

heelers; there were 10 or 15 heelers in the place; and I was the only representative of the Republican party at the time, with the exception of the poll clerk and ballot clerk and Republican inspector; they could not get any there at all.

Q. What policemen were in attendance? A. Two policemen.

Q. What were their names? A. I don't know.

Q. What were their numbers? A. I don't know.

Q. Did you attempt to challenge these men? A. I challenged about 15 of them, and that was all the good that it done.

Q. Did you point out the fact that they did not live there? A. I did.

Q. What did the policemen do or say? A. The policemen went outside and were chaffing one another, and stood around in the hallway and smoked cigars.

Q. Did you call upon the police to arrest these men? A. I could not arrest them, because I hadn't any warrants; I was executing warrants for Mr. Murray, and they could not arrest them.

Q. Did you have any difficulty in getting inside the guard-rail? A. I had all the difficulty I could get.

Q. Who, if anybody, interfered with your standing behind the guard-rail? A. The policeman himself did not know the law; he said I had no particular right; I had to stand outside the gate toward the street until Mr. John Sabine Smith came along with Mr. Murray and read the law to them; the policeman was ignorant of the law.

Q. What time of the day was that? A. It was between 10 and 11.

Q. Up to that time they did not permit you to go behind the guard-rail? A. I had all I could do to keep from getting from behind the rail.

Q. Could you go behind the guard-rail before that? A. No, sir.

Q. Did the Tammany men offer any violence? A. They did everything they could.

Q. What did they do? A. They intimidated me.

Q. Tell me how? A. They were around me and said, "You had better not be too fresh, or we'll make a case of you;" I can tell you something about that.

Q. That is just what the committee want to hear; give them the facts of what you saw and heard. A. I tell you what I saw; I saw a man come in there, and he voted three times on one man's name consecutively; the same man, from one house at 233 Broome street, I think it is; and there was 17 registered voters in there, and there was only three actual voters.

Q. You say you saw one man vote three times on the same name? A. Yes, sir.

Q. How long apart were these three votes? About two hours apart.

Q. Did you call attention to that fact, that the same man voted three times on that name? A. Yes, sir.

Q. Where were the policemen then? A. Outside.

Q. They went outside the room? A. Out in front of the door, in the street, talking about the topics of the day.

Q. Did you hear them talk? A. Certainly; they talked loud enough: I suppose I heard them.

Q. Did they hear you challenge the votes? A. I don't suppose they paid any particular attention.

Q. Were they so they could hear? A. There was a double-windowed store, and there was about five feet on the street; once in a while I could hear them talking.

Q. How far was that from you? A. About six or seven feet away from where I was.

Q. Could they see the man going in to vote? A. They did not pay any particular attention; it was all fixed up.

Q. Please answer what I ask you; were they where they could see the man when he come in? A. They could; but they did not want to see it.

Q. But the man came to the doorway where they stood? A. The door, as I told you; the store was about 12 or 15 feet deep, a double-windowed store, or about 20 feet front; there was only one door to come in; they stood outside the show-window; they generally do on election day; that was a fair day, and they aired themselves.

Q. They could see every person coming there? A. They could, if they wanted to; I don't suppose there was anything to prevent them, especially.

Q. You say this man came three times within a couple of hours each and voted for the same name? A. Yes, sir; and I challenged some 30 odd votes.

Q. Did you challenge this man? A. I did.

Q. And they swore him in? A. They swore him in each time, and accepted his vote.

Q. What was the next challenge?

By the Chairman :

Q. Did you challenge on the ground that that man had voted before? A. I did, sir; and made a specific charge to the inspector of election, and the evidence was given to Mr. Murray about that district; there was one particular case of a man of the name of Matthew Whelan, and he was the first man I challenged; and I said, "I challenge your vote;" and the chal-

lenged man ran off outside, and some of the heelers came along and grabbed him up; an hour afterward I went into a closet in some other house, and while I was away they ran the fellow in and voted him.

Q. Now, were the police inside of the room at any time during the day? A. Well, they were in occasionally, when it required it, just to say they were doing something.

Q. You say the room contained a good many workers? A. I should say, the captain of that election district, Shapero, he employed 10 or 15 people that day; they were in sometimes four or five at a time.

Q. How far from the booth? A. One went inside the booth.

Q. Where were the policemen when these four or five men went in? A. They did not pay any particular attention.

Q. They did not eject them? A. Not at all; I challenged them, and that is all the good it did; one of the heelers went into the booth and picked up his tickets; this man's tickets.

Q. Went into the booth with the voter? A. Yes, sir; and I protested against it, and the policeman said, "You had better go out after that."

Q. Where was the policeman? A. He was standing inside by the window; and it was only when I protested on one or two occasions, "Officer, if you don't stop this, I will have you locked up," and when I turned my back the same thing was done over.

Q. When he stood by the window did you challenge the heeler on account of his going inside the booth? A. I did; the Republican inspector said, "I don't want anybody coming back here;" it was after they got into a little wrangle, and I protested, and he was going to order me out; the Tammany man interfered, a fellow of the name of Bloomer, and the policeman said, "You had better go out," and I said, "I am not going out," and he said, "You are creating too much guff here."

Q. Which policeman said that? A. One of the two; both of them belonged to Captain Devery's precinct; I was too excited, or otherwise I would have taken the number.

Q. Now, did any other of these occurrences happen while the policemen were in the room? A. One time when Inspector Williams came around I told the officer if things did not change that I would inform Inspector Williams, and Inspector Williams came around while I was talking to some men about the law, and as I was going to say something Inspector Williams walked away; it was done so fast my attention was called away from it, because I was waiting for warrants to come along for 30 arrests, and they voted after swearing in their votes; I was afraid if I went away and had them locked up they would repeat by the bushel.

Q. Did any of these other circumstances occur while the policemen were in the room? A. The circumstances are these, that there were three men; I went around and verified his statement; one named Jeremiah White and one named Edmund Booth, who lived on the corner—you see what classic people they were—and one fellow of the name of Irving, another one that lived in that house; and I protested, and he said, “All you can do is to swear in the vote;” the officer said that; the policeman said, “Let them swear in their votes.”

Q. Was there any other circumstances happened in the presence of the police? A. That is all I can recollect at the time being.

Cross-examination by Mr. Nicoll:

Q. You are quite a partisan in politics, are you not? A. I am always on the right side.

Q. Do you call yourself a partisan in politics? A. I call myself a good American citizen.

Q. I have no doubt about that; but you know that there are some men who feel more deeply on party questions than others. A. Provided it is honest, I believe in politics.

Q. Are you a Democrat? A. Never was.

Mr. Sutherland.—Could not be after what he has just stated.

Q. Are you a Populist? A. I am a Republican.

Q. You say in the election of 1892 you were living in One Hundred and Fourth street? A. I lived there since 1891.

Q. When did you live down town? A. Well, I lived—the last time I lived in the old—it used to be the “Old Ate;” I lived there off and on when I was a boy, about 30 odd years; the last time I lived there was in 1888.

Q. The old eighth used to be a Republican district, didn't it? A. At one time.

Q. When you lived there? A. When I lived there.

Q. Who was the Republican leader in that district at that time? A. John J. Brown.

Q. Are you a member of this association? A. Well, I did not like his class of politics altogether, although a Republican, although I helped to elect the ticket as much as I could by voice or action.

Q. Were you a member of the Barney O'Rourke Association? A. I am not very sorry I was not.

Q. You were not a member of that? A. I was not.

Q. That was a Republican organization at one time? A. Well, they were Republicans for revenue only.

Q. Are there such Republicans? A. There are just as good Tammany heelers to-day as there were Republicans then.

Q. What is your occupation? A. Well, I am a small cigar-maker on a small scale.

Q. How long have you been manufacturing cigars? A. Well, I have always been a journeyman, until about 15 months ago.

Q. You mean a journeyman cigarmaker? A. A journeyman cigarmaker; yes, sir.

Q. Now you have gone into business in a small way and you say on a small scale? A. I suppose I will have to get out of it if things keep on.

Q. For what reason? A. I suppose on account of the Cleveland times.

Q. What other occupations have you had? A. Well, occasionally I take the stump in the fall of the year for the Republican party.

Q. You are a stump speaker? A. I presume I am.

Q. Are you what is known as a "spellbinder?" A. Well, yes; I can bind a "spellbind" if necessary.

Q. You can do that? A. Yes, sir.

The Chairman.—I think this is too serious a matter to joke about, Mr. Nicoll. The tendency of your question is to make it ridiculous.

By Senator Cantor:

Q. You call yourselves "spellbinders?"

The Chairman.—We understand the motives of the question.

By Mr. Nicoll:

Q. What other occupation have you besides being a "spellbinder" and a cigar manufacturer? A. Isn't that enough, being a cigar manufacturer and "spellbinder?"

Q. Have you any other? A. Not at present; it requires a good many to make a living.

Q. You have none other? A. Not at present.

Q. Have you had any others? A. Not to my knowledge.

Q. No one would know better than you, would they? A. I don't presume they would.

Q. When was your first participation in politics? A. Well, it is quite a number of years; I guess about 16 or 18 years ago.

Q. Have you held office? A. I ran for office several times.

Q. Were you never successful? A. No, I was not; I was not on the right side.

Q. For what office did you run? A. For Member of Assembly.

Q. In what district? A. In "De Old Ate."

Q. In what year? A. In the year 1878, 1879 and 1882.

Q. You ran three times? A. Yes, sir.

Q. Have you been a candidate for any other office? A. Not to my knowledge.

Q. Have you ever held an appointive office? A. No, not outside; I was being engaged by the State committee in the last presidential election; that is last year.

Q. Engaged by the State committee? A. Yes, sir.

Q. In what capacity? A. As a speaker.

Q. Not for revenue? A. Well, you know, not for revenue; that is a peculiar question you ask me.

Mr. Sutherland.—I object; the question he asked was, whether this gentleman ever held an office.

Chairman Lexow.—I do not think it is material whether this witness received compensation for his services or not.

Senator Saxton.—It would not affect his character whether he received compensation or not.

The Witness.—Nobody works for nothing, Mr. Nicoll.

Q. When did you vote on the morning of election day of 1892?

A. I voted—in 1892, you mean? I am talking of 1893.

Q. In 1893, then? A. I voted in the afternoon between 3 and 4; I left Delancey street, where I was stationed, and a watcher of the Fifth Avenue Club took my place; I left the place I guess somewhere around 3 o'clock; a number of votes had already been cast.

Q. Didn't you vote uptown? A. After that I had time until 4 o'clock; it only takes me 25 minutes to go up there; I stayed down town until after 3, and then went up to vote.

Q. Was this the old stamping ground for yourself, where you were a watcher? A. Well, yes.

Q. Was that a familiar place to you; did you know the citizens there? A. I was not confined to any particular election district, but I was that day; I was stationed there all day; I thought you had reference to the previous year.

Q. I understood in 1893 you were a watcher? A. Yes, in that same place.

Q. I ask you whether you knew the people there? A. No; that was a strange election district; I know some of the people there.

Q. It was a strange district for you? A. Strange for doing work there.

Q. Had you ever been an election officer in that district? A. Not previous to that.

Q. Did you know personally the election officers that day? A. I know two of the inspectors and one of the poll clerks.

Q. You knew them before? A. Yes, sir.

Q. Friends of yours? A. Yes, sir; one was a particular friend of mine; one I associated with.

Q. What is that? A. One was a particular friend I made; I have so many; one was particularly a friend, that I know more particularly than the others—Mr. Bessemer.

Q. He was an old friend? A. Of some few years acquaintance.

Q. And others you were acquainted with? A. Yes, sir; but slightly.

Q. Did you know the voters, generally, in that district? A. I know what quality they are; I do not know them, though.

Q. You know what I mean by my question; were you acquainted with the voters? A. Very few.

Q. At what hour was it that the officer said to you that you were getting off too much "guff?" A. That was between 9 and 10.

Q. Between 9 and 10? A. Yes, sir.

Q. Had you given them any "guff" up to 9 o'clock? A. I only asserted my rights as a watcher and a citizen.

Q. Did you make a speech? A. Make a speech?

Q. Yes? A. You don't suppose they make speeches in the election district, do you?

Q. Some of them do? A. I don't.

Q. Did you read the law to them? A. I know the right and wrong.

Q. Did you read them the law? A. I was not engaged for that purpose that day.

Q. What did you do; what was the cause that the officer stated to you that you were giving too much "guff?" A. Because I protested against a number of repeaters and colonized voters there; and my duty was to prevent these people from voting, if I could.

Q. You made yourself pretty unanimous, altogether, that morning, didn't you? A. Well, rather.

Q. You undertook to run the whole election, or part of the election officers? A. No; I undertook to do what was right.

Senator Saxton.—I would not assume anything like that, Mr. Nicoll.

Q. Were you allowed to remain in the election precinct all day, inside the guard-rail? A. Not until Mr. Sabine Smith came along with Mr. Murray, and they told the officer to push me right in, and Mr. Smith said my right is in there; and the officer did not want to do it first, and Mr. Smith read the law to him, and the officer was ignorant of the law.

Q. After that did you remain within the guard-rail? A. Well,

yes, when occasion required it; when I wanted to go out, I would go out to see all things were right.

Q. But you were allowed access inside the guard-rail after that?

A. Not until I got this notice from Mr. Smith when he came there, and told the policeman of his duties, and reminded him of his duties.

Mr. Nicoll.—That is all.

By Senator Bradley:

Q. Did the officers offer any violence to you during the day?

A. No, I guess they wouldn't try it.

Q. Do you know the officer that was there? A. I did not take the number because I was a little excited; but I do generally, when I have got anything, keep a memorandum of them.

Q. Did you report to any authority about these repeaters?

A. Well, Mr. Bradley, I told you we knew the repeaters were there two weeks before election, and these reports were given to Mr. Murray, and Mr. Murray went down before District Attorney Nicoll and made these charges and brought them before the grand jury.

Q. Are you positive Mr. Murray did that? A. Yes, sir; and Mr. Coughlin organized the colonization of that district and illegal registration.

Q. You were not brought before the grand jury? A. I was; I gave the statement to my inspector, and he gave it to Mr. Murray, and he made a memorandum of it.

Q. You never was summoned before the grand jury? A. No, sir; not as a witness.

By Mr. Nicoll:

Q. Were you a socialist candidate at one time? A. Yes, in 1878.

Q. What ticket did you run on? A. I did not run on the Socialistic ticket, but the Central Labor ticket, and was indorsed by the Socialists.

Proceedings of the fifth meeting of the committee, March 24, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, George W. Robertson and Jacob A. Cantor.

Same appearances as before.

John Marz, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Twenty-four Division street.

Q. And were you an officer at the last election? A. I was a ballot clerk.

Q. A ballot clerk in what? A. In the first election district of the Third Assembly.

Q. The first election of the Third Assembly? A. Yes, sir.

Q. Who was the poll clerk? A. Mr. Goldstein.

Q. Who was the Republican inspector? A. Mr. C. A. Dias.

Q. What policeman was in attendance at that polling place on that election day? A. I could not tell you the number.

Q. Can you tell the name? A. His name—one name was Adam.

Q. Is it Adam Raidick? A. I don't know the full name.

Q. The first name was Adam? A. Yes.

Q. You may tell the committee whether any request was made this policeman?

Mr. Sutherland.—Twenty-four Division street is the residence.

Q. What is your business? A. Machine embroiderer.

Q. Was this policeman asked to arrest anybody? A. In the morning there were two men in one booth, and I requested him to part them a couple of times, and he wouldn't do it; all I was told was to shut up.

Q. Who told you that? A. The officer.

Q. This Adam? A. The only one that was inside the polling place all day.

Q. And his first name was Adam? A. He is known by the name of Adam; I could get the number of the officer by next session; I could easily find it out.

Q. You say there was two men in the booth? A. Two men in the booth, early in the morning, and we could not separate them.

Q. How do you know there were two men in the booth? A. I see them, and when I called his attention to that, instead of walking up to the booth, he walked to the door.

Q. He walked away from the door? A. Yes, sir.

Q. What did you tell him? A. I called his attention that there was two men in one booth together, and I wanted them separated.

Q. And what did he say? A. To shut up.

Q. And then he walked away from the booth? A. He walked toward the door.

Q. Was that away from the booth? A. Yes, sir.

Q. Did you ask him again? A. About this time the men came apart themselves; they were done.

Q. What else did you do so far as the police were concerned? A. The same officer in the afternoon — a man came in, and I recognized the man, that he was in before and voted the second time; he was dressed up different, and before he came in and had no overcoat on, and when he came in the second time he had an overcoat on much too short for him, and a brand new silk muffler, and I recognized him, and I was just — there was just a row with the other ballot clerk, and finally he went into the booth, and when he came out I protested against the man's vote being taken, and there was a little row, the inspectors all of them; and I asked the officer to arrest the man three times, and he would not do it, and finally the man walked out of the door.

Q. The man did not finally vote? A. He did vote; but the chairman accepted the vote.

Q. You requested the policeman to arrest him three times, and he declined? A. Yes, sir.

Q. Did you see anything happen to the poll clerk, Isaac Goldstein? A. Yes, sir; he challenged a man's vote, and there is — I think he was sub-captain of Tammany Hall, and he got into a fight and called him all kinds of names — "a big stiff," and all kinds like that and told him he did not know his business, and he should mind his business, and he invited him to come outside in the street to settle it.

Q. Where did this man stand that said these things to Goldstein? A. He stood inside the door, right in front of the railing.

Q. Right in front of the guard-rail? A. He wanted to get over it, but the policeman would not let him do it.

Q. Where was the policeman? A. One was inside the rail, and one standing at the door.

Q. How far was the one inside the rail from Goldstein? A. He was just about half way from the door; he was standing opposite the place where the ballots was.

Q. How far was he from Mr. Goldstein? A. Ten or 15 feet.

Q. How many feet from the other man that was talking; he saw him, did he? A. He might have been 8 or 9 or 10 feet, I can not tell exactly.

Q. How far was this man Goldstein — how close was he to him? A. Just about as if Mr. Goldstein was standing here with the ballots, and this side Mr. Goldstein was sitting at the table with the other poll clerk, and the railing was over that side where that wall is.

Q. About as far as from where you sit to the wall? A. Yes, sir.

Q. Did the policeman say anything to this man that was threatening Goldstein? A. Not that I could remember; I had too much to attend to all the time; I had to keep my eyes on the ballot clerk, and on the other side I had my eyes on the ballot clerk.

Q. What was the name of this man that was threatening Mr. Goldstein? A. Harry Johnson.

Q. Was he the Tammany captain? A. He was sub-captain; one Tom Sullivan was captain.

Q. He was around there all day? A. Yes, sir; nearly all day.

Q. And worked all day? A. Nearly all day, as much as I could see of him.

Q. How near did he come to the guard-rail? A. This Johnson?

Q. Yes. A. He was just outside the guard-rail, but up to it.

Q. Was he there frequently during the day? A. Mostly all the time.

Q. Was he a watcher and had a certificate, so far as you know? A. He was not a watcher; there was another watcher that stood behind the chairman of the board inside the rail.

Q. That was the Tammany watcher? A. Yes, sir.

Q. Where did the Republican watcher stand? A. About 9 o'clock the Republican watcher came, and there was a dispute about he had no right inside the guard-railing; there was a young officer that relieved the outside officer that was outside, and he said he had a right inside the guard-railing, and the same policeman I had a fight with all the time said he hadn't a right inside, and the Tammany captain says he has only a right inside when the vote is counted, he had no right there before; so when I called attention to the man that was there when the polls opened, standing by the chairman — the Tammany watcher — and finally both went outside the railing, but it did not take long before the Tammany watcher was inside again standing behind the chairman, and so the Republican watcher came in and they stood there all day and nothing was said again.

Q. That is all? A. Oh, I have more; then it was early in the morning, about 8 o'clock, the repeaters started to work, and finally when the right man came into vote their names were voted.

Q. That is, somebody had already voted? A. Some men insisted they wanted their vote, and the chairman could not give it to them, and he said he wanted to ask somebody of this thing, and know a little more about the law, and finally Inspector Williams came around, and the question was submitted to him, and he said, if the name is voted on already it can not be voted on again, no matter whether it is right or not; and finally a man insisted on voting, and he went down to Judge Andrews and he got an order to vote.

By Senator Bradley:

Q. Did he vote? A. Yes, sir; I think seven or eight voted by the order of Judge Andrews.

By Chairman Lexow:

Q. How many men who were entitled to vote were not permitted to vote, that had registered their names and they had been previously voted upon? A. There was about 25, there was wrong votes cast before the right voters came; I am not sure now.

Q. So about 18 men were disfranchised on that day in that election district, because somebody before had voted improperly on their names? A. Yes, sir.

Q. Were those men challenged who voted improperly on other men's names? A. Early in the morning; it was not found out until the right party came in and wanted to vote, and that was found out it was voted on their names; I am not sure whether it was seven or eight who voted by order of Judge Andrews; but there was from what I would judge about 25 repeaters that were voted altogether; in one instance there was one man, I think his name was Scott, and he came in and said his name was Scott; just as he received the ballots from me another man came in and said, "I am Scott," so there were two of the one name; the man was called back, and it had to be found out which was the right man, so the chairman said that the man who came in first was supposed to be the right man, and was allowed to vote; the other man was fired out, and was willing to go out; in the meantime, later on, it was proved that neither of them was the right party.

Q. That neither was the Scott entitled to vote there? A. May be the other one that came in was not the Scott either.

Q. How far away from those two Scotts was the policeman standing at the time when a dispute arose as to which was the right Scott? A. It would not be more than 5 or 10 feet.

Q. Was the conversation in such a tone of voice that the policeman must have heard? A. Yes, sir; because I remember the chairman of the board saying: "What is the difference, anyhow, which man votes?"

Q. Who made that remark? A. The chairman of the board.

By Senator Bradley:

Q. The chairman of the inspectors? A. Yes.

By Chairman Lexow:

Q. You say you saw two men in a booth and called the policeman's attention to it? A. Yes.

Q. Would you be able to recognize those men now? A. Not if the men were together; I can recognize the man I challenged, because I have seen him since.

Q. Do you recollect who it was that was with him? A. No, sir; neither of them asked for assistance; they came in together in a body, and they went right in one body.

Q. Was one or other of them a worker at the polls there? A. No, sir.

Q. Do you remember their names? A. No, sir.

Q. Did you challenge? A. I could not tell who the man—the officer would not do anything, anyhow; I just called his attention that he should separate them.

Q. When this man who had voted once came back the second time to vote, did you challenge him? A. Yes, sir.

Q. And the officer said, "What are you challenging him for?" A. He acted about the same way as on the two others.

Q. That was what? A. I wanted him to arrest a man, and he stood there like a wooden Indian.

Q. He refused to do anything? A. He refused to do anything.

Q. Did he say anything? A. He said nothing.

By Senator Bradley:

Q. You testified he said something before about shutting you up. A. That was when I called him to separate the two men in the booth.

Q. That was the first time? A. Yes.

By Chairman Lexow:

Q. What tone of voice or bearing did he assume when he told you to shut up? A. Kind of low; just as he passed me; just as he passed me he told me to shut up.

Q. He did not pull out his club? A. No, sir.

By Senator Bradley:

Q. He did not pull out his club? A. No, sir.

By Chairman Lexow:

Q. You shut up, I suppose? A. That is all I could do.

Cross-examination by Mr. Nicoll:

Q. What time in the morning was it this incident occurred about the man going in a booth with a voter? A. Together?

Q. Yes. A. It was about a quarter to 7 or half-past 6, or quarter to 7; it was right from the beginning; there was two before that he separated.

Q. What? A. The first, about seventh or eighth man, went in two together, but those he separated right away as soon as he seen them.

Q. Who separated them? A. The same officer; but then two more came in that he would not separate; that was about half-past 6 or quarter of 7; it was right in the morning.

Q. I understand you to say that there was two men that came in and started to go into the booth together and the officer separated them? A. He did not separate them two that went in together; early in the morning, the first—

Q. The first two he separated, didn't he? A. The first two.

Q. He separated? A. Yes, sir.

Q. And the next two? A. They wanted to go in together, and he turned around, and as soon as he see it, he told each one to go in a separate booth.

Q. What is that? A. The first two voters came in.

Q. Two voters came in? A. Yes; and they wanted to go in the same booth.

Q. They happened to go into the same booth? A. They wanted to go in together.

Q. Did you hear them say anything about wanting to go in; or did they start to go in? A. The officer opened the door, and started to pull him out.

Q. Did you hear either one of the voters say anything about wanting to go into the booth together; or did they just start and go into the booth at the same time? A. Yes, sir.

Q. That is the way it happened? A. Yes, sir.

Q. Then the officer pulled one of them out? A. Yes, sir.

Q. And leaving one man in one booth, and another man in another? A. Yes; and one in the next one.

Q. Did it impress you that they had gotten in the same booth accidentally, in their haste, or something of that sort? A. Not those two, but the two that came after.

Q. The next two? A. Yes, sir.

Q. How did they go in? A. They followed into the same booth together; they walked in together; they were behind one another.

Q. They had their own tickets, didn't they? A. Yes, sir;

they were two voters; it was not a worker; it was not to assist him; they were two voters.

Q. It was two voters that got into the booth together? A. Yes.

Q. And they finally came out, didn't they? A. The second two; no, sir; they only came out when they were finished.

Q. They folded their ballots in the same booth? A. Yes, sir.

Q. And then voted? A. Yes, sir.

Q. Were those the only two sets of voters? A. These are the only two sets that went into one booth, except those that asked for assistance.

Q. Except those that required some assistance? A. Except those that required some assistance.

Q. Now, did you ask the officer to arrest any of the Scotts? A. No; I did not.

Q. Did you hear anybody ask the officers to arrest any of the Scotts? A. The Republican inspector, he made a big kick.

Q. Did you ask him to arrest him; I am not asking whether he made a big kick or not; I ask, did he ask him to arrest him? A. I did not hear him.

Q. You were present all the time? A. I had to watch the other ballot clerk at the same time.

Q. Had he demanded the arrest of the voter, you would have been able to hear it, wouldn't you? A. I did not hear it.

Q. You did not hear it? A. No, sir.

By Senator Bradley:

Q. If he had demanded it, you would have heard it? A. I could have heard it probably if I was not just busy; in one instance a man came in and he asked him where he had his ballots; "How about the pasters?" the Democratic poll clerks went over to the door and wanted to give it to him; I took the paster out of his hands and the man threw down his ballots and walked out; I had to keep my eyes on both sides.

By Mr. Nicoll:

Q. Were you a Republican ballot clerk there that day? A. I was a ballot clerk.

Q. Were you not a Republican ballot clerk? A. I was a ballot clerk.

Q. Who were you nominated by? A. By the police inspectors; I don't know; I got my notice and went down there and got sworn in and acted as ballot clerk.

Q. Who sent you down? A. I got a notice from police headquarters to go down.

Q. Weren't you the Republican representative there under the statute? A. Yes, sir.

Q. Why did you hesitate to say it a moment ago? A. Why, I could be just the same time an independent man, couldn't I.

Q. Don't you know the law provides the Republican party shall have its representative there? A. Yes; I was the Republican.

Q. You are sure of it now, aren't you? A. Yes, sir.

Q. What is your business? A. Embroidering.

Q. What do you embroider? A. You had better come up to the shop with me.

Q. Election stories, did he say?

Chairman Lexow — Don't try that.

Mr. Sutherland — Don't ask him such a question.

The Witness.—I advise you to come up to my shop with me and look at it; we embroider different things; I do not embroider election blanks or anything of that sort.

Q. You don't embroider election blanks? A. No.

Q. Where is your shop? A. One hundred and sixty-nine Greene street.

Q. What do you embroider there? A. Anything they want embroidered — robes.

Q. You embroider anything? A. Robes or anything — that is, clothes.

Q. What is that — clothes?

Mr. Sutherland.—Anything that is cloth, he says. He specified clothes as an example.

Q. Has Mr. Sutherland ever been there? A. I have not seen him there yet.

Q. He seems to know so much about it?

Mr. Sutherland.—Even in the country we have work that is embroidered occasionally.

By Chairman Lexow:

Q. One moment, did you protest against two being in the booth the second time you speak of? A. It was the second time, the second time they wanted to go in, but he pulled him separate before they folded the ballots; but the second man he would not separate them, and did not separate them until they were through finishing their ballots.

Q. You say you did not tell the officer to arrest any of these two Scotts who tried to vote improperly? A. No, sir; I did not.

Q. Why didn't you? A. Why any kick that was made did not stop the man going in and out.

Q. You mean to say your duties were too onerous at the time to permit of your doing it? A. Yes, sir.

Q. You say the Republican inspector kicked; what do you mean by that expression; what did he do? A. When those two men came in because each one said he was Scott, so the Democratic inspector said the first man might go in; he was called back; he had his ballots already; he was called back, and he was permitted to go in again, and he said it wouldn't make any difference anyhow.

Q. Were neither of these two Scotts challenged? A. The inspector challenged them.

Q. And was the Scott who voted compelled to swear his vote in? A. I could not swear to that question, because I did not look around.

By Senator Bradley:

Q. Didn't you say that you challenged one of the Scotts? A. Yes; I challenged Michael J. Murphy, that was his name.

Q. Couldn't there be two Scotts in one district? A. They did not prove to be two Scotts.

Q. What was their Christian names? A. I am not sure whether it was Scott; I won't positively swear it was two Scotts; there was so many coming in; the inspector, he has a notice of it.

Q. You did not know whether there was two Scotts registered or not? A. No, sir.

Q. You did not have a registry list, did you? A. I did not.

Isaac Goldstein, called as a witness, being duly sworn, testified as follows:

Q. Where do you reside? A. Thirty-four Division street.

Q. What is your business? A. Salesman.

Q. And were you the poll clerk on last election day of the first election and Third Assembly district? A. Yes, sir.

Q. You are the Isaac Goldstein referred to by the witness, John Marz? A. I think so.

Q. Who was the policeman in attendance on that election day? A. Well, I know his first name is Adam.

Q. Don't you know his last name? A. No, sir.

By the Chairman:

Q. Do you know his number? A. No, sir.

By Mr. Sutherland:

Q. He says he don't know his last name; did you hear these requests that have been testified to that the policeman should arrest

repeaters; did you hear the policeman asked to arrest anybody?
A. No, sir; not as I remember.

Q. You did not hear that; what was the name of the Tammany captain there that day? A. Tom Sullivan.

Mr. Nicoll.—That is the same election district?

Mr. Sutherland.—The same case, yes.

Senator Cantor.—What Assembly district is this, Judge?

Mr. Sutherland.—Third.

Q. What was the name of the subcaptain there? A. I could not tell his name.

Q. What was the man that had some trouble with you? A. Henry Johnson, known to be a bunco steerer.

By Mr. Nicoll:

Q. How do you know the man was a bunco steerer?

Mr. Sutherland.—You can cross-examine the witness later on; I have not finished with the witness.

By Mr. Sutherland:

Q. Where was this man Harry Johnson at the time of the difficulty? A. He was standing at the gate of the polling place.

Q. And how far from you, Mr. Goldstein? A. He was about 15 feet.

Q. And did you challenge a vote; what was the occasion of the disturbance? A. I challenged a vote, and there was a special officer there at that time, and I had challenged a vote.

Q. What was the special officer's name? A. I could not tell you; I don't know as I would know him if I saw him again; he relieved that regular officer by the name of Adam.

Q. And you challenged the votes? A. I challenged the vote.

Q. What did Johnson do? A. He tried to attack me by jumping over the gate, but he was stopped by this officer, and he told me he would wait until he got me outside, and he would finish me; I told him he had no business there, and the officer didn't say nothing; he only stopped him.

Q. Stopped him from going over the rail? A. Stopped him from going over the rail.

Q. Had this Johnson a watcher's certificate? A. Not so far as I know.

Q. Did he claim to be an official in any way? A. No, sir; not that I know of.

Q. Not that you heard of? A. No, sir.

Q. You objected to his being there? A. Yes, sir; I objected to his being there, but the policeman I suppose—

Q. And when you made that objection he did not show any certificate to show any authority to be there? A. No, sir.

Q. But the officer allowed him to remain? A. Yes, sir; the officer allowed him to remain.

Q. Tell the committee all he said. A. Well, when I had challenged this vote, he told me to keep my mouth closed; and told me I had no business to say anything, I was poll clerk; I told him to go out of the polling place, as he had no business there himself; when he attacked me, or attempted to jump over and come for me, the policeman stopped him, and that was about all that was done.

Q. When did he tell you he would see you outside? A. That was after the policeman had stopped him.

Q. What reply did you make to that? A. I told him to go about his business.

Q. Did he go? A. No, sir; he stood where he was.

Q. Was he inside the voting place all day? A. Yes, sir; all day.

Q. Did he give any attention to the voters as they came in, and interfered with them in any way? A. There was a few repeaters there, and when they wanted to go in and vote there, he told the inspector they had no business—they should vote again.

Q. Told the inspector what? A. He had no business to stop them from voting.

Q. Told what inspector? A. The Democratic inspector; the chairman, at least.

Q. Where was the policeman then? A. That was the special officer there; he was in the polling place.

Q. How far from this man Johnson, or this man who told the inspector to let the man vote again? A. About three feet.

Q. What was there that called out that remark from Johnson; did somebody object to these men as being repeaters? A. Yes, sir; the Republican inspector, Mr. Dias, had objected.

Q. He objected, and Johnson said to the Democratic inspector he should let them vote again? A. Yes; and also Tom Sullivan.

Q. And also Tom Sullivan said that? A. They wanted to attack the inspector, and in fact myself, at that time also.

Q. What did they say about that? A. They said that the inspector had nothing to say; they could vote after some people had voted on their names; we stopped until they got the mandamuses.

Q. Some men came in whose names were voted on and a mandamus was procured; this special officer, was he far from Johnson and Sullivan when he told the Democratic inspector he was to receive those votes? A. About three feet.

Q. And how far was he from the Republican inspector? A. About the same distance.

Q. So he could hear this challenge, and protest, and comment from Mr. Johnson? A. Yes, sir.

Q. Did he interfere with them, with those repeaters, in any way? A. The officer?

Q. Yes, sir? A. No, sir.

Q. Do you remember the incident of the Scotts coming in together? A. No.

Q. You don't recall that? is there any other circumstance you recall in connection with the election day, in which the police were connected, or in regard to which they were present?

A. Not as I remember.

Cross-examination by Mr. Nicoll:

Q. Did I understand you to say that after the challenge had been made that the persons challenged went to the Supreme Court and got mandamuses requiring them to vote? A. Yes, sir.

Q. And did Johnson insist that those persons whom the Supreme Court afterward mandamused the inspectors allowed to vote—were those the ones he said should vote? A. Yes, sir; whenever they received a mandamus.

Q. Those were the men he said should vote? A. Yes, before they had received the mandamus.

Q. And they afterward got a mandamus and did vote, did they not? A. Yes, sir.

Q. Where was the bunco steerer when they were voting? A. He was standing outside the gate.

Q. What did you say his name was—Johnson? A. Harry Johnson; I was told he was a bunco steerer.

Q. What is a bunco steerer? A. What is a bunco steerer?

Q. Yes. A. I suppose similar to a confidence man; it is not necessary for me to explain what a bunco steerer is.

Q. What is your idea of a bunco steerer? A. I was told he was a bunco steerer; that is all I know about it.

Q. That is about all you know about it? A. I suppose getting people in and robbing them.

Q. Had he ever tried to bunco you? A. No, sir.

Q. Or any of your friends? A. Not as I know of.

Q. All you know is that is an epithet you heard applied to him? A. Yes, sir; that is all I know; I heard it.

Q. And you have applied it here in regard to him? A. Yes, sir.

Q. You only know it by reputation, don't you? A. That's the only way; I have seen him before, and know he was a bunco steerer.

Q. What is his business? A. I don't know what his regular business is; I suppose steering people into a place and robbing them of what they have got.

Q. Why did you suppose it; did he ever steer you into a place? A. No, sir; I told you, no, sir.

Q. And did he ever steer any of your friends? A. Not as I know of.

Q. Did any of your friends ever tell you they had been steered by him? A. No, sir.

Q. You know nothing about it, except what you have picked up? A. That is all; I just heard a little talk.

By Mr. Sutherland:

Q. You never heard anybody contradict that he was a bunco steerer? A. No, sir.

By Mr. Nicoll:

Q. Did you ever tell him he was a bunco steerer? A. No, sir.

By Chairman Lexow:

Q. How many were mandamused? A. I think there were about six or eight.

Q. How many voters were there who wished to vote found their names had been voted on previously? A. That is the amount—six or eight, that had received their mandamuses.

Q. Do you know as to whether or not during that day there were as many as 25 whose names had been voted upon by persons not entitled to vote on those names? A. Yes, sir; there were about that number; but there was only six or eight that received mandamuses; but the repeaters, there was about 25, I suppose.

By Senator Bradley:

Q. Do you know, the day you saw these repeaters voting or attempting to vote, you called upon the officers to arrest them? A. No, sir; I never requested the officers to arrest them; I only requested the officer to arrest Harry Johnson.

Q. The one you called the bunco steerer? A. Yes, sir.

Q. Is Harry Johnson at large yet? A. Yes, sir.

By the Chairman:

Q. Did you know at the time these men were voting on improper names? A. No, sir.

Q. It was only afterward when the real voter on the name came forward that you knew that fact? A. Yes, sir.

Peter D. Fisher, called as a witness, being duly sworn, testified as follows:

By Chairman Lexow:

Q. Mr. Fisher, why was it you did not attend upon the summons as a witness for the past two sessions of this committee? A. Because the evidence that I could furnish you is not important enough, I thought, to come down here.

Q. Was any attempt made to interfere with your attendance here? A. No, sir.

Q. Nobody suggested to you to remain away? A. No, sir.

Senator Lexow.—Well, you might as well know, and all other witnesses, that it is not a question for the witness to consider as to whether or not their testimony is material; the committee will decide that after hearing the testimony.

Mr. Sutherland.—The witness also ought to know that if anybody attempts to interfere with or intimidate him, that person will be guilty of contempt of the Senate.

Mr. Nicoll.—Why should that be insisted upon when the witness in answer to the questions of the chairman says no human being has attempted to interfere. He simply says he chose to decide himself that his testimony was not necessary.

Senator Bradley.—The counsel in my opinion merely wants to warn other people.

Mr. Nicoll.—When a case arises when some interference has taken place it will be time enough.

Mr. Sutherland.—There is a witness now in the courtroom who is now under that sort of terrorism.

Chairman Lexow.—I think it might be as well understood, if there is any question of interference or terrorism that this committee will go to the full extent of its discretion and ability to punish in the most rigorous manner known to the law any attempt at terrorism, or any efforts at intimidation used against any witness, and it will follow it up; at least, I will attempt to have it followed up to the fullest extent of the law.

Mr. Nicoll.—I think that is certainly a very proper resolution on the part of the chairman of this committee; but with all respect I protest against this impression being created that any such thing has been done. Now, I have offered to assist the counsel of this committee in getting any of his witnesses at any time; and at the very outset of this investigation I offered, so far

as the police department was concerned and those whom I represent, to facilitate the committee in every way. I have not been asked to do anything. I have always been ready to do it; but as for my clients being charged with interference with the free approach to the sessions of this committee of any one of their witnesses, such a thing is absolutely impossible, and no one would think of such a thing.

Chairman Lexow.—I do not understand such a charge was made. It was simply called out by a remark made by Mr. Sutherland that there was a witness here who was terrorized, and it was called out to express the resolution of this committee not to permit any terrifying of a witness, and if he is terrified, he is unreasonably so.

By Mr. Sutherland:

Q. Where do you reside? A. Three hundred and fifty-two East Fifteenth street.

Q. What is your business? A. Furniture.

Q. Where did you vote last election? A. Thirty-fifth election district; Fourteenth street, between First and Second avenues.

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

Q. What policeman was in attendance at that voting place? A. I don't know.

Q. Do you know his number? A. I did not look at it.

Q. Did you see him there when you went in the booth? A. I saw an officer sitting on my left.

Q. How far from the voting booth? A. Well, one of these half stores—a barber shop, about 12 feet wide, or 11 feet, or something in that neighborhood; there was a railing right across.

Q. Across one end of it? A. Across the store; a kind of railing; the officer sat on the inside in the corner of the railing, and here was the entrance you had to pass in to get the ballots.

Q. Please tell us so we can get it down on the record, how far was the officer from the voting booth that you went into? A. I should judge about eight feet.

Q. About eight feet away; was he sitting with his face toward the election booth? A. Sitting with his face toward the side I went in.

Q. What happened you as you went into that booth? A. I must go to the right now; we are not at the booth; we are by the railing now, toward the booth; I had to pass through that railing to get my ticket; when I got to the railing there was gentleman standing right at the side, outside of the railing, and

he handed me a paster, a very light one, and the man held it down like that (indicating); I said, in a low tone, "What do you mean;" he took it in and said no more, and I got my ticket, and went in and voted.

Q. Do you know the name of this man? A. I do not; he was not there when I went out.

Q. He went away when you went out? A. He went away before I went out.

Q. Did you look at the paster to see what it was? A. I did not; I did not take it; I am sorry I did not.

Q. You could not tell what kind of paster it was, then? A. I could not tell; no, sir.

Q. Did you make any complaint to anybody about it? A. I did not.

(No cross-examination.)

By Chairman Lexow:

Q. Did any policeman see this being done? A. That I could not swear to.

Q. How far was he away? A. About eight feet, I should judge; somewhere about that.

Q. Was he looking in your direction? A. He was looking there, that way; but whether he was looking at me I don't know.

Q. Do you know whether the person who handed you this ballot was a worker—a political worker? A. He had no badge on.

Q. Would you recognize him if you saw him again? A. I don't think I would; he was a dark-complexioned man, and stood about five feet eight.

Q. Could you say whether he was doing that right along, or whether it was simply a single case? A. This was only in the case I was speaking of; when I came out he was not there; he had disappeared.

Canute A. Dias, being called as a witness, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 32 Division street.

Q. What is your business? A. Proof-reader on the Christian Enquirer.

Q. Were you an inspector of election at the last election? A. Yes, sir.

Q. In what election district and what Assembly district? A. The first election district and the Third Assembly.

Q. The same district in which Mr. Goldstein was a poll clerk, and Mr. Marz was a ballot clerk? A. Yes, sir.

Q. What policeman was in attendance in that district? A. Adam Raddick.

Q. Was this policeman requested to make any arrests? A. He was requested by the ballot clerk to make an arrest.

Q. For what reason? A. For false voting.

Q. What did the policeman say to the ballot clerk? A. He said nothing; he paid no attention to him; he ignored him.

Q. Was that the case of one of the men who was repeating? A. Yes, sir; one of the many repeaters.

Q. Did you make any objections? A. Yes, sir, I protested from the time the polls opened, until they closed.

Q. How many times did you make that protest? A. Forty or 50 times.

Q. Did you recognize any of the men as having voted a second time? A. Yes, sir.

Q. Did you speak of that fact? A. Yes, sir.

Q. You made a statement of that fact to the officer? A. I called the chairman's attention to it.

Q. Where was the policeman? A. He was in the polling place.

Q. What did he say or do? A. He said and did nothing whatever.

Q. What did the chairman say? A. He said he was the board; that he constituted the board, and whatever he said went; the Republican inspector was here through courtesy only.

Q. The Republican inspector, he said, was there through courtesy? A. Yes, sir; by courtesy of the Democratic inspectors.

Q. What did the policeman say about this protest? A. He said he meant to be fair-minded; he whispered to me that he meant to be fair-minded; but he was directed to take his orders from the chairman of the board.

Q. Did he say who directed him? A. No, sir; I understood though it was from his superior.

Q. But he told you that he was directed to take orders from the chairman of the board? A. And during the time the legal voters were clamoring for their rights, the captain of the precinct came down in a coach, and stopped in front of the door, and got out of the coach, and he stood there laughing and talking with the Tammany Hall captain, and the voters inside were clamoring for their rights to vote, and he paid no attention to them.

Q. What was his name? A. I think it was Captain Devery.

Q. You say this was while the repeaters were coming in and trying to vote? A. Yes, sir.

Q. And while you objected? A. Yes, sir, and also Inspector

Williams came down, and the question was put to him, if a man's name had been voted upon that when the man presented himself to vote, whether he had a right to vote, and the inspector said there could be only one vote on a name, and the result was the chairman governed himself accordingly.

Q. And afterward when the right person came to vote, the chairman would not allow him to vote? A. No, sir; that was previous and after, too.

Q. How many men were there who came and found that somebody else had voted on their names? A. Thirty—30, at least, from the record that I have.

Q. You have a record, have you? A. Yes, sir.

Q. And some of these afterward voted upon a mandamus? A. Yes, sir; seven of them did.

Q. Only seven out of 30? A. Yes, sir.

Q. And the other 23 were not permitted to vote? A. No, sir; they were not allowed to vote.

Q. How many of these did you know personally? A. I did not know them personally; I knew them only by sight; I remembered them from registration days.

Q. How many of the 30 did you recognize as being genuine voters? A. Whose names were voted on?

Q. Yes; how many of the 30 did you recognize as being the right man? A. Fifteen at least.

Q. Was there any particular circumstance that impressed it upon your recollection, in regard to any one of those voters? A. Well, for instance, one man came in under the name of Scott, and presented himself, and apparently it was all right by the book registration and so he went to get his ballots, and on his way to get his ballots, another man came in and gave the same name.

Q. The first name and all? A. Yes, sir; the same name and the same address and the chairman said, "You don't seem to have learned your lesson very well; get out of here."

Q. Who said that? A. The chairman of the board.

Q. Where was the policeman at that time when he said that? A. He was right there.

Q. How far away from him was he? A. The distance was much nearer than I am to you.

Q. Only a few feet away; where he could have heard all that was said? A. Yes, sir.

Q. Did the policeman attempt to interfere? A. No; he hustled him out; under the circumstances he had to.

Q. But he did not arrest him? A. No; no arrests whatever were made.

Q. What other circumstance particularly impressed itself on

your mind? A. In the case of Barnes, an old gentleman of 34 years of age; when he registered he said he was born in Marblehead, Mass.; the old gentleman had long flowing locks, and there was a lull during the time of registration when he came in that afternoon, so he conversed with the inspectors, and to show how active he was for an old gentleman he got up and danced and whistled Yankee Doodle; we could not help but remember it, and on the day of election a young man of about 22 or 23 years of age came in, and offered to vote on his name; I protested, and the chairman said, "I was there through courtesy; that I had got along through registration very well, and that now he hoped that I did not wish to create any trouble or else I would be suppressed."

Q. Where was the policeman? A. He was there all the time.

Q. Did he hear the talk that was going on? A. He must have heard it, he was near enough to have heard it, but this party, the young man, was allowed to vote.

Q. He was allowed to vote, notwithstanding your challenge, was he? A. Yes, sir.

Q. Did you insist upon his swearing his vote in? A. Yes, sir; it made no difference whatever; he swore that he was the right party; and a portion of the time when I would protest, the chairman administered no oath at all; or he simply might have said, "You are the right party; go on and vote;" at any rate when this young man —

Q. How long was it after that before the old man came in? A. It might have been two or three hours perhaps, and he thought it very strange that he should be disfranchised when he was told that he had voted.

Q. Who told him that he had voted? A. The chairman; the chairman said, "Your name has already been voted upon," and the old man said, "That is strange; I have not been here," and the chairman said he could not help that.

Q. Did the old gentleman still have his flowing locks? A. Yes, sir; he had.

Q. And he presented the same general appearance when he came to vote that he did on registration day? A. Yes, sir.

Q. There was no possibility of mistaking him, was there? A. No, sir; the chairman said, "Your name has been already voted on," and he said, "I have not been here at all before," and the chairman said, "I can't help that; your name is voted on;" and the old gentleman said, "I have voted for sixty years, and I think this is strange, that I should now be disfranchised," and he said, "Well, we can't vote but one name," and the old man said to the chairman, "Don't you remember me," and the chairman said, "Yes," and the other Democratic inspector also recognized him,

and so did I, and even then, the man was not allowed to vote; after the entire board had said that he was the right party, and that they recognized him and then he went down to Judge Andrews and mandamusd the board, and came back to vote; he was one of the seven.

Q. He got a mandamus? A. Yes, sir; I would like to say in regard to the policeman in the polling place, that there were changes during some of these occurrences during the day.

Q. How many different policemen were there during the day? A. Three.

Q. Do you remember the names of the others? A. No, sir.

Q. Who was the Republican watcher there? A. I forget what his name is.

Q. Was he permitted to go inside the rail? A. Not at first.

Q. Where was the Tammany watcher at that time? A. The chairman stood at the side of the guard-rail—the position of the board on which the ballot-boxes were, was right at one end of the guard-rail, and the chairman of the board stood at the side of it and outside of the guard-rail stood the Democratic watcher.

Q. Where was the Republican watcher standing? A. Nowhere at that time; he was thrown out.

Q. Who threw him out? A. The crowd, the Tammany Hall captain of the district, who was in there—he was authority for everything.

Q. Where was the policeman when this man was thrown out? A. He was right there.

Q. Did he interfere to protect him? A. No, sir.

Q. Do you remember an instance when Mr. Goldstein challenged some votes? A. Yes, sir.

Q. What happened then? A. The Tammany captain attempted to jump over the rail.

Q. What was his name? A. I think it was Johnson.

Q. Did you ever see Johnson before that? A. Yes, sir; I have seen him very often.

Q. Do you know his business? A. No, sir; I do not.

Q. You say he made a move to jump over the rail? A. Yes, sir.

Q. And the policeman did what? A. He interfered in that case; he did stop him and prevent him, and then his man threatened him that as soon as he got him outside that he would "do" him.

Q. Did the policeman remove him from the room—remove Johnson? A. No, sir; he stood right where he was.

Q. Was Johnson round there all day? A. Yes, sir; he had been around there all day.

Q. Working for his ticket? A. Yes, sir.

Q. Did he claim to be a watcher or have a certificate? A. No; he presented none.

Q. Did Goldstein object to his being there? A. When Mr. Goldstein was objecting to the reporters, Johnson interfered, and said that Goldstein had too much to say; and Goldstein said, "It the place of all citizens to object to false voting," and Johnson used not only threatening but vulgar language, and made an attempt to jump over the rail to reach him, and he said that he would injure him, and he was big enough to have done it.

Q. He is a large man, is he? A. Yes, sir; he is a large man, and stout.

Q. What did he say after the policeman prevented him from jumping over the rail? A. He threatened that he would see him afterward on the street.

Q. What did Goldstein say to that? A. He quieted down; I don't know whether he was alarmed or not.

Q. Did he make any reply? A. In the course of the excitement he said he could take good care of himself, or something of that kind.

Q. Is there anything else? A. Not especially; except the general fraud, of course.

Q. Describe any case of fraud that you saw there that came under the observation of the police? A. There were 25 or 30 names voted on, 20 names that did not vote, and four or five attempts were made to vote on each of those names; there were 20 names less than the entire registration, and four or five attempts were made to vote on those names.

Q. What do you mean by four or five attempts? A. Four or five parties.

Q. Four or five parties who tried to vote on the same name? A. Yes, sir.

Q. What became of those parties? A. They would come in and present themselves and the chairman would probably have allowed them to vote —

Q. Never mind that, but did you object to them? A. Yes, sir; and that several did.

Q. Did the policeman interfere with those men; did he try to arrest them? A. No; there were no arrests made at all.

Q. He took no steps to check those people from coming in and voting? A. No, sir; not that I could see.

Cross-examination by Mr. Nicoll:

Q. Where did you first meet Mr. Johnson? A. I met him in the Tribe of Red Men.

Q. Where? A. In the Improved Order of Red Men; a secret society; I saw him there; he was a member, and I was a member.

Q. Is that an order or society of which you are a member? A. I have been; it is a secret beneficial order.

Q. It is a beneficial society? A. Yes, sir.

Q. Was he an officer of that society or only a member? A. A member of it.

Q. When did you meet him there? A. I met him in the lodge room; I saw him there.

Q. When? A. Eight or ten years ago.

Q. As much as 8 or 10 years ago? A. Yes, sir.

Q. Were you on pleasant terms with him? A. No, sir; no more than any other member of the order.

Q. He was a member of that benevolent order in good standing, was he not? A. I suppose so.

Q. Where did you next see him after meeting him in that order of Red Men? A. On the street.

Q. Did you talk with him? A. Yes.

Q. Did you meet him anywhere else? A. Well, I met him on the street; I didn't talk with him any more than as a casual acquaintance; as a member I would casually meet and recognize him; I had no connection with him.

Q. The fact that you did differ in politics has not estranged you at all? A. No, sir; I never dickered in politics at all.

Q. I did not say "dickered;" I said differed? A. No, I didn't know but the gentleman was of the same party that I was, previous to that.

Q. I understood you to say that Mr. Johnson on election day represented the Democratic ticket? A. I said I didn't know but what he had been of the same party that I was before that.

Q. What party was that? A. The opposite party; the Republican party.

Q. Was Mr. Johnson once a Republican? A. No, sir.

Q. It has been said that Mr. Johnson was a bunco steerer, how about that? A. I don't know what his business was.

Q. You are a member of the same society and you used to see him at the meeting of the lodge; did you ever hear that he was a bunco steerer? A. It is my duty to cast the veil of charity over the occupation of a brother member.

Q. I ask you whether or not you ever heard anyone except this witness who preceded you by one or two, claim that Johnson was a professional bunco steerer? A. I don't know that he was; I do not know his business.

Q. How often have you been inspector of elections? A. For 12 of 15 years.

Q. Have you read the law relating to your duties? A. Yes, sir.

Q. You took an oath before you undertook to perform your duties, did you not? A. Yes, sir.

Q. As an intelligent man, earnest man, have you endeavored to acquaint yourself relating to the duties of the office of inspector of elections? A. I have always endeavored to do so.

Q. You knew perfectly well that the suggestion that you were present or permitted to remain during election day, as a member of the board of inspectors, as a matter of courtesy was a joke did you not? A. It was rather a serious joke as I looked upon it; that was one of the statements made, that I was to be ignored.

Q. You knew, as a matter of fact, the rights which the law gave you? A. Yes, sir.

Q. You knew that nobody could ignore you, did you not? A. I knew that I was in the minority, and that whatever I said no attention was to be paid to it.

Q. There were two other inspectors who outvoted you, if it came to a question of a vote; that was about it, was it not? A. No, not to a vote, but to a decision, as a statement by the chairman.

Q. If it came to a question of voting, the two outvoted one? A. Yes, sir.

Q. And if it came to a question of talking, two could out-talk one? A. Yes, sir; and if it came to the interpretation of the law, two could interpret it according to their own opinion.

Q. What do you understand — there has been a good deal of talk here about police officers not doing certain things; do you understand that the inspectors of election are charged by the statute generally, with preserving order and controlling the management of affairs at the polls? A. They ought to do so.

Q. You did not understand that inspectors of election, who are sworn officers, took orders from the policemen, did you? A. Not supposed to.

Q. They gave orders to the policemen? A. They ought to.

Q. Is not that the law? A. It is the law.

Q. And policemen must obey the orders of the election inspectors, must they not? A. Yes, sir.

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

Q. And if the majority of election officers order a policeman to do a certain thing, he must do it, should he not? A. He should.

Q. And the law says he must? A. The law says he shall.

Q. He can not set up his own opinion of the law against the sworn inspectors, can he? A. Well, he should not.

Q. How many policemen were there at that day that place?

A. Three, not counting the one on the outside.

Q. That made four? A. That I do not say; I know he was out there, but when I speak of the policemen I refer to those inside.

Q. You say there were three altogether? A. There were three changes during the day.

Q. What were the hours upon which each one went away?

A. From the time the polling place opened, from 6 o'clock until 4, and then the one on the outside came in after the polls were closed, and stayed until the ballots were counted.

Q. But one was there all day long? A. Yes, sir; unless he was relieved; he was relieved.

Q. Do you say he was relieved? A. Yes, sir.

Q. What I was trying to find out from you was, how long he was there? A. The one whose name I mentioned, by the name of Adam Raddick, was there the most of the three.

Q. How long was that? A. From 6 o'clock to 4; that is 10 hours.

Q. Was he there all that time? A. No.

Q. That is what I am trying to find out? A. He was there probably seven hours of the 10; the other two officers took up the other three hours.

Q. Was this transaction, in regard to attempted false voting, going on during the seven or the three hours? A. Going on during the 10 hours.

