

REPORT AND PROCEEDINGS

OF THE

CF

SENATE COMMITTEE

APPOINTED TO INVESTIGATE

THE POLICE DEPARTMENT

OF THE

CITY OF NEW YORK.

VOL. II.

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Proceedings from June 5 to June 29, 1894.

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\$100 or \$150, and he said, "If you can not get that much money, you can not open;" I said, "Well, we will see about it."

Q. Then you got the money from Mr. Schlesinger on the 29th?  
A. On the 29th I got the money and about 7 o'clock I saw Mr. Farrell and Brennan, and I gave them the money.

Q. Where did you see them? A. I saw them in the saloon; we generally met them always in the saloon.

Q. Was anything said about any other money besides this \$500?  
A. Yes, sir; every month, \$50.

By Chairman Lexow:

Q. Was that said at the same time? A. Yes, sir; he said after the \$500, \$50 every month.

Q. When you gave them the \$500 was it in bills? A. Yes, sir.

Q. In large bills? A. No; twenties, tens and the like of that; it was not silver.

Q. Which of the officers did you give it to? A. Mr. Brennan.

Q. Was Mr. Farrell present at the time? A. Yes, sir.

Q. What time in the day was it that you gave it to them? A. It was in the evening about 7 o'clock when we met in the private room in the saloon.

Q. Was your husband with you at that time? A. No, sir.

Q. What did Mr. Farrell and Mr. Brennan say? A. He said, "Now, you can freely keep open and not be afraid of anybody."

Q. Did they say anything else? A. They did not say anything further than that.

Q. When was the next time you saw them? A. The 20th; I promised him \$50; what I should give him every month; I said I am not able to raise the \$50 on account of the first month; on account of paying the rent of the house and what I loaned (borrowed); I said, "I will give you it every month from the 18th or 20th; I will give you one portion of the \$50."

Q. That is, you would give them \$25 cash? A. Yes, sir; and then the other \$25, and he said that was satisfactory.

Q. How much rent did you pay for the house? A. I paid \$40 a month.

Q. When did you next see either Farrell or Brennan? A. I saw them on the 20th.

Q. The 20th of the next month? A. No; the same month, October, and then I saw him the 1st of November, and then I saw him the 20th of November, then the 23d; I had to rush around, he said, to get the house ready.

Q. You opened the house in September? A. Yes, sir.

Q. Then you saw him along the 1st of October? A. Yes, sir.

Q. You saw Brennan? A. Yes, sir; and Farrell; before beginning, I saw Farrell.

Q. The first time, was it both of them that you saw? A. Yes, sir; both of them.

Q. When you gave the \$500? A. Yes, sir.

Q. In October, when you first gave the first \$25, who did you give it to? A. To Farrell.

Q. In the same place? A. Yes, sir; in the same saloon.

Q. In the evening? A. Yes, sir; always in the evening.

Q. Had you seen him before this time? A. Yes, sir; spoke to him on the street.

By Chairman Lexow:

Q. Did they come to your house? A. Mr. Farrell used to come every night, right along.

Q. Inside of the house? A. Yes, sir; he came in and sat with me sometimes and talked, and then he made a disturbance between me and my husband, and I said to Mr. Farrell, "I will close my house; I will not be bothered; I do not want to get myself in any scrape or trouble;" and he said, "You need not be afraid of nobody;" he says, "As long as you will pay me, I will take care of you, and you or your husband need not be afraid of anything."

Q. Was the same captain there during all of this time? A. Yes, sir.

Q. There was no change of captain while you had this house? A. No, sir; there might be a change since I was arrested; I don't know; but not before.

By Mr. Jerome:

Q. When was it you say you first heard about the trouble of shutting up the house? A. November 22d or November 23d.

Q. And up to that time you had paid Farrell and Brennan so much a month? A. Yes, sir; and I paid afterward, as well, because they told me I should not be afraid to keep open my house.

Q. When you heard about this trouble about closing up the house, did you have this talk with Farrell? A. Yes, sir.

Q. Did you close your house up? A. No, sir; he did not allow me to close it; he said not to be afraid, that I should keep it open right along.

Q. Did Farrell have any relation with any of the women in your house? A. Yes, sir.

Q. There was a girl that Farrell used to go to see in your house? A. Yes, sir.

Q. And they used to go together to their room? A. Yes, sir.

Q. When did you close up? A. At the time when I had my arrest; I had my arrest the 10th of February, and I closed it up on the 1st of January, because I thought to myself, I did not want to get into any scrape or trouble, and I had no money, and I saw the money that I made, that it all went away to them, and so I closed it up the 1st of January.

Q. You closed it up before you were arrested? A. Yes, sir.

Q. Did you send your girls away then? A. Yes, sir; but some of them boarded with me, and paid their room money, \$1.50 for a room, but they were not in any bad condition; there was nothing bad about them, so Farrell came up, and I said, "Here, I will pay you that money for the first, only after this I will not pay any more, and I will close up the house, because I have no chance that I will be benefited by the money, or have any use from the money, and I will get myself in trouble and in prison, and I don't want to go to prison for any such simple thing as this.

Q. Well, what — A. Well, excuse me, gentlemen; and he said you need not be afraid; and I said, "Never mind, it is enough, I have made up with my husband, and I will keep no more house, I will close it up;" and after that he raided me.

Q. And you were held to await the action of the court? A. Yes, sir.

Q. Did you see the captain at any time? A. Yes, sir; after I was raided.

By Senator O'Connor:

Q. He raided your house after you had closed up the business? A. Yes, sir.

Q. When were you raided? A. The 10th of February, this year.

By Mr. Jerome:

Q. Where did you see the captain? A. In the station-house; I said after I was raided, I said, "Captain, will you be kind enough to allow me, I have paid out all the money I had, and I am broke, and I want to open it again for a month or so to pick myself up, and have a few dollars;" and he said, "I don't know; I will give you a permit until the first of April; I will give you a permit;" I said, "Thank you," and I walked home.

Q. Who said that, Captain Stephenson? A. I don't know his name; that was the first time I spoke to him was after I was raided.

By Senator O'Connor:

Q. Could you recognize him if you saw him again? A. Yes, sir; he is something like that gentlemen there (pointing to Mr. Moss), with a beard, and a little older or a little younger.

Q. Where is the station-house? A. At the corner of Sheriff street and Second street, in Houston.

Senator O'Connor.—Why not send for the captain of that precinct, Mr. Goff, so that he can be identified.

Mr. Jerome.—We will send for him this afternoon.

Q. Did you open up after that? A. Yes, sir; only the captain said, "You had better, Mrs. Cohen, don't have so free open, be careful a little and see who you let up; don't let up any of Dr. Parkhurst's men;" I said, "You need not take me for a child, I can consider a person, I can consider a workman from an officer," and he said, "All right, you can open up until the first of April."

Q. After you saw the captain and opened up, did you pay any more money to Farrell and Brennan? A. I paid Farrell the most; I didn't pay afterward to Brennan so much; Farrell used to generally come every evening in the house.

Q. How much did you pay after that? A. The same as I did before.

Q. Fifty dollars a month in two payments of \$25 each? A. Yes, sir.

By Senator Bradley:

Q. Farrell, you say, separated you and your husband? A. Yes, sir.

Q. And made trouble between you? A. Yes, sir; because when my husband heard that the racket was going on, he said, "My dear wife, it is not necessary that we should spend such a dirty life, and have no gain, it is better that we should give it up and close it, and not have this place, but take a house and I will go to work," and I said, "All right," and then Mr. Farrell came upstairs and I told him, "I guess we will close," and he says, "Wherever you go, I will make you trouble," and I said, "You can not make trouble if I am going to my husband, back to live a decent life," and he said, "You are a foolish woman, when you can make a dollars and you wont throw it away," and then Mr. Farrell came up and had my husband arrested for false pretense of insulting a woman, which he never did.

Q. Your husband did not get jealous of you? A. No; not in that way; what could he be jealous of, knowing that I am a true woman to him.

Chairman Lexow.—There should be no laughing; this is too serious matter to have any levity about it.

Cross-examination by Mr. Ransom:

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

Q. When were you born? A. Eighteen hundred and sixty-six.

Q. Where? A. In Germany.

Q. Where? A. In the city of Berlin.

Q. When did you come to this country? A. I came to this country in 1880.

Q. Were you married when you came here? A. How could I be married when I was not 14 years of age; I was 14 years in this country, and I came here when I was 14 years old.

Q. Then you were not married? A. No.

Q. Have you any children? A. I had; they are dead.

Q. Boys or girls? A. Both.

Q. How long have you been in business keeping a house of prostitution? A. The first time was the 24th of September last, 1893.

Q. And then went into the business of keeping a house of prostitution? A. Yes, sir.

Q. What induced you to undertake that business? A. Because the officers said—if they had not given me the privilege I would not have opened it.

Q. What was your business before you commenced keeping a house of prostitution? A. My husband was an expressman.

Q. What did you do? I was doing my own housework.

Q. In your own home? A. Yes, sir.

Q. Were your children living then? A. No, sir; my children are two years dead.

Q. How many? A. Two.

Q. Have you ever been married more than once? A. Only once, gentlemen.

Q. What is your husband's name? A. Morris Cohen.

Q. Where is he now? A. I could not tell you, you must ask the officers where they chased him away from me to.

Q. How long since you have seen him? A. Six weeks was on Monday; this Monday coming is seven weeks.

Q. You are now in jail as a prisoner? A. Yes, sir; through the officers, too.

Q. The police arrested you? A. Yes, sir.

Q. What police arrested you? A. Farrell and Brennan, and more officers that I don't know.

Q. Were you arrested at your house? A. Yes, sir; in my own house.

Q. Have you been tried? A. No, sir; I was called on and they pushed me into a higher court and I was there two months, and I don't know for what reason.

Q. Before you were arrested were you friendly with Farrell?  
A. Yes, sir.

Q. You liked him, did you not? A. I didn't like him for any friendship; I liked him as a friend and paid him money that is all.

Q. Whom did you like for friendship? A. My husband.

Q. And that is the only man? A. That is the only man in my life that I liked and that I will like, gentlemen.

Q. And those girls were prostitutes? A. Yes, sir; they were.

Q. And they paid you some part of their money, did they not?  
A. It don't make any difference to you—

Q. Did they pay you part of their money? A. It don't make any difference to you what they did.

Q. You do not care to answer that? A. No, I do not have to tell everybody all my business.

Chairman Lexow.—Just answer any question that counsel may put to you.

Q. Do you know whatever you say here can not be used against you? A. Well, I don't know.

Q. You have been told that by the chairman? A. The chairman says so.

Chairman Lexow.—Answer the question.

A. All right, I will.

Q. How many girls were there with you—they were there doing business as prostitutes, were they not? A. Yes, sir.

Q. Where did you find them? A. There are plenty of women in New York city.

Q. How did you get those girls to come to your house? A. My dear gentlemen, you will find lots of girls yet, the girls know where the houses are.

Q. How did you come to get the first girl? A. I got acquainted with her.

Q. Where did you get acquainted with her? A. I was in a place, and I got acquainted.

Q. Was it in another house of prostitution where you met her?  
A. Yes, sir.

Q. Did you know that house? A. Yes, sir.

Q. Had you been in the habit of going there? A. No, sir; only once.

Q. How did you know this girl was there? A. The girl was not far from my house.



Q. You knew that she was in a house of prostitution? A. Yes, sir.

Q. How did you know that? A. Because I knew the girl was there, and I knew the girl from my home.

Q. How did you know it was a house of prostitution? A. I am telling you I met the girl in the street, gentlemen.

Q. Had you ever seen her before? A. Yes, sir; she is from my country.

Q. Do you know when she came here? A. She came in 1886.

Q. Did you know her in your own country? A. Yes, sir.

Q. Was she a good girl then? A. I can not remember; I went away a child.

Mr. Goff.—I object to this line of cross-examination, because it is not calculated to shed any light upon the testimony given by this witness. I can very well comprehend that a learned judge, in a court of law, to affect the jury as to her credibility, might pursue this line of cross-examination, but in an investigation of this kind it is nothing but futile; it can not reach any particular result; it is wasting the time of the committee.

Chairman Lexow.—Come right down to the real facts of the case; we know that she received part of the earnings of this traffic without her answering it.

Mr. Goff.—The worst that can be said of this witness has been said that she kept a house of ill-fame, and, as your honors have said, what worse can be proved against her, and to inquire of this witness as to the virtue of this girl or that girl, or of her own virtue, is not what the committee is here for. It is to inquire as to the bribery in the police department.

Mr. Ransom.—I try to appreciate the benefits of the privilege of the committee; I do not mean to transgress the rule of law or the rule of this committee, but it seems to me that the eloquence of the distinguished gentleman who represents the prosecution here, or the inquiry, if you please, as a better word, that this evidence is the very best justification that I have got for this line of examination; it means that this committee, or any other intelligent body of men, should look into the credibility of this witness' testimony.

Chairman Lexow.—Go on with the testimony.

The Witness.—You can imagine, gentlemen, that I am left just as I am now.

Mr. Ransom.—I will not ask any more questions on that line. Counsel have indorsed the principle of my examination, and I recognize the high authority of the indorsement.

Q. Who was this man that you borrowed the \$500 from? A. Mr. Schlesinger.

Q. What is his business? A. He deals in diamonds and jewelry.

Q. Where is his place of business? A. He lived in 155 Park Row in a cigar store; if you do not believe me I will tell you where you can find his address.

Q. Had you known Mr. Schlesinger for a long time? A. No, sir.

Q. Were you very well acquainted with him? A. No; I got acquainted with him through my husband.

Q. Had your husband been acquainted with him for a long time? A. Yes, sir.

Q. Five hundred dollars is a large sum of money? A. Yes, sir.

Q. And you gave him a mortgage? A. Yes, sir.

Q. Was the mortgage signed by you? A. Yes, sir; by me and my husband.

Q. Who owned the furniture? A. Both of us.

Q. Where did the money come from to buy it? A. The money we got it from before we kept the private house.

Q. You did not buy any new furniture? A. Yes, sir; afterward we did.

Q. Did you use some portion of the \$500 to buy new furniture? A. No, sir; we paid that for protection.

Q. How long was that mortgage to run? A. Until we paid it—\$25 a week.

Q. It was to run until it was paid? A. Yes, sir.

Q. Did you pay \$25 a week? A. Yes, sir; I did when I had the money.

Q. Have you paid it all now? A. No, sir.

Q. You owe some yet? A. Yes, sir; I have not paid because of these officers.

Q. Did Mr. Schlesinger ever ask you for the money? A. Yes, sir; he knows if I had it I would pay it, and if I hadn't it, I could not pay it.

Q. How much do you owe now? A. The very same amount of money I paid him, and then when I was in trouble I borrowed some more.

Q. How much do you owe? A. I paid him dollar for dollar.

Q. How much do you owe? A. One thousand dollars.

Q. You gave a mortgage for \$1,000 and borrowed \$500? A. Yes, sir.

Q. And Schlesinger was a friend of your husband's? A. Yes, sir; just an acquaintance.

Q. Did Schlesinger know what you wanted to do with the money? A. No, sir.

Q. You did not tell him? A. No; I did not.

Q. How did he pay the money over to you; in what way? A. Five hundred dollars in bills.

Q. When? A. On the 29th of September.

Q. Where? A. In his house.

Q. Down here in Park Row? A. Yes, sir.

Q. Who was there? A. Mr. \_\_\_\_\_ and my husband, and Mrs. Schlesinger and Mr. Schlesinger and his children.

Q. Did she see the money paid? A. I can not say whether she was present or not.

Q. You do not like Brennan and Farrell now, do you? A. I will tell you, I do not intend to do them any harm.

Q. You do not like them, do you? A. I do not like to hurt them.

Q. Do you feel friendly to them? A. Well —

Chairman Lexow.—I do not think any member of this committee would feel friendly to any human being who had treated them as she has been treated.

Mr. Ransom.—That may be so, and I should think so, too.

The Witness.—If they did not hurt me so bad as they did, I would not hurt them.

Q. You would know the captain of this precinct if you saw him, would you? A. Yes, sir.

Q. Describe him? A. He looks something like that gentleman there.

Q. Like Mr. Moss? A. Yes, sir; that gentleman.

Q. He is a good-looking man, then? A. I did not pay any attention to see whether he was good-looking or bad-looking.

Q. How many times did you see him? A. About three times.

Q. It was in the station-house? A. Yes, sir; in the station-house; in his office.

Q. Fix the time? A. In the evening.

Q. Give the day or month? A. I was discharged the first time I was raided, the 12th of March, and on the 13th of March I spoke to him, and then I spoke to him on the 14th of March and a week afterward, the 22d of March, I spoke to him.

Q. And that is all? A. Yes, sir.

Q. You are positive about the date; the 22d of March? A. Yes, sir.

Q. And he told you that he would give you a permit, but you must open the house quietly? A. Yes, sir.

Q. What did he give you — you said a permit; he didn't write anything, did he? A. I call it a permit, if he gave me the privilege.

Q. You do not mean that he gave you any paper? A. No, sir; he gave me the privilege.

Q. Nobody ever gave you a paper? A. No, sir; you do not expect anybody to give a paper for a thing of that kind.

Chairman Lexow.—The sergeant-at-arms will bring Mrs Cohen back here at 2:15 this afternoon.

Recess.

### AFTERNOON SESSION.

June 6, 1894.

The Chairman.— Have you the police captains here?

Mr. Jerome then called for Captain Siebert and Officers Farrell and Brennan.

Mr. Jerome.— We have sent for them and our man has not yet returned.

Lena Cohen resumed the stand.

By Mr. Jerome:

Q. I want to understand this matter right? A. Yes.

Q. You opened your house on the 29th of September? A. Yes.

Q. And you made the first payment on the 20th of October?  
A. Yes.

Q. And then on the 20th of November? A. Yes?

Q. Did you have the whole amount in November? A. No.

Q. How much did you have then? A. In November I paid \$25; in December I paid \$20; I promised him the 1st of January I will give him \$30.

Q. Did you do so? A. Yes, sir.

Q. And you continued paying up to February when you were raided? A. Yes.

Q. Then you got out on bail? A. On bail.

Q. And your case was dismissed at the Special Sessions? A. The case kept on until the 12th of March; I stood up for trial and was discharged.

Q. It was in February that you saw Captain Siebert? A. In March I seen him; I didn't know him that time; I only knew the ward detectives.

Q. When were you raided the second time? A. The 27th of March; I was only open the 12th of March, and the 27th I was raided.

Q. Then you got out on bail? A. Yes.

Q. When were you arrested again? A. The 6th of April.

Q. Since the 6th of April you have been in the Tombs? A. In the Tombs.

Q. Without any trial? A. Without any trial.

By the Chairman:

Q. Are you held on the charge of keeping a disorderly house?

A. Yes, sir.

Q. That is the only charge against you? A. That is the only charge.

Q. You have been indicted by the grand jury? A. Yes, sir; once I was up there and they asked me questions and I said I was not guilty.

Mr. Ransom.—If the committee think this important then we ought to have the indictment; not the statement of the witness.

Mr. Jerome.—I will procure the indictment and have it here.

By Mr. Jerome:

Q. Did you ever have any conversation with the captain about 127 Pitt street? A. Yes, sir.

Q. What was that conversation? A. I told the captain, "How is it that 127 Pitt street can stay open and my house shall be closed after losing so much money and after paying so much money and being so much in trouble through your own officers?" He says, "Don't ask me that;" he says, "Never mind that;" so then I said, "Captain, I guess, I suppose their capital is of more value than mine;" "Well," he says, "Mrs. Cohen, you can stay until the first of April, and after that you have got to leave the house."

Q. Did you ever have any conversation with him in regard to 244 Second street? A. Every one of them houses I cast them up — "How shall they remain and how shall I close?"

Q. Those houses are open now, or were when you were arrested? A. I don't know if 244 Second street is open or 127 Pitt street is open still.

Q. What was the character of your house; what was the price there? A. Fifty cents.

Cross-examination by Mr. Ransom:

Q. Fifty cents for what? A. When a man went upstairs with a woman.

Q. For the woman to pay you? A. No, not me; the man paid the woman 50 cents.

Q. Fifty cents? A. Yes, sir.

Q. You paid \$500 to the police for protection for that house? A. Yes, sir.

Q. And agreed to pay \$1,000 for the use of \$500? A. Yes, sir.

Q. What rent did you pay for the house? A. Forty dollars a month.

Senator O'Connor.—No wonder she couldn't live.

Senator Bradley.—But she never paid any of the \$500 yet.

Witness.—I owe over \$1,500 debts yet.

Senator Bradley.—She is over \$1,500 in debt now.

By the Chairman:

Q. Have you any property left? A. Nothing; I am left just as you see me here and another calico wrapper; when I was taken from the house the officer didn't give me privilege to take a shawl even; I can prove by the matron that the shawl was brought in by another party at one or two o'clock midnight; two hours after I was raided.

The Chairman.—You had better remain here until the officers have come.

The sergeant-at-arms called out the following names, but received no response: Mr. Jacobs, Bessie Butler and Mr. Morrison.

The committee adjourned to Thursday, June 7, 1894, at 10:30 o'clock.

Proceedings of the twenty-second meeting of the committee, held in the Superior Court, in the County Court House in the city of New York, Thursday, June 7, 1894, at 10:30 a. m.

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

John W. Goff, W. Travers Jerome and Frank Moss, of counsel of the investigating committee.

R. De Lancey Nicoll and R. S. Ransom, for the police board.

Chairman Lexow.—Mr. Goff, I notice Judge Roesch is here.

Mr. Goff.—Yes, sir. I just want to refer to a matter first.

Mr. Ransom.—Mr. Chairman and gentlemen, there is a subject that I want to call your attention to just one moment. Yesterday, you may remember, the witness Thatcher, in testifying, said that in some form, it is of no consequence precisely how he put it, that Captain Stephenson was the captain of the precinct where this saloon was located. Now, that captain, Captain Stephenson, very naturally feels annoyed, and as the fact is quite contrary, it should not be published, and stand on the record without some protest from him. At the proper time he desires, of the committee permit, to give proof of the fact that he was not captain of that precinct at the time; he was captain of some other precinct. It is my duty to state at this early moment, that notice shall be given to the counsel, and to the committee.

The Chairman.—I do not understand that Captain Stephenson was implicated by any of the testimony yesterday.

Mr. Ransom.—I am very glad that should be the view, of the testimony, of the committee, but that is not the view of the public, as educated by newspapers, and that is the reason I brought it to your attention. I am very glad you agree with me that he was not implicated.

Chairman Lexow.—He was simply captain of that precinct, and he is not implicated by any testimony of anybody.

George F. Roesch voluntarily takes the stand and, having been duly sworn, testifies as follows:

The Witness.—Gentlemen of the Committee, I wish to state—

The Chairman.—One moment. Before Judge Roesch makes his statement, I would like to call the attention of the witness to the fact that if he presents himself here as a witness, he will become a witness for all purposes, and if he prefers, therefore, to allow the testimony to stand as it is, until it will come in the natural order, he will be regularly subpoenaed, but if he goes on the stand now, of his own volition, he presents himself for all purposes.

The Witness.—I am here, Mr. Chairman, to answer the statements made concerning me thus far, and to answer any other question concerning any other matter which the committee thinks they are here to investigate, which counsel desire to put to me. I wish to state, also, that I am here as a voluntary witness. If you recall, I came here and offered myself as a witness, and I am here without counsel, and am solely answering the questions according to the truth, as I know it, and according to my own judgment, without the aid or advice of any counsel. I wish to say that I have carefully read the testimony given by Mr. and Mrs. Thurow, as printed in the newspapers of this city. Their testimony, in so far as it relates to the payment of any money to me, or to anyone for me, for my use, or for the Tammany Club of the Seventh Assembly district, for the purpose of the alleged police protection, as they have stated it, is false and untrue. I beg leave of the committee to state just exactly what did occur between Mrs. Thurow and myself. I want to say that the transactions were had mainly between Mrs. Thurow and myself.

By the Chairman:

Q. Between Mrs. Thurow and yourself? A. Yes, sir; Mr. Thurow was a drinking man, and throughout the transactions I had with Mrs. Thurow, it was apparent that she was the woman that attended any business concerning her matters; I recall what I am about to state only because of my reading of the news-

papers of her testimony and his testimony, from conversations with my clerk in my office, from examination of my ledger, and in general from refreshing my recollection. I would never have given this matter another thought, because I looked upon it as a business transaction, as being between lawyer and client, if it had not come up in this manner; I can not give in detail every word of every conversation that was had between Mrs. Thurow and myself; but I pretend to give, and can give, only in the main, the substance of the transactions between us; I recall that Mr. Thurow called at the clubroom one night, and said to me, that his wife was in trouble, and wished to see me; I said to him that she could see me at my down-town office in the Stewart building; he asked me when; why, I said, next day; when, what hour; "I am in and out all day long; I can not fix any hour;" my memory is that she testifies that she waited for two weeks in my office for me; she may be right about that for the reason that as political leader of the district I had to go from department to department, police court to police court, and attend to my own practice, and so at one time I was very little in my office; my law practice suffered because of my political work; but I do recall that she was in my office, and she then and there told me that she was being persecuted by the police; she said that Captain Docharty had placed a policeman in front of her house; that the inmates of her house and herself were constantly being arrested, and that she did not know why she should be troubled any more than others because she was running, as she called it, a quiet house; and I recall particularly that she told me that she certainly was not allowing that to be done in her house which had occurred only the previous week in a place in First street, where a sailor had been assaulted and robbed; the conversation was partly English and partly German; it was in the beginning almost all in German; the chairman of the committee understands German, and I would like very much to be permitted to give her language, as soon as I recall it, in German; if not I would give it in English.

The Chairman.— You had better give it in English.

The Witness — I will give it in English. After she had stated this to me, I said to her, "Mrs. Thurow I am a lawyer and make my living at law, and if you want to engage me you must pay me." She said, "What do you want?" I said, "My retainer for my services will be \$100." She then started to take the money and lay it on my library table, in the other room of my office which I use for a library; as she did so, I called to my brother Charles Roesch to bring a charge slip. I have here the



charge slip, and I will give it to the committee. I have in my office a slip like this:

“Charge ..... Address ..... Fee \$.....  
Disbursements \$..... A subject .....

Received from ..... Address .....  
On account of above, \$..... Fee \$.....  
Disbursements \$.....”

On this charge slip I entered the name of the client, the address, the fee that I charged, the subject-matter, the amount I received; now you will notice that there is no space on those charge slips for the date to be filled in. The committee is welcome, and Mr. Goff, to any of those. Now, my brother Charles, who is in my employ in my office, brought me this charge slip in. I filled it out: “Charge Mrs. Thurow, 23 Second avenue, \$100; subject, legal services; subject matter. Just the word above the cross underneath, because I never think it necessary to repeat the name and address again below. This is printed below because, sometimes, I am paid by another man, other than directly by the client. Perhaps it is a mother or father; at any rate I did not read the name and address below. Now, I filled that out and took the money from the table. I gave this charge slip and the money to Mr. Henry A. Peterson, the managing clerk of my office, to enter it in my ledger and put the money in my safe. He puts these charge slips in a drawer, or more generally on a spindle. When they have accumulated in two or three days, or at the end of the week, he makes the entry in the ledger; here is my ledger. Now, gentlemen, I want to say only this. I am perfectly willing that this committee and Mr. Goff should examine this account of Mr. Thurow, or the account of anyone else in this book, whose name is brought into mention in this investigation; but I do think that it is hardly fair to me as a practising lawyer in this city, nor to my clients, who are among some of the best known German people of the east side, that this ledger should be indiscriminately used as regards the others, than those whose names are here mentioned, brought into the public papers; that is all I have to say in regard to that. Now, here you will find an amount on page 317 of my ledger, and entry by Mr. Henry A. Peterson, “1893, legal services, \$100; paid \$100.” I want to be perfectly fair with the committee and want them to notice that there is no date on the charge or of the payment; but I want them also to notice that the same condition of affairs exists with regard to other accounts in this book. For instance, the very next account; the one, “Aaron Fox, 109 Columbus street, 1893,

services, \$25; paid, \$25;" that occurs in this way; as I really recollect, I charge the client the sum of money and he pays it right then and there, in cash, on the spot; I do not particularly note the date; but you see that account where the charge is made on one day and the payment is made on another; the instance of George Stromph, 118 East Fourth street, \$25, August 8, 1893; September 6th, \$25 paid; so you see that was a case where I was not paid at the time I made the charge. I was paid afterward.

By Senator O'Connor:

Q. Judge, in what respect does your version of this affair differ from Mrs. Thurow's? A. As I understand it, Mrs. Thurow claims that this money was paid, not to me but to Mr. Faye.

Q. That is a mistake; Mrs. Thurow didn't testify to that; the only difference, as I remember your stories, is that she testified that she knew you as a district leader, and didn't know you as a lawyer; that is all the difference as I see between your stories.

Senator Cantor.—I think she swore she sent the money over to the club by Mr. Faye.

The Chairman.—The principal charge made, as I understand it, was that you then made an appointment with Mr. Thurow at the club, to receive the additional \$50.

Mr. Roesch.—I am going to come to that. Now, then, there was no other money paid by Mrs. Thurow to me nor to anyone for me; I didn't send anyone to Mrs. Thurow for any money; there was no money paid to me nor to anyone else for me at the club; nor was Mr. Thurow at the club to pay me any money; and Mrs. Thurow never was at the club; now I want to say another thing: I noticed a gentleman summoned here this morning, Mr. Charles J. Hesse; Mr. Charles J. Hesse was a client of mine for whom I conducted a case and hearing before the excise board.

By Senator Bradley:

Q. That case has not come up before the committee? A. But they are here and I presume they will come here before the committee.

Chairman Lexow.—I wouldn't forestall that.

The Witness.—Very well, I simply want to forestall those accounts; now, I want to say another thing, gentlemen, before I leave the stand after cross-examination; there is a note in the Sun of Tuesday of this week, in which it is charged that Mr. Charles Steckler has something to do with these matters against me here; I want to say that is absolutely false.

The Chairman.— We do not care about that.

The Witness.— But this I want to say, gentlemen. Last evening about 20 minutes after 6 o'clock, two gentlemen came to my house and told me; one of them — I got their names from them. Mr. Goff is welcome to this paper — one of them, Mr. Weisberger, 339 East Nineteenth street; the other, Julius Fleisch, 12 East Houston street. Mr. Weisberger spoke German; Mr. Fleisch both languages, and Mr. Weisberger said he had in his possession a subpoena given to him by a gentleman in Mr. Goff's office to serve last night on Mrs. Fisher who he said was to appear against me this morning, and Mr. Fleisch asked me what it would be worth to me that that subpoena shouldn't be served, and Mr. Fleisch directly asked me whether I wouldn't authorize him to go to Mrs. Fisher, find out what she could testify against me, and have her testify favorably to me; and he asked me how much I would pay him for that. I cleared them both out of the house and told them if they wanted to see me again in regard to any such conversation; Mr. Weisberger, using the German word compromise, "compromittiren;" Mr. Weisberger said he would give me the name of the man who had the subpoena in Mr. Goff's office, if I would guarantee him that he wouldn't be compromised by him giving away such information.

By Senator Bradley:

Q. Judge, was there any one present during this conversation, between yourselves? A. No, sir; this was entirely in the office portion of the extension to my parlor floor, 50 St. Mark's Place.

By Mr. Goff:

Q. I was interrupted; will you be good enough to repeat the last sentence? A. I say, Mr. Otto Weisberger said to me that he would tell me the name of the party who gave him the summons from your office, if I would guarantee him that he would not be compromised; that is the closest translation I can give to "compromittiren;" I would ask you, gentlemen — Charles Roesch, Henry E. Peterson, and William E. Faye, whom I mentioned in this testimony are here in court; and I will ask you to call those gentlemen, especially Mr. Faye.

By Senator Bradley:

Q. Is that your statement now? A. That is all I recall; I am willing to answer any question Mr. Goff wishes to put.

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

Q. Did I understand you correctly, Judge Roesch, that you were here ready to answer any questions which the committee or which counsel might put to you? A. Any question that they want to put to me that the committee thinks that I should answer; I will abide by the rulings of the committee.

Q. Whether relating to this matter, touching Mrs. Thurow or any other matter? A. Or any other matter; yes, sir; for that reason I brought the ledger.

Q. Of course, Judge, you are aware of the exceptional privilege granted you by this committee? A. I am very much obliged to you, and to the committee for it.

Q. Not to me, but to the committee, to your position as a public man of the city, the committee, the committee being but just to you under the circumstances; the book that you have read from here is a book of partnership, isn't it? A. No, sir; the partnership books are now in the possession of Mr. John Fennell, my former partner; this book that I have read from is the ledger of the business since the termination of that partnership; the other book I can get by sending across the way to Mr. Fennell.

Q. When did your partnership with Mr. Fennell cease? A. I think it was about the 1st of June of last year.

Q. And when did this transaction with Mrs. Thurow occur? A. Well, now; as to that, I want to say to you that I have no date about that, except so far as this ledger itself suggests it to me, and judging from this ledger alone, and I have no other means of recalling it, I should say that this transaction occurred in the month of June of last year.

Q. In the month of June of last year? A. Yes, sir.

Q. The same month that your partnership ended? A. Yes, sir.

Q. Did you open this ledger only after your partnership terminated? A. That is an individual ledger of the business of George F. Roesch alone, and that ledger was opened only for my individual business; there is no partnership business in that ledger.

Q. Then you and Mr. Fennell were not in general partnership, as we understand it, in the practice of law? A. Oh, yes, we were; we were in the general and full partnership of the law; all moneys that came into the office from any source were divided when the firm of Roesch & Fennell existed.

Q. Didn't you consider this a part of the law business? A. The firm did not exist at that time; this was my own law business; this is the ledger of my own law business, not of the firm's law business.

**By Senator Bradley:**

Q. When was your partnership dissolved? A. About the 1st of June.

By Mr. Goff:

Q. I ask you if this book was only opened or commenced by you after your partnership relation has terminated? A. Well, I had no individual book whatever while the partnership existed; everything that came in while the partnership existed, went into the partnership ledgers, but when the partnership was closed up, then that book was opened.

Q. That is what I am trying to get at? A. Yes, sir.

Q. You have no objection to my looking through this book? A. No, sir; not at all; Mr. Peterson, my managing clerk, who is here, and who wrote that book, will help you to look it over when I wish.

Q. When I come to a point I fail, and I can go no farther, I shall be very happy to avail myself of the services of Mr. Petersen; will you please let me have the entry relating to Mrs. Thurow? A. Yes, sir; there it is. (Indicating.)

Q. There is a discrepancy in your statement, Judge, this morning, which, of course, we must take for true, being under oath, and being made by you, that I have, which purports to have been made by you, in the morning newspaper, the World, of June 5th? A. I want to say to you about that, the reporters of the Press, the Herald, the World, the Morning Journal, the Advertiser, and another paper called on me, on Tuesday evening at my residence, and their questions that they asked me I answered without having had any opportunity to look at my ledger, which I did the next day, and without having spoken to any of my clerks, and my memory about the matter was not clear at all.

Q. So that when you said in the World at the time, or said to the reporters at the time, that you uttered the words, "There was absolutely no conversation between us about \$100 or \$130, or any other sum to be paid for alleged police protection. Judge Roesch (with pronounced emphasis), on the other hand, I told her, I could not afford to have anything to do with any such case as hers. I never had such a woman for a client in my life, and I would not then particularly." Did you believe you was speaking the truth when you said that to the reporter? A. Yes; because by that I meant that I never had any case of alleged police protection in my office in my life; I had cases of disorderly houses and the like, frequently, while I have been at the bar.

Q. Here it is in general terms, Judge, "I told her I could not afford to have anything to do with any such case as hers;" now, there is a new sentence? A. Yes.

Q. Not connected with that sentence, "I never had such a woman for a client in my life?" A. Not in that sense.

Q. Now, wait? A. I had —

Q. At the time you were speaking to the reporters you knew the character that Mrs. Thurow was? A. Yes.

Q. And when you said to them, "I never had such a woman for a client in my life," did you believe then what you said? A. I certainly did, because the whole testimony I read in the light of her charge of police protection.

Q. Then do you draw a distinction between a client who seeks the services of a man to procure for her police protection and a client who seeks the services of the lawyer to accomplish the same result to legal means? A. I draw this distinction that when a client comes to me and engages my services as a lawyer, I am to take care of her interests as a lawyer in every way, shape or manner; but a woman would not come to me to engage my services for police protection, because I would not give any such services.

By the Chairman:

Q. But, Mr. Roesch, when you said you never had such a woman for your client in your life, didn't you mean that the newspapers would infer from that that she was not your client or had not been? A. No; I did not.

Q. That particular woman? A. No, sir; I did not.

Q. Is not that the fair inference from that language? A. It would be; but I did not intend it in that sense.

By Mr. Goff:

Q. And did you, further following up the chairman's question, mean to imply that you never had a woman, a keeper of a house of ill-fame, as a client in your life? A. No, sir.

Q. When you said you never had such a woman as a client? A. No, sir.

Q. And that you could not afford particularly to have such a woman? A. No, sir; I meant to emphasize that I did not appear for the woman in any sense for this woman for police protection, as she alleged in her testimony.

By Senator O'Connor:

Q. Judge, let me ask you this: Did she state to you when she saw you, the nature of the difficulties that she was undergoing? A. My recollection is that she said at that time that there were two charges against her house.

Q. Now, she did not tell you, however, that she kept one of these disorderly houses? A. Yes, sir.

Q. And she was being annoyed? A. Yes, she did.

Q. Of course you were the leader of the Tammany Club in that district? A. Yes.

Q. And her husband was a member of your club? A. Yes.

Q. Now, what you want, and what she wanted, was to be let alone? A. Well—

Q. Do you mean to tell the committee you took this retainer for the purpose of securing this result? A. No, sir; I took the retainer as a lawyer; to protect her interests as a lawyer.

Q. Interest in what respect? A. She was to invite me to appear in court whenever she was arrested, or any of her inmates were arrested, and she was, after this time that she paid me the hundred dollars, she was twice again in my office; the third time she was in my office, she told me that her case in Special Sessions had come up, and she had been fined \$50, and I said to her, "Why, didn't you let me know that;" she said she had been told by the police that Senator Roesch was not a criminal lawyer, and Mr. Sullivan had more experience in cases of this kind, and, therefore, she went to Mr. Sullivan.

By the Chairman:

Q. But wasn't one of the causes of complaint that she spoke to you of at the time that the police were posting policemen at her door, and annoying her by that interference? A. That was part of her statement.

Q. And wasn't that retainer paid in part for the purpose of securing the removal of those policemen from her door and preventing that interference? A. No, sir.

By Senator O'Connor:

Q. Didn't she state at that time what Hoch was receiving of her? A. No, sir; she did not mention Hoch's name to me in any shape or manner; she mentioned Captain Docharty's name.

By Senator Bradley:

Q. Did she state there was any charge in court that she was retaining you for? A. My recollection is that she told me that there were charges in Special Sessions against her.

By the Chairman:

Q. Did you go to the Special Sessions, Judge? A. I did not.

Q. Did you answer as an attorney in any of those charges? A. I did not.

By Mr. Goff:

Q. You further say in your interview, reading from it, "This district, is not like some others, Tim Sullivan's for example,

where nothing that appears in the newspapers can influence the voters;" do you remember that? A. I do.

Q. "Such newspapers as the World carry great influence among the voters here;" do you remember that? A. I do.

Q. "There was a great clamor in these newspapers against just such houses as this woman kept;" do you remember that? A. I do.

Q. "And I could not afford, even if I were so minded, to have anything to do with her;" do you remember that? A. I do.

Q. And yet in the face of that statement you could afford to accept \$100 from her for some services? A. As lawyer, I could afford to accept a retainer from any criminal.

Q. But you say, "I can not afford," because you speak of your influence in the district, and your standing there, and by reason of the peculiar elements, in your district, there being susceptible to opinions expressed in newspapers; you say, "on account of the clamor of just such houses as this woman's, I can not afford, even if I were so minded, to have anything to do with her;" what did you mean by that? A. I meant by that simply that I could not, as leader of that district, do anything with the police in the face of public opinion, looking toward protection of her business.

Q. Then, we have here to judge that as George F. Roesch, leader of the Tammany organization in that district, you could not, and did not, have anything to do with this woman? A. That is so.

Q. But, as George F. Roesch, the same individual, a lawyer, you could afford to take a hundred dollars from her to look after her business; is that a fact? A. That is a fact.

Q. So it was a case of Dr. Jekyll and Mr. Hyde, right at the same time? A. I do not think so.

By Mr. Goff:

Q. Now, Judge, you have been in the Legislature? A. Yes, sir.

Q. In the Assembly? A. Yes, sir.

Q. And in the Senate? A. Yes, sir.

Q. And now you are a civil justice? A. Yes, sir.†

Q. In the sixth district? A. The fourth.

Q. Fourth district of this city; you have been actively engaged in politics almost since you arrived at maturity, I believe? A. Yes; I delivered my first political speech when I was 16 years old, and ever since I am a voter I have been active in political life.

Q. How many years were you in the Assembly? A. I was in the Assembly in 1883, 1885, 1888 and 1889.

Q. And when did you go to the Senate? A. In 1890 and 1891, 1892 and 1893.



Q. That is two terms in the Senate? A. Two; yes, sir.

Q. When did you become what is known as the leader of your district? A. About April, 1892, I think; it must have been 1891—no it was 1892; let me see; then let me count; just a moment, Mr. Goff, I will try to fix the date; it was 1891; April, 1891.

Q. That you became leader? A. Yes, sir.

Q. Now, as some of the honorable Senators who are not familiar enough with our peculiar Metropolitan ways, would you please describe to them what is a leader, as we understand it in New York? A. Well it is a pretty broad question; I should say a leader of a district was a man who was prominent in the political organization to which he belonged, and who, as member of that political organization, was charged by it with the political fortunes of that organization in a particular district.

By Senator O'Connor:

Q. Let me ask you, right in that connection — of course I may be laboring under a misapprehension, being a hayseed, etc.— what I want to know is, isn't it one of the provinces of the district leader to look after the welfare of the members of his club, and of his party? A. Yes, sir.

By Senator Cantor:

Q. That is true of the Republicans as well as Democrats? A. Yes.

By Senator O'Connor:

Q. That may be; if they are laboring under any kind of difficulty at all, is it not one of the duties of the district leader, for the purpose of conducting his organization and making that solid with the parties, to do what he can to give them aid? A. In every case.

Q. Now, it don't make any difference — will you allow me for a moment; except in the case where the district leader is, or may also be a candidate himself for office, he is apt to be more active in order to make more friends; what I want to get at is this, Judge, you being a district leader, and a practising lawyer at the same time, when a member of your club, or party, got into trouble, where did you draw the line, whether your services were to be rendered as district leader or as lawyer; or were they not so situated you could not render one without rendering the other? A. No; not in all cases; and yet it might be true that in many cases they were so situated that I would be of the opinion that my work was the work of the lawyer, and in fairness I ought to be paid, because I was making my living as lawyer, and not as district leader.

Q. In cases of this kind wouldn't your services be naturally sought for more on account of the position you held in the party than because of your standing at the bar? A. That might be, yes; that might be.

By Senator Cantor:

Q. The same as the Senator is chosen for that purpose in a case? A. Yes; one of the Senators might be chosen to argue a railroad case, or something of that kind; I tell you it is difficult to separate the services; but I think that there was many of the cases of my work as lawyer, should be paid; for instance, if I had to go to a police court and attend an examination during the day.

By Mr. Goff:

Q. Now, Senator, you had quite a clientelle among the disorderly houses in your district? A. No, sir.

Q. You have had some clients? A. Yes.

Q. And you have frequently appeared in court for them? A. No; not frequently.

Q. Did you ever appear in court for the keeper of a house of ill-fame in your district, as counsel? A. Yes, sir.

Q. In any case? A. Yes.

Q. Will you name the case? A. Well, I will name it right from my book; the case of Mrs. Fisher, No. 10 Stuyvesant place.

Q. What is your entry there? A. My entry is "1893, July 1, advice, \$200; July blank, paid \$200."

Q. So that the whole expense of your services to Mrs. Fisher consisted of your giving her advice? A. No, sir.

Q. On this day? A. No, sir.

Q. Have you other entries there? A. I haven't other entries there; but I know from my own memory that in that case I went three times to the Essex Market Police Court; it was on a morning—it was of an afternoon; I will not be so positive about the morning, but I know it was the afternoon; the inmates were fined as disorderly persons, and the keeper was held for the action of the grand jury; the grand jury indicted her, and I am to-day under obligation to appear and befriend her.

Q. Do you know where she is? A. I do not, except this address.

Q. You say that last night, some one called upon you and stated that he or they had a subpoena from my office for this Mrs. Fisher? A. Yes, sir.

Q. And wanted to see or learn from you how much it was worth not to serve it? A. Yes, sir; or Mr. Fleisch said, to

go to her and find out from her what she was going to testify to; let me say to you that Mr. Weisberger had said that she was going to testify this morning here; that she had paid me a thousand dollars.

Q. Well, Judge, your reputation is pretty well known in that district? A. Well, a man who has been four times elected to the Assembly, and twice to the Senate, and twice defeated for the Senate, and elected to civil justice ought to be pretty well known.

Q. And is it of frequent occurrence that people come to your house, and ask you how much it is worth to stifle investigations?

A. No, sir; never before was there anyone in my house for such a purpose.

Q. This was the first time anyone ever approached you in your life? A. Absolutely the first time.

Q. You say that you cleared them out of your house? A. I told them I could not in anywise be engaged in such a matter; I asked Mr. Weisberger to show me the subpoena, and he refused to do it.

Q. You did not see the subpoena? A. No, sir; I did not.

Q. Judge, you are a lawyer and a judge; don't you know that what this man proposed to you was a crime? A. I do.

Q. Did you take any steps to have them punished for that crime? A. This occurred last night at half-past six o'clock.

Q. Did you take any steps last night? A. None.

Q. You knew that what those men proposed to you was a felony if consummated, didn't you? A. Yes, sir.

Q. And you knew that you were in an embarrassing position to say the least, having your name brought up before this investigation? A. Yes, sir; if you put it that way.

Q. And you knew, to say the least, it was unpleasant? Your name had been brought into unpleasant connection with this investigation? A. Yes; put it that way.

Q. And you had announced your intention of coming before this committee to-day to vindicate yourself from any charges made against you? A. I had.

Q. And you had interviewed the newspapers on the subject? A. No, sir; they had interviewed me.

Q. I accept your correction; with all that, with a recognition of that position which you occupied, you allowed two men to come into your house last night to propose to you the commission of a felony? A. They were in my house when I went there.

Q. You allowed them in your house, and took no steps to protect yourself against the accusation those men made against you? A. What steps could I take; they were in my house; what could I do before they told me their errand.

Q. Suppose they had gone in and proposed to commit a forgery of a check? A. Yes.

Q. Don't you think, as a citizen, as well as a judge, it would have been your duty to go out and call a policeman to arrest the men? A. A good many things we ought to do we do not do, only not to get into publicity or notoriety.

Q. You have already got into publicity or notoriety? A. Yes; before this case I was before the public.

Q. Last night you was before the publicity and notoriety connected with this investigation? A. Yes.

Q. If two men wanted you to give a bribe to keep a witness away from this court to-day, didn't you think, occupying the peculiar position that you did last night, that it was your duty to have those men promptly arrested? A. Don't you think I am doing the right thing to give their names and addresses, and what they said to me, instead of suppressing such a thing?

Q. But, Judge, you were the party affected; I was not the party affected? A. No, I do not say you were; but what more could I do, but do this here?

Q. Did you make any appointment with them? A. I did not; I told them —

Q. Wait a while; you told them, you say, you would have nothing to do with the business? A. Exactly.

Q. And you cleared them out? A. I did.

Q. And that is the last you saw of them or heard of them? A. I have not seen or heard from them in any way, shape or manner.

Q. You made no appointment with them for a subsequent interview, did you? A. No, sir; I will tell you what I said to him; I had not had any dinner; I wanted to go downstairs and get dinner; it was 10 minutes of 7, and at 8 o'clock, I would have clients calling, and if they wanted to speak to me any further about this matter, they should call about half-past 8 o'clock.

Q. That is, if they wanted to speak to you any further about the proposed bribery, they could hold a subsequent meeting with you? A. No; not at all; not in that way at all, for this reason: I wanted to get from them all the particulars I could possibly in order to expose them here this morning; that is what I wanted to do.

The Witness.— That is Mr. Fleisch.

Q. Is that the man? A. That is the man that gave me his name as Julius Fleisch, of 12 East Houston street.

Mr. Goff.— You see, Mr. Chairman, we have heretofore had some difficulty in our witnesses getting into court by reason of the crowd at the doors; when they come to the bar, there is no possible chance of their getting their subpoenas; I wish you would speak to the sergeant-at-arms.

**The Chairman.**—After the recess, the well there ought not to be crowded; nobody ought to be admitted inside of that well.

**The Witness.**—That is the man that asked me — said to me that he came to me because he heard I was educated in Vienna and attended the Vienna University; and I told him I never was in Vienna in my life, but I had a good many friends among Vienna people, and some might think I was from Vienna, on account of my German accent.

**Q.** You have got the fact; you recognize this man; we have got the fact you made an appointment with him to come back at half-past 8 o'clock? **A.** I told him to come back at half-past 8 o'clock, because I wanted to get —

**Q.** I am not asking for the cause, Judge; I simply want the fact before this committee; after this man and his companion had proposed to you to buy this Mrs. Fisher off to keep her away from this committee this morning, and after you said you cleared them out, you asked them to come back again, at half-past 8 o'clock, did you, or did you not? **A.** No; not after; before I had cleared them out.

**Q.** Did you countermand your invitation to call back at half-past 8 o'clock? **A.** No; I can not say I did.

**Q.** Do you wish to be understood, Judge, as saying you first made your appointment with them to come back at half-past 8 o'clock and after that you had conversation with them, suggesting a purchasing of or buying up Mrs. Fisher? **A.** No; after that; after I said to them I wanted to go downstairs to get dinner, and they should come back at half-past 8 o'clock, Mr. Fleisch said to me, what was it worth to me to go to Mrs. Fisher and find out from her what she was going to testify against me, and have her testify favorably, and then I cleared them out.

**By Mr. Goff:**

**Q.** Let us be fair on the record here; you stated but a moment ago, in answer to my question, that after they told you what their business was that you told them to come back, because you had other clients coming there at half-past 8 o'clock; do you so swear or not? **A.** If I did say that, I want to be understood as saying that I said to them to come back at half-past 8 o'clock before they began with me about this \$1,000 or about what it was worth not to subpoena her, or to find out what she could testify to.

**By the Chairman:**

**Q.** Didn't you say that you expected after they left — that you expected they would be back at half-past 8 o'clock?

By Mr. Goff:

Q. And to get all the information you could from them on the subject? A. Yes; I certainly did; because I wanted to tell the committee all I could this morning.

Q. Before you made the appointment with them at half-past 8 o'clock, you must have known the subject they called upon? A. Yes, sir; I did know the subject.

Q. After you knew these men had proposed an act of bribery to you, a felony, you made an appointment with them for half-past 8 o'clock to get further particulars? A. Only in the sense —

Q. I do not care about the sense; did you, or did you not? A. Do what?

Senator Bradley.—He testified to that already.

Mr. Goff.—I want the Judge to place himself clear on the record.

Q. After these men came to you and told you or asked you how much money it would be worth, or suggested to you to pay money to keep this Mrs. Fisher away to-day, you made an appointment with them to return to your house at half-past 8 o'clock for the purpose of obtaining further information on the subject? A. Which I wanted to disclose here.

Q. And wanted to disclose here?

By Senator O'Connor:

Q. Do you answer the question, yes? A. Yes, sir.

By Mr. Goff:

Q. In connection with this Mrs. Fisher, haven't you been going around your district since the first disclosures here by Mrs. Thurow, on last Friday, soliciting people to keep away from this investigation? A. No, sir; not a single one; I have been discharging my judicial duties and my work in the office and have been home all the time.

Q. You have not been discharging your duties at night? A. No, sir; I have been at home.

Q. Have you been around your district, or spoken to any person from whom you received a retainer for any services not to come here before this investigating committee? A. No, sir; I have not.

Q. You swear to that? A. I swear to that positively.

Q. Neither houses of assignation, disorderly houses, or liquor dealers? A. No, sir; and the insinuation is infamous, sir; I say no, with all the emphasis of my life.

The Chairman.—Mr. Roesch, we will draw conclusions; don't you draw them.

Q. I just want to ask you a few questions about Mrs. Thurow; did you ever see Mrs. Thurow but once? A. I know I saw her in all three or four times; I think three times.

Q. All about this \$100 transaction? A. All about the \$100 transaction, which covered the only thing that I ever had with her.

Q. Did you ever see her before you received a hundred dollars from her? A. No, sir; I did not.

Q. Now, you received this \$100; did you give her a receipt? A. I don't recall whether I did or not.

Q. Did you ever appear in court for her? A. I did not.

Q. Did you ever draw a paper for her? A. I did not.

Q. Did you ever do a legal act for her, as an attorney? A. Do you mean to say, Mr. Goff—

Q. Never mind what I mean to say, sir; I am asking you; you are here as a witness? A. No, sir.

Q. You never did a legal act as attorney at law for Mrs. Thurow? A. Except I gave her services in my advice.

Q. What were the services you gave her? A. She came to my office and was there 10 or 15 minutes, and told me her whole case.

Q. And the facts of her case were that she was keeping a disorderly house? A. Yes; so she said.

Q. Well, I am taking her statement now? A. Yes, sir.

Q. You, acting in that confidential capacity, believed her, that she was keeping a disorderly house? A. Well, she was a client, and told me that.

Q. You believed that? A. Yes, sir.

By the Chairman:

Q. You believed that? A. Yes, sir.

By Mr. Goff:

Q. And you knew the keeper of a disorderly house was a person who was violating the law? A. That is true.

Q. This woman came to you an acknowledged violator of the law, and what services did she seek from you, being an acknowledged violator of the law? A. Why, she sought from me the protection as counsel, if she were arrested or indicted or troubled in court.

Q. She sought from you protection as counsel, if she were arrested, indicted or troubled in court? A. Yes, sir.

Q. And this \$100, this was a retainer, really? A. Yes, sir.

Q. A retainer, that is how we have got it; was there anything said by her about the trouble she had in bailing out her girls? A. Yes; she spoke about the trouble in this way, that she said bondsmen were not always accepted by the sergeant.

Q. Did she say she had trouble in being accepted as bondsman? A. No; I do not recall that.

Q. Did you advise her in that relation about getting her girls out of the station-house? A. As political leader, I did frequently go to the station-house myself to bail out persons, and identify bonds—to identify bondsmen.

Q. Was your advice to her upon that phase of the question the advice of the political leader, or of the lawyer, which? A. Why, entirely as a lawyer.

Q. What advice did you give her?

By the Chairman:

Q. Do you mean to say you advised as a lawyer, and acted as a political leader, in carrying out your advice? A. Mr. Chairman, I was a lawyer, and I was also a political leader at the same time.

Q. And can you now, before the Senate committee, draw the line between the political leader and the lawyer in your transactions with Mrs. Thurow? A. I think, where she came to my law office—

Q. Never mind about the location of the law office; did you act with her solely as a lawyer or partly as a political leader? A. Solely as a lawyer.

Q. Did you ever tell her to use your name in the station-house? A. I do not recall that I did.

Q. You remember the conversion now; have you refreshed your memory since she has testified? A. No; I do not remember all of it.

Q. Did you ever tell her to use your name in the station-house if she had any trouble in getting her girls out, and she could get her girls out? A. I do not recall whether I did or not.

Q. Will you swear you did not? A. I say I do not recall whether I did or not.

Q. That is an element of the advice you gave her for this \$100? A. No; the element of the advice was that I was to be notified, so I could go to the station-house.

Q. Then this consultation with you about girls being in the station-house, and her trouble in bailing them out, was not with you as a lawyer. A. Certainly it was to me as a lawyer.

Q. And then you advised her on that subject? A. Yes, sir.

Q. What did you advise her? A. To notify me so I could go there and identify the bondsmen.

Q. What bondsmen? A. The bondsmen which my client and I might know.

Q. And you regard going to the police station-house and iden-



tifying bondsmen for street-walkers as part of the duty of a lawyer to a client? A. Certainly, where the woman is a client of counsel.

Q. And this was a general retainer to counsel for her disorderly house as a retainer? A. It was a general retainer.

Q. A general retainer to act for her and her girls; and I ask you if you did not say to her to mention your name at the station-house and it would be all right? A. That I can not recall; that is the best answer I can make.

