

protected to this extent, that any testimony you may give here, as to the giving of a bribe, is an absolute bar to any prosecution that may be instituted against you, or any civil proceeding in consequence thereof; it is an absolute defense or a bar. But, on the other hand, if you give false testimony here or commit perjury, you are liable not only for the other offenses that you have committed, but for that act the same as if the perjury had been committed in any court of justice.

Q. Now, Officer Vail, you were a wardman at one time, were you not? A. I was detective.

Q. That is ward detective? A. Ward detective.

Q. Under what captain? A. I was under Captain Gastlin.

Q. That is in the steamboat squad? A. Steamboat squad; I was five years detective under Captain Gastlin.

Q. Were you detective under Captain Schmittberger? A. Two months.

Q. Now, Officer Vail, a number of your brother officers have testified here whom you know, I presume? A. Yes, sir.

Q. They testified that they paid you and Gannon, but you, for your own part, every month, one-half of the money that those officers received from the various steamship companies? A. Yes, sir.

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

Q. Well, officer, for whom did you collect that money? A. Well, I was assigned, made detective; I was four years detective, I think, when Hay died; Detective Hay, he died; so Captain Gastlin told me to go around and see these men and they would do the right thing.

Q. Now, what did you do with the money that you received? A. I gave it to the captain.

Q. Every month? A. Yes, sir; I never got a penny out of it; not as much as the price of a cigar.

Q. The only benefit that you had from that special position was that you were relieved from patrol duty? A. Well, I had harder work than patrol work; my record will show what I done.

Q. Will you explain to us, please, how your work was harder? A. I was up early and late; steamships sail early and I had to stay up all night looking out for state-room thieves and confidence men.

Q. Did you do collecting in any other line of business but in the steamboat line? A. No, sir.

Q. That is all that squad has control of? A. That is all.

Q. It is limited to the steamboat company; now, officer, you say you were two months there under Schmittberger? Yes, sir.

Q. Did you collect during those two months? A. When Captain Schmittberger was sent to the Twenty-eighth precinct I was over the day he was made captain, I was over at court; I had a receiver of stolen goods, he was getting tried, and the jury was out; so when I came down it was late; the jury did not get back until about half-past 6; when I got down to Pier A it was 7 o'clock, and they told me that Captain Schmittberger had been down and reported there and turned the men out and gave them a lecture; so the next morning I reported at 8 o'clock.

Q. You had heard he had given them a lecture? A. Yes, sir; I was not there.

Q. You missed a moral treat? A. The next morning he called us; there were six detectives, four on the North river and two on the East river; he called the six detectives into his room, and asked the names, and they told him; so then he let the other detectives go—no, he asked who was Vail; I told him I was Vail; so he let them go out, and then he asked me about the workings of the precinct; I told him it had been a customary thing as far as I had heard for years for the men to give half of what they were getting; they were getting that money for dinner money, and they voluntarily gave that up; well, he said, he didn't want no policemen collecting, he wanted the whole of it.

Q. He wanted the whole of the money? A. Yes, sir.

Q. That is, he did not want any policeman collecting? A. He wanted to get it all himself; so I said that will be a pretty hard matter, because these steamboat people if they knew the captain was getting any of this money they would not give a cent to these men; the men gave this voluntarily; well, he said, he was sent there to reorganize the squad and he was going to transfer those people off the piers; I said you can suit yourself, them men have been on these piers for years; the people want them, and I think there will be a great kickup if you change them; well, he was going to be captain of the precinct; I said, all right; so then it went on for about six weeks—to the 6th or 7th of January; then he changed his mind; he sent me around to notify the men and to report to him if any of them wouldn't be satisfied to give the whole of it up; I carried out my order;

he gave me the order and I carried it out; I reported back to him that some of the men were satisfied and some of the men kicked.

Q. Did you collect any money during his captaincy? A. Yes, I did; I think I got \$50 from the agent of the Pennsylvania Railroad there at Desbrosses street, and from the Hoboken people; he went and seen them himself, the ferry people.

Q. Did you get that money directly from the agent? A. Yes, sir; I went there and he gave me an envelope, and I gave the envelope to Schmittberger.

Q. Then the officer on the dock did not get the money? A. Not that month.

Q. How is it they came to pay you directly? A. That was an understanding between the agent and the captain.

Q. The captain had been there? A. Yes.

Q. To the Hoboken people the same thing? A. Yes, sir.

Q. Now, you collected, you say, \$50 from whom? A. From the agent, Mr. Townsend, I think is his name, he is on the Pennsylvania road near Desbrosses street.

Q. On the Pennsylvania dock? A. Yes, sir; he told me to go and see the agent; Schmittberger told me to go and see the agent, and I would get for the two men that was on that pier; there was two men on that pier.

Q. You would get from the agent instead of through the men, the money? A. Yes, sir.

Q. You say you got that money in an envelope, \$50; did you give that money and the money contained in that envelope to Captain Schmittberger? A. Yes, sir; I never kept a cent of it.

Q. I understand that, I simply want to get that matter clear on the record; you are prepared to swear here that the envelope that contained the \$50 that you received from this Mr. Townsend, as you remember his name, you gave that envelope and the \$50 that you received from him in the envelope to Captain Schmittberger? A. Well, I wouldn't say the envelope because I took the money out; I had other other money and I put it together and I gave it to him.

Q. Then we have it this way, that you can swear that the \$50 you received from Townsend you gave that to Captain Schmittberger directly? A. Yes, sir.

Q. Now, you have stated about the Hoboken people, how did you come to collect that money from the Hoboken people? A. He went and saw them.

By Senator Pound :

Q. Schmittberger went and saw them? A. Yes, sir; and that he would change the policeman away from there and that he would give them a good policeman; so then he told me to go over and see the man in Hoboken.

By Mr. Goff :

Q. In Hoboken? A. Yes, sir; that is their office in Jersey.

Q. So that you were sent over to another State to collect this money? A. That is where he told me to go and I went and got it.

Q. We are not criticising you at all, you had to obey orders; you were sent by order of your captain to Hoboken, in the State of New Jersey, to collect this money? A. Yes, sir.

Q. And you went to that office in Hoboken? A. Yes, sir.

Q. What is the gentleman's name that you saw? A. Well, now it is the superintendent of ferries.

Q. Was it Wilson? A. Not Wilson.

Q. Woolsey? A. No, it was the deputy superintendent under Woolsey.

Q. The man under Woolsey? A. I would know the name if I heard it; it is four years; it is so long I forget his name.

Q. We can locate the man; what conversation did you have with him when you went there? A. Didn't have any; I went in there.

Q. Did he know you? A. Yes; he knew me from being along the river.

Q. He handed you how much money? A. Fifty dollars.

Q. Now, you stated before that the \$50 you received from the Pennsylvania Company you put with other moneys you had? A. I put it with this \$50; I was after coming from Hoboken.

Q. Was that all the money that you collected? A. No; there was some of the men gave some; but he had said you know that he went to the agent and stopped them from giving any money.

Q. Some of the officers have testified here that they gave you money, Officer Vail; now, we are perfectly willing to accept your version? A. That was the first month; the first month I got it regularly was when Gastlin was there; the second month I didn't get it.

Q. Now, how much money did you collect the first month you were there during Schmittberger's time? A. The first month, you know the first month was just the same as always, it was the second month; the change.

Q. I want to get a definite amount? A. I guess it is about \$210.

Q. And that sum you had been collecting every month before that? A. Yes, sir; about that.

Q. Is it not a fact, it has been sworn to by some of the officers here, that when Captain Schmittberger went there instead of the men paying half they had to pay \$25 out of \$40? A. I don't know; I wasn't there then.

Q. You were moved shortly after? A. I was only two months there; I thought it was time to get away; I wouldn't do special duty with them; I wouldn't do detective duty with them.

Q. As matter of fact, did not Schmittberger compel you to go to men, even in the first month; within six weeks after he took command of that precinct, and tell some of the men that they would have to raise the money? A. He gave me an order to go and tell the men that he wanted all the money they were getting; I carried out the order he gave me.

Q. The last money you gave to Schmittberger, as I understand, were those two \$50 you received, one from the Pennsylvania, and the other from the Hoboken people? A. There was more than that; there was some of the men that gave.

Q. Was that the last money you gave that time? A. Yes, sir.

Q. Do you remember the amount you gave the last time? A. I guess it was about \$170.

Q. And that \$170 were derived either directly from the steamship people or from the officers themselves; those two elements contributed to that \$170, is that so — from no other source? A. Do you mean the men or the steamship people?

Q. Both? A. Yes; they both made up that amount; he told me the men that were not willing to give not to go near them.

Q. Did you ever keep a memorandum-book officer of your own as to the amounts that you collected, for your own protection? A. I never collected any for my own protection.

Q. I mean keep a memorandum-book for your own protection? A. No; I had the names of all the men.

Q. Can you give us an amount, an approximate amount, as nearly as your recollection serves you, as to how much money

you collected that way altogether? A. I was only a year — Hay died.

Q. I suppose according to your figures you collected about \$3,000; you collected about \$210 a month? A. About that.

Q. And two months for Captain Schmittberger, so it would be in round numbers about \$3,000? A. I guess it might have been that.

Q. That money was given in cash as you had collected it? A. Yes, sir.

Q. You did not put it in bank; you gave the money as you received it? A. Yes, sir.

Q. And always at the station-house? A. Yes, sir.

Q. Did you hand the money over to the captain? A. In his room, yes, sir; at his desk.

Q. You did not put it in an envelope or anything of that kind? A. I just handed it to him.

Q. When you handed it each time, did you give an account of the men you collected from? A. He had a list of the men that was giving the money.

Q. Would he compare the list of the men he had with the amount he received from you? A. I don't know; I left him when I come out.

Q. You felt a pretty strict account would be kept.

By Senator Pound:

Q. He knew how much he was entitled to, did he not? A. I suppose so; I got nothing out of it.

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

By Mr Goff:

Q. Sergeant Taylor, how long have you been on the force? A. I was appointed the 25th of May, 1864.

Q. That is over 30 years? A. Thirty years last May.

Q. I see you have got five service stripes there? A. Six.

Q. How long have you been sergeant? A. Since 1869.

Q. Man of family? A. Yes, sir.

Q. Family grown up? A. They are, the most of them,

Q. Where do you reside? A. I reside at 328 West One Hundred and Forty-fifth street.

Q. Large family? A. Four boys and one girl alive; three dead.

Q. To what precinct were you assigned when you were first promoted to be sergeant? A. To the Twenty-ninth, now the Nineteenth.

Q. That is the Tenderloin? A. Yes, sir; I was roundsman for a short time in that precinct.

Q. How long did you remain a sergeant in the Tenderloin? A. I couldn't say positively, six or seven years.

Q. And where were you transferred from there? A. I was sent to the Fourth.

Q. That is Oak street? A. Oak street; yes, sir.

Q. Where were you transferred from the Fourth? A. To the Sixteenth.

Q. That is over on the west side? A. Twentieth street, yes, sir.

Q. And to where were you transferred from the Sixteenth? A. To the steamboat squad.

Q. Give us the date as nearly as you can recollect when you first went to the steamboat squad? A. Eighty-one or '82, I wouldn't be positive.

Q. What captain was in command? A. Captain Gastlin.

Q. Now, many of the officers of your precinct, Sergeant Taylor, have testified that while Captain Gastlin was in command of that precinct that they paid to Hay and to Vail, special officers, one-half the moneys which they received from the various steamboat docks — had you any knowledge of these payments? A. No, sir.

Mr. Goff.— Now, Mr. Chairman, I wish you would state to the captain his privileges here as a witness.

Chairman Lexow.— Any testimony given by you, sergeant, implicating you in the receiving of a bribe is privileged, and your admission of any fact in connection with a transaction of that kind is an absolute bar against any prosecution against you for such cause; that is your privilege. In other words, a clean, clear cut confession if you have been guilty of anything of that kind, is an absolute bar preventing any tribunal, grand jury or otherwise, from investigating the matter or bringing an indictment against you. On the other hand, if you perjure yourself, if you commit perjury before this committee, it is the same

as committing perjury in a court of law, and you know what the punishment for that is, 15 years in State prison.

Q. You say, sergeant, that you had no knowledge of these payments? A. Not that I could swear to.

Q. You had no personal participation in them, had you? A. No, sir; not while Captain Gastlin was there.

Charman Lexow.— I want to say another word to the sergeant, and that is, that in putting you upon the stand here we do so as a witness for the State; that if you do make a confession you perform a service to the State which should be commended rather than found fault with.

Mr. Goff.— And I must say for counsel, Mr. Chairman, the counsel will assume, until the contrary be shown, that Sergeant Taylor will regard the obligations of his oath to tell the truth.

Q. You had no personal knowledge, that is, you did not see the money paid or transferred, but it was a matter of common knowledge and notorious that such money was being collected every month? A. Well, there was always a rumor at that time, as far as I knew, that the men got something for their meals at these different piers, but I never saw any money handed, or anything of that sort while Captain Gastlin was in command of the precinct.

Q. I do not charge that you did; after Captain Gastlin retired, Captain Schmittberger went there, did he not? A. Yes.

Q. Have you any knowledge of any money having been collected there during Captain Schmittberger's command?

Chairman Lexow.— Speak right out, sergeant, you must know or not.

A. Only the rumor, while Captain Schmittberger was there.

Q. You had no personal knowledge, had you? A. No, sir.

Q. Captain Schmittberger remained in command how long?

A. Captain Schmittberger came there when he was made captain; I think it was December, the 8th of December, as near as I can remember now; in that neighborhood.

Q. Captain Schmittberger was made captain December 8, 1890? A. That is about the time.

Q. Do you remember when Captain Schmittberger left that precinct? A. Yes, sir.

Q. What date? A. I couldn't exactly tell the date; he was about 13 months there, I think; one month over a year, I think, as near as I can recollect.

Q. That would be about February 1891? A. Yes, sir; or somewhere in that neighborhood.

Q. That is as near as you can recollect, sergeant? A. Yes, sir.

Q. It would be 1892, sergeant? A. Eighteen hundred and ninety-two; yes sir.

Q. After Captain Schmittberger was transferred from that precinct, who took command? A. I did.

Q. And how long were you in command? A. I was in command from the time when he left until about the middle of May, I think, the same year.

Q. About four months? A. Somewhere in that neighborhood, yes, sir.

Q. And after you were relieved in command as acting captain, Captain Allaire was appointed? A. Yes, sir.

Q. And he has been there ever since? A. Yes, sir.

Q. You have been there as sergeant? A. Yes, sir.

Q. Now, Sergeant Taylor, I wish to approach the main subject of your examination directly to you; many of the men of that precinct have testified that while you were acting captain that they paid you money every month, part of the money that they received from the various companies on whose docks they were assigned to do duty, is that true? A. That is.

Q. Before you became acting captain and while Schmittberger was in command of that precinct, did any of the men pay any of the money to you; they have sworn that they have; I want to be fair with you, sergeant? A. While Captain Schmittberger was in command?

Q. While Captain Schmittberger was there? A. There was an officer at the White Star dock of the name of Peter Moran, and I think he gave me a few dollars on different occasions, saying I had no chance to get my dinner, and that was the dinner money, and he could spare a little to get my dinner; I can not remember anything else, not now.

Q. How about Officer Beck, he gave you \$10, A. I have to differ with Mr. Beck on that \$10.

Q. Do you deny you received \$10 from him? A. Yes, sir.

Q. Or any other \$10? A. Well, that \$10 on the Inman dock; I didn't visit or see Officer Beck for very near half of a month at that time; I had no business on that portion of the river; I must differ with Mr. Beck on that \$10; the blotter will show where I patrolled, and I must differ with him on that \$10.

Q. Now, sergeant, apart from that \$10 in relation to Officer Beck, while Schmittberger was captain, how much money did you collect from the officers of that squad? A. I don't think I collected more than \$15.

Q. And what did you do with that money you collected? A. I bought my dinner.

Q. Used it for yourself? A. Yes, sir; that is giving the outside amount; that, I think, would cover anything that I got.

Q. Well, sergeant, will you come down to the time when you were acting captain; now, all the men have testified that during that time, during those four months, they paid to you one-half of the money each month that they received from the steamship company? A. That is about correct.

Q. You have stated that? A. Yes, sir.

Q. How much money did you collect each month? A. Well, it varied; sometimes it would go to \$200, and sometimes it would not be quite \$200, and sometimes a little over that.

Q. About \$200 we will say the average? A. Not any more than that.

Q. There have been some officers here who have testified that the amount was about \$210 a month? A. Well, it varied sometimes.

Q. We will strike an average—\$200? A. Yes, sir.

Q. What did you do with that \$200 a month that you collected while you were acting captain? A. I gave the biggest portion of that money to Inspector Steers.

Q. To Inspector Steers? A. Yes, sir.

Q. Did you keep the money each month, or did you divide with him each month? A. Well, I divided.

Q. Each month? A. Each month.

By Chairman Lexow:

Q. Equally? A. Not equally.

By Mr. Goff:

Q. Inspector Steers was in command of that inspection district? A. Yes, sir; and I was subject to his orders.

Q. Now, the first month that you collected, we will say and assume as you have stated that \$200 were collected, just tell me what you did with that \$200 the first month? A. I went to headquarters and I gave Inspector Steers about \$150 of it.

Q. One hundred and fifty dollars? A. Yes, sir.

Q. Now, had you ever given Inspector Steers any money before sergeant? A. Yes, sir.

Q. What money? A. After Captain Gastlin left there I was put in charge between him and Schmittberger coming there.

Q. So that you were acting captain twice? A. Yes, sir.

Q. Now, about paying the money to Steers; was it from the money that you collected during the first period that you were acting captain that you paid to Steers? A. Well, every month I paid him.

Q. That is the first time that you were acting captain between Gastlin retiring and Schmittberger's command? A. Yes, sir.

Q. How many months, do you remember, intervened when you were in charge? A. Captain Gastlin got retired about the 2d or 3d of July, as near as I can remember, and I was in charge from that time until the time Captain Schmittberger took command.

Q. That would be about six months, he took command about December 8th? A. Yes, sir.

Q. So that would be about six months? A. Yes, sir.

Q. Now, during those six months did you make the collections? A. No, sir.

Q. Who was it that made the collections? A. Vail.

Q. And you received every month this money from Vail that he collected? A. Yes, sir.

Q. I will speak now of the first month, that was in 1890, when you were first acting captain there, the very first month that you received the monthly collection from Vail, what did you do with that collection? A. I took it to Inspector Steers.

Q. Now, tell us, why did you take it to Inspector Steers? A. I had orders.

Q. Who gave you the orders? A. He did.

Q. What were those orders, sergeant, just tell us the whole thing? A. His order was to for me to continue the same as the captain had done, and every month to come and see him and give him a certain amount of the money.

Q. Give him a certain amount of the money? A. It varied, I told you, it would not be always alike.

Q. What is the variation that — fix it — was it two-thirds, two-fourths, or how much percentage? A. I got about 20 per cent.

Q. You got about 20 per cent? A. Yes, sir.

Q. And he 80 per cent? A. Yes, sir.

Q. Was that his direction to you that you should get 20 per cent. and he 80 per cent? A. No.

Q. How was it fixed? A. He told me that he knew about what money there was there.

Q. Yes? A. And for my trouble of getting it, I kept 20 per cent. and he seemed to be satisfied.

Q. Did you retain in your own hands 20 per cent. without asking his consent? A. Well, he understood it in that way.

Q. What I want to get at is, sergeant, when you brought the first month's collection to Steers; you say you brought \$200; do you remember the amount you brought? A. I do not remember the amount now; no, sir.

Q. We will say \$200, that is the average sum; when you brought the first \$200 from headquarters to Steers can you tell me how much you gave him out of that \$200? A. I can't exactly just tell the very amount, sir.

Q. As nearly as your recollection serves.

The Chairman Lexow.—He said about \$150.

The Witness.—That would be about \$150.

Q. Did you retain the money you considered yourself entitled to before you went to Steers; that is you gave him so much? A. I gave him so much; yes, sir.

Q. Did you tell him how much you had collected? A. I did.

Q. Every month? A. Yes, sir.

Q. And you would give him at a ratio of 80 per cent. on the sum collected? A. Yes, sir.

Q. Did he ever find any fault with you for retaining 20 per cent? A. No, sir.

Q. That continued every month? A. Every month.

Q. When Schmittberger took command you stopped the collection? A. I stopped collecting; I did not know anything about it then.

Q. You had not anything to do with it then? A. No, sir.

Q. And when Schmittberger left you became acting captain again? A. Yes, sir.

Q. You resumed collections? A. Yes, sir.

Q. Did you continue to pay to Steers? A. Yes, sir; now the first time Vail collected was between Gastlin and Schmittberger, and then when Schmittberger left I collected myself.

Q. That is what I understand; you did not do the collection during the first acting captaincy? A. No, sir.

Q. Vail did the collections? A. Yes, sir.

Q. And you took the money to headquarters? A. Yes, sir.

Q. Now, during the second acting captaincy you did the collecting yourself? A. Yes, sir.

Q. Can you give us any reason for doing the collecting yourself; why you did the collecting yourself? A. Well, I had plenty of time to go around amongst the boys; and it was not a very difficult job; and they all seemed to be pretty well satisfied and I took the money.

Q. After you had ceased to be acting captain, during the first term of your captaincy, did Steers say anything to you; give you any instructions what to do or anything? A. I don't understand you; after I was —?

Q. After you were relieved of the command of the precinct, as acting captain, and when Schmittberger went there, did you hear from Steers in any way relating to this money? A. No, sir.

Q. I suppose it was clearly understood that he did not expect you to go over when you did not collect, or did not receive it? A. No.

Q. That was an understood thing? A. That was about it.

Q. If there was anything of that kind done it must have been done by Schmittberger or someone else? A. Yes, sir.

Q. The collecting from the men went on all the same, sergeant? A. I understood so; yes, sir.

Q. When you were made acting captain the second time did you have any conversation with Steers, or any communication from him — the second time? A. No more than my seeing him; he told me to go on the same as I had been doing; that is about all; I had orders to do about the same thing.

Q. And the first month's money that you collected you took it over to the station-house? A. Yes, sir.

Q. To the headquarters? A. Yes, sir.

Q. The same as you had during your first acting captaincy? A. Yes, sir.

Q. Was it about the same sum of money? A. Very near about the same; as far as I can recollect.

Q. And you gave him the same proportion? A. About the same proportion; yes, sir.

Q. And that continued during the months that you were acting captain? A. Yes, sir.

Q. About four months; now, Captain Allaire was appointed to that command? A. Yes, sir.

Q. You continued to do the collecting? A. Yes, sir.

Q. Was that at Captain Allaire's request? A. I was told to go on and do about the same as I have been doing.

Q. Who told you? A. Well, I think Steers told me that.

Q. That was even when Allaire was in command? A. Yes, sir.

Q. What did you do with the money that you collected when Allaire was in command? A. I took that money and I put it in an envelope and I laid it on a desk in the station-house, and I never see it any more.

By Chairman Lexow:

Q. Were you not surprised when Inspector Steers asked you to make these collections? A. Rather.

Q. You never—or had you known of a custom prevailing before of making collections of this kind? A. No, sir; it was my first experience.

Q. And you did it unhesitatingly under the orders of your superior officer? A. Yes, sir.

Mr. Goff.—Pardon me a moment, is Henry Kopp in court? (No answer). Is Cline in court? (No answer). Is Mr. Rosenberg in court? (Yes, sir); and Mr. Rosecranz in court? (Yes, sir).

Q. Do you mean to be understood as saying you had no knowledge or information at all upon this subject prior to the time the inspector told you? A. Only rumors.

Q. You did understand there was rumor to that effect? A. Yes, sir; that is all.

Q. So far as you knew did that rumor extend throughout the police force in the city that that kind of business was being carried on? A. No, sir.

Q. You did not have very much confidence in the superior officer who charged you with the performance of a peculiar duty of that kind, did you, from that time on, did you? A. Well, no, not—

By Mr. Goff.

Q. After Allaire was placed in command did you have any conversation with Allaire about the collection? A. Not that I remember of, sir.

Q. How is it, that you, instead of bringing the money to headquarters, giving the money to Inspector Steers, brought the money to the station-house, how did you come to make the change? A. Well, I was instructed that way.

Q. Who instructed you — Steers? A. Steers.

Q. So that you were to bring the money to the captain instead of bringing it to him directly? A. I never gave a dollar to the captain, sir.

Q. You were to bring it to the station-house? A. Yes, sir.

Q. When you left this money in an envelope was it directed to any person? A. No, sir.

Q. A blank envelope? A. No, sir; I wrote on the envelope "Street cleaning report."

Q. "Street cleaning report?" A. Yes, sir.

Q. What desk did you leave that envelope on? A. In the station-house.

Q. Did any one instruct you to put that upon the envelope? A. No, sir.

Q. How did you come to coin those words out of your own mind? A. Well, I don't remember of anybody giving me any instructions about that part, about the marks to be on the envelope.

Q. Well, but there must be some particular reason why you selected those words, "Street cleaning report?" A. Yes, sir; that is what I wrote on the envelope.

Q. I want to know why did you select those words, "Street cleaning report?" A. I think that is what Steers told me.

Q. That is the point; that is what I wanted to get at; that is what Steers told you to put on that envelope? A. Yes, sir.

Q. Did you seal the envelope? A. I did, sir.

Q. And did Steers tell you to leave that envelope on the desk in the station-house? A. Yes.

Q. That desk; is it the desk of the sergeant in the regular ward-room? A. The desk of the sergeant, sir.

Q. The desk of the sergeant? A. Yes, sir.

Q. That is where persons who are arrested are brought in and arraigned? A. Yes, sir.

Q. That is the desk you have reference to? A. That is the desk.

Q. When you left that who was in charge of that desk, when you left that money? A. Well, I would leave it there and there

would be different ones there at the time; sometimes I put it in the drawer there, a little drawer that is in the desk; there are two desks.

Q. I presume you would not leave that money there unless there was some one on duty? A. No, sir.

Q. Because it is apparent if you left it on that desk where strangers might come in, some one might get that envelope that you would think might not be entitled to it, isn't that a fact? A. That is a fact.

Q. Then we have it that you only left that envelope at times when some officer was in charge of the place? A. Yes, sir.

Q. One of the other sergeants? A. Yes, sir.

Q. Did you call his attention? A. No, sir.

Q. You never said anything to the sergeant on duty at the time? A. No, sir.

Q. Was it left with other papers? A. It was left as I — as near as I can explain it to you, in a little drawer in the desk, and those little drawers; there are two on each end of the desk, and there was one drawer I always left it in.

Q. Was that called the captain's drawer? A. No, sir.

Q. How did you come to select that drawer? A. That was the drawer I selected.

Q. I beg pardon? A. That was the drawer I selected; I always left it in the same drawer.

Q. Someone, sergeant, must have known you left it there in that drawer; someone that expected to get it? A. That is about the way it was.

Q. That is a fact? A. Yes, sir.

Q. Unless you conveyed the information in some way to the person for whom the envelope was intended; the person might not know where to look for the envelope? A. Well, it was understood — the envelope was always left in that place.

Q. It was understood? A. Yes, sir.

Q. That is what I say; but with whom was it understood? A. Well, it was understood with Steers.

Q. With Steers? A. Yes, sir.

Q. Were there other papers in the drawer where you left that envelope? A. Yes, sir.

Q. Reports for headquarters? A. No; not any report for headquarters.

Q. Well, the precinct makes daily reports to headquarters, does it not? A. Yes, sir.

Q. Is it not a fact that these envelopes were put in with some papers that were to be sent to headquarters the next morning.

A. I could not say that, sir; it was not in that drawer.

Q. When you said there were other papers in that drawer, what were the other papers? A. Such as papers and reports that we preserve; and such as the like; I think we put in that drawer; to keep a while; old reports, and the like of that.

Q. Was this drawer locked ever? A. No, sir.

Q. It was never locked? A. Not that I know of; no, sir.

Q. When you used it it was always open? A. Yes, sir.

Q. You pulled it out? A. Yes, sir.

Q. And you simply took this drawer out and put in this envelope? A. Yes, sir.

Q. And closed it again, and that was all? A. That was all.

Q. Did you ever hear from any person about any of those monthly envelopes going astray? A. No, sir.

Q. They always reached the right quarter as far as you know? A. As far as I know; yes, sir.

Q. Did you ever have any conversation with Allaire about it? A. I don't think I did, sir.

Q. Refresh your memory, sergeant; it appears from the testimony here that these collections had been made by every man that was in command of the precinct for 15 years; when I say collections I mean the receiving of money. (The witness nods his head affirmatively.)

Q. Every captain that was in command of the precinct received the money for 15 years; that is the sworn testimony of all the officers before us; will you explain why it was that Allaire never spoke to you about this money that should have come to him, it having come to every captain that was there before him? A. No; I think I said on one occasion that I left a report in the drawer or something of that sort, but I never told him anything about the money.

By Chairman Lexow:

Q. Did he understand that this report was in fact an envelope containing money that you meant? A. Well, I suppose he did.

Q. In other words when you spoke to him about that report, you knew that he understood you to mean an envelope containing money, that is right? A. That is right.

By Mr. Goff:

Q. Did the inspector visit the station-house frequently? A. Yes, sir.

Q. How frequently? A. Well, there was no regular time you know; he would stop down there once — I could not tell you the exact date.

Q. When he visited the station-house it was his duty to look over some reports, was it not? A. Yes, sir.

Q. And was it not a fact that this envelope was put in the drawer with those reports intended for the inspector's examination? A. No; the inspector always looks over the blotter and the telegraph book; the reports that we send up to headquarters in the morning and they inspect them at headquarters.

Q. Well, sergeant, you have been retaining you say about 20 per cent. of this money? A. Yes, sir.

Q. Up to the time Captain Allaire took command? A. Yes, sir.

Q. Did you continue to retain 20 per cent.? A. Yes, sir.

Q. The same as you did when you was collecting yourself? A. Yes, sir.

Q. And you continued that right up to last June, I think it was, when the commissioners issued that order? A. When they issued that order the dinner money was cut off.

Q. When did Steers retire? A. That I can not tell you now.

Q. Well, it was McLaughlin succeeded Steers, was it not? A. I think it was.

Q. Yes; well, he became inspector on October 1, 1892; so Steers must have been retired before that date, before October 1, 1892? A. McAvoy was our inspector after Steers.

Q. He was inspector after Steers? A. Yes, sir.

Q. McAvoy became inspector on April 29, 1892; after Steers left did you continue to put the money in the drawer? A. Well, Steers—yes, sir.

Q. Well, now, when Steers left and, since you had the understanding with Steers to put the money in the drawer, how did you come to put the money in the drawer when the new inspector came there? A. I done the same as I always done.

Q. Did you have an interview with the new inspector? A. No, sir.

Q. Did you have any talk with him at all? A. No, sir—oh, yes; I had a talk with him.

Q. I mean in reference to this matter? A. No, sir.

Q. I don't mean, of course, you did have a talk with him in pursuance of your duty; but I mean in connection with these collections? A. No; I never had any talk with him in regard to that; I never had any talk with Inspector McAvoy in regard to collections.

Q. Did you have any talk with Allaire when the change of inspectors came? A. Yes; we were well satisfied; we thought we were getting a very good inspector.

Q. Did you have any talk with Allaire about this monthly envelope? A. No, sir.

Q. Well, sergeant, can you explain to us how it was that you continued to put this monthly collection, less your 20 per cent., in this drawer every month when there was a new inspector in the district; can you explain that to us? A. I continued to do the same as I always done; put it in the drawer.

Q. Well, for whom was that envelope intended, when you put it in the drawer? A. That I could not swear; who ever took it out.

Q. You knew that you were held responsible by somebody for that collection, were you not; you knew you were held responsible by somebody for that collection, did you not? A. Well, I done the collecting, and I put it there—

Q. I know.

By Chairman Lexow:

Q. You knew you were going to be held responsible for the money you put in there? A. I suppose so; yes, sir.

By Mr. Goff:

Q. During Inspector Steers' time you knew he held you responsible because you had direct talk and communication with him? A. Yes, sir.

Q. What I want to find out is after Inspector Steers retired, to whom were you responsible for this money? A. I could not say I was responsible to anybody; I went on and done the same, and was not told anything different, and I continued on the same.

Q. To whom did it go to? A. That I could not say, sir.

Q. I do not suppose that you saw it go? A. No, sir.

Q. But can't you give us your testimony now under the solemn obligation of your oath as to where that money went, you understood it, after Steers left the district?

Senator O'Connor.—That don't involve personal knowledge; but as you understood it.

By Mr. Goff :

Q. As you understood it? A. I could not swear.

By Senator O'Connor :

Q. As you understood it? A. It was left there, and who took it, I never see anybody take it.

Q. Who did you understand took it; what is your own understanding; not that you actually saw the man take it or gave it to him; but what did you understand about it? A. I suppose it was wanted at headquarters.

By Chairman Lexow:

Q. Did you understand that it went to the successor of Inspector Steers? A. I could not swear to that.

Q. Was that your understanding? A. No.

Q. Is it not? A. I could not tell who got it.

Q. Who in headquarters? A. That I could not tell, sir.

Q. Your understanding was that it did go to headquarters?
A. I could not tell who got it.

By Senator Bradley :

Q. That is your understanding?

By Chairman Lexow :

Q. That it went to headquarters? A. Well, I suppose so.

Q. This drawer was not locked, was it? A. No, sir.

Q. Was open? A. Yes, sir.

Q. Did anybody excepting a person from headquarters have a right to go to that box or drawer? A. Yes; we all had a right to go to it; the sergeants at the desk.

Mr. Goff.—I wish to excuse the sergeant for awhile I have one or two witnesses I want to call. Is Dr. Wright here? (Here). Just take the chair.

Dr. Joel Williston Wright, called as a witness on behalf of the State, being duly sworn, testified as follows :

By Mr. Goff :

Q. You are a physician, Dr. Wright? A. I am so called; yes, sir.

Q. You are attending John Martin? A. Who, sir?

Q. John J. Martin, are you? A. Martin; yes, sir.

Q. John Martin; have you sent down a certificate? A. I made a certificate, sir, three or four days ago, as to his condition.

Q. What is his condition, doctor? A. Mr. Martin is paralyzed on the left side.

Q. Is it partial or whole? A. It has been complete.

Q. Complete? A. Yes, sir.

Q. What is it, a first, second or third attack, so far as you know? A. Second.

Q. Do you know when he received the first stroke? A. I can not give you the date, sir.

Q. As near as you can? A. I understand this is the second one since the first time.

Q. Of this year? A. Yes.

Q. Did you attend him on the first occasion? A. No, sir.

Q. How long have you been in attendance upon him? A. About four weeks.

Q. Has he been confined to bed all the time? A. To bed and chair.

Q. Unable to leave his house? A. Yes, sir.

Q. He is unable to move around? A. Unable to move except three or four or two or three men move him.

Q. Of course of his own motion, I mean? A. He can not move, sir.

Q. Is his life imperiled in his present condition? A. To a certain extent, sir.

Q. It does not necessarily follow, does it, doctor? A. It does not necessarily follow, no, sir.

Q. That is, you do not regard the second stroke of paralysis as necessarily fatal in its results? A. No, sir.

By Senator O'Connor:

Q. Is his speech affected by this paralysis? A. Slightly.

Q. Would it be dangerous and detrimental to his health to examine him at his house? A. Yes, sir.

By Mr. Goff:

Q. It would? A. Yes, sir.

Q. It has been a little detrimental to you to come down here; has it not? A. Very much so indeed.

Q. In fact, you would much rather this committee and counsel were engaged in laying bricks than engaged at this work; would you not? A. Yes, sir; it has broken up the whole days' work to me.

Q. And that is what you say, it was better for this committee and this counsel to be laying bricks than this work? A. No, sir; I did not say that.

Q. Will you swear you did not tell the man that that subpoenaed you? A. Yes, sir.

Q. Or any other words in substance to that effect? A. I will tell you what I said.

Q. Tell us? A. My remarks were with reference to the man that subpoenaed me, and not this committee at all.

Senator O'Connor.— Speak it out, doctor, we can stand almost anything?

Mr. Goff.— Go ahead, doctor?

A. I will tell you exactly what I said; I said to the man that subpoenaed me that I would rather go and lay bricks in the street than be engaged in as mean a business as that was — he not the Lexow committee, but this man that subpoenaed; this man brought a subpoena to me in the middle of the day when I was just through my office hours, and had half dozen important engagements for the afternoon, and it has broken up my day.

Q. That man that subpoenaed you was armed with a process of the Senate of this State? A. I know.

Q. And he was deputed by the Senate of this State to perform that service; and it was just as honorable a performance as your physician's duties? A. That may be.

Q. And do you think that was proper language for a man that ought to be a gentleman to use to the messenger or deputy sergeant-at-arms of this committee? A. If you had been annoyed to the extent that I have you would have some conception —

Q. You have no conception of what annoyance is? A. I am not speaking of your committee.

Q. Don't you think if this committee thought it of sufficient importance to send a subpoena to you, that it was your duty as a good citizen to obey that subpoena without making any remarks? A. It might have been if I had not been a physician and engaged for several important engagements; I think that ought to have an important bearing and give a certain amount of leeway anyway.

Q. You should have no more than lawyers or anybody else? A. Do you not know what it is, sir, to have an important surgical operation appointed at 2 o'clock in the afternoon and have a subpoena come that means come or be taken; one or the two, or be fined.

By Chairman Lexow:

Q. We have done this for nine months in the interest of the State and you can not give up nine hours apparently? A. I know, sir; I have before now paid out \$200 in the winter to see a charitable patient at the hospital.

By Mr. Goff:

Q. What surgical operation did you have on to perform this afternoon? A. I don't think that that concerns you, sir.

Q. You have said that you had one? A. I do sir.

Q. Had you one? A. I had sir.

Q. You regard that as a professional secret, do you? (No answer.)

Q. You did not give the subpoena server a fake story, did you? A. I did not; I am not in the habit of giving fake stories to anybody.

Q. I only wanted to know whether it was true or false? A. I am not in the habit of giving false statements to anyone.

Q. Do you swear you had an engagement to perform a surgical operation this afternoon? A. I do.

Q. What? A. I do.

Q. You know the surgical operation we are performing here is of greater importance to the State than to your patient? A. That may be.

Q. Have you stated, doctor, fully, in answer to the question of Senator O'Connor, whether or no an examination of Mr.

Martin in his room would be injurious to him? A. I have stated, sir.

Q. What was your statement, please? A. That it would be injurious.

Q. Would it be dangerous? A. Very.

Q. To what extent? A. Possibly would cost the man his life.

Q. Is there another doctor in attendance besides yourself? A. Not that I am aware of.

Q. You are the only one; what advice have you given to your patient or to his family as to his probable recovery? A. I have made a hopeful prognosis, sir.

Q. What has been your prognostication? A. Hopeful; not positive, but hopeful.

Q. Doctor, we never arrive at the degree of positiveness in anything; your profession is not an exact science any more than anything else? A. Not in medicine; no, sir.

Q. How is the patient's appetite? A. Well, sir, I may say it is fair, only.

Q. So you say that to examine him or to interview him upon any matter would be dangerous to his life? A. I do.

Q. And yet, doctor, he has undergone some interviews, and his life has been spared? A. I know nothing about that, sir.

Q. Then doctor, it is a fact that Mr. Martin was sitting behind his bar and being interviewed by a World reporter when the subpoena of this committee was served upon him, and yet he is living; how does that conform to your prognostication; what? A. I do not see that it classes with it at all.

Q. You do not see that it classes? A. No, sir.

Q. But if you say an examination before this committee would be prejudicial to this man's recovery, dangerous to his life, how is it that he has undergone an interview down in his barroom? A. I do not know that, sir; I am not informed to speak.

Q. If such is the fact you are not in full knowledge of your patient's condition? A. I am, sir, as far as I know.

Q. But you have stated he is not able to move with the exception of the help of three or four men in his room; yet he has been in the bar-room? A. He may have been carried down stairs in a chair for all I know.

Q. Would that be injurious? A. Not exactly.

Q. Have you advised him that an examination would be pre-

judicial to him, or to his hopes of recovery, or injurious to his life? A. I don't think I have advised him personally, sir.

Q. Who have you advised? A. His attendants.

Q. Who are his attendants? A. His mother for one, and a gentleman by the name of Wallace for another.

Q. Did they ask you; did those persons, attendants, ask you if such an examination would be dangerous to his life? A. I don't know that they asked me that question in so many terms; but it was my general order before I knew that Mr. Martin was in any way connected with this committee; I knew nothing about that until a few days ago, sir.

Q. What was your general order? A. It was my general order that Mr. Martin was not to be interviewed on any business matter whatsoever.

Q. That was before his name came out in connection with any disclosure before this committee? A. I say I am as innocent of any knowledge as a child, of any knowledge that he had anything to do with this matter.

Q. We only want to get at the fact of the physical condition of your patient? A. Will you allow me to make a statement; I was called to see this gentleman as I am to any other patient, and he, as a patient, I am bound to protect to the fullest extent of my ability against anything that is prejudicial to his recovery; I knew nothing about his relations to this committee whatever, and I issued a general order based upon his condition that he was not to be annoyed with any business at all, that he was simply to be kept quiet in his room and moved from his bed to his chair as a matter of rest and change; and that he was not to be interviewed about business matters, even in his own business, at all; that was the character of my order, sir.

Q. I assume to take you as an honorable physician, and treat you as such; you do not object to having a physician appointed by this committee to go with you and examine Mr. Martin as to his capacity to withstand an examination, as to his physical capacity? A. I will meet any gentleman that is a regular physician in consultation with Mr. Martin's case, as I would in any other.

Q. To visit Mr. Martin? A. Yes; if that is the —

Q. When did you last see Mr. Martin? A. If that is Mr. Martin's request.

Q. No, not Mr. Martin's request.

By Chairman Lexow :

Q. Your request? A. I do not request.

Q. I say, we, the committee requests.

By Mr. Goff :

Q. It is not a request; they had the right to demand; I put it in the polite phrase to you; now doctor, are you willing to meet any regular practitioner of this city—regularly established practitioner of this city, and to consult with him, and examine Mr. Martin's condition, and report to this committee as to his capacity to withstand an examination, are you? A. I am willing to meet any regular physician, sir, in a regular consultation of Mr. Martin's case; I always allow that privilege to any patient.

Q. Do not let us go behind the word consultation; a consultation such as you might prepare to the consulting physician? A. I am not foxy enough for that.

Q. We have it in its full bearing, now, that you are willing to consult, in the broadest sense of the term, with any regular practicing physician in this city in relation to Mr. Martin's case, as his physician? A. I am, sir; if that is the wish of his family.

Q. Oh, no, not the wish of his family; it is the wish of this committee. A. I consider my interest as with Mr. Martin; I have nothing to do with this committee; Mr. Martin is my patient, and I am bound to protect him to the fullest extent of my ability against anything going to prejudice his life.

Q. We do not even suggest to you to do anything of that kind; and I ask you — we simply try to reach a conclusion that is fair to Mr. Martin and advantageous to him as your patient; and I assume, the most professional method to do that is to have associated with you a physician selected by this committee, and let you and that physician consult and advise this committee as to Mr. Martin's condition, don't you think that is a fair way to proceed? A. I would not be willing to put myself on record as having agreed to any consultation with any gentleman that this committee might select without my knowing who he was.

Q. A regular practitioner of good standing? A. I will meet any regular practitioner in good standing to consult in Mr. Martin's case looking to the indorsement of the statement I have made that Mr. Martin is not fit physically to be interviewed on business matters.

Q. Well, not looking to an indorsement; we do not want you to consult with a doctor with a prearranged view or understanding as to whether your statement will be indorsed or not?

A. I do not mean that at all, sir.

Q. If you don't mean it, I am glad you say so.

By Chairman Lexow:

Q. If Mr. Martin is not in condition to appear here we don't want him here; if, on the other hand, he is in a condition to appear here we would like that fact authenticated, not only by your testimony, but the testimony of some physician appointed by this committee to ascertain that fact for it; that is all there is to the question; it is a question to decide, whether you will or not aid this committee, or stand against it? A. I would not stand against it; but it looks as though my opinion was not worth anything in the matter.

By Mr. Goff:

Q. Not at all; you ought to be a reasonable man; you are the physician of this patient? A. I am, sir.

Q. And it is but reasonable that this committee should have sufficient medical testimony to justify it in whatever action it may take?

Senator O'Connor.—Besides it is done every day; every court has a right to send an independent physician.

By Mr. Goff:

Q. If Dr. Wright — A. I have nothing to conceal in this matter; I am attending Mr. Martin, as a private patient, and my relation is simply that of doctor and patient; now, if you or somebody else came in there and wanted to interview about a lot of stocks I would try to protect him.

Q. We are perfectly satisfied not only of your ability as a physician to protect him, but also as to your good faith? A. I am as innocent as a child of any wrong act.

Q. Don't you think your patient may be imposing upon you? A. No.

By Chairman Lexow:

Q. Don't you think it is strange he should submit to an interview with a World reporter, and on the succeeding day be unable to submit to an examination? A. I don't know; I know Mr. Martin has been taken out of bed and put in a chair, and according my orders, to divert him, perhaps carried him downstairs bodily.

Q. When did you see him last? A. Yesterday.

Q. You have not seen him to-day at all? A. I saw him late yesterday afternoon; I don't know that he has been interviewed by a World reporter or anybody else.

By Mr. Goff:

Q. Let us settle the matter here; we have a well known physician in the court-room here; it is the first time I have ever seen him here; he has been on the visiting list, if not the head of the consulting surgeons of Gouverneur Hospital; I called upon Dr. Ward? A. I am a consulting surgeon of Gouverneur Hospital.

Q. That is very fortunate — the two consulting surgeons of the Gouverneur Hospital; there can be no question about that? A. I would be willing; I have known Dr Ward for a great many years, and I know him to be a man of the most unqualified integrity; and I know that Dr. Ward would not give an opinion about Mr. Martin based upon anything else under the sun except the actual fact, and that is what I have given you my opinion upon, sir; now, sir; if you will appoint Dr Ward to go and see Mr. Martin with me, if there is a necessity for that sort of thing, I will be delighted to meet Dr. Ward.

Mr. Goff.— Does the committee so designate Dr. Ward.

Chairman Lexow.— Yes; if Dr. Ward will undertake the duty of representing the committee on that subject.

Dr. Ward.— If you so desire, I will do so, sir.

Mr. Goff.— The committee so desires.

The Witness.— If he did not tell you as a physician — now I am talking upon Dr. Ward's well-know honesty, you know; it is proverbial the world over; Dr. Ward never did an incorrect thing in his life that I know of, or anybody else; I am arguing on the basis that Dr. Ward will tell you, as I have told you, that that man, paralyzed as he is on one side, his arm and hand absolutely helpless, he could not lift a feather with his right hand

and the most he can do with his left leg is to make a little motion of his toes, and no power whatever; if Dr. Ward does not tell you as a physician that that man is not in a condition to go through the excitement of an interview of a business character — understand I know nothing about the business relations — I will agree to say I do not know anything about it.

Mr. Goff.— Now, Dr. Ward, will you see Dr. Wright and appoint a time of meeting with him, when you can perform the duties assigned to you by this committee; I am glad to see you here in the court-room by accident; what brought you here anyway.

Dr. Ward.— It is my first visit.

Chairman Lexow.— Perhaps Dr. Ward will be able to do it now.

Mr. Goff.— That will do Dr. Wright; you see Dr. Ward and consult with him; you can go now.

Sergeant John J. Taylor, recalled, testified as follows:

By Mr. Goff:

Q. Is it not a fact that when the reports from the various precincts go to headquarters, those reports have to go through the inspector's hands? A. Yes, sir.

Q. The inspector having charge of the district? A. Yes, sir.

Q. Now, when this envelope was left in this drawer it was left alongside of reports that the inspector was supposed to look at, was it not? A. No; they were old reports; they had been put away there; we would copy them in the book sometimes and put them in that drawer.

Q. Now, the committee are particularly interested in this phase of the case; how was it that you knew that that envelope would reach the hands of the person to whom it was intended to go unless you had some understanding with that person? A. I did not, sir.

Q. What? A. I swear I had no understanding after Steers.

Senator Bradley.— That is not the question.

By Mr. Goff:

Q. After Steers; well, is it possible that you would conduct such a very delicate transaction as that without having some

understanding and knowledge for your own protection if nothing else, as to where that money should go? A. I had no other understanding than what I told you.

Q. Now, you know that if you had not turned over that money that you had collected you would have been called to an account for it; would you not? A. Well, that I would not swear to.

Q. But, don't you think that was the reasonable condition under which you collected that money, was it not? A. I would suppose so; I can not swear to it.

Q. You understood that it was known to whoever was interested in the collection of that money that you did not collect it to keep it all for yourself? A. Yes, sir.

Q. Therefore, some of it must have been intended to go to somebody else? A. The reputation of Inspector McAvoy in the police department, so far as I have ever heard of him, he has got an excellent one, and I did not think he would take anything of that sort.

Q. He must have taken that envelope; somebody took it? A. I can not swear to that, Mr. Goff.

Q. You found every time you went to that drawer and put an envelope there, you found the envelope you put in for the preceding month was not there? A. Oh, no.

Q. That envelope had disappeared? A. Yes, sir.

Q. Is it possible that one of the other sergeants in the precinct there would have taken the envelope? A. No, sir; I don't think they would.

Q. Is it possible the captain would have taken the envelope? A. I do not think he would; I can not swear to that.

By Chairman Lexow:

Q. Did you continue to indorse it "Street cleaning report?" A. Yes, sir.

By Mr. Goff:

Q. But, sergeant, this envelope indorsed "Street cleaning report" was intended to go into the hands of some superior official, was it not? A. Well, I know with my dealings with Steers I suppose it was.

Q. Go into the hands of some superior officer? A. Yes, sir.

Q. Was this one of the departmental envelopes? A. Yes, sir.

Q. With the printing on the corner? A. Yes, sir.

Q. "Police department?" A. Yes.

Q. One of the regular, what we call the "official" envelopes used in the station? A. Yes.

Q. Was it a large envelope or a small one? A. A large one.

Q. A similar envelope in which were contained the reports sent to headquarters? A. Not so large; one that we put the court returns in to send to court; we had two large envelopes; one is a very large one to put all the returns in, and the other is what we call the "court," to put the court returns in.

By Chairman Lexow:

Q. Inasmuch as you, when you were acting captain, took those returns yourself to headquarters, when you deposited them afterward in a box, didn't you assume that the captain who took your place was doing the same thing? A. I could not swear to that.

Q. Was that not your assumption; didn't you put them there for that purpose? A. They were put there to disappear.

Q. And disappear in the same way that you made them disappear while you were acting captain? A. I don't know.

By Senator O'Connor:

Q. Where did you expect they were going to disappear to; you were not putting them there for fun? A. No, sir.

Q. Where did you expect them to go to; who did you expect was going to get it? A. I could not swear to that.

Q. I am not asking you to swear to anything except your own expectation and understanding? A. I expected some superior officer to me would get it.

Q. What superior officer; the captain of the precinct? A. I could not say, sir.

Q. Who did you expect; who did you make up your mind was going to have it? A. From the reputation of Inspector McAvoy I did not think he would do anything of that sort.

Q. Who did you think would get it? A. That I could not say.

Q. You had some idea of it; did you not? A. I supposed it went to headquarters.

Q. What do you mean by headquarters — the police commissioners? A. I mean at police headquarters; I could not tell who it was.

Q. The police headquarters; that is the captain of the precinct?

Mr. Goff.— No; that is the Central headquarters.

By Chairman Lexow:

Q. There were only two sets of officers to whom it could have gone; either the police commissioners, or the police inspectors; now, inasmuch as you supposed it was going to police headquarters, which one of those two classes of officers did you expect it was going to? A. I could not swear to that, sir.

Q. You must have had in your mind that it was going to either the commissioners; which was it? A. I could not tell which.

Q. Didn't you have any idea? A. From the reputation of Mr. McAvoy I did not think he would take it.

Q. Then you thought the commissioners were getting it? A. Somebody was getting it.

Q. Wasn't that your judgment, the commissioners were getting it? A. I couldn't say that.

By Senator O'Connor:

Q. You don't want to have this committee believe that you were collecting this money and allowing it to disappear without any idea of where it was going, do you? A. I am telling you the truth, sir.

Q. We are not asking you whether you saw the captain or inspector get it; but when you placed the money you describe here, you expected it was going somewhere? A. Yes, sir.

Q. And you had some idea of where that was? A. That is a pretty hard idea to have, an idea to accuse anybody.

The Chairman.— We only want your idea.

Q. We want to know your idea, and then we will make up our idea.

By Chairman Lexow:

Q. What was your idea; we do not ask for the fact; but what is your idea; what was it? A. That is a pretty hard question.

