A. No, sir; it was not.

Q. And then it was after the testimony that has been brought out before this committee, wasn't it, when Warden Ledwith had that man discharged; do you remember that? A. Warden Ledwith did not know nothing at all about it.

Q. Answer the question; that is not the question?

By Chairman Lexow:

Q. Did this occur after the testimony here that Warden Ledwith gave this discharge; it did, didn't it? A. Which; this whisky?

Q. No; the discharge of this man for bringing in whisky? A. Yes, sir.

Q. Do you remember, in your experience as a keeper, any discharge for such a cause ever having occurred before? A. Never.

Mr. Goff.—I think we will discharge this witness for the present. You are discharged—what is the name of that official or keeper that stands at the foot of the stairs that Johnson describes as having a row with and threatening to beat him? A. I do not know; I could not see him; I was four flights up; why didn't he tell who he was.

Q. Who is generally stationed at the foot of the stairs? A. There is two keepers.

Q. Name the keepers that are stationed there? A. The deputy warden is there.

Q. What is his name? A. Mr. McDermott.

Q. What other keeper is stationed there? A. Mr. Sheehan is there, and sometimes Mr. McCluskey is there.

Q. One of the three is generally there at the foot of the stairs? A. No; they change around.

Q. I think, Mr. Leach, you say this is the end of your services with the commissioners of charities and corrections? A. I think the way you go at me it will be.

Mr. Goff.—I suggest to you, when you next apply for a public position, you apply for the position of civil service examiner; you would fill it eminently well.

Senator O'Connor.—How would you suggest to stop this practice? Why don't your Bar Association here bring those men up and make complaints to the court?

Mr. Goff.—I am not a Delphic oracle that I can answer all the questions of how we can stop these evils. We are trying to do it.

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

Examination by Mr. Goff:

Q. What is your business? A. I am connected with a brewery and running a liquor store at 138 Park Row.

Q. You run a liquor store at 138 Park Row and collector for a brewery; what brewery? A. C. P. Hawkins & Co.

Q. How long have you been running a liquor store on Park Row? A. About three weeks.

Q. Where do you reside? A. I reside at Hall's hotel.

Q. That is corner of Duane and Park Row—the old Sweeny hotel? A. It is a portion of it.

Q. Are you a married man? A. Yes, sir.

Q. And your family reside in Hall's hotel? A. No; on Broome street.

Q. Have you got a house there? A. I have got a floor.

Q. Wife and children? A. No family.

Q. Your wife resides there? A. Yes, sir.

Q. And that is your home? A. Well, yes, it is my home; you know I have not registered there; I have lived in Hall's hotel since I rented the liquor store, that is a little over two weeks.

Q. What other place; you had another place? A. One hundred and Fourteen Park Row.

Q. Where did you register? A. I was not in this district; I was in Broome street, the Third Assembly district.

Q. From the place your wife now occupies? A. No; a different place.

Q. Give us the place your wife now occupies? A. Three Hundred and Sixty-six.

Q. She occupies a suite of rooms there? A. Yes, sir.

Q. I don't wish to go into your private relations at all; we have no interest in them; I simply wanted to get your residence; where do you deem your residence now? A. Hall's hotel.

Q. How much rent did you pay for this liquor store on Park Row? A. One thousand six hundred dollars a year; that is \$1,400.

Q. How many men have registered from that hotel this last registration day? A. None, I don't believe; I don't think any.

Q. Will you swear that you don't know there have been men registered from that liquor store? A. I swear I don't know; I do not believe there has been any.

Q. Will you swear you have never heard? A. I don't know.

Q. Will you swear you never heard of men registered from that place? A. I swear I haven't heard.

Q. If I told you that 37 men have registered from your liquor store — ? A. That would not be right; I would be surprised; I have about 23 altogether there.

Q. Do you keep a register? A. Well, I got one, yes, a sort of one; I have not got time yet to keep a correct one; I am only there three weeks.

Q. What are those men you have got there? A. They work along shore principally.

Q. Have you a list of them? A. Yes, sir.

Q. Have you that list in existence with you? A. No.

Q. Who made that list? A. By my clerk.

Q. What is his name? A. McIntee.

Q. Is he with you yet? A. Yes; he is with me yet.

Q. Do you know that the Clerk McIntee gave a list of 37 or 38 voters to the policeman who had registered from your place?

A. No, sir; I don't believe he did.

Q. Did you ever hear he did? A. No.

Q. These 23 men, how long have they been with you? A. Since I have been in business, about three weeks.

Q. Did they all come in a body? A. No; on the register there before; they came in two or three nights the whole of them.

Q. The whole of those 23 men came in in two or three nights? A. Yes, sir.

Q. And you took down their names? A. Yes, sir.

Q. When did you have, for the first time since you opened the place, beds in the house? A. I had beds from since I opened the place; the beds were there when I went in there.

Q. How many beds are in the place now? A. A about 45 or 46.

Q. Haven't you been putting in beds within the past two days? A. Extra ones I may.

Q. How many extra beds have you put up? A. I might have put up 15.

Q. Are you not in the act of putting them up now at the present moment? A. Not that I know of.

Q. Haven't you given orders? A. No, sir.

Q. Have they been completed? A. No; I have 46 beds, and only 21 or 22 lodgers.

Q. When did you put up the last bed? A. I can not tell you.

Q. Within three days? A. No, sir.

Q. Do you mean to say there was not beds brought in within the last few days? A. Every bed remains up; there has not been any put in.

Q. You are clear about that? A. I am certain there has not been a bed put up into 138 Park Row since I took the place.

By Senator O'Connor:

Q. I thought you said you put up 15? A. The beds were already there in the house.

Q. But were not up? A. Some of them were not up.

By Mr. Goff:

Q. Are they all up now? A. I don't think so; I have not been through the house.

Q. You haven't a hotel license? A. No, sir.

Q. You have a license for a liquor store? A. For lodging-house.

Q. Have you a permit for a lodging-house? A. No, sir.

Q. Have you a permit from the board of health for a lodging-house? A. No, sir.

Q. So here you have been keeping a lodging-house with 23 men in it, with 42 beds? A. Yes, sir.

Q. And you have been keeping those men there for the last three weeks? A. Yes, sir.

Q. And you have not a permit from the alderman to keep a lodging-house? A. No; my predecessor might.

Q. Have you made application to the board of health for a license for a lodging-house? A. No, sir; I have not made any.

Q. Answer my questions, and don't get wicked over it? A. I am not getting wicked; no necessity.

Q. Have you made application to the board of health for a permit to run a lodging-house? A. No, sir.

Q. Have you made application for a hotel license? A. No, sir.

Q. And you have been violating the law for the last three weeks? A. I don't think I have been; I don't think so.

Q. There is no entrance for your place to a lodging-house or hotel? A. No; only through the bar-room.

Q. How many floors are there? A. Two over the store.

Q. And all the beds are in different rooms? A. No; there is a big extension where there is beds also.

By Chairman Lexow:

Q. How many rooms are these 23 beds in?

Mr. Goff.—Forty-two, he said.

Q. And 23 of them are being used? A. There is an extension; there is about 20 beds in one room.

By Mr. Goff:

Q. Will you swear that every one of those 23 men slept in that place last night? A. I will not swear that.

Q. Will you swear that those 23 slept in there the night before? A. No, sir.

Q. Will you swear that all 23 of those slept there one night? A. Yes, sir.

Q. Name any one night? A. I can not mention any one night.

Q. Is there anything to show they would sleep there one night? A. The beds are there and the registers are there.

Q. We don't want to examine your beds for the records? A. The list is down there; I did not keep regular books.

Q. When was that list made up? A. I guess it was made up the night they slept there.

Q. In whose possession is it now? A. In the clerk's possession.

By Chairman Lexow:

Q. Was it kept for a purpose? A. No, sir; I don't see what purpose I had.

Q. What do you mean, a list of one night? A. Yes, sir; for every night.

By Senator O'Connor:

Q. Do those lodgers pay every day? A. Every night.

Q. Then they have no permanent place at all; they are likely to go away the next day; do they make any arrangements for any definite time? A. Every night they pay, and Saturday they pay for two nights; they get paid every day down to the dock.

By Mr. Goff:

Q. They don't make any arrangement for the week? A. The bed is kept for a particular man.

Q. The bed is kept for a particular man? A. Yes, sir.

Q. Name who; name one man for whom the bed is kept, one man? A. There is a fellow named O'Keefe and Sullivan; there are two or three Sullivans living there, I think.

Q. Where do they work? A. Work down on the dock of the Fall River line, I guess.

Q. Isn't there a payment made every night for the night's lodging? A. Yes, sir.

Q. Ten cents a night? A. Fifteen cents a night.

Q. Is that the common charge? A. Yes.

Q. Have you rooms upstairs at five cents? A. No, sir.

Q. Haven't made any arrangement for that? A. No, sir.

Q. You are a captain of the political organization of that district, are you not? A. No, sir; I have not resided there, except three weeks ago.

Q. You have been a captain? A. No; never.

Q. You are worker? A. Yes; for the organization.

Q. You are a worker then? A. Yes.

Q. Have you any sign outside of your lodging-house? A. No; not yet.

Q. Have you any sign there of it as a lodging-house? A. No; I have given an order.

Q. You say this list is in McIntee's possession? A. Yes, sir.

Q. And McIntee is over there? A. No; not now, I guess.

Q. Is there anyone over there? A. There is a bartender there.

By Chairman Lexow:

Q. What is his name? A. Jeremiah Sullivan.

Q. Is the list accessible to him? A. No.

Q. Why not? A. He has nothing to do with it; he attends bar.

Q. Isn't the list somewhere where he can put his hands on it? A. No; I don't think so.

Q. Where is the list? A. In the clerk's possession; he is there nights.

Q. What does he do with it when he gets through the work? A. I guess he carries it around.

Q. He keeps this list on pieces of paper he keeps in his pocket? A. Yes.

Q. Do you swear to that? A. Yes, sir.

By Senator O'Connor:

Q. Who takes the pay from these men? A. The night clerk, and passes it to the bartender.

Q. Do they render an account of it? A. Yes, sir; I get an account of it.

Q. Don't they hand you a list of the payments when they hand it over? A. No; I don't pay much attention to the place; I am connected with the brewery; I am running the place anyway

for a trial; I have nothing to do with the place; I am running it for the Star Brewery Company.

Q. And do you turn this rent you get for these beds over to this brewery? A. I paid a month's rent for the place when I first came in there; that is all I paid.

Q. All you received is your own profit; the amount paid for these beds by the lodgers? A. Yes, sir.

Q. What is the reason you do not run it? A. They own the place.

Q. You paid the month's rent for it? A. Yes, sir.

Q. And you hired it for a month? A. Yes, sir.

Q. And you commenced taking these lodgers? A. Yes, sir.

Q. And they paid you? A. Yes, sir.

Q. Why don't you get this list from the clerk when he comes to you in the morning? A. I take his word for the money.

Q. If you take his word for the money, what is the necessity of his keeping an account of it? A. I am likely to look over it.

By Chairman Lexow:

Q. Do you? A. No.

Q. You never did? A. Yes; I did; I might look over it at any time; that is the reason they keep a list; but I do not pay much attention to the business.

Q. Because it is only a temporary business, isn't it? A. No, sir; I ran it three years ago, and nobody took it, and I came back.

Q. This lodging is all temporary, isn't it? A. No, sir.

Q. You don't expect to keep that up after the 7th of November, do you? A. Yes, sir; the brewery intends to lay out about \$2,000 or \$3,000 upstairs for me.

By Mr. Goff:

Q. For you? A. Yes, sir; the estimates are in for the fixtures with the Bavarian Star Brewery.

Q. Are the estimates in for the number of men that can be voted on election day? A. No.

Q. You say these men have been permanent lodgers in your place for three weeks? A. I do not believe there has been a man registered from my house.

Q. Will you swear that there was no list of names given to the policeman? A. I will not swear that.

Q. You have stated to-day that McIntee has not been in your place for two months? A. McIntee?

Q. Yes; your clerk? A. He has not been in that place for two months.

Q. Listen to me; you heard my question; listen to me; you are not running a lodging-house now; you will answer my questions here and not by a shake of your head; I don't want you to repeat my question in order to get time to answer either? A. I will take time, anyhow, to answer.

Q. No; you won't take your own time; you will take our time to answer the questions.

Chairman Lexow.— You will answer with reasonable dispatch or get into trouble.

Q. Will you swear that you did not to-day say to two men that this clerk of yours, whose name you have mentioned, has not been in your place for two months? A. I will swear I did not.

Q. Why did you refuse those men leave to go up and look at your rooms? A. Because, I did not think they had any right to come to my place; if they had authority I would leave them; I don't intend to leave anybody in that hasn't this authority.

Q. If you have nothing to secrete why do you object to anybody going into a public lodging-house? A. Nobody has a right except the lodgers.

Q. Why do you object, a licensed lodging-house keeper, a man that is violating the law every day and night? A. I don't know that I am, the Bavarian Star Brewery man made an arrangement to rent the lodging-house.

Q. Didn't you know it was necessary to obtain a permit for a lodging-house from the board of health of this city? A. I did not know it; but this gentleman that came and asked me for Mr. McInerney and not for my clerk; that is the gentleman that ran the place before me.

Q. What was the name of the clerk? A. They asked for Mr. McInerney; he ran the place before me.

Q. What name did you give? A. I gave McIntee my clerk; they asked for Mr. McInerney; he ran the place and his name is over the door yet.

Mr. Goff.— Will the district attorney please come here. I want to see you if you please.

Q. Did you ever run a lodging-house before? A. I ran that place about three years ago.

Q. Ran it as a lodging-house? A. Yes, as a lodging-house.

Q. Did you have a permit then? A. No, sir.

Q. Did you run any other lodging-house? A. No.

Q. You say here that you never ran a lodging-house in South street, then? A. No, sir.

Q. What was that, a saloon? A. I never ran a saloon in South street.

Q. You say now, and you repeat that you did not know it was against the law to run a lodging-house in New York without the permit of the board of health? A. I did not run a lodging-house there then.

Q. You have been running a lodging-house for three weeks? A. I don't consider it a lodging-house.

Q. What is it? A. A hotel.

Q. Did you have a hotel license? A. No, sir.

Q. Did you know before you ran a hotel you would have to have a license; didn't you know that? A. No; there are lots of hotels that haven't got hotel licenses; I mean there are hotels and no licenses attached to them, and no bar-room connected with them.

Q. Name us one? A. The St. Clair in Park Row; that has not a bar-room in connection with it.

Q. Give us the number of it? A. I don't know.

Q. Between what streets? A. Between Pearl and Chambers.

Q. On which side of the street, east or west? A. West side.

Q. The St. Clair; who runs the St. Clair? A. I don't know.

Q. How do you know it hasn't a license? A. I didn't see any bar-room; I don't know about the hotel license.

Q. How do you know it hasn't a license? A. I don't know; I don't know whether a hotel license is from the excise board, or whether it is a license from the board of health.

Q. You said here that you were not the only one that ran a hotel without a license, that there were several others that ran a hotel without a license; you have named the St. Clair; why did you mention that? A. I don't know that it hasn't a license.

Q. Why did you say it? A. I don't know whether he has a hotel license.

Q. Why did you say it if you did not know? A. It was my impression; I think I can rent a furnished-room house at any place without a license; that is my opinion.

Q. I am not asking for your opinion; I am asking for facts; now I ask you again will you swear that those 23 lodgers

have been in your house every night and slept there since you opened it? A. I would not swear that the whole of them have been there since I opened.

Q. Or at any one time? A. Well, I swear there have been 23 lodgers at one time since I opened.

Q. And the same men? A. The same men.

Q. You swear it? A. I swear there would be 23 there one night; I could not swear to the same men, because I am not there; I will swear there has been 23 men in my house at one night, that is all I will swear to.

Q. You won't swear that they were the 23 men that came there three weeks ago? A. No, sir.

By Senator Bradley:

Q. Will you swear there has been 23 men slept there? A. I swear there has been 23 men slept there, and there has been 30 slept there one night.

By Mr. Goff:

Q. Where is McIntee sleeping? A. In the house.

By Chairman Lexow:

Q. How do you know he is not in there now? A. I don't think he is in there now; I guess he is out.

Q. Why? A. I sent him with a message uptown.

Q. Where did you send him? A. I sent him to the Bavarian Star Brewing Company.

Q. According to your best judgment he is either there at the Bavarian Star Brewery or on his way back at this time? A. Yes, sir.

By Mr. Goff:

Q. Do you know this, that any person who aids and assists another person to register falsely or vote falsely is guilty of a felony? A. I know that, yes.

Q. You bear that in mind; will you swear that you did not take this house and put up those beds, or have them put up, for the purpose of aiding fraudulent registration from that house? A. I swear I did not; I came there to make a living and try to stay there.

Q. You have not answered my question; is it any part of your intention to afford shelter or accommodation to any person who intends to register fraudulently from your house? A. No, sir.

Q. Or to vote fraudulently? A. No, sir.

Q. And you say not a man has voted from your house? A. I did not say voted — registered; I say I don't think a man has registered from my house, 128 Park Row.

By Chairman Lexow:

Q. Will you swear no list has been given to the police containing the names of 37 people as intending voters from your house? A. I say there is no list to my knowledge given to the police of 37 names.

By Mr. Goff:

Q. Haven't the police visited your place to ascertain how many lodgers there were? A. I heard so.

Q. That has been under the orders of Superintendent Byrnes recently? A. Yes, sir.

Q. Have they visited your place? A. They have; my bartender has told me.

Q. What is his name? A. Sullivan is the bartender; he told me that somebody was in the house the night before and 21 names he gave to the police.

Q. In writing? A. Yes, sir.

Q. The night before? A. He gave them to the police.

Q. Twenty-one names? A. Yes.

Q. You spoke about 23 names? A. I said there were 23 in the house.

Q. Can you say the 23 names he gave to the police are the names of men who commenced to lodge with you three weeks ago, and have continued since? A. I do not know what names he gave; I have not got a book.

Q. You never intended to start a book? A. Yes, sir; I have the books there, and laid there for a week and not written on them.

Q. Why didn't you use them? A. I have been neglectful.

Q. Have you kept any writing at all? A. I keep slips.

Q. And those slips are in the possession of the clerks? A. Some of them, I guess.

Q. You go from this courtroom and bring that clerk and those slips over here? A. If the clerk is not there I can not fetch him.

Q. You have got to bring those slips? A. I will fetch the slips.

Chairman Lexow.—We will have somebody go with you.

By Mr. Goff:

Q. You have no objection to the sergeant-at-arms of this committee or his deputy, going into your place? A. I will allow nobody unless he has authority.

Q. Why? A. I do not want anybody to go through my house unless he has got authority.

Q. Your house consists of two rooms? A. It consists of eight or ten rooms; two floors.

Q. What objection have you to the sergeant-at-arms going through your house? A. I do not want anybody in my house unless he has authority.

Chairman Lexow.—Mr. Goff is asking you to give the necessary authority. Unless you have got something to conceal—
A. I have nothing to conceal in my house.

By Mr. Goff:

Q. You are willing to go upon this record in this way that you refuse admission to the sergeant-at-arms to the Senate in whom you must have every confidence that he is not going to disturb or destroy your property, going into your house to see whether or not your statement is borne out by the facts? A. I will allow nobody, unless he has authority.

Q. And you won't give that authority? A. No.

Q. We will get the authority to go into the house whether you like it or not? A. All right, sir.

Mr. Goff.—You subpoena the captain of the precinct, and we will see whether you like it or not.

Q. It is the captain of the Oak Street station-house, is it not? A. No; the Sixth precinct.

By Chairman Lexow:

Q. Do you know, witness, how many others there are in the same general line of business in your vicinity? A. I don't know, sir.

Q. Do you know how many lodging-houses of the same character are in existence in your vicinity? A. I don't know how many; I know there are lots of them around.

Q. You know there are lots? A. Yes.

Q. Of the same general plan? A. I don't know; I don't know how they are conducted; I never go into their houses.

Q. Don't you know how others conduct their's? A. No.

Q. How many; approximate as nearly as you can how many similar houses are there in that precinct? A. I don't know of any.

Q. A moment ago you said you knew there were a great many; now which is true; your statement now, or your former statement? A. I don't know how the houses are run; I know I can open a place in Park Row or any other place as a lodging-room house without any license.

By Mr. Goff:

Q. In whose name is the license of that place? A. The brewer's place, Mr. Bommel, the head brewer.

Q. He has an interest in it? A. Certainly; it is their place.

Q. Then you are not proprietor of that place? A. I am simply running it for the brewery.

Q. Are you the proprietor? A. I am the lessee; no; I own nothing in the place.

Q. Are you paid a salary? A. No.

Q. How do you live? A. I am put in there simply to run it.

Q. How do you live? A. I am put in there to run the place.

Q. How do you live? A. On the profit.

Q. How do you get the profit? A. On the bill.

Q. Then you are not employed by the brewery, are you? A. No; I am not employed by them; I am simply put there to run the place.

Q. You are your own boss? A. No; they can throw me out any morning.

Q. You simply have that place while they sell you beer; isn't that so? A. Yes, sir.

Q. They have got a mortgage on that place? A. Yes.

Q. And the license on the place is not in your name? A. It is in the brewery's name; it is in the name of the man I mentioned.

Q. That man himself does not go there and sell or conduct the business, does he? A. He goes there two or three times a week.

Q. Does he go there and sell, and conduct the business? A. No.

Q. Who takes in the money and receipts? A. I take in.

Q. And the receipts from the lodging-house, you take it in?
A. Yes, sir.

Q. And yet you are running that place in the name of another man; are you running that place under another name? A. I am running it for Mr. Bommel; he has given me the profits of the place; he could not make it pay.

Q. You say you are the boss and you take in the profits? A. He has given me the profits.

Q. You take in the profits? A. Yes, sir.

Q. And you have a right to employ your own bartender? A. Yes, sir.

Q. And your own clerk? A. Yes, sir.

Q. And the money for the lodging-house you take in? A. Yes, sir.

Q. Now, we will let you go and look for those slips? A. All right; I am only running that store for Mr. Bommel.

Chairman Lexow.—I think I would serve a subpoena duces tecum on the witness.

Mr. Goff.—I wish to say to you that the district attorney of this county has sent men to State prison and the penitentiary for such things as your house gives evidence of.

The Witness.—There is no evidence of anything wrong in my house.

Q. Were you there last year? A. No, sir.

Q. Where were you last election? A. Corner of Broome and where I live.

Q. Do you know how many men voted from your place, 138 Park Row last election? A. I don't know; I know I wish I was not down in that district; I have no idea.

By Chairman Lexow:

Q. Can you name any other one house in that immediate vicinity of the same character as your place? A. No, sir; not what I know; I don't go through any in my district; I do not know how they are: I am on the outside, and don't pay any attention.

Q. What do you mean by you were on the outside? A. I am connected with the brewery.

Mr. Goff.— Now there is a subpoena duces tecum. That is a subpoena for you to bring those slips here and all other records or books, and that blank-book you have that you have not written in. Bring them here immediately on the reassembling of this committee after recess; do you understand; and if Mr. McIntee is in your house he is wanted here too.

The Witness.— All right, sir.

Chairman Lexow.— All witnesses under subpoena for this morning will attend here again at quarter of 3. The committee will stand adjourned until that time.

AFTERNOON SESSION.

October 16, 1894.

Present.— Senators Lexow, O'Connor, Cantor, Bradley and Pound.

Chairman Lexow.— Will you call your next witness, Mr. Goff.

Mr. Goff.— Is Mr. Quinlan here?

Morris Quinlan, resumed the stand, and examination continued.

By Mr. Goff:

Q. Have you brought those slips with you, Mr. Quinlan?

A. Well, I have fetched one of them with me; that is all I got.

Q. Why didn't you fetch the whole of them? A. I couldn't find them; I don't know where they are; I guess there are torn up; I didn't keep an account of them.

Q. When did you last see them? A. About three or four days ago, I guess.

Q. In whose possession? A. I found them in one of the drawers.

Q. In whose possession did you see them? A. In nobody's possession; in the drawer.

Q. In whose handwriting is this? A. In the clerk's handwriting.

(The paper was marked Exhibit 1 of this date.)

Q. What book had he there? A. That is the book I told you of; there is nothing written in it; you asked me to fetch it.

Q. Let me look at it? A. (Handing Mr. Goff book) There is nothing written in it, sir.

Q. When did you buy this book? A. That book was bought about two weeks ago.

By Chairman Lexow:

Q. About two weeks ago? A. Yes, sir.

Q. That was a week before you started in to take these lodgers? A. I want to tell you something, Mr. Goff; any of those people that are registered from my house will lose their votes, because my house will start in to be fixed up to-morrow; any of those people that are registered from my house will lose their votes.

Q. Has that light come upon you during recess? A. No, sir; if you will communicate with the Bavarian brewery you will see how long the estimate is in to fix up the place.

By Senator Bradley:

Q. When did you find out that there were any people registered from your house? A. I don't know that there is; I say, if they are registered they will lose their vote.

Q. Why do you make that assertion, if they are registered? A. If anybody has, because my house is liable to be closed up; we are going to fix it up.

By Mr. Goff:

Q. This slip of paper which you present here contains the register or list of the names of those who stopped in your lodging-house on October 2, 1894; is that so? A. Yes, sir.

Q. I find the first name is Joe McIntee; is that your clerk? A. That is the clerk.

Q. Can you state if the names, 20 in number here, have been staying at your house ever since? A. I don't know, sir.

Q. Now, isn't it a matter of fact that the men have been frequenting your house are what we call "night lodgers;" for the night, isn't that so? A. For the night?

Q. Yes? A. Yes; but they —

Q. Answer my question and don't be so ready to give us your opinion or what you intend to say; and they paid 15 cents every night; they paid 15 cents every night before they could get a bed? A. Yes, sir; sometimes I hang them up; they haven't got the 15 cents.

Q. Well, it is the same thing; they either have to pay the 15 cents, or you give them credit—hang them up, as you say, for the 15 cents; isn't that so? A. Yes, sir.

Q. You don't serve any meals in your place? A. No, sir.

Q. And you don't know from one night to another the number of men or the men who may frequent your place? A. I don't know from one night to the other.

Q. There is no man who has been frequenting your place who has taken up a regular lodgment by the week? A. Yes; there is one man pays weekly.

Q. Who is he? A. There is one man pays weekly; his name is—there is one man pays weekly.,

Q. Who is it? A. His name is not even on that slip; he pays by the week; I can find out.,

Q. This slip shows the number of men that went in on that night and paid 15 cents; isn't that so? A. That is so, sir.

Mr. Goff.—Have you any questions to ask, Senators.

Chairman Lexow.—No; that is all, witness.

Chairman Lexow.—Mr. Moss called my attention to a statement made this morning in reference to the police commissioners trying or disposing of cases where brutality was charged against individual members of the force. I didn't mean the statement that I made to imply that there was any obligation on the part of the police commissioners not try that class of cases at once. On the contrary, it seems to me that it ought to be their duty to try cases of that description, and get rid of a man of that kind at once.,

Senator Bradley.—That was the point I tried to bring out, that it was a breach of discipline, the trial of which would have no interference with our investigation at all, that is, so far as the investigation of corruption is concerned.

William C. F. Berghold, a witness called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You are a captain of police in this city? A. Yes, sir.

Q. Commanding the Sixth precinct at the present time? A. Yes, sir.

Q. Within the limits of your precinct are the premises 138 Park Row? A. Yes, sir.

Q. Do you know anything about those premises? A. I do not.

Q. You are aware that there are a number of lodging-houses in your precinct? A. Yes; there are a great many.

Q. You are aware, of course, that these lodging-houses can not exist unless they have a permit from the board of health?

A. Yes, sir.

Q. And you are aware, no doubt, as a captain of police, and as an old policeman in this city, that you, as captain of that precinct, have a right to go into any lodging-house in that precinct? A. Yes; I have a right.

Q. You have the right, clear? A. Yes, sir.

Q. Under the Consolidation Act, you have; now, a house that is receiving lodgers and harboring them over night without a permit from the board of health, or without a licence from any constituted authority, do you regard that the proprietor of that house is violating the law? A. Now, as far as inquiring after the license and the keeping of lodgers, I have never made that my business, because the board of health has its squad of about 40 men, and I was under the impression they looked after it themselves.

Q. But you, as captain of police, are charged by your oath of office and your duty, to see that the laws are enforced within your precinct? A. Yes, sir.

Q. And if it be brought to your knowledge that a house is entertaining and harboring lodgers over night without having a proper license from the board of health or any other constituted authority, do you regard it now as your duty to prevent that house from continuing to violate the law? A. I should notify the board of health; I think it would be my duty to notify them.

Q. Precisely; now, it has been stated in evidence here to-day by a Mr. Quinlan, who runs a house at 138 Park Row, that for the last three weeks he has been receiving and harboring lodgers from night to night, 23 in number, differing every night; do you know anything about that house? A. All I know is that on October 6th that I made a copy of what he had in his house.

Q. Have you the copy? A. I have the original copy made in pencil.

Q. From what did you take the copy? A. I didn't go myself; it is Officer Larkin; he took it from the register, I presume;

he was instructed what to do; of course, I couldn't make the copy myself. (Witness handed Mr. Goff paper.)

Q. I understand that, captain; there are 22 names here; that is on October 6th? A. Yes; the officers are instructed to copy every name who had been there previous to that date, and every new man up to 12 o'clock that night; those were the instructions they got.

Mr. Goff.—I will take at random these names, as a matter of illustration, gentlemen, from the list taken on the 6th of October by the police officer.

Q. From the book, did you say? A. From the lodging-house register, I presume.

Q. You don't know, of your own knowledge? A. No, sir; Officer Larkin.

Mr. Goff.—I find Joseph McIntee. That is present on both lists; that is, the list that the officer has taken, and this slip that the lodging-house proprietor has produced here. I find the next name is William Sadlier on the lodging-house keeper's list, and it is on the captain's paper too.

Dan Sullivan; that name is on both lists.

Costigan; that name is on both lists.

Mulligan; that name is on both lists.

Kane; that name is on both lists.

Keegan; that name is on both lists.

Maybury; that name is on both lists.

O'Connell; that name is on both lists.

George Washington is on both lists.

There are two Daniel Sullivans on both lists.

John Daly is on both lists.

Connelly is on both lists.

Jeremiah Sullivan is on both lists.

Connors is on both lists.

Galvin is on both lists.

Neary is on both lists.

James Sullivan is on both lists.

Quinlan is on both lists. That is the proprietor.

There are three names that are on the captain's list that are not on the lodging-house keeper's lists; but the most remarkable thing about it is that on the list furnished by the captain, taken by his officer from some record in the lodging-house, the full Christian names are set out. On the list furnished by the

lodging-house keeper there is no Christian name set out; all initials.

Q. Can you tell us, captain, how the officer succeeded in getting the full names of these persons in the lodging-house while the list from the lodging-house shows only the initials? A. I can not tell you.

Q. You have a right to go into this house and see whether the law is violated or not? A. Yes, sir.

Mr. Goff.—I ask you, on behalf of this Senate committee, to go into that house now, the proprietor having refused our men permission, and to take with you our deputy sergeant-at-arms, and report here your examination of that house and its condition.

