

By Mr. Goff:

Q. You presented a petition to the board of aldermen, did you not? A. Yes, sir.

Q. That is, the men in the trade? A. Yes, sir.

Q. Wasn't that petition to the board of aldermen the outcome of the dissatisfaction felt by the trade at the imposition of this sidewalk tax? A. I believe it was.

Q. You tried to get relief from that by appealing for legal right to occupy the sidewalk? A. Yes, sir.

Q. So there were a great many names to that petition, were there not? A. I think the trade generally signed it.

Q. And at that time, did you not meet with gentlemen in your own trade, at which this subject was spoken of, and talked about? A. Well, I don't remember any conversation at the time.

Q. Have you had any conversation with any merchants, excepting Mr. Roberts, on this subject? A. Oh, yes; a number of them.

Q. And all agreed that it would be a good thing to get relieved from this exaction? A. Yes, sir.

Q. Have you any knowledge or understanding, apart from positive knowledge; I don't ask for that, because that is impossible, under the circumstances; but have you any knowledge, from the general concensus of opinion, where this money goes to? A. No, sir; I have not.

Q. All you know is that it goes to the police? A. That is my impression.

Senator O'Connor.—He knows it was paid, anyway.

Mr. Goff.—Oh, yes; he knows it was paid; he has so stated.

The Witness.—That is a fact.

By the Chairman:

Q. Have you ever come in contact with the captain of your precinct? A. I have not, sir.

Q. When the policeman on duty there interfered with you in the use of the sidewalk, did he ever bring in the captain as the source of his interfering with you; did he ever speak of the captain as having ordered him to remove the encroachments or incumbrances, or words to that effect? A. The only interference was a notice from the court to appear.

Cross-examination by Mr. Ransom:

Q. You assented, Mr. Smith, to a suggestive question last put by Mr. Goff to you, that you knew that money had been paid to the police, or that that was your impression? A. Simply my impression.

Q. You have no knowledge of that fact? A. No, sir.

Q. You don't mean to so testify? A. No, sir.

Q. All you know is that money was put in an envelope and left by you with your neighbor, Mr. Roberts, on his desk? A. Yes, sir.

Q. And you know nothing more about it than that? A. No, sir.

Q. Now, isn't it a fact that the use of the sidewalk by the merchants and by yourself and by others in your trade, as they do use it, makes the sidewalk really an annex for a part of your own store for the purpose of storing the goods that are there deposited? A. Well, not so much as a place of storage as a place of transfer.

Q. Well, for the time being? A. For the time being.

Q. And during your business hours of the day, the sidewalk in front of your premises, and all others generally engaged in your trade, is substantially obstructed by your goods, is it not? A. Not at all times.

Q. Isn't it so most of the time during your business hours of the day? A. Well, our business hours, understand, are from 12 o'clock at night down.

Q. Down to what time? A. To anywheres from 7, 9, 10, 11 o'clock.

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

Senator O'Connor.—Judge, if that is true, isn't it worse to sell the privilege to block up the sidewalks and inconvenience the public, when the city derives no benefit from it?

Mr. Ransom.—Well, that is a question that I do not think either you or I will ever be called upon to decide in this investigation.

Senator O'Connor.—Probably not.

Mr. Ransom.—I am not inquiring—

Senator O'Connor.—Seems to me the more you show the sidewalk was blocked up, the more iniquitous it is for the police to sell the privilege.

Mr. Ransom.—I do not think so. I have another purpose in mind, which may be a very stupid one, but, still, I think I am right about it.

Q. Then, from 12 o'clock at night, until about 12 o'clock the next day, the sidewalk is substantially obstructed by your goods and others in your trade? A. Not at all times.

Q. It is so most of the time? A. Part of the time; I wouldn't say all the time; part of the time it is obstructed.

Q. When you say a part of the time, of course, I want to know what part; whether it is nearly all the time or whether it is a small portion of the time? A. If you will allow me to explain, I will do so.

Q. Certainly? A. At times, we have a great deal of stuff coming in from 10 o'clock until 5 or 6 in the morning, which will not strike the sidewalk at all; it depends upon the market; if the market is active, it is taken right off the trucks; at other times, we have got to take it off, place it on the sidewalk, rehandle it, mark it and ship it.

Q. Well, the necessities of your business, according to the dimensions of your store, demand the use of the sidewalk by you as a merchant, do they not? A. Yes, sir.

Q. Now, you are aware, are you not, as a citizen, that the sidewalk is intended for the exclusive use and accommodation of pedestrians on the street? A. Yes.

Q. And that when you incumber that walk with your goods, you are really trespassing upon the rights of the pedestrians, are you not? A. Undoubtedly.

Q. Now, if you should enlarge the area of your store, or should rent more space for your business, and would have more store-room, it would be unnecessary for you to incumber the sidewalk, would it not? A. Yes, sir.

Q. And by using the sidewalk, as a part of your store, you save a considerable rental, do you not, in your business? A. I can not say that we do.

Q. Isn't it a good deal more than \$25 a year? A. I can not say that it is.

By Mr. Goff:

Q. As a matter of fact, as Judge Ransom has brought out that you occupy the sidewalk that belongs to the public; the policemen are perfectly willing that you should occupy it, provided you pay them? A. I guess that is the state of the case.

Q. Instead of you having to lease increased space, as Judge Ransom has adroitly put it, and pay an increased rent to the landlord, you pay, practically, the rent to the policeman for the sidewalk? A. Yes, sir.

By Mr. Ransom:

Q. Mr. Smith, you assented to that last question; you didn't mean that upon personal knowledge, did you? A. What is that?

Q. His last question; didn't you hear it; you assented to that last question of Mr. Goff? A. Now, let me explain that.

Q. Don't you explain anything, but answer my question, please; you assented to Mr. Goff's testimony; he testified that you practically paid your rent to the police, and you said yes; do you mean that? A. No, I don't mean it; the matter of utilizing a

sidewalk is a matter of convenience to us; we could put the goods in the store, but it would cost us so much more labor, carting them in and out, so much further; now, by utilizing the sidewalk, it saves time.

Q. Certainly, and money? A. Not so much money as the time.

Q. Well, time is money? A. At certain times it is; if it is, we have got plenty of money.

By Senator O'Connor:

Q. Is that all the explanation? A. I think that is all.

Q. Do you find that if you don't make the payment you can not use the sidewalk? A. If we didn't make the payment we got notice from the corporation.

Q. By making the payment you don't get interfered with? A. That was the understanding.

By Senator Bradley:

Q. It wouldn't make any difference if you had three stores there, in order to carry on your business you would have to use the sidewalk more or less? A. We would use the sidewalk all the same.

Q. No matter how many stores you had, you would use the sidewalk just the same? A. As a matter of convenience.

Mr. Ransom.—He said he would use the sidewalk.

Senator Bradley.—He had to use it.

By Mr. Ransom:

Q. It would, I suppose, be convenient if you could carry your goods out into the middle of the street and drop them there?

A. At times we do.

Q. You do? A. Very near the middle.

By the Chairman:

Q. You stated a moment ago, in answer to Judge Ransom, that you didn't of your own personal knowledge know where the money went? A. I do not.

Q. But when you deposited the money in the envelope, you knew where it was to go, didn't you? A. I had an impression.

Q. You had an understanding where it was to go, didn't you? A. Yes, sir.

Q. Your understanding was that it was to go to the police? A. Yes, sir.

By Senator Bradley:

Q. Just the same as if you directed a letter and put it in the lamp-post box? A. The same.

By Mr. Ransom:

Q. You got that understanding from Roberts? A. Yes, sir.

By Senator O'Connor:

Q. If you couldn't use the sidewalk the way you were permitted to do, you would have to increase your business facilities and employ more help? A. We would have to do business inside the store.

Q. That would naturally make a larger place to do business in and more help? A. I think the same help would do the work, but we would have to do it inside the store.

Q. Of course these privileges you enjoyed were a benefit to the storekeeper? A. It is an old-established custom.

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

Q. And instead of paying the city you paid it to some unknown department; you can not exactly say?

J. Albert See, called by the State as a witness, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Fruit and produce.

Q. Where is your place of business? A. No. 320 Washington street.

Q. How much of a frontage do you occupy there? A. About 60 feet on Washington street, and 60 feet on Jay.

Q. How long have you been in business? A. Ten years.

Q. And occupied those premises all the time? A. No; about five years.

Q. Where did you occupy before that? A. No. 329 Greenwich street.

Q. You find it necessary, in the conduct of your business, to occupy the sidewalk more or less during certain hours of the day, do you not? A. Yes, sir.

Q. Can not get along very well without it? A. No, sir.

Q. All the merchants in your line of business, in your neighborhood, have to do the same? A. Yes, sir.

Q. Were you one of the gentlemen, or your firm, that signed a petition recently to the board of aldermen in relation to these sidewalk incumbrances? A. I don't think so.

Q. You heard of such petition, did you not? A. Yes.

Q. Have you had any complaints made against you for violation of corporation ordinance? A. Yes; I had one lately.

Q. Were you brought to court? A. Yes, sir.

Q. To the First District Court here? A. Yes, sir.

Q. Did you attend personally? A. No.

Q. Do you know the result of that case? A. Yes, sir.

Q. What was the result? A. I was fined \$7.50.

Q. Was that the only time you were ever proceeded against?
A. No, sir.

Q. You were complained of at other times? A. Yes, sir.

Q. Were you fined? A. No, sir.

Q. You were not fined? A. No, sir.

Q. Can you give us any particular reason why you were fined this last occasion and were not find on the other occasions? A. I don't know as I can; no.

Q. Was this last time since this committee sat in New York?
A. No; before that; about two months ago, it was.

Q. Since the appointment of this committee? A. I suppose so; yes.

Q. Before that you had been complained of, and had never been fined? A. Always excused; yes, sir.

Q. But the same state of things existed all the time? A. About the same; yes, sir.

Q. So that, if you deserved to be fined on the last occasion, you deserved to be fined on the other occasions?

Mr. Ransom.—That is a judicial inquiry which I suppose counsel ought not to indulge in.

Q. Now, do you remember that, before you were complained of this last time, that your name appeared in connection with some movement of the merchants, or something, to get rid of this? A. Yes.

Q. Did it not? A. Yes.

Q. Can you say that there was any relation between that publication of your name, protesting against certain oppressions and your being fined in court? A. I think it had something to do with it; yes, sir; I know it had.

By the Chairman:

Q. You know it had? A. Yes, sir.

Q. How do you know? A. Because there was one roundsman came around always after that; he said I was a Parkhurst man, and he was at me every day four or five times; I couldn't keep anything on the walk at all.

Q. He was watching your store all the time? A. Yes, sir.

By Senator O'Connor:

Q. And other stores were obstructing the walk? A. Yes, sir.

Q. And no attention paid to them? A. No, sir.

By Mr. Goff:

Q. They didn't interfere with them at all? A. They didn't seem to; I was called at the time.

Q. What was this roundsman's name? A. I couldn't tell you.

Q. What precinct was he attached to? A. Leonard street.

Q. Did he say anything to you about squealing or making trouble for the police? A. No.

Q. Simply said that you were a Parkhurst man? A. Parkhurst man; "Remove your goods, or you will be arrested;" I always did move them right in.

Q. Before that you used to have visits from the police, used you not? A. Oh, only once a year; that is all.

Q. What was that for, for the annual rent? A. That was it; yes, sir.

Q. The annual rent? A. Yes, sir.

Q. What was the policeman's name; Kelly, wasn't it? A. That is right.

By the Chairman:

Q. What is his first name? A. I couldn't tell you.

Mr. Goff.—We know his first name. His name is Officer James Kelly.

By Mr. Goff:

Q. When Kelly first visited you, you had some little disputation about the price you would have to pay to Kelly, did you not? A. That is right.

Q. He wanted to raise the ante, didn't he? A. Yes, sir.

Q. How much? A. He wanted \$50.

By the Chairman:

Q. Instead of what? A. That was what he asked in place of nothing; before Kelly came around there was another man came around.

Q. What did you pay then? A. About \$15.

Q. You paid about \$15 before? A. Yes, sir; \$5 at a time.

Q. Three times a year? A. Yes; most any time.

By Mr. Goff:

Q. Who was the other officer? A. I think his name was Park.

Q. About how long ago was it since Kelly first came around to you? A. About two years.

Q. When he came around did you tell him what you had been in the habit of paying? A. No.

Q. Did he ask you? A. I think he did.

Q. You told him then, did you not? A. Yes; he knew; I ain't positive whether he asked or not; he knew without asking me.

Q. Did he tell you that that place would be worth \$50? A. Yes.

Q. Did you agree to give him \$50? A. No; I told him I was a retailer, not a large receiver, and I only wanted about half what the others paid.

Q. What the big wholesalers paid? A. Wholesalers; yes, sir.

Q. Did he say that the wholesalers in the neighborhood were paying \$50? A. No; he didn't say that.

Q. He didn't say what they were paying? A. No.

Q. How was it that you came to strike after? A. Because I was doing about half the business.

Q. Did he tell you what that \$50 was to be paid for? A. No; I knew that.

Q. What was your knowledge on that subject? A. It always was that way, ever since I have been in the business; we always had to pay for the use of the walk.

Q. Always had to pay for the use of the walk since ever you have been in the business? A. Yes, sir.

Q. How much did you agree to pay him? A. Twenty-five dollars.

Q. Did you pay him \$25? A. Yes, sir.

Q. Every year? A. Yes, sir.

Q. How did you pay him? A. I put it in an envelope.

Q. Did you hand it to him? A. Yes, sir.

Q. He came around for it? A. Yes, sir.

Q. And, under that condition of affairs, you never had any difficulty at all, until roundsmen came and annoyed you? A. Yes; I did; once in a while we would be bothered.

Q. Nothing ever came of it? A. We would have to go to court, and appear like others, and we were excused.

Q. Did you ever say anything to Kelly about your being bothered and paying him at the same time? A. No, sir.

Q. Never make any complaints about that? A. No, sir; I just sent my man to the court, and if there was any fine, he would pay it, and that is all there was to it, if there was not any, it was all the same.

Q. When did you give the last annual rent to Mr. Kelly? A. A year ago.

Q. What part of the year was he in the habit of collecting? A. I think it was April; I ain't sure.

Q. In April? A. Yes.

Q. He has not collected this April, has he? A. No, sir.

Q. The Senate committee is in session?

Mr. Ransom.—You don't mean that they collect it, do you?

By the Chairman:

Q. How did you come to put it in an envelope? A. He requested it.

Q. He asked you to do it? A. Yes, sir.

Q. At the time you made the original agreement with him? A. Yes, sir.

Q. Did he state any reason why he wanted it put in an envelope? A. No; he said he had nothing to do with it; he said he was working under orders; that is all.

Q. He said he had nothing to do with it; he was working under orders? A. Yes, sir.

Q. Did he tell you under whose orders he was working? A. No, sir.

By Mr. Goff:

Q. Did he tell you where he put it? A. Yes, sir; in a drawer in the station-house.

By the Chairman:

Q. And that that was the reason why he wanted it in an envelope? A. No; there was a business card in the envelope.

By Mr. Goff:

Q. That is, your business card?

By the Chairman:

Q. Did you hand it to him each time? A. Yes, sir.

Q. He would come around for it? A. Yes, sir.

Q. Did you have any words at the time of handing it to him? A. I put him off maybe a half a dozen times, and told him I didn't have it, but he would come persistently until he got it.

Q. Did you see whether he had any other envelopes of a similar character in his possession? A. No, sir.

Q. Did you see him pay some visits to your neighbors? A. There is nobody in our business right near me.

Q. Or in any other business? A. No.

By Mr. Goff:

Q. Didn't Officer Kelly say to you that he had nothing whatever to do with it; that all he had to do was to put the envelope in the drawer of the station-house; is that so? A. Yes, sir.

Q. You associate with a good many merchants in your trade? A. Yes, sir.

Q. Is it not commonly understood and accepted all around that all the merchants have to pay in the same manner that you have had to pay? A. Not all of them; some of them do.

Q. What exceptions are there? A. Some say they never pay.

Q. Do you know of any exceptions made on the ground of belonging to any political party in the city? A. No, sir.

Q. Did you ever hear him say why it was they didn't pay? A. Sometimes in a joke we might, but I don't know whether it is true or not.

Q. Joking that they didn't pay? A. Yes, sir.

Q. But as a general thing you have heard it spoken of among the merchants in your business that every merchant had to pay for the use of the sidewalk? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. When was it that Kelly told you that he had nothing to do with the envelope or the payment, excepting to put it in a drawer in the station-house? A. When he first came around.

Q. Can you fix the date? A. I could not.

Q. Can you fix the year? A. Two years ago.

Q. What time of year? A. I think it was the 1st of April.

Q. Was that the first time you had ever seen Kelly? A. Yes, sir.

Q. Do you remember who was present when you had this conversation with him? A. Nobody.

Q. Where was it; in your store? A. On the sidewalk.

Q. At your store? A. Yes, sir.

Q. Nobody present? A. Not as I know; no, sir.

Q. How much money was it that you had in that envelope at that time? A. Twenty-five dollars.

Q. You gave the envelope to Kelly? A. Yes, sir.

Q. From your own hand? A. Yes, sir.

Q. All the payments that you made, as I understand your testimony, were made directly through yourself to Kelly? A. Yes, sir.

Q. Did you ask him any questions when he told you that all he had to do with this envelope of money was to put it in a drawer at the station-house? A. I don't think I did.

Q. You didn't feel any curiosity on the subject? A. No, sir.

William Mayston, a witness called by the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Your name is Mayston, is it not? A. Yes, sir; William Mayston.

Q. What is your trade? A. I deal in all kinds of cutlery ware.

Q. In other words, you are a peddler? A. Well, during the summer I peddle, and during the winter I canvass; peddle whips in summer and scissors, and so forth.

Q. When you peddle in New York here, you have to have a license, do you not? A. I do.

Q. Have you ever made use of a pushcart? A. No, sir; I carry a satchel with me, and sell from my satchel.

Q. Did you ever make use of the pushcart? A. No, sir.

Q. Did you ever sell on Fulton street? A. I did.

Q. Between what blocks? A. Between Nassau and the next.

Q. Nassau and William? A. Yes, sir.

Q. The one to the east? A. On the down-town side.

Q. That is a street occupied very much by pushcart men, is it not? A. There is six of them stationary in one place all day.

Q. Six of them? A. Stationary all day; that is the only six that can stay there; there is others there, but moving all day.

Q. Six permanent ones? A. Permanent all day.

Q. Who allows them to stay there? A. The captain from the First precinct.

Q. Do you know his name? A. Devery.

Q. He allows the six peddlers to occupy that block and will not permit any others to occupy that block? A. That is what the two officers on that beat told me when I tried to stay there myself.

Q. You tried to sell there, did you not? A. I did sell there.

Q. What did the officers do? A. One man, I found out once, from the Second precinct, knew that I had trouble with Captain O'Connor; he went up to this officer and whispered to him, and he came deliberately over to me, and said, "You son-of-a-bitch, get out of here."

Q. You say you saw a man you had trouble with in Captain O'Connor's district? A. Yes; in citizen's dress.

Q. A sort of a wardman? A. Yes, sir.

Q. He saw you down here in Fulton street? A. He did.

Q. He knew you? A. He knew me by sight.

Q. You saw him give a whisper to a policeman? A. Yes, sir; at the corner of Nassau street.

Q. What was the result? A. He walked over to me.

Q. The policeman? A. Yes, sir; he said, "You son-of-a-bitch, you go away from there, or I will take you down to the house."

Q. What did he say? A. He said, "You son-of-a-bitch, you go away from there, or I'll take you down to the house."

The Chairman.—Down to the house?

Mr. Goff.—That is what the station-house is called.

Q. What next took place? A. I got away; I went again the next day.

Q. You went again the next day? A. I did; a different man on the post.

Q. A different policeman? A. Yes, sir.

Q. Did anything occur the next time? A. Yes, sir; he did the same thing; I made sure the next day that I would stand between the pushcarts.

Q. You got between those six pushcarts? A. Yes, sir; they all pay \$3 a week to stand there.

Q. They pay \$3 a week? A. Each man.

Q. How do you know that? A. I have had the information from them.

Q. From the pushcart men themselves? A. I have.

Q. That they pay \$3 a week for the privilege of standing there? A. Some of them haven't even a license; I had, and I had my badge exposed, and I was allowed to stand there anyway 10 minutes.

Q. These six men who hadn't any license were privileged to stand there, and you who had a license were chased away? A. Was chased away; when he approached me and told me to get away from the block, I gave him a game of talk; I wouldn't move; I said, "Why don't you move these men that are next to me?" he said, "Now, it is no use giving me an argument; my orders are from the captain that these men are to stay here; they have got a permit from the captain, and that is my orders from the captain's desk;" I said, "Is that so; I didn't know the captain could give a permit; I will get one myself;" I went down to see Captain Devery; he was sick in bed; sick, away somewhere; I saw the man had charge behind the desk.

Q. The sergeant? A. No; I don't know; one was a roundsman, I know; whether the man behind the desk was a sergeant I couldn't say; I could recognize him; I spoke to him about it; I asked him for the man's name, and number, that was doing

duty on Fulton street, between the hours of 12 and 2 in the afternoon; he refused to give me the man's name and number; he said, "What do you want to know for;" I said, "It is immaterial; I would like to know;" he said, "There is more than one man does duty there;" I said, "Give them to me all, and I will find out who it is;" he refused to give it to me; I wanted to get the names of the men that chased me and the man that I had quite a conversation with; he refused to give me the names and numbers; I said, "If you don't give it to me, I will know where to find it out; I will go and see Superintendent Byrnes; I will find it out there;" I knew I could reach him very well through the trouble I had in Church street, but I thought the best way was to settle it down there, and I got near the door and went back; I said, "Maybe before I go to Superintendent Byrnes, we may save you any trouble yourself; I don't want to bring charges against you people down here;" I said, "Maybe I better tell you my name," and I showed him a subpoena I had to appear before the grand jury against Captain O'Connor; he said, "Are you Mason?" this man behind the desk; he took me in his private room and asked me what the trouble was; I told him; he says, "I will see that man in half an hour from now; you can go up there and stand there a while;" I told him my name; he said, "Are you against Captain O'Connor?" I said, "Yes;" he said, "All right, I will attend to that right away;" I saw the same man that chased me from Fulton street, the next day; I said, "Did the sergeant at the desk, or the captain, say anything to you about my standing here?" he said, "No; the captain didn't say nothing to me," but I stood there and sold notwithstanding; he walked by.

By Senator Bradley:

Q. He didn't use any more poetry to you? A. No, sir.

By Mr. Goff:

Q. You were allowed to stand there? A. Yes, sir.

Q. Have you had any more experience, as a dealer or peddler, with the police in this city? A. Yes; they hound me every day now.

Q. Why do they hunt you now? A. I will tell you one experience; I have given more scissors to policemen than would supply all this room, I think.

Q. What did you give up scissors for? A. For staying on the street.

Q. You sell those scissors and make your living by selling them? A. I do.

Q. And do you mean to tell us that the policemen on the street will take your scissors from you? A. No; not directly.

Q. How is it done? A. The last man I gave it to was on Broadway, at the corner of the Safe Deposit Vaults; I stood in that little alleyway; there was two of them came; there was one of the Broadway squad men, and there was a regular duty man going down Broadway, and they both bled me; that is, one bled me, and the other didn't get his.

Q. To what extent? A. He asked me if they were any good; I said, "Yes; they cut all right;" of course, they will cut for the time being.

Q. You didn't sell them for anything else? A. I sell them to make money; that is all I am looking for; he says, "Leave me a pair with the Italian across the street;" I said, "All right;" I left them with him.

Q. You left a pair with the Italian? A. He put them under his cushion on the chair and gave them to him afterward; the other man came around and asked me if they were any good; he said, "They are a little too large for me;" he said he wanted a pair for his nails; I said, "I haven't got any;" he asked me to bring him a nice pair of steel scissors, and he is waiting for them yet on Broadway; I think he will wait; another came along to sell there; another fakir came along selling pens that you can put your foot on and write with at the same time; he stood there and was chased, while I stood there; he said he was a nuisance and I was not.

Q. The man with the pens was a nuisance? A. The copper came around and told me, after he chased him, "You're all right; you are not a nuisance here but that fellow is;" I stood there until I sold out.

Q. He didn't get any scissors then? A. I gave one pair to the Italian, and the other man is waiting for his yet.

Q. It was the same officer to whom you gave the scissors through the Italian, who told you you were not a nuisance? A. That is right, the Broadway squad man.

Q. Have you had any experience with other policemen? A. Oh, yes; down in Nassau street, William street.

Q. Tell us those? A. Cedar street; they all got a pair of scissors.

Q. So you have been quite liberal in the distribution of your favors among the policemen? A. Yes; they didn't cost me very much, and I was very glad to give them.

Q. What did you get in return for giving the policemen the scissors? A. Stood there until I sold out.

Q. Did you ever refuse to give the scissors? A. Only this man on Broadway.

Q. That is the nail scissors? A. Yes, sir.

Q. You don't deal in those, do you? A. I do when I get a job lot.

Q. Don't you think it would be a desirable thing to keep out of that policeman's way? A. No; I can go and stand there to-morrow; he will be satisfied.

Q. What about the scissors? A. If I give him the scissors, it will be all right; I can stand him off; some of them were very ugly; wouldn't take a pair of scissors.

Q. Would they take anything else? A. No; I never gave any money; I made up my mind I wouldn't give any money; I could afford a pair of scissors, but I couldn't afford to give them money; one of them got a straw hat this afternoon; he got a straw hat from a man on Nassau street near Ann, and your friend, Mr. Moss, was standing right near; I was going to call his attention to it.

Q. Who got a straw hat? A. A man doing duty on Nassau street.

Q. From whom did he get the straw hat? A. A peddler.

Q. This afternoon? A. This afternoon, during intermission; my friend, Moss, was standing on the corner.

Q. Did Moss get a straw hat? A. I don't think so; I think he was standing there picking his teeth.

Q. How many years have you been carrying on your little peddling business in New York? A. Only about a year.

Q. What were you at before that? A. All kinds of things; one time I was a dock rat down town.

Q. What another time? A. Well, I worked in the Hoffman cafe down in Beaver street; I worked there some year or year and a half; I worked in 122 Nassau street a year and a half; steward there; Thomas F. Delaney, a Tammany Hall man, kept it; and I worked for John A. P. Fiske, in Broad street.

Q. Have you ever been arrested? A. No, sir; I haven't been arrested.

Q. Or convicted of a crime? A. Oh, yes.

Q. What was the crime that you were convicted of? A. But I was not arrested; I gave myself up.

Q. What was it about? A. Well, some lady accused me of stealing her pocketbook; I accompanied her to the station-house.

Q. What was the result of that little transaction? A. Well, when they got me in the station-house, they searched me, and kept me there, and they got some fellow to try to come to swear

that I had stolen this pocketbook; and when I got up to headquarters — I was very green in them days; I didn't know what it meant to plead, or anything else — they told me if I plead, I would get off all right — the court officer; I done as he said; I plead; the judge gave me Elmira Reformatory, and I am very glad I went there, for there is no better place on earth than Elmira Reformatory; paddling does you good.

Q. Then, you did get paddled? A. Yes; and it did me good; it keeps you out of bad company, after you have been in there once.

Q. How long were you in Elmira? A. I served my time; two years.

Q. How old were you when that occurred? A. I couldn't say; it is quite a number of years ago.

Q. How old are you now? A. I am about 32 or 33.

Q. A New York boy? A. I don't know where I am from.

Q. Do you know where you were born? A. I was born on the other side; in Europe somewhere.

Q. But you spent most of your life in New York? A. Oh, yes.

Q. You spoke a little while ago about a man in citizen's clothes recognizing you, that you had trouble with Captain O'Connor? A. Yes, sir.

Q. What trouble was that? A. About what?

Q. You spoke a little while ago about an officer on Fulton street, who was in citizen's clothes, recognizing you as having had trouble with Captain O'Connor? A. Yes, sir.

Q. What trouble was that? A. About having the poolrooms down in the First precinct.

Q. About having the poolrooms in the First precinct? A. Yes; there was another man yesterday that bothered me while I was trying to make a sale of whips; I had a lot of whips in the courtroom here; I am dealing in whips and harness, and I was trying to make a sale in a livery stable on Greenwich street last night, about 6 o'clock; this wardman came around Church street, and he queered me from making a sale of a whip; he came along, and said, "Ain't your name Mayston?" I said, "Yes;" he said, "Well, you are a fine son-of-a-bitch, to going around selling whips; have you got so low as that?" I said, "I don't care what I do to make an honest living; I am not afraid of you or anybody else;" I told Superintendent Byrnes that; that I was under no obligation to the police; that I made a decent living.

Q. What did the wardman say to you after that, last night? A. That is all he said; he said, "It is a pity you don't come around late at night;" I said, "I am going to do that, and I

am going in front of the Church Street station; there is a stable gang around there.

Q. About this trouble with Captain O'Connor and the pool-rooms; what was that? A. I have been playing horse-races for the last 15 or 20 years.

Q. Playing them right up to date? A. Played it yesterday.

Q. On the Suburban? A. No, sir; I played Kildeer in the last race yesterday.

Q. How did you come out? A. He run third.

By Mr. Ransom:

Q. What did you play for, straight or place? A. I played him to win.

By Mr. Goff:

Q. You have been playing the races for, say, 12 or 15 years? A. Yes; more than that; the first time I ever played the horses was at the English Derby.

Q. Were you in England then? A. I was at that time.

Q. So you got the habit in England? A. Yes; that is where I caught the fever.

Q. You brought it with you from there here? A. Yes, sir.

Q. Do you find any difficulty in getting into poolrooms in New York play? A. No; I can get in anywhere.

Q. They are very scarce, are they not? A. Not just now; they are in the Second precinct.

Q. Were they scarce up to a few months ago? A. No, sir.

Q. Plenty? A. Oh, yes.

Q. Are there plenty in New York running now? A. Yes; not half a block from here. (Witness turning his head to the east.)

Q. I saw you stretching your neck; did you think to see the poolroom from the courtroom here? A. I can pretty near see it from here.

Q. Where is it? A. On the next corner.

Q. Centre street? A. Yes, sir.

Q. And Chambers? A. Yes, sir.

Q. Who runs that? A. Mahoney, I think; I can soon tell you (witness refers to a book); 23 Chambers street, Mahoney, second floor up; just go up there, and if you carry a pink paper in your hand, you will get in there.

Q. Is that the password or the sign? A. If they think you are a sporting man you can get in all right.

Q. You are pretty well known, are you not? A. I guess so; yes.

Q. All through the poolrooms? A. I have been in everyone, I think, from here to Philadelphia, and Newark, all around.

Q. I want you to tell the Senators if there are many poolrooms in actual operation in New York at the present time? A. Yes; a good many.

Q. About how many? A. I can tell you; probably a dozen; I can take a good many up town; you can go over to 81 Park row, and get a bet on there, right opposite the Staats Zeitung.

Q. Who runs that; do you know? A. Yes; Keith, I think; Keith runs one, and Mahoney the other; you can get in No. 33 Park row, Pete Delacey's, a great friend of mine, where I made a bet yesterday.

By the Chairman:

Q. What kind of a paper do you have to have in your hand to get in there? A. Well, a Sporting World, or talk horse when you go in.

Q. Do they have a password? A. Some have passwords; if you want to get a bet on, they'll let you in all right.

Q. Are there many more in New York? A. Yes, sir; quite a number.

Q. Could you tell the Senators how many poolrooms, to your knowledge, are open to-day in New York and doing business, or this week? A. I could take you to at least 20 of them; 14 Union square; No. 10 Union square; 10 or 12; and Fourteenth street, corner of Fourth avenue; these two places here, and 33 Park row.

Q. How about Barclay street? A. Oh, he is closed.

Q. Is he closed? A. Yes; he was closed, and I think he has gone back to the same old place, though.

Q. Where is that? A. He went over when I closed him up down at 3 Barclay street, which I didn't want to do; he was a particular friend of mine; it was through Superintendent Byrnes that he got closed; they went over to the hotel, right opposite the post-office.

Q. The International? A. Yes, sir; did business there for a couple of weeks and went back.

By the Chairman:

Q. Did you say you closed him up? A. Yes, sir; it was through me exposing him.

By Mr. Goff:

Q. How about 8 Barclay street? A. There has been no poolroom there for some time.

Q. There is a gambling-hell there, is there not? A. No, sir; No. 3 Barclay.

Q. About 8, the other side of the street? A. That is sat down on.

Q. How about the Merchants' Hotel; is that running now? A. No, sir.

Q. How about the place over Knox, Broadway and Fulton street; is that in operation? A. Well, I haven't been there.

Q. How about that place in Ann street, 13 or 15 Ann street? A. I am not sure whether that is running.

Q. Has there been a closing up of many in New York? A. Oh, yes.

Q. Since this committee came down from Albany? A. Yes; this one I just mentioned now — there is another place I will tell you which has been closed up since the committee has been here; that was in Park row, near Staats Zeitung; there are two poolrooms there; I don't know the number; in a little tailor store; you couldn't buy a suit of clothes there if you paid \$500; he has only one piece of cloth in the window; back of the store is the poolroom; the cloth is now removed from the window, and there is nothing there.

Q. Did Mike Callahan have a place there? A. I don't know.

Q. You played policy as well as the pools? A. No; I am satisfied with losing my money on the horses without hitting policy.

Q. You used to play policy? A. Yes, sir.

Q. How about the policy shops in New York? A. A good many.

Q. A good many of those running? A. Yes, sir; on Seventh avenue you can find them in every block; just follow a nigger woman and you are sure to find one.

Q. And you are sure to land up in a policy shop, is that it? A. Oh, yes.

Q. Did you ever meet any of your friends, the police, in those policy shops? A. Oh, yes; many times.

Q. In the poolrooms and in the policy shops? A. In the poolrooms and in the policy shops, both.

By Mr. Goff:

Q. Did you ever see them play straight or place? A. Yes, sir; they are fiends for horses.

Q. How are they on policy. A. I do not know much about them playing policy, but I know a good many of them are great horse fiends; my friend, Mr. Sheridan, was a great horse fiend, and known as a horse fiend in the Second precinct.

Q. Officer Sheridan? A. Yes, sir.

Q. You have visited Guttenberg occasionally, haven't you?
A. Oh, I have.

By Senator Bradley:

Q. That is one of your stand-bys, isn't it? A. Last season I made \$1,000 at Morris Park and Sheepshead and went down to Coney Island and dropped it.

By Mr. Goff:

Q. Made it in Morris Park and went down to Coney Island and dropped it? A. I did; that is, with a woman, and Brighton Beach track, and the woman got the most of it.

By Senator Bradley:

Q. Was that in Brooklyn; you dropped it in Brooklyn? A. It was Coney Island.

Mr. Ransom.—That is Brooklyn, Senator; such a resort of dissipation.

By Mr. Goff:

Q. Now, I want you to tell us about your friend Sheridan; were you present in the Merchants' Hotel when a little trouble took place between himself and a man named Lynch? A. Oh, yes; not only a trouble with him but with myself as well.

Q. When did you go in there? A. I went in there about 2 o'clock in the afternoon.

Q. When was this? A. I think it was the 3d of April.

Q. This year? A. Yes; and I went in to play —

Q. What is this place; please describe it? A. It is a second rate hotel, and this man, Harry Poynton, from Jersey City — you know I lived in Jersey City quite a number of years — Hoboken.

Q. What about Harry Poynton? A. He had a poolroom there and started a small book down on the floor from the street, but flight of steps back of the saloon.

Q. Sit up and talk out to this gentleman? A. Well, he had five or six customers there for a few days and we kept drumming up trade for him.

Q. When you say we, whom do you mean? A. Smith and Lynch and myself.

Q. Jersey City citizens? A. Yes, sir.

Q. Well? A. He got to do such business that he went upstairs on the next floor and parlor and frontroom, and took all the furniture out and left a few chairs there, one and a half dozen chairs, and put in a small desk, and started a little poolroom there, and in a little room off there a telegraph ticker and had a card on the wall inside and the blackboard, and used to call the odds off in the room with the ticker and make your bets then; I made three bets there.

Q. This day in question that you and Lynch and Smith went in there? A. I was there, in there, at 2 o'clock, about that time; yes.

Q. Who did you see there when you went in? A. There was Harry Poynton there and Lynch and Smith and Shields and half a dozen others and poolroom touts and that sort of business — fellows I know.

Q. What took place there? A. It was about 5 o'clock in the afternoon when Lynch went out to make a bet — a dollar bet.

Q. A dollar bet? A. I had made three bets myself, \$2 each; won one and lost two; that was on New Orleans.

Q. The race was in New Orleans? A. Yes; I can give you the odds if you want it.

Q. Never mind; now, you went up to make a bet and Lynch went up to make a bet? A. No; not Lynch, but Shields.

Q. And he offered \$1? A. He offered \$1 to make a bet, but Harry Poynton was sitting behind the desk like there (indicating); he sat behind the desk where he recorded the bets and Shields handed him \$1 and he pushed it off, and said, "Go to hell with your dollar; let me take those \$5 and \$10 bets;" there was a fellow in there that had plenty of money there that day, and he was anxious to get a good thing that he thought would go there, but he lost.

Q. What next took place? A. And Shields began to abuse Harry Poynton that he would not take his \$1; he said, "You were only too glad when you were down stairs to take a \$1 bet; now, you being upstairs and got a backroom, you don't want any \$1 bets, and Lynch took his part; they came back to the desk where I sat and kept abusing Harry Poynton, and called him different names, and one thing and another, and talking among themselves and with me, and Harry Poynton got up and walked up to Lynch, and said, "You big son-of-a-bitch, if you don't shut up I will throw you out of here;" he said, "You ain't big enough;" with that, Mr. Sheridan sitting alongside the desk with Harry Poynton, he jumps up and comes over and joins Harry Poynton and drew his billy.

Q. Wait a moment; when you say Sheridan, do you mean Officer Sheridan? A. Yes, sir.

Q. Was he in plain clothes? A. Oh, yes.

Q. Did you know him? A. I did.

Q. Knew him to be a police officer? A. Oh, yes.

Q. Ever see him there before? A. Oh, yes; I have seen him many times.

Q. Was he there when you went in? A. I did not go in there every day; I used to see him sitting there; there was two chairs alongside the desk where Harry Poynton sat, and this Sheridan used to be sitting there most of the time.

Q. Sheridan used to be sitting there most of the time? A. Most of the time, in the afternoon.

Q. What did he appear to be doing? A. I see him — I bet once or twice, and he did not seem to be doing much in particular, except talking to Harry Poynton.

Q. You knew he was a policeman at the Church Street station? A. I knew he was a wardman at the Church Street station.

Q. When this quarrel took place, you saw Sheridan get up and draw his billy? A. Yes.

Q. What then occurred? A. He took hold of Lynch by the coat collar and smashed his face with his billy, and cut his lip, and tore his coat, and hit him on the top of the head; and Harry Poynton grabbed another fellow, and another one grabbed me, and out we went.

Q. When you got downstairs, what occurred? A. He started to punch us with his fist.

Q. Punch you with his fist? A. Yes.

Q. Did you stop on your way going downstairs; did you take a rest, or anything? A. No; we were pushed all downstairs; and there was a woman came running out of the rooms screaming murder and police, and one thing and another, and begged one of them not to murder us.

Q. Were you bleeding? A. She begged of Sheridan not to hit him any more; she thought he was going to die; no; I was not bleeding; I was not hit with the billy.

Q. Was Lynch bleeding? A. Yes; he was cut in the mouth and commenced bleeding, and shirt all covered with blood.

Q. Now, do you remember the woman's name? A. No, sir.

Q. She ran out screaming? A. Yes.

Q. I want to ask you if, before you were punched downstairs, at the head of the stairs, didn't Sheridan knock Lynch down? A. He hit him on the top of the head with the billy and knocked him down, but did not cut his head.

Q. Knocked him down with the force of his blow? A. With the force of his blow, and we lifted him up.

Q. It was after the assault took place inside? A. Yes; inside; it was just outside the door.

Q. Did Sheridan follow you downstairs? A. Oh, yes; had hold of us.

Q. And when you got to the foot of the stairs, this woman ran out? A. No; the top; got up on the way downstairs, on the first landing, and she rushed out of the room.

Q. And she shouted out what? A. Shouted out not to murder the man.

Mr. Ransom.—What has this testimony to do with our work here; the fact that a wardman was in a policy shop and went there every day.

By Mr. Goff:

Q. What took place then? A. We were pushed then down to the door on West street side; and when he got us down, just before we got to the stoop, the steps lead from West street into the hall, he started to punch us with his fist; I said, "What is the use of knocking hell out of us, and why not take us down and make a charge against us?"

By Chairman Lexow:

Q. What is the use of going into the details, as we have got the facts of the assault?

Mr. Goff.—There are more things connected with this than the assault.

Q. When you got down, what next took place; I can not jump from fact to fact; I have got to let the narrative go in? A. They took us down to West street, around the corner into Cortlandt; two officers came in from West street and joined Sheridan up the stoop; one grabbed Lynch, one grabbed Smith, and I stood betwixt the two, and they started punching too.

Q. They started punching? A. Oh, yes.

Q. With their clubs or fists? A. With their fists; they took us around the corner down to Cortlandt street, with the intention of locking us up, and Sheridan had run up in the meantime upstairs, and tried to get Harry Poynton to make a charge, and he would not, and he let us go.

Q. To make a charge against you? A. I suppose so.

Q. Against you? A. Against Lynch and myself.

Q. What was the names of the officers? A. Moody and Muller and Sheridan.

Q. Did you go to the station-house? A. Not accompanied by them; no.

Q. Where did you go after you left there? A. We went to the station-house; they did not go with us.

Q. What did you go to the station-house for? A. To make a complaint against Officer Sheridan for maltreating us.

Q. Who did you see there? A. The sergeant.

Q. What was his name? A. Sergeant Bliss; I don't know the other man's name.

Q. What did you say to the sergeant? A. He explained our case, and he says — just then Captain O'Connor came out of the private room, and said, "What is the trouble, sergeant?" and someone, as we turned around to go toward the captain to tell him our trouble, someone says, "Oh, they are drunk."

Q. Well? A. We went to Captain O'Connor, and tried to state to him, and he says, "You can not get any satisfaction here; go up to court;" mentioning some court; I don't know which it was.

Q. Did he say anything about having such an officer in the station-house? A. I described the wardman to him — Sheridan — and described his dress and everything, and he said he had no man in the station-house of that name; and I said I know better; I have seen him; I know almost all of them that had duty down here.

Q. Where next did you go? A. Some officer came along in citizen's dress and tried to get Lynch to drop the case; and Lynch accompanied me to the World office, and there I asked to see the reporter, Mr. Latshaw; and he took it down, and we swore to the affidavits before a notary and so forth; and we went down to the station-house again, and tried to get a little information there, and went to the hotel again, and Officer Sheridan met us, and was going to strike us again; after we left the station-house the first time, going to the World office, Sheridan in the meantime had come up from West street, and was crossing the street, and rushed over to Lynch again, and said, "You sucker, you come here looking for more satisfaction;" he was going to hit him again, and put his hand on his hip-pocket.

Q. You recognize that Officer Sheridan as the man on the stand to-day? A. Yes, sir.

Q. Did you attend to police headquarters, on a charge there? A. I did.

Q. Made by Lynch and Smith? A. They didn't want to come here.

Q. When they did come there; what was done to them? A. He was put in the house of detention.

Q. Locked up in the house of detention? A. Yes.

Q. And have you ever seen Smith since, or Lynch? A. Oh, yes; I have been over to see them.

Q. Been over to Jersey? A. Yes, sir; I was three days to get them to come over here, and twice I got them to come there.

Q. Testify before this committee? A. No; to come up before Judge Taintor.

Q. Have you seen Lynch since the time you went over to get him to come here before Judge Taintor? A. Yes, sir; I saw him down at the Brooklyn handicap.

Q. Did you say anything to him about coming here to testify? A. No; I didn't want nothing to do with him.

Q. You attended, as I understand, as a witness at police headquarters in this matter? A. I did; yes.

Q. Did you ever see Captain O'Connor in relation to this matter? A. Since then?

Q. About it at all? A. No, sir; never spoke to him since.

Q. Did you talk with him then? A. That day, yes; the day of the assault.

Q. Captain O'Connor? A. Yes; the day of the assault.

Q. I didn't understand you to testify you had seen Captain O'Connor? A. Yes; he spoke to me, and he told me we could not get any satisfaction there; I done most of the talking.

Q. The captain told you you would have to go to court and get satisfaction? A. Yes, sir; that is, he said we could not get any satisfaction there; we would have to go to court; he mentioned some court; I do not know which it was.

Q. I want to ask you about the existence of some of the poolrooms in Captain O'Connor's district there, or his precinct; do you know the poolroom at the Merchants' Hotel, of which you have testified? A. Yes, sir; it was there two months.

Q. Do you know the poolroom at the Glen Island Hotel? A. That was there before he went to the Merchants'.

Q. Cortlandt and West streets? A. Yes, sir.

Q. Do you know the poolroom at 15 Barclay street, in the saloon there? A. No. 15 Barclay street?

Q. Yes? A. I do not.

Q. Do you know the poolroom at Reinhart's Hotel? A. You mean No. 3 Barclay street, I guess.

Q. Do you go to Reinhart's Hotel, too? A. Yes, sir.

Q. That was open? A. Oh, yes.

Q. Isn't there a hotel down near South Ferry, where there is a poolroom in full blast? A. I don't think it is open now.

Q. Was there one now? A. Yes.

Q. What was the name of the hotel? A. Next to a man I used to work for in the Hoffman House; I forget his name now; he had charge of the Hoffman House when I worked for him; Peter Hartman.

Q. Hartman's Hotel? A. Yes.

Q. Is that the hotel? A. It is, or the next one to it.

Q. By the way, you worked in Hartman's Hotel, didn't you? A. I worked for Mr. Hartman when he was in the Hoffman House, in Beaver street—the Hoffman cafe.

Q. Do you know the character of Hartman's Hotel? A. Well, you find all the sports you want there in the night, if you want to go through the cigar store, and wine door, and Sundays and weekdays.

Q. Isn't it a hotel frequented by women of loose character? A. Yes; whenever I come up from Coney Island with a woman we went right in there.

Q. You have frequently gone into Hartman's Hotel? A. Yes; he is a great friend of mine.

Q. That is an old stand there? A. Yes, sir.

Q. He is an old friend of yours, you say? A. Oh, yes; he was a very good man to me.

Q. He does not own the house? A. The partnership, when he took the house, was between what used to be Fred Loud and Peter Hartman, the man that used to be manager for Ed. Stokes.

Q. They only rented the house? A. I think they bought it; I am not sure whether they rented it or bought it; Fred Loud used to come there and take the receipts, and they threw him out.

By Chairman Lexow:

Q. They would throw him out? A. Yes; he used to come there and take the receipts and do nothing for it, and they got tired of that.

By Mr. Goff:

Q. Did you ever hear of anybody else being interested in that building or hotel? A. Not outside of Peter Hartman and Fred Loud.

Q. That is in Devery's precinct, isn't it? A. Yes.

Q. Didn't you hear the name of the owner of the building? A. No, sir.

Q. To whom Loud and Hartman leased the house? A. No, sir; I don't know anything about that.

Mr. Goff.—That is all; you may examine.

By Chairman Lexow:

Q. Do you know whether Officer Sheridan received any money from that poolroom? A. No, sir; only that we know that from frequenting poolrooms, the same as anybody else who goes among these steering people, and it is a well-known fact amongst all of them that they pay the police for protecting the place and looking out to see there are not any disturbances in the place, and throw anybody out that makes a disturbance, and all that kind.

Q. Do you know how much that poolroom you spoke of paid in the way of protection? A. No, sir.

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

Q. Did you ever see the owner of that poolroom hand any money to Officer Sheridan? A. I have seen him make bets there and receive money.

Q. Did he make bets with his own money? A. I don't know whether it was his own money or not; I have seen him get money from Poynton in there.

Q. Saw him hand money over to him? A. Yes; whether it was the result of a bet, I don't know; I presume it was bets he made.

Q. How many times can you say, at least, you saw Sheridan in that poolroom? A. I can remember five or six times anyway.

Q. And every time you were there, you saw him there? A. Sitting in that chair; there were only two chairs at the desk besides Henry Poynton and the sheetwriter; there were four chairs all there; Sheridan sat there, and Harry Poynton and the sheetwriter sat behind the desk.

Q. And to your knowledge at that time, Sheridan was wardman in that district? A. He was wardman; certainly.

By Senator Bradley:

Q. In any of the poolrooms at all — you visited most of them — did you see them pay any policeman for protection? A. I saw a man in Fourteenth street give a man one time.

By Chairman Lexow:

Q. How long ago was that? A. That was some time ago.

Q. A year ago, or a month ago, was it? A. It must be pretty near a year ago.

Q. Was he in uniform? A. No; he was not in uniform.

Q. In citizen's clothes; how much money? A. I don't know how much; I have seen them after the poolroom was cleared out, I have seen them come in and get money through a little brass door.

Q. How many times have you seen that done? A. I have seen it done once up there.

Q. Was that the wardman or patrolman? A. A wardman; that is, I have seen him in uniform on some street.

Q. Do you know his name? A. No, sir; I have seen him in uniform.

Q. What precinct was that in? A. I don't know what precinct it is; it is opposite the Union Square Hotel.

Q. Do you recollect any other instance of the payment of money to policemen in the poolroom? A. Well, I knew they got to pay; I did not see; I think I have seen once, No. 3 Barclay street, where a man came in the barroom and got something, but he did not get it from the poolroom man; he got it from Warden Flynn; that is, he kept the saloon; he used to be a wardman himself.

Q. Do you know how much? A. No, sir.

Q. What was that? A. About a year ago; it might be more.

Q. Did you see policemen in each one of these poolrooms you have described? A. I have seen them in Cortlandt street; I have seen them in No. 3 Barclay street, and seen one in Fourteenth street.

Q. On one occasion or frequently? A. Well this down at Merchants' Hotel, I have seen it frequently, and 3 Barclay street frequently, and only once in Union square.

By Mr. Goff:

Q. I want to ask you, just to carry you back for one question — when Lynch or Smith or Shields said to Poynton that he was getting stiff, or something of that kind, did you hear him call to the policeman anything? A. No, sir.

Q. Did you hear him say to Sheridan, "George, put them out?" A. No; he called to the man at the door, the bouncer — not the bouncer — the man that is stationed at the door; if you are not known there, they won't let you in; he called Johnnie; that is what he called him, Johnnie; Johnnie is the man stationed at the door, outside the door as you go in; and if you are known amongst the poolrooms they would let you in, and if you are not, they won't; if you said you wanted to get a bet down, or something of that effect, you could get in.

Q. Haven't you heard there was a high police official interested in the Hartman Hotel, or the hotel itself? A. No.

Mr. Ransom.— Do you think that ought to be taken?

Chairman Lexow.— That is going a little far, that hearsay. I don't think that is competent. Do you know of a policeman interested in that? A. Not in that hotel.

Senator Bradley.— Do you know it in any other hotel?

Mr. Ransom.— Will you admonish the witness the question is "Do you know."

By Senator Bradley:

Q. That was my question; do you know; do you know of any official having an interest in any other hotel in which this business is carried on? A. No, sir.

By Mr. Goff:

Q. There is one question about 512 Sixth avenue; do you know that? A. I don't know anything about it, sir.

Q. You don't know that number? A. No.

Q. That place? A. No.

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

Mr. Goff.— Yes, sir.

Cross-examination by Mr. Ransom:

Q. Where do you live now? A. I live at 22 Fourth street, sir.

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

Q. You have lived there how long? A. Two days.

Q. You go about, I suppose, from place to place pretty frequently, don't you? A. I go all over the country, you might say.

Q. You live about in different places; you do not stay long in one place? A. I moved day before yesterday on account of the people moving to Harlem; I had to get out.

Q. Do you expect to move again in a day or two, or week or so? A. I expect to move within a week and go in the country.

Q. Do you move frequently? A. No, sir; I do not; I stay in a place, except when I take trips to Philadelphia.

Q. I understood after a man was well known he had no difficulty in getting in? A. Yes, sir.

Q. You are well known in the poolrooms? A. Yes, sir; they call me the plunger at the track.

Q. I am speaking about poolrooms; you were well known at the poolrooms? A. Oh, yes.

Q. And you had no difficulty in getting in? A. No, sir.

Q. You make large bets, do you? A. I have, sometimes.

Q. I mean in the poolrooms? A. Some I have.

Q. Do you fancy you would have any difficulty, after your testimony here to-day, in getting in one of the poolrooms? A. No; I am likely to go in now after I leave the room.

Q. After your testimony is printed in the newspapers to-morrow morning you can get in? A. I think I would.

Q. You think these people would make any difference? A. They would if they knew my name.

Q. You don't have to give your name when you go to the pool-room? A. Oh, no.

Q. They always know you by your face? A. Yes.

Q. I am curious to know how it happened you came here to testify in this investigation? A. I would not be here only on compulsion, that is all; a man followed me for three days.

Q. Who was it compelled you to come? A. A man followed me out in the country for three days when I was selling whips in Glen Cove, Long Island; and when I went in the house for something he followed me going upstairs.

Q. You mean he served a subpoena upon you? A. And said if I did not come he would give me a year.

Q. You believed that was so? A. Well, I subpoenaed one man, and my counsel told me that he could punish him if he did not show up; I gave him a subpoena and legal 50 cents and he did not show up, and my counsel told me if he did not obey the subpoena he could be imprisoned, and I did not want to take chances.

Q. Do you remember of the time of what Mr. Goff calls the transaction with Lynch and Smith; I understood you to say in your testimony to Mr. Goff that you went up to the World office, and there you made some affidavit; is that right? A. We drew up the papers in the World.

Q. You said affidavits? A. We drew up affidavits and had them signed before a notary in some other building.

Q. You say we drew up affidavits; who do you mean? A. There was four of us; myself, John J. Lynch, and Smith, and Shields.

Q. Who was it wrote the affidavits; who handled the pen? A. I think I dictated mine myself.

Q. Who handled the pen? A. I did, myself.

Q. You mean you wrote it with your own hand? A. I think I did; that is, I signed my name to it.

Q. Don't you see what I am getting at; this affidavit was a paper which was written out? A. The reporter drew that up on a piece of foolscap paper, and I read it over and signed my name to it.

Q. Was the notary there? A. Oh, yes.

Q. How many affidavits were used that day? A. We signed one apiece.

Q. Four of you? A. Yes.

Q. What was done with them? A. Taken before Inspector Byrnes, and we signed three or four up there that I never read at all; I don't know what I signed up there.

Q. You did? A. Yes, sir.

Q. You mean you signed affidavits you never read? A. I dictated an affidavit to another man, and I signed another paper I did not read.

Q. Was it an affidavit? A. I did.

Q. Did you swear to it? A. Yes; one I read and one I did not; one paper was slid over the other, and I signed my name.

Q. You are pretty careless of your oath, are you not? A. No, sir.

Q. Did you testify on the trial of Captain O'Connor before the police commissioners? A. Did I what?

Q. Testify as a witness on Captain O'Connor's trial before the police commissioners? A. I think I was there 10 days.

Q. You were not testifying 10 days? A. Pretty near; they had me on the stand every day.

Q. Did you say there to them you had signed and sworn to six affidavits which you had never read? A. Six?

Q. Yes? A. I said I had signed lots of them; some of them I never read.

Q. You admitted to me there was one affidavit you signed you had never read; how many more were there you never read? A. Some in the district attorney's office.

Q. That you never read? A. Yes.

Q. You swore the affidavit was true before the notary? A. He was a notary, I suppose; when I was before the district attorney he did not take me before a notary.

Q. Somebody in the district attorney's office swore you to it? A. No, sir.

Q. When you were in the district attorney's office you understood it was an affidavit? A. Statement — complaint or statement.

Q. You understand me, I suppose; did you swear to it? A. No; I signed my name.

Q. Now, you have made a distinction, William, which I think is clear, and I suppose you understand me; I think I understand you, that you did make one affidavit which you did not read and swear to it? A. That is one in Superintendent Byrnes'.

