

Q. They did open again and have had no trouble; is that so?
A. (Interpreted.) They had trouble; they paid \$2 and \$3 — the standkeepers.

Q. Who did they pay the money to? A. (Interpreted.) In court.

Q. But they are all open, are they not? A. (Interpreted.) Yes, sir.

Q. They never closed up again? A. (Interpreted.) No, sir.

Q. Did you ever hear of a collection being made among the standkeepers for the police? A. (Interpreted.) No, sir.

Q. All the money that was got from the standkeepers so far as you know were permits of protection—went to Lawyer Brodsky, didn't it? A. (Interpreted.) Yes, sir; all the collections which were made went to Johnny Brodsky.

Q. You contributed in the large sum that was given Mr. Brodsky, didn't you? A. (Interpreted.) Yes, sir.

Q. How much did you pay? A. (Interpreted.) Two hundred and fifty dollars.

Q. How much did he get altogether — how much did that whole society give him — don't you know that it was \$3,500? A. (Interpreted.) I heard so.

Q. And that \$3,500 was made up entirely of your manufacturers, wasn't it? A. (Interpreted.) Yes, sir.

Q. Did you give him that \$250 in his office? A. (Interpreted.) I gave one check of \$40, another for \$135, and one to Mr. Ronk of \$75.

Q. But that was all for Mr. Brodsky? A. All for Mr. Brodsky.

Q. What did you tell Mr. Brodsky this money was for? A. (Interpreted.) For the permits.

Q. Do you know whether any part of that \$250 was paid to the police or any policeman? A. (Interpreted.) I don't know anything.

Q. Were the police spoken of when you paid the money; were they spoken of between you and Mr. Brodsky or between you and your friends? A. No.

Q. What did you understand Mr. Brodsky would do with that money? A. (Interpreted.) For all his trouble and trying to get a permit from the board of aldermen.

Q. If he got a permit he would have to pay for it, wouldn't he? A. (Interpreted.) No, sir.

Q. You thought he could get permits without paying for them? A. (Interpreted.) Yes, sir.

Q. Through his influence? A. (Interpreted.) I thought he was a lawyer and would be able to do it.

Q. You thought he was an influential man, didn't you? A. (Interpreted.) Yes, sir,

Q. A. politician too, didn't you? A. I don't know.

Q. You draw the line there; I think I will not trouble you any further, Mr. Wallach.

By Senator Bradley:

Q. Did you or any of your family ever pay any money to the police or any police official? A. (Interpreted.) Never.

By Mr. Moss:

Q. You know this gentleman who is interpreting, don't you; you have seen him before, haven't you? A. No, never.

Q. Don't you remember him calling on you on the 8th of September to see whether he could open a soda water stand? A. (Interpreted.) I don't remember him at all.

Q. Didn't this man come to you and ask you whether he could have a stand, and didn't you say it would cost \$15 from September until April next year? A. (Interpreted.) Yes; I remember that.

Q. And he asked you what about a permit, and didn't you assure him that there was no such thing as a permit? A. (Interpreted.) Yes, sir.

Q. Didn't you then say to him that he would not be bothered as you belonged to a society which protects all the soda water stands in the city? A. (Interpreted.) I don't remember.

Q. But you may have said so, may you not? A. (Interpreted.) No.

Q. Didn't he ask you whether he could build a counter and a frame for the fountain? A. (Interpreted.) I don't remember.

Q. Didn't you tell him then that he should give \$2 or \$3 to the policeman on the block and it would be all right? A. (Interpreted.) Never.

Q. Didn't you tell him that you knew all the policemen and had done business with them? A. Never; I never spoke to him.

Q. You never said anything about a policeman to him? A. No.

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

Examined by Mr. Moss:

Q. You live at 53 Chrystie street, don't you? A. I keep my business there.

Q. And your business is manufacturing soda water? A. Yes, sir.

Q. Are you a member of the soda water society? A. I am a member of the Soda Water Protective Association.

Q. The same society of which Mr. Jacobs is secretary? A. Yes, sir.

Q. What office do you hold? A. I am vice-president.

Q. Did you pay some money to Mr. Brodsky? A. Yes, sir.

Q. How much? A. Six hundred dollars.

Q. Did you give that to him in his office? A. Yes, sir.

Q. What did you say to him when you gave it to him? A. Merely there is the money.

Q. Then he knew you were coming, didn't he? A. Well, I don't recollect whether he knew; I can not tell.

Q. You had a meeting before that, didn't you? A. No; we were to meet there.

Q. You had a meeting before you gave the money? A. Well, we might have some meetings; yes, several times.

Q. How did you arrive at the sum of \$600? A. Well, I will have to tell you the whole story.

Q. Certainly. A. Then I have to begin with the whole story.

Q. That is all we want. A. We always had been troubled more or less in the soda water business; of course, some people would think that the business is illegitimate and illegal, and others would think that it is legal; we had trouble by the police and by the public works department; of course, in the beginning of the spring there was a certain class that you call storekeepers, and they formed a combination against us to prosecute our stands.

Q. That is the society of which Ebert was a member? A. Yes, sir; that is about the same; consequently we had very much trouble, and we came together and we wanted to legalize this thing as far as legality is concerned; so we had to engage counsel for that and we went to Brodsky and engaged him; we made

a price of \$3,500, and each manufacturer should pay accordingly his share, and I was taxed \$600.

By Chairman Lexow:

Q. That is, according to the number of stands each manufacturer had? A. Not exactly; according to the man's business and capacity of business; it was mutually agreed that each man should pay so much.

Q. You came together and fixed the percentages of each man?

A. About that.

By Mr. Moss:

Q. What was Mr. Brodsky to do with this \$3,500? A. The board of aldermen should pass an ordinance that they may issue a permit to every stand, provided it is within the stoop-line, with the consent of the landlord.

Q. Was that all Mr. Brodsky was to do? A. That is all.

Q. That is all? A. He was, furthermore, to see in the meantime to protect every standkeeper if he was arrested or shut up; to see in a legal way how to manage it.

Q. How was that money paid? A. It was not paid all at once.

Q. In what year? A. This year.

Q. And in what month? A. I believe that was partly paid in May.

Q. May of this year? A. Well, I can not recollect exactly the month, but I know I paid him three parts.

Q. Have you read Mr. Brodsky's statement in the papers this morning, that he was not employed to do any such thing? A. No, sir; I read last night's paper; that is all.

Q. If that statement is made by him you say it is not true? A. Of what; that he has not received any money?

Q. That he was employed to pass an ordinance? A. Yes; that is true.

Q. That is true, that he was employed for that purpose? A. Yes; he was employed for the purpose of passing an ordinance; he has done it, too; he had a resolution passed, and it is in the street committee now; there were about 50 or 100 resolutions passed.

Q. Did he tell you what he would do with that money? A. No; so far as I know he wants it for counsel fees.

Q. Did he tell you what he had done with it? A. Well, he has it for himself I suppose.

Q. You never asked him for an accounting? A. I never asked him.

Q. What was your cause in going to Mr. Brodsky in May? A. To legalize things.

Q. After something had been told you, you did that? A. Of course; we had lots of complaints from the bureau of incumbrances, public works department; and we had a good many stands removed by the public works department.

Q. There was great pressure brought to bear upon you just at that time? A. Most decidedly.

Q. Unusual? A. Unusual; yes, sir.

Q. All the stands in one precinct were closed up suddenly, weren't they? A. Yes.

Q. All the stands in Captain Schultz's precinct? A. Yes.

Q. All the stands in Captain Schultz's precinct were closed suddenly? A. Yes, sir; well, not exactly suddenly; it took some time; but he closed them all up.

Q. How did Captain Schultz come to let them open again in two or three days? A. Well, they had the advice of Brodsky that we should open, and in case anybody should be arrested he would defend it.

Q. How were they closed? A. Well, the police told them; they ordered them to close.

Q. Did the police, after they opened again, order them to close? A. I guess they did; they ordered them to close, but some didn't close; some did close; and some were arrested and they were brought to court.

Q. All that were arrested were taken care of by Mr. Brodsky, weren't they? A. Yes, sir; he was in court at that time; I was not there myself, but I heard he was in court to protect those standkeepers.

Q. Did Mr. Brodsky get any money except what you manufacturers gave? A. He didn't get no more.

Q. What became of the \$5 that was collected from the retail dealers? A. Well, as far as my knowledge as to those \$5, as far as my own customers are concerned, those customers came to me and asked for some kind of help in this matter to protect them; I told them the only way to get protection for them is to pass an ordinance to that effect, that it should be legal; in fact, that we have got the law.

Q. The question is, what was done with these \$5? A. Well, some contributed to me \$5, some of my customers; of course, not much.

Q. Do you mean to say that the money you gave went into the \$600? A. Oh, no; decidedly.

Q. What did you do with the money they gave you last year? A. I didn't get none last year.

Q. Well, you contributed to some one last year? A. No.

Q. You have heard of it, haven't you? A. I never heard of any; I never heard of that class, or any police.

Q. Well, of any class; you heard that money was collected? A. I don't know.

Q. Well, you have heard, haven't you? A. No; I haven't heard; not as I know of.

Q. Why don't you come out deliberately and distinctly upon that subject? A. Upon what subject?

Q. Upon the question of whether you heard of a collection? A. I don't understand your question anyway.

Q. It is very evident that you don't want to understand it? A. What is your question?

Q. You have heard of a collection that was made last year, haven't you? A. No.

Q. Now, you say that distinctly? A. I say that distinctly.

By Chairman Lexow :

Q. Don't you know that a purse of money was contributed by those in your line of business last year? A. To whom?

Q. A fund of money gathered together? A. I don't know, sir.

Q. Don't you know that a purse was made up ostensibly for the police captains south of Houston street? A. No, sir; distinctly, no sir.

Q. You swear that you don't know anything about it? A. No, sir.

Q. Or heard anything about it? A. Nor have I heard of any sum last year paid to any captain.

Q. No, I don't say it was paid; the question was whether a fund was raised? A. Even raised.

Q. For the purpose of paying to the police captains? A. No, sir.

Q. You swear to that as the fact? A. I swear to that positive, sure.

Q. You were never approached for any such purpose? A. No, sir.

Q. Sure? A. Surely.

By Mr. Moss :

Q. Do you remember a conversation with Mr. Wallman upon this subject? A. I think I do.

Q. Do you remember what was said? A. Upon what subject?

Q. Upon this great subject of soda water? A. No, sir, I never had; I don't understand your question? You ask me "subject," you must explain the subject.

Q. You had a conversation with Mr. Wallman? A. I had a conversation once in my life.

Q. About soda water? A. He came and asked me about a soda water apparatus for his mother, for a stand; that is all I know.

Q. What was the conversation? A. He says he wants to have a stand, an apparatus.

Q. What did you say to him? A. I told him it would cost him \$15, for the use and wear and tear of it, rent.

Q. What else did you say? A. I didn't say nothing.

Q. What else did he say? A. He said he would come to-morrow and bring me the money.

Q. He asked you how he was going to be protected from annoyance, didn't he? A. I told him I couldn't give him any protection.

Q. He asked you, didn't he? A. He did.

Q. Why didn't you tell me that when I asked you to give me all the conversation; that is something you didn't understand? A. Yes.

Q. Now, will you try to understand; didn't you assure Mr. Wallman that if he took that apparatus he would not be troubled, that it cost you and your associates nearly \$3,000 to fix things with those people? A. No, sir.

Q. You didn't tell him that? A. No, sir, I didn't.

Q. Or anything like it? A. I might have told him that I would do as much as I could for him.

Q. You told him you would do as much as you could for him? A. Yes, sir.

Q. You didn't tell him that you couldn't possibly do anything for him did you? A. No, sir.

Q. You told him you would do as much as you could for him? A. Yes, sir.

Q. How much was that? A. I told him distinctly that if he should happen to get a complaint, if it was a malicious or jealous complaint or something of that kind, I will see that he is protected.

Q. Did you tell him how you would protect him or how you would do it? A. No, sir; he didn't ask me and I haven't told him.

Q. Didn't you tell him how much it would cost to protect him? A. I didn't tell him, never.

Q. Didn't you tell him that you had an attorney that would look after him? A. Probably I might have told him.

Q. Did you tell him that at all? A. I might not have told him at all.

Q. You didn't say a word about the attorney? A. I would like for him to speak whether—

Q. He will speak, and if he speaks and says that you did mention \$2,000, you will then say that he tells an untruth? A. Well, I guess I would.

By Chairman Lexow:

Q. You are not quite certain about it? A. I am not certain, because he came to me simply as a customer.

Q. It would be very natural for you to say inasmuch as you were getting protection yourself that you would protect men that were in your employ? A. That is right; I told him that I would do as much as I can for him.

By Mr. Moss:

Q. You felt that your customers could be protected? A. No, sir.

Q. You felt that you had done what you could, didn't you; you had done what you could? A. Most decidedly.

Q. What you had done was to secure protection for your customers, wasn't it? A. I don't understand you.

Q. What you had done was to secure protection for your customers? A. In what regard?

Q. In regard to selling soda water and not being annoyed?

A. Most decidedly.

Q. That was what you had done for him? A. Yes.

Q. And you told him that he would have protection, didn't you? A. I didn't tell him nothing of the kind; I told him I would do as much for him as I can.

Q. And that is what you meant, wasn't it—the protection that you had got you would give to him? A. I don't remember now what I meant; I might have meant something else.

Q. That protection did cost you money, didn't it? A. No.

Q. It cost you \$600? A. It cost me \$600 to get the thing legal; as far as protection is concerned it didn't cost me anything.

By Chairman Lexow:

Q. Was an ordinance passed by the board of aldermen? A. It was introduced to the board of aldermen, and, as far as I understand, Brodsky introduced it first off; he wanted a general resolution passed that every standkeeper—of course, that was our wish—that every standkeeper should pay a license say of \$5 to have this thing legal; and as I understand, the mayor refused on that question that he wouldn't pass a general ordinance, but he would pass it singly.

Q. Well, what was done? A. Well, it lays in the hands of the board of aldermen now.

Q. Then nothing has been done? A. There has hardly anything been done; it may never be done.

By Mr. Moss:

Q. Have you ever asked back that \$3,500, because you haven't got the goods you bargained for? A. We haven't asked for it yet; we may ask for it sometime.

Q. You have never asked for the restitution of that money? A. We have never asked for it yet.

By Senator Cantor:

Q. Some resolutions have been passed? A. Some resolutions have been passed; only a few; I guess if this committee was to take more trouble in modifying the laws it would avoid this investigation.

By Chairman Lexow:

Q. Now, that is your conclusion about it, but just listen to this; you are either doing a lawful business or an unlawful business, are you not? A. It is either one way or the other; I cannot decide now.

Q. If you have been contributing money to do an unlawful business you have done a very wrong act? A. Well, I haven't contributed.

Q. If you have contributed the money for the purpose of doing a lawful business we ought to know it, because then a tax has been put upon you which we ought to know of? A. Well, I think the only way you can remove it is to pass a law direct in Albany; a law should be passed; in fact, the law is now passed; in 1888 there was passed a law that it left to the discretion of a board of aldermen that permits may be issued within the stoop line, provided the landlord gives his consent.

Q. You mean to say, that in your judgment, it requires \$3,500 to remove that discretion? A. I should say so; probably \$35,000.

By Mr. Moss:

Q. You haven't got it for \$3,500 have you? A. No; it would take \$35,000 I suppose.

William Jacobs, recalled, further testified:

Examined by Mr. Moss:

Q. Mr. Jacobs, is this the original secretary's book? (Producing book.) A. It is.

Q. There has never been any other? A. No, sir.

Q. According to this book your organization meeting was on October 11, 1893? A. Yes, sir.

Q. That is right? A. Yes, sir.

Q. I read from the third page: "A meeting of the soda water manufacturers was held in 192 Third avenue, and they have agreed to organize in a body under the name of The Soda Water Manufacturers' Protective Association, consisting of Laighte & Brother, Joseph L. Weller, Ginter & Bayer, Jacobson Marcus, F. Jacobs and J. H. Elfers & Co., all of the city of New York. The object of the meeting is the protection of mutual interest

and to prevent interference in the fountain-filling business." That was the object of the association? A. Yes, sir.

Q. You had had a great deal of interference prior to this time, hadn't you? A. We had.

Q. How had you protected yourself against interference before this society was formed? A. How do we protect ourselves?

Q. How did you protect your business against interference before this society was formed? A. I couldn't protect myself; I found my fountains in a good many other places where they were taking them from the customers and filling them, and when I came to look for my fountains I could not find them; they were taking from one place to another; one manufacturer was filling another man's fountains.

Q. Was that all that was meant by the prevention of interference? A. Yes, sir; the filling of fountains.

Q. But your standkeepers had been annoyed very much before this organization was formed? A. Yes, sir.

By Chairman Lexow:

Q. You draw a line in the objects of your association between those two purposes; the filling of fountains and prevention of interference? A. Yes, sir.

Q. And you contributed your money, did you, for the purpose of securing non-interference? A. Non-interference.

Q. That was right? A. That was right.

By Mr. Moss:

Q. How did you protect your standkeepers before this society was formed? A. I couldn't protect them.

Q. What did you do to try and protect them? A. I didn't do anything; when I got a notice from the bureau of incumbrances, the customers brought them to me—some of them were jealous and malicious complaints—I went down; if I could prove they were jealous and malicious complaints, I left it for a few days until the man withdraws it, and if I couldn't I had it removed.

Q. Some of the soda water dealers had an idea that they could get along if they paid some money? A. I don't know.

Q. You never heard of that? A. No, sir.

Q. You are not willing to state what you know on that subject, are you? A. I am willing to state anything I know.

By Chairman Lexow:

Q. Do you know of a fund of \$3,500 that was raised? A. I do.

By Mr. Moss:

Q. Now, I turn to the twenty-fourth page of your secretary's book, under date New York, November 23, 1893, and there I find that Mr. Ginter and Mr. Jacobs were fined \$100 each; what was that fine for? A. Our by-laws — I believe you have got them in that book — state that if one manufacturer takes away from another a customer with intent wrongly he shall be fined; so as to prevent them from interfering with one another.