Q. Were they more frequent just before the polls were closed?

A. No; it commenced from the opening of the polls until it closed.

Q. Was there any period of time when they were more frequent than at other times? A. Hardly any lull in the method; if you would like me to explain the method of how it was done, I would like to do so.

Q. Have you not already done that pretty intelligently? A. Well, not fully covered it, I do not think.

Q. I think we all understand it pretty well from your description of it; it is quite lucid; do you mean to say it was going on all the time? A. Yes, sir.

Q. Will you tell the name of some one voter, which you required as an inspector of elections, that the police officer should arrest? A. I made no request; I asked for no arrest; the fraud was evident; you have just told me that the majority of the board ordered the policemen to arrest, and the majority does not.

Q. Oh, no; you did not understand that; did you understand

that any inspector might give a direction to a police officer? A. Yes, sir; if the majority of the board go against that inspector, he is overruled, and the officer makes no arrest.

Q. Did the majority request the officer to arrest? A. No, sir; never.

Q. Did not? A. Never.

Q. Did you, representing the minority, request the officer to arrest any voter? A. I certainly did call his attention to the fraud.

Q. I want to know his name if you did ask him to arrest any particular person attempting to vote fraudulently? A. It was not necessary to ask him to arrest, when the officer saw the fraud committed.

Q. That is your own conclusion? A. No, sir.

Q. What we want to know in proper justice to the officer is — A. No, I don't know that I called on any special name.

Q. Whether or not you said to him, "This is an evident attempt at false voting, make this arrest?" A. No, but when I had seen the ballot clerk ask the officer to arrest a fraudulent voter, and he had refused, I thought it was unnecessary for me to call on him, on the statement of the chairman that I was to be ignored entirely.

Q. You knew you could not be ignored, did you not? A. I was ignored.

Q. You were ignored, but you had a right to stay, you had a right to challenge? A. Yes, sir; and I did challenge.

Q. You challenged all the time, did you not? A. Yes, sir; where they were wrong I did.

Q. You were not ignored then to that extent? A. No, I was allowed to challenge, but the challenge didn't go.

Q. Because you were not allowed to control? A. There were two against me.

Q. That is the reason, you were in the minority? A. Yes, sir; I was in the minority.

Q. And the majority ruled; that is about the size of it, is it not? A. The majority was wrong in that case.

Q. Well, of course the majority often seems wrong to the minority? A. It was not a seeming wrong, it was a positive wrong; I have not lived 17 years in the district without knowing some of the fraudulent voters.

Q. Where is this garden spot where they start at the rising of the sun with fraudulent voting? A. I don't understand what you mean by the "garden spot."

Q. What part of the city is it? A. In the lower part of the city.

Q. Where is it, what streets? A. The boundary of Division and the Bowery.

Q. Division and Bowery and what else? A. And Chrystie street.

Q. Bounded on the north by what? A. Bayard street.

Q. On the south by what? A. The exact geographical boundary and the latitude, and so on, I don't know.

Q. You do not know how it is bounded north and south, and east and west? A. No, sir; I never studied the question, as to the position of the district.

Q. You know generally how it is; it is Division street, Bayard and Bowery and what else? A. It can be easily seen by anyone who attempts to go to it.

Q. Yes; if you get to this place you can see it? A. Yes, sir; if you know where you are going, you will know when you get there, if you know the land marks of the city, the Bowery and Division streets.

Q. Was your attention ever called to this provision of the law, relating to elections in the city of New York, as to the great powers possessed by inspectors of elections and the control which they exercise over the police—see if you have heard of this; “the inspectors of election in each election district in the city and county of New York while discharging any of the duties imposed upon them by this chapter, shall have full authority to preserve order and enforce obedience to their lawful commands at and around the place of registration, revision of registration, or election, during the time of any registration, revision of registration, election or canvass, estimate or return of votes; to keep the access to such place open and unobstructed; to prevent and suppress riots, tumults, violence, disorder, and all other improper practices, tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration, revision of registration of voting, or the canvass, estimate, or return of votes, and to protect the voters, challengers, and persons designated to watch the canvass, of any ballots, from intimidation or violence, and the registers, poll books, boxes and ballots from violence and fraud; and appoint, or deputize, if necessary, one or more electors to communicate their orders and directions, and to assist in the enforcement thereof?” A. Is that the revised copy?

Q. That is the copy under which you operated at the last election; I ask you now whether or not you are familiar with that provision of the law? A. In a general way, yes.

Q. Something was said by the learned counsel for the committee in your direct examination as to persons being within the guard-rail, not properly authorized to be there; do you under-

stand that inspectors of election have the right to admit persons within the guard-rail? A. Provided they have the proper certificates.

Q. No; without certificates? A. If they are proper parties to be admitted within the guard-rail.

Q. Yes; that inspectors have the right to admit persons within the guard-rail to preserve order, for instance? A. Yes, sir; to preserve order.

Q. Or if there is any apprehension of disorder? A. Well, what about the policeman who is there.

Q. Here is the law; "no person shall be admitted within the guard-rail, during such period, except inspectors, poll clerks, ballot clerks, duly authorized watchers, persons admitted by the inspectors to preserve order, or enforce the law, persons duly admitted for the purpose of voting, and persons duly admitted to assist the disabled voters?" A. Yes, sir.

Q. "And in the city of New York, persons lawfully designated by candidates to be present within the guard-rail, who are electors, selected by the inspectors, for the purpose of preserving order?" A. No, sir.

Q. There were no such people there? A. No, sir; Mr. Johnson was standing by the rail; he attempted to get over, but he could not get over.

Q. I understand you to say that Mr. Johnson invited Mr. Goldstein to go outside, did he? A. That was the natural sequence of the row.

Q. Was there that sequence? A. Yes, sir.

Q. Did they go outside? A. He knew better for two reasons.

Q. Who knew better, Mr. Johnson? A. No, Mr. Goldstein; Mr. Goldstein certainly did not go out for two reasons; first, that probably he might have been unable to cope with Mr. Johnson, and secondly, he would have neglected his work as an election officer.

Q. His work as election officer came to an end in the fullness of time; after he got through, did he go out?

Mr. Sutherland.—I object to that as irrelevant. Of course the man had to go out afterward. (Objection sustained.)

Mr. Nicoll.—I wanted to know whether there was any combat between him and Mr. Johnson when he went home.

Chairman Lexow.—We are not at all curious upon that point.

Mr. Nicoll.—If the committee do not wish me to go into that, I shall not undertake to differ with them.

By Mr. Sutherland:

Q. You also understood from the reading of this statute that the peace was to be preserved at the hand of the inspectors, by

the arm of the policeman? A. It has always been so from year to year that the policeman should preserve order.

Q. You never knew the inspectors to go out with a club and to preserve order in that way? A. No, sir; he would be entirely outside of his duty to neglect his ballot-box to go out and fight or to arrest people.

By Mr. Nicoll:

Q. Did you testify on your direct examination that when you called the attention of the policeman to this attempted false voting, that the other inspectors ordered him not to arrest any one? A. No, sir; I did not say so.

Q. The chairman did not say that? A. No, sir.

Q. What did the inspector say when you spoke of that? A. He said the man was right and proper, and it was all right for him to vote, and everything was all right.

Q. Then they did not give the policeman any orders? A. No, sir; they gave him no orders to arrest anyone.

By Chairman Lexow:

Q. At one point in your testimony you said that the inspectors of election conducted the election, and you say at another point that the Tammany Hall captain was authority for everything; what do you mean by the statement that the Tammany Hall captain was authority for everything? A. The Tammany Hall captain represented the majority of the board; whatever he said had to be considered as a correct statement, and the minority inspector could not enforce anything.

Q. You mean both the inspectors of election and the policemen obeyed the Tammany Hall captain? A. The policeman obeyed the two Tammany Hall inspectors.

Q. And the two Tammany Hall inspectors obeyed the orders of the Tammany Hall captain? A. Yes, sir; himself being a Tammany Hall captain, and the other inspector worked together.

Q. Who do you mean by himself? A. There were only three inspectors, two Tammany Hall inspectors, and one was a Tammany Hall captain.

Q. The captain of the district? A. The chairman of the inspectors.

Q. When you said that the Tammany Hall captain was authority for everything, what did you mean? A. I meant that whenever he desired to go into the polling place he did so; that whatever he wanted was done; it seemed that they all worshipped him; bowed down to him.

Q. They obeyed his directions? A. Yes, sir; directly obeyed him.

Q. Was this character of voting that you have mentioned characteristic of the entire day's proceedings? A. Yes, sir.

Q. From the commencement of the opening of the polls until the closing of the polls? A. Yes, sir.

Q. You have stated that there were repeaters; now, do you mean by that that in addition to men voting upon the names belonging to others, there were also men who voted more than once? A. No, sir; I do not.

Q. Then you mean there were fraudulent votes, but not repeating? A. There was attempted repeating, but there was no repeating, or else there would have been more ballots than the registry called for.

Q. You challenged them? A. Yes, sir.

Q. And they were ruled out? A. I was overruled.

Q. When you challenged, did you mean to be understood as saying that the chairman of the board did not require the challenged voter to swear in his ballot? A. He paid no attention to it; he said that he knew that that was the correct party.

Q. And the policeman heard that? A. He certainly must have heard it; he was right there.

Q. And he saw that he did not administer the oath to the voter? A. He attempted to administer an oath; he mumbled something when I pressed a challenge very strongly; I know he never referred to the manual at all, which gives the regular oath to be administered, but he muttered something to the voter, and says, "It is all right, go right in; we are the people; we count."

By Senator Bradley:

Q. Did you see the Tammany captain bring in any of the outside repeaters? A. Yes, sir.

Q. Did he go into the booth? A. No; I would not allow it, unless there was disability; that was a question where I stood on my rights, and I would not have deafness or some such thing or a lame leg, be a question of disability.

Q. In all cases where you tried to prevent the men going into the booth did the policeman assist you? A. No; the Tammany men were pretty intelligent, and they had it all their own way, and they thought it best to let that alone.

Q. Including the bunco steerer? A. I do not know whether he is a bunco steerer or not.

Q. This Johnson, what office did he hold; was he a captain or assistant captain? A. Assistant captain.

Q. What was the captain's name? A. Thomas Sullivan, a relative of Mr. Kennedy; I had had trouble with him the year previous.

Ralph Nathan, called as a witness, was duly sworn and testified as follows:

Direct examination by Mr. Sutherland.

Q. Where do you reside? A. Twenty-six Rutgers street.

Q. What is your business? A. Lawyer.

Q. Were you nominated for any office at the last election? A. I was nominated prior to the last election.

Q. For what office? A. Judge of the District Court.

Q. Of what judicial district? A. The fourth judicial district of New York county.

Q. On what ticket were you placed? A. The Republican ticket.

Q. Who was the Democratic nominee? A. George F. Roesch.

Q. Then you undoubtedly became interested in the proceedings on election day? A. I did.

Q. Did you visit more than one election district? A. I visited more than my own Assembly district.

Q. You visited nearly all the election districts in the judicial district? A. I guess about three-fifths of them.

Q. Which polling place did you visit first? A. I guess I went around to the first election district of the Third Assembly district first, and then I went around in their order.

Q. You found the police there, did you, at the different election districts? A. I did not find them at all the polling places.

Q. How many polling places were there at which there were no police in attendance? A. Probably one-third of the polling places.

Q. And up to what hour in the morning did it continue; how late in the day? A. I started out 6 o'clock in the morning, and had no recess until 4 o'clock in the afternoon until the polls were closed, and during the entire time the officers were absent from their places; that is at about one-third of them.

Q. The absence of an officer from an election district, so far as your experience goes, continues during the entire day? A. Yes, sir.

Q. But in about two-thirds of the places you found policemen present, did you? A. Yes, sir.

Q. Did you observe anything in regard to the conduct of those policemen? A. At the sixth election district, at about half-past 6 in the morning, the Republican watcher was not allowed

within the guard-rail, and I told the officer that the pamphlet which the police commissioners issued and which the inspectors had there permitted the watcher within the guard-rail.

Q. You mean the statute which governs this matter? A. Yes, sir; and the police officer said he did not care about the pamphlet, but that he received his instructions not to allow anyone beyond the election officers within the guard-rail.

Q. Did he say from whom he had received those instructions? A. No, he did not.

Q. Did you prevail upon him to allow the watcher to come within the rail? A. I spoke to him for some time, and it was of no avail.

Q. You failed to succeed? A. Yes, sir.

Q. Did you observe anything else at that election district? A. I was there about 1 o'clock when the Republican captain of the eleventh election district of the Third Assembly district had followed—well, I don't know what to call him—but he was a man who was allowed to vote more than once, and the captain followed him to the sixth election district, and he said there that this man had voted four times, had voted at four different polling places, and he demanded his arrest, and a number of the Tammany heebers put him out, and the officer was there, but he did not interfere with him.

Q. How near to the officer did the Republican captain stand when he made this statement? A. He must have been within about three feet of him.

Q. Within three feet of the policeman? A. Yes, sir.

Q. How near was the Republican captain to the inspectors of election of that district? A. I guess he was about nine feet from them.

Q. And then, within the hearing of the election inspectors and the policemen, he declared that he had himself followed this man, and observed he had voted at four election districts? A. Yes, sir.

Q. And he desired his arrest? A. Yes, sir.

Q. Do you say then that he was hustled out? A. Yes, sir; I guess that is a term that you can apply.

Q. Describe how it was done? A. The Tammany henchmen around the Third Assembly district have a peculiar method of putting a man out; you can not make a particular charge of assault against them, hardly, but they push them out, and hustle them out; they have probably 10 heebers at every election district, and the polling place is generally narrow and small, and they can fill up a place and push you out.

Q. Were those men all inside the polling places? A. Yes, sir.

Q. How far from the policeman did you stand, when this took place? A. I was right in the doorway of the polling place.

Q. How far from that was the policeman? A. Three or four feet.

Q. Were you hustled out, too? A. No; I was not hustled out, because I was not on the inside; I stood in the doorway, but when he was put out, I made room for him to go out.

Q. Did anybody arrest this repeater? A. No; no arrest was made that I know of.

Q. Did the man vote at that election district? A. He did.

Q. Notwithstanding the protest that was made by this Republican captain? A. I suppose it was the oath mumbled over, but it did not sound anything like it.

Q. You did not hear anything that sounded like an oath? A. No, sir; I did not.

Q. Did anything else occur at that sixth election district? A. No, sir; nothing that I know of now.

Q. Do you remember a young man by the name of Fred Platt? A. Fred Plate?

Q. What happened in regard to his vote? A. About 20 minutes to 4 o'clock in the afternoon he told me that they refused to allow him to vote in the twentieth election district of the Third Assembly district, because somebody else had voted under his name; it was then too late for me to go to the Superior Court for a mandamus, but I went to the polling place with him and I told him to demand a set of ballots, and the Tammany inspector did not say anything; he then demanded them once more, and nothing was said, and then I told the inspector that he had a right to vote, and he ought to order the ballot clerk to give him the ballots, and the Tammany inspector said, "His name is checked off as having voted, and we can not have him vote again;" I said, "You ought to remember a man's name, and the man who registered under the name of Fred Plate especially, when he is identified by the name of Fred Plate," and then the police officer said: "We can't expect the inspector to remember a man's face that has only appeared once," and I told him "No, I could not expect them to do that, when they did not remember a man's face that had appeared there half a dozen times within a couple of hours."

Q. What reply did he make to that? A. They passed it off as a joke; finally I picked up the pamphlet which was issued by the commissioners, and I showed the inspectors that he would not be doing his duty if he refused to allow this man to swear in his vote; finally, when I was getting the best of the argument, and at about 10 minutes to 4 o'clock they declared the polls closed; I took out my watch and said to the officers that

It was not yet 4 o'clock, and he said: "The inspectors had all to say; I had nothing to say."

Q. That was the twentieth election district? A. Yes, sir; No. 140 Forsythe street.

Q. Did anything else occur in that election district that you want to refer to? A. Not that I remember of now.

Q. Did you visit the twelfth election district? A. Yes, sir, about 11 o'clock in the morning, and I saw the chairman of the board of inspectors give to a voter what he called a dummy, but at the distance that I was standing from there, about six feet, it seemed to me to be an original ballot.

Q. What was its color? A. White; it was folded up to show the voter how he was to vote and given to him to take into the voting booth; I asked for the policeman; I did not see anyone around, and some one told me that a gentleman sitting there represented the central office, and I addressed him, and he said, "They have only been giving blue dummies up to that time." and they were perfectly honest and there was no need of doing anything.

Q. Did you call his attention to the fact that the law expressly provided that sample ballots should be of no other color than white? A. I did.

Q. What did he say to that? A. He said that they were acting fairly and squarely, and he had nothing to say against it.

Q. Did you visit the seventh election district? A. Yes, sir; I visited the seventh district both before and after the closing of the polls.

Q. Tell us what occurred there? A. I was there at about half-past 7 in the morning, and there were so many registered that the inspector did not ask them their names, but simply handed each and every one a set of ballots and there was no officer around there to appear against the violations of law.

Q. No policeman there at all? A. No, sir.

Q. What time was that? A. About half-past 7 or quarter to 8 in the morning.

Q. And the voters were in line? A. Yes; about 30 of them were in line.

Q. And they were handed out tickets without their being asked their names? A. Yes, sir; there was about 503 registered in that election district.

Q. How large a district is that in area? A. It includes four blocks; I suppose there are about 100 residences in the district all the year around.

Q. How many of those votes did they get in? A. There were 490 names on the poll-list, and there were 562 ballots in the

ballot-box; that was nothing extraordinary in the Third Assembly district; that was in the seventh election district of the Third Assembly.

Q. Was there a policeman there when the polls closed? A. I was not there when they closed, but I was there shortly after, and there was an officer there then.

Q. Whether the officer was there at the time that the announcement was made that 562 ballots were in the ballot-box you do not know? A. That I do not know; I know when I got there, that they were wrangling as to how they were to draw the ballots out of the box, and the Republican inspector said that he would do it, and the chairman said that they would leave it to a vote of the inspectors and of course the chairman was elected, and the chairman drew them out and when he drew out the ballots, none of them had pasters on, and if I remember right, four socialists were drawn out and eight Tammany votes were drawn and 60 Republican votes were drawn out.

By Chairman Lexow:

Q. Was an officer present when this was done? A. Yes, sir; the police officer was there.

Q. Did he see the method in which these ballots were being abstracted from the ballot-box? A. He did.

Q. Was any particular method applied by the chairman of the board of inspectors? A. The chairman of the board simply put his hand in, and it seemed that every ballot that he drew out did not have a paster on it, but that they were clean ballots, with the exception of probably two or three.

By Mr. Sutherland:

Q. What was the name of the Tammany captain in that election district? A. That I do not know.

Q. Did you see anything else in the seventh election district that you wish to mention? A. No.

Q. Can you tell us the name or the number of either of the policemen in either of those election districts? A. I can not.

Q. Can you tell the name of the Tammany Hall captain in either of those election districts? A. I believe in the seventh district, the name of the Tammany Hall captain was Eberhardt.

Q. What was the name of the Republican captain? A. It was O'Brien, I believe.

Q. Was he assisted by any other Republican workers? A. No; I do not think so; probably one.

Q. What is Eberhardt's business? A. That I do not know.

Q. You do not know what he is doing now? A. I do not; no, sir; and I do not care to know.

Q. Did you have any lithographs displayed in the windows of your district? A. I had some last year, the year before last, when I was a candidate for the Assembly, I had some then.

Q. Did anything happen to those lithographs of yours? A. There was a saloon at the corner, in the house that I was living in, and one Friday evening, about half-past 8, I passed by there, and I saw my lithographs in the window and on the wall inside, and I saw an officer speaking to the proprietor of the saloon and I came back within about 15 minutes, and the officer was gone, and so were my lithographs; I spoke to the proprietor about it, and he said that he did not care to be interfered with by the police.

Q. That was the reason that he gave for taking them down? A. That was the reason; yes, sir.

Q. Getting back to the election last fall, was there anything else that you now recall, in respect to the police? A. Not that I recollect at present.

Cross-examination by Mr. Nicoll:

Q. Upon what ticket were you running for the Assembly in 1892? A. I was running on the Republican ticket.

Q. Was that the first occasion when you aspired to public office? A. I do not know that I aspired for public office, I was a candidate.

Q. That is when your aspirations ripened into a nomination? A. Yes, sir.

Q. Prior to that had you been connected with politics to any great extent? A. I guess I was a Republican ever since I was a little tot.

Q. Born a Republican? A. No, I was not born a Republican; I was a Republican after my eyes were opened.

Q. What you mean to say is that you have been a life-long Republican? A. Yes, sir.

Q. Have you been enrolled recently? A. No, sir.

Q. Not enrolled? A. No, sir; I was enrolled before the last election.

Q. But you have not been enrolled within the last two or three weeks?

(Objected to, having been already answered, and as immaterial.)

Chairman Lexow.—I would not try to get matters of that kind in before the committee, when the committee has already passed upon that question.

The Witness.—I do not belong to any faction.

Chairman Lexow.—Do not answer the question.

Q. I understood you to say that more than one-third, or at least one-third of the polling places in your judicial district were not manned by the police at all on election day? **A.** I did not say that.

Q. Is that an over statement of your testimony? **A.** I say, that I did not say what you have just stated that I did say; I said about one-third of the polling places that I visited in my district were not manned by the police officers when I was there.

Q. You mean in what might have been your judicial district? **A.** No, what was the judicial district in which I was candidate for election.

Q. Had you a coach that day? **A.** I had.

Q. Were you driving around from place to place? **A.** Yes, sir; I was being driven around from place to place.

Q. Excuse me; tell us the first polling place that you went to where you did not find a police officer? **A.** There was not a police officer at one among the first three election districts in the Third Assembly district.

Q. What was the first election district that you arrived at in your progress that morning? **A.** We started with the first election district of the Third Assembly district.

Q. What time did you reach there? **A.** We got there about a quarter past 6, or 20 minutes past.

Q. When you say "we" do you mean the coachman and yourself? **A.** Well, I mean the leader of the district and myself.

Q. You had with you then, some political friend, did you? **A.** I did.

Q. Who was he? **A.** Charles H. Murray part of the time; for about one hour and a half; it was not safe to go alone.

Q. Which hour and a half was that which you had the pleasure of his company? **A.** From 6 o'clock until half-past 7.

Q. I understood you to say that you arrived at the first election district of the Third Assembly district at about half-past 6 o'clock in the morning? **A.** About quarter past 6.

Q. How long did you remain there? **A.** About five minutes.

Q. And all that you mean to say is that during the five minutes that you remained there you saw no police officers? **A.** That is just what I mean to swear to.

Q. From there you moved on to what election district? **A.** The second election district.

Q. How long did you remain there? **A.** About the same length of time.

Q. Was there a police officer there? **A.** I said in the first

three election districts that there was one polling place where the police officer was not present when I was there, but which one of those three election districts it was I do not recollect.

Q. You can not say which one it was? A. No; I do not recollect which one.

Q. How long were you at the second district; were you there more than five minutes? A. No, I think not; about the same time.

Q. Then you passed on to the next election district, did you? A. Yes, sir.

Q. Then, all that it amounts to is, that during the very brief period at which you and Mr. Murray, on your voyage of inspection through the district, happened at one polling place that you did not see an officer; that is about it, is it not? A. No, sir; I visited each polling place in the Third Assembly district, probably three times during the day.

Q. Well, I am speaking of your first trip? A. Yes, sir; that is what it amounts to.

Q. Then that is all that the first trip amounted to? A. Yes, sir.

Q. From the third election district, did you go to the fourth election district? A. I did.

Q. Did you proceed through the districts in numerical order? A. Yes, sir.

Q. Going from the fourth election district, until you reached the last election district in that Assembly district? A. I stopped off, I think, at the twenty-sixth election district of the Third Assembly district; that was the end of my judicial district.

Q. So you went altogether through 26 election districts? A. Yes, sir.

Q. Leaving out the first three, you perceive that we have 23 election districts left? A. Yes, sir; I see that.

Mr. Sutherland.—That is simple; he can do that without pencil and paper.

The Witness.—That is more than some of the police officers were able to do on election day.

Q. Taking the fourth district, at what time did you arrive at the fourth election district? A. I was at the fourth election district before they opened.

Q. Before they opened at all? A. I was there before they opened; on my way to the Republican headquarters of the district, I passed there.

Q. Were you at the fourth election district before you were at the first district? A. Yes, sir; before the polling place

opened I was there, and afterward I had a ride at the first, and then I got around to the fourth election district again.

Q. Then, I am speaking of your second trip; what time did you get there then? A. I guess it was about a quarter to 7 o'clock.

Q. Was there any police officer there then? A. No, sir; by the way, in that election district officers were generally away when there was any trouble, which occurred very frequently during the day; in the fourth election district the officer was never in sight when trouble occurred, which was very frequent, and Inspector Williams came down there twice during the day, in consequence of trouble.

Q. When Inspector Williams arrived, what did he do? A. I was not there when he was in the polling place.

Q. Were you there when he was about the polling place? A. He was just about getting into his coach to drive off when I got there.

Q. In the fifth election district—was there an officer there when you arrived? A. Yes, sir.

Q. How about the sixth election district? A. An officer was there but he was not there half the time.

Q. Was he there or was he not when you got there? A. He was there when I came the first time.

Q. And you left him there? A. Yes, sir; when I went away he was there.

Q. And he was there when you came and was there when you went away? A. Yes, sir.

Q. That is the seventh election district? A. Yes, sir; there was an officer there when I was there the first time.

Q. What time was it when you were there the first time? A. About half-past 7.

Q. How about the eighth election district—perhaps I am overtaxing your memory as to these different election districts?

A. No; it don't seem so, does it?

Q. Well, I don't know; I think you are holding your own very well, but I was going to suggest that you might want to say that you did not recollect the particular districts; if you do, we can keep this up, but if you do not, we can cut it short which would satisfy me? A. It seems to me that your sarcasm will not amount to anything.

Q. Do you think it is sarcasm on my part? A. Well, yes.

Chairman Lexow.—I think your question might be considered so, but your question is relevant if you want to continue it.

Q. Take up the ninth district then; what time did you arrive there? A. It might have been a quarter to 8 o'clock or 8 o'clock.

Q. Was there an officer there? A. No, sir; not the first time that we were there.

Q. How long did you remain there; the usual period? A. Yes, sir; probably a few minutes longer; I did not take out my watch every time I stopped.

Q. Passing over the ninth to the twenty-third election districts, inclusive state the time when you arrived at each one of these election districts on your first tour through the district, and give the names or numbers of the districts where the officers were and were not present? A. As to the first portion of your questions as I said before, I did not have my watch open when I got to the different polling places, but as far as I recollect, there were from the ninth to the twenty-third election districts about four polling places that were without police officers when I was there.

Q. I understood you to say that before — what I want you to do now is to tell me the places and the times when you arrived there. A. If I had known that I would have been called here as a witness I would have taken a pencil and paper and made notes of it at the time.

Q. Is it not a fact that you do not recollect? A. I remember about proportionately how many places were not manned by police officers, but I do not remember every place that was manned by police officers unless it was the first eight or nine election districts.

Q. That is what I first proposed to have you say; that is the fact; you are unable to state positively on your oath, what particular districts, from the ninth to the twenty-third were not manned by police officers on your first tour? A. Yes, sir; I am not able to so state.

Q. Who was running against you? A. I believe I answered that question; I was running against ex-Senator George F. Roesch.

Q. Who else? A. That was the only one of my acquaintance; I do not remember the names of the other candidates.

Q. Was the fight between you and Mr. Roesch in the district? A. Yes, sir; Mr. Fennell was not a candidate.

Q. Had the opposition to Mr. Roesch consolidated upon you? A. That I do not know; what they did on election that day.

Chairman Lexow.—How is that material?

Mr. Nicoll.—I simply wanted to find out, for I had forgotten it myself.

The Witness.—I have not come here to refresh your knowledge of history.

Q. There is no secret about it, is there? A. There is no secret about it, but if you will come over to my office when I have time, I might be able to tell you all about it.

Chairman Lexow.—I don't think you should take up the time of the committee with unnecessary excursions.

Q. What other candidates besides you and Mr. Roesch were in the district? A. Do you mean candidates for judicial offices?

Q. Yes? A. There may have been two others, the Socialist and the Prohibitionist, but I do not know who they were.

Q. I understood you to speak of one who was called or known by the name of Platt— A. Not Platt, but Playth.

Q. Did you not hear Mr. Sutherland call him Platt? A. Yes, sir; and I corrected him, and said Fred A. Playth.

Q. Is the name properly pronounced Playth? A. Yes, sir.

Q. Did you know Mr. Playth before that time? A. A friend of mine told me that he was Mr. Playth.

Q. But you did not know whether he was or not, did you? A. I believe the word of my friend, whom I knew and whose word I took to be as good as gospel.

Q. But you have no previous knowledge or personal acquaintance with him? A. No, sir.

Q. You relied as you have a right to rely upon your friend's statement regarding him? A. Yes, sir; upon that and upon the second ground that no man who desired to be a repeater or who desired to vote upon another man's name would take the trouble to run around to get people to allow him to vote on his name.

Q. The claim against admitting Mr. Playth to vote was that he was a repeater? A. No, sir; not that he was a repeater but that somebody had voted already on his name.

Q. That was what the chairman of the inspectors told me; that someone had voted on his name.

Q. And, therefore, he was not entitled to vote? A. Yes, sir; and it seems to me that if the chairman of the board of inspectors knew that somebody had voted on his name, he must have known that the party who so voted was voting illegally and he should have allowed Mr. Fred Playth to have voted.

Q. Why did you not apply for a mandamus? A. As I said before it was 20 minutes to 4 o'clock and it was too late for me to go down town to get a mandamus.

Q. What time did you run across Mr. Playth? A. I met him at 20 minutes to 4 o'clock.

Q. And you had never seen him before that time? A. No, sir; I had never known him before.

Q. Did you undertake to decide the question of his right to vote right on a minute's notice, on a question of that kind and to insist upon it? A. What is that you ask?

Q. Did you undertake to decide and conclude judicially upon his right to vote?

(Objected to; objection sustained.)

Q. Is the word "judicial" offensive? A. Nothing that you have asked me—

Chairman Lexow.—The objection has been sustained; do not answer the question.

Q. Did you undertake to decide at once upon Mr. Playth's right to vote? A. I did not undertake to decide at all; I was not in the position to decide; it was for the board of inspectors to decide.

Q. I understood you to say that you asserted his right to vote and were indeed getting the best of the argument— A. That is what I did say.

Q. Well, did you get the best of the argument? A. Well, they closed the polls on me at 10 minutes before 4 o'clock.

Q. Do you suppose that that was because you got the best of the argument? A. Yes, sir.

Q. Was Mr. Playth going to vote for you? A. I really could not tell you; I did not ask him.

Q. Who was he introduced to you by, by a friend of yours? A. Yes, sir; by a friend of mine.

Q. You understood, did you not, that he was a voter for you? A. I did not understand anything of the kind; I went about the district to see that there would be something tending toward fairness in casting and counting the ballots of the election.

By Senator Bradley:

Q. You say that you went around from one election district to another, in that Assembly district? A. Yes, sir.

Q. When you traveled around did you see any police officer under the influence of liquor or conducting himself in a disorderly manner during the whole day? A. Not that I recollect.

Frank Nichols, 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. Twenty-two Spring street.

Q. What is your business? A. Musician.

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

Q. Where? A. At Mott street.

Q. What number in Mott street? A. Two hundred and four.

Q. In what election district is that? A. The twenty-ninth election district.

Q. What Assembly district? A. The Third Assembly district.

Q. Did you meet with any violence there? A. Oh, yes, sir.

Q. What was it? A. I met a good many people there that did not belong to the district; for the last two years or about this year we have, if I remember right, about 290, and this year we had 374 votes, and when we counted the ballots there were over 374 votes; we had 290 registered.

Q. Did anybody attack you? A. No, not at that time; I am on the corner of Prince and Mulberry street.

Q. How far was that from the voting place? A. About 10 feet.

Q. Was that before or after you voted? A. Before I had voted.

Q. Who was it that met you there? A. A friend of mine.

Q. Were you assaulted by anybody? A. Yes, sir.

Q. Where? A. At the twenty-fifth election district; No. 50 Prince street.

Q. How far was that from the voting place of your district? A. About two blocks.

Q. Was there a policeman there? A. Yes, sir.

Q. Who was it that assaulted you? A. It was two men; I never saw them before in my life.

Q. What was done? A. What was done; I had two or three friends of mine and they wanted to vote, and I took them there, and they said, "You people can't vote," and these people had just got home from their work about 1 o'clock, and it was about half-past 1 when they got through the polling place; I said, "Why can't they vote?" and they said, "No, they could not vote," and I said, "What was the matter of these people that they could not vote," and they said, "You go home; go home; you people can't vote any more," and then I was put out in the middle of the street, and the captain of the election district said, "Take this fellow away from here," and a fellow hit me in my eye with a brass knuckle.

Q. Did the police do anything at all? A. No, sir; he would not arrest a cat that day as long as it belonged to Tammany Hall; he would not arrest a cat.

Q. What did he hit you with? A. With brass knuckles.

Q. Did you see them? A. Yes, sir; he came after me with two hands right in his pockets.

Q. Did you ever see him before? A. No, sir.

Q. Have you ever seen him since? A. No, sir; but it was in the Third Assembly district — you never saw anything like this year; the people must have come from Sing Sing.

Q. Do you know the police? A. I could not tell their names; I know them, and they saw him strike me and they walked right away.

By Chairman Lexow:

Q. Did the policemen join in the conversation at all? A. They were talking; there was about half a dozen there, and they were all talking.

Q. They were all talking there together? A. Yes, sir; and one of the men tried to get me away from the polling room, and he came and said, "Will you come and have a drink?" and I said, "No, I did not drink."

By Senator Bradley:

Q. Those two men that you took to vote were friends of yours? A. Yes, sir; they lived at 51 Spring street.

Q. Did you give them any money to vote? A. No, sir; I never pay my men money to vote.

Q. You did not have the handling of money? A. No; I did not have five cents in my pocket, so how could I pay the man to vote.

Cross-examination waived.

Jacob Subin, called as a witness in behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Twenty-one Forsythe street.

Q. What is your business? A. Manufacturer of chicory.

Q. Where did you vote at the last election? A. In the third election district of the Third Assembly district.

Q. What official relation did you have, if any, to that district? A. I was a watcher there.

Q. In your capacity as a watcher, did you observe what took place all the day during the election? A. Yes, sir.

Q. Tell us what you saw in regard to the police? A. On the morning of the last election I went to the polling place, and the first thing I did I went in to cast my vote, and when I got into the booth one of the Tammany heelers got inside with me, and I said, "What do you want here?" and he said, "I know you are a good Republican, but I am only interested in Timothy D. Sullivan and I want you to vote one of his pasters on your ballot;" and he handed me a paster, and I said, "Not for your life; you get out of here or I will have you locked up," and he said,

"You can't do it; you can't have me locked up," and I tried to force him out, but he was too big, and I finally got out myself, and ordered the officer to lock him up, but he did not, and I finally put him out and I voted the ticket according to my wishes, but I protested to the chairman of the board of inspectors, and he only laughed at me.

Q. Where was the policeman? A. Only a few feet from there; he heard the whole argument, and then I went outside of the rail and watched the proceedings for the day, and I have seen the Tammany Hall heelers bring in five or six men, drill them into line and from the appearance of some of them, they looked like Irishmen, and some like recent importations from Chatham square or any of those dives, and most of those voted on Hebrew names, but the fun of it was that they could not pronounce the name under any circumstances that they were voting, and of course as a rule, the chairman of the board of inspectors used to correct them, and in some instances they forgot their names entirely, and in such cases they went out of the line, and then the heelers would approach them and bestow such vile language upon them and curse them and swear at them for being so stupid as not to recollect the name of the person they were voting under, and then they would drill them into line again, and I protested against them; I attempted to challenge them, and I was told unless I stopped monkeying with the regular way of doing business that I would be thrown through the window.

Q. Where was the policeman when this conversation took place? A. Always inside; but I did not feel like going through such an operation, as a little while before, Mr. Rosalsky was hurt there by some of the heelers, and I thought I would keep quiet and see the proceedings.

Q. When was that that Mr. Rosalsky was hurt? A. On the same election day, and I also noticed the captain of the Socialistic Labor party there, and a young fellow, about 26 or 27 years of age, who attempted to vote on his name, and he grabbed hold of him and asked to have him locked up, but the officer paid no attention to it, and finally three of the heelers got hold of him and they punched his face for him.

Q. Punched the face of what man? A. Of the captain of the Socialistic Labor party, and they slipped the repeater out; and, of course, he called upon the officer to give him protection, and the officer stretched himself out a little and he said, "Well, I guess I am pretty busy just now; I will see you after 4 o'clock; I will have more time to spend;" and, finally, but for the Tammany captain, if he had not interfered, they would have handled him very roughly; but they made the proposition to

the captain of the Socialistic Labor party to go right away, and in that case they would let him off, and so he did go off very quickly.

Q. Did you see anybody else go into the booth besides the man who followed you in? A. I think about 9 out of every 10, a heeler went inside with him; pretty nearly that; I recollect a young fellow by the name of Cohen, a stupid fellow; he could not read or write, and he approached me and asked me for a Republican ticket, and I told him to go outside and get one; and he went outside, and then he brought one in and brought it to me to see if it was the right paster, and I told him it was the right one, and he went and got inside of the booth, and a heeler went in with him and snatched the ticket away from him and put one of his own pasters on it and folded his ballot up and dragged him right out, close to the chairman of the inspectors, and made him deposit this special ballot, and then, when he got outside of the polling place, he said to me, "Subin, am I supposed to have voted as that man ordered me?" and I said, "You are stupid enough to chew hay; you ought to be killed."

Q. Where was the policeman when this Tammany captain was dragging him out before the polls? A. He was inside of the guard-rail.

Q. Where he could see it all? A. Yes, sir.

Q. Did he make any attempt to interfere with this Tammany man? A. No, sir; not that I know of.

Q. And you did not hear him say anything against it at all? A. No, sir; but he heard everything and saw everything, but he said very little.

Q. He said nothing against it? A. No, sir; nothing against it.

Q. What was the name of the Tammany worker who took this paster away from the voter? A. I think his name was Murphy; I have seen him there for several years in the same election district.

Q. Do you know a Tammany worker there by the name of Loey? A. Is that his second name?

Q. Yes. A. I know most of them personally, but I never had any dealings with him.

Q. Did you see a paster taken off from a ballot? A. At the counting of them, do you mean?

Q. Yes? A. I think when they started to count the ballots I was kind of sick and I left.

Q. Tell us how many there were that voted on these Hebrew names, that were apparently Irish? A. A good many.

Q. Give us as close an estimate as you can of the number? A. Well, 25 or so.

Q. But you say from their facial appearance, they were certainly of Irish descent? A. Yes, sir; that is one thing from which I formed my opinion, and there is another ground on which I form my opinion that they were not Hebrews, because they could not pronounce their names, not to save their souls.

Q. And in many instances they were corrected? A. They were always corrected; the chairman of the inspectors would correct them if they were not properly drilled into it.

Q. Is there anything else with regard to the conduct of the police that you recollect? A. There were a good many more instances but about the same thing.

Q. I understood you to say that you did not remain a great while during the counting of the ballots? A. No; I was kind of dizzy and I went home.

Q. Were you there when the ballots were removed from the ballot-box? A. No, I was not there; I was only there until the polls were closed.

Cross-examination by Mr. Nicoll:

Q. I understood you to say that some man went into the booth with you, but that you violently ejected him? A. No, not violently.

Q. You mildly put him out? A. Mildly; very mildly, for he was too big for me.

Q. He was too big to be violently dealt with? A. Yes, sir.

Q. You used moral suasion on him? A. Yes, sir.

Q. Did you make a complaint to the officer in regard to that? A. I made a complaint to the chairman of the board of inspectors, and he laughed at me and said, "You are a fool; the man is doing no harm."

Q. As a matter of fact, the man did not do you any harm, did he? A. No, sir.

Q. You voted as you pleased, and you told him to get out? A. Exactly.

Q. Did you make a direct request to the officer to arrest him for violating the law? A. I did not.

Q. Were you right in saying that 9 out of every 10 voters in that election district were accompanied by outsiders into the booths? A. Yes, sir.

Q. Nine out of every 10? A. Yes, 9 out of every 10; pretty nearly.

Q. How many voters cast their ballots there that day? A. I do not recollect; Mr. Rosalsky can tell you.

Q. Don't you know in a general way without going into the figures? A. I do not know.

Q. Was it upwards of a couple of hundreds? A. Yes, sir; I think it was a couple of hundred voters.

Q. Do you mean to say that out of a couple of hundred there were only 20 men who went into the booths by themselves? A. I think if I took special pains to notice it, I don't think there were five that got in there without having a heeler inside with him; if I had taken special pains to notice it.

Q. I do not know what you might have seen if you had taken special pains, but taking the pains that you did take? A. That is to take a note of every voter, I do not think there would be that many.

Q. You understand, do you not, that you are testifying before this committee of the Senate on your oath? A. Yes, sir; I understand it.

Q. I want to ask you whether or not you are swearing that only 20 men out of all the men who voted upon that day went into the polling places unaccompanied by an outsider? A. I said to my knowledge, what I have seen, surely, 9 out of every 10, a heeler went inside with them; they knew me for a Republican worker for four or five years, and still a heeler went in with me to see that I put a Timothy D. Sullivan paster on my ballot, at least, if I didn't vote the whole Democratic ticket; they wanted me to put a Sullivan paster on it at least, and that shows plainly that they went in with everybody.

Q. Are you swearing from your argument and inference, or from what you saw? A. From what I saw; at least, 9 out of every 10 a heeler went inside with him.

Q. And if there were 200 people voted there, there were only 20 people who went into the booth unaccompanied? A. Hardly any more.

Q. I understood you to say that some of the persons coming up to vote had difficulty in pronouncing their names? A. Yes; they had great difficulty.

Q. Take a name for instance; what name did anyone have difficulty in pronouncing? A. I did not take any notice of the name particularly, but I recollect one name, a personal friend of mine by the name of Bergman whom I saw early in the morning and I told him; "Bergman, this is election day, and you come in and cast your vote early or you will be deprived of it;" and he said that he was busy and he would have plenty of time later, and I said, "I see that you will not vote to-day; I see how things are going;" and during the day a young fellow came in and gave his name to the inspector as from Chrystie street and he said his name was "Putnam," or some such name, and the chairman said: "yes, Bergman, that is all right, Bergman."

Q. He said, "Putnam?" A. Yes, sir; "Putnam" or some-

thing like that, and the chairman said, "and he took his name and this very Bergman came in about half-past 2 o'clock, and they told him, "you have voted once, get out of here;" I said, "he had not voted," and they said, "we are not asking you," and I told Mr. Bergman, "it serves you right, for if you had come early you could have voted and you could go to court and swear your vote in;" but they would not allow him to swear it in there.

Q. What other name was there that was voted on? A. He was deprived of his vote.

Q. Yes, but what other name was there? A. I don't remember any other name just now.

Q. You do not know any other name? A. I know a good many but I really forgot all about it; I paid no attention to it.

Q. Out of the 30 other men whom you say were Irishmen, but who attempted to vote on a Jewish name, can not you recollect one other? A. I can not very well recollect any, because I did not think of it at the time; I did not care for it; as soon as the election was over, I attended to my own business; I generally work a few weeks before election, until the day of election and then I drop the matter, and attend to my own private affairs and let the others fight it out.

Q. You are generally doing what before election? A. Before election, I work a little for the party and after the election I attend to my own private affairs.

Q. Do you give up your private business for the purpose of devoting yourself to the public interest? A. No, sir; I never did; just a few days for a pastime, an hour or two that I spend

Q. You work for a pastime? A. Yes, sir.

Q. For a couple of weeks before election you do that? A. Yes, sir.

Q. And then you give up politics? A. Yes, sir; after election I give it up.

Q. You keep your membership in the club, do you not? A. I am a good-standing member and pay my dues always.

By Senator Bradley:

Q. Did you drink anything on election day? A. No, sir; I am not a drinking man—I am not temperance, but I do not drink.

Q. You said the reason that you went away after the polls closed was because you were busy? A. I was not busy, but I felt kind of sick.

By Mr. Nicoll:

Q. You drink chicory? A. Yes; a little with my coffee.

By Chairman Lexow:

Q. You felt sick, as you had been there all day long? A. Yes, sir.

Warren Hait, called as a witness on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Twenty-six Charles street.

Q. What is your business? A. Clerk in the Columbia steamship line, foot of Canal street.

Q. Were you a Republican watcher in the election of 1893? A. Yes, sir.

Q. At what election district? A. The twenty-fifth election district of the Second Assembly district.

Q. Where was the polling place? A. Fifty-five New Bowery, I think.

Q. What time did you arrive at the polling place that day? A. About 8 o'clock in the morning.

Q. Did you apply for a position inside of the guard-rail? A. Yes, sir; I showed the chairman of the board my certificate, and he told me to get out.

Q. You displayed your certificate to the chairman, and he said what? A. He said to get outside of the railing — that is, he meant to get outside of the railing.

Q. Did you get outside? A. No; I did not then; I showed it to the police officer, and he said, "I don't want to have any trouble with you, but you get outside," and I didn't care to have any trouble with him, so I got out.

Q. Were you allowed within the guard-rail at all during the day? A. Yes, sir; after the vote commenced to be counted.

Q. Did you observe any irregularity in the election of any sort? A. Yes, sir; anybody came in and voted who wanted to — all the Tammany workers came in and voted anybody they wanted to.

Q. You saw them come in; how near to the booths were they? A. Sometimes they would go right in the booths.

Q. Where was the policeman at that time? A. He was right there.

Q. How far from the booth? A. Right alongside the rail; right near the booth.

Q. Where he could hear and see everything that was said and done? A. Yes, sir.

Q. Did you make protest against that sort of operation? A. Yes, sir; I told him it was not right.

Q. What did the policeman say? A. He said some of the men were blind, and you have to have these men go in with them.

Q. Did any of them make affidavit to that effect? A. Not then; no, sir.

By Chairman Lexow:

Q. Did they take the disability oath? A. No, sir.

By Mr. Sutherland:

Q. Did they apply to the inspectors for assistance? A. No, sir.

Q. They did not ask for any help? A. No, sir; it was not necessary.

Q. They walked right in with them from the door? A. Yes, sir; they did as they pleased.

Q. Describe what they did. A. What do you mean; about those voters going in with them?

Q. Describe the operation? A. I told the police officer that it was not right.

Q. That what was not right? A. For these workers to go in the booths with the voters; and on two or three occasions he did not make any objections to it, and so I stopped, because I saw it was useless.

Q. Now, going back to the voters going into the booths, I understood you to say that none of the voters applied to the inspectors to appoint any one to go in with them? A. No, sir.

Q. Did they go to the inspectors at all, until they went there with the ballots? A. No, sir.

Q. Did they take any oaths before they went into the booth? A. No, sir.

Q. Those voters came into the voting place unaccompanied by what you may call a heeler, did they? A. Yes, sir; a Tammany workers.

Q. And the two, went immediately into the booth? A. Yes, sir.

Q. Without any preliminaries? A. Yes, sir; without any preliminaries.

Q. How often did that occur during the day? A. Right straight along, all day.

Q. How many cases of that sort were there? A. Probably 20 to 30.

Q. Out of this 20 or 30, were there men who were actually disabled? A. I saw some with their arms tied up.

Q. How many of those? A. Two or three.

Q. Were there any others who had the appearance of being disabled? A. No, sir.

Q. Did those two or three who had their arms tied up take any oaths? A. No, sir.

Q. You say you protested to the policeman several times? A. Yes, sir.

Q. And he did nothing? A. No, sir; he did nothing whatever.

Q. What did he say about it? A. He said it must be they could not read, or something of that kind, or they must be blind.

Q. Did you recognize any one coming in to vote the second time; the same person voting more than once? A. Yes, sir.

Q. How many of them, for instance, were there? A. Thirty or 40, I guess.

Q. Did you call attention to that fact? A. There was another watcher with me, Mr. Holt, and he called attention to that fact.

Q. What did he say? A. He called the chairman's attention; I told him it was about time to make some of these men stop from voting three or four times, and he said, "I know this man has voted twice," and I said, "Call the chairman's attention to it," and they did so.

Q. What did he say to the chairman? A. He told him that this man, that he specified then, had voted two or three times, and he wanted him arrested, and the chairman says, "If he swears in his vote, let him vote."

Q. Where was the policeman when this was said? A. He was right there.

Q. How far from the voter? A. About two feet.

Q. Where he could hear the conversation? A. Yes, sir.

By Chairman Lexow:

Q. And he said that he had voted two or three times at that same election poll? A. Yes, sir.

By Mr. Sutherland:

Q. Your friend said that he voted two or three times that day, at that poll? A. Yes, sir; I don't know where else he voted, but he voted there two or three times.

Q. And the chairman said if he swore it in he would receive it? A. Yes, sir.

Q. Did he swear it in? A. Yes, sir.

Q. Was there any suggestion made to the policeman that the man should be arrested? A. Yes, sir.

Q. Who made that remark? A. Yes, sir.

Q. What did he say to the policeman? A. He said, "I want you to arrest that man," and he said, the policeman said, "If he swears it in we must let him go," and the policeman did not arrest him.

Q. Did the policeman say what you have just now stated? A. I think so; words to that effect.

By Chairman Lexow:

Q. Have you given the language of the policeman as nearly as you can? A. Yes, sir.

Q. What was it? A. "If he swears in his vote, it is all right, let him go;" then my partner went up to see the district leader, Mr. Shea, but he did not find him.

By Senator Campbell:

Q. What Assembly district is that? A. The Second Assembly district, the twenty-fifth election district.

Q. You are a Republican watcher? A. Yes, sir.

Q. You had another Republican watcher there, too, did you not? A. Yes, sir.

Q. Was there a Republican captain in charge of the district? A. I did not see another Republican there at all; it is pretty hard work to be a Republican in that district.

Q. I did not ask you that; I asked you if there was a Republican captain there? A. No, sir; there was a Democratic captain there.

Q. And the Republican leader of the Assembly district was Mr. Shea? A. Yes, sir.

Q. Who appointed you as watcher? A. The Republican club; 500 Fifth avenue.

Q. Where do you live? A. Twenty-six Charles street.

Q. Did you tell anyone in the Republican club within the last week or 10 days that you were to testify here? A. No, sir.

Q. To whom did you communicate that you were to testify here? A. To nobody.

Q. Did they know what you were going to testify to? A. I do not think they did.

Q. You did not speak to anyone as to what occurred on election day? A. I have not since I came here; I have in the meantime, certainly; between now and election day do you mean?

Q. Yes? A. Certainly, I have to a great many.

Q. To whom? A. To anybody who would ask me.

Q. To whom have you particularly told it? A. I can not remember now exactly who.

Q. Do you know how you came to be subpoenaed here as a witness? A. No; I got a subpoena last night.

Q. Did you talk with Mr. Grasse? A. I did just now as I came in here.

Q. Not before? A. No, sir.

Q. Nor to Judge Sutherland? A. No, sir.

Q. You do not know who gave your name to the counsel? A. I do not.

By Senator Bradley:

Q. Did you make any complaint at all to the authorities of this irregularity; to the grand jury or any other tribunal? A. No, sir.

Q. Or to the police captain? A. No, sir.

Q. Do you know the policemen who were present when these irregularities were going on? A. I don't know their names.

Q. Do you know their number? A. I can not remember their number, but I think I can get them probably.

Q. There was no violation or blows? A. No, sir.

Q. Everything was harmonious? A. Yes, sir, because they had everything their own way.

By Chairman Lexow:

Q. Were those proceedings characteristic of the whole day's performance; did they start out from the opening of the polls and keep it up until the close? A. Yes, sir.

Q. Did I understand you to say that you did not protest more than three or four times because you considered it useless? A. That is the idea exactly.

Q. Your protests were ineffective? A. Yes, sir.

Q. No notice was taken to any protest you made? A. No, sir.

Louis J. Kliembohl, called on behalf of the committee, being duly sworn, testified as follows:

By Mr. Sutherland:

Q. Where do you reside? A. Number 53 Avenue A.

Q. Do you know Mr. Otto Kempner? A. I do.

Q. Were you the secretary of his association last year? A. Yes, sir.

Q. He was a candidate for election to the Assembly, was he? A. Yes, sir.

Q. Upon an independent ticket? A. Yes, sir.

Q. You know the fact that he had lithographs posted in the windows of the stores in the district? A. I do.

Q Was there a report made on Friday before election or a complaint made in regard to the police interference? A. Yes, sir; on Friday morning we received a return that the police were going around the district ordering the lithographs to be taken down.

Q. What did you do, if anything, in regard to that? A. On Friday afternoon I had occasion to go out by request of Mr. Kempner on some business, and on my way I saw a gentleman in civilian's clothes going from store to store, and in him I recognized a police officer, and as I passed there, I took particular notice of his business, and I saw at one of the stores where he entered a lithograph of Mr. Kempner was exposed in a window, and on my way back this lithograph had disappeared.

Q. How long a journey did you take — how far did you travel? A. About 15 minutes.

Q. When you came back, wherever those lithographs had been they were removed? A. Yes, sir; at this particular place.

Q. Do you know the policeman's name? A. I do not.

Q. But he was one whom you had seen in uniform? A. Yes, sir.

Q. But on this occasion he was in civilian's dress? A. Yes, sir.

Cross-examination waived.

By Chairman Lexow:

Q. Do you know whether he was on the force at the time? A. Yes, sir; and he is on the force yet.

Q. You have seen him since in uniform? A. Yes, sir.

Q. And you had seen him before in uniform? A. Yes, sir.

Q. On the police force? A. Yes, sir.

By Senator Bradley:

Q. The store in which you saw the lithographs — did you make any inquiry as to what was the cause of taking them down? A. I did not.

Q. Then you don't know whether the policeman ordered them down or not? A. No; but he was there before, and when I got back the pictures had disappeared.

Q. You do not know whether the policeman ordered him to take them down or not? A. No, sir.

Proceedings of the sixth meeting of the committee, March 26, 1894, at 10 o'clock a. m.

Present.—Senators Clarence Lexow, Daniel Bradley, George W. Robertson and Jacob A. Cantor.

Appearances as before.

Moses Phillips, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Thirty-six Bowery.

Q. What is your business? A. I am a laborer.

Q. Where did you vote last fall? A. Second election district and Third Assembly.

Q. What street and number, please? A. Thirty-four Bayard street.

Q. Thirty-four Bayard street? A. Yes.

Q. Raise your voice a little; were you a watcher that day?
A. Yes, sir.

Q. A Republican watcher? A. Yes, sir.

Q. Were you about the polls nearly all the day? A. Yes, sir.

Q. Who was the policeman in attendance there? A. There were two policemen there.

Q. Do you know their names? A. I do not, sir.

Q. Do you know their number? A. No, sir.

Q. Did you challenge any votes that day? A. Yes, sir.

Q. Did you request any arrest to be made? A. Yes, sir.

Q. About what time in the day? A. This was about 9 o'clock in the morning.

Q. What was the name of the man whom you requested should be arrested? A. John McCaffrey.

Q. What was the reason for desiring his arrest? A. False registration.

Q. What happened? A. Well, I told the officer I wanted that man arrested; so the man said, "I will put my vote in first;" and I said, "No, officer, he will not put in any vote, because he don't live in that house," and the officer said, "If he wants to swear in his vote he can swear it in;" I said, "All right, I want the man arrested;" I had the man arrested and taken to the Eldridge street station-house and went with him, and before I went with him I took him to 35 Bowery, the lodging-house, with the policeman, to the place where he said he lived, and where he had registered from; I got him up there before the clerk, and I says to the clerk, "Does this man live in this house?" and he says, "No;" right in front of the policeman; then we went to the Eldridge street station, and when we got to the Eldridge street station-house, we found a half dozen officers in citizen's clothes, and Captain Devery, and went before the desk and before any questions were asked—

Q. Who was behind the desk? A. The sergeant was behind the desk; before any questions were asked somebody on the

floor says, "What! is this an election case?" "Yes;" "Who is making this charge?" the officer said, "This man here;" "You will make a charge against him for intoxication and disorderly conduct."

