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INVESTIGATION  
OF THE  
POLICE DEPARTMENT  
OF THE  
CITY OF NEW YORK.

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Proceedings from June 29 to October 18, 1894.

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Q. You did not owe Reherman any money? A. When?

Q. At that time you gave this check? A. Yes; I did; I owe him money now.

Q. Did you give him this money in payment of that money? A. It might be partly in payment of that money; if I owed him \$75 and wanted to use \$25, I would get him to cash me a check for \$100.

Q. How is it, though, if you had paid that out to Reherman, wouldn't it be in the stub? A. No.

Q. Why? A. The check is paid out to Reherman: that settles it.

Q. Where is the check to Reherman? A. Isn't that Reherman's?

Q. That is the check to the captain of police? A. Don't you have a check for that?

Q. No, sir; you misunderstood my question then? A. I misunderstood it.

Q. That check is made payable to bearer? A. Yes.

Q. That is the check to the captain of police? A. Yes.

Q. That is right, is it? A. I suppose that is right.

Mr. Nicoll.—Is that the one you have been referring to all along?

Mr. Goff.—Yes; that is the check.

The Witness.—Reherman's check must be there. You did not refer to Reherman?

Mr. Goff.—No. Just one moment. I offer the stub of check No. 1004, of the date of November 12, 1892; amount, \$100; "To captain of police," in evidence.

(Stub marked Exhibit 3 of this date.)

I offer check of said stub of the date, November 12, 1893, No. 1004, to the order of bearer, \$100, in evidence.

(Check marked Exhibit 4 of this date.)

The Witness.—What does that allude to?

Mr. Goff.—That is the check we were talking about. Also check No. 95.

(Check marked Exhibit 5 of this date.)

Mr. Goff.—Just one question, Mr. Kelly?

Senator Bradley.—Mr. Ryan?

Mr. Goff.—Mr. Ryan.

The Witness.—I guess you are thinking more of Mrs. Kelly, aren't you?

By Mr. Goff:

Q. I think more of Mrs. Kelly? A. Yes.

Q. Well, she is a lady of considerable weight? A. Sure.

Q. Mr. Ryan, had you ever anything to do with the appointment of policemen? A. Never had one appointed in my life.

Q. And nothing to do with men applying to you for your influence? A. Never; I told them I had no pull.

Q. You had no pull? A. No, sir; I have no pull.

Q. And you had nothing to do with the appointment or application of any men for the police force? A. Never; never appropriated a cent from anybody; I suppose you will be wanting me again.

Chairman Lexow.— No. If you are wanted again a subpoena will be sent.

Mr. Goff.— I wish to say something to the committee.

Chairman Lexow— I have here a communication from the police department.

Mr. Goff.— Yes, sir. I hold a copy of it in my hand, Mr. Chairman. We have arrived at the time, Mr. Chairman, when it is proper for me as well as in the discharge of my duty as for any other motive or purpose to state to the committee my best opinion, after consultation and long talk and conference with my associates as to the present status of this investigation. From our knowledge of the conditions which have presented themselves to us from the commencement, and from the knowledge that we possess of the present situation touching the feasible conducting of this investigation during the summer months, we are of the opinion and conviction that it would not subserve the best interests of this investigation to continue it during the months of July and August. I suppose, Mr. Chairman, that you, as a New York practicing lawyer— some of your colleagues are not members of our local bar here— but you can appreciate the difficulties surrounding the attempts to procure the attendance of witnesses in large numbers during the summer months. Even people who remain in New York for business, thousands and tens of thousands of them go to the neighboring watering places and suburban resorts to summer. Men are not disposed to give so many hours to business, and it would be a physical impossibility for our subpoena servers to be able to procure the attendance of witnesses here from day to day sufficient to enable us to continue this investi-

gation. I do not think, Mr. Chairman, that it would be for the public interests, or for the interests of this investigation, and the object of bringing out evidence of the existence of the evils which the resolution according you referred to, to continue an aimless pursuit of witnesses and futile efforts to secure their attendance during these summer months. I regret it, and I am prepared, in company with my associates, to assume the full responsibility of recommending to this committee that, in our opinion, the best interests of this investigation will be served, and the public interests of the State and the city will be benefited by this committee taking an adjournment now, until say the 10th of September. I have to say further, and I speak the sentiments of my associates, that while we have felt the labor which has devolved upon us night and day for the past six weeks of continuous work, not only for the weeks we have been in court, but for the weeks preceding; and I might say parenthetically here, that our greatest work is not in court, sir, our greatest work is performed out of court; and while it would be an extreme tension to be subjected to to be called upon to attend to you during the summer months, yet, if you, in your wisdom, deem it for the best interests, and deem it necessary that the investigation should continue during these months, we are prepared to attend to you from day to day, and give you our best efforts and our services; and in saying that, we say it with the full knowledge that it would be against our best judgment. We have studied the situation. We think we have a fair understanding of the obstacles in our path; and from that understanding we draw our conclusion that it would be a mistake, in every sense of the word, for this investigation to continue during the heated terms of July and August. I would, therefore, recommend, Mr. Chairman, and advise, on behalf of my associates and myself, that the committee adjourn to a stated date — the 10th of September — so that we shall be enabled to have our subpoenas in readiness, and serve them, if necessary, during recess, because while we may not hold public sessions during recess, we will not say that we will not work. I would rather be in court, as I said before, any day, than be at work out of court in the peculiar kind of work we are engaged in. I, therefore, move, if I have the privilege — of course, I can not make use of the term “move,” because I am not a member of your body — but I would say I recommend as the wisest

and most judicious course to pursue that your committee adjourns until the 10th of September, with a proviso, that your committee may be called together at any intervening date before the 10th of September, when such exigencies may arise that will, in your judgment, warrant the calling of the committee together. Such emergency may arise; and I would wish, Mr. Chairman, that your committee would be so situated, by your resolution, that you would have the power, with the consent of your colleagues, to convene them in session at any time that you, in your judgment, or think, in your collective judgment would think it proper to want.

Senator Cantor.— We would have the right anyhow to call the committee together.

Mr. Goff.— I presume so. I do not wish to say anything here in the sense of comment or remark on the evidence of the work this committee has been doing. It is simply routine work we are now doing; and in calling your attention to the action of the police board this afternoon, I think it proper to point out, in my opinion, and in the opinion of my associates, that if the action taken by the police board, or resolved upon by the police board this afternoon, be taken and followed out, it would be an act conducive to defeat, as far as it can, the purposes and the accomplishments of this committee. The police board heretofore, through the highest executive officer of the department, consulted with you; and the police board was, through that executive officer, Superintendent Byrnes, apprised that any investigation instituted by its department, by it against members of its department while this committee was in session would be very embarrassing to the committee, and would throw obstacles in the way of its work. The police board then desisted, very wisely, and in a public spirit from going any further. Now, the police board comes on the day when it was, from public rumor in the newspapers, that the committee would likely adjourn, they pass a resolution directing that an investigation be commenced upon their own account immediately upon the adjournment of this committee. Now, of course, Mr. Chairman, I do not wish to reflect in any way upon the officials constituting the board of police, or upon the police department. The only reflection I have made, or that I was to make, are those reflections that may be called out by the concrete evidence, as it is given here before you under oath; but I may be permitted, and I think justly permitted, upon the premises

established on the evidence already before you, that it is at least a strange thing, and to me unaccountable and incomprehensible, that the state of affairs which have been proven on oath to have existed for years in the police department, going back 20 and more years, that that state and condition of affairs should have existed in this department, and that the governing officers of the department should never have seen fit, and never did see fit, to institute an investigation, or trial, or inquiry touching the abuses, to say the least, of matters in the department, until your committee commenced to investigate. A request was made by one of the commissioners that the district attorney be requested also to move. Now, of course, it may be said that we have no authority, and when I say we, I speak in the collective capacity, but at least the committee have no authority as a restraining power to prevent the police board from instituting an investigation. That goes without saying. If this committee were a court of record, and of competent jurisdiction, it is a grave question in my mind but that the police board would be guilty of a contempt of court by instituting any investigation, while the subject-matter of the investigation was under judicial inquiry; in fact, I am very well satisfied, that it would be a contempt of court; but, of course, your powers are limited by your resolution. While they are broad in their scope, yet you have not the power to restrain; and I would say here that if the police commissioners wish to show themselves interested in behalf of public morals, and the discipline and efficiency of the police, they could do nothing more effective to contradict that than to act upon the resolution they have attempted this afternoon.

Senator O'Connor.—Three members of the present board, they are charged by these resolutions with misconduct themselves.

Mr. Goff.—Of course, that is the very thing, sir that was brought up in the memorial read to you this afternoon, that a body that is itself charged with malfeasance, and if not with personal corruption at least with being at the head of a department that has been guilty of corrupt practices—for that body to constitute itself judge, jury, prosecutor and defender, is something unheard of and something inconsistent with our ideas of common justice.

Senator O'Connor.—You think they ought not to proceed to try these men when they are guilty themselves?

Mr. Goff.—Yes, sir; I think so.

Senator O'Connor.—They should not try men inculpated by this testimony, until they themselves are acquitted of fault.

Mr. Goff.—I think it would be an evidence of a more manly and honest dealing with this subject, and with the situation in which they find themselves, if these commissioners did wait until the results of this committee are ascertained and definitely settled and stated; because, Mr. Chairman, it may be wholly unnecessary for me to point out here that if the board of police commissioners instituted a police inquiry during recess, they will be hunting up witnesses, dragging them hither and thither and subjecting them to severe cross-examination, and sometimes not as dignified or as professional, as they have been subjected to here; that witnesses will be scared off, to use a common phrase; men of business, for instance, do not care to come into court, as Mr. McLaren, the other day, came here in the public interest, and no sooner had he left this court, than he was subpoenaed to attend before the dock board to give his testimony; and no sooner had he got through with the dock board than he was subpoenaed to attend to some inquiry instituted by the mayor — properly instituted; but I wish to point out how other business will say to this: “What have I done that I should be harassed in this way; that I should be dragged before this tribunal, and this official from day to day, if I come before this committee, and give them my aid in the reduction of public officials.” Other business men will say, “The wisest thing for me to do is to keep my mouth closed;” and the consequence is that the work of your committee will be increased 100 fold — the difficulties, at least, of your committee

Chairman Lexow.—Have you anything to say, Mr. Nicoll?

Mr. Nicoll.—While the proposition to adjourn —

Chairman Lexow.—I would be as brief as possible. It is now quarter after 5.

Mr. Nicoll.—While the proposition to adjourn made by Mr. Goff accords with my personal convenience, as I have informed the committee on behalf of the police department, its commissioners, superintendent, inspectors and captains, and on behalf of the municipal government of which they are a part; in the most vigorous phrase that I can command, I beg to protest against the proposed adjournment and to request the committee to continue their sessions until this investigation has been con-

cluded within the scope expressed by the resolution. You have now been engaged for the period of six weeks in investigation of the police department of this city. You have summoned before you, upon your subpoenas, witnesses of various sorts and conditions; you have received the testimony of prostitutes, brothel keepers, perjurers, forgers, and self-confessed criminals and bribe givers; you have listened to their evidence, giving them protection, eagerly receiving their revengeful stories against members of the police department, high or low; and we have come down, after a period of six weeks, with an accumulation of such testimony spread before the community and the people of this city and State, and not only have you done that, but you have thrown aside the rules of evidence, and the ordinary safeguards which protect the citizen, private or public, and admitted hearsay rumor, and notoriety, as the basis of an attack upon the public officers; and you have done that under the protest from time to time, which you were indulgent enough to allow me to make.

Senator O'Connor.—It was an indulgence to allow you to criticise the committee right along.

Mr. Nicoll.—You have done more: You have taken witnesses from the Tombs, and promised and given immunity, as the condition of their giving testimony against police officers of the city of New York.

Mr. Goff.—That is not so; oh, no.

Mr. Nicoll.—You have done that in one instance, and were about to continue it until I recorded my objection.

Chairman Lexow.—The committee can not tolerate any criticism on the evidence already introduced. When it comes to summing up of that testimony, they will probably give you all the latitude you require; but for the purpose of adjournment, you must limit yourself to that only, and not criticise the evidence; and give valid reasons, if you can, why the committee should not adjourn at this time.

Senator O'Connor.—In this case we desire to say we promised no immunity for witnesses. The chairman has informed the witnesses what the law gives the witness, as it is his duty to do.

Chairman Lexow.—I think Mr. Nicoll should not criticise the testimony. Mr. Goff did not make a summing up of testimony here, and you are not allowed any more latitude.



Mr. Nicoll.—I am not mentioning any witnesses.

Chairman Lexow.—And if it unfortunately is a fact that the police have had a partnership with the criminals — a business partnership with the criminals of this county, that is the unfortunate situation we are in. We can not get their testimony on that point.

Mr. Nicoll.—I am simply calling your attention to the character of the evidence ; not to the testimony of the particular witnesses. I am speaking of the character of the witnesses, of the relaxation of the rules, the promised immunity in one case, although the committee afterward abandoned it: and I am doing it, not for the purpose of summing up.

Chairman Lexow.—You want to protest against an adjournment to criticise the witnesses we have introduced here?

Mr. Nicoll.—It is; and you will see. Allow me one moment, and you will see how necessary and pertinent those observations are. I say that in the general scope that has been the character of this investigation up to this date; and it is not to be denied that the investigation so conducted, the testimony which has been taken before this committee, and circulated by the journals throughout this community, has created a mistrust on the part of the citizens of this State in the police department. It could not have been otherwise; and it has not only done that, but it has created lack of confidence and a lack of morale in the police department itself; and although you know that, and know that that is the condition of the police department in this city to-day, the police department which is charged with the preservation of peace and order, and the protection of life and property in this city — you have denied up to this time every single effort which I have made on behalf of every accused official to take the witness stand and deny or to defend himself.

Chairman Lexow.— On the contrary, Mr. Nicoll, I went out of my way, because he was a member of the judiciary, personally to extend to Judge Divver the offer to appear on the stand.

Mr. Nicoll.—Is it possible that you are so little informed after all this information, that you think Judge Divver is a member of the police department?

Mr. Goff.— Our police justices.

Chairman Lexow.—I say the police officials — the police justices — are under the examination, under the resolution.

Mr. Nicoll.—You have not investigated the police courts. You know I meant the police captains whom you have taken evidence against, one of whom sat in this presence when a prostitute testified against him, and you refused to allow him to be heard. Captain Cross, on another occasion, was denied the same right as Captain Stevenson. You propose to now adjourn without giving that official an opportunity to defend himself. You deny it to the inspectors now. You have refused it on the specious ground that it would interfere with the plan of investigation laid out by counsel. Now, I say you deny, and propose to leave this city, denying officers accused, the right which is accorded by every tribunal to the meanest criminal; and that is the position in which you are about to adjourn, leaving the police department in the city of New York.

Chairman Lexow.—Do not dispute, Mr. Nicoll, that for 10 years past, these matters have been matters of public notoriety; do you dispute that the police commissioners have known as well as any other citizen in this city that the people at large believe that the police were culpable in the direction named under the resolution, and do you suppose that we can take an accusation of that kind, compelling us to sit during this summer, when for 10 years you have had that opportunity and have never exercised it?

Chairman Lexow.—There must be no interruption.

Mr. Nicoll.—Are these gentlemen hired to indulge in this performance; are they employed for this purpose?

Senator Cantor.—They are supposed to be employed by the committee.

Chairman Lexow.—Any further interruption in the courtroom will have to be met by summary ejection of those who applaud or hiss.

Mr. Goff.—They are not employed by this committee, but they are simply a wave from the great volume of feeling of society that rises up to-day and sweeps over Manhattan island.

Mr. Nicoll.—These are a lot of your detectives here, applauding your remarks here. A more unseemly development was never manifested before the Legislature of the city of New York.

Chairman Lexow.—Mr. Nicoll, we deprecate any applause on the part of the audience here and we do not want to turn this meeting into a demonstration of that kind, and I regret very much, indeed, that it should have occurred; at the same time,

you can not blame the people of New York, as far as the evidence has gone, for feeling a little strongly on the subject.

Mr. Goff.—May I remark, here about this courtroom, until I call public attention to the fact, day after day, there sat dozens of spies here from the police courts and other resorts in this city, wherein our witnesses could not even get a chair.

Mr. Nicoll.—That has been said a number of times.

Mr. Goff.—That is the second time.

Mr. Nicoll.—Now, I see you are about — notwithstanding all that evidence, the manner in which you have conducted the investigation — and I do not speak by way of disrespectful criticism, because I assume that you are conducting it according to your best judgment and for what you deem to be the interest of the investigation, but it strikes me, as a member of the bar, as a shocking violation of the rights of individuals. I see you are now about to adjourn for a period of two months and a half, almost; and you propose to leave the police department resting under the stain and stigma of these charges unanswered and unexplained by every member of the force who has demanded a hearing before this committee.

Chairman Lexow.—Charges which have been made for 10 years back.

Mr. Nicoll.—Charges, I say, are not sworn evidence of this committee — not testimony taken by this committee; and charges which we have had no opportunity to refute and a refutation of which have been denied us constantly by the members of this committee. I say that is the proposition. Now, it needs no argument, it requires no statement from me for the committee to appreciate that such a thing must work the demoralization of the police force in this city. Here are superior officers resting under charges which necessarily detract from the confidence which inferior officers had in their superior. The rank and file of the police observe their superiors under charges unanswered, and which must remain unanswered and undefended for a period of two months and a half. It is a very serious responsibility for you gentlemen to take upon yourselves. We had 4,000 men in this city guarding our property and our lives, preserving law and order in our midst. We are about reaching that period of the year when crime usually becomes rampant and deeds of violence are most frequently committed, and you propose to go away to the mountains and the lakes, and the rivers, and the foreign parts in search of health

and pleasure, leaving the city of New York and its police department in that situation. I protest against it, gentlemen. I protest against it in the name of justice and fair play. I protest against it on behalf of the public officers whom you have accused and aspersed without an opportunity of defending themselves, without being heard before this tribunal. I protest against it on behalf of the citizens of New York, the taxpayers in this city, whose property is at stake; and I beg the committee will reconsider their determination, and sit as long as the public interest require this investigation to be conducted. Mr. Goff says we have no more witnesses, or that it is difficult to obtain witnesses in the summer. With all due regard to Mr. Goff, it seems to me after all that is a specious plea. Here are witnesses who are anxious to come before the committee, who need no subpoena, who demand to be heard, who would bring witnesses with them. Why should not they be heard. No one need chase them. They are here in our midst, always ready, demanding an opportunity. What then becomes of the statement that men are living in suburban resorts and only in town for a few hours? If they were only in town for a few hours, isn't that enough to serve a subpoena on them, and may they not come before the committee in July and August, as well as at any other time; and now the cool proposition is added that while you adjourn you shall demand that the department itself do nothing to correct or to attempt to correct any of the evils which this investigation and the evidence taken before it which, unexplained, justifies you in believing do exist. You want them to lie supine for a period of two months and a half with a number of captains, inspectors and detectives under the stigma and stain and suspicion of the evidence you have taken before you. It is impossible to do it. The commissioners and superintendent are charged by law with the public duty. The same law which justifies you in sitting here authorizes and directs them to do what they can to preserve and maintain the discipline of the police department. It would be impossible for them to do otherwise. You may go, but they must do something in your absence. The suggestion that witnesses would be intimidated by them seems to me to be absurd. We have taken 100 witnesses before this committee. They are not to be called again. That might possibly apply to future cases. It has no relevancy to the past, to the testimony already taken. It seems to me, gentlemen, that the protest of the department and my

clients ought to be regarded by this committee and in the interest of fair play and justice, and of the welfare of the city of New York, which, as representatives of this State, I believe is as dear to you as to any of our own city. I wish to thank the committee for the indulgence which they have shown me at all times. I am well aware of the laws governing the appearance of counsel before this committee; and I have to say that the committee, although they have denied me the scope of cross-examination which I deemed to be necessary to protect the interests of my clients, have at all times treated me with great personal consideration.

Chairman Lexow.—Mr. Goff, and Mr. Nicoll, the committee have already decided the question of adjournment. It was the hope of the committee that we might be able to continue our sessions during the summer, so as to make a continuous session of it; but under the recommendation of counsel, upon whose work and services we largely, if not entirely, rely for the development of those facts which this investigation seeks to reach, we have reached the conclusion that their recommendation should be adopted, and we will, upon adjournment here, adjourn until September 10th, as recommended, subject, however, to reconvening at any time when, in the judgment of the chairman, a reconvening would seem proper or expedient. Now, we are not here for the purpose of incriminating individuals. If we were, the argument of counsel for the police department would be in point. We have nothing to do with the dereliction officers on the force, except so far as their violation of duty or corruption is shown as incidental to the general inquiry of this police department system. We are only after the system, in other words, and not after individual reputations. It is to be regretted that in an investigation of this kind, individual reputations must suffer, or if they are not subject hereafter to the criticism of corruption that they must labor under a temporary eclipse; but for the good of the State, the good of this city, it seems necessary this adjournment should be taken, and even at the risk of appearing to be unfair to some of the police officials, we shall have to take it; and I can not help but express my surprise, in view of the developments here, in view of these facts so open and patent to the whole community, for years back, that the police department now makes an excuse that they will investigate because we have developed a con-

dition of affairs which they say they never believed. If they did not believe it, it seems to me they did not want to believe it, because these facts are not secret, they have been understood by every individual almost in this community, and it simply is now brought home to their attention as the result of evidence here, before this committee under oath, and they feel constrained to make a public declaration of that kind I have received to-day. Now we, as a committee here, think that any proceedings taken by the police department after the adjournment of this committee, can have no other effect than to harass, hamper and annoy this committee in the future progress of the investigation. There can be no method, no plan of action conceivable, that will redound so largely to crippling the future results of this investigation, as the investigation which the police department now say they will undertake. I trust that the news which comes to us in a formal way, under resolution of that committee, will not prove true; I hope that they will duly reconvene and decide not to go on with an investigation into this matter. Now, with reference to counsel. Criticisms have been made upon the counsel for the police department. We have laid down a rule here that the counsel appearing before this committee, whether appearing for the committee or for the police department, is here to aid the committee, is here not to embarrass or annoy the committee, and we believe that you, Mr. Nicoll, have lived up to that general understanding, which we at first laid down; and no other conduct on the part of counsel will be tolerated by this committee. Now, another question, and one upon which I thought that an adjournment would prove inadvisable; the public prints contained intimations to the effect that great intimidation is practiced against witnesses, who have appeared before this committee, and I must say right here, that one of the reasons why this committee does not adjourn absolutely to the 10th of September, but gives this chairman power to reconvene it during that time, is to prevent any intimidation against witnesses, who have appeared before this committee, or to meet any other emergency, as it may arise; and if what is said with reference to Patrolman Beeck is true, if other members of the police force have been hounding him, or anybody who gave testimony upon the stand until now, then it would look to me as though

the criticism which has been passed upon the heads of that department, would apply to the whole force, and the whole force would need a radical reconstruction.

Senator O'Connor.—I move we adjourn to the 10th of September, subject to the call of the chair.

Chairman Lexow.—It is moved an adjournment be taken to the 10th of September, at 10.30 a. m., subject to the call of the chairman.

Senator Cantor.—Before that motion is put, I want to say one or two things. It is a serious proposition that has been suggested. It is quite well known, as I stated some time ago, that I was willing to make whatever personal sacrifice might be needed in order to remain here; and I have seen no reason yet to change the opinion I then expressed. It is a serious proposition to have this committee adjourn for two months and a half with specific charges resting against the police officers of the city of New York. Of course, it is to be regretted, and I do not say this by way of criticism, exactly. It is to be regretted that the counsel of the committee did not deem it advisable to make a thorough investigation and examination of the police commissioners of this city, the heads of the department. If that had been done, if they had been exonerated from the general charges, they might then with greater justice have gone forward to conduct the investigation you have suggested to-day. The department in the city of New York is a very important one to our community, one that it has been suggested deals with our lives and property. I have been compelled to yield to the counsel of the committee. If he believes that the interests of justice can best be conserved by the adjournment of the committee, then I am bound to acquiesce in his judgment, and vote for an adjournment. I had hoped, however, that he could have come to some other conclusion; that this committee would have gone forward and continued the investigation, and that these charges, if true, against these officials would have ended by their dismissal from the department or their punishment, if punishment was needed. I believe the best thing that will happen to the city of New York would be to have this investigation made thorough and complete. No intimidation against witnesses should be tolerated for a moment; but the first duty to the people of New York, it seems to me, is to have a complete and thorough investigation of this department; to weed from its ranks the men who have disgraced the uniform,

so as to make that department efficient, effective, honest and faithful to the duties which the law devolved upon them. Now, the situation is this: We are compelled to rely upon our counsel. He said that the interests of this investigation require this adjournment. I for one will surrender my individual judgment under the circumstances, and will vote with my associates upon the committee for adjournment.

Chairman Lexow.—The committee will stand adjourned until September 10, 1894, at 10.30 a. m.; subject, however to the call of the chair in the meantime.

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Proceedings of the thirty-sixth session of the committee, Monday, September 10, 1894, at 10:30 a. m.:

Present.—Senators Clarence Lexow, Edmund O'Connor, Charles T. Saxton, Daniel Bradley, Jacob A. Cantor and George W. Robertson; John W. Goff, Frank Moss, and W. Travers Jerome, for the committee.

Mr. Goff.—Counsel wishes to address the committee.

Chairman Lexow.—Mr. House, I believe.

Mr. House.—Yes. Mr. President, and gentlemen of the committee, since the adjournment of the committee for its summer vacation, a letter was received by Inspector Williams from the counsel who was supposed to represent the police department at that time, announcing the fact, for reasons best known to himself, that he would withdraw from further representation of the police department, save and excepting the case of Commissioner McClave. After that letter was received, my associate in business, Mr. Friend, and myself, were retained by what is known as the uniformed force of the police department of this city, including the inspectors, the captains, and the force below that. Now, of course, we understand we have no right here unless it is by permission of the committee, and we desire now to know what is the feeling of the committee in regard to permitting the department to be further represented by counsel during the rest of its investigation.

Chairman Lexow.—What have you got to say, Mr. Goff? Are you through, Mr. House?

Mr. House.—Until I find out what Mr. Goff had to say: yes, sir.

Mr. Goff.—Of course, the Senate committee having first accorded the privilege, not a right, to the police department to be represented by counsel, I would see nothing at all improper or



irregular in the committee continuing to accord that privilege to counsel representing the department as a whole. I would see, however, a very great inconsistency, and a grave danger of trouble and annoyance to this committee in its work to accord the privilege to any portion of the police department to be represented by counsel. We do not know here any distinction whatever, between the uniformed force, and any other part of the force. The commission of this committee is to inquire into the alleged corruption, etc., of the police department, as an entity, as a whole. Your honors will see that if the privilege be accorded to counsel to appear for the uniformed force, that is a quantity that we know nothing of; we can not measure it; and we have no means of fixing upon them any responsibility. We are dealing with the department; and the heads of that department recognized by law, and recognized by this committee, are the police commissioners; and it was upon that theory that the committee accorded the privilege. Now, further, the counsel of the department, heretofore representing that department, either singly or in a dual capacity — I can not speak for Judge Ransom's action — but so far this committee has not been officially notified of any resignation of any counsel heretofore appearing before it. Whatever letters may have appeared or communications may have passed between Mr. Nicoll and Inspector Williams we can not officially recognize, because Inspector Williams is not the police department — sometimes he may have thought so — but as the legal fact he is not the police department; therefore, we can not take cognizance of any communication passing between Mr. Nicoll and Inspector Williams; and it would be proper to preserve the regularity of the proceedings, if there be any substitution of the counsel by reason of any change in counsel, that substitution should be made in a formal and regular manner. When Mr. Nicoll appeared here by himself, and, subsequently, was aided by Judge Ransom, he addressed this committee, and asked the privilege of this committee to associate with himself Judge Ransom on behalf of the department, and the request was granted by this committee. I have no doubt, if Mr. Nicoll or Judge Ransom came here this morning and should ask the committee to associate with them Mr. House, I have no doubt the committee would as courteously concede the request as they did to Mr. Nicoll or did to Mr. Ransom.

Chairman Lexow.— Have you any official communication that either Mr. Nicoll or Judge Ransom have retired?

Mr. Goff.—None whatever.

Chairman Lexow.—On the application of Judge Curtis we promptly refuse and decline to allow him to represent any specific individual.

Mr. Goff.—In so far as the present application is made by Mr. House, it would give me great pleasure to be in court with him; but it is not for Mr. House alone to speak, or against his application, from any personal point of view whatever; I speak from my own professional duty to the committee and to avoid hereafter possible complications and annoyances which would inevitably arise, if any section of the police department were permitted to be represented, because if the uniformed force be permitted separate counsel it would follow that inspectors would have a right to separate counsel, and the captains would have a right to separate counsel, and so down to the doormen in the police stations, they would have a right to separate counsel.

Chairman Lexow.—Not only that, but the committee laid down the proposition at the start of this investigation that we were not attacking private character, but we were ascertaining a system, and any representation of the police department was to be in aid and not antagonistic to the committee; therefore, the counsel must represent the police department as a system. If we accorded to the individual members of the force or members of the department any right to representation in the committee here, each and every member of the force who is connected incidentally, in order to ascertain the workings of the department, would equally have the right to representation by counsel.

Senator Saxton.—I suppose Mr. House is here to represent individuals.

Mr. House.—No; I have not meant to be so understood, if I have been so understood, as announcing the fact that I represented individuals. Now, so far as —

Senator Saxton.—What I mean is, do you mean to say you have a retainer from the entire uniformed force?

Mr. House.—I have a retainer from the inspectors, and my partner, Mr. Friend, and myself, were retained. We were notified by all the inspectors of the police department of this city, that in that retainer that I not only represented the captains, but through the captains represented the men attached to each precinct. Now, so far as the representation of Mr. Nicoll is concerned, I am not advised as to what position he really did

occupy here. My present impression is that by virtue of his employment by the police commissioners themselves that he likewise at that time represented the entire department. Now, he has seen fit for some reasons, as I have stated before, best known to himself, to throw up that retainer, with the exception of one case. Now, my friend, Mr. Goff, says we should have come here armed with an official substitution on the part of Mr. Nicoll. Now, so far as Mr. Nicoll's position before this committee was concerned, it was merely your permission at any time —

Chairman Lexow.—I understand, Mr. House; but Mr. Nicoll is in the position at any moment to appear before this committee and claim he still represents the department of police, and our records show we have recognized him as representative of that department, and until it is eliminated from the record, and you, by a proper substitution, or by a resolution passed by the police commissioners, or by some competent authority appointing you in the place in lieu of the substitution of Mr. Nicoll, it seems to me we can not recognize you, Mr. House. At the same time, inasmuch as we laid down the proposition that anything in aid of the committee would be agreeable to be received, you may remain here, and if you can aid the committee, we will be glad of your assistance.

Mr. House.—I am obliged to you for your kind invitation to remain, but if I tried to examine the witnesses, I probably should not aid the committee very much.

Senator O'Connor.—If that is your position, that shuts you out as counsel with the committee.

Chairman Lexow.—Even if you should secure a substitution, it would seem to me as though the language you just used would absolutely debar you from appearing, because you assume that the police department and the uniformed force do not want to twist or contort the facts, and want the truth to appear; and, therefore, they do not want counsel to use his abilities to twist the truth, but to get at the truth.

Mr. House.—Certainly; by that, I did not mean to say that we intended to appear as obstructionists. We are here to aid the committee as far as possible; but if we found that a witness on the stand was not telling the truth, we should try to straighten him out as far as we could. Of course, I have got to bow to the will of the committee. I am obliged to the

committee for the kind attention and the kind way in which the chairman has spoken.

Chairman Lexow.—Senator O'Connor suggests that it seems to be the opinion of all the members of the committee here that, until Messrs. Nicoll and Ransom, who have been recognized as counsel for the department, authoritatively place on record here their withdrawal from the case, that we can not even consent to hear anybody else.

Mr. House.—And then, if we could not get a retainer from the commissioners, but from the other part of the force, I understand our appearance will not be permitted.

Chairman Lexow.—We will settle that when the proper time is reached. When we reach that bridge we will cross it.

Mr. House.—Very well; I am very much obliged to you for your courtesy.

Charles A. Hanley, called as a witness on behalf of the committee, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Sergeant, what time is it? A. Half-past 11.

Q. Will you allow me to look at that watch? A. Certainly.

Q. Thank you; it is quite a rarity in workmanship, isn't it?

A. Yes, sir.

Q. This watch strikes the hour, doesn't it? A. No, sir; it does not.

Q. How long have you had that watch? A. About 15 months.

Q. Where did you get it? A. I bought it from the pawnbroker on Thirty-eighth street, named William A. Glover.

Q. How much did you give for it? A. Fifty dollars.

Q. What is the monogram on the back of it? A. I think it is "J. W. S."; there is an inscription on the cap also.

Q. Is it not your monogram? A. No, sir; it is not.

Q. Will you read that for me; my eyes are not very strong? A. "Warnick Sedgwick, from his grandfather, July 22, 1891."

Q. And when do you say you bought this from the pawnbroker? A. About 15 months ago; the exact day I could not say; it may be two years.

Q. How did you come to go to a pawnbroker to buy a watch? A. My business brings me in a pawnshop.

Q. You are a detective attached to the central office in this city? A. Yes.

Q. You hold the rank of detective sergeant? A. Yes, sir.

Q. What was the particular business that brought you into this pawnbroker's at that time? A. I suppose I was looking for some stolen property at the time.

Q. Can't you define more closely than a supposition? A. No, sir; because our business is so great, we handle so much in a year, we can not keep track.

Q. Isn't there some record kept in police headquarters? A. No, sir; not of our visits to pawnshops.

Q. Can you state now, if you went to this pawnshop in pursuit of or for the discovery of any stolen property particularly? A. I either went there for that purpose or to see if I could ascertain any information in regard to any.

Q. Do you know what property was stolen that you was seeking information in regard to? A. No, sir; I can not recall any.

Q. Well, sergeant, who did you see when you called upon the pawnbroker? A. Mr. Glover, or his clerk.

Q. Did you inquire from him for stolen property? A. Always do when we go in.

Q. Did you in this case? A. I think I did.

Q. Will you say you did or not? A. I would not say whether it was a casual visit, seeking information, or whether I went there directly after some information.

Q. What information did you expect to obtain or casual information? A. A pawnbroker will always tell when we come in whether he has anything that don't look exactly right; he will call our attention to it in nine cases out of 10.

Q. Did the pawnbroker call your attention to this gold watch? A. It was lying in the case, and attracted my attention, and I spoke to him about it, and he placed it out.

Q. Did you examine it then? A. I did, sir.

Q. You saw the initials upon it? A. Yes, sir.

Q. Did you see the inscription inside? A. Yes, sir.

Q. Did you make any inquiries concerning Warnick Sedgwick? A. No, sir; because he told me —

Q. Please answer my question? A. No, sir.

Q. I suppose that you know that frequently stolen property was placed with pawnbrokers? A. Yes, sir.

Chairman Lexow.—He said he went there to see whether it was; as I understand it, that was the object of his visit.

Mr. Goff.—At that time the officer is not able to state whether

he went for information, or after stolen property; he is not able to say which.

Chairman Lexow.— But after information with reference to stolen property, or about stolen property, one or the other.

The Witness.— It is either one or the other

By Chairman Lexow:

Q. The idea you had in mind at the time you went there on either occasion was that you were investigating in reference to stolen property? A. Yes, sir.

By Mr. Goff:

Q. Was there a brother officer with you? A. No, sir; I don't think there was.

Q. Did you inquire from the pawnbroker how long he had the watch in his possession? A. He, I believe, told me —

Q. No; don't believe it; tell us what he told you? A. I am trying to recall it; he said the watch had run out, and he would put it in a sale and buy it back for me as the law compels them to put it in a sale at the expiration of a year.

Q. Your name is Charles? A. Charles A.

Q. Well, you bought this watch 15 months ago? A. Somewheres around that time.

Q. That would be about May or June, 1893? A. The exact time I can not give you.

Q. According to your own estimate? A. Mr. Glover's books will give you the exact time.

Q. I am not questioning about that; I am talking about your memory; that would be about June, 1893? A. Yes.

Q. According to your calculation; and the pawnbroker told you that he had this in over a year? A. It had run out; yes.

Q. It had run out? A. Yes, sir.

Q. That would bring it beyond June, 1892? A. Yes, sir.

Q. The time of the pawn? A. I should judge it was pawned — what date it was pawned I don't know, sir; I didn't see his book.

Q. He told you it was over a year? A. Yes, sir.

Q. Did you make any inquiries as to who Sedgwick was? A. No, sir; because he said he knew the person.

Q. He knew the person? A. Yes, sir.

Q. Did he tell you where he lived? A. No, sir; he did not.

Q. After he told you that he knew the person, why didn't

you inquire where he lived? A. Because the man was a reputable man, and his word was sufficient for me.

Q. The pawnbroker's word was sufficient? A. Yes.

Q. And he told you he knew the person who owned this watch, and it being a presentation watch from his father, but a year previous to 1891, you made no inquiry? A. No, sir; none whatever.

Q. But bought it on the pawnbroker's word? A. Yes.

Q. Did it never occur to you that this watch had been stolen? A. No, sir.

Q. I suppose you are of an unsuspecting nature? A. No, sir; I am not.

Q. You have been dealing with pawnbrokers for stolen property for a long time? A. Yes, sir.

Q. When you dealt with pawnbrokers for stolen property, and you discovered a thief, what did you do? A. We generally got an order from a magistrate for the production of the prisoner in court.

Q. But the owner of the property, how did he act? A. Sometimes it is placed in the hands of the property clerk and when the case is decided, either tried or dismissed, the court gives an order to the person they think is legally entitled to it.

Q. And when the thief is not arrested, and where the owner of the property identifies the property in possession of the pawnbroker, what course is pursued then? A. They generally see the pawnbroker.

Q. Do you know of any case where the pawnbroker has been sued? A. No, sir; I do not.

Q. How many times have you recovered property from pawnbrokers? A. They are too innumerable; I do not remember.

Q. They are so innumerable, that you can not state any one case where there has been a suit? A. Yes, sir; I can, in one case.

Q. Tell me the case? A. It was a case where a person was arrested in Brooklyn; I went over to see him and he gave the information that the property he had stolen in New York was pawned with Simpson's, on Chatham square; he gave the number, or rather the name on which it was pawned, and the amount; I brought the complainant here, and they identified the property, and after this man was convicted in Brooklyn, the plaintiff redeemed the property.

Q. Redeemed the property by paying for it? A. By paying for it.

Q. Isn't that the custom? A. Unless we get the thief.

Q. Isn't it the custom that the owner of the property pays to the pawnbroker the amount of money which the pawnbroker has advanced upon the stolen property? A. It is optional with the customer whether he does or not.

Q. I know; but that is a general condition, before he can get the property, isn't it? A. No, sir; it is not.

Q. Did you ever stand by while a complainant paid for the property that had been stolen from him? A. Yes, sir.

Q. And the pawnbroker — in what case; tell me? A. In the case of a colored man, I arrested, from a man named Thomas.

Q. Is Thompson in New York? A. Thomas is the complainant; he is dead.

Q. Give me the name of some man that is living? A. I could not just at present, Mr. Goff.

Q. Just refresh your memory; your cases must be so numerous you must have a diary, mustn't you? A. I could not recall a case.

Q. You mean to say your memory has failed you? A. No, sir.

By Chairman Lexow:

Q. Do you keep a record of them? A. In some cases.

Q. Have you a record of cases where you go into pawnbrokers to get stolen property? A. No, sir; we are obliged to go into pawnbrokers' 20 times a day.

By Mr. Goff:

Q. You mean to say you do not keep a memorandum book? A. No, sir.

Q. Don't your brother officers keep a memorandum book? A. I can only answer for myself.

Q. Isn't it a fact that the owners of stolen property have invariably to pay money to pawnbrokers — the money they have advanced, isn't that a fact? A. No; I don't think it is.

Q. Will you swear it is not? A. No; I will not.

Q. Don't you know it has occurred in very many cases where you have been the officer? A. No; I don't think it has.

Q. Has it ever occurred but in this colored man's case? A. That I won't answer.



Q. What? A. That I can not answer.

Q. Will you swear it has not occurred? A. No, sir.

Q. Will you swear it is not the invariable rule, I ask you again, for the owners of stolen property to pay to the pawnbrokers, in order to recover their property from the pawnbrokers? A. No; it is not the invariable rule.

Q. Don't you know as a matter of fact the detectives stand in with the pawnbrokers in this — A. Well,—

Q. Hold on; your memory does not fail on this question, does it? A. Put the question.

Q. You did not wait for me to put it, and your memory is very good on it; wait until I put it; your memory has failed you so many times, it might fail you this time; I will put it again, sergeant; isn't it a fact that the detectives have an understanding with the pawnbrokers of this city, that when stolen property is found in their possession, that the owners of that stolen property shall pay the amount which the pawnbroker has advanced to the thief; did it ever occur, to your knowledge? A. Not where the thief was arrested and convicted.

Q. Did it ever occur any place?

By Chairman Lexow:

Q. Whether in any other case? A. Not that I recall.

Q. Why did you make that exception? A. Because he asked me if I could tell any case where any person who had the thief arrested had paid the pawnbroker for his property.

Mr. Goff.—I did not ask that question; has your memory been affected very long, sergeant?

A. No, sir.

Q. It is in fairly normal condition now? A. Yes, sir.

Q. As good as it ever has been? A. Yes, sir.

Q. (The following was again repeated to the witness.) Is it not a fact that the detectives have an understanding with the pawnbrokers of this city, that when stolen property is found in their possession, that the owners of that stolen property shall pay the amount which the pawnbroker has advanced to the thief? A. I did not say anything about the thief there.

By Chairman Lexow:

Q. Now, I ask why you make that exception? A. Because the complainant felt disposed to pay it; nothing else.

By Mr. Goff:

Q. Is it not the custom of the office to send around postal cards?

Senator O'Connor.—Does he mean to say where a thief has been convicted, it is the custom for the owner of the property to pay the amount?

The Witness.—It is generally settled in a civil suit between them and the pawnbroker.

Q. Is it the custom in those cases where the thief has been convicted criminally for the owner to pay the amount advanced to the thief? A. Yes, sir.

By Chairman Lexow:

Q. You say it is the general custom that a suit is brought between the parties? A. Yes, sir.

Q. And yet, in your answer to Mr. Goff's question, you said you had knowledge of only one suit in your experience having been brought for that purpose? A. Yes, sir.

Q. How do you harmonize those two statements, where you say you are on the track of these pawn cases all the time, and yet you know of only one case in which a suit has been brought between the parties? A. Where I was subpoenaed as a witness, and have personal knowledge of it.

Q. Then, why did you state it was the usual custom to settle these matters by suit? A. Because the pawnbroker tries to get his money by retaining possession of the goods.

Q. You say you only know of one case? A. Yes, sir.

Q. How can you testify that it is the usual custom for a suit to be brought? A. Because we invariably tell them, "Your property is there; you have redress by replevin and suing;" and my remembrance of that watch —

By Senator Saxton:

Q. Did you advise them to pay the money advanced by the pawnbroker rather than have a suit? A. Yes, sir.

Q. They usually pay the amount? A. Yes, sir.

By Chairman Lexow:

Q. You tell them substantially, unless you pay the amount advanced by the pawnbroker, you will have to have a suit? A. Yes, sir.

By Mr. Goff:

Q. Did you ever hear it stated, with your great experience, your innumerable cases — did you ever hear it stated, by a judge of the Court of General Sessions, that stolen property, found in the possession of a pawnbroker, belonged absolutely to the owner, and that the owner had no right or obligation to pay money for his own property that had been stolen; did you ever hear that stated? A. Yes, sir.

Q. And yet, in the face of that knowledge, you turned around and permitted owners of stolen property to be buncoed out of money for their own property? A. No, sir; I never was present at any other transactions.

Q. You have stated to the learned Senators that such is the custom? A. You asked me if such is the custom, and I say, "Yes."

Q. In relation to this question of stolen property, it is the custom of the detective bureau to send out postal cards to the various pawnbrokers? A. If a person so desires.

Q. If a person so desires, and pays for them? A. Yes, sir.

Q. And I suppose you have seen a great many of those postal cards? A. Yes, sir.

Q. And a great many people who have lost property in many cases have gone to you and requested that the postal cards be sent? A. Yes, sir.

Q. And the postal cards are printed? A. Yes, sir.

Q. Printed by order of Sergeant Robbins? A. No; Sergeant Bird.

Q. Did not Robbins used to have charge of that? A. I don't know Robbins.

Q. Sergeant Byrnes? A. Bird.

Q. Oh, I knew it was of a feathered nature, anyway; I knew it was a bird, but I called it robin; he attends to the printing of the cards? A. Yes, sir.

Q. Do you know where they are printed? A. No, sir; I do not know.

Q. Do you know who prints them? A. I think a man named Evans prints them.

Q. Where does he print them? A. One time he has been in Cortlandt street, and another time in Jersey.

Q. Mostly in Jersey, wasn't he? A. That I could not say.

Q. And the owner of the property from whom it has been

stolen pays to Sergeant Bird the amount necessary to send out these postal cards? A. Yes, sir.

Q. And on those postal cards a description of the property is invariably given; isn't it? A. Yes, sir.

Q. And sent around as notice to the pawnbrokers to look out for this stolen property? A. Yes, sir.

Q. Don't you know on all of those postal cards the words are printed, "Owner will pay for the property?" A. "Pay all advances."

Q. So it is a recognized thing of the department that persons who have been robbed of their property — the department informs them they will have to pay all advances made by the pawnbrokers to the thieves? A. Yes.

Q. That is the system of the department, and that is the system since you have been there? A. Before I went there.

Q. Had you a watch before you bought this watch? A. Yes, sir.

Q. Where did you get that watch? A. I bought that on the Bowery.

Q. From whom? A. A man of the name of James P. Murphy.

Q. When? A. Some years ago.

Q. How many years ago? A. I could not recall it; probably eight years ago.

Q. Where is the watch Jerry McNally gave you? A. He never gave me a watch.

Q. Are you positive of that? A. Positive.

Q. Never gave you a present of a watch? A. No, sir.

Q. On New Year's? A. No, sir.

Q. What did you do with the watch? A. Never had it.

Q. Do you know Jimmie McNally? A. I do.

Q. Where is the watch you had? A. Pawned in Stern's.

Q. When did you pawn it? A. About nine months ago.

Q. In where? A. In Stern's.

Q. Give us the address? A. It is Thirty-first street, between Broadway and Sixth avenue.

Q. Have you got the pawn ticket with you? A. No, sir; I haven't.

Q. Had you met with financial reverses? A. I was a little short and needed money.

Q. Losses on the race track? A. No, sir.

Q. Let us get Stern's address again? A. Thirty-first street, between Broadway and Sixth avenue.

Q. How much money did you get on it? A. Sixty dollars.

Q. What is your salary? A. Two thousand dollars a year.

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

Q. How many children? A. Two.

Q. Where do you live? A. No. 324 West Fifteenth street.

Q. Live quietly, I suppose? A. Yes, sir.

Q. And you were so embarrassed in circumstances that you had to pawn your watch? A. Yes, sir.

Q. What was your immediate cause of embarrassment? A. That I can not say.

Q. Have you lost money before that? A. I could not say whether I had or not.

Q. What did you need money for, to pawn your watch? A. I wanted money in advance.

Q. For what? A. For current expenses.

Q. Your \$2,000 a year has enabled you to support your family? A. Yes, sir.

Q. Have you to pawn your jewelry, from time to time, to meet expenses? A. I would sooner do that than borrow money.

Q. Have you to pawn your jewelry, from time to time, to meet expenses? A. That is about the second time it occurred.

Q. What was the particular emergency of this case? A. I could not answer that.

Q. I suppose you have done business with Stern in the way of visiting him for information? A. Yes, sir.

Q. And you have succeeded in recovering stolen property for several people in Stern's office? A. Yes.

Q. You say you haven't the pawn ticket? A. No, sir; not with me.

Q. Did you pawn the watch in your own name? A. Yes, sir.

Q. Use your name on the ticket? A. I think it is.

Q. If you did, it ought to be? A. It will be there.

Q. By the way, you have no objection to letting us look at that ticket, have you, sergeant? A. I haven't the ticket.

Q. Where is the ticket? A. It is home.

Q. You have the ticket in your possession at home? A. Yes, sir.

Q. When you go home will you bring it down? A. With pleasure.

Q. You say you know Jimmie McNally? A. Yes, sir.

Q. Will you give us the date of the pawning, as near as possible? A. I could not.

Q. About the time? A. I will bring the ticket to you if you want it.

Q. Oh, no; we are impatient sometimes? A. It is about eight or nine months.

Q. In your own name, as Charles A. Hanley? A. In the name of Hanley; whether it is Charles A., I don't know.

Q. Under the name of Hanley; that is the name you gave? A. Yes; in the name of Hanley.

Q. Did the watch which you pawned belong to yourself? A. Yes, sir.

Q. You have bought that watch from another pawnbroker? A. No, sir; I bought it from a man, a dealer.

Q. Do you know the name of the watchmaker of it? A. The name of the watch was Pattek Filley, Tiffany.

Q. Tiffany was the manufacturer, of course? A. I don't know the maker of the case.

Q. You are sure your wife never owned that watch? A. No, sir.

Q. By the way; what is your wife's name? A. Rose.

Q. Rose Hanley? A. Yes, sir.

Q. Real estate belonged to you is in her name, isn't it? A. No real estate whatever, sir.

Q. What? A. None whatever.

Q. Is there any real estate in her name? A. No, sir.

Q. Or in yours? A. No, sir.

Q. In neither? A. No, sir.

Q. Did you ever purchase any real estate? A. No, sir.

Q. How long were you on the staff; how many years? A. On staff about 10 years, on the detective squad.

Q. You say you knew Jimmie McNally? A. Yes, sir.

Q. Have you a nickname? A. I always knew him by that name.

Q. You were intimate with him? A. No more than I am with any other thief I meet.

Q. He was a thief? A. Always considered him such.

Q. Did you ever arrest him? A. Yes, sir.

Q. When? A. I think it is December 2, 1887.

Q. What for? A. For sending circulars through the mail.

Q. Oh, a green goods man? A. Yes.

Q. Yes; that is the man that is called the queen of green goods men? A. So I have seen in the paper.

Q. You have heard him so called? A. Yes, sir.

Q. Was he convicted? A. No, sir.

Q. How far did the case go? A. To the police court.

Q. Any further? A. No further.

Q. Who was the judge that let it go no further? A. That I can not say.

Q. On whose complaint did you arrest McNally? A. It was the complaint of the inspector who sent us out to hunt up all these green goods men.