Q. You will not deny you told her that? A. I have no recollection on that subject.

Q. Suppose I hand you this slip of paper; will that refresh your memory a little? A. Yes, if it will; yes, that is my handwriting.

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

Q. Didn't you give that slip of paper to her and write your name upon it to give to the sergeant at the station-house at any time her girls would be arrested? A. Now that you show me that paper, that is my signature, and I have no doubt I gave her that paper.

Q. For that purpose? A. I would not say for what purpose.

Q. For what purpose? A. Well, for the purpose of enabling her to have her bondsman accepted at the station-house.

Q. Whose handwriting is this on the back of that? A. That I don't know; that is not mine; I do not know that handwriting; it is not mine.

Q. Did you give this slip of paper to anyone? A. That I do not recall.

Q. Did you ever go to the station-house to take out girls of her's? A. No, sir.

Q. You say you never went to police court or a court of record in reference to this Mrs. Thurow? A. No, sir.

Q. Why did you send your secretary, Faye, down to her house? A. I did not send him.

Q. Did you know he went there? A. No, sir; I did not.

Q. Do you know he accompanied her husband to your house? A. No, sir.

Q. To your office? A. I know he did not.

Q. To your clubhouse? A. No, sir he did not.

Q. Mrs. Thurow has testified here that Mr. Faye, the secretary of your Tammany Club in that district, went to her house to tell her husband that you wanted to see her husband at the clubhouse. A. All I can say to that is that I never gave Mr. Faye any instructions to go to Mrs. Thurow or anybody else.

Q. Where did you receive this money? A. In my office, in the library room of my office.

Q. Which office? A. No. 280 Broadway.

Q. No. 280 Broadway? A. Yes, sir.

Q. The first time that Mrs. Thurow visited you? A. That is my recollection.

Q. In company with her husband? A. I don't know whether he was there or not; I mean I do not recall whether he was there or not.

Q. Is it not a fact that the first time Mrs. Thurow went to your office that she did not pay you any money? A. No, sir; that is not a fact.

Q. In your office? A. No, sir; that is not a fact.

Q. Where did you keep this book? A. This book? well, this book was kept during the day as a general thing on Mr. Peterson's desk, and at night it was locked up in the safe.

Q. Let me look at that entry again, please, Senator. A. Yes, sir.

Q. Where is that, Senator? A. Three hundred and seventeen I think, Mr. Goff.

Q. Three hundred and seventeen; yes; whose handwriting is this entry in? A. Mr. Henry A. Peterson's.

Q. Judge, why was not this book, if you opened it for your private business, after the separation with Mr. Fennel, why didn't you commence to open the accounts in the ordinary numerical way of the pages? A. I don't know; I did not enter in that book; Mr. Peterson can best tell you that.

Q. You are a lawyer, and I am dealing now with you, and not Mr. Peterson; how is it you commence at page 315 in your book to make your entries, if it was a new book opened by you after a separation from Mr. Fennel? A. The only answer I can make to you is that I did not commence that, for I made no entries in that book.

Q. It was made under your supervision? A. Not more under my supervision than the book was paid for by me as member of the firm.

Q. You mean to say you kept no track of the entries in this book? A. I would occasionally, as every lawyer does, look over the books, but I would not stand alongside of Mr. Peterson and direct him just how to enter the things.

Q. Can you give any explanation of the question I asked that these entries were commenced on the book at page 313, and not an entry in that book charged on any previous page? A. No, sir; I can not; except this, Mr. Goff, that that ledger, my memory is, was a brand new ledger that was in the office, and Mr. Peterson commenced it; I have no explanation to give.

Q. No explanation to give? A. I do not know why it was commenced on the page you mention, or on any other.

Q. Now, you have shown here a most remarkable aptitude for business details by exhibiting charge slips to the committee? A. Well, Mr. Goff —

Q. Will you please pardon me — which I think is sufficient to paralyze every lawyer in the room with the manner of carrying on his business? A. I am not to be given the credit; those charge slips are the invention of Mr. John Fennel; during the existence of the partnership he thought that would be the best way of keeping those accounts.

Q. Judge Ransom said to me it was a surprise to him that any lawyer should have that methodical method? A. Mr. John Fennel is a very methodical lawyer, and a good lawyer.

Q. You kept up the practice he initiated? A. I tried to.

Q. And you kept up the use of these charges? A. Yes.

Q. And your custom in relation in these charge slips is what? A. I have, Mr. Goff, only to illustrate; I brought a charge slip with me, which is filled out in Mr. Peterson's handwriting.

Q. Which was filled out in the last two weeks that you brought the charge slips relating to Mrs. Thurow? A. No; we did not keep these charge slips; when they are entered in the book as a rule they are destroyed.

Q. Who was present when this \$100 was paid? A. Why, when the \$100 was paid out by her on my library table, I called for my brother, Charles Roesch, to bring in a charge slip and my memory now is that there was no one else present but she and I, although he saw the money on the table.

Q. You had this book there then, did you? A. No, sir.

Q. But you had charge slips in your house? A. No; this was not in my house; this was in my office, down-town.

Q. Was it not just as easy to send for this book, to take this book and enter the charge of receiving \$100, as to send for the charge slips and make an entry on the charge slip? A. No, sir; because that book is a large book and is a ledger, and to enter that in the ledger you must enter it in the account portion and to put it in the index, and it is an easier way to enter it on the charge slip and give it to Mr. Peterson and in due course of business he enters it on the books; I can not begin to enter all these items myself.

Q. For a lawyer — I find here — considering the great amount of business that you have done that involves the use of charge slips in a lawyer's office — I find that from the first entry on this page 313 to 343, that is 30 pages, there are three entries on each page, that is 90 cases? A. No; those are in all cases.

Q. But they are fees? A. They are fees; yes, sir.

Q. Here is a period of time running up to May, 1894, from last

June; there are 90 cases that you have received fees for? A. No.

Q. Is your business of such a volume that you have to have these cash slips and charge slips in order to transfer accounts from slips to your books? A. I can not say it is, but these charge slips are in the office, and we continued to use them right along.

Q. I find here—now, as a matter of fact, has not this book been written up since this committee took up the case of Thurow? A. No, sir; I tell you it is infamous to intimate such a thing as that.

Q. Just answer the question? A. I say, no; Mr. Peterson is here in court, and will tell you when those entries were made.

Q. That is about the twentieth time you have referred to Mr. Peterson? A. Because he made the entries in the book.

Q. I don't dispute that; I ask you the fact, if those 30 pages at the end of that book have not been written up since the investigating committee commenced?

Senator Bradley.—Just answer the question. A. I answer you no.

Senator Bradley.—Don't get excited; there will be no white-washing here.

The Chairman.—There must be no applause or disapproval shown of a statement of either of a member of the committee or otherwise.

By Mr. Goff:

Q. Now, either as leader of your district, or as lawyer, you have had considerable influence, Judge Roesch, in procuring appointments of men in the public service? A. Well, I have not had as much as I ought to have had.

Q. You exercised a good deal? A. I thank you for saying so.

Q. For instance, Commissioner Martin testified he transferred a sergeant at your request, Sergeant Schryer? A. Transferred him at my request?

Q. That is Commissioner Martin's testimony before this committee. A. If he testified so that is the case.

Q. Do you remember the case? A. No, sir.

Q. Are they so numerous you can not remember? A. No, sir.

Q. Do you know the sergeant? A. Yes, sir; I know him, too.

Q. Do you know the cause of that transfer? A. No, sir.

Q. You remember the transfer? A. Yes, sir.

Q. Where was the transfer made to or from? A. I think Sergeant Schryer was in the Fifth street station, and was transferred from the Fifth street station to Oak street, but I would not be positive about that.

Q. At your request? A. I do not know whether it was done at my request or not; but if Commissioner Martin says so, then it is so.

Q. And it was because Sergeant Schryer had made himself politically obnoxious in your district? A. No, sir.

Q. Why did you ask for his transfer? A. Because others wanted his place.

Q. Who other wanted his place? A. I do not now recall who wanted his place, but there was no one put in his place.

Q. But you were requested to do it? A. If Commissioner Martin says he transferred him at my request, then it is true.

Q. He has sworn it so; is that any reason that you should have a police sergeant transferred from one precinct to another? A. I will tell you; when a man comes to me and wants to get an appointment or transfer, or anything like that, I never stop to consider who is in the place he wants to go to, but my object is to get him there; necessarily, somebody has got to get out of the way, and here it happened to be Sergeant Schryer.

The Chairman.—There must be no laughter.

Q. So your policy and practice has been, Judge Roesch, to comply with the request of your friends; you ruthlessly remove anybody out of the way who is in the place? A. Whenever a friend of mine or organization man asks me to do a favor I try to do it.

Q. You try to do that favor by interfering with the discipline and management of the police force of this city? A. I do not think so; if you think that is the result, have it that way; I won't dispute it.

Q. Do you think the interference of a citizen to go and insist to remove or transfer a police sergeant who may have been competent and faithful in the discharge of his duty to another precinct either to satisfy political necessity or to make room for a political favor—do you consider that it is proper for a public man to do? A. That is for the commissioners to decide; I make the question, I do not undertake to rule the force.

Q. But you did undertake to move the force? A. If I can get a friend of mine on the force, or get him a promotion or position on the force, I always try to do it.

Q. But yet when you say you leave that to the police commissioners to determine do you accept the responsibility to request the police commissioners to do it? A. I never have made any such requests on the police commissioners unless I have been satisfied in my own mind that the favor done was to one worthy and competent.

Q. And without inquiring whether or not the man who is going to suffer by the removal, who was to suffer? A. That was none of my business; it was sufficient for me to know the man they appointed to that place was competent and worthy of it, was a friend or party organization.

By Senator Cantor:

Q. You made the application and the commissioners decided it? A. Yes, sir; the commissioners decided it.

By Senator O'Connor:

Q. Do you know of any way by which an officer or policeman can be maintained in his position without political influence or Tammany? A. Yes, sir.

Q. How? A. Oh, there is many men on the force to-day who won his appointment; won through the civil service and has won his promotion.

The Chairman.—Those cases are few and far between.

Senator Cantor.—No; they are not.

By Senator O'Connor:

Q. Undoubtedly, the interferences you have testified to here, is but a specimen of the numerous interferences of that kind? A. Well, I think that every political leader in this city.—

Q. No; answer that question? A. Yes; I think that is so.

Q. And the police force of the city of New York and the members of it are constantly subjected to that kind of influence? A. Well, I think, more or less, that is true.

Q. A political leader or a man holding a high position here in the city regardless entirely of the merits of the man whom he seeks to remove, when requested by one of his friends, political friends, to secure his position that leader has everything in his power to bring about that result? A. For his friend.

By Chairman Lexow:

Q. Do you understand that every Tammany Hall district leader does that in this city? A. I don't know what they do.

By Senator Cantor:

Q. You understand the Republican leaders do the same thing? A. Why, certainly; both parties.

By Mr. Goff:

Q. Now we have it that both parties do it? A. Certainly.

Q. Only that the Republican leaders do not have a pull? A. Well, Republican leaders are not in the majority; New York city is more a Democratic city.

By Senator O'Connor:

Q. Between the leaders of both parties, the force suffers; is that it; that's about the size of it? A. I believe, if this political

influence, if you will call it that way, were entirely removed, absolutely, if it could be, from the police department, necessarily the force would be better, all the way through.

By Senator Cantor:

Q. That is true, and every police force throughout the world?

A. Yes, sir.

By Mr. Goff:

Q. And it is perfectly true of Roundsman Joe Brown; do you remember Joe Brown? A. Yes, sir; not Joe Brown, Jake Brown.

Q. Well, change the letter and give it Jake Brown; of course, you believe in the efficiency of the police department? A. I do; and men being promoted for proper service, and Jake Brown was an efficient and competent officer.

Q. And you made him sergeant? A. No, sir.

Q. You mean to say you did not interfere to make him sergeant? A. Yes, sir; he was not made sergeant while I was a leader; that is so; I have got to tell you he was made sergeant when I was not a leader.

Q. Didn't you exert yourself to make him sergeant? A. While I was a leader I did; when I was no longer a leader I didn't.

Q. You greased the machinery while you were in command? A. I did everything I could while I was leader to make Roundsman Brown a sergeant.

Q. Didn't you know that he was specially detailed; did you know when he was specially detailed in connection with your chowder excursion? A. No, sir.

Q. Don't you know you had him specially detailed? A. No, sir.

Q. Will you swear you didn't have him specially detailed at your excursion? A. I will.

Q. Will you swear he didn't go around your district selling tickets for \$5 a ticket for your chowder party? A. That I don't know anything about.

Q. Will you swear, to your knowledge, he didn't? A. I will swear, to my knowledge, that he didn't.

Q. Will you swear you, being a leader of that district, that Jake Brown didn't go around selling your chowder tickets at \$5 a ticket to the saloon-dealers in the district? A. I will swear, to my personal knowledge, he didn't.

Q. Don't you know, as a matter of fact, he did; what is your information on the subject? A. The best information I can say as to that is that common rumor in the district was that Mr. Brown, he was no sergeant—

Q. He was roundsman? A. Was selling chowder tickets.

By Senator O'Connor.—How much chowder did you give them for \$5? A. We gave them a good time.

By Mr. Goff:

Q. Senator, wasn't it common rumor, also, that in consideration for his services in selling chowder tickets for your party and other services for your club he would be made a sergeant? A. No, sir.

Q. Will you swear there was never any conversation between you and Brown on that subject? A. On what subject?

Q. On the subject of his preferment? A. Oh, no; I wont swear that, because Mr. Brown often came to me and asked me wouldn't I please do all I could to make him a sergeant; he frequently did that.

Q. And that was before he went out selling your tickets or after? A. That I don't know; that was for a period of two years, Senators; shortly after I was made a leader he was anxious to become a sergeant.

Q. By the way, this chowder was given by your political club? A. Yes, sir.

Q. And do you know how much it netted? A. I do not.

Q. Didn't you keep any account? A. No, sir; I didn't; there was a treasurer for that.

Q. Who was that treasurer? A. Joe Roesch.

Q. Your brother? A. Yes, sir.

Q. Didn't you know as matter of fact there was \$5,500 collected from the houses of prostitution and liquor dealers for tickets? A. No, sir; and that is absolutely false.

Q. You say you didn't keep count and you don't know; how can you say there was not \$5,500 collected? A. Because there is no such sum ever spoken of or mentioned or heard of.

Q. Was there no sum spoken of, or mentioned or heard of? A. No, sir.

Q. Was there ever an account rendered? A. That I do not recall.

Q. You were president of the whole combination? A. I was leader of the district.

Q. Was there any account rendered and the amount received from the sale of tickets for the chowder party? A. I do not recall.

Q. Did you ever ask for an account? A. No, sir.

Q. Did you ever hear an account asked for? A. Not that I now recall.



By Chairman Lexow:

Q. What became of the fund?

By Mr. Goff:

Q. What became of that fund, anyway; to use the Senator's expression? A. The fund was used to pay for the boat, the grounds, the music, the fireworks, and then as the boys went on board when the boat left the dock they got each five cigars; I think they got badges, and money was spent in that way.

By Chairman Lexow:

Q. How many people were on the excursion? A. I can't say.

Q. About; approximately? A. And there was lager beer, Senator.

By Mr. Goff:

Q. Can you tell the ages and the sex? A. They were all grown men and I should think — well, a good many, I can best say to the best of my recollection there was between 900 and 1,000 dinners paid for to the proprietors of the grounds.

Q. Do you know how many police were on that excursion? A. No, sir; I do not.

Q. Don't you know the police of that precinct sold tickets for that excursion? A. Except in the case of Roundsman Brown, of others I do not know.

Q. But you don't know he did sell tickets? A. By common rumor; I never was with him, and never saw him sell them.

Q. I don't say you went around with him, but as a matter of fact after your stepping down from the leadership, Judge Roesch, wasn't there trouble in your organization about the demand made upon you in the accounting of those moneys received by you? A. No, sir.

Q. Do you mean to say that neither Martin nor Mr. Mitchell have said anything about starting the Tammany organization in your district with only \$100 in the treasury after all the money collected by you? A. No, sir.

Q. You will swear there has been nothing said about it? A. Nothing said about it to me.

Q. Is this the first you have heard of it? A. The first I have heard of Mr. Martin or Mitchell claiming \$100 or anything of that kind.

Q. Don't qualify; is this the first time you have heard that the leaders of Tammany Hall organization in the Seventh Assembly

district who succeeded you have not found fault with the treasurer of that organization? A. Yes, sir; I have.

Q. This is the first? A. I do not know what the object of your questions are, Mr. Goff, but I will answer your questions right along.

Q. That's right; is it not a matter of fact that you claim —

By Chairman Lexow:

Q. I would like to ask you one more question in reference to political facts; did you consider it was part of your duty as a political leader in that district to interfere with securing the promotions and appointments of the police officers in that district? A. It was my duty as political leader to get appointments and promotions for anyone who was a member of my party or organization and would benefit our cause.

Q. You understood me, didn't you, to mean this: was it part of the unwritten law of your organization that you were there for that purpose; that was one of the objects in electing you as leader of that district? A. Yes; you may put it so, because it was my duty in every direction to further and promote the interests of the organization.

By Mr. Goff:

Q. Were you in the Senate when you were a leader? A. I was; yes, sir; I was during one time.

Q. You say there were 1,000 people that sat down to the dinner; how much was the dinner? A. I would not be positive; I do not know how much the dinner was.

Q. That would amount to \$5,000; 1,000 people at \$5 a head? A. There would be that much going out for the table.

By the Chairman:

Q. The question is whether \$5,000 was collected by the sale of tickets? A. That I don't know.

Q. Did that excursion cost in your judgment, cost from what you saw there, about \$5,000? A. I could not say.

Q. Would you say \$5,000 was an exorbitant price for an excursion of that kind? A. No; I would not say that.

By Mr. Goff:

Q. Do you remember Hirsch, saloonkeeper at Second avenue and First street? A. Hirsch?

Q. Yes; Hirsch? A. I do not recall the name now, but there is a saloon —

Q. Don't you remember him returning to you five tickets for your excursion? A. No, sir; I do not remember it now.

Q. Let's see if we can refresh your memory; do you remember writing to him about them? A. I may have done that.

Q. Do you remember him writing to you telling you he had already taken five tickets from Brown and he could not afford to take five more tickets? A. No; I do not recall that now.

Q. You don't recall that now? A. No.

Q. Do you remember what you wrote to him? A. No; I do not.

Q. But you are reasonably certain you did write to him? A. I could not say that now; if I did, bring a letter and I will tell you whether it is mine or not.

Q. If you were the controlling officer, each \$5 chowder ticket — if you were not the controlling officer, how did you come to send back his tickets and write to him about them? A. I could not say now.

Q. You know Ike Herschorn, don't you? A. Yes, sir.

Q. That kept in Florence? A. Yes, sir.

Q. You recollect it now? Do you remember writing to him: "You had better keep them, if you know what is good for you," and returning to him the five tickets, and you sent back to him? A. No, sir; I don't.

Q. Will you swear you don't? A. No; I will not.

Q. And at the time he wrote back to you he told you he had already bought five tickets from the roundsman and paid \$25 for them? A. That I do not recollect.

Q. Don't you know as a fact, and I ask you under your oath if you can deny it, that you sent your tickets to every saloon-keeper in your district? A. The tickets are sent to every man whose name was on the books as member of the Tammany Club.

Q. And the name of every saloon-keeper was on the books as member of the Tammany Club? A. No, sir.

Q. And the names and the keepers of many houses of prostitution? A. There was no name of Republican saloon-keepers on our books.

Q. Now, speaking about saloon-keepers, I will refer to that in a moment; was the name and the keepers of the houses of prostitution on the books? A. No; not to my knowledge.

Q. What about Mr. Thurow? A. Mr. Thurow was on the books, but I didn't know Mr. Thurow was a keeper of any house of ill-fame, and I don't know Mr. Thurow's name was on the books of the club; I didn't know Mr. Thurow is a member of the club at all.

Q. He had his tickets, and he visited you at the club-house? A. A great many people come to the club who were not members, and a great many men had tickets of the club that I never saw; the club consists of some 1,200 to 1,400 men at the time.

Q. Did you say about the saloon-keepers that there were no keepers of saloons who were members of your organization except Democrats; did I understand you correctly? A. I think that was the rule right along.

Q. But there were exceptions? A. I don't recall any now.

Q. Now, do you remember going into the saloon at the corner of First avenue and Second street one Sunday night with the ward man? A. Yes, sir; very clearly.

Q. Did you ever go into that saloon in your district in company with the ward man? A. No, sir; I did not.

Q. Clear about that? A. Very clear.

Q. Did you ever go into the saloon at the corner of First avenue and Second street in May, 1893, in company with John Hoch, the ward man? A. I did not.

Q. Will you swear to that? I will.

Q. Don't you know that on your request, and by your direction, Hoch arrested Henry Bleyer, the proprietor of that saloon? A. No, sir.

Q. Do you know if he was ever arrested? A. Mr. Bleyer was arrested two or three times by the police.

Q. Had you anything to do with his arrest? A. Not in any sense.

Q. Did you know of his arrest? A. No, sir; not until the newspaper reported him arrested.

Q. That is the first knowledge of it; of his arrest? A. Yes, sir.

Q. Did you know Hoch arrested him? A. I did not.

Q. Did you ever visit Bleyer's saloon? A. He was a client of mine, and I have drawn chattel mortgages for him.

Q. You have visited his saloon? A. I may have been there.

Q. Did you know Mr. Bleyer was the officer of some German Saloon-keepers' Association? A. No, sir; I know what association you allude to.

Q. Give us the name you allude to? A. The Vertscheutz Verein Saloon-keepers' Association.

Q. The saloon-keepers' association? A. Yes.

Q. How much did the saloon-keepers' association pay for admission to Tammany Hall? A. I do not know.

Q. What? A. I do not know.

Q. Did they pay anything? A. The association?

Q. Or apply for admission after the arrest? A. Yes.

Q. Could they have paid it without your knowledge? A. Yes; they could have paid it to the treasurer in my district.

Q. And, as leader of the district, you mean to say a body of German saloon-keepers could pay a lot of money as initiation fee into Tammany Hall without your knowing it? A. That is pos-

sible; I had enough work, on account of running around looking for patronage and the like; I never troubled myself in keeping books of account.

Q. But you were responsible there for moneys received there as leader? A. Why, I was responsible in this way; that I was supposed to know in a general way what was going on, in every direction.

Q. Do you mean to tell us here that such an influential body of men in your district as this Verein, could pay a certain sum of money into your district, without your knowing it? A. Yes; they could do it, just the same as a man could join the club night after night, and pay their initiation fee without my knowing anything about it.

Q. Did you know Bleyer was arrested twice on your instigation? A. No, sir.

Q. Did you tell him in his saloon after his second arrest if he joined Tammany Hall that there would be no trouble about him? A. No, sir.

Q. Will you swear to it positively? A. I do.

Q. Without any mental reservation, as Senator Bradley would say? A. Without any mental reservation.

Q. Do you remember going into Bleyer's saloon one night and treating all hands in the saloon and tell him as soon as he joins Tammany his arrests would cease? A. No, sir; I never did that.

Q. Were you present when his arrest was spoken of? A. No, sir.

Q. Did you ever tell him anything about his arrest? A. No, sir.

Q. And you was in total ignorance that he was arrested? A. Yes, sir; I heard it from the newspapers.

Q. And you took no more interest in saloon-keepers, and particularly in the president of this Verein, when his having been arrested for violation of the Excise Law, except that you heard it in the newspapers? A. That is all.

Q. And yet you were so interested in running around, and finding out the wants of your constituents? A. Yes.

Q. Did you know that that association paid into your club, as initiation fee for its members, the sum of \$500 in the aggregate? A. I do not.

Q. Did you ever hear it before? A. No, sir.

Q. Did they join your Tammany Club? A. I don't know.

Q. You have no knowledge of that? A. No, sir; I have not.

Q. Did you know of this body of influential German saloon-keepers coming as a body into Tammany Hall? A. No, sir; I did not.

Q. You mean to say as leader of Tammany Hall you were ignorant of such a thing? A. Yes, sir.

Q. Could such a thing have occurred without your knowledge? A. It could.

Q. And you the leader of that district? A. Yes, sir.

Q. The body of saloon-keepers did join Tammany Hall, and put in an initiation fee, without your knowing anything about it? A. Yes.

Q. How long were you leader? A. About two and a half years.

Q. Two and a half years? A. Yes, sir.

Q. That is after, Judge Roesch, an interview you had with Colonel Cockerill, of the World? A. What interview was that?

Q. About a bribe up in Albany, you know it? A. No, sir; I do not.

Q. Oh, yes, you had? A. About what?

Q. About a bribe? A. I don't know what you mean.

Q. Did you ever converse with Colonel Cockerill upon such a subject as bribery in the Legislature? A. I do not recall it.

Q. When Colonel Cockerill was editor of the World? A. I do not recall it.

Q. Don't you think that that would be a subject of such vital importance that you would remember it? A. Why, no; I would not recall a conversation of perhaps two or three years ago.

Q. Well, suppose the conversation was in reference to your accepting a bribe, don't you think you would remember it? A. Why, yes.

Q. How can you say such a conversation never took place? A. I don't recall any such conversation.

Q. Will you swear you didn't go to Colonel Cockerill in answer to his request, and did tell him you participated in taking a bribe in the Senate? A. I do not.

Q. And you swear to that? A. I do not recall doing any such thing.

Q. You recall—is your memory so frail that you can not remember such an important thing, as the editor of a great newspaper making a charge against you of having accepted a bribe, as a member of the Legislature; do you mean to say your memory fails you on that point? A. I do not now recall any such conversation.

Q. Will you swear you didn't go into Colonel Cockerill's office over in the World, and beg him not to publish the matter he had in his hands about your accepting a bribe? A. No, sir.

Q. You wouldn't swear to that? A. I say I do not; I do not recall any such conversation; wont you tell me when this conversation was; I have been in public life a good many years.

Q. Wait a minue; why, Judge — do you remember a newspaper writer called Nelly Bly? A. Yes, sir; I do.

Q. Do you remember a session of the Legislature when she went up and interviewed the lobbyist Ed. Phelps? A. Yes; I do.

Q. You know Ed. Phelps? A. Everybody around Albany knew Ed. Phelps; there was not a man that sat in Albany that did not.

Q. You knew Eugene Woods? A. Yes, sir.

Q. Another lobbyist? A. I don't know whether he was a lobbyist.

Q. Was his name ever connected with yours? A. No, sir; it was not.

Q. Did his name ever pass between you and Colonel Cockerill? A. Not to my recollection.

Q. Will you swear it did not; your memory fails? A. I swear I never said a word to Colonel Cockerill about Mr. Woods.

Q. Did Colonel Cockerill ever say a word to you about Mr. Woods? A. Not to my present recollection.

Q. And such an important thing as that escaped your mind? A. Why, at that time —

Q. Could such an important thing as that escape your mind? A. Yes.

Q. That is, the charge of having accepted a bribe by you, as Senator, could escape your mind? A. No such charge was ever made.

Q. You mean to say Colonel Cockerill didn't call you to task and Mr. Ballard Smith also? A. No, sir; they did not.

Q. Did Mr. Cockerill? A. No, sir.

Q. Did he ever talk with you about it? A. No, sir.

Q. Don't you remember Mr. Ballard Smith coming up with a written statement made by another Senator connected with you in the matter, and the Senator changing it in Albany and altering it when he feared its publication? A. No, sir.

Q. Do you remember Nelly Bly's exposure of Ed. Phelps? A. Yes, sir; I was a member of the judiciary committee that investigated her, and Senator Saxton was a member.

By the Chairman:

Q. Investigated him or her? A. Investigated him; she made the charges against him.

Q. You said her? A. Against him; against Ed. Phelps.

By Mr. Goff:

Q. I want to get at that, Mr. Roesch, and see if you can not refresh your memory about that peculiar and particular conversation when Colonel Cockerill sent to you, that you had with him over there in the World office? A. No, sir; I do not recall it.

Q. And that is the best answer you can make? A. Absolutely the best.

Q. Do you remember that Colonel Cockerill openly showed you that he had the proof that you had accepted \$2,500 from Woods, the lobbyist? A. No, sir; he did not.

Q. Will you swear he did not? A. I will.

Q. Do you remember the conversation now? A. No; I do not remember any such conversation; and I, therefore, say he never did.

Q. Did you ever have any conversation with him on the subject? A. No, sir.

Q. You swear to that positively? A. I do.

Q. No matter what is said to the contrary; no matter what may be said to the contrary by any person? A. I do not, at this time, have any recollection of any such conversation at all.

By Chairman Lexow:

Q. Do you swear positively that such a conversation never occurred; you must know whether charges of bribery were made? A. I say such a conversation as Mr. Goff has said never occurred.

Q. Or substantially the same? A. No.

Q. No charges by Colonel Cockerill? A. No, sir.

By Mr. Goff:

Q. He never made a charge in any manner, shape or form? A. No, sir.

Q. And never held a conversation in relation to a rumor that you had received a bribe? A. No, sir.

Q. Is your memory clear? A. Yes.

Q. No failure of recollection now? A. I do not recall any such conversation with Colonel Cockerill; and I say to you that none such to my recollection occurred.

Q. If such had occurred, could you fail to remember it? A. I had no such conversation.

By Senator O'Connor:

Q. What was the subject-matter; what was the bribery about? A. I don't know what the gentleman alludes to; I think he ought to detail; I do not know what this committee is here for; Mr. Goff, in common justice, ought to tell me what that is.

Q. I want to ask you, Judge: You have come here voluntarily, and, as a judicial officer, to answer all questions; I want to ask if you can say, under the solemn obligation of your oath,



that you never held a conversation with Colonel Cockerill, editor of the World, in relation to a charge of accusation, or rumor, concerning your having accepted a bribe from Eugene Woods, a lobbyist? A. I do, sir.

Q. That such a thing never took place? A. Yes, sir.

Q. Such a thing never took place? A. Yes.

Chairman Lexow.—Is that all, Mr. Goff?

Mr. Goff.—No, sir.

Q. Or with any other gentleman connected with the World?

A. No, sir.

Q. Mr. Davis, for instance? A. I don't know Mr. Davis.

Q. Or Mr. Ballard Smith? A. There is no such conversation.

Q. No such conversation? A. No, sir.

Q. Were you never sent for to the World office by either of these gentlemen? A. The only conversation I recall with Mr. Ballard Smith was a conversation I had with him when I was candidate for Senator against John A. Dinkel.

Q. I am not asking you about Ballard Smith now; I am asking you if you had any conversation with any gentleman connected with the staff in the New York World in the building of the New York World? A. No, sir; I have not.

Q. You are positive? A. Yes.

Q. Did you ever receive a message from any gentleman connected with the New York World to go there? A. I was frequently sent for, back and forward, by the editor of the Evening World in connection with Albany legislation; they were interested in various bills; they want a bill for extending and amending the law so as to give a right of appeal in cases where police magistrates had committed children to an asylum.

Q. I am speaking now of the New York World instead of the Evening World; will you repeat your testimony that you were never sent for by any person, either Colonel Cockerill, Mr. Davis, Mr. Pulitzer's brother-in-law, or Mr. Ballard Smith, in relation to a rumor or charge or accusation that had been made or was made against you for accepting or about to accept a bribe from Eugene Woods, the lobbyist? A. I will.

Q. Positively? A. Yes, sir.

Mr. Ransom.—May I make a suggestion simply, not by way of objection, because I have no position to fill, so far as the witness is concerned, because he has said he is simply in court as a witness, without counsel; but I wish to suggest, in the line of saving time, and I am inspired to make the suggestion because of the heroic effort of Mr. Goff yesterday, when the committee decided that there was a limit, and I had reached it, in trying to destroy the credibility of the witness; it seems

to me, the whole drift of the examination for the last 10 or 15 minutes has been for the purpose of showing that Judge Roesch is not entitled to credit because he has been put himself, in his own person, in respect to the members in the public Legislature, on trial; and I suggest to the committee, perhaps, that inquiry has gone as far as the committee would have it to go.

Chairman Lexow.—Are you through with that branch of it?

By Mr. Goff:

Q. One question more; do you know Mr. Graham, the city editor of the World? A. I know one Mr. Graham was a city editor of the World.

Q. Did you ever see him in connection with the transaction I have been questioning you about? A. No, sir.

Q. Or any friends of his? A. No, sir.

Q. You are clear about that? A. I am.

Q. Now, I will ask you about your immediate district; do you know Captain Docharty? A. Yes; I do.

Q. Have you been frequently with him? A. Yes; I have.

Q. Haven't you quarreled? A. No.

Q. Have you had some words? A. No, sir.

Q. Perfectly friendly? A. Yes, sir.

Q. Has there ever been any words said between you by Captain Docharty, resenting your interference concerning houses of ill-fame in that neighborhood? A. No, sir; there has not.

Q. Has there ever been anything said to you that you, as a politician, was interfering with him as policeman? A. No, sir; absolutely.

Q. Absolutely nothing? A. Absolutely nothing.

Q. In regard to those houses, there were quite a number in your district? A. I don't know how many there are.

Q. Did you ever receive \$300 from anyone for an appointment on the police force? A. No, sir.

Q. Did you authorize any other person to receive it for you? A. No, sir.

Q. Or for appointment on the fire department? A. No, sir.

Q. Did you get appointments on the fire department? A. Yes; I did.

Q. And on the police department? A. Yes, sir.

Q. Did you ever know the persons you got appointments on the police department had ever to pay? A. No, sir.

Q. And you swear that under the solemnity of your oath? A. I do.

Q. Did you ever ask any of the men whom you appointed on

the police department, if they had to pay for their appointment?  
A. No, sir; I did not.

Q. Did you ever hear rumors that they had to pay? A. No, sir; I did not.

Q. Have you heard rumors that men had to pay for appointment on the police force? A. I have heard it in the papers as a rumor.

Q. Having heard that as a rumor, and having heard it in the clubhouse and other places, did you make any inquiry of the men you took under your special charge to get on the police force as to whether they paid or not? A. No, sir; I did not.

Q. You did not consider it necessary? A. No, sir; I did not.

Q. Notwithstanding the rumors around? A. I did not.

Q. Don't you know it was impossible to get on the police force without paying for it? A. That is common rumor.

Q. And in the face of common rumor in this city, of which you are an officer of responsibility, you have men appointed on the police force, and you never asked them if they had to pay? A. I never did.

Q. You did not consider it worth your while? A. No, sir.

Q. It was too trifling a matter? A. No, sir; but I was not concerned at all with that in any way, shape or manner.

Q. Is Mr. Spitz in court (Mr. Spitz stands up); do you know Mr. Spitz? A. I do.

Q. Do you see that gentleman over there? A. I do.

Q. Sit down, Mr. Spitz; how much money did you receive in connection with obtaining his license? A. Allow me to see that book a moment, and see whether his account is in there; his account is not in this book, and I do not recall what he paid me; I was his lawyer before the excise board.

Q. And don't you know you wrote to the excise board before he retained you as his lawyer, when he applied for a restaurant license, not to grant him a license? A. I do not recall that.

Q. Will you swear you did not? A. I do not recall it.

Q. Will you swear you did not write to the excise board? A. No; because my memory failed.

Q. Your memory failed you; don't you remember, after he retained you as his lawyer, he got that license? A. I know he retained me as his lawyer, and we got his license.

Q. And it was only after he retained you as lawyer you obtained the license? A. Yes.

Q. Don't you know you had Henry Wolff appointed as excise inspector? A. Yes, sir.

Q. Don't you know you had this carried on through him? A. That is untrue.

Q. Wolff had nothing to do with it? A. No, sir.

Q. Did not bring any information concerning it? A. No, sir.

Q. Mr. Spitz had not been a client before? A. No, sir; he had not.

Q. And that is the only occasion you had any connection with him as client in getting this excise license? A. That is true.

Q. Is Mr. Charles Hess in court? (Mr. Hess stands up.) Do you see that gentleman, Mr. Roesch? A. Yes.

Q. Was he ever a client of yours? A. Yes; I procured for him an excise license on the 21st of September, 1893; charged him for drawing a petition and affidavit, and having the petition signed by residents of his election district, his block, his saloon being at the corner of Avenue A and Second street, \$25; and on the 23d of September, he paid it.

Q. The day after he came to you he got his license? A. No; no; that does not follow.

Q. Never mind what it follows; I ask you, as a fact? A. That I do not recall.

Q. Your memory fails you on that? A. No; it was not the day after; it was very nearly two weeks.

Q. You were in the habit of sending out campaign circulars, weren't you? A. Yes.

Q. And you sent out campaign circulars to every saloon keeper in the district? A. Who was on the books.

Q. And you sent out circulars to houses of ill-fame? A. I did not.

Q. Were they not sent from your headquarters? A. No; I would not swear they were not, because I had nothing to do with that.

Q. Don't you know that every house of ill-fame and assignation in that district received circulars every time for contribution to campaign purposes? A. I do not.

Q. Will you swear you do not? A. I do not know.

Q. Don't you know you authorized the circulars and signed the circulars? A. I authorized and signed many circulars.

Q. Soliciting subscriptions? A. Yes.

Q. And don't you know the lists of saloon-keepers and disorderly houses were taken up in your district and sent to each one? A. No; I do not.

Q. You couldn't swear it is not so? A. I never sent any such circulars.

Senator O'Connor.—Mr. Goff, do you mean absolute knowledge?

By Chairman Lexow:

Q. Have you any information? A. I have no information at all on the subject.

By Senator O'Connor:

Q. As matter of fact, do you understand that these circulars are sent out to houses of prostitution? A. No; not to houses of prostitution; these circulars are sent out to the members of the club, whose names are on the membership book.

Q. Are they sent out to these houses that are run by women? A. That I don't know; now, take the case of Mr. —

By Mr. Goff:

Q. Will you swear they were not? A. Take the case —

Q. Will you swear they were not? A. I will not swear one way or the other about it; you take the case of Mr. Thurow; now, his name was on the book of membership; his wife testified she kept that house; as member of the club he probably got circulars and cards.

Q. I will take the case of Mrs. Fisher, for instance, who had no husband, actual or putative; do you know whether she got circulars or not? A. I don't know.

Q. Do you know she had a husband? A. I do not.

Q. Do you know anything about Mrs. Fisher? A. I only know her in connection with her case.

Mr. Goff.— Is Mrs. Fisher in court?

Chairman Lexow.— Yes, she is here.

By Senator O'Connor:

Q. Does the club keep books that show the persons who pay?

Mr. Goff.— That is a very difficult thing to answer; suppose we ask Senator Roesch?

The Witness.— These clubs keep books of account of the members of the club, their indebtedness, when they pay, and the like.

By Chairman Lexow:

Q. Do they keep a book containing the subscriptions that are made to the campaign club? A. No, sir; we never had any such club-book.

Q. Had you any contributions? A. Well, we had contributions from many sources; I don't know from whom.

By Senator O'Connor:

Q. Do you leave anybody out; for instance, keepers of pool-rooms, policy-shops and gambling-houses, and places of that kind; they are all solicited, are they not, to contribute? A. I never sent any circulars to any such people, nor did I direct it.

Q. The question is, what do you understand about that being

done; is it your understanding that they are solicited? **A. No; I do not so understand it.**

By Mr. Goff:

**Q. Don't you know it is a fact they are, Senator? A. No; I don't think that they are.**

**Mr. Ransom.—I wish to make another question.**

**Senator O'Connor.—This is a direct inquiry in regard to the police force.**

**Mr. Ransom.—It seems to me that the inquiries of the witness for the last four or five minutes, as to subscriptions, etc., of the political organization of which he was the leader, is not within the scope of the inquiry. I want to call your attention to that, as we are liable to run on into irrelevant inquiries. I suppose you will pardon me if I call your attention to the resolution.**

**Chairman Lexow.—Under the terms of the resolution, the excise department is one of the departments to be investigated by this committee. If there is a regular scheme whereby the various keepers of houses, and restaurants, and hotels, are levied upon for political purposes, by the political leaders of the district, that is a very important inquiry, it seems to me; and this is a branch of the case which Mr. Goff is apparently pursuing at this time.**

**Senator O'Connor.—Is not the relation between Tammany Hall, as a political organization, and the police force so entirely interdependent and so interlaced with the other, that you can not properly inquire into one without the other.**

**Senator Cantor.—That is not so.**

**Senator O'Connor.—We have the evidence of Commissioner Martin here by the books that frequent appointments are charged to Tammany Hall. We know generally the kind of favors the Republicans get in this city; and the Republicans receiving those favors are generally suspected as to their Republicanism.**

**Senator Cantor.—Is that true of the police commissioner?**

**Chairman Lexow.—This is out of order. Mr. Goff, will you go ahead.**

By Mr. Goff:

**Q. You say you never directed those circulars; I do not mean to imply you did; do you know a man by the name of Reynolds in your club? A. Reynolds?**

**Q. Yes? A. I do not now recall to mind such a name.**

**Q. Don't you know the man that was employed to go around**

to these houses, and make requests or solicitations for subscriptions for the campaign fund? A. There was no such man employed.

Q. Do you remember in arranging for your election district captains, you were very particular, weren't you? A. In what?

Q. Selecting your men for district captains of election? A. Yes, sir.

Q. You saw the proper men were placed on guard at every polling place? A. I did.

Q. And you generally called them together, at a meeting before election day, to instruct them in their duties? A. Yes, sir.

Q. And at these meetings that you called them together, do you remember saying anything to them about the police attendance at the polls? A. No, sir.

Q. Not a word? A. I did not.

Q. Will you swear you never said to your election district captains to select the officers they wanted at the polls and you would have them detailed? A. I will.

Q. Positively? A. Positively.

Q. Your memory does not fail on that point, does it? A. It does not.

Q. Did you ever have police officers detailed at the polling places? A. I may have gone to Captain Docharty and asked them to place an officer here and there.

Q. A special officer? A. They were officers residing in the election district.

Chairman Lexow.—I would suggest, before the adjournment be taken, that the witness of yesterday is here, and I believe the ward man and captain; they should identify the three before adjournment now.

Mr. Goff.—All right. Will you step down a moment, please?

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

Direct examination by Mr. Goff:

Mr. Goff.—Will Captain Siebert and Officer Farrell and Officer Brennan please come forward.

Q. Is this officer in uniform the captain that you had the conversation with? A. Yes, sir.

Q. That is Captain Siebert? A. Yes, sir; there is Farrell, and there is Detective Brennan, and there is the captain (pointing to them); and to the captain I had no hard feelings or anything; I should not injure him in his line.

By Senator O'Connor:

Q. Which is Farrell? A. There is Farrell before me (pointing); the first one on that side.

Q. The one with the dark mustache? A. Yes.

Q. And the other is Brennan? A. Yes, sir; with the light mustache — Mr. Brennan; still to the captain I have nothing.

Q. One thing more I want to ask.

Mr. Ransom.— Wont the committee let the captain say a word?

The Chairman.— There is not much time now.

Mr. Jerome.— He will have ample opportunity later on.

Chairman Lexow.— If we once made an innovation of that kind there would be no end of it; the committee is here to stand under those charges, but you see the difficulty of the position.

Mr. Ransom.— The captain will most vehemently deny the statement made by the woman, and as the chairman says, it is very hard that a man occupying the position of captain — his residence in this city is of many years, and bears upon his long and faithful services as a reputable citizen, working up from the ranks of this police department to this important position of captain, that he should not have instant opportunity, if it could be given him, to deny the statement.

Chairman Lexow.— I believe that there have been 27 captains, roundsmen, patrolmen and sergeants already implicated by this testimony. We would have every one of these 27 men up to go upon the stand, and would interrupt the proceedings entirely too much; we will give the captain the opportunity he wants to explain the matter.

Mr. Jerome.— You were discharged by Mr. Justice Martine in the Court of General Sessions this morning?

The Witness.— Yes, sir.

By Mr. Jerome:

Q. When you gave this money you have testified you brought to Farrell, did you give it to him in anything? A. I gave it to him in an envelope once; and while at the house that time I gave it to him in money; that was counted out to him.

Q. Did you ever meet in that saloon any other keepers of disorderly houses? A. I met from No. 27 ——— her name is White.

Q. And she lives at 27 what street? A. At 27 Pitt street.

Q. Did you ever see her give anything to other of these ward men? A. I can't exactly say whether she gave money, but I see her hand something; I seen by coming up she had something; like she would have something in her hand; and coming up to the officer, said: "How do you do?"

Q. Was it an envelope or what? A. It was in an envelope.

Q. To what officer did she give it? A. Farrell.

Q. Did she give any to Brennan? A. I didn't see other.



## AFTERNOON SESSION.

June 7, 1894.

George Roesch resumed the stand, and direct examination continued by Mr. Goff:

Q. Why did you bring those slips, those cash slips, to the Senate committee this morning; why did you bring those cash slips to the committee this morning? A. Because I wanted to show the mode of entries of charges in the ledger.

Q. Did it occur to you that you might be inquired of concerning other transactions with persons like Mrs. Thurow, in the same manner? A. Yes.

Q. Did it occur to you that it would be proper for their own interest and your own protection that you should bring the slips concerning those other transactions? A. I brought no slip, as you noticed, concerning Mrs. Thurow; I have no slip concerning Mrs. Thurow's transaction, nor any other, for they are destroyed in the usual course of business after the entries are made.

Q. You brought this book written up for a month or two; did it not occur to you, since you had the precaution to bring this book, that you might be inquired of concerning other transactions with persons of Mrs. Thurow's character? A. Yes, sir; but I have nothing to conceal.

Q. Why did you not bring the book concerning or regarding those other transactions? A. That is the only book which we have in the office.

Q. That book only goes back to June? A. But the partnership with Mr. Fennell ended on the 1st of June, and any transaction prior to the 1st of June is entered into the partnership books of Roesch & Fennell, and those books are in the possession of Mr. Fennell.

Q. Do you state that in those books are recorded all of the fees you received from persons who sought licenses from the board of excise, for instance? A. In those books are recorded absolutely all fees that I received from any source while I was a member of the firm of Roesch & Fennell; in other words, Mr. Goff, not a single penny came into my hands, during the existence of the firm of Roesch & Fennell, which is not shown by those books.

Q. Of course, from your political promise, it followed that a good deal of people went to your office? A. Well, I don't know; perhaps, I can not judge that very well; of course, I did think that my connection with political life should not be to the detriment of my professional business.

Q. When you received a fee from Mrs. Fisher, for instance;

Is that during the existence of the partnership? A. I think not, Mr. Goff.

Q. That was after? A. I think not, for the reason that it is entered in that book.

Q. Have you got the book here? A. Yes, sir. (Aside.) Mr. Peterson, will you please bring it here? (Book produced and handed witness.)

Q. Mrs. Fisher was the keeper of a disorderly house? A. Yes, sir.

Q. Of a house of prostitution? A. Yes, sir.

Q. Because there is a distinction in law, I presume you are aware of that; could you tell me the date of Mrs. Fisher's entry? A. I think it is on the opposite page.

Q. Three hundred and thirteen? A. Three hundred and sixteen; there (indicating).

Q. In the case of Mrs. Fisher, you entered \$200; is that the only fee you ever received from Mrs. Fisher? A. Absolutely the only money that I ever received.

Q. And she kept her house of prostitution at No. 10 Stuyvesant place? A. All I know about the address is what is on that book.

Q. You must have got that address from someone? A. There is no doubt that I did; I suppose I got that information from the Police Court where I attended when the case was up against her.

Q. On whose complaint was that, do you know? A. I do not; to the best of my recollection, just now, that was on a raid by the police; I think it was; at any rate, I had no name of any complainant in my mind in connection with that.

Q. July 1st, this date is, 1893? A. Yes, sir.

Q. Was that after her arrest? A. That I couldn't say.

Q. It was in or about that time? A. It might be; I have no account of the Special Session or Police Court cases; if I had a register of those cases I would give it to you; that would tell.

Q. Her case has never been disposed of? A. So I understand; that the indictment was still pending in the General Sessions.

Q. Did she ever plead to that indictment? A. I couldn't tell you that now.

Q. You, as a lawyer, ought to know? A. I know that, but I couldn't tell you now whether she did or not.

Q. By the way, speaking of the district attorney's office, or the General Sessions, can you state to this committee how many times you visited the district attorney's office in the month during your leadership for the purpose of interfering in disorderly-house cases on the calendar there? A. Never, except as counsel in the regular order of the call of a case.

Q. I don't care in what capacity; how many times did you visit the district attorney's office in relation to the keepers of disorderly houses in your district? A. In all the two and a half years I have visited the district attorney's office in all three times.

Q. Three times? A. Yes, sir.

Q. Yourself? A. Yes, sir.

Q. Three times, and each time was in the interest of a disorderly-house keeper? A. They were my clients, and I pleaded for them; two of them were convicted.

Q. Three times, you say? A. Three times in all.

Q. Those were three cases? A. Yes, sir.

Q. Now, when you say three times, do you mean the three cases, or the number of times for each case? A. I mean that I never appeared in the General Sessions Court but three times in the cases of keepers of disorderly houses within the last two years and a half, and in regard to visits to the district attorney's office that I can not say how many visits I have paid, because in connection —

Q. Can you say how many times you visited Mr. Nicoll in his office of district attorney in relation to the keepers of disorderly houses in your district? A. I never visited him.

Q. Or Mr. Unger, his secretary? A. No, sir.

Q. Neither one? A. No, sir.

Q. You swear to that positively? A. Positively.

Q. Nor any of his assistants? A. None of his assistants; I will say this to you, Mr. Goff; suppose an assistant had charge of the calendar on a day on which a case would be on, I would speak to him in regard to the case, whether it was going to be called for trial that day or not.

Q. Had you ever heard it said by anyone in the district attorney's office, or did it ever reach your ears, that you were called a nuisance from your visits in the district attorney's office, on behalf of the keepers of disorderly houses in your district? A. No, sir.

Q. Were you ever told that nothing could be done for you in those cases? A. No, sir.

Q. This was the first time you ever heard it? A. The very first time.

Q. Do you know a man by the name of Buttner? A. Yes, sir.

Q. Do you know his brothers? A. Yes, sir.

Q. Who are his brothers, for instance, one brother? A. Well, I don't know their first names.

Q. Give us the second name; possibly you can get at that?

A. I think that his brothers were known by the name of Gombossy.

Q. And known as notorious divekeepers; is that so? A. Well, they kept places on the Bowery, which were denounced by the newspapers; and they were arrested, I think, or inmates of the places on the Bowery were arrested, because of fights in their places.

Q. Did you ever have any transactions with Buttner? A. Oh, yes.

Q. He was a client of yours? A. Yes, sir.

Q. And he kept one of those concert places in the Bowery? A. A concert saloon; yes, sir.

Q. How much did he pay you for getting him a license? A. I don't recall that; that was during —

Q. Never mind about the time; I want to know about the amount now? A. I can not say.

Q. Don't you know that Buttner was refused a license by the excise board on account of the place he used to keep? A. Yes, sir; I think he was.

Q. And after he was refused a license he went to you? A. That I don't know.

Q. Don't you know that when you took his case he had been refused a license, and after you took his case the skill and scientific management which you displayed in the handling of this case resulted in his being granted a license? A. I don't know now whether he was granted a license or not.

Q. Don't you know that you received a thousand dollars from him? A. No, sir.

Q. How much did you receive? A. I didn't receive a thousand dollars from him.

Q. How much; did you get \$900? A. I can not say how much I received, because that is entered in the books.

Q. Let us see; that was an unusual transaction, wasn't it, with Buttner? A. No.

Q. You had a great number of those cases, had you? A. No, sir; I was frequently before the board of excise on the trial of cases.

Q. But these applications which had been refused, you were brought in specially in a great number of these cases, weren't you? A. No, sir; not at all.

Q. This Buttner case you were brought into? A. I believe I was brought into the Buttner case.

Q. Don't you remember that you made a very logical and forcible address before the excise commissioners in behalf of granting this concert hall a license? A. I don't recall it.

Q. You obtained the license without the speech, did you? A. I don't know whether he got the license or not.

Q. Don't you know that he ran that place? A. I told you that he had a place on the Bowery.

Q. Don't you know that you received a large sum of money from him? A. No, sir; I do not.

Q. Did you receive any? A. I presume I was paid for my legal services.

Q. Will you swear you didn't receive a thousand dollars? A. Yes, sir.

Q. Will you swear you didn't receive \$900? A. I will.

Q. Will you swear that you didn't receive \$700? A. Yes, sir.

Q. Or \$600? A. I will.

Q. Or \$500? A. I will.

Q. Or \$400? A. I will.

Q. Or \$300? A. I will.

Q. Or \$200? A. I can not swear that.

Q. You wont go beyond two? A. I can not swear what amount I received.

Q. We will take Mr. Palmer here (indicating); you know him, don't you? A. I do.

Q. You know Mr. Palmer? A. Yes, sir.

Q. You are intimately acquainted with Mr. Palmer, are you? A. No, sir; only know him as a client.

Q. You know him to be an unusually intelligent man in his business of keeping a saloon? A. I think he is; yes, sir.

Q. Don't you know that Mr. Palmer had been refused a license for his place? A. I don't know that he had been refused a license, but I do know that he had made application for a license, and that the board had not acted on it, according to my present knowledge.

Q. How much did Mr. Palmer pay you for your valuable services? A. I will tell you if you will allow me (witness examines a book which is handed him by the clerk); this was on the 19th of April of this year; Mr. Palmer engaged me as counsel to appear before the excise board; I went before the excise board; a trial was had; here are the stenographer's minutes and the testimony; I got those minutes from the stenographer after the conclusion of the trial; you may have them, sir.

Q. Thank you. A. I charged him for my fee in that case \$100 for a retainer, and \$50 if I were to get the license for him; the excise board denied, at first, the application.

Q. After your public appearance? A. Yes, sir, after my appearance at the trial; then I went to the board again, after they had denied it, and I will show you my marks on this testimony; they had claimed that the place was a disorderly place; I called attention to the testimony of Captain Cross, who was

on the stand, in which he said: "I know of nothing against Mr. Palmer's character;" that is one point, and I argued with him again on his testimony—on the stenographer's transcript; thereupon they decided to give me another hearing, the three commissioners; I then appeared for the second hearing and argued again on this testimony again before the board, and the commissioners then granted the license; I then received from Mr. Palmer, on the 28th of April, the balance of my fee, \$50.

Q. Is that all the money you received from Mr. Palmer? A. Absolutely all.

Q. One hundred and fifty dollars? A. One hundred and fifty dollars.

Q. Did anybody else receive money from him on your account? A. No, sir.

Q. In any manner, shape or form? A. No.

Q. By the way, on this third time you appeared before the board there was no person present excepting yourself in your interest? A. Nobody else; the three commissioners and I.

Q. It was, practically speaking, a private hearing after the public hearing? A. Not at all; it was in the trial-room of the excise commissioners.

Q. There were no witnesses brought, no affidavits read or anything? A. No; the witnesses had all been examined on the first hearing.

Q. You had the commissioners all alone with yourself? A. The stenographer of the board was in the room.

Q. The stenographer never counts? A. But, my dear sir, the clerks were in the room also.

Q. Do you know a woman by the name of Mrs. Green? A. No, sir.

Q. Were there not two women in Stuyvesant place, one in No. 10 and the other in No. 12 Stuyvesant place? A. I don't know about that.

Q. Didn't you know a woman that kept a house next door to Mrs. Fisher? A. No, sir.

Q. Do you know Gus Newman? A. Yes, sir.

Q. He leases quite a number of these disorderly houses in the neighborhood? A. That I don't know; all I know is that Mr. Newman is a real estate agent, but I have had no transactions with him.

Q. Did you not have transactions with him in regard to Mrs. Fisher; didn't you know that he rented a house to Mrs. Fisher? A. I did not.

Q. You know nothing about his relations? A. Absolutely none.

Q. Do you know the last case that you appeared in, in the

General Sessions as attorney for a woman who kept a disorderly house? A. No, sir; I don't recall the last case.

Q. Suppose I mention the name; do you remember Mamie Roth? A. I don't remember that name; no, sir.

Q. Did you ever hear that name? A. I did not.

Q. Mamie or Marie? A. I don't recall any such name; I have no such name on my books.

Q. Do you remember going into the district attorney's office frequently about Marie Roth? A. No, sir.

Q. That name is a stranger to you? A. It is.

Q. In selecting your captains for your election districts, you said that there was something done about the police officers designated to each polling place, was there not? A. No, sir; what I said this morning was that I asked that a policeman living in the Assembly district who was doing duty elsewhere on election day be sent to the Assembly district where he was to vote.

Q. What interest had you in arranging for the distribution of the police officers with regard to elections? A. Well, these men were Democrats and members of the club and asked me to do this thing, and I did it.

