

---

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

---

Proceedings from March 9 to June 5, 1894.

---

# STATE OF NEW YORK

---

No. 25.

---

## IN SENATE,

JANUARY 18, 1895.

---

### REPORT

OF THE

SPECIAL COMMITTEE APPOINTED TO INVESTIGATE THE  
POLICE DEPARTMENT OF THE CITY OF NEW YORK.

---

In presenting this report, it is not the intention of your committee to submit a comprehensive analysis of the work performed and the results attained, but rather to accentuate the salient features of a record which, when closely scrutinized, will disclose conditions in a department of municipal government undreamed of at the time of the inception of the inquiry, and justly challenging the most serious attention of the Legislature. Inasmuch as your committee owed its origin primarily to resolutions passed by various prominent and representative commercial and municipal reform organizations of the city of New York, wherein sweeping and specific charges were made against the police department of said city, it was assumed that specific proof was at hand and would be offered to sustain them. We found, however, at the threshold of our labors, that the charges made were intended to be general in their character and that there was not a scintilla of positive or affirmative evidence to substan-

tiate them. Thus it became the duty of your committee, for itself, through such agencies as were available, to prosecute its inquiry into the affairs of said department, and thereby to itself substantiate by testimony charges which it was assumed would be supported by proof already collected. The true volume of labor accomplished cannot be measured by the testimony actually adduced, and yet that which is presented with this report will indicate the magnitude and gravity of the undertaking. The record shows a total of 10,576 pages of proceedings. This does not include a mass of documentary exhibits which were read and considered in evidence, for the purpose of information. Of this testimony, 1,077 pages embrace the subject-matter of police interference at the polls, and the balance, or almost 9,500 pages refer to the subject-matter of blackmail, extortion and corruption. In all, 678 witnesses were examined, of whom eighty-one were examined on the first and 597 on the second branch of the inquiry. In all about 3,000 subpoenas were served, of which upwards of 2,750 were with reference to the second branch of the inquiry.

While during the first stages of the investigation, the difficulty lay mainly in ability to procure testimony, as the investigation progressed, as public sentiment became more and more aroused, and the developments assumed from day to day a more startling aspect, the number of witnesses and the variety of testimony offered increased prodigiously, and the main difficulty finally lay in sifting the good from the mass and in rejecting that which was purely cumulative.

In this connection attention may, with propriety, be directed to the valuable services rendered to your committee by the Hon. William A. Sutherland, who served as counsel with reference to that branch of the investigation which dealt with police interference at the polls. It is due mainly to his services, rendered under peculiarly trying circumstances in connection with a branch of the inquiry which did not meet at the time with the same degree of public approval as did the investigation into the general subject of police corruption and extortion, that your committee is able to place before this body revelations demon-

strating the manner and method prevailing during recent years in the conduct of elections in the city of New York, which must be of absorbing interest to the people of this State. The branch of the investigation conducted by him apart from sentimental considerations, so closely touches the interests of all the people, affecting as it does the right of every citizen within this jurisdiction to cast but one ballot and to have that ballot counted as cast, that it furnishes in itself abundant reason for legislative insistence upon conditions that will measurably prevent a recurrence of manifest fraud against the whole people so conclusively established.

Upon the second branch of the investigation, your committee was especially fortunate in having at the outset the active support and co-operation of many representative organizations, notably of the Society for the Prevention of Crime, and its distinguished president, Dr. Charles H. Parkhurst; of the Chamber of Commerce, represented by Charles Stewart Smith, Esq., and of the metropolitan newspapers, whose intelligent co-operation and loyal assistance contributed very largely to final success.

Justice requires the further statement that from the very inception of the investigation down to its close the district attorney acted in entire harmony with your committee, voluntarily placing at its disposal his own services and those of his assistants, together with the facilities and authority of his office, while the higher criminal courts aided in every proper way to facilitate our work.

These important auxiliaries very materially strengthened the hands of your committee and increased its influence in the community, until as a consequence your committee was enabled to accomplish results which under other circumstances would probably have been unattainable.

The second branch of the investigation was under the special charge of Hon. John W. Goff, now recorder of the city of New York, ably assisted by William Travers Jerome and Frank Moss. The services of Mr. Goff call for special commendation from your committee. At every stage of the inquiry he proved himself fully equal to the laborious task imposed upon him and prosecuted

the examination of witnesses ably, relentlessly and fearlessly, bringing to the service of your committee a zeal and devotion to duty, a tireless industry and a degree of ability certainly never surpassed and probably never before equalled in a legislative investigation.

It is proper to add that two of the named counsel were Democrats and the other a Republican and that throughout the proceedings the inquiry was conducted wholly upon non-partisan lines, that the party affiliations of no person connected with the police department were considered, and that the controlling purpose of your committee was and at all stages continued to be to elicit the true condition of affairs without respect to person or party.

### First Resolution.

The resolution under which your committee made the investigation which is the special subject of this report, was adopted on the 30th day of January, 1894, and reads as follows:

Whereas, It has been charged and maintained that the police department of the city of New York is corrupt; that grave abuses exist in said department; that in said city the laws for the suppression of crime and the municipal ordinances and regulations duly enacted for the peace, security, order and the police of said city are not strictly enforced by said department and by the police force acting thereunder; that said laws and ordinances when enforced are enforced by said department and said police force with partiality and favoritism, and that said partiality and favoritism are the result of corrupt bargains between offenders against said laws or ordinances on the one hand and said department and police force on the other; that money and promise of service to be rendered are given and paid to public officials by the keepers or proprietors of gaming houses, disorderly houses or liquor saloons or others who have offended or are offending against said laws or ordinances, in exchange for promises of immunity from punishment or police interference; and that said department and said police force, by means of threats and other-

wise, extort money or other valuable consideration from many persons in said city as the price of such immunity from police interference or punishment for real or supposed violations of said laws and ordinances; and

Whereas, a strong public sentiment demands of this Senate an investigation of all the matters above-mentioned for the purpose of remedying and preventing such abuses by proper legislation; now, therefore, be it,

Resolved, That the president pro tempore of the Senate be and he hereby is authorized to appoint seven Senators who shall be a special committee of this Senate and one of whom shall be the president pro tempore, with power and authority to investigate all and singular the aforesaid matters and charges, and that said committee have full power and authority to investigate all and singular the aforesaid matters and charges, and that said committee have full power to prosecute its inquiries in any and every direction, in its judgment, necessary and proper to enable it to obtain and report the information required by this resolution; that said committee report to the Senate with such recommendations as in its judgment the public interests require; said committee is given authority to send for persons and papers, to employ stenographers and such counsel and other assistants as it may deem necessary, and to hold sessions in the cities of New York and Albany. The committee shall conclude its investigations in time to report to the Senate on or before February 20, 1895, to the end that proper legislation may be enacted to suppress said evil. The sergeant-at-arms of the Senate shall attend said committee and serve all subpoenas issued thereby and perform all duties as sergeant-at-arms of such committee; and be it further,

Resolved, That it is the sense of this Senate that it is contrary to public policy and to the interests of good order that any person giving evidence before said committee tending to show that he has been a party to the practice above-mentioned should be indicted or prosecuted upon evidence so given or admissions so made by him.

That thereafter said resolution was amended so as to enable your committee to continue its investigation until finally and on the 8th day of March, 1894, a preamble and resolution was adopted as follows:

### Final Amendatory Resolution.

Whereas, by resolution (Senate Doc. No. 27) on the 30th day of January, 1894, a committee was duly appointed by the Senate to investigate the police department of the city of New York, and thereafter on February 15, 1894, the time within which said committee was directed to make a report was extended to the end of this session, and

Whereas, It appears that it is impracticable to make a report within the time so limited; therefore,

Resolved, That said committee be and it is hereby authorized and empowered to continue the investigation in said Senate Document No. 27, and said resolution of February 15, 1894, provided for during the recess of this Senate, and that said committee have all the power and authority during said recess conferred upon it in and by said resolution.

Resolved, That said committee be and it is hereby authorized and empowered in its discretion until the next session of the Senate, in 1895, to examine and investigate the departments of the commissioners of charities and correction, excise, and the police courts of the city of New York, or such of them as it may deem proper and expedient, with the same power and authority until the said next session of the Senate conferred upon it by virtue of said resolution; and, further,

Resolved, That such committee be instructed to report at the next session of this Senate and not later than January 15, 1895.

That on the 5th day of April, 1894, a bill was passed by the Senate providing for the payment of the expenses of your committee as follows:

**Appropriation Bill to Defray Counsel Fees and Expenses of  
Committee.**

IN SENATE — No. 669.

AN ACT to provide for the payment of the expenses of the Senate committee appointed to investigate the police department of the city of New York.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The sum of twenty-five thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of defraying the counsel fees and expenses of the committee of the Senate appointed to investigate the police department of the city of New York.

§ 2. Such sum, or so much thereof as may be required, may be paid out by the comptroller of this State on a warrant signed by the chairman of said committee and countersigned by the president pro tempore of the senate.

§ 3. This act shall take effect immediately.

On the 8th day of May, 1894, by memorandum filed with said bill, the Governor refused to approve the same, which said memorandum is as follows:

**Veto, Senate Bill No. 669, Making an Appropriation for a  
Senate Investigation Committee.**

STATE OF NEW YORK:

EXECUTIVE CHAMBER,

ALBANY, *May 18, 1894.* }

Memorandum filed with Senate bill No. 669, entitled "An act to provide for the payment of the expenses of the Senate committee appointed to investigate the police department of the city of New York, acting by order of a resolution of the Senate, known as Senate document No. 27, adopted January 13, 1894, and resolutions supplementary thereto." Not approved.



If I thought the purpose behind this bill was an honest one, or that the interests of the State of New York would be benefited by the proposed investigation, I would give the measure my approval. But the bill has every appearance of being a misuse of public money and of legislative power for the manufacture of political capital or the division of political patronage.

These are plain words with which to characterize an act of the Legislature. They will not be relished by those to whom they apply. They will be criticised by those whose personal or political purposes they frustrate. But I think the people understand plain language best, and when plain facts are handled they require plain treatment. The people are not easily deceived by polite phrases or by language which conceals rather than expresses thought. They like frankness best.

Periodically, when the party which is in a minority in New York city obtains control of the State Legislature, it makes that city the target of political attack by legislative committees. Except for political objects, there is no good reason why that city should be singled out for legislative scrutiny. The same men who do the investigating in public will admit in private what every well-informed person knows is true — that no city in the State is so well governed as New York. No city in the State has a lower tax rate; no city has a better police regulation; no city has a lower ratio of crime; no city has better streets; no city has a better fire department; no city has better parks; no city has better schools; no city has a better health department; no city has a better credit; no city is so comfortable a place to live in. That bad men sometimes get in office there is true. That frauds upon the city treasury sometimes occur is true; that mal-administration sometimes happens is true; that ideal municipal government has not yet been attained there is true; but these things are as equally true of every city in the world, they are truer of other cities of our State than they are of New York. They are unavoidable in government as a private business. They are frequent always where official responsibility is fixed and party accountability is certain. They are faults of administration rather than of legislation, and, except in rare cases, can be

cured by other means than legislation. They are evils with which the people of the locality are primarily concerned, and the people of the State only secondarily and remotely. Municipal pride and local self-government both demand that the attempt to remedy them should first be applied by the people of the vicinage, and that resort should be had to legislative interference only when the people are unable to help themselves. This municipal independence is cherished fondly by every city in the State. It is a matter of particularly jealous regard to the people of New York, for sad experience has demonstrated to them that the most corrupt periods of their city government were those in which, for divisions of political plunder and patronage, the Legislature at Albany and municipal officials in New York combine to set at naught the will of the people, and by corrupt legislation turn the city over to political vultures. That result is the inevitable outcome of such dual government.

Investigations of the kind proposed by this bill do not, of course, betray their real purpose on their face. They are urged in the name of reform and enlist in their support the services of many people of honest intentions who are deceived by the public professions of the investigators. But their real character is a matter of common knowledge and political record. If they were sincere attempts to improve municipal governments they would not be confined solely to Democratic cities; they would not almost invariably be demonstrated upon one great Democratic city. Nobody believes that municipal lessons cannot be learned at Syracuse and Rochester as well as at New York and Troy. Ask the citizens of Republican cities whether they suffer any municipal evils, and you will not get a negative answer; but ask them how they cure these evils and they will not direct you to legislative investigating committees, for these they never see in their cities. Such instruments of reform are only used for Democratic strongholds.

But whether such efforts are directed against particular cities, or whether they are applied impartially, they are unjustifiable interference with local affairs, except as furnishing information as a basis for general legislation. This they seldom do, their

results, if they have any in legislation, are, as a rule, merely supplementary efforts for a division or usurpation of municipal patronage when political threats have failed. The last experience which the city of New York had with such an investigation committee was in 1890, when the so-called Fassett committee, professing to be inspired with the same zeal for reform which now animates the Senate committee of 1894, ransacked many of the municipal departments and, as a result, left five printed volumes of testimony among the State archives and one law, which the present Legislature has made haste substantially to repeal. Yet it was in 1890, and is now a matter of public notoriety, that this famous legislative committee, stirred with enthusiasm for municipal reform, was ready at any time to discontinue its investigation if the mayor of New York would consent to a Republican politician from Columbia county to the office of police commissioner.

It is such experiences as these which justify public suspicion of the sincerity of motive behind legislative investigations. The history of the past would of itself warrant such a suspicion. But in this case there is an additional ground of suspicion which is furnished by the actions of the legislative committee itself. At no time during the three months and more that it has been authorized to sit, has the committee seemed to possess the confidence of those who desired it to investigate municipal affairs in New York. At one time it was openly charged in the public press that the committee has already consummated a political deal with the local authorities whereby in return for certain municipal offices for political friends the committee would cease its investigations into local affairs. At other times other serious charges were made. In almost all cases these imputations against the good faith of the committee came not from its political enemies, but from those who were in political sympathy or alliance with it, or from that earnest body of citizens who honestly desired a thorough investigation and who welcomed honest legislative assistance in their own efforts to secure good government. A committee whose earnestness and honesty of purpose are assailed by its own friends is hardly to

be depended upon to conduct an impartial investigation. The assumption is fair that this effort at legislative investigation is inspired by no higher motives and will be attended by no less partisan conduct than was that of the Fassett committee of 1890.

Under these circumstances it will hardly be claimed by fair minded persons that the money of tax-payers of the State should be used to pay the campaign expenses of a political party. That in substance is all this bill does in its appropriation of \$25,000 for counsel, expenses of Senators at hotels, etc., although incidentally it would provide summer vacations for rural Senators. In view of the experience of the past, \$25,000 would not be nearly enough to satisfy the luxurious desires of a junketing committee, or the avaricious appetites of counsel, or to accomplish the bribery of witnesses; the actual expense of the State would undoubtedly be much greater, and this consideration makes the objectionable character of the bill the more deserving of criticism. It must be remembered that the recent Legislature appointed no less than twenty-three different investigating committees, with power to employ counsel, take testimony and subpoena witnesses, and the expense of these is yet to be borne by State taxation, for the Legislature apparently was unwilling to call public attention to the meagre results of these investigations by making appropriations at this session for the expenses thus incurred. When the prodigal waste of public money by these committees is brought to the attention of the tax-payers, the official recklessness which caused it will be generally condemned. That burden yet to be borne should not be added to by the appropriation provided by this bill.

I can not forbear calling attention, also, to the inconsistency of the Legislature in the employment of expensive counsel for these committees. The Legislature imperilled the annual appropriation bill for the support of the government by insisting upon a "rider," to the effect that the Attorney-General should designate all counsel employed by the various State bureaus and commissions. If that principle was a good one to apply to these offices, it would seem to be a good one to apply to the twenty-

three investigating committees, and especially to this New York investigating committee.

If there are people in New York who think their local government is not a good one, it is their privilege and their duty to make it good. The remedy should be the same there as in other cities of the State—by the election of good officers. The majority rules in this country, and if the majority wants good government it can always secure it through the fearless exercise of suffrage. But all change is not reform, and all investigation is not correction. Reform by legislative investigation can only come when legislative investigation is honest, thorough and impartial. But under any circumstances, it is the unnatural, illogical remedy. The natural remedy is close at hand—watchful and loyal citizenship. That is the manly, straight forward welcome remedy. The employment of that remedy makes a municipality self-reliant, proud and strong. It vindicates our theory of self government and builds our State and our Republic upon a sure foundation.

ROSWELL P. FLOWER.

Thereupon, prominent members of the Chamber of Commerce of the city of New York, including Charles Stewart Smith and Gustav H. Schwab, guaranteed to your committee that counsel fees to an amount necessary to enable the committee to prosecute said investigation, would be advanced upon the order of the chairman of your committee, to be refunded to them at the pleasure of the Legislature. While it cannot be said that this provision saved the investigation from failure, it having been previously determined to prosecute said investigation regardless of the question of immediate compensation of counsel, yet the guarantees thus given were an earnest of the strong public sentiment which then supported your committee and aided very materially in establishing that mutual confidence between committee and community, which was a prerequisite to successful inquiry.

Pursuant to the resolution hereinbefore referred to, the following Senators were appointed members of the committee: Clar-

ence Lexow, Edmund O'Connor, George W. Robertson, Cuthbert W. Pound, Charles T. Saxton, Jacob A. Cantor and Daniel Bradley.

Immediately after the appointment of said committee the various organizations that had requested the passage of said resolutions were asked to furnish names of counsel from among whom your committee would choose its legal adviser or advisers. The names of various distinguished counsel were suggested, who, however, because of the magnitude of the work, declined to serve. Finally said organizations agreed upon John W. Goff, now recorder of the city of New York, whereupon your committee appointed William A. Sutherland of Rochester, and John W. Goff of New York as counsel, and notified said organizations accordingly, and it was determined that the general investigation should be divided into two parts, one relating to interference by the police with the elective franchise, which part was confided exclusively to William A. Sutherland, and the other relating to the charges of blackmail and general corruption, which part was left to the exclusive management of John W. Goff.

While these matters were under discussion, your committee proceeded to take testimony as to the first branch, and beginning with the 9th day of March, 1894, continued on this line with such interruptions as the absence of the Senators in the performance of their legislative duties necessitated, until the 13th day of April, 1894, when further inquiry into this branch was discontinued, and has not since been resumed.

It is not intended, in this report, to enter upon any extended analysis of the testimony so taken. The results of the investigation up to this point may, however, be properly summarized in the general statement that it has been conclusively shown that in a very large number of the election districts of the city of New York, almost every conceivable crime against the elective franchise was either committed or permitted by the police, invariably in the interest of the dominant Democratic organization of the city of New York, commonly called Tammany Hall. The crimes thus committed or permitted by the police may be classified as follows:

Arrest and brutal treatment of Republican voters, watchers and workers; open violations of the election laws; canvassing for Tammany Hall candidates; invasion of election booths; forcing of Tammany Hall pasters upon Republican voters; general intimidation of the voters by the police directly and by Tammany Hall election district captains in the presence and with the concurrence of the police; colonization of voters, illegal registration and repeating, aided and knowingly permitted by the police; denial to Republican voters and election district officers of their legal rights and privileges; cooperation with and acquiescence in the usurpation by Tammany Hall election district captains and watchers of alleged rights and privileges, in violation of law.

In fact, it may be stated as characteristic of the conditions shown to exist by a cloud of witnesses that the police conducted themselves at the several polling places upon the principle that they were there, not as guardians of the public peace to enforce law and order, but for the purpose of acting as agents of Tammany Hall, in securing to the candidates of that organization by means fair or foul the largest possible majorities. They evidently regarded themselves as coadjutors of that organization, stationed at the several polls for the purpose of securing its success whether by lawful or unlawful means, resorting to device, oppression, fraud, trickery, crime and intimidation of almost every conceivable character. Owing to the suspension of the taking of testimony upon this, in order to commence the investigation into the more extended and locally interesting branch, your committee is not able to furnish accurate figures showing the effect of police crime and police interference in matters pertaining to the elective franchise, but it is quite evident that the practices of the police exerted an important and decisive influence upon results. This fact is made uncontrovertibly plain by comparison of the vote cast in the Second Assembly district in the year 1893 with the vote cast in that district at the last election.

In 1893 the judge of the Court of Appeals and minor State officers only were candidates. In 1894 the Governorship, Lieuten-

ant Governorship, the judge of the Court of Appeals, and majority of the city were in the balance, and yet the vote cast in 1894, in the district referred to, was smaller by more than 4,000 votes, or by more than twenty-five per cent of the total vote cast than that cast in 1893; while in view of the greater importance of the issues involved, there should normally have been a large increase in the number of votes polled, indicating that in 1893 more than 4,000 fraudulent votes were cast and counted in a single Assembly district of the city. It was due to the presence of and the revelations before your committee that similar frauds were not enacted at the late election. When we consider, by comparison during the same years, of the votes polled in the town of Gravesend, that the same startling decrease is noticeable, the conclusion seems irresistible that the same forces were at work in the two localities, producing similar results.

It was conclusively shown that during each of the years 1891, 1892 and 1893, very many thousands of unlawful ballots were cast and counted by the active co-operation and connivance of the police, and it is to be regretted that sufficient time was not at the disposal of your committee to enable it to subject every district in the city to a rigorous examination upon the lines of this branch of inquiry, whereby a more accurate estimate of the effect of police interference might be reached. Sufficient, however, appears upon the record to show beyond peradventure that owing to the practices above referred to during the years covered by the investigation, honest elections had no existence, in fact, in the city of New York, and that, upon the contrary, a huge conspiracy against the purity of the elective franchise was connived at and participated in by the municipal police, whereby the rights and privileges of the individual were trampled ruthlessly under foot, and crime against the ballot held high carnival.

It is a significant fact that police captains whose precincts were especially considered in this connection were appointed by the president of the board of police, and one of the most conspicuous leaders of Tammany Hall, at the instance of the organi-



zation, as an organization, and that one of them, when informed that watchers had been sent to the polls at the instance of local reform associations, to aid in securing an honest vote and count, called the officers of his command together, and instructed them that if those silk stockings interfered they should stand them on their heads.

The evidence shows, moreover, that partisan bias did not stop with captains, but that in 1892 the president of the police board himself, just prior to the Presidential election, in defiance of the superintendent of police, gave directions to the assembled captains which if carried into effect would have caused riot and bloodshed at the polls, and would have precipitated encounters between the police and the United States marshals. The commissioner denied this, but in such a vague manner that in the view of the positive statements of the superintendent on the subject, we are forced to accept the latter's statements as true.

The evidence, taken as a whole, indicates that the department was permeated by the influence of Tammany Hall; that district leaders influenced not only the appointment but the assignment of officers; that forced contributions were levied upon the members for the benefit of district organizations, and that a situation had been reached under four years of a partisan police board where the officer had been brought to understand that the only hope for promotion was in joining and contributing to Tammany Hall Associations, and seeking through these channels the sure road to promotion.

Thus we find police captains and inferior officers of so-called Republican proclivities actually enrolling themselves as members in Democratic clubs, notably the Pequod Club, of which a police commissioner was president. Thus we find Tammany Hall influences predominating to such a degree and the wholesale joining of district associations and other political clubs so prominent a feature and so demoralizing to the force, that Commissioner Martin, the president of the police department, finally asked the intervention of Richard Croker, a private citizen, unconnected with the police department, but leader of Tam-

many Hall, in order to secure through the influence of that organization, a cessation of this abuse. No stronger illustration is necessary to show how under the then existing conditions, a political faction had impressed itself so strongly upon the police force that its authority was more potent than that of the nominal chiefs of the department.

While on this subject it is proper to refer to the testimony of the President of Liquors Dealers Association of this city, who admitted that when he desired a nomination as candidate for delegate to the Constitutional Convention, he went to the same supreme head of authority, because, in his words, there was no other place to go, and to the additional facts which appear in the testimony, that in 1892, by a species of compact, the precise terms of which were not elicited, the liquor interests of the city sought and received immediate relief from police oppression by joining the powerful organization referred to.

The same private citizen, whose authority was so potent as to accomplish all of this, was able by a word of command at once to shut up all the pool rooms then in full operation and which, according to the testimony up to that time, neither the whole force of police, of detectives, of superintendent, or of the commissioners themselves, could effectively close.

Taken as a whole, the record upon this point discloses the fact that the police department, from the highest down to the lowest, was thoroughly impregnated with the political influence of Tammany Hall, and that the suppression and repression of crime depended, not so much upon the ability of the police to enforce the law, but rather upon the will of that organization or faction to have the law enforced.

The conclusion seems irresistible, that, under the circumstances such as now exist in the city of New York, it becomes the paramount duty of the Legislature to remove as far as practicable the possibility of political influences securing a controlling power over the police force. It is not a mere theory, but a practical condition. It is true that an aroused citizenship has now control, at least to some extent, of the machinery of municipal government, but the unpalatable fact remains that those

influences which created the conditions hereinbefore and hereinafter referred to, are still active and potent in the municipality, and that they outnumber any one other political organization. Were it otherwise, remedies might be suggested which would fully meet the situation. As it is, however, the future ascendancy of the same disorganizing and disintegrating forces must be considered and a remedy suggested which shall neutralize as far as practicable their future baleful effects.

### Second Branch of the Investigation.

Your committee began taking testimony on the second branch of the investigation on the twentieth of May, and continued with occasional interruptions until the twenty-ninth of December. Prior to May twentieth, counsel having this branch under supervision had been engaged for almost two months in setting the necessary machinery into motion for a comprehensive investigation into the whole subject-matter relating to this branch of the inquiry, in organizing a corps of efficient detectives, and in examining communications, largely anonymous, which came to your committee and to their counsel, containing complaints and suggestions of clues.

As has been before stated, when your committee commenced its labors on the second branch of the inquiry there was absolutely nothing of a positive character in hand or at its disposal, showing or tending to show any overt act of corruption, or oppression by members of the police force.

It is not intended by this statement to disparage the mass of material which had been collected by the City Vigilance League and Doctor Parkhurst. On the contrary, the material thus collected was most valuable in furnishing that corroboration which was necessary in view of the character of the testimony upon which, from the nature of things, your committee was compelled to rely.

The Parkhurst evidence consisted exclusively of acts of omission and neglect of duty, and reluctance on the part of the police to perform their duty, even under the whip and spur of private

complaint, and of complaint by organizations, and demand by public opinion as expressed by the metropolitan newspapers.

It is the story of months and years of struggle to compel the police department to perform its duties, revealing in the strongest light the extraordinary circumstance that a private organization, without special influence or power, was able to unearth, uncover and fix the actual existence of unlawful resorts without number, scattered throughout the city, all of which, apparently, had escaped the eye of the police and successfully defied their resources for the detection of crime. It revealed that this private organization was able to secure adequate evidence to convict keepers of unlawful resorts, and actually secured their conviction in spite of the claim by the police that houses of that unlawful character were not running, and, if running, that evidence sufficient for conviction was not obtainable. It disclosed the additional circumstance that in the securing of evidence against such resorts and in the prosecution of keepers of disreputable houses the police were not only found to stand in actual hostility to all efforts made to suppress vice, but stood idly by and permitted citizens engaged in performing duties which they should have undertaken, to be mobbed and brutally assaulted upon the streets. The testimony of this kind, in fact, showed throughout, an extraordinary disinclination on the part of the police, so efficient in other respects, to display any desire or activity in the suppression of certain descriptions of vice and crime, a disinclination so strong that others attempting to perform that function found the police arrayed against them and experienced greater embarrassment from this circumstance than from any difficulty connected with the suppression of the vice itself. It indicated the amazing condition that in most of the precincts of the city, houses of ill-repute, gambling houses, policy shops, pool rooms and unlawful resorts of a similar character were being openly conducted under the eyes of the police, without attempt at concealment, so publicly, in fact, that the names of the persons and the street numbers of the houses were not only known throughout the community, but were published in the daily prints, and yet they remained open and ostentatiously flourished.

Application was made to police commissioners, to superintendents, to inspectors, to captains, giving the names of the persons and the locations of the houses, and calling upon them to suppress the evil, and yet until the autumn of 1892 substantially nothing was accomplished. Complaints and applications, denunciations in the public prints, charges of extortion and corruption, made through the medium of the newspapers and re-echoed by public sentiment, all seemed to fall upon unwilling or deaf ears in the police department. It was only after the City Vigilance League actively intervened and secured the conviction of a number of the keepers of houses of ill-repute, and raid after raid was made by them upon disreputable resorts and public sentiment ranged itself aggressively behind and supported the efforts of that organization, and grand juries made sweeping presentments upon the subject, that the police were finally driven into a semblance of activity.

This was the general character of the evidence which had been collected prior to the commencement of your committee's investigation. Its importance upon the general question cannot be overestimated, because it furnished to your committee much of the evidence necessary to reach a conclusion, but obviously lacked one essential element, one which up to that time could not be established by affirmative proof, but was, nevertheless, strongly inferable from the facts so developed. The motive was the missing link in the chain of evidence. It was surmised that the motive was a financial consideration moving between those protected and their protectors, but there was absolutely no positive or direct proof upon that question. Your committee and its counsel, therefore, bent their efforts mainly to secure proof tending to establish this necessary link, and in the course of time evidence of a direct character bearing upon this question became so plentiful that a very large amount of the above-mentioned corroborative proof was necessarily laid aside and remained unconsidered. The sessions of your committee, which were carried on until the very last day practicable, were finally discontinued without an opportunity being

afforded to put upon the record any very considerable portion of this testimony showing acts of omission.

It would seem clear, without argument, that with a police force so concededly efficient in the protection of life and property in all other respects, the fact of such glaring omission of duty in reference to the suppression of what may be called "protected" vice and crime, presents a sufficiently strong and convincing inference of a corrupt motive, one sufficient in itself to indict the police department as a whole, not only of flagrant and inexcusable omission of duty, but of a corrupt purpose as well. It is inconceivable that a department, ranking with the best in the world, with a detective bureau unsurpassed by any, with superior officers conceded to be the inferiors of none in the enforcement of law and order and the protection of life and property in all other respects, should have been so phenomenally inefficient in the respects here considered, except for a corrupt purpose. Just so long, however, as the actual existence of the fact of corruption remained unproven by direct and positive evidence, just so long the indisputable efficiency of the police in other respects enabled the department to defy criticism and thus perpetuate a condition of affairs, the disclosure of which by direct evidence, has caused a sensation throughout the world.

It is proper in this connection, to direct the attention of this body to the inherent difficulties attending the collection and presentation of evidence upon this line of inquiry. Having mainly to do with people of vicious tendencies, engaged in vicious pursuits, the embarrassments in the way of securing testimony of this kind were obvious. The power of the police department was incredibly great at the time your committee commenced its labors. Men of social rank and position would willingly assist your committee, always, however, on condition that their names should not be disclosed, for fear of the effect of such a disclosure upon their material conditions. This situation was characteristic. A consuming desire to put an end to an outrageous servitude on the one hand, and a dread lest failure might result in a still more galling thralldom on the

other! It seemed, in fact, as though every interest, every occupation, almost every citizen, was dominated by an all-controlling and overshadowing dread of the police department. If this was true with reference to legitimate business and wealth and station in metropolitan life, how much stronger necessarily was that condition of fear and servitude with reference to those in the humbler walks of life, those who shared the protection of neither wealth nor station, and more especially those who came in daily contact with the police force of the city, under its surveillance, conducting unlawful avocations, or engaged in the commission of licensed crime? To obtain and hold the testimony of such people, naturally the only persons who could testify intelligently upon the vital question, was the problem to solve which the labors of your committee and counsel were mainly directed. There was only one method available, and that was to impress upon the minds of those who had suffered from the extortions, exactions and terrorism of the police, the conviction that the reign of terror had come to an end and that the authority of your committee, representing this body, was superior to that of the police of the city.

Notwithstanding the many defects in the scope of the power and authority which, under the law and resolutions of your body, were conferred upon your committee, the co-operation of the local authorities and of the public press hereinbefore referred to, made it possible for your committee to assert and maintain a position of strength in the community which made the result aforesaid sought to be accomplished attainable.

In thus establishing a position which would more than offset the power and authority of the police in that city, your committee was at times compelled to depart from the beaten track and precedent of legislative investigations.

In the interest of justice it was at times compelled to admit evidence which would be excluded on the trial of causes before the legal tribunals of this State. It was at times compelled to subject witnesses to most severe and inquisitorial interrogatories. It was at times compelled to appeal to the courts, the district attorney's office, and even the grand jury to aid it in establishing

conditions which by any other method would have defied disclosure. But it is to be considered in this connection, that with few exceptions, every witness who was examined was either a reluctant or a positively hostile witness, and that in order to carry out the instructions of this body, it was absolutely necessary for your committee to neutralize the terrorism and despotism of the police over the community at large, and especially over most of the witnesses examined, and in order to accomplish this, your committee was constrained to pursue the inquiry with relentless severity.

It must be difficult for those unacquainted with metropolitan conditions, to realize the potent influence exercised by the police until the disclosures before your committee destroyed the bondage.

Those in the humbler walks of life were subjected to appalling outrages which to some extent continued, even to the end of the investigation. They were abused, clubbed and imprisoned, and even convicted of crime on false testimony by policemen and their accomplices. Men of business were harassed and annoyed in their affairs, so that they too, were compelled to bend their necks to the police yoke, in order that they might share that so-called protection which seemed indispensable to the profitable conduct of their affairs. People of all degrees seemed to feel that to antagonize the police was to call down upon themselves the swift judgment and persecution of an invulnerable force, strong in itself, banded together by self-interest and the community of unlawful gain, and so thoroughly entrenched in the municipal government as to defy ordinary assault. Strong men hesitated when required to give evidence of their oppression, and whispered their stories; tricks, subterfuges and schemes of all kinds were resorted to to withhold from this committee and its counsel the fact that they had knowledge of acts of corruption or oppression by the police. The uniform belief was that if they spoke against the police, or if the police discovered that they had been instrumental in aiding your committee, or had given information, their business would be ruined, they would be hounded from the city and their lives, even, jeopardized.



The bulk of the important information which came to your committee, was received through anonymous letters,, giving clues which resulted in obtaining witnesses who in one way or another were compelled to testify. Every particle of evidence that was secured during the earlier stages of the investigation was wrung from witnesses as the result of the laborious and fearless efforts of your committee's counsel, and of the position which your committee had established in the community with the co-operation of the agencies hereinbefore referred to. After the breach was made, and overt acts of corruption had been satisfactorily proven, the fear of the oppressed gradually abated, and finally evidence poured in upon your committee in such volume that only a portion of it could be sifted and finally presented in the shape of testimony.

In the course of the inquiry, a man rushed into the session of your committee, fresh from an assault made upon him by a notorious politician and two policemen, and with fear depicted upon his countenance, threw himself upon the mercy of the committee and asked its protection, insisting that he knew of no court and of no place where he could in safety go and obtain protection from his persecutors. This condition of fear was not confined to law-abiding citizens, but extended to those partners of the police engaged in illegal business under their protection, for they realized that "squealing" as they termed it, would be punished more severely than failure to pay monthly dues.

Your committee has been zealous in protecting witnesses who have testified before it, but with all its zeal and the continuous co-operation of the agencies hereinbefore referred to, many of its witnesses were persecuted; some of them were arrested on trumped up charges after they had given their testimony, and others were assaulted upon the public highways. In all cases were such witnesses complained to your committee, steps were taken for their release and their protection, and we believe that every one so annoyed has been finally protected. It has often taxed the resources of your committee and the time of counsel to the utmost to perform this work while engaged in the development of the case itself.

While it was impossible for your committee to spend much time in considering police courts, enough is shown upon the record to justify the conclusion that a very important reason why the police have been able to carry on and successfully perpetrate their reprehensible practices, is that at least some of the police justices have apparently worked in sympathy and collusion with them. !

The poor, ignorant foreigner residing on the great east side of the city has been especially subjected to a brutal and infamous rule by the police, in conjunction with the administration of the local inferior criminal courts, so that it is beyond a doubt that innocent people who have refused to yield to criminal extortion, have been clubbed and harassed and confined in jail, and the extremes of oppression have been applied to them in the separation of parent and child, the blasting of reputation and consignment of innocent persons to a convict's cell.

The co-ordination of all the departments of city government, under the sway of the dominant Democratic faction in that city, has produced a harmony of action operating so as to render it impossible for oppressed citizens, particularly those in the humbler walks of life, the poor and needy, to obtain redress or relief from the oppression or the tyranny of the police. Their path to justice was completely blocked. It is not credible that the abuses shown to exist have been the creation of but a short time. It is clear from the evidence that abuses have existed for many years back; that they have been constantly increasing through the years, but that they did not reach their full and perfect development until Tammany Hall obtained absolute control of the city government, and under that control the practices which have been shown conclusively before your committee, were brought into a well regulated and comprehensive system, conducted apparently upon business principles.

While your committee has not had the necessary time to devote to an examination into the excise department, the department of charities and corrections and the police courts of the city, it is satisfied from the evidence upon its record that abuses exist

in those departments, if not as flagrant as those shown to exist in the police department, at least sufficiently important to require drastic measures upon the part of the local authorities or the Legislature of this State.

Another great impediment to the work of your committee was the effort of those implicated and their allies to thwart the investigation. The counsel and detectives of your committee were surrounded by spies, and witnesses who had been located were frightened into silence, or quieted by bribes, and in some cases removed from the jurisdiction of your committee.

Large numbers of persons whose testimony involved financial dealings with the police fled to other States, and remained away during our sessions. It was shown that a colony of the keepers of disreputable resorts had gone to the city of Chicago, in order to evade the subpoena of your committee. A notable instance was that of Mrs. Herreman, who had kept a number of houses of ill-repute in the fifteenth precinct, under the administration of four captains, and who had paid continuously for protection to the extent of \$30,000 or more. She was subpoenaed, and apparently willing to testify, and when the day was set she was provided with a considerable sum of money, placed under an escort, and sent, first to Canada, and then to Chicago, where she was located by a detective in the employ of your committee. An indictment was secured for contempt in failing to obey your committee's subpoena, and she was finally induced to return to New York, but upon her arrival in Jersey City, when under the care of the deputy sergeant-at-arms of this Senate, attempts were made to take her from the custody of our officers, resulting finally in the arrest of all. But the magistrate, Judge Potts, and Chief of Police Murphy refused to lend their aid in thwarting the ends of justice, and the witness was detained to await a requisition from this State, resulting finally in her voluntary subjection to the jurisdiction of your committee, and in revelations of extortion and corruption which implicated many of the higher police officials of the city.

In conclusion, your committee expresses the conviction that the testimony taken conclusively establishes an indictment

against the police department of the city of New York as a whole. It establishes the necessity for a radical and basic reorganization by the elimination of those elements which may be found to be untrustworthy, inefficient and corrupt. The conclusion which has impressed itself upon your committee, however, is that the disorganizing elements at work in the police department are such that operate from the higher officials down, rather than from the patrolmen up.

It is generally conceded that the municipal police are zealous and unsurpassed in efficiency and desire to protect life and property upon the highways of that city.

It is a significant fact that but little corruption has been traced into the pockets of the ordinary patrolman, and that such sins as may be laid at his door largely consist in abuse of physical force, infringement upon the rights and privileges of private citizens, and omission to disclose the criminal conduct of his superiors. It is probable and even certain from the testimony, that a large number of patrolmen have paid sums averaging \$300 for appointment. It is not strange that starting in this way, some of them have imitated the examples of their superiors and should have become victims to a most pernicious and criminal practice. But it would be manifestly unfair, because of the proof of isolated cases to arraign all the force under one general charge. On the contrary, your committee believes that a very large proportion of the patrolmen of the city, and a considerable number of their superiors are good officers and true, reliable and incorruptible men, whose conduct in guarding their honor, despite the example set by their superiors and their associates, marks them as men to be especially commended, and in any reorganization of the force to be particularly honored by retention and promotion, and we recommend that in any plan of reorganization which may be adopted, special stress should be laid upon this, because, in this way more than in any other, will the esprit de corps and the future efficiency of the force be subserved.

Some of the abuses which have been shown to prevail will now be specifically referred to.

## Brutality.

It was proven by a stream of witnesses who poured continuously into the sessions of the committee, that many of the members of the force, and even superior officers, have abused the resources of physical power which have been provided for them and their use only in cases of necessity in the making of arrests and the restraint of disorder, to gratify personal spite and brutal instincts, and to reduce their victims to a condition of servility. This condition has grown to such an extent that even in the eyes of our foreign-born residents our institutions have been degraded, and those who have fled from oppression abroad have come here to be doubly oppressed in a professedly free and liberal country. The harm thus done by engendering bitterness and hatred in the minds of multitudes of those people who look upon the police as the highest expression of governmental power, and their consequent inducement to phases of radicalism, thus forced upon them, cannot be estimated.

An impressive spectacle was presented to us one day in the presence of about 100 patrolmen in uniform, who during the period of three preceding years, had been convicted by the police commissioners of unprovoked and unwarranted assaults on citizens, amounting to crimes of assault in the second and third degree. Some of them had been convicted of such assaults as many as two or three times, and yet had never been suspended from duty. Some of these outrages had been perpetrated upon women and children. Occasionally the victims had received permanent injuries and disfigurements.

In the period from January 1, 1891, to May 1, 1894, 108 policemen had been convicted of offenses amounting to crimes, of which forty-eight were felonies. In four of these cases sentence was dismissal. In nine fines of thirty days pay. In thirteen fines of from ten to fifteen days pay, and in all other cases, fines of from two to ten days pay.

The charges which were adjudged to be true, showed twelve cases of criminal neglect of duty; twenty of oppression; one each of indecent exposure, burglary and attempt at rape; fifty-six of assault in the third degree, and forty-five of assault in the

second degree. In one case the testimony which the commissioners accepted as true revealed a crime against nature, and the officer was convicted of assault, but was only fined three days pay, and afterwards was permitted to resign. The police commissioners themselves testified that they had never moved in the direction of a further prosecution of these crimes, and it appears that very few criminal prosecutions have occurred prior to the work of your committee.

It appears, therefore, that the police formed a separate and highly privileged class, armed with the authority and the machinery for oppression and punishment, but practically free themselves from the operation of the criminal law.

It is a significant fact that in the administration of their judicial functions, the police officials appear to consider the violation of their rules and regulations as a graver offense than the commission of crime. The dozen or more sentences of dismissal each year are generally for violations of rules, or for drunkenness. Only one dismissal was ordered in three years for the clubbing of a private citizen. This is the situation, although the accused officers were found guilty in most cases.

Besides this exhibit of convicted clubbers, still wearing the uniform of the force, there was a stream of victims of police brutality who testified before your committee. The eye of one man, punched out by a patrolman's club, hung on his cheek. Others were brought before the committee, fresh from their punishment covered with blood and bruises, and in some cases battered out of recognition. Witnesses testified to severe assaults upon them while under arrest in the station houses, and one witness, a journalist of established reputation, testified that he had been clubbed by an inspector without cause, and that a captain, now an inspector without reason or provocation assaulted him with brass knuckles while he was a prisoner in the station-house, and severely injured him.

This line of testimony might have been endlessly pursued by your committee, but coming as it did from the mouths of so many witnesses testifying under the circumstances which sur-

rounded them, in many cases unwillingly and with evident fear, was sufficient to carry conviction with it and fasten a stigma on the department, and especially on those who, having its discipline in their control, have managed it with utter disregard of the plain constitutional rights of the people.

We emphasize this finding of brutality because it affects every citizen, whatever his condition, because it shows an invasion of constitutional liberty by one of the departments of government, whose supreme duty it is to enforce the law, and because it establishes a condition of affairs gravely imperilling the safety and the welfare of the people in their daily avocations and the pursuit of happiness.

The patrolman is not alone responsible for this situation. It is clear from the testimony that superior officers have furnished the example. It may well be asked, what conception of the rights of the private citizen is conveyed to the ordinary patrolman when those who sit in judgment on his acts consider an unprovoked assault upon a private citizen as fully vindicated by the imposition of a fine of a few days' pay.

### **Blackmail.**

The consideration of this subject occupied by far the greater part of the time. The nature of the offense is such as to render its proof by direct testimony a matter of great difficulty. The assumed bad character of the person paying blackmail, the difficulty of obtaining admissions, and then of substantiating such statements by corroborative evidence were elements of peculiar embarrassment. It is due largely to these circumstances that the police for many years have been able to ply this traffic with substantial impunity, and with a reckless disregard of decency, based largely upon the assumption that the only witnesses against them would receive no credence from either court or public.

### **Disorderly Houses.**

The first tangible evidence of the payment of blackmail by a keeper of a disorderly house was given by Charles Prien, and his testimony was promptly followed by several others, includ-

ing Augusta Thurow, whose convincing story subsequently caused the trial by the police commissioners and the dismissal of several officers.

The circumstances attending the appearance of these persons before the committee, their evident dread of the consequences of exposure, their manner of testifying, coupled with the fact that their houses had remained open, and that they had been unmolested by the police for a long period of time, convinced your committee of the truthfulness of their statements. Particularly convincing was the testimony of more than one witness upon this question, who, after vainly endeavoring to shield the police from exposure, had finally broken under severe cross-examination, and then revealed the true state of affairs, supported in some instances by entries of payments (made simultaneously with the transaction) in books of account. Testimony of this character, at first so difficult to procure, became finally so large in volume that a very considerable part of it was omitted from the record because the subsequent confessions of implicated ward men, sergeants and captains rendered further examination into this branch of the case unnecessary. The testimony upon this subject, taken as a whole, establishes conclusively the fact that this variety of vice was regularly and systematically licensed by the police of the city. The system had reached such a perfection in detail that the inmates of the several houses were numbered and classified and a ratable charge placed upon each proprietor in proportion to the number of inmates, or in cases of houses of assignation the number of rooms occupied and the prices charged, reduced to a monthly rate, which was collected within a few days of the first of each month during the year. This was true apparently with reference to all disorderly houses, except in the case of a few specially favored ones. The prices ran from \$25 to \$50 monthly, depending upon the considerations aforesaid, besides fixed sums for the opening of new houses or the resumption of "business" in old or temporarily abandoned houses, and for "initiation fees" designed as an additional gratuity to captains upon their transfer into new precincts. The



established fee for opening and initiation appears to have been \$500.

Thus it appears that transfers of captains, ostensibly made for the purpose of reform and of enforcing the discontinuance of the practice, the prevalence of which seems to have been generally understood, resulted only in the extortion from these criminal places of additional blackmail.

Your committee was particularly fortunate because of the condition in which these unfortunate people found themselves at the time of the investigation into this branch.

The evidence shows clearly that raids made by detectives of the City Vigilance League, and the arrests caused by them, and an aroused public sentiment, had compelled the police authorities to some degree of activity. The demands of blackmailing officials had increased until these people found that all of their gains were being wrested from them in the form of extortion. They had been compelled, too, during the autumn of 1893, to close at times, had been then permitted to reopen, as they testified, "on the quiet," had become impoverished by systematic exactions, and when finally your committee was appointed the protection promised them had been withdrawn temporarily, and their houses closed under the promise that as soon as your committee had performed its labors they would be permitted to reopen. In the meanwhile their resources failed them, and as time went on they found themselves confronted by conditions that rendered a reopening of their houses impracticable.

It was this condition which probably more than any other fact was instrumental in securing their testimony before your committee.

As an evidence of the perfect system to which this traffic has been reduced, your committee refers to that part of the testimony which shows that in more than one instance the police officials refused to allow keepers of disorderly houses to discontinue their business, threatening them with persecution if they attempted so to do, and substantially expounding the proposition that they were there for the purpose of making money to share

with the police. As an evidence of the extraordinary conditions to which this system had given rise, it is proper to call your attention to the fact that in a number of cases women, who, as keepers of disorderly houses, had paid thousands of dollars for police protection, had become reduced to the verge of starvation, while those who had exacted blackmail from them were living in luxury in houses that had been furnished out of the earnings of these women, or they were wearing ornaments of jewelry purchased by them; and even the furniture of their houses had been paid for by those whom they had protected in the commission of crime.

The evidence establishes, furthermore, that not only the proprietors of disorderly houses paid for their illegal privileges, but the outcasts of society paid patrolmen on post for permission to solicit on the public highways, dividing their gains with them, and, often, as appears by proof, when brought before the police magistrates and committed to the penitentiary for disorderly conduct in default of bail, they compounded their sentence, and secured bail by paying \$10 or \$15 to the clerk of the court, or his agents, and were then released again to ply their calling and to become victimized as before.

One of these witnesses had been arrested in this manner more than one hundred times in the course of one year, and had on each occasion secured release by these means. Her testimony, and that of others of the same class, strongly indicated that they were impressed with the conviction that there was nothing unusual in this mode of treatment; and they referred to the officers — one of them a captain — in terms that implied rather affection than resentment.

The evidence, furthermore, shows, that in some of the houses of the character described, visitors were systematically robbed, and when they made complaint at the station-house the man detailed to examine into the charge failed to arrest the perpetrator, and frightened the victim off by threats, and then returned and received his compensation, an equal division of the plunder between the thief and the officer.

The testimony taken as a whole, conclusively establishes that the social evil was, and probably still is, fostered and protected by the police of the city, even to the extent of inducing its votaries to continue their illegal practices, maintaining substantially a partnership with them in the traffic, absorbing the largest part of the resulting profit.

A circumstance which is especially significant is that a large number of witnesses testified that the control of the police over their traffic was so complete that without protection they would not have attempted to ply their trade, and that it required only the word of the captain, transmitted to them through his wardman, to close their houses immediately.

This would probably be a necessary deduction from the facts already stated, but it is furthermore corroborated by the testimony at least one police captain, who maintained that he was able to close all the disreputable houses in his precinct within three months, and that any other captain might readily do the same.

### 'Gambling.'

The various forms of gambling testified to before your committee were pool-rooms, policy shops, and what is ordinarily understood as gambling.

The evidence is conclusive that with reference to this class of vice the police occupied substantially the same position as they did with respect to disorderly houses.

The policy business seems to have been conducted on a vast scale and under well understood geographical limitations, each subdivision being assigned to certain favored individuals known as "policy kings," who backed with capital and ran the shops in the particular districts assigned to them.

It was proven even that while the committee was actually in session more than 600 policy shops were in active operation in the city, running openly, and from day to day policy slips were secured in some shops in different portions of the city by detectives in the employ of your committee.

Qualified witnesses swore that the general average of open shops was about 1,000. The testimony disclosed the remarkable

fact that not only were these violators of the law protected by the police in consideration of a fixed sum of \$15 a month per shop, but that the area of operation of each "king" was so clearly understood and carefully guarded, that any intruder would be certified to the police, and would either be compelled to refrain from competition with a licensed "policy king," or else would be arrested and condign punishment would be visited upon him.

It seems clear from the evidence that this division of territory was largely for the benefit of the police, insuring a more rapid and easier collection of the tribute to be paid, the "policy king" to whom a particular district had been assigned paying in bulk at the rate of \$15 per shop for all the shops running in such district or districts.

Pool-rooms flourished all over the city in the same way. Large sums were extorted from their proprietors by the police, and they were permitted to remain unmolested, openly and publicly running, until a private citizen, Richard Croker, after a conference with a police commissioner, enforced their cessation practically in a single day. This is one of the most remarkable circumstances testified to before your committee.

A police commissioner, in office at the time of the closing of these pool-rooms, testified that his attention had been directed to the open and notorious manner in which pool-rooms were being run, admitted that it was generally understood and rumored that they were so run under police protection for financial considerations, and yet nothing was done or attempted to be done until the private citizen aforesaid commanded that they be closed; and they were closed, and closed without criminal prosecution.

It appeared subsequently in evidence that these pool-rooms, while running, had been assessed and had paid for police protection as high as \$300 a month.

### Green Goods.

Green goods swindlers and victims added their story of police blackmail and protection. The same method of subdividing the city into districts seems to have been adopted with reference

to this class of crime. From their evidence and abundant corroboration, it appears conclusively that a heavy traffic of this kind has been systematically carried on by these swindlers, who, in exchange for protection, shared a large part of their ill-gotten gains with the police. Not only did they pay regular monthly sums for protection, but where victims "squealed" the police, either ward or headquarter detectives, demanded one-half of the plunder.

It appears that this class of crime had its ramifications extending over the whole country; that the perpetrators called to their aid not only the protection of the police, but also the assistance of employes in post and telegraph offices; and it appears very clearly that, except for the concurrence of all three, this kind of criminal traffic could not exist in its present form.