Q. What inspector? A. Superintendent Byrnes was inspector then.

Q. Was that the first time you became acquainted with McNally? A. Yes; I think it was.

Q. Give us that date again? A. I think it is December 2, 1887.

Q. December 2, 1887; that was your first acquaintance? A. Yes.

Q. You have no objection to sending a man up to your house to look into your apartments, have you? A. None whatever.

Q. And have you got that banquet lamp in your house? A. No, sir.

Q. What became of it? A. There were two lamps there which my wife has got.

Q. Yes; I know; two large lamps? A. Yes.

Q. Who bought those lamps? A. My wife.

Q. Where? A. I could not say.

Q. When? A. I could not say.

Q. How much did she give for them? A. I don't know.

Q. Ten years ago did she buy them? A. No.

Q. Five? A. No.

Q. Who paid the money? A. She did.

Q. How much? A. That I could not say.

Q. You gave her your money, I suppose, for household ex-penses? A. Yes, sir.

Q. And you let her do what she pleased with it? A. Yes, sir.

Q. Did she pay the rent out of the money you gave her? A. Yes, sir.

Q. She does everything? A. Yes, sir.

Q. And you give her a certain amount? A. Yes, sir.

Q. And out of this amount she bought these banquet lamps? A. I presume she did.

Q. Let us have her address again? A. Three hundred and twenty-four West Fifteenth street.

Q. Mary Hanley? A. Rose Hanley.

Q. Would you, please, tell me, sergeant, do you — you have as in your apartments? A. Yes, sir.

Q. And are these the lamps those large ones with petticoats upon them? A. I think that is a shade on it.

Q. What color is the shade? A. I could not recall just now.

Q. Black, white, yellow, red? A. I think it is more of a yellow.

Q. Is that the only one that has got a yellow shade upon it? A. Yes, sir.

Q. And that is made of some soft material — silk or something of that kind — isn't it? A. I presume so; I have not examined it.

Q. It is a lamp that stands on the floor? A. No; it is standing on a little stand.

Q. And it is more for ornament than for use? A. Yes.

Q. Will you describe the other lamp to me? A. The other lamp is a small figured China lamp.

Q. Well, that is used sometimes? A. Yes.

Q. Well, officer, you have no objection to have that lamp brought down here; we would like to see something artistic? A. If my wife would permit anything to be brought from the house, it will be brought with pleasure.

Q. We will have to get her to give her permission? A. I won't raise any objection.

Q. You arrested McNally, you say, and that was your first acquaintance with him? A. Yes.

Q. Did you ever see him after that? A. Yes.

Q. Very frequently? A. Yes.

Q. Did you ever arrest him after that? A. No, sir.

Q. But you knew he was in green goods business? A. Not positive.

Q. You entered a complaint at one time against him? A. No, sir.

Q. You described him a little while ago as a thief; did he reform? A. I could not say.

Q. You would recognize him? A. No more than any other person I met.

Q. Do you remember the night you were in his apartment when two ward officers went in there? A. Yes, sir.

Q. How long was that after you made an arrest? A. That was, oh, years after.

Q. And you was on such intimate relations with him as to visit him in his apartments? A. I went there for the purpose —



Q. Never mind the purpose? A. I went there with an object.

Q. There was not a brother officer with you? A. No, sir.

Q. And you saw the officers; do you remember their names?

A. No; I could not.

Q. Well, the precinct that they belonged to? A. Twentieth precinct I think.

Q. Twentieth precinct; that is at present commanded by Captain Price? A. Yes.

Q. It was two ward officers of that precinct that went in there? A. I think it was.

Q. They were sitting and resting in McNally's rooms? A. Yes, sir.

Q. Did you arrest McNally that night? A. No, sir.

Q. Do you know whether the ward officer arrested him that night? A. No, sir.

Q. Was it the next night? A. I could not say whether it was the next night or several nights afterward.

Q. When they saw you there did they ask to be excused? A. They came in and went out.

Q. When they saw you? A. Yes.

Q. And in a night or two they arrested him for opium smoking? A. Yes, sir.

Q. And he was discharged? A. I don't know.

Q. Did you ever hear what was done with him? A. That I could not say.

Q. You saw him some months after that? A. Yes. some months after that.

Q. And he did not tell you he had been convicted? A. No, sir.

Q. Were you in his apartments very frequently after that? A. No, sir.

Q. Very frequently before it? A. No, sir.

Q. You started to tell us the purpose you went to his apartment for? A. To get information.

Q. Information in regard to what? A. In regard to violation of law.

Q. What violation? A. Anything he might be able to tell me.

Q. Was he a stool pigeon for you? A. No, sir.

Q. Why did you go to him for information of violation of law?

A. Because we get information from people of that description.

Q. They are called, popularly speaking, stool pigeons? A. No, sir; but they often tell us without knowing what we are going to use the information for.

Q. You went to get him to tell of any violations of law? A. Anything he could tell me.

Q. For instance, the violations of the Sunday liquor law? A. No, sir; we never touch that.

Q. That is too small? A. We are never sent out on that.

Q. Can't you give us any more definite information as to your object going to see McNally that night? A. Nothing more than that.

Q. Did you ever go to him before for specific information as to violation of law? A. I went to him as I would to any thief I would meet casually.

Q. Did you ever go to him before, sir, to ask him for information as to specific violations of law? A. Not that I can recall.

Q. That the only time in your life? A. I was there once since.

Q. Did you ever receive from him any information in regard to specific violation of law? A. No; not that case.

Q. In any case? A. I decline to answer.

Q. On what ground? A. Because it would show means by which we would obtain information; it would show a channel by which we obtained information, and would deter others from speaking to us.

Q. You hold confidential communication with thieves in this city and you would not disclose the information you received? A. To a certain extent.

Q. And it is from information you obtain from thieves that you make arrests? A. Yes.

Q. And your boasted detective skill is largely based on the information you get from thieves? A. Yes, sir.

By Chairman Lexow:

Q. Did you discriminate between different classes of pawnbrokers? A. No, sir.

Q. Are some of them on friendly terms with you or the department, and others not? A. Well, they are liable to make a discrimination the same as any other person.

Q. And some of them will regard you favorably and others will regard you with extreme disfavor? A. No, sir; I treat them all fairly.

Q. What do you mean, then, by saying the department makes a discrimination between the different classes of pawnbrokers?

A. I did not say that; you misunderstood me.

Q. What did you mean? A. The pawnbrokers.

Q. The pawnbroker is liable to make a selection among sergeants? A. Yes, sir; to give them information.

Q. So, with some sergeants of the department, they are on more intimate terms than with others? A. Yes, sir.

Q. And were you one of those who had been specially picked out by the pawnbrokers as a friendly person? A. No, sir.

Q. When they made this selection, was it because these particular sergeants favored them in any respect? A. That I could not say.

Q. Now, is it not a fact that if, instead of using your authority to compel property owners to pay back the amount pawnbrokers had loaned upon property that was stolen, you did use your authority to compel pawnbrokers to give back property to the owners, that they would have been likely to do so? A. No, sir; I hardly think you can make a man give back money — to lose money when he pays a license to carry on that business.

Q. He pays a pretty good rate of interest, does he not? A. He gets 30 per cent. on \$100 and under.

Q. That high rate of interest is given to cover such risks? A. Yes.

Q. Is it not a fact that the pawnbrokers are violating the laws of this city and State right along? A. Not that I know of; I merely think that there is no pawnbroker that I know would receive stolen property.

Q. Knowing it to be stolen; after the information is brought to their mind that it has been stolen, and reputable citizens demanded it back, do the police exercise their authority to see that the property is redeemed without the payment of money? A. No.

Q. They try to do just the other thing, don't they? A. No, sir; if we can get a person — these gentlemen take the property from the pawnbroker on an order from court, and let it remain with the property clerk, and let the court decide.

Q. The police department has large influence over the pawnbroker, hasn't he? A. To a great extent.

Q. Did you ever seek to exercise that influence for the purpose to see that the property owner who has lost property gets

his property back without paying blackmail? A. We always try to do it.

Q. Don't you know it is a blackmail on the property owner to compel him to pay money to secure back property that has been stolen from him? A. No, sir; I do not.

Q. Do you consider that blackmail? A. No, sir; I do not.

Q. You think that is not one of the risks in the pawnbroker's business? A. I think, if the pawnbroker can get his money, he is entitled to it.

Q. No matter whether the property is recovered or not? A. And no thief arrested.

By Senator Saxton:

Q. How many pawnbrokers are there in the city? A. I think 1,020.

Q. You say the card sent out by the police force describing the stolen property has on it, "The owner will pay the advances of the pawnbroker"? A. Yes, sir.

By Senator O'Connor:

Q. That is for the purpose of allowing the pawnbroker to be reimbursed for money advanced on the property? A. Yes.

Q. Do you think it is proper for the police department or the detective force of this city to try to extort money out of people whose property is lost, and aid the pawnbroker instead of the real owner of the property; is that your idea of what a detective force ought to do? A. No, sir; but I consider it is a simple contract between that man and the pawnbroker.

Q. Why do the detective force — where is the contract between the pawnbroker and the owner of the property? A. On that card.

Q. On the card? A. Yes, sir.

Q. In other words, it is made through the police department? A. It is explained to the gentleman, and the person who is sending the cards out, and in that way, if he chooses to assume that risk, well and good.

Q. The police helped the pawnbrokers to make a contract with the owner? A. No, sir.

By Chairman Lexow:

Q. Don't you tell the owner of the property that comes to get back property that is stolen, that unless he makes that contract with the pawnbrokers he can not get the property back?

A. That unless he sees the pawnbroker he won't give it up.

Q. And you, as the police force, can not get it back unless he enters into the contract? A. Yes; he can not get it back, that is a fact.

By Senator Cantor:

Q. On that point; these cards are sent out after complaints are made by citizens that property has been stolen? A. Yes, sir.

Q. After they have made complaints? A. Yes, sir.

Q. Not after the knowledge comes to the police department? A. No, sir.

By Mr. Goff:

Q. And don't you know, officer, that where a person has complained that his property has been stolen and you discover that property in a pawn shop, and should the pawnbroker refuse to give up the stolen property, don't you know a search warrant would procure that property, whether the pawnbroker liked it or not; don't you know that? A. That is very —

Q. Do you know it or don't you know it; do you know it or don't you? A. A search warrant will produce the property, if it can be got.

Q. With that knowledge in your possession, that a man whose property has been stolen, and you locate and place that property in a pawnshop, and you with the knowledge that if the pawnbroker refuses to give them up, you can compel him to give it up by the force of a search warrant, you yet stand by the pawnbroker and aid him in obtaining the money he has given to the thief on that property? A. I have never had a case of that kind.

Q. Isn't that a fact; never mind the case?

By Chairman Lexow:

Q. That is the situation, isn't it, substantially.

By Mr. Goff:

Q. Isn't that the situation? A. No; it is not, that I can say.

Q. Did you ever get out a search warrant? A. Yes.

Q. Where? A. For a place on Division street.

Q. A pawnshop? A. Yes, sir.

Q. Who was the pawnbroker? A. Droff.

Q. Who was the complainant? A. Little Brothers.

Q. What was the lost property? A. A case of gloves.

Q. Did the pawnbroker refuse to let you see the property?

A. No, sir.

Q. If you could have examined his place, why did you get out a search warrant? A. Because I saw an entry in his book, "gloves, 25 cents."

Q. Did you ask to see the gloves? A. Yes, sir.

Q. Did he refuse to show them to you? A. He brought down a small portion.

Q. Did the owner recognize the gloves? A. Yes, sir.

Q. Why didn't you take the gloves? A. I did bring them; I got a search warrant before that.

Q. Was that the only search warrant you ever got? A. Yes, sir.

Q. In innumerable cases you only got one search warrant, in your connection with the central office? A. Yes, sir.

Q. The value of the property you got the search warrant for was 25 cents? A. That was what was on the —

Q. That was the amount he advanced? A. That was on his book.

Q. And you have recovered property valued up in the thousands? A. Yes, sir.

Q. And you never obtained a search warrant for any valuable property? A. No, sir.

Q. But for property on which 25 cents had been advanced you went to the trouble of a search warrant? A. Yes, sir.

Q. You said awhile ago you did not consider the payment of the money for his own property you know has been stolen, you did not consider it blackmail? A. No, sir.

Q. What do you consider it? A. I do not consider it blackmail.

Q. Do you understand the term "blackmail?" A. I do.

Q. What do you consider it then? A. I think if a person don't wish to take the remedy in court and wishes to pay to avoid trouble, is optional.

Q. You have stated you have heard judges in the Court of General Sessions declare time and time again that it was the right of the owner of property to recover and take his property wherever he could see it? A. Yes, sir.

Q. You, as an officer of high standing, and men whose property has been stolen and in possession of a pawnbroker, and who stands by and demands possession of that property, will you not aid him in getting possession of that property? A. Yes, sir.

Q. And yet you have never aided him? A. I have never had occasion.

Q. Did you ever have a case where a man refused to pay the money? A. Not that I can recall.

Q. Now, one Senator has asked you here if the police department does not exercise great power over the pawnbrokers; you have told them that the police department does? A. Yes, sir.

Q. You know that as a fact? A. Yes.

Q. You know that the law permits you to visit a pawnshop any hour of the day or night? A. Yes.

Q. You know the law gives you permission to examine his books? A. Yes, sir.

Q. You know the law gives you permission to go and examine for any property that has been stolen? A. No, sir; I never considered I had that power.

Q. You mean to say that you, as a detective officer receiving a salary of \$2,000 a year, that you are not aware of the law giving the right to the police department to go into the pawnshop at any hour of the day or night and seize any goods that had been identified by the owners as having been stolen by him; do you understand that? A. I do, sir.

Q. You are a \$2,000 officer and I want to get a standard of your intelligence of duty; the city pays you \$2,000 to attend to your duty.

By Chairman Lexow:

Q. Have you special functions? A. No, sir; everything.

Q. Do you have more to do with the pawnbrokers than any of the officers of the Special Sessions? A. No, sir; about the same as others.

Q. How many officers were detailed from the central office on that business? A. There is none detailed specially on that business.

Q. Did you have special pawnbrokers that you visited, and other officers have pawnbrokers that they visited? A. No; if I am going along I drop into any of the pawnbrokers and do not select any special ones.

Q. And you are on friendly relations with all of them? A. Yes, sir.

Q. And all the pawnbrokers have to be on friendly relations with the police? A. Not exactly so.

By Chairman Lexow:

Q. Is it not a fact if you recognize the powers conferred on you against one pawnbroker, and do not on the other, you drive him out of business in 24 hours? A. No, sir; I don't think I do.

By Mr. Goff:

Q. Don't you know of several occasions where the judges of General Sessions have ordered the pawnbrokers, in open court, to return the property to the owners? A. Yes, sir.

Q. Where the judges have done that, and you knowing it to be the law why should you not, as detective officers, do the same thing in the pawnshops where the owner identifies his property, instead of helping the pawnbroker to collect his money; why wouldn't you do that? A. I have been placed in that position.

Q. Is it not the fact that you get half of the money that the pawnbroker gets from the owner? A. No, sir; it is not.

Q. Of course you would deny it anyhow? A. No, sir.

By Chairman Lexow:

Q. Did you get any part of it? A. No, sir.

By Mr. Goff:

Q. Is it not notorious in the police force that the police gets half, at least, of the money received from stolen property for its recovery? A. No, sir.

Q. You mean to say you never derived a dollar; I know you will answer, "No;" you will answer "No," won't you? A. No; I will not answer "No."

Q. Did you ever receive a dollar? A. I may have received a small compensation.

Q. From whom? A. I could not tell; from either party.



Q. From a pawnbroker? A. I don't know.

By Chairman Lexow:

Q. You said "from either party;" that must be from one or from the other, or from both; now, do you mean to include both the pawnbroker and the owner of the property, or except the one or the other; and, if so, which one do you except?

A. I would only accept from the complainant.

By Mr. Goff:

Q. Don't say "only;" give the fact? A. I don't recall where the pawnbroker gave anything.

Q. Will you swear under your oath, which a false oath will involve perjury — will you swear you never received a dollar from a pawnbroker in the city of New York in relation to the transaction of restoration of stolen property? A. I will, sir.

Q. Positively? A. Positively.

Q. And you mean to say no pawnbroker in the city of New York would dare go on the stand and swear otherwise? A. I don't know what they would do.

By Chairman Lexow:

Q. Why did you say a moment ago, in answer to my question, that you did receive a small compensation from one or the other; why did you swear in one case you did not from the pawnbroker? A. He put that question in regard to a transaction.

Q. I put the question to you, Mr. Sergeant, and you said you admitted that you did receive a small compensation from one or the other; now, why did you state positively on oath, inasmuch as you put it in that case and did not remember whether it was from the pawnbroker or the owner of the property; why do you now swear definitely under oath that it was not from the pawnbroker? A. Because I can not recall an instance in which I received anything from a pawnbroker in that way.

Q. How many instances can you recall when you received it from the owner of the property? A. I can not say.

Q. Assuming that you can not now recall the number — A. Being not so many.

Q. But it is the usual custom? A. It is the usual custom.

Q. What percentage of the value of the property would you receive; did you charge anything for it? A. No, sir.

Q. You left it optional with the property owners? A. Yes, sir.

Q. In the course of your experience as sergeant, did you find the property owners fixed any average or amount of compensation? A. No, sir.

Q. In reference to the value of the property? A. No, sir.

Q. What was the largest amount you ever received? A. I think it was — well, I don't know.

Q. About? A. I think \$17.

By Mr. Goff:

Q. From whom? A. Mr. Thomas.

Q. Was that a percentage upon the value of the property? A. I should not judge it was.

Q. Why was it just \$17? A. Because he made out a check to me to go and draw and pay the pawnbrokers for his goods and have them sent to his place, and he says the balance you keep, and the balance between the amount of the expenses and the amount of the check was about \$17.

Q. And what was the next largest amount? A. That I could not recall.

Q. Did it vary from \$1 to \$17? A. More often nothing than anything.

By Senator Bradley:

Q. He asks what you received, not what you might have received? A. I could not recall.

Q. How often would you be able to find and get back property that had been stolen? A. Quite often.

By Chairman Lexow:

Q. Once a week? A. No.

Q. Once a month? A. About that; sometimes we would have four or five cases together, and then two or three months without any.

Q. You say the general average would be once a month every year? A. Yes.

Q. That kept up for 10 years? A. About.

Q. That would be 120 cases? A. Yes, sir.

Q. About how many cases would you receive on the aggregate from property? A. Not 3 per cent.

Q. Why do you fix that figure? A. Because it is so rare that I can not recall them.

Q. Didn't you say awhile ago, in answer to one of my questions, that it was the custom from the owner of the property to pay a small compensation? A. No; I did not say it was the custom; if it was offered gratuitously I would take it.

Q. When you said sometimes they would not pay anything you meant that sometimes to mean 97 per cent.? A. Yes, sir.

By Senator O'Connor:

Q. What was the entire amount of the check when you received anything? A. I can not tell.

Q. You do not remember how much the check was? A. No; I do not.

Q. Did you tell this man Thomas the amount that was due to the pawnbroker? A. Yes; because he came with me to the different pawnbrokers and saw the goods and the amounts.

Q. So he gave you a check for the amount that was due and \$17 more? A. Yes.

Q. And told you to keep the balance? A. Yes, sir; I think that is about the amount.

By Chairman Lexow:

Q. Do you dispute, sergeant, that you as a detective have a large influence over pawnbrokers with whom you come in contact in this city? A. I do.

Q. You dispute that fact? A. Yes, sir.

Q. You claim you have none? A. No more than what the law will give me.

Q. Do you mean to be understood here that in the 10 years of your experience you have never received any compensation from a pawnbroker at all? A. None that I can recall.

By Senator Bradley:

Q. I would like to ask a few questions; sergeant, to whom did you make a report; to what officer did you make your report; how often did you make your report? A. We report every morning to Inspector McLaughlin.

Q. What do you make this report from? A. We report in case we recover property in making arrests, the disposition of the prisoner and the disposition of the property.

Q. Do you carry this all in your brain? A. Every day we give it in as the case is through; we are compelled to return from court and give disposition of the prisoners and property.

Q. Isn't it a fact when you are on your rounds for the 24 hours you make a note of everything that occurs, and every officer has to do that of every thief he meets? A. No, sir; we do not.

Q. Keep no memorandum at all? A. No, sir.

Q. Keep it all in your head? A. Yes, sir.

Q. Don't you know it is a fact that every detective officer and every ward officer and every policeman has got a book that he makes a note of everything that occurs during his tour and has to produce that book and make a report every morning to his superior officer? A. No, sir.

Q. You don't know? A. No, sir.

Q. You are getting \$2,000 a year, and don't know that? A. No.

By Chairman Lexow:

Q. Do you know the reason why these cards are sent out from the department to pawnbrokers offering to reimburse them the amount that has been advanced upon property that was stolen? A. Because the person is anxious to get the property back in their possession.

Q. Do you mean to say that the result of that is that the property comes more readily back to the owner? A. Yes; the pawnbroker will notify us.

Q. In other words, that, instead of your having to go around from one pawnshop to another, in your capacity as special detective, to look up the property, that the pawnbroker is expected, as the result of that notice, to come to headquarters and present the property?

By Senator Saxton:

Q. That saves you work? A. Yes, sir.

Q. So that they shall pay? A. Not to pay.

By Mr. Goff:

Q. I wish to call your attention to the transaction of Mr. Thompson; you say he gave you a check? A. Thomas.

Q. Now, give us his first name? A. That I could not.

- Q. What? A. I could not give you his first name.
- Q. Give his place of business? A. He is dead now.
- Q. Can't you give us the name of a live man? A. No, sir; I can not.
- Q. What business was he in? A. Theatrical business.
- Q. Where was his office? A. Broadway and Twenty-seventh street.
- Q. Give us the number; that is an indefinite description; what corner? A. It was on the southwest corner.
- Q. What? A. Southwest corner.
- Q. That was Bird & Thomas? A. White & Thomas.
- Q. Thomas is dead? A. Yes.
- Q. There was property stolen from White & Thomas? A. From Thomas.
- Q. What was the property? A. Fur-lined overcoat, seal-skin sacque, and other little articles — clothing.
- Q. How did you come to visit Thomas' office? A. Thomas came to police headquarters and made the complaint.
- Q. After he made the complaint, you went out to look after the property? A. Yes.
- Q. Did the pawnbroker send you word about it? A. No, sir.
- Q. Where did you find it? A. I found some pawned in Sixth avenue, and some in Thirty-first street.
- Q. Where in Sixth avenue, and with whom? A. Near Twenty-first street.
- Q. With whom? A. Pawnbroker Lemon.
- Q. What was the property? A. I can not give the exact number; between Twenty-eighth and Twenty-ninth.
- Q. Did you find any pawned in any other pawnshop? A. Yes; in Stern's, on Thirty-first street.
- Q. That is where you bought this watch? A. No, sir.
- Q. Or where you pawned your other watch? A. Yes, sir.
- Q. After you found the property in these two pawnshops, you then went and told Mr. Thomas that you had discovered the property, didn't you? A. Yes, sir.
- Q. You went to his office? A. Yes.
- Q. What was the amount of the advance? A. I could not recall it.
- Q. Was it \$1,000? A. Oh, no, sir.
- Q. Was it \$500? A. No; a small amount.
- Q. Was it \$300? A. No, sir.
- Q. Was it \$100? A. No, sir.

Q. Was it \$50? A. I could not tell whether the gross amount was \$50.

Q. Whatever the amount was you told Mr. Thomas? A. Yes.

Q. And you told Mr. Thomas, in order to get them without any trouble, he had better send a check? A. No, sir; I did not; Mr. Thomas offered to pay for them after the colored man was convicted.

Q. How long after the time you obtained knowledge of the property that the colored man was convicted? A. Probably three months.

Q. And do you mean to say here that after the trial and conviction of a thief that Mr. Thomas paid you a check for the return of that property? A. He gave me a check; I went with him to — had me cash the check and give it to the pawnbroker for the amount of the case.

By Chairman Lexow:

Q. I thought that was the exception, that in such a case they would not pay back to the pawnbroker? A. They did not; it was optional.

Q. Apparently the only case you remember was a case in which they did pay back the money to the pawnbroker, although the thief had been convicted? A. Yes, sir.

By Mr. Goff:

Q. Were those articles produced in court? A. No, sir.

Q. You were on the trial as a witness? A. The man pleaded guilty.

Q. And after his plea of guilty it was not necessary to bring those down to court, was it? A. No, sir.

Q. Did you ever cause them to be brought down to court before he plead guilty? A. I had stopped them by notifying, by having them identified by Mr. Thomas.

Q. Did you ever cause them to bring them down to court for the purpose of using them as evidence against the thief? A. No, sir.

Q. And you were before the grand jury? A. Yes, sir.

Q. You did not bring them there? A. No, sir.

Q. You had not brought them down under any circumstances at any time? A. No, sir.

Q. And yet after that thief plead guilty you turned around and accepted from the owner of the property a check to pay

the amount of the pawnbroker's advances? A. It was his suggestion, not mine.

Q. You accepted the check; you went to his office and accepted his check? A. I went with him to the bank on the way to the court.

Q. You went to his office first? A. From time to time I had been in his office.

Q. You said after the complaint was made? A. Yes, sir.

Q. Was that the time he gave you the check? A. No; it was months afterward.

Q. It was after the thief plead guilty? A. Yes.

Q. What took you to the office after he plead guilty? A. I did not go to his office; on the way up from the court we came up to the Bank of the Metropolis, and he handed me a check, and asked me to go and pay the pawnbrokers and send the goods to his office.

By Chairman Lexow:

Q. How much was the pawnbroker's charge? A. I could not tell.

Q. About how much? A. I should think in the neighborhood of \$33 or \$35 or \$36, all told.

Q. And you got \$17; so the check was about \$50? A. Yes.

Q. Now, you say the value of the property was \$50? A. No, sir; I do not say that; you asked me the loans.

By Mr. Goff:

Q. How much was the property worth? A. People put different valuations upon it; there is one sealskin sacque there valued in the hundreds.

By Senator Cantor:

Q. What was the nature of the property? A. Clothing, sealskin sacques and sealskin lined overcoat.

By Senator Saxton:

Q. What was the \$17 paid to you for? A. A present.

Q. Was that the custom for detectives? A. They can not prevent —

Q. Is it the custom? A. No.

Q. Is it frequently done? A. It is done occasionally.

Q. Didn't you know the rule in the department that prescribes the duty of every officer who receives a gratuity to turn it into the pension fund? A. Yes, sir.

Q. Do you know that rule? A. Yes, sir.

Q. Did you turn that money into the pension fund? A. No, sir; because he gave it to me for expenses incurred.

Q. Did you turn it into the pension fund? A. No, sir.

Q. For what did he give it to you? A. For expenses incurred going after this fellow, and carfare, and indefinite things.

Q. Are not your expenses paid by the treasurer of the department, in the matter of incidental expenses for capturing thieves? A. In regard to thieves, where we employ people, or out of town.

Q. Here was a thief in town; we mean to say you did not put in a bill for expenses incurred in that case? A. I did not.

Q. You did not have expenses? A. I did.

Q. How much were they? A. Probably \$4 or \$5.

Q. And you preferred, although you knew you had your right, and it was your duty to put in your bill to the treasurer of the police department for your expenses, and to the head of your department of the detective bureau, because it was compulsory, you preferred to get paid by the owner of the property, a private citizen; is that so? A. If he felt so disposed.

By Senator O'Connor:

Q. Did you know it was not necessary for him to pay this money to recover this property? A. He knew that.

Q. Did you tell him that? A. Yes; when he identified the property before the prisoner was arrested.

By Mr. Goff:

Q. What is the name of the colored man who plead guilty there? A. Thomas.

Q. Thomas was the name of the complainant? A. Oh, Dan something.

Q. Has your memory failed you again? A. Yes, sir; in that instance; I can not recall it.

Q. Will you swear you did not put in a bill for expenses and disbursements in the Thomas case? A. Yes, sir.



Q. You clearly remember that? A. Yes, sir.

Q. And you don't remember the name of the defendant? A. No, sir; I don't — yes, I do now; Thomas Oliver — or Daniel Oliver.

Q. How many years ago is that? A. Six or seven years ago.

Q. To whom did you put in your bills for expenses; the officer that receives them from you? A. To the sergeant at the desk.

Q. The sergeant in the detective bureau? A. Yes, sir.

Q. And isn't it the rule of the department that you, after every case that you are on, have to put in your bill for expenses? A. No, sir.

Q. Isn't it a rule of the department? A. No, sir; not that I know of.

Q. You know officers are paid their expenses? A. Yes, sir.

Q. Raise your voice, please; did you ever go on an expedition case? A. Yes, sir.

Q. Who paid your expenses? A. Sometimes the district attorney would pay it; other times the police department.

Q. Don't you know you never went on an expedition case yet where the complainant in the extradition proceedings did not put up the money before for the expense? A. Yes, sir; I knew a number.

Q. Name me one? A. I name the case of Victor Bergland.

Q. Who was the complainant there? A. His wife.

Q. Where was he extradited from? A. Chicago.

Q. Who paid his expenses there? A. I did.

Q. Who paid you? A. The police department.

Q. If the police department paid you the expenses of extraditing this fellow from Chicago, didn't they invariably pay you all expenses incurred in the performance of your duty? A. Yes, sir; when a bill is presented.

Q. And in the Thomas case you did not present it because it was too small? A. Yes, sir.

Q. Don't you know there is a provision in the Penal Code against any officer accepting any gratuity for any services it is his duty to perform? A. I did not accept it for my services.

Q. Don't you know there is a provision in the Penal Code that makes it a crime? A. No, sir.

Q. You say you did not accept it for services? A. No, sir.

Q. What did you accept it for? A. As a present for —

Q. For what; what did you think he paid you for? A. Nothing but to do my duty.

Q. What did you get the money for; for doing your duty, wasn't it? A. No.

Q. Did you do anything outside of your duty? A. No, sir.

Q. What did you get it for? A. Because he felt like giving it to me.

Q. It was a present? A. It was for the incidental expenses.

Q. There were incidental expenses of \$5, and there were \$12 remaining; what did you get the \$12 for? A. As a present.

Q. Now, I ask you again, if you are not aware that that is a crime for an officer? A. No, sir.

Q. And yet you are a \$2,000 a year officer, and 10 years on the detective force? A. Yes.

Q. By the way, you say you do not want to tell what information McNally gave you; are you afraid harm would come to McNally for the information he gave you? A. No, sir.

Q. Where is McNally? A. I can only say from the papers he is in Europe.

Q. Don't you know anything more than the papers? A. No, sir.

Q. When did you last see him? A. It is so long ago I can't remember.

Q. Well, within a year? A. I may have met him within a year.

Q. In his own rooms? A. No, sir.

Q. Didn't you meet him within six months? A. No, sir.

Q. Didn't you meet him shortly before his departure for Europe? A. No, sir.

Q. Didn't you meet him since the Senate committee commenced its investigation? A. No, sir.

Q. You mean to say you did not see him after George Appo testified here? A. No, sir; I did not.

Q. Did you see him after Appo's testimony? A. No, sir.

Q. That is as true as you did not get a watch of him? A. Yes, sir.

Q. Or the lamp up in the house? A. I don't know about the lamp; my wife will answer that.

Q. Don't you know he made a present of that lamp to your wife? A. No, sir.

Q. You can not say where it was bought, or anything about it? A. No, sir.

Q. How much money have you received from Jimmie McNally altogether? A. Never received a dollar from Jimmie McNally.

Q. What! have you been doing business for him in New York?  
A. Never done business for him.

Q. You have been the central representative of Jimmie McNally's business? A. No, sir.

Q. You knew he was a green goods man? A. By reputation.

Q. You arrested him once for the offense? A. Yes, sir.

Q. You called him a thief here awhile ago? A. Yes.

Q. You never arrested this green goods man whom you knew to be a green goods man by reputation? A. No, sir.

Q. Or this thief? A. No, sir.

Chairman Lexow.—He arrested him once.

By Mr. Goff:

Q. I mean after he arrested him once, and after he was discharged? A. Yes, sir.

Q. Was that on what was known as "a come back," that you arrested McNally? A. No, sir.

Q. What was it? A. On a general order of Inspector Byrnes.

Q. You gathered in all green goods men? A. Yes, sir.

Q. You knew he was a green goods man? A. By general reputation.

Q. Nothing came of the general order, except the arrest and discharge? A. No, sir.

Q. And all were discharged? A. No, sir.

Q. How many more orders were there? A. Several orders.

Q. Were there any after that? A. Yes.

Q. Do you recollect the order? A. Yes.

Q. Did you arrest McNally on that order? A. No, sir.

Q. Why? A. Because I could not find him.

Q. And yet, when you wanted information in regard to violations of law, you found him? A. Not always.

Q. He changed his residence quite frequently, didn't he?  
A. Yes, sir.

Q. Where was his residence when you went to see him in regard to violations of law? A. I think Thirty-eighth street and Seventh avenue.

Q. Was that the only time you were there? A. I may have been there twice.

Q. How many times were you up to Bridgeport? A. Never.

Q. You knew he had a place in Bridgeport, didn't you? A. Only from general talk.

Q. And yet you tell this committee that this man whom you have heard spoken of as the king of green goods men, and whom you have described as a thief, and whom you have visited in his private apartments, has only been arrested once, and that by general orders of the city department of New York?

A. Yes, sir.

Q. And he was discharged? A. Yes, sir.

Q. And didn't you know, as a fact, that he was following his trade of green goods in the city of New York? A. No, sir.

By Chairman Lexow:

Q. How did you come to arrest him? A. Because the inspector sent us out to arrest all persons whom we had any suspicion of using the mail for green goods.

Q. Without naming them? A. Yes, sir; and I went and searched for whoever I could.

Q. And you had knowledge before that general order was issued that he was a green goods man, using the mail for that purpose? A. Only a vague knowledge.

By Mr. Goff:

Q. On that vague knowledge you arrested the man? A. Yes, sir; nothing definite.

Q. You had nothing definite before, if it was vague, had you?

By Chairman Lexow:

Q. You had it definite enough to arrest him in the first place; didn't you retain that impression after he was discharged?

A. Yes, sir.

By Mr. Goff:

Q. Why didn't you arrest him again? A. Because I probably couldn't find him.

Q. You could find him in his rooms when you visited him? A. Very rarely.

Q. You did, on one occasion, as you testified, didn't you? A. Yes, sir.

Q. Why didn't you arrest him then? A. Because I had no complaint against him.

Q. You mean to say you could find him very rarely when you wanted him, or when you didn't want him? A. Very rarely.

Q. Did you arrest any person on that general order but McNally? A. I think he was the only person I arrested that time.

Q. Do you know how many were arrested on that general order? A. There was quite a number.

Q. Can you give the names? A. No.

Q. Could you recognize them if you heard the names? A. Yes, sir; some I would and some I would not.

Q. Did you arrest a man of the name of Blodgett? A. No, sir.

Q. Do you know a man of the name of Blodgett? A. No, sir.

Q. Did you arrest a man of the name of Horn? A. No, sir.

Q. Do you know a man of the name of Horn? A. By general appearance; that is all.

Q. A vague knowledge? A. Yes.

Q. Al. Horn? A. I know him from being an actor.

Q. Don't you know he was in the green goods business with McNally? A. No, sir.

Q. You mean to swear you have no knowledge, vague or otherwise, that Al. Horn was engaged in the green goods business with McNally? A. Yes, sir.

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

Q. Do you know what caused McNally to leave so hurriedly from New York? A. No, sir; I do not.

Q. Had you any knowledge that he was going to leave? A. No, sir.

Q. Did you ever meet "Big Walter," Walter Haines? A. I arrested a man by that name.

Q. You arrested him? A. Yes.

Q. Knew him as a thief? A. He was supposed to be connected with green goods; I arrested him as a suspicious person.

Q. When did you arrest Big Walter Haines as a suspicious person? A. Sometime last winter.

Q. Last May? A. Last winter.

Q. Where did you arrest him? A. I think Eleventh avenue and Twenty-first street.

Q. What became of that arrest? A. He was discharged.

Q. Discharged, as usual; had you any proof against him? A. No, sir.

Q. And the only thing was your suspicion? A. I was going through on a car.

Q. And you mean to say you did not know or ever hear of Big Walter being a "turner" for Jimmie McNally? A. I heard that name of Walter repeatedly.

Q. Walter Haines? A. Never heard of him being a "turner."

Q. Or connected with the green goods business? A. Yes; connected with the green goods business, but in what capacity I did not know.

Q. Had you heard of him in that capacity before you arrested him on suspicion? A. Yes, sir.

Q. Now, officer, we will ask the committee to excuse you for the present, but do not leave the courtroom, please—pardon me, please; didn't you arrest a man of the name of Scribner at the same time with Haines? A. Yes.

Q. Did you discharge him, too? A. Yes, sir.

Q. Did you know he was engaged in the green goods business? A. No, sir.

Q. Knew nothing about it? A. No, sir.

Q. Have you ever been taken for a country guy? A. No, sir.

Q. You have escaped all those 10 years you have been on the detective force, and never been taken in as a guy? A. No, sir.

Q. Will you stand aside for a moment, and do not leave the courtroom? A. Yes, sir.

Mr. J. W. Garfield, called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. I am bookkeeper for Thomas Kirkpatrick.

Q. Mr. Kirkpatrick is a jeweller? A. Yes, sir.

Q. And he is in Europe? A. Yes, sir.

Q. We have served two subpoenas up there, Mr. Garfield, for Mr. Kirkpatrick, to produce books of sale; is it the purpose of employes or representatives of Mr. Kirkpatrick to obstruct this committee in any way by not producing those books? A. Not the slightest.

Q. You are in charge of those books? A. Yes, sir; allow me to explain the deliveries of these subpoenas; that is all—

Q. I discharge you now that you say it is not your intention; you are in charge of the books? A. Yes, sir.

Q. Showing the sales of gold watches? A. Yes, sir.

Q. Are those sales recorded in a regular day-book, or in a ledger, transferred from the day-book? A. In a day-book and sales-book; those that are sold for cash are put in the cash sales-book.

Q. Do you take the names of purchasers of watches? A. We do where we know them; we seek to get the names where we can.

Q. If the purchase made is a cash transaction, what do you do? A. Well, that is a matter of accident; if we know who the party is, record the name; if they do not, there is no record kept of it.

Q. No record kept? A. No, sir; that is, I mean, of the name.

Q. Are there any particular trademarks or numbers of identification that you can tell the watches you have sold? A. Yes.

Q. You record the numbers of all the watches? A. Yes, sir.

Q. Together with the amount paid for the watches? A. Yes, sir.

Q. Now, Mr. Garfield, I ask the committee to instruct you to bring here your book of sales for the month of December and January, December, 1891, and January, 1892? A. Yes, sir.

Q. You have been kind enough to give us a statement, but I am not satisfied with the statement. A. Well, that—if you will allow me—that moment, the notice was given to us on Saturday, in the absence of everybody, and trying to give all the watches sold in the different months, I thought I had answered all purposes; I wish to disavow any purpose of obstruction.

Q. Now, will you, please, get down that book for us as quickly as possible? A. Do you wish it to-day?

Q. Yes, sir.

Chairman Lexow.—At 2 o'clock. We will take a recess, from 1 to 2, and we will have the book at 2 o'clock.

Mr. Goff.—We will excuse you for the present.

Chairman Lexow.—You are cautioned not to speak to any person.

Mr. Goff.—We want the day-book that records the sale in the first instance, and then we want the ledger, in which the sales are transferred; is not that so? A. Yes, sir.

Senator Saxton.—During what time?

Mr. Goff.—I have said during the month of December, 1891, and January, 1892, of gold watches; we don't want anything else.

By Mr. Goff:

Q. Do you make a special record of the sale of gold watches?

A. No, sir.

Q. You put those in the general day-book of sales? A. Yes, sir.

Q. That is the book we want, particularly — the book of your sales every day? A. The book of daily sales, and cash sales and day-book; will that be sufficient?

Mr. Goff.—No, you had better bring us the other book, in which the account is transferred — the ledger.

Senator Cantor.—I suppose you want any book in which there is a transaction of sale of a gold watch in December, 1891, and January, 1892.

Mr. Goff.—Yes, sir.

Senator Saxton.—Probably the ledger would not be as full.

Mr. Goff.—We want the day-book first.

Chairman Lexow.—Don't allow anybody to approach you or to say anything about the testimony you shall give here, or about the books. Mr. Goff, we had better take a recess in that case until 2 o'clock.

Mr. Goff.—I suggest, that I think it would be proper at this point here, before recess, to put in evidence, and put upon the records, Rule 142 of the police department, if your honors will permit me to read it now.

(Mr. Jerome read the rule as follows):

#### “REWARDS AND TESTIMONIALS.

“Rule 142.—The board of police will, in their discretion, permit members of the force, for services rendered by them in the discharge of their duties, which are both ‘meritorious and extraordinary,’ but for such only, to receive under the restrictions provided in this rule, rewards, presents, or testimonials, tendered them for such services.

“When any such reward, present, or testimonial is proffered, it must, whether money or otherwise, first be deposited with the treasurer of the board, to await such final action as the board may take upon it.”

Chairman Lexow.—All witnesses subpoenaed for this morning will return here at 2 o'clock. We will stand adjourned until that time. The witnesses under examination should not dis-



cuss the testimony, or speak with anybody in reference to the matters in regard to which he had been asked or testified — and especially not with reference to his wife.

Adjournment, afternoon session 2 p. m.

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### AFTERNOON SESSION.

Present — Senators and counsel as before.

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

By Mr. Goff:

Q. Will you speak up in a loud tone so that we can all hear?

A. I will try to.

Q. You are the wife of Detective Charles Hanley? A. Yes, sir.

Q. Who was the man who spoke to you on the street to-day, just before the subpoena was served upon you? A. A gentleman who lives on the top floor of my house.

Q. What is his name? A. Mr. Mourvey.

Q. Give us his full name? A. Well, really I could not, because I don't know; I only know his last name.

Q. What did Mr. Mourvey say to you? A. I said good morning to Mr. Mourvey and he said good morning to me.

Q. Is that all that passed between you? A. I told him Mr. Hanley was before the Lexow committee this morning.

Q. What did he say? A. He didn't say anything; he shook his head.

Q. You have spoken to your husband since you came in the courtroom, have you not? A. No; he just kissed me.

Q. Did he not say something to you? A. He said, "Keep up your courage."

Q. Where did you buy this lamp? A. In Ehrich's store.

Q. Did you pay cash for it, or get it charged? A. I paid cash.

Q. When did you buy it in Ehrich's store? A. A year ago last Christmas.

Q. Was it delivered? A. It was.

Q. How much did you pay for it? A. I have forgotten what I did pay for it.

Q. Do you know the salesman or saleswoman from whom you purchased it? A. I do not.

Q. Your husband told you to say, since you came in the courtroom, that you bought it at Ehrich's? A. He did not.

Q. Can you not wait until I put my question? A. I presume I should have done so, but you asked me where I bought it.

Q. I say your husband told you, since you came in the courtroom — A. He did not.

Q. I have not finished my question; your husband told you, since you have come in the courtroom, to say that you had bought it at one of the large drygoods stores, did he not? A. He did not.

Q. You can not say how much you paid for it? A. I have no recollection.

Q. Did you pay \$50 for it? A. No; I am sure I did not.

Q. Did you pay \$30? A. No, sir.

Q. Did you pay \$20? A. I don't remember; I am sure I did not pay \$20; am quite positive I did not.

Q. Did you pay \$10? A. Yes, sir; I think I did.

Q. Was it between \$10 and \$20? A. I could not tell you; it must be between those figures.

Q. It was not less than \$10, was it? A. No, sir.

Q. And not more than \$20? A. No; I don't think I paid that much.

Q. Will you fix a limit? A. I could not.

Q. Will you say it was not less than \$5? A. No; I would not say that.

Q. Did you pay \$1.99 for it? A. I won't say, for I don't know what I paid.

Senator O'Connor.—What kind of a lamp is it?

Mr. Goff.—I am not an expert in ceramics. I can't say.

Q. Can not you limit the price in some way, so that we can understand the approximate value of this lamp? A. No, sir; I can not.

Q. Was anyone with you when you purchased it? A. I was alone.

Q. Did you get a bill for the lamp? A. No; I didn't get no bill; a bill was not necessary; when you pay cash for anything you do not get a bill with the goods, as a general thing.

Q. Did you get a bill for this lamp; that is what I want to find out? A. No; I did not.

Q. Did you get any memoranda showing the charge of the lamp? A. There is simply a tag there.

Q. Did you get any memoranda or paper of any kind when you paid the money for the lamp? A. No; I did not.

Q. Will you swear to that clearly, now, do you? A. I swear to that.

Q. You have bought other things at Ehrich's, have you not? A. Yes, sir; I do considerable shopping in Ehrich's.

Q. You have not an account there, have you? A. No, sir; I have no account in no drygoods store.

Q. Is it customary, so far as you have found, that you get any written bill of sale or memoranda of sale? A. Why, no; it is necessary to.

Q. That is all. You have answered the question.

By Chairman Lexow:

Q. When you bought this lamp, did you buy the whole lamp just as it stands there? A. Yes, sir.

Q. The shade and everything? A. Yes, sir.

By Mr. Goff:

Q. Were you at home when the lamp was delivered? A. I was.

Q. This lamp has never been used, has it? A. Oh, yes; we use it quite often.

Q. Do you know a young lady by the name of Miss Lulu Applegate? A. No; I don't know anyone by that name.

Q. Do you know a young lady by the name of Nellie Marau? A. I never heard of her.

Q. Did a young lady come to your house as messenger for your husband about six months ago, of a striking appearance? A. I do not remember.

Q. How many watches has your husband? A. He has got one watch now.

Q. Do you remember that he ever had two watches at a time of his own? A. Never, to my recollection.

Q. Do you know when he got the watch that he has got now? A. He has been wearing it sometime.

Q. About how long? A. I could not say.

Q. Two years? A. I think it is, if not more.

Q. If not more than two years? A. If not more than two years, I am not quite sure.

Q. How long are you living where you now reside? A. We are living there two years from the 1st of last June.

Q. Do you not remember that he had this watch long before you went to live where you are now residing? A. I do not remember, because my husband had a little watch, and I think the one that he has got now he got very cheap.

Q. But what about the other watch; you say he had a little watch? A. Yes; one that he had quite a number of years.

Q. What did he do with that? A. I think he disposed of it.

Q. How? A. I could not tell you.

Q. Did he dispose of that watch before he got the present watch? A. Yes, sir.

Q. It must have been three years ago? A. I don't remember.

Q. It was before you went to live in the present apartments, where you are now living, was it not — you are living there two years, the 1st of June? A. I do not remember how long he has had the watch that he is wearing, a little opened-faced watch that he wears.

Q. The watch that he had before that? A. That was a very common affair.

Q. A silver watch? A. No; I don't know that it was silver, it was gold, I guess, but it was a cheap one, not of much account, and he got this little one and he liked it better because it was a much nicer and better watch.

Q. Do you know where he got this watch? A. I do not; I am sure I could not tell you.

Q. You do not know of what watchmaker he bought it? A. I could not tell you that.

Q. But you are sure that the first watch that you speak of, was disposed of by your husband before he got the watch that he has at the present time? A. Yes, sir.

Q. You are very clear about that? A. Yes, sir; I am very clear about that; it was a very common affair, if anything, I think he gave it away, but I would not be sure of it.

Q. Do you know to whom he gave it? A. I could not say that he gave it away, but I say if anything, I would not be surprised.

Q. It was not worth much? A. No; it was not worth much.

Q. And you often heard him say it was not worth anything? A. No; I have not heard him say so.

Q. Well, it was an understood thing between you? A. No; it was not, I simply knew it.

Q. Knew of your own knowledge? A. Yes, sir.

Q. It was not a good timepiece, that watch? A. I don't know really, I never heard him say.

Q. You never heard him say anything about it at all? A. I don't know whether I have or not.

Q. Was there not some amusing features, some ridiculous things about that watch that you remember? A. I don't remember anything very amusing; I don't know what could possibly be amusing about any watch; it was a common, ordinary affair.

Q. Did he remain long without a watch, from the time that he disposed of that one? A. He has never been without one.

Q. Would you know that first watch if you saw it? A. I would not be positive; I think I would; you see so many of the same kind; I could not say.

Q. Have you seen so many watches in your lifetime? A. As a general thing, most everybody carries one.

Q. Have you seen so many that you could not identify one? A. I do not know.

Q. This watch that you say was of no account, you must have examined it, and familiarized yourself with its appearance? A. I don't know that I have, but I know it was a very cheap watch, that is all that I do know about it.

Q. Then you judge of that by its appearance, do you not? A. Perhaps.

Q. And you judge of it so accurately, that you would be able to recognize it, would you not? A. I think I would; I am not sure; I would not say positively that I would.

Q. Is not that the watch (handing the watch)? A. Really, I could not say.

Q. You could not say? A. No, sir.

Q. You are in a condition of mind as to be very uncertain about things in general, are you not? A. No; I am not, but I could not say in regard to that watch.

Q. That is all; I shall not keep you any longer? A. Thank you.

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

By Mr. Goff:

Q. What is your business? A. Pawnbroker.

Q. Where is your place of business? A. No. 56 West Thirty-first street.

Q. You have been asked to produce a watch described by Detective Sergeant Hanley; I ask you if that is the watch? A. That is the watch that I brought down.

Q. Will you tell us when that watch was pawned with you? A. October 25, 1893.

Q. That is less than a year ago? A. Yes, sir.

Q. Will you say how much was advanced? A. Sixty dollars.  
Chairman Lexow.—What is the value of that watch?

By Mr. Goff:

Q. Tell us the value and what kind of a watch it is? A. It looks to me like a Tiffany watch.

By the Chairman:

Q. What, in your judgment, do you think would be its value? A. I do not think that watch would fetch \$75, under the hammer to-day at a sale.

Q. What at retail, when new? A. That would be very difficult for me to answer; it might have cost, probably, \$150.

Q. Would that be your best opinion as to the value of that watch at retail, so far as you know its character? A. Yes, sir.

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

By Senator Bradley:

Q. On what grounds do you put that high value on that watch, the works, or the gold that is in the watch; that ought not to cost more than \$75, unless there is something peculiar about it? A. There is nothing peculiar, except the movement, but that is what I think they would charge in a jewelry store for it.

By Mr. Goff:

Q. What is the number of that watch and the maker? A. Sixty-two thousand six hundred and forty-eight is the movement number.

Q. What is the maker, or what movement is it? A. Tiffany & Co.

By Senator Bradley:

Q. A Waltham movement? A. No, sir; a Swiss movement.

By Mr. Goff:

Q. What is the rule observed by pawnbrokers in this city in regard to the amount of value or the ratio of the value on which they advance on articles on pledges? A. That is rather difficult; some may advance 50 per cent., and some 75; I would certainly advance as much as possibly I could, for the simple reason that I would like to make as much interest on the money as I can.

Q. Particularly, if you know the person to whom you advance it? A. Not necessarily so.

Q. Is it your custom to advance \$60 on an article which you say would not bring more than \$75? A. Oh, yes; I have done it very often.

Q. And yet you have remained in business and made money? A. Yes, sir.

Q. You are an extraordinary pawnbroker; that will do? A. I can explain that to you if you want; we count upon redemptions.

Mr. Goff.—That will do. You may take the watch with you.

James W. Garfield, recalled:

By Mr. Goff:

Q. Have you got the books with you now? A. Yes, sir.

Q. Let us look at the daily sales for the month of December? A. There it is, December 1st.

Q. Tell me the first — what is this first column? A. These are the cost marks; this is the price that is charged to the party and increased where there are two or three items; it is extended, and this column is the total; these entries are made as they are sold every day.

Q. According as they are made? A. Yes, sir; and these are the charges.

Q. What is this other book? A. That contains what we sell for cash.

Mr. Goff.—We will excuse this witness for the present.

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

By Mr. Goff:

Q. What is your business? A. I am interested, or have been all summer, on the race track.

By Chairman Lexow:

Q. As a bookmaker? A. I have been connected with it.

By Mr. Goff:

Q. Just imagine that you are calling odds on the race course, and then we can all hear you; how long have you been in that business? A. Off and on for eight or nine years.

