

Q. No; we have the blotters here? A. Well, it was discovered against a number of sergeants that you didn't discover.

Q. No; we had all the blotters? A. There are some that we had that you didn't have, I think.

Q. Didn't you send for Sergeant Liebers after Doherty complained to you of Captain Liebers' actions and tell him to go ahead? A. I sent for Sergeant Liebers, but it was about a different matter entirely than what the captain has charged.

Q. What matter was it? A. The captain was at headquarters one day, came into my room, and said that Sergeant Liebers was becoming neglectful of his duties; as I had something to do with sending Sergeant Liebers to that precinct, because it is a German section and the sergeant was a German, I said that I would send for Sergeant Liebers and talk to him about it; I sent for Sergeant Liebers and told him that I understood that he was neglectful of his duties; I told him a great deal more than the captain had said to me, and that if he didn't attend to his duties and do better in the future that he would be transferred from there; I talked to him very sharply about it; but I never said a word to him about Mrs. Thurow or the bond case; I never knew a thing about it.

Q. Have you stated all about that transaction now? A. Yes, sir; absolutely so.

Q. Now, with regard to the appointment of men on the police force, you have been largely influenced by the political backing that applicants had? A. All things being equal the men standing equal as regards their civil service examinations and qualifications I accepted the recommendations of my political friends.

Q. And took those men in preference in their class? A. Yes, sir.

Q. Now we have here the letters recommending such appointments, and I have a sort of a digest of those letters; we have gone over these letters very carefully, and if you wish to question our figures or computations, of course, you can take the letters yourself and compute them? A. Not at all; I am waiting to accept your digest of them.

Q. We find that from Tammany clubs and on the official papers of Tammany clubs, among these letters, there are 123 letters, the subjects of which were appointed in each case; we find that on recommendations written on the Senate paper from the Senate chamber at Albany that 15 recommendations were made to you? A. That is very small for the Senate.

Q. I beg pardon, 41? A. That is better.

Q. Recommendations on the Senate paper; we find that recommendations on the Assembly paper which were acted upon by you footed up 32?

Senator O'Connor.—Mr. Goff, do those letters give the names of the Senators?

Mr. Goff.—Yes, sir; we have them all here.

Senator O'Connor.—If you have any from me I wish you would publish it.

Mr. Goff.—How do you know that we haven't any?

Senator O'Connor.—Because I never wrote one.

Q. On the county clerk's paper, not all written by the county clerk or in his name, but by persons connected in his office and himself, there were 12 appointments made; on the sheriff's paper, by the sheriff and persons connected with him in his office, there were 18 appointments made by you; on commissioner of jurors paper and on his recommendation there were 5; on the fire department paper recommendations there was 1; on the tax department paper there was 1; on the board of aldermen paper—of course written by the various aldermen, there are 65; on the papers of the different police justices altogether there were 35; on the paper of the aqueduct commissioners, by one of the aqueduct commissioners, there was 1; on paper coming from the civil courts, signed by the justices of those courts. recommendations, there were 16; on the paper of the General Sessions nearly all of which are signed by the chief clerk of that court, there were 18 appointments; on the quarantine commissioner's paper there were 2; on the paper of the Union League club there was 1; on the Special Sessions paper, coming from the judges of that court, there were 3; from the health department, from one of the commissioners, there was 1; from the water purveyor there was 1; and the mayor 1; from the city court, on its paper, by the judges, 3; from the civil service board there was 1; from the street cleaning department on its paper, signed by the commissioner and the deputy street commissioner, there were 10; on the commissioners of charities and correction paper, mostly signed by the commissioners, chief clerk and secretary, there were 18 appointments; from the bureau of combustibles there comes 1 appointment; on the paper of the excise board, signed by the excise commissioners in most cases, and by the chief clerk and secretary combined,

there were 19 appointments; from the department of docks there appears to be 1; from the register's office there appears to be 8; from the board of education there appears to be 1; from the department of buildings, 1; from the public works, 6; from the street improvements, that is in the annexed ward, commissioner of street improvements in the annexed ward, 4; from the Manhattan Club there is 1; on papers coming from Congress, signed by Members of Congress, there are three appointments; from the Surrogate' Court, 1; from the Superior Court, 1; from the Common Pleas Court, 1; from the corporation counsel's office, 1; by the corporation counsel and the chief clerk, 6; from the chamberlain's office, 1; from the district attorney's office, 4; from the coroner's, 7; to continue the record I find that John F. Carrol, clerk of the Court of General Sessions, heads the list with 20; T. J. Campbell with 3; John D. Crimmins gets only 3; Thomas E. Crimmins, 3; Richard Croker, 3; Bourke Cochran, 1; George Sergeant Cram, 2; William H. Burke, a police justice, 20? A. You don't mean appointments, but applications.

Q. These are applications that I am reading now? A. These were applications for appointment.

Mr. Goff.— Yes.

Chairman Lexow.— In which appointments have been made.

Mr. Goff.— No; the others were the appointments. These are the applications.

Q. From Alderman Brown, that is the alderman of this district, I believe, 21 applications; Alderman Bailey, 2; Joseph Blumenthal, 2; he is in the tax department, isn't he? A. He is now commissioner of taxes.

Q. From Daniel E. Finn, 2; from Maurice Featherstone — he is a district leader? A. He is water purveyor, I believe.

Q. From E. J. Fitzpatrick, 7; he is a district leader? A. One of the coroners. |

Q. From Samuel J. Foley, 5; he is a member of Assembly? A. Yes, sir. |

Q. From James Fitzpatrick, 4; he is a district leader? A. He was, but he is dead, poor fellow. |

From R. P. Flower, 2? A. I would be glad to give him 2 more.

Q. From George Ehret, 3; that is the brewer? A. Yes.

Q. From Thomas J. Dunn, 11; he is a district leader? A. Yes, sir.

Q. From Alderman P. J. Dooley, 14; he is a leader, too? A. Yes, sir. |

Q. William Dalton, 17? A. Yes, sir.

Q. That is the excise commissioner, is it not? A. Yes, sir.

Q. From Morris Dinkelspiel, 4; John C. Munzinger, 5? A. Yes, sir; that is a good while ago; and he was in good standing at that time. |

Q. He has not written any since he has gotten into bad standing? A. No, sir; nor for a long time before it.

Q. By the way, speaking of Munzinger, you remember that Munzinger is under indictment? A. Yes, sir.

Q. For extorting money from Lucy McCarthy, for the sum of \$500? A. Yes, sir. |

Q. Did you ever hear it stated in connection with that matter, that he divided the money with the police captain of that district? A. No, sir; I didn't. |

Q. Did you ever hear it stated, or hear it stated by Lucy McCarthy in her testimony, that it was on the recommendation of the police captain of that district that she hired Munzinger to act as her lawyer? A. I don't think I ever saw that testimony.

Q. Did that subject ever come up before the police commissioners touching the Lucy McCarthy extortion? A. No, sir.

Q. Well, here was a fact brought out by an indictment of the grand jury of this county indicting a lawyer and another man named Beardsley, I think? A. Yes, sir; I think, Beardsley.

Q. For conspiring to extort from the keeper of this house of ill-fame, \$500; did the board of police commissioners call the captain of that precinct to account for allowing that house of ill-fame to exist in that precinct? A. The board of police never had any such information. (

Q. But the information was published as matter of record? A. Yes.

Q. An indictment by the grand jury, and these men gave bail to answer; that was information? A. Well, her house was closed.

Q. But was the police captain of the precinct ever called to account for allowing that house to exist? A. I understood the house was closed at the time.

Q. But it was not closed at the time that she paid her \$500? A. I understood it was; that was my opinion about it.

Q. I know, but what I want to get at is: here was a public record with which not only all citizens are charged with knowledge, much less officials; I want to know if the board of

police commissioners ever took any action on that case? A. No, sir; the matter never came before the board; I understood the house was closed; I understood she paid this money to have it opened.

Q. The facts were that she was arrested, and after being arrested she was told that if she would give \$500, she would get out of the case made against her in court, and that the \$500 were divided between three persons, namely, between Munzinger, the police court clerk, Conny Smyth, and the police captain of the precinct? A. I never heard that the police captain of the precinct ever had anything to do with it.

Q. I beg pardon? A. I say I never heard that she testified that the captain had anything to do with it; if that is so the district attorney ought to have sent that information to the board; I never knew it.

Q. But wasn't it the board's duty, in the face of an indictment against two men, that they should have called upon the police captain of that precinct to answer why that house was allowed to exist in his precinct? A. I understood that the house was closed and that this money was given to permit her to open again; that is the way it came to me.

Q. Well, it came to you erroneously; as a matter of fact the board of police commissioners never took any action in that case? A. No; we never knew what was testified to before the grand jury.

Q. But it was a matter that the press printed at the time? A. Not in that way, sir.

Q. I think you will find it so? A. If it was so printed in the papers at that time, we certainly would have taken it up.

Q. Now, here is a letter of recommendation coming from J. W. Hinckley, the chairman of the Democratic State committee, isn't it? A. Yes, sir.

Q. Three applications; but there is one letter here on the paper of the Murray Hill hotel; "Honorable James J. Martin, president, board of police. Dear Mr. Martin.—I would like very much to have this man, John R. Horton, passed in the examination; please help him." Do you remember what was done with Mr. Horton? A. Nothing, only to give him an opportunity to file his application just as it is there.

Q. This was a peculiar letter? A. I never heard of him before or since, and I paid not the slightest attention to it.

Q. This was a peculiar letter, that he would like you to help him in passing the examination? A. Well, I didn't help him; I had nothing whatever to do with it.

Q. I will not take up the time by reading the names, but I find the names of all the district leaders here, in addition the names of citizens who are not district leaders and haven't been; for instance, Senator George F. Roesch, puts up 21? A. Well, he was at the head of the district organization at that time.

Q. That is what I say? A. Yes, sir.

Q. Then there is George W. Plunkett who runs up to 30; here is a letter from Mr. Sulzer:

“Tammany Association of the 14th Assembly District,
East Fourteenth Street.

New York, March 1, 1890.

“My dear Commissioner.—This will introduce to you Mr. John Murphy of whom I spoke to you about on Friday. He is now on the eligible list for appointment on the force, but as his average is low, he wishes a letter from you to Commissioner Ackerman to pass a new examination at once, as he will be in the next requisition. His appointment will help our organization.

“Very truly yours,

“WILLIAM SULZER.”

A. I gave the candidate a new application paper, I suppose, on that, if my indorsement is on the face of the letter.

Q. Yes; your indorsement is on the face of the letter? A. That means that he was permitted to file an application.

Q. Because it would help the organization? A. I suppose so, yes, sir; I plead guilty to that.

Q. This letter:

“Flower & Company,
52 Broadway and 5 Exchange Place,
New York, October 17, 1890.

“James J. Martin, Police Commissioner:

“J. M. Fitzgerald of Jefferson county, the bearer, who has been on our Democratic county committee for five years, wants to be a policeman. If you can aid him I would be obliged to you.

“Yours truly,

“R. P. FLOWER.”

So that, Commissioner Martin, you were not alone subject to the local politicians but you were subject to the Jefferson county politicians for favors? A. And other counties also.

Q. And so it comes to pass, Commissioner Martin, that the police force of New York has been made almost the stamping ground for applicants from all parts of the State? A. From both parties, yes, sir.

Q. From both parties? A. Yes, sir; candidates naturally go to public men for letters to the commissioners; it is very natural, I think.

Q. Now, Commissioner Martin, I learned from General Miles the other night that the police force at the World's Fair in Chicago was organized by Col. Rice of the regular army and that Colonel Rice made it a rule in organizing that force that he would not accept a letter of recommendation from any man in public life, and the result was that he got the best police force that was ever on this continent; what have you to say as to the contrast between the New York police force and that organized by Colonel Rice? A. Well, I am inclined to doubt the statement of the gentleman very much.

Q. General Miles is a soldier of national reputation, and he told me that? A. I will not doubt the statement of General Miles, but I doubt the statement of any man who made that statement to him.

Q. Possibly you misunderstand me; Colonel Rice was a member of General Miles' command, a colonel in the regular army, and by permission of the war department General Miles assigned him to do this work of organizing the police force at the World's Fair, and it was General Miles' own knowledge that that rule was adopted and that it was adhered to throughout the organization of that police force; and he said it was the best organized police force that was ever on the American continent; now I ask you to contrast that with the manner of organizing the police department in the city of New York upon the recommendation of public men of all political parties throughout this State and over all parts of this State to get applicants on the police force? A. I say as to the physique and intelligence of the police force of New York that it could not be excelled by any organization formed by Colonel Rice or anybody else, as a force.

Q. We have it here in evidence that as to their public morality it would be a difficult thing and an impossible thing to find in any city of the civilized world such a depraved lot of men as constitute the New York police department? A. Well, they haven't had investigating committees in other places as yet.

Q. I said I wouldn't read another letter, but I will have to break my promise, because there is one here which, if for nothing else but the penmanship, I would like to exhibit to the committee and to the representatives of the press.

The letter is in typewriting with a printed heading: "John Sergeant Cram, counsellor-at-law, William street, New York, December 14th. Hon. James J. Martin. My Dear Commissioner.—I write to ask as a personal favor that you send the bearer, J. F. Brady, who lives at No. 152 West Thirty-seventh street, in my Assembly district, to the civil service examination. He is an applicant for the position of policeman, and I think when he is on the eligible list I think I can get one of my friends to appoint him. He is now employed as assistant foreman in Patrick Ryan's box factory." That is the Ryan that paid blackmail to the police. A. And didn't know which captain he paid it to.

Q. Well, commissioner, I wouldn't have said anything but for your suggestion; he did not know who he paid it to? A. But he didn't testify to it.

Senator Bradley.—He did.

Q. He did, and we had his checks here? A. Well, I understood he paid it to Captain Stephenson and our investigation afterward discovered that he wasn't in the precinct.

Q. Well, Captain Stephenson is in misfortune now, and I do not want to say a word to add to that misfortune; but Ryan knew to whom that money was paid; I will tell you that? A. Well, it has not come to us as yet, Mr. Goff.

Q. We don't get the whole truth from every witness who goes on the stand unfortunately; I discovered. I may say, that there was a tie of relationship between Ryan and a police captain; the letter goes on to say: "At the corner of Morton and Washington streets and is a man of unusual intelligence. He is also sober, honest and industrious. I will consider it a personal favor if you will send him to the examination, and will explain more fully when I see you why I am interested in him.

"Yours sincerely,

"J. SERGEANT CRAM."

Now, this is the explanation; you see the letter is typewritten and at the foot there is written in a sort of a cross between old English and German characters: "He is a T. H. Democrat."

Well, Mr. Commissioner, it has been sworn before this committee that captains of precincts collected money regularly assessed and levied on houses of prostitution, policy shops, gambling-houses, pool-rooms, push-cart peddlers, lumber merchants, merchants who occupied the sidewalk with their wares, sailmakers in lofts 40 feet above the sidewalk, bootblacks on the corners, Greek flower peddlers, Italian fruit venders, dry-goods millionaire merchants, soda water fountains and almost every conceivable industry in our great city, and that that has flourished for years; can you say as the head of the police department that such practices could have gone on without your knowledge? A. Yes, sir; they did go on without my knowledge.

Q. It has been further testified to here that money was being collected for the purpose of paying for a police captain's appointment, and that that money was handed over; could such practices have gone on without your knowledge as head of the police department? A. Yes, sir; it has gone on; I never knew the first thing about it.

Q. It has also been sworn here that captains paid to their inspectors a portion of the corruption fund which they collected in their several precincts for years; could such things have gone on without your knowledge? A. It could, yes, sir.

Q. And they did? A. Well, I won't say that; the evidence has not been brought to me as to that.

Q. It has been sworn to here? A. But I say it has not come to me as a commissioner of police.

Q. Did it ever occur to you in reading the public press of police captains becoming wealthy and investing largely in real estate; did it ever occur to you to investigate the officers of your department and find out where they obtained the money to buy such costly real estate? A. My attention was never called to such things as that, that captains were investing in real estate.

Q. I remember reading in the New York Sun, for instance, a column headed, "Thrifty police captains," in which figures and illustrations of the houses that they had recently bought were given; has that been brought to your attention? A. No, sir; I never saw that article; I am a constant reader of the Sun, too.

Q. Evidently the Sun did not shine to you? A. I usually read it every day.

Q. It has been testified to here that you protected a disorderly house from interference by Captain Schmittberger, Mrs. Sadie West, and that you compelled Captain Schmittberger to send an officer there to apologize to her; how did you come to interfere to protect Sadie West? A. I didn't interfere to protect Sadie West; I interfered, as I have stated already, at the request of a friend who I know very well, who was a member of my club, and whose name I am ready to give if the committee thinks I ought to do it.

Q. It is a question for you more than it is for the committee; why should you, a police commissioner, interpose your official character to either protect or defend or interfere in any way with a police captain who was enforcing the law? A. I did not interfere; I told the captain just the statement that this gentleman had made to me; I told the captain that he wished he would investigate it, look into the matter and see if it was true; that if the statement that was given to me was true, that the police officer had no business at that house, and the captain came back and told me that my statement was true, that the information given me was correct; now that is the truth of it, absolutely so.

Q. Wasn't it sufficient for a police captain to know that a police commissioner was interested? A. No, sir; I told him expressly at that time—

Q. Did you tell him who requested you? A. I did not; I told him that a gentleman friend in the club had told me so, and I said, "Now, captain, I want you to look into this matter, and see if this statement is correct; if this house is improper, I do not want to have anything to do with it; you go and do your duty."

Q. The captain swore that you compelled him to send an officer there to apologize to Sadie West? A. The captain swore to what was untrue.

Q. Have you any reason to base that upon any animosity to you by the captain? A. Well, I am inclined to think so; yes, sir.

Q. What is the cause of the animosity? A. At the time that Captain Schmittberger was in command of the steamboat squad, when he was first made a captain, I interfered on behalf of Officer De Gann, who was a witness here, to inquire why he had

been transferred from the French line pier; the officer came to me, and stated that he had been there for years; that he spoke French; that the officers of the line were in favor of his remaining there; and that he was transferred to the East river, somewhere near the Fish Market; I made some inquiries about it; I spoke to the then superintendent of police, who was Superintendent Murray, if I remember correctly; and notwithstanding all that I did this officer couldn't get back there; he didn't get back there; the captain knew that I was interested in the officer; knew that I was interested in Officer De Gann; that I was interested to see that he was properly treated.

Q. Is it possible that a police captain could defy a commissioner? A. I don't see any reason why he couldn't; yes, sir.

Q. But the commissioner is the head of the department? A. This man didn't get back; I was enlisted in his favor; I believed that he was improperly removed at the time.

Q. Wasn't it your duty to investigate the matter and restore that man if he had been improperly dealt with? A. I left it to the superintendent, and he said the man was removed for good reasons given to him by the captain; the captain told him something else; I didn't know the officer was removed for failing to give the captain money, or anything of that kind, of course; the captain said he was removed for some neglect of duty.

Q. Then it is a fact that you leave the whole executive work of the department in the hands of the superintendent? A. Well, to a great extent; almost entirely so; yes, sir.

Q. Is it not a fact also that if, under these conditions, the superintendent fails in performing his duty, that the responsibility rests upon you? A. Yes, sir; that is true.

Q. Can you say if the superintendent has failed to perform his duty now in the light of all the events that have taken place, and in the light of your knowledge as derived from the testimony taken before this committee? A. Can I say whether he has performed his duty?

Q. Whether he has failed to perform his duty? A. I haven't anything to say about that; the superintendent seemed to be vigilant and active in every matter that was brought to his attention.

Q. Don't you think that if you had performed your duty, and the superintendent had performed his duty, that the lamentable condition of affairs testified to have existed in the police depart-

ment for years, and particularly under your administration, could have been prevented? A. Well, I can only speak for myself; I certainly never contributed to anything that has developed here.

Q. I am not questioning that, commissioner; but I ask you again, if you had performed all your duties, and if the superintendent had performed his full duty, don't you think that the lamentable condition of affairs sworn to exist here in the police department might have been prevented? A. Well, I can not answer that question.

Q. Why? A. Well, I can not hold the superintendent responsible for these affairs; I haven't any evidence that he is responsible.

Q. But he is your inferior or your subordinate? A. I understand that, but he may have proper explanation to offer on that subject.

Q. But we want your idea as head of the department; we want your idea that if the condition existed that I have stated — speaking of you as the board of commissioners; I do not speak of you individually, but as the board of commissioners — if the board had performed their full duty and if the superintendent had performed his full duty, do you think that this terrible condition of affairs could have existed in the police department? A. Well, that is a very hard question to answer.

Q. Well, was there friction between the administrative branch of the department and the executive branch? A. No, sir; there is not.

Q. If there has been no friction, then the administrative part of the department and the executive head of the department must have worked in unison? A. Yes, sir.

Q. And in conformity? A. Yes, sir.

Q. Now, they having worked in unison and in conformity, each branch trying and endeavoring to do its full duty, do you yet hesitate to give an expression of opinion as to whether or not the bad or rotten condition of affairs in the police department could not have been prevented or cured? A. There never were any facts submitted to the board of police bearing on those matters.

Q. But since the board of police have the absolute power touching the discipline and rules of the department, if they had exercised that power in good faith, couldn't they have

prevented the terrible condition of affairs from existing that has existed in the department? A. Well, I don't think as a board that it could.

Q. As at present constituted? A. As at present constituted, or as has been constituted since my time.

Q. But, if we went along, commissioner, under the present system, and assuming that the Lexow committee had never existed, the same condition of affairs would have existed in the police department and continue to exist? A. Well, I am very much afraid it would; we have had changes in the department within a year; they are active, vigilant commissioners, endeavoring to do their duty, and still it has been shown here recently, by testimony, that these things have existed right to up within a few days.

By Chairman Lexow:

Q. Would one commissioner be able to solve the problem any better than the allied judgments of four? A. I don't think he would; I think one commissioner of police at the head of the department would be so busy that he wouldn't know what was going on.

By Mr. Goff:

Q. Well, commissioner, that is a question, of course? A. I say that one commissioner of police would be physically unable to attend to the duties of the department.

Q. And yet the secretary of war is able to attend to the great duties of the war department of the United States? A. That is very true; but he may not know all that is going on.

By Chairman Lexow :

Q. According to your statement you have left the attention of all the executive business of the department to the superintendent? A. Yes, sir.

Q. Now, he substantially represented a one head commissioner for all the executive duties of the force? A. That is true.

Q. And he has not been able, apparently, to eradicate this corruption, has he? A. No, sir; he has not.

By Senator O'Connor:

Q. Isn't the fault of this your having too much confidence in your officers? A. We have had a great deal of confidence in the police force up to these disclosures; I must say that I had great confidence in them.

By Chairman Lexow:

Q. What we of the committee can not understand is this: that notwithstanding the prevalence of these rumors for years passed for the purchase of promotions, purchases of commissions, for captaincies, and the general blackmail levied throughout the city which had been an open secret for years, that the commissioners have not taken some active, energetic course to get at the bottom of the facts? A. I don't think the commissioners heard as much about it as people outside.

Q. It has been printed in the newspapers, hasn't it? A. No, sir; it has not; I certainly heard a great deal more about it before I was connected with the police department than I have since.

Q. What I can not understand is, for instance, is, when you heard as you did hear, as you say, that commissions for captaincies had been made the subject of barter and sale that you didn't in an official communication to the superintendent draw his attention to that fact and ask him to investigate authoritatively into that subject; why hasn't something of that kind been done? A. Well, it never came to me in sufficient form to warrant me in doing that, to allege that any officer had paid for his appointment.

By Mr. Goff:

Q. As a question of lack of discipline in the department, I will take the case of Captain Slevin, tried the early month of this year before the police commissioners? A. Yes, sir.

Q. Tried for failure to suppress houses of evil resort in his precinct? A. Yes, sir.

Q. No decision has been rendered in that case yet? A. No, sir; I want to explain why; there were changes made in the commission just about the time the Slevin case was closed: Commissioner MacLean went out of the board; a new commissioner came in; shortly afterward another change took place owing

to the resignation of Commissioner McClave, and in that way that case has been delayed and has not been decided; that is the reason for it.

Q. But, Commissioner Martin, then if that condition of things continues, those cases will never be decided? A. I believe the case is before this committee and has been for sometime passed; it has been subpoenaed here.

Q. The case of Captain Richard O'Connor the same? A. Captain Richard O'Connor's case was tried at that time and the evidence was very meagre; in fact, there was no evidence at all.

Q. It was only the failure of the commissioners to act? A. We held that case because Captain O'Connor's wardman, Officer Sheridan, was indicted, and we expected that on his trial some additional evidence would be procured that would warrant us in introducing it into the captain's case; that is the reason that case is held; the counsel that is representing these people, Mr. O'Neill, knows all about it; and that it was the proper thing to do, he thought, to hold the decision in the O'Connor case and wait for additional evidence.

By Senator Cantor:

Q. Do I understand that your commission has not the power to issue a subpoena or to enforce appearance under a subpoena unless specific charges are made against an officer? A. We have power to issue a subpoena, but it is very little use after it is issued.

Q. But not to compel the attendance of witnesses? A. Not to compel their attendance.

Q. If the law was amended for the purpose of enabling you to issue subpoenas, and examine into rumors, would that tend to help you? A. That would be very valuable indeed.

Q. With power something similar to this committee? A. That is right. }

Senator O'Connor.—Is that the fact, Mr. Goff, that if the board issues a subpoena they have no power to compel the attendance of witnesses?

Mr. Goff.—I think that is the case of people outside of the department. }

Senator O'Connor.—Then it would be very difficult to do anything substantial until they got that power.

Mr. Goff.—I think that is the law. I do not know that the question has ever been decided by a court of high jurisdiction, but I think that is the fair construction of the law.

Senator O'Connor.—You think that any commission that is constituted by a reorganization, if there should be one, ought to have that power, do you not?

Mr. Goff.—Touching offenses committed by policemen?

Senator O'Connor.—Or touching charges that through improper influences they had procured promotions, or anything that goes toward the discipline of good standing of the force.

Mr. Goff.—It looks so.

Chairman Lexow.—And that they ought to be able to do that without specific charges against anybody as a foundation for a proceeding?

Mr. Goff.—That the proper commission or commissioner ought to be invested with the powers of a committee of investigation.

Witness.—And the board ought also to have a counsel there continually to pass on evidence and obtain evidence.

By Mr. Goff.

Q. You said you were prepared to give the name of the man who requested? A. Yes, sir; if the committee wants it.

Mr. Goff.—I do not feel, Senators, that there is any necessity for that. If you think otherwise, I am perfectly willing.

Chairman Lexow.—No, I think not. We do not want to drag private characters into the mire.

Q. Well, the captain that we spoke of testified that you told him not to interfere with certain houses of evil resort in the neighborhood of a public school in Forty-sixth street, is that true? A. That is not true.

Q. Did you ever speak to him about the school? A. Never spoke to him about the school or the houses in the block.

Q. Do you know of any reason why he should commit perjury on that point against you? A. I do not at this time; the only time I ever spoke to him about the houses in that neighborhood—I live in Forty-eighth street myself—I spoke to him about a house in Forty-seventh street at the request of the residents of that block, headed by Mr. Joseph Dillon, a painter and decorator on Sixth avenue near Forty-sixth street; at their request I spoke to the captain about that house, that he should put himself in communication with those citizens and do all he could to comply with their request to get rid of that place.

Q. We ask you in our letter and also in our subpoena if you would produce before this committee your bank-books and certificates of deposit? A. Yes, sir.

Q. Are you ready to do so? A. Yes, sir.

Q. Tell us what bank-books you are ready to produce? A. I have two bank-books, one in the Empire State Bank corner of Bleecker street and Broadway, and the other is on the Union Trust Company.

Q. Have you any objection to telling us the amounts of your deposits? A. Not the slightest.

Q. Tell us, please? A. I have in the Union Trust Company something like \$8,100 of which I think about \$600 is interest.

Q. And in the Empire State Bank? A. I had something like \$996 at this time.

Q. Does that represent all the bank deposits that you have now? A. Yes, sir.

Q. Does any one hold any bank deposits for you in trust? A. No, sir; they do not.

Q. Or under any arrangement whatever? A. Nor under any arrangement whatever.

Q. Have you a bank account in any person's name, fictitious or real? A. I have not.

Q. Did you ever have such? A. Never.

Q. Have you changed or closed any bank account since the commencement of this investigation? A. I have not.

Q. What real property do you own? A. I own a house in West Sixty-fourth street where my sister and her family lives, which I purchased in the beginning of 1887.

Q. What year did you go into the commission? A. In 1889; I purchased that house because my sister was living in it at the time, so that she might have a home.

Q. How much did you pay for that house? A. Ten thousand dollars.

Q. Do you own any other real estate? A. I own the house that I live in.

Q. When did you buy that? A. In 1892.

Q. How much did you pay for that? A. Twenty-five thousand dollars were paid down at the time, and there is a mortgage of \$10,000.

Q. Where did you get the money that you used in the purchase of that house? A. I had the money at the time, accumulations that I had saved from time to time.

Q. How long were you on the police commission when you bought that house? A. I was appointed in May, 1889, and this purchase was made about March or April, 1892.

Q. That was about three years? A. That was about three years; yes, sir.

Q. Where did you keep the money that you had at that time with which you purchased that house? A. I had the money which I had transferred from the Empire State Bank, from time to time, to the Union Trust Company, and I drew my check on the Union Trust Company for the amount, \$15,000.

Q. Did you derive that \$15,000 from your savings during the years that you were a police commissioner; that is three years? A. To some extent; yes, sir.

Q. What was your salary during that time? A. Five thousand dollars.

Q. What were you able to save out of a salary of \$5,000? A. I think I have saved during my time there close to \$2,000 a year.

Q. Are you a man of family? A. No, sir; I am a single man, living with my sister.

Q. Keeping house? A. With my sister, keeping house for me.

Q. And you say you lived upon \$3,000 a year? A. Yes, sir.

Q. And you saved about \$2,000? A. Yes, sir; close to that.

Q. Where did the balance of the money come from? A. Money that I had previous to going into the department at all.

Q. Your books show that you had that money? A. Yes, sir.

Q. In the Empire Bank? A. Yes, sir; and in the Trust Company.

Q. Have you brought those books with you? A. I have; yes, sir.

Q. Will you allow me to have them, please? A. Certainly; yes, sir. (Witness hands books to Mr. Goff.)

Q. These are two bank-books and two check-books? A. Yes, sir; they are all I have.

Q. Covering the period of time since you have been a police commissioner? A. No, sir; they don't: the bank-books do, but the check-books don't.

Q. The bank-books cover the period of time since you have been a police commissioner? A. Yes, sir.

Q. And all the bank accounts that you have had? A. Yes, sir.

Q. Did you have any certificates of deposit? A. I have not.

Q. Do you hold any bonds or mortgages? A. I do not.

Q. In your name? A. I do not.

Q. Or in any one else's name? A. Or in any one else's name.

Q. Have you got money invested in any private enterprise?
A. I have not.

Q. Has any business house or firm of yours in trust or on loan? A. No, sir; that is all the money that I have in the world, that I have told you.

Q. Does any person hold any money or property of any kind of yours in trust? A. No, sir.

Q. Or on a secret understanding to hold it for you until this investigation blows over? A. No, sir; never had any such property.

Q. You will allow me to retain those books, commissioner?
A. Certainly.

Q. You will hold yourself in readiness to-morrow to come before this committee in case we should desire to put to you further questions? A. Any time the committee wants me I am at their service.

Mr. Goff.—Is Senator Pound here?

Chairman Lexow.—He has gone, Mr. Goff.

Mr. Goff.—Here is a letter from Edgar S. Morley, chairman of the Democratic county committee of Lewis county written from the headquarters of the Democratic executive committee of Lewis county, recommending the bearer by the name of John Collins as a man worthy in every respect, a life-long Democrat and an effective worker for his party in Lewis county. He has the indorsement of the most influential Democrats in his town, and it was by the means of the earnest devotion of such men as Mr. Collins and his friends that two years ago (this is March 25, 1892), Lewis county has been redeemed from the colored brother and has since been in the Democratic fold.

Witness.—It has gone back, though.

Mr. Goff.—If Democrats are to be rewarded for party services, Mr. Collins should have recognition, redeeming the county from the colored brother.

Mr. Goff.—We will take an adjournment now, Mr. Chairman, until to-morrow morning. If there are any witnesses here under subpoena will you ask them to be here?

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

Proceedings of the seventy-fourth session of the committee, Saturday, December 29, 1894, at 10:30 a. m.

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

Mr. Goff.—Mr. Chairman, there is present this morning Mr. Mott, assistant United States district attorney for the southern district of New York. Mr. Mott's name was mentioned by the witness Streep, the other evening while giving his testimony. The Senators will remember that as soon as Streep testified to having been told certain things by Bechtold, in which Mr. Mott's name was mentioned, I immediately stopped the witness and there and then asked that that matter be stricken from the record. I stated then as I state now, that Mr. Mott was well known and an esteemed member of the bar of this city for a great number of years; he was held in esteem by every one who knew him, and in which esteem I participate. I had every faith in his honor and integrity, both as a citizen and as a lawyer, and I did everything in my power as soon as the language dropped from the lips of the witness Streep, in relation to what the man Bechtold told him, and moved at once to have that stricken from the record. Mr. Mott is in court this morning, and of course he naturally feels hurt. I have assured him that neither the committee nor counsel had any knowledge of that portion of the witness's testimony, and the moment it was given we did what was in our power to do, all of us; and while it is not before the committee officially, his testimony was alleged hearsay testimony, yet it has gone out in the public prints, and I take pleasure in introducing Mr. Mott to the committee this morning, and request the committee to hear whatever Mr. Mott may wish to say.