The attitude of the police to this class of vice seems to have been substantially the same as that with respect to policy shops.

The nature of the business, as demonstrated before the committee, makes it impossible that a vigilant policeman could remain in ignorance of its operations, and in fact, the principal operators are well known to the public.

The evidence indicated that the first step in the initiation of business of this character was to establish relations with the captain of the precinct in which the work was carried on; and it was shown that one captain in particular, whose alleged sickness prevented his appearance before your committee in the last stages of the inquiry (and it may be added that there were many others similarly situated) was so agreeable to the green goods operators that they followed him in his various transfers from precinct to precinct.

Your committee calls special attention to this class of protected lawlessness, for the reason that it is a grave crime, involving a high degree of moral turpitude, and it appears not only that it received protection from the police, but that moreover victims who made complaint were treated by the police with scant courtesy, or in the words of a number of the witnesses, the police "put a scare into them," and then proceeded to divide the "swag."

It appears, moreover, that men notoriously engaged in the swindling or confidence business had their headquarters in the city, known to the police, where they might be ordinarily found, and that those who were receiving protection plied their trade unmolested, while others, who had not been fortunate enough to establish relations with the police, or those who intruded upon districts not assigned to them, would be warned off, and in case of failure to obey, would be summarily dealt with.

#### Violation of the Excise Laws.

The position of those who violate the provisions of the excise law is somewhat peculiar. It appears that until some time in 1892 they paid a regular stipend to the police, either for protection in the violation of the law, or for immunity from police interference in respect to the conduct of their business on the border line between legitimate and illegitimate practice.

It appears that these contributions were considered a part of the ordinary and regular expenses of the business. In one case the account books of a dealer were produced which contained monthly entries of the payment of \$20 to the precinct detectives as a part of the business expenses, and his testimony showed that he paid that sum to the police monthly "because it was always done," and was "the established custom."

In another case, a member of the Bohemian Liquor Dealers Association testified that they gave and made contributions from their treasury for the captain of the precinct, whom they refer to in their minutes as the "Pantata," and whose protection in doing an illicit business they thus obtained. When questioned as to the reasons for forming the association they admitted that it had been done at the instance of the precinct detective, in order to simplify the collection of the tribute to be paid. The testimony abounds with instances of this kind of exactions, forced in more recent times, especially from the poor and weak.

As hereinbefore referred to, some time in 1892, a change was made in the then existing conditions, and orders were issued putting substantially an end to this class of blackmail through

the instrumentality of the liquor dealers association, who entered into an alliance with the dominant faction, and upon terms which your committee could not discover, obtained substantial immunity for members of the association, who, as testified to by the president, thereafter violated and were now violating the law, practically without interference by the municipal authorities.

### Detectives, Pawnbrokers and Thieves.

It has been conclusively shown that an understanding existed between headquarters' detectives, pawnbrokers and thieves, by which stolen property may be promptly recovered by the owner on condition that he repay the pawnbroker the amount advanced on the stolen property. In every such case, which appears in evidence, the detective seems to have acted rather in the interest of securing the pawnbroker's advances than of securing the absolute return of the stolen property. The only reasonable grounds assigned were those of convenience and expeditious return of the property. But it must be clear that this custom offers a premium for theft, and a substantial inducement to pawnbrokers to make stolen property available by loaning or advancing substantial sums upon it.

Under the general powers of visitation and inspection which the police possess in reference to pawnbrokers establishments, there is no reason for the prevalence of this custom, and proper activity, turned into the right channels, making the disposition of stolen property less easy would probably largely reduce the crime.

In almost every instance it also appears that the detective, acting between the owner and the pawnbroker, receives substantial gratuities from the owner of the property for the work done in his official capacity. In some cases these gratuities were received without demand. Others were the result of demand on the part of detectives. In very many cases, the amount of the pawnbrokers' advances added to the gratuities paid to the detectives, equalled, and, in some cases, exceeded the value of the article recovered.

The reasonable conclusion deducible from the evidence, establishes the prevalence of the custom that in order to secure the

return of stolen properties, a donation or reward must be paid to the headquarters' detective.

This custom is in direct conflict with rule number 142 of the department, which provides that the police shall not receive rewards, presents or testimonials, except for services both meritorious and extraordinary, and then only by resolution of the board of police; and that such reward must be deposited with the treasurer, who shall deduct twenty or twenty-five per cent., according to the amount of the reward, for the benefit of the police pension fund.

The total amount paid into the police pension fund under this rule was only \$438.25 for the five years ending with 1894; and the amount of authorized rewards for those five years was, therefore, not more than \$2,200 for the entire force; showing plainly that this rule had been flagrantly and openly violated during all that time.

The custom referred to is not only in conflict with the salutary rule aforesaid, but amounts to an extortion, because it is contemplated by law that public officers shall render their best services for the salaries they receive and have no right to demand or receive compensation beyond that.

Especially is this the case with the police force of the city of New York, which is concededly the best paid force in the world.

### Abortionists.

A very revolting revelation was that which showed that professional abortionists were permitted to ply their awful trade, submitting to be plucked by the police from time to time.

One notorious "doctor" was bled to the amount of \$2,825 in six weeks, and his case implicated headquarters' detectives, a sergeant in command of a police squad and a police justice.

### Other Crimes.

It was impossible for your committee to cover every phase of crime receiving protection from the police, but enough appears upon the record to indicate that other crimes than those disclosed contributed to the fund of corruption.



One witness, a business man of apparently good reputation, testified that he and his father were arrested on the charge of murder, and that the officer who had the case in hand offered to save his father for \$500, and on the demand being rejected actually aided in attempting to secure his conviction.

The familiarity of the police with some of the known criminals is explained by them on the theory that their acquaintance is maintained for detective purposes, and it may well be said that the criminal class performs a large part of the detective work of the force, and seems, in this sense, to constitute an auxiliary department.

### Legitimate Business

But the evidence of blackmail and extortion does not rest alone on the evidence of criminals or persons accused of the commission of crime. It has been abundantly proven that boot-blacks, push-cart and fruit venders, as well as keepers of soda water stands, corner grocerymen, sailmakers with flag-poles extending a few feet beyond the place which they occupy, box-makers, provision dealers, wholesale drygoods merchants and builders, who are compelled at times to use the sidewalk and street, steamboat and steamship companies, who require police service on their docks, those who give public exhibitions, and in fact all persons, and all classes of persons whose business is subject to the observation of the police, or who may be reported as violating ordinances, or who may require the aid of the police, all have to contribute in substantial sums to the vast amounts which flow into the station-houses, and which, after leaving something of the nature of a deposit, then flow on higher.

This tide is not supplied alone by private citizens, but members of the police force pay for choice posts and positions, and the stream has been traced to the captains and to the inspectors of districts; the commerce of the port even is taxed when the functions of the police department touch it, so that shippers are compelled to submit to exactions in the city of New York that they do not meet with in any other port.

These exactions are not sporadic or isolated or unusual. They seem to be the habit and custom. It is claimed by the

police that these exactions are gratuities, chargeable to the citizens who thus have stimulated the habit, and have even tempted poor policemen to err in receiving unlawful wages.

Be this as it may, the proof before your committee shows that the hand of the policeman, the precinct detective and the captain is not extended to the citizen in humble supplication or unwilling compliance, but rather that it is thrust at him with threats, and that non-compliance is often visited by condign punishment, so that business men appreciating the difficulty of obtaining justice, fearful of petty annoyances and embarrassments, submit rather to extortion than pursue a systematic resistance which they feel might result in greater injury.

This custom has spread so as to include excise officials, as appears by the evidence adduced before your committee, and may for convenience be designated "constructive extortion."

### Oppression.

Oppression of the lowly and unfortunate, the coinage of money out of the miseries of life is one of the noteworthy abuses into which the department has fallen. Policemen and prison-keepers stand in with disreputable men and take advantage of their power over prisoners and their helplessness, to force upon them unworthy and unprincipled men who extort fees and divide them with their official allies.

The evidence of many witnesses shows the existence of a powerful conspiracy in the neighborhood of Essex Market police court, headed by politicians, including criminals, professional bondsmen, professional thieves, police and others who lay plots against the unwary, and lead them into habits of law-breaking, or surround them with a net work of false evidence, and then demand money as the price of salvation, and if they do not receive it, drag their victims into court and prison, and often to a convict's cell. Men whose poverty has prevented them and who have repudiated compliance with their demands, yielded when torn away from wife and children, and have borrowed from friends and pawned their personal effects to raise the required moneys, and have then been released. One man who could not

raise the required amount of money was advised to pawn his wife. In another case a husband and father being illegally confined, pending extortionate demands, his little child passed the night in the street near the station-house and refused to go while his father lay in jail. In another case Mrs. Urchittel, a humble Russian Jewess, ignorant of our tongue, an honest and impoverished widow with three small children whom she was striving to support, was falsely accused by a precinct detective of keeping a disorderly house in the back room of her little store where she and her little children slept, and he demanded a sum of money which she could not pay, whereupon he took her from her home, dragged her through the streets until 3 o'clock in the morning, pulled down and searched her stockings for money, until she in despair produced all that she had saved for her month's rent. This being insufficient, he gave her a short time to obtain the balance and she tried to sell her store, but failed, and then he arrested her again, lodged a false and infamous charge against her, fastened it upon her by the testimony of miserable tools whom he had employed for the purpose, and secured her conviction. Her children passed into the hands of the Society for the Prevention of Cruelty to Children. Her fine was paid by selling her store, and she was released, only to fall into a severe and lingering illness. When she recovered, her home was gone, her children were gone, and she was penniless.

For more than a year before your committee met she had been vainly endeavoring to obtain her children. She was brought before your committee and the facts in the case and the guilt of the precinct detectives were fully established. Her children were voluntarily surrendered to her, and she was at last cleared of the outrageous charge under which she had so long suffered.

We refer to this case at length, because it attracted the attention and sympathies of the whole city, and gave to many others the courage to recite their wrongs. It will serve no good purpose to enlarge upon this subject. Many cases of similar oppression are found in the record.

We direct special attention to this class of cases, because touching, as it does, those who, by force of birth or condition, are unable to protect themselves, it becomes the paramount duty of the Legislature, in the reorganization of the police force, to provide for one so thorough and fundamental as to permit of the summary dismissal of all such officers who may be shown to have been connected with practices of the kind referred to.

### Confessions of Officers.

If any doubt remains as to the conclusiveness of the evidence upon the various matters hereinbefore set forth, the confessions made in the last stages of the investigation finally dissipated them.

The confessions of Wardman Shalvey, of Sergeant Taylor, and of Captain Schmidtberger, amply corroborated the testimony theretofore taken, and removed the one uncertainty which clouded the testimony given by keepers of disorderly houses.

The remarkable fact appeared in evidence by many witnesses, that notwithstanding the payment of large sums for protection, the houses of the persons so paying had, nevertheless, been "pulled" by captains to whom and to whose ward detectives the alleged protection money had been regularly paid.

This apparent contradiction was explained by Captain Schmidtberger, who testified that the agreement between the captains and keepers of disorderly houses, or other vicious or criminal resorts, was, that they should receive protection only in case their houses were run in a quiet and unobtrusive manner, and in case no public complaints were made against them; that in default of these conditions they would be just as liable to police interference as though no protection money had been paid.

This disposed of the one apparent contradiction which remained to be reconciled.

The confessions summarized show the existence throughout the city of a system so well regulated and understood that upon the assignment of a new captain no conversation was necessary to instruct the precinct detectives or wardmen as to their line of conduct. Without a word they collected the illicit revenue,

simplifying their duties as much as they could, either by granting monopolies of a special kind of crime to individuals, or imposing upon certain individuals who had knowledge of a particular class of crime, the obligation of collecting for them, thus collecting monthly from all licensed vice and crime, and paying over their collections to the captain, deducting for their services twenty per cent. from the total. Or, rather, at first, paying the whole to the captain, and receiving twenty per cent. back from him, and thereafter making the deductions themselves. The captain, on his side, visited the inspector and paid over to him a substantial proportion of the amount collected.

It appears, in fact, that this was the primary and main function of the precinct detective or wardman, and now that the confessions have been made, it appears that this was so well understood throughout the department that the wardman was called the captain's "collector."

A remarkable fact is, that notwithstanding the developments before your committee, this practice continued to exist until the office of wardman was abolished by resolution of the board of police, and exactions of the kind considered were made and paid, although in rapidly diminishing amounts, as late as October of last year.

Just to what extent the inspectors are implicated it was impossible for your committee to determine. Sergeant Taylor testified that the bulk of his collections were handed over to the inspector in whose district he was stationed. Captain Schmitzberger testified to the payment of considerable amounts to his immediate superior.

The conclusion seems irresistible upon the record, that the system proven to have existed included in its operations the precinct detectives, or wardmen, the captains and the inspectors of police.

It is not intended in this general statement to assume to charge that all precinct detectives, all captains and all inspectors were parties to these practices. But, in the judgment of your committee, the indictment is so general, and the evidence sustaining

it so conclusive, that as to the officials named the burden of proof is shifted upon them to show, so far as their connection with the force is concerned, that they were neither participants in nor did they know of the existence of the conditions so proved.

### Purchase of Appointments.

Until the confession of Captain Crecdon of the purchase of his appointment, your committee had been unable to prove by direct evidence the existence of that evil. Much appeared in the testimony pointing to methods employed for the evasion of the civil service regulations. Much testimony was secured from citizens who had loaned candidates, at about the time of their appointment, exactly \$300.

There was, in fact, enough evidence from which it could be reasonably inferred that there were brokers and others engaged in the traffic of securing police appointments, who had established \$300 as the average cost. Just how this money was divided; just how high it or part of it went, it was impossible for your committee to determine. Witnesses who might have thrown light upon this question successfully evaded the process of your committee.

It may be that a large part of these exactions remained with the brokers or district leaders, who assumed to have peculiar influence over those instrumental in the various stages leading to appointments.

There was evidence tending to show the use of money or influence at each stage. The manner in which the civil service examinations have been conducted, the deceptions practiced upon those in charge by personating candidates, false certificates and other devices, all lead to the conclusion that the present method is fatally defective.

It was testified to before your committee, and we have had ocular demonstration of the fact that the recent appointments to the force do not compare favorably with the older officers in character, in intelligence or in physical condition.

It would seem proper under all the circumstances, to reorganize the present system of civil service examination, by permit-

ting the board of police commissioners to appoint, from time to time, a board selected from among the force, consisting of four captains and one inspector, to be changed, from time to time, in the discretion of the board of police, and to be approved by the State Board of Civil Service Commissioners, to examine and report upon candidates for appointment, and to exercise in other respects the functions of the present civil service board.

It requires no argument to show that a board thus constituted, and which may, from time to time, be changed, is able to better judge of the qualifications of a candidate for police duty than can civilians who do not possess the necessary expert knowledge to aid them in their examinations.

Moreover, the natural desire of such a board to secure the best material for the force they command will undoubtedly lead to careful scrutiny and intelligent discrimination. As it is, the commissioners are now constrained to select candidates from among those certified to them from a board of examining civilians, who have no peculiar knowledge of the requirements of police duty.

Captain Creedon's confession of the payment of \$15,000 to secure a promotion to a captaincy in his case, and Captain Schmidtberger's testimony confessing that he had been the go-between in securing the appointment of another captain, in consideration of the payment of \$12,000, establishes at least, the prevalence of that evil.

To what extent it has been carried on may only be conjectured. But it seems to be a reasonable conclusion, in view of these facts, and the wealth of officers, that other promotions have been made the subject of barter and sale. In fact, the testimony shows that the general impression throughout the force is not only that every man must pay for his appointment, but that promotion can only be secured either by the payment of money, or the possession of special influence. Thus it appears that many self-respecting men who testified as witnesses, admitted that they had never sought promotion because they knew that unless they paid money to secure it, their attempts would be fruitless.

Captain Creedon testified that on two previous occasions he had sought to secure well-merited promotion, but that in each case he had been advised that his labor would be fruitless, unless he purchased the influence necessary to secure the result.

It has been impossible for your committee, on this branch of the case, to determine just how far the sums paid, or any part of them went, or whether they remained entirely in the pockets of those who sold their assumed influence with higher authority.

It seems plain that the only reasonable remedy that may be applied is to require the making of promotions upon civil service grounds only, based mainly, if not wholly, on seniority of the officer.

It may be that this rule should not be rigidly applied to the chief of police and his immediate subordinates, the inspectors, for the reason that distinct qualifications should necessarily be possessed by those who are to control large districts and to command large bodies of men. But in all other respects the remedy suggested should, in the judgment of your committee, be applied.

### Demoralization of the Force.

It is due, in the judgment of your committee, mainly to the prevalence of the practices last mentioned, that the police force of the city has reached its present state of demoralization.

The policeman who pays for his appointment commences his career with the commission of a crime, and it is not strange that the demoralization thus engendered should follow him in his further career. The captain who pays a fortune for his appointment finds himself compelled to recoup in order to return the moneys loaned to him by his friends by resorting to the practices which have been disclosed in the record before us. It seems incredible that men who are otherwise law-abiding and efficient, should stoop to the perpetration of the monstrous and debasing practices revealed by this record, unless influenced by a system existing as the result of the conditions hereinbefore alluded to. Nor is it strange that in the contemplation of these practices by superior officers, inferior members of the force should have



become demoralized until the contamination has spread throughout the entire department.

Your committee believes that there are a large number of good and true men upon the force, who despise these practices, who have refused to countenance them, and who would be rejoiced to see their final extinction.

The remedy seems to lie in the present purging of the force by the most drastic measures applicable, and by the application of the principles before referred to.

### - Interference of Politicians.

From what appears by the foregoing, one of the main disorganizing forces has been the interference of politicians and district leaders with the machinery of the department.

Notably within recent years political interference has been a prevalent evil. We have referred to instances of interference in previous portions of this report. But not only does it appear that appointments have been made largely as the result of political influence, but even the president of the board testified that he was largely controlled by political considerations in the making of his appointments, and that district leaders, as appears from the testimony of Civil Justice Roesch, deem it a part of their duty, as political leaders, to interest themselves in securing appointments, promotions, transfers and assignments of men from place to place in various precincts.

It appeared in one instance where a policeman had sought to enforce the law on his beat near one of the polling-places, a district leader interfered, and he was forthwith transferred to an up-town district to watch a board fence. Similar interferences abound throughout the record.

While, as compared with the more startling subjects hereinbefore discussed, this would seem to be of trifling importance; it appears, nevertheless, to your committee to be one of the main evils of the present system.

It is in our opinion, imperative to eliminate the influence of political bodies and political leaders from contact with a policeman in his appointment, his duty, his assignment and transfer, and his promotion to higher positions.

There seems to be but one remedy at hand, and that, the concentration in a superintendent of police of all those powers which immediately affect his subordinates, and which have special reference to the efficiency and discipline of the whole body .

Therefore, in addition to the recommendations hereinbefore made, as to appointment and control, we hereby further recommend that the superintendent, or chief of police, shall be vested with the absolute right of assignment and transfer of the entire uniformed force from inspector down to patrolman.

The present superintendent charged the prevailing conditions largely to interference with him by the commissioners of police in the assignment and transfer of the uniformed force, and insisted that if these additional powers were vested in the chief of police, the conditions now prevalent could not exist, unless the chief himself was either corrupt or incompetent; that given these powers he could readily vouch for the discipline and morale of the force, and repress or suppress substantially all lawlessness in the municipality.

We recommend, therefore, the enlargement of the powers of the chief of police accordingly.

In alluding to commissioners of police throughout this report no criticism is intended upon the two commissioners recently appointed.

### Pensions.

An important subject for legislative consideration is that of pensions. As the law now reads, an officer may compel his own retirement at half pay for life, when he has served twenty years, and the board may enforce the retirement of a man when he reaches sixty years of age, against his will, allowing him the same pension.

There are to-day on the pension list of the department over seven hundred retired officers, many of whom are physically able and thoroughly qualified to render effective police service; many of them are anxious to remain on duty; many others are engaged in active business, while receiving half pay from the city. Indeed, in several cases, pensioners of the New York force are doing active police duty in other cities.

There are on the active force now more than 500 men who have reached the time limit of twenty years service, and in a very large number of these cases applications for retirement are now pending.

The annual expenditure for pensions in 1885 was \$250,000. Now it is nearly \$600,000, and the prospective increase, owing to the large number of applicants, is very great.

When the fund was first established, it was intended that it should be supported by the police themselves, and it was provided that deductions for loss of time, fines imposed by the commissioners; percentages on rewards, salaries, etc., should maintain the fund. But as these provisions proved inadequate, other means were drawn upon so that now the pension fund receives \$300,000 annually from the excise moneys and over \$100,000 annually from unexpended balances, besides other items, such as fees for permits, licenses, etc.

It seems to your committee that the city should not be compelled to discharge policemen and pay them heavy pensions when in the prime of life, and especially fitted by experience for intelligent service. And we recommend an amendment to the present law, leaving it discretionary with the commissioners to retire an officer after twenty years of service, and making such retirement obligatory on the application of the officer after thirty years of service and the attainment of the age of sixty years.

It is further suggested that it may be advisable to require all officers pensioned to hold themselves subject to the requirements of the department in cases of emergency, such as riot and insurrection, whereby an important auxiliary force may thus be maintained for the protection of life and property.

### Finances.

No special examination of the finances of the department was made, for lack of time, but it may be well to call attention to the fact that the annual appropriation for the police force amounts now to more than \$5,000,000, paid by the Comptroller to one of the commissioners of police, who is treasurer of the

board, in equal semi-monthly payments, and that all payments out of such appropriations are made by such treasurer, whose accounts are neither examined nor audited by any one of the financial officers of the city; that the board lets out contract work without competitive bidding, securing the privilege so to do by resolution of the board of aldermen.

It thus follows that the department is free from all check or oversight with reference to an expenditure of over \$5,000,000 annually.

### Police Commissioners.

Your committee recommends a change in the existing laws whereby, by statute, the membership of the police commission shall be and remain equally divided between the two parties who at the last preceding election on national and State issues, polled respectively the highest and the next highest number of votes. In other words, your committee recommends the establishment by law, of a commission substantially upon the principles now in vogue with reference to the several boards of election inspectors throughout the State.

Conceding that a multi-headed commission would be theoretically as well as practically unnecessary for the proper administration of a department of the city government, purely administrative in its character, it must be equally clear that other considerations apply to a department which unites in its official heads a number of distinct functions, co-ordinate and equi-important. The differentiation becomes even more strongly marked when the relation of the police department to the elective franchise is also considered. Under the law as it at present exists, the police commissioners occupy a position in marked contrast to that of the head of any other department of the municipal government. They are vested with power of appointment, of promotion, of assignment, and of discipline, with respect to a force of 4,000 men; that is to say under the law as it now exists, the superintendent of police is largely a figure-head and notwithstanding the law provides that he shall be the chief executive officer of the force, his

powers are largely such as are derived from the commissioners themselves, or may be exercised under the rules and regulations adopted by them. It follows that while in theory the executive functions belong to the Superintendent, in practice they are lodged in the commissioners.

Then, again, the commissioners are charged with the general administration of the affairs of the department, the equipment of the force, the repairs and general supervision over the many buildings required by the police, such as station houses, etc., the disbursement of appropriations amounting annually to upwards of \$5,000,000, and the control of the pension fund, the care of its investments and the distribution of pensions of \$600,000 annually, in short, all the duties incident to the administration of so vast and important a department.

Then, again, they occupy a quasi-judicial relation to their subordinates, sitting in judgment upon all officers against whom charges of misconduct or breach of discipline, or violation of the rules and regulations of the department are made by the superintendent. Upon these trials witnesses may be examined on both sides of the questions at issue, the accused is entitled to counsel, and the proceedings and judgment are reviewable in the higher courts.

When it is considered that the police trials have averaged 5,000 annually over the past five years, and especially on the trial of accusations against superior officers have required the taking of much testimony, the magnitude and importance of the labor involved in this branch alone becomes apparent.

Then, again, the commissioners appoint under such limitations as are prescribed by law, inspectors of election. They pass upon the certificates of nomination of candidates for election of all political parties, and of independent candidates as well, and they receive and are charged with the custody of the election returns; in fact, they are so closely related to the election machinery of the city that substantially every important step in the conduct of elections prior to and after the polling of the vote is under their supervision, and very largely under their

control, while during the time of polling the vote their subordinates are charged with the enforcement of law, and in that capacity, if so disposed, may exert a potent influence for or against one or another political party, faction or candidate. The establishment of a separate bureau of election will not relieve the situation in this aspect.

It requires only the enumeration of these various functions to demonstrate the vast power and responsibility of the office, the complex duties involved and the paramount necessity as regards the welfare and happiness of the people, that the functions so exercised shall not be abused or turned into instruments for the oppression of the citizen, or the deprivation of his constitutional rights.

It may well be a mooted question whether, in view of the vast power of so large a body as the police force of so great a city for good or evil, coming in daily and hourly contact, as they do, with the citizens, but more especially with those who follow the humbler walks of life, the executive functions should be confided to a single man.

It has been sought to establish an analogy between the police and the militia, and claim has been made that the same general plan of organization and discipline should be adopted, but, in fact, no true analogy exists. The militia, as an organized body, do not enter as potent factors into the daily life of the people, nor are they charged with duties closely related to the avocations of our citizens. Their official duties are not continuous, nor do these affect or touch our citizens in their daily lives, their persons and the pursuit of happiness.

It is otherwise with the police. A great public emergency alone would reconcile the people, and then for a short time only, to conditions of martial law, and they would look with justifiable concern on the lodgment in the hands of any one man of vast and dictatorial authority. It is, however, clear from the evidence that a larger concentration of power within the hands of the superintendent of police is advisable and is recommended by your committee in the bill herewith submitted, which, if approved, will as to the executive functions of the department,

make the chief of police in fact the one head, and endow him with all the authority of a single-headed commission to enforce law and order, and control the assignment, transfer, efficiency and discipline of the force. Supplementing this, as is recommended, with the further power of suspension of subordinates, and the control of promotions by recommendation within the civil service rules of limitation, as suggested, confers upon him a larger scope of authority than is conceded in time of peace to a military leader. The argument in favor of a single-headed commission, relating as it does, mainly to the executive functions of the department, should be completely answered by these recommendations.

But when the additional and onerous duties connected with the administrative and the judicial functions of the department are considered, it must be plain that to lodge all these vital and important functions in one head is to invite confusion and disaster. The impracticability of such a scheme has been recently conceded by a large number of those who prior to this investigation were its most zealous advocates. And when the relation of the department to the elective franchise is considered the argument in favor of a one-headed commission loses all its force. The Legislature at its last session placed itself broadly upon the principle of non or bi-partisanship in connection with the election machinery of the state by providing for politically divided boards of election inspectors. The functions of those officers are of no greater importance and their influences for good or bad, upon results, are not less far reaching than those of the police department of a great city like New York; in fact, the conditions revealed by the testimony plainly indicate that the power of the police improperly exercised, would and did reach the inspectors themselves, and influenced them in the execution of their official duties. If, therefore, the bi-partisan principle is applicable to inspectors of election, it applies with still greater force to a police department such as that of the city of New York. A bi-partisan board conveys a distinct declaration to its subordinates that they

must conduct themselves upon non-partisan lines, and that neither favor, reward nor promotion may be expected from aggressive partisanship. It discourages interference, intimidation or any of the evils shown by the testimony, and encourages the performance of the paramount duty to enforce law and order. A one-headed commission, under the circumstances, would be a partisan commission of the most pronounced type, and an inducement to the force to seek the avenue of reward and promotion through the prostitution of their power to secure the ascendancy of the political party of which their chief is a member. The testimony taken seems to be conclusive upon this point. The record is silent as to any affirmative interference by the police with the elective franchise until the board of commissioners became a partisan board under the administration of Mayor Grant. From that time on interference became more active and assumed constantly increasing proportions, until, at the last election, when for the first time in many years, under a non-partisan or bi-partisan board, an honest election free of interference by the police was had. It stands to reason that if honest elections could not be secured under a board in which one party had the numerical superiority, what prospect would there be for the exercise of an untrammelled suffrage under a one-headed commission whose chief was a partisan? Or to make it still plainer, what would have been the result last year if the police department had been under the absolute control of one commissioner appointed by Tammany Hall influences? Commissioner McLean, who was the only witness not identified with the present force, who may be considered an expert upon this question, declined to state that from his experience a multi-headed, bi-partisan commission was wrong in practice or theory, but, on the contrary, doubted the expediency of a one-headed commission in view of the experience of the city of Chicago with that system. It is a significant fact that cities in which one-headed commissions are the order, investigations into the same corrupt practices as have been revealed before your committee, are now under consideration. Your committee, there-



fore, finds nothing in the evidence or facts developed before it to warrant the conclusion that a single-headed commission is preferable to or, under all the circumstances, as well adapted as a bi-partisan commission to the performance of the duties devolving on the official heads of the police department, regardless of the question of the elective franchise. Considering this latter as part of the whole, the conclusion seems irresistible that the bi-partisan system is the only one which commends itself to the people. The main evil to be corrected is that of the prevalent demonstrated corruption, which, apparently, from the testimony of the superintendent, has crept into the force, mainly because of the inability of the executive chief to assign and transfer members of the force. He testified that if this power to assign were conferred upon the superintendent and conditions such as revealed by the testimony continued, the superintendent must either be corrupt or incompetent; hence, absolute responsibility could be fixed for such a condition of affairs. It will be more in accord with that proper conservatism which so important a subject as the one under consideration demands, to refrain from attempting legislation more radical than that herewith suggested, especially in view of the fact that a mayor now presides as chief executive over the destinies of the city who will intelligently consider the needs and requirements of the police department, and should the measure herewith proposed prove inadequate to the situation, will doubtless suggest supplementary legislation.

### Continuance of the Investigation.

As has been before stated, your committee, for lack of time, was unable to pursue its investigation as thoroughly as the great questions at issue would seem to demand. Only incidentally and in the most superficial manner were the three departments enumerated in the resolution, the excise, charities, and corrections, and the police courts examined. But even this cursory investigation has satisfied us that grave abuses, inferior only to those revealed in our record with reference to the police

department, exist in these other branches of the municipal government. It is claimed, moreover, that similar abuses and general maladministration are characteristic features of many of the other departments of the government of the city of New York. A public demand has made itself heard for further investigation by your committee, and we believe that this popular desire should be heeded.

On the other hand, we recognize that a change has recently occurred; so that possibly the commissioners of accounts may be able to perform all the services that may be required.

We recognize further, that legislative investigation may possibly embarrass the present mayor of the city unless the same is so conducted as to be in entire harmony with the local government.

We recommend, therefore, a continuance of the powers of your committee, increasing its scope of inquiry so as to include every branch of the municipal government, but we do not believe that it would consist with sound judgment to initiate or pursue any further investigation, except by request of the mayor, and then only as to such departments as in his judgment require legislative scrutiny.

### In Conclusion.

As a summary of the recommendations hereinbefore made, your committee respectfully recommends:

First. The concentration in the hands of a superintendent of police, to be hereafter known as chief of police, of all those powers connected with and which affect the discipline, control and efficiency of the entire uniformed force, including assignment and transfer, whereby the executive functions of the department shall be lodged wholly in his hands, and he shall be, in fact, the responsible single head of the uniformed force.

Second. The lodgment in the hands of such a chief of police of the summary power to suspend subordinates without pay, and to recommend officers for promotion, with such limitations as the bills herewith presented impose.

Third. That the Board of Police Commissioners shall by law be made a bi-partisan board, with exclusive authority over the administrative and judicial functions of the department as well as over those which affect the elective franchise.

Fourth. That all promotions shall be made in conformity with the rules of the civil service for merit and superior capacity only, and within the limitations prescribed by the bill herewith submitted.

Fifth. That the police commissioners shall have power to appoint a board of civil service examiners, consisting of one inspector and four captains of police, to be approved by the State Board of Civil Service Examiners, to pass upon the eligibility of candidates for appointment, and that the present method be abolished.

Sixth. That the pension law shall be so amended as to leave it discretionary with the police commissioners to permit retirement after twenty years of service, and making retirement mandatory upon them only after thirty years of service, and then only on application of an officer who is sixty years of age or over.

Seventh. That the accounts of the department be examined or audited in the same manner as are the accounts of other departments of the municipal government.

Eighth. That a radical reorganization of the department be made by commissioners appointed for that purpose, upon whom shall be conferred, subject to approval by the mayor, absolute and summary power of dismissal of any person and persons connected with said department, who, in their judgment, do not possess the necessary qualifications or answer the requirements of the service, which reorganization shall be made upon the lines laid down in the bill for that purpose accompanying this report.

Ninth. That your committee be continued and the scope of its authority increased in conformity with the resolution heretofore introduced.

Your committee respectfully presents the accompanying bills upon the subjects hereinbefore referred to, and recommends their passage.

The committee remains as originally constituted except that Charles T. Saxton, resigned his office as Senator and retired from the committee when elected Lieutenant-Governor.

Dated ALBANY, January 16, 1895.

CLARENCE LEXOW,

*Chairman.*

EDMUND O'CONNOR.

GEORGE ROBERTSON.

CUTHBERT W. POUND.

I concur in the above report, except in the recommendation of a bi-partisan board of police, my opinion being that there should be a single-headed police department and a separate and bi-partisan election bureau.

DANIEL BRADLEY.

I regret very much that I can not concur in all the conclusions drawn and recommendations made in the above report, but, with the consent of the senate, will present at an early day my views and suggestions for legislation on the subject-matter involved.

JACOB A. CANTOR.

# MINORITY REPORT.

---

*To the Senate :*

In presenting this minority report it is a matter of extreme regret that I was unable to concur either in the conclusions drawn by the majority or in their recommendations. As the sole representative of the city of New York upon this special committee, I had hoped that an agreement could have been reached, uninfluenced by party consideration, in favor of some measures of relief rendered necessary by the facts revealed in the investigation. It was assumed by those who were responsible for the investigation that the work would be prosecuted without regard to individuals, and irrespective of party considerations, but that a united and determined effort would be made to expose whatever corruption or abuse of power might have been found to exist in the police department of the city. It was promised to the people that a thorough and complete investigation would be made and that its results would be of such a character as to give to that city a police department removed from political influences and effective for the performance of its duties. In order to accomplish this result there was unanimity of sentiment on the part of the members of the committee that the investigation should be diligently prosecuted and only for this purpose.

At the outset Republican counsel was employed, who, living in a distant city, was unfamiliar with either the geographical, political or social condition of the metropolis. He was entrusted with the duty of performing what may be considered as the political work in which the majority were engaged. It is true that a protest was made against his employment, for the reasons assigned. In spite of that opposition he was entrusted with the work of collecting evidence to demonstrate that the dominant political organization of the city was interested and instrumental in the alleged frauds in some of the election districts. He prosecuted his labors under the guidance of the majority of the committee,

giving thereby political bias to his work. Neither he nor the committee made any effort to make a thorough and impartial investigation of the election system, nor did he or the committee address themselves to the ascertaining all of the facts which involved the operation of the election laws, as executed. He simply endeavored to prove what he considered to be not real and substantial evidence against the election law, but irregularities which the committee claim prove that the police were the instruments and agents to the dominant political organization of that which the committee claim prove that the police were instruments and agents of the dominant political organization of that city. No effort was made to show that the Republican party in the various election districts had been guilty of any irregularities, but the evidence shows that the witnesses who were produced before the committee on this branch of the inquiry were those whose testimony had been secured beforehand by the Republican clubs of the city. These irregularities had not been brought to the attention of the authorities, complaints made or prosecution instituted. The committee failed, as did its counsel, to show that the two great political parties had equal representation on the boards of inspectors and the election officers; nor was there any proof that the abuses alleged in the report of the majority had been protested against by the inspectors of election, poll clerks and ballot clerks, who, under the law, were appointed upon the recommendation of the Republican committee and named by the Republican police commissioner. It is probably true, and the evidence to some extent sustains the proposition, that there were certain irregularities at the polls, but not of a character to warrant the wholesale indictment made against the entire city in the report presented by the majority. It would be strange indeed in a great cosmopolitan city, with its 1,100 election districts, if differences of opinion did not arise between the election officers and the zealous watchers designated by candidates to watch the voting and the returns. But the evidence proves that in every instance in which such a conflict of authority occurred, and upon the attention of the police authorities being called thereto, the dispute was settled and the rights of all carefully protected. The committee also failed to find,

what the records prove, that in the city, after election, there were certain indictments and prosecutions for violation of the election laws as the result of the official efforts of the district attorney and the judges who were in sympathy with the dominant political organization.

The committee say : "That in a very large number of the election districts of the city of New York, almost every conceivable crime against the elective franchise, was either committed or permitted by the police, invariably in the interests of the dominant Democratic organization in the city of New York, commonly called Tammany Hall." This statement made is astonishingly false and absolutely unsustained by the testimony.

In corroboration of what I say in regard to such an important and vital conclusion of the committee, I confidently appeal, not only to the record, but to the personal knowledge of the entire voting population of the city. I also call attention to the fact, in connection with this infamous arraignment of this great city and its people, that there has not been an election during the past twenty years, when federal officers were chosen, where the polis and everything connected with it were not under the absolute control of federal officers, nine-tenths of whom were Republicans, and who possessed more power than the whole police department of the city and all of the officials of the State combined.

The testimony taken by the committee simply shows that but in a very few of the election districts, not fifteen in all, out of about 1,100, were there any charges, even of irregularity. It is inconceivable how men, pretending to represent the reform political party of this State, could so wilfully and wickedly misrepresent the evidence taken.

The report also proceeds to state that the police officers at the polls considered themselves the active agents and employes of the dominant political organization of the city. There is not a scintilla of proof to sustain this proposition ; but, on the contrary, the slight evidence taken on this subject simply shows that in two or three instances the police officers at the polls considered it their duty to obey the order of the majority of the inspectors. The police officers of the city are not officers of election, but are assigned to the various election districts to preserve the peace and to pro-

fect the voter. They are under the instruction of the boards of inspectors, who are charged with the construction and enforcement of the election laws. It may and does happen that different opinions are entertained as to the duties and rights of watchers, challengers and officers at the polls.

The final decision of such differences is not and cannot be a crime against the elective franchise.

In the city of New York, crimes against the ballot box have been more sternly prosecuted and severely punished than in any other town, city or village in the State, and its elections, therefore, have been more free from fraud.

The reckless statements are made by the majority in order to build up an argument against the creation of anything but a bi-partisan commission. It will be noted that no evidence of election frauds was submitted to the committee prior to 1892. The majority claim that prior to that time the police commission of the city was bi-partisan in its character, and, therefore, no such abuses could exist under such an administration. It might have been interesting, but it did not suit the purposes of the majority of the committee to go back to an earlier period for the purpose of ascertaining whether the election laws were observed during the existence of a bi-partisan commission. It is claimed by the committee, or at least it is the only inference to be derived from the language of the report that the police commission from 1892, down to the summer of 1894 was a partisan commission. This statement is not borne out by the facts. The evidence shows that from almost the inception of the department down to the spring of 1892, the commission was bi-partisan, to this extent. It consisted of two Republicans and two Democrats, and for a long period of years the dominant political organization of the city of New York, known as Tammany Hall, had but one police commissioner, while the Republicans and the anti-Tammany organization together had three members of the commission, and whatever abuses existed in the department throughout these years, both of blackmail and corruption, or of violations of the election laws, existed under this bi-partisan commission. But,



in the spring of 1892, there was a change made in the police board. It was observed by the local authorities of the city that partisan police commissions and partisan boards of inspectors of election existed in nearly every city and every election precinct throughout the State. That frequent attention had been called to this fact, but that the Republican Legislature was in favor of retaining Republican police commissions and Republican election boards throughout the State. In Republican strongholds it was deemed proper and politic for partisan reasons to make the police commission and the election machinery partisan and, therefore, Republican. In Democratic localities it was to be absolutely non-partisan. The New York city authorities, recognizing this condition of things, suggested a change in the law as it affected the city.

The change was made and when the term of a Republican police commissioner expired in February, 1892, the mayor filled the vacancy by the selection of a Democrat, and until the summer of 1894 the commission consisted of a Republican commissioner, an anti-Tammany commissioner and two Tammany commissioners, truly a bi-partisan board, as far as the exercise of any control by the dominant political organization was concerned. In 1894 the Democratic mayor of the city, upon the resignation of a Republican commissioner and expiration of the term of an anti-Tammany commissioner, appointed two prominent Republicans to fill the places, so that from that time to the present the commission has consisted of two Democrats and two Republicans.

It is to be regretted that this question of politics should have been intruded into the report of the majority. The simple purpose was the reorganization of the department investigated, with a view of preventing in the future certain crimes and abuses, for which we have the authority of the Republican leader of the Senate, a member of the committee, that no political party, religious sect or distinctive race was responsible.

Suggestions will be made later of radical remedies to be applied in order to avoid irregularities at the polls, and to prevent offenses against the franchise. The safety of the people

depends upon the purity of the ballot. The best minds of the State have been and are still engaged in recommending legislation that will prevent a perversion of the will of the people or the election of the men to office by fraud or corruption. No measure can be considered too severe or sweeping which will secure that result.

This minority report is presented chiefly as a protest against the grossly partisan character of the report of the majority. The committee took proof as to the officers of the police who were enrolled as members of Democratic clubs of the city. No evidence was taken to show how many of the police officers, high and low, were enrolled as members of Republican clubs, and the majority condemned in the severest terms police officials belonging to the Democratic clubs. The evidence, however, shows that this practice of the police in joining political clubs to acquire political influence was severely denounced by the Democratic president of the police board, and by the leader of the Democratic party of the city. It is true that politics have largely interfered with the personnel and discipline of the department. It is safe to assume that this is common to all police departments in this and other States. It seriously interferes, however, with the work of the police department, impairs its efficiency, cripples its influence and destroys the merit system. Men should be appointed on the force after their qualifications have been duly established and should be prohibited from receiving or soliciting the endorsement of men holding public office. Their promotion should be determined absolutely by the record and by the record only. This record should contain not only the offenses with which they have been charged as members of the force but it should set forth their good deeds and effective work accomplished. It has not been the custom heretofore to enter upon the books of the department the heroic deeds and splendid police work of individual members of the force; the record has been simply a record of offenses and penalties imposed. It should be otherwise and promotions should wholly depend upon the record justly kept, uncontrolled by personal or political influence.

It is conceded that sufficient blackmail, corruption and tolerance of crime was shown to exist to warrant a reorganization of the department. It is true, as the evidence shows, that this system has existed almost from the creation of the department. It was not deemed possible when the committee was first organized to obtain the necessary evidence to bring home to members of the force specific proof of offenses alleged. Other legislative committees had absolutely failed in this respect.

When the resolution of investigation was adopted there were no specific charges against any officers of the department, but a general charge against the entire department. It was known, or generally believed, that certain classes of crime existed which could not have continued except by the connivance of the police authorities.

The committee did wisely in intrusting the absolute power over this branch of the inquiry to John W. Goff, Esq., who has since been elected recorder of the city of New York. He was aided by powerful private associations who were busily engaged in gathering proof and in securing attendance of witnesses. No more tireless, industrious and effective counsel was ever employed by a committee charged with a responsibility of this character. It not only required courage, but great ability to ferret out these offences and to secure the testimony necessary to prove them. It is not necessary now, especially in view of the elaborate report made by the majority and the wide publicity given to the testimony taken before the committee, to detail the crimes and abuses proven. It must be remembered that they were committed under a bi-partisan police board which seemed to be powerless to either prevent, prove or punish them. It is not charged that any political party is responsible for this state of things. Efforts were made by several members of the board to trace to responsible persons rumors of corruption or blackmail. They could not be traced nor proof secured, and it is doubtful whether the police commissioners or superintendent are to blame for their failure to ascertain where corruption existed and how and in what manner blackmail was levied.

It was testified to before the committee that if the police commissioners had the power possessed or assumed by the investigating committee it might have been possible to ascertain the extent of the corruption and blackmail and to punish the offenders and purge the force. But they were limited in their inquiry to offences specifically charged against the officers. They had no right under the law to issue subpoenas or to enforce the attendance of witnesses not members of the force, unless upon the trial of an officer on specific charges duly made, and they could only convict upon evidence taken under the rules of law. Their whole proceedings are subject to review on appeal to the courts, and in many instances their action was reversed on technical grounds, and delinquent officers restored to duty. If the board had the power to summon witnesses to testify as to rumors of corruption before preferring charges, it might have been possible for the commissioners to have ascertained the truth or falsity of the rumors and to have acted upon them. I am in favor of conferring power upon the department of originating investigations and compelling the attendance of witnesses so that rumors could be traced or proof obtained upon which officers could be placed on trial. It is to be regretted that the committee in its report accepts as true every particle of testimony produced against a police officer no matter from what polluted source, without giving the contradiction or evidence of the accused official any weight, consideration, or even mention, whatever. It was but natural that throughout the investigation witnesses should have implicated officers because of enmity or malice. An examination of the evidence, so far as it discloses the politics of most of the officials in the department who are implicated in the blackmail, fraud and corruption testified to, were Republicans. I should not, under ordinary circumstances, have referred to the politics of those whose reputations were affected, if not completely destroyed, by testimony of blackmail, were it not for the fact that, at every opportunity, unsupported by proof, without any regard to the evidence, the Republican majority have implicated the Democratic organiza-

tion of the city of New York. I agree with the majority report which eulogizes the force in its entirety.

It is true that many serious charges were proven against members of the force, but the number of those implicated is small compared with the number of men who have been faithful and loyal to duty. It has demonstrated its great power in many respects in the past in the interest of the public welfare and for the public good. It stands unrivalled as a whole. It can be depended upon in any emergency for bravery, for determination and for application to duty. It has a roll of honor second to no department in the civilized world. It has been the glory and pride, and justly so, of the citizens of the great metropolitan city, and they look forward to that period in the history of the department when its blackmailers and corrupt men shall have been driven from the ranks. It is difficult, of course, in a vast body of men, to keep it entirely free from corrupting influences, but with the exercise of vigilance on the part of the superior officers of the department, and with a knowledge that promotion can depend only upon merit, and not be obtained by bribery or political influence, it will be possible to prevent a recurrence of the evils that have been shown to exist.

It is to be regretted that the majority of the committee should have proceeded to indict the police courts of the city without having had an opportunity to make an examination or investigation into the subject.

In relation to the department of charities and corrections, the evidence before the committee shows that several of the keepers in the subordinate jails, where prisoners are temporarily committed, have been exacting fees in violation of law. This, however, does not warrant the majority in indicting that department. It was necessary, however, in the interest of partisanship, to discredit the administration of a Democratic department, that these wholesale charges involving the integrity of public officers should be made.

Considerable stress is laid by the majority upon an alleged compact made between the Liquor Dealers' Association of the various districts or precincts with the dominant political organization. There is no evidence to show the existence of any such agreement. It is simply hinted at without any evidence whatever, because the dominant political faction insisted that the blackmail of the liquor dealers by the police of the city should end, and that was the result of the interference on their part; but, of course, the majority, utterly indifferent to the proof, and without a scintilla of evidence to sustain their finding, determined that there was such an agreement, and finds accordingly. It simply demonstrates the worthlessness of the conclusions drawn by the committee, and exhibits their absolute partisanship in spreading before the people in their report conclusions that find no evidence to sustain them in the proceedings. If such a compact existed it would have been comparatively easy for the committee to have shown it by an examination of the parties alleged to have been interested in making it, but one of the parties, whom it was charged was instrumental in making it, or was present when it was made, denied all knowledge of it.

#### As to the Remedies.

First. I concur in the first recommendation made by the committee that additional powers should be lodged in the hands of the superintendent of police similar to those suggested in the bill accompanying the majority report. I believe that it will add materially to the discipline of the department. I would further provide that the chief of police be prohibited from acting upon the recommendation of any person holding office in the assignment, transfer or promotion of members of the uniformed force, and public officers should be prohibited by statute from making such recommendations.

Second. I emphatically dissent from the proposition contained in the third recommendation of the majority report which provides for the creation of a bi-partisan board of police commissioners. I have contended, as it will have been observed throughout the above report, that all the evils complained of and demon-

strated to have existed were in full and complete operation under a bi-partisan board of police. In the first place, the principle is bad in theory. It is worse in practice. It is a divided responsibility and there is no way in which the people can hold either individuals or political party to a strict accountability for the actions of the board.

As a further indication of the character of the report made by the majority on this very matter, it is alleged that cities in which one-headed commissions are the order, investigation to the same corrupt practices as have been revealed before your committee are now under consideration. There is not a particle of proof to sustain any such finding on the part of the committee. No evidence whatever was taken by the committee to indicate that in any city of this State where a single-headed commission exists were there any abuses of any kind, nature or description. On the contrary no evidence affecting any such locality with a single-headed commission was presented to the committee.

It has been clearly demonstrated by the evidence that the bi-partisan commission which has existed from the creation of the department down to the present hour, has proven a failure. It has demonstrated its weakness, and it is time to suggest a radical change that may accomplish the desired reform which the people of the city of New York demand. I am in favor of a separation of the bureau of elections from the police department of the city. As a representative of the city of New York, I have carefully watched the workings and observed the practical results derived from a consolidation of the police department and the election machinery of the city. I believe that the time has arrived when the two departments should be separated. If that is done it will eliminate from the argument in favor of a bi-partisan commission nearly all that is alleged in order to sustain it. I would provide first for a single-headed commission of the police department for the city of New York. I believe that force in the hands of a practical man, honest, faithful and conscientious, would be relieved of the abuses shown to have heretofore existed, and can be honestly relied upon to exercise true and

efficient police duty. I am aware of the strong sentiment which seems to dominate the Republican machine in favor of a bi-partisan commission.

In this determination to be arrived at in regard to the safe and successful policy to be adopted at this time in the creation of a new commission, it is well to be governed by public opinion, universally expressed in the city to be affected by the legislation, especially when that demand is made after the bi-partisan commission has been the product of so much evil. I am, therefore, as I have suggested, in favor of a single-headed commission, appointed by the mayor of the city, and I am not unmindful of the fact that that official is opposed to the political convictions which I entertain, but I believe he can be safely trusted with the appointment of a competent commissioner to occupy this office. In the creation of the new bureau of elections to be separately constructed, I would suggest the appointment of two commissioners, representing the two dominant political parties, whose duty it shall be, under a bill to be hereafter presented by me, to control the election machinery of the city under the present safe and conservative election laws so that all political interests can be protected.

With respect to the police department, I would eliminate from it all partisanship and political considerations. It is perhaps the most important department of the city government. Through a proper and conservative exercise of its functions depends the peace of the city and the enforcement of all the criminal laws. This immense power, great as it is, is one which should be exercised with a due regard to the rights of all the citizens irrespective of social, political or religious distinctions. It is said that the concentration of this power in the hands of one man would be autocratic in its character, and for that reason it should not be possessed by any single individual. I cannot concur in any such statement. I can conceive of no reason why a police commissioner, whose duty is administrative only, with a chief of police, exercising the powers contemplated in the proposed legislation, and under the vigilant and watchful supervision of the



newspapers and the people of the city, should not give satisfaction to the people. At any rate, it must be conceded that inasmuch as a bi-partisan commission has been proven to be a failure, it is the duty of the Legislature to provide some new measure by which that department can be governed; and I know of no other proposition that would meet the present emergency than a single-headed commission.

The organization bill recommended by the majority report directly violates the doctrine of home rule. To such an extent have the people of the State declared in favor of this doctrine, that the revised Constitution adopted by the people last fall embraces a home rule amendment. This proposed bill at the outset, and for reasons which seem to be incomprehensible except upon the theory of deriving some partisan advantage through its enactment, provides for the creation of a commission of three to be appointed by the Governor for the purpose of reorganizing the police department of the city. The policy of the State has been to confer the power upon the chief executive of a city to appoint all commissions created to perform local services. I am satisfied that it was contemplated by the majority that the Governor of this State would create a commission, partisan in its character, consisting of two Republicans and one Democrat to reorganize the police force, that would accomplish the work in a manner satisfactory to those who dominate the Republican party in this State. It is to be, according to their recommendation, a bi-partisan board of police, to control the department, but a partisan majority to reorganize it before it is transferred to that commission. If the bi-partisan policy appeals so strongly to the judgment and conscience of the majority, it is inconceivable why a bi-partisan majority was not suggested for the purpose of reorganizing the force. But, in this respect, as in many others heretofore indicated in this report, the majority seek to derive some partisan advantage from the police force thus reorganized. I propose, when the bill recommended by the majority comes before the Senate for action, to move an amendment to the first section of the bill by providing that the mayor of the

city shall appoint the commission to execute the provisions of the proposed new law. I am for home rule for the city of New York in this particular as in all other matters of legislation which may come before the Senate for its final action, respecting any city or locality within this State. I shall also insist that the police department shall have the power similar to that conferred upon legislative committees to examine into all matters affecting the department of the city under the reorganization plan so that no recurrence of the evils proven to have existed shall again find its way into that department.