Q. Who said that? A. Captain Devery, the man on the floor.

Q. Captain Devery asked what the case was? A. Yes, sir.

Q. And the officer told him it was an election case? A. Yes, sir.

Q. And he wanted to know who made the charge? A. Yes, sir.

Mr. Nicoll.—Are you going to tell the story?

Mr. Sutherland.—No, but I want to know it; you know I am from the country.

Q. Did the captain ask your name? A. No, sir.

Q. Did the policeman tell your name? A. No, sir.

Q. What did he say about it? A. He called some one from the back room and said, "Make this man your prisoner."

Q. What happened then? A. I was taken to the Essex Market.

Q. Who took you there? A. Officer Warner.

Q. It was not the same officer that came from the polling place? A. No, sir; this officer was in the sitting-room.

Q. What became, so far as you could see, of the officer who went to the polling place with you? A. He took this man to Essex Market.

Q. He took the other man? A. He took the other man to Essex Market; Officer Warner arrested me and took me to Essex Market.

Q. What happened then? A. When I came there, Judge Ryan was on the bench—he was not on the bench when I came there but he was in the private room—and he came out and said, "Phillips, you are charged with intoxication; I fine you \$5;" I says, "All right."

Q. Wait a moment; was that the first thing he said when he first came out? A. That was the first thing he said when he came out.

Q. Had you seen anybody go in there? A. Yes, sir; half a dozen.

Q. What became of the officer that took you there? A. He was standing there.

Q. And what became of the officer that took the other man there? A. He was standing there.

Q. Can you tell who it was communicated to Judge Ryan the fact that you were there? A. Well, no; not exactly.

Q. I understand you, the first thing that Judge Ryan said when he came out was, "You are charged with intoxication;

I fine you \$5." A. Yes, sir; and I went to the clerk and paid the \$5, and wanted to make a complaint against the man, and he said, "No, put him out;" I wanted to make a complaint against him for false registration.

Q. What did you say to Judge Ryan? A. I said I want to make a complaint against this man, McCaffrey, for false registration.

Q. What happened then? A. I was put out.

Q. Who put you out? A. One of the court officers.

Q. What was said to you? A. Nothing at all; I had to go out.

Q. Did anybody tell him to put you out? A. Yes.

Q. Who? A. The judge.

Q. What became of McCaffrey? A. McCaffrey was discharged.

Q. Now you were turned out of the courtroom? A. Yes, sir.

Q. Anything happen to you after that? A. Yes, sir.

Q. What was it? A. About an hour after that Captain Devery came around, and he said, "You here yet?"

Q. Where was this? A. This was at 34 Bayard street; at the polling place.

Q. You had gone back to your place as watcher? A. Yes, sir; he said, "You here yet; ain't you got enough?" I said, "No, sir; I am going to stay here until the polls close," and he said, "You are foolish."

Q. Anything else? A. That is all.

Q. Now, did anything happen to you on your way from the courthouse down to the polling place? A. Yes, sir; when I got out in front of the Essex Market somebody got behind me and hit me in the ear, which he wouldn't do if I was looking at him.

Q. Were any officers standing there? A. Yes, sir; but they got away in a hurry; there was about two there; and a half a dozen near of the heels.

Q. How far was this assault from the court where you were fined? A. Right in front of the Essex Market court.

Q. How far from it? A. About 10 feet.

Q. About 10 feet? A. About 10 feet.

Q. About 10 feet; and it was just after you left the courtroom? A. Just the moment I struck out I was hit under the ear from behind.

Q. You say there were a number of policemen near by? A. There were two policemen there.

Q. Did they see it? A. They must have seen it; I see them all skip away.

Q. They all skipped away, did they? A. Yes, sir.

Q. From there you went to the polling place? A. Yes, sir.

Q. And it was about an hour after that that Captain Devery asked you if you hadn't had enough? A. Yes.

Q. Now, while you were serving as such watcher, Mr. Phillips, did you observe any irregularities? A. Yes.

Q. On the part of the voters? A. Yes, sir.

Q. What? A. A man of the name of Brockman, of No. 33 Bowery — he ran a sort of a hotel at 33 Bowery — he was gathering up paster ballots.

Q. Where was he? A. I suppose coming in the polling place; the polling place was in the basement.

Q. This was how far from the booth? A. About 15 feet.

Q. Well, what then? A. Well, I told the officer, and the officer put him away; I told him the second time after seeing him doing it again, and he put him away again, and he done it the third time, and he put him away, and did not arrest him; I thought the officer knew more about it than I did, so I did not order him to arrest him.

Q. You did not make any complaint? A. No, sir.

Q. Were there any other irregularities you saw? A. That is about all.

Cross-examination by Mr. Nicoll:

Q. You did not drink at all on election day; did you? A. I did.

Q. When did you have your first drink; when was the first; about what hour? A. About half-past 6.

Q. Morning or evening? A. In the morning.

Q. What was that? A. What?

Q. What was it? A. Whisky.

Q. What was the next; what was the hour of the next? A. Oh, about 7 o'clock.

Q. A little whisky? A. No.

Q. Beer? A. A little beer.

Q. Then, about 7 on election day, you had had one whisky and one beer? A. And one beer; yes, sir.

Q. When was the next? A. What?

Q. When was the next? A. Well, I don't tell you that; I don't remember every time I took a drink.

Q. So many you couldn't remember? A. Oh, no; not at all.

Q. Well, about when was the next drink? A. I suppose right before the arrest.

Q. Well, the hour of that I have forgotten, whatever that was; when was that? A. About 9 o'clock.

Q. Whisky or beer? A. I took a glass of beer.

Q. Is that all you had to drink up to that time? A. Yes, sir; that is all.

Q. Had any breakfast? A. Yes, sir; I had my breakfast; I don't think I was going to starve.

Q. One whisky and two beers? A. One whisky and two beers.

Q. Might there not have been two whiskeys and one beer? A. No, sir; it was one whisky and two beers.

Q. Well, you were perfectly sober, weren't you? A. I was; yes, sir.

Q. But people said you were drunk, didn't they? A. They were the heelers around there, that said that.

Q. But you were sober? A. I was sober.

Q. Although you had had one whisky and two beers? A. One whisky and two beers; yes, sir; two beers and one whisky.

Q. What was it; two beers and one whisky, or one whisky and two beers.

Chairman Lexow.—That is about the same thing. It is too serious a subject to trifle with.

Mr. Nicoll.—I think I ought to have considerable latitude with this witness. I have not kept account of the number of times he has stated it. I presume the chairman has.

Q. How long have you lived in the Bowery? A. About nine months.

Q. And prior to that time, where did you live? A. One hundred and twenty-nine Allen street.

Q. What was your business there? A. Laborer.

Q. Well, in what sort of occupation? A. Park department; and I worked in the navy yard.

Q. When were you working last in the navy yard? A. In the month of August.

Q. And after that where were you working? A. Working; I was working for a cousin of mine in Avenue C.

Q. What is his name? A. Phillips is his name—Abraham.

Q. That is your name, too? A. Yes, sir.

Q. What is Phillips' business? A. Wholesale toy dealer.

Q. You were working for him? A. I was; yes, sir.

Q. How long did you work for him? A. Oh, about three months.

Q. In what capacity? A. Oh, selling goods.

Q. Salesman? A. As salesman; yes, sir.

Q. When did you stop working for Phillips? A. About in October.

Q. Then where did you go to work? A. For Frederick Krale.

Q. Who? A. Frederick Krale.

Q. Krale? A. Yes, sir.

Q. What is his business? A. Plumber and gasfitter.

Q. How long did you work for him? A. Worked for him up to about January 28th.

Q. January 28th of this year? A. Yes; of this year.

Q. When were you last working in the park department? A. A couple of years ago.

Q. Were you laid off there? A. Yes, sir.

Q. Or turned off? A. I was laid off, when Tammany Hall laid everybody off.

Q. How is that? A. I was laid off when Tammany Hall laid everybody off.

Q. When was that? A. That was the year they took charge, after the County Democracy got out of power; everybody was suspended in the park department.

Q. Were you a County Democracy man? A. No, sir.

Q. What were you at that time? A. A Republican.

Q. Always a Republican? A. Always a Republican.

Q. Well, you were laid off in 1888? A. I think it was; I aint sure; at the time Tammany Hall took charge, after the County Democracy went out of power.

Q. You don't feel bitter on that account, do you? A. No.

Mr. Sutherland.—One of the fortunes of war.

Q. How long had you been in the park department? A. On and off for three years.

Q. In what capacity? A. As laborer, bridge tender.

Q. Who appointed you there? A. Mr. John E. Brodsky, through Mr. John E. Brodsky.

Q. Through Mr. John E. Brodsky? A. Yes, sir.

Q. Mr. Brodsky was a prominent Republican? A. He was, yes, sir.

Q. Is he still a prominent Republican? A. No, sir.

Q. He is now a member of Tammany Hall? A. Yes, sir; he is now a member of Tammany Hall.

Q. But you have remained a Republican? A. I have remained a Republican.

Q. Have you ever had any differences with the police? A. No, sir.

Q. Never before this day? A. No, sir.

Q. You have never been arrested by them?

(Objected to by Mr. Sutherland and excluded.)

Mr. Nicoll.—I would submit to the committee that on reflection, that after all, that is a very fair question on an inquiry of a witness for the committee, seriously, not applying the rule of evidence in criminal courts, or civil courts, where a man is on trial for his life or liberty. We are now conducting an investigation into the police department. The committee calls witnesses without number, and I ask them whether or not they have had differences with police officers, in which, perhaps, an unfounded arrest was made. Wouldn't that be a very proper thing to show?

Chairman Lexow.—If that arrest was made by the particular police officer who is charged with having violated his duty on election day, it might. This committee is bound for its own protection to protect witnesses. If a wide latitude is given you to examine the witnesses as to any altercation or arrest, we may find ourselves in the position where the attendance of witnesses here is rendered extremely difficult; because it is just that species of intimidation that we must guard against, in order to secure testimony here at all.

Mr. Nicoll.—While that is entirely true, the committee has, after all, a higher obligation than that, and that is, not to take testimony, and spread on the record any testimony which is not strictly true and free from prejudice. There is no doubt that there is a higher obligation even than procuring the attendance of witnesses, and to show—I do not know that it exists in this case—but as a rule, to show that witness, who appears, has had altercations with various police officers in his district, and therefore has a bias.

Chairman Lexow.—It would be perfectly proper for you to ask the question whether he had any difference with the police. But I do not believe any man, however innocent, cares to go on record as having been arrested, although he may have been perfectly innocent; and this committee must protect itself by protecting witnesses in that respect. You can ask the witness whether he has had any differences with the police.

Mr. Nicoll.—I have asked that.

Q. Were you ever arrested and convicted of any offense? A. No, sir.

Q. You were of disorderly conduct? A. Yes; I was fined \$5.

Q. Was that the only time you ever was fined? A. That is the only time.

Q. The only time you were ever fined? A. Yes, sir.

Q. Or imprisoned? A. Or imprisoned.

Q. Are you a married man? A. No, sir.

Q. Were you a worker on election day? A. I was; yes, sir.

Q. Were you paid to attend the polls? A. I was not paid; no, sir.

Q. Weren't you paid something for election day? A. No, sir.

Q. Nothing at all? A. No, sir.

Q. At whose instance did you attend the polls on election day? A. Mr. Charles Murray.

Q. Are you a member of his organization in that district? A. Not now.

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

Q. Did I understand you to say you were a watcher? A. Yes, sir.

Q. Appointed to attend the polls? A. Inside and outside.

Q. Did you have a certificate? A. Yes, sir; I did.

Q. And filed it with inspectors of election? A. No, sir; I did not.

Q. What did you do with it? A. I had it in my pocket, signed by the Republican committee.

Q. Didn't you present it to the inspectors? A. I showed it to the officers.

Q. But you did not show it to the inspectors of election? A. I hadn't any trouble as far as that goes.

Q. So far as what goes? A. As the papers go.

Q. Your complaint is that they did not entertain a charge that you made, is it not?

Mr. Sutherland.—I object; the witness did not make any complaint. I am the man that made the complaint. The witness is here by virtue of the complaint.

Q. Did you make a complaint?

Mr. Sutherland.—Objected to.

The Chairman.—The question is too indefinite.

Q. Didn't you make a complaint against someone for false registration?

Mr. Sutherland.—Oh, that is another thing.

Chairman Lexow.—That is proper.

The Witness.—Yes, sir.

Q. And the officers reported that you were intoxicated? A. The officer did not; the captain of the precinct did.

Q. The captain did? A. Yes.

Q. And said you were intoxicated? A. Yes, sir; after finding out he made the complaint.

Q. After finding out he made the complaint? A. Yes, sir.

Q. As a matter of fact you had been drinking beer and whisky before 9 o'clock? A. I drank one whisky and two beers.

Mr. Sutherland.—Objected to; as the witness has gone over that three or four times.

Chairman Lexow.—Yes. The counsel may think by constant repetition he makes two beers and one whisky half a dozen.

Mr. Sutherland.—But he wastes the time of the committee. The question has been ruled out. Please go on, Mr. Nicoll.

Q. As I understand you, you made the complaint against McCaffrey for false voting in the polling place? A. Yes, sir.

By Chairman Lexow:

Q. False registration? A. Yes, sir; false registration.

By Mr. Nicoll:

Q. You challenged him first? A. Yes.

Q. And then he voted? A. He voted and swore in his vote.

Q. And you asked the officer to arrest him? A. Yes, sir.

Q. Which he did? A. Yes, which he did.

Q. And you both started to the station-house? A. No, sir; started to the hotel.

Q. And from the hotel you both went to the station-house?
A. Went to the station-house.

Q. And there it was that some one said—I understood the captain—said you were drunk? A. He asked the officer who was making the complaint.

Q. You stood there? A. He said, "This man here," and he said, "Make a charge against him for disorderly conduct and intoxication."

Q. You had not been disorderly? A. No, sir.

Q. Quiet and peaceable? A. Yes, sir.

Q. You were not intoxicated? A. No, sir.

Q. Well, but they made a charge against you of intoxication?
A. Yes, sir; made a charge against me.

Q. And then you went to the Essex Market Court? A. Yes, sir.

Q. And you mean to testify that on arriving at Essex Market Court, Judge Ryan came out of a private room and said, "You are fined \$5. Phillips?" A. Yes, sir; he sat down and said, "You are fined \$5."

Q. No hearing? A. No hearing; no, sir.

Q. No evidence against you? A. No, sir.

Q. No one sworn; no statement taken? A. I don't know whether they did; I didn't see none.

Q. You were present right there? A. Yes, sir.

Q. Nothing of that sort was done? A. No, sir.

Q. Still you were fined \$5? A. I was fined \$5.

Q. Did you ask to make any defense? A. No, sir; I was not asked to make any defense.

Q. Did they tell you what the charge was? A. They did not tell me what the charge was against them people.

Q. Did they tell you what the charge was against you? A. Intoxication.

Q. Did you deny it? A. I did not have a chance to deny it.

Q. He came out and sat down and said, "You are charged with intoxication and are fined \$5." A. And I said, "All right," and walked over and paid \$5.

Q. You admitted it? A. I said, "All right," and walked over and paid it when he said I was fined \$5.

By Senator Bradley:

Q. You said two beers and one whisky on the top of the morning? A. Yes, sir.

Q. How many can you take during the day and keep sober?
A. A dozen and a half.

Q. You took a whisky in the morning as an eye-opener? A.
I took a whisky in the morning as an eye-opener.

By Chairman Lexow:

Q. Were you charged by anybody at the polls with intoxication previous to making that arrest, or at the time of making it? A.
No, sir.

Q. Then the first intimation you had that there was any charge against you of any kind was, when the police captain ordered the charge to be made against you? A. Yes, sir.

Q. Had the officer who accompanied you made any statement to the police captain to the effect that you were drunk or disorderly before the police captain ordered the charge made? A.
No, sir.

Q. How long after you reached the courtroom of Judge Ryan was it that Ryan came out and convicted and fined you as you state? A. It took about five minutes.

Q. And did I understand you to say that a number of people, while you were sitting there, and before he came out, went into the judge's private room? A. I did see people go in there.

Q. How many? A. There were three or four.

Q. Did you recognize any of those people as being officers in civilian's clothes? A. No, sir.

Q. Did the officer who was with you go in? A. No, sir.

Q. And was the first thing that was said upon your arraignment, the language used by the police justice, as you have testified to? A. Yes, sir; "you are charged with intoxication, and are fined \$5."

Q. Had anybody charged you with that in his presence? A.
No, sir.

By Mr. Sutherland:

Q. Then, as matter of fact, you went after the assault, to the polls, and remained there all the rest of the day? A. Yes, sir.

Q. Until the polls closed? A. Yes.

Q. Until the ballots were counted? A. Not all through; I went until 11 o'clock.

By Chairman Lexow:

Q. Was this man that was arrested at your instance; was he discharged without any hearing of testimony, and without any hearing? A. I was put out of the courtroom, so I don't know.

Q. Your testimony was not taken? A. No, sir; I thought the officer had enough testimony to have this man locked up without me anyhow.

Q. The same officer who was present at the time of the false voting? A. Yes, sir.

Q. Was not present before Judge Ryan? A. Yes, sir; he was there, too.

Q. Did he go into Judge Ryan's room before you were arraigned? A. No, sir.

Q. A policeman there all the time? A. Yes, sir.

By Mr. Nicoll:

Q. Where are you living now? A. Thirty-five Bowery.

Q. What is that? A. That is Myers' Hotel.

Q. How long have you been living there? A. Nine months.

Q. Prior to that, were you living in Allen street? A. Yes, sir; 129.

Q. Where are you working now? A. Just now, I am not working at all.

Q. How long since you have been working? A. About a month.

Q. About a month? A. Yes, sir.

Q. Where were you last working? A. At Krale's.

Q. Haven't you worked since you worked at Krale's? A. No, sir.

Q. You have done no work for the last month? A. Yes, sir; I canvassed a little bit.

Q. Canvassed? A. Yes, sir.

Q. What do you mean by that? A. I was selling hens and chickens.

Q. Selling hens? A. Hens and chickens to put in egg store windows for Easter.

Q. Selling hens and chickens in the Bowery, or where? A. All over.

Q. All over the city? A. Pretty near; from Harlem bridge to the Battery.

Q. Who did you do that for? A. Phillips.

Q. You mean your relative? A. My cousin; yes, sir.

Q. When did you do that work? A. I done that up until about Thursday night.

Q. Last Thursday? A. Yes, sir.

Q. Where did you make this statement last that you have made here to-day? A. Which statement; right here?

Q. I say this statement you made here to-day; before this; who did you tell it to before this? A. Tell what?

Q. This story; this statement of your arrest and fine of \$5 and charge against McCaffrey? A. I made that statement a few days after election; I did not make it, but I wrote it out.

Q. Who did you write it to? A. To the Republican association.

Q. How long have you been in New York? A. Well, I have been here since I have been one year old.

Q. You are not a native of this city? A. Yes, sir.

Q. Were you born here? A. I was born in New Brunswick, in the State of New Jersey.

Q. How old are you? A. I am 37 years old.

Walter W. Bahan, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. What is your name? A. Walter W. Bahan.

Q. Where do you reside? A. Two hundred and forty-six West Fourteenth street.

Q. What is your business? A. Lawyer and real estate agent.

Q. Were you a candidate for election to the Assembly last year? A. I was.

Q. Had you previously served in the Assembly? A. I had.

Q. What year? A. Assembly of 1893.

Q. That year you were a member of the Assembly as a Tammany Hall representative? A. I was.

Q. And last year you filed an independent nomination? A. Yes, sir.

Q. Who was the regular Tammany candidate? A. John McDermott.

By Mr. Nicoll:

Q. What district is this in? A. Ninth.

Mr. Sutherland.—Ninth Assembly district, Mr. Nicoll; I have subpoenaed Mr. Kipp here to bring these papers.

Mr. Nicoll.—Don't call him if unnecessary; I will admit them.

Mr. Sutherland.—I show the witness the petitions for the independent nominations of Walter W. Bahan for Member of Assembly in the Ninth Assembly district, and indorsed, "Filed October 21, 1893, at 11:50 a. m." All I care for is the fact that they were there and were filed at that time.

By Mr. Sutherland:

Q. Did you visit the office of the bureau of elections on the third day after your petitions were filed? A. Not the office of elections; no, sir.

Q. The bureau of elections? A. Not the bureau of elections.

Q. What was it? A. The clerk of the police department.

Q. And who was in charge of that department? A. Major Kipp was in charge as the clerk, and Mr. Delamater is clerk there.

Q. Who was in charge? A. Delamater.

Q. Who was with you? A. John E. Flannery and David Lloyd.

Q. Do you remember what time of the day it was? A. I think it was about 1 o'clock.

Q. You went there to inquire whether objections had been filed? A. I went there twice.

Q. Twice on that day? A. And on the following day.

Q. Did you make the inquiry on this day—the third day? A. Yes.

Q. What reply did you get? A. No objections here.

Q. You went there the next day and made the same inquiry? A. Yes.

Q. What answer did you get? A. No objections had been filed; no objections to my nomination.

Q. You understood that the statute provided that unless objections were filed within three days, your name would have to be printed on the ticket? A. Yes; within three days of the filing of the certificate.

Q. And on the fourth day they told you none had been filed? A. Yes, sir.

Q. Did you subsequently learn objections had been subsequently filed? A. I did.

Q. When? A. On the day in which the police commissioners sat and heard the evidence.

Q. And how long was that after the three statutory days? A. About three days.

Q. Three days afterward?

By Chairman Lexow:

Q. Making six after the filing? A. Yes, sir.

By Mr. Sutherland:

Q. And then for the first time you learned that objections were before the commissioners? A. Yes, sir.

Q. Did you go there in person? A. I did.

Mr. Nicoll.—Are not the objections here?

Mr. Sutherland.—Possibly.

Mr. Nicoll.—Don't they show the date of filing?

Mr. Sutherland.—No; the record will show.

Q. Did the police commissioners assume to go on these objections? A. They did.

Q. And what disposition did they make of it? A. They accepted the objections, and threw out the certificate.

Q. That is, threw out your certificate? A. Yes, sir.

Q. Were you compelled to go to the courts? A. I was.

Q. And obtained a mandamus? A. I did.

Q. And required them to print your name? A. I did.

Q. Your name was afterward printed? A. On a separate ballot by itself.

Q. In pursuance of an order of the court? A. Yes, sir.

By Chairman Lexow:

Q. On a separate ballot? A. Yes, sir.

By Mr. Sutherland:

Q. That was an independent nomination? A. No other name was on it.

Q. At the time these police commissioners were sitting, six days after your papers were filed, did they claim the statute gave them authority to receive the objections after three days? A. I heard no such claim.

Q. Did they claim they had any power to legislate on that subject themselves? A. I heard no such claim.

Q. They simply took them and acted upon them? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. Was it not claimed in that case that the certificate of nomination was not in apparent conformity with the provisions of section 65 of the Election Code? A. Well, I presume that was their claim—I beg your pardon, Mr. Nicoll, that was not their claim.

Q. You understand the rule in regard to the three days objection? A. Yes, sir.

Q. There is one exception to it, and that is where it is claimed that the certificate is not in conformity with the provisions of article 65? A. Yes, sir; they made no such claim.

Q. Well, was the question that objections were improperly considered litigated before the justice? That was not the question litigated before the justice? A. Before Judge Barrett.

Q. Yes, whoever decided it? A. I can tell you what the question was there, and answer your question more fully.

Q. Are you a lawyer? A. I am, yes; the question there was that the affidavits to the nominee's certificate were not in form, inasmuch as the affidavits of the persons having signed certifi-

cates was not taken, and that the other person in signing that certificate, filed counter-affidavits that they did not know what they signed when they signed those certificates.

Q. That is, you filed with the police commissioners a petition — a certificate of nomination in apparent conformity with the statute; it appeared by its face to be regular? A. Yes, sir.

Q. Afterward several persons who had signed it, made affidavit that they had signed it under some mistaken facts? A. That is the fact.

Q. Then the commissioners heard those objections, didn't they, under those circumstances? A. They heard the assistant district attorney, Mr. McIntyre, who appeared for them.

Q. Then they decided against you, and threw out your independent nomination? A. Yes, sir.

Q. And the judge restored you to your position on the ground that your certificate of nomination could not be attacked in that way? A. That is about the size of it.

Q. That is about the size of the whole thing; and you ran for office, and were either defeated or elected, I forget which? A. I think it is a matter of record; I was defeated, of course.

Mr. Nicoll.— Very well; as matter of record we will take judicial notice of it.

Mr. Sutherland.— Then I will offer in evidence unless counsel is ready to go upon record as making the concession, that, as matter of fact, these certificates did in all respects conform to the statute.

Chairman Lexow.— I understood Mr. Nicoll to admit that fact. The only dispute there was, was as to the validity or the good faith alone of some affidavits.

Mr. Sutherland.— The signatures.

Mr. Nicoll.— I don't know anything about it.

Mr. Sutherland.— I offer them all in evidence.

Papers marked "Exhibit 1" of this date.

By Chairman Lexow.

Q. During your canvass as Member of the Assembly, were you persecuted or interfered with by the police? A. Personally, I was not.

Q. Was your canvass? A. Indirectly; yes, sir.

Q. In what method? A. They meddled with people who joined my association; being in the liquor business, their places were pulled on Sunday, while other places were allowed to remain open.

Q. How many incidents do you know of that having been done? A. I know of three friends of mine who declared their places were pulled.

Q. On the Sunday following their declaration in your case?

A. Yes.

Q. Were these places pulled more than once? A. Only once.

Q. By "pulling" you mean they were closed up every Sunday?

A. The bartenders were arrested, or the proprietors.

Q. Were arrested? A. Yes, sir.

Q. And charged with unlawfully selling? A. Violating the Sunday Excise Law.

Q. You know personally of three instances of that kind? A. Yes, sir.

Q. Do you know of any of these liquor dealers who were interested in the canvass of your opponents who were closed up at the same time? A. No, sir.

Q. Not one? A. Not one that I know of; just the reverse; these men who were closed up were made to promise to be good, faithful Tammany men and support John McDermott.

Q. And in consideration of that promise their places were left open? A. I presume so; I did not visit them; I never heard of their being arrested again.

Q. Did you see their places open? A. I did not.

Q. Do you know who did? A. I do not.

Q. Was there any other interference with your campaign? A. I only heard of one in which a party was asked to take back their signature from my certificate.

Q. Do you know whether the police were instrumental in that? A. No more than about five minutes after he refused to take his name back the man was compelled to take in his showcase.

Q. Do you know his name? A. He has been subpoenaed as a witness here to-day.

Q. What was his name? A. William H. Richards.

Q. Were his showcases interfered with before he came out for you? A. Not to my knowledge.

Q. Were the showcases of anybody in favor of your political opponents interfered with in the campaign? A. No, sir; not to my knowledge.

Q. How long after this man had declared for you was this interference with the showcases had? A. Within five minutes after he had refused to withdraw his name from my certificate, and sign a certificate stating he did not know what he had signed.

Q. There has been some testimony here that certain of these affiants afterward withdrew their affidavits charging they had signed that ignorantly; do you know whether they were induced to do that by the police? A. That I don't know; I do not believe they were; it was by the captains or the leaders of the Ninth Assembly district.

Q. Were your campaign wagons interfered with during the campaign? A. They were, at one time.

Q. By the police? A. No, sir; the police went to work and caught hold of the horses' heads, and refused to have them go through my meetings, and held them until I told them to let them go through; they tried to break up my meeting; the police prevented them from doing it, and refused to allow the wagon to go through, until I told them to let go of the horses and let them go through; I had no interference from the police.

By Senator Bradley:

Q. You got the protection of the police? A. Yes, sir; I will give everybody their dues.

By Mr. Nicoll:

Q. Were these three liquor dealing friends of yours violating the law? A. Not being present, I do not know; I presume they were, otherwise they would not have been arrested.

Q. They were selling liquor on Sunday? A. I don't say they were; I presume they were; but when they arrested those three they ought to arrest every man in the ward.

Q. And they do that over in your ward? A. I presume so; not going around among all the liquor stores; I do not think it is hard to get into any liquor store in my ward on Sunday.

Q. Confine yourself to your own ward; I ask you whether or not, as matter of fact, all the liquor stores in that ward during that month were open on Sunday? A. I don't know; because I made no canvass of them on Sundays.

By Mr. Sutherland:

Q. It was not understood that these three friends of yours were any exception to the rule? A. Well, it was understood that way.

Q. I mean to say as far as their operations on Sunday were concerned? A. No, sir; there was no understanding of that kind; it was only to draw their allegiance from Bahan to McDermott; that is all.

William H. Kipp, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. You are the clerk of the bureau of elections of the city of New York? A. No, sir; the chief clerk of the police department.

Q. And it is in your office that certificates of election are

required by the statute to be filed — I would say, certificates of nomination? A. In my office; yes, sir.

Q. I show the witness Exhibit 11, which is the record of the certificate of nomination of Walter W. Bahan; when was that filed in your office? A. October 21st.

Q. What year? A. Eighteen hundred and ninety-three, at 11:50 a. m.

Q. Eleven-fifty a. m., October 21, 1893? A. Yes.

Q. I show the witness a bundle of objections; the certificate of nomination is indorsed when it is filed, isn't it? A. Yes, sir.

Q. Indorsed with pen and ink? A. Yes, sir.

Q. Do you hold in your hands objections to that certificate? A. I do.

Q. Were they filed with you? A. They were.

Q. Is there any indorsement upon any of them as to the date of that filing? A. No, sir.

Q. When were they, as matter of fact, actually filed? A. October 26th, at a board meeting.

Q. You have in your possession the records of that board? A. I have.

Q. And that record shows that on the 26th day of October those objections were filed? A. Yes, sir.

Mr. Nicoll.—No cross-examination.

By Chairman Lexow:

Q. Were they filed with you? A. I first saw them at a board meeting.

Q. You were present at the board meeting? A. Yes, sir.

Q. Why was it no indorsement of the date of filing of the objections was made? A. The papers were sent down immediately after to the corporation counsel's office to be used in a process which had become before the court asking a mandamus, compelling the board to print, I think, they went down the next day. Probably the opportunity was not offered at that time, to indorse them.

Q. Is it not customary in your office to place the date of filing or indorse the date of filing on the papers as they are received?

A. I made the record on the minutes at that time, and sent the papers immediately off—in the minutes of the board of October 26.

Q. Do those minutes disclose those papers were filed on that day? A. Yes, sir; the certificate of Mr. Bahan came there on the 24th, and was laid over until the meeting of the 26th.

Q. Who represented the objectors? A. Mr. McIntyre.

Q. In the district attorney's office? A. Yes, sir.

Q. Anybody else? A. Not that I know of, sir.

Q. Was there any representative of Mr. McDermott's there?

A. I do not remember that he was; I do not know that he was there.

Q. Any representatives of his? A. I did not hear of it.

Mr. Sutherland.—I do not care to put all these into the record, but I should like this note to be made: that the first in the list appears to have been sworn in on the 26th day of October, 1893, and that it is written upon letter-heads bearing this indorsement: "Tammany Hall Headquarters, Democratic-Republican General Committee, Ninth Assembly District, 587 Hudson Street, Ross Building;" I desire the further fact to go upon the record, that, as I understand it, all of these affidavits were sworn to either on the 26th or 25th day of October; the certificate of nomination having been filed on the 21st, so that these papers could not have been filed within the three days prescribed by the statute; now, Mr. Nicoll, I do not desire to keep these papers here, and do not want to be responsible for them, and that paper has been marked as exhibit.

By Chairman Lexow:

Q. I would like to ask Mr. Kipp a question or two more, if he will take the stand again, please; has any notification been received at the office of the commissioner with reference to the testimony that has been taken here bearing upon the actions of the police, and especially the action of Captain Devery during the last election? A. Since this session?

Q. Yes? A. No, sir.

Q. No papers are on file there at all in reference to this matter? A. No, sir.

Q. Do you know whether or not the police commissioners have knowledge of the testimony that has been taken here? A. I do not, sir.

Q. Has Captain Devery been called before the police commissioners and asked in reference to his actions, on last election day? A. No, sir; not with my knowledge.

Q. Have you any record in your office of any prosecutions or complaints with reference to the action of the police on last election day? A. No, sir; I have none.

Q. Is there any record in the office? A. No, sir.

Q. Have any complaints been made, or charges against Captains Devery or Williams in regard to the occurrences in the Third Assembly district, during last election?

Mr. Nicoll.—Captains Devery and Williams?

Q. Captains Devery and Williams? A. Captain Devery and Inspector Williams; I do not know of any, sir.

Q. Or against any ordinary policeman with reference to whom it has been claimed in the police prints and elsewhere that they

were guilty of interference and neglect of duty on that day at the polls? A. Not that I am aware of.

Q. No charges of any kind? A. Not that I am aware of.

Q. Had any investigation been made by the commissioners of those facts? A. I don't know of any.

Q. If such a thing is put on file? A. I would have to make an examination.

Q. Wouldn't you be the proper officer before whom the papers would be filed? A. They are, unless complaint was made to the superintendent personally, of which I never received copies.

Q. You know there is a general opinion in this community that the police did interfere during the last election in at least two Assembly districts in this city? A. What is the question?

The Chairman.—The stenographer will read it.

(The stenographer read the question.)

Q. You have heard of that fact, haven't you? A. No, sir.

Q. You have not? A. No, sir.

Q. Haven't you heard of any facts in relation to police interference in the Second and Third Assembly districts in this city during last election? A. I only heard of it through reports of this committee, reading it in the papers.

Q. Do you know whether or not the commissioners are equally ignorant with you in reference to that matter? A. I don't know, sir.

Q. It has never been a subject of conversation among the police commissioners in your presence? A. I don't know of anything of the kind, I have not heard of anything; I have no official knowledge of that kind, either.

Q. Have you read the testimony that has been printed in the newspapers that has been taken before this committee? A. Yes, sir.

Q. You have seen there definite charges made against police officers, have you not? A. Yes, sir.

Q. Is it possible that the police commissioners have, for the past four months, been entirely ignorant of those facts? A. I don't know sir.

Q. Do you know? A. I don't, sir; I don't know of that fact; of course, what their knowledge is, I don't know.

Q. No charges or complaints have been made at the office? A. None that I am aware of.

By Senator Bradley:

Q. That is, any charges made you would have a record? A. If any charges were made, it would be in my charge as clerk.

Q. Do the police commissioners, never, on their own motion,

when they become aware of breaches of duty on the part of police officers, bring the policeman to trial? A. They direct the superintendent to make charges, which they have filed with them, with a complaint against the officer.

Q. No such direction has been had in this case? A. Since last election, I could not say that, without making reference to the files; there are a great many complaints made against officers during that time, and I would like to make an examination of that, and then come before you and testify of that fact, I would not like to do it from memory.

Q. You are certain no charge has been made by the commissioners against Captain Devery? A. None that has come within my knowledge, or when I have been present at the meeting of the board.

Q. Or against Inspector Williams? A. No, sir.

Mr. Nicoll.—Why should they?

Mr. Sutherland.—I am asking for the fact.

By Mr. Nicoll:

Q. You say you have read the testimony taken before the committee? A. Yes.

Q. Do you know anything about the character of the witnesses examined here? A. No, sir.

Q. You do not know whether they are persons of good or bad character? A. No, sir.

Q. Or whether they are disappointed candidates, persons of political bias, or otherwise, do you? A. I know nothing about that.

Morris Tekulsky, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Thirty-nine Oak street, city.

Q. What is your business? A. Liquor business.

Q. And you have some official connection with their organization? A. Yes, sir.

Q. What is it, please? A. President.

Q. President of the State organization? A. Yes, sir.

Q. And for a number of years you were president of the State organization? A. I was president of the city organization for a short time, and vice-president for four or five years.

Q. And when were you elected the president of the State organization? A. First?

Q. Yes. A. A year ago last September.

Q. And that is an officer elected annually? A. Annually.

Q. So you have been re-elected? A. I was re-elected last year.

Q. You are a delegate to the next Constitutional Convention?

A. I am.

Q. Sent from what Senate district? A. The Eighth.

Q. Nominated by Tammany Hall? A. Nominated by Tammany Hall.

Q. Do you remember at whose instance? A. I do.

Q. Whose was it? A. At the instance of the committee of Liquor Dealers Association of New York County.

Q. And they operated through whom? A. Through Mr. Croker; they went to see Mr. Croker, the leader of Tammany Hall.

Q. You have had occasion to visit Mr. Croker, yourself, in regard to the members of the association? A. Different times; I suppose I have.

Q. Did you go at one time with a committee of the association to see Mr. Croker? A. At this time?

Q. Yes; when was that? A. It was just prior to the nominations; what date I do not know.

Q. Did you ever go with a committee more than once to Mr. Croker? A. Not at this time.

Q. You have been with a committee at other times? A. Probably a hundred times.

Q. Now, was there a time when you visited Mr. Croker and talked with him about—made complaints about the operations of the policemen; and did you visit him with the committee? A. No, sir.

Q. Do you remember a time when you and a committee of your association called upon Mr. Croker with regard to the interference of the police with the liquor dealers of New York? A. Yes.

Q. When was that? A. It was a good many years ago; I could not tell you exactly when.

Q. Well, didn't you call on him within the last six months on that errand? A. No, sir.

Q. Didn't you call on him within the last three months on that errand? A. No, sir.

Q. In reference to the police interference? A. I do not know as I called upon anybody lately in reference to that.

Q. Was there a committee appointed on that subject, of which you were one, within the last six months? A. No, sir.

Q. Did Mr. Croker tell you, or the committee in your presence, within the last six months, that he would have the police captains instructed thereafter to obey the orders of the Tammany Hall captain in that district with regard to the arrests with regard to violations of the Excise Law? A. No, sir.

Q. Did Mr. Croker tell you and this committee that you could

go yourself to any Tammany district leader, and upon your request he would compel the police to do whatever you wished in this regard? A. No, sir.

Q. Did you and your committee go back to your association and report such a conversation? A. No, sir.

Q. And you have not told this to anybody? A. No, sir.

Q. You have to deal with licenses somewhat? A. At times.

Q. Can anybody get a license without a recommendation from the Tammany Hall district leader? A. At times they can.

Q. How many of such are there in the city? A. That I could not tell.

Q. Within your knowledge? A. I could not tell.

Q. You say at times—what times? A. There are some people who get them without any trouble, and others get them through friends and recommendations.

Q. Is it not true that every license has to be approved by a Tammany Hall district leader in that Assembly district? A. No, sir.

Q. It is not true? A. No, sir; it is one of the things I am opposed to.

Q. Have you ever had patrolmen transferred? A. Yes, sir.

Q. How many? A. One.

Q. Who was he? A. Peter Carter.

Q. And from what district to what district? A. My own district.

Q. He was transferred from your district? A. Yes, sir.

Q. To what? A. I believe to the first.

Q. What was the reason for his transfer? A. He insulted me.

Q. He insulted you? A. Yes, sir.

Q. And he also arrested a liquor dealer? A. I suppose he arrested a good many.

Q. Wasn't that the reason he was transferred? A. No, sir.

Q. Do liquor dealers come to you when they are arrested? A. Sometimes.

Q. You go from them to the police commissioners? A. No, sir.

Q. Who do you go to? A. I go to the court with them.

Q. What have you visited Croker for? A. The same as I would any other man.

Q. You have gone there with committees, you say? A. At different times.

Q. For what purpose? A. There are a thousand and one different reasons.

Q. Yes; well, you went once to talk about your nomination to the Constitutional Convention? A. Yes, sir.

Q. What were the reasons for these other visits? A. Well, there was a committee first called on Mr. Croker some years ago to ask him to use his influence when he was a fire commissioner to get the commissioners of excise and the police to let up a little bit on the liquor-dealers; he was unable to do anything, as there wasn't anyone who represented his organization on either board.

Q. How has it been within the last two years; just confine yourself to those dates; have you visited Mr. Croker on that errand within the last two years? A. I don't believe I have; I have had no occasion to.

Q. You have had no trouble in the last two years in regard to those arrests? A. Very little.

Q. How many times have you been in court? A. I suppose there has been as many arrests in the last two years as before.

Q. How many times have you been in court on them? A. I may have been 500 times in two years.

Q. Pretty near every other day? A. Pretty near.

Q. Pretty nearly a daily occurrence? A. Pretty near.

Q. Did you talk to the officers that made these arrests? A. Sometimes.

Q. And you have not demanded the reasons for making these arrests? A. No, sir.

Q. Haven't you attempted to direct the officers not to make such arrests? A. I would do that, yes; do that now, and stop it.

Q. And haven't you stated to the officers if they continued those arrests you would have them transferred? A. No, sir.

Q. Haven't you done that right in the courtroom? A. No, sir.

Q. In the presence of other policemen? A. No, sir.

Q. Now, Mr. Tekulsky, does your association keep records? A. Yes, sir.

Q. Can you produce before this committee the records showing the appointment of committees for your association within the last six months? A. By all means.

Q. And showing the reports of those committees? A. Yes, sir.

Q. And the action of your association thereon? A. I suppose so.

Q. Will you furnish those to the committee at their next session? A. That I can not promise; I am not the secretary.

Q. I ask you if you can furnish them? A. I can, with his consent, and the consent of the organization.

By Chairman Lexow

Q. Who is the secretary? A. Henry Keilty.

Q. Where is his place of business? A. One Hundred and Seventeenth street and Third avenue.

By Mr. Sutherland:

Q. What is his business? A. Liquor business.

Q. And that is his liquor store? A. That is his store, his business.

Q. He has the secretary's office in the same place? A. He has no office particularly; that is where he is supposed to keep the books and he—I can not say as to that.

Q. Where else may they be? A. They may be at the headquarters, No. 8 Union square.

Q. Is anybody in charge there? A. The janitor.

Q. Anybody that has access to the books? A. Nobody but Mr. Keilty.

Q. Don't you remember making a statement more than once that this subject of putting the police, so far as the Excise Law was concerned, under the command of Tammany Hall districts, has been discussed by you on more than one occasion? A. I don't entirely get the drift of your question.

Q. Haven't you stated on more than one occasion, and to more than one person, that you did visit Mr. Croker, and heard from him the statement that the police captains in the several precincts would be instructed so far as the enforcement of the Excise Law was concerned, to take their orders from the Tammany Hall captains? A. Positively, no.

Q. Stated it to anybody? A. No, sir.

Q. And no such thing took place? A. No; positively.

Q. And no such committee visited Mr. Croker? A. No, sir.

Q. And your association did not resolve that they would rather be under the police than under the Tammany captains? A. No, sir; you are trying to get something more than what it really is; I am not going to tell you the minutes of our association unless I am compelled to; I am answering every question you ask me; I positively deny every statement.

Q. What is the true version of it? A. What do you mean?

Q. I am telling it different from what it is, you say? A. You are trying to ask the question positively about speaking; I spoke to many a person, but what our conversation was I could not tell you; but anything that you will ask me, if you get anywhere near anything I can remember, I will answer you truly.

Q. I do not care so much about your conversation with other people, but it is from what you have told other people? A. What I told other people, if you tell me anything I said, I will answer you.

Q. I want to know what information they received from that telling; I want to know what there was about putting the police, so far as the Excise Law is concerned, under the command of the Tammany captains? A. I am telling you that the questions you are asking me, there is nothing in it.

Q. What is the question I should ask you to get at the fact? A. I don't know.

Q. What is the true story about that? A. About what?

Q. About the police captain being put under the command of the Tammany captains? A. I don't know.

Mr. Sutherland.— Well, I will have to bring somebody else, then. You may cross-examine.

By Mr. Nicoll:

Q. Nothing in it at all, is there? A. Nothing in it at all.

By Chairman Lexow:

Q. One moment, do you know of any facts that you have not testified to here, relating to the police interference with liquor dealers in connection with elections? A. No; I don't know that I do.

Q. Do you or not know that during the last election the police interfered with liquor dealers in this city with a view to inducing them to support one or the other political party? A. No; nothing of that kind.

Q. Have you any facts in your knowledge or recollection which would cast any light upon that subject? A. I haven't a thing; nothing at all.

Q. Have the excise prosecutions in this city not been used as a method of driving liquor dealers into support of one or the other political party? A. Positively, no.

Q. Do you know of anything in reference to that to your knowledge? A. No; I am only speaking of the members of my organization; I know nothing outside of it.

Q. How many are included in the membership of your organization? A. Somewhere in the neighborhood in the city of New York, of about 4,000.

Q. Four thousand people that have the business of selling liquors? A. Yes, sir; retail.

Q. And do you mean to be understood here, as stating that the police have not on any occasion interfered with any of the members of your organization with a view of compelling them to give their support to one or other of the political parties? A. The police?

Q. Yes. A. No; positively not.

Q. Or the district authorities, aided by the police? A. No, sir.

Q. Do you mean to be understood as stating that the excise prosecutions have not been used for the purpose of compelling support politically for one party or the other? A. Positively not; to any of the members of my association — the association that I represent.

Q. Has your experience within the past two or three years been that those represented by your organization have been interfered with by the district leaders of a political party? A. No; not to my remembrance.

Q. Not at all? A. Not that I know of.

Q. Is one of the objects of your organization to protect your members? A. It is.

Q. Against interference by district leaders or the police? A. It is.

Q. And to stand between the police and the members of your organization? A. We stand between the police and any other organization against us.

Q. That is to say, you render your services by standing between other political influences or the police as against the members of your organization; that is your business, isn't it? A. Our business is that we shall stand by our members against other parties.

Q. But your association has sprung into existence because of the necessity you found of having some central power to aid and support your members against either the district leaders or the police in this city? A. Not at all; that was not the question at all; it was the oppression of the Republican party that got us to start an organization.

Q. You mean legislation on the liquor question? A. Yes; that is the reason that we started the organization.

Q. Now, there are about 10,000 liquor saloons in the city of New York, are there not? A. No, sir.

Q. How many? A. About 6,500.

Q. So that your organization includes all but about 2,500? A. About all.

Q. Do you support the organizations not included in your association? A. We haven't only one in this city, that is not included —

Q. Any of the 2,500? A. I say there is not but one organization in the city of New York, that is, outside the Liquor Dealers' Association, that is the Bohemian organization that does not understand our language, and they have a separate organization of their own, and that is on the east side; they are the only ones

not connected with the central organization of the New York Liquor Dealers' Association.

Q. But that organization does not include the 2,500 liquor dealers that are not members of your association? A. No, sir.

Q. Do you support or protect any of these 2,500 other liquor dealers that are not in your organization? A. Indirectly we do, because what benefits one benefits all.

Q. By intervening in their behalf, when prosecutions are brought before police justices in this city? A. Not at all; we do not care anything about them; we do not support them at all.

Q. You do intervene in behalf of your members when prosecutions are brought in this city against members of your association in a Justice's Court? A. We do; we furnish counsel; we furnish counsel, and try to get the best of the argument as we can.

Q. And you say you appear about 500 times a year in prosecutions of that kind? A. Well, the question was asked me about how many times I had been in court in the last two years; I might have been there about 500 times.

Q. During your experience as a defender of these charges against liquor dealers, have you found that they were arrested as a result of political influence? A. No, sir; I do not know of a case.

Q. Not at all? A. No, if such a case would occur, and it was a matter of our association, they would hear from us; we have no affiliations with any political organization.

Q. Do you know whether or not it is a fact that if a liquor dealer in this city supports the dominant party here that he is permitted to violate the law in reference to Sunday opening or closing and in reference to opening his saloon after the hours prohibited by law, and if he does not support that dominant party he is closed? A. That is not so.

Q. Do you mean to state that as a fact? A. I state that as a fact, as far as our members are concerned; I bother myself not at all about other people.

Q. In other words, you do not know whether that statement is true, with reference to other liquor dealers or not? A. I don't know anything about that; I go to sleep nights easy about that; it don't bother me at all.

Q. Is it not a fact, within your knowledge, however, that favoritism is shown to liquor dealers, some being permitted to have their saloons open after opening hours, and others being closed by the police of this city? A. You mean now?

Q. I mean within the last two years? A. No, sir.

Q. Or now? A. No, sir.

Q. That you have not, in your experience, known of any facts of that kind? A. No, sir.

Q. It is a fact, however, isn't it, within your experience, that some are allowed to remain open and some are closed? A. Do you mean within the last two years?

Q. Yes? A. No.

Q. Are all allowed to remain open, or are all closed during those hours in which the selling of liquor is prohibited by law? A. Every man has to take his chances.

Q. And that implies that some are allowed to remain open and some are closed? A. I did not say that; I did not imply anything of the kind; every man who violates the law takes a chance; if a man is all right, he don't get caught, in every avocation.

Q. Do you know whether they all take these chances, or only some? A. I could not tell you; my experience is, I do not believe there is hardly a liquor dealer in the State of New York, outside of New York city, from Buffalo down to Montauk Point —

Q. That does not take those chances? A. Why, certainly.

Q. Is it not a fact, in your knowledge, that there are dealers in this city who are compelled to keep closed during the times prohibited by law for selling liquor? A. Positively, no; not one person more than another.

Q. Don't you know instances when they are compelled to keep closed? A. I do not know of one; I can not think of one.

Q. I mean keep closed during those hours when the selling of liquor is prohibited by law? A. It is supposed every place should be closed during the hours prohibited by law; it is supposed that every place is closed.

Q. But they are not? A. Well, that is for the committee to find out; I don't know; I sometimes keep open myself.

By Mr. Nicoll:

Q. You have been arrested for it, too, haven't you? A. I have been arrested for it, too; I will take that same chance to-morrow; the same as everybody else does.

By Mr. Sutherland:

Q. To-morrow is not Sunday; you mean next Sunday? A. I don't know.

Q. Did you keep open yesterday? A. I don't know; I was not there; I was out of town.

Q. Now, I understood you to answer the chairman of the committee that your organization was formed on account of Repub-

lican oppression; how long have you been a member of the city organization? A. Oh, since 1884.

Q. How many departments of the city government have been under Republican control since then? A. Now —

Q. Answer the question? A. There has not been any.

Q. Has there been any department of the city government of New York under Republican control since you have been in New York city? A. No, sir.

Q. You go into court solely in the city of New York? A. Oh, no.

Q. Have you represented these men outside of the city of New York? A. Many times.

Q. How many times during the last two years? A. Well, I suppose about five or six times.

Q. And 500 times all told; so that 495 of them are cases within the limits of the city of New York? A. Oh, by all means; I am here on the ground all the time.

Q. There is where the oppression is, isn't it, in the city of New York? A. Yes.

Q. Those are the cases you have to defend? A. Yes, sir.

Q. And there is no department in the city of New York that during the last two years has been under Republican control? A. No.

Q. Has the law with regard to selling on Sunday changed within the last two years? A. It has.

Q. How much? A. On Sundays?

Q. Yes? A. No.

Q. Has it changed since 1884? A. No.

Q. Has it changed within your memory? A. No, sir.

Q. The law has always been a saloon shall be closed on Sunday? A. Yes.

Q. Is that the principal difficulty you have with the police about opening on Sunday? A. I do not know that we have any difficulty.

Q. You have been 500 times in court during the last two years in respect to what complaint? A. To go there and get bonds for a man that is arrested for the violation of that law?

Q. That is the particular complaint in the majority of the cases, isn't it — the Sunday law? A. It is all Sunday law, as a rule.

Q. That Sunday law has always been on the statute books so far as your experience goes? A. It has.

Q. Neither a Republican Legislature nor a Democratic Legislature has changed it? A. No.

Q. And the enforcement, in the main, so far as you are concerned, relates solely to the city of New York? A. Oh, no; I happen to cover the State of New York; I am the State president.

Q. But your presence in court, except five or six times, has been in the city of New York? A. That is all.

Q. And as you understand it, Tammany Hall has control of the police force in the city of New York? A. I do not understand anything of that kind.

Q. Do you know Mr. Martin? A. I do.

Q. A personal friend of yours, isn't he? A. No, no more than any other of the commissioners.

Q. Of course they are all your friends, are they not? A. I do not know as they are friends of mine.

Q. Do you call upon them frequently? A. No.

Q. Didn't you go in regard to these very cases to see those commissioners? A. No.

Q. How many of the police commissioners belong to Tammany Hall? A. I believe there is three Democrats and one Republican; I suppose they all three belong to Tammany Hall.

Q. And when you wanted to go to the Constitutional Convention, you went to Mr. Croker? A. By all means, there was no other place to go to.

Q. Did the police differ from other people in regard to the control of Tammany Hall?

Mr. Nicoll.—What is that, Mr. Sutherland? Don't you think, Mr. Chairman, that is rather an irregular question? He can not speak for the police.

Mr. Sutherland.—I will change it.

Mr. Nicoll.—Are the police different from other people? You are going to withdraw it altogether?

Chairman Lexow.—I think it had better be withdrawn. I do not think it is a proper question.

Q. Have you ever mentioned these cases of arrest of the policemen to any of the police commissioners? A. No.

Q. Not within the last two years? A. No.

Q. Have you never conversed with either of the different commissioners? A. No.

Q. Within the last two years? A. In a casual way I may have, but I do not remember anything of that kind; never officially.

Q. To whom have you, as president, made these complaints? A. Oh, complaints?

Q. Yes; about the arrests? A. I have never made any complaints.

Q. To nobody? A. No, sir; if a man violates the law and gets arrested, he is entitled to be arrested; I don't care who he is.

Q. Are your duties confined simply to the defense? A. To the defense.

Q. Don't you seek to obviate the future arrests? A. Do we what?

Q. Don't you seek to obviate future arrests? A. We are trying to form some kind of plan; if we could do it, we would only be too happy to do so; we went to the Legislature and tried to do that.

Q. Did you go to any official on that subject? A. Certainly not.

Q. And that is not a subject you ever talked over with the police commissioners? A. The only thing we ever talked over is, we wanted to be treated fairly.

Q. Who did you talk that to? A. I talked that to any candidate that is running for office.

Q. Talked that to the police commissioners? A. Talked it to the police commissioners, or anybody, and would talk it to the President of the United States, if we could get it.

Q. I asked you if you talked that to the police commissioners? A. I suppose I have; I don't recollect any special time.

Q. Is it because you have done it so often that you don't remember? A. I don't meet them very often.

Q. Would it be a circumstance that would impress itself on your mind if you applied to the police commissioners? A. Officially, it would be in my mind.

Q. Do you mean to say that you can not remember a single instance in which you have gone to the police commissioners and made that suggestion? A. I can not say.

Q. Do you mean you can not remember? A. I have a pretty good memory.

Q. Is it not true that you have more than once talked with Commissioner Martin, if you please, on that subject? A. On the subject of —

Q. Of avoiding future arrests of the liquor dealers? A. Positively not.

Q. Have you talked with him on the subject of your liquor dealers being treated fairly? A. Well, I don't believe they have ever been treated fairly.

Q. Have you talked with him on that subject? A. I don't know whether I have or not.

Q. Neither do I; I am waiting for you to tell me? A. I don't know.

Q. Do you mean to say you can not remember any such instance? A. I don't know.

Q. Would you swear that you never have talked with him about that? A. No, I would not.

Q. Your opinion is they never have been treated fairly? A. That is my opinion.

Q. Haven't you stated that opinion to Mr. Martin? A. I would state that to anybody.

Q. Haven't you stated that to him? A. Probably I might.

Q. Haven't you stated it to the other police commissioners? A. I might.

Q. Isn't it true that you have? A. I can not say.

Q. Would you swear you have not? A. No, I would not.

Q. Have you ever talked with the district leaders of Tammany Hall on that subject? A. No, sir.

Q. Who is the leader in your district? A. Patrick Divver.

Q. What is your district? A. Second.

Q. Is that Justice Divver? A. Yes, sir.

Q. The police justice? A. Yes, sir.

Q. Did these cases ever come before him? A. Sometimes.

Q. Have you ever talked with him about that? A. Never.

Q. Never? A. Never; I do not go near him at all.

Q. Who do you go to? A. Whenever he is sitting on the bench and there is any excise case I do not go near the court.

Q. You don't go near the court? A. No.

Q. The cases do not need your attention then? A. Yes; just as much as it does with any other judge.

Q. Why don't you go? A. Because he is in my district; that is the reason; I do not want people to think I would have more influence with him than anyone else.

Q. Then you send a man? A. Oh, no; I don't send anybody; I let them take care of themselves.

Q. The cases of arrests in your district go undefended as far as your association is concerned? A. When he is sitting on the bench I do not go near the place at all.