Q. To commissioner or inspector, which? A. That is a pretty hard question for me to decide.

Q. You must have had some idea about it? A. Yes, sir.

Q. What was that idea? A. Well, I had this idea, that I could not tell for certain who received it.

By Senator Bradley:

Q. You knew it was not the doorman that was going to get it; didn't you? (No answer).

By Chairman Lexow:

Q. If you fail to be candid on a subject of this importance, it throws a cloud on your entire testimony; you have been accepted as a witness on behalf of this committee of the State of New York because we believed you were going to make a candid statement of the facts in your knowledge? A. I have, sir.

Q. What is the use of obscuring your entire testimony by failing to state to this committee a question or matter of that importance; we are asking you from your knowledge of the circumstances and conditions what was your idea as to where that money was going after you deposited it in that drawer; where was it going, according to your idea; that is all we want to know; now, come out with it like a man; what is the use of keeping the whole committee and everybody else waiting? A. I would be very happy to do it, but my ideas — it is a hard idea of anybody; I might be wrong.

Senator O'Connor.— Tell us what it was; we will take the chance of its being wrong; tell us what was your impression or understanding as to who got that money?

Q. Don't you think if that money had disappeared out of that drawer through the hands of a patrolman who was not entitled to it, you would have heard of that disappearance before long? A. I should think so.

Q. Who did you expect to hear from if such a thing occurred? A. I never heard anything.

Q. Who would you have expected to have heard from if that money had improperly disappeared and not gone into the proper hands; who would have called you down? A. Well, I don't know as anybody could call me down on that.

Q. Do you mean to say that you could have pocketed that money for months without going through the proper channels, and that you would not expect to be called down by some superior officer for doing it? A. I have no experience in that direction.

Q. You would expect that, would you not? A. Yes.

Q. Who would you expect to call you down? A. I would expect —

Q. After Steers? A. After Steers I could not say.

Q. The man who took his place? A. Well, his reputation as a man —

Q. Outside of his reputation as a man you would have expected to be called down by him, would you not? A. Yes.

By Mr. Goff:

Q. I see there were other reports made too called "Street cleaning reports;" were there not? A. Yes, sir.

Q. And envelopes containing those reports? A. Yes, sir.

Q. These reports were of streets that had been cleaned or not cleaned? A. Yes, sir.

Q. You were bound to show that to the department? A. Yes, sir.

Q. What official's duty was it to examine those reports? A. The sergeant at the desk; you mean in the station-house?

Q. Yes, that the men brought in off the streets?

Q. The reports? A. That went to the inspector; all reports go to the inspector.

Q. Now, then, these reports that were made up in the station-house of the streets that were cleaned and not cleaned, they were put into an envelope, were they not? A. Yes.

Q. Were those envelopes marked "Street cleaning reports?" A. No; they were marked "To inspector of the district."

Q. To the district inspector? A. Yes.

Q. Were there any envelopes indorsed "Street cleaning report," that contained reports of streets that have been cleaned and streets not cleaned? A. That went to headquarters.

Q. That went to headquarters, yes? A. No.

Q. Was it not the practice there that as soon as reports were made up of the streets cleaned that those reports were put in an envelope and marked "Street cleaning reports?" A. We always put them all in one large envelope, and not — we do not separate the returns.

Q. And directed that large envelope to the inspector? A. To the inspector; yes, sir.

Q. Was this envelope containing this money put into that large envelope with the other returns? A. Not that I know of.

Q. Was it put into the drawer where that large envelope was? A. No, sir.

Q. Whose duty was it to put papers in that large envelope? A. The sergeant made out the returns.

Q. The sergeant? A. Yes, sir.

Q. Then it was your duty to put those papers into that large envelope? A. Yes, sir.

Q. It being your duty to put those papers in that large envelope directed to the inspector, did you not put this envelope inside of it? A. No, sir.

Q. Did you put it alongside of it? A. No, sir.

Q. Did you ever see that envelope removed from that drawer? A. No, sir.

Q. Did you ever see that drawer straightened out by any other person than yourself? A. I don't know as I did.

Q. Who has access to that drawer? A. The sergeant behind the desk.

Q. Who were the sergeants there; we will run this down now if it takes all the year.

Chairman Lexow.—And the captain, too.

By Mr. Goff :

Q. Who were the sergeants? A. Sergeant Byrne and Sergeant Reed.

Q. What other sergeant? A. And Mead.

Q. And yourself? A. Yes.

Q. And three sergeants? A. Yes, sir.

Q. What other official at the station-house had access to the drawer? A. The captain.

Q. Any other official? A. No, sir.

Q. Now, we have it between four men, of which you are one of the four; are those three sergeants in that precinct now — those two sergeants? A. Yes, sir.

Q. Well now, sergeant, whatever benefit you may have obtained, or whatever immunity you may have secured for yourself by your testimony here to-day upon the witness stand, do you wish to destroy the whole of it? A. No, sir.

Q. The chairman told you at the opening of your testimony that the State guaranteed certain immunities and privileges to persons testifying, on the condition that they did not commit perjury in relation to the matter? A. Yes, sir; and I embraced it.

Q. And if an untruth was told that all immunities and privileges were wiped away? A. Yes.

Q. Do you wish to destroy all your immunities and privileges? A. No, sir.

Q. Have you had any conversation with any person or any official looking to the view of protecting anybody's name before this committee? A. No, sir; any official?

Q. In the precinct; anybody?

By Chairman Lexow :

Q. Has anybody asked you to keep out any name in your testimony here? A. No, sir.

Q. Or protect anybody's reputation? A. No, sir.

By Mr. Goff :

Q. Have you promised you would suppress any one's name? A. No, sir.

Q. Have you been approached or requested directly or indirectly to suppress anybody's name? A. No, sir; I am giving you the whole story since I sat in this chair just as it was; and I can not do any more, Mr. Goff.

Q. We do not question you, sergeant, up to that point of the envelope; we must confess, however, our disappointment at your inability or unwillingness, which ever it may be, to explain the disposition of that envelope? A. It is inability.

By Chairman Lexow:

Q. Was it not this that while you were acting captain it was your duty to carry that money to the inspector? A. Yes.

Q. Just as soon as you ceased to be acting captain, when you put that envelope in that box, it became the duty of the captain to take that money and transfer it through the proper channel; did it not — the captain that took your place — you were acting captain of police, and the duty of the captain that took your place was to take the envelope to the proper place? A. I could not say he done that.

Q. Was that not your understanding that he did do that? A. I could not swear to that.

Q. I think it is pretty evident what the situation was; the fact was that even while you were acting captain the envelopes

that you sent out with official business directed to the inspector were kept apart from the envelope containing the money? A. Yes, sir.

Q. So that you sent out the one envelope containing official business, and yourself personally as acting captain carried up the envelope containing the money? A. Yes, sir.

Q. And that was done by your successor, was it not? A. That I can not swear to.

Q. Was it done by your predecessor; you know that, don't you, because you did what he did?

Senator Bradley.—You said that was your orders.

By Chairman Lexow:

Q. Captain Cassell? A. I don't know what he done.

Q. Don't you know you did just what he did? A. I never knew what he done; I had my orders what to do.

Q. Did the inspector say you were doing just what the captain that had taken your place did? A. In regard to the police duties?

Q. In regard to the handling of this money, you were doing what your predecessor had done? A. He did not say those words.

Q. But substantially the same? A. Yes; he told me about the money, and I took it there to him.

Q. And didn't he tell you that your predecessor there had done the same thing; that he was simply asking you to do what your predecessor had done before you; that is a fact? A. That is about the way of it.

By Mr. Goff:

Q. You deducted 20 per cent., you say, while you were acting captain there? A. Yes.

Q. What did you do with the 20 per cent. you deducted after Captain Allaire assumed command? A. Well, I kept it.

Q. What? A. I kept it for my own use.

Q. You kept it for your own use? A. Yes, sir.

Q. And you continued every month to deduct the 20 per cent? A. Yes, sir.

Q. And then put the balance in the envelope? A. Yes, sir.

Q. Did the average continue about the same? A. Yes, sir; It was barely, you know, sometimes a few dollars; but it averaged about the same.

Q. About the same? A. Yes, about the same.

By Chairman Lexow:

Q. These moneys that you collected, were they simply the collections made on the docks? A. As far as I know of, sir; yes, sir.

Q. When you made the collections yourself, did you collect anything more than the moneys coming from these docks? A. No, sir.

Q. That was all? A. That was all.

Q. That was the only source of the fund you paid over? A. That is all, and from the policemen on the docks.

Mr. Goff.—Sergeant, you will excuse me for the present.

Chairman Lexow.—Do you want the sergeant to stay in the court room.

Mr. Goff.—Not to-night.

Chairman Lexow.—You are excused for the day. Come to-morrow morning.

Mr. Goff.—Yes.

Chairman Lexow.—Sergeant, be here to-morrow morning at half-past 10 o'clock; and in the meanwhile do not speak of your testimony with anybody; do not converse with anybody about it.

Mr. Goff.—We have had a pretty long day of it, but there is a letter that I would like to get hold of. I do not know that it is in the line of our business just now, but I think we may possibly make it advantageous at the time.

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

By Mr. Goff:

Q. Where do you reside? A. No. 76 Eldridge street.

Q. Tell me your residence; we did not hear you before? A. No. 76 Eldridge street.

Q. Raise your voice so we all can hear you; how long have you been residing there? A. I have been residing in this house about the second year; I live across the street two years, that is going on four years I am living in the district.

Q. What is your business? A. Painter.

Q. Were you working last election day; I worked in the store in 76 Eldridge street.

Q. Who keeps that store? A. The store was empty.

Q. Who employed you to work in that store? A. Mr. Baumann.

Q. Who is Baumann? A. He is agent of those houses.

Q. What did he employ you to do? A. To fix up the store and kalsomine the ceilings and paper the walls.

Q. While you were at work at that store were you visited by any person; did a man come in to see you? A. A fellow by the name of Benjamin came into the store.

Mr. Goff.—Is ex-Alderman Benjamin in court? He was here to-day. Is Mr. Benjamin here? Mr. Benjamin (no answer). When he heard the name he got out. Philip Benjamin? (He does not appear or answer.)

Q. Well, what did this man named Benjamin say to you? A. He said not to commence to work; it was early in the morning; Mr. Benjamin said not to work and he would pay us for the day and leave me stay inside the store; and I went to the housekeeper and I told what Mr. Benjamin said, stay in the store; and he paid the housekeeper \$3 for the store for the day.

Q. What were you to do in the store? A. I was to do in the store and kalsomine the ceiling and paper the walls.

Q. What were you to do for Benjamin? A. I was standing inside in the store.

Q. What was the store hired for? A. To hire to show some persons the way to vote.

Q. Did you see Benjamin pay the housekeeper \$3? A. Yes, sir.

Q. What did Benjamin say? A. To him; to me?

Q. To the housekeeper in your presence? A. He didn't say nothing; he took out the money and gave it to her.

Q. Did you remain in the store? A. What?

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

Q. Did you see Benjamin during the day? A. Benjamin; no.

Q. Did you see Benjamin? A. To-day?

Q. No; that day; election day? A. I did see him.

Q. While you remained in that empty store? A. Yes, sir.

Q. How many times did you see him? A. He was quite the whole day there.

Q. Did Benjamin give you any money? A. He gave me about four or six times; I could not tell you exactly.

Q. Did he give you money each time? A. Each time he gave me \$2 to give to fellows.

Q. He gave you; I want you to be careful about this; he gave you four or five times \$2 each time? A. Two dollars each time to give to fellows.

Q. What for? A. He only handed me the one and said, "Give it to that fellow."

Q. Did he point out the man you were to give the money to? A. He only showed it to me, "Give it to this man."

Q. Whenever Benjamin gave you the \$2? A. And the man was waiting in the other room; there was a store and two rooms in the back, and the man was waiting in the other room; and he, Benjamin, handed me \$2 and said, "Hand it to the man," and I handed it.

Q. Who was the man? A. I don't know; some fellows I know; some fellows I gave the money I knew.

Q. You knew some of the fellows? A. Yes, sir.

Q. Give us the name of some of the fellows? A. One is here as a witness.

Q. Is that the man (indicating a man who stands up)? A. Yes.

Q. Did you give him \$2? A. Yes, sir.

Q. What did you give him \$2 for? A. Benjamin told me to give it to him, and I gave it to him.

Q. Was Benjamin bringing men into the store and telling you to give the men \$2; Benjamin was bringing men into the store and giving you money to give to these men? A. Yes, sir.

Mr. Goff.—Is Mr. Falk here?

Q. Is that one of the men you gave the money to? A. That is not the man I gave money to; I did not give this fellow the money.

Q. What had this man done? A. This man went out afterwards, and I took out the paster from my pocket, and I give it to the man, and said, "Don't go on that paster that Benjamin give you; here is my paster what I got, go and put on that paster."

Q. Did Benjamin give these men a paster? A. Yes, sir.

Q. A paster ballot? A. A paster ballot.

Q. Did you see him give them a paster ballot? A. Yes, sir.

Q. Did you see him give this man here; what is his name, Klein? A. Yes, sir.

Q. Did you see him give Klien a paster ballot? A. Yes.

Q. Did you see him say anything to Klein? A. He said, "Go and — go in the back room and get your money."

Q. He said, "Go and vote, and then you come back and get your money? A. No; not come back; "Go into the back room and you will get your money."

Q. "Go into the back room, and you will get your money?" A. Yes, sir.

Q. Did Klein get his money before he went into the back room?

A. No, sir.

Q. Or before he went voting? A. Before he went voting.

Q. Did you see any of them after voting? A. No; I didn't see it.

Q. You say that you gave them in your pasters? A. Yes, sir.

Q. How did you come to give them in your pasters? A. After one fellow, a good friend of mine, he had some pasters for the Republican party, and I always vote the Republican ticket and I give him the pasters to vote, always Republican.

Q. So we have that condition now, that Benjamin was buying these men at \$2 a head, and giving you \$2 to vote the Democratic ticket? A. It would be that way.

Q. And then you turned around and gave them the Republican ticket to vote? A. Yes, sir.

Q. How long did you remain in the store? A. Who; me?

Q. Yes? A. I lived upstairs, and the store was downstairs.

Q. You remained there all day? A. I remained there the whole day.

Q. When you got the \$2 from Alderman Benjamin to go into the back room, and you saw him give the man the pasters, you went into the back room, and when you gave him the \$2, you gave him the Republican paster? A. I gave it to him in the hall.

Q. And just a little after you gave him the \$2? A. Yes, sir.

Q. Now, we would like to know how many of these men to whom you gave the Republican paster, and to whom you gave the \$2 to vote the Democratic ticket, how many said they would vote the Republican ticket? A. I will tell you what I know of names: Alexander Goldstein; this fellow is three; and the other two fellows, I don't know their names.

Q. Three fellows — A. Three fellows; I know their names.

Q. Five altogether? A. Yes, sir.

Q. Three you know the names of? A. Three I know the names of.

Q. Did each of these fellows say they would vote the Republican ticket? A. Yes, sir.

Q. After taking the Democratic \$2? A. Yes, sir; the Democratic paster they tore up and put that paster in their pockets.

Q. There were some other men handling money around there, were there not? A. There were more fellows; I don't know the names.

Q. Do you know a man by the name of Monkey Davis? A. Monkey Davis was over there in the store.

Q. What was he doing, helping Benjamin? A. Helping Benjamin.

Q. Helping Benjamin to give out this money? A. Not money; he took some people in the store.

Q. Do you know a man by the name of Dennison, Benjamin's son-in-law? A. I don't know him; I saw him that time the first time.

Q. But you know that was one of the men that was bringing the men in the store? A. Yes, sir.

Q. Some of the people there didn't get the money until after they voted? A. Afterward.

Q. From whom did they get it after they voted? A. Some fellows had the money before they went to vote, and some fellows afterwards.

Q. So that you gave some the money after they voted? A. I went out in the hall, and every man that went out from the store I took his ticket away and I gave him always a Republican paster.

Q. What did those men say when they went into Benjamin's? A. They didn't say anything; he had only a paster like this and showed them the way to fold the ballots, and after he went into the back room, Benjamin sent him in his money.

Q. How many people were paid on that day, do you know, to the best of your knowledge? A. I couldn't tell you sure.

Q. How many do you think? A. More than 100, I know sure.

Q. More than 100 were paid in that store? A. In that store.

Q. I want to get the names of those people to whom you gave the money after they voted; do you know Alexander? A. Yes, sir.

Q. J. Alexander? A. Yes, sir.

Q. Eighty-three Eldridge street? A. Yes, sir.

Q. Did you give him money? A. Yes, sir.

Q. Two dollars? A. Two dollars.

Q. After he voted? A. No; he took the four.

Q. Who gave you that \$2? A. Mr. Benjamin.

Q. What did Benjamin tell you to do, to give it to him? A. To give it to him.

Q. Did you give to Solomon Goldstein? A. Eighty-three Eldridge?

Q. Yes. A. Yes, sir.

Q. You gave him \$2? A. Yes, sir.

Q. Did you get those \$2 from Mr. Benjamin? A. Yes, sir.

Q. To give to this man on account of his vote? A. I don't know what it is; I understood it is on account of his vote.

Q. But you say you gave him a paster? A. Yes, sir.

Q. Did you give \$2 to Abraham Levenson of 74 Forsythe street? A. No, sir.

Q. Did you know him? A. I know him; I didn't give him no money; he only brought some people in there.

By Senator Bradley:

Q. How much money did you get yourself? A. Not a cent.

Q. For all your work? A. No.

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

By Mr. Goff:

Q. Where do you reside? A. Seventy-four Eldridge street.

Q. Did you vote last election? A. Yes, sir.

Q. Did you see ex-Alderman Philip Benjamin? A. Yes, sir.

Q. Did you know him? A. No, sir.

Q. Well, you know the man to whom I refer now? A. Yes, sir.

Q. You met him then? A. Yes, sir.

Q. Where did you meet him? A. Seventy-six Eldridge street, in the store.

Q. What did he say to you? A. I went to the store; he called me in; I went in; he asked me if I knew how to fold my ballots; I said, "No;" I walked in the back room, and he gave Mr. Klein \$2, and I went out in the hallway, and he gave me \$2 and I went away.

Q. You say he went down to the back room? A. Yes, sir.

Q. When he gave you the \$2, what did he say? A. He didn't say anything to me about—he handed that gentleman the paster; he handed Mr. Klein the paster and the \$2.

Q. What did Mr. Klein do with the paster and the \$2? A. He gave me the \$2 and kept the paster.

Q. Did anyone ask you to vote the paster? A. Yes, sir; he told me to vote the paster, but I didn't take the paster along with me.

Q. Who told you to vote the paster? A. Mr. Benjamin.

Q. Mr. Benjamin told you to vote the paster? A. Yes, sir.

Q. That Klein gave you? A. Yes, sir.

Q. And \$2 at the same time? A. Yes, sir.

Q. You didn't vote that paster, you say? A. No, sir.

Q. What paster did you vote? A. I didn't vote that; after awhile.

Q. You didn't vote at all? A. Yes; I voted about 12 o'clock.

Q. You didn't vote at that time? A. No, sir.

Q. Did you see Benjamin again? A. Yes, sir; in about half an hour.

Q. Did you go into the store again? A. I walked into the store, into the back room, and he gave me \$2 again.

Q. When he gave you the \$2 the second time did he ask you if you had voted? A. No, sir.

Q. Did he give you a paster? A. Yes, sir; he gave me a paster the second time.

Q. The second time? A. Yes, sir.

Q. Was it the same paster, similar to the one he gave you first? A. Yes, sir.

Q. What was that, the Democratic paster? A. The Democratic paster.

Q. Did he tell you to vote that paster? A. Yes, sir.

Q. And gave you \$2? A. Yes, sir.

Q. You took the \$2 and the paster? A. Yes, sir.

Q. What did you do? A. I walked out and went out for breakfast.

Q. You didn't go vote? A. No, sir.

Q. Now, we have got you that you got two \$2? A. Yes, sir.

Q. Did you see Benjamin again? A. In about half an hour.

Q. The third time? A. Yes, sir.

Q. What occurred the third time? A. I went in the store and he didn't seem to know me; I saw him paying two men; he pulled out a \$2 bill and he handed me again and he handed me a paster.

Q. This was the third time? A. Yes, sir.

Q. What did he tell you the third time? A. He handed me the paster and he said, "Go and vote."

Q. What did you do the third time? A. I went out and I had a drink, and I met a Republican leader and he gave me a paster and then I voted.

Q. You went and voted the paster the Republican leader gave you? A. Yes, sir.

Q. What did you do with the paster Benjamin gave you? A. I tore it up.

Q. What did you do with the \$2? A. Kept it.

Q. And the second \$2, kept it? A. Yes, sir.

Q. And the first \$2? A. Yes, sir.

Q. That was \$6 altogether? A. Yes, sir.

Q. And you didn't vote the ticket? A. No, sir.

By Senator Cantor:

Q. Did the Republican leader give you any money with the ballot? A. No, sir.

By Senator Bradley:

Q. How often did you vote that day? A. Only once.

By Mr. Goff:

Q. Now, you testified here that on each of these occasions Benjamin gave you \$2? A. Yes, sir.

Q. To vote a certain ticket? A. Yes, sir.

Q. Called the Democratic ticket; is that so? A. Yes, sir.

Q. And that was on the 6th day of last November? A. Yes, sir.

Q. And on each time you got the \$2 before you were supposed to vote? A. Yes, sir.

Q. And were these \$2 given to you by Benjamin in consideration that you would vote the paster he gave you? A. Yes, sir.

Q. And for that purpose? A. Yes, sir.

Mr. Goff.—This is a clear case. There are other witnesses to support this system of bribery that was practiced on that day at 76 Eldridge street in this empty store, and but for our time being so pressing I would go into it further; but I have brought sufficient so as to fasten the testimony here upon a direct active briber, upon a man who once held a public position in the city of New York, and I think it eminently proper that you direct that the testimony be sent to the district attorney for the purpose of being presented to the grand jury. The same man holds a public position now in this city. He is in the county clerk's office.

Chairman Lexow.—The stenographer is directed to make a copy of the testimony so that the testimony may be sent to the district attorney for such action as he thinks proper.

By Chairman Lexow:

Q. How old are you? A. Twenty-one; a little over 21.

By Senator Bradley:

Q. That was your first vote; was it? A. Yes, sir.

Q. Did you vote from the house you were registered from?

A. Yes, sir; 175 Eldridge street.

By Mr. Goff:

Q. Was it the same man each time that gave you these \$2?

A. Yes, sir.

Q. Did you change your clothing at all, or appearance? A. No, sir.

Q. You didn't? A. No, sir.

By Senator Bradley:

Q. Do you know many men in the neighborhood that voted more than once that day? A. No, sir.

Q. Or any men that voted there that had no right to vote? A. No, sir.

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

Mr. Goff.—I would like that you instruct the sergeant-at-arms and his attendants, not to allow every seat in the court-room to be taken up before the opening of the sessions of this committee. The fact is that a number of persons came in early this morning and take up every available seat; so, that when witnesses come there are no accommodations; and I, myself, have been without a chair for day after day, because I have not had one to sit on.

Chairman Lexow.—It seems to me that the chairs around the counsel table ought to be all reserved for witnesses and counsel, except those used by the press. Of course, the members of the press have peculiar privileges.

Mr. Goff.—Well, even the representatives of the press have been hunting around here to-day. If a witness or an important person comes in that we want to consult with, they have not got even standing space.

Chairman Lexow.—You have heard that, Mr. Sergeant-at-Arms?

Sergeant-at-Arms.—Yes, sir.

Chairman Lexow.—And, will you see that that is rectified to-morrow morning? Senator Pound suggests, that at any time, you call, Mr. Goff, the attention of the committee to the fact that we will see that any breach of decorum of that kind is promptly remedied.

Mr. Goff.—Will you, please, Mr. Chairman, instruct all witnesses under subpoena, to report here in the morning at half-past 10 o'clock, without fail.

Chairman Lexow.—All witnesses under subpoena will appear here to-morrow morning at half-past 10 o'clock. The committee stands adjourned until that time.

Proceedings of the sixty-eighth session, Wednesday, December 19, 1894, at 10:20 a. m

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

Chairman Lexow.—Mr. Goff, the committee is ready, as soon as you are.

Mr. Goff.—We are at work, sir.

Mr. Moss offered in evidence the following affidavit, which was received by the committee, with the statement that Mr. John Barnard was subpoenaed, December 10th, and was present in court, but was not called:

“City and county of New York, ss.:

“John Barnard, residing at No. 58 Third avenue, being duly sworn, says: That I have known A. E. Costello from his boyhood, in Ireland and New York. We are schoolmates. Have resided in New York 30 years. Have been steward at the Brighton Hotel, Coney Island for 13 years. Also in hotels in Florida and elsewhere. Know Mr. Costello intimately as a friend and companion. Know him to be honorable in all his relations; a man to be trusted and believed.

“Met Mr. Costello in New Chambers street with Mr. Stanley six years ago, or thereabouts, as they were on their way to the First precinct station-house. Told me two of his canvassers were arrested and locked-up, and he was going to see them, and if possible, bail them out. I went along with him and Mr. Stanley. Mr. Costello went upstairs with Captain McLaughlin, and Mr. Stanley and I remained downstairs. After a short delay

Mr. Costello came down and the three of us (Mr. Costello, Mr. Stanley and myself) walked up to police headquarters. I saw Inspector Williams come out and call Mr. Costello into his (William's) office. I waited in the hallway. After a time Mr. Costello opened the door and said to me, 'John, please go up to my house and tell my wife I won't be home till late.' I proceeded to Mr. Costello's house, No. 44 East One Hundred and Nineteenth street, and so informed his wife. I did not know then that Mr. Costello was under arrest.

"The next morning I read in the papers an account of Mr. Costello's arrest. That was on a Friday or Saturday. The following Sunday I went to his house to see him. His wife told me he was in bed and that the doctor said no visitors should be admitted to his room, as he was suffering from the effects of his injuries.

"About a week after I met Mr. Costello on Broadway and his face was badly marked. I said 'My God, what happened to you. When I left you with Williams you were all right.' He said, 'McLaughlin knocked me out.' While walking along we met Harry Macdona, present assistant district attorney. Mr. Costello stood to talk with him. The next time I met Mr. Costello was at the Yorkville police court. I also saw Mr. Stanley and Captain McLaughlin. The case was called but adjourned. I met Mr. Costello the day before in Union square, and he told me that the case was to be tried on the following day, and he told me to be present.

"I frequently called upon Mr. Costello, partly on business and partly on friendship, and met him after at his office and on the street. Some year or two after the occurrences above narrated, I called, as I did almost daily, at Mr. Costello's office in Union square, and was told by his clerk that he (Mr. Costello) had been subpoenaed to testify against Captain McLaughlin, and that he (Mr. Costello) had gone to police headquarters. Thinking the matter had reference to the assault made by Captain McLaughlin on Mr. Costello, I went at once to police headquarters to listen to the proceedings. When I entered the court-room Mr. Costello was testifying. I remember distinctly when he asked what he knew about a gambling-house in Ann street, that he denied all knowledge of the same, saying that he had never been in a gambling-house in his life; also that he did not know the Ann street gambling-house from 'a side of sole leather.'

“When about leaving the stand he said, ‘So far as this charge is concerned I know nothing dishonorable about Captain McLaughlin.’ I remember these words distinctly because they made a deep impression on me at the time, knowing the meaning they conveyed. I left the building with Mr. Costello, and when we reached the street I laughed and said, ‘That was a deep remark of yours about McLaughlin when you said, ‘I know nothing about McLaughlin that is dishonorable so far as this case is concerned;’ I further said, ‘That was a broad hint that you knew something that was dishonorable in some other case.’ Mr. Costello said, ‘Yes; I intended it should be understood in that way. Whitney and McLaughlin knew well what I meant.’

“After some further conversation of a general nature we separated.

“JOHN BARNARD.”

Sworn to before me this 18th
day of December, 1891.

WM. B. BORUK,

Commissioner of Deeds, N. Y. City and County.

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

By Mr. Goff:

Q. You are a physician and surgeon? A. Yes, sir.

Q. In the practice of your profession in this city how long?

A. Twenty-nine years.

Q. Are you in any way connected with any of our public hospitals? A. I am connected with the Gouverneur Hospital, which is a city hospital.

Q. In what character are you connected with that hospital?

A. Visiting surgeon.

Q. You were deputed by this committee to visit John Martin in company with his physician, Dr. Wright, and report this morning as to his condition; have you visited Martin? A. Yes, sir.

Q. In company with his doctor? A. Yes, sir.

Q. Will you please state to this committee the condition in which you found him? A. Well, I found Mr. Martin in bed; and I proceeded to give him a thorough examination and I found him paralyzed on the left side, completely paralyzed,

and in the arm, and a partial paralysis of the leg, left arm and left leg; I also found his mental condition in this way; that he seemed to be suffering from what you might call a species of anaesthesia of the brain; that is, he did not seem to me to be able to collect his thoughts and give proper answers in a continuous way; so that after talking with him a long time, and trying to come to a proper conclusion, I made up my mind that there was not much reliance to be put on what he said.

Q. In his present condition? A. In his present condition.

Q. Well, doctor, did you make such an examination of him as would preclude the reasonable possibility of his simulation of his present condition? A. I would give as my opinion that his assertions would not be reliable or his statements.

Q. Understand my question, please; have you made such an examination of him as would in your opinion preclude the reasonable possibility of his simulating his present condition, or pretending, or imposing upon you? A. I made a thorough examination of him with that in my mind, and I made up my mind that I could not be mistaken in—that I could not be misled by him on the simulating of that condition.

Q. From your examination, is it your opinion that he is in a fit physical condition to undergo an examination under oath? A. Yes; he is in a physical condition, because his physical condition would not interfere much with his examination under oath.

Q. As to his mental condition, whether it be superinduced by his physical condition or other cause, what is your opinion as to his capacity to undergo an examination under oath before this committee? A. He is not competent at the present time.

Q. He is not? A. No, sir; in my opinion, he is not.

Q. Is his mental condition superinduced by his physical condition; is it the result of the two paralyses? A. His mental condition, and also his physical condition, is superinduced by diseased lesions in his brain.

By Senator O'Connor:

Q. That is, the cause of his paralysis is the condition of his brain? A. Yes, sir.

By Mr Goff:

Q. So that you are prepared to say that in your opinion no reliance could be placed upon his answers to questions propounded to him? A. No positive reliance.

Q. Could you have an opinion as to how his memory is affected? A. The question, please?

Q. Have you formed an opinion as to the condition of his memory? A. That is not reliable either.

Q. The memory? A. No, sir.

Q. And that is affected — A. From the same cause, sir.

Q. From the same causes? A. Yes, sir.

By Senator O'Connor:

Q. I understand you, that it would also be dangerous to his health to examine him; irrespective of his mental condition would it be injurious to his health, so as to injure it? A. It would depend upon the method of examination; now, like our examination yesterday, I do not think it was dangerous or in any way would do him any harm.

By Chairman Lexow:

Q. But the examination with reference to a matter that would affect his personal integrity, would that, in your judgment, have a detrimental effect upon his health? A. I think it would at the present time.

By Senator O'Connor:

Q. The fact that he has had two strokes of paralysis in so short a time, shows a bad condition of the brain, does it not; the lesions? A. Well, I don't exactly designate his trouble as two strokes of paralysis, because I designate his trouble as a progressive disease of the brain.

By Mr. Goff:

Q. Progressive? A. Yes.

By Senator O'Connor:

Q. And no probable amendment? A. What we look at as a stroke of apoplexy is a rupture of an artery in the brain; knocking you down at once; but, in this case it is different, and is a progressive disease, and takes months and years to develop in the state I find him now.

Q. Is there much probability of his recovery? A. There is probability of his condition improving, which it has improved, I think, some from the history I get; it has improved some within

the past three weeks — within a week or two; that is, the motion of his legs has somewhat improved; the arm is still completely paralyzed.

Mr. Goff.—Is Captain Delaney here? (No answer.) Is Captain Delaney in court? He is under subpoena. (No answer.) I wish to note. It is not in the shape of evidence of corroboration, but in relation to the pension fund, and in line with the evidence we have already on the record in relation to that fund, for the information of the Senate. Thomas Bradley, an ex-roundsman of the Twenty-ninth precinct is retired, is receiving a pension on the grade of a roundsman's salary. He is also a veteran of the war receiving a pension, and he is also chief of police of Norwalk, Connecticut. He is wearing fire service stripes in the New York police department, which he claims to have permission for the wearing of them; and he is in receipt of a pension from the city of New York; and he is chief of police of the city of Norwalk, Connecticut.

Senator O'Connor.—Is it anything wrong, or is it the system?

Mr. Goff.—It is the system; I am not calling this anything wrong.

Senator O'Connor.—He has a perfect right to do it under the system.

Mr. Goff.—Yes; under the system.

Chairman Lexow.—I understand that the police board has passed a rule that no retirement shall be had and pensions granted until they prove by the surgeons and a certificate from them that the person is incapable and incapacitated for further service as policeman. That is the rule now; and I believe they have got in litigation with the courts under that rule.

Mr. Goff.—The policemen claim it is mandatory. They are going to contest the question, I think.

Chairman Lexow.—It seems as though general opinion is that the courts will sustain the mandatory law.

Mr. Goff.—That becomes an important question for the Legislature in view of the men who have been here on the witness-stand, and also of the display of the men yesterday, every man of them with one exception having been over 20 years in the service, and all the men being in good physical health to do duty. Is Officer Interman in court? (Here.)

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

Examination by Mr. Goff:

Q. I have received a letter this morning from the superintendent of the American line in reference to you; have you thought over your testimony of yesterday? A. Yes, sir.

Q. Do you wish to confirm that testimony or to take it back? A. I take back regarding — what I mean to say is, that I gave this money; that I divided half of it with the officer.

Q. Did you wish to confirm your testimony of yesterday or to take it back? A. I will take it back.

Q. And, as a matter of fact, yesterday, when you denied you ever received a dollar of money from any of the steamship companies, particularly the steamship company on whose dock you were assigned to do duty, you swear that was untrue? A. Well, I swore that I got the money, Mr. Goff; I always got the money — \$10.

Q. You did swear you got the money? A. Yes, sir.

Q. I think you are mistaken about that? A. No, sir.

Q. Well, however, we will give you the benefit of the doubt in my mind; you say you swore to having got the money? A. Yes, sir.

Q. Now, when you swear that you did not give up any part of that money, that you were never asked to give up any part of the money to any officer or police official, did you swear to what was true or untrue? A. I swore to an untruth.

Q. Why did you swear to the untruth? A. Well, I thought I will save my friends, Mr. Vail and Sergeant Taylor.

Mr. Goff.—I have no further questions to ask.

The Witness.—Thank you.

Mr. Goff.—Unless the committee wish to ask some questions.

Chairman Lexow.—That is all, officer.

Herman Interman, resumes the stand:

Mr. Goff.—I do not want to ask this witness any questions. I have no questions to ask. If he wishes to volunteer anything he may do so.

By Chairman Lexow:

Q. Do you want to say anything, witness? A. Yes; I want to say that whatever money I got I divided into portions, one-half,

and on the later end when Captain Schmittberger came up there I had to give up \$25 of it.

By Senator Pound:

Q. Out of the \$40? A. Yes; out of the \$40.

Mr. Goff.—The stenographer will please note this is a voluntary statement, and not in answer to a question either of counsel or of the committee.

By Senator Bradley:

Q. Have you any other statement to make; any other corrections to make?

Senator Pound.—He is making a voluntary statement.

Senator Bradley.—Have you got any more?

Mr. Goff.—I think he has gone far enough.

By Senator O'Connor:

Q. Officer, can you explain why policemen come on here and testify to what is untrue; are they in dread of their superior officers? A. Well, that is about it.

Q. What is that? A. That is about it, sir.

By Chairman Lexow:

Q. Do you mean they will be bounced, or persecuted if they give testimony before this committee? A. Well, yes, sir; it looks that way.

Q. If they tell the truth? A. Yes, sir.

Q. And you think if they come here and tell a falsehood and perjure themselves, they will stand high with their superior officer; is that your judgment about it? A. Yes, sir.

By Senator O'Connor:

Q. Is that the common understanding of patrolmen that their duty is to swear falsely in order to protect their superior officer?

By Senator Bradley:

Q. To stand by each other? A. To stand by each other.

By Senator O'Connor:

Q. That is the sentiment, is it? A. That is the sentiment; yes, sir.

Chairman Lexow.—That is all, witness —

By Chairman Lexow:

Q. You said that it is an implied obligation between the different members of the force to stand by each other even to the extent of perjuring themselves upon the stand here; does that apply to other matters in reference to police services as well as corruption and bribery? A. No; it don't; what I mean to say is about this, to keep out of trouble.

Q. To what? A. To keep out of trouble in regard to this matter of collecting money.

Q. And you mean that if there is another brother officer in trouble that it is looked upon as the duty and custom of the force for the other officers to stand by him, whether in doing so they perjure themselves or not? A. No, sir; I never heard of such a case.

Q. You mean to limit that simply to the question of bribery and corruption? A. Yes, sir.

Chairman Lexow.—That is all.

John Marrett, recalled as a witness on behalf of the State being duly sworn, testified as follows:

By Mr. Moss:

Q. You are in business in this city? A. Yes, sir.

Q. How old are you? A. Seventy-four, past.

Q. You were the agent for the Society for the Prevention of Crime while Mr. Gardner was chief detective, were you? A. Yes, sir.

Q. And worked under his direction? A. Yes, sir.

Q. You remember when Gardner was arrested? A. I do; yes, sir.

Q. And you worked for the society during his incarceration? A. Yes, sir.

Q. And assisted in the preparation of his case? A. Yes, sir.

Q. As far as you were called on; and gave testimony upon the witness-stand? A. Yes sir.

Q. Do you remember another agent, named Thomas Ryan? A. I do; yes, sir.

Q. You remember that Mr. Ryan attended with you at the office of Mr. Jerome in the preparation of the evidence and made his statement to Mr. Jerome in line with your statement and the statement of other persons — you remember that? A. Yes, sir.

Q. And that statement was reduced to writing and he was called as a witness for Mr. Gardner upon the trial — you remember that fact, do you not? A. Yes, sir.

Q. And you remember that Mr. Ryan surprised the defense by testifying in answer to typewritten questions which the district attorney held in his hands? A. Yes, sir.

Q. And told upon the witness-stand upon the trial of Gardner a story directly contradicting to that which he had given to Mr. Jerome — You remember that? A. Yes, sir.

Q. While Mr. Gardner was in prison were you assigned to special work in looking up the records of police officers and their property and holdings? A. Yes, sir.

Q. Mr. Ryan was also assigned to that work; was he not? A. Part of it; yes, sir.

Q. And you and Mr. Ryan made some trips together in looking up the property which police officers held, and their manner of living and so on? A. Looking how the precincts were bounded, and the captains names in such precincts.

Q. Did you in pursuance of that work, which was given to you, go to the house of Superintendent Byrnes? A. Yes, sir; I did.

Q. Who went with you? A. Ryan.

Q. Ryan asked you to go to Byrnes' house; did he not? A. Yes, sir.

Q. Was that before the trial of Gardner; it was while the preparation for the trial was going on; was it not? A. Gardner was in prison then; the trial had not come off.

Q. But was to be on shortly? A. Yes, sir.

Q. And Mr. Ryan, who afterwards turned out upon the stand to be a traitor to the society, induced you to go with him to Mr. Byrnes' house for the purpose of making investigations? A. Yes, sir.

Q. Now, Mr. Marrett, I have great confidence in your personal integrity, I ask you to tell exactly what happened; you know something of what transpired there; I desire you to state exactly what transpired from the time you went into Mr. Byrnes' house

until the time you came out? A. Mr. Ryan showed me the house and told me that was Mr. Byrnes' house; I rang the bell and a young lady came and let me in the hall, and I asked her if Mrs. Byrnes was in; I had a letter given to me by Ryan for Mrs. Byrnes, and the girl, or the young lady, went upstairs; she said she would see if Mrs. Byrnes was in; I waited down near the front-hall door, and I did not see the young lady any more, but a man came down, which I found out afterwards his name was Frank — Frank what, I don't know.

Q. Frank Mangin? A. I don't know the second name.

Q. Attached to the Central office? A. Yes, sir; he was in Mr. Byrnes' house, and when he came to the front door, then Mr. Byrnes came in himself; the superintendent walked in to his front parlor, threw off his overcoat, and he came out to me and said to me, "What do you want?" I said, "I have a letter for Mrs. Byrnes;" he took it out of my hand, opened it, and read it, and then he took me by the collar of the coat and he threw me into the front parlor, and then he took hold of me again, and pushed me into the back parlor, and said, "You are married? I know you;" although I don't think the gentleman had ever seen me before; but he said, "You are married; I know you;" and he then called Frank to go to the telephone for two officers to arrest me; he said that it was a felonious act.

Q. Felonious act in your going into the house? A. Yes, sir; and he would lock me up for 10 years.

Q. He would lock you up for 10 years for going into his house and asking for Mrs. Byrnes? A. Yes; so, after a little while, Frank came down again; that is the way I learned his name; he said, "Frank, go and telephone them two officers;" then when I came down, or when he came down, he said, "Look at that man; be sure you know him again, if ever you see him."

Q. What was said to Frank then? A. He was speaking to Frank to take notice of me; and then he said to me, "I want you to sit down there and tell me what you know about the Gardner case;" and I sat down.

Q. That was before Gardner was put on trial? A. Yes, sir.

Q. He wanted to get from you, an agent of the society, a statement about the Gardner case, after threatening you with 10 years' imprisonment for entering his house? A. Yes; I told him I did not know much about the Gardner case; all I knew was that Mr. Gardner lived in my house, and that Lillie Clifton

came there and Gardner was arrested on Sunday night, and then I didn't know that, but Monday morning Lillie Clifton came to the house with Captain Devery and Mr. Crowley.

Q. Sergeant Crowley of the detective bureau? A. Yes; Sergeant Crowley asked me to let them into Mr. Gardner's room; I told them I could not let them into Mr. Gardner's room, and I didn't want to do so; I said, "I have a right to protect my lodger;" Captain Devery said, "I don't want any of your chin music; I will fire you off that stoop."

Q. That is what you told Mr. Byrnes? A. I told Mr. Byrnes.

Q. And this is also what actually happened? A. What actually happened; and then after that I opened the door, and this Clifton woman had a muff on her hands, and the moment the door was opened she went in and she said, "There it is in that basket."

Q. That is the morning after Gardner's arrest? A. After Gardner was arrested.

Q. Captain Devery brought Lillie Clifton to your house where Gardner was boarding? A. Yes, sir.

Q. And you were told to keep quiet in forcible language by the captain, and as they entered the room she put out her hands with the muff on it and said, "There it is in that basket?" A. Yes, sir; and then he took me by the shoulder, and he said, "Open that basket;" and he didn't wait until I did open it, but he opened it himself, and he said, "Do you see that money; do you see that money there?"

Q. He said that to you? A. Yes; I said, "Yes, sir;" well, he said, "Take it out;" it was on top of everything, in a little work-basket, and I took the roll of bills out, and then he made me turn around to the dressing case behind me and count the bills, and mark them on a piece of paper; then he took the bills and put them in an envelope and sealed them up; and he told me to write my name across the envelope; and that is all I told Mr. Byrnes or anybody else, for I didn't know anything else.

Q. Did you tell Mr. Byrnes that Captain Devery had made you look at the window fastenings to see that no one had got in during the night? A. Yes, sir.

Q. To see that all the windows were tight? A. Yes, sir; he called my attention to that fact.

Q. And you remember it was Gardner's contention on the trial that Mrs. Clifton had gotten into the room for a short time in

which time she had sufficient opportunity to put the money in that basket? A. Yes.

Q. And that she, going into the room the next morning, could point at once to the basket through some corruption, claiming she had put the money there? A. Yes.

Q. She knew where it was, although she claimed he had received it and put it in his pocket? A. Yes.

Q. This you told Mr. Byrnes? A. Yes.

Q. What else did Mr. Byrnes ask you? A. He asked me if I knew any more about this Gardner case; he said, "You know some more than that, don't you?" and I said, "No, sir;" then he countermanded the order of the officers' coming; he told Frank to go up and countermand the order about the two officers, and then, as Frank was part way, he called him back and said, "I will go myself;" then he went up-stairs and left Frank with me and told him not to leave me, to stay there while I was there; I was really a prisoner.

Q. You were a prisoner for how long in Mr. Byrnes' house? A. About 20 minutes probably after that.

Q. You had committed no crime? A. No, sir; I was probably three-quarters of an hour in the house, altogether.

Q. Did Mr. Byrnes ask you about anyone else except Gardner? A. No, sir.

Q. Did he mention the names of any of your employers? A. Yes, sir.

Q. But he did under the coercion of this threat seek to get from you all that he could about the facts of the Gardner case? A. Yes, sir.

By Senator Pound:

Q. Were you terrified by what he said to you; was it his threat that induced you to tell the story? A. I didn't want to get into prison.

By Mr. Moss:

Q. You didn't want to get into prison? A. No; I hadn't done anything; I told him I had done no harm.

By Chairman Lexow:

Q. He didn't try to get anything more from you than the actual facts of the case? A. Only about Gardner's case.

By Mr. Moss:

Q. Did he endeavor to get from you the secret defenses of the Gardner case? A. Yes.

Q. Under the coercion of a threat to send you to prison, and after having used personal violence upon you?

By Senator Pound:

Q. Did he say he would send you to prison if you did not tell him? A. He told me he could send me to prison for 10 years; he would have sent me though — well, I suppose I can tell it here — only he happened to be a Mason and I am a Mason.

By Mr. Moss:

Q. There is no connection between your going to prison and your story about the Gardner case, was there? A. No; he didn't say that.

By Senator Pound:

Q. Then you did not tell the story under the coercion of a threat, did you? A. He told me that he could put me in prison, but he didn't say if I didn't tell the truth about Gardner.

By Mr. Moss:

Q. Having told you that he could send you to prison for 10 years, and having used personal violence upon you, he made you sit down on a chair, and immediately asked you for the facts in the Gardner case? A. Yes, sir.

Senator O'Connor.—That is a matter of argument.

Senator Pound.—He says himself it was not under the coercion of a threat.

Senator Bradley.—He makes a statement there which, I think, ought to be on the record. He said, "I believe he would have sent me for 10 years, only he happened to be a Mason and I am a Mason."

Q. You realized it was in the power of the superintendent to make a case against you? A. Yes, sir.

Q. And you believed the case against Gardner was an improper case? A. Yes, sir.

Q. And had so expressed yourself? A. Yes, sir.

Q. And you believed if Gardner could be convicted on a manufactured case and thrown into the Tombs and kept there under excessive bail; you might have the same fate overcome you?
A. Yes.

Q. And it was because of that threat to you that you violated your duty to your employers and sat down there in Byrnes' house and told him what you knew about the facts of that case?
A. Yes.

Q. You had no right to tell him the facts of the Gardner case? A. No.

Q. You were a secret agent of the society? A. I didn't want to tell him.

Q. Will you describe the personal violence that was offered you?

Chairman Lexow.—Do you claim that a superintendent of police of this city, where a crime has been committed has not only the right, but he has got the absolute duty imposed upon him to ascertain the true facts in the case. If this witness testifies that by any act of coercion or otherwise the superintendent was attempting to have him tell a false story, it would be a very serious charge.

Mr. Moss.—Is there any warrant of the third degree upon people in the city of New York. Is there any warrant in the superintendent of police without process of law to take a person and hold him up by force in his own house and use personal violence upon him and threaten him with arrest and incarceration, a punishment that certainly could not be truthfully threatened, and under coercion of that, knowing him to be an agent of the Society for the Prevention of Crime, compel him to be false to his employers and to extract statements from him?

Chairman Lexow.—No; I don't go quite as far as that. On the other hand the executive officer of the detective bureau of this city must sometimes resort to a great many things that a private individual would not do in the ascertainment of crime and for the enforcement of the law.

Q. Please to detail what personal violence Mr. Byrnes actually offered to you?

Chairman Lexow.—I was going to add in connection with that, that this witness here was a representative of a society that certainly has wielded a great deal of influence and considerable strength in this city, and if this agent was treated in the way this witness says, it is strange he has not brought an action for damages against Superintendent Byrnes.

Mr. Moss.—The Society for the Prevention of Crime was not as powerful then as it has been since. The superintendent of police and all of the other leading police officials tried to strangle it, and thought they had done it when they had killed Gardner, and I daresay that this was simply a part of the conspiracy.

By Senator Pound:

Q. What is the date of this? A. I don't remember.

Q. What year? A. Eighteen hundred and ninety-two.

Senator Bradley.—The witness has recited all the violence; he has told how the superintendent pushed him in the front parlor and the back parlor; that seems to be all the violence there was; we do not want that over again.

By Mr. Moss:

Q. Were you not taken by the hair? A. No, sir; he took me by the coat collar and pushed me in.

Q. Were you peaceably and gently led or were you thrown? A. No; I went where I was pushed.

Mr. Moss.—To those who have followed the course of this whole matter, I imagine that Mr. Marrett's testimony is very clear, and throws a light upon that whole transaction which we have long needed.

Chairman Lexow.—Your society is vindicated now, Mr. Moss, and the courts are open to any vindication of this witness' rights.

Mr. Moss.—What would your honors say if we should prove that Mr. Byrnes had his own personal agent in the court-room during the entire trial of Mr. Gardner, and had relays of information as fast as anything transpired and brought to police headquarters.

Chairman Lexow.—I should say the same thing has occurred here, in view of the suspension of Captain Creeden after he gave his testimony.

Q. You met Mr. Ryan sometime afterward in the street, did you not? A. Yes, sir.

Q. And you asked Mr. Ryan how he could go back upon his old associates and swear in such a way as to send Mr. Gardner to prison? A. Yes, sir.

Q. Will you tell me what excuse Mr. Ryan offered to you? A. He said he swore to the truth.

Q. He said he swore to the truth? A. I told him it was not the same story as he told in the office.

Q. Did not Ryan say to you that he had been picked up and threatened, and told his story to the district attorney under coercion? A. He said something of that kind; I don't remember that.

Chairman Lexow.—It doesn't seem to me that that is testimony.

Mr. Moss.—It is the fact, nevertheless. That is the way Mr. Ryan was gotten to go back on Mr. Jerome; he was picked up and threatened.

Senator Bradley.—Why don't you put Ryan on the stand then?

Mr. Goff.—Is Captain Allaire here? (No response.)

Mr. Goff.—It is proper to say that sometimes police officials are absent in other courts; many of them, of course, are called as witnesses in the criminal courts, very many of them, and we do not wish to criticise them for their absence until we find out whether they have an excuse or not.

I have just been informed that very many of the officers that we have under subpoena this morning are at the Oyer and Terminer, the new criminal court building, under subpoena here.

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

By Mr. Goff:

Q. How long have you been on the police force, sergeant? A. Well, the past 26 years; November 18, 1868, I was appointed.

Q. How long were you in the Thirty-seventh precinct? A. I am in the Thirty-seventh precinct about two years and eight months; about that time, as sergeant.

Q. Were you in court yesterday, sergeant? A. No, sir; I was not.

Q. It is testified to here by a number of the patrolmen that they collected money from the respective steamship companies and railroad companies on whose docks they were assigned to duty, and that they divided that money with the wardman or with the sergeant of that district; have you any knowledge of such practice? A. None, whatever; no, sir.

Q. Did you ever collect any money from them? A. No, sir; never collected any.

Q. You were never assigned to a dock yourself, were you? A. No, sir.

Q. You were sergeant there? A. Sergeant there; yes, sir.

Q. Were you ever requested by any superior officer of yours to collect any money from other officers? A. No, sir; I never was; I never was requested.

Q. You are clear about that, sergeant? A. Very clear; yes, sir; positive.

Q. Did you know that such practices were being carried on? A. No; I didn't know of my own knowledge, counsellor, at all.

Q. Of course, I assume that from your previous answer; did you know it as a matter of common rumor and notoriety in the precinct, that the patrolmen were paying one-half, at least, of the money that they received, from the various dock and steamship companies? A. As a rumor; yes, sir; I have.

Q. What was the rumor as to where that money went? A. Well, I am unable to say in regard to that.

Q. I know of your own knowledge, you may be unable to say, but I am not asking that question now; it was a rumor that these men were giving up one-half of the money that they received? A. Yes, sir.

Q. To whom were they giving it? A. Well, I couldn't say you know as to that.

Q. I am asking you, as a sergeant at the station-house, what was that portion of the rumor concerning the person to whom this money was given up? A. Well, the rumor, so far as that was concerned; the rumor or supposition was that it went to the captain, of course.

Q. Now, sergeant, it has been testified to here by Sergeant Taylor that after Allaire became captain of that precinct that he every month placed an envelope directed, "Street cleaning report," in one of the drawers of the sergeant's desk in the station-house; do you know anything of such envelope or anything connected with it whatever? A. I don't; there is a street cleaning daily report under our rules, to make each day.