Q. You were fined for interfering with some one else? A. I don't think it is my name there.

By Chairman Lexow:

Q. It is a sort of trust, isn't it? A. It is not exactly a trust.

Q. Who is A. Jacobs? A. He is at 502 East Seventy-fourth street.

Q. That is another Jacobs then? A. Yes, sir.

Q. Was he a member of the society? A. Yes, sir.

Q. Mr. Ginter also? A. Yes, sir.

Q. I read from your minutes of January 8, 1894: "The finance committee reported the bill sent in by Counsellor Brodsky too high, and a motion was made and carried for to send Mr. Brodsky a check for \$100; the treasurer was ordered to send said check." That was prior to the making up of the purse of \$3,500, wasn't it? A. Yes, sir.

Q. Well, testimony has been given that no money was paid to Mr. Brodsky before that \$3,500; was that testimony true? A. That testimony is true.

Q. That no money was given Brodsky but the \$3,500? A. If you will let me explain, I will bring it out; we were up by Mr. Brodsky before ever this association was formed, and he done some work for us which he charged \$150; I brought it up as one of the committee of our association, and the finance committee found it was too high; then we went up there with \$100, and by that time, when we went up with that \$100, I believe it was all made up in a lump.

Q. But it has been testified that Mr. Brodsky didn't get any money prior to the \$3,500; now, I ask you, is that true? A. I think he got that money besides the \$3,500.

Q. Now, the next meeting, January 20, 1894, reads: "The committee, consisting of Charles Laighte and William Jacobs — that is you, isn't it? A. Yes, sir.

Q. (Continued) — "reported that Mr. Brodsky was not satisfied with a check of \$100, and, therefore, paid the whole bill of \$111.75," which was not \$150? A. I didn't say \$150.

Q. Yes, you did. A. I beg pardon; you misunderstood me; I didn't say \$150, because I didn't know exactly the amount.

Chairman Lexow.—That is not so important. If you will tell the truth in regard to the important matters it will be satisfactory.

Witness.—I will tell all I know.

Q. When were the stands closed by Captain Schultz? A. Some time in April, I guess; I can not exactly tell you the date or the time, but it must have been some time in April.

Q. You wouldn't attempt to give the date, but it was some time in April? A. Some time in April; I wouldn't be certain; I don't know, because in Mr. Schultz's precinct, just as it happened, I haven't got a stand, consequently I didn't pay any attention to it.

Q. But it was a matter that came up in your association? A. Well, yes.

Q. I read from the minutes March 22, 1894: "A motion was made and carried to engage Lawyer Brodsky on account of trouble with the captain closing all the stands in the Thirteenth and Seventh wards; committee was appointed with full power consisting of all members present?" A. Yes, sir.

Q. Was that the occasion when the trouble occurred? A. Yes, sir, that was the occasion.

Q. Hadn't you a stand in either the Thirteenth or the Seventh wards? A. I had one in the Seventh; not in the Thirteenth; I believe Schultz is the Thirteenth; in the Seventh I have got one.

Q. Then I read from the minutes, April 19, 1894: "A motion was made and carried to draw from the treasury \$50 as retainer for counsel fee; so ordered;" was that part of the \$3,500? A. What date is that please.

Q. April 19th.

Chairman Lexow.—How much was that amount.

Mr. Moss.—Fifty dollars.

A. I couldn't say what that was for.

Q. Now, Mr. Jacobs, this book contains all the minutes,

doesn't it? A. That is all we have got, with the exception of—I forgot about that; we have an enrollment-book where every member signs his name.

Q. This contains all the minutes? A. All that I have got in the world.

Q. And all the moneys that were ordered to be paid by the treasurer appear in this book? A. Yes, sir.

Q. Now will you show me anywhere from the 22d of March where an order was made to pay any money to Mr. Brodsky besides that \$50? A. That is a different thing entirely.

Q. Is there any such record of any other money paid to Mr. Brodsky than that \$50? A. I don't think so.

Q. Well, there is not, is there? A. No.

Q. Mr. Brodsky was employed by the society to attend to that matter of Captain Schultz's interference, wasn't he? A. Not exactly of his, of all the customers.

Q. That was an employment by the society? A. Yes, sir.

Q. And the society paid his bill for that, didn't it? A. Well, not exactly for that; the society employed him to do all their business that may spring up during the year of 1894.

Q. Well, here is \$50, and that is all that the society ordered to be paid to him? That is true isn't it? A. Yes.

Q. That is all the society has paid him? A. That is all the society has paid him from the association.

Q. And you have testified that the society employed him to attend to all its interests during the year? A. Yes, sir, outside business.

Q. The \$3,500 was a private bill? A. Yes, sir; each of them chipped in.

Q. And in that \$3,500 the money raised from the standkeepers is included? A. That is part of the \$3,500.

Q. Did you put the money that you got from your standkeepers into that \$750? A. I did not state I paid \$750.

Q. How much did you pay? A. \$250.

Q. Did you put what you collected from the standkeepers in that? A. About \$30; yes, sir.

Q. Is that all you got from the standkeepers? A. That is all in the world; yes, sir; you might as well get blood out of a peanut as to get money out of them standkeepers; it was their own free will; it was their suggestion when they were troubled,

when the stands were closed; that they made up their minds they wanted to raise a fund to employ counsel.

Q. Wasn't the \$5 taken from them when the stand was put up? A. No, sir.

Q. Wasn't the \$5 taken from them as a condition of their beginning business? A. No, sir.

Q. Never? A. Never; not by me.

Q. By anyone for you? A. I have got no one for me.

By Chairman Lexow:

Q. You do your own business? A. Yes, sir; I have only got a small place.

By Mr. Moss:

Q. All the money you got from standkeepers went into that \$250? A. Yes, sir.

Q. That \$3,500 made up by the dealers and the standkeepers was a matter entirely outside of the society and its employment? A. Yes, sir.

Mr. Moss.—Do you want to ask the witness any questions, Mr. Chairman?

Chairman Lexow.—That is all.

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

By Mr. Moss:

Q. Where do you live? A. 338 East Eightieth street.

Q. You have been engaged by the counsel of this committee in looking up this soda water matter, have you not? A. Yes, sir.

Q. And in doing so how long a time have you spent? A. Six weeks.

Q. Have you interviewed the manufacturers? A. I have.

Q. Who have you seen? A. I have seen Mr. Jacobs, Mr. Weller, Mr. Wallach; that is all, I guess.

Q. Have you interviewed many of the dealers and standkeepers? A. I interviewed every man in the Seventh, Tenth and Twelfth wards.

Q. And a great many of those dealers are here in court, are they not? A. Yes, sir.

Q. And you have their statements which you have rendered to us? A. I have.

Q. From your conversation with all of these people, do you know whether or not there is a general understanding, rumor and custom among them concerning the payment of money for protection? A. Positively.

Chairman Lexow.—Leave out the word “rumor.”

Mr. Moss.—A general custom and understanding.

Q. There is a general custom and understanding? A. There is; every man whom I interviewed told me positively that an amount of \$5 or \$10 is paid to the manufacturers for the purpose of having a permit, and also \$15 and \$10 and \$25 are paid at the commencement of the season for a so-called rentage of the apparatus; a great many of them I asked whether they paid; they said yes; while others said they didn't pay; I asked them how that comes about; they said that is according to the man, according to the man's intelligence; some men get the apparatus gratis, haven't got to pay anything; while others pay the amount of \$10, \$15 and sometime \$20, according to the locality and the man who has charge of the apparatus.

Q. Is there any understanding concerning the use to which the protection money is put, or the permit money? A. Yes, sir; the manufacturers go to these people and get the \$5 for getting these permits; they also claim that if they don't pay, why they take away the apparatus, which was done in a great many cases; I have men here who told me that these manufacturers came to them and after demanding \$5 and being refused the same, they opened all their faucets and let out all their syrups, being a loss to those people of \$5, \$6, and sometime \$7.

Q. They took the stands away? A. They took the stands away for not paying the \$5.

Q. What was the purpose of the \$5? A. The \$5 was for the purpose of protecting these people from all inconvenience on account of the police, bureau of incumbrances and people who were in authority for removing or arresting these people.

Q. You say you spoke to the manufacturers? A. I did.

Q. Give us the interview you had with Mr. Jacobs? A. I went to Mr. Jacobs and I told him I wanted a stand for a mother of mine or a sister; I don't know which; he kind of looked at me; I asked him on what condition he would rent me this apparatus; he said I would have to pay \$15 for the apparatus.

By Chairman Lexow:

Q. He said you would have to pay — A. Fifteen dollars for the apparatus.

Senator Cantor.— Does the manufacturer own the apparatus?

Mr. Moss.— Yes.

Witness.— Generally they buy it from the quarry for rentage, etc.; I don't exactly understand their method of doing business so far as their getting the apparatus, but I know they give it out to the dealers; I told him that I would take this apparatus on one condition, that this lady, who is a very feeble lady, and I being on the road, can not attend to it myself, I thought that if he could assure me that she will not be molested in any way, shape or manner, then I am willing to give him the \$15; not before; so he said that he has in New York city about 200 of these soda water fountains, distributed all over the city, and I asked him whether they were bothered sometimes; he said, "Yes; considerable; but, he said, "All they have to do in case they get a complaint is to bring the complaint right down to me;" he said, "It is not necessary for a man to go to court," because I told him it would shock my mother's modesty to go in a court of justice; he said, "All you have to do is to bring her down to me and everything will be all right," and I shall be protected the same as those 200 people have been protected right along.

By Mr. Moss:

Q. You had a conversation with Mr. Wallach; what was that?
A. Yes; Mr. Wallach was very happy to see me, and he asked me money for the apparatus; I told him that a great many people didn't pay, while others paid; he said, "Well, we will fix that all right;" so I said, "Will I be protected?" he said, "Why certainly;" I said, "Who will protect me?" he said he belonged to the association; they organized for the purpose of protecting these people; I said, "Well, now I want this apparatus right on the outside of the stoop line;" I said, "Can I go ahead and fix the frame for it?" he said, "Yes; go right ahead, and, in case the policeman comes to you, all you have to do is to tell him that you buy the soda water from me and give him \$2 or \$3 in the course of the building of your structure and everything will be all right."

Q. Was it Mr. Wallach mentioned the sum of money? A. No; Mr. Weller.

Q. He mentioned the sum of \$2,000? A. Yes, sir.

Q. Mr. Weller? A. Mr. Weller; I went to him for the same purpose.

Q. Give us the conversation with Mr. Weller. A. He assured me, in fact, that I shall not be molested by anybody, because he said it cost his association \$2,000 this year, or thereabouts, to protect all these people from the bureau of incumbrances, and all these people who are connected with the department; I told him that I will call again and give him a deposit upon the apparatus, but I never called again.

By Senator Bradley:

Q. Did you ask any of these manufacturers if they paid any money to police officials for protection? A. I did.

Q. What did they say? A. Well, they said that the heads of the departments they are under their power, and they also told me that if there is any trouble growing out from any source whatsoever they can meet all trouble from each and any department.

Q. That is not my question? A. A direct accusation on the part of a policeman, they did not.

By Mr. Moss:

Q. Who told you that? A. What.

Q. What you have just told about the heads of the departments? A. These manufacturers.

Q. These three men? A. In my interview, yes.

By Senator Bradley:

Q. You say you went around to a lot of men; are there not a lot of women in the district who keep stands also; did you interview any of them? A. Yes; the women generally are in the inside of a store, and these people pay in a legitimate sort of a way; they get it not as a permit; it is not necessary for those people to have permits because they are inside of the store.

Q. I mean women that have stands outside? A. Very seldom you will find women that have stands outside, except I had one here yesterday and I have one here to-day.

Mr. Moss—I think, Mr. Senators, that there is no use in calling

a multitude of these dealers. We have established the fact, by the confessions of the manufacturers, that the sum of \$5 is exacted. In many cases the testimony of the dealers would contradict some of the testimony of the manufacturers; that is, as to the purpose for which the \$5 was paid; but I think that all the testimony that you have shows clearly that a combination is made between the dealers and manufacturers by which these people having outside stands are protected from interference through the use of money which passes into somebody's hands. It is very clear that the business interferes with the store keepers, and that the store keepers have organized and attempted to get their rights. They have gone to police headquarters and been referred to the captain in one precinct at least—I do not know about others—and their efforts to get the law enforced have been fruitless and have been met with profane abuse. I think that will be sufficient for this branch of the case.

Mr. Moss—Has Mr. Philip Wissig come in? (No reply.)

Anthony Bierman, 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. 130 Orchard street.

Q. Are you married? A. Yes, sir.

Q. Do you know Phillip Wissig? A. Yes, sir.

Q. How long have you known him? A. About two or three years.

Q. Have you had any trouble with Philip Wissig? A. Yes, last night.

Q. Well, prior to last night? A. With his son.

Q. Prior to last night you had a letter from Mr. Wissig, didn't you? A. Yes, I received a letter from his son that I should be careful, that any time late at night if he meets me he kills me.

Q. You got that letter from Philip Wissig's son? A. Yes, sir.

Q. That his father would kill you if he met you in the nighttime? A. Yes, sir.

By Chairman Lexow :

Q. He or his father? A. He and his father.

Q. Did the son write to you that he would kill you? A. Yes.

Q. Or that his father would kill you? A. Yes, both

Q That both would? A. Yes, sir.

By Mr. Moss :

Q. You had had some trouble with Mr. Wissig before that had you not? A. Yes, he insulted me and my wife.

Q I want you to tell about this first trouble; when was it? A. It was last summer; I took a walk with my wife in Eighth street park, and Wissig was sitting with his friends; there was corner loafers standing there; then he went after me and insulted my wife and me; I told him what was the matter; I said if he don't stop it I will make a charge against him; "I will kill you, you cannot;" then he said if I don't keep quiet that he will teach me, I should know that he is Wissig and he is not afraid of anybody.

By Senator Bradley :

Q. He was Wissig and was not afraid of anybody? A. Yes, sir; I said "I don't belong to your party, I am an honest man, I want you to let me alone, don't bother me never;" I was living in Tenth street, and I was passing always through Allen street.

Q. About the time that he insulted your wife, what was the result? Did he say any more when you told him you were a decent man and didn't want to have any trouble with him? A. Yes, he didn't do anything, but he always bothered me afterwards, him and his friends; yesterday my wife went to her family and went to Niblo's theater; then I wanted to go to Pennsylvania, and I wanted to see her first, and Wissig saw me —

By Mr. Moss:

Q. You went to the theater for your wife, didn't you? A. Yes, sir.

Q. To Niblo's theater for your wife, to bring her home? A. Yes, sir.

Q. And Philip Wissig saw you? A. Yes, sir.

Q. Philip Wissig saw you? A. No, junior; not senior

Q. This was the son? A. Yes, sir; two policemen were standing near the beer saloon there where he keeps the beer saloon;

My wife was stopping by her relatives, and Wissig was running after me!

Q. Which Wissig? A. The younger; and then he struck me right back there (witness refers to the back of his neck) without saying a word; I told him why don't he go his own way; I haven't done nothing to him; I took my wife by the hand; I said, "Come home, I don't want any trouble;" my wife began to cry; she was afraid, and two policemen came all together and all three together knocked me down; one right here (witness refers to his forehead) and pushed me down on the road, knocked me down; I was not conscious; I didn't know what happened; the blood was running out of my mouth and nose and they left me there; and I went in the morning to the police station-house at Eldridge street to make a complaint against the officers; there was an officer standing there, he didn't want to let me in; I said I wanted to know the name or number of the officers; he said, "Go and find out yourself, get out of here you son-of-a-bitch," or something like that.

Q. You tried to get into the station-house and the officer prevented you? A. Yes, sir.

Q. You said you wanted to get the names and numbers of the officers that assaulted you with Mr. Wissig last night? A. Yes, sir.

Q. And they told you to get out? A. Yes, sir.

Q. What else did they say to you? A. Give us the whole conversation.

Senator Bradley.—The said, "Get out you son-of-a-bitch?"

Witness.—Yes, sir; those are the words.

Q. What officer was it? A. I don't know.

Q. Was it an officer on the stairs or an officers inside? A. Inside.

Q. Was he behind the desk? A. No; I was this morning there and there was a sergeant there.

Q. You went to the station-house this morning and saw the sergeant behind the desk? A. Yes, sir; and he told be to be there to-night at five minutes before twelve, and he will give me the names and numbers of the policemen.

Q. Why didn't he give you the names or numbers of the policemen then? A. I don't know why:

Q. He wants to get you into the station-house at five minutes to twelve and then he will give you the names or numbers of the policemen? A. Yes, sir.

Mr. Moss.— We will send some one with you then.

Senator Bradley.— You had better.

Q. That is the Eldridge street station? A. Yes, sir.

Q. Do you know the name of the sergeant that was behind the desk this morning? A. No, sir.

Q. Have you seen Mr. Wissig or his son since then? A. Yesterday I asked the gentleman with the red whiskers to go with me because I was afraid.

Q. You asked Mr. Dennett to take you home because you were afraid? A. Yes, sir; he said "Don't be afraid; I will spend two or three hours; if they do something to you, I will protect you.

Q. You have been clubbed by policemen in company with Mr. Wissig? A. Yes, sir.

Q. You have been frightened? A. Yes, sir.

Q. You have been afraid of your life? A. Yes, sir.

Q. And you have come to this committee to put yourself under its protection? A. Yes, sir.

Q. And you were put under the protection of one of the agents of the committee last night? A. Yes, sir.

Q. To see that no further harm came to you? A. Yes, sir.

Q. Didn't you feel that you could get protection in the station-house? A. No, sir; I was afraid to go there because they can arrest me; I never was in trouble and I heard if they get somebody there they will club him to death.

Q. You knew of no other place in this city only to come here for protection? A. Only to come here.

Mr. Moss.—I can bear testimony to the witness' statement. He came to me yesterday trembling with fear. He said he was afraid to go anywhere, and begged me to give him a man that would give him protection for a little while. I put him in charge of Agent Dennett, and he has been under his protection since. That emphasizes the statement I made yesterday morning. Every day we have had from two to four men who have been clubbed unmercifully, but whom we have not had time to put on the witness stand. They come here for protection.