Chairman Lexow.—The newspapers have not reported the entire situation. The evidence was stricken from the record yesterday for two reasons—one, because it did not come

within the scope of the resolution under which the committee is acting, and secondly, because we did not believe the testimony. That was distinctly stated yesterday, and it would seem to me that that would cover the whole of the situation.

Mr. Goff.—In addition to that, as I stated yesterday, on the giving of the testimony the committee immediately struck that part of it out which referred to Mr. Mott.

Chairman Lexow.—Immediately.

Mr. Goff.—But notwithstanding that, I think it but fair and courteous to Mr. Mott, a gentleman of his well-known character and standing in this city for a great number of years, he having come here as a gentleman this morning—and it has always been our endeavor to afford courtesy where we possibly could, both the committee and counsel, to persons who have come to this committee as gentlemen.

Chairman Lexow.—After Mr. Mott understands that the committee authoritatively placed on record yesterday its disbelief of the testimony, and after the committee refused to hear Mr. Comstock upon that proposition, it having rejected the testimony as unworthy of belief, it does not seem to me that it would be quite fair to allow Mr. Mott to make a statement, and to deny the same privilege to Mr. Comstock. I should think that Mr. Mott would be satisfied with the declaration on the part of the committee that they did not believe the testimony impeaching him.

Senator O'Connor.—As matter of fact there was not any testimony; he simply stated what another man told him.

Mr. Goff.—Mr. Mott's name having been mentioned, the counsel and committee did everything in their power and struck it from the record on my motion by express and official direction.

Senator Lexow.—If Mr. Mott, in view of these circumstances, still wishes to say anything, the committee will hear him, although it does not seem quite fair to Mr. Comstock to do so.

Mr. Mott.—Mr. Chairman, and you, gentlemen of the committee. You say you have stricken from the record the testimony that was taken. What does that amount to? Your record is nothing now but a smudged record. If you have wiped it out all well enough. So far as it is concerned you have destroyed the paper upon which it was written; but before I knew on Thursday at 9 o'clock at night that my name had been brought before this committee, the whole universe knew it. I was ignorant of it. The lightning

washed from north to south and from east to west, above the ground and beneath the earth, under the ocean even, that one of the officers of the Federal government of the United States had committed a crime for which he ought to be behind the prison bars. Now, did anybody know here what that man was going to testify to?

Senator O'Connor.—No member of the committee did, and I don't suppose counsel did.

Mr. Mott.—If they did know, then they ought to have inquired in regard to the truth or falsity of that statement.

Chairman Lexow.—If you are going to conduct your remarks on these lines you will have to be called to order. The counsel for the committee has stated both for himself and the committee, that neither the committee nor himself had any knowledge of the testimony that would bring your name in upon the record of this committee. That ought to be sufficient for you. You must limit yourself to denial of the charges; that is all. We will not hear anything more than that.

Mr. Mott.—Deny a charge that was made here by a convicted criminal; a man who is now sentenced to imprisonment!

Chairman Lexow.—Mr. Mott, you are here for the purpose of denying, if you choose, the charge that has been made, and which has been erased from our record. We will not permit any oratorical display, any rhetorical fireworks here before this committee. You may make as a witness your denial of the charge, and that is all.

Senator Bradley.—He is not a witness; he is not sworn.

Mr. Mott.—I do not think you have a right to make that remark. I have the rights of a citizen as well as you. You had no right to let a felon come here and condemn me, and I have a right to come here.

Chairman Lexow.—Mr. Mott, you will limit yourself to a specific denial of the charges made by the witness, or else you will be quiet, sir, in this room.

Mr. Mott.—If you don't want to hear what I have to say —

Chairman Lexow.—A denial of the charges we will hear. We will allow you to put on this record a denial of the charge in such way as you please, but not argumentative.

Mr. Mott.—I will not disgrace myself by submitting to you such a statement.

Mr. Mott then leaves the room.

Frederick W. Martens recalled, and testified as follows:

By Mr. Goff:

Q. Captain, how is Mrs. Martens this morning? A. She is very sick.

Q. Captain Martens, I do not propose to examine you upon the main questions as long as your wife has been kept out of the way? A. She was down here the other day.

Q. When you saw that Inspector Williams was on the stand and heard other witnesses excused Mrs. Martens was in court, but she was not here in obedience to the first subpoena? A. Mr. Goff, it was an impossibility.

Q. She went to Northport and you promised to have her here three or four times and she did not come here? A. Under the circumstances I could not.

Q. You have been accused of corrupt practices before this committee, and counsel for very good reasons wanted to examine your wife and you have kept her out of the way of this committee? A. Not at all, sir; if I had known her condition the other day I should not have brought her here.

Q. You a public officer, publicly accused of having committed official crime and been guilty of corrupt practices, when your wife was served with a subpoena, if you were an honest man — A. She was not served with a subpoena.

Q. Now, I do not want to enter into an altercation with you, I know she was, and when I asked you in this court-room — A. Please excuse me —

Q. Will you listen to me; when you found out that your wife was wanted she conveniently left for Northport to attend to a brother-in-law; when I told you it would be necessary for you and to your case that your wife should be examined first, if you were an honest man you would have had your wife here under any circumstances to clear your name? A. I am an honest man, Mr. Goff.

Q. I know you can say that; I do not propose to go through the farce of examining you, unless I have got the evidence in the proper way that I want; you stand here on an accusation made openly of purposely keeping your wife on this witness chair in order to save yourself? A. No, sir.

Q. The facts are so; you stand under that accusation? A. If you knew the condition of my wife you would not bring her down here yourself.

Q. She was in good enough condition to go to Northport? A. If I had known her condition when I brought her here I wouldn't have brought her.

Q. Why did you allow her to go to Northport? A. She was all right when she went to Northport; I brought her down here the other day and it may turn out seriously.

Q. She will not remain sick, I hope, always? A. I hope not, for the benefit of the family, and you as a married man, if you knew her condition, would say she ought not to be here.

Q. I do not purpose to condescend to discuss matters with you at all; I am simply dealing with you as a public official.

Chairman Lexow.— That is all, captain.

Mr. Goff.— Is Captain Meakim here? (No response.)

Mr. Goff.— I tried to serve him again last night, but could not get access to his house; he was again reported sick. Captain Meakim has been accused before this committee as being the principal police captain in the city of New York who has protected the green goods swindlers in every precinct in which he has been. The green goods men have removed from one precinct to another after him in order to obtain protection. They flourished in his precinct. He has received money from them as sworn to before this committee. And worse than all, he bought off witnesses and paid money to purchase the witnesses off, and obtained green goods steerers and bunco men to obtain those witnesses, paid his money to get the affidavits of those witnesses to clear himself. Now, when he has an opportunity to clear himself, Captain Meakim is not here. Captain Meakim has the reputation of being the richest police captain on the force. It has been sworn to that three servants attend at the door of his house. He lives in a house that cost \$25,000; his wife owns another house that she bought recently for \$13,000; has held a mortgage for \$10,000 on other property. I openly charge him here that he has had patrolmen in his precinct, carpenters and painters, policemen of the city, and that while they were being paid by the citizens of New York, they were working on Captain Meakim's country house at Tarrytown. I am not prepared to say from reports of records what his country property is worth, but I know the fact that he has employed policemen. I

state also the fact that a wardman of his who did the collecting for him among the green goods men is in Bloomingdale Insane Asylum suffering from paresis, and he drew his pay regularly every month on the rolls of the department.

Is Captain Ryan here?

Captain Ryan.—Yes, sir.

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

By Mr. Goff:

Q. Have you ever drawn any money from banks, captain?

A. Not that I recollect; I think not, except when I bought that house my wife owns; that was in '80.

Q. What year were you in the Fifteenth precinct? A. '92.

Q. How much money did you draw out at that time? A. I think it was \$1,500.

Q. Out of what bank? A. I think it was the Emigrants Bank; I am not sure.

Q. Where is the Emigrants' bank-book? A. I took out all the money that was there and I have no book.

Q. When was that? A. Eighty, I think.

Q. Have you drawn any more money out, except that money? No, sir.

Q. Have you brought to me all the bank-books representing all the accounts that you had in the year 1892? A. I have, sir.

Q. Either in your own name or in any one else's name as trustee for you? A. I have; that money that is there for my wife is in trust for her.

Q. I know, but it is your money? A. She put it in herself, except the first deposit, every dollar from time to time.

Q. I don't want to talk about that; I want to know if you have now produced every bank-book in which you had an interest, directly or indirectly, during the year of '92 A. Yes, sir; I have.

Q. Had you an account in the bank of deposit during the year of '92? A. In what bank?

Q. In a bank of deposit? A. No, sir.

Q. Or in a trust company? A. No, sir.

Q. Did you ever have an account in a trust company? A. Never had.

Q. Did you ever have a certificate of trust? A. Never had.

Q. Did you ever have money on deposit with any private person or firm? A. Never had.

Q. Do you own any United States bonds, Captain Ryan? A. I do not.

Q. Did you ever? A. Never did.

Q. Do you own any railroad bonds? A. I do not.

Q. Did you ever? A. Never did.

Q. Or mining bonds? A. Never did.

Q. Or any one for you? A. Not anybody for me.

Q. Were you ever fortunate enough to strike a broker that gave you money on bond transactions? A. Never; I would like to be.

Q. You have never had friends, then? A. I have had friends.

Q. You have never had friends that took such interest in you that would make \$300 or \$300 a week for you on bond transactions? A. I would like to have such a friend.

Q. Have you got any children, Captain Ryan? A. I have.

Q. Have they any bank accounts? A. No, sir; not that I know of; no, sir; they have not.

Q. Will you swear, Captain Ryan, that you have no interest, directly or indirectly, in any bank account or any real property except as you have testified to here? A. I do, sir.

Q. And never had? A. Never had to my knowledge.

By Chairman Lexow:

Q. Have you given all your property without any reservation whatsoever? A. I have; there was one lot in Woodlawn Heights belonging to my wife that I forgot to mention yesterday: that is my wife's lot.

By Mr. Goff:

Q. When you swore to any person that means persons outside of your family, Captain Ryan; now, I ask you if any person has held any property for you of any kind or description whatever, or does hold any property for you? A. Not one in the world.

Q. I ask you, did you ever draw \$500 from any bank or from any person while you were captain of the Fifteenth precinct? A. I did not.

Q. Did any person draw it for you? A. They did not.

Q. Did you hand over \$500 to any person while you were captain of the Fifteenth precinct? A. I did not; as far as making money was concerned in the Fifteenth precinct, it was impossible for me to make money from the steps I had taken from the day I went there until I left it.

Q. What do you mean by that, that it was impossible for you to make money? A. I drove out crime as fast as I could reach it.

Q. And that implies that if you had allowed crime to remain there you would have made money, does it? A. It doesn't imply that exactly; there is nobody that would be so foolish as to offer me money for not punishing them.

Q. I understand; but you say you could not make money and the reason was you drove crime out of the precinct; does not that imply that if crime had remained in the precinct you could have made money if you wanted to? A. I don't know whether I could or not; perhaps I could.

By Chairman Lexow:

Q. You mean, do you not, that the conduct of your precinct was different from that of preceding captains? A. I don't know what the conduct of the preceding captains was.

Q. From the condition in which you found your precinct is it or not your opinion that you conducted it upon a different basis from what your predecessors had? A. My predecessors might have regulated that precinct, and in 24 hours it might have become demoralized again.

Q. Do you mean to say that in 24 hours a precinct could become permeated with crime — remember you are under your oath? A. These disorderly houses close up and have to keep closed perhaps a month, and as soon as there is a change in the captain they would open within 24 hours; that is my opinion.

Q. You found your precinct flourishing with crime, did you not? A. I did; crawling with crime.

Q. And in that way your conduct in your precinct differentiated from the conduct of your predecessors? A. It did.

By Mr. Goff:

Q. You found plenty of crime when you went there, captain? A. Full of it.

Q. What captain preceded you? A. Captain Brogan, I believe; I think so, although I could see by the records that Captain Brogan had done a good deal of good work.

Q. But you found the actual crime there? A. I really did, dives and disorderly places in that precinct; I don't know how to enumerate them.

By Senator Bradley:

Q. Could these places have existed in that precinct before you went into it without the inspector of the district knowing it? A. They might from time to time.

Q. The inspector, did he not make casual visits around the district? A. Yes, sir.

Q. Could they possibly exist without his knowledge? A. They could without the knowledge of the inspector; the inspector has a large district to go over.

By Chairman Lexow :

Q. Do you recognize the course of your testimony here; you are on record as stating substantially that an honest captain taking hold of the precinct, such as yours, could practically in a short time absolutely prevent the maintenance of criminal resorts and vicious establishments in a precinct? A. Not in general.

Q. Do you understand that in doing that you have practically made an indictment against almost every other captain in the city? A. I don't; I haven't said that, your honor; I believe that I have stated that to a great extent this crime could be prevented, but not in general.

Q. You said substantially it could be entirely removed? A. Not entirely.

Q. Substantially you said?

By Senator Bradley:

Q. You testified under oath here that in three months you cleared your precinct of all these dives, dens and houses of prostitution; you cleared them all out, that is your testimony; you cleared your precinct in three months? A. I did.

By Chairman Lexow :

Q. And any other captain following the same line of conduct could have done the same; now, apparently, they have not done the same; do you wish, therefore, to be placed on record as criticising almost every other captain on the force of this city that he has not done his duty? A. No, sir; I do not; these disorderly-houses that we speak of, they can not be entirely subdued; they move from one house to another, and it is impossible to drive them out entirely, but these established houses that I have had in that Fifteenth precinct, they were there for some time, they were old established houses and opened to the public; they were all closed and had to close; that was done through the assistance of the district attorney's office; I got a list as I stated yesterday.

Q. In other words, if you had a list containing the houses, the street numbers, the owners of the houses, the numbers of inmates in those houses and the owners of the property, you, in conjunction with the district attorney, might in three months in any precinct in this city have absolutely abolished these criminal resorts? A. I think so, with the assistance of the district attorney.

Q. If a captain has appeared upon the stand who has given testimony of the detail that I have mentioned and has been unable to remove those resorts inside of three months after taking charge of the precinct he has been incompetent for his office, has he? A. I won't say he would be incompetent; perhaps he wouldn't have taken the same methods as I have taken; I don't know of anybody that went to the district attorney before I did.

By Senator Bradley :

Q. You would say he did not perform his duty? A. He might perform his duty, but not take those methods.

By Chairman Lexow :

Q. Do you mean to say that your methods are of such subtleness and refineness, and such wonderful methods altogether, that you are the only man who could put them in operation in the city of New York? A. Any man could put them in operation with the assistance of the district attorney.

Q. Any man doing his duty in your judgment could clear a precinct in three months?

By Senator Bradley:

Q. If he adopted the same methods as you did? A. That is about it.

By Mr. Goff:

Q. Did you attend the wedding of the daughter of Silver Dollar Smith? A. No, I did not; I am not acquainted with him at all; I don't know Silver Dollar Smith.

Q. Captain, did you ever hear that the liquor dealers had to pay money to the police in order not to be interfered with in the violations of the Excise Law? A. I have often heard it; but I have no proof of it—common saying.

Q. Common remark? A. Common remark.

Q. As matter of fact in your precinct, captain, the liquor dealers did violate the Excise Law on Sunday? A. Where in my precinct?

Q. In your precinct? A. Which precinct is that, I have had so many?

Q. In any precinct you ever were? A. They might violate the law.

Q. You do not mean to say, Captain Ryan, that the Excise Law was strictly enforced in the precincts of which you had command? A. As well as I could do it.

Q. You do not mean to say they were wholly enforced? A. The law was violated, no doubt.

Q. Now, is it not a fact that if a police captain in this city wished to close every disorderly house in his precinct that he has the power and the means to do it? A. He has; but they close and open again.

Q. I know; but if they are kept continually on the move it becomes too costly for them to continue? A. That is about it.

Q. Is that not so? A. That is so.

Q. We have heard here sometimes in the city, captain, of dry Sundays; those Sundays were days when the Excise Law was enforced by orders from headquarters? A. Yes.

Q. Does that show that the headquarters men can do more in the several precincts than the local men? A. Well, the men

in the precincts might be better known, they wouldn't have as great opportunity to get in as headquarters men, the headquarters detectives are not known in the different precincts, consequently they can slip in easy; pretty much in every liquor store they have a chain on the door, and before a person is allowed in they see who it is. If they recognize him as a police officer in the precinct, or any person that they have suspicion of, they will not let him in, consequently it is a difficult thing.

Q. How is it that the policy shops have flourished so much; we have evidence here that during your captaincy at the Thirty-fifth street station-house that there were policy shops there? A. Not in my time; I closed them from time to time; they are like disorderly houses; they open again, and they play on the streets and in the liquor stores; it is an impossibility to drive them out entirely; it can not be done.

Q. It has been established here by proof, which has been unquestioned, that the policy business is in the hands of four or five men in this city, and that they pay the police from \$10 to \$20 a month for each policy shop; we have evidence here that there is not a precinct in the city but that policy shops were in full operation this fall? A. That is not true, Mr. Goff; the precinct I am in command of now there is not a policy shop in it; that is one; the principal population there are goats.

By Senator Bradley:

Q. They do not play policy? A. They do not play policy.

By Mr. Goff:

Q. Possibly they eat the policy slips? A. I wish they would; if they were down town and eat the policy shops it would be a good thing.

Q. Is it not a fact that because you did drive crime out of the Fifteenth precinct during the short time you were there that you were allowed to vegetate up among the goats? A. I can not say that, Mr. Goff.

Q. It is not a fat precinct, is it, Kingsbridge? A. It is a good, healthy place; 42 horses there; I can take my choice and go and ride them in a wagon or horseback, every way I like, and I am just at home; I have had too much down town slums and filth, and I am glad to be away from it; I don't want it.

Q. You are away from temptation, captain? A. I don't say that, Mr. Goff; but you know there is temptation, too.

Mr. Goff.— We will excuse you, captain.

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

By Mr. Goff:

Q. We are a little surprised that you would not obey the subpoena here at the proper time? A. Mr. Goff, I have been here for three days; this is the first time that I have been absent in three days.

Q. You were not here yesterday? A. Yes, sir; all day long, and all day two days previous.

Q. You got a subpoena last night, inspector? A. Yes, sir.

Q. We expected to put you on as the first witness this morning? A. I am sorry, Mr. Goff, and I wish to apologize both to you and the committee.

Q. How old were you when you joined the police, inspector? A. Twenty-one years old.

Q. Were you ever charged with going on the police and swearing that you were of age when you were not of age? A. No, sir; not that I ever heard of; if you will permit me to volunteer, Mr. Goff, I think I can confirm to your satisfaction the date of my birth, where I was christened, in what church, and I think the records are there.

Q. If you had any business when you joined the police, what was that business? A. Previous to going on the police I owned three trucks in West Washington Market; the license number of one I think was 1.318, the other two I was not permitted to have a license; I got them in somebody else's name; the names I don't remember.

Q. How long have you been on the police, inspector? A. I was appointed on the 26th of November, 1868.

Q. Had you any lots in Japan when you joined the police force? A. No, sir.

Q. Had you \$20,000 in somebody's safe? A. No, sir.

Q. Had you any money? A. Yes, sir.

Q. How much? A. I think very near \$6,000.

Q. In what shape was that? A. In money.

Q. In what shape of money, what character? A. My wife had it, at least my mother had it; I was not married at the time.

Q. Was it in bank or was it in the house for safekeeping? A. She had it; I don't know where she had it.

Q. You were married then, inspector? A. No, sir; I was married on the 14th of November, 1870.

Q. Then your wife could not have had \$6,000 when you joined the police? A. I corrected myself when I said my wife — my mother.

Q. Then it belonged to your mother? A. No, sir; it belonged to me.

Q. How had you acquired \$6,000 up to the time that you were 21 years old? A. I was four years in business in West Washington Market.

Q. Then you started at 17 years of age? A. Yes, sir; my mother started me in business; when I sold out I got \$1,500 for my trucks and horses; the other I accumulated while in business.

Q. You can not tell us how these \$6,000 were placed, whether in savings bank or bond and mortgage? A. I think she had it in bank; I don't know.

Q. You do not know anything about it? A. Not as a fact, no, sir; I don't know where it was placed.

Q. But you know she had it? A. She had it belonging to me, yes, sir.

Q. Why did you yourself not keep it; you a business man, after selling out your trucks, why did you not keep the money that belonged to you? A. I thought she was more capable of taking care of it than me.

Q. You were not a spendthrift evidently? A. No, not necessarily so.

Q. If you had been you could not have saved that amount of money in four years when you were 17 years of age? A. A man is liable to meet with trouble carrying money of that kind.

Q. Did you ever have a bank account while you were there? A. No, sir.

Q. Did your mother, to your knowledge? A. Yes, sir.

Q. In what bank? A. That I couldn't tell you.

Q. Did you have any other property except your claim or

whatever it may be, there was this \$6,000—did you ever have any other property at that time? A. No, sir.

Q. Did you ever get that \$6,000? A. Yes, sir.

Q. When? A. Before she died.

Q. When was that? A. She died on the 12th of September, 1870.

Q. Twelfth of September, 1870? A. Yes, sir.

Q. You were yet a patrolman? A. Yes, sir.

Q. How did she give it to you? A. Gave it to me in bank bills.

Q. Where did she take it from to give you? A. I didn't ask her; I thought she got it from the bank.

Q. Was she on her sick bed when she gave it to you? A. No, sir; she was ailing, and had been ailing for months.

Q. Give it to you in one roll of bills? A. Well, it was in five hundreds and one hundreds.

Q. I mean at one time? A. Yes, sir.

Q. Six thousand dollars was given to you at one time? A. Yes, sir.

Q. Shortly before she died? A. Yes, sir.

Q. The denominations of these bills you say were five hundreds? A. And one hundreds.

Q. Did your mother leave any property? A. Yes, sir.

Q. By will? A. Yes, sir.

Q. Did you derive any benefit from that property? A. Yes, sir.

Q. What did you do with the \$6,000 that you got? A. I was engaged to be married at the time and gave it to my sweetheart, my present wife.

Q. How long was that before your marriage? A. Possibly three or four months.

Q. What did you give it to your sweetheart for? A. I wanted her to take care of it.

Q. You, a man who had accumulated \$6,000 before you were 21 years of age, and then went on the police, you did not consider yourself capable of taking care of your own money? A. I didn't state that I did not consider myself capable.

Q. Then, if you were capable of taking care of your own money, why did you give it to the lady to whom you were engaged to be married, and to your mother at different times? A. So that they would take care of it for me.

Q. Did you not have confidence in your ability to take care of it? A. I didn't give it to them because I didn't have any confidence in myself; I thought they were better capable than I was.

Q. Then you must not have had confidence in yourself as being properly able to take care of that money? A. Yes, sir; I had if I saw fit to keep it.

Q. Why didn't you keep it? A. Because I thought that they were better capable of taking charge of it than me.

Q. Then you had not full faith in your ability to take charge of that money? A. Yes, sir.

Q. Notwithstanding your full faith, you gave that money to your mother and to your intended wife? A. I thought that they were both more capable than I was.

Q. I am not questioning the lady's capacity at all; you gave \$6,000 to a lady to whom you were engaged; did it never occur to you that there was danger in giving \$6,000 to a woman that was not your wife at the time? A. No, sir.

Q. Did the old adage strike you that there was many a slip between the cup and the lip? A. No, sir.

Q. Did you take into consideration at all the possibility of that young lady dying? A. No, sir; I did not.

Q. Or of her changing her plighted troth to you? A. No, sir.

Q. That possibility did not enter your mind at all? A. No, sir.

Q. That was all you had in the world, was it? A. Other than the interest I had in the house that my mother had.

Q. But that interest had not been realized? A. No, sir.

Q. So that you gave this young lady that promised to be your wife all the money that you had in the world? A. Yes, sir.

Q. Did any one know at the time the money that you gave to your wife? A. I think my sisters did.

Q. Are your sisters now living? A. Yes, sir.

Q. Are they aware of the fact? A. I stated that I thought that they did; I don't know that they did.

Q. Confine yourself, inspector, to what you know, not what you think; when you are asked a question of fact I want what you know, not what you think; I ask you can you swear that any person knew that you had given this young lady \$6,000? A. That is so long ago that I can not swear to that.

Q. But you remember the fact of giving the \$6,000? A. Yes, sir; the reason I said I thought my sisters knew was because they were very intimate.

Q. But you do not know of your own knowledge whether they knew or not? A. No, sir.

Q. And you gave this young lady \$6,000 without taking any precautions as to witnesses or anything else in case of her death, or in case of any accident that might befall her? A. Didn't have a scrap of paper for it.

Q. You not only did not have a scrap of paper, but you did not have any witness? A. No witness; no, sir.

Q. What did you say to your intended wife when you gave her the \$6,000? A. I told her to take care of it.

Q. What did she do with it, do you know? A. I think she put it in the bank.

Q. What bank? A. I couldn't tell you that.

Q. What did she tell you? A. She told me she put it in the bank.

Q. Did she not tell you what bank? A. No, sir.

Q. Did you not ask her? A. No, sir.

Q. Now, why did you not put that money in the bank? A. I told you, Mr. Goff, I thought she was more capable to take care of it than I was.

Q. But the bank was capable of taking care of it? A. That is very true.

Q. If the bank was capable of taking care of it in her name, it was equally capable of taking care of it in your name, was it not? A. Yes, sir.

Q. Now, how old was this lady at that time as far as your knowledge went? A. I think she was about 22 years old.

Q. She had no more experience of the world than you had? A. Yes, sir.

Q. She had, and you a policeman? A. Well, she was a business woman.

Q. In what way; you had been a business man; you were a business man when you were 17 years of age; you were in business? A. I was a hardworking young man.

Q. You took and saved \$6,000, which shows that you were very industrious and very economical; that was a remarkable sum of money in those days for a truckman in West Washington Market to save in four years, \$6,000. \$1,500 a year, a truckman

saving a little over \$5 a day every day in the year? A. I had three trucks.

Q. Even so, you had your horses to support and men to pay?

A. Yes, sir.

Q. In those days that was remarkable saving; it showed you to be a man of remarkable enterprises; now, you having shown your own ability in the way of making money and saving money, can you not give us some reason why you preferred to place this money in the name of this young lady instead of in your own name — any other reason than that you have already given?

A. No, sir.

Q. Had this young lady ever been in the trucking business?

A. I appeal to this committee; I don't want to be insulted here.

Chairman Lexow.—I do not think it is an insult; at the same time I do not think the question was necessary.

Q. Inspector McLaughlin, there is no man in the city of New York that respects your wife, and that would exact the same respect for my wife, than I do, and in asking you questions about her it is because you, yourself, have introduced her into this case; having introduced her we have to deal with her now in the same way as any other witness, and because she is the wife of Inspector McLaughlin of the detective department of this city, she is entitled to no more immunity or privileges than the wife of any other man, and you having introduced this lady's name into the testimony — I did not drag her name in, I didn't know anything about her — but you, yourself, having introduced her name as being the repository of \$6,000 under the most extraordinary circumstances, while I propose to treat the lady's name with all the respect due to her, I yet propose to ask you questions upon this very extraordinary story? A. I think that last question that you asked was both unmanly and unnatural.

Q. We shall not discuss the question; you said she had been in business; I asked you if she had been in the business of trucking; that is a business, and an honorable business; now, Mr. Senators, I think my question is eminently proper and I insist upon an answer?

By Chairman Lexow:

Q. Put the question in another form; in what business was she engaged?

By Mr. Goff:

Q. What business was she engaged in? A. She was in the candy business.

Q. So that her business experience was confined to her candy store? A. Yes, sir.

Q. Your business experience was in dealing with men in the great mart of Washington Market, was it not? A. Yes, sir.

Q. And a lady carrying on business in a candy store deals very largely with ladies and children? A. Yes, sir.

Q. You, on the other hand, dealt almost exclusively with men and business men, did you not? A. Yes, sir.

Q. Now, in view of the two pursuits of business which were followed by yourself and your intended wife, do you yet say she had more business experience than you had? A. I think she was very smart and capable of taking care of my money.

Q. I would suggest to you right here do not be so sensitive in this matter, because no offense is intended; now, I ask you again if you considered that the bank was sufficiently safe to keep this money for your intended wife, why wouldn't the bank be sufficiently safe to keep it for you? A. I suppose it would have been if I felt like putting it there.

Q. But you did not feel like putting it there? A. No, sir; felt like giving it to her.

Q. Did you give it to her as a present? A. No, sir.

Q. Gave it to her to keep for you? A. Yes, sir.

Q. Was there any promise exacted from her or any conditions laid down by you as to why you gave her this money and for what purpose? A. No stipulation whatever.

Q. Did you simply tell her that you wanted her to put it in bank for you? A. I wanted her to take care of it for me.

Q. How did you learn that she deposited it in bank? A. She told me so.

Q. How soon after you gave her the money? A. I don't exactly remember how soon it was.

Q. How long did that \$6,000 remain in bank? A. I don't know that it ever was in the bank; she told me that it was there.

Q. Did you not believe her when she told you? A. Yes, sir.

Q. And she was then, of course, bearing her maiden name? A. Yes, sir.

Q. She was not Mrs. McLaughlin? A. No, sir.

Q. And she deposited that money in bank under her maiden name? A. Possibly so.

Q. But she could not deposit it under your name because she was not your wife? A. No, sir.

Q. When did you get that \$6,000? A. I don't know that I ever got it.

Q. Do you know whether you did or not? A. I know that I didn't.

Q. You know that you didn't? A. I don't think I did.

Q. Is there any doubt about it? A. I have had many business transactions—

Q. Don't let us get away from this interesting \$6,000; did you ever get that \$6,000 from the lady who afterward became your wife? A. The exact \$6,000?

Q. My question is very clear? A. I never asked her—

Q. I am not asking you that; did you ever get back that \$6,000 that you gave to this lady who afterwards became your wife? A. I got lots from her.

Q. Did you ever get that \$6,000? A. Not the identical \$6,000.

Q. Did you ever get that \$6,000 that you gave to the young lady who afterward became your wife? A. Since that time I got several thousand dollars from her.

Q. My question is, did you ever get that \$6,000? A. What do you mean, the identical bills?

Q. Did you ever get that \$6,000 that you gave to this lady who afterward became your wife? A. I don't understand your question.

Q. (Question repeated.) A. My wife kept it.

Q. That is not an answer to my question. Did you ever get it? A. I have got lots of money and more than that from her since.

Q. (Repeated.)

Senator O'Connor.—That is a fair question, witness. It does not mean the identical bills, the identical money.

Mr. Goff.—Of course, you couldn't get the identical money if the money was deposited in the bank.

A. I got that amount and more.

Q. When did you get that \$6,000? A. I don't know as I ever got that identical \$6,000.

Q. Now you are dodging the question.

Senator O'Connor.—That is a fair question.

Q. Did you ever get that \$6,000? Why don't you answer the question; it is very plain? A. Well, I am trying to think it over.

Q. Why you have thought out these questions pretty well before you came on the stand? A. I thought the truth; that is all.

Q. Now, if you have thought the truth, tell us the truth; you have no reason to hesitate; you have no reason to hesitate if it is the truth? A. I never got any money from my wife—

Q. Now, now, now, we will get back to that question again; will you answer my question, please? A. I want to answer it in my way.

Q. Now, do so? A. I say I never got any money—

Q. No, no, no; we will stop at this question if it takes a week until we get an answer, because it is such an eminently fair and reasonable question to ask you, upon your previous testimony? A. Well, she kept that money.

Q. No, no, no; that won't do; you can answer my question yes or no; did you ever get that \$6,000 from your wife? A. Well, I want to explain how I got—

Senator O'Connor.—You can explain afterward how you got it.

Witness.—Yes.

Q. When did you get it? A. I think it was in the year of 1885.

Q. In the year of 1885; so she kept that \$6,000 from 1870 to 1885; that is about 15 years? A. She had it in her possession.

Q. About 15 years she kept that \$6,000; now, in what shape did you get the \$6,000 in 1885? A. She paid \$7,000 on a house for it.

Q. She what? A. She paid \$7,000 on a house.

Q. Did you consider that the payment of \$7,000 on a house by your wife in 1885 was a payment to you of the \$6,000 which you placed in her keeping before marriage? A. No, sir.

Q. Then you didn't get it? A. Because I had given her other moneys between times.

Q. I am not asking you now about other money; I am interested in the \$6,000 at the present time; you say you didn't consider her paying \$7,000 upon a house in 1885 as a payment to you of the \$6,000 which you had given her to keep for you in 1870? A. No, sir.

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

Q. Then you never got the \$6,000? A. As a matter of fact I never got that identical \$6,000.

Q. Now, don't hedge; don't dodge; it has been explained to you by the Senator and myself that that question does not involve the identical bills, because it could not involve the identical bills; you have sworn here that you got that \$6,000; I asked you how you got it and you say she paid \$7,000 on a house in 1885; I ask you now if you consider the payment by her of \$7,000 on a house in 1885 was a payment to you of the \$6,000 which you left to her keeping in 1870? A. No, sir.

Q. Then you didn't get the money? A. No, sir; she bought a house in her name.

Q. You didn't get the \$6,000? A. No, sir.

Q. Then you said a while ago "yes;" you were wrong? A. Yes, sir.

Q. You were wrong? A. When I—

Q. It is all right; we have the record all right; so we have it now that you never got that \$6,000 from your wife; is that so? A. She bought a house in her name.

Q. Is it correct that you never got that \$6,000 from your wife; is that correct or is it not? A. No, sir; not up to that date.

Q. Not up to 1885; now, I ask you, since 1885 did you ever get that \$6,000 from your wife? A. I got moneys from her at different times.

Q. Did you ever get the \$6,000 from your wife since 1885? A. That identical \$6,000?

Q. Now, a man of your position, Inspector McLaughlin, ought not to interpolate such a suggestion or question as that; it is not creditable to your intelligence, and in some people's mind it might reflect upon your honesty in evading a correct question? A. No, sir; I don't try to evade.