Q. You did make one? A. More than one.

Q. You did more than one? A. Yes, sir.

Q. How many affidavits do you think you made in regard to this Lynch and Smith transaction down to the poolroom that you did not read, which you swore to? A. I think I signed three or four I did not read.

Q. Did they have to do with this transaction as it is called down to the poolroom? A. Yes, sir.

Q. Where Sheridan was accused — where Sheridan clubbed the man? A. I would like to tell you how that was; I brought in my affidavits three poolrooms I visited every day for two months, besides the Merchants' Hotel, and I put them in my affidavit, and instead of putting those down I signed a paper where they had No. 3 Barclay street.

Q. You see it is a little curious to the rest of us around here how it is that you now say that there was something put in these affidavits which you signed and did not read? A. I did not read them; no, sir.

Q. How do you know? A. I know what I read.

Q. I am speaking of the affidavits you did not read; there were three or four of those? A. Yes, sir.

Q. And those papers, as you understood, had something to say about the Sheridan clubbing scrape down at the poolroom? A. I did not know; I did not know the other paper I was signing, whether it was merely a matter of form or statement; I knew I signed one paper that I did read, and besides that I signed another; the paper I signed at Superintendent Byrnes' was that long (indicating, the full length of a sheet of legal cap); the statement I gave; and when I came to find out there was one statement that long (indicating a shorter statement), I did not swear it at all.

Q. The only way you could swear to these papers was the measurement; some short ones and long ones? A. One was on top of the other.

Q. These three or four affidavits, which you call them, which you say you swore to and did not read, were they written at the same time that the other affidavits that you did read were? A. I don't know; I know they drew up one paper, and I signed that, and signed others underneath it; and they moved the piece of paper from one to the other; I will show you how that was done; this paper I dictated and signed it at the bottom; and he moved the paper and asked me to sign there too (indicating by two pieces of paper); and I did sign it, too.

Q. Who asked you to sign there, too? A. The man that had charge of it in headquarters.

Q. That was when you were telling the story of the Sheridan assault? A. Yes; I was, about the poolrooms.

Q. That is when you signed the papers? A. About the poolrooms in Captain O'Connor's district.

Q. The only time that you had ever been convicted of any crime was when you were sent off up to the reformatory? A. Yes; I plead guilty.

Q. You were guilty, weren't you? A. No, sir.

Q. You were not guilty? A. No, sir.

Q. You plead guilty and were sentenced to the reformatory?

A. No, sir; I thought I was going out the next minute.

Q. You were sent up to the reformatory? A. Yes, sir.

Q. Who was it, do you remember, that advised you to plead guilty? A. Some man in the courtroom said, "Boys, you had better plead guilty and you will get out all right."

Mr. Ransom.—I don't think I want any more.

Chairman Lexow.—Any questions?

By Mr. Goff:

Q. When you speak of signing affidavits without having read them, when you signed them, you did not mean to include the affidavits you signed the night of the occurrence? A. Those I read.

Q. Those were the affidavits that were prepared for you by Mr. O'Neill? A. Mr. O'Neill and the reporter, Mr. Latshaw; I signed as I read each one.

Q. Before you signed them? A. Yes, sir.

Mr. Goff.—That is all.

Chairman Lexow.—That is all. The next witness.

Mr. Goff.—Is James Lynch in court? (No answer.) Is George Ellison in court? (No answer.)

Chairman Lexow.—Have they been subpoenaed, Mr. Goff?

Mr. Goff.—Yes, sir.

Chairman Lexow.—Why don't you take some action against them?

Mr. Goff.—They have been subpoenaed in a great hurry this afternoon, and it may be they have a reasonable excuse, Mr. Chairman. Is Miss Hastings in court? Is Officer Delmedge in court? Officer, I want to see you. Is William H. Miller in court?

Charles Vincent Delmedge, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What precinct are you attached to? A. Twenty-sixth.

Q. That is Captain Murphy's, isn't it? A. Yes, sir.

Q. In West One Hundredth Street station? A. Yes, sir.

Q. How long were you on post? A. Three years November 18th—November 18th next.

Q. What commissioner appointed you? A. Commissioner McLean.

Q. To whom did you pay the money for your appointment; are you paralyzed? A. I think I ought to be.

Q. You look paralyzed; now, answer the question? A. I paid nobody any money.

Q. What did you do with the money you got to get on the force? A. I gave no money to get on the force.

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

Q. It cost you not a dollar to get on the force? A. Not one penny, sir.

Q. Did you have any money when you got on the force yourself? A. No, sir; well — what do you consider money, Mr. Goff; what do you consider — \$5 or \$10, or how much?

Q. Yes? A. I might have \$5 or \$10.

Q. Were your moral sensibilities so shocked when I asked you the question, if you paid any money to get on the force, that you could not answer? A. Yes, sir.

Q. And your constitution was so delicate you could not understand such a question? A. It was rather sudden to ask a man such a question.

Q. Yes; it was rather sudden; you knew you were going to be asked that? A. No; I didn't expect that.

Q. Do you know what you were subpoenaed down here for? A. Well, I read in the papers.

Q. You read in the papers something about your name? A. Yes, sir.

Q. You knew what you were going to be subpoenaed for? A. Yes, sir.

Q. You knew that question was going to be asked you? A. I did not expect to be asked that question.

Q. You expected me to go more gradually at it? A. Yes, sir.

Q. Unfortunately, I have an abrupt manner; you did get money from somebody, didn't you, for the purpose of getting on the police force? A. No, sir.

Q. At the time of your appointment? A. No, sir.

Q. Not a dollar? A. No, sir.

Q. For any purpose? A. The money I borrowed was 18 months before I got on the police force.

Q. When did you get on the police first? A. It would be November 18th — this November 18th it will be three years.

Q. November 18, 1891? A. Yes, sir; 1891.

Q. When did you borrow the money from Mr. Stein? A. I believe it was 1889; I am not positive; I think it was in 1889.

Q. Had you any contemplation of going on the police force when you borrowed it in 1889? A. I don't think so.

Q. What did you borrow the money for in 1889? A. I had just lost my mother previous to that, three or four months, and my folks were in pretty hard circumstances; and my father and sister and brother and mother looked toward me; we had the diamond cross in the family upwards of 30 years, and I say we were in pretty hard circumstances, no prospect of money coming in; I was fireman on a tugboat in the river, and my mother died, as I said.

Q. Talk a little louder; well, officer? A. Shall I go on with my story?

Q. Yes; go on with your story; go on with your story; you were speaking about a diamond cross? A. A diamond cross that was in my family upwards of about 30 years; I spoke to my brother—no; my brother spoke to the family first about selling the cross and my sister and father were not in favor of it; so he said he would speak to Mr. Stein, to raise a loan on it, and they were all in favor of it, and my brother was employed by Mr. Stein six years; and he went to Mr. Stein and showed the cross, and he had the cross valued at \$250 by a friend of his; and my brother and myself came to some agreement; I don't know but he was willing to loan \$325; I believe my brother got \$75 of it and I got \$250 of it; \$129 of that went to pay the funeral expenses of my mother; \$90 went to pay for five months rent in arrears; my sister was very sick at that time, and I sent her away upwards of three weeks to New Hampshire; that is what became of the money.

Q. That is the whole story? A. Yes, sir.

Q. Now, let us see; when did you make your application for appointment to the police force? A. May, I believe, 1889.

Q. In May, 1889? A. Yes; I applied to Cooper Institute—filed my application.

Q. Now, that was a little before you borrowed this money, wasn't it? A. Yes, sir; oh, yes.

Q. When did your mother die? A. In March, previous to that.

Q. In March? A. Yes, sir.

Q. Previous to the May you made your application? A. Yes, sir.

Q. In May you made your application? A. Yes, sir.

Q. And who was the undertaker? A. Darcy Brothers, of East Eighty-ninth street.

Q. What? A. Darcy Brothers, of East Eighty-ninth street.

Q. Are they there now? A. I believe both of them are dead; I am not sure; one of them I know is, but the other I don't know.

Q. Have you got a receipt? A. Well, I guess the receipt must be home some place, I will look it up.

Q. You got the receipt when you paid the money? A. I did not pay the money; I turned the money over to my sister.

Q. When did you turn it over to your sister? A. The day I got it from Mr. Stein, when he paid me \$250.

Q. What day was that? A. It was in August I got the money from him, or in July, I don't know which.

Q. When did you pay the — you paid the undertaker the very day the money was turned over to you by Mr. Stein? A. A day or two; I don't say positively that day, but it was the next day.

Q. Did you tell Mr. Stein you wanted the money in connection with getting on the police force? A. No, sir.

Q. Mr. Stein has sworn here? A. I told Mr. —

Q. Listen; Mr. Stein has sworn here that you told him you needed the money to get on the police force; did Mr. Stein, in swearing to that, swear to what was true or false? A. If he said I said so, he swore false.

Q. I put my question again; read the question? (Question read by stenographer.) A. Well, Mr. Goff, what do you mean by saying getting on the police?

Q. I am asking you the question? A. If he said for my appointment, he swore falsely.

Q. I didn't say that, not your appointment? A. I would like to know the question a little plainer; I don't understand the question.

Q. Read it again? (Question again read to witness.) A. Well, he would swear what was false.

Q. Did you ever say to any person at that time that you needed this money to get on the police force? A. No, sir.

Q. Did you send any person to Mr. Stein? A. My brother was employed there.

Q. Your brother? A. Was employed there.

Q. Did you ever say to your brother you needed the money to get on the police force? A. No, sir.

Q. What were you working at at the time? A. I was fireman on a tugboat.

Q. And your brother was employed? A. Yes, sir.

Q. Any other members of the family employed? A. No; my father was agent; nothing — that is, my father was in the real estate business.

Q. But he had been in that business for quite a number of years? A. Yes, sir; and had his ups and downs.

Q. And managed to support himself? A. No, sir; he was in hard luck, and had no office.

Q. The debts you had to meet were those connected with your mother's death and burial? A. Yes; and five months, I said, was in arrears, for five months' rent.

Q. What was the landlord's name? A. Shook, I believe, his name is.

Q. What house? A. As near as I can remember, 237 East Eighty-eighth street; the first house off of Second avenue.

Q. The first house off of Second avenue? A. Yes, sir.

Q. How came it to be the first house off Second avenue? A. That is, west of Second avenue, in Eighty-eighth street.

Q. You don't mean to say 237 runs all the way from the corner of Second avenue to Third avenue; 200 commenced at Third avenue? A. Yes, sir.

Q. Do you mean to say it runs to the other corner? A. I don't remember.

Q. Two hundred and thirty-seven would be near Third avenue? A. Yes, sir.

Q. Can you give a better location of that house? A. It is the first house west of Second avenue, on the north side of the street.

Q. The landlord is there yet? A. No, sir; no, sir; he sold the house, I believe, some years back.

Q. Where is he? A. I don't know, sir; I have been away from the east side upward of three years.

Q. And out of the \$325 that Mr. Stein has sworn that when he wanted the money paid, that yourself and your brother, or one of you, gave him this diamond cross in part payment? A. No, sir.

Q. And he kept it in his safe? A. That cross, Mr. Goff, was given him as security.

Q. Drop your hand? A. That cross was given him as security for that money.

Q. You mean to swear that that cross was given to Mr. Stein as security for this money — \$325? A. Yes, sir.

Q. Who borrowed the money from him? A. Jointly, my brother and myself.

Q. Your brother and yourself borrowed the money? A. Yes, sir.

Q. Who handed him the cross? A. I did.

Q. Who did? A. I did.

Q. Oh, you handed him the cross? A. Oh, first my brother brought it down for inspection for him, and he had it valued.

Q. Now, that is your signature (showing witness paper)? A. Yes, sir.

Q. That note is dated August 8, 1890? (Witness nods his head yes.)

Q. You recognize that, and your brother's signature? A. Yes.

Q. Your mother died in April? A. In March.

Q. Of that year? A. In 1890; yes, sir.

Q. March, April, May, June, July — five months? A. Yes.

Q. And you and your brother had been earning money for five months? A. My brother was married, and did not live with us; what he earned I do not know.

Q. And you were not able to pay the funeral expenses for your mother or the rent of the house? A. No, sir.

Q. Until you got the money of Mr. Stein? A. No, sir.

Chairman Lexow.—I understood the witness to testify his mother died in 1889.

Mr. Ransom.—He says he thought the transaction was in 1889.

Q. When was it? A. It was the time the note was given; I am not positive whether it was in 1889 or 1890.

Q. Deposited; let me remind you of this fact, that the record of your mother's death will be found in the bureau of vital statistics; will you bear that in mind? A. Yes, sir.

Q. When did your mother die? A. March 29, 1890.

Q. Now, you are clear about that? A. Yes, sir.

Q. And up to the 8th of August you had never paid a dollar to the undertaker for the funeral bill? A. No, sir; never.

Q. That undertaker is dead? A. That I am not positive; one of them I know is dead; they were brothers in partnership.

Q. Why, if you wanted to pay the undertaker's bill so badly, about that time, after you had made an application for appointment on the police force, why didn't you raise the money on this diamond cross directly? A. I told you, as I say, my father's real estate business, sometimes he has luck, and sometimes he has a sale and makes \$200 or \$300, and sometimes he has hard luck.

Q. You were waiting from March 29th up to August 8th, for your father to strike luck? A. We couldn't do otherwise.

Q. Why didn't you wait until the season opened, the fall season, to see whether your father would not strike luck then? A. Well, you see the undertaker was looking for the money, and the cross was in the house.

By Chairman Lexow:

Q. When were you appointed, officer? A. November 18, 1891.

Mr. Goff.—Eighteen hundred and ninety-one; that is a year after.

By Chairman Lexow:

Q. When did you make your application? A. Around that time; that is, I filed it at Cooper Institute.

Q. About this time?

By Mr. Goff:

Q. About the time of this note? A. Before that; May — that was in August; I borrowed it in May.

Q. That is three months after? A. Yes.

Q. And you had your rating then, had you not? A. No, sir; I did not come before the civil service until the paper filing.

Q. Had you done anything from the time you filed your application until you borrowed the money on this note? A. No, sir; you file your application, then you wait for the doctor's examination.

Q. When did you pass the doctor's examination? A. I don't know.

Q. Three months after you filed your application, wasn't it? A. Yes, sir.

Q. That would make it just the time you gave this note? A. Yes, sir.

By Chairman Lexow:

Q. Was this diamond cross given at the same time that the note was executed? A. Yes, sir.

Q. On the same day? A. Yes, sir.

Q. The same time the money was received? A. Turned over; yes, sir; that is, the \$250; there was \$75 paid previous to that; and the day I got the \$250, I turned the cross over too.

By Mr. Goff:

Q. Why was it your brother got \$75, and you \$250? A. That I don't know.

Q. Wasn't there \$75 for paying the doctor of the police department? A. No, sir.

Q. Wasn't there \$75 to go through your brother's hands at the time you passed the doctor's, and this note was given? A. No, sir.

Q. How do you account for it, your giving a cross that was valued only at \$250, which was the value of the cross, and your giving that as security for a note of \$325? A. Well, you see, the friend said — he had some friend of his to value the cross, I believe; the cross cost the family originally \$900; there is 29 diamonds in it; he had it valued by a friend of his, and his friend said it was worth at least \$250; and he said he was willing to give \$325; I did not speak to him about it; I was in favor of selling that cross; they were in favor of raising the loan.

Q. Your friend said he was willing to give him \$325? A. Yes, sir.

Q. Why did you allow the diamond cross to remain in the hands of Mr. Stein as security; why didn't you get \$325 on the cross right out? A. We did not want to sell the cross.

Q. Why didn't you redeem it from Mr. Stein, if you didn't want to sell it? A. I was intending to.

Q. You have been receiving your salary? A. A salary on the police force?

Q. Yes? A. Didn't you understand what Mr. Stein did with that cross; maybe he has not told you.

Q. I don't know and don't care? A. Do you want me to tell you?

Q. No? A. Have that privilege of telling, Mr. Goff?

Q. I did not know; he has the cross, he says; that is all? A. He told me, too.

Q. He got judgment against you? A. By default.

Q. Why did you allow judgment to go against yourself and brother, if they had good, sufficient collateral for this note? A. I did not have the money to fight the suit, tell you the truth, Mr. Goff.

Q. You made this note payable for eight months? A. Yes.

Q. Now, tell us again; we will be interested to know what was done with this \$325? A. I told you that there was \$129 went to the undertaker to pay the bill.

Q. Through your hands? A. No, sir.

Q. Whose hands? A. My sister's or my father; the money I turned over to my sister.

Q. How much money did you get from Mr. Stein? A. Two hundred and fifty dollars.

Q. And your brother, \$75? A. I believe it was him.

Q. You signed your name to the note of \$325? A. Yes, sir.

Q. That makes \$250 you got, and \$75? A. Yes, sir.

Q. What did you do with the \$250? A. One hundred and twenty-nine dollars went to the undertakers, and there was \$90 paid on the five months' rent in arrears.

Q. What did your brother do with the \$75? A. I believe he turned it to my father, or brought it to my sister; it was brought to the house; I don't know which one brought it.

Q. It was brought to the house? A. Yes, sir.

Q. If you had eight months' time, this note was made to mature from August 8th, it would run up pretty well when you were to get your rating, wouldn't it? A. No, sir.

Q. When you would get your rating? A. In April following that.

Q. Now, there is August to September is one, October two, November three, December four, January five, February six, March seven, April eight? A. Yes, sir.

Q. What? A. Yes, sir.

Q. Comes nicely in time, doesn't it? A. Yes, sir.

Q. It is wonderful how those things fall in; isn't it, officer?
A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. Officer, I am permitted to ask you a few questions, and I want to ask you one; what was it Mr. Stein said he had done with this cross? A. He told me after he told my brother; he sold it to his mother-in-law for \$150, and she had broken it up.
Mr. Ransom.—That is all.

By Senator O'Connor:

Q. When did you first learn, after making your application, about the time you would get your rating? A. I don't understand your question.

Q. You first made your application? A. Yes.

Q. How soon after that was you informed you would get your rating? A. Well, you see you first file an application; I filed mine at Cooper Institute, and you wait for the doctors, and they come in four or five months, and after you pass the doctors successfully you wait for the physical, and that may be four or five months after that, and after the physical, two months for the mental, and after the mental, two or three months for the rating.

Q. Did you know in August, 1890, that you had your rating in 1891? A. I had it in 1891.

By Chairman Lexow:

Q. Did you know in August you would have it in April, 1891? A. Mr. Goff, I made a mistake in my rating; can I rectify my mistake; it was April 20, 1891, was my last examination on the mental examination; I did not get my rating until the August following; one year after that—the last examination.

Q. When was the examination; about the time? A. April 20, 1891; and I did not get my rating until August, 1891; and I was appointed in September of the next year.

Chairman Lexow.—Any further questions?

Mr. Goff.—No, sir.

Chairman Lexow.—That is all, officer. I think it only fair that the officer should have an opportunity afforded him to show

whether or not that was true, that these funeral bills were paid at that time, and these expenses met; and we do not want him to suffer under that reflection if that tale of his is true.

Mr. Goff.—Certainly not.

Mr. Ransom.—Where is there any reflection on the officer? He has testified under oath, very candidly, in regard to the payment of these bills.

Chairman Lexow.—It is this: that it is a strange coincidence that the policemen borrow from \$250 to \$350 just before they are appointed on the force, and while they are passing their examination.

Mr. Ransom.—Those applications apply to policemen. Your remark in the beginning was in regard to this officer. But in regard to this officer —

Chairman Lexow.—But he has borrowed about the same sum that others have apparently borrowed at the same time.

Mr. Ransom.—My remark related to the remark you made that the officer rested under a reflection.

Chairman Lexow.—That is it; that he, with all the others, simultaneously with the making of the application, and undergoing their examination, have borrowed from \$250 to \$350. This officer is giving a definite statement of what use this money was put to, and there is quite a lapse of time between the borrowing of the money and the appointment, and he having given those statements and given names, I suppose he ought to have an opportunity, if it is true, to make that proof.

Mr. Ransom.—He has an opportunity and the chairman has offered it to him and he is not seeking any assistance from me; I ask his pardon for suggesting and saying here he is under no possible reflection, in my judgment, and there is no reason why he should come here and try to bolster up his statement. If Mr. Goff, or the committee, think his statement is untrue, I have no doubt Mr. Goff will question the undertaker and the assistant.

Chairman Lexow.—You are not defending the officer, so he can take your hint or not, if he pleases.

Senator O'Connor.—The suggestion was made in the interest of this policeman. We do not want to unnecessarily smirch any officer. We want to do exact justice between these men against whom any evidence is given; possibly, you may draw inferences against him, and if he does not think it is to his interest to clear up any suspicious circumstances, that is his lookout. We are satisfied that he is.

Chairman Lexow.—Judge Ransom has overlooked the fact that the witness, otherwise creditable, has been on the stand and

sworn positively that this man told him the money was to be used to secure his appointment.

Mr. Ransom.—I want to say, in defense of this man, but his interest being admonished or advised by the committee in that friendly sense which Senator O'Connor speaks of, seems to be now quite plain to understand by the chairman of the committee that he is now resting under suspicion in their minds.

Senator O'Connor.—Not exactly.

Chairman Lexow.—The witness can draw what conclusion he pleases from it. I am frank to say he does, in my mind.

Mr. Ransom.—It was not necessary for you to say that, for everybody who heard your remarks knew exactly what your opinion was.

By Mr. Goff:

Q. I want to ask you, officer, here: Will you ascertain if either of the Darcey brothers are alive? A. Yes, sir.

Q. Will you search for the funeral bill and undertaker's bill? A. I will search for it; yes, sir.

Q. You will search for it with the intention of finding it? A. I will.

Q. Will you report here next Tuesday the result of your inquiries and searching; that will give you time? A. In the afternoon; it is my day off.

Q. Make it Wednesday, your day on, to accommodate you? A. Yes, sir; I will.

Mr. Goff.—That is all I want.

Chairman Lexow.—My suggestion, officer, is this: That we have got direct evidence here before this committee, connecting you with the procurement of money to secure your appointment. On the other hand, your testimony, I am frank to say, has made a strong impression on my mind, and that being the case, I should like to see the suspicion removed.

The Witness.—I thank you, sir, and I will give Mr. Goff dates and try to prove it is untrue.

Moses Berrman, called as a witness on behalf of the State, being duly sworn, testifies as follows:

Direct examination by Mr. Moss:

Q. You live at 26 Hester street? A. Yes, sir.

Q. And have a saloon there? A. Yes, sir.

Q. You have a son? A. Yes.

Q. What is his name? A. Isaac Berrman.

Q. Did your son take some money from a young man to keep for him? A. Yes, sir.

Q. What is the young man's name? A. Subirma; that is a nickname; I don't know how they call his name.

Q. Well, call it Subirma? A. Yes.

Q. How much money did he take? A. Ninety-five dollars.

Q. That was taken, you say, for safe-keeping? A. Yes, sir.

Q. Put in the safe in your store? A. Yes, sir.

Q. Did you have a call from some police officers about that money? A. Yes; a week after, a week or 10 days; I can not exactly say.

Q. Who were the officers? A. Foley and Schwartz, from the Eleventh precinct.

Q. What did they say? A. They came in and asked if I have got a son, and I told them yes; they said, "Where is he?" I pointed him out; "He is behind the bar;" they said, "I want to see him;" I said, "You can see him;" they said, "I want to talk with him;" they went to him and said, "Did you receive \$95 by a young man of the name of Morris Jacobson?" and my son said he didn't know what name it was; he didn't know any such a name; and he said, "You will come with me to the station-house;" and he went to the station-house with Schwartz and Foley, and when they went to the station-house they called up this young fellow before the sergeant, and he said, "That is the same boy I took \$95 of."

Q. That is the man you knew as Subirma? A. Yes; we don't know his name, because no one on the corner don't know his name.

Q. What day was that? A. That was on the 22d of November.

Q. Of 1893? A. Eighteen hundred and ninety-three; yes, sir.

Q. Who was the captain there? A. The captain was Devery.

Q. What happened after you went to the station-house? A. Then they said that my son, the money is in my hands, \$95, was given to me, when in the meantime he drewed the money and has got some balance; he can not recollect how much it is; he can not recollect how much balance he has got of the money; and the officers, Schwartz and Foley, came back with my son to the store.

Q. They brought him from the station-house to the store? A. From the station-house they took him back to the store and called for the balance of the money; then I told them my son don't give them any money because I don't know who the money belonged to; I don't know whether the boy stole any money or anything; I think it is left to a judge whether I will give the

balance, and I will not give it to them, because I don't know as they have a right to take it.

Q. There was some talk about it having been stolen money when it was deposited? A. Yes, sir; they came back and said the money was stolen; I don't know whether it was stolen or not.

Q. You wanted to be sure to whom you gave it? A. I didn't know it was stolen at the time he gave the money; they asked the boy, the young man, from where you got this \$95; he said, "I saved up from my work in the summer time, and now I am going to move from 29 Hester street to 88 Ludlow street, and I don't know people there, and don't know them, and can't trust them, and it is more safe; you keep it in that safe."

Q. They took your son back to the station-house? A. They did take him back to the station-house, and they got him arrested, and after awhile when they came back, and when my son —

Q. Who came back? A. Swartz himself, with a man of the name of Levy — Wolf Levy, and they came right in the store and he was in citizen's clothes at the time; they came back and called me back in the store, and said, "Mr. Berrman, I want to see you;" Mr. Swartz said to me, "I want to see you;" they called me back and Mr. Levy, both of them; Swartz said to me, "You know your boy is in a worse condition than the other fellow that stole the money."

Q. Your boy was in a worse condition than the boy that stole the money? A. Yes, sir; that is, the other fellow that stole the money; I said, "What is it?" the money was stolen by a man named Friedman somewhere and they found the money was stolen, too, and your son received the money and he is now in a worse condition than the thief that stole the money.

Q. Did they say how much he would get if convicted? A. No; I will tell you just the way he told them; then he says to me, "Well, Mr. Berrman, he is in a bad condition; he has got a show of getting from 10 to 15 years in State prison for it;" I said, "How is that? he didn't make any benefit and he didn't take any goods; he took money." He said, "It won't help you anything;" Mr. Levy, who was a friend of Mr. Swartz; he said, "Never mind, Mr. Berrman, we will fix up with Swartz, so it won't hurt you anything;" he said, "We will make it; you will be all right;" then he talked with Swartz, making it for Mr. Berrman; he is a friend of mine, an honest man, and in no trouble, and he don't know of no such business; his boy was the fellow that received it; he said I would receive his money too; make it for him; he should be all right; he said, "Mr. Berrman, if anyone else put me to such a trouble, it would cost

\$200, but as you are a friend of mine, Levy, I will make it to you for \$100, and it will cost you about \$20 or \$25 a lawyer;" then I said, "Mr. Swartz, what do you mean, a lawyer?" he said, "I will give you a lawyer to have;" I said, "I don't need a lawyer; I have my own lawyer;" he says, "Who is your lawyer?" I said, "My lawyer is John E. Brodsky;" "Do you mean to say you will put up J. E. Brodsky to fight me; even if you put up President Cleveland to fight; who is he; I can do whatever I want to; I can make it good or bad;" afterward, he said, "Mr. Berman, I know what you are going to do; I will give you till 9 o'clock at night; I know what you fellows are going to do;" I said, "What do you mean I am going to do; I haven't got \$100;" he said, "You are going to your friends and take advice about this matter what I told you; anyway, if I find out you do take advice from your friends, then \$200 won't help you neither;" so he gave me this answer; I said, "I haven't got money;" he said, "I will give you until 9 o'clock to-night to receive the money," and he had a drink and cigars with Levy, his friend, and he went away, and when I see they went away, I went to see my attorney, John E. Brodsky, to see him about this; I went up to Chambers street and found him right in the office; I saw Mr. Brodsky, and I said to him, "I am in trouble for nothing at all and don't know what it is going to be;" he said, "What is it?" I explained it to him, and he said, "Well, what do you mean to do;" I said, "Officer Swartz wants me I should give him \$100 on it;" I said, "I don't know for what;" he said, "Don't you give him a cent; I know the fellow, and if you give him a cent, don't come any more to me; don't ask me anything;" then I took his advice and went away to Mr. Prince at 14 Grand street; he is the collector of the brewery where I get beer; then I called to him to see about the bonds at the station-house; I went to him, and said this matter, and told him the same thing, that my son is arrested for such and such a matter and Swartz wants me to give \$100; he said to me, "Don't give him a cent; I know him from the Twelfth precinct, and don't give it to him, and don't be frightened; the boy is an honest boy and no harm will come;" I said, "Mr. Prince, what shall I do; I have no bondsman;" "Well, I tell you, if I could go on the bond, I will go to the station-house; I have not got real estate; I will send you to John J. McAdam;" he owns real estate, and is a friend of Mr. Prince.

Q. You did go to the station-house and saw Sergeant Brennan?

A. I didn't go to the station-house; I first went to John E. Brodsky and afterward to Prince and after to McAdam for bond, then McAdam went with me to the station-house, and we

came to the station-house, and the sergeant was in the desk, and he said, "I want to have this young man to take him out of bail;" "Well," he said, "You may not get him out of bail;" he says, "Why?" he said, "I have orders not to let him out on bail."

Q. Who was that sergeant? A. Hurley.

Q. And you offered bail for him? A. Mr. McAdam offered bail.

Q. And was he a real estate owner? A. Yes.

Q. And the sergeant would not let him out? A. No, sir; he had orders not to let him out, and Mr. McAdam went to Judge Ryan; it was after 8 o'clock at night, and Justice Ryan went to the station-house, and they took him out on bail, and it was about 9 o'clock already when they brought him up.

Q. You came to a trial? A. Then to-morrow was examination in Essex Market court before Judge Voorhis, and I will want to explain to you in the meantime the same day the arrest was made there was another man by the name of Cohen.

Q. There was an examination? A. There was an examination before Justice Voorhis and my son was discharged honorably with Cohen, and the judge says if they bring him \$500, even if they put it in the bank, the money, they will have to arrest the bank, and they got them discharged.

Q. And you and your son went home? A. We went to Charley Smith's to have a drink with those officers, and Foley, he is an honest man, and shook hands with me and said, "Berrman, don't have any more feeling; it was my duty; I didn't mean to do anything wrong to you;" and Swartz was very mad with me.

Q. And when he was discharged they didn't get anything? A. On Friday they called the other boy and two young men that made the robbery somewhere, and they found the other boy, and the other boy was never — he used to come in my place.

Q. Never mind the other boy; did Swartz question your son again? A. I want to explain how that was.

By Chairman Lexow:

Q. Go down to the second time? A. The second time he caught the other boy, and they came Saturday morning between 9 and 10 o'clock in the morning; it was the 25th of November, and Swartz came in the store, and he said, "Mr. Berrman, I want to see your son;" they called him in the office, and they had a drink, etc., and he said, "Will you please do me the favor; the captain wants to see you for a few moments;" I said, "Swartz, what is it?" he said, "It is nothing the matter; the captain wants to see you; Mr. Berrman, if you want to go in the station-

house you go and see the captain and you will be right back;" I went right to the station-house; I came to the station-house and the sergeant was at the desk; I asked him if I can see the captain; he said, "The captain is not in the house;" in the meantime Swartz and Foley came in and brought my son to the bar and made charges again for the same action, and they put him down right in a cell; then I went to look after bail again; I could not find McAdam in the city; he was in Long Island somewheres out, and I traveled all day in the morning to look after bail and could not find any, and I went to Prince again, and he said, "Go to the man that came to see your licenses."

Q. You did get him bailed out? A. I got him bailed out at 2 o'clock at night.

Q. Was there any money exacted from you at the station-house? A. Not from me; I did send for supper for my son and they didn't give him anything.

Q. No money taken from you or your son? A. No, sir; not in the station-house; only the 50 cents I gave for supper, and they didn't give him nothing at all.

Q. What else did you pay or your son pay? A. He didn't pay anything in the station-house.

Q. Afterward anywhere else? A. At the trial we had to pay the lawyer's fees.

Q. Now this man Levy you talked about; who is he? A. He was living an independent man.

Q. Where does he live? A. Thirty-six Hester street.

Q. Do you know what Mr. Levy does in connection with the police? A. That is more than I can tell you; I know he has got connection with the police, and what his connection is I don't know; he is doing baker business.

Q. Did you see him talking with license peddlers? A. Not now; but before I used to see him.

Q. Have you seen him get any money from peddlers? A. Yes, sir; I did see him getting money from peddlers; not him exactly; one Ike Moses and Levy they spent the money for themselves.

Q. Do you know anything about the police getting money from peddlers? A. No, sir; I never saw the policemen who get money from the peddlers.

By Senator Bradley:

Q. You paid no money to anyone but the lawyer? A. Only to the lawyer; they brought me in trouble for nothing because I didn't give them \$100; he made a false imprisonment.

Chairman Lexow.—We understand that story. That is all right.

Mr. Ransom.—Just one question. It cost you 50 cents to get the boy's supper that night? A. Yes, sir.

Q. You paid the 50 cents? A. I didn't pay it; I sent it by a man of the name of Anmart to the station-house to give 50 cents for the supper for the boy, and the boy didn't get anything.

Q. You sent 50 cents for the supper of the boy and didn't get the supper? A. No, sir.

Chairman Lexow.—That is all. We stand adjourned until half-past 10 to-morrow morning in Part I. All witnesses subpoenaed for to-day will appear then.

Proceedings of the thirty-first meeting of the committee, Friday, June 22, 1894, at 10:30 a. m.

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

Mr. Goff, Mr. Jerome and Mr. Moss for the committee.

Mr. Nicoll and Mr. Ransom for the police board.

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

Direct examination by Mr. Goff:

Mr. Nicoll.—I desire to know whether the witness, Granger, who attended here under subpoena at the previous sessions is still under the committee's protection.

Mr. Goff.—Before answering you I would like to know what is the condition of Mr. McClave's health.

Mr. Nicoll.—I will answer that when you answer the other question.

Chairman Lexow.—The one might depend on the other. It may be that this committee may have to call Mr. Granger again in rebuttal of Mr. McClave's testimony.

Mr. Nicoll.—I want to know whether the witness is still under the protection of the committee.

Mr. Goff.—When I get the information regarding Mr. McClave's health I will answer the question.

Mr. Nicoll.—There is no use of any such sparring as this.

Mr. Goff.—I don't see why the question should be put to the committee.

Mr. Nicoll.—I will tell you why. If he is under the protection of the committee I have something to say on the subject, and if he is not under the protection of the committee I have something to do.

Chairman Lexow.—I think counsel is entitled to be told whether or not he is still under the subpoena of the committee in this city, Mr. Goff.

Mr. Goff.—I decline positively to state what witnesses are under the subpoena of this committee. I have declined all questions, and I decline it unless all the committee are in executive session, and in public I will decline to say what witnesses are under the subpoena and which witnesses are not.

Chairman Lexow.—That is perfectly proper, but the question is whether he is under the protection of the committee.

Mr. Nicoll.—That means a subpoena.

Chairman Lexow.—Not necessarily.

Mr. Goff.—I understood the chairman to say — if he has been called under the subpoena, he is under the protection of the committee until he is discharged, and he has not been discharged.

Mr. Nicoll.—Then he, as the committee's witness, is still under their protection?

Chairman Lexow.—Certainly.

Mr. Nicoll.—If that is so I would like the committee to keep him away from me. I want the committee to keep him far away from me. This witness met me on Liberty street on Monday last and told me he was going to my office, and told me he didn't want to buck up again Mr. McClave, and wanted to sit down and tell Mr. Goff's plans in regard to McClave and other witnesses, so far as he had been able to get them on account of his confidential relation with Mr. Goff. I told him to get out of my sight, and I would have nothing to do with him, and Mr. McClave would have nothing to do with him, and if he is under the protection of the committee I want to know it, because I want the committee to keep him away.

Senator O'Connor.—You have a perfect right to kick him out of your office.

Mr. Goff.—I make the suggestion, we are all delighted to have Mr. Nicoll back here, because we were a little dull in his absence at the Constitutional Convention; and it is getting on the Fourth of July, and if a sky-rocket explodes in the air it won't harm anybody, and I am delighted to hear that Mr. Nicoll has got into that innoxious condition to call upon the committee to protect him from Granger. If there are any other persons annoying Mr. Nicoll we will try to put a guerdon around him.

Chairman Lexow.—Senator Pound suggests Mr. Nicoll is able to protect himself as against Mr. Granger.

Mr. Nicoll.—Won't you instruct your counsel to keep your witnesses away from me, and from making corrupt propositions to me?

Chairman Lexow.—Go on with your examination, Mr. Goff.

Mr. Goff.—I am sorry to hear Mr. Nicoll admits he is not above temptation.

Q. What business are you in? A. In the woolen rag and wool business.

Q. What is the firm? A. A. S. Rawitser & Company.

Q. And you are one of the firm? A. Yes, sir.

Q. And where do you carry on business? A. No. 138 Duane street.

Q. Duane street? A. Yes, sir.

Q. Raise your voice a little higher; now, Mr. Rawitser, you have been subpoenaed here? A. Yes, sir.

Q. And you came here against your will? A. Yes, sir.

Q. And you have sent a message through your counsel to me this morning, asking to be excused, and that you don't want to come before this committee? A. I did.

Q. I presume a business man and merchant like you, you do not wish to have your name in the newspapers in connection with this matter? A. I dislike it, indeed.

Q. I understand your feelings, but this is a public necessity, and they have got to do it.

Chairman Lexow.—We do not like it any more than you, Mr. Rawitser, but it is a State duty and you have to perform, as a citizen of this State.

Q. Now, in the conduct of your business, you find it necessary to occupy the sidewalk, do you not? A. Yes, sir.

Q. Just a little louder, if you please; now, for the occupancy of that sidewalk, does the police interfere with you? A. Oh, no; I wish to correct the first statement; we don't find it necessary to occupy our sidewalk.

By Chairman Lexow:

Q. You found it convenient? A. No; at times, we find we can not help ourselves.

Q. That is necessary, then? A. Unavoidably necessary.

By Mr. Goff:

Q. You have got to do it in the conduct of your business; you have to occupy the sidewalk? A. Yes, sir.

Q. Do the policemen interfere with you for occupying that sidewalk? A. They have, from time to time.

Q. Have you paid anything to them? A. Not that I know of.

Q. Do you know of your firm having had to pay to any officer for the privilege of occupying the sidewalk? A. Well, no; not for the privilege.

Q. For any purpose? A. We have, in one instance, paid somebody to avoid being fined and of going to court defending suits of a while.

Q. To whom did you pay? A. That I could not tell you.

Q. Was it an official? A. It was someone that came around.

Q. Do you know from whence he came, or who he was, or anything about him? A. He claimed to be a corporation officer.

Q. A corporation officer; what they call an ordinance policeman? A. Yes, sir.

Q. Well, at the time he came down, Mr. Rawitser, had there been a complaint made against you? A. We had been sued.

Q. Yes? A. A number of times.

Q. What did this officer say, or this person, who called? A. He didn't say anything to me.

Q. Who did he visit in your firm? A. He saw our financial manager.

Q. What is his name? A. Bermas.

Q. Give me his name, his first name, please? A. M—Montros.

Q. As a result of his conversation with your financial manager—what was the condition of this, of the complaint against you—in relation to this sidewalk obstruction? A. What did you say?

Q. What followed? A. Nothing followed.

Q. Did your financial manager make it all right with this officer? A. Yes, sir; I suppose so.

Q. Did you know how much money he paid him? A. Not exactly; he paid him once \$25 and another time \$50.

Q. One time \$25 and another time \$50?

By Chairman Lexow:

Q. What intermissions; between what dates? A. I could not say.

By Mr. Goff:

Q. Did a year elapse between payments? A. About a year.

Q. Mr. Bermas is here? A. Yes, sir.

Q. And you as a member of that firm understood it that your firm had to pay out money to be let alone? A. We did not want to be annoyed; the nature of our business is such that we are loading and unloading at a time, and if any one wants to find fault if there is something on the sidewalk they can almost any time.

Q. And they would produce great annoyance to you? A. Decidedly.

Q. If you had made arrangements or your firm had made arrangements with those officials, did the complaints against you cease? A. Yes, sir; we have had none.

Q. Have you had any since? A. Yes, sir; we have had complaints since.

By Chairman Lexow:

Q. Since you made the payments? A. They arrested a couple of our men just in the act of putting stuff on the sidewalk.

Q. What was done? A. I don't know.

Q. Were they discharged? A. I think they were discharged without a fine.

By Mr. Goff:

Q. And up to the time this committee came here to New York, Mr. Rawitser, no complaints were made against you? A. No, sir.

Q. But complaints have been made against you since this committee has been sitting in New York? A. No, sir.

Q. Have you had any complaints made against you since then? A. No.

Q. In the last three or four months? A. I think not; I think it was a little earlier than that.

By Chairman Lexow:

Q. Since the 30th of January? A. I could not really say whether it was about that time or a little sooner.

By Mr. Goff:

Q. But you were admonished; when the last complaint was made against you, you were not fined? A. We had nothing to do with it; they simply arrested two men.

Q. Were they fined? A. No, sir; I think they were discharged.

By Chairman Lexow:

Q. He says they were discharged without a fine; when was the last payment made? A. I could not say; the other men will know.

By Mr. Goff:

Q. Previous to your making this agreement to make payments to the ordinance officer, have you been interfered with by police-

men on the beat? A. Oh, we had, from time to time, been complained of.

Q. Admonished by them, too — A. No; not by the policemen.

Q. By whom? A. Someone we did not know that made the complaint.

Q. The ordinance office? A. I could not say.

Q. Didn't they come to your place? A. The ordinance officer?

Q. Yes. A. I have not seen them but once to my knowledge.

Q. Prior to their making a complaint against your concern did not the ordinance officials come to your place? A. I could not say.

Q. Did you take active part in your business? A. Yes; but my office is in the rear, and I don't come to the outside at all.

Chairman Lexow.—Any questions? Any further questions? Any questions, Mr. Nicoll?

Cross-examination by Mr. Nicoll:

Q. How much of the sidewalk did you have to occupy? A. Well, we have 37 1-2 feet.

Q. Speak up, please? A. Thirty-seven and one-half feet front.

Q. You know it is against the law to obstruct the highway, don't you? A. Yes, sir.

Q. You have been in the habit of paying police officers to permit you to violate the law? A. No, sir.

Q. What do you pay police officers for then? A. I do not pay police officers—you mentioned the corporation officer.

Q. Ordinance police. A. We paid so as not to be annoyed.

Q. Paid so as to permit you to obstruct the highway? A. No; we really don't obstruct it in a sense you take it; it is a constant going and coming in.

Q. You paid so there would be no complaint made against you for putting your boxes on the highway? A. The bales; yes, sir.

Q. That is what you paid public officers for? A. Yes, sir; I suppose that is it.

Q. What? A. Yes.

Q. Did you ever make any application to the department for permission to put your boxes or bales on the highway? A. No.

Q. Did you ever make any complaint to the public authorities that the proper transaction of your business necessitated your putting such articles on the highway? A. Well, we have tried and defended it in court; that's about all.

Q. To any department have you made that statement? A. No; I have not.

Q. Instead of doing either of those things you preferred to pay the corporation police? A. It was not a matter of preference.

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

Q. You didn't do the other thing? A. No; I would like to explain the nature of our business so that you would understand we really didn't occupy the sidewalk; we have five or six trucks at a time loading and unloading, and the bales are very large and heavy, and they occupy a good deal of space anyway.

Q. Is this the only officer you paid? A. That is all I know of; yes, sir.

Q. Were these payments in the nature of gifts? A. I did not give it to him.

Q. Did you have a conversation with him? A. No; no conversation.

Q. Did you see it paid? A. No; I did not see it paid.

Mr. Nicoll.—I move to strike out all the evidence of payment. He did not see it.

Q. Did he ever tell you who had received it? A. Oh, no.

Mr. Nicoll.—Then I move to strike out the testimony.

Chairman Lexow.—It forms the foundation of testimony. Mr. Bermas is going to be called in a moment.

By Mr. Nicoll:

Q. You are getting so used to hearsay evidence that you will not be able to distinguish afterward. When you gentlemen return to the humble practice of law you will be unable to tell the difference.

Senator O'Connor.—This investigation is spoiling me for the practice of law.

By Mr. Moss:

Q. There is no department that can give you legal permission to incumber the sidewalk, is there? A. Not that I know of.

Montrose Bermas, called as a witness on behalf of the State, being duly sworn, testifies as follows:

Direct examination by Mr. Moss:

Q. Your residence? A. One hundred and sixty-nine East Ninety-fifth street.

Q. Are you connected in business with Mr. Rawitser, the previous witness? A. Yes, sir.

Q. What capacity? A. Manager and financial man.

Q. You have heard his testimony in portion in regard to the sidewalk and in the conduct of his business? A. I heard most of it.

Q. And that sums of money were paid to the corporation ordinance man; will you please give us the details of the payment you made? A. The details, as near as I can recollect, they are these: Some years ago, we were served with a summons in an action brought by the corporation attorney, I believe, to appear and show cause why we should not be fined for violation of the corporation ordinances, and I appeared in person and defended that action; before anything came of it, I appeared a great many times; how many times, I do not remember.

By Chairman Lexow:

Q. It was adjourned? A. It was repeatedly adjourned.

By Mr. Moss:

Q. At whose request? A. Never at my request; no.

By Chairman Lexow:

Q. How many times did you recollect it was adjourned, about?

A. My recollection is indistinct, because it is quite a time ago, but I should say three or four times, or thereabouts.

Q. Go on? A. And after going there so frequently, I, of course, felt that, perhaps, the best thing to do would be to pay the penalty which was imposed there, and thus avoid the trouble, the amount being too small, and my recollection now is that I did pay the penalty, whatever it was, \$7.50, perhaps, or something of that sort—to the corporation attorney's office; in conversation thereafter with somebody in our neighborhood, I told them that it was a glaring outrage that we should be bothered in this way, and somebody, I don't remember who, told me that this was one of the instances of the bother that merchants could be put to repeatedly by reason of the compulsory use of the sidewalk in the receipt and shipment of their stock; of course, being aware that our stock is of an extremely bulky nature, everything coming and going, each being handled in bales and boxes, and the sidewalk frequently becoming obstructed because teams would drive up and unload their wares there; and, on the other hand, our shipping clerks would attempt to make shipments; I see very plainly that we could possibly be put to considerable trouble by receipt of notices, whether for cases or not; and the man to whom I spoke said to me, "Why don't you send and see the wardman?" or something of that kind; I suppose this is what he called him, or the corporation officer, or some other similar name.

By Mr. Moss:

Q. A police officer, at any rate? A. I don't know that he mentioned a police officer particularly.

By Chairman Lexow:

Q. It was either wardman or corporation police? A. Wardman or corporation officer, or something of that order, and I said that we had no means of reaching that man, and he said that he would probably be around, and I believe I was visited shortly after that by a man referred to, who represented himself as being an officer of some kind.

By Mr. Moss:

Q. Was that shortly after you were fined? A. I believe it was; I believe it was.

Q. Did he come to your store? A. Yes, sir.

Q. What did he say to you? A. He said to me—I really don't recollect his conversation at that time, but he mentioned the fact that he was the officer and that he heard I wanted to see him, and I told him yes; that there must be some stop to this, because we were being hindered in the transaction of business, and for no cause, and that we were compelled to receive and ship stuff, and that if it was blocked, it was not by reason of any intention on our part; and I further characterized this thing as outrageous, and he then told me it could be stopped, and I said, "How?" "Of course, I understood your stuff is in transportation and is either coming in or going out," and I said, "Certainly it is;" I said the officer who reported the case would probably have memoranda of times where we left stock on the walk, and those were probably the causes of the complaints made against us; so, he, at that time, said that it was probably necessary to contribute something to that, if I felt disposed to do that we would be troubled probably less than before.

Q. Did he mention any amount? A. I think he did.

Q. How much? A. I don't remember distinctly; it being quite some time ago; but I think it was \$20.

Q. Twenty dollars for what length of time? A. For a year.

Q. How long ago was that? A. Well, I really could not state definitely.

Q. Give it to us as nearly as you can? A. I suppose it is a matter of several years ago.

Q. Four or five years? A. Either three or five years.

Q. In pursuance of that arrangement what did you do? A. Well, I told him that it would be—if the matter were a matter of preference I should prefer paying \$20 to having to go to court and defend actions as often as they chose to bring them against us; because I took time, at that time, to inquire of other merchants and found that, in some instances, they had gone

to the hearing of the case repeatedly as I did, and, ultimately, had the decision rendered in their favor by the justice of the District Court; that was the plan I intended to pursue in the first case; but, after going there a number of times, I said that it was logic, and supposed that we would be called upon to go there repeatedly.

Q. Never mind your thought about it; tell us what you did; when was the first payment made? A. It was made shortly after the first visit.

Q. How much was it? A. Twenty dollars.

Q. Can you recall the officer's name? A. I don't think I have ever known it.

Q. How many times have you seen him? A. I don't know that I saw him more than once or twice.

Q. How many times did you pay him the money? A. Once or twice that I spoke of seeing him.

Q. Have you paid any other officer money? A. Yes, sir; there was one after he left; he came in and told us that the precinct had changed captains, I believe, or something of that order, and that the time had to mature for this contribution or whatever he chose to call it, and I told him I did not see any good reason why we should risk having any more trouble under the new administration than under the old, and we would be willing to continue the payment.

Q. And did you continue to pay the \$20? A. We continued to pay for the year or two, I think; yes, sir.

Q. Was the price raised? A. The price was raised.

Q. How much? A. I think the last payments were \$50.

Q. When did you make the last payment? A. Well, I could not hardly recollect, but I presume that it was some time within a year or a year and a half or two years.

Q. Did you know the name of the second officer? A. No; I did not know the names of any of these officers; never having met them.

Q. You have seen that second officer but once? A. I do not know whether I saw him once or twice.

Q. Do you know what station he is connected with? A. I do not know.

Q. Where is the station-house in your precinct? A. I think it is the Oliver street station-house, but I am not sure.

Q. Was this man in uniform that collected money? A. No; not to my knowledge.

By Chairman Lexow:

Q. Have a shield on or badge that indicated an official position? A. I do not think I could swear I saw anything of that sort.

By Mr. Moss:

Q. Well, you made these payments; you were not troubled then, were you? A. Not for a time.

Q. For how long a time? A. Well, for the intervening three years, I presume, until the arrest that the gentleman who testified before me spoke of.

Q. When did that arrest take place? A. Not very long since; within a few months.

Q. Within four months; was it this year? A. I think, likely, it was after the 1st of January.

Q. After the 1st of January? A. I think so.

Q. How did you make these payments; in what way? A. Why, I put the money in an envelope and handed it to him.

Q. Was your card in the envelope? A. No.

Q. Just handed it in a plain envelope? A. In a plain envelope.

Q. With nothing but the money in the envelope? A. Oh, nothing but money in the envelope.

Q. Did he say anything about what he would do with it? A. I don't recollect any conversation with him about it.

Q. You had immunity after you paid, until this year? A. Yes.

By Chairman Lexow:

Q. How did you come to pay the money in an envelope? A. I was requested by him to do it.

Q. By him? A. Yes, sir.

Q. Did he say what he did, or the reason why he asked you to put it in an envelope? A. I think he told me; yes, sir.

Q. What did he say? A. He said that, of course, this is a matter that he knew nothing about.

Q. That the envelope was to go somewhere else? A. Or words to that effect; I do not recollect exactly what he said.

Q. But he had no interest in the matter? A. That is what he told me.

Q. Did he tell you where the envelope was to go? A. No; I don't think he did; I do not believe he made any statement of any description; I had no very lengthy conversation with him; and understanding it was required; we finished the business as rapidly as possible.

Q. What reason did he give for increasing the contributions from \$20 to \$50? A. Why, he said those were his orders.

Q. Did he say from where? A. I could not swear that he did.

Q. Did he tell you, or intimate to you, who had given him the orders to increase this contribution? A. Well, I presume that he might possibly have reference to that portion of his conversa-

tion in which he stated that the change had been made in the precinct.

Q. Was it on the same occasion that he said that a change had been made in the captains, that he said to you that he had orders to increase the contribution from \$20 to \$50; was it the same conversation? A. Well I found it difficult to recollect that, because he may have called on me twice at that time without my being able to remember it now; I recall, however, that he made that statement about the captain, and, of course, he was compelled to make some kind of statement in order to have me understand that the increase was demanded.

Q. Your present recollection is that he said that the reason for the increase was due to the change of captains, and that he had given orders to have this increase made? A. My recollection is that, after stating that the change had been made in the captaincy of the precinct, that he told me mine; I would not like to swear that he referred to either part of the conversation in connection with the other one.

Chairman Lexow.—Any questions?

By Senator O'Connor:

Q. Do you know to what extent these payments to any extent prevails among the merchants of this city? A. I do not know; no, sir.

Cross-examination by Mr. Nicoll:

Q. Where did you say your store was? A. One hundred and thirty-eight and 140 Duane street.

Q. How much rent do you pay? A. We paid up to this year \$10,000

Q. What would it cost you to have rented a store in the neighborhood to put these bales that you put on the street? A. What would it cost to have rented —

Q. To have rented a store for the purpose of storing the articles which you put on the highway? A. I can hardly answer that question because the articles put on the highway were not put there for storage purposes, but for shipping.

Q. They were left there for hours at a time? A. Not to my knowledge.

Q. Don't you know they were left there standing there, obstructing the highway for hours at a time? A. No, sir.

Q. For how long a time? A. Probably long enough to have the teamster take them away.

Q. Wasn't it your habit to allow them to remain there for several hours at a time? A. No, sir; not to my knowledge.

Q. Was the highway always clear in front of your street? A. No, sir.

Q. Wasn't it, for the most part, blocked up? A. It may not have been for the most part, but at times it was.

Q. You know perfectly well that the people of this city have a right to the unobstructed use of the highway at all times?

A. No, sir.

Q. Don't you understand that? A. No, sir.

Senator O'Connor.—Mr. Nicoll, for the purpose of information, have you any objection to informing one member of the committee what the purpose is of showing that these merchants have no right to occupy the sidewalk; that they had occupied the sidewalk and paid the police for doing it. The point that bothers my mind is this, what excuse is that for the payment of money?

Chairman Lexow.—Isn't it still worse for the police?

Mr. Nicoll.—On the part of the merchants?

Senator O'Connor.—Yes, sir.

Mr. Nicoll.—It is scandalous on the part of the merchants; it is not less scandalous on the part of the officers.

Chairman Lexow.—How does it relieve the police?

Mr. Nicoll.—Why make this gentleman with virtuous mien and apparent candor say where the poor persecuted law, or I say they are not, they have no right to pay the police officers.

Chairman Lexow.—This gentleman is here by subpoena.

Mr. Goff.—They had a right to do it.

Mr. Nicoll.—They had no right to do it.

Mr. Goff.—Neither has a house of ill fame, tribute is tribute.

Chairman Lexow.—I think it is an extraordinary proposition to advance the corruption of the police as the reason for finding fault with this witness.

Mr. Goff.—This witness ought not to be subjected to such remarks.

Mr. Nicoll.—I do not think they should be compared with the houses of ill fame.

Mr. Goff.—I do not make any comparison. The police spare no one. They will tax the churches after a while.

Senator O'Connor.—I still fail to catch your idea, and the pertinency of this inquiry, unless it be that the citizens who pay this tribute are quadricepes criminus in the transaction.

Mr. Goff.—I should think they were.

Senator O'Connor.—How does it affect this inquiry?

Mr. Nicoll.—I am not going to spend all day upon it, but will just tear away the little mask of virtue these gentlemen have.

Mr. Goff.—I object. The witness is here under protection of the subpoena.

The Chairman.—I think it is objectionable when a man is compelled to give contributions.

Mr. Nicoll.—He is not compelled. Merchants should have gone to the bureau of incumbrances and applied to the mayor for the purpose of having the privilege to obstruct the street, or instead of that they prefer to pay tribute to the patrolmen and roundsmen.

Chairman Lexow.—The whole trouble is that your absence at the Constitutional Convention made you ignorant of the fact that we had testimony showing that there was evidence of that practice.