The Witness.—Yes, sir.

Chairman Lexow.—The captain knows the point, does he, what we want to get at.

Mr. Goff.—Yes, sir. The question of interest, captain, is as to the beds; when they were put up, how they are put up, whether they are in the act of putting up beds now or not, or information which will let us know whether the beds were put there only within a few days. We wish you to make a thorough examination.

Chairman Lexow.—The general surroundings, captain, is what we want to get at; whether or not you can say from looking at the premises whether the whole thing is a temporary makeshift for purposes of registration.

The Witness.—Yes, sir.

Mr. Goff.—Furthermore, captain, according to Mr. Quinlan's own testimony, he has been running that place as a lodging-house, taking 15 cents a night from those lodgers without authority of law. I want you to see whether or not that is done with impunity in your precinct, or whether or not there are lodging-houses in the precinct doing the same thing.

The Witness.—I shall do it to-morrow.

Chairman Lexow.—But can you not make the examination in reference to this one now?

The Witness.—Yes, sir; immediately.

Mr. Goff.—And report here, if you please.

The Witness.—I will do so immediately.

Morris Quinlan.—Mr. Goff, I will not allow anyone to go in there but the captain.

Mr. Goff.—Take the stand, Quinlan.

Morris Quinlan resumed the stand:

Examination by Mr. Goff:

Q. What did you say in the court-room; we want to have a record of your words? A. I stated that I would not allow nobody to go in my place except the captain, who has authority, the police captain.

Q. Why will you not allow anyone to go into your place except the police captain? A. Well, I don't see that anybody has a right to go in there.

Q. Has there been a murder committed in your place that you are afraid will be discovered? A. No, sir.

Q. Are you harboring thieves? A. No, sir.

Q. Is there any evidence of crime in your place that you are afraid of the discovery of? A. No, sir.

Q. Then why do you object to anybody going in there, if you are an honest man? A. Well, I don't want anybody but the captain of police, who has authority.

Q. You are here under the imputation of planting men in your house for purposes of registration? A. There is no evidence that I have been doing that.

Q. I am not asking you what the evidence is; I am telling you what the imputation is; in view of that, if you are an honest man, why do you object to anyone but the police captain going in there? A. For the reasons I stated.

Q. Why? A. I won't state any reasons for it; I will allow nobody in but the man who has authority.

Q. Why won't you give your reasons then? A. I will give no reasons.

Q. Why? A. I can keep anybody out of my place without authority.

Q. But it is a public place and you are accused of violating the law? A. Well, I am allowing a police captain to go in there if I am violating the law.

Q. Why do you refuse anybody else; is there any understanding between you and the police captain? A. No, sir; the gentleman, I don't believe, knows me.

Q. Why do you refuse if you are an honest man? A. I am allowing the captain of police to go in there.

Q. You are allowing the captain? A. Yes; I guess he has authority to go in there.

Q. You are allowing the captain, indeed? A. He has authority.

Q. Then you are not allowing him; I will put the question again to you so as to get it on the record; why do refuse to allow anybody to go into your rooms except the captain of police? A. They have no business there; that is the only ground.

Mr. Goff.—Well, we will see about it. Captain, you do your duty as you understand it, as a police officer.

The Witness.—Well, I have a right to be at my house—

Mr. Goff.—I am not addressing you now. Captain, this committee sends with you a deputy sergeant-at-arms of the State of New York. He is an officer the same as you are. You are an officer of the peace, and if any violence or obstruction be offered to the deputy sergeant-at-arms, an officer of this Senate committee, you know your duty, and we will hold you to a strict performance of it. You may go, Quinlan.

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

Examination by Mr. Goff:

Q. You are Captain McLaughlin, are you not? A. No, sir.

Q. I don't mean a police captain; you have a military title of captain, have you not? A. No; I was a private.

Q. You were a private in the army, were you? A. Yes, sir.

Q. Well, I beg your pardon; I didn't want to deprive you of your title; you were a high private in the army of the United States? A. Yes, sir.

Q. What regiment? A. Third United States.

Q. Where did you serve? A. Fort Hamilton, New York harbor.

Q. How long? A. Five years.

Q. All the time there? A. No; I was in Fortress Monroe, Virginia.

Q. Where did you enlist? A. Boston.

Q. Where were you first drafted? A. To Fortress Monroe, Virginia.

Q. Immediately after you enlisted in Boston? A. Yes, sir.

Q. When did you enlist in Boston? A. On the 20th day of April, 1875.

Q. Have you got your discharge papers with you? A. Certainly.

Q. Let me look at them? (Witness handed Mr. Goff paper.)

Q. Now, you say you enlisted in Boston? A. Yes, sir.

Q. And you were drafted immediately from Boston to Fortress Monroe? A. Yes, sir.

Q. In what branch of the service did you enlist? A. Third United States Artillery.

Q. Who was the colonel commanding your regiment? A. The colonel that commanded there was Colonel Barry.

Q. Who was the captain that commanded the troop, the battery that you belonged to? A. Lorraine, that battery.

Q. I am asking you the first time you went to Fortress Monroe? A. Lorraine.

Q. Captain Lorraine? A. Yes, sir.

Q. Do you know his Christian name? A. No, sir.

Q. How long did you serve in that battery? A. One year.

Q. What was the letter of the battery? A. A.

Q. Battery A? A. Yes, sir.

Q. And you served one year in Fortress Monroe? A. That is what I said.

Q. Captain Lorraine was the captain commanding? A. That is what I said.

Q. Can you give us the names of the other officers of the battery? A. Postley was one; he was the lieutenant.

Q. Do you know his first name? A. No.

Q. Any other officer? A. There is another one; I forget his name.

Q. What was the name of the sergeant? A. The sergeant?

Q. Yes? A. He was — one of them was McTeal.

Q. What grade? A. Sergeant.

Q. Sergeant-major or color-sergeant? A. Williams was the first sergeant; McTeal was the second.

Q. Can not you give us their first names? A. No, sir; it is so long since, I forget it.

Q. Eighteen hundred and seventy-five; it is less than 20 years? A. Yes; but I don't think of every man's name, the first and last name for 20 years.

Q. I am not asking you for every man's name; I am asking you for the names of the commissioned and non-commissioned officers of the troop; can you give us any other names? A. Any others?

Q. Yes? A. There was one named Burns.

Q. What was he, a sergeant? A. A sergeant.

Q. Can you think of his Christian name? A. No.

Q. Any other? A. There was another one; I forget his name.

Q. There are four sergeants in a battery? A. Yes, sir.

Q. Have you ever been in the military service in any country before? A. No.

Q. How long had you been in America when you enlisted?

A. A little over two years; it might be three; I couldn't tell; between two and three years.

Q. Can you name me any private, any comrade soldier who had been on duty with you in that battery who is now living?

A. There is one used to drive on Broadway on the cable cars, served with me at Fort Hamilton.

Q. What is his name? A. Dwyer.

Q. Where is he now? A. I couldn't say; I could find out from his brother-in-law.

Q. Who is his brother-in-law? A. Roundsman Conlon.

Q. How long ago is it since Dwyer was on the Broadway cars?

A. About two years.

Q. Can you give me the name of any other man who served with you this first year at Fortress Monroe? A. Mullins.

Q. Where is he? A. The last I heard of him he was driving a coal cart on the east side.

Q. Any other name, the name of any man with some definite address, some definite place of abode? A. I don't know of any here.

Q. Any in any other town or city? A. I didn't take any of their names or addresses.

Q. What part of the fort in Fortress Monroe, what section of the square, were your quarters in? A. It was most westerly.

Q. The most westerly, the whole wing? A. Well, there was only one battery in each; there was a different building for each battery.

Q. How near the post trader's place, or canteen-man were your quarters? A. About — it was less than a quarter of a mile.

Q. Was that inside or outside of the fort? A. It was inside.

Q. Now, after you served the year at Fortress Monroe where did you go to? A. To Fort Wadsworth.

Q. To New York harbor? A. Yes, sir.

Q. Was your company transferred there? A. No.

Q. Or your battery? A. No, only so many men.

Q. So many men from Battery A? A. Yes, sir.

Q. What regiment? A. The Third.

Q. Artillery? A. Yes, sir; you have it on that discharge.

Q. I am speaking to you without your discharge; what officer commanded you in the transfer from Fortress Monroe to Fort Wadsworth? A. There was no officer.

Q. What non-commissioned officer was in charge? A. There was none.

Q. Was there not some soldier in charge? A. There might be one picked out to act as land-corporal.

Q. Don't you remember who it was that acted as land-corporal? A. His name was — let me see — his name I forget; well, he was afterward made color-sergeant of the regiment; I will write to the army and navy and get you that information, Mr. Goff:

Q. By what route did you go from Fortress Monroe to Fort Wadsworth? A. The Old Dominion.

Q. The Old Dominion line? A. Yes, sir.

Q. How long did you remain in Fort Wadsworth? A. May be three months.

Q. Three months? A. I couldn't say.

Q. Who was the officer commanding there? A. Major Gibson.

Q. Who was the officer in command of you; he was in command of the fort? A. Major Gibson was in command of the fort.

Q. Wasn't there an officer in immediate command of you? A. Captain Warner.

Q. How long did you remain at Fort Wadsworth? A. About three months.

Q. In what year was that? A. That was in 1876.

Q. What part of 1876? A. About April or May.

Q. April or May, 1876? A. Yes, sir.

Q. Where were you moved from from Fort Wadsworth? A. I went with a company to the centennial.

Q. How long did you remain at the centennial? A. Until it was closed.

Q. What officer was in command of the company? A. Captain Warner.

Q. Where did you go after leaving the centennial? A. Fort McKinley, Maryland.

Q. Who was in command there? A. He was colonel of the Second; I forget his name.

Q. How long did you remain at Fort McKinley? A. May be three months; I couldn't say.

Q. Where did you go from Fort McKinley? A. To Fort Hamilton.

Q. Who was in command at Fort Hamilton? A. Lieutenant Colonel Ayres.

Q. Who was in immediate command of you? A. Captain Warner.

Q. How long did you remain at Fort Hamilton? A. Until the expiration of my term.

Q. Until the expiration of your term? A. Yes, sir.

Q. The expiration of your term of five years? A. Yes sir.

Q. Did you serve your full term? A. Why, certainly; that paper —

Q. Never mind about that paper; did you serve your full term? A. Yes.

Q. No question about that? A. No question at all about it, Mr. Goff.

Q. I don't want you to remain under a cloud of injustice — A. All right, sir; that is what I came here for.

Q. I want to give you every benefit; if my information has been based on a falsehood I want it to be brought out; I want to give you an opportunity to be righted; was there anything done with the discharge papers that you have received from the time that they were issued by the commanding officer who had a right to sign it? A. Was there anything done with them?

Q. Yes? A. No.

Q. Any erasures made? A. No.

Q. Any name scratched out? A. No.

Q. Or names inserted? A. No.

Q. Absolutely? A. Absolutely.

Q. Are you a married man? A. Yes.

Q. Did you marry after you left the service? A. Yes.

Q. When did you leave the service? A. April 30, 1880.

Q. And this discharge here that you have brought here is the discharge granted to you? A. Yes.

Q. Who was the captain that signed it? A. It was Captain St. Clair; he was in command; the colonel was away.

Q. When did you join the police? A. The 8th of May, 1882.

Q. You presented this discharge at headquarters when you made application for appointment as a police officer? A. Certainly.

Q. You presented it to Gen. Baldy Smith? A. Yes, sir.

Q. You knew that General Baldy Smith was very much in favor of appointing ex-soldiers to positions on the police force?

A. Yes, sir; that was the reason I was recommended.

Q. That is the reason you were recommended; it is very proper officer; did you say anything to any person about your discharge, any changes having been made in it? A. No, sir; that will tally with what is in headquarters; I never seen the papers until I seen them up there, and they are copied from that.

Q. I am not questioning the headquarters record at all; that is not what I'm after; that is your signature. (Paper shown witness.) A. Yes, sir; that is it.

Q. And you swore to that? A. Why, yes.

Q. The questions are asked and answered: "Have you been in any military service? A. Yes, in the army of the United States. Q. Were you honorably discharged? A. Yes." Those answers were true when you made them? A. Why, certainly.

Q. On the face of this discharge there appear to be several erasures with words written over them, both in the body of the discharge and the signature of the commanding officer who signed it; can you tell us whether that is accidental or how those erasures came there? A. There is no erasure came there at all that I can see.

Q. Look at the signature of the officer? A. It is very plain, sir, and very correct.

Q. The signature is all right? A. The signature is all right.

Q. But look at the title there? A. The captain was absent.

Q. Was there not an erasure there over which that name is written? A. Well, the captain was absent at the time the lieutenant signed this; the lieutenant signed this, and the captain was absent, and he erased the captain's name and put his own on it.

Q. But this says "Captain, Commander?" A. Captain, Third battalion.

Q. Third artillery? A. Certainly the captain is in command.

Q. Now, Captain St. Clair was the captain? A. No; Captain St. Clair was in command of the post, not the battery, because the colonel I told you, was away.

Q. Well, you said a moment ago that the lieutenant signed this discharge? A. The lieutenant signed it at the bottom, Postley; he commanded the battery.

Q. What I want to get at is the erasure; look at where the captain's title is there; can you explain that? A. I can explain to you, sir, what that is, that it was the captain was in command in place of the major, and that in the place of him being commanding the battery he was commanding the post.

Q. It says there, captain of the Third artillery; it doesn't say he was captain commanding a post? A. If you think there are any erasures made in this, Mr. Goff, I will write to Washington and get you a duplicate copy.

Q. Officer, you will have an opportunity to place yourself in a proper position; I will be very frank in stating to you that information reaches me that that is forgery, a fraudulent discharge paper; that you were never in the army of the United States; that you acknowledged before you were put on the police force that you were making use of a fraudulent certificate, and that the name of the genuine soldier that was on the certificate was erased and your own inserted? A. Don't that give my name—

Q. What have you to say to the information that I now give you? A. I say it is all a lie.

Q. Every word of it? A. Every word of it.

Q. I want to deal justly with you officer; only if such an extraordinary thing as that had occurred, I think it would interest not only this Senate committee, but every honest soldier in the United States, and I will be glad if you are able to prove that that is a falsehood? A. I am able to prove it.

Q. I sincerely trust that you are, officer; were you ever in the hospital? A. No, sir.

Q. Never reported on sick-list? A. No, sir; not even since I have been on the police.

Q. You look a fine, healthy, strong man; what doctor examined you for admission into the service? A. I don't know his name; never asked him.

Q. Are there any other incidents in the service which you have not mentioned to me, and which you can rely upon to prove the falsity of this information which has come to me? A. You can write to Sedgewick Pratt, the quartermaster of that regiment, and he will explain to you that I was his teamster; that I was the quartermaster's teamster; drew extra pay for that all along.

Q. What post? A. Fort Hamilton.

Q. You say you served under an Officer Postley? A. Postley.

Q. Was he a private? A. No; a lieutenant.

Q. What sort of a looking man was Postley? A. A man about your build.

Q. Dark or light complexion? A. Very light.

By Chairman Lexow:

Q. What was the sergeant's name? A. The sergeant's name at Fort Hamilton was Willis; first sergeant.

Q. And down at Fortress Monroe? A. His name was Willis.

By Mr. Goff:

Q. Is McLaughlin your name? A. Yes, sir.

Q. Was it your father's name? A. Both my father and mother's name.

Q. Is it pronounced differently in your native country from what it is here? A. That is the way I always spelled it; it is the way I spelled it when I went to school in Ireland, when I was a boy.

Q. Were you told by any person when you were about applying for a position on the police force, that you were running a great risk in using a forged discharge from the army? A. No, sir.

Q. Did you ever hear anything about a fraudulent discharge? A. No, sir; only what I have heard here now.

Q. This is the first you have heard of it? A. Yes, sir.

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

Examination by Mr. Goff:

Q. What relation are you to the officer who has just left the witness-stand? A. A first cousin.

Q. Did you know him before he arrived in America? A. Yes, sir.

Q. Do you remember when he arrived in America? A. Yes, sir.

Q. When did he arrive? A. He arrived in June, 1876.

Q. In June, 1876? A. Yes, sir.

Q. Did you see him shortly after his arrival? A. Not for about from 1876.

Q. No; how soon after his arrival did you see him? A. About three years after his arrival.

Q. I mean how many days after his landing here did you see him? A. I didn't see him when he landed; I went to meet him at Castle Garden, but he was gone to Worcester, Mass.

Q. You were aware of his coming, were you? A. Yes, sir.

Q. By letters? A. Yes, sir.

Q. Had you been in correspondence with him? A. No; not exactly with him.

Q. With whom? A. With the rest of the family, older than him.

Q. Your family and his family were close neighbors, were they, in the old country? A. Within two miles, or so.

Q. That is a short distance? A. Yes, sir.

Q. And the relationship continued between your two families over there which you have stated? A. Yes, sir.

Q. You knew this officer as a boy? A. Yes, sir.

Q. Went to school with him? A. No, sir.

Q. Well, you knew him as a boy? A. I knew him since he was born.

Q. You say you went to Castle Garden to meet him? A. Yes, sir.

Q. And that you failed to meet him there? A. He was gone; himself and a young fellow named Spellman.

Q. Spellman? A. Yes, sir; that is the only account I got there of him.

Q. Gone to Massachusetts? A. Yes, sir.

Q. How shortly after that did you see him? A. I saw him in 1880.

Q. That was in 1876? A. In 1876.

Q. You say he arrived in 1876? A. I say he arrived in June, 1876.

Q. And you didn't see him until June, 1880? A. No, sir.

Q. Did you hear from him in the meantime? A. Yes, sir.

Q. Where was he? A. In Worcester, Mass.

Q. Did you learn from his letters what business he was in? A. He never wrote a letter to me, but I heard from him.

Q. Through what means or channel? A. Through acquaintances.

Q. Did you hear or learn what business he was following? A. Yes, sir.

Q. What business? A. In a coal yard.

Q. In 1880, you say you saw him here in New York; is that so? A. Yes, sir.

Q. Has he resided in New York ever since? A. In New York and Brooklyn.

Q. What business did he go into when he arrived in New York? A. He did not do anything for a while; he boarded at

420 Fifty-sixth street and I lived at 949 Eighth avenue; he went around looking for work, advertising.

Q. He what? A. He advertised for work; he was looking for a light job.

Q. That is a good thing for a big man to look for, a light job? Yes, sir.

By Chairman Lexow:

Q. Is a police job considered a light job? A. Well, I don't know, sir.

Mr. Goff.—He is not a policeman, so he can not tell.

Q. Is that the general idea in the community, that it is a light job? A. Seems so; there are a great many looking for it.

By Mr. Goff:

Q. Did he get a light job? A. Yes, sir.

Q. What sort of a job did he get? A. I understood he got a job in Long Island, with a farmer, driving a team of mules.

Q. How long did he remain at that occupation? A. He was there about two years, I think, to the best of my information.

Q. What next did he do? A. He left there and he came and advertised for a porter.

Q. In New York? A. New York.

Q. Yes? A. And he got a job between Twelfth and Thirteenth streets on Broadway; I forget the name of the hotel, but it was a man named Merritt that run it.

Q. Between Twelfth and Thirteenth streets on Broadway? A. Yes, sir.

Q. That was the hotel? A. Between Twelfth and Thirteenth streets on Broadway.

Q. How long did he remain there; do you know? A. He remained there near two years.

Q. What did he do next? A. Well, he come to me one time in 1881, about the middle of 1881, and he says, "I have a notion of going on the police force;" "Are you," I says; he says, "Yes;" "How will you get on?" "Oh, I will get on;" he says, "Well, you have got no friends here to put you on."

Q. You said to him? A. Yes, sir; "Oh, I will get on," he says, "What way;" "Well, I will get a discharge," he says, "Pretend I was a soldier in the regular army, and I will get on through Baldy Smith with that;" I says, "That is a dangerous trick;" I says to him, "A very dangerous trick; I wouldn't take

that block of houses and do that," said I; "Oh, I will be all right," he says; "Well, look out for yourself," says I; so a week or so after that he came to me with this discharge.

Q. Came to you with a paper? A. Showed me the discharge, and I says, "Well, I wouldn't do that for this world to-day, but notwithstanding he went down to Commissioner Smith with it and he went right on with it.

Q. Was there anything said about it being found out? A. Sir?

Q. Was there anything said between you about its being found out, about the change of the certificate? A. Yes, I told him if it ever were found out it would be a bad thing for him.

Q. What did he say? A. He said nothing; he laughed at me.

Q. Was there anything said about any erasure upon the face of the discharge? A. I looked at the discharge, and I saw to the best of my opinion that there was a name erased off it and his name wrote on it.

Q. Have you told us all the conversation touching his discharge? A. What?

Q. Have you told us all the conversation that you had with this officer relating to this discharge? A. Yes, sir; as far as I can remember.

Q. Have you ever spoken to him since his appointment on the force in relation to this discharge? A. Oh, yes.

Q. What have you said to him? A. He said there were plenty of them crooked on the police as well as him.

Q. Plenty of them crooked on the police as well as well as him? A. Yes.

Q. What crookedness did he refer to? A. I don't know sir; that is the answer he gave me.

Q. What conversation brought up that remark? A. There was some man on trial I think.

Q. Some policeman? A. Some policeman on trial, and I believe he was discharged, and he got telling me about it, and I commenced to laugh; I said, "You be careful;" he laughed it away.

Q. "You be careful?" A. I says, "You be careful too."

By Chairman Lexow:

Q. Did he justify to you his act in using this fraudulent discharge, as you claim, on the ground that there were other people that were crooked on the police force? A. Yes, sir.

By Senator O'Connor:

Q. Have you ever had any difficulty with this man? A. Yes, sir; a little.

Q. When? A. After him being on the police about four months.

Q. What was the difficulty? A. About a little money I gave him.

Q. You loaned him money? A. Yes, sir.

Q. How much? A. One hundred dollars.

By Chairman Lexow:

Q. For what? A. To help him to buy uniform with.

By Senator O'Connor:

Q. And he refused to pay you? A. He brought it to me in a check, and didn't indorse his name on the check; I says, "Why didn't you indorse that check;" "Well," he says, "Give it to me and I will give it to you the next time I am off;" I didn't mistrust his honesty; I gave it to him at that time; he never brought it to me since, nor my \$100 I never got yet.

Q. You feel unfriendly to him since then? A. I asked him about it about three weeks after; he said, "I put it in a safe and the safe was busted and it was stole;" I have been after him since; I took him before Commissioner McClave; Commissioner McClave told him to pay me; he said he wouldn't, he didn't owe it to me.

Senator O'Connor.—Let me see this discharge. This is a pretty serious charge.

Chairman Lexow.—There are two distinct charges, either of which would amount to 15 or 20 years in State's prison.

By Chairman Lexow:

Q. You understand that the testimony you have given here amounts to a charge of two crimes against this man, either one of which would send him to State prison for from 15 to 20 years? A. I don't know the penalty.

By Senator O'Connor:

Q. You know that if you are telling an untruth you may be sent to State's prison yourself? A. Yes, sir; but I never told an untruth in my life.

Q. Have you had unfriendly feelings towards your cousin ever since? A. I never spoke to him since.

By Chairman Lexow:

Q. How long have you been on these unfriendly terms with your cousin? A. About five or six years.

Senator O'Connor.— Mr. Goff, is not this man susceptible of being identified by the officers of the company in which he claims to have served.

Mr. Goff.— Yes.

Senator O'Connor.— It is a case that ought to be traced down, and either one of these two men will go to State's prison.

Mr. Goff.— If Mr. McLaughlin, upon the witness stand has imposed on this committee, of course he understands the penalty.

Witness.— Yes, sir.

By Mr. Goff:

Q. You have sworn to a certain state of facts in relation to your first cousin? A. Yes, sir.

Q. Now, you are aware that if they were proven untrue you would be guilty of perjury and you would be likely to be sent to State's prison? A. Yes, sir.

Q. You are aware of that? A. Yes, sir.

By Chairman Lexow:

Q. And that malice of that kind would send you there for the longest term that the court could impose? A. Yes, sir.

By Mr. Goff:

Q. You understand that what you have stated here against Officer McLaughlin is a thing of a serious nature; you understand that, don't you? A. Yes, sir.

Q. And if you have stated here an untruth, you understand that you may be punished for that untruth by a long term in State's prison? A. I haven't told an untruth.

By Chairman Lexow:

Q. But you understand that? A. Yes, sir.

By Mr. Goff:

Q. What is your occupation? A. I am a night watchman.

Q. Have you been influenced at all by the feelings that you have against your cousin on account of this \$100 debt; have you been influenced in giving your testimony here? A. Yes, sir.

Q. Have you stated the exact truth under oath? A. I have, sir.

Q. Are you prepared now to say, upon all the facts and from the times you have related here, whether or no your cousin ever served five years in the army of the United States? A. He never served a day in it.

By Senator O'Connor:

Q. (To Officer John McLaughlin.) McLaughlin can you produce your commanding officers to identify you? A. Yes, sir; and Officer Smith of the steamboat squad.

By Chairman Lexow:

Q. (To witness.) Is it possible, witness, that your cousin might have come here before, that this was his second trip that you speak of to the United States and that he came here in 1860 or 1861, that you didn't know about it? A. Eighteen hundred and sixty-one?

Q. Yes; the time of the war? A. He was not here in 1861.

By Mr. Goff:

Q. Do you know what ship your cousin came on? A. No, sir; I forget the name of the ship.

Q. Will you fix the date as nearly as you can recollect when you went down to Castle Garden in June, 1876? A. I think it was about the 10th or 12th of the month; to the best of my opinion it was the 10th or 12th of the month.

Q. What month? A. June, 1876.

Q. How do you remember it was June? A. I will tell you how I remember it; I was going to go to Chicago, and I heard that he was in Castle Garden, and I went down to see him, and when I went down there I heard that he went to Worcester, Mass.

Q. Then you know it was June from the fact that you intended to go to Chicago that month? A. Yes, sir; I went that month.

Q. You went in the month of June to Chicago? A. Yes, sir.

By Chairman Lexow:

Q. Is there any possibility, witness, of your being mistaken? A. No, sir.

Q. During the time that you say your cousin was in Massachusetts, might he not have been in the army? A. No, sir.

Q. Isn't there any possibility of that? A. No, sir; I got letters right along; I heard him say he never was in the army.

Q. You remember distinctly that he came to you and said that he proposed to get his appointment on the police force by the aid of a fraudulent discharge? A. That is right.

Q. And he used the word that that was a fictitious discharge or a fraudulent discharge at the time that he spoke to you about it? A. Well, I understood that it was; I told him that I wouldn't present that charge to Baldy Smith for a block of houses.

Q. What did he say that discharge was? A. He said it was a discharge from the regular army.

Q. How did he call it a fraudulent or a false discharge? A. He was working at the hotel.

Q. How did he speak of it? A. A discharge from the regular army.

Q. Of somebody else? A. He told me that a bunco-steerer brought it up from Fort Hamilton to him.

By Senator Pound:

Q. Did he say that he bought it; did he say that he paid anything for it? A. No, sir; he didn't speak about paying anything at all.

By Chairman Lexow:

Q. Is he the kind of man that plays practical jokes on other people? A. No, sir.

Q. Has he ever played a joke on you before? A. Yes; he took a revolver from me that I paid \$8.50 for.

Q. That is not the kind of a joke I mean; has he tried to deceive or fool you in any other manner than this? A. Not as I recollect.

Q. You know what a practical joke is don't you? A. Well, I think I do.

Q. Has he ever tried to play a practical joke on you, make a fool of you? A. Yes; he is kind of jolly that way.

Q. Has he ever tried to make a fool of you? A. No, sir; he couldn't make a fool of me.

Q. He couldn't? A. He made a fool of me once when he got my money.

By Mr. Goff:

Q. You are a married man, are you? A. I am.

Q. A man of family? A. Yes, sir.

Chairman Lexow.—It looks to us, Mr. Goff, after a careful examination of that paper, that the only change in it is the name of the commanding officer; not his name, but his rank.

Mr. Goff.—Yes, the rank.

Senator O'Connor.—The name of McLaughlin don't seem to be erased at all. The whole thing may have been a forgery. It is very easy to get the commanding officers of this company and it would send McLaughlin to States prison if he is guilty.

Mr. Goff.—I do not wish to state an opinion against the genuineness of this paper until I have examined it. Of course, it may be possible that a man named McLaughlin got a discharge from the regular army. It may be that this is the man, and it may be that he is not. If we take this witness' testimony, he is not the man. Of course, McLaughlin is a common name, and there may have been many men discharged from the army under that name.

Senator O'Connor.—McLaughlin, where did you enlist?

Officer John McLaughlin.—Boston.

Senator Bradley.—There are a great many McLaughlin's in Brooklyn?

Mr. Goff.—Yes, there are.

By Mr. Goff:

Q. Have you given your residence? A. Yes, sir.

By Chairman Lexow:

Q. What is your motive, your object, in coming on the witness stand here and giving the testimony you have given? A. I come of my own free will, sir.

Q. In the interest of good government, do you mean? A. Yes, sir; I believe in a good honest government too.

By Senator O'Connor:

Q. Have you any idea of trying to get even for that \$100? A. I am trying to tell the truth.

Q. You were asked if you did it in the interest of good government; is there any purpose in relation to your testimony to get even on account of the \$100 you say your cousin cheated you out of? A. No, sir.

Q. Do you mean to say that that has been no active motive in your testimony here? A. I don't understand exactly what you mean.

Q. You mean you have not been entirely influenced by any feelings of resentment, do you? A. No, sir.

Mr. Goff.—I conversed with this Patrick McLaughlin in the presence of his lawyer, a reputable member of the New York bar, and it was through that lawyer that I became acquainted with this fact. Then I arranged that I should see this man in his office, and this lawyer declared to me that he had examined him very carefully before.

John D. McLaughlin resumed the stand and further testified:

Senator O'Connor.—McLaughlin, it is very well for you to know this. The original offense, if committed, is barred by the statute of limitations; but if you have committed perjury here you can be sent to State prison.

Witness.—There is no mistake on my part.

Senator O'Connor.—The original offense is outlawed, if any, but the perjury which you commit here to-day, if you have committed any, you may be sent to State prison for.

Witness.—There is no perjury committed here. This man exclaims that he seen this paper. He is a man that can neither read or write, because I made out his bills for him where he was watchman all his lifetime; and in regard to his lending me money, he never gave me \$1 in his life, because he never had it to give. It was the reverse. He borrowed off me at one time. One time when I went down town to pay a brother's passage of his, he told me he would pay for it, but he never did. Another time, an aunt was dead, and he accompanied me to the undertaker's, and he never paid one cent of it. I paid it all.

By Mr. Goff:

Q. We are not interested at all in any quarrels or misunderstandings that may have been between you and your cousin. All that is before this committee is whether or no your cousin's statement is true? A. It is not true.

Q. And whether or not such a fraud could be committed, not only on the police department, but on the army of the United States? A. No such fraud could be committed.

Q. If it turns out so, that your cousin has wrongfully and falsely sworn against you here, why, of course, the law will visit

its penalty on him? A. I am glad of it, sir; he has been trying to sue me right along.