Q. Now, I ask you if since 1885 you received that \$6,000 from your wife? A. I got different moneys from my wife since.

Q. Did you receive that \$6,000 from your wife since 1885; did you? A. I got moneys from my wife since 1885.

Q. No; did you receive that \$6,000 from your wife since 1885? A. Well, I can explain that thing in a way.

Q. I want to get the fact first, and when the proper time comes any explanation you have to make touching any reason

that you may have to give in this testimony will be cheerfully received; an opportunity will be cheerfully furnished; but we must get along by question and answer for the time being?

A. Yes, sir.

Q. Now, since 1885, have you received that \$6,000 from your wife? A. I have received different moneys from my wife.

Q. Have you received that \$6,000 from your wife since 1885? A. She never gave me that and told me that was the \$6,000 I gave her.

Q. I don't ask you that; I want to know if you ever received that \$6,000 from your wife since 1885? A. I don't know how to answer that question.

Q. Will you say that you have received it? A. I have received moneys.

Q. Will you swear that you have received that \$6,000 since 1885? A. Not that \$6,000.

Q. So now we have it that up to the present time you will not swear that you have received that \$6,000 from your wife which you gave to her? A. Not that identical \$6,000; no.

Q. Now, now, now, inspector, deal with the questioner as the questioner is trying to deal with you, and that is in a spirit of honesty; I ask again, are you prepared to swear now whether or no you have ever received that \$6,000 from your wife which you gave to her before marriage for keeping? A. The only answer that I can make to that question, Mr. Goff, is that I have received moneys from her at different times; as to the identical \$6,000 I can not tell you about it.

Q. Now, when you say "identical," what do you mean by the word "identical?" A. What are you trying to get at?

Q. That is what I am trying to get at? A. The original \$6,000.

Q. What do you mean by the word "identical;" you have used it so frequently after it having been explained to you? A. The original \$6,000.

Q. What do you mean by identical? A. That is the only way that I could designate it.

By Chairman Lexow :

Q. Do you mean the original bills? A. Yes, sir; or the original moneys that I gave her.

By Senator Cantor :

Q. The original sum, I suppose? A. The original sum.

By Mr. Goff:

Q. Now, after the Seantor's suggestion, which was it; The identical bills, or a similar sum, which do you mean? A. The original sum.

Q. The original sum? A. The similar sum.

Q. A similar sum of \$6,000? A. Yes, sir.

Q. Not an identical \$6,000; now, I ask you again, have you ever received that \$6,000 from your wife since your marriage? A. And I answer you again, Mr. Goff, that I have received moneys at different times; as to that similar sum, I have not.

Q. When you married in 1870 had you any property except the interest that you had in the property left by your mother, outside of the \$6,000? A. No, sir.

Q. What house was that? A. No. 121 White street.

Q. I forget whether you stated whether your mother left a will? A. Yes, sir.

Q. She left a will? A. Yes, sir.

Q. Did she leave this house in equal proportions? A. She left the will in such a way that the house couldn't be sold until the youngest child was of age.

Q. Then it was sold for the benefit of all, was it not? A. Yes, sir.

Q. How many children were there? A. Five.

Q. Five children? A. Six.

Q. The house was sold? A. Yes, sir.

Q. Who was the executor of the will? A. I think a gentleman named Patton.

Q. Patton? A. Yes, sir.

Q. Was it Matthew Patton? A. I think he was a grocer.

Q. Well, that was Matthew Patton? A. Yes, sir.

Q. I speak of it because there was a Patton who lived down in this neighborhood at that time? A. Yes, sir.

Q. Who was the lawyer, do you remember, who acted with Mr. Patton? A. I couldn't tell his name, sir.

Q. You couldn't tell? A. No, sir.

Q. When was the house sold? A. The youngest child died, that is the youngest sister, and the house was sold some three or four years after my mother's death.

Q. And she died when? A. On the 12th of September, 1870.

Q. So it would be around 1874 or 1875 when the house was sold? A. I am not exactly sure as to the date; I think it was in 1873 or 1874.

Q. Well, around there? A. Yes, sir.

Q. How was it sold, by private sale or at public auction? A. I think a man named Dietrich Knabe bought the house.

Q. Of course, this will is on record in the surrogate's office? A. Very likely; yes, sir.

Q. The executor couldn't give title unless the will was on record; now, when this house was sold, how much did it bring? A. Seven or eight thousand dollars; I ain't sure which.

Q. Give me your mother's Christian name? A. My mother was married a second time; her name was Mary A. Mahoney.

Q. Do you know whether your mother made a will before she married a second time or afterward? A. Afterward, I think.

Q. So that she made the will under the name of Mary A. Mahoney? A. Yes, sir.

Q. And not under the name of Mary A. McLaughlin? A. That is sure, Mahoney.

Q. You say this house brought \$7,000 or \$8,000? A. Yes, sir; I wouldn't be positive as to the amount, but somewhere in that neighborhood.

Q. Not as to the exact amount? A. No, sir.

Q. Of course, the executor accounted; he must have accounted; he divided the money, did he not? A. Yes, sir.

Q. Mr. Patton divided the money among the children; there were five children? A. Five; yes, sir.

Q. And they each took share and share alike? A. Yes, sir.

Q. How much did you get? A. Very little money; I don't remember; it was a few hundred dollars.

Q. There were some debts, I suppose, to be paid and expenses etc.? A. Yes, sir; nothing of any consequence.

Q. So that we may exclude that from consideration of property; is that so? A. Yes, sir.

Q. We may exclude that house? A. Yes, sir.

Q. Can you tell us when you married your wife, if she had any money in her own right? A. A little money from her business; that is all.

Q. A little money? A. Yes, sir.

Q. Not to any great extent? A. No, sir; I don't think so.

Q. So that as matter of fact we may take it that the capital which the young couple had in starting life was the \$6,000 that you had given her before marriage? A. And what little she had.

Q. You say it was very little? A. A couple of thousand dollars probably.

Q. But you are not sure of that? A. No, sir.

Q. And since you have been on the police force you have not engaged in any business, have you? A. Yes, sir.

Q. What business have you engaged in? A. I haven't engaged in any business; I have invested money in business.

Q. You have what? A. Invested money in business.

Q. In what business? A. In the year 1881 I invested \$1,750 in a patent switch.

Q. Well, what became of that? A. I made quite some money out of it.

Q. How much did you make out of this patent switch? A. Possibly \$35,000 or \$40,000.

Q. On a capital of \$1,750? A. Yes, sir; my brother-in-law was interested with me in it.

Q. On a capital of \$1,750? A. Yes, sir.

Q. You made how much? A. We bought the patent right for \$14,000 called the Jeffrey Clark Switch; paid in four notes, \$3,500 each; we paid the first payment of \$3,500 and after that the thing became a good investment and within five or six years we made some money out of it.

Q. Now, let us see; who was the inventor? A. Two men, named Jeffrey and Clark.

Q. Jeffrey and Clark? A. Yes, sir.

Q. Was there a business establishment when you invested your \$1,750? A. The business was in Chicago.

Q. Was it established there? A. My brother-in-law was the superintendent of the Union Iron and Steel Company in Chicago; he was superintendent of the frog and switch department there; his name was Frederick Hills; he is now in the mining business in Webb City, Missouri; he bought the patent and asked me to go in with him.

Q. How much was paid for the patent? A. Fourteen thousand dollars.

Q. Was there any other persons interested in the purchase of that patent except yourself and your brother-in-law? A. No, sir; not that I know.

Q. You would have known? A. Yes, sir; I think so, from what he told me.

Q. What year was this in? A. Eighteen hundred and eighty-one.

Q. Where did you get the money, the \$1,750? A. I got it from my wife.

Q. You hadn't a bank account? A. Sir?

Q. You hadn't a bank account, did you? A. No bank account, no sir.

Q. Did you ever have a bank account? A. Yes, sir.

Q. Did you have a bank account then? A. No, sir.

Q. How did you give it to him, by check or in bills? A. In bills.

Q. Here in New York? A. Yes, sir.

Q. What became of the enterprise? A. There was a lawsuit brought by the Elliot Frog Company of St. Louis in the year 1886, and Mr. Hills was beaten in the lawsuit and he sold the patent right to the Wier Frog and Switch Company.

Q. After he was beaten in the lawsuit? A. Yes, sir.

Q. That was in 1886? A. Yes, sir.

Q. That ended your interest in it? A. Yes, sir.

Q. So that your interest continued from 1881 until 1886? A. Yes, sir.

Q. That was about five years; well, during that time was there a business carried on under the patent? A. Yes, sir; he carried it on.

Q. Where was it carried on? A. In Chicago.

Q. How was it known or described? A. As the Jeffrey-Clark Switch.

Q. Were you a partner in it? A. I never had any writings for a partnership.

Q. Were there any persons interested in it besides yourself and your brother-in-law? A. Not that I know of.

Q. Did you furnish any more money? A. No, sir; not in that enterprise, I didn't.

Q. That is what I mean, in that enterprise; did you ever go out to Chicago to look after your interest? A. I never was in Chicago in my life.

Q. Did you ever send any one there to represent you? A. No, sir.

Q. Now, there was not a factory established for the manu-

facture of this switch when you advanced this \$1,750? A. No, sir; I didn't know much about that when I advanced it.

Q. There was not a factory; you simply bought the patent; is that so? A. I don't know that there ever was a factory; he sold the royalty to manufacturers and to railroads.

Q. Will you tell us one manufacturer to which he sold the royalty? A. Yes, sir; what I am telling you I am telling you from what he told me; not that I know myself.

Q. Well, we will take it in that way, so long as you state it so; what manufacturers did he tell you that he sold it to? A. The Ajax Forge Company of Chicago.

Q. Any other? A. He told me three or four; the Elliot—no, the Adams Company of Chicago.

Q. And any other? A. And the Union Iron and Steel Company of Chicago.

Q. Any other? A. And others I don't remember.

Q. Is that all now, during the four years? A. There were different railroads that he sold to.

Q. Can you name the railroads? A. There was the Chicago & Northwestern, the Missouri Pacific, the Chicago, Burlington & Quincy, and others I don't remember.

Q. That is all you remember? A. That is all.

Q. This litigation was quite expensive? A. That I don't know anything about.

Q. Well, it was taken up to the Supreme Court of the United State? A. Possibly so.

Q. The Jeffrey Switch Company? That is the famous case that the Supreme Court of the United States decided that there never had been a patent—the Jeffrey Switch Company; it was in a conflict between the eastern railroads and the western railroads? A. I don't know anything about that, Mr. Goff.

Q. Well, but these people that paid a royalty for it, did they not sue for its return—to return their money? A. That I couldn't tell you.

Q. Did you ever return any money you realized from it? A. No, sir.

Q. In what shape did you get your share of the profits? A. Moneys.

Q. And what share had you in the profits? A. I had a half interest.

Q. Yourself and your brother-in-law-divided all the profits? A. Yes, sir.

Q. Did he keep books? A. I presume so.

Q. Did you ever see them? A. No, sir.

Q. Did you ever get a written statement from him? A. No, sir.

Q. Did you ever ask a written statement? A. No, sir.

Q. Did you ever inquire as to what the earnings of the patent were? A. Only what he told me.

Q. You simply took his word for it? A. Yes, sir.

Q. How did he send the money on to you? A. He brought it on to me.

Q. Every time? A. Well once or twice a year.

Q. How frequently did he come, for instance during 1881, the first year? A. I said once or twice a year.

Q. Did he come once or twice a year during 1881? A. Possibly so.

Q. No, not possibly? A. I couldn't tell you.

Q. How much notes had you to pay before you could get any profits there? A. That I don't know; he took care of that.

Q. But there were \$14,000 of notes? A. Yes, sir.

Q. Those notes had to be paid, had they not? A. Yes, sir.

Q. Who signed the notes? A. He did.

Q. You didn't sign the notes? A. No, sir.

Q. To whom were the notes made payable? A. That I couldn't tell you.

Q. Did you ever see the notes? A. No, sir.

Q. Do you know what time the notes were made payable then? A. Three, six, nine and twelve months.

Mr. Goff.—We will take a recess here, Mr. Chairman, please.

Chairman Lexow.—This committee will stand adjourned until half-past 2 o'clock. All witnesses under subpoena will attend then.

AFTERNOON SESSION.

December 29, 1894.

Present.—Senators Clarence Lexow, Daniel Bradley, Jacob A. Cantor and Edmund O'Connor.

William McLaughlin resumed the stand and examination continued.

By Mr. Goff:

Q. Did your brother-in-law ever submit to you written statements of the profits of this Switch Company or switch patent?

A. No, sir.

Q. Did you ever ask him for any? A. No, sir.

Q. Were you paid by checks? A. No, sir.

Q. What? A. By money.

Q. Gold or bills? A. Bills.

Q. And he brought the bills all the way from Chicago? A. I don't know that he brought them from Chicago.

Q. Well he was in Chicago attending to the business? A. Yes, sir.

Q. Do you think he picked them on the way? A. I don't know where he got them.

Q. Well, Chicago being the chief office and place of business of this switch patent, it is reasonable that you suppose the money was paid in Chicago? A. He might have got the money here.

Q. What? A. He might have got the money here.

Q. You never inquired? A. No, sir.

Q. Or as to what parties paid the money? A. No, sir.

Q. Did you ever inquire as to whether the books were kept? A. No, sir.

Q. Did you ever ascertain whether or not the parties who were paying royalties under the contract or under the lease for the patents were dealing fairly and honestly with the patentee; did you ever inquire? A. With my brother-in-law?

Q. Well, he was the assignee of the patentee? A. Yes, sir; I never inquired, no, sir.

Q. And it may have been that instead of making \$40,000 in

four years that you had looked after your business interests you might have made \$80,000? A. I depended entirely on him.

Q. I say you might have made \$80,000 had you looked after your business interests? A. I might have made \$180,000 as far as I know.

Q. So that it was a pure hap-hazard matter with you? A. No, sir; it was a business matter with me; I took his word for it, that is all.

Q. Eighteen hundred and eighty-one you got it; when did you first receive money on that patent? A. The first year.

Q. That was in 1881? A. I think so; yes.

Q. How much did you receive? A. I received \$4,000 or \$5,000; I don't remember the—

Q. Can you not tell us something nearer to the exact sum than \$4,000 or \$5,000? A. I can not tell you the exact amount, no, sir.

Q. Did you sign any receipt for it? A. Sir?

Q. Did you sign any receipt for it? A. No, sir.

Q. How was it given to you, in bills in an envelope? A. No, sir; in money.

Q. I said in bills? A. Yes, sir.

Q. Understand, bills; were the bills contained in an envelope? A. No, sir; counted out.

Q. Given to you in a roll? A. Yes, sir.

Q. Did you count them after receiving them? A. Yes, sir.

Q. Now, the first payment you got in 1881 was between \$4,000 and \$5,000? A. I think so, yes, sir.

Q. What? A. I think so.

Q. What time in 1881? A. That I couldn't tell you; I never kept track of it.

Q. What did you do with the money, \$4,000 or \$5,000 in bills? A. Gave it to my wife.

Q. What did she do with it? A. Took care of it.

Q. Kept it in the house? A. I don't know what she did with it.

Q. Did you ever inquire whether or not she had invested it? A. No, sir.

Q. Whether she had put it in the bank? A. No, sir.

Q. Since you were so careful to ascertain that she put \$6,000 in bank before your marriage why were you not equally careful after marriage to see that she put it in bank? A. I was not careful before marriage.

Q. But you ascertained that she put it in bank? A. She told me she did; I didn't ask her.

Q. Did she tell you that she put these \$4,000 or \$5,000 in bank? A. No, sir.

Q. Did you ever ask her? A. No, sir.

Q. When did you next get money from the patent? A. Next year.

Q. What time of the year? A. I couldn't tell you.

Q. In 1882 you got some? A. Yes, sir.

Q. How much? A. I couldn't tell you the exact amount; it aggregated—

Q. No, we will get at that later on; how much did you get in 1882? A. I couldn't tell.

Q. Five thousand dollars? A. It might have been more.

Q. Ten thousand dollars? A. It might have been \$10,000, I couldn't tell.

Q. Would it be \$15,000? A. No, sir.

Q. What? A. I don't think so.

Q. Was it between \$10,000 and \$15,000? A. That I couldn't tell you.

Q. What? A. I couldn't tell you the exact amount.

Q. Was it over \$10,000? A. I think I could get it for you.

Q. Was it over \$10,000 you got? A. I couldn't tell you what I got.

Q. Did you get \$1,000? A. Yes, sir.

Q. Did you get \$5,000? A. I got more than \$5,000, I think.

Q. Now, it is a very important subject, a man deriving such very large profits from an investment of \$1,750 in a patent—that you can not tell whether it was \$5,000 or \$10,000 that you received in 1882, is that so? A. No, sir; I can't tell.

Q. Will you swear you received \$20,000 in 1882? A. No, sir; I don't think so.

Q. Will you swear you received \$10,000? A. No; I couldn't swear I received \$10,000.

Q. Will you swear that you received \$5,000? A. Yes, sir.

Q. Will you swear you received \$6,000? A. Well, I can not tell the exact amount.

Q. You repeated that several times; will you swear that you received \$6,000 in 1882? A. Well, I will answer yes and no to that.

Q. Yes and no? A. Yes.

Q. That is a dual answer; that is not a satisfactory answer?
A. It is not, eh.

Q. No; will you swear that you received \$6,000 in 1882? A. I couldn't tell you.

Q. Will you swear that you received \$7,000? A. I couldn't tell you.

Q. Well, the only sum you will swear to having received was \$5,000? A. I think it was over \$5,000.

Q. But you will not swear that it was \$6,000? A. No, sir.

Q. Then you have it between five and six thousand dollars; is that your best recollection? A. No, sir; I won't say between \$5,000 and \$6,000.

Q. But you will say \$5,000 anyway? A. Yes, sir.

Q. How did you get that \$5,000? A. In money.

Q. In bills? A. Yes, sir.

Q. The same way? A. Yes, sir.

Q. In 1883 how much did you receive? A. I couldn't tell you the exact amount.

Q. Did you receive \$5,000 in 1883? A. I think over \$5,000.

Q. Six thousand dollars? A. I couldn't tell you.

Q. Will you swear that you received \$6,000? A. No, sir.

Q. Will you swear that you received \$5,000? A. Yes, sir.

Q. That is \$5,000 in 1883; now, in 1884, how much did you receive? A. I think the profits were larger in 1884.

Q. How do you know? A. From my recollection.

Q. You didn't keep track of the profits? A. From my recollection.

Q. You say you never looked at the books; didn't know there were books kept? A. Only what he told me.

Q. How do you know there was an increase in profits? A. From my recollection of the money he gave me.

Q. How much did he give you in 1884? A. I think over \$10,000.

Q. Did he give you \$11,000? A. No; I won't swear to \$11,000.

Q. But you will to \$10,000? A. Yes, sir.

Q. In 1885 how much did you get? A. I couldn't tell you.

Q. Did you get any in 1885? A. Yes, sir.

Q. Swear positively to that? A. Yes, sir.

Q. When was that suit decided? A. I think in 1885.

Q. And the suit was two years on the way before it was decided, the patent suit, you know? A. I don't know anything only what he told me about it.

Q. I know; but you say that this suit decided that there was no patent; now, the suit was under way for two years? A. I didn't know anything about the suit; I told you he told me that he had a lawsuit and lost it.

Q. You swore here before that the lawsuit determined that he had no patent? A. I didn't say that.

Q. Well, that he lost it; he had no patent right? A. Yes, sir.

Q. Do you mean to say that the royalties accruing from this patent continued while the litigation was going on? A. I do not know anything about that.

Q. Will you swear you received money in 1885, the year that the lawsuit was lost? A. I don't know whether I did or not.

Q. You won't swear you did? A. No.

Q. Did you receive any money in 1886? A. I won't swear whether I did or not.

Q. You didn't receive any money after that lawsuit was lost, did you? A. No, I don't think I did.

Q. Now, we have counted up: 1881, between \$4,000 and \$5,000; 1882, \$5,000; 1883, \$5,000; 1884, \$10,000; about \$25,000? A. I said \$35,000, between \$35,000 and \$40,000.

Q. How do you account for the difference between \$25,000 and \$40,000? A. Because I got the money.

Q. You haven't accounted for it? A. Well, I can not account for that.

Q. Is it because you won't? A. No, sir; if I could I would; I would gladly give you the dates and the amounts.

Q. I understand your willingness, but you have been asked as to specific sums in each year; you have accounted for the receipt of \$25,000 from this patent, year by year, aggregating the sum of \$25,000? A. I didn't account for it; you did.

Q. I beg your pardon; you answered my questions each year as to the amount of money you received? A. Well, I could not tell you positively.

Q. You swore that you could only swear to having received certain sums; that you wouldn't swear to having received any other sums? A. I might have received more; I can not tell you.

Q. Those sums you are certain of having received aggregating the sum of \$25,000; is that correct or not? A. No, sir; it is not.

Q. How is it incorrect? A. Because I think I received more than \$35,000 and less than \$40,000.

Q. How do you know, if you didn't keep an account? A. I didn't keep an account; only from his accounts; he told me.

Q. But you didn't keep an account yourself of all the moneys you received? A. No, sir.

Q. Did you keep any memorandum of the receipt of each money? A. No, sir.

Q. Did your wife ever keep any account for you? A. I never asked her.

Q. So far as you know? A. No, sir.

Q. Did you give the money you received in 1882 to your wife? A. Yes, sir.

Q. The same in 1883? A. Yes, sir.

Q. The same in 1884? A. Yes, sir.

Q. The same in 1885? A. Yes, sir.

Q. You don't know what your wife did with it? A. I guess she took care of it.

Q. Do you know where she put it? A. No, sir.

Q. That is between \$35,000 and \$40,000; now, did you ever get that money back from your wife? A. I invested some of it.

Q. You invested it? A. Yes, sir.

Q. In what? A. Real estate.

Q. Where? A. Different parts of the city.

Q. What real estate do you hold? A. I hold real estate in common with my wife; a piece of real estate at 449 West Twenty-second street, for which I gave \$20,000.

Mr. Goff.—What?

A. For which I gave \$20,000.

Q. Twenty thousand dollars? A. Yes, sir.

Q. Where did the \$20,000 come from? A. It stands in her name.

Q. Where did the \$20,000 come from? A. There was \$7,000 paid on it in 1885.

Q. Yes? A. The balance since.

Q. You paid the balance since? A. Yes, sir.

Q. How did you pay the balance; out of what moneys? A. Out of the moneys my wife had.

Q. Since you had this money in 1885, you paid \$7,000 down upon it, and since your wife had them in her possession, in 1885, according to your own account, \$46,000 of your money in her keeping and \$6,000 that you gave her before marriage? A. Yes.

Q. And about \$40,000, we will say, in round numbers, that you derived from your patent investment; how is it that you allowed \$13,000 of a mortgage to remain on this house that you bought in 1885, with \$46,000 of your money in your wife's possession? A. She had more money than that.

Q. How is it that you allowed a \$13,000 mortgage to remain on this house in Twenty-second street in 1885, when at that time your wife, according to your statement now, had \$46,000 of your money in her possession? A. Well, people don't always pay for—

Q. I am asking how did you come to do it? A. If I wanted to sell the property it was better to have a mortgage on it; that is all.

Q. I want you to give me a reason? A. That is one reason.

Q. What reason? A. If I wished to dispose of it we could sell it better with a mortgage on it.

Q. Why didn't you keep the mortgage on, if that was the reason? A. Well, we had money and wanted to pay it off.

Q. But you had money in 1885 as well as in 1892? A. Well, I have other real estate.

Q. Why didn't you pay that mortgage off? A. Well, I didn't feel like paying it.

Q. What interest did the mortgage bring? A. Five per cent.

Q. What interest did the \$40,000 yield to you that were in your wife's care? A. I couldn't tell you.

Q. Did it yield any interest? A. I don't know.

Q. Will you swear it did? A. No.

Q. You don't know anything about it? A. No.

Q. Yet you went on and paid on a \$13,000 mortgage five per cent. interest per annum while you had \$40,000 lying idle not yielding any interest; is that the fact? A. Sir?

Q. (Repeated.) A. I don't know that it was not yielding anything.

Q. I ask you is that the fact? A. That is a fact that we had a \$13,000 mortgage on the house.

Q. That will do; that is the fact; and you allowed your wife to carry \$40,000 in bills and you didn't know what disposition she made of it or where she placed it? A. I allowed her to have it; not to carry it.

Q. She may have carried it on her person as far as you know? A. I don't think she is as foolish as that.

Q. Then where did she carry it? A. I think she could tell you where it was.

Q. Never mind; I am asking you? A. I don't know.

Q. And you never inquired? A. No, sir.

Q. Forty thousand dollars lying idle and you never inquired where she had that money? A. I don't know that it was lying idle.

Q. Did you know that it was in use? A. I couldn't tell you.

Q. Didn't you ever inquire if it was in use? A. She used some of it in her business.

Q. What business? A. She was in business.

Q. What business? A. I won't tell you that until I see my counsel.

Q. There is nothing that you wish to conceal about that? A. Well, my wife is not a policeman; I don't want to bring her into this thing.

Q. You see you brought her in yourself, and you brought her in before you married her? A. Yes.

Q. Now, having so generously brought her in here, do you think you can safely lie behind this obstacle? A. I am not lying behind anything.

Q. Who is your counsel? A. Mr. Edward E. McCall, of the firm of McCall & Arnold, 120 Broadway.

Q. Has Mr. Edward E. McCall advised you not to say anything about your wife? A. No, sir.

Q. Then why do you refuse? A. Because I think it is my right.

Q. Your right to what? A. To protect my wife.

Q. To protect her? A. Yes.

Q. Well, we are not attacking her, and there is nothing to protect if everything is honest and upright and straightforward, is there? A. That is a difference of opinion.

Q. Is there anything that needs protection in your mind? A. No, nothing; nothing but what is legitimate.

Q. Now, if there is nothing but what is legitimate, what hesitancy have you in telling us? A. Well, I won't do it that is all.

Q. Well, you won't do it? A. No, sir; not until I consult with my counsel; I don't refuse.

Q. You won't do it now? A. Don't refuse; I don't want that to go on the record that I refused.

Q. Even at a point where your reputation for honesty is at stake? A. My reputation for honesty is not at stake.

Q. It is absolutely at stake here; you are a public official and you say you have acquired money, and into its disposition this committee has a right to inquire; now you have placed that money in the keeping of your wife; I have asked you questions simply based upon your own statements, and do you decline to answer them? A. Which question do you mean?

Q. About that question; what was your wife's business?

A. I decline to answer until I consult with counsel.

Q. None of this \$40,000 went into her business? A. Possibly so.

Q. What? A. Possibly so.

Q. Was it of a mercantile character? A. In a way, yes.

Q. How far in a way? A. Well, I will not say anything about that until I see my counsel.

Q. Well, there is nothing in the business that is of anything but of a respectable character? A. Nothing in the world.

Q. Do you think it would degrade you or criminate you to speak about that business? A. No, sir.

Q. Or disgrace you? A. No, sir.

Q. Then what hesitancy have you to speak about it? A. Only on her account; that is all.

Q. Well, it would not degrade her, certainly? A. It wouldn't do her any good.

Q. Well, it wouldn't do her any harm? A. Yes, it would.

Q. Then, if it would do her any harm it can not be a respectable business? A. Yes, it is a respectable business.

Q. If it is a respectable business it can not harm her or anybody else? A. That is a matter of opinion.

Q. Well, we will take your standard of opinion; you say that it was respectable; can it injure your good lady by mentioning the business in which she was engaged? A. Mentioning the names of the business?

Q. Yes? A. I won't do that.

Q. Can it injure her; you say it is respectable? A. It is.

Q. Can it injure her? A. I don't say that it will injure her.

Q. Was she a stock broker? A. I gave you an answer to that question.

Q. Was she a stock broker? A. I have answered.

Q. You haven't answered that question? A. I refuse to answer until I see my counsel.

Q. You refuse to answer until you see your counsel; was she carrying on her candy business that she was in before marriage? A. I refuse to answer.

Q. On the same grounds? A. Yes, sir.

Q. Until you see your counsel? A. Yes, sir.

Q. Do you refuse to answer on the ground that the answer would tend to criminate or degrade you, or disgrace you? A. No, sir.

Q. Or to convict you of a crime? A. No, sir.

Q. Then what is your reason; give us your reason? A. I told you I wanted to protect my wife.

Q. But she doesn't need protection? A. Yes, she does.

Q. In what respect? A. Well, I don't want to tell what business she was in; she was in business for over 20 years.

Q. But there is nothing disreputable in that? A. Well, I don't want to bring her into it at all.

Q. But that property — A. If you give me permission, Mr. Goff, through the kindness of the committee I will send to my attorney, and if he tells me to I will tell you.

Q. Well, this committee and its counsel are not going to wait for Mr. McCall's advice? A. Well, you don't want his advice; I do.

Q. We shall not act on Mr. McCall's advice; so far as a witness is concerned, this committee will deal as fairly with you, and just as fairly as any other witness has been dealt with; now; I was asking you in relation to the mortgage that was on your house, and I will return to that line of question; did you ever speak with your wife as to whether or not the \$40,000 she had in her possession belonging to you was earning anything by way of interest or otherwise? A. No, sir.

Q. Do you know that the \$40,000 ever earned anything? A. No, sir.

Q. And you never inquired? A. No, sir.

Q. Did you ever inquire whether or not the \$40,000 was in bank or banks? A. I assumed it was; I didn't know.

Q. You don't know what banks it was in? A. No, sir.

Q. You never inquired? A. No, sir.

Q. What I want to find out now is if you saw fit to pay off the mortgage in 1892, when you had the money in your possession in 1885, why didn't you pay off the mortgage? A. Because I had more money in 1892 than I had in 1885.

Q. Now I find that in 1889, four years after the first parcel of property you bought, your wife bought a plot on the south side of One Hundred and Thirty-third street for \$16,050 and you mortgaged the same for \$10,000; why didn't you pay off the mortgage as well as the other? A. I wanted to sell the property.

Q. Because you wanted to sell the property? A. Yes, sir.

Q. If you wanted to sell the property with a mortgage, why did you pay off the mortgage on January 25, 1894? A. A mortgage on what?

Q. A mortgage on that property of \$10,000? A. January 25, 1894?

Q. January 25, 1894? A. What property?

Q. I am speaking about the One Hundred and Thirty-third street property? A. I didn't own it in 1894.

Q. Did your wife? A. No, sir.

Q. Did you ever own property there? A. Yes, sir.

Q. When did you sell it? A. I sold it in 1891 or 1892.

Q. You bought it in 1889? A. Eighteen hundred and ninety, I sold it.

Q. To whom? A. I disremember the man's name, the lawyer was in Nassau street, corner of Beekman.

Q. You sold it on October 22, 1891? A. I don't know the date.

Q. That is the date on the record; how much did you get for it? A. I made a profit of \$650 a lot on it.

Q. You sold it for \$1? A. Sir?

Q. One dollar? A. That was the consideration named in the —

Q. Was that a true consideration? A. No, sir.

Q. It didn't represent the truth? A. Well, that is customary—

Q. Well, never mind the custom? A. Well, I have a right to say something here.

Q. No, you have every right to answer my question; now, don't get mad? A. I am not angry at all.

Q. That was not a true consideration, was it? A. You ask me a question, and you put the answer in my mouth.

Q. That was not a true consideration, was it? A. You know as an attorney —

Q. Now, I don't want you to question me.

Chairman Lexow.—Everybody understands that, witness. Just answer the questions.

Q. I only want to get the fact? A. It was not a true consideration; no, sir.

Q. Who was James Brice? A. An attorney in Park Place; I think corner of Church street.

Q. Did you pay any other mortgages off about the same time? A. I think there was a mortgage on two lots on Convent avenue one of them the southwest corner of Convent avenue and One Hundred and Thirty-third street and one of them on One Hundred and Thirty-second street and Convent avenue; the street is not cut through there, but if cut through it would be a corner.

Q. You haven't sold that property? A. No, sir; I still hold that.

Q. And it is a peculiar coincidence, that on the same day, October 23, 1891, when the mortgage of \$10,000 was paid off on your One Hundred and Thirty-third street property the mortgage on the Convent avenue property was paid off also, on the same day, can you explain that? A. I never paid any mortgage off on the One Hundred and Thirty-third street property.

Q. Can you explain the coincidence that the two mortgages were paid off on the same day? A. I don't know anything about it.

Q. Then you can not explain it? A. Well, that goes without saying; if I don't know anything about the mortgage on the One Hundred and Thirty-third street property that was east of Sixth avenue I don't know anything about it.

Q. There were two mortgages on the Convent avenue property? A. There were two separate lots.

Q. And the mortgage on the other lot was cancelled on the same day, October 23, 1891? A. I don't know anything about that mortgage on the property at One Hundred and Thirty-third street east of Lenox avenue; I sold that subject to the mortgage; the property on Convent avenue, that I explained to you about, I paid a mortgage off both them lots, which was a very small one.

Q. Where did the money come from that your wife took a mortgage from Diamond on? A. From whom?

Q. From James E. Diamond, a lot on Madison avenue; where did that money come from? A. I never owned a lot nor my wife never owned a lot on Madison avenue.

Q. I didn't ask you that; I asked you where did the money come from which your wife gave on a mortgage to Diamond?

A. She never loaned any.

By Chairman Lexow :

Q. Invested on mortgage? A. She never invested any.

By Mr. Goff :

Q. What is your wife's Christian name? A. Mary A.

Q. The records shows that in 1885 a mortgage was executed by James G. Diamond and Margaret his wife, to Mary A. McLaughlin on property in Madison avenue near One Hundred and Thirty-third street within 25 feet of the corner, do you know anything about that? A. Nothing in the world.