Chairman Lexow.— I do not think, Mr. Witness, that you need protection any longer. As soon as you leave the stand to-day you will be as well protected as any man in the city.

Witness.— They come always with a pistol.

Q. Didn't Mr. Wissig have something which he drew out of his pocket? A. Yes, sir; a club; a police club; a small one.

By Chairman Lexow:

Q. Who; young Wissig? A. Yes, sir.

Q. Did young Wissig direct these officers to make that assault on you? A. I can not tell you; they were all three together; at one time I was knocked down, and I asked what is the matter; if I have done something wrong why don't they arrest me.

Q. This occurred the night before last, didn't it? A. Yes, sir; it was the day before yesterday, early in the morning.

Q. In the night time? A. Yes, sir.

By Senator Bradley:

Q. Has this gentleman taken any legal proceedings yet; have you gone to court or taken out a warrant for Wissig? A. I couldn't get a warrant then; it was too late.

Q. You could have got a warrant yesterday? A. The policeman told me it was too late; no warrants to-day.

By Chairman Lexow:

Q. What is your business? A. I had a restaurant at 88 Park Row; now my father keeps there.

Q. Have you ever been arrested? A. Never in my life.

Q. Ever been charged with a crime? A. Never in my life.

Q. Ever had any trouble with the police before? A. No; I never was in trouble with them in my life.

Q. Did Wissig hit you before either of these two officers hit you? A. Yes; I took my wife this way by the hand; I said, "Come home now; we don't want any trouble;" she started to cry and Wissig took a club and struck me right here, and the two policemen came and knocked me down; two big buggers; they knocked me down, all three together, and left me there on the street.

Q. This was yesterday?

Mr. Moss.—Early yesterday morning?

A. Wissig was standing on the corner with one policeman, and the other went to Orchard street against me and said, "Now you have enough; go to bed; go home."

By Senator Bradley:

Q. Didn't your wife halloo for police? A. She was afraid.

Q. Didn't she halloo for police?

Mr. Moss.—The police were there.

Senator Bradley.—I know, but some police to arrest these people. The chances are that those two policemen were drunk.

By Mr. Moss :

Q. Your testimony at the beginning was so feeble, your voice was so feeble, that we have not all understood it; you had some trouble with Mr. Wissig, senior, last year, didn't you?
A. No, only with junior.

Q. That was for insulting your wife? A. Yes, sir; he was always running after my wife with the tramps, them people that never work, that sit all day in a saloon, and he treats them with beer and they do what he wants.

Q. He and a crowd that hang around him? A. Yes, sir.

Q. Where is the saloon? A. Corner of Stanton and Allen; there was a disorderly house in the same house.

Q. You resented the insult that young Wissig gave to your wife last year? A. Yes, sir.

Q. Then you got a letter from young Wissig? A. Yes, sir.

Q. Threatening you? A. Yes, sir; he said "Any time I meet you late at night I will kill you, I or my father."

Q. And he has annoyed you at various times since then?
A. Yes, sir.

Q. He has annoyed you since then? A. Always.

Q. And then early yesterday morning — A. Yes, sir.

Q. Just after midnight — A. Yes, sir.

Q. This assault was made upon you? A. Yes, sir.

Q. The policemen coming to Wissig's assistance? A. To Wissig's assistance, and knocked me down, all three together.

Senator Bradley.—Have you seen the letter, Mr. Moss?

Mr. Moss.—I have not.

By Senator Bradley :

Q. Have you got the letter that he wrote to you? A. I will find it.

Senator Bradley.—Find the letter and give it to Mr. Moss.

Witness.—On the paper was "Assembly Rooms."

By Mr. Moss :

Q. Where did the assault occur? Where did it take place? Where were you hit? A. Corner of Rivington and Allen; there was a salon there.

Q. Rivington and Allen? A. Rivington and Allen.

Q. You had got your wife and were taking her home? A. Yes, sir.

Q. And just there Wissig met you? A. Yes, sir.

By Senator O'Connor :

Q. Have you any marks now? A. I am all blue behind.

Q. I mean in the face were you hit, have you got any marks? I want to get at the extent of the assault; if he was assaulted last night there ought to be some evidence of it there now.

By Senator Bradley :

Q. There is a misunderstanding; do we understand it was young Wissig or his father that assaulted your wife first in the park? A. Only the son.

Q. Was it the young man or the old man? A. The young man.

Senator Bradley.—Don't forget that letter. Bring it to Mr. Moss or Mr. Goff.

Witness.—Yes, sir.

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

By Mr. Moss:

Q. Where do you live? A. One thousand and forty-eight Fifth avenue.

Q. You know Mr. R. W. Elliott, don't you? A. Yes, sir.

Q. Mr. Elliott and you lived together or hired a flat, didn't you at one time? A. No, sir; I didn't.

Q. Mr. Elliott had a flat, didn't he? A. Possibly he might have been interested in one.

Q. You met Mr. Elliott frequently at a flat, didn't you? A. I did.

Q. Where was the flat? A. I couldn't tell you the number; my impression is that it is 239 Thirty-ninth street; but I couldn't tell you the number.

Q. Two hundred and thirty-nine West Thirty-ninth street?
A. I am not sure.

Q. Somewhere in that neighborhood? A. Yes, sir.

Q. That was in the Twentieth precinct? A. Well, what precinct I don't know; I don't know what precinct.

Q. You went there for social recreation, didn't you? A. I presume that is what they met for; I was seldom there myself.

Q. When you went there you had pleasant times together?
A. Yes, sir.

Q. Played cards? A. Yes, sir.

Q. Who else was in the company besides you and Mr. Elliott?
A. I don't think —

Senator O'Connor.—What is this, a gambling-house?

Mr. Moss.—Not exactly.

Witness.—No, sir; I don't think I can recollect at this instance the names; later I might give them to you.

Q. You played cards or games of chance pretty near every night, didn't you? A. No, sir.

Q. Very frequently? A. No; I think not very frequently.

Q. Staked a little money for friendly contests? A. Yes, sir.

Q. And by some misunderstanding or other some of your party were arrested, weren't they? A. I don't know as there was any misunderstanding; they were arrested.

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

Q. Who arrested you? A. Captain Price.

Q. When was that? A. I think that was the night before Easter.

Q. Of last year, 1893? A. I think it must be 1893; it is either 1892 or 1893; 1893, I think; I am not sure.

Q. You were all charged with being inmates of or keeping a gambling-house? A. Yes, sir; outrageously charged so.

Q. What judge did you come before? A. Judge Grady.

Q. You were not held for trial? A. Not held for trial.

Q. You were discharged? A. Paid a fine.

Q. You didn't pay a fine to Judge Grady? A. I paid a fine in his court.

Q. Then you paid a fine as an inmate of a gambling-house, as a disorderly person? A. I presume that is what the charge was; I was accidentally in there; I never happened to go there but two or three times in my life; this was kept by gentlemen who occupied it for rooms to live in.

Q. Who was held upon the charge of keeping a gambling-house there; was Mr. Elliott? A. No; I don't know whether they designated any one or not.

Q. How did Captain Price come to raid that place? A. Well, I couldn't tell you how he came to.

Q. Haven't you any information on the subject? A. How he came to?

Q. Yes. A. No; I couldn't tell you.

Q. How did Captain Price come to make the raid; what information had he? A. Well, that I couldn't positively tell you.

Q. Didn't a detective call there on one occasion before the raid was made? A. Not to my knowledge.

Q. Have you heard of it? A. No.

Q. Didn't a detective call and make a strike for some money? A. I think not.

Q. After you were discharged, or after you had paid your fine and were discharged you went there again, didn't you; you continued to go there? A. I think some of them did; I don't think I did.

Q. Did you stop? A. I possibly might have gone there again; I think perhaps I might have gone there again, but I couldn't swear.

Q. What did you and your party do to stop police interference after that? A. What did I do?

Q. I mean you and your party? A. Well, you can hardly say me and my party, because I did nothing.

Q. What did anyone do who was in that party? A. Personally, I don't know what they did.

Q. What do you know by rumor or by statement of any one? A. That they paid them \$25 a week.

Q. That they paid Captain Price \$25 a week after that? A. By rumor, that is all I know.

Q. To prevent any further raids? A. Yes, sir.

Q. That was a respectable place? A. Yes, sir; gentlemen keeping bachelor apartments.

Q. You were gentlemen visiting together and occasionally passing your time playing cards? A. Yes, sir.

Senator O'Connor.—What was the rumor?

Q. Now, who told you? A. I was told by two or three; I couldn't remember the names.

Q. Two or three of that party? A. Yes, sir.

Q. Can you give us a name? A. I don't think I could tell you who told me.

Q. Who kept the flat? A. I think the flat was taken under the name of a Mr. Cole

Q. Where is Mr. Cole? A. His place of business.

Q. Yes? A. It is somewhere in Worth street.

Q. What is his first name? A. John, I think; those gentlemen had these apartments; they lived out of town; and when they stayed in town during the week, they had these apartments to live in; I think some of them roomed there all the time.

Q. Did Mr. Cole tell you that \$25 had to be paid to Captain Price? A. I couldn't swear that he did.

Q. But several of the gentlemen that had that apartment told you? A. I was told; yes, sir.

Q. Did you pay anything toward the \$25? A. I don't think I had anything to do with it afterwards.

Mr. Moss.—You may step aside, unless the committee desire to ask some questions; I will call Mr. L. W. Elliott; the witness says that he will furnish us with such information that we can get the whole of this case. I think Mr. Chairman, that we might take a recess now.

Senator O'Connor.—Very well.

Mr. Moss.—The soda water witnesses need not return this afternoon.

Senator O'Connor.—All other witnesses subpoenaed to attend, except those connected with the soda water cases, will be here this afternoon promptly at half past two.

AFTERNOON SESSION.

October 18, 1894.

Present—Senators Lexow, Bradley, Robertson and O'Connor. John W. Goff and Frank Morse of counsel for the committee.

Theron S. Copeland, called as a witness for the State, being duly sworn, testified as follows:

Examination by Mr. Moss:

Q. Captain Copeland, you command the harbor police, don't you? A. Yes, sir.

Q One of your officers brought these blotters to court the other morning by your direction, didn't they? A. Speak a little louder, won't you.

Q One of your officers brought these blotters to court the other morning? A. Yes, sir.

Q And when he was asked to hand them to counsel for the committee, he refused until we would tell him what entry in the book we wanted to look at; he said those were his orders; did you give him any such orders? A. No, sir; he never received any such orders, not from me.

Q. Do you know whether he received any such orders from any one? I do not.

Q. It is come to our attention, captain, that there is an entry in your blotter on the 13th of June, 1894, at 9 o'clock, which I will read to you, and then ask you to explain: "Memoranda, At 9 A. M., a citizen who refused to give his name came to this institution and reported that a man named H. H. Cline, of No. 415 West street, is going to excursion parties collecting money, and says he is authorized by Captain Copeland." Captain, who is H. H. Cline? A. I don't know, sir.

Q. Was this entry made while you were in the station-house? A. No, sir.

Q. How soon afterward did you come in? A. Probably an hour; you see my entry there.

Q. Ten thirty, an hour and a half afterward? A. Yes, sir.

Q. Was your attention called to this entry? A. It is my business to examine the books every day, and when I came in I saw that entry, and asked the sergeant if he made it; he said he did, and I said to the sergeant, "Why didn't you have this man remain here, and detain him until I came in;" he said the man would not remain, and went away.

Q. Had the man asked for you? A. I don't know.

Q. Was it so stated to you? A. I don't remember.

Q. What did the sergeant say to you in addition to this entry? A. He said nothing.

Q. Did you ask him for a description of the man? A. Yes, sir.

Q. Did you make any efforts to find that man? A. Yes, sir.

Q. And you did not find him? A. I did not; no, sir.

Q. What did you do about this entry? A. Nothing further than that.

Q. Just made an inquiry of the sergeant? A. No, sir; I went

that night to No. 415 West street and made inquiry; they said they knew no such man.

Q. You went personally, I understand you? A. Yes, sir; I went personally.

Q. Have you made any other efforts to find Mr. Cline? A. No, sir.

Q. That is all you can say about this entry? A. That is all I know about it; yes, sir.

Q. I see that the blotter states that the case was investigated by Captain Copeland? A. Yes, sir.

Q. That is the extent of your investigation? A. Yes, sir.

Q. Did you look for anybody by the name of K-l-e-i-n? A. I asked for Cline; I didn't spell the name at all.

Q. Did you look in the directory for him? A. No, sir.

Q. You did nothing but go to 415 West street and ask for the man? A. Yes.

Q. What did you find at 415 West street? A. A liquor store.

Q. Did you inquire in the liquor store? A. Yes, sir.

Q. Who did you see? A. There was a man standing in the door; I got there about 9 o'clock at night; I asked him if he knew anybody there by the name of Cline; if there was anybody living there by the name of Cline, and he said there was not.

Q. Did you make any further inquiry? A. That is all.

Q. You felt that was inquiry enough? A. I thought so; yes.

Q. Do you have practical relation to excursion boats? A. No, sir.

Q. Do they have anything to do with the harbor police? A. Not specially.

Q. Do you furnish escorts? A. No, sir; there have been numerous persons made applications, but those details are made from the Central office; they are always referred to the superintendent.

Q. But they are made out of your precinct, are they not? A. No; generally old men sent on there.

By Senator Bradley:

Q. Did you read the proceedings of the Lexow committee about two months ago? A. I could not say.

Q. Do you remember about a man by that name, whose name was used here before the committee, of Cline? A. No, sir.

Q. You did not try to find out whether he was the man? A. I did not read it.

Q. Do you remember a Mr. Cline that was subpoenaed to appear here, failed to do so, and was afterward indicted by the grand jury for not appearing here, of that name — Cline? A. No, sir; I do not remember the circumstances at all.

Q. I think if you investigate you will find that man is over in Williamsburg, running a lager beer saloon there; it might be the same man there; but you ought to investigate it. A. If you give me the address I will.

Senator Bradley.— He keeps a lager beer saloon in Williamsburg, opposite Captain French's station-house.

The Witness.— I will remember that.

By Mr. Goff:

Q. I want to ask you under what officers' jurisdiction, so far as police work is concerned, are the waters of New York harbor, the Hudson river and the East river? A. They are under my jurisdiction, subject to the orders of my superiors, of course.

Q. I mean you are the officer on whom the immediate responsibility rests touching the waters around the city? A. Yes; the harbor police.

Q. Do you know of any arrests ever having been made while you have been captain of the police for violation of the excise law on Sundays? A. No, sir.

Q. Did it ever come to your knowledge that the excise law had been continually, and weekly, and daily violated in the waters of New York harbor? A. I had a suspicion to that effect.

Q. What gave rise to the suspicion? A. Well, most of these boats have bars on them.

Q. Well, since you had suspicion the law was being violated, did you ever take measures to investigate whether or no your suspicions were well founded? A. No, sir.

Q. How long have you had that suspicion? A. Always had it.

Q. How long have you been in the command? A. Two years.

Q. You tell us here, as captain of police, that you, entertaining a suspicion that the law was violated, in two years you have done nothing to stop it? A. Yes, sir.

Q. Have you reported it to your superiors? A. No, sir.

Q. Done nothing about it? A. Done nothing at all.

Q. The fact is your officers were collecting blackmail from all the excursions going up the Hudson river on Sunday? A. I do not know that as a fact.

Q. Did you ever hear it before? A. No, sir.

Q. Why didn't you try to suppress what you had a suspicion of as a violation of law? A. If my boat should go alongside of one of those boats do you suppose they would sell?

Q. I am not supposing anything; I am asking you why you did not do something. A. The reason that I did not do so was because I could not have got any evidence.

Q. Did you ever try to get evidence? A. No, sir; I knew it was useless.

Q. Why did you know it was useless if you did not try? A. I knew it was useless.

Q. You knew it was useless, with the harbor police at your command, and with the police boat, it was useless to attempt to get evidence of the violations of the law? A. These people —

Q. Wait a minute.

By Chairman Lexow :

Q. That is a fact is it; you knew it was useless? A. Allow me to make this explanation; our boat is a large boat, and the very moment that that boat would approach an excursion boat they would stop selling, and consequently we would not arrest them; we would have to have the boat slow down; here is a boat coming up the river which has probably three or four barges in tow, and we could not run up against that boat with injuring the boats, they would have to stop and we would have to stop to allow us to get aboard; and the consequence would be when we got aboard there would be no evidence of violation of that law.

By Senator Bradley :

Q. How many men have you got under your command, captain? A. About thirty-two.

Q. Would it be any danger to the efficiency of your department if you selected two or three men to go on board of these excursions in citizens' clothes; would there be any difficulty in detecting the violation of the excise law? A. I don't know about that sir.

Q. Don't you really know it could be done? A. I think possibly it could; but most of these boats, I understand, do not sell within our jurisdiction.

By Mr. Goff:

Q. How do you know that? A. Well, I have a suspicion they don't.

Q. How do you know? A. I don't know it as a fact.

Q. Then why did you state it? (No answer.)

Chairman Lexow.—What I do not understand, Mr. Goff and witness, is that you have made no effort; you simply say you know you cannot discover a violation of law of that kind, and yet you have never made any effort to discover it.

Mr. Goff.—And it would be useless to do so.

The Witness.—I think it would be useless for us to attempt to board these excursion barges with our boat.

By Mr. Goff:

Q. But just as Senator Bradley says, of course it goes without saying that if a police boat goes up to an excursion barge, and with the flag of the police flying, they are likely to recognize that as a police boat? A. Yes.

Q. And they are not going to violate the law in the presence of a police boat? A. No.

Q. So your theory is that persons violating the law, if they are notified in advance that the police are coming, it is impossible to get evidence against them? A. Yes.

Q. And you take care to notify them in advance by sending the police boat and the police flag flying at the masthead? A. Yes, sir.

By Chairman Lexow:

Q. Do you mean that, Captain?

Mr. Goff.—Of course he does, sir; it is a fact.

By Mr. Goff:

Q. Now you have stated that these boats have bars? A. Barges.

Q. But you said something about them selling liquor, selling drinks? A. I presume they do; yes, sir.

Q. You said bars; now you, with that knowledge that these boats had bars for the sale of liquors, you never made any

effort to find out whether they sold within your jurisdiction?