Q. Were you ever in the green goods business? A. Am I to answer that?

Chairman Lexow.—What is your answer?

The Witness.—Yes; I have.

By Mr. Goff:

Q. You understand that for any testimony you give here in connection with questions that we may ask you, under the law you can not be prosecuted, do you understand that? A. Yes, sir.

Q. I shall be very brief with you; you were engaged with Jimmy McNally, were you not? A. At one time.

Q. Do you know where McNally is now? A. I do not; I understand he is in Europe.

Q. What position did you occupy with McNally? A. In various positions; I was connected with him in the Museum on Eighth avenue, and I was connected with him in Bridgeport, in the place called "Emerald Music Hall."

Q. I mean in connection with the green goods business; what position did you occupy? A. As a steerer.

Q. You and McNally quarreled, did you not? A. We had no quarrel, I merely got tired and quit; that is all.

Q. How much money did you pay out of your percentage for protection? A. Nothing, sir.

Q. Do you mean to say that the steerer has not to pay anything for protection? A. Not that I know of; no, sir.

Q. Which of the officials has to pay for police protection? A. That I don't know.

By Chairman Lexow:

Q. Do you not know whether any percentage was retained from the amount that you would receive for the purpose of protecting you? A. No, sir; there was never any percentage.



Q. Any money or division or money; was not some money withheld from you that you otherwise would have been entitled to? A. Never.

Q. Not \$1? A. Never \$1.

By Mr. Goff:

Q. How long were you engaged in the green goods business in this city? A. Off and on for the last eight years.

Q. Were you not a writer, too, as well as a steerer? A. At one time; yes, sir.

Q. How much percentage does the writer get? A. As a general thing, 50 per cent.

Q. And out of that has he to pay? A. He has to pay the man that helps to do the business.

Q. You pay the steerer how much out of your 50 per cent.? A. Five per cent.

Q. How much do you pay the "turner?" A. Five dollars.

Q. Five dollars for each case? A. Yes, sir.

Q. What other item comes out of the 50 per cent.? A. That is about all.

Q. Your own expense of addressing envelopes? A. No, sir.

Q. Do you not employ your own men to address the envelopes? A. Yes, sir.

Q. Well, you have to pay for that? A. Yes, sir.

Q. Who gets the other 50 per cent.? A. The man who does the business.

Q. The banker? A. Yes, sir.

Q. So while you were working for McNally, he got a clean 50 per cent.? A. Yes, sir.

Q. And out of your 50 per cent. you paid these various expenses that you have mentioned? A. Yes, sir.

Q. Each writer has got a place or workshop, where he does his writing, has he not? A. I can only speak for myself.

Q. Oh, yes; you can; you can state the general nature of the business; you have been in it? A. I can only speak for myself.

Q. Did you have a separate place for business? A. Yes, sir.

Q. You paid rent for it? A. Yes, sir.

Q. Where did you have your place? A. In various, different places.

Q. Let us have one? A. Really, I can not remember.

Q. But you had them in the city of New York, had you not? A. Not in recent years, I have not.

Q. Well, a century ago? A. Oh, yes; I have.

Q. Now, can you tell us in what part of New York? A. I could not really tell you.

Q. Was it above the Harlem river or below? A. Below the Harlem river.

Q. Was it on the east or west side? A. On the east and west.

Q. Now, what ward or district, can you tell us, that you had business in on the east side? A. I am not very well versed in the wards.

Q. You know where Harlem is? A. Yes, sir.

Q. Had you an office in Harlem? A. No, sir; I never had an office there.

Q. On the west side of Harlem, over toward Kingsbridge road, or up toward Washington Heights? A. No, sir.

Q. Had you an office in Yorkville? A. No, sir.

Q. Had you an office on the east side of Central park? A. At one time; yes, sir; I did.

Q. Whereabouts was that office? A. I think it was Fifty-ninth street.

Q. What was the number? A. I could not tell you, now.

Q. Was it the West Fifty-ninth street? A. I think it was West.

Q. Near what avenue? A. Near Ninth avenue.

Q. Was it on the north side or south side of the street? A. On the north side of the street, I think.

Q. What was the number of the place? A. I could not tell you the number.

Q. Was it between Ninth and Tenth avenue? A. No, sir.

Q. Between Eighth and Ninth? A. Yes, sir.

Q. Near Ninth avenue? A. Yes, sir.

Q. What precinct was that in? A. I really don't know; I believe Captain Killeleah was the captain at that time.

Q. Killelea was the captain of the precinct? A. Yes, sir; he was.

Q. Did you know the captain? A. No, sir.

Q. Or his wardman? A. No, sir.

Q. How long did you run your office there? A. I guess a month or two months.

Q. You had all your writing and addressing done there? A. Yes, sir.

Q. And you had men employed there? A. I had one man employed there.

Q. And you received addresses and mailed your letters to the guys out in the country? A. No, sir; not there.

Q. What did you use the office in Fifty-ninth street for, then? A. Only used it to work in.

Q. What was the work, the turning joint? A. No, sir.

Q. Where was the turning joint? A. I don't know; I never had any connection with them.

Q. When you were a steerer, you must have known where the turning joint was? A. I was not a steerer in New York.

Q. You mean to say that you were a writer for the green goods men here and wrote and sent on your fraudulent circulars and you did not know where the trick was performed; do you mean to say that? A. I don't know, sir; it was none of my business.

Q. I am asking you of your own knowledge; do you mean to say you did not know? A. Some of them I knew sometimes, and sometimes I did not know.

Q. Did you not know when a guy was brought here, when the work was done? A. Certainly.

Q. You could not get your money until the trick was performed, could you? A. No, sir.

Q. You must have known where the trick was performed, for you were to get your money? A. Not necessarily so.

Q. Is it not a fact that you knew where the trick was done? A. In some instances; yes.

Q. Where the "come-on" were brought to? A. Yes, sir; in some instances.

Q. Where were the "come-ons" brought to when your office was in Fifty-ninth street? A. In Jersey City.

Q. Do you mean to say your office was in Fifty-ninth street in Captain Killelea's precinct, and you never saw the captain? A. I have seen him, but I didn't know him.

Q. In your place of business? A. Never.

Q. Or one of the wardmen? A. Never.

Q. And you were never molested? A. No, sir; I didn't stay there long.

Q. Were you ever molested in the city of New York? A. Yes, sir.

Q. When were you arrested? A. I never was arrested, but I got away before I got arrested.

Q. Who gave you the tip? A. Nobody.

Q. How did you come to get away? A. That I could not tell you.

Q. Yes, you can, if you were to get arrested and got away before you were arrested, how did you get the tip? A. I didn't get any tip.

Q. Where were you when this occurred? A. Where was it?

Q. Yes; in what place? A. I knew that the officer came to arrest me at the place of address that I have.

Q. You knew he was coming? A. No, sir; I saw him; he was planted, and I did not go near the place.

Q. What place is that? A. That was a place I had on Tenth avenue.

Q. Where on Tenth avenue? A. Away down town, near Forty-second street.

Q. Was the officer in uniform? A. No, sir.

Q. Did you know him personally? A. I did not.

Q. How did you know that he was an officer, if he was not in uniform and you did not know him personally? A. You see a great many people, who are pointed out to you as officers.

Q. Who pointed him out to you? A. That I could not tell you.

Q. Was it a stranger? A. No, sir.

Q. Some one in the green goods business? A. Somebody they tipped for an officer to those connected with it.

Q. Connected with the business? A. Yes, sir.

Q. That is to prevent an arrest from being made? A. Yes, sir.

Q. The officer is tipped off? A. Not the officer.

Q. But you are tipped off? A. No, sir; the officer is tipped off to me, so that I will know him.

Q. That is what I say, there is someone on the watch always ready to tip the officer off? A. Always.

Q. Who was captain of that precinct? A. I think Captain Killelea.

Q. In Tenth avenue, I speak now? A. I don't know who was captain in that precinct.

Q. What had you there, a writing office? A. No, sir.

Q. What was it; a turning joint? A. No, sir.

Q. What was it? A. An address.

Q. Where the telegrams were received or letters? A. Yes, sir.

Q. What other place can you tell us about where you conducted your business here? A. I don't remember; I changed around so often, I never kept any track of the places.

Q. Did you ever send many telegrams? A. Very few.

Q. To whom did you send the telegrams? A. That I could not tell you.

Chairman Lexow.— You mean telegrams sent to guys, Mr. Goff?

Mr. Goff.— Yes.

Q. Is that your handwriting (handing paper)? A. Yes, sir.

Q. You wrote that letter? A. I guess so; it is my handwriting.

Q. To Jimmie McNally? A. I guess so; I don't know who it to, but I know it is my handwriting.

Q. It is addressed to "Jim;" who is Jim? A. I suppose it is McNally.

Q. Here is a letter addressed to George; is that in your handwriting? A. No, sir.

Q. I will read this letter: "Jim. Appo has just handed me your letter, and I must say I thought you had more sense than to write a letter of this kind. I quit you because I could better my condition by doing so. As for the machine, books, etc., I left them in Bridgeport." What machine, books, etc., do you refer to? A. A machine that we had, a copying machine.

Q. For sending out the green goods circulars? A. Yes, sir.

Q. What were the books that you referred to? A. Directories.

Q. Addresses? A. Yes, sir; city directories.

Q. Of the various cities? A. Yes, sir.

Q. "And have written twice to have them forwarded to you. If you have not received them I will go up there in person and bring them to you, and the money I owe you I will pay as soon as I can make it." What money did you owe him? A. I owed him \$300 or \$400.

Q. What for? A. Borrowed money.

Q. "The mail I sent out in Bridgeport, I realized three answers." What were those? A. Telegrams.

Q. You say the mail you sent out in Bridgeport? A. Yes, sir.

Q. What was the mail? A. Circulars, I guess.

Q. And you received three answers? A. Yes, sir.

Q. Those were from victims or expected victims; is that so? A. Yes, sir.

Q. "And have been unable to do anything with them. You can have them if you like." What did you mean by that? A. That I would turn them over to him.

Q. Turn the victims over to him? A. No, the answers.

Q. "You say you have been such a good friend to me. You have been no better than I have been to you. I worked hard for three months in Jersey City, and got 23 answers, and you gave them to Hess to work for me." Who is Hess; is that Sig. Hess?

A. I guess so.

Q. You know who you refer to, don't you? A. Yes; Sig. Hess.

Q. Another policy writer? A. Yes, sir.

Q. "I do not say you robbed me, but your man did." What did you mean by that? A. What do I mean by robbing me?

Q. Yes? A. Possibly, I might have gotten more answers and didn't get them.

Q. Have you got any better explanation than that; I do not understand it; you say to this man, "I do not say you robbed me, but your man did;" in what constituted the robbing; tell us the whole business? A. The robbing is holding out answers; this man possibly had held out some answers of mine; at least, I thought so.

Q. "And I hold you responsible as I trusted you, not him." Who was "him?" A. The man Hess, I guess.

Q. "As far as your friendship goes, you discharged me last summer for no cause whatever, when I asked for what was due me, and left me in a strange town without a cent in the world. You also refused me \$10, last summer, when I was sadly in need. I do not blame you for that until you commenced to roast me, by saying you did not propose to support a lot of bums." Were you referred to there as a bum? A. I suppose so.

Q. "Let me know what you claim I owe you and as soon as I can get money enough, I will pay you, but please bear in mind those 23 telegrams." What were the 23 telegrams? A. What you read about there before.

Q. The answers? A. The answers.

Q. Will you tell the committee how long you were engaged in the city of New York, in the green goods business, working for McNally or any other person? A. Well, I suppose, altogether about three years, in an interval of nine years; in nine years time I was possibly working three years.

Q. And during those three years that you were in New York, you were never arrested in connection with the green goods business? A. No, sir.

Q. Did you not understand that in this business you were to be protected from arrest? A. I did not.

Q. You mean to say that you went into this business, which you knew to be criminal, and continued in it for three years, and did not have any understanding or knowledge that you were to be protected? A. No, sir.

By Chairman Lexow:

Q. Is not that the reason you worked for McNally, because you knew that he had influence whereby he could protect you? A. No, sir; I worked for McNally because I thought I could make better arrangements with him.

Q. You said the custom was to pay the writer 50 per cent.; that is true with all green goods men, is it not? A. Not necessarily.

Q. Then why do you say you could make better arrangements with McNally? A. I could borrow money at any time and things of that kind, when I would be broke from blowing in money; lots of people would not lend you money.

By Mr. Goff:

Q. You have been at Snake Hill penitentiary for some time, have you not? A. One year.

Q. Was that for the green goods business? A. Yes, sir.

Q. So you did not find it as smooth sailing in Jersey as you did in New York? A. No, sir.

Q. Why did not you take all the profits, instead of paying 50 per cent. to McNally; what did he do for you, that you should pay him 50 per cent.? A. He had capital and I did not.

Q. What capital is required? A. It requires \$3,000 or \$4,000.

Q. Did you not work at a place at Eighth avenue and One Hundred and Seventeenth street — do you remember working there and having a place? A. At that time I was away.

Q. Did you ever have a place there? A. In what street?

Q. Eighth avenue and One Hundred and Seventeenth street? A. No, sir.

By Chairman Lexow:

Q. What did you mean by saying at that time that you were away, when someone else had a place there? A. When I was in prison.

By Mr. Goff:

Q. Do you remember having a place in Sixty-third street, near Amsterdam avenue? A. Yes, sir; I live there.

Q. And you made use of it, too, did you not? A. No, sir.

Q. Do you remember having a place corner of Barclay and Greenwich street? A. Yes, sir.

Q. Do you know the captain of the precinct at that time? A. I could not tell you.

Q. You had a place in West street, did you not? A. Yes, sir.

Q. Who was the captain at the precinct then? A. I don't know.

Q. Do you know where McNally is now? A. I understand he is in Europe, what part I don't know.

Q. Do you know anything about the green goods business now in operation in New York? A. No, sir; I do not.

Mr. Goff.—That is all.

By Chairman Lexow:

Q. Do you know where the bank roll was kept? A. What bank roll?

Q. The bank-roll used in your business? A. No, sir; I do not; I don't know where he kept it.

Q. You do not know where it was brought from in the daytime, when the victim came into the turning joint? A. No, sir; I do not.

Q. Or where it was sent to at night? A. I never asked any questions at that time.

Q. Did anybody ever tell you? A. No, sir.

By Senator Bradley:

Q. Where did you get paid? A. At various places — bar-rooms, hotels, and anywhere, restaurants.

Q. Mention one place where you got paid; did you ever get paid on Chatham street? A. No, sir.

Q. Did you ever get your pay in Judge Divver's place? A. No, sir.

Q. Never saw the money taken out of his safe? A. Never; I know him by reputation; I would not know him if I saw him.



By Chairman Lexow:

Q. Do you know his place? A. I know he has a place on Chatham square.

Q. Have you been in it? A. Yes, sir.

Q. Was that a place usually used as a resort of those in your business? A. That I could not tell you.

Q. Did you see men in your business there? A. Not at the time when I was there.

Q. Did you meet McNally there? A. No, sir.

Q. Never saw McNally there? A. No, sir.

Q. How did you come to go there? A. Went there to get a drink.

Q. Was not that the headquarters of men in your business? A. That I could not tell you.

Q. You hesitated; is not that the fact? A. No, sir; I could not tell you.

Q. When you went to see a green goods man, did you not go there to that saloon? A. No, sir.

Q. Or, when you went to that saloon, were you not pretty certain to meet green goods men there? A. I never was in Divver's place but once in my life; I went in and got a glass of beer or whisky and walked out.

Q. Were you with anybody? A. All alone.

Q. But you say you had repeatedly seen men in your business in that saloon; you must have been there more than once? A. I beg your pardon; I did not say that.

Q. How many green goods men did you see there when you went in? A. I don't remember; I have not been in there for six or seven years.

Q. Are you prepared to swear here on your oath, and you understand that your oath here is just as binding as in a court of law, that you have only been there once? A. I will swear to that; yes, sir.

Q. Can you state, approximately, how many men engaged in the same business with yourself that you saw there? A. That I don't remember.

Q. Five or six? A. I don't remember of seeing anybody; I merely went in there to get a drink; I got my drink and walked out.

Q. Is there any resort here in the city that is the usual and customary resort of men doing the business that you did? A. That I don't know; I have been out of the business for a good while.

Q. While you were in the business, then? A. They were scattered all over.

Q. Did they meet together; did they have any regular place of meeting? A. No, sir.

Q. When you wanted to meet a man in your business, where did you go to find them? A. I had to go and look for him.

Q. Where? A. Anywheres where I thought he would be; in a saloon or a hotel, corner of the street, or anywhere like that.

Q. Were not the men in the business known to the police? A. Well, I don't think they knew them all; I don't think there were many of the police who knew me.

Q. You knew some of the police, did you not? A. Certainly; a man in my business would know some; I would be walking up the street and meet a policeman and we would say there is a cop and they would tip the copper off to me.

Q. I mean did you personally know members of the police force? A. I did not personally know two members of the police force.

Q. You did not then? A. I did not then; I did not know two members of the police force to say, "How do you do," or ever had any connection with them or spoke to them in any way, shape or form.

Senator Bradley.—You are too innocent a man for that business.

Q. Did not McNally ever say that he would protect you against the police? A. Never; if he had, I would not have believed him; I don't take much stock in McNally.

Q. But you were pretty well protected, were you not? A. I don't know; I had to skip around a good deal.

Q. Do you not think it was rather strange that you were not arrested or not interfered with? A. No, sir; I was very careful.

Q. You could not do the same thing in other cities of this country, could you? A. I have done it.

Q. Where? A. Chicago.

Q. Could you have done it there at the time you did it here? A. I guess I could; I did it in Philadelphia.

James W. Garfield, recalled:

By Mr. Goff:

Q. I hand you a book called day book, marked T. K. and ask you to explain to the committee what that book is, what entries are made in it, and for what it is used. A. It has the entries of all items that are sold and charged; all goods sold and charged, not paid for at the time of the purchase.

Q. All goods charged and not paid for at the time of purchase? A. Yes, sir.

Q. What book have you got that contains a record of sales that have been made and paid for at the time of purchase?

A. That is the book that Mr. Jerome has.

Q. Cash sales? A. Yes, sir.

Q. Then the book for cash sales is the book I hand you now, marked cash sales T. K.? A. Yes, sir.

Q. I notice in this book that there is not a description of the article sold when there is cash paid for; why is not the description of the article sold entered? A. There is always a description. the name of the article,— all articles are numbered serially, that is, for instance, bracelets, all have consecutive numbers, and gold watches, and so on, and that description is given.

Q. I turn to page 191, and I find under date of January 11, 1892, for instance, as an illustration, this entry: "Inspector Williams, \$165;" I presume it is; what does that mean? A. It means that he paid \$165.

Q. What for? A. Things that he had purchased previous to that.

Q. How do you know it was for things that he had purchased previously, if this book is an entry of a day of cash sales made on that day, how is it that you say there is an entry here of \$165 paid by Inspector Williams for things purchased before that day? A. I should modify that answer by saying that all the cash sales are entered in that book and all the cash received for any purpose.

Q. All cash received as well as cash sales? A. Yes, sir; for instance, if you paid \$50, we would credit it to you.

Q. I want to understand how would your books or what book would show the items; for instance, which Inspector Williams bought? A. I read the item, "January 2, \$165;" that appears to be the same amount.

Q. Where? A. It is charged here January 2d.

Q. Is that the only way you have of determining it? A. That is the original entry made from the ticket.

By Senator O'Connor:

Q. Do not all jewelers selling watches of any consequence whether it is for cash or on credit make a memoranda of the number of the watch and the party to whom it is sold? Is not that so? A. We always make a memorandum of the number of the watch, and who it is sold to if we know them.

Q. That is the book we want here? A. That is the book in regard to this entry, No. 3,413; this number 3,413, for instance, refers to gold watches; it is in the series of numbers of gold watches and that number 3,413 is undoubtedly marked for January 2d, for \$150; Inspector Williams is the name.

By Mr. Goff:

Q. Have you not got a register of watches that you have in your store, for selling costly watches, stop timewatches, etc.; haven't you a special register of those watches? A. All the gold watches are in together with a series of numbers, and this 3,413 is one of that series; they run now from 2,500 up to possibly 5,000 in number; that number is scratched with a sharp instrument on the case of the watch, so if the watch is ever brought to us, we can recognize the watch and trace it up by its owner; what time it was sold and who had it.

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

By Mr. Goff:

Q. How old are you? A. Twenty-two.

Q. Let me ask you in advance here, are you any relation to the young lady named Lulu Applegate, whose name has been mentioned here? A. Yes, sir.

Q. What relation are you to her? A. Brother.

Q. Do you know where that young lady is now? A. In Europe; in Paris.

Q. With whom, if you know? A. Jimmie McNally.

Q. Is that the man known as the king of the green goods men? A. Yes, sir.

Q. Where were you born? A. In New York.

Q. Go to school here? A. Yes, sir.

Q. Did you go to any other institution than the public school?

A. The schoolship St. Mary's.

Q. Did you graduate from there? A. Yes, sir.

Q. And you have served as a sailor in other places? A. Yes, sir; on board the Ward line steamers.

Q. After you left St. Mary's schoolship, did you go into any business? A. Yes, sir.

Q. What business did you go into? A. Real estate.

Q. With whom? A. Wescott & Cranch.

Q. Where is their office? A. Twenty-two and 24 Seventh avenue, between One Hundred and Twenty-fourth and One Hundred and Twenty-fifth streets.

Q. How long did you remain with Wescott & Cranch? A. About nine months.

Q. After you left them, where did you go? A. Steam shipping.

Q. That is the Ward line that you have spoken of? A. Yes, sir.

Q. Did you say that you graduated from the St. Mary's schoolship? A. Yes, sir.

Q. After you left the steamship business, what did you go into? A. I decline to answer.

Q. Is the business of such a nature that you are ashamed of it? A. Well, yes.

Q. You know, William, you can not decline to answer before this committee; this committee has power to have you punished for contempt and you are bound to answer all questions, and I wish, Mr. Chairman, that you would state to the witness the protection that the law affords.

Chairman Lexow.—The law protects you, so far as any testimony which you may give, incriminating yourself—it can not be used against you to secure your indictment or conviction. You are not, therefore, relieved from giving any testimony that might pertain to this inquiry, and if counsel insists upon it, the committee will rule that you must testify.

Q. Now, William, no matter how unpleasant the duty may be, it is incumbent upon us to insist upon your answering the question after the chairman's warning to you? A. Well, I went into the green goods business.

Q. How old were you when you went into the green goods business? A. About 19 when I started.

Q. Tell the committee how you first came to get into the green goods business? A. Well, I used to frequent a saloon at One Hundred and Sixteenth street, called Hawkins'.

Q. Keep your voice up; these gentlemen want to hear what you say; it was a saloon, kept by a man named Hawkins, at One Hundred and Sixteenth street and Eighth avenue? A. Yes, sir.

Q. You used to frequent there? A. Yes, sir.

Q. What acquaintance did you meet there? A. I made the acquaintance of Jimmy McNally, his brother, Walter, and several other green goods men.

Q. Did you know either Jimmy McNally or his brother, Walter, before you met them in Hawkins' saloon? A. I knew Walter.

Q. How did you know him? A. By going to the Thirtieth street school with him.

Q. A public school in this city? A. Yes, sir.

Q. And that is how your acquaintance was formed with Jimmy McNally? A. Yes, sir.

Q. In what capacity were you engaged in the green goods business? A. When I first started in, I started to fold circulars and put stamps on envelopes.

Q. Who employed you? A. A party by the name of Harry Russel.

Q. What was he? A. A green goods man; a writer.

Q. You say you were employed to fold circulars? A. Yes, sir.

Q. Where was the folding done? A. The folding was done on the corner of Elizabeth and Broome streets.

Q. In that business of folding circulars did it have anything to do with McNally? A. Well, I was folding for a writer that was with McNally; the writer paid me.

Q. In other words, that was part of McNally's system, was it? A. Yes, sir.

Q. But you had no direct connection with McNally at that time? A. No, sir.

Q. Where was the office or store where the folding was done? A. At Elizabeth and Broome streets.

Q. How long were you occupied there? A. About a month folding circulars.

Q. How much were you paid? A. Eight dollars a week.

Q. These circulars; what were they; tell the substance of them? A. They were green goods circulars sent on to victims to bring them on here, explaining to them that they can get so much money advanced from \$300 up to \$2,000.

By the Chairman:

Q. These newspaper slips that were sent around; was that one of the slips that you forwarded? A. We folded those in the circulars; they were supposed to be cut out of the newspapers here; that was to draw the victim on.

By Mr. Goff:

Q. Do you know how those newspaper slips were prepared? A. Had been printed in a printing office.

Q. Not in a newspaper office, did you? A. No, sir.

Q. In a job printing office? A. Yes, sir.

Q. Can you tell us the name of any job printing office in New York that were printing those slips? A. At that time Eugene Marvin was printing them.

Q. What was his address? A. I don't know the number; it was between Thirty-fourth and Thirty-fifth streets on Eighth avenue.

Q. Do you know of any other job printing office in New York who furnished those slips? A. Yes, sir; a sort of a German name; I can't think of it.

Q. Is that it (handing card to witness)? A. That is the name,

Q. Give the name and address? A. Reinschreiber, book and job printing, 350 Canal street.

Q. Is that Reinschreiber's card? A. Yes, sir.

Q. Did you ever see it before? A. I have seen some like it.

Q. Did you see some cards like that in connection with McNally's business? A. Yes, sir.

Q. I hand you some papers here pinned to this card and ask you if you recognize those papers as coming from the effects and possession of McNally? A. Yes, sir; I do.

Q. Describe what those papers are? A. They are bills for circulars.

By Senator Saxton:

Q. Newspaper clippings; telegraph blanks, bills against whom? A. To McNally.

Mr. Goff.—Against McNally by the printer.

Senator Saxton.—In favor of this Reinschreiber?

Mr. Goff.—Yes. Is Mr. Reinschreiber in court?

(No response was made to the inquiry.)

Q. I find here, "Received from J. W. M., \$50, on account; signed, J. W. R.;" what does that mean? A. Fifty dollars on account; I suppose it is \$50 that he borrowed when he got the order; he might have got that to pay his men with.

Q. From McNally? A. Yes, sir.

Q. I find a statement of December 7, 1893, which says, "To balance, \$285; 100,000 sets, \$600;" what are the "sets?" A. They must be circulars or the sets for the circulars.

Q. The next item is, "100,000 sets ordered to-day, \$600;" the same thing? A. Yes, sir.

Q. "One hundred thousand names, \$100;" what are 100,000 names? A. One hundred thousand names?

Q. Yes; 100,000 names, \$100? A. I suppose the name was a clipping.

By the Chairman:

Q. A set means, to fold a set of papers that is sent out to one individual, is that it? A. Yes, sir.

Q. There are two or three papers in one envelope? A. Yes, sir.

By Mr. Goff:

Q. That is making a total for that day of \$1,585? A. Yes, sir.

Q. I hand you a slip and ask you if that is one of the slips called names? A. Yes, sir.

Q. And this is what you called a set, together with the newspaper clipping? A. That is the circular.

By Senator Saxton:

Q. That with the newspaper clipping is a set? A. Yes, sir.

Chairman Lexow.—The name is in addition, is it not?

By Mr. Goff:

Q. A set consists of what? A. This goes in the circular to tell the victim where to deliver his telegram to; that name goes in, too.



By Chairman Lexow:

Q. When the set is charged there, it is charged separately from the name; that is the name you have in your hand? A. Yes, sir.

Q. And the set that you speak of, is that circular and the newspaper clipping, is it not? A. Yes, sir.

By Mr. Goff:

Q. I find the total of this charge, \$1,585, received by cash, \$450, leaving a balance of \$1,135; an additional charge for 20,000 names, \$30, leaving a total balance of \$1,165 for printing; I read the following note:

" March 1, 1894.

" Mr. McNally:

" Dear Sir.—As you are aware that I went to see you six times — three times on your own invitation — and could only see you once, and that for a few minutes; now, I would like to know what is the cause of all the delay and annoyance to me. You told me that when I have business with you that there would be no delay and no trouble to see you. Kindly answer this without delay, as I am all out of patience, and oblige,

" Yours,

" J. M. REINSCHREIBER."

Q. Let us get back to your folding circulars at the corner of Elizabeth and Broome streets; at that time do you know how many writers were employed by McNally? A. At that time I think there were about eight writers.

Q. In various parts of the city? A. Yes, sir.

Q. Where were the headquarters of the McNally combination? A. At that time they met down stairs in the saloon under the place where we done the folding and again at Alderman Farley's on the Bowery.

Q. It is just to say ex-Alderman Farley? A. Yes, sir.

Q. That was one of the recognized headquarters? A. Yes, sir.

Q. Had you any knowledge at that time of the system of paying the men, or of the division of the profits to the writers? A. Yes, sir; each writer got 50 per cent.

Q. Fifty per cent. of what? A. Of the deal.

Q. We do not understand all these technical terms; you will have to explain it? A. If the writer brought a victim on and he was swindled out of \$500, the writer got \$250 of that \$500.

Q. Who got the other \$250? A. Jimmy McNally.

Q. What had the writer to pay out of the \$250 that he retained? A. Five per cent. to the steerer, and \$15 for the joint; what I mean by the joint is the "turner;" \$5 to the turner; there were three men in the joint and each one gets \$5, making \$15.

Mr. Goff.—I see that Mr. Reinschreiber is now present and I will withdraw this witness for the present.

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

By Mr. Goff:

Q. What is your business? A. Printing and house-furnishing goods.

Q. Are you employed as a printer, or in business on your own account? A. In business on my own account.

Q. Where is your place of business? A. Three hundred and fifty Canal street.

Q. What is the general line of business that you deal in, as a printer? A. Commercial work, business work of that kind.

Q. As we generally understand, a job printer? A. Yes, sir.

Q. You do business for mercantile houses? A. Yes, sir.

Q. Print circulars and such things? A. Yes, sir.

Q. And showboards? A. Yes, sir.

Q. And letter-heads? A. Yes, sir.

Q. And billheads? A. Yes, sir.

Q. Do you do any other kind of printing than what I have asked you about? A. I do anything in the line of mercantile work.

Q. But nothing outside of mercantile work? A. No, sir.

Q. You do not do literary work? A. No, sir.

Q. You do not print books? A. No, sir.

Q. Nor do you print circulars for religious gatherings? A. No, sir; not that I know of; I might have printed some.

Q. But, as a general thing, you are not favored by that class of customers? A. No, sir.

By Chairman Lexow:

Q. Or any kind of circulars? A. No, sir.

Q. No circulars at all? A. Oh, yes; I print circulars; whatever anybody brings in; I don't know whether they are religious or anything else.

By Mr. Goff:

Q. You do not inquire, do you? A. No, sir.

Q. In fact, you take any class of business that is brought to you? A. That all depends; I don't know what kind of work —

Q. I mean, supposing there was printed which, on its face, was immoral, would you take such work as that? A. I do not suppose I would.

Q. Suppose there was a circular submitted to you for printing, and if the circular, on its face, contained immodest language, would you accept such work as that? A. No, sir.

Q. Supposing that there was a circular submitted to you for printing, for the purpose of committing a fraud upon anyone, would you print such a circular? A. If I had known, I would not.

Q. Suppose it was a circular, on its face, that was submitted to you, that was a fraud on its face, would you print such a circular? A. If I had known it was a fraud I would not have printed it.

Q. When I say fraud on its face, I mean a fraud that you could read, a man like you, of your intelligence? A. I never went to school in my life.

Q. You are a self-educated man; you are a brainy man by your appearance? A. I may be a brainy man, but not a scholar.

Q. You have learned your trade of printing, have you not? A. No, sir.

Q. You are simply a jobber? A. Yes, sir.

Q. You know how to write? A. Yes, sir; to sign my name.

Q. You know how to keep your accounts? A. I don't have to keep any account in my business.

Q. You have succeeded ordinarily well in business? A. Yes, sir.

Q. And you can read printed matter, can you not? A. I can if it is written plainly.

Q. Printed matter I say? A. Yes, sir.

Q. And you can read writing, if it is written plainly? A. Yes, sir.

Q. And you attend to the conduct of matters in your office, do you not? A. I do as a general rule.

Q. You act as a sort of general manager? A. Yes, sir.

By the Chairman:

Q. You receive the work and give it out? A. Yes, sir.

Q. You can read the daily newspaper? A. Yes, sir.

Q. And all printed matter like that? A. Yes, sir.

Q. And whatever work comes into your office, you make your price for it, and divide it up among your compositors? A. Yes, sir; I only have one.

By Mr. Goff:

Q. If there was a gang of thieves, who perpetrated a robbery on a well-known house in New York, and stole from that house a large amount of jewelry and they sent circulars around to the jewelers, offering to sell this jewelry that they have stolen from this house — do you know anything about that? A. No, sir.

Q. Was such a circular ever offered to you? A. Not to my knowledge.

Q. And if such a circular had been offered to you, you would not have printed it, would you? A. No, sir.

Q. Because you would not know that would be being connected with a gang of thieves? A. It would all depend; I don't know what the circular was.

Q. If the circular stated on its face that a lot of jewelry had been stolen from a certain house in New York and that it was for sale, you would not print such a circular as that, would you? A. No, sir.

Q. Because you would know that it would be dishonest? A. Yes, sir.

Q. How many years have you been in business? A. About nine years.

Q. Had you ever had anything to do with a gang of confidence men in this city? A. Not to my knowledge.

Q. Did you ever do any printing for them? A. Not that I know of.

Q. You know what I mean by confidence men, do you not? A. Well, I know what you mean, but I don't know exactly the meaning of confidence men.

Q. You know the meaning of bunco steerer? A. You mean thieves?

Q. Yes, thieves; did you ever print any circulars for such men as I have described? A. Not that I know of.

Q. Or for men called bunco steerers? A. Not to my knowledge.

Q. Or green goods men? A. Not to my knowledge, never.

Q. Have you ever read in the papers about the thing called green goods? A. Yes, sir.

Q. You have read of it? A. Yes, sir.

Q. You know how that is operated here, bringing innocent men on to New York and defrauding them out of their money, from what you have read in the papers? A. Yes, sir.

Q. And you know that they frequently got those men here and perpetrated great frauds upon them, taking their money? A. Yes, sir.

Q. You have heard of that? A. Yes, sir.

Q. You have frequently heard of the green goods swindle, have you not? A. Yes; I have.

Q. How many years have you been in New York? A. I have been here 21 years.

Q. I understand you to say that you never had any connection, as a respectable business man, with those green goods swindlers? A. No, sir.

By Chairman Lexow:

Q. Did you ever see any of their circulars? A. I have seen some.

By Mr. Goff:

Q. Where did you see them? A. I can not exactly recollect where I saw them, but I have seen them.

Q. Did you ever see any of them mailed to any place? A. Not that I know of.

Q. Did you ever receive any? A. No, sir.

Q. Did you ever print any? A. No, sir.

Q. Did you ever see any printed in your establishment? A. No, sir.

Q. Did you ever know a green goods man? A. Not personally.

Q. Did you ever know of one by name or reputation? A. I have heard of them.

Q. Can you call to memory the name of a man that you have heard? A. I have often read of them in the paper, of McNally.

Q. Can you call to mind the name of one that you have heard read about? A. I said McNally.

Q. You understood that from the newspapers? A. Yes, sir.

Q. Do you remember his first name? A. No, sir.

Q. McNally; McNally; what was he? A. He was supposed to be a green goods man.

Q. Was arrested when you read about him in the newspapers?

A. I don't know whether he was or not.

Q. Do you remember in what connection you read about him?

A. I read of him in the green goods — read it in the paper — in the green goods game.

Q. Did you ever read any other name than that of McNally?

A. I don't remember of any other name.

Q. That is the only name you can recollect? A. Yes, sir.

Q. Did you ever see McNally at all? A. No, sir; never personally.

Q. If you did not see him at all, you could not have seen him personally, could you? A. No, sir.

Q. Did you ever have any business transactions with McNally?

A. No, sir.

Q. Did you ever have any business transactions with any one representing McNally? A. I don't know.

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

Q. Did you ever do any printing for McNally? A. No, sir.

Q. I mean any printing work; did you ever print any green goods circulars for McNally? A. No, sir.

Q. Did you ever have them printed in your office for McNally?

A. No, sir.

Q. Did you ever print McNally any names or addresses for the purpose of sending green goods circulars to parties? A. No, sir.

Q. You are very positive about that, are you? A. Yes, sir.

By the Chairman:

Q. Did you ever print the names of persons? A. No, sir; I never did.

By Mr. Goff:

Q. Did you ever render a bill to McNally for any work that you performed for him? A. No, sir; not to McNally; you are talking about McNally?

Q. Yes? A. Well, I said no.

By Chairman Lexow:

Q. Do you know what "sets" are? A. I don't know what you mean.

Q. Do you know what they are? A. I don't know what you mean.

Q. You don't know what "sets" are?

By Mr. Goff:

Q. I hand you a circular; did you ever see anything like that before? A. I might have seen it; I don't know.

Q. Can you not be more positive as to whether you might or might not have seen it? A. I have seen some circulars.

Q. Did you ever print any circulars like that? A. No, sir.

Q. We have it right up and down that you never printed green goods circulars or what are called "sets" for McNally, the green goods man? A. No, sir; not that I know of.

Q. If you had done so, you would know about it, would you not? A. I suppose I would.

Q. And you have rendered no bill to McNally for such printing? A. No, sir.

Q. And you never received any money from McNally, did you? A. Well; no, sir.

Q. And not having received any money, you never signed any receipt? A. No, sir.

Q. Is that your card? (Handing card to witness.) A. Yes, sir; it is.

Q. I show you this signature, these initials, do you know whose those are — take it in your hand — do not be afraid of looking at it? A. That is mine.

Q. That is your signature? A. Yes, sir.

Q. What do those initials stand for "J. M. R.?" A. My name.

Q. Since you have identified that, I will ask you to explain that memoranda — just look at it? A. What do you mean?

Q. Read it out to us and explain to us what it is; what is the date of that memorandum? A. "December 1, 1893, received from J. W. M."

Q. Who is "J. W. M.?" A. I could not tell you.

Q. You could not tell? A. No, sir.

Q. It is in your handwriting? A. Yes, sir.

Q. And you could not tell? A. No, sir.

Q. What does it say further? A. "Fifty dollars on account."

Q. Do you remember what transaction that had reference to?

A. I can not say; it is December 1st; that is quite a while ago to remember.

Q. You keep books, do you not? A. No, sir.

Q. You do not keep books of account? A. No, sir.

Q. You don't know, you say, what "J. W. M." stands for?

A. No, sir; I have a faint recollection.

Q. Give us the faint recollection? A. I think I gave that to a man named Walters.

Q. Walter? A. I think so; I don't know.

Q. J. W. Walter? A. I think so; I don't remember.

Q. But this "M.;" go on, and take a drink of water; this is M., J. W. M.? A. I don't know his initials; I think his name was Walter.

Q. You gave this to Walter, you say? A. I think so; I think that is what it is.

Q. What was Walter; who is Walter? A. I don't know.

Q. Walter who? A. I don't know his name; the only thing I know was Walter, that is the name he told me.

Q. Where does he live? A. I don't know.

Q. Where did he do business? A. I could not tell you.

Q. And you received \$50 from a man on account, and you can not tell anything about it? A. I don't know his name; the only thing I know is "Walter," and he told me to write it the way I wrote it there.

Q. What did he tell you to write? A. He told me to write, "Received from J. W. M., \$50 on account."

Q. What was the \$50 for? A. For some work that I done for Walter.

Q. What was the work? A. I don't recollect just now.

Q. What was it; show cards? A. I could not tell you.

Q. But when it says on account, it means some other transaction? A. I don't remember exactly what it was, it was \$50 on account of something.

Q. You have told us the truth about this, have you, about this memorandum? A. So far as I can remember.

Q. You are a business man, a reputable business man, and this is only December 1, 1893, less than a year ago, can not you tell us about that? A. I could not positively say; I think it was what I said; I think what I said is the truth; I think it is.



Q. Have you got any doubts about it? A. I could not say.

Q. Do you not know that it is the truth? A. I suppose it is the truth.

Q. Don't you believe it is the truth; not suppose? A. I could not say.

Q. Is it the truth or is it not? A. I could not say; so far as my recollection goes I think it is the best I can remember.

Q. You are not trying to dodge the question, are you? A. No, sir.

Q. Then can you not answer the question, do you believe it is the truth? A. So far as I can remember, it is; it is a good while ago.

Q. It is not 11 months ago—not nine months ago? A. I can't remember; that is as far as I can remember.

Q. But you do remember that it was a man by the name of Walter? A. Walter is the name.

Q. Did you ever have any other conversation with Walter, except this one? A. I have had several more.

Q. And yet you can not tell his name? A. The only name that I have ever known was Walter; that is the name he told me his name was.

By Senator Saxton:

Q. Did he say that was his first name or his last name? A. He did not tell me.

By Chairman Lexow:

Q. Why did you write the memorandum there, that way? A. That is the way he told me to write it.

Q. Did you ask him why you should write a wrong name in there? A. He simply told me—I asked him how to make it out and he told me to write that.

By Mr. Goff:

Q. Is that the last transaction that you had with Walter, December 1, 1893? A. I can not remember.

Q. I hand you another slip and ask you if that is your signature in which you receipt for \$200? A. Yes, sir.

Q. To whom was that given? A. To Walter.

Q. What is the date? A. December 7, 1893.

Q. You never knew who Walter was? A. No, sir.

Q. I understood you to say that you never had any business transaction or performed any work for this man McNally? A. No, sir; not that I know of.

Q. You never had any business transactions with any man by the name of McNally? A. No, sir.

Q. Or correspondence with any man by the name of McNally? A. I don't think I did.

By Chairman Lexow:

Q. Don't you know whether you did or not? A. I don't think I did.

Q. Will you swear you did not? A. I could not — I could not swear either way.

Q. Don't you know whether you did or not? A. I have heard of the man.

By Mr. Goff:

Q. Now, did you ever have any correspondence with this McNally or with any McNally? A. I could not say; I had very little correspondence with anybody.

Q. Will you swear you had no correspondence with McNally? A. I won't swear either way.

Q. Can you swear — ? A. Anything that I know I will swear to.

Chairman Lexow.— He has already sworn two or three times that he did not; that all he knew of McNally was what he read in the newspapers. If that is false, he must take the responsibility.

Q. I hand you another slip, of December 7, 1893, and ask you what that bill is; give the items; read them off aloud? A. "To balance, \$285."

Q. What does that mean? A. That means to balance.

Q. Balance of what? A. I don't know.

Q. Do you mean to stand here, under the obligation of your oath, and say that you do not know what that balance is; what is it for; never mind reading the rest of it; direct your attention to the first item that I am questioning you on; what is it — are you done? A. No.

Q. Then give us an answer? A. I suppose it is a balance of money that he owed me.

Q. That who owed you? A. Walter.

Q. Walter? A. Walter is the only man that I have known.

Q. Go on now with the next item? A. "One hundred thousand sets."

Q. What does that mean? A. I could not say exactly what it means.

Q. What is it, sets of shoes? A. That is what he told me to put down.

Q. Sets of shoes? A. I could not tell you what it was; it was printing.

Q. Manicure sets? A. I don't know what it was.

Q. You did the printing, what are the sets for? A. You asked me what it was and I told you it was printing.

Q. I am asking you what printing it was? A. It was printing.

Q. What sort of printing? A. I could not tell you.

Q. Was it printing a newspaper? A. It might have been.

Q. Is there any man in New York by the name of Walter that publishes a newspaper that you have done business for? A. I could not tell you.

Q. How much did you charge for that? A. For what?

Q. For that item? A. Six hundred dollars.

Q. You must know what the "sets" are, when you could make your charge for \$600? A. I charged \$600; I can not recollect exactly what it was for.

Q. How did you make up the item of \$600, for 100,000 sets? A. That is the way he told me to write it out.

Q. What did you charge the \$600 for? A. I could not tell you what, I put down what he said.

Q. Do you mean to say that you put that down without knowing what it was for? A. I have done printing but I don't know what "sets" means; that is the way he told me to make it out.

By Senator Saxton:

Q. Do you not know what he meant when he told you that? A. It was for some printing.

Q. What was the printing? A. I could not tell you; I told you before that I never went to school, and I can read very little.

Senator Bradley.—If you were in Sing Sing for four or three years perhaps you could tell when you came out; you had better be careful.

The Witness.—I am as careful as I can be.

Q. Read the next item on that bill? A. "One hundred thousand ordered to-day."

Q. What were ordered to-day? A. I could not tell you.

Q. What did you put down that item for? A. Six hundred dollars.

Q. What did you put it down for? A. I don't remember what it was for.

Q. What was ordered, that you charged \$600 for? A. It was printing.

Q. What was the kind of printing? A. I could not tell you exactly what they were.

By Chairman Lexow:

Q. Did you have many daily orders as large as that? A. No, sir.

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

Q. You never had any orders as large as that, outside of this order? A. No, sir.

Q. And you can not remember what it is? A. It was for printing.

Q. Don't you know what kind? A. They were some circulars.

Senator Saxton.—Mr. Goff, ask him squarely whether they were these kind of circulars.

Q. I hand you a circular marked Exhibit 1, September 10th, and ask you if those sets contained any paper like the one I hand you now? A. Do you mean to ask me whether that is mine?

Q. I hand you a circular marked Exhibit 1, September 10th, and ask you if those sets contained any paper like the one I hand you now? A. It might have.

By Chairman Lexow:

Q. Do you not know whether it did or not? A. I could not tell you.

Senator O'Connor.—You want to understand, witness, one thing, that while you are excused from incriminating yourself by testimony you give here, you are responsible for any perjury that you commit, and are liable to be indicted and sent to State's prison. You are protected here only to the extent of telling the truth.

The Witness.—I am willing to tell the truth, as far as I can remember. I have nothing to shield.

Q. Is not that a green goods circular; do you not know that the sets that you mentioned in the bill is for green goods circulars? A. It might have been for circulars something like this.

Q. Do you not know, as a matter of fact, that the sets mentioned in that bill are for green goods circulars, sets that you printed for McNally? A. No, sir.

Q. Or one like it? A. No, sir.

Q. Do you not know that the sets mentioned in the bill is for green goods circulars that you printed for McNally? A. I did not know at the time whether they were green goods or not; they were circulars something of that kind.

Q. You have sworn that you have never had any transaction or correspondence with McNally? A. Personally; no, sir.

Q. That is your signature, is it not? (Handing paper to witness.) A. Yes, sir.

Q. I read from this letter: "March 1, 1894, Mr. McNally, Dear Sir.—As you are aware that I went to see you six times—three times on your own invitation—and could only see you once, and that for a few minutes." When you swore, a little while ago, that you never saw McNally, did you swear to the truth or a falsehood? A. Yes, sir; I swore to the truth.

Q. When you say here that you only saw him once and that for a few minutes, is what you say in the letter a truth or a falsehood? A. If you will allow me, I will explain.

Q. No; answer my question? A. He told me his name was—

Q. Answer the question; I will put it to you; is the statement that "I only saw you once, and that for a few minutes," is it true or false? A. I saw Mr. Morris.

Q. Is it true or false? A. I saw the gentleman that I wrote to.

Q. Is that statement true? A. Yes, sir.

Q. "I would like to know what is the cause of all the delay and annoyance to me;" what delay and annoyance had you reference to? A. I could not exactly tell you what it was; he owed me some money and that is what it was.

Q. For what? A. For some work.

Q. Who owed you the money? A. I will tell the truth if you will let me come to it; a gentleman named Morris, I found afterward from Walter, that the name was McNally, but the name he gave me was J. W. Morris; that is the name that he gave me; I never knew it was McNally until the time I wrote this letter, and Walter told me it was McNally; the envelope was addressed to Morris; if you have got the envelope, you can

see it, but I wrote the letter to McNally to show him that I knew who he was.

Q. When you wrote to McNally, you wrote to show him that you knew who he was and that you knew he was McNally, the green goods man? A. Yes, sir.

Q. And what you swore to a while ago, that you did not know McNally then, was false? A. I never knew McNally; I knew Morris.

Q. You knew the individual that you addressed as McNally? A. Yes, sir.

Q. And you addressed him, you swear, to let him know that you knew who he was? A. Yes, sir.

Q. And when you knew who he was, you knew he was McNally? A. Yes, sir.

Q. And you swore a while ago that you never had any transaction with McNally? A. Not personally.

Q. But you say you saw him once? A. I went to see Morris; I did not go to see McNally; I did not know there was such a man as McNally.

Q. And Morris was McNally? A. I did not know it until after I wrote the letter.

Q. "You told me that when I did business with you that there would be no delays and no trouble to see you." When did he tell you that? A. I suppose when I saw him.

Q. When was that? A. Walter is the man.

Q. You do not talk to Walter here in this letter? A. I know, but Walter was the man who was supposed to be — I never saw McNally but once; I didn't know it was McNally.

Q. "Kindly answer this without delay as I am already out of patience. Yours, J. M. Reinschreiber." What do you think of yourself now, anyway? A. (No answer).

By Senator O'Connor:

Q. What do you say now about that bill being rendered by you for printing green goods circulars? A. I suppose they were green goods.

By Chairman Lexow:

Q. You knew it before, did you not? A. I never read that through.

Q. You knew it before, did you not; you knew it all the time did you not? A. I knew it after McNally's name was mentioned when Walter told me.

The Chairman.—The fact is that this witness has perjured himself on four or five different occasions on record. The question is whether you desire to take proceedings for his conviction for perjury?

Senator Saxton.—Ask him if these sets included that printed slip.

By Mr. Goff:

Q. Do you remember in those slips that you printed for Mr. McNally, whether one of those slips appeared to be a newspaper cutting? A. I think there was.

By Chairman Lexow:

Q. Do you not know there was? A. Yes, sir.

By Mr. Goff:

Q. And that newspaper cutting or what appeared to be a newspaper cutting went with the circular, with a circular like this one here that I have shown you, did it not? A. Yes, sir.

Q. You put an item there of a charge for names, "100,000 names;" what are the names that you furnished? A. They were little slips with a name on.

Q. Is that like one of them? A. No, sir.

Q. Describe it then? A. It was something on that style; I could not describe it, but something on the style of that.

Q. It contained the names of persons who have received circulars? A. No, sir.

Q. Or to whom circulars have been sent? A. No, sir.

Q. What names, then? A. Simply a name on there; if you will allow me to look at it, I will tell you; that is what I mean by names. (Referring to names on slip produced.)

By Chairman Lexow:

Q. When you charge for 100,000 names, you charge for 100,000 printed slips like that? A. Yes, sir.

By Senator Saxton:

Q. Does that mean without the names in, so that it can be written in? A. No; the name is printed in.

Senator O'Connor.— I guess the witness will tell all he knows about it now.

By Mr. Goff:

Q. You say you never knew anybody but Walter; here is an item for 20,000 names for John? A. That used to be a boy.

Q. Then you did know somebody else besides Walter? A. He used to come up for Walter.

Q. But you knew somebody else besides Walter? A. Yes, sir.

Q. And you swore falsely then, did you not, when you said you did not know anybody else but Walter? A. I hadn't any business with him.

Q. But you knew somebody else besides Walter? A. Yes, sir.

Q. You knew John? A. Yes, sir.

Q. And you swore falsely when you said you knew nobody else but Walter? A. I never had anything to do with him.

By Senator Saxton:

Q. Do you know whether it was Walter McNally? A. No, sir; it was not Walter McNally?

Q. Then you know Walter McNally, do you? A. No, sir; but this Walter told me who this McNally was.

Q. Walter; McNally; did you know Walter McNally? A. No, sir.

Q. Then how did you know this was not Walter McNally? A. Because he told me what his name was; Walter something; I can't think of it, but I know it was not McNally.