Q. Is there anybody representing your association who goes? A. I suppose there is at times.

Q. Do you recollect any such instances? A. Yes.

Q. Tell me the names of anyone who went and represented them before Justice Divver? A. I can't remember.

Q. Have you ever talked with Mr. Croker about liquor dealers being treated unfairly? A. I have.

Q. How many times? A. Oh, that would be impossible for me to say.

Q. So many times you can't tell the number? A. I can't tell.

Q. Is it so many times that you can't tell? A. That is about the size of it.

Q. And on that subject you have visited him with committees more than once? A. Not in the past two years now; this is all.

Q. Have you talked with him at all in the last two years on this subject? A. I don't believe I have, particularly.

Q. No, unparticularly? A. I don't know as I have.

Q. Do you know you have not? A. Well, now, I want to answer that right; what is the question now?

Q. Will you answer that you have not talked with Mr. Croker in the last two months on the subject of the oppression of the liquor dealers in the city of New York? A. I positively say no.

Q. On the subject of the liquor dealers being treated fairly; have you talked with him in the last two years? A. I say no; I have not.

Q. Have you talked with him in regard to liquor dealers of New York city within the last two years?

Mr. Nicoll.—Haven't we been over that, Mr. Sutherland, many times?

Mr. Sutherland.—No, sir.

The Witness.—I have, yes; lots of times.

Q. And with regard to the Excise Law? A. Yes, sir.

Q. And in regard to the manner of its enforcement? A. No, sir.

Q. With regard to the conduct of the police? A. No, sir.

Q. You say positively that you have not talked with him in regard to the police? A. I say positively I have not, within the last two years.

Q. Have you within the last three years? A. That is a year more; that gives a little more play; I probably have.

Q. It is not play; it is a serious matter. A. It gives me more latitude; that is what I mean.

Q. You can not have any latitude away from the truth; have you in the last three years talked to Mr. Croker about the conduct of the police? A. I have.

Q. When was it? A. It is over two years ago.

Q. When? A. I could not say when; it is over two years ago.

Q. Where? A. At almost any place I would meet him.

Q. How many times? A. I could not say.

Q. How many, as near as you can? A. We went to see him when he was city chamberlain.

Q. Who is "we?" A. Liquor dealers.

Q. How many of you? A. Three or four.

Q. Who were they? A. I would have to go back to the record; I could not state exactly who was on the committee.

Q. Who was on the committee; tell me one? A. William Pagent.

Q. Where is his place of business? A. Nineteenth street and First avenue.

Q. Who else? A. He is the only one I can remember, because he was the president at that time.

Q. You can not tell just when that was? A. Not — it is a long time ago; it is over two years, if not over three.

Q. Is that the last time you talked with Mr. Croker on that subject? A. Certainly not; I told you a hundred times to-day that I have spoken to him a good many times.

Q. Within the last two years? A. Well, I have spoken to him in the last two years, but not on the subject you claim.

Q. On what subject? A. You claim on the subject of police.

Q. What subject have you talked on? A. I asked him to support legislation.

Q. What else? A. I could not tell you.

Q. Anything else but that? A. I would repeat the same thing over again that I have.

Q. On any subject except legislation? A. Yes, sir.

Q. On what other subject? A. I suppose I spoke to him about that liquor dealers' association as an organization that is not a political organization; that we wanted to support the friends — people that would treat us fairly; and when Tammany Hall makes its nominations — did make nominations of men who were fair and unbiased, and things like that, we are willing to support the candidates if they do it.

Q. That all bears on the question of legislation; you know I am after another subject; have you talked with Mr. Croker on any other subject except the legislation connected with the liquor dealers? A. No, sir; that is the principal thing of legislation.

Q. If that is the principal thing, what else is there? A. Why, temperance agitation is unprincipled so far as we are concerned.

Q. And the police have to do that, haven't they? A. They don't have anything to do with us.

Q. Don't they make arrests? A. If they violate the law.

Q. Sometimes they make arrests when you claim a man has not violated the law? A. I claim that now; they claim it is a violation of the law because the place is open.

Q. And you claim the police make arrests that are in violation of the law? A. I do.

Q. Haven't you complained of that fact? A. I complain of that now.

Q. Haven't you before that day complained of that fact? A. I have.

Q. Haven't you complained to Mr. Croker of that fact? A. I don't believe I ever did.

Q. Haven't you complained to the police commissioners of that fact? A. I don't think I did; I think I complained to the district attorney one time; I might have done it a dozen times.

Q. You said you have complained thousands of times of that, to whom? A. A great many people.

Q. Who are the people? A. Really I would go a thousand times probably to the police and police judges and state it is not a violation of law.

Q. What other officials have you gone to? A. To the district attorney and explained the same thing.

Q. What other officials? A. Probably to the superintendent, and state the same thing.

Q. What other official? A. I could not say.

Q. You have complained of this to the police judge; the district attorney and superintendent? A. Yes, sir.

Q. You never made a complaint to the patrolman? A. No, sir.

Q. Or the police commissioner? A. No; not on that subject.

Q. Or a captain? A. I might do that; I might say the same thing.

Q. You have talked that way to a police captain very frequently, have you? A. I would.

Q. You have? A. I don't say frequently; whenever we got on the subject.

Q. You have talked with them about that? A. Yes, sir.

Q. And have complained the law was violated by those policemen in arresting your men? A. Yes, sir.

Q. More than once? A. Yes.

Q. Repeatedly? A. Lots of times.

Q. To more than one captain? A. Yes, sir.

Q. Pretty near all of them? A. Well, I don't know them all.

Q. All that you know? A. All those I come in contact with, yes, sir.

Q. And that has continued down to the present time, hasn't it? A. To the present time.

Q. Ever since you had official connection with this organization? A. Not ever since; it is since 1872 that it is not a violation of the law to keep the place open.

Q. And you have only made these complaints in the last two years? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. None of the officials you complained to were able to take your view of it? A. No, sir; I am sorry to say.

Q. When you spoke of taking your chances of being arrested—how many saloons are there in the city of New York? A. Over 6,000.

Q. Six thousand saloons? A. Yes, sir.

Q. Scattered all over the city? A. All over the city.

Q. And how many police officers are there on duty at any one time? A. That I don't know.

Q. Haven't you calculated what the chances are of an arrest? A. Yes.

Q. By considering the proportion of police officers on duty to the number of saloons? A. I have.

Q. There are about 1,500 men on duty at one time, are there not, throughout the city? A. Somewheres around there; I could not say exactly.

Q. So you got about one chance in four, a saloon would have, in getting arrested? A. Yes—one chance in 10—if we are careful.

Q. Your people take these chances, and get arrested, and get prosecuted for it, don't they? A. I do.

Q. Rather than shut up? A. Yes.

Q. Are you patronized by the inhabitants of this city? A. If we were not, we could not keep open.

Q. There is a very considerable demand for the wares that you have to sell, isn't there, on Sunday? A. Yes, sir; if there was no demand, there would be no supply.

Q. And so you take this chance, as you speak of, on account of the demand by thirsty persons for beer and liquor on Sunday? A. We do.

Q. Is it not a fact that in the city of New York there is a very large population of foreign born citizens numbering hundreds and hundreds of thousands? A. Yes, sir.

Q. Who require beer or ale on Sunday?

Mr. Sutherland.—Put it "enquire" and let it go; otherwise I object to it.

Q. Who use it, with whom it is a custom to drink; isn't that a fact? A. Yes, sir; it is not my choice; we do not keep open from choice.

Q. What is the German population in the city of New York, do you know? A. Well, I think about one-quarter of the population is German.

Q. That is, German or German descent? A. Yes, sir.

Q. So, if the city of New York has 2,000,000 of inhabitants, there are 500,000 people here of German or German descent? A. If not more.

Q. And with that great company of people is the Sunday Excise Law regarded as an invasion of their liberties?

Mr. Sutherland.—I object.

Chairman Lexow.—That is ruled out; I do not think that is proper, Mr. Nicoll. You may ask what they do, but with regard to his opinion it is immaterial.

Q. Do they complain of it as an invasion of their liberties?

Mr. Sutherland.—I object.

Chairman Lexow.—Excluded; do not answer the question.

Q. How large a population, other than those German, that is, foreign born, are there actually in New York? A. Well, I should judge that there would be two-fourths more of them, if not more than that.

Q. That is, out of a population of 2,000,000 of inhabitants, we have considerably over a million who are people of foreign birth or of foreign descent? A. More than three-quarters.

Q. And are those the people who patronize to a great extent the saloons on Sunday? A. They are in the majority of the population, and, therefore, they must be a majority of the patrons; but the Americans like their whisky on Sunday, as well as the German likes his beer.

Q. What did you mean when you said you were compelled to have this defensive organization by the oppression of the Republican party? A. I mean that by legislation, by Republican legislation.

Q. What legislation? A. The Republicans advocating high license, etc.; the Republicans started in to advocate high license as far back as 1882 or 1883, I do not remember exactly, and we were compelled to organize for mutual protection.

Q. And that is all; your organization sprang into existence? A. Sprang into existence on that account, and the repeal of what is known as the "free bed" clause.

Q. Now, as I understand it, your organization is founded upon the notion of mutual protection of its members? A. That is right.

Q. You contribute, I suppose, by your members, to a fund for mutual protection; you mean to say you pay annual dues? A. Yes.

Q. You hire lawyers, do you not, to represent you in the courts? A. Yes, sir.

Q. You pay counsel either in special cases or by general retainer, or something of that sort? A. Yes.

Q. And you appear before public men who are supposed to have influence for the purpose of representing your views, do you not? A. Yes, sir.

Q. Some of your members are Republicans, are they not? A. Yes, a large number.

Q. A large number are Republicans? A. A large number.

Q. Some of them belong to some independent factions, Democratic factions? A. I suppose they do.

Q. And some belong to Tammany Hall? A. And some belong to Tammany Hall.

By Mr. Sutherland:

Q. Of course then if the object of the association was to repeal the "free bed" clause, and prevent high license — A. It was repealed at this time in New York.

Q. Exactly; I was going to get at it; when those two objects were accomplished, the purpose of your organization ceased? A. Oh, no.

Q. Oh, you found there was something else to do? A. Oh, yes.

Q. When was the "free bed" clause repealed? A. I think it was either in 1882 or 1883.

Q. In 1882 or 1883; and in 1891 all branches of the State government passed under the control of the Democratic party, didn't they; the election of Governor Flower, and election of Democratic Senate, and Democratic Assembly? A. I guess they did.

Q. You had no fear of high license law then, did you? A. No.

Q. Then your association had not to keep up for fear of high license? A. No.

Q. There was some other purpose that kept your association going? A. Yes; to get an excise law passed.

Q. And that was what kept you busy going to court, was it? A. Yes, sir.

By Senator Bradley:

Q. As a public official and a man that is posted on this business, during the last election, during the whole campaign, did you know of any officers going into stores and demanding that liquor dealers take down certain bills out of their stores representing certain candidates; do you know of any officers doing that during the fall campaign? A. Nothing; so far as any member of my organization that ever occurred of that kind.

Q. It never came under your official notice? A. Never heard of it, or they would have heard from us.

By Chairman Lexow:

Q. Who would have heard from you? A. The police, or anybody else that would interfere with a man's liberty.

Q. And by that you mean you would have prosecuted them? A. We would; we certainly would have fought it.

Q. You have stated you had conversations with captains—police captains—and others, with reference to a fair treatment to the liquor dealers; what do you mean by the use of the expression, "fair treatment of the liquor dealers?" A. I claim

this, that the present Excise Law does not prohibit a man from keeping his place open, and when arrests are made because a man has his place open for the purpose of cleaning up, or he goes into his place, or he happens to live in the back of his place, that an officer would come in and arrest a man because he is on the premises, I say he is wrong, and it is not the law.

Q. In other words, according to your construction, the police had unfairly construed the law; is that it? A. I suppose that is the way to put it.

Q. And by using that construction of the law for the purpose of oppressing the members of your association? A. Oh, no; I don't think so; I think it is done more to—for records, that the liquor dealers are being arrested; the liquor dealer, as a rule, is the "marker" for everybody.

By Senator Bradley :

Q. You are a very intelligent man? A. Yes.

Q. You know what the meaning of mental reservation is, don't you? A. Well, yes.

E. N. Trillard, called as a witness, being duly sworn, testified as follows :

Direct examination by Mr. Sutherland:

Q. Where do you live? A. Two hundred and fifty-three Fourth avenue.

Q. And what is your business? A. Merchant tailor.

Q. Were you a Republican inspector of elections at the last election? A. Yes, sir.

Q. And at what voting place? A. The first election of the Twelfth Assembly.

Q. Whereabouts is that? A. Two hundred and thirty-eight Third avenue.

By Chairman Lexow:

Q. The Twelfth Assembly district? A. Yes.

By Mr. Sutherland:

Q. You know Mr. J. Augustus Johnson? A. Yes, sir, I met him there.

Q. Was he a Republican inspector there that day? A. Yes, sir.

Q. You were there all day as an inspector of election? A. Yes.

Q. Did Mr. Johnson make objections there to violations of law? A. He did.

Q. You may state what you saw and heard in that respect? A. He objected first off; we had a man come in there who was

under the influence of liquor when he was inside the polling place, and I asked the officer to remove him, and the officer did not remove him at all.

Q. Who was this officer? A. I think the number was 212, if I am not mistaken; I do not know his name; the other inspectors did not object, until finally the objection was so strong that the chairman of the board ordered him out also; but he did not take him out of the polling place at all, until he went of his own accord.

Q. The officer did not take him out? A. No, sir.

Q. Now, what was the next thing you saw that day? A. Mr. Johnson challenged three men when they came to vote as having been voted upon; and there were some other men who had voted on these people's names before they came; those were the challenges Mr. Johnson made.

Q. What occurred in regard to those challenges? A. Their votes were sworn in.

Q. What did you say or do? A. I accepted the votes.

Q. Where were the policemen at that time? A. In the polling place.

Q. Who were the other members of the board of inspectors? A. George McHugh and James Ennlis.

Q. Now, the objection to this was that other men had voted on those names? A. They had; our books showed that to be a fact.

Q. And were those men who came in and swore in those votes the bona fide owners of those names? A. So far as I know I am pretty sure they were.

Q. Had any objection been raised when other people came in to vote on those names? A. No, sir.

Q. What was the next irregularity you saw? A. Canvassing within the limits of the polling place.

Q. Tell us what there was about that? A. Mr. Johnson objected to it, but no attention was paid to it.

Q. No attention was paid by whom? A. By the Democratic workers in that district.

Q. Did he appeal to the officer? A. Yes, sir.

Q. Did you make any protest against it? A. I did.

Q. To whom did you protest? A. The policeman.

Q. Did the policemen object, either of them? A. No, sir.

Q. Did the policemen know you were one of the inspectors of election? A. Yes, sir.

Q. You sat along, three in a row? A. Yes, sir.

Q. Where did you sit; at the center or one of the ends? A. At one of the ends.

Q. To the right or left? A. To the left.

Q. Who was in the center? A. The other inspector, Ennlis.

Q. Was he the chairman of the board? A. No, sir; he was at the other end.

Q. Who was in the center? A. We were so fixed we were not in a row; we were in a triangular shape.

Q. Who was the chairman of the board? A. Mr. McHugh.

Q. Did the chairman of the board answer for the board, or did all three talk? A. Well, three of us talked.

Q. When you objected to the presence of these workers within the 150-foot limit, right within the polling place itself, who replied to your objection? A. Nobody especially and everybody in general, if I might put it that way.

Q. Did the two inspectors of election make a reply? A. After a while the chairman did.

Q. What did he say about it? A. He told him to go outside the door.

Q. Did they go? A. They did.

Q. Did they come back? A. They came back in the afternoon.

Q. And stayed there the rest of the afternoon? A. Yes, sir.

Q. Did the policemen put any of those men out? A. No, sir.

Q. Did you ask him to? A. No, sir; he said he would, and then talked with them and did not.

Q. Did Mr. Johnson finally appeal to you at any time? A. Yes, sir.

Q. With regard to the general conduct of things? A. Yes, sir.

Q. And what reply did you make to him? A. I told him I had gone so far as I could go, and could not go any further than I had gone.

Q. That was true, was it? A. Yes, sir.

No cross-examination.

Philip Loewenthal, called as a witness, being duly sworn, testified as follows:

Cross-examination by Mr. Sutherland:

Q. Where do you reside? A. Two hundred and thirty-four East Seventy-fifth street.

Q. Two hundred and four East Seventy-fifth street? A. Two hundred and thirty-four.

Q. What is your business? A. Clerk.

Q. You were at one time a member of the police force of the city of New York? A. Yes, sir.

Q. For how many years? A. Four or five years.

Q. And until what year? A. I will give you the date; I have it here in my pocket.

By Chairman Lexow:

Q. Can't you remember about the date, Mr. Loewenthal? A. I can give you both my appointment—

By Mr. Sutherland:

Q. No, just give your remembrance? A. I joined it on the 15th of February, 1858; I left with the Twelfth regiment of New York in full police uniform at the call of Lincoln for 75,000 men.

Q. That was in 1861? A. Exactly; on my return my appointment and pay commenced on the very day in the latter part of 1861, on my return to New York on the force again, until the day that Abraham Wakeman became postmaster of New York, when I resigned.

By Mr. Nicoll:

Q. Let us find out when Abraham Wakeman was postmaster of New York? A. That was in 1862.

By Mr. Sutherland:

Q. Answer my questions; you have been for a number of years inspector of elections in your district? A. Since the second election of Abraham Lincoln.

Q. Invariably? A. Invariably, except in one to three exceptions.

Q. In the fall of 1892, you acted as presiding officer of the board of inspectors of the district? A. I did.

Q. What election district is that? A. Fifth of the Twenty-second.

Q. Twenty-second Assembly district; did there come a time when the poll-box was closed? A. Sir?

Q. Did any occurrence happen which caused you to close the polls for a while? A. Yes, sir.

Q. Tell us what it was that happened.

The Chairman.—When?

Mr. Nicoll.—Eighteen hundred and sixty-two.

Mr. Sutherland.—No, 1892.

The Witness.—I was, against my will, chairman of the board; I being a Republican and the other two being Democrats I thought the chairmanship belonged to them; they insisted on account of the extra labor that the chairmanship imposes in carrying the election returns to the station-house, and the registration every night to the station-house, they did not want to do that, and I had to take it; I told them at once that if I am

chairman that I would like to run the thing fairly, and that I would try to stop anything that was illegal; one man disfranchised himself by illegal processes; we all united on it that that man was not entitled to vote by his action; the two Democrats were the ones that said so first; the man disappeared in an illegal way, carrying the ballots with him in spite of my trying to stop him; after he was outside, he took the ballots — there were 13 ballots at that time, if you recollect — and he took and made a ball of some of them, and he fired them at us when we demanded when he went out that he should leave the ballots at that place, and he fired seemingly a ball of ballots; and afterward he came back and shook the ballots at us and said, we have got them anyhow; we were unanimous that that man disqualified himself for voting; two hours after that a policeman brought this man back.

Q. Who was the policeman? A. Well, I don't know.

Q. Do you remember his number? A. I don't remember his number; I heard him addressed as Mr. Meenie; he brought him back, and said, to put his ballots there; "This man can not vote."

Q. Who said that? A. I said that; "Well, I am going to vote him anyhow."

Q. Who said that? A. Mr. Meenie.

Q. The policeman? A. Yes; I said, "Mr. Policeman, don't you know that you are here to preserve the law?" says he, "Well, I am going to vote this man;" I said, "Mr. Policeman, you are here to preserve the law; you are not running this thing; the board of inspectors are running this thing;" says he, "I will show you I am running this thing; this man is going to vote, or I will know the reason why;" "Do you want to know the reason why? you do know the reason why, and if you do want to know it again, he has disqualified himself, he has taken off, inside of 15 minutes, he has taken up three-quarters of an hour; he was in and out of the booth, being instructed each time what to do, fully seven or eight times, staying long enough in there, and he had disqualified himself by carrying off the ballots and destroying the ballots."

Q. Now, by the way, let me interrupt you just a moment; when this man went out with those ballots did you call up the officer to arrest him? A. I told him to arrest him; why, certainly.

Q. Was it the same officer that you told to arrest him that finally brought him back? A. I told the officer to arrest him, and they said, "Let him go;" and the man came back, and after the officer had said, "Let him go," and after awhile the man came back.

Q. Was it one of those same officers that brought him back

to vote? A. One of the same officers that was detailed for the polling place; I had as much as I could do to prevent one of the inspectors doing something illegal himself, because I had to watch him pretty close; one of them — the two inspectors that were with me; one of them was very square, the squarest Democrat, in fact, I ever met in my life; the other one, by the name of Crosier, was a nonresident, a fellow who comes here nearly every year from Chicago for election purposes, as he told me himself.

Q. When this policeman said he was going to run that thing and vote the man anyhow, what did you do? A. I stood in the way; I told the ballot clerk, "No ballots for this man;" so the policeman struck me on the shoulder, and said, "This man will vote."

Q. The policeman struck you? A. Struck me.

Q. The same policeman that brought in this voter? A. Exactly; I placed my hand on the ballot-box, and I said, "I declare this election closed until this blue-coated officer is removed from this office; marshal, arrest this interrupter."

Q. What did Mr. Galen, the other member of the board, say? A. Mr. Galen was studying the law; Mr. Crosier called the officer over, and the officer handed the paper to Crosier.

Q. Handed what paper? A. The ballots.

Q. The tickets this man had? A. That the man had; he handed them over to Crosier, and Crosier turned to me and said, "See, Mr. Loewenthal, those tickets are all right; they have the whole 13 now;" I said, "That makes not the least difference; this man can not vote."

Q. What did Mr. Galen say after he studied the law? A. He kept his nose down pretty near the book, until finally I said, "Well, Mr. Galen?" Mr. Galen came over and said, "Now, Mr. Meenie," — that is where I heard the name — "Now, Mr. Meenie, this has gone far enough; you have got to apologize to Mr. Loewenthal, else I will decide with him that the election is stopped."

Q. Did he say anything about wearing a checked suit? A. Yes.

Q. What was it? A. Yes, he did say something.

Q. What was it he said? A. Well, he said: "\$36, and I am worth that much; that is already in my business, and for \$36 I am not going to wear a striped suit, even for the party."

Q. Did the policeman say anything to Galen about that? A. About what?

Q. About his conduct? A. Not Mr. Galen.

Q. Did the policeman make any reply to Galen? A. Well, he told him, "Well, if you say so:" Galen says, "Certainly I say so," so they let the man go off; and he wanted me to go on with

the election; I said no; this don't end it; I want you away from here; you are not to be here; I want the marshal; and I kept shouting for the marshal; and he says, "Now, don't make a fuss over that," he says, "I am trying to help my party just the same way as you try to help yours;" and he apologized, and they all came around me.

Q. And you all continued? A. The people wanted to vote, and I let them vote.

By Senator Bradley :

Q. You opened the polls again? A. Oh, yes.

Cross-examination by Mr. Nicoll :

Q. How long a time were the polls closed in consequence of this action of yours? A. Between 15 and 20 minutes; I wish to state here what I forgot to state, that I told Mr. Galen at the time, I said, "I can afford, as a Republican, to have this district thrown out, as it is more than 60 per cent. Democratic, to less than 40 per cent. Republican, for the sake of one illegal vote; if you can afford to break it up, I can afford it too."

Q. What district was it? A. Fifth, of the Twenty-second.

Q. Where was it? A. In Second avenue, between Seventy-fourth and Seventy-fifth streets.

Q. What was the name of the gentleman who took so much time in preparing his ballots? A. There was no gentleman there; it was a loafer.

Q. What was the name of the loafer that took so much time in preparing the ballots; I would not have been permitted to ask that question if you had not suggested it; has Mr. Sutherland got his name? A. The gentleman that subpoenaed me; I told him that if he pleased to get the book from the election bureau where it is kept, there are the minutes in it, because I compelled each and every one of the election officers to make notes of those things.

Q. Possibly you don't recollect it now? A. The name I do not recollect.

Q. Very well, let it go; do you recollect when the man in question applied to the ballot clerk for his ballot; did you see him then? A. In the first instance?

Q. Yes? A. Yes, sir.

Q. Were there a full set of ballots given him? A. Yes; the same as everybody else.

Q. And when he had received them, what did he do with them? A. He was shown into a box.

Q. Into a booth? A. Yes, sir.

Q. And he remained there preparing his ballots? A. He

came out very rapidly, very rapidly with the ballot in his hand, a big paster on top of it, and he handed me that and said, "That is what I vote."

Q. Was it the fact, when he came out his ballots were not prepared according to law? A. They were not prepared according to law; they were not folded properly; I then told him, "You have been shown how to fold this ballot; you have got to bring it right up to the perforated line, and then close it together, and then bring it in, and I will accept it; and you must bring the other ballots from there all folded in the same way."

Q. Did he come back again? A. He went back and came out.

Q. Had he them folded right? A. He had that folded right and the other ones folded right, except instead of each one separate, he had them all folded together—the 12 ballots folded together in one bunch, just as they ought to be single, and he handed me that; I then sent him back again, and I told him each ballot must be folded separately.

Q. Did he go back and fold them separately? A. He went in and came out and brought me the one ballot out, and he told me, "Let somebody else fold them."

Q. Fold the others? A. Yes; "I am not getting paid for that; I am only getting paid for voting this way."

Q. Did he fold that himself? A. No; I sent him back then, and I told him I did not care what he got paid for, he had to go back and bring me the other ballots out, and he must fold each one separate; and each of the other inspectors also instructed him; and I want to call your attention to it, that we were not very particular about the time limit, either, because he had overstayed his time by that time already; he went in again and stayed in quite a while, and he came out and says, "You take this ballot and I will come back by and by and will fold the others."

Q. Didn't you say something prior to that time to him in a very irritable and angry tone, sir? A. No.

Q. Were you mild and polite and gentle? A. Just as polite as I am at present; I think I am very polite at present.

Q. Did he say anything then? A. Yes; I want to call your attention, that it would not do otherwise in that neighborhood if you wanted to have a whole head.

Q. Were you not, as a matter of fact, very naturally impatient with him? A. Oh, no; well, I found I could not work him, and I turned him over to Mr. Galen, and he worked at him until he got out of patience, and then Mr. Crozier got to work with him.

Q. And he got out of patience? A. No; he didn't get out of patience; I attended to half a dozen other voters that came out

of the other booths, and I told him, said I, "When that fellow is ready, just hand me the ballot."

Q. He had more difficulty than is usual in even the most ignorant voter folding his ballot? A. It was not ignorance in him.

Q. What was it? A. Pure cussedness.

Q. And was it on account of his pure cussedness that you threw him out entirely? A. No; we did not throw him out.

Q. He went out? A. When I was very busy he wanted to go out and see his friends to get them to fold it in the way I wanted; I told him he could not get out; I said, "You go back to your box and the others will show you, and everybody inside pretty near had a hand in showing him what to do."

Q. You told him, and the other Democratic inspectors and poll clerks and ballot clerks? A. The ballot clerk gave him the first instructions, and gave him a sample ballot; but some of the men in there—

Q. Watchers; were there watchers there or marshals? A. One of the marshals there gave me instructions; it was pure cussedness, as I said before; he did not want to do it, because it would be right; he would rather do the thing wrong than right; so when I was busy twice or three times he attempted to go outside with the ballot, and I stopped him; as I stood right by the—between the ballot—I will illustrate.

Q. Illustrate it, please? A. There is where I stood, and there is the little bar.

Q. A little bar? A. A little bar that had to be laid over.

Q. Into the booth, you mean? A. There was a little guard-rail like this (illustrating with his cane) that you could lift up; and whenever the booths were full we put that down; and just when we were busy he came and wanted to go out; I stopped him, but while I was putting in the ballot of one of the voters and handing the unvoted ballots to the other inspector, Mr. Crozier, Mr. Galen was standing looking up the law in regard to this man overdoing this time—

Q. I understood you that before? A. This was a different time.

Q. Did Galen spend all the time in studying the law? A. He was studying the law most assiduously.

Q. What was the man from Chicago doing? A. He was putting in the unvoted ballots.

Q. He was putting in the ballots, while Galen was looking up the law? A. Yes; he was looking up the law.

Q. Go on from that point? A. Suddenly this man made the rush to go out, and I said, "Policeman, stop this man," and the policeman did stop him; I said, "I want those ballots; don't let

this man out without the ballots;" and the man took the ballots and fired them.

Q. You have told the whole story, haven't you? A. I presume so.

Q. Is there anything left unsaid that a question of mine might suggest possible, anything that occurs to you now? A. Nothing at all; all I want to tell was the action of the policemen.

By Senator Bradley:

Q. Did you ask any policeman to arrest this man for an open violation of the law? A. No, sir.

Q. You did not? A. I told the policeman to bring the man back — because he had the — as soon as I ascertained that he had taken some of the ballots out, I told him to take this man back and we wanted the unvoted ballots.

Q. You didn't request any policeman or officers to arrest this man, although he was violating the law, and obstructing voters? A. No, sir; I did not ask the same; and I will tell you —

Q. That is all; you did not ask the policeman to arrest the policeman, when the policeman struck you? A. It was no use to ask the policeman to arrest voters, because he was constantly violating the law by handing pasters, by making themselves obnoxious, and electioneering in the place; I was in a peculiar position there, having a majority of the board against me, as was in every district, and trying to govern myself so that I would give no occasion to leave the place there without at least the protection which my presence gave in the Republican party; now, the policeman was a violator from the minute he struck there in the morning; and I certainly would not ask the policeman to arrest a man who violated it less than he did himself.

William P. Richard, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. One hundred and nineteen Eighth avenue.

Q. What is your business? A. Shoe dealer.

Q. Where is your place of business? A. In Eighth avenue, near One Hundred and Forty-ninth.

Q. And was that in the election district wherein Mr. Bahan was a candidate for Assembly last fall? A. Yes, sir.

Q. That is the Ninth Assembly district? A. Yes, sir.

Q. Was your name signed to the petition for his independent nomination? A. Yes, sir.

Q. Did anybody visit you on that subject afterward? A. Yes, sir; I was visited twice on that subject.

Q. What days?

Chairman Lexow.—Speak up, so we can hear you.

Q. Visited twice in regard to his nomination? A. I do not remember the day.

Q. How long after you signed the petition? A. About a week after.

Q. Who came to see you about it? A. A saloon keeper in Seventeenth street, and another party, and asked me to withdraw my signature from that.

Q. Asked you to take your name off? A. Yes, sir.

Q. How long was it after the first visit before the second party came? A. The next morning about half-past 7.

Q. Who was the second party? A. I don't know him.

Q. Anything happen that same day after the second visit? A. I told him I did not know anything about this candidate they had sprung on me a few days before; I did not want to sign or indorse, sign this indorsement.

Q. This second visitor came and asked you to take your name off Bahan's certificate? A. Yes, and signed McDermott's certificate.

Q. Where were your showcases at that time? A. On the sidewalk.

Q. Did anybody visit you in regard to them? A. Yes, sir.

Q. How long after the second visitor came there? A. About 10 minutes.

Q. Who visited you then? A. An officer.

Q. What did he say to you? A. He said to draw my showcases inside, it was against the law.

Q. To draw your showcases inside? A. Yes, sir.

By Senator Bradley:

Q. You say he asked you to sign McDermott's certificate? A. Yes.

Q. I thought McDermott got the regular Democratic nomination? A. Yes, but there was an indorsement by the business men, as I understood.

Q. It was merely a recommendation to vote for him? A. No.

Q. He was not the same as the other gentleman? A. No.

Q. He also asked you to withdraw from Bahan's certificate? A. Yes, sir.

By Mr. Nicoll:

Q. Who asked you to sign Bahan's certificate? A. Bahan himself.

Q. What did you say about it being sprung on you? A. This McDermott nomination; I didn't know anything about the gentleman.

Q. You were a friend of Mr. Bahan's, were you? A. I know Mr. Bahan; I am not a friend of his; I believe he is a gentleman, and an honest man.

Q. You were interested in his candidacy, were you? A. No, sir.

Q. I say you were interested in his candidacy? A. That far I was.

Q. Interested in having him a candidate for office? A. Yes, sir.

Proceedings of the seventh meeting of the committee, Friday, March, 30, 1894, at 10:30 a. m.

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

Appearances as before.

John Lafond, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland.

Q. Where do you reside? A. Two hundred and fifty-one Spring street.

Q. And what is your business? A. Shoemaker.

Q. Always lived in New York? A. Yes, sir.

Q. Where do you vote? A. Where do I vote?

Q. Yes. A. One hundred and seventy-four Varick street.

Q. And what election district and what Assembly district? A. Seventh election district, Eighth Assembly district, at present.

Q. Did you vote there last year? A. Yes, sir.

Q. What time in the day? A. Well, I voted early, sir; about 8 o'clock in the morning.

Q. Did you see a policeman there? A. Yes, sir.

Q. What was his name? A. Theodore Snyder.

Q. Do you know his number? A. No, sir; Mr. Conklin took the number; I did not pay any attention.

Q. Did you have any official relation with that election? A. I hadn't much this last election; 1892 we had an altercation.

Q. What was your office in 1892? A. Captain of the district, challenger and watcher.

Q. And you had a challenger's certificate? A. Yes, sir.

Q. What officer was in attendance that year? A. The same officer.

Q. What time did you vote that morning? A. Well, I didn't get in to vote until it was 11 o'clock that day.

Q. What was the reason you didn't get in? A. About 7 o'clock in the morning, after talking to the Tammany Hall captain, this Snyder came to me; I was standing outside the rail; he said, "What are you doing here?" "I am a challenger," said I, and he said, "You have no reason for being in here; get out of here;" I said, "Here is the paper for my authority;" and he said, "Get out of here; that does not signify to-night;" I thought his object was to lock me up, and I got out.

Q. What time did you get back? A. When Mr. Conklin came; about 2 o'clock in the afternoon.

Q. Then what occurred? A. Well, he went in and told them to let me stay there, and told them they violated the law, and came back in the afternoon or at night and took his number, and said he would have something to say about it.

Q. And by his persuasion you were put back? A. Yes, sir.

Q. Did you see anything else of the conduct of the police on that day? A. Well, they just left the Tammany Hall man do as he pleased.

Q. Tell the committee what it was? A. I seen him at the last election; I seen him take men — a fireman particularly — that came up after he gave his name and took his tickets — took him by the collar and dragged him out.

Q. Who dragged him out? A. A fireman by the name of Lucas.

Q. Who was the man he dragged out? A. I can not tell; I forget his name.

Q. What did the policeman do or say? A. He let it pass; I made a protest against it, and the inspector of election threatened to have this Lucas locked up if he did it again.

Q. But did not interfere with taking him out that time? A. No, sir.

Q. What else did you see the policeman do there? A. Well, one of them stopped outside at the last election; one of them stopped outside, and took no interest in the — when I challenged a voter he was outside, and I called him in to arrest the voter; he swore his vote in, and when he was coming in Lucas came and got a man and went to punch him at the polling place door, and they never interfered.

Q. When you called the policeman to arrest this voter, this Lucas came up and caught the voter? A. No; a man that was standing outside that called the policeman inside.

Q. And he assaulted him? A. Yes, sir.

Q. What policeman was by at that time? A. Snyder, and another officer; I don't know his name.

Q. Neither of them interfered to protect this man? A. Neither.

Q. What else did you see the policeman doing? A. Well, sir, it is hard to tell what they didn't do.

Q. Tell the committee what they didn't do? A. They let them carry on—

Mr. Nicoll.—Don't you think you ought to confine it to some arrest?

Mr. Sutherland.—I am talking about the last election.

The Witness.—It was the last election of 1893 I am talking of that they committed these things; I could not see anything in 1892 because they put me out and would not let me in and attacked me when I went to vote.

By Mr. Nicoll:

Q. You got back at 2 o'clock in 1892? A. Yes; well, I could see nothing; the election was over there then when I got in.

By Mr. Sutherland:

Q. Now we will talk about 1893 again; tell us what you saw the police do or permit in their presence? A. I see them permit men go out with their ballots after they got them right across the street to the Tammany Hall captain.

Q. Did you object to that? A. Yes, sir.

Q. Did you speak to the police about it? A. No, sir; I spoke to the captain that he is not to let the men in again and they could not vote; nevertheless, they let them vote after taking their tickets outside.

Q. Did you see the police interfere with anybody, any voters? A. No, sir; the reason of their not interfering the last election, Mr. Conklin went around to—

Mr. Nicoll.—I object to that, Mr. Chairman.

Q. I am only asking what you saw yourself; did you see the policeman giving directions to the voters? A. No, sir; I did not see them interfering.

Q. Or about going into the booth? A. This officer, Mr. Chairman, told me Mr. Conklin had been around to the captain and cautioned him not to interfere with me in 1893.

Q. Did you see the policeman send voters back into the booth for a pencil or anything of that sort? A. No, sir; they did not interfere.

Q. They did not interfere at all? A. No, sir.

Q. They simply stood by and let the things go on? A. Stood by and let the things transpire.

Q. Did you see any other irregular transactions? A. I saw the ballot clerk throw over pasters into the booths.

Q. Where was the policeman? A. About as far as that corner.

Q. How far was you from the ballot clerk? A. As far as that gentleman there.

Q. The stenographer? A. Yes.

Q. Ten or 12 feet? A. About 10 feet off.

Q. And did the ballot clerk do that more than once? A. No; I only seen him once; I was out a good deal.

Q. At the time you saw that did you call the attention of the policeman to it? A. No, sir; I did not; I called the attention of the inspector of election — the chairman.

Q. What did he say? A. He said that was nothing.

Q. Did you call the attention of the inspector of elections in a loud enough tone of voice so the policeman could hear? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. What do you say your business was? A. Shoemaker.

Q. How long have you lived at 251 Spring street? A. Eight years.

Q. And how long have you lived in the city of New York? A. Thirty-five or 36 years.

Q. You were not born here, were you? A. No, sir.

Q. Where were you born? A. I was born in the north of Ireland.

Q. Have you always been a Republican? A. Always, sir, since I—

Q. Since you first voted? A. Since I got my naturalization papers.

Q. Have you always been active in politics? A. Well, pretty much so.

Q. Pretty much so? A. Yes.

Q. You acted, I understand you to say, in 1892— A. Yes.

Q. As a watcher at the polls? A. Yes, sir.

Q. Before you undertook to act as watcher, did you familiarize yourself with the duties of the position? A. I have been so long by the polls that I was quite familiar with it.

Q. You recollect that some years ago we changed the laws relating to the elections in this city, and the method of voting, do you not? A. Yes, sir.

Q. Did you familiarize yourself with the new laws on the subject? A. Yes; I have read them.

Q. Did you read them? A. Yes, sir.

Q. Did you read them so far that you informed yourself as

to the duties of inspectors of elections? A. Well, yes, sir; I served as inspector.

Q. And you have also served as watcher, haven't you? A. Yes, sir.

Q. Well, you know that the election in any election district is entirely in charge of the inspectors of election, don't you? A. I know that, sir.

Q. That, under the statute, they are required to enforce the laws relating to elections? A. Yes, sir.

Q. That is so, is it not? A. Yes, sir.

Q. They are required to take note of violation of the law? A. Yes.

Chairman Lexow.—Are you making an expert of this witness, Mr. Nicoll? I think we have the election laws.

Mr. Nicoll.—Is there any objection to my asking the question?

Chairman Lexow.—Is it necessary to prove the law by this witness?

Mr. Nicoll.—This is a mere foundation, of course, for something that is coming afterward; it is not necessary to prove the law by this witness. Do you object to the last question?

Chairman Lexow.—We simply want to limit the extent of this examination as far as possible.

Mr. Nicoll.—If you object to such a casual cross-examination as this, why, if the committee says so, I will refrain.

Chairman Lexow.—It took about half an hour, I believe, to prove the law by another witness. I do not see why you should prove it by another witness.

Mr. Nicoll.—I do not believe I have taken half an hour for the cross-examination of any witness during the whole time.

Chairman Lexow.—My recollection is otherwise.

Mr. Nicoll.—We may perhaps save considerable time, Mr. Chairman, by clearing up what I think is a very confused notion in the minds of a number of people, as to the exact duty of the police officers at the polls at the time of election. Now, their rights and duties and relations to inspectors, to watchers and to electors have all been considered by the courts, interpreting the general statutes relating to the same. Your honor is probably familiar with those decisions. They do not justify, it seems to me, the interpretation which has been put upon the duties of the police, relating to making arrests without charges being made at the time of an election. The police are at the polls merely as the servants, we may say, of the inspectors of election, for the purpose of preserving order; their position is a very delicate one.

Chairman Lexow.—You mean to take the position, Mr. Nicoll, that a crime may be committed in the actual sight of the officer

so that the offender may aid or abet in the commission of the crime against the suffrage?

Mr. Nicoll.—Certainly not.

Chairman Lexow.—And that the officers can not be criticised?

Mr. Nicoll.—Certainly not. I was about to say that, of course where a felony is openly committed in the presence of the officer, it would be the officer's duty, without charge being made, to make an arrest. That I concede must be the law; but you will see that there is a border line of action between discovery of a felony, that is, discovery of satisfactory evidence of a felony, and the mere omission on the part of an officer or inaction on his part, which, if he acted, might be considered as an evasion of the right of the voter, and as an abridgment of the rights of the electors.

Chairman Lexow.—There is no doubt about that.

Mr. Nicoll.—And very much of the evidence which we have taken here consists of merely doubtful or suspicious circumstances which would hardly have justified a police officer selected for the purpose of keeping order at the polls, in making arrests unless some elector had charged the alleged violator of the law, or the inspector of elections had to do so.

Chairman Lexow.—It is not for me to anticipate the judgment of the committee on the facts that have been proven here; but it seems to me that very little of the testimony that has been taken here is open to that criticism on your part. On the contrary, the large bulk of it shows a violation of duty on the part of the police. Now, your position is made very clear. You want to prove the law. That witness is not competent to prove the law on that subject. The law is in the statute books, and, therefore, we would rather have you continue some other branch of the inquiry.

Mr. Sutherland.—And before the committee continues that I protest against the inference he puts upon the evidence already produced. This witness testified the ballot clerk threw pasters over into the booth to the voter. It can not be possible that any man reading that testimony would say that it was not the duty of the policeman immediately to arrest that ballot clerk without an order or command from any living man except the order and command that is on the statutes of the State of New York.

Mr. Nicoll.—I think it is. I think it was the duty of the inspector to direct the arrest of the ballot clerk.

Chairman Lexow.—Where lawyers disagree upon a subject of this kind certainly a layman should not be called as an expert witness on that subject; and hence the testimony on the point by a witness now under examination is absolutely inadmissible.

Mr. Nicoll.—I agree with the chairman in that regard now that I have been permitted to define my position. I did not care to address the committee for the purpose of making a speech on that proposition. I thought it proper to bring it out on the examination of the witness, but as that has been cleared up I will take up another branch of the examination.

Q. I understand you to say in 1893 there was no interference on the part of the police with any elector? A. None with me.

Q. With anybody? A. Well, one of them stood behind and took part anyhow; and the other one was outside the door most of the time electioneering.

Q. There were two policemen at the polls? A. Yes, sir; in 1893.

Q. And two policemen there in 1892? A. No, sir; only one in 1892, when I was put out.

Q. Was there not one inside and one outside? A. No, sir; he was inside; and came to me without any annoyance, and without any trouble being in the booth or anything else, and said, "What are you doing here;" I said, "I am a watcher and challenger;" he said, "Get out of here;" I offered him my papers, and he said, "That don't make any difference," and I did not say anything; that took place in the place until 2 o'clock, when Mr. Conklin let me in.

Q. Of course you were not there? A. No, sir.

Q. Did you have any altercation with this police officer, Mr. Snyder? A. No, sir; two years before he was a great friend of mine and was a Republican; and when I was supervisor he thought I was a first-class man, but in 1892 I was a very different man.

Q. That was in 1892, when you were supervisor of the polls? A. Yes, sir.

Q. He apparently changed his political sympathies in 1892? A. Yes, sir; and a good many more.

Q. Sir? A. A good many more changes too.

Mr. Sutherland.—A good many others have, he says, the reason for which is quite obvious.

Q. All your experience in 1892 was confirmed to this ejection by Mr. Snyder, wasn't it? A. Yes, sir; I could not say what happened—I could see in talking to voters outside before they went into the poll, but I could not tell by being outside; Mr. Nicoll, when I was first put out there were 15 votes polled, and when I again went in there were 125.

Q. That was in 1892? A. Yes, sir.

Q. Now in 1893 Mr. Conklin was at the polls all day? A. No; I did not say so.

Q. Was he there part of the time? A. Not in 1893; in 1892, he was twice there.

Q. In 1893 was he there? A. No, sir; they told me he had called on Captain McCullough, and I believe he called on you as district attorney.

Q. In 1893? A. No; in 1892.

Q. Did you make any complaint to the captain of the precinct about the attack of Snyder ejecting you? A. I was assaulted in coming out; I had on a small badge and when I was passing the eighth election district three or four rowdies stood there with one of the officers, and one of them grabbed the badge and stamped it under foot, and I said to the policeman, "Do you see how he insulted me?" he said, "That isn't any insult."

Q. Did you make any complaint to the captain? A. No, sir.

Q. Did you make any complaint to the superintendent of police? A. No, sir; I did not.

Q. Or the commissioner of police, of this conduct? A. I did not.

Q. Now, in 1893, did you make any complaint with regard to the conduct of this officer to the captain? A. No, sir; I made it to the chairman of the board of inspectors, that is all.

Q. Did you make it to his superior officer? A. No, sir.

Q. Did you make it to the inspector of that district? A. No, sir; I did not.

Q. Or to the superintendent of police? A. No, sir.

Q. Or to the commissioners of police? A. No, sir; I reported to Mr. Conklin; I thought he was the proper party to report it.

Q. You did not write a letter to any one of those officials complaining of the conduct of these officers? A. No, sir; I reported to Mr. Conklin, and left it in his hands.

Q. If there was any neglect to complain of the misconduct of the officers it was not yours, but Mr. Conklin's? A. Why, of course; I say I told him, and thought he would look after it.

Q. Did you ask him to make the complaint? A. No, sir; I simply told him about it, and left it to his own judgment and thought he would know more about it than I did.

Q. Didn't you request him to make complaint to the superior officer of this officer? A. I left it to Mr. Conklin as I thought he would know what proceedings to take.

Thomas E. Flannery, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Thirty Perry street.

Q. What is your business? A. Liquor business.

Q. Where is your place of business? A. Three hundred and eighty-five Bleecker street.

Q. Where was your place of business in July, 1893? A. Six hundred and thirteen and 615 Third avenue.

Q. Was there an indictment found against you for some violation of the Excise Law at that time? A. Yes, sir; there was.

Q. During the summer of 1893 were you somewhat interested in the canvass of Walter W. Bahan? A. Yes, sir.

Q. Did you live in his Assembly district? A. I did.

Q. Were you requested by various people to withdraw from his support? A. I was.

Q. In supporting him; anybody come to you in October on that subject? A. Yes, sir; there was.

Q. Do you know a man of the name of George Laughlin? A. Yes, sir.

Q. What is his business? A. I believe he takes some parts in the police department.

Q. Is he one of the clerks there? A. I think he has something to do with the clothing departments there.

Q. Is he the supply clerk? A. The supply clerk.

Q. Did he ask you to leave Bahan's organization? A. He did.

Q. What did you say to him? A. I told him I would not do it.

Q. Do you know Alderman McKeon? A. Yes, sir; very well.

Q. Is he an active member of Tammany Hall? A. Yes, sir.

Q. In what district? A. Ninth Assembly district, the same district.

Q. Did he ever talk to you about it? A. Yes, sir.

Q. What did he tell you? A. He told me a man had been nominated in the Ninth Assembly district by Tammany Hall, and I should be compelled to take my coat off and work for him.

Q. What did you tell him? A. I told him I would not.

Q. Told him you would go on and work for Bahan? A. I did; yes, sir.

Q. When was this conversation with Alderman McKeon? A. I should think it was along about the early part of October.

Q. About the same time as your conversation with Laughlin? A. Yes, sir; somewhere along that.

Q. Were you notified about that time that your indictment would be moved for trial? A. Yes, sir; shortly after that.

Q. What did you do about it? A. I went down to plead to the indictment.

Q. You went down prepared to try it? A. Yes, sir.

Q. Where did you go to to attend the trial? A. Down to the General Sessions room.

Q. What building is that? A. Right around here in Chambers street.

Q. Did you meet any Tammany Hall people there. A. I did; several of them.

Q. Did they talk with you about your case? A. My brother and the president of the Liquor Dealers' Association did, and also Assemblyman Walker.

Q. What advice did they give you on that subject?

Chairman Lexow.—You mean Mr. Tekulskey?

The Witness.—No, sir; I did not know him; the president of the local association—the branch.

Q. What is his name? A. James Holmes.

Q. What did they advise you to do? A. To let it alone and they would fix it for me.

Q. What about your political action; what advice did they give you on that subject? A. They did not give me any advice, because I would not take it.

Q. Was your case finally tried? A. Yes, sir.

Q. What became of it? A. I was discharged; it was dismissed rather.

Q. You were discharged? A. Yes, sir.

Q. Were you a member of the Jefferson Club in October, 1893? A. Jeffersonian.

Q. Or Jeffersonian Association? A. Yes, sir.

Q. Where was that association located? A. Fifteen Abingdon square.

Q. Was that an organization in the interests of Tammany Hall? A. It was last year; yes, sir.

Q. Did that meeting take any action with regard to Bahan's canvass, or did that club? A. Yes, sir; they did.

Q. In October? A. In the first meeting in October.

Q. What was that action? A. They indorsed the nomination, Senator Cantor.—What has this to do with the police?

Mr. Sutherland.—I will show you in a moment, just a moment.

Q. Was there a meeting of the club in the latter part of the month? A. Yes, sir.

Q. In which the indorsement of Bahan's canvass was a matter of discussion? A. Yes, sir.

Q. What was the action in the latter part of October? A. They had it reconsidered.

Q. Were there any police officers present at the last meeting? A. Twelve or 15.

Q. Did they vote on the subject? A. Yes, sir.

Q. How did they vote? A. They all voted in favor of the reconsideration.

Q. After it was reconsidered did they rescind the motion? A. Yes, sir.

Q. Expunged it from their minutes? A. Yes, sir.

Q. Who was in the chair at that meeting? A. The president and the vice-president.

Chairman Lexow.—Both in the chair?

The Witness.—No; they took turns at it; they rotated.

Q. What was their names? A. The president's name was George Roberts.

Q. Who was the vice-president? A. Frank McCarty.

Q. Is he police sergeant? A. Yes, sir.

Cross-examination by Mr. Nicoll :

Q. There were a great many other excise cases tried, or put on the calendar, at the same time yours was? A. I don't know.

Q. Don't you know every morning there was 15 or 20 or 30 excise cases put on the calendar? A. I don't know.

Q. Your case was transferred to the Special Sessions? A. Yes, sir.

Q. Like a great many hundreds of other excise cases? A. I don't know.

Q. At the Special Sessions, you had your trial like everybody else, and was discharged? A. Yes, sir.

Q. Did the police officer testify against you? A. Yes, sir.

Q. Did you take the witness stand? A. No, sir.

Q. Did you call evidence? A. What is that?

Q. Did you call evidence? A. No, sir.

Q. Did the court find the case insufficient without your testimony? A. Yes, sir.

By Mr. Sutherland:

Q. That is to say, at the conclusion of the people's case you were discharged by the court? A. Yes, sir.

By Chairman Lexow:

Q. When was this? A. This was after election; I was discharged.

Q. When were you notified that your case would be called for trial? A. The middle of October.

Q. The end of October? A. Along the middle of October.

Q. How long prior to election day can you remember? A. Well, I was on twice before election; once I had to come and plead to the indictment, and then come up for trial.

Q. And both of these occurrences just preceding election? A. Just preceding election.

Q. Do you know whether or not an unusual number of excise cases were put upon the calendar and the defendants forced to plead at that time? A. I did not hear any; I know there were lots ahead of mine that ought to have been tried before?

Q. That should have been tried? A. That should have been tried before mine.

Mr. Nicoll.—Does the committee want me to testify on the subject? I can produce the records of the court.

Chairman Lexow.—I am through.

Mr. Nicoll.—I do not think that the committee should make a personal attack on me. It is entirely beyond the limits of the resolution. I am ready to have my office investigated any time the committee have power from the Legislature to do it.

Chairman Lexow.—No attack was intended on you.

By Senator Bradley:

Q: You say there were 10 or 12 policemen at the meeting of the Jeffersonian Club? A. Yes, sir.

Q. Were any of the policemen or officers in uniform? A. Yes, sir; one or two wore the uniform.

Q. Have their clubs with them? A. I did not see any club.

Q. Have the star on? A. Have the shield on.

By Mr. Sutherland:

Q. Who was it he said wore the shield? A. I don't know the policeman's name.

John J. O'Brien, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside. A. Seven hundred Washington street.

Q. What is your business? A. Liquor business.

Q. Where is it? A. Seven hundred Washington street.

Q. The same place? A. Yes.

Q. Southwest corner of Perry and Washington? A. Yes, sir.

Q. Do you know Captain Delaney of the ninth precinct?
A. Yes, sir.

Q. Of the Ninth Assembly district? A. Yes, sir.

Q. Who is his ward officer? A. Brennan and Quinlan.

Q. Which one came to you just prior to election day?
A. Prior to election day?

Q. Yes? A. None.

Q. One of these men came to you in regard to your vote?
A. On election morning.

Q. Which one of them was it? A. Mr. Brennan.

Q. What happened; what did he bring; what did he say?
A. He brought a ticket for me to vote and it was marked.

Q. What did he say about it? A. He told me that was the ticket I was to vote.

Q. Told you that was the ticket you was to vote? A. Yes, sir.

Q. How was it marked? A. There was one candidate running for justice—William Wall—there was one William Wall running for judge; there was only one name on the ticket, and his name was scratched, and John Doe was marked on that ticket.

Q. And that was a paster ballot? A. Yes, sir.

Q. And he told you that was the ticket for you to vote? A. Yes, sir.

Q. Did you tell him you would vote it? A. I did not say anything; I used my own judgment.

Q. Did he say anything else about your voting that ticket? A. No, sir.

Q. Was any one else there when he came in? A. Yes, sir; the captain of the district was there.

Q. The Democratic captain? A. Yes, sir.

Q. What was his name? A. Richard Flynn; he was at one end of the bar and I was at the other.

Q. Captain Flynn was at one end and you and the other man were at the other end? A. Yes, sir.

Q. Did he speak in a loud tone of voice? A. No; in a low tone.

Q. What time of the day was it? A. It was early in the morning; I couldn't exactly tell.

Cross-examination by Mr. Nicoll:

Q. What is your business? A. Liquor business.

Q. Do you own a saloon? A. Yes, sir.

Q. Where is your saloon? A. Seven hundred Washington street.

Q. Have you a license? A. Yes, sir.

Q. When did you procure it? A. The last license?

Q. Yes. A. February 20th.

Q. February 20th? A. Yes, sir.

Q. Of this year? A. Yes, sir.

Q. What are your politics? A. Well, Tammany Hall.

Q. You are a Tammany Hall man? A. Yes, sir.

Q. Are you a member of the organization in your district? A. Yes, sir.

Q. How long have you been a member of Tammany Hall? A. For years.

By Senator Bradley:

Q. How many years? A. Probably about nine years; eight or nine years, I would not be positive.

By Mr. Nicoll:

Q. Have you been a candidate for any office? A. No, sir.

Q. During all that period of time you have been in the saloon business? A. No; I have not been for myself; I have been attending bar before that.

Q. How long since you have been in for yourself? A. About four years.

Q. For whom were you attending bar prior to that time? A. Washington and Christopher streets; Patrick Shields.

Q. How long have you lived in the city of New York? A. All my life, from a boy; I was born here.

Q. What other occupation besides that of bartender have you had? A. I have been in the dry goods business.

Q. You were in the dry goods business? A. Yes, sir.

Q. Where? A. In Spring street; I disremember the number; somewheres near Washington street.

Q. What was the name of the concern? A. Thomas Courtney.

Q. What year was that that you were in that business? A. It is probably 14 years, I guess.

Q. Fourteen years ago? A. Probably that.

Q. Did you go out of the dry goods business into the liquor business as bartender? A. Yes, sir.

Q. Were you discharged from Courtney's? A. Yes, sir.

Q. Did you leave of your own accord? A. I disremember that; I really disremember what I left there for.

Q. Did you leave of your own accord? A. No, sir.

Q. Why did you leave? A. I guess it was dullness or something; I disremember; I couldn't say; I got a recommend from them.