### Conclusion.

It has not been my purpose in this minority report to attempt to analyze the evidence taken by the committee. I have simply endeavored to answer some of the statements unsupported by the evidence which have been made by the majority. I realize how important the action of the Legislature in this respect will be to the people of New York, and the recommendations that I have suggested are of a character which I believe all honest and loyal people in the city desire should be enacted into law. I have endeavored to strip my mind of all partisanship and to suggest to the Legislature such modifications in the proposed new laws and such additional recommendations as will make the department under consideration a model of its kind. It can be done if the majority of the Legislature will be governed, not by party policy and the behests of political leaders, but by a regard for the best interests of the people. There are occasions when men should rise superior to party convictions or party advantages. The welfare of the great city should be the first concern of all who are called upon to legislate in her behalf, and I confidently rely upon the unbiased judgment of the Senate and the Assembly to deal with this question in a thoroughly patriotic manner. Political differences may exist in relation to other branches of the city or State government, but the police power of the city or State should be free from political influences or considerations. The police power when exercised in a great metropolitan city reaches all classes of the people. It

has been used to an astounding extent in the past in the oppression of the unfortunate and the ignorant and the poor, down-trodden classes that have emigrated to our shores from tyrannical governments. In the exercise of a sound discretion it is hoped that the Legislature will so act in the reorganization of this department that protection shall be absolutely extended to all persons engaged in peaceful pursuits or honest callings, and and that neither protection, tolerance nor immunity shall be extended to crime.

Respectfully submitted.

JACOB A. CANTOR

# PROCEEDINGS

OF THE

First meeting of the Committee to whom was assigned the investigation into the conduct of the Police Department of the city of New York, held at the Court of Common Pleas, Part III, in the County Court House in the city of New York, Friday, March 9, 1894, at 10 a. m.

---

Present—Senators Clarence Lexow, George W. Robertson, Cuthbert W. Pound, Edmund O'Connor, Daniel Bradley and Jacob E. Cantor, of the committee.

William A. Sutherland, of counsel for the committee, assisted by Henry Grasse.

Delancey Nicoll, of counsel for the police board.

The Chairman.—Is this counsel ready to proceed?

Mr. Sutherland.—Then, Mr. Chairman, and gentlemen of the committee, if I may be indulged for a few moments before calling witnesses, I should be glad to say a word or two with regard to the character and scope of this inquiry, and the sort of matter which it is expected shall be laid before this committee, responsive to the resolution which led to your appointment. In the first place, it seems to me clear that it is the bounden duty of the committee, and those who shall assist this committee, to commence at the root of the matter, to start at the foundation, with the inquiry. The scope of the inquiry which this committee is directed to institute by the Senate, which created it, involves every abuse existing in the police depart-

ment in the city of New York; that certain abuses, certain specified evils, have prompted the inquiry, may be true; but it is, nevertheless, true that the resolution directs that the inquiry be broad and sweeping, and cover all of the abuses that are said to exist in the police department. For this reason, it seems to me that we ought to begin at the root of the matter, in order that the inquiry may be orderly, logical and resultful; but it seems that those who ought to be upholding the hands of this committee are, some of them, ready to question the propriety first, of the committee being the investigating body; and second, the propriety of the committee directing the investigation, first of all, to the prime evil, that out of which all the others grow. I venture, therefore, to suggest, first, that the committee represents the Senate, and the Senate represents the people of the entire State, and not the people of any particular locality. For the first time in the history of the State of New York, and I venture to say for the first time in the history of civilized government, the Legislature has been asked to put its hand into the public treasury and set apart the funds that shall provide means for carrying on this investigation, so that the attention of every taxpayer in the State has been sharply turned to the proposition that this is an investigation carried on by the people of the State for the benefit of all the people, for the benefit of the State in its entirety, however much additional local benefit may come to any particular locality. There is one thing in which all the people of the State are interested without regard to the place of their residence, without regard to their political affiliations. That one subject is the sovereignty of the people, the right and the privilege of every citizen of the State to record his will in the ballot-box, the only place where he can speak; upon that subject every citizen of the State has the same interest that has any other citizen, no matter where he lives, no matter to what political party he may belong; and I say the taxpayers in Ogdensburg, and Buffalo, and Dunkirk, and Patchogue, having been sharply reminded that they are concerned in this investigation, have the right to ask the committee to see that their rights as citizens of the State are conserved by this investigation. It is said, however, that such an inquiry is of a partisan character, and, therefore, to be questioned, possibly to be had, but to be had with excuses, to be deprecated and apologized for. But there was no partisanship in the conviction and sentence of John Y. McKane; there was no political party that was concerned in the inquiry that went on before the court and the jury in that case. The question that was there investigated was

strictly and only the right of the people of that locality to express their wish in the ballot-box. There was no partisanship in the inquiry that has been going on within this city for the past few weeks, which has resulted in sending many an election officer to places behind the prison bars. The rights of all of the people were concerned in that investigation. There was no partisanship, because there was no party that dared or ever will dare stand up behind and support men who have violated the Election Law. Upon the contrary the wisest, the most far-sighted as well as the ablest men in both political parties have united in saying that this sort of wrong should be suppressed at all hazards and at any cost. No one can forget how, but last fall, the leading Democratic journal in the neighboring city across the river, the "Brooklyn Eagle," called attention to the plotting that was then evident, showing the intention of the Gravesend authorities to subvert the will of the people at the ballot-box. No one can forget with what wondrous diction, with what strength and even majesty of denunciation the "Brooklyn Eagle" sent day after day to the people those wonderful philippics, which are well worthy of place among the classics of English literature. But the day before yesterday the leading Democratic newspaper of western New York, the "Buffalo Courier," said these words: "Public sentiment will be irresistible in demanding that election booths hereafter shall be scenes of order and obedience to law. Is government to be turned into a ghastly mockery by the bulldozing and bullets of political bullies? The hired agents of party machines controlled by unprincipled bosses?" This is not the language of a Republican orator, nor of a Republican newspaper, but these words are taken from the "Buffalo Courier."

"In the face of such dangers party ties will be thrown off and the people unincumbered will stand forth in defense of the integrity of the ballot-box. The rights of American citizenship in New York must be vindicated. Compared to this duty other State and local issues are insignificant and paltry." In the face of these declarations; in the face of what has been going on in the courts of this city and neighboring cities; in the face of the desperate deeds that were done on Tuesday of this week; in face of the violations that prevailed at the polling places in Troy, sitting as we do to-day, when, at this same hour, there is being carried to his grave the body of a man whose only offense was that he strove to protect the ballot-box against fraud—it seems to me that the very atmosphere ought to draw the committee from every other consideration to come first to that which is the foundation stone of our government; because, what other laws there may be, they must all spring from the

representatives of the people. There can be no law without government; they are the sovereignty, when they stand with ballots in hand. The deposit of that ballot is the act of sovereignty, the supreme act of National and State existence. If that be pure, the will of the people be honestly expressed and honestly counted, fearlessly made known, and fearlessly executed, then, indeed, is it a government of the people. No law can stand except upon this foundation; and however much other laws may be attacked, however much the violation of other laws may be deplored, the violation of this right strikes at the foundation of our American system of government. This is also a question that must deeply concern every citizen of the State. It is because there are eyes directed toward this committee from every quarter of the State, that it seems expedient that this inquiry should be first directed toward a question which will meet response from the hearts of honest men in all parts of the commonwealth; therefore, to-day you will be asked to listen to evidence relating to the interference of the police with the elective franchise of the city of New York. You will be shown that by reason of some motive, possibly to be guessed instead of proven, by reason of some command, possibly not reduced to writing, but only to be inferred, the police in the city of New York, instead of being the jealous guardian of the sovereignty of every voter in the city of New York, have been active participants in attempts at every election to overthrow the sovereignty of the citizens of New York, to bring about a result, not that desired by the voters, but that desired by the masters of the police; that, in pursuance of these attempts that have gone so far as to besiege the voter within the sacred precincts of the election booth, and there, where the law, drafted by one of the members of this committee, has contemplated that the sovereign of the State should be left alone with his own conscience, and the sovereign of us all, these so-called guardians of the law have pursued the voter to beseech the casting of the vote desired by the masters of the police. We shall show that they have taken the votes from the hands of the voters and commanded that this or that ballot should be deposited in the box; that when voters have failed or refused to comply with these demands they have been taken by the neck and hurled from the place. We shall show that when honest men have sought, as did Robert Ross in Troy, the other day, to prevent the operations of repeaters or nonresident voters, and have been assaulted by ruffians acting in the interest of a dishonest vote,

the police have afforded no protection to the honest resident, but rather have aided the other side. We shall show where police officers have taken the ballots, after they have been counted, after the close of election, and under the pretext that it was necessary to reduce the number of ballots then in the box, have taken ballots bearing names other than those in which they were interested and openly destroyed them. In other words, we shall show repeated acts of personal violence, of intimidation, of interference, of unlawful, unwarrantable and unheard of prostitution of the will of the people by the active operations of the police of New York. It is manifest that this sort of inquiry may be carried on in a somewhat desultory manner; that is, the committee may sit to-day and hear a given number of witnesses. It can adjourn for a week, and come again and hear others, without any harm to the result of the inquiry; but there is another branch which the committee will be invited to consider which may not be thus investigated. There are subjects which you have been asked to probe that will require continuous sessions, because it is charged that the police of this city thrive upon the profits of crime; that they are copartners in the products of offenses against the criminal laws; that for immunity given to violators of law they did levy tribute, taxes and blackmail. Upon that line of inquiry, when the committee shall enter, it will doubtless be necessary that the sessions be continuous and protracted, for which reason the Senators, now being obliged to discharge their duties at Albany, doubtless can not give at present the requisite time and attention; but the time will come, doubtless after the Legislature shall adjourn, when this committee can enter upon that inquiry faithfully, diligently and fruitfully. When that time comes evidence will be produced before you with the same degree of fearless impartiality that will be displayed in the examination of the offenses against the ballot-box, and every known or supposed source of information will be probed to the bottom to bring to the surface whatever there may be to throw light upon that inquiry. You will be asked to give patient and careful and continuous attention to a mass of details that will be spread before you upon the subject. In that regard I venture to say what seems to be called for in view of the attitude of some of the press, that no pains or labor or expense will be spared to produce the utmost results, and that every man, woman or child in the city of New York who is in possession of evidence, or who has ever claimed to be in possession of evidence upon this subject will be invited, then urged, and if need be, compelled to produce here whatever evidence he or she may have. I do not



need to say for the committee that when the time comes, so far as the committee is concerned, the investigation will not only be vigorous and forceful but that it will be pursued to its legitimate end no matter who may be hit; that without fear or favor the inquiries will be pushed until all of the truth shall be elicited. Indeed, I think the committee might well say of itself that it sits here to-day and will until the conclusion of this inquiry, having before it but the one motto, "pledged but to truth, to righteousness and to law. No favor sways us, and no fear shall awe." Entering upon the investigation in this spirit the inquiry can not fail to be gratifying to every lover of American institutions, to every sincere well wisher for the welfare of our State; and he who lifts a finger against any portion of this inquiry must stand self accused by that act of seeking to defeat the entire inquiry; because when once the matter is commenced at its root, whether one seeks to throttle the investigation there, or to strangle it later, his effort is in either event directed against the whole inquiry; because there can be no law enforced unless it rests upon the ballot-box, unimpeached and unimpeachable. The superstructure which is more apparent, more readily brought to sight, must nevertheless rest upon the foundation, and whatever local regulations there may be in the city of New York, whatever statutes may be passed by the Legislature, constitute but the superstructure of our system of government. Attacks thereon are indeed guarded against; and it is believed that the result of this investigation will be productive of such legislation as shall throw greater safeguards about the purity of the homes, the sanctity of the person, the obedience to general law of the citizens of the city of New York; but before that can come, the prime and fundamental evil must be itself corrected; for, until the wise and the virtuous and pure can express their will at the ballot-box, and by means of that machinery formulate their will into law and compel obedience to that law, all attempts at law are but mere words. So I say, that he who attempts to strangle this inquiry at any of its stages must be content to be classed in the category of those associates whom he chooses for himself, many of whom have within but a few days past been sent to their proper place behind the prison bars. There was a time when a man by the name of John Y. McKane would have said that the investigation into abuses respecting the ballot-box by this committee would be a matter to be deprecated, that it would lead to a partisan legislation, and that on the whole it would not be conducive to good government; but I apprehend that in his mind, with a change of residence, has come a change of opinion. There was a time when a score or more of election officials in the city of New York held

the same view. Some of them at pecuniary cost have learned otherwise. Others of them have been sent by the courts to places where they can by reflection come to a different opinion. There were men in the city of Troy but Tuesday last who said that interference with the rights of the citizens at the ballot-box must be stopped, even at the cost of human life; and a martyr as truly such as any who stood under the flag of our land and received in his breast rebel bullets has fallen in the cause of freedom in the city of Troy within this week. A martyr, I say, in the cause of freedom, because he stood there to protect you and to protect me. The election in any place is not a local affair because it is the exercise of the sovereignty there existing. In that exercise every man of every part in the State of New York has the deepest interest. Therefore, I say that he who seeks now to prevent any inquiry into the fundamental question thereby attacks the right of every honest man residing within the State of New York; but whether that be attempted or not, I venture now to say that the committee will be invited to consider a mass of evidence bearing upon this branch of the inquiry, evidence of such a character as, it seems to me, will convince the entire State of which New York city is but a part, that there is great need of some change in the laws regulating the conduct of the police, looking to the end that here in New York, as well as in the peaceful hamlets of the country, the will of the people shall first find its way into the ballot-box, and then shall be truthfully recorded. I did not intend to talk quite so long, and I ask your indulgence for having done so.

Mr. Nicoll.—Mr. Chairman and gentlemen of the committee, I would like to be recorded as appearing for the police department upon this investigation, as representing them before you.

Chairman Lexow.—We have no objection at this juncture, Mr. Nicoll, to have your name recorded as being present and appearing for the department; but as to what extent the license to counsel will be allowed for the police department is not a matter that has been considered or determined by the committee. I do not understand that you claim that you are entitled as matter of right to appear as counsel on the matter of investigation of the police department at this time, with all the rights and powers of counsel as in a suit.

Delancey Nicoll.—I beg your pardon; I did not hear what you said.

Chairman Lexow.—I do not understand you claim you are entitled to appear here as counsel of the police department, with all the rights and powers of counsel as in a suit.

Mr. Nicoll.—I understand the history of these investigations

in recent years to be this, that counsel for parties for public officers whose acts are under investigation are always allowed to appear and to take part in the examination of witnesses. The last committee that sat in the city New York, as I recollect, was the Fassett committee, which investigated the sheriff's office; and if I recollect, Mr. Cochrane and Mr. Choate attended before that committee on behalf of the persons under investigation, and were accorded the right, on proper occasions, to cross-examine witnesses for the purpose of ascertaining the truth. Of course, there would be no propriety of counsel for the party under investigation seeking to hinder or to defeat or baffle or obstruct in any way the investigation of the committee, or to use up any unnecessary time in the examination of witnesses, but that they should be allowed to interfere on proper occasions simply for the purpose of protecting their client's rights.

The Chairman.—As long as your services are of that nature before the committee, that is all right. If it is for the purpose of embarrassing the committee, you will not be allowed to do that.

Delancey Nicoll.—I was one of the committee on the investigation of the aqueduct, and we accorded the counsel for the aqueduct committee the fullest examination of witnesses.

Chairman Lexow.—We evidently agree upon that subject, Mr. Nicoll. Mr. Sutherland, do you wish to say anything further on that point? This matter might as well be understood on the start.

Mr. Nicoll.—I do not intend to take up the time of the committee in making speeches, which is a function which may be enjoyed exclusively by the counsel for the committee, and I shall not undertake to make any speech, but I think I ought to say for the benefit of the committee and on behalf of the department which I represent, that if the committee find any act of misconduct or interference with the exercise of the right of sovereignty, by any member of the department during the last election, why, the responsible officers of the department will join with the committee in seeing that proper justice is done to any such person; but, at the same time, I must—I feel it my duty—to remind the committee of this fact: we had an election in this city in November last. Before that election took place, the Bar Association of this city appointed a committee for the purpose of generally supervising the conduct of the election and observing any irregularities which might appear. Quite a large number of lawyers—I think 100 or more—volunteered to take part, to act as watchers and observers at the polls during the progress of the election. In addition to that,

the Republican Club, as I now recall it, appointed their own special watcher, and after the election was all over, they had collected an amount of evidence, tending to prove irregularities—offenses against the Election Laws, violation of the Election Code on the part of the various election officers and others. The matter was submitted to me, who was at that time district attorney of New York, and I called a special grand jury to investigate all these election frauds in this city. That grand jury was duly impaneled by the Court of Oyer and Terminer and sat during the entire month of December, continuously from day to day, and sometimes all day, and every opportunity was accorded to every citizen, whatever his political connection may have been, to appear before that committee, and to testify against anybody for any violation of the Election Law in this city—police and everybody else; and as the result of all that, some 70 or 80 prosecutions were commenced by me, which have been since prosecuted by Colonel Fellows with the result that a number of men were convicted of violation of the Election Law and some of them sent to prison. Now, during all that time I think it is only proper to say that with the exception of some isolated cases, here and there, I never heard a word from anybody that the police had interfered with the free exercise of the right of suffrage, or that there was any complaint against them, and I am surprised to hear Mr. Sutherland say, and I shall be indeed surprised if I hear him prove that there was any such wholesale interference with the exercise of the right of suffrage in this city at the last election on the part of the police as he suggests. It has been said by some of those gentlemen who came out sometime ago as your coadjutors and critics, that Mr. Sutherland was a baby, so far as his knowledge of the New York police department was concerned; but I tell you now, that if he proves that there was a wholesale interference on the part of the police in this city, he will have discovered what no one of us in New York—Republican or Democratic, or Anti-Snapper, or Millholland Republican, or Committee of Thirty, or Tammany Hall has ever discovered, up to this date—and he will have furnished us with a surprise which will be as novel as it will be sad. That is all I have got to say at present.

Daily Williams, being called as a witness by Mr. Sutherland in behalf of the committee, was sworn by Mr. Lexow.

By Mr. Sutherland:

Q. Where do you reside? A. Three hundred and forty-six East Thirteenth street.

Q. And in what Assembly district is that? A. The Tenth Assembly district.

Q. And which election district? A. It is the eleventh election district of the Tenth Assembly district.

Q. And you have resided there how long? A. I have resided in that particular election district something like six months, but have lived in the Assembly district something like 40 years.

Q. You have resided in the Assembly district for the past 40 years? A. Yes, sir.

Q. And been active on election days? A. Since I was 21 years of age; yes, sir.

Q. You are acquainted with the police officers in that section of this city? A. I am.

Q. And with the active and working element of the opposite political party? A. Yes, sir; I am.

Q. That is, those who reside there? A. Yes, sir.

Q. Did you occupy any official relationship to the election last fall? A. I did.

Q. What was it? A. Well, I was regarded as the leader of the Republican organization in that district, and in that capacity I assumed a general supervision over the affairs of the Republican party in that district and its interests.

By Mr. Nicoll:

Q. You mean in the election district? A. No, sir; in the Assembly district.

By Mr. Sutherland:

Q. And you have occupied that same position on previous occasions? A. Not continuously in the capacity as district leader, but as subordinate.

Q. But you have always been active? A. Yes, sir; since I was 21 years of age.

Q. Tell us what you observed, if anything, with regard to the operations of the police on last election day? A. I paid a visit to the third election district of the Tenth Assembly district on the morning of election about 9 o'clock; I went there for the purpose of notifying the inspectors of election of an illegal registration; I got the information of the illegal registration from the man who owned the house from where the man was registered; I notified the inspectors and requested that they should mark challenged opposite his name; they refused to do so, and while I was there there was a man who came in and offered to vote, having registered from the house No. 111 Fourth avenue, and whom I have reason to believe was not a bona fide resident of that house; the reasons for my belief in that particular respect

were that there were some twenty odd people registered from that house; this man came in while I was there and offered his vote; I immediately challenged his vote upon the ground that I did not believe he was a bona fide resident, and during the controversy that ensued over this man's challenge, the Tammany Hall captain I think he was, or one of their workers, walked in the polling place, and he said to me: "If I were the inspector of the election I would break that book over your head;" the two police officers stood as close to me as I am to the nearest of you gentlemen; but I said to him: "You are not the inspector of the election;" he said, "I wish I was;" I said, "So do I;" so he said, "I have a ——;" is there any objections to using profane language?

Mr. Lexow.—State the language as nearly as you can.

The Witness.—He said: "I have a damned good mind to break your jaw anyway." I walked up to him and said: "Go ahead. Start in." And the policemen sat there and never said a word, never interfered in any way, shape or manner and in the end I succeeded in carrying my point; I made the inspector of election administer the oath in a manner which I thought would be such as to impress the party with the fact that he was taking a solemn obligation. He did so, and answered the questions to the satisfaction of the inspectors, but not to my satisfaction, and was permitted to vote; that was one instance.

Q. Was there any other instance in the third district? A. In the third election district?

Q. Yes, sir? A. Not of my personal knowledge.

Q. Then you passed to the fourteenth election district of the Tenth? A. On the night of the election I went there in the capacity of a watcher to watch the count.

Q. Were you supplied with the regular official authority? A. I was, yes, sir; I walked into the polling place and showed my credentials to the inspectors of election and was invited to sit at the table, but as soon as they learnt of my mission they crowded around me, knocked my hat over my eyes, knocked it off two or three times, and threw every possible obstacle in my way.

By Mr. Lexow:

Q. What do you mean by that? A. The gang that was around there; I couldn't call any of them by name, although I knew a number by sight.

Q. Private citizens or police officers? A. They were citizens; they were not inspectors; they were outsiders; the inspectors were all right, they didn't object to my sitting there; it was the people who were outside; the two police officers sat there or

one of them certainly, and I remonstrated with them officers and asked him if he could not afford me the protection a watcher was entitled to; he said: "I don't see anybody bothering you;" I said, "It seems to me I feel a good deal of it; those people are knocking me around and knocking my hat off," and finally I managed to live through it all, got disgusted and went out without any serious injury coming to myself.

Q. Did the police deny that they saw any of this? A. Yes, sir.

By Mr. Lexow:

Q. How long did that last? A. During the whole time.

Q. How long? A. Probably as long as I stayed; I waited until the State ticket was counted, and then I left.

Q. In time, how long did it last? A. Probably half an hour.

Q. How far was the policeman from you at the time? A. Sitting almost opposite; as near to me as you are.

By Mr. Sutherland:

Q. What time of night was this? A. Somewhere about 5 o'clock; just after the close of the polls.

Q. Was there any occurrence in the fourteenth district of the Tenth Assembly district than you have named? A. None that I know of; that was my experience.

Q. Pass to the forty-third district of the Tenth; what did you observe there? A. Of my own personal knowledge I know nothing; no more than the fact that the man who was in charge of the Republican interests in that district had a man arrested for an attempted illegal voting; he demanded that the officer should arrest him, and the officer did so, and took him a block or a block and a half from the polling place and then let him go.

By Mr. Nicoll:

Q. Were you present at the time? A. No, sir.

Mr. Sutherland.—I only desire to inquire about what the witness knows personally.

By Mr. Sutherland:

Q. Was there any circumstance in that district which came to your personal knowledge? A. No, sir.

Q. Pass to the twenty-sixth district? A. Nothing there only what I heard.

Q. I shall want to call you presently— A. That was last election, but I might go back two or three years.

Q. I am going back to the election preceding, but before doing that I wish to ask this question: Whether you saw or learned of occurrences of a similar nature at any time while the police force was dominated by a commission consisting of two Republicans and two Democrats? A. I never did; no, sir.

Q. And you say to the committee that you have had experience, personally, at the polling places ever since you were 21 years of age? A. Yes, sir.

Q. And have always been an active worker in the Republican party? A. Yes, sir; there has scarcely been an election day for 20 years that I have not been what is known as a captain of an election district; there might have been a lapse of one or two.

Q. You have now described those scenes which you were a personal witness of at the last election? A. Yes, sir.

Q. Take the election next preceding it and tell the committee what, if anything, you saw then? A. The election of 1892?

Q. Yes, sir. A. I can not recall anything because I devoted my entire attention to one election district in 1892, and in consequence of the fact of my knowledge I got a fair show and another thing by reason of the fact that I was a United States marshal.

Q. Then take the one before that? A. I don't know that I can recall anything during the Fassett campaign of 1891, but I can go back a year further when I was a candidate for office in 1890, if that is not ancient history now.

Q. That is not too far back? A. Well, I went into the polling place, I think then it was the fourth election district of the Fourteenth Assembly district, if my memory serves me right; I aint sure of that quite, but I think that was it; there was some trouble there about the manner in which the election was being conducted and all that sort of thing and I went in there and demanded to know what was the matter; the policeman stepped up to me and said, "What do you want here, Daily?" I said, "Nothing," calling him by name; "I have just come in to look after the interests of the party and myself; I am a candidate for office and want to get an opportunity, and want all that is coming to me;" he said: "If you don't shut up I will put you out of here;" I said to him, "You are big enough to do it, you have a uniform and club, but if I were you I would not put me out;" he said, "I will;" I said, "Don't you do it, because if you do, you will be sorry;" so we had a little more controversy and his side partner, the other officer, walked up over to him and he said, calling him by name, he said, "If I were you I would not put that fellow out:" he said, "He go to hell, what do I care for



him?" he said, "I am going to put you out," and I said, "You will have to put me out if I am going out;" so he took me by the shoulder and took me out in the street; of course when he put me out I went out, that was sufficient.

Q. Where did this conversation take place? A. In the polling place.

Q. And that was you say what district? A. I think it was the fourth election district of the Fourteenth Assembly district at that time.

By Mr. Bradley:

Q. You did not live in that district? A. No, sir; I was a candidate for office though.

Q. You testified here about challenging a man; you knew he was not a voter? A. I did not know positively but had reason to believe he was not a bona fide resident of the house in which he offered to vote from.

Q. After the challenge did you ask the policeman to arrest him? A. No, sir; after being put out of this polling place I went to the station-house and reported to the captain; reported the circumstances, and the captain sent up another officer and took that man out of the polling place and sent another in his place, consequently there was not any more trouble there that day; I might add, in that connection, that the police captain was a Republican, and I knew him.

By Mr. Lexow:

Q. Do you wish to ask any questions, Mr. Nicoll?

Mr. Nicoll.—Shall I wait until you conclude?

Mr. Lexow.—No; you can go on.

Cross-examination by Mr. Nicoll, who appears in behalf of the police department:

Q. Are you connected with any political organization? A. Yes, sir; I am.

Q. What organization? A. The Republican organization.

Q. With what? A. The Republican organization of the Tenth Assembly district.

Q. Which one? A. The regular organization.

Q. Which is that?

By Mr. Sutherland: Is there any other?

Witness.—I don't know that there is.

Q. (By Mr. Nicoll,) Are you a Millholland, or a Committee of

Thirty man? A. I am a member of the regular Republican organization of the Tenth Assembly district; if you want to know my individual predilections I will give them to you.

Q. Give them to us. A. I am an admirer of Mr. Millholland.

Q. And you believe in a bi-partisan bill? A. I do; yes, sir.

Q. And the reason you believe in a bi-partisan bill is because you recollect the good old times when we had a bi-partisan board? A. I do.

Q. And when we had the bi-partisan board there was no disorder in New York, and no interference by the police? A. No, sir; none that I ever saw.

Q. What was the name of this officer in 1890? A. I would like to be excused answering that question, as it might get the officer in trouble, and I have not any desire to do that; I would state, though, that he is at present on the police force.

Q. Who was with you in the polling place at that time? A. I went alone.

Q. This time in the fourteenth of the Tenth? A. I went alone; of course, all the other inspectors were there, and the officers and a lot of other people.

Q. Who saw this occurrence which you speak of? A. Everyone who was there.

Q. Tell us the names of them? A. The inspectors of election; I can not recall their names now.

Q. Give us the name of anyone there who saw it? A. I can give the name of our own man who saw it, John J. Brooks.

Q. He was a Republican inspector? A. Yes, sir.

Q. Don't you know any other who was there excepting Mr. Brooks? A. I can't call any one else now by name.

Q. Well, I understand you to say that some police officer stated that he had a damned good notion to break your jaw? A. I didn't say any such thing.

Q. That is not true? A. I did not say it.

Q. I beg your pardon: that some one else said it? A. Yes, sir.

Q. Did he break your jaw? A. No, sir.

Q. Did he show that he had any damned good notion to break your jaw? A. He looked a little pugnacious.

Q. He looked pugnacious? A. Yes, sir.

Q. Was that all he did? A. Yes, sir.

Q. And the police officer did not interfere? A. Never said a word.

Q. Because he looked pugnacious? A. It seems to me, that a man in the official capacity of a watcher, if anyone comes in and abuses him, it is the officer's place to give him protection.

Q. He did not make any move toward you? A. Well—

Q. He did not strike you? A. No, sir; but abused me.

Q. Was that all he said, that he had a damned good notion to break your jaw? A. He threatened me.

Q. Who were the inspectors of election in the third election district of the Tenth Assembly district in the last election?

A. The Republican inspector was a man by the name of James W. Lacher.

Q. Were any of the inspectors of election indicted during the last election? A. I think there was one board.

Q. Was this the board? A. No, sir.

Q. Were you a witness before the grand jury? A. No, sir.

Q. Have you ever been a witness before any tribunal, except this, with reference to the election last year? A. No, sir.

By Mr. Cantor :

Q. What is your business? A. Government employe.

Q. Federal officeholder? A. Yes, sir.

Q. Appointed by Republican administration? A. Yes, sir; an holdover.

Q. Still hold over? A. Yes, sir.

By Mr. Nicoll:

Q. What is the office? A. United States gauger.

By Mr. Lexow:

Q. How far were the police away from you in the fourteenth district? A. As near as you are to me.

Q. Could he see or was there any obstacle between him and where you sat; could he see plainly what was being done? A. I could see what he was doing, and had every reason to believe that he could see what was being done to me; there was nothing between us.

By Mr. Nicoll:

Q. Did you notice that he looked at the interference? A. He couldn't have helped but seeing it, when I called his attention to it certainly twice and possibly three or four times.

Q. After you called his attention to it, did you see that he noticed it, or saw it; was he looking at them? A. I was paying more attention to the count, and watching the ballots as they passed from one inspector to the other.

Q. And you say this occurred for half an hour? A. Yes, sir.

Q. How often did you call his attention to it? A. Certainly twice, possibly three or four times.

Q. Did he do anything at all? A. No, sir; he said he couldn't see that anybody was interfering with me, and I told him I felt the interference.

Q. And the interference continued as much after your first application to the officer to stop it; continued just the same afterward? A. Yes, sir.

By Mr. Cantor:

Q. But you were still watching the count?

By Mr. Sutherland:

Q. As well as you could? A. Yes, sir.

By Mr. O'Connor:

Q. Then the point of your complaint is that the Republican watcher or Republican citizens attending the polls on election day here, in trying to discharge their duties, received no official protection from the police force either from insults or threats?

A. That is it; furthermore, I claim that if the police department, if we had two Republican commissioners and two Democratic, or one and one, as the case might be, that the police would not be so much afraid of Tammany Hall.

By Mr. Bradley:

Q. During the whole proceedings of the election while the ballots were received, and while the canvass was going on, did you see any policeman perform any act or deed that you considered was contrary to law? A. No, sir; they were all sins of omission, not commission.

John J. Boyhan, being called as a witness, by Mr. Sutherland in behalf of the committee, being sworn by Mr. Lexow, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Two hundred and forty-two East Twenty-eighth street.

Q. What Assembly district is that? A. Twelfth Assembly district.

Q. What is the number of the election district? A. Seventh.

Q. Were you at the polling place last election day, last fall? A. No, sir.

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

Q. Then you were at the polling place when you voted? A. Sure; before we go any further, what I wanted to tell is a matter that occurred in November, 1891.

Q. Did you vote at the same place the election before last? A. Yes, sir.

Q. How many years successively have you voted in that same place? A. Four years.

Q. You are acquainted with the police officers stationed in that vicinity, you know them when you see them? A. I know them by sight.

Q. Do you know the Republican voters in that district? A. Pretty well.

By Mr. O'Connor:

Q. What is this district you speak of, in November, 1891? A. It was then the Fourteenth Assembly district and thirty-third election district.

Q. (By Mr. Sutherland.) Tell the committee what you saw with regard to the conduct of the police in that district? A. I took no hand whatever in politics more than voting, but I was standing on the corner of Twenty-seventh street and Third avenue about 3 o'clock in the afternoon, and there was quite a commotion in the polling place.

Q. How far were you from the polling place? A. About 50 feet, and I went over to see what was the matter, but in the meantime I had been talking with the man who had the box there, and he said there was scratching there all day, men scratching names and the captain had kicked against it, but it was no use they would do it anyway, so the marshal sent for the chief marshal, Captain Coleman, and he came there in a carriage about quarter-past 3, and he went in and ordered the officer there to clear the room.

Q. Where were you when that order was made? A. Right outside.

Q. Could you hear it? A. Yes, sir.

Q. Tell us everything you heard and saw? A. The exact language I could not tell; the captain again went in and wanted to know all the men that were in that room that hadn't a right there should leave, and there was quite a number of workers there of the other side and a very few of the Republicans who just looked on and said nothing; he turned to the police officer standing at the door and he said, "I demand you to clear the room," and the officer never said anything; he spoke himself and said, "I demand you in the name of the United States law to get out of this room," and they would not answer him; he said to the

officer, "Will you do as I say?" the officer said, "Who are you?" he said, "I am chief United States marshal;" the officer said, "I can not do it;" he said, "I don't see where your law comes in;" well, he said, "Don't you know these men are going against the law in scratching in the first place; isn't that against the law?" he said, "I don't see it;" he said, "There they are, and there is a little square hole there;" there is a kind of saloon next door, where the men were standing inside, with their books, scratching names; he said, "There they are;" he said, "That is none of my business," and he said "it is against the law;" the outcome was that Captain Coleman went out on the sidewalk and this gang followed him and said, "What are you; you are a captain in the Sixty-ninth regiment, but you can not scare us; we will do as we like around here;" and they pushed and jostled him and he had to get into a carriage and drive off; the officer sat there laughing.

Q. How many officers? A. One.

Q. Was there anything else that you saw there? A. That is all.

Q. Is there any other occurrences within your knowledge, except that which you have related? A. That is the only thing.

By Mr. Nicoll:

Q. Was this Captain Hugh Coleman? A. Yes, sir.

Q. What is your business? A. Machinist.

Q. And in politics you are a Republican? A. Yes, sir.

Q. Connected with the Milholland organization?

Mr. O'Connor.—What is the pertinency of questions of this kind?

Mr. Nicoll.—To show the political bias of the witness.

Mr. Lexow.—I don't think the inquiry is proper.

Mr. Cantor.—What objection can there be to it?

Mr. Nicoll.—Why should there be the slightest objection in that respect; a witness connected with one political organization might look at facts in one way and a witness connected with another political faction might look at them in another.

Mr. O'Connor.—We will assume that he has all the political bias that any man in his position would have, that he is a Republican; I ask the chairman to rule that it is irrelevant.

Mr. Lexow.—I have so ruled.

Mr. Cantor.—Without consultation with the committee, the chairman has no right to decide this question without conferring with the committee; he is not sitting here as presiding judge, to dispose of these things according to his own will.

Mr. Lexow.—After consultation with the committee I exclude the question.

Mr. Cantor.—The committee is not unanimous.

Mr. Lexow.—I exclude the question.

Mr. Nicoll.—Does the committee forbid me now to make any division of the Republican factions?

Mr. Lexow.—The committee decides that you can inquire as to whether or not the witness belongs to one or the other political party, but as to whether the witness belongs to this or that wing or faction of the party does not seem to be relevant to this case.

Mr. Nicoll.—May I not ask him if he belongs to Tammany Hall, or the Independent Democracy, or the German Democracy?

Mr. Lexow.—We will come to a conclusion on that subject when we reach that point.

Mr. Cantor.—On the Fassett committee they were allowed to ask questions of that kind.

Mr. Nicoll.—I never heard them refuse it before in my life.

Mr. Lexow.—This is one of your experiences, then, Mr. Nicoll.

By Mr. Nicoll:

Q. You are a regular Republican, are you not? A. I am.

Q. And have you always been so? A. I have.

Q. How old are you? A. Twenty-five.

Q. And how many presidential elections have you voted? A. One.

Q. At how many elections have you voted? A. Four.

Q. Did you vote in 1893? A. I did.

Q. You did not see any interference by the police with the exercise of the right of suffrage then? A. I did not make it my business to look.

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

Q. Did you vote in 1892? A. I did.

Q. Did you see any interference by the police with the right of suffrage in 1892? A. No, sir.

Q. You have to go back to 1891, to this experience of Captain Coleman, before you can find any fault with the conduct of the police, so far as your observation goes? A. Yes, sir.

James G. McMurray, called as a witness in behalf of the committee, sworn by Mr. Lexow, examined by Mr. Sutherland, testified as follows:

Q. Where do you reside? A. No. 438 Fourth avenue.

Q. What election district is that and in what Assembly district? A. The Eleventh Assembly district and fourth election district.

Q. How long have you resided there? A. About 19 years.

Q. You are a property holder? A. Not in the city of New York; outside of the city.

Q. You are the owner of property? A. Yes, sir.

Q. A responsible person? A. Yes, sir.

Q. Do you know a man by the name of Decker? A. I do.

Q. Where does he reside? A. No. 438 Fourth avenue.

Q. And he has resided and voted from that place for how long? A. He has resided there for the past three years, voted there during the year 1891 and 1892, registered during the year 1893, but was not permitted to vote through an arrest.

Q. In 1893, did he sustain any official relation to the election as you understood it? was he one of the watchers? A. Yes, sir; he was the Republican captain of that election district, having been appointed as such and acting as such.

Q. When did you learn of his arrest? A. I was in the polling place to cast my vote as early as 10 minutes after 6 in the morning, and then requested Mr. Decker to step behind me and cast his vote, which he attempted to do.

Q. Were you there when the arrest was made? A. I was present when the arrest took place, and participated in what occurred at the time.

Q. Tell us who made the arrest and all that took place? A. When his name was announced, the police officer who was present stepped up to him and tapped him on the shoulder and said he had a warrant for his arrest; I protested strongly at the time against the officer interfering until the inspectors would first swear in and take his vote and then it was his duty to arrest him or convey him to the station-house; the police officer did not interpret the law in that way, and so stated, but upon arguing with the inspector they finally canvassed the matter among themselves and decided by a vote of two Democrats to one Republican that the man should not be permitted to vote; this was done, notwithstanding the strong and vigorous protest made by myself and the Republican inspector of election; the police officer in the meantime while the discussion was going on interfered several times and on one occasion taking hold of the man and saying "come along with me."

Q. This man Decker? A. Of this man whom he attempted to arrest; I protested against it and told the officer he must not take the man away until the inspectors had decided, and the Tammany captain who was also present, he insisted on it several times.

Q. Insisted on what? A. Arresting him, taking him right away to the station house, and everytime he did so the officer



would make an attempt to convey the man or to take him out of the polling place and finally the officer took him, after the board decided his vote could not be sworn in or deposited, took him away without his voting and took him to the station-house; I accompanied him there and offered to go on his bail bond; it was a custom for me for many years past.

Q. To whom did you make this offer? A. To the sergeant in charge of the police station.

Q. And as you understood, he had authority to accept bail? A. I took it for granted, because I have many times; and the bail was refused; to show the authority of the sergeant in charge of the station-house, on the evening of the same day, which was election day, I was summoned by some friend to appear at the station-house and go bail for somebody who had been arrested for some petty little offense, and I went to the station-house, and my bail bond was accepted immediately.

Q. By whom? A. By the sergeant in charge, without any question or any hesitation, and the man was permitted to go out on bail, while in the morning in the political sense, bail was refused.

Q. Have you known of other instances where sergeants in charge accept bail? A. I have frequently gone on bail bonds in the same station-house.

Q. And before the same sergeant? A. I can not say before the same sergeant; I think not.

Q. When you offered bail before this sergeant for this Republican captain, what happened? A. Simply said, "I can not take your bail, alderman, I can not do it."

Q. Did he say why? A. I asked him why; he said, "Why, I believe this man has committed an offense which is notailable, and I can not take your bail;" I said, "That settles it, does it?" he said, "Yes." and I said, "Good day."

Q. What offensive did he say the man had committed that was notailable? A. He knew there was a warrant for his arrest placed in his hands by the police officer; the police officer done his duty when the man was there.

Q. What offense did he say the man had committed that was notailable? A. That he voted illegally, or at least registered unlawfully from the house.

Q. That was the offense that was claimed? A. Yes, sir.

Q. And you say that this man had for two years previous to that voted from the same house? A. Yes, sir.

Q. That was your house? A. Yes, sir; and this was the third time in succession, three successive years, that he had registered from that house.

Q. And you had personal knowledge that he was a voter from that house? A. Yes, sir.

Q. And this sergeant was acquainted with you; he called you alderman? A. Yes, sir.

Q. Recognized the fact that you were ex-Alderman McMurray? A. Yes, sir.

Q. But declined to take your bail? A. Yes, sir.

Q. Was there any further talk between you and the officer on this subject, the same day? A. The officer, on the way to the station-house, informed me confidentially that he had also two other warrants in his possession, and advised me not to allow the two men for whom he had warrants in his possession or in his pocket, to vote, one of whom was the Republican inspector of election; I thought his advice was very good under the circumstances, because if the men were permitted first to cast their votes, the men would be undoubtedly willing to be arrested afterward; I talked to both the men for whom warrants were issued, and they were both willing to swear in their votes, provided their votes were taken, and then submit to arrest afterward, notwithstanding the fact that this man, Decker, was in the station-house, and would not be allowed to go out.

Q. You accompanied the officer, with Decker, to the station-house? A. Yes, sir.

Q. And saw him locked up? A. Yes, sir; I did.

Q. How long after that was it before he was released? A. About five days.

Q. Released on bail? A. Yes, sir.

Q. Who furnished bail? A. One of my friends on the avenue; the delay was occasioned through inadvertence on my part.

Q. You had this conversation with the officer about the Republican inspector of election? A. Yes, sir.

Q. And some other Republican? A. Yes, sir.

Q. Where was this Republican inspector of election at the time you had conversation with the officer? A. Performing his duty as Republican inspector of elections.

Q. Receiving ballots? A. Yes, sir.

Q. From Republicans and Democrats alike? A. Yes, sir.

Q. And the charge against him was that he was not a resident of that district? A. Yes, sir.

Q. And this officer informed you that if he attempted to vote he would be arrested? A. Yes, sir.

Q. But if he did not attempt to vote, he could go on serving as inspector? A. Yes, sir.

Q. Without interference? A. He performed his duties all the day long; although he was anxious to make the attempt, although he would be arrested, but I did not like the idea of the board

remaining two Democrats and no Republicans, without any one to represent our interests there.

Q Because of that advice given you by the police officer, you advised the inspector of election representing the Republicans to refrain from voting that day, in order that the Republicans might have one inspector on duty until the close of the polls and completion of the canvass? A. Yes, sir; in the case of the other man, my advice was probably the same to him, because he was a man in my employ, and I hated to have another man in my employ arrested, and have my business neglected.

Q. And was Decker a man in your employ? A. Yes, sir.

Mr. O'Connor.—What became of this charge?

Q. Have you ever heard of this charge against Mr. Decker since? A. Never heard of the case since, and don't know anything about it; the man is simply out on bail, and that is the end of it.

Q. He is still in your employ? A. Yes, sir; on and off.

Q. Never heard that he has ever been indicted? A. I believe he has been indicted and I believe this is the gentleman here who was the indicting officer.

Q. And you never heard of the case being tried? A. No, sir; never tried.

Mr. Nicoll.—I will make a note of it now.

Witness.—I wish you would, my friend, and in connection with this matter, I would like to get a little information, too, another matter I would like to learn at the same time, if you will allow me; it appears that the grand jury, two weeks before election, brought in a bill of indictment against myself for not residing in the house where I reside; my name appeared among the list of some hundreds of others who were indicted at the time; one of the members of the grand jury hearing my name mentioned, said to the foreman, "Why, if that is ex-Alderman McMurray, I am personally acquainted with him, and in his case there is some mistake." and he said to the foreman, "If you will allow this matter to rest over for one day, I will go and see McMurray and endeavor to find out the true state of the case; he came to me and made that statement, and I then informed him that I had always lived there, or for 19 years lived in that district and did business there, and he so reported to the foreman of the grand jury, and I never heard of the case since; whether I was indicted or not I don't know.

Q. But you have never been arraigned? A. No, sir.

By Mr. O'Connor:

Q. When was this? A. Last October, and two weeks prior to election, and in connection with that case, I might add that perhaps other gentlemen for whom warrants were issued might be indicted upon this same charge.

By Mr. Nicoll:

Q. They indicted a great many? A. Yes, sir.

Q. But this was not the grand jury that investigated the election frauds? A. It was the October jury; it must have been the October grand jury.

By Mr. Sutherland:

Q. You have resided in the district for 19 years, and Decker has resided there three years? A. Yes, sir.

Q. They attempted to indict you and got a warrant out for Decker? A. Yes, sir; and would have succeeded, if it had not been for a friend who came to me and learnt the true facts of the case and reported back to the foreman.

Q. Is there anything else in connection with the police or the election? A. Except that they seemed to be under the influence of Tammany Hall captains of the districts.

Mr. Nicoll.—Let him state facts.

Witness.—I could relate a fact of a watcher of the Good Government club, who had been recognized by the board of inspectors—

Mr. Nicoll.—Did you see this?

Witness.—I saw this: I saw this gentleman from the Good Government club present his credentials to the board, and they looked at them and said he had a right to remain there during the day; and during my absence the Tammany captain made a strong protest to the police officer that this man had no right to remain in that polling place.

By Mr. Cantor:

Q. Did you hear the protest? A. Not just at that moment, but the man came out right away and then I went inside and found the case was just as represented.

By Mr. Sutherland:

Q. Was it afterward told you by him? A. He came outside and said he had been.

By Mr. Cantor:

Q. What do you know, yourself, personally? A. This is what I know exactly: I know of my own knowledge that the man was driven from the place, because I accompanied him inside.

Q. You went outside? A. I accompanied him inside and told the police officer that he had a right to remain there, and after I

showed him the law in regard to the case, he permitted him to remain there, and the Good Government man remained there all day.

By Mr. Sutherland:

Q. But it was only after you went in and protested with the officer? A. Yes, sir.

By Mr. Cantor:

Q. When they became convinced that you were right, by the law, he was allowed to remain there? A. Yes, sir.

By Mr. Sutherland:

Q. And they were convinced by the forcible arguments presented by you? A. Yes, sir.

By Mr. Cantor:

Q. You mean by the law? A. Yes, sir. †

Cross-examination by Mr. Nicoll:

Q. Alderman McMurray, you do not find any fault with the police officer for having the warrant? A. Not a bit, it was his duty.

Q. If the warrant was given to him, it was his duty to have it executed? A. It was his duty to execute it in the proper way.

Q. Don't you know what the proper way is? A. I do.

Q. To execute it forthwith? A. No, sir; not exactly.

Q. Did you ever read the rules of the police department in this city? A. I don't call to mind perhaps what you have in view.

Q. Have you ever seen a copy of the rules of the police department? A. Yes, sir.

Q. Have you it in your library? A. Yes, sir.

Q. Do you sit up nights reading it? A. Not that particular book.

Q. Let me show you that rule, rule 401 (Mr. Nicoll reads said rule)? A. I will grant you that is the rules applicable to policemen, but the laws of the State of New York allow certain privileges to the inspectors of election and to citizens who present themselves to vote, and in this case this man presented himself to vote—I have seen cases of this kind, when the man's vote was challenged, when he was willing to swear in his vote, and then his arrest followed, and in this case, I insisted upon the same mode of procedure.

Q. When were you alderman? A. Five years ago.

Q. Do you find any fault with the police sergeant for not taking bail? A. No, sir.

Q. You know he has no power to take bail in the case of a felony? A. This is not a felony.

Mr. O'Connor.—When was it made a felony?

Mr. Cantor.—False registration is a felony.

A. I did not understand that false registration was exactly a felony.

Q. You know a police sergeant has no power to take bail in felony cases?

Mr. O'Connor.—It is entirely unnecessary to argue the law.

By Mr. Bradley:

Q. You say that the policeman arrested this man, although you objected? A. He did.

Q. And the sergeant refused bail, when you made application?

A. Yes, sir.

Q. Did you make any complaint to the proper authorities against either policeman or sergeant? A. No, sir; I did not.

F. H. Wolfertz, called as a witness in behalf of the committee, sworn by Mr. Lexow, and examined by Mr. Sutherland, testified as follows:

Q. Where do you now reside? A. In Brooklyn.

Q. How long have you resided there? A. Since last November.

Q. Where did you reside prior to last November? A. In Sixteenth street, New York city.

Q. How long did you reside in Sixteenth street, New York city?

A. About a year and a half.

Q. Did you vote from that place last fall? A. Yes, sir.

Q. And what was the number of your election district? A. Forty-third election district of the Tenth Assembly district.

Q. What time in the day did you cast your vote? A. Early in the morning.

Q. About what hour? A. About 7 o'clock.

Q. Any policemen there? A. Yes, sir; there were two.

Q. Anything happen? A. Yes, sir; I was watcher and challenger of that election district; in the afternoon, about 20 minutes past 3, I was in the polling place, and a man came in and wanted to vote under the name of Thomas Bulger, and I seen the man coming in the booth and I challenged him, the vote, but he folded his tickets together to cast them, and they all insisted on the man voting, and the chairman went to take his tickets, and without swearing him in, and I called to the officer, "lock that man up," so there was a fuss, and he would not take him, and the other watcher called to the officer, "officer, arrest that man."

Q. Who did he point to? A. To the man who wanted to vote, and when he seen the two of us insist on the man being arrested, he took him by the shoulder and walked him outside, and when he got him there, he walked alongside of him, and he took him up as far as the corner of Eighteenth street and First avenue.

Q. Did you go with him? A. Yes, sir — which is only about a block and a quarter away from him and he let the man run down Eighteenth street; I said, "Officer, there goes your prisoner," but he pays no attention to his prisoner but runs up First avenue toward Nineteenth street.

Q. In the opposite direction? A. Yes, sir; when he came back I said to the officer, I said, "Please let me have your number," he gave me his number and he smiled at me; I went back to the election place — the polling place and on the way to the station-house — I went to the station-house to make a charge against the officer — on the way up to the station-house, had a gang of Tammany heelers after me, and I got two cuts in the eye, which closed it up.

Q. Did you make your complaint at the station-house? A. Yes, sir; and they told me to go down before Inspector Williams the next morning at 10 o'clock.

Q. Did you go down the next day at 10? A. Yes, sir.

Q. What happened there? A. Then the case was called up for next week; the next week, it was before Commissioner McLean; it was adjourned for a week; then when it was adjourned, it came up again and the officer was not there, and then they adjourned to 12, and afterward when it was adjourned to 12 o'clock, the case came up and they did not make any decision, but the way I seen in the papers, the case was dismissed.

Q. Is the same man on the force yet? A. Yes, sir.

Q. So far as you know, nothing has been done to him? A. No, sir.

Q. You found it uncomfortable to live there and went over to Brooklyn? A. Yes, sir.

Mr. Cantor.—The witness has not said he found it uncomfortable to live there.