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

Q. Is your wife the Mary A. McLaughlin named here on the record? A. Not that I know of.

Q. If it had been the case would you not have known it? A. Yes, sir; I think so; it is the first I heard of it.

Q. It is possible that she might advance the money on that mortgage? A. Well, it ought to give her residence.

Q. It is possible that she might have advanced the money on that mortgage without your knowing it? A. I don't think she has.

Q. Have you got property corner of Mercer and West Fourth street? A. No, sir.

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

Q. Did you ever enter into a contract to buy property on the corner of Mercer and West Fourth streets? A. No, sir.

Q. Did you ever have any one take a contract in his or her name for you? A. No, sir.

Q. Did you ever spend any money or direct any money to be expended for it? A. No, sir.

Q. For the purchase of property corner of West Fourth and Mercer streets, did you? A. No, sir.

Q. Have you any interests, directly or indirectly, in any property in that vicinity? A. That property was sold.

Q. What property? A. That property that you speak of; I saw it in the paper and I took occasion to look it up; I was credited with owning that property and buying it for \$102,000 or something of that kind.

Q. Did you ever buy it? A. No, sir.

Q. Did you ever have any interest in it? A. No more than you did.

Q. Did you ever have any interest in it? A. None whatever.

Q. How did you know it was sold? A. I was in the Exchange the day it was sold.

Q. How did you come to be in the Exchange the day it was sold? A. I have a right to be in the Exchange.

Q. I ask you, how did you happen to be in there? A. I just happened there.

Q. How was your attention directed to the sale of this piece of property? A. Well, it was advertised for sale; I just went in to look the place over and I found it was going to be sold at auction.

Q. What is that? A. I found it was going to be sold at auction that day.

Q. Then you didn't happen in there; you went on purpose? A. Well, I went in there and I found that this was going to be sold that day.

Q. How did you select this piece of property out from all the other pieces of property? A. Looking over the different advertisements.

Q. And this property attracted your attention? A. Yes, sir.

Q. Why? A. It is a fancy corner.

Q. Did you think of buying it? A. If I had the money I would have bought it.

Q. Did you think of buying it when it attracted your attention? A. No, sir.

Q. At that time had you read in the newspapers that you had bought it? A. I don't think so.

Q. Will you swear that you hadn't read in the newspapers that you hadn't purchased that property? A. I swear that I don't think to my recollection that I saw it in the newspapers; I think that is the way my name happened to be connected with it in the newspapers, from the fact that I was seen in the Exchange that day.

Q. Do you know who bought it? A. It was sold at auction there.

Q. Do you know who purchased it? A. I heard it was bought in.

Q. By whom? A. By the party that owned it.

Q. Who was the party? A. A man named Carroll Keneen.

Q. Did you know him? A. Yes, sir.

Q. Where is he to be found, if any place? A. I see him about New York here.

Q. Where does he reside? A. I couldn't tell you.

Q. What is his business? A. I don't think he is in any business; I think he speculates in real estate.

Q. Where did you first see Mr. Keneen? A. He used to keep a liquor store over in Bleecker street; I have known him for 25 years; he had charge of the hacks at the Astor House when I was a patrolman.

Q. You say he had charge of the hacks at the Astor House? A. Yes, sir.

Q. And afterward he had a liquor store in Bleecker street? A. Yes, sir.

Q. Six years ago? A. It must be, I suppose, over 20 years ago since he was over at the Astor House.

Q. How many years ago since he had a liquor store? A. Five or six.

Q. Since he has had the liquor store do you know what business he was in? A. Since he had the liquor store?

Q. Yes? A. No, sir; I do not.

Q. You have met him frequently? A. No, sir; not frequently.

Q. Very frequently, have you not; now, just refresh your memory if you haven't met Mr. Keneen very frequently in the performance of your duty as an inspector or as a police captain, either one or the other? A. No, sir.

Q. Do you know his business? A. Do I know his business?

Q. Yes? A. I think he is interested in a private detective agency.

Q. First you said you didn't know anything about him, didn't know his business? A. I didn't say I didn't know anything about his business.

Q. In what detective agency is he interested? A. In the Wilkinson Detective Agency.

Q. That detective agency has been doing some detective work for police headquarters? A. No, sir.

Q. Never? A. Not that I know of; it never done any for me.

Q. I am not asking for you personally; I am asking for police headquarters? A. No, sir.

Q. Is it not a detective agency that has done work for the district attorney's office? A. Possibly so, yes, sir.

Q. And Wilkinson's Detective Agency has driven the Pinkerton Agency out of the city, practically speaking, because it had the countenance of police headquarters; isn't that the fact? A. No, sir; I do not believe that police headquarters ever interfered with private detective agencies.

Q. Do you mean to say that police headquarters ever interfered with the Pinkerton Agency? A. No, sir.

Q. Did you ever hear of the trouble between the Pinkerton Agency and the headquarters people over the boodle cases? A. No, sir.

Q. Or the Mandlebaum case? A. I heard they were called in that case.

Q. Don't you know that the police department of this city insisted that the Pinkerton Detective Agency should not be employed again? A. No, sir.

Q. Do you know of the Pinkertons having been employed in the business of this city since then? A. No, sir; I don't know anything about it.

Q. We come to find that this mysterious Keneen is interested in the Wilkinson Detective Agency? A. I don't know that there is anything mysterious about him.

Q. Why didn't you tell us about him right off if there was not anything mysterious? A. I told you who he was and that he owned the property.

Q. After a great deal of trouble we got at it; now, you happened to be in the Exchange that day, you say, that this private detective bought the property? A. He owned it, he bought it in.

Q. How long did he own it? A. I couldn't tell you.

Q. How do you know he owned it? A. I heard it.

Q. Who told you? A. Somebody in the Exchange.

Q. Were you not talking to Keneen? A. No, sir.

Q. Who told you? A. Somebody in the Exchange.

Q. What caused you to make the inquiry? A. I was looking it over.

Q. Why were you looking it over? A. I dabble in real estate.

Q. You dabble in little real estate? A. Yes, sir; and big real estate, too.

Q. Tell us some of your dabbles in big real estate that you have had? A. Do you want me to tell you all of this real estate that I have an interest in?

Q. Just answer my question; I want to help you along the best way I can; tell us your real estate now; tell us the full extent of your real estate transactions? A. I bought 112 West Forty-second street within the last few days for the sum of \$91,000; it is a lot 25x100, with two houses on it; I put \$2,000 on the contract; that is something you have not got there, Mr. Moss; I want to tell you about it.

Mr. Moss.—I have got it.

Witness.—No, you haven't got it.

Q. Never mind, Mr. Moss? A. Well, you haven't got it.

Q. Wait a moment; will you answer my questions, please; never mind Mr. Moss? A. There is an equity of \$16,000 in it; there is a \$75,000 mortgage, first and second; I was offered a profit of \$19,000 on it yesterday; \$15,000 last week or \$14,000; I bought No. 4, East Seventy-eighth street, property owned by Fannie Falk; when I say I bought I bought through my attorneys and brokers.

Q. Well, it is all right; they acted as your agents? A. It is a lot 22 feet by 82, house running 65 feet, four stories and basement; I put \$1,000 on the contract, and was offered \$5,000 profit.

Q. What is your equity there, or did you buy it outright? A. On the contract I was offered \$5,000 profit by Mr. — I think his name is Leopold Wallack, who was a brother to this woman Fannie Falk, from whom I purchased; there it a \$40,000 mortgage, \$10,000 equity; there is a house No. 13 West Twentieth street on which there is a first and second mortgage; my equity in that is \$2,500; I was offered a profit of \$5,000 on that.

Q. Any other piece? A. Anything that I told you there is susceptible of proof by sending after the people to-day.

Q. Go on? A. I bought the property last week 235 and 237 West Fourteenth street; it is 32 feet by 100, by 120 on one side; four story and basement; two houses on the 32 feet; brown stone; the property was purchased from Mandlebaum and Lewin; there is a 90 days' contract, a \$1,000 equity, and I was offered \$1,000 profit three days ago; there are three lots, two of them facing St. Nicholas Place, opposite One Hundred and Fifty-third street, 50x100, and a lot on Edgecomb avenue that backs

on the northerly lot of those two, 25x100, on which I was offered a profit of \$6,000; that is \$2,000 a lot.

Q. What is your equity there? A. Eight thousand dollars.

Q. Well, any other property? A. Not that I can recall; I got something that I made \$10,000 on.

Q. In real estate? A. Yes, sir.

Q. But you haven't title to it now? A. I parted with it.

Q. What you hold now, I mean? A. I thought it might be essential that you know it; you have some that I held and disposed of; I thought I would give you this.

Q. Have you been made an offer for No. 4 East Seventy-eighth street? A. I told you that I was offered \$5,000 when I had \$1,000 up; I wouldn't take it because the property is worth \$65,000; the house on the west side of it cost \$115,000 and the house on the east side of it cost \$105,000; it is a new house.

Q. We find according to computation now on these recent investments of yours within a comparatively brief period of time — within a couple of months or a couple of weeks, did you buy these parcels that you have described? A. Oh, they vary possibly over a year or two; some of them; but there are some recent ones there that I told you; the one in Seventy-eighth street, No. 4, was purchased within 60 days, I think.

Q. I find according to computation here that your equity in the parcels of property you have described amounts to \$37,500, and that profit on your sales or upon your investments amounts to exactly \$30,000? A. More than that; No. 112 West Forty-second street, as I told you, two houses, a lot 25x100, I was offered a profit yesterday of \$19,000 on; \$15,000 last week, or \$14,000; they went up \$5,000 yesterday.

Q. You were offered a profit of \$5,000 on Seventy-eighth street? A. From Mr. Leopold Wallack.

Q. And you have been offered a profit on 133 West Twentieth street? A. I have an equity of \$2,500 in that; I was offered \$5,000 profit.

Q. On 235 and 237 West Fourteenth street? A. I have a 90 day contract on that, and I was offered \$1,000 for the contract; \$1,000 up.

Q. On the three lots in St. Nicholas avenue? A. Six thousand dollars.

Q. That is \$36,000 profit that you have been offered on your investments with an equity, according to your own estimate, of

\$37,500, which would make \$73,500 just now? A. If there is any doubt or any possible doubt about what I told you I will give you the names of my brokers; they are John L. Golding, No. 11 Pine street, and you can send for him or you can send for Mr. Wallack, the attorney, who is a brother of the lady who I bought that property from in Seventy-eighth street, or you can send for Mr. McCall and he will explain the whole matter to you.

Q. It strikes us as very peculiar that the brother, Mr. Wallack, who is an attorney and a brother of the lady, Mrs. Falk, who sold you this property, should immediately offer you a profit of \$5,000 upon a purchase from his own sister? A. He didn't offer me; he offered Mr. McCall, and he wanted it for a gentleman named Smith.

Q. John Smith? A. I think he can tell you, Mr. Goff.

Q. Well, have you any other real estate? A. None that I know of.

Q. And the real estate that your wife has? A. That is her real estate; anything I have got belongs to her.

Q. Let us get through with that, please; the house in Twenty-second street, what is the value of that to-day free and clear? A. I don't think it has increased any.

Q. Well, it is worth \$20,000? A. I think so, yes.

Q. And the Convent avenue lots, what are they worth? A. I don't think that they are worth much more than was given for them; they cost seven thousand and odd dollars.

Q. Seven thousand six hundred and seventy-five dollars? A. Something like that.

Q. Now, is that all the real estate your wife has? A. That is all that I remember.

Q. Do you think you would forget if she had any other real estate? A. I don't think I would be likely to forget.

Q. So that according to your own estimate now, you and your wife have real estate valued at \$65,175 at the price of the original investment, and you have been offered a profit upon your recent transactions, amounting in round numbers to \$36,000, which may be said to represent the increased value of the estate, that makes a total of \$101,175? A. It may be worth more than that, because I would not sell the properties for what was offered to me.

Q. I am not taking the speculative value; I am simply taking

the actual value? A. You are going into the speculative when you say it is worth over \$100,000.

Q. I have taken your figures, the equity in the property and the profits that you have been offered? A. Well, the speculative value to my mind is more than you put it at.

Q. How much more? A. Well, I wouldn't sell that property, 112 West Forty-second street, short of \$120,000, and \$65,000 for the one in Seventy-eighth street that I was offered \$55,000, for I think that property in West Twentieth street is certainly worth \$16,000; I was offered a profit of \$5,000 on it; if they offered \$500 more I would let it go.

Q. Now, the next? A. Which is the next?

Q. There are three parcels here; you have more parcels? A. What one do you want; the next one?

Q. The next one; any other parcel; give us the value; you have given us the value of three parcels? A. Well, I will take \$40,000 for that one on Fourteenth street, 235 and 237; I have a 90 day contract with \$1,000 up.

Q. The next one? A. There is a property on St. Nicholas place that I think consists of three of the finest lots in New York; I don't know that I ought to sell them short of \$34,000; they cost me \$25,000; when I say that, I mean that I invested my money in that way; I am not in the real estate business.

Q. That makes a total of \$319,000 exclusive of your own investments; how much mortgage was on that? A. Oh, you mean on the whole properties?

Q. Yes; outside of your investments; I mean these recent investments of yours; they foot up a valuation of \$319,000 on your estimate; now will you give us the amounts of mortgage on these? A. You don't want that one on which I only hold a contract, do you, in West Fourteenth street; I have a 90 day contract with \$1,000 up; if I have to take title to that I can get first and second mortgage for \$30,000; that is in the contract; I will have to put up \$6,000 more.

Q. That is \$36,000 on that place; now any mortgages? A. On Twentieth street there is a first and second mortgage for \$50,000.

Q. Inclusive? A. Yes, sir; \$2,500 regularly.

Q. Any other mortgages upon the property? A. There is a \$40,000 mortgage on that Seventy-eighth street house.

Q. Any other mortgages? A. There is \$75,000, first and second, on the Forty-second street house.

Q. Any other mortgages? A. I think that there is a mortgage held by the Equitable Life on that St. Nicholas Place property for \$17,000, the three lots; I think there is about an \$8,000 equity there.

Q. Now, any other mortgage? A. Not that I know of.

Q. Adding \$27,000 or the old investments to that, according to your own figuring — and deducting everything that you have suggested, we find \$128,000; deducting mortgages, purchase money on contracts and everything, it leaves \$128,000 of real estate that you are actually worth to-day? A. In equity?

Q. In equity? A. No, sir; I can not be worth that.

Q. One hundred and twenty-eight thousand dollars? A. No, sir.

Q. We have carefully followed your figures? A. You are mistaken about it.

Senator O'Connor.—That includes the value he sets on the property now.

Q. It is your own valuation? A. Not what I actually paid; my equity in it.

Q. You see we take your figures representing your equity and the advance money that you have been offered? A. I can not help what you take; the only thing I actually own is what I have invested there.

Q. We have taken your prices, your equities, and the advance prices which you have been offered which would represent an actual value; and we find that that foots up \$101,000 and there are \$27,000 of your own investments, the Twenty-second street house where you reside and the Convent avenue lots, making \$128,000 in round numbers — property owned by yourself and your wife included? A. I can not see it in that way.

Q. Now, what is it worth? A. If you bring in a real estate man he will give you an idea of what it is worth.

Q. Can you not give us an estimate as to how much real estate you have to-day, in value, both in your own name and in your wife's name? A. Only the equities and I have repeated them to you.

Q. What is the value of the equities? A. Any value that any real estate expert would put on.

Q. And we put, according to your own figures, \$128,000? A. What I think it is worth; I may be wrong about it.

Q. What? A. What I think it is worth.

Q. You think it is worth that? A. Yes, sir.

Q. And you have refused to sell your property for these offers that you have received? A. Yes, sir.

Q. That shows the faith you have in your judgment that you believe the property to be worth more, and that figures \$128,000? A. I don't care what you put on it; that is not what I actually paid for it.

Q. We are not asking you that? A. Well, you can put any figure you like on it.

Q. I am not putting any figure at all; I am putting your own figures on it; we have it, after your own figures, that you have real estate to-day valued at \$128,000; you started in life with a capital of \$6,000? A. That is any way to put it.

Q. Where did you get that money to buy that property? A. I told you where I got it; I told you my wife was in business—

Q. Where did you get it; how can you account for it; I will give you every opportunity that you may ask for to account for it? A. Let me appeal to the chairman; is it fair to put a valuation on property and say that I own so much when I only own the equity in it?

Q. That is the equity? A. No, it is not the equity.

By Chairman Lexow:

Q. Mr. Goff has taken your own figures as your value of the property; you can answer by stating that the original investment was so much? A. I gave the original investments.

By Senator O'Connor:

Q. What do they amount to? A. I gave them to him, but he has added up what I think they are worth.

Q. How much of that property that you think is worth \$128,000— A. Give me a pencil and I will tell you what the original investment is.

By Mr. Goff:

Q. Now, tell us the houses according as you figure them? A. I will put it all down for you and hand it to you.

Q. No, you speak them off; it will save time? A. Well, my

residence, No. 449 West Twenty-second street, there is \$20,000 equity in that.

By Senator O'Connor:

Q. You mean by equity, what you invested in it? A. Yes, sir; I don't own it; my wife owns it.

By Mr. Goff:

Q. There is no mortgage on that house at all; it is \$20,000?

A. The Convent avenue lots, \$7,675.

Q. That is all paid off, that is clear? A. Thirteen West Twentieth street; I have \$2,500 equity in that.

Q. Let us find out about that before you go any further; what did you pay for it? A. Fifty-two thousand five hundred dollars.

Q. Fifty-two thousand five hundred dollars? A. Yes, sir.

Q. How much mortgage is on that house? A. First and second mortgage, \$50,000; the first mortgage was held by the Equitable Life.

Q. Two thousand five hundred dollars equity? A. Yes, sir.

Q. Now, the next piece of property? A. St. Nicholas place.

Q. What did the St. Nicholas place property cost? A. I think about \$25,000; I bought them from a speculator that had bought them at the sale; I think I gave him \$500 advance on each.

Q. What did they cost you? A. I think they cost me in round numbers \$25,000; I have an equity of \$8,000 in them.

By Chairman Lexow:

Q. Then you paid \$8,000? A. Yes, sir.

By Mr. Goff:

Q. Now the next piece of property? A. There is an equity in the Forty-second street piece of \$16,000.

Q. How much did you pay for that? A. Ninety-one thousand dollars, bought from Mandlebaum and Lewin, real estate operators.

Q. How much cash? A. There was \$2,000 put up on a 90 day contract; there is \$16,000 equity in that; there is \$75,000 first and second mortgage.

By Chairman Lexow:

Q. But you haven't paid more than \$2,000? A. Yes; I have paid \$16,000.

Q. You have taken the title? A. Taken title.

Q. Now, the next piece? A. Seventy-eighth street; there is a mortgage of \$40,000; there is \$10,000 equity in that.

Q. Now, West Fourteenth street? A. There is only \$1,000 in that.

Q. What did it cost? A. I got a 90 day contract and put up \$1,000; the purchase price was \$37,000.

Q. How much were you to pay? A. I got a 90 day contract, and I only held the property 10 days.

Q. How much were you to pay if compelled to fulfill the contract? A. I can get a first and second mortgage, provided for in the contract, for \$30,000; I will have to put up \$6,000 more, but that has nothing to do with it; I haven't paid that yet; I only put down \$1,000 for that.

Q. Is that all the property? A. That is all that I can remember; if there is any other I don't know anything about it; there is only \$54,000.

Q. See if I am correct in the offers; you were offered \$19,000 profit on the Forty-second street purchase? A. Yesterday, yes, sir; \$14,000 last week, and they raised it \$5,000 yesterday.

Q. On East Seventy-eighth street you were offered a profit of \$5,000; that is the Falk property, is that correct? A. Yes, sir.

Q. On West Twentieth street, were you offered anything on that property? A. Six months ago \$5,000; \$57,400.

Q. On West Fourteenth street how much were you offered profit on that? A. Well, I didn't hold that three days when I could sell it for \$1,000 on the contract, a \$1,000 advance.

Q. And on the St. Nicholas avenue a profit of \$6,000? A. Six thousand dollars, yes, sir.

Q. Your memorandum here is incorrect? A. In what way, Mr. Goff?

Q. What is your equity in Seventy-eighth street? A. That is wrong, \$10,000.

Q. You see you had it down here as \$1,000? A. As \$1,000 for Fourteenth street, I mean.

Q. Then you will make that Fourteenth street, \$1,000? A. Ten thousand dollars in Seventy-eighth street, No. 4 East.

Q. Now, I think we have it in your figuring correct; I find that the cost of all the real estate owned by yourself and wife amounts to \$283,175; that the aggregate mortgages on all those pieces of property, the mortgage and the unpaid purchase money amounts to \$213,000; leaving clear value in the property over and above advances and mortgages, and making allowances for moneys to be paid, leaves a clear balance of \$65,175; now, according to your own testimony, that has been advanced by actual offers, which you have refused, in the aggregate \$37,000, which taken as value added on to the \$65,175 which you have actually invested makes a total of \$102,175? A. Well, the only way to calculate them, to my mind, Mr. Goff —

Q. Never mind, I am not asking you that; that is the value of the property for which you can sell it to-day, according to your own testimony? A. Market value, yes, sir.

Q. One hundred and two thousand one hundred and seventy-five dollars; now, the amount of mortgages that you are carrying upon your property, amounting to \$218,000 at five per cent. yields an interest of \$10,900 — \$11,000 per annum, which you have to carry? A. You don't count the taxes in that?

Q. The taxes have to be added to that? A. Yes, sir.

Q. I am simply taking the interest? A. Yes, sir.

Q. You are carrying an interest of about \$11,000 per annum? A. Yes, sir.

Q. Can you give us any idea of the taxes? A. I think the taxes on that Twentieth street property is somewhere in the vicinity of \$500; I don't know what taxes are on the Forty-second street piece or the Seventy-eighth street piece.

Q. Here in New York we can understand about the taxes on these several parcels, but we have it here that you are carrying an interest account of about \$11,000 a year upon your mortgages? A. Well, I am not going to carry that a year.

Q. I am not asking you what you are going to do; I am simply taking things as they are; can you tell us, you an inspector of police since October 1, 1892 — A. October 3d, I think.

Q. Well, that is pretty near? A. We won't fall out about it.

Q. The amount of salary that you received while sergeant of police from July 20, 1884, to June 30, 1887, amounts to \$5,870; the amount of salary that you received as captain from June 30, 1887, to October 3, 1892, five years and three months, amounts to \$14,440; and the amount of salary that you received as an

inspector from October 3, 1892, up to a few months ago was \$5,900, making a total of \$26,210 that you have received as salary since 1884; you have to-day real estate for which you refused money amounting to \$102,175; assuming that you saved your salary, never spent a cent of it for the support of your family, that leaves a balance of \$76,000 between your— A. Well, the whole thing don't amount to \$76,000.

Q. Leaving a balance of \$76,000 between the amount of money you have actually received since you have been a sergeant and the amount of real property that you hold to-day; can you tell this committee how you acquired that \$76,000? A. You are mistaken about that.

Q. Can you tell us how you acquired it? A. Yes, sir.

Q. How? A. My wife acquired a lot in business.

Q. In what business? A. I told you how I would tell you.

Q. The police department of which you have been a member for so many years has been charged with rottenness and corruption and that every man in it has been guilty of accepting bribes—

Chairman Lexow.—I think you weaken your question, Mr. Goff, by adding to it the speculative values that the witness puts upon the property, and that your question would be stronger and therefore the answer more satisfactory if you limited this entirely to the amount of money that he actually put in.

Mr. Goff.—I understand that, and I intend to reach that at the proper time. I am simply taking the market value of the property now.

Senator O'Connor.—About \$37,000 of that he has never had.

Mr. Goff.—He can sell the property to-day for that money, he says. Now I propose to put the question to him in the way suggested by you.

Chairman Lexow.—Of course he can account for that by speculative profits to that extent.

Mr. Goff.—We will take it on that score and I will ask—

Chairman Lexow.—I think a fair way is to ask the witness where he got that \$64,000.

Mr. Goff.—We will take it in that way. He has property now that cost him actually \$65,000; that is, the property that he has now. He received in salary \$26,000 since he has been made sergeant, since July, 1884.

Senator O'Connor.—What is his salary as inspector?

Mr. Goff.—Three thousand five hundred dollars. Altogether he has received as salary as captain, sergeant and inspector \$26,000. Taking \$26,000 from \$65,000 leaves \$39,000 to-day actually in real estate.

Q. Now, can you explain to us where you got that \$39,000?

A. I tried to explain to you, but you wouldn't permit me in any way.

By Chairman Lexow:

Q. Now, go ahead and say what you please on this subject

A. I have been investing in real estate, buying options and buying real estate itself; I tried to tell you about a corner that I had and sold and made \$10,000 which is a matter of record; the northeast corner of Liberty and Washington streets, which is 75 by 50, I think the dimensions are; I bought that corner from Lyman Denison on a 90 day contract with \$2,000 up; I didn't sell it in the 90 days and I took title to it, putting up a balance of \$13,000; that was \$15,000; I traded that.

By Mr. Goff:

Q. When was that? A. Not long ago, within a year or 18 months at the outside.

Q. Proceed? A. I traded that property with a Captain Zabriskie, who I think is a captain in the Seventh regiment, a very wealthy man, and took in trade three houses in East Thirty-second street, between Second and Third avenues, at \$100,000 and got \$25,000 besides; now, my lawyer could explain that whole thing to you how it was done and all that sort of thing, Mr. McCall, if you sent after him.

Q. Now, is there anything else? A. I was interested in some little real estate deals at different times while I was captain in the precinct down there, the Real Estate Exchange being in there, with different men, whereby I made a few thousand dollars each time.

Q. Will you give us the deal? A. Well, there is Mr. Andrew Freeman, whose office is at No. 120 Broadway; I was with him in two deals; a house in 50 odd street somewhere; I don't know just exactly the street, and there was a house in Trinity Place; I was interested with him in both cases.

Q. Well? A. I was interested with Mr. Asher Weinstein in an apartment house on I think Thirty-sixth street, in which

I put up a little money and made \$1,000; he gave me \$1,000 for my part of it, and my wife has been in business for 20 years in which she made lots of money; I don't know how much money she has.

Q. Is that the business you refused to tell us the nature of?
A. Yes; unless my counsel tells me to.

Q. Who supported the family all these years? A. My wife did; my wife supported the family with what I gave her.

Q. Did you give her sufficient to support the family? A. Always did.

Q. Did you support the family? A. I helped; I helped, I suppose.

Q. Didn't you have the full expense of your family's support? A. I suppose I did.

Q. And then this money, have you not been spending pretty well your compensation in support of your family; you have got a nice family, and tried to keep them in comfortable circumstances? A. Yes, sir; there is nothing I can get for them they can not have.

Q. As a matter of fact you could not save much out of your salary? A. Not much money I guess.

Q. Not much money; any man in New York supporting his family in comfortable circumstances could not save much money out of that salary? A. No, sir.

Q. Now, the money you have invested in this real estate you did not save out of your salary? A. I don't know; I gave my wife my money, and did not know what she done with it; and any time I wanted money I could go and get it.

Q. Have you any money or property other than you have told us? A. I have \$1,500 in the savings bank.

Q. Have you got any certificates of trust? A. No, sir.

Q. Or any stocks? A. No, sir.

Q. Or any one for you in trust? A. Nobody.

Q. No bonds or mortgages? A. I have told you two or three times, Mr. Goff, all I—

Q. Answer my question; any bonds or mortgages? A. Nothing.

Q. Have you got any gold in deposit in a company? A. No, sir.

Q. Have you got any money on deposit in any trust company? A. No, sir.

Q. Or any private individuals or merchants? A. No, sir.

Q. Are you interested in any business enterprise now? A. Yes, sir.

Q. What is it? A. I am interested in a mine with my brother-in-law, Mr. Fred Hills; I have got money invested in it in Webb City, Missouri, called the Tenderfoot Mine.

Q. Does that yield any profit? A. Not much; no, sir.

Q. It is not as well-paying an institution as the "Switch"? A. It is not as well completed, Mr. Goff.

Q. And have you got money invested in any other business? A. No, sir; none other than that.

Q. Can you tell us what money or property your wife is possessed of outside of the real property we have talked of? A. What do you mean; in bonds?

Q. Yes? A. Nothing I know of.

Q. She may have a large sum of money you do not know of? A. Yes, sir.

Q. Well, inspector, how is it that you have money in the savings bank now and you failed to put the \$40,000 that you received from the "Swith" in the savings bank? A. My wife gave me \$4,500 to put away.

Q. What? A. My wife gave me \$4,500; I think \$2,000 of it to invest for a boy we have got, one of our children.

Q. It is a peculiar thing that these real estate—these large real estate transactions which I have described here have all taken place since you have been inspector, since 1892? A. I gave you the dates there, Mr. Goff.

Q. So they are all since 1892; how is it your real estate business branched out so largely since you became inspector? A. I think I got better information since I became inspector.

Q. Better information where? A. About property.

Q. Since you became inspector? A. Yes, sir.

Q. Because you were inspector? A. Oh, no; not because I was inspector.

Q. You are inspector of the detective bureau? A. Yes, sir.

Q. And have been since you have been appointed? A. Since the 3d of October, 1892.

Q. Did you undergo a civil service examination? A. Yes, sir.

Q. Now, I want to ask you a few words in relation to this detective bureau, while I think of it; how many detectives have you under your command? A. I have got a list of them if you will permit me to use it.

Q. No; give us the round numbers? A. I think there are 35 detective sergeants and 30 detectives.

Q. What precinct were you first in, captain? A. As what?

Q. As captain; I ask you as captain? A. The First precinct.

Q. That is the Old Slip station? A. Yes, sir; from the 30th of June, 1887, I think, until the 12th of January, 1892.

Q. While you were in command of the Old Slip station every builder in that district was blackmailed by your wardman, Burns? A. Not that I was aware of.

Q. One of the builders swore he went into the station-house and that you were there when he complained of the exactions of the wardman, and you did not interfere or say a word? A. I was not there.

Q. You were not there? A. No, sir.

Q. Is it possible that a wardman acting under your immediate orders, and subject to your immediate command, could go around and blackmail the builders in your precinct and get money from them without your knowing it? A. Not of my knowledge.

Q. Is it possible he could do it without your knowledge? A. I haven't any information about what—

Q. Is it possible he could do it without your knowledge? A. He might have done it.

Q. It has been sworn here that he did do it; are you prepared to contradict that sworn testimony? A. That he did not do it?

Q. It has been sworn here he did do it; are you prepared to contradict that testimony? A. I do not know he did it.

Q. You can not contradict it? A. I do not know who did it.

Q. I am not asking that. You are not prepared to contradict it? A. I can not tell you.

Q. And the sailmakers were also blackmailed during your captaincy of that precinct by paying so much a month to your wardman; is it possible a wardman can go around and blackmail the sailmakers in their sail lofts in South street without your knowing it? A. I did not know anything about it.

Q. Is it possible he might have done it? A. Yes; any policeman might have done it.

Q. Who was the wardman or ordinance man while you were captain in that precinct? A. He was a wardman; he was not

an ordinance man; I never had any special collectors or any kind of collectors.

Q. You took him from there to your uptown precinct? A. I took him from the Eleventh precinct.

Q. And you took him from the Eleventh precinct to the Tenderloin? A. No, sir.

Q. Why did you take Burns to the Eleventh with you? A. Because all I ever saw about Burns, that he was a conscientious, brave fellow, and on those grounds I took him with me.

Q. While he was blackmailing the merchants and builders every month in your precinct you found this man a conscientious, brave fellow? A. All I saw of him.

Q. As captain of the precinct? A. Yes, sir.

Q. And acting under that belief and impression that he was conscientious you took him with you to the Eleventh? A. Yes, sir.

Q. He was with you all the time you was in the Eleventh? A. No, sir; he was not.

Q. How long was he with you in the Eleventh? A. I went to the Eleventh precinct on a transfer there on the 12th of January, 1892; and I think I made application for him and a man named Nugent some time in the latter part of February, or maybe in the middle of February.

Q. It has been sworn to here by a great number of witnesses that when you went into the precinct the initiation fee was raised for every house of ill-fame in that precinct from \$250 to \$500; that has been sworn to; can you contradict that? A. Not with my knowledge.

Q. Can you contradict that such was not the fact? A. I say I knew nothing about it.

Q. Can you contradict that such was not the fact? A. I know nothing about it.

Q. Will you contradict that testimony here? A. Will I contradict it?

Q. Yes? A. I knew nothing at all about it, only I heard—

Q. Will you swear it is not true? A. I will swear that what one woman said here about me is not true.

Q. Will you swear that evidence is not true? A. I can not swear.

Q. Is it possible that blackmailing to such an extent could be carried on in your precinct without your knowledge? A. To what extent?

Q. To the extent sworn to here? A. I don't know what it was; I only heard—

Q. Is it possible such blackmailing could be carried on without your knowledge? A. It might be.

Q. It has also been sworn to that houses of ill-fame paid \$50 a month while you were captain of that precinct; will you contradict that? A. Not with my knowledge they did not pay.

Q. Will you say that testimony was untrue? A. I can not say it, because I don't know.

Q. And it may have been possible that that blackmail had been collected without your knowledge? A. It might be.

Q. And this blackmail was collected, it has been sworn to, by this man you had found so brave and so conscientious? A. I don't know nothing about it.

Q. Wardman Burns; this blackmail was collected by him; and yet you recognized him as a brave and conscientious man? A. I told you all I knew about him.

Q. Did you recognize him as a brave and conscientious man in the Eleventh? A. In the Eleventh?

Q. Yes. A. I had more experience with him in the First.

Q. Did you recognize him as a brave, conscientious man in the Eleventh? A. Yes, sir.

Q. And you, as a police captain, testified to that fact here that it is possible, and has been possible for a wardman to carry on an extensive system of blackmail without your knowledge as his commanding officer in that precinct? A. I don't know a thing about it.