Q. To whom is that report made? A. That report is forwarded with all the other papers to the inspector.

Q. Is it forwarded to headquarters? A. To headquarters; yes, sir; among the other reports, the sergeant who has the

desk or in charge in the afternoon of each day; the following morning he takes charge also of the desk, and he has full control of these papers going to headquarters, and nothing could enter into that envelope with all the daily reports without a full knowledge of that sergeant; he seals that envelope with all the reports that go to the superintendent each morning.

Q. To the superintendent? A. Well, through the inspector and superintendent.

Q. It reaches the inspector's hands first, that is the official course? A. Yes.

Q. Now, sergeant, it has been testified to here that this envelope was sealed, large envelope, not the largest size, which contained the various reports which went to the inspector each morning, but that this envelope was sealed itself, not with other papers, and that it contained money averaging the sum of \$200 in bills; did you ever see such envelope? A. Never did, sir.

Q. Have you any knowledge of such envelope? A. Never seen such an envelope around the desk at all.

Q. One of your brother sergeants has testified that only three sergeants had access to that drawer along with the captain, is that so? A. I don't know what drawer he would have reference to, counsellor.

Q. Right-hand drawer that was pulled out on the upper right-hand side? A. In the upper right-hand side drawer.

Q. In which were placed the reports — now do you know the drawer? A. I do know it well; yes, sir.

Q. Now, you are one of the three sergeants there? A. Yes, sir.

Q. And it is a fact that the only persons that had access, who had a right to open that drawer were the three sergeants and the captain? A. That is all true, the day tours you understand, at night there is a roundsman in charge there; of course, in charge of the office during the night; he is relieved regularly in the morning, but all the papers that are placed in that are examined carefully by the sergeant at the desk.

Q. It was no part of the roundsman's duties to examine those papers? A. No.

Q. It was part of his duty to simply sit at the desk? A. Everything forwarded in the paper in the morning the sergeant examines; there is a memorandum placed inside of the large envelope containing all the reports, which specifies all the re-

ports that are inclosed in the large envelope, and the sergeant there has a full knowledge, and no report of that kind marked as a street cleaning report could be placed in there and forwarded without a full knowledge of the sergeant there at the desk.

Q. Every day? A. Yes, sir; every day.

Q. So that if this envelope went to headquarters, this envelope I speak of, the smallest size, we will say, containing this money, if it went to headquarters, it must have gone through different hands? A. Through the different courses, counselor; yes, sir.

Q. The different courses other than ordinarily from the sergeant at the desk? A. Yes, sir.

Q. And you swear you have no knowledge of such envelope? A. Positively; no, sir.

Q. Were you ever told that such envelope was in existence? A. I never heard of it at all until I noticed it in the papers of last evening.

Q. Of course, the captain had a right to go to the drawer? A. Certainly.

Q. And take out anything in the drawer, he having the command? A. Yes, sir.

Q. Outside of the captain and sergeant, no other person had the right to go there? A. No other person had the right to meddle there.

Q. You swear you know nothing about that envelope containing the money? A. Nothing whatever.

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

By Mr. Goff:

Q. How long have you been on the police force? A. Twenty-eight years, in February next; 21st day of February.

Q. Twenty-eight years? A. Yes, sir.

Q. How is it you have only got four service stripes? A. This is an old coat I have on this morning; I was subpoenaed to come over here; I didn't wait.

Q. How long have you been sergeant in the Thirty-seventh precinct? A. About two years and a half.

Q. Where were you before you went there? A. Twenty-first.

Q. Now, do you know anything about these practices of the

patrolmen of the steamboat squad giving up part of the money that they received from the steamship companies? A. I really don't, to be candid with you.

Q. I expect you are candid? A. I really don't; I never busied myself about such things at all.

Q. Your duties were there at that precinct, to remain at the desk on your hours of duty? A. Yes, sir; when I rotate.

Q. It has been testified to here that during Captain Allaire's command of that precinct, each month an envelope was placed by one of the sergeants in the right-hand upper drawer of the desk, directed street cleaning report; that envelope was sealed and contained bills for the amount of about \$200; do you know of any such envelope at any time being placed in that drawer? A. Perfectly absurd; no, sir; no such thing; impossible.

Q. Why do you say that it is absurd? A. Because that drawer don't contain nothing but a plain pad, blotting paper, where we put the reports in to keep over until next morning; we pull them out in the morning, put them in a large envelope and give them to a patrolman to take to the Central office.

Q. Could such an envelope have been placed in that drawer without your knowledge and taken out of it? A. Not during my tour; no, sir.

Chairman Lexow.—I understood the witness to have stated yesterday that the envelope containing the money was not placed in the same drawer with the envelope containing the reports that went to headquarters, but it was in another drawer.

Mr. Goff.—You are correct.

Q. The drawer in question, sergeant, was on the desk, not on one side of it; it was the upper portion of the desk, above the writing part of it, and a little drawer on the left-hand side in which old reports were kept — do you know of such a drawer? A. Yes, sir; three or four of them; they are always unlocked.

Q. Now, who had access to these drawers? A. Everybody.

Q. Everyone in the station-house? A. Everybody; the sergeant and captain and doorman, when he came behind there to clean; they were never locked — the roundsman.

Q. Was there not some limit as to the right of any officer to open those drawers? A. Well, they didn't contain anything of any value.

Q. I do not ask you that; an ordinary patrolman had no right to go behind that desk and open any drawer whether it was locker or unlocked, had he? A. No, sir.

Q. And the doorman had no right? A. Not a right; no, sir — not by right.

Q. We will assume that the patrolman and the doormen and roundsmen, and so forth, did not violate their duty; we will assume that; therefore, the only persons that had a right to open those drawers, were the sergeants and the captain; is that not so?

A. Yes, sir.

Q. Three sergeants and the captain? A. Yes, sir.

Q. Now, sergeant, did you ever open the drawer in question that I have described, on the left-hand side of the upper portion of the desk, and find there an envelope, sealed and directed "Street Cleaning Report"? A. No, sir.

By Chairman Lexow:

Q. Did you ever open the drawer? A. I guess so.

Q. How often? A. As occasion may require.

Q. Do you remember now, distinctly, ever opening that drawer? A. Well, I couldn't give you any date, but I know there are old keys belonging to the Rogues' Gallery in there and other things, and I would be very apt to open it to look them over.

Q. Have you any distinct recollection now of opening that drawer, that is the question? A. Well, I don't know what drawer you mean; there are four of that size.

Q. The drawer described by Mr. Goff? A. There are four in the desk on top.

Q. Have you any present personal recollection of opening that drawer? A. No, sir; no present recollection.

By Mr. Goff:

Q. Have you any recollection of ever having seen an envelope such as I have described? A. No, sir.

Q. Did you have any knowledge whatever as to the collection of this money and its transmission to any person? A. Not the least.

By Chairman Lexow:

Q. Nor any rumor to that effect? A. No rumor either that came to my knowledge at all.

Q. Do you mean to say you never heard of a rumor in that precinct that moneys of that kind were being collected? A. I gave those rumors no consideration at all.

Q. Did you hear of them? A. I might have heard of them, but I didn't stop to listen — paid no attention.

Q. You didn't want to listen? A. No, sir; I didn't; I was a policeman; that is all I have to say about it.

John J. Taylor, recalled, testified as follows:

By Mr. Goff:

Q. I read from a reported interview had last night with Inspector Steers, prefacing my question with the matter which I will read; Inspector Steers is reported to have said, "I have known Sergeant Taylor for years, and until recently have regarded him as a man of marked reliability. When I took command of the old Nineteenth precinct there were four sergeants on duty there. Taylor was the only one I retained, believing him to be the best of the lot. I look upon him as honest yet to-day. His testimony before the Lexow committee, so far as it reflects upon me, was a tissue of falsehoods. His false evidence can only be accounted for as a mad effort at vengeance upon me for my refusal to do him a certain favor. What I tell you is true, so help me the God I worship and seek to serve." If the inspector spoke, as he is reported to have spoken here, that you have made an effort to wreak vengeance upon him for his failure to do you a certain favor, does he speak the truth? A. No, sir.

Q. Have you had any feeling of vengeance against him or anyone else in giving your testimony? A. No, sir.

Q. Have you any feelings of animosity against Inspector Steers? A. No, sir; I feel very friendly toward him now.

Q. Did you ever request him to do you a favor which he refused to do, and which you felt angered with him for not doing? A. No, sir.

Q. He goes on to say, "Taylor called on me last Saturday after dark; I opened the door in response to his ring, and led him into the front parlor; the room was dark, but as I struck a match and reached for the chandelier, Taylor grabbed me by the arm and said, "No; inspector; no light to-night, if you please; I am in desperate trouble and I want your assistance"—did you call upon Inspector Steers? A. I did.

Q. Last Saturday night? A. I did.

Q. Was that after you received a subpoena? A. No; I had been here Thursday and Friday.

Q. You were under subpoena at that time? A. I was under subpoena.

Q. Did you tell the inspector not to light the gas? A. No, sir.

Q. Did you say to him "I am in desperate trouble and I want your assistance?" A. No, sir.

Q. Or any words in substance to that effect? A. I will explain just the words I said.

Q. Just let me go along; I want to have a specific answer? A. There was nothing of that.

Q. Nothing in substance? A. No, sir.

Q. The inspector goes on to say, "Well, John," said I, "If I can help you I will, what is the trouble?" "It is this," said the sergeant, who was under the influence of liquor, "I have been subpoenaed by the Lexow committee to appear next Tuesday, and I must get out of it somehow, I won't testify, you can save me, and you have got to do it" — did you say those words? A. I went to him.

Q. Now, I want to get your answers first, and then we will have what was said afterward; did you say the words the inspector is reported to have imputed to you? A. No, sir.

Q. The words which I have read to you? A. No, sir.

Q. The inspector goes on to say, "Why, John," said I, "you talk like a wild man; I have no influence with this committee; they are at work for an honest purpose, and you can safely tell them the truth" — did the inspector say that? A. No, sir.

Q. He goes on to say, "That won't do with me," growled Taylor, "I know you have got the influence to have my subpoena canceled; when you left the stand last week Lawyer Moss said, 'Steers is the kind of inspector we want for our police force;' they will let me off if you take it as a personal favor" — did you state that? A. No, sir.

Q. Or anything like it in substance or in form? A. No, sir.

Q. The inspector goes on to say, "No, John," said I, "You overrate my influence, which, under the circumstances, I won't exert as you ask; this committee will give you ample protection of any wrongdoing on the force, expose it fully, and if your confession incriminates yourself, the committee will stand by you" — did the inspector say that? A. No, sir.

Q. The inspector goes on to say, "Then Taylor broke into profanity, swore that nothing should drag him before the com-

mittee; policemen have already sworn," he said, "that money collected by them for protection they handed over to me; and I know that others have been subpoenaed who will tell the same story; you must save me"—did you state that? A. No, sir.

Q. He goes on to say, "Once and for all I told my excited visitor that his request must be denied, and then he grew threatening; 'So you won't help me,' he cried, 'Then listen to this, dare to refuse your influence to save me with this committee and I will make it hot for you'"—did you say those words? A. No, sir.

Q. Or any words to that effect? A. Nothing.

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

Q. He then said, "What do you mean, Taylor!" he answered with a curse, "I will mention your name before the committee."

Q. Did you say that? A. No.

Q. Or in substance? A. I said I would tell the truth.

Q. I will get at that; did you say it in this form in which I ask you here? A. Will you please read that again?

Q. "What do you mean, Taylor," I asked; "I mean," he answered with a curse, "That I will mention your name before the committee?" A. No, sir; not a word of that.

Q. The inspector says, "Do it, and welcome, you can not mention it so as to disgrace the man;" "Can I not," sneered Taylor, rising and moving to the door; "What is there to prevent my saying that I collected money and gave it to you, eh?" did you say that? A. No, sir.

Q. The inspector said, "This seemed to me like the threat of a drunken man indicted or incited by my refusal to assist him; so, I gently pushed Taylor out of the front door, saying, 'No, John Taylor, you won't tell so black a lie about your old chief;'" did he say that? A. No, sir.

Q. And the sergeant turned to walk away, he raised his right hand above his head and half shouted, "I swear to do as I have threatened; if you wish to escape this scandal, save me from the committee; you have two days to do it, remember;" did you say that? A. No, sir.

Q. Now, sergeant tell us exactly what you said to the inspector? A. I have the kindest regards for the inspector, and I went up there Saturday evening; I rang the bell; he came to the door, and he says, "How do you do;" and he shook hands with me; and he stood there, and he said, "Come on in;" and I

said, "No, I am not going in;" I said, "I have come to tell you that I am going before the committee, and I am going to tell the truth."

Q. What did he say? A. He said, "You are not going to bring me into it;" I said, "I am going to tell the truth, inspector, and I notify you;" he says, "Won't you come in and see Mrs. Steers;" I said, "No, thank you; good-night;" and I walked out.

Q. He said, "Won't you come in and see Mrs. Steers?" A. Yes, sir.

Q. And you says, "Good-night?" A. "Good-night;" there is the whole conversation I had with Inspector Steers, last Saturday evening.

By Senator Pound:

Q. Why did you go to see him, then; what object did you have in view to go and see him? A. My friendly feelings toward the inspector, and my coming down here, I thought I would tell him what I was going to do; but, as to asking him to use any influence or anything in my behalf, I solemnly swear I never said a word to him.

By Chairman Lexow:

Q. You did not want him to have the first knowledge of your having spoken about this matter from the newspapers, but from your own lips, that was your idea, you wanted to tell him beforehand, what you were going to do? A. That is about the substance of it.

By Mr. Goff:

Q. You had already been in two days' attendance here under subpoena? A. Yes, sir.

Q. So, that you did not go to him as soon as you got the subpoena? A. No, sir.

Q. You had been here two days waiting to be called? A. Yes, sir.

Q. And you had your mind made up during those two days that if called at any time to the stand you were going to tell the truth? A. Or any time since this committee was in session.

Q. And you went up there Saturday night; was it because you were off duty or had time to go? A. I was off duty.

Q. You were here all day Thursday and all day Friday? A. Yes.

Q. And I understand you to say that it was in consideration of the inspector, with whom you had very pleasant relations? A. Very pleasant relations.

Q. And whom you held in high regard that you wished to tell him as man to man? A. I told him that I was going to tell the truth, and he knew what that was going to mean.

Q. You thought it was not necessary to tell him the details of the truth? A. I did not; no, sir.

Q. Did he make any request of you not to bring his name in? A. He said, "You won't bring me into it;" I said, "Good-night, inspector, I am going to tell the truth;" now that is the substance of the conversation, under oath here to-day, that I had with Inspector Steers.

Q. Did you remain in the hall all the time? A. Yes, sir.

Q. Did not go into the parlor? A. No, sir.

Q. Had you been drinking? A. No, sir.

Q. Perfectly sober? A. I was.

Q. Have you ever denied to any person from the commencement of this investigation away back last summer when the first testimony came out about the steamships paying to the officers, have you ever denied to any person, that you received the money from the officers? A. I don't thoroughly understand that.

Q. Did you ever state to any person that you had not received the money given to you by the officers? A. I don't think I did; I have no recollection of saying that to anybody.

Q. Did you have any conversation with any brother officers of any grade after the exposures were first made before this committee upon that subject? A. Yes.

Q. Did you communicate to your brother officers in these conversations your intention that if called you would tell the truth? A. Yes.

By Chairman Lexow:

Q. Sergeant, two other sergeants have been brought to the stand here and have been examined, and both of them have denied any knowledge of this envelope, marked "Street cleaning report," containing money; how do you account for that? A. Well, I don't think they did know anything about this envelope.

Q. Then their testimony may be perfectly true upon that subject? A. Yes, sir.

By Senator Bradley:

Q. You never told either of these sergeants that you left the envelope in this drawer, did you? A. No, sir.

By Chairman Lexow:

Q. This drawer was one, as I understood your testimony yesterday, was not opened by the sergeants in pursuance of their business at all? A. No; it was a kind of drawer that was kept for keeping the report of anything; after entering it in the book we would chuck it into this old drawer.

By Senator Bradley:

Q. That is, reports that wouldn't be of any importance? A. Yes.

By Chairman Lexow:

Q. Their daily duty did not require their opening that box at all? A. No; well — may be there were some old keys or something in there that they might go for; it was a kind of reserve drawer.

By Mr. Goff:

Q. Now, Sergeant Taylor, I want you to tell this committee what was the purpose and intent of your collecting that money from the various patrolmen — the object, put it in that way? A. When I collected myself, as I stated, I carried it to Inspector Steers.

Q. I mean for what purpose; what was it for; I don't mean now to whom, but what object was the money for? A. It was the custom.

Q. Conceding that to be the custom, but was there not some purpose in the custom? A. I collected just as I told you, Mr. Goff.

Q. I understand your position, and the committee understands it thoroughly, but we have got to get this matter into proper shape upon the records; now, was it not the understanding and the object in collecting this money that it should go to a higher

police authority in order that these men would be allowed to remain at their respective docks? A. Well, that is about the object.

Q. In other words, sergeant, was not this the fact; was it not well understood as a fact that the various policemen who gave this money to you, gave it to you as a consideration that they should be allowed to remain on these respective steamship docks? A. I didn't look at it, Mr. Goff, in that light.

Q. What light did you look at it? A. I looked upon it they gave it to me, I had no power to keep them on these steamship docks.

Q. I am not asking about your power; I am asking you if it was not well understood by the patrolman who gave this money—who gave it to you — that it was in consideration that they should be allowed to do duty upon the docks to which they had been assigned by some authority, no matter who it was? A. I suppose some of them thought that way, some of the patrolmen.

Q. Did you not think that way, sergeant? A. Well, I did think that way but I had no knowledge of my own.

Q. I understand; I want to get at your condition of mind? A. Yes, sir.

Q. When you gave that money to Inspector Steers, did you not give it to him for the purpose and with the intent that he should take it in consideration of his allowing those policemen to remain on the respective docks on which they were doing duty? A. There was nothing said about that.

Q. I am not asking what they said; when you gave that money to Inspector Steers, did you not give it to him for the purpose and with the intent that he should take it in consideration of allowing those policemen to remain on the respective docks on which they were doing duty? A. Yes; that is about it.

Q. In other words, sergeant, that money was given as a bribe, and went through your hands as a bribe to this official in consideration of his doing a certain official act, that is, allowing those officers to remain on the posts which they were on at that time? A. That is about right.

Q. That is so, is it not? A. Yes, sir.

Q. Have you spoken since yesterday with any person regarding your testimony, sergeant? A. No, sir.

Q. Or has any person spoken with you? A. There has; several have spoken to me, but I could not talk with them.

Q. Officers? A. No; there was one officer that I met and he wanted to say something about it, and I begged to be excused, and I walked away and I left him; that is, on the subject of this investigation.

Q. I understand, sergeant; do you remember ever having had any conversation with Inspector Steers in relation to this money outside of the conversations that you gave us yesterday? A. No, sir.

Q. Do you remember ever having had any conversation with him after Captain Allaire went into the precinct? A. About the time he came into the precinct.

Q. What was that conversation? A. That I should leave it in the drawer there.

Q. In the desk? A. Yes; which I obeyed.

Q. Did that conversation come from him voluntarily or in answer to a question of yours? A. No; we were talking over the affair, you know.

Q. At headquarters? A. Yes, sir.

Q. How did the subject come up? A. Well, the subject came up; Captain Allaire was transferred there, and I should get this money and place it in an envelope and put it in a certain drawer, which I done.

Q. And continued to do that month after month? A. Yes, sir.

Q. Is that the last conversation you ever had with him? A. In regard to money affairs; yes, sir.

Q. When he retired, did you have any conversation with him? A. No, sir; not in regard to money matters.

Q. In regard to money matters I am speaking now? A. No, sir.

Q. Did you have any conversation with the new inspector when he took command? A. Not in regard to money matters; no, sir.

Q. Have you any knowledge, sergeant, of any other moneys being collected other than the dock moneys, as we call them, in that precinct? A. No, sir.

By Chairman Lexow:

Q. Did Inspector Steers ever tell you what he was going to do with the money that you paid over to him? A. No, sir.

Q. Did he ever tell you that he had to divide? A. No, sir.

Q. Or that he had to give up a percentage of it? A. No, sir; I never asked him, and he never told me.

Q. Did he never explain to you what the purpose of the turning over of this money to him was for? A. No, sir.

Q. You never asked? A. No, sir.

Q. Were you on intimate relations with Inspector Steers?
A. I was all the time; yes, sir.

Q. Were you not intimate enough with him to ask him about a matter of that kind? A. Well, I would suppose that he would tell me — no; I wouldn't ask him what he would do with it; I wouldn't ask him that; I was intimate enough with him, but I wouldn't ask him.

Q. You never did ask him? A. No.

Q. And he never hinted to you in any manner or shape that he had to give up some part of it? A. No, sir.

Q. That he was not going to keep all of it? A. No, sir.

Q. Did it not strike you as sufficiently strange he should receive so large an amount from you, and you so small an amount for doing the collecting of it, that he must be on the same terms with somebody else that you were with him? A. Well, it looked that way.

Q. It looked that way to you? A. It looked that way, but I couldn't swear to that.

Mr. Goff.—Is Captain Allaire here?

(No response.)

Mr. Goff.—Officer Intemann, will you go down and tell the captain we are waiting for him? I will ask for an adjournment at this stage.

Chairman Lexow.—All witnesses subpoenaed for this morning will attend again at half-past 2; the committee will stand adjourned until that time.

AFTERNOON SESSION.

December 19, 1894.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, and Cuthbert W. Pound. Also counsel, as before.

Anthony J. Allaire, called and testified as follows:

By Mr. Goff:

Q. You are 29 years on the force, about, are you not? A. I joined the force on the 29th of August, 1860; left in 1862, and rejoined the force in 1865.

Q. That is, on July 10, 1865? A. Yes, sir.

Q. And four days after you were appointed as patrolman in 1865, you were made roundsman? A. Yes, sir.

Q. And four days thereafter you were made sergeant? A. Yes, sir.

Q. That is pretty rapid promotion? A. That was an agreement I had with the commissioners.

Q. What? A. That was an agreement I had with the commissioners.

Q. An agreement you had with the commissioners? A. Yes, sir.

Q. What commissioners? A. Police commissioners.

Q. What police commissioners? A. The metropolitan police commissioners, New York city.

Q. What was his name or their names? A. Thomas C. Acton, Mr. Berger; I can not remember the others.

Q. What was the agreement? A. That all those that left the force and entered the service of the United States and served to the close of the war should be restored to their rank.

Q. What rank had you when you left the department? A. Sergeant of police.

Q. Well, that was not a specific agreement with you; it was an agreement with all? A. With all.

Q. With all men of the department? A. Yes, sir.

Q. Who enlisted in the army? A. Yes, sir.

Q. That upon their reappointment they should hold the same rank that they held when they resigned from the department? A. Yes, sir.

Q. And on the 23d of May you were made captain, in 1867? A. Yes, sir.

Q. That is about two years afterward? A. Yes, sir.

Q. What commissioner made you captain? A. Sir?

Q. What commissioner made you captain? A. Thomas C. Acton.

Q. You are a man of family, are you not? A. Yes, sir.

Q. And have been for a great number of years? A. Yes, sir.

Q. What is the size of your family? A. A wife and three children; I have a son grown up, daughters grown up.

Q. Where did you reside? A. Now?

Q. When you joined the department the second time, in 1865? A. Division near Clinton.

Q. In a house there? A. Yes, sir.

Q. A house that you rented yourself? A. Yes, sir.

Q. How long did you remain in that house in Division street?

A. I couldn't remember; it is too many years ago.

Q. About? A. Oh, I couldn't tell you.

By Chairman Lexow:

Q. Two, three, four, five years? A. No; a year or two probably.

Q. A year or two? A. Three years.

By Mr. Goff:

Q. What was the rent of that house in Division street? A. I don't remember, sir.

Q. Where did you go from Division street? A. Around Clinton street.

Q. Did you rent a house there? A. Yes, sir.

Q. How long did you reside in Clinton street? A. About five or six years probably.

Q. What was the rent you paid for the house in Clinton street? A. Five hundred dollars.

Q. Five hundred dollars a year? A. Yes, sir.

Q. Your salary was then \$2,000? A. No; I won't be positive about that; yes; I think it was; I rented half the house out; reduced the rent.

Q. Where did you go after you left Clinton street? A. One Hundred and Twenty-third street, Harlem.

Q. What year did you go to Harlem? A. I think about 1874.

Q. In 1874? A. About that time.

Q. About 10 years after you rejoined the department, rejoining it in 1865? A. Eighteen hundred and sixty-five; yes.

Q. About 10 years? A. Yes.

Q. What house did you reside in in One Hundred and Twenty-third street? A. It was near Avenue A.

Q. Did you rent the whole house? A. Yes, sir.

Q. What was the rent? A. Six hundred dollars.

Q. How long did you reside in Harlem? A. Three months.

Q. In that house? A. About three months.

Q. Where did you move from One Hundred and Twenty-third street? A. Fifteen Attorney — no; hold on; Attorney street, I believe it was 12.

Q. That was before you went up to Harlem? A. No; no.

Q. After you went up to Harlem? A. I went up there and got chuck full of malaria and came back.

Q. Went down to Attorney street? A. Yes, sir.

Q. How long did you reside in Attorney street? A. About 1883, I think it was.

Q. Did you rent a house there? A. Yes; I moved from one to the other.

Q. How much rent did you pay there? A. The first house I got there I had to pay \$1,000 a year for; then I got one for, I think it was \$450, across the way.

Q. When did you remove from Attorney street? A. I think it was in April, 1883.

Q. Where did you move to then? A. No. 143 East Nineteenth street.

Q. Did you rent a house there? A. No; bought it.

Q. No. 143 East Nineteenth street? A. Yes, sir.

Q. How much did you pay for that house? A. Eighteen thousand dollars.

Q. How long did you remain there? A. Until November, 1892.

Q. Now, up to 1883, you had been renting houses? A. Yes; I would rent one yet if I hadn't fell out with the landlord.

Q. That was for 18 years after you rejoined the department? A. Yes, sir.

Q. You had been renting houses? A. Yes, sir.

Q. Did you pay for that house in cash? A. No, sir.

Q. How much did you pay on it? A. I think it was \$12,000, and \$6,000 mortgage.

Q. Six thousand dollars cash and \$12,000 mortgage? A. No; no.

Chairman Lexow.—No; the reverse.

The Witness.—Reverse it.

Q. Twelve thousand dollars cash and \$6,000 mortgage; is that it? A. Yes.

Q. That was in 1883? A. Yes.

Q. Was the mortgage on the house when you bought it? A. No.

Q. It was a purchase-money mortgage? A. Yes.

Q. And you hadn't enough money to pay for the whole of the house? A. Yes; I did; I had more than enough.

Q. But you didn't want to? A. I didn't want to use it, and I had another reason that I will explain to you; I am a very poor

speculator, and in the beginning I didn't know how to get the house surveyed; so, I went to Mr. Wood of the Bowery Savings Bank, and got the Bowery Savings Bank to take a \$6,000 mortgage, by that means I got a survey and got a just guarantee; I was satisfied; feeling safe that I was perfectly safe.

Q. You paid off that mortgage in two years? A. Yes; I had the money to pay for it down before that.

Q. Well, that was \$18,000 you had to purchase that house? A. Yes; my impression is that I had about \$23,000; \$23,000 to \$25,000.

Q. That was in 1883? A. Yes.

Q. How long did you remain there? A. Up to 1892; November, 1892; I moved up to Ninety-first street.

Q. When did you sell the house in Nineteenth street? A. October, 1892; I think it was.

Q. November, 1892? A. October or November; somewhere along there.

Q. How much did you get for that house? A. Eighteen thousand five hundred dollars.

Q. So, that you made \$500 on that? A. Well, no; I don't know as I made much.

Q. Well, on the purchase-price, as it appears? A. Yes.

Q. Did you ever know Thomas D. Reilly to whom you sold that house by any other name? A. No.

Q. Did you ever hear him called any other name? A. No.

Q. He is a resident of that district up there? A. I suppose he is; I sold him the house.

Q. You knew him before you sold him the house? A. No; I never met him before I sold the house.

Q. Never met him? A. No; not to my knowledge.

Q. What sort of a looking man is he? A. A short, stout man.

Q. What? A. A short, stout man; I don't know if I would know him if I seen him now.

Q. Is he a man of florid complexion; do you remember? A. No; I do not remember; all I wanted to do was to get his money and get away.

Q. Then you bought the house in 1891? A. Yes, sir.

Q. How much did you pay for the house in 1891? A. Twenty-seven thousand dollars.

Q. You bought that before you sold the house in Nineteenth street? A. Well, I had to sell the house in Nineteenth street to pay for the other.

Q. Let us see the dates; you bought the house in Ninety-second street on October 2, 1892? A. Yes, sir.

Q. Paid \$27,000? A. Yes, sir; I paid \$9,000.

Q. We will get at that in a little while; that is the purchase-money, captain? A. Yes.

Q. How much did you pay on mortgage for the Ninety-third street house? A. I paid \$9,000 down, subject to \$18,000 mortgage.

Q. There was a mortgage on the house? A. Yes, sir; and then I coaxed him to take it off, so as to get rid of the \$18,000 to get it out of the bank.

Q. You paid that off? A. Yes, sir.

Q. How shortly after your purchase of the house did you pay it off? A. Well, I think I paid it off within six or eight months; that is my impression; I had the money on hand from the sale of the other and I wanted to get rid of it.

Q. Now, we find that in 1892, so far as your testimony goes, you were possessed of real estate unincumbered, valued at \$27,000? A. Yes, sir.

Q. Well, you had other real estate beside that? A. No; I never owned anything else; never got but a home, the savings of 40 years.

Q. Do you know anyone of your name in the city, captain? A. Oh, yes; there are two of my name here; I do not want to speak of this as amusement; they are both a great deal of trouble to me; one is constantly buying real estate and the other is constantly getting in debt; I have been before a referee for one and I have been — Dr. Peters gave me a terrible lecture in his church for the other; he promised to take the whole thing back after I explained it to him, but he never has publicly, as he said it.

Q. So you have been in danger of being held for the debts for one and on the real estate contracts of the other? A. Yes, sir; that is where I have been in the fire; right sandwiched between the two.

Q. Outside of the real estate that you held in 1892, did you have money? A. Well, now I stand to-day —

Q. No, let us get 1892; outside of the real estate? A. Well, probably, may be \$3,000 or \$4,000.

Q. In the bank? A. Well, some was in the East River Savings Bank.

Q. How much? A. I think I had \$3,000 there; I had to take that out to help pay off the — I got \$1,400 there now; I got \$1,000 in the Union Trust; \$400 in the Bowery Savings Bank, and \$800 in the New Amsterdam; I think that is about my standing.

Q. I am speaking now of 1892; not now? A. Well, 1892; it took so much to pay for the house, I really don't know — I think, altogether, probably about \$35,000.

Q. Well, I would like to have a specification, as nearly as you can give it? A. Money over and above the real estate?

Q. Yes; that was the only real estate you had in New York or any place? A. Only place; without you go up to the old Huguenot burying ground in New Rochelle.

Q. Well, you see, you don't own that; you have only the right to use it? A. I have only a promise of it.

Q. And a promise that has surely got to be fulfilled? A. Only a matter of time, and very few years for me, probably; now, Mr. Goff, I won't be positive; I think I had about \$5,000 or \$6,000.

Q. I would like to hear in what shape you had the money outside of your real estate? A. I had about — I think I had \$2,000 or \$3,000 — let me see; well, probably, in the savings bank, \$3,000; \$1,000 in the Union Trust Company; \$400 in the Bowery Savings Bank and may be \$1,000 laid away besides.

Q. Is that all you had in 1892 outside of your real estate? A. Yes, sir; I think that is; that is, after the real estate is paid for.

Q. I am assuming — A. It took me nearly all the money I had to buy the real estate.

Q. I am assuming the real estate to be paid for? A. Yes, sir; I think that is it; that is as near as I can remember.

Q. Did you have any certificates of trust that time other than the moneys that you have stated? A. No; the Union Trust is all I had.

Q. What? A. That \$1,000 certificate of the Union Trust.

Q. Did you have any other certificate of trust? A. No.

Q. Did your wife have any certificates of trust? A. No.

Q. Or your daughter? A. No.

Q. Or son? A. I don't know what he had; he is a man by himself, independent of me.

Q. Had your wife any real estate in her name? A. No, sir.

Q. Never had? A. No, sir.

Q. Nor has she to-day? A. No, sir.

Q. Or your daughter? A. No, sir.

Q. Or your son, in trust for you? A. No, sir.

Q. Has any person whatever any real estate holding in trust for you? A. No, sir.

Q. That is, an understood trust; not a deed of trust? A. No trust, understood or not understood.

Q. Express or implied? A. Express or implied; that is all I have got, is my own home, and I am entitled to that.

Q. Now, from the time you were captain, what precinct were you first assigned to? A. The Twenty-first.

Q. There have been some changes since that time, have there not? A. Yes, sir.

Q. In the precincts and the boundaries? A. Yes, sir.

Q. Tell us where the Twenty-first was then? A. The Twenty-first was the same then as it is to-day.

Q. That has not been changed? A. No, sir; I don't think the boundary has been changed, except in some of the very upper precincts; the other precincts have not been changed; their numbers have been changed.

Q. The numbers have been changed but the boundaries have not? A. The boundaries are about the same.

Q. That is Thirty-fifth street station-house? A. Yes, sir.

Q. How long were you in command of the Thirty-fifth street station-house? A. Probably two years.

Q. Where did you go from the Twenty-first? A. To the Fourth precinct.

Q. Down to Oak street? A. Yes, sir.

Q. How long were you in Oak street? A. The boundary has been changed because there was a second precinct in there.

Q. That is Church street? A. Sir?

Q. That is Church street station? A. No, no; the Oak street boundary has been changed at Peck Slip and I think it turns through Gold street and up to Spruce, and then the Second precinct lays below, lays between; it was a small precinct running from Broadway to the East river in Ann street, and I think it is Spruce street, Peck Slip and probably to Maiden lane or to Liberty street, something like that; that has been broken up and divided since my time between the First and Fourth.

Q. How long did you remain in the force, you went there in 1867, about? A. No; I went to the force somewheres about 1869.

Q. Well, I understood you — A. The Twenty-first in 1867.

Q. Two years there made 1869? A. Yes, sir; then I went down to the Fourth and from the Fourth I went to the Broadway squad.

Q. How long did you remain in the force? A. I think I remained about three years; nearly three years.

Q. You see, as a matter of local history, wasn't it during that time that the famous and notorious rat-bait of Kit Burns' was carried on in Water street? A. Yes, sir; Mr. Bergh and myself broke it up.

Q. But it required Mr. Bergh to go in there and break it up? A. No, sir; not particularly.

Q. You had been captain for over two years before Bergh moved in the matter? A. Oh, no.

Q. Now, just let us see about that; don't you remember when Kit Burns had three shows going on at one time in his famous place in Water street? A. Not in my time.

Q. Why in 1869, in 1870 and 1871? A. Oh, no.

Q. That was the time that Kit — A. No; you are mistaken there, because Kit Burns kept a little place down in Water street; then he had a place for a short interval where the pool was made up near Roosevelt.

Q. That is not the place that I have reference to; I have reference to his place in Water street where he had a combination entertainment at night; four combinations, a rat-bait, a dog fight, a prize fight and a gospel meeting, all in the one place? A. No; not in my time.

Q. Don't you remember that? A. No.

Q. Did you ever hear of that before? A. I have heard of all those things, but Johnny Allen and all those people were all passed away before my time.

Q. That was around 1869 and 1870? A. It was earlier than that; I went there in 1869, if it was.

Q. Well, it was during 1871, that Mr. Bergh made his raid upon that pit? A. Bergh raided him first by Thorne; and when Thorne was there, I think, they raided him twice; I was with the last raid which Mr. Bergh, in his reports, gives to Mr. Thorne; always my name gets spelled wrong.

Q. What is that? A. I say I always get my name spelled wrong; I always get in the wrong box.

Q. That is a misfortune you have through life? A. No; I think it is fortunate sometimes.

Q. Where did you go after you left the force? A. I went to the Broadway squad.

Q. How long were you in command of the Broadway squad?

A. Well, that is quite a long time; at a rough estimate; two years.

Q. That would be during the years 1873 and 1874? A. Yes; about that time.

Q. The stages ran those days; did they not? A. Yes, sir.

Q. Robberies were quite frequent in the stages on those days?

A. Sir?

Q. Robberies, pickpockets, quite frequent? A. Well, I don't know as they were; I don't remember hearing of them.

Q. Did you never hear of the frequent robberies that took place in the Broadway stages? A. No; I do not think it; because there were officers stationed along, and if there had been they would give the alarm; they were able men and good men.

Q. Yes; I know officers were stationed all along, but men's pockets could be picked in the stages without men on Broadway knowing anything about it? A. Very likely.

Q. Don't you know that there were about that time a great number of reports in newspapers of robberies committed in the Broadway stages? A. If there were I don't remember it.

Q. Did you ever hear that the thieves had Broadway parceled off between certain blocks at that time; that they had the privilege of picking pockets in those blocks? A. No.

Q. Did you ever hear that they had an arrangement with the detectives that the only risk they would have to run would be from one of your squad on the complaint of the victim; did you ever hear of that before? A. No; I don't seem to recollect anything of that kind.

Q. You don't seem to recollect? A. No.

Q. Do you think it is the first time that you have ever heard that there was a fight between the thieves; that one trespassed upon the other's domain and went to a pawnshop about it, and the authorities at police headquarters threatened to send the first thief up the river if he ever invaded the second thief's privileges? A. No; I don't think I ever heard of anything of that kind where the territory was divided off; I can not remember that.

Q. After you left the Broadway squad, where did you go? A. To the Twenty-first, back again.

Q. How long did you remain in the Twenty-first? A. A little over a year.

Q. Where did you go after you left the Twenty-first? A. To the Fourteenth; now known as the Tenth.

Q. That is Mulberry street? A. Yes, sir.

Q. How long did you remain in the Tenth? A. In the Fourteenth that is.

Q. Fourteenth that time; now known as the Tenth? A. Yes; let me see, about two years and a half or three years.

Q. Where did you go from the Tenth? A. To the Eighteenth.

Q. That is Captain Gallagher's precinct now? A. Yes, sir; Twenty-second street.

Q. How long did you remain in the Eighteenth? A. I was sent there; I recollect I was there about 18 or 19 days.

Q. Where did you go from there? A. Headquarters.

Q. How long did you remain in command of headquarters? A. That was in 1877, I went there about 18th of June; I left headquarters in November, 1877, and was sent to the Sixteenth, West Twentieth street.

Q. How long did you remain in command of the Sixteenth? A. To the 1st of February, 1879.

Q. Where did you go then? A. To the old Tenth; the celebrated Tenth in Eldridge street.

Q. That is the Eleventh now? A. Yes, sir; changed in 1887.

Q. You went there in 1879? A. Eighteen hundred and Seventy-nine.

Q. How long did you remain in the old Tenth? A. First of January, 1888.

Q. Were you less than a year there? A. No; no; 1879 to 1888.

Q. Seven or eight years there? A. Yes.

Q. Where did you go from the Tenth; the present Eleventh? A. At my own request I was transferred to the Broadway squad.

Q. And from there? A. From there to the Seventh.

Q. And from the Seventh? A. To the Third.

Q. That is the City Hall? A. Yes, sir.

Q. Where did you go from the Third? A. The Twenty-eighth, now the Thirty-seventh.

Q. That is the steamboat squad? A. Yes, sir.

Q. Where you are now in command? A. Yes, sir.

Q. Now, in each of the precincts which you have recounted as having been in command of, did you select your own wardmen? A. No.

Q. Were they selected for you? A. I found the wardmen there and never disturbed them; not all, but some.

Q. You hadn't a pet wardman with you? A. No; I have never had a pet wardman; I say I never did; yes; I had one wardman; I took Wade with me.

Q. What was the man's name? A. John Wade.

Q. Jack Wade? A. Jack Wade.

Q. He was a partner of Frank Hess? A. Frank Hess?

Q. Or Charley Hess? A. No.

Q. Hadn't you a wardman by the name of Hess? A. There was a wardman by the name of George Hess.

Q. Was he of your selection? A. Well, he was taken more on account of General Smith; he was a favorite of his, and was taken more on his account than anything else.

Q. Did you have Frank Wilson as a wardman ever? A. Never; let me explain about Frank Wilson; Frank Wilson was detailed during my time — not all the time — on Grand street from Bowery to Norfolk; he went on duty at 8 o'clock in the morning when the stores opened and remained there until the stores closed.

Q. What was he detailed for? A. To keep peddlers off of Grand street mostly, at the request of the storekeepers; they were annoyed, and there was a special ordinance and is to-day where booths and peddlers and such things as that are not allowed on Grand street, between the 15th of December, where they are allowed on other streets, and the 1st of January.

Q. How long was Frank Wilson there? A. Well, I think, he was there about five years; I think that is about it.

Q. There was the special designation of Wilson on the station blotter, was it? A. Yes, sir.

Q. And as a matter of fact Wilson was known as the collector in that precinct? A. No, sir.

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

Q. Did you ever hear of any wardman being collector in any precinct? A. I never allowed any wardman to collect for me.

Q. What? A. I never authorized any wardman to collect.

Q. I am not asking you now for your authority; did you ever hear of the wardmen being collectors for their captains in their various precincts? A. I have heard of such things; I have seen it in the newspapers, but I never knew it.

Q. And you, as one of the oldest captains on the police force, know nothing at all about that of your own knowledge? A. No, sir.

Q. Only what you learned from the newspapers? A. From the newspapers and general talk and rumor.

Q. From what you learned from the newspapers and general talk and rumor did you ever take any pains to ascertain whether or not your wardmen were collecting from the disorderly-houses in the precinct of which you were captain? A. I don't think that they were, Mr. Goff.

Q. You don't? A. No; I will tell you why —

Q. Never mind why; suppose I ask you to explain why; here is Frank Wilson and he is worth in real estate between \$80,000 and \$100,000 and he has gone away out of this city; how can you explain that? A. I can not explain it.

Q. I asked you about that wardman, Frank Wilson, and you say you could not explain how he had acquired such a lot of property? A. I can not.

Q. His salary was \$1,200? A. That is what it was.

Q. Have you seen him recently? A. I have not.

Q. Do you know where he is? A. No, sir.

Q. Do you know anything at all about him? A. No, sir; let me say to you about Frank Wilson, I always liked the fellow and I will tell you why; he was badly shot the second day at Gettysburg; he belonged to the Pennsylvania Reserves; I think he was in Crawford's Division, and he never got off until after Pickett's charge, when he got his wounds dressed; I liked him; there came an opportunity and I nominated him for it.

Q. You didn't know him to be a man of fortune, did you? A. No, sir; and you surprise me when you say he has got a house.

Q. It is not a house but houses, right in that precinct? A. Well, he has beat the captain.

Q. He beat the captain? A. Wonderful; the captain hasn't got any.

Q. Did you ever know a woman there by the name of Mrs. Martin? A. Martin?

Q. Martin; yes; well, she visited your house? A. No; she didn't; my house?

Q. Your house? A. My dwelling?

Q. Your dwelling? A. No, sir; nor no other woman; don't you believe that story.

Q. Well, she flourished in that precinct when you were captain? A. She didn't to no very great extent, in that precinct.

Q. Well, in any other? A. Will you give me the privilege of explaining to the Senators with regard to houses of prostitution, the rise and fall and remedies for them.

Q. Suppose you limit your explanations to the rise and fall and leave out the remedies? A. Yes.

Q. Now, proceed, the rise and fall without the remedies? A. Yes.

Q. Now, go on? A. I was placed in command of the Tenth precinct on the 1st of February, 1879; I remained there until January 1, 1888; I turned out a force or platoon that would average probably 26 men; during the time I was in that precinct the number of arrests was between 65,000 and 70,000, of which about 28,000 were women; there were about 18,000 arrests of women taken from houses and off the street, and less than 800 women, with all their charges furnished that material.

Q. Eight hundred? A. Yes, sir.

Q. Less than 800? A. I don't think there was 800 of them furnished that material for the 18,000 arrests.

Q. Do you mean kept houses? A. No; the same number of women, but not at the one time.

Q. You mean arrested over and over again? A. Yes, sir; I have seen women get six months twice a week.

By Senator Bradley:

Q. Six months twice a week; get down on a writ and up again?

By Chairman Lexow:

Q. You mean be liberated under a writ and be arrested again? A. Be arrested again and up again.

By Mr. Goff:

Q. Well, go on, captain? A. Well, I think that is about as far as I can tell you, but there was constantly a special patrol; now, as far as wardmen, excisemen or men having anything to do with houses of prostitution, as far as my command is concerned, there is a special patrol that did nothing but follow that up, and when they became a little inefficient they were changed, so that there were always three or four men, generally three men on patrol, out every night, bringing women off the street or getting evidence against houses.

Q. How many convictions were secured while you were captain of that precinct against such houses? A. Oh, I can not give you that, sir.

Q. Well, these arrests were the results of raids, as a general thing? A. Well, it was constantly; if I had known that we were ever going to reach an investigation of this kind I would have saved books which I had which I destroyed about four or five years ago; looking over my books, I believe I have got about one; that is the year 1887; I will furnish you that if you want it and let you see about all the work that was done in one year in raiding houses.

Q. What I want to get at is this: The results of your raids produced these thousands of arrests? A. Yes, sir.

Q. And the thing went on; it was raid after raid? A. Yes, sir.

Q. Raid after raid? A. Raid after raid; yes, sir; and will continue so until the end of time.

Q. This is another thing, captain; we have this thing down from your testimony, that these spasmodic raids had no effect in wiping out the evil you speak of? A. They were not spasmodic; they were continuous.

Q. Well they were continuous? A. Yes, sir.

Q. And the thing went on just the same? A. The same old story.

Q. You say that it was not in your power, as captain of the precinct, to suppress the evil in its notorious aspects? A. No, sir.

Q. So far as the carrying on the business in a notorious manner, was it in your power, or was it not? A. It was not in my power.

Q. That answers that question? A. Will you let me make a little statement?

Q. No; that answers the question; I will give you opportunity later? A. No; it was not in my power.

Q. Was it from the lack of police assistance that you had? A. No, sir; I think it was the failure of the laws.

Q. The failure of the laws? A. Yes, sir.

Q. You mean the failure of the execution of the laws? A. No; I mean to say the law itself.

Q. The law itself? A. Yes, sir; if you give the women the same protection by law that you do a mule and a dog you will do away with two-thirds of the houses of prostitution and women of the street.

Q. I do not understand your simile.

Senator O'Connor.—I would like to understand what he means.

Mr. Goff.—I think not just now. We will follow that up later on.

Q. We limit ourselves now without indulging in expressions as to remedies and how the thing ought to be; we are dealing with how the thing is and how it has been; we will limit ourselves to that; now, you say that it was not within your power to suppress the notorious business carried on in that precinct?

A. No, sir.

Q. That was one of the worst precincts in town? A. Yes, sir; I don't think there is an angel in it.

Q. I beg pardon? A. I think there are very few angels in it.

Q. Did you ever complain to the police officials that it was not in your power to suppress the notorious houses in that precinct? A. No, sir.

Q. You had been in the habit of making reports, had you not? A. Yes, sir.

Q. And these reports were made every month, were they not? A. Yes, sir; I think quarterly.

Q. What? A. I think quarterly.

Q. Well, first, and then they were made monthly? A. I don't think they were made monthly in my time.

Q. Well, it was your duty to report the existence of the houses in your precinct? A. Yes, sir.

Q. Did you report the existence of the houses? A. Yes, sir.

Q. As reputed? A. No, sir.

Q. Positive? A. Positive.

Q. Positive houses? A. Pretty near all positive houses.

Q. You reported them every three months? A. Yes, sir.

Q. Now, you are clear about that? A. Well, I think I am.

Q. Now, be careful about it because the record is in existence? A. Yes, sir.

Q. I want to know if you reported the houses in your precinct every three months while you were captain there? A. Yes; I think as far as I could give them.

Q. You reported them as positive disorderly-houses? A. No; I won't say — yes; there is no going behind the fact there, Mr. Goff —

Q. No; I am asking what you reported? A. I reported them as disorderly-houses, I am quite positive; of course it is years ago; it is over seven years ago, and my memory may be a little bad on that point, but my impression is that I reported them as disorderly-houses; sometimes reputed and sometimes disorderly-houses.

Q. Did you ever apply to the superintendent of police for his warrant? A. No, sir.

Q. You knew you had the right to do it? A. I had the right to report, and if he wanted to give me the warrants I gave him the papers.

Q. You gave him the papers? A. I sent the papers to his office.

Q. You sent the reports? A. Yes, sir.

Q. I mean to say touching any specific house, did you ever make a report to the superintendent, touching any specific house, for the suppression of that house? A. No, sir.

Q. Or the arrest of its inmates? A. No, sir; those cases always went to court.

Q. Did you ever talk with your superior officers as to your inability to suppress those houses? A. Why, it is the common talk in the police department.

Q. It was common talk? A. Yes, sir.

Q. Were you ever called to account for not suppressing those houses? A. No, sir; I don't think I was; I don't remember ever being called to account.

Q. Do you remember your making a false report about No. 165 and 167 Chrystie street? A. Nos. 165 and 167 Chrystie, a false report?

Q. A false report; were you ever charged with making a false report? A. Well, I was tried for a complaint of Krumm's, but I don't remember exactly; he claimed it was a false report; I claimed it was not.

Q. I mean, were you ever tried for it? A. There was nothing more than this of it; the complaint was that I didn't think that he should receive a license as a concert license because he violated the law.

Q. It was your duty at that time to see that the excise law was observed in all those houses? A. Yes.

Q. Can you name me one disorderly-house in that precinct of the character that I speak of now, that had a license; can you name me one? A. Which, disorderly-houses?

Q. Well, these houses where women were? A. No, sir; I couldn't.

Q. And as a matter of fact every one of them sold wines and liquors and beer and so forth? A. Not to my knowledge; they were never reported to me.

Q. What? A. Not to my knowledge.

Q. Do you mean to say that you, as captain of that precinct, for seven years didn't know it in your official capacity to be the fact that there were wines, liquors and ales sold in those houses, in every one of them? A. No.

Q. Do you plead ignorance of that fact? A. Yes.

Q. That you didn't know? A. No.

Q. That every one of these houses were able to supply their customers with wines and liquors? A. If they did they must have sent out for it.

Q. No; that they had it within, themselves? A. I never knew them to have it.

Q. Why, we had here account-books where they kept accounts with their wine and beer houses? A. That might have been.

Q. Then you didn't look to the enforcement of the excise law very sharply? A. I never supposed for a moment that they were violating the excise law.

Q. Did you ever take pains to ascertain? A. I took pains with the general police business, never suspecting that they were running a barroom.

Q. You were innocent of that? A. I was innocent of anything of that kind.

Q. Is this the first time you have heard it? A. I never knew they kept a barroom, sir.

Q. I am not asking you about their keeping a barroom; I didn't say that; I said that they sold to their customers wines and liquors, and if you were not aware of that fact? A. I was not aware of it; no, sir.

Q. Did your officers never report it to you? A. No; we looked upon them; if we got evidence of a disorderly-house we raided it and went along.

Q. That was all the attention you paid to the subject? A. I never thought of the excise law being violated in those houses; never gave it a consideration.

Q. Have you any idea how much money was collected from these houses while you were captain of that precinct? A. I never knew there was any.

Q. You never heard there was any? A. No.

Q. Why, they have been here by the dozen, swearing one after the other that they paid so much a month; is it possible that

they were all swearing to an untruth? A. I can not tell you that; I am not aware of it.

Q. Now, do you mean to say that you were not aware of the fact, which is admitted and overwhelmingly proved here before this committee, that in nearly every precinct of the city of New York, and particularly that precinct, the Eleventh, in which you were in command, that every house was subjected to a monthly rent for the police? A. I never — not true in my time; I don't think.

Q. I am speaking during your time? A. No, sir.

Q. During your seven or eight years there? A. No.

Q. Bayer was a wardman while you were there? A. Yes, sir.

Q. And you frequently found fault with him? A. Sometimes; I made a complaint against him once for making a statement that he didn't sustain before the board of excise, and he was fined \$30.

Q. Well, you tried to get him changed? A. Yes; I have, time and again.

Q. And he shook his finger in your face and he told you you would go out of that precinct before he would? A. I went out of that precinct at my own request.

Q. Didn't he shake his finger in your face and tell you you would go out of that precinct before he would? A. No, sir; I don't remember that.

Q. Will you swear he didn't? A. I won't swear he didn't; yes, I will, because I wouldn't allow him to do it.

Q. Why, are you in doubt about it? A. No; I wouldn't allow him to do it.

Q. Why, are you in doubt about it? A. No, sir; I am not in doubt about it; not if he was in earnest; he might have done it in a joke or something of that kind, because I sometimes joked with those people, but if he was in earnest, he nor no other man would shake his hand in my face.

Q. Don't let us fence about it; weren't you aware of the fact that he was the appointee of John J. O'Brien, who was then in police headquarters; weren't you aware of that fact? A. No; I am not.