Q. What was the reason you moved to Brooklyn? A. I heard: "Wolfertz, you better get out of there for a while, or the police will kill you," and there has been threats that they were laying for me.

By Mr. Cantor.—How long did you continue to live at this place after election? A. I moved about the last of November.

Q. Where did you move to in Brooklyn? A. Atlantic avenue.

Q. What is your business? A. Nickel-plater, polisher.

Q. Where are you employed? A. Elizabeth street.

Q. In New York city? A. Yes, sir.

Q. And you live in Brooklyn? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. Did you testify before the police board? A. Yes, sir; I did.

By Mr. O'Connor:

Q. When this man came to cast his vote you objected on what ground? A. He was voting on another fellow's name; he was not Thomas Bulger.

Q. You knew he was not Thomas Bulger? A. Yes, sir.

Q. Finally the officer did take him? A. Yes, sir; took him down to the corner, and the prisoner ran away from him, and while the prisoner was going down Eighteenth street, I said: "Officer, there goes your prisoner," and he paid no attention to me but went in an opposite direction.

By Mr. Cantor:

Q. Was the Republican inspector present at the time you challenged him? A. Yes, sir.

Q. He made no protest against this man voting? A. He could not say anything.

Q. He did not say anything? A. No, sir.

By Mr. Lexow:

Q. Why couldn't he say anything? A. Before he had time to say anything the chairman had the tickets, and I said to the officer, "Arrest this man."

Q. Put the tickets in the ballot-boxes? A. I don't know what became of the tickets; in the meantime, while the chairman had the tickets in his possession, I had to call upon the protection of the other officer to get me away from a gang of Tammany heelers who had me by the throat.

By Mr. Sutherland:

Q. Where did that take place? A. In the polling place.

Q. You did not tell us about that before; how many people were in the polling place when you made this protest against this man voting under the name of Bulger? A. The two Democratic inspectors, Republican inspector, ballot clerks, poll clerk and two policemen.

Q. How many other men around there? A. Nine or 10.

Q. These nine or 10 pitched on you? A. Yes, sir; grabbed me by the throat.

Q. Where were the policemen? A. All standing inside.

Q. How far from you? A. Alongside of me.



Q. Right next to you? A. Say here was me (pointing to one of the committee), there was the prisoner; I was standing here, and the other policeman was standing there.

Q. Within three or four feet of you? A. Yes, sir.

Q. In whose name did this man offer to vote? A. Thomas Bulger's.

Q. Were you personally acquainted with Thomas Bulger? A. I was talking to him about 15 minutes before that.

Q. You knew him personally? A. Yes, sir.

Q. How long have you known him? A. From child up.

Q. You knew that this man who was offering to vote in the name of Thomas Bulger was not Thomas Bulger? A. Yes, sir.

Q. Have you ever seen that man before? A. Never.

Q. He was a stranger to you? A. Yes, sir.

Q. Never saw him in the neighborhood? A. No, sir.

Q. You were there as a Republican watcher? A. Yes, sir.

Q. With proper credentials? A. Yes, sir.

Q. On duty all day long? A. Yes, sir.

Q. Under the law? A. Yes, sir.

Q. These two policemen were in the same room? A. Yes, sir.

Q. They heard this man offer to vote under the name of Thomas Bulger? A. Yes, sir.

Q. And you objected? A. Yes, sir.

Q. What did you say? A. I said, "I object to that vote; that is not Thomas Bulger."

Q. What became of the votes, the tickets? A. The tickets, the chairman took them in his hands.

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

Q. What happened to you? A. The officer, while he was going out with his prisoner, the gang had hold of me by the neck and pulled me from one side to the other.

Q. Where was the officer when that was going on? A. The other officer was inside.

Q. How far from you? A. Alongside of me; near.

Q. Did he see what those men were doing to you? A. Yes, sir; he did.

Q. Did he do anything to protect you from them? A. I said to him, "Officer, I ask your protection," and then he said to the men, "While he asks for protection, I got to give it to him now."

Q. What did he do? A. He said, "Let that man alone now, and let him go."

Q. He saw what was going on without interfering until you spoke to him? A. Yes, sir.

Q. And you were being ejected from the room by this crowd?  
A. Yes, sir.

Q. And you followed to the station-house, the officer and prisoner? A. Yes, sir.

Q. Did you make any complaint in regard to the assault? A. Yes, sir.

Q. When and where did you make your complaint? A. I demanded the name of the man who struck me, and had him arrested.

Q. Before whom was he carried? A. To the Fifty-seventh street court, and then it was sent to, I don't know the name of the justice there, but it was sent down to Special Sessions, and at Special Sessions, he was discharged.

Cross-examination by Mr. Nicoll:

Q. At Special Sessions you testified? A. Yes, sir.

Q. And he testified? A. Yes, sir.

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

James Johnson, a witness called in behalf of the committee, being duly sworn, and examined by Mr. Sutherland, testified as follows:

Q. Where do you reside? A. No. 336 East Twenty-fourth street.

Q. How long have you resided there? A. About five years.

Q. What is your business? A. Steam and gasfitter.

Q. What election district and in what Assembly district is that? A. The twentieth election and Twelfth Assembly.

Q. You voted there last fall? A. Yes, sir.

Q. You know policemen by sight, in that neighborhood? A. Yes, sir.

Q. Tell us what you saw, if anything, in regard to the conduct of the police last election day? A. Gentlemen, what I saw last election day is this: About half-past 3, one of the Tammany Hall captains in that election district approached a man outside of the door, I was standing alongside of him, and he went deliberately in with the man; I stood alongside of him, until the man got his ballots, and the gentleman went in the last booth, and the officer was standing about two feet between the last booth and the window.

Q. The police officer? A. Yes, sir; and he seen the two gentlemen come down, one gentleman go in the booth and the other gentleman knelt down on his knees, took the ballots from the gentleman, when in the booths, and folded them, and this officer looked out of the window, and smiled at me, and the other officer was standing six foot away from him; the man folded his ballots

for him and he came out, and I heard him say, "Go up and vote this one, and hold it in your right hand."

Q. Who said this to him? A. This Tammany Hall captain.

Q. How far was the policeman from him when he said that?

A. About two feet.

Q. What was it he said to him in regard to votes? A. "Take this and vote this; hold this in your right hand."

Q. Did the policeman make any interference with that? A. No, sir; only stood there and smiled at me.

Q. Was there anything else that you saw in that connection?

A. No, sir.

Q. The man voted that ticket that was given to him in that way? A. Yes, sir.

By Mr. Nicoll:

Q. Did he wink as well as smile? A. He did not wink, but he had a kind of downhearted smile.

Q. A kind of downhearted smile? A. Yes, sir.

By Mr. Bradley:

Q. Did you apply to the police officer to arrest the man? A. No, sir, for I was not interested in the case, only happening to be standing there, and seen the thing go on.

By Mr. Cantor:

Q. This man you said was a Tammany Hall captain? A. Yes, sir.

Q. Do you know him personally? A. Yes, sir.

Q. Do you know his name? A. Well, I don't know his name, but I have spoken to him since.

Q. How do you know he was a Tammany Hall captain? A. His captain, I know his name was Smith, the man who tried to get the leadership of the Twelfth Assembly district, and through him talking one night in his saloon, I was informed that this young fellow was supposed to be his assistant captain.

Q. Then he was only an assistant captain? A. Yes, sir.

By Mr. Sutherland:

Q. But he was in charge? A. He was in charge of the twentieth election district.

By Mr. Nicoll:

Q. Are you in politics yourself? A. No, sir.

Q. You are not connected with any political organization? A. No, sir.

By Mr. Cantor:

Q. Are you a member of any particular organization? A. No, sir; a man brought a roll around for me to sign.

Q. And you did enroll? A. Yes, sir, I did; there were two of them around, one was anti-machine Republican and the other was the Committee of Thirty.

Q. Did you sign both enrollments? No, sir, I did not.

By Mr. Lexow:

Q. You signed one enrollment? A. Yes, sir, I did, and scratched my name before the gentleman went out when he told me what it was.

Proceedings of the second meeting of the committee, Saturday, March 10, 1894, at 10:30 a. m.

Present — Senators Clarence Lexow, George W. Robertson, Edmund O'Connor, Daniel Bradley and Jacob E. Cantor, of the committee; William A. Sutherland, of counsel for the committee; Delancey Nicoll, of counsel for the police board.

Otto Kempner, called as a witness by Mr. Sutherland, in behalf of the committee, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. At 82 Second avenue.

Q. And in what Assembly district is that? A. Seventh.

Q. You have represented that district in the Legislature of the State of New York? A. I have.

Q. And were you a candidate for election at the last election? A. I was.

Q. How many other candidates were there that fall? A. There were three or four.

Q. There was a Republican candidate, who received about how many votes? A. About 1,900.

Q. There was a regular Democratic candidate? A. Yes, sir.

Q. He received how many votes? A. About 4,000.

Q. And you received how many? A. Three thousand two hundred and seventy-five.

Q. Three thousand two hundred and seventy-four? A. Three thousand two hundred and seventy-five.

Q. You were a candidate by an independent nomination? A. Yes, sir.

Q. You before had represented the regular Democratic organization? A. Yes, sir.

Q. And had been a member of the Tammany organization for how long? A. About a year.

Q. You may tell the committee what you know of the police interference with regard to your canvass last fall? A. I—on a certain day in November, I believe it was the 5th of November—

Q. And election day was what? A. Well, it must have been—election day was the 7th; it might have been the 3d; I think it was on the Thursday or Friday prior to the Tuesday on which the election took place; on that day the police went through the entire district, each policeman on his beat going from store to store—

Mr. Nicoll.—One moment.

Q. Let me suggest, if you please; I will ask you whether this came to your attention in any way, and then subsequently I will ask you to give your personal knowledge of the matter? A. That came to my attention.

Mr. Nicoll.—I think all that ought to be stricken from the record.

The Chairman.—Let the witness tell the story, and then let us see what is to be done.

Mr. Nicoll.—Are you going to give all the hearsay evidence?

The Chairman.—Let him tell his story.

Mr. Nicoll.—Anything anybody told him?

The Chairman.—We will hear him; that is the ruling of the chair.

Senator O'Connor.—It is not anything very important to find out. The only point is, as the cross-examination develops, how much of it is from personal knowledge.

Mr. Nicoll.—I do not wish to cross-examine, and Mr. Kempner is a lawyer, and knows what is evidence.

The Chairman.—This committee will not consider in evidence any improper testimony. This is not a trial where the usual rules of evidence are to be observed. This is an investigation to see whether the police power of the State of New York is properly or improperly administered, and whether the evidence be hearsay or be such evidence as will stand the criticism of a lawyer is unnecessary for us to consider at this point. We are not bringing indictments against the police department. We are seeing what legislation is proper under certain developments, and in order to ascertain that fact we must be governed, not by the ordinary rules of evidence, but by such rules as we please to impose upon the witnesses. Now, witness, continue.

Mr. Sutherland.—Will the committee allow me to say—

Mr. Nicoll.—Will the committee let their counsel say a word in my behalf?

Mr. Sutherland.—I desire to say to the committee further, that if all the witnesses who were personally interfered with by the police were now in the courtroom that have been subpoenaed, and will be here, but if they were now here I should first put them on the stand to give their personal knowledge of it; but there are many things that Mr. Kempner knows personally, and so interlaced with other facts that I thought it best to put him on the stand, and we will substantiate it later on. We will have the witness tell what he learned, and how he acted upon it, and went to the police in regard to it.

Mr. Nicoll.—It is not evidence on which you would base any conclusion?

The Chairman.—Certainly not; only according to how it is supplemented by other evidence. That is already ruled upon, and it stands.

By Mr. Sutherland:

Q. You may proceed. A. The police went from store to store and told the proprietors—

Mr. Nicoll.—Really, are you going to permit this witness?

Chairman Lexow.—This testimony has been ruled in as competent. Those objections are simply embarrassing this committee, and this committee will not permit that. This witness will testify without interruption, and if incompetent and improper evidence is admitted, it will be stricken out on your motion.

Mr. Nicoll.—What I want to know is this: This is a different proposition from the one we made before. Before it was proposed to have Mr. Kempner state what he learned. He is about to repeat conversation which he said took place between police officers and saloon-keepers. Are you going to allow that?

The Witness.—Which I know from my own personal knowledge; which the proprietor told me was so.

Chairman Lexow.—If the line of evidence I have laid down is improper, an appeal can be taken to the committee, and if the committee overrules me, that line will not be permitted; but when the chair has made a ruling, and when no appeal has been taken by the committee from that ruling, it will stand as law until the committee overrules it; therefore the witness will go on.

The Witness.—They told the proprietors to take down the lithographs and pasters announcing our meetings.

Q. The lithographs were what? A. Represented my humble self.

Q. That is, your portrait? A. Yes, sir.

Q. Those lithograph portraits were in what position? A. They were displayed in the show windows.

Q. That is, facing the street? A. Facing the street; the gentlemen, or friends, in the district, came to our headquarters to notify us of what was being done, some telling us of this crusade that is being made by the police; others running to find out whether that meant that I had withdrawn from the race; we held a meeting that evening, which had been previously announced.

Q. That is, a public meeting? A. A public meeting.

Q. To be addressed by speakers? A. To be addressed by speakers, in which the speakers took occasion to mention what happened during the day, and denounced the action of the police publicly, with the view of getting an investigation, if possible, on the part of the police commissioners; the next morning I determined on going through the district, with a view of ascertaining what truth there was in the general belief that the police had interfered in the election; I had hardly gone around the corner from my house when, standing in front of a — coming in front of a barber shop, I noticed two policemen, or rather two gentlemen in citizens clothes, whose faces I recognized as being members of the police force — noticed them coming out of a barber shop owned by F. Scavatti, of 347 Fifth street.

Q. That was in your Assembly district? A. Yes, sir; by the way it is a polling place; I immediately entered as they came out, and noticed the proprietor folding my lithograph in his hand; I asked him —

Q. Where had that been before that? A. It had been in the window posted up, I know it had been in the window, because I had seen it there; I asked the proprietor, "did those two gentlemen ask you to take that down?" "They did;" I ran out and followed them, crossing First avenue until they got in front of Spellmeyer's butter and egg store, which is 405 Fifth street.

Q. That is also in your Assembly district? A. Also; I stood in front of the store and watched the lithograph disappear from that window.

Q. Before that the lithograph had been displayed? A. Had been there; these two men came out, faced me, I faced them; they recognized me and they rushed off, that is, they walked on, and never entered another store; I went in and spoke to Mr. Stollmeyer, and spoke to him personally and asked what they wanted in there, and he told me they ordered him to take down the lithograph; I at once proceeded to police headquarters, told Superintendent Byrnes of what I had witnessed, and what was being done in the district; he sent for —

Q. About when did you write him a letter; before that, or after that? A. No, after that; he told me that he would investigate,

and at once sent for the captain; he asked the captain if he knew anything, but as the captain has always been a passive captain, and the active captain was the Tammany district leader, he probably was right in saying he knew nothing at all about it; Superintendent Byrnes instructed him as to his duties, and that of the men under his care; and told me that I should formulate my charges in writing and he would present them to the police commissioners; I wrote Superintendent Byrnes a letter, and I have a copy of that.

Q. Who was this captain that you referred to? A. Captain Dougherty.

Q. Is he the nominal captain or the actual captain you referred to? A. He is the actual captain of the district. (Witness offers counsel letter.)

Q. You may keep it and read it; who was the Tammany captain you refer to? A. Senator George F. Roesch.

Q. You wrote this letter to Superintendent Byrnes? A. Yes, sir.

Q. You may read the letter (the witness reads as follows):

“November 6, 1893.

“Supt. Byrnes:

“Dear Sir.—David J. Mallon and John Hock, two ward detectives attached to the Fourteenth precinct police station and another officer, whose name has not yet been ascertained, are hereby accused of intimidating storekeepers in the Seventh Assembly district, and of interfering with a public election in the interest of the Tammany Hall candidates. They have made a tour of the district, going from store to store and ordering that the pictures of Assembly candidate Otto Kempner be taken down. They claim to be carrying out the commands of their captain.

“Detective Mallon has entered the following places, and in a most offensive manner, commanded said pictures to be removed: 403, 409, 417, 421, 423, 435, 516 Fifth street and 435 Sixth street.

“Detective Hock and another officer have been seen to enter, for the same purpose, 300, 309, 321, 347 and 405 Fifth street. Mallon also entered 317 Fifth street and behaved arrogantly and abusively toward the proprietor in the presence of his customers.”

Q. Did you see, or hear from Superintendent Byrnes in response to that? A. Yes, sir; I went to see him and have a second conference in which he —

Q. When was that in reference to the date of your letter? A. I think it was the day after.



Q. The day after; very well? A. In which he—he sent for these two detectives, and have me repeat my statements in their presence; they denied point blank the truth of the charges.

Q. Then what? A. Of course after the election, I believe I had another conference with the superintendent, and he told me all he could do in the matter was to present the charges to the commissioners; I then, on further reflection, wrote the superintendent a letter, that I concluded not to press the charges.

Q. Have you that with you; well, the letter will speak for itself; you may read it if you please? A. Letter to Superintendent Byrnes in regard to the election.

Q. What is the date? A. November 9th: "In reference to the charges brought by me against Ward Detectives Hock and Mallon, permit me to say, that since you have no authority to try and punish them yourself, I do not feel warranted in proceeding further in the matter. A trial before the police board would be a perfect farce. These two men had undoubtedly received orders from a power outside the police department. The same power can not only shield them from the consequence of their acts, but, also, reward them for their transgressions with promotion. They brazenly lied to you when they denied my accusations, but as they are assured of protection from a higher power, they need not fear or respect their superintendent. So long as our municipal departments are run by Boss Croker, they will be regarded as adjuncts of a political organization, and will be used to perpetuate its power. A police commission controlled by such influence is incapable of rendering justice."

Q. Did you receive any answer from that communication? A. I did not, sir.

Q. Either personally or by letter. A. No, sir.

Q. Have you any other information within your own knowledge of police interference? A. To complete my statement, with regard to Detectives Mallon and Hock, I wish to say that they went the rounds after the regular policeman on his beat had completed the job, in order to see how perfectly the work was done, and wherever they found that the citizens had disobeyed the commands of the policeman they entered and commanded the work to be done.

Q. The first visit was by the policeman in uniform? A. Yes, sir.

Q. The second was by these men in citizen's dress? A. And, furthermore, on the afternoon when this police outrage was perpetrated and the news came to us at headquarters, I requested the secretary to go through the district and see if he might not come upon some policemen in the act of doing that; as he

walked through Fourth street, sure enough he noticed a policeman going from store to store.

Q. And is there anything further? A. No.

**Cross-examination by Mr. Nicoll:**

Mr. Nicoll.—I move that the committee expunge from the record all of the evidence that is hearsay, that is, all the evidence which the witness testified to concerning conversations at which he was not present — facts and things which he did not see or hear.

Mr. Sutherland.—Let me suggest to the committee that perhaps that motion might be made after I finished the evidence on this subject. I expect to supplement it by witnesses that have been subpoenaed.

Chairman Lexow.—Motion denied at any rate. You may renew your motion.

Q. Did you yourself see any police officer taking down one of your lithographs? A. I have stated that I have noticed the work done in the two instances that I have cited.

Q. Actually taking it down themselves? A. Not themselves; I did not say that they did themselves.

Q. That is the question I asked you, whether or not you yourself saw any police officer — A. I did not see them pull down the lithographs themselves.

Q. How many lithographs had you? A. Oh, there was, I think, 1,500 printed.

Q. What was the object of the lithographs? A. It is the custom of this city to display pictures of candidates; I remember seeing the handsome face of the district attorney some time ago.

Q. Thank you, sir; and you had a lithograph of your handsome face for the purpose of getting votes, didn't you? A. Not because of my attractiveness, but because the other fellow was so much uglier, that probably I thought that might bring some votes.

Q. How many did you have, a thousand? A. I stated 1,500, I believe, was the number printed; it is a large district.

Q. How many were put up? A. All of them.

Q. Well you had no right to put them up in any store, had you? A. We did not put them up; the proprietors of their own accord, friends of mine, wished to see me elected.

Q. It is entirely optional with the storekeeper whether he will put a lithograph in or not? A. Entirely so.

Q. It is entirely optional whether he will take them down? A. Yes, I suppose so.

Q. Suppose some of your supposed supporters changed their

minds, in the course of the canvass, he would have a right to take your lithograph down, wouldn't he? A. I know of no law to prevent him.

Q. Well is it not a fact in the places where the lithographs were taken down, they were taken down because the storekeepers had made up their mind to vote for some other candidates; isn't that the fact that they changed their attitude toward the candidate? A. I don't know of a single case; on the contrary I know of cases where they were more determined than ever to vote for me after they were obliged to take down the lithographs.

Q. You had a pretty hot election in that district, didn't you? A. I think so, yes, sir.

Q. Whenever you run it is generally a hot election, is it not? A. I tried to make it very hot, sir.

Q. You used to run on the Tammany Hall ticket, didn't you? A. I suppose it is accepted to be so.

Q. You made it hot for the opposition then, didn't you? A. I always make it hot.

Q. And now you are running on the opposition ticket, and you make it hot for Tammany Hall? A. Also.

Q. When did you first commence in politics? A. Well, I took an interest in politics ever since I understood what was going on in the world.

Q. Well, I must assume that was at a very early date? A. Yes, it was.

Q. When did you first join the Tammany Hall organization? A. Oh, that was, I believe, in the year 1891.

Q. Were you a member of the old County Democracy organization? A. Never; it was the first political organization that I actively joined.

Q. Well, prior to 1891, what were your political connections? A. Always Democratic.

Q. Always a Democrat? A. Always.

Q. But not associated with organizations until 1891? A. I think 1891.

Q. In 1891 you joined the Tammany Hall organization and were nominated, were you not, for office, were you not, at the same time? A. The same year; at least, I think I ran in 1892; yes, 1892; the fall of 1892.

Q. What I mean to say is you never had joined a political organization until you became nominated for office? A. No.

Q. Your nomination and connection with the organization was simultaneous? A. The nomination was effected the year after my joining the Tammany organization.

Q. Now, you have, in the course of your public career, given a good deal of study to the questions of municipal administration, have you not? A. I have; some.

Q. You are the author, are you not, of several series of articles attacking the existing administration, which have appeared in different journals of the city? A. I am.

Q. And you are engaged in a political effort, according to your views, to defeat the present political organization? A. I am.

Q. You are? A. I am, decidedly.

Q. And for that purpose you have formed an independent association of your own, have you not? A. No; we have now — we are considered a part of the State Democracy of this county.

Q. You are considered a part of the State Democracy? A. The organization of our district, to which I belong.

Q. Are you a member of the so-called Independent County organization? A. I am not; I have nothing to do with it.

Q. You know what that is? A. You mean the Independent County organization?

Q. What? A. You mean the Independent County organization?

Q. I mean the organization recently organized by Judge Stecker. A. No, sir; I am not a member of that.

Q. Are you a member of the Grace-Fairchild State Democracy? A. I have stated that our organization is a branch of the State Democracy.

Mr. Sutherland.—If the committee please, I am extremely interested in this examination myself, and have not interposed an objection, trusting that it would not be too long, but of course if the counsel desires to go at great length in this sort of thing, I must object, in the performance of my duty to the committee — the inquiry into this man's affiliations.

Mr. Nicoll.—I think I have exhausted that.

Mr. Lexow.—On the question of bias, I think it is proper. On the question of bias it is proper to show there are two organizations in this city.

Q. Have you studied the question of police government or administration in cities? A. Well, I have studied as far as I could the method of our police.

Q. I am not speaking now of any little petty friction at the time of an election or an undue expression of sympathy on the part of a police officer; I am speaking generally of the association or the control of a police department, by political organizations; have you studied that question as to whether or not a police department should be independent of all organizations? A. Well, I don't understand your question; I have not made a special study of police matters.

Q. Well, on the question of a commission of one political faith, or a commission of divided faith? A. I have given some thought on the subject; yes, sir.

Q. Express your thought on that subject? A. I believe the politics ought to have nothing to do with police management.

Q. Well, as between a commission, all of one political faith, or a commission of divided political faith? A. I don't believe in any commission.

Chairman Lexow.—One moment. That is excluded. Any opinion or judgment as an expert upon a question of that kind, as a witness. We unfortunately allowed that matter to be interjected into the testimony yesterday. It was interjected before it could be prevented by the committee. I do not think an expert opinion will lead to any proper result in having this committee frame a law.

Senator Cantor.—Is that the result of the deliberation of the committee, or is it your judgment?

The Chairman.—That is my judgment.

Senator Cantor.—I deny the right of the chairman to express a judgment without conference with the committee.

Mr. Nicoll.—As I understand, the purpose of this committee is to collect information for the purpose of framing some law in relation to the government of the department. We have before us a gentleman very active in New York politics, who has been himself a legislator, and been a candidate on several occasions, has written on municipal administration and given a great deal of time and attention to the subject, has had personal experience; would it not enlighten the committee greatly to have his views?

Senator O' Connor.—It has not been ruled out.

The Chairman.—The judgment of the majority of this committee is that we want facts. We reach conclusions and form opinions ourselves upon facts. We do not want the opinion of witnesses.

Senator Cantor.—I do not understand the question is ruled out.

The Chairman.—Yes, it is.

Mr. Nicoll.—I had intended to ask permission of the chair to call certain witnesses on this very branch of the investigation. Do I understand it is a positive and final ruling on the part of the committee that they will not hear any witnesses upon the questions—to give opinions upon the question of administering the police department?

Chairman Lexow.—Mr. Nicoll, if it is competent on this proceeding to hear opinions on the part of citizens of this city, upon that question you might subpoena 1,000,000 people to be present

at this trial, and ask each one — a resident of New York city — what his judgment was on that question. What the committee wants, and I simply speak for the majority of the committee now, are the facts upon which this committee can proceed to form an opinion and suggest legislation, and not the opinions of one or other of the residents.

Mr. Nicoll.— Of course, I might call a million people, but, of course, I would not do such a thing. I would select 10 or 15 who had given much time and attention to the study of the police department. For instance, Dr. Parkhurst and Mr. Kempner, gentlemen who have devoted years to the study of this question. Certainly, their opinions would be of more value than the opinions of 900,000 who have not decided the question.

Senator Cantor.— I think it might be admitted. It can not do any harm, if the committee desire to accept their judgment it would not do any harm.

Chairman Lexow.— At this time the testimony will be excluded. If afterward, on consultation of the committee, they desire to admit it, we will admit it.

Mr. Sutherland.— Do any members of the committee desire to ask Mr. Kempner any question?

Senator O'Connor.— I want to ask a single question.

Q. I understand you went around through the district after you had received intimation that the police were engaged in this kind of work, and you made personal examination yourself to verify that information? A. I did.

Q. And any testimony you detailed here is the verification you found on personal examination? A. Certainly.

By Chairman Lexow:

Q. And you found this same condition throughout the entire district? A. The entire district; I want to say, the next morning, when I began this personal investigation, the lithographs had almost entirely disappeared from the entire district, where I had seen them for a week steadily every day; they had disappeared.

By Senator Cantor:

Q. Your attention was called to that fact? A. I saw this.

By Chairman Lexow:

Q. Did you inquire in more than the instances you have mentioned as to the reasons of their removal — any specific instances?

A. Did I —

Q. Inquire? A. As to the reason of their removal?

Q. Yes. A. I suppose the police gave no reasons except that they were ordered to —

Q. The reason of the saloon-keeper or the barber, as the case might have been, for the removal of your picture? A. I have not heard of a single instance where they were removed in consequence of the change of mind of the proprietor.

Q. And how many instances have you personal knowledge that they were removed because of police interference? A. All those that I have referred to.

Q. Have you mentioned all you know of? A. All that I can recollect.

Mr. Sutherland.—If the committee please, this gentleman will need an interpreter, and Mr. Kempner can serve in that capacity if there is nobody more suitable. He does not understand German.

Chairman Lexow.—Is Mr. Kempner satisfactory to you?

Mr. Nicoll.—Certainly.

Mr. Kempner was then sworn as an interpreter, and the questions were put to him.

By Chairman Lexow:

Q. What is your name? A. William Hopf

William Hopf, called as a witness by Mr. Sutherland, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. What is your name? A. William Hopf.

Q. Where do you reside? A. Four hundred and thirty-five Sixth street.

Q. What is your business? A. I have a wine business.

Q. How long have you lived there? A. Twenty years; I have been a voter for 22 years; 20 years I resided where I now live.

Q. Do you know Otto Kempner, and for how long have you known him? A. About five years.

Q. Did you have Mr. Kempner's lithograph in your store window last fall? A. Yes, sir.

Q. How long was it posted there before election day? A. Probably eight days.

Q. Was it taken down? A. Yes, sir.

Q. Why? A. When I was told to take it away.

Q. Who told you? A. He said the captain sent me; I should do the captain a favor and put this bill away.

Q. You would do the captain a favor if you took the picture away? A. Yes.

Q. Who told you that? A. He is a small man; he is a detective.

Q. What is his name? A. I don't know.

Q. He is the ward detective? A. I never have seen him before.

Q. How long was that before election? A. I think it was — I am not sure; I think three or four days.

Q. Now, after he ordered you to take it down, what did you do? A. I put it inside on the line.

Q. On the what? A. On the line — on the rope.

Q. On a string? A. Yes, on a string.

Q. But took it away from the window? A. Yes, sir.

Q. But kept it up inside your store? A. Yes, sir.

Q. Did you have any other pictures? A. Yes, sir.

Q. Whose? A. In the store; in the window.

Q. Whose were they? A. Well, I got six; I got a double store; I got six pictures in, and I say I put Mr. Kempner away, and I say I will put this away, and I put all away; that was not right; I take all down, and he came the evening again, and he says to me, "What is the matter; what are you doing? you put the pictures all in without Kempner;" and I said, "No."

Q. He told you to put the pictures back into the window without Kempner? A. Yes, sir.

Q. And you told him you would not? A. No, he said — you say, I put it away, and I put it away.

Q. What did he tell you to do then about Kempner's picture? A. He says I should tear it, and I said, not; I say, I pay rent for the store and I got a good right, I can put the pictures in my store, but I wont, and he says, "Well, I fix you;" I said, "Well if you can do it, you do it, that is all."

Q. Who was there when this was said? A. I and my wife.

Q. Did your wife say anything to this officer, this detective? A. Yes, sir.

Q. What did she say to him? A. She said to him I paid the rent here in my room and I can put pictures in what I like.

Q. What did he say to her? A. I said the same.

Q. What did the detective say to your wife? A. Yes; he was very cross to her.

By Chairman Lexow:

Q. She was very cross, do you say? A. No; the man was very cross.

Q. He spoke roughly? A. Yes; he spoke very rough.



By Mr. Sutherland:

Q. Now what did he say to you after you told him you paid the rent and would put up the pictures if you liked? A. He said, "I will fix you for that."

Q. Did he say anything in addition to that; anything besides? A. No.

Q. He did not tell you how he would fix you, or did not say what he would do; just said: "I will fix you?" A. Yes.

Q. Are there other stores near yours? A. Yes, sir.

Q. More stores around there? A. All stores.

Q. All stores around there; did the other stores have the picture of Mr. Kempner in the window? A. They put them all away.

Q. But they had been all there, and then took them down? A. Yes, sir.

Q. Was it done the same day yours was done? A. Yes, all the same day.

Cross-examination by Mr. Nicoll:

Q. You are a friend of Mr. Kempner, are you not? A. No, sir.

Q. You are not a friend of his? A. No, sir.

Q. Do you know him? A. I know him not before.

Q. Before when? A. Before I see him this morning.

Q. Never saw him before that day? A. No.

Q. You were a supporter of his in his last election, were you not? A. No, sir.

Q. Weren't you — didn't you vote for Mr. Kempner? A. No, sir.

Q. Didn't vote for him? A. No, sir.

Q. Why then did you put his lithograph up in your window, and take it down (the witness did not appear to understand the question); why did you put it up? A. Because it is the custom; all the people do it.

Q. Where did you put it up? A. Out in the window.

Q. Why did you take it down? A. A man came and said I must put it down; what can I do; I do it.

Q. What did you care about that, whether the man told you to take it down or not? A. He said it must go away; he came twice again.

Q. It was your store, was it not? A. Yes, sir.

Q. Why did you take it down? A. Well, he said so.

Q. What difference did that make to you? A. That made me a no difference.

Q. It made no difference? A. I put other pictures in my store in the window; it make no difference; if it is a right man I put it in my window; I think he have a show at the same time as the other man.

Q. Why did you take it down if he was a right man and ought to have a show? A. The captain said it to me.

Q. What did you care about that? A. Well, sure I care about that.

Q. Where did you put it then? A. I?

Q. Yes; where did you put it? A. I hung it inside, in the store, in the room.

Q. Did it remain there until the election was over? A. Yes.

By the Chairman:

Q. You have been asked why you took the picture down; now just state in your own way what caused you to take the picture down; what feeling you had that caused you to put the picture down; were you afraid that your license would be taken away?

Senator Cantor.—That I object to; you should testify as a witness yourself.

The Witness.—No.

Q. What were you afraid of? A. He said I did the captain a favor, that is all.

Q. When he said that he would fix you what kind of a manner did he have; how did he say it? A. I don't know.

Q. Just translate for me (the interpreter translated the question)? A. He was very impudent.

By Senator Bradley:

Q. How did you know this was the ward detective; how did you come to know this man was a ward detective; had you ever seen him before? A. I did not know him; but he said so.

Q. Did he speak to you in English or German? A. He spoke to me in English.

By Mr. Nicoll:

Q. He was not in uniform, was he — this man? A. No; he was in citizen's clothes.

Q. Have you seen him since? A. Sir.

Conrad Mergler, called as a witness on behalf of the committee, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 106 Seventh street.

Q. In what election district is that? A. The second — I forget, I think about the fifth.

Q. It is the same Assembly district as Mr. Kempner's? A. Yes, sir.

Q. Were you active last fall in his behalf? A. Yes, sir.

Q. Were you the captain in that district? A. No, sir, I was in the second election district.

Q. Was Frank Kelley the Tammany captain in that same election district? A. Yes, sir.

Q. Did you see any persons whom you believed to be repeaters brought in there? A. Yes, sir.

Q. By Frank Kelley? A. Yes, sir.

Q. Did the Republican inspector ask those repeaters any questions as to their right to vote? A. Yes, sir.

Mr. Cantor.—Would it not be better to have the witness testify?

Mr. Sutherland.—Is there any objection to my putting leading questions?

Chairman Lexow.—You can put leading questions up to a certain point and then it would be better not to do so.

Mr. Nicoll.—It is a very bad habit for a lawyer; it gets him in too loose ways.

Mr. Sutherland.—I am obliged to you for the criticism. I am aware that I am from the country, but I will get out the facts just the same.

Q. You say that the Republican inspectors did put questions to those men as to their qualifications? A. Yes, sir.

Q. Well, what occurred? A. About 2 o'clock in the afternoon one of the Democratic inspectors said, "Frank, Mr. Kempner is getting the best of you here;" and so Mr. Kelley stood there for a second or two, and commenced to curse.

Q. He commenced to swear? A. Yes, sir; to swear and curse, and he ran out, and it was not 10 minutes until he came in again, and I called the Republican inspector's attention, and I said, "Look out, or there will be some crooked business going on;" and I told them what to do; and he done what I told him to do, to ask those people those questions; the same as they do when they register.

Q. When Kelley came in, he brought the voters in there with him? A. Yes, sir; one at a time.

Q. What questions did the inspector ask them? A. The same as when they go to register; how long have you lived in the district and how long in the county, and they could not answer the questions; so they stood there for a while, and, says I, "Swear the man in, if he wants to vote;" and he looked at me, and he says, "No, I wont vote," and so Frank Kelley called him out.

Q. What did Kelley say to him when he called him out? A. He took him outside, but I could not say what he told him.

Q. What did he say when he called him out? A. He said, "I will fix you; just come out."

Q. He told him that he would "fix him," and took him outside? A. Yes, sir; and in five or six minutes he brought another one in, in the same way, and done the same thing, and that is the way he brought in six different men, and I called the policeman's attention and I told him, "That has got to be stopped;" I said, "If you don't stop it, I will report it;" so he interfered with Frank Kelly, and he told him, "Frank, you have got to stop that," and so a friend of his commenced to curse and swear, and said, "You have nothing to say to me; I know my business;" I was told by Mr. Commissioner Martin what to do before this, the day before election he told me what to do on election day;" and through that the thing was dropped; he could not go further when the policeman interfered.

Q. When he told this policeman that he was acting under instructions from Commissioner Martin, did the policeman say anything more after that? A. No, sir; he stopped him; he would not let him go any further.

Q. Have you knowledge in regard to these lithographs being posted in the windows of the various places? A. Yes, sir.

Q. How many of them did you see? A. I saw them in every window around the stores there.

Q. Where is your store? A. I have no store.

Q. Around what stores do you mean? A. I went around the district what I have charge of, every night, to see about things.

Q. In the district in which you were captain? A. Yes, sir.

Q. And these pictures were placed in nearly every store, were they? A. Yes, sir.

Q. Up to a given time, when they were taken down? A. Yes, sir; one evening when I got there, they were gone.

Q. What evening was that? A. About three or four nights.— I went around—and people came around to headquarters and made complaints and told me that these things were going on.

Q. What did they say to you? A. That the pictures were taken down of Mr. Kempner then I went around and found out that they were taken down, and we ordered some more to be taken down; and that thing happened three or four different times.

Q. What did these people say was the reason that they were taken down? A. That they were forced by the police or by the captain.

Q.. That was the excuse that they gave to you? A. Yes, sir.

Q. And you reported that to Mr. Kempner? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. What is your business? A. A gilder.

Q. Where do you work now? A. Thirty-third street, between Second and Third avenues.

Q. Are you a member of Mr. Kempner's Democracy? A. Yes, sir.

Q. You were one of his strongest supporters during the last election? A. I was in favor of Mr. Kempner; yes.

Q. You were one of his captain's were you not? A. Yes, sir; I was.

Q. And you did all that you could do to elect him? A. Yes, sir; I certainly did.

Q. And you were pretty sore when he was not elected, were you not? A. I was sore, the same as everybody else would be; I suppose you would be sore if you were defeated.

Q. Now, none of those persons voted, that you speak of, who came in with Frank Kelley, did they? A. I would not let them vote.

Q. Well, they did not? A. No, sir.

Q. Did you stop them? A. I did; I challenged the votes, without they would swear their vote in.

Q. They did not swear it in? A. No, sir.

Q. And you complained to the police officer? A. Yes, sir.

Q. And the policeman told Kelley to quit, did he not? A. Yes, sir.

Q. And he quit, didn't he? A. He did afterward; after he found he could not go any further; one of the workers — he said to me, "Is that the first time you have seen this thing going like that; I have been in this district for years, and seen it," and I said, "Yes; I thought I always had gentlemen in front of me," and he said, "We have been doing that for years already."

Mr. Nicoll.—I move to strike that from the record.

The Witness.—That is the way the things are carried on here.

Chairman Lexow.—The motion to strike out will be granted.

By Chairman Lexow:

Q. Did these storekeepers tell you why they removed the pictures of Mr. Kempner from their windows? A. They were forced by some people.

Q. Was that what they said? A. By the captain and police.

Q. Did they say by whom? A. By the captain of police, they said.

Q. Did they tell you that in every instance? A. I was only in three or four stores and the people told me that each time.

Q. Where you did inquire the answer was the same, was it?  
A. Yes, sir.

Q. That it was by order of the captain and the police? A. Yes, sir.

By Mr. Cantor:

Q. Did you talk with Mr. Kempner about the testimony that you were going to give to-day? A. No, sir.

Q. Where did you get that paper that was handed to Mr. Sutherland, the counsel? A. I have had an intention to come here myself, without anybody calling me; I wanted to see what was going on and I happened to meet Mr. Kempner on the street, and told him he was coming down here and I told him about it.

Q. And you told him what you were going to testify to here?  
A. I didn't know whether I would be called as a witness or not.

Q. You told him what you were going to testify to, did you not?  
A. I did not; I asked him whether he wanted me down here; he knew about this before I told him; he knew everything about it before that.

By Mr. Bradley:

Q. Did you ever make an affidavit of those facts? A. I was before the grand jury and testified as to these facts.

Q. Did the grand jury indict these men? A. Not so far as I know; not in that district.

Q. Did you say that those six men that Kelley brought in, that none of them cast a vote? A. No, sir; they could not; I would not allow it.

Q. The policeman performed his duty then? A. Yes, sir.

Q. He did not allow them to vote, did he?

Mr. Cantor.—I object to any such question whether the policeman performed his duty, that is a question of law.

A. I think it was Mr. Martin told the Democratic captain of that district that was the main thing.

Mr. Nicoll.—Is not that rather unfair, to have him testify as to what Mr. Kelley got from Commissioner Martin; I move to strike that out.

Mr. Lexow.—Let that be stricken out.

Mr. Sutherland.—Shall I call Mr. Kempner or will the committee accept my statement that the paper which Mr. Kempner handed to me was a portion of the regular report made to this association sometime ago with regard to these various outrages. It is simply a sheet referring to what this witness knew.

Chairman Lexow.— We will take your statement in regard to that.

Charles H. P. Collis, called as a witness for the committee, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. What is your name? A. Charles H. P. Collis.

Q. Where do you reside, General? A. One thousand and fifty-five Fifth avenue.

Q. And have resided there how long? A. Six years.

Q. You have been a resident of New York how long? A. Ten years.

Q. You have taken an active interest in public affairs ever since you have been here, have you not? A. Yes, sir.

Q. And have taken the pains to make personal investigation of what goes on upon election day in New York? A. Yes, sir.

Q. For how many years have you done that? A. Only once.

Q. What year was that? A. Eighteen hundred and ninety-three; no, 1892.

Q. Where did you go that year to observe things? A. I was appointed a watcher for the twenty-second district of the Second Assembly district.

Q. Where is that? A. Sixty-eight Oliver street.

Q. Where is it, geographically, in the city? A. It is between Chatham Square Elevated station and Brooklyn bridge.

Q. Tell the committee all that you saw and heard while you were discharging your duty as a watcher in that election district? A. I arrived there about a quarter before 6 o'clock in the morning; it was raining very hard, and of course it was very dark; there were two or three men in the room, the polling apparatus, the arrangements for the election were not complete; I took a vacant seat and there was a policeman in the room and one or two people who were going to conduct the election and the policemen did not interfere with me at all, until the person who dominated the polls during the whole day took him by the lapel of the coat to the rear end of the room and had a whispered conversation with him, and then the policeman asked me who I was.

Q. What time in the day was this? A. Ten minutes before 6 o'clock; he asked me what I was doing there and I said that I was a watcher; he said, "What kind of a watcher;" I replied, "A Republican watcher," and then he was called aside again and there was further conversation.

Q. Between him and the same party as before? A. Yes, sir; the same.

**Q.** Do you know the name of that other party? **A.** A man, a young man by the name of Olcott, I think, about 30 years of age; after the second whispered conversation, he said, "You have no right here until 4 o'clock; you come back at 4 o'clock and we will let you in;" I said, "I am not a canvasser's watcher; I am a watcher appointed by the Republican organization, and I have a right to be here, and I propose to stay;" then they said, the same man and others, "If you don't put him out, by God, we will put him out;" then he followed me toward the door, I receded as he advanced, and I said, "I will, at all events, read you my commission, my warrant for being here;" he said he didn't want to hear it; I said, "I will read it; the law requires that I shall be here before the polls are opened, to see that the ballot-boxes are all right, and I propose to stay in this room and perform my duty;" after consultation with the other people in the room, he said he would put me out if I didn't go; by that time there was quite a mob, and I realized that if I remained he would take me to the station-house and lock me up or these men would club me; I got out on the pavement, intending to make another effort to go in; when the men who had assembled on the pavement, eight or ten of them, told me to "get out," and step lively; they followed me, and I went up to Chatham Square station and went from there on the Elevated to Houston street, to the police headquarters.

**Q.** Who did you find there at police headquarters? **A.** I found Inspector Byrnes, and after hearing my story, he promptly sent for Inspector Williams, and he came in and he told Inspector Williams to take me in his (Byrnes') coupe, back to Oliver street, and see that I was permitted to perform the duty required of me; I got back there a little before 7 o'clock, a quarter before 7, perhaps, and Inspector Williams entered and I followed him, and he said to the board of inspection officers, the election officers, "Why don't you permit this gentleman to perform the duty that he is required to perform;" or some such expression; he addressed the police officer particularly, and said, "Why don't you protect this man;" and the officer said that he had not interfered with me at all; he said he simply asked me to step outside on the curbstone, until they had arranged the ballot-boxes, and then I could come back; whereupon the entire election board corroborated him, and he said that was all that had transpired; Inspector Williams said, "You are all lying, and you know you are lying; I know this gentleman, and I know you, and I want you to see that he remains in this polling place; I will be back here during the day several times, and he must not be interfered with;" after that the police officer was as mild as pie.



Q. And you remained there the rest of the day? A. Yes, sir; I remained there the rest of the day; that is all that I know about the police officer.

Q. State whatever you saw going on there, which, as you understood, was in violation of the law, and which the police officer saw? A. Well, the police officer saw 41 able-bodied men have helpers to go into the booths and make up their tickets for them.

Q. Was there anything else that you saw? A. I challenged a good many of them, and my challenge was not regarded at all; the inspector said that if a man swore he needed help, that he was not physically able to fold his ballot, he had no alternative, and he had to give him a helper; I told him that was not the law; I read him the statute, and told him what the causes of physical inability were, as enumerated in the statute, and he said that he had his instructions.

Q. Did he say where from? A. No; he did not say where from, but he was going to take the chance, and that was the way he was going to conduct the election.

Q. You described those 41 men as able-bodied; in what respect were they able-bodied? A. They had good eyesight, and the use of their hands; the only man who was crooked at all was a lame man, and he walked with a stick.

Q. He did not require the stick in order to stand, did he, but only to walk? A. That is all; while Inspector Williams was there, they were taking the vote of a man and the oath was administered to him — “You are physically unable to fold your ballot and require a helper?” “I do;” and I said, “Inspector Williams, look at that;” Inspector Williams says, “You don’t call that man a cripple, do you, or unable to fold his ballot?” “Well, he swears so,” said the inspector, and Inspector Williams said, “Well, if I was the inspector I would not let him have a helper;” “Well,” said the inspector, “you are not inspector; that is my business, and you mind yours.”

Q. Tell anything else that you saw of an illegal character, which was also witnessed by the police. A. I saw men brought here in groups, and furnished with names taken from the registry lists.

Q. Men voted under names which were not theirs? A. I can not go that far.

Q. Describe what you did see? A. I saw a man who sat at my side, ticking off the list and those names that were not ticked, he would take three or four of them, men who had not voted and hand them to an active worker, I supposed for the purpose of having those people hunted up, and brought to the polls, which

would be legitimate, but I saw this man take them out in the street, and hand them to the people there.

Q. Hand those names to the people? A. Yes, sir.

Q. Then what occurred? A. Then after a while a man would come in and walk up to the polls —

Q. And would he call off one of those names? A. Yes, sir; in fact one man had forgotten his name and turned to the man who brought him in and said, "What is that," and he told him, "John Kelly" or whatever the name was.

Q. Where was the policeman when all this took place? A. With his back to the wall opposite them.

Q. How far from the man who inquired as to the name? A. Within arm's reach.

Q. And the man who brought in this voter told him the name? A. Yes, sir, and then he went from the desk at which the tickets were, up to the chairman of the board and he said, "I need a helper;" then this stereotyped oath was administered to him, and this same man Olcott, or his brother, took the man into the booth.

Q. There was one man who performed that service? A. Two men; but one man performed probably 75 per cent. of the work.

Q. And this man could not tell his name at first, the man who had the use of his eyes? A. No, sir; he had perfect use of his eyes.

Q. And had he the use of his hands? A. Yes, sir; perfectly.

Q. Tell the committee anything else that you saw in violation of law which was also seen by this police officer. A. I went to a polling place in Oxford street in the forenoon, which was around the corner from where I was, to see how the watcher was getting along there; whether he was having any trouble, and I saw the identical man who had voted in my election district hanging around the polls there; I did not see him vote, however.

Q. What, if anything, did you see at Oxford street? A. The same kind of thing going on and our watcher perfectly helpless.

Q. And men swearing to their inability to fold the ballots? A. I did not stay long enough for that; I went in order to see if he had any trouble.

Q. Did you visit any other polling place? A. No, sir.

Q. Is there any other circumstance that occurs to your recollection, that you have not already given? A. The Democratic supervisor, when I made my first challenge, said that I would have to be sworn.

Q. That you would have to be sworn? A. Yes, sir; and he said that unless I positively said that I knew that these men did not reside where they said they did, it would not do; I called his

attention to the fact that the informer's name ought not to be divulged; that did not make any difference, he said, and he said, "If he challenges anybody, you swear him, and if he don't, you have got to take the vote."

Q. Who said that? A. This Democratic supervisor, when I challenged a voter, said to the inspector, "You must swear Mr. Collis," and unless I was sworn and that I knew positively that these men did not reside at the place represented that they had to take the vote.

Q. You did not have the pleasure of the personal acquaintance of those repeaters? A. No, sir.

Q. Do you think of anything else? A. I ought to say that I went before the grand jury and had the whole election board indicted.

Q. Did you observe whether or not during the day this police officer offered any advice to these inspectors or workers? A. No, sir; he did not interfere at all; the only interference was when he was acting under the instruction of the people inside.

#### Cross-examination by Mr. Nicoll:

Q. You made no complaint against Inspector Byrnes or Williams? A. No, sir; nor the police officer, excepting that he was dominated by the people inside; they gave him his instructions.

Q. And was inactive in his duties where he should have been active? A. He was active enough against me; I do not think he would have disturbed me if he had been left alone.

#### By Mr. Cantor:

Q. You say you had the board indicted? A. Yes, sir.

Q. How long ago was that? A. Just a year; they were indicted a month after the election; that must have been in December; there were two bills found against all of them.

#### By Mr. Sutherland:

Q. Who was then the district attorney?

Mr. Nicoll.—I was the district attorney.

By Mr. Cantor: Q. Do you know whether they were ever brought to trial? A. They have not; they could not very well be tried without my evidence.

Thomas F. Harrington, called as a witness on behalf of the committee, was duly sworn, and testified as follows:

#### Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 65 Cherry street.

Q. How long have you lived there? A. Three years.

Q. Were you, in any of the recent elections, an official? A. Yes, sir; I was Republican watcher in the campaign of 1891.

Q. In that same election district? A. Yes, sir.

Q. And as such you had charge of looking after the registration list, as well as the election? A. Yes, sir.

Q. Did you observe anything on Saturday, the 29th day of October, the last day of registry? A. Yes, sir.

Q. What was it? A. A man came in and offered to register from a vacant lot, No. 358 Water street.

Q. You knew it was a vacant lot? A. Yes, sir.

Q. What did you do? A. I challenged his right to register.

Q. Did you state the grounds of your challenge? A. They wanted to know on what grounds, and I said on the ground that the man does not live at the place where he offered to register from, and they went to look, and while they were doing that the man was ejected from the place by a man named Henry Clark.

Q. Who was Henry Clark? A. He kept a place at 359 and 361 Water street; it was then a house of prostitution.

Q. That was across the way from 358 Water street? A. Yes, sir.

Q. He rushed in toward the door, did he? A. Yes, sir.

Q. Did he say anything then? A. I called to the officer to arrest that man for attempting to register illegally.

Q. What did he say? A. He said, "What can I do?"

Q. Where was this man Clark standing or sitting while you were interposing this challenge? A. He stood close to the door on the right of the officer.

Q. He stood next to the officer? A. Yes, sir.

Q. And he left the officer and went up to this man? A. He left the officer and went to the table where the board of registry was sitting.

Q. How far away was that — further than that rail? A. No, sir; not as far as that, probably eight feet.

Q. So then he and the officer heard these questions that were asked him? A. Yes, sir.

Q. And this man, Clark, got up from the side of the officer and went over to the man and rushed him out of the door? A. Yes, sir.

Q. And while he was doing this you called on him to arrest him? A. When he was going out I said, "I want you to arrest that man;" and he said, "What can I do?"