By Mr. Goff:

Q. Did you do any printing for any persons besides McNally? A. No, sir.

Q. Of this same kind of work, I mean? A. No, sir.

Q. You know how you swore before? A. Yes, sir.

Q. And how we have proved you to be a willful perjurer? A. I have done no work for anybody else.

Q. Be careful; did you do any work for any other person besides McNally? A. No, sir.

Q. Was your place ever visited by the police — now, be careful? A. No, sir.

Q. Or by any police official? A. No, sir.



Q. Or by any society officers? A. No, sir.

Q. You are sure of that? A. Not to my knowledge.

Q. To your knowledge, I mean? A. Not while I was in; there was nobody there.

Q. How long were you doing this business? A. I guess for about eight months.

Q. Are you doing it now? A. No, sir.

Q. When did you give it up? A. I guess it must have been in March.

Q. March of this year? A. Yes, sir.

By Senator Saxton:

Q. Do you mean to say that is all the time you were engaged in that sort of business; eight months? A. Yes, sir.

Q. You were only engaged in printing these sets about eight months? A. That is about it; it was about December when I began.

By Senator O'Connor:

Q. In doing that kind of work did you get about three times the price that you would charge for legitimate work? A. No, sir.

Q. Were your prices any higher? A. No, sir.

Q. Just the same? A. Not much higher.

Q. Now, when you come to see the whole record, you went into the thing deliberately to print those circulars for McNally and you knew what you were engaged in doing, did you not? A. Not at first I did not.

Q. But you did before you had gone very far? A. I did.

Q. You knew exactly what that was, and that it was a thieving business? A. Yes, sir.

Q. To swindle the countrymen? A. No, sir; I did not have anything to do with the swindling.

Q. You knew the material was to be used for that purpose, did you not? A. I did not know what they were going to do with it; I did not know what it was at first; it would take me a couple of hours to read one of those circulars.

By Chairman Lexow:

Q. But before the eight months were up you knew all about it, did you not? A. No, sir.

By Mr. Goff:

Q. You say you had only one compositor? A. Yes, sir.

Q. Here is a bill, "200,000 sets" of these circulars and newspaper clippings, for which you charged \$1,200; do you mean to say one compositor was able to read all that stuff? A. Yes, sir.

Q. Did you not do some reading yourself? A. No, sir; I might have done some reading; yes, sir.

Q. How did you first get it, was it a copy written in ink, or a printed copy? A. I think it was a printed copy.

Q. Such as the one I show you? A. Yes, sir.

Q. And now one word in the line of Senator O'Connor's question, for the period of eight months or thereabouts you printed green goods circulars in this city for McNally, did you not? A. Yes, sir.

Q. Did you print any greater amount than the ones you have a bill here for? A. No, sir; that was an itemized bill of everything that I done.

Q. And you printed for McNally, the green goods man, 200,000 sets of green goods circulars? A. I didn't know it was him.

Q. And you printed for him, the man to whom you billed this? A. Yes, sir.

Q. And you sent 100,000 names to him? A. Yes, sir.

Q. And you knew that was part of the system of the green goods swindling, did you not? A. I could not say.

Q. Did you not know from reading the circular and the clippings that it was part of the green goods swindle? A. I suppose I did.

Q. Do you know the rates of job printing for newspapers? A. No, sir.

Q. What rates of job printing have you? A. I charge according to the job.

Q. I will give you this circular; what scale of price have you for printing a circular of that kind?

Chairman Lexow.—You mean if it was an ordinary commercial circular.

Mr. Goff.—Yes.

A. You want to know the price that I would get on that?

Q. Yes; an ordinary commercial paper? A. About \$7 a 1,000; \$8, perhaps, for the first 1,000.

Q. Then how much for the next? A. About \$3 or \$4; it all depends upon the paper.

Q. Similar paper to this, I mean? A. I guess about \$4.50 per 1,000.

Q. Would that average for a number of 100,000? A. One hundred thousand, perhaps, I would do it for less.

Q. I should say so.

By Senator Saxton:

Q. Did you ever print any circulars before this, with type that makes it look as if were done with a typewriter? A. No, sir.

Q. Then you got some type for that purpose? A. Yes, sir.

Q. You bought special type to do the work? A. No; every printing office has that type, you have got to have that.

Q. I understood you to say that was the first one of that kind you have ever done? A. Yes, sir.

Q. But you had the type to do it? A. Yes, sir; every office has it.

By Chairman Lexow:

Q. This newspaper cutting, did you not have a lithograph for the purpose of making that? A. No, sir.

Q. Did you make that with ordinary type? A. Yes, sir.

Q. Were not the corners cut off as though it had been cut out of a newspaper — you could not use ordinary type for printing that newspaper clipping, could you? A. Certainly they cut it off to suit themselves.

Q. Was it not made to represent a cutting out of an actual newspaper? A. Yes, sir.

Q. And was it not so fixed that the type ran to the extreme edge of the paper where it was clipped? A. I don't know what you mean.

Q. Did not the type run to the extreme edge of the paper? A. Yes, sir.

Q. And cut down here, leaving type on the other side? A. Yes, sir.

Q. Did you have any appliance in your office for making that? A. No, sir; we set up the type to do that; set it up in that way.

Mr. Goff.—I offer the witness' card and memoranda bill and letter, all the papers in connection with it.

Marked Exhibits 2, 3, 4 and 5.

Chairman Lexow.—*It is the unanimous opinion of the committee that this case should be brought to the attention of the grand jury. The committee purposes to protect its witnesses so far only as the witnesses tell the truth. Where a witness willfully perjures himself before the committee, the respect the committee owes itself and the community require that the matter be brought to the attention of the grand jury.*

Mr. Goff.—Will the chairman direct the stenographer to make a special copy of this testimony for the purpose of transmission to the district attorney with the remarks of your honor in reference thereto?

Chairman Lexow.—The stenographer is so directed.

Mr. Goff.—(To the witness.) We will excuse you for the day.

I hereby certify that the above is an accurate transcript of my stenographic notes of the testimony of the witness, Joseph M. Reinschreiber.

S. B. HINSDALE.

William Applegate resumes the stand:

By Mr. Goff:

Q. You say McNally had about eight writers at that time?

A. Yes, sir.

Q. Were they scattered throughout the city? A. They were; yes, sir.

Q. You were giving the committee a statement of the division of the profits arising from the strike? A. Yes, sir.

Q. Was there anything in the division of those profits that went for police protection? A. McNally was supposed to pay that protection out of his part.

Q. Out of his 50 per cent.? A. Yes, sir.

Q. Was he supposed to pay protection for all his writers? A. Each writer was supposed to give \$50 a month for protection in the precinct where their workshop was.

Q. Each worker was to give McNally \$50 a month? A. Yes, sir.

Q. For protection in that precinct where he did his writing? A. Yes, sir; where they had their workrooms.

Q. Did that \$50 a month include all the protection that McNally paid to the police? A. Yes, sir.

Q. Did he not pay a general protection for himself? A. Yes, sir; of course, he pays that.

Q. Outside of the \$50 a month from the writers? A. Yes, sir; outside of that.

Q. But the \$50 went to the captains of each precinct where the writings took place; the \$50 from the writers went to the captain of that precinct? A. Yes, sir.

Q. You say you remained a month in Elizabeth street? A. Yes, sir.

Q. What caused you to leave there? A. Word came down there that things were getting hot; that the police captains had been shifted about and they have to go uptown with the captain that we were right with.

Q. Give us the full word to the best of your recollection that was given to you? A. They came to the workshop and —

Q. Who; Jim McNally? A. Yes, sir; and told us all to pack up; that we would have to go to Harlem; that the captain of the precinct had been transferred from down there, up to Harlem, and, for protection, we had to go up there.

Q. To go up with the captain to the precinct to which he had been transferred? A. Yes, sir.

Q. Did Jim mention the captain's name? A. Yes, sir.

Q. What was the captain's name? A. Captain Meakim was the name.

Q. Was Meakim captain of the precinct in which the writing took place at that time in Elizabeth street? A. He was the captain of the Mulberry street precinct.

Q. And that was in his precinct? A. Yes, sir.

Q. After Jim McNally told you that, tell the committee what took place on that day? A. We went up to Harlem and Jim said we would go and square things up with the captain and start work; they had no place where they could beat the victim, and he went up and squared things with Captain Meakim, and he came down and beat the victim in Hawkins' saloon, in the box.

Q. Describe how you moved on Elizabeth street; what was done? A. We took all the material off in a wagon, and Jim drove up in a carriage, and the turners went up on the train.

Q. On the elevated train? A. Yes, sir.

Q. And the material and circulars, went up in a wagon? A. Yes, sir.

Q. What kind of a wagon? A. An express wagon.

Q. How did Jim go up? A. In his carriage.

Q. Was he driven or did he drive? A. He drove up in a carriage himself.

Q. Was anybody with him? A. No, sir; the bank roll was.

Q. He took the bank roll with him; did he? A. Yes, sir.

Q. Where did you go? A. I went up with the wagon to One Hundred and Sixteenth street, to Hawkins' saloon.

Q. The wagon that contained the circulars and other material used in the office? A. Yes, sir.

Q. Where is that? A. It was One Hundred and Sixteenth street and Eighth avenue.

Q. Next door to the corner? A. Next door to the southeast corner.

Q. On which side of the avenue? A. On the southeast corner.

Q. When you went to Hawkins' saloon, what took place? A. We made arrangements with Hawkins to give him \$5 a man to beat the man in his place that day.

Q. Made an arrangement with Hawkins to give him \$5 a man for every man you would beat in his place? A. Yes, sir.

Q. Before you made the arrangements with Hawkins, did you go any place? A. Yes, sir.

Q. Where did you go? A. In the carriage with McNally.

Q. Where did McNally drive? A. To the station-house.

Q. What station-house? A. One Hundred and Twenty-fifth street.

Q. West or east? A. West One Hundred and Twenty-fifth.

Q. What did he do when he got to the station-house? A. He went there to interview Captain Meakim.

Q. Did he see Captain Meakim? A. He did.

Q. Did you see him talking to Captain Meakim? A. I did.

Q. Where did he talk to Captain Meakim? A. In the house; in the room.

Q. In a room in the station-house? A. Yes; by the window.

Q. Where were you while they were talking? A. Outside in the carriage.

Q. Was the bank roll in the carriage? A. No, sir.

Q. Jim had fixed that, had he? A. He had given that to Walter Haines.

Q. After Jim had left the station-house, after having had the talk with Captain Meakim did he rejoin you in the carriage?

A. Yes, sir.

Q. What did he tell you as to what took place? A. He said everything was all right and to go down and give them word to start right to work.

Q. Was that all that he said? A. He said he had squared things up and the next thing he had to do was to get Hawkins right.

Q. Where did you go from there with Jim? A. We went to One Hundred and Sixteenth street and Eighth avenue.

Q. You drove back there? A. Yes, sir.

Q. When you went to One Hundred and Sixteenth street and Eighth avenue did you see Captain Meakim? A. Shortly afterward I did.

Q. How shortly, the same day or the same afternoon? A. About half an hour afterward.

Q. Where did you see Captain Meakim? A. In the drug store.

Q. What drug store? A. One Hundred and Sixteenth street and Eighth avenue on the northwest corner.

Q. Was there any one with Captain Meakim? A. Detective Carlton.

Q. He was Captain Meakim's wardman, was he? A. Yes, sir.

Q. Did Captain Meakim and his wardman go into the drug store? A. Yes, sir.

Q. Did you see any other person in the drug store? A. Hawkins and McNally.

Q. You saw those persons in the drug store? A. Yes, sir.

Q. Did you see them talking together? A. Yes, sir.

Q. After they talked and separated did you see him and Hawkins come back from the drug store? A. Hawkins came over and Jim jumped in the carriage.

Q. Where did you go? A. I went to the telegraph office on One Hundred and Sixteenth street and from there back to Hawkins.

Q. What did you go to the telegraph office for? A. To see the telegraph operator there.

Q. What for? A. To see if he could get her right, if he could receive messages there.

Q. There was a female operator? A. Yes, sir.

Q. When you say "get her right" explain that? A. He offered her so much a month to allow those messages to come

there and he sent to fictitious addresses and to be held there until they were called for.

Q. How much were you authorized by McNally to offer her a month? A. Fifty dollars a month and each writer would chip in so much.

Q. Each writer pay it to McNally altogether? A. Each writer chipped in.

Q. Do you remember that young woman's name? A. No, sir; I do not remember it.

Q. Can you give us any description of her and the place? A. The place she lived there, with her mother, a sort of grocery and candy store, and she, the daughter, had charge and was the operator.

Q. Generally speaking, was that arrangement made with all telegraph operators who did business for you? A. Yes, sir.

Q. That is, they were to receive the messages addressed to a fictitious place and to hold them for you, is that it? A. Yes, sir.

Q. Tell us something more about this telegraph business — Mr. Goff.— Is Mr. Schrader in the room?

Mr. Schrader? A. Yes.

Mr. Goff.— The witness will be withdrawn for the present.

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

By Mr. Goff:

Q. What is your occupation? A. I am a telegrapher.

Q. Have you charge of an office? A. I have; I am manager also.

Q. Where is your office? A. Corner of Bowery and Grand street.

Q. Do you know anything about green goods men having telegraphic messages addressed? A. I do; at least I presume I do.

Q. What is the system adopted? A. I know very little of the system; I know that they get messages; what the exact contents of the messages are I can not recollect.

Q. What arrangement was made about the delivery of the messages? A. The messages are delivered to the men they are addressed to, presumably.



Q. In case you found fictitious addresses, for instance, a telegram addressed to a vacant lot, what did you do? A. I have not had that happen.

Q. Was there not one general address that these green goods business was carried on, when you were manager there at Grand street? A. There were one or two such places.

Q. What was that general address? A. The address was either in care of Mr. Farley —

Q. Was that at Farley's saloon? A. Yes, sir; or 137 Bowery.

Q. To whom at 137 Bowery were they addressed? A. I could not recollect the name, but I think there were three or four people.

Q. And if you had their names in the office? A. Yes, sir; I did and didn't; that is to say I had them.

Q. So when these messages came, you could transmit them to the persons you knew they were intended for? A. I had the boys deliver them, the same as any other business.

Q. I only want to get at the system; the committee is not imputing any irregularity to you at all; I now ask you to look at this paper and see the name Mr. Reade, 137 Bowery; was that one of the names? A. Yes, sir.

Q. What is that paper? A. That paper is a bill for telegrams and telephone to Bridgeport, Conn.

Q. Did you ever know who Reade was? A. I had a certain party identified as Mr. Reade, and I believe it was him to the best of my knowledge, but I could not swear that he was actually Mr. Reade.

Q. Did you hold or carry an account with this same Mr. Reade; it seems that you have rendered a bill there? A. This bill — this Mr. Reade I understood to be in the employ of James McNally.

Q. McNally, the green goods man? A. Yes, sir; I understood that this man Reade was the party who came in and telephoned, sent messages; those messages were not, strictly speaking, green goods messages, but were social messages, asking him to come to New York, and things of that kind; I can not say exactly from actual knowledge that this or that message was a green goods message, but this man was supposed to be in the employ of James McNally.

Q. And this bill was rendered on behalf of the company and receipted for by you? A. Yes — no; the bill was not rendered

on behalf of the company, strictly speaking, the parties came in and telephoned and they said they had no money and that McNally would come and pay it; I took their word for it and I allowed them to run this bill and then I collected it.

Q. You were severally responsible for it in case McNally had not paid it? A. Yes, sir; I was.

Q. That is what you mean when you say it was not on behalf of the company? A. Yes, sir; because the telephone was really no part of the company's business.

By Senator O'Connor:

Q. Did your telegraph company knowingly engage in this business? A. I presume they did; yes, sir.

Q. They knew that these dispatches were sent in this business? A. If they did not want them to be delivered they would never let them reach my office.

Q. Did they not know that they were aiders and abettors in breaking the law, in sending dispatches of that kind? A. I know nothing about that.

William Applegate resumed the stand.

By Mr. Goff:

Q. In order to accommodate a witness present I will pass over some matters and return to them again; I will ask you about the four men Haines, McNally, Captain Meakin and Wardman Carrollton, who were in the drug store; after they left the drug store which of the four did you see? A. I did not say that Mr. Haines was in the drug store.

Q. No; Hawkins, I should have said? A. Yes, sir.

Q. Which of the four did you see? A. After they had come out of the drug store?

Q. Yes? A. I saw Jim.

Q. What did Jim say? A. He said everything was all right.

Q. When Jim came there he said it was all right? A. Yes, sir.

Q. Did he say anything about terms with Hawkins? A. He had made arrangements with Hawkins, to give him \$5 for each man who was beat in his place.

Q. Did he say anything about Captain Meakin? A. About what arrangement he had made?

Q. Yes? A. No; not at that time.

Q. After Jim told you that, was there anything done that evening with regard to work that you had already commenced on down town? A. They beat some men there that day.

Q. How did those men get up to Hawkins' place? A. They had been brought on with the intention of going to the down town joint and as soon as we moved, the steerer had to bring them to Harlem and plant them in some saloon and then go to Walter and let Walter go to the men and talk with them and then bring them to Hawkins' saloon.

Q. Before you got the word from Jim in the down town precinct, a number of "come-ons" were there planted in various saloons? A. Yes, sir.

Q. Waiting to be "turned?" A. Yes, sir.

Q. To be operated on? A. Yes, sir.

Q. And after the word of march was given to the down town precinct, your "turners" were instructed to bring those "come-ons" or victims from the down town saloon, to some place in the upper part of the city? A. Yes, sir.

Q. And to be planted up there? A. Yes, sir.

Q. Do you know where they were planted around in the neighborhood of Hawkins' saloon? A. Yes, sir; in Beckman's saloon —

Q. Where is Beckman's saloon? A. One Hundred and Sixteenth street and Eighth avenue.

Q. Who else? A. Farley's, One Hundred and Seventeenth street and Eighth avenue.

Q. What other place? A. Slosson's, One Hundred and Nineteenth street and Eighth avenue.

Q. Those victims were planted in those saloons awaiting the upshot of the arrangement between Captain Meakin and McNally, were they? A. Yes, sir.

Q. And when those arrangements were completed and as Jim said all right with the captain, you went ahead and operated or instructed three of them that afternoon in Hawkins' saloon? A. Yes, sir.

Q. In what part of Hawkins' saloon was it that was used as the "turning joint?" A. The toilet.

Q. I will step over a little bit; how long did you continue around Hawkins' saloon? A. About four months.

Q. That was the headquarters? A. Yes, sir.

Q. What caused you to move away from there? A. I do not say that we beat men there for four months.

Q. No; but that was your headquarters, your hanging out place? A. Yes, sir.

Q. What caused you to move away from there? A. There were some complaints sent to Captain Meakin about the green goods men hanging around there, complaints by the neighbors.

Q. How did you ascertain that? A. Through Charlton telling McNally.

Mr. Goff.—The witness will be withdrawn for the present.

Frederick P. Forester, called as a witness on behalf of the State, being duly sworn, testified as follows:

By Mr. Goff:

Q. What is your profession? A. Lawyer.

Q. Where is your office? A. Fifty-two Wall street.

Q. Were you, about the year 1892, interested in any property in the neighborhood of One Hundred and Sixteenth street and Eighth avenue? A. I was.

Q. In what capacity? A. I was the owner of it.

Q. Did you have any complaints made to you as to the neighborhood being infested with bad characters? A. I did, from my agents.

Q. What was the reputation of the persons who infested that neighborhood? A. He told me that the green goods men infested the neighborhood and had brought a class of people there who were objectionable; they used this Hawkins' saloon, I think it is, and it was generally giving the neighborhood a bad reputation, so there was difficulty in renting apartments.

Q. And you found that an injury to your property? A. Yes, sir.

Q. Did you take any steps to abate the nuisance? A. I did.

Q. What steps did you take? A. I wrote a letter to Charles F. McLean, then police commissioner, whom I knew personally, I believe I knew them all personally, but I believed that he was the man, if anybody, who would do something to right the wrong,

Q. Did you keep a copy of that letter? A. I did.

Q. Did you ask recently about that letter? A. I asked him for the original and he said he could not find it; that is if he had it it was stored away in a manner that it was impossible for him to produce it.

Q. That is, when he left the police headquarters recently? A. Yes, sir; he said his papers were all packed up and sent in the country.

Q. I hand you a paper and ask you if you recognize it as a copy of the communication you gave or sent to Commissioner McLean?

A. That is the copy which I had in my letter book.

Chairman Lexow.—How much longer do you expect to remain here to-day?

Mr. Goff.—I think we can get through by 8 o'clock this evening.

Chairman Lexow.—Is it necessary to remain so long?

Mr. Goff.—Absolutely; if your honors think proper, we might take a short recess at 6, but I can not let my witness go to-night.

Chairman Lexow.—Very well; we will remain.

Mr. Goff.—I will read your letter:

“ June 26, 1892.

“ Hon. Charles F. McLean, Police Commissioner:

“ Dear Sir.—I am the owner of considerable property in the neighborhood of One Hundred and Sixteenth street and Eighth avenue. The neighborhood has for some time been infested with green goods men, and has a saloon running in the name of a man named Hawkins, which is most disreputable for the neighborhood which is a resort for the green goods men and other disorderly characters and should not be permitted to exist. They have music and dancing there at a late hour of the night; the windows being open and the noise is a disturbance to the neighborhood. The captain in that precinct is, in my opinion, unquestionably, unfit for the position; he either is not fit because he can not detect the commission of crimes which are known to most of the people in the neighborhood, and are notorious, or else he is unfit, because he, knowing those things, does not suppress them. My opinion is, that the latter is the correct explanation, as when complaint was made to a policeman in the neighborhood, in regard to these green goods men. he stated that it would be no good to go to higher authority in the police force in the matter, because he would permit nothing to be done.

“ I am glad to see that the recorder has taken the matter up.

“ I am very respectfully, yours

“ FREDERICK E. FORSTER.”

Q. Did you find anything after you wrote to Mr. McLean?

A. I did.

Q. For the better? A. For the better; I had been in the habit of going there about every Saturday and the next Saturday I went; I think my agent informed me that the nuisance had been entirely abated, that is, so far as the green goods men were concerned; they had left the neighborhood.

Mr. Goff.— We are much obliged to you for your courtesy and patience for waiting here so long.

William Applegate resumed the stand:

By Mr. Goff:

Q. Is Detective Charlton in court; I see he is; just stand up; is that the detective who told you, as you have stated, to go away from that neighborhood; that they raised quarrels, or raised a nuisance? A. That is him.

Q. And that is the detective that you saw with Captain Meakin in the drug store talking to McNally and Hawkins? A. Yes, sir.

Q. After he told you that, what did you do; what was done? A. The next day the better part of us moved from Hawkins' over to Day's saloon.

Q. How did you come to go to Day's saloon? A. It was a quiet neighborhood.

Q. Did any one suggest Day's saloon; were you not told to go to Day's saloon? A. I think Detective Charlton had a little to do with it.

Q. Was it by the suggestion of Charlton that Day's saloon was selected? A. I think it was.

Q. We will now go back to the telegraph operator — Senator Saxton was a little uncertain as to whether the arrangement was carried out with the girl; was that arrangement carried out with her? A. Yes, sir.

Q. And she continued to receive messages? A. Yes, sir.

Q. And to send them to your people? A. Yes, sir.

Q. With regard to the "come-ons" give us some illustrations or instances of how this girl worked it with you? A. If the girl got a message saying "had shipped goods to-day, it would be addressed to Adolph Sanders, 216 West street, and that would be a vacant lot, no place to send it to there and she would hold it for the parties to call for it.

Q. In case of what are called "come-ons"— A. That is a "come-on."

Q. Do you know of instances where they went out of their way at night-time to tell you about the "come-ons?" A. Yes, sir; her mother went down to Adolph Sanders one night about 1 o'clock; the message read: "Will arrive at hotel at 6 in the morning." She knew that the man would be there at 6 and for fear that he would be lost, she went down with that message at 1 o'clock; she had been there earlier but nobody was home.

By Chairman Lexow:

Q. This telegram that you speak of, was that addressed to a vacant lot? A. Yes, sir.

Q. How did this woman get the telegram? A. It came to that telegraph office.

Q. And the addresses were left in the office, that when the directions came to a vacant lot that they should hold them until called for? A. Each writer left his name and the address and she would hold them; she knew it was for him; she might not know it was a vacant lot; her instructions were to never send a message out to anyone of them, but let them call.

Q. Do I understand that this operator got \$50 a month for the services performed? A. That was the arrangement made first but afterward each writer was to pay her so much; Jim made other arrangements first, because he thought he would start up a lot of writers there but he changed his mind about that.

By Mr. Goff:

Q. When you went up to Harlem, did you continue in the same position that you were down in Elizabeth street? A. No, sir.

Q. What was the change? A. I acted as sort of messenger for McNally.

Q. And you were brought into personal contact with him? A. Yes, sir.

Q. You did his confidential business? A. Yes, sir.

Q. In doing the confidential business did you ever pay any money to police officers for him? A. Yes, sir.

Q. And to police captains? A. Yes, sir.

Q. And to men from the central office? A. I have handed it to them in his house, to one.

Q. One of the central office detectives? A. Yes, sir.

Q. And while you continued with McNally in that relation, did you live with him? A. Yes, sir.

Q. Was that the time that your sister went to live with him? A. Shortly after that.

Q. And you all lived there together? A. Yes, sir.

Q. So that you had opportunity from your position with McNally to know all of the arrangements of his business and how it was conducted in New York? A. Yes, sir.

Q. I hand you two tin boxes; do you recognize those as belonging to McNally? A. Yes, sir.

Q. Were those boxes used in his business? A. Yes, sir.

Q. Here is a third one and here a fourth one; what were those four boxes used for? A. They would put the money in one box for the man, in a box like that, and that would be a deal of from about \$300 to \$500; they would put the money in this box and it would be in front of the victim, and in the meantime a duplicate box would be behind the partition, and in the duplicate box there would be a brick and some paper and they would put the money in this box here on the desk and lock it up before the victim, it would be on the back of the desk like that and then Billy Vosburgh would say, "get that book," and with that they would lift up the desk and that would hide the box from the victim, and then Walter McNally who did the ringing would open his trap door and take this box in and put the other box out; it would all be done in a second.

Q. I will now hand you this fifth box; what is that used for? A. That was used for the bank roll.

Q. What is there — is there a false lid to that? A. No; — there is one, yes.

Q. How was the bank roll brought into play there; explain about that? A. The bank roll would be laid right in there, \$8,200 — it would be laid there; there was supposed to be \$8,200 done up in packages with three elastics around them.

Q. Now, I hand you this box and ask you if those were the packages that were exchanged for the genuine packages? A. Yes, sir; these were as we called them the dummies.

Q. Explain how they were operated? A. You see this is a package supposed to be of \$5 bills; there would be a good one on the top and the good one on the bottom and here would lay the same package of genuine money and Walter would count out, say \$200 in \$5 bills which would be so much, and he would say to save time "we will measure the packages together and instead



of counting each and every bill we will put the packages together" and the victim would think there was the same amount of money in each one, and then through slight of hand, he would put these in the box and the good money on top, and if the victim wanted to see the packages again he would show them, and the one on top would be good money, and if the victim is a hard victim he might want to take the money with him, and then Walter would shift these packages and, therefore, he got about \$60 for \$500 or \$1,000.

Q. And the victim would get those packages that we now exhibit instead of the packages containing the good money that he has seen? A. Yes, sir.

Q. There were many of those in use, were there not? A. Yes, sir; we would never take the elastics off these; we would just take the elastics off the good money.

Q. What are these in the sixth box? A. That is when we had a pool-room for a short while in Bridgeport after we left New York; we started a pool-room there and we had those tickets printed for that purpose.

Q. You said something about a box containing a brick? A. Yes, sir.

Q. Was there another name for that box; did you say something to me about "state rights"? A. There was a difference in the box, state right box was the larger; that would be a \$650 deal.

Q. Explain that? A. They would tell the victim that if he came on with \$650 we would sell to him and no one else in his State.

Q. For \$650? A. Yes, sir; but nothing less; they would not give him the State rights for anything less.

By Senator O'Connor:

Q. How much are they supposed to get for \$650? A. Ten thousand dollars.

By Mr. Goff:

Q. Here is a box with a heavy weight; see what is in this box? A. I guess that is a brick; (witness takes out a brick wrapped up in paper); that is what he would get for his \$650; for a \$300 deal he would get a half a brick; for \$10,000 it would have to be heavier than for a less amount.

By the Chairman:

Q. That brick is supposed to weigh the same as \$650 would?

A. No; as \$10,000 worth of money would.

By Mr. Goff:

Q. That is to represent the weight of money? A. Yes, sir.

Q. And when the guy goes away and gets on the ferry or on the train and opens the box, and instead of finding the money there he finds this brick? A. Yes, sir.

Q. Before I get any further away, these boxes that you have now described, do they come from the effects of Jim McNally?

A. Yes, sir.

Q. You recognize them as such? A. Yes, sir.

Q. You know that they belonged to him? A. Yes, sir.

Q. You have seen them used? A. Yes, sir.

Mr. Goff.—I find on consultation with my associates that we can with propriety and safety adjourn this evening at this time. We are ready to go along as the emergency arises, but I find that we can adjourn with safety now. Before we adjourn, Mr. Chairman, I wish you would warn all witnesses under subpoena here tonight to be here in the morning promptly. I shall also ask you to instruct the sergeant-at-arms to deputize Mr. Thomas Kearney so that he will take charge of this witness until morning.

Chairman Lexow.— All witnesses under subpoena to-day will appear here again without being re-subpoenaed at half past 10 o'clock to-morrow morning.

Proceedings of the thirty-seventh session of the committee of the Senate of the State of New York.

Present Senators Lexow, Robertson, Bradley, O'Connor and Saxton; John W. Goff, Frank Moss and W. Travers Jerome for the committee.

William C. Applegate, recalled as a witness, being duly sworn, testifies as follows:

Direct examination by Mr. Goff:

Q. Now, William, we have reached the point in your examination of the number of writing places or shops in Harlem last night; will you state how many writers McNally had employed?

A. In Harlem?

Q. In Harlem, after he had established his headquarters at Hawkins' saloon, as you have testified? A. There was from 10 to 12 in Harlem.

Q. Ten to 12 in Harlem? A. Yes, sir.

Q. And they were scattered all over Harlem, you say? A. Yes, sir.

Q. Now, after word was brought to you—

Chairman Lexow.—Won't you get at the fact whether or not any were there before the captains were changed there.

By Mr. Goff:

Q. So far as you know, William, do you know anything of the policy business having been carried on in that neighborhood before you were there? A. I don't know anything about the policy business.

Q. Or the green goods business? A. Of the green goods business, I know nothing of any shops being up there previous to our going up there that day.

Q. You remember you testified that a police or ward detective said that the property owners had been complaining of the green goods men? A. Yes, sir.

Q. And it was suggested to you to go to Day's saloon? A. Day's saloon; yes.

Q. How long did you remain around Day's saloon? A. About five months.

Q. And during these five months you had 10 or 12 writers for you? A. Yes, sir.

Q. Now wait until I see about these writers. I hand you a slip of paper here headed "A statement" and written in black ink, with several names. Will you please state to me if you recognize that statement? A. Yes, sir.

Q. Did you ever see it before? A. Yes, sir.

Q. Where? A. McNally's house.

Q. In whose handwriting is that statement? A. That is in Sig. Hess's.

Q. Who was Sig. Hess? A. He acted as manager for McNally in Harlem.

Q. What is that statement? A. These are the writers of the circulars they had got.

Q. Will you please read out the names of the writers there? A. The first is Blodgett?

Q. The next? A. Blodgett; the next is Dolf; that meant Adolph Sanders; the next is Hilton, Horn, Sloan.

Q. That is the one that was on the stand yesterday? A. Yes; Bond; Bond was a fictitious name of a party named Heal.

Q. Healey? A. Heal; Applegate, 5,000.

Q. Are you the individual referred to there? A. No, sir.

Q. What Applegate is referred to there? A. Charles Applegate; "Gene," that is, Gene Lewis.

Q. Is that the Gene, the name referred to in the printer's bill yesterday, that he had given 100,000 names to Gene? A. Yes, it must be; Gene is Gene Lewis; then after Hilton, Bond; all the same there together.

Q. What are the items there? A. "To storage 100,000; balance, \$195."

Q. What was that money for? A. Sir?

Q. What is that money for? A. That was the time of the little trouble in Harlem; the stuff was put in storage.

Q. A little trouble in Harlem, and the stuff put in storage? A. Yes, sir.

Q. What was the little trouble? A. It seems Byrnes issued an order to arrest all green goods men in New York, and they skipped to Jersey.

Q. Were the green goods men arrested? A. None that I know of.

Q. And they got word of it before any arrests were made? A. Yes, sir.

Q. And they skipped to Jersey? A. Yes, sir.

Q. And while they were in Jersey, they had stirred up matters in Harlem? A. Yes, sir; I did not say in Harlem, Mr. Goff, it was down town, that storage house.

Q. Speaking of that, do you know of any case where there was a raid made? A. There was a raid made in One Hundred and Seventeenth street the next night; previous to the raid being made, the wardman, Charlton, came to McNally and told him he was going to raid the joint and told us to get the stuff out of there that night; it was rather late when he gave the notice and he could not get up there in time; but there was five or six of us went up there and tore out the desk, and left the box and some partitions there.

Q. Where did you carry the goods you took out of there? A. Into Jersey.

Q. Did the raid take place next day? A. It took place next day; yes, sir.

Q. What followed the raid? A. Sir?

Q. What was done by the policemen? A. Nothing.

Q. They didn't even take the counters? A. They took what was there, that was all; some boards.

Q. And empty boxes and some partitions? A. Some boards, what we cared to leave there.

Q. That was all they got that raid on the green goods men? A. Yes, sir.

Q. And all your valuable goods were stored in Jersey? A. Yes, sir.

Q. There was no arrest made at that time? A. None whatever.

Q. You say Wardman Charlton went to McNally the night before and told him? A. Yes, sir; I wish to say in regard to Wardman Charlton, I do not know whether he was sent there by Meakin or the commissioners, or the higher officers; but I see him in company with Meakin and he did not ask for us; I can not say he was sent there by the commissioners, but I know he came there with Meakin several times.

Q. That is, came to your place? A. Yes, sir.

Q. You say he did business with you for Meakin? A. Yes, sir.

Q. Is Charlton in the room? He was directed to be here to-day; you recognize him standing here to-day? A. I do; yes.

Q. Have you any doubt about the identity of that officer? A. None whatever.

Q. How many times did he do business for you? A. A dozen different times.

Q. You have seen him on many occasions? A. I have.

Q. Can you make any mistake about the man? A. I could not.

Q. You say he did business with you; what was the nature of the business he did with you? A. He collected money—he tipped us on all of many different things.

Q. When you speak of tipping, you mean he gave you information of arrests to be made? A. Yes; he gave us information when arrests were to be made.

Q. What money did he collect? A. I have entered on McNally's books myself where he collected \$450 three different months; the first of each month, for Meakin.

By Senator Saxton:

Q. How much each month? A. Four hundred and fifty dollars.

Q. Each month? A. Yes, sir.

By Mr. Goff:

Q. How was that \$450 computed; how was it made up; how was the sum fixed at \$450? A. In regard to the writers of McNally.

Q. How much was paid for each writer? A. Fifty dollars.

Q. And all those writers that were in that precinct had to pay \$50? A. Yes, sir.

Q. And McNally paid that \$50 for each writer to Wardman Charlton? A. Yes, sir.

Q. For Captain Meakin? A. For Captain Meakin.

Q. Was that the recognized and understood thing with all the writers of McNally, that that money should be paid? A. It was.

Q. You kept McNally's books? A. I kept McNally's books for over a year.

Q. Did you make entries in McNally's books of those payments? A. I did.

Q. In your own handwriting? A. In my own handwriting.

Q. And in making the entries did you state what the payments were for? A. For protection.

Q. Did you state the name of the person to whom you paid the money? A. I did.

Q. In paying to Charlton, did you state his name? A. No, sir; I put "wardman."

Q. Now I ask you about those books; do you know where those books are? A. I do not; I expected to see them sprung on me yesterday, being you had other stuff.

Q. Do you know where they were taken? A. The last I see of those books they were in the hands of a man named Rogers, one of the green goods men.

Q. One of the names you have mentioned? A. Yes, sir.

Q. Where were they? A. They were in Forty-third street, handed to him; he took them down to his house from Forty-third street to his house in Seventeenth street.

Q. Was that the last you saw of those books? A. That was the last.

Q. How many were they in number? A. Four; there were seven altogether; four I kept.

Q. And four you kept? A. Yes, sir.

Q. And in those four books were contained the record from the — A. Contained every cent McNally spent in every shape and form.

Q. Contained every cent McNally paid out? A. Yes, sir.

Mr. Goff.—It is proper to say here, gentlemen, that we have made every effort we had the power to make to secure those books. We had information that led us to examine a safe deposit company, and there was a safe in that safe deposit company owned by McNally, but an examination kindly afforded to us by the safe deposit company enabled us to discover that the books were not there. There were some worthless things there. We have also made every effort that is possible in this city and out of it to trace those books. We are satisfied now that those books are not in this country if they are in existence at all.

Q. Now in addition to the \$50 a month which you paid to Charlton, didn't McNally pay any additional money? A. For himself?

Q. For himself? A. Not to Meakin, I don't think.

Q. Not generally to Meakin? A. Not that I can say.

Q. That is each month? A. Yes, sir.

Q. How long did that continue? A. That continued for about nine months all told.

Q. You spoke yesterday about a telegraph operator in One Hundred and Sixteenth street; did you have another telegraph operator in Harlem? A. We had another in One Hundred and Twenty-fifth street; some people had their addresses above One Hundred and Twenty-fifth street.

Q. That is, some of the writers had their places above One Hundred and Twenty-fifth street? A. Yes, sir.

Q. And they found it convenient to get an operator in One Hundred and Twenty-fifth street office all straight? A. Yes, sir.

Q. Did you have any dealings with the One Hundred and Twenty-fifth street office? A. I did.

Q. What were those dealings? A. Getting messages for some of the writers; getting messages for McNally.

Q. Do you know the operator's name there? A. Finnegan.

Q. Do you know whether there was anything paid to Finnegan? A. I only know from what I hear writers say; each one of them gave him so much a message or so much a month; of course that I did not enter in the books, because it was not McNally's money.

Q. The writers had to pay that themselves? A. Yes, sir.

Q. But it was a recognized system, and part of the business, that writers should look after the operators in their immediate neighborhood? A. Yes, sir.

Q. So as to get messages forwarded to them and messages to fictitious names and places where there were no houses? A. Yes, sir.

Q. That was the rule, wasn't it? A. Yes.

Q. Isn't that the rule all through the green goods business in regard to the telegraph operators? A. Yes, sir; it has got to be.

Q. Will you explain why? A. Why, they never have a message come to their right address; they do not dare to let the victim know where they will be, and, therefore, they have got to get a fictitious address; if they did not let the operators know, the message would go to the fictitious address and come back again.

Q. So the messages would not be delivered but for the co-operation of the telegraph operator? A. Yes.

Q. And in order that the writer should receive the answers or messages sent him by the intended victims he must have a telegraph operator acting in collusion with him? A. Yes, sir; in regard to the lower offices of the Western Union, I can not say who they had right down there; but I can say we got duplicates of telegrams the first of every month to McNally's house.

Q. From the main office? A. From the main office; so that McNally could look over the duplicates and see if the men got their messages; one writer would steal from another.

By Chairman Lexow:

Q. Do you mean to say they sent from the general office of the Western Union these messages to McNally? A. Duplicates; yes, sir.

Q. And to his address and under his name? A. Yes, sir; it was sent there, but was not his own name.

By Mr. Goff:

Q. Just a little slower; I can not follow you? A. A colored man we had went down and got them once in every month; I can not remember Edwards' first name.

Q. Let us understand that; you say in order to enable the writers to determine whether they got their messages, is that so? A. Yes, sir.

Q. That is, if a number of messages were received by the writers or sent by the writers, the writer wanted to determine whether they were all delivered to him? A. Yes, sir.



Q. And in order to do that you say duplicate messages of all these green goods victims were sent from the main office of the Western Union every month to McNally? A. Yes, sir.

Q. And what was done with them when McNally received them? A. Each writer looked them over and seen all was right and returned them.

Q. To your colored man? A. To our colored man; and he took them down below.

Q. To your office; was there any charge for that? A. There was.

Q. What was the charge? A. Four hundred dollars a month.

Q. Four hundred dollars a month? A. For fully three years.

By Chairman Lexow:

Q. Paid to whom? A. I can not say.

Q. You understand, I presume, that it was paid to the company? A. It was paid to the company; that is why I can not say to whom.

Q. In money checks? A. In money; Jimmy McNally never used checks in New York.

Q. Those messages that the Western Union sent every month were messages sent to all his writers in this city? A. Yes, sir.

Q. And was it not a fact that the writers sometimes accused each other of stealing each other's messages from the victims? A. It was; yes, sir.

Q. Was the delivery of these duplicate messages a system devised in order to prevent one man from stealing? A. Exactly.

Q. As well as to determine that all the messages had been delivered? A. Yes, sir.

Q. You say you remained about four months in Day's saloon? A. Yes, sir.

Q. Where did you reside then? A. One Hundred and Fifteenth street 223.

Q. Where did McNally reside? A. The same house.

Q. You lived with him? A. Yes, sir.

Q. When did you leave Day's saloon, as far as you can remember; when did you leave making it your headquarters; when did you leave Day's saloon? A. About two years ago.

Q. What was the cause of your leaving Day's saloon? A. The same cause as leaving Hawkin's a little trouble in the neighborhood; I think Inspector Conlin was the one that caused the

removal; he gave orders to have the gang removed around there; he went in the saloon there called—I forget the name, Day or Bates, or something like that—and told him not to allow us to go in there; and we used a saloon a little further down; and the inspector saw us and went there and gave orders to get out of that neighborhood altogether; we then went to One Hundred and Forty-second street and Eighth avenue, Streck's saloon.

Q. How did you go to Streck's saloon? A. I think the colored man found that out as being the best place.

Q. Did you hear anything from the police about it being a good and safe place? A. No, not about Streck's place.

Q. One Hundred and Forty-fifth street? A. One Hundred and Forty-second street and Eighth avenue; we had a turning joint in One Hundred and Forty-second street, back of the fish store, another one in One Hundred and Thirty-sixth street, and a sign over it of a pawn shop.

Q. That was one of your turning joints? A. Yes, sir.

Q. All this time the payments were made regularly every month to Wardman Charlton? A. They were.

Q. And always in bills? A. Always in bills.

Q. Now did you ever pay any money yourself or see any money paid to Captain Meakin? A. I had paid Captain Meakin \$100 for one case previous to going to Jersey.

By Senator Bradley:

Q. Yourself? A. Myself.

By Mr. Goff:

Q. Under what circumstances did you go to pay it to him? A. McNally sent me to him and told me to give it to him, and he was to see him that day, and he could not get up there.

Q. Is Captain Meakin in court; please stand up, captain; will you look at that officer in uniform; have you any doubt that was the officer to whom you handed the money? A. I have no doubt whatever.

Q. And that is the officer to whom you saw McNally talk? A. That is the officer who was in citizen's dress the first time.

Q. That is, when he went up there? A. Yes, sir.

Q. And that is the officer you saw in the drug store in company with his wardman meeting Hawkins and McNally to make the arrangements? A. Yes, sir.

Q. I call Charlton his wardman; I may not be correct about that, but we have been calling Charlton the wardman? A. He is.

Q. You saw him several times, did you? A. Saw Meakin or Charlton.

Q. Meakin? A. Yes, sir.

Q. And you have no doubt whatever that is the man? A. No doubt whatever.

Q. State the circumstances that led to the paying or delivering by you of the sum of \$200 for Captain Meakin? A. I do not know, only it was for protection in a way.

Q. Just take your time and state everything that took place? A. We had to get out of Harlem; that was the time word came from headquarters for green goods people to skip out of New York; they gave it to Ryan, Parmerly and McNally; those were the three in each district.

By Senator Saxton:

Q. Who did that word come from? A. From Superintendent Byrnes.

By Mr. Goff:

Q. Those three men were Ed. Parmerly? A. Yes, sir.

Q. Michael Ryan? A. Mike Ryan and Jimmy McNally.

Q. Those were the three principal men; do you know if the city was divided up in any way so that the writers of each man would not interfere with the writers of another? A. Well, of course, they were, yes, sir; each backer had his own district to work in, his own captain; of course, two men in the same district could not go in some other district because each district would be meeting guys, and the district would be swamped with them.

Q. Do you know in what locality Parmerly was established? A. He was in the first ward with big Patsy, I think.

Q. Patsy Hadlick? A. Hadlick, yes, sir.

Q. Do you know in what locality Parmerly was established? A. I do not know; somewhere around Divver's saloon; in the neighborhood.

Q. Somewhere, where? A. Around Divver's saloon.

Q. Did you ever hear this Parmerly go by the name of Jones? A. Yes, sir.

Q. Called by the name of Parmerly Jones? A. I have heard him called that name.

Q. It is the same individual? A. Joe Jones is his brother.

Q. That is his real name—Parmerly Jones? A. Yes, sir.

Q. You have told Senator Saxton that the word came from Superintendent Byrnes? A. Yes, sir.

Q. Is Charlton here; just stand where you are; now you looked at this officer yesterday? A. I did.

Q. And you stated you have read something alleged to have been said by Captain Meakin in to-day's paper; I want you to look at that officer again and state if you have any doubt in your mind whatever if that is the man to whom you paid the money?

A. I have no doubt whatever that is the Charlton; I can prove, if I go to extreme measures, by bringing another party that will come to the front with me and that was in the saloon with me, a detective named Dargen or Gargen; that is the man that introduced me in the neighborhood—Pat Gargen; he was in the saloon.

Q. You say it was Pat Gargen that introduced this man in the neighborhood? A. Yes, sir; from all accounts I heard.

Q. You heard that? A. Yes, sir.

Q. Meakin was the captain there? A. Yes; he had just come up there.

Mr. Goff.—We have had evidence, gentlemen, that when a captain goes into a new precinct he is introduced around to his prospective customers. That will do, Charlton.

Q. In the paying of this monthly money to Charlton, do you remember him asking anything about the collection or what it was for, if anything, at any time? A. I don't exactly remember him say anything, no, sir; no.

Q. But there was no doubt about the purpose for which the money was paid to him? A. None whatever; there was no doubt but what he took it and put it in his pocket and knew what it was for.

Q. Was there ever anything said about the number of writers so as to make up the particular amount? A. Not that I can say; I guess that was all understood previously.

Q. Was there any inquiries made as to whether there were more writers or less writers this month than another month?

A. There may have been; if there was any other writers I think Jimmy would tell the captains, for he generally downed a writer if he did not pay up, and in cases where writers had stayed in New York and Jimmie was sick he would send a detective on him and he would have him pinched.

Q. Go slower and repeat what you said? A. I said if the writer would not go to the district where Jimmy was working then, or if he stayed in New York where Jimmy was working in New Jersey and tried to do business without having protection, McNally would send a central officer on him and have him arrested.

Mr. Goff.—May I interrupt the proceedings. I wish to get the record on the proceedings here. We experience some slight, not very great difficulties, in getting the attendance here of certain officers, particularly owing to reason of changes in the departments. The custom has always been here in the city of New York and under rule of the department that when a police officer was required in court, in criminal cases particularly, the subpoena for that officer shall be left at the station-house, that it should not be served on his beat, or in order to save the officers from the trouble and expense of following up a man the subpoenas were left at the station-house for the officers in the precinct. So I wrote last night to Inspector Byrnes reminding him of this rule, and asking him to issue a general order that the same respect and obedience be given to subpoenas of this committee left at the station-house, and I wish to read the following communication: "Office of Superintendent, September 11, 1894. John B. Goff, Esq., Chambers of the Senate, Investigating Committee. My Dear Sir.—In compliance with the request contained in your communication of the 10th instant I would respectfully state that I have instructed my commanding officers of this department to promptly serve the subpoenas to appear before the Senate investigating committee that may be left at their respective stations for members of their command. Very truly yours, Thomas Byrnes, Superintendent of Police."

Q. Now, William, I request for my own sake, particularly, as well as for the Senators, and the reporters here, if you please go a little slower? A. Yes, sir.

Q. Now, will you repeat that matter again about sicking on a certain headquarters detective? A. I say, I know occasions where McNally has had his writers arrested because they would not go in the district he was working in and pay him protection, so he could pay the police the protection, and while he was in Jersey; I know two occasions where the writers here were sicked onto by McNally to be arrested; their workshops and all were given to this one central office man.

Q. The information— A. The information was given to him, yes; this central office man, whether him or one or two others went there, made the raid; the man was never convicted or anything for running a green goods joint, but was simply chased out of the city to Jersey, and then McNally came over and started up his workshop.

Q. Did Jimmy insist that all his writers should be in a territory in which he worked? A. Yes, sir.

Q. And if the writer went outside of that territory and should escape protection, he put one of the central office detectives upon that writer and had him arrested? A. Yes, sir.

Q. So as to compel him to go out of Jimmy's balliwick? A. Yes, sir.

Q. Do you know of any particular central officer attached to the central office that Jimmy had that influence with? A. Yes, sir.

Q. Who was that officer? A. Charles Hanley.

Q. You saw Mr. Hanley on the stand here yesterday? A. Yes, sir.

Q. There is no necessity of telling Mr. Hanley to stand up, he stood up here yesterday long enough for you to identify him? A. Yes, sir.

Q. Have you any doubt about his identity? A. None whatever.

Q. So that in these cases you speak of Hanley was always ready to pounce upon any writer that did not— A. Charles Hanley was Jimmy's right-hand man from the central office; any time Jimmy got in trouble, or his men got in trouble, the first man he sent for was Hanley; and Hanley was always sent for.

Q. So that you say that he was his right-hand man? A. For that way of speaking; yes, sir.

Q. I understand what you mean; now, in cases where Jimmy needed assistance of help and there was any trouble, was this man from the central office enabled to fix these cases and prevent trouble always? A. Always.

Q. Always? A. Always.

Q. Can you say now, from your knowledge of the workings of that business, that Hanley represented the central office? A. Yes, sir.

Q. The detective bureau? A. Yes, sir.

Q. In the dealing with the green goods men? A. Yes, sir; in cases of a come-back of any kind; in case a man has been swindled who has found the brick in the box before he has left New York; and as a rule he would go to the central office and make a holler; Hanley would always seem to be the detective that would get the man in charge; the man would be brought up town to try and identify the people, which he never could do; then we always got the tip to go away; the man would be brought down town and chased out of town as being a counterfeiter; and they would pay \$500 and \$250 would go back to the police; the police claimed half of the deal.

Q. The policeman had to have half of the money he was swindled out of? A. Yes, sir.

Q. That is, when he came back? A. Yes, sir.

Q. The man that discovered the fraud of course came back and made a noise about it? A. Yes, sir.

Q. Were there many of those in your time? A. Well, I know of a few—a dozen.

Q. And do you state that in every instance Detective Hanley was the officer in whose charge the case was given? A. Yes, sir; I do.