Q. You do not know a thing about it? A. No; never heard of it until I heard of it here.

Q. Well, wasn't it your duty to know? A. If it came to my knowledge I would know it.

Q. Wasn't it your duty to find out? A. How could I find out if I did not hear it.

Q. What is the captain of the precinct for anyway? A. I raided 32 houses in three months.

Q. You were either negligent or corrupt? A. No, sir.

Q. If you did not know about it it was your negligence? A. It is merely a decision of your own.

Q. Weren't you? A. No, sir; I was not.

Q. If you were not negligent you must have been corrupt?

A. No, sir; I was not.

Q. How could it have occurred under your control of the first precinct and of the Eleventh; how could it occur? A. It is liable to occur in any precinct.

Q. Explain if you can how all the disorderly-houses in the Eleventh could have remained open and paid blackmail without your knowledge? A. It don't show they remained open; I arrested 32 of them there and 11 of them closed under me.

Q. I am not asking for your arrests at all; explain how they could have occurred and continued? A. I closed two houses that were in existence 10 years.

Q. I am not asking what you closed; how could that state of things continue and exist in that precinct without your knowledge? A. I did not know that they did exist; I did not know anything about it until I heard of it here.

Q. What did you do as captain of police anyhow? A. I arrested the violators of the law any place I ever was.

Q. You closed up two houses that had been open 10 years? A. I closed up 11 houses.

Q. How many houses were there in the precinct? A. There were possibly 50; I raided 32.

Q. Out of 50? A. Yes, sir.

Q. Why didn't you raid the 50? A. I was not there long enough; I was there only two months, and could not get the evidence in that time.

Q. How did you know there was houses then? A. By sending men out and looking them over.

Q. That is, you got the evidence? A. Yes; for 32.

Q. Why didn't you close them? A. I am not the custodian of those people; I could not keep them closed.

Q. You were captain of police? A. Yes, sir; but you can not suppress prostitutes.

Q. I am asking you as to the enforcement of the law? A. I did everything available that a police officer could do.

Q. It was in your power to close all the houses there? A. No, sir; I could arrest them; I could not entirely close them.

Q. Arresting would be closing? A. No; I did arrest 32; some of them I closed and some of them I did not.

Q. A brother officer of yours has been on the stand and said any captain of a precinct in New York can close up any house

he wants to; did he swear to what was true or untrue? A. I can not answer for him.

Q. Did he swear what was true or untrue when he said any captain in the city could do what he had done? A. If he in his judgment thought so; that is his affair.

Q. I am asking you as a fact? A. I can not answer for him.

Q. Was that correct or incorrect? A. I could not tell you.

Q. When he said that any captain in the city could do what he did in his precinct if he wanted to, was he correct or incorrect? A. What did he do?

Q. He swore that he closed every house of ill-fame, and every gambling-house in his precinct inside of three months? A. He did, eh?

Q. That is what he swore to? A. I don't know anything about it.

Q. That is in the Fifteenth precinct? A. I don't know anything about what he done; I know that I tried very hard to effectually close those places, and I did not succeed only in 11 cases; I arrested 32 of them.

Q. Did you go down to the district attorney's office to get indictments? A. I sent reports to the district attorney's office relative to the owners and occupants of the different places.

Q. And that is all you did? A. I arrested them besides.

Q. Now, it has been reported that you took this wardman up there because you relied upon him as a good, honorable collector? A. No, sir; he never collected.

Q. The grand jury of the county has since indicted him as a bribetaker, do you know that? A. What is that?

Q. The grand jury of this county has indicted this brave and conscientious officer? A. I heard so; yes, sir.

Q. Who was your wardman down in the First? A. It was — the precinct detective, do you mean?

Q. Yes. A. James Oates and Andrew Nugent.

Q. Why didn't you take one of those men up to the Eleventh? A. I did.

Q. Why didn't you take the two? A. Why didn't I?

Q. Yes? A. Because one of them wanted to remain there.

Q. And then you took the ordinance man? A. Yes, sir.

Q. Where did he go after leaving the Eleventh precinct? A. I think he was transferred uptown somewhere.

Q. Who was your precinct detective while in the Tenderloin? A. I did not have any there, I think, until the month before I came away.

Q. Who were they? A. A man of name of Madden; Madden, I think.

Chairman Lexow.—Mr. Goff, we are anxious to adjourn at 6 o'clock to-night.

Senator O'Connor.—I have got to take the train to go home, and must go home to-night.

Mr. Goff.—We can not adjourn until we get our testimony in. You will have a quorum here.

Chairman Lexow.—No; if one of us leaves, there is not a quorum.

Mr. Goff.—Then let the committee appoint a subcommittee to take the testimony.

Senator O'Connor.—We have no authority.

Mr. Goff.—In the case of necessity?

Senator O'Connor.—The committee of the Senate can not have a meeting without a quorum present.

Senator Cantor.—Except by special resolution of the Senate, you can not appoint a subcommittee, Mr. Goff.

Mr. Goff.—I know, but frequently, during the course of our testimony, we have had two Senators on the bench.

Senator O'Connor.—The rest of them have been scattered through the audience; they have been here.

Senator Cantor.—I have no objections so far as I am personally concerned of sitting here, but I submit the committee has no power to transfer any of its power to a subcommittee except by a resolution of the Senate, still I have no objection to sitting here.

Mr. Goff.—I have Superintendent Byrnes under subpoena, Senators, I do not think that this investigation would be complete, or should be complete except upon the taking of his testimony. If the Senators can not sit to-night any longer then let us convene again on Monday morning.

Chairman Lexow.—You see, Mr. Goff, we have to leave on Monday afternoon for Albany, to be absent probably four months, we have not had any time to prepare for that departure and so far as I am concerned it would be impossible for me to sit on Monday, because I have to attend to personal matters on that day. I would rather sit to-night until midnight than do that; at the same time it is a great strain on all of us, and Senator O'Connor wants to take the 6 o'clock train home, if he can.

Senator O'Connor.—Not 6; it leaves some time after 8. It takes some time to get away.

Mr. Goff.—Couldn't you postpone your departure to-night.

Senator O'Connor.—Not much. I want to be with my family over Sunday. I have been absent a good deal all summer, and will be away all winter and want to get home Sunday.

Chairman Lexow.—Let us go on, Mr. Goff.

Mr. Goff.—If you determine, gentlemen, to conclude at that time, that is what I would like to know now.

Chairman Lexow.—If you say you desire to examine the superintendent to-night, I am willing to stay until 12 o'clock to-night to do it.

Mr. Goff.—I am just in this position, Senators; if you determine to adjourn at a given time I will discharge this witness and call Superintendent Byrnes immediately, and do what I can to conclude in that time; and if you do not determine to close at a certain hour this evening I will finish this witness as soon as possible and call Superintendent Byrnes next. When I ask you now to determine whether you will close now or at 6 o'clock, give me the time definitely so I can make best use of the time I can.

Senator O'Connor.—We will sit here until 7 o'clock; I will sit here until 7 o'clock.

Mr. Goff.—Then that is the decision of the committee.

Senator Bradley.—I do not see why a few members of the committee can not sit here. We will stay here until morning, if necessary.

Mr. Goff.—I know; but it is better to understand it now. A question might be raised as to their not being a quorum present if Senator O'Connor leaves at 7 o'clock. I will do my best to close at 7 o'clock. I will hurry and pass over a lot of matters I would like to examine this witness upon and go to the succeeding witness.

Chairman Lexow.—It seems to me if, after eight months of investigation, there is any important testimony to be taken we ought to go to the extent of our ability to give you ample time to put in all the testimony you want; and as I say, I am prepared to sit here until midnight to-night; but if you think you can conclude with Superintendent Byrnes at 7 o'clock it would accord better with Senator O'Connor's convenience to

have that time fixed. If, on the other hand, you can not, I am in favor of sitting as long as possible to accomplish the purpose.

Mr. Goff.—Very well, I will use my best endeavors to conclude at 6 o'clock.

Q. Captain, when you were in command of the Eleventh precinct, do you remember a woman of the name of Berger, who kept a house of ill-fame there? A. No, sir.

Q. Berger? A. No, sir.

Q. No. 43 Forsythe street? A. No, sir.

Q. Was there a house of ill-fame at No. 43 Forsythe street? A. Possibly there might be; if there was a house there I have a record of it; I can not recall it now.

Q. Did you make reports to headquarters every month? A. I think so — every day.

Q. Of alleged houses of prostitution? A. I think there was reports, one daily, possibly every week, I don't know which.

Q. Where did you put them in, alleged or reputed? A. Alleged and reputed both.

Q. Did you ever see Mrs. Breger at the station-house? A. I don't remember.

Q. Did you ever send for her? A. Not that I remember.

Q. Will you swear you did not? A. Yes, sir; I never remember sending for any prostitute while I was there.

Q. Do you remember that next to her house a building was under construction, next to 45 Forsythe street? A. No, sir; I don't remember anything about it.

Q. You don't remember anything about any specific house? A. Nothing about any building next to 45.

Q. Do you remember Mrs. Schubert? A. I remember arresting her; she testified I did not or any other policeman arrested her; she was indicted.

Q. When did you arrest her? A. I think on the 30th of January, 1892.

Q. Where did you bring her to? A. Essex Market court.

Q. What disposition was made of the case? A. She was put under \$500 bail.

Q. What was the result? A. She went down to Judge Cowing after the indictment and plead guilty and was fined \$500.

Q. Are you giving this from your memory? A. Yes, sir; and from the record of the court.

Q. Have you got the record? A. I have got it in the office;

that woman made a false statement and perjured herself about me; and she swore she gave me \$500, and I thought it my right to bring it here; I will get it for you.

Q. By the way, since you were so interested in Madam Schubert, why didn't you keep her here? A. You had charge of her.

Q. Now, don't get reckless? A. Well, now, it is hearsay with me.

Q. It is hearsay; very well; if it is hearsay then don't indulge in it.

Chairman Lexow.—I think it would be better for you, witness, to defend yourself, and not attack counsel.

A. If I ever attacked counsel I never meant to; all I meant by that, Mr. Chairman, was that she was in the custody of the committee, as I understand it, that was all; no offense meant.

By Mr. Goff:

Q. Why did you let her escape? A. Because we were forbidden by the board of police under resolution to interfere in any way with the Lexow witnesses.

Q. You were sent after her? A. I was sent after her after the ship that she had went on had sailed from Hoboken pier, and I was given the name of a ship that belonged to the French line to go to; if you were—

Q. If you were forbidden to interfere with the Lexow witnesses, why did you go to the ship? A. Under instructions of Assistant District Attorney Wellman.

Q. He is not an officer of the department? A. He had authority for President Martin.

Q. Did President Martin give you orders? A. He told me that President Martin desired me to do that.

Q. Are you in the habit of taking your orders from your superiors through a third party? A. I will go on what Mr. Wellman said.

Q. If you were acting under the impression that you were not to interfere with Lexow witnesses, and you knew that this woman had made a serious charge against you of accepting bribes from her, why did you not as inspector—chief inspector of the detective department of the city of New York—see that that woman was kept here in order that her testimony could clear you? A. I had nothing whatever to do with it.

Q. Was not your reputation involved? A. Yes, sir.

Q. And your reputation as chief of the detective bureau involved to such an extent as to the acceptance of a bribe, was it not incumbent upon you not only in your individual capacity but in your official capacity to see that the woman did not leave the jurisdiction? A. No, sir; I had nothing whatever to do with it.

Q. And you conveniently got there ten minutes after the ship left? A. I only obeyed instructions.

Q. Who gave you instructions? A. Mr. Wellman, the assistant district-attorney.

Q. What instructions? A. That that woman was to leave on the ship called the Normandie at 5 o'clock, at the foot of Clarkson street, or Morton street; and I hired a cab with Detective Clark at the Metropolitan hotel and drove down there as fast as I could, and when we got back we ascertained she had left by the Normania from Hoboken.

Q. It was Mr. Wellman's mistake? A. Yes, sir; he received a telephone from somebody.

Q. He received a telephone from Hoboken? A. I don't know where he received it from or from whom.

Q. The mistake is Mr. Wellman's? A. Not mine.

Q. It is not yours? A. No, sir.

Q. It was Mr. Wellman said to you the Normandie? A. Yes, sir.

Q. And told you the pier to which you should go to arrest her, or take her? A. Yes; said she was leaving there.

Q. You had no warrant? A. No, sir; I would have to arrest her on sight.

Q. Why would you arrest her on sight? A. Because Mr. Wellman instructed me to.

Q. Do you mean to say, as inspector of the department you would arrest a person because a man not an officer told you to? A. He was an officer of this county.

Q. He was acting as assistant district attorney at that time? A. He was an assistant district attorney.

Q. He was acting as such in the police department? A. I am an inspector, whether I act as such or not.

Q. An assistant district attorney has no right to direct an illegal act to be performed; do you mean to tell us that is your understanding of your duties? A. If he has not the right the fault lies with him; not with me.

Q. I want to know your understanding of your duties, that as chief of the detective force of this city, you would receive and

obey orders from an assistant district attorney, without inquiring as to the right or wrong of those orders? A. Yes.

Q. Is that a fact? A. Yes, sir.

Q. That is interesting to the citizens of New York to know?

A. I have not made many mistakes, Mr. Goff.

Q. I am not criticising your mistakes; I am simply wanting to know the intelligence that controls our detective department in this city; and you were interested in this woman before since she had made a false charge against you; naturally you were interested in having yourself vindicated, were you not? A. I think she ought to be put in jail; yes, sir.

Q. You never made an application to have her arrested for making a false charge? A. No, sir.

Q. You never made a complaint against her to Mr. Wellman, the assistant district attorney? A. No, sir; I have spoken to him about it.

Q. Did you ever say you wanted to have that woman prosecuted? A. Yes, sir; I told him I thought she ought to be indicted, and would like to have her indicted.

Q. Did you ever go before a magistrate to make a complaint? A. No, sir.

Q. Did you ever go to the district attorney's office to make a complaint? A. No, sir; I was forbidden by the resolution by the board of police.

Q. Yet as you went on in these trials you knew this woman to be a perjurer, did you not—in the police trials? A. She proved herself to be.

Q. You knew in her testimony against you she had perjured herself, positively; and you stood by while this woman testified on several police captains' trials up there, did you not? A. Yes, sir.

Q. And on her testimony several police captains were broken, were convicted of the offenses charged? A. One or two, I think.

Q. Well, even one, on her testimony; and yet, on the testimony of this woman, that you believed to be a perjurer, you allowed a brother officer of your department to be convicted? A. I didn't have nothing to do with their conviction.

Q. You stood by and did not open your mouth against this woman that convicted your brother officers? A. I had not anything to do with it.

Q. The character of this woman was well known in the pre-

cinct, was it not? A. I testified in Captain Cross' trial, and denied what she had said about me; I told about her arrest, etc.

Q. You say her character and reputation was well known in the precinct? A. As a bad woman; yes, sir.

Q. And as a woman upon whose word no credence could be placed? A. Well, her character was portrayed over there to everybody — sworn to.

Q. And yet that is the best explanation that you, as the chief detective of this city, can give to allow Mrs. Schubert to get out of the State, that Mr. Wellman gave you the name of the ship as the Normandie, and you went in your innocence to Morton street? A. I do not want to go behind my innocence.

Q. If you were interested, as you should have been, as you say you were, in keeping this woman here in order to clear your own character, you mean to say you would not have had that woman shadowed so she could not leave this city? A. I was forbidden not to interfere with her in any way; I was as sincere in my effort to arrest that woman as anything I ever done in my life.

Q. Do you remember the first Christmas that you spent while in command of the first precinct? A. Where I spent my first Christmas?

Q. You remember that first Christmas; I do not ask you where; you remember that Christmas? A. No, sir; I do not particularly remember it.

Q. Don't you remember when the policemen of your command contributed to a silver service to present to you or your wife? A. There never was any presented to me, and if to my wife I knew nothing of it.

Q. Was there ever any silver service presented to your wife? A. Not to my knowledge.

Q. Could there have been without your knowledge? A. There could have been.

Q. Just as any disorderly-house could flourish without your knowledge; just the same as your wardman's blackmail without your knowledge? A. Without my knowledge.

Q. Your wife may have been the recipient of a silver service contributed to by the policemen without your knowledge; I am asking you could she have received it without your knowledge? A. She might have.

Q. Did she receive it? A. No, sir; not to my knowledge.

Q. Will you swear she did not? A. How can I swear to a think I know nothing about?

Q. Now, do you remember a policeman complaining of being assessed and that he refused to pay the assessment? A. To whom?

Q. To whoever was collecting it for that silver service? A. Complaining to whom?

Q. No matter who? A. I never heard of such a thing.

Q. Do you ever remember Edward Purcell or Precell? A. No, sir.

Q. Do you remember an officer in your command of that name? A. No, sir.

Q. Purcell? A. No, sir.

Q. Or Precell? A. No, sir.

Q. Was there any officer in your command of that name? A. No, sir.

Q. There might have been? A. No, sir.

Q. We have it that there never was an officer complained of being assessed for contributing to the silver service? A. Positively.

Q. It is in your knowledge? A. You ask me if I will swear to my knowledge of such a complaint being made to anybody?

Q. Did you ever hear of it? A. Never in my life.

Q. This is an unqualified answer; you are not answering this to the best of your knowledge, but you are answering it unqualifiedly; is that it? A. I never to my knowledge ever heard anything about it.

Q. You refuse to give us the business in which your wife was engaged? A. Yes, sir.

Q. Was she ever engaged in the business of procuring appointments of policemen? A. Oh, Mr. Goff, I am astonished at you.

Q. You have refused to answer; you need not be astonished; I am astonished at your refusal.

Chairman Lexow.—The best way is to answer up like a man.

A. I wish to answer; but that is out of the question.

Chairman Lexow.—It is an unpleasant question, I admit, to put; under the circumstances of this investigation sometimes unpleasant questions have to be asked.

A. I should think the Senators would protect a witness on questions of that kind.

Senator Lexow.—I should not think you would want to be protected on questions of that kind. I should think the noble

and manly way would be to answer up straight and manly? A. No, sir.

By Mr. Goff:

Q. Did you ever hear of her receiving \$1,000 from a man by the name of Hammond? A. No, sir.

Q. He was a roundsman to be made a sergeant? A. No, sir.

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

Q. Do you remember the raid upon the fence on Seventh avenue kept by Doc Bliss, the thief and fence? A. I remember a raid on a fence on Sixth avenue.

Q. Kept by the same man? A. Doc Bliss; no, sir.

Q. Twenty-sixth street and Sixth avenue? A. Charley Seaton kept that.

Q. What was Seaton's real name? A. Charley Seaton.

Q. And other name? A. He had two or three other names; he was arrested two or three times, and convicted once and sentenced 10 years, and I think his case in the Court of Appeals —

Q. Did he ever go by the name of Holman? A. Not that I know of; no, sir.

Q. Was there a man named Charley Holman? A. Yes; he was arrested in the place.

Q. Mrs. Byrne was another notorious thief arrested there? A. Yes, sir; there was 14 thieves arrested in there and a lot of property recovered.

Q. Who made that raid? A. The raid was by my order.

Q. You mean to say you ordered Armstrong to make that raid? A. Armstrong and Dowling.

Q. Didn't you call Armstrong up and threaten to break him because he made that raid without your command? A. No, sir.

Q. How did you come to order them to make that raid? A. He followed the woman that had a seal skin sacque, or a boy with a seal skin sacque from a place to that house, and he watched the house quite sometime; he then sent me word by Officer Dowling about the place, and I told him to arrest everybody in it; and they sent and got reserves from Thirtieth street station, or Nineteenth precinct, and they arrested 14 thieves, and recovered all the property in there which was afterwards identified.

Q. And they were never prosecuted? A. Seaton acknowledged to the ownership of the place.

Q. He was finally prosecuted? A. No, sir; I believe he was subsequently released.

Q. They were three months in the Tombs? A. I don't know how long they were in the Tombs.

Q. And they were never prosecuted? A. I could not tell you.

Q. Which of those people was stool pigeon for you? A. None of them.

Q. What was the cause that these notorious thieves found in the most notorious fence here, never being prosecuted? A. We never knew anything about the place before that time; it could not be very old; there was a lot of noted people found in there; the place was not notorious.

Q. But none of these thieves that were found in there were prosecuted? A. No, sir; not that I ever heard of; there were a lot of them discharged the next morning, or two or three mornings afterward.

Q. Then they remained in the Tombs; what became of the stolen property there? A. There was one man convicted out of there.

Q. Are you sure? A. Yes; positive; he was a Jewish fellow.

Q. Did you ever meet Charlie Holman in Parker's restaurant? A. No, sir.

Q. Were you ever there with Holman? A. Old Parker's restaurant?

Q. Yes; up Broadway? A. No, sir; never in my life.

Q. Do you remember that there was a fence started at 42 Division street by the very men that were arrested in that fence on Twenty-sixth street and Sixth avenue? A. No, sir; I heard something about Captain Cortwright raiding a place, 42 Division street, or somewhere over there.

Q. You remember the man in Division street was one of the men that was arrested in Sixth avenue? A. No, sir.

Q. The fellow that they called "Ash Market Jacob?" A. He was not in the Sixth avenue place; he was in State's prison at that time.

Q. You knew him? A. Oh, very well; his picture is in Superintendent Byrnes' book; he was just sentenced for five years in Indiana, for post-office robbery.

Q. He was not prosecuted there on account of that raid? A. Well, I had nothing whatever to do with that, Mr. Goff.

Q. Why hadn't you? A. I did not raid the place.

Q. Did you not send word to Captain Cortwright not to prosecute the cases? A. No, sir; never in my life.

Q. It was your duty as inspector of detectives to look after such a notorious place? A. Not when the police had charge of it.

Q. You are on the police? A. Yes.

Q. You are chief of the detective force? A. Yes, sir; the captain was the executive officer of that precinct.

Q. Whose fault was it? A. Captain Cortwright's; if it was not looked after.

Q. You had no responsibility in the matter at all? A. None whatever.

Q. Now, did you hear of the same gang of thieves starting an annex in Brooklyn? A. No, sir; never.

Q. Don't you know they started an annex fence in Brooklyn where they used to ship over the stuff from New York? A. No, sir; never heard of it.

Q. Never heard of it? A. No, sir.

Q. Do you remember of a case where there was a lot of tobacco recovered by the police of Brooklyn? A. No, sir.

Q. Do you remember receiving word from the Brooklyn authorities that a lot of stolen tobacco had been recovered there? A. Such might be the case and I not know it.

Q. I ask you; if you had received word you would have known it? A. Yes, sir; if I had personally received word.

Q. Didn't you send over to Brooklyn and say that the men that were arrested for that stolen tobacco were wanted in New York? A. No, sir.

Q. Will you swear to that? A. Yes, sir.

Q. Positively? A. Positively; yes.

Q. No doubt about it now? A. If I did I do not remember it; I have no knowledge of it.

Q. Can you remember that those two men were sent to New York in obedience to your request, and arraigned in the Essex Market police court? A. Well, the officers in the case might go there and represent I sent them there, for the purpose of facilitating them; they might go there and I not have any knowledge of it at all.

Q. And when they got there, in the Essex Market police court, after the Brooklyn authorities surrendered them, the

charge was withdrawn; do you remember anything about that?

A. No, sir; I was not a party to anything of that kind; I don't know anything about it.

Q. Will you tell us how you arranged with your detective in relation to the pawn offices? A. Well, there are two detectives detailed on each side of the city to inspect the pawn offices for stolen and lost property.

Q. Give us the names of those detectives? A. O'Connor and Slawson on the east side; Slawson has recently been retired and a man named Nugent put in his place; and Grady and Dorn on the west side.

Q. What are your instructions to those detectives with regard to the recovery of stolen property? A. They are given a list by the sergeant at the desk of property stolen from day to day for the purpose of going through those pawn offices to see if they can find them.

Q. How about pawnbrokers receiving the money advanced on this property? A. That is only when notified by postal card to facilitate the business; that is all.

Q. Whose business is it to get out these postal cards? A. That is a system that has been in vogue over 20 years and never been altered; if you go in there to-night and stated you had lost your watch and that you wanted to try and recover it, they will tell you there about the postal card system, that you could notify every pawnbroker within 24 hours in New York by mail, through the postal card system, giving a description of your property, whatever it might be, and that you would pay the advances.

Q. Now, inspector, I want to ask you, because I have got to hurry your examination through and close it? A. I don't care how soon you get through, Mr. Goff.

Q. It has been testified to here by a man, and substantiated by a number of witnesses, that you brutally assaulted a prisoner while in your charge, and in your station-house. I refer to Augustin E. Costello; do you remember that transaction? A. Yes, sir; I was going to ask permission to deny that statement; I can show you a book in this building to-day, Mr. Goff —

Q. Don't tell us about the book; explain it by sworn testimony, and don't tell us about what is in the book? A. It is a copy of every newspaper on the following day, subsequent to his arrest.

Q. I don't care about that; I want the fact? A. I deny the assault.

Q. You deny you touched the man? A. I deny that I ever left my hand on him at all.

Q. Or any of your officers? A. Or any of my officers.

Q. How do you explain that this man went to the police court the next morning from your station-house covered with bruises and bearing the marks of a terrible assault on his face? A. They told me he was drunk.

Q. Never mind what they told you? A. I say the evidence told me; in coming down from headquarters and coming down by the fire-house, and across the track he was intoxicated, and he was under the influence of liquor; and I saw him; when he stole the fly leaf out of the book.

Q. Stole what fly leaf? A. Stole the fly leaf out of the book which two of his agents were selling in his interest, purporting to be signed by two fire commissioners, and which they claimed was a forgery, and which they issued an order for the arrest of anybody selling such books.

Q. That is right? A. The captain of the fire company intercepted both of these men selling the book; the men were arrested and locked up.

Q. Who arrested them? A. They were arrested by some officer down there.

Q. An officer of your command? A. Yes, sir; and brought to the station-house and locked up at about 6:10 in the evening; and Augustin Costello came to my station-house and shook hands with me, and asked me for permission to see the men and look at the book.

Q. At that time was his face bruised? A. No, sir; not a bit.

Q. That was at 6 o'clock in the evening? A. Yes, sir; but he had been drinking.

Q. He knew how to act; he was rational, and knew how to act? A. He was under the influence of liquor.

Q. He was intelligent enough? A. Yes, sir; intelligent enough to steal that fly leaf out of the book.

Q. He stole the fly-leaf, did he? A. Yes, sir; he asked me to see the book, and I went in the other room to wash my hands — the book was evidence — and while I was in the other room he stole the fly-leaf out of the book and bowed himself out.

Q. He had stolen evidence? A. Yes, sir.

Q. And you knew that was a felony? A. I did not know it was a felony; it might be a misdemeanor.

Q. You knew it was an offense against the law? A. It is a crime; yes, sir.

Q. He was arrested for that crime? A. Arrested in somewhere in the neighborhood of 11 o'clock that night.

Q. For that crime? A. Yes, sir.

Q. And was brought to your station-house? A. Yes, sir.

Q. You telephoned or telegraphed from your station-house to headquarters? A. I sent to every place I thought I could find him.

Q. It was a very serious offense to destroy evidence? A. I looked upon it as a serious offense.

Q. Now, why did you not prosecute that case? A. I did.

Q. To what extent? A. To the best of my ability.

Q. What did you do? A. I sent for the attorney for the fire department; he was present in court the next day and I think the case was adjourned until that afternoon, and Judge White took the evidence; and he was held for trial by Police Justice Andrew White; and that is the last I have heard of the case.

Q. Why, Mr. Hummel has sworn here, he was counsel in the case, that there was no complaint appeared against him the next morning; and he was discharged; has Mr. Hummel sworn to the truth or not? A. It is a matter of record.

Q. Has Mr. Hummel sworn to a truth or to an untruth? A. I don't know what he has sworn to; that is a matter of public record.

Q. Mr. Costello and some of his witnesses have sworn here he was discharged, and you were not in court the next morning? A. If he says so he simply lies.

Q. They are all lies? A. He lies if he says he was discharged.

Q. They all lie, if they all swear to the same thing? A. I swear he was held under \$500 bail.

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

Q. In court? A. Yes, sir.

Q. All the witnesses say you were not there; have they told the truth? A. Positively not; if they say I was not there.

Q. And if they say he was discharged, that Mr. Costello was discharged? A. They all swore to what was not true.

Q. Mr. Hummel has sworn that; Mr. Hummel, and a number of them; and it is also equally untrue that any one in your sta-

tion-house allowed a man that night to assault him? A. Not to my knowledge.

Q. It could not occur without your knowledge? A. No, sir.

Q. Did you see him when he was brought into the station-house? A. Yes, sir; he was covered with mud.

Q. He was; after you knocked him down? A. I did not knock him down; I was sitting in the station-house when he was brought in.

Q. Didn't you meet him at the elevated steps at Hanover Square? A. No, sir.

Q. Didn't you go down to the cell to beat him? A. I could not go down-stairs to his cell because there wasn't any there.

Q. Did you go into his cell? A. No, sir.

Q. Never raised a hand to him? A. No, sir; never in my life.

Q. Did you go to him and say to him after your trial that you were thankful the way he acted upon that trial? A. No, sir; I had nothing to thank him for on my trial.

Q. Did you ever shake hands with him and say you would never forget it? A. No, sir.

Q. You were made inspector while charges were hanging over you? A. I believe so.

Q. Those charges have never been dismissed? A. Never been dismissed.

Q. Those charges were for failures to suppress gambling-houses? A. On my own application to the police board.

Q. These charges were made by the superintendent? A. On my application.

Q. You mean to say you applied to have charges preferred against you? A. Yes, sir; on the statements made to different newspapers by Mr. Whitney, who was superintendent of that society.

Q. Did you make your application in writing? A. Yes, sir.

Q. To the department? A. Yes, sir; to the board of police.

Q. I want to see; we have all the papers in your case; we want to see if such application is made? A. You can take my word for it, Mr. Goff; it is true.

Q. Well, inspector, there is no application from you here to be put on trial? A. I can not help that.

Q. But there specifications and charges made by the superintendent? A. That would naturally follow after my application to the board of police.

Q. Is that another instance of records missing from the police department? A. If it is I have nothing whatever to do with it.

Q. We have it, as a matter of fact, inspector, that at the time you were made inspector these charges were pending against you, and two commissioners had voted you guilty of it? A. Yes; and two voted not guilty.

Q. And two voted not guilty? A. And if there was a fifth one there I think I would have got away.

By Senator Bradley:

Q. Inspector, Mr. Costello testified under oath here that after you had abused him, thumped him, and the probability was that you used brass knuckles on him, that on the second attempt to repeat that that he said to you that if you did not desist that either one of you must die, and then you desisted; did he swear to the truth or a falsehood then? A. Absolutely false.

Q. He did not say those words in your presence that if you attempted to assault him again that either one of you must die; that was in the station-house? A. I never had an altercation with him in my life; I never done anything but what was kind to Mr. Costello.

By Chairman Lexow:

Q. Inspector, do you mean to be understood in your testimony here as saying that you had heard nothing about the taking of blackmail or the bribing of police in your or other precincts of the city, until these developments were made before this committee? A. Only by rumor of that; that is all.

Q. You had then, prior to the meeting of this committee, heard rumors to that effect? A. Yes, sir.

Q. And that a general system of blackmail of the kind testified to before this committee? A. No, sir.

Q. Had you heard any rumors of the prevalence of the system? A. No, sir.

Q. In which from almost the top down to the bottom they all participated? A. No, sir.

Q. You had heard rumors of taking blackmail by policemen? A. Yes, sir.

Q. What did you ever do to track those rumors down? A. You mean when I was captain of the precinct?

Q. Yes. A. I never done anything, only I might hear somebody say that so and so told they saw so and so, and that is

all, about the fifth man when you got it; the same as they talk about any department, or Legislature, or anything else — just rumor.

Q. Do you think it comports with reason that a general system, such as has been testified to here, of blackmail, has pervaded almost, if not quite, every precinct of this city; that the police department organized for the purpose of suppressing vice and crime is competent or incompetent, if it was unable to discover those facts? A. That I could not answer.

Q. Does it comport with reason that those facts could exist and a competent police department at the same time exist in this city? A. I could not answer that, unless they were aware of it.

Q. If you can not detect crime among the members of your own force, how can you expect to detect crime among people at large? A. Well, if it is drawn to your attention you might detect it.

Q. No; but here we have testimony before this committee; I would like to get your opinion as inspector and police officer on this state of facts; here we have testimony before this committee going to show an organized system prevailing for years in this city; the payment of blackmail from the lowest almost to the highest, and that that has prevailed for years; now, how can you account for the non-detection of that condition by the police, on any other principle than that the police were absolutely incompetent to do their work? A. Well, I think the police is competent to meet any exigency that is required, or any emergency; I do not think that it is as prevalent as people think it is in the department.

By Senator Bradley:

Q. You have not read the testimony before this committee? A. I have read a great deal of it.

Q. You would not think so? A. I think there are people appeared hear and sworn to things that were false.

By Chairman Lexow:

Q. What motive would they have to swear to a blacker condition of affairs than existed? A. I can not tell people's motives.

Q. Would not their motives be to conceal something, rather than to add to what exists? A. How can you account for that woman's motive coming here to swear she gave me \$500, and to other captains.

Q. A police captain came on the stand and testified that in each and every precinct the system was so well organized that the wardmen in their precinct knew their duty, and collected the money and paid it over, with their percentage; in other words, it was a system prevailing in every precinct in this city; can you say a police force is competent if it can not discover a system of that kind prevailing for years? A. I think this is the greatest police in the world.

Q. We are not disputing that proposition, so far as certain departments of police is concerned; I suppose to put down a mob, or anything of that kind, there is not a better police force in the world; but here is a police force, organized to detect crime; and here is a system of crime prevalent for years, well organized and uninterrupted in the police itself; do you think that the force can be competent if it can not detect its own crime? A. I think there are bad men in every department and every walk of life.