Q. Did you follow the man out? A. Yes, sir.

Q. What happened then? A. I followed the man three blocks, and when I was going across James slip I saw an officer on the opposite side, and I called upon him to rap for that man, and he

struck the sidewalk once, and the man turned into Water street and ran up to Oliver street, and then to Cherry street, to 110, which was one door from Catherine street, and there I overtook him, and the officer came up, and took him to the station-house; the sergeant asked me as to what the charge was; I told him he had attempted to register illegally, and he said, "Why didn't you wait until he had registered;" I said, "I would have had to wait a long while, for I had to chase him three blocks."

Q. What had this man, Clark, been doing before this? A. He was doing this at every election; sending repeaters.

Q. He had been bringing people in that way before? A. Yes, sir.

Q. All during the day up to the time of the occurrence? A. Yes, sir.

Q. Were you at the polling place on election day in your official capacity? A. Yes, sir.

Q. That was when? A. During the campaign of 1891.

Mr. Nicoll.—How far back does the committee propose to take testimony?

Mr. Sutherland.—This is going back to 1891, at the present time, with this witness.

Mr. Nicoll.—How far back will the committee go; is there any limit fixed?

Chairman Lexow.—Probably not back of 1891.

Q. Who was the Republican candidate for Senator in 1891? A. Mr. Marx; I saw a coach coming up in front of the polling place, and a young man came in and asked for the Republican captain, and I went out and saw Mr. Marx in his booth, and he asked me how things were going on, and I told him this was no place for him, and everything would be all right.

Q. Did anything happen to this young man that came in? A. Yes, sir; he was pulled and dragged around there in the presence of the officers, who was attending the election that day.

Q. Did they afford him any protection? A. No, sir.

Q. The young man came in and asked for the Republican captain? A. Yes, sir.

Q. He did not call you by name? A. No, sir.

Q. He told you that Mr. Marx had sent in for you? A. No; he didn't say that.

Q. He said that the Republican captain was wanted outside? A. Yes, sir.

Q. How soon after that was it before they pitched into this young man? A. They had hold of him before I got out; and when I got out I said, "What are you doing with this man; why don't you leave him alone;" and I went to the coach and saw Mr.

Marx, and told him everything was going all right; I told him to return to the polling place at a certain time, and I saw a man on the curb by the name of Whitty, and he grabbed me by the coat.

Q. Is Whitty an ex-convict? A. Yes, sir.

Q. Well, what did he do to you? A. He grabbed me by the coat, and I told him that I did not desire to have any trouble, that being election day; that I was always to be found around the district, and there was 364 other days, and if he had any grievance that he wanted to settle, I would settle with him; he would not release the hold of my coat, and I looked down, and I saw that he was carrying weapons, a club and a revolver, and I thought to myself, I guess they mean to inflict punishment on me, and I will try to get out the best way possible, and I argued with him and told him I didn't wish to have any trouble, and if he desired to settle any trouble with me he could do so on any other day; that I never had caused any blood to be spilled on election day, and did not choose to do so then, but he would not release my coat, and I grabbed him by the throat with my left hand, and went to strike him with my right, when the two officers rushed out—

Q. Where were the two officers? A. One was standing on the poll door, and one was outside.

Q. How far away from you? A. Probably 12 feet.

Q. Where they could see all this proceeding? A. Yes, sir; and one officer grabbed me by the coat and raised his club to strike me, and I told him if he struck me I would kill him where he stood, and a friend of mine came forward to help me, and the other officer rushed out and grabbed him and up with his stick to strike him; they didn't take hold of this Whitty at all; it was me and my friend they took hold of.

Q. You had been challenging repeaters and unlawful registration before that? A. Yes, sir; from the first day of registration.

Q. Down to that time? A. Yes, sir.

Q. What time in the day was it that this took place, when Mr. Marx came there? A. About half-past 10 or 11 o'clock.

Q. And these policemen made no move to protect you in any wise in this assault, until you began to defend yourself? A. No, sir.

Q. And then they laid hold of you and your friend? A. Yes, sir.

#### Cross-examination by Mr. Nicoll:

Q. What is your business? A. I am employed in the United States public stores as a messenger.

Q. In the United States public stores? A. Yes, sir.

Q. Where? A. At the corner of Washington and Watt street, 402 and 410 Washington street.

Q. When did you get your appointment? A. In 1891 — no September 23, 1890.

Q. You are a Republican office-holder, are you? A. Yes, sir.

Q. They are very rare; what was your business prior to being in the public stores? A. I worked for a gentleman by the name of John Marsh, 165 Maiden Lane, in the fruit business.

Q. Where did you live then? A. I lived in the same place.

Q. When did you first tell the story that you have told here to-day? A. I have told it long ago.

Q. When? A. Lots of times before; four or five weeks ago and I told it to the county committee in 1891.

Q. When did you tell it to Mr. Sutherland? A. I have not told it to Mr. Sutherland.

Mr. Sutherland.—Not until he told it to me on the stand.

Q. When did you tell it last, before you told it on the stand? A. Last evening.

By Mr. Sutherland:

Q. You told it to the gentleman sitting to my right? A. Yes, sir.

By Mr. Nicoll:

Q. The associate of Judge Sutherland? A. I don't know in what capacity he is connected with him.

Q. Where did you tell it to Mr. Gracie? A. At 1122 Broadway.

Q. What is that? A. The headquarters of the Republican association.

Q. What association? A. The Republican County Association.

Q. The regular Republican organization of this county? A. That is the only one that is regular now, that I know of.

Q. The only Republican organization of the county? A. Yes, sir.

Q. How did you come to go to the regular Republican organization of this county last night? A. I was up there oftentimes every night, since last November.

Q. You go there every night? A. Well, not every night; I have been there five nights in a week.

Q. Are you in the habit of going there almost every night? A. No, sir; in six weeks I have not been there every night.

Q. Did you just happen to drop in last night? A. I went up there yesterday afternoon.

Q. Were you in the courtroom yesterday? A. Yes, sir.

Q. Did you go there to meet Mr. Gracie yesterday afternoon?  
A. No, sir.

Q. Who did you meet there? A. Mr. Millholland.

Q. Mr. Millholland had sent for you, had he not?

Chairman Lexow.—How is this material?

Mr. Nicoll.—I want to show how this testimony came about. Here is a man who comes here in 1894, and tells us now of something that happened in 1892, two and a half years ago; I want to know how it came about.

Mr. Sutherland.—I object to that.

Mr. Nicoll.—You object to what; how you found out?

Chairman Lexow.—As affecting the credibility of the witness.

Mr. Sutherland.—If the counsel has any objections as to the credibility of the witness, I will withdraw the objection, but if it is simply to find out as to the party faction — Mr.—

Mr. Nicoll.—I want simply to show the witness' relation in the whole matter.

Mr. Lexow.—Yes, you have that right.

Q. Have you ever been arrested? A. Yes, sir.

Q. When was the first time? A. The last time was in 1877.

Q. When was the time before that? A. I might have been arrested for standing around on the corners.

Q. When was the first time that you were arrested? A. When I was a boy standing around on the street.

Q. You were arrested for standing around on the street? A. Yes, sir.

Q. What was the result on the first charge? A. The charge that I referred to in 1877, I was tried and acquitted.

Q. What was the charge?

Mr. Sutherland.—I object to the question.

Mr. Nicoll.—Why do you object?

Mr. Sutherland.—Because I do object.

Mr. O'Connor.—I object; it makes no difference, if the man was acquitted.

Mr. Sutherland.—When a man stands acquitted by the jury, he can not be questioned as to the charge brought against him.

Mr. Nicoll.—We are not governed here by the rules of evidence.

Mr. Sutherland.—Is that why you press the question?

Mr. Nicoll.—If you want the rules relaxed, relax them now.

Mr. Sutherland.—This witness has been acquitted of the charge on which he was arrested, and I object to the question as to the character of the charge.

Chairman Lexow.—The objection is sustained.

Q. When was the first time that you were arrested?

(Objected to.)



Mr. Cantor.—Do I understand that the question as to the character of the charge is ruled out?

Chairman Lexow.—Yes.

Q. What was the disposition of the case when you were arrested the first time?

Chairman Lexow.—That objection is also sustained.

Mr. O'Connor.—You may show that this man has been convicted, if you can.

Mr. Nicoll.—I am going to ask him if he was not fined or imprisoned?

The Witness.—Never.

Q. You were never fined or imprisoned? A. No, sir.

Q. How many times have you been apprehended by the police? (Objected to.)

Mr. Nicoll.—Here is a man who is testifying to certain things and—

Chairman Lexow.—If he has been convicted of crime, you can prove it.

Mr. Nicoll.—I want to show the bias of the witness. I want to show that he has been apprehended by the police. That is the ground on which I put the question; he comes here and makes charges against the police; I propose to show a bias against the police because of arrests by the police.

Mr. Sutherland.—Was he arrested by this policeman?

Mr. Nicoll.—He has a grievance, generally, against the police.

Mr. Sutherland.—If the counsel propose to show that the witness was arrested by the policeman who was on duty at this election day, I will not object; but if it is some other policeman, I do object.

Chairman Lexow.—The same ruling is made, and the objection is sustained, unless counsel intends to show that this arrest or persecution of the witness was by the same policeman against whom he has testified.

Q. Where were you tried?

(Objected to; objection sustained.)

Q. Prior to your occupation in the fruit business, what were you engaged in? A. I had a pair of horses and a truck; I was a truckman.

Q. What trucking were you doing? A. Riding fruits from the auction of Brown & Syckle.

Q. How long were you engaged in that? A. About four years.

Q. Before that what were you doing? A. I worked for the United States Stamping Company, in the capacity of a shipping clerk.

Q. How long did you stay with them? A. Probably two years.

Mr. Nicoll.—That is all.

Mr. Sutherland.—Are there any questions by the committee?

By Mr. Bradley:

Q. You say that the policeman come out when this man caught hold of you, and that you went to strike him? A. Yes, sir.

Q. Did the policeman take you or the other man to the station-house? A. He took me.

Q. He let the other go, did he? A. Yes, sir.

Q. He merely separated you, quelled the disturbance? A. He caught hold of me and raised his club.

By Mr. Sutherland:

Q. Raised his club upon you or on the other man? A. On me.

Q. I understood you to say that the policeman was looking at the disturbance all the while? A. Yes, sir.

By Mr. Cantor:

Q. You were the one who struck the blow, were you? A. No, sir; there was no blow struck, only when he grabbed me; I stepped off the curb and—

Q. Did you not testify that you drew your fist back to strike him? A. I grabbed him with my left hand and raised my right hand to strike him, and then the officer reached out and grabbed me.

By Chairman Lexow:

Q. And up to that time, the officer stood by and did nothing? A. Yes, sir; and I called the attention of the officer to the captain, who was working in the interest of Tammany Hall, walking inside of the rail and dropping ballots and then kicking them into the booths, and he said he did not see them.

By Mr. Sutherland:

Q. How many times did you do that, call attention of the officer to that? A. Only once that day.

Q. This man, Whitty, was an ex-convict? A. Yes, sir.

By Chairman Lexow:

Q. Whose attention was called to that fact about the ballots? A. I called the officer's attention to that.

Q. And he said what? A. He said he did not see anything done.

Q. Did you see him looking at the occurrence? A. He was looking in the direction of where it was, and where this man was standing inside of the rail; I was outside of the rail; I was excluded.

Q. How far from the officer did that happen? A. Four or five feet.

By Mr. Sutherland:

Q. And he was looking in that direction? A. Yes, sir.

Q. And this man was an ex-convict? A. Yes, sir.

Q. Did anything happen to him that same day? A. Yes, sir.

Q. What? A. He went to a polling place in Oak street and another one came down there and they intended to create trouble in the district, and they got into a conflict, and he was shot in the jaw.

Q. On that same election day? A. Yes, sir; by his companion.

Robert J. Cromie, called as a witness on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Thirty West One Hundred and Sixteenth street.

Q. How long have you lived there? A. I moved there in August, 1893.

Q. Where did you live prior to that? A. One Hundred and Twenty-eighth street, between Sixth and Seventh avenues, No. 135.

Q. Always been a New Yorker? A. Yes, sir; born and brought up in New York.

Q. Did you go to the polling place last fall to vote? A. The beginning of it, that being my first vote in the forty-second election district of the Twenty-sixth Assembly; I went there about 9 o'clock in the morning, and going down to the polling place I saw the Tammany box was about in the middle of the block at 1662 Park avenue; there were about 10 of the Stuyvesant club all lined up on the street with badges on; they grossly insulted me all the way to the polling place; they offered me tickets, and I told them my ballots were inside, that I had no use for them; at that time, I had taken no active part in the organization of that district, but I looked around to see if there was a Republican badge, and there was none there, and I took it for granted that I had to push my own battle, and the policeman said, "Why don't you take one of these tickets?"

Q. Where was the policeman? A. One Hundred and Seventeenth street and Park avenue.

Q. How far from the polling place? A. One door, which is 117 from Park avenue.

Q. Was he standing one door from the polling place? A. Yes, sir.

Q. How far from the polling place were those men distributing those tickets? A. They were standing two on the corner talking with him and one of the parties offered me pasters to put on my ballot, which I refused.

Q. Now, tell your conversation with the policeman? A. He said to me — I don't know his name, but he knows me as "Bob," for I lived in Harlem, and he knows me by the first name; I don't know whether he knows my last name or not.

Q. Was he in uniform? A. He was in uniform and on duty at the polling place, and he said: "Bob, why don't you take one of these tickets;" the remark I passed, and all the conversation I had with him was, "My tickets are inside;" I went inside, and when I got to the polling place I could not open the doors, and there was a party who opened the door, and I went in the polling place to deposit my ballot and came out again, and, coming by the box, they pushed another man into me, into the election box, and I said no more because I thought to myself, "I will see you later;" then I made up my mind that I would take an interest in the organization of my district, and found out where the association met, and I went and joined the Morton Club; that was the Republican organization in that district at that time; the last election, that is, the special election.

Q. That all occurred last fall? A. Yes, sir.

Q. Was that the time that these pasters were given out, last fall? A. Yes, sir; this was on the special election; now, we are coming to the paster part; I am only giving you the time that I resided in the district.

Q. This was in 1893? A. Yes, sir; now, we are coming to January 30, 1894, on the Congressional special election; I was down to the district, there have been a good many complaints coming into headquarters about trouble through the district; I took a walk in the morning around the district; I thought to myself that I would make an early vote; I had a little business to attend to and I went directly from getting my breakfast — I had been out early in the morning at the polling place and I went back and got my breakfast and took a walk down the district and came back to vote; as I was standing at the polling place, the Democratic leader of the Assembly district came along in his buggy, and he said to the election district leader, "If you don't carry this district to-day, you will lose your head;" that is one of our police justices to-day.

Q. What is his name? A. Mr. Burke; he is president of the Stuyvesant Club; I made up my mind that there was no use of having anybody arrested, because by the remark of that kind —

(Objected to.)

Q. Never mind that; just state what was done? A. I trotted around the district twice — three times in fact, around the Assembly district, and I went over to the Second Assembly district, One Hundred and Third street, and there has been a complaint of trouble at the headquarters; in going into the election district I saw one of the Tammany men sitting inside of the door.

Q. Inside of what door? A. Inside the booth, inside of the store, and he handed me a ticket and paster just as I went into the door and two policemen sat right there in the window.

Q. How far from the booth? A. About four feet; they sat inside of the window of the store, and I turned round and said —

Q. Which way were they facing, toward the booth or the other way? A. One sat in this manner, and the other sat right opposite to him.

Q. Was one of them facing the booth? A. They were inside and they were looking right at the booth; I said to the policeman, "Is this the way things are getting done here?" and he says, "Well, I don't know anything about it;" says I, "This man has no right to give out pasters anyway," and he says, "How the hell do you know that he gave out pasters;" I said, "There are the pasters, that is proof of it," and I turned around to the supervisor, and I said, "If anything more like this exists, I will indict you people; you people are supposed to be near that rail;" and I said, "You make note of that on your book under 'remarks,' but the policeman would not put them out."

Q. Did you ask the policeman to put them out? A. I did, and he said he had nothing to do with it; he did not see the paster handed to me, and he had nothing to do with it; I said, "Why is he allowed in the booth to hand out pasters, when he ought to be 150 feet away?"

Q. What did he do or say? A. He said, "I have nothing to do with it," and the man walked out himself and I came out, and as I came out the policeman stood talking to him at the door, and he said to him, "You damned fool, you ought to know who you are handing them to;" that is just the remark that he passed.

Q. That was the remark that the policeman made to this man who was inside? A. Yes, sir; as I came out.

Cross-examination by Mr. Nicoll:

Q. What is your business? A. Painter and decorator.

Q. How long have you been engaged in that business? A. About 10 years.

Q. Where are you painting or decorating now? A. At 30 West One Hundred and Sixteenth street, doing business for myself.

Q. Have you been in any other business in this city? A. Yes, sir; I have been firing on the elevated railroad and firing on the Pennsylvania railroad.

Q. You have not given much attention to politics, until recent years? A. Yes, sir; I always took an interest in my organization.

Q. In your organization? A. I always took an interest in the welfare of the district, but not in the politics until lately.

Q. You took an interest particularly in the general welfare of your country? A. Yes, sir; for an honest ballot.

Q. And for reform— are you for reform, too? A. Yes, sir.

Q. When did you wake up to this state of affairs? A. I woke up when I got in the district and saw that it was time to wake up, when I found that the way things existed.

Q. You did not wake up until last autumn? A. No, sir; I always went and voted, but I never took any spirited interest in any organization, but when I went and saw the way I was used at the polling place, I thought it was time the business men as well as the politicians should take an interest in such things.

Q. I understood you to say that they call you "Bob" in Harlem? A. Yes, sir.

Q. Does everybody call you Bob? A. Anybody that I am familiar with; it is a familiar word; "Hello, Bob, how do you do?"

Q. Do you travel around a good deal in Harlem? A. Yes, sir; in business matters I do.

Q. Out with the boys, too, at times? A. No, sir, I do not; I am a home man; I think a good deal of my home and always did.

Mr. Sutherland.— And you are trying to protect it at the ballot box, are you?

Q. How is it that everybody calls you "Bob" if you are such a home man? A. Like a good many other men who are brought up in the neighborhood and goes to school around there; I guess you would be called "Bob" if that was your name, meeting the boys that you used to travel around with in your younger days.

Q. And the policeman called you "Bob"? A. He did call me "Bob."

Q. And he said, "Why don't you take this ticket"? A. "Why don't you take the ticket," he says.

Q. You did not take it? A. No; I had no use for it.

Q. You went off and voted some other ticket? A. That is the way I always do.

Q. And that is the circumstance that woke you up? A. No, the circumstance was when I got pushed, going into my balloting place; I thought a man had a perfect right to the highway; I thought it was the duty of the policeman to arrest those people.

Q. You say somebody pushed you? A. Yes; when I went in, and when I came out, and my hat was knocked off.

Q. Was there not a crowd there? A. Yes.

Q. All trying to vote? A. No; not at all; they were a crowd of citizens with badges on pushing people who wanted to go in.

Q. Were you the only voter around there? A. No.

Q. There were a good many people in the polling place? A. No, sir; nothing of the kind.

Q. You were the only man? A. This did not happen in the polling place.

Q. It happened just outside of the rail? A. No; that was on the street.

Q. You were pushed on the sidewalk, were you? A. No, on the street; inside the polling place I had an opportunity to deposit my ballot.

Q. When you got inside, everything was in order? A. Yes, sir.

Q. You got your ballots and went into the booth and voted as you pleased? A. Yes, sir.

Q. And then you got pushed? A. Yes, sir; when I came out and got to the Tammany Hall box I got pushed again; one man pushed another into me, and my hat fell off.

Q. You mean the box where they gave out the pasters? A. Yes, sir.

Q. Is that what you complain of? A. Yes, sir; I am complaining of that in this way; that the policeman had a right to protect me, and not to allow these people to ill-use any citizen.

Q. Did anyone harm you? A. These people harmed me, when they pushed one another into me, and knocked off my hat, and the policeman grinned at it.

Q. You mean to say a man who has lived in Harlem all his life, finds any fault when he gets a little push on election day? (Objected to.)

A. Yes, sir.

Mr. Sutherland.—I object to the question; there are other witnesses here, and it is proper that only legitimate questions should be put to the witness.

Chairman Lexow.—The witnesses will understand that they will be protected absolutely.

Mr. Nicoll.—Rather than to hurt anybody's feeling, I will stop.

Chairman Lexow.—Is that all, Mr. Nicoll?

Mr. Nicoll.—Yes; I think so.

Mr. Sutherland.—That is all; unless the committee desire to ask some questions.

Leo Cohen, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. One hundred and twenty-three West Fifty-fourth street.

Q. How long have you resided there? A. About a year.

Q. Where did you live before that? A. Eight hundred and twenty-five Seventh avenue.

Q. You have always been a New Yorker? A. Yes, sir.

Q. Where did you vote at the last election? A. In the eighth election district, 101 West Fifty-fourth street; the Twenty-first Assembly district.

Q. You may tell the committee what you saw there in reference to the conduct of the police? A. I was there as a watcher.

Q. Had they Republican watchers? A. I was there as a Republican watcher; I was there from the time the polls opened, about half-past 5 in the morning, until about half-past 9 in the evening; I stayed there until the ballots had all been counted.

Q. Previous to the counting, what did you see, if anything, in regard to the conduct of the police, while the working was going on? A. I saw an officer standing at the booth when one of the voters had come out of the booth, and he said he didn't know how to fold his ballot, and the officer said, "I will show you," and the officer had one or two of the ballots in his hands, and I said, "There will not be anything of that kind of bulldozing going on here." and he told me I had too much to say; there were 15 or 20 people around there at the time; so he sent for one of the ballot clerks, and the ballot clerk had to show him how to fold his ballot, and he went in and voted; after that, when it came to the closing of the ballot, after the votes had been turned out of the box, and when they came to be counted, there happened to be 242 ballots; they counted them in tens, and there happened to be 240, and they had separated them, and they found 243 ballots.

Q. That is, they so stated? A. Yes, sir; so the crowd there, 20 odd Tammany people, demanded that the ballots be destroyed, the two ballots; they claimed that the two ballots that was found in one, should be destroyed; I objected to that and said, "There will be no ballots destroyed here;" and the officer said, "Let me have those ballots; I will take care of them for a while;" I said, "You are not authorized to handle any ballots, you are here to protect us people;" and the crowd said, "Let him hold them; he will take care of those two ballots," and the officer took the two ballots



Q. Did you call his attention to the law in reference to that?

A. Yes, sir; I told him to lay the ballots down on the table; that he had no business with them.

Q. Did you tell him whose duty it was to take care of them?

A. I called upon the crowd to not let the officer have them, and the crowd said, "You have got too God damned much to say;" I said, "I am here as a Republican watcher and I am going to stay and do my duty;" and one of them said to me, "You want to come pretty near keeping your mouth shut or we will sit on you."

Q. Where were the officers? A. Right behind the inspectors.

Q. Where were you? A. In front of the table.

Q. How far were you from the officers? A. About two feet.

Q. Where was the crowd? A. All alongside of him on the right-hand side; there were 20 odd people in the room.

Q. And the officer was facing you and this crowd? A. Yes, sir.

Q. And he was behind the inspectors? A. Yes, sir.

Q. What did he do to the ballots? A. I told him to lay them on the table, and the crowd said the best thing to do was to destroy those two ballots, the two ballots found in one; I said, "I will send up to the organization headquarters;" and the policemen said to the inspectors, "Sign the returns;" and I said, "Don't you do anything of the kind until this thing is settled;" and he said, "We will leave it to the Manual, and I brought over the Manual, and he claimed that two ballots folded into one should be destroyed, and one of the Tammany men said, "It looks to me as if there are two Republican ballots"—the fight was made in that district for the Assemblyman, and he said, "I will tear them up and settle the argument."

Q. Who said that? A. The officer did; and they put it to a vote, whether the ballots should be destroyed, and I had sent to headquarters to call down Mr. Blanchard, and Mr. Clark was also there, and they sent down word that they would not come down, unless the inspector sent for them; I asked the inspector to send for them, but previous to their coming there the officer destroyed the two ballots.

Q. You say there was a vote taken? A. Yes, sir.

Q. Who participated in that? A. The Tammany Hall people; they had a majority.

Q. Who asked for a vote? A. Nobody, only they said, "We have a majority here and the ballots will be destroyed."

Q. Is there anything else that you recollect? A. No, sir.

Cross-examination by Mr. Nicoll:

Q. Where do you reside? A. One hundred and twenty-three West Fifty-fourth street.

Q. Is that in the Twenty-first Assembly district? A. Yes, sir.

Q. That is what is known generally as the "brown stone district?" A. Yes, sir; the "silk stocking district."

Q. Is that the district where the Union Club League is situated? A. Yes, sir.

Q. Are you a member of any political organization? A. Yes, sir; I belong to the Republican organization.

Q. Which Republican organization?

(Objected to; objection sustained.)

Mr. Nicoll.—Mr. Chairman, will you permit me to call to your mind the fact that only an hour ago when Mr. Kempner was on the stand, I asked him to what political organization he was attached and you permitted me to show the different political organization in the Democratic party in the city, yourself stating or Senator O'Connor, that it was proper on the question of bias. May we not show the same thing in reference to the Republican organization?

Chairman Lexow.—No, because there can not be any bias on that question. We do not propose to have this committee used for the purpose of making discriminations between factions. We are not here for that purpose.

Mr. Nicoll.—Certainly not, and I am not here to do any such thing, but we can not shut our eyes to the fact that there are factions in the Republican party as well as in the Democratic party.

Mr. O'Connor.—Suppose the majority of this committee assume that every Republican will state the fact just as strongly as he feels the fact will permit him. We will assume that he is a partisan in that respect, but whether he belongs to this or that or the other faction is of no consequence. We will assume that they are all equally partisan. He tells us that he is a Republican. We assume that because he is a Republican that he will state the fact as favorably from his standpoint as he can. I do not see how you can make it any stronger to show which faction he belongs to.

Mr. Nicoll.—I would not be guilty of trying to make a division in the Republican party in this community. This is not my purpose at all.

Mr. Cantor.—The Republican members are very sensitive about factions.

Mr. Sutherland.—I will admit that every witness that I have examined, and every witness that I shall examine belongs to any one of the factions that he has a mind to name and Mr. Nicoll can take his choice that they belong to the faction that he thinks is the most to be despised.

Mr. Nicoll.—I dissent from that remark. I do not despise any faction.

Chairman Lexow.—The committee ruled that question out. Please proceed with the examination.

Q. How long have you been a member of any political organization in this city? A. Seven years.

Q. And to what political organization have you been a member for seven years — are you a member of the same political organization to-day that you have been a member of for the past seven years?

(Objected to; objection sustained.)

Q. Have you been, before this, inspector of elections? A. Yes, sir.

Q. How often? A. Eighteen hundred and ninety-one and 1892.

Q. Always in the Twenty-first district? A. Yes, sir.

Q. And in the same election district? A. No, sir.

Q. In a different election district of the Twenty-first Assembly? A. Yes, sir.

Q. What is your business? A. I am out of business at present; I have been in business for 12 years for myself, in the produce business up to a short time ago.

Q. Up to what time? A. Up to about two years ago.

Q. Two years ago? A. Yes, sir; since then I have been to the public stores within two months back.

Q. You are in office now? A. No, sir; I am out of office.

Q. You are out of office? A. Yes, sir.

Q. What office did you have? A. I was driving for Mr. Hess.

Q. What Hess? A. The man who has the contract.

Q. Jacob Hess? A. Simon Hess, the cartman.

Q. Is he a member of your organization too? A. No, sir.

Q. You were a driver for Mr. Hess? A. Yes, sir.

Q. For two years? A. No, sir.

Q. For how long? A. For a couple of months, and it got slack down there, and I was laid off.

Q. That is only two months out of two years; what have you been doing the rest of the time? A. Tending bar.

Q. Where did you do that? A. At summer resorts.

Q. What summer resorts? A. Saratoga.

Q. Where else? A. Westchester.

Q. Where in Westchester? A. The race track.

Q. The Morris race track? A. Yes, sir.

Q. You were bartender there? A. Yes, sir.

Q. How long? A. While the season lasted.

Q. All last season? A. Yes, sir.

Q. Where else? A. Down at the Brooklyn track — all the race tracks.

Q. What else did you do besides tending bar? A. That is all.

Q. Did you make books? A. No, sir.

Q. Did you help make books? A. No, sir.

Q. Were you a clerk for a bookkeeper? A. No, sir.

Q. You did nothing but tend bar? A. That is all.

Q. When you were not at the race tracks tending bar, what were you doing? A. Living home with my folks; doing nothing; I could not get anything to do; I would do anything that came along.

Q. What came along? A. Any kind of work that I could get.

Q. What kind of work? A. Well, addressing envelopes at Republican headquarters, or anything at all.

Q. I am speaking of two years — two months you were in the public stores, and during the summer season at the race tracks, tending bar; that only lasted two or three months? A. It lasted the whole season.

Q. Four months? A. Seven or eight months.

Q. What did you do during the rest of the year? A. Nothing; only live at home; I had a few dollars saved and lived home, and did not need to work.

Q. You did not need to work? A. No, sir; not for three or four months.

Q. You lived on what you had saved during the summer? A. Yes, sir.

By Mr. Cantor:

Q. Did you say you addressed envelopes at the Republican organization? A. Yes, sir; perhaps for a week, or two or three nights.

Q. During the campaign? A. Yes, sir.

By Mr. Nicoll:

Q. When did you first tell this story? A. To all of the Republicans in the Twenty-first district on the election night; I told it to everybody.

Q. To as many as you met? A. To pretty much everybody, who was there at the organization, when the returns came in.

Q. Have you been talking of it ever since? A. For the last week or so, I suppose.

Q. You have been telling it for the last two weeks? A. Yes, sir.

Q. To everybody you met? A. Yes, sir.

Q. When did you first tell it to Mr. Sutherland? A. I told him this morning.

Q. Who was the person you told it to, before you told him? A. Our candidate for the Assembly, our defeated candidate, Mr. Wise.

Q. When did you tell him? A. About two weeks ago; in fact he knew about it, from the time of the election.

James S. Lehmaier, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. No. 203 West One Hundred and Third street.

Q. What is your business? A. I am a lawyer.

Q. Your office is where? A. No. 132 Nassau street.

Q. You have been practicing in New York for how many years? A. Twelve years.

Q. Always resided in New York? A. Yes, sir.

Q. You have resided where you do now for how long? A. Since last October; October 1st.

Q. And prior to that where did you reside? A. Two hundred and four West Eighty-first street.

Q. How far from your present place of residence? A. About a mile.

Q. Where did you vote last election day? A. I voted — I forget the number, but on Amsterdam avenue, between One Hundred and Third and One Hundred and Fourth streets.

Q. How far from your residence? A. I live in the Edinburgh Hotel, which runs along One Hundred and Third street, and also along Amsterdam avenue, and the polling place is on the Amsterdam avenue side of that hotel.

Q. How far from where you live? A. It is on the ground floor of the hotel, in a store.

Q. So you practically live in the same building which was occupied as a voting place? A. Yes, sir.

Q. This occurrence about which I am to ask you about occurred last fall? A. Yes, sir; but not at that polling place.

Q. Where was it? A. On Eighth avenue, between One Hundred and Seventeenth and One Hundred and Eighteenth streets, I think; it was on the east side of Eighth avenue.

Q. Can you tell us what was the election district? A. I think it was the twenty-first district of the Twenty-third Assembly.

Q. What time did you go there? A. About half-past 3 o'clock in the afternoon.

Q. Tell all that occurred when you went there? A. During that day, Judge Taintor and myself had walked through a considerable portion of the Twenty-third Assembly district to see how matters were progressing; we took our lunch up on One Hundred and Twenty-fifth street, and at about a quarter to 3 o'clock we left the place where we had taken lunch and walked

down Eighth avenue, with the idea of watching to see what was transpiring; as we were passing this polling place, I think it was a cigar store, it might not have been a cigar store, but a small store of some kind, I looked through the show window and saw a policeman in the act of putting his hands upon a young man whom I recognized as being the Republican captain of one of the election districts up there; there were a number of men gathered around, apparently more or less excited, judging from their gestures and their proximity to this man, and I said to Judge Taintor: "There is a man whom I know; I suppose he is a watcher here, and I think we had better step in and find out what the matter is; "we stepped in, and I heard a man whom I was told was the Tammany Hall captain of that election district and one of the poll clerks say to the policeman: "Put this man out;" I stepped up and said to the man, whose name was Joseph Miller: "Miller, are you a watcher here," and said "yes;" I turned around to this man and said: "This man is properly here, and has the right to be here as long as he behaves himself, and you ought not to put him out;" Judge Taintor made some remark to that effect, and things quieted down, and it was generally understood, we believed, that the man was properly there; we then left the polling place and walked down a block or two and proceeded as far as One Hundred and Sixteenth street, when I said to Judge Taintor: "I think Miller is having a pretty hard time there; he seems to be there all alone, and perhaps I had better go back and see that no further trouble has occurred;" I went back there and went into the polling place, taking a position in the corner, near the window, and stood there watching things for about 10 minutes, when this same man whom I have referred to as being the Tammany Hall captain of that election district came in and said to the policeman, "I want you to put that man out," referring to Miller.

Q. Did he point to him? A. Yes, sir; he pointed to him, and the policeman moved forward as if he were about to put Miller out.

Q. The policeman moved forward in the direction of Miller? A. Yes, sir; I said, "Gentlemen, I thought this matter had been dismissed and that Mr. Miller's rights had been recognized;" then the ballot clerk spoke up and said, "That man has got to go right out, and so have you;" I said to Mr. Miller, "Have you another watcher's certificate?" Miller said, "Yes," and he gave me a watcher's certificate in blank, and I inserted my own name in the blank and moved forward toward the guard-rail, amid considerable excitement and profanity.

Q. How many people were there? A. I suppose about at that

time a half dozen people, excluding the election officers; I said to the chairman of the board of inspectors, "Mr. Chairman, I desire to present you my certificate and to ask you whether I am not entitled to be here;" the ballot clerk pushed me back and a policeman took hold of me and said, "You will have to get right out of this;" I said, "I want the decision of the chairman of the board of inspectors upon this matter."

Q. That is what you said? A. Yes, sir; with that, the policeman took me and pushed me bodily, a distance of about 10 feet and through the door, and with such violence that I was thrown down upon my back; I got up and said to him, "You had no right to assault me; if I had done anything to violate the law, it is your business to arrest me, not to assault me;" he said, "You have got no business in there;" I said, "I am going back there again and the only way you can prevent me from going back there is by arresting me;" I moved in the direction of the entrance of the polling place, and he said, "All right, I will arrest you," and he took me to the One Hundred and Twenty-fifth police station and the Tammany Hall captain of the election district followed me, and the policeman did not make any specific charge against me, but the Tammany Hall captain did; I think he charged me with disorderly conduct; I stated facts to the sergeant, and the sergeant said, "I will entertain the complaint of this man;" I said to the man, "You recognize what you are doing," and then a citizen whom I don't know, but whom I believe witnessed the occurrence, spoke up and said, "I will go this gentleman's bail bond and the sergeant said he could not take bail inside of an hour and asked me to step in the officer's room; I went in and stayed there for an hour and at the end of an hour I was released; the following morning I appeared before Judge Feitner at One Hundred and Twenty-fifth Street Police Court, and the judge listened to the testimony and then discharged me.

Q. When was that? A. Last election day.

Q. He took you to the One Hundred and Twenty-fifth Street Police Court, did he? A. Yes, sir.

By Mr. Nicoll:

Q. What became of Judge Taintor all this time? A. He left me at One Hundred and Sixteenth street, as I have stated; he had gone down to the West Side Republican club when I started to return.

Mr. Sutherland.—Any further questions of this witness?

By Chairman Lexow:

Q. Do you know what became of Miller? A. Yes, sir; I forgot to state that part; that within five minutes of the time that I was taken into the police station, Mr. Miller was brought in by the other one of the two officers there and also charged with disorderly conduct and he was released on bail by some other person going on his bond and arraigned the next morning and also discharged.

Q. That left no Republican watcher at the polls, did it? A. It left none as I understand it.

By Mr. Sutherland:

Q. You did not see any one there who was a Republican? A. He was the only watcher, as he informed me, and he was taken from the polls at a very critical time, at the very closing of the polls.

Q. You have this certificate of authority all this while? A. Yes, sir.

By Mr. Cantor:

Q. The Republican inspector was there all this time, was he not? A. I assume that he was there.

By Mr. Nicoll:

Q. What was the cause of the trouble with Miller? A. The first trouble?

Q. Yes. A. That I do not know.

Q. Did not Miller get into some dispute with the others before you arrived? A. I do not know; I entered when the police officer, at the apparent instigation of the ballot clerk, was about to eject Miller from the polling place.

Q. And what the cause of the difference between Miller and the other election officers was, you do not know? A. I do not.

Q. Was Miller sober? A. Yes, sir; so far as I could judge, he was fairly sober, and I saw him for an hour and a half during that afternoon, from half-past 3 until we were both released at 5 o'clock.

Q. You said he was laboring under a great state of excitement? A. I do not think I said so, that he was laboring under a state of excitement; I said the people in the polling place were all more or less excited, and I presume Mr. Miller was somewhat excited, and naturally so.

Mr. Sutherland.—You might add, properly so.

The Witness.—I think I might accept the amendment.



Q. You do not concede that you had a right to write your name as a watcher in that certificate, do you? A. I do.

Q. To appoint yourself as a watcher? A. I do.

Q. A watcher under the statute? A. I think so; where the certificate is signed by the proper officials.

Q. Have you an idea that anybody finding a blank certificate can write his name in as a Republican watcher? A. My opinion is that when anybody received a certificate through the proper channels and finds the name of the watcher or rather blank, in place of the name of the watcher, that he might insert any name that he chose.

Q. Did you ever read the statute on that subject? A. I don't remember whether I have or not.

Mr. Sutherland.—I do not think a cross-examination on a question of law is quite material to this controversy.

The Witness.—Will you permit me to make this observation?

Mr. Nicoll.—Yes; any observation you like.

The Witness.—It is, that I made no attempt to enter the guard-rail, to get behind that, but I stood there perfectly quiet, in a corner of the polling place, and even had I not been armed with a watcher's certificate, I think I would have a right to stand there, as long as I was not creating any disturbance.

By Mr. Cantor:

Q. If that was the case, the room might be filled with people? A. Yes; but if you were told to go out—as soon as I was told to go out I armed myself with a certificate.

Mr. Sutherland.—That is a question of law, and I object to any further examination in this line.

(Objection sustained.)

By Chairman Lexow:

Q. You said there was six or seven others outside of the guard-rail; do you know who they were? A. I do not; I know one was this Tammany Hall captain.

By Mr. Cantor:

Q. Was Miller the Republican captain? A. Mr. Miller was the Republican captain and watcher.

Q. And he was inside the polling place? A. Yes; but not inside of the guard-rail.

By Mr. Nicoll:

Q. I understood you to say that you and Judge Taintor had been to a luncheon party together? A. Not a luncheon party: Judge Taintor and I took a very frugal lunch, upon that day, being quite busy.

Q. With or without? A. I think without, if I am not mistaken; I had a cup of coffee.

Robert M. Mackin, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Four hundred and thirty-six Ninth avenue.

Q. What is your business? A. Printer—compositor.

Q. Did you have any official connection with the election in 1892? A. I was the chief deputy marshal of the Fifteenth Assembly district.

Q. Were you in the first election district of the Fifteenth Assembly district about 1 o'clock in the afternoon on election day? A. It was my business to see that the polls were properly manned by the United States marshals; about half-past 1 I started to go the rounds; I got as far as the first election district, and I saw a crowd standing in the doorway, and I elbowed my way in and two policemen were inside, and as soon as the Republican inspector caught sight of me he said there were two men in the booth.

Q. Where were the police? A. Half way between the door and the rail of the polling place.

Q. Where in reference to the booth that the inspector pointed out? A. About 10 feet from it.

Q. Which way were they looking? A. I did not notice particularly.

Q. How far were you from that booth? A. About 10 feet.

Q. Near where the policemen were? A. Yes, sir.

Q. How far was the Republican inspector from the booth? A. About eight feet.

Q. In the same direction that you were? A. Yes, sir.

Q. And he pointed to you and said there were two men in that booth? A. Yes, sir.

Q. Then what occurred? A. I went to the booth and opened the door and saw one of the heelers of the district in with a voter, handing pasters, and I grabbed him by the collar and pulled him out.

Q. What did you say to the police? A. I went to the police and said, "This is a pretty state of affairs; what are you here

for;" and they said they did not see anything; I said, "If you don't clear this place right away I will go and report you;" while I was talking to the policemen, this man, the heeler, went behind the booth and shoved him a paster between the cracks of the booth.

Q To a voter inside? A. Yes, sir; and I went back after him.

Q. Where were the police when he did that? A. Right in the same place.

Q. Were the police looking that way? A. I could not say; but I called their attention to it.

Q. What did they say or do? A. They didn't say anything; they got a kind of a smile on their face.

Q. You called their attention to the man shoving a paster through the cracks? A. Yes, sir.

Q. And they smiled and did nothing? A. Yes, sir.

Q. What did you then do? A. I went back to the man and threw him out on the street.

Q. Is there anything else that you saw? A. Only in my rounds through the district; I observed the same general condition of affairs.

Q. You saw specific acts of that character? A. I did not see specific acts, but the general conduct of the election was about that way.

Mr. Sutherland.—I do not care about that.

Cross-examined by Mr. Nicoll:

Q. What is your business? A. Compositon

Q. Where do you compose? A. The Cosmopolitan Magazine.

Q. How long have you been in that business? A. Twenty-one years.

Q. That has been your occupation all your life? A. Yes, sir.

Q. Are you a Republican? A. Yes, sir.

Q. A member of an organization in this city? A. I am.

Q. How long have you been a member of that organization? A. I have been a member of one organization called a Republican organization for six years.

Q. Where do you live? A. Four hundred and thirty-six Ninth avenue.

Q. You were appointed a marshal? A. Yes, sir.

Q. Who had your appointment? A. I believe John W. Jacobus, who was then and is now United States marshal.

Q. Were you in his district? A. No, sir; in the Fifteenth Assembly district.

By Senator Cantor:

Q. Were you assigned to a particular election district? A. No, sir; I had general supervision over all the marshals in that district.

Mr. Sutherland.—It was his duty to go through the entire district.

By Senator Bradley:

Q. Did you not have a deputy in each election district? A. I was supposed to have two.

Q. You have no deputy in that district? A. When I got there I found the deputies had gone, and I asked where they were, and somebody said they had skipped.

Q. And you had to certify to their pay before they were paid, did you not? A. Yes, sir.

Q. Do you think you were doing justice to certify to their pay when they did not serve? A. They did not get their pay.

By Chairman Lexow:

Q. Did you hear why they were compelled to leave? A. I understand the story that I got, that the Tammany Hall captain got hold of them and jollied them out.

Senator Cantor.—That is all hearsay.

Frederick Morgenweck, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Two hundred and twenty-two East Seventy-fifth street.

Q. Did you have official relation with the last election? A. Yes, sir.

Q. What were you? A. Captain in the ninth election district.

Q. A Republican watcher? A. Yes, sir; and a challenger.

Q. Tell the committee what you saw on election day in regard to the conduct of the police? A. There was a young gentleman over there who seemed to have full sway of the polls.

Q. What is his name? A. I could not exactly say what his name was; he was a watcher, I am pretty sure of that; when I got there, early in the morning, I found a gentleman behind the rail where he had no business, and I told the officer who was guarding the polls to put him out, and he laughed at me and said, "Yes;" of course, I told him he would either have to get out or he would have to lock him up, and he said all right,

and he went over and spoke to the man and told him to stop, that we were objecting to it, and that he would blow a storm over it, raise trouble about it.

Q. What was it he told him he must stop? A. He said to the one inside the rail—he ordered him to keep out, and at the same time it was not two hours when he came in and done the same thing, and he went to the Democratic chairman of the board and got a list of the names of people who voted and those who had not, and then he went out to the 150-foot limit—

Q. Where was the policeman when he got the list of names?  
A. In the polling place.

Q. How far from the man? A. About four feet.

Q. Did he see him? A. Yes, sir; we drew his attention to it.

Q. What did the policeman say? A. He didn't say anything.

Q. What did he do? A. He said, "This is the last time I will tell you; you will either have to keep out or I will arrest you," and that looked like a piece of knavery, and he came in and did the same thing over.

Q. What did he do with the list of names? A. The policeman said, "You want to keep out of here," and he laughed and he said, "That is all right," and he got out to the 150-foot limit in front of the polls and he gave the men the list of names who had not voted, and they went tracing around to the houses to pull them out.

Q. How many times did you see the man go in and out there?  
A. Three successive times.

Q. And each time you called the attention of the officer to it?  
A. Yes, sir.

Q. And he did not stop them? A. Yes; he simply told them to keep out; he didn't do anything to prevent him from going in.

#### Cross-examined by Mr. Nicoll:

Q. What is your business? A. Cigar packer.

Q. Where? A. No. 446 East Seventy-sixth street.

Q. How long have you been there? A. I have been in the trade four years.

Q. Are you by yourself, or employed by some one? A. I am employed by Mr. Frank Gershy.

Q. How long have you been in his concern? A. About two weeks.

Q. What were you doing before that? A. I was employed on Second avenue and Sixty-fourth street.

Q. For how long? A. I was there one year with a cigar manufacturer.

Q. Where were you before that? A. I drove for Lord & Taylor; Grand street.

Q. You say you were a watcher? A. I was a Republican captain of that district.

Q. Of what election district? A. Of the ninth election district.

Q. Where is that? A. Seventy-fifth street and First avenue.

Q. How long have you been captain there? A. The last Congressional election, January 30th.

Q. Are you captain now? A. I don't know that I will be captain now; if I am placed I suppose I will be there.

Q. Placed by whom?

(Objected to.)

Chairman Lexow.—The objection is sustained as immaterial.

Senator Cantor.—You see how sensitive they are?

Mr. Nicoll.—Yes.

Chairman Lexow.—It is discussing unnecessary matters. The examination will last long enough without going into immaterial matters.

Mr. Nicoll.—I do not understand what he means by being "placed there."

Mr. Sutherland.—He means designated to serve as captain in that place.

Senator O'Connor.—I wan to suggest that we have already announced our position that we do not propose to permit this inquiry to go into the question of Republican faction. We do not care anything about that. We are here to get at the facts.

Mr. Nicoll.—I am not here for the purpose of embarrassing this committee; I do not think I have used up one hour all told in the examination of witnesses.

Senator O'Connor.—You have tried several times indirectly to bring out matters that have been ruled out. Nobody has asked about the Democratic factions except yourself. We do not intend to have our attention or our time occupied in eliciting facts for the purpose of finding out how many of these witnesses belong to the Millholland organization or the Committee of Thirty, or of the Platt organization.

Senator Cantor.—Are there three organizations?

Senator O'Connor.—I don't know anything about it, and nobody can direct this inquiry into that channel.

Mr. Nicoll.—After your severe reproof, I do not fell like going on at all.

Senator O'Connor.—No reproof at all

Proceedings of the third meeting of the committee, March 16, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, Jacob E. Cantor, Charles T. Saxton, George W. Robertson and Cuthbert W. Pound, of the committee.

William A. Sutherland, of counsel for the committee.

Delancey Nicoll, of counsel for the police board.

J. Augustus Johnson, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. In Eighty-eighth street.

Q. What number? A. One hundred and five at present; my house is across the street, but I am temporarily at 105.

Q. Then your house — you have lived in your house how long? A. Since 1886.

Q. What is your business? A. A lawyer.

Q. What Assembly district is your residence in? A. Twelfth Assembly district.

Q. What election district? A. First election district.

Q. You were a Republican watcher at the last election? A. I was a watcher clothed with a certificate from Mr. Bartlett, authorized as a watcher on those credentials.

Q. In the interests of Mr. Bartlett? A. Yes, sir.

Q. And as such you served at what polling place? A. I think the number is 238 Third avenue; at any rate it is the polling place of the first election district of the Twelfth Assembly.

Q. You arrived there in the morning about what time? A. About 20 minutes before 6; half-past 5 or 20 minutes before 6.

Q. Please tell the committee all you saw or heard in reference to the conduct of the police as bearing upon that election? A. Well, I noticed no occasion on the part of the police that might be called an active commission; I saw no violence, but the acts of omission were numerous.

Q. Those you may relate? A. Well, if it was the duty of the police to prevent able men from being accompanied into the booths as disabled men, then it was an act of omission.

Q. State what you saw in that respect? A. Well, I saw four or five men to all appearance as able as myself to fold their ballots.

Q. Yes? A. They were accompanied in the booth by one man, who was the same man in each case.

Q. Who was he? A. I think his name was Hovey, but I am not sure.

Q. What relation did he occupy to the gathering there? A. None whatever that I know of, except that he was one of the number who was there all day in behalf, as I understood, of the Democratic candidates.

Q. And you saw this Hovey go into the booths with several able-bodied men? A. I saw him go in several times with men to all appearances able-bodied.

Q. To all appearance — in what respect? A. All about there; I challenged several on the ground that they were to all appearance fully able, and required them to swear in their vote; one man for example declared he was blind and could not see, but the fact was called to his attention that he was able to see to all appearance, and to see to work his way about, and then his reply was he was near-sighted, that troubled him, and he had left his eyeglasses home; and then to my request that he should go home and get them, it was replied by this assistant, supposed to be Hovey, of this representative of this Maynard ticket —

Q. A man whom you understood was Hovey? A. Yes, sir; that it would cause loss of time to go home and get his eyeglasses, and he was allowed to go in; and he went in with four or five other, one of whom complained that he could not fold his ballot on the ground that he was a German, a grocer, and could not distinguish the ticket apart.

Q. You say you protested against this? A. In each case.

Q. Where were the policemen at that time? A. One inside the booth and one outside the rail.

Q. How far from where you stood? A. Well, it varied from two feet to 15 or 20 feet.

Q. But, where they could see and hear all that took place? A. Entirely, yes; there were several men voted notwithstanding my challenge, upon names which had been voted for before, in three instances.

Q. And where were the police then; in the same relative position? A. In the same relative position.

Q. They saw these men vote, and heard your challenge? A. Not only that, but policeman No. 212 discussed with him the law, and looked over the book which I had in my hand to ascertain what bearing the law had on the subject, and seemed to take an unusual and intelligent interest in all that passed.

Q. What did he say about the man that voted? A. He said it is a difficult question; I hope you can find something in the law that will make it clear; the point was that a man had voted under the name of Frank H. Jessup, say about half-past 10 o'clock; his vote was received, and no challenge made, and about 1 o'clock another man appeared and said his name was Frank H. Jessup; I challenged his vote, on the ground that the vote had been received on his name, and I told the police officer to arrest the man who offered his vote.

Q. Did he do so? A. He made no effort to do so; the man



that wanted to vote sneaked away in the crowd and disappeared, and the men around the front door, on the steps, they closed in in front of him so he could not be reached, and he disappeared; at 3 o'clock another man appeared under the same name.

Q. You demanded of the policeman that he arrest this man?

A. I demanded of the assembly that he be arrested.

Q. The policeman was there in hearing? A. In hearing all the time.

Q. And saw the man? A. I have not the slightest doubt that he heard and saw it all, as he was there all day.

Q. You say there was a crowd about the door? A. All day.

Q. How far was that from the booth? A. Well, the throng was from the booth-rail to the door; the distance was about four to six feet.

Q. And the policeman saw the throng? A. He could not help seeing it.

Q. And it was apparent that it was in this throng that this man disappeared whose arrest you demanded? A. Yes, sir; and it occurred in two other cases; Lewis S. Moore, three votes were tendered at different times, and two accepted; two votes were accepted in the case of George Berg, whose case I noted at the time; I challenged in each case the second time; the vote was made, in each case; in one case, the case of Frank S. Jessup, the chairman of the inspectors of election on the argument of the challenge finally concluded that he recognized Jessup as the third man, and when I asked why he did not refuse the first man he said he was not noticing, and was writing, and did not look up; and they took the second vote in each case, and on my —

Q. And in the case of Jessup took the three votes? A. No; because the second Jessup disappeared on my demand for his arrest.