Mr. Nicoll.—I read the Herald and the Sun and there is nothing that appeared omitted.

Chairman Lexow.—Then you know that fact.

Senator O'Connor.—A committee was appointed to protest against this, and more especially because they did object to these practices that were singled out, or persecuted and actually arrested afterward.

Chairman Lexow.—I say there is a great deal of excuse for the merchants who have been subjected to that.

Mr. Nicoll.—I don't see that there is any.

Senator O'Connor.—I don't think the merchants or any other class of people ought to be subjected to these exactions.

Mr. Nicoll.—I think the voters, the rich men, and responsible men, the best part of the government are wrong to permit such things to go on without making protests to the authorities.

Mr. Goff.—They have made a protest and their protest has been ignored. I object to the lecturing of the witness by a gentleman.

Senator O'Connor.—There ought to be a populist rising in the city of New York.

Mr. Goff.—That is what we are trying to do for this purpose.

Chairman Lexow.—We are trying to get facts upon which to base legislative action, and if we can do the city good in that respect we shall certainly do so, sir.

Mr. Nicoll.—I thought you were trying to get facts of comparison.—

Chairman Lexow.—Go on with your examination.

Mr. Nicoll.—I will stop it. It makes too much trouble.

J. F. Purpe, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Chairman Lexow.—Now, inasmuch as you probably heard some of this conversation, and are a witness on the same subject

I will tell you this, that any testimony that you may give with regard to bribery or being bribed or having corrupted a police official in this city, is a privileged communication. It can be pleaded in any bar against any prosecution against you for such a case. You understand it?

The Witness.—Yes, sir.

Chairman Lexow.—And that you are now a witness on behalf of the State Senate, and that you are expected to give the truth, the whole truth, and fear no consequences?

Q. What is your business? A. Coffee and tea.

Q. Where is your place of business? A. Nos. 103 and 105 Warren street, and some other places.

Q. Are you a member of the firm? A. Yes, sir.

Q. Did you find it necessary in the conduct of your business to occupy the sidewalk? A. Very much so.

Q. And you don't pay anything for it? A. No, sir.

Q. Never paid a cent? A. Not that I know of.

Q. Could it be paid without your knowledge? A. Not that I know of; we have been fined a great many times.

Q. How long ago is it since you have been fined? A. I think within a year or two.

Q. No more definite than that? A. No.

Q. Where were you fined? A. Right on the sidewalk.

Q. I mean in what court? A. In a little court; a district court.

Q. How much were you fined? A. Five or ten dollars.

Q. That is all the interference you have had? A. Yes, sir.

Q. Which of the members of the firm belongs to the Tammany Society? A. One.

Q. What is his name? A. Wieman.

Q. His full name, please? A. Frederick Wieman.

Q. Isn't it an understood thing in the firm that Mr. Wieman fixes the whole thing for you? A. He has sometimes fixed it, but not always; we have sometimes paid the fine.

Q. When you have not paid a fine he has fixed it? A. He has gone to the judge and got us excused.

Mr. Goff.—That is all.

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

Direct examination by Mr. Goff:

Mr. Goff.—Mr. Chairman, have you charged the witness in relation to the rules of the committee in regard to prosecution?

Chairman Lexow.—I have. You understand, if you testify you paid a bribe to any policeman, or gave any money to any

policeman for a bribe or otherwise, that is a bar against any prosecution for anything of the kind.

Q. What is your business? A. I am manager of a cafe and restaurant.

Q. Where is your cafe and restaurant? A. Fifth street and Second avenue.

Q. Just a little louder, so these gentlemen can hear you; they all want to hear you; Fifth street and Second avenue? A. Yes, sir.

Q. How long have you been there? A. About seven months; six or seven months.

Q. Before you were in that business as manager, what business were you in? A. I have been in the cigar business, liquor business.

Mr. Nicoll.—Speak up.

The Witness.—Cigar business and liquor business.

Q. Where were you in the liquor business? A. Two hundred and fifty-five Bowery and 271 Bowery.

Q. Two places, 255 and 271 Bowery? A. Yes.

Q. How long did you continue that place, 255; how long were you in it? A. For about two years.

Q. What kind of license did you have? A. I had a concert license and excise license.

Q. How much did you pay for the concert license? A. One hundred and fifty dollars every three months.

Q. Every three months? A. Yes, sir.

Q. And how much for the excise license? A. Two hundred dollars a year.

Q. Had you trouble in obtaining your license? A. No, sir.

Q. No trouble? A. No trouble, sir.

Q. Did you pay to obtain it? A. I paid \$150 every three months for it.

Q. Outside of what you paid, the legal fees, did you pay anyone else fees to obtain your license for it? A. No, sir; I did not.

Q. And never had to go to anyone to get a license for you? A. I had to go down to the mayor's office to get it.

Q. Did you ever have to go to a political district leader to get the license? A. No, sir.

Q. Did you ever say you had? A. That I had?

Q. Yes? A. Not that I knew.

Q. Now, Mr. Stager, you wanted to be excused to-day, didn't you? A. Yes, sir.

Q. You stated to me that you had some business dealings that you thought your testimony would interfere with? A. I said I had business on hand to do which would, at least, take me away from my business to-day.

Q. And you were angry because we insisted upon your coming on the stand? A. I am not angry.

Q. You wanted to go away? A. I wanted to, because I am busy to-day, sir.

Q. Do you forget when you were raided at 255 Bowery; do you forget that? A. No, sir; I remember it.

Q. You were raided?? A. Yes, sir.

Q. Were you raided more than once? A. No, sir.

Q. After you were raided, hadn't you difficulty in getting a license? A. No, sir; I did not get any license after I was raided.

Q. Before you were raided, before the last license you obtained for 255, didn't you have trouble? A. No trouble, sir.

Q. The captain of the precinct, who was he at that time? A. Captain McLaughlin, now an inspector.

Q. He made a report concerning your place, didn't he? A. I don't know what he done; I know he closed me up on Saturday night; I don't know what he done.

Q. Don't you know he made a report; didn't you learn that at the excise board, that he made a report against your place and against a license being granted to you? A. I had no trouble with the excise board.

Q. Weren't you informed at the excise board that Captain McLaughlin made a report against you? A. I was informed to go and testify that they should not make —

Q. Weren't you informed that Captain McLaughlin had made an adverse report? A. No, sir.

Q. What were you informed? A. I was not informed anything; all I know on Saturday night he closed up the place; I don't know what he reported.

Q. When did he close up the place? A. On Saturday night, between 11 and 12.

Q. What year? A. About January the 30th, I think it was, 1892 or 1891.

Q. After he closed up the place in January that year did you ever open again? A. No, sir; not ever.

Q. Where did you open then? A. I had another place by, 271 Bowery.

Q. Now, Mr. Stager, did you not have difficulty in obtaining a license for 271? A. That was not a concert place at that time; it was a liquor saloon.

Q. Didn't you have difficulty in getting a license for it? A. An excise license, sir?

Q. Yes? A. It was an excise license when I bought the place there.

Q. Did you ever get a license for that place? A. An excise license; I have had two different licenses for that place, renewed it two or three times.

Q. Did you have difficulty in renewing your license? A. My brewer always got me the excise license.

Q. Now, in getting the license for either 271 Bowery or 255 Bowery, didn't you go to a political leader to get him to have the captain change his report? A. Not that I know of.

By Senator Bradley:

Q. You know whether you did or not? A. No, sir; I did not go there.

By Mr. Goff:

Q. You have made up your mind to swear the thing right through, haven't you? A. I did, sir.

Q. You made up your mind to deny everything, haven't you? A. No; I am only telling the truth, sir.

Q. You have refused to say anything at all in relation to your obtaining a license; you have made up your mind to do that, haven't you? A. No, sir; I am answering every question you ask me.

Q. You have made up your mind to deny everything touching your obtaining a license and paying for it outside of the legal fees? A. No, sir; I did not, sir.

Q. You know what perjury is, don't you? A. Yes, sir.

Q. You know, if you take a false oath here, it is perjury? A. Yes, sir.

Q. And that you will be punished for it? A. Yes, sir.

Q. I have asked you, did you ever say to any person that you had to go to Judge Roesch and pay him \$1,000 to get the captain to change his report against your place? A. No, sir; I did not, sir.

Q. Did you ever say anything like it? A. I did not; I could not, because I did not pay it.

Q. I am not asking you any "because;" did you ever say anything like it? A. No, sir.

Q. Did you ever go to Judge Roesch's office about getting a license? A. I have been there; yes.

Q. Was it not to get a license you went there? A. No, sir.

Q. What brought you there? A. I was there once.

Q. What brought you there? A. I will explain it to you; I was there before I went to the mayor's office to make application; I went in Mr. Roesch's and asked him to come over and

make an application, and he asked me to wait, and he kept me waiting too long, and I went alone.

Q. And you went to Mr. Roesch's office to get him to obtain a license? A. I asked him to come over with me; I wanted to make application for a license.

Q. Don't you know, at that time, the captain of the precinct had made a report against your obtaining a license? A. I did not know that.

Q. Did you not learn it in some way? A. I did not learn it, sir.

Q. Did you not, after you saw Roesch, didn't you learn the captain changed his report? A. No, sir.

Q. Did you ever hear about it? A. I don't think I did, sir.

Q. Are you sure? A. I can not remember if I heard anything about that or not.

Q. Wouldn't you remember it if you heard about it? A. I think I would.

Q. Don't fall back on, "I don't remember;" if it occurred, you would remember it, wouldn't you? A. I can not swear I would remember it; but I don't know that any report had been changed.

Q. Will you swear you never heard that a report had been changed? A. So far as I remember, I will swear; yes.

Q. Wouldn't it have occurred to you if it had been changed? A. Well, I don't know if it would or not.

Q. How long is it ago? A. It is about a year ago.

Q. Now, you remember everything in connection with your getting the license, don't you? A. I know I got a license.

Q. You remember about going to Judge Roesch and about him keeping you too long in the office? A. Yes, sir.

Q. And going by yourself to the excise board? A. Not to the excise board; to the mayor's office.

Q. That was for a concert-hall license? A. Yes, sir.

Q. You have a perfect recollection of that? A. Yes, sir.

Q. That was the day you went to the mayor's office? A. Yes, sir.

Q. Don't you remember whether or no, of your knowledge, at the time, the captain had made an adverse report against your getting a license? A. I do not know, sir; I had not heard of it.

Q. Why did you go to Judge Roesch? A. I wanted him to go over with me to make application.

Q. Couldn't you make it yourself? A. I could; I did make it myself.

Q. Why did you go to him? A. I wanted him to go on; he belonged to my club, and he could go on and show me how to make application.

Q. Hadn't you made applications before? A. Not by this mayor.

Q. The same law was in existence? A. I wanted Mr. Roesch to go over and show me.

Q. You were not very insistent upon Roesch going with you, as you went alone? A. I waited there, and he did not take notice of me, and I went over myself.

Q. Did you ever go to Mr. Delmore? A. Never, sir.

Q. Do you know Mr. Delmore? A. I have seen him, but have never spoken to him.

Q. Did you ever cause anyone to go to him? A. No, sir.

Q. Did you ever tell anyone you had to go to him? A. I did not tell anybody, sir.

Q. Did you ever pay any money to any person for obtaining either of the licenses you ever obtained in this city?

Chairman Lexow.—Now, be very careful in your answer.

A. I only paid the money to the excise board, in the mayor's office.

Q. Outside of the money you paid to the excise board, and outside the money you paid in the mayor's office, did you ever pay any money to any person to aid you in obtaining a license, either concert hall or liquor? A. No, sir.

Q. Did you ever say to any person at any time that you had to pay money either to Judge Roesch or to Mr. Delmore? A. I did not, sir.

Q. You never mentioned it? A. No, sir.

Q. You are clear about that? A. Yes, sir.

Q. Well, the places that you kept in the Bowery were known as dives; weren't they? A. Not as I know of; they were known as respectable places.

Q. You are a partner of Gombossy's, are you not? A. No; never been a partner.

Q. Were you in business with him in Brooklyn? A. No, sir; he was my employe.

Q. Do you remember going to Roesch's house in 1893? A. I never was in Roesch's house.

Q. You don't want to change your testimony? A. I never was to Roesch's house.

Q. You don't want to change your testimony in any manner or form? A. I have never been to Roesch's house.

Q. Do you want to change your testimony? A. I am only answering you what you ask me.

By Chairman Lexow:

Q. Is there any part of the testimony you have given that you now desire to change? A. No, sir.

Q. Counsel means whether everything you have testified up to now is true? A. Yes, sir.

By Mr. Goff:

Q. I ask you now once again if you have ever stated to any person at any time that you had to pay money to Judge Roesch and to Mr. Delmore to get them to pay licenses for you? A. I did not, sir.

Q. And to get them to have the captain change or withdraw his report against your license being granted? A. There was never such a thing, as far as I know.

Q. Did you ever say so, sir? A. No, sir; I did not.

Q. To any person? A. No, sir.

Chairman Lexow.—You understand the distinction, don't you, between the fact occurring and a statement being made? Counsel asked you whether you made that statement. You want to be careful in answering these questions. Whether you made any such statement, not whether you paid the \$1,000.

The Witness.—I do not know that I should make a statement to anybody. I did not pay it to anybody, and why should I make a statement?

By Mr. Goff:

Q. Did you make the statement? A. Not that I know.

Q. Will you swear you did not make such a statement? A. I did not make no statement to nobody, so far as I remember.

Q. When did you obtain your concert license; what month? A. In the month of July, or the 1st of August; I think it was then; I am not positive, but I am pretty sure it was then.

Q. Will you deny you were in Judge Roesch's office in July, 1893? A. No, sir; I stated I had been there, sir.

Q. Were you in his clubroom? A. I go there very often.

Q. You are a member of the club? A. Yes, sir.

Q. You have a bank account? A. Not me, sir.

Q. Did you have a bank account in anyone else's name? A. My wife has a bank account at present.

Q. Did you have a bank account at that time in July, 1883? A. No, sir.

Q. Did anyone else have a bank account in your name? A. No, sir; not in my name; my wife had a bank account then.

Q. And you had power of attorney to sign checks? A. Yes.

Q. Where did she have an account? A. German Exchange Bank.

Q. What is her name? A. Mary Stager.

Q. She is in New York now? A. Yes, sir.

Q. You carry the check-books? A. I do, sir.

Q. You carried it then? A. Always did, sir.

Q. You signed checks without asking her? A. Yes, sir.

Q. Signed her name? A. Yes, sir.

Q. Did you sign her name by your name as attorney? A. No, sir.

Q. You signed her name? A. Her name; yes, sir.

Q. Without any further initial or anything else? A. Without anything else.

Q. You signed Mary Stager? A. I signed M. Stager, or Mary Stager.

Q. Did you draw out of your bank, or out of your wife's account in your wife's name, about the month of July, 1893, from the German Exchange Bank, the sum of \$1,000? A. I may have drawn more than that; I fixed the place up then, and don't know what I drew.

Q. Did you draw out the sum of \$1,500 in one check? A. I don't know, sir; I don't remember it.

Q. Have you got the checks? A. That I can't tell, sir.

Q. Where are they? A. I don't know; I might got them home; I can't tell.

Q. When did you last see them? A. I don't remember whether I see them since the bank took these balances.

Q. When was the bank-book balanced? A. I can not tell, sir; it has been balanced more than once since then.

Q. In whose possession is the bank-book? A. In mine.

Q. You have it now? A. I have it.

Q. Have you it with you? A. No; I have it at home.

Q. In whose possession are the return vouchers? A. Everything in my possession, if they are in existence yet.

By Chairman Lexow:

Q. Don't you remember whether they are in existence? A. I can not tell you, sure; they might be; old checks may be thrown away.

Q. When did you last balance the account? A. I could not tell, sir.

Q. Couldn't you remember those months? A. I do not know; the book will show the last balance.

Q. What is your habit; how often do you balance a year? A. I have no habit; I balance it when I think it ought to be balanced; sometimes in one month, and sometimes in five months.

Q. You have balanced it since the month of July, 1893? A. Yes, sir.

By Mr. Goff:

Q. Are you in the habit of drawing checks of \$1,500? A. If I need it, of course, I have to draw it.

Q. Have you drawn many checks for \$1,500? A. I could not draw many checks for \$1,500; at some times I can not remember what kind of checks I draw.

Q. Do you know a man by the name of Kite? A. Yes, sir.

Q. What business is he in? A. Cigarmaker.

Q. He introduced you to Mr. Delmore, didn't he? A. He did not, sir.

Q. Did you have a talk with him about introduction to Mr. Delmore? A. No, sir.

Q. Did you pay all the bills for the fitting up of your place by check? A. Sometimes by check and some of them by cash.

Q. What is the highest bill you paid? A. I can not remember what the bills were.

Q. A hundred dollars? A. I can't remember what the bills were.

Q. A hundred thousand dollars? A. I know it was not that.

Q. Ten thousand dollars? A. It was not as much as that.

Q. Five thousand dollars? A. Not as high as that.

Q. Two thousand dollars? A. No.

Q. Three thousand dollars? A. No.

Q. Fifteen hundred dollars? A. It might be \$1,500.

Q. Who did you pay \$1,500? A. I could not say.

Q. Who did work for you there? A. Some carpenters, and mason.

Q. What is the carpenter's name? A. I don't remember.

Q. What was the carpenter's name that did the work there? A. Fried.

Q. Give the full name? A. That is all I know — Fried.

Q. Where is Mr. Fried's workshop? A. I don't know where his workshop is now.

Q. Where was it then? A. It was right above 271 Bowery.

Q. Above 271 Bowery; and he did all the carpenter work for you? A. Not all of it, sir; part of it.

Q. Who else did the carpenter work for you? A. I don't know his name.

Q. And did you pay him any money? A. I don't know.

Q. Did you pay him in checks or bills? A. I paid him in checks and paid him in bills.

Q. Some in bills? A. Yes, sir.

Q. You have the check-books, haven't you — the stubs? A. I think I have; I am not sure.

Q. Why aren't you sure? A. I did not see it since that time; I don't know whether I had the old book you want.

Q. Who else did work for you there beside the carpenters? A. Some masons.

Q. What are the masons' names? A. I don't know, sir.

Q. What work did the masons do for you? A. Plastering.

Q. And who else did work for you? A. Paper hanging.

Q. What is the paper hanger's name? A. I am not sure if it is Freedman or not; I am not sure whether he was on the job or somebody else; but I think he done it.

Q. Where is Freedman's place? A. He used to keep in Houston street.

Q. Where is he now? A. I don't know where he is now.

Q. How much did you pay Freedman? A. I don't remember.

Q. How much did you pay Carpenter Fried? A. I don't remember.

Q. One thousand dollars? A. I don't know how much.

Q. Two thousand dollars? A. I don't know.

Q. Three thousand dollars? A. It was not as high as that; but I don't remember the amount.

Q. Didn't you get a bill from him? A. Yes, sir.

Q. You paid him by check and in bills? A. Yes.

Q. Will you swear you paid him more than \$1,000? A. I don't know.

Q. Will you swear you paid more than \$500? A. I don't remember.

Q. Do you remember you had the work at all? A. Yes, sir.

Q. Your memory fails you as to the man that did the work for you? A. Yes; I can't remember.

Q. You can not tell the mason's name? A. I don't know his name.

Q. Did you employ him? A. I employed him in the store; I suppose I sent somebody for him.

Q. Did you know him before? A. I did not.

Q. You can not tell his name? A. I got more than one estimate made and got it of the cheapest man.

Q. Who was the cheapest man? A. I don't remember his name.

Q. Was the estimate in writing? A. Yes, sir.

Q. Have you got the estimates? A. No, sir.

Q. What became of them? A. I throwed them away.

Q. How much did you pay the paper hanger? A. I could not state that sure, how much I paid.

Q. Five hundred dollars? A. I did not pay as much as that.

Q. Three hundred dollars? A. About two or three hundred dollars; I am not sure about it.

Q. Will you swear you did not draw a check for \$1,500 about the month of July, 1893? A. I can not swear I did not draw, and I can not swear I did draw because I don't remember.

Q. If you can not swear you drew a check for \$1,500, and it appears you did draw \$1,500, what is the check for? A. To pay the workmen what expense I had.

Q. To whom did you draw the check for \$1,500? A. I don't know if I ever did draw a check for \$1,500.

Q. Or even for \$1,000? A. I do not know even if I drew a check for \$1,000.

Q. Mr. Stager, I ask you again, to be more particular about it; did you ever say to any person that you had to pay any money, for any amount whatever, to either Judge Roesch or to Mr. Delmore, for them getting a license for you? A. No, sir.

Q. Any amount? A. No, sir.

Q. No money whatever? A. No money whatever.

Q. And, as matter of fact, you never did pay any money? A. No, sir.

Q. That is your sworn testimony here? A. Yes, sir.

Q. Now, you will bring down, please, your check-book and your bank-book? A. Yes, sir.

Mr. Goff.—We will not inquire further, unless the gentleman wishes to ask a question.

Chairman Lexow.—Don't you think you will ask the witness whether he will do so, and if he says he will, let it end at that, and if not, serve a subpoena?

The Witness.—I will, if I find it.

Chairman Lexow.—Bring it this afternoon.

The Witness.—It is inconvenient this afternoon, but if you require me to do so, I will bring it down any time you want me to.

Mr. Goff.—Tuesday — at 10.30 on Tuesday.

The Witness.—Yes, sir; I will bring it any time you want it.

Mr. Goff.—Unless Judge Ransom wants to ask you questions, you are excused; you are under subpoena.

Chairman Lexow.—You are under subpoena and must attend at 10.30, whether you bring the books or not.

The Witness.—I will bring whatever I have, sir.

Mr. Goff.—Richard A. Canfield in court? (No answer.) Sergeant-at-arms, will you please call Richard A. Canfield. (The sergeant-at-arms called Richard A. Canfield twice, and there was no reply.) Make a note there is no reply to that, and the time you called also. (Twenty-two minutes past 12, Richard A. Canfield was called and did not answer.)

Nathan Levy, 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? A. No. 215 East Ninety-eighth street.

Q. Talk louder than that; do you know Morris Jacobs, a witness who has testified in this examination? A. Yes, sir.

Q. Are you a brother of Lewis H. Levy, who has attended here under subpoena and has not yet been examined? A. Yes, sir.

Q. Were you a member with your brother, Lewis, of the Hebrew Association, which was naturalized through John J. Ryan? A. Yes, sir.

Q. You do have a soda-water stand in front of your house? A. Yes, sir.

Q. How is that located, on the sidewalk or inside? A. Inside in the gate, in the railing.

Q. Does it project over the sidewalk at all? A. No, sir.

Q. Tell what happened when a man called on you yesterday or day before? A. A couple of days before, a man came up to me and he took a glass of soda water, and he handed me five cents, and when I wanted to give him the change he would not take it; and he asked me what was my name; I said, "Nathan Levy;" he said, "Have you a brother, Lewis Levy?" I said, "Yes;" he told me, "You better tell him to go away;" I said, "It is not my business to tell him;" he said, "Well, your soda water has got to be removed, and I got notice sent in yesterday."

Q. Is this the notice you received very promptly on that demand? A. Yes, sir.

Q. He demanded you should have your brother go away from this city? A. Yes, sir.

Q. So as not to testify before this committee? A. Yes, sir.

Q. Do you know the man's name? A. I could not tell the man; if I could see him I would recognize him.

Mr. Moss.—I have made inquiry, Mr. Chairman, of the department, and the name of the complainant is written on the bottom of that notice.

Chairman Lexow.—“Rosensohn and others, owners of the property.”

Mr. Moss.—It is a notice from the bureau of incumbrances. I will ask the stenographer to mark that. We may subpoena the complainant. It may appear this is not an incumbrance at all, and I propose to make some inquiry of the incumbrance officer to see no intimidation is practiced on this man.

(Paper marked Exhibit 1 of this date.)

Senator Cantor.—If you send word to Mr. Cummings, he will give you information about that.

Mr. Moss.—Will you ask any questions, Mr. Ransom?

Mr. Ransom.—No, sir.

By Chairman Lexow:

Q. I would like to ask him a question before he goes off; how long have you had that stand there? A. Since the 6th of May.

Q. Of this year? A. Yes, sir.

Q. And you never was interfered with until yesterday? A. A policeman came up to me the same day I put the stand out, and he said I have to take a permit for it, and I told him I would see about that, and the next day the policeman passed by and did not say anything, and I did not bother with it.

Q. And never heard anything from that day until yesterday? A. No, sir.

Mr. Moss.—I have had Lewis H. Levy in court twice, but we have not been able to reach him, and I have excused him until we wanted him; it has been known that Levy was here, because friends of Ryan were in court. Mr. Berg, will you take the stand?

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

Direct examination by Mr. Moss:

Q. You live at 724 Lexington avenue? A. No, sir.

Q. Where do you live? A. Two hundred and forty-two West Forty-fourth street.

Q. And you do business at 189 South Fifth avenue? A. Not at present; I did formerly; I moved from there the 1st of May.

Q. What is your business? A. The woolen rag and waste business.

Q. How long were you there? A. On South Fifth avenue?

A. At South Fifth avenue? A. Two years.

Q. Did you have any trouble about the use of the sidewalk?

A. I was—I had some trouble; yes, sir.

Q. Did you have a call from a policeman? A. Did I have a call from a policeman?

Q. Yes? A. No, sir; I was simply put on the information docket.

Q. You did call a policeman into your store and talk to him about your trouble, didn't you? A. Not at that time.

Q. When did you? A. This was prior to that.

Q. Tell us what it was; tell your story? A. Well, I was in business on Duane street at that time; it was prior to my removing from Duane street to South Fifth avenue; I was in business at 172 Duane street, and I was put on the docket several times.

Q. That is, on the docket of corporation cases; do you mean to say you had a number of cases against you for violation of the ordinance? A. Yes, sir.

Q. In the district court? A. In the district court; in which cases I was fined for incumbering the sidewalk in violating the ordinance; and this was handed repeatedly to me.

Q. Were those cases tried promptly, or did you have to attend a number of times? A. No; they were tried promptly, I believe, so far as I remember; it was some years ago, in 1889 or 1890.

Q. You said you were tired of being fined? A. And it was necessary for me to use the sidewalk, in a measure, in shipping goods; I occupied only a loft and basement of the building, and the character of the packing of our goods is very heavy stock, and we use the sidewalk, more or less, in shipping, and in shipping the stock we had to take the stock from the elevator and had to let the stock remain on the sidewalk a certain length of time; and in shipping the goods it was necessary to use the sidewalk; and I was fined repeatedly for incumbering the sidewalk; and I got tired of it, and tried to arrange the matter so I would not be bothered, as I understood other merchants had done before me.

Q. That you understood was the general custom, didn't you? A. I did.

Q. Did you have a talk with the policeman about what you should do? A. I did complain to a policeman about it, and he suggested I should fix it.

Q. How did he suggest it? A. He said he would send someone to me that would arrange things for me so I would not be annoyed.

Q. That policeman you first spoke to was on the beat; wasn't he? A. I don't remember exactly whether he was on that beat or not.

Q. Was he in uniform? A. Yes, sir.

Q. He said he would send somebody? A. Yes, sir.

Q. Who did he send? A. I don't know who he sent; someone came to me and told me he had come to arrange matters with me so I would not be annoyed.

Q. Think if you can not recall the name of that second man that came to you? A. I don't remember it distinctly; I don't know—I have a slight idea—I think his name was Kelly; I could not say.

Q. Was it James Kelly? A. I don't know; I am not really certain of that, but I think that was the name; it was quite a number of years ago.

Q. What did Kelly say you might do? A. Well, he did not say anything what I could do; he said he came to arrange matters with me so I would not be annoyed.

Q. Did you arrange matters? A. Yes, sir.

Q. How did you do it? A. I asked him what it would cost; he told me \$50.

Q. Fifty dollars for how long a period? A. Twelve months, which I declined to pay.

Q. What were you willing to pay? A. Well, I told him I thought \$25 ought to be enough.

Q. What did he say to that? A. Well, he said he would try it.

Q. Did you give him the \$25? A. I did.

Q. How did you pay it to him, in money off-hand, or in an envelope? A. I put it in an envelope for him.

Q. Who told you to do that? A. He did.

Q. What reason did he give when he told you to put it in an envelope? A. Well, he did say if I had anything to send to anybody, he didn't mention a name distinctly, if I can remember correctly he did not object to put it in an envelope.

Q. Did he say what became of the envelope? A. No, sir; he did not.

Q. Did he say what he would do with it? A. He did not.

Q. You did give him \$25 in an envelope? A. Yes, sir.

Q. Was your card put in the envelope, your business card? A. No, sir.

Q. Nothing but the money? A. Nothing but the money.

Q. Did you ever give Kelly any more money? A. I don't know that I ever did.

Q. Was your address printed on the envelope? A. Very likely; my envelopes are all printed.

Q. And it was one of your business envelopes? A. I am not sure it was; it is a possibility of its having been one.

Q. Is it your recollection it was? A. I have no recollection whether I placed it in a business envelope or a blank envelope.

Q. Let us see; didn't Officer Kelly come again about a year from that time? A. He did.

Q. What did you do with Kelly on the second occasion? A. I do not remember whether I paid him again or not, because I either gave up business—I got out of that business the 1st of January, 1891, or 1890; let me see; I think it was 1890, or 1891; and I don't remember whether I paid him again or not; I know he came around; this party, I don't know his name positively, but the time is 12 months, or about.

Q. Do you remember his language when he came the second time? A. I do.

Q. What was it? A. He said he came to renew the lease.

Q. He came to renew the lease? A. Yes, sir.

Q. Was that envelope sealed?

Mr. Goff.—You heard that, Mr. Senators? The officer said he came to renew the lease.

The Witness.—He first asked me what the arrangement was. He came to my place. I did not remember him, and he asked me if I didn't, and he told me his name, which I don't remember now, and he told me what his errand was. I don't remember whether I paid him the amount or not.

Q. During that year you do remember, were you fined or bothered with suits or proceedings? A. I was not.

Q. You had, practically, immunity? A. Yes, sir.

Q. Do you know any other merchant who paid in the same way, or in a similar way? A. I do not.

By Chairman Lexow:

Q. What reason did this man give for asking you to put the money in an envelope? A. Well, my memory is a little off on that subject, and I can not just exactly recall the reason; I know it—

Q. You never had put money in envelopes for people before, had you? A. No.

Q. Did he ask you to seal this envelope? A. I don't remember whether he did or not.

Q. Was it sealed or not when you gave it to him? A. I don't remember that.

Q. Can't you remember, when he made this extraordinary proposition to put it in an envelope and hand it to him that way, what he said in connection with it? A. I don't remember distinctly; so I can't swear I did.

Q. Did he say anything about a drawer in the station-house? A. No, sir.

Chairman Lexow.—That is all.

Cross-examination by Mr. Ransom:

Q. Before you had seen Kelly, I understood you to say that you had been fined frequently for incumbering the sidewalk?

A. So charged; that was the charge against me.

Q. I understood you to say you were tired of paying fines?

A. Yes, sir.

Q. You were fined several times? A. Yes, sir.

Q. And, in order to escape liability then for violations of law, you paid this man \$25? A. I did not pay him for that purpose at all, sir.

Q. In order to escape being fined for incumbering the sidewalk, you paid him \$25? A. Well, probably so.

Q. Isn't that certainly so? A. Perhaps it is.

Q. Why do you say perhaps? A. I paid him for the privilege of not being fined; I don't say for violating the law; I don't know I ever did.

Q. Your idea is you paid him to avoid being fined? A. Yes, sir; to avoid being annoyed.

Q. How were you annoyed, except by the fine? A. I was annoyed by frequent threats of officers arresting my drivers, of notifications from the department of public works, to appear to answer charges against me for incumbering the sidewalk and so forth.

Q. You were annoyed by those charges, and by threats, and by proceedings, which resulted in fine, which you paid? A. Yes, sir; I paid, not all the time.

Q. You didn't pay all the time? A. No, sir; some of them were remitted; I paid the costs; some of the fines were remitted.

Q. I ask you again, if it is not true, that the object you had in paying Kelly \$25 was to relieve yourself from being fined for incumbering the sidewalk? A. Yes, sir.

Q. You regarded this transaction between you and Kelly as unlawful, didn't you? A. As lawful?

Q. As unlawful? A. I don't know that I did.

Q. Do you swear to that, sir; that you did not know, at the time you gave him \$25, that that was an unlawful act on your part? A. I won't swear to it.

Q. Isn't it true, sir, that you, to-day, and at that time you paid him the money, regarded the payment to him as a bribe to him or to the police to relieve you from the annoyance of being arrested or fined for incumbering the sidewalk? A. I do not regard it in that light at all, sir.

Q. What did you think it was? A. I thought and felt that I wanted to be relieved from the annoyance and bother which

other merchants were relieved from, which I knew to be a fact; no, sir; I knew I incumbered the sidewalk not as much as the neighbors all around me.

Q. You knew Kelly hadn't any right to demand \$25 from you?
A. I knew all that, sir.

Q. And you gave it to him, notwithstanding? A. Yes, sir.

Q. Didn't it seem you and Kelly were on a par in that transaction? A. No, sir; nothing of the kind.

By Senator Cantor:

Q. This was in 1890? A. This was about 1890 or 1889, I think.

Samuel L. Brewster, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Moss:

Q. What is your residence? A. Seven Briton street, Jersey City.

Q. What is your business? A. Superintendent of the American line.

Q. That is the international line of steamers? A. The international line of steamers.

Q. You have two piers on the North river? A. We have only one in use yet.

Q. Have you a police officer on that pier? A. We have.

Q. What is his name? A. His name is Interman — Herman Interman.

Q. More than one? A. There is two lines; we have the Southampton line, and Red Star line, from Antwerp; the gentleman that testified yesterday belonged to the Red Star line.

Q. What was his name? A. Charles Beeck.

Q. Beeck belonged to the Red Star? A. Yes.

Q. What is the duty of policeman Interman, that you speak of? A. He regulates all thoroughfares on the dock of carts, and has entire control as to which carts shall go down, and so on, and all hacks and everything.

Q. What time does he go on duty? A. He goes on the morning; about 8 o'clock, I think.

Q. What time does he go off? A. Sometimes 8 o'clock the next morning; he is there all night when we are busy.

Q. How did you get Mr. Interman assigned to your pier?
A. Well, I don't know just that a demand was made by anybody; the policeman was assigned to the pier, and when one was removed another was sent there.

Q. How long has Interman been there? A. I couldn't really say; three or four years; perhaps more than that; five or six years.

Q. You don't remember the man before him, do you? A. Yes, sir.

Q. What was his name? A. Thomas Brennan; he has retired, and pensioned off, and is a gatekeeper on the steamboat line.

Q. Is Interman attached to the steamboat squad? A. Yes, sir.

Q. Is Mr. Interman's name on the pay-roll of the company? A. Yes, sir.

Q. How much is he paid? A. Ten dollars a week, and the other man gets \$5.

Q. Beeck gets \$5? A. Yes.

Q. And Interman \$10? A. Yes, sir; he has only been there a short time.

Q. Who pays Interman? A. The money is sent from the office.

Q. Right into Interman's hands? A. No, sir; into the timekeeper's hands; the man that pays the labor.

Q. To the timekeeper personally? A. Yes; he receives the money in a small envelope.

Q. Have you ever talked with Interman about it? A. About what, sir?

Q. About the money he receives? A. No, sir.

Q. How did you come to pay him; he asked you to pay him? A. That was the custom all along, as long as I have been there.

Q. As long as you can remember, you have paid a policeman on that dock \$10? A. We have; a policeman is a very valuable man to us.

Q. You consider him a regular employe of the company; his name is on the pay-roll? A. His name is on the pay-roll to account for the money paid out.

Q. Do you know what Interman does for the money? A. I don't.

Q. Have you ever had any conversation with him or anyone else about it? A. I have not.

Q. Does Mr. Interman receipt on the pay-roll? A. Nobody does that; the same as any man paid, except a head man like myself, and the clerks under me; they sign receipts at the end of the month, but nobody else.

Q. Do you know of any other steamboat or steamship companies that keep officers on their dock that pay them as you do? A. They all have officers.

Q. Do you know anything about the payment? A. I don't know personally that they paid it.

Q. What is the general understanding among shippers or shipping men? A. I think they must be all alike.

Q. You do not think your company is an exception to the rule, do you? A. Oh, no.

Q. Where is Mr. Interman's station; where he is doing this work? A. He is everywhere.

Q. On the street or on the pier? A. On the pier.

Q. Is that pier leased to your company? A. Yes, sir.

Q. Is it not a public dock? A. It is not a public dock.

Q. And this man is doing work upon your private pier? A. On our private pier; we have handled, since the 21st of March to this date, 19,200 passengers, in and out, on that pier.

Q. And while he is receiving his pay from the city, as a policeman, he is also receiving \$40 a month, or \$10 a week, from your company, as private watchman? A. That is what he is paid.

Q. That is the way you understand it, is it not? A. Yes, sir; it is a gratuity; not a tax on us at all.

Q. If the policeman did not perform that service, you would have to employ someone else to do that work, wouldn't you? A. We would have to have someone with authority to arrest.

Q. A special policeman? A. He is away to-day to court with a man that stole coffee off the dock, to the Tombs.

Q. Is there anyone in your company that would have a more intimate knowledge of Mr. Interman's matters or arrangements with your company than yourself? A. No; I don't think so; I don't think they would know what he does with his money any more than they would what I done with mine.

By Chairman Lexow:

Q. Who has closer relations with Interman than you? A. No one; I am supposed to be a boss of the concern at the docks.

Q. Don't he come in closer connection with any other official of the company than yourself? A. No, sir; he does everything I ask him to.

Q. Has he ever told you what was done with this money he was paid? A. Never.

Q. When he came into your employ, did you make any special agreement with him to pay the \$10? A. That was kept right along.

Q. Without any agreement with the person at all? A. No; if he goes out to-morrow and another one sent there, he would come in for the same.

Q. It is a system adopted by your company for a long number of years back? A. Yes, sir.

Q. And is not made a question of contract between you and the policeman at all? A. Not at all; I have been 44 years there.

By Senator Bradley:

Q. Ten dollars has been paid every week during 40 years? A. No, sir; not every week.

Cross-examination by Mr. Ransom:

Q. I understood you to say it was necessary there should be an officer on your dock authorized by law to make arrests?

A. Yes, sir; someone having power to make arrests.

Q. Somebody empowered to make arrests? A. Yes, sir.

Q. You know of no officer in this city or person having such power but a policeman, do you? A. I do not know, unless they are special policemen appointed.

Q. The services performed by this officer upon your dock have been described by you; will you please describe them?

A. Well, he is a general utility man, as you may say; he is everywhere.

Q. What is his purpose? A. To keep the peace and protect passengers.

Q. To protect passengers from pickpockets? A. From hackmen, and all those things; he regulates the hacks.

Q. He is there really as a constable or peace officer? A. Yes, sir; last Wednesday we had 1,400 people go away from there.

Q. And in the discharge of that duty, it seems to you he is acting in the line of his office as a policeman? A. He is a policeman.

Q. But it is upon your private property? A. Yes, sir.

Q. And you pay him this sum of money for his services for you, in the nature of a gratuity, as I understand? A. A gratuity; it is not a tax; there has never been any amount stated.

Q. You have not been required by the officer to pay him for his services? A. No, sir.

Q. There has never been any bargain between you and the officer for his services? A. No, sir; the same as feeing a waiter in the saloon.

Q. There has never been any secret about it with you? A. Not that I am aware of.

Q. You don't regard it as an improper thing in giving him this gratuity A. I do not.

Q. You don't know whether he paid any amount of money to any superior officer, for the purpose of being detailed to that pier, do you? A. I do not.

By Mr. Moss:

Q. Isn't it the common rumor or understanding among the shippers that these officers do not keep all the money they get?

Mr. Ransom.—I object.

Chairman Lexow.—Objection sustained.

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

Direct examination by Mr. Jerome:

Q. What is your business? A. I am a carpenter by trade.

Q. How long have you been a carpenter? A. Well, about 45 years.

Q. And in this city? A. And in the city I have been near 30 years.

Q. Are you acquainted with Inspector Alexander Williams, formerly Captain Williams? A. Yes, sir.

Q. Did you know him when he was down in Oak street? A. I knew him before he was there, too.

Q. Begin down in Oak street? A. Yes.

Q. Now, did you have a saloon down in Oak street? A. No, sir.

Q. What did you have down there? A. First I was in 11 Rose street, a decent boarding-house, a big boarding-house; I had only charge over that; it was not my own; after awhile, it had to be sold for agents, and I found out the house had to be sold, and I did not want to go on the street, and I had a lot of money saved over, and I went to Pearl street, and rented a little house in Pearl street.

Q. You took your wife there with you? A. I had it ready; I am a carpenter by trade, and I make my little back bar, and finished it up, and had a plumber there, and gasfitter; there was nothing in the house at all, and plastering, and all this, and fix the house up from top to bottom, and as I was working there, some policemen there laughed at me and said to me; they said, "What are you going to make there?" "Well," I said, "I want to do some business here;" I don't know sure, little meals and small meals and couple of rooms and rent it out; not done; I can not tell.

Q. You were going to have a little saloon there, and serve meals, and were going to rent out a couple of rooms? A. Yes; and he laughed—the police—and he said, “You want to do something else; you want to see the captain first.”

Q. The man was on the beat there? A. Yes; he was on the beat, and said, “You go and see Captain Williams first.”

Q. And Williams was then captain of that precinct? A. He was captain in Oak street; well, then I had this done; I had some friends before in my boarding-house, you know; I give some meals and breakfast, and in the day when people come and want something to eat, I was ready for to do so, and tried to make some money myself; I had no children, only me and my wife and servant girl; so we had some friends, and I told them I am going to move soon, and I got another place, and when I am done I move out; “Well, let us know,” they said, and that was some party from Brooklyn, three nice gentlemen; a gentleman that owns a theater there; I was done—

Q. When you moved from this place to Pearl street, these gentlemen came there and boarded with you? A. I sent them a letter I was done; if they wanted to see me, come and see me, please, and he came in the night, about 6 or 7 o'clock; it is a good while ago.

Q. How long is it ago?

Mr. Jerome.—We are trying to begin with his whole history and show his biography right down. Captain Williams was sent to the Oak Street station 20 years ago.

Mr. Nicoll.—How long?

Mr. Jerome.—Twenty years ago, and we will trace him down.

The Witness.—It was about 20 years ago Captain Williams was in Oak street; and I knew Captain Williams when he was—

Q. This man came to see you? A. Yes; at Pearl street; these three gentlemen came to see me; now, I had a box of bottle beer—I am just speaking the truth; I took that upstairs myself, and sat it down in my sitting-room, and my wife was there, my servant girl, and these three gentlemen, and my servant girl was just out of a place, and was stopping a couple of days in my boarding-house.

Mr. Nicoll.—Is there any reason for this? The State has got to pay for the stenographer's minutes.

Chairman Lexow.—The State has got to pay for them, and we will attend to that.

Mr. Nicoll.—Is there any way to stop this man?

Chairman Lexow.—Mr. Nicoll, if you will sit down, please, I will attend to this witness.

Mr. Nicoll.—I am making my objection. I object to the evidence.

Chairman Lexow.—It is overruled. Go on, witness.

The Witness.—Eight o'clock, somebody came in and I attended the saloon and went upstairs and unlocked the door, and he came in, and Captain Williams and two detectives, and he took the key off the inside of the door, and he said, "You the owner of the place?" and I said, "What is the matter, you take my key from the door?" he says, "I am captain;" I said, "I know you are captain; I knew you were captain;" "And you are my prisoner;" "What for; what are you doing;" "Never mind what I am doing;" and two detectives came upstairs and get my wife and servant girl and three gentlemen, and Captain Williams got hold of me; so he says to me on the street; he says, "How can you start a business like this, without you come and see me?" I said, "Captain, what business I do? When I do anything wrong? I am not doing any business here at all; I am hardly ready; I just finished off the house; I'm not doing any business;" "You are not doing any business? I know what kind of business you are doing; I show it to you; if you want to do business like that, you have to come and see me first; you want to come to see me first; if you want to get out of this, you pay \$75; if you don't, I make it hard for you; after this you pay regular every month."

Q. Did he say what kind of business it was? A. No; he said I keep bad house.

Q. He said you kept a whorehouse? A. He said, you keep a whorehouse, and he locked me up on Friday night.

Q. You were taken to the station-house and put under bail? A. I was under \$2,000, I think it was, just like a murder; me and my wife.

Q. Nothing was ever done to you again? A. No; never called up again.

Q. So Captain Williams personally said to you, on the way from Pearl street to the station-house, that you were trying to keep a disorderly house there, and you could not open such a thing without seeing him? A. I say, must see him.

Q. You must pay him \$75 down, and see him every month? A. Yes; \$75, and see him every month in private.

Cross-examination by Mr. Nicoll:

Q. What year was this? A. That is about—I can not tell just particularly any year; it was—the Brooklyn bridge was there; that house I had for boarding-house was torn down; the city bought that; 20 years.

Q. Was the City Hall standing? A. The City Hall was standing before I landed here; I was here 33 years; oh, yes; I have been here 33 years.

Q. You are here 32 years? A. Yes, sir; I am here 32 years; you can not bring me around.

Q. What month was it? A. What month?

Q. Yes? A. I don't know particular any more; it is too many years ago; but I recollect it so far it was in the fall, or in the spring.

Q. It was in the spring? A. It was in the spring, well, I think about February or March; I can not tell no more; I can not say that for sure; I will not swear to the month; I can not do it; it is too long ago.

Q. Will you swear as to the year? A. I can not do that either; that is too much, you know.

Q. Can't you tell the year; can you tell within five years of what year it was? A. Twenty years ago.

Q. Why don't you talk out? A. If I be ready I will talk loud; I say 20 years off now.

Q. Speak up and answer the question? A. I say 20 years off it is from now; what we had then; 20 years ago it was; yes; 20 years ago.

Q. It was then in the year 1874? A. Well, I was not sure; I want to say something myself, but I thought I was a little wrong; about that time it was.

Q. Haven't you sworn it was 20 years? A. Yes; it is 20 years ago.

Q. Do you know what perjury is? A. No; I do not know.

Q. You don't? A. No.

Q. Do you know what false oath is? A. What?

Q. Do you know what false oath is? A. False oats.

Q. Do you know what it is to swear falsely? A. It is something in the English I can not let out; I know what that is; I know what swearing is; I have to swear what is correct; I understand that.

Q. Will you then swear that this transaction took place in the year 1874? A. I guess I can swear, and I told you a little while ago; I say, so far as I know, it is about 20 years ago; I can not swear particularly the year; I can not do it; if I expected I would come for this, I might have taken notice and marked it down; I did not think about it; because here they run me down, and make a poor man of me, and three or four days I had to leave the house, and I am not doing anything for it.

Q. He charged you with keeping a disorderly house? A. Yes; I was charged and bailed out.

Q. You were bailed out? A. Yes; somebody bailed me out — a friend of mine; I was out the same day too; they could not keep me there at all, because I did not like the place, and they never

had me there before, and I had friends bailed me out, \$2,000 bail; and the captain had the key of my house; when I come to Oak street, I said, "Captain, I want the key;" "Who bailed you out?" I said, "That is my business; I want the key of my house;" "I want to find out first;" I said, "You could not keep my key; I pay the rent for the house; I want my key now;" he said, "If you talk saucy, I will lock you up again."

Q. You made complaint; you talk too much? A. I am here to speak now; he said, "I attend to you and you got to get out of the house; you can not get any license or anything;" and then the next week —

Q. Was this before or after the arrest? A. That was after I was arrested; as I came for the key, then he said, "You got to move out some day next week."

Q. One moment; please answer my questions, and don't go on? A. I am so hard of hearing, you know.

Q. You heard Mr. Jerome very well? A. He spoke louder than you.

Q. I will speak louder if I can; were you keeping a disorderly house? A. I never had that kind of business.

Q. He charged you with keeping that disorderly house? A. He did.

Q. And he arrested you? A. He arrested me.

Q. You felt pretty sore about having been arrested? A. Yes; I felt sorry about it.

Q. You thought that you were doing a legitimate business? A. I thought I was all right.

Q. And he charged you with doing a wrong? A. Yes, sir.

Q. And that is the reason you felt sore against Captain Williams? A. Yes, sir.

Q. And have you kept that feeling for 20 years? A. I did, and will never forget it, because I lost the little money I had; I spent it in the property, so I want satisfaction of him.

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

Direct examination by Mr. Goff:

Q. You are a native of Constantinople? A. Yes, sir.

Q. How long have you been in New York? A. Nine years.

Q. And what business have you been in? A. The restaurant business.

Q. Where is your restaurant? A. I was keeping a place, 222 Catharine Slip.

Q. In keeping your restaurant, hadn't you a little case outside the door? A. Yes sir.

Q. Showing your meats? A. Oysters and clams, what I had at the saloon; oyster and chop-house.

Q. One of those slanting benches like? A. Yes, sir.

Q. What is your first name? A. George Alexander.

Q. Now, did the police interfere with you? A. Yes, sir.

Q. For keeping this little stand outside of your door? A. Yes, sir.

Q. Just tell the senators what the interference was? A. Yes, sir; in May, 1892, I took that place; I bought a place of another party, and in two days after the wardman called up to my place; he said, "Who is the boss, the old man that was there before?" I told him he went away; so he says, "You know what you have to pay for that place out there?" I said, "No; what was he paying?" he says, "He was paying \$5 every two months, so you have to pay that too," he said; I told him, "Don't I pay my rent in the place, and what do I want to pay \$5 every two months outside there;" he says, "you have to pay; if you don't, you have to take that in;" I said, "Wait a few days until I raise a little money, because I had to pay the money for the place;" and he came in after a couple of days, and I gave him \$5, and then I was paying that steady about 12 or 14 months, and in 14 months' time I fixed up my place, and then the wardman walked up to me Saturday night.

Q. Saturday night? A. Yes, sir; evening it was, about half-past 4 or 5 o'clock; he walks into my place, and he says, "I see you fix your place;" I said, "Yes;" he says, "You making money, I suppose;" "I aint making too much," I said, "I just making my living; I got to fix my place to do a little business;" "Well," he says, "You know to-day is a day you have to pay the \$5," so I told him, I say, "Can't you wait until Monday, because I fix up my place;" and it was the first day I started, because I closed up for three or four days; he says, "What do you take me for, a beggar, to come around here for a lousy \$5," I said, "Can't you wait until Monday?" he says, "No;" he says, "You have to give me \$5, or if you don't you take that stand in;" I said, "Can't you give me a chance, I bought so much stuff; if you take that stand inside, you break all my store;" he said, "You have to give me that money;" and I had to go out and hock my watch and pay him \$5.

Q. You had to pawn your watch? A. Yes, sir.

Q. To get the \$5? A. Yes sir.

Senator Bradley.—He did not give it to Detective Hock, but put it in the pawn office.

By Mr. Goff:

Q. What was the wardman's name? A. I don't remember the wardman's name, but I never asked him what his name was; and he came into my place and I handed him the money, and he went out, and I kept the place to 1893, the 15th of April, because the building is sold out, and they will put me out, as I have not a lease.

Q. What business are you in now? A. I am in a restaurant business from day before yesterday; day before yesterday, I had to let the place go; I kept a place, 103 James street, and kept the place three months, partners with another; I was working at night, and three loafers passed by my place and spied a lobster from my place.

Q. Who did? A. Those three loafers; so I did not see any policeman, so I waited at the door, and took off my apron, and took my hat from behind the counter, and I walked out, and I see the loafers stood on the corner of Cherry and James streets, and I was following the people on the other side of the street, and see the policeman, and I saw the loafer talking with the man keeping the saloon corner of Cherry and Oliver, and a policeman was outside, and the man was talking, and had the lobster in his hand, so I went over — it was 2 o'clock in the morning — I grabbed the thief and called the policeman; I said, "This man stole my lobster, and the thief turns around and hits me that way with the lobster, and the man started to run away and fell down on the sidewalk, and I said, "Why don't you get that man from there?" He said — he sent me to a hot climate.

Q. What did he say? A. He says, "What the hell do I care about your lobsters?" I said, "You protect that man," and he hit me besides; he said, "Go away about your business; I have nothing to do with the lobster, and I went up to the headquarters and made complaint against that man, and the next day they called me up, and Monday I went up to headquarters as soon as they called me up and made my complaint, and Tuesday night a detective came in my place — it was about 6 o'clock — 10 o'clock, the time the detective came in; he said to me, "Who is the proprietor?" I said, "I am the proprietor;" he says, "Who is the complainant of that man?" I said, "I am the complainant;" he said, "You had a hell of a cheek to go up and make a complaint of that man;" he said, "I will fix you before long; I put you in prison;" I said, "What am I doing; I am not doing anything wrong;" he said, "I will fix you for that," and the next day another detective came in to my door and says, "All right; I know you; I will send you to prison before long;" so I got scared,

sir, so they didn't give me any satisfaction from headquarters, and I had to give up my place; I said, "I am afraid; I am in there all alone and them fellows they put up a job for me, and they told me about it, and they put up a job on me, and they will give me a dollar bill, or don't give him any change, or say they have got something to drink there, and send me to prison; who is to protect me then? my word won't go there, and as soon as they swear to that I go to prison.

Q. So you are out of business now? A. I have gone out of business since day before yesterday; I had to give up my place on account of those fellows, because that thief comes in, as soon as a detective comes and tell you they put you in prison; it breaks up my business; if the detective comes, how am I going to keep my place. if he tells me he will put me in prison.

By Chairman Lexow:

Q. If anybody tries to fix you, you go to Mr. Goff; do you know the detective's name? A. Yes.

By Mr. Goff:

Q. Give the name of the detective? A. Tom Thompson and the other is Pete Corbin, or something like that.

Q. What station are they attached to? A. To the Fourth ward.

Q. That is the Oak street station? A. Yes, sir.

Q. What are the detective's names? A. The first came in was Peter Corbin, I think, and the second detective, he came in and told me he go to put me in prison before long, is Tom Thompson, I think; that is what I heard from the people; and the policeman's name is John Adam, the fellow I had a complaint, but I never got any satisfaction; they asked me what it was, and of course he brought two or three witnesses on there, people I never seen before; and one fellow was there; he said the policeman spoke to him, and then he said he was five feet away, but I never got any satisfaction, but then they let him go.

By Mr. Ransom:

Q. Who did you see up to the police headquarters? A. I don't know, sir; I don't know the name of them; I never asked for a name of them; they sent a subpoena for me and I went there.

Q. They sent a subpoena for you? A. Yes; I went up and made a complaint; the next day they called the policeman, or three days after they called for me.

Q. Then the policeman was tried? A. Yes, sir.

By Chairman Lexow:

Q. Was he acquitted or fined? A. I never heard no fine; I heard nothing, but they told me to go home; that is what they told me; they brought two witnesses, and one of the fellows wasn't there; I said to the commissioners or inspector, I said, "That is the man I saw the thief talking to, and the policeman was outside, he said about eight feet from him, while I had hold of the thief; I grabbed him that way (indicating), and I hollered thief, and he struck me that way (indicating) on the face, and he ran; the policeman said, "Go to hell," and he didn't care anything about it.

By Mr. Goff:

Q. You would not be treated that way in Constantinople? A. No, sir; I don't think so.

By Mr. Ransom:

Q. How old are you? A. I am about 27 years old.

Q. You came here 11 years ago? A. No, sir; nine years.

Q. Eighteen years old? A. Yes, sir.

Q. From Constantinople? A. Yes, sir.

Q. Did you have any business there in Constantinople? A. No, sir; I was a fireman; I go around with the ships until I come to this country, and I came to Philadelphia, and from Philadelphia came to this city.

Mr. Ransom.—That is all.

Chairman Lexow.—That is all. It seems to me if that is part of the system, Mr. Goff, that it ought to be inquired into, if any complaint against the policeman is made by that party, it is as important an arrangement for inquiry as any other matter.

Mr. Ransom.—You remember the testimony of Jacobs, and the threats that were made to him?

Mr. Goff.—Shall we take an adjournment?

Chairman Lexow.—Yes; we stand adjourned until quarter after 2 o'clock. All witnesses under subpoena for this morning will attend again here at quarter after 2.