Q. How many were members of the club? A. I couldn't say.

Q. Quite a number? A. I think in all there were not more than 12 members of the club.

Q. So, then, you kept track of the number of policemen who belonged to your club? A. I am only giving you an estimate as far as I can.

Q. And after these 12 members you interested yourself so far that they would be assigned to the Assembly district in which they resided? A. When they asked me to do so; yes, sir.

Q. Whether they belonged to the district or not? A. You see, it would be a great advantage to an officer to be in his own Assembly district instead of coming over from some other part of the city for an hour or so to cast his vote, and then go back.

Q. You regarded it as political advantage to have these officers assigned to the various polling places in your district? A. I regarded it as a matter of political advantage to do a good turn for a friend whenever I could.

Q. You regarded it as contributing to the success of your party, did you? A. I did.

Q. So that your party, then, speaking through you as one of its representatives and one of its district leaders, regarded the presence and services of the police officers at the polls as conducive to its success?

Mr. Ransom.—He can not answer for the party, and I object to this question.

The Chairman.—He was only answerable for himself as a leader of the party.

Mr. Ransom.—I only say that for the purposes of the future examination upon that line, my objection was directed to the point which the chairman stated in his ruling. He speaks not for his party, but for himself.

The Chairman.—As a leader.

Senator Cantor.—He speaks only for his party in that district.

Mr. Ransom.—I do not know whether he can speak even for his party in that district. I am not prepared to admit that. He surely does not speak for his party in the entire county.

Mr. Goff.—Your knowledge is certainly superior to mine. I am not in the secrets of the organization.

Q. I will put the question, if you, as a leader of your party in that district, didn't regard as an element of success that the police officers whom you requested to be assigned should be assigned for duty on election day in your district? A. No, sir.

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

Q. You said a little while ago that you regarded that as of advantage? A. I regard it my duty to do these many favors where they ask me wherever I can; they asked me because they lived in the Assembly district and wanted to cast their votes there.

Q. Through whom did you obtain the assignments? A. I would usually speak to Captain Doherty about these things while he was captain.

Q. But these men, you say, belonged to other precincts? A. Yes, sir.

Q. Then how could Captain Doherty arrange the assignments when they were out of his precinct? A. I don't know that.

Q. If you say you applied to Captain Doherty to make the assignments, how could he make the assignments of men not residing in his precinct? A. I don't know that.

By the Chairman:

Q. Did you ever apply to somebody else? A. No, sir.

Q. Never? A. No, sir.

By Mr. Goff:

Q. Then, if Captain Doherty, who then was in command of the precinct in which your district was situated, was applied to, he could aid you to make assignments of men in his own district,



they being all there, could he? A. These men lived in different parts of the precinct; those that did live there lived in different parts and their posts might be in other parts.

By Senator Cantor:

Q. The precinct extends beyond the Assembly district? A. Oh, yes.

Q. How far? A. The Fourteenth Precinct takes in, I think, the Seventeenth ward, and that is composed of the precinct—the Seventh and Tenth Assembly districts; the Seventh runs from Stanton to Eighth streets, the Tenth from Eighth to Fourteenth, and both from Avenue B west to Broadway, but the police precinct only extends to Houston street—the other side of Houston street commences the other police precinct; I am not positive about the number.

Q. The Eleventh? A. I don't know the number; the station-house is in Eldridge street.

Q. That is the Eleventh; so that your Assembly district ran into two precincts? A. Yes, sir.

Q. That is it? A. No, sir; my Assembly district covered only a portion of one district; that is the way to put it.

Q. Your Assembly district was the Seventh? A. Yes, sir; and you see we ran only from Houston to Eighth streets while the police precinct only ran from Houston street to Fourteenth street.

By Senator Cantor:

Q. You mean your whole Assembly district was in one precinct? A. Was in one precinct.

By Mr. Goff:

Q. How do you explain it; Stanton street is south of Houston? A. Well, you know the election districts between Houston and Stanton from Avenue B to Bowery were in a lower police precinct, the Eldridge street police precinct; then the election districts from Houston to Fourteenth street and Avenue B to Third avenue were in the Fifth street station; and the other election districts, under the new apportionment, from Prince street to Eighth street and Bowery to Broadway, were in the Mercer street station.

Q. The Fifteenth? A. And the Elizabeth street station.

Q. So that really your Assembly district ran into four police precincts? A. Yes.

Q. So, now, we find that your Assembly district ran into four precincts? A. That is right; I hadn't thought of the new apportionment taking in the new districts.

Q. Do you remember having a man by the name of Stransky appointed to the police force? A. Yes, sir.

Q. Do you remember saving him from being broke? A. No, I didn't do that; I will show you what I did for Stransky; Officer Stransky was appointed on the police force and he made an arrest of a butcher named Fred. Hauff; it seems that that man was discharged in the Police Court, and afterward Mr. Hauff sued Officer Stransky for false arrest and imprisonment for \$2,000 in the City Court; after he had been served, and after the Police Court matter, he came to me and retained me as counsel; I put in an answer in that case on the 21st of September, 1893, as you see here, and charged him \$50 for my services; he has not paid; here is the entry.

Q. I don't question your word at all, Judge, upon it; I ask you again specifically if for any man that you ever had appointed on the force you received any money or benefit, directly or indirectly? A. I answer you again specifically, Mr. Goff, I did not.

Q. Through the hands of any person? A. I did not.

Q. Do you know ex-Alderman Fink? A. Yes, sir.

Q. Did you ever receive money through his hands on account of appointments on the police force? A. No, sir.

A. And that is absolutely true, is it? A. It is.

Q. In making out the list of policemen for duty on election day was there not a written list prepared in the clubhouse? A. That I don't know; I didn't prepare any such list.

Q. Don't you know as a fact that there was a list of policemen for each polling place prepared in your clubhouse before election day? A. I do not.

Q. You swear to that of your own knowledge? A. I do.

Q. Did you ever hear of such a thing? A. No, sir; I did not.

Q. Did you ever ask any of your captains to point out other selections of policemen? A. I did not.

Q. Do you know Carl Weiner? A. Carl Weiner?

Q. Yes. A. There was a Carl Werner in State's prison.

Q. Your pronunciation is much better. A. He was in State's prison.

Q. After he was in State's prison, did you know him? A. I was engaged to procure his pardon.

Q. How much money did you receive for that? A. Nothing.

Q. From his brother-in-law? A. No, sir.

Q. Not a dollar? A. No, sir.

Q. You didn't procure his pardon? A. I didn't.

Q. How much money did you receive from him while he was in Delancey street? A. None.

Q. Do you know he was in Delancey street? A. I do not.

Q. Do you know he ran a place there? A. I do not; I have never seen Carl Weiner in my life; all I ever heard from him was through letters which I received from him while he was in prison, begging me for God's sake to get him out of prison; I prepared papers and I think I wrote to the Governor — I don't know what I did — about that; and he had to serve out his term; I never saw the man.

Q. Don't you know that he was in partnership in a place in Delancey street with a man who ran a place there? A. No, sir; I do not.

Q. Did you ever hear it? A. I didn't.

Q. Did you ever in any place in Delancey street sell tickets for your chowder excursion? A. No, sir.

Q. Did anyone for you? A. No, sir.

Q. Now is it not a fact that when you organized your chowder parties for each year that your men went around to the various places of ill-fame and liquor stores with tickets? A. No, sir.

Q. You know that? A. I know that.

Q. Did you ever hear of anyone in the district collecting money for campaign purposes without authority? A. I did not.

Q. Did you ever have anyone arrested? A. No, sir; I did not have anyone arrested.

Q. Now, reflect? A. No, sir; I didn't.

Q. Did you ever make a complaint against anyone for that offense? A. Yes; I did that; I forget the man's name; I can not think of it just now; but there was someone, two years ago or a year ago, going around through the Seventh Assembly district claiming that he represented the Tammany Club and begging campaign collections; that came to my ear, and I went down to Captain Doherty and complained to him that there was somebody representing the Tammany Club doing this kind of work; but I never had anybody arrested.

Q. Don't you know there was a man arrested as the result of your complaint to Captain Doherty? A. I do not; no, sir.

Q. Don't you know that Sommers was arrested? A. No; he was not arrested; Summers is the name of the man.

Q. Don't you know that Sommers was arrested? A. No, sir; I do not.

Q. You went to the station-house to have him arrested? A. No, sir; I didn't know Sommers was the man; I did not know who was the man that was doing this; I simply went to the station-house to complain to the captain that this was going on.

Q. Collecting from these houses of ill-fame? A. No, sir; there was no such thing as that; it was simply stated to me in a general way that this man Sommers was collecting money in the

name of the Tammany campaign fund, but there was nothing said to me as to who he was collecting from.

Q. Do you wish to say anything further in reference to your statement here? A. I wish very much that the committee would hear the testimony of my managing clerk, Mr. Peterson, and of Mr. William E. Faye; if not of my managing clerk, then at least of Mr. William E. Faye, who is the gentleman mentioned in the testimony of Mr. and Mrs. Thurow.

The Chairman.—Have you any objection, Mr. Goff, to interposing those witnesses now?

Mr. Goff.—Yes, sir; I think we have; Mrs. Thurow is not here; she had to go away this morning; she has been here all forenoon, and when Mr. Faye takes the stand, if he does take the stand, I would like to have Mrs. Thurow present.

Senator Cantor.—I suppose you will give him an opportunity to be heard.

Witness.—Would you object to my brother or Mr. Peterson taking the stand to corroborate my statements?

The Chairman.—You have not stated anything excepting your interpretation of the conditions under which this money was given, which can only be your interpretation and not Mr. Peterson's.

The Witness.—I mean to have Mr. Peterson testify as to the entries here, which are in his handwriting.

Mr. Ransom.—May I ask the witness two or three questions?

The Chairman.—Certainly.

#### Cross-examination by Mr. Ransom:

Q. Have you, as a lawyer, as a citizen, or as a political leader, in either capacity, ever in your life, in person or by any agent or instrument, paid a dollar or any valuable thing to the police of this city, or any member of the police, including the commissioners, to secure protection for any person or persons engaged in any unlawful calling?

Mr. Goff.—Objected to.

The Chairman.—What is the ground?

Mr. Goff.—I object for the reason that there is nothing in the testimony whatever charging that Roesch did pay money; the testimony being that Judge Roesch kept all the money himself and that the police quarrel with him on that account.

Mr. Ransom.—There is not any evidence of that kind.

The Chairman.—It is immaterial, but we will allow it in this case.

A. I did not.

Q. Do you know, of your own personal knowledge, or have you ever heard, except as you have already stated from the news-

papers, that anybody has given to the police or any member of that force, including the police commissioners, any money or valuable thing to secure protection for any person engaged in an unlawful business in this city? A. I do not.

By Mr. Goff:

Q. You were born in the Seventeenth ward, if I remember rightly? A. Yes, sir.

Q. And you have lived there all your life? A. All my life.

Q. Do I understand you to mean by your answer to Judge Ransom that you have never heard in the city of New York of houses of ill-fame having to pay for police protection? A. No; I do not wish to be so understood; I wish to be understood as saying that in the papers and in common rumor around among the public I have frequently heard that it is charged that policemen, captains or police officials received money from houses of ill-fame or from places of business carried on in an illegal manner.

By the Chairman:

Q. Don't you know that to be a fact? A. I do not.

Senator Cantor.—How can he know it to be a fact unless he did it.

The Witness.—I would like to ask Mr. Goff's permission to make one short statement about those pages.

Mr. Goff.—Certainly.

The Chairman.—That is not material.

The Witness.—I want to say that the reason—

The Chairman.—You need not continue that, Judge.

Martin Morrison, Jr., being called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Jerome:

Q. You are an officer of the municipal police of this city? A. Yes, sir.

Q. How long have you been on the force? A. Five years and six months.

Q. When did you first turn out on probation; do you recollect? A. November 17, 1888.

Q. In what precinct? A. Thirty-fifth precinct.

Q. Who was the captain of that precinct? A. Captain Yule.

Q. Before you were appointed to the police force, did you borrow a certain sum of money from your mother? A. Yes, sir; I did.

Q. What was the amount? A. Two hundred and eighty dollars.

Q. How long before you were appointed did you borrow that sum? A. Well, I suppose, about 10 days.

Q. What did you do with that money? A. I spent it.

Q. For what? A. I spent it on several different articles.

Q. Did you see anyone in reference to your appointment?  
A. No, sir.

Q. No one at all? A. I saw one man; I got a letter from him.

Q. What was his name? A. Dr. Satterlee.

Q. Did you see anyone else besides him? A. No, sir.

Q. Didn't anyone say to you that they thought you were a little green about this matter and that they had better attend to it? A. No, sir.

Q. Did you pay anyone at all in connection with your appointment? A. No, sir; not a cent.

Q. Neither directly nor indirectly? A. No, sir.

Q. You were working at the time of your appointment? A. Yes, sir.

Q. And worked up to the time you turned out on probation?  
A. Yes, sir; within a few days.

Q. Getting wages? A. Yes, sir.

Q. You were not then married, were you? A. No, sir.

Q. What did you spend this \$280 for? A. I spent some of it for clothing, footwear, bedwear.

Q. How much did you spend for clothing? A. Well, in all, about \$60.

Q. For what clothing? A. Three sets of uniform.

Q. You bought your uniform in Houston street? A. Yes, sir;

Q. From Levy? A. Yes, sir.

Q. You bought it on installments? A. Yes, sir.

Q. Then you didn't pay cash down? A. No, sir.

Q. So, no portion of that \$280 went out for that? A. Some of it did, for the cloth at headquarters.

By the Chairman:

Q. Did you buy your uniforms 10 days before you were appointed? A. No, sir.

Q. You borrowed the money 10 days before you were appointed? A. Yes, sir.

By Mr. Jerome:

Q. What did you state to your mother that you borrowed

the money for? A. I didn't state to her anything at the time; I told her after I was going to get married.

Q. Did you get married? A. Yes, sir.

Q. On that money? A. On part of that money.

Q. When were you married? A. I was married about two years after; not to the same girl I was going with at the time.

By the Chairman:

Q. You said you were married two years after, did you?

A. Yes, sir.

By Mr. Jerome:

Q. How much cloth did you get at police headquarters? A. First, about \$16 or \$18 worth.

Q. When did you get that? A. November.

Q. What else did you get? A. I got shoes.

Q. What did you pay for those? A. Three pairs of shoes; about \$15.

Q. Did you pay \$5 a pair for them? A. I did; we need heavy shoes in this business.

Q. What else did you get? A. I got a revolver.

Q. How much was that? A. Fourteen dollars.

Q. Did you pay for that cash down? A. Certainly; yes, sir.

Q. What else did you get? A. I got three clubs and a belt.

Q. What did they cost you? A. About \$2.50 to \$3.

Q. What else? A. Rubber coat.

Q. What did that cost? A. Four dollars and fifty cents.

Q. What else? A. Uniform hat.

Q. What did that cost? A. Two dollars and twenty-five cents.

Q. What else? A. Pair of nippers.

Q. What did that cost? A. Seventy-five cents.

Q. What else? A. Three suits of underclothing.

Q. What did those cost? A. Ten dollars in all.

Q. What else? A. Citizens' clothes.

Q. What did they cost? A. Twenty-five dollars.

Q. What else? A. Citizen's hat.

Q. What did that cost? A. Three dollars.

Q. What else? A. Police gloves.

Q. What did they cost? A. Two pair; about \$3.

Q. What else? A. Bedclothing.

Q. What did that cost? A. About \$15 in all.

Q. What else? A. Carfare.

Q. How much for carfare? A. Carfare and my meals downtown for the month, about \$30.

Q. What else? A. More I spent going around down-town during the recess.

By the Chairman:

Q. What do you mean by the recess? A. When we would go out to meals.

By Mr. Jerome:

Q. That is \$142; what did you do with the rest? A. The rest, I kept most of it.

Q. Do you remember having a talk with me yesterday? A. Yes, sir.

Q. Do you remember me telling you that neither you nor I were born yesterday? A. Yes, sir.

Q. And that this was the chance of your life? A. Yes, sir.

Q. To tell the truth here? A. Yes, sir.

Q. Have you talked with anybody since you have been in the courtroom? A. No, sir; only one man outside, Mr. Grant.

Q. Mr. Grant told you to tell the truth? A. He asked me what I was doing here; I told him I was here as a witness.

Q. You told Mr. Grant what you did with that money? A. No, sir; I told him I spent it.

Q. Did you not tell Mr. Grant what you did with that money? A. I told him I spent it going up and down town and buying uniforms.

Q. Didn't you tell him that you made another disposition of the money than you have stated here? A. No, sir; I didn't tell him every article that I have stated here.

Q. Didn't you tell Mr. Grant that there was certain person to whom you had paid some of this money? A. No, sir; I didn't.

Q. Are you quite positive? A. Yes, sir.

Q. From whom did you get this money? A. From my mother.

Q. All of it? A. Yes, sir.

Q. When did you pay it back? A. I paid it back in about six months after or so.

Q. You remember that your father sued you in the City Court? A. Yes, sir.

Q. Did you not state to your father that you wanted this for the appointment to the force? A. No, sir; I didn't.

Q. Do you know Levy, the tailor? A. Certainly I do.

Q. Do you know whether he is any relation to the ward man Levy or not? A. I don't know anything about him.

Q. Did you ever hear that he was? A. No, sir.

Q. Did you ever have any conversation with him about it? A. No, sir; never heard of a ward man named Levy.



Q. You state here that you have never paid to anyone any sum of money? A. Yes, sir.

Q. To whom did you make your application for appointment? A. To Commissioner French.

Q. Did you take a letter to him? A. Yes, sir.

Q. From Dr. Satterlee? A. No, sir.

Q. From whom? A. Percy R. Pine, Riverdale.

Q. Did you take a letter from anyone else? A. Yes, sir, I did afterward; Dr. Satterlee.

Q. Then you were examined before the civil service commissioners? A. Yes, sir.

Q. Did you talk with the district leader in reference to this matter? A. No, sir, I didn't.

Q. Did you not talk with anyone in reference to your appointment? A. No, sir, I didn't.

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

Q. Never spoke to him about it? A. The boys around the village, that is all.

Q. Did anybody speak to you about it being necessary to get influence? A. No, sir.

Q. Put up any money? A. No, sir.

Q. Now, you recollect Officer Shea testifying here, do you not? A. I saw it in the papers; yes, sir.

Q. He was in your precinct, wasn't he? A. No, sir.

Q. You have seen him since? A. No, sir.

Q. Have you not seen Officer Shea since he testified here? A. I saw him at drill; that was all.

Q. You have not talked with Officer Shea? A. No, sir.

Q. Never talked to him about coming down here? A. No, sir.

Q. Or spoke to him? A. No, sir.

Q. Only saw him? A. Yes, sir; never spoke to him.

Q. You read his testimony in the papers? A. Yes, sir; part of it.

Q. The money was given to you in bills, wasn't it? A. Yes, all bills.

Q. What did you do with it? A. I just told you what I did with it.

Q. You carried it with you? A. Yes, sir.

Q. All the time? A. Yes, sir.

By Senator Cantor:

Q. Where did you live at the time your application was made for appointment? A. Riverdale; Hudson Park, Riverdale.

By the Chairman:

Q. Why did you borrow at that time from your mother, more money than was necessary, according to your own schedule here to provide you with clothes and uniform? A. I am just after telling this gentleman that I borrowed it on conditions; I was going to get married and I didn't get married at the time; I just told him that.

Q. Were you engaged at that time? A. Yes, sir.

Q. Had a date for marriage been fixed for that time? A. Well, partly; yes, sir.

Q. How long had you been engaged? A. About two months.

By Mr. Jerome:

Q. Do you know when your father was first served with a subpoena? A. What subpoena?

Q. The subpoena of this committee? A. No, sir; I do not.

Q. Haven't you seen him since he was served with a subpoena? A. I seen him coming into the courtroom.

Q. Haven't you seen him elsewhere? A. No, sir.

Q. Have you seen your mother? A. No, sir; only in the courtroom.

Q. Have you seen her elsewhere? A. No, sir.

Q. How long since you saw her before? A. May be six months ago, at Kingsbridge.

Q. And not since then? A. No, sir.

Q. How long since you have seen your father? A. In court to-day; I saw him at Kingsbridge about the same time that I saw mother.

Q. You haven't seen him since that time? A. No, sir.

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

Direct examination by Mr. Jerome:

Q. You are a gardener, are you not? A. No, sir; I am a workingman.

Q. Up at Riverdale? A. Yes, sir.

Q. You are the father of Martin Morrison, who is on the police force? A. Yes, sir.

Q. Do you remember suing your son back in 1892? A. Yes, sir.

Q. For \$300? A. Yes, sir.

Q. In the City Court? A. Yes, sir.

Q. Which you stated that you had loaned him? A. Yes, sir.

Q. Did he borrow that money from you? A. Yes, sir.

Q. When? A. Well, I couldn't exactly tell you; after he got on the force.

Q. After getting on the force he borrowed it? A. Yes, sir.

Q. Who was your lawyer? A. I forget now what his name was.

Q. Wasn't his name Walter L. McCorkle? A. Yes, sir.

Q. Of 29 Wall street? A. Yes, sir.

Q. Didn't you state that you had loaned your son this money on the 15th day of October, 1888? A. That is right, sir.

Q. That was before he was appointed to the force? A. No, sir; that was after he had been on the force.

Q. He was on probation then? A. Yes, sir.

Q. Hadn't been appointed a full officer, then? A. He was on probation when I loaned him the money.

Q. What did he say he wanted the money for? A. Well, I could not say.

Q. Why not? A. Well, he didn't tell me what he wanted the money for.

Q. What did you swear in the City Court that he wanted the money for? A. What did I swear?

Q. That is what I asked you. A. I swore that he borrowed the money off me.

Q. For what? A. I didn't say for what.

Q. Didn't you tell Mr. McCorkle that he borrowed the money from you to get on the police force? A. No, sir.

Q. Was it your money? A. It was my money.

Q. Didn't you get it from your wife? A. No, sir; I didn't get it from her.

Q. Didn't she go to the savings bank and draw out \$200, and you put \$100 to it? A. One hundred dollars to it?

Q. Yes? A. Where did I get it?

By the Chairman:

Q. Didn't she draw \$200 out of the savings bank? A. No, sir.

Q. And you put \$100 to it? A. No, sir; she didn't.

By Mr. Jerome:

Q. You had all the money? A. She drew \$180 out of the bank.

Q. You put \$100 to it? A. No, sir.

Q. How much did you put to it? A. I went and drew \$100.

Q. Then you gave your son \$280? A. I never gave him a cent in my life.

Q. What did you do with this money? A. It don't make any difference; I can swear that I never gave my son one cent since he was born.

Q. What did you do with this money? A. That is my business.

By the Chairman:

Q. Answer the question. A. I say that I gave it to my wife; this money I gave to my wife; I never gave a cent in my life to my son since ever he was born; not one dollar; I gave this money to my wife to pay my expenses.

Q. Your expenses? A. Yes, sir; and his expenses.

Q. Did you give any part of this money to your wife to pay your expenses? A. Certainly.

Q. What expenses? A. Why, I was in debt and am in debt to-day.

Q. Do you know whether or not your wife paid any expenses out of that money? A. That I can not say.

Q. Don't you know that as a matter of fact that she did not? A. No, sir; I do not.

Q. You understand that you are under oath? A. Yes, sir.

Q. You understand that if you perjure yourself or swear falsely it is just as much perjury here before this committee, as it would be before a court of law? A. I do understand that.

By Mr. Jerome:

Q. Now, you swore in your complaint in the City Court that on or about the 15th day of October, 1888, in the city and county of New York, the defendant — that is your son — borrowed from you the sum of \$300 in currency and at the same time agreed to return the same to this plaintiff within a very short time; that although plaintiff has made frequent demands upon the defendant for said sum of \$300 the defendant has failed, refused and neglected to pay the same or any part thereof? A. That is true.

Q. Was it when you swore to it? A. I never gave my son not one dollar.

By the Chairman:

Q. Was that false then what you swore to it? A. What?

Q. Was that false? A. No.

Q. He is reading now from the complaint that you swore to in that case; is that false? A. No, sir.

Q. Then that is true, is it? A. That is true.

Q. Then you loaned your son \$300 at that time? A. I did; but I didn't give it to my son; don't you understand?

By Mr. Jerome:

Q. You gave it to your wife to give to your son? A. Yes; and he got it from my wife through me.

Q. What did your son say to you when he came to you to borrow it? A. What?

Q. What did your son say to you when he came to you to borrow it? A. Well, he wanted the money.

By Senator Bradley:

Q. What did he say? A. He didn't say what he wanted it for, but we found out later that the son was going to get married unknown to us.

By the Chairman:

Q. Didn't he say to you that he was on probation on the police force and that he needed that money for the purpose of being permanently appointed? A. No, sir.

Q. Don't you know that the money was used for that purpose? A. No, sir; he never said a word of the thing to me.

By Mr. Jerome:

Q. He didn't tell you at all what he wanted the money for? A. No, sir; he didn't tell me; but I found out afterward —

Q. What did he tell your wife that he wanted it for? A. He told the wife — the wife found out that he was going to get married and he used the money for marriage money.

Q. And he did use it for that very purpose? A. Yes, sir.

Q. Two years later when he was married? A. Yes, sir.

Q. You recollect his keeping that money for two years, do you, until he got married? A. I don't know what he done with the money; that is none of my business what he done with the money.

Q. When did you see your son last? A. I seen my son about four months ago.

Q. Where? A. Down at the place.

Q. Haven't you seen him since then? A. No; I seen him here in court to-day.

Q. Haven't you seen him since that? A. No, sir.

Q. Within four months? A. No, sir; I was not talking to him.

By the Chairman:

Q. Did you speak with anybody about this testimony that you were going to give to-day? A. No, sir.

Q. Haven't you spoken about what you have testified to here to-day, with anybody else? A. No, sir.

Q. Has nobody spoken to you about what you were going to swear to here? A. No, sir.

By Senator Bradley:

Q. Which is true, what you swore in the City Court, or what you swore here to-day; which is true? A. They are both true; I never gave a cent to my son in my life.

Margaret Morrison, called by the State as a witness, being duly sworn, testified as follows:

By Mr. Jerome:

Q. You are the mother of Policeman Morrison? A. Yes, sir.

Q. And the wife of Mr. Morrison, who was just on the stand?

A. Yes, sir.

Q. Do you remember your son getting some money from you back in 1888? A. Yes, sir.

Q. How much did he get? A. Three hundred dollars.

Q. Where did you get it from? A. It belonged to my husband, and he was working, and he gave me the privilege of counting the money to him.

Q. What was it given to your son for? A. I never could know, but, in a short while after, some time after, I found out that he wanted to prepare to get married.

Q. What did he say he wanted it for? A. He didn't tell a word; he didn't ask me for it, for I hadn't a dollar; he asked his father for the loan of it, and his father was not home, and I merely counted it to my son through the father.

Q. Why was it that your husband gave you the privilege of counting it, did he say? A. He was not at home; he was attending to work, and couldn't afford to stay at home.

Q. You had the money in your possession, had you? A. The money was in the house.

Q. Your son repaid you that money, did he? A. No; he never paid me.

Q. Did he repay his father? A. Well, his father supposed he was worthy of it; he was always a very good boy, and turned in his money until he got married.

Q. But his father sued him for the money? A. I know he did.

Q. Did you have any conversation with the father about why you were to give your son this money? A. No, sir.

Q. Not at all? A. No, sir.

Mr. Ransom.—Is this material?

The Chairman.—Only in connection with the testimony of the husband to contradict it.

Q. He didn't tell you? A. He told me that the son asked him for it, and, if he wanted it, for me to count it out to him.

By the Chairman:

Q. That is, you could turn it over to him? A. Yes, sir; turn it to him.

By Mr. Jerome:

Q. At that time your husband was living at home? A. Living at home.

Q. He had to come home every night? A. Certainly, every night.

Q. Where was your son living then? A. He was living home.

Q. At the house? A. Yes, sir.

Q. And every night your husband and son would be home to their dinner, wouldn't they? A. Yes; home to supper; he would not be home when they would be home.

Q. Your son? A. My husband would be late coming home.

Q. Wasn't he there in the morning, when your son was there? A. Some of the time he might be, and some of the time he was not.

Q. Did you hear any talk in the family about this money? A. I didn't hear any talk at all.

Q. He simply said he wanted \$300? A. I don't know what he said to his father; he never asked me for a dollar.

Q. What did his father say? A. When he asked me for his money to hand it over to him.

Q. How long after that did his son ask you? A. Asked me what?

Q. For the money? A. Well, I couldn't say.

Q. What did he say when he asked you for it? A. He didn't ask me for it; he said, "Has father left some money there for me?"

Q. And you took \$300 right out and gave it to him? A. Yes, sir.

Q. When did you last see your son? A. Until I seen him here to-day, I haven't seen him since last summer up in Van Cortlandt Park.

Q. That is how long ago? A. I suppose it is a year this summer.

Q. You haven't seen him at all since this subpoena was served on you? A. No, sir.

Q. Did you get any word from him? A. No, sir; not a word.

By the Chairman:

Q. Didn't you draw \$180 out of the bank for the purpose of making up these \$300 to give to your son? A. Well, I didn't have no money in the bank.

Q. Didn't you have money in the savings bank and draw it out? A. We often had money in the savings bank.

Q. Didn't you draw \$180 out of the savings bank to make up these \$300 that you gave your son? A. That I couldn't say, for I often, very often, drew out money.

Q. The money was in your name? A. The money was always in my husband's name, and in mine; we got along that way.

Q. In your joint names? A. Yes, sir.

By Senator Bradley:

Q. You couldn't possibly forget the drawing of such a large amount of money out of the savings bank, could you; \$180, you would surely remember that such a short time ago? A. Perhaps, if I did, I don't know; it is so long ago.

Q. What bank did you have your money deposited in? A. The Yonkers Bank.

Amelia Sentz, called by the State as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. State your residence? A. No. 150 East Twenty-seventh street.

Q. You understand that any testimony that you give here in this matter is protected, do you not? A. Yes, sir.

Q. And that your obligation is to tell the truth? A. Yes, sir.

Q. That the only fear is that if you do not tell the truth you may be punished for perjury? A. Yes; I will tell the truth.

By the Chairman:

Q. Do you understand that? A. I understand it.

Q. Do you understand that your testimony is protected? A. Yes, sir.

Q. And that you can not be prosecuted for any testimony that you give before this committee? A. Yes, sir; I understand that.

Q. Excepting that if you swear falsely, then you can be indicted and punished for perjury; do you know that? A. I understand it.

By Mr. Moss:

Q. You kept a saloon at 732 Cortlandt avenue, did you not? A. Yes, sir.

Q. When did you have that saloon? A. I had that saloon one year.

Q. What was the year? A. From 1888 to 1889.

Q. That is in the city of New York, in the Annex District, is it not? A. Yes, sir; Morrisania.

Q. Do you know what police precinct? A. I couldn't tell you the name, except I know the detective.



Q. Do you know the name of the captain of the precinct when you were there? A. No, sir.

Q. Do you know where the station-house is? A. Yes.

Q. Whereabouts? A. One Hundred and Sixtieth street.

Q. What avenue? A. Washington avenue.

Q. Did you have a conversation with a man named Trott, looking to the protection of your saloon in doing business on Sunday? A. Yes, sir.

Q. Who was that man Trott? A. He was a friend of the detective.

Q. What detective? A. Sherman.

By the Chairman:

Q. Is he a ward man? A. He was a detective.

By Mr. Moss:

Q. Was he a detective connected with the police station? A. Yes.

Q. And this Mr. Trott, what was his name? A. Henry Trott.

Q. And he spoke to you about Detective Sherman; now, what did he say to you? A. He said I would do good if I tried to stick with the police and give them some money so they would protect me if I can keep open on Sunday.

Q. Do you know what Trott's business is? A. I couldn't tell you.

Q. Is he connected with any of the courts down town? A. Yes, sir.

Q. What court? A. I guess the Tombs.

Q. The Tombs? A. I don't know for sure; I think the Tombs.

Q. He is connected with one of the courts down town at any rate? A. Yes, sir.

Q. Now, as I understand you, he said you had better stand in with the police? A. Yes, sir.

Q. What for? A. To protect me on Sunday; I was afraid to keep open on Sunday.

Q. Did you keep your saloon open on Sundays? A. We kept in the back open, not in the front.

Q. Did business there? A. Yes, sir.

Q. Now, did you have a conversation with Detective Sherman in pursuance of this conversation with Trott? A. Well, he came in and he wanted money.

Q. That is, Sherman came? A. Yes, sir.

Q. Tell us just what he said? A. He didn't ask me straight for the money; he came the fifth or the sixth, after the rent, and he says: "You know what for I come;" so I had to pay him every month.

Q. What did you pay him? A. Five dollars every month.

Q. Five dollars every month you paid to Detective Sherman?

A. Yes, sir.

Q. You used the expression "rent;" what did you mean by that? A. I say he used to come and collect the money after the rent.

Q. After you paid the rent? A. Yes, sir.

Q. That was regular, every month? A. Yes, sir.

Q. How long did these payments to Sherman continue? A. As long as I had a saloon; until I locked it up.

Q. How long was that? A. For about a year.

Q. Then for 12 months you paid Detective Sherman \$5 every month? A. Yes, sir; I think it was 10 or 12 months.

Q. And during that time you kept your saloon open and did business? A. No; I was arrested once.

By Senator Bradley:

Q. You were arrested once? A. Yes, sir.

By Mr. Moss:

Q. Who was arrested? A. My husband was arrested.

Q. Who arrested him? A. I couldn't tell you the name; I forgot the name of the detective.

Q. One of the detectives of that precinct? A. Yes, sir.

Q. Did you know that your husband was going to be arrested before he was taken? A. No, sir.

Q. What became of your husband's case? A. They put it beside, I think.

Q. That is, you mean it has never been tried? A. No, sir.

Q. How long ago was that? A. It is about three years ago now; I gave the saloon up and closed it, and I have been living private since.

Q. Three years ago this case was made against your husband? A. Yes, sir.

Q. But has never been brought up for trial? A. No, sir.

Q. Did Mr. Sherman come into the saloon on Sunday himself? A. Well, no; not that I recollect on Sunday, but on the other evenings.

Q. How frequently did he come in; how often did he come in in that year? A. He didn't come so very often; once in a while he used to come in; he used to come once in, the time when he collected the money.

Q. Do you know an excise inspector by the name of Emerick? A. Yes, sir.

Q. Did you have any visits from Mr. Emerick concerning this saloon? A. When I bought this saloon I made application for a license; then Emerick came and he said to me that he wanted \$10, or I would have to lock the saloon.

Q. Had you received a license at that time? A. No, sir.

Q. But you were doing business without a license? A. No; I had the other license.

Q. Hadn't that expired? A. Well, I had the license from the man I bought the place.

Q. But it had not been transferred? A. No, sir; but I had made application.

Q. You had made application for the transfer? A. Yes, sir.

Q. But you didn't at that time have a license in your own name? A. No, sir.

Q. Mr. Emerick came to you and said you might do business if you paid him \$10? A. Yes, sir; I said, "I don't take in \$10;" I wouldn't give it; I locked the place for 10 days.

Q. Have you got your license? A. Yes, sir.

Q. And you went on then without any regard to Mr. Emerick? A. Yes, sir.

Q. Did he not try to blackmail you for \$10? A. Yes, sir.

By Senator Cantor:

Q. You didn't give him the money? A. No, sir.

By Mr. Moss:

Q. Was your husband, Carl Sentz, present on any of these occasions when money was paid to Mr. Sherman? A. Well, I don't think so; I always gave it to himself; mostly I paid him.

By Senator Bradley:

Q. Didn't you pay him all the time? A. I paid him all the time; yes, sir.

Q. That is not mostly? A. All the time.

The Chairman.—We will assume that when a witness pays corruption or bribe money that they do not go around with a brass band to do it. They generally do it alone.

Mr. Ransom.—The clergyman from Plattekill would seem to be of a contrary opinion.

The Chairman.—That was done with the hand behind the back.

By Mr. Moss:

Q. I think there may be an error in our understanding of

the dates; do you mean to say that this saloon was kept by you from the year 1888 to the year 1889? A. Yes, sir.

Q. So that you gave up the saloon about five years ago? A. No, sir; three years ago.

Q. Three years ago? A. Yes, sir.

By Mr. Ransom:

Q. It was 1888 when you commenced keeping this saloon? A. Yes, sir.

Q. Up to 1889? A. Yes, sir.

Q. You were there one year? A. Yes, sir.

Q. Did you ever see Sherman, this ward detective, this friend of Trott, before Mr. Trott brought him to you? A. Yes, sir; he used to keep the saloon before.

Q. Who? A. Trott?

Q. Had you ever seen Sherman before? A. No, sir.

Q. Have you seen him since you gave up the business? A. Not since the time.

Q. Since you gave up the business of keeping a saloon, you haven't seen him? A. No, sir.

Q. You have sworn that he was a detective; how do you know that he was a detective? A. Well, because he said himself that he was the detective.

Q. That is all you know about it? A. Yes, sir; that he was the detective.

Q. You only know because he said he was; is that right? A. I know that Henry Trott said, too, that he was.

Q. And Henry Trott said he was? A. Yes, sir.

Q. Was Trott ever with Sherman when you paid him? A. No.

Q. The detective came alone? A. All alone.

Q. Did you ever see Sherman except at the saloon? A. I didn't see him any other place; sometimes on the street when I passed he came from the court.

Q. Was he in the uniform of a policeman? A. No.

Q. Citizen's clothes? A. Citizen's clothes.

By Mr. Moss:

Q. Do you know what Sherman's first name was? A. Charles, I think.

Q. What sort of work was he doing, when you saw him; was he doing police work?

The Chairman.—Say, if you know, whether he was or not?

A. I couldn't tell.

Q. Did I understand you to say that you saw him coming

from court? A. Yes, sir; sometimes he was down in the court; I seen him coming down.

Q. What court? A. In the station-house, I mean.

Q. In the station-house? A. Yes.

Q. Did you see him going into the station-house? A. Yes; I seen him often go into the station-house, and go out of it.

Q. Trott, you say, kept the saloon before you did? A. Yes, sir.

Q. Do you know whether Trott paid any money to Mr. Sherman? A. Yes, sir; he said to me that we have to keep together.

Mr. Ransom.—I object to that.

Mr. Moss.—We are not trying a case, Judge Ransom. These are the first witnesses that we have produced on the subject of the blackmail of saloons. Recognizing the fact that they are not voluntary witnesses, I think we have the right, when they are on the stand, to get all the clues that we can.

The Chairman.—As I understand, you also expect to prove the fact by Mr. Trott himself.

Mr. Moss.—We have sent over for Mr. Trott.

Mr. Ransom.—Then let him trot in.

Q. Is that all the knowledge you have that Trott paid, because he told you?

Mr. Ransom.—But the chairman excludes that.

The Chairman.—I do not think it is proper to put in that evidence, unless we find that we can not get it any other way.

Q. How long had you known the saloon before you bought it?

A. I hadn't known the saloon at all; I was a stranger when I bought it.

Q. During the time that you paid these moneys to Mr. Sherman, did you have any difficulty about doing business on Sunday excepting that one arrest? A. I never was arrested; no.

By Mr. Ransom:

Q. You said you had seen Mr. Sherman going down to the station-house? A. Yes, sir.

Q. Had you seen Mr. Trott going down there? A. Yes, sometime.

Q. Did you ever see anybody else go down there, except Mr. Sherman and Mr. Trott? A. Well, I seen him going down with policemen, often.

Q. You have seen other people go down to the station-house? A. Yes, sir.

Q. Been down there yourself? A. No, sir.

Q. Did your husband ever go down there? A. My husband got arrested once, yes, sir.

Q. Did he ever go down when he was not arrested? A. No, sir.

By Mr. Moss:

Q. Did he ever show you his badge? A. Yes, sir; I seen the badge on him.

Q. Do you know what it said on the badge? A. Well, I didn't look; I seen he had a badge.

Q. Describe the badge as well as you can? A. Well, it was kind of large.

Q. Like the shield? A. Yes, sir.

Q. Square shield? A. Yes, sir; something like a policeman's shield; a little smaller.

Q. Have you observed the shield that was on the witness, Policeman Morrison? A. No, sir.

Q. You see a police officer over there; was it like that? A. something like it.

Q. The same color? A. I think it was smaller, a little smaller.

Mr. Moss.—They have changed the badges.

Senator Cantor.—We will take judicial notice of the fact.

Carl August Sentz, called by the State, as a witness, being duly sworn, testified as follows:

By Mr. Moss:

Q. The previous witness was your wife, was she not? A. Yes, sir.

Q. You and your wife kept this saloon at 732 Cortlandt avenue, in this city, did you not? A. This time I was not married to my wife.

Q. But you were there? A. I was there attending to the business.

Q. Attending to the business of the saloon? A. Yes, sir; my wife was a widow and she ran the saloon, and I attended it with her.

Q. Do you know a police officer by the name of Charles Sherman? A. Yes, sir.

Q. Do you know that he was a police officer? A. Yes, sir.

Q. Attached to the station at One Hundred and Sixtieth street? A. One Hundred and Sixtieth street and Third avenue; I saw him the time I was arrested; they arrested me, one of them other policemen, and I saw Mr. Sherman at the station.

Q. Tell us any transactions that you had with Mr. Sherman? A. I only can tell that Mr. Trott gave a recommendation of Mr.

Sherman and said he would send a man over there and we shall give something every month, and then he will protect us; then afterward Mr. Sherman came over there, and my wife gave him \$5, and he showed up every month; he didn't stop in the other times, very seldom, only when the time was to collect the money; then he would show up.

Q. You are clear and positive that \$5 a month was paid to Mr. Sherman? A. Yes, sir; that is right.

Q. And he was a police officer? A. Yes, sir.

Q. During that time when you paid the \$5 a month, did you keep your saloon open on Sundays? A. We got closed from the front.

Q. But the back door was open? A. Well, it was not open, but we let people in.

Q. And sold them liquor? A. Yes, sir.

Q. Lager beer? A. Yes; there was very little business there.

Q. But there was some business? A. Yes.

Cross-examination by Mr. Ransom:

Q. What is your business now? A. Machinist.

Q. Where are you employed? A. One hundred and eighty-eight — right here by the bridge.

Q. Park Row? A. No, William street; 188 William street, by Mr. Lippman.

Q. How long have you been married? A. Three years.

Q. The lady who is now your wife was a widow? A. Yes, sir.

Q. Was she keeping this saloon when you married her? A. No; she gave up the saloon, and after that we were married, the same year.

Q. Were you the barkeeper when she was keeping the saloon? A. Yes, sir.

Q. Did you pay the money to Sherman, I asked you? A. I guess two or three times.

Q. Was there anybody present when you paid him besides you and Sherman? A. Only between us three.

Q. Did he hold his hand out in the front, or did he put it behind him? A. No; he held it out in front.

Q. He held it out in front up there? A. Yes, sir.

Q. You said that Sherman was a police officer? A. Yes, sir.

Q. Did he wear a uniform? A. No; he was in private clothes.

Q. He didn't wear any uniform? A. No, sir.

Q. Who told you he was a police officer? A. Mr. Hen. Trott.

Q. Mr. Trott? A. Yes, sir.

Q. Nobody else? A. Well, I heard it from the neighbors.

Q. Some of the neighbors said he was a police officer? A. Yes, sir; they said, "That is the ward detective."

**Mr. Ransom.**—Somebody said he was the ward detective. They might have said that he was something else, I suppose, too.

**By the Chairman:**

**Q.** Did you see a badge on him, a shield? **A.** Yes, sir. {

**Q.** A policeman's shield? **A.** Inside.

**Q.** A policeman's shield? **A.** I don't know what was on there.

Charles Buser, called by the State as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

(The answers were interpreted by the chairman.)

**Q.** Where do you live? **A.** Three hundred and twenty-five East Fifth street.

**Q.** What is your business? **A.** I was a beer bottler.

**Q.** Have you ever been in any disorderly houses? **A.** Yes; in lots of them.

**Q.** Within the last two years? **A.** In the last year.

**Q.** That was in your business capacity, supplying beer, was it not? **A.** Yes; in my business as a beer bottler.

**Q.** Do you know whether these houses were open and doing business? **A.** Yes; all of them.

**Q.** Please name the houses that come to your memory? **A.** Seventy Forsyth street, 56 Rivington street.

**Q.** Any others? **A.** I have been in more than 100.

**Q.** Now, give the names of them? **A.** The whole block in First street, from the Bowery to Second avenue; on the south side of the block there were four houses, and on the north side, nothing but houses of that description; all open and doing business.

**Q.** Go ahead and name some more? **A.** No. 30 Houston street was another; 104 Fourth street; there were only two girls in that house; almost all of them were houses; first comes a cigar store, then a saloon, and all the others are houses of ill-fame; all these were open.

**By Senator Cantor:**

**Q.** What period are you speaking of now? **A.** That was until the 1st of December, until Captain Cross came there, and he wouldn't take protection, and they had to move.

**By Mr. Moss:**

**Q.** Up to that time they were all open? **A.** Yes, sir.



Q. Now, I ask you to name some of these cafes in which there were prostitutes, and where immoral practices were carried on?  
A. I want to be very careful about that; they were inside, and I couldn't see them.

Q. Let me direct your attention to several cafes; 52 East Fourth street, do you know that place? A. Yes; I delivered beer there.

Q. Kept by Flora Walters? A. Yes, sir.

Q. Do you know whether Flora Walters paid anything to the police? A. She paid \$15 a month to Detective Hoch.

By Mr. Ransom:

Q. Why not ask him how he knows it? A. He went around about on the 5th, making his tours of all the houses of ill-fame, and on one occasion she didn't have money; on the 5th, she didn't have money; Hoch is a German, or he speaks German well, and he said, "If you don't want to have trouble, I will come to-morrow, but look out that you have money then;" he was speaking English to her, and I understood what he said, but not exactly, or accurately, word for word.

Mr. Ransom.—I was going to ask you, Mr. Chairman, why you might not ask him the natural inquiry which suggests itself to my mind, as to how it is that he understood Hoch, if he can not speak English to-day?

The Witness.—I didn't understand everything.

By the Chairman:

Q. How much of that did you understand? A. I understood him to say, "I come to-morrow evening;" I heard him say "Money."

By Mr. Moss:

Q. I call your attention to No. 6 East Eighth street; was that kept by Max Rosenthal? A. (Not interpreted); yes.

The following answers and questions were not interpreted except where noted.

Q. Do you know whether Max Rosenthal paid any money to the police? A. Yes.

Q. How much did he pay? A. Thirty-five dollars.

By the Chairman:

Q. When? A. A month.

By Mr. Moss:

Q. How do you know that; tell us how you know it? A. (Inter-

preted.) Why, I know; I go there the whole year and have business with them and visit them; we talked together; that is how I know it.

Q. You know it by your intimate relation with Rosenthal; is that it? A. I know it because Rosenthal told me it himself.

Mr. Ransom.—I move to strike that out now.

Mr. Moss.—No; let it stand for what it is worth.

The Chairman.—I think as long as it is on the record, that it might as well stay there, with leave to you to move to strike it out in case they do not produce Rosenthal on the stand; it might be used to corroborate his evidence.

Q. I call your attention to No. 246 East Sixth street, kept by Berthold Rosenthal? A. Yes.

Q. Do you know whether Berthold Rosenthal kept any place and paid any money —

Mr. Ransom.—I wish to record an objection to his testifying to any hearsay from the proprietor of this saloon.

Senator Bradley.—Ask him if he knows.

The Chairman.—Ask him whether he saw any money paid.

Q. Did you ever see Berthold Rosenthal pay any money? A. (Interpreted.) I never did, but the people told me about it.

Q. Who told you?

Mr. Ransom.—I object.

Mr. Moss.—I want to know who to subpoena.

The Chairman.—The objection is overruled. It is not evidence though, except for the purpose of tracing persons who know.

Mr. Ransom.—I withdraw the objection, if that is the purpose of that question.

Q. Now, who told you? A. (Interpreted.) Nobody but Rosenthal himself told me that; Mr. Swartz told me he paid \$40 a month.

By the Chairman:

Q. Where was Swartz? A. (Interpreted.) He lives in my house, 325 East Fifth street.

By Mr. Moss:

Q. Swartz told you that he paid \$40 a month? A. Yes, sir.

Q. How about Mrs. Klauser? A. (Interpreted.) She used to have a cafe at No. 273 Houston street; there she had to pay \$8 monthly.

By the Chairman:

Q. Who told you so? A. She told me so; in my business I am told that all the time.

By Mr. Moss:

Q. You are told that all the time? A. Yes, sir.

Q. Those persons whom you have mentioned, Flora Walters, Max Rosenthal and Berthold Rosenthal and Mrs. Klauser, what business were they doing? A. (Interpreted.) They had cafes with girls.

Mr. Ransom.—May I ask a few questions?

The Chairman.—Certainly.

Cross-examination by Mr. Ransom:

Q. Do you know the whereabouts of these persons that you have named, Flora Walters, and the two Rosenthals, Swartz and Mrs. Klauser? A. (Interpreted.) I don't know where Klauser lives; Swartz lives still in his place; Berthold Rosenthal is still in his place; Max Rosenthal has moved from Eighth to Fourth street, and Flora Walters has got a candy store at 708 Eleventh avenue.

Q. You have seen all these persons very recently, I suppose? A. (Interpreted.) I saw them almost every day; every week.

Q. You have seen them all within a week, have you? A. Excepting Klauser; I haven't seen him for some time.

Q. But the others you have seen within a week? A. Yes.

The Chairman.—Mr. Goff, have you gotten out of this witness all that you want?

Mr. Goff.—Yes, sir.

The Chairman.—It seems to me there is more that you might get.

Mr. Goff.—It is very difficult.

Amelia Sentz, recalled by the State, further testifies:

By Mr. Moss:

Q. Have you looked over the dates of the time you had a saloon? A. Yes, sir.

Q. Are you certain now what the date was? A. Yes, sir.

Q. Please give it? A. Eighteen hundred and eighty-nine to 1890.

The Chairman.—Is that all, Mr. Moss.

Mr. Moss.—That is all.

Mr. Goff.—I have a very interesting and somewhat conspicuous witness that I wish to ask a few questions of in the ordinary way — Mr. Gombassy.

Max Gombassy, called by the State as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You are prepared to give the police department of this city a good character, are you not, Mr. Gombassy? A. What is it?

By the Chairman:

Q. Are you prepared to give the police department of this city a good character? A. I don't know what you mean by that.

By Mr. Goff:

Q. Give them a good character, by testifying as to their honesty and their efficiency? A. I don't know about that.

Q. You don't know about that? A. No.

By the Chairman:

Q. What we want to have is not character, but truth; you understand that? A. Yes, sir.

By Mr. Goff:

Q. You have been the keeper of several noted resorts in this city? A. Not as I know of.

Q. You have been the keeper of resorts? A. That is right; yes, sir.

Q. But you object to the word "noted"? A. I do, sir.

Q. Where have you kept these places? A. All over the city.

Q. All over the city? A. Yes, sir.

Q. These places have been concert-rooms? A. Some of them concerts, some of them restaurants.

Q. You have some brothers? A. Yes, sir.

Q. Will you be good enough to give us their names? A. Yes, sir.

Q. What? A. One of them is Ignatz, the other is Jacob, Alexander and Morris.

Q. Is that all? A. That is all.

Q. Sure you have got the whole of them? A. That is all.

Q. And they were all engaged in keeping these places? A. Oh, no.

Q. I beg pardon; how many? A. Myself.

Q. Only yourself? A. Yes, sir.

Q. Are the rest engaged in business in New York? A. Yes, sir.

Q. What business? A. Restaurant.

Q. Where are their restaurants? A. Second avenue is one.

Q. Second avenue? A. Third avenue is one.

Q. Third avenue? A. Yes, sir.

Q. Where else? A. And myself.

Q. Where is your restaurant at the present time? A. Two hundred and seventy-six Houston street.

Q. How long have you been in this business of keeping concert halls or restaurants? A. About 10 years.

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

Q. Within that period of time, how many times have you been arrested? A. Arrested; that is a hard thing to tell; I guess once.

By Senator Bradley:

Q. It is a hard thing to tell, and yet it is only once? A. Yes.

By Mr. Goff:

Q. Only once in the 10 years? A. Only once in 10 years.

Q. Who arrested you then? A. Inspector McLaughlin.

Q. What were you arrested for? A. Well, the charge was disorderly house.

Q. For keeping a disorderly house? A. Yes.

Q. Where was the alleged disorderly house? A. It was not.

Q. It was not? A. No.

Q. Where was it situated, the house that was charged as being disorderly? A. Two hundred and seven Bowery.

Q. Didn't you keep a place up near Harlem Bridge at one time? A. No, sir.

Q. Or one of your brothers? A. No, sir.

Q. The Harlem Bridge Hall? A. No, sir.

Q. Nothing to do with any place on Third avenue near Harlem bridge? A. No, sir.

Q. Nor any one connected with you in business? A. No, sir.

Q. You have for 10 years been in the habit of selling drinks in your place? A. No—yes, sir.

Q. Did you always have a license? A. Yes, sir.

Q. You sold on Sundays as well as other days? A. No; I never sold on Sundays.

Q. Never kept your place open on Sunday? A. Kept it open; yes, sir.

Q. What? A. Kept it open.

Q. Kept it open for all persons who would go in there? A. Yes, sir.

Q. What do you sell on Sundays? A. Weiss beer.

Q. Did you sell coffee? A. Well, not in the concert, no.

Q. Well, young ladies were in the habit of visiting your place? A. Yes, sir.

Q. And serving drinks? A. Yes, sir.

Q. Used they appear in evening dress or short skirts? A. On the stage, you mean?

Q. Anywhere? A. No, no; they were all dressed respectably.

Q. Respectably, of course; but didn't young maidens who attended your place serve up drinks to the gentlemen? A. No; no girls were serving; no.

Q. They drank with the gentlemen? A. Well, when they came in with a gentleman they drank with the gentleman.

Q. And when they were invited by gentlemen, they drank? A. They could drink; yes.

Q. Had you a wine-room in connection with your concert hall? A. No, sir.

Q. No wine-room? A. No.

Q. You had no wine-room, you say? A. No, sir.

Q. And you closed up your place tight and fast every night at 1 o'clock? A. Yes, sir.

Q. Never violated the Excise Law? A. Never.

Q. Nor did you violate the Excise Law on Sunday? A. No, sir.

Q. And you never had a call from a policeman in your place? A. I had a right to keep open on Sundays.

Q. You didn't sell liquor though? A. No; I didn't sell liquor.

Q. I say, now, did you have any visits from policemen in your place? A. From policemen?

Q. Yes. A. Not as I know of; no.

Q. You were always attending to your business? A. Well, I don't know no policemen.

Q. Do you know that there are men in New York called policemen? A. I do.

Q. Did you ever see any in your place? A. No, sir.

Q. There were never acts of disorder there that required their presence? A. Outside there was; yes.

Q. Outside of your place? A. Yes.

Q. That is, people who were in your place got disorderly and you put them out? A. Myself.

Q. Turned them over to the police? A. That is right.

Q. And that is the nearest you have ever been to the police in New York? A. Well, pretty near.

Q. Of course, the police never called to see if you closed up at 1 o'clock in the morning? A. Always.

Q. Never sold afterward? A. I closed at 1 o'clock.

Q. And the music stopped? A. The music stopped.

Q. And the lights were turned down? A. Every night.

Q. And the gentlemen and the young ladies were all gone out in the street? A. Yes, sir.

Q. At 1 o'clock? A. Yes, sir.

Q. You have had very friendly relations with the police, have you not? A. Not as I know of.

Q. Haven't you been friendly with them? A. Just so much as you or the next man.

Q. They have always treated you nicely? A. They had no business to treat me any other way.

Q. But they have treated you nicely? A. The same as I deserve.

Q. You deserved the treatment the police gave you? A. Yes, sir.

By the Chairman:

Q. Did the police treat you in a friendly way? A. I don't know what you mean.

Q. Nicely? A. They had no business to treat me any other way.

Q. Did they treat you nicely? A. They had to.

Q. Did they? A. I guess so.

Q. Don't you know how you were treated by the police? A. Just the same as any other man.

Q. Were you treated nicely by the police, or otherwise? A. Just the same as any other man; I don't know what you call nicely.