Q. What? A. I couldn't say that.

Q. Don't you remember that he told you that as long as Mr. O'Brien lived, you nor no other man could get him out of that precinct; now, will you swear he didn't tell you that? A. I can not remember it; why, you are talking about half a lifetime.

Q. Oh, it is not so many years ago that you were captain in the Eleventh precinct? A. It is seven years ago this January.

Q. That is not half a lifetime? A. How far down in the other part was it that he said this?

Q. I am simply telling you that it was during the time that you were in command of that precinct? A. I don't remember it, sir.

Q. Eh? A. I didn't.

Q. Do you mean to say before this committee that these disorderly-houses flourished in that precinct, and that you knew nothing whatever about the money that the police exacted from them for blackmail? A. I didn't, sir.

Q. And if such money was exacted, you knew nothing about it? A. I didn't.

Q. Did you ever hear it at the time? A. No, sir; I don't remember it.

Q. You stated awhile ago that you read it in the newspapers? A. What is that about?

Q. About the police taking blackmail for these houses? A. I did?

Q. Yes? A. Yes; I have seen that.

Q. Did you ever take pains to inquire or inform yourself whether that was true or not? A. I forbade these officers.

Q. Did you ever take pains to inquire or inform yourself whether such rumor was true or not? A. Yes, sir; as far as I was concerned, I forbid it.

Q. What did you do? A. I inquired of the men themselves.

Q. Did you expect the men themselves to acknowledge the crime? A. Well, I wouldn't expect if I went to the other people that they would acknowledge it.

Q. No; the two parties to the crime, you wouldn't expect that either one would acknowledge it? A. No.

Q. So you inquired of the officers if such was the case and they said of course it was not? A. Yes, sir.

Q. Then you stopped your inquiries? A. Yes; I wouldn't be positive about that.

Q. Did you pursue the same policy about the gambling-houses in that precinct? A. There was not a gambling-house in that precinct for the last six years I was there.

Q. You stated a little while ago that you forbid your men taking this blackmail? A. I did.

Q. How did it come to pass that you forbid them? A. Well, it was common rumcr, I suppose.

Q. It was common rumor? A. Yes.

Q. And you forbid them to do that which the law forbid them? A. I wouldn't allow it—I don't remember—

Q. But you said you forbid them taking blackmail? A. I forbid them anyhow.

Q. Well, yes; and that implies that they had been taking blackmail before you forbid them? A. No; I don't think so.

Q. Well, then, why did you forbid them if it didn't exist? A. On the start I told them to attend to their police business and police business only.

Q. When you forbid them that, there was some practice you recognized? A. No; that there might be.

Q. Then you heard there was a liability of such practices being carried on? A. That is a common rumor for years.

Q. Common rumor for years in the police department of this city? A. Yes, sir.

Q. Did you forbid your men from taking blackmail in the absence of any specific charges against them, from any particular house or any particular houses? A. I guess it was general.

Q. What? A. It was general, whatever I gave them.

Q. General? A. Yes, sir.

Q. And you repeated that command and instruction frequently? A. Once I can remember that at 6 o'clock roll-call and at 12 o'clock they were instructed what to do, to be careful and make a thorough investigation to suppress all violations of law, or to suppress all violators and report all violations of law, disorderly-houses and matters of that kind.

Q. And the precinct was just as bad when you left as when you went in there? A. It was not.

Q. What deduction did you make? A. There was not one of the old concert saloons along the Bowery; there was not a gambling-house in the Bowery or anywhere in that precinct.

Q. Oh, Captain Allaire, what about Jake Shipsey's? A. Jake Shipsey didn't belong in that precinct.

Q. He did then? A. No.

Q. He had a place then? A. No.

Q. You know all about him? A. No.

Q. How do you know he didn't belong in that precinct? A. There is no Shipsey in my precinct.

Q. Don't you know the man to whom I refer? A. All I know is that Shipsey kept an exchange office over in the Bowery.

Q. You knew that exchange office was a gambling place?
A. No.

Q. Why did you answer that he didn't belong to the precinct?
A. You asked me Shipsey's place.

Q. Shipsey's gambling-house? A. No.

Q. You seem to be perfectly acquainted with Jake Shipsey and his work? A. No, sir.

Q. And want to throw the responsibility upon some other captain? A. No; I don't want to throw it upon any.

Q. Will you swear there were no gambling-houses in that precinct? A. Not the last six years I was there, with the exception of probably short cards, and that would be among the Israelites, which no one can stop, such as draw poker.

Q. Does it come to this point, that there are certain violations of law in this city which no one can stop, not even a police captain? A. No one can stop people playing draw poker.

Q. Are there certain violations of law in this city which even a police captain can not stop in his precinct; are there or are there not? A. There is.

Q. Well, we will say these violations of the Excise Law for one? A. Well, I won't say that.

Q. Will you say that it is beyond the power of a police captain to stop the violations of the Excise Law? A. Well, the way you put it; yes, sir.

Q. Why is it beyond his power? A. Because we wouldn't know the existence; if they are sold as you describe it, they are sold behind blind doors, and unless you are in on the ground you couldn't see it and you would have to go there in disguise; being there as I was it would be almost impossible, because I couldn't go near a place; I was so long there they knew me perfectly.

Q. Do you mean to say here, a police captain, that it is beyond the power of the police force of the city of New York to prevent violations of the Excise Law? A. I would think so; yes; they can limit it to a great extent.

Q. How is it that from the headquarters men have gone out under orders of the superintendent into the various precincts and arrested men who had never been arrested before for violations of the Excise Law; how does that come to pass? A. Well, they are strange men; in the Tenth precinct we often borrowed men to come over there and help us.

Q. Is it your reason that you couldn't enforce the Excise Law because your men in the precinct are known? A. Yes; that is one of the reasons.

Q. What other reason have you? A. Well, I don't know as I have any other reason.

Q. Did you keep a record of the number of murders that were committed in the precinct while you were captain? A. All such things are recorded on the blotter.

Q. Did you keep a record; you said you had one book out of a number of books that you offered to show me; I ask you, did you keep a record, or can you give us an amount of the number of murders that were committed in that precinct while you were commander? A. No; I can not.

Q. Can you tell us how many robberies were committed in the saloons and dives while you were captain? A. No.

Q. When you reported these houses to headquarters every three months, positively as disorderly-houses, were you called to account by your superiors as to why they existed? A. No, sir.

Q. So it went on from year to year, you putting in these reports of the existence of these same disorderly-houses, and you were not called to account for your failure to suppress them? A. Well, there were various owners —

Q. Never mind about the owners; I am asking you about the houses; isn't it a fact that the character of the houses didn't change, no matter how the owners changed? A. The owners changed; the character of the houses didn't change; no.

Q. The character of the houses remained the same during the years you were commander of that precinct? A. That is right.

Q. And no attempt were made to close them up? A. Yes.

Q. You don't call attempts the arresting of unfortunate women on the streets? A. No, sir; raiding the houses.

Q. Raiding the houses? A. Yes, sir.

Q. Raiding them occasionally? A. Well, it was more than occasional, at times.

Q. In order to make them come down with new blood money, was not that the object of the raid? A. No; no.

Q. Why, do you mean to tell us here that you raided those houses in that precinct and that they didn't pay money not to be raided? A. No; not in my time.

Q. Could such money have been paid without your knowledge? A. Yes.

Q. Could the amount of corruption among your officers exist there that we have had evidence of before this committee, without your knowledge? A. From what you stated it certainly did exist.

Q. I am talking of the sworn testimony? A. You stated that one of my officers was worth \$100,000.

Q. From \$80,000 to \$100,000, I said. A. Nothing astonishes me more than that; I couldn't believe it.

Q. He bought property in that precinct while you were captain, right in Chrystie street? A. Well, that astonishes me, sir.

Q. These things could have occurred and take place around you by your own officers, a man buying a big tenement-house upon \$1,200 a year, your wardman? A. Yes; if he did that; he was not a wardman.

Q. He was a special man? A. Yes, sir.

Q. These things occurred in your precinct without your having any knowledge of it? A. Yes, sir; if they took place.

Q. They are matters of record? A. Well, they occurred without my knowledge.

Q. Do you remember Spencer's saloon in that precinct? A. Corner of Hester?

Q. Yes? A. Yes, sir.

Q. Do you remember the time when that murder took place in Spencer's saloon, during your captaincy? A. I don't remember the circumstances; no, sir.

Q. Well, suppose I told you the bartender — his name was Murphy — killed a man, struck him with a siphon first, afterward used some other weapon; the weapon I forgot now; he killed a man right in the saloon; do you remember the case? A. I don't remember who killed him.

Q. Well, it was the bartender killed him, Spencer's bartender. A. Was he arrested?

Q. That is what I am going to ask you? A. Well, I don't remember it.

Q. Was he arrested? A. Well, I say I don't remember.

Q. Do you know the reason why he was not arrested? A. No; I couldn't tell; if he was not arrested; I couldn't tell why he was not arrested without he got away.

Q. Well, he didn't get away; he is in New York to-day; why, captain, didn't you know Chick Murphy? A. No.

Q. Everyone around that neighborhood knew Chick Murphy, the bartender of Spencer? A. I don't know Chick Murphy.

A. A bully? A. No.

Q. Did you ever hear of Spencer, the keeper of that notorious place, being one of Superintendent Murray's bondsmen? A. Yes; I knew he was —

Q. You knew he was? A. I knew he was a friend of Superintendent Murray; I say bondsman; I knew he was the friend of Superintendent Murray.

Q. You say he was a bondsman? A. I don't know that.

Q. You knew him to be a close friend of Murray's? A. Yes, sir.

Q. Wasn't that the reason why that murder was hushed up? A. I was not aware it was hushed up.

Q. But there has never been an arrest or a trial for that murder; can you explain that occurring in your precinct? A. No; I can not.

Senator O'Connor.—Did they never have a coroner's inquest?

Mr. Goff.—There was a coroner's inquest.

Senator O'Connor.—What was the verdict?

Mr. Goff.—The verdict was like very many of the coroner's verdicts for years in New York, accidental causes; the body was taken, without any chance for the friends of the deceased to identify it, and hurried up to Potter's Field.

Senator O'Connor.—Any citizen could have made a complaint.

Mr. Goff.—We all remember that the dead body was brought out of the saloon from before the bar, where it lay weltering in blood, and put in the hall, so to divert suspicion that the murder took place in the saloon; that was during Captain Allaire's command of that precinct.

Senator O'Connor.—When was that? What year?

Mr. Goff.—Tell me, captain, when you first went to that precinct?

The Witness.—Eighteen hundred and seventy-nine.

Mr. Goff.—That is about 1882 or 1883.

Senator O'Connor.—Who was district attorney then?

Mr. Goff.—That I forget. I think either Mr. McKeon or Mr. Martine, during the early part of his term.

Senator O'Connor.—They were pretty good men, weren't they, McKeon and Martine?

Mr. Goff.—Of course, Senator, in the city of New York, the district attorney is powerless to go out and detect crime. His duties are to prosecute cases brought to him in court.

Senator O'Connor.—His duty is more than that. His duty is to bring to the attention of the grand jury anything that he may know himself, and it is also the duty of every member of the grand jury to bring to his own knowledge and investigate any fact of his own motion.

Mr. Goff.—That is all very true, but in this great city of New York it amounts to a physical impossibility for any district attorney, no matter how good an officer he may be, to bring every case that the police fail to investigate to the attention of the grand jury.

Senator O'Connor.—Of course, it requires the co-operation of the police.

Mr. Goff.—But it does not surprise us in the city of New York that a murder should go untried. It is not the only case. It is an old story with us here.

Senator O'Connor.—Well, then, it is a bad state of affairs.

Mr. Goff.—Why, when a murder takes place the district attorney must depend upon the captain of that precinct to get the witnesses, seize them, get the case for him. Of course, our city, as you understand, differs from a country town where the district attorney may go and communicate directly with the sheriff himself or his deputies, but here the district attorney must depend absolutely upon the police force.

Senator O'Connor.—Oh, we have failures of justice in the country just as well as in the city of New York. From my own observations, I have noticed that frequently.

By Mr. Goff:

Q. Did you ever hear of the green goods men making their headquarters in your precinct, in Grand street? A. No, sir; not in my time.

Q. There were no green goods men? A. No, sir; if there were they were chased pretty lively; if there was a letter or anything, that is one thing the liquor people would do; they would give us the letter and we would chase them.

Q. That is all you did; to chase them? A. They wouldn't stay there; we couldn't find them.

Q. Did you ever hear of storekeepers while you were in command of the precinct, of their having to pay so much a month?

A. No, sir.

Q. For occupying a portion of the sidewalk? A. No, sir.

Q. Did you ever hear of Detective Bayer compelling the peddlers that you say you assigned a special man for, to pay so much a month? A. No, sir.

Q. Push-cart men? A. No, sir.

Q. Did you ever hear anything of the Hebrew soda water dealers having to pay for their occupancy of the sidewalk? A. No, sir.

By Chairman Lexow:

Q. Well, you have heard of it since this investigation, haven't you, captain? A. Not in this precinct when I was in it; I have heard of it since the others.

By Mr. Goff:

Q. What did you do any way while you were captain of that precinct to earn your salary? A. Made between 65,000 and 70,000 arrests with the force under my command; about 70,000 I guess.

Q. Arrests of the poor unfortunates walking the streets? A. No, sir.

Q. Poor, drunken fellows? A. No, sir.

Q. But the gambling-houses and dives and disorderly-houses all flourished? A. No gambling-houses there for six years before I left; and when I left that precinct there was not a gambling-house in it and hadn't been for six years previous to that; five or six years.

Q. How many Christmas presents did you receive while in that precinct from the liquor dealers? A. None; I don't know; I may have.

Q. That is right? A. I may have.

Q. That is right; we have the proof here that you did? A. Oh, no; you haven't got any proof of it.

Q. Why, we had it proven here that for years and years covering your captaincy, both before, during and after your captaincy, that the liquor dealers and keepers of houses in that precinct made annual presents to the police cap-

tains of that precinct? A. Mr. Goff, if they tell you that, you tell them it isn't so.

Q. You say they have sworn to what is not true? A. I do; if they say they did that.

Q. They have sworn to that? A. Well, I say they have sworn to a falsehood.

Q. Sworn to a falsehood? A. Yes; as a general thing; that I received presents from different people; yes.

Q. What presents did you receive? A. Well, I couldn't tell; probably they may have sent me a basket of wine.

Q. What other little trifles, such as baskets of wine? A. I couldn't tell you; probably a basket of fruit.

Q. Who would send you a basket of fruit? A. I don't know.

Q. Would that come from the fruit dealers or grocers? A. It might come from a grocer; I don't know.

Q. Who did the basket of wine come from? A. I say it might come from a liquor dealer; I don't say any individual.

Q. Did you ever receive any money presents at Christmas? A. No.

Q. Will you swear you didn't? A. Yes.

Q. Absolutely? A. Yes.

Q. There or any other precinct? A. There or any other precinct.

Q. That there was never a collection made from the people in that precinct to give the captain a present? A. To me?

Q. I am asking the question, if there was ever a collection made from the people in that precinct to give the captain a present? A. Not to my knowledge.

Q. Could there have been such a collection made without your knowledge? A. Yes.

Q. Money could have been subscribed without your knowledge? A. Yes, sir.

Q. What were you doing anyway in the precinct? A. Oh, I was busy.

Q. Since you have been captain of the steamboat squad have you heard anything about the men on the steamboat docks giving up half their money, more than half their money, to any officer of your command? A. I have read it in this morning's paper.

Q. For the first time? A. About the first time; yes, sir.

Q. About the first time? A. Yes, sir; probably I heard it yesterday.

Q. You heard it yesterday? A. Yes, sir.

Q. Did you hear it before the testimony came before this committee? A. Not before it came before this committee.

Q. That is the first time you heard it? A. Yes, sir.

Q. What have you been doing down in that precinct? A. Well, I have been drilling the police; I drill the police about six months out of the year and the rest of my time I attend to my business.

Q. Do you mean to tell us that you were not aware that all the officers of that squad were assigned to the piers of the the officers of that squad that were assigned to the piers of the were giving up half the money and more than they received? A. When I went to that precinct —

Q. I don't want any speeches? A. No.

Q. You answer my question no? A. No.

Q. And that those practices have continued since you have been in command of that precinct without your hearing or knowing anything about them? A. Yes.

Q. You are as equally innocent of that as you are of the practices of the Eleventh precinct, while you were captain there, were you? A. Fully.

Q. Fully as innocent; and you are also as fully innocent as you are of the charges that the grand jury presented against you in 1883 when they said that you were an unfit man to remain on the force and that you were both corrupt and treacherous; do you remember that? A. Yes; I remember it; but it was unjust.

Q. What? A. It was unjust.

Q. It was unjust? A. Yes.

Q. Inspector Williams was linked with you? A. Yes, sir.

Q. In that presentment? A. Yes, sir.

Q. Have you had anything to do with the disappearance of that presentment from the record? A. No, sir.

Q. Did you know it had disappeared from the record? A. No, sir.

Q. No; we have it; but you remember that presentment where they said that you would have been indicted but for the fact that they sought to have the police commissioners first take action in order to prevent a great public scandal? A. No; I don't remember that; it might be without my knowledge; but I don't remember it.

Q. Like the other things that occurred without your knowledge? A. Yes, sir.

Q. Do you remember the grand jury saying that they had evidence that after warrants were issued for gambling-houses in your precinct that word was brought to those gambling-houses and, consequently, arrests could not be made? A. No.

Q. And the grand jury of this county, after hearing testimony and making a solemn presentment to the Court of General Sessions, you say acted truthfully or falsely, which? A. The grand jury acted falsely; will you let me explain it?

Q. Oh, no; we are getting along very nicely.

By Chairman Lexow:

Q. Captain, how was it that during your incumbency of the captaincy there you could shut up successfully every gambling-house, as you have said there was not for six years a single gambling-house in your precinct, and yet you couldn't shut up the houses of prostitution? A. Because, Senator, you take the women to court, they are fined a few dollars and turned out on the street again to go get more money, be rearrested and pay again; the trouble is that prostitutes are fined.

Q. Wasn't that done with gamblers as well? A. Well, you could get their paraphernalia and get them away, but you couldn't with the women; a prostitute should never be fined and her money taken away from her; those women are not bad women until they are made so; they are dragged off the street and dragged before the court and their money taken away from them, and then drove out on the street again; they are not bad until they are drove to it; now, there were fully 30,000 arrests made from the 1st of January, 1876, to the 1st of January, 1878, in that little precinct alone, and I will venture to say there were not 1,500 women arrested, but arrested over and over again.

By Mr. Goff:

Q. What will become of the police and their flat-houses and tenement-houses and private properties if this evil is remedied; what would become of it? A. Well, I think rents will be lower.

Q. There would be less demand for real estate? A. Yes, sir.

Q. Less demand by the captains and by the wardmen for real estate? A. Well, I got my own, Mr. Goff, and that is all I am looking for.

Q. Yes; I see you have; how many servants do you keep? A. One.

Q. Any horses? A. No, sir.

Q. Have you reduced your establishment since this committee commenced its sessions? A. No; always the same.

Q. Have you any objection to telling us how much the furnishing of your house cost? A. I couldn't tell you exactly; probably our clothing, our furniture and all, I think, I insured it, I calculated it to be worth, everything we possess, about \$8,000; I insured for that.

By Senator O'Connor:

Q. I want to ask you a question or two; what do you mean to say, that if people would give the women the same protection given to mules and horses prostitutes would be fewer? A. What I mean by it is this; when they are arrested instead of sending them to a magistrate to be fined and money taken from them, send them to a reformatory and inquire into their history, and you will find there are a great many of these people that you see lost in the papers; as I say, the women are not bad, naturally; it is only where they are driven to it; if there was a reformatory and the money taken from them and taken care of and put the institution under good women, good, proper persons to control that reformatory, and not abuse them, not send them to jail or abuse them, but send them to a reformatory, you will find some people from Massachusetts, some from Ohio, some from somewhere else, some from Michigan; send them to their homes, and if they are foreigners, who have not been here five years, send them back to Europe and you will find as a general thing that the reason why the prostitutes and why the disorderly-houses can not be overcome is that there is no care taken of them; they haven't a friend in the world; there is no friend to a prostitute; everybody bangs her, everybody beats her; she is dragged into the station-house, taken to court, fined and thrown on the street, to go get more money and bring it back.

By Mr. Goff:

Q. That is what the police say? A. I say they might as well say that; the court says that.

Q. They are a sort of perennial revenue to the police?

By Senator O'Connor:

Q. She is avoided by all respectable people and left to shift for herself? A. Yes, sir.

Q. But that is not true in regard to men who are known to be fast? A. Ten times worse.

Q. I mean, I don't see that men suffer any deterioration in the estimation of the public no matter how bad they are? A. No.

Q. You think the social conditions ought to be equalized? A. Yes, sir.

Q. Why didn't you apply to the superintendent of police for a warrant for these houses that you knew were positively disorderly-houses? A. It was not the custom.

Q. Is that the only reason? A. It was; Mr. Walling issued an order once or twice for gambling-houses and the like of that where you could force doors to get evidence; he was the only one I ever knew who issued a warrant; I don't believe I ever heard of a superintendent to issue a dozen warrants in the time I have been on the police.

Q. You say it is impossible to suppress disorderly-houses because of the law? A. Yes, sir.

Q. What is the fault of the law? A. Taking prostitutes before a magistrate and fining them, taking their money from them; the money should not be taken from them.

Q. That may be the consequence of the way in which the law is administered; you being armed with the power, what is to prevent you from actually suppressing them and preventing their existence? A. As long as the material is there and not damaged, they will start some place else; Jane Smith will go to Jane Jones' house and move backward and forward.

By Mr. Goff:

Q. Captain, by the way, that was quite a musical district while you were in command, musical precinct; a great deal of music there? A. It gradually diminished as I went away.

Q. After you went away? A. No, before I went away.

Q. When you went away there was as much music there as when you came? A. No.

Q. Isn't it a fact that there was not a house through every street in that neighborhood that you couldn't hear the piano banging every night? A. I don't think so.

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

Q. Are you prepared to swear that the piano couldn't be heard in every house in that precinct while you were captain, every night in the year? A. I have no recollection of anything of that kind.

Q. And the windows full of women? A. No.

Q. You draw the line at that? A. I draw the line at that.

Q. Sergeant Taylor has sworn that he put in a drawer in the station-house of the Thirty-seventh precinct every month an envelope containing about \$200, indorsed "Street cleaning report;" do you know anything about that? A. No, sir.

Q. Absolutely ignorant of it? A. Ignorant of it entirely.

Q. He says he carried this money to Steers, the inspector; did you ever hear that before? A. No, sir.

Q. That practice went on, as proven by men of your own department, under your very eyes, and you didn't know anything about it? A. No, sir.

Q. You didn't know anything about it? A. No, sir.

Q. Never heard of it before? A. Not until this investigation.

Q. You have learned a good many things by this investigation? A. Not only here but every man in the police department.

By Chairman Lexow:

Q. He said, moreover, that while acting captain, he took that envelope to the inspector and as soon as he severed his connection with that office that he assumed that the captain who took his place performed the same function; now, you were the one who took his place? A. Yes, sir.

Q. Is that true? A. Yes, sir; I took his place; I relieved him.

Q. Did you perform that same function? A. No, sir.

Q. Never saw an envelope with those words on it "Street cleaning report?" A. I have no recollection; now as far as that goes I have five reports to sign every night; I generally sign them and turn them over to the sergeant behind the desk between 4 and 5 o'clock in the afternoon; he takes them and does them up and indorses them; then whatever is put in the en-

velope they put in envelopes and are placed in the drawer; the next morning they are all placed in a large envelope and sent to headquarters.

Q. Then you swear positively that you didn't fulfill the same functions with reference to that envelope that Sergeant Taylor did when he was acting captain before you? A. I do, most positively.

Q. Do you remember a presentment made by the grand jury, I think it was about two years ago, in which attention was called to the fact that the superintendent had a right to issue a warrant on his own account and pull houses; do you remember that presentment? A. I recollect there was a presentment, but I don't recollect the substance of it.

Q. Do you remember making a report as to the houses in your district at about the time of the making of that presentment by the grand jury? A. I haven't any houses in my district; I had them side-tracked for about seven years.

Q. What do you mean, side-tracked? A. On the Broadway squad where I had no night duty; understand, I drill the force, I am the military instructor of the force.

Q. Do you mean to say you haven't for seven years been in a precinct where there weren't any houses of ill-fame? A. No, sir; with the exception of the six weeks I was in the Seventh, out of that seven years.

Chairman Lexow.— Shall the captain stand aside now?

Mr. Goff.— Yes.

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

By Mr. Goff:

Q. Did you ever have a house in the Fifteenth precinct? A. Yes, sir.

Q. That is the precinct, Mercer street station-house? A. Yes, sir.

Q. Was it in 1879 you opened a house there? A. I can't exactly say the date, but it was somewhere along there.

Q. What house was it? A. No. 241 Wooster street was the first.

Q. The next house? A. Two hundred and ten Wooster.

Q. Did you have the two houses running together? A. Yes, sir.

Q. Had you more than two houses running together? A. Not when I had 241 Wooster.

Q. Did you have two houses running at any one time? A. Yes, sir.

Q. What two houses? A. Eighty-two West Third street.

Q. And what other house? A. Two hundred and ten Wooster.

Q. Now, these were houses where you had girls? A. Yes, sir.

Q. How much did you pay the wardman for these two houses — you have nothing to fear from your testimony here, we want simply to get the truth; we know you paid him, and we want to have it on the record how much you paid.

By Senator Bradley:

Q. How much did you pay by the month? A. I don't know; I was down there about seven years.

By Mr. Goff:

Q. But how much did you pay a month then? A. Well, I think it was \$50 a piece.

Q. That was \$100 a month, while you were running the two houses; is that so? A. Yes, sir.

Q. Who was the captain of the precinct then? A. When I had 241, Inspector Byrnes was captain then.

Q. But he went away shortly after you moved down? A. Yes.

Q. Did you pay while he was captain? While Superintendent Byrnes was captain of the precinct, did you pay every month then? A. Yes, sir.

Q. Did you pay at all? A. No, sir.

Q. Now, you said a little while ago that you paid; now we want the whole truth here; whom did you pay; what wardman did you pay? A. Slevin was there first.

Q. He was Byrnes' wardman, was he not? A. That is the one; I seen him and Rowland too.

Q. This Slevin you paid is Captain Slevin now; the same man is captain? A. Yes, sir.

Q. You say you paid him \$100 a month? A. No, sir; I only seen him twice.

Q. How much did you pay him? A. Twenty-five dollars.

Q. Each time? A. Yes, sir.

Q. Whom did you pay after you had been paying Slevin? A. He went away and Captain Brogan come.

Q. Who did you pay when Captain Brogan came? A. There was another wardman there; I don't recall his name now.

Q. Reynolds? A. No, sir; it was the one before him.

By Senator Bradley:

Q. Is that Rowland? A. No, sir.

By Mr. Goff:

Q. Was it Sullivan? A. No, sir.

Q. However, you paid the wardman as soon as Captain Brogan came, the same as you had paid previously? A. Yes.

Q. How much did you pay under Brogan? A. Fifty dollars.

Q. Fifty dollars for each house? A. Yes, sir.

Q. Now, do you feel afraid to tell us about paying Slevin? A. Oh, no; I don't feel afraid.

Q. You have nothing to fear; has any one spoken to you about not saying anything against Slevin? A. No.

Q. You seem to be trying to shield him; why do you try to shield him? A. I don't try to shield him; he was not there long.

Q. We only want the truth of you; that is all? A. He was not there only about three months after I came down town.

Q. After you came down town? A. Yes, sir.

Q. Did you pay him each of the three months that you were there? A. Two months.

Q. Twenty-five dollars each month? A. Yes, sir.

Q. You had only one house then, had you? A. That is all.

Q. Well, you paid that \$25 for the purpose of not being pulled? A. I don't know what it was for.

Q. You paid the \$25 in consideration that you would not be pulled; was not that what you paid the \$25 for? A. I don't know what it was for.

Q. To be let alone, you paid the police? A. Well, sometimes after you pay them they pull you anyway.

Q. Was that on this occasion when they wanted to raise the ante? A. No, sir.

Q. You have been pulled after you paid, have you not? A. Oh, yes.

Q. You have been keeping a house up town, have you not? A. Yes, sir; a good many houses.

Q. In what precinct have you been keeping, Hattie? A. Nineteenth, Twentieth and Twenty-second.

Q. Nineteenth, Twentieth and Twenty-second; the first is the Tenderloin; who was captain of that while you kept a house there? A. When I first went there Reilly was captain.

Q. Did you pay then? A. Well, Mr. Powers came to see me when I was there.

Q. He was the wardman? A. Yes.

Q. What arrangement did Powers make with you? A. Well, I bought the house out from another woman, and I run a couple of months, and then he told me I could not run any longer that way; so I told him, "Well, I wouldn't stay up there," and then I went away.

Q. Did you not pay him any money? A. Once.

Q. How much? A. Twenty-five dollars.

Q. Where did you go after you left the Nineteenth precinct? A. Twenty-second.

Q. What station-house is that? A. Forty-seventh.

Q. Where was your house in the Twenty-second? A. One hundred and ten West Fifty-second street.

Q. How long did you run that, Hattie? A. I ran it until Elliot F. Shepard closed the street.

Q. Until Mr. Shepard closed the street? A. Yes, sir.

Q. How many years? A. It was about a year and a half.

Q. When you say closed the street, shut up the houses, is that it? A. Yes.

Q. That was a pretty high-toned house that you ran there, was it not — \$10 house, was it not? A. Yes.

Q. Made a good deal of money there, Hattie, did you not? A. I lost a good deal.

Q. We will get at that loss in a moment; but you made a good deal, did you not? A. Yes, sir.

Q. All ladies of color that you had there? A. Never; no, sir.

Q. White ladies? A. Yes, sir; always had a representative; I never ran my houses.

Q. You had a representative? A. Yes, sir.

Q. A white representative? A. Yes, sir.

Q. And this lady that you had as representative was a sort of saltana of your household? A. Yes, sir.

Q. She attended to the visitors, etc.? A. Yes, sir.

Q. Who made the payment to the officer; you or your representative? A. I didn't make any in that precinct at all.

Q. Who was captain of that precinct? A. Captain McAvoy.

Q. He is now inspector? A. Yes, sir.

Q. He treated you pretty well? A. Yes, sir.

Q. You say that you made a good deal of money there, Hattie? A. Yes, sir.

Q. You had some good friends there, had you not? A. Yes; very.

Q. Some good friends that protected you from paying money to the police, eh? A. No; not on that account at all.

Q. It was someone there, some one man that was well known in politics that arranged for you that the police should not interfere with you? A. No, sir; not at all; Captain McAvoy, I went to see him myself.

Q. You went to see the captain yourself? A. Yes, sir.

Q. Did you make it all right with him? A. Never.

Q. What did you go to see him for? A. Because I didn't want to break up.

Q. You didn't want to be interfered with; did the captain give you any assurance that you would not be interfered with? A. No, sir; he said he did not believe in protecting such places.

Q. But you kept right on, Hattie? A. Well, we had to keep very quiet while he was there.

Q. But your business went on, your customers visited you? A. There was no way for any one to get in; they tried to get in but they never could get in while he was there.

Q. He was not there all the time? A. The first one that was there was Captain Killilea.

Q. Did you pay while Captain Killilea was there? A. No, sir; I did not.

Q. Pay anyone? A. No, sir.

Q. Do you mean to accuse Captain Killilea and Captain McAvoy, two police captains — do you mean to accuse them of allowing you to run in that precinct without paying some money? A. I do.

Q. You are not afraid to do that, are you? A. I thought I was in a different locality; I didn't think I really need to.

Q. Didn't Jimmy Reilly visit you quite frequently? A. Yes, sir; he came in there to see me, but he didn't take money.

Q. Did he take anything else? A. What else was there for him to take?

Q. I don't know? A. He didn't want me.

Q. How is it, I want to know — how is it the wardman came to visit you? A. He came in to inquire who run the house; he tried to find out who had the house.

Q. He found out? A. Well, that time Captain Killilea went away and Captain McAvoy came.

Q. How long did it take Reilly, the wardman, to find out who kept the house? A. He didn't find out; he was in there half a dozen times.

Q. And didn't find out? A. I was not up there in that house, and that time he came I was not there.

Q. Your representative attended to your business? A. Yes; she talked to him and promised to see the real landlady and told him she was in Europe, and when she returned she would fix everything.

By Chairman Lexow:

Q. What did she mean when she said the landlady would fix everything? A. Then she would explain to him who the real madam was.

Q. And fix it in a money way? A. I don't know what way it was to be fixed.

Q. But that was your idea, was it not; you understand that was the nature of the agreement between the wardman and your representative, did you not? A. He didn't tell her that, as long as he found out she was not the madam.

By Mr. Goff:

Q. Well, Hattie, you have said that you made a good deal of money there, how did you lose it? A. Gambling.

Q. How much of it did L. Adams get? A. Forty-seven thousand dollars.

Q. Well, Hattie, did you know Mr. Adams personally? A. Know him when I see him; certainly.

Q. This money was lost playing policy, was it not? A. Yes, sir.

Q. Playing policy in L. Adams' policy place? A. Yes.

Q. How many policy places did you play in, Hattie? A. I don't know; I never kept account of that.

Q. Well, the precincts? A. Well, I always sent some one to play.

Q. Sent someone? A. Yes, sir.

Q. The Twenty-second precinct, for instance, you played there, did you not? A. I sent my player.

Q. I mean you sent to all the policy-shops up town on the west side, did you not? A. Well, I suppose they went where they liked with it.

Q. Whom did you send? A. My help.

Q. That is how you spent all the money you made in these houses? A. The best part of it.

Q. How did you lose the other portion? A. Well, that is natural, shopping and spending it, investing in houses, buying and selling.

Q. You have not lost all the money you made? A. Yes; every cent.

Q. You have? A. Yes.

Q. Are you without money now? A. Well, I may as well say so; yes.

Q. Do you keep a house now? A. No, sir.

Q. How long have you been out? A. About a year and a half.

Q. How many years would it take you to lose this \$47,000? A. Eight years.

Q. How did you keep account? A. In my business I always kept a memorandum; not exactly a memorandum, but my house affairs and everything up to figures, you know, and what I would spend daily; that went out over and above expenses.

Q. You remember the addresses of the policy-shops that you used to send your help? A. No, sir; I never kept the numbers.

Q. During these eight years that you lost this \$47,000, you had a house at No. 241 West Thirty-ninth street? A. Yes.

Q. You had a house at No. 243 West Thirty-ninth street? A. No; not 243.

Q. Did you live there? A. I never lived in 243.

Q. Had you a house in Fortieth street? A. Never a house of that kind; no, sir; I just went there.

Q. How many houses had you altogether while up town; just tell us? A. I had 104 West Forty-sixth street, 141 West Forty-third street, 207 West Thirty-third street, 152 West Thirty-second street, and 124 West Thirty-first street.

Q. Those were in the Tenderloin district, in the Tenderloin precinct, the Twenty-second precinct? A. Yes.

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

Q. Up there? A. No, sir; never.

Q. Never up there? A. No, sir.

Q. You were arrested down town in the Fifteenth? A. Fifteenth.

Q. How many years were you altogether in the Twenty-second and in the Nineteenth precincts? A. About six years.

Q. During that time you were not arrested? A. No, sir.

Q. Nor your houses raided? A. No, sir.

Mr. Goff.—That is all. We ask you to notify all witnesses to be here in the morning.

Chairman Lexow.—All witnesses subpoenaed to-day will attend at half-past 10 o'clock; the committee will stand adjourned until that time.

Proceedings of the sixty-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 I. in the city of New York, on Thursday, December 20, 1894, at 10:30 a. m.

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

Chairman Lexow.—Mr. Goff, will you call your witnesses?

Walter S. Harrison, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You are a builder? A. Yes, sir.

Q. Where is your place of business? A. Twenty-nine Broadway.

Q. I believe that you are now engaged upon competitive plans or specifications made for a contract for the United States government? A. Yes, sir.

Q. That is why I call you now to let you away; did you build the Morris building? A. I did.

Q. Is that No. 29 Broadway? A. No, sir.

Q. What number is that? A. Corner of Broad and Beaver.

Q. Do you remember what year you were building that Morris building? A. We commenced it in 1891, and finished it in 1892.

Q. Did you find it necessary to bridge the sidewalk there? A. I did.

Q. When you were constructing your vaults? A. Yes, sir.

Q. Did you have a permit for that construction? A. I did.

Q. From what department; the department of buildings? A. From the vault department.

Q. The what? A. From the vault department.

Q. That is, I presume, the bureau in the department of buildings? A. Well, it is over here, across the way; the department of buildings is up town.

Q. The department of public works? A. Yes, sir; the department of public works.

Q. While you were constructing that vault were you visited by a ward detective? A. Yes, sir.

Q. What ward detective was it that visited you? A. Mr. Burns.

Q. Ward Detective Burns? A. Yes, sir.

Q. From the Old Slip station-house? A. Yes, sir.

Q. That was during the time that Captain McLaughlin was in command of that precinct? A. Well, I don't know what captain was in command; but I supposed it was him; I never asked who was in command.

Q. That is the fact; this wardman visited you, you say? A. Yes.

Q. What did he say to you, Mr. Harrison? A. Well, he spoke to me about occupying the sidewalk; this was previous to the time that I put up the bridge; he spoke to me about occupying the streets, etc., and he told me that he expected me to pay for it.

Q. He expected to be paid for it? A. Yes, sir.

Q. What did you say? A. Well, I told him I was not in the habit of paying for carrying on my work on the buildings; and I did not think it was right and proper that I should have to pay for the privilege of it; I had my permit, and that was all I considered I ought to do; but he told me that I would have to pay the department, or at least pay them.

Q. Pay the police? A. Pay the police for, as he termed it, looking after me.

Q. For looking after you? A. Yes, sir.

Q. Well, did you refuse to pay then? A. I did; that is I demurred over it, and told him I did not want to do anything

of the kind; and I was told I would have to do it; I demurred for some little time, and he visited me afterward.

Q. That is the second time? A. A second time; yes; and soon after that I commenced to put my bridge over the sidewalk.

Q. Pardon me, a moment; when he visited you a second time do you remember a conversation you had with him? A. No, sir; something similar to the first.

Q. Then you commenced to build your bridge? A. Yes, sir.

Q. What occurred then? A. Well, I started on with the bridge, and I think I was working on it one day; I came down the next morning to the building, about half-past 8 or 9 o'clock — I had been busy up town, and got down there about that time, a little later than I was in the habit of doing — and when I got down there some of my men told me my foreman had been arrested that morning and taken up to the Tombs; so, of course, I went right up to the Tombs to see about it; I was pretty mad, and worked up about my foreman being arrested, and I rushed up there, and they had my foreman in the prisoner's pen; so, of course, I waited outside the rail until the case was called, so as to be ready if there was any fine or anything like that to get the foreman out; and after waiting quite a considerable time the case was called and my foreman went forward to the judge with the permit and showed it to him, and the officer that was with the foreman also stood alongside, you know, and said something or other which I did not hear, of course, because I was too far behind; and the case was dismissed and the foreman came out and I came down.

Q. That is, on presentation of the permit the case was dismissed by the judge? A. Yes, sir.

Q. Well? A. Then I came out with the police officer, with my foreman, and I said to the officer, "What do you mean by arresting my foreman?" well, he said, "I was sent up to do it;" well, but, I said, "He has got a permit, and everything like that, and I don't see what right you had to arrest him;" and he said, "I obeyed orders, and that is all."

Q. He said he obeyed orders? A. He said he obeyed orders.

Q. Did he mention the name of any person that issued the orders? A. No, sir.

By Chairman Lexow:

Q. Who was captain in that precinct?

Mr. Goff.—McLaughlin; he is now inspector.

Q. Well, go on? A. Well, soon after that, that very same morning, after I got down to the Morris building, probably half an hour or so after I got there, this Mr. Burns came along; and I went up to him, and I said, "What does this mean, my foreman being arrested this morning?" "Oh," he said, "that was all a mistake;" well, but I said, "That is not a very pleasant mistake for me to have my foreman locked up that way and put in the prisoner's pen;" I said. "I went up there to see about it, and he presented his permit and the case was dismissed, and the foreman came back;" "Oh," he said, "it was all a mistake;" so that was the way it was put off; and I think probably a day or two after that; I won't say positively whether it was the next day or day after that — two days — he came around again and spoke to me about what I had to do.

Q. What did he say? A. He told me that I would have to — in fact he told me I would have to pay a certain amount of money.

Q. What amount did he mention? A. Two hundred and fifty dollars.

Q. Did he say you would have to pay that in order to be let alone? A. He intimated as much as that; said that I would have to pay that amount of money, and wanted me to attend to it; he intimated as much that if I did not I would not have any peace.

By Chairman Lexow:

Q. Just what did he say? A. Well, he mentioned in this kind of manner; he said, "Pay that \$250 and we will look after you, and take care of you, and you won't have any trouble."

Q. Did he say, "You will have trouble if you don't pay it?" A. No; he did not say I would.

Mr. Goff.— But he said if he did pay it he would not have any trouble; the converse of the proposition, Mr. Chairman.

By Senator Bradley:

Q. You understood what he meant? A. Yes, sir; I understood.

By Mr. Goff:

Q. Did you pay the \$250? A. I did.

Q. Did you give the money in bills? A. Yes, sir.

Q. Did he ask you to give it in bills to him? A. Yes.

Q. Were you going to give it to him by check? A. It made very little difference to me, but I think I mentioned he could have it by check or by bills; I would not say positively; but I know he told me to give it to him in bills.

Q. Did you give it to him at that time or at a later occasion? A. On a later occasion; I think the day after.

Q. You made the appointment with him to come around the day after, did you? A. Yes, sir; I made the appointment with him; I believe I told him I would give it to him the next day, and directly the next day he came around, and I went to the station-house with him, and did not give it to him in front of the building; I gave it to him in the station-house.

Q. Who did you see in the station-house? A. I only saw the sergeant.

Q. At the desk? A. At the desk; that is all.

Q. Did you go into a private room to give it to him? A. Yes, sir.

Q. Did you hand him the roll of bills—the \$250 in a roll of bills right in there? A. He told me to go in the back room.

Q. No one but himself and yourself being present, I suppose? A. No one.

Q. Now, could you approximate the date when you paid that money? A. Not positively; I think it was somewhere about July—it may have been July or August of 1892; somewhere about that time.

Q. It was in the summer months anyway? A. Yes, sir; it was in the summer months.

Q. After that were you molested, or any of your men? A. No, sir.

Q. And we understand you correctly, do we, when you told us you had complied with all the requirements of the department and the law, as you understood it? A. Yes, sir.

Q. To get a permit to construct this bridge over the vaults? A. Certainly; I would not attempt it without.

Q. You have constructed some large buildings in the city? A. Yes, sir.

Q. The Columbia building? A. Yes, sir.

Q. And this Morris building? A. Yes, sir.

Q. How long have you been engaged in the business? A. About 15 years.

Q. Is that the only money you ever paid to the police? A. That is all.

By Chairman Lexow:

Q. It is not customary in your business to pay for every slight violation of the building laws to somebody? A. You mean if we are arrested and pay a fine?

Q. No; without being arrested; when the inspectors come around and inspect the houses you are building and you happen to make a trivial departure from the building laws, that they levy a tribute upon you; isn't that true? A. Not with me.

Q. Don't you have to pay all the way from \$25 to \$50 to the building inspectors for every building you put up in this city? A. No, sir.

Q. Don't you know there is such a custom? A. I do not know that there is such a custom.

Q. Haven't you heard there is? A. I can not say I have heard it exactly; I have heard intimation, but nothing of my own knowledge to know anything about it.

Q. Is it not generally understood in your trade that there is such a custom? A. No, sir; I think not.

Q. What? A. No; I do not think it is generally understood.

Q. But you have heard rumors to that effect? A. I have heard rumors, of course; I have heard rumors all along of different things.

Q. Has anybody approached you for payment of that kind? A. You mean from the police department?

Q. Yes. A. No, sir.

Q. Or inspectors? A. No, sir.

By Mr. Goff:

Q. You could identify this Burns if you saw him? A. Yes.

Mr. Moss.—Mr Chairman, I have a piece of evidence here which will have to be introduced in the form of an affidavit, because of the absence of the affiant from the city, and I was unable to obtain his presence before the committee at this time, and it will be necessary to make a statement concerning this document before I read it. H. M. Stanynought was a detective in the employ of the Society for the Prevention of Crime. About July, 1893, there came to me a statement that Mr. Stanynought had been corrupted by certain police officials at police headquarters and that he was taking our reports or rather his reports of our work to them. I instructed Captain Wishart, our

superintendent, to bring Mr. Stanynought to us, which he did; and I taxed Mr. Stanynought with this charge against him, and he at first denied it, being then in the presence of Captain Wishart and myself, there being a possibility of two witnesses against him on his confession.

Chairman Lexow.—The stenographer will note that Mr. Moss has been sworn and this is testimony.

Mr. Moss.—Yes, sir; I am willing to have it so. I sent Mr. Wishart out of the room and asked Mr. Stanynought to make a clean breast of this whole matter, and stating I knew he had been to headquarters; whereupon he confessed he had been to headquarters in Mulberry street, and had been giving the reports of his work to Inspector Williams. I then asked him to give me a detailed statement of the matter, and told him that in his condition of excitement, for he was very much excited, that I should not ask him to make the statement; that I desired to have it made carefully and intelligently, he might make it during the night and leave it with me the next day. He made such a statement and placed the statement in the safe in the office of the society, where it was discovered by Captain Wishart. Captain Wishart, as he has informed me, and as Mr. Kennison informed me, took this statement to Mr. Kennison's office, after having made a correct copy of it, hurried forward and compared his copy with that of Stanynought's automatic statement, and then placed Stanynought's own statement in the office safe, so that Stanynought should not be wary, by supposing it had been removed. Mr. Stanynought, the next day, declined to give me the statement he had made, although he read it to me, saying he considered himself in great personal danger from the police department, if he should put such a statement into anybody else's hand, and after several consultations upon the subject he left me. Some time afterward I received word from Dr. Parkhurst that Mr. Stanynought was to meet him at his house with reference to an unpaid balance of salary, and desiring my presence there. I attended upon that morning. I will give you the date. That was in the next year, the 6th of March, 1894, and Mr. Stanynought was present; and I had with me this copy of Stanynought's statement which had been made by Captain Wishart, and compared as I have already stated. I showed the statement to Mr. Stanynought and told him he had committed the grave wrong against us, and was in no position to ask for the payment of any balance of salary; that we had

been willing to waive the question of punishing him, provided he had made a statement to us, put into our possession all the circumstances of the matter, and I asked him if then he was willing to make that statement, and he said he would make it. So he read this statement over, taking it into his own hands and struck out four words which appear here erased, signed it, and swore to it in my presence. I certified to it as notary public, and Dr. Parkhurst attached his signature to it to the effect that the paper was signed in his presence. With that introduction, I will read this affidavit, which is not very long.

Chairman Lexow.—Isn't it just as well to put it on record that every effort has been made by you to subpoena this witness?

Mr. Moss.—Yes, sir.

Chairman Lexow.—And that he has gone from the State, and that you can not get any clew to his present whereabouts?

Mr. Moss.—I will say further than that, Mr. Chairman, that when Mr. Stanynought placed this in my hands, signed, he told me that he considered himself in great danger now that this paper had gone out of his possession — great danger from the police force; and he asked me, as a man, not to use this paper in public until I had given him five days' notice of my intention, directing that notice to him under cover in New Jersey. Some time ago, I sent him that notice by telegraph.

Chairman Lexow.—More than five days?

Mr. Moss.—Oh, yes; more than five days, and I received a communication and reply from which I have, showing he received my notice, and I will put that in evidence later — his reply.

Mr. Moss read the following paper in evidence, and it is marked Exhibit 1 of this date:

“On July 24, 1893, I went to see Albert W. McDonald, sergeant of police at the Fifth precinct, in the city of New York; I had known him for several years. My intention in going to him was to try and obtain his help to get a good position, as I was dissatisfied with the one I had, but I had then no intention of doing the Society for the Prevention of Crime any harm. I told him where I worked, and he told me to come and see him the next evening, July 25th, which I did.

“He told me that he had seen Alexander S. Williams, inspector of police of the city of New York, and asked me how

I would like an appointment as a detective in the regular department. I told him I would like it, and he told me if I did as Williams wished, I would get it, and asked me to go and see Williams at his home, 109 East Tenth street, New York city. I went there, taking a letter from McDonald, which I gave to Williams. He asked me how I came to be employed by the society. I told him. He said, "Are you willing to tell what you know?" I said, "Yes." He asked me who I received orders from. I told him from Superintendent Wishart. He asked me what I thought of Superintendent Wishart. I told him that I was sure that he was an honest man. Williams looked at me, and said, "Do you think he would take a bribe of money?" I said, "I thought not." He said, "Did you ever receive any money from anyone to give to him?" I said, "No;" he asked me if I had copies of reports; I told him yes; he said that I would hear from him in a few days through McDonald; I saw McDonald a short time after, and he told me to meet him at 1:30 P. M., corner of Fourth street and the Bowery, and to bring any copies of reports with me; this day was, I think, August 3d, but I am not sure; I met him as instructed, and we went to police headquarters, where we saw Williams; he told me that he was very sorry that his stenographer was off that afternoon to, I believe, some picnic given by one of the police commissioners, and asked me to be there the next day at 2 P. M.; I went there as requested and was introduced by Williams to his stenographer, who he called Frank, who wore the uniform coat of the New Police Department, with the rank of roundsman, but he wore no shield; Williams told him I would inform him of the manner work was done by the society, and of my connection with them; Frank then left us and went, I believe, to prepare a room for us to talk in; I then said to Williams, Inspector McDonald told me that you would appoint me a detective in the regular department if I told all I knew; "Well," he said, "You do as I say and all will be well; you will be taken care of, and put where you can make a good living;" I then went into an inner office with Frank; I read some of the reports to him, and told him how long I was with the society; when he said, "I think I could save time by typewriting direct from your reports; and he left me for a few minutes to go into Inspector Williams's room; when he returned he said, "Now, do you know of Superintend-

ent Wishart ever receiving any money from anyone connected with any of these houses;" I told him no; "Now," he said, "you remember 22 Bayard street?" I said, "Yes;" he said, "Suppose the man there had given you a letter telling you to deliver it to Superintendent Wishart, you could have partly opened it and see money in it, and resealed it and given it to Wishart, just laid it on his desk, or handed it to him; no one could blame you for delivering a letter, as you would have supposed it to be; this could have happened two or three times; and if you were backed by the man saying he did his part, you would be all right; then we might call to mind other places where the same thing occurred." I said, "No; I did not know of any such transaction;" while we were talking he kept writing in short hand. I now began to see how I was to be used, and I told him I had an appointment which I did not dare to break; so he told Williams, and I saw Williams as I passed out; he said, "I want you to remain about 20 days where you are; I will have your reports typewritten, and will let you know through McDonald when to come and sign them;" I then left and went to the Fifth precinct of police and saw McDonald; I told him Williams did not seem ready to do as I understood he would, and that he wanted too much; McDonald said, "You do whatever he says; he will appoint you, for he told me he would; and I know he will; so Harry, you do as he says;" I said, "Will, I am sick of the whole thing;" he said, "Now, do not worry; I will see Williams to-morrow, August 5th, and will see you Saturday night, August 5th, or on Sunday P. M., August 6th;" August 5th I did not see McDonald, but did on August 6th; he told me that Williams had left headquarters early Saturday, and that he could not see Williams until Monday, August 7th, and that he would see me Tuesday, August 8th; I then left McDonald; the two appointments I never kept; I am now fully aware of the intention of the police department which I am sure was, with my assistance and that of keepers of houses of prostitution, to make evidence against Superintendent Wishart, a man who I believe to be above suspicion, and I have decided to leave the city as soon as this is sworn to by me; further since my connection with the Society for the Prevention of Crime, I never saw any action of any of its officers that were otherwise than honest and honorable; I will not try to excuse myself for my actions, but acknowledge that I was willing to sell the society's secrets, but not to give false evidence to convict an innocent

man, as I believe certain officials of the police department in the city of New York wanted me to do; my reason in writing this statement and giving it to you is so that if my misdeeds are used and enlarged on by the police, that this will show my connection with them in a true light. Further, I have not sworn to or signed any statement for the police department of any kind.

HARRY W. STANYNOUGHT.

Sworn to before me this 6th
day of March, 1894.

FRANK MOSS,
Notary Public.

In presence of C. H. Parkhurst.