Q. Were you discharged? A. No, sir.

Q. You got a recommend from them? A. Yes, sir.

Q. Where is that? A. Have got it home; I think I have; I think I have got it home; yes, sir.

Q. Did you go immediately from there into the liquor business? A. No, not right away.

Q. What did you then? A. I didn't do anything; yes, I went into the hotel business.

Q. When you say you went into the hotel business, what do you mean; what specialty? A. Hall boy.

Q. What hotel? A. Everett House, in New York.

Q. How long were you there? A. Probably a year or more.

Q. And from there? A. That is my nearest recollection on the subject.

Q. From there where did you go? A. To the Westminster, I think.

Q. As a hall boy? A. Yes, sir.

Q. How long were you there? A. About a year.

Q. And from there where did you go? A. I went to attend bar for William Burns.

Q. As a barkeeper for William Burns? A. In Washington street between Christopher and Barrow streets.

Q. How long did you attend bar for him? A. Six years.

Q. And after that for whom did you attend bar. A. For Jacob Foley.

Q. Where is his place? A. Three hundred and ninety West street.

Q. Were you ever indicted for violation of the Excise Law?

Mr. Sutherland.—I object.

Chairman Lexow.—Excluded.

Q. Were you ever arrested for violation of the Excise Law?

Mr. Sutherland.—I object.

Chairman Lexow.—Excluded.

Q. Were you ever convicted for violation of the Excise Law?

A. No, sir.

Q. Were you ever tried for violation of the Excise Law?

Mr. Sutherland.—Objected to.

Chairman Lexow.—Excluded.

Mr. Sutherland.—You know those questions are not proper.

Mr. Nicoll.—I should think, in view of Mr. Tekulskey's evidence, when he said there was this friction between the excise men or the liquor dealers in New York and the policemen, the police putting an interpretation upon the law which the liquor dealers resisted, and that there were constant arrests being made which they deemed oppressive, we might at least ask a gentleman who had been in that business, who comes and testifies against a police officer, whether or not he hadn't an animus, as the result of which he deemed it to be an oppressive arrest. If the strict rules of evidence which the committee now observes are ever to be relaxed in the interest of truth, it seems to me this would be a fair opportunity for relaxing them. However—

Q. How long did you remain bartender, do you say, for Mr. Poole? A. Mr. Burns.

Q. Mr. Burns; six years? A. Yes, about six years, between five and six.

Q. And did you after that go into business on your own account? A. No; I attended bar for Mr. Foley.

Q. How long were you with Foley? A. I guess a couple of years.

Senator Cantor.—Isn't it fair to ask this witness—I think it is a legitimate cross-examination—to ask him whether he had been persecuted by the police?

Mr. Nicoll.—Whether he deems he has been persecuted by the police; whether they have gone outside of their bounden duty?

Chairman Lexow.—The committee at the last session took this ground: No man likes on the stand to admit he was arrested, even although that arrest was not followed by a conviction. Now, we have to protect our witnesses or place ourselves in a position where very few will come and volunteer their testimony on an investigation of this kind. The question of arrest might have the effect of showing some bias, but it is better here, I think, and a majority of the committee so thought at the last session, to rule these questions out rather than to permit witnesses to be intimidated by them.

Mr. Nicoll.—Does not the majority of the committee think that the rule ought to be modified to suit the special instance; for instance, if the committee think—

Chairman Lexow.—Ask him if he has any feeling; of course, you can ask him that.

Mr. Nicoll.—He will say no, of course. If, for instance, in a given case the committee think that the exercise of that rule is necessary for the protection of a witness, would it not then be a very proper occasion for the committee to prevent and restrain that line of examination; but if, on the other hand, the committee think, in another case, that it is fair to show the attitude of the witness, that no great moral obliquity, in his opinion, attaches to him on that account, why, then, might not the rule be relaxed? With regard to the violations of the Excise Law, we may judge from the testimony of the president of the association, they do not regard an arrest as a matter of very great reproach. It is not like an arrest for some other offense against the laws. They do not seem to look at it in that way; and under those circumstances, perhaps proving the attitude of this witness toward the force generally, toward the member of the force, perhaps, against whom he is testifying, might not it be a proper action?

Mr. Sutherland.—Which member of the force is not in the habit of making arrests?

Mr. Nicoll.—I do not know anything about it.

Mr. Sutherland.—It is the wardmen, not one of the roundsmen or patrolmen.

Chairman Lexow.—The rule laid down was, you could prove any specific act of arrest against any officer who was charged with any violation of duty by the witness under examination; but if you go further and undertake to sift this witness' experience, he may have been arrested a dozen times. No man likes to go on the stand and swear to that effect; and if we admit it, that evidence would have the effect of inducing others to withhold their testimony.

Senator Cantor.—On the contrary, the witnesses can testify as they please.

Chairman Lexow.—The majority of the committee seem determined to hold that rule. You can show any testimony by this witness tending to inculcate the policeman who is attacked by him in his testimony. If this specific policeman arrested him at any previous time, you can show that on the question of bias.

Q. I was asking you something about your employment, under Mr. Foley, I think? A. Yes, sir.

Q. Did that precede your going in business on your own account? A. Yes, sir.

Q. Did you go into business on your own account immediately after you left Mr. Foley? A. A short while after.

Q. Had you a partner? A. No, sir.

Q. Did you own the saloon in which you worked? A. Yes, sir.

Q. Yourself? A. Yes, sir.

Q. That was in the ninth election district, was it? A. Yes, sir.

Q. Ninth Assembly district, I mean. A. Yes, sir.

Q. You voted in what election district? A. Thirtieth.

Q. And the controversy or the question was in relation to a civil justice, was it? A. How do you mean?

Q. Was it a vote he wanted you to cast for a civil justice? A. No; it was for an Assemblyman.

Q. That was the district in which Mr. McDermott was? A. Yes, sir; and Mr. Bahan was candidate.

Q. Mr. McDermott was the Tammany Hall candidate? A. Yes, sir.

Q. And Mr. Bahan was the independent candidate? A. Yes, sir.

Q. And you were a sympathizer of Bahan's? A. Yes, sir.

Q. And against McDermott? A. Yes, sir.

Q. Had you been — were you one of the general committee in the district? A. Yes, sir.

Q. And had you been anxious for Mr. Bahan's nomination? A. Yes, sir.

Q. And when Mr. Bahan was not nominated but Mr. McDermott was, you supported his independent candidacy? A. Yes, sir.

Q. Is that it? A. Yes, sir.

Q. The detective, you say, was a supporter of Mr. McDermott, was he not? A. Yes, sir.

Q. He asked you to vote for him? A. Yes, sir; and handed me a ticket.

Q. And handed you a ticket? A. Yes; and told me—I did not give any satisfaction; I didn't tell him how I would vote; I thought it was my own business; to use my own judgment.

Q. You hadn't any objections to anybody asking you to vote for a friend, did you? A. No, sir.

Q. You do that yourself? A. Yes, sir.

Senator O'Connor.—There is testimony that the policeman gave him a marked ticket which is a direct violation of law.

Chairman Lexow.—It had a specific mark on it.

Senator Cantor.—A paster with a mark on it is a violation of law?

Senator O'Connor.—Certainly it is. A public officer is an agent and abetting a citizen to commit a crime.

Senator Cantor.—You asked people to vote for you?

Senator O'Connor.—Yes, but not an identified ballot.

Q. What hour in the morning was it the officer arrived? A. I would not say; it was early in the morning.

Q. It was early in the morning? A. Yes, sir.

Q. Who was in the store with you besides yourself? A. There was quite a crowd.

Q. There were a number of men? A. Yes, sir.

Q. Mention me the names of two or three? A. Well, the Tammany Hall captain was there, Richard Flynn.

Q. Richard Flynn? A. Yes.

Q. Who else was there? A. I could not really say; there was quite a crowd; I did not notice; I was pretty busy; it was election morning.

Q. Can't you tell anybody that was there except Flynn, of all the people that were in there? A. There were probably about 10.

Q. I understood you to say that there was that number there; but I asked you to give the names; I want to get some of them as witnesses; tell them now—some of them? A. I did not really take notice.

Q. Can't you tell the name of any one man that was there besides Flynn? A. Flynn and Brennan.

Q. That was Officer Brennan? A. Yes, sir.

Q. But about the other, then; can't you tell one or two? A. Who were there at the time?

Senator Bradley.—He says he can not remember any others.

The Witness.—I can not remember any others; I might make a mistake, and I don't want to make a mistake; I want to tell the truth; I do not want to make a mistake.

Q. When Brennan came in where did he — did he come right up to you? A. Yes.

Q. In the presence of these other people? A. Yes, sir.

Q. And handed you the ballot? A. Handed me the ballot.

Q. There were a number of people all around, weren't there? A. They were at the other end of the bar.

Q. They were at one end of the bar? A. Yes, sir; and he was at the other end of the bar.

Q. Where were you? A. At the end of the bar with him, talking with him.

Q. Did he ask you to vote for McDermott? A. No; he told me that was the ticket I should vote.

Q. He told you to vote that ticket? A. Yes, sir.

Senator O'Connor.—No; that was the ticket he should vote. That is the way the witness testified.

Q. He told you that was the ticket you should vote? A. Yes, sir.

Q. What did you say? A. I didn't say nuthin'; I took the ticket and put it away.

Q. Did you vote it? A. No, sir.

Q. Have you got the ticket? A. I don't know; I might have.

Q. Please produce it; don't you know whether you destroyed it or not? A. I don't know whether I did or not.

Q. Didn't you keep it? A. I think I did.

Q. When did you last see it? A. About a week ago, I guess.

Q. A week ago? A. Yes, sir.

Q. Where was it then? A. In the safe.

Q. In a safe? A. Yes, sir.

Q. You kept it in your safe? A. Yes, sir.

Q. Where is it now? A. It may be in there now; I don't know.

Q. Have you taken it out since then? A. I couldn't really say.

Q. You must recollect what you did with it a week ago; don't you?

Chairman Lexow.—He says he has not seen it for a week.

Q. I mean to say, you have not forgotten what you did with the ballot within a week? A. I don't know what I did with it; if I have it, I will bring it.

Mr. Sutherland.—He said he saw it a week ago, and I object.

Mr. Nicoll.—This is a fair cross-examination. The witness is not disturbed.

Q. When did you tell this story to Mr. Sutherland? A. Which?

Q. This story you have been telling here? A. I did not tell him; I did not know anybody knew it; that is what surprised me.

Q. Didn't you see him examine you from a piece of typewritten paper? A. Yes, sir; and that is what surprised me.

Mr. Sutherland.—He did not know where I got it from, and you do not.

Q. When did you tell it? A. I did not tell it to him; I suppose I might have had a jag on some night and told it, and it has come out.

Q. This was a story you told when you had a jag on? A. I suppose so, and I showed it to somebody and let it get out; I naturally felt sore.

Q. When did you have your last jag?

Chairman Lexow.—I think that is going far enough.

Mr. Nicoll.—May I not find out when he promulgated this story and under what circumstances he promulgated it?

Chairman Lexow.—I presume the result of your cross-examination is to satisfy the committee that this witness is not to be believed. Now, this line of examination is not going to have any effect upon this committee in my judgment.

Mr. Nicoll.—I do not know what will have any effect on this committee.

Chairman Lexow.—Testimony about jags and ridiculous matters is not going to affect the committee.

Mr. Nicoll.—I can not tell what consideration is to move the committee but if I am to cross-examine at all, I should be allowed some fair limits.

Chairman Lexow.—I think a fair limit has been given, but the use of this line of examination can have no other tendency than to make the examination ridiculous, and the committee are not prepared to have it turned into that channel.

Mr. Nicoll.—There is no reason for conducting this proceeding exactly as a funeral. There is no reason, in other words, why we should not have the usual methods of examination in courts. No judge would exclude a proper line of examination. I do not want to—

Senator O'Connor.—What do we care about his having jags. He said at some time he was tight and gave this information to somebody.

Mr. Nicoll.—I want to find out—

Senator O'Connor.—It might be very difficult for him to have a remembrance when his last jag was.

Mr. Nicoll.—I would like to go into jags far enough to find out whether this was an unusual circumstance or his periodical jag or weekly jag.

Mr. Sutherland.—I suggest that Mr. Nicoll be put on the stand as an expert on that subject.

Mr. Nicoll.—I am not an expert on that subject.

Q. You don't recollect when you spread this thing abroad, do you? A. Some time ago; it was propably right after election some time.

Q. You think it was some time after election? A. Yes, sir.

Q. When you were celebrating? A. Yes, sir.

Q. You were not celebrating for Bahan? A. No, sir.

Q. Were you celebrating for Mr. McDermott? A. I refuse to answer.

Q. You think when you were celebrating it, you gave this out? A. Yes, sir.

Q. And it floated on so it reached Mr. Sutherland? A. Yes, sir, I have a pretty good idea who told him.

Q. Who told him?

Mr. Sutherland.—I object.

Chairman Lexow.—That is excluded.

Q. Do you know who told him? A. Not positive.

Q. Had you heard who told him?

Mr. Sutherland.—Objected to.

Senator Cantor.—You are not ashamed to have the source of information communicated to the committee?

Chairman Lexow.—I think it is irrelevant; and Mr. Nicoll knows it is an irrelevant question.

By Senator Bradley:

Q. When the detective came in and gave you the marked paster did he make any threat to you? A. No, sir.

Q. Only asked you as a favor that you should vote that paster? A. No, he said that was the ticket he expected me to vote.

Q. He did not make any further threats? A. No, sir.

Q. Nothing to try to intimidate you? A. No, sir.

James A. Hooper, called as a witness, being duly sworn, testified as follows:

Direct-examination by Mr. Sutherland:

Q. Where do you live? A. No. 165 West Tenth street.

Q. West Tenth street? What Assembly district is that? A. Ninth Assembly.

Chairman Lexow.—Just ask him what his business is.

Q. What is your business? A. Butcher.

Q. Where is your place of business? A. Jefferson market.

Q. Are you a member of Tammany Hall? A. I was, up to—

Q. Up to when? A. Up to last election.

Q. Up to last election? A. Yes, sir.

Q. Were you through the last election, during the last election, a member of Tammany Hall? A. I was a member up to election night.

Q. Were you a district captain on election day? A. No, sir; I was turned down the night before.

Q. Were you a district captain up to that time? A. Yes.

Q. In what election district? A. Twenty-sixth election.

Q. Of the Ninth Assembly? A. Of the Ninth Assembly.

Q. Who was the leader of the Assembly district—the Tammany leader? A. James Boyle.

Q. Was there a meeting of the district captains on Sunday before the election? A. Yes, sir.

Q. Where? A. Tammany Hall headquarters in Hudson street, corner of Bank.

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

Q. Were the other district captains of that Assembly district there? A. I believe they were.

Q. Mr. Boyle there? A. Yes, sir.

Q. Did he give you some instructions? A. Yes, sir, but I have no recollection.

Q. Can you remember any of them? A. I can not, to tell the truth.

Q. Was there anything said about how you should choose the policeman that attended your polling place? A. Yes, sir; there was something said, but I have no recollection of what it was.

Q. Did Mr. Boyle say it? A. Yes, sir.

Q. Did he say that each district captain would choose such a policeman as he wanted for his own election district? A. If I were right I think it was something to that effect, speaking of it.

Q. Did he say that you would have two inspectors, and a poll clerk and a public officer? A. I don't recollect that.

Q. Or anything in substance like that? A. I have no recollection, sir.

Q. And then did he say that if you don't win your district it is your own fault? A. I would not say.

Q. Do you mean to say you do not remember, or what? A. I don't remember.

Q. Will you say he did not say that? A. I would not say he did not say it.

Q. Will you swear that he did not say that you would have the two inspectors and poll clerk and police with you? A. I would not say it, because I know, as far as the inspectors and poll clerks are concerned, they were all appointed by Tammany Hall.

Q. I am talking about the instructions that Mr. Boyle gave to the district captains? A. I haven't any recollection of it.

Q. Will you swear he did not state it to the district captains? A. No, sir; I would not swear to that either.

Q. Were prizes offered for the largest vote polled in the interests of Tammany Hall in each election district? A. I have no recollection of his saying anything to that effect.

Q. What is that? A. I haven't any recollection.

Q. Wasn't the prize of a gold watch offered? A. Not as I know of.

Q. You did not hear that? A. No, sir.

Q. What did you hear on that subject? A. I didn't hear anything to that effect; not to my knowledge.

Q. Or anything in substance like that? A. No, sir.

Q. Was anything said about who would poll the largest Tammany Hall vote in this meeting, which district? A. (No answer.)

Q. How? A. I don't know.

Q. Was anything said on the subject of getting out your vote? A. Why, I knew that the —

Q. No, was anything said about it? A. Getting out the vote?

Q. Yes. A. No.

Q. What were you called there for? A. I did not pay any attention to the instructions that were given; as far as I was concerned, I was kind of sore at a certain thing, and I did not take much interest then.

Q. You had not been turned down, then? A. No, sir.

Q. You were still captain of your district? A. Yes.

Q. And you were there to receive instructions, were you not? A. Yes, sir; but the way Mr. Boyle had treated me I did not take any interest in the matter at all.

Q. How? A. I can not say; I haven't any recollection, sir.

Q. You recollect some of it very clearly; now the question I asked you is if you heard what he said; don't shake your head but speak so the stenographer can take it down? A. No.

Q. You did not hear what he said; what part of the room were you in? A. It is quite a big hall; a good deal larger than this.

Q. Larger than this courtroom? A. About twice the size of this room; we were all scattered around.

Q. How many were there? A. I suppose every district was represented.

Q. How many was that? A. Every election district was represented.

Q. How many were there? A. I suppose about 46 or 50.

Q. Forty-six; in the neighborhood of 45 to 50 men there? A. Probably so; there was maybe a few others in the hall that were not captains.

Q. Did anybody else do any talking except Mr. Boyle? A. Yes, sir; I think there was one or two men got up and had something to say.

Q. Who were they?

Mr. Nicoll.—Now, Mr. Chairman, in so far as this investigation relates to the police and to their conduct, and in so far as it brings evidence which makes it appear that they were guilty of any infraction of the law, it seems to me it is material; but has the committee power or is it the intention of the committee to investigate any charges of political activity or political conduct on the part of the election officers, or violations of law by them?

Chairman Lexow.—Disconnected with the police?

Mr. Nicoll.—Yes

Chairman Lexow.—I presume Mr. Sutherland is going to connect it.

Mr. Nicoll.—He has asked the question whether Mr. Boyle stated the police would not act in sympathy with the election inspectors and poll clerks and the district captains; and he has said he don't recollect anything of that sort was said; and does not that really exhaust that part of the subject; and is not all the rest simply a matter which may be left perhaps to the investigation of some other committee under a different resolution?

Senator Cantor.—There is a committee already in existence for that purpose, for the investigation of election frauds throughout the State.

Chairman Lexow.—Do you expect to connect it?

Mr. Sutherland.—This witness has stated that each captain should have their own policemen.

The Witness.—I did not say anything concerning the police.

Chairman Lexow.—As I remember the witness's testimony, he has stated that he would not swear that Mr. Boyle had not made that statement.

Mr. Sutherland.—I understood the witness to state he thought that something of that kind was said. The record will show.

Mr. Nicoll.—He stated that he did not recollect, and then Mr. Sutherland asked whether he would not swear he did not, and he said he would not swear he did not.

Mr. Sutherland.—You are mistaken about it. I suppose I may go on and examine the witness?

Mr. Nicoll.—Certainly.

Q. Who spoke besides Mr. Boyle? A. I haven't any recollection now of the people who did get up to —

Q. Was there more than one besides Mr. Boyle? A. There was one or two, as I said before.

Q. You don't remember who they were? A. No, sir; I do not.

Q. Did anyone say anything about the police in their talk?

A. I don't remember.

Cross-examination by Mr. Nicoll:

Q. I understood you to say you had some little difference with Mr. Boyle in the district there, didn't you, as to your sympathies? you were in favor of one candidate and he was in favor of another, wasn't he? A. No, sir; the candidate that I was in favor of was John F. McDermott, for Assembly; that is the man I was really working for, and Mr. Boyle turned me down; I don't know what for.

Q. There was some misunderstanding? A. Yes, sir; and Mr. Boyle sent for me since and wanted to apologize, but I would not accept his apology, because I have been faithful.

Q. At all events, this is one of those political misunderstandings that sometimes occur between the statesmen? A. That is the idea.

By Senator Bradley:

Q. When was this meeting; when did this meeting occur?

A. The meeting of the captains?

Q. Yes? A. On Sunday afternoon; I can not recall the date.

Q. Sunday before election? A. Probably that was it.

Q. Last election? A. Yes, sir.

Q. Have you been afflicted with a short memory all your lifetime? A. I have; yes, sir.

By Chairman Lexow:

Q. One moment; the occurrences of that interview between Mr. Boyle and the different district captains there was, in your judgment at that time, a matter of some importance, wasn't it; it was a matter of some importance at that time to you, wasn't it, that interview, that meeting? A. Some importance; I suppose it was; yes, sir.

Q. Is there nothing that occurred there that you remember now? A. No.

Q. Nothing at all? A. No.

Q. Your mind is a perfect blank as to anything that occurred on that occasion? A. Yes, sir.

Senator Bradley.—He has always been afflicted in that way.

L. B. Rafelson, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Four hundred and nineteen East Fiftieth street.

Q. What is your business? A. Infants' wear.

Q. Where do you do business? A. Four hundred and eighty-one Broadway.

Q. Where did you live in 1892? A. One hundred and sixty Division street.

Q. In what Assembly district is that? A. The Third Assembly district, I believe.

Q. In which election district? A. I think it is the fifth election district.

Q. Did you have a shop there? A. I had a store there at that time.

Q. Do you know Ralph Nathan? A. Yes, sir.

Q. Were you a friend of his? A. He is a nephew of mine; I raised him.

Q. You knew that he was a candidate for office, did you not? A. Yes, sir.

Q. Did you have his lithograph in your window? A. Yes, sir; in the window of my store.

Q. Did any policeman call on you in regard to that lithograph? A. Yes, sir.

Q. Who was he? A. I do not know the policeman's name anymore.

Q. Did you take his number? A. No, sir; I was so excited at that time that I forgot to get his number.

Q. Was he in uniform? A. Yes, sir.

Q. What time of the day was it that he called? A. I think it was about noon time.

Q. What day of the month? A. I do not remember.

Q. How long before election was it? A. It was a week or 10 days before election.

Q. What did he tell you? A. He came into the store and said that I should take out the picture from the window; I knew that he was the policeman on that post, on that street, and I asked him if he knew who the portrait was, and he said he knew that he was a nephew of mine, but, "I want you to take it out;" so I told him, "If you don't clear out of here, I will fire you out and you will be very sorry for it, I will take good care of myself," and so he went out.

Q. Did you explain to him that Mr. Nathan was your nephew? A. Yes, sir; he knew that.

Q. Did he say that he knew Mr. Nathan was your nephew?

A. Yes, sir.

Q. And he said it made no difference? A. Yes, sir; he said if it was my own picture, I would have to take it down.

Q. He said that to you? A. Yes, sir.

Q. Did he tell you why you would have to take it down? A. Because Mr. Nathan was on the Republican party.

Q. Did he say what right he had to order it down? A. I did not ask him so many questions, but I told him to clear out.

Q. Did you take it down? A. No, sir.

By Senator O'Connor:

Q. Whose picture was it? A. Ralph Nathan's.

Q. What was he running for? A. For the Assembly.

Q. He was the Republican candidate for Member of Assembly in that district? A. Yes, sir.

Q. Was it for Member of the Assembly or for judge? A. Member of Assembly at that time, in 1892.

By Mr. Sutherland:

Q. Was it in 1892 or 1893 that you were present in a saloon when Mr. Nathan inquired why his picture was taken down from there? A. No, that was in 1892 also.

Q. What saloon was that? A. Right next door to me.

Q. You and your nephew went in there together? A. Yes, sir; we went past, and we saw that the picture was not in the window and we went in and I asked him why it was down and he said the officer was there and told him —

(Objected to.)

Mr. Nicoll.—Is the conversation between him and the saloon-keeper proper evidence?

Mr. Sutherland.—As to the reason why he took his picture out of the window is proper.

Mr. Nicoll.—I think that is going to a very great length.

Chairman Lexow.—I think it is a little roundabout.

Q. What was the name of the saloon-keeper? A. I do not remember.

Mr. Sutherland.—Why, it was right in the midst of a political

Senator O'Connor.—It seems hardly competent.

Mr. Sutherland.—Why, it was right in the midst of a political campaign, and the excitement was very great, and the candidate had his picture in the window, and he was told that it was taken out, and he went in to inquire about it, and he was told why it was taken down.

Senator O'Connor.—That would not be evidence that the saloon-keeper gave a truthful reason.

Mr. Sutherland.—It would not be evidence if a person was on trial for a crime, of course; but I think it is good evidence here.

Senator O'Connor.—I do not think it is competent.

Chairman Lexow.—We all think that the testimony is too indirect.

Cross-examination by Mr. Nicoll:

Q. I understand that you are a manufacturer? A. Yes, sir.

Q. And that you are the uncle of Mr. Nathan, who ran for civil justice against Judge Roesch? A. I believe so.

Q. You were naturally greatly interested in your nephew's canvass? A. I think I ought to be.

Q. Well, you were, of course? A. Certainly.

Q. And you hung up a picture of his in your store? A. Yes, sir.

Q. Who was the man who came and asked you to take it down? A. An officer.

Q. Was he in uniform? A. Yes, sir.

Mr. Sutherland.—He said he was an officer on that beat.

Q. You had no trouble with the police, did you, in your business? A. No, sir.

Q. Your business does not bring you in contact with the police in any way? A. No, sir.

Q. When he came in and asked you to take the picture down, you told him to get out, did you? A. Yes, sir.

Q. And you kept the picture hanging there? A. Yes, sir.

Q. Did he tell you that he did not sympathize with your nephew in his canvass? A. He didn't say anything at all.

Q. He just asked you to take it down? A. Yes, sir; to take it down.

Senator O'Connor.—He did more than that, more than to ask him; he said that he should take it down.

By Senator Bradley:

Q. Do you use a showcase outside of the door of your store? A. Yes, sir.

Q. There was no officer who interfered with that and asked you to take it in, was there? A. No, sir; but the showcase was within the three feet, so that it was not any incumbrance upon the street.

Henry Kusters, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Twenty-five Vandam street.

Q. Did you reside there in the fall of 1892? A. No, sir — yes, sir; I did.

Q. Where was your voting place? A. I could not tell you the number of Varick; it was Vandam and Charlton.

Q. What Assembly district is that? A. The Eighth Assembly district.

Q. In what election district is that? A. The eighth election district.

Q. The eighth of the Eighth? A. Yes, sir.

Q. What officer attended the polls there in 1892? A. He was unknown to me; I don't know him.

Q. Did the same officer attend in 1893? A. I am speaking about 1893.

Q. What I want to know is, whether it was the same officer who attended there year after year? A. I did not vote the year before that.

Q. You did not vote in the year 1892? A. No, sir; I did not vote that year.

Q. You can not tell the name or the number of the officer then, who attended there last fall? A. No, sir.

Q. Did the officer do or say anything to you when you came up to cast your vote? A. Yes, sir.

Q. What did he say to you? A. He stepped up to me and tapped me on the shoulder and asked me if I did not leave something in the booth.

Q. What were you doing at that particular moment? A. I was casting my ballot.

Q. Had the inspectors got it out of your hands at that time? A. Yes, sir.

Q. They were about putting it in the box? A. Yes, sir.

Q. Did you turn around to look, to see if you had left anything? A. I did not go into the booth again.

Q. No, but did you turn your head, when he tapped you on the shoulder? A. I believe I did.

Q. Did you see the ballot go into the box, or was your head turned just at that time? A. Very likely it was.

Q. Did he do that to other voters besides you? A. I understood that he did.

Q. Did you see him do it to others? A. No.

Cross-examination by Mr. Nicoll:

Q. Do you mean to say that the officer voted your ballot?

Mr. Sutherland.—No, he did not say so, but he distracted the attention of the voter, so that the ballot might get into the wrong box.

Mr. Nicoll.—Well, I think that is a wild story.

Q. Did you go to the ballot clerk and get your ballot? A. Yes, sir.

Q. You got them in the usual manner? A. Yes, sir.

Q. And he gave you a full set of ballots? A. Yes, sir; four or five; I am not positive which.

Q. All there were to give out, he gave to you? A. Yes, sir.

Q. And you took them in your hand and went into the booth? A. Yes, sir.

Q. Did you know how to fold them? A. No, sir; I did not know how to fold them.

Q. Had you never folded ballots before? A. I had, once before this.

Q. Did you not know how to fold them on that election day?

A. Not that day; not the last election.

Mr. Sutherland.—This witness commences with standing before the ballot-box.

Senator O'Connor.—The only significant question, it seems to me, is this: while this witness was handing the ballots to the inspector, the policeman distracted his attention, and told him that he had left something in the booth, and the argument is for the purpose of permitting the inspector, without his knowledge, to put it in the wrong box; I do not understand that he has direct proof of that, but counsel asks us to infer that.

Mr. Sutherland.—I shall bring other witnesses in reference to that point, to show that the same thing occurred to others.

Senator O'Connor.—The only material thing is, whether the officer did call his attention away from his vote, at that particular time.

Mr. Nicoll.—It is a very serious accusation to make against a police officer, if true.

Mr. Sutherland.—Not nearly so serious as many others that have been testified to.

Chairman Lexow.—Go on.

Mr. Nicoll.—Well, you have not proved them yet, and the committee have heard only one side of the case; I do not suppose that the committee will listen to your evidence only, evidence on one side?

Senator O'Connor.—No, we will make up our minds after hearing all the evidence.

Q. You folded your ballots, did you not? A. No, sir.

Q. Who assisted you? A. I had this policeman to assist me.

Q. This policeman assisted you in folding your ballots? A. Yes, sir, he did.

Q. Did he fold them for you? A. Yes, sir; he told me to fold one—he asked me which one he should fold for me—he did not ask me which party, but asked me which identical one he should fold, and I gave him the one I wanted him to fold.

Q. And that was the one you wanted to vote? A. Yes, sir.

Q. And that one you gave him? A. Yes, sir.

Q. After that he said or asked you which you did not wish to vote, did he? A. I gave him three or four more, which he folded all in one.

Q. He did not attempt to tell you which one to vote, did he? A. No, sir.

Q. He simply asked you which one you wanted to vote? A. Yes, sir.

Q. And he folded that for you? A. Yes, sir.

Q. And then you told him the ones that you did not want to vote, and he folded those? A. Yes, sir.

Q. Then what did you do with the one that you wanted to vote? A. I took them all.

Q. You held that one in your hand? A. Yes, sir.

Q. And you held the others in the other hand? A. Yes, sir.

Q. And when you came before the inspectors of election, what did you do? A. I gave it to them.

Q. Did you give them all the ballots? A. I gave them the ones I wanted to vote and then afterward I gave them the ones that I did not want to vote.

Q. Did you see them put them down on the box? A. He was tearing the end off when my attention was distracted.

Q. Your attention was distracted? A. Yes, sir; when he was tearing the end off.

Q. You do not undertake to swear or say that the inspectors voted a different ballot than the one you handed them? A. No, sir.

Q. Do you come here to make that charge?

(Objected to.)

A. No, sir.

Q. Do you make that charge before this august body?

(Objected to.)

Chairman Lexow.—I think it is perfectly proper to know whether he wants any inference drawn from his testimony.

Mr Sutherland.—He did not make any charge; he has simply stated what occurred.

Q. Do you want the gentlemen of the committee to believe that your vote was diverted from what you intended, by the inspector of that district? A. I could not tell whether the intention was that way or not.

Q. You do not know; you have not made up your mind yet?

Senator O'Connor.—You ask in reference to the intention of the inspectors; he can not testify as to that. Ask him if he suspects that that was what was done.

Mr. Nicoll.—If he wishes the committee to believe that—

Mr. Sutherland.—I did not ask him what he believed in my examination. You have asked that, and if you object to his suspicions, do not ask for them.

Senator O'Connor.—I do not think the committee will pay much attention to that, unless it is backed up by other evidence.

By Mr. Sutherland:

Q. What ticket was it that you told the policeman you wanted to vote? A. The Republican ticket.

By Senator Bradley:

Q. Do you say that you handed the ballot to the officer that you wanted to vote, and that he voted it for you? A. I voted it; he folded it.

Q. And he took the others and folded them all together? A. Yes, sir.

Q. And he brought them out? A. No; I brought them out.

Q. All folded up in one? A. The one I voted, I had separate from the others.

Q. And the other four or five, he folded them all up in one? A. No; he folded them just the same as the others were folded, only in one package.

Q. Do you remember how many ballot-boxes there were there? A. No, sir.

Q. Do you not know there was only one ballot-box there?

Chairman Lexow.—No; there were two boxes, one for the unused ballots.

Mr. Sutherland.—He could transpose the ballots.

Mr. Bradley.—I understood the witness to say that the officer folded the four or five ballots all up in one, and handed them to him.

Chairman Lexow.—He meant in one bunch.

The Witness.—He folded the four separate, but in one package.

Woodruff Halsey, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. What is your profession? A. I am a clergyman.

Q. Where do you reside? A. Twenty-eight Charlton street.

Q. Where did you vote last fall? A. In the eighth election district of the Eighth Assembly district.

Q. Can you tell us where that polling place was? A. It is on Varick street, between Vandam and Charlton.

Q. Is that the same polling place that the last witness has spoken of? A. I presume so; I did not pay very close attention to his testimony.

Q. He described his as being the eighth of the Eighth? A. Yes, sir; that is the same.

Q. What time of the day did you vote? A. About 10 minutes of 8 o'clock in the morning; I left home at a quarter of 8, and I voted along about 8 o'clock, I suppose, accurately speaking.

Q. How many policemen were in attendance there? A. One inside and one outside.

Q. Do you remember the number or the name of the one inside? A. No, sir.

Q. Did this policeman inside speak to you? A. After I came out of the booth, after folding my ballots, and as I stood in front of the inspector, after I had passed the ballots which I did not vote to the inspector to my left, just as I handed my ballot to the inspector, I heard someone speak to me, but I paid no attention, and then the policeman touched me on the shoulder, this short policeman as distinguished from the taller man outside, and I turned around as I would naturally do to an officer, and he said, "You left this pencil in the booth," and I noticed that it was a red pencil; a sort of pencil that I never carry; he said, "You left it in the booth," and I said, "No, I have no use for the pencil," and he said, "You must certainly have left it there, for I found it there," and then it occurred to me, that the policeman was endeavoring to distract my attention, and I turned back, facing the inspector, and my ballot had disappeared, and the inspector said it was all right; the fact that aroused my suspicion even more than that, that there was some funny business going on was when I went home, it could not be later than a quarter after 8 o'clock, because I had an engagement at a quarter-past 8, and it was 10 or 15 minutes before the person came for whom I was waiting, and when he came, I took out my watch, and said, "You are just on time;" that is the reason I know about the time; and I know that that man passed an hour,

and a gentleman came in, who lived at No. 3 Charlton street, Mr. McClintock, and he said —

(Objected to.)

Chairman Lexow.—Unless you propose to connect it, it is hardly competent.

Mr. Sutherland.—It will be connected.

Q. This is leading up to some matter within your own knowledge, is it not? A. Yes, sir; he asked me if I had voted and I said, yes, and he said, "How long ago did you vote?" I said, "I voted at 8 o'clock, and he said, "That is very strange, I was in the place at 9 o'clock, and I heard them calling off your name, and I waited, waited and waited, but I saw no man like you there;" then we went back to the polling place together, and I found that my name had been voted on straight enough, so, of course, I could do nothing more; then I asked him — the only reason I have of introducing his name is that I asked him, "Did anything occur to you at the polls?" — and he said the policeman —

(Objected to.)

Q. What was his name, did you say? A. Mr. T. L. McClintock, No. 8 Charlton street.

Q. How long have you lived in that election district? A. Four years nearly in that district; in the Assembly district 12 years, but in the election district only about four years; I lived at No. 31 Vandam street, before this.

Q. Do you know quite a good many people there? A. Yes, sir.

Q. You know quite a good many Republicans in that election district? A. Yes, sir.

Q. More than 12? A. I should say so; yes, sir.

Q. How many to your personal knowledge are there in that district? A. I think I gave to someone—I do not know who it was—the names of 20 men, that I was satisfied had voted for Judge Bartlett.

Q. How many Bartlett votes were found in that election district? A. Twelve.

Cross-examination by Mr. Nicoll:

Q. Who was the Republican inspector there? A. There was not any Republican inspector there—I beg your pardon—I mean watcher; I do not know who the Republican inspector was.

Q. You do not know him personally? A. No, sir.

Q. Have you since inquired as to whether or not he was a true and faithful Republican inspector? A. No, sir; I have not.

Q. Whether he was anxious to look after the interests of his party? A. I could not make any inquiries.

Q. You did not know him? A. No, sir.

Q. Then I suppose that we must presume that he was faithful in the absence of knowledge to the contrary? A. There was no Republican watcher there, for I went back and tried to find out.

Q. You say there was no watcher there? A. No, sir; there was no one there outside; the Tammany Hall man was there; they all knew me perfectly well.

Q. You are a perfectly well-known man there in the district, are you not? A. Yes, sir.

Q. You are a clergyman engaged in church work and you know a great many of those people, do you not? A. Yes, sir.

Q. And on good terms with them, are you not? A. Up to this election they have all been very polite to me; some have not been so since.

Q. Were you treated with any rudeness at the polls? A. No, sir; not at all.

Q. You simply entertain a vague suspicion that perhaps your vote might have been juggled with? A. I should say more than a suspicion.

Q. You have told us all the facts upon which you base it? A. Yes, sir.

Q. How long have you lived in that neighborhood? A. Twelve years.

Q. What is your church? A. The Spring Street Presbyterian church.

Q. Are you the pastor of that church? A. Yes, sir.

Q. You do not take an active part in politics, do you? A. No, sir.

Q. You do no more than to vote, do you? A. No, sir.

Q. Do I understand you to say that your name was voted on once by yourself, and once by some one else? A. No, I would not say that; I say that I voted at 8 o'clock and at 9 o'clock they were calling off my name, which seemed to be a very suspicious circumstance.

Q. That depends upon the statement of your friend, does it not? A. Yes, sir.

Q. Did you not hear of that yourself? A. No, sir.

Q. And when you returned to the polls to find out, it seemed to be all regular, did it not? A. The vote had been cast.

Q. And you had cast it at an earlier period of the day? A. Yes, sir.

By Chairman Lexow :

Q. Do you answer that that way? A. Well, I had attempted to cast it; I do not say that I did cast it.

By Mr. Nicoll:

Q. I do not mean to trap you; I mean you had gone through the performance which you have described here? A. Yes, sir; I had.

J. Craig Havermeier, called as a witness, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 50 West Thirty-seventh street.

Q. What is your business? A. Clerk.

Q. For whom? A. H. B. Hollins & Company, No. 15 Wall street.

Q. Were you a Republican watcher at the last election? A. I was.

Q. Where were you stationed? A. At No. 57 Baxter street.

Q. What Assembly district is that in? A. The Second Assembly, the thirty-eighth election district.

Q. Did you go there with your regular watcher's certificate? A. I did.

Q. Did you exhibit it when you got there? A. Yes, sir.

Q. And notify them of your appointment? A. I did.

Q. Did you demand your place prescribed for you by law? A. Yes.

Q. What was said or done on that subject by the other side? A. I attempted to walk behind the rail and one of the policemen in charge asked me what I was doing there, and I told him I was a regularly appointed watcher, and had a right to be there, and he told me that he had orders to allow no one behind the rail; I protested, and he told me that I would have to get out to avoid trouble; I refused, so he came in and laid his hand on my arm, with sufficient force to take me out—that is, I did not resist.

Q. He formally put you out? A. He did.

Q. Do you know the name or the number of that policeman? A. There were two policemen stationed there, and my recollection is that one was No. 133 and the other was No. 1584.

Q. Which one was the one who ejected you? A. I do not know.

Q. Were the inspectors of election there at that time? A. Yes, sir.

Q. Did they make any move to protect you? A. No, sir; none at all.

Q. Were you able to get behind the guard-rail at all that day? A. After the polls closed at 4 o'clock, I was admitted behind the rail.

Q. Did this policeman who ejected you from behind the guard-rail remain in the polling place all day? A. No, he went out about lunch time, to get lunch.

Q. Did he come back again? A. Yes, sir; in the afternoon.

Q. So, excepting a short time when he was away for lunch, he was there all the time? A. Yes, sir.

Q. Was he where he could see what was going on? A. Yes, sir; he was right there.

Q. Tell what you saw in regard to any irregularities under the observation of the policeman? A. The district was largely inhabited by Italians, and a great number of those men were apparently illiterate; one would come in frequently — in many cases they would come in and they could not talk English, and the ballot clerk would ask his name, and the Tammany — I suppose it was a Tammany man outside, evidently a sympathizer of his, would coach him.

Q. What did he do or say? A. They spoke principally in Italian and I don't know what was said, but the henchman would start to go in with these men.

Q. Go in where? A. In the booth, and I objected, and asked what was the reason for his going in, and he said, that he could not read — that was the henchman's reason, the man spoke no English; and I said, that made no difference, and then at the bidding of some one outside of the rail, a man who was stationed there the entire day and directed affairs, he took an oath in Italian — or I suppose it was an oath — he took an oath in Italian that he was blind.

Q. Who told you that he was taking an oath that he was blind? A. The man who was stationed at the door, and directed the voting.

Q. And after taking the oath that he was blind, then the other man went into the booth with him? A. Yes.

Q. Do you remember the number of his ballot? A. I made a note of them at the time.

Q. Was it number 136? A. That was one of the numbers, I think.

Q. Did that sort of thing occur more than once during the day? A. Yes, sir; frequently throughout the day.

Q. How many such were there? A. That occurred probably 10 or 15 times.

Q. In each case did you protest? A. Yes, sir.

Q. And in each case they took some oath, did they? A. Yes, they did.

Q. Or they went through the appearance of taking the oath? A. Yes, it was done in Italian; I do not know whether it was an oath or not.

Q. Then this man went with him into the booth? A. Yes.

Q. And he came out with them? A. Yes.

Q. Were they actually blind? A. They had every appearance of not being blind; when they first came in, their first reason for not voting alone was, that they could not speak English or could not write; then afterward at the bidding of someone outside, they said they were blind.

Q. Could you see that they moved about freely? A. They came in, unassisted.

Q. They acted as if they had possession of their eyesight? A. Yes, sir.

Q. Could you see that they had full possession of their hands and arms? A. Yes.

Q. Was there any outward appearance that they were unable to go into the booth alone, and prepare their ballots? A. No.

Q. But they went through some form of taking an oath, or what was said to be an oath, in Italian, and then this managing man went into the booth with them? A. Yes, sir.

By Chairman Lexow:

Q. Who administered the oath? A. The chairman of inspectors.

Q. Was he an Italian? A. He was.

Q. And there was no translation from English into Italian? A. No.

Cross-examination by Mr. Nicoll:

Q. Were you a witness before the grand jury on any complaint against the election officers? A. No.

Q. Or upon any charge in the Court of Oyer and Terminer? A. No.

Q. Did you make any complaint to the captain, the inspector, the superintendent or commissioners, of the conduct of the officer? A. I made my complaint to the officer on the day of election only.

Q. I understood you to say that the officer you put outside of the guard-rail? A. Yes, sir.

Q. And you remained there until the polls closed? A. Yes.

Q. That, you understood, was an invasion of your rights as a watcher, provided you were duly authorized? A. Yes.

Q. Who gave you your authorization as a watcher? A. The Republican Club.

Q. Was it signed by the police officials? A. I do not remember.

Q. You do not know whether it was an authorization as watcher under the statute or not, do you? A. I think not—that it was not signed by the officials.

Q. You think it was not? A. I am not sure; I know a great many other certificates of the same sort were given out.

Q. I understood you to say that you were a regular authorized watcher? A. Yes, sir.

Mr. Nicoll.—I have supposed that all these people that you have been talking about as watchers, were authorized by law?

Mr. Sutherland.—So they were.

Q. Where is your certificate? A. In my possession.

Q. Let us see it? A. I have not it here; it is at home, I believe.

Mr. Sutherland.—We can get it for you, if you want it.

Mr. Nicoll.—I would like to see it.

By Chairman Lexow:

Q. Was there any question raised as to your certificate, as to the legality of it; as to its regularity? A. There was no question raised as to that.

Mr. Sutherland.—Will you send me your certificate to the Hotel Metropole? A. Yes, sir.

Chairman Lexow.—The witness says there was no question raised as to the regularity of this certificate.

Mr. Nicoll.—I feel bound to say that my information is that there were quite a number of certificates issued to gentlemen who acted as voluntary watchers, but that they were not the watchers who were authorized to act under the statute. You perceive at once, the statute, on the question of a watcher, who is authorized by law, is perfectly clear; there is no doubt about that; a person who has been regularly authorized as a Republican watcher, has as much right as anyone, but you will find that what these gentlemen had was not a regular authorization, were not authorized certificates of watchers from police headquarters, but that they were volunteer watchers sent out by different associations. Those persons, certainly, have not the right to go within the rails, unless they were called there by the election inspectors for the purpose of preserving order, and that is what you will find in all this testimony that we have been taking here.

Chairman Lexow.—That objection would be good, if it was raised at the time, but if the regularity of the certificate was not called in question then, how that can be raised now, for the purpose of defending those who violated the law, I can not understand.

Mr. Nicoll.— The proper person to present the certificate is the watcher, to the inspector of election, and the watcher comes there in the morning, and presents his certificate.

Mr. Sutherland.— That is what this man did.

Mr. Nicoll.— And they rejected it?

Mr. Sutherland.— No; the policeman told him to go out.

Mr. Nicoll.— Let him bring his certificate here, and you will find that it was not authorized by the police department.

Chairman Lexow.— Supposing that is so, but the election inspector at that time did not reject his certificate on any such ground — on any ground of irregularity — would that be a good defense for them now?

Mr. Nicoll.— I am not here to defend any election officer.

Chairman Lexow.— Would it be a good defense for the police officer?

Mr. Nicoll.— I am here to explain what seems to be a very proper criticism upon the conduct of certain police officers. No one can defend the exclusion of a properly qualified or properly authorized Republican watcher within the guard-rail. The statute makes it as plain as anything can be in the English language. There ought to be no argument or debate about that; he has an absolute right there, if he has got his proper credentials; but I think you will find where they were not admitted, that they had not the regular credentials, but that they were certain volunteer watchers, equipped with an authorization from volunteer associations, and that they had not the right to go behind the guard-rails.

Chairman Lexow.— Do you take this position, that supposing a Republican watcher presents his certificate and no question in reference to the regularity of that certificate was raised at that time, if now you can pick a flaw in that certificate, that, therefore, if they were not admitted, no interference has been attempted?

Mr. Nicoll.— There can be no question; there is only one certificate; the law says who shall issue it, and who shall sign it and seal it; it is all provided for in the statute; there can be but one such certificate, and whoever had such a certificate is entitled to be there, and whoever did not have it was not entitled to be there, and the officer was obliged to put him out.

The Witness.— The officer did not even examine my certificate.

By Mr. Sutherland:

Q. You told him you had it? **A.** I exhibited it at the time.

By Mr. Nicoll:

Q. Who gave your paper to you? A. It was given to me at the Republican Club.

Q. Were you ever at police headquarters to make an application as a watcher? A. No.

Q. Was it just a piece of paper handed to you at the Republican Club? A. No; it was not just a piece of paper.

Q. Well, I mean a certificate? A. Yes; it was a certificate.

Q. Who handed it to you? A. I think Mr. Smith.

Q. John Sabine Smith? A. I think it was.

Q. Had there not been a call on the part of the Republican Club to gentlemen interested in that side of politics to act as watchers on election day; had there not been a request for such persons to send in their names? A. I think both parties requested the names of persons who would be watchers.

Q. And was it not in answer to that request that you sent in your name? A. Yes.

Q. When did you call for your certificate? A. I think it was the night before election.

Q. Between the time of sending in your name and the time when you got your certificate, had you been at police headquarters at all? A. I had not.

Q. Will you please produce that certificate? A. Yes.

Mr. Sutherland.—Send it to me at the Hotel Metropole.

By Senator Bradley:

Q. You were at the polling place all day? A. Yes; with a brief interval for lunch.

Q. Did you, during the whole day, or any part of the day, see any policemen act in any kind of a disorderly manner or interfere with the voters as they came in or went out of the polling place? A. They rather assisted than interfered.

Q. They did not use any violence? A. No.

By Chairman Lexow:

Q. What do you mean by the word "assisted"? A. The police frequently asked the Tammany man at the door to hurry in the voters.

Q. Were you recognized there by the inspectors, as the Republican watcher? A. They did not question my authority at all.

Q. And they let you in after 4 o'clock? A. After 4 o'clock; they did.

Q. As the Republican watcher? A. Yes, sir.

Q. And they did not question your authority throughout the day? A. They did not.

By Senator O'Connor:

Q. These Italians, who took the oath that they were blind, was that done in the presence of the policeman? A. Yes.

Q. And so far as you could see, they had good sight for all purposes, except for voting? A. Yes, sir; blindness was a secondary question.

Q. It did not seem to attract the attention of the officer as being a suspicious circumstance at all? A. He showed no sign of that.

Q. When you told the policeman that you were there as a Republican watcher, and you undertook to show him your certificate, he said that made no difference? A. Yes, sir; he said he had orders to admit no one behind the rail.

By Chairman Lexow:

Q. To admit no Republican watcher behind the rail? A. To admit no one.

By Senator Bradley:

Q. Was there any other watcher inside of the rail? A. No.

Q. The Tammany watcher was not inside of the rail, either? A. No.

Senator O'Connor.—They had no need of that. They had a good inspector.

Q. Was the Tammany worker there? A. Yes; he was allowed within the door.

By Senator Bradley:

Q. Did he peddle any pasters inside the door? A. No.

Walter Logan, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Two hundred and twenty-two West Tenth street.

Q. Where is your place of business? A. Five hundred and eighty-four Hudson street.

Q. What is your business? A. Printer.

Q. During the Presidential election of 1892, did you visit a number of the election districts? A. I have been in the habit of doing that regularly at every election.

Q. Did you go down to Gansevoort street in 1892 and observe a

policeman there? A. I can not say that it was in 1892, but the circumstance has been brought to my mind and I think it was the year that Mr. Gorman ran for sheriff.

Mr. Nicoll.—That was in 1890.

The Witness.—Yes, 1890; I think.

Mr. Nicoll.—Does the committee want to go back to 1890?

Mr. Sutherland.—Did they have these booths then?

Mr. Nicoll.—Yes.

Chairman Lexow.—Yes; that was the first year.

Q. Did you observe anything about the police officer at that place? A. In traveling up Hudson street, my attention was called to the fact that an irregularity was going on in that polling place, and —

Q. Did you go there? A. Yes; I went there.

Q. What did you see? A. I stood by and saw the circumstance repeated, of the policeman in charge being inside of the rail and folding the ballots, taking the voter into the voting place, and folding his ballot for him, and I waited until I got the evidence, and then I said to him, "Young man, you are exceeding your duty; you have no right to do that;" and he seemed astonished, and even the inspector seemed astonished; and I said, "Gentlemen, you must not allow the policeman to go inside of the bar; his duty is outside to preserve order;" and I came down to the station-house; I said I would go down to the station-house and report you if you proceed in this manner;" he felt astonished, but, however, he was one of those men who had a good deal of intelligence about him; and I said, "You are doing an illegal act;" and he came out and said, "He would desist," but a number of the parties around there began to growl; and I said, "Gentlemen, I will send an officer here, and if that wont be effective, I will go to the station-house and report you;" I said, "Desist for your own sakes, gentlemen;" and I went up to the Republican headquarters, at No. 1 Abingdon square, and got one of the United States marshals to go and look after that affair, and when he came back he reported at headquarters that the policeman had desisted from doing this.

(Cross-examination waived.)

Thomas F. Carroll, called as a witness, duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. One thousand six hundred and ninety-four Third avenue.

Q. Were you the Republican captain in January last at the special election? A. Yes, sir.

Q. In what district? A. The Thirteenth Assembly district.

Q. In what election district? A. In the twenty-fifth election district.

Q. Did you make any objections to the conduct of the police officers there? A. No, sir.

Q. What was it that occurred there? A. The policeman came outside, and ordered me away.

Q. Where were you? A. I was outside the door of the polling place.

Q. And the policeman ordered you away? A. Yes, sir; and I walked away, as he said to me "Please excuse me," he says, "You will have to take a walk," so I walked away about six feet from the door, and he went inside, and a little while after he came out, and he had some conversation with the Tammany captain, and then the Tammany captain walked down the street a ways, and the officer said to me, "I guess I will have to take you in."

Q. The Tammany captain said that to you? A. No; the policeman said that to me.

Q. Had the Tammany captain gone at —? A. No, sir.

Q. What did the policeman do with you? A. He locked me up; he fetched me before Justice Welde, and he discharged me — he made a charge against me of electioneering right near the polls.

Q. Had you done any electioneering there? A. No, sir.

Q. Did you have any watcher's certificate there with you? A. Yes, sir.

Q. What time of the day was it that this policeman did this? A. About half-past 8 in the morning.

Q. How long did they keep you there? A. About an hour.

Q. And then Judge Welde discharged you? A. Yes, sir.

Q. Where did you go? A. I took the car down to the polling place, and I met a policeman going down on the car, and he said, "Are you satisfied now?" And I said, "If I see the Tammany captain within the lines of the polls, I will order you to arrest him;" and afterward I was speaking to this Tammany captain on the corner, and we were about 30 feet away from the door of the polls, and the policeman came over to me again, and he said, "Aint you satisfied; do you want me to take you in again;" and I said, "If you take me in, you will have to take this here man in."

Q. What did he say? A. He didn't say anything, but he walked away.

Q. Did you stay there the rest of the day? A. Yes, sir.

Q. All day long? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. What is your business? A. Carpenter.

Q. Where do you do business? A. One hundred and twenty-four Elizabeth street.

Q. Are you in business on your own account?

Mr. Sutherland.—He is very deaf; you will have to speak loud.

By Senator Bradley:

Q. Are you a boss carpenter? A. Yes, sir.

By Mr. Nicoll:

Q. Do you say you are a boss carpenter? A. Oh, no, sir.

Q. Who are you in business with? A. I work for William & Christ.

Q. How long have you been working for them? A. Three and a half or four years.

Q. What time did you go to the polls that day? A. About 10 minutes to 5 o'clock.

Q. Did you talk with anybody there? A. Yes, sir; I was talking to the Tammany captain, and to the policeman outside of the door.

Q. Had you not been doing anything?? A. That was another officer that I was talking to.

Q. Hadn't you been doing anything before you got into this trouble? A. No, sir.

Q. Nothing at all? A. I was just passing remarks about the weather; that is all.

Q. Talking about the weather, were you? A. Yes, sir; to the officer.

Q. You talked about the weather to the officer, and he arrested you for electioneering? A. Yes, sir; that is the charge he made against me.

By Senator Bradley:

Q. Were you drinking anything that morning? A. Yes, sir; I had a little.

Q. How many drinks did you have before you were arrested? A. About three or four, I believe.

Q. You did not mix your drinks at all that morning? A. No, sir.

By Mr. Nicoll:

Q. And then you talked about the weather and were arrested?
A. Yes, sir.

Charles Dittel, called as a witness, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you live? A. Fifty-eight East Fourth street.