A. No, sir.

Q. Is it not a matter of fact to your knowledge, known to you that very many of these Sunday excursions advertise to let the privileges of the bar on that excursion? A. As a fact I never saw one.

Q. Did you ever hear of it? A. I have heard of it; yes, sir; as a fact I have never seen one.

Q. Isn't it a common custom that all the day excursions that go up the North and East rivers on Sunday, that they all have their bars on board? A. Yes, sir; I think they do.

Q. Now, the man who runs the bar, or who buys the privilege of selling there, that man certainly has no license? A. No.

Senator Bradley.—Mr. Goff, they not only sell it, but they advertise to sell it at auction.

Mr. Goff.—Yes, that is what I mean, to sell the privilege at auction to the highest bidder.

By Mr. Goff:

Q. Now you, Captain, as a police officer, ought to know that a man who buys the privilege of the bar at auction, that he has no license to sell liquors on that excursion boat or barge, and you have never taken any steps toward finding out whether such things exist or not? A. No, sir.

Q. Don't you know that from the time that one of these excursions starts from the dock that your boat sticks to her until your men are paid and settled with? A. No, sir; that is not so.

Q. How do you know? A. Because I am on the boat.

Q. Are you always on the boat? A. Yes, when she goes out.

Q. You are always on the boat? A. Yes, sir.

Q. And you always have the police flag flying? A. Yes, sir.

Q. And before you reach the excursion of course everything is in order? A. I did not say that.

Q. Isn't it a reasonable inference? A. Yes, sir; that is a reasonable inference.

Q. There is no necessity of your approaching them with a brass band and notifying them of your coming, is there? A. No, sir.

Q. Have you boarded the barges yourself? A. No, sir; never was on an excursion in my life.

Q. Did any of the men from your boat board one of the barges? A. Not under my orders.

Q. And without your knowledge, or to your knowledge? A. Recently, yes.

Q. I ask you again, so you won't misunderstand, have any of your men boarded excursion boats or barges in the water of the harbor from the police boat? A. No, sir.

Q. So all you did was to go to make a showing? A. I said, I received an anonymous letter sometime since stating that the Excise law — received it through the superintendent—that the Excise law was being violated on board the steamer Columbia; going up to West Point, I sent two officers over in citizens' dress; they boarded the boat at Brooklyn, and they remained on the boat until she arrived at Yonkers, but the bar was not opened; and then they again boarded the boat when she came down and touched Yonkers, and got off at West Tenth street, and they reported there was no violation of the law during the time they were on the boat; of course we had no right to arrest outside of our jurisdiction.

Q. We understand that; that is the only effort you have made? A. That is the only one.

Q. Now the Columbia runs regular Sunday excursions in the summer time, doesn't it? A. Yes, sir; I think she runs to —

Q. Newburgh and West Point? A. No; runs to Rockaway.

Senator Bradley.— Oh, no; not the Columbia. She runs Sunday excursions to Newburgh and West Point under Captain Lynch.

The Witness.— No, sir; Captain Lynch don't run her at all.

Q. That is the Majenta; my inquiries were directed to the excursion parties on the regular Sunday boat; but I meant excursion clubs and associations, etc.; those things are what have attracted my attention? A. If you will allow me to explain, the Columbia commences as soon as the warm weather sets in and these boats run to various points, to New Haven and West Point, and when the regular season opens at the beach they run there regularly, and after the season is over they make a few excursions to these different points again.

Q. I will turn back to the excursions of these social clubs; societies, do you mean to say — do you repeat now that you never have taken any precautions or measures to ascertain whether the law was violated upon those Sunday excursions or not? A. Yes, sir.

Q. That is the position you occupy, so that, so far as you know, and with the knowledge that you possess, that you have testified that you have heard that the privileges of the bar were given to the highest bidder, the law was being violated Sunday after Sunday, and you took no measure? A. I did not say I knew they were given to the highest bidder.

Q. You swore you heard that? A. No, sir.

Q. You admit it a moment ago in answer to my question; you admitted a few moments ago, in answer to my question, that you did hear the privileges of the bar were advertised for sale; you admitted that? A. I will let it go at that.

Q. Is there anything further that you don't want to let go? A. No, sir.

By Chairman Lexow:

Q. Don't you think it part of your duty as commandant of that precinct, if you so call it, to look up and detect crime when you know it is committed? A. Yes; ready and willing to do it.

Q. Why don't you do it? A. Why, the difficulty we labor under is while we have 32 men there are only nine of them on duty at one time.

Q. Why is that, Captain? A. Because they are divided into sections, and the men have to sleep; they are now divided into five sections, and there are only four or five on one section; one section is duty for patrol, reports there in the morning at 7 o'clock and remains over until the next morning, and subdivided into watches not exceeding six men, and then they are relieved the next day and are off 24 hours, and then they are relieved by another section; in the meantime the patrol on the river is kept up on two small boats; now, these excursions, all of them go without our jurisdiction; and if I was — I could not put less than two men on, because one man would have to protect the other, as it were in case they were assaulted; the excursions are all without our jurisdiction, that is, their destination; and they are only in our jurisdiction for a short sail; and hence, if I put men on those boats there would be no getting those men off unless we made a united effort — the superintendent made a united effort; we would have to send more men; and then these boats, as soon as they are out of our jurisdiction we are powerless.

Q How is it you, in control or command of that work, have not yet said to the superintendent, I know as a matter of common rumor that the law is being violated in my precinct; won't you put more men at my disposal in order to detect this crime; don't you consider you owe it a duty to the community to enforce the law in your district? A. Yes, sir; I am ready to do it at any time.

Q. Why don't you follow it up?

By Senator Bradley:

Q. Were you ever told that this fact exists that there has not been an excursion left New York or Brooklyn for the last ten years, when the thing was initiated first, it is now every Sunday, that that bar is open two hours before they leave the dock, and keeps open continually? A. I am not responsible for that.

Q. Don't you know such a thing occurs? A. No, sir.

Q. I inform you that that is the fact; the bar is open two or three hours before the excursions leave the dock, and keeps open continually whether in your jurisdiction or not? A. I am not aware of that fact.

By Mr. Goff:

Q. You talk about your jurisdiction; your jurisdiction extends from the embarkation of that excursion until they reach the city line of Yonkers up the Hudson? A. Yes, sir.

Q. And if they go up the East river your jurisdiction is up to Barretti's point? A. Yes, sir.

Q. You did not raise a question about your jurisdiction not extending when you sent two men on board the Columbia? A. No, sir.

Q. But you sent them there? A. Yes, sir.

Q. You got out at Yonkers? A. That was the first landing.

Q. That was the extent of the jurisdiction? A. Yes, sir.

Q. Now, what Senator Bradley says is notorious to every resident in the city of New York, except possibly the police captain in command of the harbor police, that an excursion never leaves a dock in New York harbor on Sunday that they do not open the bar before they start from the dock, and continue and sell right along up the Hudson river or East river; is that the fact or not? A. I do not know.

Q. How long have you lived in New York? A. Oh, 56 years.

Q. How long have you been captain of this command; two years you say? A. Yes, sir.

Q. Any yet we have it that a police captain is the only man in New York who never heard that the law was being violated every Sunday during the excursion season of the year.

By Chairman Lexow:

Q. Not only that, Captain, but isn't it a fact that when these barges return after the excursion is completed that you hear sounds of the most riotous description upon these barges; that there is no effort made to conceal the fact that a large number of people upon them are absolutely in the last stages of intoxication; the assaults of all kinds and description occur on these barges; isn't that a notorious fact? A. I don't think so.

Q. Have you never heard of it? A. No, sir.

Q. Have you never seen these barges in that condition yourself? A. No, sir; I was in command of the Thirteenth precinct for six years, and there were barges started from there, and I was on the docks frequently when they came home, and never saw them in that condition; I was in command of that precinct.

By Senator Bradley:

Q. How often have you been signalled with the flag of distress where there was a riot on board on Sunday evening? A. Never since I have been in command.

Q. Never? A. No, sir.

By Mr. Goff:

Q. Do you mean to say you have never been signalled? A. No, sir.

Q. Haven't the newspapers on Monday morning frequently reported a signal of distress by reason of rioting on these excursion boats; they are all untrue, are they? A. They are so far as I am concerned.

Q. How many hours of the day of the 24 do you sleep, Captain Copeland, or are you asleep all the time? A. I sleep very little.

Q. It seems that the captain of the harbor police, who does not know or has not heard of these things inquired of you by the Senators and myself, would be asleep all the time; are you

equally ignorant of the reports reaching you that whenever men board these excursion barges they get from \$10 to \$20 and sometimes as high as \$30? A. I am ignorant of that too.

Q. How long have you been captain of police? A. Thirty odd years.

Q. You have been captain 30 odd years? A. Yes, sir.

Q. By the way now, while you are here captain, I want to find a little item of information that occurs to me; you attend the police captains' dinner every year, don't you? A. Yes, sir.

Q. And those dinners are had at the expense of the captains in New York? A. Yes, sir.

Q. Have you got many guests there? A. Yes, sir.

Q. Men of prominence in the State, city and country? A. Yes; we try to get the best citizens we can.

Q. And you entertain them right royally? A. Yes, sir.

Q. And that is a dinner that has a reputation of being the best dinner served in New York? A. Yes, sir.

Q. The captains are good judges of wines and cigars? A. Yes, sir.

Q. How many captains are there in New York? A. Well, I don't know; there should be 35, I think.

Q. Well, there is, say one or two acting captains now; well, averaging, there should be 35? A. Yes, sir.

Q. How much is each one assessed for the expense of that dinner? A. They have been assessed as high as \$20; but the last two years they were assessed \$15.

Senator O'Connor.—The captains' dinner?

Mr. Goff.—Yes.

Senator O'Connor.—The captains eat them themselves, don't they?

Senator Bradley.—No; they do not.

By Mr. Goff:

Q. Fifteen dollars a head? A. Yes, sir.

Q. They have music there? A. Yes, sir.

Q. And you have had as many as 50 guests there at some dinners? A. Oh, yes.

Q. More than that? A. Over 100 — 200.

Q. Two hundred guests? A. Yes.

Q. There are 35 captains? A. Thirty-five captains, four inspectors, one superintendent.

Q. Do they contribute? A. Yes.

Q. They contribute in ratio to their salary? A. They are all assessed alike.

Q. That would be 35 and four — 39, and one superintendent, 40; now, captain, I suppose you are aware of the fact that there is not a dinner served at Delmonico's, or the Brunswick on any important occasion that is less than \$10 a plate? A. Yes, sir; I am aware of that fact.

Q. You had dinners for 200 guests and 40 officials — 240; well now, you have to pay for the guests? A. Certainly; each man pays for his own guests.

Q. I know; I don't care how it is paid, individually.

Senator O'Connor.— That is in addition to the assessment.

Q. According to your rate, that would be \$600 for that dinner, if the captains gave \$1 a piece? A. Yes, sir.

Q. I find on computation at \$10 a plate — I understand the plate is \$12? A. No, sir; they are \$7.

Q. Oh, you get a rebate? A. I suppose they do; they started in on that, and they have always kept it at that.

Q. That is \$1,400 against \$600, at your own figures; the dinner costs as against \$600 subscribed; how do you explain the discrepancy? A. I do not understand that question.

Q. According to your figures, there have been dinners that would cost \$1,400 against \$600? A. Each member is allowed three tickets.

Q. Has he to pay for those extra? A. Yes; he has to pay extra for them.

Q. So the captains may pay \$45? A. Yes, sir; he may pay \$50, if he wants to, I suppose.

Q. Fifty dollars, once or twice? A. I don't say so; I say, if he wants to.

Q. If he utilizes the invitation plates at his disposal, he is supposed to be taxed \$45 for three, or \$60 for four? A. Well, \$15 and \$21; it would be \$36.

Q. What is your salary? A. Two thousand seven hundred and fifty dollars.

Q. That is a pretty steep item on a salary of \$2,750, to pay for the luxury of a dinner once a year? A. It is.

Q. And all for the purpose of hearing yourself praised? A. I can not say that.

Q. How much real property do you own, captain? A. I own a house and lot where I live, and one next door.

Q. What is the value of the house and lot where you live?

A. I paid \$8,500.

Q. How much is the market value now? A. I don't know.

Q. Have you ever had it appraised? A. No, sir.

Q. Isn't \$13,000 a fair valuation for it? A. If I wanted to sell it, I would like to sell it for that.

Q. What is the house and lot next door worth? A. I presume that is worth the same, or a little more; I gave \$11,500 for it.

Q. Worth a little more? A. No; I don't think so; I gave all it was worth and a little more.

Q. We have it you have \$20,000 or \$25,000 invested in real estate? A. No, sir; \$20,000.

Q. Would you be willing to sell your property to-day at \$20,000? A. No, sir.

Q. How much would you be willing to sell it for? A. I would not sell it at all.

Q. What does the house next door bring in to you as rent? A. Paying \$800.

Q. Paying \$800 per year; that is a valuation of about \$12,000 at the rate of 6 per cent., which is considered a fair investment upon the rental, isn't it? A. Well, I have not figured on it.

Q. Well, I have; you have a family? A. Yes, sir.

Q. How many persons does your family consist of? A. Eleven.

Q. Eleven persons? A. Yes, sir.

Q. And is there any income going to the support of that family, except your income of police captain? A. Yes, sir.

Q. How long has your income gone into that family? A. Ever since I went into that house.

Q. What is the income? A. I think it averages \$600 a year.

Q. From what source? A. Rents.

Q. I am not speaking about that; I am speaking if there is any income from any other member of the family except yourself? A. Yes, sir; I have two sons.

Q. What business are they engaged in? A. Well, they are clerks.

Q. Where? A. I do not think it is necessary for me to answer that.

Q. I think it is; I think it is, captain; they are not engaged in any dishonorable employment, are they? A. No, sir.

Q. They are not engaged in any employment that would bring the blush of shame to your or their cheeks? A. No, sir.

Q. Why should you object to state it now? A. I do not think they should be mixed up in this.

Q. There is nothing in an honorable employment to mix up anyone; you are deriving an income from them to the support of your family? A. Yes, sir.

Q. I ask you where and how that income is derived from them? A. I answered that question; I say I have two sons.

Q. Where are they employed? A. Shall I answer that question?

Chairman Lexow.—Yes.

The Witness.—One is a clerk in the Park Bank, and the other is employed with the Evening Post.

Q. Are they married? A. One is, and one single.

Q. The one that is married, I suppose, supports himself and his family? A. Yes, sir.

Chairman Lexow.—If you refuse or we sustained any objection of yours to answer a question of that kind you would appear to disadvantage before the community greater than if you answer the question. If you have nothing to conceal, what is the reason you should not answer the question?

Senator Bradley.—In answering the question, he has established himself before the community that they are in honorable positions.

Mr. Goff.—We have nothing to do with the members of your family, but we have to do with the position of the police captain.

Senator Bradley.—He only derives, he says, \$600 a year?

Mr. Goff.—That is from the house.

The Witness.—That is from the house.

Chairman Lexow.—One moment, Mr. Goff. Is William Murray in court? William Murray; is he in court? Make a note of the absence of William Murray. Joseph W. Kay (Mr. Kay answers "Here.") William H. Gammon; is William H. Gammon in court? Make a note of the fact that William H. Gammon is not in court. You will make a further note that the chairman called the names of those two witnesses and they failed to reply; that the hour is now 3:30 p. m.

By Mr. Goff:

Q. Do you own any mortgages? A. No, sir.

Q. Have you any account in the trust company? A. No, sir.

Q. Or bank? A. No, sir; yes, I have an account in a bank.

Q. Deposit or savings? A. Savings bank.

Q. What is the extent of your account there? A. I think it might be \$3,000.

Q. Have you that money invested in any way? A. No, sir.

Q. Have you given any property to your wife? A. No, sir.

Q. Does she hold any in her own name? A. No, sir.

Q. When did you first buy? A. About 20 years ago.

Q. About 20 years ago? A. Yes, sir.

Q. And then you had been 10 years captain? A. Thirty years.

Q. If you bought the house 20 years ago, you were captain 10 years at that time? A. Yes, sir.

Mr. Goff.— Captain, for the present we will excuse you. We have got some other witnesses to call here, and we have to get through in a hurry. You can go, captain.

Chairman Lexow.— Shall the captain attend to-morrow?

Mr. Goff.— No, sir; we will send for him if we want him.

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

Examination by Mr. Moss:

Q. After you got through testifying to-day, you met Mr. Brodsky on the street; didn't you? A. Yes, sir.

Q. You and Mr. Weller and Mr. Wallach? A. Yes, sir.

Q. Anyone else? A. I think it was Morris Harron.

Q. Did you go up to his office? A. No, sir.

Q. How did you come to meet him? A. He seen me on this side and he called over to me.

Q. He called you over? A. Yes, sir.

Q. Was he waiting for you? A. I don't know that he was.

Q. Speak louder? A. I don't know.

Q. Did he know you were going to testify to-day? A. I don't know whether he did or not.

Q. Wasn't he informed that you and your other dealers or manufacturers had been subpoenaed? A. Not that I know of.

Q. Mr. Brodsky spoke to you about what you had testified; didn't he? A. Why, he said something about it; yes, sir.

Q. What did he say? A. He had the paper in his hand, and showed where I testified.

Q. He had a paper in his hand and showed you where you had testified? A. Yes, sir.

Q. Do you mean an evening paper? A. I think it was this forenoon; I asked him what paper that was, and he said that was to-day's paper.

Q. And to-day you had testified? A. Yes, sir.

Q. You did not testify yesterday? A. I was on the stand then.

Q. What time did this conversation take place? A. Right after court.

Q. You only testified yesterday about the books? A. Yes, sir.

Q. Was that what he called your attention to? A. I did not look at the paper but he said he had the paper of to-day what I testified to.

Q. That is your testimony to day; what time did that conversation take place? A. Right after court and after I went down stairs.