Mr. Moss.—This emphasizes the statement that I have made, that these police officials, while not posted upon what is going on in their own department, not posted concerning the members of their own force, who have been proved here to have been doing wrong, were taking very extraordinary means, and, to some extent, successful means to become possessed of what the Society for the Suppression of Crime was doing; and this circumstance just narrated, tallying exactly with the statement that was given to me by Stanynought, in my office on the first occasion, is another indication of the conspiracy to which I alluded yesterday, in which police officials were interested to secure crippling of the Society for the Prevention of Crime.

Chairman Lexow.—This goes a great deal further. It indicates an attempt on the part of the police to commit a crime.

Mr. Moss.—Yes; as an illustration of the Gardner case to which we referred yesterday.

Mr. Goff.—Is Captain Allaire here?

An Officer.—He is outside; I will send him right in.

Mr. Goff.—Is Robert Brown here? (No reply.) Mr. Edwards here? (Mr. Edwards appears.)

Anthony J. Allaire, recalled, testified as follows:

By Mr. Goff:

Q. Do you remember the dive kept by Owney Geoghegan, in your district? A. Yes, sir.

Q. Did you ever arrest him? A. Yes, sir; Geoghegan had quite a number of complaints against him.

Q. My question is, did you ever arrest Geoghegan? A. Me, myself; no, sir.

Q. Did your officers arrest him, while you were in command of that precinct? A. It is my impression they did.

Q. I want the fact? A. Mr. Geoghegan was arrested so often I can not tell who arrested him.

Q. Can you swear that at any time, while you were captain of that precinct, Geoghegan was ever arrested and brought to the bar of any court, and, if so, to what court? A. To the best of my recollection, he was arrested.

Q. For what? A. Either for a violation of the Excise Law or something of that kind; I can not remember.

Q. He kept open the whole time that you were in command of that precinct; did he not? A. No; he was not there all the time; he was there a large part of the time.

Q. He was there the whole of the time? A. No; the place was broken up while I was there.

Q. When was Geoghegan's place broken up? A. I think in 1886.

Q. You swear it was broken up while you were captain of that precinct? A. No; I won't swear to it, but, to the best of my recollection, it was.

Q. That was rather an important place in your precinct, was it not? A. You could find about everybody in there.

Q. It was a notorious place, was it not? A. Yes, sir; it was a notorious place.

Q. And the notoriety of the place and its evil character were frequently brought to your official attention? A. It was known as a resort of —

By Chairman Lexow:

Q. Was it, captain, brought to your official attention or not? A. No, sir; not particularly, no more than any other place.

By Mr. Goff:

Q. Were there any complaints made against that place, particularly? A. Not to my recollection.

Q. You have a convenient memory for failing to recollect very important things, have you not? A. I try to recollect the best I can, Mr. Goff.

Q. Is your memory impaired? A. No; not that I know of.

Q. Was not that an important thing to have men, citizens, preferring complaints to you, regarding the character of this house, this place kept by Owney Geoghegan? A. That is a troublesome question to me, because I can't answer it.

Q. I think it is troublesome? A. Very troublesome; I can't answer that.

Q. The grand jury of this county after hearing sworn testimony before them made a presentment in which the following paragraph occurs: "It further appeared that on the 11th of April, 1883, Mr. J. Whitney notified in writing Anthony J. Allaire of the Tenth precinct that one Owen Geoghegan kept a saloon at 103 Bowery where, without license, and in defiance of law, he sold intoxicating liquor at all hours of the night and on Sunday, and that the place was frequented by boys and girls and prostitutes; notwithstanding this notification Geoghegan sold liquor during the week, and on the following Sunday eight or ten other saloons were open and openly violating the law"—do you recollect that? A. I recollect a presentment.

Q. Do you remember the notification or not? A. I don't remember the notification.

Q. Do you remember the fact that after you received a complaint against Geohegan's place that he was selling in violation of the Excise Law and selling without a license, and that he was keeping a resort of the worst character in town, do you remember that after that he continued to violate the law and to entertain the worst characters in town? A. Do I recollect it?

Q. Yes; do you recollect it? A. Those questions are very strong.

Q. Do you recollect it; never mind the questions? A. It was frequented by both good and bad.

Q. I am not asking you that now; I ask you do you recollect if after you received notice that these open and flagrant violations of the law did not continue?

Chairman Lexow.—You must know whether they did continue in your precinct or not after a presentment of that kind, which became public property, and certainly you were interested in it, whether after that notorious and open violations of the law continued?

The Witness.—They claimed there not to sell; Geoghegan claimed not to sell.

Q. And you were influenced by Geoghegan's claim? A. No.

Q. Why did you not act? A. I sent officers there.

Q. It was not a question of claim, it was a question that you had a right to see his license exhibited publicly in his place, that is the law, no matter what he claimed — that is the law?

A. Yes.

Q. Did you see the license exhibited in his place, or did you instruct any officer to go there? A. Yes, sir.

Q. What officer did you send there? A. I don't recollect now.

Q. Was the license ever exhibited? A. I couldn't recollect.

Q. Were you ever there? A. Yes, sir.

Q. Did you ever see a license there? A. No, sir.

Q. When you were in there and when you did not see a license did you arrest him for a violation of the Excise Law? A. He was not violating the law in my presence.

Q. Captain Allaire, do you mean to tell this committee and to speak to the intelligent people of New York, that you visited Geoghegan's saloon, knowing that he had no license, knowing that he had a bar in a concert-room, and refused to arrest him or to close the place because he did not violate it in your presence — do you mean that answer to go to the intelligent people of New York? A. I don't know that I can give any better.

Q. You can not give any better? A. I don't think I can.

Q. Were you in uniform? A. No, sir.

Q. You were well known, of course? A. Well known.

Q. The grand jury further made the presentment "On the 20th of April a second written notice was sent to Captain Allaire, again calling his attention to the saloons found open and violating the law in his precinct and insisting that he enforce the law; nevertheless, on the following Sunday, a number of saloons were selling liquor in his precinct;" have you got any explanation to make to that presentment by the grand jury?

A. I never recollect but one.

Q. I am reading from this paragraph, each of these paragraphs; the presentment is of being guilty of different acts of official negligence, amounting to crimes? A. The day that I understood such a presentment was made was of eight saloons and Geoghegan's on that Sunday; those eight and seven others were arrested; now, you call my attention to it; it is hard for me to remember; Geoghegan's place was closed that day, the

Sunday you speak of; and the only person that was in there was Officer Smock, a dog, and a watchman.

Q. Your memory is becoming a little refreshed? A. Yes; I have got to think over a lifetime; Mr. Goff, will you let me ask you, was there any record of that grand jury?

Q. Was there ever any record of the presentment? A. Presentment; but was there any evidence ever taken before that grand jury?

Q. I was not before the grand jury, were you? A. No, sir.

Q. The grand jury declare on their oaths that there was sworn testimony, and the grand jury could not have made a presentment unless they had sworn testimony before them? A. Mr. Thurber stated to a friend of mine that there was not any testimony.

Q. Never mind what a friend of yours stated; this is the action of the grand jury in this city and county, and it forms part of the record; and the grand jury further says, "In the opinion of the grand jury the failure upon the part of these officers to enforce the law — meaning yourself and Williams — to enforce the law in their respective precincts indicates either that these officers are willfully conniving at the flagrant violations of law which have long existed in their precincts, or else that they are incompetent and unfit for the positions which they now hold;" do you remember hearing that from the presentment of the grand jury? A. Yes; that was all in it — we had no Lexow committee then.

Q. If we had had a Lexow committee then, the chances are a thousand to one that the presentment to the grand jury would have been verified while we had the facts fresh? A. Why didn't they indict: I will give you a presentment from the citizens of the neighborhood if you will let me; from that very same thing; I have got it in my pocket; and from the ministers.

Q. I can apprehend what the citizens of that neighborhood would give you? A. Will you read it, sir?

Q. Let me look at it? (Witness hands counsel the paper referred to.) A. Glad to do it; it is a communication sent by the citizens to the board of police — excuse me if I am a little nervous under a five or six gun battery.

Q. You are an old vet., you ought to be used to it? A. Now, if you will read that, and read that all down there and the remarks of the ministers I will stand on it; and here is a letter

from Anthony Comstock, if you want that; please read it aloud so that the Senators can hear it.

Q. You proceeded to get up this indorsement from the citizens of that district? A. No, sir; I never asked for it.

Q. After the presentment of the grand jury was made? A. No, sir; I never asked for it.

Q. It was after the presentment of the grand jury? A. Mr. Goff, I never asked for it.

Q. I am asking you if you proceeded to get this presented to the board of police? A. No, sir; I did not.

Q. How did it get printed in the city official record? A. The citizens done it and forwarded it to police headquarters.

Q. Is that the use the city official record is made of? A. That is what they seem to have made of it; it is a communication from citizens.

Q. Captain, would you allow me to retain this, and I will give it back to you? A. Yes; you won't lose it?

Q. No; I won't lose it? A. That is part of my character.

Q. Have you to depend upon that for your character? A. Yes, sir; a policeman's character is always in the air.

Q. The grand jury further says, in this presentment, "In conclusion, we earnestly recommend that the district attorney should give his special attention to this subject, and spare no pains or reasonable expense to ferret out and bring to speedy justice any and all of these custodians of the public safety who have been false to their trust. While we hesitate to prefer a criminal charge, by way of indictment, against these captains, we earnestly recommend and urge that Captain Williams and Captain Allaire be removed from their positions on the force on account of their manifest unfitness? A. Yes, sir; that is cheap.

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Q. Your memory seemed to fail you so much yesterday, I thought I would refresh it to-day; this grand jury presentment did not disturb you in the least; did it? A. No, sir.

Q. Things went on in the same old rut? A. I felt, under the circumstances, I had been doing my duty, and for that reason I had no fear of the grand jury; I would rather have an indictment than a presentment, then there is a chance to defend yourself.

Q. I want to ask you one or two questions about this steamboat squad; you testified, yesterday, that you never heard that steamship companies had to pay to police officers detailed for

duty on their piers until it came out before this committee? A. Yes, sir; I will explain to you why I never heard it.

Q. Just answer my questions, please; you mean to say that you, as captain of a precinct, of such limited scope and jurisdiction as the steamboat squad, could have been in command of that precinct for two years or over, without knowing of corrupt practices existing among all your policemen? A. I must plead ignorance, sir.

Q. You plead the same ignorance of that as you do to the corrupt practices carried on in the Eleventh precinct, while you were captain there? A. Yes.

Q. You said, yesterday, that you instructed your men and forbade them to accept blackmail; now, I would like you to fix that; fix that occasion, as to the time? A. I can not; at 6 o'clock in the evening —

Q. Pardon me a moment; then it was a general instruction, was it? A. General instruction at 6 or 8 o'clock to enforce all laws.

Q. Then they were instructed every day? A. Every day.

Q. Not to accept blackmail? A. I don't think that blackmail was mentioned; but to enforce the law.

Q. That is general, of course; we know there are a great many ways of killing a dog besides hanging him; now, captain, you understand, as an old policeman, that it is easy for a captain to give orders formally, and while giving the orders to wink the other eye? A. No, sir.

Q. What occasion was there for you to admonish the men in your command not to accept blackmail? A. It was not given in that language.

Q. What language did you give it in? A. Enforcement of all laws.

Q. That is general; that is a platitude; enforcement of all laws; if all the laws had been enforced, captain, this committee would never have had to come down to New York — then your orders were not carried out? A. Could not have been according to your theory.

Q. Not to my theory, but according to the facts and according to the grand jury of this county? A. Yes; that is the true state of affairs.

Q. They were not carried out? A. No.

Q. The three sergeants of your precinct have sworn in relation to this envelope placed in the drawer of the desk, and they have sworn that no officer had access to that drawer, or had a right to open it, except the three sergeants and the

captain; now, can you say that you had any knowledge of the contents of that envelope? A. No, sir.

Q. Any knowledge that it was there? A. No, sir.

Q. Knew nothing at all about it? A. No, sir.

Q. And all this time, Captain Allaire, these corrupt practices were being carried on right under your nose and you knew nothing about them? A. So it seems from their statement.

Q. Every month? A. Yes, sir; from these statements.

By Chairman Lexow:

Q. And that your predecessor was the collector? A. Well, I don't know.

By Mr. Goff:

Q. And he continued to be the collector under your command? A. I don't know anything about that.

Q. He swears so? A. That is his business; I never authorized him to collect.

Q. What did you do as police captain to earn your salary and enforce the laws that you were directed to enforce; what did you do after these corrupt practices were carried on day after day for years without your knowledge? A. Could be done easily enough.

Q. Could be done easily enough? A. Yes.

Q. So that we have it that a police captain can be hoodwinked? A. He can; he is only one man.

Q. I do not say he is a Siamese twins; we have it that a police captain in his precinct can be hoodwinked and imposed upon even by his own men? A. Yes, sir.

Q. And that blackmail and extortion may be carried on, both, without his knowledge? A. Yes, sir.

By Chairman Lexow:

Q. The sergeant who was acting captain before you has testified here that an envelope was put into that drawer, and that the only men who could take that envelope away, and give it to the person for whom it was intended, the inspector of headquarters, was either the captain or the three sergeants; now, he swore that after he ceased being acting captain, he didn't do it; two other sergeants have equally testified that they didn't do it, so that substantially throws it upon your shoulders; do you mean to say that all these three men have

perjured themselves here before this committee? A. So far as I am concerned, they have; I never saw it or knew of it; when I first went to that precinct, I went to each and every one of those docks, and the inquiry that I made was, "How are matters conducted here; is everything done properly; have you any complaints to make;" they assured me that everything was perfectly proper and that they wanted to retain the officers then on the dock.

Q. Did you ask them whether or not they were paying any money to the officers on the dock? A. I never thought of such a thing.

Q. Every policeman that we have on the stand here has sworn, even if he has not admitted that he has taken blackmail, that there was a general rumor pervading the force that that was an established custom; is it possible that you, as captain of that precinct, knew nothing at all about what other men call an established custom—is that possible, captain? A. It is possible.

Q. And you had yourself heard no rumors at all? A. The precinct had been broken virtually up when I went there by the captain before me; there was a night patrol at the ferries and all that; when I went there the ferries were taken away; the night patrol was dismissed, and they were simply confined down to the docks.

Q. I ask you whether or not you did not even understand there was a rumor, or heard of a rumor, to that effect? A. No, sir; the principal part of my time was drilling the force; I spent very little time on the docks, and then generally on the Saturday.

Chairman Lexow.—Do you wish to ask any further questions?

Mr. Goff.—No, sir.

Mr. Goff.—Is Captain Meakim in court?

Captain Meakim.—Yes, sir.

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

By Mr. Goff:

Q. How long have you been married, Mrs. Strauss? A. I am married 28 years.

Q. Have you been talking with your husband about your testimony? A. No, sir.

Q. Do you mean to tell us that your husband and you have not spoken over the testimony? A. No, sir; I have nothing to speak with him about.

Q. You are very ready to answer me, Mrs. Strauss, on that subject? A. Yes, sir.

Q. Not spoken a word about it? A. No, sir.

Q. Did you tell him that you were required here? A. Well, I was sent for, and I seen that I was required here.

Q. You was sent for yesterday? A. I was sent for Tuesday.

Q. And since Tuesday you have not exchanged a word with your husband about this committee? A. No, sir; I have not.

Q. Nor he with you? A. No, sir.

Q. With any other person have you talked, Mrs. Strauss? A. No, sir.

Q. I suppose, Mrs. Strauss, you have pretty well come to the conclusion to answer as little as possible here, have you not? A. Well, I don't see what I have to answer.

Q. And that is the line that you have determined upon following, is it not? A. Well, I was sent for, and I thought I would come here to answer the questions that you ask me.

Q. And you start out by asserting that as a truth, that you have not spoken to your husband? A. Yes, sir; I have not spoken to my husband; I have nothing to speak to him about.

Q. I understand; was your husband on the police force when you were married? A. No, sir.

Q. What business was he in? A. He was in the butcher business.

Q. On his own account? A. Well, he has been on his own account, and then he was a workingman.

Q. At that time that he joined the police force was he working for somebody else? A. Yes.

Q. He was employed by somebody else? A. Yes.

Q. What were his wages? A. I couldn't say his wages, that time was a different time, he was working in a slaughter-house for a man.

Q. Where were you residing, Mrs. Strauss, when your husband first went on the police? A. One hundred and eighty-eight Stanton street.

Q. In apartments? A. Yes, sir.

Q. Where are you residing now? A. I am residing now in Seventieth street.

Q. What number? A. One hundred and sixty.

Q. No. 160 East Seventieth street? A. Yes, sir.

Q. How much rent do you pay for the house? A. We only have the parlor floor and basement, live in a flat.

Q. Half the house? A. It is a five-story house, that we only have the parlor floor and basement; there are four families in the house.

Q. Do you own the house? A. No, sir.

Q. Do you rent it? A. Only the parlor floor and basement.

Q. Rent your apartments? A. Yes, sir.

Q. From whom? A. From a man named Boyle.

Q. How long have you been there? A. Well, in April, I believe it will be two years.

Mr. Goff.—Is Officer Wallerstein in court?

Officer Wallerstein stands up in response to the call.

Q. Do you know that officer that stood up? A. Yes, sir.

Q. Intimately? A. Well, he is a distant relation.

Q. Of yourself or your husband? A. My husband.

Q. Has he ever been in the precinct with your husband as far as you know? A. I don't know.

Q. I don't want to puzzle you about these matters of police arrangement? A. I never interfered with police business.

Q. I understand; if you do not know say so: you do not know, do you, whether he has been in the same precinct? A. No; I don't know; I have so much to do with my children that I haven't time to interfere with police business.

Q. Did you ever own a house? A. No, sir.

Q. Ever had a house in your name? A. No, sir.

Q. Ever bought any property? A. No, sir.

Q. How old is your eldest child? A. Twenty-four.

Q. Male or female? A. Male.

Q. Is he living with you? A. Yes, sir.

Q. Unmarried? A. Unmarried: yes.

Q. Does he own any real estate? A. No, sir.

Q. Your daughter? A. No, sir.

Q. Have you got any savings bank accounts, Mrs. Strauss?
A. No: only one bank, that is the Bowery Savings Bank.

Q. Is that in your name? A. No, sir; it is in my husband's name.

Q. Have you got any accounts in your own name? A. No, sir.

Q. Or in any of your children's names? A. No, sir.

Q. Or in any of your relatives' names? A. No, sir.

Q. And so far as you know that is the only bank account your husband has? A. That is the only bank account.

Q. Have you got any certificates of trust? A. No, sir.

Q. Any money in the trust companies? A. No, sir.

Q. Got any bonds or mortgages, Mrs. Strauss? A. No, sir.

Q. How long have you been living in Seventieth street? A. Well, I told you in April, I think, it will be two years.

Q. Where were you living before you lived in Seventieth street? A. I lived in Orchard street.

Q. Was that when your husband was sergeant? A. Yes, sir.

Q. Mrs. Strauss, you have had to rely upon your husband's salary as a policeman during your married life? A. Yes, sir.

Q. You have no money of your own? A. No, sir.

Q. Nor had he any means outside of his policeman's salary? A. No, sir.

Q. He has had nothing but his policeman's salary to depend on? A. That is all he had.

Q. And you have succeeded in saving a very little out of that; is that true? A. Very little; being as we had a large family; sick children all the time; we saved very little.

Q. How long is your husband captain—about a couple of years? A. I think it is—yes; I think it is three years; I am not sure of it.

Q. Have you got any money or property of any description? A. No, sir; if I had I would tell you.

Q. Do you hold any bonds and mortgages? A. No, sir.

Q. Do you hold any promissory notes of anyone? A. No, sir.

Q. Have you ever been witness in a court in any proceeding? A. Never; this is the first place I have been.

Q. Now, when your husband was appointed captain, he had not any money, had he? A. No, sir.

Mr. Goff.—I will excuse you for the present, Mrs. Strauss.

William Strauss, recalled, testified as follows:

By Mr. Goff:

Q. You are the original pantata, eh? A. I don't know anything about that.

Q. You are the man that was first honored with the word added to our English language—Pantata, are you not? A. So I believe from what I have seen in the papers.

Mr. Goff.—Officer Wallerstein, stand up.

Q. Do you know that officer? A. I do.

(At the request of counsel, Officer Wallerstein then left the court-room.)

Mr. Goff.—Is Officer Leonard in court?

(No response.)

Q. You know Officer Leonard, do you not? A. I do.

Q. Do you remember when you sent Officer Leonard to watch the fence on election day in 1893? A. I explained that.

Q. Answer my question?

By Chairman Lexow:

Q. Do you remember the fact? A. I do remember the fact.

By Mr. Goff:

Q. Officer Leonard had been complained about that he was too officious at the polling place, had he not? A. No, sir.

Q. Why did you take him away from the polling place? A. I did not take him away.

Q. He swore you did? A. Well, he swore to an untruth.

Q. Did he not report to the station-house to you? A. No, sir.

Q. How is it that he was sent to watch the fence when he was assigned to duty at the polling-place? A. He was relieved for breakfast at the polling-place; I sent another man there; he came to the station-house and he went to breakfast and voted, and after he came back there was several citizens in the station-house complained about boys breaking windows up on Third avenue and Seventy-sixth street; they were paving the avenue at the time, and there were some of these small stones lying there, and I sent him up there the day before; there were three or four gentlemen that came to the station-house, complaining about a lot of fences on Avenue A, where there is vacant lots; they wanted their property protected, and I told them that I would send a man there, and I told the sergeant if he had a spare man to send him there.

Q. This Officer Leonard had been assigned for duty all day at the polling-place? A. No, sir; he was not; every officer, after he has been there for two or three hours, is relieved for breakfast and to vote.

Q. After he has breakfast and votes he goes back? A. He goes back sometimes.

Q. That is the general rule, is it not? A. No, sir; there is no rule about that.

Q. Is it not a general rule where an officer is assigned to duty on election day at a particular place, that he shall remain there unless there be some good cause? A. No; there is no rule about that.

Q. Do you mean to say, Captain Strauss, that it is not a rule of the department where officers are assigned to duty at polling-places they are not assigned for the whole day? A. I mean to say that there is no rule like that in the department at all.

Q. There is no rule? A. No, sir.

Q. When you say rule, do you mean the printed book of rules? A. Well, the book of rules or any other rule; there is no rule relative to that at all.

Q. Has it not been the practice? A. It has not been the practice; no, sir; they all get relieved for a time, either for breakfast or dinner.

Q. Was there not a complaint made against Officer Leonard for his conduct at the polling place? A. There was not.

Q. Heard nothing at all about it? A. No, sir.

Q. Then Officer Leonard must have sworn to a falsehood from beginning to end here? A. I suppose he did; there was no complaint made to me.

Q. Did you know of a complaint? A. I did not.

Q. Officer Leonard swore that because he sent away a loafer; threatened to arrest him; that the leader of the district went up to the station-house to you and complained of him, and he was immediately relieved, and that it was not at breakfast time in the morning, but that it was in the afternoon? A. I don't know anything about the afternoon, only in the morning; I passed there and Officer Leonard spoke to me; he said, "I have had no breakfast yet; I haven't been relieved and I haven't voted;" I said, "The first man that comes to the station-house I will send him to relieve you;" I saw an officer coming from the court, and I said, "Did you have your breakfast?" he said, "Yes;" I said, "Then you go and relieve Officer Leonard;" that is all I know about it.

Q. What understanding was there at the time between the leader of the district and you relative to officers at polling places? A. No understanding whatever.

Q. No conversation had with you? A. No, sir.

Q. From whom did you receive your orders with regard to the placing of policemen at polling places? A. From the superintendent of police.

Q. And not from the commissioners? A. From the superintendent of police.

Q. And not from the commissioners? A. No, sir.

Q. You had no orders from the commissioners, or any one of the commissioners? A. There is a general order issued for election day.

Q. I know about that; had you your orders from the superintendent alone and from no other person? A. No, sir.

Q. No other person; you were a captain in 1892, were you not? A. I was.

Q. From whom did you receive your orders in 1892? A. I was not captain in 1892; not at the election.

Q. When in 1892 were you made captain? A. I was made captain in December, 1891.

Q. Then if you were made captain in December, 1891, then you must have been captain in 1892? A. Oh, yes; I beg your pardon, that is right.

Q. Then you are mistaken? A. I am mistaken; yes.

Q. From whom did you receive your orders around election time, touching the elections in 1892? A. From the superintendent of police.

Q. From no other person? A. No, sir.

Q. Clear about that? A. I am.

Q. Do you remember when all the captains were brought to police headquarters the Sunday before election? A. I do.

Q. You saw the superintendent? A. Yes, sir.

Q. Heard him give his orders? A. He give us the orders.

Q. After the superintendent had given you the orders and before you left did any other police official enter the room? A. I don't remember.

Q. Did President Martin enter the room? A. I don't remember.

Q. Did you not hear Byrnes and Martin quarreling over the orders that Byrnes had just issued to the captains? A. I was not there at the time; I did not hear any.

Q. You were there under orders? A. I was there under orders from the superintendent.

Q. I ask you if while you were there President Martin did not enter the room where you and the other captains were, and if

President Martin and Superintendent Byrnes did not engage in an altercation about the orders that Byrnes had given? A. Not to my knowledge.

Q. If such had been the case, do you think it would have escaped your knowledge? A. I don't remember; I don't remember of seeing President Martin in the room wrangling with the superintendent; I got my orders from the superintendent.

Q. I know all about that; after Superintendent Byrnes had issued his order, and immediately upon his uttering the last word, did not President Martin stand up and address you and the other captains? A. I don't remember, sir.

Q. Is it possible that a police captain's memory should fail him, within such a short period of time, regarding such an important transaction as that? A. I don't remember that.

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

Q. Do you remember that after Martin got through that Byrnes got up and said if any captain obeyed his orders he would take the buttons off him? A. I don't remember that.

Q. Your memory fails on that? A. I don't believe there was anything like that; there was nothing like that said while I was there.

Q. All this matter took place while you were there with the other captains, that is, if you were there, and you said you were? A. I was there, but I don't remember anything of that kind occurring during the time I was there.

Q. Was there any conflict of opinion or of instructions between the superintendent and the commissioners while you were there in 1892? A. No, sir; not that I know of.

Q. Now, we will say, in regard to the attitude of the police to the United States marshals, was that subject spoken of by Superintendent Byrnes? A. I don't remember.

Q. Don't remember — that was the year of the presidential election, very important election, don't you remember anything at all about it? A. I don't remember, only the orders we got relative to election day.

By Chairman Lexow:

Q. Is it possible, captain, that you do not remember a fact that at one time promised to be as great a sensation as this city ever had, when it looked as though there would be a conflict between the United States marshals and the police of this city — do you not remember that? A. I don't.

By Mr. Goff:

Q. Is it not a fact that you have come on the stand here with the determination to forget everything that you are afraid of?

A. I am not afraid of anything, sir.

Q. Are you going to forget everything? A. No, sir.

Q. Do you mean to say, you, a police captain, the original pantata of the city of New York, that you have forgotten such an important thing as a conflict between Superintendent Byrnes' men, touching your duties on election day, when the superintendent threatened to take the buttons off you, if you disobeyed his orders; do you mean to say that has escaped your memory? A. I did not hear of any such conversation at all.

Q. Was it not spoken of there, that if the orders issued by one official were carried out there was a great danger of a conflict between the police and the United States officers? A. No, sir.

Q. Knew nothing at all about it? A. No; I don't.

Q. Now, was President Martin there? A. I don't remember it.

Q. Do you remember what orders you got from the superintendent? A. Yes, sir.

Q. What were they? A. We had orders to send two men at the polling-place, to be there at 5:45 a. m., and preserve the peace and protect the voters.

Q. Is that all? A. And see that the Excise Law was not violated, and allow no one to electioneer within half a mile from the polling-place.

By Chairman Lexow:

Q. Half a mile? A. Quarter of a mile.

By Mr. Goff:

Q. Quarter of a mile? A. Or at least 150 feet — 150 feet from the polling place.

Q. Have you got it now; 150 feet from the polling place? A. Yes, sir.

Q. You are sure about that? A. I am.

Q. So that when you said a half a mile your mind was wandering away, was it not? A. My mind was not wandering; I simply made a mistake.

Q. When you said a quarter of a mile you made another? A. I said 150 feet from the polling place.

Q. Any other instructions given to you?

By Chairman Lexow:

Q. Do you not remember what your instructions were in pursuance of your official capacity? A. Yes, sir.

Q. Well, state them? A. I did state them.

Q. Was there anything more? A. To preserve peace.

Q. Was there anything more than you have stated? A. Nothing more — to arrest all violators of the law.

By Mr. Goff:

Q. Arrest all violators of the law, and that is the stock instruction, is it not given at every election? A. Yes, sir.

Q. You heard that as soon as you had been on the police force to arrest all the violators of the law? A. Yes, sir.

Q. And yet the grand jury of this county, after that election, found over 70 indictments against election inspectors and election officials, and there was not one arrest made by you or any other policeman in New York of the violators of the law? A. There was an arrest made by me, sir.

Q. And no conviction? A. I don't think it has been tried yet.

Q. Were the fellows you arrested indicted? A. There is one or two cases pending yet, I believe.

Q. Pending yet, since 1893? A. No; since last election.

Q. I am talking about 1893? A. No.

By Chairman Lexow:

Q. Captain, was there any motive for this policeman to have sworn falsely with reference to his transfer? A. I don't know.

Q. Had any trouble with him? A. I did not.

Q. Can you assign any motive for this man going upon the stand and committing flagrant perjury to a question of that kind? A. I can not.

Q. Do you not think, in view of that fact, that there is absolutely no motive that you can conceive of that your recollection must be at fault, and that his must have been correct? A. There was no motive either on my part.

Q. Do you not think, in view of the fact that you failed to remember so many things, it is possible that you may have an omission of memory in this case? A. No, sir; I remember that case perfectly well.

Q. Why is it that you remember that case so very well? A. Because I see it in the paper, and when I saw it in the paper that this man made such a statement —

Q. But your memory in that case must date back from the time of the occurrence; now, what was there about the case that day that impresses itself upon your memory; the simple fact that you relieved the man to get a cup of coffee for breakfast was not such an important fact as to impress itself upon your memory — what was there about it? A. I remember his stating to me, he said, I have not been relieved, I want to get my breakfast and vote; I said all right, the first man that comes in I will have you relieved.

Q. There is nothing remarkable about that fact? A. No.

Q. Why did the case impress itself upon your memory? A. When I saw in the paper the statement that this man made that is the reason it impresses itself upon my memory.

Q. Now, a district leader has sworn before this committee that it was understood and stated at their meetings that the police force of this city was favorable to them and all they had to do was to vote and they would be protected — do you know anything about that? A. I do not.

Q. And moreover the admission was made that the district leader had the right to select the particular officers who were to be detailed at the various polling places — was that right? A. That is not right, not with me.

Q. Will you swear that no district leader came to you with reference to the appointment of men at the various polling places in your district? A. I will.

Q. Absolutely? A. Yes.

By Senator Bradley:

Q. Never furnished you with any list? A. No.

By Chairman Lexow:

Q. Never furnished you with any of the names? A. No.

Q. Never made any requests of you? A. Never.

Chairman Lexow.— All witnesses under subpoena this morning will attend here again at half-past 2 o'clock; the committee will stand adjourned until that time.

AFTERNOON SESSION.

December 20, 1894.

Present.—Senators Lexow, O'Connor, Pound and Bradley; and counsel as before.

William J. Mooney, residence 319 East Forty-third street, having been previously sworn, testified as follows:

Mr. Goff.—I wish to place on record, Mr. Chairman, the purpose I had in producing Mr. Harrison, the builder, this morning, who testified to the payment of \$250 to the wardman of Captain McLaughlin. I wish to establish the fact, as we have been trying to get along, and to refrain from going ahead until at least we have some fact to go upon. I proposed to have Burns on the stand here, and to get from his examination what he did with the money that he received, not only from this builder but from other builders—Mr. Fitzpatrick refused to pay him, it is true; but he got money from other builders. Mr. Burns was Mr. McLaughlin's wardman in that precinct, and also in the Tenth, now the Eleventh, and also in the Tenderloin precinct. We have been using every effort in our power, and even calling upon some of the men in the detective bureau to get Burns here. Burns has been broken on the police force on charges preferred by Superintendent Byrnes on the 31st of August, due to developments before this committee. Burns has left the city, and we can not get a subpoena on him. But for that we would have Burns to follow up that man's evidence. I call this officer. I say I hold the official record in my hands relating to Burns' dismissal from the police force. I wish to ask this witness a few questions in order to complete the line of testimony on the Captain Creeden matter, which possibly the public authorities of New York may be anxious to have completed on the record.

By Mr. Goff:

Q. Officer Mooney, were you attached to the Eleventh precinct while Captain Creeden was there as sergeant? A. Yes, sir.

Q. Now, I will come right to the point, Officer Mooney; were you sent by Captain Creeden to see Reppenhagen? A. Yes, sir.

Q. What message did you receive? A. Allow me in my own way to state it?

Q. Yes; officer? A. Now, the day of the month I can not give you, but it was the day — the day of the month was the day that the last two captains were appointed, just before Captain Creeden's appointment.

Q. That was in January? A. No; I guess it was in December, wasn't it?

Q. December; that is right? A. I came to the station-house in the morning; Captain Creeden now, Sergeant Creeden then, had the desk; it was a short day; I came into the station-house and he was at the desk; and I says to him, "Are you going to be lucky enough to catch on to-day?" and he says, "No; Mooney, I guess not" he says, "My friend that has been promising it to me all along, Hogan."

Q. Eddie Hogan; you understood Eddie Hogan, the Senator? A. I don't know Hogan; he said, "He promised me it all along, and up to the last minute he told me he could not do anything for me;" and he said, "I would like to get it to show him I could get it in spite of him;" I said, "Can't you reach Commissioner Voorhis or any of the rest of them;" and he says, "I don't know;" he says, "I hear that they are all slated to be made to-day; I hear Commissioner Voorhis is going to make Sergeant Wiegand;" and I says, "Can't you go and see Repp;" and he says, "No; you go around and see him for me."

Q. When you said "Repp," who did you refer to? A. Mr. Reppenhagen; he says, "You go and see him for me, and whatever you can do with him I will be satisfied;" I went around to his liquor store, on the corner of Broome and Chrystie street and asked his bartender there, was Repp in; that is the way I called him; and he says, "No; he is home abed; he has been up all night;" I went up to his house, and rang his door-bell, and his wife came to the door, and she invited me in, and I says, "Is Mr. Reppenhagen in;" and she says, "Yes; he is abed, and asleep; he was up all night;" I says, "I would like to see him;" she says, "He is tired, and gone to bed, and you can not see him;" and I said, "I would like to see him on something important;" I says, "Go in and tell him I am Officer Mooney, and would like to see him;" she went into the room and came out and said, "All right; go in and see him;" I went in where he was sleeping, in a front-room on a folding-bed, and I passed the time of the day with him; and he says, "Sit down;" and I sat

down on the edge of the ped; and I says, "Repp, I came up here to see if you can not do something for Tim."

Q. When you said "Tim," who did you mean? A. Sergeant Creeden; he said, "What is the matter with Tim; is he in trouble;" I says, "No; he is in no trouble, any more than he would like to see if he can be made captain;" "Well," he says, "Mooney, why didn't you come a week before; it is pretty late now; Wiegand is slated to be made by Commissioner Voorhis, and he is the only one I can possibly reach;" or something like that.

By Chairman Lexow:

Q. He said that to you; are you certain of that? A. Yes, sir; I know he said it; and he says, "I don't know," it is so late, that I can do anything, but I will get up and go to headquarters and see if I can reach Mr. Martin;" I says, "Commissioner Martin?" and he says, "No; not Commissioner Martin; but Martin that ran for coroner and was defeated;" and he says, "That Wiegand was slated to be made for \$12,000;" and he says, "The money was up;" he says, "I don't know what he can do now;" "Well," I says, "if you will make Creeden captain, I will raise the ante \$3,000;" and he straightened up on his elbow, in bed, and he says, "God; that is pretty good;" and he says, "Well, I will have to go and get shaved first;" and I says, "All right;" he got up, and says he, "Now, Martin, has run for coroner and got defeated; and spent a good deal of money, and I have been to a good deal of expense;" and he says, "There is \$5,000 for me, and \$5,000 for Martin, and \$5,000 for Voorhis;" and he says, "It will help us all out in our election expenses;" and he says, "You meet me before noon, between 11 and 12 o'clock, and I will tell you;" and I says, "All right;" I met him, and he says, "Wiegand's appointment has been deferred."

By Mr. Goff:

Q. The same day? A. The same day; and he says, "I am to meet Martin again;" and he says, "If you will meet me at 4 o'clock, I will give you a decided answer;" I says, "All right;" I met him at 4 o'clock, and he says, "Creeden will be appointed in case that money is forthcoming;" I says, "He can not put the money all up at once;" and he says, "You have to put up something; in case it falls through we have something

for our trouble;" and I says, "All right, so far as I am concerned;" and I went and told Creeden, and I went back and Reppenhagen says, "I want \$5,000 bonus; in case it falls through we keep the \$5,000; and in a week or two put up the other \$10,000;" and I went back and told Sergeant Creeden; and he says, "It was a pretty hard matter to raise the money," or something like that. "so quick;" and I says, "If I can do anything for you, I will do it for you;" I went down the Bowery and met Martin Kirby, and I asked him, and he said, "I will give \$1,000; and I think I met John Howard, and he says, "I spent a good deal of money, and I don't know whether I can spare it or not;" and I went back and told Sergeant Creeden, and that is so far as I know, positively, any more than Frank Wilson told me after that; that is all the connection I had with the case.

Q. That is all you know, of your own knowledge, about it?

A. Of my own knowledge; yes, sir.

Mr. Goff.— That will do, officer.

Captain William Strauss, recalled as a witness, testified as follows:

By Mr. Goff:

Q. Captain, you have gone over with your wife the testimony that she gave here before the committee, have you? A. What is that?

Q. You have spoken with your wife about the testimony that she gave before the committee to-day? A. I have not.

Q. Haven't you had a conversation with her during recess? A. I did not; not about the —

Q. You had a conversation with her during recess? A. I did.

Q. And you mean to say that you did not talk with her about what she had testified to here? A. I asked her, and she says to me, "They asked her what money you had, and whether she had any property, etc.," and that is all.

Q. So you know, now, she testified she had no property? A. Yes, sir.

Q. Well, you knew, captain, she was going to testify to that before she went on the stand? A. I did not; I had no idea what she was going to testify to.

Q. You mean to say, that yourself and wife, cohabiting together since last Tuesday, has not spoken at all a word about either of your testimony before this committee? A. She asked me when she was subpoenaed — she came here — she asked me,

“I wonder what they want me for,” and I said, “I don’t know;” that is all the conversation we had.

Q. That is all the conversation you had? A. Yes, sir.

Q. Not a word was spoken between you, or by either of you since that time, about the examination that either of you would undergo at the hands of this committee? A. We did not have any idea what we were going —

Q. Did you have any conversation; I am not asking about your idea? A. No, sir.

Q. Not a word? A. No.

Q. You both agreed upon that statement, did you not? A. We did not agree on any statement at all.

Q. Did you not agree that each of you would testify in that way? A. No, sir.

Q. That you had no conversation? A. No.

Q. Nor with any member of your family? A. No, sir.

Q. Well, captain, you are as poor to-day as you were when you went on the police force, are you? A. Yes, sir.

Q. You had no means when you went on the police force? A. No, sir.

Q. You have no means to-day? A. I have not.

Q. Taken up all your salary in the support of your family? A. Yes, sir.

Q. I understand you to say that you have simply a bank account; one bank account at the Bowery Savings Bank? A. Yes; I have got about \$100 there, I guess.

Q. Did you bring your bank-book? A. I did not; no, sir.

Q. You may have forgotten, but I asked you to bring your bank-book? A. You did not ask me.

Q. You will bring it to me or send it to me? A. Certainly.

Q. Well, do you remember Wednesday, when you went home, your wife calling your attention to certain articles in the newspapers concerning you? A. On Wednesday?

Q. Yes? A. Yesterday — no; she did not; she only said, “Look here; here is my picture;” her picture was taken; that is all the conversation we had.

Q. You saw in some of the newspapers there were articles indicating that you were going to make a confession here, did you? A. Yes, sir; I seen them.

Q. Did your wife speak to you about those articles? A. She did.

Q. And you had some conversation with her about the supposed confession that you were going to make? A. Yes, sir.

Q. And she advised you not to confess? A. She did not advise me; no.

Q. She did not advise you anything? A. No, sir.

Q. And you did not ask her advice? A. No, sir.

Q. How many times did you undergo examination in the civil service board for promotion to a captaincy? A. Twice.

Q. When did you undergo the first? A. In 1890.

Q. In 1892? A. Eighteen hundred and ninety.

Q. What precinct were you sergeant in at that time? A. In the Twenty-fourth precinct at that time.

Q. Where is that? A. The steamer patrol; on the harbor police.

Q. And how long were you on the harbor police? A. A little over four years.

Q. What precinct were you assigned to first after being made captain? A. To the Thirteenth precinct at that time; now the Twelfth.

Q. That is where? A. Delancey and Attorney streets.

Q. How long did you remain there? A. I remained there about six months.

Q. And to what precinct were you sent after that? A. To the Broadway squad.

Q. And how long did you remain on the Broadway squad? A. About the same time; I think about six or seven months.

Q. To what precinct were you attached after that? A. To the Twenty-fourth precinct; the harbor police.

Q. The harbor police? A. Yes, sir.

Q. In command of the harbor police? A. Sir?

Q. I am asking you after you were made captain? A. Oh, after I was made captain?

Q. Yes? A. I was sent to the Seventh precinct.

Q. That is Madison street? A. Yes, sir.

Q. How long were you in command of the Seventh precinct? A. About three months.

Q. Can you tell us how many houses of ill-fame were in operation in the Seventh precinct when you went there? A. There wasn't any, sir.

Q. How many were in operation when you went there? A. None.

Q. Did any move into the precinct while you were there?

A. No, sir.

Q. Did you know of any people who moved in there, to your own knowledge? A. No, sir.

Q. And from the Seventh precinct, where did you go? A. To the Twenty-fifth, East Sixty-seventh street.

Q. That is the precinct in which you are now? A. Yes, sir.

Q. Well, we have it in the testimony here that the Bohemian liquor dealers of that precinct were assessed certain sums a month by your wardman; that the Association of Bohemian Liquor Dealers paid that assessment in gross to your wardman; did you ever hear of that before the testimony?

A. Never.

Q. The testimony brought out before this committee? A. No, sir.

Q. Who was your wardman? A. When I came there was a man named Long; Long was there.

Q. How long did Long remain? A. He remained there about a year.

Q. Who became wardman in his place? A. Weller and Grate.

Q. You selected them yourself? A. Yes, sir.

Q. You designated them for the special duty? A. Yes, sir.

Q. What became of Long? A. He was transferred; he was transferred to the Twenty-eighth precinct, I believe.

Q. Could such practices exist in your precinct as have been sworn to here by a number of witnesses, and entries in the book made showing those transactions, without your knowledge as a captain? A. What transactions?

Q. The blackmailing of the liquor dealers? A. I never heard that there was any.

Q. My question was, can such transactions as the blackmailing of the liquor dealers take place in your precinct, and in your name, without your knowledge as captain? A. It could.

Q. Did you ever hear of it, in the department, that the liquor dealers were paying blackmail to the police? A. There was a rumor to that effect.

Q. A rumor to that effect; did you hear it more than once? A. Yes, sir.

Q. Did you take any steps or measures to investigate the truth of the rumor? A. I did.

Q. What did you do? A. I went and saw several liquor dealers and asked them whether they paid any money to any police officers; they told me no.

Q. Well, name me one liquor dealer that you went to and asked if they paid any money to police officers? A. Yes, sir; there is one.

Q. Name me one? A. A Mr. Rooney at the corner of Seventieth street and Second avenue.

Q. Did you go to any of the Bohemians and ask them if they were paying any money to the police? A. I did; I did.

Q. What were you told by them? A. They told me no.

Q. How did this rumor originate that caused you to investigate? A. I heard that; there is some stranger told me that he heard there was a liquor dealer had paid \$500 to some policeman.

Q. And you knew, of course, that the Excise Law was not enforced in your precinct? A. The Excise Law is enforced in my precinct.

Q. You mean to say the Excise Law is not violated in your precinct; will you take the responsibility of swearing to that? A. No, sir.

Q. As a matter of fact that on Sunday the Excise Law has been violated since you have been captain of that precinct? A. I don't know.

Q. Did you ever take pains to stop it? A. Yes, sir.

Q. What did you do? A. I detailed officers in citizen's clothes to arrest all persons violating the Excise Law; I have always instructed them every Sunday, the officers under my command, to enforce the Excise Law and report to me where the Excise Law was violated.

Q. When did your father die? A. My father died two years ago.

Q. What business was he in? A. He was a dealer in horses.

Q. A dealer in horses; did he leave a will? A. No, sir.

Q. Did he leave any estate? A. He did not.

Q. Was there a lawyer employed in settling up that estate? A. No, sir.

Q. Did you receive any money from your father's estate? A. No, sir; not a cent; he died poor.

Q. Or your mother's estate? A. No, sir.

Q. Not a dollar? A. No, sir; I supported them.

Q. Will you swear that a sum of money did not go through a lawyer's hands in this city to you from your father's or mother's estate? A. I do.

Q. Absolutely? A. Yes, sir.

Q. Or to any member of your family? A. Yes, sir.

Q. Who appointed you, captain? A. Commissioner McClave.

Q. When you passed the civil service, the first examination, what ratio did you have? A. Sir?

Q. What percentage? A. 96.22, I believe.

Q. What percentage did you have the second time? A. 95.35.

Q. How long was it from the first examination to the second?

A. One year.

Q. You received your shield before your appointment was made out, did you not? A. When I was appointed captain I received my shield; yes, sir.

Q. Didn't you receive it before? A. No, sir.

Q. Didn't you go back to headquarters with your shield? A. I went to headquarters with the sergeant's shield and got the captain's shield.

Q. Wasn't there a mistake about your appointment as captain? A. No, sir.

Q. Didn't you take your shield, and were you not afterward sent for to headquarters to wait for a few days? A. No, sir.

Q. Was there any mistake or trouble about your appointment as captain? A. None whatever.

Q. How many were in the class when you were appointed? A. The civil service class?

Q. Yes? A. Oh, probably 40 or 50.

Q. Any percentage higher than you? A. I think there was one or two.

Q. Give me the names, please? A. I can not tell you the names, sir.

Q. Who was it suggested to you to obtain the names of prominent citizens to recommend you to a captaincy? A. No one did.

Q. No one? A. No, sir.

Q. Did you do that of your own motion? A. I did.

Q. Had you not a conversation with Charley Grant about it? A. No, sir.

Q. Did Charley Grant tell you that it would be necessary to get the names of prominent citizens? A. No, sir; I never spoke to Charley Grant; I never spoke to him.

Q. You never spoke to Charley Grant, and you were made captain by McClave? A. No, sir.

Q. You mean to swear that? A. I do.

Q. Did you see Charley Grant? A. Did I see him.

Q. Yes? A. I used to see him when I came over to headquarters on pay day.

Q. I mean in connection with that appointment as captain?

A. No, sir.

Q. Nothing at all to do with him? A. No, sir.

Q. You had made your application for appointment as captain before you went to see Mr. Seligman, for instance? A. I saw Mr. Seligman afterward.

Q. That is what I say, afterward? A. Yes, sir.

Q. Did you not tell Mr. Ganz that you were sure of your appointment as captain but you wanted some well-known citizens to indorse your papers? A. Yes; I told him I wanted some well-known citizens so I would be appointed a captain; I wanted some letters of recommendation.

Q. That was after you had been assured that you would be made a captain? A. I hadn't the assurance then.

Q. Did you get any recommendations when you passed your first civil service? A. No, sir.

Q. If it were necessary for you to have recommendations, why did you not get them when you passed your first examination, as well as when you passed your second? A. When I passed the first examination there was not any vacancy at that time.

Q. But you expected the first vacancy? A. Oh, yes.

Q. Did you not? A. Yes.

Q. You would not otherwise have gone to pass the civil service? A. No, sir.

Q. When you passed the civil service the first time, why did you not get the recommendations you got the second time? A. I did not see anybody.

Q. I know you did not; and that is why I ask why you did not? A. I did not see anybody in connection with my promotion until such time as there would be a vacancy in a department.

Q. There were vacancies between the time you passed your first civil service examination and your second civil service examination, were there not? A. I don't remember.

Q. There were? A. There might have been; I don't remember: I don't think there was.

Q. If you depended upon the first civil service examination, why did you go through the second civil service examination?

A. Because the name on the list is only good for one year.

Q. But during that year you were an applicant for the position of captain, were you not? A. Yes, sir.

Q. And during that year you made no application to any citizens for a letter of recommendation, did you; did you? A. I don't think I did.

Q. Now, what I want to find out is why was it that on your second application, that you went and got letters from these well-known citizens, when you did not consider it necessary on your first application? A. On my first application, I told you there wasn't any vacancies, and I didn't think there was any vacancies during that year.

Q. Then if there wasn't any vacancies why did you apply? A. Well, I wanted to pass the civil service.

Q. Why did you want to pass the civil service; as a matter of fun and enjoyment, was it? A. Well, it wasn't any fun or enjoyment; I wanted to pass in case there was any vacancies occurred, so I would have a chance to get appointed.

Q. What year did you pass your civil service examination for captain? A. I think it was in 1890.

Q. And you were promoted when? A. In 1891 — or it was in 1888 or 1889; I don't remember.

Q. Give me those dates again; the time of the first examination that you passed; you passed the first civil service examination when? A. It was in 1889 or 1890.

Q. Eighteen hundred and eighty-nine or 1890? A. Yes, sir.

Q. Why, there were three or four captains appointed in the meantime, between the time you passed your first civil service examination until you passed your second? A. I don't remember whether there was or not.

Q. I know there were; the record shows there were; the record shows there were, captain; what I want you to explain, if you can, is why you considered it necessary to obtain the letters of recommendation from well-known citizens at the time that you made your second application, when you did not consider it necessary when you made your first application; why? A. Well, when I made my first application there wasn't any vacancies.

Q. You have told us that three or four times, and I tell you there were three or four captains made, according to the record;

that is no reason? A. Well, I don't remember; I can not tell you.

Q. You don't remember; that is a stock answer, you are to fall back on during this examination — you don't remember?

A. You don't want me to —

Q. That is a stock answer; is it not? A. That is the only answer I can give if I don't know.

Q. That is your stock answer to give when you find yourself in a corner, that you don't know? A. No, sir; I don't know.

Q. I ask you for a reason and you don't remember the reason that prompted you; suppose, I give you the reason; do you remember that Charley Grant said to you that McClave would not appoint you unless you had the recommendation of those well-known citizens; men of your own race; do you remember that? A. Charley Grant never spoke to me.

Q. Were you not told by some other person than Charley Grant? A. No, sir.

Q. Why did you go to those gentlemen; you knew plenty besides Mr. Ganz and Mr. Seligman, and men of that class?

A. Well, I had recommendations from other people; I had recommendations from Mr. Patterson.

Q. From Judge Patterson? A. Yes, sir; and Senator Parsons, of Rochester.

Q. Wait a while; you had the recommendation from Judge Patterson; Judge Patterson had a friend in connection with your application, had he not, that you were acquainted with or told about? A. No, sir; he gave me that letter, personally.

Q. Who else beside Judge Patterson? A. I got introduced to Senator Parsons, of Rochester, and he gave me a letter of recommendation.

Q. Do you know him? A. I was introduced to him.

Q. Would you know him now, if you saw him? A. I would; yes, sir.

Q. You were introduced to him the time you got the letter of recommendation? A. Yes, sir.

Q. Wasn't that it? A. Yes, sir.

Q. Who introduced you? A. Mr. Ganz.

Q. You were introduced for the purpose of getting a letter of recommendation? A. No; not at that time; I was introduced before I asked him for that letter of recommendation.

Q. From whom else did you get a letter of recommendation? A. I think that is all; oh, I had a letter from ex-Judge Isaacs.

Q. Ex-Judge who? A. Ex-Judge Isaacs.

Q. And who else? A. That is all.

Q. You have been talking to a number of persons about your examination here, have you not? A. I have not; no, sir.

Q. Not at all? A. No.

Q. Not to any one? A. No.

Q. Have you ever acted under rule 41 of the department on your own motion? A. Yes, sir.

Q. What is rule 41? A. You have got me there.

Q. You don't know; you said you acted under it; I thought you knew? A. It is relative to reporting —

Q. I am asking you the fact; I do not want any explanation; you said you acted under rule 41; I ask you what it is? A. To report on houses of prostitution and assignation.