Q. What is your business? A. Barber.

Q. Were you employed by Lewis Appel last fall? A. Yes, sir.

Q. Where is your shop? A. Three hundred East Fifth street.

Q. Was that in the district where Mr. Kempner was running for the Assembly? A. Yes, sir.

Q. Did Mr. Appel have one of Mr. Kempner's lithographs in his window? A. Yes, sir.

Q. Was that taken down at any time? A. It was taken out; yes, sir.

Q. How long before election was that taken out? A. Three or four weeks — no; about two weeks before election.

Q. Were you there when it was taken down? A. Yes, sir; I was inside the shop.

Q. Did you see what happened prior to that time? A. No; I don't remember exactly; I was busy at that time.

Q. Did you see some man come and talk with anyone there?
A. I saw one man come and talk to the other man, the other workman, who worked on the second chair, who was not busy, and he had a conversation with him, but what the conversation was about I don't know, but the bill was taken out, but who took the bill out I can't say.

Q. How long before the bill was taken out was the conversation? A. Right in the meantime.

Q. You mean right off? A. Yes, sir; right away.

(Cross-examination waived.)

Christian Goit, called as a witness, was duly sworn, and testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. Three hundred and seventeen East Fifth street.

Q. What is your business? A. Bartender.

Q. For whom? A. My father.

Q. Is that in the Assembly district where Mr. Kempner was running for office last fall? A. Yes, sir.

Q. Did you have Mr. Kempner's picture in your window last fall? A. Yes, sir.

Q. Did anybody come in there to see you about having it taken out? A. No; they did not come; they called me outside.

Q. Who was it? A. I can not say; he said he was an official, and he asked me to take down the portrait.

Q. To take down the portrait of Mr. Kempner? A. Yes, sir.

By Chairman Lexow:

Q. Was he a policeman? A. No, sir; he was in citizen's clothes, but he said he was an official.

By Mr. Sutherland:

Q. He told you that he was an official? A. Yes, sir.

Q. Did he give any reason for wanting it taken down? A. No, sir; not at all.

Q. What did you do about it? A. I took them all down.

Q. Did you hear anything about it after that? A. No, sir; not until I was subpoenaed here.

(Cross-examination waived.)

Frank S. Scavetta, called as a witness, was duly sworn, and testified as follows:

Direct examination by Mr. Nicoll:

Q. Where do you live? A. In Fifth street.

Q. What is your business? A. Barber.

Q. Where was your shop last fall? A. Three hundred and forty-seven East Fifth street.

Q. Was that in the district where Mr. Kempner was running for the Assembly? A. Yes, sir.

Q. Did you have his pictures in your window? A. Yes, sir; I did.

Q. Up to what time? A. I do not remember.

Q. A little while before election? A. Yes, sir.

Q. Then did you take them down? A. Yes, sir.

Q. What for? A. Two men came to my place and said, "Take down that picture."

Q. Two men came and said you must take it down? A. Yes, sir.

Q. Did you know the men? A. No, sir.

Q. Did they tell you who they were? A. No, sir.

Q. Did he give any reason why you should take it down? A. He says, "Take them out."

Q. Did he give you any reason? A. No, sir.

Q. Did you ever see the man before that or after? A. No, sir.

Q. Did they say that they had any official position? A. No, sir.

Q. Did they tell you who sent them there? A. No, sir.

They just told you to take them down? A. Yes, sir.

Q. And then you took them down? A. Yes, sir.

By Chairman Lexow:

Q. Were they policemen? A. I do not know; two men came to my place and said, "Take that portrait down."

Q. Did they have shields on? A. No, sir.

Q. Had you ever seen them before? A. No, sir.

Q. Have you ever seen them since? A. No, sir; that was the first time I saw them.

By Senator Bradley:

Q. Did anyone ever tell you who they were? A. No, sir; they said, "Take down that portrait."

Q. And you took them down? A. Yes, sir.

Q. Why did you take them down? A. I don't know.

Q. Have you got a barber pole outside of your door? A. Yes, sir.

Q. Suppose two men came in and told you to take down your barber pole, would you do that? A. I don't know anything about that business.

Q. Speak right out; did you know who those two men were? A. No, sir.

Q. Well, answer my question; supposing two men came there, Senator Lexow and myself, or Senator O'Connor and myself came in there, and said you must take down your barber pole, would you take it down? A. That is another thing.

By Chairman Lexow:

Q. Did you think they were policemen? A. I don't know.

Q. Did you think they were? A. I thought so, but I didn't know.

Proceedings of the eighth meeting of the committee, March 31, 1894, at 10 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Daniel Bradley and Cuthbert W. Pound.

Appearances same as before.

Thomas L. McClintock, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. No. 8 Charlton street.

Q. What is your business? A. Real estate.

Q. Where did you vote last fall? A. On the east side of Bayard street, between Vandam and Charlton.

Q. What is the number of the election district? A. The eighth.

Q. Of what Assembly? A. The Eighth Assembly.

Q. Did you see any policemen on duty there when you voted?

A. Yes, sir.

Q. How many? A. Two.

Q. How many inside? A. They were both inside the room.

Q. Do you know the names or numbers of either of them? A. No, sir.

Q. What time in the day did you vote? A. In the neighborhood of 10 o'clock.

Q. Were either of the policemen near at hand when you voted?

A. Yes, sir.

Q. Tell us what occurred? A. I had gone into the booth and made up my ballots, and brought them out and handed them to the poll clerk, and just as I handed them to him I was touched on the shoulder, and I turned and found it was the policeman. He had a red pencil in his hand, and asked me if I left that pencil in the booth.

Q. Asked you if you left that pencil in the booth? A. Yes, sir.

Q. What did you do or say? A. I said no, sir.

Q. In the meantime, what had become of your ballots? A. They had been taken by the ballot clerk.

Q. Had they got into the box — taken by the inspector? A. Yes, sir; I presume they had.

Q. Had they disappeared? A. They had gone.

Q. You did not see them go into the box? A. No, sir.

By Senator Bradley:

Q. Did you hand the ballots to the ballot clerk together when you came out of the booth? A. Yes, sir.

Q. What was the inspector doing then? A. I handed the ballots to the ballot inspector.

Q. You mean you handed your ballots to the inspector? A. Yes, sir.

By Chairman Lexow:

Q. And before you saw the inspector drop the ballots into the box, you were touched on the shoulder? A. Yes, sir.

Cross-examination by Mr. Nicoll:

Q. What is your business? A. Real estate office.

Q. With what concern? A. Frederick A. Booth.

Q. Frederick A. Booth? A. Yes, sir.

Q. Where is their place of business? A. Nineteen East Sixteenth street.

Q. Where do you reside? A. Eight Charlton street.

Q. How long have you had that residence? A. Since July.

Q. Of this year? A. Yes, sir.

Q. Prior to that date where did you reside? A. One thousand nine hundred and eighty-eight Lexington avenue.

Q. That is between what streets? A. Between One Hundred and Twenty-first street and One Hundred and Twenty-second street.

Q. How long did you live there? A. Two years and a half.

Q. Were you a member of the Republican organization in that district? A. No, sir.

Q. When you left your residence in Lexington avenue and went to Charlton street, did you attach yourself to any political organization? A. No, sir.

Q. Or have you been a member of any political organization at any time? A. No, sir.

Q. No time? A. No, sir.

Q. In politics, I understood you to say, however, you were a Republican?

Senator Bradley.—The question was not asked him at all.

Q. What are your politics? A. I generally follow the Republican ticket; I vote for the man though as much as I can.

Q. I beg your pardon? A. I do not follow the Republican ticket.

Q. That is, upon national questions? A. Yes, sir.

Q. And upon questions of national policy you are attached to the Republican party? A. Yes, sir.

Q. But in local or municipal matters you vote for the best man, according as you understand it? A. As I think.

Q. How long have you been with Mr. Booth? A. I am a little over two years.

Q. What was your occupation prior to that time? A. I was with Richard A. Brude, corset business.

Q. In the corset business? A. Yes, sir.

Q. In what capacity? A. I had charge of his New York office.

Q. Was he a foreign manufacturer of corsets? A. He imported corsets; yes, sir.

Q. He did what? A. He imported corsets, and made his own corsets also.

Q. You had charge of his office in the city? A. Yes, sir.

Q. Where was that? A. Four hundred and twenty Broadway.

Q. And how long were you with him? A. I was with him about three years.

Q. About three years? A. Yes, sir.

Q. Are you a native of this city? A. Yes, sir.

Q. And you were educated in the schools here? A. Yes, sir.

Q. In the public schools? A. Yes, sir.

Q. Now, what time did you reach the polls on the morning of the election? A. About 10 o'clock, in that neighborhood, from 10 to 11.

Q. About 10 o'clock? A. Yes, sir.

Q. Were you alone, or did someone accompany you? A. I was alone.

Q. Did you get your ballot in the usual way from the ballot clerk? A. Yes, sir.

Q. And go into the booth by yourself? A. Yes, sir.

Q. And filed your ballots in the usual way? A. Yes, sir.

Q. And then did you proceed with your ballots to the table in front of the inspectors upon which the ballot-boxes rest? A. Yes, sir.

Q. Now, tell us over again, what you say happened there? A. I handed my ballots to the inspector, and just as I did so, I was tapped on the shoulder, and I turned to see who tapped me and the policeman held a pencil before my eyes, and asked me if I had left that in the booth, and in the meantime the ballots had gone.

Q. In the meantime the ballots had been deposited; now, before the time that you were tapped on the shoulder, had the ballots been placed on the different boxes? A. No, sir.

Q. By the inspector? A. No, sir.

Q. What was the inspector doing with the ballots at the time you were tapped? A. He had them in his hand the last I saw them.

Q. He had them in his hand? A. Yes, sir; just taking them as I was tapped and turned.

Q. Was he in the act of tearing off the stub? A. Not that I can remember; no, sir.

Q. Not as you can remember? A. No, sir.

Q. Is it all you remember, the inspector had the ballots in his hands, when you were tapped? A. Yes, sir.

Q. And you turned back, didn't you? A. Yes, sir.

Q. Do you mean to say before you turned back the inspector had distributed and deposited those ballots? A. As I thought he had; they had gone.

Q. You think that the inspector was so agile that in just the twinkling of an eye and the turn of the head he could deposit a number of ballots in the different boxes? A. I do not see how he could.

Q. How? A. I do not see how he could.

Q. He would have to be unusually expert to be able to do that, would he not, because it was only a second or probably a second and a half in which your eyes were diverted from the boxes, wasn't it; it was just the turn of the head and back? A. I would not say as to that.

Q. Was it not a very short and insignificant period of time; was there any more than the turn of the head as you were tapped and turned back? A. It was time enough for the ballots to disappear; I don't know.

Q. Do you mean to say that you kept your head averted for a minute, or a half a minute? A. It could readily be a half a minute, I should judge.

Q. Half a minute; you turned your head one side for half a minute? A. Yes, sir; I answered the question.

Q. The only answer you gave to the question was "No," was it not? A. That was all the answer I gave.

Q. Was there any further conversation between you and the officer? A. No, sir.

Q. Except the officer said, "Did you leave this pencil," and you said "No;" that is all there was to it? A. That is all.

Q. You want us to believe that in that small fraction of time the inspector who held your ballots in his hands succeeded in depositing them in the ballot-boxes against your will; you want us to believe that?

Chairman Lexow.—He did not say that, Mr. Nicoll; he simply said the ballots disappeared; he did not say they were deposited.

Q. Well, I asked him; that is the implication from his testimony.

Chairman Lexow.—No; I do not think he has given testimony from which any such conclusion could be drawn. He simply says the ballots disappeared. The inference might be drawn that they were under the table; that is the quickest way they could disappear.

Mr. Sutherland.—It is the same incident as that shown by two other witnesses in some cases. It was the red pencil, and in each case it was the tapping on the shoulder by the policeman, and it was at the identical moment when the ballots had passed from the minds of the voter.

Mr. Nicoll.—I wish to say that the inference you desire to draw from this testimony is that the police officer was in combination with the inspectors.

Mr. Sutherland.—Yes, sir.

Mr. Nicoll.—For the purpose of defeating the will of the voter.

Mr. Sutherland.—Exactly; and the will of all the voters there except those that voted with him.

Mr. Nicoll.—I asked him whether or not he inferred under

Mr. Sutherland.—I submit the inferences of the witness are

Mr. Sutherland.—I submit the inference of the witness are not so valuable as the facts; we have the facts.

By Mr. Nicoll:

Q. Do you desire us to believe that conclusion? A. It would be a very natural conclusion, considering the action of the officer; my private opinion is that it was so.

Q. If you had left a pencil in the box, it would not be very extraordinary for the officer to ask you whether you had left a pencil there, would it? A. At first sight on the moment, it did not; but when we consider it, it does; the officer has no right, as I understand, to interrupt the voter after the votes leave him.

Q. You closed the door when you came out? A. No; it swings to.

Q. If you left anything there, it was the duty of the officer to protect it, wasn't it; I say, it would be the duty of the officer to collect anything left in the box if it was of any value? A. Yes; if it was of any value; not a penny pencil.

Q. Or any property, whatever it might be, of whatever value, belonging to any voter? A. If there was any length of time between my leaving it, it might; it was immediately after I left the booth; it was about four steps.

Q. Did you entertain the opinion then, at that moment, that you, as a voter, had been defeated by the action of the officer? A. Not until two hours after; no, sir; not at that moment.

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

Q. It took you two hours after that time before you came to that conclusion; I say, it took you two hours before you were able to come to that conclusion? A. After I had heard one or two others had been treated the same way; yes, sir.

Q. Then you came to the conclusion that your will had been defeated? A. Yes, sir.

Q. Then to whom did you make complaint that you had been denied the right of suffrage at this election by the combination of the officers and inspectors? A. To the grand jury.

Q. Did they indict them? A. Yes, sir.

Q. The inspectors? A. Yes, sir.

Q. Were they tried? A. They were not, as far as I know.

Q. The indictments were dismissed? A. They were dismissed.

Q. That is, they were indicted — inspectors were indicted by the December grand jury — the special grand jury? A. Yes, sir.

Q. And they were tried in the oyer and terminer in February and dismissed by that court, were they, those indictments? A. They were not brought to trial, I believe; some of them.

Q. What were the names of the cases? A. I don't remember.

Q. Don't you recollect the names of the inspectors? A. No, sir.

Q. Was the officer indicted? A. No, sir.

Q. Did you tell the grand jury this story in regard to this officer? A. Yes, sir.

Q. They did not indict him? A. Not that I know of.

Q. You would have known that, wouldn't you? A. Most likely.

Q. They did not indict him, but they did indict the inspectors? A. Yes, sir.

Q. On your evidence, on the charge of defrauding you of your vote? A. I hardly know whether it was on my particular evidence; it was mine along with the others.

James J. Martin, called as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Sutherland:

Q. Where do you reside? A. One hundred and thirty-two West Forty-eighth street.

Q. What is your business at present? A. Police commissioner.

Q. Of the city of New York? A. Yes, sir.

Q. And president of the board? A. President of the board.

Q. How long have you been a police commissioner? A. Since May, 1889.

Q. And since what date have you been president of the board? A. Since about the 1st of March, 1892.

Q. 1892; has the personnel of the board of commissioners changed since you were appointed a commissioner? A. Yes, sir.

Q. Who went out and who came in, and when? A. I think Commissioner Voorhis went out, about just previous to the time I was elected president, and Commissioner Sheehan was appointed in his place.

Q. There has been no other change except that? A. That is the only change.

Q. Then the board of police commissioners, as now constituted, is the same, with the exception of the substitution of Sheehan

for Voorhees, that it has been during your entire connection with the board? A. Yes, sir.

Q. And who are the present commissioners? A. Commissioner McClave, Commissioner McLean, Commissioner Sheehan and myself.

Q. How long has Mr. McClave been a member of the board? A. Well, he was a member of the board before I was appointed; I could not say how many years before.

Q. And can you tell any more definitely about the length of service of Commissioner McLean? A. He was also a commissioner before I was appointed; quite a number of years then.

Q. You don't know how many years either of them was before you came in? A. I could not say as to that.

Q. What was your business before you were appointed a police commissioner? A. I was deputy register of the city of New York.

Q. For how long? A. Between two and three years.

Q. Is that a salaried office? A. Yes, sir.

Q. What is the salary? A. The salary of the deputy register was \$5,000 a year.

Q. What was your business before that? A. I was clerk of the assessment commission; a special commission created by the Legislature.

Q. How long did you hold that position? A. About six years.

Q. Is that a salaried office? A. That is a salaried office; yes, sir.

Q. What was the amount of it? A. The salaried office, I think, was, in the beginning, \$2,500, and afterward was increased to \$3,000.

Q. What position did you hold before that? A. I was clerk in the finance department.

Q. For how long? A. Six or seven years.

Q. What was the salary attached to that office? A. Well, it varied at different times; I think the time I was secretary of the assessment commission, or clerk of the assessment commissioner, I think my salary was about \$1,700, or \$1,800 a year; I forget which.

Q. And it ran from that up to what? A. It ran from that down to about a thousand dollars, I think; when I went there it was increased from time to time.

Q. The figure you first gave was the larger amount? A. Yes, sir.

Q. What office did you hold before that? A. That carries me back to 1873, I think, when I began in the finance department.

Q. That was 21 years ago? A. I think previous to that I was clerk in the board of aldermen for one year.

Q. What is the salary connected with that position? A. I think the salary at that time was \$3,000 during the year 1872.

Q. And what position did you hold prior to that? A. Well, I had nothing special for a year or two previous to that, a year, a year or more previous to that.

Q. What business were you engaged in then? A. I was not engaged in any business at that time.

Q. What position, if any, did you hold prior to that? A. I was employed at the headquarters of the department of the east; military employment.

Q. Whereabouts? A. In this city.

Q. In this city? A. Yes, sir.

Q. That is, United States military forces? A. Yes, sir.

Q. In what capacity were you employed there? A. As a clerk.

Q. In what department? A. The Adjutant-General's office.

Q. How long were you such clerk? A. From 1866, I think, up to about 1870.

Q. And from 1870 to 1872, you had no special occupation? A. No special occupation.

Q. What position did you hold prior to 1866? A. Well, I had been a soldier during the war.

Q. In what rank? A. Private.

Q. Enlisting when and discharged when? A. Enlisting in 1862; discharged at the close of the war in 1865.

Q. Prior to 1862, what was your business? A. I was a clerk in a law office.

Q. For how long? A. Three or four years.

Q. In whose office? A. In the office of Coddington Brothers, 17 Wall street.

Q. That brings you back to 1858? A. Yes, sir.

Q. How old were you then? A. About 12 years of age.

Q. And you were 18 in 1862? A. Yes, sir.

Q. When you enlisted? A. No, sir; I was 16.

Q. You enlisted at 16? A. Yes, sir.

By Chairman Lexow:

Q. What was the salary in connection with the military appointment? A. Well, there were certain allowances, for persons engaged in that capacity, and it amounted, as near as I can recollect now, to about \$75 a month; it might be a little more than that.

By Mr. Sutherland:

Q. After you left the department of the east, and before you

entered the employ of the city government, how did you occupy your time for a couple of years? A. Well, I think I was employed temporarily during the year 1871; I think I was employed temporarily in the department of public works, in a clerical capacity for a short time.

Q. How else were you employed during that time? A. I was not otherwise employed during that time.

Q. You were entirely idle during that time? A. I was looking for employment.

Q. Well, of course, since you entered the police commission you have had occasion to familiarize yourself with the duties of the office? A. Yes, sir; somewhat.

Q. I assume that you were not familiar with those duties before you were appointed a commissioner? A. Only in a general way.

Q. From the history you have given us of your employment previous to that time, it must be assumed that you had no knowledge beyond that which the ordinary citizens have?

Mr. Nicoll.—Why must it be assumed?

Mr. Sutherland.—I ask the witness whether it is true?

A. I had some general knowledge, yes, sir; I was in the finance department for a great many years, and was very familiar with the city government generally, and its departments.

Q. You were a clerk in the finance department? A. I was, yes, sir.

Q. On what particular branch—what set of books did you have charge of? A. I was employed under Deputy Comptroller Mr. Storrs, and my duties brought me a great deal in connection with the board of apportionment.

Q. What had that to do with the management of the police force? A. Made the appropriations for the various departments of the city government.

Q. And you knew then in advance of the recommendations of the board what appropriations they were to request; did you know any more than that about it? A. I did not know that in advance.

Q. What did you know then that the ordinary citizen did not know, on the subject of the management of the police?

Mr. Nicoll.—I think that is too broad.

The Witness.—I had opportunities to learn something.

Chairman Lexow.—I think it is proper for the counsel to elicit the fact whether or not the witness had any special knowledge, in regard to the police force in this city at the time of his appointment.

Mr. Nicoll.—He has proved he has.

Q. Then what did you do after you were appointed; or what steps did you take to familiarize yourself with the duties of the office of police commissioner? A. Oh, I made an examination of the affairs of the department in various directions, the statutes bearing upon it, the rules and regulations of the board, and various other matters of that character.

Q. And, of course, since you have been president of the board, it has become necessary for you to familiarize yourself even more minutely with the duties of the position? A. I can not say that.

Q. Well, of course, this committee will desire to know the duties of police commissioners? A. Yes, sir.

Q. In order that they may intelligently understand the — in order that they may get at the subject of the efficiency of the police department? A. I would be glad to tell them all I know about it.

Q. And I assume you must know more about the duties of the police commissioners than any other member of the board; will you please tell the committee what the duties of the police commissioners are.

Mr. Nicoll.— That was all fixed by the statute.

Mr. Sutherland.— Is there any objection?

Mr. Nicoll.— No, sir.

Q. Proceed, Mr. Martin? A. The commissioners of police are charged, under the statute, with the administration and discipline of the police force; I suppose the administration of the police force means that we shall tend to all the duties of administration and regulations of appointment of officers of the police, and promotions, transfers, the requesting of appropriations of the finance authorities of the city, the incurring and payment of all debts of the department, as charged under the statute.

Q. Yes? A. As charged upon the department.

Q. What else? A. The discipline of the department, of course, is in reference to the complaints made against the members of the force, and various breaches of the rules and regulations.

Q. What did the commissioners have to do with those? A. The commissioners have the trial of all officers charged with violations.

Q. As prosecutors or as trial court? A. As both, probably; it is their duty to get the facts.

Q. As a matter of fact, you do sit, and sit substantially as a court, do you not? A. As a matter of fact we do sit, substantially as a court.

Q. And pass judgment upon the truth or falsity of charges against policemen? A. Yes, sir.

Q. And after you find them guilty, you pass sentence upon them? A. Yes; we pass sentence upon them.

Q. What other duties are incumbent upon the police commissioners? A. Well, the board is divided up into committees; each committee is charged with the duties of the commission to look after those particular duties.

Q. What committee are you? A. Well, I am, as president of the board, I am chairman of the committee on rules and discipline of the board; all charges against police officers are submitted to me for examination and approval.

Q. In the first instance? A. In the first instance; and being so examined and approved, the officer is placed on trial.

Q. That is to say, if charges are made against a policeman, those charges do not bring him to trial before the board unless you, in the first instance, are satisfied there is sufficient in the charges to call for trial? A. No, sir; I do not examine the evidence; I examine the form of the complaint; I take it on the ground that the complaint is properly made under the rules, and that the evidence will be forthcoming at the trial.

Q. And if the complaint is sufficient in form, it goes before the entire board? A. Yes, sir; it goes before the entire board; or one of the commissioners usually presides at the trial in the first instance; the commissioners rotate, holding the trials once in each week.

Q. You said you were the committee on discipline? A. Yes, sir.

Q. What else did you have to do with discipline besides trial of cases? A. Well, I don't know of anything particular.

Q. I mean as the committee? A. I do not know of anything particular.

Q. The entire board, I assume, formulate rules; don't they? A. Yes.

Q. For the government of the police? A. Yes, sir.

Q. And amend those rules from time to time? A. Yes, sir.

Q. As facts brought before them may show necessity? A. Yes, sir.

Q. Are you charged in the first instance as a member of that committee with introducing proper amendments? A. No, sir.

Q. That does not come under the province of your special committee? A. Not especially; no, sir; any member has a right to propose an amendment to the rules.

Q. What other committee is there besides the committee on discipline? A. Excuse me, if I refer to a memorandum.

Q. Certainly, refer to anything you please? (Witness examines memorandum.)

Mr. Nicoll. — I do not know, Mr. Sutherland, whether you have the last annual report of the department.

Mr. Sutherland. — I think the last annual report is not in print.

Mr. Nicoll. — The last annual report is in print.

Mr. Sutherland. — I have it.

The Witness. — We have the following committees: The committee on election.

Q. And who is that committee? A. Commissioners McClave, Sheehan and McLean.

Q. Now, what does that committee have to do? A. The committee on election have charge of all matters pertaining to elections; that is, the engagement of the various places for holding the registration and election, the fitting up and furnishing the same, the printing, and the ordering and printing of the ballots.

Q. And the distribution of the ballots? A. And the distribution of the ballots.

Q. And the gathering up of the returns? A. No, sir; the returns are sent to — as directed by the statute — to the inspector of election.

Q. Where are they sent? A. I think the statute directs that one of the three copies shall be sent to the bureau of elections, the second copy to the county clerk's office, and the third copy to the clerk of the common council of the board of aldermen.

Q. And the bureau of elections consist of whom? A. The bureau of elections is a bureau under the police department, of which — you mean the committee on elections, of the bureau?

Q. Who constitutes the bureau of elections? A. The bureau of elections is a bureau in our department, in which General Rodenhov is chief of the bureau.

Q. But the police commissioners as a body — A. The police commissioners as a body have nothing to do especially with the bureau of elections; it is under our control; he is our appointee, as the chief of the bureau.

Q. Is that all the committees? A. No, sir.

Q. What is another one? A. Committee on pensions? Commissioners McLean and McClave are that committee; it has all charge of all applications for pensions.

Q. What is the next committee? A. The committee on repairs and supplies.

Q. Who are they? A. Sheehan and McClave.

Q. Who next? A. The committee on discipline, myself and McLean and Sheehan.

Q. Are those all the committees? A. Those are the four committees of the board.

Q. Exactly; Mr. Martin, does any one commissioner have power

to issue orders, or do orders come as the work of the board? A. What sort of orders?

Q. Any orders that a police commissioner can issue; orders to the force? A. They come as the work of the entire board.

Q. Is that by statute or by any of your regulations? A. No; I don't know exactly how to answer that question.

Q. What is the reason they come as the work of the entire board? A. Because I do not suppose any one of the commissioners will assume to speak for the board.

Mr. Nicoll.—It is because the statute confers the power on the entire board.

Mr. Sutherland.—I beg your pardon, Mr. Nicoll, I will examine you later.

Chairman Lexow.—I think it was entirely proper, inasmuch as this witness is the president of the board, to ascertain whether he knew the duties of that office.

Mr. Nicoll.—When it comes to a question of law, there is often difference of opinion.

Chairman Lexow.—Yes, sir; but the witness stated on the stand he did not know whether it was a question of regulation of the board, or a question of the statute; as I understand the witness.

The Witness.—Of course the powers of the police department devolve on the police board, and not on an individual.

By Chairman Lexow:

Q. You have these committees for the purpose of convenience? A. Yes, sir.

Q. And for the convenience of the board? A. Yes, sir.

By Mr. Sutherland:

Q. Now, Mr. Martin, through whom do your orders reach the police force? A. Through the superintendent of police.

Q. And why is that; because of any statute or police regulation, or what? A. By the police regulation.

Q. And is that regulation for the purpose of giving dignity and importance to the office of superintendent? A. He is the executive officer of the police force; the chief executive officer of the police force; and one of our first rules said, all orders to the police force shall be transferred and given by the superintendent.

Q. And the theory is that his position as the commanding officer shall be — A. He is in control of the uniform force.

Q. Shall be made more important; is that it; that he may

have greater influence, greater force with the men? A. He is in absolute control.

Q. When was Mr. Byrnes made superintendent? A. I think in April, 1892.

Q. Who was his predecessor? A. Superintendent Murray.

Q. And when did he leave the force? A. Just at that time.

Q. He was sick some time before that? A. He had been ailing for some time.

Q. And there was an acting superintendent for a while? A. Chief Inspector of Police Byrnes was acting as superintendent.

Q. For how long prior to his appointment? A. For nearly a year, I think, thereabouts; as near as I can remember.

Q. And Byrnes was substantially the superintendent for some time before he was actually appointed, was he not? A. Yes, sir.

Q. After Mr. Byrnes was made superintendent, did he manifest some activity, with regard to the violations of the Excise Law?

A. I don't remember especially as to that.

Q. Was it not called to your attention by somebody? A. No, sir.

Q. Mr. Byrnes ever take a vacation? A. Yes; he took a vacation in the summer.

Q. Was Inspector Steers a member of the force then? A. Yes, sir.

Q. Did you send for Inspector Steers? A. Yes, sir.

Q. In Mr. Byrnes' absence? A. Yes, sir.

Q. Did you direct him to send for the captain, and give him instructions on the subject of the enforcement of the Excise Law?

A. No, sir.

Q. You did not? Had Byrnes been causing the arrest of violators of the Sunday law? A. Yes, sir; the police had, under his direction, I suppose.

Q. Were those arrests greater in number than they had been prior to that? A. I don't remember that, sir; there were quite a large number; it ran into the thousands.

Q. It ran into the thousands, didn't it? A. Yes, sir.

Q. Were those—

Chariman Lexow.—Get the date of this, Mr. Sutherland.

Q. Yes, sir; I will; those arrests commenced immediately after Byrnes' appointment? A. No, sir.

Q. How soon after that? A. They had been running on before his appointment.

Q. I understood you to say soon after his appointment there was an unusual number of arrests? A. No, sir; I did not say so.

Q. Do you know how many arrests were made after Byrnes'

appointment, between the date of Byrnes' appointment and the first day of next January? A. I haven't made any examination.

Q. You don't know from your own recollection? A. No.

Q. But they ran into the thousands? A. Yes, sir; I mean they ran into the thousands in each year.

Q. How many between the date of Byrnes' appointment and the 1st day of January, 1893? A. I should think there must have been in the neighborhood of 3,500 or 3,000 arrests during that time.

Q. Didn't the liquor dealers make a complaint in writing on that subject? A. No, sir.

Q. That summer? A. No, sir.

Q. Did the commissioners make any order on that subject before the 1st day of January, 1893? A. No, sir.

Q. Do you remember the indorsement of an order by the commissioners, on the back of a written complaint, made by the liquor dealers, on the subject of the enforcement of the Excise Law? A. I remember that a committee, I think in 1891 —

Q. Oh, no; I mean in 1892? A. No, sir; I do not.

Q. There was no such thing in 1892? A. I don't recollect it.

Q. When was it — in 1899? A. I think in 1891.

Q. What time in 1891? A. I can not answer as to the time; I think it was when Commissioner Voorhees was in the board; I am sure it was.

Q. And he went out when? A. He went out in March, 1892; and before that time, I should think it was the year previous, there was a committee of citizens, not liquor dealers, as I understand it, a committee of citizens that made some representations to the board of police, about what was known as the spy system.

Q. Who constituted that committee? A. I don't recollect the names now; the matter is on file in the department, I think, because Senator Boyd was chairman of the committee — John G. Boyd.

Q. Is there a communication on file? A. A communication is on file; I think it is.

Q. Then it is where you can produce it if it is desired? A. Yes, sir.

Q. Who else were with him? A. Several other persons that I do not now remember; their names appear on the communication, I think.

Q. Do their names appear on the communication? A. I think it does.

Q. You say this communication or complaint was with reference to the spy system? A. Yes, sir.

Q. What spy system? A. The system of police officers being sent out in citizen's clothes.

Q. To do what? A. To spy on the keepers of saloons.

Q. When; spy what times? A. At all times.

Q. At all times? A. Yes.

Q. Somebody objected to that then? A. They objected to it, and gave their reasons for it.

Q. What reasons did they give? A. They said they thought it was injurious to the police force, and that a great many things were done by police officers who were not in uniform that was improper; and substantially said that some of these officers were taking advantage of their opportunities.

Q. What advantage did they complain these officers took? A. Well, they intimated that they were taking money from some of these saloon keepers.

Q. Did they intimate any names of men that were taking money from saloon keepers? A. I don't think they did.

Q. Did they intimate the names of any saloon keepers that were giving up money to them? A. I don't think they did.

Q. They simply indicated in a general way that the policemen were taking advantage of this opportunity to collect money? A. And that this was a bad system.

Q. Bad system — why? A. Because officers in citizen's clothes would do more than in uniform.

Q. They were afraid it would demoralize the police force? A. Yes, sir.

Q. What action did the board take on that communication? A. The board passed a minute on the subject, which is on file.

Q. And in substance is what? A. In substance agreeing with the committee of citizens that this was improper.

Q. And directing the policemen to discontinue visiting these places? A. Yes, sir; that was the effect of it.

Q. Is it not true, Mr. Martin, that before that resolution was adopted by your board, policemen had been directed by somebody, either the police commissioners, or the superintendent, or the inspectors, or the captains, to visit liquer dealers at hours when, by law, they are prohibited from selling? A. I suppose that is so; the directions, whatever they were, were issued by the superintendent, and inspectors and captains, and not by the commissioners.

Q. Not by the commissioners? A. No, sir.

Q. Wasn't it the complaint that these policemen in citizen's clothes were visiting the saloons at hours when, by law, they are required to be closed? A. No, sir; there wasn't any complaint about that; no, sir.

Q. No complaint about that? A. No complaint about that.

Q. Were the arrests that followed the visits of these citizens

In citizen's clothes upon the charge that the saloon keeper was selling liquor at an hour when the law forbid it? A. In some cases; yes.

Q. Wasn't it so in all of them? A. No, sir; it was not; that is, I am speaking now from information, not from any positive knowledge.

Q. What other charges did you understand? A. I understood in a great many cases the charges made that arrests of that character were for exposure, not the selling.

Q. Oh, for the exposure? A. For exposure.

Q. There is no law against exposing a bottle of whisky, is there? A. I think the courts have so held, and discharged the persons arrested in these cases.

Q. There is no law against the exposure of liquors at such hours that the law permits them to be sold, is there? A. No, sir.

Q. And the charge in these cases was that they were exposing for sale when the law forbids the sale? A. I suppose that is so.

Q. So in every one of these cases, the charge was against the conduct of the saloon at an unlawful hour, wasn't it? A. Yes, sir.

Q. And these citizens — not liquor dealers — who came to see you, complained that the police ought not to do that; did they? A. No, sir; they did not.

Q. What did they complain of? A. They complained about the actions of the persons — of police officers while in citizen's clothes.

Q. Going into these places? A. There was no complaint about arrests for keeping open at illegal hours.

Q. Didn't they complain because these policemen went into the saloons at hours when the law said they should be closed? A. No, sir; they did not.

Q. But the arrests were for those charges? A. The probability is they were.

Q. And the police board of commissioners adopted a resolution directing the policemen to discontinue? A. No, sir; we did not go so far as that; we said in our opinion we believed it was improper.

Q. Why did you believe it was improper? A. Because the board thought that there were opportunities for police officers while in citizen's clothes to do many things that were improper.

Q. What things? A. Taking money from liquor dealers and other people.

Q. You have mentioned that; what else? A. That mainly.

Q. Were you afraid the officers would indulge in intoxicating liquors? A. Yes, sir; we were also.

Q. Was that one of the reasons why you discontinued it? A. Yes, sir.

Q. Is there a rule in your list of regulations against the indulging by policemen to any extent in intoxicating liquors? A. Yes, sir.

Q. You sometimes fined a policeman for getting intoxicated? A. We did — we usually dismiss them.

Q. You regard it as essential to the discipline of the force that the men should be sober? A. Very essential.

By Chairman Lexow:

Q. Just let me ask you a question? Do you mean to be understood that the committee of citizens waited upon the police commissioners, out of sympathy for the police force, and not out of sympathy for the liquor dealers? A. I can not answer that; the communication speaks for itself, and it is on file, and can be found.

Q. You said the particular reason was the going into saloons by police in citizen's clothes was injurious to the police force? A. I said that is the view the board of police took of it.

Q. Was that the view the committee took of it? A. That is the view I took of it.

Q. Did they make that representation to you? A. I don't recollect exactly the representation they made, it is so long time ago; the communication is there, and I have not seen it for a number of years; it is on file.

By Senator Bradley:

Q. This committee did not go there to represent themselves as liquor dealers? A. No, sir; they had ~~some~~ other title; I don't now recollect.

By Mr. Sutherland:

Q. Weren't they a committee of the Citizens' Association of the city of New York? A. I don't remember just what they called themselves.

Q. Isn't that the local branch of the State Liquor Dealers' Association? A. No; it was not any branch of the Liquor Dealers' Association.

Q. Now, are you sure you did not send for Inspector Steers in that connection? A. At that time?

Q. In that connection; either before or after that visit? A. For what purpose?

Q. For the purpose of getting instructions about the manner in which the Excise Law should be enforced? A. No, sir.

Q. Did you instruct Inspector Steers to send for the captains and talk with them? A. No, sir.

Q. Did Inspector Steers send for the captains and talk to them? A. I don't know what he did.

Q. Isn't that a matter of record in your office? A. It ought to be; yes, sir.

Q. It is a fact, is it now? A. If he sent for them it is, yes, sir; it is a matter of record.

Q. And you say you never gave any orders to Steers on that subject? A. On the enforcement of the Excise Law?

Q. Yes. A. No, sir.

Q. Did you ever give Mr. Steers personally any orders at all? A. Yes, sir.

Q. How many times? A. Once.

Q. When? A. I think it was sometime in 1892; I don't recollect exactly the date.

Q. While Mr. Byrnes was away? A. Mr. Byrnes was away as it happened; he was away at the time — on a Saturday.

Q. On a Saturday; that is quite right; Saturday is the day before Sunday, is it not? A. I think it is.

Q. Did Mr. Steers come here? A. Mr. Steers was in command at the time.

Q. What orders did you give him? A. I said to Inspector Steers that I understood the captains were sending a great many of their men out in citizen's clothes.

Q. Yes? A. And that I desired he should call the attention of the captains to the minute adopted by the board of police at the time I mention; in 1891, I think it was.

Q. Yes? A. That is all I said to him.

The Chairman.— Fix the date, Mr. Sutherland.

The Witness.— I think it was 1892.

Q. It was in 1892, and after Mr. Byrnes had been appointed, and one day when he was absent? A. Yes, sir; I think it was in the summer.

Q. Not a long time after Mr. Byrnes was appointed? A. I do not think it was a long time; he was appointed in April, and I think it was in June.

Q. You are getting quite close to the date, I guess? A. I am trying to tell you as near as I can recollect.

Q. Did you ask him to send for the captains and communicate this information to them? A. I told him I thought he ought to send a communication to the captains; I thought he would send it instead of sending for the captains.

Q. You don't know personally which he did? A. I do not.

Q. Mr. Byrnes was superintendent? A. Yes, sir.

Q. Why didn't you send the order through him? A. I came to talk to Superintendent Byrnes and see what he did; I said to Inspector Steers—I found Superintendent Byrnes was absent for the day without my knowledge—the first knowledge I had of it.

Q. Why didn't you wait until he got back? A. I did not think it was necessary; I would have said the same thing to him.

Q. He was superintendent? A. Yes, sir.

Q. Why didn't you wait until Byrnes got back? A. I did not know there was any necessity for it.

Q. Were you in haste because the next day was Sunday? A. Not at all.

Q. This interview occurred on Saturday? A. Yes, sir; I expected to find Superintendent Byrnes when I went there.

Q. How did it happen you went to call Mr. Steers' attention to this? A. I found him in command.

Q. How did it happen you went there at all on that errand? A. I am there every day.

Q. What sent you there on that particular errand on that day? A. My attention was called to the fact that the captains were sending the men out in citizen's clothes in more than the ordinary number.

Q. You heard that through this committee? A. No; that was a long time before.

Q. This was before the committee came? A. Yes, sir.

Q. From whom did you hear this interesting information? A. I do not recollect; it was general information.

Q. It was of sufficient importance for you to act upon at once? A. Yes, sir.

Q. And you could not wait until Monday? A. Yes, sir; I could have waited until Monday.

Q. But it was of such importance that you concluded not to wait? A. I thought that was the time to go.

Q. Didn't the personal appearance of the one who gave you the information make any impression on your mind? A. No, it did not.

Q. And you are utterly unable to remember who he was? A. Yes, sir.

Q. Was it more than one individual? A. I think I heard it from several individuals.

Q. How did you hear it? A. Casually on the street, I think.

Q. And from this casual talk on the street, you went to Inspector Steers? A. To Inspector Steers; yes, sir.

Chairman Lexow.— You have not fixed the date yet, Mr. Sutherland.

Q. It was the month of June, 1892, and on Saturday; there are but four Saturdays in that month? A. Yes, sir.

Q. With whom had you consulted about issuing this command to Inspector Steers before you gave it out? A. I did not consult with anyone.

Q. Not with your associates on the police board? A. No, sir; they were not there.

Q. You have a regulation, don't you, that the commands which go to the superintendent must emanate from the entire board? A. Yes, sir.

Q. Were you delegated by the entire board to give this order? A. No, sir.

Q. Was your action a violation of the police regulation? A. I don't so regard it; this order had been sent to the superintendent when it was voted.

Q. I understood you to say this was before the communication from the citizens' committee? A. What is that?

Q. Didn't you say a moment ago that this incident occurred before the communication? A. I certainly did not; no, sir.

Q. You did not say so? A. I did not; I said this citizens' communication came to us in 1891, and this minute or order of the board was on the subject as voted at that time; it was then sent to the superintendent; this matter of communication to Inspector Steers occurred in June, 1892, as near as I can fix it.

By Chairman Lexow:

Q. You did state this occurred previous to the meeting of the citizens' committee? A. Which citizens' committee?

Q. Of 1891? A. I certainly did not.

By Mr. Sutherland:

Q. You did not understand it? A. No, sir; I did not.

Chairman Lexow.— You are on record. That is the statement that has gone down.

Mr. Nicoll.— Whatever the stenographer says I will accept.

The Witness.— I did not intend to make that statement. The citizens' committee was before the board of police in 1891, and the minute was adopted at that time, and sent to Superintendent Murray.

By Mr. Nicoll:

Q. You say, if we correctly understood you, that you misspoke yourself? A. I did misspeak myself, if I said that.

By Mr. Sutherland:

Q. We all make these slips, you know; only we should try to

understand each other clearly, that is all; then, at the time you call for Acting Superintendent Steers, you knew of other complaints on this subject besides those you have received casually on the street; and you had in mind this written complaint on file with the board, hadn't you? A. Yes, sir; of course I had.

Q. Now, did you, in adopting this resolution of the board, with regard to the visit of the police in citizen's dress, act upon any other information, or have any other reason than the information and the reasons presented by this committee? A. No, sir.

Q. And when you went to Mr. Steers in June of the following year, were you moved by any other reason except the resolution adopted by your board the previous year? A. My attention had been called, as I say, to some men being sent out in citizen's clothes, about that time; and I thought it was the proper thing to do; I thought it was a bad thing, for the reason that I had voted for this minute in 1891.

Q. What had occurred between the adoption of this resolution by the board and this meeting with Steers which led to the police officers going out in citizen's clothes? A. Nothing that I know of.

Q. Nothing you know of? A. No, sir.

Q. Did you know that Superintendent Byrnes read to the captains the order or the resolution which you had adopted? A. I do not.

Q. How? A. I do not.

Q. Did you know he had told them they must nevertheless stop the violation of that law? A. No, sir; I do not.

Q. Do you understand that he was, himself, sending men out in citizen's dress to learn whether the law was violated or not? A. No, sir; I do not.

Q. Who did you suppose was sending these policemen out? A. I supposed it was the captains of the precincts.

Q. Of their own motion? A. Yes.

Q. What captains? A. All the captains.

Q. All the captains? A. Yes, sir; I suppose so.

Q. And you wanted to put a stop to that practice on the part of the captains? A. Yes, sir.

Q. Without consulting any of your associates you told Mr. Steers to send for the captains? A. I did not.

Q. Or communicate to them? A. I told him I thought he should call their attention to that order of the board.

Q. Did you understand he did? A. I think he did from what I heard afterward; I don't know what effect it had.

Q. You don't know what effect it had? A. No, sir.

Q. Did you ever talk to the superintendent about it? A. I had some talk with him the following Monday.

Q. Where was that? A. In his office.

Q. What was that talk? A. We had some explanations as to why I had spoken to Steers; I told him I came there to see him on the subject, but unfortunately he was away for the day, and that I spoke to the acting superintendent as I had intended to speak to him.

Q. Did you tell him why you did not wait until Monday? A. No, sir; that is the explanation I made; and he seemed to be satisfied with it.

Q. I did not ask about that; did you tell him that you knew he was going to be back on Monday; that your visit was on Saturday? A. I understood he was only away for Saturday.

Q. And you did not give him any explanation of your reason for acting before his return? A. No, sir.

Q. Are you a member of the general committee of Tammany Hall? A. I am; yes, sir.

Q. How long have you been a member of that committee? A. A great many years.

Q. In what Assembly district do you reside? A. Twenty-first Assembly district.

Q. Are you the recognized district leader of Tammany Hall for that district? A. I think that is what they call it.

Q. How long have you occupied that position? A. Quite a number of years.

Q. You say that is what they call it; what do you call it? A. I am a member of the executive committee.

Q. For what Assembly district? A. For that Assembly district.

Q. Is there a member of the general committee for each Assembly district of the city? A. There was; there are two this year.

Q. Each district has a representative on the executive committee; is that it? A. Yes, sir.

Q. The member of that district is called the Tammany Hall leader in that Assembly district? A. Yes, sir.

Q. And that is the position you occupy in the Twenty-first? A. Yes, sir.

Q. And that is the position you have occupied for how many years? A. Six or eight years.

Q. All the while you have been police commissioner? A. And before it.

Q. What are the duties of the members of the executive committee, so far as relates to the district?

Mr. Nicoll.—One moment; Mr. Chairman, is there any reason for going into that question as to the duties of the general executive committee of a political order?

Chairman Lexow.—It seems to me if the duties of the district leader in any way menace the duties of the political official it is a very proper subject of inquiry: If there is any conflict between the two offices. It may be a man can not be police commissioner at the same time he acts as district leader.

Mr. Sutherland.—I will come to that later.

Mr. Nicoll.—In that view it seems proper.

Q. Now, Mr. Martin, I do not care to go into what you do in Tammany Hall; that is a matter that does not concern us; but what did you have to do in the Assembly district in your position as district leader; what are your duties there? A. Well, I suppose he conducts the local organization more than any other member.

Q. Anything else? A. Nothing special.

Q. Do you have to select the captains for each election district?

A. At election times; yes, sir.

Q. That means once every year, does it not? A. It means once each year; yes, sir.

Q. How long in advance of election day are these captains selected? A. Well, in the Twenty-first district usually within a month of election.

Q. And you not only have to select them, but give them your instructions, don't you? A. Well, there are very little instructions.

Q. But what they are you give them; don't you? A. Yes, sir.

Q. And you are held responsible for the efficiency of their work, are you not? A. I suppose so; to a certain extent.

Q. As district leader, do you not have charge of the disposition or distribution of patronage? A. Yes, sir.

Q. Is it not true that all patronage coming from Tammany Hall or all applications for office coming to Tammany Hall, are referred to you as leader in that district? A. Yes, sir.

Q. Is it not true that as district leader you are required to obtain places for men in your district? A. Yes, sir; to some extent.

Q. Those that seek positions from your district come to you? A. To some extent.

Q. You are the authorized channel through whom their wishes are communicated to Tammany Hall, are you not? A. Not entirely; but mainly so.

Q. Mr. Martin, as the district leader in the Twenty-first Assembly district, are you the head of that organization called, for short, a club? A. No, sir.

Q. You have no club in that district? A. No, sir.

Q. No social club? A. No, sir.

Q. Is your district an exception? A. Well, there are others.

Q. There are others? A. Yes, sir.

-- Q. Is it not true that there is a club in every Assembly district in the city? A. I don't know that.

Q. You don't know that; is justice Barney Martin your brother? A. Yes, sir.

Q. What district does he live in? A. In the Eighth Assembly district.

Q. Is he the district leader of Tammany Hall in that district?

A. He is; yes, sir.

Q. Does he have a club? A. I think so.

Q. What is the name of it? A. The Iroquois Club.

Q. Is he the president of it? A. No, sir; I don't think so.

Q. Do you know the Pequod Club? A. I have heard of it.

Q. Where is that? A. It is on the west side of the city.

Q. In what Assembly district? A. I think the Thirteenth Assembly district.

Q. Who is the district leader there? A. My colleague, Mr. Sheehan.

Q. Mr. John C. Sheehan? A. Yes, sir.

Q. Is he the president of the club? A. I do not know that.

Q. You say you have no club in your district? A. No, sir.

Q. Have you ever visited Commissioner Sheehan's club? A. Yes, sir.

Q. Found policemen there? A. No, sir; never.

Q. Never saw one there? A. No, sir.

Q. Are there any policemen that belong to that club? A. I can not answer that.

Q. Have you ever seen the list of names? A. No, sir.

Q. Ever visited your brother's club? A. Yes, sir; I have been there, yes sir.

Q. Ever seen a policeman there? A. No, sir.

Q. Ever see the list of names? A. No, sir.

Q. Don't know whether any policemen belong to that or not? A. No, sir; I do not know.

Q. Do you know whether any member of the police force in the city of New York is a member of any one of these district clubs?

A. I don't know anything about it; if they were, I don't think there is any harm in it.

Q. You say you visited these clubs? A. Yes, sir.

Q. Did you have a side bar there? A. No, sir.

Q. Sell liquor there? A. Well, I did not see any liquor sold; no, sir.

Q. See any drink there? A. I was there one night at the Pequod Club; I think there was a reception there, and there was refreshments at different places in the clubhouse.

Q. How many times have you ever visited the Pequod Club?

A. I think I was there once; and I am not sure but twice; but I am not clear about it.

Q. Haven't you been there except on the reception? A. No, sir.

Q. How many times have you visited your brother's club? A. I think I have been there twice.

Q. No reception there? A. No, sir.

Q. Did you see any liquor drank there? A. I think I called there to see my brother, to find him.

Q. I want to know if any liquors were drank there? A. I do not recollect any, sir; they probably have liquors there, though, as they do in all other clubs.

Q. Is it not true that in all these district clubs liquor is sold to the members? A. Probably so; they do in the Union League.

Q. Are you a member in the Union League? A. No, sir.

Q. Is there card-playing going on there? A. Probably so.

Q. Do you know whether any of these district clubs have a license? A. I don't know anything about it, sir.

Q. Did you ever hear they had? A. I never thought anything about it.

Q. Now, if you should learn that policemen belonged to these clubs, and visit them, and play cards, and drink liquors, bought at that bar, would you consider that their conduct was detrimental to the efficiency of the police? A. If carried to excess, yes.

Chairman Lexow.—What is the answer?

Mr. Sutherland.—“If carried to excess, yes.”

Q. You say you have never heard of any circumstances of that sort? A. No, sir; I never have.

Q. As the Tammany Hall leader in your district, you are held responsible by Tammany Hall for the results on election day, are you not? A. Well, I suppose to some extent; it is a pretty hard district to hold anybody responsible for.

Q. I have no doubt, sir; but what I want to say is, you are expected to be vigilant? A. To do the best I can.

Q. You do the best you can in your district for your party? A. Yes, sir.

Q. Do you think a person occupying that position, and having those duties imposed on him, can be fair and impartial police commissioners? A. I do; yes, sir.

Q. That is your experience, is it? A. Yes, sir.

Q. You never found yourself hampered in the discharge of your duties as police commissioner by any political complications? A. Not the slightest.

Q. You make appointments upon the police force? A. Yes, sir; I recommend appointments on the police force; I do not make them, but the board makes them.

Q. But each member of the police board is credited with his share of the appointments, isn't he? A. Yes, sir.

Q. And your share falls to you? A. Yes, sir.

Q. And it is not a smaller share than the others? A. It is just equal to the others.

Q. And when you make these appointments, do you find that your duties as a Tammany Hall district leader ever come into conflict with your duties as police commissioner? A. I do not.

Q. Do you make these appointments upon the request of influential people? A. Yes, sir.

Q. Upon the request of men engaged in politics? A. Yes, sir.

Q. Many of them are political appointments, are they not, pure and simple? A. They might be so regarded — no, sir, these men are all qualified for appointment and have been examined by the civil service and everyone qualified for appointment.

Q. Undoubtedly; there is no question about that; but isn't it true that many of these appointments are made upon the direct recommendation of the police of Tammany Hall? A. No, sir.

Q. Is it not so? A. All things being equal, I accept the recommendation of political friends.

Q. Is it not true, that many of these appointments are made upon the direct recommendation of men influential in Tammany Hall? A. Yes, sir.

Q. Mr. Martin, as district leader, have you ever appointed anybody on the police force? A. Personally?

Q. Yes. A. Yes, sir.

Q. Who? A. I do not now recollect the number.

Q. How many? A. I should think in five years probably 10.

Q. And the same proportion since you became commissioner as before? A. I do not understand you.

Q. You were a district leader before you were a police commissioner, and as district leader you obtained appointments on the police force, as district leader? A. From time to time.

Q. As district leader you undertook to make recommendations to the police force; what I want to know is, whether the recommendations since you became police commissioner are about the same in number as they were prior? A. I must admit they are a little more.

Q. How many more? A. I would say I have probably appointed 10 in all; I suppose before that, in the same length of time, I might have obtained five appointments.

Q. About double that? A. Yes, sir; probably so.

Q. Have any of these men who were recommended to the board by you as district leader been complained against before you, as police commissioner? A. Yes, sir.

Q. How many of them? A. I can't say.

Q. For what offense? A. Various breaches of the rules.

Q. What breaches of the rules? A. I could not answer that; absence from posts.

Q. Didn't you naturally take a particular interest in those gentlemen? A. No, sir; not any more than any other member of the force.

Q. Wouldn't a complaint against them make a deeper impression on your mind? A. No, sir; not a particle.

Q. You are unable to say what particular offense was charged against them? A. I could not say definitely on that subject; I recollect one case.

Q. What was that? A. I recollect one case where a man had been complained of quite frequently.

Q. How many times had he been complained of? A. Quite a number of times.

Q. How many is "quite a number;" 2 or 200? A. I should think 8 or 10 times.

Q. Can you remember some one of those 8 or 10 complaints? A. I was going to say he seemed to be a very bad officer, and finally he was charged with intoxication, and was tried for that offense and was dismissed from the force.

Q. What is his name? A. His name is Beheydt.

Q. When was that? A. Within a year.

Q. Is there another instance of a discharge from the force, from the list of those who were appointed on your recommendation as district leader of Tammany Hall? A. I don't think there is another one; no, sir.

Q. But there are other instances of charges against these men? A. Yes, sir.

Q. How many of them? A. Not a great many.

Q. How many? A. I should think there was charges against probably two or three or four of them.

Q. And how many charges against each one of these three or four? A. I could not answer that.

Q. More than one against each? A. I think so, yes.

Q. Before whom were the charges investigated? A. I could not say; some were before myself.

Q. Now, do you think you could sit as an impartial judge, having recommended one of these men as district leader of your district? A. Yes.

Q. To yourselves as a board of police commissioners? A. Yes, sir.

Q. And then, having received complaint to yourselves as board of police commissioners against this man whom you recom-

mended, as district leader, you think, in that case, you could sit as impartial trial judge? A. Yes, sir; I do.

Q. And that is your idea of the sort of impartiality that ought to be dealt out to the force? A. I was there to do my duty, and was going to do it.

Q. Exactly; Mr. Martin, you are well known to the police force, are you not, throughout the city? A. I think so; yes, sir.

Q. They feel, of course, under more or less obligation to you? A. I don't know that.

Q. They know that you are their superior officer? A. Yes, sir.

Q. That you have the power of appointment, transfer, removal and promotion? A. Yes, sir.

Q. Then they naturally would feel obligated to serve you in any way compatible to their duties, wouldn't they? A. I can't say that; some of them would, I suppose.

Q. They know also that you are the Tammany Hall district leader in your district, don't they? A. Yes, sir; I suppose they do.

Q. There is no guess work about it? A. No, sir.

Q. It is generally understood? A. Yes, sir.

Q. Do you select the policemen that are to serve on election day? A. No, sir; I do not.

Q. Who does? A. The superintendent of police.

Q. The superintendent of police? A. Yes, sir.

Q. Does he select the policemen that are to serve at all the polling places? A. Yes, sir.

Q. How does he get the names of the policemen that are to serve at each election district? A. I don't know.

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

Q. Don't you know what policeman is going to serve at your voting precinct? A. No, sir; I do not.

Q. Before election day? A. I do not.

Q. You mean to say you have nothing to do with the selecting of policemen in your Assembly district who shall serve on election day? A. I mean to say I never paid any attention to what policeman served in the Twenty-first district on election day.