Q. But took the third man that offered to vote under that name? A. Yes, sir; and decided that their course would be in case of an excess of ballots in the box, that they would take out any surplus and destroy them; I contended against that, because I said it might be my vote you take out instead of the wrong man's vote, and they said they could not help that, but that was the course to be pursued.

Q. You may go on from there; what next? A. I observed during the day men all around the front door, and within certainly the 150 feet legal distance; and to my surprise, in the afternoon, there were three men with money in their hands arranged between their fingers in a very prominent way, and they made no concealment of it, and they passed rolls of bills from one to another, and they stood about the door with these bills in their hands.

Q. Were they in sight of the police? A. They were within seeing distance of the police; it was not a large room, and they were between the front door and booth-rail, and it was about eight or 10 feet from the door.

Q. Exactly. A. In one case one of these men, who were either watchers for Maynard, or sympathetic friends, called to a man who was depositing his vote at the time, who was putting it in the box, and said, "Come outside and get a paster;" I objected to that as interfering with the election, and, owing to these challenges of mine, and the objections I made, these men demanded that I be put out.

Q. Did they make that in an open manner? A. Demanded it in an open, strong and violent manner, and pressed forward to the rail with the view of assisting in my ejection; I called upon the policeman, saying I had the number of this particular policeman; I demanded from him all the protection that was due to me as certified watcher; I called upon the inspector, McHugh, also, saying he was responsible for any violence; I had received courtesy all through the day, and the inspector replied that I had been assigned a seat, and that courtesy would be continued, but I must not dictate to the inspectors what votes should be received, and should not interfere, all of which I accepted humbly, and endeavored to behave myself in an orderly manner; but I continued to challenge, and particularly a man whose vote was received after 4 o'clock.

Q. What were the circumstances connected with that; what happened? A. Well, 4 o'clock had come, and the question arose whether they should not close the polls at once, and some of the inspectors thought that they would be permitted to receive all the votes that were tendered by men then in the building; that they could close the outer door at that time, and all who were in line at 4 o'clock could be received; but as the name had been voted on once before I insisted on my challenge, and the other challenge being entered on the record on the inspector's books, not only because the name had been voted on before, but because it was after 4 o'clock; I gave two grounds for the challenge.

Q. Was the policeman there then? A. All the time; when violence was threatened me this policeman came and stood by me; my impression is that it was with kindly intent.

Q. He stood by your side? A. He stood by my side, and did not touch me, or threaten me there, and so I felt there was a representative of the police department which was not aggressive to me.

Q. What happened in regard to the number of ballots found in the box? A. As to that I can not say; I was 10 hours and a half at the polls.

Q. It was not you who stayed at that count? A. And I was hungry at half-past 4, and went away; three others came; I was the only watcher for Bartlett during the day, but at half-past 4, at that time one or two young men came in, who, on my inquiry, said they were watchers for Bartlett, and I thought my day's work was over, and went away.

Q. Is there anything else? A. I don't recall anything else.

Cross-examination by Mr. Nicoll:

Q. Did you tell your story to the Bar Association committee?

A. I did not.

Q. Who took the investigation of the election frauds? A. I have not spoken to any of them on the subject.

Q. Why not? A. I did not happen to meet them.

Q. Are you a member of that association? A. I am not.

Q. Well, you know that that association did appoint a committee for the purpose of observing the conduct of the election officers and police at the last election? A. Yes, sir.

Q. And that they collected a great deal of evidence on the subject which they exhibited to the extraordinary grand jury? A. Yes, sir.

Q. Did you think it worth while to tell your experience to the bar of lawyers? A. I thought it worth while, if occasion presented, but I did not hunt around after them.

Q. Where is your office in this city? A. No. 58 William street.

Q. You know a great many of the lawyers who are on that committee, do you not? A. I have no doubt I do.

Q. Did you ever speak to any of them about it? A. I had a talk with quite a number of men who are members of the Bar Association, but not that committee; in fact, it did not culminate in any direct complaint on my part to any member of the committee.

Q. You are aware, are you not, that during the month of December the question of the conduct of inspector of election and the police patrolmen and roundsmen was very largely discussed in this city? A. Yes.

Q. And it was a matter of discussion in almost every edition of the daily journal? A. Yes, sir.

Q. During all that time, you had this experience of yours within your own knowledge? A. Yes, sir.

Q. And never told it to anybody? A. Yes; I spoke of it everywhere.

Q. I mean you never told it to any of the authorities? A. I did not go with the purpose of taking a part in the investigation; no.

Q. You did not communicate it to the grand jury? A. No.

Q. Or to the Bar Association committee? A. No.

Q. Why, now, have you broken your long silence and come to the front? A. The silence has been broken from the beginning; I have mentioned these facts in three separate public addresses before large bodies of citizens; there was no silence on my part, only I did not hunt up a complaining or investigating body.

Q. Did you hunt up this investigating body, or did they hunt you up? A. No, sir; it was a perfectly accidental meeting; I was at the office of the Society of Colonial Wars, and a gentleman came in whom I had seen before, and a general discussion or conversation took place, and I mentioned incidentally my experience.

Q. Where was this; in the society of what? A. Colonial Wars.

Q. When was this? A. This was yesterday.

Q. You mentioned your experience to some gentlemen? A. Yes, sir.

Q. Is that it? A. Yes — did you mean yesterday, or previous occasions? I did on all previous occasions when it came up for discussion.

Q. Your presence this morning is due to your conversation with the gentleman, yesterday? A. Yes; I presume it is.

Q. Because you subsequently received a subpoena, didn't you? A. I did; I have it in my hand.

Q. You are a Republican in politics? A. I have voted the Republican ticket, but hold myself free in all municipal affairs to vote for the best man; that is my position.

Q. That is, in national politics, and on national politics, you are a Republican? A. I have been heretofore; I do not know what I may be in the future; it depends upon the action of the parties.

Q. You are a mugwump?

Mr. Sutherland.—I object to that.

A. I have always voted the Republican ticket, but I do not hold myself bound to vote it hereafter unless I choose to.

The Chairman.—I do not think it is necessary to go into that.

Q. Are you associated with any Republican organization of this city?

Mr. Chairman.—That is excluded. He has stated he is a Republican, and we will accept that.

Mr. Nicoll.—You do not deny me the privilege of inquiring whether he is the member of any political organization in this city?

The Chairman.—That has been excluded. He is a Republican. We will accept that as a bias by which we are bound.

Mr. Nicoll.—The witness disclaims any bias and states he is a Republican.

The Chairman.—The statement is recorded, as I understand it.

Senator Cantor.—I understand the chairman of the committee rules out any question that relates to any organization.

The Chairman.—We exclude anything with reference to any particular faction. We exclude the question as to whether or not the witness belongs to one or another of the political parties.

Senator Cantor.—Can it be asked if he belongs to any?

The Chairman.—That has been excluded.

Mr. Nicoll.—I do not wish to put myself in position as contending against the ruling of the committee, but I understand Senator O'Connor to say and the chairman to repeat at the last meeting of the committee that I was not to inquire into any question as to whether a man belonged to one organization or another, one faction or the other. I think you really misunderstood me, because I have no such intentions.

The Chairman.—It is not just to waste time; it is simply wasting time.

Mr. Nicoll.—It is a waste of time so far as this moment's examination is concerned; but it would not be a waste of time in future portions of the investigation if you announce to me that I am not to ask any witness if he is a member of any political organization.

The Chairman.—He stated he was a Republican on national politics and an independent on municipal affairs. We will assume that he is biased to a certain extent if he is a Republican at all. There is no necessity to go further into the subject.

Mr. Nicoll.—I want to know whether he is active in politics.

The Chairman.—Ask him that question.

Mr. Nicoll.—And thereafter whether he is a member of an organization.

The Chairman.—Not at all.

Senator Bradley.—He has stated he is a Republican but don't confess he is a straight-laced one.

By Senator Cantor:

Q. I will ask him this question; I suppose it will be ruled out; do you belong to any Republican organization in New York city?

A. I do not.

By Mr. Nicoll:

Q. I understand you to say, Mr. Johnson, that your present complaints here against the police were those of — A. I have not said anything of the sort; I am making no complaints; I am here by subpoena, and am here answering questions.

Q. Well, if you are not making any complaints now, you have made complaints before, haven't you? A. I have related the circumstances that occurred on election day in several public meetings in which I made addresses, and simply as a matter of fact.

Q. I am not asking you about those; didn't you make complaints to police officers themselves? A. Yes; at the time they occurred.

Q. And now you are stating the fact, whether it be a fact, of a complaint, or narrative, or statement, or whatever you choose to call it?

Mr. Sutherland.—It was we who choose to call it; he is here on subpoena.

Mr. Nicoll.—Whatever he chooses to call it, I say.

Mr. Sutherland.—He don't choose to call it anything at all.

Q. You are not stating the complaints which were made at that time, and which were not acted upon then? A. I stated the facts as they occurred that day.

Q. I think I understand you to answer, Mr. Sutherland, that your criticisms, if you choose to call it that, perhaps that is a more delicate way of treating it—your criticisms were those which related to omissions by the police instead of active violations of the police ordinances, regulations or rules; that was it, wasn't it? A. Yes, sir; except as far as omissions are active violations; yes; it was their duty to prevent electioneering at the door.

Q. Did you make complaint of the conduct of these roundsmen to the superintendent of the police? A. I did not.

Q. In writing or verbally? A. I did not.

Q. Did you make any such complaint to the inspector of that district? A. I did not.

Q. Or to the captain of police in that district? A. No.

Q. Did you make any complaint in writing, or verbally, to the commissioners of police, or any of them? A. I did not.

Q. Well, that is all.

By Senator Bradley:

Q. One question, please; in your opposition, or trying to prevent all these frauds, did you in any one instance insist upon a policeman making an arrest? A. In the case of Frank H. Jessup, I demanded the arrest of a man who attempted to vote on that name, that was voted before.

Q. Did you say to the policeman, I want you to arrest this man? A. I said to the assembly and the group, I demand this man's arrest.

Q. Did you ask the policeman to arrest him, directly? A. I can't say I did.

By Chairman Lexow:

Q. Were you facing the policeman when you made this statement? A. He was not in front of me, but it was the group; the policeman and inspectors constituted the group.

Q. He formed one of the group, did he? A. Yes, sir.

Q. And you addressed this conversation to the group? A. To the group.

Q. Consisting of how many? A. There were three inspectors and poll clerk, and the policeman.

By Senator Cantor:

Q. Have you an office with Judge Bartlett? A. No, sir.

Q. Or in the same building? A. Yes, sir.

Q. You know him? A. Yes — no, I can not say I know him, personally; I never spoke to him in my life.

Q. Who suggested your acting as watcher? A. It was my own desire; I applied for a certificate; I wanted to do my duty as a citizen.

Q. To whom? A. Lawyer named Charles B. La Baus, who has an office at No. 54 Wall street.

Q. The office of a Republican organization? A. No; no organization whatever; he was an acquaintance of mine; he said he knew Judge Bartlett, and I said I would like to do my duty as a citizen, and if he furnished me with a certificate I would endeavor to perform that duty.

Q. And did you consider your duty as a citizen completed when you made these discoveries and did not make a complaint either to the grand jury or to a police magistrate or a police board? A. No, I did not consider my whole duty completed, and hence my willingness to come here to-day to complete that duty.

Q. This is the first time you expressed that willingness? A. No; I expressed my wish, but it was never taken up.

Q. You considered your duty practically finished when the polls closed? A. Yes, on that day; I was worn out by 10 hours and a half work.

Q. Did you consider the violation of the election laws of the ballot-box was sufficient to prompt you as a citizen to make a complaint to the proper authorities? A. I felt from that time to this that I have not completed my whole duty, and have held myself ready to respond and make my duty more complete and uniform.

By Mr. Nicoll:

Q. Mr. Johnson, will you tell your full duty in regard to the violation of law would have been to make complaints to punish the offenders? A. Yes.

Q. That was your duty; so far as this story is concerned, you have told it in public meetings, haven't you? A. Yes.

Q. What did you expect to accomplish in telling it there?

Mr. Sutherland.—Objected to as immaterial.

Chairman Lexow.—This has gone far enough. What possible relevancy would there be if you established the fact that he did not go any further. He has stated that time and again

By M. R. Sutherland

Q. How many policemen were there in attendance at the polling place? A. One within the rail, and one outside; the one outside the rail came inside the rail as violence was threatened me.

Q. And when you demanded the arrest of this man voting on the name of Jessup, there were but two policemen in the room?

A. There was not more than two, and I am not sure but the second one was within the rail; he was in and out, outside the door, and in the room, but not always inside the rail, as the other man was.

Q. So there could be no mistake in your demanding the arrest? A. No; not at all.

By Senator Cantor:

Q. Were there any other Republican watchers there on that day? A. None that I know of; and that reminds me of an omitted answer I might have made to Mr. Nicoll; there was no one there to corroborate my statements; there were eight or ten men to represent the alleged Tammany organization, and some of them admitted they were, and I thought that my statements might be contradicted by eight or ten on their side; I felt if there had been another Bartlett watcher there he would have corroborated my statements and there would have been more effect in my statements.

Q. So that is the cause why you did not make this complaint? A. Your remark suggests another reason.

Q. Suggest a reason? A. Suggested a reason that passed through my mind at that time.

Q. It did not occur to you? A. Not at the moment Mr. Nicoll spoke to me.

By Mr. Sutherland:

Q. And this question about your being corroborated before occurred to you? A. Yes, sir; frequently before.



Q. Did you speak to me about it yesterday? A. I spoke of it yesterday as a reason why I had not made an affidavit, because there was no one there informed about it but me.

Q. Was there a Republican inspector of election there on that day? A. He was; but I protested frequently, and he said these Tammany men will do what they please, and I can not do anything; my impression was from that day's work that he was not in sympathy with anything I said or did; I was thoroughly disgusted with his attitude on that occasion.

By Mr. Nicoll:

Q. What was his name? A. I think Trillard.

Q. Was that his first name? A. I think E. N.

By Senator Cantor:

Q. Where does he live? A. He is a tailor on Fourth avenue near Twenty-first street.

Hyman Goldman, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. It was morning; it was half-past two when I came inside the polling booth.

Q. Where do you live? A. I live at 72 Eldridge street.

Q. And did you live there in last election time? A. No, I was living at 78 Orchard street.

Q. And where did you vote last election? A. I was voting in Broome street, the twelfth.

Q. The Twelfth Assembly district? A. The Twelfth election, and the Third Assembly district.

Q. Were you a Republican captain at that time? A. Yes, sir.

Q. Did you challenge any votes? A. I challenged a man's vote, and I asked a policeman — I made a charge against him, and the policeman did not take evidence — did not take him along; and I went aside from the vote and a man struck me in the face behind the policeman.

Q. Where was the policeman when this man struck you? A. He was by me.

Q. And after you challenged this man? A. Before I challenged this man, and after, he struck me in the face, behind the policeman's face, and the policeman did not say nothing; and he asked some fellows around, "Give it to him," and the other policeman said, "Don't touch this man;" and I went to report that to the headquarters in the district where I belonged; and the man

told me, "Don't you be afraid, and go back," and I came back, and the policeman would not let me inside, and I showed my watching paper, and he made a charge against me, and took me before the judge, and fined me \$10.

Q. Had you done anything except to challenge those men? A. I did not do anything at all.

Q. Except to challenge this vote? A. To challenge this vote.

Q. Did he make any complaint against the man that struck you? A. I did not make nothing.

Q. Did the policeman do anything against him? A. No.

Q. But he made a complaint against you? A. He made a complaint against me.

Q. Whereabouts did he take you to do that? A. He took me to the Eldridge street police station-house, Captain Devery.

Q. Who was in charge of the police station when you were there? A. Captain Devery.

Q. What did the policeman say to Captain Devery when he got you there? A. He said I made too much noise.

Q. And then what did Captain Devery say? A. He did not say anything; he said, I am in business and should not stick to politics; I need not interfere with politics, as I am in business.

Q. What is your business? A. I have a cigar factory.

Q. Who was it that fined you \$10? A. Judge Ryan.

Q. Was he in the same room with Captain Devery? A. No.

Q. Then they took you from Captain Devery over to Judge Ryan? A. From Captain Devery to Essex Market.

Q. Who told him to take you to Judge Ryan? A. The Tammany captain told the policeman: "I make a charge against him and take him to the station-house;" and he made a charge against me, and I did not know anything about it; he asked my name, and so and so, and then he sent me to Essex Market with the judge, and he asked me the same questions, and what is my business, and my name, and \$10 fine; that was all.

Q. That was all? A. Because I was a Republican watcher.

Cross-examination waived.

Mr. Edward R. Duffy, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you live? A. One hundred and twenty-five W. Sixtieth street.

Q. Where did you vote last fall? A. In the fifteenth of the Nineteenth Assembly district.

Q. Did you visit other polling places besides your own? A. I visited all in the Nineteenth Assembly district.

Q. State what you observed, Doctor, there that day in regard to the conduct of the police? A. I found some of the police very obliging, especially to the Tammany Hall heelers.

Q. Just give us an instance that came under your observation? A. As a candidate for the Assembly last fall, I made it my business first to visit all the election districts in my Assembly district, and on my visit to the election district on Ninth avenue between Fifty-fifth and Fifty-sixth street — on my entrance there I found policeman 1255 in the booth with a voter.

Q. Twelve hundred and fifty-five was his number? A. Yes, sir; I immediately went out to look for the Republican captain, and could not find him, and on my return again I found the same policeman standing inside the rail, alongside a little shelf, where there was a voter, and he was showing him — where he was showing him how to fold a ballot; I said, "Officer, what are you doing there?" "What do you think I am doing?" I said, "I want to know what you are doing; "I am trying to show this man how to fold the ballot;" he said, "What is it your business?" I said, "I will make it my business;" I said, "Get out of there;" he said, "I won't get out of there," and I said, "Who is the chairman of the polling booth," and there was a boy, 21 or 22 years of age, and he said, "I am;" I said, "I want you to take the policeman out of there;" he said, "Who are you?" I said, "I am a citizen;" he said, "Show me your credentials;" I said, "What credentials?" I said, "Officer, come out of there," and he said, "The chairman put me here, and I am going to stay here until he puts me out;" I then went to the twenty-second precinct station-house and saw the roundsman and stated the case to the roundsman; the roundsman referred me to the sergeant, and while I was standing there a patrol wagon came in, and the sergeant attended to the patrol, and then I made a complaint, and that is all I heard about it.

Q. What did he say when you made your complaint? A. He said he would see about it.

Q. You never heard anything further about it? A. That is all I ever heard.

Q. State the next case that occurred? A. After going the rounds of the district, I made it my business to go to my own election district, and I stood there all the afternoon in and out of the polls, and they were voting everything and anything coming along.

Q. Give us the instances; specify them? A. In one instance when I saw it was going too far, I said, "Mr. Chairman, what is the matter with this man you are administering the oath to?"

he says, "He is deaf;" I said, "Deafness is no physical disability;" "Never mind," said a bystander—"never mind, Mr. Chairman, what you say goes here;" he went in the booth.

Q. Where was the policeman? A. Outside.

Q. Was he where he could see or hear that? A. I don't suppose he was.

Q. Take up the next case where the policeman was present?

Chairman Lexow.—I would suggest that you limit yourself to where the policemen were present.

A. I would not swear positively whether the policeman was present; I know the policeman knew it, because I raised a row there, and he must have known it.

Q. Was he within hearing distance? A. He was outside the door.

Q. Was that within hearing distance? A. He knew it afterwards.

Q. Did you call his attention to it? A. I don't think I did; I would not be positive.

Q. Tell us anything that occurred under the observation of the police, aside from those you have already narrated.

Mr. Nicoll.—He has already narrated one.

Q. Continue, Mr. Duffy? A. I can not recall at the present time anything more in reference to the police.

Mr. Sutherland.—You may cross-examine, now, Mr. Nicoll.

#### Cross-examination by Mr. Nicoll:

Q. That is all you know about it—about the police? A. That is all I know.

Q. You made some complaint about the misconduct of election officers? A. I did, sir.

Q. So far as the police are concerned, it is confined within the transaction which you had with the sergeant, which was unacted upon; that is all you have against the police? A. That is all I have against the police.

Mr. Nicoll.—Very well, that is all.

Thomas J. Lanning, called as a witness, being duly sworn, testified as follows:

#### Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 6 Spring street.

Q. And you have lived there how long? A. About in the neighborhood of 10 years.

Q. Where did you vote last fall? A. In No. 4 Spring street.

Q. And what election district is that, and what Assembly district? A. Twenty-seventh election district and Third Assembly district.

Q. Did you hold any official relationship to the election last fall? A. Well, I was appointed a watcher.

Q. And in that capacity you visited what polling place? A. The thirty-second election district, and the third.

Q. The thirty-second and the third; tell the committee anything you saw in regard to the conduct of the police? A. Well, I visited the polling place in the neighborhood of six; everything was calm until about half-past seven; I saw a line formed of voters.

Q. Was it in the morning? A. In the morning; I saw a line formed of voters, and I questioned some of them, and they told me that was all right; however, I see one man I did not think was entitled to vote; I told him, "If you vote I will have you arrested;" was pulled at, struck, kicked, thumped and thrown in the street.

Q. Where was the policeman at that time? A. He was keeping the line in order on the other side.

Q. How far was he from you? A. Inside of six feet.

Q. Did you make any outcry about it? A. I was told if I made any more unnecessary trouble my head would be carried off.

Q. Who told you that? A. The Democratic watcher.

Q. Where was the policeman when that was said? A. He was within about hearing distance.

Q. Did he make any move to protect you in any way? A. None whatever; I was told afterwards that I was lucky to get off with my head on.

Q. Confine yourself to what took place in the presence of the police; is that all there is of that instance? A. Well, there was another instance; I saw the Democratic watcher go deliberately in the booth.

Mr. Nicoll.—I understand you, Mr. Chairman, that you did not care for those matters, unless the police were present.

The Witness.—This was pertaining to the police.

Q. Where was the policeman when this watcher went into the booth? A. He was standing along side of me, and said, "This is more than I can stand," and he takes this watcher and puts him outside the street; there was a complaint went over to the station-house that the policeman was inside, and he was fetched to the desk, and he was told he had no business inside, and his business was to remain outside.

Q. State what you saw yourself? A. Then the policeman came to me; he told me he heard I went over to the station-house and made a complaint; I told him it was no such thing, and I did not make any complaint, and that was done, and they wanted to shove the blame on me.

Q. Never mind as to that; the policeman came back from the station-house? A. Yes, sir; and he was told to remain on the outside.

Q. How do you know he was told that? A. Because he told me; the policeman told me afterwards about the complaint, that it was made by me, and he was not allowed to go in the polling place any more.

Q. Anything else? A. Well, no; that is about all.

Cross-examination by Mr. Nicoll:

Q. Do I understand you to say that you, on arriving at the polls in the morning, you saw a number of people standing in the line ready to vote? A. Yes, sir; not exactly at that time; but between that time and half-past seven; I saw a line formed, at the very lowest 40 men.

Q. And among those 40 men was one man whom you thought had not the right to vote? A. A man whose right I questioned.

Q. You questioned his right; do you mean to say you picked this man out in the middle of the line and notified him that you would have him arrested in case he attempted to vote? A. Yes, sir.

Q. What was your position on that day, a watcher? A. A watcher.

Q. Don't you know what the law is in regard to the matter of challenging men? A. I cautioned that man.

Q. Don't you know when you have the right to challenge a man under the election laws? A. When he votes.

Q. You understand, don't you, that the proper time for challenging the man is when he comes up to vote, about the time his ballots ought to be given? A. That is what the law says.

Q. You know that provision of the law, don't you; don't you know you were doing an entirely irregular thing in notifying a man in advance, as he stood in line with 40 others, that you were going to have him arrested? A. No, sir, last year was an exceptional year in regard to voting.

Q. So you made a law for that year for yourself, did you? A. No, not exactly.

Charles H. Murray, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 25 Madison avenue.

Q. What is your business? A. Lawyer.

Q. In what Assembly district did you vote last fall? A. In the Eleventh.

Q. And in what Assembly district did you spend your time in the main? A. In the Third.

Q. What was your official relation to the Third Assembly district? A. I am the Republican leader in the Third Assembly district.

Q. And as such had charge of the Republican interests on last election day? A. Yes, sir.

Q. Did you visit the various polling places on that day? A. I did.

Q. In company with whom? A. First by myself, and then in company with John Sabine Smith, the president of the Republican county committee.

Q. You may tell the committee what you saw that day in regard to the conduct of the police? A. I left my house in the morning quite early to drive to the Third Assembly district; I visited a number of the polling places of the Third Assembly district, and found the Republican watchers of the Third Assembly district were excluded from within the guard-rail; I went to police headquarters and saw Mr. McClave; Mr. McClave, and myself, and Mr. Superintendent Byrnes were there; Mr. Byrnes told me that he would see that the law was impartially executed, and if I had any complaint of any specific election he wished I should designate it; I told him that I had no specific complaint against any one election district, but against every election district of the entire Third Assembly; he thereupon called Inspector Williams and told the inspector that he wished him to go through the entire Assembly district; I had no sooner left the superintendent's office and reached the stoop of the police headquarters than I met a young man who said he was a Republican watcher in the thirty-fifth election district, I think, of the Third Assembly, and he had been thrown out of that election district, I went back with him to Superintendent Byrnes, and he called Inspector McAvoy, I think, to rectify that case; then I went through my election district, and on the way I met Mr. Smith.

Q. Mr. John Sabin Smith? A. Mr. John Sabin Smith; he left his cab and got into mine, and we went to the Assembly district together; we found that the watchers were excluded from behind the guard-rail; that electioneering was going on in the polling places, and there were a number of officers that we complained to—

Q. Police officers? A. Police officers—for the violation of the law in excluding the Republican watchers from within the

guard-rail; during that time the most flagrant abuses, I made a memoranda of certain officers who refused to heed our demand to place Republican watchers within the guard-rail, and after which refusal we went to police headquarters to see Inspector Byrnes again, and he started another—or one of the police inspectors down to the election district complained of to investigate the complaint.

Q. Which were those cases; what cases were they you reported? A. There was in the thirty-sixth election district of the Third Assembly district a Republican watcher so excluded from within the guard-rail; Mr. Smith and myself demanded that he should be placed within the guard-rail.

Q. What policeman was that? A. Policeman 1165.

Q. What, if anything, did he do or say in response to that demand? A. The Democratic chairman of the board refused to permit our watcher to go within the guard-rail; the guard-rail was open, and the police officer said that if he went within the guard-rail he would put him out; the guard-rail was open, and the Republican watcher went within the guard-rail; this policeman stepped behind the man and pushed him from within the guard-rail; I went after that to police headquarters again and Superintendent Byrnes detailed Inspector McAvoy, I think; Inspector McAvoy drove to that election district, and told the officer that he wished him to do his duty.

Q. Were you there when he came there? A. I was there when he went there; I followed him in my cab; thereupon, the Democratic inspector of election protested, and Inspector McAvoy told him he wished to hear nothing from him, that this officer must do his duty; another case—

Q. Did you leave then? A. I left then.

Q. Very well. A. Another case was in the twenty-sixth election district; there were two police officers, Nos. 2658 and 2727, I think, were the numbers; they refused admission to the Republican watcher.

Q. And what did you say or do to them? A. We insisted that the Republican watcher had a right under the law to stand within the guard-rail, and they refused; we went at once to police headquarters and Inspector Byrnes or Superintendent Byrnes sent down another inspector.

Q. Did you follow him back? A. I think we did.

Q. What took place after you returned to this election district? A. And then I think that the watcher was placed within the guard-rail.

Q. The superintendent's instructions were obeyed then? A. They were obeyed when the inspector was there.

Q. Did you remain there after the inspector went away? A. No, I was too busy to remain.



Q. Did you go back there again afterward? A. I don't think I did.

Q. Did you go back to any of these places where the inspector had come and put the watcher behind the rail, so that you learned whether he remained behind the rail or not? A. Not from my own knowledge that I recall, I think there was one case from my own knowledge that I recall, I think there was one case that I went to, which was in the afternoon, and we insisted upon the Republican inspector being placed behind the guard-rail.

Q. Republican watcher, you mean? A. Yes, being placed behind the guard rail; that was refused, and the police precinct and the tenth was on the opposite side of the street, and they sent over for Captain Creeden; Captain Creeden came over, and he said he could not interfere with the matter, that he would rest it with the board of inspectors, of election; I said I have no time to argue the matter; I only want to know if the Republican watcher is not to be placed within the guard-rail, for I have been to see the superintendent of police previously during the day a number of times, and he has assured me that he would enforce the law; I then asked if Inspector Williams had been there, and they told me had; as I was getting into my cab a man, who I was told was the Tammany captain of that election district, whose name I do not know, said, "All right, we will permit the Republican watcher to come within the guard-rail;" he then went behind the guard-rail.

Q. And then Captain Creeden went back, I suppose? A. Captain Creeden then retired.

Q. Any other cases within your knowledge? A. Well, there were a number of other cases; there were only a few of the cases of the numbers of the officers I took; one was in the twenty-fifth election district, officer No. 1027.

Q. And what was it he did or said? A. I don't recall specifically, Mr. Sutherland; in the fourteenth election district, officer No. 1959—I do not recall specifically what he did, except that the watcher was in each of these instances excluded from the guard-rail.

Q. And that fact was apparent to the policemen? A. Undoubtedly.

Q. He was where he could see? A. Why, he was present; in eighth election district, officer No. 1437; those were the specific cases that I noted down; what I have said refers to the whole Assembly district.

Q. Is there any other circumstance now that you have not detailed that you wish to give the committee? A. I think that is the main evidence within my own specific knowledge, Mr.

Sutherland; of course the other reports which I have are simply hearsay evidence.

Cross-examination by Mr. Nicoll:

Q. You were the Republican candidate for district attorney?

A. I was the Republican candidate for district attorney.

By Senator Cantor:

Q. You did not live in the Third Assembly district? A. No.

Q. You live in the Eleventh. A. Yes.

By Chairman Lexow:

Q. Were any of these policemen who refused to go inside the guard-rail disciplined? A. Disciplined? not that I know of.

Q. When the inspectors came down there and saw these policemen were acquiescing in a violation of the law, did they make charges against the policemen? A. I don't know, sir.

Q. Did they remove the policemen from the polling place? A. Not to my knowledge.

Q. Did they not attempt to put any other policemen in the place of those men who had been acquiescing in the violation of the law? A. Not to my knowledge.

The Chairman.— That is all.

By Senator Bradley:

Q. You said in your direct examination that you met a young man on the street who said that he was ejected from the polling place—a Republican watcher? A. Yes, sir.

Q. Did he say, or specify to you who ejected him? A. He specified to me that he was a Republican watcher sent down by the Republican Club, upon my application, to watch the poll, and that he had been thrown bodily from the polling place by the Tammany men.

Q. Not by the policemen? A. Not by the policemen.

By Senator Cantor:

Q. Did you have a Republican district captain in charge of the election district? A. Certainly.

Q. All of them? A. All of the polls.

Q. And Republican inspectors? A. Unfortunately, the Republican party had but one inspector.

Q. But they were named by you for your district? A. They were named by myself.

Q. All the Republican inspectors? A. They were named by the organization of the Third Assembly district.

Q. Through you? A. Yes, sir.

By Senator Bradley:

Q. Did this young man claim he claimed police protection and did not receive it? A. I do not recall, Mr. Bradley, what he did say.

By Mr Sutherland:

Q. There was no question that the police did interfere for his protection? A. Not at all; otherwise, he would not have come up to police headquarters.

Mr. Sutherland.—Two of Mr. Kempner's witnesses I would like to call now.

Lewis Cort, called as a witness on behalf of the committee, was duly sworn, and testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. No. 317 Fifth street.

Q. Is that your place of business? A. Yes, sir.

Q. Did you live there last fall? A. Yes, sir.

Q. Was that within the Assembly district where Mr. Kempner was a candidate? A. Yes, sir.

Q. Do you know Mr. Otto Kempner? A. Yes, sir.

Q. Did you have his lithograph displayed in your window? A. That is what I heard; I was not home at the time, but when I came home I heard —

Q. Were you there when the lithograph was taken down? A. No, sir.

Q. Did you have any talk with any of the officers about it? A. No.

Q. Did your son have any talk with the officers about it? A. Yes.

Q. Where were you at that time? A. I was not in when I heard the officer was in; I was outside in the yard.

Q. Who was the officer? A. I don't know the officer; I did not see him.

Q. Did you hear what he said to your son? A. No, sir.

Q. Did you hear what your son said to him? A. He called him outside.

Q. Did you hear the talk? A. No, sir.

Q. What did this officer say to your son ?

Senator Cantor.—I object; this man did not hear anything.

A. I could not hear him.

Mr. Sutherland.—That is all, then; we should have subpoenaed the son.

Q. What is your son's name ? A. Christian.

Julius Stollmeyer, being duly called as a witness on behalf of the committee, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside ? A. Two hundred and twenty-five East Seventh street.

Q. Did you live there last fall ? A. Yes, sir.

Q. Where is your store ? A. Four hundred and five East Fifth street.

Q. Is that within the Assembly district where Mr. Kempner was a candidate last fall ? A. Yes, sir.

Q. Do you know Mr. Kempner ? A. Yes, sir.

Q. Did you have his lithograph in your window ? A. I did.

Q. For how long were his lithographs hanging there ? A. I would not state any definite time; it might have been a week or two weeks, or it might have been a month.

Q. Were they taken down finally ? A. No, sir.

Q. Did anybody come into your place to talk about there being taken down ? A. Yes, sir.

Q. Who were they ? A. I could not say who they were.

Q. Was Mr. Kempner there at that time ? A. He was there at the time, standing behind the two men who came in the store.

Q. And he was there when they came out ? A. Yes, sir.

Mr. Sutherland.—That is the instance that Mr. Kempner testified to; he identified those men.

Q. What did the men say to you ? A. They said to me that they wished me to remove the lithograph of Mr. Kempner out of the window, and I told them they would have to wait until the boss came home, because I have a partner, and Mr. Kempner stood there behind these men, and I did not want to insult him or the men, because I did not know who they were, and that was all that was said at the time; so they went out and we did not remove it; we kept it there, and that is all that I know so far as the lithographs are concerned.

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

Q. Did Mr. Kempner come right in, after they went out ? A. Yes, sir.

Q. And he talked to you about it ? A. Yes, sir.

Q. Mr. Kempner then inquired of you what those men were asking of you? A. Yes, sir.

By Senator Cantor:

Q. What is your business? A. Commission business; butter and eggs.

Cross-examination waived.

Adam Reinhardt, called on behalf of the committee, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. Can you talk English well? A. Not much; will you give me a man who can speak English?

Chairman Lexow.—Will Mr. Kempner act as interpreter for this witness?

Mr. Nicoll.—He has been sworn already as an interpreter.

Q. (Examined through the interpreter, Mr. Kempner.) Where do you reside? A. Two hundred and seventy-two Rivington street.

Q. What is your business? A. Shoemaker.

Q. Where did you vote last fall? A. Sixty-eight Columbia street.

Q. In what election district is that? A. I have forgotten that.

Q. Did you see a policeman there? A. Yes, sir.

Q. What did he do? A. When I got my ballots I went into my booth, and the policeman came in with me; he took out one of the ballots and told me to vote that; I looked at it and saw the name of Maynard on the ballot, and I said, "No; I will not vote the Tammany Hall ticket;" I then told him to go out of here, I can take care of the ballots myself.

Q. What else occurred? A. Three times I told him to go out, but he refused to go, and I threw the ballots at his feet; then I said to him, "Here, we are deprived of our liberties through you," and they laughed at me.

Q. What else did you do? A. As I went out in the street a man came after me and told me to come in and vote as there would be considerable trouble; I said, "Not more this year; that I won't do;" I told him, "I will go, to-morrow, to the commissioners and make complaint against the policeman," and he laughed at me; that is all.

Q. Did you vote? A. No.

By Senator Saxton:

Q. Did you make any complaint to the commissioners? A. No; a man told me to keep quiet, as there would be other complaints made by others.

**Cross-examination by Mr. Nicoll:**

Q. Who told you that? A. A man by the name of Bierman.

Q. Did you make any complaint to the captain at the police station-house? A. No.

Q. Why did you not vote? A. Because the policeman wanted me to vote the Tammany ticket, and I did not want to vote it.

Q. You were sent for to come back and vote; why didn't you go back and vote? A. Because they said they would get into big trouble, and I said I wanted them to get into big trouble.

**By Mr. Sutherland:**

Q. What was the name of this policeman? A. Mulligan.

Lewis Berger, called on behalf of the committee, duly sworn, testified as follows (through Interpreter Kempner):

**Direct examination by Mr. Sutherland:**

Q. Where do you reside? A. Eighty-nine Columbia street.

Q. Where did you vote last fall? A. Sixty-eight Columbia street.

Q. Who was the policeman in attendance at that voting place? A. I don't know him.

Q. Do you vote at the same place with Mr. Reinhardt? A. I don't know where Mr. Reinhardt voted, and I don't know him.

Q. You saw a policeman there; did you? A. Yes, sir.

Q. What did he do? A. He came in with me into the room.

**By Chairman Lexow:**

Q. What do you mean by that; do you mean the booth? A. In the polling place.

**By Mr. Sutherland:**

Q. Did he go into the booth with you? A. Yes, sir.

Q. Did you ask him in? A. No, sir; I was entirely surprised.

Q. What was said or done? A. He took the things and laid them together and I felt very bad.

Q. What things did he taken and lay together? A. Those papers that are used for the election.

Q. The police took them out of your hand? A. He took them from me, folded them, and gave me the one that was to be used.

Q. What did he say when he did that? A. Nothing; that you should put these in this hand and those in that hand and give them to the man.

Q. Have you ever seen this policeman before? A. I will tell you how it is; I go early to work and come home late —

Q. Can you describe him to me in any way? A. No; I can not.

Q. What is your business? A. I have been tailoring, but now I have a sausage business.

By Senator Saxton:

Q. What was the hour when you voted? A. In the morning.

Q. What hour in the morning? A. I can not tell exactly.

Q. About what time? A. It can possibly be 8 o'clock; exactly, I can not tell.

By Chairman Lexow:

Q. Was the same policeman that you see on the beat usually the one that was there that day? A. I bother very little about those people; I am 13 years here, and I have never been to such a place.

Cross-examined by Mr. Nicoll:

Q. Did you ever vote before? A. I did.

Q. Did you ever vote under the new ballot law before? A. Yes, sir.

Q. When? A. A few times.

Q. When before November, 1893? A. Every time there was an election; I always voted.

Q. Did you ever receive any instruction prior to election day as to how to fold your ballots? A. No.

Q. Did you know how to fold your ballot? A. The first time I was told; and so I know.

Q. Who told you? A. Mr. Seelig.

Q. On the morning in question were there voters at the polls at the time you arrived there? A. Yes, sir; there were several.

Q. Where was the policeman, when you passed through the guard-rail? A. He was entirely inside, and I came, he opened the door for me, and went in with me.

Q. That is manifestly impossible; where was the policeman when you passed through the guard-rail towards the ballot clerk? A. He was by the polling booths, and as I came, he opened the door of the polling booth and went in with me.

Q. Did you give him your ballots? A. He gave them to me.

Q. Did you not receive your ballots from the ballot clerk? A. Yes, sir; I got them, but then he took them and folded them together; I felt very bad; I was sick; I was feeling bad, and I was entirely surprised when he came in with me.

Q. Did the ballot clerk give you your ballots? A. He did.

Q. Did you give them to the policeman? A. I went into the balloting place and he came in after me and took the ballots from me and folded them.

Q. Could you not fold them? A. He folded them, and I folded them.

Q. Could not you fold them yourself? A. I could also fold them myself; but he came in and I was feeling bad, but I was very much surprised.

Q. Were you feeling so badly that you could not fold your ballots? A. I was.

By Senator Saxton:

Q. Did you ask the election officer to assist you or for anybody to assist you in the booth? A. I asked no one.

Q. Did you say anything to the policeman at all, before you got in the booth? A. Not a thing.

Q. Did you go in the booth first with your tickets? A. He opened the door for me; I went in, and he came in after me.

Q. Had anything been said up to that time, between you and the policeman at all? A. He said to me, "Take these in this hand and take the other six in the other hand;" I could have folded them myself slowly.

Q. Did you ask the policeman, after you were in the booth, to come and fold the ballots for you? A. No, sir.

Q. Did the policeman ask you to give the ballots over to him? A. No.

Q. Then you say the policeman took the ballots out of your hand without saying anything to you? A. Yes, sir.

By Chairman Lexow:

Q. Did the policeman tell you which ballot to vote? A. No, simply folded them and told me, "That you give up and that you take in the other hand."

Q. Were you feeling badly, because the policeman followed you into the booth.

Senator Cantor.—I object; are you trying to make the witness testify the way you want him to?

Q. Why were you feeling badly? A. Excuse me; that is no question.

By Senator O'Connor:

Q. Did you at any time wish for assistance? A. No, never.

By Mr. Nicoll:

Q. Were you ill physically or simply downhearted because of



the policeman's action? A. I had a little headache; I suffer from headache.

Mr. Sutherland.—The witness is doubtless explaining why he did not resent this intrusion.

By Senator Cantor:

Q. Do you read English? A. No, sir.

Q. Did you read any one of the ballots handed to you by the ballot clerk? A. So much, I know.

Q. Did you read the ballots that were folded and put into the box? A. I did.

Q. And that was the ticket that you wanted to vote? A. No, it was not.

By Senator Saxton:

Q. Do you know the names on the ballots so that you knew what ballot you wanted to vote? A. I can not distinctly recollect.

Q. I ask you if you knew them, at that time, so that you knew what ballot you wanted to vote? A. I could distinguish the ballot that I wanted to vote.

Mr. Nicoll.—Were you in Mr. Kempner's district?

Mr. Kempner.—No; he was not.

Adam Reinhardt, recalled.

By Mr. Sutherland:

Q. What was the street and number of the place where you voted? A. No. 68 Columbia street.

Senator Saxton.—This witness voted at the same place with Mr. Reinhardt?

Mr. Sutherland.—Yes.

By Senator Saxton:

Q. What hour in the morning did you vote? A. I voted in the afternoon at about 3 o'clock.

Senator Saxton.—He has stated the name of the policeman.

Mr. Sutherland.—Yes, he gave it as Mulligan; I have now identified the polling place as the same place where the last witness voted.

August Adel, called on behalf of the committee, duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 216 East Seventy-seventh street.

Q. How long have you lived there? A. I have lived there now two months or more.

Q. Where did you live last fall? A. In No. 1334 Third avenue.

Q. In what election district did you vote last fall? A. The last election, do you mean?

Q. Yes. A. In the Twenty-second Assembly; the eleventh election district.

Q. Did you have any official relations to that election? A. I did; I was a watcher.

Q. You were what was called the Republican captain? A. I was acting as Republican captain.

Q. In that capacity did you visit more than one election place? A. I did.

Q. What did you observe in regard to the conduct of the policeman at your own election precinct, if anything? A. I have nothing to say about that.

Q. It was in which one? A. In the sixth election district.

Q. When did you go there? A. In the afternoon about 3 o'clock.

Q. What did you observe, if anything, in regard to the conduct of the police there? A. I went in and they fired me out.

Q. Did you have your certificate as a watcher with you? A. Yes, sir.

Q. Did you exhibit it? A. I did.

Q. What was going on when you went in? A. I was taken in as a witness on a case of a deaf and dumb man, that they claimed had no right to vote.

Q. And this deaf and dumb man—had his residence been burned of what was it in reference to him? A. A day or two before election, they moved him from one house to the next house; the party that he worked for has four houses, and he has to take care of the four houses, and he sleeps in those floors that are not rented.

Q. So that when he came to respond to his place of residence; it was not the same number as he had registered from? A. Yes, sir; he didn't register from that place; he was registered before.

Q. Then there was a dispute about his right to vote? A. Yes, sir.

By Mr. Nicoll:

Q. Was this at the special election? A. Yes, sir.

Q. You mean the election last January? A. Yes, sir.

By Mr. Sutherland:

Q. Then the dispute arose about this man's right to vote and you were sent for as the Republican watcher? A. Yes, sir.

Q. And you went in? A. Yes, sir.

Q. Who did you address when you went in? A. The chairman of the board; I told him I thought the man had a right to vote.

Q. What else was said? A. The policeman caught hold of me and put me out of the door.

Q. Do you know his number? A. I do not; I have got it somewhere; I have been hunting for it, but I have not found it yet.

Q. Do you know the name of the policemen? A. No, sir.

Q. Do you recall his number? A. I do not; I think I have it on a book somewhere, but I have not had time to look for the book to find it.

Q. Did you remonstrate with the policeman? A. I did; I told him he had no right to put me out, and that I was a watcher and I showed him my certificate to prove it.

Q. You finally went back there again? A. He was no sooner in than I was in too.

Q. You followed him right back? A. Yes, sir.

Q. Who went in with you? A. Mr. Page.

Q. Who was Mr. Page? A. He ran for the Assembly, the election before last; last fall.

Q. Was he a watcher on this election? A. He was, and there was somebody else; I do not remember who he was.

Q. And you had been sent for from the place where you were, to come down and assist in this difficulty? A. Yes, sir.

Q. There is another circumstance, I believe, that you have to relate, is there not? A. Yes, sir; that was last fall.

Q. Where was that? A. In the Twenty-second Assembly; the tenth election district.

Q. What occurred there? A. They were giving pasters and everything right around the door, and inside at the railing, and in going in the booth with men.

Q. Who was this "they"? A. The Democratic workers and watchers.

Q. Where were the policemen when this was going on? A. Sitting inside the room.

Q. Where they could see what was going on? A. Yes, sir.

Q. Did you protest to the policemen against it? A. Yes, sir.

Q. What did they do? A. They said nothing.

Q. Did they do anything? A. No, sir.

Q. You say while you stood there you saw pasters given out? A. Yes, sir.

Q. And put into the booths? A. I saw them put over the top of the booth.

Q. And you saw workers go inside of the booths? A. Yes, sir; and I called the attention of the policeman to it.

Q. Can you tell the names or the numbers of either of those policemen? A. I can not.

Q. But this was the last fall election? A. Yes, sir; last fall.

Q. And this was in what district? A. The tenth election district of the Twenty-second Assembly.

Mr. Sutherland.—The police records, no doubt, will show who those officers were.

Q. What time in the day was this that you saw this occurrence last fall? A. In the tenth election district; it was in the morning between 10 and 11 o'clock.

**Cross-examination by Mr. Nicoll:**

Q. What is your business? A. I am a truckman.

Q. For whom? A. J. Lathan.

Q. What is his business? A. He has trucks.

Q. You are one of his drivers? A. Yes, sir.

Q. How long have you been with him? A. About three weeks or a little over.

Q. Prior to that time, what was your business? A. I am a housesmith.

Q. A housesmith? A. Yes, sir.

Q. What does that business consist of? A. Iron work in the building, putting up the iron work in fireproof buildings.

Q. You work on iron buildings? A. Yes, sir; and bridge buildings.

Q. How long have you been engaged in that business? A. For about four years.

Q. Where? A. Around New York and out through the country in different States, putting up bridges.

Q. What was your business prior to that? A. My business prior to that was in Texas.

Q. What was it there? A. I was constable and deputy sheriff in the State of Texas.

Q. You were constable and deputy sheriff in the State of Texas? A. Yes, sir.

Q. Is that your home? A. No, sir; New York is my home; I was born in New York.

Q. How long were you a resident of the State of Texas? A. I was there about 15 years.

Q. In what part of Texas was you? A. On the western frontier, around Fort Clark and El Paso.

Q. What were you doing there? A. Different things; I went there as a soldier when I was a boy.

Q. And you remained there? A. I remained there for 15 years;

I soldiered five years, and I thought I had enough; and then I went to work.

Q. Were you in the Union Army? A. I was.

Q. Did you serve until peace was declared? A. I did; there was no war at the time, only Indian wars.

Q. You were not in the civil war, then? A. No; I was in the regular army, the Fourth United States Cavalry.

Q. But you were not in the civil war? A. No, sir; I don't remember much about the civil war.

Q. After you had served in the army you remained a resident of the State of Texas? A. Yes, sir.

Q. And you went into politics there? A. No, sir; I did not.

Q. You were elected a deputy sheriff? A. Yes, sir.

Q. Then were you not in politics? A. I never moved my hand in politics in Texas.

Q. Did the office seek the man in that case? A. It did there.

Q. What were your politics then, Republican? A. I have always been a Republican.

Q. How long did you remain deputy sheriff in Texas? A. I guess I was deputy sheriff four or five years.

Q. What was the name of the place where you were deputy sheriff? A. Fort Davis, Texas.

Q. What county is that in? A. Jeff Davis county — it is Republican, though.

Q. Republican county? A. Yes, sir.

Q. You came to New York in what year? A. I don't remember.

Q. Can you recollect about what year? A. No, sir; I can not; I think it was about five years ago, when I came back to New York.

Q. Did you come straight from Texas? A. Yes, sir.

Q. Did you have any trouble in Texas? A. In what way?

Q. With a man? A. Oh, yes; I have had a little trouble with men.

Mr. Sutherland.—He has arrested men.

Q. Did you arrest men? A. Yes, sir.

Q. Were you ever arrested? A. No, sir.

Q. When you arrived in New York, what business did you go into? A. I went right into the iron work with my brother-in-law.

Q. As soon as you got here? A. Yes, sir.

Q. And since you arrived here, have you been more or less active in politics? A. Only in the last couple of years, or a year and a half.

Q. You were a watcher for some particular election district, were you not? A. Yes, sir.

Q. And you had your certificate as a watcher for a certain election district? A. Yes, sir; for the last fall election; for the tenth election district.

Q. You were a watcher there? A. Yes, sir.

Q. You were not a watcher in the election district where the deaf and dumb men attempted to vote, were you? A. No, sir; that was this last election; that was not last fall.

Q. Were you a watcher for the special election, too? A. I was a watcher for the special election.

Q. For what district? A. For the eleventh district.

Q. Was that the place where the deaf and dumb man was? A. No; that was in the sixth, one block below.

Q. You had no right there, as a watcher, in the eleventh district, had you? A. Yes, sir; I was a watcher in the eleventh election district.

Q. In what election district were you a watcher in the fall election? A. That was in the tenth.

Q. You spoke of a number of things going on in the tenth election district? A. Yes, sir.

Q. Was there a Republican inspector there? A. Yes, sir.

Q. Who was he? A. I think his name was Fountain.

Q. Was he not selected by your organization in that district? A. That is a hard question to answer; there was a sort of a split up there at that time.

Mr. Nicoll.—Well, I must not go into that; I will stop right there on that, and take up something else.

Q. What was the name of the Tammany Hall inspector in that district? A. I don't know his name.

Q. There were two Democratic inspectors, were there not? A. I don't know; I believe there was.

Q. Were they both members of the same Democratic organization or of some Democratic faction? A. No, I don't know.

Harry Cunningham, a witness called on behalf of the committee, duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 41 Spring street.

Q. Did you reside there last fall? A. Yes, sir.

Q. Where did you vote? A. No. 44 Prince street.

Q. What election district is that and what Assembly district?

A. The Third Assembly, the thirty-first election district.

Q. Did you have any official connection with that election? A. Yes, sir; was captain and watcher.

Q. State what you saw in regard to the conduct of the police on that day? A. On that day I had a man arrested for illegal registry and attempting to vote, and Senator Sullivan came into the polling place with several others and caught me by the collar of the coat and pulled me outside of the guard-rail.

Q. Where was the policeman at that time? A. I suppose he did not want to see it.

Q. Where was he? A. I did not notice any policeman, but I noticed there was a ward detective there, but he did not take any part to protect me.

Q. Where was he? A. In the polling place.

Q. How far from you? A. About as far as I am from you.

Q. About 15 feet from you? A. About that.

Q. You say you did not see the policeman? A. No, sir.

Q. Did anything happen while the policeman was there that you saw? A. When they got me outside the guard-rail they pushed me out into the street, and Senator Sullivan said to me, "If I wasn't running for Senator I would" do so and so.

Q. Who said that? A. Timothy D. Sullivan; that he would do so and so, and so Flury Sullivan and several others got at me and gave me a severe beating.