Q. What? A. To make all reports of houses of prostitution.

Q. Are you asking me? A. I say, I believe that is rule 41; I don't know.

Q. By the way, speaking of making reports regarding houses of prostitution, you have made such reports? A. I have.

Q. Have you; did you report any reputed houses of prostitution in your precinct? A. No, sir.

Q. Are any houses of prostitution there? A. No, sir.

Q. Your precinct is clear? A. Yes, sir.

Q. Did you ever inquire about what was known as the Gyp business, in your precinct? A. The Gyp business?

Q. Yes? A. No, sir; there isn't any.

Q. Do you know what I mean, when you say, there isn't any; you must know what I mean? A. You mean gambling?

Q. Gambling? A. Yes.

Q. When you say, there isn't any, you ought to know? A. That is what I mean.

Q. I do not say gambling; I say Gyp; you say there isn't any Gyp business in your precinct; and I ask you what it is? A. I don't know what Gyp business means.

Q. Did you ever hear it in connection with the police department of this city? A. No, sir.

Q. This is the first time you ever heard of the Gyp business? A. Yes, sir.

Q. It is? A. Yes, sir.

Q. Oh, you are equally as innocent of the Gyp business in your precinct as you are of the existence of houses of prostitution in your precinct, are you? A. Yes, sir.

Q. Now, I will enlighten you a little bit; the Gyp business is known as the mock auction fraudulent horse business, the horse swindling business; you know what I mean now? A. Yes, sir.

Q. You know that business has been carried on? A. Not in my precinct.

Q. Around Sixty-third and Sixty-fifth streets? A. No, sir.

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

Q. Now, Captain Strauss, are those not the markets in New York for selling the old horses and committing the frauds upon the farmers right in your precinct between Second and Third avenues? A. There is a horse market there; yes, sir; they bring a lot of worthless old horses there.

Q. That is it; have any persons ever gone to your people and claimed they were robbed? A. No, sir.

Q. Have you ever heard of people who were swindled in the horse business there? A. No, sir.

Q. That is the first you have ever heard of any swindling being perpetrated? A. I never heard of any; no complaints were ever made in my station-house.

Q. Jones' Woods is in your precinct, isn't it? A. Yes, sir.

Q. Do you know anything about the violation of the Excise Law there on Sundays? A. There was never any violation there on Sunday; there was no picnic there on Sunday.

Q. In Washington park? A. No, sir.

Q. That is part of Jones' Woods? A. Yes, sir.

Q. You mean to say they had no Sunday evening picnics there? A. No, sir; not while I was there.

Q. You spoke a while ago about the houses of prostitution; did you ever have a complaint of a disorderly-house in your precinct from any citizen? A. I did.

Q. What did you do about it? A. I arrested them; and got the evidence and arrested them.

Q. In relation to the disorderly-house? A. Yes, sir.

Q. Had you only one complaint? A. Only one complaint; I beg your pardon there; I wish to state that I had several complaints from flats, persons living in flats and used their flats for immoral purposes.

Q. Yes? A. And in every case, in every instance, I made the arrest; I got the evidence and made the arrest.

Q. Did you ever make a promissory note? A. Never.

Q. In your life? A. Never.

Q. Did you ever indorse a promissory note? A. No, sir.

Q. You saw Wallerstein in court; did you ever make a promissory note to him? A. No, sir; never.

Q. Did you ever make any arrangement with him in regard to notes? A. No, sir.

Q. Do you know a saloon keeper named Woefleman, corner of Houston street and the Bowery? A. No, sir.

Q. Did you ever give him any notes? A. No, sir.

Q. Did you ever indorse any notes? A. No.

Q. Do you know of any person making notes in your name or in your interest? A. No, sir.

Q. You positively swear that there is not a paper in existence with your genuine signature on as a promissory note? A. No paper that I know of.

Q. No; I do not want you to answer that way, sir; you positively swear now that there is not in existence a promissory note bearing your signature? A. No, sir.

Q. And have you never made one? A. No, sir.

Q. Or authorized anybody to make one for you? A. No, sir.

Q. You are clear about that? A. Yes, sir.

Q. Captain Strauss, how did you get your appointment anyway? A. I got my appointment by asking for it and through those letters of recommendation.

Q. From McClave? A. Yes, sir.

Q. On the strength of your intelligence and intellectual accomplishments and qualifications as a policeman? A. Yes, sir.

Q. And for nothing else? A. On my record.

Q. Of course; that goes as your qualifications as a policeman? A. Nothing else.

Q. And upon nothing else? A. No, sir.

Q. And you got that appointment without its costing you a dollar? A. Yes, sir.

Q. Absolutely? A. Absolutely.

Q. Absolutely; were you ever honorably mentioned by the board of police? A. No, sir.

Q. There have never been any conspicuous services on your part, have there? A. Well, I made a good many good arrests of burglars and robbers.

Q. Was there any conspicuous service? A. No, sir.

Q. There were other officers there that went higher than you on the list, and yet you were made captain? A. I believe so.

Q. And whose records were just as good as yours on the police force; is that not so? A. I don't know.

Q. You don't know? A. No.

Q. How many years had you been on the police force when you were made captain? A. About 19 years.

Q. Did you ever make Wallerstein a promise to appoint him wardman if you were made captain? A. I did.

Q. That was before you were made captain? A. Yes, sir.

Q. How did you come to make Wallerstein a promise that you would make him a wardman, before you were made captain yourself? A. We were talking about it, and I told him if ever I be made a captain I will make you a wardman.

Q. What precinct was he in at that time? A. I believe he was in the steamboat squad.

Q. Now, be sure; were you and he in the same precinct? A. No, sir.

Q. When you promised to make him your wardman? A. No, sir.

Q. What precinct were you in when you promised to make him a wardman? A. I was in the harbor police.

Q. In the harbor police; how was it that you went out of your way, while in the harbor police, to tell an officer in the steamboat squad that you would make him a wardman? A. Well, he is a friend and relative of mine.

Q. Friend and relative? A. Yes, sir.

Q. Did you make him your wardman? A. I did.

Q. For how long? A. About two months.

Q. What was the trouble that you did not keep him longer? A. All the wardmen were reduced to the ranks at that time.

Q. That is, of late? A. At that time.

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

Q. Well, I understood you to say that Long was your wardman when you went there? A. Wallerstein was with me while I was in the Seventh precinct.

Q. Then you made him your wardman in the Seventh precinct? A. Yes, sir.

Q. What particular character was there about this business of wardman that you should go outside of the precinct in which you might be assigned and select another to make him a wardman? A. Because I knew him to be a good policeman.

Q. What? A. I knew him to be a good officer.

Q. Each captain is supposed to select his own man for wardman? A. Yes.

Q. The man that would answer him best for doing the collecting business, isn't that it? A. I hadn't any collecting business to do there.

Q. Just look at me, captain; you had no collecting business? A. No, sir.

Q. It has been sworn here by a mountain of evidence, proven by a mountain of evidence here, that the duties of the wardman were to do the collecting business for the captain? A. No wardman ever collected one cent for me.

Q. Do you mean to say that, in the face of the mountain of evidence that is before this committee, that you don't know that the duties of a wardman were to do the collecting from the disorderly-houses and the liquor stores? A. No, sir.

Q. For the captain in each precinct? A. No, sir; not for me, sir.

Q. Are you the glorious and brilliant exception? A. Maybe I am; I—my wardmen have got nothing to do except police duty; nothing else; I don't ask them to do anything like that.

Q. What I want to find out is why you should select Wallerstein, outside of his being a relation of yours; any other reason? A. Because he is a good, reliable officer.

Q. Why didn't you wait to get into the precinct where you would be assigned, and select an officer from there that was used to the precinct, and knew it? A. I did not make him wardman until about a month after I was made captain.

Q. But you promised him before you were made captain? A. I told him before I was made captain if I could do it I would make him wardman.

Q. You had the appointment? A. I had the application, not the appointment; I have to make the application to the police board and they make the appointment.

Q. The application of the police captain is generally complied with? A. Sometimes.

Q. Except where the local politicians will insist on keeping the wardman there in spite of the captain? A. That might be.

Q. You have heard of that? A. I have heard it.

Q. Had you any personal knowledge of it yourself? A. No, sir.

Q. Did you know Gus Newman? A. I do; yes, sir.

Q. Do you know his business? A. Yes, sir.

Q. Ever been speaking to him? A. I have known him for 25 years.

Q. Do you know Louis Morrell? A. Morrell; yes, sir; he has been introduced to me.

Q. He used to be in Rivington street? A. I don't know where he was.

Q. Did you know Louis Morrell very well? A. No, sir.

Q. Did you know Newman very well? A. I did know him for 25 years.

Q. Well, you talked with him about your appointment; did you not? A. No, sir.

Q. At the time you made your application as captain? A. No, sir.

Q. You knew Newman's business, didn't you? A. His business?

Q. Yes? A. I don't know anything about his business.

Q. You knew his business? A. Oh, yes.

Q. What was his business? A. Real estate.

Q. His business has been sworn to here by witnesses as being specially engaged in renting houses of prostitution in that precinct; did you know that? A. I don't know anything about that, sir.

Q. You don't know anything about that, and you know him for 25 years? A. Yes, sir.

Q. Hadn't Newman something to do with your appointment as captain; Newman had something to do with your appointment as captain? A. Nothing at all.

Q. What? A. Nothing.

Q. How many lawyers have you about this court-room, captain; how many lawyers? A. I haven't any.

Q. Any lawyers interested in your examination? A. No, sir.

Q. You appreciate the penalties of perjury, I suppose? A. Yes, sir.

Q. Do you know what perjury is? A. Yes, sir.

Q. Is your wardman in court? A. My wardman?

Q. Yes, sir? A. I have not got any wardman.

Q. Not now; the man that was your wardman? A. I don't know.

Q. Wallerstein is in court, or was in court to-day? A. I believe he was here this morning.

Q. You saw him stand up, and identified him? A. Yes, sir.

Q. Have you been talking to Wallerstein lately? A. I have spoke to him; yes, sir.

Q. Talked to him about this examination? A. No, sir.

Q. Went to see him about it before you went on the stand? A. No, sir.

Q. You mean to say you have not seen him? A. I have not.

Q. When you said that as long as Williams and Byrnes would not go back upon you you did not fear any examination upon the stand, what did you mean? A. I did not say that, sir.

Q. Will you swear you did not? A. I will.

Q. Absolutely? A. Absolutely.

Q. As true as everything else you testified to? A. Yes, sir.

Q. You said that as long as Williams would not go back upon you you did not care about this examination? A. I did not say that.

Q. What did you say in reference to that at all? A. I did not say anything at all; I did not mention his name.

Q. You know you purchased your appointment? A. I did not.

Q. You know that you paid money for your appointment? A. No, sir.

Q. And that Wolverman, at the corner of Bowery and Houston street, was the go-between, and the man that collected the money, you know that? A. No, sir.

Q. You mean to say that a man of your order of intelligence could get an appointment as police captain from John McClave without paying for it; you want to swear that? A. I never paid a cent for it.

Q. You mean to hold yourself up as a monument; the only police captain that ever got his appointment from McClave without paying for it, do you? A. I did not pay a cent.

Q. You mean to hold yourself up as a monument? A. Yes, sir.

Q. By reason of your high intelligence and order of intellectuality and your police record, you were able to get that appointment without paying for it? A. Yes, sir.

Q. You expect that to be believed? A. I suppose so.

Q. You suppose so? A. I believe it; that is what I say.

Q. You know in your heart you are swearing to a falsehood? A. No, sir.

Q. You know a man like you, you are neither possessed of the accomplishments or record that would warrant your being captain on your own merits; you feel that yourself; do you not? (No answer.)

Q. Can't you answer me, captain? A. What is that you say?

Q. I say you feel, and you know yourself that a man of your intellectual accomplishments could not get a position as captain of the New York police force, unless you paid for it? A. No, sir.

Q. You do not know? A. I understand my police business thoroughly.

Q. You do? A. I have been a long time on the police.

Q. Tell us in what case you are justified in making arrests, captain? A. In what case?

Q. Yes. A. If I see the law violated, or any assault committed, or any misdemeanor or felony committed, I have a right to arrest.

Q. If you see it? A. Yes, sir.

Q. If you see it; what do you say, again? A. If there is any violation committed of the law, either of felony or misdemeanor, I have a right to arrest.

Q. Either of felony or misdemeanor? A. Yes, sir.

Q. You mean to say if you see it; then you are not authorized to make an arrest unless you see a felony or misdemeanor committed? A. Oh, yes; certainly, I am.

Q. Under what circumstances? A. Under all circumstances where there is proof that the law has been violated.

Q. What proof? A. Well, if there is a witness, or any one makes a complaint.

Q. Well, makes a complaint; suppose that a person made a complaint that a man had committed a nuisance in the street to you? A. Yes.

Q. I mean, of course, to you, captain? A. Yes.

Q. I suppose then that you would proceed and make the arrest? A. Providing the person that makes the complaint is a responsible party.

Q. A reputable citizen? A. A responsible party.

Q. Well, I assume now, that a reputable citizen, going to your station-house and making a complaint that he had seen John Jones, for instance, committing a nuisance in the street it would be your duty to arrest John Jones; would it not? A. Yes, sir: if this party was responsible for making a complaint.

Q. What is it? A. If the party was responsible that made the complaint.

Q. I am assuming that? A. Yes; certainly I was justified in making the arrest.

Q. What is that; a felony or misdemeanor? A. That is a misdemeanor.

Q. Are you justified in making an arrest for a misdemeanor on complaint without proof? A. On complaint; the party must have seen the nuisance committed.

Q. I am assuming he tells you he saw it? A. Yes, sir.

Q. And you go out and arrest the person, whether it be the day after, or that day; that is your conception? A. If this party who comes to me saw the party on the street.

Q. Do you say, if this party came to the station-house and made a complaint? A. I would advise him to go to the court and get a warrant.

Q. You said a while ago that you would go out and arrest him? A. No; I said I—

Q. You said a while ago you would go out and arrest him; which would you do; which? A. It would all depend on what the violation consists of.

Q. I am talking of this violation of nuisance in the street? A. If the party was there I would go and arrest him; yes, sir; because he had committed a misdemeanor; because it was a violation of the law.

Q. Because he had committed a misdemeanor? A. Yes.

Q. And you feel it is your duty, as a police officer, to arrest a man who has committed a misdemeanor, even though you have not witnessed that violation of law? A. No, sir; but if the witness is there that makes the complaint because it occurred.

Q. I assume all that? A. Then I have a right to arrest, certainly.

Q. Have you ever paid Wallerstein any money for any purpose? A. No, sir.

Q. Never gave him any money? A. No, sir.

Q. Did you ever give money to any person to give to him? A. No, sir.

Q. Did you ever send money to him? A. No, sir.

Q. Well, captain, speaking of your police duties, how do you arrange the bail in your station-house? A. Bail?

Q. Yes? A. If a person is arrested for a misdemeanor, and a responsible party gets there he can go bail.

Q. For what? A. For any violation of law, or misdemeanor.

Q. For any violation of law? A. Yes, sir; except a felony.

Q. Well, I would like to find out, captain, because it is a subject in which the citizens have a very great interest? A. Yes, sir.

Q. Tell us, if you can, the difference between a felony and a misdemeanor, so citizens may know what they may be bailed for? A. Any case where a person is liable to be sent to State prison you can not give any bonds.

By Chairman Lexow:

Q. You can not take any bonds? A. You can not take any bonds.

By Mr. Goff:

Q. Any case where a person is likely to go to State prison? A. Yes, sir; in a felony case.

Q. Well, for instance, a man is charged with criminal conspiracy, would you take bail in that case? A. No, sir.

Q. Why? A. Because it is a felony.

Q. Suppose a man was charged with receiving stolen goods, would you take bail in that case? A. No, sir.

Q. Why? A. It is a felony.

Q. Suppose a man was charged with an attempt at receiving stolen goods? A. I would not bail him.

Q. Why? A. I would not take the responsibility.

Q. Why; because it is a felony? A. Yes, sir.

Q. That is a felony? A. Yes, sir.

Q. Suppose a man is charged with committing a simple assault? A. I will take bail in that case.

Q. Why? A. A simple assault is a misdemeanor.

Q. Well, now, what is the punishment for a simple assault, and the punishment for a criminal conspiracy? A. For a simple assault a person is liable to be sent to the penitentiary.

Q. For a conspiracy where is he liable to go? A. To State prison.

Q. For how long? A. I don't know.

Q. Did you ever know of anyone that was convicted of criminal conspiracy that was sent to State prison? A. No, sir; I never had a case of that kind.

Q. Would it surprise you if I told you criminal conspiracy was not a felony? A. Well, if you say so, of course —

Q. I say so; the law says so; conspiracy is simply a misdemeanor? A. But you said a criminal conspiracy.

Q. Any conspiracy must be criminal, otherwise it is not a conspiracy? (No answer.)

Q. Do you remember the order of the superintendent forbidding captains to send reports to headquarters of reputed houses of assignation and prostitution, etc.? A. Yes, sir.

Q. Had you been sending such reports? A. I had.

Q. Of reputed houses? A. I sent such a report that I had no reputed houses of prostitution in my precinct.

Q. Or any houses of prostitution? A. Yes, sir.

Q. When you were down in the Seventh, did you send such reports? A. I sent reports; we have to make reports every few months of the existence of any houses or not; if there isn't any of course we can not make any reports.

Q. Then what did you do; say there are no houses? A. There are no houses of prostitution.

Q. When you were in the Seventh, what did you report? A. The same thing; that there are no houses of prostitution.

Q. Were there any while you were there? A. No, sir.

Q. Did you report that there was no reputed houses then? A. I did.

Q. Or houses whether actually proven so or not? A. No, sir; there wasn't any there.

Q. What relation is Wallerstein to you; tell me his relation? A. He is a cousin.

Q. In what degree? A. On my mother's side.

Q. In what degree; first, second, third or fourth? A. A second or third cousin; I don't know which.

Q. Was it on account of his relationship that you promised to make him wardman? A. Well, partly.

Q. Partly on account of his relationship; the promise had nothing to do with the fact that he promised to advance you money to enable you to get the captaincy? A. No, sir.

Q. Had he any money, do you know? A. Yes.

Q. How did you know? A. He told me he did.

Q. How did he come to tell you? A. I know he got some money from Europe.

Q. How much? A. Which was left to him by his parents.

Q. How much did he get? A. A couple of thousand dollars, I believe.

Q. When did he tell you that? A. At the time he got it.

Q. When was that; the time you promised to make him wardman? A. Four or five years ago.

Q. Was it not at the time you promised to make him wardman? A. No, sir; not at that time.

Q. You knew he had it at the time you made him wardman? A. Yes, sir.

Q. How much did you borrow? A. I borrowed \$2,000 of him.

Q. What for? A. Well, when I expected to be made captain I did not have a dollar, and I told Wallerstein that if he loaned me some money, and he said, "How much do you want?" I said, "Lend me \$1,000 or \$1,500;" and I met him one day and said, "Will you get that money for me?" and he said, "Yes;" and he gave it to me.

Q. What did you want the money for? A. Well, I wanted to buy furniture and different articles that I needed.

Q. Well, but was it because you was going to be captain that you wanted to buy furniture? A. Yes, sir.

Q. You wanted to live in style and support the dignity of the office? A. Well, the furniture I had for about 25 years and I was going to refurnish my house.

Q. What house? A. Where I lived.

Q. Where did you live? A. In Orchard street.

Q. Did you rent a house there? A. I did have a house there I leased there.

Q. Why did you want to furnish it before you were made captain? A. I says if I was going to be made captain, I wanted to get some furniture.

Q. How long had you that house on lease? A. About 10 years.

Q. What? A. About 10 years.

Q. Well, but the furniture that you had in that house for 10 years suited all the requirements of your modest way of living, didn't it? A. At that time; but my furniture —

Q. You had been receiving \$2,000 a year? A. Yes, sir.

Q. And having a good wife and good mother to your children, and living economically, you were able to get along pretty well on \$2,000 a year, were you not? A. Yes, sir; but I had a great many expenses; I buried five children during that time.

Q. That, of course, was your misfortune; I am sorry for you; but even at that, your salary of \$2,000 a year, you were able to support and meet these extraordinary demands made

upon you by reason of the sickness and death of your children, was you not? A. Yes; pretty near.

Q. You were not in debt? A. Not very much.

Q. You did not owe anybody? A. Not much.

Q. You owed nobody any money that you were not able to pay out of your salary? A. I had a few small debts.

Q. A few small things that you could pay according as the time came; is that not so? A. Yes, sir.

Q. What I want to get at is this; how is it that you wanted to buy furniture before you would be certain you would be made a captain? A. I did not want to buy that before I was made captain; I said, after I was made captain, I wanted to go and buy furniture.

Q. You did not intend to remain in that house if you were made a captain, did you? A. No, sir.

Q. Why did you want to buy furniture for a house you did not know you were going to live in? A. I had to stay in that house because I had a lease.

Q. If you had to stay in that house, why did you want to furnish it? A. Because my furniture was all worn out and broke up.

Q. Why didn't you try to refurnish it before, if your furniture was all worn out? A. I don't know.

Q. What? A. I don't know.

Q. You don't know? A. No.

Q. Well, how much did Wallerstein loan you? A. He loaned me \$2,000.

Q. Is that all? A. Yes, sir.

Q. In what shape did he loan it to you? A. In cash.

Q. Had he the money in the bank? A. I believe he did.

Q. What bank? A. I don't know.

Q. Well, you told him to give it to you in cash? A. Yes.

Q. Why? A. I don't know why I told him to give it to me; I didn't tell him cash or otherwise.

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

Q. Where were you when he gave it to you? A. I don't remember that; I don't remember where I was.

Q. On the street? A. I believe it was in my house; I think he came in my house.

Q. You were sergeant at that time? A. Yes, sir.

Q. How long was this before you were made captain? A. Before I got that money?

Q. How long before you were made captain was it that you got that money? A. A few days before.

Q. You were made captain, December 30, 1891? A. That is right.

By Chairman Lexow:

Q. Can you fix it any more closely than a few days before; was it a week before; two weeks before, or only just a couple of days? A. Couple of days before.

Q. Had you any positive assurance at that time that you would be made captain? A. No, sir.

Q. How long after you got this \$2,000 did you spend it for furniture purposes? A. I didn't spend it at all.

Q. You did not buy any furniture? A. No, sir.

By Mr. Goff:

Q. Now, Captain Strauss, you were appointed on December 30, 1891; how many other captains were appointed on that day? A. One more.

Q. Who was that captain? A. Captain Devery.

Q. Sergeant Wiegand, he was to be appointed captain that day? A. Not that I know of.

Q. What? A. I don't know.

Q. Did you not hear his name mentioned as one of the men to be appointed captain? A. No, sir.

Q. There were three captains appointed that day; you are mistaken about Devery being the only one? A. There was only two captains appointed the day I was appointed.

Q. Was it not well known that there were four captains for appointment then, Captain Strauss? A. There were only two captains appointed, counselor.

Q. That was the time when Wiegand's appointment was to be made and it was put off because Creeden put up \$3,000 more than Wiegand; that has been the testimony here, captain? A. I don't know anything about that.

Q. How long before December 30th did you get this \$2,000 from Wallerstein? A. A few days before.

Q. Did you spend it before you got your appointment? A. No, sir.

Q. You had the \$2,000 the time you received the appointment? A. Yes, sir.

Q. How soon after did you spend the \$2,000? A. I don't think he gave me that \$2,000 until the 4th or 5th of January.

Q. You said a while ago he brought it before; a few days before you were made captain? A. No, sir; he did not.

Q. Were you mistaken when you said that? A. I was.

Q. Be careful, and do not commit any more mistakes; you have been committing a lot of them; how soon after were you sworn in; on December 30th; that was the day you got your shield? A. Yes.

Q. When did you find out that you were going to be made a captain? A. That morning I was sent for.

Q. Who sent for you? A. Commissioner McClave.

Q. Telegraphed for you? A. Yes, sir.

Q. And, of course, Commissioner McClave asked you if you had paid anything for your appointment? A. Commissioner McClave did not ask me anything.

Q. Did not ask you anything? A. No, sir.

Q. Did not put a question to you? A. No.

Q. Had you ever visited Commissioner McClave before in reference to your captaincy? A. I have.

Q. How many times? A. Probably half a dozen times.

Q. Did Commissioner McClave ask you if you had paid anything for your appointment? A. He didn't ask me that question at all.

Q. Anything like it, anything in relation to paying money for your appointment? A. No, sir.

Q. Did anyone ask you? A. No, sir.

Q. And you did not state to any one that you had not paid any money; did you? A. I did not.

Q. You are very clear about that? A. Yes, sir.

Q. Why, Captain Strauss, you swore you did not pay anything for your appointment, did you not? A. Certainly I did.

Q. Then you said something? A. I didn't say anything.

Q. When you swore did you not say something? A. I swore here that I did not pay for the appointment.

Q. I say outside of this court, did you not, on one occasion, swear that you did not pay anything for your appointment? A. I don't understand.

By Senator Bradley:

Q. Do you not understand the question? A. No, sir.

Q. Did you not swear you did not pay any money or give any other consideration for the appointment? A. I did; yes, sir; on the day I was appointed.

By Mr. Goff:

Q. How did you swear? A. I swore it in the chief clerk's office.

Q. He gave the Bible into your hands and asked you the question, did he? A. No, sir; he did not.

Q. How did you swear it? A. The clerk swore to —

Q. The clerk did not swear? A. He swore me.

Q. He swore you? A. Yes. ●

By Chairman Lexow:

Q. Administered the oath to you? A. Administered the oath.

By Senator Bradley:

Q. How did you swear the counsel asked you, in what form; with the Bible, or did you hold up your hands and take the custom-house oath, or how did you swear? A. I didn't swear at all; I signed the book there.

By Mr. Goff:

Q. Why did you not swear? A. I had no reason to swear.

Q. If you had not paid anything for your appointment could you not have sworn that you did not pay anything for your appointment? A. Yes, sir.

Q. Then why did you not swear? A. I was not asked to swear.

Q. You were not asked to swear? A. No, sir.

Q. What I want to find out, captain, is why you did not swear; can you not tell me why you did not swear, if you did not pay anything for your appointment? A. I don't know.

Q. Do you mean to say that you have been made a captain of police without having been sworn? A. I was sworn in, certainly, as a captain of police.

Q. Do you mean to say you were not sworn and asked the question whether or not you had paid any money or any consideration for your appointment? A. I didn't say that.

Q. You state that you did not swear? A. Every officer that is appointed he has got to swear.

Q. I am not asking what other officers do; I am asking you what you have done — what have you done? A. I swore that I did not pay anything for the appointment or promised to pay in the chief clerk's office.

Q. A while ago you said you did not swear; which is correct? A. I didn't know which you meant, whether you meant here or—

Q. My questions were plain enough, Captain Strauss; now, about Wallerstein; you say at one time that he had given you the money some three or four days before you were made captain; then you said again he did not give you the money until some days after you were made captain? A. That is correct.

Q. Which? A. A few days after I was made captain.

Q. Why did you answer a few days before? A. I made a mistake.

Q. Another mistake? A. Yes.

Q. Did you give him any receipt for the money? A. I did not.

Q. Any writing passed between you? A. Nothing.

Q. Did your wife give any receipt? A. No, sir.

Q. Did anyone give a promissory note for you? A. No, sir.

Q. When did you agree to pay him the \$2,000? A. As soon as I had it.

Q. How soon did you get it? A. I gave it to him back in about four or five or six weeks, I believe; I didn't spend it.

Q. You did not spend the money? A. No, sir; I didn't spend the money, with the exception of a few dollars, with the exception of \$500; I gave him \$1,500 back about five or six weeks afterward.

Q. Why did you not spend the money to furnish your house? A. No, sir.

Q. Why? A. I did not because I intended to move from there.

Q. How is it that your mind changed so rapidly? A. I don't know; we agreed not to furnish our house at the time.

Q. Who agreed? A. Myself and my wife.

Q. Did you pay him back the money in cash? A. Yes, sir.

Q. As long as you intended not to furnish your house, why did you use any of the money? A. Well, I used a few hundred dollars, about \$200, and I gave him \$1,500 back, and I kept \$500; I wanted to have a few dollars in the house.

Q. You did not need a few dollars in the house when you had become a captain; your salary was raised? A. Yes.

Q. Why did you need a few dollars in the house at that time any more than any other time? A. I don't know.

By Chairman Lexow:

Q. How could you give \$1,500 back and keep \$500 and spend \$200 — what do you mean by that? A. I spent about \$250, or \$260, or something like that.

Q. That would make it \$2,250, instead of \$2,000? A. I kept \$500; out of that \$500 I spent about \$250, and I give him \$1,500 back.

By Mr. Goff:

Q. You say you did not see Charley Grant in connection with your appointment? A. Never.

Q. Was there not trouble between Charley Grant and Williams over your appointment? A. Not as I know of.

Q. Did you not hear that Charley Grant, when he heard that Williams had done the business between yourself and McClave, do you not know that Charley Grant said it had come to a damn pretty pass, when he was going to get left in the cold and not make a dollar out of the transaction? A. Not as I know of.

Q. You are positive this is the first time you ever heard of it? A. Yes; the first time.

Q. Did you not go to Williams in relation to your appointment and tell him that if he could get it for you cheaper than Grant you would let him get the appointment? A. No.

Q. Did you not speak to Williams? A. No.

Q. Why did you keep these \$2,000 in bills so long in your house? A. Why did I keep it?

Q. Don't you repeat my questions; answer them; why did you keep \$2,000 bills in your house all that time? A. I don't know.

Q. That is the only answer you can give to any direct question I give? A. I gave it to him back.

Q. Where did you keep the \$2,000 in bills? A. In my pocket.

Q. All the time? A. Yes, sir.

Q. Carry it about? A. Yes, sir.

Q. Pretty large roll, \$2,000, in \$1 and \$2 bills? A. No; I had large bills.

Q. What was the denomination? A. I don't remember.

Q. How large; you say there were large bills; how large? A. I believe there were some fifties, some hundreds and twenties.

Q. What bank did Wallerstein draw the money out of? A. I could not tell you.

Q. Did he tell you? A. No, sir; I didn't ask him.

Q. And you carried \$2,000, in your pocket, around all this time? A. Yes, sir.

Q. For the purpose of furnishing your house that you did not furnish? A. Yes, sir.

Q. Any other money did you carry around with you? A. No, sir.

Q. Is it not the fact that that \$2,000 you carried around you, expecting to have to raise the ante, as it was called, over the sum that had already been put up? A. No, sir.

Q. Why did you carry it? A. Well, I wanted to use it and I didn't use it.

Q. Don't you know you are lying when you said you got that \$2,000 to furnish your house; that you have made up that lie? A. No, sir.

Q. You have made up that excuse? A. No.

Q. Do you think any sensible, reasonable man believes that story? A. Certainly.

Q. Certainly? A. Yes, sir; it is not a story, it is the truth.

Q. Do you say you kept \$500? A. Yes, sir.

Q. Now, you were being made a captain, your salary was increased; why did you keep this man's \$500? A. Well, I used some of that \$500.

Q. What for? A. I bought different articles; I bought clothes for myself and family.

Q. You, a sergeant of police, living modestly and economically on a salary of \$2,000 a year, and your wife and children in need of clothes until you borrowed money from Wallerstein? A. Yes; they were.

Q. And unless you had been made a captain they never would have got clothes, is that it? A. I was poorer at that time; I would have got clothes after awhile.

Q. Now, you have got a family, Captain Strauss, and you want to be respected by your family, do you not? A. Yes, sir.

Q. You want to have the respect of your children, do you not? A. Yes, sir.

Q. And the respect of your wife, do you not? A. Yes.

Q. And the respect of all your relations, do you not? A. Yes.

Q. And the respect of your people? A. Yes, sir.

Q. And do you think you can have the respect of either your children or your people, when your children grow up, by the way you are testifying here to-day in relation to this matter — do you think they can have any respect? A. Yes, sir; I do.

Q. Don't you know that your children, when they grow up and read this testimony, will be convinced and feel that you are not telling the truth? A. I am telling the truth.

Q. Do you think your explanation of this \$2,000 is truthful? A. Yes, sir.

Q. You can give no better reason than you have for that \$2,000? A. No, sir.

Q. Do you know a man by the name of Noble? A. I do.

Q. Now, how much did Noble give toward your appointment? A. Not a cent.

Q. How much did Louis Morrell give toward your appointment? A. Not a cent.

Q. How do you know? A. Not as I know of.

Q. Why did you say not a cent? A. I don't see why they should pay any money for me.

Q. But the money was contributed for you? A. Not as I know of.

Q. You mean to say that it was not well known in the department at that time that no man could get a captaincy unless he paid for it? A. I don't know.

Q. Did you ever hear it? A. Never.

Q. Is this the first time you ever heard that? A. This is the first time until I heard the other day about Creeden.

Q. The first time you ever heard that a captaincy in the police department had to be bought until you heard Captain Creeden's testimony before this committee, is that so? A. Yes, sir.

Q. And for years in the city of New York the newspapers have hundreds of times printed that common rumor and report; and policemen have sworn here that it was a matter of common rumor and notoriety in the department that no man could get a captaincy without paying for it; and yet you swear here that you never heard it until the other day? A. Never.

Q. You think your family will respect you when they read that testimony? A. I do.

Q. You do? A. Yes, sir.

By Chairman Lexow:

Q. Do you wish to be understood as stating here that you have not heard, as matter of rumor, that captaincies have been made the subject of barter and sale? A. I have not heard until the other day.

Q. You read the papers, do you not? A. Yes, sir.

Q. Have you not seen in the papers the charges made that a captaincy costs all the way from \$10,000 to \$25,000, and that nobody could be appointed captain unless they paid that amount of money? A. Since this committee was in session?

Q. For three or four years passed? A. No.

Q. Do you read the daily prints? A. Yes, sir.

Q. You ought to be candid about these things; you know a statement of that sum was extraordinary? A. I don't know anything about it; I can't tell.

By Senator Bradley:

Q. Did you read the testimony in the McClave case? A. Some of it; yes.

Q. And did not see anything of it there? A. No.

By Mr. Goff:

Q. Now, Captain Strauss, I don't want to bring a number of men here on the witness-stand who will swear you are a perjurer without giving you a fair opportunity; I want to give you every opportunity to do yourself credit, if you can; have you told anyone that you had to pay for your appointment? A. Never.

Q. Did you ever complain of the heavy assessment that was made upon you? A. Never.

Q. To a living soul? A. No, sir.

Chairman Lexow.—I think it is right and proper here to inform the witness that if he does perjure himself he makes himself liable to fines and penalties as though he was testifying in any court; on the other hand if he testifies to a question of bribery, not only by the privilege of the Senate, but in order to correct any newspaper articles, such as I have seen this morning upon the subject, by the law itself—by the law of the State—you are absolutely protected from being prosecuted. It is not a question of this committee giving you immunity at all; the law gives you immunity under the Penal Code.

Q. Do you know Wertheimer? A. No, sir.

Q. Seen him? A. I have seen him.

Q. You know him? A. I don't know him.

Q. He is a member of several societies in this city, benevolent societies? A. I don't know anything about it.

Q. Do you belong to any benevolent societies? A. I do not.

Q. Have you a life insurance policy? A. Yes, sir.

Q. In what company? A. In no company; I am insured in the Masonic Aid.

Q. No line company? A. No, sir.

Q. Will you swear you never said to Edward Wertheimer that you had to pay for your captaincy and had a hard time to get the money to pay the people who raised the money for you? A. No; I never had any such conversation with him.

Q. Or with any other person? A. No, sir.

Q. Did anyone ever ask you if you had to pay? A. No, sir.

Q. The suggestion was never made to you? A. Never.

Q. Have you been talking to Inspector Williams since this committee sent for you? A. No.

Q. Have you had any message? A. No, sir.

Q. Not one? A. No, sir.

Q. And not exchanged words with him? A. Never.

Q. Did you agree to swear it right through with him? A. I have not; I had no conversation.

Q. What I want to know is, captain, when you got the \$2,000 to furnish your house, did you go to any furniture-house to make inquiries touching the value or price of furniture? A. No, sir.

Q. How many days before your appointment did you get the \$2,000? A. I don't think I got it before my appointment; I think I got it two or three days or four days after.

Q. Don't you remember you had that money in your pocket Christmas day? A. I did not.

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

Q. You had it before New Year's? A. I did not.

Q. You had it after? A. Yes, sir.

Q. Now, I want to know after you knew you were made a captain, and you knew you were going to furnish your house, what caused you to alter your mind in a few days? A. I intended to move; I went and seen the party I leased the house from, and he told me he would not let me move then, and for that reason I

didn't buy any furniture, and I thought I wouldn't buy any furniture until I did move at the coming spring.

Q. How much; what is the value? A. Probably \$150 or \$100 worth.

Q. Where? A. In the Bowery.

Q. Now, if you wanted \$2,000 in the winter to furnish your house with why was it that you satisfied yourself with \$100 or \$150 in the spring when you did move? A. Because we changed our minds.

Q. You changed your mind? A. Yes; I didn't see how I could pay it back, for that reason.

Q. How soon did you pay the \$500 back? A. About seven or eighth months after.

Q. Did you pay it all in one sum? A. Yes, sir.

Q. Did Wertheimer ever demand it from you before you paid it? A. Wertheimer?

Q. Wallerstein? A. Wallerstein — no, sir.

Q. Was he wardman when you paid it to him? A. No, sir.

Q. He had been wardman? A. Yes, sir.

Q. Was there any wardman when you paid it? A. Any wardman where?

Q. In the precinct? A. Yes.

Q. Who was wardman? A. I believe Weller was wardman there.

Q. Gave the money to Wallerstein in bills? A. Yes, sir.

Q. Take a receipt from him? A. No, sir.

Q. What was the denominations of the bills you gave? A. I couldn't tell you.

Q. Where did you get the bills? A. The \$500 I saved it from my salary.

Q. You saved it from your salary? A. Yes, sir; I only spent a little over \$200, and I naturally put — \$250 or \$260 I spent — and the rest I had in my pocket.

Q. Carried it around in your pocket all the time? A. Yes, sir.

Q. January, February, March and April? A. Yes, and May.

Q. Carried that money all around all the time in your pocket; made a savings bank of your pocket, did you? A. Yes, sir.

Q. Is this the money you picked up in the precinct? A. I did not pick up any money in the precinct.

Q. How do you cash your pay wallets? A. In the bank.

Q. What bank? A. In the Murray Hill Bank.

Q. Have you an account there? A. No, sir.

Q. How did you cash them there? A. I know the president.

Q. Each month you went and got the money? A. Yes, sir.

Q. What is your monthly salary? A. Two hundred and twenty dollars or \$225; something like that.

Q. Do you really know not what salary you get? A. Certainly, 30 days in the month, we get \$5 or \$10 less; \$221 I got last month and some odd cents.

Mr. Goff.—I propose, Mr. Chairman, to excuse this witness now, not to excuse him from attendance from this subpoena by any means, but simply to suspend his examination for the present.

Chairman Lexow.—For the day?

Mr. Goff.—For the day. But not to suspend his examination altogether.

Chairman Lexow.—You are excused for the present, and meanwhile you are cautioned not to speak to any one with reference to the testimony; do not talk to anybody upon the subject under examination.

By Senator Bradley:

Q. Who were the commissioners with Commissioner McClave when you were appointed? A. Commissioners Martin, McClave, MacLain and Voorhis.

Q. Who was mayor of the city of New York when you were appointed captain? A. Mayor Grant.

Chairman Lexow.—You are excused for the present.

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

By Mr. Goff:

Q. How long are you on the police force, officer? A. A little over 11 years.

Q. What precinct are you attached to now? A. I am attached to the central squad.

Q. Now, this committee would like that you explain, Officer Wallerstein, for what you loaned the money to Captain Strauss early in the month of December, 1891? A. Early—I don't know what you mean.

Q. Will you please answer my question? A. I didn't loan him any money in 1881.

Q. If I made an error, I apologize; I said 1891? A. Well, I couldn't say what he used it for.

Q. (Question repeated.) A. I don't know.

Q. You don't know? A. I don't know; no, sir.

Q. Did you loan him any money at all? A. Yes, sir.

Q. How much? A. I loaned him \$2,000.

Q. What for? A. I couldn't say.

Q. Why, he has sworn here before this committee that he told you for what purpose he wanted that money? A. Well, he told me he wanted it for private use.

Q. He told you he had said the specific private use he wanted it for? A. For private use.

Q. He named the use? A. No, sir; he did not; I don't remember that he named the use.

By Chairman Lexow:

Q. He has stated here the use; what have you to say about it; did he state it to you?

By Mr. Goff:

Q. Come, officer? A. He didn't tell me what he wanted it for.

Q. Then, if he has sworn he did tell you the use he wanted it for, did he swear to what was true or untrue? A. If he did, I don't remember it.

Q. You and he have agreed together upon that answer, have you not, "I don't remember?" A. No, sir; I have not.

Q. Why did you swear, at the commencement, that he did not tell you? A. Well, he didn't tell me in one way, I didn't know what he used it for; he just merely asked me in the month of December, if I could loan him a couple of thousand of dollars; I told him I could.

Q. Now, let us see; where had you that money? A. I had that money in the bank.

Q. What bank? A. I had it in the Bowery and Citizens' Savings Banks.

Q. How much in the Bowery? A. I couldn't say how much I had in the Bowery; it was around \$800.

Q. And how much had you in the Citizens'? A. I am making a mistake; it was the Citizens' Savings Bank I had about \$800.

Q. I want you to correct it if there is any mistake, officer?
A. It was the Bowery Savings Bank I had — well it was over \$1,200 I had there.

Q. Had you accounts in other banks than those two? A. No, sir; not then.

Q. I am speaking of that time? A. No, sir; not at that time.

Q. That was after; that was when he was captain, was it not; he was captain then when you loaned him the money, don't you remember? A. Yes; he was captain.

Q. And don't you remember that he said something about that he wanted to use this money for something about Christmas or New Year's? A. I could not remember, Mr. Goff.

Q. Now, did he ask you for this money while you were on duty? A. No, sir; not while I was on duty — well, that I could not say; I don't remember whether I was on duty; I was on the police force.

Q. You had saved up this money from your earnings, officer?
A. Yes, sir; some of it; and the other was left to me when my mother died.

Q. In Germany? A. Yes.

Q. How much did you get from Germany? A. Well, I couldn't exactly say; it was around \$1,500 or \$1,400; I couldn't say, Mr. Goff; I don't exactly know.

Q. Did you get it by draft? A. No; I got it through the German society, No. 13 Broadway.

Q. No. 13 Broadway? A. Yes, sir.

Q. Did you open a bank account with that money? A. No, sir; I had a bank account then.

Q. How long before you loaned the \$2,000 to Captain Strauss, did you get this money from Germany? A. I had this shortly before, a year or probably two years before; it may be only a year before.

Q. You signed a receipt of this money down at the German Legal Aid Society? A. Yes, sir.

Q. Your receipt is there, I presume, on record? A. It is there, yes; that is where I can find out how much it was, every cent.

Q. Now, I ask you, do you remember the date that you went to the Bowery Savings Bank and drew out the money? A. I guess it was a couple of days before the 1st of January.

Q. A couple of days before the 1st of January? A. Yes.

Q. And did you go a couple of days before the 1st of January to the other savings banks? A. Yes, sir.

Q. You have got those savings bank books, have you? A. I have got them.

Q. And you will bring them here in the morning to me? A. Yes, sir.

Q. I want to fix the date? A. Yes, sir.

Q. Was it not before Christmas day? A. No, sir.

Q. It was between Christmas and New Year's? A. It was between Christmas and New Year's.

Q. That is as near as you can get to it? A. As near as I can get to it; yes, sir.

Q. You drew the money out of them two banks on the same day? A. Yes, sir.

Q. Did you give it to the captain on the same day that you drew it? A. No, sir.

Q. How shortly after? A. Well, four or five, or probably six or seven days; while I think, it was about four or five days; it may be six days.

Q. It was before New Year's anyway that you gave it to him? A. No, sir; I don't think it was before New Year's; it was after New Year's that I gave it to him.

Q. You carried \$2,000 in your pocket, did you? A. Yes, sir.

Q. For six or seven days? A. Yes, sir.

Q. Doing duty? A. Yes — no; I was not doing duty at the time.

Q. What were you doing? A. If I am not mistaken, I was sick; I had rheumatism, and was sick for a couple of months at the time; I don't know whether it was five or six weeks I was on the sick-list; I was laid up with rheumatism; I don't think I was on duty at the time.

Q. Did you keep this money in your pocket? A. I kept this money in my pocket; yes.

Q. Now, what became of the writing you got when you loaned him this \$2,000? A. I had got no writing, Mr. Goff.

Q. Did not get any writing at the time? A. No, sir; I did not.

Q. Did you not ask for something? A. No, sir.

Q. You loaned this man \$2,000? A. Yes, sir.

Q. A stranger to you? A. He was not a stranger to me.

Q. What is he? A. He is a distant relative of mine.

Q. How distant? A. Well, I couldn't exactly tell you.

Q. So distant you can not locate it? A. Yes; I can locate it; of course, I didn't know the relationship between him and me until he told me himself; I am positive it is right.

Q. He discovered your relationship when he borrowed the \$2,000 from you? A. No; 15 years ago he discovered that.

Q. And you never knew anything different except what he told you? A. No.

Q. Was that the time he promised to make you wardman? A. No, sir.

Q. When did he promise to make you wardman? A. He told me about probably nine or 10 or 11 months before; he told me that whenever he was made captain of police he would take me with him as wardman.

Q. Was there anything said about you being wardman when you gave him this money? A. No, sir.

Q. Well, but he was captain then? A. When I gave him the money he was captain; yes, sir.

Q. Why did you not ask him to fulfill his promise? A. Well—

Q. Why did you not ask him to fulfill his promise? A. I think I didn't speak to him when I gave him that money.

Q. Why did you not ask him to fulfill his promise when you were giving him the \$2,000? A. I did ask him later on.

Q. When you gave him the \$2,000? A. No; I didn't ask him when I gave him the \$2,000.

Q. How much of that does the captain owe you now? A. He owes me nothing.

Q. Paid you the whole of it? A. Yes, sir.

Q. Altogether? A. No, sir.

Q. Different sums? A. Yes, sir.

Q. Different times? A. Yes, sir.

Q. Did he pay you by installments, once a month? A. No, sir.

Q. Once in six months? A. No.

Q. According as he saved it? A. No, sir.

Q. How did he pay you? A. He gave me two payments; he give me \$1,500 one time, and \$500 another time.

Q. How soon after or how long after did he give you the \$1,500? A. Well, I judge about five or six weeks or so.

Q. What did you do with the \$1,500 you got? A. I kept the \$1,500.

Q. What did you do with it; did you put it in bank or keep it in your clothes? A. I had it for a while with me;

carried it in my clothes, expecting, as he said, that he would shortly give me the other \$500; I didn't deposit it.

Q. You didn't deposit it? A. No.

Q. Did you get the other \$500? A. Yes, sir.

Q. Did you deposit it then? A. Yes, sir.

Q. In what bank? A. I deposited \$1,500 of it in the East River Bank, and I think \$500 in the Citizens' Savings Bank.

Q. The same day? A. No.

Q. Why did you not deposit it the same day if you had the \$2,000? A. I couldn't say; I didn't want to put it all in one bank.

Q. I am not asking that; why did you not deposit it the same day in two banks? A. I had no reason for it.

Q. If you deposited \$1,500 in one bank, why did you not deposit that \$1,500 when you received it? A. Well, I don't know; I thought he didn't draw no interest, and I was in no particular hurry with it.

Q. Certainly it did not draw any interest in your pocket? A. Well, it didn't draw any interest in the bank.

Q. It would be safer in the bank than in your pocket? A. I don't know; it was just as safe in my pocket as in the bank.

Q. What denomination in bills did you give him this \$2,000? A. I don't remember it.

Q. In what denominations did you get the \$1,500? A. I don't remember.

Q. Was it not a large roll that you got when he paid you the \$1,500; bill of \$5 denominations? A. I couldn't say that.

Q. It was a very large roll; \$1,500 was a pretty large roll in your pocket, carrying it around? A. No; I don't think it was.

Q. Were you wardman while you carried this \$1,500 around? A. Yes, sir.

Q. Any danger of getting it mixed up with the collections you made from the houses of prostitution of that precinct? A. I didn't make any collections; there were no houses of prostitution in the precinct.

Q. There were not? A. No, sir.

Q. No houses of prostitution in that precinct? A. No, sir.

Q. How about the liquor dealers, money you got from the liquor dealers? A. Never got anything from liquor dealers.

Q. Never got a dollar while you were in that precinct? A. No, sir.

Q. Never asked for a dollar? A. No, sir.

Q. I want to know why is it you did not deposit that \$1,500 when you got it, as long as you deposited it later in the bank?

A. I have no particular reason for it; I did not want to deposit it in one bank; I wanted to leave some of it near enough in case I wanted any money, then I would not have to go away down Chambers street, when I could go to Canal or Grand street; I had no particular reason for it.

Q. Were you looking to see if you could not be a roundsman at that time? A. No, sir.

Q. Make an application? A. No, sir; made no application.

Q. Ever passed the civil service for a roundsman? A. No, sir.

Q. You burnt some notes, did you not? A. No, sir.

Q. Destroyed some notes? A. No, sir.

Q. Tore them up? A. No, sir; never had any.

Q. Never had any promissory notes? A. No.

Q. Was it not in consideration of this \$2,000 that the captain promised to make you wardman? A. No, sir.

By Chairman Lexow:

Q. How many days or weeks or months after you got this \$1,500 you speak of back, did you deposit it, give it as nearly as you can; was it days, weeks, or months after you got it back?

A. It was probably two or three months.

Q. Two or three months you carried it around in your pocket? A. Yes, sir.

Q. One thousand five hundred dollars? A. Yes, sir.

By Mr. Goff:

Q. Do you remember what the captain told you when he paid you the \$1,500; how he managed to get so much money together to pay you? A. No; he didn't tell me how he got it; not at all; he told me, if I am not mistaken, that he didn't use that money.

Q. If you are not mistaken — have you got any doubt about it? A. Well, I don't remember it very well.

Q. If you don't remember it don't tell us; don't guess at it; you are on your oath; by the way, do you believe in the obligation of an oath; after having kissed that book there? A. I do.

Q. Just look at that book; look at the cover of it.

Senator Bradley.—This is the Old Testament and this is the New Testament; now, do you believe in it? A. Yes, sir.

Q. Do you feel you are not bound in conscience unless you take an oath in pursuance to your religious persuasion — do you understand me? A. No, sir; I do not.

Q. Are you bound to your conscience to tell the truth except when you take an oath in pursuance to the form of your religious persuasion? A. I believe in this oath; yes.

Q. You believe in the oath you took upon this Bible? A. Yes.

Q. Have you got that \$2,000 now? A. Yes, sir.

Q. In what bank? A. East River Bank, Citizens' Bank and Bowery Savings Bank.

Q. When you said a little while ago if you were not mistaken the captain told you he did not use it; now, you know you have been told that within the last three days? A. No, sir.

Q. Don't you know that it is not true; don't you know what you said that time is not true? A. What I said was true, Mr. Goff.

Q. Don't you know that the captain did not tell you any such thing — that he didn't use that \$1,500? A. He did tell me.

Q. Are you positive about it? A. I wouldn't like to swear to it, but I think he did.

Q. What makes you think he did? A. Well, I think so; I have a slight remembrance, but I wouldn't like to swear to it.

Q. Are you equally sure that he did not tell you what he wanted to use that money for? A. Yes; I am sure he didn't tell me.

Q. Now, be careful? A. I am careful; whatever he told me I really don't remember; he told me it was for some private use.

Q. For a private use? A. Yes.

Q. Did he ever borrow money from you before? A. No.

Q. Or afterward? A. No, sir.

Q. It was the only transaction between you and he that ever took place? A. Yes, sir.

Q. How do you explain your loaning the \$2,000 to him and his appointment to the captaincy at that time? A. I didn't loan him the money for any such purpose.

Q. I didn't ask you that? A. That is what I understood you.

Q. As matter of fact, don't you know that that money was to go for his appointment for the captaincy? A. No, sir.

Q. Don't you know that he could not get the captaincy unless he paid for it? A. No, sir.

Q. Did you ever hear that in the police force? A. No, sir.

Q. This is the first time you have heard it? A. The first time; I have heard it in here.

Q. When? A. When it was here last week.

Q. That is the first time you have heard it? A. Yes, sir.

Q. And you have been 11 years on the police force? A. Yes, sir.

Q. The first time you have heard that a man could not be made a captain without money was here the other day? A. Never heard it before.

Q. Never heard it as a rumor? A. No.

Q. Never heard that no promotion could be obtained without paying for it? A. No.

Q. Did you ever hear that promotions had been bought? A. No, sir.

Q. Never heard a word about that? A. No, sir.

Q. Where have you been living, anyway? A. Right here in New York.

Q. And have you been sleeping all the time? A. No; I was wide awake; but I never heard anything.

Q. You mean to have the effrontery to say here that you have been a policeman and didn't hear, as common rumor and knowledge among members of the force, that members of the force had to pay for their promotion; do you mean to say that? A. Yes; I mean to say I never heard of it.