Q. You never knew, and never cared who came there? A. No, sir.

Q. Where is the Twenty-first Assembly district? A. It is located between Fortieth and Eighty-sixth streets, and between Park avenue and Seventh avenue, and between Fortieth and Fifty-ninth streets.

Q. In what would be termed the resident portion of the city? A. "The silk stocking district."

Q. Any particular disorder occurring there on election day? A. No, sir; I don't think so.

Q. You never heard of any in that district? A. Yes, sir; there has been some.

Q. Who designates to the appointing officer the policeman that shall serve in their Assembly district? A. I don't know that, sir.

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

Q. You say Mr. Byrnes appoints them all? A. Yes, sir.

Q. And you never learned what sort of requests are made him on that subject? A. No.

Q. Never heard of it? A. No.

Q. You are familiar with the rules and regulations of your department? A. To some extent, yes.

Q. You help make them? A. They were made before I got there; there is a pretty large book; it is hard to know them all.

Q. I don't ask you to specify them? A. I am fairly familiar with them; yes, sir.

Q. Is there a regulation in your department prohibiting policemen from taking part in political conventions and from assisting in the nominating of candidates, etc.? A. Yes, sir.

Q. You consider that a proper regulation, don't you? A. Yes, sir; very proper.

Q. Undoubtedly, for the efficiency and discipline of the force? A. Yes, sir.

Q. And that is because, in your judgment, policemen ought not to interfere in politics, ought they? A. I think they ought not to actively interfere in politics.

Q. You have met policemen at conventions, haven't you? A. No, sir.

Q. Never? A. No.

Q. You are a frequent attendant upon conventions? A. Yes, sir.

Q. Of your political party? A. Yes, sir.

Q. Both State and county? A. Yes, sir.

Q. And Assembly? A. Yes, sir.

Q. You go nearly every time, don't you? A. Every time when there is a convention to be held in which my district is represented.

Q. You go to State conventions, don't you, almost every year? A. My district is represented there.

Q. You calculate to attend political convention, don't you, generally? A. Yes, sir; I am in politics.

Q. Haven't you seen policemen there? A. No.

Q. Never? A. No, sir.

Q. Mr. Martin, how long has the Pequod Club been in existence? A. I can't answer that.

Q. Is it longer than two years past? A. I don't know.

Q. How long has your brother's club been in existence? A. A great many years.

Q. And yet you say you never have learned that policemen belonged to these clubs nor frequent them? A. No, sir; I have not learnt it.

Q. Have you never talked with the inspector about it? A. No.

Q. Or have they never talked with you about it? A. No, sir.

Q. Have you never talked with the police captains about it? A. No, sir.

Q. Have none of them ever talked with you about it? A. No, sir.

Q. Has there any complaint reached your ears from the inspectors or captains with regard to a demoralization to the men for attending these clubs? A. No, sir.

Q. Have you ever talked to Superintendent Byrnes about it? A. Yes, sir.

Q. When? A. Within a year.

Q. When, within a year? A. Well, since election, I think.

Q. How, sir? A. Since the election.

Q. Since last election? A. Yes, sir.

Q. Whereabout was that talk? A. Either in his room or in my room.

Q. What brought up the subject? A. Well, he told me he thought it was a bad thing for the force.

Q. He thought it was a bad thing for the force? A. To have members connected with political associations.

Q. To have members of the force connected with political associations? A. Yes, sir.

Q. He told you he thought that was a bad thing? A. Yes, sir.

Q. What did you tell him you thought? A. I agreed with him.

Q. What else passed between you? A. Well, we talked some on that line.

Q. Tell us what the talk was. A. I do not recollect the exact conversation.

Q. Any club mentioned? A. No, sir; not at that time.

Q. Did you understand what clubs he was referring to? A. No, generally, I suppose he was referring to —

Q. Did you not understand he was referring to the Pequod Club? A. No.

Q. Your brother's club was the Iroquois Club? A. Yes.

Q. Did you not understand he referred to the Iroquois Club? A. I suppose they were included; they were not specially mentioned.

Q. What clubs did you suppose he included? A. Political clubs in general.

Q. Did you gather from Superintendent Byrnes that these clubs existed all over the city? A. Yes, sir; quite a number of them.

Q. Did you understand that policemen belonged to almost all these clubs? A. Yes, sir; he rather spoke that way.

Q. Did he tell you he knew nothing about it himself? A. No; he did not say anything special about it.

Q. But he called your attention to the fact that it was a wrong thing, and detrimental to the police force? A. Yes; he thought it was.

Q. What did you do about that after that? A. I spoke to the members of the executive committee in Tammany Hall about it.

Q. What else did you do about it? A. I told them they ought to get rid of these policemen in their clubs.

Q. To whom did you tell that? A. The members of the executive committee of Tammany Hall.

Q. What else did you do about it? A. I could not reach the other side, of course.

Q. What else did you do about it? A. That is all.

Q. Did you ever go to your police captains about it? A. No, sir.

Q. Ever go to your inspectors about it? A. No.

Q. Ever request anybody to give you the names of those policemen? A. No, sir.

Q. Ever ask Mr. Byrnes to make a report to you in writing on the subject? A. No, sir.

Q. But you went to Tammany Hall? A. Yes.

Q. Why did you go there? A. I took occasion to speak in Tammany Hall about it because there I could reach people from different Assembly districts; I have spoken to representatives of the different districts about it in my office.

Q. Why did you go to the executive committee of Tammany Hall with this specially? A. I did not go specially.

Q. Why did you bring it up there? A. Why, because I thought it was a proper thing to advise these men to keep policemen out of their clubs as far as possible.

Q. Did you think Tammany Hall was concerned with the efficiency of the police of this city? A. Yes, I did.

Q. And you went to Tammany Hall to engage their co-operation in securing greater efficiency of the police force in New York city? A. To aid in making it efficient; yes, sir.

Q. Was that because there was no other place to go? A. There was no other place to go that would be as effective as that.

By Senator O'Connor:

Q. Is there any rule of your board prohibiting the members of the police force from being members of these clubs?

Mr. Sutherland.—He has just said there was.

The Witness.—I did not; I said there was a rule and regulation that prevented police officers from attending or being members of political conventions; there is no rule to prevent them being members of any other club.

Q. You take it—from the evidence already out—you think it impairs the efficiency of the force to be members of clubs where the sale of liquor violates the law? A. No; I said if it was done to excess.

Q. When your attention was called to it, did your board make the rule prohibiting their being members of such clubs? A. No, sir; I did not; I would not be in favor of such a rule.

Q. Why did you bring it to the attention of Tammany Hall? A. Because I thought it should not be encouraged; I had learned that some members of the police force were members of a good many clubs.

By Chairman Lexow:

Q. Did you understand that Tammany Hall was encouraging it? A. No, sir; I did not; but I thought they might discourage it.

Q. Did you understand, Mr. Martin, that Tammany Hall exercised so strong a power over the police in this city that their suggestion in one direction or another would govern the action of the police? A. No, sir; I thought they exercised a good deal of influence in these clubs; they had a good deal to say who were the members of them.

Q. Then it was not with a view to interposing as against the police, but against these clubs, that you spoke to Tammany Hall about this matter? A. I thought it ought to be limited as much as possible.

Q. Then it was not with a view to interposing as against the police, but against these clubs that you spoke to Tammany Hall about this matter? A. I don't understand you.

Q. Was it with a view to securing the influence of Tammany Hall with regard to the police or with reference to the clubs you spoke to the members? A. With reference to the clubs; I thought it was a good thing for these clubs to keep police officers out of them as much as possible.

By Senator Bradley:

Q. You thought it had a demoralizing effect on the police? A. Yes; if carried to excess.

By Chairman Lexow:

Q. You understood that the control of Tammany Hall over these clubs was greater than your control as police commissioner over the police? A. No; I can not say that.

By Mr. Sutherland:

Q. Why would you be opposed to a promulgation of that order against these men that belonged to a club? A. Because I think they have a right to belong to any club they see fit.

Q. You thought they ought not to belong to these clubs, and asked Tammany Hall to keep them out? A. Yes, sir.

Q. Why didn't you, as a police commissioner, recommend to your board the adoption of a rule that would regulate that thing? A. I don't think I would have a right to.

Q. You don't think the board of police commissioners would have a right to regulate it? A. As a board they might, as a commissioner I would not favor it.

Q. Why wouldn't you favor it? A. Because I think they have a right to belong to these clubs, if they see fit.

Q. But you think they ought not to? A. In some cases; yes, sir.

Q. Then your application to Tammany Hall was against some of the policemen and not against all? A. I have reference to police officers that were running around joining various clubs, with a view to securing political support; I think a police officer has a perfect right to attach himself to a social club in the neighborhood in which he lives and in which he has been brought up.

Q. But you did not think it was compatible with the efficiency of the police for policemen to go around joining political clubs for political purposes? A. No, sir; I did not.

Q. Why didn't you incorporate that idea in the order of the department? A. I did not see how we could dictate such a rule as that; it is a difficult rule to frame.

Q. You mean difficult to frame or difficult to pass? A. Difficult to frame.

Q. You could adopt such a resolution as far as that is concerned? A. I think so; I do not know that, of course.

Q. Did you ever call upon an expert to write out such a regulation for you? A. No, sir; I did not.

Q. Did you ever bring the subject up in a meeting of the board? A. No, sir.

Q. Did you think it of sufficient consequence to talk over in the board? A. I did not.

Q. Are you not, as member of the board of police commissioners, in the habit of consulting with each other, with regard to measures looking to the greater efficiency of the force? A. Occasionally; yes, sir.

Q. Is that a matter of frequent occurrence? A. Yes, sir.

Q. Isn't it your duty to devise ways to increase the efficiency of the police? A. Yes, sir.

Q. You understand these patrolmen had charge of the lives and property of the city of New York? A. Yes, sir.

Q. And it is extremely desirable that the morals of the police shall be as high as possible? A. Yes, sir.

Q. And you and the commissioners did consult together to increase the efficiency of the force? A. Yes, sir.

Q. And this is a subject you never brought to their attention? A. No, sir; I did not; I brought it to the attention of the people where I thought it had some effect.

Q. Yes, I understand that. A. The effect I desired.

Q. Mr. Martin, you recommended to the board appointments, transfers and promotions? A. Yes, sir.

Q. About one-fourth? A. About one-fourth; yes, sir.

Q. Are any of these appointments, transfers or promotions recommended by you except they are also recommended by the Tammany Hall district leader of the district in which the man resides? A. Oh, yes, sir.

Q. How many of them; what percentage? A. Well, some percentage; a small percentage; not a large percentage.

Q. Give the committee some idea what percentage that would be. A. Well, I suppose I have appointed, or promoted — on my recommendations there have been appointed or promoted probably something over 300 in five years: about 60 a year, I think.

Q. About 60 a year? A. I should think so.

Q. What percentage of these are not accompanied by a recommendation of the Tammany Hall district leader? A. Well, probably 10 or 15 per cent.

Q. Then from 85 to 90 per cent. of your appointments, your individual appointments, are indorsed in the first instance by the district leader of Tammany Hall for the district in which the applicant resides? A. Yes, sir.

Q. Is it your experience that the man who receives his appointment in that matter feels himself under any obligation to a Tammany Hall leader in that district? A. I don't know that.

Q. I ask you from your experience? A. From my experience I may say after a man is appointed on the force they see very little of him.

Q. You, of course, as police commissioners, are watchful of the discipline on the force? A. Yes, sir.

Q. Tell the committee now whether you have observed that these men, appointed upon the recommendation of the Tammany Hall district leaders, after their appointment exhibit any degree of obligation to the Tammany Hall leader? A. I can not answer that, except from my own personal experience.

Q. I ask you whether you have observed anything of that sort?
 A. I think some of them are very forgetful of how they were appointed, like a great many other people.

Q. Quite so; but as a rule, is it not expected; isn't it understood. A. I think it would be natural to expect it.

Q. That they should be grateful to these Tammany Hall district leaders? A. Yes, sir.

Q. And therefore desirous, as far as they can, to comply with their wishes? A. Yes, sir.

By Chairman Lexow:

Q. Before leaving that question, I would like to put a question. Do you consider it compatible with the efficiency of the police to seek the intercession of a political organization for the purpose of securing the results that you aimed at in your previous answers?
 A. I think it was entirely compatible; I was after results.

Q. Do you think it was a proper exercise of your functions as police commissioners, instead of exercising your moral or other suasion, force to seek the interview of the moral or suasion force of a political organization? A. I think it was entirely proper; yes, sir.

By Senator O'Connor:

Q. I may have misunderstood you; are we correct in our understanding of it that you applied and brought this matter to the attention of Tammany Hall because you thought it would be more powerful in securing the result than the police board itself?
 A. No, sir; that is not my idea of it; I thought that the members of the police force had a right to join these clubs, as I stated; I thought in some cases it was carried to excess, because I learned some police officers had joined several of these clubs with a view to obtaining political influence.

Q. Did you think that that evil, if it was an evil, would be more successfully broken up by the interference of Tammany Hall than the police board? A. I thought what I said to the representatives of the executive committee would have an influence in that direction; yes, sir.

By Mr. Sutherland:

Q: Have you personally ever recommended the appointment, promotion or transfer of a man solely upon the ground of the merit of that officer? A. Yes, sir; not solely; I have taken that into consideration.

Q. Of course that is taken into consideration always; but I ask you now—please be deliberate, if necessary—have you ever

recommended, yourself, to the board of police commissioners, the appointment, transfer or promotion of a policeman, solely upon his merits as an officer? A. Yes, sir.

Q. How? A. Yes, I have.

Q. Who and when? A. Well, there was a case where an officer had rendered some valuable service—I have forgotten the instance.

Q. Give us his name? A. John Ryan.

Q. When was this? A. Several years ago; I can not fix the time now; the records will show.

Q. As near as you can, please? A. And I brought—

Q. Give us as near the time as you can? A. I should think it was three years ago.

Q. Well, now what was his position before you made the recommendation? A. He was a patrolman.

Q. For what position did you recommend him? A. To the rank of roundsman.

Q. You say that was solely upon his merits as an officer? A. Yes.

Q. Unaccompanied by any recommendation from any political power whatsoever? A. I do not think there was a soul interceded for him.

Q. Was there any other instance? A. Yes, there was an officer, a patrolman by the name of Griffenhagen; he stopped a runaway team in the fire department upon our parade.

Q. When? A. Last summer.

Q. What was he? A. He was a patrolman, and I recommended him for roundsman, and he was promoted.

Q. And his recommendation was unaccompanied by any political recommendation whatever? A. Yes, sir.

Q. Any other case? A. I don't recollect any others.

Q. So far as your recollection goes, with the exception of two instances, so long as you have been police commissioner, you have not recommended for appointment, promotion or transfer, a single man, except one who was backed by political influence? A. I do not recollect of any others, I think there are others of them.

Q. So far as you now recall? A. I do not recollect of any others at this time, although I think there are others.

By Senator O'Connor:

Q. In what connection, don't merit count for anything on the force? A. Yes, sir; it does.

By Mr. Sutherland:

Q. Who selects the voting place for election day, the place of registration and of voting? A. The place of registration is selected through the bureau of elections.

Q. Who constitutes the bureau of elections? A. As I said before, General Rodenbaugh is the chief of the bureau.

Q. Who else constitutes it besides him? A. He has some clerks under his control, and he acts in this matter through the superintendent of police and the various captains, and they select these places and report back to him.

Q. Who selects them? A. The captains of police, I suppose, in the various precincts.

Q. Do you know, as a fact, that no store or room is selected by any police captain for the purpose of registration or voting, except upon the recommendation of the district leader of that district? A. No; I do not.

Q. Tammany Hall district leader? A. No; I do not.

Q. You do not? A. No, sir.

Q. Have you ever heard anything of that sort? A. No; I have not.

Q. Never heard of that? A. No, sir.

Q. You have some general information on the subject, haven't you? A. I have, so far as my own district is concerned.

Q. Have you known, outside of your own district? A. No, sir; no special information.

Q. Or any general information? A. Or any general information about it.

Q. Who do you understand selects these places? A. The police force and captain.

Q. The captain don't go around personally and stick his nose into the place? A. I don't know about that.

Q. Don't he get information from others? A. I suppose from his officers and superintendent.

Q. Are these appointments in writing? A. Those recommended to the board.

Q. Do you understand they are recommended to the captains in the first instance? A. I don't so understand it; these places are usually selected year after year; the same place in a great majority of cases, I think.

Q. Have you ever heard of an instance when the place selected was not agreeable to the Tammany captain of the district? A. Yes, sir.

Q. Tell us one? A. I do not recollect any particular case.

Q. Could you tell us somebody who could recollect a particular case of that sort? A. Probably some of the captains might have

been spoken to; some complaints have reached me that the places are not large enough.

Q. Isn't that a frequent complaint? A. Yes.

Q. That these places selected for the voters was not large enough? A. Yes, sir; that is true.

Q. Has it not come to your ears that the inspectors of elections have made that an excuse for throwing voters out? A. Yes, sir; we have great difficulty in obtaining 1,200 places for registration.

Q. You have some places built for that purpose? A. We limit it as far as possible.

Q. You had some buildings built for the purpose, didn't you? A. Yes, sir.

Q. You could have others built? A. We could, at some expense.

Q. You say these voting places continue year after year in the same places? A. In a great many cases.

Q. And in these small places? A. Yes, I suppose so; the board of police is usually instructed to hire places where there would be about 300 square feet for the purpose of election.

Q. How many of them have that? A. I think the great majority of them has that.

Q. Has not the complaint come to you every year that the voters are compelled to go to places so small that the rights of voters can not be properly protected by watchers? A. I have heard that excuse made.

Q. That is made more than once, isn't it? A. Yes.

Q. What steps have you taken to correct that evil? A. I do not believe it is true.

Q. Did you ever investigate to find out? A. Yes, sir.

Q. Have you paid any attention to the evidence that has been produced before this committee? A. I have; yes, sir.

Q. Have you read it? A. I have read it in the newspapers, yes; I have not seen the official testimony.

Q. Have you observed that watchers have come on the stand here and frequently testified to that excuse being given when they were thrown out from behind the guard-rail? A. Yes, sir.

Q. That there wasn't room for them? A. Yes, sir.

Q. Do you tell the committee you don't believe that story? A. Well, I have great doubts about it.

Q. In each case? A. I think they can do as well outside the rail as inside.

Q. You think they can serve just as well outside the rail as inside? A. Yes, sir; I do.

Q. You know the law says they shall be inside? A. Yes, sir.

Q. You understand the testimony given was the excuse given by the police officer, that it was too small? A. Yes, sir.

Q. You don't believe those stories? A. I am waiting to hear the other side.

Q. Did you ever have your attention called to this subject, before the evidence was given before this committee? A. No, sir.

Q. Never did? A. No, sir.

Q. I understood you to say there had been numerous complaints made to you? A. Before the selection of these places?

Q. Before the committee commenced its sessions? A. I did not say so.

Q. Then, there have been, of course, complaints made to you since the committee arrived? A. No, sir; there haven't; I said there were numerous complaints on the ground that they were too small.

Q. How long did these complaints continue? A. Every year that occurs; a few complaints of that character.

Q. Did you ever investigate any of them? A. Yes, sir; and the board has changed them from time to time.

Q. Did you ever issue any orders on that subject? A. No; no direct orders; cases have been dealt with when they came up; the investigation has been made as to the size of the place, and investigation made through the bureau of elections by General Rodenbaugh, under his direction, and he has made report to the members of the board, and we have dealt with it as we had time.

Q. The board has dealt with some cases? A. Yes, sir.

Q. How many? A. Quite a number.

Q. How many; two? A. I should say 20 in each year.

Q. There has been 20 changes then in each year, you think, in consequence of those complaints? A. Yes, sir.

Q. Being a member of the executive committee of Tammany Hall general committee, you probably have a list of the general committee of Tammany Hall? A. I should have a list; yes, sir.

Q. Is that printed in a book or pamphlet? A. It is printed in a book; I have not received a copy this year.

Q. Have you got a copy of last year's record? A. Yes; I think I have.

Q. Can you send it to me; will it be convenient for you to let me have it? A. If I have that copy, you shall have it.

Q. Can you send it to me to my hotel before 8 o'clock to-night? A. Yes, I think so.

Q. Where is your residence? A. The copy is at my office.

Q. At 300 Mulberry street? A. I expect to go back this afternoon.

Q I only wanted to inquire whether the name of any police officers appear there in that roll; if you can tell me those names, that is all I care for. A. I do not know that any names of police officers appear on that roll.

Q. Do you mean to say you do not understand that any policemen got on that roll? A. I don't think they do; there might be an exception here and there.

Q. Do you know Sergeant McCartney of the ninth precinct? A. I know there is a sergeant of that name.

Q. Have you read in the papers the evidence given here yesterday, that he presided at a meeting of the political club whereat resolutions were passed rescinding the previous resolution of that club, which previous resolution indorsed the candidacy of Walter W. Bahan? A. No, sir; I did not read it.

Q. Did you ever hear that circumstance before? A. I heard of it; but did not read it carefully.

Q. Do you know the same testimony shows that there was a large number of policemen present in this club voting for the rescinding of that resolution? A. I do not know of it; I did not read it.

Q. This is the first you have ever heard of it? A. Yes, sir.

Q. It would be in the nature of a surprise party to you if you learned a large number of policemen were on the Tammany Hall committee? A. Yes, sir.

Q. How? A. Yes, sir.

Q. Your Tammany Hall committee is a large body? A. A very large body; yes, sir.

Q. How large? A. I should think it must be 12,000 or 15,000 members on the roll.

Q. On the committee; the general committee consists of how many? A. That is what I speak of—the general committee.

Q. The general committee consists of 12,000 or 15,000? A. Yes.

Q. Are these 12,000 or 15,000 names you speak of printed in the book you refer to? A. Yes, sir; they are.

Q. If it should be pointed out to you that there was upon that list of names the names of one or more members of the police force, would you consider it a part of your duty to invite that policeman to withdraw? A. No, sir; I would not.

Q. You would consider that his efficiency as an officer was in no wise impaired by his activity in connection with Tammany Hall? A. Not in violation of any rule.

Q. No; answer my question; you would consider that his efficiency as a police officer would be in no wise impaired by reason of his membership in that political organization? A. No, sir; I don't think it would.

Q. Who is your clerk? A. Patrick J. Ford.

Q. Where does he live? A. He lives 56 East Forty-first street, I think.

Q. What are his duties as clerk? A. He attends to all these complaints that come to my room, as I have described.

Q. And puts them all in a box, I suppose? A. Yes, sir; he takes care of those books.

Q. And enters the records of the trial, and so forth, and so on? A. Yes, sir.

Q. Each one of your commissioners has a clerk? A. Yes.

Q. Paid by the city? A. Yes, sir.

Q. What is the salary of your clerk? A. Seventeen hundred dollars.

Q. And is it expected his duty as clerk in your office occupies his entire time? A. Well, it does to a great extent.

Q. That is to say, he does not have any other business? A. No; I don't think so.

Q. What are his hours there? A. He is there from 9:30 to 5 o'clock, I should think.

Q. With a noon intermission, I presume? A. I think so.

Q. Is he the man that sends out your political notices? A. Yes, sir.

Q. He sends out your political notices? A. No, sir; not all.

Q. How long has it been the practice for your clerk — the clerk of your police office — to send out the notices which you, as district leader, are required to send out? A. Well, he has been attending to that off and on since he has been there.

Q. How long is that? A. Since I have been there.

Q. And he does this while he is on duty there in the city building? A. No; he usually does it after office hours.

Q. After what hours? A. Well, after the usual office hours; after 4 o'clock.

Q. These notices go out to your district captains? A. No; they go out usually to the members of the organization of the Twenty-first Assembly district.

Q. That is what I am talking about; the district captains in your Assembly district? A. The district captains would be only 33 notices; there is a great many more.

Q. How many more? A. Oh, several hundred.

Q. What time of the year do these notices go out? A. Usually every month.

Q. Every month? A. Yes, sir.

Q. One day in the month? A. One day in the month.

Q. The first day in the month? A. No; usually the meetings take place on the second Tuesday in the month; this is prior to that.

Q. These notices, then, relate to the meetings of the committee? A. The meetings of the committee; yes, sir; the organization.

Q. What else do the notices relate to? A. Well, coming on to election time, they are usually more frequent in relation to having men to go to convention, and so on.

Q. He notifies delegates to the convention? A. Yes, sir.

Q. And notifies the district captains to arrange for election day? A. No, sir.

Q. He does that? A. That is done at the meeting.

Q. He notifies you at the meeting then? A. Yes, sir, and he notifies them amongst the others.

Q. Who is the patrolman detailed at your office? A. His name is McGurrie.

Q. He was formerly a doorman? A. Yes, sir.

Q. And under the Consolidation Act there was a provision about the promotion of doorman and patrolman? A. Yes, sir.

Q. And that provision required them to be not over 35 years of age? A. The original provision?

Q. Yes. A. I think the original provision did.

Q. Not over 35 years of age? A. Yes, sir.

Q. And not less than what height? A. Not less than five feet seven and one-half; that is the regulation that the board requires; there is nothing in the statute as to the height of the officer.

Q. This man who is now your patrolman, and was formerly a doorman, was promoted on your recommendation? A. Yes, sir.

Q. What was his age when he was promoted? A. I don't know.

Q. Forty-five, wasn't he? A. I don't think he was as old as that.

Q. He was over 35? A. Yes, sir; I think he was: he was promoted under the law, as amended by the Legislature.

Q. You secured the passage of a special act, did you not? A. No, sir: I did not.

Q. Who did? A. I don't know.

Q. Didn't you hear of it before it went through? A. Yes; I heard some talk about it.

Q. Has anyone else been promoted over age except this man? A. I don't know whether he was over age or not; there were three promoted under that act: there was the doorman of Commissioner McClave, and one other doorman—I do not recollect his name—three promoted under the statute.

Q. As I understand, each one of these three labored under the some disability, which it required that act to remove? A. Yes, sir; they could not be promoted without that act.

Q. Other doormen have applied for this promotion besides these three? A. There have been some recommendations besides that; yes, sir.

Q. What has become of their applications? A. I believe they have not been favorably considered.

Q. But these men, for some reason, were made eligible by special enactment? A. Yes, sir.

Q. Was there any special reason why these three men should be selected for that promotion against others? A. No special reason.

Q. What are the duties of this doorman? A. He attends to the office.

Q. What does he do? A. He receives all callers and announces them to me.

Q. What else does he do? A. Carries messages to the various offices of the department.

Q. What else does he do? A. His time is well occupied.

Q. What else does he do? A. He attends to all the duties of messenger of the office.

Q. Does he go outside on messages? A. Yes, sir.

Q. Don't you send him out on your political messages? A. Very rarely.

Q. Hasn't this man been particularly active and serviceable in that matter? A. He has been with me for a great many years; on my recommendation he was originally appointed; I was glad to take the opportunity to promote him.

Q. And he made himself very serviceable to you politically? A. I regarded him as very serviceable.

Q. And it was a matter of congratulation that the act enabled you to give him promotion? A. I was very glad of the opportunity; and he was a man of large family, and I thought he was worthy, and would be as good a patrolman as anybody else.

By Senator Bradley :

Q. While this man was performing these minor acts for you, that did not interfere with his official duties? A. Not in the slightest.

By Mr. Sutherland :

Q. The police commissioners are at the head of the entire force? A. Yes, sir.

Q. And who is next subordinate to them? A. Superintendent of police.

Q. And who next subordinate to him? A. Your inspectors of police.

Q. The superintendent is Mr. Byrnes? A. Yes, sir.

Q. Who are the four inspectors? A. The inspectors are Williams, McAvoy, Coughlin and McLaughlin.

Q. And McLaughlin? A. Yes, sir.

Q. Who are the next subordinate to them? A. The captains of the police.

Q. How many captains are there? A. I think about 37.

Q. They have charge of precincts? A. They have charge of police precincts; yes, sir.

Q. How are those police precincts made up; by geographical designation? A. Yes, sir.

Q. What police precinct do you live in? A. I live in the twenty-second precinct.

Q. And what are the boundaries of that precinct? A. The twenty-second precinct runs from Forty-second to Fifty-ninth street, and from Sixth avenue to the North river.

Q. And who is the captain of that precinct? A. Captain Houghey, at this time.

Q. Do you know Captain Brooks? A. Yes, sir.

Q. What precinct is he in command of? A. Captain Brooks is in command of what is known as the twenty-ninth precinct.

Q. What are the boundaries of that precinct? A. It runs from One Hundred and Sixteenth street to the Harlem river, and west to Seventh avenue.

Q. And east? A. East to the river.

Q. Do you know Captain Dougherty? A. Yes, sir.

Q. What precinct has he charge of? A. Captain Dougherty is now in the fifth precinct.

Q. He was formerly in what precinct? A. He was formerly in the fourteenth precinct.

Q. What are the boundaries of that precinct? A. I think from Hudson to Fourteenth street, and east of the Bowery; I can not give you the exact boundaries.

Q. I want to get the location, of course? A. That is about the location.

Q. Are there a good many liquor saloons in that precinct? A. I should think so; yes.

Q. Well, let us continue this subject of the force; after the captains, who are the next subordinate officers in the force? A. Sergeants of police.

Q. How many of them? A. There are four to each precinct, making about 180, I should think, or thereabouts.

Q. About 180 sergeants; how many roundsmen are there? A. There are the same number of roundsmen in each precinct; about the same number. /

Q. About 180; how many doormen have you? A. We have two to each precinct — about 70 — and some at the central office, making probably 80 in all.

Q. How many patrolmen? A. I will look at my data.

Q. If you have it, by all means; if you can give us these other figures more exactly, I will be glad to have you, Mr. Martin; I will ask you the questions over again, if you have the data there?

A. I am substantially right.

Q. How many police captains? A. Thirty-seven.

Q. And how many sergeants? A. One hundred and sixty-six.

Q. How many roundsmen? A. There were some vacancies that have been filled, making 169.

Q. How many roundsmen? A. One hundred and seventy-seven roundsmen, I think, there are to-day.

Q. How many doormen? A. Doormen, 82.

Q. And how many patrolmen? A. Patrolmen, 3,384; there have been some appointed since that time; I should think about 3,400; this was on the 16th of February; I had this made up.

Q. And besides that you have police surgeons? A. Yes, sir.

Q. How many? A. Fifteen.

Q. Can you tell us the total of your force then on the 16th of February? A. On the 16th of February the total force was 3,897.

Q. Is that about the force during the year? A. It increases 100 each year.

Q. The increase is about 100? A. Yes.

Q. It does not decrease at all? A. No; the statute authorizes the increase of the force 100 each year.

Q. Do you know Morris Tekulsky? A. Yes, sir.

Q. Is he a particular friend of yours? A. No, sir.

Q. Is he a frequent visitor at your place? A. No, sir.

Q. Has he ever visited you? A. Yes, sir.

Q. On what business? A. Well, on general business.

Q. What general business is he engaged in? A. He came in there to talk about general matters; nothing that I now recollect particularly.

Q. You mean the weather? A. Yes, sir; the weather, probably; yes, sir.

Q. What else did he come to talk about? A. Well, he came in on several occasions to ask that some officer be appointed or transferred; I do not now recollect.

Q. How many times did he ever do that? A. Half a dozen times, I should think.

Q. Did you grant his request? A. In some cases.

Q. In how many cases? A. I should think about four cases; I think four or five cases.

Q. You did not read his evidence, did you, the other day? A. Yes, sir; I did.

Q. Where he said he never had but one? A. Yes; I think he said that.

Q. Now, Mr. Martin, haven't you promoted or transferred more than four or five patrolmen at his request? A. No, sir.

Q. You are sure of that? A. Yes, sir.

Q. Has not the board of police commissioners promoted or transferred more than four or five at his request—the entire board? A. I don't know anything about it, except those in which I am concerned myself.

Q. Is that the only business he has called upon you about? A. I think that is the only business he called to headquarters; I have met him occasionally outside.

Q. Is that the only business he has talked about to you in your official capacity as police commissioner? A. Yes, sir.

Q. A mere appointment or transfer of patrolmen? A. That is all.

Q. Has he never complained to you about the manner in which the Excise Law was enforced? A. I don't recollect of his making any such complaint, sir.

Q. What reason did he give for desiring the transfer of patrolmen? A. I do not now recollect.

Q. Was it not with regard to this conduct of the Excise Law? A. No, sir; it was not.

Q. In no instance? A. No, sir.

Q. He had some other excuse to transfer him? A. He gave me some other reason.

Q. You knew all the while he was president of the State Liquor Dealers' Association? A. I knew that very well.

Q. No deception practiced on you? A. Not the slightest.

Q. Did you ever give any instructions yourself to the police captains in regard to the manner in which they should execute the Excise Law? A. No, sir; never.

Q. Individually or collectively? A. No, sir, never directly or indirectly.

Q. You know Captain Brooks? A. Yes, sir.

Q. Have you ever sent to him? A. On that subject?

Q. Yes? A. No, sir.

Q. Ever talked with him about it? A. No, sir.

Q. Is your recollection quite clear on this topic? A. My recollection is quite good.

Q. On that particular subject? A. Yes, on that particular subject.

Q. Do you know Captain Dougherty, that I have mentioned? A. Yes, sir.

Q. While he was in command of the fourteenth precinct, did you talk with him about the manner in which he should enforce the Excise Law? A. No, sir.

Q. Did you talk with him on the subject of the Excise Law? A. No, sir.

Q. Did you talk with him on the subject of the arrest of liquor dealers? A. No, sir.

Q. Did you talk with him on the subject of Sunday closing? A. No, sir.

Q. Did you talk with him on the subject of liquor saloons being open at unlawful hours? A. No, sir.

Q. Did you talk with him on the subject of the Excise Law in any of its ramifications? A. No, sir.

Q. Had any conversation with him on that subject whatever? A. No conversation whatever.

Q. Do you know Captain Gallagher? A. Yes, sir.

Q. What precinct is he captain of? A. Captain of the ninth precinct.

Q. What are the boundaries of that precinct? A. I can not give you the boundaries; it is over on the west side, south of Fourteenth street.

Q. How far south does it run? A. It runs down, I should think, as far as Houston street.

Q. Is that a rather disorderly quarter of the city? A. No, I would not so regard it.

Q. A good many liquor saloons there? A. I don't think a great many.

Q. Did you ever send for him and talk with him about it? A. Never.

Q. Never talked with him on that subject? A. No, sir.

Q. Do you know Captain Gallegar? A. Yes, sir.

Q. What precinct has he charge of? A. He is in the eighteenth precinct.

Q. What are the boundaries of that precinct? A. Fourteenth to Twenty-sixth street, I think, and east of Fourth avenue over to the river.

Q. Have you ever sent for him and talked with him on the subject? A. Never.

Q. Did he ever come to you and you talked with him on that subject? A. No, I never talked to any captain of police at any time on this subject.

Q. You say you never talked with Captain Shields when he was in the sixteenth on that subject? A. No, sir.

Q. You never talked with Captain Martin or Captain Cross of the fifth on that subject? A. Never.

Q. You never talked with Captain Price when he was in the twentieth on that subject? A. No, sir.

Q. By the way, you have talked with Price about some things? A. I have talked with all the captains about some things, I suppose.

Q. You remember a complaint was made in which Captain Price failed to obey orders not a great while ago? A. Yes, sir.

Q. That complaint resulted in a trial subsequently? A. Yes, sir.

Q. Based upon charges? A. Yes, sir.

Q. Preferred by superintendent of police? A. Yes, sir.

Q. Another gentleman of the name of Martin was tried at the same time? A. Not at the same time — Martens, not Martin.

Q. He was captain of what precinct? A. He was captain of the twenty-first precinct.

Q. Before those charges were preferred, and consequently before the trial, did you have any talk with Captain Price about the manner in which he should execute his duties in respect to disorderly houses in his district? A. No, sir.

Q. None whatever? A. No, sir.

Q. You had not talked with Superintendent Byrnes about it before that? A. No, sir.

Q. Were there any special orders given to Captain Price on that subject? A. By me?

Q. Yes. A. No, sir.

Q. Were there any special orders given to him by your orders? A. Not to my knowledge.

Q. What was the complaint against Captain Price? A. He was charged with neglect of duty.

Q. In what particular? A. In failing to suppress.

Q. Suppress what? A. A disorderly house.

Q. Disorderly in what particular? A. I think it was charged as a house of prostitution.

Q. Where situated? A. Situated on Seventh avenue; I think the numbers were 528 and 530 Seventh avenue.

Q. Was that house well known to be a house of prostitution? A. It seemed to be on the trial well known to the police.

Q. And, as you understand it, the trial developed the fact that he willfully disobeyed the order to close that house? A. What is that?

Q. You found him guilty of disobeying orders to close that house? A. Yes, sir; we did.

Q. And that, therefore, was on evidence showing that it was a matter of common knowledge, common to the police, that it was a disorderly house, was it not? A. Yes.

Q. And, as you understand it, Captain Price had been specifically instructed to close that house, hadn't he? A. Yes, sir.

Q. And he and Captain Martens had been specifically instructed to close several houses, hadn't they? A. I don't know as to any others; all I know is as to these two charges.

Q. Did they both relate to the same house? A. No, sir; no, sir; a house in each precinct.

Q. There was a house in each precinct? A. Yes, sir.

Q. What was the length of time between the giving of the order to close that house and the complaint filed against the captain for failure to obey? A. Well, I think the order to close was sometime in February, and the trial was early in March.

Q. When was the complaint? A. At that time; at the time of the trial; the trial followed immediately afterward.

Q. Then the difference in time was in the neighborhood of four weeks? A. I should think less than that.

Q. Three weeks? A. About that I should think.

Q. Mr. Martin, can you conceive of a greater offense short of a felony for a police officer to commit than to refuse to close a disorderly house when specifically commanded, and having in his hands abundance of evidence?

Mr. Nicoll.—One moment, Mr. Sutherland. Can a judicial officer, or an officer exercising judicial functions, who has rendered a judgment, have his motives or reasons inquired into?

Mr. Sutherland.—I shall inquire for the reasons of this judgment if you want to have it.

Chairman Lexow.—Inasmuch as this inquiry is to ascertain facts on which to base legislative action, the question is very pertinent to determine whether or not the judicial branch of this department is being properly exercised.

Mr. Nicoll.—You need not get angry about it, Mr. Sutherland, in any way at all. Of course we know, as matter of fact, that ordinarily you can not interrogate a judicial officer as to the reasons which led to his judgment; that is contrary to public policy. He is responsible for his judgment; and he gets what approval he is entitled to, if it is a right judgment, but public policy forbids us to inquire into reasons which induced the judgment, although it may be reviewed by appellate tribunals.

Chairman Lexow.—Is it not a matter of fairly frequent occurrence that justices of the peace are suspended or removed upon charges reflecting upon the judgments that they have rendered, and it is not a proper subject of inquiry? Is not your objection limited to constitutional officers?

Mr. Nicoll.—I don't think it is limited to those.

Chairman Lexow.—I think it is proper, to test the efficiency of the department.

Mr. Nicoll.—How long is the committee going to sit to-day?

Chairman Lexow.—I thought Mr. Sutherland would terminate this branch of the inquiry.

Mr. Sutherland.—What is the answer to the question?

The Witness.—What is the question?

Q. (Question read as follows.) Mr. Martin, can you conceive of a greater offense, short of felony, for a police officer to commit, than to refuse to close a disorderly house when specifically commanded, and having in his hands abundance of evidence?

A. I think it was a very serious offense.

Q. What was the punishment inflicted by your board? A. He was fined five days' pay.

Q. How much is that? A. I will have to figure it up, of course.

Q. Of course; we will give you plenty of time? A. The salary of the captains is \$2,000 a year, that would be \$166 a month.

Chairman Lexow.—Five days' pay would be \$25.

A. More than that.

Chairman Lexow.—About \$25.

By Mr. Sutherland:

Q. It is under \$30; that is safe enough? A. Between \$27 and \$30; yes, sir.

Q. Under \$30? A. Yes, sir.

Q. Was it your judgment that that punishment fitted to the crime? A. That was the unanimous judgment of the board.

Q. It was yours among the rest? A. I was one of the board.

Q. In pursuance of your duties as a commissioner to hear trials, you have imposed other fines upon other officers? A. I would like to make an explanation about that Price case.

Q. Let me ask you one or two questions, and you will have an opportunity to explain; you have imposed other fines on other officers? A. Yes, sir.

Q. What was the total amount of fines imposed last year? A. You mean by the board on all the various members?

Q. Yes, sir; on the various complaints brought before you? A. I could not answer you that, sir.

Q. Perhaps I can help you? A. That would require considerable calculation.

Q. You made a report every year? A. Yes, sir.

Q. And that report goes out under your direction? A. Yes, sir.

Q. And your report shows for 1892 there were 831 complaints against policemen? A. Yes, sir.

Q. The total amount of fines was \$11,033.65; is that about the figure? A. Yes, sir; I should think that is correct.

Q. And the year before — 1891 — the total amount of fines imposed on officers of the force was \$18,313.61; for the year 1893 the amount of fines you would say would be somewhere between \$11,000 and \$18,000? A. I should think in that neighborhood; there have been more complaints this year than we have had before; probably it might be more in proportion; I should think it would not exceed \$20,000.

Q. And this man contributed from \$25 to \$30 of the aggregate amount? A. Yes, sir.

Q. You wanted to explain something? A. I want to say in reference to the Price case that there was a great deal of doubt as to whether or not the captain was guilty of the offense charged.

Q. Well, I will ask you about that the next time we meet. A. I wanted to give it right here.

Senator Bradley.—Would it not be well to get that?

A. I want to give an explanation.

By Mr. Sutherland:

Q. Go ahead, certainly; I only want to probe him a little myself. A. The testimony of Captain Price went to show that this house was closed and had been closed for a number of months.

Q. And the testimony on the other side went to show there were people frequently visiting it? A. No, sir; there were not.

Q. What was the name of the woman that kept that house? A. I have forgotten it this minute.

Q. Is Sallie— A. Sallie Holland; and the testimony went to show the central office man went there one evening in February and got in through the basement, and there wasn't anybody there — no woman; they talked with the servants, and said they would come again; they called again, and there wasn't anybody there; the third time they called, always going through the basement, which was the cellarway, they were taken upstairs for the first time and two girls were introduced; they had some conversation with the girls and purchased a bottle of wine; on that, warrant for the arrest of the proprietor and inmates was obtained; and the testimony went to show that, I think, about eight police officers called there a few nights afterward and raided the house and arrested one person — the housekeeper; there were no women in the house at that time; on the trial of that case in Special Sessions, I think, she was discharged; those are the facts in the case.

Mr. Nicoll.—Just before we leave, I want to ask Mr. Martin one question, and only one.

By Mr. Nicoll:

Q. Mr. Sutherland asked you in how many cases you have recommended to the board the appointment of men to the police force or promotion, for transfer for merit alone, and without regard to political recommendation or influence; do you mean to say that you recommended the appointment of men—unworthy men—on political influence? A. No, sir; I did not.

Q. What is the fact? A. I mean to say merit was considered first, and recommendations are secondary.

Q. That is you rejected—even if an unworthy man was recommended strongly politically, would you appoint him? A. No, sir.

Q. Or recommended his promotion or transfer? A. No, sir.

By Senator Bradley:

Q. Other things being equal, you gave preference to your own party? A. Yes, sir.

Chairman Lexow.—The committee stands adjourned until Friday, April 6, 1894, at 10:30 o'clock.

Proceedings of the ninth meeting of the committee, Friday, April 6th, 1894, at 10 a. m.

Present.—Senators Clarence Lexow, Jacob A. Cantor, and Daniel Bradley.

Appearances as before.

James J. Martin, recalled :

Direct examination (continued) by Mr. Sutherland :

Mr. Sutherland.—I offer in evidence, if the committee please, the watcher's certificate referred to in the evidence of J. C. Havemeyer. It is dated November 3, 1893, and signed by John S. Smith, chairman, and William H. Bellamy, secretary of the Republican county committee of the city and county of New York, and recites that in pursuance of the provisions of section 102 of chapter 680 of the Laws of 1890, the Republican county committee has appointed J. C. Havemeyer a watcher to attend the polling place of the thirty-eighth election district of the Second Assembly district, of the said city and county, during the election to be held on the 7th day of November, 1893.

Paper marked "Exhibit 1" of this date.

The Chairman.—Is there any objection, Mr. Nicoll?

Mr. Nicoll.—No objection.

Mr. Sutherland.—I have already shown it to Mr. Nicoll.

Q. Mr. Martin, as the evidence closed on Saturday, we were talking about the trial of Captain Price, and if I understood

you correctly you advised the committee that there was some doubt in your mind about the guilt of Captain Price? A. Yes, sir.

Q. And that was a reason why a more severe penalty was not inflicted than a matter of five days' pay? A. Yes, sir.

Q. So I understand by that if you had really believed him to be guilty of the offense charged, the punishment would have been greater? A. Yes, sir.

Q. You do regard the offense that is charged against Captain Price as a very serious one, do you not? A. As a serious one; yes, sir.

Q. A wilful disobedience of commands of a superior officer with regard to closing a disorderly house is a most heinous offense, is it not? A. Quite a serious offense.

Q. It is more than quite a serious offense, is it not? A. We regard it as a serious offense; yes, sir.

Q. It is a serious offense for a policeman to get drunk, is it not? A. Yes.

Q. But it is a more serious offense to disobey a command to close a disorderly house? A. I say it is a very serious offense; yes, sir.

Q. And, if you had really believed Captain Price guilty of that offense, you would have punished him by a more severe punishment than a five days' fine? A. I would; yes, sir.

Q. Did you vote for his conviction? A. Yes, sir.

Q. Did all the other commissioners vote the same way? A. Yes, sir.

Q. Did you convict an innocent man? A. No, sir; I said there was a doubt about it in our minds.

Q. When you voted for his conviction did you believe he was guilty? A. To a certain extent.

Q. What do you mean, "To a certain extent?" A. Well, that these police officers got into this house — the police officers sent from the central office — they got into this house and succeeded in getting some evidence, on which a warrant was obtained.

Q. What had that to do with Captain Price? A. The captain claimed, and his evidence tended to show, that the house had been closed for months; that nothing was doing there.

Q. Did you believe that evidence? A. Well, it was conflicting; and I say the commissicners were in doubt about it.

Q. Did you believe Captain Price's evidence? A. To some extent; yes, sir.

Q. Which part of it did you believe? A. Well, I believed that the house was not openly engaged in business, although there

might have been some business at some time when the captain was not aware of it.

Q. You mean to say you believe that cases of prostitution were being committed in that house, but not openly; is that it? A. That might be so.

Q. Is that what I understand you? A. There was no proof there was any cases of that kind there.

Q. There were proofs that immoral women were there? A. Well, yes; there was to some extent; there were two women there.

Q. What do you mean to some extent; immoral to some extent? A. No, sir, I did —

Q. What do you mean? A. The testimony was not very strong on that point; I mean there were two women there, but there was nothing very immoral shown to have been committed at the time the officers were there.

Q. Was there any doubt about the character of the women that were found there? A. I don't know anything about that, except the evidence.

Q. They found this man guilty? A. Yes, sir.

Q. Was there any doubt in your mind as to the character of the women that were found there? A. I believe they were improper women; yes, sir.

Q. Any doubt in the minds of any of the commissioners on that subject, was there? A. I think not.

Q. These immoral women were actually inmates of that house? A. I believe they were, that night.

Q. What do you mean by "some extent?" A. I mean the testimony was very weak as to any immoral practices that night.

Q. Any immoral practices that night? A. Yes, sir.

Q. I understood you to say on your examination on Saturday that it appeared before you that there was no difficulty in getting evidence against that house? A. I said there was a great deal of difficulty in getting evidence against this house.

Q. It was proved before you, was it not, that some four weeks had been given to Captain Price in which to close this house; wasn't it? A. I can't recollect the exact time; I think there was several weeks; yes, sir.

Q. When did this trial take place before you? A. It was early in March, I think.

Q. March 6, wasn't it? A. March 6; yes, sir.

Q. Thirty days ago? A. Yes, sir.

Q. And a full account of that trial was published in the World of March 7th, was it not, as well as other newspapers? A. There were accounts published in the newspapers; I do not recollect particularly as to the accounts.

Q. Did you ever look that over? A. To some extent.

Q. Were the accounts reasonably correct? A. I don't know about that.

Q. Did you examine the accounts? A. I did not examine that carefully.

Q. There was a two column article, was there not, in the New York World of it; wasn't there? A. I do not remember, sir.

Q. I show you a clipping from the World of March 7, and ask you whether that refreshes your recollection any as to the length of the account that was given in the World of March 7 of that trial? A. I suppose that is a report of the trial.

Q. Did you look it over after it was published? A. No, sir; I did not.

Q. And you could not say whether it is a truthful account of that trial or not? A. I can not say that.

Q. The charge against Captain Price was that he had failed to suppress the houses at No. 528 and 530 Seventh avenue, wasn't it? A. Yes, sir.

Q. Now it was proved before you that that house was raided about how long before the trial took place? A. I think it was the 22d of February.

Q. The 22d of February it was raided? A. If I remember correctly.

Q. Was it sworn before you that Detective Sergeants Titus, Vallely and Grady were sent to investigate this house? A. Yes, sir.

Q. That they visited that house February 14th? A. Yes, sir. sir.

Q. That they were taken into the parlor by the housekeeper, Emily Lewis? A. No, sir; that was not the case.

Q. That is not sworn to? A. That is not as I recollect it.

Q. Was it sworn to by them that on the evening of February 16, they visited the house again? A. Yes, sir.

Q. And they were informed the girls had gone to the Arion ball? A. Yes, sir.

Q. And they were invited to call again? A. Yes, sir.

Q. That they accepted that invitation? A. Yes, sir; and they did call again.

Q. The following night? A. Two of them, I believe.

Q. The following night, was it not? A. Yes, I believe it was.

Q. February 17? A. Yes, sir.

Q. And found a couple of girls there? A. I do not recollect it was the following night; it was a day or two afterward; they called within a night or two.

Q. And called in response to this invitation? A. As they suggested.

Q. Nobody disputed that evidence, did they? A. No.

Q. And when they called the next time they found a couple of girls there? A. They were introduced to two girls, yes, sir.

Q. And had a wine party? A. Had one bottle of wine.

Q. And various acts of lewdness were proved? A. Very little, sir.

Q. What was proved? A. I think there was one officer said some exhibition of hosiery; I think that is the expression he used.

Q. Anything else? A. No, sir.

Q. Did the girls come and sit on their laps? A. Yes; each one of them swore to it.

Q. Is that when they exhibited the hosiery? A. I don't recollect that particular time.

Mr. Nicoll.—I object.

Mr. Sutherland.—This man states he has doubts of the guilt of Captain Price.

Mr. Nicoll.—He has stated the evidence was conflicting on the trial, and as a matter of discipline they found the captain guilty of neglect, but they did not impose a more severe punishment because there was some doubts as to whether or not neglect could be properly imputed to him. I think that is a fair statement of the position of the commissioner upon the subject, and there is not much profit to this committee in going over the evidence of all these trials, which, as counsel himself says, was fully made public and has been read and heard and discussed.

Chairman Lexow.—One of the functions of the police commission is the judicial function, and it is very pertinent to this inquiry, in order to enable the Legislature to ascertain whether or not this function should be left with the commissioners, to determine whether or not, in a specific case of this kind, they had been known to exercise that function with propriety.

Mr. Nicoll.—I understand so far as that suggestion of the committee is concerned, that the committee have already made a report to the Legislature, through its chairman, and that they have prepared a bill upon that report and have introduced the bill and have passed it through one branch of the Legislature. Now, unless the committee intends some new and different legislation from that which has just been adopted, how can the testimony be proper in that respect. Of course, if the committee intend to make a new report and repeal the bill just introduced and pass another bill, why, it may be that all this evidence will be proper.

The Chairman.—It is the purpose of this investigation to ascertain whether or not there should be other and different legislation from that already had.

Mr. Cantor.—I suppose the bill in the Assembly will be suspended during the investigation?

Chairman Lexow.—Oh, no.

Mr. Sutherland.—No doubt the gentleman would rather have the investigation cease. Can I go on?

Chairman Lexow.—Yes.

Mr. Nicoll.—Unless it is proposed to modify existing legislation, or legislation at present proposed by some other legislator.

Mr. Sutherland.—Proposed by you or by the committee?

Mr. Nicoll.—Proposed by the committee.

Senator Cantor.—No; proposed by the chairman of the committee. This is a bill of the chairman of the committee.

Mr. Nicoll.—I suppose there is a report by the chairman of the committee in the form of a very eloquent address, and I assume that was practically agreed upon by the majority of the committee.

Senator Cantor.—The bill was voted for by a majority of the committee.

Chairman Lexow.—It is unnecessary to continue this.

Senator Bradley.—Wasn't that bill introduced before this investigation was commenced?

Senator Cantor.—Yes; but was adopted since.

Mr. Nicoll.—It was a piece of legislation which was adopted by the committee, introduced, as I understand, after the appointment of the committee and adopted by the committee.

Senator Bradley.—I can assure you, as one member of the committee, I never was consulted.

Senator Cantor.—Of course, it was never expected that you would be.

Chairman Lexow.—It is unnecessary to continue this argument. The committee understands its labors are not to be cut short by the passage of any legislation at this session.

Senator Cantor.—That has not been determined by the Senate yet.

Chairman Lexow.—I hope it will be.

Mr. Sutherland.—Your retainer is complete, I suppose, to extend through to the end of this month.

Mr. Nicoll.—It has not been provided for by the Legislature.

Q. Don't you think that Captain Price's men could have obtained the evidence as easily as Superintendent Byrnes' men obtained the same evidence? A. No, sir; I do not.

Q. Why not? A. Well, Superintendent Byrnes' men are men better adapted for that purpose, and according to their testimony, they showed that they went to this house, and some of them were in dress suits, one of them at least was in dress suit, representing themselves as strangers to the city from the

west, and by ordinary means they obtained entrance into the basement; at that time the evidence went to show, including that of the inspector of police, who was in command of that particular district at the time—Inspector Conlin testified he had visited that place about that time, had personally examined it, tried the door, rung the bell, and knocked on the windows, and the place was closed.

Q. Did you understand by that that nobody lived there? A. Yes; there was somebody living there; there was a colored servant, and—

Q. Nobody claimed it was locked? A. No; there was somebody living there.

Q. You mean no immoral practices were going on? A. No person was admitted in answer to the ringing of the bell; the inspector was in citizens' clothes at the time.

Q. Do you wish the committee to understand that Captain Price had no men in his command, or subject to his command, who could have obtained the same evidence that Superintendent Byrnes could have obtained? A. That was the testimony of himself and his men.

Q. Do you want the committee to understand that was the case in Captain Price's district? A. At that time; yes, sir.

Q. Has there been any change in his precinct since? A. No, sir.

Q. He is still destitute of the right sort of men to discover the existence of crime in his district? A. So far as I know, they are not any better now.

Q. When did you first wake up to the fact that his men were unable to obtain evidence against disorderly houses? A. On this trial, when the case was brought before us in his precinct.

Q. And what steps have you taken since that trial to remedy that defect? A. We have not taken any.

Q. What steps do you intend to take, if any? A. We shall change the men, if they can not do better.

Q. What men? A. His special men, connected with that business.

Q. Who are they? A. He has two wardmen.

Q. What are their names? A. They are men that particularly look after that ward business; I do not recollect their names now; one of them is named Hay, I think.

Q. Have you ever questioned these wardmen? A. I have not.

Q. Have any members of the board of police commissioners, as far as you know? A. No, sir; I don't think they have; not that I know of, anyhow.

Q. Has Captain Price made any complaint of incompetency against these men? A. He has not.

Q. Or their inefficiency? A. No, sir.

Q. Have you any better men on your force than these two?

A. They seem to be fairly up to the standard.

Q. These two are up to the average, are they? A. They seemed so on the trial.

Q. Can you now name to the committee any ward detectives who are better qualified, better equipped, or more successful than these two who served under Captain Price in this instance?