Q. Well, can you tell what Hanley would do; give us a description of Hanley's methods? A. I will give you a description of one day I know of sure; Hanley came up there with the guy to look around for the steerer; I acted as go-between for Hanley.

Q. You did? A. Yes, sir; I chased the steerer out of the way; they knew what steerer steered the guy, which was Dave Pender, a man on the island now.

Q. He was the steerer for you? A. Yes; and he almost ran into the guy and Hanley; previous to Hanley going up there we knew he was going up with the guy.

Q. You knew Hanley was going up with the guy? A. Yes.

Q. How did you know that? A. It came up from down below; it came up to Day's saloon.

Q. You knew Hanley was coming up with the guy? A. Yes, exactly; the man was brought to Harlem, and it seemed he had been planted in the Harlem saloon; that was the place he went to; the only thing he could do was to take him to the joint in One Hundred and Fifteenth street where he had been swindled and see if Pender was there; in the meantime we were in Day's saloon laughing at him going around Harlem.

Q. I suppose you were looking out of the plate-glass windows of his saloon? A. I made \$5 that stake; I made \$5 acting as go-between with Hanley.

Q. Who gave you the \$5? A. Jere Vosburgh, and he charged it up to McNally.

Q. That was the old man? A. That was the old man.

Q. Who gave you \$5 and charged it to McNally? A. Yes, sir; Dave Pender ran into the guy at One Hundred and Fifteenth street.

Q. While the guy was in Hanley's company? A. Yes; he ran into the guy in One Hundred and Fifteenth street and had a short conversation with the guy.

Q. And Hanley? A. No, Hanley stood on the corner and Pender walked down with the guy; he walked down with Dave Pender; Hanley and the guy went down town together and that is the last we ever heard of the guy.

Q. Now tell us, if you please, how you came to act as steerer between Hanley, or as a go-between between Hanley and the guy? A. It was through the turners; they told me to go and meet Hanley around One Hundred and Seventeenth street; Hanley had another detective with him and he told me to go down and tell this detective to go up the avenue instead of going down.

Q. They went down after the turners told you to meet Hanley and the guy in One Hundred and Seventeenth street? A. Yes; bring Hanley down there so they could see him.

Q. They wanted a little fun with him, I suppose? A. I don't know.

Q. Did you go and meet Hanley? A. I met Hanley.

Q. Where was Hanley? A. Going through One Hundred and Seventeenth street with the guy.

Q. Going west? A. Going east.

Q. From the elevated railroad? A. Yes, sir.

Q. And the guy was in his company when you met him? A. The guy was in his company; yes, sir.

Q. Do you remember what you said to Hanley? A. Hanley called me and told me to go and tip the other man.

Q. And tip the other detective? A. Yes, sir; that was in front of him, and tell him to come up the avenue; and then Dave Pender ran into the guy.

Q. By misunderstanding and going down the avenue? A. Yes.

Q. There wasn't much harm done by Dave running into the guy? A. There was none done.



By Chairman Lexow:

Q. How was that; explain that; here was a guy that was in search of this man Pender and he finds him; you say in a moment they seemed to settle their matters and go off happy; how did they settle? A. I don't know that the guy went off happy; I say Pender did, and Pender went off again and it seemed to be fixed up, but I don't know how; the guy went off with Hanley and Pender came back again; Pender was not arrested.

Q. Was you present when this occurred. A. I was; yes, sir.

Q. Did you see the guy tell the sergeant to arrest this man? A. No, sir; he did not.

By Senator Saxton:

Q. Did the guy recognize Pender? A. He did, and spoke to him.

By Chairman Lexow:

Q. There is something somewhat strange about that; I can not understand the story? A. The only thing strange is that Hanley told the guy not to arrest him and he would attend to him then; he did not want to make arrest if he is paid for it.

Q. How far were you from them? A. Right on the corner.

Q. Within hearing distance? A. No; not within hearing distance.

By Mr. Goff:

Q. You understand this has been testified to already before this committee, and it may be reasonably assumed from the evidence before the committee that the detective may have told the guy to simply identify this man and he would arrest him afterward, and he was simply a messenger or something of that kind; because evidently the guy was satisfied with the detective's explanation and went away.

By Chairman Lexow:

Q. Did Hanley get one-half of the amount afterward that he was swindled out of? A. One-half of the guy's money went to the police; I can not say who got it, but it was given to Hanley; there was no other money came to headquarters but to Hanley.

Q. You know in this particular case half of the money was given to Hanley for the police? A. Yes, sir.

Q. And you made your entry in the book of it? A. The entry was put in the book; the writer had already received his pay; this come-back was two or three days after the deal; the writer had received his 50 per cent. and he had to give half of that back to McNally and McNally stood the other half to Hanley.

Q. Let us understand by illustration; if the guy had been beaten out of \$1,000 or \$500, we will say, \$250 of that went to McNally, and \$250 to the writer? A. Yes, sir.

Q. Now, the writer having received \$250, when this guy came back two or three days after and made a noise about it, the writer had to come down and give up \$125 of the \$250? A. He reduced his \$125 by the expenses, which left him \$110 back.

Q. And McNally had to give up \$125? A. Yes, sir.

Q. And \$125 went to the police? A. Yes, sir.

Q. What was done with the unfortunate guy? A. He was chased out of town for being a counterfeiter.

By Senator Bradley:

Q. Or threatened with arrest? A. Yes.

By Chairman Lexow:

Q. You mean because he had counterfeit money on his person? A. Well, a guy is a guy, and you can do almost anything with him.

Q. You remember these entries being made in the books you kept? A. I made them myself; I can not remember exactly the dates.

Q. But the entries in reference to this matter? A. Yes, sir.

Q. You remember having made them in the books? A. Yes, sir.

Q. That is another time of your own knowledge that \$250 was paid to Hanley? A. I do.

Q. Did you see it? A. No; he paid it to Hanley on the corner; he called him Pat; I must have gone to Hanley's house with a message to him to come to Jimmy's house.

Q. Do you know that your sister has ever been sent to his house? A. I do know, long ago; that is about Walter Haines; McNally had given Walter Haines a carriage; a light wagon; Walter Haines had stored this light wagon while Jimmy had the livery stable in Forty-fourth street; Jimmy had sent a helper

by the name of Wakeman, down to the storage house and got the carriage out again because he thought Walter Haines had robbed him of his bank roll; Walter Haines goes and gets two detectives, and has this workman arrested that night; my sister comes around to me in a carriage; she forgets Hanley's address; she went upstairs and saw Mrs. Hanley, his wife, and she said it was all right and Hanley was going to see Jimmy that night; Jimmy was then stopping at the Oriental hotel; that was after Appo was on the stand.

Q. That is on Broadway and Thirty-ninth street? A. Thirty-ninth street; yes, sir.

Q. That was after Appo had been on the stand? A. Yes, sir; the day Appo was on the stand Hanley came to Jimmy in person and saw Jimmy at his house in Forty-third street, and told Jimmy if he or my brother was subpoenaed here that all we had to say was, "I don't know; I can't remember;" and "yes;" he told me what to say yes to; that was the day Appo was down in this courthouse on the stand.

By Chairman Lexow:

Q. How do you know that fact? A. I know that fact from my own brother, and Jimmy McNally, and they sent for me that night, and came and told me that if I was subpoenaed what I was to say.

Q. And told you Hanley had been up there? A. Yes; I know Hanley was there.

Q. You say you know Hanley was there? A. Yes; by that.

By Senator Bradley:

Q. They learned you their catechism the same as they got themselves? A. Yes, sir.

By Mr. Goff:

Q. Yes; and Hanley told them what to say yes to? A. Yes.

Q. Will your memory serve you to give us anything which Hanley told you to say yes to? A. No; I can not, Mr. Goff.

Q. Can you give us anything at all in relation to— A. I know they told Jimmy to tell his men they were having no green goods business; and they told Jimmy, when I was down here, to say he was a horseman.

By Chairman Lexow:

Q. A bookmaker, you mean, or something like that? A. Yes, sir.

By Mr. Goff:

Q. You spoke of a man by the name of Wakeman; who was Wakeman? A. Wakeman was a party Jimmy bought some property from in Bridgeport; Wakeman got his head muddled up by Jimmy being a green goods man, and he thought he would make a lot of money in the green goods business, so, when Jimmy was chased out of Bridgeport, and he started business by keeping his horses, he employed Wakeman.

Mr. Goff.—In order to show the relations between McNally and Wakeman, I pick up a little fragment here, as we go along. Letter, dated February 19, 1894, written on the paper of a certain hotel, which, in justice to the proprietor of that hotel, I will not read or mention—it is a respectable hotel. “February 19th, 1894. Dear Jimmie.—After a short consideration of our talk this a. m., there is no other conclusion left for me to arrive at than you do not wish me to have me do anything more for you, or, in other words, you either can not or will not keep your agreement with me. I will do as I agreed to do to-day. I kept my word with parties in Bridgeport, via.” (Which means there “instead of) of going up to-day at my own expense, less the fare, but will return to-night, as I can not afford to remain over night at my own expense. If you wish, I will explain further on my return this eve. I will also give your confidential friend, Mr. Wakeman, the keys of office, No. 425 West Seventeenth street, so he will have all keys belonging to it. I will be or try to reach home this p. m., about 8 o'clock. All other business pertaining to farm, icehouse, etc., I will explain more fully on my return home. I will say further that I have done nothing that will injure you in any way, but has surely been of benefit to you. I will not allow anything, so far as I can prevent it, to be done that will in any way injure you until I am relieved entirely of all responsibility. Respectfully yours, John.”

Q. Who is John? A. I can not say.

Q. Now, I ask you to look at this letter that I have read, and say if you know from whence that letter has come; or, to put my letter more plainly to you, has that letter come from

the effects of McNally? A. That whole bundle is in McNally's house.

Q. The whole bundle of papers you hold in your hand? A. Yes, sir; and I put the string around.

Q. You put the string here? A. Yes, sir; I can tell by one message there.

Q. Now, speaking of the transaction in relation to the carriage, you described how your sister and yourself had visited Hanley's house and your sister had told you that Hanley said he would come up and see Jimmy that night; do you remember if Hanley went to see Jimmy? A. No; I do not.

Q. Do you remember? A. I know the thing was squashed the next day.

Q. How was it squashed? A. That I can not say; Jimmy went away shortly afterward.

Q. Well, were there any—you say the whole thing was squashed? A. Yes, sir.

Q. How? A. I don't know how it was; I heard the next day it was squashed; I think the carriage was given back to Haines.

Q. Do you remember any occasion when Hanley had arrested some men at McNally's request? A. He arrested the same Walter Haines and Scribner.

Q. What Scribner? A. It seems that Walter Haines and Scribner had rigged up a man—

Q. What Scribner? A. The Dan Scribner that ran the Pickwick; the concert-hall called the Pickwick.

By Chairman Lexow:

Q. That was over on the west side? A. Yes; Thirty-sixth street, I believe.

Q. Where is he now? A. I don't know; he was seen not long ago with Walter Haines; it seems that they had rigged up a man to pretend he had come from the country, as a victim, and to get this bank roll of Jimmy's; then they found they rung the wrong box, and, therefore, they got away with Jimmy's bank roll.

Q. That is, this Walter and what is his name? A. And Scribner, had rigged up between them a guy, or supposed to be a guy, to come on here, and to get the money; that is, they made up between them that they would ring the wrong box to get the money from him; that is, the supposed guy; he got

away with the box with the right money in it; so Walter Haines tells Jimmy, and he said it was a put-up job, and business is bad; he gets fly and sends for Hanley and Hanley sends my brother for two other detectives to arrest these men.

Q. To arrest Haines and Scribner? A. And Scribner; my brother can not find these other two detectives, and Hanley said, "I will pinch them myself;" and he pinched them; they were kept down below.

Q. Where were they kept down below? A. At headquarters.

By Chairman Lexow:

Q. You mean by pinching, they took them in custody? A. Yes; they took them in custody; that was the last ever heard of them.

By Mr. Goff:

Q. That was the vernacular for arresting; did you hear Hanley say anything to Jimmy about the two men who had been arrested, about keeping them any longer? A. I was not in with Jimmy at that time; Jimmy was stopping at the Oriental; it was just previous to his going to Europe; it was after he came from Bridgeport.

Q. This summer? A. Yes.

Q. After Appo had been on the stand? A. Yes, sir.

Q. Right after Appo had been on the stand? A. Yes.

Q. And these two men had been robbed? A. There was a dozen men robbed after Appo was on the stand in Central park in a carriage.

Q. You have beaten them in Central park? A. Yes, sir.

Q. We will come to that later; Central park will not run away from us; now, I wish to direct your attention back again to the transaction with Captain Meakin, in which you paid him the \$200; just state the circumstances; you have stated it partly; I wish you would state them more fully, whatever they are; how you came to give Meakin the \$200? A. I believe it was an understood thing that Hanley was to be at Jimmy's house for Meakin.

Q. That was after the word came from headquarters for green goods men to go out of New York? A. Yes, sir; that was about three days previous to our going to Jersey.

Q. Proceed? A. In place of McNally going up he gave me \$200 in bills.

Q. What did he say to you? A. He told me to take it up to Captain Meakin; it was entered on the book as protection; it seems that Meakin had done something for him or some of his men; I can not say whom, in regard to introducing him to some detective in Jersey.

Q. To make him solid over there? A. Yes, sir; now, McNally sent me up with this money; I handed the money to Meakin, he put it in his pocket and that is all I know.

Q. Where did you hand it to him? A. In the station-house; he was in citizen's dress at the time; he was just to the left of the desk as you go in.

Q. What did you say when you entered the room? A. I just said "Jimmy sent this up."

Q. And what did the Pantata say? A. All right.

Q. He took the \$200? A. He did.

Q. Where did he put them, so far as you know? A. In his pocket.

Q. Was that the only money you ever paid to Meakin, or ever saw paid to him? A. Well, yes.

Q. Don't you know of any other money being paid to him? A. I know that money every month was paid to him.

Q. Wasn't there — A. Well, yes; I did pay; I paid \$150 at one time.

Q. One hundred and fifty dollars in addition to \$200? A. Yes, sir.

Q. Was that after you paid the \$200? A. Previous.

Q. Will you tell us the circumstances of how you came to pay the \$150? A. Because Jimmy sent it up there the first of the month; I don't know whether it was his own protection, or protection for the writers; it was sent for protection.

Q. Will you swear you gave the \$150 into Meakin's hands? A. I do; yes, sir.

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

By Chairman Lexow:

Q. In his private room? A. Right off the desk; the sergeant was behind the desk; I don't know who he was.

Q. Did he see the transaction? A. I don't say he did.

Q. Was it in an envelope, or openly? A. It was openly paid; no envelope about it.

Q. So many bills handed over? A. So many bills.

Q. Did you make any attempt to conceal it? A. No, sir.

Q. Did it openly? A. I did it right openly.

Q. Did you attempt to conceal it from the sergeant in making the payment? A. I just went in and met him, and said, "Here's the money Jimmy sent up to him;" whether the sergeant saw me, I didn't care; I thought everything was all right, and apparently everything was all right.

By Mr. Goff:

Q. How many months altogether was you doing business in Meakin's precinct? A. I guess a little over a year, or about a year.

Q. During that year, while you were under the kindly and fatherly protection of Captain Meakin, were any of your men arrested in that precinct?

By Senator Bradley:

Q. During that year? A. No.

By Mr. Goff:

Q. Everything went on swimmingly? A. Everything went on nice and easy.

By Chairman Lexow:

Q. I would like to ask a question, Mr. Goff. You have spoken about Walter Haines and Dan Scribner. Are these men who are well known to the police here as confidence men and confidence operators? A. Dan Scribner is well known to the police as an old-time crook; he is an old-time "gold-brick man."

Q. Do these men travel through the streets of New York in open daylight unmolested by the police of this city? A. Why every day.

By Mr. Goff:

Q. I show you Jimmy's check book; can you say if these checks were ever used in New York? A. Can I?

Q. Yes? A. I can not.



Q. I mean he never used checks here? A. When Jimmy was in New York, and I never was with him, he never used a check; after he went to Bridgeport, he made a deposit in some bank.

Q. I hand you a stub check book, and I call your attention here to an entry, number 92, November 6, 1892, "Walter Haines, \$200, stained peas," that is how it is spelled; will you look at that? A. Yes, sir.

Q. Can you tell us any information about that check, or the stub of it, or what it is for, or anything? A. Well, we had so many pass words, that "stained peas" may be a pass word in regard to some of our business; the check book I recognize all right.

Q. That is the Walter Haines you have been testifying to? A. Yes; oh, that is \$200 for stamps.

Q. Now, I show you a stub on the next page, dated December 6th, 1892, "To Scribner, rent, \$80;" can you tell us what that was for? A. I I can not.

Q. Was that the Scribner you have been testifying about? A. That is the same Scribner.

Q. Those checks or stubs of checks are upon the Bridgeport City National Bank? A. Yes, I see that.

Q. So that, as you say, he had no checks until after he went to Bridgeport? A. None that I know of.

By Chairman Lexow:

Q. To what extent did you come in personal contact with Dan Scribner? A. What extent did I?

Q. Yes? A. When I came in business —

Q. Did you see him every day? A. Yes, sir; I seen him regular.

Q. And for long? A. For a year or two years, I think.

Q. And during all that time you have seen him daily around? A. Seen him around, yes, sir.

Q. Is he the same man connected with swindling farmers around the country with gold bricks? A. Yes, sir.

Q. And against whom any quantity of indictments have been pending? A. So I understand.

Q. And requisitions have been issued from governors of different States against him? A. That is what I understand.

Q. Do you know whether or not this Detective Hanley ever had any requisitions in his hand for service against Dan Scribner? A. I can't say that.

Q. Was Walter Haines one of the same crowd? A. Walter Haines was not one of the gold brick crowd; he met Scribner here; he came from Canada; he has done a great deal of business out of the State, but never any business here until connected with Jimmy.

Q. Do you know of any others connected with the so-called gold brick crowd? A. Working with Jimmy?

Q. Yes? A. None I can say of.

Q. Any of the associates of this man Scribner? A. No; none that I can say; that was outside; I only know Scribner by that reputation around the joint; it is pretty well known what a man's pedigree is.

Q. That is the general reputation, however, that men of that character give the police, is it, that they can operate as long as they do not operate in this city; that they can remain in this city with impunity, free of arrest? A. Sir?

Q. These confidence men that ply their trade throughout the country, as long as they do not ply their trade in the city, they can remain in the city without being arrested; is that the general reputation the police have among your people? A. Yes, sir.

Q. Is that the way you people engaged in that kind of business, talked together about the police, that they are perfectly safe from them? A. Yes; that is about it.

Q. And can walk the streets and snap your fingers at the victim? A. Yes, sir.

By Mr. Goff:

Q. And is it not also the understood thing among the men engaged in that business, and every crooked business you have any knowledge of, that the police here in New York give that protection, no matter what they may do, as long as they did not commit the crime against New York city people? A. So I understand.

Q. They can fleece anyone that comes from the country, but they must not fleece New Yorkers? A. Why, of course, that is to save themselves; a New York man can find his way back again; a victim from the country is taken to a joint, and never can find his way there; I take a man through on the Greene street car and take him to a joint.

Q. The idea, then, of the steerer is to pursue — A. To try to lose them.

Q. To pursue a crooked path? A. Yes.

Q. And when the police hear of a common guy, what sort of a path do the police pursue with a "come-back?" A. They, of course, leave them on a crooked path, but bring them up on a straight path.

Q. Did you ever hear of a man of the name of Moran in connection with the business, or in connection with Jimmy? A. Moran?

Q. Yes? A. I don't know that name.

Q. Now, here is a letter of nine pages, signed in the same handwriting as that letter that was signed by "John?" A. Yes, sir.

Q. That refers to Scribner, or to Wakeman, rather; now this letter is signed "with best wishes from us both; John and Sue;" it looks like, "Mana" or "Manna;" let us see if you can help me in that? A. Is this in regard to Wakman?

Q. No; this is another letter in the same handwriting as the one referring to Wakeman? A. I can not tell you; that might have been some Bridgeport people I do not know.

Q. It is dated New York, February 4, 1894? A. I don't know them.

Q. In this letter a reference is made; he says, writing to Jimmy, "but I hope to have that satisfactory always; before I have been allowed the satisfaction of knowing the cause, if anything, or the reasons for dissatisfaction; one more thing in regard to the borrowed amount; you say in your letter to me, that you thought I overstepped my authority, or overstepped it in doing as I did; I will give you my views in the matter, first, when you gave me the money for Moran, you said, that was blood money, and unless your business picked up in the near future, you did not know what you would do later; you said to me also to see what things surely must come right"—"that thing surely must come right; only a little time was required, and so the old man started off home and would not go till he had money, and I knew I could get it from some one else." Does the reading of the passage from the letter that I have just read refresh your recollection any about what the money was for? A. No, sir; I can not say at all.

Q. Did you ever hear of a detective called Moran? A. I think I did, Mr. Goff; I can not place that detective; I heard of a detective named Moran in some down town precinct.

Q. It has been testified to here before this committee that there was a Detective Moran under Captain Murphy in the Mul-

berry street station, and that when Harry Hill got into trouble with Captain Murphy, Moran resigned; does that quicken your memory any? A. No, sir; it does not; I can not say.

Q. Now, William, I hand you some slips of paper here; do you recognize those slips of paper? A. Some of McNally's effects, yes, sir.

Q. Some of McNally's effects, some of his papers? A. Yes, sir.

Q. I read from one slip "policeman, salary \$12, received payment, Thomas J. Cunningham?" A. That is Bridgeport.

Q. Bridgeport police? A. Yes, sir.

Q. Another slip, "Mr. Cunningham, salary, \$12, signed, Thomas J. Cunningham;" Mr. Cunningham, another slip, "Salary, \$12, James J. Cunningham;" another slip, "Salary, \$12, James J. Cunningham?" A. I think, as a rule, the Bridgeport police signed receipts for their money.

Q. They ought to take a leaf out of the book of our police, and they would not do any such thing as that; we, down here, William, we do business on a cash basis, no receipts; now, I read a note from the same lot of papers, dated Bridgeport, March 14, 1894. "J. W. McNally, Dear Sir.—I have taken care of your music hall for the last nine weeks, so it is near time to have a settlement; I would say \$2 per day ought to be satisfactory to you, which would amount to date to \$126; by remitting the same balance, you will confer a favor, as I am very much in need of money. Very truly yours, Thomas J. Cunningham." Now, William, we would invite your attention to Jersey, for a moment; after you paid the \$200 to Captain Meakin, prior to your going to Jersey, you said it was understood that Captain Meakin had said a good word, or made some arrangement? A. I didn't say that; I say I think it was through him, or some of his people.

By Chairman Lexow:

Q. What? A. That had introduced Jimmy to some detective in Jersey.

By Mr. Goff:

Q. You remember that detective's name in Jersey? A. No; I do not.

Q. What? A. No, sir.

By Chairman Lexow:

Q. Connected with the police of Jersey City? A. Yes, sir.

Q. Of Jersey City? A. Yes, sir.

Q. Did you ever hear the name of Morris? A. Morris; that is the detective at the Pennsylvania depot, Jersey City.

Q. Do you know if he is a member of the police department of Jersey, or is he in the employ of the railroad? A. Pat Morris is a man we had "right," so we could bring our men through Jersey City when we were working any victim; we also had him "right" when we were working in Jersey; the idea of getting a detective "right" at the depot, is so that in case the guy breaks open the box there, the detective at the depot will arrest the guy there, and run him up and scare him out of town.

By Chairman Lexow:

Q. On the ground that he has got counterfeit money in his possession? A. Yes, sir; and chases him out of town; and the detective is supposed to look after the guy in case he is to look after the same; the same at Forty-second street depot.

By Senator Bradley:

Q. Have you one up there at Forty-second street? A. Yes; we had one up there.

By Mr. Goff:

Q. About this Jersey City man; do you know if he is the detective or officer of the Jersey police, or is he in the employ of the Pennsylvania Railroad Company? A. I think he belongs to the Jersey City police; I think he is stationed there from headquarters in Jersey City.

Q. Who was your man there? A. Just Pat Morris.

Q. Now, I hand you a telegram from this bundle of papers you tied up so artistically, dated at Jersey City, N. J., dated October 2, 1893, Western Union blank; "To J. F. Morris, 41 Sea View avenue;" who is J. F. Morris? A. That is McNally, the name he went by in Sea View.

Q. And McNally went by the name of Morris? A. Yes, sir.

Q. I read, "I will be at 135 Sussex street, near post-office, all day; come there; don't fail; Peter Morris;" is that the detective

you have mentioned? A. That is the detective, I guess; yes, sir; that is about it.

Q. Now, had you any connections there with any other detective or police officer besides Peter Morris? A. Yes, sir.

Q. What was his name? A. Dalton.

Q. Billy Dalton; what is he; a detective? A. He is down at headquarters in Jersey.

Q. He is a headquarters man in Jersey? A. Yes, sir.

Q. He is attached to the police headquarters in Jersey? A. Yes, sir.

Q. Now, after you went over to Jersey, will you tell us how the business was conducted over there? A. Well, the first day we went there we rigged up a joint in Tenth street, Jersey; there was a park near there that we located the victims in; that is, we had the steerers take them there, and they were taken to Tenth street, and after we were there a day or two, we hired a little place in Tenth street near Montgomery, and we started an office, and the steerers would plant his man in the neighborhood, and would come around to the office and let us know he was in town with the victim, and when his turn came, Walter Haines would go around to the saloon and meet him and bring him over to the joint; we had joints all over in Jersey City.

Q. Well, William, proceed? A. Well, I say we had joints all through Jersey up-town and down-town — Hoboken; and we had pretty good protection over there.

Q. You were not interfered with in Jersey? A. No, sir.

Q. How long did you remain in Jersey? A. Oh, six or seven months I guess, until Comstock made a raid over there.

Q. While you remained in Jersey, did you pay police protection there? A. Yes, sir: post-office protection.

Q. Post-office protection; now, let us deal with the police first: what was the rate you paid the police there? A. Well, I think Dalton got \$35 or \$40 a month from Jimmy; Peter Morris got, I think it was \$25.

Q. Billy Dalton got how much? A. I say Billy Dalton got \$35 or \$40, and Peter Morris got \$25 at the depot.

Q. You did not pay as much in Jersey as in New York? A. No.

Q. Rates are lower there; you say you were raided in Jersey by Comstock? A. Who did you say, raided by?

Q. Comstock? A. I think it was through somebody in the post-office; he knew these people at the post-office right, and he

was not getting a bit out of it; he got a little sore, and reported the case to Comstock, saying we had the post-office right, and this man from the post-office, with Comstock, and with some detectives came there and identified three of them as mailing the stuff there; Comstock arrested three and took them before Judge Whitehart, and the thing was fixed up.

Q. There was no convictions? A. No convictions whatever.

Q. That case was fixed up? A. Then we left Jersey and came to New York.

Q. You say the post-office was fixed up? A. All I understand Jimmy went up there and got the post-office right, I suppose from the manager there, to let us mail letters there; the letters, unless we got the county on to them, would be sent back to the writers.

Q. Was that done frequently? A. Yes, sir.

By Chairman Lexow:

Q. Forgot to put what on the letters? A. The county.

By Mr. Goff:

Q. Where they had forgotten to put the county on, the post-office people sent back the letters to have the address completed; was there anything on the envelopes so addressed to show where they should be returned to in case they failed to be delivered? A. Sir?

Q. Was there any printed address "return to" on the envelopes sent out by McNally? A. No; they could tell the envelopes; they all came in boxes of 5,000 at a time, and they sent to headquarters in Tenth street; there was no certain mark on it; no, sir.

By Chairman Lexow:

Q. You were careful not to have any mark on those letters, I imagine? A. Yes, the only mark we had on the letter was a number.

Q. I show you a number with a printed address upon it; I don't want to read the address; did the envelopes which you mailed to them have a printed address on them? A. Never.

Q. So the post-office authorities could send them back again, in case they were not delivered? A. Never.

Q. Did the post-office people know where to send the envelopes back again? A. As I said, our own man that sent them there, 5,000 at a time, in boxes, and they could easily ——

Q. And were they all the same? A. They were all white envelopes with blue inside.

By Chairman Lexow:

Q. All looked the same? A. Yes, and they could always tell by the stamp being put on just to show the number; we put the two cent stamp over one number, so one number would be visible.

Q. Then you would have a corresponding number in the book that was kept? A. Yes, sir; that is how we knew the man, by the numbers.

By Mr. Goff:

Q. You know whether there was any money paid to any man in the post-office for that service? A. Only from what I heard.

By Chairman Lexow:

Q. What did your books show; you kept the books, you said? A. The books showed from \$400 to \$800 in the post-office in Jersey City.

Q. For stamps? A. No, only for envelopes; they gave so much a thousand that they mailed.

Q. That in addition to the usual postage they paid so much per thousand envelopes that you mailed in the post-office? A. We had to give each man so much; some of them had to stay late at night to get them out; I have seen \$800.

Q. In what space of time? A. In a month.

Q. Did this include the return of these envelopes that had not been properly addressed? A. It included everything; yes, sir.

Q. What other facilities did the post-office give you besides that? A. Sending the envelopes back?

Q. Yes? A. Mailing green goods envelopes there.

Q. Anything else? A. As I say, keeping the men a little late some nights, getting through; some days we put in 15,000 there at a trip.

Q. And there is no doubt that these post-office officials or employes knew just what was the contents of those envelopes? A. Undoubtedly so; yes, sir.



By Chairman Lexow:

Q. Did you have any similar understanding or arrangement with the post-office in this city, while you were operating here?

A. None that I know of; I think this Hallock had something to do with it, a party named Hallock.

Q. Was that rumor, or gossip, or did you know it yourself?

A. I did not know it for certain.

Q. Where did you purchase your stamps? A. The stamps were purchased at a pawnbroker's on Grand street — not a pawnbroker's, but a money broker's office on Grand street; we gave him two cents on \$1 for a bank-roll; we had to have new bank-roll every month.

Q. That is, changed the money every month? A. Yes, sir; to get new money.

Q. Two cents on the dollar? A. Yes, sir.

Q. That is an increase of two per cent.? A. Yes, sir.

Q. Did these persons from whom you bought the money know the use to which it was going to be put? A. The man who was selling it knew McNally's business; I guess he must have known the use.

By Mr. Goff:

Q. Have you told us all of the matters occurring to your recollection now, touching your stay in Jersey? A. Yes, sir.

Q. Well — A. I will tell you one thing about Jersey; we never had a "come back" over there where we had to give any money to the police.

Q. They did not claim half the money over there, did they? A. No, sir; they were satisfied.

Q. Well, of course, Jersey is a foreign State; we don't wonder at them, they are behind the age; how did you know you could come back to New York with any safety? A. Sir?

Q. How did you know you could come back to New York with any safety; I am speaking to you now including the whole year?

A. Including — Jimmy and Mr. Hanley, I think they made it up, that they fixed it up so everything was square so we could come back all right.

Q. Did you go back? A. Yes; we all came back.

By Chairman Lexow:

Q. Did these gangs travel together — the writers, together with the others? A. No; they did not.

Q. In other words, when you transferred your activity to Jersey City, did you take all these writers and all the paraphernalia and everything else, the whole business over there? A. Yes, sir; we moved them over there.

Q. And when you came back you all came at one time back to the city? A. Yes, sir.

Q. Because it was understood you were going to be protected? A. We didn't come back in a bunch.

Q. I mean you all came back about the same time? A. Yes, sir.

Q. And came back because you understood things had been fixed, and you were going to be protected? A. Yes, sir.

Q. The fact is, in other words, that the people in your business would not attempt to do business of that kind in this city unless they had the assurance that they were going to be protected by the police? A. Yes, sir.

Q. And the moment they get news that protection is going to cease, that moment they transfer themselves to other places? A. They go out of the city; yes, sir.

By Mr. Goff:

Q. Now, you say you understood everything was all right; will you state to the committee how it was that you understood that everything was all right when Hanley was only a common detective sergeant? A. When I speak of Hanley, I speak of all headquarters; Hanley done business of Jimmy for headquarters; anything Hanley said we were protected by headquarters; he acted for everybody down there as regards Jimmy.

Q. You recognize Hanley as the representative of the police headquarters in this city? A. Yes, sir.

Q. And anything he said you relied upon as coming from headquarters? A. Yes, sir.

By Senator O'Connor:

Q. What do you mean by headquarters? A. The popular understanding is the detective bureau.

Q. Whose charge is it under?

Mr. Goff.—It is in charge of Inspector McLaughlin and before he had charge it was under Superintendent Byrnes, who is now superintendent.

Senator O'Connor.—Has Superintendent Byrnes control of McLaughlin?

Mr. Goff.—Superintendent Byrnes has control of Inspector McLaughlin, and all the officers under him, of course.

By Mr. Goff:

Q. Where did you go to in New York on your return? A. The first headquarters was made in Thirty-eighth street and Seventh avenue.

Q. The first place, you say; the first place was where? A. Thirty-eighth street and Seventh avenue.

Q. Thirty-eighth street and Seventh avenue? A. Yes, sir.

Q. Where did you start in? A. William Roach's saloon.

Q. What corner? A. On the northwest corner.

Q. Had you any trouble with the police there? A. Jimmy and I hired a flat up stairs; that is, Mrs. McNally and I got a flat up stairs, and had some furniture put there, and started to live there; the second day I was there, about the second I was there—I think Captain Price had just been made captain of the Thirty-seventh street station-house.

Q. That is, the Twentieth precinct? A. Yes, sir; now, whether any arrangement had been made with Price I could not say at that time; the next afternoon between 2 and 4, I was sent to the station-house with a hundred dollars for Price, which I handed to him in his private office in the station-house; he told me when I handed him the money, he said, "Tell Jimmy I will see him later;" in regard to seeing us later, we sent him no more money after that, and we met in Roach's; but I think word came from headquarters that we would not start any joints in New York; and therefore we put our victims in cabs or carriages in Central park; the reason we had carriages was, it would not make any rattle, or make any noise.

Q. In relation to Captain Price you say you handed him \$100? A. Yes, sir.

Q. In the station-house? A. In the station-house.

Q. In bills? A. In bills.

Q. Do you know the captain? A. Sir?

Q. Do you know him? A. I asked for him.

Q. Who did you ask? A. The sergeant.

Q. What did you say to the sergeant? A. I asked him if Captain Price was in; he said, he is in his office, and I walked

in and said, "Here is \$100, Jimmy sent you;" and he said, "All right."

Q. You didn't say anything but "here is the \$100 Jimmy sent you?" A. That is all I said.

Q. Did you say anything about any business outside of what you state? A. I didn't mention anything; I said, "Here is the \$100 Jimmy sent you;" and he said, "All right; I will see you later."

Q. Have you any doubts whatever about Captain Price's identity? A. To identify Captain Price?

Q. Yes? A. Yes.

Q. Did you see him in court this morning? A. No, sir.

Q. I say you have no doubt Captain Price was the man to whom you gave the money? A. Yes, sir.

Q. You know him well, do you? A. Yes, sir.

Mr. Goff.—It is but just to say that before the witness came into court this morning Captain Price was in court here, and he told me that he had a very important criminal case on trial to-day — a murder case — on which he was a witness, or the prosecuting officer, as it was, and that his presence was absolutely needed there; and under the circumstances, I excused him from being present. However, we will show by the witness that he knows the captain in other relations.

Q. Now, how long did you continue at Thirty-seventh street and Broadway, at Roach's? A. Oh, we continued at Roach's for four or five months.

Senator Bradley.—Did you fix the year, Mr. Goff?

Mr. Goff.—Oh, yes.

The Witness.—Eighteen hundred and ninety-three; about January, 1893.

Q. Well, here is a telegram selected from McNally's papers, dated March 3, 1894, directed to J. Dubue Morris, Roach's saloon, Thirty-eighth street and Eighth avenue? A. Seventh avenue.

Q. Seventh avenue, yes; "Hope you get well soon; breakers ahead; Rex;" do you know any person communicating with him under the name of Rex? A. I suppose some fictitious name; no, sir; I don't know it.

Q. It is dated 1894; how did the telegram come to be addressed to Roach's saloon in 1894? A. Well, Roach receives all his messages yet.

Q. He makes a sort of general headquarters at Roach's?  
A. I think he cashed some of Jimmy's checks for him from Bridgeport.

Q. Do you know anything about Roach; was he ever connected with the green goods business? A. Well, Roach had kept the bank-roll several nights for Jimmy; we held out in his office, and had a special office there for us people, although we never "done" a victim in his place.

Q. You have been in Roach's saloon very frequently, haven't you? A. Very frequently, yes, sir.

Q. Have you noticed the art gallery there? A. Well, yes; that was put up there more to please Jimmy; Jimmy was a pretty good spender around in Roach's place, and so Roach had a very great painter there, and he got this painter to take some money together, some new bills of Jimmy's, some of the bank-roll money, and this painter took it and copied it off; his saloon now is full of pictures of gold money, and all sorts of money and represents one of our joints in fact.

Q. And wasn't it designed that these paintings should be hung up in the saloon in order to affect the guys when they came in?  
A. Yes; when the guys came in we showed them all that.

Q. It excited the imagination of the forthcoming riches they had? A. Yes.

Q. And that was the real purpose for the oil paintings? A. Yes, sir; we didn't have the brick painted there; just the money.

Q. Have you ever been in there when the guy was brought in to be operated? A. Yes; several times.

Q. And have you ever heard this money referred to? A. Always.

Q. Or any reference made? A. Always.

Q. How was the reference made? A. Well, in regard to the way our money is won; I can not explain that.

Q. Did you ever hear it said, for instance, in substance, here is what you will get in reality, "referring to the painting?" A. Yes; each steerer has his own way in telling the guy.

Q. You had heard reference made to these paintings? A. Yes, sir.

Q. To the guy to excite his imagination? A. Yes, sir.

Q. That this was a sample, a representation of what would come to him in reality? A. Yes, sir.

Q. How long is it ago since you were in Roach's? A. Only about three weeks.

Q. Were the paintings there at that time? A. Yes, sir.

Q. Now, you said something about the cabs; what about the cabs? A. It seems Mr. Hanley told Mr. McNally they could start no joints in New York.

Q. After their return from New Jersey? A. Yes; of course we wanted to beat our victim some way, so through McNally's wisdom he got it to beat them in a cab, or it was an old time way, and so Jimmy had his victim in his private carriage.

Q. With his private coachman? A. Yes; he hired this coachman, and told him he would give him \$5 a day.

Q. Five dollars a day? A. Yes; to drive that cab around in the park, and McNally was to go on the stoop with the coachman and the steerer and Walter Haines would go in the carriage with the guy.

Q. After the guy was brought to Roach's saloon, was he then taken in this carriage? A. No, sir; not right away; the guy was interviewed by Walter Haines.

Q. Yes? A. Then he was taken up in Fortieth street.

Q. Was it a private carriage? A. Yes; a private carriage.

Q. The coachman in livery? A. Yes; a blue coachman, not the fancy livery that McNally goes out generally with.

Q. But McNally had his livery? A. Yes.

Q. And his coachman always in driving him put on his livery? A. Yes, sir.

Q. Do you know if McNally had a coat-of-arms? A. A what?

Q. Do you know if McNally had a coat-of-arms? A. No, sir.

Q. Do you know what a monogram is? A. A monogram?

Q. Yes? A. J. W. M.

Q. Was the monogram on the panel of the carriage? A. No, I don't think it was.

Q. Does it bear any device or picture on the panel of the carriage? A. No, sir; I think the name was on the harness and on the coachman's buttons; I know it was.

Q. The initials you say — the monogram? A. Yes, sir.

Q. Now, proceed and describe the operations of the carriage? A. Well, previous to the steerer and the guy coming to the carriage, there would be a satchel put there, a little red satchel.

By Chairman Lexow:

Q. In the carriage? A. In the carriage, with a brick and paper in it; there would also be two or three satchels without anything in it on the seat of the carriage; Walter Haines would

get in with the guy; Walter Haines would have the money in the bag, the bank-roll, and he would put the money in the satchel, a duplicate satchel to the one that had the brick in it; he would put the money in the satchel, and after the guy had paid Haines his money so — we never received theirs before we gave them ours, and after he made the deal and everything was all right, Haines would say I will go to the depot, and the steerer would grab the satchel and run out and Walter Haines would slip the money in the cab and Haines would say the steerer will go with you and he would go away with the steerer.

Q. Could you state, or approximate, the number of men that were beaten in Central park that day, that were "struck" in Central park that one day? A. In one day? I think it would be hard to count.

Q. Do you remember any particular number of men that were "struck" in one day? A. I should judge four or five.

Q. Four or five in one day? A. Yes, sir.

Q. Right in Central park? A. Yes, sir.

By Chairman Lexow:

Q. Did any of them squeal? A. Come back?

Q. No, at the time; did any of them raise a disturbance? A. No; there wasn't any holler made.

Q. Or claim? A. No, sir.

Q. Were there no cases in which they discovered the fraud until after they had made this escape? A. Sir?

Q. Were any cases in which they discovered the fraud before they left the State? A. No, we worked kind of snug; when we were working the carriage racket, we worked a little on the snug.

Q. What is that? A. We did not have the protection we ought to have had, and the steerer then would have to go with the guy and keep the satchel and see the guy on the train, and after he got on the train, he didn't care a darn where he went.

By Mr. Goff:

Q. And he did not have the facilities as in the turning joint? A. No, sir; we would not give him the satchel until he got on the train, and would say we will give you this at the proper time and place.

By Chairman Lexow:

Q. That is previous to the train starting? A. Yes, sir.

By Mr. Goff:

Q. Weren't you in the habit of giving to the guy keys? A. No; we generally threw the key away and told him to cut it open; not with the satchel; with the box we gave him keys.

Q. Was there any design in giving the keys with the box? A. We never gave him the key that fitted the box.

Q. So when they got on the railroad — A. When a guy gets a box like that there will be some combination on it and he will get the wrong key, and he don't know how to get out of it.

Q. And you always made sure to give him a key that would not open the box? A. Yes, sir; the reason of that is that we gave him a key that fits the box with the money in, and that would not fix the box that had the brick in it.

Q. I ask you to step back in the narrative of your testimony; there was a man I did not know was in court at the time; is Mr. Humphreys here; will you look at that man Humphreys? A. Yes.

Q. Do you know him? A. Yes, sir.

Q. Who is he? A. Well, from what I hear, he is a detective of the Central road.

Q. The New York Central? A. Yes, sir.

Q. Do you know on what part of the line his duty calls him, or that he is assigned to? A. Only from what I hear — Poughkeepsie to New York.

Q. Running from Poughkeepsie to New York? A. Yes, sir.

Q. Do you know where he resides? A. No, sir.

Q. Has he had ever any connection with the green goods men? A. None that I can say.

Q. Now, let us see: you recognize that Humphreys is a pretty good fellow? A. I don't know; I have been on that road and seen him pointed out as chief of police, and heard he was a detective on that road; I don't know anything about Mr. Humphreys.

Q. You don't want to implicate Mr. Humphreys? A. That is not the idea; I can not say anything about it.

Q. You said you had the man fixed at the Grand Central depot? A. Yes, sir.



Q. Was this a regular police detective? A. Yes, sir.

Q. I want to ask you if there is not an understanding between the green goods men and the detectives with regard to handling "come backs?" A. Not to my knowledge.

Q. Didn't you hear it; don't you know it? A. No, sir.

Q. Don't you know it was part of their system? A. Now, I am candid, sir; I do not know.

Q. Don't you know it is part of the system on some of the railroads running into New York, that some of the railroad officials knew about the business of the green goods steerers? A. They may, yes, sir.

Q. Don't you know that it is understood that you could not get them along without the knowledge of the railroad officials? A. I do; yes, sir; I know on the principal lines —

Q. And which are your principal lines to bring your guys on here? A. Well, on the Central road from Poughkeepsie, and the Pennsylvania road from Elizabeth; at times we use the West Shore road.

Q. The place where you first meet your guys, where you send on your steerer to bring your guys, on the Pennsylvania road, is Elizabeth? A. Yes, sir.

Q. And what hotel there, do they put up at? A. Ryan's hotel.

Q. The place where you meet your guys who come on the New York Central is at Poughkeepsie? A. Yes, sir.

Q. What hotel do they put up at there? A. New York hotel.

Q. Are there not some persons running on the train between Poughkeepsie and New York, who are aware of the guys being brought from Poughkeepsie to New York? A. There may be.

Q. Now, don't you know, as a matter of fact, Mr. Applegate, that this Mr. Humphreys was recognized by the green goods men as in their interest? A. I don't know, Mr. Goff.

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

Q. Did you ever hear his name mentioned? A. No, sir; I have heard his name mentioned, yes.

Q. Did you ever hear his name mentioned in connection with the working of the green goods business? A. No; I did not.

Q. Are you acquainted with him? A. Somewhat.

Q. How did you become acquainted with him? A. Just simply by getting off at the station and having people point him out to me; they knew what my business was.

Q. You were on speaking terms with him? A. I was.

Q. How did you come to get on speaking terms with him? A. Well just being in the New York hotel; it is a country hotel there, and he was pointed out to me and we had a drink there.

By Senator Bradley:

Q. Had a drink once in a while? A. I asked him to drink on one or two occasions.

Q. You drank together? A. He did not know my business.

Q. Just a friendly drink? A. Yes, sir.

By Mr. Goff:

Q. Do you remember any person ever introducing you to Mr. Humphreys? A. No, sir.

Q. Well, what I want to know is, how did you come to be personally acquainted with him? A. Just meeting him in this New York hotel.

Q. Do you remember the first thing that occurred when you formed his acquaintance? A. Do I remember?

Q. Yes? A. We had a drink together.

Q. Did you invite him or did he invite you? A. I invited him; he was standing around the place, and knew the proprietor.

Q. Did you know before that, he was a railroad detective? A. I heard so.

Q. Why did you invite him? A. I asked him and the proprietor to have a drink.

Q. Were you working for a guy there that day? A. I was waiting for one to come there.

Q. Did this detective see the guy with you afterward? A. No, sir; we never let anybody in that hotel see the guy with us; we went to the room and told the guy to follow us and take his seat, three seats back of us on the train.

Q. Did you see the detective afterward, this detective Humphreys? A. Yes, sir; I have.

Q. In this same hotel? A. Yes, sir; and about the hotel.

Q. And you had drinks with him afterward? A. No; I cannot say that.

Q. That the only time you had a drink with him? A. That is the only time I remember.

Q. You spoke with him afterward? A. Just said, "how do you do."

Q. Did you ever see him on the railroad? A. I have.

Q. Did you have a guy in company with you when you were on the train? A. I never had a guy in company with me when I went down but he would sit three seats behind me.

Q. You saw him more than once? A. I saw him on different occasions; yes, sir.

Q. You bid him the time of the day on the train, when you would see him? A. I would simply nod.

Q. He was not in uniform? A. Never.

Q. Not in railroad uniform? A. Never.

Q. Well, what did he appear to be doing? A. He seemed to be walking about the train.

Q. And on each of those occasions he bowed to you? A. Yes, sir.

Q. Or you to him? A. Yes, sir.

Q. And you had the guy in view all this time? A. Well, he would follow us.

Q. This detective never interfered in any way? A. No, sir.

Q. Never asked you any questions? A. I can not say that Mr. Humphreys knew the man was a guy.

Q. I am not asking you that? A. He never did.

Q. Did you ever hear him speak and look at the guy and ask him questions? A. No, he never did.

Q. That was very frequent that he saw you on the train, was it not? A. Yes, sir.

Q. And he frequently saw you get off at the Forty-second street depot? A. I suppose so.

Q. With the guy ahead of you? A. Yes, sir.

Q. He never asked what your business was? A. He never did; no, sir.

Q. He never seemed to inquire anything at all about you? A. No, sir.

Q. And there were other steerers, wasn't there, who went up that road and did the same as he did? A. Yes.

Q. And none of them ever complained of any interference on the part of Humphreys? A. No, sir.

Q. They all knew he was the railroad detective? A. I can not say.

Q. You heard his name mentioned? A. I did.

Q. You heard him mentioned as being the detective of the railroad? A. Yes, sir.

Q. How did you come to hear his name mentioned? A. I do not know, I just heard them say you look out for him; they kept

away from him on the railroad; they haved asked me, "Have you ever seen Humphreys, the chief detective, going up there; I said yes, and they said, "You look out for him."

Q. You took particular pains to keep out of his way? A. No, sir.

Q. What did you take the meaning of the words, "You will have to look out for him"? A. I did not take any meaning.

Q. Did you take the meaning when they said you had better look out for him to mean a friendly warning? A. The way I took that statement was that he was wrong; that they did not have it right; that he would pinch them if he knew what they were riding on the train for.

Q. You never took occasion to keep out of his way but pursued the even tenor of your course? A. No, sir.

Q. You never put a guy away? A. I simply went in the train, and told him in his room to sit two or three seats behind me.

Q. You never was afraid of Humphreys? A. No, sir; I never was.

Q. Notwithstanding what the other steerers said to look out for him? A. No, sir; I was not afraid of him.

By Senator O'Connor:

Q. Do the green goods men make it a custom to find out who the detectives are to find out who have charge of the railroad that approach the city? A. Always, yes.

Q. They prepare themselves so they know who the detective is? A. Yes, sir.

Q. Do you know whether Humphreys knew that you were a green goods man? A. I don't think he did.

Q. How long have you been in this crooked business? A. In the green goods business, about three years.

Q. Are you recognized generally as a crook? A. No, sir.

Q. Know anything at all about Humphreys; if you do, tell it? A. I don't know, Senator, and if I knew anything about it I would say it.

Q. You would convey the idea that you don't know? A. I don't know anything I could speak about Mr. Humphreys; there is no reason why I should stick up for him; if I knew anything I would tell it; I don't know anything; that is the truth.

Q. What explanation have you of the fact that you were constantly traveling between Poughkeepsie and New York with these men and there was no interference on his part? A. There

is a lot of countrymen going on the road, and Humphreys might not know they were going from Poughkeepsie and that I came from there too; that is my explanation.

By Mr. Goff:

Q. You say in your testimony that there was a detective at the Forty-second street depot; when you said that you did not mean Humphreys? A. No, sir; I did not.

Q. Whom did you mean? A. I meant at the depot; a man of the name of McArdle.

Q. Is Officer McArdle in court now; can you see him? A. That is him, sir; I can see him, all right.

Q. Is that the man? A. Yes, sir; that is him.

Q. Officer, what is your Christian name? A. Henry McArdle.

Q. What precinct are you attached to now? A. The 27th.

Q. Is that a subprecinct? A. Yes.

Senator O'Connor.—Do you expect to bring more incriminating evidence against Mr. Humphreys?

Mr. Goff.—Mr. Humphreys may go.

Senator O'Connor.—The only point here is, you may do some honest man an injustice. We are just as anxious not to inculcate an innocent man as to catch a guilty one.

Chairman Lexow.—As I understand there is absolutely no evidence on the record regarding any criminal connection by Mr. Humphreys in this case.

Mr. Humphreys.—I want to state I am simply an officer of a corporation. I am not connected with the police department. I haven't any authority to arrest a green goods man on the train.

Chairman Lexow.—There is nothing against you in the evidence here, Mr. Humphreys.

Mr. Goff.—That is how the matter came up about this railroad detective. We wish, of course, gentlemen, in every step of the testimony we take to support by corroborating circumstances as much as we possibly can where the proof is susceptible of corroborative testimony.