Q. You never heard of it? A. No.

Q. And that is as true as all else you have testified to? A. It's as true as all else I have testified to.

By Senator Bradley:

Q. When the captain asked you for the loan of \$2,000 did he tell you when he wanted it; when he wanted you to give it to him? A. No, sir.

Q. He did not tell you? A. He told me—he asked me if in a week or so I could loan him a couple of thousand dollars, and I said yes, I could.

Q. Did he promise to give you any interest on the \$2,000 when he would pay you back? A. No, sir.

Q. You drew the money out and you kept it in your pocket over a week? A. Yes.

Q. Did you understand by drawing the money out the latter part of December that you lost \$40 interest? A. Yes, sir; I knew that.

Q. You were willing to give that to the captain? A. Yes.

Q. And still you kept your money in your pocket until after the 1st of January? A. Well, I didn't know when he wanted it.

By Chairman Lexow:

Q. Did you draw the money out before the captain asked you to draw it? A. He told me about a week before the 1st of January; before New Years; about a week before New Years he said if I could loan him \$2,000; I said, "Yes;" "Well," he said, "Will you have it for me this week;" I said, "Yes;" so I went to the bank and drew the money and I had it in my pocket; and the captain didn't come to see me, and I didn't go near him; so it was at least four or five days after I paid the captain a visit, and he asked me if I had that money; that was after he was made a captain.

Q. Now, you know, do you not, by leaving it in bank just a few days longer you would have been entitled to six months' interest for that money? A. I did; yes, sir.

Q. Therefore, by drawing it out three or four days before the date when you would have been entitled to interest, you lost the whole interest for six months; is that not true? A. Yes, sir.

Q. Now, do you mean to say that, notwithstanding the apparent urgency which compelled you to draw the money and lose the interest a few days before interest would have been paid, you kept that money in your pocket until after the date when interest would have accrued, without saying a word to the captain about it? A. Yes, sir.

Q. How do you account for it?

Senator Bradley.—And you expect us Senators here to believe that; do you really think we believe you; how do you account for it? A. He asked me to get it for him and I thought as a friend and relative as he claimed; I thought I would get it for him.

Q. Do you think it reasonable for us to assume that you would not have said to him at least, "Captain, can I not leave it in bank for three or four days longer and get my half year's interest on it: or is it so necessary you should have the money at once that I must draw it?" A. I didn't ask him whether it was so necessary; I didn't make that remark; he merely asked me and I thought as a friend I would go and get it.

Q. Did he promise to make up to you the interest you would lose by drawing it the 1st of January? A. No.

Q. Never asked him to? A. No. †

Q. What did he say in reference to the use that he was going to put it to — simply private use? A. Yes; private use.

Q. Did you not ask him, in view of the fact that you would lose out of your own pocket that interest, what the necessity of that private use was? A. No, sir. †

Q. Did you not know at that time that he was within two or three days of an appointment as captain? A. I didn't know.

Q. Did you not know that captains would be appointed on the 30th of that month, or just a few days after you drew that money? A. No, sir; I did not.

Q. And he did not tell you anything about it? A. He did not tell me; no, sir.

By Mr. Goff:

Q. Did you ever hear of one of your relations waiving interest before? A. I don't understand you.

Q. Did you hear of one of your relations losing interest before without the hope of gaining by it; you are the first and only man, is that it — do you understand me? A. No; I don't understand you.

By Chairman Lexow:

Q. The fact is, is it not, that by drawing it out a few days before the interest was due, you lost the interest for that six months, and by keeping it in your pocket after it was given to you by the captain back again; you lost it for six months more? A. Yes, sir.

Q. So you actually lost one year's interest upon that money, and you never asked a cent from the captain for it? A. No.

By Mr. Goff:

Q. Do you own a horse and buggy? A. No, sir; I own a small, little carriage; no horse.

Q. You own the carriage without the horse? A. Yes, sir.

Q. Why do you own a carriage without a horse? A. Well, I had a chance to buy it cheap one time.

Q. Got it for nothing, in fact? A. No; I paid for it.

Q. What pleasure did you take in a carriage without a horse? A. Well, I like to drive; I have friends that were in the stable business and I thought I would buy the wagon.

Q. And make use of your friends and borrow the horse, is that it? A. No, I paid for the loan of the horse.

Q. You bring those bank-books in the morning? A. Yes, sir.

By Chairman Lexow:

Q. Do you know anything about the gyp business in your precinct? A. No, sir.

William Le Cato, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. You are manager for the Gorham Mfg. Co.? A. Yes, sir.

Q. Your house has been unfortunate enough to have been robbed sometimes, has it not? A. It has within the last 10 years, more or less.

Q. And much of your silverware, sometimes, has been taken? A. Yes.

Q. Now, in several instances where your silverware has been discovered in pawnshops in this city, have you had to pay the price for which the silver was pledged by the thieves? A. I believe we have in every case; there may be one exception.

Q. What was the exception; if it is a remarkable one, I want to hear it? A. That was in the case of a lot of silver which was stolen and taken to Philadelphia.

Q. I mean in New York? A. I don't believe we have ever had in New York, without paying for it.

Q. So that it would be much better from a standpoint of economy that the thieves would take the stolen property out of the State, have a better chance to get it back without paying for it? A. If we got it it would probably cost us less, from our experience.

Q. In addition to your paying the pawnbrokers, you generally paid the detectives from the Central office something? A. We have been in the habit of giving them money.

Q. Now, what amount is the average? A. Probably from \$10 to \$50.

Q. Any particular officer there or detective that you have had more dealings with than any other? A. No; we have had a number of them.

Q. Name the officers, if you can? A. I suppose there has been as many as eight or 10 altogether.

Q. Can you remember the names? A. Dolan, Slosson, Connor, Heidelberg.

Mr. Goff.—By the way, it is matter of record, Mr. Chairman and Senators, that this Heidelberg, a detective-sergeant, to-day

on the police force, was at one time, discharged from the police force for being a thief; the matter was proven, and he was reappointed after.

Senator Bradley.—Is there not an old proverb which says that it takes a thief to catch a thief?

Q. Right upon the Senator's suggestion, in any of these cases where your silverware was recovered from the pawnshops, and you had to pay for it, were the thieves caught? A. Yes; in two or three cases.

Q. Were they convicted? A. Yes.

Q. Sent to prison? A. Yes, sir.

Q. But not in all cases; only two or three, you say? A. Maybe as many as four; I know in some cases they were not caught.

Q. But whether they were caught or not, you had to pay all the same? A. I don't say that we had to pay; we did pay; we were never asked to pay anything; that was voluntary.

Q. I am not speaking now what you gave to the police, but to the pawnbroker, in order to get your goods back, you had to pay the price for which the goods had been pledged? A. Yes; and we preferred to pay.

Q. Why did you prefer to pay? A. We had it understood with the pawnbrokers that any silver of ours that was found in their possession, that we were willing to pay a fair sum for it.

Q. How was that understanding reached? A. We had our own private detective, sent him around with those instructions; we did it to facilitate the tracing of goods; such a large stock as we had, it is difficult to tell whether we are being robbed at once, and if the pawnbroker sent to us a piece of silverware we could at once recognize it, and begin to trace it, and find out where the leakage was.

By Chairman Lexow:

Q. Would not that be a premium to pawnbrokers to loan away up to the full value of the silver goods in case they were your goods and they recognized them as such? A. Possibly, although we never looked at it in that light.

By Mr. Goff:

Q. Did you ever consider that you were not bound to pay \$1 for your goods found in the possession of pawnbrokers, as matter of right? A. I don't know that we ever considered it or looked at it in that light.

Q. Did the detectives tell you that you had to pay the pawnbrokers before you could get your goods? A. I don't remember a case in which they did.

Q. As Senator Lexow has suggested, might that not lead to collusion between thieves and pawnbrokers, or possibly between dishonest employes and pawnbrokers; in order to advance large amounts upon your goods? A. Possibly.

Q. About how much have you given to the police in the way of presents, these officers? A. I should think \$400 or \$500.

By Chairman Lexow:

Q. Did these detectives ever tell you what your legal rights were, that you would not have to pay these pawnbrokers? A. I don't remember that we were ever told that.

Q. Do you think you would probably remember it if they had? A. Yes; if they made a point of it I should certainly remember it.

Q. Did they ever tell you that you were under no obligations to give them a dollar for the services they rendered in recovering your property? A. No.

By Senator Bradley:

Q. Did they ever tell you that they would have to put part of that money into the pension fund, so much per cent.? A. No, sir; we understood or we thought there was more or less expense for these men going around and when they were through we gave them some money.

By Chairman Lexow:

Q. But those expenses you understand were paid by the city? A. Yes.

Chairman Lexow.—All witnesses subpoenaed for to-day will return here to-morrow morning at half-past 10 o'clock. The committee will stand adjourned until that time.

Proceedings of the seventieth session, held in the Superior Court-room, Part I, in the city of New York, on Friday, December 21, 1894, at 10:30 a. m.

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

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

Senator O'Connor.—Before we proceed here, I want to say a word. My attention was called to an interview that purported to emanate from me, which was published in the New York World this morning. I had some talk with the reporter of the World at the Hotel Metropole last night. As I read this interview it totally misrepresents my position there; but very little of what was said in the reported interview correctly represents what I stated. I have no hesitation now, in saying, as every member of the committee knows that everything that has been done by this committee, from the very beginning, had my most cordial and earnest indorsement, and we have no apologies to make for the laches of the committee. We appreciate the fact that we have violated all precedents, but in doing so we have established one. We came down here to New York to accomplish a certain purpose, and we felt entirely satisfied it never could be accomplished by the ordinary methods which obtain in a court of justice. What we have done, and permitted to be done has been done knowingly, and with our full approbation. We looked upon the position down here as state of war and felt there was corruption and bad government here, and we were bound to uncover it if we could. We think the committee and its counsel have succeeded in showing up the rottenness of this entire city from center to circumference. There has been no lack of harmony with this committee or its counsel; and I have always commended in the highest terms the method of Mr. Goff's examination and the results that he has obtained.

Furthermore, I desire to say, that we have no apology for this so-called bulldozing on the stand here. We do not permit it to be done to a witness that is telling the truth; we do not care what kind of probe is applied to the witness who is trying to evade. While we recognize the right of everybody to criticise because this is a new method, it is a method that is necessary to be adopted if these kinds of investigations are made a success. We know what we were doing, and stand by what we have done. We recognize the right of the press to criticise it. We are after results and we think we have got them.

Chairman Lexow.—I would like to add to that, Mr. Goff, that the same article seems to throw responsibility for what has

been done, and what has not been done, or left undone, entirely upon the shoulders of counsel. I think that is unjust and improper. This committee is willing to share with our counsel absolute responsibility for both what has been done and what may be left undone.

Mr. Goff. I might add, Senators, that I think I stated to you at the first interview I had the honor of having with you in the Senate chamber, or in one of its rooms, that if I were honored by selection as your counsel, I should not put on white gloves in dealing with the witnesses; and your committee told me to exercise all the ingenuity I was capable of, and to plunge the knife in — that was the word, I think, that was used by Senator Pound — and turn it around wherever I could, in order to get at the truth, without at all, either asking consideration or in the sense of apology, as you have stated, for any methods that have been adopted by the counsel of this committee in the examination of witnesses. I would say, however, that I think in the cases deserving consideration and kindly treatment, I do not think counsel has been wanting in that consideration and kindly treatment for witnesses who manifestly deserve such treatment. If, on the other hand, as has been stated by you, where a witness was manifestly telling a falsehood, and lying continuously through his testimony, it has been true that sharp-pointed questions have been put; and while I have the honor to serve you as counsel, and in pursuit of the object you started out upon, and instructed me to start upon, I shall continue to put pointed and disagreeable questions to witnesses, who, I believe, are lying and evading the truth.

Chairman Lexow.— And the committee will continue to have the most absolute and implicit confidence in the counsel and the methods he pursues.

Mr. Goff.— Thank you, Mr. Chairman.

Q. You have come here, as a witness, under the subpoena?

A. Yes, sir.

Q. Now, I hand you this paper, and ask you if this is the subpoena that was served upon you? A. Yes, sir; that is the subpoena.

(Paper offered in evidence and marked "Exhibit 1, December 21, 1894, L. W. H.")

Q. When were you served with this subpoena? A. Last night about 8 o'clock.

Q. Do you know the person who served this subpoena upon you? A. No, sir; he is entirely a stranger to me; but, I suppose I could recognize him, if I should meet him again.

Q. Did he say anything to you when he served this subpoena upon you? A. Yes, sir; he came in and said, "Is Mr. Reinert here?" I says, "Yes;" he says, "Well, give this to him;" that is all.

Q. Handing you this paper? A. Yes, sir.

Mr. Goff.—This is a paper, Senators, purporting to be a subpoena from this committee. It is an ordinary subpoena for a civil court, and the person served is ordered to appear in his private person before the Lexow committee on the 21st day of December, at the Superior Court, General Term court-room, County court-house, Chambers street, in the case of Officer John Townsend, of the Ninth precinct, defendant, on the part of the people; and it goes on to say, that for a failure to attend the witness will be fined \$50 and liable to be committed for contempt of court. The subpoena is made in the usual form and is directed to Adolph Reinert, 443 Fourteenth street, and purporting to be signed by John W. Goff, attorney. I would give something to catch the person who served that subpoena or the person who wrote it.

Chairman Lexow.—Do you know any motive that the person might have in serving a subpoena of this kind on him?

Mr. Goff.—No, sir.

Q. Do you know this Officer Townsend? A. Yes, sir; I do know him.

Q. Are you are friendly terms with him? A. I am, but I have not seen him in a long while; he used to be on the market, but I understand he is retired; I read in the paper about him last week being —

Mr. Goff.—This is one of the many cases not in the shape of subpoenas, but having the same bearing which I think it has. It is evident that this subpoena has been served upon this witness by some person or caused by some person who has a private grievance against this officer. That is, I think, a fair construction of it from this subpoena. Your counsel, gentlemen, have been in receipt of numerous letters and communications, anonymous, and others urging counsel to call this man and call that man, and put certain questions to them; and on our failure to call those persons indicated, we have received abusive and

scurrilous letters, accusing us of being bought up by those persons, etc., for not calling them. In the examination of these numerous letters and diatribes we have come to the conclusion that very many persons have sought to make this committee a vehicle of private antipathies and malice against certain men and officials. So far as we could, in our best judgment, we have avoided allowing this committee or its counsel to be made such instrument to gratify personal or private matters; and while many of these communications were very attractive on their faces, and which on the first appearance would hold out a prospect of very great results, yet examination by us in very many cases has shown how utterly unfounded they were. It has been the object of the counsel of this committee, and I know, of course, we were acting in harmony with the views of the committee, that the function of this committee was not to smirch any man's character, or call men before this committee for the purpose of smirching their characters; and we have refrained, Mr. Chairman, I may say now, and under very grave provocations, sometimes from witnesses themselves, from uttering a word, either by question, innuendo or insinuation, that would affect their private character, though we have been certainly tempted sometimes by provocation and aggravation. We have absolutely drawn the line at the difference between a man's public life and record, and his private life and record. We shall continue to do so, and hereafter we shall be guided by the same principle that the purpose of this committee is not to sacrifice men's characters, but it is to expose a corrupt and dangerous condition of public affairs in the police department of this city, and for no other purpose; and if in doing that men's character's have to go down, they must go down; but if we can not do that, we are not going to wantonly assail men's characters for the purpose of putting men on the stand to hurl at them questions that might leave some mud. This case of this witness gives me opportunity to refer to what has given us a great deal of irritation and annoyance; and if these people who write these letters, abusive and otherwise, would only take that into consideration and remember that we are here as public servants, and not as tools or implements of any man or set of men to wreak vengeance upon anyone, they would save themselves a great deal of trouble, and save us

a great deal of time if we had not these communications. You may go now, Mr. Reinert, with this injunction, that you must use every effort in your power to identify the person who served that subpoena upon you.

The Witness.—I will, Mr. Goff.

Mr. Goff.—And let counsel of this committee know as soon as possible if you succeed?

The Witness.—I will; yes, sir.

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

By Mr. Goff:

Q. How do you spell your name? A. S-h-a-l-v-e-y.

Q. Officer, have you any title deeds to your property? A. Yes, sir.

Q. What? A. Title deeds; no—I have deeds; yes, sir.

Q. You have deeds? A. Yes, sir.

Q. How many? A. One.

Q. How much property have you? A. Three lots.

Q. Where? A. Westchester.

Q. Has your wife any property? A. No, sir; my wife is dead.

Q. Has anyone any property in your name? A. No, sir.

Q. Holding it for you? A. No, sir.

Q. Or in trust for you? A. No, sir.

Q. In any way? A. No, sir.

Q. Have you ever bought any property but those three lots?
A. I bought the lease.

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

Q. You have that lease with you, have you? A. Yes, sir.

Q. Where is that property—leasehold? A. Monroe street;
193 Monroe street.

Q. One building? A. Yes, sir.

Q. What is the lease there? A. Twenty-one years.

Q. How much did you give for it? A. In the neighborhood of \$4,000.

Q. Have you got any other property but that leasehold?
A. And those three lots.

Q. And the three lots I said; have you any bank accounts?
A. Yes, sir.

Q. How many? A. Well, four or five, I think.

Q. Four or five; what banks? A. Bowery, Citizens', Emigrants' and Dry Dock.

Q. Have you got any certificates of the Trust Company? A. No, sir.

Q. Any money in the Trust Company? A. No, sir.

Q. Life policy? A. No, sir.

Q. None at all? A. No, sir.

Q. Hold any bond or mortgages? A. No, sir.

Q. You understand what I mean now do you? A. Yes, sir.

Q. Do you hold any promissory notes? A. No, sir.

Q. Any person owing you large sums of money? A. No, sir.

Q. Have you got a safe deposit? A. No, sir.

Q. Did you ever have one? A. Never.

Q. Anyone holding it for you? A. No, sir.

Q. You swear that outside of the property that you have mentioned, you have no interest, directly or indirectly, in any real estate? A. Yes, sir.

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

Q. Now, officer, I wish you to bring me your deed of those lots and that lease, and your bank-books? A. Yes, sir.

Q. You were a detective, were you not? A. Yes, sir.

Q. In the Eleventh precinct? A. Twelfth precinct.

Q. Fourteenth? A. In the Twelfth.

Q. That is Union Market? A. In Delancey street.

Q. That is where Hussey was? A. Yes, sir.

Q. You were a partner of Hussey's? A. Yes, sir.

Q. You were retired under the recent resolution of the board? A. I am not retired; no, sir.

Q. Or reduced, were you not, from wardman to the ranks? A. Yes, sir.

Q. How long were you wardman? A. I guess different times; in the neighborhood of 18 or 20 years.

Q. Eighteen or 20 years? A. Yes, sir.

Q. Never wore the uniform during those times? A. Yes, sir.

Q. While you were wardman? A. I had been reduced from wardman before.

Q. While you were wardman, you did not wear the uniform? A. No, sir; when I was wardman; no, sir.

Mr. Goff.—I will excuse you now, officer, and you bring those books, deeds, leases, etc., at recess at half-past 2 o'clock

Judge Voorhis is here, Mr. Chairman. We have not an opportunity to examine him to-day. I have not had a chance to exam-

ine very many questions arising in this matter, and I have not the opportunity. I can not examine Judge Voorhis to-day. Mrs. Holland here? I would like to ask you a few questions, Mrs. Holland.

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

By Mr. Goff:

Q. Mrs. Holland, have you any real estate in your name? A. No, sir.

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

Q. Has your husband any real estate for you? A. No, sir.

Q. What? A. No, sir.

Q. Mrs. Holland, understand me, your husband is living? A. Yes, sir.

Q. Does he own any real estate? A. He has a half interest in one piece of property.

Q. Where is that piece of property? A. On Amsterdam avenue, between One Hundred and Fifty-third and One Hundred and Fifty-fourth streets.

Q. Have you any interest in any real property; in any real estate? A. No, sir.

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

Q. Have you signed any papers recently, given any deeds? A. No, sir.

Q. Did you ever sign any deeds? A. Not that I know of.

Q. Your husband conveyed some real estate, did he not? A. He has owned real estate and sold it again; I don't know whether I have signed them or not; I suppose I have signed them.

Q. That is all you know about it? A. Yes, sir.

Q. Is your husband in court? A. Yes, sir.

Mr. Goff.—I will excuse you, Mrs. Holland.

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

By Mr. Goff:

Q. What real estate do you own? A. I have a half interest in 1889 Amsterdam avenue.

Q. How long have you had that half interest? A. Four years.

Q. How much is it worth? A. About \$1,000.

Q. What is your business? A. Merchant tailoring.

Q. Where is your business? A. No. 1931 Amsterdam avenue.

Q. Since you were married to Mrs. Holland have you conveyed away any real estate that you acquired? A. Excepting by buying and selling.

Q. Have you bought and sold much? A. One, two — about five or six different pieces of property.

Q. What is the average value of that property? A. Well, the — I can not tell; I have built a cottage for \$6,000, and I built a flat that I sold for \$20,500; and then I had an interest in four lots on Amsterdam avenue, and then I had six lots — I had an interest in eight lots on Forty-second street, and then I had four lots on One Hundred and Forty-sixth street; that is all.

Q. How long have you been in business? A. For 15 years.

Q. On your own account? A. Yes, sir.

Q. Doing a pretty fair business? A. Let me see — 1870 — 15 years; yes, sir.

Q. Now, you swear that your dealings in real estate have been upon your own money? A. No, sir.

Q. Whose money? A. They have been between Mr. A. M. Bradley partly and mine.

Q. Who is Mr. Bradley? A. He is connected with the Bloomingdale Asylum.

Q. An official there? A. Yes, sir.

Q. Is Mr. Bradley a married man? A. No, sir.

Q. Then you have been to some extent partners in these real estate transactions? A. Yes, sir; entirely; with the exception of my cottage and my flat, and that I built on my own money.

Q. Outside of Mr. Bradley has any person been interested at all in your real estate dealings? A. No, sir.

Q. Has any person furnished you with money? A. No, sir.

Q. To purchase in his or her name? A. No, sir.

Q. Have you been acting as agent or representing any secret trust for a person? A. No, sir.

Q. All on your own means with the exception of Mr. Bradley's money? A. Yes, sir; I might mention the six lots in One Hundred and Forty-second street; I was in with Mr. Ogden K. Lindenberg, who furnished the money and I had a half interest by paying my expenses.

Mr. Goff.— That is all.

Mr. Moss.— While we are waiting, I will call Howard McDonald. The committee will remember the testimony of Miss Rosenthal and the suggestions that have been made from

some headquarters that she did not tell the truth; and also the same testimony of Mrs. Kelter, and some reports that appeared in the papers, showing an inspired investigation by a gentleman who was implicated in the story, who has rendered a verdict that he is not guilty. This gentleman's testimony, I think, will throw some light upon those proceedings.

Senator Pound.—In the testimony of Mrs. Kelter, she testified that she heard her husband gave \$1,500 to Judge Hogan; and that being hearsay evidence, it was stricken out; but the newspapers, in reporting it, did not note that fact; so Judge Hogan has unnecessarily been exerting himself in regard to that charge. There is nothing on the record here

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

By Mr. Moss:

Q. Where do you live? A. One thousand four hundred and fifty-five Avenue A.

Q. Do you know Policeman Gill? A. I met him Monday afternoon; that is the first I saw Mr. Gill.

Q. He is the man Miss Rosenthal has testified about; do you know Miss Rosenthal? A. Yes, sir.

Q. What did Mr. Gill say to you? A. I am a fireman on the road; he came up there where I worked at One Hundred and Twenty-ninth street, and asked me if I knew Miss Rosenthal; and I told him, "Yes;" and he wanted to know whether I was going to help him out of this case; I said I knew nothing about this girl and could not go down there and put myself in trouble for him or any other man; he said, "Mac, try and do the best you can for me, and I will pay you well for it."

Q. He wanted you to come down here and get him out of trouble about the Rosenthal case, and he said he would pay you well? A. He said he would pay me well; I have got proof of that; that is all Mr. Gill said to me.

By Senator Bradley:

Q. Had you anyone listening when he said that? A. Yes, sir.

Q. You know that? A. Yes, sir; a fireman.

Q. He wanted you to go and perjure yourself for him and he would pay you well for it? A. He wanted me to come here and swear for him; and I told him, "No, sir; Mr. Gill, you can not pay me."

Captain Max F. Schmittberger, called as a witness on behalf of the State, having been previously sworn, testified as follows:

By Mr. Goff:

Q. You are a police captain of this city? A. Yes, sir.

Q. In command of what precinct at the present time? A. The Nineteenth.

Q. Now, captain, you are called here as a witness on behalf of the State of New York to testify in relation to matters in the police department of this city; in obeying the subpoena of this committee, and in taking the oath called for and administered to you by the chairman of this committee, you appreciate the obligations which rest upon you, do you? A. Yes, sir.

Q. You know that the oath administered to you is binding absolutely upon your conscience? A. Yes, sir.

Q. To tell the truth, the whole truth and nothing but the truth? A. I have come here to tell the truth wholly and truly, without any promise of any kind.

Mr. Goff.—The law extends certain privileges, Captain Schmittberger, and outside of those privileges extended by law; are you prepared to testify and answer all questions put by this committee and its counsel without reservation, and without any hope of reward for doing the same? A. I am.

Q. Or any promise of reward for doing the same? A. I am.

Mr. Goff.—Now, Mr. Chairman, I think it proper here that you state to the witness the attitude which he holds now to this committee, and the attitude which the committee holds to him, not only now but in the future.

Chairman Lexow.—Witness, we are here a committee, appointed by the State Senate, for the purpose of investigating alleged abuses and corruption in the police department of this city. We have now been taking testimony, covering a period of from six to seven months, and have a record of almost 10,000 pages of testimony heretofore taken. We have been successful in bringing out certain phases of corruption existing in the department. We are, however, here on the great State service to ascertain, not only individual or specific cases of fraud or corruption, but the general system; and any witness who places himself on the stand here, no matter if he has himself been guilty of the violation of the law, if he places himself here under the protection of this committee, to serve it, to aid it in the ascertainment of those questions that the State Senate has imposed upon us,

we shall consider it not only our obligation and our duty under the circumstances as Senators, individually and collectively, to do all we can to see that that immunity which the law throws about you, and which a public service of the kind which you will render if you unreservedly state all the facts you know of in connection with police corruption, unreservedly, without mental reservation, we shall do all we can to see that those immunities are safely guarded, and that you shall hereafter be protected from any of those results that that testimony might otherwise bring upon you. We regard, in other words, that an individual case of corruption is insignificant, as compared with the securing of testimony by this committee, which shall cover the whole question involved in this police system here, and enable us to formulate such legislation upon that basis. Will that cover the question, Mr. Goff?

Mr. Goff.— Yes, sir.

Senator O'Connor.— There is frequently some misunderstanding arising from the newspaper reports here. The immunity is under the law. There is no power in the Senators; but we will do what we can to see that the law is complied with.

Mr. Goff.— I wish to state that all witnesses under subpoena are excused for the day; and that such witnesses will report here on next Wednesday morning, without fail, at the reconvening of this committee.

Chairman Lexow.— At half-past 10 o'clock. When this committee adjourns to-day, it will adjourn to half-past 10 o'clock on Wednesday morning.

Q. On July, 28, 1874, captain, you joined the police force, was it? A. January the 28th, 1874.

Q. Yes; so it is, a mistake of a letter there; you were 23 years of age when you joined the police force? A. Twenty-two.

Q. Well, your age is down here at 23; however, it only makes a difference of a year; what was your business before you joined the police force? A. Confectioner

Q. Were you married when you joined the police force? A. Yes, sir.

Q. That is in 1874; now, when you joined the police force, did you pay anything for your appointment, or any consideration for getting on the police force? A. No, sir.

Q. The practice had not commenced then as early as that— 1874? A. No, sir.

Q. The civil service was not then in operation either, was it? A. No, sir.

Q. To what precinct were you assigned, captain, when you were first appointed? A. The old Twenty-ninth precinct, now the Nineteenth.

Q. That is the Tenderloin, as it is called? A. Yes, sir.

Q. And how long did you do duty as patrolman? A. Three years.

Q. In that one precinct? A. Yes, sir.

Q. So that you became fairly well acquainted with the precinct during that period of time? A. Yes, sir.

Q. And you became thoroughly conversant with the duties and hardships, etc., of the life of a patrolman? A. Yes, sir.

Q. While patrolman there were there inequalities between the patrolman with regard to the duties exacted of them by the commanding officer of the precinct? A. No; the duties were the same.

Q. Were they all treated alike? A. Oh, I think so.

Q. Were there any favorites? A. Oh, yes; there has always been favorites of sergeants of course.

Q. Well, these favorites got a consideration sometimes that the men who are not favorites did not receive? A. Yes, sir.

Q. In what direction, captain, did they receive those considerations — favorable considerations? A. In being excused from duty, or not being sent on special duty during hours when they could be at rest in the station-house, and in getting what were considered lively posts and dead posts, and so on; now, policemen generally like to be on a lively post, and not on a post where it is desolate, or where there is no person to be seen there at night, or posts where they can not get a cup of coffee or a sandwich.

Q. And these posts that are called "lively posts" are much sought for by policemen? A. Yes.

Q. What officer has it in his power to assign policemen to these respective posts? A. Most generally the captain; but sometimes that devolves upon the sergeant, especially during day tours.

Q. On the sergeant in command of the desk at the time? A. Yes, sir.

Q. The preference shown to some patrolmen over other patrolmen necessarily caused discontent among them, does it not? A. Sometimes it does.

Q. And affects the discipline of the force? A. To a certain extent.

Q. That is where men who are all of the same level were paid the same, and expected to do the same duty, find that one or more of their number are preferred to privileged places or posts, that naturally begets a resentment in their minds, does it not? A. Yes, sir.

Q. In other words, it is not conducive to good discipline that any favoritism should be shown whatever? A. It is not.

Q. Can you tell us what are the causes that produce the favoritism and from which it arises? A. Well, I am not prepared to answer that question, because I could not tell what causes; there might be a personal liking of a sergeant for a patrolman, or there might be other reasons which I do not know; I could not state any particular reason for that, only that the sergeant might be interested more in one man than he would be in another; and a man's disposition sometimes called that forth, that he is liked or disliked by his superiors.

Q. Well, it has been commonly rumored and said that the interference of local politicians, or the political complexion of the men have something to do with these preferences? A. Yes, sir; they have.

Q. What can you say as to the indication of such influences in the department in order to secure preferences; what is the effect produced? A. It is decidedly detrimental to the discipline of the department.

Q. Detrimental? A. Yes, sir.

Q. Now, speaking of the political influences, the sergeant under such circumstances becomes, as it were, the mouth-piece of the politician; is that it? A. Yes, sir.

Q. That is, am I correct in this assumption, that the politician having a friend patrolman that he wishes to have favor shown to goes to the sergeant and exercises his political influence with the sergeant to have favors extended to his friends? A. That is exactly the case.

Q. The sergeant must be impressed with the fact that the politician must exercise some influence over him, or he would not in general comply with the request? A. Most undoubtedly.

Q. And in what direction does the sergeant recognize that the politician has influence over him? A. Influence with his

superior officers; with the sergeant's superior officers, and with the commissioners.

Q. And that influence if exercised antagonistically to the sergeant might result in some injury to him? A. Yes, sir.

Q. For instance, his removal, or his failure to get promotion; just answer so the stenographer can get it down?

Chairman Lexow.—Answer so the stenographer can get it down.

A. Yes, sir.

Q. Well, take, for instance, a sergeant who is an applicant for promotion, has he not to lean or rely more or less upon the influence of the politicians in order to get that promotion? A. More or less; yes, sir.

Q. In fact, is it not true in the department that he has to rely upon what is called his political pull just as much as he has to rely on his record as police officer? A. Most undoubtedly; more so, in fact, than on his record.

Q. So, that as a matter of preservation to himself and the protection of his own interests he is bound to comply with the requests of the politicians? A. He is, sir.

Q. And hence favoritism creeps into the department? A. Yes.

Q. In that grade? A. Yes, sir.

Q. I have been informed that in some places sergeants have been moved by other considerations than political considerations, that is, by financial considerations, of exacting from the patrolmen payment of some money, or the loaning of some money or financial accommodation in order to get pet or favored positions; have you heard of such things? A. Not financial; no, sir; I have known cases where some cigars, or something like that; but never any money.

Q. You never heard the patrolmen had to give up any money? A. No, sir.

Q. To get a post? A. No, sir.

Q. Or to be excused from duty? A. I don't know; I don't know as I can exactly say that; I never heard of that; no such case ever came under my observation.

Q. Or to be put on special patrol duty, detailed for special duty; that is considered a choice assignment; is it not? A. Yes, sir.

Q. Have you ever heard of money considerations going from the patrolmen to the sergeants ? A. I have heard that; but I could not testify.

Q. In the department? A. Yes; I do not know it from my own knowledge.

Q. Of course, when I ask you as to your knowledge of the existence of certain things in the department derived from common rumor and notoriety, I will so tell you, so you will know what the line is between your knowledge and the facts brought to your knowledge; captain, can you give us an idea as to whether or no the class of men appointed upon the police force during the past 10 years, from 1884 to 1894, is an improvement or a deterioration upon the class of men appointed to the police force from 1874 to 1884, taking those two 10 years? A. I think the men appointed in the previous periods make better policemen than the new ones.

Q. To what cause can you attribute that, if any? A. Well, they do not seem to be so strong, and able, and intelligent a set of men, in spite of the civil service examination that exists now; what I mean is, they do not make so good policemen as the old men; very few of them; they do not seem to catch on exactly upon their line of duty; what is expected of them, and what they should do; they are more politicians than anything else.

Q. We have evidence before this committee, both direct and circumstantial, and sufficient to justify this committee in a belief that a practice has obtained in recent years of applicants for the police force having to pay for their appointment; have you heard of such a practice? A. Yes, sir.

Q. Is it a matter of common rumor and notoriety in the department that applicants have to pay for their appointment? A. Certainly, sir.

Q. Would that tend to deteriorate the character and caliber of the men applying? A. It would.

Q. So that in addition to their political pull, they were expected to give a financial consideration for their appointments? A. Yes, sir.

Q. Can you give us any light or knowledge upon that subject, as to how this money is paid or collected; to whom it is paid, or where it reaches? A. I couldn't tell you anything about appointments; but I can about promotions.

Q. Well, we will come to that; but I want to treat each question, captain, as we go along step by step; it has been a matter of testimony before this committee that a number of men called "go-betweens" who are not members of the department, have been receiving this money? A. Yes, sir.

Q. You have heard of that, have you? A. I have.

Q. And in fact there were men in this city well known as "go-betweens?" A. Yes, sir.

Q. That if men wanted to get in that department they would have to go and see so and so? A. Yes, sir.

Q. And their names were very well know? A. Very well, sir.

Q. Could you give us any names of those "go-betweens" that you have heard of as a matter of common rumor and knowledge? A. Charley Grant, Commissioner McClave's secretary, that is the only one I can think of just now.

Q. Did you ever hear the name of Kelly, or O'Kelly? A. No, sir.

Q. A shoemaker? A. No, sir; only from what I read during the previous investigation here; that is the first I heard of that.

Q. Did you ever hear the name of a tailor who has a store near the Hotel Metropole on Broadway? A. Yes, sir.

Q. Do you remember his name? A. Yes, sir.

Q. What is his name? A. Meyers.

Q. Have you heard his name in connection with this "go-between" business? A. Yes, sir.

Q. Did you ever hear the name of Alderman Parks mentioned in connection with the selling of appointments on the police force? A. Only from reading in the press.

Q. Only from reading? A. It was charged here.

Q. So far as the discipline of the department is concerned, what has been your experience with the men who have been reputed as paying for their appointments on the force as to their reliability, as to their intelligence, etc., as police officers? A. As I have stated before they make poor policemen.

Q. Poor policemen? A. Yes, sir.

Q. I suppose they feel that they have purchased their positions and that they are sort of independent; is that it? A. Exactly, sir.

Q. Now, with regard to the infractions of the rules of the department, and indeed as to violations of law, such for instance

as clubbing; have those men been more disposed to indulge that practice, and also in violations of the discipline of the department than the older men? A. Yes, sir.

Q. And what has been the cause of such proneness on their part? A. Well, they seem to have some independence about them; they do not seem to care as much for whatever criticism may be given about them; they are more independent; they are not as ready to obey orders as the older men, who make good officers; who readily obey every order given to them, and execute them intelligently.

Q. Now, suppose that these men, the class that we speak of, violate the rules of the department, or violate the laws of the land, that are brought to trial before the commissioners to answer for the offenses charged against them; what in general has been their attitude when brought to such trial? A. The attitude of the commissioners, or the patrolmen?

Q. No; of the men, of the policemen; this later class I speak of? A. As I stated before, they appear more independent than the other men; they feel that they have a right, on account of having paid for their appointment, to more protection than the others.

Q. In cases where they are called upon to answer complaints against them, do they rely as much upon the strength of their defense as they do upon their political pull? A. I guess they depend upon the pull more than the defense.

Mr. Goff.—At this point, Mr. Chairman, while it is a short time in advance of our usual time for recess, I think, for good and sufficient reasons, I will ask you to take a recess at this point, warning the witness, of course, that he is a witness and in charge of this committee.

Chairman Lexow.—Witness, you are now under oath, and in charge of the committee, and you are specially informed that no one must approach you. If he does, that you must tell this committee at once of any such action on his part. You must not discuss the testimony with anybody, or allow anybody to discuss it with you. The sergeant-at-arms will deputize somebody to remain with Captain Schmittberger during recess. The committee will stand adjourned until quarter after 2 o'clock. Mr. Goff, will you be prepared, in case the Senators are ready, to proceed sharp at quarter past 2 o'clock.

Mr. Goff.—Yes, sir; quarter past.

AFTERNOON SESSION.

December 21, 1894.

Present.—Senators Clarence Lexow, Edmund O'Connor, George W. Robertson, Cuthbert W. Pound.

Counsel, as before.

Max L. Schmittberger, recalled, and testified as follows:

By Mr. Goff:

Q. Speaking of patrolmen, I will ask you to step with me from the consideration of the subject when you were patrolman to the time when you were captain; have you had instances of patrolmen under your command who violated the rules of the department and who, practically speaking, set your authority at defiance as a captain? A. No, sir.

Q. Have you had any men of your command brought before the commissioners on charges preferred by you? A. Oh, yes; a great many.

Q. Have you had any cases where men expressed the confidence that they had pull enough to cause an acquittal of the charges? A. Not personally to me, but I have heard that men have expressed themselves that way; yes, sir.

Q. As captain, it came to you, as commander of the precinct? A. Yes, sir.

Q. Now, captain, you have attended a good many trials at headquarters, no doubt? A. Yes, sir.

Mr. Goff.—Is Officer Greene here?

(No response.)

Q. And in these cases, information has reached you through members of the department that officers charged with offenses, practically speaking, defied you? A. Yes, sir; to a certain extent.

Q. And that defiance, was it based upon the alleged ground of political influence and power to protect them from the consequences of their act? A. Yes, sir; many of these men belonged to political organizations, political clubs.

Q. Now, speaking of political organizations and clubs, I would instance one, the Pequod, for instance; that is in your neighborhood, though not in your precinct, I believe—the club-house? A. Yes, sir.

Q. Did you know of many police officers who belonged to the Pequod Club? A. Yes, sir.

Q. Have you any knowledge of any influence or pressure being brought to bear upon police officials to belong to that club? A. I was asked to belong to it.

Q. Upon what grounds, or what were the representations made to you as to benefit? A. That it might benefit me on account of Commissioner Sheehan being president of the club.

Q. And do you know of other cases where similar representations were made to police officials? A. No; I don't know as I could say that about others.

Q. Then these representations were made to you without regard to your politics? A. Yes, sir.

Q. This was known as a Tammany Hall club? A. Yes, sir.

Q. Of which Commissioner Sheehan was president? A. Yes, sir.

Q. Have you visited the club-house, captain? A. I was there about three or four times.

Q. You did not join because you thought that it would better your prospects or protect you in some way? A. Decidedly so.

Q. Is that not so? A. Yes, sir; that is so.

Q. Would you have joined, Captain Schmittberger, the Pequod Club, but for such representations? A. I would not.

Q. Did the political tendencies of that club agree with your political tendencies and principles? A. Well, to a certain extent; yes.

Q. You belonged to the same political party, did you? A. Yes, sir.

Q. But you say you would not have joined the club but for these representations that it would be beneficial to you, owing to the fact that Sheehan, a police commissioner, was president of the club? A. Yes, sir.

Q. Do you know of other police captains who belonged to the club? A. Yes, sir.

Q. Would you please name them? A. Captain Devery, Captain Price, Captain Schultz.

Q. Have you given us all? A. I think that is all the captains I can remember; there was quite a number of sergeants and patrolmen belonging to it.

Q. Captains Price, Devery and Schultz? A. When I say that those are the only ones, I mean that I have met them; there may be others belonging to it; I don't know.

Q. Did you ever hear, Captain Schmittberger, of the men, the policemen, being paid off in advance of their month in order that they could attend the outings of the Pequod Club?
A. No, sir; I never heard that.

Q. It was not the men of your precinct, regarding the outings of the Pequod Club—do you know anything about the tickets?
A. Yes.

Q. Just tell us what you can about those tickets?
A. I only attended one; I bought, I think, four or five tickets at \$5 apiece, and I invited some friends of mine to go with me to use those tickets; but I have heard of tickets being sold by police officials for that outing.

Q. Was it not a well-understood thing among the policemen on the west side of town to go around with these tickets and solicit storekeepers, particularly liquor dealers, to buy those tickets?
A. Yes, sir; I even had one liquor dealer complain to me about it, who lived in the Thirtieth precinct, where a policeman came to him and wanted to make him buy more tickets when he was a member of the club himself and had bought tickets for himself.

Q. These tickets were \$5 each, I believe?
A. Yes, sir.

Q. Is it not a common and notorious fact in that part of the city that tickets for the Pequod Club were, practically speaking, forced upon storekeepers, liquor dealers, etc.?
A. So I have heard.

Q. Among the policemen?
A. I have heard it from the people.

Q. And from the people who had to buy?
A. Yes, sir.

Q. Now, during your three years' patrol duty in the old Twenty-ninth, now the Nineteenth, who was captain of the precinct at that time?
A. Captain McCullough was captain when I was appointed.

Q. The elder or the younger?
A. The elder.

Q. And what captain succeeded him?
A. Captain Steers; after him Captain Williams; after him came Berghold; then Williams returned; then came Reilly.

Q. I mean now while you were patrolman?
A. I was patrolman under Captain McCullough and Steers.

Q. Not under Williams?
A. No, sir; well, I was a patrolman, but detailed as ward detective.

Q. Ward detective?
A. Yes, sir.

Q. Under Williams?
A. Under Williams and under Steers.

Q. Will you tell us what conversation took place between yourself and Captain Williams when he detailed you as special man, called the wardman, for that precinct? A. Captain Steers detailed me, not Captain Williams.

Q. You had been in that capacity when Williams took command of the precinct? A. Yes, sir.

Q. Did any special conversation take place between yourself and Steers when he detailed you? A. Not one word; it was a surprise to me; I was on patrol duty and was sent for; it was the day when the Stewart statue was unveiled in Madison Square park, and I was on duty down there, and I was sent to come to the station-house, and I was informed that I had been detailed as ward detective; previous to that I had been sent out many times in citizens' clothes about little odds and ends, to arrest prostitutes, and little petty larceny cases and so on.

Q. Special work? A. Yes, sir.

Q. When you were detailed as wardman there, was there any understanding regarding the protection of certain lawbreakers in that precinct, so far as the wardman was concerned? A. I want to explain that, Mr. Goff.

Q. That is what this committee is interested in? A. When I was detailed there, a man by the name of Dunlap was the detective; Dunlap attended to all that business; my business was with larceny cases, and whatever might happen in the way of crime; I was to ferret out and work on; I had nothing to do with disorderly-houses, or anything of that kind at all and without being told I simply minded my business.

Q. This Dunlap, he got into trouble in the department, did he not? A. He was put on post and afterward asked to be retired, and he was retired a short while, and he died.

Q. Are you aware of the fact that his being put on post was due to the action of Commissioner Fitz-John Porter, at that time a member of the police force, owing to certain charges made against him? A. I understood it was done at the time by the action of Superintendent Murray on account of some pool-rooms, which he permitted to run, but he was put on post twice, probably you refer to the first time; I think that was at the instance of Commissioner Porter; I think you are right upon that.

Q. Who took Dunlap's place? A. Price.

Q. Who is now captain? A. Yes, sir.

Q. Then the work that Dunlap performed in relation to disor-

derly-houses and other houses violating the law was taken up by Price? A. Yes, sir.

Q. All that was his special work? A. His special work.

Q. Who appointed him wardman? A. Captain Williams — the board, at the suggestion of Captain Williams.

Q. Of course, that is the technical form "The board;" but the wardman was really appointed, on the selection of the captain, the recommendation of the captain? A. Yes, sir.

Q. Upon that point, Captain Schmittberger, has it not been the practice in the department, for captains to have their own wardman, as a general thing, I mean the selection of their own wardman? A. Yes, sir.

Q. Have you known of cases where wardmen were kept in precincts in spite of the captain? A. They are picked out by the captain; as far as my knowledge goes I don't know of any case where any man was kept in spite of the captain.

Q. Have you known of cases where a captain going into a precinct, finding the wardman there protested against that wardman, and wanted his own selection, and that he was overruled by the commissioners — I will take the case of Kelly and Captain Stephenson? A. Kelly was not the wardman.

Q. He was specially detailed? A. He was corporation ordinance man.

Q. Special ordinance man? A. Yes, sir.

Q. Take the case of Brennan, over in the Union Market precinct, and other cases throughout the city; I want now, having referred to these specific cases, to know, if you can tell us a case where captains, finding wardmen, or men specially detailed to certain work, protested against the continuance of those men, and that their protests were overruled by the commissioners? A. Well, I have heard of such cases, but I can not recall just the particular case; but I have heard of cases of that kind where the captains wanted other men and couldn't get them.

Q. You understand, captain, that your knowledge as an official of this department, and an officer who has gone through the grades, from patrolman up to captain, is of value to this committee, so far as you can base your knowledge upon your experience as derived from your work in the department — you understand my question? A. Yes, sir.

Q. While I travel somewhat ahead of the line of examination touching the various steps of promotion which you followed, yet while it is fresh in my memory, I wish to ask you touching

this Pequod Club; was it ever brought to your knowledge, captain, either through police channels or by citizens, that storekeepers, liquor storekeepers particularly, were compelled to buy from Louis Munzinger, the secretary of the Pequod Club his mineral waters? A. I have heard that.

Q. Is it not a fact, captain, from your observation and from your knowledge derived as captain of the precinct that in that region of the city the liquor dealers almost without exception used Munzinger's mineral waters? A. Yes, sir.

Q. Did you ever hear from any liquor dealers, or from any of your officers' reports from liquor dealers, that liquor dealers who refused to buy these waters were threatened with the vengeance of the Pequod Club and of Commissioner Sheehan? A. No; I don't know as I ever heard that, Mr. Goff, but I have had Munzinger come to me himself and ask me to interest myself on behalf of his mineral waters.

Q. In what direction did he ask you to interest yourself? A. To speak to certain liquor dealers, to see that they took his water.

Q. And did you do so? A. I did in one case.

Q. And obtain for him a customer? A. Well, he had it for about a week, then the man said his water was not as good as the one he had bought before, and he discarded him; that is a place on Eighth avenue and Forty-sixth street.

Q. Now, when Special Wardman Price was in charge of his particular department in that precinct there was a great many disorderly-houses flourishing there? A. Yes, sir.

Q. Will you give us, captain, the common understanding of the officers of that precinct at that time why so many disorderly-houses were allowed to flourish there? A. Because they paid for protection.

Q. Now, for instance, I will take the Haymarket; was that in operation while you were patrolman? A. Yes, sir.

Q. And Tom Gould's? A. Yes, sir.

Q. And all the other resorts and dives in the Tenderloin? A. Yes, sir.

Q. Another place that occurs to me; the Star and Garter, for instance? A. And the Newport.

Q. And the Buckingham? A. And the Empire.

Q. And the Cremorne? A. And the Fashion, and the Arion.

Q. And some others, captain? A. Yes, sir; St. Lawrence Hall.

Q. By the way there is a church there now? A. No, sir; theater.

Q. It was a church that succeeded St. Lawrence Hall, was it not? A. Yes, sir.

Q. Tabernacle? A. Yes, sir.

Q. That was a good conversion? A. And a mission in Cre-
morne.

Q. All those places flourished? A. Yes, sir.

Q. Open all night? A. Open all night.

Q. There was no pretense of obeying the excise law in any of them? A. No, sir.

Q. And the disorderly characters, both male and female, frequented there? A. Yes, sir.

Q. I ask you now more than that if the thieves did not frequent those places? A. These dives were resorts for the criminals of the whole country, who came there to meet women, prostitutes; and that portion of New York was the center for the criminal classes.

Q. As it occurs to me now, I think Shang Draper's saloon flourished about that time? A. Yes, sir.

Q. And Billy Porter's? A. No; he didn't keep any saloon; he was killed there.

Q. He used to frequent there and was killed in Shang Draper's saloon? A. Yes, sir.

Q. Did Jimmy Irving's place flourish at that time? A. Yes, sir.

Q. That was the Empire? A. Yes, sir.

Q. Was there anything said, as far as you know, among the officers of that precinct why all these places were allowed to keep open and to flourish? A. Well, there was nothing said; it was perfectly well understood why, without anything being said.

Q. What was the understanding, captain? A. Well, that they were under protection.

Q. And who was the man to whom the money for protection went directly? A. Captain Williams.

Q. Now, from your knowledge as a special detailed officer in that precinct at that time, could it have been possible for these various places that have been named, and others that have not been named in that precinct to have openly conducted busi-

ness without the toleration of the captain of that precinct? A. It could not.

Q. Do you know of any cases, captain, where officers interfered with these saloons, or dives or houses, and were reprimanded for their interference? A. I can not recall any case where an officer interfered.

Q. What was the understanding among the officers on post that caused them not to interfere with the open violations of law and order committed in these various places? A. The officers on post are usually instructed by the wardman as to their action, as to what they should do in reference to certain places on their posts; and an officer generally thinks whatever instructions he gets from the wardman, taking it for granted that it comes from the captain.

Q. So, that if the wardman says to the officer on post, "You must not interfere with Jones and Smith," or in this case, "You must not interfere with the Empire or the Star and Garter, or the Haymarket, or the Cremorne, the St. Lawrence or the Buckingham, or any of these places," the officer on post would not dare to interfere with them? A. No, sir; would not.

Q. And what would be the penalty of his interference in case he was inconsiderate enough to interfere? A. His post would be changed.

Q. So that we have it that in every case the officer on post in the neighborhood of those places recognizes that his official existence almost depends upon his closing his eyes to the violations of law? A. Exactly so.

Q. Have you any recollection now, captain, of any officers that were foolish or thoughtless enough to put aside the instructions of the wardman and to interfere? A. No; I can not recollect any instance, not one instance, because these men are generally selected by the wardman and their names suggested to the captain as the proper man for that particular post.

Q. And when men so selected are put upon that post they understand why they are put there? A. They do, yes, sir.

Q. Now, captain, I ask you, have you ever heard of cases where the officer on post was instructed to co-operate with the keepers of these places for the purpose of suppression of disorderly characters, or suppressing robberies for instance, or assaults committed in these places—you understand the purport of my question? A. Will you repeat that question?

Q. Have you ever heard of officer who were instructed to co-operate with the keepers of these disorderly places for the purpose of suppressing knowledge or notoriety of assaults or robberies, or outrages committed in these places? A. No; I don't know of any special instructions being given to officers in that respect.

Q. Do you know of special cases? A. No; I do not.

Q. Or of any case? A. The officers would know themselves what to do in cases of that kind; the officers would know themselves, they are selected for that particular post, and they understand without being told if anything of that kind happens in a protected place that they should not interfere.

Q. Am I right in assuming, captain, that in general the officer on post preferred to co-operate with the keepers of these disorderly-houses rather than the citizens that complained of any outrages committed upon them in these places? A. Well, I presume that was the case in some instances.

Q. In other words, those places were to be protected? A. Yes, sir.

Q. Do you remember, Captain Schmittberger, of a wardman being killed in that precinct? A. A wardman being killed?

Q. Or a special man, yes? A. There was an officer killed by the name of Coleman; that is the only one I remember.

Q. Was that officer specially detailed? A. I was not in that precinct at the time; that was during Captain O'Connor's time.

Q. That was after you left the precinct? A. Yes, sir.

Q. Who was captain of the precinct when Coleman was killed? A. Captain O'Connor.

Q. That subject has been spoken about among the policemen considerably, has it not? A. Well, not since I returned, it has become an old matter since I come back; I returned to the precinct only last December, that is a year ago; this happened quite some time ago, a couple of years ago, I guess.