By Senator O'Connor:

Q. You know it is very easy to get the commanding officers of this company here, and send you to State's prison if you are committing perjury? A. Yes, sir.

Q. Who was the man that accompanied you to Worcester, Mass.? A. There was no one.

Q. What ship did you go on? A. The ship Egypt, of the National Line; and I had a bank account in Worcester, Mass., in 1873.

By Mr. Croft:

Q. Let us see? A. I brought the money there by express from here to buy a house with.

Q. You testified that you arrived here in 1872? A. Eighteen hundred and seventy-two or 1873; I think it was 1873; I will correct that if I said 1872; the Egypt, of the National Line, in 1873.

Q. You did go to Worcester, Mass.? A. Yes, sir; all alone by myself.

Q. How long did you stay in Worcester? A. Until the time of that enlistment.

Q. That was when? A. Eighteen hundred and seventy-five; April 19th or 20th.

Q. Then you went from Worcester, Mass., to Boston? A. Yes.

Q. And you enlisted in Boston? A. Yes.

Q. Do you know the name of the soldier that enlisted you? A. No, sir.

Q. Where in Boston were you enlisted? A. I forget the street that the recruiting office is on.

Q. Were you ever in Boston since? A. I might have been there two or three times; different times.

Q. The day that you enlisted, where did you go after your enlistment? A. I went to Fort Monroe, Virginia, after the enlistment.

Q. On that very day? A. No, may be it might have been three or four days after; may be a week.

Q. Where did you remain in the meantime? A. Where the rest of the men remained.

Q. Where? A. In a house that was rented for that purpose.

Q. In Boston? A. In Boston.

Q. Can you tell us the name of any man that was with you during those three or four days? A. Well, no; they all went to different places when we came on to Governor's Island.

Q. Was there any man that came down to Fortress Monroe from that squad but yourself? A. Oh, yes; a man named Moore, and Lawrence.

Q. Were they drafted into the same company? A. No, sir.

Q. Or battery? A. No, sir.

Q. Different batteries? A. Yes.

By Senator O'Connor:

Q. Do you know the name of any of the men that served in the same company with you? A. Dwyer, who was driving a car, and a man named Trumbull.

Q. Where does Trumbull live now? A. He lives in Jersey, but he is in Governor's Island, in the ordnance department.

Q. Employed there? A. Yes, sir.

By Mr. Goff:

Q. Where were your quarters at Fort Hamilton? A. Inside the fort.

Q. Where is the officers' mess there? A. The officers live outside the fort.

Q. Where is the officers' mess in Fortress Monroe? A. They live inside the fort.

Q. Where is their mess? A. In their own families; in their own houses.

Q. Isn't there an officers' mess there? A. No, sir; every officer keeps their own servant if they are married, and if they are single they can get their meals where they like.

By Chairman Lexow:

Q. How long were you in Fortress Monroe? A. One year I explained.

Senator Bradley.—He gave a detailed statement of every day he was in the these different places; gave an account of all the places he was in for the five years.

By Mr. Goff:

Q. You have been in the artillery for five years? A. Yes, sir.

Q. Describe to this committee a gun in all its parts, with the name of the parts and the method of loading, unloading and cleaning? A. It is known by the muzzle, the breach, the vent; you can load by the numbers or without the numbers; but I explained to you that I was the quartermaster's teamster.

Q. But you were in the artillery at Fortress Monroe? A. Yes, sir.

Q. And at that fort in Maryland? A. Yes, sir; a very short time.

Q. Three months? A. That was the time of the big railroad strikes; they were moving all over then.

By

Chairman Lexow:

Q. What railroad strike? A. One thousand eight hundred and seventy-six; the year of the Centennial in Philadelphia.

Senator O'Connor.—The time they burned up so much of Pittsburgh.

By Chairman Lexow:

Q. Where was the strike? A. I was at one strike in Mauch Chunk, Pennsylvania, and I was at Keyser, West Virginia.

By Mr. Goff:

Q. Give us the words of command that are issued by the commanding officer for the loading of a gun for firing? A. By the numbers or without the numbers.

Q. Give us by the numbers first? A. "Load, one, two, three, four, ready, fire."

Q. Now without the numbers? A. "Load, ready, fire."

Chairman Lexow.—Either this man is a consummate actor, or he was in the artillery.

Mr. Goff.—Certainly.

Chairman Lexow.—And I don't believe that he is a consummate actor.

Witness.—You can write to Captain Warner.

By Senator Cantor:

Q. Where is his address? A. You can get his address from the Army and Navy Journal.

By Chairman Lexow:

Q. Did you ever play any practical jokes on your cousin? A. No, sir; but he played them on me; borrowing money of me and refusing to pay me back.

Q. Did you ever say to your cousin that you were going to use a discharge that was not an honest or honorable one for the purpose of getting a position on the police? A. No, sir; never made any such statement.

Q. Did you ever show that discharge to your cousin, and say it was not a discharge of yours, and say it was a discharge of another man? A. No, sir; he is a man that can not read or write, and what is the use of showing it to him.

Q. I just want to put you down on the records with reference to him? A. Yes, sir.

Q. Did he ever say to you that he wouldn't use a discharge of that kind for a row of houses? A. He never made any such expression to me.

Q. Did he say that the use of that certificate or discharge might entail serious consequences upon you? A. He never did, sir.

By Senator Bradley:

Q. Did he ever make any threats to you of vengeance, that he would get square with you? A. Yes, sir; he went to Lawyer Finlan, 261 Broadway—

Q. That isn't it; did he ever make any threats that he would get square with you? A. No, sir; not to me personally.

By Senator O'Connor:

Q. Did you ever hear of his having made any threats to anybody about doing you any injury? A. He went to Lawyer Finlan to say that he would go before the police commissioners and swear I was not five years in the country, and he would get me off if I wouldn't give him \$500.

By Senator Bradley:

Q. You are satisfied that he is your first cousin? A. Certainly.

Q. Were his father and your father brothers? A. No, sir.

Q. Your mother and his father were brothers and sisters? A. Yes, sir.

By Senator O'Connor:

Q. How do you know that he can not read and write? A. I made out his bills for him.

Q. Did you ever see him write his name, or whether he has recently learned? A. If he can write the day of the week he recently learned it.

Senator O'Connor.—This is a very extraordinary case.

By Mr. Goff:

Q. You see your cousin writing now, don't you? A. Let me see the writing; let him write the day of the month and the day of the week.

Patrick McLaughlin, resumed the stand and further testified:

By Mr. Goff:

Q. Your cousin has sworn that you couldn't write your name? A. Yes, sir.

Q. Here you have just written; is that your handwriting. (Paper shown witness.) A. That is my handwriting.

Q. I hand this paper to you at random; will you read that article there; I don't know what it is, where my thumb is. (Paper handed witness.)

Chairman Lexow.—Just give him the discharge. A. (Witness reading.) "The A. P. A. has captured the United States mails from Washington; its documents have been sent around the community —"

Senator O'Connor.—He can read, there is no doubt about that.

Senator Bradley.—He can both read and write

By Senator O'Connor:

Q. How long have you been able to read and write? A. When I was at school I could write, but I forgot the most since I left school.

By Mr. Goff:

Q. You didn't study how to write your name, or how to read since you left school, did you? A. Yes, I read the newspapers.

By Chairman Lexow:

Q. Just take that paper; to-day is the 16th day of October; put down "Tuesday, 16th of October." (Paper handed witness.)

A. No; I can not write that; I only told you I could write my name.

Q. Are you willing to go on record that you can only write your name? A. Yes, sir.

Q. But you can read writing? A. Yes; a little; I can read my own name.

Q. Can you read that discharge? A. No, sir.

Mr. Goff.—He can read the print in the newspapers.

Senator O'Connor.—Yes, he can read the print in the newspapers.

Mr. Goff.—If you direct the stenographer to write out at once the minutes in relation to this matter, between these two men, we will see and clear it up.

Senator O'Connor.—What we want to get at more particularly is whether the police department can be imposed upon by false discharges.

Chairman Lexow.—I think it is only fair to the officer to say that the opinion of the committee, as expressed up to this time, is not against or disfavorable to the patrolman.

Mr. Goff.—The patrolman in this case occupies precisely the position or situation that every patrolman does in the city of New York, so far as this committee is concerned. The practice of this committee has been that it has never directed its efforts against any individual, and whenever a patrolman has come here and shown himself to be a man worthy of belief, this committee has evidenced that belief.

Chairman Lexow.—And has gone out of its way to try and prove it.

Mr. Goff.—Yes, has gone out of its way; and I voice the sentiments of this committee, and reiterate them so often expressed, that there has never been an intention on the part of the committee or counsel, to what is called, pound the police in this city, that their efforts have been completely and absolutely directed against a system which, to a great extent, has oppressed the patrolmen of this city and the force. There are many honest and honorable men on the force; and I hope that Officer McLaughlin will be able to show, for his own sake, that his cousin is greatly mistaken.

J. Lawrence Kearney, a witness called on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Did you serve a subpoena upon a man known as The. Allen?

A. I did, sir.

Q. When? A. Ten minutes to 1 to-day.

Q. When was that subpoena returnable? A. I told him to be here at 2:30; it was marked 10:30, but I says the session will commence in the afternoon at 2:30; he says, "I will be there;" it was at P. J. Kelly's saloon, corner of Bleecker and South Fifth avenue.

By Senator O'Connor:

Q. Is he not here? A. He doesn't appear to be.

Mr. Goff.—We subpoenaed Commissioner Dalton to-day for the purpose of being present in this court room to hear certain testimony which we wished to introduce, and which affects his department. Commissioner Dalton has been called away by the illness of his sister; so we have the secretary of the board here.

Mr. Goff.—This is George Alexander, who testified before this committee, and who was hounded away from his saloon. He is here only to act as an interpreter.

George Alexander, was duly sworn by the committee to act as an interpreter.

Mr. Goff.—Mr. Chairman and gentlemen, the examination of the witness I was about to produce will necessarily be slow, owing to the percolations through the interpreter, and inasmuch as it is near 4 o'clock now and Captain Berghold is here, I would ask leave to take this witness up to-morrow morning and to examine Captain Berghold now in relation to this lodging-house. I wish to put Henry Van Glahn under oath until to-morrow, gentlemen. He is connected with this Grecian case.

Henry Van Glahn, a witness called on behalf of the State, was duly sworn by the Chairman.

The Chairman.—Witness, you will not be examined to-day. Come here to-morrow morning at half-past 10 o'clock. In the meantime do not allow anybody to speak to you with reference to any matters under investigation by this committee. You understand you are now a witness under oath, a witness of this committee, and that you are bound to obey the orders of its

chairman, representing this committee. Be sure that you do not allow anybody to speak to you, or do not speak to anybody.

Senator Bradley.—If anybody does, you let us know to-morrow.

William C. F. Berghold, was recalled by the committee, and further testified:

Examined by Mr. Goff:

Q. Did you visit the premises 138 Park Row? A. Yes, sir.

Q. In company with a messenger from this committee? A. Yes, sir.

Q. Did that bouncing proprietor object to his entrance with you? A. He did not, sir.

Q. Describe to the committee the premises, what you have seen and observed there? A. Well, there are 26 beds in there, such as they are.

By Chairman Lexow:

Q. How many? A. Twenty-six; there are some on the ground floor and rear of the saloon; I think there are 15 of them.

Q. Ground floor? A. Right in the rear of the saloon.

By Mr. Goff:

Q. How large is the place or the apartment where there are 15 beds? A. The place is large enough to accommodate 15 beds; they are in two rows with a passageway in the center.

Q. What is the distance between each bed and its neighbor? A. Plenty; sufficient; a man could dress and go to bed quite handily.

Q. How are these beds? A. They are old dilapidated iron bedsteads; some with iron springs, and some are not; some few had clean sheets on; that is all.

Q. Did you notice the rust and cobwebs on them? A. Yes, sir; plenty dirt, upstairs in the second and third floors; there are a few in the second floor right over the saloon, and the balance are in the third floor; they are in worse condition than on the first floor.

Q. In worse condition? A. Yes sir; it looks like a temporary affair.

Q. Did you notice the condition of the house; the roof of the house, for instance, and the roof of this extension? A. That is apparently in a bad and leaky condition, because I saw some

water on the floor; he claimed while I was there, that he is going to alter the place, and all hands would have to get out; that the contract was given out now.

Q. How about the appearance of the place as to having been used? A. Some up stairs appeared to have been used, but those on the ground floor did not.

Q. What was the extent of the bed-clothing that you observed on the beds on the floor? A. That would do for summer; the covering was very light indeed.

By Chairman Lexow:

Q. Do you mean just a sheet? A. Some sheet, and a very light covering, that is about all; I saw no covering sufficient for this season of the year.

Q. No blankets? A. I saw none.

By Mr. Goff:

Q. You regard the whole outfit as a temporary outfit? A. Temporary outfit, from my observation.

Q. Did you observe the evidence or signs of these beds or these rooms having been used recently? A. There were some few there with clean sheets over them; of course, I couldn't tell; they might have been used, and some looked as if they might have been used for a year without being shook up or straightened out.

Q. In what condition were the rooms? A. Well, not any cleaner than they should be; there was, of course, wooden floors; in some of the corners it seemed that dirt had been swept in the corner.

Q. Dirt lying there? A. Yes, sir.

Q. Not taken away? A. Yes, sir.

Senator Bradley.— You didn't expect, Mr. Goff, that this man could furnish a Fifth avenue hotel for 15 cents a night, did you.

Chairman Lexow.— That is all, captain.

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

Examined by Mr. Goff:

Q. Your partner, Mr. Miller, testified here the other day, about the payment of \$15 for a polling-place; are you a partner with Mr. Miller? A. Yes, sir.

Q. The entry in the book was that the money was paid to the police; did you pay that money to the police? A. Yes, sir.

Q. To what police officer did you pay that money? A. He said he was sergeant at the Tremont station.

Q. Did you know his name? A. I didn't at that time.

Q. Would you recognize the man if you saw him? A. I think so.

Mr. Goff.—Captain Larkins, just step up here.

Q. Look at that officer (pointing to Captain Larkins). A. That is the gentleman.

Q. That is the man to whom you paid the \$15? A. Yes, sir.

Q. How did you come to pay the \$15? A. He came there first to see about the place.

Q. This sergeant? A. Yes.

Q. This officer who stood up in front of you was the sergeant at that time? A. Yes, sir.

Q. He is captain now? A. Yes, sir.

Mr. Goff.—That shows how promotion goes by merit.

Q. What did he say to you? A. He asked me first if they could have the place; I told him I didn't know of anything to hinder, that I would speak to my partner about it; as near as I remember he called again, and agreed then to take the place; after he agreed to take the place and I signed the paper to that effect, then he said it was customary to pay that amount of money.

Q. Fifteen dollars? A. Yes; I thought it was a little too much; then I spoke about waiting until we received our money.

Q. From the city? A. He said it was customary to pay it in advance.

Q. To pay the police in advance? A. Yes; or whoever dispenses those places.

Q. Did you pay it then? A. Then I told him I didn't have it then, but I could give him a check, and he preferred to call again.

Q. He didn't want the check? A. No; he called again, then I paid him.

Q. And that is the officer who stood up here before you? A. Yes; there was another gentleman with him, but I don't remember his name; I don't know that I would his looks.

Q. But you are positive about this man to whom you paid the money? A. Yes, sir.

By Chairman Lexow:

Q. Did you offer him a check? A. Yes.

Q. And he refused to take a check and said he would call again? A. I think he said that the captain wouldn't like to take a check, or something like that.

Q. Did he mention the captain's name? A. Not to my knowledge; no, sir.

Q. You are quite certain that the officer that you designate there is the man? A. Yes, sir.

Q. You understand it is a serious charge against him? A. I understand.

Senator O'Connor.—How much do they receive for the use of the building.

Chairman Lexow.—Fifty dollars.

Q. Was there anything said by him that it was customary or usual to pay that amount? A. That is what he told me, that everybody paid that; it was customary.

Q. The fact is that any of you people would just as soon have rented that place to the city for \$35 instead of \$50, and give the city the advantage of the \$15 instead of giving individuals this amount, and you would a great deal rather do that, wouldn't you? A. Well, it would be all the same I should think; my opinion is that \$50 is not too much for a business place to be upset; I don't think it is any too much.

Q. It is five days? A. That place really belongs to them; it properly should be opened to 9 o'clock at night; it really belongs to them.

Q. The fact is, practically, that you did rent your place for \$35 instead of \$50; that is what it netted you? A. Yes, sir.

Q. And that you would have rented it to the city for \$35? A. At that time we were strangers in business and wanted to get acquainted with the people; other times we would not.

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

Mr. Goff.—I wish you would caution this witness. We can not examine him until to-morrow.

Chairman Lexow.—You understand, witness, that you are now a witness of this committee under oath, and that you must not let anybody approach or speak to you with reference to testimony that you are to give before this committee.

Mr. Goff.—Notify all the witnesses under subpoena, who have not been examined, to be here at 10 o'clock to-morrow morning, please, Mr. Chairman.

Chairman Lexow.—All the witnesses under subpoena for to-day will attend here to-morrow morning at half-past 10 o'clock. The committee's session will be adjourned until that time.

Proceedings of 47th session of the committee, Wednesday, October 17, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Charles T. Saxton, Daniel Bradley, Jacob A. Cantor, George W. Robertson and Cuthbert W. Pound; John W. Goff and Frank Moss of counsel for the committee.

Chairman Lexow.—Mr. Moss a quorum of the Senate Committee being present we will continue our deliberation.

Mr. Moss.—We are ready sir.

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

Examination by Mr. Moss:

Q. What is your business? A. A manager of receptions, weddings and parties.

Q. You are in business for you father, are you not? A. Yes, sir.

Q. And in arranging for receptions you have to put awnings upon the sidewalks at times, don't you? A. Yes.

Q. What else do you arrange for upon the street? A. Taking charge of the carriages.

Q. Do you have to have the attendance of policemen at times? A. At times, yes, sir.

Q. Under what circumstances? A. Well, in case of a very large reception on Fifth avenue, or a street that I think it is necessary to have one.

Q. How much do you pay for the privilege of putting up the awnings? A. I have never paid a penny.

Q. But you have paid money to the police? A. I paid money as a present at the request of the people who have or give the reception, or ball, or wedding.

Q. You have made presents, but not by way of extortion but as showing the good feeling of the persons for whom the reception is being given? A. Yes; I think that is the idea.

Q. Who is the money paid to? A. The officer that is detailed there.

Q. How much would it be made? A. From \$1 to \$5.

Q. For just standing upon the sidewalk? A. That is about all, and in case the street got blocked he would, of course, try to straighten it out.

Q. Who did the officer divide with; do you know? A. That is something I don't know; if I paid him I considered that I was through and did not know what was done with it, and considered I was through.

Q. How many times have you done that? A. It is hard for me to tell.

Q. A great many times? A. Yes; at least I have not done it a great many times, as I have not had charge of that longer than for the past two years; my father is sick, and not able to attend to it; previous to that he attended to that.

Q. You find it is the custom to pay the officer who stands on the sidewalk from \$1 to \$5? A. Yes; it is customary.

Q. According to the financial strength of the people? A. Not exactly; as a general rule it is \$5.

Q. It is an exception when it gets less? A. Yes, sir.

Q. Have you had any conversation with any officer about what was done with the \$5? A. No, sir; I never questioned an officer what he did with the \$5.

Q. Is there any general understanding in your business as to what is done with the \$5? A. No, sir.

Q. Who suggested to you first — take the first time you ever heard of it — who suggested to you first that you should pay money to the officer? A. Nobody; that is my own suggestion.

Q. You did it because you recognized it as the custom of the wedding? A. Yes, sir; that it was extra duty the officer was performing; and it is customary to give him a little present in case of a wedding or reception, when he came down for extra duty.

Q. Irrespective of the fact whether or not the officer was supposed to be on post duty? A. Well, I don't think—

Q. You never questioned whether or not the officer would be otherwise on post duty did you? A. The only time I think I paid an officer anything was when he was detailed at that place, and I went to the station-house and asked him to be detailed to that place.

Q. Do you mean to say it is the general custom and understanding in your business, that when an officer does work out-

side of patrolling his post, he must be paid extra for it? A. I have always thought so; of course, at the request of the people who are giving the ball; of course, they have to say first whether they want to give this officer a present; I never paid him unless I was authorized to do it.

Q. Did you ever have any conversation with your father about paying money to put up awnings? A. No, sir; I never knew there was any occasion; I never paid anything.

Q. Do you know whether your father ever paid anything? A. I can say very sure he has not.

By Senator Bradley:

Q. Were you ever asked for any money by a police official? A. No, sir; never.

Q. You are clear about that? A. Positive.

Q. Do you know of your father being asked for any money? A. I don't know; I might say very sure he was never asked by anybody; I think if he was asked he would not pay it, and would not consider it right he should.

Q. You never heard of any objections or obstructions thrown in the way of erecting these awnings or having obstructions? A. No, sir.

By Senator Pound:

Q. Were these officers that you speak of specially stationed at those places? A. The police were specially detailed each time at my request.

By Chairman Lexow:

Q. When you spoke of extra service, you meant us to understand that the services rendered by a policeman in the protection of property and the prevention of crime which was his business, on your request, was an extra service? A. I always thought it was extra duty he was doing, when he got a special detail at a reception or ball; I can not say positively whether it was or not.

Q. You don't know whether or not the time of his regular patrol was decreased by the amount of special duty he did on your premises? A. No, sir; I do not.

Mr. Moss.—It is a small matter, Mr. Chairman, but it is a small tributary stream.

Senator Cantor.—I desire to make a statement. I have conferred several times with Mr. Goodhart, who is president of the Sheltering Guardian Society where the children of Mrs. Urchital are confined, and he told me this morning that they are perfectly willing to deliver the children up to the mother whenever this committee and the counsel in their wisdom shall determine it is best for their welfare, without legal proceedings, simply upon receipt of a demand of the committee or counsel.

Senator O'Connor.—Do you know if this woman is a woman that has means to take care of the children, whether it will be best to deliver the children to her.

Mr. Moss.—We will look into the matter very carefully before we recommend the delivery of the children. We will look into the matter.

Chairman Lexow.—Why is it not better to have the society satisfied that she can maintain the children instead of putting the responsibility upon this committee, or upon the counsel for the future conduct of the mother toward those children.

Senator Pound.—The society has made an investigation, and they have determined the mother has not a proper place to take care of her children; and what has the committee to do with the children.

Senator Cantor.—It is not the Gerry Society, but the Hebrew society in whose possession the children are. Of course, they expect your committee or its counsel to determine the ability of the mother to properly care for the children.

Chairman Lexow.—I think you agree with us, Mr. Moss, that neither you or we desire to take the responsibility of a step of that kind.

Mr. Moss.—I do not care to incur the responsibility. I do not care to do more than give my opinion, and if the society would take my opinion I should be glad of it.

Senator Pound.—We appreciate the action of the society and are much indebted to them for their courtesy in the matter.

Mr. Moss.—May we suggest, Mr. Senator, to the society that they shall send a representative of their own to make an investigation.

Senator Cantor.—They have made an investigation and they found on investigation that the woman was thoroughly trustworthy, and that the charges made against her in their judgment

was absolutely unfounded. So far as their investigation goes the woman is a pure woman, and perfectly moral, and not guilty of the offenses charged against her; and they say, in thinking of that aspect of the case, after investigation, they are willing to give the children up, and they prefer the committee to take some part in the matter, and if not they will act independently, but they simply say they do not desire to put this committee or their counsel to the expense of making an application to the court for a writ.

Mr. Moss.—The proposition was evidently made out of courtesy to the committee, and we will consider that as an endeavor to act wisely.

Chairman Lexow.—They have made an investigation and found all the charges against her chastity and conduct absolutely unfounded.

Mr. Goff.—We have the officers of the Hebrew institution make those investigations.

Senator O'Connor.—If the committee does nothing else but to re-establish the good character of that woman they have performed a work worthy of the amount the State may spend upon it.

Senator Cantor.—I suppose they thought an application would have to be made for a writ, and under that consideration they are perfectly willing to give the children up.

Mr. Goff.—We understand the question. We considered the question of going into the Federal courts, she being an alien, and going into the Federal Court.

Senator O'Connor.—I think the woman is entitled to her children, even if she is poor, nobody can take the children away from the parent, even though poor.

Mr. Moss.—There is no case that has come before the committee that has come nearer to my heart than this case.

Mr. Goff.—I beg leave to read the following letter which I have received from the commissioners of charities and corrections upon this question of fraudulent registration, which I addressed them upon.

“John W. Goff, Esq.:

“Dear Sir.—In reply to your communication of the 15th inst., in regard to complaints received by you of false registration in the Sixteenth Assembly district, said to be by persons sojourning on Blackwell's island, in the institutions under the care of this department, I would call your attention to the following com-

munication sent to the heads of our institutions in 1892: 'Sir.—As there may be doubts touching the qualifications of the help registered from your institution, this board directs you and them that, to avoid any question, they must be restrained from voting at the present election. This board is unwilling that any vote should be cast at this election, which is not in full accord with the laws on the statute books. Hoping that this question may be judicially determined before another election, I am yours, H. H. Porter, President.' I would also state that the attention of the heads of our institutions has been called to this communication, and they have been directed, so far as lies in their power, to prevent the registration or voting of any person not legally qualified to do so.

“Very respectfully,

“H. H. PORTER,

“President.”

Chairman Lexow.—Do you want to make that part of the record?

Mr. Goff.—Yes, and I ask this be marked in evidence and give it to the stenographer.

Marked Exhibit 1, October 17, 1894, L. W. H.

Mr. Goff.—I have been in receipt of several communications regarding the status and workings of the association known as the Patrolman's Benefit Association of the City of New York, composed of patrolmen of the police force. I have in view of the communications I have received had the bank in which their moneys had been and are deposited prepare for me a sworn statement from their book. I had carefully examined that statement, together with such evidence as the officers of the association have presented to me. The trustees of that association are in court to-day in response to subpoena, and every figure returned to me from the bank has been satisfactorily explained, and every draft and money that appears upon the bank's statements has been satisfactorily explained. There were many things on the bank's statement which I failed to understand until the officers and trustees of the association had explained to me. I am satisfied that all the items drawn out from the bank in the Nineteenth ward, however, as given to me in this statement, had been sums for the burial of members, commencing at the sum of \$150 for each death, and then the same had been raised recently from January 1, 1894, to the sum of \$175 for each death.

The deposits being unequal amounts, I have ascertained that the cause of that is the failure of the officers, or all the members of the association, to pay their 25 cents a month regularly, the collectors to turn it in, so the different amounts differ by the month and different dates. I am satisfied so far, Mr. Chairman and gentlemen, from the statement supplied to me by the banks, and also by the officers of the association, that this committee has at the present time nothing to inquire from this association; that it is an association of the patrolmen of the city of New York purely for benevolent services in cases of death and burial of their members.

Senator Pound.—Where was this association organized?

Mr. Goff.—When was that organized, Officer Murphy, or Divine.

The Officer.—Four years ago.

Mr. Goff.—Yes, four years ago. I have returns from 1890. Considering the pressure of business we have on hand, I do not consider it of importance that these officers should be examined, because there is nothing that would be derived from their examination, except the facts I have stated. They have confined their operations wholly on the statement of their officers to cases of benevolence among their members, which, of course, the Senate committee has not fault to find with. Now officer, you may go.

Chairman Lexow.—On the contrary.

Mr. Goff.—Yes, on the contrary. You may go, officer, and the other trustees of the association.

Senator O'Connor.—A matter has been brought to my attention. Is there any way by which you can show to the committee the number of policemen that are assigned to private persons to perform official duty, and paid by the city, when, as matter of fact, I understand it they should have been paid by the parties requiring the services.

Mr. Goff.—That subject has engaged my attention.

Senator O'Connor.—I understand there are 500 of the police force of the city, under certain pretexts, assigned to special organizations, that ought to be paid for by the people who receive the service.

Mr. Goff.—That subject has been receiving our attention, and it will be brought to your attention when we have the proper and responsible officers on the stand.

Chairman Lexow.—It seems especially important from the view of the fact that I see they propose to raise the taxation of this city \$1,500,000 a year for the compensation of the police.

Mr. Goff.—My experience leads me to believe that what Senator O'Connor has stated is true, and rather underestimated instead of overestimated. The only difficulty is, a record is not so kept on all the officers so assigned, and it would be very difficult to prove, by records in the department, of the assignment of such officers.

Chairman Lexow.—Who does the business?

Mr. Goff.—Ordinarily at the headquarters, the superintendent is the man, under orders of the commissioners, of course; but then I have found that many assignments have been made by different captains in their precincts to different corporations and associations in their precinct.

Chairman Lexow.—And the fact is, those officers are assigned on their salaries from the city and gratuities from these organizations.

Mr. Goff.—And rendered no service to the city.

Senator O'Connor.—When, under the law, the corporations have a right to have men appointed empowered with all the powers of the commissioners, at their own expense.

Mr. Goff.—Yes, that is true.

Senator Bradley.—In 1877, I had a law passed in Brooklyn, requiring the officers to pay \$3.50 a day for detail service; that is the law in Brooklyn.

Mr. Goff.—After calling Antonia Condrianus I desire to put this matter only because we have requested Commissioner Dalton to be present, the president of the excise board, and he is sitting besides me, and he would have been here yesterday only by the sickness of a near relative. The purport of this testimony is to show, gentlemen, that even while this committee sitting, and within the space of about a week, a stranger in our city is inveigled into a public house, a licensed liquor store on South street. Is the proprietor here. (A man responds, yes.) And he, in that liquor store—a poor sailor, discharged from his ship at Halifax, comes on to New York to get money due to him, puts the money in his pocket, and wanders on South street and he is inveigled into this store, a licensed place, and he is held up and robbed in front of the bar, while the proprietor and his bartender were present, and not a finger raise to protect

him. That is a licensed liquor store in this city and on one of our public thoroughfares.

Chairman Lexow.—Has that been brought to the knowledge of the excise board here?

Mr. Goff.—We are going to bring it now, sir, that is why we have Commissioner Dalton here for. George (addressing the interpreter) you put the questions to the witness, and then you give us his answers the same as if he were speaking, you understand that, George?

The Interpreter.—Yes, sir.

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

Examination by Mr. Goff:

Q. Antonia, are you a sailor? A. Yes, sir.

Q. Were you at Halifax recently? A. Yes, sir.

Q. Were you discharged from your ship at Halifax? A. Yes, sir.

Q. Is that your discharge? (Showing witness paper.) A. Yes, sir.

Q. This is a certificate of the discharge from the captain of the ship, the ship Maribout? A. Yes, sir.

(Paper marked Exhibit 2, October 17, 1894, L. W. H.)

Q. Did you get paid in Halifax? A. Yes, sir.

Q. Did you get all the money in Halifax? A. One hundred and fifty dollars; yes, sir.

Q. Where did you go to from Halifax? A. The day when I got paid off, I took the railroad and came to New York.

Q. What did you come to New York for? A. I thought I would get better chance in New York than in Halifax, a better chance to ship.