Q. About half-past 1? A. I think it was; yes, sir.

Q. Tell us just what he said to you? A. That is all he said.

Q. Didn't Mr. Brodsky say to you, I told you to swear so and so? A. No, sir.

Q. Stating some matters? A. No.

Q. Didn't you say to Mr. Brodsky, I did not swear anything else? A. I think not.

Q. Or words to that effect? A. No, sir.

By Chairman Lexow:

Q. You must know whether it was so or not; you can not say "I think not;" it is impossible; that is just as near perjury as can be; you must know, or not know what you said a few minutes ago; testify like a man; did you say it so and so, or if you did not say it so? A. No, sir.

By Mr. Goff:

Q. He spoke to you about your testimony? A. Well, he said he had the paper I testified in.

Q. What did he say? A. That is all he said; I asked him if this was the paper from what I testified to, and he said yes; that is all he said.

Q. It was noted that you were so quiet in the witness-chair and you were so lively in talking with Mr. Brodsky; it has been

stated you had an animated conversation with him and that the question of your testimony was discussed? A. No.

Q. Now, tell us what the conversation was? A. That is all.

Q. You refuse to tell any more? A. That is all; that is all that was said.

Q. How long did you talk? A. About one minute.

Q. What was it that you had agreed to testify? A. That was all that was said.

Q. What was it that you agreed to testify? A. I did not agree to anything.

Q. What was it you had been instructed to testify? A. Nothing; I had not been instructed.

Q. What was it that Mr. Brodsky said you had been instructed to testify about? A. He didn't say anything.

Q. What was it you said you had not testified about anything else? A. I did not state anything about testifying to anything.

Mr. Goff.— Step down for a minute.

(Mr. Brodsky was called but did not respond.)

Chairman Lexow.— He was here a moment ago. I saw him sitting at the other end of the room.

Catharine Camitch, called as a witness on behalf of the State, sworn and examined through an interpreter, testified as follows:

(Charles Coleman was sworn as an interpreter of the Slav language.)

Examination by Mr. Moss:

Q. You had \$85 a little while ago, didn't you? A. Yes.

Q. And you took that money to a banker, didn't you? A. Yes,

Q. Who was the banker? A. Dudinsky.

Q. Where was his place? A. Corner of Attorney street and Stanton, in the basement.

Q. Did the banker run away? A. No; he is under \$500 bail now.

Q. Under \$500 bail for taking her money, isn't it? A. Yes, sir.

Q. After this man had taken and refused to give you your money did some one come to you to get some more money from you to prosecute him? A. Yes, sir.

Q. Who was it? A. It was Newman; he was in Attorney street, a barkeeper.

Q. What was his name? A. Newman; he went away.

Q. What did he say to you? A. He says to me if I gave him \$20 he would represent me, and he gave \$10 to the detective.

Q. Detective of what name? A. Brennan.

Q. She was to give this man \$20 and he was to give \$10 to Detective Brennan to catch the banker? A. Yes, sir.

Q. Did she give the money? A. Yes; I gave the \$20 to Newman.

Q. Did the detective catch the banker? A. Yes.

Q. And he was arraigned in the Essex Market Court? A. Yes, the next day morning.

Q. How long ago was that? A. About three months ago.

Q. Do you know what judge was on the bench? A. He was a big fat man.

Q. How many times has that case been adjourned; how many times have you been compelled to go to court? A. About six times.

Q. About six times that case has been adjourned during three months; were you there this morning? A. Yes, sir.

Q. Was it adjourned again? A. Yes, sir.

Q. When is it adjourned to; what is the next day? A. Next month the 16th.

Q. The 16th of next month? A. Yes.

Q. Upon what excuse; who asked for the adjournment? A. The Lawyer Weltner.

Q. That is the attorney for the defendant? A. Yes, sir.

Q. What did he say was the reason? A. He said, "The banker is sick, and is not there."

Q. Do you know whether he is sick or not? A. No; he is all right; he is not sick.

By Chairman Lexow:

Q. Ask whether a physician's certificate was produced, or an affidavit? A. He was there to-day.

Q. Was there any doctor's certificate brought there to-day? A. No; he was not there.

Q. Was there any doctor's certificate taken there to-day? A. No.

Q. Who was the judge? A. There was Judge Simms, to-day.

By Mr. Moss:

Q. So, in this matter, where \$85 was stolen from you, you had been three months until to-day trying to get justice; your case has been adjourned six times? A. I have not got any money.

By Senator Bradley:

Q. And Detective Brennan has got \$10?

By Mr. Moss:

Q. Mr. Newman took \$20 for the purpose of giving \$10 to the detective who arrested the man; that is a pretty close —

By Senator Bradley:

Q. Ask her, if she knows where Newman went to? A. I can not tell you.

Q. Did Mr. Brennan tell you whether or not he got the money? A. Yes; he says may be he get the money back; Mr. Brennan got the bank-book.

Q. But the \$10 Brennan got? A. No; nothing said about that.

Mr. Moss.—I think that is all of this witness. Brodsky has not come in, has he? Is Mr. Elliott here? (No answer.) Where is Mr. Rawls? Come up here, Mr. Rawls, we are waiting.

John Rawls, 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. Twenty-six Minetta lane.

Q. You were beaten by a policeman in the police court, wasn't you? A. Yes, sir; I was.

Q. Will you tell us about it? A. Yes, sir.

Q. Go ahead? A. I came down out of my house Sunday morning, about 1 o'clock.

Q. That is last Sunday morning? A. Yes, sir; to go into a saloon just next door; I stood knocking at the door, and a man came up and spoke to me, and said, "Why don't you go in?" I said, "I can't get in;" and he said, "Yes; you can;" and I said, "If you can get in, that is more than I can do;" an officer came from Sixth avenue and said, "Get out of here;" and he jabbed me in the ribs with a club, and I got in my room, and he

followed me up, and pulled me downstairs, and liked to do me up, and he took me out the next morning and got me to Eighth street and grabbed me by the back of the neck, and said, "Go on;" and I said, "I am going as fast as I can;" and he up with his knee (illustrating) and kept shoving me; and we got in the market entrance in the police court, and going in, he pushed me in and kicked me into the cell, and afterwards I was called out before Judge Voorhis, and he made his complaint, and he said I assaulted a citizen; I spoke to the judge, and told him how it was, and the court fined me \$5, and I started to go with him, and he grabbed me by the back of the neck and kicked me here.

Q. Where were you then? A. Leaving the desk of the court, starting from there and going in the corridor; I runs back and asked the judge if I should be treated that way; and he grabs me and started me into the cell, and kept kicking me, and nobody would speak, and Mr. Hicks, a reporter of The World seen which way I came out; and after I got discharged, paid my fine, I came up to see the judge and stood there until after 12 o'clock, and he told me to come Monday, and I went Monday morning and it was adjourned until Monday afternoon; I wanted to make a charge before the judge; and Monday afternoon I went there, and he called me up, and the reporter was there and spoke —

Q. That is, Mr. Hicks? A. Yes; he told the judge how it was, and he seen me and followed me; and the officers there said it was not so.

Q. The officers stood together? A. Yes, sir; and I saw there wasn't much satisfaction; and he said, "If you wish to make a complaint." and the officer said, "You better go before the commissioners and make the complaint, that is the best place to make it;" and I said, "I will see a lawyer and see what he says;" and that night I was subpoenaed and have not done anything since.

By Chairman Lexow:

Q. You mean to say this assault on you was committed in view of Judge Voorhis? A. I don't say exactly in his view, but leaving the front of his desk, going into the cell after he committed me for five days.

Q. In the same room? A. It is outside of the cove leading from the desk.

By Mr. Moss:

Q. It was in the corridor? A. Yes; it was so crowded, perhaps the judge could not see it.

Q. Was that the same officer that arrested you? A. Yes.

Q. What is his name? A. I think it is Cronin.

Q. Of the Fifteenth precinct? A. Yes, sir.

Q. Is Cronin here?

Mr. Moss.—He has been under subpoena here.

By Chairman Lexow:

Q. Were you in sight so that the judge could see it if he used his eyes? A. No, sir; I think not; because the reason is, the desk is like this, and I had to go through the door just like that.

By Senator Bradley:

Q. You said 1 o'clock; was it Sunday afternoon? A. Sunday morning, after leaving; 1 o'clock Sunday morning, before daylight.

Q. How many times had you been in that saloon that night? A. I guess three or four times during the evening.

Q. What did you have to drink that evening? A. Beer.

Q. You did not mix it, did you? A. No, sir.

Q. You are sure you were sober at the time? A. Yes, sir; I was sober.

By Mr. Moss:

Q. You were sober in court, wasn't you? A. I was that.

Q. Any question about that? A. Yes; beat enough to be sober.

Q. You had been locked up long enough to get over what you had drank? A. Yes, sir.

By Senator Bradley:

Q. Did you never see that officer before? A. No, sir.

Q. Or any other officer in that precinct? A. No, sir.

Q. You never said anything about these officers? A. No, sir; had no cause for it.

Q. So he had no reason for assaulting you? A. No, sir; he did not.

By Senator Bradley:

Q. You had better keep better hours, young man; if you were in bed at 11 o'clock at night you would not get into that difficulty? A. No, sir; we can not all be good.

Mr. Moss.—That will do, Mr. Rawls. Mr. Valentine.

W. D. Valentine, 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. I resided in New York since last April — since last March.

Q. There seems to be something wrong with the New York atmosphere or the New York court-room that you can not speak louder.

By Senator Bradley:

Q. Whereabouts in New York do you live? A. I think it is 631 Broadway.

By Mr. Moss:

Q. Now, may I ask the particular place in New York where you live? A. I think it is 631 Broadway, or 661 Broadway, at the New York Hotel.

Q. The New York Hotel; now we have got something definite; you have a partner, haven't you? A. I have a gentleman that is interested in business with me.

Q. Is he a partner? A. He is interested in the same business I am in.

Q. What is his name? A. W. S. Fender.

Q. Is there a man of the name of Stearns in partnership with you? A. No, sir.

Q. Is there a man of the name of Stearns connected with you in any way? A. Not in New York.

Q. Whereabouts is he connected with you? A. He is connected with me in farming in the south.

Q. In farming? A. Yes, sir.

Q. In the south? A. In the south.

Q. Is he connected with you in the business you are now operating? A. No, sir.

Mr. Moss.—Where is the acting captain of the First precinct? Will you come here captain and sit at the table?

Q. Where are you engaged in business now? A. Thirty-eight New street.

Q. You were engaged in business in the city at another place, weren't you? A. We have an office at 39 West Thirty-eight street also.

Q. What was that street? A. We have an office at 39 West Twenty-eighth street.

Q. You have not been doing any business at this office for some time, have you? A. No, sir; I think we closed it the fore part of August.

Q. Why did you close it? A. For the lack of business.

Q. That was in Captain Schmittberger's precinct? A. I don't know.

Q. Did you ever see Captain Schmittberger? A. I never did.

Q. Did you ever hear of him? A. I heard of him in the newspapers.

Q. Did you ever see a police officer in that precinct? A. Only as I passed him on the street.

Q. Didn't you meet him in your place of business? A. Not to my knowledge.

Q. You went under the firm name of Stearns & Co., didn't you? A. Yes, sir.

Q. You are under that name now? A. No, sir; it is the Stearns Commission Company.

Q. That is a farming company, isn't it? A. It is not; no, sir.

Q. Mr. Stearns is engaged in the farming business with you? A. That is what I said; yes, sir.

Q. In what farming connection is this business run? A. None whatever.

Q. Does Mr. Stearns raise guys down south and send them up to your business here, on his farm? A. I don't know what your remark refers to, sir.

Q. You don't; you never have heard of guys? A. I have heard of guys; but not in connection with my business.

Q. Is Mr. Stearns' farming business for the purpose of sending guys to you? A. He is engaged in a legitimate calling in the south.

Q. You are interested in this concern, in that business of general farming and raising vegetables? A. General farming.

Q. Has Mr. Stearns been at your place of business in New York? A. He has not, sir.

Q. I ask you again if you ever saw a policeman in your business place uptown? A. No, sir; I never did.

Q. Did any police officer ever investigate your place? A. I think there have; I am not sure.

Q. What makes you say you think? A. Because, I think at the time we opened there was an article in one of the newspapers, The World, speaking of our particular business, and drawing the attention — said they would draw the attention of the police to our business.

Q. The World said they would call the attention of the police to your business? A. Yes, sir.

Q. That is no reason why you should say they investigated it? A. They have never investigated it to my personal knowledge.

Q. Has any police official asked you or Mr. Fender to explain your business to him? A. No, sir; never asked me.

Q. How many people have patronized your place up town, averaging? A. Some days two customers, and again, six or eight, and possibly as high as 10 at a time.

Q. And did you sell them? A. We delivered any stock, and grants and preferences.

Q. Did you deliver the goods to them? A. We had the goods to deliver, and probably delivered them.

Q. Where were the goods? A. The stocks are kept in our safe.

Q. And where were the goods? A. You mean such as wheat?

Q. Yes? A. Well, wheat is always kept in elevators, subject to delivery.

Q. Where are the elevators? A. We are dealing on the Chicago market.

Q. Where are the elevators? A. They are in Chicago.

Q. You know you had wheat in Chicago in elevators? A. I know when we bought wheat for delivery in Chicago that it would be there at the time we were ready to deliver it.

Q. After you left or gave up business uptown because there was no business, why did you keep your office? A. Because we had it leased until the 1st of May.

Q. Is it occupied now? A. It is not.

Q. You have just got an empty office there? A. It is an empty office.

Q. It is on your hands because the lease is running? A. Yes, sir.

Q. Is this your business title, "Stearns' Commission Company" upon that (indicating paper)? A. That is the title.

Q. What is that memorandum? A. That is a memorandum of selling 500 shares of Alton mining stock at 527 1-8.

Q. And the Stearns, who is named, of course, in this, is the farmer down south? A. Not exactly; we used Mr. Stearns' name.

Q. Who is it then? A. We have used Mr. Stearns' name.

Q. Have you asked Mr. Stearns' permission to use his name? A. Yes.

Q. You have? A. Yes.

Q. Did he give it to you? A. Yes.

Q. Have you anything to show for that? A. Only verbal; that is all!

Q. When was it given to you? A. Last February, I think.

Q. Where was it given to you? A. When I was in the south.

Q. You saw him down south? A. Yes, sir.

Q. And then he told you to use that name? A. I believe so.

Q. You have used it before, haven't you? A. No.

Q. You have been operating in the west some? A. Yes, sir.

Q. Didn't you use that name then? A. No.

Q. What name did you use in Chicago? A. I used The Wel-
lers' Commission Company.

Q. You were ordered out of Chicago? A. No, sir.

Q. Your place was closed up? A. No, sir.

Q. You were not allowed to do business? A. You are mis-
taken.

Q. Didn't you leave Chicago under a cloud? A. No, sir.

Q. Didn't you come to New York as a place of refuge? A.
No, sir; I never left any place under a cloud.

Q. Where are you doing business now? A. Thirty-eight
New street.

Q. What place is that? A. In the Edison Building.

Q. You have a very large office there, haven't you? A. Not very large; it is a fair-sized office.

Q. How large an office have you? A. About 25 x 50 I should think.

Q. With a blackboard in it? A. Yes, sir.

Q. And some listed announcements on the blackboard? A. Yes; you quote the price of stocks there.

Q. Have you a genuine ticker in the place? A. We have; yes; certainly.

Q. And genuine announcements come in on that ticker, don't they? A. Yes, sir.

Q. You have other apparatus that are not tickers? A. We have no other apparatus.

Q. Haven't an apparatus that feeds a tape? A. We have a marked letter.

Q. A marked letter that comes out of an apparatus? A. No, sir.

Q. How do you get the tape; how do you hold the tape? A. The letter is written on a tape.

Q. And that tape is put into a box of some kind, isn't it? A. A sort of holder, that is all; just a holder for a tape.

Q. And this tape is drawn out from time to time; is it not? A. Well, there is one price announced at a time; one offer is made at a time.

Q. That tape does not come out of a ticker, does it? A. No, sir; it is a letter.

Q. A letter prepared beforehand? A. Yes.

Q. Put into the holder? A. Yes.

Q. It has quotations on it? A. Yes.

Q. And you draw the tape out of the holder? A. It has prices at which I am willing to buy or sell stocks at.

Q. Do you know beforehand what is in the holder? A. What the prices are?

Q. Yes? A. I make that letter myself.

Q. Did your customers know what prices are on the letter? A. No, sir.

Q. That letter is not connected with the ticker, is it? A. No, sir.

Q. And you have a great crowd about you there, running from 50 to 200 men at a time; haven't you? A. No; you will find about 25 or 30.

Q. It runs as high as 50, doesn't it? A. I don't think I ever saw 50 in the place at a time.

Q. Your vision is not as good as other people's?

By Chairman Lexow:

Q. What is the name of your concern in 38 New street? A. The Stearns Commission Company.

Q. You mean to say that is an incorporated company? A. Yes; incorporated.

Q. With trustees? A. With directors.

Q. Under the laws of the State of New York? A. Yes, sir.

Q. To buy and sell stocks? A. To buy and sell stocks.

Q. And is this Stearns one of the managers? A. He is not; no, sir; that is the name of the corporation; just as you might call it The New York Commission Company, or any other.

By Senator Bradley:

Q. Did you file articles with the Secretary of State? A. We did; yes, sir.

Q. Who is the president? A. I am.

Q. Who is the secretary? A. Mr. Fender.

Q. And what other trustee have you? A. There is a Mr. Townsend.

Q. Who is Mr. Townsend; what is his whole name? A. J. H. Townsend.

Q. Where does he keep? A. He lives in St. Louis.

Q. In St. Louis? A. Yes, sir.

Q. Are there any other directors? A. I think that is all.

Q. Does your company operate in St. Louis? A. Not this particular company.

Q. But a company similar to yours? A. Yes, sir.

Q. Is it operating now? A. Yes, sir; doing business identically as we are doing here, and has been doing business there for two years similarly.

Q. What is the name of the man that has lost \$500 by this "letter," as you call it, during the last month? A. I never knew of a man losing that much money buying and selling stock there.

Q. What is the name of the man that lost \$700 last month on that letter of yours? A. I don't know; some may make

money, and some lose money; we make our money off of our commissions.