By Mr. Goff:

Q. This McArdle, was he on duty at the Central depot there? A. Yes, in citizen's clothes.

Q. Was there another officer there? A. A party of the name of Officer McMahan; I had no dealings with McMahan; my dealings were with McArdle.

Q. What were the dealings? A. Well, we had dealings with him in this way; if we brought a guy there upon the train and if the guy broke open one of the boxes, they would know he was one of the guys, and McArdle arrested him; and if McArdle knew a man was a guy he would not touch the steerer, and he got paid by the month for that.

Q. How much was he paid by the month? A. Fifty dollars.

Q. Were there any other officers at the Grand Central depot involved in that business? A. None that I know of.

Q. You made the entries of the payments to McArdle, and you made the entries of other payments? A. I did; yes, sir.

Q. You knew that money was paid to him for that purpose? A. Yes, sir.

By Chairman Lexow:

Q. Did I understand him to say it paid?

Mr. Goff.—No, sir.

The Witness.—I made the entries in the books.

Q. What knowledge have you whether the money was actually turned over to McArdle? A. Only by putting it in the books.

By Mr. Goff:

Q. Who told you? A. McNally.

Q. The same as some other payments? A. Yes, sir; he was paid the same as any one else; I knew an instance when a guy was brought to the Forty-second street depot, me and Tommy Granger were out foraging, the guy came back to the depot and broke open one of these boxes; McArdle arrested him, and held the man there, and came up town and told Tommy Granger that he wanted to see McNally, there was a guy breaking open a box, and Granger sent me around for Jimmy, and Jimmy said he would see McArdle at 2 o'clock, and the guy was chased out of the city.

Senator O'Connor.—Ask the witness if McNally would have any purpose in making false entries. Presumably he made a correct statement.

By Mr. Goff:

Q. You say you saw him, where? A. One Hundred and Sixteenth street and Eighth avenue; McArdle came and told Jimmy that he had broken up a box at Forty-second street; I told McArdle I would go down to Jimmy's house.

Q. When you came back from Jimmy's house, where did you go? A. I sent word to Tommy Granger that Jimmy would be down at 2 o'clock.

Q. Where did McArdle wait? A. At Forty-second street depot.

Q. Did Jimmy go down to the depot at 2 o'clock? A. He did; yes, sir.

Q. Senator O'Connor asks a question which I wish you to answer; do you know of any motive or purpose on the part of McArdle to cause him to make false entries of those payments? A. No, sir; we always kept a complete record and made entries of all moneys paid out for any and all purposes.

Q. Was it the rule of McArdle to make entries of all moneys paid out? A. For every purpose; if it was a loaf of bread, it was to be put on the book.

Q. Did you ever hear him say anything about keeping a direct record of the moneys paid to the police? A. He always did keep it, yes, sir.

Q. Did you ever hear him say why he kept it? A. To know what money he received, and what he paid out to the police.

Q. Did you ever hear him say anything in case the police turned on him, he could have these entries, or something to that effect? A. No, sir; I never did.

Q. Did you ever hear him say anything about the danger of keeping these entries of paying money to the police? A. He never said that.

Q. He was a methodical man in business? A. Yes, sir; quite so.

By Chairman Lexow:

Q. When you paid the first entry against McArdle, did you do it under the instruction of McNally? A. Yes, sir; he told me to put his name at the head of the page; that he had got McArdle right at the Forty-second street depot.

By Mr. Goff:

Q. And you continued to make the entries every month? A. Yes, sir; for nearly two years.

Q. In other words, McArdle had an account? A. Yes, in other words; yes, sir.

Q. Now, I will ask you to tell us if you were troubled by the police during your operation at Roach's saloon? A. Well, about three weeks after Price had been made captain of the Thirty-seventh street station-house, Detectives Hay and Curry came to the house 301 West Thirty-eighth street.

Q. Are Officers Hay and Curry here? (Both officers stood up); did you see those? A. Yes.

Q. Tell us which is Hay and which is Curry? A. The one in uniform is Hay.

Q. Now the other is —————? A. Patrick Curry.

Q. Your first name, Officer Hay?

The officer.—Allan Hay.

Q. And your first name? (To Mr. Curry.)

The officer.—Patrick.

Q. Patrick Curry; to what precinct are you attached? A. Fourteenth.

Q. Mr. Hay, what is your precinct? A. Eleventh.

Q. Have you been wardman and recently changed under the rule and remanded to patrol duty? A. Yes, sir.

Mr. Goff.—You may sit down, officers.

Senator O'Connor.—How long has the witness known the officers?

By Mr. Goff:

Q. When did you first see them? A. I think it was in the month of January, 1893; I can't say whether it was January or February; it was either one of the two months.

Q. You say they came to your house? A. They came to our house, 301.

Q. Three Hundred and One what street? A. West Thirty-eighth street, over the saloon.

Mr. Goff.—Is the officer of the Twentieth precinct here?

The officer.—Yes, sir.

Q. You are telling us about Hay and Curry coming to your rooms, that is, your private residence? A. Yes, sir.

Q. Did you give us the street? A. Three Hundred and One West Thirty-eighth street.

Q. Over Roach's liquor store? A. Yes, sir.

Q. What took place? A. It seems that some lady or somebody had written to Price that McNally was running an opium-



joint there; Hay and Curry were sent over; they came there this evening and in the place of an opium joint they found Detective Hanley sitting there talking with McNally; they excused themselves and walked out, seeing nothing more, any more than Hanley.

Q. They walked out? A. Yes, sir.

Q. Made no arrests? A. No, sir; no arrests.

Q. Who else was there besides Hanley? A. That night McNally and I.

Q. Hanley, McNally and yourself? A. Yes; the next night we came around again about the same time, knocked on the door, and were admitted; in there was Nellie Moreau's father and McNally and myself.

Q. Who was Nellie Moreau? A. Nellie Moreau was a girl that lived with Jimmy previous.

Q. She was one of Jimmy's girls? A. She was one of Jimmy's girls.

Q. And her father and Jimmy and you were in the green goods business? A. Her father was in the green goods business with us.

Q. What was his Christian name? A. That I can not say, I don't know.

Q. What took place when the detectives went in there? A. They came in the second time; that is, Hay came up stairs and Curry stayed down stairs across by the drug store; and Hay came up and looked around and saw nothing, but me asleep on the bunk; there was a pipe on the table, and the lamp in the kitchen, and nothing to identify an opium joint and he said, I am going to take the three of you to the station-house, and Jimmy said, all right, and we went; after we got to the station-house twice — Jimmy said to Price are you going to lock me up; he said, yes; I have got this position and I am going to hold it, and I am going to lock you up; and we were locked up and took us down to the cells.

Q. Let us see before you get down to the cells; when you got before the desk, what names were given? A. I gave the name of Charles Brown; McNally gave the name of Morris.

By Chairman Lexow:

Q. When was this? A. January, 1893.

By Mr. Goff:

Q. You said before, January or February? A. January or February, I forget which month.

Q. It was in the early part of 1893? A. Yes, sir.

Q. You say you gave the name of Charles Brown? A. Yes.

Q. What name did McNally give? A. J. W. Morris.

Q. That was one of his aliases? A. Yes, sir.

Q. What name did Moreau give? A. I don't remember; some farmer's name.

Q. When McNally gave the name of Morris at the desk, do you know who it was that took the name? A. The sergeant.

Q. Was Captain Price present? A. He was; yes, sir; standing right there.

Q. And you have already stated that Price knew McNally? A. Yes, sir.

Q. Did Price say anything when McNally gave a false name? A. No, sir; not a word.

Q. No remarks passed? A. No, sir.

Q. Proceed; next you were brought down stairs? A. We were brought down stairs and locked up, and we were down there 10 minutes, and Price came down and he hollered out McNally; Jimmy answered; he opened the cell door and said, "Come up and get a bondsman;" McNally in company with Hay, went over to Martin's restaurant at Fortieth street and Broadway, and got Mr. Martin to go over and give his bail and Nellie Moreau's father's bail; Nellie came to me and asked me if I cared to stay over night; I said no; McNally said Price said to McNally, "It won't hurt you to stake the sergeant;" that was a little before 12 o'clock; McNally came back the second time with Martin to go with Nellie Moreau's father; he had to stake the sergeant that was on after 12 o'clock; he told me the next morning he gave Price \$75 or \$100 for himself, going down in the train the next day —

Q. Going down where? A. As I was going down to Jefferson Market with Detective Hay, and Detective Hay said to me, I suppose Jimmy will see me, meaning to stake him; I said, I suppose he will see you down below; of course Jimmy and the other man had been bailed out; in the meantime I had two or three drinks on the way down with Detective Hay.

Q. You went into some liquor stores with him? A. Yes, sir; we got down there and were called up and discharged; there was not a word said by any one of the three of us; there was no charge made against us; I don't think Curry was there, and Curry did not seem to have anything to do with it; Hay was standing up to the bar talking with the judge, and Ivanhoe said, "Are you going to rap up against these people?"

Q. Ivanhoe said to Hay, "Are you going to rap up against these people?" A. Hay said, "No, I have nothing to rap about;" they locked us up though.

Q. The night before? A. Yes; well, I spoke to Jimmy, and Jimmy said, "Tell him to come to the saloon across the way;" I don't know the name of the saloon; on the southeast corner of Eighth street; we went over there and he came in, and he asked Jimmy for one of the opium pipes, and Jimmy gave it to him, and he made him a present of it; Jimmy gave him \$20.

By Chairman Lexow:

Q. To Detective Hay? A. Gave Detective Hay \$20.

Q. Did you see him go to Jimmy? A. Yes, sir; I saw him alongside of Jimmy, and saw him take the pipe and go out.

By Mr. Goff:

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

Q. Was there anything said about the \$20, what it was for? A. He did not say; I had already told Jimmy that he asked me coming down to the court, were you going to stake him, and Jimmy said, I will see him in the saloon; and I suppose Jimmy wanted to keep on the right side of him and gave him \$20.

Q. Was that the only time you were arrested while in Captain Price's precinct? A. We were never arrested after that.

Q. And nothing came of that arrest, except as you have described? A. No, sir.

By Chairman Lexow:

Q. Did you go on carrying on your business? A. Yes, sir.

Q. Undisturbed? A. Yes, sir.

Q. In the same place? A. Yes, sir.

Q. Did Detective Hay know of your being there afterward? A. I suppose he did.

Q. Did he ever come in there again? A. I saw him around the neighborhood lots of times.

Q. In front of the place? A. Yes, sir.

Q. He saw you going in and out? A. Yes, sir.

Q. Saw McNally? A. Yes, sir.

Q. And no attempt at interference was had? A. No; nothing whatever.

Q. Does McNally smoke opium? A. McNally has not smoked for the last two years; when I first saw McNally he was a pipe fiend; for the last two years he has been a morphine fiend; as a rule, he don't smoke now; he is not of sufficiently strong constitution to stand the pipe; he did have a pipe and layout for himself when Nellie Moreau called there.

Q. Did you use the pipe, William? A. I never did in my life.

Chairman Lexow.—We stand adjourned until half past 2. All witnesses subpoenaed for this morning, or under subpoena this morning from yesterday, will attend here again at half-past 2 o'clock.

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#### AFTERNOON SESSION.

September 11, 1894.

Present.—Senators and counsel as before.

William Applegate, recalled, further examined.

By Mr. Goff:

Q. Before recess, while you were testifying about your arrest, on the charge of keeping an opium joint, did you testify whether or no Captain Price was behind the desk at the time? A. He was not, no, sir.

Q. But he was there present? A. Yes, sir.

Q. When you were brought into the station-house yourself, do you remember whether you were asked any questions about your name? A. We were not.

Q. Your age and where you came from? A. Only by the sergeant.

Q. The sergeant asked you the questions? A. Yes.

Q. And you answered them? A. Yes, sir.

Q. You stood before the bar or rail there, while the questions were being asked? A. Yes, sir.

Q. Now, I read from the blotter of the Twentieth precinct station-house, under date of Friday, February 23, 1893; remember, gentlemen, the witness testified that he thought it was in January, or possibly in February; the entry at 9:45 p. m., Captain James K. Price in command"; that of course meant that he was present in the station-house, as it is the rule that the captain must indorse or make a memorandum on the blotter every time he leaves the station-house, and the time he leaves the station-house, and his return; "At 9:45, Captain James K. Price in command"; it shows at 7:40 Captain Price left on patrol; he returned, 9:45; another entry, "At 10:30 p. m.; person arrested, name, James W. Morris, age, 32, white, United States, calling, broker, married, he reads and writes, his address is 301 West Thirty-eighth street, complaint, keeping opium joint; the name of the complainant detect.", which means Detective "Curry and Hay; charges with keeping an opium joint at 301 West Thirty-eighth street; two pipes and one lamp and box of opium found on premises; bailed by Samuel W. Martin, 117 West Fortieth street;" the next entry is, "William Brown, person arrested, age, 22, white, United States, no calling, single, read and write, resident, 301 West Thirty-eighth street; the charge is complaint, disorderly person; complainant, Detectives Curry and Hay;" the next person arrested, Benjamin Jones, age 40, white, United States, calling, agent, can read and write, residence, Goldsburgh, Illinois, complaint, disorderly person; complainants, Detectives Curry and Hay; both of the prisoners are charged with being inmates at the above opium joint at the time of the arrests; James W. Morris was bailed by Samuel W. Martin, 117 West Fortieth street; and Benjamin Jones was bailed by Samuel W. Martin, the same, 117 West Fortieth street; and William Brown was not bailed; that is yourself; you were not bailed?

A. Yes.

Q. I say you were not bailed out? A. No, sir.

Q. And the other two were; now, I should have finished this, that in the morning, each of the three persons, charged with these offenses, were discharged by Justice Hogan.

Chairman Lexow.—Any statement why the discharge was made?

Mr. Goff.—No, sir; it appears by an entry on the preceding page of this blotter of the same date, that Sergeant Henry Wood was at the desk, and it follows that these entries are all in his

handwriting; now, officer of the Twentieth precinct will you take all the blotters away; I a mthrough with them for to-day.

Q. Now, William, while McNally conducted his green goods business at Roach's saloon, Thirty-seventh street and Broadway, during the time that he was there, was there any other captain in that precinct, besides Captain Price? A. I think Captain Cross was there.

Q. That is before Price went there? A. Yes.

Q. Well, that is correct; how did you manage to get along while Captain Cross was there? A. From what I understood Mr. Hanley introduced Mr. McNally to Captain Cross; Detective Hanley I am speaking of — introduced Captain Cross to Mr. McNally; and that is what brought McNally in that neighborhood.

Q. Was there anything said about McNally being compelled to work outside of that precinct? A. Yes; there was; Mr. McNally tried to get joints in that precinct and Cross told McNally he could not stand any joints being there in that precinct, that they would have to do their business somewhere else, that he would allow them to meet in the precinct, but do no work there.

Q. That is the message that came from Captain Cross? A. That is what I heard from McNally.

Q. That those were the instructions from Hanley? A. Yes, sir.

Q. As coming from the captain of the precinct? A. Yes, sir.

Q. Now was there any records made at that time by you of any money having been paid any police authority while Captain Cross was in command in that precinct? A. No, sir.

Q. Now speaking of Detective Hanley, was he a frequent visitor at McNally's? A. I don't think there was hardly two or three nights a week that man was not there.

Q. What was the nature of his business there? A. There either to tell Jimmy what to do, or get some money or tip him off on something.

Q. Did you ever hear Hanley tell McNally that it was impossible for him to keep certain prisoners that McNally was interested in? A. I did, yes, sir.

Q. What was that circumstance? A. That was that Walter Haines and Scribner.

Q. What did he say in relation to that? A. He said he was afraid if he kept them any longer they would squeal.

Q. That is, Hanley said? A. Yes.

Q. That if he kept them any longer they would squeal? A. Yes, sir.

Q. Did he say anything indicating on whom they would squeal? A. On him and on the police.

Q. Haines and Scribner were discharged then? A. Yes, sir.

Q. Did you ever hear anything said about those men having been brought before a magistrate? A. I never did; I don't think they were.

Q. You say Hanley visited Jimmy's rooms two or three times a week? A. Yes, sir.

Q. Did he visit the place after you were arrested on the charge of keeping the opium joint? A. Yes, sir; dozens of times.

Q. Where did you go and live after you left the place 201 West Thirty-eighth street? A. I went away and McNally went to Bridgeport.

Q. Then you parted from McNally, did you? A. Yes.

Q. That is, you discontinued to live with him? A. Yes, sir.

Q. And after that, had McNally a residence in New York? A. No, sir.

Q. Have you frequently conversed with Hanley? A. In the house?

Q. Yes? A. Yes, sir.

Q. Familiarly and frequently? A. Yes, sir.

Q. Did Hanley ever get any money? A. Yes, sir; McNally has given me rates from \$75 up to \$250 to hand Hanley in the house; he has taken it out of the safe, and said, "Give it to Hanley;" Hanley was sitting a little off from the safe at that time; McNally has given me rates from \$75 to \$250, and Hanley was sitting a little way from the safe, and he would take the money out of the safe and give it to me, and say, "Hand it to Hanley;" afterward I would enter it on the books as protection, to Hanley; but it was for him and part for the other party going around with him.

Q. For these two men \$75 and \$250 — were they paid at different periods? A. Yes, sir.

Q. Well, now, the first period when you were first there, how much was paid to Hanley? A. Seventy-five dollars.

Q. And how often was that paid? A. Well, supposed to be paid at the first or third of the month.

Q. Every month? A. Yes, sir.

Q. Regularly? A. Yes, sir.

Q. Can you tell us what period it was the sum was raised from \$75 to \$250? A. No; I can not.

Q. Well, was that the later period? A. Sir?

Q. Was that the later period? A. Yes, sir; the later.

Q. Can you give us any reason why the sum was raised from \$75 a month to \$250? A. The reason I just said; I think Hanley had some other party going around with him doing something for McNally.

Q. Some other detective? A. Yes, sir.

Q. When you say protection, I want you to give the committee what the understanding of McNally was, so far as you heard him express it, and what your knowledge and understanding were from all the facts and circumstances of the case—what protection was that \$75 and the \$250 respectively, intended for? A. For us working on the quiet up town, from Hanley looking after our part of the interests, seeing no guys came back, seeing the steerers were not interfered with around New York city; as any steerer went out, the first thing said to him was in case of a drop, in case you get pinched, just say you are with McNally and you will be all right.

Q. So all your men were instructed that if they were arrested to say they were working for McNally? A. For McNally, and everything would be settled.

Q. And you know of cases where some of your men were arrested by the police and where they gave the name of McNally? A. I can not remember any now; no, sir.

Q. That is a matter of fact, none of them were arrested, so far as you know? A. I can not remember any.

Q. Now, in regard to taking the guys, for instance, that came over the Pennsylvania railroad, taking them through the city, hadn't Hanley something to do with that? A. He had all to do with it.

Q. He looked after that end of the business? A. Yes, sir.

Q. So that the conducting of the guys from the ferry through the city, or from the Forty-second street depot to your place, that all was under the charge of the central office? A. Yes, sir.

Q. And Hanley represented those men, did he? A. Yes, sir.

Q. And that was what the money was paid for? A. Yes, sir.

Q. About how long a period of time can you tell us that Hanley received this money, or these respective sums; approximate the time as near as you can? A. Hanley has been getting money from McNally for the past two and a half years.



Q. To your knowledge? A. Yes, sir.

Q. Did you ever know or hear of Hanley being engaged in any other duty or business than looking after McNally's green goods business; did you ever hear him say he was on any other case? A. I personally heard him say he was a detective.

Q. Did you ever hear Hanley say that he had other business to attend to, or that he was making arrests, or running down cases; did you ever hear him say anything about it? A. No, sir.

Q. Did you ever hear, so far as conversation went between yourself and Hanley, and between McNally and Hanley, that Hanley attended to anything whatever but to McNally's business? A. No, sir.

By Chairman Lexow:

Q. Did he say to you that he was devoting all his time to McNally's business? A. No, sir; he did not say that.

By Mr. Goff:

Q. Did you ever hear him say anything to you, or to McNally, in substance, that he was attending to the whole business? A. No, sir; I did not; McNally had told me that Hanley was attending to all his business down below.

Q. McNally has told you? A. Yes, sir.

Q. And that was the general understanding among you all, wasn't it? A. Yes.

Q. That Hanley was your representative in the central office to look after your interests there? A. Yes, sir; every writer that left Jimmy and went with Mike Ryan or Parmelee; if that writer stayed in the city, McNally would set a man on to him; take the man on the stand yesterday; Hanley was sicked on to him, and takes him away from the workshop; Al Sloan reported this to Mike Ryan; he told Mike Ryan that Hanley was sicked on to him, and Mike Ryan wrote some letters to Byrnes, or somebody at headquarters, and told him of it; he got a letter in reply, stating that Al Sloan was all right; he would not be interfered with.

By Chairman Lexow:

Q. Where did he get the letter from? A. I can't say; Al Sloan told me.

Q. Was this letter supposed to be from this high official in headquarters? A. Yes, sir.

By Mr. Goff:

Q. When you say Hanley was sicked on to him by Jimmy, you mean to have us understand the same as a man would set a dog on to another's dog? A. What I mean Hanley was set on to them; to nab them and chase them.

Q. And McNally used Hanley at all times for that purpose of sicking them on to anybody he wanted to chase away? A. Yes, sir.

Q. Well, now, the relations between McNally and Hanley were very friendly, weren't they? A. Yes, sir; they were.

Q. Sociable? A. Yes, sir.

Q. Presents interchanged between them, weren't there? A. There were, lots.

Q. Who generally gave the presents? A. McNally.

Q. Did you ever know Hanley to give McNally presents? A. No, sir.

Q. What was the nature of the presents that McNally gave to Hanley? A. He gave him a watch two years ago last New Year's — New Year's evening, I think it was.

Q. Were you present when he gave him that watch? A. Sir?

Q. Were you present? A. No, sir; not when he handed the watch to him.

Q. Did you see the watch? A. Yes, sir.

Q. Tell us all about how you came to know that was presented? A. The watch was a very dear watch; it cost him \$500 to \$550; Jimmy said he bought it at Kirkpatrick's.

Q. Stop right there; was Jimmy in the habit of buying much jewelry? A. Yes, sir.

Q. Where did he buy his jewelry? A. Mostly at Kirkpatrick's.

Q. Did he buy jewelry there for ladies, to make presents to his ladies? A. Yes, sir.

Q. At the time that you speak of regarding this watch, did he buy other jewelry at Kirkpatrick's? A. I think he did.

Q. Did your sister receive presents from him in jewelry at that time? A. Yes, sir.

Q. What were the presents she received? A. One pair diamond earrings, one diamond breastpin and a ring.

Q. In McNally's making these presents to your sister, was anything said about the gold watch purchased by him for

Hanley? A. At that time he did not say who he purchased for; he had the watch and said he had just bought it.

Q. You saw the watch? A. Yes, sir; shortly afterward McNally got rid of the watch, and said he gave it to Hanley as a present.

Q. That he had given it to Hanley? A. As a present.

Q. Did you ever hear anything said about that afterward, either by McNally or by Hanley? A. No, sir.

Q. Did you ever hear any reference made to it? A. Sir?

Q. Did you ever hear any reference made to the watch? A. No, sir; shortly afterward, he purchased another watch, a very dear watch, and I wore it a good while after McNally bought it, and I had the fight, and I pawned the watch for \$125 in Stern's; the watch was almost the same as he gave Hanley.

Q. The both watches were the same? A. Very nearly the same.

Q. What peculiarity, if anything, were about this watch that you wore? A. Well, it is a watch with — there was a little bell about every hour; touch a little bell like an alarm clock.

By Senator Bradley:

Q. Strike the hour, did it? A. Yes, sir.

By Mr. Goff:

Q. You say you pawned that watch? A. Yes, sir.

Q. Have you got the ticket for it with you? A. Yes, sir.

Q. Just let me look at it? A. I believe I have got it with me; I guess I have; yes; I have (handing ticket to Mr. Goff).

Q. Watch and chain? A. Yes, sir; the chain was on it.

Q. One hundred and twenty-five dollars; this was pawned at Stern's, at 156 West Twenty-first street? A. Yes, sir.

Q. Why did you go there? A. It was nearest to me.

Q. You had no object in going to Stern's, did you? A. None whatever.

Q. This was in the name of Mr. Morris? A. I gave his name.

Q. That is McNally's name? A. Yes, sir.

Q. Well, did you see McNally, or know of McNally giving to Hanley any other articles as presents? A. He made him a present of a lamp that I seen.

Q. Did you see that lamp, William? A. Yes, sir.

Q. Where did you see it? A. Three hundred and one West Thirty-eighth street.

Q. In your room? A. Yes, sir; it was brought there a day or two before it was sent away.

Q. Who brought it there; do you know? A. No, sir; I do not; it was brought there by a man in a wagon outside; I can not say exactly who.

Q. It remained there, you say, a couple of days in your room? A. Yes, sir.

Q. What do you recollect about the lamp; what it was brought there for? A. He said he was going to make it a present to Hanley, and sent it to his house in Fifteenth street.

Q. McNally said so? A. Yes, sir.

Q. Did he send that lamp to Hanley's? A. Yes, sir.

Q. Have you examined this lamp here before you (indicating lamp)? A. Yes, sir.

Q. Can you say that is the lamp McNally bought and that was in your room? A. It was exactly the same; there was a stand to that lamp.

Q. The messenger informs us the stand is left at the house and he could not bring it down with safety; well, now, can you say that is the lamp; just look at it; come down and take a look at it? A. That has got everything on it, the same as the lamp of Hanley's; it looks exactly the same; of course, I had no mark on it so I could say it is the lamp; it looks exactly the same as the one that was sent, the shade and all.

Q. The shade was on it? A. Yes, sir; just the same as it is now.

Q. With the exception of a stand that belongs with it? A. Yes, sir.

Q. Have you any doubt in your mind about the similarity of this lamp? A. I have not; no, sir.

Q. You know of McNally making any other presents to Hanley? A. I think he has made presents of pieces of furniture to him.

By Senator Saxton:

Q. Do you know where he got that lamp? A. I don't; no, sir.

Q. Or how much he paid for it? A. No, sir.

By Mr. Goff:

Q. Have you heard McNally and your sister talk about these presents? A. I have heard both of them talk about it.

Q. In what relation? A. Just saying that he had been down town, or she had been down town, and picked out something and going to send it to him.

Q. Going to send it to Hanley? A. Yes, sir.

Q. I believe you have already testified you went there one night with your sister in a carriage? A. Yes, sir; and one night alone.

Q. And you did not go upstairs? A. Not the night I went with her.

Q. Were you ever there? A. Yes, sir.

Q. In his room? A. In the parlor.

Q. Were you ever there after this lamp was sent there? A. No, sir.

Q. What took you there? A. I went there with a message from McNally.

Q. Did you see Hanley? A. Yes, sir.

Q. Tell the message? A. Yes, sir.

Q. What was the message? A. I could not say; it was a sealed letter.

Q. Did you deliver the letter? A. Yes, sir.

Q. What did Hanley say? A. He said, "Tell Jimmy, all right."

Q. Well, now, William, you know that you took an oath here, at the commencement of your testimony, not only to tell the truth, but the whole truth? A. Yes, sir.

Q. You remember that; now, is there anything touching the relation of McNally with Hanley, or with any other officer that I have not asked you, and which you know of? A. None that I can remember; no, sir; that you have not asked me.

Q. Have you told us, as far as you can remember, everything in your recollection of the relation of McNally, the green goods man, with the police in any shape or form?

By Senator Bradley:

Q. Anything else you can think of, that you did not testify to? A. No; I can not think of anything else, sir.

By Mr. Goff:

Q. Now, do you wish to make any corrections in your testimony? A. None.

Mr. Goff.—You may ask any questions, Senators, if you please.

By Chairman Lexow:

Q. Has there been any trouble between you and Sergeant Hanley? A. None; never any.

Q. Have you any special feeling against him, any anger in your heart? A. Nothing at all.

Q. Just as friendly disposed toward him as toward anybody else? A. Yes, sir.

Q. There is no reason why you should have colored your testimony, because of any feeling you have against him? A. I have no feeling against Hanley whatever.

Q. You have never had any words with him? A. Never.

Q. Or row? A. No sir.

Q. He has never arrested you? A. He has never arrested me in his life.

By Mr. Goff:

Q. I read a letter from this bundle of McNally's correspondence on the paper of a hotel, dated "March 23, 1894. Friend Jimmy, I have received the second from my man. And we arrived at 6 o'clock in the morning. The G" (or "S"). "Leave on the midnight train. I shall call for you to-morrow when I receive word that time they will arrive in New York, possibly between 12 and 3 o'clock. If you will not be home to-morrow, kindly leave word at the hotel where you can be found. Hoping you have entirely recovered from the effects of your cold, and with regards to yourself and lady, I am your friend, H. Hilton, care of Hallen, 270 West One Hundred and Seventeenth street." Do you know Hilton? A. Yes, sir.

Q. Who is he? A. Harry Hilton.

Q. What was he? A. A green goods writer.

Q. What does he mean here by "The G leaves on the midnight train"? A. Does that say the "S" or "G"? The "S" means the steerer, and the second means the second message, and that letter means that he has left home; he sends the second message when he arrives at the hotel; when they receive the second message, they send the steerer out for the guy wherever he is to come to.

Q. Were you ever a bartender? A. I was in Hawkins' a little while.

Q. Where did Hawkins keep? A. One Hundred and Sixteenth street.

Q. Were you ever connected or have any relation with the place called "The Ship" in Harlem? A. I only stayed around there a little while.

By Chairman Lexow:

Q. Did the patrolman of the beat know that you were a green goods man? A. Yes, sir

Q. Around Hawkins' saloon? A. I suppose they did.

Q. Have you any knowledge of that fact? A. No.

Q. It is understood among your people that you are known to the patrolman on that beat as well as the business that is conducted? A. There was no understood thing; I suppose they all knew it.

Q. Did you attempt to conceal your schemes from them? A. Never.

Q. Did you understand that they had received orders from either the headquarters or from the captain of that precinct or, patrolman not to interfere with you? A. Sir?

Q. They had received orders not to interfere with you, either from the captain of the precinct, or the central office? A. None of them ever said so.

Q. Was that your understanding? A. We understood we were protected; I suppose that included the patrolmen.

Q. You did not scruple to do your business before the eyes of the patrolmen or other policemen? A. No, sir.

By Mr. Goff:

Q. Who kept that place called "The Ship" in Harlem? A. James Kennedy.

Q. Do you know Kennedy? A. Yes, sir.

Q. What is he; a green goods man? A. No, sir.

Q. Well, was he crooked? A. I don't know; I heard he was; that is all I know.

Q. Hasn't he the reputation of being an ex-convict? A. I think he was; yes, sir.

Q. What sort of a place was that "Ship?" A. There was a pool-room in back, a saloon in front.

Q. I mean as to its disorderly character? A. "The Ship" was running; it wasn't anything while I was there; I heard it was a concert hall after I left there; while I was there it was not.

Q. Did you ever see the wardmen of that precinct talk to Kennedy? A. No, sir; I have not.

Q. Did you ever know of any transactions between Kennedy and the wardman in that precinct? A. No, sir; not at that time.

Q. Well, at any time? A. No, sir.

Q. By the way, you were approached on last Sunday night or Saturday night, weren't you, by a person, with regard to your testimony here before this committee; were you? A. Sir?

Q. Were you approached by a person regarding the giving of testimony here before this committee? A. A party came to me and said they heard I was going down.

Q. Was it a man or woman? A. A man.

Q. What did the party say to you? A. He asked me if I was coming down here to holler; I said no; I was coming down; but I didn't say what I was going to do.

Q. Did the party ask you to leave town? A. He said he thought it would be the best thing if I skipped to Jersey, and kept away from the stand.

Q. Did he say how you would go to Jersey? A. He said he would take me over there, and said he had enough to keep me for quite a while.

Q. Did he name the sum? A. He said he had a hundred dollars at the time.

Q. He proposed to give that to you? A. Yes, sir.

Q. And did he say anything about a weekly allowance, or anything, over there? A. Well, he did; he said he would see I got a few dollars a week; I think he said \$10 a week if I stayed over there.

Q. Who was that party? A. Mr. Goff, I do not care to mention that name, if you will excuse it.

Q. Was he connected with the green goods business? A. He had been at one time.

Q. A friend of yours? A. Yes, sir.

Q. Well, had you seen him shortly before he visited you? A. No, sir; I had not.

Q. Well, did he say anything about who sent him there? A. No, sir.

Q. Did he say anything about any person having received a subpoena here before this committee? A. He said he heard Meakin had received one.

Q. He said he heard -Captain -Meakin had received a subpoena? A. Yes, sir.



Q. That was on Sunday night? A. Last Sunday night.

Q. Did he say that he did not want anyone to be hurt before this committee? A. Well, he said that he was sort of a friend of Meakin's and asked me if I was going to say anything about Meakin; I told him I did not know.

Q. This man who visited you was a friend of yours? A. Yes, sir.

Q. Is he living a straight life now? A. I believe he is; a rather old man now.

By Senator Saxton:

Q. He is not connected with the police force? A. No, sir; none whatever.

Mr. Goff.—I think, gentlemen, that is all with this witness.

By Senator O'Connor:

Q. Will you explain to the committee what has induced you to tell this testimony; that is, your testimony is that he has reformed and depending, or do you desire to retaliate; what is your motive in going on the stand as a witness and so freely telling all the evidence you have given on this trial? A. There is no special motive, only I came on and swore I would tell the truth.

Q. You would give up the life you are leading? A. Yes, sir; I have given it up.

By Senator Bradley:

Q. Since how long? A. For the last six or seven months back.

By Mr. Goff:

Q. Have you any hope of advantage or reward, in any manner, shape or form, by giving your testimony? A. No, sir.

Q. Or have you received any advantage or reward, in any manner, shape or form, in consideration of your giving your testimony? A. I have not; no, sir.

Q. Has \$1 of money gone into your pocket, any consideration, or been given to you, or any person for you; do you hope for \$1 in consideration of your testimony here? A. I don't know; I did not expect any money, and do not come for money.

Q. Have you been promised any advantage or any reward whatever, in any manner, shape or form, by any person in consideration of your coming here and testifying? A. I have not; the only thing I was promised was the protection.

Q. That is, the protection of the committee? A. Yes, sir.

Senator O'Connor.—That is, immunity from prosecution for all those acts he testified to?

Mr. Goff.—Yes; and I gave you that promise? A. Yes, sir.

Q. And you swear that is the only promise that has been made to you by any person? A. Yes, sir.

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

Direct examination by Mr. Goff:

Q. Where do you reside? A. At 155 West Eighty-eighth street.

Q. One hundred and fifty-five West Eighty-eighth street; and what is your business? A. I am in the piano business.

Q. You have been a resident of New York for many years? A. Yes, sir.

Q. Did you have the misfortune of losing any property? A. Yes, sir; I did.

Q. How did you come to lose it? A. On August 27th, I was returning home with my son from Coney Island and standing on the forward part of the boat I was robbed of my gold watch and chain.

Q. Did you take any steps for the recovery of that gold watch and chain? A. Yes, sir.

Q. What steps did you take? A. I went to police headquarters and saw Superintendent Byrnes; he referred me to Sergeant Bird, of the detective bureau.

Q. Sergeant Bird? A. Yes; and I had a conversation with Sergeant Bird, and he suggested that I should have—that he would print postal cards notifying the pawnbrokers; he asked of me whether I knew the number of the watch, and as I did not know it at the time, I went to Tiffany's and ascertained the number.

Q. Where you had purchased the watch? A. No; had not purchased it; it was repaired there a number of years; I got the number and returned to headquarters, and this was to be done at a cost of \$3.50 for postal cards; I sent the \$3.50 to headquarters, and waited a few days; after three or four days

I sent down to inquire whether there had been any developments; the answer came that there had been no developments so far, and I was then furnished with a copy of the identical postal card that had been mailed to pawnbrokers; last Friday, the 7th, I received a letter requesting me to call the next morning on Inspector McLaughlin, to identify my property; I went down the next morning, and was referred again to Sergeant Bird; Sergeant Bird called an officer, and this officer took me down to Simpson's pawnshop.

Q. In the Bowery? A. Yes, sir; the watch was shown to me there; I did not know it; and on the way down, I had inquired whether any advance in money had been made.

Q. Who went with you? A. The officer.

Q. What was his name? A. I think Connor.

Q. Detective Connor? A. Yes.

Q. He was sent with you by Sergeant Bird? A. Yes; and I then learned that the sum of \$40 had been advanced.

Q. By the pawnbroker? A. By the pawnbroker.

Q. The detective told you that? A. He told me that; yes; and the pawnbroker confirmed that, and showed it to me from his books.

Q. That he had advanced \$40? A. And he then told me I could have my property on paying \$40; I told him that the watch was not worth as much as they supposed; it was a very old watch; not very expensive; and he said that I could reclaim the property by repaying the \$40; I saw I could not get it in any other way, and I paid the \$40 and reclaimed my property.

Q. While that was going on, did the detective interfere in the conversation? A. No; he only merely drew attention to what had been paid; he drew attention to the entry on the book; drew attention to the money that had been paid; this detective wanted me to see the \$40 had been advanced.

Q. The detective made himself officious? A. I can't say that.

Q. He went out of his way to show you that the money had been paid by the pawnbroker? A. No; I wanted to see some proof that the \$40 had been paid, and he asked the man to show his books, showing me the way in which their business was done.

Q. Now, have you got the watch with you? A. I have got the watch with me here now.

Q. I don't ask you for any ulterior motive; this is the watch? A. This is the watch (producing watch).

Q. May I ask how much this watch cost originally? A. This watch cost, originally, some 18 years ago, \$60.

Q. How many days ago is it you paid \$40 to the pawnbroker? A. Last Friday—oh, one moment, on last Friday.

By Senator Bradley:

Q. Saturday? A. Did I say Saturday; you see I got notice on Friday, and I paid it on the same day.

Q. The same day you got the postal card? A. The same day I went down.

Q. Is this the postal card you received? A. Yes, sir.

By Mr. Goff:

Q. Let us see; this is addressed Ferdinand Meyer, 130 Fifth avenue, city; is that your memorandum? A. That is my own memorandum in pencil.

Q. When did you make that? A. I made it to-day.

Q. That is Mr. Simpson's office, 91 Park row, corner of North William, instead of the Bowery, I see here? A. Yes.

Q. "Paid him \$40 on September 7, 1894"? A. That is correct; the postal card is printed—

Q. How much did you say you paid for these postal cards? A. Two dollars and a half.

Q. The postal card printed reads "Loan men and pawnbrokers, please stop if offered or notified, if received stolen, August 21, 1894. Gold mounted case, stem-winding watch, Lucien Dubois, maker, 10,855. Swiss make, silver dial, ornamented with gold, and a gold link, double chain and gold cigar cutter attached." Is there a gold cigar cutter attached? A. Yes, sir.

Mr. Goff.—Printed below in large letters, "Inform Inspector William McLaughlin, 300 Mulberry street, New York. All advances will be paid by owner."

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

Direct examination by Mr. Goff:

Mr. Goff.—Before I ask Mr. Flynn any question, I would state to the committee that in conversation yesterday with the book-

keeper of Kirkpatrick, he told me the inconvenience that he has experienced from the detention of their books, even for a little while, so I permitted him to take his books, and instructed him to make searches for certain entries which I expected should be somewhere in their books, and which the books here yesterday did not show. Now, he sends me down a copy of the entry. I think we can receive this as evidence. If the committee entertains any doubt about it, of course, we can subpoena the bookkeeper again, and make him produce the book. At any rate, we will take this for what it is worth.

Q. What is your profession? A. I am a practising lawyer in this city.

Q. And are you the attorney of Mr. Kirkpatrick the jeweller? A. Yes, sir.

Q. Have you conversed with Mr. Garfield—is it? A. Yes, sir.

Q. The bookkeeper, to-day? A. Yes, sir.

Q. Did he give you a writing; did he give you a paper? A. Yes, sir.

Q. Did you see him copy on that paper from any book? A. The book that he copied that entry from which you hold in your hand was here yesterday; you asked a year in advance, and the book was there, and if you had informed him yesterday, you would probably have got immediately what you asked for.

Q. The difficulty is we don't know what we want in advance? A. I thought you did not want to trust him; Mr. Kirkpatrick has nothing to conceal from his books or anything, of course; he saw a statement in the morning paper about something, and by looking over his books, he made the memorandum you hold in your hand.

Q. Was this the memorandum that was given to you by the bookkeeper? A. Yes.

Q. As taken from the books in court yesterday? A. Yes, sir. (Paper marked Exhibit A, September 11, 1894, L. W. H.)

Q. I read from this memorandum; the figures 12, 992; I presume mean the 9th of the twelfth month, 1892? A. Yes, sir.

Q. That is the 9th of December, 1892? A. Yes, sir.

Q. "McNally, \$715; our number of watch 3761, open face 16 l"? A. Sixteen lines, that means.

Q. What is this, "Anchor"? A. Sixteen line anchor.

Mr. Goff.—Repeating watch?

By Chairman Lexow:

Q. Anchor movement? A. Yes, sir.

By Mr. Goff:

Q. Chronograph; maker, Pequit & Co.? A. Pequit watch we call it.

Mr. Goff.—“Maker’s number, 4071.”

Q. That is the number of the watch; that is the only article there is, is it? A. That is the only article.

Q. What is the price of the watch? A. That was the price of the watch.

Q. Seven hundred and fifteen dollars? A. That is the price it was sold for.

William Applegate, recalled, further examined by Mr. Goff, testified as follows:

Q. Now, will you give to the Senators, as nearly as you can recollect, any description of the watch which you have in your recollection, that you say was bought by McNally and given to Detective Hanley? A. The only thing I can say is, it is an open face watch, and will strike every hour, a small bell, like; I didn’t see much of it.

Chairman Lexow.—The witness has testified, Mr. Goff, that a similar watch was worn by him for some time, and pawned at Stern’s for \$125. Now, it seems to me as though we ought to have that watch produced to see or ascertain whether or not it tallies with that description.

Mr. Goff.—A very good suggestion.

Chairman Lexow.—If it don’t tally with that, the corroboration of that evidence is very strong indeed.

Q. Let me have that ticket? A. This ticket is run out; you may be able to get the watch out of there.

Senator O’Connor.—When did the witness say that watch was bought?

Mr. Goff.—He did not state exactly when it was bought. He stated when it was given — at New Year’s.

Q. What New Year’s was it? A. A year ago last New Year’s.

Mr. Goff.—That would be 1893, and this purchase is on the 9th of December, 1893, and the witness has testified that the watch had been bought some time. Now, let me ask you about the watch that was pawned.

By Mr. Goff:

Q. Do you know when McNally bought the watch you pawned?

A. I think he bought it quite a while before that.

Q. Before he bought this watch that was given to Hanley?

A. Yes; I think he bought the watch I pawned a good while before I pawned it.

By Chairman Lexow:

Q. In reference to the time you bought that watch there, do you know whether he bought the watch you carried before he bought the one for Hanley? A. He bought the one I wore before.

Q. Did you see the two watches ever together? A. No, sir.

By Mr. Goff:

Q. Where was the watch you carried when this watch that he bought for Hanley was in the house; do you know where the watch you carried was? A. I guess Jimmy had it.

Q. Had you seen it before that? A. Yes, sir.

By Chairman Lexow:

Q. These two watches must have been at one time, and the same time, in the possession of McNally? A. Yes, sir.

Q. In other words, in December, 1892? A. Yes, sir.

Q. Did you see them in his possession — both watches? A. Together.

Q. In December, 1892? A. No, sir; I did not.

Q. When did you get the pawn ticket; when did you put up the watch? A. Eighteen hundred and ninety-three; January, I think it was.

Q. And you afterward — A. Yes; February, 1892; the year afterward — 1892; the watch was purchased in 1892.

Q. You put it up when? A. Eighteen hundred and ninety-three.

Q. What month? A. I think it was February.

Q. Then you must have put it up very shortly after you got it? A. Yes, sir.

Q. How long after you got it? A. About a month.

Q. You mean to say, then, that you got your watch from McNally, and about the same time McNally purchased this

watch, as you say, for Sergeant Hanley? A. I don't mean to say the watch was given to me; I was just wearing the watch in the year 1893, when I pawned it.

By Mr. Goff:

Q. How long had you been carrying it? A. About a month.

By Chairman Lexow:

Q. Can you fix the time when this first watch was purchased?

A. No, sir; I can not.

Q. About? A. Oh, I can't say that.

Q. How long before this second watch was purchased had you known of Jimmy's wearing this first watch? A. Quite a while; I can't say exactly how long.

Q. Two or three months? A. Yes.

Q. As long as that? A. Yes, sir.

Q. Do you know whether it was purchased at the same place?

A. I think it was; I don't know anything about it.

Chairman Lexow.—The record ought to show that, Mr. Goff. He thinks this watch he wore was purchased two or three months before, and at the same place.

Mr. Goff.—When we get the watch here, we will find out. We will have that watch produced here. Now, that will do, William.

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

Direct examination by Mr. Goff:

Q. What is your business? A. Sand and stone harbor transportation; sand, and transportation in the harbor; sand and stone transportation in the harbor — lighterage.

Q. Where do you reside? A. Nineteenth street, 236.

Q. Have you been engaged recently in doing any work for the corporation of New York? A. Well, how recent do you refer to?

Q. Well, any time within a month? A. No.

Q. Within a year? A. Yes.

Q. What have you been doing within a year? A. Well, I believe now — I am not positive — I believe I had a boat in the street department last winter.

Q. How many boats did you have in the street department?

A. I think it was only one.



Q. Why do you think about it? A. My memory don't serve me; I think it is; I think there was one or two boats — one — in last winter.

Q. May it not have been two or three? A. No; it was not two or three.

Q. Was it one or two? A. I am not positive.

Q. Have you so many boats working for the street department that you can not answer? A. No, sir.

Q. Can't you give us a definite answer, Mr. Howell? A. No, I can not.

Q. One or two; how much money were you getting for the use of one or two boats? A. Five dollars a day.

Q. On each boat? A. Yes.

Q. How long did that continue? A. That I can not state; it was only a short time; a few weeks probably.

Q. How long before that was it you had done work for the city? A. I don't know whether they were in the winter before last; they only take it in the winter time, you understand.

Q. You have been in the habit of furnishing boats every winter? A. No, sir.

Q. Pretty nearly every winter? A. No, sir; we were several winters out.

Q. You have been operating and getting your boats employed in the street department through your friend, George Plunkett? A. No, sir.

Q. Hasn't he had something to do with getting you contracts? A. No, sir.

Q. Do you know him? A. Yes, sir.

Q. Were you engaged in business with him? A. No, sir.

Q. Never? A. No, sir.

Q. Interested with him in any way? A. No, sir.

Q. Do you remember renting your scows to the department of street cleaning a good many years ago? A. Yes, sir; he was with Captain Hidden at that time.

Q. After Captain Hidden, do you remember renting your scows to the department when Commissioner McLean was head of the department? A. I remember McLean being in the department.

Q. Around 1879 and 1880? A. Yes, sir; I remember something of that name.

Q. How is your memory? A. It is not good.

Q. Not good? A. No, sir; my memory has failed me several years back.

Q. You have been a man of considerable experience in business? A. Yes, sir.

Q. And you have kept your books of account in your business? A. Kept memorandums; never kept books; I don't understand books.

Q. You kept memoranda? A. Yes, sir.

Q. And who wrote the memoranda? A. I wrote them.

Q. What did you do with them? A. What memorandum do you refer to; at what time?

Q. What do you refer to? A. You speak of memorandum, or books of account.

Q. You spoke about that; I did not? A. Well, I think I see what you are getting

Q. I don't know whether you do or not? A. In ten years I have a letter book; it is a regular letter book, perforated on the edges, where the leaves could be torn out, if necessary; it was not a regular account book of any kind.

Q. Letter books rarely are account books? A. I kept my memorandum in there for eight or ten years; that is all the memorandum I had.

Q. You, renting the scows to the department of the city government, conducted your business in such a slovenly manner as to trust your memoranda in a letter book? A. That is so.

Q. That is so? A. And I made my memorandum in a pencil most of the time.

Q. In a letter book with perforated edge? A. Yes; it was perforated.

Q. Leaves to be torn out, if necessary? A. Yes, sir.

Q. Anything that was in the letter book that you did not want to preserve, or did not consider pleasant, you could tear it out? A. I did not tear one out in my life.

Q. It could be, if you would? A. Yes, it could be; yes, sir.

Q. You had a partner? A. A man named Perkins, who is sitting here somewhere — there he is (indicating); there, behind that vase.

Q. You had a bank account? A. Yes, sir.

Q. Did you keep a memorandum regarding your bank account? A. Only on the stubs.

Q. On the stubs of your checks? A. That is all.

Q. Where are those stubs? A. I can't say.

Q. You have a subpoena duces tecum to produce them? A. Yes, sir.

Q. Where did you look? A. I looked at the top of the house and bottom of the house; the only places they could possibly be; the bookkeeper I kept for two or three years died last year and it upset my business somewhat.

Q. Are you a member of the church? A. Yes, sir.

Q. If you will remove that newspaper, I can hear much better? A. Yes.

Q. I suppose you understand the obligations of an oath?

A. Of a "note," you say?

Q. That is what I said; let us not misunderstand each other; you said "note," and I said "oath"? A. Oh.

Q. There is a difference? A. Yes, sir.

Q. Do you understand the obligations of an oath, o-a-t-h? A. Yes, sir.

By Chairman Lexow:

Q. Of the oath you have taken here? A. Yes, sir.

Q. You understand it to be perjury if you forswear yourself? A. Yes, sir.

By Mr. Goff:

Q. Did you understand you had these books in your house?

A. I told them I thought they were upstairs, if I remember right; I understood last week they were up top of the house.

Q. That was your belief last week, that your check-books were up at the top of the house? A. Yes; there is a little storeroom upstairs where we keep papers.

Q. You said you had somebody who went away from you? A. He died.

Q. What was he? A. My bookkeeper.

Q. What did you need a bookkeeper for if you never kept books? A. Of late years.

Q. Of late years? A. For the last eight years we kept books.

Q. How is it you started in to keep books within the last eight years? A. Because my son got old enough to go into the business.

Q. Then Mr. Perkins had gone out of the business, hadn't he? A. Yes, sir.

Q. Was it not as necessary for you to keep books when Mr. Perkins was in partnership, as when your son came in? A. We started in a small business, and we did not consider it necessary to keep books.

Q. So you told certain parties last week that those books were upstairs; that the check-book was upstairs? A. Yes; I thought it was up top of the house.

Q. When did you last see them, when you told the parties that? A. I have not seen them for some years.

Q. When did you go and look for them? A. I went there yesterday.

Q. Where were they when you saw them last? A. In some old boxes.

Q. Where? A. Up in a little room at the top of the house under the roof.

Q. You have lived in the house ever since, haven't you? A. Yes, sir.

Q. No one had a right to remove those books, had they? A. No, sir; not to my knowledge.

Q. What had the bookkeeper to do with the loss of that check-book? A. I can't say.

Q. If you can not say, why do you say? A. It is from my imagination; that is all.

Q. Don't testify from your imagination; don't imagine things; testify to the facts; you understand the difference, do you? A. Yes.

Q. Put a bridle on your imagination, please; what had the death of your bookkeeper to do with the disappearance of your check-book? A. Well, I have not seen them since.

Q. What had the death of your bookkeeper to do with the disappearance of your check-book? A. I can't say anything definite.