Q. Where was the policeman? A. I suppose one was inside.

Q. Did you see any policeman there? A. No, sir.

Q. Did you make any outcry? A. I went to headquarters and they sent me to the police station, and they sent a policeman back with me; they took a bag of pasters that I had and threw them in the gutter; and broke my hat, and Flury Sullivan was going in and out all day, bringing men in and going in the booth with them.

Q. Did you remain in there the rest of the day? A. Yes, sir; after the policeman brought me back.

Q. After the policeman brought you back; did he stay there or did some other policeman stay there? A. He brought me back and then he went back to the station-house, and the other policeman was there.

Q. Was there another policeman there after you went back? A. Yes, sir.

Q. More than one? A. Only about one.

Q. Did that one policeman stay there the rest of the day? A. Until after the counting was over.

Q. Did he see these men crowding around there that you have described; what was he doing; you say after you came back—what was done then? A. I did not say anything then; after I had this man arrested Senator Sullivan and several others came inside and pulled me outside of the guard-rail and shoved me

into the street, and during all that time there was one of the ward detectives present, but he did not offer me any protection.

Q. But you say when the policeman came back with you from the station; what was done then? A. I went to the station house to make a complaint, and they sent a policeman back to the polling place, and he put me there.

Q. What happened after you got back? A. I don't know.

Q. Did you see men in there, electioneering after that? A. I saw Flury Sullivan going in and out of the booth with the men all the time.

Q. Was the policeman there at that time? A. Yes, sir.

Q. Did he stop it in any way? A. No, sir.

Q. Was he where he could see it? A. Yes, sir; and one of these polling clerks objected to this Flury Sullivan doing this and he told him if he didn't shut up he would knock his head off.

Q. Who said that? A. Flury Sullivan.

Q. What did the policeman do or say? A. He did not say nothing; I suppose he was in with the rest of them.

Mr. Nicoll.—I move to strike out the last remark of the witness.

Chairman Lexow.—Yes, strike it out.

Q. Was there anything else that you saw in regard to the police? A. That is all.

#### Cross-examination by Mr. Nicoll:

Q. Do you know Flury Sullivan? A. I know him by sight, but not to speak to him.

Q. Do you know any of the Sullivans? A. I know Timothy D. Sullivan by sight; I don't know none of them personally.

Q. Timothy D. is the Tammany Hall leader in that district, is he not? A. Yes, sir.

Q. Who is the Republican leader? A. Mr. Murray.

Q. The witness who has preceded you upon the stand this morning? A. Yes, sir.

Q. Are you one of Mr. Murray's captains? A. I am captain of the district; at that time I was.

Q. At that time, were you one of the Republican captains in the district? A. Yes, sir.

Q. How long have you lived in the district? A. About three years in the election district.

Q. How long have you lived in the Assembly district? A. Seven or eight years.

Q. During that time have you frequently acted as an election officer? A. I acted during the presidential election as United States marshal.



Q. In the presidential election of 1892? A. Yes, sir.

Q. You were then United States marshal? A. Yes, sir.

Q. Prior to that time had you ever been an election officer?

A. Yes, sir; I was a watcher before.

Q. Watcher for the Republican party in that district? A. Yes, sir.

Q. Have you ever held any office? A. No, sir.

Q. Ever been a candidate for office? A. No, sir.

Q. Ever a candidate for the police force? A. No, sir.

Q. What is your business? A. I am generally a peddler, but I am not doing anything now.

Q. What is your business when you are doing something? A. Peddling hardware.

Q. For what concern? A. For myself.

Q. You mean to say you buy and sell hardware? A. Yes, sir.

Q. Why are you not doing anything now? A. I have not got no money.

Q. Your capital is depleted? A. Yes, sir.

Q. Where are you employed now? A. I am not employed at all.

Q. Are you not in any occupation at all? A. No, sir; I am living home.

Q. When were you last doing any business? A. About a month or so ago.

Q. Have you no trade? A. No, sir.

Q. You were not brought up to a trade? A. No, sir; I was learning a trade, but did not follow it up.

Q. What trade were you learning? A. Copper and tinsmith.

Q. When did you start out with that? A. Three or four years ago.

Q. You are not engaged in any trade now? A. No, sir.

Q. And the business of dealing in hardware is all you do? A. Peddling; buying job lots.

Q. You have not the means to conduct that now? A. Not at present; no, sir.

Q. Have you ever had any trouble with the police? A. No, sir.

Q. You had no trouble in your district with the police? A. No, sir.

Q. None whatever? A. No, sir.

Richard S. Harvey, called on behalf of the committee, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Nyack, Rockland county.

Q. Where did you reside last fall? A. Well, I have resided there for three years past.

Q. You were in New York on election day? A. I was in New York on election day at the Congressional election, about four years ago.

Q. In what capacity did you act? A. I acted as watcher for the Independent Democratic candidate, who was running against Congressman Dunphy in his district.

Q. In what election district? A. This was in Oak street; near Chatham square.

Q. You do not recollect the number? A. No, sir.

Q. What did you see in regard to the conduct of the police on that occasion? A. I received my regular certificate as watcher, and I arrived there about 7 in the morning.

By Mr. Nicoll:

Q. When was this; what year; in 1886? A. 1888 or 1889.

Q. The Presidential election? A. The Congressional election, the time that Congressman Dunphy ran; it must have been 1890: I think it was the year before I left New York; which was, I think, in 1889 or 1890.

Q. Very well, I will get that later; you can proceed? A. I arrived there about 7 o'clock and nothing unusual took place until about 9 or 10 o'clock; I then saw a voter go into the booth with a person to assist him to cast his ballot, and it occurred to me that there was nothing the matter with the voter, and I made a formal protest and objection to the officers and said that I could not see any reason for sending anyone in with him to vote, and they said that the man was blind; I then replied that the man had come to the polling place without anyone to assist him and it seemed to me the way the man made his way about that he could not be blind; they, however, overruled my objection and allowed the man to vote with assistance.

Q. Did you make any challenge to the vote? A. I did at the time, and it was entered on the books; I afterwards objected to another occurrence of that kind, and I was forcibly ejected from the polling place.

By Mr. Sutherland:

Q. By whom were you ejected? A. The friends of the regular Democratic watcher there.

Q. Where was the policeman at that time? A. He was standing on the sidewalk just outside of the polling place.

Q. Where he could see this occurrence? A. Yes, sir; I was

thrown across Oak street three or four times, and had a lively sense that I was about to be killed or sent to the hospital; as a matter of fact, however, I was not much injured, but considerably shaken up at the end of this time; I was somewhat dazed as well as shaken up; I landed after this operation in gymnastics about two feet away from the policeman, and I appealed to him and said that I was a regular watcher and had my credentials in my pocket, which I offered to show him, and appealed to him for protection, whereupon he turned and marched away.

Q. Was there anything else that occurred at that time? A. I remained there until about 4 o'clock in the afternoon; I considered that as intimation enough to make no further outward objections; I however made a list of 12 or 15 voters who seemed to me illegal; in case that the election should be a close one, I would report their names as persons illegally voting, whose vote could be questioned; that opportunity, however, did not rise, as the majority was overwhelming.

Q. After this assault upon you, you made no further protest? A. No, sir; I did not feel inclined to do so.

Cross-examination by Mr. Nicoll:

Q. There was a large majority in the district? A. Yes, sir; it was overwhelming.

Q. Was this experience the cause of your leaving New York? A. No; I had business; I saw a desirable opening as an attorney, and I moved into the suburbs, where I had lived for 15 years in the summer time.

Q. Then you moved to Nyack? A. Yes, sir.

Q. Who is the Senator from that district? A. Senator Lexow.

Q. The chairman of this committee? A. He is.

Q. You and Senator Lexow sat up nights and told this story to each other? A. No, sir; I was very much surprised to see a subpoena; I did not know how Senator Lexow got word of this fact; it was a great surprise to me when I saw a subpoena; I had no expectation whatever of being a witness in this matter.

Q. But you did tell, I suppose, the story to Mr. Lexow, as one attorney to another before that? A. I regarded it as an interesting incident.

Q. Yes; so it is; can you tell us about what year this happened? A. I think it was in 1890; I have been three years in Rockland county; and I think it was the year before I left the city.

Q. I wish you would be as exact as you can about this; you

must be able to tell us exactly what year it was with a moment's reflection.

Mr. Sutherland.—He has told you the candidate for election.

A. I think the committee can take official cognizance of the Congressional election.

Mr. Sutherland.—It could not have been in 1889; it must have been in 1890.

Q. Was it before or after the passage of the McKinley bill?

A. I think it was the first year in which the blanket paster ballot was used.

By Senator Saxton:

Q. Was it the first year in which the booths were used? A. Yes, sir.

By Mr. Nicoll:

Q. That was the autumn of 1890? A. Yes, sir; I think it was the fall election of 1890.

Mr. Sutherland.—Three years ago last fall.

Q. Who was running for mayor at that time, can you recollect, in that way? A. No.

Q. Who was running for district attorney in New York at that time? A. I think you were.

Q. That is right.

Mr. Sutherland.—Did he ever prosecute those people?

The Witness.—I never called it to his attention.

Q. You would have been vindicated long before this if you had; who were the police commissioners in New York at that time? A. I can not tell you; I am not acquainted with the directory of the city of New York.

Q. I do not ask you to consult the directory of the city of New York.

Chairman Lexow.—How is that material? He has fixed the date by the fact that it was the first year of the Ballot Reform Act.

Mr. Nicoll.—I wanted to know who were the police commissioners, to see whether he made any complaint to them.

Chairman Lexow.—I think he says he did not; he made no complaint.

Q. Can you tell us who the police commissioners were? A. I can not.

Q. Did you make any complaint to the superintendent of the police? A. I made no complaint whatever in the matter.

Q. To no official? A. No.

Q. To no police official or other official? A. No, sir.

Mr. Sutherland.—I object on the ground that the witness has already answered twice clearly that he made no complaint.

Q. Why did you carry the secret to Nyack with you and tell it to no one except Senator Lexow?

Mr. Sutherland.—I object to that as being impertinent; the witness has already stated that he told it various times.

Chairman Lexow.—The question is allowed.

Q. Why did you not tell it to some of the authorities in New York city; why did you take it to Nyack and tell it only there to your Senator? A. Well, I did not know the proper routine to go through with in making a complaint; and as the candidate whom I represented at that time was so overwhelmingly defeated that I did not see any advantage to him or advantage to me, to compensate for any such loss of time; I never told Mr. Lexow of this instance so I do not know why you should ask me about having told him.

Q. You never told it to him? A. No; probably he heard it indirectly.

Mr. Sutherland.—Now have you found out why he carried his secret to Nyack.

By Senator Bradley:

Q. Do I understand you to say that you were thrown across Oak street three or four times? A. I was.

Q. Thrown across? A. Yes, sir.

Q. By whom? A. By the—I would technically describe them as the heelers which surrounded the polling place.

Q. The policemen did not touch you, did they? A. No; I wished they had touched the others.

Q. The policeman did not interfere with you? A. No, sir.

Q. You say you were not bruised or cut? A. No; I was not injured; I was more or less bruised and shaken up by the operation.

By Senator Cantor.

Q. Who was the chairman of the independent organization? A. He was the editor of the \_\_\_\_\_ Standard, the paper that advocated Henry George's doctrines at that time.

By Chairman Lexow:

Q. Do you say that the policeman was looking on, while you were being thrown from one side of the street to the other? A. Yes, sir; he stood right beside me as I was thrown.

Q. And when you finally appealed to him he turned away and walked off? A. He did not even reply to me.

Robert Corbett, called as witness on behalf of the committee, duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Five hundred and twenty two West Fifty-sixth street.

Q. Where did you vote last fall? A. In the second house from Fifty-first street and Tenth avenue; I do not remember the number; I got shaved in the barber shop there, but I do not bother about the numbers.

Q. In what Assembly district is that? A. In the Eighteenth Assembly district, and the twenty-fifth election district.

Q. Tell what you saw in regard to the conduct of the policemen at that election? A. I was captain of that district for some years; one of the Democratic workers brought in a man to vote—I called him a Tammany heeler; I don't know whether it was right or not, and he says, "Go in and get your ballot and vote;" he went in and the ballot clerk gave him his ballots and he went into the booth next to the railing and the policeman was standing to my left and this other man was standing between us; when he came out, he did not fold his ballots correct, I suppose, and this man who sent him in, takes the ballots out of his hands and unfolds it and looks at them and he says, "That is not the one to vote, go in and fold them right;" and when he got him in the booth, he got deliberately up on a chair and took a ballot out of his pocket and threw it over the booth and said, "That is the one to vote;" I put my hand on the shoulder of the policeman and said, "Arrest that man and I will make a charge against him," and he would not do it; what more could I do; that was enough.

Cross-examination by Mr. Nicoll:

Q. What was it you said about the Tammany heeler? A. I said he was a Tammany worker.

Q. Who was? A. The man who brought him in; the man who brought in this man to vote; I know him to be a Tammany heeler or a Tammany worker; I can call them either one or the other, a Tammany heeler or a Tammany worker.

Q. Which do you call them? A. Either one or the other; I do not care which; many a time I have called them both, and they called me worse many a time, too.

Q. Who was the man that the Democratic worker brought in to vote? A. I don't know who the man was; I did not know the man he brought in to vote, but I know the man who brought in the man.

Q. You know the man who brought in the man to vote? A. Yes, sir.

Q. Who was he? A. He is the man who lives in Fifty-first street; I do not care to—

Q. You do not care to mention his name? A. No, sir.

Q. The man he brought in to vote, you do not know at all? A. No, sir.

Q. He was a stranger to you? A. Yes, sir; I did not know him.

Q. Do you know anything about his condition physically? A. He seemed to be the same as you or me.

Q. That is, in pretty good physical condition? A. Yes, sir; he seemed to have his rational everywhere that a man should want.

Q. He seemed to have his rational everywhere a man should want? A. Yes, sir; he seemed to be all right.

Q. You mean to say, that he seemed to be in possession of his usual faculties and health? A. Yes, sir.

Q. Did he ask for any assistance, as a disabled voter? A. No, sir.

Q. Where were you standing? A. I was standing outside the rail alongside of this man who brought him in and the policeman and three of us.

Q. Were you a watcher? A. No, sir; I was a captain.

Q. You had no official connection with the election? A. I had no right to go in, but when the other party went in I said I would go in as well as they.

Q. Did you go inside of the guard-rail? A. No, sir.

Q. Where did you go? A. I went into the door; the guard-rail was a little ways from the door; it was opposite the guard-rail.

Q. You mean you went into the polling place? A. I went in the polling place.

Q. In the room? A. Yes, sir; but the guard-rail was inside and the policeman stood there keeping order.

Q. He stood by the guard-rail? A. Yes, sir.

Q. Did you go inside of the guard-rail? A. No, sir.

Q. Did you go up to the guard-rail? A. Yes, sir.

Q. You mean you were standing up against it? A. Yes, sir; and this other man and the policeman and myself were there.

Q. Who went inside the guard-rail? A. The man he brought in to vote.

Q. Did the Tammany heeler go in, too? A. No, sir; but he did afterwards.

Q. He stood outside with you? A. Yes, sir.

Q. Both of you stood out beyond the guard-rail? A. Yes, sir.

Q. The man who went in to vote went to the ballot clerk? A. The man got his ballots from the ballot clerk and went into the booth, and when he came out he did not know how to fold

them, and this man put out his hand and took them out of his hand that he was going to vote and unfolded them before me and said, "That is not the one to vote, go in and fold them ballots right;" and when he was in, he got on a chair deliberately and took the tickets out of his pocket and threw it into him and, "That is the one to vote," and I put my hand on the policeman's shoulder and said, "Arrest that man and I will make a charge against him."

Q. What charge? A. That the law was violated.

Q. Do you know whether or not the man demanded assistance? A. The man demanded no assistance.

Q. How do you know that? A. Wasn't I there and didn't I hear.

Q. When he applied to the election officers could you tell whether he asked for assistance? A. He applied to no one; he got his ballots that is all.

Q. Isn't it not a fact that this man went up to the election officers when you stood back with the Tammany worker by the guard-rail? A. Yes, sir.

Q. And what occurred up there, as to whether he demanded assistance or not, you do not know, do you? A. Wasn't I standing alonside of him not three feet away from him.

Q. Was the ballot clerk near to the guard-rail? A. The man who got them was inside of the guard-rail, and I was outside, and I could hear what was said.

Q. Are you an office holder? A. I am not; I am a business man.

Q. Have you ever been an office holder? A. Never.

Q. Are you in politics? A. Nothing; only just for the good of the party; I am always a Republican, and always will be; see; I don't deny my politics; I make nothing by politics, not a cent, only what I am out; and I don't sit here to tell a story; I am just telling you the straight up and down truth.

By Senator Saxton:

Q. Were you there when the voter came into the polling place? A. Yes, sir.

Q. You saw him when he came in? A. Yes, sir.

Q. You saw him go to the election officers? A. Yes, sir.

Q. And he received his ballots? A. Yes, sir.

Q. How far were you from him and from the election officers at that time? A. Not three feet.

Q. And you did not hear him ask for any assistance? A. No, sir; he asked for no assistance; I am on my oath here.



Q. And you did not hear the election officer tell anybody to help him fold his ballots? A. No, sir.

Q. He went to the booth which was next to the guard-rail? A. Yes.

Q. And this healer or worker, as you call him, stood right there? A. Yes, sir.

Q. He went in his booth and came out again with a ticket folded? A. Yes, sir; but not right.

Q. He had a ticket folded? A. Yes, sir.

Q. And did this man reach over the guard-rail and take that ticket from him? A. Yes, sir; and he unfolded it before me and told him, "That is not the one to vote," and he went back in the booth and he got up on a chair deliberately and took a ballot out of his pocket and said, "This is the one to vote."

Q. Did he give it to him before he went into the booth? A. No; he threw it into the booth.

Q. He threw it over the top of the booth? A. Yes, sir; he got up on a chair deliberately and threw it over; whether it was a paster ballot or one of the others, I don't know.

Q. Was the policeman there? A. He was at my left hand, not two feet from me.

Q. Was he looking at this transaction? A. If he was not blind; there was none but the three of us.

Q. He stood there facing these parties? A. He stood there just the same as I did, and when I put my hand on his shoulder and said, "Officer arrest that man and I will make a charge against him," he did not do anything.

Q. Who was the officer? A. I don't know; I was too much excited to tell, but I can easily find out.

Q. Was he the officer who was detailed there? A. Yes, sir; on the twenty-fifth election district; I was so angry and he hung his head and he said, "I have no man to leave in my place," and I said, "That is pretty good."

By Mr. Sutherland:

Q. His only reply was that he had no man to leave in his place? A. Yes, sir; that is the way the voters are going to be handled, and if that is so, it is time to give up the ship.

By Mr. Nicoll:

Q. What was that remark of yours? A. If we are to be handled that way; we have no protection in New York city.

Chairman Lexow.—That is all; any further questions.

Louis Meyer, called on behalf of the committee.

By Mr. Sutherland:

Q. Where do you reside? A. Forty-one Rivington street.

Q. How long have you lived there? A. About two and a half years.

Q. What Assembly district is that? A. The Third Assembly.

Q. That is the Assembly district in which Mr. Murray represented the Republican party last fall, is it? A. Yes, sir.

Q. Is that the district in which watchers were sent from the Republican Club up town? A. That is the district that watchers from the City Club and Union League, were sent all over the Third Assembly district.

Q. And that was a matter that was generally understood before election day, was it not? A. Yes, sir; it was advertised in the papers, and Mr. Murray gave personal notice that they were coming.

Q. Were you present when the police force went out that morning? A. I was at the station-house at the time; yes, sir.

Q. Did you hear the instructions given to the police force by Captain Devery? A. Yes, sir.

Q. What did he say to them in regard to the watchers that were coming down from the Republican clubs? A. I went in there to challenge a voter, and the officer in charge of that polling place would not arrest that voter, unless I went to the station-house and made a charge personally; I went down there, and while I was in there; there was a platoon of men; I suppose they were from different precincts, and the captain says to those man, "I don't want no charge brought against you people, and it makes no difference what your politics are, do just as your brother officer tells you; there is a lot of silk stocking people coming down from up town to bulldoze you people, and if they open their mouths stand them on their heads."

Q. What station-house was that? A. The eleventh precinct on Eldridge street.

Q. What time of the day was this? A. Between 8 and 9 in the morning.

Cross-examination by Mr. Nicoll:

Q. What is your business? A. Photographer.

Q. By yourself or with someone else? A. With someone else.

Q. With whom? A. B. Block, 543 Fulton street, Brooklyn.

Q. How long have you been with him? A. Nine years, off and on.

Q. How much of the nine years have you been on and how much off? A. About eight of the nine.

Q. Been eight years off? A. No; eight years on.

Q. Are you now on or off? A. On now.

Q. When were you last off? A. Last week.

Q. Were you off one week and on another? A. He did not have any work for me to do that week and so I went off.

Q. You were on or off, according to the work that Mr. Block has? A. Yes, sir.

Q. How long have you known Charles H. Murray, the gentleman who sits there? A. Since Mr. Murray has been leader of the district.

Q. How long is that? A. I suppose three years; I am positive how long he has been the leader.

Q. When did you first meet him? A. Up to the club-rooms at Grand and Forsyth streets.

Q. Of the Republican organization in the Third Assembly district? A. Yes, sir.

Q. Have you been an active worker in the organization of that district? A. Yes, sir.

Q. For how many years? A. So long as I have presented my first vote.

Q. Ever since you first voted? A. Yes, sir.

Q. That was seven or eight years ago, I suppose? A. About seven years.

Q. I understood you to say that you were a watcher? A. No, sir; I was an inspector of election.

Q. Appointed by your organization in that district? A. Yes, sir.

Q. Who were your co-inspectors; who were the other two Democratic inspectors? A. The Democratic inspectors; I don't know their names; they did not belong to my organization, so I don't know who they were; they lived in the district, but I don't know who they were.

Q. Do you mean to say that you do not know the names of the two election inspectors who worked with you on election day? A. I know their names, but I do not know who they are.

Q. What are their names? A. Frederick Duser and Berman; I don't know his first name.

Q. I understood you to say that you were present at the police station-house? A. Yes, sir.

Q. On the morning of election day? A. Yes, sir.

Q. At what time? A. Between 8 and 9 o'clock.

Q. Was anybody with you? A. There was an officer there and the party that I challenged.

Q. Who was that? A. A party by the name of Frederick Smith.

Q. You had challenged him for attempting to vote illegally? A. Yes, sir.

Q. Had the officer ejected him? A. He would not take him unless I went to the station-house to press the charge.

Q. And so you went to the station-house to press the charge? A. Yes, sir.

Q. With the officer and the prisoner? A. Yes, sir.

Q. And you all came before the captain? A. We had to wait until he got through with this platoon of men.

Q. Then you came before the captain's desk? A. Yes, sir.

Q. And the officer and the prisoner and yourself were there? A. Yes, sir.

Q. Who else was present at that time? A. I think there was the sergeant at the desk.

Q. Who was he? A. I don't know the sergeant; I am not acquainted with the police.

Q. There was a sergeant at the desk? A. Yes, sir.

Q. Who else was present at the desk? A. Nobody else, except Captain Devery and the sergeant.

Q. Who was present in the room? A. Myself and the officer and the one I challenged.

Q. Were not there police officers, some of this platoon? A. We had to wait until they got through, and then the captain spoke to us.

Q. Were they not there? A. Yes, sir; but we did not pass any remarks when they were there.

Q. They were there at the time of the discussion between you and the captain? A. No, sir; they were not there; they were gone then.

Q. Then the only persons present were the captain and the sergeant, the officer, the prisoner and yourself? A. Yes, sir.

Q. No one else? A. No, sir; not that I know of.

Q. Do you swear to that? A. Yes, sir.

Q. Who opened the conversation? A. The captain asked me who I was; I told him I was a Republican inspector and he looked at me and he kind of slurred at me.

Q. You told him you were a Republican inspector? A. Yes, sir.

Q. And then he looked at you? A. Yes, sir.

Q. Did he say anything to you? A. No, he did not say anything to me, but he kind of slurred at me; kind of made a face at me; what I mean is, he had a sour look toward me; when I told him I was a Republican inspector he had a sour look at me.

Q. He took a sour look at you when you told him you were a Republican inspector? A. I did not say that exactly.

Q. What do you mean; do you mean to say that he looked cross or annoyed? A. No; he did not look cross or annoyed at me, but he looked kind of sour at me.

Q. He did not look cross?

Mr. Sutherland.—He has said no twice.

Chairman Lexow.—I think we understand what the witness means to say.

Q. What else was said by the captain? A. He told the officer to take me to court with the prisoner.

Q. Did he say anything to you personally—the captain? A. No, sir.

Q. He said not one word to you? A. He said, "Who are you?"

Q. And you said that you were the Republican inspector? A. Yes, sir.

Q. Then what did he say? A. He said to take him down to court.

Q. To whom did he address that remark? A. He said that to the officer.

Q. Who did he refer to, the prisoner? A. To the two of us, the prisoner and myself.

Q. Is that all he said to you? A. That is all; he was speaking to the officer.

Q. Did the officer go out with you? A. Yes, sir; the three of us went out together.

Q. Did he go out right away? A. Yes, sir.

Q. I understood you to say that he said something else? A. No, sir; he did not say anything else.

Q. Who said something else to the officer? A. No one said anything.

Senator Saxton.—I think what he said occurred before this took place between the captain and the witness; the platoon of policemen had gone out.

Q. Who said anything about standing the gentlemen of the Union League Club on their heads?

Senator Saxton.—That was before this took place between the captain and the witness.

Q. This remark of Captain Devery about standing the members of the Union League Club on their heads, was before the prisoner was arraigned at the captain's desk, is that it? A. Yes, sir.

Mr. Sutherland.—Before the platoon went out?

Mr. Nicoll.—I was writing a telephone message to my office stating that the committee intended to go on until 2 o'clock and I did not catch that part of what the witness said.

Q. I understood you to say that the captain—repeat that what the captain said? A. The captain said to the officer—

Q. Captain Devery said to the officer and the prisoner? A. Yes, sir; "There is a lot of silk-stocking people coming down

from up town to bulldoze you people, and if they open their mouths stand them on their heads."

Q. "Open their mouths, stand them on their heads!"

Mr. Sutherland.—No wonder you are astonished.

Q. Was there anything else said before the observation of the captain or did he make that remark without anything being said? A. He said to the platoon: "I don't want no charge brought to me against you people; it makes no difference what your politics are, do as your brother officer tells you."

Q. The captain said to his men, "I don't want any charge brought against you to me?" A. Yes, sir.

Q. Did he not call their attention to some of the rules and regulations of the department relating to elections? A. No, sir.

Q. Did he not tell them that politics was a matter of no consequence in the election, so far as they were concerned? A. He said, "It don't make any difference what your politics are."

Q. "I want no charge preferred against you by any citizen?" A. By no one.

Q. And you say that after saying that, he said that if any silk-stocking members of the Union League Club came down there and opened their mouths to stand them on their heads? A. No; he didn't say that; he said, if any silk-stocking men came down and tried to bulldoze you people, stand them on their head.

Q. Didn't he say something about a club?

Mr. Sutherland.—No; he did not say anything about the Union League Club or any club, you have got that in your head, the witness has not said so.

Q. Was that all his remarks to his men that morning? A. That is all while I was present.

By Mr. Sutherland:

Q. Was he talking to those men when you went in? A. They had just marched to the desk.

Q. They were standing in line before the desk? A. Yes, sir; a platoon of men.

By Chairman Lexow:

Q. Was that before the police captain knew that you were a Republican inspector that he made those remarks? A. He did not know who I was at that time.

By Senator Cantor:

Q. Were you standing there at the rail when Captain Devery

made this statement? A. I could not stand by the rail; I was standing off at the side.

Q. Were you in view of the sergeant's desk? A. Yes, sir; about seven feet from it.

Q. Could the sergeant see you? A. Yes, sir.

Q. And could the captain see you? A. Yes, sir.

By Mr. Sutherland:

Q. I understand you to say that you were an inspector; it was your duty as inspector of election to stay at the voting place, was it not? A. Yes, sir.

Q. Do you say that the policeman declined to arrest this man unless you went with him and preferred charges? A. Yes, sir; and he kept me at the courthouse for three hours away from the polls.

By Senator Saxton:

Q. Then you went down to the court before the judge? A. Yes, sir.

Q. And the policeman with you, and the man against whom you made the charge? A. Yes, sir.

Q. Did you attempt to make a charge there before the court? A. I attempted to make a charge, but the officer was not there; he went away and then he came in and then he went out again; and they were fooling around there for three hours before they heard me.

Q. So they kept you there three hours before you got back? A. Yes, sir; when I got back it was 11 o'clock.

By Chairman Lexow:

Q. The officer went away, and they kept you until he came back? A. Yes, sir.

By Senator Bradley:

Q. Did you ever make any charge against the captain for the captain to issue to his men? A. Yes, sir.

Q. Did you go to the police commissioners or the superintendent of the police and state this to them? A. Not yet.

Q. Did you ever make any charge against the captain for using such language before his men? A. No, sir.

By Senator O'Connor:

Q. It is not an unusual thing to have unusual things happen

in New York, is it? A. No, sir; not in the Third Assembly district; some very funny things occur there.

Otto A. Rosalsky, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Twenty-nine Allen street New York city.

Q. You have resided there how long? A. Twenty years.

Q. What is your business? A. I am a law student at the University of the City of New York.

Q. You have been a law student how long? A. Since October, 1892, at the university.

Q. Where did you vote at the last fall election? A. I did not vote last fall, because my age has not yet matured.

Q. Did you hold a commission as a watcher last fall? A. I did.

Q. Where did you serve? A. In the third election district of the Third Assembly district, 130 Canal street.

Q. What did you observe in reference to the conduct of the police on that day? A. On that day, when I appeared, I saw two policemen by the name of Fitzpatrick and O'Brien; while standing outside of the booth, I noticed several voters enter the booth with two other attendants there who claimed to be watchers; I approached one of the policemen and demanded of him to put those individuals outside of the railing as they had no right to be there; at first one of the policemen did not do anything, but I again intervened and told the policeman that those individuals had no right in there — in the booth with those men — and they responded, "Mind your own business; we have got the say here and not you;" I then told him I did not think it was right, that you are not obeying the instructions given to you and you are aware of that fact, that no one has a right to enter the booth and I demanded that they should be put out, and they refused, and these certain individuals went into the booth with the major part of the voters who voted that day; at about 3 o'clock, or between 2 and 3 p. m., one of the henchmen there in attendance, by name Murphy, I told him, "It is about time you stopped this; Inspector Williams, when he comes here I will report this fact to him;" he used a vile epithet and struck me in the face.

Q. Where was the policeman just then? A. Inside of the rail.

Q. How far away from you? A. About six feet from me.

Q. Was he where he could see this? A. Most certainly; he saw it and I shouted for the policeman and he came over and



he says, "Here, you don't want to be doing this; it is enough that you do other things, but don't you strike;" so he ordered this man out of the polling place, but he did not stay, he returned in about five minutes.

Q. Who returned? A. This same man Murphy, and during the entire day that was done.

Q. Where was the policeman when Murphy returned again? A. Inside of the rail.

Q. Did he see him return? A. Yes, sir.

Q. Did he make any protest against his coming back? A. No, sir; he did not.

Q. Did he eject him? A. He did not.

By Senator Saxton:

Q. Did he come back and go inside of the guard-rail? A. He did; he then came back again and over and over again he entered with everyone into the booth, although these individuals were not physically disabled; they were able-bodied men and the major part of those who did go in were unable to give their names and they had their names on a paper and I protested against them, but they would not make any arrests; this man Murphy went into the polling place and I called the policeman's attention to it, but he did not respond; about 3 o'clock Inspector Williams came down there, and I related these facts to him, and he called both of the policemen to him — no; one of them; the other was at lunch, I think, and he gave him special instructions not to permit anyone to enter the booth followed by another individual, and if so that I should report and he gave these instructions to the chairman of the board also at the same time, and I called the attention of the inspector to the fact that several individuals voted on the same name where another person had already voted, and I demanded that those ballots should be cast away when the vote was counted in the evening; and he gave those instructions to the chairman of the board and they were violated, and the policemen, both of them, were there the whole time during the entire time allotted for balloting, and I saw the same individuals go into the booth, and I saw the men come up with pieces of paper in their hands, and give their names from the paper; there was one fellow there in appearance was not a Hebrew; he did not appear as a Hebrew, and they asked him his name, and he said it was Isaac Cohen, and it was easy to see it was not his name and I protested, but he was permitted to vote.

Q. In all these cases where some one went into the booth

with them, Murphy or others, was there an oath taken before the inspector of physical disability? A. No, sir; no oath taken.

Q. Then without any oath being taken, did the inspectors assign anybody, this man Murphy or anyone, to go into the booth with the voter? A. Yes, sir.

By Chairman Lexow:

Q. And you say that the policemen saw that? A. Yes, sir.

Q. And you called their attention to the occurrence? A. Yes, sir.

Q. How many times did you call their attention to that fact? A. A dozen times; it is useless in that district to call their attention to it.

Q. Do you say that voters would come there with their names on a paper? A. Yes, sir; and I have a memorandum home, I think, to that effect, and in the letter that I wrote to Mr. Murray I mentioned those individuals named.

Q. They referred to a paper in giving their names? A. Yes, sir; they read their names from a slip of paper.

Q. In the presence of the policemen? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. I understood you to say that there was no oath of physical disability taken at all that day? A. That is my answer—I will qualify that—yes; as to physical disability, there was no oath taken.

Q. You know when an oath is taken there must be a minute made of it somewhere? A. Most certainly.

Q. If you should discover that the election records of that precinct recorded the fact that numerous oaths of physical disability were taken, would you not correct your statement or recollection on that subject? A. No, sir, I would not; it would astound me if such memoranda were made; I was present when the ballot was counted in the evening, and no such memoranda were made; it would really astound me if they would present such a record.

By Chairman Lexow:

Q. You mean if they presented such a record it would be false? A. Yes, sir.

By Mr. Nicoll:

Q. Who was the Republican inspectors? A. Mr. Gargingle, and the other gentleman's name I don't know.

Q. Did you have two Republican inspectors? A. Yes, sir.

Q. And one Democratic inspector? A. Oh, no; I think there was only one Republican inspector, Mr. Gargingle, and the other might be a poll clerk; they had only one inspector.

Q. Do you know the difference between an inspector and a poll clerk? A. Yes, sir.

Q. How many poll clerks were there? A. I do not remember how many.

Q. Do you not know how many poll clerks there were? A. I did not count how many.

Q. Were there more than six? A. I don't think there were more than six, I think less.

Q. How many inspectors were there there? A. Two Democratic and one Republican.

Q. Who was the Republican inspector? A. Mr. Gargingle.

Q. Was he appointed by the regular Republican organization in that district? A. I do not know as to that, but I think he was.

Q. Who appointed you? A. Mr. Murray gave me a watcher's certificate, and being a member of the organization I voluntarily rendered my services for that day.

Q. Without compensation? A. Most certainly.

Q. Were you there all day? A. I was.

Q. Why was it when Isaac Cohen's name was called out that you think that the gentleman who voted on Isaac Cohen's name should not have been Isaac Cohen? A. From his appearance it could not have been so.

Q. Did you know Isaac Cohen? A. I don't know him — but I know — I could easily draw the distinction between Isaac Cohen and the person who voted on his name.

Q. How could you draw that distinction, if you did not know Isaac Cohen? A. There is a presumption —

Q. That is the only specific charge that you have mentioned — the only name that you have given? A. There is a presumption that a person who travels under the name of Isaac Cohen is a Hebrew and not a Gentile, and his appearance denoted that he was not a Hebrew.

Q. Do you mean to say that there is such a marked distinction that you could tell?

Mr. Sutherland.—He can tell the difference between an Irishman and a Hebrew.

A. I think that by the features of this individual's face that I could make the distinction.

Q. Is there anything peculiar about the physiognomy of the family of Cohen that you could tell him? A. I did not make any

personal inspection; life is too short, of the whole family of Cohens in the United States.

Q. The family of Cohen is a large and influential family? A. I think it is.

Mr. Sutherland.—I object; I think this has gone far enough.

Q. What sort of a looking gentleman was the man who presented himself and called himself Isaac Cohen? A. A big, burly ruffian.

Q. What color of hair had this big, burly ruffian? A. I do not remember what color it was.

Q. What color of eyes had he? A. I did not examine his eyes.

Q. What mustache or hair did he wear on his face? A. A black mustache, and a red face.

Q. A red face and a black mustache? A. Yes; and he must have had black hair.

Q. And he was big and burly? A. Yes, sir.

Q. Have you not seen any gentleman by the name of Cohen who had black hair, black mustache, a red face and was big and burly? A. No, sir.

Q. What other circumstance was there that persuaded you that he was not a Cohen? A. I have stated that, and I think it is simply sufficient—from his appearance and his features.

Q. Had he any of the Hebrew type of countenance? A. No, sir; he did not have.

Q. Not at all? A. No, sir.

Q. How was his nose, was it in a Hebrew cast of countenance, so far as his nose was concerned? A. No, sir.

Q. You do not undertake to swear that man was guilty of forging a vote simply because he gave his name as Isaac Cohen, and you did not recognize him as the type of countenance of Isaac Cohen? A. Yes, sir; I mean to swear to that.

Q. Seriously? A. Seriously, earnestly and solemnly.

Q. Did you ever tell this Isaac Cohen story to Mr. Sutherland? A. No, sir; this is the first time that I have come in contact with this gentleman, this morning.

Q. Come in contact with what gentleman? A. Mr. Sutherland.

Q. When did you tell the Isaac Cohen story to Mr. Murray? A. I never related it personally, but by letter.

Mr. Sutherland.—He made his report to Mr. Murray; every watcher was directed to submit a report.

The Witness.—I was told to send in a report and I did so.

Q. When did you send in a report? A. About a week after election; about the 14th or 15th of November; about that time.

Q. And you had not repeated the story since to any one, for

the purpose of appearing as a witness? A. No; to no one, with the exception of once when I was subpoenaed before the grand jury.

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

Q. Were not these men indicted? A. I don't know whether they were or not.

Q. You do not know whether the inspectors of election were indicted? A. I do not know whether they were indicted.

Q. Were you ever called on the trial? A. No, sir; they might have had too much of a pull.

Q. Were you ever subpoenaed before the petit jury afterward? A. No, sir.

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

Q. Did you tell them this story? A. Yes, sir.

Q. You told the Isaac Cohen story? A. Yes, sir; and with more vehemence.

Q. You told it with more vehemence? A. No; I told the facts.

Daniel F. Ring, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Twenty-four Cherry street.

Q. You have lived there how long? A. Nine years.

Q. Where did you vote in the election in 1893? A. Three hundred and sixty-two Pearl street.

Q. What election district is that? A. The nineteenth election district, Second Assembly district.

Q. Were you a watcher at that election? A. Yes, sir.

Q. On behalf of the Republican party? A. Yes, sir.

Q. Did you give attention to the canvassing of the vote after the polls were closed? A. Yes, sir.

Q. Where were the policemen when the votes were being canvassed? A. Inside of the rail.

Q. How near to the canvassers? A. Say three feet.

Q. Where were you? A. I was outside of the rail.

Q. How far were you required to stand from the canvassers? A. I stood there at my own option.

Q. How far away was it? A. About eight feet.

Q. How many votes were declared to be cast? A. Two hundred and seventy-one.

Q. How many of those were declared to be for Mr. Bartlett? A. None.

Q. What did you say, if anything, in regard to that? A. They

commenced to count the vote, and they said Secretary of State John Palmer so many, and they came down to Bartlett's vote, Judge of the Common Pleas, and they said none of Bartlett; 271 for Maynard; and I made a protest; I said my vote was there.

Q. What did you say about your vote? A. I said my vote must be there and they said they could not find it.

Q. Did you tell them that you had voted for Mr. Bartlett? A. Yes, sir.

Q. Then you said that your vote was there? A. Yes, sir; and one of the inspectors, Dooley, said, "I can't find it;" I said, "Fay, you are with me, and you are to find that vote;" he said, "I can't find it there;" there was a stack of ballots about that high (illustrating), and they said to the police officer to find it, and he said, "I have no right to handle those ballots," and I said, "You have no right to disfranchise me," and the policeman said, "Shut up your mouth; you have got too damned much to say."

Q. You had served there all day as a Republican watcher? A. No; I was away for my dinner.

Q. Yes; but you had been there more or less all day? A. Yes; on and off all day.

Q. And they knew the fact that you were a regular Republican watcher? A. Yes.

Q. You say that this was Dooley and Fay? A. Yes, sir.

Q. These two inspectors have both since been convicted of making a fraudulent canvass, have they not? A. Yes, sir.

By Mr. Nicoll:

Q. They have both been sent to prison for a term of years? A. Yes, sir.

Chairman Lexow.—Was anything done to the policeman?

By Mr. Sutherland:

Q. Are the policemen still on the force? A. Yes, sir; I suppose so.

Q. Did you ever hear of anything being done to them? A. No, sir; that is all he said to me, "Shut up, you have too damned much to say."

By Senator Bradley:

Q. Did you make a complaint to anyone about the conduct of the policemen? A. No, sir.

By Mr. Nicoll:

Q. Did you shut up? A. Yes, sir.

Israel Ellis, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Nine Orchard street.

Q. In what election district is that? A. In the fifth election of the Third Assembly.

Q. Did you vote there last fall? A. Yes, sir.

Q. Did you have any official connection with the election? A. Yes, sir; but not in my election district; I was in the seventh election district of the same Assembly.

Q. You were a Republican watcher there? A. No; I was a Republican poll clerk.

Q. Tell us what took place at that election, where you served as poll clerk, so far as the police were concerned? A. Before proceeding, I called the attention of the board to the clause in the election manual, which was supplied to every election officer by the police department, and this is the clause, section 68, which says that the duty of a poll clerk is to enter each voter's name when he appears in the polling booth to get a set of ballots, it is a ballot clerk's duty to call his name and his residence out, and I must enter his name on the poll-list, and then when such voter casts his ballot and vote and the chairman accepts his vote, then it is my duty to check such voter's name as have voted; I wanted to do my duty, but I was prevented from doing so by the chairman of the inspectors, and by the other inspectors and by one of the officers on duty there.

Q. Tell us what you said, and what they said about it; what was the first thing that was said? A. When several voters came in and they were handed sets of ballots, I wanted to get their names down, but the chairman and the officer told me that it was not necessary.

Q. Who was the chairman? A. A gentleman by the name of McGrath.

Q. What was the name of the officer? A. Frank Hahn.

Q. He told you that it was not necessary? A. Yes, sir; they told me that it would be sufficient for me to take down the name and the vote, and I told them it was not sufficient, because if I did not do this, there would be a great deal of repeating done; and they said, never mind, it is none of your business; you do as we tell you; it has been carried on for a great length of time; and I still kept on protesting, and once the chairman of the inspectors and another inspector said if I didn't shut up they would remove me from the board, and then the officer said if I would not stop he would take a hand in that too.

Q. The policeman said that to you? A. Yes, sir; and then several times the repeaters came in openly, without any fear whatever, and they tried to vote, and each time I protested and challenged their votes; and one time a repeater came in and he passed the ballot clerk, he passed the chairman, but I recognized him as a repeater, and I challenged the man, and I said, "What is your name?" but the man had forgotten his name, because he was voting for the second — third time — and so I caught hold of that man by the collar and ejected him outside, and the officer did not say one word; a second time a man came in to vote which I myself recognized as voting the second time in that election district; and another witness told me, whose name I do not know, that he was voting for the third time, and I waited until the man had voted, and I challenged his vote, and the man voted, and after he voted I caught hold of that man, and I said, "Officer, I want you to arrest that man;" and the officer looked at the ceiling, not at me; he did not say a thing and he did not arrest the man.

By Chairman Lexow:

Q. And he went away? A. Yes, sir.

Q. Did you tell the officer what you wanted him to arrest him for? A. Yes, sir.

Q. What did he say about that? A. I told him, the officer, that he voted for the second time to my own knowledge and the third time to the knowledge of a witness, and wanted him to arrest him.

Q. And he looked at the ceiling? A. He looked at the ceiling.

Q. When he forgot his name, did he refresh his memory by looking at a paper in his hand? A. No; he had no piece of paper whatever; I asked his name, and he got stuck.

By Mr. Sutherland:

Q. Did he give any answer? A. No; he only said the first name, he said, "John," and the second name he did not know.

Q. He did not know the second name? A. No.

Q. Who took down the name when he voted? A. He was passed by the poll clerk.

Q. Nobody took down his name? A. I suppose not; they did not care; they repeated openly, and at the time the repeating was done to such an extent that there was 508 registered, and out of these 495 voted, according to their own books, and when the votes were counted 567 votes were found in the ballot box.

Q. Seventy-two more votes — A. Seventy-two in excess of necessary.



Q. Than their own books showed? A. Yes, sir.

By the Chairman:

Q. And was the policeman sitting by and seeing these occurrences without saying or doing a thing? A. They were standing by, and not only did not say anything, but encouraged them.

By Mr. Saxton:

Q. You mean there was an excess of votes in the ballot box over the poll-list? A. Yes, sir; they were taken out.

By Mr. Sutherland:

Q. Who drew them out? A. The chairman of the board of inspectors.

By Senator Lexow:

Q. Was this the character of work he did all day, from morning till night? A. All the day until the close of the polls.

Q. Was the same policeman there all the time? A. Yes; there were two officers.

Q. And you could see they were noticing these occurrences? A. Yes, sir.

Q. And helping and assisting them along? A. Especially one; there was one officer especially, of the name of Mr. McManor, who was not so offensive; but the other did.

Q. And interfered in the way of permitting this kind of business instead of stopping it? A. Yes, sir.

By Mr. Nicoll:

Q. Suppose you tell us what the officer did so we may know exactly what to charge him with; what did he do? A. Well, the first thing the officer did was that he called my attention to the fact that it is not my duty to take down each voter's name; he says simply take down the names when the votes are handed in to the foreman of the inspectors, but I kept on protesting, and he said, "If you wont shut up," he said, "I will take a hand in that;" those are his exact words; and then, when a repeater came in and I asked his name, I put him out of the polling booth, and the officer did not make any attempt whatever to arrest the man.

Q. Is that all? A. And then again, when another repeater came in and he voted the second time, of my own knowledge, and I called especially on the officer to have him arrested, he refused; he did not move; he did not stop; and another thing, if you are anxious to know what the officer did more, I will

accommodate you; he went inside the polling place, and looked inside the booths, and prepared a set of ballots for some of the voters.

Q. Now, have you told all now? A. Yes, nearly all; I think it is all.

Q. What time of the day was it that the first repeater you speak of came in? A. I think that was about 11 o'clock.

Q. I mean the first man of these two instances you refer to? A. About 11 o'clock.

Q. About 11 o'clock? A. Yes, sir.

Q. Who was present at that time besides yourself? A. Well, there were the officers.

Q. That is, the officers of election? A. I mean the officers of election, and the officers of the police, and there was a gentleman, Mr. Moses — he was a watcher for the Republican club.

Q. What was his name? A. Moses; I don't know his first name.

Q. Who else was there? A. Well, there were a great many people inside; the laws had been entirely violated in regard to certain distances in which the poll workers should be inside, because all the Tammany Hall workers were inside the polling place, and when I called upon the officer to arrest the second repeater, one of the Tammany Hall captains got hold of that man and put him outside.

Q. What is your business? A. I am a law student.

Q. Where did you study law? A. I studied a year in Columbia College, and last year in the New York school.

Q. What are you studying now? A. I am through with the law school, and I am not studying in any college at present.

Q. Are you instructing in law? A. Yes, sir.

Q. Teaching? A. Well, I am teaching and give lessons on some subjects to some people.

Q. Do you mean to say you are teaching young men, instructing them in law? A. No; not in the law.

Q. In other subjects? A. In other subjects.

Q. That is your occupation, is it? A. Yes, sir.

Q. How long have you lived in this country? A. I am seven years; it will be eight years this next August.

Q. You came from where? A. I came from Russia.

Q. You are a Russian? A. Yes, sir.

Q. When were you naturalized? A. I was naturalized on September 4, 1891.

Q. Have you always been a member of the Republican organization? A. Not always; I became a member of the organization last year.

Q. And of what organization were you a member before that?

A. Before that I belonged to the Independent Republican organization.

Q. What is that? A. An Independent association; it was a Republican organization, but it was not a regular organization.

Q. When — last year?

Mr. Sutherland.—A year before last, he said.

The Witness.—The year before last.

Q. What political organization were you connected with before that? A. What one? There was an organization that was called the East Side Young Men's Republican Club.

Q. Had you joined that before you had been naturalized? A. I beg your pardon, I did not.

Q. You did not? A. I joined the club after I became a citizen and voted.

Q. Prior to the point when you had become a citizen, what political association were you connected with? A. I did not belong to any association whatever.

Q. Prior to the point when you became a citizen? A. It was not my right to interfere in the politics before I was a citizen.

Q. That might be true, and yet the same time you might have taken one side or the other.

Mr. Sutherland.—Objected to; the witness said he did not. The witness said three or four times he did not belong to any political organization before he became naturalized. The counsel is still proceeding with that inquiry.

The Chairman.—It is unimportant. I do not see the importance of it. He is a Republican now, and it is supposed he has Republican bias.

Q. Why did you leave Russia? A. Why? It is rather a good question to ask.

Q. It is because you preferred this country to live in? A. I left Russia because I am a Hebrew and wanted to attend the gymnasium there, and on account of my religious belief I was prevented from attending the gymnasium and wanted to come where religion is not a preventative for advancement to a young man.

Q. That was your motive in coming to the land of the free and the brave? A. Yes, sir.

Chairman Lexow.—A pretty good reason, is it not?

Senator Saxton.—I would like to have you ask the witness something about what he said about the policeman going into the polls with the voters.

By Mr. Sutherland:

Q. Senator Saxton would like to have you say something about what you saw some policeman going into booths? A. Yes, sir.

Q. Which one did you see? A. Frank Harn.

Q. Was there anything said about his going in at the time; did anybody ask him to go in? A. No; he went in on his own account.

Q. He went in voluntarily? A. Yes, sir.

Q. Did he go into the booths more than once? A. Several times.

Q. Were voters going in at the same time? A. Each time the voter went in and said he could not read or prepare his ballots that officer went in and helped him to prepare his ballots for him.

Q. Where was the man when he said he could not prepare his ballot? A. When he passed the chairman of inspectors.

Q. Did he take any oath or swear to anything? A. Only in one case; and I challenged the man and the officer did not go himself, and someone else went with him, and I made a note of it in my poll-list.

Q. But in other cases where the officer went in the man did not take any oath? A. No; none whatever.

Q. Who asked the officer to go in with these voters? A. I do not know who asked him.

Q. Did you hear anybody ask him? A. No.

Q. You were near enough to hear if anybody asked him? A. My place was a little way from the chairman of the inspectors.

Q. How far was you from the chairman? A. The chairman was sitting in the same place as the stenographer here.

Q. And where were you sitting? A. I was sitting a little to the left.

Q. How far from him; how many feet? A. About six feet.

Q. And you heard these men go up to the chairman and say that they could not fold their ballots? A. No; they did not go to the chairman; the officer went in on his own account and prepared the ballots for them.

Q. Did the voter make any complaint about his — A. Well, he did not.

Q. He did not say anything? A. Only with that one special case.

Q. In all other instances the voters did not say anything? A. No.

Q. Simply the officer followed him in? A. Yes; he went in, you know, and picked out his ballots for him.

Q. And in these instances the voters did not make any pretense that they wanted help? A. No; and they did not ask the officer to go in, to my knowledge.

Q. Did the election officers say anything to the officer about

going in? A. No; they did not; only I went to the officer and laid my hand on him, and said, "Officer, this is a violation of the law;" he said, "This is nothing; I do not mean anything by it;" and I said, "It is against the law anyway, and don't you do it."

Q. How many times did you make that protest? A. That protest I only made once.

By the Chairman:

Q. Was it continued after your protest was made? A. I do not think it was; I believe it was five or six times before I called his attention to it, because I was kept busy in writing.