Q. When did you arrive in New York? A. I got in here Saturday night — Sunday morning.

Q. Was it last Saturday morning? A. Last Saturday morning; yes, sir.

Q. Where did you sleep the first night in New York? A. At a boarding-house, No. 374 Water street.

Q. Front street? A. Water street.

Q. Were you robbed of your money? A. Yes, sir.

Q. When were you robbed? A. Monday, sir.

Q. Monday? A. Yes, sir.

Q. Where were you on Monday; tell us what street you were on? A. I left the boarding-house about 8 o'clock and went out with a shipmate to take a walk around and we went around as far as South street, me and my shipmate, and we walked and got a glass of liquor in a liquor store, and we went down near South street, so we met four fellows on the street; those four fellows they asked if we were going to treat, and so this shipmate said all right, and the shipmate said let us go in a liquor store near there.

Q. The shipmate said so? A. Yes; and that party said no, they have not got good beer and we go further away to get where they have good beer; and they brought us into that liquor store.

Q. Do you know the number of the liquor store you were brought into? A. No. 152 South street.

Q. Do you know the name of the place; what it was called? A. I don't know.

Q. You say there were four men went in there with you and your shipmate? A. Yes, sir.

Q. Now tell us what took place there? A. He said they got a couple of glasses of beer there, and his shipmate treated first, and then he treated, and as soon as he paid the barkeeper the money he found somebody was stealing down his pockets, he said; he told the shipmate at the same time to go out, and the shipmate told him to wait until I go to the water-closet, and then I will come out; this time the shipmate went to the toilet; those four fellows wanted to grab him by the neck, and the other held his hand down, and the other pounded him in his eye, and the other put his hand in his pocket.

Q. Stand up and let us see your pocket (the witness stands up and shows his pocket ripped for some distance).

Q. You had the money in that pocket there? A. Yes, sir.

Q. How much money? A. I had the pocket sewed up here, and that is where they tore it.

Q. It was buttoned, was it? A. Yes, sir.

Q. How much money did you have in your pocket? A. One hundred and thirty dollars.

Q. And they took every dollar of it, did they? A. Yes, sir; only small change they left me in the change pocket.

Q. Were you struck in the face? A. Yes, there is a mark on my eye.

Q. Did that take place right in front of the bar where you were drinking? A. Yes, sir.

Q. Who was behind the bar? A. The proprietor was outside, and a gentleman there, and the bartender was behind the bar.

Q. Mr. Van Glahn, please stand up; is this the proprietor? A. Yes, sir.

Q. And did the proprietor stand in front of the bar, and the bartender behind the bar while you were being assaulted and robbed? A. Yes, sir.

Q. Did you cry out? A. I could not holler because they had me by the neck, and the proprietor was along side of me.

Q. Did the proprietor say anything or do anything? A. He did not move from the place where he was standing.

Q. Did the bartender do anything or say anything? A. He did not move from his place, neither his bartender.

Q. What did you do after you were robbed? A. I ran after the shipmate that was in the water-closet, and at the same time my shipmate was coming out and I told him I got robbed, and I was too excited to explain that right away, because the blood was coming out of my mouth, I was hit in the mouth so.

Q. Did you run out into the street? A. I ran with my shipmate as soon as my shipmate came out.

Q. Did you see a policeman? A. About four doors below a policeman was standing.

Q. What did the policeman do? A. He brought me down to the liquor store and got the liquor store's number and the proprietor's name.

Q. And did the officer arrest anybody? A. No, sir.

Q. Didn't arrest anyone? A. No, sir.

Q. How long after did he arrest anyone? A. The policeman brought me to the station-house and from the station-house they sent two men down and got them arrested, and the next day they went to court, and the judge did not ask any questions at all; he says he only listened to the story of what Mr. Van Glahn says, and the detective, and the sergeant.

Q. They did not ask this man any questions? A. He did not ask him any questions.

Q. And the man that was arrested was discharged? A. Yes, sir.

Q. Did you recognize the man that was arrested as one of the men that assaulted and robbed you? A. The man who robbed me skipped out.

Q. Was the man that was arrested one of the men that was there in the store when you were robbed? A. Yes, sir.

Q. Did you tell any one in the court, or could you make yourself understood by any one in the court? A. They did not ask him any questions, he says, in the court.

Q. Did not ask him any questions? A. No questions at all.

Q. Did the judge ask questions of Van Glahn, the proprietor? A. I don't know.

Q. I hand you this little ticket, and ask you if you received that ticket in the liquor store where you were robbed? A. Yes, sir.

Mr. Goff.—This ticket reads, "Knickerbocker Hotel, Henry Van Glahn, proprietor; furnished rooms to let, 152 South street, New York;" on the reverse side, "Five of these tickets good for one 5-cent drink." We offer this ticket in evidence, with special charge to the stenographer that he keeps it sacredly, because some one might take advantage of the offer it contains.

Q. Did you ever get back any of your money? A. I have not a cent to my name.

Q. How are you living since? A. I stop in the boarding-house, the same place where I was before.

Q. But you have had no money? A. I have not got one penny to my name.

By Senator Bradley:

Q. What court was he taken to? A. To the Tombs Court.

Q. Your shipmate is here? A. Yes, sir.

Mr. Goff.—Well, we won't examine him because we have a great deal of business. Senator Boyd, we will ask you a few questions.

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

Examination by Mr. Goff:

Q. You are a member of the bar of the Supreme Court of this State? A. Yes, sir.

Q. And you have been a Senator of this State? A. Yes, sir.

Q. Was this matter testified to by the Greek sailor brought to your attention? A. Yes, sir.

Q. In your professional capacity of Senator? A. Yes, sir.

Q. Did you take any interest in it? A. I did.

Q. To what extent? A. I heard their statement, and I thought the matter ought to be made public; I thought it was a terrible

outrage, and in order to get more information in regard to the character of the place, I thought I would call upon Mr. Telkulsy, as he, being president of the Liquor Dealers' Association, would be likely to know of the character of this place; from the card I supposed it was a place of some size and importance; I called upon Mr. Telkulsy and took these men with me, and he expressed great indignation that such a thing should have occurred, and spoke very kindly to the men; he stated that he would send and ask this man to come to his place so as to get more information about the fact, and he did so, and the man came there; we had some conversation in regard to it, and Mr. Van Glahn stated he recognized the man who came in.

Q. That is this man present here? A. Yes, sir; and remembered the circumstances, and stated that he could not help it, and that is about all I think I remember.

Q. Was he asked by you or any one in your presence, if he interfered—Van Glahn interfered—in any way to save this boy? A. Yes, sir; I asked him himself; I said Mr. Van Glahn, what did you do when this affair occurred; when you saw these men treated in this way; he said I did not do anything; said I, didn't you call the police, or didn't you make any attempt to have these robbers stopped; and he said, no, he could not.

By Senator O'Connor:

Q. Did he know any of them? A. I don't know, sir.

By Mr. Goff:

Q. And was it admitted also that his bartender was there? A. Yes, sir; and Mr. Van Glahn then stated about his having been taken to court and discharged.

Q. The whole thing resulted in the fact that Van Glahn or his bartender made no effort to save this poor sailor from being assaulted and robbed right in his place? A. That is what he stated, sir.

By Senator Cantor:

Q. Did he give the reason, Senator, why he did not interfere? A. No, sir; I beg your pardon, I think now he stated that when this man, after he had been attacked, that he turned around, and he was standing there, and he ran against him and knocked him down, or something of that kind; that is the whole thing.

Henry Van Glahn, called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. How many people were registered and voted from your Knickerbocker Hotel last year? A. I could not tell you exactly.

By Chairman Lexow:

Q. Are we to assume you can not remember? A. No; I do not keep track of everybody.

By Mr. Goff:

Q. Were there 150? A. No; not 150.

Q. Were there 100? A. No.

Q. I think I have some knowledge of your hotel, Mr. Van Glahn.

By Chairman Lexow:

Q. What Knickerbocker is that?

Mr. Goff.—It is the Knickerbocker Hotel, No. 150 South street. It was one of the places that invited our attention last winter when we were looking up the registration frauds.

Q. Now, will you swear there were not 100 registered and voted from your place? A. No; there was not 100.

Q. Was there 90? A. Neither 90.

Q. Or 80? A. No; not 80.

Q. Or 55? A. No.

Q. Or 60? A. No.

Q. Or 40? A. No.

Q. Or 30? A. I don't know, around that number.

Q. We have reached a point we will agree upon now; how many have registered from your place this registration already? A. I don't know; only about seven or eight, that is all.

Q. Well, there are three days of registration yet? A. Yes, sir.

Q. What sort of place do you keep anyway? A. I keep a decent, respectable place.

Q. And you protect your customers? A. Always do so when they come in.

Q. Did you ever hear of highway robbery? A. What?

Q. Did you ever hear of highway robbers? A. I read in the papers, that is all.

Q. Did you ever hear of highway robbers? A. I have read in the papers about them.

Q. You are a German, and haven't you read that famous German story called Skindaranus, the robbers of the Rhine? A. No, sir.

Q. Did you ever hear he was—

Chairman Lexow.—He may know it under the name of Schinder Hannes. That is the correct pronunciation.

Mr. Goff.—I thought that Schinder Hannes had done so much skinning we might call him Skinder Hannes.

Q. Have you heard tell of him in any way? A. I heard tell of him.

Q. He was a highway robber? A. Supposed to be.

Q. And you heard of other gentlemen in his calling in New York? A. No, sir.

Q. Did you ever see a highway robber? A. No, sir; only seen it that day; I did not see that even; I only seen a little of what that was going on, the same as a fight.

Q. By the way, let us step back again to your institution; how many beds have you in your house? A. How many beds?

Q. Yes? A. I have got 60.

Q. And how many in each room? A. One in each room.

Q. You have got 60 rooms in your house? A. Yes, sir.

Q. Well, your house is simply a lodging-house isn't it? A. No, sir.

Q. What sort of an institution is it? A. Furnished-room house for gents.

Q. For gentlemen only? A. Yes, for gents.

Q. Well, don't you allow gentlemen and their wives too—? A. No, sir.

Q. Do you keep a register? A. I keep a book; yes, sir.

Q. Do you compel every gentleman that stops in your house to register his name? A. We put it down ourselves.

Q. You put it down yourselves? A. Yes, sir.

By Chairman Lexow:

Q. Is there any difficulty on the part of the lodgers of your place signing their own names to your register book; is that the reason why you put them down yourself? A. No; there is no difficulty; it was always the rule of the house ever since I have

been there, and I generally always put them down myself, and take the names.

By Mr. Goff:

Q. How long have you been there? A. Going on 10 years and nine days from last 4th of July.

Q. As proprietor? A. No, sir; I was then tending bar there four year and 11 days.

Q. You first went in to attend bar, and finally you owned a place? A. Yes, sir.

By Senator Bradley:

Q. Bought the boss out? A. Bought the boss out.

By Mr. Goff:

Q. Is the boss living? A. One is living, and the other is dead.

Q. One dead after the operation? A. He died, and I bought his part out; he could not help dying he was a consumptive.

Q. Of galloping decay? A. I don't know.

Q. Did you send these tickets around generally to the public? A. I give every man that comes in there a glass of beer, and give him one of those checks.

Q. So if a man goes in and gets five glasses of beer he has five tickets? A. He has five glasses of beer and he gets a ticket for nothing.

Q. So in order to give a present of a glass of beer to your customers you compel them to drink five glasses to reach that point? A. Yes.

Q. Suppose a man went in five days, each day successively, and got a ticket each day, will that hold good? A. He can save them up, and do as he likes with them; if he saves them up, that is good for that.

Q. They are good when five are presented? A. Yes, sir.

Q. Are your beers of the dimensions of schooners or brigs? A. Why they are schooners, what you call, just a medium glass of beer.

Q. Have you advertised your beers as schooners; don't you advertise a schooner of beer for five cents? A. Yes; they are advertised as schooners.

Q. Now we have it that a customer of yours would have to have sufficient capacity to hold five schooners of your beer before he could get a schooner for nothing; is that so? A. Yes, sir.

Q. Have you ever had any sudden deaths in your place? A. Not to my knowledge, except one.

Q. You had one? A. One, yes; the party was working there for six years; he was a countrymen of ours, and he died in the house too.

Q. In regard to these lodgers, they pay from night to night? A. No; they generally all pay by the week.

Q. All? A. The most of them; of course, the rooms are not all full; I have only 35 or 40 rooms all full now.

Q. They pay from night to night? A. By the week, except a gentleman comes in there and wants a room by the night; I give it to him and charge him 25 or 35 cents.

By Chairman Lexow:

Q. What is the average number of people you have, say in the months of July and August? A. About 30 or 35.

Q. All the year around? A. No; on the average the year through I have about 40.

Q. How many have you got there now? A. I have got about 45 now, I think.

Q. Not more? A. No.

By Mr. Goff:

Q. What street are you near? A. Near Peck slip, between Dover and Peck slip.

Q. Do you remember this sailor going into your place? A. Yes; I was standing right at the end of the bar when he came in.

Q. What time of the day? A. Around 2 o'clock.

Q. Well, you saw him in company with other men? A. I saw him in company with eight other parties; there was 10 of them in a party when he came.

Q. And you remained in the store while they were there? A. I remained in the store; the bartender waited on me; they had six beers and four whiskys; they paid 70 cents for drinks.

Q. You mean this sailor had six whiskys and four drinks? A. With the company that come in with him; they paid for the drinks; I was standing there; there was three or four there,

about 15 or 16; I can not exactly say how many was there; they came in and I was standing along side of the bar at the ice-box; I walked into the back room and was talking to the lunchman to buy some lunch the next day.

Q. That is a free lunch? A. Yes, sir.

Q. That is outside of the free schooner? A. Yes, sir; that is outside.

Q. That is in addition? A. And all at once the bartender hollared out, "Hurry up, Hen; hurry up, Hen," and I rushed up in the meantime, and thought a crowd was fighting, and he broke away from the bar, and knocked me down along side of the ice-box; I broke the dripping pan that the beer was in.

Q. That must be a great loss to the tramps of the neighborhood if you broke that dripping-pan? A. Nobody can go near there.

Q. Senator Boyd has sworn that you admitted you did not do a thing to prevent this poor stranger being robbed; did he swear the truth; did the Senator swear to the truth when he swore to that on the witness stand? A. No, in one way he did not; I told him — I explained the case as I am explaining to you.

Q. Did you say to the Senator that you did not do anything to prevent this young fellow from being robbed and assaulted in your place? A. I could not do anything.

Q. I am not asking you what you could or what you could not have done; I am asking you if you made that statement to Senator Boyd? A. I made the statement right in front of —

Q. That is all right; and the statement, when you made it to Senator Boyd was true? A. What I made, yes; the same as I am making here now.

Q. Yes, I understand; I know all about it; I have just got the matter on record, Mr. Von Glahn; now, did you ever see any of those men before? A. I could recognize them if I saw them again, yes.

Q. There was one arrested and brought to the police court; why didn't you recognize him there? A. I was not there.

Q. Weren't you in the police court? A. I was in the police court — or no, I was not in the police court; there was nobody there was brought up except my bartender; he was arrested, and that is the only one arrested in the case.

Q. You mean to say you did not see the man that was arrested? A. No, sir.

Q. The bartender was the only one that was arrested? A. The bartender was the only one that was arrested.

Q. No one of the men who did the robbing? A. No; I did not see anyone; there was no one arrested there.

Q. Did you go out and call for the police? A. I did not do that.

Q. Why didn't you do that? A. I was excited; I was knocked down, and as much excited as anybody else.

Q. You have been in that place for 10 years? A. Yes, sir.

Q. And you had become so excited after a man being assaulted and robbed in your place that you did not know enough to call for the police, is that the fact? A. I was excited just the same when I was knocked down there; when I was knocked down I was excited.

Chairman Lexow.—The counsel is simply asking you for the facts. Answer yes or no, whether that is the fact or not. We have got the rest of your testimony and can judge of your motives.

By Mr. Goff:

Q. Were you so excited that you could not call for the police? A. I did not know what to do.

Q. You, as the keeper of a hotel, a keeper of a liquor store, the proprietor of a liquor store, you mean to tell us you did not know what to do? A. No —

Q. Listen to me; when you saw a poor stranger assaulted and robbed right before you in that house do you mean to say you did not know what to do? A. I did not know what to do; I did not know any more that he was robbed any more than you do at the present time.

Q. Have you stated the time of day that this occurred? A. It was around 2 o'clock.

Q. Around 2 o'clock in the afternoon? A. Yes; it might be a little after 2; I don't know.

Q. How many more robberies have been committed in your saloon? A. Not one; to my knowledge.

Q. They may have been committed there without your knowledge? A. They may; I don't know; not to my knowledge.

Q. Have you ever been arrested for violation of the excise law? A. Only once.

Q. What was done with you? A. Well, we could not do anything; I do not keep open on Sunday.

Q. What was done with you? A. I was put under bail.

Q. What was the final disposition of your case? A. I was cleaning up the place in the morning.

Q. Answer my question? A. I don't understand you.

Q. Tell me, and I will try and make myself intelligible; were you ever brought to trial? A. No, sir not to trial; I was in the police court.

Q. Listen; you say you were held to bail in \$100? A. Yes, sir.

Q. Were you ever brought to trial upon that charge? A. No, sir.

Q. How long is that ago? A. About three months ago.

Q. About three months ago? A. Somewhere around that.

Q. And that is the first time you were arrested for violation of the excise law? A. The first time I was arrested for violating the excise law.

Q. You have kept opened on Sundays the same as all your neighbors? A. No, sir.

Q. And after 1 o'clock at night? A. No, sir.

Q. You mean to swear here that you have never kept your place open, or sold liquor or beer after 1 o'clock at night? A. No, sir.

Q. Nor on Sundays? A. No, sir.

Q. Just look at me and repeat that over? A. I will say the same.

Q. You repeat it that you never kept your place opened, or sold intoxicating liquors, beer, wines, or wiskeys after 1 o'clock at night? A. No, sir.

Q. Nor on Sundays? A. No, sir.

Q. You locked your place up on Sunday? A. Yes, sir.

Q. Every Sunday? A. Yes, sir.

Q. Where do you live? A. In the same place.

Q. You never got into your liquor store for the purpose of selling on Sundays? A. No, sir.

Q. Did you? A. No, sir.

Q. That is the most extraordinary thing; and if you did it you would not admit it here, would you? A. If I did I would admit it here.

Q. You would admit it? A. Yes.

Q. Has your bartender gone in there after 1 o'clock, and kept open and sold? A. I don't know; I do not think he did, because —

Q. Never mind the because; has your bartender sold on Sundays? A. No.

Q. Are you sure? A. I am pretty sure of it.

Q. Are you sure? A. I am pretty sure of it.

Q. When you say pretty sure, what do you mean by that A. He has got the key of the store, and he might have walked in there, not to my knowledge though.

Q. Have you a hotel license?

By Chairman Lexow:

Q. You did not take any great trouble to find out did you? A. No; because I always trust a man that is working for me.

By Mr. Goff:

Q. Have you a hotel license? A. No, sir.

Q. Do you run a hotel? A. Well, I run a boarding-house more than that.

Q. Do you serve meals? A. Yes, sir.

Q. Have you a cook, and kitchen, and all other appurtenances to a meal? A. Yes, sir.

Q. And how do you serve your guests? A. If they want meals they can have it, and if they do not want it they can just have the rooms there.

Q. You conduct your house on the American plan, is that it? A. I don't understand that.

Q. You don't understand that? A. No; on the American plan.

Q. Have you a permit from the board of health to keep a lodging-house? A. I have not got a lodging-house.

Q. I ask you if you had a permit? A. The board of health was last year there.

Q. I ask you, sir, if you have a permit? A. No, I have not got any permit.

Chairman Lexow.—You would get through much quicker. If you answer the questions when they are put yes or no.

Q. And all you have is an ordinary saloon license? A. Yes.

Q. What class? A. Third class saloon.

Q. How much do you pay for that? A. Two hundred dollars a year.

Q. Commissioner Dalton tells me you must be mistaken; you must have the second class, if you pay \$200? A. Second class.

Q. Do you pay \$200? A. Yes, sir.

Q. You must have the second class? A. Yes, sir.

Mr. Goff.—I have invited Commissioner Dalton here. He is present in order that he, as member of the excise department of the city will be able to take cognizance of this case; and I am sure I speak for the committee when I say that it is pressed upon the commissioner's attention with urgency, that a licensed place, a second class license in this city, on one of our public thoroughfares, the proprietor and his bartender should stand idly by and see a poor stranger assaulted and robbed right in our city. I trust that Commissioner Dalton and his colleagues will take notice of that fact. You may go now.

Fernando Miguel, called as a witness on behalf of the State, being duly sworn, testified as follows through an interpreter:

(The interpreter, Adolph Stulen was sworn.)

Mr. Goff.—This case, Mr. Chairman and gentlemen, comes to us on recommendation of the Spanish consul, this being a Spanish subject, through Senator Boyd, who is acting for him. It is a case of robbery within a few days in this city in another house.

Examination by Mr. Goff:

Q. What are you, a sailor; what is your business? A. I am a business man.

Q. Where are you from? A. From Spain; from Saragossa, Spain.

By Chairman Lexow:

Q. What kind of business? A. I was employed in a business-house.

Q. State the kind of business? A. Well, I am in a clothing store—cloth.

By Mr. Goff:

Q. When did you arrive in New York? A. A month ago.

Q. Where did you put up? A. Hotel De France.

Q. Hotel De France? A. Hotel De France.

Q. What street? A. Macdougall street.

Q. Had you a trunk or valise with you? A. Yes; I had three trunks.

Q. Well, what had you in your trunks? A. In the trunks I had my dressing, my clothing and so on; and different things I owned; and in the sack I had my money.

Q. The valise? A. Yes, in the valise; in my handbag.

Q. Where had you that; in your bedroom? A. I had it in my bedroom.

Q. Was that stolen from you? A. Yes, sir; that was stolen from me.

Q. Was the valise and all taken away? A. Yes, sir; the valise and everything.

Q. When was it taken; how long ago since it was taken? A. A fortnight since.

Q. I hand you a list of articles that your valise contained, articles of jewelry; did your valise contain those articles? A. Yes.

Q. The amount is \$1,182; did you go to the police about it? A. Yes; I was to the police.

Q. Headquarters? A. Yes; at the Central station; the headquarters.

Q. Did they do anything for you there? A. They sent a detective with me, but the detective did nothing; he did not find anything; he went to the house, and did not find anything.

Mr. Goff.— We are through with you.

Chairman Lexow.— What are you going to deduce from this?

Mr. Moss.— I will ask to see what he will produce.

By Mr. Moss:

Q. You were just saying a detective was assigned from headquarters; did the detective come to the hotel? A. Yes, sir.

Chairman Lexow.— Yes, and he said he went there and did not find anything.

By Mr. Moss:

Q. Has anything ever been done by any police official? A. No.

By Chairman Lexow:

Q. Ask him does he know whether or not the detective force in this city did any further work upon the matter without his knowledge? A. I asked another detective, but they did not want to give it; I asked for the services of another detective, but they didn't want to give it.

Q. Who did you see up at the Central office? A. I only saw a detective there; and they sent that detective with me because he knew French and could speak French.

By Mr. Moss:

Q. Did this detective say anything to you about paying him money for his services? A. No.

Q. Do you go with him to the hotel? A. Yes; he came there.

Q. Tell us just what the detective did at the hotel while you were there with him? A. He didn't do anything.

Q. Didn't he search through the house for the goods? A. No.

Q. No search? A. No.

Q. Did he talk to the proprietor and the man where the goods were? A. Yes; he talked to the proprietor.

By Chairman Lexow:

Q. Ask him whether or not that is a house of good reputation and good standing.

By Mr. Moss:

Q. What is the character of that house, if you know? A. I don't know; I think it is a house of good reputation.

Q. But this is the first time you ever knew it, isn't it? A. Yes; that is the first time.

By Senator Bradley:

Q. Ask him if the proprietor of the hotel did anything or made any exertion whatever in order to recover his lost property? A. No; he did not.

Mr. Goff.—I see a note from the Spanish consul which I mentioned before saying that he had tried everything in his power to discover or have this property discovered for this gentleman by the authorities, and having absolutely failed in doing so, he advised the matter to be brought to the attention of the Lexow committee as the dernier resort.

Chairman Lexow.—What claim do you make on the basis of this testimony, Mr. Goff.

Mr. Goff.—The claim, Mr. Chairman, that in a hotel in this city a robbery like this should have been committed, and was committed, and the police were powerless to detect the robber, with our great detective force.

Senator O'Connor.—You claim it goes to the inefficiency of the police.

Mr. Goff.—Precisely, sir; and they did not make any effort to obtain this property for this gentleman.

Chairman Lexow.—Do you think, as an isolated case like that, it would serve as an indictment of the police force, unless mentioned in connection with corrupt methods.

Mr. Goff.—Not standing alone, but taken in consideration with other such cases, which will show the general inefficiency of the police at the present time, with robberies committed on the streets, robberies committed in public houses, robberies committed in hotels, no arrests, no conviction, no protection or guardianship afforded to the citizens and aliens in this city.

Senator O'Connor.—In that connection it might be well to explain the position of the committee itself on such a proposition. I have had it said to me that the police force were afraid to arrest a thief or known crook, because they claim that they would immediately go before this committee and strike back at them; that is a complaint that is made pretty generally through the city. Now, here are two recent cases of robbery at these two hotels. It seems to be extraordinary that those offenses should be committed in open daylight in the city of New York, and they unable to protect them. What is the matter in the police force? Is there any truth in the idea?

Mr. Goff.—On its face, it is falacious, because in the first place we have had no crooks come in here to give testimony against the police for arresting them; in the second place, we have a great police force in this city, costing the citizens \$5,000,000 annually. If that police force, called the finest in the world, are afraid to arrest that crook or thief because they fear the crook's threat to bring them before the Lexow committee, then I believe they are cowards. I do not believe that.

Senator O'Connor.—You take the position that a man that does not commit crime does not fear investigation.

Mr. Goff.—Yes.

Senator O'Connor.—You have heard those statements.

Mr. Goff.—Yes, and there is no foundation for them whatever.

Senator Cantor.—I do not think that is true, that the police force of New York are afraid to make arrests.

Mr. Goff.—I do not say that, Senator; but if it comes to that place where they are afraid to make arrests for such reasons—

Senator Cantor.—I don't think there is any such claim.

Chairman Lexow.— A conscience stricken wretch who has been guilty of some crime might hesitate to arrest any person just now.

Mr. Goff.— And for years they have been afflicted with the same hesitancy, but from different motives.

Gustavus A. Wolfe, recalled, and again sworn, testified as follows:

Examination by Mr. Goff:

Q. Mr. Wolfe, you were on the stand here before? A. Yes, sir.

Q. And in answer to a question of mine, if you had ever paid the police or your employer, or if you had any knowledge that the police had ever been paid by you in consideration of being allowed to obstruct the sidewalk, you answered no? A. Yes, sir.

Q. You are prepared to say the same now, are you? A. Exactly; yes, sir.

Q. Did you ever say to any person that it cost you \$100 a month for the protection? A. No, sir.

Q. Were you ever brought to court? A. We were brought to court numberless times in reference to the matter.

Q. Did you ever at any time say in the police court that you had to pay for the obstructions of the sidewalk? A. Never.

Q. Did you ever hear the judge who sat upon the bench say, on one of these occasions, that no matter how much you had to pay, that the obstructions would have to be removed? A. Never.

Q. Did you ever hear this before? A. No, sir.

Q. This is the first time? A. Yes, sir.

Q. There has been considerable trouble about the obstruction of that sidewalk there? A. Yes, sir.

Q. You have been at police headquarters about it; have you not? A. We have been everywhere, counsel; we have been to the Police Court; to the Civil Court; before the mayor; before the police commissioners, and in every instance the complaint was dismissed on the merits of the case.

Q. And the complaints were made continually? A. By the same man, all the time.

Q. By the same man who claimed to be injured? A. He claimed to be injured; yes.

Q. The last time you were on the stand you said you had never heard about complaints but once; one time? A. I beg your par-

don; I made the remark that these things happened some 12 years ago, when Captain Miller was in charge of the precinct.

Q. I beg your pardon, the record says that you said at one time? A. Well, one time; I referred to that particular time.

Q. That time included a great many complaints against you? A. Yes, sir; during that period.

Q. Were you ever prosecuted? A. Yes, sir.

Q. And fined? A. No, sir; never fined, except in one instance.

Q. Were you ever brought to court before a civil magistrate? A. Yes, a number of times.

Q. And you were never fined? A. No, sir.

Q. You were sued civilly? A. We were not sued; the plaintiff threatened to bring a suit for \$20,000 damages but he was nonsuited.

Q. Well, these questions caused considerable annoyance to Captain Williams, didn't they; these matters of complaints, and so on? A. Our matter did not; but this man that made complaints caused considerable annoyance.

Q. Captain Williams took a considerable interest in your case? A. Not any more than he would in any other case.

Q. He took a great deal of interest in your case? A. Not extra interest.

Q. What interest had you in getting up petitions for him? A. I got up the petition to show, as I did, in a number of cases that this man was the biggest nuisance that existed in that street; and I had every reputable business man and private man in that block to sign that petition, that the way we carried out our business there was no inconvenience or nuisance to anybody else in that street but this one man; and for that reason I got up the petition for Inspector Williams, to show that the claims that he made before the commissioner were unfounded.

Q. How many petitions did you get up? A. Only one.

Q. How much did you contribute to that album that was presented to Captain Williams? A. Not a penny.

Q. You had something to do with it? A. Not a thing more than you.

Q. What do you know about it? A. I presume that they had nothing to do with it.

Q. Do you know anything about it being got up? A. No, sir.

Q. This is the first you heard of it? A. Yes, sir.

Q. Of an album gotten up at Tiffany's? A. This is the first I ever heard of it; and I am willing to swear to it.

Q. You are swearing; there were a great many of your drivers arrested, were there not? A. Very few of our drivers; there were drivers brought goods there from other houses, sugar drivers, or box drivers, or paste drivers—whatever their business brought them there.

Mr. Goff.—That will do, sir.

Senator O'Connor.—You want to make an explanation. What explanation do you want to make?

The Witness.—I want to explain to the learned counsel so he may understand this man's reason for prosecuting the house of Milliard.

Q. What is his name? A. Lorence Bayer; when Maillard took possession of that property in 1873 it was formerly a refrigerator factory, and there was a paved way to the factory to get up to the front door for shipping purposes; we were neighbors of that man for 10 years, and during this time he was interested in the Bon Marche of Paris, and had sent large packages of photographs for the place; and this man got the contract to frame these pictures, and when that appointment ceased he put it into his head that that went to somebody else, and from that day to this he has prosecuted our house, and that is his whole method; and he has gone so far that when one of our foremen rented a suite of rooms in his house and paid \$5 deposit, when he found that that man was working for Mr. Mallard he would not allow him to move in, and would not refund his \$5; this man threatened to bring a civil proceeding and I went down to go to court, and on the northeast corner of Twenty-fourth street and Seventh avenue he came running after me, and shook his hands in my face and threatened to do me up the first opportunity; I told him to do it then and there, and he would not do it, and I went to Jefferson Market and swore out a warrant against him; and he had the audacity to swear before the judge and perjure himself that he never made a threat; any one that perjured himself once will do it over again.