Q. Did he take your check-books with him to the bourne from which no traveler returns? A. I can not answer that.

Q. You can not answer? A. No.

Q. Well, now, do you remember having scows in the street cleaning department when Captain Williams was superintendent of it; do you not? A. Yes, sir.

Q. How many had you there? A. I think it was four.

Q. What was the rate per day that you were paid? A. Ten dollars.

Q. Ten dollars for each scow? A. Yes, sir.

Q. And now you are paid five? A. Yes, sir.

Q. Quite a reduction, isn't it? A. Yes, sir; although I got nine last year for boats.

Q. You told me a moment ago that you got \$5 last year? A. In the street department, wasn't it.

Q. It was for the street department, wasn't it, you worked for when Captain Williams was superintendent of it; wasn't it? A. Yes, sir.

Q. You told me a little while ago you got \$5 last year from the street department? A. Yes, sir.

Q. You received \$10 a day from Captain Williams in the street department? A. Yes, sir.

Q. And you received \$5 last winter? A. Yes.

Q. That was quite a reduction from \$10 to \$5? A. Yes, sir.

Q. Quite a reduction? A. Yes.

Q. Did you have any trouble in getting your bills from the street department? A. Yes; we had trouble from different departments getting bills.

Q. Did you have any trouble when Captain Williams was suprintendent? A. Yes, sir.

Q. What was the nature of that trouble? A. Bills were slow getting through.

Q. Why were they so slow? A. I can not explain it.

Q. Did you have an interview with Captain Williams regarding the slowness of bills? A. I asked him if he could not hurry them through.

Q. Did he give you any reason why they could not be hurried through? A. No, sir.

Q. Were you ever asked for any money by Captain Williams? A. No, sir.

Q. Will you swear that you did not? A. Yes, sir.

Q. Wait a moment, and don't let go your imagination; will you swear that you did not admit to your partner that Captain Williams demanded money from you in order that your bills should go through? A. I did admit to him.

Q. And when you admitted to him, did you state to him the truth or a falsehood? A. A falsehood.

Q. And you lied to your partner? A. Yes; if you choose to put it that way.

Q. You lied to your partner? A. Yes.

Q. And the money that you said that you had to pay to Captian Williams was partnership money, wasn't it? A. Yes, sir.

Q. Now, just listen to me, please; and you not only lied to your partner about it, but you swindled your partner out of that money? A. In what way did I swindle him?

Chairman Lexow.—His proportion.

The Witness.—No.

Q. It was deducted from the profits, wasn't it? A. It remained in the bank account.

Q. In what? A. It remained in the bank.

Q. What object had you in telling your partner a lie about Captain Williams? A. Well, I did not want him to think I would do such a thing.

By Chairman Lexow:

Q. In your bookkeeping wasn't that put down as one of the expenses of your concern? A. No, sir.

Q. It was not? A. No.

Q. When you told your partner you had paid money, wasn't it put down in the books by you? A. No; it was not; because I never paid it.

By Senator Saxton:

Q. Why did you tell your partner you had paid it to him? A. Because I did not want to lose his confidence; I did not want to go opposite to what he told me.

Q. Who? A. This man Perkins.

By Chairman Lexow:

Q. You was admitting to your partner that you were bribing; did you suppose you got his confidence by making that admission? A. I don't know about that; I can't say.

Q. How would you gain the confidence of your partner by telling you were bribing and lying about that; how would you expect to get his confidence by telling him you were committing a sort of crime or misdemeanor? A. I did not wish to pay over money to a department official; I did not want to do it.

By Mr. Goff:

Q. Raise your voice up, Mr. Howell? A. I did not want to pay money to a department official.

By Chairman Lexow:

Q. And you thought you were gaining your partner's confidence by telling him you were paying money at that time?

A. It may be.

By Mr. Goff:

Q. You said you did not want your partner to know you did such a thing? A. What thing?

Q. To bribe an official; your partner, you said, you did not want to know you bribed an official, and you turned around and lied to him though you did not want him to know that thing? A. You can put it that way.

Q. A man of your years, you ought to be ashamed of yourself? (No answer.)

Chairman Lexow.—It looks to me as though you had better tell the truth now.

The Witness.—I did not —

By Mr. Goff:

Q. What church do you belong to? A. Fifth avenue and Fifty-fifth street.

Q. What is the name? A. Presbyterian church.

Q. Let me look at that paper? (Referring to newspaper held by the witness, which the witness puts away.)

Chairman Lexow.—This is pretty serious business, and there ought not to be any laughing in regard to it.

By Mr. Goff:

Q. You smile a good deal over it, Mr. Howell, what do you smile so much about? A. Because everybody else smiles, I suppose.

Q. Because everybody else is laughing at you for being such a fool? A. I don't think you ought to call me that.

Q. I asked you the name of your church? A. Presbyterian church, Fifth avenue and Fifty-fifth street.

Q. Is it the first or twenty-first Presbyterian church, or Dr. Hall's church? A. Dr. Hall's church.

Q. How long have you been a member of Dr. John Hall's church? A. I have been there for over 10 years.

Q. For over 10 years? A. Yes.

Q. Were you converted then when you joined the church? A. Well, I should say I was, sir.

Q. You think you were? A. Yes.

Q. And that conversion, of course, is going on yet? (No answer.)

Q. Didn't you admit to someone else besides your partner that you had paid Captain Williams \$500? A. I had a motive. Chairman Lexow.—Did you, or did you not?

By Mr. Goff:

Q. Did you admit to any other person besides your partner that you had paid to Captain Williams \$500? A. Five hundred dollars — no.

Q. Did you admit it in conversation that you had paid to Captain Williams \$500 when he was superintendent of the street department? A. Yes, sir.

Q. Who was the person? A. Why, he is sitting around here; there he is, by you (indicating).

Q. This gentleman here (indicating)? A. Yes, sir.

Q. You admitted to him you had paid to Captain Williams money in order to get your bills through? A. Yes, sir.

Q. Answer, and don't shake your head? A. Yes; yes; yes.

Q. When you stated that to him, did you state it was true or false? A. Neither.

Q. Did you state it was true or false? A. It was false.

Q. Then you lied again? A. Yes; if you choose to put it that way.

By Chairman Lexow:

Q. Can you place any other construction on it? A. Well, no.

By Senator Saxton:

Q. How would you put it? A. Well, it is an untruth.

By Senator O'Connor:

Q. Why did you tell the untruth?

By Chairman Lexow:

Q. Why did you tell that story to this other person who is not a partner? A. I will state in a few moments; I will state



a few of the points; a good many years ago, on false representations, that man brought me out—

Q. What man? A. Perkins.

Mr. Goff.—I object. We are not talking of that man. We are talking about this gentleman here.

Senator O'Connor.—I want to get at his motive.

Mr. Goff.—We don't want to give this witness an opportunity to blacken the character of any man.

By Chairman Lexow:

Q. Why did you tell this other man that was not your partner that you did bribe Captain Williams? A. Because I was going to state my reasons.

Q. Why did you tell him?

By Senator Bradley:

Q. This man never was a partner of yours? A. No.

Q. Explain to the committee why you told this man an untruth; you call it an untruth, and not a lie? (No answer.)

By Mr. Goff:

Q. Why did you tell this man? A. I did not pay Williams all the same.

Q. Why did you tell him you did pay Williams the money? A. He came and represented to me he wanted to pay this man some money, and I thought he would pay me some money, as he was not under any obligations to pay this man at all, and 10 years ago he promised this man some money for getting those bills through; I thought if he is going to pay this man some money 10 years ago, I can get some money myself from him, so I wanted to try to work the cards in the cards, so if he paid one he paid two.

Q. How came you to lie in order to make money by it? A. If I can get my own money back again.

Q. You were perfectly willing to lie about a public official in order to make money by the lie, were you not? (No answer.)

By Chairman Lexow:

Q. You understood you were charging Captain Williams with a crime? A. It was an offense.

Q. With an offense that would send him to State prison, if it were true? A. I did not know that.

Q. And to make \$500, you thought it proper to go to another individual to make such a charge? A. That man represented it was \$500 to pay Williams, and it was only \$100, and Williams only got \$100 out of it.

By Chairman Lexow:

Q. So you were lying for \$100 instead of \$500, is that it? (No answer.)

By Mr. Goff:

Q. No; he admitted he had paid it once; he had paid Williams \$100, and he admitted to this man \$500, and admitted to a lie to make \$400? A. I did not admit that.

Q. What did you say to him? A. If you will allow me to state it.

Q. I don't want to allow you to state everything you want to? A. You change the meaning of it, the way that you put it here.

Q. You say you joined the church 10 years ago, and that you were converted; and you are a ten year-old member of the church, and yet you deliberately lied and took a man's reputation away, as far as you could, in the hope of making money on it? A. How did I take his reputation away?

Q. Do you mean to say if you slandered Captain Williams by stating that he accepted a bribe from you, that that would not take his reputation away? A. Well, it is according to the construction to be put on it.

Q. Suppose, Mr. Howell, that I said that you accepted a bribe from me; would that be just? A. If one of those men came alone in my place—

Q. Suppose I said you accepted a bribe from me, would that be just? A. No.

Q. No, you do not suppose it would; do you think it was just for you to say Captain Williams accepted a bribe from you? A. How is that; state that over again; state the question again.

Q. (Question read by stenographer.) No, you do not suppose it would; do you think it was just for you to say Captain Williams accepted a bribe from you? A. I never did say anything to Captain Williams about it.

Mr. Goff.—Put the question once more in a loud voice, Mr. Stenographer. (The question was again read by the stenographer.)

The Witness.—No.

Q. Do you think you were doing the act of an honest man, to accuse a public official of a crime that, as Senator Lexow says, if true, would send him to the State's prison? A. No.

Q. And you stand here on your oath a confessed slanderer? A. I don't know how you put it; all right, if you put it that way.

Q. You are, aren't you? A. It is not for me to say this; it is for you; not for me.

Q. I do not want to do anything for you, even if you are a member of the church, and a century of age; now, Mr. Howll, will you step down, if you please? A. Yes.

Chairman Lexow.—Do you desire to examine the witness further afterward, Mr. Goff?

Mr. Goff.—I may do so, sir.

Chairman Lexow.—Then you will remain here, Mr. Howell, until later.

Mr. Goff.—Don't leave the court room, I may call you again.

James H. Perkins, called as a witness on behalf of the State, being duly affirmed, testified as follows:

Direct examination by Mr. Goff:

Q. Now, Mr. Perkins, what is your residence in this city? A. I am residing now in Brooklyn.

Q. Where did you reside in this city before you went over to Brooklyn? A. I resided in Twenty-sixth street for a short time.

Q. And where are you residing in Brooklyn? A. Residing in Jay street.

Q. Now, Mr. Perkins, you are an old New Yorker, are you not? A. I have been in and out of the city for a great many years, but did not reside in the city for a long time.

Q. Where was your place? A. In Flushing, Long Island.

Q. I believe you were born in Long Island? A. Yes, sir; at Sag Harbor.

Q. What was your business during the years 1879 and 1880 in this city? A. I was engaged with Mr. Howell in contracting and scow business; lightering with scows and contracting with Mr. Howell.

Q. For the city? A. Yes, sir; for the city principally.

Q. Did it always appear in your contracts with the city that you were partners? A. Not always, no.

Q. Why did it not always appear that you were partners? A. Sometimes he would take business on his own account and sometimes I would, and to answer for giving bonds in a better way; the city require bonds; so he would go my bonds; he was a resident of the city.

Q. So he could go your bonds? A. Yes, sir.

Q. Sometimes contracts were taken in your name as an individual which were really partnership contracts? A. Mostly in my name and he answered as bondsman.

Q. Those contracts were partnership contracts? A. Yes, sir.

Q. That is the understanding between yourself and Mr. Howell, so that you were partners? A. It was all done through our being together and through the books; he kept books and I done the outside work.

Q. He says he did not keep books? A. He kept what I supposed was books, although I never looked at his books for several years; I think he was a man of integrity.

Q. You saw the books? A. I never saw the books during that time; he told me he kept books and told me how they stood occasionally.

Q. During your work for the police department, as I understand it, these scows were leased or rented to the police department at \$10 a day? A. He made contracts with Commissioner McLain.

Q. At that figure? A. Yes, sir.

Senator O'Connor.—The street cleaning department?

Mr. Goff.—Yes, sir; the department of street cleaning at the time was under the police department. Captain Williams was superintendent, and Mr. Plunkett his assistant.

Senator O'Connor.—Captain Williams was then a member of the police department?

Mr. Goff.—Yes, sir.

By Mr. Goff:

Q. You say George W. Plunkett was his assistant? A. Yes, sir.

Q. Do you remember any occasion when you had trouble in getting your bill audited and certified? A. The bill ran up

to about \$5,000, and Captain Williams would not certify to it, and my memory is that he objected doing anything with it, and I saw Mr. French once or twice about it.

Q. Do you know Mr. French? A. Yes, sir; I knew him from a child; we were born in the same place, and he told me it would be necessary for me to get a certification of Captain Williams before he passed it through, and immediately he offered to pass it through so I would get my pay; it was in Mr. Howell's name, but I was interested in it just the same.

Q. After you saw Commissioner French did you see Captain Williams about the matter? A. I saw Captain Williams once, but I did not do much talking with Captain Williams; Mr. Howell did that himself.

Q. Was you present at any time when Mr. Howell was talking with Captain Williams in regard to this bill that was there? A. No; I don't think I was.

Q. Had you any conversation with your partner, Mr. Howell, about the best way to get the bill through? A. Yes; he said he had a talk with Captain Williams on several occasions; he didn't think it could be got through without the payment of money; I told him I would consent to the payment of money if we could get it through promptly; it was so long going through, and we could not get our money; and I thought we ought to have our money to use it; and he said the captain wanted 10 per cent. on \$5,000.

Q. On the claim? A. Yes; Captain Williams wanted 10 per cent. on the \$5,000, and that would make \$500; I consented to that and he drew up a check on Captain Williams.

Q. Did you see the check? A. I saw him draw it; yes, sir; I told him Captain Williams would not take a check; I told him it was a very foolish thing to offer him one, and he said, "Yes; he would take it, he thought; I told him he would not take it; Captain Williams did not take any check.

Q. How do you know that? A. I went with him when he carried the check to Captain Williams, and he offered it to Captain Williams up at headquarters, and the captain was indignant.

Q. What did the captain do and say when he offered the check? A. He told him if you are going to deal with me you must pay me in money; I do not take checks; that is what he said.

Q. What did Mr. Howell do then? A. He told him to take that envelope off the desk.

Q. Williams told him? A. Yes, sir; to take it outside and put his money in it and bring it back and lay it on the desk again; and Mr. Howell done that way.

Q. How did Mr. Howell get the check cashed? A. I don't know how he got it cashed; I think he had money by him.

Q. Did you see him put the money in the envelope? A. I saw him put it in the envelope.

Q. What did you see he did with the envelope? A. I saw him take it back and lay it on the desk, and saw Williams take it in his hand and put it in his pocket; that is all about it.

Q. How soon after that did you get your bill paid? A. It was put through right away; I knew Mr. French would put it through as soon as it got into his hands, of course.

Q. After that, during your partnership dealings, was it an understood thing that 10 per cent. was paid on all your bills in order to get them through? A. There were several other bills of that character, but not so large an amount, and I understood the same amount was paid on those; I was not present personally to see it.

Q. But you understood, as a partner, that money was paid out of the partnership funds? A. That's it; I did not expect they could be got through in any other way.

Q. You have seen your former partner here within a short time, have you? A. Within a week or two.

Q. Did you have a conversation with him about this matter? A. Yes, sir.

Q. Did you ask him about the books? A. Yes, sir.

Q. What did he say? A. He said he could not get them for me then; that they were up in the attic of his house.

Q. Was anything said about your going again for the books? A. No; I do not know that there was.

Q. Was there anyone with you when your partner said that? A. Yes, sir.

Q. Who was with you? A. That gentlemen sitting there.

Q. This gentleman here (indicating)? A. Yes, sir.

Q. Did you say anything to your former partner about the payment of the money to Williams, you have testified? A. Yes, sir.

Q. What did you say? A. I told him some circumstances; he said my memory was a great deal better than his; he said he could not recollect it; he knew there was some money paid to Williams, but did not think it was \$500; I told him that was the

amount I believed, and he said he did not believe that it was quite that much.

Q. Quite \$500? A. No.

Q. You performed a great deal of contract work for the city?  
A. For 10 or 12 years, I think.

Q. What is the nature of the general work you performed?  
A. It was principally paving and graveling in Central park; excavating, grading, etc.

Q. Did you do anything around the park? A. Yes, sir.

Q. Did you ever get through a contract in this city without having to pay for it? A. I never saw the inspector in our work but crowded on to me for money and he got it, except one, and he was a crazy man; his name was Smith and he died shortly afterward.

Q. Did I understand you testified, Mr. Perkins, that in your 10 or 12 years' contract work in this city you never had work but you had to pay or bribe certain officials except one man? A. I did not consider it a bribe; they came and said you had to see them or you would not do the work.

Q. You had to pay them? A. We had to pay them.

Q. I understood you to say that you never had a contract unless you had to pay an official for that contract, except one man, and he was crazy? A. Yes, sir.

Q. And he died shortly afterward? A. Yes, sir.

Q. He didn't ask you for any money? A. He never asked me for a cent; he appeared to be an honorable, inoffensive man, and when we got through with the work, we thought we ought to make him a present, and we made him a present of \$50 or \$75; that is what we gave him.

Q. This Mr. Smith? A. Yes, sir.

Q. And he took it? A. And he took it.

Q. That was after the work was done and closed out? A. After it was done and closed out.

By Chairman Lexow:

Q. How long ago was this that you gave this gratuity of \$75? A. Well, I think it was in 1878 or 1879; I can not recollect distinctly.

By Mr. Goff:

Q. Where did you do the work? A. Generally on the battery, and rip rap on it.

Chairman Lexow.—That is much bribery now under the system, as I understand it?

Mr. Goff.—Yes; but by time is outlawed.

Q. Did you see any other money paid, except these \$500 you say Howell paid? A. To whom?

By Chairman Lexow:

Q. To anybody in the employ of the city? A. I have handed out money, \$200 or \$300 at a time, time and time again.

Q. To whom? A. Different ones.

Q. To expedite your work and get your pay? A. Yes, sir.

Q. They coming to you in reference to their official capacity? A. Inspector work; they did not expect anything else, but to get money; their \$3 a day is not all they got.

Q. Were those persons in the employ of the police department? A. Oh, no; public works; the paving done is done by the public works department.

Q. Limiting yourself to the police department—was the street cleaning department then under the police supervision; do you know of any other actual payments made to anybody in the employ of that department? A. No; only that one.

By Mr. Goff:

Q. You mentioned the name of an inspector there a moment ago; who was that inspector? A. There are so many that I do not want to call them up.

Q. You mentioned the name of one man? A. I mentioned one man by the name of Brady.

Q. What was he? A. He was an inspector; there didn't nobody see me give him any money.

Q. In what department? A. He was an inspector of paving.

Q. In the public works department? A. Yes, sir.

Q. You say, Mr. Perkins, at that time, during your 10 or 12 years' experience, it was impossible for a contractor to get his work through unless he paid the inspector? A. No contractor expected it.

Q. Was it a rule that all contractors had to pay? A. Yes; every contractor knows that that is done in contracting here; that he had to pay the inspector; that is part of the expenses.



By Chairma Lexow:

Q. And in making prices to the city, was that taken into consideration, and in making the bill? A. I suppose so; perhaps not directly but indirectly.

Q. That was considered part of the necessary expenses of the job? A. Yes.

Q. And added to the price of the contract? A. Yes.

By Mr. Goff:

Q. And the contractor could do the work for that? A. If the contractor did not do it he could not do it.

Q. When the contractor was making his estimate for the contract he took into consideration the fact that he would have to pay these inspectors? A. Yes, sir.



Proceedings of the thirty-eighth session of the committee of the Senate of the State of New York, Wednesday, September 12, 1894, at 10:30 a. m.:

Present.—Senators Clarence Lexow, Jacob A. Cantor, Edmund O'Connor, George W. Robertson, Charles T. Saxton and Daniel Bradley; John W. Goff, Frank Moss and W. Travers Jerome for the committee.

Mr. Hyman Stern, recalled, testified as follows:

Direct examination by Mr. Goff:

Q. Mr. Stern, you received a subpoena duces tecum to produce a watch pawned with you on the 11th day of February, 1893? A. Yes, sir.

Q. Have you produced that watch? A. I have.

Q. I hand you a watch and chain and ask you if that is the watch and chain that you produced in obedience to the subpoena? A. Yes, sir.

Q. I find a monogram upon the seal or pendant attached to this watch studded with what appears to be diamonds; you are a jeweler, in that business; will you please tell us what that monogram is? A. They are diamonds.

Q. What is the letter? A. It looks to me like the letter M.

Q. M? A. I believe so; yes; I think it is.

Q. And does your artistic and aesthetic knowledge enable you to tell us the name of the animal pictured on the reverse side of the pendant? A. No, sir.

Q. I used to call that a griffin, or something like it? A. It may be.

By Chairman Lexow:

Q. Do you say it is? A. I am not certain; I can not tell.

Q. This watch strikes the hours, does it not? A. I did not try it.

Q. Just work on the spring there, and you will see? A. I know it is a repeater; I do not know whether it strikes the hour or the minutes.

Q. Now, just listen to it? A. I think it strikes more than the hours.

Q. Strikes more frequently; strikes the quarters probably? A. It strikes the hours, quarters and minutes.

Q. Is it what is called a stop-watch? A. Yes, sir; I think it is more than a stop; it looks to me like a split second fly-back.

Q. Split second? A. Yes, sir; will you allow me to look at it?

Q. Certainly? A. It is a split second, but it is not in order.

Q. Not in order, but it is a split second? A. Yes, sir.

Q. Does it correspond with a watch called the chronograph, or described as a chronograph? A. Yes, sir.

Q. Speak a little louder, witness? A. Yes, sir.

Q. I find in your paper, or the wrapper that contained this watch, a number 69585? A. Yes, sir.

Q. The wrapper and paper which I now hand you is the one that contained the watch that you brought down here? A. Yes.

Q. I find here a memorandum written; in whose handwriting is that? A. It is mine.

Q. I find here a memorandum written as follows: "Stopped by Detective Charles Hanley," with a lead pencil mark drawn through the name "Hanley," "not to be delivered without Detective Hanley"? A. That is right; that is correct.

Q. You wrote that mark on it? A. Yes, sir.

Q. Was that memorandum written by you upon the request of Detective Hanley? A. Yes, sir.

Q. At his direction? A. Yes, sir.

Chairman Lexow.—Speak up, so it can be put on the record.

Q. Sergeant Hanley is now in court, is he not?

Sergeant Hanley.—Yes, sir. (The officer stands up.)

Q. That is the officer that directed you to stop this watch? A. Yes, sir.

Q. And the watch has been in your custody ever since? A. Yes, sir.

Q. Are you in the habit of writing such memoranda similar to the one now shown to you upon the request of the detectives from the central office? A. Yes, sir.

Q. And where you write such a memorandum as the one now read to you, you retain the watch or article? A. For them; certainly.

Q. For the central office detectives? A. Certainly; they stop the delivery of it; that's what it is for.

Q. Have you got any limit of time as to how long you may detain it? A. I suppose to the expiration of the loan.

Q. The expiration of the loan? A. Yes, sir.

Q. Now, the loan on this watch is one year, isn't it? A. Yes, sir.

Q. This watch was pawned on February 11, 1893? A. Yes, sir.

Q. According to that, Mr. Stern, the loan expired on February 11, 1894? A. Yes, sir.

Q. You yet detained this watch as pledged, did you? A. Yes, sir.

Q. Notwithstanding that the year has expired? A. That is right.

Q. And had you detained it as a pledge, notwithstanding that the year has expired? A. It had been detained on account of that memorandum on it.

Q. Is it on account of that memoranda? A. Yes; on the ground that there is no article or loan that expires in my office that I dispose of at once; I give everybody a limit — sometimes.

Q. I understand; you deal generously with your patrons? A. Yes, sir; certainly.

Q. When you received a watch like this on pledge, you assume it to be a costly watch? A. I know it to be a good watch.

Q. Where is your office; raise your voice; all these Senators here and all these gentlemen want to hear your words; you advanced the sum of \$125 upon it? A. Yes, sir.

Q. Now, you keep books, Mr. Stern? A. Yes, sir.

Q. And when you receive a watch of this character you make an entry of it, of course? A. Yes, sir.

Q. Do you know if you have another watch of this character in your keeping as a pledge? A. I do not know.

Q. I suppose you have a great number? A. I have a great number of watches, certainly.

Q. Mr. Stern, the committee would like you to produce your books that cover the date of February 11, 1893, and also the date of May 28, 1894; the book of pledges received and containing all transactions relative to pledges of these dates; will you please bring it here? A. I will.

Q. Is it a large book? A. Yes, sir; they are very large books.

Q. I am very sorry that we must inconvenience you, but we have to do it? A. I am at your service.

By Senator Saxton:

Q. Did you understand the date? A. February; I have made all the necessary memoranda here and that may save me bringing down the book.

By Mr. Goff:

Q. Let me look at it? A. This is a ticket with a memorandum attached to it.

Mr. Goff.—Mr. Chairman, for the present I deposit this watch and papers, etc., in your keeping. There is one gold watch and chain, a locket one pawn ticket of February 11, 1893, one slip of May 28, 1894, one slip No. 69585, one pencil memorandum relating to Detective Hanley, with his name upon it, pinned to a piece of brown paper.

By Chairman Lexow:

Q. I would like to ask you one question; did Sergeant Hanley pawn more than one watch at your establishment? A. Not that I know of.

Q. Would know it if he had? A. I could tell by my index book.

Q. Have you looked? A. I have looked, and we only found that one; it was day before yesterday it was called for.

Q. Are you prepared to swear he pawned more than one? A. I could not swear to that until we look over it.

By Mr. Goff:

Q. I think we had better look at that index-book, too, Mr. Stern? A. That is the index-book of the names; that is all.

Q. And the index of names each day? A. Yes, sir.

Q. The index-book refers to the index in the general book? A. It simply refers to the index of names, and lost tickets to assist people in finding their loans. .

Q. We will be very much obliged to look at the index-book as well as the books I have mentioned? A. Very well.

Q. If you please? A. Shall I get them now?

Mr. Goff.—That is, yes, and about half past two o'clock will be time.

By Chairman Lexow:

Q. Or any other books that may cast light upon this subject; you know what we are after? A. Certainly, sir.

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

Direct examination by Mr. Goff:

Q. Now, Mr. Kremer, give us your full name, please? A. Henry Kremer.

Q. How do you spell it? A. K-r-e-m-e-r.

Q. Now, if you please, raise your voice so all the gentlemen around here can hear you; what is your business? A. I am a collector.

Q. In what business? A. A collector for the brewery business.

Q. What brewery? A. Geo. Ringler & Co.

Q. Where is that brewery located? A. Ninety-second street and Third avenue.

Q. That collector means a collection of bills due—of money due from the various saloon-keepers on purchases of beer from your brewery? A. Yes, sir.

Q. Did you have an application made for a license by a man known to you by the name of Karl Werner? A. No, sir.

Q. Did you have an application, or did you make an application for a license for a man named Weisner or Wosner? A. No application for a license; no.

Q. Did you get into the possession of a license for a place that was managed by a man named Wosner? A. That is it; yes, sir.

Q. You applied for that license yourself? A. Yes, sir.

Q. Where was the store? A. Corner of Avenue B and Fifth street.

Q. Raise your voice and keep it up? A. Corner of Avenue B and Fifth street.

Q. When did you get that license? A. Well, counsel, I can not tell you the name exactly.

By Senator Bradley:

Q. The time? A. The time? I can not tell you the name without the license.

By Chairman Lexow:

Q. The month? A. I can not tell you the month—the date. (Officers Cohen and Arfken were at this time directed to leave the courtroom and remain in the corridor until called upon.

Q. When you made application for this license you knew, of course that Wosner was to run the place? A. Yes, sir.

Q. Had you any financial interest in the place yourself? A. Yes, sir; certainly.

Q. What was the extent of your financial interest; outside of being agent for the brewery, had you any money invested in the place? A. Money invested in the place?

Q. Yes? A. No; I did not have any money invested in the place.

Q. Had you any interest in the place? A. Yes, sir.

Q. Was that interest as agent of that brewery? A. Interest as agent of our brewery.

Q. That is quite a common thing, isn't it; agents of breweries to obtain licenses in their names and have men run the saloons?

Chairman Lexow.—Whom had you at that place?

A. Yes, we do, oh, yes.

Chairman Lexow.—He didn't understand apparently.

By Mr. Goff:

Q. You know all the breweries have agents like yourself? A. Yes.

Q. Mr. Ringler or the Ringler brewery has more agents than yourself? A. Yes, sir.

Q. What the committee wants to find out is, is it customary for agent of the breweries to go to the excise department and obtain licenses in their own names for saloons in various parts of the city? A. Yes, sir; I can do that; I can put somebody in for me to manage the place.

By Chairman Lexow:

Q. Is that the habit, though; do you generally do that? A. No; we do not generally do that.

Q. Is it often done? A. A few cases, once in a while; yes, sir.

By Mr. Goff:

Q. And so far as you know, is it done by the other breweries in the same way, or the agents? A. I can not tell that.

Q. But you speak for your own brewery? A. Yes, sir; certainly.

Q. Now, we have it that outside of your interest as an agent for that brewery you had no money invested in this saloon? A. No money.

Q. Did Mr. Wosner give you any reason why he wanted the license in your name, or wanted you to obtain the license for the place? A. The license was in my name when Mr. Wosner took possession of the place.

Q. You had it already? A. That license was in my name; that place belonged to me when Mr. Wosner took possession of it.

Q. And you keep those places where you have licenses in your name as security? A. That is all.

Q. Isn't it? A. It is the security until the place is paid for by the manager, and then I sign the place over to him.

Q. As soon as the person called the manager pays the brewery so much money for the place, then you transfer the license to him? A. I can transfer the license if I want to.

By Chairman Lexow:

Q. You do, don't you? A. We do; if the place pays for everything.

Q. And you hand it over to him?

By Mr. Goff:

Q. The license is generally kept in your name in order to insure the custom of beer there; you want to keep the saloon-keeper to buy beer from your brewery? A. That is only safe, if we invest the money; we invest the money in the place.

Q. You fit it up? A. We fit up everything; then we have to have security for it.

Q. And then the man that acts as manager, he buys it from you, and he agrees to pay you so much money in installments, is that it? A. Discounts or installments.

Q. And in order to secure you — to secure the brewery — you take the license out in your name? A. Yes, sir.

By Chairman Lexow:

Q. What counsel wants to know is whether after everything has been paid for, if you do not sometimes keep the license in your name for the purpose of insuring to your business the trade of that place? A. No; the man pays the whole of what belongs to us; if he pays me what I have got on the place then I can turn it over to him.

By Mr. Goff:

Q. But until he pays it up, he is supposed to buy beer from your brewery; isn't he? A. Yes, sir.

Q. Now, do you remember this man Wosner telling you about the trouble he had with the police? A. Yes, sir.

Q. When was that? A. Well, I can not tell you the date; about three or four weeks ago; something like three weeks ago; I can not tell you the date of it.

Q. Is Mr. Wosner in court; is this Karl Wosner that stands up; is that the man that had this saloon? A. Yes, sir.

Q. What was the trouble he told you he was in with the police? A. Well, I went to the captain myself, and the captain showed me a card where Mr. Wosner had printed on that he was the proprietor of the place, and the captain closed me up on account of that; I told the captain he was not the proprietor, but he was the manager, but he said he closed me up on account of that the card showed "Gustav Wosner, Proprietor."

Q. I asked you what did Wosner say to you about the trouble he had with the police? A. He said the captain closed me up on account he told me he was the owner of the place.

By Chairman Lexow:

Q. What captain? A. Captain Cross.

By Mr. Goff:

Q. What did the captain say to you? A. Well, he said he closed the place on account of he sold under my license goods — liquors.

Q. What did you say to the captain? A. I said to the captain, the place belonged to me; then the captain showed me his card here.

Q. Showed you Wosner's card? A. Showed Wosner's card, where he said he was the proprietor of the place.



Q. And did you say to the captain you would like to see any captain of police make you close up your place when you were doing a legitimate business? A. What?

Q. Did you say to Captain Cross that you would like to see any captain in New York compel you to close your place of business as long as it was a respectable business, and you had a license for it? A. Yes, sir.

Q. You told him those words I uttered to you? A. Yes, sir.

By Chairman Lexow:

Q. Did you say that to Captain Cross?

By Mr. Goff:

Q. What did you say to the captain? A. I said to the captain that the place belongs to me, and he told me that this card showed to him that the place belonged to Mr. Wosner because Mr. Wosner had on the card printed under his name, "Proprietor."

By Senator Saxton:

Q. What else did you say to him? A. To the captain?

Q. Did you say anything else? A. I said to the captain, the place belongs to me; he says, so long as a man is there, he has no right to sell in my place; I don't want him to sell under the name of Wosner; consequently, I closed the place up.

By Mr. Goff:

Q. Did you tell Wosner that, while you had a perfect right to sell there through him as your manager, that it was better for him not to fight the police? A. I told Mr. Wosner not to fight the police?

Q. Yes? A. Well, the captain told me so long as he stays there and sells liquor under my license, he got to lock him up and get him arrested; therefore, I closed the place.

Q. That is Captain Cross you are speaking of? A. Yes.

By Chairman Lexow:

Q. Did Captain Cross say he had no other evidence that Wosner was the owner of that property, except that card? A. No; he did not.

By Senator Saxton:

Q. Did you see the card; did the captain show you the card?

A. Yes, sir.

Q. What did the card say on it? A. It said, "Gustav Wosner, Proprietor."

By Mr. Goff:

Q. Now, did you say to Wosner that you had so many saloon-keepers in that precinct, customers of the Ringler brewery, that you could not afford to fight the police? A. I don't know anything of the kind.

Q. What? A. I don't know that I said that to Mr. Wosner.

Q. Will you swear that you did not say that to Mr. Wosner?

A. That we could not fight the police?

Q. And that you had too many saloons buying beer from your brewery in the neighborhood that you could not afford to fight the police? A. I can not fight the police; what can I fight the police; I got to close the place up.

Q. You have got a lot of other places — customers of that precinct? A. Yes, sir.

Q. And you can not afford to fight the police because that will injure your business with the other saloons around you? A. They are all respectable places; what have the police got to do with them?

Q. And you say this was a respectable place? A. Yes, sir.

Q. And you had to close up? A. Yes, sir.

By Chairman Lexow:

Q. Did you say you could not afford to fight the police because you would have to close up your other places? A. I can not say I said that to Mr. Wosner.

Q. Will you swear that you did not say it? A. I swear I can not remember.

Q. You didn't transfer that to Mr. Wosner with the saloon, did you? A. No.

Q. You still own it? A. I still own the saloon.

Q. And the license was in your name? A. Yes, sir.

Q. And Wosner was still running it as your manager? A. Yes, sir.

Q. That is a fact, isn't it? A. Yes, sir.

By Senator Cantor:

Q. Who was getting the daily receipts? A. That transaction was made with Mr. Wosner.

By Senator Saxton:

Q. Did you know you had a right to run the saloon in your name as long as you wanted to, although he said he was the proprietor? A. Certainly.

Q. Did you know you had a right to run the saloon in your name under that license, although Mr. Wosner said he was the proprietor? A. Yes, sir.

Q. Then why did you stop? A. Well, the captain said that he stopped me on account of he said he is the owner, and the card in the first place showed he was the owner and proprietor; and he told me he asked Wosner personally, as witness, and he said he was the owner of the place.

Q. That don't make it so? A. No, sir.

Q. You knew you had a right to run? A. Yes, sir.

Q. Then why did you shut up then; did you shut up because the captain told you? A. The captain told me I ought to close up; he didn't tell me exactly I should close up the place, but I done it on my own—

Q. What did he tell you? A. He said that if that man stayed there he would arrest him.

By Chairman Lexow:

Q. If Wosner stayed there he would arrest him? A. Before I make trouble, I close the place up.

By Senator Saxton:

Q. He told you if Wosner remained there he would close the place? A. Yes, sir.

By Mr. Goff:

Q. Wosner did pay you something on account of that saloon, didn't he? A. I don't know anything about it; I told you the transaction with Wosner was made with my counsel.

Q. You being the reputed owner of that saloon, you know as a fact whether Wosner did pay any money on account of that purchase? A. The transaction was made with my counsel.

Q. Did you take the license away from Wosner? A. Yes, sir.

Q. Why did you take the license away from that store; that was the store for that license; why did you take it away? A. I took it away; I wanted to close the place up.

Q. You closed the place; why did you determine to close the place? A. Well, I didn't want to have any trouble with him.

Q. With whom? A. With whom; with the captain.

Q. With the captain; well, you knew you had a perfect right to keep that place open and sell through your manager; you didn't want to have any trouble with your captain, and you took away your license? A. Yes, sir.

Q. But you let Wosner in there under a contract to sell for the purchase of that store, didn't you? A. Under what?

Q. Because Wosner agreed to purchase that store of you? A. That transaction was made with my counsel.

Q. Don't you know what the transaction was? A. No; he agreed to purchase the store.

Q. Why did you let him in there? A. My counsel made the transaction.

Q. Don't you know that all those transactions are that the man goes in there under an agreement to buy the store? A. Well, to not buy —

By Chairman Lexow:

Q. He was there to buy the store? A. Well, buy the store; I don't know.

Q. You made the agreement to sell it to him? A. My counsel made it; I can not tell.

Q. Don't you know it; you must know what the agreement was? A. The agreement was made by my counsel with Mr. Wosner.

By Senator Saxton:

Q. Didn't you understand that Wosner was to have the store and the license was to be given over to him? A. Yes, sir.

Q. There was such an understanding, that there was such an agreement as that, that when he paid for the store he was to have it, and have the license, and in the meantime the store and license were to be yours; is that the way you understood it? (No answer.)

By Chairman Lexow:

Q. Did you understand it that way; you can answer yes or no to that? A. Well, you bring it to me again.

Q. Didn't you understand that just as soon as Wosner paid up all the money on that store, that the store was to be his property, and that you had sold it to him in consideration of what he was to pay you for it afterward; isn't that so? A. Well, now, Senator, I can not tell you what the transaction was; that is made by my counsel.

By Senator Saxton:

Q. You owned the fixtures in there when he went in, didn't you? A. Yes, sir.

Q. Did you give it up to him? A. No.

Q. Was he to have the fixtures until he paid for them? A. No.

By Chairman Lexow:

Q. But he was to have them when they were paid for? A. And when they were paid for.

Mr. Goff.—I think that is all, Mr. Kremer.

Karl Werner, recalled as a witness.

The chairman stated that the witness had been sworn.

Mr. Goff.—I think under the circumstances he had better be sworn, Mr. Chairman.

The witness was again sworn.

Chairman Lexow.—Which is your right name, Wosner or Werner?

The Witness.—Werner. Since I was here last June I had to change my name to start the business.

Q. Your real name is Karl Werner? A. Yes, sir.

Chairman Lexow.—He says he changed his name after he testified here in order to do business.

Direct examination by Mr. Goff:

Q. Why did you take the name of Wosner? A. I understood here before that I could not run under that name; under the name of Karl Werner.

Senator Saxton.—You remember he had been in prison and he changed his name.

Q. You have testified before this committee, have you not?

A. Yes, sir.

Q. And you have testified to paying some police officials money? A. Yes, sir.

Q. And in addition to that testimony, as to paying police officials money you testified to keeping a disorderly house in Captain Cross' precinct? A. Yes, sir.

Mr. Goff.—Now, Mr. Chairman and gentlemen, not for the purpose of entering into any disputation with the learned counsel of the police commissioners, and not wishing whatever to involve this committee or myself in any controversy with any of the police commissioners or their learned counsel, I deem it but just that what has publicly appeared in the newspapers on the several occasions, notably on last Monday or Tuesday in an interview with Mr. Wellman, a very serious misstatement of fact was and has been made and has obtained currency through the public newspapers of this city, touching the testimony of this witness and touching the matter contained in charges preferred against Captain Cross. Mr. Wosner said in substance, and it has been printed so frequently in the newspapers that it is common knowledge that Karl Werner had testified before this committee that he ran a disorderly house, that money was paid by him for protection in Captain Cross' precinct at a time when he was in the State prison. And I may say that the public journals have commented upon that as striking illustration, and the uncertainty at least of the testimony given by Karl Werner. Now, in order that the record may be kept straight, and in order that the very serious and palpable mistake which was made not by this committee or its counsel, nor by the witness, may be corrected, I deem it incumbent upon me to bring the matter to your attention this morning and to set Mr. Wellman and all other persons who are laboring under that mistake right.

Chairman Lexow.—I remember there was no such testimony as that before this committee.

Mr. Goff.—I read from the charges and specifications made against Captain Cross upon his recent trial before the police commissioners. These charges and specifications have been produced in court by Major Kipp, the clerk to the police commissioners "251." "I hereby offer and charge the said Adam A. Cross, such captain of police and a member of said force as

aforesaid, with the legal offense and the neglect of duty, conduct injurious to the public peace and welfare and conduct unbecoming an officer, in that

### SPECIFICATIONS

The said Adam Cross, on or about the 20th day of April, 1892, at the city and county of New York, aforesaid, being such captain of police as aforesaid, and then and there being assigned and detailed as an officer of the police in command of that portion of the city and county of the State of New York, known as the Eleventh precinct; and the said George Smith, on the day and in the year aforesaid and in the city and county aforesaid, being then and there such patrolman of the police aforesaid, and being then and there assigned and detailed in said Eleventh precinct, did take, accept and receive of one Karl Werner, who then and there, that is the 20th day of April, 1892, who then and there kept and maintained at the premises there situate, known as No. 6 Delancey street, in the said precinct in said city, a disorderly house and a house of ill-fame and prostitution, as they, the said Cross and George Smith, well know, the sum of \$50 in legal money of the United States and the value of \$50 upon the agreement, etc., etc., for protection."

The twenty-sixth charge further specifies, briefly stated, that the said Adam A. Cross, on the 1st of May, 1892, at the city and county aforesaid, being captain of police, and a patrolman, etc., did take from Karl Warner, who then and there, that is the 1st day of May, 1892, did then and there keep a house of assignation and lewd purposes, and accepted from said Karl Werner, the sum of \$50 in money. Those are the two specifications referred to, and the statement I read has been so freely and so generously made that at that time Karl Werner was in State prison; consequently, it would be an utter impossibility to have paid Captain Cross or his wardman \$50; that is, or an official specification. Now, I read from the testimony of the examination Karl Werner had before this committee, page 2873:

"Q. And the result of your trouble with the district attorney's office was that you were sent to State prison for seven years? A. Yes, sir; to Sing Sing.

"Q. And when you had served that term and got out, what did you do? A. I went right down to Delancey street.

“ Q. Where? A. No. 6 Delancey street.”

It was the same saloon charged in the specifications.

“ Q. What did you do there? A. Keep a house, a house of prostitution, called a lady boarding-house.

“ Q. It was a house of prostitution, was it not? A. It was.

“ Q. How long did you keep that house there? A. Until November.

“ Q. When did you go in it? A. In January.

“ Q. In January of what year? A. In January, 1893.”

Senator Saxton.— And the charges and specifications are in 1893?

Mr. Goff.— Yes, sir.

“ Q. And you kept it until November, 1893? A. Yes, sir.”

That is from January, 1893, until November, 1893, wherein the charges and specifications presented by the learned prosecutor and counsel of the police commissioners in those trials, alleged Karl Werner testified in 1892.

Senator Saxton.— Do you know whether there is any testimony to support that before the commissioners?

Mr. Goff.— No, Senator. This is one of the complaints made against this testimony before this committee having the effect of awakening the testimony adduced before this committee, because they wanted to put new proof to sustain these charges and specifications, and they were met by the fact, and they brought down, with great display to prove the fact, Detective Jackson from the State's prison, to prove that at the time the alleged bribe was made in 1892, this witness who was supposed to testify to that was in State's prison. Now, you have heard the testimony here that this witness never testified to the fact; that he came down out of prison, went into the saloon in 1893, and continued there from January, 1893, to November.

Senator Saxton.— Does he say when he came out of prison, in the testimony? If not, he can testify to the facts now.

Mr. Goff.— And as my associate suggests to me, in order to emphasize the contradiction they allowed Detective Jackson to go on the stand and swear to that fact, that Mr. Werner was not subpoenaed up there and examined as a witness. He was in the Tombs, and, under the circumstances, was adduced in that specification, and that they put in evidence to contradict that which did not succeed.

Chairman Lexow.— Evidence on the part of the prosecution or the defense?



Mr. Goff.—The defense, although Mr. Wellman offered to withdraw that specification, finding it could not be supported by proof.

Senator Saxton.—Was there any testimony at all with regard to these specifications before the commissioners; was there any testimony at all?

Mr. Goff.—Not a particle.

Senator Saxton.—They didn't appear to use those specifications or those charges?

Mr. Goff.—No; not to sustain them; the reason why is set forth here. I read from an interview, headed: "Wellman takes back," which appeared in the New York Recorder, last Monday, that is, September 10, and by strange circumstances, Mr. Wellman says, Captain Ryan did succeed him. The second sample of worthless evidence is that in which Karl Werner testified that he had paid Captain Cross and Wardman Burns money on or about the certain date, when investigation showed that Werner had been in State's prison for seven years for perjury and was not in prison for nine months after the date mentioned. "You may recall how, in our trials before the commissioners, it was so frequently suggested to me that I put Mr. Werner on the stand. I knew the facts mentioned above although I did not learn them from the Lexow committee," added Mr. Wellman, laughingly.

Chairman Lexow.—It might have been better if he had studied the record more carefully.

Mr. Goff.—I will say that Mr. Wellman had and kept a copy of all the testimony taken before the committee, in his possession. I may say, further, that I was present at the preparation of some of the charges and specifications taken from that very evidence. I read further: "Candidly, I shudder, when I recall some of the testimony that was accepted and spread before the public by the Lexow committee; I now want to cite one or two cases in order to show the kind of evidence." And this is the case he cites.

Senator Saxton.—Other people shuddered also.

Mr. Goff.—And the fever and ague has not abated one jot, Senator.

By Mr. Goff:

Q. Now, Mr. Werner, did Mr. Wellman, assistant district attorney, ever talk with you in the Tombs or send any person

to talk with you, regarding the preparation of these specifications and charges against Captain Cross? A. He did not, sir; neither did he come; it might be he had some spite in it.

Q. No; I don't want that; just confine yourself to the questions I ask you; were you examined or questioned? A. No, sir.

Q. Wait a moment; were you examined or questioned by any officer, or any person, in connection with the preparation of these charges against Captain Cross? A. No, sir.

Q. Were you ever interviewed by any official or questioned in regard to that? A. No, sir.

Q. You were in prison, in the Tombs, at the time? A. Yes, sir.

Q. And, so far as these specifications are concerned — these two specifications which allege that you said that on the 20th day of April, 1892, and on the 1st day of May, 1893, that you gave bribes to Captain Cross or his wardman for keeping a house of ill-fame, at No. 6 Delancey street — did you, ever say that to any person? A. I never said that, and when I left the court here, I said to Mr. Chairman, I said the paper may talk it 1892; Mr. Chairman said, "Don't mind what the papers say;" I said that the next day and the chairman will probably remember that.

Senator Saxton.— I understand the papers said the next day, he had mentioned 1892.

Mr. Goff.— In fact the newspapers mentioned the year 1892. Of course, I do not wish to insinuate that these charges and specifications were prepared from the newspapers and not from the official record of the testimony. I do not mean to say that. Now, I wish to repeat again, gentlemen, that it is with no purpose or object to produce any collision or clash between the learned counsel for the commissioners or the commissioners and this committee and its counsel. I deem it a duty developing upon me as counsel of this committee to place this matter on record straight, and let the blame rest where it legitimately belongs. It doesn't belong here.

The witness.— This is what the Sun said a few days ago. (Producing slip of paper.)

Mr Goff.— Mr. Moss suggests to me, gentlemen, that from the further examination of these charges and specifications, that the same mistake runs through the whole of them for all the months in the year 1892.

By Mr. Goff:

Q. As a matter of fact you were in prison in 1892? A. A. Yes, sir.

Q. When did you leave State's prison? A. I can not remember; it was in 1892, about Christmas.

Q. About Christmas, in 1892, and you went into this disorderly house in January the year following, in 1893? A. Yes, sir; I may have been in a few days before the new year.

Q. You had been a few days in 1892? A. Anyhow a few days.

Q. Now, Werner, you are a prisoner now in the Tombs? A. Yes, sir.

Q. I want you to raise your voice? A. Yes, sir.

Q. How long have you been a prisoner in the Tombs? A. Over one month.

Q. Are you under indictment? A. I am under indictment, sir.

Q. You have been unable to obtain bail, I believe? A. I have had bail three or four times.

Q. Now we come to that later?

M. Goff.—His counsel, Mr. Sedgwick, is in court, gentlemen, and his counsel of course informs me that his client, being under indictment, he is necessarily anxious as to the extent we may go in questioning him upon the subject-matter of the indictment which he is under, so we will try to recognize, Mr. Sedgwick, your rights, and your client's rights.

Q. What were you arrested for? A. For an attempt at bribery.

Q. Now tell us where you kept this saloon? A. I kept the saloon in Avenue B, corner of Fifth street.

Q. Was this the saloon that Mr. Kremer testified to? A. Yes, sir.

Q. He testified that the license of that saloon was in his name? A. The license was in his name.

Q. And how did you come to get into that saloon? A. Because I had a saloon from the brewer; he owned that license; he took that license out a month or two months previously; the license ran almost 11 months longer.

Q. You took the saloon from the brewer? A. Rented it from the landlord.

Q. And rented the place from the landlord? A. Yes, sir.

Q. The license for that saloon was in the name of Mr. Kremer, agent of the brewery? A. Mr. Kremer.

Q. How much did you pay the brewer for that license? A. I didn't pay the brewer because I rented that place, and I said to the brewer you can take your stuff out and I get my own furniture; the brewer said keep that furniture in, and we will come to an understanding.

Q. By the stuff you mean furniture and fixtures? A. The fixtures.

Q. What was the understanding you arrived at; what agreement did you make? A. Well, I should keep the stuff in the bar and the back bar and the front bar, the chairs and tables.

Q. What were you to pay the brewer for that stuff? A. Nothing; the place was mine; the place didn't belong to the brewer, only the furniture belonged to the brewer.

Q. What did the brewers ask you to do because they left their stuff in? A. The brewers said, "We keep the mortgage on them."

Q. Keep what? A. Hold the mortgage on it.

Q. You bought your beer from the brewer, didn't you? A. Yes, sir.

Q. How long were you in that saloon before you were disturbed by the police? A. Ten or 12 days.

Q. Ten or 12 days; were you known around that neighborhood as a witness that had testified before the Lexow committee? A. Nobody did know me about that neighborhood.

Q. Were you known to the police? A. The police did not know me.

Q. That is when you went into the saloon? A. When I went into the saloon.

Q. Did you have a bartender? A. Yes, sir.

Q. What was his name? A. Hugh McCormick.

Q. Where is your bartender now? A. He ran away.

Q. Why did he run away? A. I guess he stuck together with the police; I don't know.

Q. Did he run away from you after your arrest? A. Yes; he ran away with all my personal effects I got, and my suits in the wash and my watch and everything.