Q. Are you, as inspector of police in this city, satisfied in your own conscience that you, as an expert upon this subject, have given a reasonable answer to the questions? A. Yes, sir.

Q. You are? A. Yes, sir.

Q. When you were in command of the Tenderloin, did you know of John Daly's gambling-house? A. Yes, sir.

Q. Did you ever try to suppress it? A. Yes, sir.

Q. Did you ever arrest anyone? A. No, sir; I inspected it almost daily.

Q. From the outside? A. From the inside.

Q. And you never caught anything? A. They didn't do any gambling while there; I was there in that house.

Q. Then it was not a gambling-house? A. Reputed gambling-house.

Q. How did he continue to pay the rent and keep no gambling? A. He has got plenty of money, I suppose; he is in the horse business.

Q. How did you know it was a gambling-house? A. I knew it was a reputed gambling-house for years.

Q. After you first inspected it? A. I was determined he wouldn't do any gambling while I was there.

Q. Then you knew he attempted gambling, did he? A. Not that I know of.

Q. How long were you in the precinct? A. Five months; I was there from the 20th of April, 1892, until the 1st of October of that year.

Q. Was there any trouble between yourself and Commissioner Sheehan, inspector? A. I have nothing but the friendliest feelings for Mr. Sheehan; I never spoke to him more than half a dozen times in my life, and never had a word with him.

Q. What was the cause of Commissioner Sheehan frequently expressing himself during the trial of the police captains that you should be put on trial the same as the rest? A. I couldn't tell you, Mr. Goff.

Q. Can you give us any reason why you were not put on trial the same as the other captains who were accused of bribe taking? A. I didn't believe, in my judgment, the commissioners thought I was guilty of that offense.

Q. Then they acquitted you before they tried you? A. They didn't acquit me at all; I was not on trial.

Q. Why were you not tried on the same evidence that the other captains were tried? A. Nobody said anything about me, except that woman you have spoken so often of here to-day.

Q. Anyone else said anything against the other captains but that woman? A. I don't know.

Q. Other captains were broken upon her testimony and you were not put on trial on the same evidence; can you give us any reason for that discrimination in your case? A. I couldn't; I never spoke to a soul.

Q. I am asking you, can you give us any reason why you were discriminated in favor as against those other captains? A. Nothing more than the good judgment of the commissioners.

Q. These fellow captains of yours were charged by the same person with precisely the same evidence of taking bribes, and you were let off? A. I don't know what they were charged with.

Q. Anyway, Mr. Sheehan said it was nothing but just and right that you should be put on trial? A. I suppose he felt he was right about that.

Q. Mr. Sheehan stated here openly, and he openly stated at an executive meeting of the board and publicly, that you should be put upon trial the same as the other captains and not favored as you were? A. I don't think I was favored.

Q. Commissioner Sheehan said you were? A. Well, he has got a right to his opinion; I don't have any differences with Mr. Sheehan at all.

Mr. Goff.—I think that will do.

Thomas Byrnes, recalled as a witness on behalf of the State, testified as follows:

By Mr. Goff :

Q. Superintendent, how long have you been a member of the police force of the city of New York? A. Nearly 32 years.

Q. How long have you been superintendent? A. Since the 12th of March, 1892 — 12th of April.

Q. How long were you inspector? A. I was appointed inspector in 1880.

Q. And how long before that had you been captain? A. I was appointed captain in '70.

Q. How many precincts were you captain in? A. I was first assigned to the Twenty-third precinct; the station-house was on the corner of Fourth avenue and Eighty-sixth street; I then went to the Twenty-first precinct station-house at Thirty-fifth street; from there I went to the Fifteenth precinct station-house on Mercer street; I was then transferred to the Broadway squad and was there for some time, and was transferred back to the Fifteenth precinct.

Q. So it was from the Fifteenth precinct you went to headquarters? A. Yes, sir.

Q. As inspector? A. No; as captain.

Q. Now, Superintendent, I regret that I can not proceed with your examination in the order I would like to, owing to the pressure of time; I will ask you at the commencement what real estate have you in this city or elsewhere? A. I owned a house where I live, No. 17 West Fifty-eighth street; I owned a house on the northwest corner of Fourteenth street and Seventh avenue; I owned a house and lot on the southeast corner of Forty-sixth street and Fifth avenue; I bought a little less than three acres of land in Jersey some four or five years ago.

Q. At Red Bank? A. Well, it is not at Red Bank, sir; it is some two miles from Red Bank.

Q. On the Shrewsbury? A. Yes, sir.

Q. Have you told us all the real estate you owned? A. No.

Q. Or that is owned by Mrs. Byrnes? A. Well, Mrs. Byrnes owns all, that is I put it in her name because my position is a peculiar one; I did it for the purpose of saving trouble in cases of suits or anything of that kind; that is the only reason.

Q. Then, in fact, it is substantially your property? A. Yes; there is one thing else I want to say a word on; there was a man came to me who was a friend of mine within the last two or three months; he spoke to me about some lots that were selling down on Long Island; I never saw them and don't know where they are; he said he thought it was a good thing; and I paid \$2,500 for some lots; I don't know just how many there were, because the deed is not yet made out.

Q. Is that the whole of your property, now? A. I think that is all.

Q. What is that first parcel of property worth? A. You mean where I live?

Q. Yes? A. Forty thousand dollars.

Q. Free and clear? A. Yes.

Q. Now, what is that property worth northwest corner of Fourteenth street and Seventh avenue? A. Fifty thousand dollars.

Q. Free and clear? A. Also free and clear.

Q. What is that property worth, at Forty-sixth street and Fifth avenue? A. One hundred and sixty-five thousand dollars.

Q. Free and clear? A. Yes, sir.

Q. What is the value of your property on the Shrewsbury? A. Well, it may cost me for the house I put up there \$20,000 to \$25,000.

Q. Including everything? A. Everything; I assume \$25,000.

Q. I find on searching here the property on the south side of Broome street ninety-two feet east of Hudson, 20 by 69 — A. I bought that house, if that is the same one, on Broome street along in seventy something.

Q. Seventy-three? A. And I held it for some time and sold it for, I think, the same amount that I paid for it.

Q. That is the \$10,000? A. Yes; I then bought a house on Ninth street, between Fifth and Sixth avenues; I think, in '75 or '76; I paid \$12,000 for it and I lived there until '90, and I sold it for \$23,000 to the man that is living there now; that was sold in the latter part of '89 or '90, either one.

Q. I see you have had a transaction with a Carroll Dunneen, mortgage transaction, what was that transaction on November 19, 1872, property on the west side of Ninth avenue, 93 feet north of Fortieth street; took a mortgage there for \$1,200; do you remember? A. It seems to me that a good many years,

probably in '73, '4 or '5, that this man Cunneen came to me and wanted to borrow that money, or wanted to give me a mortgage on a piece of property that he had on Ninth avenue; but I had entirely forgotten it, sir.

Q. Do you know that Cunneen? A. Yes, sir.

Q. He is a private detective? A. He is now.

Q. Has he, to your knowledge, any connection with the detective bureau at headquarters, directly or indirectly? A. No, sir.

Q. I find here on the record on Sheridan avenue near Ellis street you bought property there? A. I bought some lots there, there was a house on it some four or five years ago; I paid \$11,250 for it, and I held it for some time, and I sold it, I think, for \$18,500 or \$18,000.

Q. Eighteen thousand dollars? A. Yes.

Q. So that we have now, as you stand to-day, the value of your property in your wife's name, \$292,500? A. No; that is a mistake; go over it again and get it correct.

Q. You say in Fifty-eighth street there is \$40,000 value, Fourteenth street and Seventh avenue, \$60,000; on New Jersey property, \$25,000; on Fifth avenue property, Forty-sixth street, \$165,000, and the Long Island property, \$2,500? A. Yes, I had omitted that; I forgot about that.

Q. That makes \$292,500; now, superintendent, have you been in any business except the business of police since you have been on the force? A. No, sir; I have not.

Q. Can you explain to this committee right here, before I go into any questions relating to the department, how you acquired so much real property, nearly \$300,000 in value, since you have been on the police force? A. After I was assigned to the detective bureau and reorganized that bureau it brought me in contact with a number of people that were large investors and large operators in Wall street; some of these gentlemen I have had business with of a private nature at times, and some of a public nature, and they have helped and assisted and advised me from time to time in speculations where I have made money.

Q. That is a very general description, superintendent; can you not give us anything more specific than that how you acquired so much money, amounting to \$300,000? A. Well, you ask me what you want to know, if I can answer you I will be very glad to do so.

Q. In what line of business was your money invested, if invested at all by the aid of private friends? A. You mean in stocks?

Q. In stocks; yes? A. In Manhattan, commencing at about 20, from that up to 35 it was bought at; in Missouri Pacific, Missouri, Kansas and Texas; in Wabash, in Western Union, in Union Pacific; I speak of those off handedly; there's many others, I assume; I am telling you as I recollect now.

Q. Those stocks are all recognized very much as the Gould stocks, I think, are they not? A. A great majority of them, yes, sir.

Q. Was there anything particular in that fact that they were recognized, or that they were Gould stocks? A. How?

Q. Did you make a specialty in investing in Gould stocks? A. No, sir; Gould made a specialty in investing in these stocks for me himself.

Q. Jay Gould? A. Yes, sir.

Q. Was he your broker? A. He was my friend and acted as my broker very often, and bought those stocks.

Q. Well, did you keep an account of the moneys you invested with him? A. What is that?

Q. Did you keep an account of the moneys you invested with him? A. He did all the investment for me; Mr. Gould's office was not a public office that anybody could go in and buy stocks; while they had a line of customers there it would be very difficult for the ordinary man to go in there and be introduced for the purpose of buying stocks.

Q. Can you give us some particulars as to the investments and the profits of any of the investments? A. I have given you the class of stocks as near as I now recollect them.

Q. Well, how much money did you make on these investments? A. Well, I went to Mr. George Gould here some few months ago; I have made up the account when this committee convened and came to New York, in my own way; I am not a business man by any means; my life, since I have been 21 years of age has been constantly in the police department, it has been night, noon and morning; from my own judgment I made up what the amount was, and I went and saw Mr. George Gould about it; and I asked him if he would not go over it to the best of his recollection; he wrote me a letter, giving me a statement of what his father had made for me, from his best judgment, and what he had made for me since his father died; and

it amounted to about \$230,000; since his father died he made me \$43,000 himself; that is, he made it from investing for me and that accrued that profit to me.

Q. How much, please, did Mr. Jay Gould make? A. Mr. Jay Gould himself?

Q. Yes. A. I think it is about \$185,000; now, I have the letter; but I haven't got it in my possession; if the committee want it they can have it at any time.

Chairman Lexow.—We believe the superintendent received a letter of that kind.

The Witness (resuming).—It is in the safe, and I have been waiting here all day outside, expecting to go on the stand at 11 o'clock, and came down here in a hurry this morning, and have been here ever since; I will furnish the committee with the letter any time they want it.

Senator Cantor.—The contents, as you recollect it now, would be sufficient.

Q. You have such a letter in writing? A. Yes, sir.

Q. And if the committee requires this letter you are prepared to submit it to them? A. Any time, sir.

Q. This letter you say was written in answer to a request of yours? A. A personal request to Mr. Gould; I went down and saw him, and had a talk with him about that; some few days after he wrote me this letter.

Q. You apprehended then that this committee would make these inquiries? A. It is possibly three or four or five months ago you had been entering into this, and it had been published in the newspapers.

Q. Some of the officials of your department have been questioned on that line, and you thought you would prepare for it? A. I simply wanted to get into an intelligent position, in case I was asked those questions; to give to the committee, and the counsel, all the information I could.

Q. Can you tell us, superintendent, how it was that you first acquired money enough to enable you to invest in stocks through Mr. Gould? A. I can.

Q. Please tell us? A. In 1870 when I was made a police captain, or we will go back to '69, I had a relative living in Dutchess county, in a place called Amenia; Senator Palmer, at that time was senator from that county, Dutchess county; this old man

had lived there for a great many years; he had accumulated a little property, a few acres of land and had built three or four houses on it; he lived there for a great many years, and during that period of time had saved \$4,000 or \$5,000, besides paying for these little places; he was taken sick and died; at that time I was sergeant in the Sixth precinct; I was telegraphed for and I went there and he died, I think that was the next day or within a day or two; what little money he had I got, I think it amounted to \$4,200; that is my recollection of it now; the place was worth probably \$3,000; he was like many other foolish old men, he was 70 odd years of age, and got married when he was 70 to an old woman 69; and Senator Palmer and the man he lived with, a man named Wilson, who was in the lumber business about Amenia, is the executor of the will; they sold the property; in the course of a few months or a year, I don't know how long it was, they gave this old women whatever she was entitled to under the law, one-third, and gave me the rest; I was made captain in 1870, running along, and I was able to save some money; that give me a start; I don't know, not more than \$5,000, \$6,000 or \$7,000, something like that, and in 1874 or 1875 I suppose I had saved up \$8,000 or \$9,000, and I bought that house; it was resold sometime afterwards, and along running up to 1880 I probably was a man worth \$15,000 or \$20,000 — I don't know whether that is true or not; I certainly must have been; when I first got acquainted with Mr. Gould I certainly was worth that amount of money, if not more.

Q. How much? A. Fifteen thousand dollars or \$20,000.

Q. And this \$15,000 or \$20,000 you say was derived from your savings and from this money that came to you through a relative as you have described? A. Yes.

Q. Will you give us the name of that relative, superintendent? A. He has my own name; his name was Byrnes; he died there in 1869, the latter part of 1868 or the early part of 1869, I think 1869.

Q. Now, at the time that you became acquainted with Mr. Gould did you have any real property? A. Yes, I owned that house on Ninth street.

Q. Where you reside? A. Yes, sir.

Q. And did that house represent the money that you have stated? A. It represented a greater part of it.

Q. Part of the money, A. Yes, sir.

Q. Do you mean that we should understand that the \$15,000 or \$20,000 included that house? A. I think so, yes, sir.

Q. That house was \$12,000? A. Twelve thousand dollars.

Q. So that in addition to that house you had from \$5,000 to \$8,000? A. Fully that; well, now, you will pardon me, there is a transaction I have omitted telling you about; in 1873 or 1874 a man named Crawford, who was Commodore Vanderbilt's brother-in-law, he shot one of my men in Mercer street, and he was committed without bail and the following day he was taken before Judge Leonard of the Supreme Court and bailed in \$50,000; Commodore Vanderbilt sent after me about this matter, and he was very angry about policemen entering his house, etc., but he became thoroughly satisfied in the presence of Horace F. Clark, who was his son-in-law and a good lawyer, that the officers had a perfect right there; they were in pursuit of a man who had committed felony, and under the law they had the right to pursue him in that house; the officer who was wounded, his name was Henderson, and he was shot through both thighs, the fleshy part of both thighs, and he made application to the board of police to enter a civil suit against this man Crawford; that permission was granted, and he did enter a civil suit against him; I think old ex-Recorder Smith was his lawyer, and the case was settled for \$5,000; now, either before or after the settling of that case in court the Commodore sent for me, and in his abrupt way asked me if I had any money; I said, yes; he said, how much money have you got; I said, \$2,000; he said, where is it; I told him I had it home; he told me to bring that money and give it to him and he would use it for me; this was in the presence of his son, William H., and I think a man named Mesereau, who at that time had charge of the Fourth Avenue railway, a short stout man; I gave this money to the Commodore and he said he would invest it in some way for me; I want to tell you the truth, but I am making a mistake, because the time is a good while ago, and I omitted speaking about it when I was talking about what I had; he had that money for a month, or six months or a year; I don't know how long; and finally he got thrown out of his wagon one day going through Central Park, so it appeared in the paper, and he was hurt very much, and he was brought to his home; the newspapers were full of it that the Commodore was going to die, and all that kind of thing; I didn't see a chance in the world if he died to

get my \$2,000; so after a day or two I went around and saw a man, he had a little office in Fourth street, in the rear of his house, who used to do some business there for him, kind of clerk; this man now or was since in the Grand Central depot; I saw him there, a man about five feet high; I asked him about the Commodore, etc.; he told me that he was pretty well shook up, but was all right, and all that sort of thing; I asked him if he had any recollection of a deposit I had made there with the Commodore at his request; he said, I have; I asked him if I could get that money; he said I could; and I think I got in the neighborhood of \$6,000 for that \$2,000; I didn't get that money for a day or two, because he had invested it in something; I don't know what it was now, it had to be sold and an accounting made, and I got that money with a statement, I think along about \$6,000; now, that was five or six months after Crawford shot this man Henderson; it might have been a year; I am simply giving you my best recollection about this thing.

Q. Was there anything between this settling of the case between your policeman and Crawford and your getting this large profit on your \$2,000? A. Not a thing in the world.

Q. Was the case settled before you gave the Commodore the money? A. That I couldn't tell you.

Q. But it was after the shooting? A. It was after the shooting; I couldn't tell you whether it was before the settlement or not.

Q. What was the policeman's name? A. Henderson.

Q. Is he on the force yet? A. He is dead long ago.

Q. Then in addition to the extreme sum of \$8,000, in addition to the house that you own, and taking the \$6,000 which you get from Vanderbilt, is that included in the money in addition to the house? A. I think not.

Q. Or in addition? A. No; I think not.

By Chairman Lexow:

Q. You mean it is in addition? A. Oh, in addition, yes, sir.

By Mr. Goff:

Q. Then he will say \$12,000 or \$15,000 according to that? A. Possibly.

Q. If the Vanderbilt money was to be added to the money you had in excess of the value of your house it would amount to from \$12,000 to \$15,000? A. Yes, sir.

Q. Now, can you give us any more definite statement concerning that money, superintendent, or the amount of it than you have? A. I can not.

Q. Did you have a bank account at the time? A. I don't think so.

Q. Don't you remember? A. I am quite sure that I did not.

Q. Either savings bank or deposit bank? A. I have no recollection of having any, sir.

Q. With a cash capital now of \$12,000 or \$15,000 can you explain to the committee how that cash capital developed into a sum represented by nearly \$300,000? A. I have told you, sir; it was through those speculations.

Q. Can you not give us something, particularly about your first speculation or first transaction, so that we can understand, at least? A. I can tell you very readily how I got into it, if you allow me.

By Chairman Lexow :

Q. Just give us the details as rapidly as you can? A. I want to say that, in 1891, there was a man named Colonel Howard Wells, who was a colonel in the army; and I understood then, and do now, that he was the commissary in charge of New Orleans when Butler entered there, and had charge of the commissary's stores at New Orleans; he had been a rich man and he lost his fortune; he came on here to New York; he conceived the idea that he had lost his fortune, and he might have lost it in the Gould properties; after losing his fortune, he started writing a series of letters to Mr. Gould and Mrs. Gould, stating that he was dedicated by God to kill him for the large amount of destitution, etc., that he had brought on people, and giving some of the properties, the Gould properties, that he had lost his money in; and stated that if he was not reimbursed that he would kill Gould on sight; there were a series of those letters sent to Mr. and Mrs. Gould; the letters did not appear to annoy Mr. Gould; they did annoy Mrs. Gould very much; so much so that there was a meeting at their house and Mr. Connor was sent for, Washington E. Connor, who was Gould's partner at the time; Mrs. Gould was very anxious to ascertain who that man was, fearful relative to her husband; after that interview Mr. Connor sent for me, and I went to see him at his house; he was living at that time, I think, at Forty-fifth street, between Fifth avenue and Madison avenue; he ex-

plained the whole matter to me, and said that Mr. Gould was indifferent about the matter to an extent, but that the family was very much annoyed, and wanted to know if it was not possible to have this man arrested; I pursued the usual channel that I would do in a case of that kind; such a case as that, blackmail, or threatening to kill, for some days, and was unable to locate this man; I had a further interview with Connor, and in the meantime he had conceived the idea that they could trace who this man was through the stock market, by giving points how to buy and sell stock, for the purpose of reimbursing them for what he stated he had lost; the letters that came were all to be answered through the personals in the New York Herald; we talked it over, and Mr. Connor, through me, put a personal in the Herald, asking that this man should send a key to the stocks that he wanted to make money out of; he sent this key, that I will now read; it is dated November 13, 1881.

Q. Is that the original paper you hold in your hand? A. No, sir, it is not; it is a copy of the original.

Q. Made at the time? A. No; this has been made within three or four days.

Q. And what did you make it from? A. From the newspaper accounts of that time; as it was printed in all the newspapers for a week, probably, in and out; he called Western Union, "Windsor," and all that stock was to be sent up for his people; there would be a personal put in the New York Herald, "Windsor, uptown;" the day that that was put in the newspaper there were a few thousand shares of Western Union sold, and through Mr. Connor's knowledge of the market, through the knowledge of the Gould brokers on the floor, they were able to trace every share of that stock to the different offices, and who the purchasers were; it did not show that any man had bought any large quantity of that stock; Erie was called "Spoon;" Texas Pacific, "White;" Manhattan Elevated, "Salvation;" Northern Pacific, "Common Wheat;" Northern Pacific preferred, "Cohen;" Lake Shore, "Exchange;" Pacific Mail, "Concord;" now if there was a personal put in the paper, we will say for "Concord Downtown," he knew that that day that he could go and sell Pacific Mail, and it would be a sure thing for it to go down, and it did go down; there not one of them ciphers there in that key that I haven't put in the newspapers, and there is not one of them that the market has not

either went up or down on that day; that knowledge that I had for three months, or for two months, if I was a dishonest man I could have made \$500,000 out of it; I could have used that key; I could have took two or three men and sent them to different cities, or right here in New York, and had them bought two or three thousand stocks on that, either up or down, I had a sure thing, there was no chance in the world for me to loose; that is the only sure thing I ever had in my life; but I didn't do it, of course, I only say that; now, that ran along for some two or three months, and at no time during that period of time was Connor, or his associates in the board, able to trace any large quantity of stock to any one man, because if they had they might assume that was the man, and followed him up and got his handwriting, as we had a lot of his letters, because at that time Mr. Gould had Mr. James, who was post-master-general to have Mr. Pierson give Mr. Connor and myself all his letters, and in running them over we could pick out his letters immediately, because it was a long scrawling hand that could be detected in a second; now, Connor had partially given up, and myself too, this fellow; I had went over these letters probably 150 times in the office, and there was one night I was going over them again, for I don't know, probably the fortieth or fiftieth time; and for the first time I discovered that every letter that was sent to Mr. Gould was posted in station E; station E has a boundary I think from Fourteenth street to Forty-second street, from Fifth avenue to the North river; I immediately had a diagram made of station E, and I found that there were 102 letter-boxes into it; I took the streets north and south and east and west, placed the letter-boxes on the corners where they belonged, and there I had station E, and concluded that we could carry out a scheme that I had formulated in my head that night going home, that we could get that fellow in one day; I went and saw Mr. Connor the next night and talked to him about it, and told him that if we could get the post-master-general, or the postmaster of the city of New York, Mr. Pierson, on Sunday to give us 100 letter-carriers by paying for them—he paying for them—that I was satisfied we could get that man on Sunday, in one day; he asked me how; I said, well, I will put a long personal in the Herald on Saturday night upbraiding this man for giving away the information that we give him, or that Mr. Gould is giving him, he thought

it was coming from Mr. Gould, to other persons for the purpose of making money; the moment he would read that personal it is the most natural thing in the world that he would hasten to write a letter to Mr. Gould on Sunday assuring him that he would not give that information away to anybody else, that he was simply utilizing it for his own benefit; Mr. Connor thought well of it, thought it was a feasible and practicable thing, and he made arrangements to get those letter-carriers on Sunday, as it was an off day; I then perfected a system—

Q. Now, superintendent, pardon me, while of course this is extremely interesting, our time is drawing to a close and I have a series of questions; I would like that you would get to the point of your first investment with Mr. Gould, get to that point, if you please? A. My first investment with Mr. Gould was a short time after that, after this man was arrested and was put under bail, and Mr. Gould went to the Tombs and made a complaint against him; Mr. Gould sent for me and I went to his house, he wanted to make me a present of a large sum of money, which I declined to take, he was very much astonished but I declined to take it just the same; in a short time after that in his office he told me he was going to buy me some stock, didn't tell me what it was; I asked him about putting up a margin, etc.; well, he said, "He didn't think it was necessary;" I told him I would rather do it, that I had the money; he said, "All right," and I gave Mr. Gould \$10,000; he operated in stocks for me whenever he went into an operation himself, and give me the benefit of profits that accrued from them until the time he died, which was about \$185,000.

Q. Well, that \$10,000 that you gave Mr. Gould at the commencement, did you draw that from bank? A. No; I don't believe I ever had a bank account at the time.

Q. Where had you the \$10,000? A. Well, I don't know, I couldn't tell you; I don't believe I had it in the bank.

Q. Had you it in your house, had you it in safe keeping in any place? A. One moment, let me try to get at it Mr. Goff; I couldn't tell you truthfully where I had it.

Q. It is not so long ago superintendent? A. No; it is only 14 years ago.

Q. Ten thousand dollars is quite a large sum of money? A. Yes; but where ever I had it you can bet I was taking good care of it.

Q: I haven't any doubt about that; can you not tell us where you had it? A. For the moment I can not; I will tell you as I go along if I think of it.

Q. It was not in bank? A. I don't say it was not in bank; I don't think it was.

Q. Was it in the keeping of your wife? A. That I don't know.

Q. Was it in the keeping of your friend? A. I can not answer the question truthfully.

Q. Has it escaped your memory for the time being? A. Yes, sir; I may be able to tell you going along.

Q. Is it not remarkable that your memory would fail upon such an important point as that, as to where that \$10,000 was? A. No; it is not remarkable; I have to think of so many things, and I travel along so quick, and it wouldn't be remarkable; but as I go along I will try and think of it and tell you.

Q. We will try and get at that later; we have it then that from that \$10,000 that you first gave Mr. Gould there flowed to you a profit of about \$185,000? A. Possibly, yes.

Q. And did that include the additional \$40,000 that Mr. George Gould has made since his father's death? A. No; that is in addition to that.

Q. Now, did you ever invest money with any other person to apply to the purchase of stocks on margin except with Mr. Gould? A. Yes, sir.

Q. Will you tell us with whom? A. Is that absolutely necessary; now, I want to say to you that in my position I have been brought in contact with a great many people, some of them are large operators and large investors in the stock market; sometimes business of a private nature where they have been benefited, I mean where there has been blackmailing letters and things like that sent to them, and where the ends of justice have been better served where they would refuse to make a complaint, and all that kind of thing, and they have from time to time advised and bought me stocks which I have made money out of.

Q. In other words that you have had by reason of your position as inspector of police, chief of the detective department, opportunities for winning the confidence or gratitude of men to whom you had rendered service in the nature indicated? A. You can put it in that way, yes, sir.

Q. You would not have had the opportunities were you not in that position? A. No, sir; I would not.

By Chairman Lexow:

Q. Do you mean, superintendent, that you were first brought in relation with them by reason of your official position? A. Yes, sir.

Q. And that afterward culminated in personal friendship? A. Yes, sir.

By Mr. Goff:

Q. Was your office, as chief of the detective bureau of New York, placed at the service of these persons? A. No, sir; it was not.

Q. Then how did you win their confidence? A. As I say, in many cases those people have had trouble by people attempting to blackmail them and doing many other things, and in that way I have been called in to it; my official position, so far as that is concerned, was placed at their disposal for the purpose of protecting their property and their business in and about the vicinity where it was conducted.

Q. But it was your duty, apart from all considerations of future profit, to protect that property? A. Yes, sir; and I did it very thoroughly, too.

Q. But were you moved to protect that property by the hope of gaining the friendship and gratitude of the powerful people in connection with the stock market? A. No, sir; I was glad to have their friendship and gratitude, but my first—it was my duty first to do it.

Q. Is it not strange, superintendent, that in these various matters where you simply performed your duty as a public officer for the protection of personal property that such remarkable results should have followed? A. They did not follow for the protection of property by any means.

Q. But these successful speculations were not the result of your own judgment? A. The result of my own judgment—I never bought a share of stock in my life on my own judgment that I didn't lose all I put up, on my own judgment.

Q. As matter of fact, there have been firms in Wall street in whose office you lost considerable money? A. Yes, sir.

Q. Take for instance the firm of DeMott? A. DeMott and Durant?

Q. Yes? A. I lost money there.

Q. You dropped considerable money there? A. Well, I lost there some little money, and they lost the rest on a guarantee; I had some stock there and I wanted to sell it out; John DeMott wrote out a guarantee for me to guarantee the stock; he wouldn't sell it without I ordered him to sell it; the guarantee I kept, and when that house failed DeMott came to me when they were settling up and I give him his guarantee; it was not worth two cents.

Q. But it has been claimed by DeMott that you owed him money on that guarantee? A. Never.

Q. Have you never been sued by him? A. No.

Q. You say that you never invested in stocks on your own responsibility, as a result of your own judgment, that you did not lose? A. I never invested \$1 in stocks in my life, on my own responsibility, or on the usual tips of good things that you hear amongst men, that I didn't lose money; anything that was a good thing that everybody had that I ever got into I lost money on it.

Q. So that we have it, superintendent, that the extraordinary good fortune that has followed you in the stock market is slightly due to the protection, care and judgment of your influential friends? A. Nothing else in the world.

Q. Can you tell us how much you are worth altogether, superintendent? A. Now?

Q. Yes? A. Well, what did you figure that up— \$192,000.

Q. Two hundred and ninety-two thousand, that is in real estate alone? A. Yes; that real estate is worth now a great deal more money than it was when I bought it; now, you will get me in a position where you will have a lot of people running after me to get my views; that piece of property on the corner of Fourteenth street and Seventh avenue I was offered \$105,000 for it.

Q. In addition to your real estate are you worth money in personal property such as money securities, stocks? A. I have got a lot of stock.

Q. Of your own? A. Well, I am dealing in stocks all the time; I don't believe in five years that I have ever been out of the stock market; and as I sit here right now I have got \$5,400 shares of stock.

Q. At the present time? A. Yes, sir.

Q. Is your property outright, or simply on margin? A. Some on margin, and some I own; every turn of the wheel means \$5,400 up or down.

Q. To you? A. Yes, sir.

Q. You must keep a pretty close lookout on the stock market, keep a pretty close watch? A. I don't do it; I have good friends and nice people who do it for me; I haven't the time to do it myself; there's many things in that line get wrong and they straighten it out.

Q. With regard to these matters, where you rendered service, as you say, as well as performing your duty to these people, in the case of annoying letters, attempts of blackmail, etc., were these offenses stifled or compounded? A. No.

Q. Were they prosecuted? A. No.

Q. What disposition was made of them? A. They were cases that when they found that these people were willing to make a complaint against them the annoyance ceased; they never were officially brought before any court, or officially brought before me.

Q. I know; but is it not a fact, superintendent, that as soon as these offending persons found out that Inspector Byrnes was employed or was interested, particularly interested, I use that term in its broadest sense, on the part of these people that they sought to blackmail, was not that an element in their desisting? A. Yes; well, if a case reached that, and where I interfered in it, or arrested a man and brought him to the office and charged him with that, the complainant positively declining to make a complaint, why the man was discharged as he should be; no man can be brought to court without having a complainant, without the officer can make a complaint against him himself.

Q. Do you remember Nordlinger? A. I don't recall the name.

Q. Well, he was the editor of the Herald — financial reporter? A. I don't recall him.

Q. He claims that you drove him out of the State? A. I don't recall him; if I did he certainly deserved it; I don't recall the case.

Q. Superintendent, can you tell us how much you are worth now in personal property, including stocks, bonds, securities, mortgages, if you have any, as well as household effects? A. I don't think that is a proper question.

Q. Why, superintendent? A. You have got there pretty near what I am worth; you don't want me to give you the interest

that I have got in these stocks that I speak of, do you; you don't want me to give you the names of the stocks.

Q. Why do you decline to give the names of the stocks? A. I decline for various reasons; if, in the first place, I was to give you the names of these stocks there are 250 people, 20 out of the 250 would go down on Monday and try to buy stocks like them, and probably lose money on them; now, I want to say to the counsel that I will be very glad to give the committee and yourself the names of these stocks when I get through here, or any time you like; be very glad to do it.

Q. Then I suppose that you take it that there are a great many people who realize the extraordinary fortune that has followed you and your stock speculations, would go and do likewise? A. It is not necessary to put it that way, I don't think.

Q. Is that one of the reasons? A. No; the reason is just what I say; I am quite sure that they would do it; and I don't want to see anybody lose any money at this time; I think it is a bad time to buy stocks.

Q. You are willing to give us the name of the stocks? A. Yes, sir; certainly, would be glad to do it; I know the committee and counsel would not go down there and buy them.

Mr. Goff.—I can not help, Mr. Chairman, but repeat the conversation of Colonel Fellows, who is an authority on financial matters, that the reason why the superintendent offers to give the committee and counsel the names of the stock, is that they have no money.

Q. We will pass by the stock matter for the present; I ask you, can you give us an estimate of what you are worth all together in aggregate figures? A. Now, you make that real estate \$292,500.

Senator O'Connor.—You mean that question to include what he considers the increased value of his investments and real estate?

Mr. Goff.—Yes.

Chairman Lexow.—What you deem yourself worth at present.

The Witness.—I will tell you what I was offered for it. That piece of property on the corner of Seventh avenue and Fourteenth street I was offered \$105,000 for it as an investment in this way: I never was in that house in my life but once and that was immediately after it was bought; it was put in

the hands of an agent, he let it for 20 years, and, as I understand, the man who hired it spent about \$25,000 on it, because he rebuilt it and beautified it from the cellar; he has got a lease for 20 years; that lease for the first five years is \$6,000 a year, and for the other 15 it is \$7,000 a year, and if the taxes is ever more than \$500 he has got to pay them; that would be a good investment for \$150,000 for a man who had plenty of money to invest; that would be a 5 per cent. investment; that is why he wanted to buy it.