Q. Then you refuse to answer the question? A. I do not; what is the question.

Q. Were you treated nicely by the police? A. They never harmed me any.

By Mr. Goff:

Q. They never made any complaint against you? A. Well, I guess they did.

Q. How many? A. That I don't know.

Q. So numerous that you can not remember? A. Well, they made some complaints, I guess.

Q. How many, 20? A. I don't know.

Q. Forty? A. I don't know that either.

Q. You have never been convicted of any of the complaints they made against you? A. Never.

Q. Was your place ever raided? A. Yes, sir.

Q. By whom? A. Captain McLaughlin.

Q. Only once? A. Once.

Q. Only once? A. Yes, sir.

Q. And you have never been convicted for that raid? A. No, sir.

Q. Never fined? A. Never fined; no.

Q. And after they raided you, you went back to the old stand and conducted business in the same way? A. I didn't.

Q. Did you go back to the old place? A. No; I couldn't get no license.

- Q. You opened up in another place? A. No, sir.
- Q. How long did you remain out of business? A. For three years; I am out of business now.
- Q. What were you doing for those three years? A. Sporting around.
- Q. Living luxuriously upon the result of your business enterprise? A. Yes, sir.
- Q. No policeman ever approached you for a drink, did he? A. No.
- Q. Nor he never asked you for a \$5 bill? A. Never.
- Q. And you don't know anything about paying money, so much a month, to the police? A. I never did.
- Q. You never heard of it? A. Well, I heard some talk.
- Q. From whom? A. From what I read in the papers, some disorderly houses.
- Q. Did you ever have a visit from these gentlemen called ward men?
- The Chairman.—Ward detectives.
- Mr. Goff.—Did you ever have any visits from them? A. Well, yes.
- Q. What was the object of their visits? A. Nothing.
- Q. What did they go into your place for? A. Well, I don't know.
- Q. To look around? A. I don't know.
- Q. Did they talk with you? A. They might have said, "Good evening," that is all.
- Q. And bowed themselves out again? A. That is all.
- Q. How often did the ward men visit you? A. I don't know.
- Q. It is so very frequent? A. Ten years is a long time.
- Q. And you kept the places that you have kept in New York for 10 years, and you know—by the way, you read the papers? A. Yes, sir.
- Q. You have read of yourself being called the notorious Max Gombassy? A. Yes.
- Q. And you have laughed over that frequently with your friends? A. So I do.
- Q. And you have read of yourself as being the keeper of the most notorious places in New York, have you not? A. Yes.
- Q. And, in fact, you have seen yourself charged in the newspapers with keeping the worst dives in New York, haven't you? A. Charges; yes.
- Q. And you never demanded a retraction from the newspapers that charged you with being the worst divekeeper in New York? A. I don't care if they called it to-day.
- Q. How is that? A. They can call it to-day.



Q. But you have never denied it? A. No.

Q. And you, being called in public the worst and lowest dive-keeper in New York, and keeping the worst and lowest dives, have never been interfered with, in any manner, by the police of this city, except on one occasion; is that so? A. Once I was pulled; yes.

Q. Once you were pulled? A. Yes.

Q. In 10 years? A. Yes.

Q. And you have had nothing, except that one occasion, but nice treatment from the police? A. Yes.

Q. Are you not now prepared to state on the witness stand what you stated to me over there at the window, that you were prepared to swear to the good character and reputation of the police of this city? A. What?

Q. Are you prepared to swear to that? A. What?

Q. To the good character and reputation of the police of this city? A. To my knowledge; yes.

Q. To their honesty and uprightness? A. To my knowledge, yes.

Q. They never attempted to do or say anything wrong to you? A. No.

Q. Never even suggested the payment of any money? A. Never.

Q. Or the taking from you of even a cigar? A. Well, I never offered him any.

Q. But they never asked you for any money? A. Never.

Q. Or for a cigar, even? A. Never.

Q. So far as you know, distinguished citizen of New York as you are, you can state before this Senate investigating committee, that the police department, and the police of this city, are without blame; is that so? A. From my sight; yes.

Q. From your observation? A. Yes, sir.

Q. And your experience? A. Yes, sir.

#### By the Chairmans

Q. Did these ward men come to you as often as once a month? A. I really don't know.

Q. What is your best recollection? A. Once in a while they would come in.

Q. They would drop in, from time to time? A. To see if everything goes all right; yes.

Q. Did they have any purpose or object in coming in there? A. Not as I know.

Q. You said just now, to see if everything is all right? A. That is their business.

Q. What did you mean? A. I had a concert and there were lots of people in there, and they would come in.

Q. How long would they stay, each man? A. A few minutes.

Q. And go right out again? A. Yes, sir.

Q. The character of your various establishments was known, was it not, to the police force of the city? A. It was known to everybody.

Q. A matter of public notoriety? A. It was not public notoriety.

By Senator Bradley:

Q. Didn't you ever give the detectives even a drink of beer?

A. I never give nobody a drink unless he pays for it.

Mr. Jerome.—There is nothing else to submit for the day; will you kindly ask the witnesses who are under subpoena to appear to-morrow morning at half-past 10.

The Chairman.—All witnesses subpoenaed for the day and not examined, will appear here to-morrow morning at half-past 10 o'clock, to which time this committee stands adjourned.

Proceedings of the twenty-third meeting of the committee, held in the Court of Common Pleas, part III, in the County Court House, in the city of New York, Friday, June 8, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Jacob A. Cantor, Daniel Bradley and George W. Robertson, of the committee. John W. Goff, W. Travers Jerome and Frank Moiss, of counsel for the committee. Delancey Nicoll and Rastus S. Ransom, of counsel for the police board.

Chairman Lexow.—I want to correct an impression apparently that has prevailed throughout some of the newspapers, in reference to some statements I made yesterday, in regard to Captain Siebert. According to one or two of the publications that I have seen this morning, I am stated as having said that no accusation was made against him. What I did intend to say was that the accusations were not as serious as those against some of the other captains, and, therefore, no special exception should be made in his case.

Mr. Ransom.—That is what I understand, but I have not read the papers of this morning.

Chairman Lexow.—I am mentioned as saying there is no charge against Captain Siebert.

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

Direct examination by Mr. Goff:

Q. How many times have you been subpoenaed here? A. This is the second time, sir.

Q. Why did you not appear the first time? A. The first subpoena was mislaid; it was handed to me the same evening I was to appear the same day.

Q. You mean to say that the subpoena was not served upon you the day before the subpoena called for your services? A. No, sir.

Q. You didn't come here afterward to inquire about it? A. Well, I don't know; I was here; my name was not called.

Q. I have called your name half a dozen times — I called your name half a dozen times in this court? A. I was here; the subpoena calls for Wednesday I believe, and it was served on me Wednesday evening.

Q. You received a subpoena duces tecum to produce a roll or roster of the membership of the Pequod Club? A. No, sir.

Q. Do you hold a position in the Pequod Club? A. Yes, sir.

Q. What position? A. Treasurer.

Q. Who is the secretary of that club? A. The secretary is, I believe — Benjamin Doll was one.

Q. What is he — what position does he occupy? A. He is recording secretary.

Q. Whose duty is it to preserve the roll of membership? A. The board of directors.

Q. Is there not some individual officer whose duty it is to keep the membership record? A. I believe it is the secretary's.

Q. Is it the secretary you mentioned now — Doll? A. I believe it is.

Q. How do you spell his name? A. D-o-l-l.

Q. Where is his residence? A. I don't know.

Q. Where is his place of business? A. That I don't know.

Q. You have been a member of the Pequod Club since its organization, haven't you? A. Yes, sir.

Q. How long has Mr. Doll been a member? A. Since its organization.

Q. And you tell us you don't know where the secretary of the club lives or what his business is? A. Yes, sir; I know where his business is.

Q. That is what I asked you? A. He is employed in the surrogate's office; I do not know what employment he has there.

Q. You knew when I asked you what his business was; you understood what I meant? A. No; not exactly.

Q. You did not? A. No.

Q. Then you say he is in some position in the surrogate's office? A. Yes, sir.

Q. In this county? A. Yes, sir.

Q. Now, who is the financial secretary of the organization? A. Lichtenstein.

Q. Will you spell it please? A. L-i-c-h-t-e-n-s-t-e-i-n.

Q. What is his first name? A. I believe, Abraham; I am certain.

Q. What is he engaged at; what does he do? A. I believe he is in the surrogate's office, too.

Q. Do you know his residence? A. I do not.

Q. Who is the president of the club? A. John C. Sheehan.

Q. Is that the police commissioner? A. Yes, sir.

Q. Who is the vice-president? A. The first vice-president, I believe, is Isaac H. Terrell.

Q. What is Mr. Terrell's occupation or business? A. Sash and blind making, and hardware.

Q. Where? A. On Eighth avenue; I don't know the number, between Twenty-eighth and Twenty-ninth streets.

Q. Who is the second vice-president? A. It is G. T. Springstead.

Q. What is his occupation or business? A. I believe he has an iron yard.

Q. Any more vice-presidents? A. I think not; let me see; I think not.

Q. You are the treasurer? A. Yes, sir.

Q. You are one of the port wardens of New York, ain't you? A. Yes, sir.

Q. Outside of the officers you have described, are there any other officers in that club? A. Let me see.

Q. A president, two vice-presidents, a treasurer, a financial and a recording secretary? A. I think there is a corresponding secretary, too.

Q. Who is the corresponding secretary? A. I can not tell you that, except the officers changed this year; I think it is — I don't know whether it is Mr. Hillman or Mr. Tweed; I think it is Mr. Tweed.

Q. Is there not a printed book, containing the names of members of the Pequod Club? A. No, sir.

Q. Was there ever a printed book? A. No, sir.

Q. And you have been a member since its organization? A. Yes.

Q. Has there ever been a printed book or pamphlet, containing the names and addresses of the charter members, and active members of the organization? A. I think there was in the beginning.

Q. You swore a moment ago there was not? A. You asked me a printed book of the names of the members.

Q. Yes; I asked you whether there was a printed book containing the names of the members of the organization? A. I said there was not.

Q. Did you ever see books like that? A. Yes.

Q. The book, "Pequod Club"? A. Yes, sir.

Q. Do you recognize that—"Resident members"? A. No, sir; I never looked as far as that.

Q. You recognize that, "Charter members"? A. Yes, sir; I recognize that; I never knew those were in there.

Q. You were treasurer of that organization since its inception, and you never knew there was a list of members there of the club? A. No, sir; that is news to me.

Q. Do you know anything about payments for the preparation and printing of this book called "The Pequod Club"? A. No, sir.

Q. You are treasurer of that club? A. I am treasurer and act under the supervision of the board of directors.

Q. I am not asking you under whose supervision you act; I ask you whether you know anything about the payment of funds for these books of the Pequod Club? A. I do not recollect.

Q. You think these books would be printed and published for nothing? A. No; I do not think so.

Q. Who else would pay for them if the Pequod Club would not pay for them? A. I do not know who would pay for them; nobody, I suppose.

Q. Then they have been printed and published gratis? A. That I can not tell you.

Q. Do you know the member of the club that prints those books? A. I do not.

Q. Will I call to you his name; John J. Daly, 267 Tenth avenue, New York; do you know him? A. I do.

Q. Don't you know he prints and publishes those books for you? A. No.

Q. He printed and published that; there's his name? A. It might be; I don't know he did.

Q. Don't you know he was paid for them? A. If he printed them, I suppose he was.

Q. Don't you know that, as treasurer of the club? A. No, sir.

Q. Payments were made by you, anyhow? A. Payments may be paid out; the committee orders the accounts, and I pay the face value of the bill; I may have paid it and may not; I don't know.

Q. Have you your treasurer's books? A. No, sir.

Q. Where are they? A. They are in the place where they belong.

Q. Where? A. In the Pequod Club.

Q. Haven't you a private memorandum book as treasurer?

A. No, sir.

Q. Have you a bank account as treasurer? A. Yes, sir.

Q. A check-book? A. Yes, sir.

Q. That is in your keeping? A. Yes.

Q. And you have kept the accounts since the organization of the club? A. Yes, sir.

Q. Now, Mr. Munzinger, under the directions of the committee, you will please bring that book here, too? A. I—it is impossible for me to bring that, because I have no right to do that.

Q. Yes, it is yours, sir? A. I have no right to bring those books.

Q. Who has the right? A. The board of directors.

Q. Who are the board of directors? A. I can not name them; I can name a few of them; the board consists of 19 members.

By Chairman Lexow:

Q. Are they in your custody? A. They are in my custody as treasurer.

Q. Then as they are in your custody, Mr. Munzinger, you are bound to bring those books here whether you have the right or not? A. I do not think I have the right to do so.

Q. We will see whether you have or not? A. You will have to force me to do it.

Q. We will see whether the State of New York can not make you produce them in court? A. The board of directors has charge of them.

Chairman Lexow.—Has a subpoena duces tecum been served upon this witness to produce them?

Mr. Goff.—Yes, sir.

The Witness.—No; the subpoena calls to produce a roll of membership, that is all?

Q. You say the roll of membership is not in your custody? A. No, sir.

Q. But the other books are? A. As treasurer; yes, sir.

Q. Will you produce those books without a subpoena duces tecum, or will you compel this committee to serve a subpoena to produce them? A. I have no right; the custody is in the board.

Mr. Goff.—I suppose, Mr. Chairman, the witness being in the court is subject to the direction of the court, precisely as if a subpoena duces tecum had been served upon him for this business; the only function of the subpoena being to come in court.

The person being in court he is subject to its orders. However, we will see.

Senator O'Connor.—Wont you have to show that the subpoena duces tecum was served on him?

Mr. Goff.—In order to keep the record we—

Chairman Lexow.—I think, Mr. Goff, your proposition applies where the books are in court. There the witness can be compelled to produce them, they being within the court, yes; but where they are away from the court, subpoena duces tecum has got to be served. Were you waiting for anything?

Mr. Goff.—Yes; a moment.

Chairman Lexow.—You might read this while we are waiting. (Handing Mr. Goff a letter.) A subpoena duces tecum was served on the witness at this time by the chairman.

Mr. Goff.—You may go, Mr. Munzinger.

Chairman Lexow.—How about the fee?

Mr. Goff.—The State is never compelled to pay a fee.

Chairman Lexow.—Not in advance; yes.

Mr. Goff.—That is one thing the people relieve us of.

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

Direct examination by Mr. Goff:

Q. Mr. Arteaga, what countryman are you? A. Sir?

Q. Where were you born? A. In Cuba.

Q. How long have you lived in this city? A. I have been here since 1851.

Q. In this city? A. Yes, sir.

Q. In 1891 did you open a saloon in this city? A. Yes.

Q. Whereabouts? A. Three hundred and fifty-two Eighth avenue.

Q. And near what street is that? A. Between Twenty-seventh and Twenty-eighth streets.

Q. Speak loudly, please? A. Between Twenty-seventh and Twenty-eighth streets.

Q. Did you procure a license for the saloon? A. Yes, sir.

Q. From the excise board? A. Yes, sir.

Q. And you opened it as a billiard saloon and liquor store? A. Yes, sir.

Q. Subsequently did you endeavor to secure a concert hall license? A. No, sir.

Q. Did you try to secure one? A. I did; yes, sir.

Q. Was it refused to you? A. By Mayor Grant; yes, sir.

Q. After that did you run the place as a concert hall? A. I did, sir.

Q. Before opening it as a concert hall, did you see any police official in that precinct? A. I did, sir.

Q. Who did you see? A. The captain in the Thirty-seventh street station-house

By the Chairman:

Q. What is his name? A. I can not remember the name; it was a dark complexioned man with a black mustache, stoutly built, and he wore a big diamond in his ring and scarf pin.

Q. Would you know his name if you heard it? A. I don't know.

Q. What is the date you saw him? A. It was in September.

Q. Of the year 1891? A. Yes.

Q. Where did you see him? A. No, I think it was 1890; I think it was 1890; the date.

Q. Where did you see him? A. At the station-house in the office.

Q. Was it Captain Price? A. I could not be sure of the name; if I saw the gentleman I would know him.

Q. What time did you see him? A. In the afternoon.

Q. How did you come to go there? A. One of my customers told me if I saw him, he would arrange for me to open a concert saloon without a license.

Q. When you went there was the captain in? A. Yes.

Q. Tell the committee the conversation you had with the captain, stating, as fully as you can remember, what you said to him, and what he said to you? A. I was there a very short time, because I asked him if he could help me get a license from Mayor Grant, he said he could not, that he couldn't do anything for me in that respect, but I could see the ward detective and see what he could do for me.

By the Chairman:

Q. Did he name the ward detective? A. Yes, sir.

Q. What was the name? A. Wagner.

Q. What is the first name? A. I don't know; a tall man of middle age.

Q. Go on and tell what the captain said? A. Of course I left the station-house.

Q. Did the captain say anything more to you then? A. Nothing more.

Q. Except to see his wardman, Wagner? A. Wagner.

Q. Then what did you do? A. He came to me without my looking for him.

Q. Wagner came to your place of business? A. Yes, sir; and he took me into Twenty-eighth street, and I had a conversation.



Q. In the street? A. In the street; yes, sir.

Q. What did he say to you? A. Well, I asked him if he could procure the license for me; and he said, "No," that I should open the concert.

By the Chairman:

Q. Without a license? A. Without a license.

By Mr. Goff:

Q. What did you say to that? A. He wanted to know how much I could pay for it, and I said, I could not pay very much, and that I could pay about \$50 a month; and of course in a few days I was ready to open, and I gave him the \$50, and he came again, and I gave him the \$50.

Q. How long was it after you saw the captain that you saw Wagner? A. A few days; he came to me himself.

Q. Can you recollect when that happened? A. I know it was in September.

Q. How long had you been open before you saw Wagner again? A. Before I saw Wagner again?

Q. Yes. A. A few days; and he got his money and went off.

Q. Did you give him the money in your place? A. Yes, sir; I gave him it in the hall of the saloon.

Q. Was anybody else present? A. No; he would take care of that.

Q. Did you give it to him in the place, or how? A. In the place.

Q. In an envelope? A. No; I shook hands with him, and left it in his hand.

Q. You had the bills in your hands, and came up and shook hands with him, and when you got through shaking hands, he had the bills and you did not? A. I had nothing.

Q. When did he next come to you? A. Well, I ran by nearly two months, and the business did not pay me; I charged 10 cents admission in the saloon, I did not want the rough crowd; he came in several times with the captain into the place, and he asked me how business was, and I told him it was not paying.

Q. Who asked you? A. Wagner.

Q. The captain? A. No; the captain never spoke to me after that, and of course he came after his money again, and I could not pay him.

Q. He asked you for money again? A. After the month was out; I could not give him anything; I gave him a box of cigars, a few little presents.

Q. What were the little presents you gave him? A. Some Java jelly, from Cuba, and some cigars.

Q. What did you tell him? A. I couldn't pay him, and the business was not paying.

Q. What did he say to that? A. He came back in a few days and said I would have to close up; somebody had given me up.

Q. Complained of you? A. Complained of me.

Q. What did you say to that? A. What could I say; I closed up.

Q. Did you ever open your place again? A. I kept it running without any concert, you know; and one day he said, "The best thing you can do is to sell out."

Q. That is, Wagner said to you? A. Yes, sir; and so I was advised to sell out.

Q. Did he tell you anyone you could sell to? A. No; this Warren Lewis came; he came alone, and Wagner came again, and took the name of Warren Lewis, and the same day I sold to Warren Lewis; he opened in full blast, sir.

Q. He didn't have a license? A. No, sir.

Q. How long did he run? A. Until the other day, when they closed him up.

By Chairman Lexow:

Q. Do you mean to say he ran for three years? A. That I don't know whether he procured a license afterward, but he did not have it at that time, I am sure of that.

Q. But he did run from the time you left until recently? A. Yes, sir.

Q. Do you know who Warren Lewis was? A. I knew he kept a concert saloon there in Coney Island, that is all I knew of it; I gave it to him almost for nothing, the place was not paying.

Q. Was it before or after this that you closed up that you were arrested? A. No; before I had the concert I was arrested.

Q. How did you come to be arrested? A. Well, one night at the closing when everything was closed up and I was in a private room in the back, and when I came inside the colored man that was tending the door let the two detectives deceive him, and said they wanted to see somebody inside, some friends; there were only two or three of my friends inside, and everything was closed up; I was in the back room, and when I came they told me that I was under arrest, and I said, what for, and they said, keeping open after hours.

Q. Who were the detectives? A. I don't know.

Q. Was one of them Wagner? A. No; they took me to the Thirtieth street station-house, and I saw the captain at the door

Q. What did you say to the captain? A. I did not say anything to him; they took me inside, and one of them — they put me in the room there, and a man came to me and said, "If you give me \$5, we can get you bonds to get out."

Q. To whom did he ask you to give the money? A. The sergeant.

Q. The sergeant at the desk? A. Yes, sir; he was a blonde man with a red mustache; I told them I wouldn't pay nothing, and then they put me in the cell.

Q. After that did you see Wagner again? A. No, sir.

Q. Or the captain? A. That was before I opened the concert saloon; I didn't know Wagner then.

Q. That was when you were running a liquor saloon? A. Yes, sir.

Q. After you were closed up, did you see Wagner again? A. No; I never saw him again.

Q. Or the captain? A. No, sir.

Q. And you never had any other dealings than those you tell of? A. No, sir.

By the Chairman:

Q. Do I understand you were arrested before you paid the protection, and after you paid it you were not arrested? A. No.

Q. At no time? A. At no time.

Cross-examination by Mr. Ransom:

Q. How old are you? A. I am 54 years old.

Q. Are you married? A. Yes.

Q. Have children? A. Yes.

Q. Your wife and children live with you at this concert hall? A. No, sir; they are in Cuba; I am here alone.

Q. I know they are now; were they when you had the concert hall? A. She has never been here.

Q. How long have you lived in New York city? A. I came here in 1851.

Q. And your family have lived in Cuba since that time? A. Yes, sir.

Q. You have returned frequently to Cuba, I suppose? A. I have been up and down several times; yes.

Q. You have been engaged in business here since that time? A. No; I was a boy then; I could not be engaged in business then.

Q. You might have been engaged in getting a living? A. At that age?

Q. Yes. A. I went to school then.

Q. That is business; very respectable business; when did you go into business, as you call it? A. Here?

Q. Yes. A. Well, about 1885; around there.

Q. Never in any business until 1885? A. No, sir.

Q. Were you in the possession of a fortune? A. I had a fortune; yes; and I lost it in the Cuban War.

Q. And you lived on your income until 1885? A. Yes; I had plenty of money.

Q. And then you went into business; what business did you go into? A. The grocery business.

Q. How long were you in business? A. From up to 1872.

Q. I do not understand you; I thought you went into business in 1885, you said first? A. No; I was four or five years in the grocery business.

Q. When was it you went into the grocery business first; what year? A. When I got back from the war in Cuba.

Q. When was the war in Cuba; they have so many wars there, I do not keep track of them? A. The war began in 1868 and ended in 1878.

Q. And then it was about 1880, perhaps, that you went into the grocery business? A. Yes, sir.

Q. Where was your grocery store? A. In Harlem.

Q. What street? A. Between One Hundred and Sixteenth and One Hundred and Seventeenth street.

Q. And your wife and children were still in Cuba? A. Still in Cuba; they never came here.

Q. How long were you in the grocery business? A. I think two or three years.

Q. What business did you go into then? A. I went into the cigar business.

Q. Where? A. In ——— on Eighth avenue, between Forty-third and Forty-fourth street.

Q. Did you deal in Cuban cigars? A. Yes, sir.

Q. Paid the duty on them, I suppose? A. I did not buy them from the custom house; I bought from the jobbers here.

Q. You did not buy them from the custom house? A. No, sir; I bought them from the jobbers.

Q. How long were you in that business? A. About a year, I think I was.

Q. What did you go at then? A. In the same business.

Q. Where? A. On Eighth avenue, between Twenty-eighth and Twenty-ninth streets.

Q. What year was that? A. I think it was in 1884 or 1885; somewheres around there.

Q. How long were you in the second cigar store? A. About a year.

Q. What did you go at then? A. Then I opened a billiard saloon.

Q. This saloon? A. On Sixth avenue, between Thirty-fifth and Thirty-sixth street.

Q. On Sixth avenue? A. A billiard saloon, and liquors; yes, sir.

Q. And you had a bar? A. Yes, sir.

Q. How long were you there? A. About six months.

Q. And then you failed in business, did you? A. Yes, sir.

Q. And what did you do then? A. Then I went on Third avenue, between Twenty-third and Twenty-fourth streets, in the same business.

Q. How long did you carry on business there? A. A short time; it didn't pay neither; from there I went to Eighth avenue.

Q. Did you fail over in Eighth avenue? A. Yes, sir.

Q. And opened this place you have described? A. Yes.

Q. And you were in business there, how long? A. There I was from December 1 to November 1 or 2; somewheres around there.

Q. What is your business now? A. I am a clerk in the cigar business.

Q. Where? A. Sixty-five Exchange place.

Q. What is the name of your employer? A. Julio R. Gonzalis.

Q. You were advised, you said, by a friend to see the captain of the precinct? A. Yes, sir.

Q. In regard to your proposed concert hall? A. Yes, sir.

Q. What was the name of your friend? A. One of the customers, I did not ask his name; so many come there, I did not care there; I did not care for his name.

Q. When you said your friend, you did not mean exactly that? A. He was a friend because he advised me something that would bring me money.

Q. He was that sort of a friend? A. Certainly.

Q. He was a man that came into your place as a customer? A. Yes, sir.

Q. And you don't know his name? A. Certainly.

Q. Is that really so? A. That is really so.

Q. Did you ever know his name? A. Never knew his name.

Q. And upon the suggestion of this stranger, you sought out the captain of this precinct, for the purpose of bribing him to protect you? A. Not bribing him; I went there with the inten-

tion of getting this license; I thought he had influence to get me the license.

Q. After you had asked him that, he told you he could not do it? A. He could not do it, but that I should see the ward detective, or he should see me.

Q. Did he introduce you to the ward detective? A. No, sir; he came by himself to my place.

Q. Was he in uniform? A. No, sir; in citizen's clothes.

Q. You never saw him in uniform? A. No, sir.

Q. How long was it after your conversation with the captain he came? A. A few days; I don't remember.

Q. Was there anybody present? A. No, sir.

Q. I think you have answered this; I do not want to ask you something that was already answered; was anybody present when you had the conversation with the captain? A. No, sir.

Q. Was there anybody present when you had the conversation you swear to with Wagner? A. No, sir; nobody present.

Q. Did you ever have any conversation with Wagner when anybody was present? A. Never.

Q. How many times did you pay him money? A. I paid him once \$50.

Q. That was before you opened the business? A. Before I opened the concert, yes.

Q. Will you describe to the committee, and to me, what you mean by the concert room and the hall you kept there; what sort of business was it? A. Well, you employ men and women to sing on the stage, that is what I consider as a concert, and music in front of the stage.

Q. And you charged admission? A. I charged 10 cents admission.

Q. And you served refreshments? A. Yes, sir.

Q. Any chowder served? A. Chocolate?

Q. You didn't serve chowder, did you? A. No; beer and whiskies of all kinds.

Q. You had an excise license for selling liquor? A. Oh, yes.

Mr. Ransom.—That is all.

By Chairman Lexow:

Q. Can you identify this Wagner and this captain, if you see them? A. Yes.

Q. Will you return Tuesday at half-past 10 to identify them? A. Tuesday, when?

Q. Next Tuesday; do you know who sent Warren Lewis to you? A. That I don't know.

Q. What did he say when he came there?

Mr. Ransom.—I object.

Chairman Lexow.—It is not thought it would, in itself, be any evidence against the police officials, but Warren Lewis was a keeper of this place, the place was raided, and upon charges preferred by Captain Price, and on these charges of Captain Price, was tried.

Senator Cantor.—Was Lewis a witness on the trial of Captain Price?

The Chairman.—I don't recall now.

Mr. Moss.—I think he was.

The Chairman.—What is your object?

Mr. Moss.—My object is to find out who brought Warren Lewis there, if possible.

The Chairman.—That is right, if it is limited to that purpose.

Mr. Ransom.—I have no objection to that, but counsel said, introducing his remark first, that the inquiry was not for the purpose of eliciting any evidence to sustain the charge against the police. If that is so, I suppose it ought to be excluded.

Chairman Lexow.—It may lead up to something that may identify a witness, who may be subpoenaed before the committee.

Mr. Ransom.—I only took the statement of counsel, that his proposed inquiry has no bearing upon the inquiry here; that is the reason I object.

Chairman Lexow.—My statement was this, that hearsay testimony I do not propose the committee, composed of lawyers, would allow, any way, against this board; but to find out what these people were doing, and if this man will relate a conversation with Warren Lewis, that will enable us to subpoena witnesses to testify; it will aid us.

By Senator Cantor:

Q. Who was Warren Lewis? A. He was the one that kept this place, and was tried at Special Sessions, and acquitted.

By Mr. Ransom:

Q. What did Warren Lewis say to you when he came to you?  
A. He came to me and asked if I had the place for sale, and he said, "Why do you want to sell;" I told him the very reason, "I can't open this place; I had it running as a concert hall, but the police have stopped me, because I couldn't pay them any more;" "Well," he said, "all right, I will buy it; I will fix that all right."

By the Chairman:

Q. Did he say who sent him to you? A. No; he did not.

Q. Did he mention any one who sent him to you? A. No, sir.

The Chairman.—That is all.

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

Direct examination by Mr. Moss:

Mr. Moss.—Will the chairman kindly instruct the witness of her privileges?

Chairman Lexow.—Any testimony you may give here can not be used against you in any other proceeding.

Q. Your name is Flora Walters? A. Yes, sir.

The Chairman.—There must be no conversation in the room.

Q. Where do you live now? A. I went back to my work, to work, and I work for wages, and I don't want to lose my place.

Q. I will omit that for the present; did you live at 214 Sixth street, New York city? A. Yes, sir.

Q. What kind of a place did you keep there? A. A cafe and lunch-room, and had girl waiters.

Q. A cafe, with girl waiters? A. Yes, sir.

Q. And did you keep a similar place at No. 52 East Fourth street? A. Yes, sir.

Q. What was sold in those two places? A. Wine, beer and liquors, and coffee, and light food, too, steaks and chops.

Q. Did you have an excise license in both places? A. No, sir.

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

Q. Did you have any visit from policemen? A. Yes, sir.

Q. Which place did you live in first? A. Fourth street.

Q. What policeman did you see at Fourth street? A. I don't know the name of the police; I only know the name of the ward man.

Q. What is the name of the ward man? A. Hoch.

Q. Did Hoch call on you? A. Yes.

Q. How many times? A. I had only been there two months, in Fourth street.

Q. And he called on you twice? A. Yes.

Q. What conversation did you have with him the first time you saw him? A. There wasn't much conversation, for I knew all I had to do; I only handed him an envelope with \$15.

Q. You only handed him an envelope? A. Yes; that was



known all over we had to do that; the first woman I bought the place of, she gave it to him in her hand; she handed it to him in the next room, and I could see it, and the next place I paid him in Sixth street; and he sent to me a stool pigeon that I should come to see him, and I brought some money to him in Sixth street and the corner, and there was no envelope on it.

Q. Who was the stool pigeon you speak of? He is called Michael; afterward he kept a cafe, but now he has gone because he had trouble.

Q. What was the name of the woman you bought the place from in Fourth street? A. Mrs. Rippler.

Q. Do you know whether she had paid Hoch any money before? A. Certainly; she told me so, and I see him give him the money that I gave her, after I took the place.

Q. How many times did you give Hoch the money? A. Only twice, and the third time I gave it to the woman.

Q. On three occasions you paid him \$15 a month? A. Yes.

Q. Do you know Mr. Charles Buser, who supplies beer? A. Yes.

Q. And he was on the stand yesterday and gave your name as paying \$15 a month; is that correct? A. Yes, sir.

By Chairman Lexow:

Q. I understand this witness to say she was in two places; did you pay anything in the first place you were in? A. Yes; that first place I bought from Mrs. Rippler, and that was the woman that gave the first money I was to pay; the second time I paid it myself; on the third time I brought it to the corner of Fifth street by the station-house.

Q. And while you paid this money, were you interfered with by the police? A. No; only afterward, when Captain Cross came to the precinct, they would not take any money, and I lost all of my money, and I went on to work, because I had to take a place and get the work.

Chairman Lexow.—She said, Captain Cross came to the district, and they would not take any money, and by that time she lost all her money, and had to get out of the business, and go to work again.

By Mr. Moss:

Q. What time was it Captain Cross came to the district? A. In December.

Q. Was there any excitement among keepers of houses of your kind at that time? A. Yes, sir; very great excitement

Q. What caused the excitement? A. Because the policemen wanted to close the places at once; they would not allow us to keep girls; they came about 10 or 12 at once, and put the girls out, and were very rude; and one told me that he would take me right up to the prison if I did not send the girls out right away; and I kept my place very quiet, like all the others that had more; and we thought everything was all right, because we paid; I did not think it was so bad what I was doing, because the girls didn't do nothing bad — wait on the men, and they sold liquor, and that is all the wrong we done, because I had no extra rooms at that time.

By the Chairman:

Q. Did you think you didn't do anything wrong because you paid the police? A. I didn't think it was so bad.

Q. Because you paid the police? A. Yes.

By Mr. Moss:

Q. Do you know anything about the extra charge in those cafe houses, where there was a lounge kept in the room? A. Well; they had to pay more.

Q. Cafe houses that had an extra lounge in the room? A. Well, they had to pay extra charge for that; I can not swear to this, only they told me so; I did not keep any.

Q. Who told you so? A. The other keepers of the houses, the woman that kept the Cafe Florida, and the woman that kept the Olympic, and all the old — everyone.

By the Chairman:

Q. Give them the benefit of it, the name of all those who knew and had lounged in their places? A. The woman that kept the Cafe Florida; I do not know her name; I only know the name of the cafe; and there was Mrs. Rosa's in Fourth street; kept the Kaiserhoff.

Q. Who else? A. I think that is all I know.

Q. What did they tell you? A. I only heard that from the girls that worked there; and I talked to that woman, too, that kept the Kaiserhoff; they told me they had to pay \$20, because they kept a lounge in the room.

Q. To whom? A. To the wardman.

Q. To this man Hoch? A. That was one party; I never see them pay that.

By Senator Cantor:

Q. Did they say to whom they paid it? A. Yes; Hoch; because the others did not take no money.

By Mr. Moss:

Q. How long was it after you paid the last money to Hoch before the central officers came to close you up? A. Only one or two days; I am not certain.

Q. These officers came from the central station or headquarters? A. I am told they are; they ran there then all night, and six or seven came in, and everybody ran out, and they were afraid, and we had to discharge the girls right away.

Q. Do you know what it was that induced the police to do this? A. Yes.

Q. What? A. Parkhurst.

Q. Was there excitement about what Dr. Parkhurst was saying and doing at that time? A. Yes.

Q. In December? A. Yes.

Q. And the date after you paid Mr. Hoch? A. I don't know whether it was a day or two, only a short time; the police were running along telling the cafe house keepers to close up and send the girls away.

By the Chairman:

Q. Did the police, during all this time of the existence of your house, know the way in which it was carried on? A. Yes, sir.

Q. The police as a body? A. Yes; they knew as well as we did.

Q. And patrolmen in the street? A. Yes.

Q. An order from the captain to you, would that have closed your house at once? A. Yes; certainly.

Q. It would? A. In that case, if they see us sell wine or liquor; that is all.

Q. If the captain had sent an order around to these different houses that were keeping open throughout the precinct there to close, would that, in your judgment, have had the effect of closing all those houses? A. No; only sending the girls away, and take men waiters instead of girls.

Q. And not run them as disorderly houses? A. No.

By Senator Bradley:

Q. Would the captain allow you to sell liquor without license? A. No; if you didn't pay.

By Mr. Moss:

Q. Did you see any excise inspectors at your cafes? A. No, sir.

Q. Had any call from them at all? A. No, sir; had no call at all; there was one day a small man came and said, you have to take out a revenue license, unless he would make trouble for me.

Q. An internal revenue license? A. I don't know; I wanted to ask a wardman first, and I told him I could not pay that night, and he should come again, and he never came.

Q. Did police officers go into your cafes in uniform, and sit down? A. No, sir.

Q. Without uniform? A. No, sir.

Q. Do you know Detectives Cohen and Sinclair? A. Yes, sir.

Q. Where are they stationed? A. It is Sinkler.

Q. Where are they stationed? A. Fifth street.

Q. Didn't those two officers come into your place at times? A. They never asked for anything, and I never sold anything while they were there, and they would not allow us around the place, and when I came in I served on them two bottles of beer.

Q. You gave the two detectives beer? A. I wanted to ask them if they should think I should keep open yet; they told me I could not, because I hadn't any money, and I had to close up.

Q. You treated these officers? A. Yes, sir.

Q. And they were talking with you whether you should run your house again? A. Yes; and they told me I should close up; it was no use to run the place as I did.

Cross-examination by Mr. Ransom:

Q. Did you keep a disorderly house? A. No, sir; there was no extra room — there was an extra room, but no door to it, or no lounges, or nothing.

Q. These girls that were with you were simply waiters? A. Only waiters.

Q. They were not bad girls? A. No, sir.

Q. They served beer and wines when they came in? A. Yes, sir.

Q. And that is all the business you did? A. Yes.

Q. I did not understand some of your evidence, and so I ask you now; what are you doing now? A. I work in a store now again, but I do not want to have my name in the paper, because it is bad for me; I have a boy six years old, and I do not want to have any trouble.

Q. You shall not be put in that position by me, under any

circumstances? A. I had only been in that whole business four months; that is all I could tell you.

Q. Are you a widow? A. Yes, sir.

Q. You are a German, I see? A. Yes.

Q. Have you lived in New York long? A. Yes, sir.

Q. How long have you lived in New York? A. Since I have been four years old, I came over first; but then I had been in Germany again.

Q. I understood you to say to counsel that you did not think you were doing any wrong there, because the girls did nothing, except serve beer and wine, do you mean to be understood that way? A. Yes, sir; I did not think it was so wrong, as it turned out afterward; because everybody, there was about 200 places, I think, all done the same thing, and I did not think it was so bad.

Q. You thought the business you were doing was not wrong? A. I thought it was all right when I paid, because they all said that money was going to —

Q. I only want to get her moral idea? A. Because they told me the ward man did not keep the money and it goes up higher, and it had to be that way, because it was not old in this country, that people that sold liquors could keep waiters; but I thought it was nothing wrong, and everybody told me the money went all through and everybody knew how it was worked.

Q. And you would not have kept this place, if you knew these girls were bad girls? A. No.

Q. Is that what you meant by thinking it was not wrong? A. Yes, sir; nothing wrong went on in the house; I was only selling wine and beer.

Q. And you thought it was safe for you to do the business because you paid this money? A. Yes, sir; I knew people that kept such cafes for years and years, and they were never —

Q. You thought it safe to do business that way, because you paid the money? A. Yes.

Q. And you did not mean to do anything wrong when you kept the place? A. No, sir.

Q. When was it that Captain Cross came to the precinct? A. I think it was in December.

Q. You mean last year? A. Yes; last December.

Q. From that time you paid nothing? A. No, sir; I have only been there this month, because I had to close up, and my money was gone, and we could not make any more money after Captain Cross was there; he would not let us sell anything, or keep girls, or take money.

Q. When you commenced business you said you knew what you had to do, meaning you had to pay money? A. Yes.

Q. How did you know that? A. The woman that sold me the place she took sick, and before that she asked me to work for her until she got better; and she didn't get better, and she told me I should take the place; and I had only \$30, and she told me to get her the change, and I should pay off every day, and I did pay her \$4 every day, and could count half a dollar for the police, that was \$15 a month; and she explained everything to me, and said the money to the police was due next week, and if I was willing to do that; and I said "Yes," I was willing to pay it, because the business went along all right; and I counted it in to her, and she carried it into Mr. Hoch in the next room, and there was no door there and I saw her hand it to him.

Q. I understand you gave him some money? A. Yes.

Q. Was anybody present when you gave him the money? A. No, sir.

By Senator Bradley:

Q. Didn't you mean, by saying there was no door, that there was no door hung—an open space? A. Yes; there was no door hung; it was like an extension room, with no door to it.

Q. The woman you bought out, did she have a license for selling liquor? A. No.

Q. You know how long she run that place before you bought her out? A. About a year.

Q. She carried it on the same as you did? A. Yes, sir.

Q. With girl waiters? A. Yes.

Q. And sold all kinds of liquor and refreshments? A. Yes.

By Mr. Moss:

Q. Do you know a man named Meyers, in Fourth street? A. Yes; he went to Newark.

Q. Did he have trouble with the police? A. Yes; he had trouble very often.

Q. Did he keep a similar place to yours? A. Yes.

Q. Was there any lounge in his place? A. I am not sure; I have not seen any.

Q. What do you know about his trouble—trouble with the police? A. I only know he was pulled twice in one week.

Q. What for? A. I suppose he did not want to settle up.

Q. How many times, altogether, was he arrested? A. Two or three times; very sure, one time.

Q. Right one after the other? A. Yes.

Q. Why do you say it was because he would not settle up? Mr. Ransom.—She did not say that; she said she supposed so.

**Q.** Why did you say that? **A.** I can not swear to that; I understood from others that when they got arrested they could settle it, and never appear in court, and he did not want to do that, and had to go to court and pay.

**By Senator O'Connor:**

**Q.** That was the common understanding of the people who were carrying on the same kind of business? **A.** Yes, sir.

**Q.** And it was the subject of conversation among the owners of these houses? **A.** Yes, sir.

**Q.** That you should settle with the police? **A.** Yes.

**By Mr. Moss:**

**Q.** How much did they have to settle with the police? **A.** About the same they had to pay a fine.

**Q.** Twenty-five dollars? **A.** Yes.

**Mr. Moss.**—That is all.

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

**Direct examination by Mr. Moss:**

**Q.** Where do you live, Mr. Jacobs? **A.** No. 1797 Third avenue.

**Q.** And what is your business? **A.** Merchant tailor.

**Q.** How long have you had that business? **A.** Well, I have been working—how long have I had the merchant tailor business?

**Q.** Yes; right there? **A.** In this present store about a year and a half; about a year.

**Q.** In what Assembly district is that store? **A.** In the Twenty-fifth Assembly district.

**Q.** How long have you lived in the Twenty-fifth Assembly district? **A.** About seven or eight years; off and on.

**Q.** Have you been a member of the general committee of Tammany Hall, or of the district committee? **A.** I am a member of the general committee yet.

**Q.** At the present time? **A.** At the present time.

**Q.** Have you expressed to me some fears for the result of your testimony to me in the way of persecution or prosecution? **A.** I have had an officer approach me in my store and tell me "You son-of-a-so and so, you are going before the Senate investigating committee, and I will lock you up the first time I get you alone, and I will knock your head off you."

Q. What is that officer's name? A. Finnan or Finnerty; it is either one or the other.

Q. What precinct is he attached to? A. Twenty-eighth, I think; the One Hundred and Fourth street station.

Q. That is Captain Westervelt's station? A. Captain Westervelt's station.

Q. Do you know this man, have you seen him many a time—Finnerty? A. I have seen him about half a dozen times in my life.

Q. In uniform? A. In uniform.

Q. Did he come into your store in uniform? A. He came into my store in uniform, and he was called on another case; there were some stuff there; I had sent my boy out, and my boy was insulted, and my wife went to find out—

Q. Never mind that quarrel with your boy? A. He was sent for to the station-house for that particular case, and instead of attending that, he followed me in my store and came to me, and he said, "You are a liar and are a squealer, and are going before the Senate investigating committee, and I will knock your head off, and lock you up the first time I get you alone."

Q. Have any other persons spoken to you in that way, or threatened you, or intimidated you? A. The officers that were with him at the time.

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

Q. Would you recognize them again? A. If I saw them; I have not seen them since.

Q. In their presence? A. Yes, sir.

By Senator Bradley:

Q. You said the officers; how many did you mean? A. There were two with him.

Q. There were three altogether? A. Yes, sir.

By Mr. Moss:

Q. Did these three come into your store together? A. Two stood outside, while he went in.

Q. Did any other person come in and threaten or address you, or make any suggestions or intimidation? A. No; only that I received word through a friend of mine that I had got to see my district leader, about keeping his promise or otherwise I would see to get justice; he said he would railroad me to jail, if I mentioned his name.

Q. Who is the district leader? A. John J. Ryan; he sits over there now.



Q. Has Mr. Ryan been in this court before? A. He was here yesterday.

Q. You were here yesterday, too? A. Yes.

Q. How did Mr. Ryan know you were going to testify; how did he know you were coming to court? A. I can not tell you, except that this man who gave me this information that Mr. Ryan was going to railroad me to jail is a friend, as I asked him to see Mr. Ryan before I was subpoenaed at all in regard to giving me the position he promised me, and that man was present when I got my subpoena.

Q. Have you any objection to stating that man's name? A. Mr. Starr.

Q. Is he in court? A. He is not in court; if he is I do not see him.

Q. Have you seen anyone else in court connected with Mr. Ryan, or the matters about which you are going to testify? A. Yesterday I saw the alderman's brother here.

Q. Who is the alderman? A. William A. Baumert.

Q. The alderman's brother was here? A. Yes, sir.

Q. Sitting inside the rail? A. Sitting inside the rail, talking to the gentlemen.

Q. Watching things yesterday? A. Yes, sir.

Q. Is he here to-day? A. No; I don't see him; one other gentleman spoke to me yesterday was Robert R. Wilkes, reporter for the World, I believe; he asked me what I was doing here, and I told him that I was subpoenaed down here.

Q. He had a right to, as a member of the Press? A. Yes; as member of the Press.

Q. Certainly; we expect them to always try to find out what is going on; you had some dealings with John J. Ryan, looking to appointment on the police force? A. I had.

Q. And those dealings have extended over a considerable period of time, haven't they? A. They have extended over a period of two years.

Q. And Mr. Ryan has received a considerable sum of money from you? A. He has got me to lay it out for the organization, promising me —

Q. He has induced you to? A. He told me to.

Q. On the prospect of being appointed a policeman? A. Certainly; I have not been appointed.

Q. How long has your application been pending? A. I had made an application for the position before I knew Mr. Ryan.

Q. I ask you the question, how long has it been pending? A. About two years; over two years; two years and a half.

Q. Have you expressed to him some fear —

By the Chairman:

Q. Have you passed your civil service? A. Passed a civil service examination and got a rating of 87.18.

By Mr. Moss:

Q. You have not paid anything? A. I have not any more to pay; I have paid all to the John J. Ryan organization.

Q. You have not got any more to pay?

(Objected to; objection sustained.)

Q. Have you expressed to me some fear that you might, perhaps, be persecuted or prosecuted on account of testimony which you might give laying foundation for criminal charges against yourself? A. Yes; I have.

Q. Now, the chairman will inform you — you will correct me if I do not state it right.

The Chairman.—I will make the statement. No testimony you give here before this committee can be used against you in any prosecution, and if you have paid a bribe, or if you have testified before this committee that you have paid a bribe, that testimony you give here will be an absolute bar for any prosecution for that cause against you.

Mr. Moss.—Or any other crime?

Chairman Lexow.—Excepting perjury. I do not mean to say if this witness testified to murder he would be protected by this committee.

The Witness.—Anything besides murder or manslaughter?

Chairman Lexow.—Yes.

Q. Were you present at a meeting of the captains of your district on Sunday evening preceding the election of 1892 — November, 1892 — when Mr. Ryan was present, the district leader, and when he gave instructions to his captain? A. I was; I was on the campaign committee then.

Q. You had business then and was present? A. I was present.

Q. Will you please state, as nearly as you can, what Mr. Ryan said to the district captain? A. Yes; I believe I can recall those words; "Boys, next Tuesday is election day, and we must roll up as large a majority as possible; of course, you know you have the Tammany — we have got the majority of the inspectors of election with us, and could you know your men to be Tammany men, and they be challenged, what you say goes; you see their votes are put in; should any disturbance arise through your action, you have the police with you, and if you have not got enough, let us know, and we will give you more; we will have a whole platoon sent down, if necessary; those that are with us will receive our protection; those who are against us will receive

nothing; and should a Republican vote be challenged, why they have no protection;" those are the words I heard him say.

Q. And did you hear him say anything about the police just prior to the election last year? A. Yes; "Now, I want you district captains to hand the secretary the names of those police officers whom you think are friendly toward our organization, and let him have them, and I will see that you have them at the polling place."

Q. Do you recall anything else in connection with those two matters which you have not stated, in the way of instruction by the leader to his captain; have you stated all that you recollect?

A. That he has instructed his captains?

Q. Yes. A. That is about all I can recollect so far; if any Tammany Hall votes were challenged that we would not be beaten because we could get them in; we had the police with us.

Q. Do you know anything about a club of foreigners who were naturalized in connection with these elections? A. I do.

Q. Tell us briefly; do not take too much time; come right down to it? A. A man by the name of Lewis H. Levi and another man, whose name I do not know, told me that they had read in the newspapers something about a man of the name of Jacobs, about to receive a nomination, and they would like to be with me; I informed them that that was not me, but that I was with the Tammany Hall organization; "Well, if you are with the Tammany Hall organization, we will be with you;" I said, "How many are you altogether;" he says, "There is a few of us can vote, but if you give us naturalization tickets, we will get naturalized;" I told them I would see Mr. Ryan; I went up and seen Mr. Ryan; that is, I saw his brother, P. J. Ryan, and I asked him for tickets; "About how many?" I said, "I have been asked for about a hundred;" he said, "I will not give you the tickets, I know the people they are for; they do not intend to vote the Tammany Hall ticket, and I wont give them to you;" I said, "Very well," and he told me to speak to his brother, the leader of the district; I spoke to his brother, and told him there was a man down there, a standard bearer of the club, and he asked me for a hundred tickets; and he said, "Oh, give Jacobs those tickets;" and I brought this man around and introduced him to Mr. Ryan; and as far as I could understand, he was asked by Mr. Ryan what object he had for getting naturalized for his benefit; and he said, "That is exactly what I came to see you about; I want to know what we are going to get;" he said, "I can give several of you good positions after election;" these men came to me and told me that they had a hard job to get naturalized because they could not answer the questions intelligently; and I told them I

had nothing to do with that, to go down and see Mr. Ryan; some of them did go down and see Mr. Ryan, those who could not get their papers; and Mr. Ryan, it appears, gave them a letter, and when they presented that letter, which introduced them to somebody down there, they did get their papers.

Chairman Lexow.—Mr. Moss, we know of all sorts of tickets, but we have never heard of naturalization tickets; ask the witness to explain that.

Q. Just take the chairman's suggestion, and explain what those tickets are; what do they look like? A. The ticket is a red ticket; the same as used in restaurants, with the price on it that a man has got to pay for it after his meal; only in place of the price being on this, it says, "Naturalization bureau," underneath the name of John J. Ryan, Twenty-fifth Assembly district; something like that.

By Senator Bradley:

Q. Was the name of the organization on it? A. The name of Tammany Hall.

By Chairman Lexow:

Q. Do you mean to say that ticket is exchangeable for naturalization papers in this city? A. That ticket saves them 50 cents, I believe.

Q. By presenting that ticket the person who applies for naturalization is saved a fee of 50 cents? A. Fifty cents.

Q. The organization pays the fee instead of the person himself? A. Yes.

By Mr. Moss:

Q. What did they do with the ticket? A. They took it down to the naturalization bureau.

Q. Of Tammany Hall? A. Of Tammany Hall, sure; they gave their name; then they got the ticket first; then they gave their name, and then they are taken care of.

Q. Do you know that these men were naturalized? A. I know a great many were.

Q. Do you know whether they had lived in the country long? A. I don't know any of them only by sight, and that is a very short time.

Q. Do you know whether any of them have lived less than five years in the country? A. I could not tell whether they lived in the country a year.

Chairman Lexow.—Put that question a little differently.

By Senator Bradley:

Q. Do you know any single one that was not in the country five years? A. I could not say that, because they were all strangers to me.

By Chairman Lexow:

Q. Hadn't you seen them around in your district at all? A. I have seen them in my district; I seen many around in my neighborhood, but not five years.

Q. How long have you seen these people in your neighborhood? A. I have seen them off and on perhaps six or eight months, before they came to me.

By Mr. Moss:

Q. Isn't it the general understanding that many of those people have not lived in the city or country five years? A. Why, certainly; I have heard people; I doubt whether any of them have lived in the country for five years.

Mr. Ransom.—Don't answer. I want to object. The chairman, I suppose, will instruct the witness.

Chairman Lexow.—Only state what you know; or if you have had a conversation with any of these people who were naturalized, or the person that wanted to naturalize them, state the conversation with reference to the length of time they have lived in this country.

A. Well, Mr. Ryan gave this man instructions to get them all naturalized.

By Senator Cantor:

Q. Were you present when he gave the instructions? A. Yes, he told this to Lewis H. Levi.

By Chairman Lexow:

Q. Tell the whole conversation you had with Mr. Levi at that time? A. The conversation was that Levi was looking for patronage, and he was looking for money.

Q. What did Ryan say to Levi and Levi say to Ryan? A. Mr. Ryan asked him what he wanted after being naturalized, and that is what he said he came to see about, what they were going to get, as they had a club.

Q. Did he say anything about these people being entitled to be naturalized as citizens? A. No; he did not; only Mr. Ryan said, "See you get them all naturalized."

By Senator Bradley:

Q. What was the name of the club? A. The Lewis H. Levi Association.

By Mr. Moss:

Q. Do you know any members of that club who were naturalized that could not speak the English language? A. Yes; I do; one or two of them; I couldn't mention their names, because I could not keep track of them.

Chairman Lexow.—I do not see how that is relevant to any inquiry we have.

Mr. Moss.—It bears on general rumor that many of these people were not entitled to naturalization.

Senator O'Connor.—You don't think we ought to pay attention to rumors or charges of that kind?

Mr. Moss.—Only in the way of hunting up; we are fishing largely, and we don't want to fish up a string in which there is no fish.

The Witness.—The majority of those men can not speak English.

Chairman Lexow.—Caught some pretty big fish, too.

Mr. Goff.—Those stories are not fish stories.

Mr. Moss.—There are a good many floating in the net.

By Mr. Moss:

Q. About four years ago, I want you to carry your mind back as far as that, and tell us about an interview that you had, with a police officer, looking to your appointment on the force, and tell how it occurred.

By Chairman Lexow:

Q. Who was the officer? A. Officer Woodbridge.

Q. Is he now on the force? A. Yes; he has been lately promoted to a roundsman.

Q. Where is he stationed? A. I think One Hundred and Twenty-sixth street, if I am not mistaken.

Q. Now, go ahead, and tell how this conversation took place; where it was, and what it was? A. About four years ago, a few minutes after 12 o'clock at night, an officer by the name of Woodbridge, attached to the Twenty-seventh precinct, or Eighty-eighth street station-house, came into my store, and said he wanted to get out of the rain for a few minutes, and asked me how I would like to go on the police force; he said I

would make a fine policeman; well, I told him that I hadn't given it a thought; he said, "You don't need to give it a thought at all;" well, I said, that I had got to go through a great many examinations, and wait a long time, and by that time maybe I would be doing better, and would not be prepared to take it; "No; you have not got to go through anything at all, only to go down and pass the doctor; if you pass the doctor, you can attend to your business until your appointment reaches you;" I said, "How is that;" he says, "Talking for you so-and-so; I will introduce you to two of the agents of the police commissioner, and they will satisfy you; they will introduce you to the commissioners of police in Mulberry street, and, of course, he says, 'You understand,' he says, 'It is going to cost you some money;'" I says, "About how much;" "Oh," he says, "About \$300;" "Well," I said, "I don't think I will go into that business with you at all; it is a little too steep, and I would sooner attend to my business;" he says, "I don't know that it will cost that; I will bring these people around tomorrow, and we will see;" the next day he brought around two men; one man's name was Theodore Sanders, and one man's name was Wolff; what his first name was I can not say; Mr. Woodbridge introduced them to me — or Officer Woodbridge — and he says, "Mr. Jacobs, this man here is the agent for one of the police commissioners, and will take care of you;" and the man asked me my name, and I told him; "Well," he says, "I will tell you what we will do; I will telephone down and find out whether the commissioner is there, when I can put in an application;" he went away and returned in a few moments; when he returned, he told me; he says, "Well, we will take a ride right down there;" I says, "Down where;" he says, "Down as far as Ninth street;" so he took me down as far as Ninth street; he said, "Let me see, your name is Morris Jacobs;" I said, "Yes;" he said, "When were you born?"

Q. Who was having this conversation with you now? A. Mr. Sanders, and Wolff was present; he says, "Your name is Morris Jacobs;" I said, "Yes," he said, "What year were you born?"

Q. Never mind the details; come to the first payment of money? A. Oh, the first payment of money; when he took me to police headquarters he did not introduce me to those men.

By the Chairman:

Q. Did you go down to police headquarters from Ninth street? A. From Ninth street he took me to police headquarters, intending to introduce me to the commissioners.