Senator O'Connor.—What is this, a bucket-shop?

Mr. Moss.—No; worse than that; a bucket-shop deals in stock.

By Mr. Moss:

Q. This letter is put by you in the morning in the holder, is it not? A. That is right.

Q. And you alone know what is on the letter? A. Yes, sir.

Q. Your customers do not know? A. No, sir.

Q. It purports to be a letter of how stocks are selling, don't it? A. No, sir; it is a letter to buy or sell certain stocks at certain prices.

Q. What do you write it out for? A. I own these stocks and stand ready to pay that price or will buy at that price for the stock.

Q. You own the stock? A. Yes, sir.

Q. What stocks are they? A. Different mining stock.

Q. What are they? A. I brought you down a few of them here.

Q. How many stocks have you? A. I guess we quote in the letter there 20 different stocks.

Q. Do you own those mines? A. No.

Q. Do the companies own the mines? A. We own some of the stock.

Q. Do you own the principal part of the stock? A. In some instances.

Q. Where are the mines? A. I don't know, I am sure, just where the mines are located.

Q. You don't know where they are? (No answer.)

By Senator Bradley:

Q. Perhaps they are in his mind? A. They are not in my mind.

By Mr. Moss:

Q. Now where are the mines? (No answer.)

Chairman Lexow.—That is simply a device for gambling. You need not go any further than that; it is simply a device to gamble.

Mr. Moss.—I want to show how deep a device it is.

Mr. Goff.—It is worse than the roulette table. There is absolutely no chance. The dealer knows everthing on the slip.

Q. Now I will read from this letter: "New York, October 18, 1894. Stearns Commission Co., city. Gentlemen: Please buy or sell the following stocks for my account at the following prices, errors and omissions excepted, and in conformity with your contract and rules. Respectfully yours, W. B. Valentine." That is your name, is it not? A. That is my name.

Q. And you are the president of the company? A. Of the Stearns Commission company.

Senator O'Connor.—That is an ostensible order they received.

The Witness.—It is a bona fide order.

By Mr. Moss:

Q. You, as president of the company, direct the company to sell these stocks mentioned in this ticker? A. Yes, sir.

Q. Or upon this tape? A. Yes, sir.

Q. When was this particular tape prepared? A. Yesterday.

Q. What for? A. What for?

Q. Yes; when was it to be used? A. It was to be used to-day.

By Chairman Lexow:

Q. Why are you so careful about excepting errors and omissions; (no answer); when you know the whole thing beforehand; what? A. One is apt to make an error.

Q. Is that for the purpose of hoodwinking the people who listen to that letter? A. No, sir.

Q. Making them believe some bona fide order is given? A. No, sir; not for any such purpose.

By Mr. Moss:

Q. You prepared this; did you not, Mr. Valentine? A. Yes, sir.

Q. And did you put this in the holder this morning? A. Yes.

Q. This is the very piece of tape that has been in your holder to-day, isn't it? A. Yes, sir; I brought it to you.

Q. And under the subpoena you took this out of your holder and brought it to me? A. Yes, sir.

Q. I wish you would bring the holder of this, as the subpoena called for? A. It is simply a holder, as you hold it in your hand.

Q. That holder is not connected with any telegraph wire? A. No.

Q. It is not a ticker? A. No, sir.

Q. There is no ticker anywhere near it? A. Yes, sir; but unconnected with it.

Q. You have a ticker there for appearance, don't you? A. No, sir.

Q. You have a little ticker going on in the same part of the office with some stock quotations? A. We have no appearance there.

Q. You did have some bona fide quotations? A. We quoted the sales of stock there.

Q. Yes; just a quotation; so that people can come in and read; but the real business is done around this letter? A. No, sir; we do business in both.

Q. But the greater part of the business is done around this? A. Yes.

Q. How many genuine stocks did you sell yesterday? A. Genuine.

Q. Genuine stocks; yes; were they genuine stock? A. All we sell is genuine.

Q. What? A. All we sell is genuine.

Q. How many? A. I could not say.

Q. Will it be 10 shares? A. More than that I am sure.

Q. Twenty? A. I think possibly 100 shares, or 200 shares.

Q. Will you swear you sold 200 bona fide shares from the regular stock quotations yesterday? A. I would not swear without first looking at the sheets to see.

Q. Will you swear you sold 100 shares of stock? A. I would not swear positively to any amount; we have handled as high as 400 or 500 shares.

Q. You have handled as high as 400 or 500 shares in a single day from the genuine quotations? A. Yes, sir.

Q. But you did not do that yesterday; did you? A. No, sir; I don't think we handled 400 shares yesterday.

Q. And you have a big public office, 25 x 50 feet? A. Yes.

Q. And you do not exceed 400 shares of stock from the black-board? A. We buy and sell.

Q. The crowd is gathered around this tape, isn't it, mostly? A. No, sir; they are distributed through the room.

Q. Who pulls the tape out of the holder? A. We have a clerk that pulls it out and calls it off; the company pays him.

Q. What is his name? A. I don't know his name; I know his first name; I think it is Harry.

Q. You call it a responsible position? A. It is only the same as any clerk.

Q. He might read off these quotations wrong, might he not? A. No; I think they are plain enough.

Q. He might read them off wrong; might pretend to read them, and read something else? A. No, sir; he could not very well.

Q. You stand around there and watch him? A. There are others around, a few.

By Senator Bradley:

Q. How long has Harry worked for you? A. I think since last April.

Q. Have you seen him sign any receipts in that office at all as a clerk? A. We have had him in different capacities.

Q. Did you ever see him sign any receipts, make out any bills for this stock you have been selling and buying; did Harry ever make out any of these, and sign them? A. I don't think he has.

Senator Bradley.—Then he is not a clerk. He must be an office boy.

By Mr. Moss:

Q. How much did you pay him; how much does the company pay him?

Senator Bradley.—That is absurd; he don't know his name.

The Witness.—That is true; I am swearing under oath.

By Mr. Moss:

Q. How much does the company pay him? A. Nine dollars; a week.

Q. Did you hand it to him? A. I had paid him at times, not always.

Q. Who else pays him? A. The cashier sometimes pays him.

Q. Who is the cashier? A. Mr. Currier.

Q. Where does he live? A. In New York.

Q. Whereabouts in New York? A. I don't know.

Q. Give his whole name? A. His first name is Charles; I don't know his whole name.

By Senator Bradley:

Q. Didn't you say his name is Currier? A. Yes, sir.

Q. You say he is Charles and Currier? A. I suppose he has a middle name.

By Mr. Moss:

Q. What part of the city does he live in? A. I think it is somewhere in the neighborhood of Twenty-second, Twenty-third or Twenty-fourth streets, or somewheres along there.

Q. You are sure he does not live in Brooklyn? A. I am quite sure.

Q. Quite sure, but not sure? A. I used to know he lived in New York; I have not heard of his changing his address.

Q. How long have you known him? A. I have known him since the latter part of March, I think.

Q. Had he been engaged with you ever since that time? A. Yes, sir.

Q. How much did you pay him? A. Twenty dollars a week.

By Senator O'Connor:

Q. You claim this a crooked business carried on with the protection of the police down there.

Mr. Moss.—Surely; and openly.

Chairman Lexow.—I am in the dark as to the principal office this tape performs. We have not got that out yet. What is the effect of that on the people there, on the tape?

Mr. Moss.—We will come to that. I want to come to the cashier if I can.

Q. You say you pay that man \$20 a week; do you pay it yourself? A. I have paid it at times.

Q. How many other employes have you? A. I think we have eight or nine altogether.

Q. Now, look here Mr. Stearns, or Mr. Valentine was not Mr. Schmittberger or his wardman in your plea up town last June; be careful and think? A. Not to my knowledge; not while I was there.

Q. Have you any knowledge on the subject? A. None; no, sir.

Q. Have you any information on the subject? A. None to give; no, sir.

Q. None to give? A. I have no information on the subject.

Q. Ever heard of it? A. Never heard of it.

Q. Wasn't it Captain Schmittberger or his wardman that told you you would have to discontinue your office for a while?

A. No, sir; no one has ever told me I would have to discontinue my place.

Q. I asked you how many employes you have down town? A. I said 9 or 10.

Q. What is your weekly pay-roll? A. I think it is in the neighborhood—I am not positive just how much—probably \$150 or \$200.

Q. Don't you know whether it is \$150 or \$200? A. I could not state without looking at the books; I don't keep the books.

Q. Who handles the books? A. Mr. Fender.

Q. I find on the tape the forty line 4 5-8; what does that mean? A. Read it again, please.

Q. "V 49 4 5-8," or "V 494 5-8?" A. That means I will buy that stock 4 5-8 cents a share, the Venice Mining Stock.

Q. What is that stock? A. It is a stock represented by a mining corporation.

Q. Is it one of these things here? A. Yes, sir.

Q. Will you find it (showing witness a number of certificates)? Senator O'Connor.—Are any of these listed stocks?

Chairman Lexow.—They are listed on that tape.

By Senator O'Connor:

Q. Are they listed in the regular stock market? A. We deal in stocks there.

Q. I mean these stocks that you give on the tape, are they listed on the stock market of the city? A. I think they are.

By Mr. Moss:

Q. Do you know? A. I am not positive; there are hundreds of mining stock not listed.

By Senator O'Connor:

Q. Are any of the stocks on this ticker that you make your customers believe they are buying genuine sales, whether in the form of stocks, which you pretend to deal in, listed in the Stock Exchange?

By Mr. Moss:

Q. Is that it? A. There is the share.

By Senator O'Connor:

Q. Do you know whether they are or not? A. I don't know whether they are or not.

By Senator Bradley:

Q. Do you mean to say you keep a Stock Exchange, and you don't read the quotations every day? A. I did not say that.

By Mr. Moss:

Q. Now, here is a certificate, apparently for 1,000 shares of the capital stock of the Venice Mining and Prospecting Company, of the par value of \$80 each.

Senator O'Connor.—Where was it incorporated?

Mr. Goff.—Illinois. That is, we can not say it is incorporated, but that is what it says, "Incorporated under the laws of the State of Illinois."

By Mr. Moss:

Q. Capital stock, \$40,000; this is 1,000 shares, or \$8,000; that is one-fifth of the capital stock on one certificate? A. Yes

Q. Who owns the other four-fifths? A. That I don't know, sir.

Q. You don't know anything about it, do you? A. I am not an officer of the company, so I could not tell you, and give you that information.

Q. How much did you pay for this? A. That I could not state positively.

Q. Did you pay a hundred dollars for it? A. I said I could not state, positively.

Q. Did you pay as much as a hundred dollars for it?

Senator O'Connor.—He probably paid what it cost to print it.

A. I did not print this.

By Mr. Moss:

Q. Did you pay as much as a hundred dollars for it? A. That I could not say.

Q. You don't know whether you did or not? A. No.

Q. Did you pay as much as a hundred dollars for this? A. I can not answer that.

Q. Did you pay anything for this? A. Yes, sir.

Q. How much? A. That I don't remember.

Q. Did you pay as much as \$50 for it? A. I could not say whether I paid \$50 or \$500.

Q. Did you pay as much as \$500? A. I say I could not say how much I did pay for it.

By Chairman Lexow:

Q. When did you pay it? A. I think the stock came in my possession last December.

Q. When did you buy it? A. I think last December.

By Mr. Moss:

Q. Who did you buy it from? A. From a gentleman in St. Louis.

Q. What is his name? A. His name is — his name is — Mr. Goff.— Now, don't invent.

A. I am not inventing, sir.

Q. You are delaying your answer. A. Did you ever buy anything and could not remember the name of the man that you bought from?

Q. You answer the question, and raise your voice; it does not look well. A. I want you to hear every word I say.

Q. That is two minutes in trying to think of his name? A. I will think of it directly — James Ullman.

Q. Isn't he connected with the company? A. He is not.

Q. Connected with the Wells Company, isn't he? A. No, sir.

Q. Where was Mr. Ullman when you bought this? A. He was in St. Louis.

Q. Whereabouts in St. Louis? A. Where?

Q. Yes; at what particular place? A. I have forgotten just which particular place.

Q. That is quite a transaction? A. Yes, sir.

Q. Eight thousand dollars worth of stock? A. Yes; that is the par value.

By Senator O'Connor:

Q. Right here, did your company keep books of what they bought and sold? A. We do not keep any individual account.

Q. Do you keep a company account? A. A company account?

Q. Yes? A. The Stearns Commission Company?

Q. Yes? A. Yes.

Q. Are these bonds you have here owned by the company?

A. They are not; no, sir.

Q. Is there any record kept anywhere so you can get them?

A. No, sir.

By Mr. Moss:

Q. What is Mr. Ullman's first name? A. I don't remember, sir.

Q. How long did you know Mr. Ullman? A. Not very long.

Q. Wasn't it Joe Ullman, the bookmaker on the turf? A. No, sir.

Q. Are you sure of that? A. Yes, sir; I know that.

Q. What? A. No, sir; it was not him; I know him.

Q. You know Joe Ullman, the bookmaker? A. Yes, sir; I have met him once or twice.

Q. Wasn't it his brother? A. No, sir; I don't think so.

Q. Wasn't it some relation of his? A. I don't think so.

Chairman Lexow.—Won't you get out what they did with that? We have not got on the record at all what the result of that case is.

Mr. Moss.—Yes, sir. The stock is so interesting as it opens up.

Q. "Venice, 494 5-8;" the next is "L. 393 1-4," what does that mean? A. It stands for the Lockhaven Mining Company.

Q. That is stock of the same character I have mentioned? A. It is mining stock.

Q. Did you buy that of Ullman? A. That I don't recollect.

Q. Was all this bought at the same time? A. No, sir.

Q. Then comes "M. 34 3-4?" A. That stands for the Madison mining stock.

Q. This tape is in the receptacle and is turned by your clerk? A. Yes, sir.

Q. And these various quotations are read? A. One price is announced at a time.

Q. Somebody bets upon Venice 494 7-8, doesn't he? A. No, sir.

Q. Someone bets upon that and bets the next quotation will be higher, doesn't he? A. No, sir.

Q. Or that the next quotation will be lower? A. No, sir; he does not.

Q. What does he do? A. If he wishes to buy stock at that price I will sell it to him, and if he wishes to sell it I am willing to buy, or sell at that price.

Q. Here is Venice, 494 7-S, and after awhile, after some more of these stocks are mentioned, we get Venice again.

By Chairman Lexow:

Q. You know you are buying from him something he can not deliver, don't you? A. He can deliver it.

Q. How can he deliver it? A. He can get the stock.

Q. Where? A. Well, he can get it from me if not from anybody else.

Q. Can he get it from anybody else? A. I presume so.

Q. Don't you know he can not? A. No, sir; I don't know he can not.

By Senator O'Connor:

Q. Can you give us any idea where we can go and get some of this stock? A. If you looked around, perhaps you could find it.

By Chairman Lexow:

Q. Where; in this city? A. I can not tell you.

Q. In other words, after a man buys 100 shares of that stock you have that man in your absolute control? A. I have not.

Q. You can force him to deliver that stock, can't you, and he has got to buy from you in order to deliver it to you? A. He can buy it from me.

Q. Do you know where else he could buy it? A. No; I do not.

Q. How much of this stock have you sold; we will take the Venice; how much have you actually sold and transferred? A. Well, that I don't know; I could not answer that without —

Q. Have you sold and transferred any Venice stock? A. Yes, sir.

Q. Through whom? A. That I could not state either way.

Q. There is a certificate for \$8,000 worth that you say you bought last spring, and there is your original certificate; has that certificate ever been split up; do you mean to say that? A. That one?

Q. Yes? A. No; that is in the same condition.

Q. Do you own more of it? A. I think I have more of that stock.

Q. Do you know? A. I am not sure.

Q. How many different mining stocks did you control? A. I don't know as I control any.

Q. How many different shares have you; have you got all the issue of the Venice stock? A. No, sir; I have not.

Q. Will you swear you have not? A. Yes, sir.

Q. How much is there outside of what your holdings amount to? A. That I don't know.

Q. Will you swear anybody else holds it, except 100 shares of that stock? A. I will swear I haven't it all within a hundred shares.

By Senator O'Connor:

Q. Did you originally have it all or did you have it all except what you sold to other parties? A. No, sir; I did not originally have it all.

By Mr. Moss:

Q. Have you other certificates of Venice stock besides this one? A. I think I have; I am not sure.

Q. How many times have you split up your certificates to make deals? A. We have them generally in different amounts.

Q. Did you deliver any stock yesterday, say of this mining stock? A. Not to my knowledge.

Q. Or any the day before? A. That I do not know.

Q. Any this month? A. I could not state positively.

Q. Did you deliver to anybody from purchases upon this tape or similar dates any stock of this company? A. I could not say that positively.

Q. You can not state that positively? A. It is all done through my clerks when deliveries are made.

Q. You know all about it; you are president of the company? A. I am not there but a little of the time.

Q. You know the stock? A. Yes; if it is indorsed on the back it is transferrable.

Q. Are they all indorsed in blank? A. Yes, sir.

Q. You give these to the clerk to hand out? A. I give them to the cashier.

Q. That is the name for Harry, whose name you do not know?

A. No.

Q. Or the cashier, whose residence you do not know? A. Not exactly to the cashier; when I am not there, probably Mr. Fender is there.

Q. You don't know a single share of stock that has been delivered to a customer from this tape, or some tape this month, do you? A. I could not swear I do this month.

Q. Where do you go to make a transfer of the stock? A. Where do we go? the stock can be transferred from one person to another.

Q. Where is the office of the corporation? A. I think it is in East St. Louis.

Q. Have you sent any shares of stock on there for transfer? A. No, sir; it is not necessary; it could become the property of another person, and they would have to submit it to the office and have it transferred in their name.

Q. Do you say there is an office in East St. Louis? A. I presume so; it is incorporated in St. Louis.

Q. Do you mean to say you hold a controlling portion of that stock, and do not know where the office of the company is? A. I do not say I hold the controlling portion.