Q. Don't you remember, captain, that there was a good deal of mystery attaching to the death of Coleman? A. Yes; I know there was; he was found dead on Seventh avenue.

Q. But his death was traced to a disorderly-house? A. He was killed in front of a disorderly-house, as I understood; but the disorderly-house was not in the Nineteenth precinct it was on the Twentieth precinct side.

Q. On the other side of the street? A. Yes, sir; Seventh avenue is the dividing line between the two precincts.

Q. There never was an inquest in the case? A. I don't know, I couldn't say; I don't know anything about the case, only just what I heard about it; I was not there at the time.

Mr. Goff.—As matter of fact, Senators, this case happened in the city of New York. An officer by the name of Coleman was killed in a disorderly-house, and there never has been an inquest or an arrest of any persons suspected of the crime, or any judicial inquiry whatever touching the cause of that officer's death.

Q. While you were special patrolman there looking after these special cases, were you at any time instructed by the captain to exact any tribute or money for protection or excuse on the part of any law-breaker? A. No, sir.

Q. And did you exact any? A. No, sir.

Q. Do you know of any cases where men accused of crime paid in order to be allowed freedom, or to have the matter hushed up; I am speaking now of the period when you were special patrolman as I call it? A. No; my specialty—I had nothing to do with business of that kind at all; I was attending to legitimate cases in the precinct.

Q. Then your duties were of a limited scope or nature? A. Yes, sir.

Q. Now, I find that on April 2, 1880, you were appointed to be roundsman? A. Yes, sir.

Q. In what precinct were you when you were promoted to be roundsman? A. In the Nineteenth precinct.

Q. What commissioner promoted you? A. Commissioner Wheeler.

Q. Had you to pay anything for your promotion? A. Not a cent.

Q. Were you asked or was it suggested to you? A. No, sir. I will tell you the reason why I was promoted.

Q. Tell us? A. I found Commissioner Wheeler's dog.

Q. You found his dog? A. Yes, sir.

Q. Now, I find up to the period of your promotion to the rank of roundsman that there had been five complaints against you; the first was that you were absent from post on August 25, 1874, and you were fined two days' pay; the second was failing to discover an open window on September 15, 1874, and you were fined five days' pay for that, for failing to discover an open window? A. Yes, sir.

Q. The third was neglect to go direct to station-house with prisoner on November 28, 1874, for which you were fined 10 days' pay; and the fourth was conduct unbecoming an officer, the complaint was dismissed; the fifth, the last one, was conduct unbecoming an officer, March 17, 1880, the complaint was dismissed; so notwithstanding your record it was a good one? A. I can explain all these times.

Q. I wish you would now take the first—absent from post. A. The first case was when I was a patrolman and when the police during hot weather wore Panama hats, straw hats, before the helmets came in fashion, and it was an extremely hot day, and about noon I put one foot inside of a butcher's shop, and asked the butcher to give me a cabbage leaf to put in my hat, as the sun was very hot and boiling; and the roundsman came along and claimed I was off post, and gave me this complaint; I was fined two days on that; I made that explanation to the commissioners, but was fined nevertheless; the second case was where the son of Mayor Havemeyer, who was away from home at that time; his house was vacant and the family was away in the country; they lived in Thirty-seventh street, near Sixth avenue; and the house next to it was being repaired, and some mortar was lying in the street; some boys came along and threw some of the mortar in the basement window of Mayor Havemeyer's house and broke the pane of glass; there was an iron grating on the outside and wooden shutters secured by an iron bar on the inside; the house was perfectly secured; but some lady who lived across the way, wrote a letter to Havemeyer that burglars had entered his house; and Havemeyer, post haste, came to the city, and immediately went to the station-house, and six men were put on trial for failing to report that pane of glass; and six of us were fined five days' pay apiece.

Q. Now, there was another complaint, the one that you neglected to go direct to the station-house with the prisoner for which you were fined? A. That was a case, I had made an arrest at the Everett House, as detective; the complainant was with me, and we went up Broadway; walking up Broadway to Thirtieth street; when we got to the Fifth Avenue hotel, the complainant requested me to wait two or three minutes, while he sent a dispatch to the United States commissioner who was to hear the case; it was a United States case; there turned out

to be nothing in the case; and the person who was arrested had some connection with the press, and he made a complaint against me; and they couldn't find what rule I had violated, but simply that I had waited three minutes with the complainant while he sent a dispatch, and I was fined 10 days' pay on that; and Commissioner Smith at that time voted to break me for it.

Q. The other two complaints, they being dismissed, of course, it required no explanation on your part, because it shows there were no grounds for the complaint; so that up to the time when you became a roundsman, notwithstanding your very good record on the police force, you were not able to obtain a promotion until you found this dog? A. I remained a detective; I never done any roundsman's duty.

Q. I understand you did not get any more pay for being detective? A. No, sir.

Q. You were ranked patrolman? A. Yes, sir.

Q. Now what breed was this dog? A. I don't remember.

Q. What particular or special value did the commissioner attach to the dog that he made you a roundsman for finding the dog? A. Well, he was always friendly to me anyway, the commissioner was; he lived in the Gilsey House at the time; and he came to the station-house very often to see the captain; and we were on very friendly terms; and I was looking for promotion; and the only way I could be made a sergeant was first to be made a roundsman, and when he asked me if he could do anything for me, I asked him to please make me a roundsman, and he did.

Q. While you were roundsman there in that precinct you had knowledge, as a roundsman, of the various disorderly resorts and houses in that precinct? A. Yes, sir.

Q. What were your specific duties as roundsman, captain? A. I never did any roundsman's duty, Mr. Goff; I just explained that I simply attained the rank; but I remained a detective, with the rank of roundsman.

Q. So that you did the detective duty that you have described? A. Yes, sir.

Q. Have you any knowledge that while doing that detective duty that well known thieves were protected from arrest or interference in that precinct? A. For breaking the laws?

Q. Were allowed to frequent those places, to be undisturbed? A. Yes, they were allowed to frequent the places.

Q Do you know of any understanding or arrangement between those thieves and burglars and so forth and the police authorities allowing them to frequent those disorderly places? A. Oh, no; there never was any understanding of that kind, I don't think, I never heard of it; these people came here, they flocked there as I stated before from all over the country; it was the center for all these people to congregate.

Q. I suppose, captain, that you have had some knowledge or experience as to using those thieves as stool pigeons in police work? A. Yes; you get information sometimes that way.

Q. Did any of them buy or purchase immunity, or had consideration from the police that they would not be disturbed on their promise to give information to the police touching the acts of other thieves and burglars? A. Not by me, and I don't think by any other detective in the precinct.

Q. Well, captain, in that precinct there were several places known as fences, well known fences; take for instance Simmon's place; was that there while you were roundsman in the precinct, on Seventh avenue? A. No, sir.

Q. Or Dock Holman? A. On Seventh avenue?

Q. Yes. A. Never kept any place of that kind on Seventh avenue; it couldn't have been on our side, might have been on the other; I don't remember any such place.

Q. For instance, did you ever hear of the son of Holman of liver-pad advertising fame — have you heard of him? A. No.

Q. Then he must be under an assumed name there; right upon that subject have you heard in recent years of a raid being made by Detective Armstrong upon a fence called "Doc Bliss?" A. Yes; Twenty-sixth street and Third avenue.

Q. It was formerly at Seventh avenue; while you were roundsman there did that fence exist? A. No, sir.

Q. That is of recent years? A. I was not in the precinct when that place was raided.

Q. You were not in the precinct? A. No, sir; that was there at the time Captain Reilly was there.

Q. That was raided from headquarters? A. I believe it was.

Q. By one of the men from headquarters? A. Yes.

Q. You had no knowledge of the transactions of that raid? A. No, sir.

Q. You did not perform the duties of roundsman as it is ordinarily understood, you simply held the rank of roundsman and performed the duties of detective in the ward? A. Yes, sir.

Q. Can you tell us anything of the relations of the ordinary roundsman to patrolman; this all goes to the information of this committee and to the discipline of the department? A. Well, the roundsman, they have favorites.

Q. Have you heard of any consideration being accepted by the roundsman for his favoritism? A. Not that I can remember; it is possible—you mean financially?

Q. Financially? A. No; I don't know as I ever did.

Q. While you were ranked a roundsman from April 2, 1880, to March 6, 1883, that was about three years, the same condition of affairs existed in that precinct regarding the disorderly-houses and resorts of thieves and abandoned characters? A. Yes, sir.

Q. Who was captain all that time? A. Captain Williams, Captain Berghold and then Captain Williams.

Q. Do you remember, captain, of any protests being made by residents of the district against the existence of the disorderly-houses and resorts? A. Yes, sir.

Q. Do you remember of any conversations having been had in the station-house or any other place among the officers relating to these complaints? A. Yes, sir.

Q. What were those conversations? A. Well, there was an association formed in Twenty-seventh street at the time by the business men and citizens, who protested against the existence of the French prostitutes there, and French houses of prostitution; and especially a man by the name of O'Malley was very active in the suppression of these houses.

Q. He was a plumber, I think, was he not? A. Yes, sir; and he came to the station-house one night, and there was a row between him and Captain Williams; what the origin of it was I don't know, but I know there was a row; he insisted on these houses being broken up; and the captain told him to get out, or something of that kind; there was a friction, very large one, between the two men.

Q. He got no satisfaction? A. That is about it.

Q. The houses were not broken up? A. Not right away.

Q. There were some men that came in there and complained that their families could not even cross the street without being insulted by reason of these houses? A. I guess that is true; I have been solicited there myself, and I was the ward detective.

Q. Did you report that? A. Yes; and I arrested them.

Q. What became of the arrest? A. They were fined; French women used to stand out in front of the railing in front of their houses and pull every man in as he went through the street.

Q. Now, Captain Schmittberger, the action of that society gave considerable notoriety at that time in the newspapers, do you remember? A. Yes, sir.

Q. Do you remember Williams threatening to club the members of that society out of his precinct; but not the houses of ill-fame? A. Well, I saw it in the newspapers at that time; I don't know as I heard him say that himself, but, I think, it was in the newspapers; I think they went to headquarters even and complained, if I remember aright.

Q. Do you remember hearing any expressions from him on that subject? A. Not any more than after the complaints were made; I think he sent me down two or three times to see and drive the women off the street and try to keep them within bounds.

Q. Keep them in order? A. Yes, sir.

Q. Keep them in bounds so as to stop those complaints? A. Yes, sir.

Q. Not to stop their vocation or their living at all, but not to give opportunity for these complaints, that was the idea, was it not, captain? A. Yes, sir.

Q. You never received orders from the captain of the precinct to extirpate those houses or those women from that precinct? A. No, sir.

Q. Drive them away? A. No, sir.

Q. But simply to try and have them run low, is that it? A. That is it.

Q. So as to save him trouble? A. I presume that was the reason.

Q. Do you remember Emil Patel? A. Yes.

Q. Two houses there in West Twenty-seventh street? A. Yes, sir; 102 and 104.

Q. Off Sixth avenue on the south side of the way? A. Yes, sir.

Q. That was a notorious place, was it not? A. Yes, sir.

Q. Did you ever hear that house called the captain's house? A. No.

Q. Did you ever hear of that house having an art gallery for exhibition where men about town and strangers visiting

New York were taken to look at those pictures? A. No, I don't remember that; I thought I knew all the art galleries in the Tenderloin; I never heard of that; it is possible.

Q. We will call it an album of French pictures? A. Oh, yes; album, there were French pictures there, yes, sir.

Q. We simply misunderstood each other about the term art gallery; that was a notorious thing, was it not, captain, that people were brought there every night to see this album of French pictures? A. Yes, sir.

Q. And with the knowledge of the police? A. Well, I guess they all knew about it, it was common property, everybody knew it.

Q. Did you ever hear or know of Captain Williams taking guests there himself to see the sights of the Tenderloin? A. No, sir.

Q. That house of Patel's was under protection the same as all the rest, I suppose? A. Yes, sir.

Q. Patel's has been closed now for some time, has it not? A. The house does not exist any more; there is a mission there now.

Q. He is in Switzerland? A. I haven't seen him for years; I don't know where he is.

Q. Now, we come to your promotion as sergeant on March 6, 1883; now, captain, when you were promoted to the rank of sergeant did you pay anything for the promotion? A. Not a cent.

Q. Were you asked? A. Never.

Q. Who promoted you, what commissioner? A. Commissioner French and Commissioner Matthews were the prime movers in my promotion; I was made, not by any particular commissioner, but by the full board, in my case.

Q. What particular element was there in your case? A. I had received honorable mention twice, and had made a very important arrest where a man shot at me, a noted burglar; I arrested him and the matter was brought to the attention of the commissioners by the captain, and I was sent for and there was a vacancy at the time existing and I was made sergeant; I arrested the burglar by the name of Michael Dodell at the time.

Q. When you were made sergeant, did you remain in that precinct? A. Yes, sir.

Q. And what were your duties as sergenat? A. To do desk duty and patrol when it was my turn to patrol — patrol the precinct.

Q. Had you anything to do with the designation of men whose duty it was to look after these disorderly-places? A. No; the captain always did that himself.

Q. The captain attended to that? A. Yes, sir.

Q. At that time when you were sergeant did the law permit you to accept bonds? A. Yes, sir; a portion of the time; I think that law was passed the last year I was a sergeant.

Q. Were there not men there who were known as professional bondsmen and whose bonds were always accepted at the station-house? A. Well, there were men there whose bonds were accepted; yes, sir.

Q. But they were known as what we will call stand-bys? A. No; they happened to be living in the vicinity of the station-house and people would send and get them.

Q. Do you know of any money having been paid to these bondsmen for the acceptance of their bonds? A. No; I do not.

Q. How long did you remain as sergeant of that precinct? A. I was made sergeant in 1883, was it not?

Q. Eighteen hundred and eighty-three, March 6? A. I remained there until 1890.

Q. That is December 8, 1890? A. Yes, sir.

Q. When you were made captain? A. Yes, sir.

Q. Now, Captain Schmittberger, as to your appointment as captain, what commissioner appointed you? A. Commissioner Voorhis.

Q. Did it cost you anything? A. Not one red cent.

Q. Did you have to pay any money or any consideration whatever? A. I paid nothing; I had just five minutes conversation with Commissioner Voorhis previous to my appointment; I was at the head of the civil service list; I had made the highest percentage out of 35 or 38 candidates, and I thought I had a right to some claim to the vacancy, and I went to see Commissioner Voorhis at headquarters and he told me then he was a very busy man, if I could tell him anything about myself which he didn't know he was willing to hear it, but if I had nothing new to tell him he hadn't time; that he would take every candidate's chances into consideration and he would appoint whom he thought to be the right man; I never knew anything about it until the day I was appointed.

Q. You can say under the solemn obligation of your oath that you did not pay one dollar in consideration of your appointment as captain? A. No, sir

Q. Nor were you asked for it? A. No, sir; I want to say right here I believe Commissioner Voorhis to be a thoroughly honest man; I don't believe those stories told about him, about his having received money for appointments, because I know it did not cost me one cent, and the question was not broached in any shape or form; and I judge from that.

Q. Judge from your own case with regard to Voorhis? A. I do; yes, sir.

Q. So you can say now, Captain Schmittberger, that when you were appointed captain you were appointed solely on your merits? A. Yes, sir.

Q. And for no other consideration? A. I do really believe that; yes, sir.

Q. Did you seek to use any political influence in the matter? A. I used some influence, yes, sir.

Q. Just tell us to what extent? A. I had Mr. Ottendorfer, the editor of the New York Staats Zeitung, who interested himself in my behalf; he saw Commissioner Voorhis; Herman Oelrich, he interested himself very much, and several others, who wrote letters to the commissioner recommending my appointment; and I presume all that had some influence with Commissioner Voorhis.

Q. To what precinct were you assigned? A. Twenty-eighth, steamboat squad.

Q. That was the first precinct you commanded? A. Yes, sir.

Q. Now, captain, when you were assigned to the steamboat squad, you became aware of a custom that had prevailed in that squad of policemen receiving gratuities from the various steamship companies and dock occupants or lessees for their services on the dock, did you not? A. Yes, sir.

Q. How did you become aware of it, we would like to get at how the matter was made known to you? A. Detective Vail told me.

Q. Robert Vail; he has testified here; now, what did he tell you? A. He told me it had been customary for years for the captain to get half of what the men were getting.

Q. Did he tell you that he had been collector? A. He did.

Q. When you were appointed captain of that precinct, known as the Thirty-seventh, was there any understanding either

expressly or impliedly that you were to collect any money and pay over any money to any one on account of your captaincy?

A. No, sir.

Q. When Vail told you this did you understand that you were expected to reap any benefit outside of your salary from occupying the position of captain? A. That is what I understood.

Q. Will you please give this committee the reason for your understanding, give us the whole matter, how that question was created in your mind? A. Detective Vail told me that he had been collecting for Captain Gastlin and for Sergeant Taylor, who had been appointed after Captain Gastlin's retirement, that the men on some of the docks gave up half of what they got to the captain; I told Vail that I didn't care about it, a thing of that kind; he said, "You damned fool, if you don't do it, you might as well get it as well as the others;" Detective Vail was here questioned and he stated I told him I wanted all, and I wanted to brand that as a lie right here.

Q. Putting that aside for the present, captain, did you agree with Vail to continue the practice that had prevailed there?

A. Yes, sir.

Q. You told him to go on and do the collecting? A. Yes.

Q. Each month while you were there in the precinct, how much money did Vail bring you on the average? A. He was only there two months.

Q. How much did he bring you for each of these two months?

A. I think it was about \$180 a month, something like that—\$190.

Q. Did you give him anything for collecting it? A. I did.

Q. How much? A. Twenty per cent.

Q. Did he tell you that that had been the practice? A. He did.

Q. Now, captain, at this time, in the history of your service of the police department when you became captain, was it an understood thing, and a matter of common understanding among the captains of the various precincts that they were to take advantage of any opportunity that presented itself to make money out of their respective precincts? A. Certainly.

Q. Was that the custom universally? A. Universally.

Q. Had you any opportunities to make money outside of this money contributed by the men or paid by the men? A. No, sir.

Q. Your precinct consisted of the dock, the water front? A. Yes, sir.

Q. Now, after he left, you say he was there two months, who succeeded him as special detective or collector? A. Gannon.

Q. Did you appoint Gannon? A. No; he was on what they call the special steamer's squad; we had a squad of 15 men there who attended to the European steamers alone, without doing any regular dock duty; he belonged to that squad.

Q. Did you designate him as the successor of Vail? A. Yes, sir.

Q. Just tell us how you designated him, captain? A. I simply told him to put on citizen's clothes and do duty along the river.

Q. Was there anything said to him about these monthly collections from the men? A. He had been detective under Gastlin, years before, and I simply reinstated him in his old position, after Vail left.

Q. So it was an understood thing? A. It was.

Q. He understood his duties when you reinstated him, that is, his duties as to these collections? A. Yes, sir.

Q. Did he make those collections every month? A. Yes, sir.

Q. While he was in that capacity? A. Yes, sir.

Q. Now, about the payment of the 20 per cent., captain; was that deducted by the wardman before he gave you the money, or did you give him the money after he gave you the gross sum? A. Gave him the money after he gave the gross sum.

Q. Did the payments take place, generally, in the station-house? A. Yes, sir.

Q. Did you have a list of the men and their amounts? A. Yes, sir.

Q. Each month? A. Yes, sir.

Q. So that you knew how much he should collect? A. Yes, sir.

Q. How much he was entitled to and how much you were entitled to? A. Yes, sir.

Q. How long did you remain in command of that squad? A. Thirteen months.

Q. Was Gannon your collector during the balance of your command? A. Yes, sir.

Q. Now, during that time, Captain Schmittberger, did you pay any part of the money that you collected from the men of your command to any other police official? A. No, sir.

Q. Were you ever asked? A. No, sir.

Q. Was it ever suggested to you? A. No; I don't think so.

Q. Had you ever any talk or conversation with any police official touching this subject of money being paid by the steamship companies to the police? A. I had a conversation with Inspector Steers when I went down there.

Q. What was the conversation, captain? A. He was the inspector of the district at the time, and he told me there wasn't hardly anything in the precinct, that he didn't expect anything, or he didn't get anything.

Q. That he didn't get anything? A. Hardly anything in it; yes.

By Chairman Lexow:

Q. Just give the words as nearly as you can, or conversation? A. He said he didn't expect anything from me, as there wasn't anything in the precinct.

By Mr. Goff:

Q. I was in error when I repeated the words that he didn't get anything? A. He didn't get anything, I didn't give him anything.

Q. So that whatever you took in that precinct, captain, from the men, you kept yourself? A. Yes, sir.

Q. Were there any other sources of revenue to you as captain of that squad? A. No, sir.

Q. That was the only source? A. The only source.

Q. That was not looked upon as a particularly attractive station, was it? A. It was not.

Q. You endeavored to get out of it as quickly as possible? A. Yes, sir.

Q. Did you make application? A. No; I didn't make application, but I requested Commissioner Voorhis to try and send me up town if he could, the first opportunity; there was a deadlock in the board at the time and there hadn't been any transfers made for some time, and I wanted to get further up town to where I lived; I lived in Mount Hope, One Hundred and Seventy-third street at the time, and I was anxious to be on duty somewhere in the upper part of the city so as to be nearer home; it was a long journey to live at one end, away up at Tremont, and to go down to Pier A.

Q. Were you removed, Captain? A. I was transferred.

Q. To what precinct? A. Twenty-fifth.

Q. What station-house? A. Sixty-seventh street, near Third avenue.

Q. Now, when you were transferred to that precinct, the Twenty-fifth, did you pay any person any money in consideration of that transfer? A. Not a cent.

Q. Or did you promise to pay? A. No, sir.

Q. Was any asked of you? A. No such thing ever mentioned; there were quite a number of transfers made that day and I was one of the men transferred; there was quite a shake up.

Q. While you were in the command of that precinct, we want to understand the condition of affairs in that precinct, who was your wardman? A. When I came there Campbell and Martin were the detectives.

Q. Campbell has been on the stand here? A. Yes, sir.

Q. Did you have any conversation with the detectives as to their particular duties or as to what they should do? A. No; they were commanded to patrol duty about a week after I was there; I had no confidential relations with them at all.

Q. Did you then have a man appointed with whom you held confidential relations? A. Yes, sir.

Q. Who was that man? A. Gannon.

Q. Now, did you appoint Gannon from that squad or from that precinct, or did you have him taken from another precinct? A. I had him transferred and brought there.

Q. From what precinct? A. From the steamboat squad.

Q. That was a common practice among the captains to have their own wardmen? A. Yes, sir.

Q. And he was recognized as the captain's confidential man? A. Yes, sir.

Q. Practically speaking relieved from active police duty? A. Yes, sir.

Q. And whose principal duty it was to make what are known as the collections in the several precincts to the captain? A. Yes, sir.

Q. When you had Gannon transferred, did you have a conversation with him relating to what collections might be made in that precinct? A. Yes, sir.

Q. And what lines were laid out, what fields were indicated; where collections could be made? A. There was nothing there only policy-shops.

Q. About those policy-shops did you ascertain the number? A. Yes, sir.

Q: How many were in that precinct at that time, do you remember? A. About 10, I guess.

Q. And how much did you determine that they should pay, captain? A. Twenty dollars a month each.

Q. Was that the established custom? A. Yes, sir.

Q. Give us your first knowledg of that custom, how it became known to you the policy-shops were to pay \$20 a month? A. The policy-shops all there in the precinct and in the upper part of the city are under a man by the name of Parker, and if I remember right, Parker came to the station-house and saw me, and told me how many shops he had in the precinct; that was all; and he was introduced to Gannon, and Gannon did the rest.

Q. Was it an understood thing with this Parker that the policy shops in that precinct should have the exclusive privilege to have policy shops in that precinct? A. No; there was no understanding of that kind; but there were no other people there that had any, I believe.

Q. He was the only one? A. Yes.

Q. I would like to know how the \$20 a month were fixed, captain, how that sum was agreed upon? A. I guess that is an old price; I guess that is understood for years, long before my time.

Q. Was that agreement made with Parker? A. Yes, sir.

Q. Either with yourself or with Gannon? A. Gannon.

Q. Was there any other sources of collecting except the policy shops in that precinct? A. There was the liquor dealers' organization there, Bohemian Liquor Dealers' organization; they contributed about \$80 a month, I think.

Q. Any other sources, captain? A. No; that is all.

Q. Now, of the money that was paid of the policy shops and of the money that was paid by the Bohemian Liquor Dealers' association, how much did you receive? A. Well, all but 20 per cent.

Q. That was the recognized thing, was it? A. Yes, sir.

Q. That is the recognized thing in all the precincts? A. I guess so.

Q. So far as you know? A. Yes, sir.

Q. And so far as the police knowledge goes? A. Yes, sir.

Q. About what was the sum that you collected there every month, after paying Gannon his 20 per cent.; there were 10 policy shops, that would be \$200? A. Yes.

Q. Then there was \$80 from the Bohemian Liquor Dealers' Association? A. Take 20 per cent. off that.

Q. Twenty per cent. off that — were those the only sums, captain? A. Yes, sir.

Q. Were there any disorderly-houses in that precinct? A. No, sir.

Q. By the way, did you ever hear of the gyp business — you know what I mean? A. Yes, sir.

Q. That is a fraudulent horse trade? A. Yes, sir.

Q. Did it flourish in that precinct? A. No, sir; not in my time; there was a horse market there at Seventy-second street and East river

Q. Now, while you were captain of that precinct and in receipt of that money every month, did you give any part of that money or of any money to any other police official? A. I did.

Q. You did? A. Yes, sir.

Q. To whom did you give it? A. Inspector Williams.

Q. To Inspector Williams; was Williams the inspector of that inspection district? A. Yes, sir.

Q. That precinct was within his jurisdiction as inspector? A. Yes, sir.

Q. Will you please tell us how it was first arranged between Williams and yourself that you should give him a portion of the money collected by you in that precinct? A. I succeeded Captain Gunner, who had been retired; the first day I went to the station-house Captain Gunner came in to get some things belonging to himself in the office; Captain Gunner and I had a confidential talk as to how much he had give to the inspector.

Q. Just tell us the talk, if you please, captain? A. I asked Captain Gunner how much did you give to the inspector; because I don't want to give any less than you have given, and Captain Gunner told me what he had given.

Q. What did he say; how much? A. He said he sent \$50, sometimes \$75, just as he felt; between \$50 and \$75 a month to the inspector.

Q. And Williams was the inspector at that time? A. He also told me how he did it.

Q. Williams was the inspector at that time? A. Yes, sir.

Q. You were going to say? A. He told me that he had put this money in an envelope and given it to Campbell, that Campbell had given it to Sergeant Price in Inspector Williams' office.

Q. Sergeant Price who is now captain? A. Yes, sir; I know him; Williams didn't think that I needed any intermediate person, I went directly to him and handed him the money.

Q. The first time? A. The first time.

Q. How much did you hand him, captain? A. Fifty dollars.

Q. Did you say anything to him when you handed it to him? A. No, sir.

Q. Did he say anything to you? A. No, sir.

Q. Placed it in an envelope? A. Yes, sir.

Q. And handed it to him without a word? A. Yes, sir.

Q. In his office at headquarters? A. In his office at headquarters.

Q. Now, was any person at that time cognizant, or had any person knowledge of the money that you gave to Williams? A. Not as I know of.

Q. Did you have any talk with the wardman in reference to paying the inspector? A. Oh, yes; he knew of it.

Q. He knew of it? A. Oh, yes; that is, I don't know, but he knew the inspector got something.

Q. Did you ever have a talk with Captain Campbell about that? A. With Campbell.

Q. With Gannon I should say? A. Oh, yes; I think I had a talk about it; he knew the inspector had to get something.

Q. Do you remember the conversation? A. No; I can not recall the exact conversation, but I know that we talked about it, that he knew of it.

Q. Now the balance of this money that you collected every month, did you bank it along with your salary? A. No; I don't think—I might; I don't know; I used it as I went along, I guess; I don't remember that I banked it.

Q. Did you have a bank account at that time? A. Yes; I guess I did; I ain't sure now; I think I did.

Q. How long did you remain in command of the Twenty-fifth precinct? A. Three months.

Q. Did you pay to Inspector Williams each month while you were there money? A. Yes, sir.

Q. The same amount? A. I think I gave him \$100 one time.

Q. One month? A. Yes, sir.

Q. What circumstances existed for you to give him \$100 instead of \$50? A. Well, I don't know; I thought it was due to him; I thought \$50 was rather small.

Q. You thought it was prudent, is that it? A. Yes, sir.

Q. When you say you thought it was due to him, you thought it was prudent for you to give it to him? A. Yes, sir.

Q. Now, captain, we want to have you place upon the record here why you gave part of the money collected by you to Williams as the inspector? A. Well, it was in Williams' power to send men up there to raid those policy shops over my head; to prevent him from doing that; of course, upon consideration of receiving that sum of money every month he wouldn't do it.

Q. So that in order to enable you to derive the profit or advantage from these policy shops doing business in that precinct you divided the proceeds with your superior officer, the inspector? A. Yes, sir.

Q. Now, with regard to the inspector being able to send men up there to raid those policy-shops the inspector had no men under his immediate command, had he? A. Oh, yes; he had a roundsman and a sergeant.

Q. On his staff? A. Yes; and he had authority to take men from any other precinct and send them there if he wanted to.

Q. He also had authority to draw upon headquarters, had he not? A. Yes, sir.

Q. Or to report the matter to headquarters? A. Yes, sir.

Q. Now we have it, that this money was paid to him in consideration that he would allow you to permit these policy shops to continue in their business in violation of law? A. Yes, sir.

Q. Was that the consideration? A. That is it.

Q. This you know, that you gave to Williams every month a part of the identical money that was contributed by these policy shops and liquor dealers? A. Yes, sir.

Q. You didn't change the money? A. No, sir.

Q. Was it an understood thing in the department that the money should go in bills wherever money was to be paid in the manner that you have perscribed? A. Oh, yes.

Q. In bills? A. Yes.

Q. So as to leave no trace? A. Yes, sir.

Q. Or possibility of detection; is that so? A. Yes, sir.

Q. During your three months in the Twenty-fifth precinct did you pay any money to any other police official except Inspector Williams? A. No, sir.

Q. Were you called to account by any police official for the existence of those policy shops in your precinct? A. No, sir.

Q. Speaking of the Bohemian liquor dealers, is it a fact that the money they paid was paid in consideration of their being allowed to sell on Sundays? A. Yes, sir.

Q. To violate the excise law; what three months were you in command of that precinct? A. What three months?

Q. What three months of the year? A. From the 7th of January, 1892, until April, when the general transfer took place of all the captains; I think that took place on April 13, 1892.

Q. During the time that you were in command of the Twenty-fifth precinct did you make reports to headquarters touching the existence of disorderly-houses, gambling-houses, etc., in your precinct? A. Yes sir.

Q. Did you in these reports that you made to headquarters set forth the existence of the policy shops you have mentioned, the 10 policy shops? A. No, sir.

Q. To whom were those reports handed? A. To the inspector.

Q. Can you tell if the inspector outside of receiving money from you had any knowledge of the existence of those policy shops in your precinct? A. I couldn't say that; he knew there were policy shops there.

Q. Tell us, please, how he knew? A. Well, I presume he knew; he must have known.

Q. You assume that he knew because he had the opportunity of knowing; is that it? A. Yes, sir.

Q. And it was in his power to find out irrespective of you? A. Yes sir.

Q. It was his duty to find out, was it? A. I guess so.

Q. Was it also his duty to discover whether or no you permitted these policy shops to exist in your precinct? A. Yes, sir.

Q. And what was his duty under those circumstances? A. To raid the places.

Q. And what to do in regard to you? A. To prefer charges.

Q. Prefer charges against you? A. Yes.

Q. Those policy shops were never raided? A. No, sir.

Q. And no charges were ever preferred against you? A. No, sir.

Q. By the inspector; could policy shops exist in that precinct without the knowledge of the captain? A. For a while, yes.

Q. Well for a short while? A. For a short while.

Q. Very short while? A. Yes.

Q. I assume, for instance, that if you were there unhampered by any custom or not having any interest in these policy shops running, you could have suppressed them? A. Yes; you could drive them from one place to another; you could never entirely suppress policy.

Q. You could keep them on the move? A. Yes, sir.

Q. And prevent them from deriving the immense profits from their business? A. Yes, sir.

Q. Did the inspector ever talk with you as to the enforcement of the law against policy-shops in your precinct? A. No, sir.

Q. Or against the violations of the excise law? A. Yes; he used to tell us to make excise arrests; we were instructed nearly every week to make excise arrests, enforce the excise law.

Q. Well, what was your understanding of those instructions? A. Oh, there were no particular instructions given any more than general.

Q. General instructions? A. Yes, sir.

Q. Well, inasmuch as you were accepting money, for instance, from the Bohemian Liquor Dealers' Association, you made up your mind that these instructions were not to be carried out to the letter; is that it? A. Yes, sir.

Q. They were merely given, as it were, to obey the law so far as expressions were concerned, but in reality it was an understood thing that you were not to obey the law or to carry it out? A. Yes, sir.

Q. And in order to protect yourself for not obeying the law you gave this sum of money that you have testified to, every month to Inspector Williams? A. Yes, sir.

Q. You thought as long as you gave this money to Inspector Williams, that you were safe? A. I was safe, as far as he was concerned

Q. As he was concerned? A. Yes, sir.

Q. Did you have any connection with or anything to do with the liquor dealers while in that precinct, outside of Bohemian liquor dealers? A. No; not as I remember.

Q. Where did you go after leaving the Twenty-fifth? A. Twenty-seventh; Eighty-eighth street.

Q. That is down near the river? A. Yes, sir.

Q. Down near Avenue A, I think? A. Yes, sir; between Avenue A and Eastern boulevard.

Q. How did you come to be transferred? A. All the captains were transferred except one.

Q. Who was the one? A. Captain Smith.

Q. Smith, of Sixty-eighth street? A. Yes, sir.

Q. He was the only captain that was exempted? A. Yes, sir.

Q. That was what was known as the general shake up? A. Yes, sir.

Q. What was the cause of that shake up, so far as you know? A. It was after Superintendent Byrnes was made superintendent.

Q. Who was superintendent while you paid this money to Williams? A. Superintendent Byrnes was acting superintendent.

Q. But Muarry was in fact the superintendent? A. Yes, sir.

Q. When you went to Eighty-eighth street, how long did you remain in command of that precinct? A. I remained there from April until the following December.

Q. What collections were made in that precinct? A. There was some policy-shops there and some pool-rooms; that was all.

Q. How much did they pay? A. Well, altogether about \$900 a month; about \$800 a month.

Q. Could you give us the number of policy-shops, because we want to be exact as we can; can you give us the number of policy-shops and the number of pool-rooms that were in that precinct? A. I think there were about 10 policy shops and about three pool-rooms.

Q. Do you remember where the pool-rooms were situated? A. Yes, sir.

Q. Please tell us their location? A. There was one in Eighty-sixth street, there was one on Third avenue, corner of Eighty-fifth street, and another one in One Hundred and Sixth street.

Q. One Hundred and Sixth street and where? A. Near Third avenue.

Q. Can you tell us how much those pool-rooms pay? A. Two hundred dollars a month.

Q. Two hundred dollars a month each? A. Yes, sir.

Q. Who was your wardman there? A. Gannon.

Q. You had him transferred with you to your new precinct? A. Yes, sir.

Q. Now, as a matter of fact, at the time of that shake up nearly all the captains transferred their wardmen with them to their new precinct, did they not? A. The most of them.

Q. Within a very short time after the transfer of the captains?

A. Yes, sir.

Q. When you got into the new precinct of course, you told Gannon to proceed in the usual way that had been proceeded in by his predecessor from the Twenty-seventh? A. Yes, sir.

Q. Were you visited by Parker again? A. Yes, sir.

Q. That is in the Twenty-seventh? A. Yes, sir.

Q. Did he tell you the number of places he was running? A. Yes.

Q. And their locations? A. Yes, sir.

Q. You took a list of them? A. Yes, sir.

Q. How about the pool-rooms; how did you find out about those or how did you reach an understanding with them? A. I think they came to see Gannon, if I remember right; they came to see Gannon, the proprietors.

Q. Do you remember the names of the proprietors? A. No, I don't; I don't know any of them personally.

Q. Gannon reported to you of course? A. Yes, sir.

Q. Did they say or was it reported to you that they had said what the arrangements had been before you went there? A. Oh, yes; the same arrangement had been.

Q. What captain preceded you there? A. Captain Carpenter.

Q. He is retired now? A. Yes, sir.

Q. Did you give Gannon instructions to continue the same arrangements? A. Yes, sir.

Q. Now, outside of the policy shops and the pool-rooms were there any other source of collections there? A. No, sir.

Q. How about the liquor dealers? A. Didn't touch them.

Q. Why did you not touch the liquor dealers? A. Well, I didn't want to; I didn't want to have nothing to do with them.

Q. What year was that in? A. Eighteen hundred and ninety-two.

Q. Was there any understanding? A. There had been trouble before between Captain Carpenter and the liquor dealers there, and I was told that Captain Carpenter had been transferred on account of it.

Q. On account of his interference with the liquor dealers? A. No.

Q. Or trouble with them? A. On account of the trouble he had with them; I found the same trouble afterwards.

Q. Was it not an understood thing then that the liquor dealers had made their peace with the police through Tammany Hall? A. Yes, sir.

Q. And that instead of paying directly to the police they should pay Tammany Hall; was not that the understood thing?

A. Well, that was the understood—I don't know whether that was really so or not, that is what I heard.

Q. I am asking you for the reason for your non-interference?

A. Yes, sir.

Q. That is your reason for your non-interference? A. Yes, sir.

Q. Now, from what parties did you receive that information or derive that impression or knowledge? A. I don't know as I ever received any particular instructions about it, but I made up my mind myself to have nothing to do with the liquor dealers.

Q. Did you not know as a matter of common knowledge and notoriety, apart from your personal knowledge, that before that period of time the liquor dealers had to pay in the several precincts? A. Oh, yes.

Q. Wasn't that so? A. Yes, sir.

Q. Did you not know also that a change had been effected, instead of paying to the police the liquor dealers should give some support, political or otherwise, to Tammany Hall? A. Yes, sir.

Q. And should be relieved from paying money to the police? A. Yes, sir.

Q. That was a matter of common knowledge in the department? A. Yes, sir.

Q. Did you ever hear how that arrangement was entered into or effected? A. No, sir.

Q. Did you understand that the Liquor Dealers' Association had taken very advanced grounds upon that subject and refused to pay to the police unless Tammany Hall would guarantee them protection? A. Well, I saw that in the newspapers.

Q. Then it was a matter of common knowledge? A. Yes, sir.

Q. And you decided that discretion was the better part of valor under the circumstances—to let them alone? A. Yes, sir.

Q. Not only from what you heard in the department and what you saw in the newspapers, but from your knowledge of its effect upon your predecessor, Captain Carpenter? A. Yes, sir.

Q. Now out of these \$800 a month, or so that you collected in the Twenty-seventh precinct, did you give any part of that money to any police official? A. Yes, sir.

Q. How much? A. Twenty per cent. to Gannon and about \$200 a month to Inspector Williams.

Q. Did you pursue the same method with regard to delivering that money to him every month as you had while in command of your previous precinct? A. Same method.

Q. Went down to headquarters every month? A. Well, sometimes he would call at the station-house and I would give it to him; sometimes I would take it to headquarters.

Q. In giving him this money, this \$200 a month while you were in command in that precinct were there any words uttered at all by you and by Williams at the time that you handed this money over to him? A. No; I would simply say, "Here is something for you," and he would take it; there would be no talk made about it.

Q. Was there ever any conversation between you looking to his ascertaining how much you were collecting in the precinct?

A. Well, there may have been; I don't remember; there may have been; I can not remember that; of course, he knew there were pool-rooms there, and he knew how many.

Q. How did he know? A. Oh, I knew he knew.

Q. Did you ever talk with him about that? A. Well, he knew the pool-rooms were there.

Q. They couldn't have existed there very long without his knowledge? A. No, sir.

Q. And if you fail to suppress those pool-rooms it was his duty to compel you to perform your duty? A. Yes, sir.

Q. He was the officer immediately charged with that duty? A. Yes, sir.

By Chairman Lexow:

Q. That was the same inspection district? A. The same inspection district.

By Mr. Goff:

Q. It was part of Williams' duty, as inspector of that inspection district, to ascertain for himself whether or no the captains in the several precincts performed their duty? A. Yes, sir.

Q. And was it not also his duty to ascertain if there were open violations of law in the several precincts? A. Yes, sir.

Q. And notwithstanding your reports to him to the contrary, was it his duty to see for himself and ascertain whether or no there were open violations of the law in that precinct? A. He

was responsible for his district the same as I was for my precinct.

Q. So that even if you made false reports to him about the existence of such places in the precinct he was not bound by those reports? A. No, sir.

Q. It was his duty to go further and ascertain for himself whether or no the law was enforced in the respective precincts, was it not? A. Yes, sir.

Q. And touching these three pool-rooms, for instance, did they do business openly? A. They were in the rear of saloons.

Q. But it was a matter easily ascertained? A. Oh, yes.

Q. Public saloons there? A. Yes, sir.

Q. And there was no great pretense at secrecy? A. No, sir.

Q. Anyone could go in there? A. Yes, sir.

Q. So that it was a matter of common notriety in the neighborhood? A. Yes, sir.

Q. That these pool-rooms existed there? A. Yes, sir.

Q. And if the inspector in the pursuance of his duty had performed his duty and had gone in the neighborhood where these pool-rooms were he could have ascertained the existence of these pool-rooms, could he not? A. Yes, sir.

Q. And if he had ascertained the existence of those pool-rooms what was his duty in the premises? A. To obtain evidence and arrest the proprietors.

Q. And what was his duty as to you? A. To prefer charges.

Q. To prefer charges against you? A. Yes, sir.

Q. For permitting these pool-rooms to run in open violation of the law? A. Yes, sir.

Q. And what is true of the pool-rooms is true of the policy-dealers? A. Yes, sir.

Q. You are fairly familiar with the well known section 282 of the Consolidation Act, Rule 41 of the department? A. The duty of the police force?

Q. Yes. A. Yes, sir.

Q. And you know and recognize that that provision of law compels or requires the police to inspect all places having excise, having a license from the excise department; they must be open for public inspection? A. Yes, sir.

Q. So that the inspector either by himself or by his immediate aids or officers should have inspected those premises? A. Yes, sir.

Q. Do you know did he ever inspect them? A. I don't know, sir.

Q. At any rate, during the eight or nine months that you were in command of that precinct no complaint ever came from him? A. No, sir.

Q. Touching the existence of those pool-rooms? A. No, sir.

Q. No inquiries were ever made by him as to whether or no they existed, were they? A. No, sir.

Q. And while you paid this money every month did you pay it for the purpose and on the consideration that he should not interfere with you in allowing those pool-rooms to exist in your precinct? A. Certainly.

Q. For the purpose of enabling you to make collections from those pool-rooms and to have those pool-rooms undisturbed you paid this \$200 a month to the inspector of police? A. Yes, sir.

Q. How frequently did you make reports during this period of time? A. Once every three months.

Q. These reports were placed in his hands? A. They were sent to headquarters.

Q. And he was the officer charged with receiving them? A. Yes, sir.

Q. Did you ever have any call made by him to explain the absence in your reports as to the existence of these pool-rooms? A. No, sir.

Q. Did you report these pool-rooms as existing and doing business? A. No, sir.

Q. And these reports as they went to the inspector's hands were false? A. Yes, sir.

Q. And it was within his power and his duty to ascertain whether or no they were false, was it not? A. Yes, sir.

Q. And if he found that they were false to take the proper measures? A. Yes, sir.

Q. Against you and also against the pool-rooms; he is charged by law with that is he not? A. Yes, sir.

Q. As well as by the rules of the department; and this money paid by the pool-rooms to your wardman and which reached you was paid by him as a consideration that they should be allowed to run in violation of law? A. Yes, sir.

Q. And you paid part of that money that you received from the pool-rooms, part of that consideration you paid to the inspector as his share of their money to bribe the police officials to allow them to violate the law; is that so? A. Yes, sir.

Q. You have stated, I believe, that you received no other moneys from other sources in that precinct, except those two sources, the pool-rooms and the policy-shops? A. That is all.

Q. Were there any disorderly-houses in that precinct? A. No, sir.

Q. Were there any happenings or accidents, as it were, that occurred in that precinct during that time for which you received money that you had not testified to? A. Any accidents?

Q. Well, I mean things that do not occur regularly; I do not mean an injury to person or anything of that kind; let me see if I can not make it plain to you; were there any other things or sources from which you derived any money, whether regularly or irregularly in that precinct, except those that you have testified to? A. No; I can not remember any others; there was nothing else there.

Q. I beg pardon? A. There was nothing else there.

Q. I do not mean regularly, sometimes, occasionally, things come along; did anything outside of the regular pool-rooms and policy-shops occasionally occur, such as presents and things of that kind? A. No.

Q. Did you receive any presents while there? A. Never; no.

Q. Or any gratuities from business people? A. No, sir; not a thing,

Q. You hadn't anything to do much while there with the recovery of stolen property, for instance? A. No, sir; there were very few cases there; it was a very poor precinct, nearly all poor people and middle class, flats.

Q. How long did you remain in that precinct? A. From April until the following December; the 20th of December I was transferred.

Q. That would be about nine months in that precinct? A. About that.

Q. And in that nine months you gave to Inspector Williams altogether about the sum of \$1,800? A. Yes, sir.

Q. Now during your captaincy of those two precincts had you any knowledge that other captains of other precincts in that inspection district were also paying to the inspector of that district? A. No; I had no knowledge, no personal knowledge.

Q. Well, was it commonly understood? A. It is the custom.

Q. The custom in the department? A. Yes, sir.

Q. Well, you can not speak of your positive knowledge as to seeing the money passed between other captains and the inspector; yet can you say that it was the custom of the department for the captains of the several precincts to pay to the inspector of that inspection district so much money a month?

A. I think so.

Q. According to the sum they realized? A. Yes, sir.

Q. To where were you removed or transferred from the Twenty-seventh? A. I was transferred for interfering — that is, alleged interference with liquor dealers, that is, making selling arrests instead of fake arrests.

Q. You were transferred from the Twenty-seventh by reason of your interference of liquor dealers? A. Let me tell this my own way.

Q. Yes; tell it your own way? A. When Superintendent Byrnes was made superintendent he called all the captains together; he told them he didn't want any exposure excise arrests; he wanted legitimate arrests made; that the exposure arrests made in different precincts, were only made for building up a large record of excise arrests when virtually there were no convictions at all; when arrests were made he wanted them fairly made and he also issued an order that hereafter, while he was superintendent, entry should be made on the blotter of the statement of the officer who made the excise arrest, as to what he bought, whether it was beer or whisky, how many people were in the place, and the full particulars; a copy of that entry was to be furnished to the officer for his guidance in court; so he could not forget the evidence in the case, presenting it in court; previous to that the officers were very forgetful; they would arrest a man for selling liquor, and the next day they would make a charge of exposure, and the consequence was that the magistrate would discharge the prisoner; the superintendent gave strict orders about that, and when I first went to that precinct I executed the order to the letter; the first Sunday, I think, I made 22 excise arrests, or 26, I forget now which; but it was the largest number that had ever been made in that precinct; and all the liquor dealers hollered murder; and they were all for selling; they were all held in court; so that the president of the Liquor Dealers' Association, Mr. Roach, threatened my officers that he would have them transferred if they insisted on making direct excise arrests.

Q. Let us have that? A. The president of the Liquor Dealers' Association up there threatened the officers in court that he would have them transferred for making those arrests; and the officers came and reported to me, and I instructed them to continue to make those arrests; the consequence was that both of those officers were transferred to other precincts; and I very soon after followed them.

Q. Now, can you tell us by what power or authority were those officers transferred to other precincts, who made those excise arrests? A. They were transferred by Commissioner Martin, on the representations made to him by the liquor dealers; when the friends of the officers saw Commissioner Martin to find out the reason of their transfer, Commissioner Martin told them that they were transferred for blackmailing liquor dealers.

Q. Told the officers? A. Told the officers' friends; the officers sent their friends there to find out the reason of the transfer, and they were told by Mr. Martin that they were transferred for blackmailing the liquor dealers; both officers protested, and wanted to show their records to show that every arrest they had made was a bona fide arrest, and was a selling case; but they were transferred; one very soon after applied for retirement; the other is still in the business.

Q. Do you know of any charges having been made against those officers for blackmailing? A. No, sir; there were not.

Q. Now, about your own transfer; did anyone threaten to have you transferred; or what took place in relation to your own transfer? A. The liquor dealers made the same complaint about the captain, as I understand; of course, I only have this second-hand.

Q. Well, what knowledge reached you? A. That I made too many excise arrests in that precinct; I made too many bona fide excise arrests, and I was to be transferred; I was transferred to the Fifth precinct, where there were very few liquor stores.

Q. That is down here in Leonard street? A. Yes, sir.

Q. Before you received notice of your transfer did you have any personal knowledge of these complaints against you for interfering with the liquor dealers? A. Oh, yes; some liquor dealers came to me.

Q. What did they say? A. Well, they didn't want me to be so strict; not make so many arrests.

Q. Did any of them threaten to transfer? A. Not in my presence; no, sir; but I know that would be the result.

Q. That was what was intended? A. Yes, sir.

Q. Implied; well, did you receive any word from any of the authorities at headquarters about the transfer before the transfer was made? A. No, sir; not before the transfer.

Q. You were never called before the commissioners? A. No, sir.

Q. No complaint was lodged against you? A. No, sir.

Q. Did you have any talk with your inspector about the understanding that you had of the threats made against you? A. No, sir; I don't think I did; I don't think I spoke to the inspector about it.

Q. After you were transferred did you have any talk with any of the officials in connection with the cause of your transfer? A. Yes, sir; I did.

Q. With what official? A. The superintendent.

Q. What was the conversation? A. I told him I thought it was a shame that I had to be transferred on account of those liquor dealers; he told me to keep quiet at the time, that the thing would right itself at the time.

Q. Is that all the conversation you had? A. Yes, sir.

Q. Did you have any conversation with any of the commissioners? A. No, sir.

Q. Have you told us all in relation to that precinct and its affairs so far as you can now remember? A. Yes, sir.

Q. When you went to the Fifth precinct you went there in December? A. December, and remained there I think seven weeks, when I was transferred again.

Q. December, 1892, was it? A. Yes, sir; I remained there until the 1st of March, 1893.

Q. Now, let me ask you about your transfer; did the order for that transfer issue directly from the superintendent? A. From the board of police, through the superintendent.

Q. Had you any knowledge what particular, if any, commissioner, was the cause of moving for your transfer? A. I was told Commissioner Martin.

Q. Did your information reach you through police circles and channels that it was Martin moved for your transfer? A. No, sir; Commissioner Sheehy I think told me about it.

Q. He is a commissioner of charities and corrections? A. Yes, sir; he lived up there; he was a particular friend of one of those officers and he was the man that went to see Commissioner Martin in behalf of one of those officers.

Q. What did he tell you that Martin said? A. Well, he told me that he told him that these men had been blackmailing liquor dealers; I said Commissioner Sheehy, "It is not so; this is the result of the threats made by the liquor dealers to have these officers transferred, because they made bona fide arrests."

Q. You say you were in command of the Leonard street station, the Fifth precinct from December until the following April, I think? A. No, the 1st of March; yes, I was there just eight weeks—nine weeks.

Q. Now, what collections were made while you were in that precinct? A. There were no collections made, only I think there were two pool-rooms there.

Q. How about the merchants who incumbered the sidewalks? A. I never had nothing to do with that business at all.

Q. There were two pool-rooms in that precinct? A. Yes, sir.

Q. You say that you made no collections or received no collections from the merchants paying for the incumbering of the sidewalks? A. No, sir; I was not there long enough to get acquainted.

Q. Where were those two pool-rooms? A. Canal street.

Q. In Canal street? A. Yes, sir.

Q. Did you know the proprietors of them? A. No.

Q. Did you ever hear the names of the proprietors? A. I did at the time; I have forgotten now.

Q. How much was collected from those pool-rooms? A. I think they paid \$200 a month.

Q. That was the regular price? A. Yes, sir.

Q. Then that would be \$400 a month you collected there? A. Yes, sir.

Q. Did you collect money from other sources? A. No; I don't think so; I don't remember any thing else; I think that is all that is there.

Q. Any disorderly-houses in that precinct? A. No, sir; not a house.

Q. Were you in that precinct before or after Captain Doherty in the Fifth? A. I followed Captain Ryan; I don't know when Doherty was there.

Q. It has been proven here and in other forms as well as this, that the merchants in that precinct paid the wardmen regular moneys every month for the privilege of encumbering their sidewalks with their produce, and some of them with their boxes, etc.; do you swear that during your command of that precinct that you made no collections from them? A. No, sir.