Q. Who did you see there? A. He took me outside the police

office and did not introduce me to none of them, but went into each one of them.

By Mr. Moss:

Q. You was not introduced to any commissioner that day?

A. No.

Q. But Sanders and Wolff went into the commissioners' offices?

A. Yes; and went into the clerk's office and spoke to several of the clerks, and at the door he introduced me to a man whose name was Hasbrook; he had some books with him, and then he took me down to the liquor store and introduced me to a man by the name of Fletcher, and he introduced me to a man whom they called Johnnie Dwyer, who is a messenger.

By Chairman Lexow:

Q. In the police department? A. In the police department; and he, right there and then, asked me for \$50.

By Mr. Moss:

Q. Who asked you? A. Sanders did.

By Chairman Lexow:

Q. What did he say in asking you for \$50? A. He says, "You know this thing is going to be expensive, and I have done this for a great many others, and they have backed out, and I have got to use \$50 right now;" I said, "What are you going to use it for?" he said, "You will have to pass the doctors next Monday, and I can not do it without them;" he said, "Johnnie Dwyer, will you pass this man through next Monday before the doctor?" he says, "Yes;" I did not want to give \$50 then; and he said, "If Woodbridge tells you it is all right, will you do it then?" I said, "I don't know;" I did go to Woodbridge, and told Woodbridge, "I have doubts about the honesty of these people;" and he says, "I know how I got there;" pointing to his shield; and he said, "If I tell you it is all right, it is all right;" I said, "Will you be responsible for the \$50?" he said, "I will;" and I put the \$50 on the coal bin and Woodbridge took it up.

By Mr. Moss:

Q. Woodbridge was the officer at that time? A. At that time; yes; then I went down before the doctors week after week and went away, and I began to get a little nervous about it, and I went down and seen this Johnnie Dwyer; I went into Fletcher's liquor store, and had him sent for to police headquarters; I told



him, "Why don't you get me before the doctors, as you promised;" I said, "You told me to do what was right by your man and give him what he wanted;" and I said, "I believe by this time he has got it, and you are the cause, and I have not been sent for to go before the doctors."

Q. In pursuance of that conversation, did you receive a notice to go before the doctors? A. I did not.

Q. Did you go before the doctors? A. I did.

Q. How did you come to go? A. He told me to go down the next day, and he fooled two days after that, and I said if he fooled me any more I would look after it, and he said, "Stay where you are;" and he came down in a few minutes, and he said, "Go up stairs;" and I would hear my name called by Sergeant Corbett.

Q. Do you know whether that sergeant is on the police force now? A. I couldn't tell.

Q. You don't know; go ahead? A. I went up stairs, and saw a lot of young men standing there, and a man with a book in his hands, and he was calling out some names, and he came to my name, and then we were all marched into a room there, and we were examined by the doctors.

Q. Had you filed any application for appointment? A. I had not.

Q. Had you seen any application for appointment? A. Never; not at that time.

Q. But your name was called out to undergo the physical examination? A. To undergo the physical examination.

Q. And did you go through an examination? A. I did, successfully.

Q. At that time? A. At that time; I received a notice after that to go before a physical examination or a gymnasium, whatever you call it, in Cooper Union.

By Senator Bradley:

Q. The physical culture? A. Yes; I received a notice to go before the physical examination, and I passed that.

Q. Is this the notice — 92, that is dated? A. No; this is after; I passed that; then, sometime after that, Hasbrook and Dwyer came to see me; in fact, Dwyer came to see me very often, and every time that he came to see me, he got me to lend him some money; he told me he had to use it; eventually, I got a notice to go before the mental examination, to be examined mentally; Hasbrook came to me a day or two before I got my notice, and told me I was about to receive my notice for a mental examination.

Q. And up to that time had you filed an application? A. I had not; I saw him again, and he says, "Have you got your notice for the mental examination;" I says, "No;" "Come down and see me in the morning, will you;" I says, "All right;" and I went down and saw him in the morning to the office; he says, "Did you get it last night;" I said, "No;" he says, "You will have it by the time you get home, and when I got home I got the notice that had been left there by mail.

Q. Then what happened? A. Then Mr. Hasbrook said he would come up and see me, as he had something very important, some very important arrangement to make in connection with my appointment.

Q. Who was Mr. Hasbrook? A. He was the clerk at police headquarters; Mr. Hasbrook came to me and said he would be around again on Saturday; I went home; and he asked where Mr. Jacobs was; he was told by my wife I was down town on business; he took a business-book I had and wrote an address on that book and his name, where I could meet him the next morning, that was Sunday, with instructions; I should be there next morning on Sunday, otherwise I would not be appointed.

Q. Where? A. It was in a liquor store in Fifth or Sixth avenue, along between Twenty-seventh and Twenty-eighth streets; the police commissioners have got the address down there all right; I left it with them; and I saw him the next morning; he says, "I wanted to see you in regard to your mental examination;" you have passed the doctors all right; you have passed the physical examination all right; and he says, "I wont allow you to pass the mental examination, because those people who go there and are about to be appointed, if they are to be appointed through me, I make all those arrangements myself; I want to handle your case the same as I handle other cases;" I says, "What do you mean?" he says, "There is no reason for your going to pass the mental examination yourself, because you wont get any writing; if you let me take care of your case, I will take care of it, and you give me \$100;" I says, "What! Give you a hundred dollars to take care of my case; why can't I pass the mental examination without giving you a hundred dollars?" he says, "Some of the questions are technical, and if you answer every one of them your writing would be given to somebody else, anyhow; we have got the fixing of these things;" I says, "Now, let me tell you, Mr. Hasbrook, if you have the fixing of them, and the questions are technical, what is the matter of giving me those technical questions, and I answering them, and you protect my interest?" and he said, "We don't do business that

way; I will satisfy you beyond any reasonable doubt that you will do as I tell you;" I said, "How is that;" "You will have a man call on you between 12 and 1 o'clock to-night, probably later; don't go to bed to-night, if it takes until 3 o'clock;" "Who will that be," I said; he said, "It would be a clerk that is at police headquarters, and he will introduce himself to you as Mr. Brand.

Q. What is his first name? A. David Brand.

Q. Where does he live? A. I could not tell you.

Q. Do you know whether he is alive? A. I heard last he was in Trenton.

Q. Go ahead. A. "And he will satisfy you beyond any reasonable doubt that you are now getting on the police the right way; you won't slip up;" I said, "All right; I will meet this man and see what he has got to say;" I stayed up between 1 and 2 o'clock in the morning; the man came to my door, and he had another.

Q. What man was that? A. Dave Brand; he had another man with him by the name of Danny Ryan.

Q. Who was Danny Ryan? A. He was the son of the sergeant of the Twentieth precinct at the time.

Q. Is Ryan a policeman? A. Yes, sir.

Q. Was he intended to be appointed about the same time as you was? A. He was; Mr. Brand says, "I have been speaking to Mr. Hasbrook, and I would like that you take a walk with me;" I said, "Very well;" he took a walk to the station-house — we took a walk for an hour or two, and then went into the station-house, and the sergeant shook hands with me and handed me a cigar.

Q. Where is that sergeant now? A. I could not tell.

Q. Is he on the force? A. I believe he is.

Q. What is his first name? A. I could not tell you his first name; but there is a policeman in court that was under him could give it to you.

Q. He was a sergeant at what station? A. Eighty-eight street station-house.

Q. In what year? A. Eighteen hundred and ninety.

Q. Go ahead and tell what happened then. A. The sergeant says, "Dave, I want you to get as near a hundred per cent. for my boy as you possibly can."

Q. That was by the sergeant to Dave Brand? A. He said, "I won't get a hundred per cent., because it would look suspicious, because he went through before and got such a small percentage.

Q. Was he talking about Danny Ryan? A. Yes; he is now on the police; he said it would not look well; "I will guarantee I will get him on the first batch;" he said, "I suppose you know

Mr. Jacobs;" he says, "I know he is a candidate;" he says, "Jacobs, you do as he tells you, and it will be all right;" we walked around again to my store, and I bid him good-night and went in, and the next morning he came around to me and wanted to know whether I had seen Hasbrook; I said, "No;" he says, "I have got somewheres to go and will call again;" and meantime Mr. Hasbrook came in; he says, "Are you satisfied?" I said, "Satisfied of what?" he said, "Danny Ryan made an application himself and passed on his merits and did not get appointed, and he has got as much interest as you have, he says, and knows the city, and knows everybody, and his father being sergeant of the police ought to know how to get him on; now, his father is certain to get him on, and if it is good enough for him, it is good enough for you;" I said, "If that is the case, certainly;" I said, "What about this percentage you are talking about; you are going to get a hundred per cent.;" he said it did not make any difference what we got him, we will put the pair of you on the first batch; Dave Brand will see you again and tell you what is necessary; Dave Brand told me to go to some responsible place and put up \$50; I said, "That is not necessary;" I said "If it is necessary you have \$50, you will get \$50, when the proper time comes;" I said, "I am not going to get robbed by everybody; everytime Johnnie Dwyer sees me, he says it will cost \$25; I have not got a fortune to give away;" he said, "I won't ask you for anything; you will give me your notice for the mental examination;" I said, "I will, when Danny Ryan gives you the notice; what is going to be done with it?" he says, "Your notice calls for a certain day?" "Yes;" "I will be with you and Danny Ryan on that day and see you keep Danny Ryan's company on that day; you should be up there on that examination;" and he said, "You will get a rating without being there at all," and he said, "Danny Ryan won't be there, because he will be in your company; will you be satisfied then?" I says, "Yes;" and before that he introduced me to a man in a saloon on Third avenue by the name of George Barmstroff; he was an officer at that time under Sergeant Ryan.

Q. Is George Barmstroff in court? A. He is standing there; he introduced me to that man.

Q. I want it to be understood that Mr. Barmstroff is in charge of the sergeant-at-arms? A. And Mr. Barmstroff after being introduced to me, we had a glass together, and then Dave Brand told me, he says, "I have arranged everything for you;" I says, "All right;" the next day or a day or two afterwards, Mr. Barmstroff, Mr. Brand, Danny Ryan, called on me at my store; and I believe that was the day that the examination should take place down at the Cooper Union; and they said they were

going down as far as Ninth street, and they would like me and Danny Ryan to ride along; I said, "I will ride, I had no objection;" when we got down to Ninth street Dave Brand turned around and says, "Now, Jacobs and Ryan, I want to meet you here at 5 o'clock; you can go where you like until then;" I says, "What are you going to do?" "It is none of your business; you will be on the first batch just the same; so we took a walk around until 5 o'clock; and when we got back we found Mr. Barmstroff and Mr. Brand standing there; now, everything was going on smoothly, as I thought, and I was going to get on the police; several officers —

Q. Wait a moment; where did Barmstroff and Brand go to? A. When they got down to Twelfth street we went one way and they went the other.

Q. Do you know what they did; have you ever learned what they did? A. I learned afterwards what they had to do.

Q. What was it? A. One man substituted me, and the other man substituted Danny Ryan.

Q. Substituted you? A. Mr. Barmstroff.

Q. They were examined for you and Danny Ryan? A. They were examined for me and Danny Ryan, and the way I learned this Dave Brand came to me and told me, "We gave you a big percentage."

By Chairman Lexow:

Q. What was the percentage? A. I could not tell you; I never received one; and he says, very shortly, he says, "I will have to make arrangements again;" he said, "for your appointment;" he said, "That will cost you about \$300."

By Mr. Moss:

Q. Well? A. "And when you get your percentage, I want you to understand you have got to give me \$50;" "when I get my percentage, I have got to give you \$50?" "Yes;" he says, "and there is no getting out of that; if you won't give it to me, you won't get any percentage."

Q. That was after the examination had taken place? A. Yes; so I promised it to him.

Mr. Goff.— You step aside for a moment.

Mr. Moss.— Mr. Barmstroff, step to the chair.

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

Direct examination by Mr. Moss:

Q. Spell your last name, please? A. Barmstroff.

Q. Where do you live? A. No. 1668 Third avenue.

Q. What is your business? A. Carpenter.

Q. Were you a policeman in 1890; from 1890 on for a year or two? A. I was appointed in 1891 — in 1889, and I was a policeman in 1890 in the fore part of the year.

Q. Have you heard the testimony of Mr. Jacobs? A. Yes, sir.

Q. Did you, in company with Dave Brant and Danny Ryan and Mrs. Jacobs, go down town one evening in 18 — what was the year; can you recall it to me? A. I think it was 1890, if I am not mistaken.

Q. Did you go down for the purpose of seeing that Ryan and Jacobs passed their mental examination for appointment as police officers? A. You say one evening?

Q. Yes. A. No; not one evening; it was in the afternoon, if I am not mistaken.

Q. You recall then going down town with these other three gentlemen? A. Yes.

Q. And you left them at Ninth street, didn't you? A. I left two of them.

Q. Tell us what you and Dave Brant did. A. Well, Dave Brant and I went before the civil service board in Cooper Union.

Q. What members of the board were present? A. I don't exactly know now.

Q. Can you recall any member of the board? A. Well, only one, a Mr. Beasley.

Q. Henry W. Beardsley? A. I believe it is.

Q. Are you acquainted with Mr. Beardsley? A. No, sir.

Q. Was he acquainted with Brant, do you know? A. I could not say; I don't know.

Q. Tell what happened? A. We got over, and when the name of Morris Jacobs was called out, I answered it and signed the papers, as they gave me, the examining board, and I filled them out.

Q. You did his examination for him? A. Exactly.

Q. What did Brant do? A. Done the same thing for the party; for the name of Danny Ryan.

Q. And did you meet Ryan and Jacobs after the examination? A. Yes, sir.

Q. Was it entirely a written examination? A. Yes, sir.

Q. Were there any oral questions at all? A. Sir?

Q. Did you answer any oral questions by mouth? A. There was no questions answered, that is, as far as I can remember; there was no questions at all, just merely writing.

By Chairman Lexow:

Q. You answered written questions; did you sign the examination? A. Yes, sir.

Q. What name did you write? A. Morris Jacobs.

By Mr. Goff:

Q. When did you first meet Morris Jacobs? A. Well, the exact date I don't exactly know.

Q. Who introduced you to him? A. Dave Brant.

Q. Dave Brant? A. Yes.

Q. For what purpose? A. Well, the purpose was what I found out afterwards, for to get through the civil service examination.

Q. Who told you, apart from Morris Jacobs, that you could do that; who told you you could pass that examination after Morris Jacobs? A. Dave Brant told me it wouldn't make any difference whether I passed or this man passed himself.

Q. Did you pass for anybody else? A. No, sir.

Q. That was the first, last and only time you did such a thing? A. Yes; it is not the first time I passed through the civil service; it was the first time I passed for anyone else.

Q. And the last time? A. And the last time; yes, sir.

Q. Do you know whether Dave Brant did that at any time? A. Myself individually, I do not know, but I heard that he did.

Q. Do you know what was Brant's business at that time? A. At that time I think his business was doing nothing.

Q. Was he acquainted with anybody at police headquarters, do you know? A. Well, he was down to headquarters, a clerk there, as far as I can understand, until —

Q. When you say he was doing nothing, do you mean he had a sinecure? A. No, sir; he was out of the department at that time.

Q. He had been a clerk at the department? A. Yes, sir.

By Chairman Lexow:

Q. Was he a clerk at that time? A. No, sir; when he passed the civil service for Mr. Ryan he was not.

Q. What kind of a clerk was he before that? A. He was at headquarters; that I do not know.

Q. Was he a higher or lower clerk; do you know whether he had a respectable position there or otherwise? A. I could not say how respectable a position it was, but I heard he could fix things there.

By Senator Cantor:

Q. Do you know what his salary was when he was clerk? A. No, sir; I do not.

By Mr. Moss:

Q. Did you ever see him at headquarters? A. I did, sir.

Q. What room did you see him in? A. I saw him in the room where they call headquarters; that is, the room where all the clerks was.

Q. Was Brant well acquainted with headquarters, so far as you could see? A. I suppose he was; I know I received some papers for him when I went through mine.

Q. Acquainted with police headquarters? A. That I could not say.

Q. You don't know about that; is that all you had to do with this Jacob's case? A. That was all.

Q. In what precinct were you on duty? A. The Twenty-seventh.

Q. Did you go to headquarters frequently? A. Well, yes; I had been there several times.

Q. Is that precinct, the Twenty-seventh precinct, the precinct of which Denny Ryan's father was sergeant? A. Yes, sir.

Q. Then you were well acquainted with Sergeant Ryan? A. Yes, sir.

Q. Where is Sergeant Ryan now? A. As near as I understand—stationed in Forty-second street, under the Grand Central Depot.

Q. Do you know his first name? A. John.

By Chairman Lexow:

Q. And middle name? A. Well, I am not sure; I believe it was J.

By Senator Bradley:

Q. John J.? A. Yes.

Q. He is not the John J. Ryan who is leader of the Twenty-fifth District? A. No, sir.

By Mr. Moss:

Q. A different man; do you know whether Danny Ryan was appointed a policeman after that mental examination?

Senator Bradley.—He said Daniel Ryan.

A. Daniel; from that understanding, as far as I understand, he was not appointed by the examination Brant had gone through, if that is the examination you mean; I understood he went through himself again.

Q. And has been appointed since? A. Yes, sir; and has been appointed.

Q. Do you know of any other policemen who were appointed in the same way? A. No, sir.



Q. Do you know of any other case that occurred about that time, similar to this one? A. I do not know any individual myself, but I have heard so.

Q. How many have you heard? A. Well—

Mr. Ransom.—Is that admissible?

The Witness.—One or two.

Mr. Moss.—Simply to follow up the line, if he can find out whom the individuals were.

By Chairman Lexow:

Q. Do you know of any person having been appointed? A. No, sr; I do not know of any person, only I have heard it.

Q. Without hearing the names? A. No, sir; I was told it was done.

Q. Who told you there had been others? A. Dave Brant.

Q. Any others? A. No, sir.

By Mr. Moss;

Q. Do you know whether these men are on the police now? A. That I could not say.

Chairman Lexow.—He don't know anything about it.

Q. Did you get any money for passing the examination? A. No, sir; I was to receive it but never got it.

By Senator Bradley;

Q. How much were you promised? A. Fifty dollars.

Mr. Ransom.—What was the last question?

(Question and answer read.)

A. Promised \$50, but didn't get it.

Chairman Lexow.—Do you want to ask any questions?

Mr. Ransom.—Yes.

Cross-examination by Mr. Ransom:

Q. How old are you? A. I am past 28.

Q. How long a distance past 28 are you? A. Well, five months; not quite.

By Chairman Lexow;

Q. Between 28 and 29, you say? A. Yes, sir.

By Mr. Ransom;

Q. You are a carpenter? A. Yes, sir.

Q. Were you born in the city of New York? A. Yes, sir.

Q. Are your parents living now? A. My mother; I have a stepfather who is living.

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

Q. Where do you live with your family? A. Sixteen hundred and sixty-eight Third avenue.

Q. How long have you been married? A. Little over two years; between two and three years.

Q. Are you working at your trade now? A. Yes, sir.

Q. Where? A. One Hundred and Twenty-fourth street, near Third avenue.

Q. For whom? A. Maloney & McLaughlin.

Q. How long have you been working for them? A. About a year and a half.

Q. Were you working at your trade when you were going for this examination? A. No, sir; that is for my examination or for Mr. Jacobs?

Q. For anybody? A. When I went through for myself I was working at my trade; yes.

Q. You were employed at the carpenter business when you went down to Ninth street and passed the examination? A. For whom?

Q. Either for yours or for anybody? A. When I went down for Mr. Morris, I was not working at it, but when I went down for myself I was.

Q. I was not asking you when you went down for yourself; were you in any business at the time you went down for Jacobs? A. No, sir.

Q. You were idle? A. I was idle.

Q. How long had you been idle? A. That is a question I don't exactly know for how many days or how many months; it was not very long.

Q. You are a friend of Jacobs? A. I never seen the man before he was introduced to me.

Q. Are you a friend of his now? A. Well, I see him. occasionally.

Q. Are you his friend? A. I won't say exactly a friend.

Q. Do you know what I mean by the word friend? A. That might be it; in what way; what do you mean?

Q. What do you mean; do you mean to say that you don't understand my question? A. I do not understand what way you mean it yourself.

Q. I would ask you again, are you a friend of this man Jacobs who was here a moment ago? A. Yes, sir; certainly, I am a friend of a good many more men.

Q. Have you been at his store? A. I have been at his store.

Q. Have you been at his house? A. That is his store.

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

Q. Have you ever seen her? A. Possibly.

Q. Has this man Jacobs been to your house? A. He has.

Q. Many times? A. I understand once.

Q. You understood at the time you engaged to represent this man, to pass his examination, that you and Brant, and Hasbrook and Deyer, were all engaged in the scheme, to rob him out of his money, didn't you? A. No, sir.

Q. Did not? A. No, sir.

Q. You have just testified that you were to get \$50 for your services? A. Yes, sir.

Q. Who were you to get that from? A. Dave Brant.

Q. Did you understand he was to get anything from Jacobs? A. Where he was to get it from I knew nothing, but I was to get it from him.

Q. Will you swear you didn't, then, know that Brant was to get the money from Jacobs? A. No, sir; I did not.

Q. Brand did not tell you so? A. He was to get money; he did not tell who he was to get it from.

Q. Did you understand who he was to get it from? A. No, sir.

Q. Who was it paid you? A. Dave Brand.

Q. Where was he to get that money? A. That was his lookout.

Q. You were not interested in that? A. No, sir.

Q. Brand never paid you? A. No, sir.

Q. Why? A. Because the percentage, he never got it; Mr. Morris Jacobs' percentage was not very good.

Q. Your examination was a failure then? A. At the rate; yes, sir.

By Mr. Moss:

Q. Jacobs did not pay the \$50?

By Mr. Ransom:

Q. Now, is Mr. Brant a friend of yours? A. No, sir.

Q. Isn't he? A. He is no friend of mine; I know him; I can not call him a friend; if you know a man, is that a friend?

Q. No; oh, no; I know you, but you are no friend? A. It is about the same thing.

Q. How long had you known Brant? A. Well, I don't know.

Q. When you went down here with him to pass this examination? A. I seen him a couple of times.

Q. Have you ever been arrested in your life? A. Yes, sir.

Q. More than once? A. Yes.

Mr. Ransom.—That is all, sir.

Chairman Lexow.—Any further questions?

Mr. Moss.—Wait a moment.

By Mr. Moss:

Q. Do you know whether David Brant had passed for any other applicant who was appointed to the police force? A. Individually, I do not know it myself, but I have heard that he had.

Q. From whom did you hear it? A. That I can't remember.

Q. You mean to say that the percentages were obtained by Brant, who took the examination for applicants, who afterward were appointed, so far as you have learned?

Mr. Ransom.—I object to that; that is not a fair thing on the civil service board; there ought to be a limit.

Chairman Lexow.—I think that is a little too broad myself.

Senator Cantor.—He has testified he has already made some one or two.

Chairman Lexow.—It seems to me that proves nothing.

By Mr. Moss:

Q. Have you ever been convicted of a crime? A. Well, no; it was no crime.

Q. You want to state anything; you were asked if you had been arrested? A. I was arrested; my wife had me arrested; I was put under bonds for \$300.

Q. Is that all? A. Well, she had me arrested for nonsupport, but that is no crime.

Q. That is the only case? A. That is all.

By Mr. Ransom:

Q. You were arrested for beating your wife? A. I was discharged in the station-house.

Q. Were you discharged for beating your wife? A. Yes.

Q. Were you put under bonds? A. Yes.

Q. And you think that is no crime? A. No.

Mr. Ransom.—That is all.

By Mr. Goff:

Q. Neither is it a crime; were you discharged on that complaint? A. No; I was held on \$500 bond.

Q. That was for nonsupport? A. No; for nonsupport, I am on \$156 bonds.

By Chairman Lexow:

Q. Were you held under the charge of assault perpetrated on your wife? A. Yes; \$300.

By Mr. Moss:

Q. You were never convicted? A. No, sir.

Q. Were you tried in general sessions? A. No, sir.

Q. That was a bond to keep the peace; consequently, you have not been tried for assault? A. Only in the police court.

Chairman Lexow.—Mr. Moss, it is apparent you have a number of witnesses back there. Will you call them to-day?

Mr. Moss.—No; I have not; this is the last witness, so far as I know.

Chairman Lexow.—All witnesses summoned for to-day will appear here in Part II, at half-past 10 o'clock on Tuesday morning; the subpoenas hold good until then. Also, the witnesses under examination will appear at that time. We stand adjourned until half-past 10 on Tuesday morning.

Proceedings of the twenty-fourth meeting of the committee to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the city of New York, Tuesday, June 12, 1894, at 10.30 a. m.

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

John W. Goff, W. Travers Jerome and Frank Moss, of counsel for the committee.

DeLancey Nicoll and Rastus S. Ransom, of counsel for the police board.

Chairman Lexow.—Go on with your witnesses, Mr. Goff.

Mr. Goff.—All witnesses in court will remain here until they are called. They will not leave the court. Now, is Mr. Munzinger here?

Louis Munzinger, recalled as a witness on behalf of the State, testified as follows:

Direct examination by Mr. Goff:

Q. Have you brought the books that you were notified to bring? A. There is a resolution of the board of directors passed last night that was placed in my possession, directing me to hand over the books of the club to the Senate Investigating Committee of the State of New York.

Q. Are they here? A. They are, sir.

Q. What books are they? A. All the books.

Q. Call for them, please? A. Mr. Dowling (the messenger produces the books).

The witness hands the chairman the resolution referred to.

Q. Will you please recount the books that are in the package No. 1?

The Chairman.—Here is the resolution, if you want it, Mr. Goff, as part of the record.

New York, June 11, 1894.

“Resolved, That the treasurer of this club, Mr. Louis Munzinger, be placed in possession of and directed to deliver to the Senate Investigating Committee of this State, all books of account, check-books, bank-books, check stubs, return checks, paid bills, and all books of record of every kind and nature relating to the affairs and business of the Pequod Club.

“By COL. E. W. GUINDON.”

Mr. Goff.—Well, we had better have those packages opened, please; we would rather deal with the books.

The Witness.—I have an inventory.

Q. Have you a list of them? A. Yes, sir.

Mr. Goff.—That will be just as good (the witness hands the paper containing the list of the books that he produces now in court); we will have that marked for identification.

(The paper referred to is marked Exhibit J, for identification, June 12, 1894.)

Mr. Nicoll.—What is the object of this testimony?

The Chairman.—We can not tell you; we will see what it leads to.

Mr. Nicoll.—I am informed this is a political social club, and that the books contain only the subscription and dues and accounts of the members of the club. It contains no moneys paid for political purposes in that district. It is just as if you should subpoena the books of any social club in New York that would prove so many members paid so many initiation fees and so many dues, and their accounts for billiards or restaurant amounted to so much.

Chairman Lexow.—I do not imagine Mr. Goff is going into any private business of the club.

Mr. Goff.—Oh, no.

Chairman Lexow.—And if those matters are made part of the record, and we know what Mr. Goff is driving at, we can pass on it.

Senator Cantor.—I suppose it is limited to the police department, or some members of it?

Mr. Goff.—We are identifying the books sent voluntarily by the club. I simply want to identify those books.

Mr. Nicoll.—I was consulted on the subject and said of course, send the books, and I felt it wise to inform the committee what the books are. We might as well send for the books of the Union Club or the University club.

Chairman Lexow.— We understand that, Mr. Nicoll, and we will protect the club, so far as the club has right to protection.

By Mr. Goff:

Q. No. 1, cash-book; that is in the packages here? A. Yes.

Q. What is that book? A. That is all the moneys I received, and all the disbursements.

Q. Moneys that you received and the disbursements? A. Yes, sir.

Q. There is an old check-book and new check-book; does that mean the book containing the stubs of the checks you have drawn? A. Of the checks, the stubs of the checks I have drawn; yes, sir; and the check-book that I have not drawn yet.

Q. That is in the current year? A. Certainly, in the current year.

Q. That is your bank-book; that means the pass-book of the club? A. No; the money deposited in the bank.

Q. What we call the bank pass-book? A. The bank pass-book.

Q. And the next book — bill — file with bills; that is a file containing bills of the club? A. Yes; that is the bills that have been approved by the proper authority that authorizes me to pay them.

Q. Then the next is package of bills and checks, three for 1892 and two for 1893? A. Those are the return checks.

Q. Then there is a receipt-book and cash-book, a day-book, a ledger marked financial secretary here; those belong to the financial secretary? A. Those belong to the financial secretary.

Q. The receipt-book is for money received? A. The receipt-books, I guess, are only for moneys received from me.

Q. And the cash-book? A. That is his own book; I do not know what state he keeps it in.

Q. And the day-book, that is his book? A. That is his book.

Q. And a ledger? A. That is his book.

Q. The roll-book of members, the roll-book board of directors, minute-book of the club, and the minute-book of the board of directors; those are all under the control of the recording secretary? A. Yes, sir.

Q. Which of those books, Mr. Munzinger, contains a record of the sale of tickets for excursions and chowder parties and things of that sort? A. We have none.

Q. The club has had such excursions, hasn't it? A. Yes, sir.

Q. And tickets for the excursion have been issued? A. Yes, sir.

Q. Wasn't there an account kept of the number of tickets issued? A. No.

Q. Wasn't each ticket stamped? A. That I don't recollect.

Q. Well, those tickets were sold, weren't they? A. Those tickets were sent out, one to every individual member only, and if a member chose to have any more he went to the committee and asked to take as many as he chose.

Q. But there were, were there members of the club or not, there were men who sold tickets? A. No, sir; not to my knowledge; I don't know.

Q. Didn't you keep an account of the number of tickets taken out by each member? A. No, sir; that was left to a committee, with full power; they conducted the affair, and after the affair was through and conducted they returned whatever it was to the club.

Q. What book of the books that you have produced, contains a record of the return of that committee — A. I suppose the — it must be the recording secretary must have a return of the committee.

Q. Wouldn't you, as treasurer, have any financial returns? A. No, sir.

Q. Well, isn't there a book containing a minute of the proceedings of the club, where it was determined to organize such an excursion or chowder party? A. I presume there is.

Q. Isn't there a minute fixing the cost of the tickets? A. I can not recollect that; everything is in there in those books of the transactions of the organization.

Q. Then there was a committee appointed to take charge of this excursion or chowder? A. Yes, sir.

Q. And had you, as treasurer of that club, anything whatever to do with the sale of tickets or the receipts for the sale of tickets? A. I was simply one of the committee, sir.

Q. You were one of the committee? A. Of the committee.

Q. How many were on that committee? A. That I don't recollect; I guess the record will show that.

Q. How frequently does the club have those excursions or chowders? A. That was the first one they ever had.

Q. In what year? A. Eighteen hundred and ninety-three.

Q. Last year? A. Last year.

Q. Well, there was a private chowder, what was called a private chowder given to one of your members, wasn't there? A. No, sir.

Q. Subscription chowder? A. No, sir.

Q. Testimonial chowder? A. Testimonial chowder? No, sir.

Q. Or an invitation of any kind to one of your members? A. No, sir.

Q. Now, last year, were you on any excursion under the auspices of the Pequod Club, except the one, the chowder? A. I think not.



Q. Can you give me the names of the committee having charge of that? A. I can not; it must be in the records, Mr. Goff.

Q. We will start with yours; you was a member? A. Yes, sir.

Q. Was there a treasurer for that committee? A. There was.

Q. Who was the treasurer? A. I don't recollect that; that was between the committee themselves; I have no recollection of that.

Q. You were a member of the committee? A. I admit that; but this is over a year ago; I don't recollect that.

Q. That is not such a long period of time; you don't know who was the treasurer of that committee? A. I do not recollect.

Q. How many members were on the committee, five or seven? A. The committee was, I believe, originally five, and then it was increased, and then it was reincreased again; I suppose the records show that.

Q. Who were the original five? A. I don't know who were the original five.

Q. Can you remember the name of anyone of that committee except your own? A. I think I was one; I ain't positive; I would not make the statement.

By Mr. Nicoll:

Q. The records show it? A. They are all in the records; I suppose the records must show it.

By Mr. Goff:

Q. But you don't know whether the records show it or not? A. All the transactions of the club the records must show.

Q. You say this committee carried on the excursion itself, independent of the permanent officers of the club? A. The committee could not carry on the excursion except the committee was named by the board of directors and given the power, and they must be given power.

Q. After the naming of the committee by the board of directors, did the committee hold any sessions? A. Oh, yes.

Q. Now, who were present when the first session of the committee appointed was held? A. If you take the records they will show who the committee were; I can not recollect; I can not think of the names now.

Chairman Lexow.—Why don't you let him look at the record?

By Senator Cantor:

Q. Do you remember about the date of the appointment of the committee? A. I guess that was last April, or March, I suppose.

Q. Was it by resolution at the club that it was appointed? A. It was by resolution of the club.

By Senator Bradley:

Q. Did you make a mistake about the year? Last April or March, that would be 1894? A. I meant 1893.

Q. You said last April or March? A. Well, the excursion was in 1893, you know.

By Mr. Goff:

Q. Let us see; pass that over for a moment, Mr. Munzinger; did you attend all of the meetings of the committee so far as you can recollect? A. Well, I may have and I might not; I am not positive.

Q. Was there any record kept of the proceedings of the committee? A. No, sir.

Q. No record? A. No.

Q. Who ordered and attended to the printing of the tickets? A. One of the committee.

Q. Which one? A. That I can not tell you; there was no records kept of it.

Q. No records kept? A. No.

Q. Into whose possession did the tickets go when they were delivered from the printer? A. In whose possession they were delivered from the printer?

Q. From the printer? A. In the hands of the secretary of the committee.

Q. Who was the secretary? A. I am not positive; I can not make no positive statement; I don't know that exactly.

Q. Well, we had better get the book? A. I can not mention the name and make a statement; I don't know the names.

Q. We will get the names; that will simplify the matters? A. It is quite a bundle to carry (as witness opens the bundle of books).

Q. Now, will you please turn to the book containing the record of the appointment of the committee? A. I cannot do that, sir.

Q. What? A. I can not do that; I was not the recording secretary of the board of directors; you will have to go all over that book.

Q. Was the appointment of the committee made by the board of directors or by the club in general meetings? A. By the board of directors.

Q. Well, there are two books there, minutes of the board of directors; can you point us to that book? A. I guess I can; I will see if I can; this is it.

Q. And about what time was the— A. I think it was last March or April; 1893.

Q. What was this committee called? A. Committee on outing, I believe.

Q. Committee on outing? A. That is it.

Q. By the way, it happens just accidentally here opening a page I find on page 100 of the minute-book of this book that you hand me the following-named "Meeting of the board of directors held on Monday evening, April 24, 1893, the following-named gentlemen were proposed and elected members: Schmittberger, Max F., 115 East Fifty-first street, proposed by William S. Devery, seconded by F. Tweed;" do you know who that Schmittberger was? A. Do I know?

Q. Yes? A. Not at the time; I did not.

Q. Do you know now? A. Yes, sir.

Q. Who was Max F. Schmittberger? A. Why, he is captain of the police.

Q. And who was the William S. Devery, who proposed him as a member? A. Will you let me look at that book there?

Q. Certainly sir.

Mr. Nicoll.—Mr. Chairman, we have been all over this.

The Witness.—A police captain.

Mr. Nicoll.—The fact that this Pequod club had policemen belonging to it, a police captain, was discussed at the previous sessions of the committee at great length, and evidence relating to it was put on record, and Mr. Martin, as president of the board, was interrogated by the former counsel for the committee, as to whether or not he thought it was proper, under the circumstances, that police captains and officers should belong to the politico-social club, and it seems to me unnecessary to go all over it again.

Chairman Lexow.—My recollection was that President Martin did not remember very much about that; he could not state definitely, who were members among the police force, in that club, and who were not; he admitted there were some of the police captains who were members of the club.

Senator Cantor.—He called attention to it.

By Mr. Goff:

Q. It was Police Captain Devery, you say? A. Yes.

Q. And who was this, "Seconded by F. Tweed;" who is F. Tweed? A. He is corresponding secretary of the club.

Q. That is the gentleman whose name appeared recently in the public papers connected with the excise frauds? A. I do not know, sir.

Q. Did you see it in the papers; did you see anything of it in the newspapers two or three days ago? A. About what?

Q. About Tweed? A. No, sir.

Q. You generally read the papers? A. I do.

Q. You mean to say that escaped your attention? A. It must have.

Q. And this is the first time you heard of Mr. Tweed's name being connected with excise frauds in this city? A. I never heard Mr. Tweed's name connected with excise frauds.

Q. Or procuring excise licenses? A. Never heard of that.

Q. He is an employe of the excise board? A. I believe he is.

Q. Don't you remember a few Sundays ago that in one of the leading journals in New York, Mr. Tweed's portrait adorned a page? A. I do not.

Q. Did you see it? A. No, sir.

Q. Have you been in New York? A. Forty-three years.

Q. I mean lately; you have not been away lately? A. Forty-three years; I have not been away lately.

Q. You say that resolution appointing a committee on outing was appointed in April—the latter end of April? A. Well, it must be—I can not remember whether it was April or May or March; I can not tell you; somewhere around there; as far back as March.

By Senator Bradley:

Q. Do you remember the month the outing took place? A. August 2d the outing took place.

Q. On page 77 of the minute-book of directors, I find this entry under date "Meeting of board of directors on January 16th, 1893; moved by Mr. Munzinger, that the club have an outing on or about the 3d day of August next, and that a committee of five be appointed to make arrangements; carried; committee, Messrs. Munzinger, Cox, Courtney, Reilly and Tweed. On motion of Mr. Reilly, Mr. Doll was added to the committee." That is the secretary, Mr. Doll; so it would appear by the regular course of proceedings you were chairman of the committee of five? A. That is right.

Q. Who is the secretary of it? A. Mr. Doll.

Q. Was there a treasurer? A. Yes, sir.

Q. Who was the treasurer of that committee? A. Mr. Courtney.

Q. Now, you as chairman of that committee, Mr. Munzinger, can you state whether there was a record kept of its proceedings; its financial dealings? A. No, sir; of financial dealings?

Q. Yes? A. No; no records.

Q. Was there any record at all? A. No; the committee made

memorandums of their own affairs, and I suppose they conducted that amongst themselves.

Q. Well, Mr. Munzinger, can you tell the committee anything at all about the disposition of the moneys received from the sale of the tickets? A. Can I tell you?

Q. Yes; can you tell us anything at all about it; you were chairman of the committee on outings? A. Yes; they were paid for steamer, eatables, music and renting and all that.

Q. Was there any account kept of the money received for the sale of tickets? A. No, sir.

Q. Well, did you not make a report to the club? A. Yes, sir.

Q. And in your report to the club, didn't you state how much money was received? A. No; I don't think so; I think the amount of surplus only was stated.

Q. Then we have it that in this very important transaction and this chartered club, that a committee on outing, having charge of an entertainment or excursion, which costs considerable money, that the club never heard how much money was received, is that a fact? A. I think so; that is a fact.

Q. That is a fact? A. Yes.

Q. And they only heard whether there was any money surplus or not? A. That is about all they heard.

Q. So, in fact, the committee never was called upon for an accounting? A. Never called upon for an accounting.

Q. And never made an accounting? A. No, sir; if there had been a deficiency I suppose the club would have stood to it.

Q. What is that? A. If there had been a deficiency I suppose the club would have stood it.

Q. But you, as financial officer of that club, as treasurer of that club, didn't you feel it to be a duty to exact an accounting from this committee, in which you were a member, to account for the sale of tickets? A. No, sir.

Q. What? A. No.

By Chairman Lexow:

Q. Didn't you keep a private memorandum? A. No, sir; I kept no memorandum at all.

Q. Didn't anybody of the club? A. I presume the secretary of the committee.

Q. Didn't that secretary make a report to the committee? A. I presume he did.

Q. Don't you remember the report he made? A. I do not.

Q. You don't know how many tickets were sold? A. No, sir; I do not.

Q. Or what price they brought? A. I know what price they cost.

Q. How much did they cost? A. Five dollars a piece.

By Mr. Goff:

Q. How much did they cost? A. Five dollars a piece.

Q. Do you know how many were sold? A. I do not, sir.

Q. Could you approximate? A. I don't know that I could; there might have been a thousand sold.

Q. Raise your voice, please? A. There might have been a thousand sold.

Q. There might have been a thousand? A. There might have been less; I don't know.

By Chairman Lexow:

Q. Who had the distribution of those tickets? A. The committee.

Q. In what method did they distribute them? A. The secretary kept an account of his own, and then made his report to the committee.

Q. Did you have runners going around selling tickets? A. No, sir; I informed the gentleman there that we—every member of the club would have one ticket mailed to them and no more; the club consisted of 760 or 770 members; if any member of the club chose to get a ticket they came and got it; no outsider got a ticket, except a member of the club.

By Senator Cantor:

Q. To whom did they make application, if they wanted a ticket? A. To the secretary of the committee.

By Mr. Goff:

Q. Didn't the secretary keep a record of the number of tickets he gave to those who made application? A. I suppose he did, for his own information.

Q. Don't you know, as chairman of the committee, he did? A. He must have kept such a record.

Q. Don't you know that he did? A. He must have kept a record, certainly.

Q. And in your presence he made a record? A. No, sir.

Q. Do you mean to say the meetings of the committee having control of this outing there was no record presented, or nothing done in the presence of you as chairman that would show the number of tickets sold? A. No, sir; not at the meeting.

Q. At any other time? A. I suppose after the affair was over.

Q. Never mind the supposition; you mean to say there was no

written memorandum made or kept of the tickets sold on that excursion? A. I presume there was an account kept.

Q. I want you, as chairman of that committee, to tell us the fact; you were chairman of that committee; this is the record showing you were the chairman? A. What record?

Q. This record here. A. Certainly, it is the record.

Q. You moved the appointment of the committee, and were chairman of the committee? A. Yes.

Q. You mean to tell this committee that you, as chairman of the committee, took no account or interest in the number of tickets sold, and to whom the tickets were sold? A. I took interest; I did not take any account.

Q. You mean to say you were chairman of the committee and paid no attention whatever to the fact whether or no more than one ticket went to each one of the members? A. No, sir; I did not.

Q. And you can not say how much was realized by the sale of the tickets? A. I can not.

By the Chairman:

Q. Don't you know the total amount that was realized from the excursion? A. I don't know; how can I know that; that was a year ago.

Q. Wasn't it your duty, as chairman of the committee, to make a report? A. The report was made.

Q. Did you make a report? A. Certainly.

Q. When? A. That I don't know.

Q. Look at the books and tell us? A. Well, those books are not under my supervision.

Q. I don't care whether they are under your supervision; they are in court now, and you are an officer of the club, and were chairman of that committee; look in —

Mr. Nicoll.—Look for it.

The Witness.—I do not know what you want me to look for.

Mr. Nicoll.—Take the book and look all through it. Take an hour, or take a day.

The Witness.—I suppose I might have made a report; it must have been my yearly report to the club; it must be in there.

Q. You make a yearly report to the club? A. Of the finances.

Q. As treasurer of the club? A. Yes.

Q. And then the money for the sale of the tickets must have gone into your possession? A. It never went into my possession.

Q. In whose possession did it go? A. It stayed in the hands of the treasurer of that committee, and it was voted to donate

that money, made by the outing, to the unemployed in the district.

Q. How much was realized? A. Something over \$1,200; that money never went into the treasury at all.

Q. What I want to get at is the roll, the account of the sale of tickets? A. We have no such roll.

Q. When your report was given, had all tickets been paid for? A. Had all tickets been paid for?

Q. Yes? A. I do not recollect that; it was intrusted in the hands of the committee that had full power.

Q. You were chairman of that committee? A. I admit I was chairman.

By Senator Cantor:

Q. Was the committee subdivided? A. Certainly, they were subdivided.

Q. Into how many committees was the committee subdivided? A. The committee on outing; there was a chairman and treasurer and secretary.

Mr. Goff.— I want to say to the Senator that there were a number of other committees, and there was a committee on outing.

Chairman Lexow.— The different branches of its business were subdivided in the committee; was the committee on outing subdivided?

The Witness.— Certainly.

By Mr. Goff:

Q. How was it subdivided? A. Chairman and treasurer and secretary.

Q. Of the committee, was there any subdivision? A. There were additional names added to the committee to assist that committee.

Q. That was all the subdivision? A. And the subdivision that assistants was given for arranging to assist the committee to act.

Q. Who were the assistants? A. They must be in that book.

Q. In that book? A. Certainly; that is a part of the record.

Q. The gentlemen who are with you as members of that committee are yet members of the club? A. Yes, sir.

Q. We will let you go for the present, Mr. Munzinger, until we have a chance to look into the books; the sergeant-at-arms will take charge of those books? A. Will you give me a receipt for them?

Mr. Goff.— We will sign a receipt.



The Witness.—Sign the inventory I gave you here. (Chairman Lexow signs the inventory presented by the witness as a receipt for the books.)

Serapio Arteaga, recalled, testified as follows:

Direct examination by Mr. Jerome:

Q. You saw Captain Price in court, did you not, this morning??  
A. Yes, sir.

Q. Is he or is he not the captain to whom you paid money?  
A. He is not.

Q. Have you since found the captain to whom you paid the money? A. I have not seen him.

Q. What is his name? A. I think he is Murphy.

Q. Is Officer Wagner in court? (Officer Wagner stands up.)  
Is that Wagner that you saw? A. Yes, sir; that is the man.

Chairman Lexow.—That is all, Mr. Arteaga. The next witness.

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

Direct examination by Mr. Moss:

Q. State your residence? A. Fourteen hundred and twenty-eight Lexington avenue.

Q. Do you know John J. Ryan? A. I do.

Q. That is the leader of the Tammany Hall faction in that district? A. Yes, sir.

Q. Are you a member of the club of that district—the Twenty-fifth? A. I am.

Q. Do you hold any official relation to it? A. Not with the club.

Q. Did you? A. I was a temporary secretary of the club for about half an hour, until the permanent officers of the club were elected.

Q. Do you remember arrangements being made just prior to the last election, when there was some district captains present, and Mr. Ryan was present? A. Well, there were many arrangements made when district captains were present, because they are usually present at every meeting of the general committee, and the specific one I—

Q. Did you hear Mr. Ryan give any directions regarding the putting of particular police officers in special places in the district? A. Just prior to the last election, I think it was possibly Sunday evening previous to that election, there was a

meeting called of the general committee of the district, at which all the captains were present, and Mr. Ryan at that time, to the best of my recollection, made use of about these remarks, about as near as I can recollect them; he said, "Now, gentlemen, the committee have done everything in their power to make the election of this district a success to have a strong Tammany district for the Twenty-fifth district, to make it one of the banner districts and now it rests in your hands to see that the work is carried out;" after the meeting had adjourned—the meeting had already adjourned; I was secretary of the meeting; he said, "Now, if any of the captains of this district want any special officers, police officers, at their particular polling place, gives their names to the secretary and he will note them, because it is desirable to have men stationed at these polling places as near as possible to their homes, in order that when they go away to their dinner, etc., that they will not be long detained;" I took a list of the names.

Q. You were the secretary? A. I was the secretary, and am the secretary of the Tammany Hall organization of that district to-day, but not of the club; I took the names on a piece of paper, as the captains would give it; possibly we have 31 districts there, and possibly out of the 31 we had 20 captains who gave names of the officers whom they would care to have stationed at their particular polling places.

Q. Do you remember the names of any of the officers? A. No; that I can not.

Q. Have you the list of those officers? A. I have not.

Q. Is there any way in which you can refresh your recollection so that you can tell us their names? A. Only by the list.

Q. Can't you recall any one of them? A. Well, I am not acquainted with the police names there, so I really could not do that.

Q. You can not do that? A. I could not do that unless I had the list before me and could identify my own handwriting.

Q. What did you do with that list? A. I think I gave it to Mr. Ryan.

Q. Are you quite sure? A. Well, that is to the very best of my recollection at the moment; I did not give it sufficient attention at the time to count what time.

Q. Do you know what Mr. Ryan did with it? A. I do not.

Q. Do you know whether Mr. Ryan saw anyone with reference to the stationing of those policemen? A. I do not.

Q. Did he tell you whether he had said or done anything concerning the matter? A. He did not say anything about it to me.

Q. Did you observe whether the policemen whose names you

took were placed at the special places you mentioned? A. I was not in a position to observe, I being a captain of the district myself, I was right at my district all day long, and I don't know whether they were or weren't there.

Q. Did you have a special officer assigned to your district?  
A. No, sir.

Q. You were not one of the 20 men? A. I was not one of the 20, because I did not know any of the particular officers; I had no acquaintances.

By Mr. Ransom:

Q. You said you are a member of the club now? A. I am, sir.

By Chairman Lexow:

Q. Was anything said with reference to these particular officers being favorable to Tammany Hall, or protecting its interests at the polling places? A. Well, if there was I would have heard it, and I don't recollect now.

By Mr. Goff:

Q. Are you prepared to swear that Mr. Ryan on that occasion did not use words substantially to this effect, that the officers that he proposed to place there would be men that would protect the interests of Tammany Hall at those booths? A. I am swearing to that; that to my recollection there was never any such language as that used.

Q. Mr. Davis, don't misunderstand the question; will you swear that no such language was used? A. In my hearing, I swear that was not used, because I would hear it, and I would have heard everything going on.

By Senator Cantor:

Q. You would have heard everything? A. I would have heard it; I was sitting alongside of Mr. Ryan.

By Chairman Lexow:

Q. Was nothing said about the availability of these particular policemen for those districts because they were affiliated with Tammany Hall? A. No, sir.

Q. Was nothing said to the effect that the Republicans were not in it, and that they would not have the police to protect their interests there? A. I did not hear anything of that kind.

Q. Are you prepared to swear that nothing of that kind was said? A. Yes, sir.

Q. You swear that nothing of that kind was said? A. I do.

Q. Were you there during the whole of the interview? A. What interview?

Q. Between Ryan and the various district captains? A. That was open; he was sitting at the desk; I alongside of him as secretary, and he made the remark to the general audience that was in this public place — it was not in our regular meeting hall, our meeting hall had been rented for some ball or party, or something, and we had to go down stairs in the down-stairs place, so it was a public place, and I was sitting at a table alongside of Mr. Ryan.

Q. Have you given, as far as you recollect, all that was said on that occasion by Mr. Ryan? A. Well, I will try to fix my memory a little more if I can; I desire to give it as fully as possible; I can not think of anything else just now.

Q. So far as your recollection serves you, may there have been anything else said that you do not now recollect; or are you prepared to say that you have stated everything that was said? A. I am only prepared to say that I have stated everything that I heard; why, of course, I was naturally writing from time to time at the table; some remark might have slipped my memory; men might have come up and spoken to me at the table, for all I know, and diverted my mind where a remark might have passed.

Q. You were not specially interested in the question of policemen on your beat? A. No, sir.

Q. You say the only comment that Mr. Ryan made of the police, was that they should be in close proximity to their homes; is that all? A. I think — let me see; it strikes me that on that occasion Mr. Ryan did say, he said, "Now, gentlemen, see that every Tammany Hall vote is brought out; it rests with you to make this a glorious victory," or something of that sort; I can not testify his exact words because I can not remember them.

Q. Didn't he say in that connection that the police there would see that, notwithstanding challenges, every Tammany Hall ballot would be counted, and that the Republican ballot would not be counted? A. He did not.

Q. And that you had a majority of the inspectors and a majority of the police? A. I was about to tell you about the majority of the police when you interrupted me; he said, the majority of the inspectors are with us, and the police are with us, and that is all he said on that subject, but nothing about Republicans or Democrats.

By Mr. Goff:

Q. Mr. Davis, the chairman asked you, if you did not say something about the counting of the ballots, or the challenges?

Chairman Lexow.—Mr. Davis testified he said the majority of the inspectors were with them, and the police were with them; that substantially agrees with the story.

By Mr. Moss:

Q. Mr. Davis, what you are talking about at this moment occurred last year, related to the last election; you are not speaking about what occurred the year before? A. I am only talking about what occurred in the last election.

Q. The particular testimony that was in the mind of the chairman was in transactions that occurred in the prior year.

Chairman Lexow.—That is true.

Mr. Moss.—Now, we have got at a little more in 1893.

Chairman Lexow.—Is that all, gentlemen?

Mr. Moss.—That is all. Mr. Lewis H. Levi, is he in court.  
Mr. Lewis H. Levi. Mr. Jacobs?

Morris Jacobs, recalled, testified as follows:

Direct examination by Mr. Moss:

Q. You spoke of a certain Sergeant John Ryan as having been present when you and Danny Ryan, his son, were making the arrangements with Dave Brant and Mr. Barmstroff, that they should pass examinations for you; do you mean to say that Sergeant John Ryan knew, from the conversation that took place, that Barmstroff and Brant were going to do that act for you and Danny Ryan? A. I did not put it that way, counselor; I put it that Mr. Brant had taken me to the station-house, and that Sergeant Ryan said to Mr. Brant, "I want you to get my boy as near a hundred per cent. as possible," and that Mr. Brant said, "I will guarantee he goes on the first batch, because it would look suspicious if he would get a hundred per cent., and when he passed for himself, he got such a low percentage."

Q. Then, did Sergeant John Ryan know Dave Brant was working the percentages for you and Danny Ryan? A. Undoubtedly; he told me to stick to Dave Brant, and that I was in good hands, and that I would get on the police all right.

Q. There is no doubt about it, is there, that Danny Ryan was the son of Sergeant John Ryan? A. Not the slightest.

Q. Have you ascertained, since the last session, the name of any other police officer who was impersonated by Dave Brant—police officer who was an applicant?

Chairman Lexow.—Any applicant for police appointment.

By Mr. Moss:

Q. And now an officer, I mean? A. I did come across a man by the name of Clark, who is sitting over there now.

Q. I am speaking of a police officer now?

Mr. Ransom.—I only intervene to get the record right. I do not understand the question.

Chairman Lexow.—Strike out the last two questions.

By Mr. Moss:

Q. Are you aware of any police officer who, when he applied for a position upon the force, was impersonated by Dave Brant upon the mental examination? A. Of my own personal knowledge no; but Mr. Clark informed me—

Mr. Ransom.—I object.

Chairman Lexow.—I do not think that is quite fair, Mr. Moss.

Mr. Goff.—Is Clark in court?

The Witness.—Clark is in court.

By Mr. Moss:

Q. I ask you for the name of the policeman? A. Keating.

Q. Do you know his first name? A. I am sure I do not, whether it is John or Dan.

Q. Will you please tell, if you know, what is the business of John J. Ryan, the leader in the district? A. Well, as far as I have been able to understand, his business is to get people out of trouble when they get arrested, and procure patronage.

Q. You don't understand me; what is his occupation? A. Deputy street cleaning commissioner.

Q. And P. J. Ryan, what is his business? A. He is business manager—I understand he is inspector of street openings.

Q. Do you know the names of any of the officers of the Hebrew club of which you spoke? A. Lewis H. Levi, Morris Levine.

Chairman Lexow.—I understood him to say an Italian club.

The Witness.—No; a Hebrew club.

By Mr. Moss:

Q. Were you enrolled as a member of that club yourself? A. I was eventually.

Q. Would you recognize the books of that club? A. I can not read them; they are written in Hebrew.

Q. Would you recognize them? A. Yes; I would.

Mr. Moss.—I would like to have those books marked for identification.

The Witness.—That is one of the books all right.

Q. That is one of them? A. Yes; yes; this is the other one; that is the other one all right.

Mr. Moss.—I will just have that marked for identification. They are in Hebrew. I can not read them myself now.

The Witness.—I was given to understand at the time one had the names and the other the addresses.

(Books marked Exhibits K and L for identification, June 12, 1894.)

Q. Were you asked by any one to pay any money for having Brant and Barmstroff pass examination for you, or for having Barmstroff pass for you? A. They did not tell me they would have to pass for me, but they would give me my percentage.

Q. Was you asked to pay any money? A. I was.

Q. By whom? A. By Brant.

Q. How much?

Chairman Lexow.—We have been all through that, Mr. Moss.

Mr. Moss.—I don't think that is quite clear.

Chairman Lexow.—I think that is quite clear to the committee.

Q. Did you pay the money that was asked? A. I did not; I did not get the percentage.

Senator Cantor.—Barmstroff said he was not paid.

Chairman Lexow.—Barmstroff made an independent collateral, underlying agreement to receive his money.

By Mr. Moss:

Q. Just to have it clear; was there any demand made upon you by Hasbrouck at or about that time? A. Yes,

Q. What was that? A. He called upon me for \$100.

Q. Did you pay Hasbrouck? A. I did not.

Q. Now, after Brant and Barmstroff passed these examinations, what was the next that occurred? A. An officer came into my store and asked me if my name was Jacobs; I said yes, and he took his hat off and took out an envelope and handed me an envelope, and it was a notice to come down before Inspector Byrnes the next morning.