AFTERNOON SESSION.

June 22, 1894.

Present.—Senators and counsel as before.

Senator Cantor.—I want to make a statement, which in justice I think I ought to make. The question of adjournment has been talked of by the committee for the summer; sometime ago my name was used in connection with the adjournment in the

newspapers, though very courteously, I must say, stating that I intended to take a long and protracted trip, which was true. I have been afraid that counsel and my associates on the committee, through their generosity and courtesy, might consider my engagement, in coming to a conclusion in reference to a recess. I want to say, if it should be deemed necessary, in the interests of the public, and on behalf of counsel and the committee, that we should continue in session, I would like to have them disregard my personal comfort, convenience or engagement. While it is true that we, as a committee, have had a very laborious time since the 1st of January, the committee having been almost continuously in the public service, either at Albany or here since that time, and very much to the detriment of the individual members of the committee, and also the strain upon counsel, as we know, has been very severe, there has been splendid work in this matter by them, and I want to make this acknowledgment as a member of the committee representing the county of New York, of the splendid services rendered by Mr. Goff. I think public attention ought to be called to that fact, and I, as a member of the committee, say that I am prepared to continue the session during the summer, if necessary. I make this statement because I saw that my name was mentioned in the papers in connection with the adjournment, and while I feel grateful for the consideration that I have received, I am perfectly willing to co-operate with them, if they desire to continue during the summer months.

Chairman Lexow.—Are you ready to proceed with your witnesses?

John Delehanty, called on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You are an attorney and counsellor at law? A. I am.

Q. Practicing at the bar here? A. Yes.

Q. You are the attorney of Richard A. Canfield, are you not?
A. Yes.

Q. Whose general reputation in New York is that of a gambler? A. I don't know what his general reputation is.

Q. You defended him to-day, did you not, in a gambling transaction? A. No.

Q. He was plaintiff in a transaction that arose out of his gambling-house, was he not? A. No.

Q. Well, he was plaintiff in a suit to-day, was he not? A. Yes.

Q. Do you mean to say that you never heard that Mr. Canfield kept a gambling-house? A. It has not been the subject of conversation between us.

Q. Did you never hear — you know we understand each other — you are a member of the bar here along with myself — do you not know that Canfield's name is a name well-known in New York, as the keeper of a gambling-house, and has been so for many years? A. I do not know that.

Q. You never heard that? A. I suppose what you call a club-house is a gambling-house; I have heard that he keeps a club-house.

Q. You do not want to differentiate between a club-house and a gambling-house, do you? A. I am not familiar with the terms by which such places are known; I beg to be excused from making definitions.

Q. I ask you directly the question, if it is not, within your own knowledge, a matter of common notoriety in New York, that Canfield keeps a gambling-house? A. No; I have heard him spoken of as keeping a club-house.

Q. Did you ever hear of Canfield keeping a gambling-house — let us come to the question shortly? A. It has been —

Q. I want yes or no; have you ever heard that Canfield kept a gambling-house?

Mr. Nicoll.— One moment —

Mr. Goff.— I object to counsel making an objection at this point.

Chairman Lexow.— Let him make his objections — are you making an objection, Mr. Nicoll?

Mr. Nicoll.— Yes.

Chairman Lexow.— State your objection to the committee.

Mr. Nicoll.— I wish the committee would inform counsel —

Mr. Goff.— Is this an objection? I think not.

Mr. Nicoll.— I wish the committee would call the attention of the witness to the provision of the statute relating to the question of privilege between attorney and client.

Chairman Lexow.— I think the witness knows his own business and can take care of himself.

Senator O'Connor.— We can not compel the witness to divulge any information as between client and counsel, but he has not claimed that privilege.

Mr. Goff.— He is a well-known member of the bar and can protect himself.

The Witness.— Allow me to state, that the only time that Mr. Canfield has ever been referred to in my presence as a gambler, and the only way by which I know that, is that on two occasions

it was stated in the pleadings — there was a reference made to something of that character in the pleading, and of course to that extent it would be privileged, but I would say this, that I know nobody who knows Mr. Canfield personally; he is a client of mine, and I only know him in a business way; what his general reputation is in the gambling fraternity or outside of that, I do not know.

Q. I do not want to inquire into your professional relations at all with Mr. Canfield; I only want to establish the identity of the person, that there are more Canfields than one in the city of New York; I want to establish the identity of the person with whom you were in the county court-house this morning, and that he is known as a gambler, as we understand it; I so understand it, and there was a defense this morning, setting up gambling, was there not? A. I decline to answer that.

Q. It is in writing, the pleadings? A. Nobody is entitled to see those pleadings but me; that is privileged.

Q. They are a matter of record? A. No; they are not.

Q. What; pleadings are not a matter of record? A. Not yet, in that case.

Senator O'Connor.— They ought to be.

Q. Do you not know that in the eye of the law the moment a summons is served, that every paper in connection with the case is of record? A. Yes, sir; but these are not matters of record, and nobody is entitled to have them — they may be matters of record to one of the attorneys in the case.

Q. Yes; and to the court? A. Yes; when they come before the court in proper form.

Q. And also to legislative bodies; they have a right to make them matters of record? A. I do not object to the committee calling for the pleadings, but allow me to say this, that this case does not involve a gambling transaction at all; while I am willing to state that in the pleadings there was something in reference to the note, which was the subject of the suit, which had arisen out of a gambling transaction.

Q. I do not want to inquire into the professional relations between yourself and your client, but I want simply the fact that you were in the county court-house this morning? A. Yes; I was.

Q. And you were present when he was served with a subpoena, were you not? A. No.

Q. Did you know that he was served with a subpoena? A. I did.

Q. Did you know that he had been served with a second subpoena? A. No.

Q. Did he tell you that he had been served with a second subpoena? A. All the conversation that I had with Mr. Can-

field to-day in this building was professional conversation; questions which I asked him as his counsel, and which I decline to answer.

Q. When I ask you that you can decline, but I have not asked you those questions yet.

Senator O'Connor.—It can not be privileged, if counsel has advised his client in reference to the service of a subpoena, if he has told him that he need not obey it.

Q. This was a short cause case, was it not? A. Yes, sir.

Q. Before the cause was called for trial, did Canfield tell you that he had been served with a subpoena, to appear before this committee? A. Yes, sir.

Q. After the cause was called it occupied more than an hour, and then it was placed in the general calendar, was it not? A. Yes, sir.

Q. So the cause did not come to a consummation or a final conclusion? A. It was found to be a case that required more than an hour, so it went back to the general calendar.

Q. After the case had been on trial, and after it had been restored to the general calendar, were you made aware that Canfield was again subpoenaed to attend before this committee? A. No.

Q. Not the second time? A. No.

Q. Canfield went with you to your office from the court-house, did he not? A. No.

Q. Where did he go? A. Mr. Canfield accompanied me out of the courtroom, and Mr. Elliott Norton, one of the parties connected with the case, called me, and I turned to speak to him, and when I turned back, after I had had some conversation with him, Mr. Canfield and the other persons connected with his side of the case had left the building.

Q. And you have not seen him since? A. I have not seen him since.

Q. Do you mean to say that you did not see Mr. Canfield in your office to-day, after you left with him here? A. I do.

Q. And you do not know anything about him going to your office, do you say that? A. I do not.

Q. Then he did go to your office? A. I was informed that he went to my office.

Q. Do you mean to say that you did not see him go into your office? A. No.

Q. Did he talk with you about the subpoena that was served upon him? A. Yes.

Q. Did he ask you whether he ought to obey that subpoena? A. You are referring to the subpoena that was served on him in the court-house this morning at half-past 10, are you not?

Q. Precisely; did he ask you whether he ought to obey that subpoena or not? A. Well, with the understanding that I am entitled to fall back on my privilege —

Q. You can not call that a privilege here? A. Then I decline to answer.

Q. We will make you answer? A. Allow me, will you, to state the grounds why I decline to answer; I decline on the ground that the only conversation I had with him to-day related to matters in regard to which he asked my professional advice.

Senator O'Connor.—Do you claim that it is privileged, if he advised with you about evading a subpoena? That is a misdemeanor. Do you claim you can give him advice as counsel professionally to evade a subpoena, and then screen yourself under the question of privilege? A. I did not advise Mr. Canfield to evade any subpoena; it is all unfounded assumption that Mr. Goff is working on; I told him his first duty was to himself and that he must stay right in that courtroom until I had tried his case, that he was a necessary witness.

Q. Let us see; did you leave the courtroom with him? A. I did.

Q. Do you not know, as he walked out of the courtroom door, that he was served with a second subpoena? A. No.

Q. Did you not see the subpoena server? A. No; I may have seen him; he may have been there; I would not know him; my mind was taken up with the case and nothing else.

Q. The case had gone off the calendar? A. Yes; but there were the witnesses yet.

Q. He asked you this morning whether or not he should obey that subpoena, did he not? A. Yes, sir.

Q. And you advised him that his first duty was to himself? A. Yes, sir.

Q. To remain in court? A. Yes; until his case was tried.

Q. And it was tried? A. Yes, sir.

Q. That is, it was partly tried? A. Yes, sir.

Q. So that it could not go any further? A. Yes.

Q. And he was discharged from attendance in that court for to-day? A. Yes.

Q. What court was that? A. Supreme Court Circuit, part I.

Q. Before what justice was that? A. Justice Andrews.

Q. And after the case was restored to the general calendar and he discharged from further attendance, and you have no knowledge of his requirement in any other court in this city to-day, have you? A. No.

Q. You say you did not advise him to keep away from this committee? A. I did not.

Q. Did he ask you whether or not he should obey the subpoena of this committee? A. He said, "Here is a subpoena to go forthwith upstairs to the Lexow committee;" I said, "You can not go now, your case is on; you have answered ready; it is a case involving \$20,000, and I will see Mr. Goff by and by and see if you can not get out of it."

Q. That was all the conversation, to see if you could not get out of it? A. Yes; for that time; anyway, I said, "You stay here."

Q. Until his case was through? A. Yes, sir.

Q. So we have it now on the record that after that, no words or conversation of any kind or nature, relating to this subpoena, passed between you and Canfield? A. That is the fact.

Q. Or through any third person to Canfield? A. Not at my suggestion.

Q. And were you asked, by any other person than Canfield, about the second subpoena? A. I was not.

Q. You did not convey any information either to him or any other person? A. No; directly or indirectly, I did not.

Q. Either in writing or orally? A. No, sir.

Q. So we have it, so far as you are concerned, as a reputable member of our bar, in which I know you personally, we have it here that it is your testimony that you in no wise advised or interfered in any way to prevent Mr. Canfield from obeying the subpoena to attend the session of this committee other than you have stated? A. That is a fact.

Q. And you did not hear any person in your presence tell him not to come here? A. Not at all; I was only with him for one minute and nothing passed between us.

Q. That is all I want; I did not think you would do such a thing, but I wanted to get it on the record.

Chairman Lexow.—I understood Mr. Delehanty to say that he never heard of the service of the second subpoena.

Mr. Goff.—Yes; so he says, that he never heard of the service of the second subpoena.

Q. What is Mr. Canfield's address? A. Providence, Rhode Island.

Q. Had he not a city address? A. Yes, sir.

Q. What is that? A. In Twenty-sixth street; I do not know the number; I can get it for you from my typewriter.

Q. Is it 22 West Twenty-sixth street? A. I beg you will excuse me, but I will send you a memorandum of it.

Mr. Goff.—All right, that will do.

Chairman Lexow.—Any questions? That is all.

Mr. Goff.—Will the sergeant-at-arms call Richard A. Canfield again?

The sergeant-at-arms then called Richard A. Canfield at 12 minutes of 3 o'clock, to which there was no response.

Senator O'Connor.— Was he subpoenaed forthwith?

Mr. Goff.— Both subpoenas were forthwith. When we found out that he was engaged in a legitimate manner as a witness on a trial we waited until a subpoena of this committee would not interfere with his attendance in court as a witness. As soon as he was discharged from court and his case was relegated to the calendar he was again served as he left, in the corridor of the building.

Chairman Lexow.— The committee have concluded that if you desire to procure his indictment for a misdemeanor, the committee will acquiesce in it.

Mr. Goff.— All right.

Chas. C. Strang, a witness called in behalf of the State, being duly affirmed, testifies as follows:

By Mr. Moss:

Q. Where do you reside? A. I would rather not tell where I live.

Q. Very well; I have the information here; were you at one time employed by the firm of Giles & Hill, produce merchants? A. I was.

Q. Where was their place of business? A. No. 232 Washington street at one time and at 84 Park place after that.

Q. How large a store did they have there? A. We had the entire building at 232 Washington street; I think it contained four floors; they did not have the basement and cellar.

Q. Did they use the sidewalk in their business? A. Not as a general thing.

Q. But they did make use of it occasionally? A. Yes, sir.

Q. That is, their produce was carried over the sidewalk? A. Sometimes.

Q. And remained on the sidewalk in transit? A. Yes, sir.

Q. Did you know a police officer by the name of Hickey? A. Yes, sir; I have seen him.

Q. Where did you see him? A. I used to see him passing along by the place of business.

Q. Did he come into your place of business? A. Occasionally.

Q. How often? A. I do not know that I can tell you just how often; as I understand it, he was not a patrolman, but was an inspector of incumbrances, or something of that kind.

Q. What is called an ordinance officer? A. I do not know what you call him.

Q. But he was a police officer? A. Yes, sir.

Q. Did you see Mr. Giles or Mr. Hills or either of them pay Hickey any money? A. Yes, sir.

Q. How was it paid? A. Mr. Hickey came around just before Decoration Day and solicited subscriptions for the G. A. R. fund presumably for the celebration of that day; they usually subscribed to that and then in the subscription book, in which he kept the list of names of the subscribers, they would place a bill, fold the book up and hand it back to them.

Q. You mean a bill in addition to the subscription? A. Yes, sir.

Q. Of what denomination would that bill be? A. That I could not say; I was not close enough to him to see.

Q. Refresh your recollection and see if you can not remember the denomination of the bill, that was placed in that book, in addition to the subscription for the Grand Army? A. I can not tell from personal knowledge, since I was not close enough to see it myself.

Q. Do you know that it was in addition to the subscription? A. I know it from what one of the firm said about it.

Q. From what Mr. Giles said? A. Yes, sir.

Q. What was the amount of the subscription? A. I can not tell you that.

Q. Was it not \$1? A. I could not say positively; it probably was about \$1.

Q. And was not the amount of the bill, \$10? A. I think not.

Q. Have you not so stated? A. I think not.

Q. Have you not so stated to a man named Pine? A. I know Mr. Pine; you have the denomination of the bill wrong or Mr. Pine has it wrong, I think; I never stated that it was \$10, I do not think.

Q. What did you state it was? A. Mr. Giles told me that it was \$5.

Q. Do you think you told Mr. Pine that it was \$5? A. Yes; I think so.

Q. Did you tell Mr. Pine that Mr. Giles subscribed \$1 to the Grand Army and put a \$5 bill besides, inside of the leaves of the book? A. That is probably what I told him.

Q. What was the purpose of putting that \$5 in the book?

Mr. Ransom.—The witness does not know that it was \$5 that was put there; he says that Mr. Giles told him.

Chairman Lexow.—Ask him whether he knows it was \$5 or not?

Q. What was the purpose of that bill that was put in the book? A. I do not know positively; I only inferred that.

Q. What information have you in regard to that? A. That we had better keep on the right side of the gentleman who had charge of the street incumbrances.

Q. Did the firm ever have trouble regarding street incumbrances? A. I think they were served with a notice once.

Q. And at that time were they paying Mr. Hickey or any other policeman when they received that notice? A. I think so.

Q. What became of the notice? A. I never heard about it afterward; I think it was not paid.

Q. You think it was not tried? A. No, sir; not that I know of.

Q. How frequently did Mr. Giles do that? A. I think only once a year; just about Decoration Day.

Q. Did Hickey claim to be a member of the Grand Army of the Republic? A. I believe so.

Q. And you mean to say that under cover of a subscription for the Grand Army this additional amount was paid for protection? A. That was the inference drawn.

By Chairman Lexow:

Q. That was the purpose of it? A. That was the purpose, as I understood it; I did not make the payment, neither do I speak for Mr. Giles, but that is what I inferred.

Q. Do you know any other merchants who made similar payments? A. Not positively; no, sir.

Q. Have you any information that other merchants did it? A. No, sir; I think nothing positive.

Q. What is your information; you evidently know something?

Mr. Ransom.—Will your honors take hearsay testimony?

Chairman Lexow.—If he has no positive information it is not competent.

Mr. Moss.—I wanted to get some names.

Chairman Lexow.—Do you know of anybody having paid for protection?

The Witness.—No, sir.

Q. Of their having paid similar amounts? A. No, sir; only from hearsay.

Q. Do you know anything from hearsay in your neighborhood; the names of other persons? A. I would not name anyone now.

Q. You do not know any names now? A. Not positively.

Q. Do you know whether it is a system in vogue there to pay money for this purpose? A. It is generally supposed to be by the merchants there.

Q. When you say supposed to be, is that the information you get from the merchants doing business around there? A. Yes, sir; and from talking among one another.

Q. Who have you heard there as having paid for protection; give their names? A. I can not give you any names.

Q. None at all? A. No, sir.

Chairman Lexow.—Any questions, Judge?

Cross-examination by Mr. Ransom:

Q. What do you say your business is now? A. I would rather not state my business now.

By Mr. Moss.

Q. You can state the nature of your business, can you not?

Mr. Ransom.—Mr. Moss, will you not let the witness and myself get along alone.

Q. Is it not a lawful business? A. Yes; a perfectly legitimate business.

Q. But for business reasons, you do not care to state it? A. That is it; yes, sir.

Q. Then I will not ask you; there is nothing wrong about it? A. No, sir; perfectly straight business.

Q. Did you state your present residence? A. No, sir.

Q. You do not care to state that? A. I do not; I would say to you that you may have this information privately, but I do not want it to go on record here; I know the newspapers would publish it, but privately you can have all the information about me that you want to know.

Q. You see, personally, I do not care anything about it, but professionally and as a man earnestly desiring to assist this committee and Mr. Moss in getting at the truth, perhaps I ought to have gotten this information, but as you object, I will not press the question; all you know about the payment of money to Hickey or the payment by anybody for protection, is what somebody has told you and what you have inferred from facts within your knowledge? A. No, sir; that is not so; I have just testified to what I saw.

Q. I understand; but I do not remember that you testified that the bill which was left by Mr. Giles in the book, was left there as a payment for protection; I thought you said that that was your inference? A. That is all.

Q. Then you see that I was right in my assumption in my question? A. It seems so; yes.

Robert B. Shimer, called in behalf of the State, being duly sworn, testified as follows:

By Mr. Moss:

Q. What is your full name? A. Robert B. Shimer.

Q. And your business where? A. Three hundred and thirty-six Washington street, New York city.

Q. What kind of business are you engaged in? A. General produce.

Q. Do you use the sidewalk occasionally too? A. We have a store and the sidewalk; yes.

Q. Do you know an officer by the name of Kelly? A. I did at one time.

Q. That is James Kelly that we have heard so much about? A. I do not know his first name, but I presume that is it.

Q. Did Kelly make any approaches to you concerning payment for the sidewalk? A. He has done so; yes, sir.

Q. When did he do that first? A. Three or four years ago.

Q. Did he come into your store? A. Into the store and the sidewalk.

Q. What did he say to you? A. Well, it is a good while ago; I can not remember the exact words.

Q. Give the conversation as nearly as you can? A. He said the boys would have to have some money, or something of that kind.

Q. He was a jocular man, evidently? A. Yes, sir; and we saw him quite often and we became more or less better acquainted with him, and the price was \$50.

Q. That is what he told you? A. Yes, sir; first, and we finally settled for \$25.

Q. What did he say he would give you for \$50; what would he do for you? A. I do not remember that exactly.

Q. What was the purpose of the \$50, as you understood it? A. That we should have the use of the sidewalk.

Q. Did you pay him the \$25? A. He was paid that; yes, sir.

Q. In your store? A. I don't remember just where it was.

Q. Do you remember how it was paid? A. In bills, in an envelope with a card.

Q. With your business card? A. Yes, sir.

Q. Did he ask you to put it in an envelope? A. Yes, sir.

Q. What did he say at the time? A. He said that that was the way he was doing business, to put it in an envelope and he would take it and place it on the desk in the office.

Q. In the station-house? A. Yes, sir; at Leonard street.

Q. Do you know who got the envelope eventually? A. No.

Q. Have you any information on that subject? A. No.

Q. I understood you to say that you had conceded to someone that you knew it got to the captain, but you did not state the source of your information? A. I am stating that I supposed it went to the captain, but I do not know positively.

Q. Why did you so suppose it? A. I think he used to name "the old man" a number of times.

Q. He said "the old man?" A. Yes, sir.

Q. He used the name of "the old man" that we sometimes call "pantata" in these days? A. Yes, sir.

Q. And he also said that it would be put on the desk in the station-house? A. That is where he said he would leave it.

Q. How many of those payments did you make? A. Two payments, possibly three.

Q. That covered two or three years? A. Yes, sir.

Q. Those were annual payments? A. Yes, sir.

Q. Did there come a period when you thought you would stop making those payments? A. Yes, sir.

Q. And you did stop? A. Yes.

Q. You thought you would stop being blackmailed any longer and would not submit to it?

Mr. Ransom.—Is the testimony of Mr. Moss to be accepted?

Chairman Lexow.—Ask the witness your questions.

Q. Did you so stop? A. Yes.

Q. Why did you stop? A. For the simple reason that I had changed corners, and I had a much larger corner, and I did not think it would be necessary for me to be cramped up as I was, and it was not necessary for me to pay any more money; I had so much more room than I had before.

Q. What you mean is you had more room in your new corner and you could do without using the sidewalk? A. Yes, sir.

By Chairman Lexow:

Q. You paid rent to a landlord instead of paying to the police? A. Yes, sir.

By Mr. Moss:

Q. Did you, as matter of fact, make less use of the sidewalk than before? A. Yes, sir.

Q. Did you use the sidewalk less? A. Yes, sir.

Q. What happened after you went over on the corner? A. I was called on by Kelly a number of times.

Q. At the new place? A. Yes, sir; to renew my subscription; I made an objection, and I was reported as having goods on the sidewalk; the report went to the office—to the station-house, I heard of it afterward, but I believe it did not get to the captain; the report did not get to the captain; I was reported a number of times and finally it stopped.

By Chairman Lexow:

Q. What finally stopped? A. Kelly's reports.

Q. How did they stop — did he stop reporting you? A. Yes, sir; he did.

Q. Did anyone stop him? A. I think so.

Q. Did you start in paying again? A. I did not.

By Mr. Moss:

Q. Did you not have complaints made against you? A. Yes, sir.

Q. And you had to go down to the District Court and defend yourself? A. Yes, sir.

Q. How many times? A. I think I only was compelled to go once, and after that, through some friends or other parties, I did not hear any more of it.

Q. What arrangement did you make that stopped those complaints after that one? A. I was reported a number of times.

Q. But you went to some friend and had that trouble stopped; do you object to telling the name of the friend? A. I would rather not tell his name.

Q. Without telling the name of your friend, tell the circumstance; instead of paying money what did you do? A. I spoke of it to some of my customers who were at the store at the time, and told them that it was a very great annoyance to me; not so much an expense as the annoyance, to leave my business and go to court from day to day, and this gentleman says, "Leave it to me; I think I can arrange it so that you won't have to go again;" and it was arranged in some way.

Q. How — do you know? A. I do not know.

Q. Was that gentleman a public official? A. No, sir.

Q. Was he connected with any political organization? A. He might have been; not that I know of.

Q. What influence did he have? A. I do not know.

Q. Whom did he say he would see. A. He did not tell me.

Q. Have you any idea who it was? A. Not positively.

Chairman Lexow.— That is hardly competent.

Q. I do not want to make this man reveal his friend if I can help it? A. I would rather not state it.

Q. What kind of influence was invoked to save you from further annoyance in this matter? A. I can not tell you any further than that the gentleman said, "Leave it to me and I will fix it;" I believe I did not hear from him but once afterward; to tell the truth I think I heard of it once afterward, and I spoke to the gentleman again, and the gentleman said, "I will try again," and that was the last I ever heard of it.

Q. And he did not tell you who it was that he saw? A. No, sir.

Q. Was he a lawyer? A. No, sir.

By Senator Bradley:

Q. He had a pull? A. I presume so.

By Mr. Moss:

Q. Did he save you further trouble? A. Evidently he did.

Mr. Moss.—I will not ask the name of the gentleman unless the committee desires it.

By Chairman Lexow:

Q. You say he had a pull in your judgment; where? A. I do not know.

Q. Is it possible that he accomplished this for you without your asking him how he did it? A. Yes.

Q. Was it because you did not want to know? A. I did not think it was necessary after it was fixed.

By Senator O'Connor:

Q. You did not want to know? A. I did not ask him to tell.

By Senator Cantor:

Q. You were interested only in the result? A. Yes, sir; and I was perfectly satisfied.

Cross-examination by Mr. Ransom:

Q. You are aware that the sidewalk is devoted by law to the use of the public for pedestrians? A. Yes.

Q. You are also aware that you had no right, as matter of law, to incumber the sidewalk with your goods, are you not? A. We had to get our goods off from the truck to the establishment, and vice versa, and we used the sidewalk to a certain extent.

Q. Did you or not know that you had no right to use the sidewalk as a place of storage for your goods? A. I presume I knew it; it was a custom and we all did it.

Q. You understand that you are on your oath, you are an intelligent man; will you not answer my question? A. Yes; I will.

Q. I ask you for the third time, did you or not know that you had no right, as a matter of law, to use the sidewalk? A. I did not think of it at the time.

Q. Do you know now that you had no right to use it? A. I have been told so.

Q. You did not know it until you were told so? A. When I think of it; yes.

Q. You went down to court several times before Kelly and you made this arrangement for using the sidewalk? A. Yes, sir.

Q. And the complaint for using the sidewalk was tried? A. I would not say positively, but I think it was tried once.

Q. Did you ever pay any fine on those complaints? A. I can not say positively whether I did or not.

Q. I understood you to say, when you talked with this gentleman, whose name you decline to give, you said to him you did not care so much for the expense, but you did not want to be annoyed? A. I did say so.

Q. What expense did you refer to? A. The anticipated expense.

Q. What expense did you anticipate? A. He said they would make complaint and it was the fine and the court charges.

Q. Did you not know that if that complaint was pressed to a trial that you would be fined or might be, under the ordinance? A. I presume so.

Q. Why do you say you presume so; do you not know it as a citizen; was not that a fact, within your knowledge as a citizen and as a merchant, that you might be fined on that complaint of incumbering the sidewalk? A. I had already been fined.

Q. And you paid the fine? A. I won't say that I paid the fine; I do not know whether it came to trial or not.

Q. But you do say that you had been fined? A. We had been fined; yes, sir.

Q. And the purpose of paying Kelly the \$25 was to avoid being fined in the future? A. As much as to use the sidewalk; we wanted to use the sidewalk.

Q. You wanted to escape complaint? A. We wanted the room and wanted to stop the annoyance of going to court.

Q. I have distinguished precedent for this question; you realize, do you not, the obligation of your oath? A. Yes, sir.

Q. Please answer my question; did you or did you not, when you made the arrangement with Kelly to pay him \$25, expect to be relieved by Kelly from further annoyance, if you used the sidewalk? A. I certainly did at the time.

Q. And that was the purpose of paying him \$25, was it not? A. For that purpose and for the use of the sidewalk.

Q. Did you, at that time, and do you mean to testify now, that you thought that Kelly had the right to rent that sidewalk?

A. I didn't think he had anything to do with it only to act for others.

Q. Do you think he had the renting of that sidewalk? A. He showed every disposition that he had that right.

Q. Do you think that answers my question? A. That is the best answer that I can give you just now.

Q. You might give me a better one if you had time to reflect? A. I would have to think over it.

Q. Won't you keep thinking a few years and let us know?

By Mr. Moss:

Q. I do not understand you to say that you believed that you were violating the law when you used the sidewalk as you did? A. I did not mean to violate the law; no, sir.

Chairman Lexow.—That does not make any difference; the fact that the police levied on that violation is what we are inquiring about here.

Mr. Moss.—I am only asking that question in justice to the witness.

Chairman Lexow.—It makes it all the worse if it was; there may be some palliation in levying on a legitimate business, but certainly none whatever in levying on an illegitimate business.

Mr. Moss.—Very well.

Andrew J. Wellington, called in behalf of the State, being duly sworn, testifies as follows:

By Mr. Moss:

Q. Where is your place of business? A. One hundred and seventy-seven and 179 Duane street.

Q. You are a member of the firm of Clark, Chapin & Bushnell? A. Yes.

Q. You are the manager of that firm? A. The inside manager.

Q. How long have you been there? A. This firm has been in existence a little over three years.

Q. Did you have some annoyance in regard to using the sidewalk about two years ago? A. We had one or two complaints made; there was a complaint made the last time about a year ago.

Q. In consequence of this annoyance you had a conversation with a policeman, did you not? A. Yes, sir.

Q. What was the conversation? A. We had received a notice from the court in regard to obstructing the sidewalk, and I saw a policeman—I went out to lunch about that time, and I saw a policeman that I had never seen before, patrolling the

beat, and I told him that we did not really obstruct the sidewalk, and that he ought to be aware of that fact, being on that beat, and that we did not want to be annoyed or have trouble about it, and I knew some parties attended to that business, and if there was such a party I would like to see him; he said he had never been in a store on such business, but that there were parties in authority that had to be paid, and he would send me in such a man.

Q. Did he say it was a customary thing? A. That was all that he said on that subject, that he would send me in a man.

Q. Did an individual call on you? A. There was a man called the next day.

Q. Do you know who he was? A. I did not know who he was; he was not in uniform; he announced himself to be the man who had charge of those things in that district.

Q. That was the day after the conversation with the policeman, was it? A. Yes, sir.

Q. What did he say to you then? A. He told me it was customary for houses like ours to pay a regular fee, according to the size of the house.

Q. Did he say how much that was? A. My impression is—I would not be positive as to the amount; one of our neighbors, which was a larger house in the same line as ourselves, I think he said that their charge was \$50, and that ours would be \$25.

By Chairman Lexow:

Q. Did he charge per foot front on the street? A. No; he charged according to the business done by the house.

By Mr. Moss:

Q. Do you mean the size of the business done on the sidewalk? A. No; the relative size of the house; we did not do much of any business on the sidewalk.

Q. Your house was a different kind of business from that? A. We did not do as large a business as the other house; we did not do any business on the sidewalk.

Q. Did you come to an agreement with this agent? A. No; I did not agree to pay him anything at all; we talked the matter over, and I think Mr. Bushnell had some talk with him, and finally it was agreed that when the case was called up in court that he would see about it, and if we received any further notice, we were not to pay any attention to it, and we received no further notice, and I paid him no money.

Q. Did you make him any present? A. When he went out I gave him a box of cigars.

Q. Did you give him some coffee? A. I do not remember that I gave him any coffee.

Q. But you did give him a box of cigars? A. Yes, sir.

Q. And you have never heard anything from it since? A. No, sir.

Q. Have you had any corporation notice since? A. Not since that time.

By Chairman Lexow:

Q. How long ago was that? A. About a year ago.

Q. Are you ready with the next box now? A. That depends. Senator Bradley.—You got off very light.

Mr. Ransom.—No questions.

By Mr. Moss:

Q. I understood you to say that you make a point not to use the sidewalk? A. No; except where goods are brought in and unloaded, and then they are carried immediately into the store.

Q. So, as matter of fact, there is very little use of the sidewalk? A. We do not use the sidewalk at all for shipping; we have a long skid that goes from the truck to the store, and the goods are rolled right from the truck into the store and from the store to the truck.

Senator O'Connor.—Does counsel propose to deny this? It is hardly necessary to keep us here in this warm weather; I understand they practically concede it.

Mr. Goff.—We have not heard it denied; it is practically conceded.

Senator O'Connor.—Is it conceded, Mr. Nicoll, that they did these things?

Mr. Nicoll.—Do you think it is the function of the committee to ask counsel what they concede and what they do not concede? When I come to make concessions I will make them before a tribunal where I have some rights; not here, where I am constantly reminded that I am only here by courtesy. I will make no concessions before this tribunal.

Chairman Lexow.—It does not seem to be admitted. I do not suppose they will admit it.

Mr. Moss.—I think these cases will tend to show the general character of the business.

Chairman Lexow.—If you could limit your witnesses to testifying that the money went higher than to the man who got the envelope —

Mr. Goff.—It has been charged heretofore that the testimony of brothel keepers and persons of that character should not weigh against our very exceptional and good and moral police. Now we bring on merchants of acknowledged repute and integrity and we want to show the terrible inroads that the police have made in the way of bribery and corruption in this city.

Chairman Lexow.—It is strongly corroborative, especially if it is shown that the business is illicit, done in violation of law, showing that when a merchant does it he is violating the law and therefore the policeman knows it and is levying money upon him and allowing him to violate the law; that is strong corroboration of what we have already had.

Mr. Goff.—Yes; but it goes further than that; the police compels the citizen to commit the crime of bribery. The police compel them to do it.

Edwin H. Sayre, called in behalf of the State, being duly sworn, testifies as follows:

By Mr. Moss:

Q. You are a member of the firm of R. C. Williams & Co., are you not? A. Yes, sir.

Q. Wholesale grocers at 56 and 60 Hudson street? A. Yes, sir.

Q. Have you been considerably troubled in regard to violating some of the city ordinances? A. Well, not in some years, we have not.

Q. When did you have trouble with the police? A. Three or four years ago.

Q. Was it not in 1892? A. No; I think it was previous to that.

Q. Eighteen hundred and ninety-one? A. Yes, sir.

Q. What did they do to you? A. They troubled us.

Q. What kind of trouble did they make you? A. We used to get notice from the corporation attorney, every three or four months, stating that our accumulated fines was something like three or four hundred dollars, and calling on me to settle.

Q. Did they not take your horses and wagons sometimes? A. No.

By Chairman Lexow:

Q. You settled, did you? A. I called on the corporation attorney and settled.

By Mr. Moss:

Q. That is, you paid the \$300? A. No.

Q. How did you settle? A. For \$12.

Q. You settled for \$12? A. Yes.

Q. You mean to say you settled a claim for \$300 for \$12? A. That is what we did.

Q. How was this claim of three or four hundred dollars made up? A. I do not know; Mr. Steckler at that time was corporation counsel, and he told me —

Q. You mean corporation attorney? A. Yes; and he told me that every time there was a complaint lodged against our concern, a certain amount of fine went with it, and that it was their custom to receive complaints against our concern, three or four times a day, and then, in the course of two or three months, we would get a notice to appear, and the accumulated fines were then very large.

Q. To whom did you pay the \$12? A. The corporation attorney.

Q. To Mr. Steckler, personally? A. Yes, sir; I don't know that I paid to him personally; probably to his cashier.

Q. Do you know whether Mr. Steckler was present at the time that you paid the money? A. Mr. Steckler told me at the time that it was his province to investigate these complaints, and if, in his opinion, it was the best thing to do, he could compromise and settle upon a payment; and if not — if we did not care to settle it that way — we could carry it to the District Court.

Q. How much receipt did he give you? A. I took a receipt for \$12.50 in settlement of fines.

Q. Did that receipt show the fines that were settled by the payment? A. I could not say.

Q. Where is that receipt? A. I could not say where it is now.

Senator O'Connor.—Is there any claim that the city did not have the benefit of this settlement?

Mr. Moss.—No.

By Mr. Moss:

Q. Did you pay any money beside the \$12? A. No.

Q. That is all you paid? A. Yes.

Q. How long did that practice continue? A. Probably for a year or more.

Q. Then did you get relief? A. Yes, sir.

Q. Tell us how you got relief? A. Mr. Steckler did what he could to relieve us; he knew that they were very unjust; that it was nothing but a system of persecution, and he finally advised me to let the matter go to the District Court and have a trial, which was done.

Q. You did have a trial? A. Yes, sir; we had a trial before Justice Mitchell; I think he was justice at that time.

Q. Peter Mitchell? A. Yes, sir; now dead; we had a very elaborate trial in which the decks were cleared, and he made a great speech to a lot of Chinamen and court attaches, and it was published in the papers the next day, and he finally told me that he would fine me \$5, but if this matter came up again we would probably be fined the full extent of the law.

Q. Did you have any other such cases? A. No, sir; that was the only one.

Q. That is not telling me how you got relief of the whole business? A. I do not know how we got relieved; we have never been troubled since.

Q. Have you not made any payments to anyone else since? A. Oh, yes.

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

Q. What police have you paid? A. The precinct wherein we do business.

Q. Who did you pay it to; to what man? A. I don't know his name; he was the wardman, I believe they called him.

Q. What precinct is that? A. That I could not tell you.

Q. Do you know where the station-house is? A. Yes, sir; on Leonard street.

Q. And the wardman came to your house, or where was it paid? A. We paid it right in the store; we were called on and told that the only way this matter could be settled was by payment to the police.

Q. Did the wardman tell you that? A. He told me the captain wanted to see me, and I called on the captain and had a very pleasant interview with him, in which he told me that nothing could be done for us, that we were violating the law constantly, and the only way that we could do business was to go to Hoboken or somewhere else.

Q. Who was the captain? A. I could not tell you; I do not know his name.

Q. But he was the captain in the Leonard street station-house in 1891, was he? A. Yes, sir.

Q. Did not the captain say something further? A. No; nothing further; he said he was very sorry, but he did not see how it was possible for him to help us, and as long as we continued to do business of passing goods from the store to the trucks or from the trucks to the store, it was his duty or the duty of the officer to report us for violating the law.

Q. Did you see the wardman after that? A. The next day the wardman came to see me — I think it was the wardman.

Q. Did the captain tell you that the wardman would call on you? A. That I do not remember.

Q. Just think for a moment? A. No; I do not remember; I know he called on us the next day, and asked me how I got along with the captain; I told him very well, that the captain was a very nice fellow, but that he could not do anything for me.

Q. Just think; did not the captain say that he would send someone down to look at the place and see whether you were violating the law? A. Well, possibly he did, but I do not recollect now.

Q. Try and think? A. I have tried; I have thought it all out before now.

Q. You have thought of it before you came here? A. Yes, sir.

Q. You say that the wardman asked you if you had seen the captain; now go on and tell the rest of that conversation? A. I told him that the captain did not seem to be able to do anything for us.

Q. Was there anything else said? A. He asked me if I did not know that the captain had a "mou't" on him.

Q. That he had a what on him? A. Had a "mou't," the same as any other man.

Mr. Goff.—He means mouth without the "h."

Q. Was that wardman Kelly? A. I could not tell you; I never knew his name.

Q. Tell us the rest of the conversation? A. That is about all there is to it really, but he told me that that thing could be settled by the payment of money; I told him I did not see any reason why we should pay any money for the privilege of doing business, as our neighbors and competitors were doing business, and he said they probably paid money or they would be troubled the same as we had been.

Q. Did you come to any arrangement with the wardman? A. I finally found that in order to do any business at all, it was absolutely necessary to pay somebody something, and I told him, if he would guarantee me entire freedom from the annoyance of being complained of to the corporation attorney; if he would guarantee to keep his patrolmen out of the store asking for tea and canned goods for their families and calling for Christmas presents and other presents during the year, that we would pay him \$50 per year, and that I did not want any more trouble with it, and he said he thought that would be a very satisfactory arrangement, and he took the first installment of \$25.

Q. When did he take the second installment? A. Six months afterward.

Q. Did you pay it in an envelope? A. Well, yes; we did it very openly; we told him to go to the cashier and get it.

Q. Was your card in the envelope? A. No.

Q. Was your business house named on the envelope? A. Probably.

Q. How many such payments have you made? A. We have been making them very regularly throughout the different changes on the force until the last payment, which was due last March.

Q. Did you make it then? A. No; they forgot us then; our arrangement was to pay the 1st of October and the 1st of March, and they did not generally miss the date.

Q. Have not you seen anyone at all representing the police department since then? A. No; they have entirely forgotten us.

Q. Can you assign any reason why they passed you over? A. No.

Chairman Lexow.—The committee can infer.

Q. How do you know about the changes in the police administration in the precinct? A. That is a mystery I never knew.

Q. You said you had a different administration or change — A. Oh, how did I know; I did not understand you; I noticed there had been frequent transfers from one precinct to another.

Q. Do you mean to say that different men called on you for the money? A. Yes.

Q. How many different ones? A. The arrangement was made in 1891; I do not know the captain's name; an old gentleman, a very clever old fellow.

Q. An old gentleman? A. Yes; and shortly after that he was transferred up town, and his successor, with his succeeding wardman arrived on time, and we were called on just the same.

Q. Who was the successor? A. That I do not know.

Q. Did you ever see that captain? A. No.

Q. Ever have any communication with him? A. No.

By Chairman Lexow:

Q. Did the successor seem to know just what the business arrangement was? A. I was called on one day by a stranger and he asked me my name, if I was Mr. Sayre, and I responded that I was; and he wanted to know if I had anything for him, and I told him no; I did not know who he was; and he says, "I am from such and such a precinct," mentioning the number, and I told him that I did not know anything about such a precinct; had never heard of it; and he said, "That is your precinct right here;" and I said, "Is that so?" and he said, "Yes; don't you want to see me?" I said, "No;" he says, "Don't you pay something?" and I said, "Yes, yes; we pay something;" says he, "How much do you pay?" and I said, "\$25;" and he took

a book out of his pocket and run his finger down the page and found the name apparently —

Q. Did he mention the amount that you were to pay? A. No; but he said, "How often do you pay \$25?" and I said, "Once a year;" and he said, "Are you sure of that?" he said, "It is \$50 down here."

Senator Bradley.— Your lease was put on record then?

By Mr. Moss:

Q. I would like to have you describe that second man? A. I could not describe him; I paid very little attention to the man; it is some years ago, but it has been a standing joke around the store ever since.

Q. Can you not tell how old he was? A. I do not think I could even recognize the second man.

By Chairman Lexow:

Q. Did you have a third man come around? A. Yes; we had a third man.

Q. Did he also have a book? A. I don't think he did; but they called very regularly.

Q. Did the third man seem to know, without any explanation, what he was after? A. Yes; apparently he did.

By Mr. Moss:

Q. Do you not know who the third man is? A. No, sir.

Q. What number was the last man who called in March? A. No one called in March.

Q. Who was the last man that called, the third or fourth man? A. I do not remember; I paid no attention to that; if a man came in that I presumed was the wardman he got his usual contribution.

Q. During this entire period over which you have testified, have you had any complaints made against you for violation of the ordinance law? A. No; not at all — we did not violate the law anyway.

Q. You have had your wagons up against the sidewalk, have you not? A. Yes; we have had to unload our trucks and to load them; we back them up against the stoop and loaded them and unloaded them as quickly as possible without interfering any more than we could help.

Q. It is a fact that they had to be backed up against the stoop? A. Yes; but we left a passageway for the foot people.

By Chairman Lexow:

Q. The foot passengers went up about three steps on your stoop and so on, and then down? A. Yes, sir.

By Mr. Moss:

Q. Before that arrangement was made the officers came in and got fruit and tea and such things from you? A. I don't know much about that; they may have and may not have.

Q. But at all events you have not had any of that since?

Chairman Lexow.—We do not care about that.

Mr. Ransom.—Not any questions.

George W. Davis, called in behalf of the State, being duly sworn, testifies as follows:

By Mr. Moss:

Q. Are you of the firm of Nathaniel Fisher & Co.? A. Yes, sir.

Q. That is a firm of shoe dealers? A. Yes, sir.

Q. Where? A. One hundred and forty-six Duane street.

Q. Do you occasionally make use of the sidewalk? A. Only in receiving and shipping goods.

Q. Have you had any visits from policemen? A. Not to my knowledge.

Q. Have there been any moneys paid to policemen by your firm? A. No, sir; not to my knowledge.

Q. Could there have been without your knowledge? A. There could not; I do not believe it would be possible; it would naturally pass through my hands or under my supervision.

Mr. Moss.—No further questions.

Mr. Ransom.—No questions.

William M. Perry, called in behalf of the State, being duly sworn, testifies as follows:

By Mr. Moss:

Q. Your firm address is 872 Washington street? A. Yes, sir.

Q. What is your business? A. Fruit and produce.

Q. You make use of the sidewalk? A. Yes, sir.

Q. Ever had any inquiries from policemen about the use of the sidewalk? A. I can not say that there have been inquiries exactly.

Q. You have had talks with policemen? A. We have had some talks; yes, sir.

Q. When was the first talk that you had with them? A. I could not say as to that.

Q. Who has called on you? A. The wardman.

Q. Do you know his name? A. No; I do not.

Q. Did you pay the wardman any money? A. No.

Q. Have you ever paid him any money? A. No, sir.

Q. What did he say to you about paying money? A. He said that we used too much of the sidewalk, and it would be necessary for us to settle in some way or other.

Q. What was his exact language? A. That was it as nearly as I can recollect.

Q. Did he say how much you would have to pay? A. No; there was no sum specified.

Q. Let me see if I can refresh your recollection; did not he say, "Well, you know what we are all after, green goods?" A. I can not say positively as to that; there may have been something of that sort said; he called on me frequently; once or twice a week while on the beat.

Q. Did you not offer him \$10? A. I never made him any offer.

Q. Have you not so stated? A. Never have; no, sir.

Q. Have you not so stated to Mr. Okie, that you offered him \$10? A. No, sir; that is a mistake; I never offered him any money.

Q. What did you say to Mr. Okie? A. I do not know the gentleman's name; there were several gentlemen called on me at different times; and I think there was something of this sort said; I asked him if \$10 would be any consideration; I think that was the language used at the time; I did not make him any offer.

Q. That was not an offer? A. I do not think it was.

Q. What did he say about the \$10? A. He said that was not quite enough.

Q. What did he say more than that; how much did he say would be enough? A. I do not remember that there was any sum specified; I asked him if \$10 would be a consideration, but I do not think he mentioned any amount.

Q. He simply said it was not enough? A. He said \$10 was not enough.

Q. Did he not say to you, "\$25 and nothing less?" A. I hardly think so, he may have said so.

Q. "That nothing less than \$25 will do?" A. I really would not like to say positively whether it was or not.

Q. Did you tell Okie that he said that? A. That I can not say; there has been so many visitations at my place I don't remember.

Q. You do not mean to say that he did not say that to you? A. I would not like to say positively whether he did or did not say that.

Q. The result of it is, generally speaking, that you proposed a certain sum to him, which he rejected as not being enough, is that right? A. If you call that a proposition.

Q. Yes; I think that is a proposition; did you pay any money to him? A. Never have.

Q. You are positive of that? A. I never did; we have been fined and paid the fine.

Q. Did you leave any money for him anywhere? A. No, sir.

Q. Was there any corporation case against you at or about that time? A. There have been about 10 corporation cases a year against us for the last three or four years.

Q. Are such cases pending now? A. No; they have all been dismissed.

Q. How recently have they been dismissed? A. Two or three months ago was the last one.

Q. And you have been having them right straight along before that time? A. Yes, sir; we were always on the list every time; every time there is a lot out we are on the list.

Q. But you have never paid the police? A. Never a dollar, except to the corporation attorney.

By Chairman Lexow:

Q. Did he give you the impression that if you paid a sum, that is, the policeman, that would be large enough, that you would not suffer any more annoyance? A. He carried that idea; yes, sir.

Q. The policeman conveyed that impression to you? A. Yes, sir.

Q. And you refused it? A. Yes, sir.

Mr. Ransom.—Do your honors take the witness' impression?

Q. What was the language he used? A. As I recollect it, he said, when I asked him if \$10 would be a consideration, he said it was not enough, and he went away; he called on me several times and whether there was any amount specified by him or not, I can not tell now.

Q. After the question by Mr. Moss, in reference to the \$25, the conversation between you and Mr. Okie on that subject, can you now remember whether he said \$25 would rid you of any further annoyance? A. I recollect this—that there were several of our brother merchants there who were interested in my case, who did not seem to be annoyed at all, on both sides of me, and one or two of them came to me about that time and said it would be better for me to pay \$25 and get rid of the fellow's annoyance that I was subjected to than to be annoyed; that is where the \$25, I think, came in.

Q. But you preferred to stand your rights and to submit to suit and fine 10 times a year since? A. Yes, sir; that is the idea exactly.

By Senator Bradley:

Q. Did you ever make them any presents? A. No, sir.

Q. Any Christmas presents or anything of that kind? A. No, sir.

Mr. Ransom.— You see there are one or two citizens who did not think it was right to pay the police.

Chairman Lexow.— Yes; apparently.

Mr. Moss.— Yes; and they had to pay for it too.

Chairman Lexow.— Yes; in three years; 30 cases would cost him more than if he had paid \$25 a year in bribe money.

Edwin H. Sayre, recalled:

By Mr. Moss:

Q. Did one of these officers say something to you about the manner in which the \$50 was divided up, the percentages, where it went to? A. I had a very ordinary conversation with him; I did not attach much importance to it.

Q. Never mind the importance that you attached to it; it was one of the officers, was it? A. Yes; the man who collected the money.

Q. What did he say? A. In the course of the conversation I told him that he ought to get a very large income, if they taxed everybody as he was taxing us; in making him some one of the payments, I remarked that he ought to grow rich very fast, and he says, "Oh, my, I don't get any of this; I don't see a cent of it;" I said, "Who gets it;" and he says, "I hand this to the captain;" and then I said, "Well, the captain must be getting very rich;" and he says, "The captain don't get very much of it; he may get his percentage; I don't know anything about that;" I said, "Then, it goes higher, does it;" and he said, "Yes;" I said, "I suppose the inspectors get it, then;" and he says, "Higher than that;" and I said, "Well, then, you must get up to a superintendent;" and he says, "Higher than that;" I said, "Now, you are getting up around the police commissioners somewhere;" and he said, "I guess it goes higher than that, even."

Mr. Ransom.— I did not know there was any place higher than that.

Q. Go on and give the conversation; the rest of it? A. That was just a sort of a jovial conversation with him.

Q. Did you ask him what he meant by higher than the commissioners? A. I told him that must mean the grand boss of all, and he said, "You are getting hot now."

Q. Did you designate the grand boss by any other name or title? A. No.

Q. You said the grand boss? A. Yes, sir.

Senator Bradley.—The grand pantata.

Mr. Ransom.—Does this witness say that he said that?

Mr. Moss.—No; he does not say that.

Q. Was there anything further said about percentage; I caught the word percentage in your statement? A. No; nothing further than I have stated.

Q. He said, possibly the captain kept a percentage; was anything else said about percentage, as it went above the captain? A. No, sir.

Q. You have given the conversation as nearly as you can recollect it? A. Yes, sir; just about.

By Chairman Lexow:

Q. Do you think you have made a statement of all the facts that you know in connection with this kind of business that has come within your personal knowledge? A. I think so; this last, however, is rather unfair to take it from me, I think; I do not know of anything else connected with it; it has always been a sort of a joke around the office and the wardman has been a very pleasant, jovial sort of fellow, and I joked with him whenever I saw him.

By Mr. Ransom:

Q. Do you know the name of this man with whom you had this conversation? A. I do not.

Q. Did you say when on the stand before that the man you paid the money to was Kelly? A. No.

Q. We have had his name used here so often by witnesses, I forgot whether you mentioned the name of the man to whom you paid the money? A. No, sir; I did not mention any name.

Q. You do not know the name of the man? A. I could not tell you the names of any of them.

Q. Can you tell me when it was that you had this talk with this wardman, whose name you do not know? A. I could not tell you; it was at a period at one of the payments that we made; I do not know whether it was the first, second or third.

Q. It was about 1892, I think you said? A. Eighteen hundred and ninety-one, when we first commenced to pay.

Q. It was about that time, you think? A. Yes, sir.

By Chairman Lexow:

Q. Either the first, second or third? A. Yes, sir.

By Mr. Ransom:

Q. These payments that you made were half-yearly? A. Yes, sir.

Q. In October and March? A. Yes, sir.

Q. Was the talk at your store? A. Yes, sir.

Q. Anybody else present? A. There probably was, but I do not remember.

Q. Do you remember anybody else being present? A. I do not.

Joseph P. McDowell, called in behalf of the State, being duly affirmed, testifies as follows:

By Mr. Moss:

Q. You are in the fruit business at 270 Washington street?
A. I was previous to the 1st of May.

Q. You have recently moved? A. No; I am out of business.

Q. I understand that you sometimes used the sidewalk? A. Yes; I used to.

Q. And you did not have to pay any money to the police? A. I didn't have to pay anything.

Q. You paid no money? A. No, sir.

Q. How did you get your protection or freedom from interference? A. Sometimes we were fined and paid the fine.

Q. But you paid moneys outside of that, did you not? A. I think not.

Q. You gave presents outside of that, did you not? A. Directly in one sense I know nothing about it, and in another sense I do.

Q. How do you know? A. I know our shipping clerk came to me and said it was necessary to make a little present to the policemen; that occurred probably once or twice a year.

Q. What were those presents? A. Probably a few raisins or oranges or something of that kind, probably amounting to \$2 or \$3 or \$5.

Q. A box of raisins or a box of oranges? A. Yes, sir.

Q. To whom were those presents made? A. Somebody called for them; I don't know who.

Chairman Lexow.—That weakens the force of the other testimony, Mr. Moss.

Q. What is the name of your shipping clerk? A. Isaac Lockwood.

By Chairman Lexow:

Q. Did not you make any money payments? A. No, sir.

Q. Not to anybody? A. No, sir.

Q. At no time during your experience there as a business man?

A. As a business man of 28 years I never paid any money to the police.

Q. Were you ever sued for violating the city ordinance? A. Yes, sir.

Q. Fined? A. Yes, sir; and paid the fines.

Q. How often? A. I could not say; several times.

Q. Lately; how often? A. Not within several years.

Q. They sued you for violation of the ordinance—did that cease when you made these presents of raisins or oranges? A. I think so.

By Mr. Moss:

Q. Did you make presents to the sergeant and the captain of the precinct? A. Not that I am aware of.

Q. Do you recollect a conversation with a Mr. Pine? A. No.

Q. Or with a gentleman who was interested in drawing up an ordinance for the relief of merchants in the city? A. I do not recollect.

Q. You have forgotten that? A. Yes, sir.

Q. Do you recollect stating to Mr. Pine that you made presents to the sergeant and the captains? A. I think that is a mistake.

Q. That you think could not have happened? A. I think not.

Q. Suppose I should show you Mr. Pine's affidavit to that effect, would that convince you that you were mistaken? A. I do not know whether it would or not.

Q. Or that your recollection was at fault? A. I could not say; I have no recollection of anything of the kind; I am not aware that we ever made any presents to the sergeant or the police captain.

Q. You will not say that you did not—you will not say that your firm did not? A. So far as I know, we did not.

Q. It might have been made without your knowledge? A. If it was made at all, it was made without my knowledge.

Chairman Lexow.—Any questions?

Mr. Goff.—A number of the witnesses that we had under subpoena and who answered to their names this morning have not returned to court this afternoon. Many of the merchants told me it was a very busy day, the day before Saturday, which is, practically speaking, now a holiday, and their business interests were suffering. We will be compelled to move an adjournment now. We have had a pretty good day of it.

Chairman Lexow.—Until Tuesday morning at half-past 10.

Mr. Goff.—Yes.

Chairman Lexow.—The committee will stand adjourned until Tuesday, June 26, 1894, at half-past 10 a. m.

Proceedings of the thirty-second meeting of the committee, Tuesday, June 26, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Edmund O'Connor, Jacob A. Cantor, Daniel Bradley and George W. Robertson; John W. Goff, W. Travers Jerome and Frank Moss, of counsel for the committee; Rastus S. Ransom and DeLancey Nicoll, of counsel for the police board.

Chairman Lexow.—Are you ready, Mr. Goff?

Mr. Goff.—Mr. Chairman and Gentlemen.—I subpoenaed Captain Schmittberger this morning for the special purpose of asking him regarding an alleged interview had with him in the newspaper one day last week, touching the question of counsel to this committee paying for testimony. Captain Schmittberger is here. After a conversation with the captain, and also with the reporter who wrote the alleged interviews, I am thoroughly well satisfied that the interview was without foundation. Captain Schmittberger, in justice to him, did not have that interview. I, therefore, will not call Captain Schmittberger this morning.