Q. You say you held a controlling portion of the stock? A. I did not admit that.

Q. Will you swear you did not? A. Yes; I will swear I did not.

Q. Within 200 shares? A. I don't know exactly how much, possibly.

Q. Don't you, practically, hold the whole of that stock, substantially the whole? A. I don't know just how many shares I have got of that stock.

Q. Don't you know that you hold substantially the whole of the stock of that company? A. No, sir; I don't know that.

Q. Are you willing to swear that you don't? A. I will swear that I don't know that I hold, substantially, the controlling interest of that stock.

Q. Do you know how many shares you do hold? A. I do not.

Q. Have you ever looked to see? A. No, sir.

Q. How much did you buy when you first bought? A. That I could not state; I do not remember.

Q. Did you buy all the holdings you have now, when you first bought? A. Yes, sir.

Q. So that since you first purchased, you have not bought another share of that stock? A. No, sir.

Q. You can not say how much you bought at the time? A. I can not.

By Senator O'Connor:

Q. You have never gone to the books of the company to have it transferred, so that you could exercise your right as a stockholder? A. It is held simply by a trustee.

By Chairman Lexow:

Q. Trustee for whom? A. For the company, I suppose.

Q. For the company? A. Yes.

Q. Do you mean to say this stock is held by you as trustee for that company? A. Not by me.

Q. Or by anybody else as trustee for the company issuing it? A. Made by the trustee, and the trustee indorsed it, makes it transferrible.

Q. Do you mean to say that the stock that you hold is in the name of a trustee for the company? A. I supposed that is the way it was issued.

Q. Then, it is not valid stock, don't you know, on the face of it? A. Invalid?

Q. Don't you know that is not valid stock; a corporation can not issue stock to a trustee as trustee of the corporation? A. Not as trustee of the corporation; no.

By Senator O'Connor:

Q. Trustee of whom then; who is he trustee for? A. Why, it is issued to —

By Chairman Lexow:

Q. It is bogus; is it not? A. No, sir; it is not bogus.

By Mr. Goff:

Q. What is it; the Senator asked you what is the trust.

By Senator Bradley:

Q. Did you ever pay one single dollar for the certificate? A. Yes.

Q. To whom? A. To Mr. Ullman. ;

Q. To Mr. Ullman? A. Yes, sir.

Q. That is the man in St. Louis? A. Yes, sir.

Q. Is he a live man? A. He is.

By Mr. Moss:

Q. Who is the trustee? (No answer.)

By Chairman Lexow:

Q. As I understand the witness testified he would not swear he paid more than \$50? A. That is true; it might be between \$50 and \$500, on a guessing match.

Q. How much stock is that? A. Eight thousand dollars worth at par.

Q. What is the par of it? A. Eighty dollars a share and there was \$8,000 in shares of the certificate.

Q. The fact is this stock shows the first quotation to be worth \$4,000, \$4.95 a share and that is 1,000 shares in other words \$4,950.

By Mr. Moss:

Q. That Venice corporation is an Illinois corporation isn't it?
A. I believe it says so.

Q. How is it its principal office is in St. Louis? A. Does it say St. Louis?

Q. Yes; that is what you said? A. I said I thought it was in East St. Louis.

Q. You said you thought it was; that is the way you get out of it; East St. Louis, is that in Illinois? A. That is in Illinois.

Q. Now I will take this whole page of stock of the various kinds; a thousand of Venice, a thousand of Alton, \$3,000, two shares at \$10 each of Legal Tender Mining Company; and a thousand shares of the Madison Mining and Prospecting Company, par value, \$70; 500 shares of the Edwardsville Mining and Prospecting Company, \$60 each; and 100 shares of the I. X. L. Mining Company of Illinois, of \$100 each.

Q. What does I. X. L. mean? A. I suppose that is the title of the company.

Q. And 2,000 shares of the Lockhaven Company; it does not say what, of the par value of \$90? A. I don't know.

Q. And 500 shares of the Carbonate Mining and Milling Company par value \$10 each; and 500 shares of the Pedro Consolidated Mining Company; I do not think this has any par value — Oh, yes, \$10 each share; are these all the assets of your company? A. No, sir; those are my individual property.

Q. Those are your individual property? A. Yes.

Q. Are those corporations all in existence? A. I suppose they are.

Q. You suppose they are? A. Yes, sir.

Q. Did you get any dividends on them? A. No; I have not received any dividends on them.

Q. Never received any dividend? A. No, sir.

By Senator Bradley:

Q. Have you got these for sale? A. Yes, sir.

Q. You offered them for sale and suppose the company is in existence? A. Yes.

Q. You would sell these to-morrow if you got a buyer and you don't know whether the company is in existence? A. I would also buy more to-morrow, and would sell it.

By Mr. Moss:

Q. You are simply buying and selling bad paper aren't you? A. I am not; no, sir.

Q. And it is of no consequence whether these things are worth anything or not; isn't that so? A. I will bid on a certain price for them.

Q. It is of no consequence whether they represent value or not? A. They represent value; certainly they do.

Q. You say you buy and sell whether the companies exist or not? A. I did not say that.

Q. You said it was of no importance? A. I did not say it was of no importance.

Q. Do you know whether any of these companies have gone into bankruptcy? A. I don't know that they have.

Q. Do you know whether they have or not? A. I say I can not swear that they have not.

Chairman Lexow.—I assume a man has a right to buy and sell the stock of corporations that have gone into bankruptcy, that would not be a fraud; but the question is whether this whole thing is not bogus.

Q. I will ask you whether you paid as much as \$500 for all this stock I hold in my hand? A. I could not swear how much I did pay for them.

Q. Could you swear you paid as much as \$500? A. I could not swear.

Chairman Lexow.—Mr. Moss, is that the stock spoken of in that letter that you are referring to?

The Witness.—Yes.

By Mr. Moss:

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

Q. Those are the assets you offer on the tape? A. A portion of it; yes; not all of it.

Q. And this is the tape you have been doing business with to-day? A. Yes, sir.

Q. And people have done business on this tape to-day? A. Yes, sir.

By Chairman Lexow:

Q. From the prices you have marked on that tape, how much are those assets worth; what is the total value of those assets as shown by the quotations and figures contained on that tape? A. That I could not state.

Q. Are they worth \$500,000? A. (Witness laughs) I don't think so.

Q. Not quite as much as that? A. I could not state.

Q. Worth \$100,000? A. I don't know.

Q. If one of those certificates, according to your quotations, is \$4,950, what would the others average up altogether? A. I could not state, sir.

Q. Will you swear \$100,000? A. I said I could not state.

Q. Will you swear that the amount contained on that tape as the value of the stock you offer is not as much as \$1,000? A. I could not tell.

Q. You would not swear it is not? (No answer.)

Q. So that for stock that you say you can not remember whether you paid as much as \$500 for the whole lot, you won't swear you are not offering \$100,00 on that tape; is that a fact? A. I could not state how much that I am offering them without looking at it.

Senator Bradley.— Mr. Goff presented a certificate yesterday of a German on South street, and I think it is worth as much as these are — five certificates for a drink of lager.

The Witness.— Each one has their individual opinion about those things.

By Chairman Lexow:

Q. Yes; I understand that, witness; why don't you give your opinion; I asked you the question and put this squarely on the record? A. I answered; I said I could not state how much they would be paid.

Q. Don't you know; you have drawn up those figures; don't you know how much you fixed the price of your stock at? A. I am willing to sell them at that, or buy them at that.

Q. Don't you know how much your assets are worth on the list you yourself drew? A. I answered that a hundred shares of that stock at \$5 a share, it would be \$500, of course; or if I bought that and paid for it, I would have to pay \$500 for it.

Q. You have prepared that list, and don't you know what your assets, that you start business with in the morning, are worth, according to the prices you fixed on them in the list? A. I don't know what the stocks are worth.

Q. You don't care, do you? A. I never figured up.

Q. It is all fictitious? A. It is not fictitious; and it is a bona fide offer to buy or sell.

By Mr. Moss:

Q. What is the standard by which you make these quotations? A. In my head, sir.

Q. It is all a matter of invention, is it not? A. Not a matter of invention; I will state I will sell at such a price.

Q. You fix that price according to your own caprice? A. I will offer to sell to-morrow, or buy at a certain to-morrow.

Q. Don't you fix that at your own caprice? A. My own dictation.

By Chairman Lexow:

Q. Uninfluenced by any quotation of the same stock by anybody else anywhere else; is not that so? A. That is an individual order.

By Mr. Moss:

Q. Do you take any newspaper which shows the valuations of these stocks in the place where the companies exist; do you read any quotations? A. I can not say that I have.

Q. You make no effort to get any quotations of the real value of these stocks, as evidenced by sales elsewhere, do you? A. I do on some of them.

Q. On some, but not all? (No answer.)

By Chairman Lexow:

Q. Do you ever get any quotations upon that Venice stock anywhere else? A. No.

Q. Did you ever get any quotation on that Madison stock anywhere else? A. No, sir.

Q. Nowhere else? A. No, sir.

Q. Never made any other purchase or sale of that particular stock? A. Not that particular stock.

By Mr. Moss:

Q. How is it this occurs; I notice on that tape Venice will start at a certain figure, at 7-8, and then the next quotation is 6-8, and then another quotation it will be 5-8; then it runs up after that, and then drops 1-8; how do you fix that? A. I claim I have a right to do that.

Q. Now, Mr. Valentine, here is an immense roll, and that Venice stock appears on it a great many times, does it not? A. Yes.

Q. And it never appears at the same figures twice in succession? A. No, sir; I change the numbers.

Q. It is always moving up and down? A. Yes, sir.

Q. And as it chances to go up or go down, these people lose or make, don't they? A. They can buy or sell.

Q. You put it; they can buy or sell; but they lose or win, as they happen to guess which way each goes, up or down? A. The same as if they bought sugar or lead stock; I can buy and tell a broker to pay \$1.81, and another \$1.83, and another \$1.82.

Q. You, last night, or some other time, fixed up that little letter, and you made Venice go up the scale, and down the scale at your own sweet will, and you knew what was on that tape when you put it in the holder this morning? A. Whenever a man gives an order, he knows what it is.

Q. You knew it was going up or down, and your customer did not and they lose or win, as they correctly guess up or down; didn't they win or lose, as the quotation went up or down to-day? A. If a man —

Q. Listen; answer my question? A. Do they win or lose?

Q. Do they win or lose it? A. They might have made money or might have lost money.

Q. Did they win or lose money to-day according as the quotations went up or down? A. Some of my customers probably made money to-day, and probably some did not.

Q. I don't ask you that; did they win or lose, according as the figures went up or down — the theoretically proposition — did they lose money or win money if the list went up or down; yes, or no; you can answer that question; answer it categorically? A. I should say, yes.

Q. They won or lost as the figures moved up or down? A. They win or lose money.

Q. Did anybody win money to-day? A. Undoubtedly.

Q. Who? A. I do not keep track of individual customers.

Q. Give us the name of one man that won any money to-day? A. I could get the name of a man that won money.

Q. Do you know of the name now? A. I don't know.

Q. Did you cash his winnings? A. If a man buys stock and sells it at a profit he can always step to the cashier and get his money.

Q. Did you cash his winnings to-day; yes or no? A. If he calls a contract —

Q. Stop; I asked you a question and I want you to answer it? A. I can not answer the question.

Q. You do not know whether you did or not? A. I could not answer it.

Q. How much money did you have this morning? A. I decline to answer that question.

Chairman Lexow.—Don't you assume, Mr. Moss, that he must pay some money out to some people, or else he would not have much business left after a while.

Mr. Moss.—I want to find out who they are.

Chairman Lexow.—It seems to me under this form of doing business whenever he gives an order to purchase stock he can have men in the room taking up those orders for the sale of

stock, or may not have anybody there, so that the gamblers are bound to buy the stock —

The Witness.— They can either buy or sell; pardon me for interrupting you.

Q. But you, knowing of the list, you can have your men planted in the room there; can you not? A. I do not know whether you are going to buy or sell.

By Mr. Moss:

Q. I want to ask you about these certificates a little further; these are certificates of different companies, the Edwardsville, the Venice and the Madison? A. Yes, sir.

Q. I notice that the president of the Edwardsville is Lewis Le Cary; the president of the Madison is Lewis Le Cary; the president of the Venice is Lewis Le Cary; and I notice the secretaries are all the same; do you know anything about these people? A. I do not.

Q. Did you buy those certificates at the same time? A. No.

Q. They are all made on the same form; how do you account for it; how do you account for that? A. I do not know that there is anything very unnatural about that.

Q. How do you account for it? A. I suppose they incorporated several different companies at the same time.

Q. Did you see them written? A. No.

Q. Not only that, the name of the stockholder is H. C. Sellen in each case — trustee; and in the case of each one of these corporations; and in all of this stock; how do you account for that? A. In those particular stocks?

Q. H. C. Sellen? A. I don't know.

Q. I notice the certificates are filled out in the same handwriting; did you notice that? A. I did not notice, sir.

Q. Whose handwriting is that? A. I don't know, sir.

By Chairman Lexow:

Q. Not only that; every one of these shares are bought on the same day, the 4th of January, 1893; how do you account for that? A. I supposed they were incorporated about the same time.

Chairman Lexow.— See if all the other stocks are bought on the same day, Mr. Moss.

Mr. Moss.— Here, we have it: The Alton Mining Company, the same president and secretary, although on a different form.

Mr. Goff.—January 4th.

Mr. Moss.—The Lockhaven, the same parties.

Mr. Goff.—January 4th.

Mr. Moss.—Those are different (indicating some other stock).

The Witness.—There are some different.

By Chairman Lexow:

Q. I would like to ask one more question; how do you account for it, Mr. Valentine, that the place of business of this company is not mentioned on any one of these certificates? A. That I don't know, sir,

Q. Neither the officers of the company, nor the place of its business? A I don't know, sir, I am sure.

Q. That, on the contrary, a blank is left on it; how do you account for that? A. Well, perhaps, they did not locate their office at the time they issued it.

By Mr. Moss:

Q. Will you write your name, Mr. Valentine, on that piece of paper? A. Yes, sir.

Q. Have you a pen; I want it in pen; I want your penmanship. (The witness signs his name.)

Q. Will you kindly write under that 1,000? A. Yes, sir.

Mr. Moss.—That will do; thank you.

By Chairman Lexow:

Q. Mr. Valentine, when were these certificates signed? A. When were they signed?

Q. Yes? A. I don't know, sir.

Q. Are you prepared to swear that these certificates were not signed to-day? A. Yes, sir; I swear to that.

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

Q. Look at the ink on those certificates, and state whether or not, after looking at the ink on those certificates, you are prepared to swear they were not drawn up and written within the last week? A. I will swear to that; yes, sir.

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

Q. Now, you are a business man, and you know how certificates read, as a rule; don't you? A Yes, sir.

Q. That stock is transferrible on the books of that company in person or by attorney? A. Yes, sir.

Q. Don't you know that? A. Yes, sir.

Q. Now, why have you, in this certificate the following language: "This certificate is not transferrable, except on the books of this company, and in accordance with its by-laws at the time the transfer is demanded?" A. You would have to put that question to the secretary or president of the company; I don't know; I am sure.

Q. Is there any by-law of any one of these companies that can be availed of now that prevents the transfer of this stock on the books of the company? A. I could not tell you, sir.

Q. Have you ever inquired? A. I have never inquired.

By Mr. Moss:

Q. Do you know Al. Adams? A. Are you speaking to me?

Q. Yes; I am talking to you? A. No, sir; I do not.

Q. Never saw him? A. No, sir; not to my knowledge.

Q. Do you know this gentleman here, Sergeant Hogan, acting captain of the First precinct; did you ever see him before? A. No; not to my knowledge.

Q. Did you ever see any policeman connected with the First precinct? A. No, sir.

Chairman Lexow.—How much longer are we going to keep the session?

Mr. Moss.—I think we had better take an adjournment.

Chairman Lexow.—Don't you want to exhaust this witness?

Mr. Moss.—No; I think we can ask him a few more questions in the morning.

Senator Bradley.—Don't you think you had better have this gentleman bring his transfer books with the account of the transfer of his stock, and so on?

Mr. Moss.—Yes.

Chairman Lexow.—If the witness is going to appear to-morrow I would like to have him prepared to answer as one of the largest stockholders of these different concerns where their office is—the city and the place where this stock can be transferred on the books of the company, who the present officers of the concerns are in each of the companies. I ask you to furnish that evidence to the committee to-morrow.

The Witness.—Supposing I am not able to?

Senator Bradley.—Then if you are not able, you are liable to State prison for selling bogus articles—green goods.

Chairman Lexow.—There is one thing that is quite certain, witness, and that is, that if this stock is bogus, and you have been trading on the gullibility of the people of this city or State on the basis of bogus stock, to your own knowledge, it is just as bad as green goods, or any other business of that kind, if not worse, because it seems to have the odor of respectability about it.

By Mr. Moss:

Q. How long have you been running that place at the Edison building? A. We opened on the 9th day of April.

Q. Since the last day of April? A. The 9th day of April.

Q. Any other places in New York besides that, and the one in Twenty-eighth street? A. That is all.

Q. How long did you run the place in Twenty-eighth street? A. About three months, I think.

Q. And conducted the business in the same way you are doing now? A. Yes.

Mr. Moss.—Will you request all witnesses to be present to-morrow?

Chairman Lexow.—All witnesses subpoenaed for to-day will attend to-morrow at half-past 10 o'clock. The witness under examination will also attend, and he is cautioned not to speak in reference to this case with anybody, except for the purpose of getting the information requested of him.

Proceedings of the forty-ninth session of the committee of the Senate of the State of New York, to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court-room, part III, in the city of New York, Friday, October 19, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley and Jacob A. Cantor.

Chairman Lexow.—Mr. Moss, I believe a witness is on the stand. Is he ready to go on?

Mr. Moss.—Yes, sir.

John W. Goff and Frank Moss, of counsel for committee, were both present.

Walter D. Valentine, resumed the stand, and his examination was continued:

By Mr. Moss:

Q. Have you brought any other documents with you, Mr. Valentine? A. No, sir.

Q. Have you inquired more carefully about these stocks that you brought into court? A. As near as I can ascertain, their main offices are in St. Louis, Missouri.