Q. Was he then inspector or superintendent? A. The inspector.

By Senator Cantor:

Q. Can you fix the date of this? A. I can not.

Q. The year? A. I believe in 1890 or 1891.

By Chairman Lexow:

Q. About what time — summer, autumn, or spring, or winter? A. They have got the record down at headquarters.

By Senator Cantor:

Q. You don't recollect? A. I don't; I can get the record of it.

Mr. Ransom.— Can't he fix the year?

Senator Bradley.— He says about 1890 or 1891.

By Mr. Moss:

Q. Go ahead, and tell what happened?

By Chairman Lexow:

Q. Tell what happened between you and Superintendent Byrnes? A. The inspector asked me why I did not go through that examination myself; I told him I did not understand what he meant; why, he said, George Barmstroff passed the examination for you; and he says, was it because you could not pass yourself? I said, no, it was not because I could not pass myself; well, he says, what makes you think you could; I said, because there is nothing that you would ask there that I would not be able to answer intelligently; then why didn't you go; because, I said, I was informed that the clerks of police departments had the making up of ratings, and that if I went down there I would be going contrary to what they were doing for those men who got appointed, that did apply for the position, and if the questions were technical, and if I got 100 per cent., I would not get 60; that some other fellow would get it; that if I left them to do the business for me they would guarantee to get me on the first batch, and eventually Barmstroff was introduced to me by Mr. Brant; and I never spoke about Danny Ryan then.

Q. You are now telling your conversation with Byrnes? A. With Byrnes; and he got somebody to write down that statement, and got me to sign it, and told me to come next day; when I came down next day—

Q. Wait a moment; did you have any argument with Mr. Byrnes about what you should state in this statement he drew up? A. Not that day.

Q. Go ahead? A. The next day — oh yes; that same day I did too; he had suggested one or two things while an officer was writing, that he wanted me to confirm; and I told him I would not, because it was not so; that is what implicated certain parties; I told him it was not so, and I would not swear to it.

Q. What parties did he want to have implicated? A. Some people on the outside; I do not remember who they were.

Q. Do you remember the names? A. One was Sanders' brother; and I forget the others.

Q. Were they persons you had had relations with at all? A. No; only a brother to Sanders.

Q. Go ahead? A. He wanted me, at that time, to state I had put up money with Sanders to guarantee Sanders the money that



would come to him when everything was all over; but that did not take place, and I would not swear to it.

Q. How much did he say to you about that; how much did he urge you? A. About \$100.

Q. How much did Byrnes urge you to implicate Sanders? A. He did not try very hard; when he found I would not do it he dropped it; he said go on and tell what you know.

Q. Go on? A. When I got down the next day he told a man of the name of Frank Cosgrove to sit down and write what I told him; but before I had a chance to tell him anything Mr. Byrnes sat down and dictated what I was to say; and he said he could dictate in one word what I might say in a dozen words; and he told me to sign it after that, and there would be no arrests made, and I would not be locked up.

Q. In saying there would be no arrests made, give Mr. Byrnes' language? A. He said, "Jacobs, there will be no arrests made; all I want to do is to get those two;" will I gave those expressions?

Q. Yes? A. "All I want to do is to get those two sons of bitches out of the office that have been robbing you and a great many others. and they can not do any further."

Q. Whose names did he state? A. Hasbrouck and Dwyer.

Q. Do you say he said there would be no arrests made? A. Yes, sir.

Q. Did he understand that Barmstroff had represented you? A. Why, he told me he did.

Q. And that Brant had impersonated another man? A. He asked me if I knew Brant; I said I knew him, and that Danny Ryan was party to it; he asked me if I knew Ryan.

Q. Answer the question? A. Undoubtedly, he knew it.

Q. Did he know Danny Ryan was implicated in the matter? A. He asked me if I knew those people, and I did not satisfy him on those matters.

Q. Did he know Sergeant John Ryan was implicated in it? A. I could not tell you.

Q. Was the name mentioned? A. He asked me if I knew Danny Ryan and Dave Brant.

Q. Did he speak of John Ryan, the sergeant, particularly? A. I don't think he did.

Q. Was this a son of Sergeant Ryan; did he mention something like that? A. No; I wouldn't own up I knew Danny Ryan down there; I was minding my own business.

**By Mr. Moss:**

Q. You were going to give a conversation of Danny Ryan? A.

Danny Ryan came around to my store and said, "Have you got a letter;" and I says, "Yes"

Mr. Ransom.—I object to that.

Chairman Lexow.—How is that material?

Mr. Moss.—I want to get the point that Danny Ryan spoke to him about his getting his appointment.

The Witness.—He says, "You will be called upon to go to Byrnes' office.

Mr. Ransom.—Mr. Witness, don't you know I objected? Will you instruct the witness to wait until I get through. I understood you ruled in my favor.

Chairman Lexow.—Certainly, just answer the question propounded by counsel. Answer his question instead of giving another story.

By Mr. Moss:

Q. Did Danny Ryan come with the first intimation that you were going to be called to see Byrnes? A. He did.

Q. And did he say to you what you should say or should not say to him? A. Yes; he showed me a letter he had received from Mr. Byrnes; he says, "When you go down there you had better tell the truth, because you will be caught; he says the fact is Barmstroff personated you, and Dave Brant personated me, and don't you say anything of it, because he says he knows all."

Q. Did Mr. Byrnes know of Woodbridge's connection with the matter? A. He wanted to know how it was I got in with such a crowd, and I told him Mr. Woodbridge was the man that introduced me to those people, and related the whole story to him as I related it to the committee.

By Chairman Lexow:

Q. Do we understand you to say that this Danny Ryan had a letter from Byrnes? A. Yes; the same as I did.

Q. And stated to you that he knew that Byrnes knew all about the transaction? A. Yes.

Q. Both with reference to himself and with reference to yourself? A. Yes, sir.

Q. And that he procured another man to impersonate him? A. Yes, sir.

Q. And do you mean to say this same Danny Ryan was appointed a policeman after that? A. He was appointed a policeman after that, and he made another application; and I don't know what post he is, but he was appointed afterward, I made another application and I did not get appointed, and I passed also.

By Mr. Moss:

Q. After having made this communication to Mr. Byrnes did you go before the commissioners? A. I did.

Q. State briefly what transpired there? A. Mr. Byrnes had Hasbrouck, Dwyer and Officer Woodbridge brought down for me to identify and to state in their presence all that occurred.

Q. Do you know whether, as the result of that, Dwyer and Hasbrouck resigned or were dismissed? A. Dwyer got dismissed and Hasbrouck resigned.

Q. Is that all that came out of the matter after your statement to Mr. Byrnes and to the commissioners? A. I did state at the time.

By Senator Bradley:

Q. Is that all that came out of it? A. That is all that resulted.

By Chairman Lexow:

Q. Nobody was prosecuted? A. Nobody was prosecuted.

Q. Dwyer was dismissed and Hasbrouck resigned? A. Yes, sir.

Q. Was any indictment procured against them? A. No, sir.

Q. Who, besides Inspector Byrnes, of the police force knew of these facts? A. Officer Woodbridge.

Q. Did any of the commissioners know about it? A. Undoubtedly, because I came before the commissioners and confirmed the statement I signed down stairs.

Q. You went before how many commissioners? A. Four of them.

Q. And you went before four commissioners and you made the same statement to them as you made to Inspector Byrnes? A. Yes.

Q. And did they ever take action as you know of on that statement? A. I asked if I could seek an appointment again; they said if I let the matter die out and again made the application they had no objection; I let the matter die out a year longer than Danny Ryan did, and I got a rating of 87.18 and did not get appointed.

Q. What commissioner did you appear before? A. Commissioners Voorhes and McClave and McLean and Martin.

By Mr. Moss:

Q. Look at that piece of paper and state if it was handed to you by any one in the police department? A. This was handed to me by a man of the name of Starr; he told me he got it from one of the clerks of the police department.

Q. Look at it and see if you refresh your memory as to the date when Dwyer was dismissed and Hasbrouck resigned? A. Those were the dates I was told they were dismissed and resigned.

Q. See if you can tell by looking at that what the dates are? A. September 16th Dwyer got dismissed.

By Senator Cantor:

Q. What year? A. Eighteen hundred and ninety; Hasbrouck resigned September 24, 1890.

By Mr. Moss:

Q. Will you please to look at that writing on the back of the paper and tell me what it means? A. "Let me have ten."

Q. What does that mean? A. I could not tell you.

By Chairman Lexow:

Q. "Let me have ten?" A. "Let me have ten."

Mr. Moss—I do not know what it means. I saw it on the back of the paper, and thought it was suggestive.

By Senator Bradley:

Q. Did you get that paper from anyone? A. Yes; I did.

Q. Don't you know what that 10 means? A. No; I could not tell you what that 10 is, because I did not get it from any official or clerk.

By Senator Cantor:

Q. You can not imagine what that means? A. No.

By Mr. Moss:

Q. The back of this paper has your ratings on it; let me read to you, "February 9, 1893, physical 76 and a fraction Dr. Brown, mental 87 and a fraction," those are your ratings, are they not? A. That is more than I can tell; I never read them.

Q. Who gave you this paper? A. I got that from Mr. Starr.

Q. I will ask you to look at it again? A. I see it is just as you say; but this is the first time I read it.

Q. Whose handwriting is that? A. That is more than I can tell you; I got this from Mr. Starr; he can probably tell who gave it.

By Chairman Lexow:

Q. When did you get it from Starr? A. I got it from Starr

about four weeks ago; I asked him if he had the dates as he went down to hunt up the record; I was informed by somebody that he went down to hunt up the records in the event of my getting appointed that he would have the proceedings published.

By Mr. Moss:

Q. Now, on the left-hand side of that paper is a corner torn off, with a part of the name of Phillips; what does that mean; do you know? A. Well, that is all; it is part of the name of Phillips, April 19, 1894.

Q. Has it any reference to Lee Phillips, of the board of examiners? A. The man that gave it to me could inform you; I can not; he informed me that those are the dates they were dismissed.

Q. Did any body ask you to have \$10 at or about the time this paper was handed to you.

Senator Bradley.—Answer yes or no.

A. No, sir.

By Mr. Moss:

Q. Now, you say that after your statement to Mr. Byrnes and to the commissioners, and the advice by Mr. Byrnes that you should let the matter rest—or was that the commissioners' advice? A. Both.

Q. Both Byrnes and the commissioners? A. Byrnes asked me if it came up—I asked if they had any objection to applying again, and that is what they said.

Q. Did any one of them, Byrnes or the commissioners, make any objection to your applying again and passing your examination in your own proper person? A. Not to my knowledge.

Q. You never heard of any? A. No, sir.

Q. When did you make application for appointment? A. About two years and a half ago.

Q. How did you make that application? A. I first went to the police commissioners, and I asked them for a blank, and they told me I could get them at Cooper Union; I went to Cooper Union, and I was informed that they had none then; I called again with a friend of mine who was taking a stroll down that way, and he waited for me up stairs, and they gave him a blank.

Q. Did you file your blank? A. I did.

Q. That is the first time you had ever filed a blank or application signed by yourself? A. That is the first time.

Q. Then who did you see, if anyone, in order to facilitate your application; who was the first person you spoke to to help you out? A. To facilitate?

Q. Yes; to help you get the appointment? A. Oh, to help me get the appointment; the first one was John J. Ryan.

Q. Where did that take place; where was it?

Mr. Ransom.—Objected to. Mr. Ryan is not a policeman, and he is in no way or sense related to the police department. I do not object unless counsel fails, as he has so far, to connect the police with all those impossible stories and hearsay evidences and conversations between the witness and Ryan.

Chairman Lexow.—Except in this sense, that if facts can be shown here that legislative action should be taken on in reference to interference by district leaders with the police force in the city either by way of securing appointments, or any other way is very material evidence.

Mr. Ransom.—I agree to that and have no objection to such testimony. It does seem to me that the committee will not take the time for a recital of conversations between some man and Mr. Ryan's club who may be anxious to get on the police, and in a very natural way and very proper way sought his favor and proper assistance. Now, if Mr. Moss is going to connect Ryan with some fraud I am prepared to say I think it ought to be let in, and I suppose the committee will do it.

Mr. Moss.—I hope to connect Mr. Ryan with this matter.

Chairman Lexow.—Do you propose to connect them?

Mr. Moss.—Yes, I do, in addition to the reason the chairman has suggested for allowing the testimony.

By Mr. Moss:

Q. What transpired between you and Ryan? A. I was delegated by a club that I was a member of, the workingmen they called the Thomas Cochran Association, to see Mr. Ryan, with a view to see what arrangements we could make politically for to get patronage; and a man came up to me and asked me if I was looking for a position, and I said, "Certainly, I am a candidate for the police;" he says, "I am well acquainted with Mr. Ryan, and know him from boyhood, and will speak to him for you and give you an answer."

By Mr. Ransom:

Q. Will you give us the name? A. His name is Thomas Stapleton; he came to my store next evening, and he told me Mr. Ryan informed him I could get there if I had the necessary.

Mr. Nicoll.—I move to strike that out.

Chairman Lexow.—I do not think it is right.

Mr. Moss.—It is useless to strike it out. We had better let this man tell his story in his own way or we wont get it at all.

The Witness.—I asked him what it was, and he said that you see Mr. Ryan again and, well you know, and he told me \$300.

Q. He told you what? A. Mr. Stapleton told me \$300.

Mr. Ransom.—Should that stand on the record, Mr. Chairman?

Chairman Lexow.—I don't think it ought to unless it is connected.

Mr. Ransom.—There is so much stuff that ought to be stricken out that we will forget this.

Mr. Moss.—We have been looking for people that gave \$300 and this is one of them.

The Witness.—I told him I would be down to see Mr. Ryan with him the next night, and I went down the following day to the bank, and I got a check certified for \$300.

By Senator Cantor:

Q. What bank was it you went to? A. The Bowery National Bank; it is now the Bowery State Bank; I was introduced to P. J. Ryan, the leader's brother, and he said "If you are ready, we are ready;" I says, "Well, I was informed by Mr. Stapleton to have \$300; here they are;" he looked at the check, picked it up and turned it around; "I will tell you what to do, Jacobs," he said; "I will speak to my brother."

Q. Who was the brother? A. John J. Ryan; "and then I will let you know what he says, and in the mean time you take that check back;" I took the check back, and he said, "I will let you know to-morrow night;" the next night I came down there; he said we will have two campaign meetings, and you subscribe \$50 for one and \$50 to the other, and that will be \$100, and my brother will give you instructions what to do with the balance.

Q. Did you make those subscriptions? A. I did.

Q. Did you pay any money? A. I did.

Q. In the presence of Mr. Ryan? A. In open meeting.

Q. Was John J. Ryan present? A. He was present; I was told they would call for subscriptions, and people would subscribe of their own accord, and I should do the same to make it appear I was supporting the campaign.

Q. Who told you it was to make it appear so? A. P. J. Ryan; I put the check down at open meeting, and I shouted out \$50, and when the meeting was over Mr. John J. Ryan handed me \$250 change.

Q. From the check? A. From the check; I held that change for about a week, and P. J. Ryan got off a car and met me on the

street, and said, "You had better bring us down the bills; my brother don't want that check."

Q. Did you do that? A. I did; I went to the bank and drew out \$300 and took the check back.

Q. I understood you made a great many contributions at Mr. John J. Ryan's request; please state them generally; do not go all over the question; who handed you the check back?  
A. P. J. Ryan.

Q. Was John J. present? A. Not at that time; now he says — but before I put in one dollar in the campaign fund I wanted to see Mr. John J. Ryan; and I told John J. Ryan what P. J. Ryan informed me to do with my money and I would not do it unless he said it was all right; he said, "I give instructions to my brother, and you carry out his instruction, and I will see you get on the police;" and so I done that; "Well," he says, "You will have to spend the balance where it will do the organization the most good;" I said, "Will you explain that to me;" he said, "In a few days from now I will put you on the campaign committee and that will give you the power to go around the district, and I will tell you where to go to; and he called me in the meeting-room and asked me if I knew the existence of such a club; I will name one of them in One Hundredth street; I said I heard there was such a club up there; he says, "Go up there and see if there is anything necessary, and if there is anything necessary," he says, "You see that it is got there."

Q. Is that your appointment on the campaign committee (showing witness paper)? A. That is my credential for the campaign committee.

Q. Signed by John J. Ryan? A. That is in his name.

Q. Who handed it to you? A. The postman; it was sent by mail.

The paper is offered in evidence and marked Exhibit M, June 12, 1894, and is as follows:

"Twenty-fifth Assembly District, Tammany Hall Headquarters, Ninety and Ninety-first street and Third avenue, New York, October 26, 1892.

"Dear Sir.—You have been appointed a member of the campaign committee which will meet at these headquarters this Wednesday evening, October 26, 1892, at 8 o'clock. It is imperative that you be present.

"Yours truly,

"JOHN J. RYAN."

"To Mr. Jacobs."



The Witness.—Then I went around to the One Hundredth Street club. He said if there is anything wanted, you know what has got to be done; and his brother told me I was to be liberal when I went around electioneering. I was that liberal that it cost me about \$1,400 or \$1,500 up to now.

Q. Have you had conversations with John J. Ryan while you have been spending this \$1,400 or \$1,500? A. Hundreds of times; I told him I was disappointed; I thought I was going to be appointed after election, and P. J. Ryan would tell me whether I should stand any more, and P. J. came and asked me for \$20 or \$25 when he wanted me.

Q. You have been holding up the John J. Ryan's political fortunes? A. Yes; he said if he gave it to me to spend, it would be just the same, because it would reach him anyway.

Q. Is that your notification to appear for the physical examination? A. Yes, sir.

Q. That is dated August 25, 1892; I offer it for the date.

It is admitted that the date is August 25, 1892.

Q. Did you have any conversation with your appointment was delayed? A. At one time he told me that such acts of mine was preventing me, and I went away with that, and I informed another man who asked me what we were speaking about.

(Objected to.)

By Mr. Moss:

Q. Was John J. Ryan present when you made that statement?

A. He was not present; but John J. Ryan called me to account for it; he says, "Jacobs, you have no right to tell people I have turned you down; I have not turned you down; your name never came before the police commissioners; as soon as it comes before the police commissioners I will get you appointed; I said, you told me that that last case would prevent me; he said, "I will get you appointed;" he said, "You did not get percentage enough to get on the first batch;" and I asked him why he changed the percentage of Tom McGuire; he changed it from 80 to 93.

Q. How do you know he did that? A. Yes; he told me that; he explained it in the presence of William B. Davis.

Q. Who is McGuire? A. He is now an officer.

Q. A policeman? A. A policeman.

Q. Whereabouts is he? A. I could not tell you what precinct he is in now; he explained to me the candidate went in and passed the examination, and took down the answers he had given to the questions, and came out; and when John J. Ryan looked at

the questions he found the civil service board had made a clerical error.

Q. That is what Ryan said? A. Yes; in giving that man his rating; and when they informed him what it was, they altered it, and he got the man appointed; I said, maybe you could find a clerical error for me; I waited a long time to get appointed.

Q. Was anything said about a complaint about a keeper of a disorderly house you had made as interfering with your prospects? A. Yes, there was some officer whose name I do not know or whose number; he was attached to Captain Gunner's precinct; and he said a man of the name of Dempsey was trying—  
(Objected to.)

Q. Was this a police officer? A. Yes; this was a police officer.

By Mr. Ransom:

Q. Do you know his name? A. His name was Michaels.

By Mr. Moss:

Q. Is he a detective? A. No; he is a patrolman.

Q. In Captain Gunner's precinct? A. He was at that time.

Q. That was in 1892 or 1893? A. Eighteen hundred and ninety-one or 1892; he said if you had never made a complaint against that man for keeping a dive, you would have been appointed.

Q. What man was that you made a complaint against? A. He was also an applicant for the police—John Brophy, 1775 Third avenue, the same house I was in.

Q. Were you informed by any policeman that this divekeeper had complained about you at headquarters for interfering with him? A. No; this policeman was a friend of mine; I knew him before he got on the police force; and he told me the mere fact of my complaining against that man that was running that place will deprive me of ever getting on the police force; that same candidate afterward admitted, I believe, that he paid \$300 to get on the police force.

(Objected to by Mr. Ransom.)

Q. Who is that; Brophy? A. Brophy.

Q. Who did he admit that to? A. I read it in the newspaper. Chairman Lexow.—That is excluded; strike it out.

Mr. Nicoll.—Leave it in in order to give a sample of the evidence.

Mr. Goff.—On consent of the other side let it go in.

The Witness.—That he paid \$300 and did not get appointed.

Mr. Nicoll.—I have no objection to any such rubbish going in.

Chairman Lexow.—If there is no objection, let it go in.

Mr. Goff.—Will you admit all the newspapers have said on that subject?

Mr. Nicoll.—I might just as well.

Q. Did you have any conversation with Mr. Commissioner Sheehan recently about this application of yours? A. Mr. Ryan had made an appointment to meet Commissioner Sheehan, and he said he spoke to Commissioner Sheehan, and he objected to appointing him, and Commissioner Sheehan said, "We have our appointments pro rata, and if anyone had spoken to me in your behalf I would only be too glad to appoint you;" but, he said, "No one has spoken to me for you; our slate was all made up and it was impossible for me to get you appointed now;" I called attention to the fact that Ryan was all the time speaking to him, and he said he did not, and that was the first time anyone spoke to him; I informed him that my percentage was 87.18 and others lower were appointed.

Q. Are you on the eligible list? A. Yes.

Q. What did Mr. Sheehan say when you said others were appointed? A. He said they were interceded for in time; I was not.

Q. Did he mention any name? A. He did not mention any names.

Q. Give all the conversation at that point? A. Mr. Ryan said tell Mr. Sheehan what trouble you had four years ago.

Q. What did Sheehan say to that? A. Sheehan said, make it as brief as you can, I do not want to hear the whole of it.

Q. After you stated it what did he say? A. He said that would not debar you; he said they roped this fellow in, and that was no fault of his; that wouldn't make any difference; he said on account of the investigating committee it would be dangerous to appoint me now.

Q. This investigating committee? A. Yes; the Senate investigating committee.

Q. The excuse Sheehan made was you had not been interceded for? A. That is the reason.

Q. And other persons of lower percentage had been interceded for? A. No; I said that.

Q. What did he say in reply? A. Because they had been interceded for.

Q. How long ago was this? A. Three months ago.

Q. Were you on the eligible list? A. Yes, sir.

Q. How many times had your name been before the commissioners on the certificate of the examiners? A. It only reaches down there once.

Q. It only reaches there once? A. Once; but it took me two years and a half to get it down there.

By Senator Cantor:

Q. When did you pass the examination? A. I passed the mental examination the 29th, a year last April, on the 29th of April; that is, a year last April, the 29th.

By Mr. Moss:

Q. I think you said the alderman of your district is William A. Baumert? A. That is his name.

Q. Elected at the last election for the first time? A. For the first time.

Q. Have you an account with William A. Baumert? A. Well, I have.

Q. For myself and for other persons? A. Well, he told me to make up suits of clothes for different district captains, and he would pay for them.

Q. How many district captains did you make suits for? A. I made four suits for district captains, and one for a roundsman, who is now a sergeant.

Q. Who was the roundsman? A. Roundsman Ryan; this is another Ryan.

Q. What is his first name? A. John Ryan.

Q. Where is he stationed? A. I think—I couldn't tell you where he is stationed, but he is somewhere over the bridge.

Q. In the annexed district? A. Yes; he was formerly in the Eighty-eighth street station-house.

Q. You mean to say Baumert told you to make a suit for that roundsman? A. Undoubtedly he did; he told me before election, "I will send you some men around to make suits for, and I will pay for them," and he told me not to make them until the election was over, but Mr. Ryan did get his suit of clothes before election.

Q. Did he tell you anything about the price that you were to say was on these clothes? A. Yes; he told me to tell them they cost \$5 more, each one of them, so as to make it appear he was giving a bigger present.

Q. Has Mr. Baumert paid you the money on account of these clothes? A. He has paid a great deal.

Q. Has he paid you on account of that suit you made for the policeman? A. He has paid me more than that; he paid me more than that.

By Chairman Lexow:

Q. Has he paid you on that particular item? A. Well, I could

not say for that particular item; he has paid me for more than would cover that particular item.

Mr. Nicoll.—What does it prove, that somebody gave a man a suit of clothes?

Mr. Goff.—It proves this, that a candidate for election paid bribes after election to policemen after election; that is what it proves.

Chairman Lexow.—That inference is justified after some additional facts. Is that all?

Q. Did anyone send for you last night? A. Yes.

Q. Who? A. Mr. Duffy.

Q. Who is Mr. Duffy? A. The boodle alderman.

Q. The boodle alderman? A. Yes, sir; I would not say he sent for me, but a man told me Mr. Duffy wanted to see me.

Q. Did you go to him? A. I did not.

Mr. Nicoll.—Repeat all the evidence over again.

Chairman Lexow.—I guess not.

Mr. Moss.—I object to that.

Chairman Lexow.—Is your direct examination finished?

Mr. Moss.—Yes, sir.

Chairman Lexow.—Have you any cross-examination?

Cross-examination by Mr. Ransom:

Q. You could not repeat all this evidence if you tried?

Mr. Goff.—Objected to.

Chairman Lexow.—That is immaterial.

Q. I withdraw the question; although that is a perfectly fair one, I withdraw it; witness, where do you live now? A. Seventeen hundred and ninety-seven Third avenue.

Q. And are you still a merchant tailor? A. Yes, sir.

Q. Have you ever had any other business? A. Never.

Q. And your age is what; how old are you? A. I am going on 34.

Q. I understood you to say you were married? A. I am.

Q. In an interview that you had with Inspector Byrnes you said that Inspector Byrnes told you that you had been cheated and swindled by these sons of bitches, and intimating that he wanted to get them out of the department? A. That is correct.

Q. Is that correct? A. That is correct.

Q. You yourself were of the same opinion, were you not, that you had been cheated and swindled by those men? A. I could not form any opinion.

Q. At that time didn't you believe that you had been cheated and swindled by those men? A. No; at that time I supposed they being members of the department that that was the way they got men on the police.

Q. When you saw Byrnes, you had confidence those men were dealing fairly with you? A. What?

Q. At the time you saw Byrnes you thought these men were dealing fairly with you? A. I did until I saw him.

Q. And when Superintendent Byrnes told you they were cheating and swindling you, it was not your first suspicion? A. No; I knew they were not any good by the way they treated me.

Q. Before you saw Byrnes you were of the opinion that these men had been cheating you? A. No; I was not of the opinion they had been cheating me, but I was of the opinion that they were no good.

Q. What is the difference?

Chairman Lexow.—What he meant was that in this particular transaction they were not treating him fairly.

Q. Had you ever known the officer Hasbrouck, who was part of the coterie of speculators, before he waited upon you with this suggestion that you apply for this position of policeman? A. Sanders introduced me to him.

Q. Who was Sanders? A. The supposed go-between of the commissioners and the applicant.

Q. Do you remember his full name? A. Theodore Sanders.

Q. Where does he live now? A. I could not tell you.

Q. Have you ever seen him since that time? A. Yes; I saw him at Cooper Union every time I went up for examination.

Q. You mean at the rooms of the civil service? A. Outside of that, speaking to candidates.

Q. Had you ever known this man Barmstroff who testified last Friday? A. I knew him after Dave Brant introduced me to him.

Q. You never had known him before? A. No.

Q. Did you ever have any conversation with him as to what he was to do? A. No.

Q. Did you know he had anything to do with the transaction? A. Did I know that he — after Brant told me.

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

Q. Did Brant tell you he was to see him to present you before the civil board? A. No; he says he would get that percentage all right.

Q. What did you understand he meant by that? A. That he would go up and ask Hasbrouck for the percentage and get it for me.

Q. Were you really of the opinion that Hasbrouck, a patrolman and policeman — A. He was not a patrolman; he was a clerk at the police headquarters.

Q. He was not a patrolman? A. He was not.

Q. Hasbrouck was the clerk at the headquarters of the police?

A. Yes.

Q. Did you really think that Hasbrouck could get your percentage from the civil service board? A. He said he made the ratings.

Q. You believed him, did you? A. Undoubtedly I did.

Q. How long have you lived here? A. In New York?

Q. Yes? A. I have been around, I suppose, 14 or 15 years.

Q. You believed that still? A. Undoubtedly I did.

Q. Did you know anything about the civil service examination, generally? A. I did not know there was such a thing.

Q. Didn't you at that time know there was a civil service board? A. I did; yes.

Q. Do you mean really to say that you then thought that the clerk at police headquarters could secure for you from the civil service board a particular rating or percentage? A. Why, he was telling me that he —

Q. Did you believe it? A. Yes; because he told me he got it before.

Q. Did you believe it? A. Yes.

Q. Not because — did you believe it? A. Yes.

Q. How much money did these men succeed in getting out of you — Brant, Dwyer, Woodbridge, Hasbrouck and Barmstroff? A. I can not tell now; John Ryan got more than all put together.

Q. Well, strike that out, sir; have you any particular feeling against J. Ryan? A. I have got this —

Q. Did you come down here to tell the truth? A. Yes; so help me God.

Q. Will you tell me why you volunteered just now to bring in J. Ryan's name; I didn't ask you anything about J. Ryan? A. Because I laid out more for that man's organization, at his suggestion, than all those men put together.

Q. Are you willing to wait until you get inquiries, before you try to visit your revenge on J. Ryan? A. I am not asking for revenge, but asking for justice.

Q. You are sure to get justice here; you think so, don't you? A. Yes.

Q. And you came down here with the honest determination to testify to the truth and nothing else? A. The truth and nothing but the truth, so help me God; that is what I came down here for.

Q. Will you tell me what sort of justice you expect to get for this? A. In the first place I passed the examination, and my name is before the board of commissioners; I understand John J. Ryan objected to my appointment.

Q. Your idea of your coming down and testifying, the justice you get is revenge for John J. Ryan opposing the appointment on the police force? A. No; I think the committee will investigate why I didn't get my appointment.

Q. Have you given up all idea of ever becoming a policeman? A. Well, if I did not I certainly would not come here.

Q. Have you given up all hope? A. I gave up the idea; if I didn't give up the idea of ever becoming a policeman I would never have come here.

Q. Have you ever withdrawn your application? A. No, sir.

Q. Have you ever notified anybody that you did not care to be a policeman any more? A. No; but they notified me that I would never be a policeman as long as I lived.

Q. What were you promised if you came here and testified? A. Nothing.

Q. Did you get it? A. Certainly, I got that much.

Q. You had a conversation with Mr. Sheehan? A. Yes, sir.

Q. I understood you to say he treated you with civility and politeness? A. He did.

Q. Have you ever seen him before? A. Never.

Q. How long was that conversation? A. About 25 minutes.

Q. As long as that? A. Up at 156 Broadway, Manhattan Life Insurance Company's office.

Q. Who was present at that time? A. Nobody but me and John J. Ryan.

Q. John J. Ryan and Mr. Sheehan and yourself? A. Yes.

Q. Whose office was this? A. In one of the adjoining rooms of the Manhattan Life Insurance Company, at 156 Broadway.

Q. When was it? A. Well, this was about three or four months ago; about three months ago.

Q. Tell me again how it was that you came to go there? A. Mr. Ryan had fooled me six or seven days.

Q. Now, Mr. Witness, you have no desire to be revenged upon Mr. Ryan? A. No; I am not looking for revenge.

Q. Answer the question? A. I can not explain it, unless you let me; if you will allow me, I will explain it.

Q. Don't explain, but answer my question?

Chairman Lexow.—What is the question?

By Mr. Ransom:

Q. Now, I ask you the question; how did you come to go to the office of Mr. Sheehan?

Mr. Goff.—Let him give his reasons.

A. Mr. Ryan, the first day, told me to meet him in his office, and when I got down to his office at 1 o'clock, according to



agreement, he arrived at 3 o'clock, and told me he thought he told me to come to police headquarters, and he told me to meet him the next day at his office; he said he went to see Mr. Sheehan, and didn't see him; after he lost a whole lot of time and trying to find out where he might meet Sheehan; afterward he got me down to his office again, and he told me that Sheehan's office was somewhere on Broadway, and he preferred to take me to his private office, because he said he had to speak about that last case of mine; then, when I wanted to know where his office was, he didn't know it, and said may be he could call him up on the telephone; he looked at the telephone call, and could not find the number; he asked me where his office was, and I told him I would find out where he is, and I went out and I found where Commissioner Sheehan's office was, and I found out his telephone call, and came back and told John J. Ryan what it was; and then John J. Ryan told me to wait outside of Sheehan's office, and I waited three long hours, and when he came it was nothing more than reasonable to find no one there.

Q. Have you got through yet? A. No; John J. Ryan went upstairs and informed me that Sheehan was not in; then he told me to meet him the next day in his office, and when I got in John J. Ryan's office the next day, an Assemblyman came up and spoke to John J. Ryan, and I heard him mention Sheehan's name and tell me to meet him at 156 Broadway; we did meet him the next day, and I was there.

Q. Now you are there? A. Now I am there.

Q. Now, Mr. Jacobs, we have arrived? A. Yes.

Q. Mr. Sheehan is here? A. Yes.

Q. Or we are there? A. I was there.

Q. Will you tell me whether there was anybody present in the interview you had with Mr. Sheehan, except yourself and John J. Ryan? A. I remember who were; there was no one present except John J. Ryan, Commissioner Sheehan — a gentleman who I was told was Commissioner Sheehan.

Q. Was there anybody within earshot of the conversation? A. No, sir.

Q. Nobody heard the conversation between you three gentlemen except you three gentlemen? A. Well, except they were hidden there without my knowledge; I could not account for that.

Q. You had no idea there was anybody hidden there? A. No, sir; I told you there was no one within hearing to my idea.

Q. And the conversation lasted about 25 minutes? A. About that time.

Q. Now, I wish you to state what you said to Mr. Sheehan, and what he said to you? A. Mr. Ryan told me to tell Commissioner

Sheehan all that transpired four years ago; that last case of mine; I told him that two clerks — he told me to mention it as brief as possible because he did not want to go into the whole of it; I told him of the two clerks who had proposed to put me on the police force clandestinely, and it was found out, and they got discharged; well, he says, "what has that got to do with this;" he says: "Mr. Jacobs, to tell you the truth, we have got our appointments pro rata."

Q. Did he say that? A. He did; and explained to me what it was, that each commissioner has so many appointments, and he said, "we have all made up our slate, in fact I have actually borrowed one from a commissioner just as he went out;" he was looking at Ryan when he was speaking to me.

Q. Do you remember that gesture? A. Undoubtedly I do.

Q. Do you remember in this conversation that little incident?  
A. Yes, I do.

Q. Then he turned and looked at Ryan? A. Yes, sir; he said, "I have borrowed one."

By Mr. Moss:

Q. You have stated that to me before to-day? A. Yes, I have stated that to Mr. Moss.

By Mr. Ransom:

Q. Now, Mr. Jacobs, have you stated all the conversation? A. No, you have not given me a chance.

Q. Haven't I? A. Now he says, "each commissioner gets so many appointments," and he looked around and said, "I have actually borrowed one from Commissioner McLean; the commissioner going out," and he says, "It would be impossible for to place you," he says, "on my list now because those ones I have promised have had others interested for their appointments;" he said, "you ought to have had someone to interest themselves on your behalf long before this; I would have no objection to appointing you;" "Mr. Ryan said the reason I did not speak to you was because I thought it would be dangerous to appoint me on account of this investigating committee going on now;" Mr. Sheehan says "that has nothing to do with it; this case of his wont bar him from becoming a patrolman; he has passed his examination and has got his percentage;" he said, "I spoke to James Martin some time ago;" I said, "Mr. Commissioner, my leader informed me he was speaking all the time to you and that you"—

Q. Was Ryan there then? A. Yes, sir; "that he was all the time speaking to you and you refused to appoint me."

Q. You meant Ryan when you said "my leader?" A. Undoubtedly, and I said it was no place for me to come and approach him; he said, "If I could possibly get another appointment I would appoint you in a moment;" Mr. Ryan said: "Possibly Mr. McLean might loan him another appointment;" he said, "I do not think he would do it;" I said, "I know some personal friends of mine who knew Commissioner McLean and who might introduce me to him;" he said, "No; he would not do it."

Q. Is that all the conversation? A. That is all.

Q. No more? A. No more that I can remember.

Q. You have remembered it all? A. I think so.

Q. Have you any doubt about it? A. No.

Q. Have you just stated it now as you have just stated it to Mr. Moss? A. No difference.

Q. In substance? A. In substance.

Q. That you can recall? A. Yes, sir.

Q. The two stories are precisely the same in substance, are they? A. Yes, sir.

Q. Tell the committee, if you please, how it was you had an ambition to become a policeman; why was it you wanted to become a policeman? A. Because I was formerly working very hard at the tailor business, and the business is very confining inside, and when I sit down myself I do not feel comfortable when I am sewing, and I always like to get the open air.

Q. How tall are you? A. About six feet.

Q. And it was uncomfortable for you to sit down at the tailor business? A. Yes.

Q. And that is the reason you wanted to be a policeman? A. That is the reason.

Q. And only reason? A. No; it was a protection for my wife and family; it was a salaried position I could get a year round, and my own business was failing.

Q. What was the pay of the policeman? A. I believe they got \$1,000 the first year, \$1,100 and then \$1,200, with chance of promotion.

Q. You have been carrying on the merchant tailor business how long? A. About 10 years.

Q. Was not your business very much better than \$1,000 a year? A. Years ago it was, but lately I am not making expenses.

Q. At the time you made the application for policeman, wasn't your business worth more than the salary of policemen? A. No.

Q. It had been better in previous years? A. Yes.

Q. You had saved money? A. Yes, sir.

Q. And from your savings you expended the money you have testified about? A. Yes, sir.

Q. Did you expend all your savings? A. Well, maybe I have got \$100 or less left, but that is about all, except my stock.

Q. When Inspector Byrnes sent for you to come down, you testified on your direct that the officer came to you and took out of his hat a notice that Inspector Byrnes wanted you; am I right in your testimony? A. The officer did not state the inspector wanted me; he gave me the letter and that letter told me to report to Inspector Byrnes.

Q. What I want is a correct story; when the officer came to you he took off his hat and gave you a notice? A. A letter, out of his hat.

Q. You said a letter, did you? A. Yes; in an envelope.

Q. Where is the letter? A. I took it down to a man called Mangin.

Q. At headquarters? A. At headquarters; he took it from me.

Q. At headquarters? A. Yes.

Q. Was he a police officer? A. He was some official down there.

Q. He is a police surgeon, I am informed, at headquarters? A. Your information, I believe, is correct.

Q. Was there a man in uniform? A. He had some kind of blue police blouse on.

Q. You understood him to be, or believed him to be, an officer there at that time? A. Yes; I did.

Q. And you gave him the letter you had received purporting to be from Inspector Byrnes? A. Yes.

Q. What did he do with the letter? A. I could not tell you.

Q. Did he give it back to you? A. No, sir.

Q. Never seen it since? A. No, sir.

Q. Your idea of giving the letter was to identify yourself to Inspector Byrnes, wasn't it? A. Yes; I was the one he sent for.

Q. When you saw Mr. Byrnes he asked you to give a full account of the swindle of these men upon you in respect to your application for appointment? A. Not at first; he told me all about it the first going off.

Q. He knew all about it, did he? A. Yes; he had the exact facts.

Q. Did he tell you where he got those facts? A. No; but he wanted to know if I couldn't employ him.

Q. Then you did? A. I did not.

Q. Didn't you give him any information at that time? A. No.

Q. Why not? A. Because I did not know at that time how to inform him.

Q. Why, didn't you give Mr. Byrnes the information he was seeking? A. Yes, sir; I verified what he told me.

Q. You told him what happened, didn't you? A. No; he told me and I verified it.

Q. You are trying to tell the truth, are you? A. Yes.

Q. You don't mean to lie, do you? A. No; nor I wont lie.

Q. Now, did you tell Inspector Byrnes what had taken place? A. He asked me —

Q. Did you tell Inspector Byrnes what had taken place? A. He told it to me, and I verified it; he asked me to repeat it for a man to write it down, and the man did write it down.

Q. Then you did tell him what took place? A. I told it to the man.

Q. Was Byrnes there? A. Yes.

Q. And the man was acting as a clerk? A. As a clerk.

Q. To write down what you said? A. No, sir.

Q. And after it was written down — A. He told me to come next day.

Q. After it was written down was it read over to you? A. Yes.

Q. Did you sign it? A. Yes, sir.

Q. Was it true? A. Well —

Q. Did you tell Byrnes any lie? A. No.

Q. Did you tell him the whole truth? A. Yes, sir.

Q. Did you mean to tell him the truth? A. Yes, sir.

Q. Then you came again, did you, some other day? A. Yes.

Q. At Byrnes' request? A. At Byrnes' request.

Q. And was it the first or second time that he told you that he wanted to get these scoundrels discharged from the department; was it the first or second time? A. The second time.

Q. They were discharged, weren't they? A. Yes; one was dismissed and the other discharged.

Q. Where is the difference? A. Well, when a man is discharged I believe it takes from him the privilege of employment under the city government.

Q. You said one was dismissed and the other discharged? A. One resigned, and the other discharged; I stand corrected.

Q. Can you name any man except Ryan and yourself who was present at the committee-room when Ryan made this speech to the district captains? A. That man of the name of Clinton.

Q. What is his other name? A. I am sure I can not tell you his other name, but I can find it out for you.

Q. Will you do so? A. Yes.

Q. Is he a friend of yours? A. No; no more than you are.

Q. How do you know whether I am a friend of yours or not?

A. Well, being a judge, I know that you have acted impartially, or you should, and your reputation is taken into consideration, and I accept it.

Q. Well, Jacobs, I am very much obliged for your compliment; I will accept the situation you put me in; now, Mr. Jacobs, seriously, give the name of some other man who was present besides Clinton, and yourself, and John Ryan? A. Who was present; the whole general committee.

Q. Mention the name? A. I might mention Nathan Kline, William B. Davis—if I had that committee slip I would mention every one of them.

Q. Undoubtedly; I would if I read it. A. But they were there.

Q. I want your memory, not what you can read from a book?

A. You see, since I have engaged in politics, I have been quite a handshaker, and can not remember those names.

Q. Did you think that that was a fair answer to my question?

A. I can't think of all of the names.

Q. Did you think that was a fair answer to my question? A.

You want me to give you all the names?

By Chairman Lexow:

Q. You have testified to policemen, and all sorts of things; can't you remember the names of the persons who were present when this conversation was had? A. John A. Henneberry was present; I can not for the life of me think of the name.

By Mr. Ransom:

Q. You have thought of all the men present at that time? A. Not all the men, but all the men I can think of; I know a great many, but I can not recall their names.

Q. Wont you answer the questions; you can not think of any other men just at this moment who were present at that time? A. No; I can not.

Q. Was Mr. William B. Davis, who was a witness here this morning, present? A. Yes.

Q. You remember him? A. I do.

Chairman Lexow.—He said so.

By Mr. Ransom:

Q. I thought he did, but I wanted to be sure the Davis here and the Davis in his mind was the same man; did you hear Mr. Davis testify this morning? A. I did not; I could not hear him over there.

Q. How many persons were present in this room at the time Ryan made this speech to the district captains? A. I suppose about 400 or 500.

Q. Four hundred or 500? A. The time he made the speech to the district captains; you mean the last election?

Q. I mean the speech you testified to the district captains? A. There were two, one to the general committee and one to the district captains.

Q. I mean to the district captains?

Mr. Moss.—There was one at the last election and one of the election prior. The one to which Mr. Davis testified was the last election.

By Mr. Ransom:

Q. Did he make the same speech on both occasions? A. Oh, no.

Q. Now, the speech I have in mind is the one where he said to the district captains in a familiar colloquial way, "Boys, so and so" about this election and the importance of it, and advising them that they could have the kind of policemen, the names of policemen they wanted; that they had a majority of the inspectors, and various other promises that he made to them of help and strength to Tammany Hall; that is the speech I mean; was that the speech you had in your mind when you said Davis was present? A. That is two years ago; I would not want to say whether Davis was present or not then; there were so many people present.

By Senator Bradley:

Q. The judge refers to the meeting of the captains? A. At the meeting of the captains, Davis was present, and secretary there.

Mr. Moss.—Two years ago.

Senator Bradley.—No.

Mr. Ransom.—Let the witness answer me. If you feel uneasy about the witness, I will sit down and you can complete it.

By Mr. Ransom:

Q. Now, Mr. Jacobs, will you answer my questions and don't be seduced by Mr. Moss; Mr. Jacobs, was the speech which I have, in substance, tried to state true? A. You have mixed the speech up, judge, so that I would not be able to answer it.

Q. I am not surprised; wont you please disentagle these

speeches and say them over again? A. Yes; one speech he made was, "Boys, next Tuesday —"

By Chairman Lexow:

Q. When was that? A. About two years ago.

By Mr. Ransom:

Q. I called for the speech? A. That was of 1892, the time when the aldermen and Assemblymen both ran for office; both were nominated.

Chairman Lexow.—Go on, witness.

The Witness.—"Boys, next Tuesday is election, and we have got to roll up as large a majority as we can; of course, you know your men; we have the majority of the election inspectors with us; if a Tammany Hall voter is going to vote, see that his vote is put in, and if it is challenged, whatever you say goes; should a disturbance arise — and vice versa with a Republican — should a disturbance arise through your action, you have the police with you, and if you have not got enough of them, let us know and we will give you more; those who are with us will receive our protection, and those who are against us will receive nothing;" those were his words.

Q. Now give me the other speech, and give me the date of it? A. The date I could not tell you, because I did not keep that in my mind; I never expected to come here with that.

Q. I understood you to say this was before the election of 1892 this speech was made? A. Yes, the time when William A. Baumert and Johnny Keller, one ran for Assembly and the other for alderman.

Q. Was that in 1892; I want your memory, not Mr. Goff's? A. That was the first time John J. Ryan was made leader, whatever year that was in; he was only made leader once; that was his first experience.

Q. Give me then the second speech? A. The second speech was, "Any of the district captains that knows of any police officers who are friendly to Tammany Hall they will hand the secretary their names, of any police officers who are friendly to us they will hand the secretary their names and I will see they get them at the polling places."

Q. That was the second speech? A. Yes.

Q. Tell me whether Davis was present at the first or second one in the order in which you have given them? A. I am almost sure he was present at the second one.

Q. What do you think about the first one? A. I have a kind of idea he was present there, too.



Q. Five minutes ago you testified positively he was present at one of those speeches. A. Yes, sir.

Q. Have you now thrown any doubt on your own memory? A. No; I have not thrown any doubt.

Q. Tell me which meeting it is you are positive Davis was present at? A. Well I think he was at both meetings.

Q. You feel quite confident of that? A. Yes.

Q. He was secretary of the club? A. He was of the general organization.

Q. There are two organizations there, I understand — a social club, and a political organization called a general committee; is that right? A. Yes.

Q. And Mr. Davis was secretary of the general committee? A. He was secretary of the general committee.

Q. How long did you say you have lived in New York? A. Well, I have not lived in New York all the time.

Q. I beg your pardon? A. I have not lived in New York all the time steady; I have lived in Boston, I lived in Baltimore, I have lived in New York; I can not tell you each time exactly how long I have lived.

Q. Mr. Jacobs, I want to ask you one or two other questions, simply to make certain some of your evidence? A. I am ready to answer any questions.

Q. You said Mr. Sheehan's office, where you saw him, was 156 Broadway? A. No; that was the Manhattan Life Insurance office.

Q. That is where you saw him? A. Yes; that is where I saw him.

Q. It was not Sheehan's office? A. I would not want to say whether it was or not; it was the Manhattan Life Insurance Company's office; I understand Mr. Sheehan's office is over Rogers & Peets on Broadway.

Q. Do you think it was John J. Ryan who gave you the change of \$250? A. It was John J. Ryan who gave me the change of \$250.

Q. And it was P. J. Ryan who returned the check to you? A. It was P. J. Ryan.

Q. And John J. Ryan gave into your hands \$250 in currency? A. In currency and in bills.

Q. And subsequently P. J. Ryan gave you back the check? A. Subsequently P. J. Ryan got me to bring the bills back and take the check.

Q. When you gave the check to P. J. Ryan did you indorse it? A. I am sure I can not say; but I know it was certified.

Q. Did you have an account in the Bowery Bank at that time? A. I did; the check was certified.

Q. I understand; but you might have gone in and deposited

the money and got the cashier's check; you did not do that, did you? A. No.

Q. You had your own account there? A. I had my own account there.

Q. How much money did you have in the bank when you drew that check? A. I could not tell you how much I had, but I can bring you the books and show you.

Q. Haven't you any idea how much you had? A. I don't remember.

Q. Had you \$1,000 in the Bowery Bank at that time? A. Not at one time; no.

Q. Had you \$500 in the bank at one time? A. I would not swear I had \$500.

Q. You would swear you had \$300, wouldn't you? A. Sure; I would not certify the check if I didn't.

Q. Is that the only way you are sure about it; or do you remember about it? A. I went to the Citizen's Savings Bank and took out \$300 and put it in to get that check certified, although I had some more money, but not quite \$300; I did not want to leave my account in the bank blank when I took out that check.

Q. Well, I will pass that; when you went before the commissioners in regard to this swindle that had been perpetrated upon you, you were sent there by Inspector Byrnes, as I understand? A. Yes, sir.

Q. And before the commissioners you told the story, did you? A. They asked me questions and I answered them.

Q. Didn't you volunteer any evidence? A. No.

Q. Why didn't you? A. They did not ask me to; as soon as I said anything of my own accord they shut me up.

Q. They succeeded in doing that? A. Yes.

Q. Did Byrnes tell you to go there and tell your whole story? A. Byrnes told me I should go up to the commissioners and I would see he had favored me by the way things went on.

Q. How did you understand he had favored you; what had he done to favor you? A. For helping me get those two fellows out of the office.

Q. He wanted to get the two fellows out of the office because they had swindled you? A. Yes.

Q. And you helped to get them out, and the way you helped to get them out was telling your stories to the commissioners? A. Yes.

Q. And he told you to go there and tell it? A. He told me to go up stairs, he did not tell me what to do; told me to go up stairs.

Q. You knew what to do? A. I was going inside, and told they were the commissioners.

Q. You went there for the purpose of telling the commissioners about this swindle? A. That is what I thought.

Q. Didn't you know that was the purpose of your going there? A. I did not know; I didn't know what the commissioners wanted me for.

Q. Didn't you testify in answer to Mr. Moss that Mr. Byrnes told you to go to the commissioners? A. No; he told me —

Q. Didn't you so testify to Mr. Moss? A. That he told me to go to the commissioners? No; he did not; he told me to wait in his office, and he introduced me to a gentleman that escorted me to the commissioners' rooms; I was given a chair and was introduced to the commissioners, and was given questions and answered the questions.

Q. They asked you about Hasbrouck and Barmstroff and Brant? A. Yes, sir.

Q. And you told the whole story? A. Yes.

Q. And these men were brought up, and you identified them? A. That is the case, exactly.

Q. That is right? A. Yes.

By Mr. Moss:

Q. Were all those men brought up you have mentioned? A. Brant was not brought up there at all.

Q. Woodbridge was? A. Woodbridge was.

Q. And Barmstroff? A. Barmstroff was not.

Q. Woodbridge was? A. Yes, sir; and Hasbrook and Dwyer was brought.

Q. Will you look at that paper and see if you recognize the handwriting or the paper itself? A. Yes; I recognize the paper.

Q. Let me get the answer, and nothing else; you do? A. Yes.

Q. Who wrote this paper? A. A man by the name of F. S. Clinton.

Q. Of whom you have spoken in your testimony? A. Yes.

Q. Was this written in your presence? A. This was written in my presence.

Mr. Moss.—I ask to have that marked for identification.

Paper marked Exhibit N, for identification, June 12, 1894, and is as follows:

“Sunday evening, previous election. J. J. Ryan addressed us captains of the Twenty-fifth Assembly district: Boys, next Tuesday is election, and we must roll up as large a majority as possible in our district. Everything is in our favor. You, of course, know your men, and when the occasion arises where a Tammany voter is challenged, you know what to do. You have

the majority of the board. Use your power, and, vice versa, when a Republican is challenged. Should any disturbance arise through your actions, the police are with you. If there is not enough stationed at your polling place, send to the police station, and a platoon will be at your command. People who are with us will receive our protection, and favor. Those against us will receive nothing. F. W. Clinton."

Q. You and Mr. Ryan labored together to get an interview with Mr. Sheehan; is that right, yes or no? A. For six days.

Q. And Mr. Ryan did get you to Sheehan? A. Yes.

Q. And went there with you himself? A. Yes.

Q. I forgot to ask you whether there was not a demand for an additional \$300 made upon you quite recently? A. Mr. Ryan said I must expend that; I came down to thank Mr. Ryan.

Q. When? A. About three months ago.

Q. Now, you went to Mr. Ryan at that time? A. After a message I had received of one of his district captains that I was going to be appointed right away; he says, "Jesus Christ, you speak as if you had the position right in your hand;" "Well," I said, "you said nothing couldn't stop me but death;" "Who told you so;" I said, "Mr. Fitzpatrick;" he says, "Did you make any arrangements for any one to come and see me," he says, "you have got to see me or the commissioners," I said, "What do you mean, Mr. Ryan;" he says, "You know what it costs to get on the police, don't you; you know what it takes to get on the police;" I said, "If it is money you mean, I have not got another dollar; I have laid out every dollar I had for your organization."

Q. All the previous moneys you had paid into the organization? A. He told me it would reach him there, anyhow.

Q. But this additional sum was outside the organization? A. Yes, sir.

Q. Finish the conversation? A. I said, "I have not got another dollar;" "Well," he said, "you have a right to have somebody go up and see the commissioners; don't you know anybody;" I said, "Yes, I know Commissioner Sheehan's father-in-law;" "Ask him if he won't ask his son-in-law to get you appointed, and let me know what he says;" I says, "I am looking to you, Mr. Ryan," he said, "I will do the best I can for you."

Q. Was any sum mentioned? A. Four hundred dollars.

Q. Did Ryan say \$400 to you? A. He said it to me plain enough; he did not say he wanted it; he said it would take \$400.

Q. It would take \$400? A. Yes, sir.

Q. The original check of \$300, which was your first contribution to Mr. Ryan's political aspirations, was that check drawn to bearer? A. It was drawn to bearer.

Mr. Ransom.—I object; there is no evidence he paid more than \$50.

The Witness.—Oh, yes.

Q. Mr. Ransom.—That is all he says in that check; he gave \$250 back.

Chairman Lexow.—No, as I understand it, he was requested to put in \$50 more at another time; that made a hundred; and at another time he went around to the district and whooped her up.

The Witness.—I was requested to put in towards a club, to have \$50 for his club, for the social club; he says that was to buy the baby some clothes.

(I was requested to go to Washington with them.)

Chairman Lexow.—That is all; strike that out.

Re-cross examination by Mr. Ransom:

Q. You testified just now that John J. Ryan and you had a talk about your getting your place on the force? A. Yes, sir.

Q. I understood you to say that he said \$400 would be needed? A. He said it would take that to get on.

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

Q. When was it? A. That was the last words he said —

Q. When was it? A. In the club-room down stairs.

Q. When? A. Between two and three months ago.

Q. And was in the club-room? A. In the club-room, privately.

Q. Was it day or evening? A. In the night time.

Q. What time of the night? A. Between 9 and 10.

Q. Was anybody present but you and he? A. He called me on one side to sit down and I set alongside of him with a pool cue in my hand.

Q. He introduced the conversation himself? A. The first word he —

By Chairman Lexow:

Q. Did he commence it? A. He did commence it.

By Mr. Ransom:

Q. He commenced it? A. Yes.

Q. Didn't you say on your direct examination that you had this conversation with Ryan on the train? A. No, I didn't mention no train.

Q. We misunderstood you then; you had a conversation in a clubhouse with a cue in your hand? A. Yes.

Q. You didn't have the \$400 about you that moment; did you? A. No; and I told him, and no way of getting it.

Q. Why in the world was it you did not mention all this just 10 minutes ago when you testified? A. I was not asked; you did not give me a chance; you kept firing questions along one after the other.

Q. Didn't you say you was not down there on purpose that night to see Ryan and thank him? A. Yes; and I did it.

Q. And you now say that you were playing a game of pool and Ryan introduced this subject to you? A. I was playing a game of pool and asked all hands around to take a drink, acting a good fellow for the house, because I got the news I was to be appointed the next day; and Mr. Ryan called me on one side when I was playing the game of pool, and I shook hands with him very kindly, and it was then the conversation took place.