Mr. Nicoll.—And he is excused.

Mr. Goff.—He is excused. This I deem but justice to the captain.

Chairman Lexow.—And in justice to yourself as well. I do not think any statement of that kind ought to go out to the public.

Louis Stager, recalled as a witness, testified as follows:

Direct examination by Mr. Goff:

Chairman Lexow.—The witness has been sworn.

Q. Now, Mr. Stager, you were asked to bring your check-books here this morning; you have presented me with two check-books?

A. I have made a statement Friday about some application; I made a statement that I had made an application for a concert license; I made a statement Friday that I had made an application for a concert license, which was in the newspaper, that I made an application personally; what I meant by it was I made application by a party of the name of Bloom; Bloom made an application; I have not made an application.

Q. So when you said on Friday you had made an application, you was not correct? A. That I made it myself; I went there to make application, but not me personally made it; Bloom made it.

Q. You are in partnership with Bloom? A. Yes, sir.

Q. What Bloom applied for you applied for? A. Certainly.

Q. What have you to correct? A. Only I seen in the paper I made that application.

Q. Your conscience is on a fine edge this morning? A. Yes, sir.

Q. Did you get the license? A. Yes, sir.

Q. When? A. Around the 1st of August.

Q. Have you an application for license pending now? A. I have not, sir.

Q. Anyone connected with you in business? A. Well, I don't know if it is pending now or not.

Q. Have you put in any application for license? A. We did, sir.

Q. By whom or when? A. Mr. Bloom.

Q. And yourself; for what saloon? A. For 271 Bowery.

Q. Two hundred and seventy-one Bowery? A. Yes, sir.

Q. When did you put in the application? A. Sometime in January, I believe.

Q. Of this year? A. January—yes; this year.

Q. Eighteen hundred and ninety-four? A. Yes, sir; this year.

Q. When did your license expire? A. The 1st of February.

Q. And have you been running since without a license? A. I have not been running at all, sir.

Q. Closed up? A. Yes.

Q. And hadn't you an engagement last Friday afternoon with some parties to try and get a license Friday? A. No, sir.

Q. Weren't there negotiations pending last Friday while you were testifying here? A. No, sir.

Q. Had you seen anyone in connection with obtaining that license? A. No, sir.

Q. Haven't you talked with Keat about it? A. With Keat; no, sir; I have not talked about it.

Q. Haven't you dissolved partnership with Bloom? A. He only resigned and separate owners, and we never separated, so we had no partnership agreement whatever, sir.

Q. Haven't you got away from Bloom altogether? A. No, sir; Bloom is a brother-in-law of mine.

Q. What? A. Bloom is a brother-in-law of mine.

Q. Didn't you put some money in that business? A. So did he.

Q. What has become of the money you put in? A. We lost it.

Q. How many licenses did you obtain altogether? A. For what place, sir.

Q. All your places; commence to mention them? A. I really can not tell you, sir.

Q. We will see if we can not refresh your memory? A. I had to have a new license every three months.

Q. For what place? A. Every place; both places.

Q. What place; two places? A. Yes, sir; but they were not running at the same time there.

Q. Did you ever have relations with a man by the name of Smith in obtaining licenses for you? A. I don't remember the name, sir.

Q. Did you ever know a man of the name of Smith in connection with the obtaining of any license? A. I saw so many Smiths, but I don't remember anyone that I should have any connection with in obtaining a license.

Q. Did you ever pay a man by the name of Smith any money in connection with obtaining a license? A. Not that I know of.

Q. Will you swear you did not? A. I don't remember the name of any man of the name of Smith.

Q. You will swear you have not paid a man in three years? A. Not as I remember.

Q. Will you swear you never paid a man of the name of Smith \$500 for obtaining a license for you? A. No, sir.

By Chairman Lexow:

Q. You swear positive? A. I swear positive I did not pay anybody.

By Mr. Goff:

Q. I ask you about a man of the name of Smith? A. I do not remember any man of the name of Smith.

Q. Will you swear now, Mr. Stager, that outside of the legal fees you were charged by the authorities, that you never paid any person directly or indirectly for their services in obtaining any license for either your 255 Bowery place, or 271 Bowery place? A. I will, sir.

Q. That you never paid any money? A. Never paid any money.

Q. Directly or indirectly? A. Directly or indirectly.

Q. Either by your own hands or through anyone else's hands? A. No, sir.

Q. And it has never cost you a cent? A. No, sir.

Q. In any manner, shape or form to obtain a license? A. No, sir.

Q. Has your place ever been pulled? A. Yes, sir.

Q. How many times? A. Once.

Q. Pulled as a disorderly house? A. I don't know what it was pulled for.

Q. Were you arrested? A. Yes, sir.

Q. What were you arrested for? A. I don't know; I know I was arrested.

Q. How were you disposed of? A. I was discharged by Recorder — by Judge Cowing, I believe, and a jury of 12 citizens.

Q. What were you tried for? A. I don't know what I was tried for.

Q. Was you tried for murder? A. I don't know what it was for; I know I was tried and acquitted.

Q. Were you tried for picking pockets? A. I don't know.

Q. Were you ever charged with being a pickpocket? A. I don't know, sir.

Q. Don't you know what you was tried for? A. I was tried for the saloon which was closed up.

Q. Were you tried for being a thief? A. I don't know; I never stole anything.

Q. I ask you what you was tried for? A. I was tried for closing up that saloon.

Q. Why didn't you say that first. when you said you did not know; when you answered me you did not know what you were tried for, were you swearing to an untruth? A. I don't know, sir.

Q. You repeat you do not know what you were tried for? A. No, sir.

Q. You went before a jury? A. Yes, sir.

Q. You don't know what the charge was against you? A. It was three years ago.

Q. Did you ever hear the charge against you? A. I don't remember, sir.

Q. Did you? A. I don't remember.

Q. Who was your lawyer? A. I believe Mr. Steckler.

Q. Were you not brought before the police sergeant at the desk, when you were arrested? A. Yes, sir.

Q. What charge was made against you there? A. I don't remember, sir.

Q. Were you not brought before the police magistrate? A. Yes, sir.

Q. What police magistrate? A. I don't remember what the name was.

Q. What court was it? A. In Essex street.

Q. Did you not hear a charge made against you there? A. No, sir.

Q. Was there any charge made against you there? A. There must have been.

Q. Was there to your knowledge? A. There must have been.

Q. Was there? A. Certainly there was.

Q. What was the charge? A. I don't know; I have not heard it; my lawyer was attending to it.

Q. You did not hear the charge made against you? A. No, sir.

Q. Was your counsel with you? A. Yes, sir.

Q. In Essex market police court? A. Yes, sir.

Q. Now, will you tell this committee, and swear on your oath, that you did not hear the charge made against you when you were brought to the station-house before the sergeant? A. I do not swear; I did not hear the charge; that is what I swear; I do not remember what the charge was.

Q. Was it for picking pockets? A. I answered once; no, sir.

Q. Was it for picking pockets? A. No, sir.

Q. Was it for forgery? A. I never done that.

Q. Was it for forgery? A. No, sir.

Q. Were you charged with counterfeiting? A. No, sir.

Q. Was you charged with being a bunco steerer? A. No, sir.

Q. Were you charged with being a pimp? A. No, sir.

Q. What were you charged? A. I do not want you to call me with being a pimp; I am a married man.

Q. What were you charged with? A. I don't know; I answer you I was charged on account of the saloon.

Q. Doing what in the saloon? A. I don't know what it was; I did not do anything as far as I know.

By Senator Bradley:

Q. It was not holding prayer meetings, was it? A. No, sir.

Q. Were you not brought down to plead to an indictment in the Court of General Sessions? A. I remember I pleaded not guilty.

Q. Not guilty to what? A. I don't know.

Q. Why did you say not guilty? A. Because I was advised to say so.

Q. You were advised to say not guilty to what you did not know you were pleading to? A. I don't know what the charge was then; I know I pleaded not guilty.

Q. How did you know, if you were charged with keeping a saloon, that charge would have been true? A. Yes, sir.

Q. How do you know when you said not guilty you did not say a lie? A. I don't remember what the charge was; I tried to remember.

Q. How do you know when you said not guilty you did not tell a lie? A. I remember then I did not tell a lie.

Q. How do you know when you said not guilty you did not say a lie? A. I know it.

Q. How do you know when you said not guilty you did not say a lie? A. I knew it then I did not lie.

Q. You must have known what the charge was made against you? A. I might have known what the charge was, but I do not know now what it was.

Q. Do you think these Senators here are sitting here and listening to you perjure yourself word after word; do you think these men will listen to you perjuring yourself? A. I am telling the truth.

Q. You are? A. Yes, sir.

Q. You swear every word you have said is the truth? A. Yes, sir.

By Chairman Lexow:

Q. Have you been arrested so often that you do not know now what the charge was against you that time? A. I have never been arrested before that time.

Q. Doesn't that make an impression on your mind, that you were arrested and tried? A. Yes.

Q. And is it possible you do not know what you were tried for? A. I do not remember what I was tried for.

Chairman Lexow.—I would not continue it, Mr. Goff. This man must be shattered in mind.

Mr. Goff.—It is wonderful that this man should stick to perjury as this man has done.

Mr. Nicoll.—Is it proper to condemn his own witness?

Mr. Goff.—He is not our own witness. It is unfortunate we have to call so many of this kind of witnesses.

Q. You have been asked to produce your check-books here? A. Yes, sir.

Q. By the way, you was with Gombassy at the time you were arrested, weren't you? A. No, sir.

Q. Wasn't he interested with you in the business? A. No, sir.

Q. Not at all? A. Not at all.

Q. Wasn't he manager for you? A. In Brooklyn; I said that last Friday.

Q. You ran another dive in Brooklyn, didn't you? A. I never ran a dive.

Q. You have been asked to produce your check-books here; you have produced—I hand you the two check-books, so you can identify them; are those the two check-books? A. Yes, sir.

Mr. Goff.—We want them marked for identification.

(Books marked Exhibit 1 and 2 for identification, June 26, 1894.)

Q. Are those all the check stub-books you could get? A. That is all the check stub-books I have left.

Q. Where did you find those? A. On the shelf.

Q. You had other check stub-books? A. Yes, sir.

Q. Where are they? A. They are gone.

Q. Where are they gone to? A. They were used up and thrown in the ash barrel; kept a few days and thrown in the ash barrel.

Q. This check-book, marked for identification Exhibit 1; the first date here is December 15, 1893.

Chainman Lexow.—What was the date of the first check there, Mr. Goff?

Mr. Goff.—December 15, 1893.

Chairman Lexow.—That don't cover the time about which you interrogated me.

Mr. Goff.—The last date was March 19, 1894.

Q. Does the check book, Exhibit 1, which I speak to you about, or the stub-book, comprise the stubs of all checks drawn by you between December 15, 1893, and March 19, 1894? A. Yes, sir.

Q. You drew no other checks? A. No, sir.

Q. For any purpose? A. No, sir.

Q. Either of your own name or anyone else's name? A. If I drew any other check I entered it on that stub there.

Q. Did you draw any other check, either in your own name, or your wife's name? A. No, sir.

Q. Or anyone else's name, except the checks represented by the stubs in this stub-book, Exhibit 1? A. That is all, sir.

Q. And you had only one check-book in use at that time? A. What, sir?

Q. You had only one check-book in use at that time? A. Yes, sir.

Q. Exhibit 1, here, is that check-book? A. Yes, sir.

Q. Did any person have any check-book in use for you, or in any way connected in business with you? A. Well, sir—

Q. Covering this period of time? A. Not that I remember, sir.

Q. Don't you know whether you had or not? A. No, sir; they had not.

Q. You swear positively no person had any check-book in use for you? A. Well, I don't know exactly.

Q. Or for your business? A. I don't understand you, sir; what do you mean by use for me?

Q. Had you any person having charge of a check-book in his name or any other name? A. No, sir.

Q. On account of your business? A. No, sir; I signed the checks myself.

Q. Or in which you were interested? A. I signed the checks myself.

Q. Or in the business you were interested in? A. Any business I was interested in I signed the check myself.

By Chairman Lexow:

Q. That is included in that book? A. During that time; yes, sir.

By Mr. Goff:

Q. You were in partnership with Bloom at the time, weren't you? A. No, sir.

Q. Were you in partnership with anyone? A. That has nothing to do with the check-books.

Q. Had you a check-book in connection with your business? A. No, sir.

Q. How did you pay your bills? A. By checks.

Q. Checks out of this check-book? A. Yes, sir.

Q. All expenses in connection with your business were paid by checks from this check-book? A. Only bills; not expenses.

Q. What expenses were paid that were not paid by check? A. Salaries.

Q. Any other? A. No, sir; it may be any small bills.

Q. Yes, very small amounts; is that it? A. Small amounts; yes, sir.

Q. Outside of that, every check that was drawn in connection with your business was drawn from the stubs of this book? A. Yes, sir.

Q. Did you have a private check-book for your private account? A. I had no private account, but I have another check-book which I used to draw checks, and entered it on the stub.

Q. Where is the check-book you drew from; where is that other check-book? A. It is all gone.

Q. Where has it gone? A. The checks was all gone.

Q. Where are the stubs? A. I throwed it away; I didn't use any stubs since it was kept.

Q. When did you throw it away; when was that? A. I don't remember when it was.

Q. A year ago? A. No, sir.

Q. A month ago? A. A few months ago.

Q. Why did you throw it away? A. I had no use for it.

Q. Did you use all the checks on the other check-book? A. Yes, sir.

Q. Why didn't you draw the checks out of this check-book? A. I didn't have it with me; when I got home I entered it on this book to account in the bank for it; only drew a check as I would take a piece of paper, and enter it in this book.

Q. This was a pocket check-book you carried with you? A. Yes, sir.

Q. And if you were out you drew a check out of this pocket check-book, and entered it in this book? A. Yes, sir.

Q. How did you keep track of the numbers? A. I did not keep a record of it.

Q. They are all in rotation here? A. You will see they are not all in rotation.

Q. Well, I see here a check No. 683, February 26, 1894, and the next check is No. 687, February 26, 1894; how can you account for the difference between 683 and 687 on the same day? A. It is a mistake.

Q. Well, look at it? A. It is a mistake in the number; I made a mistake in the number.

Q. You made a mistake in the number? A. Yes, sir.

Q. Are all these writings in your handwriting? A. Not all of them; some of them; some of them are not in my handwriting.

Q. Whose else's writing is it? A. I don't know whose handwriting it is; but may be somebody wanted a check and I told them to write it out, and I signed it.

Q. Here is a check No. 453, February 12, 1894, is that in your handwriting? A. No, sir; that is not in my handwriting.

Q. Whose handwriting is that? A. I can't tell you whose the handwriting is.

Q. Who had the right to make entries? A. Anybody I had write the check, and I hadn't time, and I signed it.

Q. Who had the right to write it? A. Whoever came up and asked me for anything when I wanted a check in a hurry.

Q. You had clerks there, hadn't you? A. No, sir; I hadn't any clerk.

Q. You mean to say any stranger who came in you asked them to write out a check for you? A. No stranger; anybody I knew.

Q. Who wrote that out? A. I don't know.

Q. Here is a check made to A. Levy, retainer, \$50; whose handwriting is that; what is that for? A. That is for a retainer for —

Q. For what? A. That is private affairs; shall I go into my private affairs?

Q. If necessary, Mr. Stager, we will take an excursion there with you. A. If the Senator will say it, I will answer your every question.

Chairman Lexow.—Answer the question.

A. For a lawsuit.

By Mr. Goff:

Q. A lawsuit? A. Yes, sir.

Q. Well, I see that the next check is No. 654, February 12, 1894, the same date; how can you account for the difference

between No. 453 and No. 654? A. I wasn't particular, the numbers.

Q. You were not particular of the numbers? A. No, sir.

Q. Did you put down any number that came in your head? A. No, sir; I only put it down by mistake.

Q. Is check No. 654 your handwriting? A. Yes; it is my handwriting.

Q. And do you want to say that you put down 654 there without looking at the previous number? A. I must have.

Q. What? A. This is not my handwriting.

Q. So you said; 452 is in your handwriting? A. Yes, sir.

Q. A previous check? A. Yes.

Q. While 654 and 453 — you mean to say you put down 654 at random? A. At a mistake; yes, sir.

Q. You make a great many mistakes that way; a mistake? A. Yes; I might have.

Q. Here is No. 644; is that in your handwriting? A. Yes, sir.

Q. It is in your handwriting; the next check to that is No. 445? A. Yes, sir.

Q. Whose handwriting is that in? A. My own.

Q. How is it you turned around and wrote No. 644 on the 6th of February and the 8th of February you wrote No. 445? A. It is another mistake.

Q. Another mistake? A. Yes, sir.

Q. You are telling the absolute truth, of course? A. I am, sir.

Q. And you think we all believe you, do you? A. Well, I am telling the truth.

Q. Do you think we are all believing you?

Mr. Nicoll.—I object.

A. I don't know what you are thinking; I am telling the truth, sir; I can not tell what you are thinking.

Q. What bank did you have your account in? A. German Exchange Bank.

Q. The German Exchange Bank? A. Yes, sir.

Q. Did you have more accounts than one in that bank? A. I had a previous account.

Q. At one time did you have more accounts than one? A. At one time; no, sir.

Q. And in whose name was that account? A. It was in my own.

Q. I thought you said it was in the name of your wife? A. This is in the name of my wife.

Q. You never had an account there in your own name, did you? A. I did.

Q. When? A. About three years before, I think, or a year and a half.

Q. Give me your wife's full name? A. Mary Stager.

Q. Has Mary Stager any account but this one? A. What, sir?

Q. Had she any account but this one in the German Exchange Bank?

By Senator Bradley:

Q. Any other account? A. Any other account; no, sir

By Mr. Goff:

Q. Had she any other account in any other bank? A. Not that I know.

By Chairman Lexow:

Q. You would know whether she did or not? A. Not a business account; I know she did not.

Q. Do you know in a general way about your wife's affairs; don't you? A. As a business account, I know she hadn't.

Q. Don't you know she had another bank account? A. Not business account; she might have a savings bank account.

By Mr. Goff:

Q. I understand you to say that there were no checks drawn upon the account in the German Exchange Bank in the name of your wife, Mary Stager, except such as are shown by the check-books in Exhibit 1 — by the check stubs? A. During that period of time; yes, sir.

Q. And also in Exhibit No. 2, for identification, from March 20, 1894, to June 22, 1894; is that true, also, of Exhibit 2? A. Yes, sir.

Q. There are the stubs of Exhibit 2, representing checks drawn by the German Exchange Bank, during that period of time? A. Yes, sir.

Q. And no other checks were drawn by you in your own name or your wife's name, or anybody else's name, during that period of time, except the stubs shown here in Exhibit 1 and Exhibit 2? A. Yes, sir.

Q. You understand me? A. Yes, sir.

Q. Now, of course, Mr. Stager, you never paid anything for police protection? A. No, sir.

Q. You were never asked it? A. No, sir.

Q. You were never interfered with? A. No, sir.

Q. Never annoyed? A. Except that time when they broke me up.

Q. Except the time you were charged with something you did not know what it was? A. The time they closed me up; yes, sir.

Q. Your relations have always been delightful with the police — friendly? A. I had no dealings with the people that I know of; I don't know of any relations being friendly with the police, or not friendly.

Q. You never had to go to any person to pay any person money for obtaining a license, either in your name or anyone else's name in this city?

Mr. Nicoll.—He has been over that.

A. I did not, sir.

Q. At any time? A. At any time, sir.

Mr. Goff.—We will keep these check-books here.

By Chairman Lexow:

Q. Do you know the wardmen in your district? A. Yes, sir.

Q. What are their names? A. I don't know them by their names.

Q. How often do you see them? A. Quite often.

Q. Come to your place often? A. They used to when I was open.

Q. How often? A. Every Sunday night, pretty nearly.

Q. They came in there? A. Yes, sir.

Q. You were keeping open? A. Yes; sacred concert.

Q. They saw you keeping open? A. Yes; sacred concert.

Q. Did you open up right again after you had your jury trial? A. No, sir.

Q. Did you remain closed? A. Yes.

Q. How long? A. For a year and a half.

Q. And did not do any business during that year and a half?

A. Only in the liquor business, regular saloon business.

Q. Do you know on whose complaint you were arrested? A. On Captain McLaughlin's.

Q. Did he make the complaint himself? A. I don't know, sir.

Q. You don't know whether any of the wardmen made the complaint? A. I don't know who made the complaint.

Q. Had you seen Captain McLaughlin before? A. No, sir; I seen him maybe.

Q. You knew him by sight, did you? A. Yes; I knew him by sight.

Q. Had he been in your place? A. Not that I remember, sir; he might have, but I never seen him there.

Chairman Lexow.— Any questions.

Mr. Goff.— That is all — just one more question, Mr. Stager.

Q. You know Mr. Loeb here, the lawyer (pointing to Mr. Loeb)?

A. Who?

Q. Mr. Loeb, the lawyer? A. Yes, sir.

Q. Did you ever employ Mr. Loeb to negotiate with any persons to obtain any license for you? A. I did not.

Q. Did you ever talk with him? A. I did not; I was down with Mr. Loeb once —

Q. With whom? A. With a client of Mr. Loeb's.

Q. Simon Butner? A. Yes, sir.

Q. That is a brother of Gombassy, isn't it? A. Yes.

Q. Did Mr. Loeb introduce you to Butner? A. I believe he did.

Q. For what purpose? A. I don't know what purpose; I went there with Mr. Butner.

Q. Weren't you and Butner engaged in business at that time?

A. I never have been engaged with Butner in business.

Q. Weren't you interested in a license to be obtained? A. Not me, sir.

Q. Didn't you offer to put up \$1,500 as security, if you could get your license? A. I wanted to pay \$1,500 —

Q. Did you offer to put up \$1,500? A. No, sir.

Q. You wanted to pay out \$1,500? A. Or a part share of a business at 304 Bowery, which was Mr. Butner's business at that time.

Q. Three hundred and fourteen? A. Three hundred and four, sir.

Q. What brought you down to Butner's, to Simpson's? A. I went down to Mr. Butner.

Q. Didn't you offer there to put up money in Butner's as a guarantee that you would pay that money if you obtained that license? A. Not for a license, sir; for the business.

Q. Did you instruct Mr. Loeb to guarantee that you would put up \$1,500 if you could obtain a license? A. I have never instructed Mr. Loeb to put up anything.

Q. Did you say to Mr. Loeb you would put up \$1,500? A. For what purpose?

Q. To obtain a license? A. No, sir.

Q. For 304 Bowery? A. No, sir.

Q. Did you have any conversation with him on the subject of a license at 304 Bowery at any time? A. Yes, sir.

Q. At that time? A. I don't know which time it was.

Q. Do you remember going to Simpson's? A. Yes; I remember going there.

Q. You requested Mr. Loeb to introduce you to this Butner, didn't you? A. No, sir.

Q. Were you present when he introduced you? A. I must have been present if he introduced me.

Q. Don't you remember you offered to put up \$1,500 as security for obtaining a license of 304 Bowery? A. I never offered that.

Q. Did you? A. No, sir; I did not.

Q. Did you ever offer to put up Peoria Whisky stock to the value of \$1,500? A. I did; but for what purpose?

Q. You offered to put up whisky stock? A. I wanted to put up \$1,500 for half share in the business.

Q. Who had the Peoria Whisky stock? A. The what whisky stock?

Q. Who had the Peoria Whisky stock? A. I never had Peoria Whisky stock.

Q. Did you have any whisky stock? A. Yes, sir.

Q. What is the name of it? A. Distiller's stock.

Q. When did you get that? A. Two years ago, or a year and a half ago.

Q. Have you got it now? A. No, sir.

Q. Don't you know that you offered to put up some of that stock as a guarantee, or for the purpose of paying \$1,500, if you could get a license for 304 Bowery? A. No, sir; I wanted to put that money up for half interest in the business.

Q. In what business? A. Three hundred and four Bowery.

Q. Didn't you go to Mr. Albert Bach, a lawyer? A. Who, sir?

Q. B-a-c-h, and offer to give him \$1,500 if he obtained a license for that price? A. I never offered \$1,500 to him or anybody else.

Q. Or any other sum? A. No, sir.

Q. Do you remember Mr. White, the banker, to whom you were introduced? A. I don't remember; I know I was introduced to somebody down town.

Q. Who was present? A. I think Mr. Butner, or Mr. Loeb.

Q. Was not Mr. Butner and Mr. Loeb both present? A. Maybe both of them.

Q. And you swear you did not offer to put up either \$1,500, or whisky stock of any description, or denomination to the extent of \$1,500 to pay for obtaining a license? A. I did not, sir.

Q. To any person? A. To any person for that license.

Q. On that place 304 Bowery? A. I offered to put up \$1,500 for the business, 304 Bowery.

Q. Not for a license? A. Not for a license; I offered that for the business.

Mr. Goff.—That is all, sir.

Gustave H. Martin, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Produce merchant.

Q. And where is your business? A. Three hundred and five Washington.

Q. Three hundred and five Washington street; have you had to pay anything for permission to use the sidewalks; come at it shortly and directly; save as much time as possible? A. Well, I have paid money.

Q. To whom did you pay, Mr. Martin? A. To some officer.

Q. How much? A. Twenty-five dollars.

Q. Did you know the officer's name? A. No, sir.

Q. Was it the officer of that precinct? A. I couldn't say that.

Q. How did you come to pay him; just briefly tell us? A. He told me other people done the same thing.

Q. Other merchants in the neighborhood did the same? A. Yes.

Q. And did he collect that each year? A. Yes.

Q. Was you interfered with with regard to being summoned to court while you paid that money, Mr. Martin? A. No, sir.

By Chairman Lexow:

Q. Were you told by the officer who was going to get that money? A. No, sir.

Q. Did he give you any intimation at all as to what was going to be done with it? A. Not that I know; only he made a remark that it would be all right, if I paid that money every week, no trouble.

Q. Didn't you ask him who was going to get the money? A. No, sir.

Q. Did you pay it to him in a certain way; did you hand him the money? A. I handed him the money in an envelope; yes, sir.

Q. Did he tell you to put it in an envelope? A. Yes, sir.

Q. And seal it? A. No, sir.

Q. Was anything marked on the back of the envelope? A. No, sir.

Q. Did he give any reason to you why you should put it in an envelope? A. No, sir.

Q. Where did he collect it? A. Right in my business place.

Q. Called for it? A. Yes, sir.

By Senator Bradley:

Q. How did you come to pay him the \$25 first off; did he come and demand the money of you; or did you go and see him? A. No, sir; he came around and told me just what other business people was doing, and I done the same thing.

Q. He came and told you it was customary, everybody had to do it, and he wanted you to do it too? A. Yes, sir.

By Chairman Lexow:

Q. How many times did you make these payments? A. That I really could not tell you.

Q. Every year one? A. Yes.

Q. At about the same time each year? A. Well, about the same time; I could not say exactly just one day; I could not say whether it was on the same date; I could not say.

Q. Did he give you any explanation why you should put it in the envelope? A. No, sir.

Q. Say anything about the station-house? A. No, sir; said something about the old man.

Q. What is that about the old man? A. That is all he said—the old man; he said it is for the old man.

Q. He said it was for the old man? A. Yes, sir.

Q. He did not tell you who the old man was? A. I never asked the question.

By Senator Bradley:

Q. Was it always the same man that came and collected it? A. No, sir; they were changed.

Q. The officers changed? A. Yes, sir.

Q. When the new man came around what did he say to you? A. The same thing.

Q. Did he have a book with him that he had your lease recorded in? A. No, sir.

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

By Mr. Goff:

Q. You occupy a basement there? A. Yes, sir.

Q. You do not occupy the whole store? A. No, sir.

Q. What business is the man in who occupied the store? A. It is a liquor store.

Q. Liquor store? A. Yes, sir.

Q. So you had to pay them for even a basement? A. I pay rent for a basement.

Q. I mean for the sidewalk outside your basement? A. Yes, sir.

Q. You did not occupy the whole building? A. No, sir.

By Chairman Lexow:

Q. When he spoke of the old man didn't you ask him who the old man was? A. No; I did not ask him the question.

By Senator Bradley:

Q. You knew who it was? A. By guess I knew.

By Chairman Lexow:

Q. You guessed? A. Yes.

Q. But you did not ask him the question? A. No, sir.

By Senator O'Connor:

Q. When you paid this money you knew that policemen hadn't any business to exact money, didn't you? A. Sir?

Q. When you paid this money you knew that the officer had no right to make any such demand on you? A. He told me that he —

Q. You knew he hadn't any right to make that demand of you, didn't you? A. No; I did not.

Q. What is that?

Chairman Lexow.—He said he did not.

Q. You know the officer don't own the sidewalk? A. No.

Q. You knew he did not rent the sidewalk to you? A. No, sir.

Q. What did you pay him the \$25 for? A. He told me it was the customary charges.

Q. Did you understand what would be the consequences if you did not pay it; what did you understand would be the consequences to you if you did not pay this money? A. I would be fined, I suppose.

Q. You would be arrested, and taken before the court and fined? A. Yes, sir.

Q. And practically prohibited from using the sidewalk? A. Yes, sir.

Q. And you paid this money to obtain immunity from the charges of that kind? A. Yes, sir.

By Chairman Lexow:

Q. And the officer told you everybody else was paying the same? A. That is what he told me.

Q. I mean the officer told you that? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. How many hours of the day did you obstruct the sidewalk with your goods? A. I could not tell you, sir.

Q. What time in the day did you pile your goods up on the sidewalk? A. Well, that is different.

Q. One day one witness here said in his business he commenced using the sidewalk about 12 o'clock in the day, and used it from that time until the next day at 11 or 12 o'clock; is that so of your business? A. We work all kinds of hours; that is right; and we receive all kinds of hours' stuff.

Q. You had the sidewalk obstructed most of the time, didn't you? A. No, sir.

Q. Well, I want to see how much of the time you can tell me; did you occupy the sidewalk? A. Yes.

Q. How much of the time during any day did you occupy the sidewalks? A. I could not tell you.

By Chairman Lexow:

Q. Average it up; did you occupy half a day or quarter of the day? A. Yes; about half the day.

By Mr. Ransom:

Q. Senator O'Connor asked you if you did not know that the policeman had no right to exact the payment of money from you, and you said you did; am I right in my understanding of your answer to him?

By Chairman Lexow:

Q. Did you understand that the policeman had no right to demand this money from you? A. No, sir; I did not know it.

Chairman Lexow.—He says, no, he did not understand it.

By Mr. Nicoll:

Q. Do you speak English? A. Well, a little.

By Mr. Ransom:

Q. You remember what Senator O'Connor asked you about your payment of \$25 to the officer? A. Yes; he asked if I paid \$25.

Q. He asked you if you knew he had no right to collect \$25; do you remember that question? A. Yes, sir.

Q. Do you remember you said you did know he had no right to collect it? A. That is a misunderstanding then.

Q. Now, then, answer me; did you, or did you not, know that the officer had no right to collect the \$25? A. Well, that is a question I really could not answer you.

Q. At the time you paid him the \$25, did you think that you were doing something that the law compelled you to do? A. Well, I thought I was doing something that would prevent me being arrested and fined.

Q. If you did not do it, you might be arrested and fined? A. Yes.

Q. If you were arrested and fined, it would be for a violation of the law, wouldn't it? A. Yes, sir.

Q. Then this officer exacted from you a bribe of \$25; that is as you understood it, wasn't it? A. Yes, sir.

Q. And you paid him the bribe? A. I paid him \$25.

Q. That was a bribe, wasn't it, so that you would not have any trouble about the sidewalk? A. Yes, sir.

Q. You say yes to that; then you knew, Mr. Martin, that you had no right to use the sidewalk for the storage of your goods, didn't you? A. Yes, sir.

Q. You knew that the people who walked up and down the street had a right to walk on the sidewalk? A. Yes, sir.

Mr. Ransom.—That is all.

Chairman Lexow.—That is all.

By Senator O'Connor:

Q. Witness, in that respect, the police committed a double wrong, one against the public, and one against the individual.

Mr. Ransom.—That is your deduction; that may be a fair argument; but you don't want the witness to testify to that, do you?

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

Direct examination by Mr. Goff:

Q. Where do you do business? A. Corner of Reade and Washington streets.

Q. What is your business? A. Produce commission.

Q. You occupy the sidewalk, of course necessarily? A. Off and on we have to.

Q. Have you had any trouble with the police in relation to occupying the sidewalk? A. We have not had any trouble,

except the same as the rest of them; we done the same as the rest of them.

Q. What is that? A. It cost me \$50 a year.

Q. Fifty dollars a year? A. Yes, sir.

Q. The tariff on you was \$50? A. This is a corner, you understand.

Q. And that is the reason why you were assessed more? A. More than the inside store; yes, sir.

Q. To what officer did you pay it? A. Different ones; they did not have the same officer; I don't know the wardman; they had different men for off and on.

Q. Anyway, you paid money every year? A. Yes, sir.

Q. Paid in an envelope? A. Yes, sir.

Q. Did any of the officers say where the money was going? A. I did not know where it went; no, sir.

Q. Did they go into your store to collect the money? A. I generally met them outside on the sidewalk.

Q. The money was in an envelope? A. Yes, sir.

Q. Did they request it to be put in an envelope? A. Yes, sir.

Q. And you were not interfered with? A. No, sir.

Q. While you paid this \$50 a year? A. No, sir.

Q. How long have you been paying it? A. Well, only \$50 a year the last two years; before that we did not pay as much.

Q. How much did you pay before that? A. I think it was about \$16.

Q. What captain came into the precinct during the last two years? A. The one who is in, the present captain?

Q. Yes? A. I think it was Captain Stevenson; I would not be certain.

By Senator Bradley:

Q. Who is there now? A. I don't know; I don't know the present captain; I don't know his name.

Q. You know where the station-house is? A. Yes; in Lenox street station-house; I don't know the captain's name; I couldn't tell you.

By Mr. Goff:

Q. Was the rate raised from \$15 to \$50 a year when Captain Stevenson went into the precinct? A. Well, I think it was -- I would not be certain; I could not tell you certain about that; for the last two years I know that is what I have had to pay, the last two years.

Q. I understand you to say you were not interfered with when you paid that money? A. No, sir.

Q. You were not subjected to any interference from being called to court, or fined, or anything of that kind? A. I was not fined.

Q. Of course, as the Senator has asked the preceding witness, you understood that you were to pay this money to be let alone? A. I supposed that was what it was for.

Q. That was the understanding? A. Yes, sir.

Q. Were you told by an officer all the merchants around had to pay the same thing? A. Well, according to the amount of business they did.

By Chairman Lexow:

Q. You had to pay more for the corner? A. I was on the corner, and the tariff was higher.

Q. When the amount was raised from \$15 to \$50, what was the reason given for the raising? A. I did not ask him for the reason; there was no reason whatever; he said that was his instructions.

By Senator Bradley:

Q. That was his instructions? A. Yes.

By Chairman Lexow:

Q. He said those were his instructions; did he say who instructed to that effect? A. No, sir.

Q. In none of these conversations you had with him did he ever tell you who had instructed him to get this money from you? A. No, sir; he never told me.

Q. Did he give any reason for putting it in an envelope? A. No, sir; he said that is the way we wanted it, and I never asked him.

Q. Did he say he had received instructions whatever to put in an envelope? A. I think he did; he said put a card and the money in an envelope.

Q. Just state as near as you can the conversation you had with him in reference to an envelope and card? A. He merely said take this money and put it in an envelope with a card; that is all he said.

Q. Nothing about instructions? A. Nothing about instructions; he said that is the way he wanted it; I never asked him who got it.

Q. How many changes of wardmen were made while you were paying this money? A. Three or four.

Q. And each wardman as he came along did he seem to understand the amount you were to pay? A. They did not seem to know until the last one, I think it was the last wardman; the others, why, we would get it as easy as we could; that is all; I think the first I paid, he wanted \$25, and I gave him \$15 or \$10; I would not be certain of the amount; I could not tell you for certain.

Q. You offered him \$10 and he wanted \$25? A. Yes.

Q. And you settled on \$15? A. And we settled on \$15.

Q. And you paid \$15 until they demanded \$50? A. Until they demanded \$50.

Q. Think back and see if you can not remember whether you had no conversation at the time in which you expressed your surprise in this sudden increase in the amount, and if so, state what the conversation was? A. I could not tell you just —

Q. You remember you paid three times as much without expressing any surprise or saying anything on the subject? A. He said we have a good deal of walk room; it was a big corner, and I told him; said I, "These goods of ours don't lay on the walk over 10 or 15 minutes, and we go there at 11 or 12 o'clock at night and sometimes about 3 o'clock we have the goods sold out; often about 3 o'clock we have not a package there.

Q. Did he say anything about instructions then? A. I could not tell you just what he did say; he merely said he wanted more money; he said it would be better to have the thing settled; I told him I did not want to be bothered going up and paying fines; we got up early and put in long hours.

Q. Did he say he had to render any account to anybody? A. No, sir; I never questioned him at all.

Cross-examination by Mr. Nicoll:

Q. You did not pay any money to Captain Stephenson or any other captain? A. No, sir; I don't know who got it.

Q. And you don't know that? A. I don't know who got it; I could not tell you who got it.

Q. You are a resident of this city? A. No, sir; I am a resident of Brooklyn.

Q. You live over in Brooklyn? A. Yes, sir.

Q. What part of the sidewalk do you use? A. Well, we take these goods off on the end of the sidewalk, always leave a big passageway, and just set them off there, and a buyer would look at them, and load them on the trucks; our business is wholesale.

Q. Did you do your business on the sidewalk? A. Merely to unload them.

Q. You said buyers would look at them? A. As they came up they glanced at them and said put 20 crates here, and 20 there, and my truck will be here to take them.

Q. And after the sale concluded you left the articles on the sidewalk? A. No, sir; they loaded them on to their trucks and took them away.

Q. How long did you keep them there? A. Sometimes not five minutes.

Q. How long is sometimes? A. Maybe sometimes they stood there longer; it is according to the time the man's truck is getting there; sometimes the streets are blocked and he can not get there in a moment.

Q. How long in the day do you keep the street obstructed by goods? A. Not long.

Q. Your goods are always there? A. No, sir; they are not.

Q. Are the sidewalks ever free from your goods? A. Yes.

Q. What hour of the night? A. All times through the middle of the day; it is only 12, 1, 2 or 3 o'clock we have these goods here.

Q. Twelve and 1 o'clock at night? A. Yes, sir.

Q. And it is free all during the day? A. On times; I would not say always.

Q. Were you obstructing the sidewalk? A. I don't obstruct it; what goods we have are put as near the gutters as we can get them.

Q. You have never obstructed the sidewalks? A. I don't say that; we have, I suppose.

Q. Don't you know you have? A. I don't know it; there is always plenty of room for anybody to travel through it; I have it so when we have had goods there.

Q. Did you not obstruct the sidewalk? A. I should think obstructing the sidewalk would be blocking it up so nobody could pass.

Q. Don't you know what obstructing the sidewalk is? A. No, not as you put it.

Q. What makes you laugh? A. I can't help but laugh.

Q. If your story is true, you know you are guilty of the crime of bribery, don't you? A. I don't know what you call it.

Q. If your story is true, you have committed the offense of bribery; haven't you? A. It is merely.

Q. Is that so? A. I don't call it bribery.

Q. If your story is true? A. It is the way of the world, such things as that.

Q. If your story is true, you violated the law of the State? A. I don't think I did; I don't know what the sidewalk law is exactly; I never read it.

Q. You think it is a question of the sidewalk law? A. Yes; I think there is a sidewalk law.

Q. If your story is true, you paid money to the officer and you violated the sidewalk law? A. Often you pay money for doing something that is wrong plenty of times.

Q. Didn't you know that if you paid a public officer to get something you had no right to, you are guilty of bribery? A. No; I don't know that.

By Mr. Lexow:

Q. And you do know if you were guilty of bribery the public officer was guilty of the crime of making you bribe him? A. Certainly he was; I do not call it bribery; I don't know what you call it.

Mr. Goff.—I ask you now, Mr. Chairman, to inform this witness, and all other witnesses similarly situated not only of the protection afforded to him by this committee, but also of a law of this State on the very question of bribery.

Chairman Lexow.—No evidence given by you before this committee can be used in any proceeding against you, and it is an absolute bar to any indictment for prosecution for this cause; so there may be no fear on account of any explanation you can give.

By Senator Lexow:

Q. You do not consider it a bribery; you simply consider it as far as any intent on your part is concerned, that under compulsion these public servants have skinned it out of you? A. Yes.

Senator O'Connor.—I believe every one of these men that bribe an officer, they can come and secure immunity from coming here and testifying.

Mr. Goff.—This is a wise protection.

Chairman Lexow.—It is a premium given by the State for the purpose of getting testimony of this kind of bribery.

Mr. Nicoll.—According to that Jake Sharp might have got off scot free if he had only gone before an investigating committee.

Mr. Goff.—There is no use of bringing up this skeleton of Jake Sharp at all.

Mr. Nicoll.—If your law is correct.

Chairman Lexow.—I believe section 79 of the Penal Code was amended since the Jacob Sharp trial. The addition that appears in the final section was made.

Mr. Nicoll.—According to your law any public officer can be excused by coming before a Senate committee.

Chairman Lexow.—There is absolutely no question about that.

Mr. Nicoll.—Not only that but in any other bribery case.

Mr. Goff.—Mr. Nicoll knows that as well as any other man in the room and he is uttering now such a legal whopper that he has to laugh at his own effrontery in doing it; and further, Mr. Chairman, Mr. Nicoll simply makes use of this as a sort of bringing in of a light class comedy to try and frighten other merchants from coming on the stand by holding up the case of Jacob Sharp here; we have here a way of protecting the merchants against the bribery and by doing so break up the infamous system, and we want the merchants of New York to come here to do it.

Chairman Lexow.—Not only that. The law says they shall be protected here if they testify here. If they do not testify they are not protected.

Mr. Goff.—Mr. Nicoll is through his little comedy.

J. Wallace Cook, called as a witness on behalf of the State, being duly affirmed, testified as follows:

Direct examination by Mr. Moss:

Q. Your name is J. Wallace Cook? A. Yes, sir.

Q. And you sell illuminating oils at 126 Maiden lane? A. No, sir.

Q. What do you do? A. I sell lamp goods.

Q. One hundred and twenty-six Maiden lane? A. Yes, sir.

Q. Have you paid any money to the police or to any policeman for the privilege of having your goods on the sidewalk? A. I paid some money to a man, whether he was a policeman or not I could not say.

Q. Who was the man? A. He brought a card with his name on it.

Q. What was the name? A. I could not remember now.

Q. Was not the name Frank Wilson on the card? A. I would not like to say it was or was not.

By Chairman Lexow:

Q. What is your best recollection? A. Well, I would not like to say the name, because I do not know the name.

By Mr. Moss:

Q. What did he say to you? A. He said you have a great many barrels on the walk; I said, "Yes; we did; and can't help it;" and then he spoke about—or he merely handed me his card, and I understood what that meant, because I had been in the business some 22 years and odd; when I was bookkeeper for a large concern I understood what that meant, and used to keep a little card in the memoranda book of the cash book so that when a certain person used to come I used to know what to do; so, of course, I understood perfectly what that meant, and I came down accordingly.

Q. What did you come down; how much? A. Five dollars.

Q. When was that paid? A. I should judge it was about, perhaps, two years ago.

Q. Have you paid since? A. Never paid anything more.

Q. To anyone? A. To no one.

Q. Has any one approached you in reference to sidewalk violation, except that man? A. The policemen sometimes in going by would say to my men that they must take the barrels off the walk, and I instructed the men to say, if any one came, if the policemen said anything about it, to say it was fixed all right.

Q. Did they say so to the policeman? A. They did say so to the policemen.

Q. Were your barrels then allowed to remain on the sidewalk? A. Yes.

Q. And when you stated to the policeman on the beat that the thing was fixed they left the barrels? A. They did not say anything more about it.

Q. You had no further trouble? A. We had no trouble.

Q. What concern was it of which you were bookkeeper? A. F. H. Lovell & Company.

Q. Whereabouts were they situated? A. In Pearl street.

Q. How much did they pay for police protection? A. Oh, various sums, from time to time.

Q. I understand that you paid the money? A. That is, the member that runs it used to come to me and say he wanted so much money, sometimes one sum and sometimes another.

Q. What sums would they be? A. Generally about \$10.

Mr. Nicoll.—Did this man pay it?

Q. I am finding out; these sums were handed out by you for that purpose; was that the idea? A. That is what I understood it.

Mr. Nicoll.—I object.

Chairman Lexow.—What is the objection?

Mr. Nicoll.—The objection is this man is testifying to hearsay; and he himself does not claim to have paid anything as a book-keeper of Lovell as I understand it.

Mr. Moss.—We are finding out what he claims. He has testified to the conversation he had between a member of the house and himself.

Chairman Lexow.—Let us see what it amounts to.

Q. I understand you to say you had a card in the drawer? A. Yes.

Q. What was that card? A. It was a little printed card; I don't remember the name, because it is years ago; it was either a detective down on the corner or a policeman; a little bit of a card.

Q. It was the name of the policeman? A. I presume it was; yes.

Q. Did you pay out moneys in connection with that money to the police or for the police? A. I always believed it was for that purpose.

Q. You handed out the money? A. Yes, sir.

Q. Who did you give the money to?

Mr. Nicoll.—Won't you permit me to move to strike out his answer.

The Witness.—I know it was.

By Mr. Nicoll;

Q. Did you pay it? A. It is not faith; it is knowledge.

By Mr. Moss:

Q. Now, who did you pay it to? A. To the head of the house.

Q. Did you see what the head of the house did with it? A. Certainly.

Q. What did he do? A. He gave it to the policeman.

Q. Exactly; I knew we would get there; how long did they continue; over what period of time? A. I couldn't tell you how many years.

Q. Several years?

By Senator Bradley:

Q. Five or ten years? A. I could not tell you how many years.

Q. You say you were 22 years? A. No; I was with them 17 years.

Q. Did that custom extend over 17 years? A. And I have been in the business 5 years, and that makes 22.

Q. Did that custom extend over the 17 years you were with Lovell? A. Not fully.

Q. A large part of it? A. It extended over quite a number of years.

Q. Can you recall how frequently those payments of \$10 or small sums of money were paid? A. They were not regular; they were irregular payments.

Q. Do you know how much a year they amounted to? A. Perhaps \$10, \$30 or \$40; something like that.

Mr. Moss.—That is all.

Chairman Lexow:—Any questions? That is all.

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

Direct examination by Mr. Goff:

Q. What is the full name? A. Thomas P. Wallace.

Q. And you do business at 187 Reade street? A. Yes, sir.

Q. What is your business? A. Produce commission business.

Q. Just a little louder? A. Produce business.

Q. In business for yourself? A. Yes, sir.

Q. I presume you found it necessary, in the course of your business, to occupy the sidewalk more or less? A. Yes, sir.

Q. Have you paid the policeman for doing that? A. Yes.

Q. How much? A. The last, I think about 3 years, \$25 a year.

Q. Twenty-five dollars a year; to whom did you pay the money? A. I think it was the ward officer.

Q. Do you know his name? A. Only I have heard it—Kelly, I believe.

Q. How was it put up, in an envelope? A. Yes, sir.

Q. Did he request you to put it in an envelope? A. I hardly think he requested me; I think I was in a neighbors one day when he was there, and this neighbor told me that was the custom to pay it that way.

Q. While he was there? A. Yes, sir.

Q. And you always put it in an envelope? A. Yes, sir.

Q. Did he ever say to you where that money went? A. No.

Q. And you simply paid this to avoid being bothered or brought to court for obstructing the sidewalk? A. I had been brought to court several times, and I understand that was the custom.

Q. At first you refused to pay this blackmail, did you not?

Mr. Nicoll.—I object to the word blackmail.

Chairman Lexow.—These contributions.

Mr. Goff.—I can not use a better word to express the meaning. The word is a good Anglo-Saxon word.

Senator Bradley.—What objection would you make?

Mr. Ransom.—I would ask him to state a fact and allow the committee to state whether it is blackmail or not. It is not right for counsel to put that in an offensive way to the witness.

Mr. Goff.—Whatever is in the statute is not offensive, and that word blackmail is in the statute of the State.

Chairman Lexow.—It is a conclusion. I think from the description of what he did do it is sufficiently conclusive.

Mr. Goff.—I know I am right, but will waive the point to save time.

Q. You refused to pay this money, except it was asked for by the policemen; didn't you? A. Well, I can not say that it was asked of me in the first place; but I know that I was summoned to appear up here before the court several times.

Q. And were you fined? A. Yes, sir — well, that was another thing; the cases were dismissed whilst I was in court.

Q. Yes? A. But some considerable time after that two gentlemen representing themselves to be deputy sheriffs came down to the place and said they had a judgment; I don't exactly know the amount now, and they would levy on my goods unless I paid it.

Q. These judgments? A. These judgments they said they obtained against me.

Q. Did they occur more than once? A. This was for two or three different accumulative judgments they had.

Q. All for those sidewalk obstructions? A. Yes, sir.

Q. You were not paying at that time, weren't you? A. I was not paying anything.

Q. Isn't it a fact that owing to these judgments and other troubles you were subjected to you had to come in and pay this money the same as other merchants? A. I did come in and pay it.

Q. You hadn't any trouble after that? A. I have not had any trouble since.

By Mr. Ransom:

Q. I only want to ask a question or two; you mentioned the name of the officer as Kelly? A. Yes, sir.

Q. Can you remember when it was you paid him the \$25? A. When I first paid him; the first \$25.

Q. Yes? A. No; I paid very little attention to it.

Q. I don't expect you to give the date? A. I think it was along in the fall of the year generally he came to me.

Q. Generally in the fall? A. Yes, sir.

Q. Do you remember what year it was you commenced? A. I am under the impression I paid \$25 three times, but I would not swear to it; it may have been but twice.

Q. How long ago? A. Last fall was the last I paid.

Q. The year 1893? A. Eighteen hundred and ninety-three.

Q. The fall before you paid \$25? A. The fall before I paid.

Q. You paid to Kelly? A. Yes, sir.

Q. Was anybody else present when you paid him? A. I think not; I don't know of anybody.

Q. Where was the money paid; at your store? A. At my store; yes, sir.

By Chairman Lexow:

Q. Did the person who asked you for the money say he was acting under instruction? A. No; I don't think I ever passed 10 words with the officer in my life.

Q. Did he say the money was for him or somebody else? A. He did not say to me it was for him.

Q. Or for anybody else? A. No, sir.

Q. Did he come in and demand the money of you; or did you make the suggestion to him? A. No, sir; to the best of my recollection, it is that these officers came down with the judgment, and told me, if I expected not to be bothered I had better do as my neighbors had done.

Q. That is, pay the wardman? A. That is I had been standing out for some time, and had better fall in line with the rest.

By Chairman Lexow.

Q. That you had better fall in line with the rest? A. Yes, sir.
Mr. Goff.—That is all.

William C. Rehm, called as witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Your initials, Mr. Rehm? A. William C.

Q. And your profession or occupation? A. Pianist.

Q. You are a pianist? A. Yes, sir.

Q. Did you attend the sangerfest last night? A. Yes, sir.

Q. At Madison Square Garden? A. Yes, sir.

Q. Fine music? A. Very fine.

Q. And you were in company with a friend? A. With a friend from Milwaukee.

Q. Did you apply for a seat? A. Applied — I got as far as the entrance and asked a policeman which way to the balcony, or to the gallery there.

Q. Is Officer Schmitt the policeman? A. Yes.

Q. Stand up (The policeman stands up); is that the policeman? A. Certainly.

Q. Go on and tell what occurred? A. And he told me that, of course, if I went up there, I would not find any seats and would have to stand up, and for which I would have to pay 50 cents, and at the same time, he suggested, if I gave him \$2 for myself and friend he had two seats for me at the arena; well, I immediately went up with him and gave him the two dollars in the presence of my friend, and I got up to the door and the gateman there said he could not give us seats, but we would have to wait; the policeman then told us to stand off in one corner and wait for half an hour until the concert commenced; we were standing there at least an hour, and the concert commenced rather late, about quarter of 9, and I was looking for the policeman all the time, and could not see him, and at last I went to the doorkeeper, and asked him why we could not get our seats; he said, "Have you got checks?" I said, "No; I have not;" "Well, then, you can not get any seats;" I said, "I paid the policeman \$2 for seats, and he promised me seats up here;" "Well, then," he said, "You have got to see the policeman;" I said, "I can not run after the policeman; you are in with the policeman, and you know all about the affair, and you will see I get my seats, or I will raise a row;" and after that I waited, and gave him half an hour longer; it must have been almost quarter of 10, I think, around there, and I got tired of waiting longer, and then went down and hunted for the policeman, and found him in the hallway; he told me that — I asked him how about the seats; he says, "I am very sorry, everything is crowded; you can not get your seats;" I said "This is a fine way to do business; I thought you were going to give us seats, and we would have no trouble whatever;" well, I then remarked to him that I would place the thing before the Lexow committee to-morrow, and have an investigation made.

Q. It would be a great thing if the Lexow committee would remain in perpetual session? A. Yes, sir; five or six years longer, and he wanted to return a dollar to me.

Q. He did not offer the \$2 you gave him? A. No; he did not; my friend was in the room, still standing, and an old man too at that, standing up; it was rather hard on the poor fellow, and I did not accept it; I walked right off and was enraged with the matter.

Q. Of course, you were justly offended; now, when the officer told you he could give you three seats for \$2, you were under the impression he had the authority and power to do that? A. That is what I thought; he had an authority to give the seats; I never paid for any concert previous in my life, as long as I lived, and this was the first time, and I thought I was treated very shamefully.

Q. Did you see this officer Schmidt this morning? A. Yes, sir.

Q. He begged you not to come forward? A. He remarked that he being a married man, and all this —

Q. Didn't he say something about charges being already pending against him at police headquarters? A. I believed he remarked something to that effect; I believe the Lexow committee had him up last week.

Q. And you came to me and begged to let him off, because he was a married man? A. Yes, sir.

Q. And I would not let you off? A. That is the whole story.

Q. And I subpoenaed you? A. Yes.

Cross-examination by Mr. Nicoll:

Q. I understood you to say in the course of your examination that you had never paid for a concert performance in your life? A. No, sir.

Q. Is that so? A. That is perfectly so.

Q. Are you a singer? A. I am a pianist.

Q. And are you admitted to all concert performances free of charge? A. Yes, sir; professional courtesy.

Q. Professional courtesy? A. Yes, sir.

Q. Did you make an effort to go to the saengerfest free of charge? A. I went to Steinway's and Trepas had no more seats; they were all given away; all tickets were out; and he said you have to get them up at the office.

Q. Who did you apply to? A. I applied over to Steinway's; I went to see Trepas, and he had given all the tickets out, and also to Steinway.

Q. For the first time in your life you were confronted with the position that you had to pay? A. Yes, sir; the first time.

Mr. Goff.—This is a policeman.

Mr. Nicoll.—He struck the saengerfest, that is it.

Q. You offered to pay 50 cents? A. No; I heard that the seats —

Q. Just answer my questions and don't ramble along? A. That is all right, you are here to protect crime, and all this.

Q. I am here to find out your story, and find out how much is

true, and how much is exaggerated; did you pay 50 cents? A. What?

Q. Did you pay 50 cents? A. I did not.

Q. Did you pay anything? A. Yes; paid \$2.

Q. Before you paid the \$2 had you paid anything? A. Never.

Q. Did you get in without paying? A. I did not get in.

Q. Did you get into the building without paying? A. No; that is different.

Q. You did not get into the place without paying? A. I got into the building without paying.

Q. That is what I am asking; you paid whom? A. I paid Policeman Schmidt.

Q. Two dollars? A. Two dollars.

Q. Did you go to the box office? A. I tried the box office first.

Q. What did they say there? A. They said if you want to go in the gallery, you will have to pay 50 cents, but you will have to stand up.

Q. We will take up the box office first; the man at the box office said it would cost you 50 cents, but you will have to stand up? A. That is up in the gallery.