Q. Is that all? A. That is all.

Q. Don't leave the court; let me ask you one question; have you thought of refreshing your memory by any further details concerning Captain Schmittberger's visit to you? A. No.

Q. Then the facts you have testified to? A. I presume you refer to—

Q. I will forgive you your presumption; I asked you a question, sir? A. I am going to answer it; I don't know what counsel is getting at.

Q. (Question read by the stenographer.) Have you thought of refreshing your memory about any further details concerning Captain Schmittberger's visit to you? A. I had no reason to explain it.

Q. I have not asked you for a reason; I ask you have you refreshed your memory in regard to any other visits than those you have testified to? A. There is one visit which I have not testified to.

Q. Which you have not? A. Yes, sir; there is one visit I have not testified to last week.

Q. That is just the visit I ask you about; by the way, before we come to it; why didn't you testify of it before? A. Because that question was not put, and that matter was not brought up at the time.

Q. Didn't I ask you to state if the captain had seen you any more times than you stated here, and you said no? A. Oh, yes, sir; I beg your pardon; I said I saw him once after my visit to the Cafe Martin; I saw him once.

Q. Tell us what occurred that once? A. He simply asked me if I had seen Mr. Forget, and I told him yes; that is all; and the refreshing you are about to bring to my mind, is this, that on the morning when I was summoned here, Captain Schmittberger came over to find out if I had been summoned; this was about 20 minutes past 8 in the morning; on the previous day he was to the office when I was absent, as I testified here; and Mr. Maillard requested him as a favor not to come into the office, because he did not wish the house to be brought into this matter; and he said, if he had anything to communicate with me, or to say to me, he should send it some other way than by calling himself; when the captain had read, on Wednesday evening, in the Telegram, that I was being looked for by your assistants or detectives, he came to me on Thursday morning at 20 minutes past 8, sent our head driver in to me, and said he wanted to see me a few doors below at 126 West Twenty-sixth street on something; and I went out, and went in there, and he asked me have you been summoned before the committee, and I said, I don't know; I have not as yet; I suppose I will be; he says, "Well, if they do call you what are you going to do;" I said if I am called and sworn, I will tell the truth just as it happened; he says, "The only favor I have to ask of you, is to try, if possible, and not

give it out that I sent you to Mr. Forget to make the appointment;" I said, "I can not do it; I am going to say the way the thing happened, and nothing else;" and that is all the conversation we had that morning; about half-past 9 your officer walked in and served a summons.

Q. Have you seen the captain since? A. No, sir.

Q. Or heard from him? A. No, sir.

Mr. Goff.—That will do.

Senator O'Connor.—Is that all of Mr. Wolfe, Mr. Goff?

Mr. Goff.—I would like you to remain in the court while this witness testifies.

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

Examination by Mr. Goff:

Q. What is your business? A. My business is manufacturer of looking-glasses, picture frames and mouldings.

Q. How long have you been there engaged in business? A. I have been in the block 26 years; and in the factory I was 23 years—122 West Twenty-fifth street; the neighborhood of Mr. Maillard's chocolate and candy manufactory.

Q. Have you had trouble with Mr. Maillard? A. The first trouble arose with Mr. Maillard was in a friendly, neighborly way; when Mr. Maillard got that factory there was an inlet to drive in with his horses and trucks; in the year 1884, he done away with that inlet and took 35 feet of the paving stones on the sidewalk, and he rode up onto that sidewalk back to the factory; and the horses were standing over the gutter almost continually from morning to night; when my private customers complained that they could not reach me on account of it—I done a retail business—I went into Mr. Maillard; and I said, Mr. Maillard—when Mr. Wolfe was present—"Mr. Maillard you injure me in my business;" well Mr. Maillard says, "I know I injure you," but he says, "I am doing an immense business, and you have to stand it;" I said, "Mr. Maillard, you have to do away with those horses and trucks on the sidewalks; I can not do a business that way;" he says, "I got money enough I will do as I feel like it;" "I suppose," I said, "We want to be neighbors, and we only live a short time in this world; don't pronounce that;" he says, "What can you do about it;" I said, "Mr. Maillard, two-thirds of my customers are ladies," and so they are; "And they will not travel in the middle of the street; they come as far as your trucks, and turn around and go immediately somewheres else;" he said, "Tell your lady cus-

tomers to come in carriage and they never trouble your sidewalk," and from that time I went to Captain Williams and laid the matter before him in the station-house; he was very rude to me; he wanted to order me out; he said, "I give Maillard the power;" says I, "Captain, where will I come in with the retail business;" I said, "Where will I come in;" I went then to all possible steps; I had Williams brought in before Superintendent Murray, and in the presence of six witnesses, and Mr. Murray gave his decision, "You have got to obey my orders, and that business I investigated and I find it worse than Mr. Bayer states it; he does a retail business; he done my work and my family's work, and Superintendent Byrnes, he done his work, and to the present day yet," and there is not a high official on the force where I do not do work, gentlemen; Mr. Williams, that was in the morning at 10 o'clock; in the afternoon he came with Mr. Maillard into my place of business at 2 o'clock; he says, "Mr. Bayer, I will bring Mr. Maillard to you;" he says, "He is building an inlet now on Twenty-fourth street, and you have to stand that business on the sidewalk until he has done with that inlet," and I said, "Captain, I am losing ground every day more, and my business is going down, and I came down to one man from 18 solid gold gilders," and he said, "Mr. Maillard, you go and do the business as before;" I had him brought before Mr. Murray again after six days, and Mr. Murray says, "I do not understand it that you do not obey my orders;" there were six citizens in the block went with me every time; but they were small wholesale dealers that only made the work and sent it out; but I was the only retail dealer in that block to the present day yet; I had Mr. Maillard's three trucks arrested in one day; and when I ordered the officer and he said—1694—he said, "Captain Williams gave me an order not to make an arrest;" I said, "If you don't make the arrest I will have you prosecuted and break you;" two cases were before Judge Duffy in the morning and the third case in the afternoon; Mr. Wolfe, and Mr. Captain Williams came through the judge's room out into the court-room in Jefferson Market, and when the case was called, Mr. Wolfe stated in presence of the witnesses, "Your Honor, we pay \$100 for doing that business on that sidewalk; we do an immense business, little nuisance;" "You have got to take that nuisance off the sidewalk;" well, Mr. Maillard says if we have to bring our goods out of the cart and into the court of my factory it costs us about \$80 a week; and Duffy said, "I don't care what

it costs; the first opportunity Mr. Bayer has an arrest made I send each driver up for a month and Mr. Maillard for a year;" that was no remedy.

Q. Did that stop it? A. It took me seven years, and I came down to be a poor man through that trucking on the sidewalk.

Q. Your business was broken up? A. The business is broken up; they had skids out lately yet; and since that committee sits they do not put the skids out, since the committee sits; I was before Mayor Hewitt with six of the citizens and laid that matter before him, that I am paying \$2,000 rent in that factory, and I had to get out of that factory; three years ago I had to move out; I could not pay the rent no more; what did Mayor Hewitt answer me; he said "You say you can not pay the rent there; why don't you move out of that block if you can not pay the rent;" I said, "Will you pay the rent where I have a written lease; I am doing a retail business;" no remedy whatever until Captain Riley came in the precinct; I went and saw Captain Riley, and as quick as I saw him he got on his hat and came down to Maillard's factory, and from this time the nuisance was stopped until the skids; there is a small platform built afterward, but if one man goes out with a wheelbarrow nobody is able to pass there; now, Mr. Wolfe knows I am wronged and became a poor man; and I solemnly swear and state it here by my son, the witness, that he stated in Jefferson Market before Judge Duffy, "We pay the \$100 for doing that business on the sidewalk."

Q. Did you have any talk—

Senator O'Connor.— Is Judge Duffy alive?

Mr. Goff.—Oh, yes.

Q. Did you have any talk with a policeman on on the force about those things? A. I tell you the truth that the Thirtieth Street Tenderloin most of the officers they went out of my way on account whenever the obstruction was there, and it was there continually; and I called their attention to make the arrest, and they would not make it; they would not make it.

By Senator Bradley:

Q. Did he say who he paid the \$100 to for protection? A. No, sir; there is his statement, "We pay a \$100 a month for doing that business on that sidewalk."

By Mr. Goff:

Q. Do you remember Captain Williams saying anything to you about the number of policemen he would have to put there to

stop the nuisance? A. When I had him down before Superintendent Murray in the presence of Mr. Steers and another gentleman, and myself and six witnesses, he first off denied it; and then afterward he says, "Well, I have got to station an officer there continually from morning till night;" Mr. Murray says, "That is what I want you to do;" that was the first time, but the second time when I had him brought down before Murray I stated that to Mr. Murray that my customers are two-thirds ladies, and what did Mr. Williams answer me on that question which I laid before the superintendent; he said, "You haven't had a lady in your place of business, except my wife;" says I, "What; what do you call my customers; prostitutes; whores, vagabonds; what do you call my wife and daughter; says I, "Captain," in the presence of Mr. Murray—now I stated here under oath, "In the presence of those witnesses I challenge you with a duel; I defend my ladies;" but he said, "If I hadn't that suit on yet I would talk to you different;" I said, "Strip it off your rotten body; you are a clubber, and I come and challenge you to a life;" and the superintendent jumps up and says, "Captain, you are wrong, and you, Mr. Bayer, withdraw that challenge;" "Mr. Murray," I said, "I wont withdraw that challenge; I am your prisoner;" "Our country does not allow anybody to challenge anybody with a life;" and that challenge, gentlemen, under oath I am stating here, stands to day yet.

Q. It has never been accepted by him? A. No, sir; and I wish he would accept it.

By Senator Bradley:

Q. You mean this committee to understand that you challenged Superintendent Williams? A. No; the present inspector now.

Q. To a mortal combat, and that he was a coward would not accept it? A. Yes; and that man wronged me to the death with my family, and he wants to say I swore false.

By Mr. Goff:

Q. Do you remember talking to an officer by the name of Wood? A. Yes, sir.

Q. Will you give us the conversation you had with him? A. Mr. Wood is on the police to-day yet; I called Mr. Wood's attention, and he said, "My dear friend, Bayer, I dare not make the arrest;" I ordered him to make the arrest on the sidewalk;

he says, "I tell you why, when I came on the force I was an honest man."

Q. Who was that? A. John W. Wood; "But now I have to state to you, as a member of the fraternity, that I am not;" said I, "Mr. Woods, what do you mean by that;" he says, "I bring a prisoner into the station-house that time I was have seen that he struck the persons, or my eyes have seen a violation, or anything like that; in the morning there comes Captain Williams, who says, "Woods, you have to swear in the negative."

Q. Williams says to him he has to swear in the negative? A. Yes; "I bring a prisoner in I have not seen myself, and in the morning the captain says, you have got to swear positively;" and he says, "Where is my honesty now;" that man, I ordered him to make the arrest of those trucks, and he says he dare not do it; and he has orders from the captain not to make the arrest.

Q. Did you speak to any other policeman in the city? A. I spoke to every one that came on that beat.

Q. What was the general reply you received? A. The general reply I received; "I dare not make the arrest" until I get told by District Attorney Martine; "You go right up to these officers and say I take your number, and I will prosecute you; and if they do not make the arrest then you come to me; I am district attorney of New York city."

Q. That is what Mr. Martine said? A. Yes, sir; and he is on the bench to-day, and he will state I consulted him; and he will state I should go to work and put an injunction on Mr. Maillard for \$50,000 damages, and he will fight \$50,000 out of Mr. Maillard without it costing me one red cent; that is the judge in General Sessions; so far I suffered under the violation of the sidewalk under Mr. Maillard; the packing-boxes came about 20 long; they backed into that factory, and the horses were standing so far in the street that a person could not pass by; that man had to get out six or eight boxes from that truck, and went into the factory wherever they wanted him; and it took him some time, an hour and a half on that sidewalk, only that one truck; and I had to stand that for seven years; seven years, it cost me my fortune and labor spent in the courts in seven years; and I thank the Lord that that investigation committee come from Albany and learn the facts where a man is \$2,000,000 worth; that once I had plenty of money; I had once a place where I am worth \$30,000, and came down to about \$8,000; and I a ma hard-working man; and every man that knows Mr. Bayer in this city knows

he is a hard working man; but Maillard ruined me; I did not want his money, but I wanted a sidewalk for my customers to pass by and visit me; I did not want Maillard's money, and he knew I did not want his money; and what he says about Bon Marche; I bring my books down here and lay it before the committee, and show I made only 50 Bon Marche pictures at a price of 37 1-2 cents a piece; and when I intended to collect my bill I had to take off 10 per cent; I said I can not do that; and I bring my books; I have got them, thank the Lord; and I had to wait six months; and I will show it when I received the check; and I could not get it any other way without 10 per cent. off; the second little bill I ever done for Maillard was four French delivering carriages, at 30 cents a piece, and that is \$1.20; and I lay my books before you; I had to wait five years for \$1.20; now, where is there business malice in that matter.

Q. Who collected that money for you; who collected that \$1.20 for you? A. My foreman; he is dead; I wish he was alive; when Captain Williams was present in my place, and he said, "You only do that in malice, and because Maillard don't get the work; I said, "Captain Williams, here is my books;" I said, "Here is an item of \$1.20 stands for five years;" and he said, "Send over and get your money now;" I said, "I have a new bill go over;" and he gave a dollar, a hard American dollar, and two 10-cent pieces, and in presence of Mr. Williams after five years.

Q. Williams collected your bill for you? A. He collected my bill, and he is entitled to a percentage.

Q. Did he ask it; how many years had he been engaged in this conflict with Maillard? A. Seven years.

Q. Have you moved from there? A. I had to move three years ago; I could not manage to pay the rent.

Q. And do you attribute the ruin of your business to this blocking of the sidewalk by the Maillard wagons? A. I take a solemn oath again that I was injured in those two years, between \$35,000 and \$40,000 in my business, and lost my business.

Henry Bayer, Jr., called as a witness on behalf of the State, being duly sworn, testified as follows:

Examination by Mr. Goff:

Q. Were you present at the Jefferson Market Police Court on the occasion to which your father refers? A. Yes, sir.

Q. What took place there? A. Well, we had, I believe it was a gentleman of the name of Smith of Long Island City, we had one of his drivers arrested; we had that day three arrests, but this was the last one; Mr. Wolfe told Justice Duffy, in our presence, that he was paying \$100 a month for the privilege of blockading the sidewalk; my father said to me, what do you think of that; he says, "That is pretty good;" Mr. Wolfe explained that if as Judge Duffy suggested he would have to keep off the sidewalk because it was a king's highway he would have to employ from six to eight men, and that would be about \$80 a week; that, gentlemen, will show you that at the end of the month it would amount to \$320 wages; by paying his \$100 he was saving \$220 which would bring to Maillard a \$1 000 over the \$100; what he was doing for Maillard, he was injuring us.

Q. Do you know anything about an album that was gotten up to present to Captain Williams in that precinct? A. Yes, sir; I do.

Q. Tell us what you know about that? A. It was during this time that this nuisance was on the sidewalk; Captain Price came in that day; he was at that time a detective; he says, "Is your father in;" and I said, "No, sir; he is not in;" he said, "I guess you will do just the same;" he says, "We are making up a collection for an album for Captain Williams, which is to cost about \$2,000; the lowest amount of money received for this album will be \$2;" he said, "Would you like to contribute \$2;" I said, "No, sir; I am not a member of this firm; you will have to see my father;" with that he walked towards the door inside the store; and he saw a beautiful gold table in the window of Louis XVI style, and he said, "That is a fine piece of work;" I said, "Yes;" he said, "You ought to send that up to the captain;" I said, "What for;" he said, "That you do away with the sidewalk nuisance with Maillard;" after that Detective Dunlap came in reference to that table also; we never sent it.

Q. What did Dunlap say? A. He said, "That is a nice thing you have in the window there," and came around the same as Price, but they never got it.

Q. Did Dunlap say anything about sending to the captain?

A. Yes; he said, "You ought to send that up to the old man."

Q. What was the value of that table? A. Well, the table was valued at about \$250.

Q. You had it there for sale as part of your stock? A. Yes; we had it there for sale; the table is in the possession now of Mr. Townsend, 302 West Seventy-third street, I think it is.

Q. During this trouble with Maillard were you arrested? A. Yes, sir; I was.

Q. How did you come to be arrested? A. I was out one evening and got home about half past 10 or 11 o'clock; our house was 164, and on the opposite side of the street 139, some large tenement houses that were more or less infested with prostitutes and there had been several charges and complaints made against those houses by the neighbors; when I was walking through that evening, or that night rather, at that hour, I seen a commotion and a crowd of people on the other side of the way, and I got a little close to it, and the house front runs right on the street, and there was one step, and I stood looking into the hall, and the first I knew I felt somebody grab me in the back and I was pushed into the hall; he says, "You are my prisoner," Mr. Price, I said, "Why;" I said, "You know whom I am; I have nothing to do with this; what are you arresting me for;" he says, "If you don't close your face, I will break it for you;" I did not have a chance to say anything; Price and the present Captain Schmittberger made the raid at that time.

Q. And Schmittberger was then a detective? A. Was there at the time and recognized me, too, and said, "Now we have the two of them; we will show them what we can do in regard to the Maillard suit."

Q. Who? A. Schmittberger and Price; because they knew the trouble we had with Maillard and Captain Williams at the time; I was taken to the station-house and confronted with Captain Williams; he was behind the bench at the time; I said, "Captain, this is an illegal arrest, and I don't see what it is done for;" I said, "You know I am Mr. Bayer's son;" he said, "Yes, I know you;" and kind of boshed away, you know; he says, "Search him;" he searched me; and I said, "Captain, I would like to have somebody go and notify my folks that I get bailed out;" he says, "That is all right; lock him up;" I was locked up for the night, and next morning brought down to Jefferson Market, if I am not mistaken it was Judge Gorman on the bench; there was nobody to appear against me; I stood there all alone, and Judge Gorman said to the officer that brought me down, "What is the charge against this man;" and he said, "I don't know; Captain Price arrested him and he sent him here;" that was Detective Price at that time; Judge Gorman said, "What is the trouble about;" and I explained to him how

I was arrested; "Well," he said, "I tell you young man, take my advice and next time you see a crowd or assemblage on the street, no matter where it be, go and mind your own business;" and he says, "I feel sorry for you that you were locked up over night;" and he gave me an honorable discharge; and that was the first time I ever was a citizen in America, and I was born here; I suffered more that night than in 10 years.

Q. In the cell? A. Yes.

Q. You had plenty of company I suppose? A. Yes.

By Senator Pound:

Q. Was there any other arrests made at the time you were arrested? A. Yes, sir.

Q. What was it? A. A raid on one of these houses; it was not a prostitution house; it was a tenement house and there were more or less of this class of people living there.

Q. Did I understand you to say at the commencement of your narrative on this occasion that Price shoved you into the hall from the street? A. That is right; I was standing on the sidewalk and looking in.

Q. And you felt a push? A. I felt a grab like this (indicating), and thought I was gone sure; I never had a grab like that before.

Mr. Goff.—That is an illustration for this honorable body of the abuses of authority of the police of this city. That will do Mr. Bayer.

Senator O'Connor.—Mr. Goff, wouldn't Judge Duffy be apt to remember if a statement of that kind was true?

Mr. Goff.—He might under normal circumstances and conditions. Judge Duffy has been married recently, and of course all men who go through that ordeal suffer more or less from emotional insanity for some time after the wedding. I do not think that the period after which he could return to his normal condition has yet arrived, Senator.

Senator O'Connor.—Do you want Mr. Wolfe any more, Mr. Goff.

Mr. Goff.—No, sir; that will do Mr. Wolfe; we said yesterday in the discussion of some of these clubbing cases that there were slaughter-houses, so called, in the city of New York. I had in mind two particular station-houses at that time, and here is an illustration of another one.

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

Examination by Mr. Moss:

Q. Where do you live? A. Five hundred and twenty-seven East Eighty-fourth street.

Q. You had trouble with the police court very recently, didn't you? A. Yes, sir.

Q. September 27th? A. Yes.

Q. Were you arrested by an officer? A. Yes, sir.

Q. What time of the night was it? A. One o'clock in the morning.

Q. Did you get the officer's name? A. His name is Gunson.

Q. What precinct? A. Sixty-seventh street station-house, I believe; the Twenty-fifth.

Q. Sixty-seventh street station-house? A. East.

Q. What did the officer say to you? A. He asked me if I lived there; I said no, I live in Eighty-fourth street; he said, "Go home;" "I am going;" I walked in front of him to the corner; he said, "Go home, you son-of-a-bitch, go home;" those are the words he expressed; I went across the corner and had some oysters; when I came out the officer was standing talking with a gentleman, a friend of mine, and I said, "Officer, what right had you to call me a son-of-a-bitch any more than any German around on the street;" and I was standing in front of him, about three feet from him with my two hands in my pocket, and he never said a word but came right up and picked me up and threw me right down in the street; when I lay on the sidewalk, I says, "Officer don't kill me on the sidewalk; if you want to take me in, take me in;" he said, "Anyhow, I will just take you in for fun;" he took me down to the station-house and made a charge of drunk and disorderly against me; I was asked my name, where I lived, my occupation, where I was born, and my age; the sergeant at the desk said, "I can not entertain the charge of drunkenness against this man."

Q. The sergeant declared you were not drunk, and would not take the charge? A. Yes, sir.

Q. Now you were in the station-house; tell us what happened there? A. The officer stood there and did not know what charge to make; the sergeant said, "Make it disorderly;" I said, "That is very curious; the officer brought me down here can not make a charge against me." "Shut up, sir."

Q. That is the sergeant? A. Yes; the officer put his hand in my pocket and took out four keys and put them on the desk, and the sergeant says give them to him; take him down; I said, "Sergeant how much bail am I under;" the officer said, "Come on, God damn you; you can not bail yourself."

Q. That was the sergeant? A. Yes; he took me back and got me down the cell, and opened the door, and drew his hand and hit me back in the neck, and drove me right into the urinal of the opposite side of the cell, and the door was locked.

Q. What effect did it have throwing you against the urinal? A. Well, my hands got in and my head was almost stuck into it.

Q. Your head was almost into it? A. Yes sir.

Q. Were you hurt? A. I was hurt previously, before that.

Q. Did that blow and that driving you against the wall, did that hurt you? A. Yes, sir; it hurt me.

Q. Whereabouts? A. Right on this hip. (Indicating right hip.)

Q. And that is sore yet, isn't it? A. Yes.

Q. It was the Sixty-seventh street station? A. Yes, sir.

Q. Who was the sergeant at the desk? A. I couldn't tell you, sir.

Q. That is Captain Strauss's precinct, isn't it? A. I believe so.

Q. You say you got into the cell then; did they shut the door on you? A. Yes, sir.

Q. Anything else happen there? A. I took off my coat and made a pillow of it and laid down on the floor; I laid down there about an hour, and this leg became numb; I had to call the doorman in, and he came in and lifted the leg up, and I said, "I can not lay there, you will have to set me on the seat," and he came around again about 10 minutes and said, "How do you feel;" I said my leg feels bad and sore; I got a terrible hurt; he said, "Shall I send for some one;" I said, "You will have to send for some one;" this was the doorman; in about a quarter of an hour the ambulance surgeon came in and said, "Come out here. I want to see you;" I said, "If you will assist me I will come;" the surgeon and doorman took me by the arms and took me in the station-house and set me down in a chair, and he examined me all over and could not see no cuts and no bruises, and told me I was a fakir.

Q. Told you you were faking? A. Yes, sir; and then he laid me down on the floor and went over my leg again, and told the sergeant he thought it was an attack of rheumatism; they locked me up, and at half-past six in the morning I was taken

out of the cell; I asked the officer going down the steps you will oblige me to ride down in the cable cars; I said, it will be noon before I get there; he said, "I don't care a damn, I will make you go, I will pull you along;" and at Sixty-sixth street there was a liquor store on the opposite corner, on the southwest corner kept by a man of the name of Dores; the bartender was looking over the door and I put a hand up to him; and he said, "Do you know that man over there;" I said, "I am slightly acquainted with him;" he said, "Will you take a ball; I am pretty cool;" I said, "I don't feel good and am sick all over;" "Come along," he said, "I will give you a drink," and brought me in there, and had several drinks and we stood there to about 20 minutes of 9 o'clock; I had the privilege of going around to the store and was on the stoop with my shirt sleeves, and everything else, and the policeman and I had breakfast there; it was made up also in the store that I should be turned out in Fifty-seventh street; they call it turn you out when they get a prisoner discharged; at least that is what they told me.

Q. Who paid for the meals and the reckoning? A. I guess it was the man in the store; I did not pay for it; I paid for some of the drinks, though; I went to Fifty-seventh street and limped along, and was brought before the judge; I should say I was three or four minutes in the court; the complaint was against me—I never heard it; I could not tell what it was; the judge said, "Will you go home;" I said, "I will if you allow me;" he said, "You are honorably discharged;" I went back with one of the officers, and one of the witnesses that was there the night before followed me, and the fellow in the store treated, and there were six in it; and they all had whisky; and the officer's drink was whisky too; and this Dougherty was drinking, and he called me a vulgar name; and the language he used from the time he arrested me to the station-house was almost above mentioning.

Q. You say it was put up in the restaurant that you should be turned out? A. In the liquor store.

Q. In the liquor store that you should be turned out? A. Yes,

Q. And you were pretty fairly treated? A. Yes.

Q. And when you got down there and did not hear any complaint you were glad to be discharged? A. Yes, sir.

Q. And after that, you went to the liquor store with the same officer? A. Yes, sir.

By Senator Bradley:

Q. And he used some outrageous language? A. Yes, sir.

Q. Was that the same officer that arrested you the night before? A. Yes; Officer Gunson.

By Mr. Moss:

Q. Did you complain about this to any one at headquarters?
A. Yes, sir.

Q. Who did you see? A. Inspector Williams.

Q. What did Williams tell you? A. He told me to be there next morning at 9 o'clock, and that was the 2d of this month, and have witnesses with me.

Q. Were you there? A. I was down in Mulberry street; I could not get no witnesses to come along; the officer was there in my presence in Inspector Williams' office; and he notified me I was to be down there at 9 o'clock the next morning; as soon as he got word in the station-house he reported sick; and got sick leave, and went around; and when I went to see the witnesses to bring them there the next morning, instead of coming with me they were going to eat me.

Q. Your witnesses? A. Yes, sir.

Q. The officer had seen your witnesses? A. Yes, sir; the officer had seen them.

Q. Has anything been done by the headquarters police in this case? A. I never heard anything about it.

By Senator Bradley:

Q. You asked him if any officer had seen the witnesses; he said yes; what proof have you got? A. I was told he was around.

Q. Have you any positive proof that the officer saw and conversed with these witnesses? A. Yes, sir; I was told he was in this store that night by the proprietor.

Q. Who is the proprietor? A. His name is James Dores; he told me the officer had been there.

By Senator O'Connor:

Q. Did you know this officer prior to this night in question?
A. No, sir; I only had seen him once, and that was one night walking down Sixty-seventh street.

Q. Had you any previous difficulty with him? A. No, sir.

Q. What was he doing? A. He was walking with some girl or woman that they down there said was not his own wife; down toward the Boulevard of the Athletic grounds.

Q. Was that the time he assaulted you? A. No; the first time.

By Senator Bradley:

Q. Did you interfere with him or try to get the girl away from him that night? A. No, sir.

The Chairman.— We will take a recess until quarter of 3. All witnesses subpoenaed will be here promptly at that time.

AFTERNOON SESSION.

October 17, 1894.

Present: Senator Lexow, O'Connor, Bradley, Cantor and Pound.

Mr. Goff.— Mr. Chairman, we purpose this afternoon to introduce a line of testimony that has not been touched heretofore. On the east side of the city, the old Tenth ward and the Seventeenth ward, the lower part of the Seventeenth ward, there is a dense population of foreigners, very many of whom are Hebrews. They are, of course, very industrious, and many of them have little stands upon the street; soda water stands, and stands for the sale of candies and things of that kind. We are informed, and our affidavits go to show, that these poor people, from the soda water fountains that they rent, have to pay protection money, and that that protection money goes into the hands of the manufacturers of the soda water. We propose to follow it from the hands of the manufacturers of the water into the final hands that it reaches. We ask your patience and consideration particularly in these cases, because, few, if any, of the witnesses can speak our language, and, of course, through process of interpretation, it will require patience and attention to weigh it in all its details. I would say further in relation to this matter, that inasmuch as it affects a large class of people residing in this city, we deem it proper to bring it to the attention of the committee. These poor people, coming here ignorant of our English, as well as our laws, have regarded the imposition of this tariff, if I may call it such, as a legitimate thing, and they do not understand the nature of it.

Chairman Lexow.— They regard it as a license to do business.

Mr. Goff.— A regular license, and they consider that they have to pay this, or otherwise they can not earn a livelihood.

Chairman Lexow.— Do you claim that the matter is so notorious that it should have been understood and investigated by the police commissioners, in that way forming a foundation for an indictment of those higher in office?

Mr. Goff.— Yes, sir; undoubtedly so.

Senator O'Connor.— Well, any way, it goes to show a deficiency in their knowledge of the force. These commissioners ought to have known it. They are just as censurable for not knowing that which they should know as they would be for not acting on what they did know.

Mr. Goff.— It is the same as the man who said he would be damned if he knew, and he would be damned if he didn't know.

Chairman Lexow.— It is your purpose to show that this thing is widespread, and should, therefore, be brought out.

Mr. Goff.— In that section of the city.

Senator O'Connor.— Don't you think it would take up less time of the committee to investigate those lines of business that were not blackmail?

Mr. Goff.— If we were to pursue that inverted course we would have to ask the committee to adjourn and meet in Albany, because I have yet failed to find, even through the lense of a most powerful microscope, any line of business that has not been blackmail.

Chairman Lexow.— I think that that point is important to show that it is widespread; that it is a thing known in the community; because after all we want to get at the source of this corruption, and at the controlling powers that have permitted it.

Mr. Moss.— We have such a large number of these people here that even that fact alone would show that it was widespread.

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

Examination by Mr. Goff:

Q. Where do you live? A. Two hundred and fifty-six Rivington street.

Q. What is your business? A. I keep a candy and segar store; soda water.

Q. You have a soda water stand? A. Inside.

Q. From whom do you buy your soda water? A. John Matthews.

Q. From whom do you buy your syrups? A. I buy my syrups in drug stores.

Q. Make your own syrups? A. I make my own syrups, yes, sir.

Q. Where is the soda water stand in that place? A. In my store.

Q. Inside the store? A. Inside the store.

Q. You don't occupy the street at all? A. No; nothing at all.

Q. When did you put the soda water fountain in? A. In the beginning of the summer, April.

Q. Did you pay anything for a permit to put that in? A. Inside the store?

Q. Yes? A. I didn't have to pay nothing for it.

Q. You are one of the men that signed a petition to the bureau of incumbrances, are you not? A. Yes, sir.

Q. What was that petition about? A. By the bureau of incumbrances, a petition.

Q. What did you sign a petition for? A. I didn't sign a petition; I signed an affidavit Monday night.

Q. What was the affidavit? A. Gentlemen, please, I keep a cigar and candy store and soda water inside, and I have to pay high rent; I couldn't make out there, because I have a good many stands that obstruct the sidewalk and I know they are there all the time.