A. No, I can not.

Q. Do you think it would be possible to get better men for such duty? A. It might be possible; yes, sir.

Q. Do you know the men that Superintendent Byrnes sent there? A. I know them as officers in the department.

Q. How many men has he of that calibre? A. The detective sergeants are 40 in number.

Q. Forty? A. That is a special force of detectives, called detective sergeants.

Q. And these were three out of that 40? A. No; two of the 40, and one a patrolman, who was detailed to the detective bureau for some work.

Q. How many patrolmen are there detailed for that work? A. I should say he had 15 or 20 of that kind; may be more.

Q. Making about 60 all told? A. Yes, sir.

Q. And these were three out of that 60? A. Yes, sir.

Q. These were an average three, you think? A. They were pretty capable men.

Q. Were they below or above the average of the 60? A. I should think they were very good men; I should say so.

Q. Undoubtedly the evidence shows that; they went in where Captain Price said he would not go? A. I am not familiar with the capacity of the entire number, but I should think they were very capable men; that is as much as I can say on that subject.

Q. You can not say whether the other 57 are better than these? A. I think they are picked out by the superintendent for their capacity.

A. And can't you tell whether the three average up with the 57? A. I should think they did, if they are not above the average.

Q. You would not say they were above the average? A. No; they certainly were up to the average.

Q. Commissioner, have you ever discovered in any other instance than this house of Sarah Holland's that the ward detectives under the command of the captain of the precinct were deficient in their capacity? A. Yes, sir; we discovered it on the trial of the other captain.

Q. Captain Martens? A. Captain Martens.

Q. On the same day? A. Yes, sir.

Q. Who are his two men? A. I don't remember their names at this time.

Q. Have you ever discovered them in any other instance? A. No, sir; we have not.

Q. Thirty days have passed since you made that discovery? A. Yes, sir.

Q. You have not removed these men? A. We removed one of the men of Captain Martens.

Q. Which one was that? A. I think his name was Murphy.

Q. You mean you transferred him to some other position? A. Yes, sir; remanded him from the detective force of the precinct to patrol duty of that precinct.

Q. You have done nothing to the other three? A. No, sir.

Q. Where did you get the man to take his place? A. We didn't get any man.

Q. There is only one ward detective in Martens' district? A. We have not nominated the man in his place; the nomination comes from the captain through the superintendent to the board of police.

Q. And the captain has not selected any? A. Not as yet, I think.

Q. You have not taken any steps as to the other three? A. No, sir; we have not.

Q. Have you commissioners ever consulted together as to the efficiency of these men? A. We talked about these men in connection with the decision of these cases.

Q. Did you map out any plan of operation whereby you would increase their efficiency? A. We thought this man Murphy was inefficient, and we decided to remand him for that reason; we thought he was particularly inefficient.

Q. That was not in Price's case? A. No, sir.

Q. What did you decide to do as to the Price men? A. We have not decided anything.

Q. Have you talked that over? A. Yes, sir.

Q. Have you discussed any method by which you would find better men? A. No, sir; we have not.

Q. How did Byrnes get these 60 men he has picked up? A. From his experience, I suppose.

Q. Where did he find them? A. In the department.

Q. All of them? A. I think so.

Q. Are all of his detectives enrolled in the department? A. Yes, sir.

Q. They are not all policemen? A. All policemen; yes, sir.

Q. The city contains about how many inhabitants? A. And all the ward men of the various captains are recommended to us by the superintendent.

Q. Through the captains? A. Through the captains.

Q. The captains nominate them to the superintendent? A. And the superintendent indorses them to us; the board does not personally see those men; we do not personally examine them as to their qualifications; we take it for granted that a man nominated by the captain and sent to us by the superintendent is usually fitted for the place.

Q. And yet, you have taken no steps to secure the selection of better men by the captains? A. No, sir.

Q. This city contains how many inhabitants? A. About two million.

Q. And your total detective force is what? A. We have 40 regular detectives — detective sergeants — and an additional force, I should say, of 20 or thereabouts; that is the regular detective force of the city.

Q. Including the two ward detectives? A. And including the ward detectives, we have about 70 of those, two for each precinct, making in all about 125 or 130, I should think.

Q. And if these men should die, don't you think it would be possible, out of the 2,000,000 of people to find men equal or their superiors? A. Yes, sir; I think so.

Q. Why haven't you found somebody to take the place of Captain Price's men? A. I think it is the duty of the captains and superintendent to do that work.

Q. Why haven't you sent for the captain and instructed him to do that? A. So far as Captain Price's men are concerned, I am not satisfied that they are inefficient; I was not satisfied on that trial that they were inefficient.

Q. You told the committee they were unable to get the same evidence Byrnes got? A. They showed considerable activity in that direction; I am satisfied they were unable, any of them, to get in.

Q. Why is it Mr. Byrnes' men could get in and they could not?

Mr. Nicoll.—I object to it. Hasn't that gone far enough?

Chairman Lexow.—I think the witness might answer that one question, and we will stop it.

The Witness.—I can not answer it. They did their best; that is all I can say.

Q. And it was on their evidence, and the evidence of Captain Price and Byrnes' men, that you found Captain Price guilty? A. Yes, sir.

Q. You were telling us, on Saturday, of a visit which you made to the executive committee of Tammany Hall, with regard to the reprehensible practices of policemen belonging to political clubs; you are the chairman of the general committee of Tammany Hall? A. No, sir.

Q. What position do you hold in that committee? A. I am chairman of the executive committee.

Q. And it was to members of the executive committee that you went? A. Yes, sir.

Q. Who composed that executive committee? A. Up to this year they were composed of one member from each Assembly district.

Q. Who were they? A. I can't recollect them all by name.

Q. Who was the leader in the first district?

Senator Cantor.—What is the object of this testimony.

Mr. Sutherland.—I am going to find out who this man talked to.

Senator Cantor.—He talked to the executive committee. What has that to do with the police department?

Mr. Sutherland.—He said he talked to them about the police department.

Q. Was Michael C. Murphy the member from the first district? A. He was the member.

Q. He is the member at this time? A. Yes.

Q. He was one of the excise commissioners of this city? A. Yes, sir.

Q. Was he present? A. I don't remember who was present.

Q. When was that meeting held? A. In Tammany Hall.

Q. When? A. I think it was the early part of 1893; that is my recollection of it.

Q. Was Patrick Divver one of the members of that committee? A. Yes, sir.

Q. From the second district? A. Yes, sir.

Q. Was he personally at that meeting? A. I don't say he was.

Q. Was Timothy D. Sullivan one of the members of the committee? A. Yes, sir.

Q. Was he present at that meeting? A. I don't remember that he was present.

Q. Was Coroner Fitzpatrick a member of that committee? A. Yes, sir.

Q. Was he present at that meeting? A. I don't recollect that.

Q. Was P. J. Scully a member of that committee? A. Yes.

Q. Was he present? A. I don't remember.

Q. Was your brother, Martin, a member of that committee? A. Yes, sir.

Q. Was he present? A. I don't remember.

Q. Was James W. Boyle a member of that committee? A. Yes, sir.

Q. Was he present at that meeting? A. I don't remember; I say that to each one of them.

Q. Was John F. Scannell a member of that committee? A. Yes, sir.

Q. Was he present? A. I don't remember.

Q. Was Charles P. Murphy present? A. I don't remember.

Q. Was your colleague, John C. Sheehan, present? A. I don't remember that; I think he was.

Q. He was a member of the committee? A. Yes, sir.

Q. And is still? A. Yes, sir.

Q. Was William Dalton, another excise commissioner, present? A. I don't remember that he was.

Q. Was he a member of the committee? A. Yes, sir; he was and is.

Q. Can't you tell anybody that was present? A. I don't remember; they were pretty generally present; that is all I can say.

Q. How many were there all together? A. There were few absentees, however.

Q. And there were 30 all told? A. There were 30 all told last year.

Q. And of those 30 nearly all were present? A. I think they were.

Q. Were you in the chair? A. I was.

Q. And did you bring up this subject from the chair? A. I left the chair temporarily.

Q. What did you say to those people about it? A. I said to them that my attention had been called to the fact that many police officers had connected themselves with the social clubs in the various Assembly districts, and that in many cases my information was that they had connected themselves with several clubs, with a view of getting political support for various promotions and matters they were interested in in the police force, and that I thought it was an improper thing; I thought it was injurious to the police force, and of no benefit to the clubs; I thought, so far as possible, they should discountenance that practice, and stop it.

Q. What else? A. Substantially that was all.

Q. What action was taken on that? A. There was no action taken officially at the meeting.

Q. What unofficial action was taken? A. None that I know of; it was left in that shape.

Q. Nobody replied? A. No, sir.

Q. You don't know whether your remarks met with favor or not? A. I had some conversation afterward that I thought they did.

Q. With who? A. With various of these members.

Q. Which one? A. I can not specify.

Q. Did you talk with Mr. Sheehan afterward? A. I don't remember that I did, sir.

Q. Did you ever have any talk with Mr. McClave about it after that? A. I don't remember that I did.

Q. Did you have any talk with Mr. McLain about it? A. No, sir.

Q. You haven't talked with any of these gentlemen at any time except as Mr. Sheehan might have been present and heard you talk of this executive meeting of Tammany Hall? A. Yes, sir.

Q. You were telling us on Saturday, that after your commissioners received their protest with regard to policemen going about in citizen's clothes and thereby learning who was violating the Excise Law — you were telling us in that connection that one of your reasons for discouraging that practice was that it would have a tendency to induce the policemen to collect money from saloon keepers? A. Yes, sir.

Q. And you stated that this committee complained to you that some of these officers were taking advantage of their opportunities? A. That is my recollection of it.

Q. And that they intimated they were taking money from some of the saloon keepers? A. Yes, sir.

Q. Did they intimate who these men were that were taking money? A. No, sir; they did not.

Q. Did you ask them who they were? A. I do not recollect the exact conversation, on my speaking; but that is my impression I had that something was said about that; these men going around in citizen's clothes had opportunities to take money from the saloon keeper; that is as much as I can tell you about it, at that time.

Q. Did you inquire who these men were that you refer to? A. I have endeavored to ascertain, yes, sir.

Q. From whom have you made efforts to ascertain? A. I have made inquiries from different people.

Q. Who are they? A. I don't recollect now who they are.

Q. How many people have you inquired of? A. Not a great many; sufficient to ascertain the truth whether that was going on.

Q. Can't you tell us the name of one person of whom you inquired? A. No, sir; I can not; it is some time ago.

Q. Can you tell us the business of the people who you inquired of? A. No, sir; I can not.

Q. Did you inquire of the saloon keepers? A. No, sir; I did not.

Q. They would have been apt to know, wouldn't they? A. Yes.

Mr. Nicoll.—One moment, please; Mr. Sutherland, I do not understand that this committee of Citizens' League, or whatever it was made this address to the police commissioners, made any specific charges that any particular police officer has been guilty of practice of that sort.

Mr. Sutherland.—Yes.

The Witness.—No specific charges, no, sir.

Mr. Nicoll.—They charged the employment of police officers in citizen's clothes as spies, would give them opportunities of that sort.

Mr. Sutherland.—More than that. You look at page 729 and read your client's testimony, and you wont make that qualification. Seven hundred and twenty-nine, where he says these men intimated these men were taking money from the saloon keepers—actually were taking it.

Q. You say you did not go to any of these saloon keepers to find out whether that was true or not? A. No, sir.

Q. Did you go to the ward men that had gone around in citizen's clothes? A. I did not.

Q. What better source of information could you select than the saloon keepers themselves? A. I had no opportunity of meeting the saloon keepers themselves on that subject.

Q. Couldn't you have sent for them to come to your office? I suppose I could send for them, but did not do it.

Q. You would not regard it as a slight offense to collect money in that way, would you? A. No, sir; I regard it as a very serious offense.

Q. A very heinous offense? A. Yes, sir.

Q. And would arouse your deepest indignation? A. Yes, sir.

Q. And would bring upon the head of the offender a great punishment? A. Yes, sir.

Q. Tell what steps you took? A. I had some conversation with superintendent of police on that subject.

Q. When? A. At that time.

Q. Where? A. In his office or in my office; I can not remember which.

Q. Well, at that time your conversation with the committee was not in the presence of the superintendent? A. No; it was not; certainly not.

Q. How long after the committee met there, did you have this talk with him?

By Chairman Lexow:

Q. Was that Superintendent Byrnes? A. I don't recollect whether it was or not; I do not remember whether Superin-

Superintendent Byrnes was acting in command or not at that time in the place of Superintendent Murray; the record will show; Superintendent Murray was there at various times, and was present at different times; I had some conversation, however, that I remember.

Q. To whom else did you apply? A. To no one else.

Q. No one else except the superintendent? A. No, sir.

Q. Did you think the superintendent would have any personal knowledge on the subject? A. I thought the superintendent might be able to get information about it; yes, sir.

Q. Do you know what steps the superintendent took to get information? A. I do not.

Q. Did you ever inquire of him? A. No, sir; I did not.

Q. Did you ever receive any report from him? A. No, sir.

Q. Had you ever heard it charged before that policemen were taking money? A. I had heard rumors about it; yes, sir.

Q. From whom? A. I can not answer that.

Q. What do you mean by rumors? A. Vague rumors; I don't know but I might have noticed something in the papers about it.

Q. More than once? A. I don't remember that.

Q. If you noticed only once, it would make some impression on your mind, wouldn't it? A. There was some impression made on my mind.

Q. How long before this communication came to you? A. I do not remember whether it was before that communication came or after that communication came; I am inclined to think it was afterward; it was probably brought out by the fact that this communication was sent to us, and I think the action taken by our board created some discussion.

Q. Did this notice in the paper refer to a collection of money by these persons going around in citizen's dress? A. Something to that effect.

Q. It did not refer to policemen collecting money under other circumstances? A. I do not recollect about that.

Q. Did it refer solely to collecting money when they went about it in citizen's dress on Sundays? A. I won't say that; it refers to the collection of money by police officers.

Q. You think that was after this interview with the committee? A. I think it was afterwards.

Q. Did you take any steps to investigate that charge? A. Nothing except I talked with the superintendent on one or more occasions about it; I think I had talked with him several times.

Q. When did you talk with Mr. Byrnes about it? A. At police headquarters.

Q. When? A. I can not fix the time clearly; I think it was probably following the action of our board.

Q. How soon after that action? A. Some time afterwards, I think.

Q. You mean a couple of days or a couple of months? A. I mean in a month or so.

Q. What was your talk with Mr. Byrnes? A. I said I had heard these stories about police officers collecting money from saloon keepers.

Q. Yes? A. And he said of course he had heard something about it himself; he did not believe there was much truth in it, and he would look into the matter and see if there was anything in it.

Q. Do you know whether he ever did or not? A. I don't know what action he took about it.

Q. Did you ever inquire what he had done? A. No; I did not.

Q. Did you ever receive any report from him? A. No, sir.

Q. Then you dismissed the subject from your mind? A. Yes; to a very great extent.

Q. Has your attention been called to that subject subsequently? A. I don't think it has; that is, not within a year or more; that is, for probably two years I have not heard anything about it.

Q. Nobody suggested to you within the last two years that the police were charged with collecting money? A. No, sir.

Q. You know Mr. Parkhurst? A. I know him; yes, sir.

Q. He has been sending communications to you right along, has he not? A. Some.

Q. Has he made any charge of that sort in his communications? A. No, sir.

Q. Has he made that same charge in the newspapers? A. I don't know that he has; I have forgotten; he has made a great many charges.

Q. Have the newspapers themselves made that sort of charges against the policemen? A. I don't know that they have, either.

Q. You say within the last two years? A. Yes, sir.

Q. And you heard charges of this sort prior to the last two years? A. Well, about the same time that the board of police took this action, sometime in 1891, I think there was some talk about that.

Q. Was there any talk about that, aside from this particular protest of these citizens? A. There was some rumors I had heard; yes, sir; I never could get any facts about it; there was never any facts submitted to me.

Q. From whom did you hear these rumors? A. I heard them as common talk.

Q. On the streets? A. Yes.

Q. And did you inquire of the people who gave you this common talk, the source of their information? A. I asked if they had any facts about it, and they never could give any.

Q. Can you tell us the name of any person of whom you inquired? A. No; I can not.

Q. Was there more than one person? A. I should think there was several.

Q. Have you heard it charged from any source that the police of the city permitted for any reason whatever the existence of houses of prostitution, gambling houses, policy shops, the sale of liquor on Sunday, and the like? A. Yes, sir.

Q. How long ago was that notion first broached to you? A. I first learned of it about the time that our friend, Dr. Parkhurst, commenced his crusade.

Q. You have heard it very frequently since then, haven't you? A. Yes, sir.

Q. It is a matter which has been very generally discussed throughout the community, hasn't it? A. Yes, sir.

Q. And a great many people have talked to you about it? A. Yes, sir.

Q. Has your attention ever been called to any specific instances? A. No, sir.

Q. Never? A. Never.

Q. Do you mean to say that a number of places have not been pointed out to you from some quarter? A. No, sir.

Q. No particular place?

Mr. Nicoll.—You mean particular places as places of paying money?

Mr. Sutherland.—No.

Mr. Nicoll.—What do you mean by that?

Mr. Sutherland.—I mean by what I am now asking about, places that are permitted to run in violation of law, without regard to the reason of it. Do I make myself clear to you?

The Witness.—Yes.

Mr. Sutherland.—The commissioner said he understood.

Q. Was there any change in the status of the poolrooms of the city of New York immediately after the last election?

Mr. Nicoll.—What is this subject now?

Mr. Sutherland.—I ask him whether there was any change in the status of the poolrooms in the city of New York immediately after the last election.

Mr. Nicoll.—The election of 1893?

Mr. Sutherland.—Eighteen hundred and ninety-three.

The Witness.—I don't think they were; no, sir.

Q. Was your attention called to the existence of poolrooms in the city after the last election? A. No, sir.

Q. You sometimes read the World? A. Occasionally; yes, sir.

Q. Did you read the issue of Sunday of November 12, 1893?

A. No, sir; I don't know that I did.

Q. In which it was pointed out that the old place over 34 Park row was again in full blast? A. I did not read it.

Q. Do you know of any such place as that? A. No, sir; I don't; I know there has been some pool selling down there in Park row for a number of years before the passage of that act of the Legislature of 1893.

Q. And you don't understand that it was charged that that poolroom opened next door to 34 Park row immediately after the election? A. No; I do not; I understood there was some charge against poolrooms that were running, in a way, some time during the winter of 1893 or 1894.

Q. One of those was on the north side of Great Jones street? A. I don't know, sir.

Q. Between the Bowery and Broadway? A. I don't know as to any place.

Q. In a room back of the saloon? A. I don't know that.

Q. You say it was charged generally that they were open? A. Yes, sir.

Q. By whom was it charged? A. I had heard of it, and had spoken to the superintendent about it.

Q. From whom did you hear it? A. I don't remember; I may have noticed it in the newspapers; I can not recollect now.

Q. You say you spoke to the superintendent about it? A. Yes.

Q. What did you say to the superintendent about it? A. I said to him I heard some of these poolrooms were attempting to run in violation of the law.

Q. Is that what you mean by "a way?" A. Yes, sir.

Q. They were attempting to run in violation of the law? A. I don't mean that as the way, but in a mid way, as compared to what they had been; that is, they were doing what is known as a ticker business, as I understood it.

Q. What do you understand by a "ticker" business? A. Well, they have a place where there is a ticker 99 telegraph instrument—where the names of the horses and the odds come in on the tape; and they were doing business around that ticker instrument in a small way, making odds as to the horses.

Q. You had heard that from somebody? A. I had.

Q. And you spoke to the superintendent about it? A. Yes, sir.

Q. And did you direct him to do anything? A. The superintendent did not seem to need any directions; he seemed to be quite willing to do everything he could in that direction.

Q. Do you know what he did do? A. I don't know; he never made any special report; he told me nothing of that kind should go on.

Q. Do you remember when this interview was had with the superintendent? A. I can not fix the time, but it was some time after the adjournment of the Legislature, and I should think some time in the fall of 1893; it might have been some time after the election, or before it; I am not clear which; I think it was after the election; that is my recollection.

Q. Do you recollect a time when the Paulist Fathers made a complaint on that subject? A. No, sir; I do not; I do not remember it.

Q. Do you remember there was published in the New York World on Monday, December 18th, a long article on that subject, containing, among other things, a statement of the Paulist Fathers? A. No, sir; I do not.

Q. Was your attention ever called to this statement made by them: "We learn with regret that a number of policy-shops are in operation in this neighborhood; we wish to have it distinctly understood that this business is condemned, and we warn all members of our congregation against this new source of temptation and danger especially to our young men?" A. That is the policy-shops?

Q. Yes. A. I do not recollect that statement.

Q. Do you recollect that they charged: "It is a fact that these places are increasing in number in this part of the city; they are mostly on Eleventh avenue, among the poor people, who can least afford to waste their money in such a way; one of the places, I am told by a number of people, was a polling place at the recent election, and was so designated by the police commissioners?" A. I do not know anything about that, sir.

Q. Was that statement ever brought to your notice? A. Never.

Q. Would you not think that some friends of yours would go and warn you of such a charge as this? A. They did not do it.

Q. Was this the first you heard of it? A. Yes; this is the first I ever heard of it.

Q. There were a good many things that was said in the papers of this general character? A. Yes.

Q. And some of them came to your attention? A. Yes, sir; I never heard of that before.

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

Q. Was the subject of the police taking money a matter of discussion there in the police board? A. No, sir.

Q. Did you have a meeting of the police commissioners on the 19th of December, 1893? A. We had a meeting about that time; I can not say as to that exact date; what day was it — the day of the week?

Q. That would be Tuesday. A. That is our usual meeting day; yes, sir.

Q. Was the conduct of Captain Schmittberger and Captain O'Connor brought before the commissioners at that meeting?

A. I do not remember the exact matter.

Q. Did Commissioner McLean at that meeting call for the letter-press book, so as to read the resolution theretofore adopted on the board? A. On what subject?

Q. And did you say, "I voted against the adoption of the original resolution, because I thought that the activity of Captain Schmittberger did not show any willful neglect on the part of Captain O'Connor, and for that reason I ask you, or anyone else, to furnish evidence that he has done so or has taken money for not doing his duty?" A. I said something to that effect; I do not exactly recollect as you read it so.

Q. And did Mr. McLean reply that he had not heard that before? A. Yes; he said something to that effect.

Q. And your reply, was it not that, "It seems to me it is in the public mind, and has been so stated in the press?" A. Yes, sir.

Mr. Nicoll.—What are you reading from now?

Mr. Sutherland.—I am reading from the New York World of December 28, 1893.

Q. What press had you seen that statement in before that day? A. I do not remember.

Q. There were statements by Dr. Parkhurst and newspaper comments on that from time to time? A. I do not remember what particular papers.

Q. Then you were pretty thoroughly imbued with the idea that the opinion was prevalent in the public mind? A. I thought it was in the public mind.

Q. And such an opinion was, of course, quite derogatory to the police of the city? A. Very generally so.

Q. If generally believed, it would certainly make them objects of contempt, even to the general public? A. Yes, sir.

Q. Didn't you think that the police should be defended against those charges? A. I did.

Q. And if they were not true, they should be disproved in the public mind? A. Yes, sir.

Q. Didn't you think that the general prevalence of charges of that kind was detrimental to the discipline of the force? A. Yes, sir.

Q. And its tone and efficiency? A. I did; very much, sir.

Q. What did you do to restore the tone and efficiency to the police? A. The board of police was waiting for any evidence of that character to be brought to it.

Q. It's a case of masterly inactivity? A. No, sir; we have been waiting for evidence of that character, having invited it.

Q. There has been no cessation of these charges by the public?

A. We have an investigating committee.

Q. As the result of those charges? A. I believe so, and we are waiting for the facts.

Q. What investigation has the police commissioners ever instituted to discover the falsity of those charges? A. No special investigation.

Q. Have you instituted any investigation? A. No, sir; we have invited any person who chose to make complaints of that character to submit them to our board.

Q. You have from three to four thousand men to arrest under those charges without taking any steps yourself to clear them or convict them? A. We have taken no steps further than that, as I say, to invite all persons who had any charges or facts on that subject to bring them to us.

Q. Who did you ever inform? A. The general public.

Q. How? A. By the resolution of the board.

Q. Where is that resolution? A. It was adopted in the meeting of 1891 that I refer to, the tail end of the resolution of 1891.

Q. But this matter came up on December 10, 1893? A. Yes, sir.

Q. What did you do then? A. Nothing, especially.

Q. Nothing specially? A. No, sir.

Q. And those charges have been made all through the summer and fall of 1893? A. We invited the Parkhurst Society to submit any charges they had in reference to the police and they refused to do it.

Q. When was that resolution passed? A. In 1893, at the time you refer to.

Q. Can we get a copy of that resolution? A. Yes, sir.

Q. Can you get it this afternoon? A. I should think so, yes; I will send a telephone message to the clerk of the board and he will get it here by 2 o'clock.

Q. Was that communication in reply to any communication received from Dr. Parkhurst? A. Yes, sir; it was.

Q. Will you have the communication as well as the resolution here? A. Yes, sir.

Q. Who else did you invite to bring proofs outside of Dr. Parkhurst's society? A. No other person.

Q. Who else? A. No other person appeared before the board or communicated with us on the subject.

Q. How else did you ever invite the presentation of evidence? A. No other way.

Q. Except by the adoption of these rules? A. That is all.

Q. That resolution was transmitted to Dr. Parkhurst's society?
A. Yes, sir.

Q. And was it transmitted to anyone else? A. No, sir; it was in reply to a communication received from his society.

By Senator Bradley:

Q. That was published in the newspapers? A. Yes, sir; published in the newspapers.

Q. Have you any clippings of these publications? A. I do not think there would be any difficulty to get them; I did not keep the clippings myself; it was published in full in all the newspapers at that time.

Q. At this time was your attention called by the World in particular of places that were running in violation of the law? A. I think the World for a long time published any number of places where policy was being played, and so on.

Q. Was your attention called by the World, December 20th, to the resort at 216 West Twenty-third street, kept by Mrs. Smith? A. Not that I recollect.

Q. Not that you recollect of? A. No, sir.

Q. Did the World ask you in that article whether any report with regard to the character of that place was ever made to you over the head of Superintendent Byrnes? A. I do not remember that, sir.

Q. Was no such report ever made to you? A. I did not recollect there was any such report.

Q. Do you recollect the place 216 West Twenty-third street? A. No, sir; I do not.

Q. What the character of the place is? A. I know nothing of it.

Q. Do you remember that the World asked you whether a certain police captain, now in command of twenty-second precinct, knew this Mrs. Smith intimately? A. I do not remember; no, sir.

Q. Did you ever hear of such a thing as that? A. Never.

Q. Did the World ask you whether this captain "backed" the house, and whether everybody in that precinct didn't know the fact? A. I do not recollect it, sir; I did not read it.

Q. How, sir? A. I say I did not read it.

Q. Was your attention called to it by anybody? A. No; it was not.

Q. Did the reporters of the World ever visit you? A. No, sir.

Q. Never? A. They have reports at headquarters and from the office, I suppose.

Q. They never talked with you about this particular place? A. This specific case; no, sir.

Q. Never? A. Never.

Q. Did they ever invite you to read these publications? A. No, sir; they wanted me to be interviewed; yes, sir.

Q. Mr. Martin, the rules and regulations of the department require that there be kept at police headquarters a list of all disreputable places, don't they? A. In the superintendent's office, I think.

Q. Does not Rule 31 require that there shall be kept at the office of the superintendent books of record in which shall be entered among others, "5. A record of houses of prostitution, assignation houses, gambling-houses, disorderly and disreputable houses of every kind in the city of New York, with the names of the owners and keepers thereof?" A. Yes, sir; that is the rule.

Q. That is the standing rule of your department? A. Yes, sir.

Q. It has been in force for years, has it not? A. For years; yes, sir.

Q. Are the police captains required to make reports from which this list is kept? A. They are required to make these reports.

Q. Make the reports from which this list is made up? A. I think that since Superintendent Byrnes has been superintendent he has required some additional reports from the captains in addition to those provided for in that rule.

Q. I did not read anything in the rules about the duties of the captains? A. Captains make those reports to the superintendent.

Q. This rule that I read requires transcribing of this memoranda in the book? A. I suppose they are transcribed from the reports.

Q. Did you ever examine these reports or this record? A. No, sir; I never have.

Q. Not even when the World called your attention to this specific case? A. No, sir; never; my attention was not specially called to what the World says; I did not notice it at the time, and I have never looked at these reports.

Q. Didn't you know that in the World of December 20th, you were asked pointedly about the reports that had been made by Captain Devery with regard to No. 204 Allen street, with regard to 23 Bayard street, with regard to 30 Bayard street, with regard to 101, 117, 128 Canal street, 91 and 173 Chrystie street, 8, 12, 78 Delancey street, to 70, 141 Eldridge street, to 109, 131 Forsythe street, to 21, 29, 33 Rivington street, to 137 1-2 Hester street? A. No, sir; I never read the article.

Q. Was your attention ever called to it? A. No, sir.

Q. Did you ever give Captain Devery any orders in regard to protecting these houses? A. Never in the world.

Q. Was it called to your attention that the World charged in this article that both you and Mr. Sheehan had given orders direct to Captain Devery in regard to protecting these houses named? A. I don't remember it, sir.

Q. Don't remember it? A. No, sir; I think I have heard something about them.

Q. About that article? A. About that particular part; yes, sir.

Q. From whom did you hear it? A. I don't remember.

Q. When did you hear it? A. About that time.

Q. About the time it was published? A. I suppose so.

Q. Did you send to get the article then? A. No, I did not.

Q. Then its purport was pretty well communicated to you? A. So far as that matter is concerned, I heard it.

Q. You think you heard it read? A. No; I do not think I heard it read, but heard it stated.

Q. So that you thought you knew pretty well what the World had published that day? A. Yes, sir.

Q. What did you do about it? A. Nothing; it was a lie; it was untrue in every particular.

Q. And to whom did you communicate the fact of its untruthfulness? A. I did not think there was any necessity of communicating it to anybody.

Q. Did you communicate it to anybody? A. I did not.

Q. You let the matter stand without any reply whatsoever? A. Yes, sir.

Q. Did you think that the men under Captain Devery would believe that publication true or not? A. I do not know whether they would or not; I know it was absolutely untrue.

Q. Of course, if the men under Captain Devery believed this charge to be true, it would weaken your influence certainly with them; would it not? A. I suppose it would.

Q. They would no longer have respect for you as their superior officer? A. I suppose not.

Q. How many men were there under Captain Devery? A. I should say close to 100.

Q. Almost all of them can read? A. They are all required to read.

Q. And they are in the habit of scanning newspapers, are they not? A. I suppose they are.

Q. When you were informed that this occurred in the newspaper, the World, did it not occur to you that some one of these 100 members might get hold of it? A. No, it did not occur to me.

Q. Or some of their friends might tell them of the charges in the World? A. I did not think of it.

Q. And that if the charge did come to their attention and they believed it to be true, there would be an end of discipline in the department, so far as you were concerned? A. I did not think so; no, sir.

Q. If the men believed that you were giving orders to Captain Devery to protect these particular places they would not have that respect for you as a superior officer? A. I do not think anything of the kind.

Q. I asked whether, if the men believed anything of that kind, they would continue to respect you as their superior officer?

Chairman Lexow.—It seems to me, Mr. Sutherland, and it seems to a majority of the committee, that his opinion upon that subject is not a matter of great materiality. Having evidence before us, we can judge whether he ought to come to that conclusion, as a reasonable man.

Q. I wish to have him tell the committee why it was he took no steps before to clear his skirts of this most heinous charge? A. I want to say that I do not think a man in New York that knows me, thinks there was a word of truth in that statement.

Q. You do not think the World believed it when they published it? A. No, sir.

Q. Did you not sue the World for libel? A. I have not; no, sir.

Q. I suppose you know it had been charged that the police force were, and through your procurements and that of your colleague Sheehan, put in domination of Tammany Hall? A. Yes, sir.

Q. And that charge has not been an infrequent one? A. It has been made on some occasions, I think.

Q. It has been made often? A. Yes, sir; probably so.

Q. But that charge has been published in the newspapers, has it not? A. Yes, sir.

Q. Published by the World? A. Particularly by the World; yes, sir.

Q. And very often in the World, has it not? A. Probably so; yes; since the 1st of January.

Q. Well, before the 1st of January, was it not? A. Very rarely, I think.

Q. Do you remember the article published December 26, 1893, in which it was charged "that the power of the police department has been perverted to inflict punishment on many of those who refused to be blackmailed to any extent by Tammany, and Commissioners Martin and Sheehan with Commissioner McClave are in fact the Tammany power of the police department; that Superintendent Byrnes has been powerless to prevent this; that the captains and roundsmen and patrolmen defied the superin-

tendent, disobeyed his orders, and followed the commands of irresponsible politicians;" do you recollect that was charged in the papers? A. I do not recollect that particular article.

Q. Do you know that it was charged that Mr. Martin and Mr. Sheehan was responsible for this condition of affairs because they had backed up Tammany heelers against the superintendent? A. I know that was stated in the paper.

Q. Yes? A. No; I do not.

Q. Of this article, or any other article? A. No; oh, I have heard it, as having been published in the World, I do not recollect any particular article.

Q. That same article has been published more than once, has it not? A. Substantially; yes.

Q. Have you seen it published in the World that the district leaders were the real captains of the police departments? A. I have heard it was so published.

Q. When did you hear that? A. About this time.

Q. About the time of this article of December 26th? A. Yes; and running along.

Q. For quite a while? A. For some time afterward; yes, sir.

Q. You heard that Tammany Hall district leaders were the real captains of the police of the city of New York? A. Yes, sir.

Q. And of course your acquaintance with the district leaders was intimate? A. Yes, sir.

Q. Did you believe the charge? A. No, sir.

Q. What steps did you take toward refuting it? A. I didn't think it worth while to take any steps.

Q. Then you did not take any steps? A. No, sir.

Q. Ever talk with anybody about it? A. No, sir; not particularly.

Q. Do you remember the charge?

Chairman Lexow.—Will you ask the witness whether he took action to ascertain whether or not these charges were true?

Mr. Sutherland.—Yes, I will get to that.

The Witness.—I know that was not true.

By Senator Bradley:

Q. Did you investigate it? A. I did not think it necessary to investigate it.

By Mr. Sutherland:

Q. Then you did not investigate it? A. No, sir.

Q. Did you inquire who wrote those articles? A. No, sir.

Q. Ever sent to the World to investigate these charges? A. No, sir.

Q. Ever take steps to bring about a cessation of these charges ?

A. No, sir.

Q. Ever remonstrate with anybody for the publication of them ?

A. No, sir.

Q. Did you know it was charged in this same article of the World that Mr. Martin and Mr. Sheehan have conspired to betray the department into Mr. Croker's hands, and that they have used the police for that purpose ? A. That was ridiculous.

Q. Do you know the charge was made ? A. Not particularly; no.

Q. You say it is ridiculous ? A. I do; yes, sir.

Q. And there was no foundation for any such charge ? A. Not the slightest.

Q. Did you know the World published a couple of columns of an incident which they claimed substantiated that very charge ?

A. The World publishes a great many things.

Q. Did you know the World published a couple of columns of an incident which they claimed substantiated that very charge ?

A. No; I did not.

Q. In its issue of December 26, 1893 ? A. No; I did not read that.

Q. Anybody call your attention to it ? A. No, sir.

Q. It would be news to you if I invited you to read some of them ? A. No; I don't think it would.

Q. Why not; where did you hear it ? A. I know the World has been engaged in a crusade against me for a number of months.

Q. They have been engaged in publishing specific facts, haven't they, or that which they claimed to be ? A. They have engaged in publishing specific lies against me.

Q. They made them very specific ? A. I don't know how specific, but I saw they were lies, so far as I was concerned.

Q. You have been interested enough to glance over them ?

A. Yes; I glanced at them.

Q. Casually ? A. Yes, sir.

Q. Never to see if they were kept up and published ? A. No, sir.

Q. Did you never examine them closely to see what they consisted of ? A. No, sir; I did not pay any special attention to them.

Q. And did none of your superintendents ever inform you of the specific character of some of these charges ? A. We have talked generally on the attacks of the World.

Q. Who is we ? A. Myself and some friends.

Q. What friends ? A. I don't recollect; my gentlemen acquaintances and friends, as I have met them.

Q. Very often? A. Quite frequently; a number of times.

Q. Did you ever go to the executive committee of Tammany Hall on that subject? A. I never did.

Q. You did not know they had any influence with the World? A. I should not think they had; no, sir.

Q. Do you remember that it was charged in the World that if you were to look over the records in the police department and read of the transfers of Sergeant Schryer of Fourteenth Street and East Fifth Street station to the first precinct of Old Slip station, you might then recall your interview with Mr. Roesch in regard to Schryer? A. I do not remember that, sir.

Q. Does my reading of it refresh your recollection any? A. No; not particularly.

Q. Did you have an interview with Mr. Roesch in regard to Mr. Schryer? A. I do not recollect that I had; I do not remember the first thing about it.

Q. Did Mr. Roesch go to police headquarters and interview you with regard to the transfer of policemen under Captain Schryer? A. He has been to me about the transfer of policemen.

Q. Did the transfer of Mr. Schryer result in consequence of this? A. I do not remember, sir.

Q. Sergeant Schryer? A. I do not remember, sir.

Q. What grievance did Mr. Roesch make known to you? A. He made no grievance known to me.

Q. Made no complaint to you? A. No.

Q. Why were they transferred; in the interest of the officer? A. I suppose his request was; I suppose it was in the interest of the officer; we have these requests come frequently.

Q. And men are also transferred as a matter of punishment sometimes, are they not? A. Sometimes; yes, sir.

Q. This is a way of punishing them, is it not? A. Sometimes; yes, sir.

Q. And in some instances you said they are transferred for a cause? A. Yes, sir.

Q. There has been a large number of that kind in the last few years, haven't there? A. Yes, sir; a number of these.

By Chairman Lexow:

Q. Who authorizes the transfers? A. The board of police.

Q. Unanimously? A. Yes; I think so; as a rule.

Q. In this particular case? A. I don't remember this particular case at all.

By Senator Bradley:

Q. Don't a majority rule in the board; that is, of course, it don't require a unanimous vote? A. No; whatever action was taken in any transfer, was taken by the board of police.

By Mr. Sutherland:

Q. Was it brought to your attention that the World charged upon you the responsibility for excise arrests in the Seventh Assembly district over the heads of captains, and solely to punish offenders against Tammany? A. No, sir; it was not brought to my attention.

Q. Do you recall the case of Henry Bleier, the owner of the saloon on the northwest corner of Third street and First avenue? A. I never met him.

Q. And the publication in the World did not come to your attention? A. No, sir.

Q. Did you ever hear from anybody that he or anybody else owning that place had leased the hall above his saloon to Assemblyman Otto Kempner for the location of the headquarters of the Citizens' Democracy of the Seventh Assembly district? A. I did not hear of it.

Q. That the occupant of this saloon, Mr. Bleier, was a member of that organization and was also a member of the German Saloon Keepers' Protective Association of the Seventeenth ward? A. I never knew Bleier or anything connected with him.

Q. You know Captain Dougherty? A. Yes, sir.

Q. He was in command of that precinct? A. He was at that time.

Q. Do you know Detective Mallon? A. No, sir; I don't think I do; I do not think I have met the officer.

Q. Was he in that precinct? A. I think he was one of the precinct's detectives.

Q. Was it brought to your attention that soon after this saloon keeper opened that room for the headquarters, that, through Police Detective Mallon, he was arrested for violating the Excise Law? A. It was not brought to my attention.

Q. It was not? A. No, sir.

Q. Was it ever brought to your attention that the police were going about Mr. Kempner's district, and ordering his picture taken down? A. No, sir.

Q. Was it ever brought to your attention that Mr. Kempner had filed a written complaint to Superintendent Byrnes, giving the place, the street address and the names of the detective? A. Superintendent told me at that time that the complaint was made to him, that it was made; and that he was investigating it.

Q. Yes? A. And I had a conversation with the superintendent at that time.

Q. What was that conversation? A. We had a conversation generally about the complaint made by Mr. Kempner to him in reference to police interference.

Q. Yes? A. And that he was engaged in investigating it; I think that was substantially the conversation.

Q. Anything else? A. Not that I recollect, sir.

Q. Did he inform you that he had told these men it was their duty to act as policemen only, and not as political workers? A. I think he did.

Q. Did you understand they continued to act as political workers, notwithstanding that? A. I did not.

Q. Do you know it was charged in the World that there was on account of your overruling the superintendent? A. I did not, and did not interfere with him in any way; and did not overrule him on that occasion or any other occasion.

Q. Never? A. Never.

Q. How about these officers going around in citizen's clothes? A. That was the action of the board of police.

Q. Wasn't you one of those acting in that? A. Yes, sir.

Q. Then, in your capacity of commissioner, you did overrule him? A. No.

Senator Cantor.—He said the board overruled him.

The Witness.—I do not know that he overruled him; he never made any objection to it.

By the Chairman:

Q. I would like to ask you a question in regard to Mr. Kempner's charges; were those ever investigated by you? A. No, sir.

Q. By your board? A. They did not come to me, but came to the superintendent.

Q. You knew of their existence? A. Yes, sir; the superintendent told me about it; and made an investigation.

Q. The superintendent did? A. Yes, sir.

Q. Did you inquire into the fact in relation to the matter? A. No, sir; I did not.

Mr. Nicoll.—If the committee's recollection concurs with mine, I understood Mr. Kempner withdrew the charges, because he could not get justice.

Q. You knew that instance of charges, didn't you? A. Yes, sir.

Q. Did you not consider that the charges involving concerted action upon the part of the police against a candidate standing for political honors in a campaign, was a serious charge to make against the department? A. Yes, sir.

Q. And did you not consider those charges of sufficient gravity to investigate them? A. I do not consider I should investigate them; the superintendent was engaged in investigating them.

Q. Is it not customary to investigate charges made against the discipline of the force by the police commissioners? A. No, sir; we always refer that to the superintendent for investigation.

Q. Did you not sit as a trial court upon charges? A. After charges are made by the superintendent, or by any other superior officers of police; after the charges are made.

Q. In no other cases? A. In no other cases, no, sir.

Q. Do you mean to be understood that it is a rule of your department not to entertain a charge at all unless it comes to you with the seal or approval of one of your own officers? A. No, I do not say that; I say this, if Kempner had complained to the board of police direct about this matter, that the board of police would have referred to the superintendent for investigation.

Q. Then no matter what the notoriety of the charge may be; no matter what the gravity of the offense charged may be, unless it comes to the board of police commissioners through the instrumentality of the police department, you do not consider it your duty to investigate at all? A. I knew this particular matter was being investigated, sir.

Q. You do not consider it as a part of your duty as police commissioner, after knowing of the existence of such a grave charge against the discipline of your force, to cause an investigation yourself to be made? A. I did not; I thought the superintendent would make a thorough investigation.

Q. Did you inquire afterward to ascertain whether or not he had made a thorough investigation? A. Yes, sir; he told me he had.

Q. And you dropped it at that point? A. I dropped it at that point?

By Senator Bradley:

Q. He never made any official report to the board as a board?

A. He never made any official report to the board.

By the Chairman:

Q. You heard, did you not, shortly after the campaign of last year, that the police were charged with active and passive interference with voters at the polls at the Second Assembly and Third Assembly districts? A. I heard some statements in the papers to that effect.

Q. You read the statements to that effect? A. Yes, sir.

Q. Were those statements brought home to you on various occasions, subsequent to the election? A. There has never been complaint made to the board of police against any police officers.

Q. I mean in the public prints, or police interferences? A. As the testimony before this committee; yes, sir.

Q. Did you not know of it previous to this being testified to before this committee? A. I did not.

Q. Had you not read it in the public prints since the last election? A. Very little of it in the papers; I think I saw some general statements, not specific charges.

Q. Was it not a matter of general report, known to you, subsequent to the last election, that during last election in a very large number of election districts of this city the police had actively interfered, had violated the law, and had thrown their influence in favor of one political party against another political party? A. It was not known to me, and on the contrary I had every reason to believe they had acted fairly on election day, particularly in the Second and Third Assembly districts.

Q. Was the matter contained in my last question not a matter of general rumor throughout the city? A. It was not.

Q. Did you not read it in the newspapers? A. I did hear something about it; but very little.

Q. Was your attention not called to that same fact in connection with the indictment and prosecution of inspectors of election and poll clerks in the month of January of this year? A. No, sir; they were election officers, and police officers.

Q. Didn't you know that in those election districts, police officers had been charged with substantially the same dereliction of duty in violation of law that was charged against the inspectors? A. No, sir; I did not—on the contrary I was told on election day—I was at headquarters all election day from 7 o'clock in the morning until after the polls were closed, and until midnight—and I was told while the election was in progress—had frequent conversation with Inspector Williams and Superintendent Byrnes—that the election was progressing quietly, and everything was all right in that section of the city.

Q. And you mean to have this committee understand that you had not heard between the date of last election and the taking of the testimony by this committee with reference to election interference, that there had been no interference or violation of duty or law on the part of the police of this city in the Second and Third Assembly districts, especially on last election? A. I think I can say I heard little or nothing about it, until after this committee commenced to take evidence.

Q. Have you made any investigation into any of those matters?

A. We have not as yet; I have talked to the superintendent, and he is making notes of the various cases referred to with a view to investigation and reporting to the board; I have talked with him on that subject, and also talked to the counsel of the department on the subject.

Q. You mean Mr. Nicoll? **A.** Yes, sir.

Q. Do you ever make your own initiative in an investigation into the discipline of the police force unless a charge or complaint is made before you? **A.** Very rarely that I personally make an investigation of it; I should let that go to the superintendent; I have communications sent to me from time to time bearing on that subject, complaints against officers, and they all go through from me to the superintendent, or through the board.

Q. Do you wish the committee to understand that absolutely no complaint or charge of any kind was made with reference to police interference at the polls during last election, subsequent to election day? **A.** So far as I am concerned, or have any knowledge about it, I do mean to say that.

Senator Cantor.—The witnesses all testify to that.

Senator Bradley.—The witnesses testify to that.

Q. I am not speaking of written complaints; I am talking of any complaint? **A.** I am talking about any complaint; there was a complaint made to me on election day by Mr. Kempner and Mr. Fennell; they came to my headquarters and spoke to me about some matters of the election district, and I went down stairs to the inspector's office, and Inspector McAvoy was sent over to this particular place, and he came back after some length of time, within half an hour, and reported to me that it was all right, and everything was all attended to, and they were satisfied; that is all the complaint that was made to me on election day about the election.

By Mr. Sutherland:

Q. Was there not some complaint made to you? **A.** There was, by Mr. Smith, chairman of the Republican county committee, and Mr. Charles H. Murray, I think.

Q. Leader of the third district? **A.** They were there several times, and the superintendent and Inspector Williams told me they had visited the various districts with those gentlemen, and fully satisfied them.

Q. Did you hear the complaints made by those gentlemen when they came there? **A.** No, sir; I heard they made complaint about watchers not being admitted within the rail, in some cases.

Q. Wasn't that the general complaint? A. I think it was a general complaint of those gentlemen.

Q. Did you hear they came back several times with that complaint? A. They were there — I think Mr. Murray, from information I heard, made his headquarters at the police headquarters; he was looking for votes at police headquarters.

Q. He was at police headquarters all day long, wasn't he, with complaints? A. Yes, sir — I don't know about complaints; he did not make any complaints to me.

Q. Did you hear him make any complaints whatsoever? A. No, sir; I was in my room upstairs on the top floor.

Q. You were down stairs conferring with Byrnes? A. Occasionally; yes; I was not there any time Mr. Murray or Mr. Smith made that complaint; but I understood they were making complaints.

Q. You knew, in pursuance of those complaints, it was necessary for Byrnes to send out inspectors? A. Yes, sir.

Q. And go to those polls and rectify the matter? A. Yes, sir; I knew that.

Q. You never inquired what the complaints were? A. They were stated to me at the time, the general character of the complaints, either by Superintendent Byrnes or by Williams, and I think by Commissioner McClave.

Q. Did you investigate them, to see whether they were well grounded? A. I did not investigate them, outside of the investigation by the superintendent or the inspectors; I knew they were in fault if they kept a man outside the rail and did not permit him to go inside the place of voting.

Q. Did you ever inquire who the policemen were that kept the watchers outside the rail? A. No, sir; the matter was in the hands of the superintendent, and he made no report on the subject; I suppose it was an error on the part of the policemen, and when their attention was called to it, they corrected it.

Q. What made you suppose so? A. That is what I understood from what was told me by Inspector Williams and the superintendent; and they said, also, in these various polling places the space for the election officers, the three inspectors of election and the two poll clerks, and two ballot clerks, making seven election officers in all, the voting booths usually ran from four to seven and eight polling booths in these districts, and the place was all taken up, and if the watchers were inside the polls there would not be any room for the voters, and it was suggested by the election officers to remain outside the rail. It was suggested for convenience, so as to not block up the place of voting, to remain outside; I know the law allows them inside.

Q. You knew this was the rule? A. Yes, sir.

Q. You provided the place where this voting was to be held?

A. Yes, sir; we provided ample accommodations for that purpose, as a rule, as I stated before. /

By Chairman Lexow:

Q. Was it entirely in the Second and Third Assembly districts that you had the misfortune of giving too small accommodations? A. No, sir; there was no exception made in those districts, any more than in any other part of the city.

By Mr. Sutherland:

Q. How many other police commissioners were at headquarters on election day last fall? A. I think Commissioner McClave and Commissioner McLain, and Commissioner Sheehan was there at one part of the day; he was there several times; I do not know that he was there all day; I think all the commissioners were there on election day.

Q. Do you remember seeing each one of them there on election day? A. Yes, sir.

Q. I understood you learned that Mr. Kempner's complaint was withdrawn? A. I learned that recently.

Q. You did not learn it at the time? A. No, sir; I did not.

Q. You did not see the letters written to Superintendent Byrnes? A. No, sir; I did not see them until brought on recently before this committee.

Q. What information did you have that complaint was made by Mr. Kempner? A. The superintendent had spoken to me about it.

Q. State whether he did not inform you that Mr. Kempner claimed he could not have an impartial trial before your board? A. No, sir; he did not.

Q. This is the first you heard of it, on this trial? A. Yes, sir; if he has that impression, it would be difficult to correct it.

Q. Did you see the letter Mr. Kempner wrote to Superintendent Byrnes on that subject? A. I think I saw it brought out on this examination.

Q. And in making his report Superintendent Byrnes did not send a copy of that letter to the board? A. He never made a report on that subject.

Q. I thought you said a few moments ago that Mr. Byrnes had investigated this matter and made a report? A. No, sir; the superintendent and I had some conversation by which he told me he would investigate it; I understood him to say he had satisfied Mr. Kempner.

Q. There never was an official report made? A. No, sir.

Q. Have you or the board ever called upon him to make an official report? A. No, sir.

Q. The World is not agreeable reading to you; do you ever read the Herald? A. Well, yes; I do.

Q. Are you aware of the fact that the New York Herald has called your attention to divers places in the city of New York that are running contrary to law? A. No; I do not recollect that the Herald did.

Q. Don't recollect anything of the sort? A. I recollect the Herald had some articles here, with reference to policy shops, I think.

Q. About when was that? A. Within a month.

Q. Did you see the article itself? A. Yes; I did.

Q. And that article gave numerous places, and specified amongst other things, Mr. Parker's place, 298 Elizabeth street? A. I do not remember the particular place.

Q. Where is 298 Elizabeth street? A. I can't say just what part; it must be very convenient to police headquarters.

Q. It is within a hundred yards, is it not? A. Yes; I should think so.

Q. That is, to police headquarters? A. Yes, sir.

Q. It would take but a few minutes to step over from your office? A. Yes, sir.

Q. You could send a man there in three minutes? A. Yes, sir.

Q. Did you observe that it was charged in this Herald article that a policy shop was running in that place? A. No, sir; I did not; I did not read the article carefully; I glanced it over, and looked at it generally.

Q. Did you notice that the article published a picture of this place, 298 Elizabeth street? A. I don't remember that it did.

Q. Look at it and see if that refreshes your recollection? A. Yes; I think I noticed that.

Q. And you recognized the place when you saw the picture, didn't you? A. No; I did not recognize the place.

Q. You never observed it before? A. No; I never have.

Q. With that sketch, with the number underneath it, you would not have any difficulty in identifying it? A. No; I think not.

Q. Did you send anybody there to find out about it? A. I did not.

Q. Did you observe in this article in the Herald that No. 156 East Ninety-eighth street was mentioned as the central office of Mr. Parker's policy society? A. Yes, sir.

Q. Where is that? A. It is in the upper portion of the city; on the east side.

Q. No difficulty in finding that place, is there? A. No, sir.

Q. Did you send anybody up there to investigate it? A. No, sir.

Q. Do you recollect that in that article your attention was called to 138 Crosby street as being another place? A. I don't recollect that particularly.

Q. And that a picture of that place was also published in the Herald? A. I remember looking at this article; I suppose I must have looked at these cuts.

Q. Where is Crosby street? A. Quite convenient to police headquarters.

Q. It runs right into Mulberry, does it not? A. No, sir; it runs into Bleecker street.

Q. Runs from Bleecker to Mulberry? A. No; runs south from Bleecker street.

Q. It is the next street to Mulberry? A. Yes, sir.

Q. And 138 is not a stone's throw from headquarters? A. It is not very far.

Q. Did you send up there? A. No, sir.

By Senator Bradley:

Q. Is it your province to send anybody to places? A. No, sir; it is not my province to send anybody.

By Mr. Sutherland:

Q. It was not your province to send people to inquire of a place? A. No, sir.

Q. Did you inquire about these places? A. I did not; I had no doubt the superintendent was already on those matters.

Q. Did you bring the matters to him particularly? A. I did not, particularly.

Q. Did you, unparticularly? A. No, sir.

Q. You did not say anything to him about it, did you? A. Not that particular matter; the superintendent brought charges against Captain Westervelt on the basis of this article.

Q. Based on this article? A. Yes.

Q. When were those charges tried? A. Tried within two weeks.

Q. And what was the finding of the board? A. The board found the captain guilty.

Q. Guilty of what? A. Neglect of duty in not keeping those places closed; that place particularly you referred to.

Q. Which one? A. In the upper portion of the city.

Q. The one up in Eighty-eighth street? A. Ninety-eighth street; and places in connection with that.

Q. And what was the fine? A. The fine was 10 days' fine.

Q. Amounting to how many dollars? A. I should think over \$50; \$55, about.

Q. And those charges were based upon this article in the Herald? A. Yes, sir; I was thinking about the fine; I think it was five days' fine; I want to correct that; that would be about \$27 or \$28.

Q. The same fine you imposed on Captain Price? A. Yes, sir.

Q. Is that the regular fine for failure on the part of police captains to close disorderly houses? A. No, sir.

Q. Have you ever fined anybody more than that for failure to close those houses? A. Yes, sir.

Q. Who? A. Captain Martens.

Q. When? A. In his trial at the same time with Captain Price.

Q. How much was he fined? A. Thirty days.

Q. Have you ever fined any other captain more than five days' pay for failure to close disorderly houses? A. No, sir.

Q. How many captains have you fined for failure to close disorderly houses? A. Captain Price, Captain Martens, Captain Westervelt and Captain Howey.

Q. Nobody else? A. I think that is all.

Q. That is all the captains you have ever fined? A. That is all the complaints we have had before us.

Q. In all the years you have been commissioners? A. Those are all the complaints we have had before us.

Q. I understood you to say to the committee that no complaint had been made to you after election with regard to the conduct of the police on election day? A. Yes, sir.

Q. Either verbally or in writing? A. Either verbally or in writing.

Q. Was there not widespread indignation among the Republicans on account of what they claim was violation at the polls participated in by the police? A. It was not brought to my attention, if there was that indignation.

Q. Wasn't it published in the newspapers? A. I don't think it was; nothing that I know anything about.

Q. And no single man accosted you on the subject? A. Never.

Q. Never verbally or in writing? A. No, sir.

Q. Do you know Mr. Alfred E. Conklin? A. There is such a man; I know him.

Q. There is such a man? A. Yes.

Q. Has he a residence in this city? A. Yes, sir.

Q. Did he ever write you a letter on that subject? A. I think I received a letter from Mr. Conklin before the election; I do not