Q. Fifty cents a piece, would be a dollar for two; there were two of you? A. There were two of us; yes, sir.

Q. That proposition was you should pay a dollar for the purpose of standing up in the gallery? A. For the two of us, yes, at the box office, that is right.

Q. Now, the police officer said he thought he could help you along by getting a seat down stairs? A. Yes; back of the singers.

Q. For \$2? A. Yes, sir.

Q. That would be a dollar more than you would have to pay at the box office? A. Yes, sir.

Q. You thought that was a handsome offer on his part, didn't you? A. Certainly.

Q. And you gave him \$2? A. Certainly.

Q. Don't you know he did the best he could to get you the seats?

Mr. Goff.—How does he know that?

The Witness.—I do not know; that I could not swear to; I could not tell you that.

Q. Don't you believe he did the best to get you good seats?

Mr. Goff objects to what he believes. Excluded.

Q. Isn't it your opinion that he did the best he could.

Objected to, as he is not an expert; objection sustained.

Chairman Lexow.—How do you know he was.

Mr. Nicoll.—Thank you. I am crossexamining. You can exclude what you please. I will go on. I don't want any suggestions.

Q. Did you have any opinion as to the conduct of the officer or the acts of the officer afterward.

Mr. Goff.—Objected to as frivolous.

Chairman Lexow.—Excluded.

Mr. Goff.—And wholly immaterial.

The Witness.—I suppose it is not necessary to say anything in the matter.

Q. Where did you stand; are you going to leave the stand?

A. It is useless for you to ask any more questions in the matter.

Q. Aint you going to answer them? A. Why, certainly.

Mr. Goff.—If you can answer Mr. Nicoll's questions, answer them.

Q. Where did you stand when the officer went to look for your seats? A. We were standing up in the arena, back of the boxes.

Q. Had you then gotten in? A. We had gotten through the gates.

Q. You had got an entrance to the entertainment? A. Yes.

Q. And paid \$2? A. Yes; paid \$2.

Q. What was the price of admission? A. One dollar a piece for seats.

Q. What was it without seats — 50 cents a piece? A. Up in the gallery 50 cents, standing up.

Q. What was the general admission? A. That I don't know.

Q. Wasn't the general admission a dollar? A. It was not; I am sure of that.

Q. It was 50 cents? A. Because I know the arena seats were a dollar, and I am sure the arena seats were better.

Q. You had got into the saengerfest and paid two dollars? A. Yes.

Q. And you had to stand up back of the boxes? A. Yes, sir.

Q. And the officer offered to give you back a dollar? A. Yes, sir.

Q. He offered to give you back a dollar? A. Yes; afterward.

Q. And then there would be a dollar left; that would have been the price of that admission? A. How.

Q. Answer my question; it would cost you a dollar to get inside of the fest anyway? A. That is two would cost.

Q. You gave the officer \$2? A. I gave the officer \$2.

Q. One dollar it cost you to get in, at the box office, for admission? A. Yes, sir; in the gallery.

Q. And the officer offered to give you a dollar back? A. Yes, sir; that is what he offered.

By Mr. Goff:

Q. You never saw a ticket? A. Never saw a ticket.

Q. When the officer went to the ticket taker at the gateway, what did the officer say? A. He says fix these people with seats.

Q. He did not show any tickets for you? A. No; no tickets then.

Q. He did not give the ticket taker any tickets for you? A. No, sir.

Q. When you gave the officer the \$2 he put it in his pocket? A. I can not tell whether he put it in his pocket, but he kept it; I know I gave him the money.

Q. You gave him the money, and you got no ticket? A. No, sir.

Q. He was already in the garden, inside? A. Yes.

Q. When you met this officer? A. Yes, sir.

Q. And he told you he could get a couple of seats for \$2; is that it? A. Certainly.

Q. And he went to the ticket taker at the gate and wanted these gentlemen provided with two seats? A. With two seats, as soon as the concert commenced.

Q. And then the ticket taker when you asked them afterwards, one asked you for your tickets? A. When I asked for a seat they asked for tickets.

Q. You never got any tickets from the policeman? A. Never got any tickets.

By Senator Cantor:

Q. Did you sit there throughout the entertainment? A. No, sir; I left before half the programme, and the evening was spoiled.

Q. You claim the policeman was running one end of the garden for his own advantage?

Mr. Goff.—Why, of course; and he was running a box-office for himself.

Mr. Nicoll.—He tried to accommodate this man, who was the custom to come there.

Mr. Goff.—It is only evidence of the many petty exactions and annoyances, to which the citizens of New York are subjected, picking up any considerable trifles from the bootblack to the merchant. I will call a bootblack now, come here.

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

Direct examination by Mr. Goff:

Q. Do you understand me? A. Yes, sir.

Q. Are you a bootblack? A. Yes, sir.

Q. Where is your bootblacking stand? A. One hundred and seventeen Fulton street.

Q. Have you got your bootblack stand on the sidewalk? A. No, sir.

Q. Where is it? A. On the stoop line.

Q. Within the stoop line? A. Yes, sir.

Q. You have never had it on the sidewalk, have you? A. No; I have never had it there before at all.

Q. Have the police ever demanded any money from you? A. Only last year.

Q. Who demanded it from you? A. A detective.

Q. Who asked it, the wardman? A. Yes, sir; that is right, the wardman.

Q. How much did he ask from you? A. He didn't ask anything; he said you have got to take the chair away from here, and day before yesterday they took the soda water stand and bootblack stand and said to-morrow morning they would come around and bother you, too.

Q. The next morning they would come around to bother you? A. Yes, sir.

Q. Wasn't there something said about \$10? A. I said, can you fix that, and he said, of course we can fix it.

Q. You said you can fix it? A. Yes, sir.

Q. And he said, "Of course I can fix it?" A. I said, "How much will I give you; how much can I give you;" I said myself I give you \$5, and he said, "That won't be enough."

Q. You said, "I will give you \$5;" and he said, "That won't be enough?" A. I said, "How much," and he said, "\$10;" he said, "I have to give \$5 to the other party."

Q. He said he would have to give \$5? A. Yes, sir.

Q. Did he say to what other party? A. No; he did not tell me that.

Q. He did say, didn't he, "What do you take me for to take \$5?" A. After that he said, "I will fix that for myself;" I don't know whether he comes here or not.

Q. When you said you would give him \$5, didn't he ask you what you took him for? A. I asked him and he said I would be all right for \$10, and if I didn't pay him \$10 it would not be all right.

Q. And yet your bootblack stand was never outside the stoop line? A. No, sir.

Q. You have the permission of Mr. Laird? A. Mr. Haslin & Brothers and Co.

Q. You have their permission? A. Yes, sir.

Q. You have been there for some years? A. No; about four years steady; I was there before about five years ago.

Q. When you were there before you used to have to pay the policeman, didn't you? A. No; not before, and only last year they bothered me.

Q. Haven't you frequently given policemen 50 cents and a dollar? A. No; only last year they bothered me \$10.

Q. Before that didn't you have to give any money? A. No, sir; not a bit; they asked me to give him half a dollar or something like that, but I never gave them anything.

Q. But you never gave anything to them? A. No, sir.

Q. Did they ever ask you to black their shoes for nothing? A. Oh, plenty of times.

Q. And did you black their shoes for nothing? A. Sometimes, and some paid it; some paid and some didn't.

Q. Some of them would not pay? A. No; that is right.

Cross-examination by Mr. Ransom:

Q. When was it you gave the amount of \$10 away? A. Last year; last year the first time, about two or three days after the 1st of May.

Q. You mean a year ago last summer? A. Yes; last summer; not this 1st of May, last summer.

Q. Who was there when you paid the \$10? A. Nobody; they took me in a liquor store, in the water-closet, and would not let anybody see.

Q. There wasn't anybody there? A. No; and after that they treated me and spent a quarter and left the bar, and that left them \$9.75.

By Mr. Goff:

Q. Wasn't it Mr. Haslin — A. That customer is a customer of mine too (pointing to Mr. Moss).

Q. Who, Mr. Moss? A. Yes, sir; corner of Fulton street.

Q. He paid for his shoes? A. Yes, sir; that was a customer of mine; he knows me, too.

Q. Mr. Haslin told you not to pay any more money, didn't he? A. He told me I had not right to pay anything at all.

Q. He said you had no right to pay? A. No; he gave me permission to stand there and sweep the sidewalk and stay there.

Chairman Lexow.—Have you any witnesses you want to examine now especially?

Mr. Goff.—I have quite a number of gentlemen here I would like to examine, but I will have to run along without any lunch here. I will accommodate to the best of my ability.

Mr. Ransom.—Oh, take a recess.

Senator Bradley.—They will all want to get their lunch too, as well as us.

S. B. Downs, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Senator O'Connor.—How many more of these witnesses, are there?

Mr. Goff.—Quite a number of them, sir; and New York is full of them.

Senator O'Connor.—It is bad enough to sit here with this heat without having anything to eat.

Mr. Goff.—This gentleman is not feeling very well, and I want to get him away.

Q. Mr Downs, what is your business? A. Produce business.

Q. Where is your place of business? A. Three hundred and twenty-nine Washington street at present.

Q. How much frontage do you occupy? A. Twenty-five feet, I think the store is.

Q. Twenty-five feet front? A. Yes, sir.

Q. I suppose you find it necessary in the course of your business to occupy the sidewalk more or less? A. Yes, sir; it is unavoidable, absolutely.

Q. Have you had any trouble with the police on account of occupying the sidewalk? A. We have in years gone by; yes, sir.

Q. Have you had lately? A. No, sir.

Q. Why have you not had trouble lately? A. Well, I will state to you in order to prove that I have not paid anything since 1890, to my recollection; that is, I can not state positively in my mind that we have, but I do remember of paying \$15 in 1890.

Q. To whom did you pay the money? A. A representative of the police force; I presume he was.

Q. Was there anything said by the official who called upon you? A. Well, in order to understand that I will state that our trade—

Q. State your own way? A. The produce trade for 20 years has been subject to annoyance from this sidewalk business in one form or another; previous to this we were fined and were

compelled to go either to court or spend our time there, and settle it through some friend; then it took another form; I remember five years ago probably — six years ago — in my neighborhood there was an attorney who took these cases in hand; or rather, he took individual cases, if I might so speak, and agreed to protect them for a year for the nominal sum of \$15.

Q. Give us his name, please? A. I had nothing to do with them; from that form then, I think came up these police matters, and I will say that I have in mind one of my neighbors who stood upon principles in the matter and refused to pay any money, and his men were dragged over to the prison and the tombs and did him a great deal of trouble.

Q. He stood for principles and refused to pay, you state?
A. Yes, sir.

Q. And his men were dragged to the tombs? A. Yes, sir.

Q. Who is that neighbor? A. He is dead.

Q. Can you state now, you being familiar with the produce trade in New York, can you state, as a general thing, they are subjected to these exactions? A. That is my understanding, sir.

Q. Can you state why it was that since 1890 you have not been subjected to that, so far as you can recollect? A. I was approached in 1892 on the matter, and I told the gentleman that I would consider the matter and see him later, and I finally saw him after that.

Q. Was he a man in the trade? A. No, sir.

Q. An official? A. I think it was this man Kelly, whose name has been mentioned here.

Q. This officer Kelly? A. I think he was the man; I am quite confident.

By Chairman Lexow:

Q. What did Kelly say to you? A. Well, my recollection of that matter is that my partner called me and said that Kelly was here; Kelly was known to be the man on the street.

By Mr. Ransom:

Q. Louder, I do not hear you? A. My partner, if I remember rightly, called my attention to the fact that Kelly had called at the store respecting the sidewalk matter, and I came down stairs and found him in the office; we had a short conversation, but I can not recollect the nature of it further than to indicate to him that I was not prepared to pay anything, and that he would have to call later, and he never called.

Q. Did he say anything about getting any instructions? A. He left the impression upon my mind that it was a compulsory matter with him and that he was not there willingly.

Q. Did he say anything about his having personally no interest in the amount, or the amount not going to him, but going to somebody else? A. Well, he left the impression upon me that it was for somebody else; that he was there at the instigation of somebody else.

Q. Do you remember the language he used? A. No, sir; I do not recall it.

Q. Did he give you any indication as to whom that somebody was? A. He left the impression upon me it was the captain, but there was no names mentioned.

Q. What did he say that left the impression upon your mind? A. Well, sir; I have no distinct recollection of the matter at all.

Q. Do you remember any part of the conversation now that left upon your mind the impression that he mentioned the captain so we can draw our inferences whether your impression was well founded? A. In justice to the man, I can not say, sir; I know the conversation was a brief one, and that I was disinclined to pay anything and so told him, and told him he would have to call again; that was in 1892.

Q. He must have said something to you that left that impression upon your mind; you say that your impression was that he was going to give that money to the captain? A. I did not say; he left that impression that he was going to give that money to the captain, and he left the impression on my mind that he was there at the instigation of some officer.

By Senator Bradley:

Q. Can you recollect any other man who used any police money? A. No, sir.

Q. Did you bring any influence to bear upon anybody, and any influence to bear upon any power that saved you the exaction of this money in 1892? A. No, sir.

Q. But did you use any influence outside? A. No; I have used no influence outside.

Chairman Lexow.—Do you want to put any questions, Judge?

Mr. Ransom.—No.

Chairman Lexow.—That is all.

Mr. Goff.—It is a matter of necessity, Mr. Chairman, we should take a recess. I am certain there are a number of merchants here, and I will ask you to request them to return after recess, and we will give them the preference in getting away.

Chairman Lexow.—All witnesses under subpoena will attend here again at quarter after 2 o'clock. Merchants will first be put on the stand, but it must be understood they must be here at quarter after 2.

AFTERNOON SESSION.

June 26, 1894.

Present.—Senators and counselors as before.

Chairman Lexow.—If you are ready, Mr. Goff, proceed.

Mr. Goff.—I will call Mr. Lyon, but before I proceed, Mr. Chairman and gentlemen, I think it of importance to read to you and have it placed on the record, the law of this State, decided in the case of Jacob Sharp, referred to so frequently by Mr. Nicoll, and on this very question touching the examination of these merchants in common. I shall read from the syllabus only.

Chairman Lexow.—I think we have all studied the case, unless you want it for general information.

Mr. Goff.—I shall concede that you all are familiar with it, but I want it for general information. I shall read from 107 New York reports, page 427, the People of the State of New York against Jacob Sharp. The Court said: The section of the Penal Code (§ 79), declaring that any person offending against the sections thereof relating to bribery, is a competent witness against another person so offending, and may be compelled to testify upon any trial, hearing, proceeding, or investigation is not violative of the constitutional provision (article 1, § 6), declaring that no person shall be compelled in any criminal case, to be a witness against himself, as it is provided in the sections not only that the testimony so given, shall not be used in any prosecution or proceeding against the person so testifying, but that the person testifying to the giving of the bribe which has been accepted, shall not thereafter be liable to indictment, prosecution or punishment for that bribery. The Court further goes on and says: "The said section embraces legislative proceedings or investigation," and, of course, he comes within a part of the Senate committee, and the chairman has the power to issue subpoenas, etc. I read this continuing: "The prosecution was then allowed to prove, under exception and objections, the testimony so given by the defendant, that this, by Sharp, which tended to show his complicity in the crime, that is bribery; the briber was compelled to testify before the Senate committee as to his participation

in the bribery. That testimony was admitted by the Court of Appeals, which said, "Error; that the Senate had power to authorize the investigation; that the testimony was to be considered as given under a compulsion; that the case was covered by said section, and, therefore, that the testimony so given was privileged.

Chairman Lexow.—The conviction was reversed.

Mr. Goff.—The conviction was reversed and now I hope we have heard the last of the Jacob Sharp case.

Mr. Nicoll.—Well, you have not, because I have something more to say. Of course, something might be said in regard to the Jacob Sharp case, but that case lies upon the decision of the Court of Appeals, and, of course, we bow to that decision, but it has no materiality to the question which I have stated to the committee. Mr. Goff, in the course of this examination, has stated that the police officer complained against by the witness under the circumstances was guilty of the crime of blackmail; that was his suggestion; and I said no; that if the testimony of this witness was entitled to any credit or was true, the witness was guilty of the offense of bribery. Now, when Jacob Sharp was tried for having procured from the board of aldermen in this city the franchise by the use of money, his lawyer claimed, as Mr. Goff claimed here, that he had been blackmailed by the aldermen, but I claim on behalf of the people that Sharp was not blackmailed, but that he was guilty, if he was guilty of anything, of the offense of bribery, because he had procured from the aldermen a bid; they gave him something which he was not entitled to more than any other citizen, and which was finally accepted as the law in the case, the result of which was that Sharp was convicted. Now, under the circumstances, the best the public could give him was something which he was not entitled to or which is in violation of the rights of other citizens, is not guilty of blackmail, but he is guilty of an offense that any man or any merchant in business in this city who wants to obstruct the streets, and is afraid of the obstacles that are thrown in his way, and he tries to get that which he is not entitled to, for the purpose of enjoying that advantage over his fellow citizens, giving a police officer money he is guilty of bribery, and under the corporation act his testimony, if taken in any court of justice, nobody could be held to answer on his testimony; nobody could be convicted on his testimony; nobody could be condemned on his testimony.

Senator O'Connor.—The officer is guilty of two offenses. The man who pays the money is guilty of the offense of bribery, and the officer is guilty of extortion; the first gives the bribe, the

second takes the money; one is extortion and the other is bribery, so the witnesses may be guilty of two offenses or two crimes.

Mr. Goff.—They may be guilty of corruption.

Chairman Lexow.—I understand, Mr. Nicoll, about the law, and I think we all understand it pretty thoroughly. No one of these persons interrogated here can be held by the testimony given.

Mr. Nicoll.—You misapprehend me, Mr. Chairman. My assumption does not tend to mean that they could be. Mr. Goff elicited the information from these witnesses; has addressed the committee for the purpose of urging upon the committee the impropriety of basing a conclusion or judgment upon the uncorroborated testimony of a person whose character permits him to give bribes to a public officer.

Mr. O'Connor.—We do not convict anybody here.

Mr. Nicoll.—But you are here to base a conclusion upon the evidence upon which any man could.

Chairman Lexow.—Do you mean to argue the bribery question here, or do you prove the law as it is; an illustration you would require evidence to sustain the law in order to convict the person on trial by a jury.

Mr. Nicoll.—But the law forbids the conviction of a person on testimony—

Chairman Lexow.—I have heard here with some satisfaction the argument of the gentlemen.

Mr. Nicoll.—I think that Senator O'Connor said that we had here, in effect, a general uprising; he talks about a general uprising and we wish to know if that is the view the chairman takes of it.

Senator O'Connor.—I said if these things are true, as testified to, there ought to be a general uprising in the city of New York, and I do not see how the public in this city can submit to such a thing.

Mr. Nicoll.—I understood you to say from the outset that we are here to give evidence upon which to base legislative action.

Chairman Lexow.—Mr. Goff, will you continue?

Mr. Goff.—I will at once. I wish to have one or two witnesses called.

Chairman Lexow.—Make a note upon the minutes that Joshua Cromwell, was called by the sergeant-at-arms who did not reply, at eight minutes at 3 o'clock.

Mr. Goff.—Are there any persons here who were subpoenaed whose names I did not call this morning. If there are, please come forward.

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

Direct examination by Mr. Goff:

Chairman Lexow.— You understood the conversation we had here in regard to bribery?

The Witness.— A. Yes, sir.

Q. What is your full name? A. Leroy M. Lyon.

Q. What is your business? A. Fruit merchant.

Q. Where is your place of business? A. Two hundred and seventy-nine Washington street.

Q. And what did you say your Christian name was? A. Leroy M.; a pretty name, too.

Q. I suppose in the course of your business you find it necessary to occupy the sidewalk? A. For bringing things in and out to me; yes, sir.

Q. Have you had any trouble with the police in relation to occupying the sidewalk with your merchandise? A. Not until within a month, for a long time.

Q. So within a month you have had trouble? A. I have been fined.

Q. Well, a long time before that, have you had any trouble? A. No trouble.

Q. Have you ever had any trouble? A. I had trouble prior to 12 years ago.

Q. What was the nature of that trouble 12 years ago? A. I was more or less under complaints and fines for the use of the sidewalk and taking goods in and out to go to court, and pay fines and hire lawyer to get me out.

Q. Did you have any communication with the police in relation to that matter of fixing it up; arranging it? A. Yes, sir.

Q. What was that connection or communication? A. I made arrangements with the wardman to pay so much a year.

Q. What was the wardman's name? A. Something like Hickey.

Q. What precinct is that in? A. That was Church street precinct at that time where I was.

Q. Present Captain O'Connor? A. I don't know.

Q. Of the station-house in Church street? A. Yes, sir.

Q. Who was the captain of the precinct at that time? A. Never had any dealings with the captain.

Q. Who was the captain, do you remember? A. Never inquired.

Q. What did the wardman say to you, Mr. Lyon? A. I asked him what I could fix things for, so I could not be troubled any more, and he told me what he would fix it for.

Q. Was a sum agreed upon? A. Yes, sir.

Q. What was the sum? A. Sixty dollars a year.

Q. Did you pay it? A. Yes, sir; through my clerks, for many years.

Q. How was it paid; put in an envelope? A. Put in an envelope and laid on the desk and he took it up.

Q. How long did that continue? A. Until about two and a half years ago when I moved up to my present business place.

Q. When collecting this money, while you were in Washington street, did the wardman say anything about the purpose for which it was collected or for what it was collected for? A. Not the first wardman?

Q. Well, the second wardman?

By Chairman Lexow:

Q. Did the second wardman, not Hickey? A. Yes, sir; I moved about two and a half years ago to the Worth street district.

By Mr. Goff:

Q. When you left the first or second precinct and you moved up to that precinct, to your present place of business, did you pay there too? A. Hickey sent the wardman around and I made the same arrangements with him.

Q. Another wardman? A. Yes, sir.

Q. In the present place? A. Yes, sir.

Q. That belongs to the precinct of the Leonard street station house? A. Yes, sir.

By Chairman Lexow:

Q. Do you mean to say that the wardman of one precinct sent over to the other wardman of the other precinct and told him what you had been paying? A. I requested Mr. Hickey to tell the wardman what I was paying and have it fixed up.

By Mr. Goff:

Q. The wardman called upon you and received the money? A. Yes, sir.

Q. What is his name? A. I don't know.

Q. Did he say anything to you about the purpose the money was to be paid? A. That wardman, didn't; no, sir.

Q. Did the wardman succeeding him say anything to you? A. Yes, sir.

Q. What did the wardman succeeding the first wardman, after you went up there to your present place of business, say

to you? A. He was taking down our names, and I asked him what he was doing, and he said he was making a report of our using the sidewalk, and I said, "I have been paying for 10 years, and I don't propose to be bothered now; what do you mean by it," and he said, "We have got a new captain, and I have got to find out how much I can raise," and he said he had to raise \$15,000 very soon, for the captain had to pay that much for his appointment; that was the words he used.

Q. That the captain paid that much for his appointment? A. Yes, sir.

Q. How long ago was that?

By Chairman Lexow:

Q. Can you name that wardman? A. That is within two years when we made a change in captains here.

By Mr. Goff:

Q. And that is at the Leonard street station house? A. Yes, sir.

Q. You did not answer the chairman's question; what is that wardman's name? A. No.

Q. Did you hear the new captain's name? A. Never asked.

Q. What was that wardman's name? A. I don't know.

Q. Would you be able to identify him? A. I doubt if I could; the only time I saw him — I only met him twice, two or three times, that once and once afterwards.

Q. Well, when he said that he wanted to raise \$15,000, that was the price the new captain had to pay for his appointment, did he make any observation then or did you? A. Well, I told him it was the easiest way to pay up instead of being fined and drawn up to the court every now and then, and I was willing to pay all they asked; I was perfectly willing, whether it was \$50 or \$100 or \$200, then be bothered about going to court.

Q. How much did he assess you? A. Sixty dollars a year.

Q. Did you pay him? A. It was paid by some of the clerks.

Q. That is about two years ago? A. Within two years.

Q. And you say the same wardman called for his money? A. The same wardman came to the store once after his money; they were very prompt on the 1st of July and the 1st of January.

Q. Then they collected it half yearly? A. Yes, sir.

Q. Thirty dollars each half year? A. Yes, sir.

Q. Never missed a day? A. Never knew them to miss the first of the month, within a day or two when I had been around the store.

Q. During that time you have paid, Mr. Lyon, you have not been troubled? A. Not a bit.

By Chairman Lexow:

Q. When the wardman came around did he have a book apparently containing names in his possession? A. No, sir; I never saw him have any.

Q. After the new wardman came around you say he seemed to know what arrangement you made with the previous wardman? A. It was all understood; yes, sir.

Q. He knew about the fact that you were to pay \$60? A. I don't know anything more about that any more than he was taking my name down in front of the store for using the sidewalk.

Q. They did know when they came around what you were to pay? A. Yes, sir.

Q. You did not see them take a memorandum book, this last wardman, out of his pocket, and refer to it in your presence? A. This wardman had a memorandum book in his hand.

Q. During the conversation had with him when you first became acquainted with him, this last wardman, did he take down the memorandum; did he put down any figures? A. I don't know.

Q. When he told you to put the money in an envelope the first wardman did he tell you the reason why he wanted that method of payment followed? A. No; that is the way we paid.

Q. Didn't he suggest to you to put it in an envelope? A. I wouldn't swear that he did.

Q. Is it customary, as far as you know, to pay the same way as you have paid by other merchants? A. They all make arrangements to do it.

Q. You never insist upon them taking the money? A. No, sir; we make arrangements with this wardman.

Cross-examination by Mr. Ransom:

Q. I understand that the arrangements you made with Hickey was 10 or 12 years ago? A. About 12 years ago; about that; later I haven't paid that.

Q. But you arranged to pay \$60 a year? A. Yes, sir; twice a year.

Q. With Hickey? A. Yes, sir.

Q. How long did the arrangement continue with him? A. As long as I remained down on Barclay street.

Q. That is two and a half years ago? A. About that time; about three years ago.

Q. What was the name of the other wardman; do you know?

A. Don't know.

Q. Did you pay Hickey in person; I mean with your own hands did you pay the money? A. I paid once or twice; yes, sir.

Q. Do you remember those occasions which you remember of his coming around for the money? A. They came around the 1st of July and the 1st of January.

Q. What year did he come around? A. I don't know.

Q. Can you not give approximately the year? A. No.

Q. Don't you know whether it was ten years ago or one year ago or three years ago? A. It was more than three years ago.

Q. That is you fix it because you moved away from that precinct then? A. Yes, sir.

Q. That is the reason you say it is three years ago? A. Yes, sir.

Q. Don't you remember anything about it? A. I remember the dealings and my paying the money.

Q. Can you say it was four years ago that you paid Hickey in person? A. Yes, sir.

Q. When you paid him, Hickey, in person? A. No.

Q. When did you pay him in person? A. Right at the time I was paying him.

Q. Don't you understand my inquiry? A. I am telling you that I did.

Q. I want you to fix the year? A. I can't do it.

Chairman Lexow.—He said he can not tell; he has said that two or three times.

Mr. Ransom.—May I be allowed to press the witness; it is usual in some places to be allowed to press a witness a little.

Chairman Lexow.—Go on.

Q. Now, what from your memory would you say it was; was it four or ten years ago that you paid Hickey in person? A. During eight years prior to three years ago.

Q. Is that the best answer you can give me? A. That's an answer.

Q. Is that the best answer you can make? A. Yes, sir.

Q. Do you remember where it was that you paid him? A. In the store.

Q. Do you remember that? A. Yes, sir.

Q. What is it that assists your memory as the place you paid him? A. Because he used to come to get the money.

Q. Did you see him every time you paid him, when he took the money? A. Yes, sir.

Q. Every time you paid him? A. Yes, sir.

Q. Where were you this morning when the chairman and Mr. Goff announced that if you were to come forward and give your experience, that you would be relieved by anything in the nature of a prosecution? A. I have sworn to tell the truth and I am obliged to do it.

By Chairman Lexow:

Q. You were asked whether or not you were present when Mr. Goff and myself made some statement in reference to the witnesses coming forward and testifying? A. I received a subpoena this morning at 11 o'clock.

By Mr. Ransom:

Q. How long have you been in business? A. Twenty-eight years.

Q. What is your business? A. Fruit.

Q. Have you ever bribed any other policeman than Hickey? A. We have seen the men.

Q. Have you ever bribed any other policeman than Hickey; answer my question; yes or no, if you please? A. Yes, sir.

Q. What did you bribe the other policemen for? A. The new wardman of the new district.

Q. Up in the new place? A. Yes, sir.

Q. Have you ever bribed any other policeman than those two? A. Yes, sir.

Q. What for? A. Oh, they would come in, take fruit; we had to let them take it.

Q. What did they take; what was the worth of it; had you any consideration in permitting them to take the fruit? A. Always told them they were welcome to give the wardman if there were any oranges or anything.

Q. You were giving them fruit then? A. Yes, sir.

Q. What did you consent letting them have it for? A. They wanted it; they always told me, or would give us warning, if there was any raids to be made.

Q. What did you expect to be raided for? A. To raise the money.

Q. You said a moment ago that you were warned if there was to be any raid made, what were you expecting to be raided for? A. To raise the money.

Chairman Lexow.—He said to raise the money.

Q. What did you expect to be raided for? A. After the second time.

Q. What did you expect to be raided for; answer my question?

A. I have seen the time that a policeman has stood right there and when we took a box off the truck and laid it on the sidewalk that they would seize that and would arrest the man for putting boxes on the sidewalk, and they have done it.

Q. Is that the raid you have expected? A. Yes, sir.

Q. That is what you mean? A. They have done that; that is one of their methods of raising the money.

Q. Have you any personal interest in this investigation? A. No; I would rather not to be here.

Q. You believe that you are going to be relieved of this tax, do you not, after this? A. No; I expect to pay it again.

Q. You haven't any confidence, then, in this committee?

Chairman Lexow.—The answer is excluded. We don't care whether the witness has or not.

Mr. Goff.—That is hardly fair.

Q. Can you remember paying a second wardman any money?

A. I didn't pay him, personally.

Q. You have testified that he was paid money? A. By my clerks.

Q. Now, what do you know about it is somebody told you? A. I have seen money taken out of the drawer of the place, ready for him.

Q. You did not see it go into his hands? A. I know he had it, because he would come back the next day, if he didn't get it.

Q. Would it be possible for you to give me a fair, direct, plain answer to my question; I asked you if you saw the money go into his hands? A. The second wardman?

Q. Yes. A. I think I told you I did not.

Q. I don't think I heard you say that before; I am much obliged to you for the answer. A. You are welcome to it.

Q. What was the name of the second wardman? A. I never heard it, that I know of.

Q. He was up there when he told you that he was obliged to raise \$15,000, as his captain had to pay that sum for his appointment; where was he then? A. He sat on my stoop, or stood there.

Q. Who heard that conversation? A. I did.

Q. Who else? A. Nobody, that I know of.

Q. You say that you went out and talked with this wardman yourself on that stoop? A. He stood on the stoop and voluntarily talked about it.

Q. You didn't run away from him, did you? A. You bet I didn't.

Q. You stood up there and heard what he had to say? A. I was settling the business.

By Chairman Lexow:

Q. You said that when you went into this new precinct the wardman came around and started to make some memoranda about your encroaching upon the sidewalk? A. I said when they changed captains and had a new wardman.

Q. That is the new place? A. Yes, sir; when they changed captains.

Q. And the wardman stated to you that they had to raise more money, because the captain had to pay \$15,000 for his appointment, is that a fact? A. That's what he said; he said he would have to see where he could raise; "We have got to have something," and during the conversation he said that the captain had to pay \$15,000, because that is what the office costs them.

Q. Did he try to raise your contribution? A. No; he said he was very much satisfied with my contribution.

By Senator O'Connor:

Q. Did the witness say he was paying this within a month? A. We have not, within a month.

By Chairman Lexow:

Q. You refused to pay this last month? A. No, sir; never.

Q. You refused to pay it? A. No, sir.

Q. How was it arranged? A. I don't know; you mean when I was in trouble then; I had judgment rendered against us for \$5.

By Senator Bradley:

Q. When was your lease up? A. Up in two years.

Q. When was your lease with the policemen up; when did you pay the last installment? A. Coming the 1st of July; next week.

By Mr. Goff:

Q. I think the Senator means in a different way from the way you take it; he means the police arrangement? A. I understand it.

Q. Then it is not due yet? A. No, sir; not due yet.

Q. Well, Mr. Lyon, you have said something about the policemen coming into your store and taking fruit? A. Yes; they help themselves; not since I pay \$60.

Q. Before you paid that? A. Yes; they would come in and want a dozen oranges for this one and that one, and we would give it to them, whatever they wanted.

Q. The new arrangement; would they come and get what they wanted? A. Well, yes.

Q. No objection on your part; what would they say when you gave it to them? A. Oh, well, pretty good fellow.

Q. You said something about them saying that they would notify you of any raids? A. It was always understood that whenever anything was taken up, we would always understand they would protect our goods that were coming in from the walk; there would be no raid when they were put on the sidewalk.

Q. That is, the raid by the bureau of encumbrances, of taking from the sidewalk any packages; that is the raid you referred to? A. Yes.

Q. And did you ever receive notice of any such raids? A. We always had a warning when any such thing was coming up; we were notified about that, and got the goods in.

Q. All the time? A. It was necessary.

Q. Sometimes it was not necessary? A. Then we took our chances.

Q. Were your goods ever seized? A. No, sir.

Q. The policeman was always around, and when a raid was about to be made he would notify you? A. That was the agreement.

Q. You say since you have been paying \$60 a month they have seized nothing of yours in the way of fruit? A. No; we have a new policeman come up until now.

Q. Judge Ransom asked you something about the money given into the policeman's hands; you, as the proprietor of the business, authorized this money to be given them? A. I authorized my cashier and bookkeeper to pay them the money.

Q. You authorized it to be paid? A. Yes, sir.

Q. You say you never heard of the name of the second wardman? A. No, sir; I never heard of it.

Q. The Second precinct, any how? A. Neither one of the wardmen; I never heard of their names that I know of.

By Chairman Lexow:

Q. Neither one of the wardmen? A. No, sir.

Chairman Lexow.—That is all.

John Howard Sweester, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your full name? A. John Howard Sweester.

Q. What firm are you a member of, Mr. Sweester? A. Sweester, Pembroke & Co.

Q. Where is your warehouse? A. No. 374 Broadway.

Q. Your business is what? A. Drygoods, wholesale merchant.

Q. Now, in the course of your business is it necessary to occupy the sidewalk to some extent by your goods? A. Yes, sir.

Q. And you find it necessary? A. I do.

Q. A policeman is on the beat there? A. They are always there.

Q. Have you paid any money in consideration of having your cases undisturbed on the sidewalk? A. When we have been busy and the sidewalks have been full I have requested the policeman to look after the interests of the goods on the sidewalk to see that they were all right.

Q. What amount did you give him? A. According to circumstances.

Q. Well, say \$5, \$10 or \$20? A. From \$5 to \$25 at different times.

Q. Now, of course, you, as a well known citizen of this city, know that that police officer was not doing his whole duty in allowing your cases of goods to remain on the sidewalk? A. Do you ask that as a question?

Q. Yes, sir? A. No, sir; I do not.

Q. Did you not know, Mr. Sweetser, that your cases of goods constituted an incumbrance on the sidewalk, what is called an incumbrance? A. That they occupied room on the sidewalk; yes.

Q. And the money that you paid the police officer, was it not that you be relieved from any annoyance from that occupation? A. I paid it in the light of paying a man for what he was doing, if he was watching my sidewalk, the same as any other man who serves me I would give him what I thought would be right.

By Chairman Lexow:

Q. You knew, Mr. Sweester, he was being paid by the city? A. Yes, sir; of course he was.

Q. And this was payment in advance of his regular salary for doing what, as you now claim, the duties he was paid for by the city? A. I would pay him the same as I would pay anybody else that worked for me, or that did work for me.

By Mr. Goff:

Q. But, Mr. Sweester, you are a taxpayer in this city? A. I am sorry to say, sir, I am.

Q. And paying taxes, you put your knowledge and experience of our city government; and, of course, you understand that it goes without saying that our city government is supposed to be the police protection for the citizens? A. Yes, sir.

Q. Now, you know you are not under obligations then to pay that policeman, didn't you? A. You ask that as a question?

Q. Yes? A. I paid it in the same light that I would any other servant that did work for me; I would pay them for what they did.

By Chairman Lexow:

Q. But what—he was not your servant? A. Most assuredly.

Q. He was? A. Yes, sir.

Q. So the understanding between you and that particular policeman would be that he was acting as your servant and servant of the city at the same time? A. There was no understanding; I presented him with some money the same as I would to anybody else.

Q. Have you had any complaints against your firm for violation of the corporation ordinance in obstructing the sidewalk? A. No, sir.

Q. You have not? A. No, sir.

By Mr. Goff:

Q. And you have been in the habit of making these presentations, as you have characterized them? A. Whenever the busy season comes on.

Q. How many years would that cover; what period would that cover? A. It would be difficult to answer that.

Q. Approximate as nearly as you can? A. Quite several years since my business has been as large as it is now.

Q. Then it has lasted for several years to your personal knowledge? A. No, sir; we were at the corner of Franklin street and Broadway prior to that.

Q. You have not always been located, then, at your present place? A. No, sir.

Q. But the place where you are now, did you make those presentations? A. Yes.

Q. Before you went there? A. I do not remember that we did or did not.

Q. How many years are you at 327 Broadway? A. Six or eight years we have been in the present location.

Q. What suggested itself first to you to make this presentation to the policeman? A. In the light that I always pay for work that is done.

Q. But the policeman was never in your employ? A. He has looked after the interest of our concern.

Q. Did you employ him to look after the interests of your concern? A. Further than that, no.

Q. Did you ever make any agreement with him to pay him for his looking after your interest, that he would receive any compensation for that? A. No, sir.

Q. Then you made the presentation to more than one officer, have you? A. I have.

Q. Another officer has been on duty there? A. On duty.

Q. You regarded this as a customary thing? A. I did.

Q. And the policeman always expected this presentation? A. Yes.

Q. As I understand you, you gave the amount by the volume of business and the extent of the obstruction on the sidewalk, is that it? A. In proportion, as the goods were on the sidewalk, so I would pay for the work that was done.

Q. So if the whole sidewalk would be taken up, the amount of his work would be determined by that? A. Yes, sir.

Q. You would make him a presentation of \$25 if the whole amount of the sidewalk was taken up? A. Yes, sir.

Q. And if one-fifth was used, the amount of work would be reached in that way? A. If you want to put it in that way.

Q. It was paid in that way? A. Yes, sir.

Q. I only want your idea about it? A. Yes, sir.

Q. Did the police officers remove any goods and put them on barrows and run them into your warehouse? A. I never saw him do anything of that sort.

Q. The policeman walked around, looking wise and dignified? A. He looked after our interests.

Q. He was bound to see that your goods were not stolen, as a citizen of this city? A. I suppose he did.

Q. And you were not under any special obligation for that? A. No, sir.

Q. And this policeman was not specially detailed by the captain to look after your house? A. Not that I know of.

Q. He was an ordinary patrolman on the beat there? A. I suppose so; yes, sir.

Q. Now, in the handling of these goods, you have porters around, and cartmen, and draymen, etc.? A. Yes, sir.

Q. And a sufficient number of men to see that thieves do not come up and run away with them? A. Not always.

Q. You do not leave your cases of goods out all night? A. Oh, yes.

Q. You have got a watchman? A. We have no private watchman.

Q. Well, have you got a watchman, whether public or private? A. The policeman that remains around there, we got him to look after them at night, to see that they were perfectly safe.

Q. Did you consider that it was necessary for you to pay money to policeman to see that your goods were not stolen? A. I would not have done it if I had not.

Q. You considered it necessary? A. I considered it desirable.

Q. Well, desirability and necessity are close allies? A. Yes, sir.

Q. We have it that you would, as a well-known, prominent merchant of this city, consider it necessary or desirable, to use your words, specifically, to pay a policeman on duty to do the duty he is sworn to do; is that a fact? A. I should not have done it if I had not thought it was desirable.

Q. You should not have done it? A. No, sir.

Q. I take your answer as a modification of my question.

By Chairman Lexow:

Q. How much of the block does your store occupy? A. We are 75 feet on Broadway and 150 on the other street.

Q. Did other similar stores have a policeman to look after its packages and goods on the sidewalk? A. I did not just get your question, sir.

Q. Do other stores have a policeman in this city to look after its goods? A. That I don't know, sir.

Q. If this particular policeman was paying so much attention to your particular property, what became of the property of your neighbor? A. I don't know about that.

Q. Did others have the same man? A. I don't know.

Q. And were they, the payments made in an envelope? A. No, sir.

Q. Openly in bills? A. Yes, sir; in bills.

Q. They are down on the regular books of account? A. I presume so.

Q. Do you know? A. I do not.

Q. Do you know, whether or not, this policeman you spoke of, was on the pay-rolls of your store? A. No, sir.

Q. He was not? A. No, sir.

Q. Do you know whether any memorandum was kept of the amount paid to him? A. I do not.

Q. How much would it aggregate in a year? A. Not to exceed \$100.

Q. Did those payments just reach \$100? A. I don't know anything about that; there has never been any regular amount.

Q. Have you ordered the payments made? A. I sometimes ordered the payments made and sometimes done it myself.

Q. Would anybody in your store know about all the payments you made for this class of service? A. I don't know, sir.

Q. Do you know more about it than anybody else? A. I try to know what is going on, sir.

Q. Did you make the payments yourself, sir? A. Some of them.

Q. In money or otherwise? A. Sometimes in money and sometimes we have given them a small amount of goods.

Q. Gave him goods instead of money? A. Yes, sir.

Q. Do you know whether or not the money went to the men to whom it was paid? A. I do not.

Q. Did you pay them in value the amount of it? A. Once in a while.

Q. You have never had any notice from the bureau of encumbrance of any kind? A. No, sir.

Q. And you have kept up these payments that you spoke of continuously? A. Whenever it was necessary.

Q. What do you mean by whenever it was necessary? A. Well, according to the stage of the business.

Q. Well, according to whether you encumbered the sidewalk more or less? A. Yes.

Q. Or in other words, whether you were violating the ordinance law more or less, you made large or small payments? A. In accordance with the amount of sidewalk required to be watched, or that required watching, so we have paid for protection to the man who was watching.

By Senator Bradley:

Q. These are all large cases that your firm uses? A. No, sir.

Q. Not very small, but very large, more than a man could pick up and run away with? A. No, sir.

Q. You would not leave them out at night then? A. We did.

Q. Small cases? A. Yes, sir; in a very busy season, not as a rule.

By Mr. Goff:

Q. Your shipping clerk is in court? A. I think he is; yes, sir.

Q. Do you see him? A. I think so.

Q. Well, if the Senators are through with you, we will excuse you? A. Very well.

Mr. Goff.—Now Mr. Shipping Clerk, please take the stand.

Isaac B. Welsh, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Your full name, Mr. Welsh? A. Isaac B.

Q. Where do you reside? A. Jersey City, New Jersey.

Q. The address, please? A. The Jersey City address?

Q. Yes? A. No. 102 Clerk street.

Q. Mr. Welsh, you are the shipping clerk for the firm of Sweester, Pembroke & Co.? A. Yes, sir.

Q. And have been for a number of years? A. No, sir; about a year and eight months.

Q. Were you in the employ of the firm before that? A. Yes, sir.

Q. What business or what position? A. In various positions; I am boss cartman of the shipping department also.

Q. What part of the business is your office? A. On the sidewalk; out on the sidewalk.

Q. So you attend to the depositing and carting away of the cases of goods that come there? A. I do so.

Q. Of course, during the busy season of the year, the sidewalk is pretty well occupied in taking away or in these cases? A. Yes, sir.

Q. It is necessary to find room to place them? A. It is; yes, sir.

Q. And at night, is it not a fact that these cases are piled up two or three or four high? A. Usually about two high, not higher than two or very seldom.

Q. Sometimes they are higher? A. Yes, sir; possibly.

Q. And they remain there during all the night? A. Occasionally; yes, sir.

Q. During the busy season? A. Yes, sir.

Q. Has the policeman on the beat ever spoken to you about occupying so much of the sidewalk? A. Well, no; I can not say that he has, once in a while there would come an extra policeman around there, and he would say I see you take up a great deal of sidewalk; that is all.

Q. That is all? A. Yes, sir.

Q. When you say an extra policeman, do you mean a policeman other than the one especially assigned to the beat? A. Yes; I mean the policeman that was there sometimes around that were not on that beat.

Q. And he would raise the question at first? A. Yes, sir.

Q. And after he made Mr. Sweester's acquaintance he would not raise any more questions? A. I don't know that he ever made Mr. Sweester's acquaintance.

Q. Were you aware of the fact that Mr. Sweester made them presents of the money? A. I never knew that he made money presents; no; he has given them small presents now and then.

Q. You knew that before to-day? A. Yes, sir.

Q. And that he gave this policeman presents on account of the occupancy of the sidewalk? A. Well, I presume that was it; I think I do not know; I can not testify to anything that I do not know about.

Q. I understand your position, Mr. Welsh, you are in the hearing of your employer, and I appreciate your position very much; now, Mr. Welsh, don't you know it, as a matter of understanding, and as a matter of notoriety among all drygoods houses in that district that they have to pay sometimes?

Mr. Nicoll.—I object to that.

Mr. Ransom.—Did the Senators hear the question?

Mr. Nicoll.—We object to the understanding and notoriety.

Q. Confine your answer to the extent of the understanding; I will substitute custom for notoriety.

Chairman Lexow.—What is the question, Mr. Stenographer? (Question read by the stenographer.)

Mr. Ransom.—It is still objected to then.

Chairman Lexow.—I overrule the objection.

A. I do not know; I can not say positively that I do know, although I believe it.

Q. And your belief is founded on what you have heard generally spoken? A. Yes, sir.

Q. You meet shipping clerks of other large houses? A. No, sir; I can not say that I do.

Q. But you associate with men in business; you necessarily must? A. Yes, sir.

Q. And other places? A. Yes, sir.

Q. And you base your belief upon common knowledge? A. Yes, sir.

Q. And all the men about the dry goods business? A. Yes, sir.

Q. Wait a moment; it is a common thing that money is being paid the policeman on account of the occupancy of the sidewalk? A. I base my knowledge that money has been paid, whether it is for protection or for the occupancy of the sidewalk or not, I can not say, but I have heard it.

Q. Don't you know, as a matter of fact, that all the dry goods houses, or nearly all the dry goods houses, in the district have to occupy the sidewalk more or less? A. Yes.

Q. And don't you know for the occupancy of that sidewalk they give some compensation or other money? A. Customary presents.

Q. In bills? A. I don't know that; I can only speak of my own concern.

Q. You said a little while ago you believed it to be a rule? A. Yes, sir.

Q. And your belief is founded upon the common knowledge that you have acquired in the neighborhood of that district? A. Yes, sir.

Mr. Nicoll.—I move to strike out all about notoriety and common understanding, as not founded upon the knowledge of this witness.

Chairman Lexow.—Motion denied.

Mr. Nicoll.—No questions.

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

Direct examination by Mr. Goff:

Q. Your place of business is where? A. One hundred and eighty-one Reade street.

Q. Your business? A. Fruit and produce.

Q. How long have you been there? A. Been there about nine years.

Q. In the course of your business you have to occupy the sidewalk, more or less? A. Yes, sir; more or less.

Q. All around in your vicinity the same thing would be applied? A. Yes, sir.

Q. Have you had trouble with the police about the occupancy of the sidewalk? A. Yes, sir; some trouble.

Q. Have you been fined ever? A. Yes, sir.

Q. Have you paid the police? A. Yes, sir; I paid a fine within the last two months.

Q. How long a period before have you been fined, if ever? A. I have not been fined before; I don't think I ever was; I have had a great many notices.

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

Q. How were the matters fixed up one or two years ago? A. My lawyer fixed it up, and after that I had the policeman fix it.

Q. How did you have the policeman fix it up? A. I gave him my motives and I told him I would like to have that matter settled.

Q. Was that the policeman on the beat? A. Yes, sir; generally the wardman.

Q. What was his name, do you know? A. Previous to three years ago, I think his name was Parker.

Q. And within the last three years? A. Kelly.

Q. You are in the precinct of which the Leonard street station house is in the center? A. Yes, sir.

Q. When you gave your notices to the policeman, did you give him any money? A. Never gave Mr. Parker any money.

Q. Did you give anybody any money? A. Yes, sir.

Q. Gave Parker nothing? A. Not directly.

Q. Indirectly; you understand; I will let you tell the matter in your own way; I don't want to occupy time here? A. For two or three years previous to Mr. Kelly's being appointed the wardman, we paid Mr. Parker \$10 or \$12, or \$10 or \$15, indirectly through our neighbor.

Q. Through another merchant? A. Yes, sir; a neighbor.

Q. That was the understanding, that you were to pay through another merchant? A. Yes, sir.

Q. Put your money in an envelope? A. No, sir; gave it to that merchant.

Q. Did you have any understanding with Parker, that you should give it to your neighbor? A. There were two stores together, and this money was for the protection of the two stores.

Q. Did you have any talk with Parker about it? A. No; he was always very friendly though; I never had any talk with him about it.

Q. Within the last three years, did you pay Kelly? A. No; we did two or three years, I paid Kelly.

Q. How much? A. Twenty-five dollars a year.

Q. Did you pay him directly? A. Yes, sir; I paid him myself.

Q. Put the money in an envelope? A. I put it in an envelope.

Q. Who called for it; did he? A. I generally called him in the office the time I paid him and he asked me for my card; if my card was on it, and I told him no, and he said he wanted a card to show the captain so the captain would know where he had come from, and I told him no, but the card was on the outside of the envelope; if that would do, and he said it would.

Q. Oh, on your printed envelope? A. Yes, sir.

Q. Did he have a special time in the year for calling? A. No special time, I paid him money in the spring and during the year.

Q. Did he say anything about where this money was going, to whom it was to go, for what purpose? A. One thing he said was the remark he made about my putting it in an envelope, so the captain would know where it came from that's the one talk we had.

Q. While you were paying you were not troubled about notices or anything of the kind within about two months? A. That is right.

Q. That is after the Senate committee was appointed? A. Yes, sir.

Q. Were you ever called upon to make presents from anybody else? A. No, sir.

By Chairman Lexow:

Q. The usual way which they approached you was to receive from \$15 to \$25? A. The new captain came, Captain Stevenson, and the new wardman, and it was generally understood that \$25 was the price paid for the stores on the block and \$50 on the corners.

Q. Did this new wardman, Kelly, give any reason for the increase of \$15 to \$25? A. No, sir; they were satisfied by the increase.

By Mr. Goff:

Q. Was it a matter of common knowledge there, among all the merchants in that neighborhood, that they paid in the same things in bills to the police? A. I guess they all paid; there might have been a few exceptions.

Q. That is the general thing? A. Yes, sir.

By Chairman Lexow:

Q. You mean it is considered a part of the business system there? A. It is done for the last two years.

By Senator Bradley:

Q. You say you were never brought before the court only the last two months? A. Yes, sir.

Q. Were you fined? A. Yes, sir.

Q. How much did you pay? A. I was not summoned in my name, the present firm is changed, it is now L. P. Roberts & Co., and the summons was put in the old firm's name, and I paid \$2.50.

Q. How much? A. Two dollars and fifty cents; it was only a small matter; we only had two or three notices within a week.

Q. When did you pay your last tribute to the wardman Kelly? A. Last March a year ago.

Q. Your time was up, your lease was up before you were notified? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. The chairman asked you when you made your last contribution? A. In the early part of March one year ago.

Q. By contribution, as you understood, you meant the payment to the wardman? A. Yes, sir.

Q. You made that payment for the purpose of being relieved of annoyance and being complained of for violating the law? A. Yes, sir.

Q. Would you object to my using the word bribe instead of contribution? A. We didn't look at it as a bribe it was a matter of business; we had to do it or get out of business.

Q. The sidewalks you could not use unless you violated the law so you paid the policemen for the privilege of using them? A. We paid the policemen.

Q. Is this man Kelly and this man Parker you paid—you never paid Parker directly? A. No, sir.

Q. You paid Kelly? A. Yes, sir.

Q. Directly yourself? A. Yes, sir; so far as Parker is concerned I don't know whether he ever got the money or not.

Q. How many times did you pay Kelly? A. Twice.

Q. Do you remember those occasions? A. Yes, sir.

Q. That you paid? A. I met Kelly within a month of it; was either last February or the fore part of March.

Q. What year? A. Eighteen hundred and ninety-two or 1893.

Q. Was anybody present when you paid him? A. No, sir.

Q. Was the payment made at your store? A. Yes, sir.

Q. You never paid any policeman officially a contribution? A. No, sir; never paid a policeman a cent directly.

By Mr. Goff:

Q. Is it not a fact, Mr. Roberts, that if you did not pay this money, whether you violated the law or not, you would be troubled by the police? A. Certainly I would be troubled; my neighbors would use the walk and I might as well close my store if I did not.

Q. So it does not devolve upon your observation of the mere violation of the law at all; it was a question of necessity for business? A. Yes, sir; that is the way I looked at it.

By Mr. Ransom:

Q. Is it right for you to pay? A. It is not.

Chairman Lexow.—No, but it has been assumed right here, right along, that merchants have been violating the law to that

extent because there were policemen and other officials who were violating the law.

Mr. Goff.—Because many of your packages of goods that were carted from the store and that were left down on the sidewalk for a moment, the witness has testified, that his man would be arrested; that is not a violation of the law, but the law allows a reasonable use of the sidewalk, so long as pedestrians have the use of it.

Chairman Lexow.—It should be a question of violation of the law, because where they wanted to stop prosecution, they necessarily violated the law.

By Mr. Ransom:

Q. I do not rise for a question as to the construction, but I do say to you, Mr. Chairman, as a fair lawyer and a fair man, that the witness should be allowed to testify.

Chairman Lexow.—That is right.

Mr. Ransom.—I do not mean to say that he will testify to anything untrue; I would not regard it in that light, but what I mean is that the witness should be allowed to testify, and the counsel should not.

Chairman Lexow.—That is right.

Mr. Goff.—I simply ask this witness, a merchant, after this testimony has been given, and predicated my question upon facts, if such and such a condition was not the case.

Chairman Lexow.—The answer is in, so you can cross the bridge when you get to it the next time. All these witnesses come under subpoena. It is not a question of voluntary appearance on their part.

Mr. Goff.—And very much against their will.

Pasquale Garguilio, a witness called on behalf of the State, was duly sworn, and testified as follows:

Direct examination by Mr. Goff:

Q. What is your first name, Patricio? A. Pasquale.

Q. What is your business? A. Fruit.

Q. Where is your place of business? A. Seven hundred and twenty-two Barclay street.

Q. What do you keep there, a store or basement? A. Basement.

Q. You have had to put your fruit on the sidewalk? A. Yes, sir.

Q. How is it, do you display your fruit for sale? A. I don't put much stock on the sidewalk; I put it in the stoopline sometimes.

- Q. Then you have a sort of stand there? A. On the sidewalk?
- Q. Within the stoop line? A. Yes, sir; in the stoop line; and once in a while on the sidewalk, about half an hour or so.
- Q. What, retail as well as wholesale? A. Yes, sir.
- Q. So that any person passing can buy your fruit? A. Yes, sir.
- Q. You have had to pay the police, have you not? A. No, sir.
- Q. Never paid? A. No, sir.
- Q. Or anyone, have you? A. No, sir; not that I know of.

By Chairman Lexow:

- Q. Have you clerks in your employ? A. Yes, sir.
- Q. A bookkeeper? A. Yes, sir.
- Q. Have you paid money that you know of? A. No, sir; not that I know of.
- Q. Have the others ever paid? A. No.
- Q. Not a cent? A. No, sir.

By Mr. Goff:

Q. Did you ever pay any person, no matter who it was, a policeman or any other person; did you ever pay any person one cent? A. No, sir; I don't remember.

Q. And if you did pay, would you not have remembered it? A. No, sir; I don't remember paying to anybody, because everything I paid I put in check, pay it in check, only small amounts I pay in cash.