Q. You say the neighborhood of your store is filled with stands and other obstructions? A. Yes, sir.

Q. And you signed some kind of petition against that, didn't you? A. Petition against that.

By Chairman Lexow:

Q. You signed a paper against it? A. Yes; I am against it.

By Senator Bradley:

Q. To have these people removed from there? A. Yes, sir.

By Mr. Moss:

Q. Have they been removed? A. They have been removed by the bureau of incumbrances, but I had to make complaint about two or three dozen to get them removed once.

Q. What money did you give the soda water man? A. I didn't give the soda water man no money at all, because I deal with John Matthews; he is separate for himself; he never deals with the other soda-water manufacturers.

Q. You mean that he is not a member of the combine? A. No; John Matthews is not a member of the combine.

Q. Did you give John Matthews any money except that which you gave him for water? A. No; I never gave him any money.

Q. What did you go to Inspector Williams about? A. I went to Inspector Williams about the obstruction of the sidewalk; the police department wouldn't take care of it, and the stand is there now, and they keep open the whole night; I went to see Inspector Williams in his office; I didn't find the inspector, only the sergeant; the sergeant told me, "We haven't got no officers to send out; you go up to your captain, to the captain from the ward."

Q. Who is that? A. The captain is Captain Schultz; he shall attend to it; I went to Captain Schultz and I reported, and he stood up like a wild Indian, and he said, "You are a god damned nuisance in your neighborhood; nobody wants to deal with you; you are a God damned nuisance if you go to the bureau of incumbrances; you are a God damned nuisance if you go to the police department; you are a God damned nuisance if you go to the mayor's office; you are a God damned nuisance if you go to the district attorney's office; you are a God damned nuisance anyway; you are a God damned nuisance if you go on the road;" I don't know what he means by that; I know I am a peddler on the road, because I don't make no living in the store.

Q. It didn't make any difference what your occupation was, you were a blankety blank nuisance? A. Yes, sir; he didn't speak to me like a citizen, only just as if I was a dog; "You are a God damned anything; you can go in any department in the city of New York and you can come back and I wouldn't attend to it."

Q. He wouldn't attend to it? A. "I wouldn't attend to it." and the rest he told me to clear out quicker than you can from my office, and he said I am a God damn sheeny.

By Senator Bradley:

Q. What did he say; "You are a God damned sheeny?" A. Yes; I don't know what for; I make my honest living; that is my luck; if I didn't have my child with me I would get a couple of good clubs in my neck.

By Mr. Moss:

Q. Did you get clubbed? A. No; once I would get chased out from the ward; there were two wardmen there; Captain Schultz had to close up those stands for a few days, and after they opened again I went in and saw the sergeant, and there was two wardman; I says, "Sergeant, what for you have closed them five or six days and you have got them opened;" the wardmen stood up and chased me out of the ward.

By Senator Bradley:

Q. Out of the ward or out of the station-house? A. Out of the station-house.

Q. Who did? A. I know one wardman's name, Hussey; I don't know the second.

Q. Hussey chased you? A. That was not Hussey; I know Hussey; the other one has gray sideboards.

By Mr. Moss:

Q. You have detailed what Captain Schultz said to you when you went there, being sent from headquarters; is that all he said? A. All that he said, yes.

Q. You were doing nothing but complaining about the obstructions on the street? A. Yes.

Q. Did you tell him you were sent from headquarters? A. Yes; there was another fellow was with me; his name is Bellfisky; he went by headquarters; he is here now.

By Chairman Lexow:

Q. What was the general character of the conversation that the captain addressed to you; did he swear all the time; did the captain swear all the time he was speaking to you? A. All the time.

Q. Did he swear all the time? A. Yes, all the time; he called me God damn, may be, about 25 times.

Q. Did you hear him speak to anybody else at the time? A. No; he rang a bell, and he stood up and he was talking to me like a wild Indian.

Q. Did the captain speak to anybody else? A. No.

Q. How long ago was this? A. Last Monday night; Monday afternoon I was in the inspector's office, and Monday night after six o'clock I was by Captain Schultz.

Q. Had you any trouble with Captain Schultz before? A. Well, I was by Captain Schultz Sunday, the day before; there is a liquor store on the corner in the same neighborhood where I live, and he keeps open the side doors, and he sells liquor to children even 8 or 9 years old; the same fellow is there; that is a new man; formerly there was another man; the first Sunday when he came in he let those corners for stands; that is, the liquor dealer, and he takes rent for it, and he has big signs obstructing the sidewalks; I went to Captain Schultz about his violating on Sunday; he sells beer and liquor to children on Sunday.

By Senator Bradley:

Q. Do you ever see the children coming out of there with pails on Sunday? A. Yes; even a whole week, and on Sunday too; all policemen see it.

By Mr. Moss:

Q. You say you spoke to Captain Schultz about it? A. Yes; that was the first Sunday.

By Chairman Lexow:

Q. What particular reason had you for reporting that to Captain Schultz? A. Well, I told Captain Schultz the particular reason; I told him I am not Dr. Parkhurst.

Q. Speak out loudly? A. Captain Schultz asked me, "What is the reason about your coming to complain of those liquor saloon for violating on Sundays," and I said, "That fellow is not a citizen; he is only about three years in this country."

Q. You are an intelligent man; I am asking you, and you know what I mean, why you went around to Captain Schultz to complain about something that was not your special business? A. I told him, because the same man—I go to that man in good shape and I ask him—I forget his name, the liquor dealer, "Will you keep away those stands, because they will harm my business?"

By Mr. Moss:

Q. You complained about that saloon because the stands around interfered with your business? A. Yes, sir.

Q. What did Captain Schultz say to you? A. Captain Schultz asked me the question; I says to him, "I am not Dr. Parkhurst."

Q. You said to him that you were not Dr. Parkhurst? A. Yes; the only reason that I complained of the saloon keeper, is that he has got signs, and they harm my business; he said to me that he didn't care for Dr. Parkhurst; then in the afternoon he sent the officer there and he had him locked up, and the same fellow had a trial in a police court, and he was fined \$100 bail, the same liquor dealer; well, two Sundays I was away in the country; when I came home, the last Sunday when I came home, they were very strict about the saloons, and I went to Captain Schultz again; the Sunday before last Sunday they were not so strict any more, and I went to Captain Schultz to do that again.

Q. On Sunday before last the strictness was gone? A. The strictness was gone; I went to Captain Schultz again and he wouldn't do it; he says, "You are a customer; you have a right to go in and have a glass of beer or whisky and then go to the court and have a warrant and have him arrested."

Q. You say you went to Captain Schultz on the Sunday before last? A. Yes, sir.

Q. And complained about this saloon? A. Yes, sir.

Q. And he wouldn't do anything? A. No, sir.

Q. And he said, "You are a citizen" ? A. Yes, sir.

Q. "Go in and get a glass of whisky, then go to the court and complain" ? A. Yes. "And take a warrant out for him;" I said, "I don't go up for it; I am not a special officer; it ain't my business to go to court and take warrants out."

Q. Do you see Captain Schultz looking at you now? A. Yes, I see him now.

Q. That is the man (pointing to Captain Schultz)? A. That is the officer.

Q. You stick to your testimony with him right in front of you?

By Senator Bradley:

Q. You say that that is true before the captain? A. Yes, I say that is true before the captain.

Q. How long have you been in business in that neighborhood? A. Five years.

Q. During the five years that you have been in business there, did anyone connected with the police department ever ask you for any money for protection or anything else; answer my question; did any of the police officials ever ask you for any money for any purpose? A. No.

Nathan J. Walter was duly sworn as an interpreter.

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

Examined by Mr. Moss: (Through Interpreter Walter.)

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

Q. Do you keep a store there with soda water in it? A. I don't keep a store, but a stand outside.

Q. You have a soda water fountain inside the stoop line, haven't you? A. Yes, sir.

Q. Who do you buy soda water from? A. Mr. Ginter.

Q. Where does Mr. Ginter keep? A. Nineteenth street.

Q. Did you pay Mr. Ginter any money when you took the stand? A. No, sir.

Q. Who did you pay \$5 to for a permit? A. I gave him \$5 for the purpose of getting a permit, but I didn't receive the permit, and he told me if I wouldn't get my permit he would return the \$5; he returned it two weeks ago.

Q. You say that Mr. Ginter returned the \$5 two weeks ago? A. Yes, sir.

By Chairman Lexow:

Q. When did you get the \$5? A. A few weeks ago.

Q. How many weeks ago? A. Two weeks.

Q. Did you pay the \$5 to Ginter two weeks ago? A. No; I received it.

Q. When did you give it to Ginter? A. April or May.

By Mr. Moss:

Q. Why did Mr. Ginter return you the \$5? A. Mr. Ginter asked me for \$5; he promised to get me a permit, but if he couldn't get it for me that he would return the \$5, which he did two weeks ago.

By Chairman Lexow:

Q. Did you have any conversation with him between the time that you paid him the \$5 and the time he gave it back to you, about the money and the permit? A. Yes, sir.

Q. Did he tell you what kind of a permit it was going to be? A. No.

Q. What did he say to you about it? A. Mr. Ginter promised me a permit; I don't know what kind; Mr. Ginter asked me for it and I gave it to him.

Q. After you paid him the money, you say you had other conversations with him; what were they? A. Nothing at all; no talk about the money at all.

By Mr. Moss:

Q. Did you go to Mr. Ginter to get the money? A. I went to Mr. Ginter for business, and at the same time for the money.

Q. What did you say to him?

By Chairman Lexow:

Q. Who did Ginter say he was going to pay the money to? A. He never told me; I never asked him.

By Mr. Moss:

Q. Did you tell Mr. Ginter that you had told somebody about the \$5? A. No, sir.

Q. You had spoken to some one about it, hadn't you? A. With this gentleman.

Q. You spoke to the gentleman who is now interpreting? A. Yes, sir.

Q. After you spoke to him you went to Mr. Ginter and got the money, didn't you? A. Yes, sir.

Q. And you told Mr. Ginter that you had spoken to this gentleman, didn't you? A. No.

Q. You know that other soda water men pay this \$5, don't you? I heard so.

By Senator Bradley:

Q. Did Mr. Ginter say anything at all about the Lexow committee? A. No, sir.

By Mr. Moss:

Q. What do you know about a collection that was made for Captain Schultz? A. Sometime ago, last April, all the soda water stands had been closed all of a sudden and some people told me that Captain Schultz gave out the order to close all these stands up, and they were closed up about for a few days and then they opened again; so I asked why the stands were closed and why they were opened so suddenly; I asked them whether they gave out any such thing as permits;

they said so; I asked them how it came that Captain Schultz had the stands reopened again so suddenly; they said all they know is that they had no permits and the stands were opened by the orders of Captain Schultz.

Q. You have told this gentleman who is now interpreting that there was a collection of \$800 made for Captain Schultz, or for the captain of the station-house in Delancey street; tell us about that? A. It was an understood fact that a collection had been made for Captain Schultz as well as for Captain Grant, and I heard it; it was general rumor among the stand keepers.

Q. Among the stand keepers and the soda water men, was it?
A. Yes, sir.

By Senator Bradley:

Q. Did you subscribe anything toward that? A. No; I belong to the captain of the Eldridge street station; I am not in that district at all.

By Mr. Moss:

Q. You are not in Captain Schultz's district? A. No, sir.

By Senator Bradley:

Q. How long have you been in business? A. This is the first year.

Q. From the time that you paid the money up to the time that the stand was closed did you conduct the business without any interruption? A. No.

Q. Were you ever approached by any police official and asked for any money for the privilege of keeping your stand open?
A. No, sir.

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

Examined by Mr. Moss: (Through Interpreter Walter.)

Q. You have made statements about your soda water business, haven't you? A. Yes, sir.

Q. Where did you have your soda water stand? A. One hundred and twenty Division street.

Q. After you had had your stand open about three months, the police began to close the stands, didn't they? A. Yes, sir.

Q. And then a policeman came to see you, didn't he? A. Yes, sir.

Q. What did he say to you? A. The policeman came to me and told me not to give any money to anybody; after a few days the manufacturer whom I buy the soda water from came to me and asked me for \$5.

Q. Didn't that policeman tell you that your stand might have to close pretty soon? A. He said that he thought the stand would be closed in a couple of days.

Q. So that you had a kindly warning from the policeman? A. Yes, sir.

Q. He said he was not sure, didn't he? A. He thought so.

Q. Did he tell you why he came to tell you that? A. He came often and took the numbers of different stands.

Q. A few days after you saw Jacobs, and what did he say? A. He sent a man to say that I should go to Jacobs' office.

Q. Where was Jacobs' office, and what was his business? A. One hundred and seventy Suffolk street, a manufacturer of soda water.

Q. The man that you bought soda water from? A. Yes, sir.

Q. Did you go to see Mr. Jacobs? A. I went to see him.

Q. What did he say? A. He told me to give him \$5.

Q. What for? A. He told me to give him \$5 for the purpose of giving it to the corporation office, as all the stands would be taken down if this money is not collected.

Q. What did you tell him? A. I refused to give it to him, and he told me, "I will fix you," and he did so in a few days; he took my stand off.

Q. Jacobs took the stand off, himself, didn't he? A. Yes.

Q. What did he do? A. He took the apparatus away; in a few days afterward the man from the corporation office came and took the stand away; I told him, why should my stand be taken off.

Q. Was another stand put there by Mr. Jacobs right away? A. The man who took the stand down told me to go to Mr. Jacobs and he would put up another stand; Mr. Jacobs told the man who rented the place for the stand to go and build another stand there.

Q. Did he build another stand there? A. Yes, sir.

Q. You saw it? A. Yes.

Q. Is there a general custom among the soda water men to pay \$5 for protection? A. All of them; a collection was made and everybody had to give it.

Q. What do you know about the collecting; tell us about that?

A. He came and asked me for \$5; I refused, and he took me around to the fellow that keeps a stand at the next corner and he says, "You see, he gives it to me also."

Q. Did he say what the \$5 was for? A. All he told me was to the corporation office.

Q. Did he tell you he was getting it from all the soda water men? A. He said everybody gives.

Q. That is, Mr. Jacobs, your manufacturer? A. Yes, sir.

By Senator Bradley:

Q. The policeman that called on you and asked you for the money, was he in uniform or citizen's clothes; citizen's dress?

A. Yes, in uniform.

Q. Was he the policeman on beat? A. Yes, sir.

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

Examined by Mr. Moss: (Through Interpreter Walter.)

Q. Where do you reside? A. Three hundred and sixty-two Cherry street.

Q. Did you have a soda water stand there? A. No, sir; not there.

Q. Where did you have a soda water stand? A. Two hundred and sixty-two Monroe street.

Q. And who did you buy your soda water from? A. From Mr. Wallach.

Q. Where is his place? A. Twenty-five Columbia street.

Q. You had to raise some money to pay the soda water man, didn't you, for your stand? A. Yes, sir; I loaned the money.

Q. How much money was it? A. Ten dollars I gave him the first time.

Q. What was it for? A. He told me that he wouldn't give me the stand until I paid him \$10.

Q. What for? A. He said that was the security.

Q. Didn't he say that he wanted some money for protection? A. I gave him after that.

Q. How much did you give him after that? A. Five dollars.

Q. What was that for? A. He told me he would give me a permit.

Q. You thought you needed a permit for the stand, didn't you? A. I understood a permit was needed.

Q. What for; to protect you from the police or corporation officer? A. He told me that it is against the law to stand outside, and a policeman came to me and he wanted to arrest me.

Q. What happened then; had you paid the \$5 then? A. I paid the \$5.

Q. That was the \$5 to Mr. Wallach? A. Yes, sir.

Q. Did you tell the policeman you had paid? A. I told him that I paid \$5, and he said it was all right.

Q. Then he didn't arrest you? A. Then he didn't arrest me.

Q. That was a policeman in uniform, wasn't it? A. in uniform.

Q. Did all the other soda water people pay \$5, do you know? A. I heard that everybody paid.

Q. For protection? A. Yes, sir.

By Senator Bradley:

Q. How did you know that they paid it? A. I have been all over to many stands and they told me the same thing.

By Mr. Moss:

Q. Did Mr. Wallach tell you what he would do with the \$5? A. He told me he would get a permit for me.

Q. You had some trouble to raise that \$5, didn't you? A. I paid the \$5 to him, still I was troubled; I had been down to Clinton street court every day.

Q. That is not what I am asking; you had some trouble to raise the \$5, didn't you; didn't you have to pawn some things to get the money? A. Articles from the house I pawned.

Q. You had to pawn articles from the house to raise the \$5? A. Yes, sir.

Q. What did you pawn? A. Curtains, quilts and things.

Q. You had to pawn your curtains and quilts from your little home to raise that \$5, to get a permit so the police would not trouble you? A. Yes, sir.

Q. Was the money ever returned to you? A. He gave me \$2 back at the end of the season, because the last \$5 which I paid him I didn't have money enough to pay; so I paid him in quarters.

Q. You were short on the last payment, was that it? A. No, sir; I didn't have no money.

Q. You had no money, you were short? A. Yes, sir.

Q. Are you a widow? A. No.

Q. How many children have you? A. Five.

Q. What does your husband do? A. He is a tailor, but he doesn't do anything for the last 11 months.

Q. Out of work? A. Out of work.

Q. And this thing you have talked about has occurred since your husband has been out of work, hasn't it? A. Yes, sir.

Q. While you were trying to do something to keep the wolf from the door? A. Yes, sir.

Q. Did you borrow \$10 when you first took the stand? A. Yes, sir.

By Senator Bradley:

Q. We understand that you paid all together \$15, and got \$2 back? A. Fifteen dollars.

By Mr. Moss:

Q. Didn't you get your security, that \$10, back? A. No.

Q. You got \$2 back out of the \$15? A. Not from the \$15; he wanted to have \$10 on the last payment; but I didn't have any, only \$5; so I gave the balance of \$5 in quarterly payments; and from that money he gave me back \$2.

Senator Bradley.—That is virtually \$15, and she got \$2 back.

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

Examined by Mr. Moss:

Q. Where do you live? A. No. 195 Forsyth street.

Q. Have you been in the soda water business? A. I had a stand.

Q. Whereabouts? A. In the same house.

Q. Who did you buy soda water from? A. From Mr. Weller.

Q. Where is his place? A. No. 53 Chrystie street.

Q. Did you pay him any money for a permit? A. I paid him \$5, and I took it back two days after.

Q. What? A. I paid him \$5, and I took it right away back.

Q. You took what back? A. Five dollars from him.

Q. When did you take it back? A. A couple of days after.

Q. When did you pay it to him? A. Five months ago.

Q. And you took the \$5 back? A. Back; because I gave him a receipt for the \$5.

Q. You gave him a receipt for the \$5 when you paid him originally? A. Yes, sir.

Q. Why did he pay it back to you? A. He paid it back a couple of days after.

Q. What for? A. The same week I took it back.

Q. Why did you take it back? A. Because I had no money; I gave him the last \$5, and I must have it back.

Q. Why didn't you tell that when you made your statement to this gentleman here before; are you frightened? A. Yes, sir.

Q. What are you frightened about? A. I took back the \$5.

Q. You are frightened now, are you not?

By Senator Bradley:

Q. What are you afraid of; are you afraid to speak out?

By Mr. Moss:

Q. Are you afraid that somebody will trouble you about your testimony? A. No, sir; I ain't afraid; because I can not speak good.

Q. Why didn't you tell this gentleman here that you got back the \$5, when you spoke with him about this—that you got it back? A. He asked me if I had a permit; I said I got no permit because I have none; and to go to the factory and ask him.

Q. Who has been talking to you about this matter; who has been talking to you about coming here? A. The man that brought the papers.

Q. Is that the only man? A. That is the man.

Q. Did anyone else speak to you? A. He gave me a paper, and asked me to come up here in this place.

Q. Where did you see Mr. Weller the last time? A. I didn't see him in a long time.

Q. How long did you keep the stand; how many months? A. Ten months ago.

Q. Did you keep it 10 months? A. Yes, sir.

Q. Did you get your permit? A. I ain't got no permit.

Q. Why didn't the police close you up if you had no permit? A. Nobody troubled me.

Mr. Moss.—I will withdraw this witness for a minute.

Samuel Ebert, recalled, further testified:

Examined by Mr. Moss:

Q. A few minutes ago you failed to testify that you had paid \$5; you wouldn't testify; do you remember that? A. I didn't pay no \$5; I have nothing to pay \$5; I keep a store and deal with John Matthews.

Q. You didn't pay anything to any policeman? A. No.

Q. Or to any dealer for protection? A. I didn't pay no protection to no dealer.

Q. Then what had you to complain about in the matter of protection; why should you complain about protection? A. Because there are stands, and I know they are violating—obstructing sidewalk.

Q. I am not talking about stands; I am talking about protection money; why do you complain about protection money? A. I didn't complain about protection.

Q. This is your signature here, isn't it? (Paper shown witness.) A. That is my signature.

Q. Will you listen while I read this to you? A. Yes, sir.

Mr. Moss.—I call this witness back now on account of the apparent intimidation of that man.

Senator Bradley.—You had better inform this man now that he is liable, in case he makes a false statement here, or commits perjury, to the penalties attached by law to false swearing.

By Mr. Moss:

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

By Chairman Lexow:

Q. Do you know that your oath here is just as binding upon you as though it were in a court of law? A. Court of law.

Q. And that if you tell a lie you can be sent to State prison? A. Yes, sir.

Q. Do you understand that? A. I understand that.

By Senator Bradley:

Q. Tell the truth? A. Yes.

By Mr. Moss :

Q. "New York, September 4, 1894—I am reading now your statement which you signed—? A. September?

Q. September 4, 1894.

Mr. Moss read the following:

"New York, September 4, 1894.

"John W. Goff, Esq., Counsel to Lexow Investigating Committee:

"Dear Sir.—Having read with much admiration your onslaught upon the various corruptions in the city of New York, tolerated by the police officials of this city, we desire to call your attention to one source of revenue to the police department which it seems to us has thus far been slighted although it should not be, for if placed in the scale it would be found to be not one of the least channels of income. We refer to the permanent street stands on which are sold candies, soda water, cigarettes and other such articles of a similar nature. A regular system of taxation was established by a combination formed by one Waliach, soda water manufacturer, Columbia street; Jacobs, soda water manufacturer, Chrystie street; Light Bros., soda water manufacturers, Seventeenth street; Weller, soda water manufacturer, Mott street; Elfeas, soda water manufacturer, Tenth street; Ginter, soda water manufacturer,.....; who collected money from all the stand-keepers, and was collected for the purpose of paying the authorities protection money, in order that these stands might be permitted to remain. We can furnish ample proof of these statements, if you will only agree to make it the subject-matter of investigation. These stands has almost brought about the ruin of the small storekeepers, who are trading in the articles kept on these stands, and while the storekeepers have complained to the authorities and the police, they have been continually rebuffed, and have met with no success. We, therefore, implore you that you should give this matter your attention, and we will furnish you with ample evidence."

By Chairman Lexow:

Q. Did you dictate that letter? A. No; we were a committee together; I was, too.

Q. Did you dictate that letter? You know what "dictate" is? A. Yes, sir.

Q. Did you dictate it? A. I signed that letter.

By Senator Bradley:

Q. You agreed to that letter; everything in that letter is true? A. Everything in that letter is true.

Mr. Moss.--This letter is signed by H. Rosenzweig, S. Ebert, Trau, Sam Gross, Philip Brosilord, M. Gertner, H. Baneiger.

By Mr. Moss:

Q. Now, is everything you have stated here true? A. Everything is true.

Q. And true of your own knowledge? A. And true of my own knowledge.

Q. Then you do know that the police collect money from the standkeepers, or that these soda water manufacturers take it from them? A. Yes, sir.

Q. And that it goes to the police?

By Chairman Lexow:

Q. The testimony is that these soda water manufacturers collected the money; is that so? A. Yes, sir.

By Senator Bradley:

Q. You say that that statement signed by you is true? A. Yes, sir; that is true.

Q. That indicts the police saying that the police received the money; now, how do you know that the police received any money; did you ever see any money paid by any soda water standkeeper; did you ever see any money exchanged from the hands of the soda water standkeeper to a policeman's hand? A. Well, I had it exchanged; money from my hand to a policeman's hand.

Q. You paid it yourself? A. A long time ago.

Q. Did you ever pay any money to a policeman? A. Certainly.

Q. How much money did you pay to a policeman? A. I paid to one policeman \$3, twice.

Q. Who was that policeman? A. That is about six or seven years ago.

Q. Who was he? A. Policeman Dietz.

Q. Was he a ward detective? A. He was a policeman from the Board of Health; I had a stand about seven years ago.

Senator Bradley.—He swears that he paid a policeman \$3 twice. That policeman was named Dietz.

By Mr. Moss:

Q. That was in the year 1888, wasn't it? A. Eighteen hundred and eighty-eight.

Q. You then kept a stand yourself? A. I kept, in 1888, a stand myself.

Q. And it was for protection of that stand that you paid the money, wasn't it? A. Yes; I paid money so that I wouldn't get bothered.

By Senator Bradley:

Q. You didn't answer my question; did you ever see a person having a soda water fountain or stand on the street paying any money to a police official for the purpose of keeping that stand on the sidewalk; did you ever see any man or woman hand any money out of their hands into a policeman's hand for that purpose? A. I handed it.

Q. I am talking of when you got up this petition? A. No.

Q. Then you make this statement here and sign your name to it, and you never saw it yourself? A. I didn't make affidavits on this; my affidavits ain't in.

William Jacobs, a witness called on behalf of the State, being duly affirmed, testified as follows:

Examined by Mr. Moss:

Q. You are of 171 Suffolk street? A. Yes, sir.

Q. Soda water manufacturer? A. Yes, sir.

Q. Have you brought the books with you that the subpoena called for? A. I have.

Q. Where are they? A. (Books produced.)

Q. You are secretary of an association of soda water men, are you not? A. Yes, sir.

Q. What is the title of the society? A. Manufacturers' Protective Association.

Q. Who is the president? A. Otto Ronk.

Q. When was it organized? A. The 20th of October, 1893.

Q. Who compose the association; who are in the association?
A. Otto Ronk, Charles Lighte, Nicholas Ginter.

By Chairman Lexow:

Q. What sort of men are they? A. Soda water manufacturers.

By Mr. Moss:

Q. How many? A. Eight of them.

Q. Give us all their names? A. W. Wallach, Ike Ravuck.

Q. How many stands do you control; you are a manufacturer yourself, are you not? A. Yes, sir.

Q. How many stands do you control? A. About 40.

Q. Is that all? A. That is all.

Q. How many stands are controlled by the members of the association? A. I couldn't say.

Q. Can you estimate? A. Not exactly.

Q. Four hundred? A. Something like it.

By Chairman Lexow:

Q. Don't you keep an account of the number of stands controlled by your organization? A. No, sir; I only keep an account of myself.

By Senator Bradley:

Q. Each one keeps an account of his own stands? A. Yes, sir.

By Mr. Moss:

Q. What led to the organization of this society? A. Sir?

Q. What caused this society to be organized? A. The trouble between the manufacturers themselves.

Q. Hasn't there been considerable difficulty about the corporation attorney; the ordinance men, or the police, interfering with the students? A. There has.

Q. And that has been for a number of years, hasn't it? A. Well, several years, I suppose.

Q. What have the police done with your stands? A. The police have done nothing.

Q. What have the corporation people done? A. Removed them.

Q. The cases in which these stands were removed were made upon the testimony of policemen, were they? A. No, sir.

Q. When complaints were made, policemen gave the evidence, didn't they? A. They didn't.

Q. Who did? A. Neighbors, I suppose, storekeepers, such as candy stores and cigar stores, etc.

Q. There is not quite so much trouble as there was, is there? A. Just as much.

Q. What efforts have you made as an association to prevent the trouble? A. Passed a resolution by the board of aldermen to get some permits.

Q. Well, there never have been any permits issued, have there? A. They have.

Q. How recently? A. No more than three months ago.

Q. How many? A. Well, I myself got two then before they adjourned; it was too late; the board of aldermen adjourned and they stopped it.

Q. The first relief of that kind was three months ago? A. Yes, sir.

By Chairman Lexow:

Q. You got two permits for 40 stands? A. Yes, sir.

By Mr. Moss:

Q. A great many of the stands were closed last April? A. They were.

Q. In what precinct? A. In the Seventh and Thirteenth, I believe.

Q. They were closed all at once? A. That I can not say, that they were closed at once.

Q. So far as you know? A. So far as I know.

Q. You had complaints? A. Several of them.

Q. You heard from your people? A. Yes, sir.

Q. And from what you heard you know that about one time these stands were all closed? A. Yes, sir.

Q. How soon after that did they reopen? A. Two days, three days; some of them opened in one day, some of them opened in two days, three days, and so on.

Q. Why were they closed? A. I couldn't tell you.

Q. Why were they opened again? A. I couldn't tell you that; my attorney told me they opened.

Q. Your attorney? A. Yes, sir.

Q. Who is he? A. Mr. John E. Brodsky.

Q. Did you go to your attorney at once when the stands were closed? A. Yes, sir.

Q. Was there any case in court about the stands? A. No, sir.

Q. You didn't go to court? A. Some of them were before the corporation counsel.

Q. But in two days the stands were open? A. Two or three days, but some of them were closed again.

Q. What did you do to get the stands open again? A. I didn't do anything.

Q. What did Mr. Brodsky do? A. Mr. Brodsky told me to open them and stand the consequences; he said, "They will get tired of arresting people and bringing them up;" some were brought before police justices, some were held, some discharged, some put under \$50 bail, some went to Special Sessions.

Q. Prior to three months ago, there was no such thing as a permit for a stand, was there? A. No, sir.

Q. You have heard the testimony of individuals here that \$5 was paid for a permit? A. I have.

Q. What was done with the \$5? A. There was a fund raised for to defray the expenses of the attorney; to pay all those expenses, to get out the permits and so on.

By Senator Bradley:

Q. How many permits were made out? A. Well, I believe there were about 18 or 20.

By Mr. Moss:

Q. Can you name a single case where any permit was got out? A. Yes, sir.

Q. Who? A. Twenty-five Allen street.

Q. Did you have anything to do with getting out the permit? A. No, our attorney did, Mr. Brodsky.

Q. You have heard testimony from soda water people here? A. I have.

Q. That the manufacturers, and, I think, one of them testified, you said that it was necessary to get this money paid so that the police would not trouble them; what have you to say to that? A. It is not so.