Q. What we are interested in now if you can give us it, is, just what you are worth to-day as you stand? A. Outside of that real estate?

Q. Outside of the real estate? A. Twenty-five thousand dollars to \$30,000.

Q. Twenty-five thousand dollars to \$30,000? A. Yes.

Q. And does that include the stocks that you are carrying? A. Well, it will include all except what I am carrying on a margin; I am carrying a good many of them on margin.

Q. Does it include your deposits on the stock that you are carrying on a margin? A. Yes; I can not get that accurate though noway in the world.

Q. Does that include any money that you have on deposit in any trust company or in any bank? A. I have no money in any banking-house.

Q. Or trust company? A. No.

Q. Any trust certificates? A. I have got \$6,000 in a broker's office down town where I sold some stocks a little while ago, a little over \$6,000.

Q. Is that the only place you have money on deposit? A. That is all, where it is free and clear, where I could go and get it within an hour.

Q. In asking you that question I assume such property as Mrs. Byrnes may have in her name? A. She has no property.

Q. I mean personal property, money? A. She hasn't got any money I know; anything that I've got she's got, and anything she's got I've got, and I've got it all, in one way.

Q. Will you say that in real and personal property to-day you are worth \$350,000? A. No — yes I will, \$350,000 — yes, fully that.

By Senator O'Connor:

Q. That includes the increased value put upon your real estate? A. Yes.

By Mr. Goff:

Q. Now, superintendent, I feel it my duty to ask you questions already raised in the course of investigation, have there been any of these persons who have requited your services in the way of stock investments had the benefit of your aid or services in getting rid of unpleasant persons, and particularly females? A. I think not, sir; I can not recall a case of that kind.

Q. Since you have been superintendent of police what efforts have you made, if any, to break up the system of blackmail and corruption that has been sworn to have existed in the department? A. When I was appointed superintendent of police—I have the right under the rules and regulations of the department, under the law the board of police issues all orders to the superintendent, and through him to the force—I have the right to issue special orders that do not conflict with any orders or rules and regulations that they may make; I am absolutely subservient to them; there is a rule in our department that requires captains of police to report quarterly the number of houses of prostitution and assignation and gambling-houses, etc., in their respective precincts; when I took command there was a number, that I can give you later on, of houses of that character reported; that is the only information that came to the superintendent of police; I issued orders that the captains of the various precincts, on the Thursday, I think, of each week, should report to me the general condition of their precinct relative to the uniform enforcement of law, whether there was any houses of prostitution, assignation, gambling-houses, policy offices, places known as dives, etc., in their precinct, and if so, what efforts they had taken to suppress them; I issued a similar order to the inspectors of police in charge of the several districts, directing them to make such report to me, and asking them for the uniform enforcement of that in their respective districts; that had a tendency of itself of getting me into an intelligent position, and, if the reports were true, of the general conditions of the city; the reports were made, and have been made right along from then up until now; the result of that was that it caused the arrest of a large number of those people in various parts of the city, and drove them probably from plying their vocation as they had been heretofore; for the two years and eight or nine months before I became superintendent of police

I think there were 500 houses of prostitution arrested in New York; I was responsible for a great many of them myself, because I was acting superintendent of police for a short time while the superintendent was sick; during the same period of time since I have been superintendent of police there have been three times as many arrested with over 3,000 persons in them, and I want to say here, for 12 years previous to me being made superintendent of police, for 10 years previous to April 12, 1892, I was entirely eliminated from the police department, so far as its discipline was concerned, or so far as that class of crime was concerned; the bureau that I had charge of for that 12 years, their efforts were directed in another and a different channel; there were captains of precincts and inspectors of districts, and superintendent of police, and I absolutely had nothing to do with the discipline of the department except from April, 1892, up until date.

Q. Was not the increase in the number of persons arrested for keeping disorderly-houses, since you have been superintendent, largely due to the activity of Dr. Parkhurst's society? A. They were a good auxiliary, yes; I want to give Dr. Parkhurst all the credit I can, although he is just pounding me every time he gets a chance.

Q. Well, Superintendent Byrnes, but for the efforts of Dr. Parkhurst and his society, is it not a fact that these things would have gone along in the same way? A. Dr. Parkhurst created a public sentiment here that it would have been a physical impossibility to bring about the state of affairs that there is here to-day if that public sentiment had not been manufactured; now, when I—pardon me—

Q. Proceed? A. When I became superintendent of police, I believed there was corruption in our department; our department was honeycombed from top to bottom in very many ways; instead of the patrol force of our department having an incentive for the purpose of going out either in the day or night, taking their life in their hands, or anything else, to discharge the duty in hopes of reward—that thing had all left our department; the only incentive—that I have told the board of police over my own signature more than once—the way in our department was this, the men in our department believed they had to pay for their position or get it through some private political preference, and that was the only way they could be promoted; there was no incentive.

By Chairman Lexow:

Q. No promotion on merit? A. Merit had nothing to do with it; it was not taken into consideration; the rank and file thought so; the patrol force thought so; there is not anything on earth that the patrol department would do in the defense of life and property if they were properly handled; nothing on earth; they have been tested 100 times, under all circumstances; but there is no incentive; I had that feeling when I was made superintendent of police; I tried every way in the world that I could for the purpose of getting evidence to prove that; I could not get such evidence as was positive; if I did get some that was positive I brought him before the board of police; they would be discredited; they would not be believed; or when they were corroborated, if I took them before Col. Fellows he would not believe them; if I took them before the grand jury, the disreputable women, who said she gave a policeman \$100, the grand jury would not believe her two years ago, they would say, where is your corroboration; and the public sentiment that has been manufactured during the last two years makes it possible for those people to come and tell the truth; if they do do it, and at the same time gives a public backing behind them; now from my knowledge of disreputable people, when I found that I could not get that evidence I made up my mind I would make it possible to get the thing some way, and I put this committee in a position to make it possible for them to get that evidence; the first thing I did was to ask the police commissioners to transfer the different captains in New York; they did so; I insisted on the captains in a few of the precincts, the Eleventh, the Nineteenth, the Fifteenth, the Fourteenth and the Twenty-second; I mentioned these particularly because in those particular precincts those people were more particularly located; I insisted upon their arresting them; when they got tired of doing it, or I could not get it done, I had the captain transferred and got another one there; the result was they were driven from pillar to post; if it is true money was taken, the next man came in and arrested them; and it was only a question of how long that will last; you take a lot of people in a disreputable business, if they can carry on that business without paying for it they will do it, if they can not carry on that business without paying for it they will pay for it so long as they are protected; they arrested those people, and that has

made — and probably with the public sentiment that is attributable to Dr. Parkhurst more than any other person—it has made it possible to bring about the present state of affairs to-day; this committee had the benefit of another lot of influences; they have had the district attorney, who has come into this court on one or two occasions and stated that in every way he could further the committee and protect the people he would do it; judges on the bench have sent to the prison where women have been charged with crime and brought them before them and discharged them, provided they would come here and testify; those things all had the tendency of bringing about these state of affairs; there is no one man that could bring it about; I could not bring it about, but had been a factor, one of the strong factors, in bringing it about, because if I had not driven these people from place to place, from house to house, where they became despondent after giving up their money, if it is true they did give it up, they were willing to tell; and I want to draw the attention of the committee to this; as I read it in the newspaper, there has not a witness presented themselves on this stand and testified they gave money to a police officer, no matter what his rank was, for protection, that did not do it because they were driven from place to place, because their money was taken away from them, and they were arrested afterward, and drove out of it; I did that; I am responsible for that; and I know of my own knowledge of thieves, that it is the only way that can be done through a state of facts of that kind.

Q. You are mistaken in a few of your statements? A. If I am mistaken, Mr. Goff, it is an honest mistake.

Q. Well, first, you are mistaken with regard to the judge discharging a prisoner on condition that she should come here and testify; the discharge was made after she testified? A. No, sir; this woman was in the Tombs, charged with an offense, and Judge Martine sent for her and discharged her.

Q. You are mistaken; we brought down that woman from the Tombs; she was in charge of a keeper when she testified—Lena Cohen—and on the suggestion of this committee, sending one of its counsel to the district attorney, this woman having lain so long in the Tombs, and she being friendless and poor; some months she had lain in the Tombs, and when the matter was brought up to the attention of the district attorney, the district attorney, in consideration of her helpless condition and the imprisonment she had already suffered, recommended her discharge

by Judge Martine? A. It is one and the same thing; that was an incentive; one of the many things that went to make up this case; it is one of the things that helped to do it.

Q. You are mistaken when you say that no person has gone on this stand and testified to having paid the police officers money, unless that person was driven from place to place; as a matter of fact, the principal witnesses to that blackmail have been women who were in their houses undisturbed for years? A. Then their business was entirely prohibited and discontinued by the police annoyance given them in that particular location; I have never been in this room but once before; what I say was taken from reading the newspapers.

Q. I will take the case of Katie Schubert, that she had continued undisturbed; I will take the case of Rhoda Sanford, and she had continued her business undisturbed; I will take the business of Breen, who was undisturbed? A. You are mistaken about his not being undisturbed.

Q. I take Mrs. Hermann again, that made a great deal of money, and ran three houses in the Fifteenth; her business was never disturbed? A. No.

Q. She was never raided or arrested, except once and then the complaint was not pressed? A. Didn't she run away; that is, when they wanted to get her away; the statement—

Q. Now, superintendent, in relation to the portion of your statement I wish to ask you, if you did not know of this charge, or presentment at least, to the grand jury, and this question was called to your attention? Mr. Moss, please read it, that last paragraph.

Mr. Moss.—“Circumstances of testimony offered have tended to show financial considerations, in some cases, for lax administration. Indeed, the publicity with which the law is violated and the immunity from arrest enjoyed by the breaker is inconsistent with any other theory. It is obvious that when a confession by a lawbreaker of payment for protection will subject him to penalties not only for his acknowledged crime, but also for bribe giving, it is extremely difficult to collect trustworthy evidence in direct proof of such charges.” That is not the paragraph. Here it is. “The present situation certainly warrants the condemnation of the police department in the matters above mentioned. The force is paid liberally for the work of enforcing the law. They do enforce the law

in many respects in a superior manner, but if they be permitted to discriminate in favor of certain forms of crime for reasons well known to themselves, there is no telling where the same course will lead them to, or leave the interests of our city." That is the presentment from the grand jury in March, 1892.

The Witness.—I understand that presentment. I have read it frequently.

Q. Now, having that presentment in your mind, when you took possession of the office of superintendent of police, what I would like to ask you is, what were the specific efforts you made, if any, to correct the evils complained of by the grand jury? A. I just stated the efforts I made.

Q. You have read that, "They are either incompetent to do what is frequently done by private individuals with imperfect facilities for such work, or else there exists reasons and motives for such action which are illegal and corrupt; the general efficiency of the department is so great that it is our belief that the latter suggestion is the explanation of the peculiar inactivity;" that is the corruption; now, superintendent, having that presentment before you when you came into the office of the superintendent of police, what did you do, if anything, to check the corruption complained of by the grand jury? A. I have stated what I have done.

Q. But it has been said here on oath by several witnesses that the corruption has been general throughout the department, not only the officers of the department, levying blackmail upon disreputable resorts and law breakers, but actually among themselves? A. That will always exist, Senators, as long as it is distributed in the promiscuous way it is now in our department.

Q. That does not answer the question; where the wardman collects from the disorderly-house keeper and the gamblers and the wardman pays to the captain, and the captain to the inspector, there the evil runs all through the department; now, did that condition of affairs come to your knowledge? A. No, sir; not in the way you put it.

Q. Well, I mean to say—I will take the case where it has been sworn to by a number of officers, and by a sergeant of the steam-boat squad of intelligence, that for years these officers received money from the docks and the steamship companies, and that they were required to pay that money over, or a portion of it, every month to the captain in command of that precinct; did

you ever know or hear of such practices as that? A. No, sir; I did not know it.

Q. And the sergeant or acting captain on that precinct has sworn he paid that money over to the inspector of the district?

A. Yes, sir.

Q. Did you ever know of that? A. No, sir; I did not.

Q. Another captain of police has sworn here that he paid regularly in every precinct in which he was stationed to the inspector of that district a part of the moneys levied by him or collected by him from the lawbreakers in his precinct; did you ever hear of that? A. No, sir; if these things are true you can—a collusion can grow up in years amongst subordinates and superior officers where a state of circumstances of that kind can exist, and it would be very difficult for the superintendent of police, providing he was an honest man, to know it; they will tell thieves about it; they won't tell an honest man.

Q. You evidently have changed your opinion as to the character and the condition of the department since the presentment of the grand jury, because at the time of that presentment April 2, 1892, the New York Herald reports you as saying, "According to my way of thinking," said the inspector, "the fact that a body of men constituting a grand jury which only sits for a month, have brought in such a presentment against a police department whose efficiency can not be equalled in this or any other country, is a gross outrage?" A. You are reading newspaper clippings, I do not know anything about it; how do I know whether I ever had that interview?

Mr. Moss.—I will start over again: "According to my way of thinking," said the inspector, "the fact that a body of men constituting a grand jury which only sits for a month have brought in such a presentment against a police department whose efficiency can not be equalled in this or any other country, is a gross outrage. If there is a single member or any number of members of the police department who have been guilty of committing wrongful acts they should be indicted and punished as they deserve, but to blame a whole department for the acts of a few, I say again, is an outrage. It is a question in my mind," concluded the inspector, "if these outrageous insults continue whether I shall not prepare my resignation as an inspector of the department and tender it to the commissioners rather than submit to them." That is the quotation.

Q. Do you remember making use of the language reported in that interview? A. I have no recollection of it; and I may have made a part of it at that.

Q. And The World reports substantially the same language; The World says: "Chief Inspector Byrnes said, 'The presentment is against the whole department and reflects on the police; if any member of the department had been guilty of wrong doing, he should be indicted and punished; it is an outrage to make such a presentment against the whole department;'" do you remember using that language? A. I think that now, yes, that language; I now think it is an outrage to make a presentment against the whole department for the acts of a few; these men should be culled out and the evidence got against them, and punished and sent to prison if you please.

Q. But, superintendent, officers of the department have sworn it has been the universal custom in the department? A. Well, that is in some cases.

Q. Now do you remember that Foreman Tabor of the grand jury estimated the blackmail, or the income derived from blackmailing and extortion of different sources, at \$7,000,000 a year? A. Well, I don't know Mr. Tabor who makes that statement, according to what you say—where he gets his information from; if he has got that information he should furnish it to the district attorney, or the proper authority, not make it in the newspapers.

Q. Yes, but this gentleman had been a foreman on the grand jury? A. If he had that information as an official and foreman of the grand jury it was his imperative duty to indict somebody or furnish the district attorney with the evidence.

Q. He could not indict the whole department? A. I went to a lawyer after that presentment was made; the brightest legal mind in this State.

Q. Never mind that, superintendent, let us see what you are reported to have said about Tabor; this from the Telegram of that date: "The man that made that statement is more fit for a lunatic asylum than a grand jury room, that is all I have to say," said Acting Superintendent Byrnes;" do you remember using that language? A. I am not here to answer newspaper criticisms.

By Chairman Lexow:

Q. Do you remember using that language? A. I do not.

By Mr. Goff:

Q. It has been testified to here that for years the produce dealers of this city have been subjected to extortionate demands made by policemen for using the sidewalk; do you know anything about that? A. I never heard of it until that evidence was produced here; excepting in an isolated case, where I learned there were some officers doing that in the Eleventh ward with some of those Hebrews that were selling stuff; I arranged a plan, and they were arrested and indicted by the grand jury, and got the people to make complaints against them; and I don't know whether they have ever been tried or not.

Q. Now, superintendent, the same state of affairs existed among the sailmakers, down in South street; and with the builders, and almost every branch of trade and commerce in the city of New York has been more or less subject and subjected to demands by the police for monthly payments; now could that condition of affairs have existed without your knowledge as head of the department? A. Yes, sir; yes, sir.

Q. Then superintendent, can you say that you were competent as a superintendent of police, if such a condition of affairs existed and could exist without your knowledge? A. Thoroughly so.

By Chairman Lexow:

Q. Just explain that, Mr. Superintendent? A. I will explain it in this way; when I was made superintendent of police, by the course that I pursued — if those things existed, just as these gentlemen say they do, and as you have adduced testimony here they do — it would have been a question of time for me to find it out; it is true what I did; it might have been a month, or two or three or four months, if this committee had not come here as they did, when I would have been in possession, probably, of one-half or three-fifths of the information you gentlemen have got here; I have never been able to utilize it as you gentlemen can utilize it; because what I did individually and alone would have been very hard, and it would have been an uphill fight for me to do it; it is on account of the public sentiment manufactured here, and what the superintendent of police did, by driving those people from place to place, that it has been possible to bring about this state of affairs.

Q. Well, but, superintendent, is this the fact, that but for the efforts of Dr. Parkhurst, and the effect of public opinion aroused by him, and but for the efforts of this committee in connection with this condition of affairs, that that corrupt condition of affairs in the police department would have gone on and continued? A. I do not think so; no, sir.

Q. How could it have been stayed? A. Well, I think it would have been stayed, but I could not have stayed it in the way that this committee has; because I would have been an individual alone fighting against this thing.

Q. That is just what we want to get at; you say you could not have stayed it as superintendent? A. To the extent, that is all.

Q. Had you sufficient power in your hands to stay it? A. No.

By Chairman Lexow:

Q. What did you lack? A. I had no power except myself.

Mr. Goff.—That is what I mean.

By Chairman Lexow:

Q. What power did you lack, superintendent? A. We lacked power as — you lacked having, or should have very much more power than you have got; I mean by that the superintendent of police is so tied up that he can not do anything relative to detailing men or putting men on special work, no special fund for the purpose of getting evidence without acquainting the commissioners of police.

Q. Commissioners Martin and Sheehan have stated under oath that they left all that matter to the superintendent of police; they say they have nothing at all to do with it? A. The superintendent of police has no power to detail a man; the only person who can detail a man is the commissioners of police; I have no power to do it.

Q. Here are two commissioners on the stand—? A. I am telling you what the rules and regulations, and what the law is.

Q. Rule 41 says, that you are the executive head? A. Yes.

Q. And rule 2 says, that the board of police commissioners constitute the department of police, which must be subject to all its orders and regulations; that is true according to those rules, what you say; but in practice two commissioners have stated, in practice, that you discharged all the executive duties

of the department, and that they had nothing whatever to do with it except with the administrative work? A. I discharged what little is left to me, and that is very little; I had not the power to transfer a man; if a police officer is out on Broadway now, and he committed some public outrage, and was unfit to remain there, I have no more power than you have to send him up to Fourteenth street.

Q. That is an extraordinary state of affairs, in the light of these two commissioners' statement? A. None whatever.

Senator Cantor.—I think they stated, Mr. Goff—not the way you stated—that the superintendent recommended the detail, and the board themselves acted upon that.

A. The superintendent does not recommend the detail.

Senator.—He made that statement.

A. He made a statement that is not true.

By Chairman Lexow:

Q. You seem to lay too much stress on it, superintendent; do you mean to say that if you had the absolute power of detailing and transferring that that could have preserved at least some degree of purity in the police force? A. If I had that power, and the department got into the condition that it is said to be in to-day, I would be unfit for the position of superintendent on the force.

By Mr. Goff:

Q. So then we have it this way, superintendent, that if you had adequate powers, and if these corrupt practices had continued, you being vested with adequate powers, you would have been unfit to keep the position of superintendent of police? A. I would if I had not discovered it and prevented it.

Q. And if you had discovered it you could only be in the position of allowing that to go on by having complicity with them? A. That is all, sir; that is all, sir; now let me say to you about detailed men; the abuses relative to these sidewalks have grown up in this department probably within the last five, six, seven or eight years; the cause of that is this, in my judgment—and I speak entirely from police standpoint—until within the last four, or five or six years, a captain of police would have the right to detail a man on violation of corporation ordinances in

their precincts; the commissioners took that right from them and they detailed themselves, and they are the ones that are responsible for the detailing of those men if they committed any outrages relative to the merchants in the city of New York; the captain of police would not be tolerated if he attempted to detail a man on ordinances.

By Chairman Lexow:

Q. Has a controversy ever arisen between the captains and the commissioners on that subject? A. I think so; they simply took that away from them, they used to do it; they detailed them for people in the precincts for various reasons.

By Mr. Goff:

Q. There is one question I want to ask you here in reference to Dr. Parkhurst and his society; you were reported—and I think it only proper to give you an opportunity to either admit it or deny it or correct it; it has gone into the public press as coming from your lips that, “My experience since I have been superintendent of police is that Dr. Parkhurst’s agents are in the main blackmailers; instead of preventing evil they fomented and the agents lived off it; I challenge any society or agent to made any statement of wrongdoing against a police officer; if they do, I will give the accused man a trial in 48 hours; the State Legislature will soon meet and I shall appeal to them to pass laws confining such societies such as Dr. Parkhurst’s to their proper level; as to Dr. Parkhurst personally I may have something to say later;” were you reported correctly, superintendent? A. In justice to myself I want to state here that that interview never originated from me and I never made such a statement.

Q. Here is substantially the same interview in the Press of the same date, “My experience since I have been superintendent of police leads me to the belief that these societies are for blackmailing; instead of preventing evil they create and foster it and the agents lived off of it; I challenge any society or any individual to make any statement relative to any police officer’s wrongdoing, and I pledge my word I’ll have that man on trial inside of 48 hours; there is nothing I’ll not do to purge the police force; the attacks on the police come in the shape of insinua-

tions and are discreditable to the members of the society, and particularly the cloth of the men claiming to be Christian gentlemen; as to Dr. Parkhurst I may have something to say later; when I do, it will be when I am prepared to back up every statement I may make with proof;" that is substantially the same language? A. That interview I never had, neither one of them; I may have something to say, but that has all been distorted and added to, and that language I never used.

Q. While it occurs to me, superintendent, do you remember after you were made superintendent, calling all the captains together and the inspectors together? A. Yes.

Q. Do you remember issuing orders to them with regard to the suppression of disorderly resorts, and gambling-houses particularly, in their several precincts? A. Yes, sir.

Q. Had you occasion within a very short time, a few weeks thereafter, to prefer charges against some of those officials for failure? A. No; it was some months afterward.

Q. Against what officials did you prefer charges? A. I made a complaint against Inspector Williams, Inspector McAvoy, and wrote a letter to the board about the conditions of Inspector Conlin's district; I made complaints against Captain Doherty, that was in Inspector Williams' district, and Captain Stephenson at the same time he was in Inspector McAvoy district.

Q. What was the result of those trials? A. The cases against the inspectors were dismissed, and the captains were reprimanded; as I stated in a report afterward to the board of police, one of the inspectors on trial — he said there was nothing in the rules and regulations to compel him to suppress those houses in the different districts or in his own district; and I drew his attention to the Consolidation Act; it didn't make any difference what his rank was, he had the duties of a police official to perform; and I went before the board of police and asked them to alter that rule so that it would hold the inspectors responsible for those places in their several districts; they declined to do it and would not do it.

Q. You mean us to understand that the commissioners did not sustain you in your efforts to enforce the discipline that you thought was necessary for the department? A. Those are the facts in this case that I have told you, sir; they declined to do it.

By Chairman Lexow:

Q. Did you state your reasons for making the suggestion?
A. Very fully.

Q. And that it would be in the interest of discipline, purity and efficiency in the several districts? A. Yes, sir; they told me they would not do it.

By Senator Bradley:

Q. Did they give any reason for not doing it? A. Well, they said that if they did it, they would have to give each inspector a corps of detectives and they had no men; I said, that is not true; the inspector of this district, if he pleases, has got 1,400 men; the inspector of the third district has 1,200 or 1,400 men; the other inspector of the other district has 1,400 men in his command to aid them at any time in the performance of police duty; of course, to be reported to me immediately afterward; but they had the right to do it as inspector of police; and in the discharge of any police duty they have a right to take men to go on and do it; they are useless in their position if they do not.

By Chairman Lexow:

Q. As a matter of fact they did not do it though? A. The commissioners did not alter the rules; no, sir.

By Mr. Goff:

Q. We have evidence here that blackmail collected by police officers found its way to wardmen, to sergeants and captains and inspectors; and it has been frequently asked, and I ask it now, can you say here, under the solemnity of your oath, if it ever found its way higher than inspector, so far as you know?
A. So far as I know, no; I can only speak for myself; I defy any man in the police department that wears a uniform to-day or to-night, or any man outside of the police department, to point his finger at me and ever say he ever gave me a dollar in his life in a dishonest way; I say that with some pride, too; and if I had not been in that position for the last two years and a half I think the department would be in a very different position than it is.

Q. What do you mean? A. I mean that from — in the line of discipline I have tried to enforce discipline in every way I

could, and there was a laxity of it that should not occur; and the only way that such a state of things could occur would be because there was some intimacy between the officers in the department, and the superiors and subordinates.

Q. Superiors above you—commissioners and subordinates?

A. That I don't know

Q. When you say "intimacy," do you mean an understanding to tolerate the existence of these evils? A. I sometimes thought so, but I could not prove it; I thought for many times, and I want to say to you now, sir, here, that I would have retired from the department twice since I have been superintendent of police.

Q. What do you mean, superintendent? A. On account of certain things that have occurred; but I thought that I owed a duty to the people of New York to stay at the head of the department, and do the best I could with the department until there was a change of some kind.

Q. You say that you thought it to be your duty to stay by the department? A. Yes, sir.

Q. You have stayed by the department until it is now proven before the public, to use the words of one of the officers of the department, that the department is rotten through and through? A. I don't believe that.

Q. But it has been so sworn? A. It don't make any difference who swore it; that is not true.

Q. The evidence has been accumulated here mountain high? A. Against individuals and against men.

By Chairman Lexow:

Q. You said a little while ago, that as soon as you were made superintendent that you were satisfied that the department was honeycombed with corruption? A. I did not say that.

Q. Those were the expressions used? A. Let the stenographer look at it.

By Mr. Goff:

Q. You are mistaken, it was honeycombed; is it your recollection that it was honeycombed with abuses? A. I believe that; yes, sir.

Q. Does that agree with your recollection? A. Yes, sir; there is no question about that; I followed that up by saying that the department was impregnated with the idea that the man could

not be promoted without he paid for it; or for some particular political preference; that merit and fitness for position went for nothing; and that is true.

Q. Commissioner Sheehan has sworn when he went to be commissioner of police that he heard of the fact from common rumor that the liquor dealers were being blackmailed by the police; did you ever hear such rumor? A. I did; yes, sir.

Q. Did you ever do anything or take any steps to investigate it? A. I did everything I know as superintendent of police to get evidence of the fact, and could not do it.

Q. Did the board of commissioners, either by personal order or official resolution, direct you to make any investigation touching blackmail made to the police? A. They did not.

Q. We have evidence sworn to that this very year there has been in the precinct south of the Harlem policy-shops run openly and doing business; could such policy-shops exist in such precincts without the knowledge of the captain of the precinct? A. Not doing an open business they could not, but the policy business is a peculiar business; men will go in tenement houses and back rooms of stores, and go out on the street corner and find their policy; but a man can not keep a policy office and store that is set apart for that particular business, and if he does business there for any length of time without the police being able to break it up.

Q. But we have in evidence that the policy business in this city is in the hands of four or five men, and that they have it parcelled off, and that these backers pay the police captains in the several precincts from \$10 to \$20 a month on each establishment; could such a system or custom exist without the knowledge and complicity of each police captain in each precinct? A. I don't think so; nor do I think that ought to exist without the knowledge of the superintendent of police, providing he was vested with a sufficient amount of power to handle and direct the uniform force of this department; I think the superintendent of police ought to know it, except in isolated cases.

By Chairman Lexow:

Q. And you can only account for your ignorance of that condition of affairs, on the ground that you do not have power to detail and change men from place to place and in various precincts of the city? A. I do not plead ignorance on that; I have

heard that as a public rumor; I have heard that; that is one of the condition of things with others that I have been trying to break up since I have been superintendent of police.

Q. Can you state here that in any given case your efforts to correct the abuses and evils which you recognize existed in the department were thwarted by the police commissioners? A. I can not; no, sir.

Q. What is the general policy and attitude assumed by the commissioners? A. I would rather not go into that.

Q. I think it is a very important question, superintendent, to inform this committee on the conditions of the department and to inform the Legislature.

By Chairman Lexow:

Q. You are asked as an official now, and not as an individual. A. The conditions and system, in my judgment, as it is, is wrong; these sources of abuse have grown for 30 years, until they reached the state they are now; and there is nothing, in my judgment, will rectify it except some radical legislation.

By Mr. Goff:

Q. Before we touch upon that again, we have it in evidence here, and in the record of evidence, and admission of one if not two of the commissioners, that the force has been badly injured, if not demoralized, by the interference of local politicians; have you any knowledge on that subject? A. I have; they are a curse to this department and always have been, and just so long as politics is the prevailing element in this department, and the incentive to put men on the police and promote them, you can not make a good department out of it.

Q. So that as a matter of fact local politicians have been able to secure the transfer from one precinct to another by the commissioners over your head? A. Yes, sir.

Q. And without your knowledge, I believe? A. Yes; men have been transferred in this department for going and doing what I told them to do; when I tried to enforce the excise law, men that would make arrests, as I instructed them to do, were transferred; I went to the commissioners and tried to get them to rectify it, and they would not do it.

Q. What about that order preventing the officers from obtaining evidence as to the violation of the excise law, except while

they were in uniform? A. That was simply a pretext to prevent the enforcement of the excise law.

Q. You mean that the order compelling officers to go in uniform was simply a pretext? A. Yes, sir; the communication that came over was not an honest one, because I have heard, Senators, that it emanated, in way, from the liquor association, or the different liquor associations, and was sent there through these people.

Q. Didn't you make some order directing the officers to go in citizens' clothes into the liquor stores to obtain evidence? A. That was recently.

Q. Why? A. I found I could not enforce the law; in the first place the commissioners of police had a right to make the rules and regulations under the law to guide the department, and relative to the proper uniform enforcement of the law; they passed a resolution forbidding police officers to be put in citizen's clothes, or directed to assume citizen's clothes for the purpose of getting that evidence; that virtually gave the liquor traffic in this city carte blanche to go on with their business, because no man in uniform can obtain evidence against a liquor store violating the law; there is no man will sell a man in uniform; and they put it in a position that those people should violate the law with impunity; I sent for the police captains and talked with them about it; and the best I could do, and not violate the order of the board of police, was this: I told them that any place they found, or any place that was reported to them that the law was being violated, that I wanted them to put a man in citizen's clothes and send there and try and get the evidence, and that I was responsible for what I told them to do; that was only done in isolated cases; and the law could not be enforced as it should be; and I want to say in addition to that, you can arrest 500 liquor dealers every Sunday, pass any kind of law you like, and if the courts here do not recognize it as a violation of law, and punish the men accordingly, it can never be enforced; it is a farce; it is simply a farce, the liquor law is.

Q. I want to ask you in relation to a noted interview that appeared in the New York Sunday Sun, December 17th, of Mr. Croker, in which Mr. Croker stated that he, or "we," I forget which — I had the interview here — had closed up the pool-rooms; "We," speaking of the political organization of which he was a conspicuous member; Commissioner Sheehan went

on the stand and admitted here that the pool-rooms were only closed up at that time that Mr. Croker said that that he or Tammany Hall had closed them up; why were not the pool-rooms closed up before the members of a political organization directed they should be closed up? A. After I became superintendent of police, or about that time—before it—magistrates as a rule would not hold people for violating the pool law; there were a number arrested, and they were promptly discharged as a rule, and many of the magistrates told the officers that they must not make these arrests again and bring the people into court.

Q. Now, I ask you what change was effected in 1892 when these gentlemen of Tammany Hall said the pool-rooms must be closed and they were closed, what change was effected in the action of the magistrates? A. There was not any change in 1892; in 1892 I was having officers arresting these people frequently; they would be taken to court and the officer would be promptly reprimanded as a rule, and the prisoners discharged; I was going in the Hoffman House one night and I met Mr. Croker, and he spoke to me about a number of complaints that came to him relative to the destitution that pool-rooms had brought on to families, etc., and I told him the difficulty there was in trying to suppress it, that the magistrates would not hold them; he said he would see the mayor about it; he did see the mayor; I had a couple of interviews with the mayor, and the mayor sent after these magistrates, and they were all agreed afterward; there was no trouble to break up the pool-rooms at all.

Q. Now, we have it that the police magistrates of the city of New York failed in their duty until a private citizen called the attention of the mayor—a private citizen, Mr. Croker? A. I have told you the fact exactly as it is.

Q. And after Mr. Croker called the attention of the mayor to the condition of affairs, and the mayor had seen the police magistrates, they held those accused of violating the law? A. Held every one of them; and there was one case or two cases of a magistrate up-town who discharged them, and I saw the mayor about it, and he said he would give them rats.

By Senator O'Connor:

Q. Was this after the pool law was amended in 1892? A. No, sir; at that time Mr. Nicoll had talked with me about it, and

he had prepared a bill—he was district attorney at the time—relative to making it a felony for selling pools or having pooling places.

Q. Every place except under the Ives Pool Law? A. Yes; that became a law on April 2, 1893; these pool-rooms were closed between the 6th of March and the 12th of March; I know it was immediately after the inauguration of Cleveland.

Q. They were closed really before the law was passed? A. Yes., sir; I could have closed them at any time if the magistrates had held them; it was only a question of holding them.

Q. They claimed to have some decision holding that they had not the right? A. There was a decision in the court; that is the case that was carried to the Court of Appeals, and the Court of Appeals held that a common carrier had a right to carry those things to a race track, but I was ready to show, as I told Mr. Nicoll, because he made up two or three cases, that this money never was transmitted to the race track at all, that they had a man at the race track, and had telephone or telegraphic communication; but that the money was a pretense, it was merely an evasion of the law.