Q. Now, let us see; do you know Antonio Zucca? A. Yes, sir.

Q. Did you ever have a conversation with him about paying money for the use of the sidewalk? A. He used to come around there and fool with me.

Q. Did you ever have any conversation with him about paying for the use of the sidewalk? A. No, sir; never told him I paid any money at all; never told him a word about it.

Q. Did you ever tell any person? A. No, sir.

Q. When did you get subpoenaed? A. Last Friday.

Q. Were you here since? A. No; I didn't come, because I was sick.

Q. With whom did you talk about subpoenas since you got one? A. I talked with Zucca.

Q. Any other person? A. No; I got one this morning; that is the reason I came up.

Q. You didn't come up Friday? A. No, sir; I was sick and I got a certificate of the doctor.

Q. You mean to say you never told Zucca that you had to pay for police protection for the sidewalk? A. Not that I remember it.

Q. Will you swear you never told Zucca? A. Not that I remember it.

Q. Will you swear that you never told Zucca you had to pay the police or some other person for the police? A. I don't know; I didn't tell them.

Q. Wait a moment; keep quiet; did you ever tell Antonio Zucca that you had to pay \$25 to the police or any other person for the police, for the privilege of occupying the sidewalk; did you, or did you not? A. I don't remember; no, sir.

Q. Never mind what you remember; did you ever say that to Zucca? A. No, sir; not that I remember; I don't remember if I did say it or not.

Q. If you did say it, was it true? A. If I did say that—he always come around fooling with me.

Q. If you did say it, was it the truth? A. I don't know, because he always fooled; he comes and kids with me about not paying—about my sometimes paying; he say, "Pasquale, you pay;" and I said, "Yes, I pay \$25;" I told him that only fooling.

Q. Sometimes you fooled with him and said you paid \$25 for— A. Yes, sir.

Q. Wait a moment till I get through; did you ever show him an entry in your cash book, where you had paid \$25? A. No, sir.

Q. You are positive? A. Yes, sir.

Q. Have you got a cash book? A. Yes, sir; not here.

Q. Where is it? A. Down to my place.

Q. Will you bring it here? A. Yes, sir.

Q. Did you ever show him the cash book where you had it that you paid \$25? A. No, sir.

Q. What did you say; why did you tell him, when you were fooling, you paid \$25; when was that? A. I told him more than 50 times, when he came around; I told him 50 times when he asked me how much I paid for policeman, because they had stuff on the sidewalk, and he said, "The stuff you must pay; how much you pay;" I said, "Sometimes 50 times," I guess; sometimes 50 and sometimes 25," but I was fooling with him.

Q. So when you said to him that you paid \$50 you told him a lie? A. Yes, sir; I didn't pay it.

Q. Well, then you are a liar? A. No; I was only fooling; I didn't mean to tell a lie; only fooling.

Q. But you lied to him, whether you meant it or not? A. Well, he bothers with me.

Q. I ask you, then, if you told him that, you lied to him, did you not? A. I didn't mean to lie.

Q. But you did lie to him when you said you paid \$25 or \$50? A. I didn't mean to lie.

Q. But you lied; you told him what was not true? A. Yes.

Q. What purpose had you in lying to him? A. Because he was fooling and kidding; that's all.

Q. Are you in the habit of fooling with people, and lying in that way? A. He came around and wanted to know what I pay, and sometimes I say I pay \$25 or \$50; I no going to tell him my business.

Q. Did you ever tell anybody else that you paid the police? A. No, sir.

Q. Will you swear you did not? A. Yes; I swear I didn't.

Q. Are you sure now? A. Yes, sir.

Q. A while ago you said you could not remember whether you said it to Zucca? A. That is this time when I told him, because he was fooling.

Q. Did you ever fool with anybody else in the same way? A. I don't remember it.

Q. Will you swear you didn't tell somebody else besides Zucca that you paid the police \$25 a month? A. Well, I don't remember it.

Q. Will you swear you didn't? A. No, sir; I didn't.

Q. Will you swear you didn't lie to anybody else? A. I swear I don't remember telling anybody else.

Q. Do you remember a gentleman coming around to you, an American gentleman, not a countryman of yours, and asking you if you had not paid \$25 to the police? A. Yes, sir; I remember a young man coming around.

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

Q. What did you tell him? A. I told him I didn't pay anybody anything.

Q. Will you swear you didn't tell him that you paid \$25 to the police? A. Yes, sir; I swear it.

Q. Now, remember what you are doing; you swear you did not tell that gentleman that you had paid money to the police? A. Yes, sir.

Q. For sidewalk protection? A. Yes, sir.

Q. Do you remember his name? A. No, sir.

Q. I will give you his name; do you remember a gentleman by the name of Oakley calling upon you? A. No, sir; I know I remember a tall gentleman coming around there, but I didn't give you his name.

Q. Do you remember telling Mr. Oakley that it cost you a good deal of money? A. Not that I know of.

Q. Did you tell him? A. No, sir; I didn't tell him.

Q. You didn't say anything at all to him? A. No, sir; I told him to go to Zucca about it.

Q. Go to where? A. To Zucca.

Q. Where was that? A. I told him to go see Zucca.

Chairman Lexow.—He says he told him to call on Zucca.

Mr. Goff.—I thought he was telling him to go somewhere.

The Witness.—He came there one day, and I said if you want to find out anything go to Zucca.

By Chairman Lexow:

Q. Why did you refer him to Zucca? A. Because he sent him around to me to fun me, because he is always fooling about it; and I said if you want to find out anything go to Zucca.

By Mr. Goff:

Q. You say you have a cash-book? A. Yes, sir.

Q. And you put down in that cash-book every dollar you pay out? A. No, sir; not every dollar.

Q. What is it for? A. Small amounts sometimes, they don't put down; I got three brothers down there, retail and whole-sale, and sometimes my brother uses some small amounts, and he don't put it in the book.

Q. Do you mean to say the policeman on the beat never took an orange off your stand? A. Oh, yes.

Q. And bananas? A. I don't handle them.

Q. What kind of fruit do you handle? A. All kinds of fruits, California.

Q. And the policemen usually help themselves to fruit? A. Yes.

Q. And you don't charge them for it? A. Well, they say they would pay that some other day.

Q. How much are they in the habit of taking? A. Sometimes they take a quarter's worth of oranges, and they say I will come next time, and I will pay you.

Q. Have they ever paid you? A. Never seen them.

Q. What did you allow the policemen to take your fruit away for? A. Sometimes anybody could come along, a friend that I know, and say give me a quarter's worth of oranges, I will pay you next day.

Q. And when you knew the policemen were in the habit of taking them, and not paying you, why did you allow them to do it again? A. Different policemen from next time.

Q. Do you think if the Senator there would come to your store for fruit; do you think you would trust him and let him take a quarter's worth of oranges from you?

Mr. Nicoll.— I object to that.

Q. Well, I put myself in the Senator's place?

Mr. Nicoll.— Oh, well I won't object to that.

Q. Would you allow me to take the oranges from your stand?

A. If I knew you.

Q. If I was in the uniform of the police, and had brass buttons on? A. Sometimes they come around and they say they want a quarter's worth of oranges, and I let them take them.

Chairman Lexow.— I would suggest your calling the more important witnesses, because we shall have to adjourn at 4.30 to-day.

Mr. Goff.— Not call the important witnesses?

Chairman Lexow.— No; I said call the more important witnesses.

Mr. Ransom.— No questions.

Job E. Laird, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. What is your business? A. Produce business.

Q. Where is your place of business? A. Three hundred and forty-eight Washington street.

Q. I suppose you have to occupy the sidewalk somewhat, as the rest of the merchants do? A. Some; yes, sir.

Q. Have you had to pay the police for the use of the sidewalk? A. No, sir; not since I have been there.

Q. How long have you been there, Mr. Laird? A. Since the 1st of last December.

Q. Before you were there, where were you? A. I was at 344, on the corner.

Q. Had you to pay there? A. I had to pay once; yes, sir.

Q. How much did you pay? A. I paid \$25.

Q. To whom did you pay the \$25? A. To Mr. Kelly.

Q. Wardman Kelly? A. Yes, sir.

Q. How did you give the money to him; was it in an envelope? A. No; I counted it out to him on the desk.

Q. Handing it to him? A. Yes, sir.

Q. What did he say to you when you paid him the money? A. Nothing particular; no more than that was the arrangement.

Q. Tell the Senators in your own way? A. That was the arrangement that we would not be bothered in regard to the sidewalk for a year.

Q. And were you bothered? A. No; not particularly.

Q. During the whole year? A. No.

Q. When the year expired and you moved from there to your present quarters, have you been bothered? A. Only once.

Q. How long ago? A. I guess it is about two months or so.

Q. Since the Senate committee has been appointed? A. I think it is about two months.

Q. Were you fined? A. Yes, sir.

Q. Brought to court and fined? A. Yes, sir.

Q. Did you ever make any protest against paying this money whenever there was a demand upon you? A. No, sir; never made any protest, because it was a necessity; that was the usual way everybody done, and I was a new man up there, and I had to do as the others did, I suppose.

Q. You felt that you had to do that in order to do business? A. That was the supposition; yes, sir.

Q. Did the wardman say anything about who the money was for? A. No, sir.

Q. Did he tell you to pay it in any form? A. No, sir; never said anything about any form.

Q. Nothing about an envelope? A. No, sir.

Q. Did you put it in an envelope? A. No, sir.

Q. Paid it in cash? A. Yes, sir.

Cross-examination by Mr. Ransom:

Q. When was it you say you paid Kelly \$25? A. I think it was the 5th or 6th of April, two years ago.

Q. I understood that that was the only payment you ever made? A. The only one I made in my life to anybody.

Q. Who was present? A. Nobody.

Q. Where did you pay it? A. In my office.

Q. Your office, 344? A. Then, yes, sir; 344, that is right.

Q. It was there you paid it? A. Yes, sir.

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

Direct examination by Mr. Goff:

Q. What is your business? A. Paper stock and manufacturing.

Q. Where is your place of business? A. Two hundred and three South Fifth avenue, and factory Ninety-second street.

Q. Have you got to use the sidewalk some in your business? A. Certainly, loading and unloading, of course.

Q. Taking goods in from your carts into your store, and from the store on to your carts? A. Yes, sir.

Q. You do not occupy the sidewalk any more than is actual'v necessary for the transit of your goods? A. No, sir.

Q. Have you had any trouble with the police about taking your goods backwards and forwards? A. Never had any trouble with the policeman; I am 32 years in the paper stock business and never had a bit of trouble with the police.

Q. Were you ever approached by a police officer, or a demand made upon you? A. No, sir.

Q. Did you ever tell anyone you had been approached by a policeman? A. I never did; I couldn't tell anyone, because I had no occasion.

Q. Any complaints that were made against you for violating the corporation ordinance? A. Yes, sir.

Q. What has become of those complaints? A. Well, I never was fined.

Q. How did you get rid of the complaints? A. I came down there.

Q. Down here, you say; you put your thumb in some direction and we can not get that down on the stenographic report; please tell us where you came? A. It was down by the city hall somewhere.

Q. For what did you come — to whom?

Chairman Lexow.— Before Judge Lynn?

By Mr. Goff:

Q. To the bureau of incumbrances? A. Yes.

Q. Then you went down to the department of public works?

A. Yes, sir.

Q. Did you fix it up in the bureau of incumbrances? A. Well, I never was fined.

Q. Did you fix it up in the bureau of incumbrances? A. How do you mean, fix it up?

Q. I don't know; that is common English language? A. I was sent a summons, and went down there, but I never was fined.

Q. What did you do when you came down? A. I came down with the summons.

Q. Whom did you see there? A. I can not exactly tell the party I saw there.

Q. An official? A. I never took any look at him, who the gentleman was I saw there.

Q. What did you say, and what did the party say to you whom you saw? A. They told me to go home to my business; to go back to my business.

Q. So that after you got your notice that you had violated the corporation ordinance, and you came down to the bureau of incumbrances, you showed your notice, did you? A. Yes, sir.

Q. And the party to whom you showed your notice said to go home, that is all right? A. Go home and tend to your business, that's all right.

Q. From the time you got your notice until you went down to the bureau of incumbrances, did you see anybody about your notice? A. No, sir; I had no occasion.

Q. Why? A. Because I didn't think I was violating the law.

Q. I didn't ask you what you thought, but what you did after the bureau of incumbrances had sent you a notice that you were to go down; you went down and then this party told you to go home and mind your business; can you explain about that? A. A. I don't know anything about it.

Q. Did you get any friend to fix up the arrangement? A. To fix up the arrangement?

Q. Yes? A. I have been in the city long enough to know —

Q. To know the ropes? A. Yes; I am 40 years here now in business.

Q. And would you know that gentleman whom you saw in the bure encumbrances? A. Yes, sir

By Chairman Lexow.

Q. He is a friend of yours? A. I don't know; sometimes.

Q. Do you know whether he is a friend of yours or not? A. There is some party there; he may be a friend of mine or not.

By Mr. Goff:

Q. What is that very accommodating party's name? A. I don't know.

Q. Can't you give us the name of that interesting individual who would tell a man to go home and tend to his business? (No answer.)

By Chairman Lexow:

Q. Don't you know his name? A. I forgot his name.

Q. What position does he occupy? A. He was a clerk; I don't really know; I wasn't violating the law, and I couldn't be fined.

By Mr. Goff:

Q. Did you ever see him outside of the bureau of encumbrances? A. No, sir; I did not.

Q. How do you know he was a friend of yours? A. I know it; I guess he is.

Q. That is not an answer; how do you know he was a friend of yours? A. How do I know he was a friend of mine?

Q. It is not necessary for you to repeat my question. A. I knew him when he was a boy.

Q. Knew him ever since he was a boy, and you can't give us his name? A. I can't, now.

Q. Has it left your head? A. I am losing my memory: I am not so young, and I can't remember things.

Q. When last did you know his name? A. About six months ago, I suppose, when I last saw him.

Q. You know this man since he was a boy, and do you mean to say that your memory has failed you since you have gone into the witness chair? A. No; it did not.

Q. Can you go to the bureau of encumbrances and identify him? A. I don't know; I might, if I saw him.

Q. If you knew him when he was a boy, don't you think you would be able to know him now? A. Well, I knew him when he was a boy, and I don't know whether I would know him now; you know when a boy grows up to be a man —

Q. But you have seen him many times when you have gone there with notices? A. Never went down there but once; my son goes down.

Q. Your son knows him? A. Yes, sir.

Q. Didn't you tell your son when he went there to call for him? A. I didn't do anything of the kind.

Q. What did you tell your son to do? A. My son went down there himself with the summons.

Q. Didn't you tell your son that you had gone down there yourself, and you were told to go home about your business? A. Yes, sir.

Q. Didn't you tell him about what you had done? A. Oh, no, sir; what would I tell him about that for?

Q. I understood you to say you did; I merely want to get at the truth? A. I am telling the truth.

Q. Do you mean to tell this Senate committee, Mr. Boyle, that you are honest when you say you can not remember the name of that official in the bureau of encumbrances? A. I can not remember his name.

Q. Do you mean to say that you are honest that you can not remember his name? A. That is about three times that I ever went there.

Q. Are you honest in your assertion when you say you can not remember the name of the individual in the bureau of encumbrances that you have described? A. I can not remember now.

Q. Will you think of his name by to-morrow morning? A. I may.

Q. Well, we will call upon you to-morrow morning; you are under subpoena yet, and we will call upon you to think of that individual's name, and be here to-morrow morning about half-past 10 o'clock? A. I do not think I can get here.

Q. We will have the Senate committee compel you to be here? A. I can not be here before 11.

Q. Well, we want to accommodate you as much as possible, but the State must be accommodated also; did you ever say, to any person, that a police officer had called upon you and demanded \$8 a month? A. Never in my life; I didn't have any occasion to.

Chairman Lexow.—The question is did you make such a statement?

The Witness.—No, sir.

Q. Never to any individual? A. No, sir.

Q. Did you ever tell any person that you refused against the police demanding money from you for the lease of the sidewalk? A. I never did.

Q. To any person? A. No, sir; never.

Q. Where do you live? A. In Jersey City heights.

Q. And your residence? A. The street number?

Q. Yes? A. No. 102 Beacon avenue.

Q. Now, Mr. Boyle, will you please come here to-morrow morning, and we will see if we can not make the acquaintance of that interesting individual, your friend?

By Chairman Lexow:

Q. We would like to know the name of that man in the bureau of incumbrances, who said to you that you could go home? A. Well, Judge, I suppose he had no charge against me.

Q. Could you find out the name between now and to-morrow and bring the name to us to-morrow?

Senator Bradley.—Go back to your boyhood's days, and see if you can not remember.

Mr. Goff.—We will send a man over with you to identify him.

Chairman Lexow.—The subpoena holds good until to-morrow, you may go.

John M. Searles, being called as a witness on behalf of the State, being duly affirmed, testified as follows:

Direct examination by Mr. Goff:

Mr. Goff.—I suggest an adjournment until to-morrow morning.

Chairman Lexow.— Now, Mr. Goff?

Mr. Goff.— Yes, sir; at this time.

Chairman Lexow.— The balance of the subpoenas stand good until to-morrow morning at 10:30.

Mr. Goff.— Mr. Searles, we will take your examination to-morrow morning.

Adjourned until Wednesday, June 27, 1894, at 10.30 a. m.

Proceedings of the thirty-third meeting of the committee, Wednesday, June 27, 1894, at 10:30 a. m.

Present.—Senators Clarence Lexow, Charles T. Saxton, Edmund O'Connor, Daniel Bradley, Jacob A. Cantor, John W. Goff, W. Travers Jerome and Frank Moss, of counsel for the committee; Rastus S. Ransom, of counsel for the police board.

Mr. Goff.— Mr. Chairman, this witness is a nonresident of the State, and anxious to get away, so I will ask the leniency of the majority of the committee to ask him a few questions.

Samuel B. Archer, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. Where do you reside? A. Irvington, N. J.

Q. And your business? A. My business is at present is newspaper publisher; formerly my trade was a pattern maker and machinery builder.

Q. Were you, some few years ago, employed in a New York house here? A. I was.

Q. What house? A. The Liberty Machine Work, 52 and 54 Frankfort street.

Q. Liberty Machine Works, 52 and 54 Frankfort street, in this city? A. Yes, sir.

Q. What is your position there? A. I was superintendent.

Q. While you were in the position there in that firm did you deem it advisable to make application to police headquarters for a license as an engineer? A. I did.

Q. Did you pass the civil service examination? A. I failed in one particular.

Q. You mean one particular — one question? A. Yes; I went to police headquarters.

Q. Just a little louder, Mr. Archer, if you please. A. I went to police headquarters and made application for a stationary engineer's license, and was examined; during the examination I carelessly answered one question, entirely contrary to what I should have answered; when I got back to the office I told the secretary of the company that I had failed to pass, and told him

why I had failed; so the next morning when a policeman — when an officer came down there —

Q. What was there to distinguish this man that you designate as an officer by his dress and uniform? A. Well, his uniform was about the same as a policeman, excepting he was marked "sanitary inspector" on his hat.

Q. Sanitary inspector; yes; proceed? A. And he notified the firm that I had failed to pass, and asked if I was in; it so happened I was out at the time; but they told him I would be back shortly, so he came about a half an hour or so after that, and he came in, and in the meantime I had come in, and he asked to see me; so he told me that under the rules of the department I would not be able to pass an examination again under three or six months, whatever the regulation might have been; but if I should see the chief that makes the necessary measurements, he could arrange it for me to be examined again at once.

Q. What chief did he refer to? A. Well, I suppose he referred to the examining engineer.

Q. Well, if you don't know — he said a chief? A. Well, I said, "I will be willing to give \$5, if you can arrange another examination;" he says, "No; it is not enough;" he says, "If you will make it \$20, I will arrange to have you examined again to-day or to-morrow morning; and so I went in and had a talk with Mr. Van Wyck, the secretary of the company, and we decided that it was not of enough importance for me to have the license to pay that fee, and the consequence was I dismissed the case.

Q. When you say the fee, you mean the \$20 demanded by the police? A. The \$20 demanded by the police; there was a fee of \$5 to be paid the treasurer.

By Chairman Lexow:

Q. That was no part of the \$20 he demanded of you? A. No, sir.

By Senator O'Connor:

Q. When was that \$5 to be paid? A. The \$5 was to be paid when I passed the examination, when the officer brings me the license.

Q. The \$5 was to be paid when you were given the license? A. The \$5 was to be paid when I was to be given the license, and the \$20 was to be paid also when he brought me the license.

Mr. Goff.—The sanitary squad is composed of sanitary officers to look after sanitary affairs?

Senator Cantor.—They are assigned from the police force.

Mr. Goff.— Yes; just the same as the policemen of the steamboat squad. The sanitary squad gives particular attention to the examination of steam engines, and engineer's licenses; they are supposed to, anyway.

Chairman Lexow.— They apparently did.

Mr. Goff.— Preliminarily, they did.

Q. You had a license for another engineer in your concern at that time? A. Yes, sir; we did.

Q. And you did not consider it of enough importance or value to you to pay \$20 for the purpose of getting another examination? A. No, sir; I did not.

By Senator Saxton:

Q. Did you ever take another examination? A. No, sir; I left the business.

Q. Never made any further application? A. No, sir; I left immediately afterward.

Cross-examination by Mr. Ransom:

Q. One or two questions; you are publishing a newspaper? A. Yes.

Q. Where? A. Newark, New Jersey.

Q. What is the name of the paper? A. It is called the "Tariff Commission."

Q. Devoted then to the special discussion of economic questions? A. The tariff question; yes, sir.

Q. Are you in favor of the income tax? A. No, sir; I am not.

Q. Neither am I; will you tell me the name, if you learned it, of this police officer? A. I could not do it; I took his number at the time.

Q. Have you got that? A. But I have not got that.

Q. Will you tell me when it was? A. It was — as near as I can remember it was about this season of the year in 1891.

Q. Who was present when you and the officer had the conversation about paying the \$20? A. I don't believe — as near as I remember we were on the stoop; he came outside the office; I told the conversation to Mr. Van Wyck, the secretary of the company, immediately afterward.

Q. I know, you testified of that; I wanted to fix the place; I have no further questions.

By Chairman Lexow:

Q. Did he say where the money was going? A. Yes; he gave me distinctly to understand it was going up further than him.

Q. Did he say how much further? A. I understood it further, to go to the man that made the examination.

By Senator Bradley:

Q. The chief examiner? A. The chief examiner in Mulberry street.

By Chairman Lexow:

Q. Did he say that? A. He didn't say that; no, sir.

Q. What did he say from which you drew that inference? A. From the fact that he said he would fix it so as to give me another examination.

By Senator Saxton:

Q. Didn't you say you said he would see the chief about it? A. Words to that effect; yes, sir.

Chairman Lexow.—That is all. The next witness, Mr. Goff.

John M. Searle, recalled as a witness on behalf of the State, testified as follows:

Direct examination by Mr. Goff:

Q. What is your occupation — oh, you have given your name, have you? A. Yes, sir.

Q. And where do you reside, Major? A. Six hundred and thirty-three Hudson street, this city.

Q. I call you "Major," sir, because I have been informed that you hold that rank, or have held that rank in the army? A. Letters patent from Andrew Johnson, of the United States (producing letters patent).

Mr. Ransom.—May I look at it?

Mr. Goff.—Oh, certainly. For meritorious services in the discharge of his duties, signed by Andrew Johnson. John M. Searle.

The Witness.—These are all discharges or permissions (producing a number of papers).

By Chairman Lexow:

Q. Commissioner of what kind, in the army? A. In the army during the war; Senator Robertson and I was in the same regiment in the battle of Bull Run.

By Mr. Goff:

Q. Who do you say was in the same regiment with you? A. Senator Robertson, the Senator of this committee.

Q. He and you served together in the same regiment? A. We left New York the 1st of April, 1861, and came back on the 1st of July, 1871; we came back quicker than we went.

Q. What is it about Senator Robertson? A. I will show you that discharge, if you wish to see it; nothing like keeping vouchers.

By Mr. Ransom:

Q. Do you carry them around with you all the time? A. No; they are in the safe; I would not trust them in anybody else's hands, unless I was very close to them.

By Mr. Goff:

Q. You are pretty careful in keeping papers, are you not? A. Only these.

Q. Only your war records? A. The courthouse could not buy these.

Q. Not even the Tweed courthouse? A. I went to school with him when we were two boys; he was a pretty nice man; if they were all as good as Tweed, I tell you.

Q. Thirtieth of July, 1861? A. Yes; that was the Seventy-first Regiment.

Q. That was the old National Guard? A. The American Guard.

Mr. Ransom.—The Major was discharged about the time I enlisted.

Q. You went out together? A. I was in the war five years and six weeks; I would like to make this statement, that I had the privilege of commanding Fort Sumpter on December 3, 1865, when Lieutenant-General U. S. Grant commanded the United States army, on his southern tour of inspection, visited that post with General Daniel E. Sickles, commanding the Department of the South; I commanded the post and garrison.

By Mr. Ransom:

Q. What post do you now command; I mean what Grand Army post? A. I don't command any Grand Army post.

Q. Do you belong to any? A. I did; I took a transfer of it two weeks ago; I took my transfer two weeks ago.

By Mr. Goff:

Q. The Judge has asked you about commanding a post; aren't you in command of some craft now, some ship? A. I am; she has not been christened yet.

Q. What do you intend to call her? A. The City Navy.

Q. What kind of a craft are you in command of now? A. My grandfather wrote a book of poems called Avenia, and I will call her that.

Q. You will have to ask the city authorities for permission? A. Yes.

Q. The craft you are in command of now is a public bath? A. No. 15.

Q. Foot of Market street, and you are in the bathhouse? A. In charge, most of the time.

Q. I believe, if I am informed correctly, that you bear on your person the scars of conflict on the field? A. Oh, yes, sir.

Mr. Ransom.—Shall we have those in evidence, Mr. Goff?

Mr. Goff.—We will see later.

The Witness.—That has no bearing on this. Mr. Goff, as we are not in Kentucky, please omit titles in the future.

Q. I would like to get a little acquainted with you? A. There is so many called Majors and Colonels that have no right to it, sir.

Q. Now, Major, you seem to be careful about preserving the papers that are of interest to you; have you preserved the papers or letters written to you by Commissioner Sheehan? A. Yes, sir; in cleaning house in May, all of my correspondence, private, was put in bureau drawers, and were cleaned out, and they can not be found.

Q. Well, but they were — A. They may be found later; they may have disappeared.

Q. You did not cause them to disappear? A. Not at all; I wouldn't do any such thing.

Q. And you considered the correspondence of sufficient importance to keep, Major? A. No; I have got a letter that is from Major-General Sanford; I kept that; I was one of the chief aides of the centennial in 1889.

Chairman Lexow.—Just limit yourself to the question.

The Witness.—He wants to know what letter I kept.

Q. Commissioner Sheehan was not a brother in arms with you? A. He could not pass the doctor's examination, on account of his foot; he is lame; born so, I believe.

Q. So it is fair to assume that the correspondence between the commissioner and yourself — A. How?

Q. It is fair to assume that the correspondence between the commissioner and yourself did not relate to marshal duties and records? A. No, no.

Q. It related to municipal matters? A. No; I can not — you see, I received a sabre cut in the head during the war and I have not the most retentive memory in the world.

Q. That is one of the scars I referred to? A. I can not remember the subject matter or explain the tenor of the letters, unless I have them in my hand.

Q. You received a subpoena from this committee last March, did you not? A. I never received a subpoena from this committee; it was left at my house when I was out of the city.

Q. You was the gentleman, Major, that you recognized was required to appear? A. It was not delivered to me.

Q. You are technically correct, and I am technically wrong; as a gentleman you recognized, when the subpoena was left at your house, that this committee desired your presence? A. I did not receive it; I was on a visit to Philadelphia and Camden on business.

Q. But you did not appear before the committee when you returned? A. I did not.

Q. Nor did you communicate to the committee the reason for your nonappearance? A. I don't remember that I did; I may have; but I don't remember.

Q. What did you do with the subpoena, Major? A. I believe that is somewhere around the house; I think I saw it yesterday.

Q. You have been served with another subpoena to appear here? A. Yes, sir; and I appeared at once when it was served personally.

Q. Did you talk with any person about the first subpoena that had been left at your house? A. No, sir.

Q. Didn't show it to any person? A. Oh, yes, I believe I did; I might have shown it to—I believe I showed it to my sister and my nephew, both of my nephews; I may have to some one else; I don't remember.

Q. Now, Major Searles, I regard it almost as an impertinence on my part to even suggest to you that the obligations of an officer and a gentleman, to tell the truth are greater even than the obligation of an oath? A. I think so.

Q. I think so too; and when I ask you, Major, if you showed that subpoena to anyone else-but members of your family, will I get anything different from what you have already stated? A. Well, I can't exactly remember; I would not like to state emphatically, because I might be mistaken; I may have shown it or may not.

Q. But now, isn't it a matter of fact, that you showed it to persons who advised you not to come before the committee? A. No, sir; no one could have deterred me from coming here, if I was properly subpoenaed; I could not be deterred from coming here if I was properly subpoenaed.

Q. When you first received the subpoena, or the subpoena was left at your house, for you must pardon me if I try to copy

your military exactitude, when the subpoena was left at your house did you read it afterward? A. I was in Philadelphia when the subpoena was left in my house, and my sister mailed it on to me.

Q. Did you read it in Philadelphia? A. Yes.

Q. Do you remember your subpoena called upon you to produce certain correspondence between yourself and Commissioner Sheehan? A. Yes, sir.

Q. And after you read that subpoena did it refresh your mind as to the nature of the correspondence between yourself and Commissioner Sheehan? A. No; not exactly.

Q. But there had been a correspondence? A. No; I can not say that there had been a correspondence.

Q. Will you say there had not been, Major? A. Yes, sir; there were, just, I believe, one letter.

Q. Only one letter? A. Yes.

Q. What was that letter about, Major? A. Well, it stated — I can't remember; I will say I will try to refresh my memory.

Q. Make an effort? A. Yes; I will make a sturdy effort.

Q. Does the sabre cut in your head interfere with your faculty of memory? A. Yes; it does; the heat of the room is oppressive; I always suffer in the summer time.

Q. The temperature has an appreciable effect upon you, don't it? A. Yes.

Q. I want to be of service to you, Major, if I can? A. I could not tell the tenor of the letter.

Q. Had you written to him and received this letter in response? A. Yes; it was in response to a letter of mine.

Q. Do you remember the subject upon which you wrote to him? A. Oh, I stated this — now, I can refresh my memory — that some years ago there had been messengers detailed at police headquarters, there were none now that I could see on the January 31st issue of the City Record, and that, as I was at the head of the list of the civil service on the classified list as messenger, and had received nearly 99 per cent.—98 or 99, outside of my having a preference under chapter 119,085, as a soldier — as I was at the top of the list I thought that I should be appointed, and I almost made a demand; I can remember that that was about it; I received an answer stating, that as soon as there was one required, a requisition would be made on the civil service board, and the appointments would be made.

Q. Was that all the correspondence that passed between yourself and Commissioner Sheehan? A. That is all that passed between me and Commissioner Sheehan.

Q. Did the subpoena that you remember ask you to produce any other papers? A. This subpoena?

Q. The first subpoena I am speaking of? A. No; only of some letters in the handwriting of John C. Sheehan, and this was not in the handwriting of John C. Sheehan; it was a type-written letter.

Q. It purported to be signed by John C. Sheehan? A. Yes, sir.

Q. You knew his signature? A. Yes, sir; I have received letters before; I was personally acquainted with him when he was president of the aqueduct commission.

Q. Precisely; now, the subpoena you have received now asked you to produce any letters or papers in your possession? A. Yes, sir.

Q. Having passed between you and Commissioner Sheehan; have you done so? A. I have not got any.

Q. Have you made search? A. I have; a diligent search.

Q. Did you look into every corner you could reasonably find it? A. Every crevice.

Q. You did not look into places you knew you would not find any? A. I am too old to attempt any such sham as that; I am getting too old to waste time, and it is too warm, Mr. Goff.

Q. It was purely accidental, Major; I beg your pardon? A. ——— as they say in French.

Q. Now, Major, I do not want to pursue the ordinary course of examination with you, because my regard for you is too high? A. Mine has always been very lofty to you.

Q. I want to place the letter in your memory direct; did you receive \$100 for destroying the letters in your possession? A. Never in my life.

Q. Did you ever say to any person you did? A. Never in my life.

Q. Did you ever say that you received a hundred dollars not to appear before this committee? A. Never in my life.

Q. You know that man there (indicating)? A. That man came drunk last Monday, on ladies' day, at my bath; I have known him 40 years; I am ashamed to say he is the nephew of John S. McIntyre, the assistant district attorney; I had the officer put him off the dock last week; he came on ladies' day, there, drunk.

Q. You know the commanding officer remains always cool and collected? A. Always; I was astonished that your society would hire such detectives.

Q. Do you know that our society — what society? A. That is what he calls —

Q. What society? A. I told his nephew yesterday.

Q. What society? A. Well, he is with this man Dennett.

Q. What did you say to me "your society" for? A. You are representing a society, evidently.

Q. Representing what society? A. The Society for the Prevention of Crime, isn't it.

Q. How do you know that? A. Well, those who run may read.

Q. Have you ever read anything about it, while you were running? A. Or riding.

Q. What? A. Well, it is generally understood.

Q. Well, if it is generally understood that the cut in your head was received from a brickbat on Thompson street instead of a sabre, as you claim, on the battlefield, would that make it correct?

A. Not exactly.

Q. Is it the fact that the wound on your head came from a brickbat instead of a sabre cut? A. The record in the Surgeon-General's office don't say so.

Q. Isn't it a fact? A. In Thompson street?

Q. In Thompson street or Sullivan street; isn't it a fact that the war-scarred veteran received his wound in Thompson street?

A. Why, no; why do you ask such superfluous questions, Mr. Goff?

Q. Never mind my superfluous questions; isn't that a fact?

A. You know it is not so.

Q. Answer my question; I don't know anything about it. A. I am losing my admiration of you; I always admired you.

Q. I am sorry to hear that; by the way, you say I represent a certain society, Major; you will pardon me if I diverge a little?

A. I beg your pardon; it is the Senate committee.

Q. We will resume our former relations of my high regard for you, and your high regard for me? A. Don't mention Thompson or Sullivan street to me; well, Mr. Goff, I am at your service (drinking some water).

Q. Have you had some water? A. Yes.

Q. It is a little unusual, Major? A. What?

Q. It is a little unusual? A. I don't drink so much since I saw him Monday; I have not drank any since.

Q. Were you in the department of public works? A. Yes, sir.

Q. At the time the first subpoena was served at your house? A. No, sir.

Q. Before that time? A. Yes.

Q. And what position did you occupy there, Major? A. Oh, before I—I resigned in—

Q. You resigned? A. In 1889; I was there four years.

Q. You resigned? A. Yes; I was messenger in the chief engineer's office, messenger and clerk; I did clerical work almost entirely.

Q. They did not treat you right there? A. Yes, sir; I got my salary, and when I didn't like it I resigned.

Q. They wanted to impose upon you duties that were not consistent with your dignity? A. I wouldn't let anybody do that.

Q. And you resigned? A. Yes.

Q. For instance, the carrying of sandwiches was inconsistent with your dignity? A. I never carried sandwiches to anybody.

Q. It was intimated to you? A. No.

Q. Was it not requested of you? A. No.

Q. Wasn't that the cause of your resignation? A. Certainly not.

Q. It was ignoble if such a request was made? A. Yes; they would know better than to do it.

Q. Did you ever go around with this subpoena, which was served upon you from this committee, stating to any person that you would go before this committee and tell what you knew unless you were taken care of? A. No; I did not make —

Q. Burnish up your memory?

Chairman Lexow.— Did you say anything practically similar to that?

By Mr. Goff:

Q. Burnish up your memory now, please; the temperature is not hot to-day? A. No; I will tell you what I did state; I said I was at the head of the civil service list, and that the civil service law should be complied with, and that I should be appointed, and if not, I was going to have the Senate investigating committee investigate the civil service bureau; that is all.

Q. And to whom did you say that, Major? A. I don't know; I may have said it to half a dozen.

Q. Name one? A. I can't remember.

Q. Didn't you say to some person in authority — A. To whom, for instance?

Q. Never mind; that does not account, not alongside of you? A. I am glad of that.

Q. Didn't you say it to some person in authority, Major? A. No; I may one day have said it to Senator Robertson; I don't remember.

Q. To any person outside of the Senate committee? A. No; I don't think I did.

Q. You have mentioned half a dozen persons; that is, I suppose a happy measure of calculation? A. Yes.

Q. A gentleman you might meet in the cafe? A. No.

Q. A gentleman you might meet at divine service? A. I go to church every Sunday, but I do not carry subpoenas to church.

Q. You might speak about subpoenas, Major? A. No; I don't think I did.

Q. Where were you in the habit of meeting those gentlemen to whom you spoke, outside of Senator Robertson? A. Well, I don't know; I could not say.

Q. Did you speak to any acquaintances you met? A. I might have.

Q. I scarcely think that is consistent with your character, Major, and your reputation for being a reticent man; I do not think it would conform to it to speak to anyone you would meet? A. What is that?

Q. It would not conform to your character as being a very close, reticent man? A. Well, I might not be close with intimates, but I have very few intimates.

Q. Very few; all true men are in the same position; few friends, and many acquaintances, isn't that the rule? A. I have very few acquaintances.

Q. But these persons to whom you spoke about coming before the Senate committee to inspect the workings of the civil service, don't you remember they had some connection with the committee outside of the Senator, Robertson? A. No.

Q. Did you communicate with the counsel of the committee at that time? A. I think I saw Mr. Grasse; yes, sir.

Q. Did you talk to Mr. Grasse? A. Yes, sir.

Q. How long after you received the subpoena, or the first subpoena was left at your house? A. I was away at the time the subpoena came to my house.

Q. How long after that did you talk to Mr. Grasse? A. Oh, that was before; a week before the subpoena came into my hands.

Q. You spoke to Mr. Grasse before the subpoena was sent to you? A. Yes.

Q. How was it you came to go to Philadelphia from the time you first spoke to Mr. Grasse until the subpoena was left at your house? A. He did not send a subpoena, and I was called to Philadelphia on business.

Q. On what business? A. On business for my sister.

Q. What business? A. My sister owns property.

Q. Where is that property situated? A. It is in Coaches street, between Thirteenth and Fourteenth street.

Q. What did you do when you went on there? A. Went on to pay taxes, and see if there was any taxes on it.

Q. Did you pay any taxes while in Philadelphia? A. The gentleman who is in Philadelphia has the power to pay taxes.

Q. Couldn't he pay the taxes without your going there? A. It is advisable for me to go and see how things are going there, because that will be mine, eventually.

Q. Did you take money with you? A. My fare.

Q. Did you take the money to pay the taxes? A. No; I think I took \$15; my fare was \$4; I remained three weeks.

Q. Weren't you sent to Philadelphia to get you out of the way so you could not have a subpoena served on you? A. No, sir.

Q. Is that true, according to your military honor? A. That is true; every answer I give you is under oath.

Q. I have consideration for the failure of your memory, and am trying to refresh it; that is all, Major. A. Well—

Q. When you returned from Philadelphia you did not go near Mr. Grasse, did you? A. I did not have an occasion.

Q. Well, you told Mr. Grasse you would go before this committee and testify as to the unjust manner in which you had been treated by the civil service committee? A. When they investigated the civil service board.

Q. Didn't you tell him you would come before the committee and testify on that question? A. No.

Q. Why did you go to Mr. Grasse? A. Can I qualify that answer?

Q. If it is incorrect.

Chairman Lexow.— No; answer the question. Why did you go to Mr. Grasse?

The Witness.— Because this committee was supposed to examine one after the other all the different departments.

By Mr. Goff:

Q. They did not get down on the record that? A. All the other different departments.

Q. You came for the purpose of offering yourself as a witness and giving this committee some information? A. Yes; when they commence to examine the civil service board.

Q. You did not specify any time; you were ready at any time? A. When they examined the civil service board.

By Chairman Lexow:

Q. Did you specify any time? A. Yes, sir; I did, when the civil service board was examined.

Q. At any time the civil service board was to be examined? A. Yes.

Q. When the subpoena was left at your house, and your sister mailed it on to Philadelphia, "didn't you know the time had arrived for the civil service board to be examined? A. They were not being examined; the police were being examined.

Q. How did you know, when you were in Philadelphia? A. They were not being examined; the police were being examined; don't you suppose I read the papers.

Q. Don't you suppose the counsel for the committee knew better than you? A. If I had an intimation the civil service board would have been examined, when I was away, I would have presented myself at once.

Q. You have gone around since you received this subpoena, haven't you, and shaken it in the faces of officials, and told them that unless they did what was right, that you would come here and testify? A. No, sir; no official has seen it except the policeman and dockman.

Q. You have been placed in that position at the time, as soon as you received that subpoena? A. Yes; now, can I qualify.

Q. Wait a while, Major. Major, "attention?" A. I want you to understand.

Q. Major, "attention?" A. Present, here; all right; go on.

Q. Now, Major, this is serious work? A. So it is; that is the reason I want to qualify that answer.

Q. The time will come for you to qualify or to be accurate; you may have an opportunity to do so? A. Yes; very well.

Q. Will you swear here that you have not gone around threatening that unless you got a position, you would come here before this Senate committee and testify? A. I have not.

Q. To any person living? A. To any person.

Q. You have never uttered those words? A. Never.

Q. Have you ever said to any person that they were forced to give you an appointment, to keep you from coming before this committee? A. Never.

Q. You have received an appointment? A. Now, Counsel, I qualify that.

Chairman Lexow.—Answer that question.

Q. You have received an appointment? A. Yes, sir; I went and took my army discharges, and went to Hollihan, the commissioner of public works, and stated under the recent law passed by the Legislature, and signed by the Governor, I believe it is chapter 177, Senator Lexow, and stated that all soldiers shall have preference for appointments in positions from \$4 without civil service examination; I made the demand for the position and got it on the 15th of this month.

Q. When did you get it? A. On the 15th of June; that is the time I got it.

By Chairman Lexow:

Q. Up to that time you got it, with the civil service examination, the best on the record, you had not been able to receive it?
A. There was no vacancies.

By Mr. Goff:

Q. Were there not enough applications for this bath down here? A. That I don't know; I was only looking out for John M. Searle.

Q. I have no doubt about that, Mr. Searle; on the 15th of June were you not made aware that you would in all probability be called before this committee? A. The 15th of June?

Q. Yes; when you went to Hoolihan? A. No; I did not know until the policeman says that officer was a Parkhurst man, three days ago, and I thought this man, going around here; I knew Dennett; and I have been here a dozen times myself.

Q. You have? A. Yes; and I had seen the Grenadier here, and never forget a face.

Q. When have you been here? A. Oh, all—before the appointment, day after day, day after day.

Q. Your appointment was on the 15th of June? A. Yes; the 15th.

Q. And you attended the sessions of this committee? A. Once in a while.

Q. You said day after day, just now? A. Once in a while.

Q. You said day after day; were you right when you said that?
A. I guess not in every day.

Q. We are right now? A. I could not get in every day.

Q. Are you right now when you say you attended every other day? A. Probably; I could not tell; one or two days a week.

Q. You say you could not get in every day, but you came every day and tried to get in? A. No; not every day; I have been out there, and could not get in.

Q. You must have come to the courthouse every day? A. Not every day.

Q. How can you swear you did not get in every day? A. Some days I came and could not get in.

Q. Some days you came and you did get in? A. Yes, sir.

Q. How about the days you did not get there? A. There was no desire of mine to get in.

Q. How can you swear you could not get in, if you did not come to the courthouse; I—don't be reckless about swearing?
A. You asked me the days I was not here, see; how did I know I could not get in; I could not tell if I was up town, whether there was a crowd or not.

Q. Haven't you been going around the department and giving it to understand that you would be called on the stand, and if you did not get an appointment you would give something away?

A. No; I don't think I ever said it.

Q. If anybody comes on the stand and swears he did, they would swear to a falsehood? A. I think they represent —

Q. They would perjure themselves? A. Yes, sir; they would perjure themselves.

Q. No matter how many came? A. No matter how many came.

Q. Have you a salary? A. At the rate of \$950 a year; between that and a thousand dollars.

Q. Did you ever see Mr. Grasse after you returned from Philadelphia? A. No.

Q. When did you first go to Mr. Hoolihan for appointment? A. On the 15th.

Q. He is the deputy commimssioner of public works? A. Yes, sir.

Q. And you received your appointment on the 15th? A. Yes, sir.

Q. You mean to say that was the first day you went to seek your appointment? A. That is the first day I ever spoke to Mr. Hoolihan in my life.

Q. Answer my question; do you mean to swear here that was the first time you went to seek that appointment? A. Yes, sir.

Q. From any official? A. Yes, sir; I did not want it.

Q. Why did you go after it? A. Because there was no other; I wanted employment, and there was no other positions on hand, and I ascertained that the baths were going into commission, and half a loaf of bread was better than none.

Q. Why did you say you did not want it? A. I did not want it if I could get anything else; I made a demand.

Q. You took what you could get? A. Yes, sir.

Q. You mean to tell us the first time you went to the department of public works, on the 15th of June, you were appointed immediately on that day? A. I was; yes, sir.

Q. And you never had made an application before? A. Four or five soldiers were talking that day about the law, and says, "Why don't somebody test the case;" I said, "I will test it," the day before, and brought my papers, and laid them before Mr. Hoolihan, and he made the appointment.

Q. Four or five soldiers; give us their names? A. John Phillips, court officer of General Sessions.

Q. Yes, that is one? A. A man of the name of Berger, from Jersey City; Jack Broder, that lives at 145 Sixteenth street.

Q. Yes; anyone else? A. I was trying to think; George Wall, that lives over in Broadway, Williamsburgh; I have not got his address.

Q. Anybody else? A. That is all I remember.

Q. Did you all hold a conference? A. Yes, sir.

Q. On the 13th? A. On the 13th or 14th.

Q. Where did you hold the conference? A. In Byron Cross's Eighth avenue and Thirteenth street.

Q. By appointment? A. No; there had been a Grand Army funeral on that day.

Q. That was the first time it occurred to you to apply for the position of the superintendent of public works? A. Yes, sir.

Q. You reiterate again that you have never spoken — A. No; I did not ask about the baths; I heard about the baths; I said I would like an appointment, and he said, "The best positions are all filled;" I said, "There are some baths not located;" I had read that in the paper, and they were just coming up, and I said I would accept that for the present, and I got it.

Q. Isn't it a fact, Searles, that you have been going around waving this subpoena in the faces of officials and threatening them that unless you got a place you would come and testify; will you try to deny that? A. Yes.

Q. And swear it is absolutely true in that respect? A. It is not true; I never did it.

Q. You never said a word to anyone? A. Never.

Q. Never showed a subpoena to any one for that purpose? A. I told you I showed the subpoena, not this one; I showed the other one; I showed this one to my sister and the nephew.

Q. And if it was left in your house when you were in Philadelphia, how came you to show it when you came to New York?

A. I did not show it; this subpoena I have got in my pocket I showed to the policeman on the dock, and two of the keepers.

Q. I am speaking of the first subpoena? A. I don't know that I showed it to anybody.

Q. You swore you showed it to your sister? A. Yes; my sister and two nephews.

Q. What need had you to show it to your sister when she sent it to you? A. When I came back.

Q. Why did you bring it back? A. To keep.

Q. As a memento among your other war records? A. Yes.

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

Mr. Goff.—No, sir; I have got one or two questions.

Q. Do you know that name (showing witness paper)? A. Yes, sir.

Q. Read it, please? A. Let me get my glasses; "James W. Boyle."

Q. Go on and read on? A. "Wholesale oyster dealer, planter of celebrated oysters; depot, foot of Perry street, North river."

Q. What did Boyle give you the \$100 for? A. Mr. Boyle never gave me \$100.

Q. Answer the question, and don't open your mouth that way? A. I have got to open my mouth to answer you.

Q. What did Boyle give you the \$100 for? A. I don't understand.

Q. What did Boyle give you the \$100 for? A. Mr. Boyle never gave me \$100 in his life; Mr. Boyle never gave me \$50; Mr. Boyle never gave me \$20 in his life; Mr. Boyle never gave me any money in his life.

Q. Did you sign — A. But I tell you what I did; I borrowed \$5 off him last week, and he has got my I-O-U for that; and that is the first money I borrowed in my life.

Q. Did you ever receive money before you received that \$5? A. From him; no.

Q. Wait awhile, Major; did you ever receive money from Mr. Boyle before that \$5, directly or indirectly? A. Never.

Q. Did you ever say to any person you did? A. I don't think I ever did.

Q. Are you sure? A. I don't think I did.

Q. Why did you doubt? A. I don't doubt; it satisfies you, and I swear on.

Q. I want you to satisfy your conscience and not satisfy me? A. I will satisfy my conscience.

Q. Your conscience in your head; now, didn't you receive money from him, or through him, in any manner, shape or form after you had been to visit Mr. Grasse here? A. Never.

Q. Did you ever say you did? A. No.

Q. Positively? A. Positively.

Q. You have got no doubt in your mind, have you? A. Not the slightest.

Q. Not the slightest doubt? A. Not the slightest.

Q. And that is just as true as the fact — A. As all the rest.

Q. As all the rest; all right; I did not want to put it that way, Major. A. Because I have told nothing but the truth.

Q. I did not want to put it that way; what has been your business since you laid down your arms, Major? A. Now I have got a diary home that fills the bill; I will bring it down; I am off Friday; I will be here Friday and bring the diary, with all the memorandums, I presume.

Q. And let me have it during the summer recess, for light reading? A. Yes, if it will amuse you.

Q. Is there anything in that diary when you take your water?
A. I never take water; I drink it.

Q. Is there anything in that diary, Major, of your indictment for horse stealing? A. No.

Q. You did not put that down in your diary, did you? A. Oh, now you come to that; now ask the question.

Q. When was that little trifling caper recorded against you, Major? A. Do you know the result?

Q. Oh, no; never mind the result; I want to know about when it was recorded against you? A. Eighteen hundred and eighty-three; I will answer that; it has gone so far now; I want to go on record, Mr. Goff; three gentlemen —

Mr. Ransom.—I call your attention to a ruling you made some time ago.

Q. I beg your pardon, Major; I want to interpose here that while I highly respect and esteem Judge Ransom, my senior at the bar, yet I must ask your forgiveness of a lieutenant trying to address a Major in the tone he addressed to you; will you proceed about the indictment for horse stealing? A. Yes, sir; in 1883 there was four of us had been up all night, and I was then employed at 533 Broadway.

Q. At what business? A. I was a salesman, was superintendent of the store, and at about 9 o'clock we were getting through — 6th of the month — and one said, "Let's take a ride in an ice cream wagon;" we took a ride around the block, and when we got back —

Q. What season of the year was that? A. Oh, it was in the summer; it was the straw hat season, I remember; and when we got back the other fellows run away — we were in front of the store — and the policeman arrested me; but the jury did not leave the seats; "Get out, and go home;" Mr. Fellows will tell you.

Q. Might I ask if you have read — no doubt you are a man of broad culture and reading? A. Yes.

Q. If you have read a story of the man confessing to having stolen a rope, and that there was a horse at the end of it? A. Oh, no; this was Fussle's ice cream wagon.

Q. You did not read that story? A. No; I did not read that story; in whose book of fables is it?

Q. I beg your pardon; now, Major, did you have trouble in our criminal courts; did they ever trouble you any with an indictment for horse stealing? A. That was the only time.

Q. I see your discharge is dated there in 1881, and you answered that you were five years and six months in the war? A. Discharge; what discharge; 1861.

Q. Pardon me; and you served five years and six months in the war? A. No; not six months; over five.

Q. You said five years and six months? A. Twentieth of April, 1861, until the 31st of January, 1866.

Q. Pardon me, Major; if I was a military man I would use a military term, but I can not; you said five years and six months?

A. Very nearly; I did not say five years and six months.

Q. How long did you serve in the war after the war was finished? A. Nearly a year.

Q. After the war was finished? A. Yes, sir; I commanded Fort Sumter after the fighting was done.

Q. After the fighting was done you commanded Fort Sumter, and the fort was saved? A. I succeeded Anderson.

Cross-examination by Mr. Ransom:

Q. One or two suggestions, Major; will you obey one or two military orders if I issued them now? A. Yes, sir.

Q. Attention; forward, march? A. Well, I—

Q. March. A. Oh. (The witness marches from the stand and is stopped by Mr. Goff.)

Mr. Goff.—Sit down.

Chairman Lexow.—Are there any further questions to be put to the witness?

Mr. Goff.—One more question, after the Judge gets through his military performances.

Mr. Ransom.—I simply proposed, with the chairman's permission, to put an end to the examination of the Major. Now, then, Major.

Mr. Goff.—I won't ask him any questions.

Mr. Ransom.—Route step, file right, march. (The witness left the stand.)

Matthew D. O'Connor, called as a witness on behalf of the State, being duly sworn, testified as follows:

Direct examination by Mr. Goff:

Q. You have given your name? A. Yes, sir.

Q. What is your business? A. At present I am out of business.

Q. What was your business? A. My business was railroad business until the 2d of March, 1892, when my resignation was called for, in consequence of action taken against the Tammany Hall last fall, and I was thrown out of the business by a friend, Patrick J. Roach, an Assemblyman.

Q. In what district? A. In the Fourth Assembly district.

By Senator Cantor:

Q. It is a ventilation of political reference? A. No, sir.

Mr. Goff.—You might as well take that in with the ventilation.

Senator Cantor.—With everything else, I suppose.

Mr. Goff.—They are so mixed up it is hard to separate them.

Senator Cantor.—In some minds they are.

Mr. Goff.—The majority think so, I think.

Senator Cantor.—I think not.

By Mr. Goff:

Q. I think the last witness referred to you as a gentleman of Parkhurst, or some society; are you a Parkhurst gentleman, or a gentleman of any society? A. I, sir; I am not, and that is about as true as anything he said to me in relation to me.

Q. Have you ever been connected with Dr. Parkhurst or his society? A. Not in any shape or form.

Q. You knew the last witness, that is, Searles? A. I have known him for over 30 years, sir.

Q. You knew him before his departure for the war? A. Yes, sir.

Q. And since his return? A. Yes, sir.

Q. Have you had any conversation with him touching the service upon him of a subpoena from this committee about the last of February or March? A. No, sir; not the last of February or March.

Q. Well, subsequent to that time?

By Chairman Lexow:

Q. About the service of it at any time?

By Mr. Goff:

Q. About the service of it at any time? A. I had a conversation with the Major on the 13th day of June, in this courtroom, sitting opposite there (indicating); that was the first time I had seen the Major in over four years; he studiously avoided me in consequence of the great wrong he perpetrated against me. I don't care about that, but I saw him on the 13th day of June.

Q. What conversation did you have in connection with this committee or any subpoena having been served? A. He got up and greeted me, and I asked him what he was doing here, and he took the subpoena out of his pocket and, showing it to me quietly, he said, "I have got business here, unless the public works reinstate me in my position;" and I did let him look at it.

Q. That was on the 13th of June? A. That was on the 13th of June; yes, sir.

Q. Day before yesterday? A. No, sir; not the day before yesterday.

Q. I am speaking of the day of the subpoena that brought him here to-day. A. I am speaking of the original subpoena.

Q. The first subpoena? A. The first subpoena; yes, sir.

Q. That subpoena he had in his pocket? A. Yes, sir.

Q. On the 13th of June in this courtroom? A. He showed it to me.

Q. Did you read it? A. I did, sir.

Q. You remember what it said, what it called for, outside of the printed matters? A. For letters and papers received by him from John C. Sheehan, and something of that effect.

Q. Did you have any conversation with him upon that subject? A. I had, sir.

Q. What did he say to you, and what did you say to him? A. He said he had just returned from Philadelphia about three weeks ago, where he had been having a hell of a time on \$100 which Tim Boyle, leader of the Ninth Assembly district, gave him for the purpose of getting away from this committee before they took a recess, and he had just returned from Philadelphia three weeks ago, after having this glorious time.