Q. While you were in prison? A. While I was in prison.

Q. Will you tell us about the arrest that was made in your saloon? A. The detectives came in after 9 o'clock a little.

Q. What detectives? A. Mr. Cohen, and I don't know the other man.

Q. Arfken? A. I think it was Arfken; I am not sure; one was a big fellow, and was in black, and looked like a bum.

Q. They came in civilian dress? A. Yes, sir.

Q. What did they do? A. One of them asked the bartender for a drink.

Q. Was this on Sunday? A. On Sunday; I was not in.

Q. You hear any part — you heard in particular what took place? A. Yes, sir.

Q. Now tell us? A. Well, I went out this evening and I told the barkeeper to be very careful and not let anybody in except he knows him very well, but I guess he did not mind that much, and I was away and I came back a little after 9 o'clock; as soon as I was in the door, I see the detective coming in; I cautioned the barkeeper and says, "Now, how can you do that, can't you see that man is a detective, when you look at his feet; look at his shoes;" I say, "For God's sake —

Q. Will you say, Mr. Werner, is there anything particular or peculiar about the detective's feet that enables you to recognize him? A. I guess they generally wear No. 14, with high thick soles on it; this man he claims to know everyone, and I am very nearsighted and I saw at once when I looked at his shoes.

Q. The bartender claimed to know everyone? A. Yes, sir.

Q. Go on. tell us what took place? A. I stood beside him, and he didn't see me; I said bartender, "For God's sake don't give him a drink;" and when he said, "Give me a drink;" he didn't give him a drink, and he said, "I have nothing except soft drinks and Weiss beer."

Q. He told this man? A. Yes, sir; as soon as he said that, the man said, "Never mind, come along with me; he let one in before that."

Q. Your bartender let one in before? A. Yes, sir; the first man stood on the corner and had his drink all right.

Q. Did he pay for it? A. I don't know as to that; I just came in.

Q. This man that was there before you came, was that the man that said "Come along, all right, I will take you in?" A. No; the first man.

Q. Was that Cohen? A. I think that was Cohen; I am not sure; they both looked like big fellows.

Q. Did the officer make the arrest? A. Yes; I think it was Cohen; well, the officer took him along and then said, "Take your hat and go."

Q. And brought him to the station-house? A. Yes, sir.

Q. Where did you go? A. He didn't see me because I was near the door.

Q. Didn't see you? A. I just came in; I was not undressed and wanted to take my cuffs off; I saw the bartender put on his cuffs and I knew at once what it was.

Q. Did you go to the station-house? A. No, sir; I went later to the station-house.

Q. Who did you see at the station-house? A. One captain was there from up town.

Q. A captain from up town? A. I guess it was the sergeant, but he had the captain's place.

Q. Who was the captain at that time? A. Captain Cross; but the detective told my barkeeper outside; I guess it was Cohen or the other man, he says, "I am only sorry that we have to make you that trouble; we didn't go for you; we were after the old man;" he meant me.

Q. You mean the detective said that? A. Yes, sir; he said, "We have to take you along; that is the reason we went so late; we came after 9 o'clock, as we know you go home every evening at 9 o'clock, and that Werner is staying there — the bar."

Q. Then they took him along because they could not get you? A. Could not get me.

Q. Did you get your bartender out that night? A. I had a lot of trouble to get him out; it was after 2 o'clock, I guess, after I got him out.

Q. On bail? A. On bail.

Q. Now the next morning at the police court, did you go there? A. I was there.

Q. And you talked with these policemen, I believe? A. Yes, sir.

Q. Now, was it at the police court that the policemen accused you of attempting to bribe them? A. In the police court, the corridor, just as if you stood here outside from the door.

Q. Was there anything said in all of these transactions about your having been a Lexow witness? A. No, sir; they did not say anything, but the bartender told me that they know everything.

Q. That they know everything about you? A. Yes; everything, because a few days afterward the bartender was in the office, and they tried to pump him, and he said, "I know everything about your boss."

Q. Referring to you as boss? A. Yes; and he had some papers with him.

Q. Was that a few days before the arrest? A. About three or four days before the arrest.

Q. What did your barkeeper go to the captain for? A. We had some trouble with the ice, with the soda-water stand, and there was a poor fellow had paid \$10 rent, and the police captain told him to take that away, and to send for me then, of that was my stand, and I said, "No."

Q. Asked you what? A. To send for me so as to find out if it was my stand; I said, "No it belongs to the poor fellow outside, and he paid \$10 rent a month, and I guess I will let him stay here too."

Chairman Lexow.—I would get all that about by the interview between the bartender and Captain Cross.

Q. What took the bartender down there? A. The captain sent for me again; I don't know what for; I was there and he was not.

Q. You say the captain sent for you again, and you don't know for what? A. I should come down to the station-house; well, I was there, but he was not in; it was about 5 or 6 o'clock; so when the bartender left—he generally left the place about 9 o'clock—said, "Mack, go right into the captain and see what he wants, because you go over that way;" so McCormick went in, and told me then it was about the stand; that that man was to take the stand away, and there was no help; McCormick said, "The captain took me inside in a little room, and showed me the old papers about you, that you had been before the Lexow committee, and told me you were Werner, and he told me I had been in prison once too."

Q. Told you what? A. That the bartender had been in prison once; he said, "I done all the best I could after that; I could not deny it, as I see he was sure; I told him he need not be afraid of you, as he wen't go against you, inasmuch as he knew you had never been against him; and he thought it was all right, and there would not be any trouble."

Q. Now, were you arrested immediately when the policeman charged you with having attempted to bribe them in Essex Market police court? A. No, sir.

Q. Did they arrest you right away? A. They did not; they arrested me about 5 o'clock or half-past 5.

Q. What time in the morning was it you were in the Essex Market police court? A. About half-past 9.

Q. In the morning? A. Yes, sir.

Q. And you were not arrested until 5 o'clock in the evening? A. Yes, sir.

Q. And was there a warrant produced on your arrest? A. The captain sent down to me in the store, I was to come to the station-house; well, I was a little busy inside, and I did not go at once, and I came a little later, and just as I came from the store, he sent two detectives more, I guess, to fetch me on time; and they told me, "The captain is waiting for you;" and I told them I was on the way to see him; and I went down to see him, and Officer Cohen was there, and some other officer, and he asked me, "Werner," he said, "This Officer Cohen tells me that you gave him a \$5 bill, that he should —"

Q. A \$5 bill? A. Yes; that he should work easy with your barkeeper and not make a charge for selling whisky, but make it "exposure."

Q. Exposure? A. Yes, sir; I says, "I did not; I never gave him a dollar; neither did he give me anything."

Q. "I never gave him a dollar, and neither did he give me anything?" A. Yes, sir.

Q. Then what took place? A. Then he said he had a warrant here; he said, "I have a warrant here from a judge;" I don't know which judge — and he says, "We have to keep you here."

Q. A warrant; did he show you a warrant? A. He showed me a newspaper; I don't know whether it was a warrant; he said it was a warrant.

Q. Had you a conversation with Captain Cross about the license of that place? A. Yes, sir; on Saturday night, the last Saturday before I was arrested.

Q. That is, Saturday before? A. Sunday; he sent for me and I was there twice too, and once I did not see him; and so I came about 9 o'clock in the evening or 10 o'clock; so he asked me if I was proprietor of that place.

Q. If you were the proprietor? A. He knows that before, because he seen me before already; I said, "Yes," he says, "I don't want to have any trouble with you; I want to treat you nice, and you don't want to have any trouble with me;" I was surprised he talked that way with me; he said, "I want you to go home and close your place;" I said, "Why, I have a license that runs 11 months."



Q. You said — A. He says, "I have an order to close your place;" he said, "I don't do it;" I have an order to close your place; if you don't close it, I must arrest you;" well, I couldn't close it on Saturday evening, the best night in the week; I said, Captain, you do me one favor for me, and allow me to keep open to 12 o'clock to-night, and in the meantime I will see what can be done;" he said, "All right, keep open, but Monday morning I want you to close, and if the place is open, I come and arrest you."

Q. He allowed you to keep open while he threatened to close you up immediately; he allowed you to keep open until midnight Saturday night? A. Yes; to show he wanted to treat me nice.

Q. That was after he had seen Kremer? A. No; Kremer seen him Monday, because I sent up at once to the brewery; Kremer came in by accident before the brewery could send him down, and Kremer looked around and seen the place was very quiet, no business, and said, "what is the matter?" I said, "So and so, is it; the captain made me close the place; he said, "I want to see who is that; 10 captains could not close me;" he says, "The license is mine, and you are my manager here, and you keep right open," and he sat down and cooled off a little, and he said, "I tell you one thing, "it might be better we go to the captain and see him;" and I said, "Yes," and we went in his carriage to the station-house, but the sergeant was there, and not the captain, and he said, "Sergeant, what is the matter with this place here? This license is my own; this man is my manager; and he wants the place pulled; why should you close the place?" The sergeant said, "I don't know anything about it; you wait until the captain comes; come around about 4 o'clock and he will be here again;" so we went away; he said, "Isn't it enough for you if I prove to you I am Mr. Kremer, and the license is in my name, and this man is manager;" he said, "Why should he close?" He said, I don't know; that is the orders; I don't know anything about the business;" so he went to the captain about 4 or 5 o'clock again, and he met the captain, and I seen Mr. Kremer about 6 o'clock, something like this; he said, "Well, close, do not open, but I guess it will be all right by to-morrow;" the next day he came — it was on Tuesday — he came, and he says, "Well, it is no use;" he was very down-hearted when he came.

Q. Who? A. Mr. Kremer; he was quite another man; he said, "It is no use to fight the police; I am sorry for you; give me

that license;" I said, "What am I going to do without a license?" I said, "You know I took the place and wanted the license;" he said, "I am sorry for you; you know we can not stand, that we have a lot of customers around; you can not keep open this place here; if we go against the police, all my customers will be bothered every Sunday; you know we can not stand that; you get somebody to buy this place here and we will transfer the license over to this man, so you don't lose anything, no matter what price you get for that place.

Q. Did you ever have any understanding with any of the counsel here for this investigating committee, that you would produce further evidence when they resumed their sessions, about payment for disorderly houses? A. Yes, sir; I said, "If I was out, I would," and I could, because I have witnesses that I am not able to bring in this city now.

Q. You were instructed by counsel for the committee to procure such evidence for our examination? A. Yes, sir; but when I started this business, I hadn't no money and I dropped it; I knew very well I would be called again before the committee; and I said, "If I have three or four days' time, I will get my witnesses."

Q. Had you said anything to counsel about being able to produce further evidence against Captain Cross? A. Yes, sir; I said that I would be able to produce some evidence against Captain Cross.

Q. Did Captain Cross know that? A. Well, I guess he knew that; the way it is now, I do not trust the barkeeper; I guess that barkeeper told him — was two-faced; of course, the barkeeper knows; I told the barkeeper that many times; "You see I can not testify against Captain Cross, but I believe I would be able to produce some evidence on the stand that would be very hard for him."

Q. Could you name the witnesses? A. I did not name the witnesses, but I guess he knew.

Q. Did Captain Cross know the witnesses you said you could produce, or that you could produce? A. Well, surely he expected that I knew her.

Q. What is that witness's name? A. Raynord.

Q. What is her first name? A. Mary.

Q. Mary Raynord? A. And I had another witness from No. 8 Delancey street; but I could not get them from any circum-

stances now, because they are out of business and keep a laundry business.

Q. Now how much were you held in bail at first at the police court? A. Two thousand dollars.

Q. Wasn't that bail fixed at a lower sum than that? A. One thousand dollars first.

Q. And then it was raised to \$2,000? A. It was.

Q. Simply, first your bail was fixed at \$1,000 and then raised to \$2,000? A. Yes.

Q. Then you have been unable to produce bail since? A. A thousand dollars I had once; when I was under \$2,000, I had \$1,000.

Q. They put in bail for \$2,000? A. Yes; and that two days I was out, that is a thing that happened with the license in the mean time; well, one day—that was on Thursday, I left my place; two detectives stood out; it was 5 o'clock or half-past 5.

Q. In the evening? A. Yes, sir; and they called me down in Fifth street and Avenue A, or First avenue—Avenue A—they called me by name, and I looked back.

Q. What name did they call you by? A. I guess they called me Wosner; and as soon as I looked back, I saw a paper, and I thought I had been surrendered.

Q. Who went your bail first? A. Epstein.

Q. What business is he in? A. He is in the coal and wood business.

Q. Was he a friend of yours? A. He was not a friend of mine, but a friend of mine induced him to do it.

Q. Induced him by money? A. No, sir.

Q. Did he give you any reason why he surrendered you? A. Well, he did not give any reason, but the other man told me, he said, "I guess the police is too hot for him."

Q. What other man is that? A. The friend of mine, who presented him.

Q. The friend who induced him to go on the bail? A. Yes, sir.

Q. And since you have been surrendered you have been in the Tombs? A. Yes, sir.

By Chairman Lexow:

Q. Did this man claim he bailed you out from that statement to him? A. No, sir; he did not.

Q. It is merely supposition on your part then? A. Everybody said that to me. (The statement referred to was stricken out.)

Chairman Lexow.—Is your object, Mr. Goff, to prove interference by the police with witnesses who had testified before the committee?

Mr. Goff.—Yes, sir.

Chairman Lexow.—I notice in to-day's Herald a statement which seems to be, if anything, stronger than the facts in this case, and that is with reference to Mayston and Mayston's being pursued from one precinct to another and one district to another. It seems to me that matter should be considered.

Mr. Goff.—We will send for him. He will be around in court this afternoon.

Chairman Lexow.—You consider they bring themselves within the charge of criminal contempt, when they do that, do you not?

Mr. Goff.—Yes, sir; and intimidation and threatening of witnesses, which is a penal offense.

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

Direct examination by Mr. Goff:

Chairman Lexow.—You consider the oath you have taken binding on your conscience, do you? A. Yes, sir.

By Mr. Goff:

Q. You are one of the officers that arrested Wosner's bartender? A. Yes, sir.

Q. Did you make the arrest? A. Yes, sir.

Q. Were you in citizen's clothes, officer? A. Yes, sir.

By Chairman Lexow:

Q. In the bar-room? A. In the bar-room.

By Mr. Goff:

Q. Isn't that against the regulation of the police? A. He was in citizen's clothes.

Q. Aren't you aware that there is a rule of the department that prohibits going into saloons in citizen's clothes? A. No, sir.

Q. Did you ever hear such a rule was passed? A. I don't know; I was sent by the captain to make the arrest in citizen's clothes.

Q. And you went to obey the orders of the captain? A. Yes, sir.

Q. You say you were sent to make the arrest? A. Yes, sir; if possible; if he was doing any business.

Q. Well, officer, were you not aware, before the captain sent you — weren't you aware of a rule of the department which prohibited officers from going into saloons in citizen's dress?

A. No, sir.

Q. To obtain evidence against violators of the Excise Law?

A. No, sir.

Q. You were not aware of such a rule? A. No, sir.

Q. You received orders from your captain and you obeyed the orders? A. Yes, sir.

By Chairman Lexow:

Q. Do you know there is such a rule now? A. I believe I read something in the paper the other day about it.

Q. And never knew it before; how long have you been on the force? A. Not quite two years.

By Mr. Goff:

Q. Now, officer, tell us what the captain said to you? A. He told me that he had heard there was a saloon at No. 76 Avenue B, and that they were running without having a proper license, and told me to go around, and if I found they were doing business, if the place was open, to make an arrest.

Q. That was on Sunday, officer? A. This was on Sunday; yes, sir.

Q. Well, of course, you were well aware that even if the place had a license, and if they were open and doing business, it would also be a violation of the law? A. Yes, sir.

Q. You are aware of that fact? A. Yes.

Q. Which was it the captain sent you to obtain evidence on, which question; whether they were selling without a license, or whether they were violating the Excise Law on Sunday? A. He told me, if they were open to make an arrest.

Q. He told you if they were open to make an arrest? A. Yes, sir.

Q. And did he tell you to obtain evidence? A. No, sir; it is usual in making excise arrests to have a look at the license, and I asked the bartender for his license; he told me the proprietor had the license; I asked him where; he said, at his house; I told him the proper place for his license was to have it exposed where they could be seen by the public.

Q. That is proper? A. He had a conversation with a man, which I afterward found out was Karl Werner, and Mr. Werner went to the safe and took out the license and showed it to him, and the license was issued to Henry Kremer, class 2 license, etc., on June, 1894, and it expired the 8th of June, 1895.

Q. And didn't this Wosner claim he was manager for Kremer? A. No, sir; he did not say whether he was, or anything else; I didn't know whether he had any connection with the place.

Q. But you saw him open the safe? A. Yes, sir.

Q. And take out the license? A. Yes, sir.

Q. And you heard the bartender say he was the proprietor? A. He said the proprietor had the license at his house.

Q. This man came in shortly afterward? A. I don't know whether he was in the place at the time or not; he was in his shirt sleeves.

Q. You saw this man go and open the safe and take a license out? A. And take a license out.

Q. And show it to you? A. Yes, sir.

Q. Do you mean to say he did not tell you he was manager? A. No, sir; he had cards printed as proprietor.

Q. Didn't he say he was manager for Kremer? A. No, sir.

Q. When you were sent by the captain, were you sent out generally to make excise arrests? A. Sometimes.

Q. At this particular Sunday? A. Yes, sir.

Q. He named this place particularly? A. Yes, sir.

Q. Did he name any other place? A. No, sir; he did not name no other place particularly.

Q. Did he name any other place particularly except this place? A. No, sir.

Chairman Lexow.—Just ask him whether he had gone before without uniform to make some arrests.

Q. Had you gone out before in civilian dress to make arrests? A. Yes, sir.

Q. Did you make any other arrests that Sunday night? A. No, sir.

Q. This was the only arrest you made that Sunday night? A. Yes, sir.

Q. You know, officer, that liquor stores all around there were violating the Excise Law? A. I saw none myself.

Q. Don't you know, officer, now that there is not a liquor store in that precinct that does not sell on Sunday? A. Not to my knowledge.

Q. Not your personal knowledge; I won't say you could know and have knowledge of it, but I will say, as matter of common rumor, in that precinct, isn't that a fact? A. I don' know as it is any more in that precinct more than any other precinct; it is public rumor; I don't know whether it is so or not.

Q. Have you tried to find out whether it is so or not? A. Yes, sir.

Q. In civilian's clothes? A. Yes, sir; and made arrests.

Q. Did you read Superintendent Byrnes' report? A. Yes, sir.

Q. Did you read in that report that there was 65,000 violations of the Excise Law observed by the detectives in this city where there was no arrests made? A. Yes, sir.

Q. And as a matter of fact there is a liquor store next door to the station-house? A. Yes, sir.

Q. Have there been any arrests to your knowledge made in that liquor store within the past year? A. I don't know.

Q. Did you ever make an arrest in that liquor store? A. No, sir.

By Chairman Lexow:

Q. Or attempt to? A. I have attempted to; yes, sir.

By Mr. Goff:

Q. In uniform? A. No, sir; in civilian's clothes.

Q. You could not get in? A. No, sir.

Q. Of course the man who keeps the store next door to the station-house knows all the officers pretty well? A. I suppose so.

Q. Now, officer, after you have made this arrest on that night—

Mr. Goff.—I should say, if you will pardon me, Mr. Chairman, that, in relation to this matter, I see District Attorney Fellows here that on request from me, in Carl Werner's case of the difficulties concerning his obtaining the bail and reports that the bondsmen proffered in the district attorney's office were not

accepted and obstructions placed in the way, District Attorney Fellows issued an order to accept any good bondsmen that would come, and he reduced it to \$1,500 at my request; and as matter of justice I intended to state that before; it escaped my mind.

Q. Now, officer, the next morning you went to court? A. Yes, sir.

By Senator Saxton:

Q. I understood you to say when the captain sent you down there that he told you he understood this man was selling without a license? A. Without a proper license.

Q. He did not tell you to find out whether he was selling on Sunday? A. He said, if he was doing any business whatever to make an arrest.

Q. He didn't say anything about Sunday? A. No, sir; not particularly.

Q. He did not say anything about your looking to see if other places were open? A. No, sir.

Q. Simply told you to go down to that place? A. Yes, sir.

By Mr. Goff:

Q. Now, officer, next morning you went down with your prisoner to Essex Market police court, did you not? A. My prisoner was bailed out; I went down to Essex Market police court.

Q. To attend to the case? A. Yes, sir.

Q. Did you see Karl Werner there? A. Officer Fay told me there was some one wishing to see me, and I said they could see me in the court-room, and I was standing there when Werner and his bartender came in; McCormick went in the court-room and Werner came up to me and said, I want you to make it easy with him, and I will see you in the morning; at this conversation in the court-room he said, "Be easy with him, and make it exposure instead of selling;" and at the same time he slipped something into my hand, which I found was a \$5 bill.

Q. Now, when he slipped something into your hand, did you see the thing that he slipped into your hand? A. I felt it.

Q. Did you feel that it was money? A. I had no idea what it was.

Q. You felt something soft? A. Yes, sir.



Q. Well, you knew it wasn't gold coin he slipped into your hand, didn't you? A. Yes, sir.

Q. Or a check; you knew it was not a check, did you not, from the feel of it? A. Well, it did not feel like stiff paper, or new paper.

Q. So you believed when this thing was dropped into your hand that it was money? A. I thought it was money.

Q. Well, what did you do with it, officer — this thing? A. I opened it out and showed it to the officer who was with me at the time.

Q. Which hand was it put in? A. My right hand.

Q. In what position was your right hand when this thing was put into it? A. Very near — well, it was in the position of his right hand; he was standing a little this side of me.

Q. You was nearer his right hand? A. I was nearer his right hand.

Q. Had you anything in your right hand? A. No, sir; not before he put it there.

Q. Was your hand in a position with the fingers extended? A. No, sir.

Q. So? (Indicating.) A. I don't know; I didn't take that much attention.

Q. That was the usual position of the hand, wasn't it? A. Generally, by my side.

Q. Stand up and show how you hold your right hand? (The witness stands up.) A. Like that.

Q. I see your right hand is further extended from your elbow than your left. (As the witness shows his hand hanging down by his side.)

Q. I didn't get through with you yet, officer; will you please resume the same position; I notice further that the fingers and thumb of the right hand are more widely extended, and that they are a little inclined backwards, while the fingers of the left hand are closed and nearer to your coat; now, is there any reason for that distinction, officer? A. No, sir.

Q. No reason? A. No reason whatever.

Q. Now, that will do, officer; you sit down; now, your right hand being in the position that you have described it, and if he slipped something into it, it would have fallen out of your hand, if your fingers had not closed upon it, wouldn't it? A. Yes, sir.

Q. So that, as soon as you felt the soft substance going into your right hand, your fingers mechanically closed upon it? A. I closed upon it.

Q. Now, after the fingers of the hand closed upon this object that had been placed into it, you squeezed it a little, didn't you? A. No, sir; not particularly.

Q. But you exercised sufficient pressure to enable you to determine it was soft all the way through? A. I don't remember whether I did or not.

Q. Don't you remember if you did? A. Yes, sir; I took the bill and opened it.

Q. Now, will you stand up again, officer; put your hand in the same position you put it before; now, will you, please, describe to us with your left hand; I wish Senator Saxton would look at the position; will you, please, describe to us with the left hand how the thing was done, and whether it was pushed into your hand from the front or from the rear? A. I am trying to explain as well as I can remember; he just put his hand in mine that way, and I seen what it was, and opened the bill and showed it to Officer Arfken.

Q. You felt it before you saw what it was? A. Yes, sir.

Q. And as you said before, you just opened your fingers sufficiently to retain it in your hand? A. Yes, sir.

Q. Officer, just hold your hand there; suppose I put that in your hand there; (putting bill in witness's hand); no, you grab your fingers on it; let your hand remain in your former condition; you understand what I mean, don't you? A. Yes, sir.

Q. Suppose I put that in your hand there; give the slightest movement (the witness moves slightly); see, it will fall? A. Yes, sir.

Q. Now, this thing that was put into your hand by this Werner would have fallen if you had not closed your fingers upon it? A. I suppose so.

Q. That is it; and when you loosed your fingers, and felt the object, you turned around and saw what you had? A. I opened it in front of Officer Arfken.

Q. You opened the bill? A. Yes, sir.

Q. Was the bill crumpled? A. It was closed up, folded up.

Q. Was it something like that bill now? A. Something like that.

Q. So if it had remained in its crumpled condition, you could not have told the denomination of the bill? A. Hardly.

Q. And in order to enable you to see what the amount of the bill was, you opened it? A. Yes, sir.

Q. And you opened it, and after you opened it, and found it was a \$5 bill, you showed it to Officer Arfken? A. I called Arfken's attention before I opened it.

Q. How did you call Officer Arfken's attention? A. I said, "Did you see this, George?"

Q. You said, "Did you see this, George?" A. Yes, sir.

Q. What did George say? A. He looked at it, and did not say anything.

Q. What did you do when you said to George, "Did you see this?" A. I asked him whether I should bring it before —

Q. No; what did you do, not what you said; when you said, "Did you see this," what movement did you make? A. I opened the bill, while speaking.

Q. You said, in opening the bill, you said, "George, did you see this?" A. Yes, sir.

Q. And at the same time exhibited to him the thing which you called a \$5 bill? A. Yes, sir.

Q. What did George say? A. I asked him whether he would not think it advisable to take it right —

Q. What did he say when you asked him if he had seen that? A. He made no answer.

Q. So, as far as you know, and as far as George said at that time, you could not swear that Officer Arfken saw the thing, as you call it? A. He told me he did see it afterward.

Q. At the time you asked him if he did see it, he said nothing? A. I don't remember him saying anything at the time.

Q. How long after did he tell you he had seen it? A. While talking about it.

Q. While talking about it? A. Yes, sir.

Q. Now, after you said, "George, have you seen this?" what next did you say; who was the first that spoke? A. I was.

Q. What did you say? A. I asked him whether he thought it advisable to arraign Wosner before the judge at once, or to consult with the captain.

Q. Where was Wosner at that time? A. He was standing there.

Q. You did not turn around and say anything before you said this to Officer Arfken? A. No, sir.

Q. The first thing you said to Officer Arfken was, "Do you think it advisable to arraign this man before the judge, or wait until we consult the captain"? A. Yes, sir.

Q. What did Arfken say? A. He thought it advisable to consult the captain.

Q. Did you understand what that was meant for, officer? A. No, sir.

Q. Then, if you did not understand what that was meant for, what did you propose to arraign him before the judge for? A. I did not want to take the responsibility of the arrest on my own shoulders.

Q. If it was a harmless thing, why did you ask your brother officer, if you had better arraign him before the judge? A. I did not think it a harmless thing.

Q. What did you think it was? A. A criminal thing; a bribery.

Q. Bribery for what? A. To give false testimony on the excise case of his bartender, McCormick.

Q. And that false testimony was what, officer? A. I should make the case exposure instead of selling.

Q. Now, you were all in court? A. Yes, sir.

Q. Who were in the group? A. In the corridor?

Q. Did this take place in the corridor of the court-rooms? A. In the corridor of the court-rooms.

Q. Who were in the corridor? A. Only the three of us.

Q. Yourself and your brother officer and Wosner? A. Yes, sir.

Q. You knew — you are an intelligent man, possibly unusually so for a patrolman — you know, officer, that an offer of money or thrusting money into your hands for the purpose of bribing you to commit perjury, that that was a great crime; didn't you? A. Yes, sir.

Q. You knew that right away? A. Yes, sir.

Q. And you knew that crime was committed in your presence? A. Yes, sir.

Q. And you know policemen's duty well enough to understand you have the power to arrest without warrant any person who commits a crime or attempts to commit a crime in your presence? A. Yes, sir.

Q. You know that? A. Yes, sir.

Q. That is not only the law, but the rules of the department? A. Yes, sir.

Q. This man you knew committed a crime, as far as you understood it, in your presence; didn't he? A. Yes, sir.

Q. When he committed that crime in your presence, why didn't you lay your hands on him and arrest him for felony?

A. That was the first case I had seen or heard of, and I did not want to take that responsibility, and I did not want to interfere with him on account of his being a Lexow witness.

Q. You were aware he was a Lexow witness? A. Yes, sir; I was.

Q. How did you become aware he was a Lexow witness? A. Officer Arfken told me the night before making the arrest.

Q. Where was it he told you? A. In the station-house.

Q. What did he say to you? A. He said the man that produced the license was Karl Werner.

Q. Then you recognized who Karl Werner was? A. Yes, sir.

Q. And there was some talk about it among your brother officers about it that night, in the station-house, him being a Lexow witness? A. No, sir; I don't remember any conversation.

Q. Suppose Werner attempted to pick your pocket in the corridor that morning, and you found his hand in your pocket, trying to take your watch out of it, wouldn't you have promptly arrested him? A. I might have.

Q. Whether he was a Lexow witness or not?

By Chairman Lexow:

Q. You certainly would, wouldn't you; if a man had attempted to pick your pocket, you would have arrested him on the spot? A. If I caught him with his hand in my pocket.

By Mr. Goff:

Q. If you had seen him put his hand in the pocket of any other person, you would have arrested him at once, wouldn't you? A. Yes, sir.

Q. Without regard to his being a Lexow witness? A. Yes, sir.

Q. The law says the crime of bribery is worse than the crime of larceny from the person, and the law saying that, why didn't you arrest him for a graver crime than picking of pockets? A. I did not want to take the responsibility on my own shoulders.

Q. If you had taken the responsibility of arresting a person picking a pocket on your own shoulders, why wouldn't you take the responsibility in this case? A. I would have had a complainant there.

Q. You said you would have arrested him if he put his hand in your pocket? A. Yes, sir.

Q. Then you would have been the complainant? A. Yes, sir.

Q. Precisely as in the bribery case? A. Yes, sir.

Q. Why wouldn't you arrest him on the bribery case if you would have arrested him for picking the pocket? A. In his same condition I would have consulted with the captain.

Q. And you would have consulted with him because this man was a Lexow witness? A. Yes, sir.

Q. If he was an absolute stranger, you would have arrested him anyhow? A. Yes, sir.

Q. What was there in the character of his being a Lexow witness that caused you to want to consult the captain? A. I did not want to get notoriety.

Q. Did notoriety follow your doing your duty? A. It did; it has.

Q. After you showed this bill to your brother officer, did you mention the amount of the bill? A. He saw the denomination himself.

Q. Did you pass any remark on the amount of the bill? A. No, sir; only to Wosner.

Q. I was coming to that afterward; he saw the amount of the bill; you handed it out to him? A. Yes, sir.

Q. Did you take any particular notice of the character or marks on the bill? A. No, sir.

Q. Would you say it was a genuine bill? A. It looked like a genuine bill.

Q. Would you swear it was a genuine bill? A. I did not examine it that closely,

Q. Will you swear that the bill was a genuine \$5 bill of the currency of the United States? A. To the best of my knowledge, yes.

Q. Not to the best of your knowledge, will you swear to the fact? A. Some of the best counterfeits might deceive you.

Q. Will you swear that that paper you showed to the officer was a genuine \$5 bill of the currency of the United States? A. Yes; I will swear to it.

Q. Are you an expert? A. No, sir.

Q. Can you determine all counterfeits from the genuine money? A. No, sir.

Q. Then how is it you can swear this was not a counterfeit? A. I say to the best of my knowledge.

Q. Will you swear it was not a counterfeit? A. It might have been a counterfeit.

Q. Then you are not prepared to assume that responsibility?

A. I am not an expert.

Q. I say, officer, you are not prepared to take the responsibility of swearing that was not a counterfeit bill? A. No, sir.

Q. Now, so far as the character of the bill is concerned, do you know we have a currency called "silver certificates?" A. Yes, sir.

Q. A currency called "gold certificates?" A. Yes, sir.

Q. A currency called "greenbacks?" A. Yes, sir.

Q. National bank notes? A. Yes, sir.

Q. Was this paper that was put into your hand by Werner a silver certificate? A. I could not say.

Q. Was it a gold certificate? A. I could not say.

Q. What is a greenback? A. I could not say.

Q. Was it a National bank note? A. It was a \$5 bill.

Q. Was it a national bank note? A. I did not take particular notice.

Q. Was it a national bank note? A. I could not say.

By Chairman Lexow:

Q. What did you do with it? A. I returned it to Werner.

Q. Gave it back to him? A. Yes, sir.

Q. Right then and there? A. Yes, sir; after consulting with the officer about making the arrest.

Q. If you intended at any time to arrest him for that attempt to bribe you, why didn't you keep the evidence of his bribery?

A. Had I kept that money he might have made a charge against me of taking a bribe, when I was leaving the court-room.

Q. You could have had the money impounded in the court-room? A. Yes, sir; I could.

Q. You gave him back the only evidence you possessed of his attempt to bribe you? A. Yes, sir.

Q. So at that time you had no intention of arresting this man for his attempt at bribery? A. I had an intention, and had a witness there, and thought I would consult with the captain before making an arrest.

By Mr. Goff:

Q. I read from your testimony in the police court: "Q. It might have been a counterfeit, for all you know? A. It might have been."

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

Q. Now, officer, after you had consulted with your brother officer, what was said by your brother officer and yourself? A. That it was best to consult with the captain.

Q. Did he think so? A. Yes, sir.

Q. Well, what was done; did you do anything then? A. I arraigned the bartender, who was held for trial, and I went directly to the station-house and reported the matter to Captain Cross.

Q. Who went with you to the station-house? A. Officer Arfken.

Q. Was there anyone with the captain when you went in? A. No, sir.

Q. What did you tell him? A. I explained the case to him, and he was angry, and said, "Why didn't you make the arrest; it was a crime committed in your presence;" he took me to the superintendent, and the superintendent told me to lay the case before the police board, and I laid the case before Justice Feitner, and he issued a warrant.

By Chairman Lexow:

Q. What superintendent? A. Superintendent Byrnes.

By Mr. Goff:

Q. When you went to the captain, you told what took place? A. I stated the facts.

Q. What did you state to him? A. Just as I said, in arraigning the bartender, as I came to court, Werner had been inquiring for me, and as I entered the corridor McCormick had gone into the court-room; Werner asked me to make the case exposure instead of selling, and gave me a \$5 bill.

Q. And what did Captain Cross say? A. He said, "Why didn't you arrest him;" I told him I thought it advisable to ask his advice first; it was the first case I had of that description.

Q. What was next said? A. The captain told me to put on my uniform and come to headquarters.

Q. Can you tell this committee why it was necessary — first, you, an intelligent officer, knowing this man committed a crime, as you understand it, you were afraid to assume the responsibility of making an arrest without consulting your superior officer, the captain? A. Yes.



Q. What reason was there why the captain should send to consult somebody else, before the arrest was made? A. I can not answer that.

Q. That is for the captain to answer? A. Yes, sir.

Q. All you can say, he told you to put on your coat and go to the superintendent? A. Yes, sir.

Q. Did you go to the superintendent? A. Yes, sir.

Q. And Cross went with you? A. Yes, sir.

Q. What conversation took place there? A. The captain laid the case before the superintendent.

Q. Was any other officer called in consultation? A. Officer Arfken was there, and Inspector Williams.

Q. And the whole matter was gone over before Superintendent Byrnes and Inspector Williams? A. Yes, sir.

Q. What was the result arrived at? A. The superintendent told me to lay the matter before the judge — the court.

Q. Did he question you as to what took place? A. Yes, sir; he told me I had a right to make the arrest at once.

Q. And did you tell him you did not want to do it, because this was a Lexow witness? A. I told him it was a mistake in judgment on my part not making it.

Q. Did you say anything of not wanting to do it because he was a Lexow witness? A. No, sir.

Q. Was there anything said in this conference about this man being a Lexow witness? A. No, sir.

Q. Was his name mentioned at the conversation? A. I don't know; the captain related the story to the superintendent.

Q. Did the captain go in before you went in? A. No, sir.

Q. After he told you what to do, where did you go? A. I went down to Essex Market court.

Q. To Essex Market? A. Yes, sir.

Q. Anyone with you? A. Officer Arfken.

By Chairman Lexow:

Q. Do you mean to say that in the conference had between Captain Cross, Inspector Williams, and Superintendent Byrnes and you that nothing was said about this man having been a witness before this committee? A. Yes, sir.

Q. Something was said? A. No, sir; nothing was said about his being a witness.

Q. Was it not rather strange that so much importance should be attached to a matter of that kind? A. If they said anything about his being a witness, I did not hear it.

Q. Is it usual to consult the superintendent and one of the inspectors where a matter of this kind occurs? A. I done that at the captain's orders.

Q. And was stating the reason? A. The reasons for which?

Q. You say the reason why you did not make an arrest, was because he had been a witness before this committee? A. Yes, sir.

Q. And now you come before Superintendent Byrnes and Inspector Williams, and do not even state that that was the reason that actuated you? A. Captain Cross may have said that.

Q. You said nothing was said about it? A. I told them it might have been a case of mistaken judgment on my part.

Q. You said before Superintendent Byrnes and Inspector Williams nothing was said about your reason not making the arrest? A. Not in my hearing.

Q. And that is the only reason you did not arrest him in the first instance? A. Yes, sir.

By Senator Bradley:

Q. Officer, you gave in your testimony here that this man Werner, whatever his name is, told you he would see you in the morning? A. That was on the night of the arrest of the bartender.

Q. Where did you arrest the bartender; I understood you to say it was in the corridor of the court? A. No, sir; I corrected myself.

Q. What object could he have in objecting to meet you in the morning if he tried to bribe you there then? A. On leaving the saloon on the arrest of the bartender he made the remark to me, "Be easy with him, and I will make it all right in the morning; come around and see me in the morning."

By Chairman Lexow:

Q. And it was the next morning that he handed you, you say, this money? A. Yes, sir.

Q. Then you were expecting something of this kind at the time? A. No, sir; I did not know whether he would be down or not in court.

Q. But he had notified you the day before? A. He said, I should come around.

Q. On the night before the arrest when it was spoken of that he was a witness before this committee, what else was said about that between you and your associate? A. Nothing else; Arfken said, "Do you know who that man was that gave you the license?" I said, "No." He said, "That was Karl Werner." That was all he said.

Q. Did he tell you how he found out that was Karl Werner? A. No, sir.

Q. And how long he had known it? A. No, sir.

Q. Or that the captain knew the fact? A. No, sir; I understood they did.

Q. How long had he known the fact? A. Arfken knows the man, and seen the man before.

Q. Then it was known at the station-house before the arrest was made that this man was a witness before this committee, or had been? A. I believe it was.

By Mr. Goff:

Q. Didn't the superintendent and the inspector and the captain hold a conference before you and your brother officer were called in? A. No, sir.

Q. Weren't they talking together? A. Not to my knowledge; we were in the room when called.

Q. Did you hear what they were talking about? A. Part of it; not all.

Q. They talked apart from you? A. We stood at a distance away from them.

Q. At a respectable distance, as a subordinate should stand from their superiors? A. Yes, sir.

Q. Have you any feeling against this man Karl Werner? A. None whatever; never saw the man before in my life.

Q. Have you any reason to prosecute him, simply because he was a witness before this committee? A. No, sir; that is more in his favor.

Q. And the captain of that precinct has been dismissed from the department, on charges? A. On charges; yes, sir.

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

Direct examination by Mr. Goff:

Q. What is your name? A. Charles M. Patterson.

Q. Now will you, please, speak up so the last Senator will hear you? A. Charles M. Patterson.

Q. Where do you reside? A. Shrewsbury, N. J.

Q. You are in business in New York? A. I am; yes, sir.

Q. Engaged in a mercantile business here? A. Yes, sir.

Q. We will have to have your voice a little louder here, please; you have had some experience in relation to the loss of some jewelry, have you not? A. Yes, sir.

Q. Now, I want you to go on and tell this committee as briefly as you can in your own way, what your experience was; give us the time and place and speak loudly, otherwise we will be delayed; I want to relieve you, Mr. Patterson; if you speak loudly and tell us your story in time so we can take a recess, it will save you the trouble of coming back again? A. I will tell you my story in 10 minutes.

Q. Very well, go on? A. A little more than one year ago I had occasion to go — a year ago last June — I had occasion to go to Brooklyn, and I wore a diamond on my scarf; I crossed the Brooklyn bridge and on the elevated platform, on the other side, it was removed from my scarf by a thief who took it from the left side, while somebody on my right side stepped on my foot and tripped me as I was going on the car; a gentleman who sat at the other end of the car came and informed me; we could not catch the thief there; we went to the next depot and returned to the police — a detective office in the city of Brooklyn; I was there introduced to Mr. Zunt and some other detective, and told my story and gave a description of the thief and offered \$50 reward for the recovery of the stone and another \$50 for the finding of the thief; from there I went home and getting pretty angry over night, I went to the central office in New York and reported the same thing the next morning; I was here introduced to two detectives.

Q. Do you remember their names? A. I was there introduced to two detectives.

By Chairman Lexow:

Q. Who were they? A. I can not remember their names; Inspector Byrnes knows them; I was asked to look over the rogues gallery; of course, I could not identify the men from that, and being a busy man, I left it in their hands, and while I was there the two Brooklyn detectives came in and the four detectives were there altogether with me; I offered the same reward there; the second day after I received a postal card from Mr. Zunt, stating that he would like to see me the next morning at 10 o'clock, with reference to the property stolen; the next morning at 10 o'clock he was there; I asked if he had found the property or had the property.

Q. Where did you see him? A. At the office of the Austin Nicholas Company, New York.

By Mr. Goff:

Q. That is where you are engaged in business? A. Yes, sir.

By Chairman Lexow:

Q. Go on? A. He said he had located it on Sixth avenue, and wanted me to go with him to identify the stone; after a little consideration I took the man that I obtained the stone from with me to identify the stone — I not being an expert myself — and we accompanied Mr. Zunt up Sixth avenue to a pawnbroker's shop, a Mr. Lemmon, on Sixth avenue.

By Mr. Goff:

Q. Near what street? A. Sixth avenue.

Q. Near what street, Mr. Patterson? A. I can not locate that.

By Chairman Lexow:

Q. About? A. It is this side of Fourteenth street, I think; he is the only one in business in this city of that name; as we left the elevated depot and on the street the other detective from Brooklyn met us on the street and before we reached Mr. Lemmon's shop, which was then half a block from the depot, two or three other men came out of different saloons along the street and appeared to be surprised to see him, and greeting him with words of "What are you doing here."

By Mr. Goff:

Q. Greeted the detective? A. Mr. Zunt.

Q. How do you spell that? A. Z-u-n-t, George Zunt; I forget his middle name, and four or five or five and six of us walked to the office together and we stopped in front of Mr. Lemmon's pawnbroker's sign, and did not enter, but stood outside, and they seemed to be interested in some of the things shown in the window, but I began to get a little nervous, and as I was a busy man, I told Mr. Zunt if he had the diamond there, I wanted to see it; he then produced the diamond stuck up in a piece of manilla paper.

Q. Who had the diamond? A. Mr. Zunt.

Q. Where did he get it? A. In the store; we had walked in; he walked inside and he produced the stone; how he got it I don't know, but I did not see it passed over the counter; well, he said, "This is your stone, Mr. Patterson;" well, I thought it was a little strange in making the assertion when he never saw it in my possession, and did not know anything about it, and yet had no thief; it struck me as a little singular; I was not much of a judge in diamonds, and turned it over to my friend, the gentleman I bought it from; he looked at it and said, "This is the stone;" I wanted to know just where I stood; I said to Mr. Zunt, "I would like to know where I stand; do I understand this stone is in pawn?"

Q. In pawn? A. "Do I understand this stone is in pawn?" "Yes;" "For how much?" "Sixty dollars;" "And you expect me to pay that \$60?" "Oh, yes;" "Well, now," said I, "Mr. Zunt, I do not propose to pay any \$60 before I know whether this is my stone or not, besides I have no money, and I don't suppose this man wants to take my check;" he said, "I know this is your stone;" he said, "I will lend you the money;" I said, "If you want to take that stone out of pawn, you can, but I do not expect that stone until I have it examined by a man;" he paid the \$60 out of his own pocket and took out a roll of bills and paid the money and handed me the stone.

Q. To whom did he pay the money? A. To the pawnbroker, Mr. Lemmon.

Q. Then he handed you the stone? A. I said, "You had better keep it;" he said, "Oh, no; that is all right," and the two Brooklyn detectives went with me to Mr. Walsh's, Barclay street; I took a glass and the diamond and leaving them at Mr.

Walsh's store, went down to my friend on the street and gave him the stone; he came back and compared it with the same stone he compared it with when I bought it and he told me that was my stone, and he said, "You have no right to pay this man anything; that is your stone, and you have no right to pay this man anything;" but they wanted \$110; \$50 reward for finding the stone and \$60 he paid to the pawnbroker; I was prepared to pay them \$110, and give him my check for the same when I learned —

Q. You gave Zunt? A. Gave it to Mr. Zunt; when I learned I would have to go to Brooklyn and sign for that stone as stolen property; he wanted me to go away over to Brooklyn again, and that made me a little angry and out of temper; I would have given him \$110 rather than go to Brooklyn again; I had been there eight or 10 times; then that \$60 was — I thought of it all the way over and thought I should not pay them, so the first writing of the check I wrote a check for \$60, and gave it to Mr. Zunt and he gave me a peculiar look which I interpreted, meant he wanted some more and I thought of the \$50 reward; I wrote a second check for \$50 and gave him two checks, one for \$50 and one for \$60, and signed on the book a receipt for the stone and left; next morning one of our firm asked me how much I had to pay to recover that stone; I told him and he said you were swindled; he had a conversation with somebody that knew the ways of those things and told me if you want to get that back I will tell you what to do; you write to this man you sent those checks to return them or you will report the whole thing to Superintendent Campbell of the Brooklyn police; I said, "Are you sure of that? Are you sure I have been swindled?" He said, "Yes;" I said, "There is an easier way than that; I sent a boy to the other office to get a blank telegram and I telegraphed down to the bank where the check was, to stop payment of the \$60 check; I then sat down and wrote Mr. Zunt that I had given him one check the day previous for \$50 which I had promised as a reward for the return of my diamond stone, and it was all right; I also gave him a check for \$60 in error for a demand made upon me for what I should not pay and before I pay that check or pay any more money I wanted to know where the thief was, and if he would tell me how he came in possession of the stone, perhaps I would pay for it; I received a reply from Mr. Zunt that if I came to Brooklyn he would introduce me to Superintendent

Campbell of the Brooklyn police; well, two or three days afterward I went over to Brooklyn and saw Mr. Campbell, Mr. Zunt was not present; Mr. Campbell heard my story and incidentally let out that Mr. Zunt did not find that stone and had to pay \$50 to the New York detective; that opened my eyes a little and I went on another tack; that night going down home I met David McClure on the cars and asked him for a card of introduction to Inspector Byrnes; he gave me the card; I then asked the house for a letter and I went with Mr. McClure's business card of introduction and the business letter to Mr. Byrnes' office in Mulberry street; the card took me in very quickly, very promptly; Mr. Byrnes asked me what he could do for me and I handed him the letter which I had in print to go to the paper and let him read it.

Q. To give to the newspaper? A. I had it in print, to give to the newspaper; all typewritten; he then rang for the inspector and told him to tell the detective sergeant to come up; the detective sergeant came up and he handed him the letter; he said, "What do you know about that?" "Nothing," said he; "You call up Campbell;" he called up Mr. Campbell; I heard the talk on the telephone there on the other side; he asked Mr. Campbell who in his office was connected with — who Mr. Zunt claimed was connected with that diamond steal of Mr. Patterson — Oh, no, — he asked him if Mr. Zunt was there or if he knew who he claimed was on it; and he was not there and he did not know; the next demand was to send Mr. Zunt over there to-morrow morning at 9 o'clock and then he turned to me and said, "This is all I can do for you to-day, and I think when leaving I asked him if he wanted me there the next morning, and he said I could come if I wished; my train was a little late and I did not get there and he told me his man did find the diamond but did not report it and he had cut their heads off; that his man had found the diamond and had not reported it and he cut their heads off; the idea was that each detective should receive \$50 and the pawnbroker \$10 for entering it on the book.

Q. Out of the \$60 you paid? A. Yes, sir; now this is a matter of fact; I have the \$50 check with Mr. Zunt's name on the back of the check; the \$60 has never been paid although he made a demand for it, and District Attorney Wilber of Brooklyn came over personally to advise me to pay it, and I advised him to go and advise his client; I did not want any advice; he brought me recommendation of Mr. Zunt from others with the names of



ex-Mayor Booth, H. A. Moore, Superintendent Campbell and District Attorney Ridgeway and one or two other men I knew very well in the city of Brooklyn recommending him to the treasurer's position in the Government administration.

Q. He would make a good treasurer? A. He would make a very good one; he is a first-class rascal to obtain \$50 by fraud from me.

Q. Those are all the facts in the case? A. Those are all the facts.

Q. You don't give how that distribution was made? A. Superintendent Campbell said Zunt did not find that diamond yet he obtained \$50; he represented to me he had found the diamond; he kept \$50 and the \$60 he paid or pretended to pay for that stone, recovered from me, was to go to the New York detectives and the pawnbroker was to have \$10.

Q. He told you that? A. That is an inference I drew; I do not know that.

Q. How do you know there was to be \$10 for the pawnbroker, for entering it on the book? A. Mr. Campbell told me, the New York police found the diamond and Inspector Byrnes found they did find the diamond and Zunt obtained the \$50.

By Senator Saxton:

Q. Do you know the diamond was not found in the pawn shop; did Superintendent Byrnes tell you where it was found? A. No, sir; I do not know; I know I received it in the pawn shop stuck in a piece of brown manilla paper, and saw the entry afterward on the pawnbroker's book.

Q. You say the entry? A. The entry was for \$60; I saw that on the pawnbroker's book.

By Chairman Lexow:

Q. What date? A. The date was all right; I could not give you the date except by the check.

Q. Is the entry in the books of the pawnbroker — was that a few days before you read it; was it dated a few days before you reached there? A. Yes; a few days before I reached there.

Q. And when you say the pawnbroker got \$10 for the entry on his book, that is inference? A. Yes, sir; an inference.

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

Q. What month was it? A. I can not tell you without the check; I think it was in the month of June.

Q. This year? A. No; last year, I can give you the dates by the check.

Senator Bradley — Don't you draw some inference from the conversation you held between Mr. Campbell and Byrnes — some inference from them? A. No; I gave that conversation just as I heard it repeated in his office.

Mr. Goff.—That is all, Mr. Patterson; I will ask for a recess.

Chairman Lexow.—All witnesses subpoenaed for to-day will reappear here at a quarter of 3; the committee stands adjourned until that time.

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### AFTERNOON SESSION.

September 12, 1894.

Of the Senate investigating committee held in the Superior Court-room in the city of New York.

Present.—Senators and counsel as before.

William H. Hoschke, called as a witness:

Chairman Lexow.—Before the witness is sworn the stenographer is requested to take down the following: The police department passed a resolution a few days ago, requesting to know from this committee its desires with regard to the continuation of trials before the board of police commissioners. President Martin called upon the chairman of this committee and preferred the request to be informed upon that question. The matter has been considered by the committee, and their unanimous conclusion is that upon all the facts and circumstances, they have neither suggestions to make nor requests upon that subject.

Mr. Goff.—Will you permit the stenographer also to note this: On or about September 2d or 3d I was waited upon by the counsel who represented the police commissioners with a similar statement and request to say anything in relation to the continuance or discontinuance of the proceedings before the commissioners. I told the counsel that I would have to wait and consult with you, Mr. Chairman, before I could give him a definite answer. I so consulted with you, if you remember.