Q. The main offices of each of these companies? A. Yes, sir; of those particular five companies.

Q. The particular five in which you dealt? A. We deal in some 15 or 20.

Q. Well, the Venice and the Alton and the Edwardsville? A. Yes, sir.

Q. You say their principal offices are in St. Louis, Missouri? A. Yes, sir.

Q. Although they are Illinois corporations? A. Yes, sir.

By Chairman Lexow:

Q. Don't you know the addresses of the officers in St. Louis? A. I do not; no, sir.

Q. Have you ever taken any pains to discover? A. I have not.

Q. Have you found out now how much of the capital stock of each of those companies you own? A. I have not.

Q. Are you prepared to swear now that you don't own substantially the whole capital stock of each one of those companies? A. Yes, sir.

Q. How much is owned by others? A. That I don't know.

Q. As compared with the amount owned by you, how much is owned by others? A. Probably half of it, or more.

Q. Probably half by others? A. Or more; yes.

Q. Half or more; are you willing to swear that at least half is owned by others? A. Yes; I am.

Q. Who owns the other half? A. That I don't know.

Q. Are you positive about that? A. Yes, sir.

Q. Do you know the officers and secretary of the company? A. Not personally.

Q. Were those certificates drawn up in your presence? A. They were not.

Q. Did you receive them all at the same time in St. Louis? A. They were all sent to me; yes, sir.

Q. All sent to you? A. Yes, sir.

Q. From St. Louis? A. Yes, sir.

Q. How did they come to be sent to you from St. Louis? A. At my request.

Q. At your request? A. Yes, sir.

Q. You sent down an order for the purpose of getting those securities there? A. Those and some others.

Q. Do you know how much you sent down to complete this purchase? A. No, sir; I do not.

Q. You do not? A. No, sir.

Q. Did you send it in check or bills? A. I don't recollect —

Q. You don't recollect? A.— just how I did pay for it.

Q. Did you have a bank account? A. I had a bank account; yes.

Q. Did you then? A. Yes, sir.

Q. Don't you remember whether you sent down a check or bill? A. I do not.

Q. Was it a postal money order? A. I say I don't know how I remitted for them.

Q. Was this transaction so unimportant that you don't remember any of the details? A. A man that deals in stocks can not always remember every detail in regard to them.

Q. What caused you at that particular time to send for all these stocks? A. Because I wished to deal in them here.

Q. They had been brought to your attention? A. Not particularly.

Q. What did you want to deal in those particular stocks here for; are they stocks that are traded in this city? A. They have been trading in them in this city.

Q. Anybody but you? A. No one but the Stearns Commission Company.

Q. Then the fact remains that nobody but your company deals in those stocks in this city; then why is it that you sent down for those stocks; why did you want them up here if there was no market or no demand for them? A. In the course of time I created a sort of market for them.

Q. Do you know where the properties are that these stock certificates represent? A. No, sir; I couldn't state that this morning.

Q. Then you entered into a business to create a demand for stock certificates with reference to the value of which, or the property which they represent, you were entirely ignorant; is that a fact? A. Yes.

By Senator Bradley:

Q. I want to ask one question; you say that you invested your money in these stocks? A. Yes, sir.

Q. And you don't know any of those officers personally? A. No, sir.

Q. Did you ever take the trouble to look into Bradstreet's and how they were rated; the people that you sent your money to? A. I have not.

Q. And you consider yourself a business man? A. I do.

By Mr. Moss:

Q. I notice that these quotations on the tape are at regular intervals; there is an interval of about a hand's breath between each quotation; how does that happen? A. They are printed that way.

Q. Who prints them? A. I do.

Q. Where do you print them? A. In my office.

Q. Whereabouts? A. In the Edison building.

Q. Did you print these in the Edison building? A. Yes.

Q. Have you always printed them there? A. Not always.

Q. Where else did you print them? A. Where I happened to be.

Q. You printed them on Brodaway, didn't you, at one time? A. No, sir.

Q. Didn't you have a flat up on Broadway somewhere; a room at 1548 Broadway? A. No, sir.

Q. Did you print these with a typewriter? A. Yes, sir.

Q. Now, this is one roll; how many rolls do you use in a day? A. Generally about one.

Q. About one? A. Sometimes less.

Q. Do you know how many quotations there are in this roll? A. I don't know exactly; no, sir.

Q. I counted them up; I counted 555; do you question that? A. No, sir; I don't.

Q. That is about right; I notice these things about the quotations upon the roll; here is "V," which stands for Venice, I suppose? A. Yes, sir.

Q. That is represented by the stock certificates that you handed me yesterday? A. Yes, sir.

Q. And your holding was 1,000 shares at \$80 a share? A. Yes, sir.

Q. Eight thousand dollars worth? A. Yes, sir.

By Chairman Lexow:

Q. Have you ever attempted to split up any one of those certificates or to get a transfer of any one of those certificates upon the books of those so-called companies? A. I have not.

Q. Not from the time you have owned these certificates? A. No, sir.

Q. Although you have traded in them to the extent of hundred of thousands of shares every day in your business? A. No, sir; not to that extent.

Q. Hundreds of shares? A. I dealt in hundreds of shares.

Q. Have you ever made a delivery of a single certificate? A. Yes, sir.

Q. To whom? A. I couldn't state.

Q. When? A. Well, I can not state that either.

Q. Do you remember an individual case where you made a single delivery of any one of those certificates? A. Perhaps not of these particular certificates.

Q. Or of any other certificates representing that property? A. I have delivered mining stock certificates.

Q. But none of the property represented by those shares? A. I wouldn't say that I delivered any of those.

By Mr. Moss:

Q. You had this Venice certificate since the 4th of January, 1893? A. No, sir.

Q. Haven't you? A. No, sir.

Q. How long have you had it? A. I think I have had it — I think I got it in December.

Q. In December, 1893? A. Yes, sir.

By Chairman Lexow:

Q. In December, 1893? A. I think so: yes, sir.

By Mr. Moss:

Q. Isn't it your handwriting upon the face of these certificates? A. No, sir.

Q. Have you a bit of handwriting on those certificates? A. No, sir.

Senator Bradley.— How large did he say his room was where he does business, Mr. Moss?

Mr. Moss.— He said it was 50x25.

Senator Bradley.—If you wer calling out this game of yours the people in the back of the room couldn't hear you call out the numbers unless you spoke out louder than you do here.

Q. Do you mean to say that you haven't a bit of handwriting on those certificates that you handed me? A. Yes, sir.

Q. That is true, isn't it? A. Yes, sir.

Q. Upon this tape, I find 112 quotations of "V," of Venice; your opening quotation was 494 5-8; now, you see, upon this letter, and you have testified that you were willing to buy or sell at 494 5-8? A. Yes, sir.

Q. Now, by various quotations, this drops to 493, 492, 491, 490 and 489; then it starts up a little bit, 491, 492; then back 491, and drops to 490; and the very last quotation of the day is 493, a point, and five-eighths less than the opening; now here are 112 quotations upon that one stock, upon that one row? A. Yes, sir.

Q. To be used during one day; you say the roll is used in a day? A. Yes, sir.

Q. You say, you were ready to buy or sell at all of these prices? A. At any one of those prices as they appeared.

Q. At any one as it appeared? A. As it appeared.

Q. You knew, in advance, what was to appear, because you prepared it? A. Yes, sir.

Q. But your customers didn't know? A. No, sir; nor neither did I know what those customers were going to do.

By Chairman Lexow:

Q. But you know, as a matter of broad experience, that an ordinary man is a bull on the market and always buys; he does not sell what he hasn't got, but buys something that you have got? A. I will state this, that those markets will advance fully as much as they decline.

Q. There you show a decline of one and three-quarter per cent? A. I presume there are others that will show an advance, if Mr. Moss will look at them.

By Mr. Moss:

Q. Your customers didn't know; the game was stacked, wasn't it; you had the cards in your hands? A. I don't claim anything of the kind.

Q. Didn't you have cards in your hands when you made up this roll? A. Yes, sir.

Q. Or just before you made it? A. No, sir.

Q. Didn't you make it by the shuffling of cards? A. No, sir.

Q. You drew it out of your mind? A. Yes, sir.

Q. When you knew what was on the roll, your customers had to take the chances? A. I am the only one that knew.

Q. There was a variation in this stock from 494 5-8 at the opening to 490, somewhere about the middle of the roll, a variation of four and five-eighths points? A. Yes, sir.

Q. Now, I notice another strange thing upon this roll; this stock frequently succeeds itself; that is, quotations in this stock come right along, one after the other; then sometimes it is mixed up with other stocks; now, here is a list of four which appear one after the other: Venice, 493 1-8, Venice, 492 5-8, and the next quotation, Venice, 492 1-2; next quotation, Venice, 492 3-4; now, there are four quotations in the same stock, succeeding one after the other, and you say you were ready to buy and sell at those figures as they came out? A. Yes, sir.

Q. And you knew they were going to come out in a bunch, didn't you, because you prepared them? A. I did when I put them on there.

Q. Your customers didn't know that these quotations in the same stock were going to succeed each other? A. They don't know what I am going to offer to buy or sell; I couldn't do business that way.

By Chairman Lexow:

Q. Don't you have a copy of that roll yourself? A. No, sir; I keep no copy.

Q. Didn't you, when you made up that roll, have a copy of it? A. No, sir; I kept no copy of it then, none whatever; the only copy that I keep is when it is called off; the quotations are placed on the blackboard, and we keep a record of them.

By Senator Bradley:

Q. Did you ever see another certificate of that Venice but the one you owned there? A. I think I have.

Q. Did you ever see one of them? A. I will say I have.

Q. Now, is it not a fact that that is the only certificate that is in existence to-day? A. No, sir.

Q. That those certificates of that stock which you were offering so much for, you knew there was not one of them in existence that they are about as plentiful in the market as hen's teeth? A. No, sir.

By Mr. Moss:

Q. Captain Devery was in command of your precinct when you began business in the first precinct? A. I can not tell you.

Q. You don't know anything about it? A. No, sir.

Chairman Lexow.—Just follow up that question of Senator Bradley's.

By Chairman Lexow:

Q. Where did you see any other certificate? A. Where did I see any?

Q. Yes? A. That I couldn't state.

Q. When? A. Nor could I answer that.

Q. Where? A. You just asked me where I saw it.

Q. In whose hands? A. That I can not recollect.

Senator Bradley.—He never saw one. He knows he never saw one.

Chairman Lexow.—Still, I do not think a Senator ought to make those remarks.

Senator Bradley.—It is plain. What is the use of beating around the bush.

Chairman Lexow.—But there is no use criticising this testimony.

By Mr. Moss:

Q. Do you know that this place is situated in the first precinct? A. I couldn't even state that.

Q. Did you ever hear of Captain Devery? A. I have seen his name in the newspapers; that is all.

Q. Didn't you ever hear of him in connection with the precinct in which your place is? A. No, sir; I couldn't tell which precinct he is in or has been in.

Q. Did you know that he commanded the first precinct when he was broke? A. No, sir.

Q. Did you ever see Captain Devery in the place? A. Never to my knowledge.

Q. Did you ever see any of Captain Devery's detectives in your place? A. Not as I know of.

Q. Or any Central office detectives? A. Not as I know of.

Chairman Lexow.— We have not elicited from the witness yet one fact which seems to me important.

By Chairman Lexow:

Q. Did any one of your customers before engaging in the transactions marked out on that tape, with you, know that you had prepared that tape and that you knew all the quotations as they appeared upon the tape? A. Yes, sir; every customer is aware of that fact.

Q. Every customer is aware of that fact? A. Well, aware of it, yes, sir; any child can see that; it is very simple and plain.

Q. What? A. I say it is very simple and plain; they are all on there.

By Mr. Moss:

Q. Can anyone buy from this tape except he gives his name or initials? A. No, sir.

Q. You have to know his name or initials before he buys? A. Yes, sir.

Q. When he gives his initials you know who he is, don't you? A. I would know what he signed to the contrary.

Q. Is that for the purpose of a contract? A. Yes, sir.

By Chairman Lexow:

Q. Do these customers know that the stocks that they are dealing in there are the kind of stocks that you have testified to here? A. They could easily ascertain if they would make the inquiry; I could tell them just what it was.

Q. Do you mean to say that your customers are paying \$4 90. for a stock certificate that is absolutely worthless? A. I would not admit that it is absolutely worthless.

Q. Substantially, you have stated that, that it is substantially worthless? A. I have not stated that.

Q. Do they know the character of the stock that they are dealing in? A. I think they do; yes, sir.

Q. Do you explain that to them beforehand? A. I don't explain it; no, sir; it is not necessary.

Q. Then your statement here is a mere supposition or inference on your part, is it not; or do you know that they know the character of these securities? A. I don't know as they know.

By Mr. Moss:

Q. Can you say upon your oath whether any police official ever visited your place to investigate your place and to see what you are doing? A. I couldn't, on my oath.

Q. You don't know that they ever did, do you? A. No, sir; I couldn't swear that they have or have not.

Q. Have you any information that they did? A. I believe the time that The World printed some articles, at the time we first opened business, that there was some investigation, but I knew nothing about it personally.

Q. Who do you believe visited the place to make investigation? A. That I couldn't tell at all; I don't know.

Q. You have no belief on the subject? A. I haven't the slightest idea.

Q. Was there ever a case made against you? A. No, sir.

Q. Or against anyone connected with your place? A. No, sir.

Q. Was anyone ever arrested from your place? A. No, sir.

Q. Was there ever a complaint made against your place and taken to a police court or to a police official? A. Not to my knowledge.

Q. You never heard of it? A. No, sir.

Q. I find that in L — Lockhaven that stands for — you had 100 quotations yesterday; and in M — that is Madison, isn't it? A. Yes, sir.

Q. You had 126 in that; E, Edwardsville, 118; A; that is Alton, I believe, 99 quotations; a total of 55; and in at least 40 instances quotations in the same stock succeed each other, from two to three and four quotations in a string? A. Yes, sir.

Q. What object had you in doing that? A. I would give that order the same as if I was standing there and giving a verbal order; I might offer to sell or buy a stock at 91 1-4 and then I might offer 91 for it, or offer to sell it for 91; then I might bid 91 1-2 or offer to sell it for 91 1-2, which is frequently done at any stock bid on any stock exchange in the country.

Q. Your Lockhaven opened at 333 1-4; it got down to 329; down to 328; yes; 327 1-4; then it came back a little, to 331; that stock closed lower than it opened, but it had a sort of resurrection toward the end of the day, a fluctuation of six

points, and over 100 quotations, and you stood ready to buy or sell each time the quotation came out? A. Yes, sir.

Q. Madison opened at 431 3-4 and went up, Madison did, as far as 439 7-8; why, yes; to 441 1-4, but fell back at the end of the day to 439 3-4? A. That advanced more than any of the rest declined.

Q. That advanced more than any of the rest; you made it advance, didn't you? A. I suppose I offered to bid more for it.

Q. Edwardsville opened at 423 1-8, and that fell to 421, 420 1-2, and closed at 420 3-4; all in your mind, eh? A. Not in my mind; no, sir.

Q. All out of your mind? A. Yes, sir.

Q. Not out of the mine, but out of your mind? A. Out of my mind.

Q. Was there anything came out of the mine? A. That I couldn't state.

Q. Was it silver or gold? A. I think it is coal property.

Q. It might be silver, might it not? A. No; I think it is coal property.

Q. Coal in Colorado? A. No; I think they have property in Illinois.

Q. Property in Illinois? A. Yes, sir.

Q. Don't some of the certificates show that the mines are in Arizona? A. Some of them; I thought you were speaking of this particular one.

Q. Are the coal mines in Arizona? A. Not to my knowledge.

Q. Are they gold or silver mines in Arizona? A. I think they are both gold and silver mines in Arizona.

Q. On these certificates? A. No; I don't say on these certificates.

Q. Did anything ever come out of the mines to your knowledge? A. I couldn't swear that there had.

Q. The Alton opened at 429 1-4 and fell to 427 1-4, to 426 and closed at 425 1-2; that is right; isn't it? A. You state it.

Q. Look at that slip; whose handwriting is that on the back of the slip? A. I don't know, sir.

Q. That is a slip that you handed me yesterday? A. No, sir.

Q. How? A. No, sir; I didn't hand you that slip.

Q. Why, you brought that along with your memoranda and laid it on the table here; do you deny that? A. I do; not to my knowledge; I didn't bring that to my knowledge; I brought you two slips.

Q. Look at those quotations and tell me if they are correct?

A. I know nothing about it, I am sure.

Q. Well, if you don't know we won't waste any time on it? A. I don't know who wrote them.

Q. That is one of your slips, isn't it? A. That is a part of my memoranda.

Mr. Moss.—Mr. Chairman, that is a rather rough piece of paper prepared after midnight to-day, but shows the fluctuations in those stocks (handing the chairman paper.)

By Chairman Lexow:

Q. Isn't it the regular rule in stock transactions of the speculative kind that nine out of 10 dealers in stock buy instead of selling? A. No, sir.

Q. Haven't you met with that experiment? A. I have not; no, sir.

Q. Will you swear that is not the fact; that is not the general experience in the street? A. I haven't met with such experience.

Q. Will you swear that that is not the general experience? A. I will swear that I have never met with such an experience.

Q. Will you swear that you do not base your figures largely upon that fact? A. Yes, sir; I will; I will swear that I do not.

Q. How could any one of these purchasers of this stock of yours, sellers of this stock, deliver to you? A. They could deliver to me by buying this stock.

Q. Where? A. From me.

Q. From you? A. Yes.

Q. Then they would be compelled to go to you to buy stock to deliver to you upon sales made by them to you, would they? A. Yes; they could do that way.

Q. That is rather a packed market, isn't it? A. They have the privilege to either buy or sell.

Q. Isn't that a market loaded against themselves? A. No, sir; not at all.

Q. In other words, they are bound, in order to deliver the stock to you, to buy again at the quotations you yourself have provided upon the list; is that so? A. They can, I say.

Q. There is no other way, is there? A. They could if they got the stock elsewhere.

Q. Could they get it elsewhere? A. Yes, sir; we deal in stocks there that they could get thousands of shares of.

L. D. H.