By Senator Bradley:

Q. You know this was a violation of the law? A. Yes, sir.

Q. Did you go to the station-house, or commissioners, or anyone to make a charge against this officer? A. No, sir; I did not.

Q. Why didn't you? A. Because this matter has been turned over to the care of Mr. Alfred R. Conkling, and he said he would subpoena me before the grand jury, and I thought there was no necessity of my going before the police commissioner.

By Senator Cantor:

Q. Were you subpoenaed before the grand jury? A. No, sir; I was not.

Q. Did you give your name and the circumstances to Mr. Conkling? A. Yes, sir; I did.

Proceedings of the fourth meeting of the committee, March 17, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley, Jacob A. Cantor, Charles T. Saxton, George W. Robertson and Cuthbert W. Pound, of the committee.

Appearances as before.

John Sabine Smith, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. I reside in 29 West Thirty-second street, this city.

Q. And your occupation is that of a practicing lawyer? A. Lawyer.

Q. Lived in New York how many years? A. At least 25.

Q. And last fall you were connected with the Republican organization in what capacity? A. I was chairman of the Repub-

lican county committee, and also president of the Republican club at that time.

Q. In that capacity you took an interest in the proceedings in various parts of the city on election day? A. Yes.

Q. And made personal visitation at the various election precincts? A. Yes; I did.

Q. Did you visit, among others, certain election districts in the Third Assembly district? A. I did.

Q. And do you remember an occasion when Inspector Coughlin or Conlin was present? A. I do.

Q. You may tell the committee all that you remember of that circumstance? A. I went to a—

The Chairman.—Speak up a little, Mr. Smith, so the committee can hear you.

A. I went to a polling place in the Third Assembly district; I do not remember the election district; it was on a street that ran east and west, and found the Republican watcher there; the Republican watcher had been appointed—had been selected by the Republican club, and appointed by myself as chairman of the county committee; the watchers had been instructed to go inside the rail and remain there as the law allowed them to do; I found the Republican watcher at the polls, and he said that he could not go inside, they would not allow him inside of the railing, and I asked him why; well, he said, the police and the board of inspectors would not let him in there; he had been trying to get in; there was an officer standing right by the entrance to the railing, and as I put my hand on the man's shoulder and said, now go in, you go right in there, the officer stopped him; he let him go right up to the entrance and stand by the side of the entrance and by him; I said that man is not inside the railing, and he has a right to go in there; the officer said he could not go any further; I told him he had a right to go, and he must go in there, the law gave him that right; he was insolent in his manner, and the chairman of the board of inspectors was also very insolent; I said I am going back to police headquarters where I had been before; I am going to see Byrnes; he said, well, you can do what you like; I went up to police headquarters and saw Superintendent Byrnes, and explained it to him; and he called up Inspector Coughlin, and he told Inspector Coughlin to go up there and put that man inside the railing; he jumped into his cab, and I into mine, and we went back to the place, arriving there at the same time; when we came inside the door I said to the inspector, that is the Republican watcher, and we want him inside the rail; he said that man must go in; the officer said, no; it is the other

way; he can not go in there until 4 o'clock, if he goes in anyway; that is not the instructions; that is not the way we understand it; the orders from the captain are different; the inspector said to him the man will go in there and stay there, and he pushed him right in; and he turned to the officer and put his hand on his shoulder, and said, "You do your duty, take the hand on his shoulder, and said, "You do your duty, and responsibility;" the officer's head dropped, and the chairman of the board of inspectors head dropped, and I left there, and that is all that occurred at that place that I remember.

Q. Did you visit the precinct in the Bowery that day? A. Yes, sir.

Q. What is the number? A. I can not remember the number; I went to all three of those precincts, in the district; it was done in two hours, and done very rapidly, and there wasn't time to make any memoranda; I remember, this place was on the Bowery; there was quite a number of people around the polling place, and I went in just inside the door and inquired after the Republican watcher; he came forward, and I asked him why he was not inside the railing; he said they would not let him go in; he said he had been trying to go in; I spoke up so all could hear it, and said, "You have a right in there, and here is your certificate which gives you the right to go in under the law;" the police officer said, "No; you can't go in there; I won't have him in there;" then he turned to the chairman of the board of inspectors and said, "That is it, isn't it; you can not have it in there;" he said, "Yes; we have no room in here, and won't have him in here," and then I took the law out of my pocket and read it to him, and said, "You see this man has a right in there, and I insist on his going in; it is your duty as an officer to put him in there;" the officer said that was not the way; I said, "Inspector William has been around this morning, as I understand, at police headquarters, directing the thing;" "Well," he says, "I do not know about that; but the man can't go in there;" then the chairman of the board spoke up and said to the officer, "Well, you had better clear this place out;" I said, "I am here to see this man has his rights;" he asked who I was, and I gave my name and said that I was chairman of the county committee, and as such officer I had appointed this man, and, therefore, I felt an interest in it as well as a duty to see he had his rights and was put inside; the chairman of the board then said, "Well, if you don't like it you will go through that window;" I said, "You can throw me through the window now, if you think you can do it," and nothing further was said about that; I stepped out to the

door, and somebody said, "There comes the captain;" the captain of police was coming along the sidewalk; I explained the matter to him, and explained the law to him; he seemed very indifferent about the matter, and apparently tried to smooth it over, and he turned back and said, "How is this;" and so on to the officer and chairman, and they said, "Well, we can not have this man in here," and he said, "You see what the law is; you had better let him in;" they said, "We do not understand it that way, and wont let him in anyway;" I said, "I will go right up to Byrnes."

Q. Did the captain make any report to you of this—the police captain? A. I was with him.

Q. Did he make any suggestion to you after he proffered that request and received that answer? A. He said, "You see I have told him they had better put it in there, and they do not seem to do it; I did not know what to do;" "Well," I said, "I am going to Byrnes," and called to my cab, and spoke to Mr. Murray and started to get into my cab, and said, "I am going right back to Byrnes;" "Well," he said, "We wont have any trouble about this."

Q. Who said? A. The police captain; and we walked back in and saw him put that man right in there, and I turned around and went right in, and that ended that.

Q. Now, are there still further circumstances? A. I was at another place, I think it was on the Bowery; it was on a street that runs north and south, where a man was who said, he was the Tammany captain, that claimed he was the Tammany captain; he was very noisy, and very insolent, when I spoke to the watcher and policeman about putting the watcher in, and tried to drive me away; but in that case I went back to Superintendent Byrnes, and he sent Inspector Coughlin down, and Inspector Coughlin put the man right in, and the policeman gave it up; I was three times up at Inspector Byrnes' to see him, and he sent Inspector Coughlin three times, I think, to each of these places, and he enforced the law, and put the watchers in; he said to Inspector Williams once that he had sent him around before in the morning, and now go around and do his duty and see this thing was enforced; one incident—you asked me of another incident—it was a little different, and I was coming out of a basement where the polling place was, and as I came up the steps there were two men standing by the steps on the sidewalk; one was a citizen, and the other an officer; the citizen had in his hands a lot of small bills, apparently one and two dollar bills, and a man came out right after me—a man came out who had just voted, and I saw him hand him some money; I saw a man that came out after me; the man that came out as I was going in; the officer was standing right alongside this man.



Q. How far from him? A. Within three or four feet; I said to the citizen, I said, "What is the price of votes to-day, are they high or low"? and I said it so loud that the officer could hear it, and he did not make any answer, and then I went in; of course the officer was right there in view of the whole thing, in the hearing of it.

Q. And it was in his sight also? A. Yes, sir.

Q. You say this man had his money openly in his hand, displaying it? A. Yes.

Q. And passed the \$2 to the man? A. I did not see how much he handed him.

Q. He passed whatever he did pass him openly and above board? A. Yes, sir.

Q. And did not make any attempt to go behind the bush? A. Not at all.

Q. Is there any further circumstance that you now recall? A. I do not know that there is.

Q. If I understand you correctly, it required the active interference of Inspectors Coughlin and Williams to compel the police officers stationed at the polling places to protect the Republican watchers in the station provided for them by law? A. Yes, sir; in some cases when I came around they took the watcher in after pressing the matter; but the watchers, with hardly an exception, I think no more than two or three were outside the rail everywhere we went through the whole 26 election places.

Q. And were unable to gain admission until you took these active steps? A. Yes, sir.

(No cross examination.)

Mr. Sutherland.—Do the committee desire to ask any questions?

The Chairman.—No questions by Mr. Nicoll?

By Senator Bradley:

Q. What was the captain's name you referred to? A. I do not remember his name.

Q. What precinct was he captain of? A. He was captain of the precinct which embraces the Third Assembly district, or at least that election district where we were then; I do not know the number.

Philip Strobel, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you live? A. Forty-nine Eldridge street.

Q. What is your occupation? A. A pressman.

Q. Were you a Republican captain and watcher at the last election? A. I was an inspector.

Q. And at what polling place did you serve? A. Forty-nine Eldridge street.

Q. What is the number of the election district? A. The sixth election.

Q. Of what Assembly district? A. Third Assembly.

Q. By the way had you had a hand in unearthing illegal registration before that? A. Yes, sir.

Q. Was it a fact that it had become known, your connection with that? A. I suppose so.

Q. It was a matter that was talked about, was it? A. Yes, sir.

Q. And as an inspector did you sit as a board of registry? A. Yes, sir.

Q. Yourself? A. Yes, sir.

Q. You may tell the committee what you know of the conduct of the police on the registration days, and on election day? A. Not on registration day; on election day I had no bother with the police at all; I did not have any trouble on the registry day with officers, but on election day when we opened the polls our watcher wanted to go in inside of the rail, and the officer came along and told him he had no business there and must go on the outside.

Q. Can you raise your voice a little bit? A. On election morning the officer insisted on my watcher being on the outside of the rail, and the watcher told him he had a right on the inside, and the officer told him he did not, and he opened the manual and read the law to him and showed him where he had the right; the officers seemed to be satisfied with that; the roundsman came around and told him he must come out, and put him out.

Q. Who was with roundsman? A. I do not know his number.

Q. Do you know his number? A. No, sir.

Q. Well, go ahead? A. Then he got outside of the rail and satisfied the officer, and afterward the candidate for district attorney and civil justice came along, and they told him they would see we got our justice; and they went down and saw Inspector Byrnes, and he sent up Inspector Williams; Williams told us we had a right to have our watcher on the inside of the rail; so, anyhow, he said if the place was too small it would be better to keep him on the outside; so, the watcher, being satisfied he had a right on the inside, if he chose to be there, stayed on the outside to satisfy the police and have no trouble; early in the morning a young man came in to vote, and the

officer wanted to arrest him as an illegal voter; I made the man swear in his vote before he was arrested, and when he was taken down to the station-house Devery asked him what his politics was.

By Mr. Cantor: }

Q. Were you there? A. I was not there.

By Mr. Sutherland:

Q. How do you know he asked him that? A. A man told me the next morning, when I went to court the next morning to identify him.

Q. Who was there then? A. The man who was arrested, a Mr. Schats, and his mother, and one or two policemen.

Q. The man that was arrested is named Schats? A. Yes, sir; Bernard.

Q. Where did he live? A. Thirty-eight Eldridge street.

Q. What was he arrested for — for illegal registration? A. He was supposed to be illegally registered.

Q. What was said in the police court about it the next morning? A. The judge asked me if I knew him, and whether he was a legal voter, and whether he lived there, and I told him I verified the place twice, and found him to be a resident there; and he was discharged; and then he wanted me to go down to the Press office with him; and make a statement of the particulars; that he was a legal voter; and have it rectified in the papers; and I told him he had better go himself, it would be just as good; and he made a statement to the Press, and the Press the next morning stated what Captain Devery asked him, etc.

Q. Now, did you see any cases of personal violence that day? A. No, sir.

Q. Or any other circumstances in connection with the conduct of the police? A. No, sir; that is all that happened.

Q. Does Mr. Schats live at that same place now that he did then? A. I think he does; his mother is janitor of the building.

Q. And is this address the number of the flat you are speaking of? A. Yes.

Q. What is the address? A. Thirty-eight Forsythe street.

No cross-examination.

Bryant Willard, called as a witness, being duly affirmed, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Two hundred and twenty-one West One Hundred and Thirty-third street.

Q. Two hundred and twenty-one? A. Two hundred and twenty-one.

Q. What is your occupation? A. I am a law clerk and student.

Q. In whose office? A. William S. Comstock.

Q. How long have you resided on One Hundred and Thirty-third street? A. Something over three years.

Q. Always lived in New York? A. No, sir; not always.

Q. How long have you lived here? A. I have been here about three years this time.

Q. During that time have been a law student? A. Yes, sir.

Q. And where is your voting place, Mr. Willard? A. My voting place is on Eighth avenue — Seventh avenue.

Q. What is your election district? A. Twenty-eighth Assembly and twentieth election.

Q. Did you have any official connection with the election last fall? A. I was watcher in the Third Assembly district.

Q. In what election district? A. Sixth.

By Mr. Nicoll:

Q. You are a Republican watcher? A. I was appointed by the Bar Association and the Republican County Committee, both.

By Mr. Sutherland:

Q. You were also a Bartlett watcher? A. I had two certificates; I was a Bartlett watcher and a Republican watcher.

Q. Did you visit the polling place at the opening of it? A. Yes, sir; I was there at half-past 5.

Q. State what you saw in regard to the conduct of the police? A. The polls opened at 6 o'clock, and I had presented my certificate, and had some dispute with the chairman and board of inspectors as to my right to be in the rail.

Q. Who was he? A. His name was Samuels; it was the same district as the previous witness was in, and I read the law to him, and he consented to go inside a quarter past 6; Mr Lewis demanded I be removed from within the rail, and I objected and started to read the law, whereupon a roundsman 3163, whose name I believe is Sullivan, he came in and removed me, and cut me off in the middle of reading the law — cut me off in the middle of the reading of a sentence, and chucked me outside of the rail.

Q. Had you the manual in your hand when he came in? A. I did; I was reading the law.

Q. How did he remove you; what did he do? A. He caught hold of my shoulder; I did not offer much resistance excepting to talk to him; I offered no physical resistance.

Q. What did you say to him? A. I told him I had a right there, and if he looked at the law he would see so; he said it was not so at all, and I must go outside; I persisted and went outside, and continued to persist I suppose 10 or 15 minutes, and he went out; this roundsman was not regularly attached to the polling place.

Q. Who was the policeman regularly attached to the polling place? A. Their numbers—I have their numbers on a memorandum.

Q. Have you it with you? A. I have it with me (producing memorandum), 369 and 953, two policemen regularly attached to the polling place.

Q. Was there another policeman there? A. There was another one that came in there a number of times, the same as this roundsman; his number was 2467; I think his name was Parker.

Q. Fred. G. Parker? A. I think that was his name; I continued this protesting for 10 or 15 minutes, and finally I was allowed to read the law again, and the roundsman was not then present.

Q. That is, this Roundsman Sullivan? A. 3163; yes, sir; and finally the chairman allowed me inside, and I went inside and stayed there 10 minutes, and the roundsman returned, and without any body saying anything to him, came inside the rail, and said, "My captain says you have no right in here," and he took me by the shoulder and put me out again, this same man Sullivan.

Q. What did Parker do, if anything? A. He did not do anything, but vilify me, and he said, I had no right in the polling place, and he would put me out if I did not shut up; and I did not shut up, and he did not attempt to put me out.

Q. Now this was roundsman 3163 who came in and removed you the last time? A. Yes, sir.

Q. Was anything said by the chairman of the board of inspectors when he came in? A. He did not request him to remove me; no, sir; after he had removed me he said—after I again demanded to be admitted—he said, "I have got to take orders from the captain."

Q. Did you see anything with regard to the handling of the ballots during the day? A. Yes, sir.

Q. What was it? A. Well, the chairman and board of inspectors on several occasions opened the ballot before depositing it, and opened the ballot, and apparently looked at it, and apparently made some sign to a worker outside.

Q. Where was the policeman at this time? A. He stood beside me outside of the rail.

Q. And could see as well as you what was going on? A. Yes, sir; I think so.

Q. What did you do or say about that? A. I objected on two or three occasions; the chairman would simply say, "What is the matter with you?"; it was done so it was—

Q. Was this said back and forth in tones loud enough so the policeman could hear it? A. Yes, sir.

Q. Where was the policeman? A. Alongside of me.

Q. How far were you from the chairman of the board of inspectors? A. About the same as from here to you.

Q. About 14 or 15 feet? A. Yes, sir.

Q. And the policeman was facing the chairman? A. Yes, sir.

Q. And you saw the chairman open the ballots? A. Yes, sir; he opened it with one hand, and he opened it with his thumb; and while he was looking at the book he opened it with his left hand; he would just poke it open a little that way, and then make a sign; he would make a sign after the ballot was deposited; I would see him make some expression to the workers outside; I protested a number of times.

Q. When you protested, what did you say? A. I said, "Here, I want you to stop looking at the ballots in that way."

Q. The policeman could hear the charge that he was looking at the ballots in that way? A. Yes, sir.

Q. What would the chairman reply? A. "Oh, what is the matter with you kicking up this disturbance?" whenever I opened my head I would be threatened with ejection, and they said I was interfering with the voting.

Q. The policeman never interfered to protect you? A. No, sir; the policeman did not interfere.

#### Cross-examination by Mr. Nicoll:

Q. Did you have a certificate from the Republican county organization as watcher? A. Yes, sir.

Q. Who had signed it? A. It was signed, I think, by two men, the secretary—I think Mr. Smith signed it; I have it in my pocket.

Q. It was signed by John Sabine Smith? A. I think it was.

Q. As chairman of the county committee? A. I think it was.

Q. Was any objection made to the regularity of your certificate? A. There was not.

Q. None at all? A. Not at that time.

Q. Was there at any time such objection made? A. Well, no; there was not.

Q. Wasn't there some objection made on the ground that the certificates had been issued in blank and had been filled in

afterward by persons not duly authorized? A. No, sir; the only reason, I understood, was that when I went before the grand jury I think that question came up.

Q. That your certificate was regular? A. That it was regular?

Q. It was regular; it was filled out by Mr. Smith, and signed by Mr. Smith? A. I don't know; it was signed by him.

Q. Who wrote your name in? A. I do not know; it was all filled in when I got it.

Q. Who handed it to you? A. I don't know but it was Mr. Smith himself; I would not swear to that.

Q. Where? A. At the Republican Club, the night previous to election.

Q. Did you present it to the inspectors? A. Yes, sir.

Q. Did he examine it in your presence? A. Yes, sir; several times during the day.

Q. There was a Republican inspector there? A. Yes, sir.

Q. And two Democratic inspectors? A. Yes, sir.

Q. Did you present it to the whole board? A. I presented it to the chairman.

Q. Did the chairman refuse to recognize it? A. He did not; no, sir.

Q. Why didn't he admit you then within the rail? A. He did admit me; he admitted me in the first place, and the roundsman removed me, and then he admitted me again, after I read the law to him.

Q. Did the roundsman remove you of his own motion or on a demand of the inspector? A. At first he removed me by the demand of the Tammany worker, and the second time he started right for me, and said, "My captain said you have got to be outside the rail;" and there was a chorus of "That's right."

Q. There was no complaint on the part of the inspectors, your being present? A. No, sir.

Q. The inspectors made no complaint to the officer? A. No, sir; they did not.

Q. So far as your relations to the inspectors was concerned, they were agreeable, were they not? A. No, they were not agreeable; after he removed me the second time—

Q. I am speaking before you were ever removed; what I mean to say is, the inspector had found no fault with your being present there? A. No, sir; he had not; he had admitted me twice.

Q. He admitted you in the morning, and you were there standing near the rail, I suppose? A. Inside the rail.

Q. Then the roundsman, of his own motion, without any—  
A. On the motion of the Tammany worker, removed me; that

is, he grabbed hold of me, and I walked along with him; I did not resist him.

Q. I mean to say, it was his command which induced you to go out? A. Yes, sir.

Q. You did nothing at all; you had made no disturbance? A. Well, I had had considerable to say; I had challenged a couple of men, and made some remarks, and had not made any disorder.

Q. You had made speeches? A. I had said something.

Q. Had you done more than your share of the talking? A. No, sir; I don't think I did.

Q. You don't think you had? A. I am pretty sure I had not.

Q. Had you taken a very large part in the controversy? A. Not at that time; that was only 15 minutes after the polls opened; I had not got started then.

Q. You had not got steam up then? What was the provoking cause of your getting out; what was the thing that induced the representative of the regular Democratic organization to complain to the roundsman? A. Well, I don't know; I presume at that time—I don't think there had been any trouble; I presume that I was asking for the names of the voters as they voted.

Q. That was what you were there to do, to watch; wasn't it? A. Yes, sir, to watch; and I don't remember that I had had any trouble, or challenged anybody at that time; that was only 15 minutes after the polls opened; but what I had to say was, "Mr. Chairman, will you give me the name and address of that voter," as the man came up to vote; many of them were foreigners whose names I could not understand; that was all I had to say, to talk upon before that.

Q. You asked the chairman, as the voter approached the ballot clerk or came to vote? A. Yes, sir.

Q. For his name and address? A. For his name and address, so I could check it off of the list.

Q. Was there another Republican watcher with you? A. No, sir.

Q. Were you the only one there? A. The only one I saw anywhere.

Q. Was it not complained that your proposed comparison with your list and the other list delayed the taking of the vote? A. It was not; the Tammany watcher was doing the same thing.

Q. The same thing? A. Yes, sir; one of the Tammany watchers.

Q. Then if that was so it was not necessary for you to ask for the name and address, because the chairman was calling it out all the time? A. Not necessarily; sometimes he called it



out and sometimes the Tammany watcher called it, and sometimes I called for it, and sometimes another one of them asked, some knew some of the voters and I knew none of them.

Q. Weren't you conscious of having made any disturbance, or disorder, or loud talk, or put any obstruction in the way of taking the vote during the first 15 minutes? A. I made no obstruction of the voting; no, sir.

Q. You wish us to believe this was an entirely unprovoked exercise of authority on the part of the officer in ordering you out? A. Yes, sir; it was called forth by the Tammany worker.

Q. It was without any claim on the part of anybody that you were disturbing the election? A. Yes, sir.

Q. Did you make any complaint of the conduct of this officer to headquarters? A. To police headquarters?

Q. Yes. A. No, sir.

Q. Did Inspector Williams or any other inspector of police come there that day? A. Inspector Williams did, I think, and Inspector McAvoy.

Q. Did you complain to them? A. I explained to Inspector Williams that I had been excluded from the guard-rail; he notified the chairman I had a right to be inside the guard-rail.

Q. On his notification did you return to the inside of the guard-rail? A. I went inside the guard-rail and remained a few moments, and then came outside to a chair, which I see just outside; but I reserved my right in case I became crowded any way to go inside the rail; and for the rest of the day I sat outside in this chair; sometimes I was standing up.

Q. You mean to say when you was outside the inspector of police installed you in your position, and then you voluntarily went outside to sit in the chair? A. I don't think I went inside when Inspector Williams was there; he stated I had a right inside the guard-rail.

Q. What time of the day was that? A. It was sometime in the forenoon, I think; about half-past 11.

Mr. Sutherland.—He had been already twice ejected from behind the rail.

The Witness.—After that he went out and drove away somewhere, and then I went inside the rail and said something to the chairman; I said, "You see, I was right in the first place," and we had some little talk, and I said, "Well, I will stay outside;" there were two chairs, and one was occupied by the Tammany worker, and I said, "I will sit out there if I am not crowded, but if I am crowded so I can not take my notes, I will come inside."

Q. Was it crowded inside? A. Inside the rail? oh, no.

Q. Why didn't you stay inside the rail when your rights had

been established? A. I thought it was just as easy to sit down; I was pretty tired.

Q. That was the reason? A. That was the reason.

By Mr. Sutherland:

Q. But you had twice been ejected before Inspector Williams came there? A. Yes, sir.

Q. By the way, did you get a copy of the instructions given to the police? A. Yes, sir.

Q. Have you it with you? A. I have. (Witness produces a paper.)

Q. I will ask you whether there is anything in there in regard to the rights of watchers? A. Not to their rights to be inside the rail; no, sir.

By Senator Saxton:

Q. The first time you were ejected you had not been there but 15 minutes? A. About 15 minutes.

Q. You had not done anything except to check off the names? A. Yes; if you allow me to consult this memorandum.

Q. Had you done anything beside that up to that time? A. No, sir.

Q. And you was doing what the Democratic watcher was doing? A. Yes, sir.

Q. And the names you called for were the names you did not understand? A. I did not catch the name or address; the names were mostly those of foreigners.

Q. Did you ask for the names in a respectful way? A. Yes, sir.

Q. There were no words between you and the officer up to the time you were first ejected? A. No, sir; I had no trouble at all.

By Senator Bradley:

Q. You say the roundsman, when he came back again, told you that the captain's order was to not allow you inside the rail? A. He said "My captain has directed me not to allow you inside the rail;" I think Captain Devery was in at that time.

By Chairman Lexow:

Q. Nothing, however, was done in reference to the Democratic worker; he was not interfered with? A. No; but he did not attempt to go inside the rail; he weighed about 400 pounds, and I don't think he could have got in there.

Mr. Sutherland.—I desire to offer in evidence this circular issued by the police department of New York on the 4th day of November, 1893, to the election officer. I have already interjected the purport of it by asking a question.

Senator Cantor.—You had better transfer the contents of the paper to the record.

“POLICE DEPARTMENT OF THE CITY OF NEW YORK,  
 “BUREAU OF ELECTIONS, 300 MULBERRY STREET,  
 “NEW YORK, *November 4, 1893.* } ”

“*To Election Officers:*

“The special attention of inspectors, poll clerks and ballot clerks is called to the following in connection with the performance of their duties under the Election Law of the State, copies of which have been already furnished:

“1. The ballot clerks shall not fold the ballots for the voter, but they may instruct him how the ballot should be folded, by folding a sample ballot in his presence. (Section 64, Election Law.)

“2. If, from any cause, the official ballots shall not be ready for distribution at any polling place, or if the supply of ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as possible in the form of the official ballots, may be used. (Section 70, Election Law.)

“3. The inspectors of election shall, if requested by any watcher, during the canvass, exhibit any and all ballots cast at the election to such watcher, fully open, and in such a condition that they may fully and carefully read and examine the same, but the inspectors of election shall not allow any such ballot to be taken from their hands. (Section 77, Election Law.)

“4. In case of the absence of a poll clerk during the canvass of the votes one of the inspectors may perform his duty. (Section 78, Election Law.)

“5. Should any question, not distinctly provided for in the Election Law, arise during the voting or canvass of the votes, it is to be decided by a vote of the majority of the inspectors, who are advised not to put a strained or technical interpretation upon the statute.

“6. At the close of the election the package of undistributed ballots in each polling place shall be addressed to the bureau of elections, and be delivered by the chairman of the board of inspectors at the station-house of the police precinct in which the polling place is situated, where a receipt will be given for the same.

"7. Registers and other returns will be filled as follows:

"By chairman board of inspectors.

"1. Inspectors and public copy in one envelope at bureau of elections.

"2. Poll-lists, one at bureau of elections and one with county clerk.

"3. Statement of canvass (one copy), at bureau of elections.

"4. Ballot clerk's statement at bureau of elections.

"By inspectors (other than chairman):

"1. Inspector's copy of register at bureau of elections.

"2. Statement of canvass, one copy, with county clerk.

"3. Statement of canvass, one copy, with clerk of board of aldermen.

"By poll clerks:

"1. Tally, one copy, at mayor's office.

"Tally, one copy, at bureau of elections.

"2. All vacancies of inspectors, poll and ballot clerks can be filled only by the board of police. (Section 11, Election Law.)

"By order of the board of police,

"T. F. RODENBOURGH,

"*Chief of Bureau of Elections.*"

Robert Strahl, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. You are a resident of the city of New York? A. Yes, sir.

Q. And have been how many years? A. Twenty-eight years.

Q. Where did you vote last fall? A. Sir?

Q. Whereabouts did you vote last fall? A. Sixth election district.

Q. And what Assembly district? A. Seventh.

Q. Seventh Assembly district and sixth election? A. Yes, sir.

Q. Can you tell the street and number of that place? A. Yes sir. the number is — Attorney street; and the number is 116; the street is Attorney street, and the number is, I believe, 160.

Q. What is the name of the street; Attorney street? A. Attorney street.

Q. What time in the day did you go there to vote, Mr. Strahl? A. About dinner time.

Q. About dinner time? A. I can not exactly say; about dinner time.

Q. Did you see the policeman there? A. I think I did.

Q. Do you know his name or number? A. His number I do not know.

Q. Can you tell his name? A. Clark.

Q. Now, did anything happen to you as far as this policeman was concerned? A. No, not exactly; I went into the booth to vote, peaceably, and when I was in the booth about two minutes the chairman of the board ordered an officer—no, first he hollered, "Strahl, your time is up;" I said, "Mr. Chairman, you know I am only two minutes in the booth; I have a watch with me," and I did not go out, and he ordered the officer to bring me out of the booth; the officer opened the door of the booth and said, "Strahl, your time is up," and I said, "You know yourself I am only three minutes in the booth; will you please close the door, when I am not through;" and he closed the door, and I stayed in there, and when I was through I came out and voted; but about going out I was hit on my head by one of the Tammany heelers.

Q. Where was the policeman when this man hit you on the head? A. One policeman was inside.

Q. How far was he from you? A. About three feet; he was inside.

Q. Did he see this assault? A. He did not see it.

Q. He turned around, did he? A. Yes.

Q. Where was the other policeman? A. The other officer stood outside; then I was hit by going outside; one of the Tammany heelers, a different man, jumped outside and said, in front of the officer, and said, "You are nothing else but a loafer;" so I said, "This is a nice way to treat citizens when they go to vote;" and so the officer did not say a word, but he laughed.

By Senator Saxton :

Q. Did you see the officer turn around? A. A different officer stood inside.

Q. You said when you was hit the officer turned around; did you see the officer turn around after you came out of the voting booth? A. When I came outside the different officer was standing there; and this time, inside, a different Tammany heeler came out, and said, "You are nothing else but a loafer," in front of the officer, and I said, "This is a nice way to treat a citizen."

Q. I understood you to say, when you came out of the booth, a Tammany man hit you? A. Yes, sir.

Q. You said then, that the officer turned around? A. Yes, he did; he did not want to see it.

Q. Did he turn around after you came out and before you was hit; did you see him turn around? A. Inside; certainly.

Q. At the time you was hit, did you see him turn around and turn his back toward you? A. Yes, sir.

Q. And he was three feet away? A. Yes, sir.

By Mr. Sutherland :

Q. And the man that hit you was a brother of the chairman of the board of election? A. Yes, sir; a man of the name of Schair; and in the evening I was watcher there; I had my paper, and I went inside the railing, and one of the Tammany heelers ordered the officer to order me outside the railing, and I went outside the railing.

Q. In 1892, were you United States marshal? A. Yes, sir; I was.

Q. And at what polling place did you serve then? A. The same place.

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

Q. These people seemed to know you, then? A. Yes, sir; I had a falling out with the same man at that time; he wanted to hit me beause I entered the polling place.

Q. Who hit you? A. The same man that hit me this time.

Q. You ordered him out of the polling place in 1892? A. Yes, sir.

Q. Who was the policeman that was there then? A. The same officer I mentioned before.

Q. Clark? A. Yes, sir.

Q. Did you ask him to assist you on that day? A. Certainly; he said, "Mr. Strahl, you know you are far superior to me than I am to arrest a man."

Q. You called upon him to help you arrest somebody? A. Yes; I told him—he ran away; I had him, and the officer did not come out so quick; and after, I had to let him loose; he was a big, powerful man; the officer came out and said, "What is the matter there?"

Q. You had arrested a man yourself, had you? A. I could not; I was not strong enough.

Q. Had you taken hold of him for the purpose of arresting him? A. Yes, sir.

Q. And he was a larger and stronger man than you? A. A powerful man; the officer came out when he was across the street.

Q. The policeman would not assist you, until the man had broken away and gone? A. Yes, sir.

By Senator O'Connor :

Q. This was in 1892? A. Yes, sir; in 1892.

Cross-examination by Mr. Nicoll :

Q. In 1892, you were the boss of the polls, weren't you? A. Yes, sir.

Q. You were the United States marshal? A. Yes, sir.

Q. And your orders were obeyed? A. Yes, sir.

Q. And you got into a feud—into a row with one of these men? A. Yes; one of the heelers of Tammany; he stood around there, and I ordered him out of the room, and he went from me.

Q. He stood around the polls? A. He was inside.

Q. And you ordered him out? A. Yes, sir.

Q. And what did he do? A. When I ordered him out he wanted to hit me, so I called the officer and held him, and I called the officer, and before the officer came out he ran across the street and I did not interfere any more with him.

Q. He ran away? A. Yes, sir.

Q. Then he succeeded in hitting you in 1893? A. No, he did not hit me; but he only went for me; he wanted to.

Q. That was what he did in 1892? A. Yes, sir.

Q. But in 1893 he did hit you? A. Yes, sir; he did.

Q. He tried to hit you in 1892? A. Yes, sir.

Q. And succeeded in hitting you in 1893? A. Yes.

Senator Saxton.—One year.

Mr. Nicoll.—One year to take him to hit him, yes.

Q. Now, as I understand you to say, in 1893, the year in which he succeeded in hitting you, the officer turned away? A. Yes, sir.

Q. Did the officer turn before he had got up his fist? A. Oh, that time? the officer was not outside—

Q. In 1893? A. The officer turned around.

Q. In 1893? A. Yes, sir.

Q. Did the man square off in a position to hit you? A. In my going out, he hit me on the head.

Q. Where were you when you were hit on the head? A. I was just through voting.

Q. Were you going out of the polling place? A. Going out of the polling place.

Q. And he stood inside when you was going out? A. He stood inside by the door and hit me on the head.

Q. What with, his fist? A. With his hat on my head.

Q. He hit his head against your head? A. He took his hat and hit on top of my head.

Q. Was it a silk hat, a high silk hat? A. No, it was a derby hat.

Q. What part of the head did he hit you? A. The front.

Q. On the crown? A. In front here.

Q. On the top of the derby hat? A. Yes, sir.

Q. Did it make a fracture of the skull? A. No, not exactly.

Q. It did not? A. No, sir.

By Senator Cantor:

Q. Will you explain what you mean by "Tammany heeler?"

A. Workers for Tammany; they are called heelers.

Q. Was that Tammany heeler as you call him a watcher; did he have a certificate? A. No, sir; he was working there.

Q. He was inside the guard-rail at the time you had the fracas with him in 1892? A. No, not the same man; he was not inside in the evening; it was another worker for Tammany; he was inside—the captain—called the captain.

By Senator Bradley:

Q. Did you ask the officer to arrest the man that hit you on the head? A. I did not ask him; I said, "Is this a nice way for a citizen to be treated?" and he stood next to me, and the policeman laughed.

By Chairman Lexow:

Q. Who laughed? A. The policeman laughed.

The Chairman.—That is all.

Joseph Gerardi, called and sworn as a witness, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside, Mr. Gerardi? A. Forty-five Crosby street.

Q. What is your business? A. Musician.

Q. Were you a Republican watcher at the election last fall? A. Yes, sir.

Q. What was the election district? A. The third.

Q. The Third Assembly district? A. In Spring street.

Q. Do you remember the number? A. I do not remember it very well, but it is in Spring street, about 66 or 68; two doors from the corner of Crosby.

Q. Do you know who the policemen were that were in attendance there? A. I could not tell you; I know him by looking, but do not know his name.

Q. You know him by seeing him? A. Yes, sir.

Q. Could you tell his number? A. I do not know; I did not take his number.

Q. Did anything happen to you in regard to this policeman? A. The policeman told me to go out from the rail; he said I had



no business to stand in the rail, and go out, so I had to listen to him, and he was an officer, and I walked out, and a gentleman came in, Mr. Morris, and the other gentleman, he says you have got to stay inside; he said you have the power to stay there the same as anybody else, and then the officer he put me out again, and then the gentleman says you go inside, let the officer put you out, so the officer put me out of the rail, and I was back, and I stood outside the rail; then after a while Mr. Murray and the other friend, he went out to the captain and reported, and came down there and told him to put me back there again, and he told the officer, "I want that man to stay in there, and I want you to treat him well; he has the same power as anybody else;" so he went away, and I went there until night, when the poll was closed.

Q. What time of the day was this they finally got you back there? A. It was in the morning before 12 o'clock, I guess.

Q. Just before 12 o'clock? A. Yes, sir.

(No cross-examination.)

By the Chairman:

Q. How long were you away altogether? A. I was out of the rail from the time Mr. Murray went out to get orders from headquarters; I could stay there an hour; and they came back and made me get back of the rail again; that is all.

Adolph Guran, called and sworn as a witness, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Three hundred and ten East Eightieth street.

Q. What is your business? A. Cigar manufacturer.

Q. How long have you lived there? A. Six months.

Q. Where did you live last year? A. Three hundred and fifteen Seventy-eighth street.

Q. Were you a ballot clerk last year? A. Yes, sir.

Q. What election district? A. Sixteenth election, Twenty-second Assembly.

Q. Twenty-second Assembly and Sixteenth Assembly? A. Yes.

Q. Do you know who was the policeman in charge of that polling place? A. I don't know.

Q. Do you remember the names or numbers? A. No, sir.

Q. Did you see anything going on there under the sight of the police? A. Yes, sir.

Q. What was it? A. I seen some of the Tammany workers going in, both with some of the voters, and helping them to fold their ballots.

Q. Where was the policeman when this was done? A. He was inside.

Q. How far from the booths? A. Five or six steps.

Q. Did he see this? A. Yes, sir.

Q. Did anybody ask these Tammany workers to go in the booth? A. Well, people came in and brought them in, and they went right to them.

Q. The people went in that brought them there? A. Yes, sir.

Q. Do you recollect the election officers or inspectors of election asking these workers to go into the booth? A. No, sir; the inspector did not see them.

Q. Did these men take any oath before the inspectors that they were disabled? A. No, sir; they were not disabled.

Q. They could see; they had the use of their eyes? A. Yes, sir.

Q. And could use their hands and fingers? A. Yes, sir.

Q. They could walk? A. Yes, sir.

Q. And they did not take any oath before the inspectors that they were disabled? A. No, sir.

Q. And did not request any assistance? A. No, sir.

Q. The inspectors did not send any in there with them? A. No, sir.

Q. These men that brought them into the election booth walked right in with them? A. Yes, sir; walked all in with them.

Q. Where did you say the policeman was? A. He was standing around in the place.

Q. Within four or five feet? A. Yes, sir.

Q. And saw the things that occurred? A. Yes.

Q. This happened how many times? A. About three times.

Q. Then what did you do? A. I made a kick; I went to the Republican inspector, and he had it stopped.

Q. You finally had it stopped? A. Yes, sir.

(No cross-examination.)

Joseph Bonaparte, called and sworn as a witness, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Seventy-seven Ludlow street.

Q. How long have you resided there? A. Six years.

Q. And where is your voting place? A. Number 271 Broome street.

Q. What election district is that? A. Twelfth.

Q. In what Assembly district? A. Third.

Q. That is Mr. Murray's district? A. Yes, sir.

Q. Were you a watcher at the last election? A. Yes, sir.

Q. In your own voting precinct? A. Yes, sir.

Q. Who were the policemen in attendance there? A. Who was the policeman?

Q. Yes; what was his name? A. I can not say; I did not know the name of any officers.

Q. Do you know the numbers? A. No, sir.

Q. Were you permitted to go—did you have any trouble about going behind the guard-rail? A. In the morning they did not allow me behind the guard-rail.

Q. Who did not? A. The police officer.

Q. What did he say about it? A. He said he had orders from the captain not to allow any watcher behind the rail; and then Mr. Murray and Mr. Smith came there and told me to go in.

Q. When was that they got there? A. It was between 11 and 12 o'clock in the morning.

Q. Had you been behind the guard-rail before that? A. No, sir.

Q. Had you made any further attempt to go back there after the officer told you he had orders to keep you out? A. No; I did not attempt it until Mr. Murray and Mr. Smith came in and said I had a right to go in behind the rail, and the officer said I could not go in.

Q. Did he say so? A. He said he had orders from the captain, or from whom it is—I did not pay any attention from whom he said he had orders—that he had orders not to allow watchers to go in behind the rail.

Q. And Mr. Smith went to the police inspector? A. Williams came there, and he took my name, and said, "Have you had any trouble with the watcher?" and I said, "The only trouble I had was, I was not allowed to go behind the rail;" he said, "Officer, you allow this man to go behind the rails, as far as the ballot-box, and no further," and I did not have any trouble after that.

Q. That was between 11 and 12 o'clock? A. Yes, sir.

By Senator Saxton:

Q. Who is the captain of your precinct? A. I am the captain myself.

Q. The police captain? A. Captain Devery.

John H. Trewhella, called and sworn as a witness, testified as follows :

Direct examination by Mr. Sutherland :

Q. Where do you reside ? A. Five hundred and thirty-six Eleventh avenue.

Q. And in what election and Assembly district ? A. Second election and Seventeenth Assembly district.

Q. Were you an inspector of election on last election day ? A. Yes, sir.

Q. As a Republican ? A. Republican.

Q. And as such you were a registry officer as well ? A. Yes, sir.

Q. Do you remember the fact that some houses on West Forty-second street and West Forty-first street were burned ? A. Yes, sir.

Q. On or about October 18th ? A. On October 18th, in the evening, about 8 o'clock.

Q. And how many voters were registered from those houses ? A. Twenty-five.

Q. And those voters had to take up their residence elsewhere ? A. I believe there was—I have a memorandum somewhere.

Q. If you have a memorandum you can give us the exact facts ? A. There were nine of them changed their residences to the Eleventh Assembly district, and nine changed their districts, and seven moved out of the election district and swore their vote in on election day.

Q. These seven that moved out of the district came and swore their vote in on election day; was the subject of their right to vote discussed before election day ? A. Yes, sir.

Q. And was it talked up among the officers when they came in to offer their votes ? A. Yes, sir; it was talked up on two registry days afterward.

Q. Between the last day of registration and election day, did one of the other inspectors make any report on the subject ? A. Not until election morning.

Q. Who was he ? A. Thomas J. McCann.

Q. What was his position ? A. One of the Tammany inspectors.

Q. And one of the Tammany inspectors of election ? A. Yes, sir.

Q. And on election day, when these men came to vote, what did he say or do ? A. On election morning, when the polls were opened, he declared these men ought to vote; and I said I had made inquiry and referred to the manual and they hadn't any right to vote, and he said he had seen Commissioner Martin,

and Commissioner Martin said that if they would take an oath that they would return and live in the district within one year that they had a right to vote.

Q. You told him you could not find any such provision in the law? A. I could not in the manual I was furnished with, and I went to Mr. Murray and asked him.

Mr. Nicoll asked to have the conversation with Commissioner Martin stricken out of the minutes.

The Chairman.—It is perfectly competent on an investigation of this kind.

Mr. Nicoll.—I ask to have it stricken out as hearsay evidence.

The Chairman.—The latter part will be, but not the part relating to Martin — Commissioner Martin.

Mr. Nicoll.—That is the part I ask to have stricken out, the rest of it I do not care anything about.

The Chairman.—Motion denied. His testimony will stand.

Senator Cantor.—For what it is worth?

By Mr. Sutherland:

Q. Who was the first one of these seven that came to offer to vote? A. Matthew Wheeland, 547 Amsterdam avenue, who moved to Amsterdam avenue between Ninety-third street and Ninety-fourth street outside of the election district; he came down to vote, and I said he had no right to vote; the Democratic inspector declared he had, and I told the Tammany inspector he had not; he asked for his ballots and I allowed him to get the ballots and come out and I challenged his vote, and he took his oath according to the manual and declared he was a resident of the election district, a qualified voter of that place, and I asked the policeman to arrest him, which he did; the Democratic inspector McCann went with the policeman and Wheeland to the station, but Price allowed the man to go; Captain Price told me afterward at the polling place that he could see no way to hold the man; and ever since that time on through the day, I did not see the use of having them arrested; and I challenged every one, and each one swore his vote in according to the manual.

Q. This Tammany inspector that went to the station-house with the first man that was arrested, what was his name? A. McCann.

By Senator Saxton:

Q. You saw this person take the oath prescribed by law in the manual? A. He took the oath that he was a legal voter of the district.

Q. Did you tell the officer? A. I told the officer I am going to challenge this man; he said, all right, when he comes out if you wish him arrested I will arrest him.

Q. Did you tell the officer he was not a resident of that district? A. I did; I told him that fact.

Q. And the officer heard him take that oath? A. Yes, sir.

By Senator Bradley:

Q. Did you appear before the grand jury in that case? A. No, sir; I stated the case to all the people in the district, and none of them seemed to take interest enough to carry it that far.

By Chairman Lexow:

Q. One moment; do you know whether any of those men were arrested or indicted for perjury? A. No man was ever arrested since, and no prosecution has been had; I know all the persons personally; this first man swore according to the oath that he would move back within a year, and this man Wellman had the lot and sold it.

By Senator Bradley:

Q. You say this man said that Commissioner Martin made the assertion that if he moved back and became a resident of the district within a year, he had a right to vote? A. That is what Inspector McCann reported, and that is what they all voted on.

By Senator Saxton:

Q. Was that oath administered to them, that they intended to come back and become a resident in a year? A. Yes; and they took the oath that they were qualified voters.

By Chairman Lexow:

Q. Did the policeman hear the statement that the president of the board had made such a finding? A. That I could not say.

John E. Gillig, called as a witness, but did not appear.

Henry Rosenthal, called and sworn as a witness, testified as follows:

Direct examination by Mr. Sutherland:

Q. What is your name? A. Emil Rosenthal.

Q. Where do you reside? A. Two hundred and seventy-two Rivington street.

Q. And you resided there last year? A. Yes, sir.

Q. Where did you vote last year? A. Eighty-six Columbia.

Q. Do you remember the number of the election district? A. The Fifth Assembly.

Q. That the Third Assembly district? A. I could not tell you, the Fifth Assembly.

Q. Let me ask you: Do you know Adam Reinhardt and Joseph Berger; is that the place where they vote? A. Down in a tin-smith's place.

Q. Could you give us the number of Columbia street? A. Eighty-six Columbia street.

Q. Yes, that is the same number; do you know an Adam Reinhardt? A. Yes, sir.

Q. Do you live in the same house with him? A. Yes, sir.

Q. And you vote in the same place where he does? A. Yes, sir.

Mr. Sutherland.—That, if the committee please, was one of the witnesses examined yesterday. I wanted to show it was the same polling place and the same policeman.

Q. Do you know the name of either of the policemen? A. No, sir.

Q. What time in the day did you go to vote? A. Between 10 and 11.

Q. What happened to you while you was there? A. When I went in the booth an officer came in and asked me for whom I voted; I said, "I don't tell you."

Q. Was it the police officer? A. The police officer.

Q. Wearing his uniform? A. Yes, sir.

Q. He came inside the booth? A. Inside the polling place.

Q. Did you ask him to go in? A. No, sir.

Q. Did anybody else ask him to go in? A. No, sir.

Q. Did you ask for any help? A. No, sir; he asked me if I could make it right.

Q. Who did? A. The policeman.

Q. Was that after he came in? A. Yes, sir.

Q. What was the first thing he said after he got inside? A. He said, "For whom do you vote?" and I said, "That is my business;" he said, "I help you so you will get quicker done;" and I said, "I have 10 minutes time to fold up my paper," and afterward he came in again.

Q. He went out then, did he? A. Yes; he came in again, and said, "Young man, it is after 10 minutes, make hurry up;" I said, "If you bother me it will take still longer yet," so after, when I was done, he made some remarks, and called me some names; that is all.

Q. What did he say? A. "Sheeny," something like that.

Q. Where was that? A. When I went out of the booth.

Q. When you went up to deposit your vote? A. Yes, sir; when I got out of the booth to give my vote to the inspectors he called me these names.

Q. That was the police officer? A. The police officer.

Q. Anything else? A. That is all.

Cross-examination by Mr. Nicoll:

Q. Did he call you more than one name? A. No, sir; that is all the name he called me.

Q. What did he call you? A. He said, "You lousy Sheeny."

Q. That is all? A. Yes, sir; and I gave him a saucy answer as I was going out.

Q. What did you call him? A. I did not call him any name; I said, "You are an officer, and you know better the rule than I, that you should not come in here."

Q. That is when he was in the booth? A. Yes, sir.

Q. You voted for whom you pleased? A. Yes, sir.

By Senator Bradley:

Q. The officer did not go in with you, did he? A. When I went in, and afterward he followed me in.

Q. How long had you been in the booth when he came in? A. About half a minute.

Q. You did not ask him to go in? A. No, sir.

Q. Nobody told him to go in that you know of? A. No, sir; I did not hear anybody tell him to go in.

Q. You ordered him to go out? A. Yes, sir.

Q. You didn't offer any violence to him? A. No, sir.

Q. You didn't call him any hard names, did you? A. No, sir.

Q. Although he did call you a Sheeny, you did not call him any hard names? A. No, sir.

By Chairman Lexow:

Q. Did he tell you why he followed you in the booth? A. No; he wanted to know what party I voted for.

By Senator Bradley:

Q. Did he offer you any ticket? A. No; outside he did.

Q. You voted the ticket you wanted to vote anyhow? A. Yes, sir; they told me they gave a prize, I should take a paster and I would get in the evening a prize.



Q. They would pay you the way he wanted you to vote? A. Yes, sir.

By Chairman Lexow:

Q. You said the prize would be given to the man who succeeded in getting out the most pasters in the day? A. Yes, sir.

Q. And he said he wanted to know who you voted for — this policeman? A. Yes, sir.

Q. That is all he said? A. That is all.

Q. Did you show him who you were going to vote for? A. No, sir.

Q. Had you folded your ballots? A. One I had; the one I voted.

Q. Did he try to look at that ballot? A. He did try, but I did not give him any chance; he said, "Let me see," and I said, "It is not your business."

Q. Did he put his hand forward to take the ballot? A. He said "Let me see," and I said, "It is not his business," and he went out.

By Senator Saxton:

Q. Did he see the other ballots not folded? A. Yes, sir.

Q. Were they on the desk? A. Yes, sir.

Q. Did he look at them? A. I don't know whether he looked at them.

By Chairman Lexow:

Q. How long was he in the booth with you? A. I can not tell you exactly; he went out right away.

Q. You ordered him right out? A. Right out, and then he came out, and he came in again.

Q. How long after? A. About a second.

Q. A short time after? A. Yes, sir; that is all I told him; I never voted —

Q. You did vote? A. Yes; I did vote.

By Mr. Sutherland:

Q. You told him you would never vote any more if you had such trouble? A. Yes, sir; I told Mr. Reinhardt, and he said—

By the Chairman:

Q. Do you know who the officer was? A. No; I was too excited.

Q. Did you see his number? A. No; I was too excited.

Q. Have you seen him around there since? A. I don't look; I mind my business and go away.

By Mr. Sutherland:

Q. I understand they offered you a paster outside? A. Yes, sir.

Q. Who offered you that? A. I do not know who it was.

Q. How far from the booth was it? A. Right in the door of the booth.

Q. Where was the policeman then? A. The policeman was inside.

Q. And he did not stop a man offering you these pasters? A. He did not see it.

Samuel Shin, called and sworn as a witness, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you live? A. Two hundred and fifty-five East One Hundred and Fourth street.

Q. And whereabouts did you vote last fall? A. In the sixteenth election district of the Twenty-fifth Assembly district.

Q. Did you serve as a watcher? A. I served as a watcher in the fourteenth election district of the Third Assembly district.

Q. That is Mr. Murray's district? A. Yes, sir.

Q. Did you have any trouble about the position you occupied? A. Quite some.

Q. Who was the trouble with? A. Well, there were 33 names that were colonized by the Senator, Timothy D. Sullivan, and 200 —

By Senator Cantor:

Q. Do you know that?

By Mr. Sutherland:

Q. I want to know what the trouble was? A. The trouble was this —

Senator Cantor.—I ask to have that stricken from the record.

The Chairman.—I think it proper to have it stricken out.

The Witness.—I know I wanted to challenge people that did not live in the election district, and that is what I am here for, and I have no show whatever to have my rights regarded there, for the very fact was this, that the place was swarming with