Mr. Ransom.—I think that is all I want.

Mr. Curtis.—Will your honor decide the application I made?

Chairman Lexow.—Have you anything to say on that subject, Mr. Goff?

Mr. Goff.—Yes. I object to the application of Judge Curtis being granted. There can be no question of right discussed here at all, because there is no question of right involved. Personally, there is no member of the board that I would have greater pleasure in being associated with, either for or against, than Judge Curtis; but there is a principle here to be determined upon of great importance to this committee.

Chairman Lexow.—Without interrupting you, I want to say this, that I would be glad to hear Judge Curtis in opposition to your remarks on that subject now; otherwise, the committee is ready to pass in judgment on the question.

Mr. Curtis.—If your honor, please, won't you hear Brother Goff, and then, perhaps, something that you might say or I might say might enlighten the committee on the subject.

Chairman Lexow.—If Judge Curtis would confine himself to the legal argument of the principle involved; yes; but if Judge Curtis takes an opportunity to hurl anathemas against our witnesses, no.

Mr. Curtis.—I do not propose to do that, sir. I propose to make a purely legal argument on the subject, such as is worthy of the committee here, and I think I shall not be amenable to your honor's censure. I think Brother Goff should be allowed to present his views, and then if I have any views contrary to those worthy of his consideration, I trust they will be considered.

Chairman Lexow.—Well, Mr. Goff, you will make your remarks, then.

Mr. Goff.—As long as the affair has taken that turn, Mr.

Chairman and Senators, Brother Curtis has taken the leading oar. I would prefer him to present his legal argument and would like to hear him afterward.

Mr. Curtis.—I have made the motion.

Chairman Lexow.—You are privileged to be heard now in support of that motion, and you have got the laboring oar, because I will frankly state now that the committee are opposed to it at this juncture, and you may enlighten the committee on the subject, and change their minds.

Mr. Curtis.—I have such faith in the learning and ability of the committee that, while they are opposed to me at the present time, yet I think the mere suggestion of the principle of law will satisfy the committee that what I contend for is not too much. Now, as I understand it—will your honor hear us after lunch? Mr. Nicoll suggests we go to lunch now.

Mr. Goff.—I think we had better determine it. While I know Judge Curtis' capacity in argument, yet I do not think it would take such a long time.

Senator Cantor.—I think with that intimation, we had better take a lunch.

Mr. Goff.—Will you announce, now, to all witnesses to our under subpoena, to be here promptly at the time of adjournment?

Chairman Lexow.—All witnesses under subpoena will attend here again at quarter after 2 o'clock. We stand adjourned until then.

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### AFTERNOON SESSION.

June 12, 1894.

The Chairman.—Now, Judge Curtis, we will hear you.

Mr. Curtis.—I will be very brief, your honors. I want to thank you in the first place for the courtesy which you have extended to me in permitting me to present my views to your committee. I also wish to thank Mr. Goff for the kind sentiment he expressed when he said he had no personal opposition to make; that it was with him a principle of duty. Your honors can not fail to see that, so far as the record is concerned, this seems to be an issue principally between somebody and the police department, and possibly one or two others. But, to a very great extent, perhaps absolutely, up to this time, the efforts of the learned and able counsel who represent the Parkhurst Society, have been in the direction of an assault upon the police forces and authorities. Now, they have been represented by two of the first lawyers of our bar. How well they have discharged their duties is a matter known to all of us. But, in the commentary sweep of this

remarkable investigation other persons have been alluded to, other persons have been drawn into the consideration — to what extent legal minds may determine — of these matters. Now, the proposition that I make is this, and it a plain one, and as cleanly cut as I can mentally devise: Whether or not a person assailed by a witness on the stand, that person not being represented at the time by counsel, has the right to make successfully his application to the committee to be so represented and to cross-examine, if he sees fit, the witnesses of whom I have spoken. Now, that is the proposition. I do not know of any precedent or authority against it. I doubt if your honors can find any investigations which have originated in parliamentary or legislative bodies, any precedent that stands to-day with the dignity of the law, that prohibits a man from his constitutional and natural defense. If there is such a precedent, parliamentary, legislatively, or in the form of any adjudication, based upon the first two, I am unfamiliar with it.

Now, what is the position here? A. I have the right, I must, *ex-necessitate rei*, assume from the character of this body, its intellectual, its personal, its political character — I suppose in that respect it is bipartisan —

Senator Cantor.—Just now it is.

Mr. Curtis (continuing).—You are not here to harass any element of our society; that you are not here for the purpose of making political capital, of exalting the fortunes of one faction and destroying those of another, and that you are not here to aid and assist the very able men who represent Dr. Parkhurst, because they do not need it.

The Chairman.—You are in error there, judge. They represent us, not Mr. Parkhurst. This is our investigation and they are our counsel.

Mr. Curtis.—But I assume that in this investigation your honors are governed by a sincere desire to ascertain the truth and not to destroy the rights of any man. I assume that and shall continue to assume it. There is no question that you represent a legislative body that had the authority to appoint you for this purpose, and there is no question that there is but one element above you; that is the Constitution and the law, Are you above it? And if you assume to be above it, could not the Constitution and the law through the courts of law, correct even you? And could not even you be made amenable, perhaps by injunction or mandamus, as other legal bodies could be made amenable under certain circumstances? And have you the right to conduct a proceeding — and I submit this with all deference and respect — in violation of any of the rules of law



or the principles of evidence? And have you the right to conduct an investigation in violation of the inherent right that a man has to protect not only his own liberty, his property and his life, but that which is dearer to him—his good name?

Now, what is the result? I am going carefully to refrain from anything that would make me amenable to the censure of anybody. Whether or not this learned committee have a certain estimate and standard of value of the evidence that has been given, I know not. But the position is this, so far as my client is concerned, a reputable citizen, a public officer, a man so far as we can gather by the record, by the history of his life, by the speech of those who know him, has struggled up from obscurity and position to command, a man who has given hostages to society for his good behavior—now he is assailed by a witness upon the stand. Who endeavor to do what? To connect, in some way or other, the act of Mr. Ryan, as a political leader, so termed—and I suppose they exist in both great political parties, with the police department. And also, I gather, in the Partheon arrow, that a shot on his redirect, perhaps by unsatisfied gentlemen, as to the character and to the effect of the evidence that he has heretofore given as against Mr. Ryan, the desire to have it distinctly understood that while he had never given any money to Mr. Ryan for an unlawful purpose, that Mr. Ryan, in a conversation that he had with him, expressly desired that some such transaction or negotiation might take place between them. Now, may I be permitted to say, whatever the decision of this learned committee may be, that Mr. Ryan authorizes me to say that every word uttered by that witness derogatory to him as a man or a public officer is entirely without any foundation whatever. And it is because he recognizes that fact that he desires to emphasize it, and that he presented what he deemed to be a constitutional claim to this august body that the right of cross-examination of the witnesses brought to stab him in the vitals of his good name should be put to the test of the cross-examination.

The Chairman.—Do you claim, Judge, that there is any portion of the testimony with reference to which the learned counsel for the police department have not already cross-examined the witness?

Mr. Curtis.—In reference to that, if your honors please, I do not know. I labor under this misfortune; I did not hear the first of his testimony, and I did not hear the beginning of his evidence this morning. Therefore, I can not answer in respect to that. But, about the money part of it; now, if your honors please, here is where the trouble is: A certain public character

said once, when he was going to be crowned, that the same populace that was shouting "Hosanna" would perhaps at some other time shout "Crucify him." We are now all on the wave of a great public excitement. And, as I said the other day, any allegation that is made, however it may be supported by reputable proof, is published in the journals of this country and through them disseminated to the populace. The result is that the majority of mankind, who get their sentiment and their belief from the journals, are impressed with the guilt of a man whenever an allegation may be made. And, therefore, it must be very important, in an investigation of this character, when an assault of that kind is made upon the character of a citizen, that he should not be relegated to his suit at law, to his needed vindication in a court; but that he should be permitted, before the same august tribunal, who heard the venomous proof, to vindicate himself and to cross-examine the accuser, face to face. That is his constitutional right. You can not, may it please your honors, without a very great stretch of your authority, a stretch that is unprecedented, or an authority for which there is no precedent; you can not, it seems to me, deny him this application. Look at the danger we are in. I say, we are in a time of great public excitement. What a severe temptation to malice, to revenge, to baffle hope, to destroy ambition? I got a general idea from the witness Jacobs when he was on the stand that the animus which actuated him could easily have been summed up in the fact that he had not succeeded in his application. I do not say that that was the sentiment that controlled him; but, I say, look at the temptation which, perhaps, those who have not always safely moored within the haven of the law, to testify against those who, perhaps, have endeavored to keep them within the law?

The Chairman.—Judge, if your argument as to constitutional right applied to a case of this kind, wouldn't it equally apply to an ordinary case tried before a jury, where, in the testimony of a witness, the name of some other person had been dragged in and charges made against that person? Now, you, as counsel for that person thus accused, would not go before a judge and ask him to permit you to cross-examine the witnesses.

Mr. Curtis.—Your honor cited that as an illustration the other day, and it was a very potent and pertinent one. I will answer it. I will answer it in the negative, of course. I would not be permitted, because there is a tribunal of the law—of course, this is a tribunal of the law; but that is a tribunal of the law and before it the parties plaintiff and parties defend-

ant are represented by their advocates. Their cause is tried on a day set; their cause is within the limit of the compass of time, and it in no way compares with this tribunal or this committee or this delegation of the Senate or this representative of the law-making authority. I do not imagine that your honor, when you put that illustration to me, had in your own recollection, repeated instances of where testimony has been dropped here truly in violation of the rules of evidence. I think I was in here one day and I heard a witness testify that somebody had told somebody who had told him something. None quicker than your honor, were you at the bar, none quicker than your honor were you on the bench, to correct such a violation as that. Would your honor listen for a moment to the crucifixion of the principles of evidence as embodied in the history of such evidence as that? Now, have you any right, with all your great power, to deal a blow at our system, our legal system?

The Chairman.—Not, judge, if the result of this investigation was to be a sentence or a judgment against any specific individual, robbing him either of his liberty, his life or his property. But, this is simply an investigation to ascertain legislative methods or principles. Nobody is accused here, except for the purpose of enabling this Senate committee to formulate and present to their associates next winter a scheme of legislation covering this department.

Mr. Curtis.—But, in doing that, look back on the history of this proceeding. During that time how many assaults have been made on individual reputations.

The Chairman.—Do you see what your argument would lead to, judge? The witness has testified with respect to transactions with 15 or 20 different individuals. Now, we might be confronted, however, much we would like to hear your cross-examination, to-morrow morning by 12 or 15 lawyers cross-examining witnesses.

Mr. Curtis.—It would be their undoubted right to be here with great respect to the committee.

The Chairman.—It seems to me that the question is this: We want to be fair to everybody.

Mr. Curtis.—I know you do.

The Chairman.—If you can state that there is any specific branch of cross-examination of this witness that has not been completely exhausted by the counsel for the police department, there may be some basis upon which this committee can act. Certainly you would not want to cross-examine the witnesses with reference to the same facts as the counsel for the depart-

ment did. Any cross-examination, to be effectual, must be for the purpose of convincing this committee that certain things have been overlooked in his testimony that would rob him of credence. If you can not say that there is some point which has been overlooked by the counsel for the police department, it seems to me that it would be a useless loss of time to have you further examine him.

Mr. Curtis.—There has been nothing overlooked; the counsel for the police department have overlooked nothing, but there are matters which they did not deem it their duty to refer to, because they did not represent Mr. Ryan; and there is matter, I believe, about which we would desire to cross-examine.

The Chairman.—Mr. Goff, what have you to say on the subject?

Mr. Goff.—Has Judge Curtis concluded?

Mr. Curtis.—I was about to say: Put it in this way: If it is decorous and deferential to put it in this way. Can a great power like that which is represented by this committee, the law-making, the power dedicated to the preservation of the law as it exists; can such a body as this say that substantial justice is done in an investigation which permits the name and reputation of a citizen to be slandered, damaged and injured, without counsel?

The Chairman.—It is unfortunate that it should be so, I admit; but, at the same time, it seems to me that it can not be avoided. Mr. Goff, have you anything to say in respect of this matter?

Mr. Goff.—I have but very few words, Mr. Chairman, because your observations in response to the learned Judge's argument presented so clearly and so concisely the legal status of this committee that there is nothing left for me to say, except possibly a few words. I would just beg leave, with regard to my friend, Judge Curtis, whom I have known and esteemed for many years—and I ask this privilege by reason of those professional relations; I beg leave to say that on last Friday, when the committee adjourned, and when the learned judge addressed himself to the committee, I objected to the continuation of his argument, for the reason that I considered his language intemperate and unjustifiable. But for that I should not have objected, because I have always enjoyed, and in an intellectual measure, hearing my learned friend address a court. I have enjoyed it to-day. I suppose that for an acute reasoner, Judge Curtis has few superiors. For a sophistical reasoner, he has no superiors. As a sophist, I think to-day he stands unrivaled before the bar of New York. He has given us a magnificent illustration of his training in that school. If his premises were true, his conclusions would undoubtedly be correct; but his premises being false, of course his conclusions necessarily must be false. Now,

my learned friend starts out in a very adroit, characteristically careful manner, to talk about the Constitution. Well, I remember, Mr. Chairman, when I was up in the Catskills one summer rustivating there, that I was present before a justice of the peace who was trying a calf case which involved the sum of \$7. For three days I heard lawyers discuss the constitutional bill of rights relating to that calf, all about the great charter and the bill of rights as applied to such a magnificently trivial subject. Now, might I say to my learned friend here who comes before you and speaks of constitutional rights and the rights of persons whose names are involved, that we have a Constitution; but that that Constitution authorizes you gentlemen to do precisely what you are doing. It authorizes you to clear this room. It does not authorize a court of justice to do that. It authorizes you to conduct your investigations in secret. It authorizes you to conduct your investigations with or without counsel to aid you. It certainly gives you the power to utterly refuse and refrain to recognize even the privileges of any person coming here as counsel. It may appear strange to Judge Curtis' evenly balanced constitutional mind, but, Mr. Chairman, this committee is not here to try anyone; there is not a plaintiff, nor is there a defendant. No person, as you very truly put it can be deprived of his life, liberty or property by your decision. You, as you have stated here before, are to receive information for the purpose of satisfying your conscience, to enable you to report to the Senate of this State that they may frame legislation to meet the evils complained of. It occurs to me that during the testimony of the witness, Jacobs, there were 13 questions specifically named. There was J. J. Ryan, P. J. Ryan, Sergeant Ryan, Roundsman Ryan, and Danny Ryan, a policeman. I do not know, Mr. Chairman, that John J. Ryan is to be segregated from the mass. If John J. Ryan should be accorded the privilege of representation by counsel, certainly P. J. Ryan would have the same right, Danny Ryan would have the same right; and there is nothing different in John J. Ryan's position, even though he occupy the potential and highly profitable position of a leader in Tammany Hall, to cause him to be raised to the pedestal of distinction and have such a distinguished jurist as Judge Curtis to represent him before this committee. Now, it would seem that it would lead to a logical absurdity, and Judge Curtis in the calmness of his cognition would have to admit that. Of course, it is nice and delectably entertaining what we have had this afternoon, and I am delighted that you took a recess for that purpose, because Judge Curtis is always entertaining. By the way, Mr. Chairman, I

did not have any dessert for dinner and I am delighted to have had this intellectual treat. I do not see in what manner, shape or form, legal or logical, moral or political, Judge Curtis would have the right to go into the cross-examination of a witness upon whom has been used a fine tooth-comb in the hands of Judge Ransom. Surely the counsel of the police department have done their duty. Surely the privilege that your honors have accorded to them has been taken advantage of to the utmost. We have gotten along fairly well. We hope to get along fairly well, and while Judge Curtis would come in here; I have no doubt, and add a great deal of picturesque attitude to the investigation, yet I think that the object sought by this investigation, to get at the facts whether or no there exists a moral transaction and vicious dealings in the department of the police of this city will be attained. And whether we should be aided or retarded in that by Judge Curtis' legal acumen and skillful cross-examination, I think is a very doubtful question. One word, Judge Curtis, the chairman has corrected you. May I beg to correct you again. Dr. Parkhurst is not here. He is now rolling on the waves of the Atlantic, where Mr. Croker is rolling. Dr. Parkhurst is not represented here by counsel. The committee has done us the honor of calling us to their aid, simply as their servants to help them in this work, which we may justly call Herculean in its task, and in its work and in its objects. I would therefore say that there is no person represented here and may I beg leave here, Mr. Chairman, to say to you that in so far as the counsel for this committee are concerned, we are not actuated by either spleen or vengeance. We have no enmities to carry through. Neither have we friendships to protect. We owe no allegiance, except that to duty, and recognize the virtues of the New York police as a body of men who know no fear, but we are endeavoring to aid this committee in throwing light upon the darkest places. Their bravery exists, corruption is always its certain handmaid. We have no enmities, no grudges to vent. We seek not to sacrifice the character of any man, but, if in the order of things in New York, if in the political degradation of our citizenship, it becomes necessary to use the name of Mr. John J. Ryan or any man in the city of New York, be he Republican or Democrat, Freethinker or Socialist, we are, Mr. Chairman, to aid you; not to shelter that man, not to screen him, but to use our best endeavors to bring to light everything that will enable the people of this State and of this city to have an understanding and to possess the ability to rid themselves of the terrible incubus which has remained on our city for the past six or eight years. That is our duty, Mr. Chairman, and I hope our duty will not be impeded.

Mr. Curtis.—Just one minute.

Senator Cantor.—Does that incubus refer to the police department or to any political organization?

Mr. Goff.—I beg pardon.

Senator Cantor.—You spoke about an incubus in this city for six or eight years. Do you refer to the police department or to any political organization?

Mr. Goff.—I will answer your question, Senator. It refers to both. One is the outgrowth of the other. The police department we claim here, and I believe your feelings, Senator Cantor, must speak the truth, if unhampered by any political considerations; that the police department should be free, clear and unhampered of any political party; but that, owing to the practices of the last six or seven years, a political party has dominated, swallowed and corrupted the police department of this city.

Senator Cantor.—I want to give but one reply to that, Mr. Goff. I agree with you thoroughly that there should be no political interference with the police department. I believe that both political parties in this city, and the factions of political parties, have interfered. The same thing was true of the County Democracy organization was in existence as is true under Tammany Hall, and as it was under Republican police commissioners. It is not incident to any political organization in particular, but to all political organizations. I say I have been in favor, and was in favor last winter, and am in favor now, of removing all political considerations whatever from the police department. I am in favor of allowing them to go to the civil service board without any letter of recommendation; yes, prohibiting them from going with letters of recommendation, and their have the examiners pass upon their merits and qualifications as to whether they shall become members of the force, and that they should there depend absolutely upon their merits. But the criticism that I have to make upon you is this: You refer to one political party only. It has been incident to the political systems that have been in operation in New York city during the last 20 or 25 years, and not to that party which has dominated during the last six or eight years. If we can remove that practice this organization will be a success, and to that end I am prepared to dedicate, as I am now doing in the absence of my Republican associates, my entire time, to make a quorum so that this committee can go on and perform its full duties to the public. I am consulting now the convenience of my associates as well as my personal preference, in order that we may come here and ascertain the truth; and upon that truth, without regard to personal con-

siderations or distinctions, to advocate legislation that will remove the police department from all political influence. That refers to all political organizations, not only to the one to which I belong. While a member of the dominant organization of this city — and the committee will bear me out in this, as will you, Mr. Goff, I have done nothing to embarrass the committee. On the contrary, the members of the committee have been in perfect harmony, upon every proposition, upon every suggestion. When you were suggested as counsel for the committee, Mr. Goff, although I knew you were not identified with the Tammany organization, but with its political opponents, I cheerfully acquiesced in your selection.

Mr. Goff.— Yes, I compliment you, Senator. I am sure, if my learned friend, Judge Curtis, had been here during the daily sessions of this committee, he would have been convinced of one fact, and that is the absolute fairness and impartiality with which the proceedings of this committee have been conducted. I venture to say, Judge Curtis; I venture to say, Judge Ransom; I venture to say, Mr. Nicoll, that if there was no counsel whatever present claiming to represent any department or any individual, that this committee, from the spirit of fairness which it has manifested, would take pains, and even pleasure, in removing any stigma which might be unjustly placed upon any man's name and in protecting his reputation from unnecessary attack. I say it with all sense of duty to this committee, that I believe if counsel were removed on both sides, if there were no counsel on either side, this committee, as it has exemplified its purpose in its examinations, would have been guided by one principle, and that is, to get at the truth, and to do justice in getting at the truth.

The Chairman.— There can not be any charge, Judge, upon fairness. I do not understand that any such charge is made.

Mr. Curtis.— No, sir.

The Chairman.— Here at my right hand is a representative Tammany Hall Senator, who has a perfect right, if he chose, to put any questions that he pleases to any witness. So there can be no question of unfairness.

Mr. Curtis.— No, sir; that was simply a supplement to the outburst of native eloquence with which Mr. Goff regaled us toward the close of his speech. It was a splendid effort. I think, however, in the logical part of his address, he gave a much stronger reason than I gave why this application should be granted. He said, among other things, that your honors would have the power to hold a secret session, had you exercised it. Had you kept the aspersions on citizens from the public press



and from the public mind, there could be no ground for this motion, whatever. But, having exercised that undoubted power, to have an open session, and having put in possession of these industrious historians of the day, the reporters of the press, all these facts, all these statements, all these aspersions, colored, perhaps, in a measure by their own individual genius and images, the evil is wrought. That is why, not only as a principle of law, but in the sense of justice, we ought to have this relief. That is all I wish to say in reply to the gentleman's argument. But in regard to Dr. Parkhurst being responsible for the disappearance of Mr. Croker, I have never heard of that until to-day.

The Chairman.—The application, judge, is denied.

Mr. Goff.—Will Mrs. Hensing take the stand?

Mr. Nicoll.—Before Mrs. Hensing goes upon the stand, if the chairman please, I want to put in evidence the record of convictions which Captain Cross has sent me of the witness Katie Schubert, who testified before the committee some eight or 10 days ago. She it was, I think, who testified in reference to Captains Cross, Devery and some other captain, and in the course of her examination she testified repeatedly that she never had any trouble with the police. I, myself, wondered at the time she testified what her motive was under the circumstances. Captain Cross has handed me a record of her conviction, which I wish to have put in evidence.

Mr. Goff.—I do not object to it from the fact that it is already on record. Katie Schubert testified that the police never arrested her, never raided her, and that on their evidence she was never convicted; but that she was convicted upon the testimony and upon the efforts of the officers of Dr. Parkhurst's Society.

Mr. Nicoll.—That is a different one. That is by Captain Cross himself.

Mr. Goff.—That is the same one. There was only one.

The Chairman.—Let it in. It is only corroborative testimony.

Mr. Goff.—We will allow it by consent.

Paper marked "Exhibit O," of this date, and is as follows:

At the Court of General Sessions of the Peace, holden in and for the city and county of New York, at the city hall of the said city, on Tuesday, the 21st day of June, in the year of our Lord, 1892. Present: The Hon. Rufus B. Coving, city judge of the city of New York.

## The People v. Katie Schubert.

On indictment for keeping house of ill-fame. In Tenth ward, May 27, 1892, unlawfully did keep and maintain a certain common, lawdy house and house of ill-fame. Filed June 10, 1892.

The defendant, by leave, etc., withdraws his plea of not guilty and now pleads guilty.

Judgment is suspended. (A true extract from the minutes.)

JOHN F. CARROLL,

Clerk of Court.

Henrietta Hensing, called on behalf of the State, being duly sworn, testified as follows:

Mr. Goff.—I notice, Mr. Chairman, a gentleman in court whom you have called upon before to serve this committee in my hearing but who was absent. I would like you to call upon Mr. Kempner and ask him if he would translate for this lady.

The Chairman.—Will you translate, Mr. Kempner?

Mr. Kempner.—I will be happy to help you.

Mr. Nicoll.—I object to having this man interpret.

Mr. Goff.—Then let Mr. Nicoll interpret.

Mr. Nicoll.—Let the chairman do it. He speaks German better than anybody else.

Mr. Goff.—All right, if the chairman wishes to undertake the task.

The Chairman.—I will do it, if it is satisfactory to both sides.

Mr. Goff.—Thank you, Mr. Kempner, I did not know that the chairman spoke German.

Mr. Nicoll.—Why he did it the other day. He speaks German like a native.

Direct examination by Mr. Goff (interpreted by the chairman):

Q. You kept a house No. 181 Fourth avenue this city? A. Yes; I did.

Q. You are a married woman? A. Yes, sir; I am married.

Q. Was that a house of ill fame? A. It was not; I only had married people in that house.

Q. Respectable people lived in that house? A. So far as I know, respectable people.

Q. And you rented your room to married people? A. Yes, and also to gentlemen.

Q. So far as you know, did you admit to your house any woman of loose repute? A. Never, as far as I know.

Q. Had you a saloon there? A. Yes.

Q. And your rooms you rented upstairs? A. Twenty rooms, about.

Q. Do you remember a wardman by the name of Hock? A. Yes, I do.

Q. Did this wardman, Hock, visit your place in Fourth avenue? A. He used to call me out and I spoke outside on the sidewalk with him.

Q. Do you remember the first time that he called on you? A. Yes; it was in July, last year; excuse me, I can not say exactly, whether it was in June or July; it was in either one or the other month.

Q. Was there anything said by Hock about money? A. People told me that if I wanted to open business there I would have to see the police, so I went to the police station and saw the captain there; the captain said that he couldn't speak German; I should go to Hock; that Hock was his right hand.

Q. Who was the captain? A. I don't know; he was the predecessor of Captain Cross; I saw Hock and I told Hock I was opening a house and I had just come to this country, and in case any trouble occurred in my house I wanted him to protect me, and he said he would come and see me, and that evening he came, and he said to me that if anything should happen that I should turn to him; I gave him \$10; after that a boarder in the house let somebody in at night and a watch was stolen in the house and the policemen rang the door-bell, and I went down and he said that a watch had been stolen in my house, and I said that that was impossible; that the people had been living there two months and they didn't make that impression upon me; the policeman then brought a number of detectives with him, or other policemen, and they came into the house, and the husband of one of the ladies came down stairs, and pointed out the man and said he was the man who had stolen the watch; whereupon the police arrested him; whereupon the gentleman in the saloon told me that I was not paying the police enough; if I paid them more they would leave me alone; Hock came around and said to me if anything of that kind happened again I would get myself into trouble; I wanted to give him money, and he said "later on" and refused to take it.

Q. How much money? A. I was going to give him \$10 again, and he said it was not enough and refused to take it; then a woman with her son had trouble, and I sent after Hock at the station-house and an envelope with \$20 in it; a Mrs. Storch took it there for me, and he opened the envelope and put the money in his pocket and said he was coming around to see me; but he

didn't come, and a few days afterwards my house was pulled by Captain Cross.

Q. That was in January of this year, was it? A. Yes.

Q. What took place when you was pulled and brought down to the station-house? A. I was authorized by the landlord to lease my rooms there by the day or by the week; Detective Bush and Detective Yust, but I am not certain about the latter name, came with a couple of women to my house and rented rooms; this happened before I was pulled; all wanted to go into one room, but that was not permitted; I was arrested and taken to the station-house; I offered bail and the sergeant at the desk demanded \$15 from me.

Q. Who was arrested with you, and about what time were you arrested — in the day or night? A. The housekeeper was arrested with me and a woman who lived upstairs.

Q. Two women? A. Yes.

Q. What time of the day or night? A. About 9 o'clock at night, I believe; I am not quite certain about the time.

Q. Did you get out the night that you were arrested? A. Yes; I had bondsmen there, and I was free that night.

Q. Did you give your name of Hensing? A. Yes; I gave my name Hensing.

Q. Did you know the sergeant at the desk? A. I didn't hand the money myself to him; I had only \$14 in my pocket, and my bondsmen loaned me \$1, and he took the money and passed it over to the sergeant.

Q. Did you see it? A. I saw it, and Mrs. Storch saw it, also.

Q. Were you brought to court after that arrest? A. I then went home, and the next morning I went before the court; I went down to the court and had been recommended to a lawyer who was not present, Mr. Steckler. I don't know his first name; he was not present, and Lawyer Repper came up to me and asked me what I was doing there; I told him, and he told me to go over to his office, which I did; when I got there he told me that in order to get me off it would be necessary to pay him \$100.

Q. Did he say what that \$100 was for? A. I told him I could not give him \$100, and I gave him \$50; I said to him that I hadn't been keeping a bad house, and I didn't see any reason why I should be so prosecuted; he said to me that it would be better for me to have my case changed to the Tombs, but in order to accomplish that, it would be necessary for me to pay \$25 more, and I gave it to him; before the case came on for trial he sent me a card, asking me to come to his office; I sent Mrs.

Storch there; he said that, if I paid \$50 more, Detectives Bush and Yust would tell a good story for me.

Q. Did you pay the money? A. I gave \$25.

Q. Gave him \$25 for the detectives? A. Well, he said that it was intended for the detectives, but he said more money was necessary in court, and in court I paid him \$10 more; those I gave to Detective Bush personally, and I was discharged; my lawyer told me that this additional money would have to be paid to Bush, and I met Bush on the sidewalk opposite the court-house and paid the \$10 in his hand.

Q. Where was this? A. It was at the Tombs.

Q. Did you say anything to Bush after that about giving the lawyer \$25 for him? A. A few days afterward Bush came to my saloon and drank a glass of beer, and I asked him whether he had gotten the \$25 from Lawyer Repper; he said no, not a cent; he said that he wanted me to meet him the next morning at the Essex Market Court, and go with him to Repper; that he couldn't do it alone, because it would hurt his reputation, but he wanted to have the money; I went there, but didn't meet him; we didn't meet Mr. Bush, and went back home; the next week we were pulled again, and my husband, together with everybody who was in the saloon, were taken up; we were all arrested, the whole house; we remained over night in jail, and the next morning a man having a restaurant, by the name of Silver Smith, came.

Q. Silver Dollar Smith? A. Yes; and he said he would bail out my husband and myself if I would pay \$100 for it; then he demanded \$25 for each woman; I paid \$50 for three, and didn't have any more money, and the others all paid \$25 themselves; there were married people there visiting friends in the house; they were all arrested with the rest; they all paid Silver Dollar Smith \$25 apiece; all the women were married and some of the gentlemen were single; they paid \$25 apiece to Mr. Smith.

Q. How many were there altogether? A. Six were there who lived in the house.

Q. That was \$150? A. And in addition to that Mrs. Storch and I and my husband and another lady, and there were three visitors, 12 altogether.

Q. Had they all to pay Silver Dollar Smith \$25 each to get out? A. Every one had to pay \$25 apiece or go to the island for a month.

Q. Did they pay \$25 to Silver Dollar Smith? A. I don't know as to all; they all told me they paid \$25 apiece to him; a number are still living there, and they can be examined.

Q. You and your friends paid \$25, did you? A. I paid \$50 for

three; I paid, altogether, \$150; \$50 for three and \$100 for myself and husband.

Q. All to Silver Dollar Smith for bail? A. All to Silver Dollar Smith.

Q. What judge was on the bench, do you remember? A. He said, in addition to that, that he would procure legal assistance for me next morning; we were all discharged, excepting my husband, who was put under bonds; my husband had no interest in that house or saloon or anything connected with it; my husband came after I had opened the house.

Q. Who was the judge on the bench, do you know? A. I don't remember the name; my husband was punished with a fine of \$100, and we don't know to-day what it was for; there was not a person in the house that was not respectable; the detective swore that there were four women in that saloon, and there was only one woman in the saloon, and she was with her husband.

Q. So that, to your knowledge, you kept a perfectly respectable house? A. Yes; when my husband was first arrested he was discharged, and on Monday we reopened the house; in the evening Captain Cross sent to me a message to the effect that he wanted to see my husband; he should come up to the station-house, and my husband didn't come back again; they had arrested him again, because the saloon was open; then I sent a bondsman to bail him out, but they wouldn't let him out; then I went there personally; the sergeant was there, and I told him that my husband was sick, and he ought to be discharged, and handed him a \$10 note, which he took, and he said, "Business is business;" but my husband didn't come home; he had to stay there during the night; I don't know the name of the sergeant; on another occasion Detective Mallon arrested my husband, and he handed him \$5, but he wanted \$15; then he took him to the station-house.

Q. Did you see your husband hand him \$5? A. No, sir; Mr. Schlie saw it; he lives in the house still.

Q. I read from the blotter of the Fourteenth precinct, under date of January 20, 1894: "Saturday, 11 p. m.; name, Carl Hensing, Henriette Hensing; ages, 47 and 43, respectively; color, white; nationality, German; calling, Carl Hensing, saloon; Henriette Hensing, prostitute; married; can read and write; 81 Fourth avenue. Complaint: Keeping a disorderly house; disorderly person. Complainant, Officer Henry Kohn, Fourteenth precinct; Officers Taylor and Lang. Held in \$500 bail to answer. Hogan. Sergeant George O. Leuer is on desk duty." It appears that at 9.30, from the blotter—an hour and a half before the raid—Inspector Alexander S. Williams visited the station-house.

Mr. Goff.—Mr. Chairman, will you ask this lady on the stand, in view of the description on the police blotter describing her as a prostitute as to her character, her married life, or anything that suggests itself to you, as chairman of this committee. This is a thoroughly reputable woman.

Mr. Ransom.—I rise to make a suggestion which I think is pertinent. Do you remember a reproof which came from you the other day when I blundered in the lawyer's way of attacking the credibility of a witness? What is sauce for me ought to be sauce for Mr. Goff.

The Chairman.—I suppose that you are going to ask these questions, so you might as well ask these questions instead of my asking them.

Mr. Ransom.—I was not going to ask a single question about it. I was satisfied with the evidence as it stood on the record as to her character.

Mr. Goff.—I think it is but proper that she should have an opportunity of answering the question.

Mr. Ransom.—Of course, if you will give me the opportunity of inquiring of her in cross-examination as to her character we will see whether the police blotter correctly describes it or not.

The Witness.—I cooked all day in the kitchen. I had no cook and did all the cooking myself and didn't pay any attention to anything else; I have only been here one year. I have never been a person of that character. Before coming to New York I lived for three months in Hoboken. Previous to that time I lived for 18 years in one house in Berlin. I have been married for 20 years, and this is the first time that I have ever heard of a charge of that kind being made against me. I didn't know specially what the people in the house did. I simply rented rooms to them and I was green here in this country, and no charge of that kind has ever been made against me.

#### Cross-examination by Mr. Ransom:

Mr. Ransom.—The witness testifies, I understand, that she came a year ago, about, from Germany, somewhere in Germany.

The Chairman.—Yes.

Mr. Ransom.—And she had been married about 20 years.

The Chairman.—Yes.

Q. What was your business in Germany? A. I never had any business in Germany; my husband was head waiter in a place similar to the Hoffman House in this city, a splendid place.

Q. That was his business until you moved to this country?  
A. That was the only business that he did prior to coming here.

Q. Have you any children living? A. No.

Q. This house on Fourth avenue which you kept and from which you were arrested, what rent did you pay for it? A. One hundred and sixty-six dollars and sixty-seven cents per month.

Q. You rented it for the purpose of keeping a saloon and a furnished-room house, as I understand? A. In order to rent furnished rooms and for a saloon; I wanted to get a hotel license through Mr. Staub, who rented the property to me, but he kept postponing it from time to time.

Q. I understood you to say that in this house you had 20 rooms which you let to people who desired to occupy them, either by the day or by the week? A. Yes; at times I would rent a dozen of them, at times 15; sometimes there were a few, three or four, empty at a time.

Q. How were these rooms furnished? A. I paid \$800 for the business and paid \$2,000 to furnish the house.

Q. My question was how the rooms were furnished, and not how you got the money; what articles were placed in the rooms? A. Very simple.

Q. What articles were placed in the different rooms? A. In every room there was a table, chairs, bed, toilet stands.

Q. Was it a part of your business to furnish your guests in these rooms with refreshments? A. No; I don't know that any stuff from the saloon was sold in the rooms; I had a full license, however.

Q. Will you testify that it was not the daily habit of your business to send to these rooms, from orders of persons occupying them, refreshments in the shape of drinks, beer, wine, cigars and food? A. I can not say as to that; I was in the kitchen all the time and I didn't trouble myself about what occurred in the saloon.

Q. Do you mean to swear that to your knowledge wine and beer was not sent to the rooms as a common thing, to these people who came here? A. I can not swear; I do not know.

Q. Do you know that any person connected with your establishment was ever authorized by you to take any refreshment to these rooms, if called for? A. I never did.

Q. Who had charge of the saloon? A. My husband was behind the bar.

Q. What was he convicted of when he was fined \$100? A. That is just what we didn't know, what he was punished for.

Q. What was the charge against him? A. I believe the charge against him was that it was a disorderly house.

Q. Did you ever receive yourself any person as a guest in this house and assign that person to a room? A. I never did.



Q. Was there a register kept of the guests, a book in which they were required to sign? A. There was a book; I have got it at home.

Q. Were persons who came there as guests required to sign that book when they arrived? A. They signed the book themselves; they would come in and ask for rooms either by the day or by the week, as the case might be, and they would sign their names in the book? Q. What was the charge for a room in that house by the day? A. Fifty cents, 75 cents, \$1, and by the week, \$3 and \$3.50.

Q. Was there a public dining-room in the house? A. Down in the saloon there was.

Q. Were the guests in the habit of dining there, or did they dine in their rooms? A. No; they would take their meals down in the saloon.

Q. Did you ever advertise the business in the newspapers? A. Never.

Q. How did you get customers? A. A great many who had lived before in the house stayed there.

Q. You said that when you were about opening that house that you were advised by people to see the police for protection; what protection did you think you would require for keeping this kind of respectable house? A. I don't know just what kind of protection, but they said to me that in a house of that kind sometimes boarders would fall out and have trouble, and then it would be desirable to have police protect me.

Q. Was any one woman a guest at your house for more than one day? A. I had nothing to do with the renting of the rooms; I was in the kitchen all the time; Mrs. Storch attended to the renting of the rooms and I can not say what women were there and what were not.

Q. What were you, the cook of this establishment? A. Yes, apparently.

Q. What was Mrs. Storch, the housekeeper? A. She was the housekeeper.

Q. Where is she now? A. I heard to-day that she was in Boston; the day before yesterday she was still here.

Q. Do you mean the committee to understand that personally you spent your entire time you spent in the kitchen cooking for the house? A. I didn't do anything but cook; I didn't even collect the rent; Mrs. Storch collected the rent.

Q. Where did you find Mrs. Storch? A. She had been there before.

Q. Was she the keeper of the house before? A. No; before I went there she was in Fourteenth street in business and came there to take her meals.

Q. I understand you to say that she paid the sergeant at the desk \$10; I would like the sergeant's name if you can give it? A. I can not tell you the name; I would probably be able to recognize him if I saw him again.

Q. Can you remember the time? A. I don't remember the time; it was written in the book.

Q. Was there anybody present when you gave him the money? A. The sergeant was entirely alone; there were other policemen in the adjoining room.

Q. When you were arrested, was it explained to you at the station-house what the charge was against you? A. No; no explanation of the charge was made.

Q. How did you get the understanding that your husband was charged with keeping a disorderly house? A. The lawyer told me that was the charge.

Q. Did the lawyer tell you also that the charge against you was that you were a prostitute? A. He never told you that.

Q. Do you keep that house now? A. Yes; I am still in the house; there is a lawsuit about it.

Q. Still receiving guests by the day and by the week? A. No; I rent no more rooms; the house is closed up for any such purpose; I simply have my things in the house; my license was taken from me; it was broken and every dollar we had was lost.

Q. You testified on your direct examination, positively, to the coming to your house of two detectives and two women and that they desired to have one room; I want to know how you know that if you were in the kitchen cooking? A. Mrs. Storch told me that.

Q. Didn't you suspect then that these people were bad people and that they were coming to your place for no good purpose? A. I don't know anything about those things; I didn't think about it.

Q. What things do you mean? A. Suspicious.

Senator Cantor.—An unsuspecting nature.

Mr. Ransom.—She is unsuspecting.

By Senator Bradley:

Q. You say that this woman, the housekeeper, was in New York three days ago; do you know why this woman left New York and went to Boston? A. Yes; I saw her myself; I have been told that she has gone to Boston, but I don't believe the story.

Q. Did you know the two men or that two men went to see her last night, to see her housekeeper? A. I don't know anything about it; I was told so.

Mr. Goff.—We served her with a subpoena, and after we served her she cleared out. This woman will tell you. We have got the affidavit of service.

The Chairman.—That is not evidence here.

Mr. Goff.—I merely mention it in connection with Senator Bradley's question.

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

Direct examination by Mr. Goff:

Q. Do you know Mrs. Hensing? A. Yes, sir.

Q. And Mr. Hensing? A. Yes, sir.

Q. Were you with her to the Fifth Street station-house? A. Yes, sir.

Q. When they were arrested? A. Yes, sir.

Q. Do you remember Mrs. Hensing having \$14 and you loaning her a dollar? A. Yes, sir; I don't know about the \$14; I didn't see that; I saw Mrs. Hensing give Mr. Shop \$5; he gave it to the detective.

Q. What detective? A. I don't know his name.

Q. Five dollars? A. Five dollars.

Q. To what detective? A. To the detective; I don't know his name.

By the Chairman:

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

Q. When the detective came to arrest him? A. Yes, sir; I was arrested myself; I want to bring the report home, and when I went there they locked me up in the station-house too; he wanted \$5 from me.

By Mr. Goff:

Q. Who wanted \$5? A. The detective.

Q. The detective wanted \$5 from you? A. He wanted \$5 from me the next day; he took me to the corner of Broome and Essex, and he said he wanted \$5 of me; I said, "For what;" he said, "You have to pay \$10 when I don't discharge you."

Q. When he didn't discharge you? A. Yes, sir.

Q. You were never arrested? A. I was arrested; Mr. Hensing he got bail for me; he bailed me out the same night.

Senator Bradley.—He says he merely went down to see about them, and he was arrested, too.

Q. You went down to the station-house to see about Mr. and Mrs. Hensing? A. Yes, sir; and then I was arrested.

Q. Did you, yourself, pay any money? A. No, sir; he asked money from me, but I didn't give him any.

Q. But you saw this woman give \$5? A. I saw Mr. Hensing give it to his bailman, Shop, and Shop gave it to the detective; he wanted \$15.

Q. And you saw Mr. Hensing, the husband of this last witness, give it to Mr. Shop, the bailsman? A. Yes.

Q. And Mr. Shop, the bailsman, handed it over to the detective? A. Yes, sir.

Q. Where was that? A. That was in Essex street—on Broome street, and the next street to the Essex Market Court.

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

Q. What is your business? A. Tailor.

Q. Where do you work? A. I have a shop in 81 Fourth avenue.

Q. That is the house that Hensing had? A. Yes, sir.

Q. Did you board there? A. No, sir; I got a family; I live outside.

Q. Did you see any women go in and out of there during the day? A. I didn't see no women at all.

Q. There were no women at all there? A. No; he had a lager beer saloon; I got a pint of beer in the daytime, and that is all.

Q. Did you get any meals there; take your food there? A. My wife brought my dinner there.

Q. You had your dinner in your own shop? A. Yes, sir; in the basement.

Q. You didn't know anything about Hensing's business at all? A. No, sir; I didn't know anything about the business.

Q. How long have you been in that shop? A. Going on four years, now.

Q. Did you know Mrs. Storch? A. Yes, sir.

Q. Did she keep the house before Hensing? A. I don't know that she kept the house; she was on the door; she was in the house; I know her.

Q. Did she keep the house? A. I don't know whether she kept the house or not.

Q. Who kept the house before Hensing came? A. Mr. Hett.

Q. What is the name of the detective who took the \$5? A. I can not remember the name any more; Mrs. Hensing knows the name of the detective.

Q. Where was it, in the station-house? A. Yes, sir.

Q. Right inside of the station-house? A. Yes, sir.

Q. It was not out on the sidewalk? A. They go out together on the sidewalk.

Q. The money was given on the sidewalk? A. In the street.

Q. Who was present? A. Another fellow; he is not around there now.

Q. You were there? A. I was there.

Q. Mrs. Hensing was there? A. Mr. Hensing.

Q. And Mr. Hensing? A. Yes, sir; about the \$5, I seen that.

Q. Who else; what was the name of the other person? A. Jimmie Sullivan saw it; he lives at 17 Seventh street.

Q. There were seven or eight people there when this money was paid to the detective, is that right? A. Yes; this young fellow was with me.

Q. Who did you talk with about these \$5 before you came down here? A. Before I came down, Mrs. Hensing asked me if I saw any money go out from her husband; I said yes; her husband gave it to Mr. Shop, and Mr. Shop gave it to the detectives.

Q. Where is Mr. Hensing now? A. I don't know.

Q. When did you see him last? A. I didn't see him in about two months.

Bartholomew Brizzolari, called by the State as a witness, being duly sworn, testified as follows:

By Mr. Jerome:

Q. You kept a hotel, and keep a hotel at 17 East Seventeenth street in this city, do you not? A. My wife keeps that.

Q. Your wife keeps a hotel there? A. Yes, sir.

Q. And your business is that of a caterer, is it not, as well? A. Not there.

Q. But you had a caterer's business besides? A. Yes, sir.

Q. Now, in 1892, were you the caterer at the Liquor Dealers' Association ball? A. Yes, sir.

Q. At the Metropolitan Opera House? A. Yes, sir.

Q. Did you have the wine privilege there? A. Yes, sir.

Q. Was there a sergeant of police in uniform in command of the police there? A. Yes, sir.

Q. Did you have any conversation with him? A. Well, he was around there.

Q. Did you have any talk with the sergeant? A. Yes, sir.

Q. At what time in the evening? A. It was about half-past 12.

Q. Tell us, as nearly as you can recollect, just what he said to you and what he said to you, and what you did?

Mr. Ransom.—Did he give the name of the officer?

Mr. Jerome.—He does not know his name.

A. At half-past 12 one of the police says to me, "You have got to close up at 1 o'clock; otherwise you have got to pay,

something for the privilege to serve liquor and wine all night; so, pretty near 1 o'clock, one of the men came with the sergeant, and he says, "You have got to give some money to this man; otherwise we close up the business."

Q. The sergeant came with the man in citizens' clothing to you, did he? A. Yes, sir.

Q. You didn't know the man in citizens' clothing? A. No, sir.

Q. And the sergeant said to you that you would have to close up or pay money? A. Yes, sir.

Q. What did you then say? A. I offered him \$50.

Q. What did he say? A. He said it was not enough; I had to give him more or close up.

Q. What did you offer him then? A. I offered him \$100.

Q. Did he take it? A. Yes, sir.

Q. And you sold the rest of the night? A. Yes, sir.

Q. Did you ever have any other experience of that kind with the police? A. No, sir.

By Chairman Lexow:

Q. What was the name of the sergeant? A. I don't know his name.

Q. Have you ever seen him before? A. No; I didn't see him before.

By Senator Bradley:

Q. Was the sergeant in uniform? A. Yes, sir.

Q. Had sergeant's uniform on him? A. Yes, sir.

The Chairman.—Any cross-examination?

Mr. Ransom.—No, sir.

By Chairman Lexow:

Q. Do you know what precinct that sergeant was connected with at that time? A. No, sir.

Q. What is the date? A. That was in March, 1892.

Q. Have you ever seen that sergeant since? A. No, sir.

Charles Franklin Clark, called by the State as a witness, being duly sworn, testified as follows:

By Mr. Moss:

Q. Where do you live? A. Two hundred and sixteen East Ninety-eighth street.

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

Q. Do you know John J. Ryan? A. I know him; yes, sir.

Q. He is the leader of the Tammany organization in the Twenty-fifth Assembly district? A. Yes, sir.

Q. Do you know an officer named Keating? A. Yes, sir.

Q. Do you remember when Keating was appointed to the force? A. No; I don't exactly remember that.

Q. Do you know whether Keating paid any money at about that time? A. Yes, sir; to my belief.

Mr. Ransom.—I wish to have that stricken out.

By the Chairman:

Q. Do you know that he did? A. Yes, sir.

The Chairman.—He knows.

By Mr. Moss:

Q. Who is Officer Keating; can you give his full name? A. There he is now (indicating.)

Q. What station is he connected with, do you know? A. The old Twenty-seventh precinct, Eighty-eight street.

Q. Can you state how much money he paid, and to whom? A. To Dave Brant, to my knowledge, \$35 dollars; he was to pay \$350; he got \$35, and when Dave Brant sent me there to see him at Eighty-fourth street and Second avenue he told me if I would come down there again or with Brant he would lock us up.

Q. Who told you that? A. Keating; when I came up and told Mr. Brant that, he said, "Come on, I will break him."

Q. What happened then? A. I didn't hear any more; he came up with about \$15 in 10 minutes after.

Q. That is, Keating came up with \$15? A. To Brant.

Q. You say he paid Dave Brant \$35? A. Yes, sir.

Q. And that there was \$350 paid altogether? A. Yes, sir.

Q. Do you know was the rest of the money paid? A. Dave Brant paid somebody down in the central office.

Q. Did Brant get all the money? A. As far as I know, what Dave Brant told me, he had.

Mr. Ransom.—That is not evidence, is it, what Dave Brant told the witness.

Mr. Moss.—We will try and connect that.

By the Chairman:

Q. Brant was not a policeman? A. He was a policeman, but he got broke.

Mr. Ransom.—Brant was not a policeman. I don't think that that is proper evidence.

By Mr. Moss:

Q. Was any statement made by Mr. Brant regarding the \$350 in the presence of Mr. Keating? A. No, sir; in the presence of me; he said —

Mr. Ransom.—I object to that.

The Chairman.—It looks to me as though that objection was a good one.

Q. Have you talked with Mr. Keating about his appointment and how he got on the force? A. No, sir.

Q. Do you know whether Mr. Keating passed his own mental examination? A. He couldn't have passed, because he paid Dave Brant to pass for him.

Mr. Ransom.—I object, and move to strike that out.

The Chairman.—It looks to me, Mr. Moss, as though any quantity of evidence could be manufactured in this way, and, therefore, it would paralyze the really good evidence that you have in the case to put in evidence of this kind.

Mr. Moss.—The difficulty is that I don't know what these men will testify to. He has come here under subpoena. He has stated that he knows things which he will only tell on the stand, and I am trying to find out what those things are.

The Chairman.—Then I will admit it, subject to a motion to strike out. You remember your motion, Mr. Ransom, for I can not suggest it to you.

Q. Have you any knowledge that Dave Brant passed the examination for Officer Keating? A. That is what he told me.

Q. Who told you that? A. Dave Brant.

Mr. Ransom.—I take an exception to the previous ruling.

Q. Have you any knowledge that Dave Brant passed the examination, other than his own statement to you? A. No, sir.

The Chairman.—Passed the examination for Keating?

Mr. Moss.—Yes; for Keating — the mental examination.

Q. You know when the examination took place? A. No, sir; I do not.

Q. Can you give the year? A. I was not acquainted with him then; I was only acquainted with him since 1891.

Q. Acquainted with Keating, you mean? A. With Brant.

Q. When did you have that conversation with Brant, in what year? A. Eighteen hundred and ninety-one.

Q. Do you know any other police officers who have paid money to be appointed? A. Jacobs.

Mr. Ransom.—I object to that; that is an assumption that Keating paid; I should not object unless I felt that I ought to do so, and I know the limits of this inquiry, I believe, and am



trying to keep within them; if the chairman will have the question read, he will see its impropriety.

The Chairman.—Leave out the word "other."

A. There were 16; he had 16 students at the time, but I can not recollect their names.

By the Chairman:

Q. He had 16 students at the time? A. Yes, sir.

By Mr. Moss:

Q. Who do you mean, Brant? A. Yes, sir; I went with him down to Houston street and Bleecker street, asking officers for money for him.

Q. You went to officers asking money for him? A. Yes, sir.

Q. What officers did you go to? A. I can not answer the names; I had a book at the time.

Q. Where is that book? A. I haven't got it now; I believe Brant took it from the time the saloon busted up in One Hundred and Third street.

Q. What saloon was that? A. Cooper's.

Q. Did Brant hang out there? A. Yes, sir; that was the main office.

Q. Do you mean to be understood as saying that he was engaged in this business as a business? A. Yes, sir.

By Mr. Moss:

Q. Where is Brant now? A. Over in Newark, New Jersey.

Q. Do you know whereabouts? A. No, sir; I can not tell you that.

By the Chairman:

Q. How long have you been over there? A. Ever since this affair of Jacobs was shook up in police headquarters; he sneaked then, with Theodore Sanders.

By Senator Cantor:

Q. How long ago is that that he skipped the State? A. About two years and a half.

By Mr. Moss:

Q. Did you have any paper, book or memorandum showing the questions that were to be asked policemen upon their examinations? A. I had the police book.

Q. Who furnished that police book? A. Dave Brant.

Q. For what purpose? A. For the new scholars.

Q. Who were the new scholars? A. Anybody that wanted to go on the force.

Q. Did you show that book to the new scholars? A. I didn't; Dave Brant did.

Q. Did you see Dave Brant show it? A. Yes, sir.

Q. Do you know whether any of these applicants were ever appointed? A. Yes, sir.

Q. How many of them? A. To my belief, six.

Q. Did you know that there were six at any time? A. Yes, sir; because I seen him collecting the money for the six.

By the Chairman:

Q. You say you saw him collect the money for six; just state the different occasions and the amounts? A. Well, from 10 to 20 dollars at a time.

Q. For what; for tuition? A. Yes, sir.

By Senator Cantor:

Q. Can you give us the names of any of those parties? A. No, sir; that is what I forget; I had it in a book; all I can remember is that one is Keating, and the other one was Jacobs.

Q. That is, Jacobs, the witness here? A. Yes, sir.

By Mr. Moss:

Q. But he was not appointed? A. No, sir.

By the Chairman:

Q. Outside of this \$10 tuition fee that you speak of, did Brant collect any other money? A. Brant was collecting 35 to 50 or \$60 every month, and sometimes in the middle of the month, there was a policeman's wife — she lived then in Eighty-seventh or Eighty-eighth street — used to come up there with money — the 15th; and that officer was in Mulberry Street precinct.

Q. What did she bring this money for? A. For her husband getting appointed; for Dave Brant passing him.

Q. Had he been appointed at that time? A. Yes, sir.

Q. What was she bringing the money for then? A. Well, they didn't pay.

Q. He was appointed on credit, and they were paying up? A. Yes sir.

Senator Bradley.—He got appointed on the installment plan.

By the Chairman:

Q. How much did he pay for his appointment? A. Three hundred dollars, and \$50 to Dave Brant for Dave Brant's trouble.

Q. Who got the \$300? A. Police headquarters, some place.

Q. Do you know that? A. What he told me; he said "\$300 goes down below, and \$50 to me."

Q. Is that all he said, that it went down below? A. Yes, sir.

Q. You understand, don't you, that you are on oath now? A. Yes, sir.

Q. Did he say anything about police headquarters? A. He said there is where the money goes.

Q. He said "below," didn't he? A. Yes, sir; below, police headquarters.

Q. Did he use the words "police headquarters?" A. Yes, sir.

Q. Did he say to whom? A. No, sir.

Q. Did you know to whom? A. No, sir.

Q. Did you carry any of the money yourself down there? A. No, sir; I helped to carry some up that he collected off policemen.

Q. Then you went down to see policemen that had been appointed, and get money from them? A. Yes, sir.

Q. From whom? A. For Dave Brant.

Q. From what policemen? A. I can not mention the names.

Q. How many of them? A. Oh, six.

Q. You remember six? A. Yes, sir.

Q. And the amounts you collected, how much were they in the total, altogether? A. He collected \$10 and \$15 off every one.

Q. A month? A. Yes, sir.

Q. For how long? A. Until the \$50 were paid.

Q. That was the agreement, to pay \$50? A. Yes, sir.

Q. What do you know about the payment of \$300? A. The payment of \$300 was supposed to be put down in three payments, \$100 each payment.

Q. Did Brant make any such agreement with the different candidates that he had in his school? A. Yes, sir.

Q. Was that part of the agreement with Brant? A. Yes, sir.

Q. Did Brant mention, at the time of making the agreement, to whom the \$300 was to be paid? A. I couldn't say that; he mentioned somebody down town.