Q. You are going to deny that? A. Yes.

Q. No matter what everybody may say? A. I do.

Q. How much money did you raise? A. How much money did I raise?

Q. Your society; you said there was a fund raised? A. Yes, sir.

Q. How much money was raised? A. About \$300 or \$400.

Q. There were other collections besides that? A. Between ourselves.

Q. But from the dealers you say there was \$300 or \$400 raised? A. Yes, sir.

Q. As much as \$400? A. Between \$300 and \$400.

Q. That was all contributed by these little stand keepers? A. Certainly.

Q. When was that money raised; in April, wasn't it? A. I couldn't exactly say.

Q. It was about the time of the trouble? A. It started from the time we put the apparatus out.

Q. The apparatus had been running some time before the stands were closed? A. Well, some of them run all winter.

Q. Soda water had been sold prior to the time that the stands were closed? A. Yes, sir.

Q. How long by your people? A. Well, for years.

Q. Some stands that never had been closed at all? A. No; more or less; they all had trouble.

Q. These witnesses have testified that when they took your soda water and started a business, they had to pay \$5 for a permit; now, some of these witnesses have paid their money for permits before April; what did you do with that money? A. I don't know that there was any money collected.

By Chairman Lexow:

Q. Will you swear that no money was collected before April? A. I will not.

Q. Will you swear that no money was collected a year ago? A. Yes, sir.

Q. That no money had been collected by you a year ago? A. Yes, sir.

Q. You swear that positively, do you? A. Yes, sir.

Q. When was the first money collected that you remember? A. This year.

Q. When? A. About that time; April, May, March.

Senator Cantor.—I think the witness has testified about five months ago they made a payment of \$500.

Mr. Moss.—They testified when they opened their stands.

By Mr. Moss:

Q. What books have you here? A. If you refer to that book it will tell you the date.

Q. What is this book? A. That is the book in which I keep the records of the association.

Q. Is that a minute book? A. Yes, sir.

Mr. Moss.—I ask that it be marked for identification.

(Marked Exhibit 4.)

By Chairman Lexow:

Q. Who spent the money? A. Who spent the money?

Q. Yes; who got the money to spend? A. The treasurer.

Q. Did he raise all the money that was raised by your association; did he get it all? A. No, sir.

Q. Did he get it all? A. He got all that was raised.

Q. As treasurer? A. As treasurer.

Q. How much was that entire fund? A. Between \$300 and \$400.

Q. You say that you, the dealers, contributed also? A. Yes, sir.

Q. Now, three or four hundred dollars was contributed by these stand men? A. Yes, sir.

Q. How much were the other contributions? A. About \$3,100

Q. By the dealers? A. By the dealers.

Q. Do you mean to say that you paid the counsel \$3,100? A. No, sir; I mean to say we paid them \$3,500.

Q. For the purpose of passing a single bill or ordinance through the board of aldermen here? A. Why certainly; attend to all the manufacturers' business during the year from the 20th day of October, 1893, to the 20th of October, 1894.

By Mr. Moss:

Q. Do you mean to say that you required your dealers to contribute to the expenses of the manufacturers, do you? A. Most decidedly, we do.

Q. By a special assessment? A. Not assessment; they could give as much as they pleased.

Q. The testimony is that they gave \$5 a piece; why was that sum fixed? A. I don't know.

Q. What book is this (pointing to another book)? A. That is my own.

Q. What is it about? A. My ledger every day of my sales.

Q. That is your personal ledger of sales? A. My personal.

Mr. Moss.—I asked that it be marked for identification. (Marked Exhibit 5.)

By Senator Bradley:

Q. One woman testified that she gave \$15? A. I suppose she paid \$10 rent for the apparatus.

By Chairman Lexow:

Q. Do you mean to say that this money you paid to the lawyer was paid to him to defend any suits that might be brought in violation of the ordinance? A. Yes, sir.

Q. Also the passage of this bill or ordinance? A. Yes, sir.

Q. This lawyer that you paid that to, was he the district leader of a political organization in this city? A. Years ago.

Q. Isn't he now? A. No, sir.

Q. Wasn't he then? A. No, sir.

Senator Cantor.—He used to be Republican leader in the Eighth district.

Chairman Lexow.—He is a Tammany Hall man now.

Senator Bradley.—It don't make any difference as long as he ain't independent.

By Mr. Moss:

Q. What is the treasurer's name? A. Charles Lighte.

Mr. Moss.—Is Mr. Lighte here?

Charles Lighte.—Yes, sir.

Mr. Moss.—Where are your books?

Mr. Lighte.—I haven't got them.

Mr. Moss.—Why?

Mr. Lighte.—I couldn't carry them.

Mr. Moss.—Mr. Lighte, you bring those books to-morrow morning. Hire a truck, but get them here. How many are there?

Mr. Lighte.—I haven't got the books of the society.

Chairman Lexow.—Has a subpoena duces tecum been issued for the production of those books here to-day?

Mr. Moss.—Yes, sir; served on him.

Chairman Lexow.—Is that the best excuse that is given for their non-production?

Mr. Moss.—We will see what he says on the stand.

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

Examined by Mr. Moss:

Q. Your business? A. Mineral waters.

Q. Your place of business? A. Five hundred and nine East Seventeenth street.

Q. You are treasurer of this manufacturers' society? A. Yes, sir.

Q. You received a subpoena to attend here, did you not? A. Yes, sir.

Q. That subpoena requires you to produce books? A. Yes, sir.

Q. You have already stated in open court that you didn't bring the books, because you couldn't carry them? A. They were too heavy; yes, sir.

Q. That subpoena required you to produce the books of your society? A. Of this society?

Q. Yes? A. I haven't got any.

Q. Then why did you say you couldn't produce them because they were too heavy? A. I understood my business books.

By Chairman Lexow:

Q. Your treasurer's books in connection with this society?
A. I don't have any; I never put anything down.

By Mr. Moss:

Q. Do you mean to say that you are treasurer of a society and do not put anything down? A. No, sir; the secretary puts it down.

Q. How much money have you handled since you were treasurer? A. I don't know; may be \$150 or \$200.

Q. Altogether? A. Yes, sir; altogether.

Q. Where did that money come from? A. That money came from the members of the society.

Q. And all the money that was collected from the members of the society came to you, didn't it? A. Yes, sir.

By Chairman Lexow:

Q. Every dollar? A. Not that was collected; their dues, what they had to pay; their monthly dues and their initiation fees.

Q. All the moneys of the society went through your hands, didn't they? A. Yes, sir; all.

Q. Everything that was raised for the purposes of the society went through your hands? A. Yes, sir; when I say the dues I mean initiation fees.

Q. You don't know of any other moneys that were raised, but what went through your hands? A. No, sir; I don't know of any other.

Q. Are you under any bond? A. No, sir.

Q. What did you do with the money that was raised from the dealers, any dealers, the standkeepers? A. I didn't raise any.

Q. You got it, didn't you? A. No, sir.

Q. Never received it? A. No, sir.

Q. Never saw it? A. No, sir.

Q. What did you do with your own contribution to the association? A. I took it right there individually.

Q. To whom did you pay it? A. To Mr. Brodsky.

By Senator O'Connor:

Q. What was this money raised for? A. For counsel fees.

Q. Counsel fees to get what? A. I told you I gave it to the lawyer to pay all the arrests; we had some arrests and we had to pay a lawyer to get them out where our customers got arrested.

By Mr. Moss:

Q. That is all you wanted to pay Mr. Brodsky for? A. Yes, sir.

Q. Just to look out for arrests? A. Yes, sir.

Q. Anything to do with passing an ordinance in the board of aldermen? A. For that too, yes.

Q. Why didn't you say that first? A. That that was for doing our business in the year.

Q. How much money was raised from the dealers? A. I didn't raise any; I don't know.

Q. How much money was raised from the dealers? A. I don't know.

Q. Who does know? A. I don't know; may be the secretary does.

Q. Don't you, as treasurer, know?

By Chairman Lexow:

Q. The secretary has sworn under oath here that they raised about \$3,500, and that all the money that was raised was put in your hands as treasurer; was that true or false? A. No, sir; it was not true.

Q. Is it false? A. I never received no money.

Q. You say that is false, do you? A. I don't know whether it is false or not; I never received any.

Q. Didn't he pay to you any of the money that he had collected from the dealers? A. No, sir.

Q. Not a cent? A. No, sir.

By Mr. Moss:

Q. How do you know that \$3,500 was paid to Mr. Brodsky? A. I don't know for sure.

Q. What makes you think he got \$3,500? A. I heard so.

Q. Did he ever tell you so? A. No, sir.

Q. Did other members of the society bring their money into the meeting; you say you brought your contribution to the meeting? A. I understood they all brought it down there to Mr. Brodsky.

Q. Did the other members bring it to the meeting? A. No, sir.

Q. You mean to say that they took it down to Mr. Brodsky's office? A. So I understood.

Q. Each man by himself? A. Each man by himself.

Q. How much did you contribute? A. Seven hundred and fifty dollars.

Q. Did you give that to Mr. Brodsky with your own hands? A. Yes, sir.

Q. What did you say to him when you gave it to him? A. I didn't say anything as I know of.

Q. This matter, no matter what you have done, is of very much less consequence than giving of false testimony would be; or giving mistaken testimony; there has been too much of that upon the stand, and people come to grief that do it; now let us try and have the truth, fully and fairly, the whole truth? A. Certainly; I will tell the truth; but I will not swear to anything that I am not sure of.

By Chairman Lexow:

Q. What did that \$750 represent—your personal contribution?
A. Our firm's.

Q. Did that include any moneys paid by the dealers to whom you sold? A. No, sir.

Q. Didn't you raise a dollar from them? A. No, sir; we didn't raise not a dollar.

Q. And haven't you since? A. No, sir.

By Mr. Moss:

Q. What did you say to Mr. Brodsky when you handed him your \$750? A. I don't remember now what was said; what was said was all said before.

Q. What was said before about your giving \$750? A. Well, this was for his fees and for his trouble.

Q. Was this what was said? A. Yes, sir.

Q. For his fees and trouble in what? A. In getting the permits.

Q. Where was that said? A. In his office.

Q. When; how long before you paid the money? A. I don't remember that.

Q. Can you not give about the date? A. Sometime in the summer.

Q. How was \$750 fixed as your proportion? A. There was part of it in cash.

Q. How did you arrive at that amount?

Senator Bradley.—As your pro rata share?

A. That was done according to the amount each man done; each manufacturer done; it was fixed that way.

Q. Now tell me what each man was assessed; you were assessed \$750? A. Yes, sir.

Q. Now, Mr. Weller was assessed how much? A. I couldn't tell you exactly.

By Chairman Lexow:

Q. Did you have more stands out than the other men? A. No.

Q. How many did you have out? A. I think about 75 or 80.

By Mr. Moss:

Q. You eight manufacturers made up these \$3,500 yourselves, didn't you? A. We made up what was paid in; I don't know exactly how much.

Q. The \$3,500 was paid in; that was the understanding? A. No; the rest of them paid what they agreed to pay.

Q. The sum agreed upon was \$3,500? A. Yes, sir.

Q. You heard Mr. Brodsky say that he wanted \$3,500? A. I think that is it; I am not sure.

Q. How sure are you; why do you say you think? A. Because I didn't see it given.

Q. Is that what is in your mind, \$3,500? A. Yes, sir.

Q. Was that in your mind before you came here, or do you think it simply because I named the sum? A. No, I think so; I think that is the amount.

Q. You had that in your mind before you came here? A. Yes, sir.

Q. And you know that that \$3,500 was contributed by the dealers, don't you? A. By the manufacturers.

Q. All the money that was paid to Mr. Brodsky was paid by the manufacturers? A. By the manufacturers.

Q. Was there a contribution? A. The way I understand, because I was not there when all the money was paid over.

Q. While you were there there were no dealers coming in giving money to Brodsky, were there? A. No, sir.

Q. You know about this \$5 that has been collected from the different leaders? A. I heard so.

Q. You heard a great deal about that; and your own dealers have had to pay the \$5 too? A. Not to us.

Q. Well, they paid it to somebody? A. I don't know whether they did or not; I don't think they did.

Q. Your own dealers, you said you understood they paid \$5 apiece too; who did they pay it to, the standkeepers? A. They might have paid it, I don't know.

Q. You said you thought they had; who do you think they paid it to? A. I don't know; I couldn't tell.

Q. Have you no information? A. No, sir.

Q. You didn't see any dealers giving money to Mr. Brodsky, did you? A. No, sir.

Q. You didn't see anyone representing the dealers giving money to Mr. Brodsky? A. No, sir.

Q. You didn't see any money given to him stated to come from the dealers, did you? A. No, sir.

Q. Who else paid money to Mr. Brodsky while you did? A. I don't remember; I don't remember as any of them did.

Q. Have you any knowledge of any other members of your society paying Brodsky? A. No more than I heard this was paid; every one of the manufacturers went down and paid it.

Q. You have monthly dues in your society, haven't you? A. Yes, sir.

Q. How much are they? A. A dollar a month.

Q. And each member pays that, I suppose? A. Each member pays that.

Q. How do you know? A. The secretary knows.

Q. How can you show it? A. I got this money.

Q. But how can you show it? A. I didn't put it down.

Q. What do you do with this money? A. I keep it and put it out for different expenses.

Q. For what expenses? A. I don't know as there has been any paid out; for books and one thing and another.

Q. How much money have you received since you have been treasurer? A. I don't know; about a couple of hundred dollars.

Q. How much money have you paid out since you have been treasurer? A. I paid out a little over \$100.

Q. How much have you got now as treasurer? A. I don't know exactly.

Q. How could you find out? A. I would have to ask the secretary.

Q. Now, isn't it a fact that the secretary does all the fine business of this society? A. He has got the books.

Q. Isn't it a fact that he does all the fine work of the society? A. He does all the bookkeeping and everything.

Q. And whatever is necessary in coming into contact with other individuals who may have an interest in the soda water business you leave to him, don't you; if there is any hiring of counsel he does it, doesn't he? A. They are hired by us all.

Q. He does the work, doesn't he? A. No; there is generally a committee.

Q. How about lobbying; does he attend to that? A. What?

Q. Lobbying an ordinance through the board of aldermen, does he attend to that? A. I don't know.

Q. Who did attend to that? A. Brodsky attended to it first.

Q. Who got Brodsky to attend to it? A. We got him together.

Q. Who went down together, all eight of you? A. No; perhaps five or six, or as many as would go.

Q. What did you tell Mr. Brodsky to do about this ordinance? A. Well, we were talking about permits.

By Senator Bradley:

Q. Do you want it to go abroad to the public that you as a business man, employing a lot of men and doing a lot of business, do you want it to be spread out in the papers to-morrow morning that your books were so heavy that you couldn't carry them here to-day, and that you are treasurer of an association, and you keep no books, and you keep no account of money you received or money you paid out; do you want the public to understand that or do you not? A. Well, it is the truth; I haven't done it.

By Senator O'Connor:

Q. How many men constitute this association? A. Eight.

Senator Bradley.—No matter, if there were only two men, he ought to keep an account of it.

By Senator Bradley:

Q. Now, do you want the public to understand, through the public press to-morrow morning, that you do business that way; that you so neglect your business that you keep no account, and that the secretary can call upon you to-morrow morning for \$500 and you can not say whether you owe it to the society or not? A. I trusted the secretary.

Q. You don't trust to your drivers, do you, about delivering goods? A. No, sir.

By Mr. Moss:

Q. You are one of the largest manufacturers of soda water in the city? A. Yes, sir.

Q. The largest, with the exception perhaps of Matthews? A. I think Shultz's is larger.

Q. You have a pretty extensive business? A. Yes, sir.

Q. And in that business you are very careful? A. Yes, sir.

Q. Keep very accurate accounts? A. Yes, sir.

Q. You have almost a wagon load of books at your place?

A. Yes, sir; we have three bookkeepers all the time.

Q. Have you ever had one of your bookkeepers keep the accounts of this society? A. No, sir.

Q. Are there any other books in existence connected with this society besides this book here to your knowledge? A. Not as I know of.

William Jacobs, recalled, further testified:

Examined by Mr. Moss:

Q. Are there any other books of the society besides these? A. No.

Q. Are there any showing dues received and moneys paid out? A. This one. (Pointing to book.)

Q. Are these the original books of the association? A. That is all.

Q. There never have been any other books? A. No, sir.

Q. Since the organization? A. Since the organization.

Q. Are there any other books or accounts in existence besides these two books? A. No, sir.

Mr. Moss.—We will leave these books in the custody of the committee over night.

Senator O'Connor.—All witnesses subpoenaed for to-morrow and not sworn will be here to-morrow at half-past 10 o'clock.

Mr. Moss.—And the witnesses that have been sworn, too.

Senator O'Connor.—And the witness now on the stand will be here also. The committee stands adjourned until half-past 10 o'clock to-morrow morning.

Proceedings of the forty-eighth session of the committee, Thursday, October 18, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, George W. Robertson and Jacob A. Cantor.

Mr. Moss.— Mr. Chairman, we have discussed, at some length, the question of going up higher, the obvious purpose of the discussion being to inquire whether or not it was not time to call the commissioners and interrogate them concerning the abuses which we have discovered, and proofs of which we have made. We have suggested that the time was not ripe because the indictment was not yet complete. There is an impression in our minds that when we have completed the examinations of the commissioners we will have reached a culminating point, after which it would be very difficult to interest the committee and the public in the matter of minor derelictions. This investigation has been a very broad one. We have covered the entire ground as far as we have gone, and it is our purpose to cover the whole ground, and make a complete and harmonious end of the matter. Undoubtedly there will have to be a reorganization of the police force after this examination is complete, and, in the natural course of events, old policemen will have a preference in any reorganization which may take place. As it stands now, the entire force rests under an imputation. It can not be otherwise. The heads of the force are shown, inferentially, to be corrupt and negligent, and the corrupt head must, more or less, corrupt the whole body. On the other hand, it may be said, that after a searching investigation like this is completed, those officers whose names have not been brought into it, and against whom nothing has been said directly, may be said to have passed through the fire unscathed. There is a great future to be considered, and this investigation should be so thorough that as far as possible every guilty man shall be known; at least, those in higher positions. It would be impossible, I suppose, to cover the patrolmen in that way, but those in higher places should be found out; so that every honest man shall be exonerated, and every guilty man punished, or prevented from getting into the newly organized force.

Chairman Lexow.— Pardon the interruption, Mr. Moss. You do not consider it the province of this committee to try individual cases for the purpose of fastening upon individuals specific charges?

Mr. Moss.— No, sir.

Chairman Lexow.— It is only for the purpose of ascertaining the system under which the department is being conducted, with a view to remedial legislation, meeting the requirements of the case.

Mr. Moss.—And that system is shown by the extent of the corruption, the extent of the cases which we are revealing to this committee. In providing remedial legislation, the Legislature will have to consider the evils which have grown up under this system, that they may be wise enough to provide in a new system against the same amount of vice; to hedge in and provide against those vices.

Chairman Lexow.—You do not claim, Mr. Moss, do you, that in a department maintaining a force of 4,000 men, there can be absolute purity? There will always be individual cases of oppression.

Mr. Moss.—Yes, and for that reason.

Chairman Lexow.—And we can not expect, and this community can not expect that 4,000 policemen shall, each and every one of them, be absolutely virtuous and absolutely uncontaminable.

Mr. Moss.—Quite true.

Chairman Lexow.—All we can expect, and that is what I intended by the remark which I made yesterday, is, that where the character of crime is so well defined and known throughout the community, that every man and woman in this community is well aware of its existence, that fact ought to be demonstrated in order to charge the police commissioners with at least evasion of duty, and if they have evaded their duty they are just as culpable practically as the men who committed the crime.

Mr. Moss.—And, for the reason that it is absolutely impossible to get perfection in a force of 4,000 men, we want to know what kind of abuses have grown up in this system, and then the new system which shall be devised will prevent the recurrence of the specific disorders which we discover here. A great many of the things which we have revealed could be prevented by a proper system. It was suggested by a criticism that is entitled to consideration, considering the source from which it came, that we were in error the other day in saying that this investigation where it touched the common people was appealing to the popular man, that we were in error in looking to the popular mind at all, that our whole province was to look to the Legislature. Now, I would suggest, your honors, that the criticism is ill-founded, because legislation to be effective, legislation to be right, must be founded upon a popular demand, and when legislation is radical, perhaps to the overturning of a long established system, it is not proper legislation, it is not correct

legislation, if it does not proceed upon a conviction resting firmly and deeply in the minds of the people. And the people who have to come in contact with this system primarily, and in a way in which they can not defend themselves, those are the people who are tremendously interested in this investigation and in the outcome of it. And we want to know now how this system affects those people, so that we can protect them, and anything that appeals to them and opens their mouths and brings them to the witness chair so that they can tell us events that we, as counsel, did not dream of, assists the investigation and assists legislation. It is far from our intention to bring out these matters or appeal to the popular mind for any ulterior reason.

Chairman Lexow.—I agree with you entirely, Mr. Moss, but I think it could be based on another proposition; I do not think that this committee's province is for the purpose of manufacturing or making any public sentiment upon any question, but I think it is the province of the highest legislative body in this State, where they find the law of the land violated against poor and defenseless people, that they should intervene for the benefit of those people far more than for those who can protect themselves.

Mr. Moss.—It is the province of the committee to hear that sentiment, to give an opportunity to the popular voice so that it may be heard, that voice that has been muzzled so long. Coming to the soda water investigation, I find that we placed the witness, Ebert, in a false position yesterday, and in justice to him, and for the purpose of clearing the atmosphere, I would like to make a statement concerning his evidence. He was a voluble witness. It was difficult to understand him intelligibly and place him in his proper position here for that reason. Then I think I myself misunderstood information that came to me. I was informed that Mr. Ebert himself had recently paid money for his soda water protection, although he kept a store. My information was somewhat true. It turned out, after some questioning by Senator Bradley on a new investigation, that he had paid money for soda water privileges, but that it was several years ago when he, himself, had a stand. That explains my persistence in asking him whether he had paid or not, and his peremptory manner in declaring that he had not paid. The witness, Ebert, was a member of an association of storekeepers who knew that the standkeepers were

paying for privileges which were given to them in violation of law; the privilege of obstructing the sidewalk, and taking to themselves the custom which belonged to the storekeepers, and which they were entitled to because they were paying rent. These gentlemen united in a protest to police headquarters. They saw Inspector Williams, and were referred by him to Captain Schultz, and the witness' excited declamations show the nature of his interview with Captain Schultz in an effort to have this violation of the law stopped. So we must remember that Mr. Ebert is not one of that class who paid money for protection. He was complaining because of the effect upon his business of their violation of the law, for which privilege they had paid. I think that makes his position clear, and relieves him from a misunderstanding which would be detrimental to him.

Chairman Lexow.— There was a point in that testimony which you did not seem to lay any stress upon, but which seemed to me to be very important and very vital. I refer to the actions of at least three police captains about whom testimony has been given. It is to the effect that when witnesses appear before them they are treated to a volume of profane language. It seems to me that a citizen should be protected when he reaches the desk of a police captain against outrageous treatment of that kind.

Mr. Moss.— Yes, but the difficulty is, that when we come to preferring charges against a police officer on these grounds, the conduct occurs before a large number of policemen, and there are no corroborating witnesses for the complainant. There are cases upon cases at headquarters where such complaints have been made, and the judgment has had to be an acquittal because of the preponderance of testimony in favor of the police. In the cases of clubbing which we brought before your notice officially the other day, we brought only the convicted cases; but there are volumes of cases where there have been acquittals because of the combined testimony of the police officers.

Chairman Lexow.— The air was blue with perjury.

Mr. Moss.— Yes, and Commissioner Voorhis once expressed to me himself the same opinion.

Senator Bradley.— That is the reason that I suggested that a policeman should be removed from the trial room at headquarters to Jefferson Market. As long as he didn't know what perjury was, that is the reason I said he could be sent there.

Mr. Moss.— Is Phillip Wissing here? (No reply.)

Mr. Moss.— If Mr. Wissing were present it was my intention to interrupt the examination so as not to take the time of the statesmen unnecessarily.

Charles Lighte, recalled, further testified:

Examined by Mr. Moss:

Q. Have you discovered any books of the association since last night? A. No, sir.

Q. Have you refreshed your memory in the matters about which we questioned you? A. Not more than before.

By Chairman Lexow:

Q. Have you tried to refresh your memory? A. Yes, sir; I have.

By Mr. Moss:

Q. Do you know how much money you have received from the association? A. No, sir.

Q. Have you looked for any memoranda to refresh your mind? A. I looked for some, but I haven't got them.

Q. Have you looked for any vouchers for moneys that you have paid out? A. Yes, sir.

Q. Have you found any? A. No, sir.

By Chairman Lexow:

Q. Is it because you didn't keep any? A. No, I kept a few, but I lost them some time ago.

By Mr. Moss:

Q. How did you lose them? A. I lost them in my pocket with several other papers, about four or five months ago.

Q. Where were you when you lost them? A. Somewheres on the road; I lost them outside.

Q. Did you have a voucher from Mr. Brodsky?

Chairman Lexow.—A receipt.

A. No, sir

Q. You know what I mean by a voucher, don't you? A. Yes, sir; a receipt.

Q. Didn't you take any receipt from Mr. Brodsky when you paid him? A. No, sir.

Q. How did you pay him? A. I paid him in check.

Q. Have you got that check? A. No, sir; it has not come back yet from the bank.

Q. Will you ask for that check from your bank? A. Yes, sir.

Q. And bring it to us as soon as you get it? A. Yes, sir.

Q. What conversation did you have with fellow members of your association just prior to your taking the \$750 to Mr. Brodsky? A. I didn't take that all at one time.

Q. What conversation did you have at various times as to the purpose of that money? A. As I said last night, it should be for counsel fees and for his labor in getting the permit, you know.

Q. In getting permits? A. Yes.

Q. Well, how many permits did Mr. Brodsky get? A. I don't know of any.

Q. He didn't get you any permits? A. Not as I know of, no.

Q. How many stands do you control? A. About 80.

Q. When your soda water dealers got into trouble, received corporation notices, did they bring them to you? A. Sometimes the standkeepers would bring them to us.

Q. How many times did the standkeepers bring notices? A. I couldn't tell exactly.

Q. About how many? A. He brought them during the summer at different times.

Q. How many; a dozen? A. About a dozen or two dozen, something like that.

Q. Not more than two dozen? A. No, sir; something like that.

Q. What did you do with those complaints or notices? A. Some of them were taken to our secretary.

Q. To Mr. Jacobs? A. Yes, and some of them, some of the drivers took them down to Brodsky; I sent them with the drivers.

Q. What did Mr. Brodsky do with them, do you know? A. I couldn't tell you.

Q. Did he report to you? A. No, sir.

Q. How many notices of that kind did Mr. Brodsky handle that you know about? A. Well, I don't know; that I couldn't tell you.

Q. About how many, 10? A. I couldn't tell you; it might be 10 and it might be 100.

Q. You don't mean to say that it would vary from 10 to 100; the notices that you know about? A. It might be, because I very seldom was down there.

Q. You don't know how many? A. No, sir.

Q. That is what I asked you? A. I don't know how many; no.

Q. Would they amount to 10 that you know of yourself? A. They would; our own; it might be two dozen.

Q. It may be two dozen, but not more than that? A. Not more than that; no, sir.

Q. You say the labor of Mr. Brodsky was to secure the passage of the ordinance, wasn't it? A. I think it was.

Q. You say you think so, wasn't it so? A. I think it was.

By Senator Bradley:

Q. Are you not sure it was; no guessing about it? A. No; I am not sure.

By Mr. Moss:

Q. Then what is the foundation for your guess; what makes you say you believe it was? A. Because it seemed that the standkeepers were satisfied; I don't know; some way or other.

Q. Why do you say that Mr. Brodsky was to attempt to get an ordinance passed; did you talk that over with Mr. Jacobs? A. Yes, sir; we talked it over together.

Q. Was it understood between you and Mr. Jacobs that that was part of Brodsky's work? A. Yes, sir.

Q. Did you speak of it to Mr. Brodsky? A. I think we did; yes.

Q. You did speak to Mr. Brodsky about it? A. Yes.

Q. Did Mr. Brodsky say he would endeavor to have an ordinance passed? A. He would try.

Q. He said he would try? A. Yes.

Q. And you understood that that was part of his duties? A. His labor.

Q. And that was part of a conversation with Brodsky as well as the conversation with Jacobs? A. Yes.

Q. Did you not discuss that at your meetings? A. Yes, sir.

Q. That was part of the retainer then; have you read the morning newspapers? A. No, sir.

Q. Have you read anything about the soda water investigation since you testified? A. No, sir.

Q. Haven't you read what Mr. Brodsky has stated in one of the newspapers this morning to say about that retainer? A. I haven't looked in any paper.

Q. Then if Mr. Brodsky was correctly reported in the newspapers as saying that there was no retainer for getting an ordinance passed; there was nothing said about his getting an ordinance passed; that he had nothing to do about getting an ordinance passed; he is mistaken, isn't he? A. I don't know.

Q. Well, so far as your hearing went he was mistaken? A. He is mistaken; yes.

Q. You say he talked with you about that? A. Yes, sir.

Q. And you had that idea the day when you paid him the \$750, didn't you? A. Yes.

Q. That you were to be relieved of a great deal of this annoyance by having an ordinance passed? A. As far as I understand this thing we talked of was for his labor.

Q. In getting this ordinance passed? A. Yes.

Q. And in looking after cases? A. Yes, sir; looking after cases, arrests and such.

Q. Mr. Brodsky was very successful in the arrests cases, wasn't he? A. So far as I know he got them clear.

Q. You don't know of anyone who was convicted or fined that kept a stand whom Mr. Brodsky represented, do you? A. No more than I heard; I heard some were fined.

Q. How many? A. That I couldn't tell.

Q. About how many? A. I only heard that some were fined; I couldn't tell whether there was one or two; or five or a dozen.

Q. You haven't heard of as many as a dozen, have you? A. No.

Q. How many cases do you think Mr. Brodsky had altogether; you sent him 25? A. That I don't know; we had a good many during the summer.

Q. Do you remember when the stands were all closed up during April? A. Yes; not all; part of them.

Q. The stands in one precinct were closed, weren't they? A. So I heard.

Q. You know it from the complaints of your dealers, don't you? A. Yes; I know of some complaints.

Q. And while the stands in one precinct were closed, the stands in another precinct were not closed; that is true, isn't it?

A. I guess so; so I heard.

Q. From your dealers; now, in whose precinct were the stands kept open? A. I can not tell.

Q. Wasn't it in Captain Schultz's precinct that the stands were kept open? A. I don't know; I don't think so.

Q. Well, it was in Captain Schultz's precinct that they were closed? A. Yes, sir.

Q. And in the adjoining precinct, the Madison street station, the stands were not closed at all? A. I don't think they were.

Q. That was Captain Grant's station? A. Yes, sir.

Q. Will you tell me why it was that the stands in Captain Schultz's precinct were all closed at once, while the stands across the line in Captain Grant's precinct were allowed to remain open? A. I couldn't tell.

Q. Have you any information on that subject? A. No, sir; never heard.

Q. What was done to get the stands open in Captain Schultz's precinct? A. I don't know.

Q. What have you heard upon this subject? A. I don't know as I have heard anything.

Q. You know they all opened within a few days, don't you? A. I know they all opened.

Q. You were deeply interested in that because you had customers, weren't you? A. I had customers; yes, sir.

Q. What did you do in order to get the stands open again? A. I didn't do anything.

Q. You just remained passive? A. Yes, sir.

Q. I think I know what you did; you left it to Jacobs, didn't you? A. No; I never spoke to Jacobs about that.

Q. Who did you speak to about this great interruption with your business? A. I don't know as I spoke to anybody.

Q. You didn't think about it at all? A. No, sir.

Q. Weren't interested in it? A. No, sir; not that time.

Q. When were you interested in it? A. Well, during all the summer.

Q. You heard the rumor that a collection was made for Captain Schultz, haven't you? A. I think I heard something about it.