By Mr. Goff:

Q. We have had some testimony here upon the question of the interference of the police with the election law; have there been any occasions where any of the commissioners interfered with you in your orders to the police regarding elections? A. What do you mean; I don't understand you.

Q. Well, I will put my question in this direct shape; you remember the election of 1892? A. I do.

Q. Was there any interference with you in orders that you gave to the police department prior to that election by one of the commissioners? A. Well, there was a very serious difference of opinion; previous to the election of 1892 public opinion ran very high here relative to the anticipated conflict between the United States marshals and the police; the public mind was worked up by articles in the newspapers relative to this trouble; the Sunday before election, or the Saturday before election, I sent for the captains and the inspectors to report at police headquarters at 2 o'clock on Sunday; some time during Saturday afternoon Mr. Martin came to me and asked me if I had sent for the captains; I said, "Yes," he said, "What for;"

I told him it was relative to detailed instructions for election day, and it would probably be the last time I should see them, except when they were sent for individually after election; he said, "I am coming down there;" I said, "I don't think that is a wise thing for you to do;" I said, "Public opinion is running very high, and if you come there it might invite some criticism;" and I said, "It was in his interest," and he said, "No, he was coming there, and went away;" I went upstairs and saw McClave, who was a Republican.

Q. That is, reputed Republican? A. He was a Republican; he was one of the shining lights of the Republican party; I explained the matter to Mr. McClave, and I said, "Now, Mr. Martin is coming here, and I don't know what it is for; it is an unusual proceeding;" I said, "I never knew such a thing to occur before;" and I asked him to come, and he thought it over a little while and he declined to come; what I wanted him to come there for, was to be present so that he could represent the Republican party providing the Democrat said anything, or if the Republican said anything the Democrat would be there; my whole object was to have a fair and impartial election; the officers came there the next day and Mr. Martin came there, and they were instructed relative to their duties on election day, as there are very many relative to properly distributing the election paraphernalia, and the counting up and the transmitting of the returns, etc., to police headquarters; and after I said all I wanted to say in that detail, Mr. Martin had made a speech to the men, had something to say to them, relative to their own duties on election day, and relative to the duties of the United States marshals; I did not like what he said when he got through; I had something to say when he got through talking; I think I made myself very clear what their duty was, and that was all there was about it.

Chairman Lexow:

Q. Then if Mr. Martin has testified on the stand here that he made no statement or speech to the captains he must have been mistaken in that statement? A. Mistaken?

Q. Yes?

Senator Cantor.—He said he did make a statement. He said he was called upon to say something, and said something, and made a statement to the men.

By Senator Bradley:

Q. And if Mr. Martin testified under oath here that you personally invited him to be present there, did he say what was true or false? A. He said what was false.

Q. That was his testimony that you invited him to address the men? A. That is also false; and I want to say to you gentlemen that after that meeting was over, so that that must not be true, I had two police captains come back and kiss my hands for what I had said, after he had left that room, for taking the position I did take; the issue came and I had to meet it; it was a question of protecting the right of our citizens on election day in their undisturbed right of franchise; so far as the Republican or Democratic party was concerned I did not care that; I had a duty to perform and I performed it; fearing anything might occur I sent to Mr. Elihu Root, and he came to my office; he was the counsel for the United States marshals in the post-office building; I had a talk with him about it, and I told him what might occur on the public highway relative to the United States marshals; and I asked him if I telephoned to him during the day, giving him information of a United States marshal acting disorderly on the public highway, or in and about the public booths, if he would have him taken away from there; he said, yes; I asked him to give me the same information relative to police officers, and I would do the same thing; the result of it was that during the whole day, while the vote was being received, Mr. Root sat at the post-office at the end of a telephone; and I at police headquarters, so that if anything occurred in the public highway that had anything to tend to create a riot or bloodshed, or interfere with the people in voting, it could be promptly rectified.

By Chairman Lexow:

Q. Was this action on your part the result of impressions left on your mind that might be made upon the captains by Commissioner Martin's speech to them? A. I believe this; I believe if I had not said what I did say to the captains after Mr. Martin getting through that there might have been trouble in certain parts of New York on election day.

By Senator Bradley :

Q. A conflict between the police and the United States marshals; is that what you meant? A. Yes, sir.

By Mr. Goff:

Q. In the election of 1892 a great many outrages upon the franchise, upon the ballot-boxes, were committed, as was proven by the convictions of the offenders against the law, and a great many complaints were made against the police for not enforcing the law in the election of 1893; can you tell us why it was that at the election of 1893 the police remained passive, and allowed those outrages to be committed, particularly in the lower wards of the city.

By Chairman Lexow:

Q. Or in some cases were active participants in the outrage?

A. Well, there were some cases of that kind brought to the knowledge of the commissioners; but I could not tell what was the nature of the outrage.

By Mr. Goff:

Q. Well, I will cite a case now for your recollection, that I would like to have some information on, touching the Louisa McCarthy case; you remember that case? A. I do; yes.

Q. That was a case where a lawyer and another man were arrested and indicted for extorting money from Louisa McCarthy?

A. Yes.

Q. Keeper of house of ill-fame? A. Yes.

Q. Were you interfered with in the progress of the case by one of the commissioners? A. No.

Q. Is it not a fact that Commissioner Sheehan interfered with you in that case? A. No.

Q. Did he intend to interfere? A. That I don't know.

Q. But were there not some obstacles thrown in your way in that case? A. None that I recall just now.

Q. You found that you could enforce order here in the city of New York through the police force without the use of clubs, did you? A. Yes, sir; after I was made superintendent of the police I thought that the police force of New York could enforce the law without carrying a club in their hand.

Q. Now, of course, you have heard and read of a good many clubbing outrages upon the citizens by policemen? A. Yes, sir; and it was one of these outrages that I tried to correct;

and I got up a different kind of club for them, and some rules and regulations; and asked the police commissioners to adopt them; and after some time they did adopt them, and the result of it was that the large club was taken away from them.

Q. So that policemen can enforce order and protect the citizens without being armed with these big clubs? A. They can; yes, sir.

By Senator Cantor:

Q. That was shown, superintendent, during the Columbian celebration here? A. Yes, sir; that was shown very clearly.

By Mr. Goff:

Q. Can you say that now at the present time that the police department is in a good or a bad condition? A. Well, it is in a bad condition, in—

Q. Now, stop right there, please; can you, superintendent, under the present condition of things effect any change or improvement? A. Under the present condition of things?

Q. Yes. A. No.

Q. And if the present condition of things exist your office would be simply ornamental? A. That is all; if a man was not a strong man in the position of superintendent of police as it is to-day, he would be a nonentity; he is simply a figurehead.

Q. If he were a strong man, and under the present condition of affairs, the result would be continual conflict between himself and the commissioners? A. That is my case.

By Senator O'Connor:

Q. Supposing you had the power to make all assignments of policemen and captains, and change them around to whatever precinct you saw fit, and had full authority to direct the movements of all the policemen, of all the entire police force, could this thing be remedied? A. I think so.

Q. What greater power than that ought the superintendent have? A. I think the superintendent of the police should have the absolute discipline of the department.

Q. Of all ranks in it? A. Yes, sir; ranks don't amount to anything in the police department.

By Senator Cantor:

Q. You mean the trial of the delinquent officers? A. Yes, sir.

Q. You mean the trial of the captains? A. Yes, sir; with the captains or superior officers, if they are wrong can create the real wrong in the department; a patrolman don't amount to anything; the patrol force in this department are as faithful to-day, to do as any man can do, and they are what their officers create them to be; there is not anything on earth that they would not do, if their commanding officers set them a good example in any way; there will be an isolated case here and there where you have got to have a complaint against a patrolman.

By Mr. Goff:

Q. There is one matter I would like to ask you; there was very great complaint, and I think just cause of complaint, superintendent, in the attitude you assumed at the time Dr. Parkhurst was trying to rid the Eleventh precinct of the abuses which existed there; did you knowingly oppose the doctor's interests or efforts in that precinct to suppress those houses there in spite of the police captain who was then in command? A. I never interfered; read the question?

Q. Read the question, please. (Question read by stenographer.) There is one matter I would like to ask you there was very great complaint, and just cause for complaint, superintendent, in the attitude you assumed at the time Dr. Parkhurst was trying to rid the Eleventh precinct of the abuses which existed there; did you knowingly oppose the doctor's interests or efforts in that precinct to suppress those houses there in spite of the police captain who was then in command? A. No, sir; that is not true; Dr. Parkhurst or anybody else that has ever come to me for the purpose of having me suppress any violation of law, I have done everything that lay in my power to do it, and would cheerfully do it.

Q. But, superintendent, complaints were made to you? A. Yes.

Q. Before Dr. Parkhurst's officers had made formal complaints in the police courts? A. Yes, sir.

Q. Your attention was directed to the abuses existing there, and you did nothing? A. No; I say to that, when they first sent a complaint there I was not here; it was sent in August, 1893; that complaint was investigated by the inspector of police

who was then in charge; it had always been customary in the department heretofore, for the last 30 years so far as I know, when a superintendent of police went away for a week or two weeks, that he selected one of his inspectors to remain and discharge his duties; I followed the same as anybody else; but I had only left New York 24 hours when the board of police took that up; they would not allow me to do that; they took three inspectors and retained them 10 days each, and that was to convey an idea to the force that no man I would leave would stay there; the result of that was that in that absence this complaint came there, and I think Inspector Conlin was in charge, and Inspector Williams had something to do with it, and Inspector McAvoy had something to do with it; they made a series of reports to the board of police relative to it; and when I came back on duty, it was the 29th of August, 1893; at that time the public mind here was very much discouraged about an anticipated conflict with anarchists on the west side of the city, and the strike on two or three of the steamship companies on South street; those things were all rectified in a short time; and I sent for Inspector Conlin in a week or 10 days and asked him about this communication that came there and asked him to get me the papers so that I could see the character of the reports that were made on the complaints; I read them; I sent for the inspector of the district; fearing that that abuse might creep in that they had reported on; and I directed the inspector of that district to report to me in writing the general conditions of each and every one of these numbers given; I sent for the captain of the precinct; I directed him on a Tuesday to report to me the general conditions of these particular houses complained of, and whether there were any acts of disorder committed there or not.

Q. Fifty houses there were? A. I don't know how many, but this is all a matter of record; they did make these reports and sometime after that, I don't know how long after, a month or two months, there might have been more or less, there was a communication came there addressed to me from that society; there was one came I assume to the board of police; I took that communication and compared it with the communication when I was away, and I found there was a large number of houses, or some on the second communication that was on the first; I took the latter communication, directed the inspector of the

district to make a careful investigation into it and report, and the captain of the precinct also I told to continue making those weekly reports relative to the condition of these particular houses; those reports were made and forwarded to the board of police.

Q. But you testified on the trial of Captain Devery that you had sent two detectives, Detectives Read and Jacobs, there and they reported? A. Oh, yes; pardon me; I sent those two detectives there.

Q. Directly and privately? A. Yes; not knowing that the other was going I think; these two officers were sent there, and whatever their reports are they are on file; I can not tell you just what they are now; but in addition to that I sent two or three roundsmen that had been doing special duty in various parts of the city; I directed them to go there also and look into these houses, and see if they were carrying on their business; in cases of that kind I assume that these women, while they retain possession of the house, that they may have moved their girls out for the moment, or for a day or two, and probably bring them back again; now I only remember that; I don't know whether it is true or not.

Q. But, superintendent, the fact remains that here were five officers sent by you in this precinct under the most careful surroundings and conditions, and they reported to you from time to time privately as to the condition, and they failed to report to you the existence of one house, when at the same time the members or detectives of a private society obtained evidence sufficient to convict five houses in the same precinct; is that not a comment upon the efficiency of your officers as compared with the efficiency of the officers of this private society? A. Now, will you repeat that question, or have him read it.

Q. I say, does not that show? A. Just read that again.

Q. I will put it again; the fact that you sent five officers, under carefully prepared instructions from your own official household, to that precinct to report to you, privately, as to the existence of houses of ill-fame in that precinct, and that these officers reported to you, and failed in their reports to show the existence of houses of ill-fame in that precinct; and at the same time the agents of a private society obtained evidence upon which subsequently a conviction was had of five disorderly-houses in that precinct; does not that show the inefficiency of

the officers that you sent into that precinct? A. I have got to say it does in that particular case; the captain and inspector of the district was making a report also.

Q. And the inefficiency extended to both the captain and the inspector? A. They were there, and doing it; yes, sir.

Q. I am informed here by Mr. Moss that all the inspectors, with the exception of McLaughlin, reported upon that precinct?

A. Three of them; but not in the last report; when was that evidence got you refer to, Mr. Goff?

By Mr. Moss:

Q. All the way from May to October, 1893? A. Was not the evidence those houses were convicted on, where the conviction was obtained, was not the evidence obtained in May.

Q. From May to October? A. Where these people were convicted, was not the evidence obtained in May?

Q. There was evidence in May, and also in September; I remember those perfectly, because I tried the cases? A. Well—

By Mr. Goff:

Q. That shows, superintendent, as you have said, in that case the officers were inefficient.

Mr. Moss.—The arrests were made in October.

By Mr. Goff:

Q. Well, superintendent, leaving that matter aside for the present, you have answered my question — until legislative relief, whatever form it may assume, comes to the city of New York affecting its police department, the present condition of things is a deplorable one; isn't that a fact? A. It is sir; so far as I am individually concerned, as I said a minute ago, I have retired from the department twice since I was superintendent of police.

Q. Why did you retire? A. I would have done, but I felt I had a duty to the people and would not be driven out.

Q. How driven out; superintendent, explain that? A. Well, I felt assured that the commissioners wanted to get rid of me because I was not in accord with them.

Q. And you regard that as an intent to drive you out? A. Their views about police duty and mine are very different; my

views about police duty is to use the police force in the interests of the public good, and to protect life and property; their views differ very materially with mine in those respects, and I would have retired on two occasions had it not been for the fact that I have just said; I have been hampered; I have been criticised every way in the world; I have been trying to do what was proper and right, and what I considered as proper and right, and trying to uniformly enforce the law; and in that I do not think I was in accord with the commissioners; I had them on one side; had Dr. Parkhurst on the other side with the two edge sword coming along and taking a smash at me once in a while, and between them both I thought I had better get out; I was going up Broadway one night about six weeks ago; I saw a poster there "A man without a country;" I stood and looked it over and said, "This fits my case exactly;" I was a man without a party; and whatever the reorganization of the police department may be, I do not want to stand in the way of whatever the incoming mayor or authorities may do relative to the reorganization of this department; I had been in it nearly 32 years, and I consider that I have been a faithful servant; that being the case after election I thought it over very carefully, and I concluded that I would retire from the department, and as this investigation is over, or as this is the last night of it, I want to say to the chairman of this committee that there is a letter that I forwarded to Col. Strong along in the early part of the month.

By Mr. Goff:

Q. Of this month? A. Yes; they will be able to reorganize the department; any assistance that I can give them, it will be pleasure for me to do it; but I feel as though I ought to retire; I want to do that so it won't embarrass Col. Strong or anybody else.

Q. You mean to say that the letter of which this— A. That is a copy of a letter that I sent to Col. Strong on the 13th of the month.

Mr. Goff.—I will read this letter.

"Police Department of the City of New York.

"New York, December 13, 1891.

"Col. W. L. Strong:

"Dear Sir.—I appreciate as fully as any man can the tremendous responsibility that will come upon you when you assume

the duties of mayor, and undertake the reform of the various departments of the city government. I desire not to be an obstacle or an embarrassment to you in anything that you may propose to do with the police department. On the contrary I wish to aid you in any way that I can. I assume that you are considering now what action you ought to take at the outset of your administration, and what legislation will be required to make such action practicable. I, therefore, now place in your hands my request to be retired from the post of superintendent, to be used by you or not at any time after the 1st of January as you see fit. And let me further say that you may be entirely free to command my services, advice and information at any time in regard to the affairs of the police department with which I have been so long connected. Your obedient servant,

“THOMAS BYRNES.”

Q. What led you to send this resignation, superintendent? A. I state in the paper what led me to do it.

By Chairman Lexow:

Q. You wish to take the position that you are more anxious to secure an efficient commission than to retain your position as superintendent? A. Yes, sir; I have been in this department 32 years; I know it from top to bottom; there is no man that lives to-day probably has seen as much police service as I have; during the time I was in the detective office, the period of nearly 12 years, I obtained more years of convictions against criminals than the detective force of Scotland Yard, Paris and Jersey all put together, nearly 10,000 years; there is no such detective system in the world; I have done all I could do; there is a new administration coming in, and anything in the world I can do to help you, in my time or anything else, I will be very glad to do it; I would not have stayed in the police department for the two years and eight months I have as superintendent of police under the existing circumstances if I did not hope that something of this kind would occur; and if the last election had not gone the way it did, the chances are I would not have retired; let them reorganize the department now.

By Mr. Goff:

Q. Then, superintendent, it is a fact, in view of all your testimony here relating to the condition of affairs in that department, that first a reorganization is necessary, is that so? A. Yes, sir.

Q. And secondly, that that reorganization should not only affect the system but the personnel of the department? A. It should affect the personnel to a very great extent.

Q. As well as the system? A. This department, to organize it, to make it practical, to enforce law, has got to be organized on a basis where it would be almost a physical impossibility for corruption of this kind hereafter to creep into the uniformed force, and it can be done.

Q. It can be done? A. Yes, sir; and it can be done; let us fancy our city was under martial law, and a general came in with 10,000 troops all in uniform, ranking from major down to the corporal; and they were distributed to every part of our city to protect liberty and property, to arrest persons violating the law; would any man expect that body of men to seek out and discover secret vice and crime behind bolted bars and doors; the man that does that has got to be trained to do it; it is not the ordinary patrolman.

Q. I want to get an answer direct, not exactly given yet; that from the present condition of things, the evils and abuses existing in the police department of the city of New York, that a reorganization is necessary, not only in the system, but as you have said, to a great extent in the personnel of the department, is that so? A. I think that relative to the personnel of the department, it ought to be changed a very great deal.

Q. And the present system? A. Yes, sir; the system is all wrong.

Mr. Goff.— I have no further questions to ask at this time.

The Witness.— It is all wrong.

By Senator Bradley :

Q. Including the election powers of the election boards, would you be in favor of that? A. The election board, too, can be better conducted.

Mr. Goff.— Now, Mr. Chairman, we have had a long day at the close of a laborious week, and while I thought we could have commenced with the superintendent earlier in the day that we

might have had a more exhaustive examination, I must say that I am pretty near exhausted now, and I think we have come to a point where we can, with view to the interest intrusted to our charge, discontinue further examination this evening.

Chairman Lexow.—That will be all, Mr. Superintendent.

Mr. Goff.—I wish to say in justice to Mr. Martin, that I have examined the bank-books which he surrendered to counsel last evening, and check-books also. Every item of entry and draft in those respective books, deposits and drafts; and I do not find any entry of any denomination or of any character that would warrant or justify me or hold out any hope to me of any proper or desirable results, and I, therefore, have those bank-books; and I say this in justice to him; he having surrendered those bank-books.

Chairman Lexow.—Before adjournment I desire to read the following resolution, which the stenographer is instructed to take down.

Be it resolved, That this committee express its cordial appreciation of the disinterested and unfailing courtesy of Thomas Goese, Esq., clerk of the Superior Court of the city of New York, in placing at the disposal of the committee the ample and commodious accommodations of said court for the holding of its sessions, and of the uniform consideration and politeness with which every requirement of the committee in the transaction of its business has been met, and ever sacrifice of time and trouble has been cheerfully made to secure the comfort and convenience of all its members and counsel. That this committee recognizes that the clerk of the Superior Court has greatly aided and facilitated the work in which the committee has been engaged, and has thereby rendered important service not only to the people of this municipality, but also to the whole State.

Be it further resolved, That the committee express its appreciation of the services of the officers and attaches of the said court, and particularly of Cornelius J. Kane, James J. Duffy, Harry Dyer, John Howard, Frank McCarthy, Andrew Bunker and Daniel Sullivan, who have been present at the sessions of said committee, and have aided in maintaining order, or have in other respects rendered valuable assistance to the members of said committee, individually and collectively, throughout the protracted sessions of the investigation.

Mr. Goff.—I would move the committee to add another name to that for the services, attention and courtesy and close attention to all the interests involved in this investigation so far as he could control them and effect them, and that is Officer DeGann, and we all remember the examination now being closed.

Senator Cantor.—I move the resolutions be amended in that particular.

Chairman Lexow.—The motion is made that the original motion be amended to include Officer DeGann's name; those in favor say aye, opposed no; it is carried unanimously to add his name.

Mr. Goff.—And I wish further to place on record now, and I think I speak for the committee, and I know I speak for my associates in regard to this officer, that he has the distinction of being the first police officer in this investigation who had the courage, at a time when it required courage, to go on the stand and tell what every one felt and believed to be the truth. He was the first man in uniform or out of uniform in connection with the police department of the city of New York and this investigation to do that; and he did it at a time, as I say, when it required great courage and devotion to the interests of truth to enable him to do it.

Chairman Lexow.—We have not proposed any formal resolutions in reference to the counsel of the committee. We shall do so when we reach Albany and do it in a more suitable way than we can at this time in the evening. We desire, however, to add to these resolutions the acknowledgment on the part of the committee of the efficient services rendered to us by the district attorney and his office during the entire period of this investigation.

Mr. Goff.—We are pleased to join with that acknowledgment, because we have never gone to the district attorney's office but that the district attorney either himself or by his direction ordered an immediate and prompt co-operation with us. And now may I be permitted to say a word—

Chairman Lexow.—Before you go into any extended statement, there is another resolution we desire to put on the minutes, and that is the majority of the committee join in requesting the board of police commissioners to act upon the request for retirement preferred by Captain Creeden, and to grant it.

Senator O'Connor.—I want to say something before we adjourn. I usually do not say much complimentary to the newspapers, but as a lawyer I want to commend the uniformly fair reports of these proceedings and the evidence and the very intelligent idea they have given of these proceedings to the people throughout the State, because I discovered when I go home the people seem to know all about what takes place here as well as the committee, and it is due to the capable manner in which the proceedings have been reported. I think it is due to the gentlemen to give them the recognition of it. I am not usually given to compliments to the press.

Chairman Lexow.—They are entitled to it.

Senator O'Connor.—But it is a fact, the people up in the country where I live know as much about the evidence taken here, and, of course, they have no other way of getting it than by the press.

Chairman Lexow.—That is passed unanimously by the committee I believe. Now, Mr. Goff.

Mr. Goff.—I do not propose to indulge in any extended remarks because you have heard me now for about the period of nine months, and my voice is no stranger to you. There are a few observations which I may feel justified in indulging in in the way of summing up or reviewing the testimony that has been taken here before this committee; but in one sense personal to my associates and myself, and in another sense relative to the resolution appointing this committee, and the drawbacks that this committee labored under.

First, I need scarcely say what I have stated before to this committee, the loyal and devoted aid and work performed by my associates, Mr. Jerome and Mr. Moss; and I might say without being invidious, that to Mr. Moss is particularly due the credit, because he was working on this line and working in this cause before ever Mr. Jerome or myself got into it, and for years Mr. Moss has devoted almost his best professional efforts in this life towards uncovering and exhibiting the state of affairs in the police department in the city of New York, which has been proven here before this committee; and to him is especially due the thanks not only of this committee and myself, but of the citizens of New York.

May I be pardoned now for saying a word personal to myself? It is very seldom I have intruded my personality in this matter. At the close of the investigation, however, I think it but proper

to send my respects through the numerous channels of intelligence which are represented here to-night to the gentlemen in this city who have gone to the expense and trouble of hiring private detectives to watch me. I did not wish to speak of it before, and while, of course, it has occasioned a great deal of anxiety and trouble to my family, yet it has never caused me to divert one iota from my path of conduct either private or public.

When I had the honor of being selected by your committee as its counsel, I did not then nor have I ever assumed the character of being a moral censor, or being any better than the average man, with all the frailties and all the feelings of manhood. I am no better and possibly no worse than the average man, and the only duties I assumed here were the duties of a lawyer to a client, as I told you, gentlemen, in the capitol at Albany, of counsel to a client. I did not propose to pose or assume the character of being a moralist or of being a reformer in the ordinary sense of that term. I did not hold myself up as an example of goodness. I simply was a plain lawyer devoted to the cause to which I was bound in honor to give my best interests. And I say this for the benefit of these gentlemen, public-spirited though they are, and I wish them to know that I am acquainted with their personalities and I know their carefully prepared schemes and plans, and their own discussions in their own private houses; and I have been waiting and expecting at any day that the reports of their private detectives would be laid bare before this committee, or before the people of the city of New York; and I would like to have them now bring forward their reports. I would like that while I am in a position to fight for myself, that they would do so and not take advantage to stab me in the back when I may not be in a position to meet them in square open fight and battle.

Now, as I have said while I was in receipt, have been in receipt, of a great many anonymous letters, some scurrilous, some abusive, some threatening, some warning me of impending dangers; that those things did not affect me at all; but I do confess to irritation sometimes, to find myself shadowed and even on the most unimportant occasions in the ordinary routine of every-day life, and every evening my slightest actions have been recorded and my slightest movements noted. Now, I say a lasting word to these gentlemen that day or night—and I have

been out all night in this city in the work of this committee—while I ask no favors, neither do I fear any frowns, but I ask these men now, as the result of their months of private detective work, to come forward and meet me in the open broad daylight with anything they can lay charged to me as a man and a citizen and a lawyer; and I use the words of the last witness on the stand, now this investigation is over, my associates and myself join in this statement, that if there be any man living to-night or any woman that come forward and say that the counsel to this committee have been guilty of an improper or an irregular act, let them come now or forever afterward hold their peace.

Gentlemen, let it not be said when we are not in a position to defend ourselves that this thing has been done and that thing has been done; because there have been a great many people who have sent us communications largely anonymous in their character, setting forth scandalous and defamatory matter, to ask and call certain witnesses and examine them upon them. If we have not done so, we have declined to do so because we did not feel warranted. That the evidence in the case would not justify the putting of such questions, and that the calling of these witnesses at the mere whim or caprice of anonymous correspondents was not in our duty. And I further say, here, that to some gentlemen in this city who have conceived certain antipathies for certain police officials, and friendships for other police officials, that we have refused to put their questions and we have refused to refrain from putting questions because we have religiously, as far as we could by honorable compact between ourselves, refused to be made the tools, either in the interests of friendship or the weapons for the vengeance of private parties with their private antipathies or their private spleens. It has been said, of course, that we might have called this one and might have called that one, and our policy has been criticised, possibly justly so, and if we had to commence this investigation again, we might do better; no doubt we would. We went into it without experience in investigations, but in doing so we did the best we could. It was suggested to us, we commence at the top and go down to the bottom. We pursued a different course. We commenced at the bottom and we have reached the top. We are not aware to-night of one solitary man with the exception of some of the police captains who have been sick for the past three or four days or week and who we have subpoenaed

—we are not aware of one solitary man in the police department or connected with it, that we have not called and questioned to the fullest extent of our information. And let me say one kind word, one word here to the very many people who have supplied us with information, of the difficulties we have had to verify that information; and I mentioned to you, Senators, the almost unsurmountable obstacles that beset our path at the commencement. Men were numerous enough all the way through to tell us what questions to ask and to whisper into our ears the secrets of the police department, and the outrages committed by officials, the corruptions and riches acquired by corrupt practices by members of the police department; but in almost every instance, I might say without exception, the moment we asked one of these persons, “Will you come forward and testify to that fact,” the answer invariably has been, “Oh, I do not want to have anything to do with it. You can call Smith,” and we would go to Smith, and he would tell us, you go and see Jones, and we would go from Jones to Robinson; and I want here to-night to say, and to say it with all the solemnity I am capable of, that if there be one man in the city of New York or elsewhere who has offered to come on the stand and testify to any of the corruption, or bribery, or misconduct against the police department, or any of its members, in the city of New York, during the investigation, let him now come forward. There has not been one, Senators; and we can defy, and we do defy any man to hereafter say that he could have testified to certain facts and that he was refused the opportunity to testify to those facts.

Gentlemen, in drafting your resolution, it was thought advisable on the suggestion of counsel to bring within your jurisdiction the right to inquire into other departments than the police department—the departments having a connection, a collateral connection with the administration of the Criminal Law, such as the police courts, such as the department of charities and correction, and the department of excise. It was never intended to examine these departments, as you are aware, except to provide that in case a line of testimony ran into those departments that we could follow that line of testimony without having our jurisdiction questioned. However, in the investigation that has gone through our hands, we have learned something about these departments. We would have liked very much to have had the opportunity to inquire into them. I can say, and say it with

full responsibility for what I say, from the knowledge in my possession, that the police courts of the city of New York are conducted in an incompetent, and in a negligent, and sometimes in a corrupt manner. Professional bail bonds are characteristic of nearly every court of the city of New York, interlopers and go-betweens. The management of the police court prisons is a shame to our civilization; and I have no hesitancy in saying that it is a question for the Legislature to consider whether or not the bench of the police justices in the city of New York is properly, and capably and competently filled. As to the department of excise there is no doubt but corrupt practices exist there. That has been proven before this committee; and as to the department of charities and corrections there is little short of the volume of corrupt practices there that have been sworn and shown to have existed in the police department, and more particularly I call your attention, Senators, to them, inasmuch as that department has to do with the poor, the friendless, the outcast, the degraded of the human species, and that the well to do, prosperous part to the community care very little as to the treatment of these poor outcasts and these poor paupers, the insane, who can not take care of themselves. The outcasts of society are all placed in the hands of that great department; and I say it with the full responsibility that I know my words carry with them, that that department badly, badly needs, as badly as the police department, reorganization both in the system and in its personnel. As to your committee let me say here, and it may not be inappropriate with the view of further legislative committees in this State, that if I were free, and asked to serve as counsel to another investigating committee, I should, no matter what the promise of compensation would be, refuse to serve unless the powers of the committee were adequate to the purposes for which they were appointed. The powers of this committee have not been adequate. We have tried to suppress and smother our weakness. We have had no power. The only power that we have had behind us has been the moral sentiment of this community and the people of this State. As for legal power, the way in which we have endeavored to get indictments, the way in which we have endeavored to impress people with the influence and power of this committee, were what I might say almost subterfuges to cover up our own weakness, and while it is a grave subject to consider, yet a committee appointed with a task before it such as this committee had, certainly should

have adequate powers and those powers should include the powers of a court of record, to punish for a contempt for refusal to obey its process, power to enforce its mandates; and unless such power be vested with the committee they will fall far short and the arm of the law that they are supposed to be strengthened with fall nerveless by their side.

Now, one word in the line of Senator O'Connor's remarks. My associates and myself unite in expressing our appreciation, both professional and personal, to the representatives of the newspaper press who have attended here at these sessions from day to day for so many months, for their unfailing courtesy and generous treatment of counsel and of the committee and its work; but above all the thanks of the committee and counsel and of this community and of every municipal community in the United States are due to the great and wonderful power exercised by the New York press during this investigation. I do not think there has ever been anything to approach it in the history of civilization, for, throughout this broad land, go to the smallest village, and you have found the New York papers or extracts from them, disclosing the testimony taken before this investigation. There has not been a paper throughout this continent but has bristled with editorial comment upon the result of this investigation, and all flowing from that great and mighty fountain of intelligence, the New York newspapers. Sometimes, if we have been criticised or commented upon for our shortcomings, those were things we had a right to expect, and possibly deserved. As a whole, we have done the best we could under the circumstances, and before a task that was sometimes appalling, sometimes appeared to us beyond human power to grapple with; but we went on with the conviction that the only safe course for us to follow was to do our duty, our whole duty, as best we could understand it; and we feel to-night, after a month's labor, Senators, thanking you for your unfailing courtesy to us, we feel satisfied in our own conscience that we have done our duty to the people of our city and State, to you, to ourselves, and to the cause in which we were engaged.

Senator Bradley.—Mr. Chairman, I move in consideration of the services that have been rendered by this chair, with 13 nails in it, that with the consent of the city of New York, we make a present of this chair to Dr. Parkhurst.

Chairman Lexow.—I do not know that this committee can arrogate to itself a proprietary interest in that chair.

Mr. Goff.—I promised the doctor the chair if I could get it for him.

Senator Bradley.—I call for my motion.

Chairman Lexow.—I think I echo the sentiment of every member of this committee when we hope for Mr. Goff in his greater and more elevated position the ability to exercise the same loyalty to the people as he has exercised towards this committee. I believe that he will bear me out in saying that from the time this committee first undertook its labors here until to-night, when we separate, and probably never to meet again as counsel and client, that never during that entire period of time has there been a single difference of opinion.

Mr. Goff.—That is true.

Chairman Lexow.—Either between counsel, or between any member of the committee, or between the associate counsel and the members of this committee, but from the day we started there has been absolute harmony and unity of action, purpose and deed, that we have been guided solely by the desire to serve the interest of the people of this municipality; that if we have at times seemed to break upon the rules and practices that are observed in courts of law and justice, it has been because we have been confronted here by a condition of things that equalled, in the words of Senator O'Connor, war; that we found ourselves confronted by the alternative to make novel methods, novel practices and novel rules, or else to fail in our service and in our duty to the people. We have been criticised at times for thus departing from the ordinary forms of law; but I am satisfied that if we had not done what we have done, that this investigation would have proved a failure, and for every act of our counsel we hold ourselves responsible. Any criticism upon them we consider, and will deem it a criticism upon us. They have been guided by the same motives; they have performed distinguished service for the State, more distinguished in my judgment than any services heretofore performed by counsel to any legislative committee ever created under the laws of this or any other State, of this nation or of any nation in the civilized world; and I believe that their deeds will go down into the history of this country as a monument of loyalty, ability, indomitable courage, that never hesitated as to the path to pursue when they saw their duty. This committee will now stand adjourned subject to the call of the chair.

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J. S. R.

11/19/11