Q. Received a hundred dollars from Tom Boyle, leader of the Ninth? A. Yes, sir.

Q. Anything further? A. Well, he said he felt pretty sure of being reinstated in the department of public works, and that he had already seen a certain party; that they told him on the morning of the 15th they would place him, undoubtedly, providing he would forget what he intended to testify to before this committee, and also lose those papers, and he said to me at that time, "I will give them the finest jolly they ever got; I will lock those papers up—I have got them in a safe—and keep them there until such a time as they place me where they can not remove me, and then I will go before the committee.

Q. Was that the substance of the conversation you had with the redoubtable Major? A. Yes, sir; almost verbatim.

Q. Had you subsequent conversations with him? A. Yes, sir.

Q. When? A. I happened to mention the circumstances to Mr. Dennett; I met Mr. Dennett, and he requested me to go over to the public works and find out as to whether or not he had been appointed, and I went over and saw the chief clerk, and asked if Major Searles had been appointed on the morning of the 15th, and he told me yes, he had just been appointed that morning, and taken charge of the Market street bath, and Mr. Dennett asked me to accompany him down there to see if the Major would tell the same story as he told me, and that is the way I was drawn into the matter, and happened to get into the matter.

Q. You went down with Mr. Dennett? A. I went down with Dennett; when he says I arrived there day before yesterday in an intoxicated state, I want to say I have not drank a drop of liquor in four months; he said the policeman put me off the dock, and I wish you would subpoena the policeman, so he can tell whether that is so or not; the Major is crazy; he told Mr. Dennett and myself if the committee pressed him too far he would bring 50 people to swear the saber cut made him crazy, and that is the reason he could not testify to what he would like to testify to now.

Q. Now we will leave the Major. A. Thank you, sir.

Q. We will leave the Major; I want to ask you matters of your own business; what company were you engaged in as employe in any capacity in New York? A. Last time, sir?

Q. Yes. A. In New York, New Haven and Hartford Railroad Company.

Q. Before that? A. With the Monarch Steamship Company.

Q. What position did you hold on the Monarch Line? A. General manager of the passenger department.

Q. Where was its office? A. Thirty-five Broadway, New York city.

Q. How many years were you there? A. Five years.

Q. You were there until the company closed up its passenger business? A. Yes, sir; until it closed up its line of steamers to the Wilson line.

Q. That company ran to London, didn't it? A. Between New York and London; yes, sir.

Q. You had control of the issuing and sale of passenger tickets, didn't you? A. Absolute control; yes, sir.

Q. In the discharge of your duties as passenger agent and manager of that company, did you have any relations with policemen? A. Only in so far as paying commission.

Mr. Ransom.—When was this?

Mr. Goff.—I will fix the time now, Judge.

Q. What years were those in which you occupied this position? A. I believe from 1882 or 1883 until almost 1888—until the commencement of 1888; the latter part of 1887.

Q. That is, you were with the Monarch Line? A. Yes, sir.

Q. During that time you say you paid commissions to policemen? A. And others; yes.

Q. I don't care about the others; was that the general thing? A. Yes, sir.

Q. Did you employ these policemen; just state to the committee how it came you paid the policemen commissions? A. For instance, whenever a party, we will say, for instance, wanted to

go to London, he would meet a policeman on the block, or met one of the licensed runners, as we call them, licensed passenger pickers, might ask for a certain steamship company, for instance, the White Star Line, and the policeman or runner would say, "Where do you want to go, to London or Liverpool, if you please; why do you want to go by the White Star Line; I can take you to the Monarch Line, that will sell you a ticket for less money and a better line," and all that; they would bring the passenger in and say, "There is a passenger who wants to go to London or Liverpool," as the case might be, and, after selling the berth, etc., and taking and commencing the delivery on the ticket, the passenger would go out with the information, all that was necessary, and the policeman would come in afterward and say, "I would like to have my commission on that ticket;" if it was a cabin ticket he would get \$7.50 or \$8, and if it was a steerage, he would draw \$3 on a prepaid ticket, or \$2 on an outward ticket, which was \$1 more than other lines were paying, on account of their line being in the conference together, and we were the only opposition line, and in that way the policemen favored our line, because they could get more commission than they could at the other lines.

By Senator Saxton:

Q. What was the amount received for the ticket upon which there was a commission of \$7.50? A. It would altogether depend upon the location of the berth.

Q. And the percentage? A. The percentage was 7 1-2 per cent.

Q. Seven and one-half per cent.? A. Yes, sir.

By Chairman Lexow:

Q. The \$100 ticket would bring \$7.50 commission? A. Yes, sir.

By Mr. Goff:

Q. Do you recall the names of any of the policemen to whom you paid commissions? A. Yes, sir; I remember I paid Sergeant Lewis, who is ex-sergeant now; he has retired.

Q. Was he sergeant then? A. He was sergeant then, of the Broadway squad.

Q. Sergeant of the Broadway squad? A. Yes, sir; I also paid to Officer Murphy; he has also retired.

Q. Where is he, do you know? A. He is special officer now in the Stock Exchange, at present, in Broad street.

Q. At the present time? A. Yes, sir; I may have paid to the roundsman who — I can not remember his name.

Q. Those three officers that you have described, do they know of each other's collecting of commissions? A. They made a pool of it.

Q. They made a pool? A. They made a pool; if the sergeant was away and Murphy booked the man, or if the roundsman was away and the sergeant booked a man, they would split up the pool.

Q. How do you know they made the pool? A. They told me so; I was to hold the money for them at times.

Q. They would inquire from you, I presume, how many tickets had been sold? A. Yes, sir; very often.

Q. Do you know from your knowledge of the business of other passenger lines that they paid a commission? A. Yes, sir; it was a common occurrence, sir.

Q. Generally understood and practised? A. Always understood and practised while I was in the business.

By Senator Saxton:

Q. Can you give any sort of an idea how much these gentlemen received for commissions in the course of a month or — A. I should judge, making a rough estimate, that I paid out to that pool as high as \$100 a month, an average of \$100 a month during the season.

Q. You think that would be the average during the season; you mean the summer season? A. I think so.

By Chairman Lexow:

Q. That was only one company? A. That was only one company.

Q. Did others pay in proportion or any larger proportion? A. No, sir; they paid in less proportion; they paid \$2 or \$3 and I was paying \$4.

By Mr. Goff:

Q. After you left the Monarch Line, what position did you next occupy with any company? A. I went into the express business, in the Metropolitan express; a local express.

Q. And after you went with the Metropolitan express, where did you go then? A. Then there was an interval there, where I undertook to go into the sand business in Flushing, and then shortly afterward I took the position with the New York, New Haven and Hartford Railroad Company.

Q. Come down to that; what period did you take the position with the New York, New Haven and Hartford Railroad Company, about? A. About 1891.

Q. How long did you keep the position with that company?
A. Three years.

Q. What was the nature of your position? A. Well, I first took the position of receiving clerk, and in the course of a few months I became general foreman, and I went through the grades.

Q. Where was your place of business? A. Foot of Montgomery street, pier 3, East river, New York.

Q. Was it from that position you were driven on account of political troubles up there, that you told the committee about at the commencement of your testimony? A. Yes, sir.

Q. That was the cause of your being sent away from that position? A. Yes, sir.

Q. Now, while in that position, did you ever have any connection with the police officer on duty there? A. More or less; yes, sir.

Q. There was, I presume, always a policeman on duty? A. Yes, sir.

Q. Do you know of the company paying him anything? A. I know the company did not pay him anything, sir.

Q. Do you know, did he demand anything from the company? A. In so far as this: There was one of the officers came to me shortly after I became the general foreman and asked me to use my influence with the agent and see if he could not be put on the pay-roll; I told him I did not think there was any use, for our agent was a very strict man, and did not approve of any such business; and he said he thought I had influence enough, if I tried to use it, to overcome the agent's scruples; and I said I would do it, and I went to the agent, and he refused.

Q. What is the name of the agent—Mr. Bolander? A. Yes, sir.

Q. He is in court? A. Yes, sir.

Q. What did Mr. Bolander say? A. He gave me to understand he was not going to do any such business, and if I remember correctly, he said some of them had approached him before on the matter, and he did not intend to do it, and when I said I thought we might get a little better service, he said he would have them removed, then, that is all; he did not propose to pay anything.

Q. Did this policeman suggest to you a method in which to get him on the books of the company? A. No more than using my influence.

Q. Didn't he say something about getting him under a false name? A. He said it could be arranged that way; that his name need not appear on the pay-roll, that it could appear in ostensibly the name of a laborer, one of the laborers on the dock; he was looking for about \$10.50 a week.

Q. Did he give you any name that you might put on the payroll representing him? A. I think he—I would not be quite sure about that, but my impression is that he said I could use the name of Terry McGinnis, or any other name.

Q. What is that officer's name? A. Officer Judd.

Q. He has been in court? A. He was here; yes, sir.

By Senator O'Connor:

Q. Did he say anything about the amount he wanted to receive; did he say \$10.50? A. Yes; he said he wanted to get on for about \$40 a month.

Q. Forty dollars a month? A. Yes; the regular pay is 17 1-2 cents an hour for 10 hours; that makes it \$10.50 a week.

Q. He wanted to go on for laborer's pay? A. Yes, sir.

By Mr. Goff:

Q. It is proper to say Officer Judd has been here, and I wanted him to be here when this testimony was given; but there was an interesting occurrence in his family to-day, and he asked me to let him go away, and I thought, under the circumstances, I was justified in giving him my consent to go; you know Judd very well? A. Yes; very well.

By Chairman Lexow:

Q. Was he to get all the money? A. Well, no; not as he explained it to me; he said it was received of all the parties, meaning the police on the river, to get something; that the old man was looking for it.

Q. Did he say who the old man was? A. No, sir; but I presume—

Q. That the old man was looking for it? A. Yes, sir.

Q. Did he say how much he would have to give up to the old man? A. He did not, sir.

By Mr. Goff:

Q. Had you more conversations with him than one? A. Yes, sir; I told him the result of my interview with the agent, and he seemed to be very much displeased at the action of the agent, and denounced him in pretty severe terms.

Q. Swear at him? A. Not at the agent.

Q. Did he say anything at the time you told him what Mr. Bolander had determined upon; did he say anything to you about what the other corporations were doing on the river front? A.

He said we were the only dock along the river that was not paying.

Q. That you were the only dock? A. That we were the only dock, and it was a mean thing of Mr. Bolander not to do the same thing as the other agents were doing.

Q. Did you know that Judd was receiving any money there from any source outside of his salary as policeman? A. I don't know positively, sir.

Q. Let me see what of your knowledge is positive; was there something paid for ships for docking purposes there? A. So I have understood; yes, sir.

Mr. Ransom.—I don't think we ought to take that, unless it is personal knowledge.

Chairman Lexow.—We don't know yet to what extent his knowledge goes.

Mr. Ransom.—That is why I intervened.

The Witness.—I don't know positively.

Q. Do you know anything? A. I don't know positively; not practically.

By Senator Saxton:

Q. Do you know anything from any member of the force in regard to it? A. From any member of the force?

By Chairman Lexow:

Q. Yes; did he or any other member of the force make any statement of that kind? A. About receiving money for docking ships there?

Q. Yes. A. No.

By Mr. Goff:

Q. Or receiving money from companies, or shipping agents, or anything of that kind? A. There was a case of Mr. Murtha, when he was there; he was on our dock, and suddenly he was taken away; one day he came back, and I asked him what was the trouble, what was the reason he was taken away; all he said was he was very sorry to go away, but that he was compelled to go away; I wouldn't be positive now whether he said the captain or sergeant put him down on a dock where there was some money.

Q. What dock was that—37? A. Yes, sir.

Q. Pier 37? A. Yes, sir.

Q. What officer was that? A. Officer Murtha.

Q. Is Officer Murtha in court? A. Yes, sir; he is there.

Q. Is that the officer? A. Yes, sir.

Q. What squad does he belong to? A. The steamboat squad.

Q. And he said that the captain insisted upon putting him —
A. Either the captain or sergeant.

Q. Insisted upon putting him on a dock where there was some money? A. Yes, sir.

By Chairman Lexow:

Q. Did this officer, Judd, make any threats at the time the money was refused? A. He said Mr. Bolander could not expect a hell of a sight of duty out of him, if he was going to keep officers around there doing duty for him, and keep in order on his dock, unless he could be as liberal as other agents on the river.

By Senator Saxton:

Q. What did the officer do for the company? A. To tell the truth, he did not do much of anything.

Q. Were they supposed to do anything for the company outside of his general duty? A. No, sir.

By Mr. Goff:

Q. Did Officer Judd, following up the line of inquiry of the Senators, did he say anything as to how he would get square; how he would avoid any services whatever to the company? A. He would go hide himself away on pier 49, and stay there.

By Chairman Lexow:

Q. He said that? A. Oh, yes.

By Mr. Goff:

Q. What number was your pier? A. We had 49, 50, 51 and 52; 49 was not used very much; it was used for ships.

Q. But 50, 51 and 52 were the piers used for your freight business? A. Yes, sir.

Q. Forty-nine was not used much? A. Sometimes; not very often.

Q. When he said he would go away and hide himself on pier 49, was that the pier not occupied very much? A. It was not occupied very much; no, sir.

Q. What were his duties, so far as you saw him performing them? A. Well, walking up and down the dock.

Q. Keeping the truckmen in line? A. No; he never kept any truckmen in line.

Q. He kept no truckmen in line? A. There wasn't any of them kept them in line, because there wasn't any of them paid; the result was that we had to put men outside to keep the street clear, outside of our pier; we were bothered by having a crush of carts in the time of day when the rush of business would come; we were obliged to put our own men out there to form a line on the street; the officers would not do it.

Q. That was after they had been refused special payment by the company? A. That is it; yes, sir.

By Chairman Lexow:

Q. Did this officer, Judd, say anything about where the other money that was being collected from other piers went? A. Not to me; no, sir.

Q. Do you remember seeing an officer of the name of Bradshaw there, ever calling upon him at any time to keep order among the truckmen, or do something? A. No; Bradshaw belonged on the North river; at one time he was a very old friend of mine, and I thought I would like to have him transferred over there, and thought we would get better service from him, but there is nothing in Bradshaw.

Q. Do you remember asking some police officer to go over and try to disentangle the trucks and keep them in order? A. I asked a lot of them.

Q. What replies did you receive? A. They were doing the best they could, and the company was not regulating the business right, and if they did regulate their business right we would not have that trouble.

Q. Was anything said to you by that officer when you called upon him to the effect that the company were mean or niggardly, and did not treat the policemen right and could not expect anything done? A. Yes; Officers Schmitt and Judd also told me that.

Q. Is Officer Schmitt in court? A. Yes, sir.

Q. Is that the officer? A. Yes, sir.

Q. What did Officer Schmitt tell you? A. He just gave me to understand he would not go out to keep the line in order, as it was not paying; he was not getting anything.

Q. And Officer Judd told you the same thing? A. About the same thing; yes, sir.

Q. Well, now, when you were talking to Murtha, and he was telling you about his desire to get on the pay-rolls of the company, did he say anything to you about the people at pier 1?

wanting some money? A. Officer Murtha never asked me to pay him any.

Q. It was Judd? A. Yes; Officer Murtha never asked for anything.

Q. Judd, you mean? A. Yes, sir.

Mr. Goff.—Please change, Mr. Stenographer, Murtha to Judd. Was anything ever said to you by any of the officers that spoke to you down at pier 1 about wanting money? A. Judd mentioned the old man; I could only infer from that that he wanted the officers at the places where they were paying; on another occasion I had occasion to go on South street, and I met Officer Schmitt at pier 35, talking to an officer of the name of Walsh; Officer Schmitt greeted me, and passed the time of day, and asked me what I was doing, etc., and I told him what my troubles were; I said, "What are you doing;" he says, "I am following up this contractor, this Quinn, that is paving South street;" "What are you following him up for;" he said the captain told him to look pretty sharp after him, he ain't paying nothing; I said, "What do you mean;" he said, "You know;" I said, "Have you seen any of the color of his green yet;" he said, "No, I will to-night, because I am driving him pretty damned hot."

Q. When was that? A. On June 8th.

Q. June 8th of this year? A. Yes.

Q. Now, let me call your attention to the officer that went down to the tea ships, pier 37; what is his name? A. Murtha.

Q. After he went down to pier 37 did you see him, or have any conversation with him? A. Only the time he came up from there to see me at the dock; called at the dock.

Q. What was that about? A. That was the conversation that took place then, that he had gone down there.

Chairman Lexow.—He had been up on the other dock, because there was no money on that dock.

Mr. Goff.—Oh, yes.

By Chairman Lexow:

Q. Did he say how much money there was on the other dock? A. No, sir; he did not.

Q. Did he say he collected money there at all? A. Oh, yes; well, he had not so far; he had not got it, but intended to get it.

Q. He didn't say how much? A. No, sir.

Q. Did he say where that money was going? A. No, sir; he did not.

Q. But did I understand you the sergeant had transferred him? A. The sergeant or captain had transferred him for that purpose.

Q. To collect the money there? A. Yes.

By Mr. Goff:

Q. I do not know but you have had considerable experience on the docks; did you ever hear of the envelope gang? A. You mean a gang of gamblers.

Q. No; among the policemen; a number of policemen called an envelope gang? A. Only from what I have heard in court here.

Q. You have no personal knowledge? A. No, sir.

Q. By the way, speaking of Officer Schmidt here, he is the same officer that was identified by the musician here yesterday, the same man? A. Yes, sir.

Q. You knew him quite a while? A. About four years.

Q. Did you ever see him in Brooklyn? A. No, sir; I never saw him in Brooklyn; I heard of him being in Brooklyn.

Q. Were you ever in a police court in Brooklyn where you saw him? A. No, sir; but he told me a story himself about being in a police court in Brooklyn.

Q. What story did he tell you? A. He told me that a stevedore and a woman and himself were—he was in full uniform—were found in Brooklyn one morning at 2 o'clock, and they were all on a jamboree, and he got in trouble with some Brooklyn sergeant, and they arrested a whole lot of them, and that he was afterward bailed out and brought back to the court and fined \$1, which fine was remitted afterward, and the same day I had that conversation with him about that trouble, and I asked him how he got out of it; well, he said, he had had his trial, but had never heard of it since.

Q. Trial where? A. At headquarters; that that happened in February; I said, "Isn't it strange that you have never heard a decision rendered in your case;" he says, "I don't think I ever will hear of any, because if a man has the dust, and knows where to put it, he can generally fix cases of that kind, and I don't think I will ever hear of it again."

Q. That was last February, his trial? A. Yes; his arrest.

Q. When did this conversation take place? A. On June 8th.

Q. Of this year? A. Yes, sir.

By Chairman Lexow:

Q. Did he say that he had the dust and had known where to put it? A. Yes, sir.

Q. Did he make that direct and positive statement that he had the dust and had known where to put it? A. Yes, sir; I asked him; I said, "How did you fix that;" well, he says, "When a man

has got the dust and knows where to put it, he can fix most anything;" that was the words he used.

Q. But he did not say positively that in this particular case he had the dust and had put it in some place where it would do good? A. No, sir.

Q. You drew the inference? A. He simply said he had not heard from it since; he had not heard from it since he used this dust, he meant.

By Mr. Goff:

Q. Was there any sum mentioned? A. No, sir; there was not.
Chairman Lexow.—Any questions, Judge?

Cross-examination by Mr. Ransom:

Q. I don't recollect your last answer to the chairman; I did not hear what you said; something about a conversation, as I understood it, between you and Schmidt, the officer, about a jamberee he had in Brooklyn? A. Yes, sir.

Q. Was that the subject of inquiry? A. Yes, sir.

Q. What was it you told the chairman about his saying he had the dust? A. No, sir; he did not say.

Chairman Lexow.—Impersonally he said it; not directly.

The Witness.—Exactly.

Q. I have had the natural curiosity of an examining lawyer to get the witness to testify again, if he could, what he said to you? A. I will say it now.

Q. No; it is unnecessary, because the testimony has been repeated by the Senator; how long had you been acquainted with Mr. Dennett? A. I have been acquainted with Mr. Dennett since the 4th day of June, sir.

Q. This year? A. Yes, sir.

Q. How did you happen to give him the full account of all your experience and conversations you have had with these two officers? A. For this reason; that when my case was written up in the World about the persecution that I had received, Mr. Dennett took interest enough in me to come to my house.

Q. Then you took interest enough in Dennett to give a full account of all your grievances? A. A full account, to help him in his business.

Q. Your idea was to get even for the way you had been treated? A. Not exactly that.

Q. What was the purpose and object of giving him the information? A. The simple one that one good turn deserves another.

Q. What good turn did he give you? A. He came to my house and aided me in my distress.

Q. What do you mean? A. He helped me out for the time being; he gave me \$5, when he found me and my family in distress.

Q. Did he pay you the \$5 before you gave him the information?

A. Yes; on the night of the 4th of June, on Sunday night.

Q. Did you give him any information at the time you got the \$5? A. Nothing more than in the papers, in the World.

Q. Did you say anything to him before he gave the \$5 that you have testified to here? A. Not a solitary word.

Q. After he gave you the \$5 you opened your heart and told him all? A. I did not tell him all.

Q. You did not tell him all you knew? A. Yes.

Q. Was the \$5 an incentive? A. I would have told him the same.

Q. When you said the good turn he had done was the giving of \$5? A. No, sir; the giving of the story to him was a matter of justice.

Q. Didn't you say the good turn he gave you was helping you in your distress? A. Yes, sir; I meant from the fact of him coming to see me and taking interest enough in me to come and see me; I hadn't any idea he would give me \$5, and did not propose to sell any information for \$5.

Q. After you got the \$5 he got the information? A. I met him again a few days afterward; if he had not given me the \$5 he would have got the information.

Q. He would have got it so as to get even with somebody who had done you a bad turn? A. I took it that his coming was a good turn.

Q. The \$5 had no possible influence on you? A. None whatever.

Q. You have not testified to that in substance? A. Sir?

Q. Haven't you already testified in substance that was the reason, the good turn, that he accommodated you with money?

A. I said that, and his coming to see me.

Q. That is the fact? A. Yes.

Q. When you saw him and he gave you the \$5, did you know he was the agent of the Society for the Suppression of Crime?

A. He introduced himself that way when he came to my house.

Q. And asked you for any information you had? A. He only asked me if these statements in the paper were correct, and what part was not correct, and I explained what was correct and what was not.

Q. And he gave you the \$5? A. Not then; not until he was going away.

Q. Has he given you any money since? A. No, sir; I have not asked him.

Q. Do you think he would if you should ask him? A. I don't know; he might; he is a good-hearted man.

Q. Did you understand from him the \$5 he gave you was his own money? A. I did.

Q. Did he tell you that? A. No, sir; I presume it was; I did not know he had any person's money to give away.

Q. You knew, when you had the conversation, that he was an agent of the society? A. He introduced himself that way when he came in.

Q. You knew when you gave him the information that he intended to use that information in this investigation, didn't you? A. I did not know, sir; I did not know whether he would or would not.

Q. Did you understand from him he wanted the information to use? A. I don't remember that he said so.

Q. Will you swear you did not know at that time that this information was to be used by him? A. I will swear I did not know it would be.

Q. You didn't hear that from him? A. Not at that time; no, sir.

Q. When did you first hear it? A. A while afterward.

Q. Didn't you hear from him at that time, that you were to be called as a witness to testify before this committee? A. No, sir.

Q. When did you first hear you were to come here as a witness? A. About a week ago.

Q. From whom did you hear it? A. From Mr. Dennett.

Q. Had you seen Mr. Dennett between the first interview and the week ago interview? A. Oh, yes; several times.

Q. He kept after you? A. Sir?

Q. He kept after you? A. No; we met occasionally, and I had nothing else to do, and I came here occasionally.

Q. Did you report to Dennett when he hunted you up? A. There was no hunting up or reporting on either side; we kept in touch together.

Q. You are an old friend, also, as I understand your testimony, of Major Searles? A. Well, if you want to term it a friend, all right.

Q. I don't want to term it; I want the fact; I am not asking idle questions; I understood from your evidence that at some time or other in your life you and Searles had been friends? A. Yes, sir.

Q. Now, when was it that you and Searles were friends? A. In our boyhood days.

Q. Never since? A. After—well, we had not met very often, only at long intervals; and Searles happened to act in a way that I did not consider was very friendly, and I let him go.

Q. There was some intimacy between you and Searles up to the time he acted in some way that offended you? A. Whenever we met.

Q. You were on friendly terms from boyhood? A. We always were on friendly terms together.

Q. You had social pleasures, sometimes, with him? A. I don't remember if I ever was out with the Major, unless taking him riding once in a while.

Q. When was it you and he quarreled; when he did something you did not like? A. That is about four years ago.

Q. Have your relations since that time been friendly? A. I never met him since.

Q. Never? A. No, sir.

Q. When did you see him next after the four years? A. On the 13th of June, in this courthouse.

Q. When you went down to the dock? A. No, sir; on the 13th of June, in this courthouse.

Q. What induced you to go down and act as an informer upon your old friend Searles, when you went to the dock; what induced you to do it? A. If you want to term it as informer, I accept that; I think the end will justify the means; if I can do anything to knock Tammany Hall out, I will do anything that is honorable and upright, and if you call it acting as an informer, I will call it an informer.

Q. How long have you entertained this bitter feeling against Tammany Hall; how many months? A. Oh, it reaches in the years, sir.

Q. How long has it been since you were, as you say, dismissed from your employment by political influence? A. How long since?

Q. Yes. A. Since the 2d of March.

Q. This year? A. Yes.

Q. Up to the 2d of March of this year you had a friendly feeling to Tammany Hall, didn't you? A. No; if I had I would not have got out on the stump last fall to speak against it.

Q. When you got out on the stump and spoke against the organization, you were at that time holding a place which you had procured through the influence of some friends in Tammany Hall? A. No, sir; the agent of the company is right here and he will tell you I never asked for a political favor from any man in New York; I work for my position on my merits.

Q. Were you ever placed in a position by Tammany Hall? A. No, sir, I never was; thank God.

Q. Never was? A. No, sir.

By Senator Cantor:

Q. Are you a Republican in politics? A. No, sir; I am a Democrat.

Q. Belong to the same organization as Mr. Goff? A. I don't belong to any organization, Senator, I am a Democrat.

By Mr. Ransom:

Q. Won't you define what you understand to be the meaning of the word? A. Of a Democrat?

Q. Yes. A. Yes.

(Objected to. Excluded.)

By Senator Bradley:

Q. You and I understand each other? A. Yes, Senator, I am about your politics, I think.

Senator O'Connor.—What objection is there to letting him define it?

Mr. Goff.—If that definition be permitted of a Democrat, we open the door for the definition of Republican, and the definition of what a Tammany man is, and no man can answer that; therefore, I do not see the materiality of it.

Senator Cantor.—I do not know about that; you can answer that to some extent.

Chairman Lexow.—We have already excluded similar questions, and therefore that is excluded.

By Mr. Ransom:

Q. Mr. O'Connor, you were discharged from your place at pier 50, were you? A. No, sir; I was not discharged.

Q. I understood you to say you were discharged? A. No, sir; I was not discharged: I was worked out of my place; if you will let me explain?

Q. I will let you answer my question? A. Well, I was not discharged; no, sir.

Q. You were not discharged? A. No, sir; I was not discharged.

Q. You left there? A. Yes, sir.

Q. Did you resign? A. To a certain extent, yes.

Q. In writing? A. No, sir; I did formally once before; I put in a written resignation.

Q. When you left pier 50, did you resign? A. Yes, sir.

Q. To whom did you tender your resignation? A. I had a conversation with Mr. Bolander, and it was there and then determined I should go to the office and draw my time and my money.

Q. You mean it was there and then determined you should cease being an employe of that company? A. Yes.

Q. Was that upon your motion, your resigning, or were you told by Mr. Bolander in substance that your services was no longer required? A. No, sir.

Q. Which was it? A. It was on the motion to go to the office and get my money; Mr. Bolander told me I could do as I pleased about it.

Q. You mean to swear you left the employ of this company voluntarily? A. Yes, sir.

Q. You were not required by the company to go from it or any of its officers? A. No, sir; not at that time.

Q. Why do you say at that time? A. You put it in a different way, so I can not make it plain to this committee to show how I was thrown out of that.

Q. You can make anything plain to the committee; I do not intend to wind you up, and can not if I would? A. I guess you could.

Q. I meant to treat you fairly? A. I believe so, and I want to do everything in my power to help you on.

Q. Will you help me along by saying now; you are a very intelligent gentleman? A. Thank you.

Q. Did you, or did you not, when you left the employ of this company at pier 51, resign your position, give it up of your own motion, or were you compelled to do so by the officers of the company or anyone else? A. I was compelled to do so by the actions of the officers of the company, can I put it that way?

Q. Well, then your going away was equivalent to a discharge? A. Yes; under those circumstances; I will say yes.

Q. I understand you, and I think the committee do? A. I was simply forced out, that is how; now, Judge, if you will qualify that "discharged" when a man is forced out.

Q. Now, let us see; I think we are wasting time? A. I want to put myself in a right position; that is all.

Q. If an employer forces his servant out of his employ, isn't that a discharge in your judgment? A. To a certain extent; yes.

Q. Now, will you say to the committee why it was or what you heard from the officers as the reason for your discharge; I want to give you that opportunity? A. Yes, sir; thank you; after Mr. Bolander and myself had our talk and we agreed upon my going to the office for the purpose of my drawing my money; I had a private talk with Mr. Bolander in his office afterward; and he said he was very sorry we were going to part, that I was the best dockmaster he ever seen on any dock, and he was

sorry to part with me; I said I was sorry to part with him also; he said you would not so far as I am concerned, only this order came from headquarters because of the action you took against Tammany Hall last fall in your talk against Roche, or Assemblyman Roche, as he cautioned me not to act as I had acted; and I said under those circumstances, I said good-day and left him there.

By Chairman Lexow:

Q. The instructions from headquarters? A. Yes, sir; Mr. Roche had looked after my scalp.

Q. Did he say what headquarters? A. I took it the headquarters of my company.

By Mr. Ransom:

Q. You did mean the headquarters of the company? A. Yes, sir.

Q. He did not tell you what superior officer had mentioned your dismissal? A. No, sir.

By Senator O'Connor:

Q. Then witness, you were practically discharged from the employ of this company, because you saw fit to exercise the right of an American citizen to oppose the nomination of Tammany Hall? A. Yes, sir.

Q. To what extent are these docks down here under that kind of control? A. Under the control of Tammany Hall you mean? To the extent that the employes can not exercise their rights of American citizenship?

Mr. Ransom.—I wish to suggest this witness be instructed he must testify to personal knowledge, not to gossip or inference.

Q. What do you know about it, and to what extent these owners of piers, these men who enjoy the privilege from the city, here, coerced employes to support Tammany Hall, or any other political organization?

By Chairman Lexow:

Q. Do you know anything about that, aside from your own personal experience? A. Speaking of my officers—

Senator Cantor.—This may be very interesting, indeed, from this witness, but what possible connection that has to the investigation of the police department is a mystery to me. If you

want to examine Tammany Hall, do so. You have been accused of being an ally of Tammany Hall for a long time.

Senator O'Connor.—It is charged that these policemen are assigned to work for the dock department, on these piers, and frequent steamships, and they make the man, and there seems to be a pretty close connection between this police department and the keepers of these piers; and the connection seems to go further when their employes see fit to oppose the nominations of the Tammany nominees. I think it is pertinent to the inquiry.

Senator Cantor.—It may be for a political investigation. I object to the question.

The Chairman.—The objection is overruled.

Senator Cantor.—This is where the first politics come into the investigation.

Mr. Ransom.—I suppose he must testify as to personal knowledge.

Chairman Lexow.—The only reason I can assume for the propriety of this question is, that I assume the police department is under the political organization which is in ascendancy in this city.

Mr. Ransom.—That is a violent assumption.

Chairman Lexow.—And if that is the case, and the organization uses its influence for the purpose of coercing the employes of the docks, it is proper evidence before this committee.

Mr. Goff.—And, further, Mr. Senator, that, sticking to the strict rules of evidence, the learned Judge has brought out this line of examination mainly. He has opened the gate to it, and I did not.

Senator Cantor.—I object to it, as he formed it.

Mr. Goff.—Precisely, Senator, and your objection has been overruled.

Senator Cantor.—Now, it begins to assume the character of a political investigation. I knew it would prove that when we commenced our labors.

Mr. Goff.—Pardon me. The counsel for the committee has been scrupulously careful.

Senator Cantor.—I do not mean to criticise you. I meant my colleague on the bench. The only criticism is you can not draw a distinction between any organization in the city and Tammany Hall. As to my colleague here, he is the one that is pursuing this as a political examination, to which I object; which my political chairman overruled.

Chairman Lexow.—I would like to know from Senator Cantor whether he wants to make a technical objection on a question of this kind; whether it is true that people in the employ of the

city docks here are coerced by Tammany Hall, does he want to make a technical objection to prevent us from taking the testimony.

Senator Cantor.—I assume the objection was taken on technical grounds, altogether. I say I have no objection on technical grounds. This committee is sitting here to investigate the police department of the city of New York, and the excise department and the police court. Any matters attacking these departments are legitimate subjects of inquiry, and I would not exclude anything directly concerning the question of corruption in any department. I would not exclude it. I invite it. And there is another committee appointed, with power to examine the election authorities in the city of New York, with which this committee has no concern; and I say that when it descends at this time to a political inquiry as to the methods of the Tammany Hall organization in the city of New York, or upon men in their employ, it does not come within the scope of this inquiry; and, Mr. Chairman and associates of this committee, you know it. If there has been a desire to examine all the departments in New York, or the power exercised by Tammany Hall over the employes of public or private corporations, the resolution would have been far more general in its terms than it is; but the Senators know what the Senate did when it adopted this resolution: It was restricted to the subject which I have suggested. Now, I say if you are going to make political capital, that is one thing; if you are going to reform city abuses, that is another thing.

Chairman Lexow.—Does the Senator appeal from the question?

Senator O'Connor.—This committee has seen fit to accord to the police department the right to appear before the committee to develop the truth. The attorney for the police department, in attacking the credibility of a witness, inquires into why he was discharged. The witness gives an explanation. I want to know, then, to test the truth of the explanation, how far that system of terrorism exists in the city. It is an entirely proper inquiry, brought out without any desire to interject politics in this investigation, and made necessary by reason of the course of examination of the attorneys for the police department.

Mr. Ransom.—I want to say to this committee and this Senator that I had not objected.

Mr. Cantor.—I object, and still object, and my associates overruled me.

Mr. Ransom.—I have my functions, and you have yours. I have asked the question, and I have the right to make that request that this witness shall testify on his personal knowledge. I have not objected. When Senator Cantor refers to the counsel

for the police board he refers to the position I occupy. I have not objected. I do not object. But, I want this witness to testify upon personal knowledge. I do not want inference and hearsay, for the purpose of serving political ends of anybody.

Senator Cantor.—That is exactly what he has been doing. He has given the testimony of a man whom he admits to be crazy.

Chairman Lexow.—I want to say in addition that one of the members —

Mr. Goff.—Then, of course, if this witness has testified truly, then Tammany Hall has given a crazy man a position.

Senator Cantor.—I think Tammany Hall may not know this man's mental condition.

Mr. Goff.—I wish to be heard one word upon this question, Mr. Chairman. I was about to observe that so far as the counsel for the committee is concerned, we have been scrupulously exact to avoid all allusions, as far as we possibly could, to purely political questions in this investigation. It has been impossible for us to exclude some allusions to them, from the very nature of the case. This is one of the cases, and, as Senator O'Connor has truly said, and Judge Ransom agreed with him, that the question has been opened by the counsel for the other side; but let me present another view to you gentlemen, and it has not been referred to, that on strictly legal grounds, and within the purview of the resolution appointing you, the question is absolutely proper, material and relevant, and I will show you how.

Mr. Ransom.—It has been ruled in half an hour ago.

Senator O'Connor.—Counsel has a right to make a reply to the Senator on the committee.

Senator Cantor.—I have made no criticism on Mr. Goff at all. I have said as far as the committee is concerned it is purely political. The committee has seen fit to overrule me, and I must acquiesce in the decision of the committee. I take issue that it is not a political question, and I address myself to the political side of it.

Chairman Lexow.—I should judge my decision was right now from the fact that Senator Bradley agrees with the majority.

Senator Cantor.—That Democrat always agreed with the Republican majority last winter.

Senator Bradley. Not always. I agreed with them as long as they were right.

Senator Cantor.—They were always right in your estimation.

Mr. Goff.—Mr. Chairman, I have nothing to say about participation in that Senatorial work. It does not concern me so much; but I wish to place this question upon a stronger ground than

even anything it has been placed upon so far, so if that same question comes up hereafter that our position as counsel will be understood by this committee. There is a statute on the statute book in this State, called a statute against coercion and conspiracy by employers or by any person, to prevent by conspiracy or coercion any man from earning a livelihood. That is an indictable crime under the laws of this State. Many have been indicted under that law, and men have been sent to the penitentiary under that law.

Chairman Lexow.—It has been before our committee and we know all about it.

Mr. Goff.—You know that law. If it appears from the lips of any witness here before this committee that anybody, no matter how you know it, whether a railroad corporation or political trust, it matters not, that they have entered into a conspiracy to deprive a man of the means of livelihood, they commit a crime, and it is the duty of the police of this city to prevent the commission of that crime, and if it is committed, to enforce the penalty for the commission of that crime.

Senator Cantor.—Why wasn't it in this case?

Mr. Goff.—Because the police did not do their duty.

Senator Cantor.—This man is an intelligent man. He knew he was forced out by a trust. He comes before this committee to vent his spleen and ill feeling against Tammany.

Mr. Goff.—Why, Mr. Chairman and gentlemen, there are hundreds of intelligent citizens to-day in this city that have been oppressed, defrauded, subjects of extortion and blackmail, and they have been afraid to go before our court as constituted in this city, because they knew they could not get justice.

Senator Cantor.—That is not so.

Mr. Goff.—And that is why this man did not go, because he knew every department for the administration of criminal law of this city was controlled not by responsible officers appointed or elected for the enforcement of the criminal law, but by the overshadowing power of Tammany Hall behind it. We have got to meet this question squarely.

Chairman Lexow.—If there are any more demonstrations of applause, this room will be cleared.

Senator Cantor.—I do not suppose you willfully exaggerate the condition of things in New York, but I do say, Mr. Goff, that I am satisfied when you come to an investigation of the police courts in this city, and the department with which you, yourself, were associated, the district attorney's office in New York, I think you will find that condition of things you have described.

Mr. Goff.—Sufficient for the day is the evil thereof. I speak here of public notoriety and public knowledge and facts in this city, and I defy successful contradiction.

Senator Cantor.—The reports of the board of police justices and district attorney's office do not show any such condition of affairs.

Mr. Goff.—The reports of the board of police justices of this city are as truthful as the latest 10-cent dime novel.

Senator Cantor.—You don't mean that.

Mr. Goff.—Yes, I mean it, and I will show you whether I mean it. You know there are certain police justices in this city who hold 90 per cent. of the excise violations brought before them, and there are other police justices in this city that do not hold 15 per cent. One police justice happens to be a Tammany Hall man that holds 15 per cent., and the other man holds 90 per cent.

Senator Cantor.—You are speaking of a man that has been driven out of his employment, by an employer, and say that the courts are paralyzed against justice. I say that statement is exaggerated.

Mr. Goff.—I do not want to force myself upon your hearing, but I am replying to Senator Cantor. I announce this to-day, and I take the full responsibility for it, and I am not in the habit of making reckless statements, that it has become a question of bread and butter, in the city of New York, for a man to belong to Tammany Hall, as a question of necessity. I announce myself, in my own person, here to-day, that my professional work has been injured and clients taken from me because they felt I had no pulls in court, and influence. I have suffered myself, Mr. Chairman, and I can point to scores of lawyers to-day who have suffered, and I can point to scores of lawyers to-day who had to go into Tammany Hall to protect their practice.

Senator Cantor.—Those statements you have made before on the stump.

Mr. Goff.—No, sir; I do not go on the stump, Senator Cantor.

Senator Cantor.—You have made those little campaign remarks before.

Mr. Goff.—I do not go on the stump. I went once for myself, and since you have so often consecrated the stump yourself, and adorned it so frequently, and ornamented it so often, I can not have committed a great offense by going on the stump for myself once.

Senator Cantor.—I do not criticise that.

Chairman Lexow.—Put the question again.

The stenographer read the question, as follows:

Q. What do you know about it, and to what extent those owners of piers, those men who enjoy the privilege from the city here, coerced employes to support Tammany Hall, or any other political organization? A. I do not know anything positively.

Senator Bradley.— That was a tempest in a teapot, anyhow.

By Mr. Ransom:

Q. Did you state — A. Assemblyman Roche came to headquarters and called for me; Mr. Roche told me in East Broadway before the election; Mr. Roche met me in the campaign and told me; and said if you dare to go against Tammany Hall I will have you out of your position.

Q. What was he running for? A. For Assembly; and he wanted to know for what reason — Tammany Hall, Fourth Assembly district — he wanted to know how I dared to come from Kings county and oppose Tammany Hall politics.

Q. How would you mean opposite him; on the stump? A. Yes.

By Chairman Lexow:

Q. How long after that was it you were dismissed? A. On the 2d of March, following the 1st of January.

Q. This conversation took place in November, didn't it? A. Yes, sir.

Q. And you were discharged in March? A. In October.

Q. And you were discharged in March? A. Yes, sir.

Q. Did you know, of your own personal knowledge, that anything was done to secure your discharge? A. Only what Mr. Bolander, the agent, told me, when we were settling our accounts, that he was sorry to lose me; it was a demand from headquarters for the last campaign.

By Mr. Ransom:

Q. It has been stated to me within the last five minutes, or ten, that you were dismissed from this pier by this company under a charge of disorderly conduct and intoxication on the pier; is that true? A. It is not true, sir.

Q. Did you ever hear from any officers of the company in substance any charge of that description against you? A. No, sir; but on the contrary.

Q. I do not ask you on the contrary; you have already testified that Mr. Bolander said you were the best man he ever had? A. Yes, sir.

Q. You were never charged by any officer or person connected with that person with being drunk and disorderly upon the dock? A. No, sir.

Q. I wanted to ask you about your conversation with Schmidt, the policeman, when he told you, as I remember, that the captain had told him to follow up a contractor whose name escaped me? A. Quinn.

Q. To follow up the contractor and to procure from him some payment of money, which you illustrated by a wiggling of the fingers; I don't know how your testimony gets down on the record on that subject, but that is I understood you to mean to testify to? A. Yes, sir.

Q. Was that right? A. That is right, sir.

Q. When was it Schmidt told you this? A. On the 8th of June.

Q. Where? A. Pier 35, East river.

Q. Who was present? A. Nobody.

Q. You testified that Officer Murtha told you he was transferred from your pier to pier 37, by the captain or sergeant, because there was money there? A. Yes, sir.

Q. When was that, that he gave you that information? A. Sometime last year.

Q. Last year? A. Yes, sir; I think it was in the early part of the year; it was very shortly after he was transferred; I do not remember the month.

Q. Where was the conversation had? A. On the dock of pier 50, between 50 and 51.

Q. Who was present? A. Only the officer and myself.

Q. Is that all he said about it? A. That is all in substance; yes, sir.

Q. Do you remember when it was that Schmidt and Judd told you they would not go outside and regulate the amount of traffic because they were not paid anything? A. On several occasions.

Q. At this pier of yours? A. Yes, sir.

Q. Can you recall the time, or about the time of any one occasion? A. It was a common occurrence; when the trucks would get tangled up pretty lively I would go down and ask him, until I got refused so often I put our own men out there.

Q. Were the trucks tangled up in the streets, or the dock, or both places? A. Both places, and sometimes —

Q. And you regarded it as a part of the policeman's duty, as I understand you, to regulate the line of trucks in the street? A. In the street.

Q. And on the docks? A. No, sir; not on the dock; we could arrange that ourselves; there would not be any necessity on the docks, if the line in the street was kept in proper shape.

Q. I understood you to say in the answer previous that when the trucks were tangled on the docks and in the streets, that you asked these officers to straighten them out in both places?
A. No, sir; on the street.

Q. If you stated both places, you did not mean to? A. Yes; I did mean to.

Q. You mean that you asked these officers to straighten out the trucks on the dock? A. No; in the street.

Q. Well, you said that, and also on the dock, I understood you?
A. I said I did not mean to say that.

By Chairman Lexow:

Q. You meant, so they came in on the line? A. So they came in on the line.

By Mr. Ransom:

Q. You had a conversation, I understood you to say, with this Major we had here, when he told you he had a good time, or some kind of time, on the money Jim Boyle had given him; when was that conversation? A. On the 13th of June.

Q. Where? A. Sitting right opposite, in the courthouse.

Q. In the committee-room? A. Yes, sir.

Q. Anybody with you? A. Yes, sir.

Q. Who? A. A man by the name of Joseph Kroeger.

Q. Did he hear the conversation? A. He heard that part of it.

Q. Is he here? A. No; I can get him here.

Q. Is he in the city? A. No, sir; he is employed at Coney Island.

Q. Is he employed there? A. Yes, sir.

Mr. Ransom.—I think that is all, Mr. Chairman.

Chairman Lexow.—Any further questions?

Mr. Goff.—No further questions.

Wong Get, called as a witness on behalf of the State, was duly sworn.

Chairman Lexow.—Do you believe in the Bible? A. Yes, sir.

Chairman Lexow.—All people under subpoena will come here again at quarter after 2. The witness now sworn is cautioned against speaking with anybody about any testimony that he is going to give. He is on the stand now. You understand that?

The Witness.—Yes.

The Chairman.—You are under oath. Now, don't speak with anybody. We will now adjourn till quarter after 2.

AFTERNOON SESSION.

Present.—Senators and counsel, as before.

Wong Get, recalled as a witness, testified as follows:

Mr. Goff.—Mr. Chairman and Gentlemen: I deem it proper to state that Officer Delmedge, who was examined here last week, and who was told to bring whatever papers he had in relation to the transaction of his signing the promissory note, was here this morning, with his sister, who is in a very delicate state of health, and he informed Judge Ransom that she would be a witness in his behalf. The lady being in a very delicate state of health, and pressure of other business being on, I decided to excuse them for the day. So, on some other occasion they will have an opportunity, and he will have an opportunity to state his side of the case. He was here.

Mr. Ransom.—I think it very necessary and kind of Mr. Goff and very proper that he should make that statement. I think I ought to supplement it with the statement that Delmedge came to me and introduced himself. I had forgotten him, though I remembered his face. He said that his sister and some other witnesses or two were present, and he also had the undertaker's bill and some other documentary evidence. He was anxious to go on the stand, according to promise, and according to agreement. Mr. Goff, as he says, was unable to take up his side of the story, on account of the delicate health of his sister, and on account of pressure of witnesses whom he wanted to examine to-day. He stands ready to come at any time he is notified.

Direct examination by Mr. Moss:

Q. Your name is Wong Get; is that right? A. Yes, sir.

Mr. Ransom.—You said before recess that this witness was a Christian. I noticed that the oath was administered to him upon the Catholic Bible. I have no captious objection, nor no inquiry to make, except as you, yourself, will desire that the witness should feel the binding force and obligation in law of his oath, and if you are satisfied that that is the fact, I have no further suggestions to make in that regard.

By Mr. Lexow:

Q. You understand the oath that you have taken is binding upon your conscience? A. Yes, sir.

Q. And that you are going to tell the truth and nothing but the truth? A. I tell the truth.

Mr. Ransom.—Is he a Christian?

Q. And you are a Christian? A. Yes, sir; I believe in God.
Mr. Moss.— Will the chairman notify the witness of the protection of the committee?

Chairman Lexow.— You understand that any testimony you give here, so far as it relates to the bribing, or the giving of money improperly, to any official in the police department, or otherwise, is privileged and that no indictment or prosecution can be had against you for any testimony that you give here.

The Witness.— Yes, sir.

By Mr. Moss:

Q. Where do you live? A. I live now in 44 Oliver street.

Q. And before that where did you live? A. Eighteen Doyer street.

Q. Were you born in China? A. I was born in China.

Q. And when did you come here? A. I came here 14 years ago.

Q. When did you move from Doyer street? A. I move away from Doyer street a month ago, nearly.

Q. Is Doyer street in what we call Chinatown? A. Doyer street and Mott street and Pell street they call Chinatown.

Q. That is in the Sixth precinct? A. That is in the Sixth precinct.

Q. The precinct over which Captain Warts presided before he died? A. Yes, sir.

Q. And who are ward detectives in that precinct? A. Mr. O'Rourke.

Q. Anyone else? A. There is a Farrington.

Q. There is a Farrington, you say? A. Yes, sir.

Q. Who is the mayor of Chinatown, do you know? A. Mayor; all talk that Tom Lee is the mayor.

Q. Is he the mayor? A. He is the mayor; he got a gold badge.

Q. Is not Tom Lee generally considered or called the boss of Chinatown? A. They all call him the boss; he is captain for Chinatown; that is what the Chinamen say; they call him mayor and captain.

Q. How many Chinamen live permanently in Chinatown? A. In a weekday I think there is 400 or 500, and Sundays there is a big crowd.

Q. How many on Sundays? A. About 2,000 or 3,000, which.

Q. And do those Chinamen come from all the neighboring cities on Sunday? A. All over.

Q. What do they do in Chinatown Sundays? A. Oh, they have a lot of games; fan tan games, I know.

Q. You have played fan tan yourself, haven't you? A. I have.

Q. And frequently? (No answer.)

By Chairman Lexow:

Q. Often? A. Yes; very often.

Q. And when did you play fan tan in Chinatown the last time?

A. The last time when I got in trouble; that is, on April —

Q. (Interposing.) What month was that? A. That is April 15th, the day I get trouble.

By Mr. Moss:

Q. You got in trouble? A. Yes.

By Chairman Lexow:

Q. That is this year? A. This year.

Q. You say that these Chinamen come in on Sunday and play fan tan; how many games have there been running there during this year, do you know? A. Sometimes 50 or 60, or less.

Q. Fifty or 60, or less? A. Yes.

Q. And are those games running now, do you know? A. Not many now, I believe; I don't see but very few.

Q. Have you seen some? A. I seen some.

Q. On last Sunday? A. On last Sunday.

Q. When did they begin to be less in number; when did the change take place? A. The 16th of April.

Q. Then they became less in number? A. Became less, less, less.

Q. And prior to the 16th of April, you say, there were 50 or 60 running, and sometimes less? A. Yes, sir.

Q. How many Chinamen will play at one game? A. Sometimes 15 or 20 or 25; can't tell; sometimes big crowd.

Q. Do those games occupy a whole house? A. This game occupies just one room.

Q. One room? A. One room.

Q. And then there may sometimes be more than one game in one house? A. Sometimes two or three games.

By Chairman Lexow:

Q. In one house? A. In two or three rooms; in each room; one house.

By Mr. Moss:

Q. Do you know whether there are or have been any games running in Tom Lee's house? A. On 18 Mott street, on the second floor; one game in his office room.

Q. That is Tom Lee's house? A. That is Tom Lee's office, I know.

Q. What do you know about houses of ill-fame in Chinatown; are there any such places? A. I do not know much of ill-fame houses.

Q. Do you know whether there are girls there? A. I seen a lot of girls.

Q. Used for immoral purposes — prostitutes? A. I heard some people say all the prostitute women.

Q. Are these girls Chinese girls? A. No; American girls.

Q. Did you know any houses where American girls live in Chinatown? A. Live all around Chinatown.

Q. Can you mention any house? A. There is all over in Chinatown.

Q. A great many of them? A. A great many of them.

Q. Do you know any one particular place where they live; do you know an American woman who keeps some of these girls boarding? A. I don't know that.

By Mr. Ransom:

Q. When you say these girls, you mean Americans?

Mr. Moss.—I mean American prostitute girls.

Mr. Ransom.—Let me make a protest; that this witness hasn't testified that they were prostitutes.

Chairman Lexow.—Oh, yes.

Mr. Ransom.—He says he heard. Do you let that go in as a fact?

By Chairman Lexow:

Q. Do you know that these women that you speak of — these American girls there, were prostitutes; do you know that? A. I do not know sure they are prostitutes.

By Mr. Moss:

Q. Have you seen them ask men to come in to them — call them? A. I see some girls in the hall asking some men to go upstairs; I do not know what the matter is.

Q. Asking Chinamen to go up? A. Asking Chinamen to go up.

By Chairman Lexow:

Q. What is the general reputation there of those women, if you know? A. I do not know of the women.

Q. Do you know what their general reputation is, whether they are good girls or bad girls? A. I think there are some good and some no good.

Mr. Ransom.—That is a fair answer.

By Mr. Moss:

Q. Do you see those women associating with Chinamen at times? A. Yes, sir.

Mr. Ransom.—Does he know what “associate” means?

Q. Going with them? A. Asking them to go upstairs with them.

Q. Have you ever seen them eating or drinking together? A. Yes, sir; and in the summer they always keep the doors open.

Q. Let me see; a house occupied by Chinamen may have a large number of rooms, may it not—there are large tenement-houses in Mott street? A. Yes, sir.

Q. And I think you said a game may occupy one room; is that right? A. Yes, sir.

Q. In the same house are there not sometimes girls that occupy rooms? A. Yes.

Q. And at the same time Chinamen living in separate rooms—their own rooms? A. Yes, sir.

Q. Now, on Sunday, when these 3,000 Chinamen are all in Chinatown, they go up and down the stairs in these houses, don't they? A. Just like a market; up and down, and up and down; I do not know what the matter is.

Q. How about the games; do the people that run these games call to the Chinamen to come in, as they go up and down stairs? A. The men ask them to go upstairs to play fan tan.

Q. As they go upstairs to these games, they pass some of these girls' rooms? A. Yes; some of them.

Q. What do the girls say to the Chinamen as they pass up and downstairs? A. I do not heard the girls say anything.

Q. Have you seen them invite them in? A. I see them invite them—“Come in, come in,” like that.

Chairman Lexow.—Just get out what fan tan is.

Q. These girls are the girls that you speak of as being called prostitutes in that neighborhood; is that the kind of girls you speak of? A. Yes, sir.

Mr. Ransom.—I object; the witness assents to your testimony, Mr. Moss.

Mr. Moss.—I ask him if it is so.

Mr. Ransom.—The form of my objection, Mr. Senator, is that counsel testifies himself; Mr. Moss makes a statement and the witness assents to it.

Chairman Lexow.— It is a proper question.

Senator Saxton.-- I understand your objection.

Mr. Ransom.— I object; it is not a question.

Mr. Moss.— I would not have put it in that form if the witness had not said he knew them in the neighborhood as reputed prostitutes.

By Senator Saxton:

Q. Did the people in that neighborhood talk about them as prostitutes? A. They say —

Q. (Continuing.) Did they say they were prostitutes? A. Yes; a lot of talk about them.

Q. Do you know the general talk of the people? A. Yes, sir.

Q. That is, that they are prostitutes? A. Yes.

By Chairman Lexow:

Q. They were treated as prostitutes? A. You have to go up the street to treat them; they ask you to go up.

By Mr. Moss:

Q. Now, will you tell us what fan tan is? A. Yes, sir.

Q. What is it? A. Fan tan is a game.

Q. What kind of a game? A. It is; in a Chinese way they call it fan tan game; to play the gamble.

Q. It is a gambling game; what do you play with? A. Play as much as you like.

Q. What do you use, what is on the table? A. Use the button.

Q. Buttons? A. Yes, sir.

Q. And do you have a little instrument in the hand to pull the buttons toward you? A. Yes, sir.

Q. Where does the money come in; where do you put the money? A. They make a square thing in the table; they call it number one, two, three, four, and they get a full hand of buttons on the table, and they cover them up with the hand, and say to all the people they can put the money down to play, each way you want to play; say I will play one, two, three, or four; there are just four numbers; there is a lot of buttons on the table, covered up; the people put their money down already to play, and they take the cover off and they get the buttons out — four pieces, and another four pieces, and the last they get left; if they leave one, the number one wins the money; if they leave number two, number two wins the money.

Q. It is according to the one that is left? A. (Not answered.)