Q. Now, from what class of people did you hear that rumor?
A. I heard it from my help.

Q. From the help in your establishment? A. Yes, sir.

Q. And didn't you hear it from your dealers? A. No, sir.

Q. Well, how did the help of your establishment hear anything about the making up of a purse for Captain Schultz? A. They heard it on the route; I don't know how they heard it.

Q. Did you ask them where they had heard it? A. No, sir.

Q. Why didn't you ask them? A. I was not interested; I didn't care to ask about it.

Q. You were not interested in the matter concerning the retail dealers? A. I didn't care about it.

Q. Didn't care about it? A. No, sir.

Q. According to the rumor, who paid the money? A. I don't know.

Q. Who subscribed? A. I don't know.

Q. Who told you the rumor? A. I couldn't tell you now; I heard it from some of the help.

Q. What did they tell you? A. That I couldn't tell exactly.

Q. Give us the substance of what they said? A. I couldn't tell you.

Q. Did they connect your name with it? A. No, sir; not as I know of.

Q. Did they say you were supposed to have contributed to it?
A. No, sir.

Q. Did they mention Mr. Jacobs' name in it? A. No, sir.

Q. How much money was the rumor? A. I don't know; I never heard.

Q. Now, tell us what the rumor was that you did hear; put it in your own language; I don't want to put it in your own mouth; tell me what was that rumor that you heard? A. All I heard is that there was something of that kind done, that is all.

Q. That there was to be something done? A. Yes, I never heard whether it was done or not done.

Q. That is a little different; you heard there was going to be a collection taken up for Captain Schultz? A. Through my help.

Q. When did you hear it? A. That I couldn't tell; I don't remember when it was; some time in the summer.

Q. Was it in April? A. I don't remember.

Q. Was it in the early summer? A. The early part of the summer.

Q. About the beginning of the soda water season, wasn't it? A. Yes, sir.

Q. And it was pretty close to the time when the stands were closed, wasn't it? A. About that time.

Q. And after you heard that rumor the stands were opened, weren't they? A. A few days after.

Q. Weren't you asked to subscribe to that collection? A. No, sir; not as I know of.

Q. Why did you say that? A. Because I didn't hear anything of the kind.

Q. You might have been asked to subscribe and not know of it, mightn't you? A. I don't know.

Q. You might have been asked to subscribe and not know anything about it, might you? Why do you hesitate? A. I don't think I would.

Q. Well, you might? A. If I had been asked I would know now.

Q. And yet you are in doubt whether you were asked or not? A. I said I was not asked.

Q. But up to this point you had been very doubtful about it, isn't that so? A. No.

Q. You have cleared away the cobwebs now? A. I was not asked as I know of, no.

Q. You say again you were not asked as you know of? Why do you add those four words "that I know of?" A. Well, I am sure I was not asked.

Q. May not some one of your firm been asked to contribute? A. No, I don't think so.

Q. Do you know that they were not? A. I am not sure, no.

Q. You are not sure? A. No.

Q. You didn't look upon it as an extraordinary thing at all, did you, that some collection should be made up? A. No.

Q. No, you say. That hadn't been done before, hadn't it? A. I don't know.

Q. Well, you had heard of it being done before? A. Yes.

Q. You have been in the soda water business a long time? A. A good many years.

Q. And this circumstances of taking up a collection for Captain Schultz was not an extraordinary thing and therefore it

did not make any impression on your mind, is that so. Yes or no to that? A. That is so.

Q. You say that is so, don't you? A. Yes sir.

Q. How many times before have you heard of collections being made for police captains or other political officials? A. Several times.

Q. For what captains? A. That I don't know; for different captains.

Q. In that same precinct or in other precincts? A. In all of them.

Q. In all of them?

Senator Bradley.—All of the precincts?

Q. All the down town precincts? A. Yes sir.

Q. Then you mean to say that it is a very common thing, a very general and understood thing? A. Yes, sir.

Q. And that is a very common explanation for what seemed to be a strange freak of yours in not taking any interest in this subscription; it is a very good explanation of it, is it? A. Yes, sir.

Q. You look out upon that as one of the necessary expenses of the soda water business; didn't you? A. No, sir.

Q. Well, as one of the expenses that you couldn't get rid of very easily? A. No, sir; we practically didn't care anything at all about it; we would just as lieve take our stands in as leave them out.

Q. You would as lieve take them in? A. Sooner take them in than leave them out.

Q. Then did I understand that this collection was to be made from the standkeeper? A. I don't know.

Q. I would infer that from your statement: you place your indifference upon the standkeepers; you would just as lieve take your stands in as leave them out? A. Yes, sir.

Q. And so it must have been that the collection was to be made from the standkeepers? A. They had to do that themselves, yes.

Q. Now tell us from your experience in the past how those collections were made up? A. The collections we made up we always charged in rent.

Q. You always charged it to rent to the standkeepers? A. Yes; we always charged from \$3 to \$200 rent.

Q. And you included in that charge enough for that collection? A. For our own expenses.

Q. And that included the collection, didn't it? A. No, sir.

Q. Well, I have asked you how the collection was made up; you say it was made up from the standkeepers? A. What we do we do, direct, ourselves and we charge that for rent.

Q. You charge the collection into the rent for the standkeepers; now, that rent for common stands such as these witnesses have testified, would be about \$10, wouldn't it — these ordinary street stands on Orchard and Suffolk streets? A. Ten dollars for one customer.

Q. A rent of \$10 for the season? A. No, it is from \$3 to \$200.

Q. And ordinary stands, such as these people have testified to what would be the rent charged to them? A. From \$3 to \$25.

Q. And the sum that was charged ostensibly for permits, that entered into the matter too, didn't it? A. Permit, no, sir.

Q. You know that money has been obtained from standkeepers for permits, don't you? A. I heard so.

Q. And money has been paid into your firm for permits, hasn't it? A. No, sir.

Q. If we produce testimony here that money has been paid unto your firm for permits, do you mean to say that that testimony is false? A. Yes, sir; only rent.

Q. You only charged rent? A. Rent, yes, sir.

Q. And never have understood that you were charging for a permit; if you understood that you were charging for a permit you think they were mistaken? A. Yes, sir.

Q. But in that rent you charged, running from \$3 to \$25, was this amount that you found it necessary to put into the collection? A. No, sir; not all of it.

Q. Not always, but sometimes? A. Not all of this money.

Q. You mean to say that a portion of the \$3 to \$25 was for the collection? A. For our expenses; for the expenses?

Q. Yes; for the expenses; and that I have spoken of as the collection you also referred to in the same way; how much money have you received during the last year for these rentals? A. I don't know exactly; but I don't think we received a cent so far; we haven't collected it.

Q. Haven't you received anything from your standkeepers besides the bills for their soda water? A. I don't think so.

By Chairman Lexow:

Q. Is it that you haven't collected it because this committee has been here? A. Oh, no, sir.

Q. It has nothing to do with it? A. Nothing to do with it.

Q. Sure of that? A. Sure of that.

By Senator Bradley:

Q. Do you mean to say that you let your stands out for the season and that you don't collect any money until the season is over? A. Yes sir, that is right.

Q. Do you want this committee to understand — recollect what you are talking about? A. Yes, sir.

Q. That you do not get your rent in advance for these stands; but you let them go out of your establishment before paid for? A. We do some; yes, sir.

Q. Don't you do it in all cases? A. Not in all cases.

By Chairman Lexow:

Q. Hasn't that been your general custom; that has been your general custom; you don't let your stands go out without pay for them? A. No; they pay for them during the season.

Q. But you don't wait until the end of the season to collect your money? A. Not always; they pay \$5 or \$10 down.

Q. Have they made their payments down in these cases now? A. Some of them have and some of them have not.

Senator Bradley.—This gentleman seems to have a very bad memory, and he does not look like a man who was deficient in that respect. I would like to brighten up his memory a little bit. Yesterday he testified that about \$128 went through his hands altogether as treasurer of this association. To-day, in his testimony, he says that he paid Mr. Brodsky \$750 for counsel fees. Now, how can he reconcile his testimony in this case.

Chairman Lexow.—Well, he testified yesterday that he collected \$128 from the members of the association, and the \$750 he paid himself.

Senator Bradley.—When I asked him about his books, if he didn't keep an account, I asked him how could he balance with the secretary. The secretary might charge him with \$800 when he didn't receive \$200.

By Senator Bradley:

Q. Do you remember an occurrence once that happened in Brooklyn, near the corner of Tallman and Bridge streets, when one of your apparatuses exploded; do you remember that gentleman's name? A. No, sir.

Q. Don't you remember anything that occurred that time; do you remember Mr. Mullin? A. I think so.

Q. You remember that? A. Yes, sir.

Q. Do you remember the suit that Mr. Mullin entered against your company for damages? A. It is so long ago that I don't remember much about it.

Q. It is a little longer ago than these occurrences here, but I think you will remember it; when this committee sees a man with a stupid face, low forehead, etc., we make up our minds that he may not be an intelligent man, but when we see a man like you we expect to get truthful and intelligent answers? A. Well, my memory is not very good.

By Senator Bradley:

Q. If I owed you \$100 the last five years I will bet that you wouldn't forget it until I paid you.

By Mr. Moss:

Q. How much money did you collect the last year for rent of stands ostensibly? A. That I couldn't tell.

Q. A pretty large sum, didn't you? A. Oh, yes.

Q. About how much? A. About probably \$2,500 or \$2,000.

Q. About \$2,000? A. Between \$2,000 and \$3,000; that is for inside trade and all.

Q. I am speaking now of the outside trade, the stand trade? A. I couldn't tell exactly how much the outside trade was; probably \$1,000 or \$1,200.

Q. Will you tell us what you did with that money? A. The \$750 came out of that.

Q. Your \$750 to Mr. Brodsky came out of that? A. Yes, sir.

Q. That \$750 then was not drawn out of the ordinary profits of the business, but out of the rental, and that is part of the expenses that you talked about, isn't it? A. No; we kept that altogether in our books.

Q. You kept the rent together? A. Everything together in the whole business.

Q. But you have just said that the \$750 came out of the \$2,000 rent; you endeavored to charge that \$750 against the \$2,000, didn't you, and kept it so in your mind? A. I think it is kept that way.

Q. Isn't it kept so on your books? A. I am not sure.

Q. Well, it may be, may it not? A. I don't think so.

Q. Well, it rests very strongly in your mind that the \$750—
A. It is not kept that way in our books; this is all rent and kept among our other business.

Q. You have made a mental charge of that? A. No, sir.

Q. It rests so in your mind that the \$750 came out of the \$2,000? A. Yes, sir.

Q. And that is part of the expenses about which you have talked? A. Yes, sir.

By Chairman Lexow :

Q. How is it that a man on the stand has testified that it was not rent, but for a license; the word "license" was used when the money was taken from him; how do you reconcile that with this statement now? A. One of our customers?

Q. Yes, permits? A. When we rent a stand and let it go out we want—

Q. Don't you tell your men that that goes to get a permit for them? A. We tell them we have a good deal of expense.

Q. Don't you tell them in words "We have got to get a permit for you, and that is why we charge you this amount of money?" A. We tell them we try to get them a permit.

Q. So that when you get what you now call rent, you tell them that you are going to try and get a permit for them? A. Yes, sir.

By Mr. Moss :

Q. In that way you save your standkeepers as far as possible from persecution by the ordinance people, by the corporation's people and by the police? A. We try to save them.

Q. That is your object, to try and stave off the officers of the law, isn't it? A. Yes, sir.

Q. These stands frequently extend over the stoop line? A. Not much.

Q. They do frequently lap over? A. Maybe a couple of inches.

Q. You don't measure to keep them in the stoop line? A. We keep them in the stoop line as much as possible.

Q. They do frequently lap over? A. Maybe a couple of inches.

Q. A couple of inches or a foot? A. I never seen them a foot.

Q. The apparatus that is used, the box and things that the people use in connection with the stands, are out over the stoop line sometimes, are they not? A. Sometimes they might be a couple of inches; I never saw them over a couple of inches, and very seldom that.

Q. In using their stands they get out onto the sidewalk at times? A. Yes, sir.

Q. And they are more or less of an interference with pedestrians, are they not? A. In small thoroughfares.

Q. And there has been a great deal of complaint from the storekeepers about it? A. So I have heard.

Q. That has come to your knowledge, hasn't it? A. Yes, sir.

Q. And these payments which you have taken from the standkeepers, and a part of which you have given to Mr. Brodsky, were really for the purpose of saving your dealers from this kind of interference, wasn't it? A. Yes.

Q. And so expressed to them when you took the money? A. When we charged them rent.

Q. You told them so?

By Chairman Lexow:

Q. Have you been told before you went on the stand here to call that money rent? A. No, sir.

Q. Have you had any conversation about it? A. No, sir.

Q. With anybody? A. No, sir.

Q. Sure? A. Sure.

Q. Now, you understand you are under oath; do you mean to say you have had no conversation with anybody with reference to the testimony you were to give here to-day? A. No, sir.

Q. Not a man? A. Not a man.

By Mr. Moss:

Q. You said that you collected about \$2,000 last year for rent or protection, and that you gave \$750 of it to Mr. Brodsky; what did you do with the rest of it? A. It is in the business.

Q. It is in the business? A. Yes; the same as I said before, we charged that rent, and it goes in the books the same as all the rest of our business, in our books; it goes in as rent.

Q. You took it for a special purpose, or a portion of it was taken for a special purpose, and you have accounted for \$750 of it in a special way; now, there must have been some special expenses; what were they? A. Well, different expenses that we have in the business.

By Chairman Lexow:

Q. Did you consider that you were doing a lawful business? A. Yes, sir.

Q. Then why did you raise \$3,500 to do a lawful business in this city? A. That was for rent for our own business.

Q. Why did you raise \$3,500 and pay it to a man in this city for the purpose of enabling you to conduct an unlawful business? A. I didn't raise it for that purpose.

Q. Didn't you say that that money was to be used for the purpose of protecting your interest in those soda water stands throughout the city; wasn't that the purpose; now, either you were doing a lawful business, or you were doing an unlawful business; if you were doing a lawful business how did you come to pay \$3,500 to do that business? A. I didn't pay that \$3,500.

Q. No, but you and your associates? A. I don't know what the rest paid.

By Mr. Moss:

Q. You paid \$750 of it? A. Yes, sir.

By Chairman Lexow:

Q. You say you don't know what the rest paid; didn't you say yesterday, under oath, that you paid \$3,500 to Mr. Brodsky? A. No, sir; I only said I thought they did; I heard so.

Q. Now, you heard so on pretty good authority; you heard it from your own associates? A. Yes, sir.

Q. Therefore, you know, as far as you can know, that that money was paid; will you explain to this committee how it comes that you paid \$3,500 to Mr. Brodsky for the purpose of doing a legitimate business in this city? A. I don't know, only just what I have said yesterday, that this money was paid for counsel fees and for his labor in getting this —

Q. Counsel fees to do what; to do a lawful business? A. In attending to all the arrests and all this.

Q. The fact was, you knew, didn't you, that you were doing a business that came into collision with the laws of this city, and that you wanted to protect yourself through the influence either of a political organization or the influence of a man, against the consequences of your dereliction of duty; isn't that true? A. I don't know.

Q. But you think so, don't you?

By Mr. Moss:

Q. If you were not conscious of a dereliction of duty, you were conscious that your business was interfered with — the business of your dealers was interfered with, didn't you? A. Yes.

Q. And you knew that you had to take some steps to protect them, or shut up shop? A. Not our shop; no.

Q. Well, shut up that branch of your business? A. That branch of it, yes.

Q. And in order to protect that branch of your business you devised the best plan that you could, didn't you; you and your associates, you did the best you could? A. Yes; no, I didn't do the best I could, because I didn't care much about it.

Q. Well, your associates did; you were associated for that purpose partly? A. Yes.

Q. And that was to employ Mr. Brodsky and to give him \$3,500? A. Yes.

Q. What account has Mr. Brodsky rendered you of his services? A. Nothing more than attending to the arrests and trying to get the permits.

Q. Has he rendered you a statement of what he has done? A. No, sir.

Q. Or any of your associates? A. Not as I know of.

Q. Has he told you how many cases he has defended? A. No, sir.

Q. So that you gave him those \$3,500 blind? A. No.

Q. You gave him \$750 blind? A. Yes, sir.

Q. And you are willing to stay blind? A. I might say something bye and bye.

Q. You don't intend to compel him to give you a statement? A. No, sir.

Q. Or to ask him for a statement? A. No, sir.

Q. You are content to leave it in that way? A. Yes, sir.

Q. You don't know what he did with the money? A. No.

Chairman Lexow.—You don't want to know, do you?

Q. You don't want to know what he did with that money, do you; you don't want to be charged with actual knowledge that could be proved, do you?

By Chairman Lexow:

Q. When you hired that particular man, did it occur to you that he was a member of the dominant political organization in this city? A. I don't know what organization he belonged to.

Q. Didn't you know he was a member of Tammany Hall? A. No, sir.

Q. Didn't you inquire about it? A. No, sir.

By Mr. Moss:

Q. How much of that \$2,000 went in the collection last year? A. In what collection?

Q. The collection that you talked about in your own evidence? A. I couldn't tell you.

Q. What! A. I don't know.

Q. About how much of it went into the collection? A. What collection?

Q. A collection that you talked about in your testimony; that was for rent? A. We charged that for rent.

Q. No, no; the rent that you got, the \$2,000; how much of that went into the collection that you yourself spoke about? A. I don't understand what collection you mean.

Q. You do know what I mean, because I am using your own words, Mr. Lighte; I will tell you; I mean a collection for the

captain; how much of that \$2,000 went into it? A. Nothing; only this \$750; I paid out this \$750.

Q. Nothing; only the \$750? A. Yes, sir.

Chairman Lexow.—Went to what?

Senator Bradley.—The collection for the captain.

Witness.—Not to the captain.

Q. How much of the \$750 went to the captain? A. I don't know.

Q. How much did you intend to go? A. None at all.

Chairman Lexow.—Now be very careful, Mr. Lighte.

Q. How much of it were you willing should go? A. I gave this to Mr. Brodsky as counsel fees,

Q. How much of this \$750 were you willing to have go to the captain? A. I never spoke of it.

Q. How much of it were you willing should go? A. I was not willing to give anything.

Q. Your answer has indicated your willingness; now, how much were you willing—the whole of it, weren't you? A. I gave this to Brodsky.

By Chairman Lexow:

Q. Did you understand that some of this \$750 that you gave to Mr. Brodsky was going into the captain's possession? A. No, sir.

Q. Didn't you have any idea of it, at all? A. No, sir.

Q. Was there no understanding? A. No understanding; nothing spoken of.

Q. Any suggestion? A. No, sir.

Q. There was no suggestion made to you as to what that money was going to be used for? A. Nothing; only he wanted that much for his own labor, his own trouble.

Q. His trouble in doing what; you haven't explained that yet; what was he to do; you hadn't a case against you then that any lawyer would charge you \$3,500 to defend, did you? A. I don't know as he got that, only as I hear.

Q. Did you have litigation of such magnitude on your hands that a lawyer could charge a retaining fee of \$3,500 to defend it; you didn't, did you? A. So far as I understood—

Q. You didn't have any such suit on hand, did you? A. No, sir.

Q. Did you have any suit on hand? A. Not at that time.

Q. Were you expecting suits? A. We expected several; yes, sir.

Q. Trouble with whom? A. With the standkeepers.

Q. With the standkeepers? A. Being arrested, yes.

Q. Trouble with the police, didn't you? A. Trouble with the police arresting the standkeepers.

Q. You were expecting trouble with the police and you paid \$3,500 to anticipate trouble? A. I didn't pay that.

Q. I mean you and your associates; that is a fact, isn't it? A. No, sir, I don't know, because I haven't seen this money paid in; only what I paid myself.

Q. You paid \$750 in anticipation of possible trouble that you might get into with the police; do you mean to say that you didn't intend that any part of that money should go into the pockets of the police? Answer that question! A. What is the question?

Q. Did you intend, anticipating, as you say, trouble with the police, to give \$750 to avoid that trouble; didn't you expect some part of that money to go in the pockets of the police? A. No.

Q. You didn't? A. No.

By Mr. Moss:

Q. You wouldn't have paid the \$750 if you hadn't anticipated trouble with the police, would you? A. No.

By Chairman Lexow:

Q. Don't you see witness, that this committee is here to remedy any evils that exist; if you do an honest and legitimate business, we are here to protect you in it; now, if you have done an honest and legitimate business, and you have been mulcted out of \$750, why on earth don't you give us the testimony on which we can act; the next time you will have to pay \$7,000; the yoke will be ever so much stronger than it is to-day? A. No, sir; I won't pay another cent.

Q. You are going to stop paying this money even if you have to close your stand? A. Yes, sir.

Q. It is an imposition? A. Yes, sir.

By Chairman Lexow:

Q. It is a tax not found in the New York City budget? A. Yes, sir.

By Mr. Moss:

Q. And you knew that when you paid the money, didn't you? A. Yes.

Q. How much did you pay Mr. Brodsky the year before?

A. I don't think I paid him anything.

Q. Well, you have paid him before, haven't you? A. No, sir.

Q. At some prior time? A. No, sir.

Q. Now, there was money raised the year before in the same way for the same purpose; how much of it? A. I don't know.

Q. About how much? A. A thousand dollars.

Q. What did you do with that \$1,000; I want to give you a chance to tell it? A. I don't know where it went.

Q. What did you do with it? A. I didn't collect no \$1,000.

Q. What did you do with your part of it; it would be a great deal better for you to tell it than to have me bring it out from somebody else after you refused to tell? A. You see, I have to see if I can remember.

Q. Yes? A. It went into the association.

Q. What did the association do with it? A. I don't know.

Q. What is your understanding? A. Of course I understood it was given for some purpose, but I don't know where it went.

Q. For this same purpose of protecting the standkeepers from police interference? A. Yes, sir.

Q. That money went into the collection for the police captain, didn't it, or a part of it? A. A part of it, I think; I don't know; I ain't sure.

Q. A part of it went into the collection for the police captain; wasn't it more than one captain? A. Well, I don't know.

Q. Name one of the captains that the collection was for that year? A. I couldn't name any of them, because I don't know where the money went to.

Q. You said that collections were taken for all the down town captains, and that puts a great many men under suspicion; now will you in a sense of fairness name the captains for whom that collection was made? A. I could not name any of them.

Q. Else you will be in collusion with a lot of them; can't you name any? A. No, sir.

Q Do you mean to say that a year ago all of the captains in the down town precincts precipitated in the contributions, the collections that were made? A. No, sir, I don't think they did.

Q You know some of them did? A. No, sir, I don't think they did.

Q. You are stultifying yourself now, for you are testifying that they did? A. Not a year ago.

Q. Well, the year before? A. Not of this money.

Q What captains participated in any collection? A. I guess all of them did.

Q. All of them did? A. I think so.

Q. That is, all the down town precincts? A. Yes, sir.

Q. Now, here is the First precinct, running from the Battery up to Ann street; did the captain of that precinct participate? A. I don't know.

Chairman Lexow.—Well, he covers the whole ground by saying all of them.

Q. You mean to stick to that, that the collection was made for all of them? A. I don't know who got the money, or whether any of them did.

Chairman Lexow.—He simply means to be understood, as I understand, that the money was collected for all the captains, but whether it went into the pockets of any of the captains he can not say.

Witness.—I am not sure; no, sir.

Q. You said the captains down town; what is the dividing line, Fourteenth street, or lower down? A. Lower down, I think.

Q. Below what street? A. Below Houston.

Q. That was the purpose of the collection, wasn't it?

Chairman Lexow.—Yes; he testified to that.

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

Mr. Goff.—Mr. Chairman, it gives me great pleasure to be able this morning to introduce some testimony that sets at rest, in my opinion, any doubts that may have existed regarding Officer McLaughlin. I have pursued the matter as far as I could within the brief time at my disposal.

Chairman Lexow.—Have you a witness here by the name of O'Neill?

Mr. Goff.—I have not seen the list.

Chairman Lexow.—I understand there is a man here by the name of John O'Neill, who is ready to testify that he served with him at the time.

Mr. Goff.—All right, sir.

Examination by Mr. Goff:

Q. What is your occupation now? A. I am an officer on the bridge.

Q. On the Brooklyn bridge? A. Yes, sir.

Q. Were you in the regular army of the United States? A. Yes, sir.

Q. In what company or regiment? A. In Battery M of the Third United States Artillery.

Q. What grade did you hold there? A. I was a sergeant.

Q. Did you see Officer McLaughlin in court? A. Yes, sir.

Q. Do you know him? A. Yes, sir.

Q. When did you first see him? A. I seen him first in the spring of 1876.

Q. Where? A. In Fort Wadsworth, Staten Island.

Q. Was he a soldier? A. Yes sir.

Q. And you were a sergeant? A. I was, sir.

Q. Had you direct personal contact with him? A. I had, sir.

Q. Under you? A. Under me; he was serving in my squad-room.

Q. How long did he serve there? A. He served under my direct supervision for four years, until he got discharged.

Q. For four years? A. Yes, sir.

Q. So that you had an opportunity of seeing him every day? A. Almost every day.

Q. Almost every day for these four years? A. Yes, sir.

Q. Were you in the service at the time that he got discharged? A. I was, sir.

Q. You knew of his discharge, did you? A. I knew of his discharge.

Q. What do you know about the discharge? A. I didn't see his discharge, nor can I give the exact date of it; but I know from his record in the army that he could get nothing but an honorable discharge with an excellent character; he could get nothing else.

Q. I notice on the face of the discharge the word "excellent;" that his character is excellent; is that the reputation he bore

in the army? A. Yes, sir; that is the reputation that he bore in the army.

Q. And so far as your knowledge goes, Sergeant Steffens, during the four years that you have had immediate command over this McLaughlin, was he a good soldier? A. A good, faithful soldier, sir; and an honorable man.

Senator Cantor.—That is very gratifying.

Chairman Lexow.—Mr. Goff, do you not think, under the circumstances, this committee can not afford to make itself a vehicle for malice; this case is gross perjury, and you ought to have an extract of the minutes made, so that we can have the matter brought to the attention of the District Attorney and the Grand Jury.

Mr. Goff.—I shall do so, Senator, from the very fact that we have a right, as a matter of self-preservation, to be protected from persons who may attempt to impose upon us. Of course, it is impossible for us to prove the contrary until we hear it on the stand.

Chairman Lexow.—We do not want to drag the name of any honest or honorable patrolman or policeman in the mire if we can help it. That is not the purpose of this investigation.

Mr. Goff.—Yes, and we have proven it at every opportunity. I sent for Officer McLaughlin in order that he should be present in court this morning to see that he was vindicated and put in a proper light before this committee and the public, and I congratulate him on the result. I am proud to be able to set this question at rest, because if this man were, as the evidence shows, a good soldier while in the army, with nothing against him on the police force, it is right that he should be properly vindicated and exonerated here. That will do, Sergeant.

Officer McLaughlin.—Mr. Chairman and gentlemen of the committee, I thank you very kindly for your kindness toward me.

Chairman Lexow.—Not at all; it was our duty, and it was your due.

Mr. Goff.—I beg leave, Mr. Chairman and gentlemen, to direct attention to what has become a nuisance to me; my time has been very much taken up with letters that have been written to me since the commencement of this investigation, and I take this opportunity of speaking on a subject that I had made up my mind not to speak about, were it not assuming such proportions that for self-preservation, I must say (and I hope the

gentlemen representing the press here will take notice of it) what I say now; that is, that there has been no attention paid, nor will there be any attention paid, to communications, whether anonymous or signed, suggesting or urging an inquiry to be made into the private character of any man who has been summoned before this committee, or who may be summoned here. I have received very many letters; they have gone into my waste basket; but I wish these people would not write, because it will be a loss of time, and when we are pushed, as we are now, with matters, we do not want to spend one moment in opening a letter and reading its contents, to find that it is utterly valueless for our purposes; and we do not propose now or at any other time, to allow character or testimony, so far as we can prevent it, reflecting upon the private character, private life, of any man. We are here to deal with the police department, and all persons connected with it as public officials. I have taken the ground, which I shall maintain, without even consulting the committee, for I know it is their wish, that all these matters are matters of private conscience; and I wish to state now publicly that the information may go. These persons who write these letters should cease to write them, because they will serve no purpose.

Senator O'Connor.—Mr. Goff, those have always been the views of this committee, never to inquire into a man's private character.

Mr. Goff.—And I may go further. In examining witnesses upon this witness stand, I have prevented them from saying things with either malice or antipathy, or desire for notoriety, or anything else that might have suggested, touching upon matters that we have no interest in whatever.

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

Examined by Mr. Moss (through interpreter Walter):

- Q. Are you a soda water manufacturer? A. Yes, sir.
 Q. Where do you keep? A. No. 25 Columbia street.
 Q. You are a member of the Soda Water Manufacturers' Association, are you not? A. (Interpreted.) Yes, sir.
 Q. And Mr. Jacobs is your secretary? A. Yes, sir.

Q. How many soda water stands do you control? A. About 25.

Q. How much do they pay? A. (Interpreted.) One dollar a can of water.

Q. Then what else do they pay for rent? A. (Interpreted.) A good customer does not pay anything while a bad customer does.

Q. What does he pay for rent? A. (Interpreted.) From \$10 to \$15.

Q. And he pays \$5 besides, doesn't he? A. (Interpreted.) No, sir.

Q. He never pays \$5 in addition to the \$10? A. (Interpreted.) Yes, sir; they pay the \$5.

Q. What is the \$5 for? A. (Interpreted.) We take those \$5 to try to get them permits.

Q. Permits for what? A. (Interpreted.) For the soda water stands.

Q. What did you do with the \$5? A. (Interpreted.) We gave them to counselor Brodsky.

Q. All the \$5 that you got for permits you gave to Counselor Brodsky, didn't you? A. (Interpreted.) Yes, sir.

Q. Did you get permits? A. (Interpreted.) No, sir.

Q. There is no such thing as a permit, is there? A. (Interpreted.) There are some.

Q. But that is only since three months, isn't it? A. (Interpreted.) About three months ago.

Q. The men that paid the \$5 are not troubled, are they? A. (Interpreted.) Often.

Q. But they are not fined or convicted, are they? A. (Interpreted.) They go to court and nothing comes of it; Mr. Brodsky fixes it.

Q. Have you heard anything about a collection that was made in April last for Captain Schultz? A. (Interpreted.) I don't know anything about it.

Q. You have heard that such collection was made, haven't you? A. (Interpreted.) Nothing.

Q. You know that the stands were closed in April, don't you, in Schultz's precinct? A. (Interpreted.) Yes, sir.

Q. And they opened again in two or three days, didn't they? A. (Interpreted.) Yes, sir.

Q. What did you do to open them again? A. (Interpreted.) Lawyer Brodsky said that they can open again; in case any trouble comes why they will be all right; he will be on hand.