Q. Didn't he mention any name at all? A. He mentioned some name, but I can not recollect.

Q. To whom did the candidate pay the \$300, to Brant, or to the person down town? A. To Brant.

Q. And Brant took the money? A. Yes, sir.

By Mr. Moss:

Q. Can you recall the name of that woman that you speak of who paid the money? A. No, sir; that is the policeman's wife.

Q. Do you know at what station that officer is now? A. No, sir; that is more than I could tell.

Q. Could you find him? A. It is a pretty hard job now.

Q. Have you not yourself demanded money from policemen since their appointment? A. Yes; when Dave Brant sent me.

Q. Entirely for Dave Brant? A. Yes, sir; he gave me a note.

Q. Have you demanded money for Dave Brant or anyone else within the last two years? A. No, sir; I didn't see him.

Q. Have you demanded money of any policeman within the last two years? A. No, sir.

Q. Do you know whether Dave Brant impersonated any of those applicants in the mental examination? A. That is what he told me.

Q. Can you not recall any specific cases; can you not state the residence of any of those applicants? A. Well, that is the only one; he would never give me the residence; we would always go to the station-house, and if the officer was not in, we would go to his beat, and he would go and get ten or fifteen dollars.

Q. What took place on the beat? A. He would stand talking to the officer, and he would say, "Hello, Dave," and put five, ten or fifteen dollars in his hand.

By the Chairman:

Q. I thought you said that you collected? A. Well, I was with him; he got the money; when we went in the station-house, if he couldn't see him, he would send me with a paper, and I would collect.

Q. Were you his messenger? A. I don't know what you would call it; I was his collector.

By Senator Cantor:

Q. Did you keep any part of this money yourself? A. No, sir; I turned it over to him, and he would give me three or four dollars at a time.

By the Chairman:

Q. You didn't accept a weekly or monthly salary yourself? A. No, sir.

Q. According to whether the collections were made or not you would get more or less? A. Yes, sir; and when there were no collections to be made he would fall back on Jacobs.

Q. He would fall back on Jacobs? A. Yes, sir.

By Mr. Moss:

Q. Are you acquainted with any man who now or within the last two years has been receiving money from policemen for services to them in assisting them? A. No, sir.

Q. Are you acquainted with anyone except Dave Brant or anyone who has been engaged in that sort of business? A. Theodore Sanders.

Q. Where is Theodore Sanders? A. That is a mystery.

Q. Has he been engaged in that business since Dave Brant went away? A. I can not say that, but he was before Dave Brant and in Dave Brant's time he had more patients than Dave.

Q. Do you know how many patients Sanders had? A. A book full.

Q. Can you give the names of any of those men? A. No, sir.

Q. Not one of them? A. No, sir; he wouldn't let me know them; he did all his collecting himself.

Q. Do you know anything else concerning Officer Keating, referring to his application and his appointment, that you haven't told me. A. No, sir.

Q. How much did you receive for your services in connection with Officer Keating? A. Well, about \$3.

Q. How much did you get from Keating personally? A. I didn't receive a cent off him.

Q. How much did you say Keating paid altogether? A. Altogether \$15 is all I seen him pay; he paid that one month, and then it came around the next month; and then Dave sent me there with a note and he told me that he would arrest me and Dave Brant, that he didn't want to be bothered with us, that he wouldn't pay any more.

Q. Did he tell you that he had paid Brant money? A. No, sir; Brant told me that he did.

Q. Do you know of any connection between John J. Ryan and the police with regard to the appointment of men? A. No, sir.

Q. Have you not said that you knew something concerning Mr. Ryan with the police matters which you would tell upon the witness stand but not elsewhere? A. No.

By the Chairman:

Q. Did you say that? A. No, sir.

Q. Now, you know, that as an honest man, that to suppress any fact of importance here is just as bad as to state a fact that is false? A. Yes, sir.

Q. And that is for the interest of this investigation and the State that you should make a clean breast of the whole thing? A. Yes; that is what I am going to do.

Q. Do you know anything else in reference to the police department that it would be of advantage to this committee to know? A. No, sir; if I did I would speak it right out.

By Mr. Moss:

Q. What was it, if anything, that you said you would tell upon the stand? A. I don't know of anything else; all Jacobs told me the minute he seen me was, "I am going to subpoena you;" he said, "You know more than me;" I said, "What are you going to subpoena me for?" he said, "Oh, you know the officer; you were his collector;" he said, "How is it you always come to me, when you couldn't collect anything, to get money;" I would go to Jacobs' house with a note for a couple of dollars, and if he didn't give it to me he would come up to our office, corner of One Hundred and Third street, and pay me and Danny Ryan—

Q. You know Danny Ryan? A. Yes, sir.

Q. He is on the police force now? A. Yes, sir.

Q. Is he the man Dave Brant passed for? A. Yes, sir.

Q. Did you ever have a talk with Danny Ryan? A. Yes, sir.

Q. What did he say? A. He wanted to get as high a per cent. as he could.

Q. Did he tell you that Brant had passed for him? A. Yes, sir; I know all the transaction; we often got passes from the Second Avenue depot to ride up and down town, me and Brant.

Q. Do you know Danny Ryan's father, Sergeant Ryan? A. Yes, sir.

Q. Do you know whether Sergeant Ryan knew about Dave Brant impersonating his son? A. Yes, sir.

Q. About the pass-book, where did you get that? A. Off Danny Ryan; his father gave it to give Dave; so me and Dave, it wouldn't cost us car-fare.

Q. That is, Sergeant Ryan gave you a pass-book upon the Second Avenue line? A. Gave it to his son to give to Dave Brant and myself.

Q. As a part of the consideration for your services? A. Yes, sir; to ride up and down without costing car-fare.

Q. Did you ever go to Morris Jacobs at the request of John J. Ryan? A. No, sir.

Q. Did you ever talk to John J. Ryan about Morris Jacobs? A. No, sir.

Q. Or about his business? A. No, sir.

Q. Did you ever talk with John J. Ryan about any policeman? A. No, sir.

Q. Are you a member of the Tammany organization? A. No, sir.

Q. What conversation did you have with Sergeant Ryan about Brant passing for Danny Ryan? A. I didn't have none.

Q. Did you hear any conversation in which that matter was spoken of? A. No, sir; Dave would go right up to the desk and I would go outside; either sat on a chair outside or stood against the railing.

Q. Were you ever present to hear the conversation that passed between Brant and Ryan? A. No, sir; Brant told me when he came outside; he would tell me that Danny Ryan — Danny, I believe, wanted to get 100 per cent.

Q. What did Brant say to him about that? A. He said he couldn't get it because he was too low the last time he went down for examination.

Q. How low was he at the previous examination? A. I don't know.

Q. Can you recollect the conversation? A. Brant said it would not do; it would be a dead tumble if he got more than 75 or 77.

Q. Why? A. Because at the last examination he couldn't fetch that much.

Q. He thought it would be too great a jump at once to go to 100 per cent? A. Yes, sir.

Q. Did the sergeant agree to that? A. I believe he did, sir.

Mr. Ransom.—I now move to strike out very nearly all the testimony of this witness; I tried to keep track of it under your suggestion; it should be stricken out; that portion of it which depends entirely upon the statements of Dave Brant to the witness; I first asked the committee to strike out his testimony in regard to the knowledge Sergeant Ryan is supposed to have had that Brant impersonated his son Danny; all he knows about it is what Brant told him.

By the Chairman:

Q. Is that all you know about it? A. Yes, sir.

Q. Sergeant Ryan didn't say anything to you about it? A. No, sir.

Mr. Goff.—Whatever Brant said to him is hearsay; that is true, nevertheless, we have to consider that it is evidence of part of his system; the witness testifies that they had an office for the transaction of this business; and at this office these transactions took place; now, even in a court of law, business relations established between Dave Brant and this witness would be good evidence; much more is stronger upon the question of showing the system that was in existence of causing policemen to go through a brokerage business, as it were, at this office.

Mr. Chairman.—I do not understand that any motion is made to strike out that part of the evidence at all.

Mr. Goff.—One is interlaced with the other, because the transactions were continuous. The statements of Brant and this witness were also part of the facts. You can not discover one from the other. Then again Brant is out of the jurisdiction. We can not get him. While it is true that it can not be considered as evidence affecting the police department proper as it is now managed and officered, yet I think it is pertinent to go to the information which you are seeking touching the system of admission of candidates to the police department, or as corroboration.

The Chairman.—I understand this motion to strike it out is with reference to one particular conversation; that this witness testified he had with Brant, which implicates Sergeant Ryan. The only effect of this testimony is to implicate Sergeant Ryan. I do not see that it goes to the pith of the situation at all, except for that purpose. Now, I think it is unfair for this committee to implicate a sergeant of police not a necessary party to these transactions at all, on simply hearsay evidence, without any corroboration.

Mr. Goff.—One moment, Mr. Chairman. There is before you already the positive evidence of Jacobs on the same question.

Senator Bradley.—That is so.

Mr. Goff.—Now, that is but a corroboration of that. Jacobs heard Sergeant Ryan talk. Now, it appears here that he and Brant went to the station-house upon certain business. This man stood by there and saw them talk together. Now, the declaration of Brant, these two having a common purpose and being in a combination for a certain purpose, would be admissible in a court at law.

The Chairman.—Not against the police department.

Mr. Goff.—That is what I say. So far as Ryan is concerned it is circumstantial corroboration of Jacobs' testimony.

Mr. Ransom.—My motion is simply to strike out what the witness testified that Sergeant Ryan was aware that Brant had



impersonated his son Danny. It transpired in the next answer that all he knew about it, as he has already testified to you, was what Brant told him.

Mr. Goff.—We do not object to that.

The Chairman.—It is stricken out.

Mr. Ransom.—I ask for the same reason that the committee strike out the testimony of the witness as to all that Brant told him in regard to Officer Keating. There is not a word of the witnesses' testimony that implicates Keating upon personal knowledge, except that he saw \$15 paid, as I remember his evidence. All the other evidence in respect to the \$50 and the \$350, the money that was to go to headquarters; all that Keating said he would do depends entirely upon Brant's statement of the witness except in reference to the \$15.

The Chairman.—He testified that he met Officer Keating on the street and demanded more money from him, and that Officer Keating said he would arrest him if he did it again. He paid the \$15; and then, as I understand it, in making his usual rounds for monthly collections he went to see Officer Keating on his beat and asked him for that additional amount of money and the officer refused to give it to him, telling him he was sick and tired of it and that if he asked him again he would arrest him.

Mr. Ransom.—What he testified was that Brant told him that Keating had paid \$350.

The Witness.—He was to pay it.

Senator Cantor.—The witness said that he was to pay it.

The Witness.—He paid \$300 and \$35, but was to pay \$15 more.

Mr. Ransom.—All we have to sustain that statement is Brant's story to the witness. I don't think Officer Keating can be taken fairly out of the principle which you have just invoked in striking out the testimony against Sergeant Ryan.

The Chairman.—I do not think he could either, unless the witness had established already a situation that induces the presumption of bribery. Now, the moment that is established against the man the testimony of any other person is admissible against him.

Mr. Ransom.—I agree with you precisely upon that proposition, but I do not recall any evidence from the witness which would establish any presumption of bribery.

The Chairman.—He said he collected \$15—\$35 altogether, and then when he went to collect the additional \$15 Keating impliedly admitted having paid the \$35 by saying that he would not pay any more.

Mr. Ransom.—Then, under your view of the evidence it is proper that it should stand. I ask now to strike out all that this witness

testified to in regard to Brant's story to him that he had new scholars and he had a certain number of students. All in regard to students new scholars and patients, I move to strike out. That is all a story for Mr. Brant. Surely the committee do not want to condemn anybody on that testimony.

The Chairman.—This testimony does not condemn anybody but Brant, but opens to this committee a light upon this subject as to whether or not there are regular authenticated schools in this city to which policemen have to pay a regular stipend before they can get on the police.

Mr. Ransom.—The witness testified to a combination between himself and Brant and somebody else, which is really intended to bunco all these people; and poor Jacobs is the man that they relied upon always to come up and help them out.

The Chairman.—He testified to a school of 16 scholars and six of these were appointed, and he took a book around and collected their contributions from time to time.

Mr. Ransom.—But there were seven men evidently who were successfully swindled by this witness and Brant and the other man.

Senator Bradley.—The rest were studying their catechism up at headquarters.

The Chairman.—It does not affect the police department unless it is connected with the police department, but it affects the situation so far as this committee is concerned to the fact whether or not that practice can be legislated out of existence.

Mr. Ransom.—You have said exactly what was in my mind, that this testimony does not affect the police department. I am satisfied.

#### Cross-examination by Mr. Ransom:

Q. Where do you live now? A. Why, up over the bridge, but I stop at 216 Ninety-eighth street.

Q. What is your business? A. Piano mover.

Q. For whom do you work? A. Where there is the most money.

Q. For whom do you work? A. Where there is the most money; the man who pays the most money.

Q. You have no steady employment? A. No, sir; I chucked it up two years ago; I was with Louis Swaim, in Fourteenth street.

Q. You mean you stopped working steadily? A. Yes, sir; there is more money outside.

#### By Mr. Goff:

Q. With police students? A. Between that and carrying pianos.

By Mr. Ransom:

Q. The business of educating students is not so exacting as carrying pianos, is it? A. No, sir.

Q. Did you say you made more money at it than you did at carrying pianos? A. No, sir; I said I was making more money that way than with steady job.

Q. How much money did Dave Brant pay you altogether for your services? A. It is hard to tell; if he got \$15, I would get three or four dollars.

Q. I mean in the aggregate; how much he paid you altogether; you don't remember that, do you? A. Oh, yes; I was going with him fully for five or six months.

Q. How much did he pay you in that time? A. I don't know; about one hundred and a quarter, besides drinks and eatables.

Q. He boarded you, did he? A. No, sir; if we were down town, and it was too late to get dinner, we would eat down town.

Q. He paid you \$125 in five or six months? A. Yes, sir.

Q. Did you spend your entire time with him? A. No, sir; when I would get through moving I would go up to what they called the office.

Q. How many other professors did he have in this school of his? A. A good many of them.

Q. Can you name some? A. The most that were there at the time was Jacobs, Danny Ryan —

Q. Jacobs was not a teacher, was he? A. No, sir.

Q. He was a pupil? A. Yes, sir; you mean teachers?

Q. Yes; you were one of the teachers? A. No; I was one of the collectors; no teacher.

Q. Who were among the teachers? A. Theodore Sanders.

Q. What is it you call it; he sneaked two or three years ago, didn't he? A. Yes, sir.

Q. Who was another teacher? A. Dave Brant.

Q. I understood that Sanders was running a business on his own account? A. He was, but he would come to that office; then Sanders lived in One Hundred and Eighteenth street, near Pleasant avenue.

Q. Brant and Sanders were doing a separate business, were they? A. Yes, sir.

Q. They were no partners in this business? A. No, sir; not in all; in some cases.

Q. Who was assisting Brant besides yourself? A. Nobody as I know of.

Q. Do you know a man by the name of Barmstroff, a wife-beater? A. Yes, sir.

Q. Was he in your party? A. He used to go up there; he was on the force then.

- Q. What do you mean, a policeman? A. Yes, sir.
- Q. Was he engaged as a teacher at the same time? A. Yes, sir; he got that after my time.
- Q. What do you mean, he got to be a teacher? A. He got to be going down; yes, sir.
- Q. He was dismissed from the force? A. Yes; so far as I believe.
- Q. Then he became a part of Brant's establishment? A. Yes, sir.
- Q. You are in no regular business now, are you? A. No, sir.
- Q. Have you ever been arrested? A. No, sir.
- Q. You have always managed to escape arrest, have you? A. Yes; I don't do anything to give them occasion.
- Q. Did you think this was a legitimate, honest business that you were engaged in with Brant?
- Mr. Goff.—Is that material?
- Mr. Ransom.—Yes.
- A. I don't think it was out of the road; I would take all I could get; that was all I was looking after.

By Mr. Moss:

- Q. Who were the other collectors? A. There were none, only me at the time.
- Q. I thought you said there were other collectors? A. Barmstroff had the job after that, but I never seen him collecting money.
- Q. How did you become a collector? A. By stopping up there, and Dave Brant took a liking to me; he asked me to take a trip down to police headquarters one day; we went down there and the first thing we met was an officer.
- Q. Who was the officer? A. I can not mention his name; the next thing I know I saw two ten dollar bills slipped in his hand: he said, "That is good;" I said, "How did you get that?" he said, "That is one of my students;" I said, "What do you mean;" he said, "I passed for them people;" he said, "That is good;" so we went and had a drink and walked a couple of blocks; he commenced scratching his head and he said, "I guess I have another student;" he goes down there and gets \$15 more.
- Q. From whom? A. In Mulberry street from another policeman, a big tall fellow.
- Q. Where is he now? A. I don't know; I think he was at the door then.
- Q. Doorman at headquarters? A. Not at headquarters.
- Q. Mulberry Street station-house? A. Yes, sir.
- Q. That was in 1891? A. Yes, sir; that was \$35; then he came up and I got \$3 out of the twenty.

Q. Will you please describe that big tall policeman? A. He was a big tall policeman with a short sandy beard.

Q. Had he any moustache? A. No, sir.

Q. Side whiskers? A. No, just sandy beard.

Q. How old was he? A. I should judge him to be a man 33 to 35 years of age.

Q. When you say tall, how tall? A. Six feet or six feet and half an inch.

Q. Then you collected from that policeman and saw another one, didn't you? A. We say the one first that we got the \$20 from; then this second one, which I think was doorkeeper, we got \$15 from; out of that day's work I got \$5; at half-past eight Brant sent me to Jacobs with a note asking for \$5; says Jacobs to me, "I will be up in half an hour;" he did come up; Danny Ryan came in in the meantime and we started to play dominoes and Jacobs gave him \$3, and out of that \$3 we had our supper and drinks and that is the way the money went.

Q. Where is the office? A. The office is broke up now.

Q. Is there no office? A. Not as I know of now; we had to retire then; the fellow moved.

Q. What broke it up? A. I guess the bartender stole the boss's money as far as I hear; there was no money to run the joint.

Q. Have you mentioned all the persons that were connected in that business helping policemen? A. Yes, sir.

Q. Brant? A. Theodore Sanders, Barmstroff.

Q. Did you know a man named Dwyer? A. No, sir; that is the man so far as I understand that got broke at headquarters.

Q. Do you know any policeman named Woodbridge? A. Yes, sir; he is a roundsman now.

Q. Was he part of the movement? A. Oh, well, he never said anything to me about it.

Q. What did you see him do? A. Only just talk to Jacobs and talk to myself and Dave.

Q. Did you see him talk to Jacobs? A. Yes, sir.

Q. What was he talking about? A. That is more than I can tell you; I didn't hear.

Q. Did you ever look at Dwyer's hand? A. I never seen the man.

Q. You never saw him? A. No, sir.

Q. You have lived fairly well during the past few years? A. Yes; I look like it.

Q. During these two years past how much money have you made at moving pianos? A. Some days as high as \$8.

Q. How much altogether in the two years? A. It is pretty hard to tell.

Q. Come as near as you can? A. A couple of hundred of dollars beside outside work.

Q. Can you tell some of the other sources of income that you have had within the two years? A. Yes, sir; moving furniture and the like of that.

Q. Put that in with moving pianos; how much altogether for moving pianos and furniture during the two years? A. It is pretty hard to tell.

Q. Come as near as you can? A. I did all outside work, moving safes, pianos and furniture; that is all I would do at present.

By the Chairman:

Q. How much during those two years did you make in any other business outside of this collecting that you speak of? A. I was not collecting for the last two years.

Q. Not at all? A. No, sir.

By Mr. Moss:

Q. Have you received any money at all from policemen during the last two years? A. No, sir.

Q. You are thinking carefully about it, now? A. Yes, sir.

Q. And are considering the fact that your testimony is just as important as though it was given in court? A. Yes, sir.

Q. And carries the same penalties with it, if not true? A. Yes.

Mr. Goff.—Officer Keating is in court and if he wants a vindication he can have it.

The Chairman.—Does Officer Keating want to take the stand?

Officer Keating.—Yes, sir.

Dennis Keating, called in his own behalf, being duly sworn, testified as follows:

Mr. Ransom.—Mr. Chairman, I think you ought to examine him. He appears as a volunteer and I think under the circumstances that he ought to be examined by the chairman.

The Chairman.—Do you not want to examine him?

Mr. Ransom.—I never saw the gentleman before and did not call him. I have not the slightest objection to his being examined.

The Chairman.—How does the officer come to be called?

Mr. Ransom.—You called him.

The Witness.—You called me, as I understand.

The Chairman.—I understood Mr. Goff to say that Mr. Keating was in court and wanted to be examined.

Mr. Goff.—I heard that Officer Keating was in court and wanted to be vindicated. I was so informed, and I said I had no objections.

Mr. Ransom.—I have no objection, of course.

The Chairman.—This would seem, to a certain extent, to be a precedent. I think it is rather unfortunate in a trivial matter of this kind to establish a precedent of this description.

Mr. Goff.—I think it is, sir. I quite agree with you, Mr. Chairman

The Chairman.—I do not think that the testimony against Officer Keating amounts to enough to take special notice of it.

Mr. Goff.—Very well, sir.

The Chairman.—Why the officer should go on the stand and establish this precedent I do not know.

Senator Bradley.—Excuse him, then.

Mr. Goff.—Yes, sir.

Mr. Ransom.—He is excused because of the desire of the chairman, which is proper, that there should be no bad precedent established, and also on the ground that the testimony against him is of so trivial a nature.

The Chairman.—That the testimony against him, compared with other officers, is so trivial that there should be no precedent established in this particular case.

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

Direct examination by Mr. Moss:

Q. What language do you speak? A. Vienna, Austria.

Q. Where do you live? A. One hundred and twenty-four Second avenue.

Q. What is your business now? A. Fresco painter.

Q. Did you buy out a cafe in March, 1893? A. Yes, sir.

Q. Who did you buy it from? A. Second avenue, No. 57.

Q. Who sold it to you? A. Leo Rosenfeld.

Q. Did you sell liquor at that cafe? A. Yes, sir.

Q. You had a beer license, did you not? A. Yes, sir.

Q. You had no license to sell strong liquors? A. Schnapps.  
A. (Interpreted by Chairman.) I only had a license for beer.

Q. But you sold strong liquor? A. (Interpreted.) I did sell liquor.

Q. Did you have a room connected with that cafe where people played cards for money? A. (Interpreted.) Upstairs there was a large meeting-room, and they played cards there sometimes.

Q. What games did they play? A. I didn't know at first; I didn't know the games; but afterwards I heard it was poker and pinocle, and such games.

Q. Did they play macco? A. Macco, poker and pinocle.

Q. Did you say the room was used for that purpose before you bought it? Did I understand you to say that the room was used for that purpose before you bought the cafe? A. (Interpreted.) Yes, I took it in that condition.

Q. While you had it people played in that room for money, did they not? A. (Interpreted.) Yes, and in the evening they played for money while I had it.

Q. When you were talking to Mr. Rosenfeld about buying the place was anything said about protection? A. (Interpreted.) Not at the time; a partner of mine induced me to undertake to buy the business; I came over from the other side, and a partner of mine induced me to buy the business.

Q. Who was the partner? A. (Interpreted.) Then I bought the business; I paid for it myself; then Rosenfeld came, two days or so after, and said he would introduce me and my partner to the captain of the precinct, and a short time after that my partner went with him to the captain, but I stayed back in the business, and he came back and said, "We will be compelled to pay \$25 a month protection money;" the first month I gave the \$25 to August Bretner, my partner, for that purpose; he is now in San Francisco; the second month and the third month a collector, Wardman Hock, came around, and I paid him personally the \$25 each month.

Q. Were you arrested or in any way troubled by the police during that time? A. No.

Q. How long had you kept the cafe there? A. Three months.

Q. What month was it when it was discontinued, or when you went out? A. In July.

The Chairman.—Any questions, Judge?

Mr. Ransom.—I think not; I have no questions. I could not hear anything the witness said to you or that you said to the witness.

The Chairman.—So far as the captain is concerned, it is all hearsay. The direct evidence is in reference to Mr. Hock.

Mr. Ransom.—I think the testimony in regard to the captain ought not stand.

The Chairman.—I think it is important as affecting Hock. Is there any use, Mr. Goff, to pile up this testimony against Mr. Hock; we have got so much of it.

Mr. Goff.—Of course, it is not a case where a lawyer can consult this witness beforehand, and see what he is going to testify to at the trial. A great majority of these witnesses we have got to put on the stand and then try and extract what we can. If we could predict, by previous examination, what they were going to testify to, why, we could eliminate a great deal;



but many of these witnesses we have never seen, and they would refuse to talk to us. It is only under the stringency of an oath that they will talk at all.

The Chairman.—Did he give the number of his place?

By Mr. Moss:

Q. What was the number of the cafe? A. No. 57, Second avenue.

Mr. Goff.—We have some witnesses here, but it has been a pretty close day; we have done considerable work and I think we had better now adjourn. Will you please to warn the witnesses to appear in the morning.

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

Proceedings of the twenty-fifth meeting of the committee to whom was assigned the investigation into the conduct of the police department of the city of New York, held in the Superior Court in the County Court House, in the city of New York, Wednesday, June 13th, 1894, at 10.30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Charles P. Saxton, Jacob A. Cantor, Daniel Bradley and George W. Robertson,

John W. Goff, W. Travers Jerome and Frank Moss, of counsel for the committee.

De Lancey Nicoll and Rastus S. Ransom, of counsel for the police board.

Chairman Lexow.—Are you ready, Mr. Goff?

Mr. Goff.—In one moment.

Chairman Lexow.—Mr. Goff, call your first witness.

Gustave Kosmak, called on behalf of the State, being duly sworn, testified as follows:

By Mr. Jerome:

Q. What is your business? A. I am in the hotel business; a cafe for Mr. Dillon.

Q. Where is that located? A. At the corner of Chambers street and Broadway.

Q. That is about 20 feet above the corner, on the west side of Broadway? A. Yes, sir.

Q. Were you in that cafe night before last about quarter after six? A. Yes, sir.

Q. Was there a large, powerful man, a good deal under the influence of liquor in there? A. Yes, sir.

Q. Was he disorderly? A. Yes, sir.

Q. Did you try to eject him? A. Yes, sir.

Q. Did it result in a squabble in which you clinched and fell to the floor? A. Yes, sir.

Q. And then your bartender jumped over the bar and held the man? A. Yes, sir.

Q. Did you send out for a policeman at that time? A. Yes, sir; we did.

Q. Was he successful in getting one? A. No, sir.

Q. Who did you send out? A. The porter.

Q. What is his name? A. Peter Gaffney.

Q. Is that the man (directing a man to stand up)? A. Yes, sir; that is the man.

Q. Afterwards a policeman was brought in? A. Yes, sir; and the second trip; on the first trip there was none to be found.

Q. I was there and went out? A. Yes, sir.

Q. And I brought in a policeman? A. Yes, sir.

Q. Did the policeman take the man away? A. Yes, sir.

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

Q. Did Gaffney go with you? A. Yes, sir.

Q. On the way to the Leonard Street station-house, did you meet another officer? A. Yes, sir.

Q. Do you know that officer's name? A. Yes, sir; I know his name.

Q. What is it? A. Redmond.

Q. Was Gaffney with you? A. Yes, sir.

Q. Did Gaffney say anything in the presence of Redmond, on the way to the station house? A. He did.

Q. What did he say? A. He complained about the officer; the first officer; about his not coming in when he went for him; he said that the officer pushed him aside; that he told me on the street; and on the way down he told me about it; and wanted me to make a complaint against that policeman for doing it.

Q. Did Gaffney, in the presence of the other officer, say that you ought to make a complaint against the officer who did not come in when he was called? A. Yes.

Q. This man with whom you had the trouble was locked up, was he not? A. Yes, sir.

Q. You came back to your place? A. Yes, sir.

Q. And Gaffney came back to the place with you, did he not? A. Yes, sir; he did.

Q. What time did you close? A. About 20 minutes of 8 o'clock, I think it was.

Q. Who closed the place? A. The porter and myself.

Q. Gaffney? A. Yes, sir.

Q. Was Gaffney sober? A. Yes, sir.

Q. What time did Gaffney leave there? A. He left about 20 minutes of eight or a quarter of 8.

Q. When did you next see Gaffney? A. I did not see him until the next morning in the Tombs.

Q. And he was there in charge of what officer? A. In charge of Officer Redmond.

Q. The officer who joined you on the way down? A. Yes, sir; that officer.

Q. And in whose presence Gaffney said that you should make a complaint against officer No. 876 who came in? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. What is the name of the man that you had the fight with? A. He gave his name as William Jackson.

Q. Would you know him? A. Yes; I have known him for a number of years.

Q. That is the name you have always known him by? A. No, sir.

Q. What name have you known him by? A. He did not wish to be known by his real name; of course, if you insist upon it, I will answer and give his right name; I will give it if you say so, but would rather not.

Q. No, you need not. A. He is well known in town.

Q. I do not care about his name? A. Well, he did not want his real name mentioned.

By Senator Cantor:

Q. He got the worst of it? A. Well, he is a big man; he scratched me a little bit.

Mr. Ransom.—The newspapers gave a good account of it, and they made the statement that you were the victor, notwithstanding you were the smaller man.

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

Direct examination by Mr. Jerome:

Q. Where are you employed? A. At Mr. Dillon's cafe, at the corner of Chambers street and Broadway.

Q. The place of which Mr. Kosmack is the manager? A. Yes, sir; that is the place.

Q. Were you there night before last, at about a quarter after 6? A. Yes, sir.

Q. And you saw the row that took place there at that time? A. Yes, sir.

Q. Did you go out for an officer? A. Yes, sir.

Q. Where did you find an officer? A. At first I did not find any officer at all.

Q. Did you go out again? A. Yes, sir; and then I found an officer.

Q. Where did you find them? A. About middleway of the block, between Chambers and Reade streets.

Q. What did you say to him? A. I told him there was a row inside of the saloon there, and begged him to go in there, and he pushed me back and said that he was talking to his friend.

Q. Who was that officer; was he number 876 that came in? A. I don't know his number.

Q. Then you came back to the saloon, did you? A. Yes, sir; I came right back then.

Q. Then you went back with me? A. Yes, sir.

Q. And the officer also came? A. Yes, sir.

Q. Then did you go with Mr. Kosmack to the station house? A. Yes, sir.

Q. On your way down, did you meet Officer Redman? A. Yes, sir.

Q. What did you say, if anything, about Mr. Kosmack making a complaint about the officer who refused to go in, in the presence of Officer Redmond? A. I told Mr. Kosmack that he should make a complaint against the officer as well as the other man.

Q. What time did you close up there that night at Dillon's? A. About 20 minutes or a quarter of 8.

Q. Were you sober when you left there? A. Yes, sir.

Q. Where did you go from there? A. I went down to Church street, from Chambers.

Q. What were you doing there? A. I stood there waiting for a friend of mine.

Q. What was his name? A. Edward Walton.

Q. How long did you wait there? A. About half an hour.

Q. What happened to you while you were waiting there? A. I was standing on the corner and the officer came up in front of me.

Q. What officer was that? A. Officer Redmond came in front of me, swinging his club, and I was watching him, and he said, "What are you looking at here;" I told him that was my business; and he asked me what I was looking at again; and I told him that was my business over again; and with that he grabbed me and turned me around on the sidewalk; and I told him he had no charge against me, and he had no business to arrest me; and he blowed for another officer; and another officer came up and they both took me to the station-house; and on our way going down, when we got to Ridge street and West Broadway, the officer who assisted him, I don't know his name or number, he

"Leave him to me and I will have a cinch on him; he is a

Q. What then happened? A. I went down to the station house and they put in a charge against me of drunk and disorderly and disturbance; and I stood before the sergeant and I asked him if I was drunk; and he says, "Take him down stairs."

Q. Then the next morning, did Officer Redmond take you to the Tombs? A. No; not the same officer who was there, who took me out; they put me in a little room there, and then the officer came and took me to the judge.

Q. Did Officer Redmond appear there against you? A. Yes, sir;

Q. And you were fined five dollars? A. Yes, sir.

Q. Were you drunk? A. No, sir.

Q. Were you doing anything on the corner there, except waiting for your friend? A. No, sir,

Cross-examination by Mr. Nicoll:

Q. Were you ever called a "fresh kid" before? A. Sometimes, maybe; not by a police officer, though.

Q. You were never called a "fresh kid" by a police officer before? A. No,

Q. But you have been called by others a "fresh kid?" A. Yes, sir.

Mr. Ransom.—If the committee please, I move seriously, and I do not mean to move in any other way before this committee, or to make any proposition or suggestion unless I mean it, and I do now most seriously move that you direct the testimony of these two witnesses to be stricken from this record; it has no more to do with this investigation than the Declaration of Independence; it is absolutely immaterial.

Chairman Lexow.—It will only be taken for what it is worth.

Mr. Ransom.—I make this motion before a committee of intelligent gentlemen, fair men, and men who will not allow their time to be taken in this way.

Senator Cantor.—The time has already been taken, and this is occupying more time.

Mr. Jerome.—Here was a rough-and-tumble fight going on, right on Broadway, at 6 o'clock in the evening, and you could not get an officer into the building.

Mr. Ransom.—I have tried to adapt myself and mean to adapt myself to the police of this inquiry, and the committee have allowed the gentlemen on the other side to put up witnesses on the stand when they frankly stated that it was for the purpose of fishing with the witnesses in order to get evidence, to see if they could not in some way enlighten this committee in regard to the police department, hence I made no objection to the testimony; but, now, after it is all in, it is so absurd I feel it ought to go from the record.

Senator O'Connor.—The evidence only tends to show or to prove that the members of the police force are inefficient, or do not respond when called upon.

Chairman Lexow.—The motion is denied.

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

By Mr. Jerome:

Q. What countryman are you? A. Austria.

Q. You were educated in the technical schools in Germany as a manufacturer of textile fabrics, were you not? A. Yes, sir; I was.

Q. How long have you been in this country? A. I have been here 13 years.

Q. When you came to this country, what business did you first go into? A. The wool business.

Q. How long were you in the wool business? A. Five years.

Q. After you left the wool business, what business did you go into? A. The beer business.

Q. As a collector for breweries? A. As collector and a keeper of saloon, too.

Q. Where did you keep a saloon? A. In Essex street.

Q. Whereabouts? A. No. 119.

Q. How long did you keep a saloon there? A. About six months.

Q. Then what business did you go into? A. I did not have anything to go into for a long time; I got into trouble with the district attorney's office.

Q. And the result of your trouble with the district attorney's office was, that you were sent to State's prison for seven years? A. Yes, sir; to Sing Sing.

Q. And when you had served your term and came out, what did you do? A. I went right down to Delancey street.

Q. Where? A. To No. 6 Delancey street.

Q. What did you do there? A. Kept a house.

Q. A house of prostitution? A. Called a lady boarding-house.

Q. It was a house of prostitution, was it not? A. It was.

Q. How long did you keep that house there? A. Until November.

Q. When did you go into it? A. In January.

Q. In January of what year? A. January, 1893.

Q. And you kept it until November, 1893? A. Yes, sir.

Q. Then what business did you go into? A. I didn't go into anything; since that time I am in the real estate business now.

Q. Did you not have a saloon after that? A. No, sir.

Q. Did you not have a saloon at Ninety-fifth street? A. I had a saloon at the same time.

Q. At the same time you had a saloon at Ninety-fifth street? A. Yes, sir.

Q. While you were at No. 6 Delancy street, of whom did you rent that house? A. Of Mr. Blatt.

Q. Do you know the houses Nos. 8, 10, 12, 14 and 16 Delancy street? A. Yes, sir.

Q. You knew at that time? A. Yes, sir.

Q. Were they all of them, houses of prostitution? A. Everyone of them.

Q. Did they all belong to Mr. Black? A. All belonged to Mr. Black.

Q. What rent did you pay for your house? A. We had to pay him \$140 a month; we only get \$70 now.

Q. How many girls did you have in that house? A. Six girls.

Q. What kind of a house was it, what was the price there? A. I suppose it was a dollar and a two-dollar house.

Q. Was it a dollar, or a two-dollar house? A. We had no fixed price.

Q. Were you at No. 6 Delancey street when Captain Devery became captain of that precinct? A. Yes, sir.

Q. How long had he been captain of that precinct before you saw him? A. He was there about three days.

Q. Where did you see him? A. He came to the house.

Q. He came to No. 6 Delancey street, did he? A. Yes, sir, he came to No. 6.

Q. What time of day was it that he came there? A. It was at night when he came.

Q. About what time in the evening? A. About nine o'clock, between nine and ten.

Q. Was he in citizen's clothes? A. Yes, sir.

Q. Was he alone? A. No; he had his wardman.

Q. Which one? A. Mr. Glennon.

Q. What did Captain Devery say to you, and what did you say to Captain Devery, and what was done at that house that night?

A. The first thing when he came in he said, "What is that big dog doing there?" I had a big dog there and I was afraid that somebody had made a complaint about it, as being wild and he sat down, and he says, "This is the wardman," he said.

Q. Pointing to Glennon? A. Yes, sir; "and I want you to know whatever he says is right."

Q. Did he say who he was? A. He said first, "I am the captain;" "I am the captain, and this is the wardman; whatever he says I want you to do; whatever he says is all right."

Q. What else was said? A. He saw a closet open with some wine and liquors in it, and he said, "What are you doing with these?" I said, "That is for my private use;" then he went away; he did not mention anything about any money to me.

Q. Did he take a drink there before he went? A. I offered him a drink, but I am not sure whether he had a drink or not; I guess we had a drink, but I am not sure; at least we had a smoke.

Q. Did you see Captain Devery after that? A. I did not see him any more.

Q. Did you see Glennon after that? A. Oh, yes, Glennon was there the next day already.

Q. Did Glennon come to your house the next day? A. He did not come there; he came down to Fensters.

Q. Did you meet him there? A. Yes, sir, in Grand street.

Q. Where did you first meet Glennon, after you saw Devery that night? A. The first was the next day in the station-house.

Q. Did you go to the station-house? A. Yes, sir.

Q. About what time of the day? A. In the afternoon.

Q. Did you see Glennon there? A. He was there in his private office, yes, sir.

Q. Will you tell what you said to Glennon?

By Senator Saxton:

Q. Did you go there by appointment to meet him in the station-house? A. Yes, sir.

Q. The day after the captain was there? A. Yes, sir; I said I would be around to-morrow.

By Mr. Jerome:

Q. What did you say to Mr. Glennon at that interview, and what did Glennon say to you? A. Glennon said the price is \$600 now.

Q. What did you say? A. I said, it only used to be 500.

Q. What did he say? A. He said he couldn't help it; that was the price, \$600.

Q. Well, go on? A. So he didn't get the money that day; he had to wait two days longer, and then he got \$300.

Q. Did you say to him that you did not have the money? A. I said that I could not pay him at once, until I got some money, and I would have it inside of three days.

Q. What did he say? A. He was satisfied.

Q. Did you make an appointment where you would meet him? A. Yes, sir.

Q. Where did you say you would meet him? A. In the station-house again.



Q. Then, three days afterward, you went to the station-house?  
A. No, sir; I sent some one down.

Q. Who did you send down? A. I don't want to give his name; he is a relative of mine, and I want to try and keep him away; he will come and testify if necessary; of course, Glennon can not deny that he got it.

Q. Did you go with him to the station-house? A. I did not.

Q. Did you give him any money to take to the station-house?  
A. Yes, sir.

Q. How much did you give him? A. Three hundred dollars.

Q. Was this man interested with you in the place? A. No, he was not interested.

Q. Did you see Glennon after that yourself? A. Yes, sir.

Q. Did you give him any money? A. After that he got \$100, and \$100 and \$100 again.

Q. How long after that? A. He got the whole money inside of one month.

By Chairman Lexow:

Q. Did Glennon, when you saw him the next time, admit that he had received the \$300? A. That was understood, anyhow; he did not say anything; if he had not got the money, he would have asked at once, before he asked before.

Q. When you paid him the rest, did you say anything about that making up the \$600? A. Yes, sir.

Q. He did not say to you then that he had not received the \$300? A. No, sir.

Q. When you said that made up the \$600, did he acquiesce?  
A. Yes, sir.

By Mr. Jerome:

Q. After this man had gone to the station-house with \$300 how long was it before you, yourself, saw Glennon again? A. About a week.

Q. Where did you see him? A. I met him in a saloon.

Q. You met him in whose saloon? A. Schiller's saloon, the corner of Christie and Delancey streets.

Q. What time of day was that? A. Night.

Q. What talk did you have with Glennon? A. We didn't talk anything, except the business was slow; I was not doing any business.

Q. Did you give him any money? A. No.

Q. You said your business was slow? A. Yes, sir.

Q. What did he say? A. He said it was slow everywhere.

Q. How long after that did you see him again? A. I didn't see him for a long time again.

Q. Did you give him any money yourself after that? A. No; I sent the money down; he got his \$600 in full.

Q. You sent the money down by this man whose name you do not want to give? A. Yes, sir.

Q. You sent him three times, each time \$100? A. Yes, sir; and the first time \$300.

Q. Was anything said about how much it was to be a month? A. Fifty dollars every month; that was understood.

Q. Did you ever give any of that money to Glennon? A. I sent it to him.

Q. Every month? A. Yes, sir; until last month, when we had to close on account of Parkhurst.

By Chairman Lexow:

Q. You said you gave him the \$50 a month; you say, "Of course, that was understood;" what do you mean by "Of course, that is understood?" A. That we had to pay \$50 every month.

Q. Do you mean that it applied not only to you, but to everyone in the business? A. To everyone.

Q. And you knew that fact? A. I knew that fact and that everyone had to pay the same.

Mr. Nicoll.—Does not the committee think, in the case of an ex-convict, that the rule of excluding hearsay testimony might be adopted with propriety.

By Senator Saxton:

Q. Was there any talk between you and Glennon about your paying \$50 a month? A. Yes, sir; before that.

Q. Was that the first time that you and he had talked the matter over, when the matter of \$600 was talked over? A. No; we so understood the \$50.

Q. Was anything said by you or Glennon? A. Yes, sir; the \$50 had to be paid.

Q. Did you ever pay Glennon, personally, any money whatever? A. No; I sent it down.

Q. Every time you sent it down? A. Yes, sir.

Senator Saxton.—I think, Mr. Jerome, you will have to find out by whom he sent it.

Mr. Jerome.—I know the man whose name he does not want to mention. I think I can supply that.

Chairman Lexow.—Get from the witness whether or not he met Glennon afterwards, and Glennon told him that he had received it.

Q. After the last \$100 that you sent, how long was it before you saw Glennon? A. It might be two or three weeks.

Q. Did you have any conversation with Glennon about this money that had been paid to him? A. Yes, sir; he said everything was all right now.

Q. That he had received the money? A. Yes, sir; that he had received everything.

Chairman Lexow.—Ask him for the conversation that passed between them.

Q. Where was this that you had this conversation with him, that he had received everything? A. That was in the saloon at Delancey and Christopher streets.

Q. What did you say to Glennon, and what did Glennon say to you? A. I said, "Mr. Glennon, you have got everything now; you are satisfied;" and he says, "Yes, but you know that is not my money."

Q. What did he say further? A. That is all, he says, "It is not my money," and I says, "It is rough that we should pay \$50 besides that, when business is so slow."

Q. What did he say? A. He said, "We can not help it, you must not think the money belongs to me."

Q. Did you ask him whose money it was? A. He did not tell me.

Q. Did you ask him? A. I did not ask him.

Q. Did he say whose money it was? A. He only said that the money was not for himself.

Q. Was he willing to make any abatement on the \$50 a month, because business was hard? A. No, sir.

Q. How long did this payment of \$50 a month go on there after Captain Devery came? A. He only had been there three months.

Q. Then for three months it went on? A. Yes, sir; because we had to close them on account of Parkhurst.

Q. During this time that Captain Devery was there, was there any trouble in the precinct about Dr. Parkhurst? A. We never had any trouble, but we had a tip once in a while to close.

Q. That was when the Parkhurst matter was going on? A. Yes, sir.

Q. Who gave you the tip? A. Some citizen; I don't know, some of the little politicians going around.

Q. Did not you get the tip every afternoon, whether you were to keep open that night or not? A. Yes sir; we got the tip about three or four o'clock.

Q. Every day? A. Yes, sir; sometimes not every day, but sometimes four or five right along; he would say, "You don't need

to close your house to night, but be careful; don't let strangers in."

By Chairman Lexow:

Q. Who gave you that tip? A. I could not tell you.

Q. Do you know whether he was connected with the police department? A. I know he was a man around there; I don't know how he came to do it, but he use to come and give us the tip; he was a man out of work.

Q. Was he the man that you first saw? A. No, sir; it was always the same man.

Q. Not the wardman? A. No, it was no official; it was a plain man.

Q. Do you know whether he was connected with the station-house, or laying around that station-house by day? A. I never saw him.

By Mr. Jerome:

Q. You kept that house open while Captain Devery was there, for three months? A. Yes, sir; I guess it must be three months, for in November I closed.

Q. Why did you close? A. We had to close, because we could not afford to pay such rent.

Q. The police did not close you then? A. The police did not close us, but they gave us a tip to close it anyhow, until further orders.

Q. Who gave you that? A. The same fellow.

Q. Told you to shut up, until you got further orders? A. Yes, sir.

Q. Then you went out of business? A. We waited for two or three weeks, and saw that it was no use of paying the next month's rent, so we went out.

Q. What did you pay for that house when you bought it? A. The house at that time cost \$3,500.

Q. About the furniture, what was that worth? A. Not over \$800.

Q. And the rest of it was paid for the trade? A. Yes, sir; for the good will.

Chairman Lexow.—Did you pay \$750 for the three months' business that you did there? A. We had to pay that; but we did not expect that we would have to be closed up in three months.

Q. The fact is, you paid \$750 for police protection in that time? A. Yes, sir; but it was supposed to be for one year.

Q. Did you have any conversation about that, as to the length of time that this \$600 license fee would cover? A. No; because they never came back and asked about it; the same captain never goes back for it the second time.

Q. How do you know all this? A. I know that from experience before.

Q. You had had previous experience? A. Yes, sir.

Q. Under other captains? A. I did not have it, but the lady that I had the house from; she had had it; but I don't want to bring her in here; I have nothing to do with other captains; the other captains have done just the same thing, but that is not my business; it was not with me.

Q. It was not with you, you say? A. No; I am only talking about Captain Devery.

Q. You say that other captains had done the same thing; that you know of other captains having carried it on? A. Yes; I know there have been two captains before.

Q. What are their names?

Mr. Ransom.—Is not this testimony only what this woman told him?

The Witness.—Yes.

Q. Do you not know anything about it yourself? A. No; that is with her; it is not my business; I only tell what I know.

Mr. Ransom.—He heard all this from the woman beforehand; I do not think that this committee intends to allow that to stand.

Senator O'Connor.—It seems to be a pretty well understood thing between these keepers and the police.

Mr. Ransom.—The committee does not intend to allow the witness to give testimony of what some other person has told him, does it?

Chairman Lexow.—Not for the purpose of fixing a fact; but for the purpose of fixing the names of witnesses who might be accessible to this committee, as the—

Mr. Ransom.—I have no objection to that, if that is the purpose of the evidence to inquire as to the names of other witnesses, for the purpose of bringing those witnesses here, but if it is to sustain the general charge, I think it ought not to go in.

By Mr. Jerome:

Q. How long had you been in this precinct, keeping a house at No. 6 Delancey street, before Captain Devery came in the precinct? A. I can not say; I only know it was from January to November.

Q. What other captains were there before Captain Devery? A. I do not remember.

Q. Do you remember Captain Cross being there? A. Yes, sir; he was there.

Q. And he had a wardman by the name of Smith? A. I did not know him.

Q. Do you not know that there was wardman by the name of Smith? A. I heard so, but I do not know him.

Q. Did you not see Smith? A. I might have seen him.

Q. Did you not see Smith at your house at No. 6 Delancey street? A. I am not positive about that.

Q. Do not let us have a misunderstanding about this matter at all. The protection that this committee extends to you is, so far as you are telling the truth, and no further. You saw the man Smith at your house in Delancey street, did you not? A. No, sir; he was there before—

Q. Did you meet him in the street? A. No, sir; I told you so before, that I had nothing to do with Smith; Smith was a gentleman, I told you that; that I had nothing to do with him.

By Chairman Lexow:

Q. You say that Smith was a gentleman? A. That is what I heard.

By Mr. Jerome:

Q. Was not Captain Cross captain of the precinct, during a part of the time that you ran this house? A. No, sir.

Q. Was Captain McLaughlin there? A. Yes, sir.

Q. Who was his wardman? A. I had nothing to do with him.

Q. Do you know his name? A. I do not remember his name.

Q. When did you first go in that house? A. In January.

Q. Did you see any policemen in reference to it? A. You must understand that when I came in the house it was opened already.

Q. When you went into the house, did you see any policeman in reference to it? A. No, sir.

Q. So you ran during all the time, until Devery came without seeing a policeman? A. Yes, sir.

By Chairman Lexow:

Q. You succeeded to the protection that the house was then receiving under the old proprietorship? A. Yes, sir.

By Mr. Jerome:

Q. Did you pay each month? A. Yes, sir; I did.

Q. Who did you pay? A. I paid it to the wardman.

Q. Each month? A. Yes, sir; \$50 each month.

Q. And you sent it by this man, whose name you do not wish to mention? A. Yes, sir.

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

Q. To be paid to the wardman? A. Yes, sir.

Q. And part of that time Smith was wardman? A. Yes, sir.

Q. And part of the time Captain McLaughlin's wardman was there? A. Yes, sir.

Q. Do you remember his name? A. No; we had two captains in that year.

Q. During this time did you have any trouble with the Gerry Society? A. That was long before.

Q. Where was that? A. That was over a year before.

Q. Whereabouts was that? A. In 6 Delancey street.

Q. Was that adjusted and arranged? A. Mr. Roesch settled the whole thing.

Q. How much did you pay to have Mr. Roesch settle the whole thing? A. That cost \$1,400.

Q. Who was the attorney for all these houses through there? A. There was only one attorney for all those houses, and that was Senator Roesch.

Q. Was there an officer there by the name of Ringler on that post? A. Yes, sir.

Q. He was there when you came back from State's prison? A. Yes, sir.

Q. Did Ringler know you had been in trouble? A. Yes, sir.

Q. Did you procure Ringler's transfer? A. A friend of mine went to Senator Roesch and he told Senator Roesch —

Q. Never mind what he said; you sent a friend to Mr. Roesch, did you? A. Yes, sir.

Q. And after that was Ringler transferred? A. Yes, sir; he was transferred to Houston street.

Q. Did you request his transfer? A. Yes, sir.

Q. To whom did you make the request? A. To Senator Roesch.

By Chairman Lexow:

Q. What were the grounds of his removal? A. I came from Sing Sing and I did not want anybody to know that I had been there, and he was the only man in this precinct who did know it.

By Senator O'Connor:

Q. Did you tell Mr. Roesch the kind of business that you were engaged in? A. I guess he knew it.

Q. Do you know whether he knew it or not? A. Sure, he knows he had the Gerry case.

Q. He had the Gerry case, involving the same proposition? A. Yes, sir.)

Q. The Gerry case against you? A. The time I was in jail; yes sir.

Q. What were the Gerry case? A. A girl was there who claimed to be under 16 years.

Q. Was it a charge of abduction?

Senator O'Connor.—What was this charge that he paid \$1,400 for?

Mr. Jerome.—That was a charge in reference to a girl being under 16 years of age.

The Witness.—Of that \$1,400, Senator Roesch got \$500.

Q. Was Mr. Roesch your counsel? A. Not my counsel; the lady who was there before I came in; the lady who kept the house before I came in there; I only came in in January.

Q. Were you fined \$500, and did Mr. Roesch get \$500? A. Yes, sir.)

Q. Who got the rest? A. I guess the lawyer, Mr. Levy.

Q. Did you go right in the same business again? A. I was not in the business then.

By Mr. Jerome;

Q. When was it that Mr. Devery came into that precinct? A. I can not tell you the exact date; but it must be three months; because in November I closed.

Q. Then he came in in about August, 1893? A. It must be about August, 1893.

Q. What captains did you have there before that? A. I do not remember the name; I think it was Captain McLaughlin..

Q. Do you not recollect Captain Cross being there? A. Yes, sir; but I had nothing to do with him. .

Q. Was Captain Cassidy there? A. He was there long before.

Q. While Captains McLaughlin and Cross were there, did these payments go on the same way, every month? A. Yes, sir.

Q. Did you send there this man? A. Yes, sir.

Q. You sent him to the station-house? A. Yes, sir.

Q. Do you remember a man breaking a glass in your door one night? A. Yes, sir.

Q. And three policemen coming in off of the Bowery? A. Yes, sir.

Q. What happened then; what did you do to the policemen? A. One from the Bowery came in, and he had no right to come up from the Bowery on this street, and he made a big bluff;



he wanted to have us arrested; he took his paper out, and put some names down, and one of the other policemen from Delancey street said, "Never mind, we will let that go; that is all right," and I gave him \$3, and he came back afterward and said, "What do you take me for," and I said, "You keep that for yourself," and I gave him \$6 more, and that made \$9 that I gave him.

Q. That was \$3 apiece? A. Yes, sir.

Q. And then he left? A. Yes, sir.

Q. And no complaint was made? A. Yes, sir; I told him, "I don't know why I should pay you every time you come in here, if we pay for our protection."

Q. What did he say? A. He said he didn't get any of that.

Q. Do you know those officers? A. I don't know their names, but I know the fellows.

Q. Did you have a saloon last year? A. Yes, sir.

Q. Where did you have that? A. At Ninety-fifth street, on the corner of Columbus avenue.

Q. How long after you opened and ran that saloon, did you get your license? A. I guess it took me two or three weeks.

Q. So you ran it for two or three weeks without a license? A. Yes, sir.

Q. While running that saloon without a license, did any police officer come to your place? A. The wardman did.

Q. What was his name? A. I don't know his name; there is only one wardman there, I think.

Q. What precinct is that? A. Captain Murphy's precinct; I don't know the number.

Q. Captain Murphy's wardman came to you? A. Yes, sir.

Q. What did the wardman say to you? A. He said he was sent around to make me close the house; somebody sent him, but he would not report me, if I made it all right; I did not have much money but I gave him \$5.

Q. What did he say to you? A. He said, "It is all right;" and I said, "I will try and get a license next Monday, or in a few days.

Q. Did he come there more than once? A. The next time he sent another man around.

Q. Who was the other man? A. Another wardman, I guess it was; they must have two.

Q. What did he say? A. I did not give him anything; I said, "I am getting tired of it; you can do your worst; my license is before the board of excise, and if I can not get it, it is not my fault."

Q. What then happened? A. The first wardman came back in.

Q. What did you do with him? A. I gave him only \$3 that time.

Q. What did he do? A. He said he was satisfied again, but he came in and had a bottle of champagne.

Q. Did he pay for it? A. He did not pay for it.

Q. Did he come in again? A. He came in a second time and had another bottle of champagne, after two hours.

Q. Did he pay for that? A. No, sir.

Q. Did you ever see either of the wardmen after that? A. I saw them a few days after that, but I did not give them anything.

Q. You did not give them anything after that? A. No, sir.

Senator Cantor.—How many wardmen are there in a precinct?

Mr. Jerome.—Two.

Q. You went to the excise board to get your license, did you?

A. Yes, sir.

Q. Who did you see down there? A. I went to George Krause's.

Q. Did you see anyone connected with the excise department?

A. I was introduced to some parties, and they said the best thing would be to spend a few dollars.

Q. Did you spend anything with them? A. I spent \$34.

Q. On champagne? A. Yes, sir.

Q. Was anybody connected with the excise department there?

A. Yes, sir; some were there, but I did not know them.

Q. While you were running this saloon without a license, did you see an excise inspector by the name of Green? A. Yes, sir; he came there.

Q. What did he say? A. He wanted some money.

Q. What did he get? A. I gave him \$3; I told him, "I can not give you any more now; come around some other time;" so he gave me his card for his private house, and told me to send him around some bottles of brandy.

Q. Did you send him around any brandy? A. I did not.

Q. Did you see Inspector Green again after that? A. Yes, sir; he was there, afterwards.

Q. Before you got your license? A. Yes, sir.

Q. Did you have any conversation with him then? A. Yes, sir; I told him I had forgotten to send the bottles of brandy around to his house.

Q. Did you give him any money the second time that he came? A. Yes; \$2.

Q. Did you send him anything then? A. No, sir.

Q. You did not send him anything at any time, then? A. No, sir.

Q. Did you see him again? A. Once more I saw him.

Q. Was that before you got your license? A. Yes; before I got my license.

Q. What happened then? A. I told him I would give him something the next week, but I was sure that I would have my